

BOARD OF SUPERVISORS MONTHLY MEETING OF THE SAN CARLOS ESTATES WATER CONTROL DISTRICT AGENDA TUESDAY JANUARY 21, 2025, 06:00 P.M. GULF SHORE CHURCH, 25300 BERNWOOD PARKWAY, BONITA SPRINGS FL 34135

1. Call Meeting to order. 6:00p.m.

2. Roll Call of the Board of Supervisors: Chair and President, Jim Bradford (Jim); Vice-Chair and Vice President, Jennifer Finazzo (Jennifer) and Supervisor, James Gilchrist (James); Engineer Ron Edenfield, Attorney Richard Pringle, John Cellucci, Manager and Superintendent of Operations, Shanelle Cruz Secretary/Treasurer and guests: 45 (approx.)

3. Pledge of Allegiance and Invocation.

* Chairman Bradford addressed the red letter that was mailed out to most residents. He confirmed he is not a felon and has never been a felon. He is really saddened that someone would choose to embarrass him over a lie that happened 35 years ago.

* Chairman Bradford moved Agenda item 11e to discuss at the beginning of meeting.

11(e) History of events on the new Florida Statute house bill 7013 in Chapter 2024-136 vs local bill presented by State of FL Rep Botana.

- Chairman Bradford and Manager Cellucci went to the meeting on January 9th at Southwestern state College were the representatives voted on taking over the District.
- There will be a petition circulated and a sign up list for anyone wanting to help circulate the petitions. The Chairman would like to have 800 petitions to take to Tallahassee when they vote in March.
- The City of Bonita Springs was asked for their participation and to write a letter saying they don't want to take us on.
- Manager Cellucci addressed that this local bill is independent to the law signed by the Governor in April of 2024. That law required all independent and special districts to have goals and performances posted. The District has complied with this.
- Previous to that Rep. Botana contacted the District September 19 2024 via the District's general information email and asked to learn more about the district. The District Engineer and the District Manager met with Rep. Botana on 9/25/24 at 11am. During the meeting Rep. Botana focused on the District's budget, incorrectly stating it was \$2MM (it is approximately \$650K). The Manager attempted to explain, but Rep. Botana didn't seem to understand. Then Rep. Botana addressed the Stillwell gate and asked for a history of the water district. A basic history was relayed. Rep. Botana then asked for another meeting.

- The next meeting was on November 22, 2024 at 11am. At this meeting a hard copy of the budget was provided, the Rep then asked for any maps of the district. The Manager asked him what else he wanted to know about the District the Rep then again asked about the District's \$2MM budget, again the Rep was told it is not \$2MM, but around \$650K. The District then asked the Rep if he was going to talk to them about the Statute 7013, immediately upon asking the Representative shouted to the District (Engineer and Manager) to get out multiple times. When questioned why, the Representative's response was to demand to see all the supervisors in his office next week. The Representative was told that might not be possible due to Sunshine Laws, but he's welcome to come to the next Board meeting.
- On December 16, 2024 the board was informed that Rep Botana filed on December 13, 2024 at 5pm a local bill to have the district taken over by the City of Bonita Springs.
- Once the Board found out about the local bill and the January 9 meeting the Chairman wrote a 6-page letter in response. The letter is available on the website.
- Attorney Pringle addressed that both the District and the City of Bonita Springs will be voting on this referendum separately. The current version of the bill states an election shall be held under the terms of the election code and overseen by the Supervisor of Elections. There will be a cost to this and it will be a special election and would assumably be paid for by the District.
- Attorney Pringle also mentioned that if the City were to take over the District the Board would no longer be in effect and all decision would be made by the City Council, drastically diluting the decision making for the District. Currently the landowners have the ability to speak directly to the Board and they make decisions exclusively to the benefit of the landowners of the District, if a conversion happens the City Council will make their decisions based upon what is best for the city as a whole.
- There is currently quite a bit of development around the District and the developers would benefit from not having to enter into interlocal agreements with the District. If taken over by the City the landowners lose power to make decisions and to do things for the best interests of the landowners.
- Attorney Pringle stated that landowners can best indicate their opposition to the bill by signing the referendums, so that the Board can share those with the legislators, so that they can see what the landowners really believe about it.
- If taken over by the City they would determine assessment rates, maintenance work to be done on the roadways and the canal ways, the users of the roadways and the canals. We could possibly be open up to Imperial/Three Oaks Parkway, Strike Lane could potentially be 4-laned and sidewalks on each side of the road way. If the

roadways are opened they would put in infrastructure, meaning sewers would be installed and we would be required to pay for it, potentially \$60K per home plus a monthly fee.

- In addition to City implementing changes BSU would have to install lift stations which would require a capital cost. Then there is the narrowness of Stillwell and large vehicle coming through, also if the roads are opened to the public people won't be allowed to drive their ATVs or golf carts, motorcycles or horses. People won't feel safe letting their kids play or walking their dogs, or jogging.
- Chairman Bradford stated he stands firmly on saving the district and preventing the city from taking it over.
- Chairman Bradford opened the floor to questions:
 - o Owner asked about signs to let people know what is going on. Manager Cellucci mentioned 52 signs were being printed to place through out the district all paid by donations from landowners.
 - o Owner mentioned how 20 years ago the district asked the city for help and they wouldn't help us then and now that we've paid to fix everything they want to come in. Also mentioned that whoever sent out the letter regarding the Chairman should be sued for slander.
 - o Owner stated the board needs to be transparent and then people won't go and complain to other offices.
 - o Owner stated he talked with Rep Botana and the rep said the light at Old 41 is being put in for District residents
 - o Owner stated DOT has been working on installing light at Old 41 for 5 years due to all the accidents
 - o Owner stated there is lack of information to the owners. Items not on the website and things are not presented in layman's terms
 - o Owner stated (incorrectly) that the board is wasting money suing Monteiro
 - o Owner requested speed bumps be placed on Stillwell to slow traffic down.
 - o Owner volunteered to send a letter out to owners addressing the bill presented by Rep Botana
 - o Multiple owners discussed signs and email blasts

4. Receive Engineer's Report on District Works:

Open 34 Approved 2 Finalized 3 Inspections 14

- Manager is helping out with inspections and is helping to complete projects a little faster.

- Few bids have been placed for lane striping.
- Received input files from the city of Bonita Springs for the hydraulic model that the district will be using to do the district modeling.
- Working with the City building department to resolve drainage issues at a residence on Stillwell.
- Finalizing the Draft of the 2025 water control plan
- Working with manager on project summaries for grant writing purposes
- Attended a meeting with FEMA relative to the impacts of Hurricane Milton

5. Manager's Report

- Meeting with Fema focused on application of reimbursement for Hurricane Milton
- Getting bids for striping
- Contacted FPL again
- working to get summaries of projects done and submit them to state and federal agencies.
- Going to inspect perimeter canals with Ron to see what needs to be cleaned before rainy season.
- Spatter dock water lilies are in the canals and are not an impediment to water flow.

6. Chair's Report

- Chairman Bradford thanked Tony and his wife for the volunteer efforts.

7. Treasurer's Report

- BOA Phase 1 bank account closed and funds placed in BOA General account.
- Northern Trust bank account closed and funds placed in Cogent
- New bank Cogent working out very well, easy to work with, very responsive, and dropped off a new set of checks.
- Made lists of owners by street to help with the volunteer efforts in getting the petition out
- Reviewed and updated the CIP Phase 2 list and will be ready to send out notices when the board decides to.

8. Attorney's Report –

- Opinion of the attorney that the proposed bill is very bad for the district and the landowners in the district.

- Attorney's goal is to assist the board to put processes into place by board policies that are applied consistently to everyone in the district.

9. Amendments to the Meeting Agenda – NONE

10. Public Input on Business Agenda Items (3-minute limit) –

- Owner expressed support for the knowledgeable board and the contractors the district has.

- Owner asked to clarify how many votes each parcel gets

- Owner has access to software that could email residents.

- Owner questioned about the water control plan.

11. Business Agenda Items (Agenda Items Requiring Action)

a. Meeting Minutes Approval – 12/09/2024

Jennifer motioned to approve, James seconded, all voted in favor – motion passes.

b. Financial Reports Approval – 12/31/2024 Bank Statements and 12/31/24 Financial Reports.

Jennifer motioned to approve, James seconded, all voted in favor – motion passes.

c. Voting Policy

- Draft of voting policy to be used in annual landowners meetings presented to board by Attorney Pringle.

- The board needs to determine how to apply the aggregation.

- Discussion regarding ownership by businesses and multiple owners in the district.

-Owner asked that the voting policy be postponed to allow the owners time to review the policy.

-Chairman suggested going ahead and postponing the vote on the voting policy.

-Owner suggesting that the Attorney reach out to the Attorney General to get an opinion

Jim motioned to postpone to next meeting, James seconded, all approved.

d. Public Records Policy

James motioned to postpone to next meeting, Jim seconded, all approved.

e. Moved ahead

f. Proposed Q&A meeting Monday Feb 10, 2025 for RESIDENTS ONLY on issues related to the local bill presented by State of FL Rep. Botana.

- Workshop TBD if needed
- Would need published 7 days in advance
- Jim motioned for workshop to be held TBD at 6:00pm on 2/10/25, James seconded, all approved.

g. Monteiro v. San Carlos Estates Water Control District – Lee Circuit Court Case No. 24-CA-007843

- Attorney Pringle stated the District is able to enter into an Executive Session, in order to discuss settlement strategies and discuss with legal counsel.
- Members of the public can not attend.
- Court reporter will be there to record meeting.
- Special meeting will be called and noticed and after special meeting the board will go into Executive session.
- Jim motioned for the board to schedule a special meeting TBD by the chair, James seconded, all approved.
- District has an insurance policy to cover lawsuit
- Notice for special meeting needs done 7 days in advance.

12. Public Input (3-minute limit)

- Owner discussed how the fobs were handed out and the rules set in place.

13. Supervisor Comments

- Jennifer discussed how the changes to the back gate have helped the District tremendously.
- James weighing ideas on the board getting ahead of discussions down in public forums

14. Adjournment

Motioned by Jim, seconded by James, all in favor, meeting adjourned 8:23pm.