

**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 Regular Meeting on July 28, 2021 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
Sandra Varnum	Vice Chair
Rollin Crawford	Assistant Secretary
Bill Docherty (via telephone)	Assistant Secretary

Present for Brooks II CDD were:

Joseph Bartoletti	Chair
Ray Pierce	Vice Chair
Ken D. Gould	Assistant Secretary
Thomas Brown	Assistant Secretary
Thomas Bertucci	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Shane Willis	Operations Manager
Dan H. Cox	District Counsel
Andy Tilton	District Engineer
Blake Grimes	GulfScapes (GS)
David Caplivski (via telephone)	Grau & Associates
Alex Messerle	Resident, Pickleball Club Representative
Bill Stoehr	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:03 p.m. For Brooks of Bonita Springs, all Supervisors Merritt, Varnum and Crawford were present, in person. Supervisor Docherty was

attending via telephone. One seat was vacant. For Brooks of Bonita Springs II, all Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

There being no public comments, the next item followed.

BROOKS OF BONITA SPRINGS ITEMS

THIRD ORDER OF BUSINESS

**Presentation of Brooks of Bonita Springs
Community Development District's Audited
Financial Report for Fiscal Year Ended
September 30, 2020, Prepared by Grau &
Associates**

Mr. Caplivski presented the Audited Financial Report for Fiscal Year Ended September 30, 2020. There were no irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit. There was one finding related to the budget, as expenditures exceeded appropriations. While funds were sufficient to fund those expenditures, it was recommended that the budget be amended accordingly.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2021-04,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended September
30, 2020**

Mr. Merritt presented Resolution 2021-04.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, Resolution 2021-04, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020, was adopted.

BROOKS OF BONITA SPRINGS II ITEMS

FIFTH ORDER OF BUSINESS

**Presentation of Brooks of Bonita Springs II
Community Development District's Audited
Financial Report for Fiscal Year Ended**

**September 30, 2020, Prepared by Grau &
Associates**

Mr. Caplivski presented the Audited Financial Report for Fiscal Year Ended September 30, 2020. There were no irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit. There was one finding related to the budget, as expenditures exceeded appropriations. While funds were sufficient to fund those expenditures, it was recommended that the budget be amended accordingly.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2021-05,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended September
30, 2020**

Mr. Adams presented Resolution 2021-05.

On MOTION for Brooks of Bonita Springs II by Mr. Brown and seconded by Mr. Bertucci, with all in favor Resolution 2021-05, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020 was adopted.

JOINT BUSINESS ITEMS

SEVENTH ORDER OF BUSINESS

Continued Discussion: Pickleball

- A. HOA Discussion/Update**
- B. Current Court Physical Access Control**
- C. Brooks Pickleball Membership/Play Update**
- D. Supervisor Questions**

Mr. Bartoletti reviewed the PowerPoint presentation that included items he and Mr. Merritt discussed with the HOA General Managers and HOA Board Presidents on July 13, 2021.

Mr. Bartoletti discussed the following topics:

- The CDDs' land lease approach to managing future amenities.
- The HOA's collection of user fees and verification and maintenance of user lists.

- Chelsea Reservations (Chelsea) has agreed to manage the pickleball reservation system, including collection of payments and authorization of players. Player data would be required to support future court expansion to maintain a good record of reservations and demand for the courts.
- The Pickleball Club would need to explain to the HOAs why they should expand the number of courts.
- Courts would need to be locked.
- It was asked whether the CDDs would indemnify the HOAs for any liability for accidents on the courts. This question was forwarded to Mr. Cox.

Mr. Cox stated that, if the CDDs were to offer indemnification, their sovereign immunity would be waived. The consensus was that this was not permissible. Mr. Cox discussed liability and stated that, if the CDDs are sued, the facts presented would determine liability. Mr. Merritt stated that all entities need to have appropriate insurance coverage.

Mr. Bartoletti asked if any Supervisors objected to the land lease arrangement.

Mr. Pierce stated he would like to understand it completely before supporting it and asked who would pay for improvements on the land and the costs incurred. He asked if there is anything in writing from the HOAs.

Mr. Bartoletti stated the concept was that an improved land lease would be offered to the HOAs and the Pickleball Clubs would sell the concept to owners to have the courts built. The HOAs could pay for court construction via a loan, a one-time assessment or having the CDDs take out a loan.

Mr. Brown questioned whether the CDDs could dedicate a parcel of taxpayer-purchased land for Pickleball for 20 years. Discussion ensued regarding limiting the term of the lease and contingencies that may be included in the Lease Agreement.

With regard to payment of ongoing pickleball court operating and maintenance (O&M), Mr. Bartoletti stated the HOAs would cover these expenses.

Mr. Pierce asked if all four HOAs agreed to charge all residents for the cost of constructing the courts. Mr. Bartoletti stated the Pickleball Club would need to “sell” the HOAs on the idea of financing the pickleball court construction.

Mr. Merritt clarified that there was only a conceptual agreement with the HOAs for purposes of developing a proposal; no guarantees or agreements have been made yet. Mr. Bartoletti agreed.

Mr. Gould proposed a two-step process to include a data collection phase and then creation of a document to be submitted for HOA approval, prior to formal CDD consideration.

Mr. Docherty asked Mr. Messerle if the Pickleball Club felt confident approaching the HOAs regarding the pickleball presentation. Mr. Messerle stated he received feedback on the presentation to the pickleball which addressed the popularity and importance of pickleball to the 391 current players and the community and the need to manage usage, reservations and drop-in players.

Mr. Crawford expressed concern about whether the Pickleball Club would be able to speak accurately on behalf of the CDDs. Mr. Merritt stated he believed the Club would be charged with identifying usage and communicating the demand to the HOAs to develop support within the four communities. Discussion ensued regarding the need for a consistent message and the likelihood of many questions being raised. Mr. Merritt recalled discussion about assigning two representatives to coordinate the process.

Discussion ensued regarding the usage fee to be collected by the HOAs, who would set the fees, the need for a consensus to utilize a land lease approach before authorizing creation of a document, usage fees, construction costs to fund the expansion and language to be included in the agreement with the HOAs.

Mr. Bartoletti stated that one member of the Pickleball Club expressed a preference for Court Reserve (CR) software rather than Chelsea software. He stated, although the decision was made to utilize Chelsea, he and Mr. Messerle would contact both software companies to determine who can best meet the CDDs' needs and advise the Boards if it is necessary to reevaluate the decision, given the need to track drop-in play, accommodate more games per hour and ensure that court reservations are made. Revised player usage fees, how to pass maintenance costs along to those who utilize the facilities and the amenities.

Mr. KG discussed the HOAs' ability to restrict access versus the requirement for the CDDs to promote public access. He stated the long-term lease would allow the HOAs to limit public

use. Mr. Gould discussed how the ShadowWood HOA had applied costs for internet and cable upgrades to all property owners, since all would benefit, and expressed his opinion that this seemed appropriate for the pickleball costs. All discussions of Natural Gas Models in ShadowWood where costs were only passed to participating residents.

Mr. Cox suggested that, in addition to determining the method of financing, other costs the HOAs would be responsible for need to be identified, via a letter of intent. Discussion ensued regarding the feasibility of the Pickleball Club reaching an agreement with the HOAs and being able to convene the owners expansion. Mr. Merritt expressed support for the Pickleball Club attempting to “sell” the concept of an assessment to the community and negotiate an agreement with the HOAs. The Pickleball Club Members’ dissatisfaction with a usage fee, treating pickleball like other comparable amenities, dues, fees and assessments within the various communities, were discussed.

On behalf of Brooks II, Mr. Pierce motioned for no funds to be spent on this project until a legalized agreement is signed stating that the Districts will not bear responsibility for the costs associated with improving the pickleball courts. Mr. Gould seconded the motion. On behalf of Brooks, Ms. Varnum made the same motion. Mr. Crawford seconded.

Ray Pierce noted that monies were spent already for the site plan. Discussion ensued regarding the presentation made by the Pickleball Club and whether it was assumed, and yes it was, or implied that the CDDs were expected to fund the expense.

Mr. Pierce expressed his opinion that it was important to know the sentiment of the property owners and the Chelsea system would assist in that regard. The need to provide security, access control and whether public access must be provided, were discussed.

Mr. Cox recalled previous discussions about the CDDs’ ability to implement a tiered fee system whereby residents of The Brooks would pay one usage fee and nonresidents would pay another fee. Pickleball Club members have never been distinguished from other residents because there is no contribution paid by the Pickleball Club members that is not paid by other residents. Mr. Cox noted that funds were budgeted for Maintenance, Repair and Operation (MRO). Discussion ensued regarding creation of a fee structure for the pickleball amenity and whether that would restrict those who originally funded the courts from using the courts because

they do not want to pay the fee. Mr. Docherty felt that it was up to the Pickleball Club and expressed support for the motion as previously stated.

A Board Member stated that funds were already allocated for Chelsea and asked if that would provide the necessary data. Mr. Bartoletti stated it would not because, if the existing courts are left unsecured, there would be no way to know who is playing and when. He stated that Johnson Engineering provided a quote for fencing and locks. Discussion ensued regarding the information available from the Chelsea system and whether access control is necessary. Mr. Crawford stated he was interested in gauging interest aside from what the Chelsea system captures and suggested a poll by the HOAs. Interest and participation in pickleball, the outdated nature of the current roster and the need to control access to determine participation were discussed. Mr. Messerle stated that the Chelsea system would provide the names of those who are drop and play, those in competitive leagues and those making reservations and showing up at the community, including residents of The Brooks. There were times with sixteen hours of open play, with up to 25 people waiting to play. He expected that, in the coming year, most court times would be reserved or set aside for open play, competitive play or community play, and the Chelsea system would capture names by community. Discussion ensued regarding the cost of fencing and whether the \$23,000 expenditure for fencing was justified to capture additional usage data.

On MOTION for Brooks of Bonita Springs by Ms. Varnum and seconded by Mr. Crawford, with none in favor, resolving that no CDD funds would be spent on this project until a legalized agreement is signed stating that the CDD will not be responsible for the project, was not approved. [Motion failed 0-4]

On MOTION for Brooks of Bonita Springs II by Mr. Pierce and seconded by Mr. Gould, with Mr. Brown, Mr. Bertucci, Mr. Gould and Mr. Pierce in favor and Mr. Bartoletti dissenting, resolving that no CDD funds would be spent on this project until a legalized agreement is signed stating that the CDD will not be responsible for the project, was approved. [Motion passed 4-1]

The consensus was that data would be collected but no additional funds would be spent. Mr. Bartoletti stated it may be determined that, without access control, the data would be insufficient. Mr. Messerle stated that the Chelsea system data would be provided monthly. The Board Members thanked Mr. Messerle for his input.

Mr. Gould asked if there was a need to assemble a document describing Phases I and II. Discussion ensued regarding communicating with the HOAs and the Pickleball Club. Mr. Cox was directed to draft a letter of intent.

Mr. Bartoletti asked if a fee should be implemented for guests and renters. Discussion ensued regarding utilizing the data to be collected to determine fees. Mr. Cox stated he would present options that may be addressed in the document to be drafted.

EIGHTH ORDER OF BUSINESS

Landscape Report: GulfScapes

Mr. Grimes reported the following:

- Flowers were installed with the goal of eliminating sight line issues.
- As it is growing season, cutbacks were ongoing.
- Bougainvillea were trimmed less than in the previous year to encourage blooms.
- Weeds are continually treated and pulled due to seasonal growth.
- Fertilizer cannot be applied from June through September.
- Line of sight issue recommendations submitted by the District Engineer were addressed.

NINTH ORDER OF BUSINESS

Irrigation Report

- A. Clock 7 Base Water Usage from Zone and Head Analysis**
- B. Meter Usage by Clock**
- C. Year-Over-Year Water Usage**
- D. Irrigation Water Update**

These items were provided for informational purposes.

Mr. Grimes presented the Irrigation Reports and highlighted the following:

- While some issues were experienced with Clock 5, the grass in the area was very green.

➤ Total property usage was over 7 million gallons for May, up a record 150% from the previous year, because there was no registered rainfall for May, which had not happened since 2005.

Mr. Bartoletti stated the CDDs' year-to-date water usage cost was approximately \$96,000, through July 6, 2021, on an annual budget of \$75,000. Mr. Grimes stated that he and Mr. Bartoletti would review the budget figures. Mrs. Adams stated that RCS increased its costs. Mr. Bartoletti stated he addressed billing errors and all bills were now corrected.

➤ There were ongoing issues with the Rainbird central irrigation system, due to the technology switching from 3G to 4G. Rainbird advised that they would issue reimbursements for service fees due to communication issues related to service outages. There is currently no remedy for these issues. The central system offers many benefits and, while the issues are problematic, the system is worth keeping.

➤ RCS was in the process of replacing meters in the community with digital meters.

➤ He is learning to use a weather station on Coconut Run; a 12-month contract is in place.

Mr. Grimes presented a Water Usage Proposal and displayed slides of sprinkler heads to be adjusted and necessary rotor repairs to better utilize water and reduce watering times.

On MOTION for Brooks of Bonita Springs II by Mr. Pierce and seconded by Mr. Brown, with all in favor, the GulfScapes proposal for irrigation repairs, in a not-to-exceed amount of \$22,815, was approved.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Ms. Varnum, with all in favor, the GulfScapes proposal for irrigation repairs, in a not-to-exceed amount of \$22,815, was approved.

Mr. Bartoletti stated that he and Mr. Grimes turned on the meters and observed where various clocks water. He believed that Clock 9 and meter 79270410 should be reallocated, as they water the Commons Club parking lot and Town Center. These would be addressed in the future.

TENTH ORDER OF BUSINESS

**Continued Discussion: Proposed Budget for
Fiscal Year 2021/2022 and Setting
Assessment Levels**

Mr. Adams presented the proposed Fiscal Year 2022 budget, which included changes based on discussions at the last meeting. The final assessment level would be \$652.93 per unit. He suggested rounding up and using \$655 per unit in the Mailed Notice to property owners.

On MOTION for Brooks of Bonita Springs by Ms. Varnum and seconded by Mr. Crawford, with all in favor, authorizing Staff to prepare and send Mailed Notices to property owners, with a \$655 per unit assessment level, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all in favor, authorizing Staff to prepare and send Mailed Notices to property owners with a \$655 per unit assessment level, was approved.

ELEVENTH ORDER OF BUSINESS

Update: Cane Toad Reduction Program

This item was addressed following the Twelfth Order of Business.

TWELFTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of June 30, 2021**

Mrs. Adams presented the Financial Highlights Report and responded to questions.

Timely billing for the Commons Club Cost Sharing was discussed. Staff was directed to request quarterly billing to the Commons Club. It was noted that Coconut Road Cost Sharing invoices were paid up only through 2016. Mr. Cox discussed the requested payment plan and recent billing communications. Mr. Adams stated annual billing was submitted after completion of the audit to capture any journal entries that may affect the cost share arrangement. Mr. Cox hoped to have receivables caught up by the end of the 2021 calendar year.

Mr. Gould questioned why the NPDES Permit expense was over budget. Mr. Adams noted that "Water Level Monitoring" would be recoded as an Engineering expense.

Regarding “Pebble Point Berm mowing” Mr. Bartoletti stated that Copperleaf was in discussions about transferring the property to Pebble Point.

Regarding “Coconut Road Park: Hardscape Repairs”, Mr. Gould asked if a Commons Club cost was included for repainting the lamp post and, if so, was it recovered. Mrs. Adams stated those costs were shared, on a percentage basis. Mr. Bartoletti stated he would like to discuss this calculation and a spreadsheet he created at the next meeting.

The financials were accepted.

▪ **Update: Cane Toad Reduction Program**

This item, previously the Eleventh Order of Business, was presented out of order.

Mr. Adams presented the Cane Toad Control Year-to-date Summary.

THIRTEENTH ORDER OF BUSINESS

Approval of Minutes

A. April 28, 2021 Joint Regular Meeting

Mr. Merritt presented the April 28, 2021 Joint Regular Meeting minutes.

The following changes were made:

Line 145: Insert “2010 reasons for asking the CDDs for buying the CDD park” after “CC’s”

Line 157: Change “additional” to “original”

Line 37 and throughout: Change “Meserley” to “Mefferle”

Line 181: Insert “current” before “pickleball”

Line 181: Change “20” to “60”

Line 181: Change “10” to “30”

Line 182: Change “from 10’ to 16’” to “to 64’x34’”

Line 265: Change “Badessa” to “Bartoletti”

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the April 28, 2021 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Gould, with all favor, the April 28, 2021 Joint Regular Meeting Minutes, as amended, were approved.

B. May 26, 2021 Joint Special Meeting

Mr. Merritt presented the May 26, 2021 Joint Special Meeting Minutes.

The following changes were made:

Line 57: Change "The CC" to "WHA"

Line 77: Insert "did not" after "Bartoletti"

Line 78: Insert "however the HOAs" before "within"

Line 131 and throughout: Change "Meserley" to "Mefferle"

Line 150: Change "Lucas" to "Lucke"

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the May 26, 2021 Joint Special Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Gould and seconded by Mr. Brown, with all favor, the May 26, 2021 Joint Special Meeting Minutes, as amended, were approved.

C. June 23, 2021 Joint Special Meeting

Mr. Merritt presented the June 23, 2021 Joint Special Meeting Minutes.

The following changes were made:

Line 86: Change "Bartoletti" to "Mefferle"

Line 163: Change "Mr. Douglas" to "Mrs. Adams"

Line 163: Change "Mr. Douglas" to "Mrs. Adams"

Line 112: Change "HOA" to "Pickle Ball Club"

On MOTION for Brooks of Bonita Springs by Ms. Varnum and seconded by Mr. Merritt, with all in favor, the June 23, 2021 Joint Special Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, the June 23, 2021 Joint Special Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

• Update: Status of Simon Group Payment

The consensus was to file a complaint against the Simon Group.

B. District Engineer: *Johnson Engineering Inc.*

There was no report.

Mr. Bartoletti recalled that site plans were completed for seventeen pickleball courts and stated that, when he was researching pickleball court sizes, he found that courts should be oriented north-south so that players would not be facing the sun. He recommended that the courts not be built according to the site plan, as the three courts at the far end of the west end face the wrong direction.

C. Operations: *Wrathell, Hunt and Associates, LLC*

• Monthly Status Report – Field Operations

The July Field Operations Report was provided for informational purposes.

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

• NEXT MEETING DATE: August 25, 2021 at 1:00 P.M. {Adoption of FY2022 Budget}

○ QUORUM CHECK – BROOKS OF BONITA SPRINGS

○ QUORUM CHECK – BROOKS OF BONITA SPRINGS II

The next meeting will be held on August 25, 2021 at 1:00 p.m.

FIFTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

SIXTEENTH ORDER OF BUSINESS

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

There were no public comments.

SEVENTEENTH ORDER OF BUSINESS

**Adjournment – BROOKS OF BONITA
SPRINGS II CDD**

There being nothing further to discuss, the meeting adjourned.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, the meeting adjourned at 4:00 p.m.

BROOKS OF BONITA SPRINGS ITEMS

EIGHTEENTH ORDER OF BUSINESS

**Consider Appointment of Qualified Elector
to Fill Unexpired Term of Seat 1**

• **Qualified Elector Candidates:**

A. William Hollister

B. William Stoehr

The Board Members considered the candidates for appointment. Mr. Merritt nominated Mr. William Stoehr to fill the unexpired term of Seat 1. No other nominations were made.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the appointment of Mr. William Stoehr to Seat 1, was approved.

NINETEENTH ORDER OF BUSINESS

**Administration of Oath of Office to Newly
Appointed Supervisor (*the following will be
provided in a separate package*)**

Mrs. Adams stated this item would be addressed after the meeting.

- 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**

TWENTIETH ORDER OF BUSINESS

Consideration of Resolution 2021-05, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Brooks of Bonita Springs Community Development District, and Providing for an Effective Date

This item was deferred to the next meeting.

TWENTY-FIRST ORDER OF BUSINESS

Adjournment – BROOKS OF BONITA SPRINGS CDD

There being nothing further to discuss, the meeting adjourned.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the meeting adjourned at 4:03 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

July 28, 2021

FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair