

**MINUTES OF MEETING
VERANDAH EAST
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Verandah East Community Development District held a Regular Meeting on January 10, 2024 at 1:00 p.m., at 11390 Palm Beach Blvd., First Floor, Fort Myers, Florida 33905.

Present were:

David Moore	Chair
Richard (Denny) Shields, Jr.	Vice Chair
Christine Jaross	Assistant Secretary
John Sample	Assistant Secretary
Jacqueline Voiles	Assistant Secretary

Also present:

Chuck Adams (via telephone)	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Alyssa Willson (via telephone)	District Counsel
Brent Burford (via telephone)	District Engineer
Susan Shields	Resident/VCA Board Member

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Moore called the meeting to order at 1:00 p.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments (3 minutes per person)

No members of the public spoke.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2024-01, 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

VERANDAH EAST CDD

January 10, 2024

Mrs. Adams presented Resolution 2024-01. Seats 3, 4 and 5, currently held by Jacqueline Voiles, Christine Jaross and David Moore, respectively, will be up for election at the November 2024 General Election. Candidates must be a citizen of the United States, at least 18 years of age, a legal resident of Florida, reside within the CDD and be a registered voter in Lee County. The candidate qualifying period is noon, June 10, 2024 to noon, June 14, 2024.

Mr. Moore noted that the Form 1 must be submitted and asked if the ethics training is required for the General Election. Ms. Willson stated it is not; Supervisors have until December 31, 2024 to complete the requirement and will check a box on Form 1 when filing it in mid-2025 to indicate their completion of the ethics training.

On MOTION by Mr. Shields and seconded by Mr. Moore, with all in favor, Resolution 2024-01, 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, was adopted.

FOURTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of November 30, 2023

Mrs. Adams presented the Unaudited Financial Statements as of November 30, 2023. The financials were accepted.

FIFTH ORDER OF BUSINESS

Approval of October 11, 2023 Regular Meeting Minutes

Mrs. Adams presented the October 11, 2023 Regular Meeting Minutes. The following changes were made:
Line 14: Delete “(via telephone)”
Line 27: Add “, Voiles” after “Shields”
Line 28: Change “Supervisors Voiles and” to “Supervisor”
Line 70: Change “Jaross” to “Voiles”

On MOTION by Mr. Shields and seconded by Ms. Voiles, with all in favor, the October 11, 2023 Regular Meeting Minutes, as amended, were approved.

SIXTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: Kutak Rock LLP****• Required Ethics Training**

Ms. Willson presented a Memorandum explaining the ethics training requirements, the online version of which contains links to free courses provided by the Florida Commission on Ethics (COE). The requirement must be met by December 31, 2024; completion will be reported by checking a box on Form 1 when filing it in 2025.

Mr. Moore asked if a Supervisor, who decides not to run, must certify anything when filing their final Form 1. Ms. Willson stated she find out and advise the Board.

Mr. Sample noted that some courses are 50 or 58 minutes and asked if there is provision that an hour of ethics training is defined as 50 minutes or greater. Ms. Willson replied affirmatively; the COE issued an opinion that such courses satisfy the one-hour requirement.

Ms. Voiles recalled that Form 1 is due to be submitted in July. Ms. Willson stated that completion of the coursework will be indicated when filing the Form 1.

Mrs. Adams asked if a brief discussion of the LaBelle Ranch Mitigation Area in Hendry County is in order.

Ms. Willson stated Staff is reviewing the underlying requirements, which predate most of her firm's involvement with the CDD. Staff is working with the District Engineer, as it appears there are some mitigation requirements associated with the initial bond financing. Staff is working to determine if that is the case and, if so, exactly what the requirements are.

Mrs. Adams noted that the documents date back to before 2000; the property was purchased for cattle and the CDD has not had to perform any work there in years.

Mr. Adams stated that the South Florida Water Management District (SFWMD) will mostly be interested in vegetation management, similar to work done in conservation areas for exotics and invasives. Because cattle have been on the property, vegetation has not been an issue because cattle will eat exotics as well as native vegetation.

Mr. Sample voiced his belief that the Maintenance Agreement refers to maintenance in perpetuity and asked if the CDD might potentially have ongoing maintenance responsibilities. Mr. Adams stated that is what Ms. Willson and the District Engineer are researching.

This item will be included on the next agenda.

B. District Engineer: Johnson Engineering, Inc.

Mr. Burford stated he sent an email on Monday regarding the Mitigation Area in Hendry County. A 2014 letter to the SFWMD addresses potential management of the mitigation area, with cost sharing between the Verandah East and Verandah West CDDs. District Counsel will research whether the maintenance responsibility continues, given that the property has sold.

Asked how the CDD could be responsible for maintaining property it does not own, Ms. Willson stated it could be tied to development of the property.

Mr. Shields stated, in order to gain approval to have a CDD, it is necessary to maintain some land separate from the CDD. Mr. Willis noted that it is referred to as “off-set mitigation”.

Ms. Willson cautioned that she is still gathering and reviewing the historic documents related to this and the prior bond financing and what was included in the project. She stated this is not uncommon; she has quite a few CDDs and projects with off-set mitigation areas. She noted there was some difficulty obtaining the public records; the District Engineer is assisting.

Mr. Sample stated, in his research, it seems that Bonita Bay was required to acquire mitigating properties elsewhere and these properties were acquired in connection with getting approval for development with the SFWMD at that time.

Mr. Willis noted that there are different types of mitigation properties, such as the Panther Mitigation Project; it is a part of obtaining the Limited Development Order (LDO) in conjunction with the bonds.

It was noted that, when Kolter took over from Bonita Bay, Kolter inherited that.

Mr. Sample stated his belief that the off-site properties for which the CDD is responsible were in the CDD’s name. His understanding is that they are not only not in the CDD’s name but they are also being sold to other developments. He wondered, if the CDD is responsible for water management on those sites, if the CDD is also responsible for what is developed and for mitigating it. He thinks that the CDD is accountable but not responsible.

Mr. Willis believes that the mitigation encumbrances are passed on when the land is sold so they remain with the property no matter who purchases it.

Ms. Willson stated her understanding that the property has a conservation easement on it; the conservation easement limits what can be done with the property so that the owner could not construct a Publix, for example. Certain passive activities can be continued and each conservation easement is a negotiated document, so there are different types of passive activities that the owner would have negotiated for the right to continue doing on the property. Typically, another property is responsible for certain maintenance of the property. The owner

of the property can do certain things and there are other things for which the third-party maintenance entity is responsible; these are contingent upon the permit requirements for development within the CDD. These pertinent documents are still being collected and will be reviewed to determine how it fits with the bond financing.

Discussion ensued regarding the property, which was likely purchased by ranchers for cattle grazing.

Mr. Sample expressed his opinion that a mechanism for recording the purpose and use of the property should be established.

It was noted that there are two off-site parcels together.

Mrs. Adams stated that Staff will continue to researching this.

C. District Manager: Wrathell, Hunt & Associates, LLC

- **NEXT MEETING DATE: May 8, 2024 at 1:00 PM**
 - **QUORUM CHECK**

Supervisors Shields, Voiles, Jaross and Moore confirmed their in-person attendance at the May 8, 2024 meeting. Supervisor Sample will attend via telephone.

Mrs. Adams stated that the \$8,800 MRI Inspection, LLC contract for cleaning the line at Lake L-ZR that was approved was executed and the work will be completed in late April or early May, before the rainy season.

Mr. Willson stated he will tour the property and inspect the lakes with the Aquatics Maintenance team. In his opinion, the lakes look much better and cleaner since the transition to the new company. He noted that the littoral shelves are free of weeds.

SEVENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Moore recalled that a schedule of inspections was to be developed.

Mrs. Adams stated that she and Mr. Adams will develop the schedule. Assessments will likely increase approximately \$200 per year.

EIGHTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Voiles and seconded by Mr. Shields, with all in favor, the meeting adjourned at 1:24 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair