

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

A Joint Meeting of the Brooks of Bonita Springs & Brooks of Bonita Springs II Community Development Districts' Boards of Supervisors was held on Wednesday, June 6, 2018 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 were:

James Merritt	Chair
Jim Ward (<i>via telephone</i>)	Vice Chair
Rollin Crawford	Assistant Secretary
Sandra Varnum	Assistant Secretary
Phil Douglas	Assistant Secretary

Present for Brooks II CDD were:

Joseph Bartoletti	Chair
James Strecansky	Vice Chair
Gary Davidson	Assistant Secretary
Jack Meeker	Assistant Secretary
Ray Pierce	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Dan H. Cox (<i>via telephone</i>)	District Counsel

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:04 p.m. Supervisors Merritt, Crawford and Varnum and Douglas were present, in person, for Brooks of Bonita Springs. Supervisor Ward was attending via telephone. Supervisors Pierce, Strecansky, Meeker, Davidson and Bartoletti were present, in person, for Brooks of Bonita Springs II.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, authorizing Mr. Ward's attendance and full participation, via telephone, due to exceptional circumstances, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Davidson, with all in favor, authorizing Mr. Ward's attendance and full participation, via telephone, due to exceptional circumstances, was approved.

SECOND ORDER OF BUSINESS

Announce Executive Session/Joint Meeting Recess

The Executive Session was not held.

THIRD ORDER OF BUSINESS

Commencement of Executive Session

The Executive Session was not held.

FOURTH ORDER OF BUSINESS

Termination of Executive Session

The Executive Session was not held.

FIFTH ORDER OF BUSINESS

Reconvene Joint Meeting

The Executive Session was not held.

SIXTH ORDER OF BUSINESS

Consideration of Any Actions Resulting from Executive Session

The Executive Session was not held.

▪ **District Counsel**

******This item was an addition to the agenda.******

Mr. Cox stated that he prepared an extensive memorandum and officially responded to the same question that the Lighthouse Bay Association (LBA) sent to their attorney. He explained to them that this dispute does not belong in court and, if anything, it would be a matter

for the South Florida Water Management District (SFWMD) to review, as it would be in the SFWMD's jurisdiction to determine whether the CDD was in violation of the terms of its permit. It also explained the budgeting process, it being a legislative function and that the courts could not tell you to do the lake bank repairs, if the budget is broken down, Lighthouse Bay (LB) carries about \$73,000 in assessments that would be attributed to the lake bank erosion repair category yet the LB residents were asking the CDD to perform lake bank erosion repairs of several hundred thousand's worth of work, while they have only paid in \$73,000. This is one of the reasons courts will not tell the CDD what to do and when to do it. A call was scheduled for Friday to discuss potential solutions to their situation, what he could propose and listen to the LBA's position. LBA's attorney called Mr. Cox Thursday and requested additional time to discuss this with their client; the call should now occur tomorrow. An update by memorandum should be prepared soon or provided at the Executive Session on June 27, 2018 at 2:00 p.m., if necessary.

In response to Mr. Meeker's question, it was confirmed that nothing would be done today and this meeting would be continued to June 27.

Mr. Cox stated that he would forward the memorandum that he prepared and sent to opposing counsel to Mr. Adams for circulation to the Boards.

Regarding the demeanor of opposing counsel or LB representatives, Mr. Cox felt that, opposing counsel's request to delay the conference call, after receiving his memorandum, signified that they understood his reasoning, the District has a very strong position and that they want to discuss it with their client. However, he believed that opposing counsel would pursue their client's objective to the point that it does not make a legal argument that is fatuous.

Mr. Crawford appreciated the legal advice but felt that it was important to consider what is the right thing to do to solve the problem; he felt that the Districts should address the lake bank erosion repairs but understands that, in doing so, it creates budgetary, financial, public policy and legal question, as well as the legal question of the District's ability to perform work on private property. Regarding the past, Mr. Cox suggested refunding the \$73,000 to LB property owners and, going forward, since it is private property, the Boards look at the Assessment Methodologies in a way that would not collect that portion of the assessments from LB property owners. Mr. Crawford asked if LB could convey the easements to the Districts so that the

District's could perform the work to ensure consistence. Mr. Adams felt that was the next step in the process. If the \$73,000 that was collected from LB property owners for lake bank erosion repairs for which the District cannot perform is refunded, the next step could be for those that already completed the lake bank erosion repairs to deed ownership of the property currently encumbered by the easement to the Districts. As property owners have an easement and obligation to maintain to the water's edge, which is landscaping, going forward, once the others have completed their repairs, they could also deed their easements to the Districts. That would place the Districts in a "whole" position. In response to a question, Mr. Adams confirmed that the lake bank erosion repairs were completed in all but two neighborhoods; six of the eight were completed.

A Board Member noted that, in Copper Leaf, residential side lake banks were repaired but not on the golf course side. He asked how the Districts manage erosion on the golf course side of all lakes. Mr. Adams stated that the first priority was the residential sides; golf course ownership must first be investigated because, on a golf course, Districts generally have a blanket easement for access to their stormwater ponds and preserves, not a defined easement along the pond edge. If the Districts' ownership extends beyond the water's edge and into the golf course, then the Districts could perform the repairs, in conjunction with the golf course; however, if the Districts' ownership ends at the water's edge, the situation would be similar to LB. Golf course renovations would likely not be a focus for another couple of years; the current focus is on the residential side. A Board Member requested this in writing to ensure that everyone has the same understanding.

Mr. Douglas noted preserve areas in LB, which the Associations have not touched. Mr. Adams stated that the preserve edges look good.

Mr. Davidson noted the great littoral planting along the golf courses, nearly up to the edges; however, on the residential side, the littorals do not extend as far. Mr. Adams stated that the residential sides typically better manage irrigating and do not overspray into the lake and, when the water levels drop for an extended time, the upper shelf of aquatic plants does not receive the water it needs; the golf course irrigation tends to overspray and keeps the upper shelf watered. Discussion ensued regarding how to sustain aquatic plants during the dry periods, informing the Associations and residents about their responsibilities to irrigate, fertilization, the

current focus on the resident side of the lakes, notifying residents, the approximate repair costs incurred, Federal Emergency Management Agency (FEMA) reimbursement status, etc.

Mr. Ward concurred with Mr. Crawford's comments about the District avoiding a legal issue with LB and stated that his recollection from last meeting was that LB would be treated in the same manner as any other community in the Brooks, with respect to lake bank erosion. He felt that the Districts should do what is right.

SEVENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

EIGHTH ORDER OF BUSINESS

**NEXT MEETING DATE: July 25, 2018
at 1:00 P.M.**

A Continued Meeting will be held on June 27, 2018 at 2:00 p.m., at this location.

The next Regular Meeting will be held on July 25, 2018 at 1:00 p.m., at this location.

NINTH ORDER OF BUSINESS

Supervisors' Requests

There being no Supervisor' Requests, the next item followed.

TENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting recessed at approximately 1:28 p.m., and was continued to June 27, 2018 at 2:00 p.m., at this location.

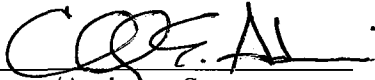
On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the meeting recessed at approximately 1:28 p.m., and was continued to June 27, 2018 at 2:00 p.m., at this location.

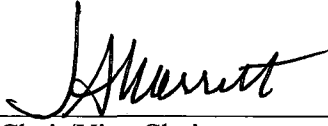
On MOTION for Brooks of Bonita Springs II by Mr. Meeker and seconded by Mr. Pierce, with all in favor, the meeting recessed at approximately 1:28 p.m., and was continued to June 27, 2018 at 2:00 p.m., at this location.

**BROOKS OF BONITA SPRINGS &
BROOKS OF BONITA SPRINGS II CDDS**

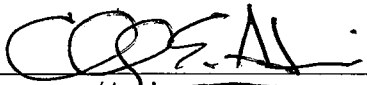
June 6, 2018


FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair