

**MINUTES OF MEETING
CORAL BAY OF LEE COUNTY
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Coral Bay of Lee County Community Development District held Public Hearings and a Regular Meeting on August 22, 2024 at 10:00 a.m., at the office of Banks Engineering, 10511 Six Mile Cypress Parkway, Fort Myers, Florida 33966.

Present:

Christian Cotter
Ted Gadoury
Chris Quarles
Charles Marsala

Chair
Assistant Secretary
Assistant Secretary
Assistant Secretary

Also present:

Chuck Adams
Ashley Ligas (via telephone)
Jay Gaines (via telephone)
Members of the Public

District Manager
District Counsel
Berger, Toombs, Elam, Gaines & Frank

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:00 a.m.

Supervisors Cotter, Gadoury and Quarles were present. Supervisor Moulton was not present. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments

A member of the public voiced support for the construction progress at the Amenity.

A member of the public complained about landscaping crews not treating weeds when they mow. Mr. Cotter suggested that the resident inform him or the HOA Manager in these situations. The member of the public voiced her opinion that construction workers contribute to trash and construction debris around the ponds, including shingles and papers flying in the air.

A member of the public discussed his observations and expressed concern about construction delays and inefficiency at the Amenity Center. He complained that he was not

informed about today's meeting by letter or email. He learned about the meeting on Facebook and stated that he has been without internet for three days. He expressed concern about a potential increase of HOA dues and asked if anything will be done to improve communication.

Mr. Adams stated this is a Community Development District meeting and pertains only to CDD matters. The HOA is a different entity and is the actual managing entity on the property. The CDD owns basic infrastructure, including the stormwater ponds, interconnecting pipes, control structures and some of the perimeter improvements, but the CDD assigned maintenance of the improvements to the HOA so that residents can have one on-site point of contact. The CDD does not have anything to do with the Amenity Center.

A member of the public stated that there is no active management on site.

Mr. Cotter stated that is correct and noted that the HOA Manager manages several communities. He stated the HOA is going through the budgeting process and, at this time, it is unknown whether HOA dues will increase or decrease.

A member of the public expressed support for holding meetings at a more convenient time for residents and asked if anything will be done to improve communications.

Mr. Adams stated the CDD has a website, which has CDD information and documents. The website www.coralbayofleecountycdd.net also includes information about the difference between the CDD and the HOA.

THIRD ORDER OF BUSINESS**Consider Appointment to Fill Unexpired
Term of Seat 3; Term Expires November
2024**

Mr. Cotter nominated Mr. Charles Marsala to fill Seat 3. No other nominations were made.

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, the appointment of Mr. Charles Marsala to fill Seat 3, was approved.

- **Administration of Oath of Office (the following will also be provided in a separate package**

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Charles Marsala. As an experienced Board Member, Mr. Marsala is familiar with the following:

- A. Required Ethics Training and Disclosure Filing**
 - **Sample Form 1 2023/Instructions**
- B. Membership, Obligations and Responsibilities**
- C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers**

FOURTH ORDER OF BUSINESS**Consideration of Resolution 2024-01,
Electing and Removing Officers of the
District and Providing for an Effective Date**

Mr. Adams presented Resolution 2024-01.

Mr. Cotter nominated the following slate:

Christian Cotter	Chair
Mary Moulton	Vice Chair
Ted Gadoury	Assistant Secretary
Chris Quarles	Assistant Secretary
Charles Marsala	Assistant Secretary

No other nominations were made.

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

Chesley Adams	Secretary
Craig Wrathell	Assistant Secretary
Craig Wrathell	Treasurer
Jeff Pinder	Assistant Treasurer

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, Resolution 2024-01, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS**Presentation of Audited Annual Financial
Report for the Fiscal Year Ended**

September 30, 2023, Prepared by Berger,
Toombs, Elam, Gaines & Frank

Mr. Gaines presented the Audited Financial Report for the Fiscal Year Ended September 30, 2023 and stated that it was an unmodified opinion; otherwise known as a clean audit. He noted the following:

- The Statement of Net Position, on Page 9, reflected that, as of September 30, 2023, the CDD had \$3,915,461 in Total Assets and \$4,071,693 in Total Liabilities, resulting in a Net Position of -\$156,232.
- The Statement of Activities, on Page 10, reflected that, as of September 30, 2023, the CDD's expenses \$268,874 and the CDD's revenues were \$333,980, resulting in a change in Net Position of \$73,180, which increased Net Position from -\$229,412 to -\$156,232.
- The Management Letter, on Page 31, reflected a finding, which stated that the District inadvertently processed \$58,000 of expenditures for another District. The error was not caught until after the checks were issued and delivered; however, the other District reimbursed the full amount for the checks inadvertently processed. The recommendation was that the District add additional internal control procedures to ensure this does not happen again. The Management Response was that additional procedures were implemented to prevent this from happening again.
- The General Fund had a deficit as of September 30, 2023 due to a timing issue related to unavailable revenues which were not received within 90 days of the end of the fiscal year. The Capital Projects Fund had a deficit as of September 30, 2023 due to a timing issue related to retainage payables due when the bonds were not yet received to pay them. While these matters are not of concern, it is required that they be included in the Report.

A. Consideration of Resolution 2024-08, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2023

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, Resolution 2024-08, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2023, was adopted.

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2024-09, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Adams presented Resolution 2024-09. He reviewed the proposed Fiscal Year 2025 budget, highlighting increases, decreases and adjustments, compared to the Fiscal Year 2024 budget, and explained the reasons for any changes. Operation & Maintenance (O&M) assessments are increasing approximately \$7.50 as compared to Fiscal Year 2024.

Mr. Adams opened the Public Hearing.

A resident asked if the Board decides the budget, rather than the Management Company. Mr. Adams reiterated that the CDD and the HOA are two separate entities. He represents the CDD Management Company, which presented the draft Fiscal Year 2025 budget to the Board at the May CDD meeting.

A resident stated she never received notice of a Board Meeting from Management.

Mr. Adams stated that notice of the CDD meeting is published in a local paper and the Meeting Schedule is on the CDD website.

Mr. Cotter stated that Access Management runs the HOA, which typically holds one HOA Board Meeting per year. An HOA Board Meeting will be held in approximately two months and, per Florida Statute, the proposed HOA budget will be sent out 14 days in advance of the HOA meeting. Information about the HOA meeting, including whether it will be in-person or via Zoom, will be provided.

It was noted that, when a meeting location becomes available on site, CDD meetings might also be held on site.

Mr. Cotter stated the CDD manages stormwater and infrastructure, whereas the HOA manages the community's day-to-day operations. He stated he is happy to respond to questions after the meeting and reiterated that the HOA and the CDD are two separate entities.

Mr. Adams suggested that residents visit the CDD website; the webpage address was listed earlier in the meeting. The CDD website includes general information about CDDs, which are units of local special purpose government that operate under Chapter 190, Florida Statutes, and other applicable Florida Statutes.

The Board and Staff responded to questions regarding CDD processes, issues, oversight, creation of the CDD via petition to the City, an Ordinance establishing the CDD, appointment of initial Board Members, Landowner elections and engagement of contract professionals including the District Manager, Attorney, Engineer, Auditor and other professionals.

A resident stated he observed water flowing from a residential lot. Mr. Cotter stated that irrigation issues fall under the purview of the HOA; he will ensure the issue is addressed.

A resident asked how she can know when her home's irrigation is functioning properly. Mr. Cotter stated that watering occurs overnight during a variable two-hour window. A watering schedule can be provided and an irrigation company representative can provide additional information. He noted that "wet checks" are performed on a regular basis, as provided for in the HOA's contract; he or an HOA Manager can provide additional information.

A resident asked if an irrigation system issue would fall under the purview of the HOA. Mr. Cotter replied affirmatively.

Mr. Adams closed the Public Hearing.

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, Resolution 2024-09, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2024/2025, Pursuant to Florida Law

A. Proof/Affidavit of Publication

B. Mailed Notice(s) to Property Owners

These items were included for informational purposes.

C. Consideration of Resolution 2024-10, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2024/2025; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Mr. Adams presented Resolution 2024-10, which enables the CDD to impose and collect the assessments utilizing the services of the Property Appraiser and Tax Collector.

Mr. Adams opened the Public Hearing.

No affected property owners or members of the public spoke.

Mr. Adams closed the Public Hearing.

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, Resolution 2024-10, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2024/2025; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2024-11, Ratifying, Confirming, and Approving the Sale of the Coral Bay of Lee County Community Development District Capital Improvement Revenue Bonds, Series 2024 (Assessment Area Two); Ratifying, Confirming, and Approving the Actions of the Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretaries, and All District Staff Regarding the Sale and Closing of the Bonds; Determining Such Actions as Being in Accordance with the Authorization Granted by the Board; Providing a Severability Clause; and Providing an Effective Date

Mr. Adams presented Resolution 2024-11.

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, Resolution 2024-11, Ratifying, Confirming, and Approving the Sale of the Coral Bay of Lee County Community Development District Capital Improvement Revenue Bonds, Series 2024 (Assessment Area Two); Ratifying, Confirming, and Approving the Actions of the Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretaries, and All District Staff Regarding the Sale and Closing of the Bonds; Determining Such Actions as Being in Accordance with the Authorization Granted by the Board; Providing a Severability Clause; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS**Ratification of Acquisition of Coral Bay
Phase Two Improvements**

Mr. Adams presented the Letter Agreement for Acquisition of Coral Bay Phase Two Improvements.

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, the Letter Agreement for Acquisition of Coral Bay Phase Two Improvements, was ratified.

TENTH ORDER OF BUSINESS**Consideration of Goals and Objectives
Reporting [HB7013 - Special Districts
Performance Measures and Standards
Reporting]**

Mr. Adams presented the Memorandum explaining the new requirement for special districts to develop goals and objectives annually and develop performance measures and standards to assess the achievement of the goals and objectives. Community Communication and Engagement, Infrastructure and Facilities Maintenance, and Financial Transparency and Accountability will be the key categories to focus on for Fiscal Year 2025. He presented the Performance Measures/Standards & Annual Reporting Form developed for the CDD, which explains how the CDD will meet the goals.

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, the Goals and Objectives and the Performance Measures/Standards & Annual Reporting Form, were approved.

ELEVENTH ORDER OF BUSINESS**Acceptance of Unaudited Financial
Statements as of July 31, 2024**

Mr. Adams presented the Unaudited Financial Statements as of July 31, 2024.

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, the Unaudited Financial Statements as of July 31, 2024, were accepted.

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, the May 23, 2024 Regular Meeting Minutes, as presented, were approved.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: Kutak Rock LLP**
- B. District Engineer: Banks Engineering, Inc.**

There were no District Counsel or District Engineer reports.

- C. District Manager: Wrathell, Hunt and Associates, LLC**

- **NEXT MEETING DATE: September 26, 2024 at 10:00 AM**
 - **QUORUM CHECK**

The next meeting will be held on September 26, 2024, unless cancelled. While monthly meeting are generally advertised, meetings are held sporadically, when necessary, in order to reduce expenditures for professional fees.

FOURTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

FIFTEENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

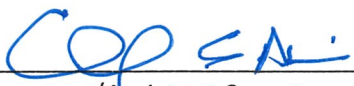
Mr. Adams thanked the residents for taking the time to attend the CDD meeting.

Mr. Cotter stated that he will remain after the meeting to discuss HOA matters, as he is also the HOA President.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, the meeting adjourned at 10:39 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair