

**BROOKS OF BONITA
SPRINGS & BROOKS OF
BONITA SPRINGS II
COMMUNITY DEVELOPMENT
DISTRICTS**

October 25, 2023

**BOARD OF SUPERVISORS
JOINT REGULAR
MEETING AGENDA**

**BROOKS OF BONITA SPRINGS
&
BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

**AGENDA
LETTER**

Brooks of Bonita Springs & Brooks of Bonita Springs II Community Development Districts

OFFICE OF THE DISTRICT MANAGER

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone (561) 571-0010 • Fax (561) 571-0013 • Toll-free: (877) 276-0889

October 18, 2023

ATTENDEES:

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

Boards of Supervisors

Brooks of Bonita Springs & Brooks of Bonita Springs II Community Development Districts

Dear Board Members:

The Boards of Supervisors of the Brooks of Bonita Springs & Brooks of Bonita Springs II Community Development Districts will hold a Joint Regular Meeting on October 25, 2023 at 1:00 p.m., at The Commons Club at The Brooks Enrichment Center, 9930 Coconut Road, Bonita Springs, Florida 34135. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments: *Agenda items only [3 minutes per person]*

BROOKS OF BONITA SPRINGS CDD ITEMS

3. Acceptance of Resignation of Supervisor William Stoehr [Seat 1]
4. Consider Appointment to Fill Unexpired Term of Seat 1; *Term Expires November*
 - Administration of Oath of Office to Appointed Supervisor (*the following will be provided in a separate package*)
 - 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
5. Consideration of Resolution 2024-01, Appointing and Removing Officers of the District and Providing for an Effective Date

JOINT BUSINESS ITEMS

6. Landscape Report: *GulfScapes Landscape Management Services*
 - Irrigation Reports
 - A. Meter Usage by Clock
 - B. Year-Over-Year Water Usage
7. Continued Discussion: The Commons Club Offer for Purchase of Coconut Park Parcel
8. Continued Discussion: Pathway Improvement Plans
 - Specifications Related to Request for Proposals (RFP)
9. Consideration/Continued Discussion: Request for the CDDs to Pursue Audubon Certification of its Conservation Areas
10. Discussion/Update: Operating Funds Investment Options
11. Acceptance of Unaudited Financial Statements as of September 30, 2023
12. Approval of Minutes
 - A. August 30, 2023 Joint Public Hearings and Regular Meeting Minutes
 - B. October 4, 2023 Joint Special Meeting Minutes
13. Staff Reports
 - A. District Counsel: *Dan Cox, Esquire*
 - B. District Engineer: *Johnson Engineering, Inc.*
 - C. Field Operations: *Wrathell, Hunt and Associates, LLC*
 - Monthly Status Report - Field Operations
 - D. District Manager: *Wrathell, Hunt and Associates, LLC*
 - NEXT MEETING DATE: January 24, 2024 at 1:00 PM

○ QUORUM CHECK: BROOKS OF BONITA SPRINGS

SEAT 1		<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 2	JAMES MERRITT	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 3	SANDRA VARNUM	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 4	JOHN (ROD) WOOLSEY	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 5	DAVID GARNER	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO

○ QUORUM CHECK: BROOKS OF BONITA SPRINGS II

SEAT 1	LYNN BUNTING	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 2	KEN D. GOULD	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 3	MARY O'CONNOR	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 4	THOMAS BERTUCCI	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 5	JOSEPH BARTOLETTI	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO

14. Supervisors' Requests: Supervisor Rod Woolsey

- Results of Request for Volunteers for Sidewalk Advisory Committee
- Update: Action to Review Audubon Certification for CDDs Preserve Areas
- Discussion: Security of the CDDs Preserve Areas
 - Vagrants Present Behind Winn-Dixie Building
 - Cleanup of Left Behind Debris
 - Shadow Wood Residents' Concerns Regarding Apartment Redevelopment
- Assessment of Wildlife on CDD Preserve Lands by Fish and Wildlife Services

15. Public Comments: *Non-Agenda items only [3 minutes per person]*

16. Adjournment

Should you have any questions, please contact me directly at 239-464-7114.

Sincerely,



Chesley E. Adams, Jr.
 District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE
CALL IN NUMBER: 1-888-354-0094
PARTICIPANT PASSCODE: 709 724 7992

**BROOKS OF BONITA SPRINGS
&
BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

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BOBS I CDD Resignation Letter.pdf  Print  Save to OneDrive  Show email **NOTICE OF TENDER OF RESIGNATION**

To: Board of Supervisors
Brooks of Bonita Springs I Community Development District
Attn: Chesley E. Adams, Jr., District Manager
2300 Glades Road, Suite 410W
Boca Raton, Florida 33431

From: William Stoehr
Printed Name

Date: 10-2-23
Date

I hereby tender my resignation as a member of the Board of Supervisors of the *Brooks of Bonita Springs I Improvement Community Development District*. My tendered resignation will be deemed to be effective as of the time a quorum of the remaining members of the Board of Supervisors accepts it at a duly noticed meeting of the Board of Supervisors.

I certify that this Notice of Tender of Resignation has been executed by me and personally presented at a duly noticed meeting of the Board of Supervisors, scanned and electronically transmitted to gillyardd@whhassociates.com or [] fax 561-571-0013 and agree that the executed original shall be binding and enforceable and the fax or email copy shall be binding and enforceable as an original.

William Stoehr
Signature



**BROOKS OF BONITA SPRINGS
&
BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

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RESOLUTION 2024-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BROOKS OF BONITA SPRINGS COMMUNITY DEVELOPMENT DISTRICT APPOINTING AND REMOVING OFFICERS OF THE DISTRICT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Brooks of Bonita Springs Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*; and

WHEREAS, the District’s Board of Supervisors desires to appoint and remove Officers of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BROOKS OF BONITA SPRINGS COMMUNITY DEVELOPMENT DISTRICT THAT:

SECTION 1. The following is/are appointed as Officer(s) of the District effective October 25, 2023:

- _____ is appointed Chair
- _____ is appointed Vice Chair
- _____ is appointed Assistant Secretary
- _____ is appointed Assistant Secretary
- _____ is appointed Assistant Secretary

SECTION 2. The following Officer(s) shall be removed as Officer(s) as of October 25, 2023:

- | | |
|----------------|---------------------|
| _____ | _____ |
| William Stoehr | Assistant Secretary |
| _____ | _____ |
| _____ | _____ |

SECTION 3. The following prior appointments by the Board remain unaffected by this Resolution:

Chuck Adams is Secretary

Craig Wrathell is Assistant Secretary

Craig Wrathell is Treasurer

Jeff Pinder is Assistant Treasurer

PASSED AND ADOPTED THIS 25TH DAY OF OCTOBER, 2023.

ATTEST:

**BROOKS OF BONITA SPRINGS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

**BROOKS OF BONITA SPRINGS
&
BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

6A

2020/2021 Water Usage													11
Clock 8 - US 41 to Railroad Track Coconut Rd. (26 Zones / 4 Meters)													Averages
Total Monthly Usage By Clock													
Total Clock Usage	October	November	December	January	February	March	April	May	June	July	August	September	
	250,000	1,046,000	665,000	689,000	682,000	816,000	475,000	648,000	436,000	752,000	1,216,000	0	697,727
Total Property Usage	4,509,000	4,929,000	4,182,000	4,725,000	4,979,000	5,894,000	4,716,000	5,442,000	4,815,000	6,560,000	5,077,000	0	5,075,273
% Clock Use/Total	6%	21%	16%	15%	14%	14%	10%	12%	9%	11%	24%	#DIV/0!	14%
\$ By Clock	\$474.36	\$1,995.66	\$1,255.43	\$1,311.20	\$1,410.02	\$1,702.58	\$983.25	\$1,354.32	\$902.52	\$1,556.64	\$2,517.12	\$0.00	\$1,405.74

Clock 1 - Railroad Railroad Track to Spring Run Coconut Rd. (23 Zones / 4 Meters)													Averages
Total Monthly Usage By Clock													
Total Clock Usage	October	November	December	January	February	March	April	May	June	July	August	September	
	1,331,000	1,269,000	1,047,000	1,128,000	1,217,000	1,258,000	960,000	1,215,000	847,000	2,183,000	1,572,000	0	1,275,182
Total Property Usage	4,509,000	4,929,000	4,182,000	4,725,000	4,979,000	5,894,000	4,716,000	5,442,000	4,815,000	6,560,000	5,077,000	0	5,075,273
% Clock Use/Total	30%	26%	25%	24%	24%	21%	20%	22%	18%	33%	31%	#DIV/0!	25%
\$ By Clock	\$2,525.51	\$2,421.12	\$1,976.60	\$2,146.64	\$2,516.12	\$2,624.82	\$1,987.20	\$2,539.35	\$1,753.29	\$4,518.81	\$3,254.04	\$0.00	\$2,569.41

Clock 2 - Spring Run to Commons Club Entrance Coconut Rd. (23 Zones CDD / 3 Meters CDD / 14 Zones Common Club)													Averages
Total Monthly Usage By Clock													
Total Clock Usage	October	November	December	January	February	March	April	May	June	July	August	September	
	473,000	446,000	352,000	401,000	392,000	338,000	280,000	419,000	369,000	378,000	329,000	0	379,727
Total Property Usage	4,509,000	4,929,000	4,182,000	4,725,000	4,979,000	5,894,000	4,716,000	5,442,000	4,815,000	6,560,000	5,077,000	0	5,075,273
% Clock Use/Total	10%	9%	8%	8%	8%	6%	6%	8%	8%	6%	6%	#DIV/0!	7%
\$ By Clock	\$897.49	\$850.92	\$664.53	\$763.12	\$810.45	\$705.24	\$579.60	\$875.71	\$763.83	\$782.46	\$681.03	\$0.00	\$761.31

Clock 3 - Commons Club Entrance to Lighthouse Bay Coconut Rd (37 zones / 3 Meters)													Averages
Total Monthly Usage By Clock													
Total Clock Usage	October	November	December	January	February	March	April	May	June	July	August	September	
	665,000	582,000	439,000	523,000	822,000	1,051,000	521,000	579,000	670,000	598,000	534,000	0	634,909
Total Property Usage	4,509,000	4,929,000	4,182,000	4,725,000	4,979,000	5,894,000	4,716,000	5,442,000	4,815,000	6,560,000	5,077,000	0	5,075,273
% Clock Use/Total	15%	12%	10%	11%	17%	18%	11%	11%	14%	9%	11%	#DIV/0!	13%
\$ By Clock	\$1,261.80	\$1,110.39	\$828.77	\$995.30	\$1,699.47	\$2,192.91	\$1,078.47	\$1,210.11	\$1,386.90	\$1,237.86	\$1,105.38	\$0.00	\$1,282.49

Clock 4 - 4 Way Light South on Imperial to end of Brooks Maintenance (23 Zones / 2 Meters)													Averages
Total Monthly Usage By Clock													
Total Clock Usage	October	November	December	January	February	March	April	May	June	July	August	September	
	583,000	675,000	535,000	560,000	559,000	634,000	474,000	546,000	453,000	572,000	532,000	0	556,636
Total Property Usage	4,509,000	4,929,000	4,182,000	4,725,000	4,979,000	5,894,000	4,716,000	5,442,000	4,815,000	6,560,000	5,077,000	0	5,075,273
% Clock Use/Total	13%	14%	13%	12%	11%	11%	10%	10%	9%	9%	10%	#DIV/0!	11%
\$ By Clock	\$1,106.21	\$1,287.83	\$1,010.01	\$1,065.71	\$1,155.72	\$1,322.84	\$981.18	\$1,141.14	\$937.71	\$1,184.04	\$1,101.24	\$0.00	\$1,117.60

Clock 5 - 4 Way Light North to Copperleaf Three Oaks Pkwy (31 Zones / 3 Meters)													Averages
Total Monthly Usage By Clock													
Total Clock Usage	October	November	December	January	February	March	April	May	June	July	August	September	
	64,000	21,000	276,000	238,000	277,000	344,000	503,000	125,000	239,000	367,000	288,000	0	249,273
Total Property Usage	4,509,000	4,929,000	4,182,000	4,725,000	4,979,000	5,894,000	4,716,000	5,442,000	4,815,000	6,560,000	5,077,000	0	5,075,273
% Clock Use/Total	1%	0%	7%	5%	6%	6%	11%	2%	5%	6%	6%	#DIV/0!	5%
\$ By Clock	\$121.44	\$40.07	\$521.05	\$452.93	\$572.69	\$717.76	\$1,041.21	\$261.25	\$494.73	\$759.69	\$596.16	\$0.00	\$507.18

Clock 6 - Copperleaf North to Bridge Three Oaks Pkwy (32 Zones / 5 Meters)													Averages
Total Monthly Usage By Clock													
Total Clock Usage	October	November	December	January	February	March	April	May	June	July	August	September	
	368,000	178,000	308,000	316,000	328,000	489,000	395,000	409,000	312,000	252,000	179,000	0	321,273
Total Property Usage	4,509,000	4,929,000	4,182,000	4,725,000	4,979,000	5,894,000	4,716,000	5,442,000	4,815,000	6,560,000	5,077,000	0	5,075,273
% Clock Use/Total	8%	4%	7%	7%	7%	8%	8%	8%	6%	4%	4%	#DIV/0!	6%
\$ By Clock	\$698.26	\$339.60	\$581.46	\$601.36	\$678.13	\$1,020.30	\$817.65	\$854.81	\$645.84	\$521.64	\$370.53	\$0.00	\$584.67

Clock 7 - Bridge North To Williams Light Three Oaks Pkwy (39 Zones / 4 Meters)													Averages
Total Monthly Usage By Clock													
Total Clock Usage	October	November	December	January	February	March	April	May	June	July	August	September	
	775,000	712,000	560,000	870,000	702,000	964,000	1,108,000	1,501,000	1,489,000	1,458,000	427,000	0	960,545
Total Property Usage	4,509,000	4,929,000	4,182,000	4,725,000	4,979,000	5,894,000	4,716,000	5,442,000	4,815,000	6,560,000	5,077,000	0	5,075,273
% Clock Use/Total	17%	14%	13%	18%	14%	16%	23%	28%	31%	22%	8%	#DIV/0!	19%
\$ By Clock	\$1,470.52	\$1,358.42	\$1,057.21	\$1,655.66	\$1,451.37	\$2,011.39	\$2,293.56	\$3,137.09	\$3,082.23	\$3,018.06	\$883.89	\$0.00	\$1,947.22

Complete Property Totals													
Total Property Usage From Clock Usages	October	November	December	January	February	March	April	May	June	July	August	September	Total Average
	4,509,000	4,929,000	4,182,000	4,725,000	4,979,000	5,894,000	4,716,000	5,442,000	4,815,000	6,560,000	5,077,000	0	5,075,273
Total % Added	October	November	December	January	February	March	April	May	June	July	August	September	Total
	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	#DIV/0!	100%
Total Property \$ By Clock	October	November	December	January	February	March	April	May	June	July	August	September	Total AVG
	\$8,555.60	\$9,404.00	\$7,895.06	\$8,991.92	\$10,293.98	\$12,297.83	\$9,762.12	\$11,373.78	\$9,967.05	\$13,579.20	\$10,509.39	\$0.00	\$10,175.61
Actual Total Property \$	\$8,555.60	\$9,404.00	\$7,895.06	\$8,991.92	\$10,293.98	\$12,297.83	\$9,762.12	\$11,373.78	\$9,967.05	\$13,579.20	\$10,509.39		\$10,239.08
Coconut Rd	October	November	December	January	February	March	April	May	June	July	August	September	Total AVG
	\$5,159.17	\$6,378.08	\$4,725.33	\$5,216.27	\$6,436.06	\$7,225.55	\$4,628.52	\$5,979.49	\$4,806.54	\$8,095.77	\$7,557.57	\$0.00	\$6,018.94
Three Oaks	October	November	December	January	February	March	April	May	June	July	August	September	Total AVG
	\$3,396.43	\$3,025.92	\$3,169.73	\$3,775.65	\$3,857.92	\$5,072.28	\$5,133.60	\$5,394.29	\$5,160.51	\$5,483.43	\$2,951.82	\$0.00	\$4,220.14

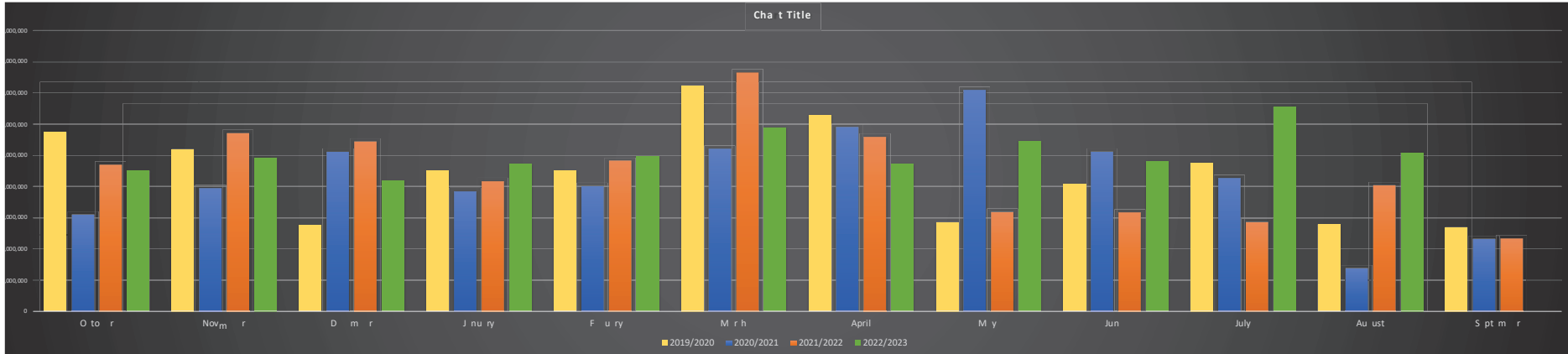
**BROOKS OF BONITA SPRINGS
&
BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

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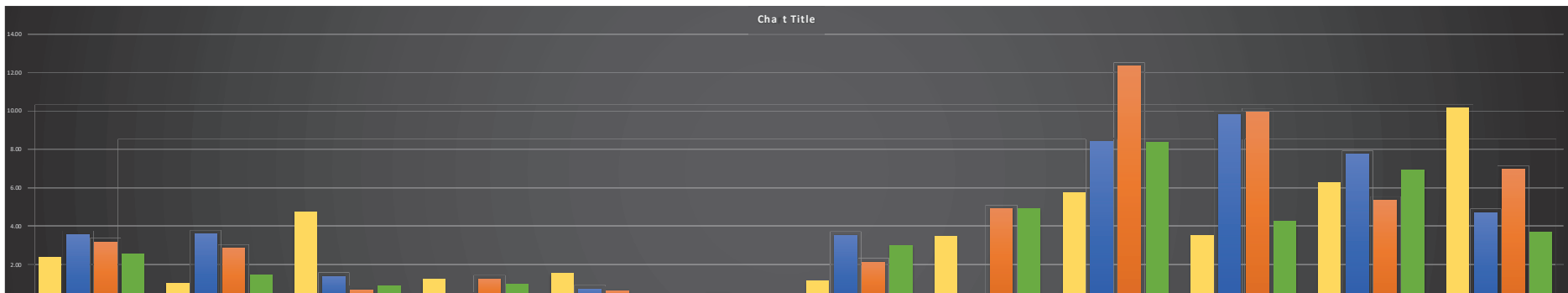
Brooks YOY Water Usage

Brooks	October	November	December	January	February	March	April	May	June	July	August	September	Average Monthly Use	YOY Change
019/2020	5,742,000	5,197,000	2,755,000	4,508,000	4,518,000	7,242,000	6,282,000	2,853,000	4,070,000	4,753,000	2,795,000	2,690,000	4,450,417	53,405,000
020/2021	3,109,000	3,948,000	5,114,000	3,845,000	4,017,000	5,211,000	5,907,000	7,097,000	5,117,000	4,273,000	1,389,000	2,328,000	4,279,583	51,355,000
021/2022	4,698,000	5,709,000	5,441,000	4,169,000	4,830,000	7,654,000	5,591,000	3,188,000	3,172,000	2,867,000	4,043,000	2,335,000	4,474,750	53,697,000
022/2023	4,509,000	4,929,000	4,182,000	4,725,000	4,979,000	5,894,000	4,716,000	5,442,000	4,815,000	6,560,000	5,077,000		5,075,273	55,828,000
% Y Y	-4%	-14%	-23%	13%	3%	-23%	-16%	71%	52%	129%	26%	-100%	13%	4%

020/2021	\$5,558.88	\$7,203.32	\$9,488.68	\$7,001.44	\$7,520.16	\$9,932.04	\$11,337.96	\$13,741.76	\$9,742.16	\$8,037.28	\$3,271.47	\$4,539.12	\$8,114.52	\$97,374.23
021/2022	\$8,673.32	\$10,654.88	\$10,129.60	\$7,636.48	\$9,204.02	\$14,908.50	\$10,741.24	\$5,887.18	\$5,854.86	\$5,308.37	\$7,614.28	\$4,590.17	\$8,433.57	\$101,202.88
022/2023	\$8,555.60	\$9,404.00	\$7,895.06	\$8,991.92	\$10,293.98	\$12,297.83	\$9,762.12	\$11,373.78	\$9,967.05	\$13,579.20	\$10,509.39		\$10,239.08	\$112,629.93
Per Gallon	\$0.00190	\$0.00191	\$0.00189	\$0.00190	\$0.00207	\$0.00209	\$0.00207	\$0.00209	\$0.00207	\$0.00207	\$0.00207		\$0.00202	
Per 1,000 Gallon	\$1.90	\$1.91	\$1.89	\$1.90	\$2.07	\$2.09	\$2.07000	\$2.09000	\$2.07000	\$2.07000	\$2.07000		\$2.01503	



Brooks	October	November	December	January	February	March	April	May	June	July	August	September	Average Monthly	YOY Total
019/2020	2.37	1.04	4.76	1.26	1.56	0.03	1.15	3.49	5.78	3.54	6.24	10.19	3.45	41.41
020/2021	3.57	3.64	1.41	0.38	0.74	0.52	3.56	0.00	8.41	9.83	7.75	4.73	3.71	44.54
021/2022	3.20	2.87	0.70	1.28	0.66	0.16	2.17	4.94	12.37	9.96	5.36	7.00	4.22	50.67
022/2023	2.57	1.46	0.93	0.99	0.09	0.28	3.02	4.92	8.38	4.27	6.94	3.69	3.13	37.54
Inch Diff	-0.63	-1.41	0.23	-0.29	-0.57	0.12	0.85	-0.02	-3.99	-5.69	1.58	-3.31	-1.09	-13.13



**BROOKS OF BONITA SPRINGS
&
BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

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Mark FitzGerald
Bank United, N.A
600 N Federal Highway
Boca Raton, FL 33432

Date: September 2023

To: Craig Wrathell
CC: Wrathell, Hunt & Associates, LLC. Government ICS Deposit Program.

This letter is to confirm that BankUnited is an approved and active member of the Certificate of Qualified Public Depository.

We are currently offering a **starting rate of 4.50% on our ICS Money Market Product** which is FDIC insured up to **\$150,000,000 (Million)** versus the regular banks business Money Market of **\$250,000 (Thousand)** FDIC coverage per EIN number.

The rate is based on the Federal Funds Rate currently 5.5% - 100 Basis Points = 4.50%.

The above-mentioned rate is not based on a minimum balance requirement.

As a preferred ICS Bank my team and I monitor the ICS relationships monthly and if rates go up, which they have been doing we will automatically adjust your rates accordingly to always give the best service.


Fed Funds Rate

	This Week	Year Ago
Fed Funds Rate (Current target rate 5.25-5.50)	5.5	2.5

3 days ago

Any additional questions, please do not hesitate to ask.

Sincerely,



Mark FitzGerald, V.P Business Relationship Manager.
mfitzgerald@bankunited.com
561-906-3754

SERVING OUR CLIENTS WITH STRENGTH AND STABILITY



A strong and stable financial track record is the foundation that sets BankUnited apart from many financial institutions.

Our commitment to our clients means we deliver products and services at a competitive price backed by personalized service.

We develop strong relationships with our clients to help them achieve their financial goals. At BankUnited, you'll find big bank services coupled with neighborhood bank care.

WHY OUR CLIENTS CHOOSE US

- One of the largest financial institutions headquartered in Florida
- Local decision-making
- Sound credit quality
- Solid balance sheet
- Committed to our clients

CREDIT RATINGS (Third Party Ratings)

P-1	Moody's Short Term Deposit
A2	Moody's Long Term Deposit
Baa2	Moody's Issuer Rating
F2	Fitch Short Term Deposit
BBB+	Fitch Long Term Deposit
K1	Kroll Short Term Deposit
A	Kroll Long Term Deposit

America's Most Trustworthy Companies in America (Banking), *Newsweek*, April 2023

#2 Bank Reputation Ranking by Customers, *American Banker*, November 2022

★★★★★ Superior Rating from *BauerFinancial* consecutively since its inception

Financial Highlights as of June 30, 2023 BankUnited, N.A.

\$35.9
BILLION
in Total Assets

\$25.8
BILLION
in Total Deposits

\$24.6
BILLION
in Total Loans

53
BRANCHES
in Florida

4
BANKING
CENTERS
in New York

1
BRANCH
in Texas

Robust Capital Base

8.8%
Tier-1 Leverage
Ratio

13.6%
Total
Risk-Based
Capital Ratio

13.0%
Common Equity
Tier 1
Capital Ratio

STRONG LIQUIDITY POSITION

- > Same day available liquidity of **\$14.7** billion as of June 30
- > Available liquidity to uninsured, uncollateralized deposits ratio of **167%** as of June 30

66% of our deposit base is insured or collateralized as of June 30

\$25 billion in prudently underwritten and well-diversified loans

High-Quality Commercial Real Estate portfolio; no non-performing loans¹

- > Commercial Real Estate loans is **23%** of our total loans

¹ Excludes \$14 million in non-accrual guaranteed SBA loans.

Safety, Returns, and Peace of Mind: Access up to \$150 Million Dollars in FDIC insurance

ICS®, the IntraFi Cash ServiceSM, and CDARS®, the IntraFi Certificate of Deposit Account Registry Service® are smart, secure, convenient ways to keep large-dollar deposits safe. You can access multi-million-dollar FDIC insurance at network banks through your BankUnited relationship, all while keeping your funds safe and secure.

How do ICS and CDARS work?

When we place your organization's deposit through the ICS or CDARS service, your money is divided into amounts under the standard FDIC insurance maximum of \$250,000 and is placed in deposit accounts at multiple FDIC-insured banks. This makes your deposit eligible for FDIC insurance with each member bank. Use of these services makes it possible for you to gain access to up to \$150 million dollars of FDIC insurance. As a result, you can access coverage from many institutions while working directly with BankUnited as a single point of contact.

Want to learn more? Call me today.

Mark FitzGerald

V.P S.R Business Relationship Manager

561-906-3754

mfitzgerald@bankunited.com

With ICS and CDARS, you can:



Enjoy Peace of Mind – With access to multi-million-dollar FDIC coverage through both services, your funds are eligible for protection that is backed by the full faith and credit of the federal government.



Save Time – You can forego the need to track collateral on an ongoing basis, open accounts under different insurable capacities, or to manage multiple bank relationships. This means you can spend more time accomplishing your financial goals.



Access Funds – When funds are placed through the ICS service, you may make unlimited program withdrawals. Funds placed through the CDARS service offer multiple maturities to help meet your liquidity needs.



STATE OF FLORIDA
Office of the Chief Financial Officer
Division of Treasury
Bureau of Collateral Management

CERTIFICATE OF QUALIFIED PUBLIC DEPOSITORY
UNDER THE FLORIDA SECURITY FOR
PUBLIC DEPOSITS ACT

This is to certify that

BANKUNITED, N.A.
14817 OAK LANE
MIAMI LAKES, FLORIDA 33016

has fully qualified as a public depository pursuant to Chapter 280, Florida Statutes, otherwise known as the Florida Security for Public Deposits Act. As such, said bank or savings association is hereby designated to receive public deposits, as defined in Subsection 280.02(13), Florida Statutes.

Given under my hand this 29th day of February, 2012.

A handwritten signature in black ink, appearing to read "Jeff Stewart", written over a horizontal line.

CHIEF FINANCIAL OFFICER, STATE OF FLORIDA

Smart Saving with ICSSM

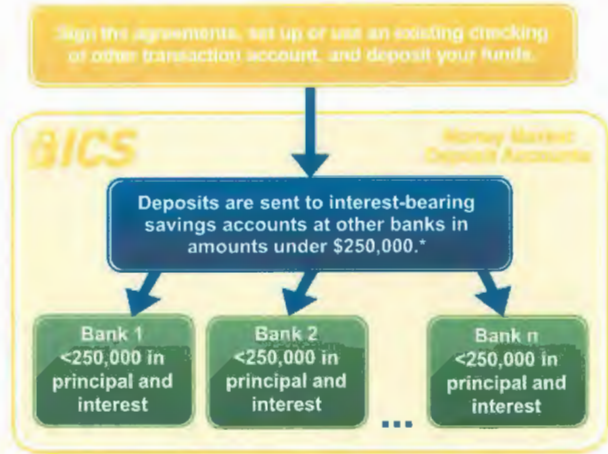
What is ICS?



Through ICSSM, the Insured Cash SweepSM service, you can:

- **Earn interest.** Put excess cash balances to work in savings accounts (money market deposit accounts).
- **Enjoy peace of mind.** ICS funds are eligible for multi-million-dollar FDIC insurance that's backed by the full faith and credit of the United States government.
- **Access funds.** Enjoy daily liquidity in your linked transaction account; replenish the account by withdrawing ICS funds up to six times per month.

How does ICS work?



* The standard FDIC insurance maximum is \$250,000 per insured capacity, per bank.

Work directly with just us – an institution you already know and trust – to receive coverage from many, and know that your confidential information remains protected.

How does ICS compare to other alternatives?

Product	Issue	ICS Solution
Noninterest-bearing checking accounts	Are eligible for unlimited FDIC coverage through 2012 under the Dodd-Frank Act, but do not earn interest.	<p>You do not have to choose between earning a return and enjoying peace of mind – with ICS, you can do both.</p> <p>And, by offering access to FDIC insurance, ICS can help you avoid the hassles associated with managing multiple bank relationships or the need to track collateral on an ongoing basis (if you are accustomed to doing so).</p>
Interest-bearing checking accounts	Earn interest, but funds are insured only up to \$250,000 per insured capacity, per bank.	
Repurchase sweeps	May earn interest, but the yield can be very low; the process carries administrative tracking burdens, and the investment is not backed by FDIC insurance.	
Collateralized deposits	Administrative tracking problem can be more onerous than with repo sweeps.	
Money market mutual funds	Earn interest, but the yield may be very low, and the investment is not backed by the full faith and credit of the federal government.	



Member FDIC

Placement of your funds through the ICS service is subject to the terms, conditions, and disclosures set forth in the agreements, including the ICS Deposit Placement Agreement, that you enter into with us. Limits and customer eligibility criteria apply. Program withdrawals are limited to six per month. ICS and Insured Cash Sweep are service marks of Promontory Interfinancial Network, LLC.



August 21, 2023

Chesley "Chuck" E. Adams, Jr.
Director of Operations
Wrathell, Hunt and Associates, LLC

RE: Wrathell, Hunt and Associates, LLC Government Deposit Program

Synovus Bank would like to thank you for the opportunity to work with government customers under your direct management to create a deposits program specifically for customers of Wrathell, Hunt and Associates (WHA). We understand how important it is to choose the right partner for banking services and that partner being fully prepared to *exceed your expectations*. With over \$62 billion in assets, Synovus Bank is ranked among the top 50 banks by the Federal Reserve Board. Synovus is a publicly traded company (Synovus Financial Corp. NYSE: SNV), and member of the Federal Reserve System with an extremely diverse and deep leadership team. Our humble beginnings date back to 1888. 135 years later, we have grown to 250+ branches in five states; yet we continue our culture of being a "Community Bank". Synovus Bank has the capabilities of Wall Street but the mindset of "Main Street". Banking is relationships with our clients and communities in which we serve; this is what sets Synovus Bank apart from our competition. Our success has led to accolades such as being honored as one of the Best Banks in America, by Forbes. We do not take our customer obligations lightly. We have a history of providing excellent customer service to our clients. We have a team of dedicated government professionals ready to assist in this endeavor and any others your customers may have.

As previously outlined, the WHA program would include the following:

- Customer would be confirmed by WHA as District Manager,
- State, County, and Municipal (SCM) Money Market account would be opened in the name of the District with the District's TIN. Each account will include FDIC on the first \$250,000 and will be collateralized as defined in Chapter 280, Florida Statutes,
- Interest would be posted monthly and compounded,
- Minimum amount of initial deposit for each account would be \$500,000,
- For account with balances equal to or greater than \$500,000, the interest rate would be indexed to the Federal Funds Rate minus 75 basis points. For informational purposes, that rate of this date would be 4.75 percent. For balances that decline to levels between \$200,000 and \$499,999, the rate would be indexed the Federal Funds Rate minus 100 basis points. For balances below \$200,000 the rate would be managed by the Bank with an initial rate of 3.50 percent.
- Account balance measurements will be taken the first day of each month and when action is taken by the Federal Open Markets Committee.

Synovus Bank appreciates the opportunity and looks forward to your favorable response. If you should have any questions or need additional information, please do not hesitate to contact either of us at the numbers below.

Respectfully,

Andy LaFear
Government Solutions - Relationship Manager
7768 Ozark Drive, Suite 100
Jacksonville, FL 32256
904-347-7068
andylafear@synovus.com

Jim Mitchell, Senior director
Government Solutions
2325 Vanderbilt Beach Road
Naples, FL 34109
(239) 552-1819
jimmitchell@synovus.com

**BROOKS OF BONITA SPRINGS
&
BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

**UNAUDITED
FINANCIAL
STATEMENTS**

**BROOKS OF BONITA SPRINGS & BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS
FINANCIAL STATEMENTS
UNAUDITED
SEPTEMBER 30, 2023**

**BROOKS OF BONITA SPRINGS & BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS
COMBINED BALANCE SHEET
SEPTEMBER 30, 2023**

	General Funds	Debt Service Funds	Total Governmental Funds
	<u> </u>	<u> </u>	<u> </u>
ASSETS			
Cash & investments	\$4,216,313	\$ 532,732	\$ 4,749,045
Deposits	525	-	525
Due from clearing fund	48	-	48
Accounts receivable	333,033	-	333,033
Due from other funds			
Brooks I			
General fund	-	35,524	35,524
Brooks II			
General fund	-	39,939	39,939
Total assets	<u>\$ 4,549,919</u>	<u>\$ 608,195</u>	<u>\$ 5,158,114</u>
LIABILITIES & FUND BALANCES			
Liabilities:			
Accounts payable	\$ 92,627	\$ -	\$ 92,627
Due to other funds			
Brooks II			
Debt service - series 2021	39,939	-	39,939
Due to other governments			
Brooks II			
General fund	35,524	-	35,524
Due to clearing fund	858	-	858
Total liabilities	<u>168,948</u>	<u>-</u>	<u>168,948</u>
DEFERRED INFLOWS OF RESOURCES			
Deferred receipts	<u>333,033</u>	<u>-</u>	<u>333,033</u>
Total deferred inflows of resources	<u>333,033</u>	<u>-</u>	<u>333,033</u>
Fund balances:			
Restricted for:			
Debt service	-	608,195	608,195
Capital outlay projects	480,652	-	480,652
Unassigned	<u>3,567,286</u>	<u>-</u>	<u>3,567,286</u>
Total fund balances	<u>4,047,938</u>	<u>608,195</u>	<u>4,656,133</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 4,549,919</u>	<u>\$ 608,195</u>	<u>\$ 5,158,114</u>

**BROOKS OF BONITA SPRINGS & BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS
COMBINED STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUNDS
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ -	\$ 2,274,019	\$ 2,265,748	100%
Commons Club - share maint cost	-	126,292	163,749	77%
Coconut Road - cost sharing (mall contribution)	-	6,977	13,000	54%
FEMA/State grant	-	-	-	N/A
Interest & miscellaneous	150	744	3,500	21%
Total revenues	<u>150</u>	<u>2,408,032</u>	<u>2,445,997</u>	98%
EXPENDITURES				
Administrative				
Supervisors	1,722	13,134	14,000	94%
Management	7,627	91,526	91,526	100%
Accounting	3,173	38,077	38,077	100%
Audit	-	19,000	19,000	100%
Legal	3,260	24,249	10,000	242%
Field management	3,632	43,576	43,576	100%
Engineering	4,093	73,074	30,000	244%
Trustee	-	4,463	12,900	35%
Dissemination agent	167	2,000	2,000	100%
Arbitrage rebate calculation	-	-	6,000	0%
Assessment roll preparation	-	27,000	26,999	100%
Telephone	87	1,035	1,035	100%
Postage	180	5,795	1,200	483%
Insurance	-	24,989	24,501	102%
Printing and binding	190	2,277	2,277	100%
Legal advertising	1,839	3,391	1,500	226%
Contingencies	286	3,746	3,999	94%
Annual district filing fee	-	350	350	100%
ADA website compliance	-	210	351	60%
Communication	-	-	1,000	0%
Total administrative	<u>26,256</u>	<u>377,892</u>	<u>330,291</u>	114%
Water management				
Contractual services	119,100	380,202	387,312	98%
NPDES permit	309	10,720	18,501	58%
Aquascaping	-	-	30,000	0%
Aeration	63,837	63,837	65,000	98%
Aeration operating supplies	11,110	51,967	35,000	148%
Culvert cleaning	59,350	66,630	85,000	78%
Capital outlay-lake bank erosion	-	246,572	100,000	247%
Boundary exotic removal	-	20,000	48,000	42%
Miscellaneous	-	3,477	5,000	70%
Total water management	<u>253,706</u>	<u>843,405</u>	<u>773,813</u>	109%

**BROOKS OF BONITA SPRINGS & BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS
COMBINED STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUNDS
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
Lighting services				
Contractual services	10,967	24,407	13,000	188%
Electricity	4,193	44,959	38,000	118%
Miscellaneous	229	2,523	2,500	101%
Hurricane repair	-	6,982	-	N/A
Total lighting services	<u>15,389</u>	<u>78,871</u>	<u>53,500</u>	147%
Coconut Rd. & Three Oaks Parkway				
Pine straw/soil/sand	-	40,456	45,000	90%
Plant replacement supplies	-	159,750	80,000	200%
Maintenance supplies	-	4,200	29,999	14%
Electricity	122	741	500	148%
Irrigation water	10,508	117,265	110,000	107%
Electric - 41 entry feature/irrigation	1,361	9,501	10,000	95%
Contract services	-	13,116	8,000	164%
Irrigation repairs	-	4,844	24,999	19%
Landscape maintenance contract	39,852	680,571	714,000	95%
Capital Improvement 2023/2024	20,808	140,184	-	N/A
Irrigation management	-	11,550	12,600	92%
Hurricane clean up	-	173,517	-	N/A
Total Coconut Rd. & Three Oaks Parkway	<u>72,651</u>	<u>1,355,695</u>	<u>1,035,098</u>	131%
Coconut Road Park				
Capital outlay - lighting	-	64,673	10,000	647%
License fees	-	175	1,050	17%
Plant replacements	-	-	10,000	0%
Other maintenance supplies	-	-	4,000	0%
Electric	1,058	8,963	9,000	100%
Irrigation water	1,014	9,707	6,000	162%
Sewer/water	74	954	3,000	32%
Contract services	3,034	88,826	55,000	162%
Building R&M	-	1,272	5,000	25%
Landscape maint contract	5,561	92,276	92,285	100%
Hardscape repairs	26,371	42,556	10,000	426%
Lighting repairs	-	21,027	6,000	350%
Hardscape maintenance	-	17,488	3,999	437%
CC building landscaping	-	-	11,500	0%
Hurricane clean up	-	104,269	-	N/A
Total parks and recreation	<u>37,112</u>	<u>452,186</u>	<u>226,834</u>	199%

**BROOKS OF BONITA SPRINGS & BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS
COMBINED STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUNDS
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
Other fees and charges				
Property appraiser	-	3,555	4,127	86%
Tax collector	-	5,175	5,331	97%
Cost of Issuance	-	28,000	-	N/A
Total other fees and charges	<u>-</u>	<u>36,730</u>	<u>9,458</u>	388%
Total expenditures	<u>405,114</u>	<u>3,144,779</u>	<u>2,428,994</u>	129%
 Excess/(deficiency) of revenues over/(under) expenditures	 (404,964)	 (736,747)	 17,003	
 OTHER FINANCING SOURCES/(USES)				
Note proceeds- Series 2023	-	4,000,000	-	N/A
Total other financing sources/(uses)	<u>-</u>	<u>4,000,000</u>	<u>-</u>	N/A
Net change in fund balances	(404,964)	3,263,253	17,003	
Fund balances - beginning	4,452,902	784,685	688,734	
Assigned: capital outlay projects	480,652	480,652	480,652	
Unassigned	3,567,286	3,567,286	225,077	
Fund balances - ending	<u>\$ 4,047,938</u>	<u>\$ 4,047,938</u>	<u>\$ 705,737</u>	

**BROOKS OF BONITA SPRINGS
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GENERAL FUND
SEPTEMBER 30, 2023**

	Balance
ASSETS	
SunTrust	\$ 10,206
Centennial Bank	26,765
Finemark: MMF	29,172
Series 2023 B1	2,612,430
Deposits	525
Accounts receivable	218,803
Total assets	\$ 2,897,901
 LIABILITIES & FUND BALANCES	
Liabilities:	
Accounts payable	\$ 60,856
Due to other funds	
Brooks II	
General fund	35,524
Due to clearing fund	858
Total liabilities	97,238
 DEFERRED INFLOWS OF RESOURCES	
Deferred receipts	218,803
Total deferred inflows of resources	218,803
 Fund balances:	
Reserved for:	
Capital outlay projects	315,788
Unassigned	2,266,072
Total fund balances	2,581,860
Total liabilities, deferred inflows of resources and fund balances	\$ 2,897,901

**BROOKS OF BONITA SPRINGS
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ -	\$ 1,493,992	\$ 1,488,596	100%
Commons Club - share maint cost	-	82,974	107,583	77%
Coconut Road - cost sharing (mall contribution)	-	4,584	8,541	54%
Interest & miscellaneous	120	325	2,300	14%
Total revenues	<u>120</u>	<u>1,581,875</u>	<u>1,607,020</u>	98%
EXPENDITURES				
Administrative				
Supervisors	1,131	8,629	9,198	94%
Management	5,011	60,133	60,133	100%
Accounting	2,085	25,017	25,017	100%
Audit	-	12,483	12,483	100%
Legal	2,142	15,932	6,570	242%
Field management	2,386	28,629	28,629	100%
Engineering	2,689	48,010	19,710	244%
Trustee	-	2,932	8,475	35%
Dissemination agent	110	1,314	1,314	100%
Arbitrage rebate calculation	-	-	3,942	0%
Assessment roll preparation	-	17,739	17,739	100%
Telephone	57	680	680	100%
Postage	118	3,807	788	483%
Insurance	-	16,418	16,097	102%
Printing and binding	125	1,496	1,496	100%
Legal advertising	1,208	2,228	986	226%
Contingencies	186	2,442	2,628	93%
Annual district filing fee	-	230	230	100%
ADA website compliance	-	138	231	60%
Communication	-	-	657	0%
Total administrative	<u>17,248</u>	<u>248,257</u>	<u>217,003</u>	114%
Water management				
Contractual services	78,249	249,793	254,464	98%
NPDES permit	203	7,043	12,155	58%
Aquascaping	-	-	19,710	0%
Aeration	41,941	41,941	42,705	98%
Aeration operating supplies	7,299	34,142	22,995	148%
Culvert cleaning	38,993	43,776	55,845	78%
Capital outlay-lake bank erosion	-	161,998	65,700	247%
Boundary exotic removal	-	13,140	31,536	42%
Miscellaneous	-	2,284	3,285	70%
Total water management	<u>166,685</u>	<u>554,117</u>	<u>508,395</u>	109%

**BROOKS OF BONITA SPRINGS
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
Lighting services				
Contractual services	7,205	16,035	8,541	188%
Electricity	2,755	29,538	24,966	118%
Miscellaneous	151	1,658	1,643	101%
Hurricane repair	-	4,587	-	N/A
Total lighting services	<u>10,111</u>	<u>51,818</u>	<u>35,150</u>	147%
Coconut Rd. & Three Oaks Parkway				
Pine straw/soil/sand	-	26,580	29,565	90%
Plant replacement supplies	-	104,956	52,560	200%
Maintenance supplies	-	2,759	19,710	14%
Electricity	80	487	329	148%
Irrigation water	6,904	77,043	72,270	107%
Electric - 41 entry feature/irrigation	894	6,242	6,570	95%
Contract services	-	8,617	5,256	164%
Irrigation repairs	-	3,183	16,425	19%
Landscape maintenance contract	26,183	447,135	469,098	95%
Capital Improvement 2023/2024	13,671	92,101	-	N/A
Irrigation management	-	7,588	8,278	92%
Hurricane clean up	-	114,001	-	N/A
Total Coconut Rd. & Three Oaks Parkway	<u>47,732</u>	<u>890,692</u>	<u>680,061</u>	131%
Coconut Road Park				
Capital outlay	-	42,490	6,570	647%
License fees	-	115	690	17%
Plant replacements	-	-	6,570	0%
Other maintenance supplies	-	-	2,628	0%
Electric	695	5,889	5,913	100%
Irrigation water	666	6,377	3,942	162%
Sewer/water	49	627	1,971	32%
Contract services	1,993	58,359	36,135	162%
Building R&M	-	836	3,285	25%
Landscape maint contract	3,654	60,625	60,631	100%
Hardscape repairs	17,326	27,959	6,570	426%
Lighting repairs	-	13,815	3,942	350%
Hardscape maintenance	-	11,490	2,628	437%
CC building landscaping	-	-	7,556	0%
Hurricane clean up	-	68,505	-	N/A
Total parks and recreation	<u>24,383</u>	<u>297,087</u>	<u>149,031</u>	199%

**BROOKS OF BONITA SPRINGS
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
Other fees & charges				
Property appraiser	-	2,336	2,711	86%
Tax collector	-	3,370	3,502	96%
Cost of Issuance	-	15,570		
Total other fees & charges	-	21,276	6,213	342%
Total expenditures	266,159	2,063,247	1,595,853	129%
Excess/(deficiency) of revenues over/(under) expenditures	(266,039)	(481,372)	11,167	
OTHER FINANCING SOURCES/(USES)				
Note proceeds- Series 2023	-	2,628,000	-	N/A
Total other financing sources/(uses)	-	2,628,000	-	N/A
Net change in fund balances	(266,039)	2,146,628	11,167	
Fund balances - beginning	2,847,899	435,232	373,106	
Assigned: capital outlay projects	315,788	315,788	315,788	
Unassigned	2,266,072	2,266,072	68,485	
Fund balances - ending	<u>\$ 2,581,860</u>	<u>\$ 2,581,860</u>	<u>\$ 384,273</u>	

**BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GENERAL FUND
SEPTEMBER 30, 2023**

	Balance
ASSETS	
BankUnited	\$ 101,303
SunTrust	24,859
Centennial Bank	52,008
Series 2023bill	1,359,570
Accounts receivable	114,230
Due from other funds	
Clearing fund	48
Total assets	\$ 1,652,018
 LIABILITES & FUND BALANCES	
Liabilities:	
Accounts payable	\$ 31,771
Due to other funds	
Debt service - series 2021	39,939
Total liabilities	71,710
 DEFERRED INFLOWS OF RESOURCES	
Deferred receipts	114,230
Total deferred inflows of resources	114,230
 Fund balances:	
Reserved for:	
Capital outlay projects	164,864
Unassigned	1,301,214
Total fund balances	1,466,078
 Total liabilities, deferred inflows of resources and fund balances	 \$ 1,652,018

**BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ -	\$ 780,027	\$ 777,152	100%
Commons Club - share maint cost	-	43,318	56,166	77%
Coconut Road - cost sharing (mall contribution)	-	2,393	4,459	54%
Interest & miscellaneous	30	419	1,201	35%
Total revenues	<u>30</u>	<u>826,157</u>	<u>838,978</u>	98%
EXPENDITURES				
Administrative				
Supervisors	591	4,505	4,802	94%
Management	2,616	31,393	31,393	100%
Accounting	1,088	13,060	13,060	100%
Audit	-	6,517	6,517	100%
Legal	1,118	8,317	3,430	242%
Field management	1,246	14,947	14,947	100%
Engineering	1,404	25,064	10,290	244%
Trustee	-	1,531	4,425	35%
Dissemination agent	57	686	686	100%
Arbitrage rebate calculation	-	-	2,058	0%
Assessment roll preparation	-	9,261	9,261	100%
Telephone	30	355	355	100%
Postage	62	1,988	412	483%
Insurance	-	8,571	8,404	102%
Printing and binding	65	781	781	100%
Legal advertising	631	1,163	515	226%
Contingencies	100	1,304	1,372	95%
Annual district filing fee	-	120	120	100%
ADA website compliance	-	72	120	60%
Communication	-	-	343	0%
Total administrative	<u>9,008</u>	<u>129,635</u>	<u>113,291</u>	114%
Water management				
Contractual services	40,851	130,409	132,848	98%
NPDES permit	106	3,677	6,346	58%
Aquascaping	-	-	10,290	0%
Aeration	21,896	21,896	22,295	98%
Aeration operating supplies	3,811	17,825	12,005	148%
Culvert cleaning	20,357	22,854	29,155	78%
Capital outlay-lake bank erosion	-	84,574	34,300	247%
Boundary exotic removal	-	6,860	16,464	42%
Miscellaneous	-	1,193	1,715	70%
Total water management	<u>87,021</u>	<u>289,288</u>	<u>265,418</u>	109%

**BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
Lighting services				
Contractual services	3,762	8,372	4,459	188%
Electricity	1,438	15,421	13,034	118%
Miscellaneous	78	865	858	101%
Hurricane repair	-	2,395	-	N/A
Total lighting services	<u>5,278</u>	<u>27,053</u>	<u>18,351</u>	147%
Coconut Rd. & Three Oaks Parkway				
Pine straw/soil/sand	-	13,876	15,435	90%
Plant replacement supplies	-	54,794	27,440	200%
Maintenance supplies	-	1,441	10,290	14%
Electricity	42	254	172	148%
Irrigation water	3,604	40,222	37,730	107%
Electric - 41 entry feature/irrigation	467	3,259	3,430	95%
Contract services	-	4,499	2,744	164%
Irrigation repairs	-	1,661	8,575	19%
Landscape maintenance contract	13,669	233,436	244,902	95%
Capital Improvement 2023/2024	7,137	48,083	-	N/A
Irrigation management	-	3,962	4,322	92%
Hurricane clean up	-	59,516	-	N/A
Total Coconut Rd. & Three Oaks Parkway	<u>24,919</u>	<u>465,003</u>	<u>355,040</u>	131%
Coconut Road Park				
Capital outlay	-	22,183	3,430	647%
License fees	-	60	360	17%
Plant replacements	-	-	3,430	0%
Other maintenance supplies	-	-	1,372	0%
Electric	363	3,074	3,087	100%
Irrigation water	348	3,330	2,058	162%
Sewer/water	25	327	1,029	32%
Contract services	1,041	30,467	18,865	162%
Building R&M	-	436	1,715	25%
Landscape maint contract	1,907	31,651	31,654	100%
Hardscape repairs	9,045	14,597	3,430	426%
Lighting repairs	-	7,212	2,058	350%
Hardscape maintenance	-	5,998	1,372	437%
CC building landscaping	-	-	3,945	0%
Hurricane clean up	-	35,764	-	N/A
Total parks and recreation	<u>12,729</u>	<u>155,099</u>	<u>77,805</u>	199%

**BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
Other fees & charges				
Property appraiser	-	1,219	1,416	86%
Tax collector	-	1,805	1,829	99%
Cost of Issuance	-	12,430	-	N/A
Total other fees & charges	-	15,454	3,245	476%
Total expenditures	138,955	1,081,532	833,150	130%
Excess/(deficiency) of revenues over/(under) expenditures	(138,925)	(255,375)	5,828	
OTHER FINANCING SOURCES/(USES)				
Note proceeds- Series 2023	-	1,372,000	-	N/A
Total other financing sources/(uses)	-	1,372,000	-	N/A
Net change in fund balances	(138,925)	1,116,625	5,828	
Fund balances - beginning	1,605,003	349,453	315,628	
Assigned: capital outlay projects	164,864	164,864	164,864	
Unassigned	1,301,214	1,301,214	156,592	
Fund balances - ending	<u>\$ 1,466,078</u>	<u>\$ 1,466,078</u>	<u>\$ 321,456</u>	

**BROOKS OF BONITA SPRINGS
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
DEBT SERVICE FUND SERIES 2021 (REFUNDED SERIES 2001)
SEPTEMBER 30, 2023**

	Balance
ASSETS	
Due from other funds	
Brooks I	
General fund	\$ 35,524
Total assets	\$ 35,524
 LIABILITIES & FUND BALANCES	
Liabilities:	\$ -
Total liabilities	-
 Fund balances:	
Restricted for:	
Debt service	35,524
Total fund balances	35,524
 Total liabilities & fund balances	\$ 35,524

**BROOKS OF BONITA SPRINGS
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2021 (REFUNDED SERIES 2001)
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Special assessment: on-roll	\$ -	\$ 72,539	\$ 72,439	100%
Total revenues	<u>-</u>	<u>72,539</u>	<u>72,439</u>	100%
EXPENDITURES				
Debt service				
Principal	-	55,000	50,000	110%
Interest	-	19,950	20,036	100%
Total debt service	<u>-</u>	<u>74,950</u>	<u>70,036</u>	107%
Excess/(deficiency) of revenues over/(under) expenditures	-	(2,411)	2,403	
Fund balances - beginning	35,524	37,935	27,801	
Fund balances - ending	<u>\$ 35,524</u>	<u>\$ 35,524</u>	<u>\$ 30,204</u>	

**BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
DEBT SERVICE FUND SERIES 2017 (REFUNDED SERIES 2006)
SEPTEMBER 30, 2023**

	Balance
ASSETS	
Investments:	
Revenue	\$ 258,209
Prepayment	193
Reserve	273,970
Sinking	311
Interest	49
Total assets	\$ 532,732
 LIABILITIES & FUND BALANCES	
Liabilities:	\$ -
Total liabilities	-
 Fund balances:	
Restricted for:	
Debt service	532,732
Total fund balances	532,732
Total liabilities & fund balances	\$ 532,732

**BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2017 (REFUNDED SERIES 2006)
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Special assessment: on-roll	\$ -	\$ 1,097,402	\$ 1,094,797	100%
Interest	2,141	21,205	-	N/A
Assessment prepayments	-	13,013	-	N/A
Total revenues	<u>2,141</u>	<u>1,131,620</u>	<u>1,094,797</u>	103%
EXPENDITURES				
Debt service				
Principal	-	842,000	842,000	100%
Interest	-	266,399	266,414	100%
Principal prepayment	-	14,000	-	N/A
Total debt service	<u>-</u>	<u>1,122,399</u>	<u>1,108,414</u>	101%
Excess/(deficiency) of revenues over/(under) expenditures	2,141	9,221	(13,617)	
Fund balances - beginning	530,591	523,511	518,679	
Fund balances - ending	<u>\$ 532,732</u>	<u>\$ 532,732</u>	<u>\$ 505,062</u>	

**BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
DEBT SERVICE FUND SERIES 2021 (REFUNDED SERIES 2003)
SEPTEMBER 30, 2023**

	Balance
ASSETS	
Due from other funds	
Brooks II	
General fund	\$ 39,939
Total assets	\$ 39,939
 LIABILITIES & FUND BALANCES	
Liabilities:	\$ -
Total liabilities	-
 Fund balances:	
Restricted for:	
Debt service	39,939
Total fund balances	39,939
 Total liabilities & fund balances	\$ 39,939

**BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2021 (REFUNDED SERIES 2003)
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Special assessment: on-roll	\$ -	\$ 94,569	\$ 93,438	101%
Total revenues	<u>-</u>	<u>94,569</u>	<u>93,438</u>	101%
EXPENDITURES				
Debt service				
Principal	-	55,000	55,000	100%
Interest	-	32,788	32,850	100%
Total debt service	<u>-</u>	<u>87,788</u>	<u>87,850</u>	100%
Excess/(deficiency) of revenues over/(under) expenditures	-	6,781	5,588	
Fund balances - beginning	39,939	33,158	32,956	
Fund balances - ending	<u>\$ 39,939</u>	<u>\$ 39,939</u>	<u>\$ 38,544</u>	

**BROOKS OF BONITA SPRINGS
&
BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

MINUTES A

DRAFT

**MINUTES OF MEETING
BROOKS OF BONITA SPRINGS & BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

The Boards of Supervisors of the Brooks of Bonita Springs & Brooks of Bonita Springs II Community Development Districts held Joint Public Hearings and a Regular Meeting on August 30, 2023 at 1:00 p.m., at the Estero Community Church, 21115 Design Parc Ln., Estero, Florida 33928.

Present for Brooks CDD:

James Merritt	Chair
Sandra Varnum	Vice Chair
William Stoehr	Assistant Secretary
David Garner	Assistant Secretary
John Woolsey	Assistant Secretary

Present for Brooks II CDD:

Joseph Bartoletti	Chair
Ken D. Gould	Vice Chair
Thomas Bertucci	Assistant Secretary
Lynn Bunting	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Dan H. Cox (via telephone)	District Counsel
Brent Burford (via telephone)	District Engineer
Blake Grimes	GulfScapes Landscape Management
Theresa A. Weinberg	President, The Commons Club
Susan Watts	Public

Residents present:

Wayne Adaska	Tom Schrader	Ray Pierre	Tim McAuliff
Bob Lienesch	Kathy Wyrofsky	Chuck Burris	Other Residents

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

43 Mr. Adams called the meeting to order at 1:01 p.m. For Brooks of Bonita Springs, all
44 Supervisors were present. For Brooks of Bonita Springs II, Supervisors Bunting, Gould, Bertucci
45 and Bartoletti were present. Supervisor O'Connor was not present.

46

47 **SECOND ORDER OF BUSINESS**

**Public Comments: Agenda items only [3
48 minutes per person]**

49

50 Resident Tom Schrader read his abridged comments, which were also emailed to the
51 Board Members, regarding why he believes the value of the property proposed to be sold back
52 to The Commons Club should be appraised at \$820,000. He discussed what he thinks are the
53 benefits of selling the property, including reducing the CDDs' annual budgets and reducing
54 assessments. He supports selling the property as soon as possible, as he believes it will reduce
55 debt and reduce assessments. He asked for a mediator to be used, if necessary, to assist in
56 negotiations rather than walking away from the sale.

57 Resident and President of The Commons Club (TCC) Theresa Weinberg, speaking on
58 behalf of TCC, stated TCC hopes the Supervisors will consider selling the property to TCC, as she
59 believes it is in residents' best interest. She noted a lot of support from pickleball players and
60 the Pickleball Club. TCC is committed to building additional courts and hopes for a timely
61 decision from the CDDs, due to budget preparation timing.

62 Resident Bob Lienesch voiced his opinion that the sale of the property benefits all
63 parties. He encouraged the prompt and efficient sale and suggested lead negotiators be chosen
64 thoughtfully, as addressed in his detailed comments submitted via the Pickleball Comments
65 Hotline. He suggested the budget be reconsidered to reduce the deficit this year to be made up
66 next year and suggested postponing projects to the next fiscal year.

67 Resident Chuck Burris expressed his opinion that non-TCC members do not know where
68 they stand. He is uncertain if selling the property to TCC is a good idea. He pointed out that, if it
69 just becomes TCC's amenity for a private club, the 3600 residents who are not TCC members
70 will no longer have a park to go to. He asked for transparency regarding what is planned for the
71 property. Regarding the budget, he supports soliciting additional estimates for the sidewalks,
72 given that the cost doubled in just six months.

73 Resident Bruce Croft expressed concern about selling the land to TCC given the recent
74 opposition to the CDDs building pickleball courts. He feels that the land is meant to be a

75 community amenity and that, in the best interest of taxpayers, it should not be up to TCC to
76 determine how the land will be used. He encouraged repairing rather than replacing the
77 sidewalks, due to the cost.

78 Resident Richard Denton discussed his perceived pros and cons to selling the property
79 and expressed support for selling it. He discussed his financial analysis of the transaction and
80 encouraged the Boards to discuss their analysis.

81 Resident Randy Kemnet stated he did not find the “future capital replacement account”
82 noted in the Mailed Notice to property owners in the budget or financials and asked how much
83 will be allocated to the account.

84

85 **JOINT BUSINESS ITEMS**

86 **THIRD ORDER OF BUSINESS**

**Landscape Report: GulfScapes Landscape
Management Services**

87

88

89 • **Irrigation Reports**

90 **A. Meter Usage by Clock**

91 **B. Year-Over-Year Water Usage**

92 The irrigation reports were included for informational purposes.

93 The following was reported:

94 ➤ Weeds are widespread, which is a common problem due to heavy summer rainfall.
95 Crews are working diligently to get the weeds under control.

96 ➤ Flowers around the Enrichment Center are being eaten by rabbits. Sprays and pellets
97 are being used to deter rabbits and flowers under warranty will be replaced. If Coleus are cut
98 back in the worst area, they should be flush within one to two weeks.

99 ➤ The project is proceeding; work is completed from 41 to the Enrichment Center and
100 Clock 2 will be finished by Saturday. All plants are installed but sod is delayed; sod deliveries are
101 expected next week and installation should be completed in one day.

102 ➤ Work on Clock 3, from the Enrichment Center entrance to Lighthouse Bay on Coconut
103 Road, will begin on Monday and is projected to take one to two weeks to finish. Coconut Road
104 was more strenuous than Three Oaks will be due to extensive tearout on medians.

105 ➤ The storm only took down one tree.

106 The irrigation reports were reviewed and responses were given to questions regarding
107 water usage on Clocks 1 and 7, lack of rain and water usage. Mr. Grimes estimated that water
108 usage might be 10% to 15% higher than the previous year. The next report will include low
109 water levels and irrigation usage overages for comparison.

110

111 **FOURTH ORDER OF BUSINESS**

**Joint Public Hearing on Adoption of Fiscal
Year 2023/2024 Budget**

112

113

114 **A. Proof/Affidavit of Publication**

115 **B. Consideration of Resolutions Relating to the Annual Appropriations and Adopting the**
116 **Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024;**
117 **Authorizing Budget Amendments; and Providing an Effective Date**

118 Mr. Gould referred to the “Parks and recreation” portion of the budget, on Page 2, and
119 asked if it will be eliminated if the property is sold. Mr. Bartoletti replied affirmatively. Mr.
120 Gould asked if the final numbers are known for those items on the 2023 Capital Improvement
121 Plan (CIP). The CIP was displayed for discussion. Mr. Adams discussed the CIP, which includes
122 the proposed sidewalk project and has not changed.

123 Mr. Merritt stated the bid to replace 14 miles of sidewalks has evolved over six to eight
124 months because the analysis was questioned. Borings showed the condition of the sidewalk
125 subbase is poor to fair; most likely, more than resurfacing will be necessary. He suggested
126 replacing a portion to see how it performs and considering installing concrete instead. He
127 estimated that the sidewalk project will cost \$2 million, not including an engineering study. The
128 liability issues were addressed to the best of current ability; liability must also be considered.

129 Mr. Bartoletti evaluated both sides of the entire path, 14 total miles, and provided
130 pictures for Staff, which led to the October meeting where the severity of the sidewalk issue,
131 from a hazard point of view, was recognized. Mr. Merritt raised the issue of the subbase, which
132 prompted the Engineering Study, at a cost of \$172,000. Staff initially estimated the project
133 would cost \$1.034 million but, at the July meeting, Johnson Engineering advised that the
134 estimate could be \$1.6 million. After the pickleball project was canceled, the decision was made
135 to inform the public of the decision to allocate the funds budgeted for pickleball to the sidewalk
136 project to be assured that adequate funds are available. Staff advised that, should only \$1.6
137 million be spent, remaining funds can immediately be returned to the lender, Synovus, to

138 receive an immediate reduction in payments. He stated that Board Members take their
139 responsibility seriously and will not spend frivolously; they will evaluate the best way to address
140 the liability issue and determine if concrete can work as opposed to asphalt. He stated the
141 Village is looking at installing concrete sidewalks from the entrance of Shadow Wood and
142 Coconut all the way to Via Coconut. He believes concrete to be more than two times more
143 expensive than asphalt. Until the long-term maintenance analysis is complete, additional
144 evaluation is needed to determine the long-term maintenance needs of asphalt versus
145 concrete. He noted that the CDDs were formed by the Developer, Long Bay Partners and the
146 Agreement requires the CDDs to pay to maintain the sidewalks, including cleaning and paving.
147 He assured attendees that the serious liability issue will be addressed with a proper solution
148 that will be safe and aesthetically proper for the community.

149 Mr. Woolsey stated the same issues exist in Shadow Wood; 2' by 2' signs were erected
150 advising of the trip hazards. Regarding Coconut Park, much of the \$234,000 is paid back to the
151 CDDs by TCC.

152 Mr. Bartoletti stated the analysis, including the revenue stream from TCC, shows that
153 the average cost of the park to CDD property owners has been \$42,000 on average over the last
154 four years; the analysis can be provided for review.

155 At Mr. Woolsey's request, Mr. Adams discussed the impact on fund balance of
156 approximately \$280,000 in unbudgeted expenses for hurricane cleanup and other
157 expenditures. The prior reason for the increase in total expenditures, year-over-year, was
158 primarily the expense associated with the repayment of the 2024 note.

159 A Board Member referred to the "Irrigation management" line item, on Page 2, and
160 inquired about expenses incurred. Mr. Adams believes the expenditures noted reflect
161 hurricane-related expenses for which an appropriate code did not exist. It was noted that
162 miscoded expenses can contribute to variances.

163

164 **On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr.**
165 **Woolsey, with all in favor, the Public Hearing was opened.**

166

167 **On MOTION for Brooks of Bonita Springs II by Mr. Bertucci and seconded by**
168 **Mr. Gould, with all in favor, the Public Hearing was opened.**

169

170

171 Resident Wayne Adaska stated he fell while riding his bicycle on the walking paths. He
172 called to advise of the issue and the hazard was repaired within two weeks. He recommended
173 that signs, such as those in Shadow Wood, be installed because the orange pavement lines are
174 not visible to bicyclists far in advance. As a former concrete contractor he thinks concrete is an
175 excellent material but cautioned that, in Florida, improper curing can contribute to cracking. He
176 noted concrete will be more expensive and recommended hiring a good contractor to avoid
177 complaints. Mr. Bartoletti thanked Mr. Adaska for his comments.

178 Mr. Lienesch appreciated the presentation and asked if there is a plan within the \$2
179 million to expand the sidewalk. Mr. Bartoletti stated the concrete sidewalk he previously
180 mentioned, from the Shadow Wood entrance to Via Coconut, will be done by the Village. He
181 wants to put to rest a memo the Boards recently received regarding lighting the walkways and
182 stated there is no plan to install lights on 14 miles of walkways on Coconut and Three Oaks. Mr.
183 Merritt stated the actual sidewalk construction planned by the Village will not be completed for
184 two to three years, at the earliest. Median lighting is present but is blocked by the tree canopy.
185 Mr. Bartoletti stated current issues include lighting and wiring, root growth, deterioration of
186 the coating on wiring and termination points on lighting pedestals. The CDDs' goal is to
187 maintain the value and the property, accordingly.

188 Mrs. Adams clarified that the sidewalk to be installed by the Village of Estero will go
189 from the Shadow Wood community to US 41 on Coconut Road.

190 Mr. Merritt stated the street lighting will eventually need to be refreshed, as the lights
191 are 23 years old and wildlife has damaged the wiring; this will be another CIP cost. Mr.
192 Bartoletti stated the CDDs have not upgraded to LED lights but an upgrade might be needed in
193 the future if replacement parts become scarce.

194

195 **On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr.**
196 **Woolsey, with all in favor, the Public Hearing was closed.**

197
198 **On MOTION for Brooks of Bonita Springs II by Ms. Bunting and seconded by**
199 **Mr. Gould, with all in favor, the Public Hearing was closed.**

200

201

202 **I. Resolution 2023-05, Brooks of Bonita Springs II Community Development**
203 **District**

204 **II. Resolution 2023-05, Brooks of Bonita Springs II Community Development**
205 **District**

206 Mr. Bertucci presented Resolution 2023-05.

207 In response to the question of whether the loan was applied for and, if so, where the
208 funds are, Mr. Woolsey stated the loan was approved and the funds are in the bank and ready
209 to be spent as appropriate, when needed. The budget will be approved today, including the full
210 increases described in the Mailed Notice. His understanding is that up to \$2 million is already
211 budgeted for the walkway; spreading the work out is not necessary as Mr. Adams obtained an
212 excellent rate on the loan.

213 Discussion ensued regarding the Debt Service total, on Page 14, and the amounts on
214 Page 15. Mr. Adams stated the amounts should match to the budget; he will ensure the
215 scrivener's error is corrected and the revision will be reflected in the Resolutions.

216

217 **On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr.**
218 **Woolsey, with all in favor, Resolution 2023-05, as amended, Relating to the**
219 **Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning**
220 **October 1, 2023, and Ending September 30, 2024; Authorizing Budget**
221 **Amendments; and Providing an Effective Date, was adopted.**

222

223 **On MOTION for Brooks of Bonita Springs II by Mr. Bertucci and seconded by**
224 **Mr. Gould, with all in favor, Resolution 2023-05, as amended, Relating to the**
225 **Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning**
226 **October 1, 2023, and Ending September 30, 2024; Authorizing Budget**
227 **Amendments; and Providing an Effective Date, was adopted.**

228

229

230 Mr. Lienesch stated he was under the impression that the Fiscal Year 2024 budget was
231 preliminary. Mr. Bertucci stated it is not; the final budget must be approved and sent to the
232 County for the tax roll. Mr. Lienesch suggested the meeting date be moved up in future years.

233 Discussion ensued regarding the prior meetings and the budget approval process. It was
234 noted that Staff presented the preliminary Fiscal Year 2024 budget in April and it has been
235 under review for at least three meetings; it can only be discussed and approved at meetings.

236

237 **FIFTH ORDER OF BUSINESS**

238

239

**Joint Public Hearing to Hear Comments
and Objections on the Imposition of
Maintenance and Operation Assessments**

to Fund the Budget for Fiscal Year
2023/2024, Pursuant to Florida Law

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- A. Proof/Affidavit of Publication**
- B. Mailed Notice(s) to Property Owners**
- C. Property Owner Response to Mailed Notice**
- D. Consideration of Resolutions Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**
 - I. Resolution 2023-06, Brooks of Bonita Springs Community Development District**
 - II. Resolution 2023-06, Brooks of Bonita Springs II Community Development District**

Mr. Adams presented the Resolutions, which enable the CDDs to collect the assessments utilizing the services of the Property Appraiser and Tax Collector.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, Resolution 2023-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

On MOTION for Brooks of Bonita Springs II by Mr. Bertucci and seconded by Ms. Bunting, with all in favor, Resolution 2023-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

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SIXTH ORDER OF BUSINESS

Consideration of Resolutions Designating Dates, Times and Locations for Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2023/2024 and Providing for an Effective Date

- A. Resolution 2023-07, Brooks of Bonita Springs Community Development District**
- B. Resolution 2023-07, Brooks of Bonita Springs II Community Development District**

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On MOTION for Brooks of Bonita Springs by Ms. Varnum and seconded by Mr. Stoehr, with all in favor, Resolution 2023-07, Designating Dates, Times and Locations for Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2023/2024 and Providing for an Effective Date, was approved.

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On MOTION for Brooks of Bonita Springs II by Mr. Gould and seconded by Mr. Bertucci, with all in favor, Resolution 2023-07, Designating Dates, Times and Locations for Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2023/2024 and Providing for an Effective Date, was approved.

289

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291

Mr. Merritt stated some residents claimed they did not receive the Mailed Notice and voiced his opinion that it is likely they did not recognize it because it was mailed by District Management. He noted that Mr. Adams received a letter from a Shadow Wood resident who asked for the answers to his letter, included as Item 5C, to be answered during the meeting.

294

295

Mr. Adams stated he will prepare written responses and attach them to the minutes.

296

SEVENTH ORDER OF BUSINESS

**Continued Discussion: Pathway
Improvement Plans**

298

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300

Mr. Bartoletti asked for an update on the readiness to publish a Request for Proposals (RFP). Mr. Burford stated the survey crew inspected the areas with root intrusions because the percentage of areas with root intrusion is a key factor in the decision as to whether to use asphalt or concrete. He clarified that the rating of poor or fair condition reported earlier, from the core report, was in reference to the asphalt and not the base. Regarding the comment that all sidewalks need to be replaced, patching some sidewalks might be possible but good asphalt cannot be put on top of bad asphalt.

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With 14 miles of sidewalk, Mr. Burford recommended a phased approach, beginning with one mile on the south side of Coconut between Three Oaks Parkway and the entrance to Shadow Wood, where some areas have root intrusion and some do not. He discussed another project in which such an approach was successful, saving time and money.

308

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Mr. Burford stated the plans are being finalized and the \$172,000 previously discussed includes the study, plans, permitting and the Construction and Engineering Inspection.

312

313 Mr. Bartoletti asked if these options will be presented at the October meeting. Mr.
314 Burford replied affirmatively; sealed bids are necessary and alternate bids will be requested so
315 the cost of replacing asphalt with asphalt can be compared to replacing asphalt with concrete.
316 He will provide specifications at the next meeting so the Boards will know what is being bid on.

317 Discussion ensued regarding assembling a panel of expert volunteers to share expertise
318 and consult with the District Engineer. Mr. Cox stated it is permissible as long as the volunteers
319 only perform fact finding and present all their findings to the Boards, without filtration, in order
320 to avoid Sunshine Law violations.

321 Mr. Merritt and Ms. Bunting will serve as liaisons. Mr. Adaska stated he is willing to lend
322 his expertise. A draft notice seeking volunteers will be sent to Mr. Bartoletti for review.

323

324 **EIGHTH ORDER OF BUSINESS**

Continued Discussion: Pickleball

325

326 Mr. Bartoletti stated, as previously noted, pickleball should no longer be on the agenda.

327

328 **NINTH ORDER OF BUSINESS**

**Consideration/Discussion: Request for the
CDDs to Pursue Audubon Certification of
its Conservation Areas**

329

330

331

332 A Board Member stated this matter arose in response to the proposed apartments on
333 the Winn Dixie parcel, which some residents believe might infringe on wildlife.

334 Mr. Adams stated, if it is the Boards' desire, he can investigate expanding the
335 conservation areas. He will find out if additional costs could be incurred for conservation areas.

336 Discussion ensued regarding the pros, cons and requirements for Audubon certification.
337 It was noted that Shadow Wood obtained the certification and an eagle's nest was observed on
338 the Winn Dixie parcel.

339 Mr. Bartoletti asked if a fence can be installed to prevent vagrants from entering the
340 community. Mr. Adams stated it was previously investigated but, due to the presence of
341 wildlife, the fence would be required to be 18" above the ground.

342 Discussion ensued regarding a vagrant living in the conservation area. Mr. Bartoletti
343 stated a Board Member must be present in order to enforce a trespass order and asked
344 attendees to call a Board Member in the event of a sighting.

345

346 **TENTH ORDER OF BUSINESS**

Discussion: Scheduling of a Workshop Meeting to Discuss Process and Considerations Related to the Commons Club Offer for Purchase of Coconut Park Parcel

347
348
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351

352 Mr. Bartoletti stated a Legal Memorandum was distributed to the Boards. He motioned
353 to proceed with scheduling the workshop. The motion died due to lack of a second.

354 Mr. Gould suggested a different approach and presented sample Motion #1, which
355 would direct Mr. Woolsey and Mr. Gould to meet with representatives of TCC at their earliest
356 opportunity to determine whether changes to the offer can be agreed to that might make it
357 acceptable to both parties and that Mr. Woolsey and Mr. Gould are directed to bring back to
358 the CDDs any revised offer acceptable to the negotiators and that the Supervisors agree that, if
359 a revised offer is received, the CDDs will meet as soon as a meeting can be properly scheduled
360 and noticed to review and vote on the revised offer.

361 Mr. Garner felt that would premature and suggested hiring a facilitator to conduct the
362 workshop.

363 Discussion ensued regarding negotiations, the Sunshine Law, the need for an open
364 meeting/workshop, workshop goals and the role of a facilitator.

365 Mr. Gould withdrew his motion and recommended Mr. Crawford serve as facilitator.
366 Mr. Bartoletti voiced his opinion that the facilitator should be independent of the CDDs and
367 asked Mr. Cox if he could facilitate or recommend a facilitator. Mr. Cox was asked to provide
368 Mr. Adams with contact information for mediators.

369 Discussion ensued regarding taking a show of hands of who is in favor of selling the
370 property to TCC.

371 Mr. Bartoletti stated the issue is a proper approach; he is not against this activity to get
372 to a decision.

373

374 **On MOTION for Brooks of Bonita Springs II by Ms. Bunting and seconded by**
375 **Mr. Bertucci, with all in favor, holding a vote to determine if the majority of**
376 **the Board Members are willing to pursue selling the property to The Commons**
377 **Club, was approved.**

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On MOTION for Brooks of Bonita Springs by Mr. Stoehr and seconded by Ms. Varnum, with all in favor, holding a vote to determine if the majority of the Board Members are willing to pursue selling the property to The Commons Club, was approved.

	In Favor	Not In Favor
Brooks of Bonita Springs	5	0
Brooks of Bonita Springs II	4	0

Discussion ensued regarding the direction for Mr. Merritt and Mr. Bartoletti and another pair consisting of one Supervisor from each CDD meeting with the facilitator to advise on the issues. Workshop dates and noticing requirements were discussed.

ELEVENTH ORDER OF BUSINESS **Update: Shared Costs Payments Due from The Commons Club**

Mr. Adams stated he sent three invoices to TCC. The invoice for Fiscal Year 2020 was reviewed and paid. The invoice for the last three months of Fiscal Year 2022 was reviewed and some revisions are needed. The first three months of Fiscal Year 2023 were submitted and review is pending. Regarding recovery of payables, Mr. Adams stated the requisitions were uploaded and payment is pending. He believes the mall payment was approximately \$48,000; the payment will be expedited and the account will be brought current.

Mr. Bartoletti stated, in researching the average costs of only \$42,000 per year paid to manage the park parcel, he noticed that no payment was received in September 2019. Mr. Adams stated quarterly billing was done in 2022; one missed quarter was paid at year end.

TWELFTH ORDER OF BUSINESS **Acceptance of Unaudited Financial Statements as of July 31, 2023**

Mr. Adams discussed fiscal years, revenue flow and the need for working capital of 30% to 40% of the CDDs' annual budgets to fund expenses until assessment revenues are received.

The financials were accepted.

414 **THIRTEENTH ORDER OF BUSINESS**

**Approval of July 26, 2023 Joint Regular
Meeting Minutes**

415
416
417

The following changes were made:

418 Line 205: Insert "He recommended not hiring a Pickleball Manager until Phase II." after
419 "city."

420 Line 222: Change "\$30,000 to \$35,000" to "\$100,000 to \$150,000"

421 Lines 247 and 260: Reverse the order of the motion boxes to reflect that CDD I voted
422 first and CDD II voted second. Mrs. Adams stated she will check her notes to verify.

423 Line 303: Add "could be" after "and"

424

425 **On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr.**
426 **Woolsey, with all in favor, the July 26, 2023 Joint Regular Meeting Minutes, as**
427 **amended, were approved.**

428

429 **On MOTION for Brooks of Bonita Springs II by Mr. Gould and seconded by Mr.**
430 **Bertucci with all in favor, the July 26, 2023 Joint Regular Meeting Minutes, as**
431 **amended, were approved.**

432

433

434 **FOURTEENTH ORDER OF BUSINESS**

Staff Reports

435

436 **A. District Counsel: Dan Cox, Esquire**

437 Mr. Cox stated an easement is being granted to Town Center for a pipe in the head walls
438 in the property to convey drainage from the Town Center property to Lake L-4.

439 Mr. Bartoletti stated the original Town Center parcel was dedicated as commercial only
440 and that was the basis on which the assessments were made on an acreage basis. Legal Staff
441 advised that, in combining residential and commercial properties, how to treat the assessment,
442 based on the change of property status, must be decided.

443 Discussion ensued regarding the change from commercial to mixed use, plus residential.

444 Mr. Adams stated approvals have not been received so a decision is not needed yet. He
445 discussed the preliminary analysis and noted that the 9.9-acre parcel will be broken out; 5.3
446 acres belongs to the apartment project. He discussed projected changes to the Assessment
447 Methodology and the probable change to the Equivalent Residential Units (ERU).

448 Ms. Susan Watts introduced herself as a Consultant involved with the Town Center
449 project. She stated the Development Order (DO) was submitted to the Planning, Zoning and
450 Design Board but no date is set yet. She discussed the easement issue, which is on the South
451 Florida Water Management District (SFWMD) permit and noted that it is a cleanup title issue.

452 Mr. Cox stated the easement is on the plat and it is on all the drawings but it was never
453 recorded; it has been in the ground for 18 years. It is a cleanup item.

454

455 **On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms.**
456 **Varnum, with all in favor, correcting the easement, was approved.**

457

458

- 459 • **Update: Delinquent Payments from Coconut Point Mall**

460 This item was discussed in the Eleventh Order of Business.

- 461 **B. District Engineer: Johnson Engineering, Inc.**

462 There was no report.

- 463 **C. Field Operations: Wrathell, Hunt and Associates, LLC**

- 464 • **Monthly Status Report – Field Operations**

465 The Field Operations Report was included for informational purposes.

466 A Board Member voiced his understanding that TCC is not sure it wants to proceed with
467 the playground if the sale of the property proceeds. He asked if the playground can be put on
468 hold and negotiated out of the contract. Mr. Willis stated materials are on site at the sports
469 court; delivery is likely scheduled for next week and, in their eyes, it is an active project. The
470 consensus was to proceed with the playground.

471 Discussion ensued regarding whether to proceed with the playground and the potential
472 sale of the property to TCC.

473 Mr. Woolsey stated the restroom refresh project and the electrical distribution are on
474 pause. Mr. Bartoletti voiced his opinion that electrical safety issues should be addressed
475 promptly but the electrical expansion should wait, pending requested information about future
476 space available. The consensus was the restroom project will remain on pause but the restroom
477 roof project will proceed.

478 Mr. Bartoletti stated he was advised that code prohibits a gravel parking lot. He
479 discussed the options and the consensus was to wait.

480 Mr. Willis reported the following:

481 ➤ Sun Shades: When the damaged frame is repaired, both new sunshades will be installed.

482 ➤ Ice Machine: Repair is on hold; upgrades to the restroom are needed for electricity and
483 plumbing. The ice machine is ordered and the contract for additional services is pending.

484 ➤ Paver repairs are ongoing. Numerous areas are complete.

485 Mr. Merritt stated TCC made some repairs without informing CDD Staff.

486 ➤ Deteriorated Electric Meter: Safety issues will be addressed right away.

487 ➤ Interactive Fountain: The project is on hold.

488 ➤ Pickleball Service Court #1: The project is on hold.

489 ➤ Fencing, lights and landscaping are on TCC's wish list.

490 **D. District Manager: Wrathell, Hunt and Associates, LLC**

491 • **NEXT MEETING DATE: October 25, 2023 at 1:00 PM**

492 ○ **QUORUM CHECK – BROOKS OF BONITA SPRINGS**

493 ○ **QUORUM CHECK – BROOKS OF BONITA SPRINGS II**

494

495 **FIFTEENTH ORDER OF BUSINESS**

Supervisors' Requests

496

497 Mr. Woolsey stated numerous residents asked him about a reserve fund. Mr. Adams
498 stated the CDDs do not have the reserve requirement that an HOA has. He discussed the
499 strategy of investing in bonds to engage contractors, obtaining real pricing immediately and
500 gradually building reserves and surplus fund balance.

501 Mr. Bartoletti stated the list of aeration lakes indicates that lakes will soon fall out of
502 usefulness. Mrs. Adams stated every year the spreadsheets are updated and information
503 analyzed to ensure amounts budgeted are sufficient.

504

505 **SIXTEENTH ORDER OF BUSINESS**

**Public Comments (non-agenda items only;
four (4)-minute time limit)**

506

507

508 There were no public comments.

509

510 **SEVENTEENTH ORDER OF BUSINESS**

Adjournment

511

512 There being nothing further to discuss, the meeting adjourned at 4:11 p.m.

513 **FOR BROOKS OF BONITA SPRINGS:**

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518 _____
Secretary/Assistant Secretary

519

520

521 **FOR BROOKS OF BONITA SPRINGS II:**

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526 _____
Secretary/Assistant Secretary

Chair/Vice Chair

Chair/Vice Chair

EXHIBIT
Response to Ernest Lee Puschaver Questions

From: [Chuck Adams](#)
To: [Daphne Gillyard](#)
Subject: FW: Brooks CDD Budget Public Hearing Questions
Date: Tuesday, October 17, 2023 8:54:25 AM
Attachments: [PUSCHAUVER, Ernest Lee 9862 Bay Meadow #2 RESPONSE TO MAILED NOTICE BOBS BOBSII 10.12.23.pdf](#)

For file.

Thanks

Chesley "Chuck" E. Adams jr.

Director of Operations

Wrathell, Hunt and Associates, LLC

(239) 464-7114 ©

From: Chuck Adams
Sent: Tuesday, October 17, 2023 8:54 AM
To: leepushaver@yahoo.com
Subject: Brooks CDD Budget Public Hearing Questions

Good morning

First, my apologies for the oversight and delay in responding to your letter dated August 15, 2023 regarding the proposed budget and assessment increases. (attached)

With regards to item 1; yes there are two primary components in the Fiscal Year 2024 budget that were the cause of the assessment increase. The \$114 does cover the increase to surplus fund balance to offset the use of surplus fund balance in recovering from Hurricane Ian. This is anticipated to be a one time costs and would not be collected in future years for this purpose. The second primary component was \$250 increase directly related to the defeasance of the 5 year loan to reinvest in 20+ year old infrastructure which would no longer be collected following the 5 year term for this purpose. The reason I word my responses the way I have, is that each year the CDD Boards revisit and adjust their budgets going forward for the following year and there can be changes in the economy, priorities and budget strategy that can influence where how they adjust their budget and ultimately the assessment levels.

Regarding item 2, there is currently an initiative being pursued to potentially sell the Coconut Park to The Commons Club. If successful this would obviously remove operating costs from CDDs budget (and assessment levels) and provide some additional funding to the CDDs. Not sure how this will play out, so stay tuned.

Regarding item 3, the item influencing the sidewalk replacement budget is whether or not we would need to replace the sub-base versus making some localized subbase repairs and repaving. The engineer recently conducted some subbase borings and found for the most part the subbase was in tact and sufficient. I would expect once we bid this project out, the project will likely come above budget but not by double, simply because material costs continue to increase driven primarily by the costs of fuel. There has been no discussion regarding sidewalk lighting at the CDD level.

Finally, regarding item 4, please refer to answer to item 2 above.

Once again, my apologies for the delay in responding and if I can be of further assistance please email me or call me at the cell number below.

Best regards-

Chesley "Chuck" E. Adams jr.

Director of Operations

Wrathell, Hunt and Associates, LLC

(239) 464-7114 ©

**BROOKS OF BONITA SPRINGS
&
BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

MINUTES B

DRAFT

**MINUTES OF MEETING
BROOKS OF BONITA SPRINGS & BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

The Boards of Supervisors of the Brooks of Bonita Springs & Brooks of Bonita Springs II Community Development Districts held a Joint Special Meeting on October 4, 2023 at 1:00 p.m., at The Commons Club at The Brooks Enrichment Center, 9930 Coconut Road, Bonita Springs, Florida 34135.

Present for Brooks CDD:

James Merritt	Chair
Sandra Varnum	Vice Chair
David Garner	Assistant Secretary
John Woolsey	Assistant Secretary

Present for Brooks II CDD:

Joseph Bartoletti	Chair
Ken D. Gould	Vice Chair
Thomas Bertucci	Assistant Secretary
Mary O'Connor	Assistant Secretary
Lynn Bunting	Assistant Secretary

Also present:

Chuck Adams	District Manager
Dan H. Cox	District Counsel
Stephen Blount	Facilitator
Bob Lanish	Resident
Dean Cohagan	Resident
Other Resident(s)	

Residents attending via telephone:

Tom Schrader	Lea Scodrix	Mary & Rod Woolsey
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FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:07 p.m. For Brooks of Bonita Springs, Supervisors Merritt, Varnum, Woolsey and Garner were present. Supervisor Stoehr was not present. For Brooks of Bonita Springs II, all Supervisors were present.

44 Mr. Bartoletti read the following statement that he prepared:

45 “I am not against the sale of the property as long as the price represents a fair return of
46 the money invested by the Brooks property owners.

47 My ethical responsibility is to the Brooks property owners to ensure that their
48 investments since 2010 in CDD Park assets are properly assessed in price, terms, and conditions
49 of sale by me to ensure a return of their invested money.

50 In addition, I believe it’s my ethical responsibility to state that I have not had any
51 dialogue with members of the Commons Club Board regarding their recent offer to buy the CDD
52 park. Had I been approached I would have declined as I believe it would be ethically wrong as a
53 member of this CDD Board.

54 As Supervisors we need to represent the Brooks property owners and focus on our
55 responsibility to the Brooks property owners.

56 I ask that the rest of the Supervisors consider doing the same.”

57 Mr. Cox listed the protocols for public comments, stated today’s discussion is strictly to
58 determine acceptable terms and conditions to negotiate with The Commons Club (TCC), related
59 to the purchase of CDD property. He stated that the Board Members should try to be objective,
60 instead of subjective. He introduced Mr. Stephen Blount, who was present to facilitate the
61 discussion.

62

63 **SECOND ORDER OF BUSINESS**

Public Comments [3 minutes per person]

64

65 Mr. Blount stated he has been a local attorney for almost 30 years, represented
66 numerous parties and Boards in various disputes, many involving pickleball, and currently
67 works as a full-time mediator and arbitrator. He explained that his presence today is because
68 Mr. Cox contacted him and asked him to facilitate a discussion to exercise the subjective versus
69 objective analysis that he just mentioned. He hoped that his appearance today will help point
70 the discussion in an objective manner. Ultimately, he will offer his opinion because he has been
71 privy to similar disputes in his litigation career and has seen the opportunities and potential
72 drawbacks or threats that pickleball can present. After doing a walk-through of The Brooks
73 community earlier today, he feels that the Boards do not have a problem but, rather, an
74 opportunity. It is all a matter of how the Board Members choose to approach it.

75 Asked if comments will be accepted from residents attending via telephone, Mr. Adams
76 stated yes, after hearing comments from those attending in person.

77 Resident Bob Lanish used sports analogies to urge the Boards to do what he thinks is the
78 right thing and carefully consider TCC's offer to purchase the property. He discussed his beliefs
79 about the value of the property and how such a transaction would affect all the members of
80 TCC who are also CDD taxpayers.

81 Mr. Bartoletti asked those commenting via telephone to clearly identify themselves and
82 their home address.

83 Resident Lea Scodrix outlined her interpretation of how the Boards went from being in
84 favor of a pickleball court expansion project to being against it a few months later to now
85 considering selling the remaining Brooks properties, including the park and basketball and
86 pickleball courts to TCC. She feels that today's significantly important Special Meeting was
87 called before an insignificant representation of seasonal owners and, as a seasonal resident,
88 she lamented that she cannot serve on a Board. In her opinion, CDD Board Members who are
89 members of TCC have a conflict of interest as they have a vested interest in selling the land to
90 TCC to improve their memberships, while taking away significant access from Brooks residents
91 who do not belong to TCC. She urged the CDDs not to sell the land to TCC and ensure that the
92 space remains accessible to all Brooks residents instead of just a select few who belong to TCC.

93 Resident Tom Schrader referenced an email he recently sent to the CDD Supervisors
94 regarding the Pickleball Club and read excerpts from a prepared statement as follows:

95 "Your fiduciary duty in this case is complicated, more complicated than getting the
96 highest price possible through the paper for the property, as you will address today, it requires
97 the valuation of both what Brooks residents value and the financial numbers. First, what do the
98 Brooks residents value? The fundamental question is what is in the best interest of the Brooks.
99 For me, this is having a high-quality recreation and entertainment opportunity that my family
100 and I can enjoy and that will enhance the value of my property.

101 First, the starting point is the property is an extensive cost burden to the CDDs or
102 whoever owns them, far more than the recurring annual maintenance expense, the primary
103 cost of owning the property at this point is capital cost for repairing and refurbishing the listed
104 amenities and the cost for further improvement to the park, with pickleball parking,
105 landscaping and bringing the property up to the standards of the Brooks communities. For the

106 CDDs and TCC, this is a classic zero-sum game. Second, an important consideration is who pays
107 and who benefits. Having a high-quality Commons Club and a high-quality park are of interest
108 to all Brooks residents. However, if the CDDs continue to own the property, it will be an open,
109 general public use, so the Brooks residents will be paying for improvements that will be used
110 and benefitted by non-Brooks residents.

111 It is vitally important for a decision to be made promptly. A prompt decision will enable
112 TCC to start short and long-term planning for the property and provide pickleball players and
113 others with greater assurance that the amenities they value will be built sooner rather than
114 later.”

115

116 **THIRD ORDER OF BUSINESS**

**Discussion with Facilitator to Develop an
Offer for Sale of the CDD Park, Including
Terms and Conditions**

117

118

119

120 Mr. Cox addressed what Florida Statutes state with regard to the question of whether
121 members of the CDD Boards that are also members of TCC have a conflict of interest. When the
122 CDDs purchased the property from TCC, there were similar discussions and the CDDs received
123 an opinion from the Commission on Ethics stating that, as long as CDD Board Members do not
124 receive any different degree or kind of benefit than every other member of a class, it is not a
125 conflict of interest.

126 Mr. Bartoletti stated it is an ethical issue for him and it is not a matter of law; it is a
127 matter of ethics and how Board Members conduct themselves.

128 Mr. Blount stated, normally, when he works as a mediator, there are two sides and
129 sometimes there are three or four sides. Opening statements are given and everybody listens
130 to one another’s points of view, etc. Since he will be serving as a facilitator today, a good way
131 to guide the discussion is first to see if there is a consensus on what the primary concerns are.
132 He read summaries about the matter at hand and believes there seems to be a theme. The
133 three primary issues that he has gathered are:

- 134 1. Accessibility of the properties.
- 135 2. Control, including can the CDDs control the pickleball facilities in any way or at
136 least have access to them.
- 137 3. Value and investment, which is more than a monetary analysis.

138 He polled the Boards and asked the Board Members how important is accessibility by all
139 Brooks residents in the future as opposed to just TCC members. He asked whether other Brooks
140 residents continue to have access should be a primary consideration in this discussion or if that
141 is a lower priority to the Boards.

142 A Board Member stated that she is both a CDD resident and a member of TCC. She feels
143 that she has been very careful about how she makes comments, in both roles, and does not feel
144 that she has acted unethically in anyway. She discussed a conversation she had with the
145 General Manager regarding whether the CDDs can allow public access if TCC purchases the
146 property, if the pickleball courts are further developed and if there could there be separate
147 ownership, etc. She noted the reality is that the insurer would not insure TCC because of the
148 liability issue.

149 Mr. Merritt stated it is a high priority for him. He thinks TCC has the ability to create a
150 membership and has an obligation to the CDD property owners who invested over \$1 million in
151 this property and maintain it so it is available for the use of Brooks residents. He feels that
152 accommodations/conditions of sale should be incorporated to provide for use by all property
153 owners/residents in the Brooks.

154 Mr. Bertucci stated TCC provides entry to its new facility to anybody in the Brooks that
155 joins TCC, so everybody in the Brooks will have the right to join and play and use the park. In his
156 opinion, it is important, as long as TCC offers Brooks residents and property owners a
157 membership fee that is very fair.

158 Discussion ensued regarding public access, control, a right of reverter, deed restrictions,
159 who can join TCC, TCC membership fees, the four Master Associations and one private
160 association, the Village of Estero's plans to build additional housing in the area, the park, the
161 pickleball expansion plans and the cost benefits associated with selling the property to TCC
162 versus the cost benefits associated with keeping it within the CDDs.

163 Resident Mary Woolsey asked if it would be possible to grandfather in some of the
164 residents who have been Brooks residents for ten years or more so individuals who do not want
165 to play pickleball can enjoy the park. She thinks the Boards should authorize that the property
166 can only be used for certain uses.

167 Resident Rod Woolsey voiced his opinion that there is significant advantage to putting
168 restrictions to the park in place. Currently, it is open to the public and he believes that the

169 demographics of those using the playground, water feature and basketball courts are of
170 individuals who do not live within the Brooks. In his opinion, if the park is transferred to TCC it
171 would be private, which would benefit all Brooks residents.

172 Discussion ensued regarding TCC offering membership discounts to Brooks residents,
173 whether TCC would eliminate the playground and the water feature due to insurance and
174 liability issues, reasonable terms of negotiation regarding accessibility and control, the
175 permanency of deed restrictions, benefits of a land lease approach, length of a lease, a triple-
176 net lease set up in the original purchase transaction, a public-private partnership provision,
177 whether to solicit multiple offers or just consider TCC's offer and publicizing and holding a
178 public hearing to hear comments and objections to the potential sale of the property.

179 Mr. Blount stated he feels that there is a consensus that, if the CDDs were to sell the
180 property to TCC, most of the Board Members would prefer not to sell all of the rights and to
181 restrict it in some way and hold back a right of reverter. That the CDDs would give TCC the right
182 of possession and obligations that go along with maintaining the property. He noted that the
183 Boards do not have to have a consensus to sell it, they just have to have a majority. He stated, if
184 there is no majority consensus, the property will not be sold and the next question is whether
185 the CDDs will continue to expand the pickleball facility and, if there is no majority consensus on
186 that, then the action is to do nothing. He recommended forming a negotiation committee to
187 discuss the commonalities and threats to the neighborhood and agree on a reasonable price.

188 Mr. Merritt stated, in summary, the focus should be what is in the best interest of the
189 Brooks property owners and residents and not the CDDs and TCC. He asked if the Boards can
190 establish the vehicle to develop a dialogue with TCC about what is in the best interest of the
191 Brooks, be it a lease or sale, and if benchmarks can be put in place.

192 Mr. Cox stated, if both entities agree to meet, recognizing the commonalities of the
193 Brooks, those benchmarks are going to work themselves into the negotiations.

194 A Board Member suggested that Mr. David Garner and Mr. Kenneth Gould be appointed
195 as the negotiators, since they both have legal backgrounds.

196 Discussion ensued regarding the value of the property, paying off the bonds, negotiation
197 strategies, what the CDDs already spent to buy the property, construction costs to improve the
198 facilities, a 2022 appraisal amount of \$1.8 million for the property on a restricted sale basis, the

199 original purchase price of \$970,000, the dock and appointing a neutral third party to assist in
200 the negotiations.

201

202 **On MOTION for Brooks of Bonita Springs by Ms. Varnum and seconded by Mr.**
203 **Merritt, with all in favor, appointing Mr. Garner and Mr. Gould and a third-**
204 **party mediator to negotiate the terms of a lease or sale of the park property**
205 **with representatives of The Commons Club, was approved.**

206

207 **On MOTION for Brooks of Bonita Springs II by Ms. Bunting and seconded by**
208 **Mr. Bertucci, with all in favor, appointing Mr. Garner and Mr. Gould and a**
209 **third-party mediator to negotiate the terms of a lease or sale of the park**
210 **property with representatives of The Commons Club, was approved.**

211

212

213 **FOURTH ORDER OF BUSINESS**

**NEXT MEETING DATE: October 25, 2023 at
1:00 PM**

214

215

216 The next meeting will be held on October 25, 2023.

217

218 **FIFTH ORDER OF BUSINESS**

Supervisors' Requests

219

220 There were no Supervisors' requests.

221

222 **SIXTH ORDER OF BUSINESS**

**Public Comments: Non-agenda items only
[3 minutes per person]**

223

224

225 Resident Dean Cohagen asked how the original appraisal of the property was developed.

226 Mr. Bartoletti stated the money spent for the property was based on an appraisal and a

227 negotiation in 2010 by the CDD Boards at that time. He used a standard inflation calculator to

228 bring it to its current value of \$1.742 million.

229

230 **SEVENTH ORDER OF BUSINESS**

Adjournment

231

232 **On MOTION for Brooks of Bonita Springs by Ms. Varnum and seconded by Mr.**
233 **Merritt, with all in favor, the meeting adjourned at 4:04 p.m.**

234

235 **On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by**
236 **Mr. Bertucci, with all in favor, the meeting adjourned at 4:04 p.m.**

237 **FOR BROOKS OF BONITA SPRINGS:**

238

239

240

241 _____

242 Secretary/Assistant Secretary

243

244

245 **FOR BROOKS OF BONITA SPRINGS II:**

246

247

248

249 _____

250 Secretary/Assistant Secretary

Chair/Vice Chair

Chair/Vice Chair

**BROOKS OF BONITA SPRINGS
&
BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

**STAFF
REPORTS**

**BROOKS OF BONITA SPRINGS AND BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 JOINT MEETING SCHEDULE

LOCATION

*The Commons Club at The Brooks Enrichment Center
9930 Coconut Road, Bonita Springs, Florida 34135*

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 4, 2023	Special Meeting	1:00 PM
October 25, 2023	Regular Meeting	1:00 PM
January 24, 2024	Regular Meeting	1:00 PM
April 24, 2024	Regular Meeting	1:00 PM
July 24, 2024	Regular Meeting	1:00 PM
August 28, 2024	Public Hearing & Regular Meeting	1:00 PM