

**MINUTES OF MEETING  
ESPLANADE LAKE CLUB  
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of the Esplanade Lake Club Community Development District was held on Thursday, April 25, 2024, at 11:00 A.M. at the offices of Atwell Engineering, 28100 Bonita Grande Drive, Suite 304, Bonita Springs, Florida 34135.

**Present and constituting a quorum:**

Charles Cook	Chairperson
Tommy Dean	Vice Chairperson
Rebekah Norton	Assistant Secretary
Valerie McChesney	Assistant Secretary
Felipe Gonzalez	Assistant Secretary

**Also present were:**

James P. Ward	District Manager
Wes Haber	District Attorney
Ben Steets	Grau and Associates

**Audience:**

All residents' names were not included with the minutes. If a resident did not identify themselves or the audio file did not pick up the name, the name was not recorded in these minutes.

**PORTIONS OF THIS MEETING WERE TRANSCRIBED VERBATIM. ALL VERBATIM PORTIONS WERE TRANSCRIBED IN *ITALICS*.**

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. James P. Ward called the meeting to order at approximately 11:00 a.m. He conducted roll call; all Members of the Board were present, constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Consideration of Resignation**

**Consideration of acceptance of a letter of resignation from Ms. Trisha Sing from Seat 2 [effective April 17, 2023] whose term is set to expire November 2026, and Mr. Brian Keller from Seat 5 [effective February 28, 2024] whose term is set to expire November 2024 of the Board of Supervisors of the Esplanade Lake Club Community Development District**

- I. Appointment of Individuals to fill Seat 2, whose term will expire November 2026, and Seat 5, whose term will expire November 2024**
- II. Oath(s) of Office**
- III. Guide to the Sunshine Law and Code of Ethics for Public Employees**
- IV. Form 1 – Statement of Financial Interests**

**V. Form 8B - Conflict of interest for Taylor Morrison Board Members**

Mr. Ward called for a motion to accept the resignations of Trisha Sing and Brian Keller into the record.

**On MOTION made by Charles Cook, seconded by Rebekah Norton, and with all in favor, the resignations of Trisha Sing and Brian Keller were accepted.**

Mr. Ward explained statute indicated the Board could appoint individuals to the vacated seats. He asked if the Board had appointees.

**On MOTION made by Charles Cook, seconded by Rebekah Norton, and with all in favor, Tommy Dean was appointed to Seat 5 and Felipe Gonzales was appointed to Seat 2.**

As a notary public Mr. Ward administered the Oath of Office to the newly appointed Members of the Board. He discussed filing Form 1 on the State Ethics website. He discussed the Sunshine Law and Code of Ethics asking the new Board Members to read these and contact himself or Mr. Wes Haber with any questions. He discussed violations of the Sunshine Law noting the most important thing to remember was not to discuss any topic which might come before the Board with another Board Member outside of a publicly noticed Board Meeting.

**THIRD ORDER OF BUSINESS**

**Consideration of Resolution 2024-1**

**Consideration of Resolution 2024-1, a Resolution of the Board of Supervisors re-designating the Officers of the Esplanade Lake Club Community Development District**

Mr. Ward asked the Board to reorganize the officers of the Board as it saw fit.

The Board chose to appoint Charles Cook as Chairperson, Tommy Dean as Vice Chairperson, the remaining Board Members would be Assistant Secretaries and Mr. Ward would serve as Secretary and Treasurer.

**On MOTION made by Charles Cook, seconded by Rebekah Norton, and with all in favor, Resolution 2024-1 was adopted, and the Chair was authorized to sign.**

**FOURTH ORDER OF BUSINESS**

**Consideration of Minutes**

**July 13, 2023 – Meeting Minutes**

Mr. Ward asked if there were any additions, deletions, or corrections for the Regular Meeting Minutes; hearing none, he called for a motion.

**On MOTION made by Charles Cook, seconded by Rebekah Norton, and with all in favor, the July 13, 2023, Meeting Minutes were approved.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Audited Financial Statements**

**Consideration of the Acceptance of the Audited Financial Statements for the Fiscal Year ended September 30, 2023**

Mr. Ward introduced Ben Steets with Grau and Associates.

Mr. Ben Steets with Grau and Associates indicated this audit was performed in accordance with the standards set by the Florida Auditor General and the generally accepted auditing standards. He declared the auditor’s opinion was clean, which meant Grau and Associates believed the financial statements were fairly presented in accordance with generally accepted accounting principles (GAP). He stated there were no instances of noncompliance with Florida Statutes and there were no findings. He concluded the District was in compliance, Grau issued a clean opinion, and there were no findings.

**On MOTION made by Rebekah Norton, seconded by Charles Cook, and with all in favor, the Audited Financial Statements for Fiscal Year ended September 30, 2023 were accepted.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2024-2**

**Consideration of Resolution 2024-2, a Resolution of the Board of Supervisors Reaffirming, Restating and Re-Establishing the District’s Adoption of an Electronic Records Policy and a Policy on the use of Electronic Signatures; addressing severability, conflicts and an effective date**

Mr. Ward indicated this Resolution updated the District’s electronic records policy and conformed the policy to current State Statutes.

**On MOTION made by Charles Cook, seconded by Rebekah Norton, and with all in favor, Resolution 2024-2 was adopted, and the Chair was authorized to sign.**

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2024-3**

**Consideration of Resolution 2024-3, a Resolution of the Board of Supervisors approving the Proposed Fiscal Year 2025 Budget and setting the Public Hearing on Thursday, July 11, 2024, at 11:00 A.M. at the offices of Atwell Engineering, 28100 Bonita Grande Drive, Suite 304, Bonita Springs, Florida 34135**

Mr. Ward stated Resolution 2024-3 began the budget process for Fiscal Year 2025 starting October 1, 2023 and ending September 30, 2024. He stated approval of this Resolution did not bind the Board to any of the costs included in the budget, it simply allowed the Board to move forward with the process. He noted the public hearing was scheduled for July 11, 2024 at which time the budget would be

adopted, and the assessment rates would be set. He reported the budget included some additional infrastructure coming online this fiscal year and projected some costs for the FGCU parcel for whatever District infrastructure might come online with that parcel. He indicated the budget included the FGCU parcel units (five units) which were recently added. He explained these units would require mailed notice for purposes of the public hearing. He indicated the assessment rate would likely be approximately \$1,141.78 per unit. He asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Rebekah Norton, seconded by Charles Cook, and with all in favor, Resolution 2024-3 was adopted, and the Chair was authorized to sign.**

#### **EIGHTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2024-4**

**Consideration of Resolution 2024-4, a Resolution of the Board of Supervisors Designating a date, time and location for a Landowners' Meeting and Election; Providing for publication; Establishing forms for the Landowner Election; and providing for severability and an effective date**

Mr. Ward stated Resolution 2024-4 set a landowner's meeting. He explained three seats were up for election this November (Tommy Dean, Rebekah Norton, and Valerie McChesney); two of the three seats would go to qualified electors. He explained what a qualified elector was. He indicated the third seat would be a landowner's election seat. He stated the landowner's meeting was scheduled for November 14, 2024 at 11:00 a.m.; landowners would vote at this election.

Mr. \_\_\_\_\_ 17:33 indicated he knew of someone who wished to join the CDD Board. He asked how to instruct this individual regarding running for a qualified elector seat.

Mr. Ward explained the interested party was required to go online or to the Election's Office and qualify to run for a particular seat. He explained how to qualify for a seat, and what would happen during the election.

Discussion ensued regarding the qualifying process; how to run for a seat on the CDD; and how the public was notified regarding the open seats and the election.

Mr. Ward indicated Taylor Morrison could inform the interested party how to qualify for the election.

**On MOTION made by Rebekah Norton, seconded by Felipe Gonzalez, and with all in favor, Resolution 2024-4 was adopted, and the Chair was authorized to sign.**

#### **NINTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2024-5**

**Consideration of Resolution 2024-5, a Resolution of the Board of Supervisors of the Esplanade Lake Club Community Development District implementing Section 190.006(3), Florida Statutes, and requesting that the Lee County Supervisor of Elections begin conducting the District's General**

**Elections; Providing for compensation; setting forth the terms of office; authorizing Notice of the Qualifying period; and providing for severability and an effective date**

Mr. Ward stated Resolution 2024-5 indicated the CDD would send out notice regarding the two seats up for qualified elector election. He asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Felipe Gonzalez, seconded by Rebekah Norton, and with all in favor, Resolution 2024-5 was adopted, and the Chair was authorized to sign.**

**TENTH ORDER OF BUSINESS****Consideration of Resolution 2024-6****Consideration of Resolution 2024-6, a Resolution of the Board of Supervisors, Designating the firm of Holland & Knight LLP, as Bond Counsel; Providing for severability and invalid provisions; providing for conflict and providing for an effective date**

Mr. Ward explained Denise Ganz was the bond counsel for the CDD but recently changed firms to Holland and Knight. He stated as such a new agreement was needed to appoint Holland and Knight as the new bond counsel going forward. He explained this would relate to the Series 2024 bonds. He asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Rebekah Norton, seconded by Felipe Gonzalez, and with all in favor, Resolution 2024-6 was adopted, and the Chair was authorized to sign.**

**ELEVENTH ORDER OF BUSINESS****Staff Reports****I. District Attorney****a) New performance reporting requirements for CDDs**

*Mr. Haber: In the Agenda is a reference to the new CDD reporting requirements and in the back are some changes to laws dealing with independent Districts, many of which CDDs were excluded from. One of them that does not exclude CDDs is under Section 189.0694 which talks about CDDs adopting performance measures or standards. That's something that my office is working on. We will work with Jim to make sure we are timely in having appropriate documentation for the Board to consider meeting that new requirement. The other thing I will mention, all CDD board members are required to meet four hours of ethics training prior to the end of calendar year 2024. We can circulate links which have presentations, about two hours each. Completing those presentations essentially completes the four hours of training. Note that there is not a specific registration. It's sort of on the honor system, but when you fill out your Form 1 in calendar year 2025, you will see that there is a check box for ethics training and that's where you indicate to the state that you've completed the ethics training. When you fill out your Form 1 in 2024, the box will be there, but there is no obligation to check that box. Lastly, the boundary amendment was completed, and we are looking at 2024 bonds and that's all interrelated. We will continue to work on that.*

*Mr. Ward: My office will send you the links to do the ethics training. There are 2 hours of ethics, 1 hour of Sunshine, and 1 hour of public records law. There is a self-reporting requirement. You probably have received links from the Florida Association of Special Districts, which is a private company representing all sorts of special districts around the State. I understand you can do their training for \$100 dollars, and you will get a certificate to go with your training. The links we will send you will be free. We will continue to give you those links. You are required to finish the Ethics Training by December 31. I would strongly encourage you to get it done.*

*Mr. Haber: Just to announce that qualification period for the general election starts on June 10 at noon and expires at noon on June 14. You go in and qualify with the County Supervisor of Elections.*

## **II. District Engineer**

No report.

## **III. District Asset Manager**

- a) **Operations Report February 2024**
- b) **Operations Report March 2024**

No report.

## **IV. District Manager**

- a) **Florida Law changes to Form 1 Filings**
- b) **Important Board Meeting Dates for Balance of Fiscal Year 2024**
  - 1) **April 25, 2024 - Proposed Fiscal Year 2025 Budget**
  - 2) **Candidate Qualifying period: June 10 through June 14, 2024 (Seats 3 & 5)**
  - 3) **Public Hearings – Approval of Budget Fiscal Year 2025, July 11, 2024**
  - 4) **Landowners Election – November 14, 2024 (Seat 4)**
- c) **Supervisor of Elections Qualified Elector Report as of April 15, 2024**
- d) **Financial Statements for period ending January 31, 2024 (unaudited)**
- e) **Financial Statements for period ending February 29, 2024 (unaudited)**
- f) **Financial Statements for period ending March 31, 2024 (unaudited)**

No report.

## **TWELFTH ORDER OF BUSINESS**

## **Supervisor's Requests and Audience Comments**

Mr. Ward asked if there were any Supervisor's requests.

Mr. \_\_\_\_\_ 28:07 asked about lake turnover to the CDD.

Mr. Ward stated this was an excellent question to which he did not know the answer.

Mr. \_\_\_\_\_ 28:33 indicated most of Phase 1 was turned over, Phase 2 was turned over, there were some Phase 4 lakes which needed to be turned over, and none of the Phase 5b and Phase 6 were turned over.

