

**BOARD OF SUPERVISORS MONTHLY MEETING MINUTES
OF THE SAN CARLOS ESTATES WATER CONTROL DISTRICT
MONDAY, JUNE 27, 2022 6:00 P.M.
THE GULF SHORE CHURCH, 25300 BERNWOOD DR, BONITA SPRINGS FL 34135**

1. **Call Meeting to Order:** Ben Bogacz called the meeting to Order at 6 PM. Jim thanked the Pastor for allowing the use of the church facilities for the meeting.
2. **Roll Call of the Board of Officers:** Present are Supervisors Ben Bogacz (Ben); Jim Bradford (Jim); Jennifer Finazzo (Jennifer); Attorney Richard Pringle (Richard); Engineer Bill Morris (Bill); and Sec/Treas Chris Lawson (Chris) and 56 guests.
3. **Receive Engineer's Report on District Works:**
 - There are 65 open driveway permits, 3 new permit applications and 2 closed permits.
4. **Chairs Report:** Nothing to report
5. **Treasurer's Report:** Chris reported that we have collected 98.14% for CIP PH I and 97.88% collected for the General Maintenance assessment. Bills were presented for payment. The budget variance was presented and discussed. The current income and expense, check detail, and income and expense year-to-date comparison reports were presented for the month of June.
6. **Attorney's Report:** Comments will be incorporated into discussion as the topic is brought up.
7. **Comments from Guests and Public Input:**

John Cellucci questioned the audit report and wanted to know what was being done to address the comments. For example, the website has many broken links. He would like to have more transparency and easier access for information. Richard commented that when an auditor changes, then it is not uncommon for that new firm to have a new set of requirements and criteria that they apply. The management comments in this year's audit were not in past year reports. We are in the process of addressing all the comments are we are required to do so by law. John further went on to address the decreasing net position for the District. He wanted to know where The Board is with planning as it may pertain to the degradation of the roads and where does the Board stand on the matter and are multiple bids/RFPs obtained. Ben and Jim both responded that the Board is cognizant of the need, and it is a matter for future discussions. Richard discussed in reference to the purchasing policy that there are several statutory compliance requirements that apply with purchases of the District as a government agency depending on the size of the purchase. A general discussion concerning the right of way/easement areas continued. The Board and guests engaged in a discussion concerning the use of the perimeter roads and the gates on the perimeter road.
8. **Old new and unfinished Business:**
 - David Klopach, Rodas Drive Driveway Extension: Bill stated that the status of the matter has been reviewed and forwarded to the Board for consideration.
 - Engineer Selection; A Request for Qualifications (RFQ) was published in the paper, website, and circulated and made to interested parties. At the time of the deadline, one response was received from RMEC which was circulated to the Board. Richard detailed the process of the RFQ and review of response when received. Upon his review, the responder is qualified. The next step is for the Board to consider and review the response. The Board invited the representatives from RMEC to introduce

their firm and discuss their experience and services provided. The Board and guests engaged with RMEC representatives with a question-and-answer period. Richard stated that the RFQ reserves for the Board of Supervisors the right to accept the response that in its judgment would be in the best interest of the District or to reject any or all responses in its sole discretion and to take any such other and further action as the Board of Supervisors deems appropriate and in the best interest of the District in its sole discretion. Richard further stated that it is up to the Board to deliberate and decide what action is in the best interest of the District. Jim asked Richard if in his professional opinion did RMEC meet all the qualifications necessary to be capable of performing the job. Bill Morris asked to make a comment. He noted that he and his family have been acquaintances with Mr. Edenfield for 30+ years. Bill can attest to the Board that he is of the highest quality as a professional and he is up to the task should the Board desire to hire him. Ben commented that his only concern is that there was only one response from the RFQ to choose from.

Richard addressed questions from the guests regarding the RFQ process versus proposal or bid process where individuals are prequalified. He further described the process for the negotiation team (Jim) to meet with Richard and RMEC and again addressed concerns with the guests of the process and their other questions. Members of the public expressed an interest to participate in the negotiation process and the Board welcomed their participation. The Board discussed that they would notify individuals who have volunteered and allow them to participate in the negotiation. The individuals who volunteered are John and Clark.

- Transfer \$50,000 from Bank of America -7870 account to Northern Trust Bank - approved
- Pay \$94,000 as an additional principal paydown to the Bank of America CIP PH I loan – approved
- Meeting Location Change to Bonita Springs Chamber of Commerce office – Jim explained the optional office space that was available that would better suit the District needs. The annual cost is \$500 for that meeting space. The Marriott TownSuites cost \$150 per month, \$1,800 annually.
- Sewer Viewer – Approval for culvert cleaning proposal – The Board had previously decided not to use Sweeperman. Jim located a new vendor to perform the services and has a proposal for the service. This discussion has been tabled to the next month.
- Stillwell Guardrail Repair – Repairs are still pending. Alford Construction is waiting for a piece of equipment to perform the repair. The matter is tabled to the next meeting.
- 8991 Strike Ln: Status and clarification of District ROW – Jim commented that his understanding is that the landowner is noncompliant with the requests of the Engineer and Attorney. They have pushed a conduit pipe in the ROW and suggested that a stop-order being issued to them. A recounting of the matter was presented by Richard. Richard stated that we are still waiting on the required documents and no final approval has been granted or a final decision has been made by the Board. A discussion of the matter ensued, and Jim made known his opinion of the request. Jim is most disturbed by the fact that the landowner does not contribute to the community but uses its services. Bill commented that in his experience – even though the conduit pipe may be there, FPL will not energize the pipe until they have a signed easement from San Carlos Estates District. Richard stated that if the Board wanted to change its position with the initial authorization of the use of the 5’ strip of the District ROW and to authorize the Engineer to

review whatever submittals provided for the underground utility, then now is the time to change that status. Also, if you want him to review the final judgment that was entered before and furnish a legal opinion as to the District's ability to impose an assessment in some form on the property. The public asked questions made comments and discussed the matter with the Board and attorney. Richard responded to Mark's comments that conditional approval was provided with no time constraints that the action to take; you have been told to provide details; no detail has been provided; the Board is tired of waiting; give a specific time frame (i.e., 2 weeks) to submit everything that has been requested; and if not provided within the timeframe, then the conditional approval that was given before is automatically revoked/rescinded. Jerry Haslouer brought up comments that FPL has an easement, and the District could face opposition. Further discussion ensued between the Board and guest(s).

- Manager Selection – No action taken and continued to August 16, 2022 meeting
- Secretary/Treasurer Selection – No action taken and continued to August 16, 2022 meeting

Motions approved by Board noted in old, new, and unfinished business:

- Ben made the motion to pay an \$94,000 as an additional principal paydown to the CIP PH 1 loan on 08/01/2022. Jennifer seconded the motion. Motion passed 3-0.
 - Ben made the motion to approve the submittal as a variance from the District's normal requirements. Jim seconded the motion. Motion passed 3-0.
 - Ben made a motion to transfer \$50,000 from the General Maintenance Account -7870 to the Northern Trust Bank Contingency Fund Account -5681. Jim seconded the motion. Motion passed 3-0.
 - Ben made a motion to change the location of future monthly Board meetings to the Bonita of Springs Chamber of Commerce office located at 25071 Chamber of Commerce Drive, Bonita Springs, FL 34135 maintaining the same schedule of the third Tuesday of every month. Jim seconded the motion. Motion passed 3-0.
 - Ben made a motion to approve the submitted request from David Klopach for a variance for the driveway improvement for his property located on Rodas Drive upon submission of the use and connection permit application and payment of the \$750 permit fee. Jim seconded the motion. Motion passed 3-0.
 - Ben made a motion to table the matter regarding the Stillwell Guardrail repair. Jim seconded the motion. Motion passed 3-0.
 - Motion to table the discussion for Sewer Viewer to August meeting was made by Ben. Jim seconded the motion. Motion passed 3-0.
 - Jim made the motion that RMEC is qualified as outlined in the RFQ and the negotiation team is directed to negotiate a contract which will be brought back to the Board for approval. Ben seconded the motion. Motion passed 3-0.
 - Ben made a motion to have Richard send a letter to the appropriate party(ies) for the request at 8991 Strike Lane to complete the request with a one-week deadline before the conditional approval granted is rescinded. Jennifer seconded. Jim voted no. Motion passed 2-1.
 - Ben made the motion to move the Secretary/Treasurer/Manager selection to the August 16, 2022 meeting. Jennifer seconded the motion. Motion passed 3-0.
9. **Approve the May 17, 2022 Meeting Minutes:** Jim made the motion to approve the May 17, 2022 meeting minutes. Ben seconded the motion. Motion passed 3-0.

10. **Approve May 31, 2022 Bank Statements, May 31, 2022 Financial Reports Payment of June 2022 Bills and Approve June 2022 Financial Reports:** Ben made a Motion and seconded by Jim to approve the May 31, 2022 Bank Statements and the May 31, 2022 Financial Reports, June 2022 bills, and June 2022 bills. Motion passed 3-0.

11. **Supervisor Discussion:** Jim recounted a recent major sewer line break within the District which BSU repaired. He advised everyone that the green boxes throughout the neighborhood are access points for the sewer pipes.

Dena Wilcoxon made a comment that on the topic of sewers, the State of Florida and Lee County has been going after septic tanks. She felt that we needed to keep up with the City Council and pay attention to ongoing discussions as they pertain to sewers.

Jim wanted to thank everyone who came out to clean up Strike Lane from recent storms.

12. **Adjournment:** A Motion was made by Ben and seconded by Jennifer to adjourn the monthly meeting. Motion passed 3-0. Meeting adjourned at 8:16 pm.