

# FLOW WAY COMMUNITY DEVELOPMENT DISTRICT

January 24, 2023

Board of Supervisors  
Flow Way Community Development District

Dear Board Members:

The Continued Regular Meeting of the Board of Supervisors of the Flow Way Community Development District (the "District") will be held on **Friday, January 27, 2023**, at **2:00 P.M.** at the **Esplanade Golf and Country Club, 8910 Torre Vista Lane, Naples, FL 34119**.

**The following updated WebEx link and telephone number are provided to join/watch the meeting.**

<https://districts.webex.com/districts/j.php?MTID=m224473b898be82208d040db3c39e59ac>

Access Code: **2331 488 8379**, Event password: **Jpward**

Phone: **408-418-9388** and enter the access code **2331 488 8379** to join the meeting.

## *Agenda*

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1. Call to Order & Roll Call.
2. Public Comments for non-agenda items. These are limited to three (3) minutes and individuals are permitted to speak on items on the agenda and will be announced by the chairperson.
3. Consideration of Minutes:
  - I. December 15, 2022 – Regular Meeting. [Page 5]
4. Consideration of Audited Financial Statements for Fiscal Year 2022, which ended September 30, 2022.
5. **Executive Session of the Board of Supervisor's (Closed to the Public) – Estimated time for Session is One (1) hour, after which the Board of Supervisor's will open the Regular Meeting and take up any actions that may be needed from the Executive Session.**

**The sole purpose of the executive attorney/client session is to discuss a settlement proposal relative to the Flow Way Community Development District's lawsuit, File Number: 20-CA-4147, and related appeal.**

***The executive session is expected to last approximately one (1) hour. At the conclusion of the executive session the Board of Supervisors will go back into Regular Session to conduct the balance of the regular agenda items.***

***The attending parties shall be the following members of the Board of Supervisors, Zack Stamp, Ron Miller, Tom Kleck, Martinn Winters, Bart Bhatla: District Attorney Greg Woods and Jessica Tolin, District Manager James Ward.***

***The entire session shall be recorded by a certified court reporter and the transcript shall be filed with the District Attorney and shall remain sealed until the lawsuit has concluded.***

***At the close of the executive session the Board will reopen the meeting for any additional items to be considered by the Board of Supervisors.***

6. Supervisor's Requests.

7. Staff Items.

- I. Litigation Attorney – Woods, Weidenmiller, Michetti, & Rudnick
  - a. Status Report on City of Bonita Springs application to SFWMD to discharge floodwater into Collier County (including the Preserve).
  - b. Status Report on Litigation.
- II. District General Counsel – KE Law Group, PLLC.
- III. District Engineer – Calvin, Giordano & Associates.
  - a. Engineer's Report. [Page 27]
    1. Strategic Operational Plan.
    2. Bonita Springs Floodwater Diversion Plan.
    3. Award of Bid for Lake Bank Restoration – Lakes 12, 20 and 21. [Page 45]
- IV. District Manager – JPWard & Associates, LLC.
  - a. Financial Statements for period ending December 31, 2022 (unaudited). [Page 74]
  - b. Update on Discussions with HOA regarding ultimate ownership/maintenance responsibilities. (Continuing Item – No additional report for January 2023)

8. Audience Comments: - Public comment period is for items NOT listed on the Agenda, comments are limited to three (3) minutes per person, assignment of speaking time is not permitted, however the Presiding Officer may extend or reduce the time for the public comment period consistent with Section 286.0114, Florida Statutes.

9. Announcement of Next Meeting – Regular Meeting on February 16, 2023.

Quorum Call for February 16, 2023.

- Zack Stamp
- Ronald Miller
- Tom Kleck
- Martinn Winters
- Bart Bhatla

10. Adjournment.

### **Staff Review**

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The first order of business is to call the meeting to order and to conduct the roll call.

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The second order of business is Public Comments for non-agenda items. The Public is provided three opportunities to speak during the meeting. This is the first time for the Public to speak on non-agenda items.

Each member of the Public will also be provided an opportunity to speak on each agenda item, and at the end of the Agenda a final time to speak on any other matter will be provided.

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The third order of business is the consideration of the December 15, 2022, Regular Meeting minutes.

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The fourth order of business is the consideration of the Audited Financial Statements for Fiscal Year 2022, which ended September 30, 2022. Mr. Tony Grau, the managing partner with Grau & Associates will join the meeting to fully review the audit with the Board. The Board will be asked to approve the Audit for the year ended September 30, 2022.

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The fifth order of business is an Executive Session of the Board of Supervisor's, which is closed to the Public. The sole purpose of the Executive Session is to discuss a settlement proposal in case number 20-CA-4147, and related appeal.

The discussion occurring at the private attorney-client session must be confined to settlement negotiations or strategy related to litigation expenditures. At the end of the attorney-client session the Board will re-open the Regular Meeting and consider any actions that may be needed as a result of the discussion at the attorney-client session.

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The sixth order of business are any items that the Board of Supervisor's would like to bring up for the Board that are not scheduled agenda items.

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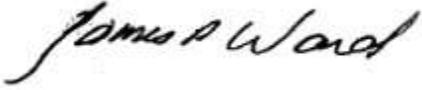
The eighth order of business are staff reports, including the District Manager, District Attorney and District Engineer.

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The balance of the agenda is standard in nature, and I look forward to seeing you at the meeting, if you have any questions and/or comments before the meeting, please do not hesitate to contact me directly at (954) 658-4900.

Yours sincerely,

Flow Way Community Development District



James P. Ward  
District Manager

**The Fiscal Year 2023 schedule is as follows:**

<del>December 15, 2022</del>	January 19, 2023
February 16, 2023	March 16, 2023
April 20, 2023	May 18, 2023
June 15, 2023	July 20, 2023
August 17, 2023	September 21, 2023