

**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 Multiple Public Hearings and a Regular Meeting on May 26, 2022, at 10:00 A.M., at the office of Banks Engineering, 10511 Six Mile Cypress Parkway, Fort Myers, Florida 33966.

Present at the meeting were:

Christian Cotter	Chair
Mary Moulton	Vice Chair
Matt Hermanson	Assistant Secretary
Ted Gadoury	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Jere Earlywine	KE Law Group, PLLC
Dave Underhill	District Engineer
James Ratz	Forestar (USA) Real Estate Group Inc.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:03 a.m. Supervisors Hermanson, Moulton, Cotter and Gadoury were present. Supervisor-Elect Quarles was not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Supervisor Charles Quarles *(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. Chapter 190, Florida Statutes**

D. 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**

E. Form 8B: Memorandum of Voting Conflict

This item was deferred.

FOURTH ORDER OF BUSINESS

Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements

- *Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.*
- *Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.*

These items were addressed below.

- A. Affidavit/Proof of Publication**
- B. Mailed Notice to Property Owner(s)**
- C. Engineer’s Report *(for informational purposes)***
- D. Master Special Assessment Methodology Report *(for informational purposes)***

Items 4A, 4B, 4C and 4D were included for informational purposes. Mr. Adams stated that the Engineer’s Report and the Master Special Assessment Methodology Report were unchanged and both were approved at the last meeting.

E. Consideration of Resolution 2022-32, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer’s Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing

Government Property, and Transfers of Property to Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date

- *Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.*

The Public Hearing was opened.

No members of the public spoke.

The Public Hearing was closed.

- *Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.*

The Board of Supervisors, meeting as the Equalizing Board, made no changes.

Mr. Earlywine stated that Resolution 2022-32 provides certain findings that are essentially preliminary and indicates there are sufficient benefits to justify the assessments and that they are fairly and reasonably allocated. These findings were also incorporated in the Engineer’s Report and the Master Special Assessment Methodology Report.

Mr. Adams presented Resolution 2022-32.

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, Resolution 2022-32, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer’s Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property, and Transfers of Property to Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2021/2022 Budget

A. Affidavit of Publication

The affidavit of publication was included for informational purposes.

- B. Consideration of Resolution 2022-33, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. Adams reviewed the proposed Fiscal Year 2021 budget, which is a Landowner-funded budget.

The Public Hearing was opened.

No members of the public spoke.

The Public Hearing was closed.

Mr. Adams presented Resolution 2022-33.

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, Resolution 2022-33, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2022/2023 Budget

- A. Affidavit of Publication**

The affidavit of publication was included for informational purposes.

- B. Consideration of Resolution 2022-34, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. Adams reviewed the proposed Fiscal Year 2023 budget, which is a Landowner-funded budget.

The Public Hearing was opened.

No members of the public spoke.

The Public Hearing was closed.

Mr. Adams presented Resolution 2022-34.

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, Resolution 2022-34, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Responses to Request for Proposals (RFP) for Annual Audit Services

A. Affidavit of Publication

B. RFP Package

These items were included for informational purposes.

C. Respondents

Mr. Adams stated that Management has worked with and considers all three respondents highly qualified; therefore, the criteria of separation is typically the price. He recapped the bid amounts, which were distributed:

I. Berger, Toombs, Elam, Gaines & Frank

\$3,125 without bonds and \$4,035 with bonds.

II. Carr, Riggs & Ingram, LLC

\$4,900 without bonds and \$6,000 with bonds.

III. Grau & Associates

\$3,200 without bonds and \$4,700 with bonds.

D. Auditor Evaluation Matrix/Ranking

The Board Members completed their Auditor Evaluation Matrix/Ranking sheets.

Mr. Adams recapped the following scores and rankings:

#1	Berger, Toombs, Elam, Gaines & Frank	400 points
#2	Carr, Riggs & Ingram, LLC	370 points
#3	Grau & Associates	367 points

E. Award of Contract

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, ranking Berger, Toombs, Elam, Gaines & Frank as the #1 ranked respondent to the Request for Proposals, awarding the contract for Annual Audit Services to Berger, Toombs, Elam, Gaines & Frank, the #1 ranked respondent, and authorizing District Staff to prepare a contract, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Response(s) to Request for Qualifications (RFQ) for Engineering Services

A. Affidavit of Publication

B. RFQ Package

These items were included for informational purposes.

C. Respondent(s): *Banks Engineering, Inc.*

Mr. Adams stated that Banks Engineering, Inc. (Banks), the Interim District Engineer, was the sole respondent to the RFQ; he deemed Banks Engineering qualified.

D. Competitive Selection Criteria /Ranking

The Board Members submitted their Competitive Selection Criteria/Ranking sheets.

Mr. Adams recapped the following score and ranking:

#1 Banks Engineering, Inc. 400 points

E. Award of Contract

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, ranking Banks Engineering, Inc., as the #1 ranked respondent to the Request for Qualifications, awarding the contract for Engineering Services to Banks Engineering, Inc., as the #1 ranked respondent, and authorizing Staff to finalize a contract, was approved.

NINTH ORDER OF BUSINESS

Consideration of Project Construction/ Acquisition Items

Mr. Earlywine presented the following and recommended approval in substantial form:

A. Acquisition Agreement

The Acquisition Agreement sets forth the process by which the CDD will acquire work product and infrastructure pertaining to the project and completed by the Developer.

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, the Acquisition Agreement between Forestar (USA) Real Estate Group, Inc., and Coral Bay of Lee County Community Development District, in substantial form and subject to Developer’s Counsel final legal review, was approved.

B. Temporary Construction Easement

The Temporary Construction Easement allows the CDD to own and operate improvements; the easement will automatically cease once the lands are platted.

Mr. Earlywine would make sure Forestar’s Texas address is used on all CDD documents.

The following change was made:

Paragraph 2: Change “4042 Park Oaks Drive, Suite 200, Tampa, Florida 33610” to “2221 E. Lamar Blvd., Suite 790, Arlington, Texas 76006”

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, the Temporary Construction Easement Agreement between Forestar (USA) Real Estate Group, Inc., and Coral Bay of Lee County Community Development District, and amended and in substantial form and subject to Developer’s Counsel final legal review, was approved.

TENTH ORDER OF BUSINESS

Update: Stormwater Management Needs Analysis

Mr. Adams stated that the CDD is required to prepare and submit a 20-Year Stormwater Management Needs Analysis Report by June 30, 2022. The Board agreed to submittal of a letter explaining that the Report is not applicable at this time because the CDD will not own the system prior to the June 30, 2022 report filing deadline and acknowledging that the CDD will file the Report upon completion and ownership of the system.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2022

Mr. Adams presented the Unaudited Financial Statements as of April 30, 2022.

The financials were accepted.

TWELFTH ORDER OF BUSINESS

Approval of Minutes

Mr. Adams presented the following:

A. March 31, 2022 Landowners' Meeting

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, the March 31, 2022 Landowners' Meeting Minutes, as presented, were approved.

B. March 31, 2022 Public Hearings and Regular Meeting

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, the March 31, 2022 Public Hearings and Regular Meeting Minutes, as presented, were approved.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *KE Law Group, PLLC*

Mr. Earlywine stated that the Bond Validation Hearing will be June 6, 2022; in-person attendance is required and invitations were sent to the attendees. No issues or testimony was anticipated. Draft questions will be emailed. Mr. Adams confirmed his attendance.

Discussion ensued regarding the status of the projects, the Delegation Award Resolution, issuing bonds in July and anticipated disbursement in August. A Requisition should be prepared once all of Phase 1A is deemed completed and be presented at the same time as the turnover to the CDD. Mr. Earlywine will advise Bond Counsel of this timeline.

Mr. Adams stated Developer Funding Agreements are needed for Fiscal Years 2022 and 2023. Due to time, the Developer will pro-rate and collect off-roll assessments at closing, as the deadline to place on-roll assessments with the Tax Collector's Office cannot be met.

On MOTION by Mr. Gadoury and seconded by Ms. Moulton, with all in favor, authorizing District Counsel to draft Developer Funding Agreements for Fiscal Years 2022 and 2023 and for the Chair to execute, was approved.

B. District Engineer (Interim): *Banks Engineering, Inc.*

“Interim” will be removed from future agendas.

There was nothing to report.

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

- **NEXT MEETING DATE: June 23, 2022 at 10:00 A.M.**

- **QUORUM CHECK**

The June 23, 2022 meeting will likely be cancelled. A Special Meeting might be held in July. Mr. Adams would attempt to set the meeting to coincide with the day of the Budget Public Hearings for the Tamarindo and Enbrook CDDs.

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.

SIXTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Cotter and seconded by Mr. Gadoury, with all in favor, the meeting adjourned at 10:30 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair



Secretary/Assistant Secretary



Chair/Vice Chair