

**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 Pierce	Tim McAuliff
Bob Lienesch	Kathy Wyrofsky	Chuck Burris	Other Residents

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

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

SECOND ORDER OF BUSINESS

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

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

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

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

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

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

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

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

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

JOINT BUSINESS ITEMS

THIRD ORDER OF BUSINESS

Landscape Report: GulfScapes Landscape Management Services

- **Irrigation Reports**
 - A. **Meter Usage by Clock**
 - B. **Year-Over-Year Water Usage**

The irrigation reports were included for informational purposes.

The following was reported:

- Weeds are widespread, which is a common problem due to heavy summer rainfall. Crews are working diligently to get the weeds under control.
- Flowers around the Enrichment Center are being eaten by rabbits. Sprays and pellets are being used to deter rabbits and flowers under warranty will be replaced. If Coleus are cut back in the worst area, they should be flush within one to two weeks.
- The landscaping project is proceeding; work is completed from 41 to the Enrichment Center and Clock 2 will be finished by Saturday. All plants are installed but sod is delayed; sod deliveries are expected next week and installation should be completed in one day.
- Work on Clock 3, from the Enrichment Center entrance to Lighthouse Bay on Coconut Road, will begin on Monday and is projected to take one to two weeks to finish. Coconut Road was more strenuous than Three Oaks will be due to extensive tearout on medians.
- The storm only took down one tree.

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

FOURTH ORDER OF BUSINESS

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

- A. Proof/Affidavit of Publication**
- B. Consideration of Resolutions Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Bertucci presented Resolution 2023-05.

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

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

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

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

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

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

FIFTH ORDER OF BUSINESS

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**

- 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.

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**

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.

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.

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.

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

SEVENTH ORDER OF BUSINESS

**Continued Discussion: Pathway
Improvement Plans**

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.

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.

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.

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

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

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

EIGHTH ORDER OF BUSINESS

Continued Discussion: Pickleball

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

NINTH ORDER OF BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On MOTION for Brooks of Bonita Springs II by Ms. Bunting and seconded by Mr. Bertucci, 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, fair value was approved.

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, fair value 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.

THIRTEENTH ORDER OF BUSINESS

Approval of July 26, 2023 Joint Regular Meeting Minutes

The following changes were made:

Line 205: Insert “He recommended not hiring a Pickleball Manager until Phase II.” after “city.”

Line 222: Change “\$30,000 to \$35,000” to “\$100,000 to \$150,000”

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

Line 303: Add “could be” after “and”

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

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

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Dan Cox, Esquire

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

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

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

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

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

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

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

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

This item was discussed in the Eleventh Order of Business.

B. District Engineer: Johnson Engineering, Inc.

There was no report.

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

- **Monthly Status Report – Field Operations**

The Field Operations Report was included for informational purposes.

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

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

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

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

Mr. Willis reported the following:

- Sun Shades: When the damaged frame is repaired, both new sunshades will be installed.
- Ice Machine: Repair is on hold; upgrades to the restroom are needed for electricity and plumbing. The ice machine is ordered and the contract for additional services is pending.
- Paver repairs are ongoing. Numerous areas are complete.

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

- Deteriorated Electric Meter: Safety issues will be addressed right away.
- Interactive Fountain: The project is on hold.
- Pickleball Service Court #1: The project is on hold.
- Fencing, lights and landscaping are on TCC's wish list.

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

- **NEXT MEETING DATE: October 25, 2023 at 1:00 PM**
 - **QUORUM CHECK – BROOKS OF BONITA SPRINGS**
 - **QUORUM CHECK – BROOKS OF BONITA SPRINGS II**

FIFTEENTH ORDER OF BUSINESS

Supervisors' Requests

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

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

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

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

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

August 30, 2023

FOR BROOKS OF BONITA SPRINGS:


Secretary/~~Assistant Secretary~~


Chair/~~Vice Chair~~

FOR BROOKS OF BONITA SPRINGS II:


Secretary/~~Assistant Secretary~~


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 ©