

***BRIGHTWATER COMMUNITY
DEVELOPMENT DISTRICT***

Advanced Meeting Package

***Board of Supervisor
Regular Meeting***

***Tuesday
August 28, 2018***

11:00 a.m.

***Hampton Inn
9241 Marketplace Road
Fort Myers, Florida 33912***

Note: The Advanced Meeting Package is a working document and thus all materials are considered **DRAFTS** prior to presentation and Board acceptance, approval or adoption.

Brightwater Community Development District

DPFG Management & Consulting LLC
15310 Amberly Drive, Suite 175, Tampa, Florida 33647
Phone: 813-374-9105

Board of Supervisors
**Brightwater Community
Development District**

Dear Board Members:

The Regular Meeting of the Brightwater Community Development District is scheduled for **Tuesday, August 28, 2018 at 11:00 a.m.**, at the Hampton Inn, 9241 Marketplace Road, Fort Myers, Florida 33912.

The advanced copy of the agenda for the meeting is attached along with associated documentation for your consideration. Any additional support material will be forwarded to you under separate cover or distributed at the meeting.

In the meantime if you have any questions, please contact me.

Sincerely,

Paul Cusmano
Paul Cusmano
District Manager

BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT

Date of Meeting: **Tuesday, August 28, 2018**
Time: 11:00 a.m.
Location: Hampton Inn Airport 9241
Marketplace Road Ft.
Myers, FL 33912

Conference Call No.: (563) 999-2090
Code: 686859#

I. Roll Call

II. Audience Comments

III. Consent Matters

- | | |
|--|------------------|
| A. Approval of the Minutes from June 5, 2018 Regular Meeting | Exhibit 1 |
| B. Approval of the Minutes from the June 5, 2018 Landowners Meeting | Exhibit 2 |
| C. Acceptance of the July 2018 Financial Statements | Exhibit 3 |

IV. Business Matters

- | | |
|---|------------------|
| A. Public Hearing Regarding the FY 2018-2019 Budget | |
| 1. Open Public Hearing | |
| 2. Presentation of the Budget | |
| 3. Audience Comments | |
| 4. Close Public Hearing | |
| B. Consideration and Adoption of Resolution 2018-31 FY 2018-2019 Budget | Exhibit 4 |
| C. Consideration and Adoption of Resolution 2018-32 Imposing Special Assessments | Exhibit 5 |
| D. Budget Funding Agreement | Exhibit 6 |
| E. Consideration and Adoption of Resolution 2018-33 Re-Designation of Officers | Exhibit 7 |
| F. Consideration and Adoption of Resolution 2018-34 Electronic Records Policy | Exhibit 8 |
| G. Consideration and Adoption of Resolution 2018-35 FY 2019 Meeting Schedule | Exhibit 9 |

V. Reports

A. District Manager

B. Attorney

C. District Engineer

VI. Audience Questions and Comments on Other Items

VII. Adjournment

EXHIBIT 1.

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**MINUTES OF MEETING
BRIGHTWATER
COMMUNITY DEVELOPMENT DISTRICT**

9 The Regular Meeting of the Board of Supervisors of the Brightwater Community Development
10 District was held on Tuesday, June 5, 2018 at 11:00 a.m. at the Hampton Inn Airport 9241 Marketplace
11 Road, Ft. Myers, FL 33912.

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FIRST ORDER OF BUSINESS – Roll Call

16 Mr. Cusmano called the meeting to order.

17 Present and constituting a quorum were:

18 Mike Lawson Board Supervisor, Chairman
19 Doug Draper Board Supervisor, Vice Chairman
20 Lori Price Board Supervisor, Assistant Secretary

21 Also present were:

22 Paul Cusmano District Manager, DPFG
23 Vivek Babbar District Attorney, Straley, Robin & Vericker (*via phone*)

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The following is a summary of the discussions and actions taken at the June 5, 2018 Brightwater CDD Board of Supervisors meeting.

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SECOND ORDER OF BUSINESS – Audience Comments

32 There being none, the next item followed.

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THIRD ORDER OF BUSINESS – Consent Matters

38 Mr. Cusmano presented the minutes from the February 28, 2018 Organizational Meeting and the
39 Financial Statements for April 2018 and asked for comments, questions, or corrections.

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A. Approval of the Minutes from February 28, 2018 Organizational Meeting

B. Acceptance of the April 2018 Financial Statements

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On a MOTION by Mr. Lawson, SECONDED by Mr. Draper, WITH ALL IN FAVOR, the Board approved **Items A & B** for the Brightwater Community Development District.

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FOURTH ORDER OF BUSINESS – Business Matters

A. Public Hearing – Adopting the 2018/2019 Proposed Budget

52 1. Open Public Hearing

53 Mr. Cusmano called for a motion to open the public hearing.

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On a MOTION by Mr. Lawson, SECONDED by Ms. Price, WITH ALL IN FAVOR, the Board **opened the public hearing** for the Brightwater Community Development District.

59 2. Review of the 2018 Proposed Budget

60 Mr. Cusmano presented the proposed budget for 2018 and asked for questions, comments, or
61 corrections.

62 3. Public Comments

63 There being none, next item followed.

42 4. Close Public Hearing

43 Mr. Cusmano called for a motion to close the public hearing.

44 On a MOTION by Mr. Lawson, SECONDED by Mr. Draper, WITH ALL IN FAVOR, the Board
45 **closed the public hearing** for the Brightwater Community Development District.

46 5. Consideration and Adoption of Resolution 2018-24 Adopting the 2018/2019 Proposed
47 Budget

48 Mr. Cusmano presented Resolution 2018-24 Adopting the 2018/2019 Proposed Budget and asked
49 for questions, comments, or corrections. Mr. Lawson called for a motion to adopt the resolution.

50 On a MOTION by Mr. Lawson, SECONDED by Ms. Price, WITH ALL IN FAVOR, the Board
51 **adopted Resolution 2018-24 2018/2019 Proposed Budget** for the Brightwater Community
52 Development District.

53 **B. Public Hearing – Adopting Rules of Procedure**

54 1. Open Public Hearing

55 Mr. Cusmano called for a motion to open the public hearing.

56 On a MOTION by Mr. Lawson, SECONDED by Mr. Draper, WITH ALL IN FAVOR, the Board
57 **opened the public hearing** for the Brightwater Community Development District.

58 2. Review of the Rules of Procedure

59 Mr. Cusmano presented the rules of procedure and asked for comments, questions, or corrections.

60 3. Public Comments

61 There being none, next item followed.

62 4. Close Public Hearing

63 Mr. Cusmano called for a motion to close the public hearing.

64 On a MOTION by Mr. Lawson, SECONDED by Ms. Price, WITH ALL IN FAVOR, the Board **closed**
65 **the public hearing** for the Brightwater Community Development District.

66 5. Consideration and Adoption of Resolution 2018-25 Adopting the Rules of Procedure

67 Mr. Cusmano presented Resolution 2018-25 Adopting the Rules of Procedure and asked for
68 questions, comments, or corrections. Mr. Lawson called for a motion to adopt the resolution.

69 On a MOTION by Mr. Lawson, SECONDED by Ms. Price, WITH ALL IN FAVOR, the Board
70 **adopted Resolution 2018-25 Adopting the Rules of Procedure** for the Brightwater Community
71 Development District.

72 **C. Public Hearing – Adopting Amenity Rules**

73 1. Open Public Hearing

74 Mr. Cusmano called for a motion to open the public hearing.

75 On a MOTION by Mr. Lawson, SECONDED by Ms. Price, WITH ALL IN FAVOR, the Board **opened**
76 **the public hearing** for the Brightwater Community Development District.

- 77 2. Review of the Amenity Rules
78 Mr. Cusmano presented the amenity rules and asked for comments, questions, or corrections.
79 3. Public Comments
80 There being none, next item followed.
81 4. Close Public Hearing
82 Mr. Cusmano called for a motion to close the public hearing.

83 On a MOTION by Mr. Lawson, SECONDED by Mr. Draper, WITH ALL IN FAVOR, the Board
84 **closed the public hearing** for the Brightwater Community Development District.

- 85 5. Consideration and Adoption of Resolution 2018-26 Adopting Amenity Rules
86 Mr. Cusmano presented Resolution 2018-26 to adopt the amenity rules and asked for comments,
87 questions, or corrections. Mr. Lawson called for a motion to adopt the resolution.

88 On a MOTION by Mr. Lawson, SECONDED by Ms. Price, WITH ALL IN FAVOR, the Board
89 **adopted Resolution 2018-26 Adopting the Amenity Rules** for the Brightwater Community
90 Development District.

91 **D. Public Hearing – Adopting Uniform Method of Collecting Assessments**

- 92 1. Open Public Hearing
93 Mr. Cusmano called for a motion to open the public hearing.

94 On a MOTION by Mr. Lawson, SECONDED by Mr. Draper, WITH ALL IN FAVOR, the Board
95 **opened the public hearing** for the Brightwater Community Development District.

- 96 2. Review of the Uniform Method of Collecting Assessments
97 Mr. Cusmano presented the uniform method of collecting assessments and asked for comments,
98 questions, or corrections.
99 3. Public Comments
100 There being none, next item followed.
101 4. Close Public Hearing
102 Mr. Cusmano called for a motion to close the public hearing.

103 On a MOTION by Mr. Lawson, SECONDED by Ms. Price, WITH ALL IN FAVOR, the Board **closed**
104 **the public hearing** for the Brightwater Community Development District.

- 105 5. Consideration and Adoption of Resolution 2018-27 Uniform Method of Collecting
106 Assessments
107 Mr. Cusmano presented Resolution 2018-27 Uniform Method of Collecting Assessments and
108 asked for comments, questions, or corrections. Mr. Lawson called for a motion to adopt the resolution.

109 On a MOTION by Mr. Lawson, SECONDED by Mr. Draper, WITH ALL IN FAVOR, the Board
110 **adopted Resolution 2018-27 Uniform Method of Collecting Assessments** for the Brightwater
111 Community Development District.

112 **E. Consideration and Approval of Resolution 2018-28 Imposing Special Assessments**

113 Mr. Cusmano presented Resolution 2018-28 Impose Special Assessments and asked for
114 comments, questions, or corrections. Mr. Lawson called for a motion to adopt the resolution.

115 On a MOTION by Mr. Lawson, SECONDED by Ms. Price, WITH ALL IN FAVOR, the Board
116 **adopted Resolution 2018-28 Imposing Special Assessments** for the Brightwater Community
117 Development District.

118 **F. Consideration and Adoption of Resolution 2018-29 Canvassing & Certifying the Results of**
119 **the Landowners Meeting**

120 Mr. Cusmano presented Resolution 2018-29 to canvass and certify the results of the landowners
121 meeting and asked for comments, questions, or corrections. Mr. Lawson called for a motion to adopt the
122 resolution.

123 On a MOTION by Mr. Lawson, SECONDED by Mr. Draper, WITH ALL IN FAVOR, the Board
124 **adopted Resolution 2018-29 Canvassing & Certifying the Results of the Landowners Meeting** for
125 the Brightwater Community Development District.

126 **G. Budget Funding Agreement**

127 Mr. Cusmano presented the Budget Funding Agreement and asked for comments, questions, or
128 corrections. Mr. Lawson called for a motion to adopt the resolution.

129 On a MOTION by Mr. Lawson, SECONDED by Ms. Price, WITH ALL IN FAVOR, the Board
130 **approved the Budget Funding Agreement, subject to ratification,** for the Brightwater Community
131 Development District.

132 **H. Northbrook Holdings, LLC – Development Acquisition Agreement**

133 Mr. Cusmano presented the Northbrook Holdings, LLC Development Acquisition Agreement and
134 asked for comments, questions, or corrections. Mr. Lawson called for a motion to adopt the resolution.

135 On a MOTION by Mr. Lawson, SECONDED by Mr. Draper, WITH ALL IN FAVOR, the Board
136 **approved the Northbrook Holdings, LLC Development Acquisition Agreement** for the Brightwater
137 Community Development District.

138 **I. Capital Improvements Promissory Note**

139 Mr. Cusmano presented the Capital Improvements Promissory Note and asked for questions,
140 comments, or corrections.

141 On a MOTION by Mr. Lawson, SECONDED by Ms. Price, WITH ALL IN FAVOR, the Board
142 **approved the Capital Improvements Promissory Note** for the Brightwater Community
143 Development District.

144 **FIFTH ORDER OF BUSINESS – Reports**

145 A. District Manager

- 146 • Stantec Professional Engineering Services Proposal

147 On a MOTION by Mr. Lawson, SECONDED by Ms. Price, WITH ALL IN FAVOR, the Board
148 **approved the Stantec Professional Engineering Services Proposal** for the Brightwater Community
149 Development District.

150 B. Attorney

151 There being none, next item followed.

152 C. District Engineer

153 There being none, next item followed.

154 **SIXTH ORDER OF BUSINESS – Supervisors Requests**

155 There being none, next item followed.

156 **SEVENTH ORDER OF BUSINESS – Audience Questions and Comments on Other Items**

157 There being none, next item followed.

158 **EIGHTH ORDER OF BUSINESS – Adjournment**

159 On a MOTION by Mr. Lawson, SECONDED by Mr. Draper, WITH ALL IN FAVOR, the Board
160 adjourned the meeting for the Brightwater Community Development District.

161
162 **Each person who decides to appeal any decision made by the Board with respect to any matter*
163 *considered at the meeting is advised that person may need to ensure that a verbatim record of the*
164 *proceedings is made, including the testimony and evidence upon which such appeal is to be based.*

165
166 **Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed**
167 **meeting held on _____.**

168
169 _____
170 **Signature**

171
172 _____
173 **Paul Cusmano**
174 **Printed Name**
175 **Title:** **Secretary** **Assistant Secretary**

169 _____
170 **Signature**

171
172 _____
173 **Mike Lawson**
174 **Printed Name**
175 **Title:** **Chairman** **Vice Chairman**

EXHIBIT 2.

1 **MINUTES OF LANDOWNERS MEETING**
2 **BRIGHTWATER**
3 **COMMUNITY DEVELOPMENT DISTRICT**
4

5 The Landowners Meeting of the Board of Supervisors of the Brightwater Community Development
6 District was held on Tuesday, June 5, 2018 at 11:00 a.m. at the Hampton Inn, 9441 Marketplace Road, Ft.
7 Myers FL 33912.

8 **FIRST ORDER OF BUSINESS – Call to Order**

9 Mr. Cusmano called the meeting to order.

10
11 Present and establishing a quorum were:

12
13 Mike Lawson Board Supervisor, Chairman
14 Doug Draper Board Supervisor, Vice Chairman
15 Lori Price Board Supervisor, Assistant Secretary

16 Also present were:

17
18 Paul Cusmano District Manager
19 Vivek Babbar District Counsel (via phone)
20

21 *The following is a summary of the discussions and actions taken at the June 5, 2018 Brightwater CDD*
22 *Landowners Meeting.*

23 **SECOND ORDER OF BUSINESS – Determination of Number of Voting Units Represented**

24 Mr. Cusmano stated the John Ryan, as landowner representative, has 340 Voting Units.

25 **THIRD ORDER OF BUSINESS – Election of a Chairman for the Purpose of Conducting the**
26 **Landowners Meeting**

27 Mr. Cusmano stated that Mike Lawson was elected as Chairman.

28 **FOURTH ORDER OF BUSINESS – Nominations for the Positions of Supervisor**

29 Mr. Cusmano stated the positions of Supervisor to be:

30 Mike Lawson for Seat #1 with 340 Votes
31 Doug Draper for Seat #2 with 330 Votes
32 Lori Price for Seat #3 with 320 Votes

33 On a MOTION by Mr. Lawson, SECONDED by Mr. Draper, WITH ALL IN FAVOR, the Board
34 approved the Nominations for Positions of Supervisors for the Landowners Meeting for the Brightwater
35 Community Development District.

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39 **FIFTH ORDER OF BUSINESS – Casting of Ballots**

40 Mr. Cusmano stated Casting of the Ballots has been completed.

41 **SIXTH ORDER OF BUSINESS – Tabulation of Ballots**

42 Mr. Cusmano stated the ballots had been tabulated.

43 **SEVENTH ORDER OF BUSINESS – Landowners Questions & Comments**

44 There being none, next item followed.

45 **EIGHTH ORDER OF BUSINESS – Adjournment**

46 On a MOTION by Mr. Lawson, SECONDED by Ms. Price, WITH ALL IN FAVOR, the Board
47 adjourned the Landowners Meeting for the Brightwater Community Development District.

48

**Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.*

Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly noticed meeting held on _____.

Signature

Paul Cusmano

Printed Name

Title: Secretary Assistant Secretary

Signature

Mike Lawson

Printed Name

Title: Chairman Vice Chairman

EXHIBIT 3.

Brightwater Community Development District

Financial Statements
(Unaudited)

Preliminary

Period Ending
July 31, 2018

**Brightwater CDD
Balance Sheet
July 31, 2018**

	<u>Oct '17 - Sep 18</u>
ASSETS	
Current Assets:	
Cash- Operating Account	\$ 777
Accounts Receivable	-
TOTAL ASSETS	<u><u>777</u></u>
LIABILITIES & EQUITY	
Liabilities	
Accounts Payable	381
Total Liabilities	<u>\$ 381</u>
Equity	
Net Income	396
Total Equity	<u><u>396</u></u>
TOTAL LIABILITIES & EQUITY	<u><u>\$ 777</u></u>

Brightwater CDD
Statement of Revenue, Expenditures And Change In Fund Balance
For The Period Ending July 31, 2018

	FY2018 ADOPTED BUDGET	BUDGET YEAR-TO-DATE	ACTUAL YEAR-TO-DATE	VARIANCE FAVORABLE (UNFAVORABLE)
REVENUES				
ASSESSMENT - DEVELOPER CONTRIBUTIONS	\$ 365,003	\$ 45,625	\$ 44,746	\$ (879)
MISCELLANEOUS REVENUE	-	-	3	3
TOTAL REVENUES	365,003	45,625	44,749	(879)
EXPENDITURES				
GENERAL ADMINISTRATIVE:				
SUPERVISOR FEES (2 Meetings)	12,000	5,000	1,108	3,892
PAYROLL TAXES	918	383	184	199
PAYROLL SERVICE FEES	660	275	111	164
MANAGEMENT CONSULTING SERVICES	21,000	8,750	8,750	-
CONSTRUCTION ACCOUNTING SERVICES	9,000	3,750	-	3,750
PLANNING AND COORDINATING SERVICES	36,000	15,000	15,000	-
ADMINISTRATIVE (Postage, Freight, Copies,)	3,500	1,458	-	1,458
BANK FEES	300	125	43	82
MISCELLANEOUS	500	208	125	83
AUDITING SERVICES	4,500	1,875	-	1,875
TRAVEL PER DIEM	-	-	52	(52)
INSURANCE	4,000	2,507	2,507	-
REGULATORY AND PERMIT FEES	175	73	-	73
LEGAL ADVERTISEMENTS	2,000	833	5,656	(4,823)
ENGINEERING SERVICES	4,000	1,667	-	1,667
LEGAL SERVICES	7,500	3,125	7,476	(4,351)
PERFORMANCE & WARRANTY BOND PREMIUM	-	-	-	-
WEBSITE HOSTING	720	300	537	(237)
ADMINISTRATIVE CONTINGENCY	-	-	-	-
TOTAL EXPENDITURES	106,773	45,329	41,549	3,780
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	258,230	296	3,200	2,904
 FUND BALANCE - BEGINNING	 -	 -	 -	 -
FUND BALANCE - ENDING	\$ 258,230	\$ 296	\$ 3,200	\$ 2,904

**Brightwater CDD
Cash Reconciliation
July 31, 2018**

	Cash Balance
Beginning Balance	776.63
Outstanding Checks	-
Adjusted Bank Balance	<u><u>\$ 776.63</u></u>
Previous Month Balance	1,598.56
Receipts	5,781.10
Disbursements	(6,603.03)
End Of Month Balance	<u><u>\$ 776.63</u></u>

**Brightwater
Check Register FY2018**

Date	Num	Name	Memo	Receipts	Disbursements	Balance
03/01/2018		BOY		0.00	0.00	0.00
03/07/2018		Developer Funding	GF 2018-01	3,420.12		3,420.12
03/31/2018		Bank United	Interest	0.34		3,420.46
03/31/2018		EOM		3,420.46	0.00	3,420.46
04/10/2018	ACH4102018	Bank United	Business Checks		16.36	3,404.10
04/24/2018	1001	Business Observer	Legal Advertising 2/16/18		61.63	3,342.47
04/24/2018	1002	Department of Economic Opportunity	Annual Filing Fee		125.00	3,217.47
04/24/2018	1003	Straley Robin Vericker	Legal Services		2,796.50	420.97
04/24/2018	1004	VenturesIn.com, Inc.	Website Registration & Hosting		236.99	183.98
04/26/2018		Developer Funding	GF 2018-02	10,117.50		10,301.48
04/27/2018	1005	DPFG	CDD/Field Mgmt - Mar/Apr		9,500.00	801.48
04/30/2018		Bank United	Interest	0.59		802.07
04/30/2018		EOM		10,118.09	12,736.48	802.07
05/10/2018	1658	Northbrook Holdings LLC	Developer Funding	13,092.53		13,894.60
05/16/2018	1006	DPFG	CDD/Field Mgmt - May		4,750.00	9,144.60
05/16/2018	1007	Egis Insurance Advisors, LLC	Insurance FY 2018		2,507.00	6,637.60
05/16/2018	1008	News-Press Media Group	Legal Ad		1,883.59	4,754.01
05/16/2018	1009	Straley Robin Vericker	Legal Services		3,130.54	1,623.47
05/16/2018	1010	VenturesIn.com, Inc.	Website & Hosting		120.00	1,503.47
05/24/2018	ACH20180522	Paychex	BOS - Mtg - 2/28/18		147.35	1,356.12
05/24/2018	ACH10001	Michael S Lawson	BOS - Mtg - 2/28/18		184.70	1,171.42
05/24/2018	ACH10000	Ira D Draper	BOS - Mtg - 2/28/18		184.70	986.72
05/24/2018	ACH10002DD	Lori K Price	BOS - Mtg - 2/28/18		184.70	802.02
05/29/2018	1667	Northbrook Holdings LLC	Developer Funding	3,547.99		4,350.01
05/31/2018		Bank United	Service Charge		9.00	4,341.01
05/31/2018		Bank United	Interest	0.79		4,341.80
05/31/2018		EOM		16,641.31	13,101.58	4,341.80
06/08/2018	1693	Northbrook Holdings LLC	Developer Funding	5,170.82		9,512.62
06/11/2018	1011	DPFG	CDD/Field Mgmt - June		4,750.00	4,762.62
06/11/2018	1012	Straley Robin Vericker	Legal Svcs thru 5/15/18		420.82	4,341.80
06/11/2018	1013	News-Press Media Group	Legal Advertising		3,487.99	853.81
06/11/2018	1014	VenturesIn.com, Inc.	Web Site Hosting - May		60.00	793.81
06/28/2018	1708	Northbrook Holdings LLC	Developer Funding	813.23		1,607.04
06/30/2018		Bank United	Service Charge		9.00	1,598.04
06/30/2018		Bank United	Interest	0.52		1,598.56
06/30/2018		EOM		5,984.57	8,727.81	1,598.56
07/02/2018	1015	Ira D Draper	Mileage for 6/5/18 Board Meet	-	51.78	1,546.78
07/02/2018	1016	VenturesIn.com, Inc.	Web Site Hosting - June		60.00	1,486.78
07/06/2018	ACHBOS7618	Paychex	BOS - Mtg - 6/5/18		147.35	1,339.43
07/06/2018	10004	Michael S Lawson	BOS - Mtg - 6/5/18		184.70	1,154.73
07/06/2018	10003	Ira D Draper	BOS - Mtg - 6/5/18		184.70	970.03
07/06/2018	10005	Lori K Price	BOS - Mtg - 6/5/18		184.70	785.33
07/13/2018	1726	Northbrook Holdings LLC	Developer Funding	5,780.80		6,566.13
07/16/2018	1017	DPFG	CDD/Field Mgmt - July		4,750.00	1,816.13
07/16/2018	1018	Straley Robin Vericker	Legal Svcs thru 6/15/18		1,030.80	785.33
07/31/2018		Bank United	Service Charge		9.00	776.33
07/31/2018		Bank United	Interest	0.30		776.63
07/31/2018		EOM		5,781.10	6,603.03	776.63

EXHIBIT 4.

RESOLUTION 2018-31

THE ANNUAL APPROPRIATION RESOLUTION OF THE BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019 APPROVING A BUDGET FUNDING AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has, prior to the fifteenth (15th) day in June, 2018, submitted to the Board of Supervisors (“**Board**”) a proposed budget for the next ensuing budget year along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), Florida Statutes; and

WHEREAS, at least sixty (60) days prior to the adoption of the proposed annual budget (“**Proposed Budget**”), the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), Florida Statutes; and

WHEREAS, the Board set August 22, 2018, as the date for a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), Florida Statutes; and

WHEREAS, the District Manager posted the Proposed Budget on the District’s website at least two days before the public hearing; and

WHEREAS, Section 190.008(2)(a), Florida Statutes, requires that, prior to October 1, of each year, the District Board by passage of the Annual Appropriation Resolution shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

WHEREAS, the District Manager has prepared a Proposed Budget, whereby the budget shall project the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during the fiscal year; and

WHEREAS, in order for the Developer to fund a portion of the Budget, the Board desires to approve a form of the Budget Funding Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT:

Section 1. Budget

- a. That the Board of Supervisors has reviewed the District Manager’s Proposed Budget, a copy of which is on file with the office of the District Manager and at the District’s Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.
- b. That the Proposed Budget, attached hereto as **Exhibit “A,”** as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), Florida Statutes, and incorporated herein by reference; provided, however, that the comparative figures contained in the adopted budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures for fiscal year 2017/2018 and/or revised projections for fiscal year 2018/2019.
- c. That the adopted budget, as amended, shall be maintained in the office of the District Manager and at the District’s Records Office and identified as the “Budget for the Brightwater Community Development District for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019,” as adopted by the Board of Supervisors on August 22, 2018.
- d. The final adopted budget shall be posted by the District Manager on the District’s official website within thirty (30) days after adoption.

Section 2. Appropriations

There is hereby appropriated out of the revenues of the District, for the fiscal year beginning October 1, 2018, and ending September 30, 2019, the sum of \$_____ to be raised by the levy of assessments and otherwise, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	\$_____
TOTAL DEBT SERVICE FUNDS	\$_____
TOTAL ALL FUNDS	\$_____*

*Not inclusive of any collection costs.

Section 3. Budget Amendments

Pursuant to Section 189.016, Florida Statutes, the District at any time within the fiscal year or within 60 days following the end of the fiscal year may amend its budget for that fiscal year as follows:

- a. The Board may authorize an increase or decrease in line item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may authorize an increase or decrease in line item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed \$10,000 or 10% of the original appropriation.
- c. By resolution, the Board may increase any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.
- d. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.016 of the Florida Statutes, among other applicable laws. Among other procedures, the District Manager or Treasurer must ensure that any amendments to budget(s) under subparagraphs c. and d. above are posted on the District’s website within 5 days after adoption.

Section 4. Budget Funding Agreement

The form of the Budget Funding Agreement, attached as **Exhibit “B”** hereto, is hereby approved in order to fund the Developer’s portion of the budget for Fiscal Year 2018/2019.

Section 5. Effective Date.

This Resolution shall take effect upon the passage and adoption of this Resolution by the Board of Supervisors of the Brightwater Community Development District.

PASSED AND ADOPTED THIS 28th DAY OF AUGUST, 2018.

ATTEST:

**BRIGHTWATER COMMUNITY
DEVELOPMENT DISTRICT**

By: _____
Name: _____
Assistant Secretary

By: _____
Michael Lawson
Chair of the Board of Supervisors

Exhibit A: 2018/2019 Budget
Exhibit B: Budget Funding Agreement

**STATEMENT 1
BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT
FY 2019 PROPOSED BUDGET - GENERAL FUND (O&M)**

		FY 2019 BUDGET
I. REVENUE		
GENERAL FUND REVENUE /(1)	\$	116,523
TOTAL REVENUE		116,523
II. EXPENDITURES		
GENERAL ADMINISTRATIVE:		
SUPERVISORS COMPENSATION		12,000
PAYROLL TAXES		918
PAYROLL PROCESSING		660
MANAGEMENT CONSULTING SERVICES		21,000
CONSTRUCTION ACCOUNTING SERVICES		9,000
PLANNING, COORDINATING & CONTRACT SERVICES		36,000
ADMINISTRATIVE SERVICES		3,500
BANK FEES		300
MISCELLANEOUS		500
AUDITING SERVICES		4,500
TRAVEL PER DIEM		-
INSURANCE		4,000
REGULATORY AND PERMIT FEES		175
LEGAL ADVERTISEMENTS		2,000
ENGINEERING SERVICES		4,000
LEGAL SERVICES		7,500
WEBSITE HOSTING		720
TOTAL GENERAL ADMINISTRATIVE		106,773
DEBT ADMINISTRATION:		
DISSEMINATION AGENT		1,000
TRUSTEE FEES		8,000
ARBITRAGE		750
TOTAL DEBT ADMINISTRATION		9,750

**STATEMENT 1
BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT
FY 2019 PROPOSED BUDGET - GENERAL FUND (O&M)**

	FY 2019 BUDGET
PHYSICAL ENVIRONMENT EXPENDITURES:	
SECURITY	-
COMPREHENSIVE FILED TECH SERVICES	-
AMENITY MANAGEMENT SERVICES	-
STREETPOLE LIGHTING	-
ELECTRICITY (IRRIGATION & POND PUMPS)	-
WATER	-
LANDSCAPING MAINTENANCE	-
LANDSCAPE REPLINISHMENT	-
IRRIGATION MAINTENANCE	-
ELECTRICAL IRRIGATION PUMP	-
POND MAINTENANCE	-
CONTINGENCY FOR PHYSICAL ENVIRONMENT	-
TOTAL PHYSICAL ENVIRONMENT EXPENDITURES	-
AMENITY CENTER OPERATIONS:	
POOL MAINTENANCE	-
POOL PERMITS	-
PLAYGROUND & TOT LOT MAINTENANCE	-
ELECTRIC UTILITIES	-
FACILITY MAINTENANCE	-
PEST CONTROL	-
TOTAL AMENITY CENTER OPERATIONS	-
TOTAL EXPENDITURES	116,523
III. EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	
FUND BALANCE - BEGINNING	-
FUND BALANCE - ENDING	\$ -

Footnote:

(1) Revenue collections from County tax collector and/or budget funding agreement as needed only based on actual expenditures. Draws upon budget funding agreement can only be based on actual expenditures.

EXHIBIT 5.

RESOLUTION 2018-32

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT IMPOSING SPECIAL ASSESSMENTS; PROVIDING FOR COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS; ADOPTING AND CERTIFYING AN ASSESSMENT ROLL; PROVIDING FOR AMENDMENT OF THE ASSESSMENT ROLL; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Brightwater Community Development District (“**District**”) is a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes for the purpose of providing, operating and maintaining infrastructure improvements, facilities and services to the lands within the District; and

WHEREAS, the District is located in Lee County, Florida (“**County**”); and

WHEREAS, the District owns and operates various infrastructure improvements and provides certain services in accordance with Chapter 190, Florida Statutes; and

WHEREAS, the Board of Supervisors (“**Board**”) of the District hereby determines to undertake various operations and maintenance activities described in the District’s budget for fiscal year 2018/2019 (“**Budget**”), attached hereto as **Exhibit “A”** and incorporated as a material part of this Resolution by this reference; and

WHEREAS, the District must obtain sufficient funds to provide for the operation and maintenance services and facilities provided by the District as described in the District’s Budget; and

WHEREAS, the provision of such services, facilities, and operations is a benefit to lands within the District; and

WHEREAS, Chapter 190, Florida Statutes, provides that the District may impose special assessments on benefitted lands within the District; and

WHEREAS, Chapter 197, Florida Statutes, provides a mechanism pursuant to which such special assessments may be placed on the County Tax Roll and collected by the County Tax Collector (“**Uniform Method**”); and

WHEREAS, the District has, by resolution and public notice, previously evidenced its intention to utilize the Uniform Method; and

WHEREAS, the District has approved an agreement with the Lee County Property Appraiser (“**Property Appraiser**”) and Lee County Tax Collector (“**Tax Collector**”) to provide for the collection of special assessments under the Uniform Method; and

WHEREAS, it is in the best interests of the District to proceed with the imposition of the special assessments on all assessable lands for operations and maintenance in the amount contained in the Budget; and

WHEREAS, the District desires to levy and collect special assessments reflecting each parcel's portion of the District's Budget; and

WHEREAS, it is in the best interests of the District to adopt the Assessment Roll of the District ("**Assessment Roll**") attached to this Resolution as **Exhibit "B"** and incorporated as a material part of this Resolution by this reference, and to certify a portion of the Assessment Roll on the parcels designated in **Exhibit "B"** to the Tax Collector pursuant to the Uniform Method and to directly collect a portion of the assessments on the parcels designated in **Exhibit "B"** through the direct collection method pursuant to Chapter 190, Florida Statutes; and

WHEREAS, it is in the best interests of the District to permit the District Manager to amend the Assessment Roll adopted herein, including that portion certified to the Tax Collector by this Resolution, as the Property Appraiser updates the property roll, for such time as authorized by Florida law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. BENEFIT. The provision of the services, facilities and operations as described in **Exhibit "A"** confer a special and peculiar benefit to the lands within the District, which benefits exceed or equal the costs of the assessments. The allocation of the costs to the specially benefited lands is shown in **Exhibits "A"** and **"B"**.

SECTION 2. ASSESSMENT IMPOSITION. Pursuant to Chapter 190 of the Florida Statutes, and using procedures authorized by Florida law for the levy and collection of special assessments, a special assessment for operation and maintenance is hereby imposed and levied on benefited lands within the District in accordance with **Exhibits "A"** and **"B"**. The lien of the special assessments for operations and maintenance imposed and levied by this Resolution shall be effective upon passage of this Resolution.

SECTION 3. COLLECTION AND DUE DATE.

A. Uniform Method Assessments. The collection of the previously levied debt service assessments and operation and maintenance special assessments on a portion of the platted lots and developed lands shall be at the same time and in the same manner as County taxes in accordance with the Uniform Method, as set forth in **Exhibits "A"** and **"B."**

B. Direct Bill Assessments. The annual installment for the previously levied debt service assessments, and the annual operations and maintenance assessments, on a portion of the undeveloped and unplatted lands will be collected directly by the District in accordance with

Florida law, as set forth in **Exhibits “A” and “B.”** Assessments directly collected by the District are due in full on December 1, 2018; provided, however, that, to the extent permitted by law, the assessments due may be paid in several partial, deferred payments and according to the following schedule: 50% due no later than December 1, 2018, 25% due no later than February 1, 2019 and 25% due no later than May 1, 2019. In the event that an assessment payment is not made in accordance with the schedule stated above, the whole assessment – including any remaining partial, deferred payments for Fiscal Year 2018/2019, as well as any future installments of special assessments securing debt service – shall immediately become due and payable; shall accrue interest, penalties in the amount of one percent (1%) per month, and all costs of collection and enforcement; and shall either be enforced pursuant to a foreclosure action, or, at the District’s sole discretion, collected pursuant to the Uniform Method on a future tax bill, which amount may include penalties, interest, and costs of collection and enforcement. Any prejudgment interest on delinquent assessments shall accrue at the applicable rate of any bonds or other debt instruments secured by the special assessments, or, in the case of operations and maintenance assessments, at the applicable statutory prejudgment interest rate. In the event an assessment subject to direct collection by the District shall be delinquent, the District Manager and District Counsel, without further authorization by the Board, may initiate foreclosure proceedings pursuant to Chapter 170 of the Florida Statutes or other applicable law to collect and enforce the whole assessment, as set forth herein.

C. Future Collection Methods. The decision to collect special assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect special assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices. The District certifies all assessments for debt service and operations and maintenance for collection pursuant to Chapters 190 and 197, Florida Statutes. All assessments collected by the Tax Collector shall be due and payable as provided in Chapter 197, Florida Statutes.

SECTION 4. ASSESSMENT ROLL. The District's Assessment Roll, attached to this Resolution as **Exhibit “B”**, is hereby certified and adopted.

SECTION 5. ASSESSMENT ROLL AMENDMENT. The District Manager shall keep apprised of all updates made to the property roll by the Property Appraiser after the date of this Resolution, and shall amend the District’s Assessment Roll in accordance with any such updates, for such time as authorized by Florida law. After any amendment of the Assessment Roll, the District Manager shall file the updates to the tax roll in the District records.

SECTION 6. SEVERABILITY. The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect upon the passage and adoption of this Resolution by the Board of Supervisors of the Brightwater Community Development District.

PASSED AND ADOPTED THIS 22ND DAY OF AUGUST, 2018.

ATTEST:

**BRIGHTWATER COMMUNITY
DEVELOPMENT DISTRICT**

By: _____
Name: _____
Assistant Secretary

By: _____
Michael Lawson
Chair of the Board of Supervisors

Exhibit "A" – Fiscal Year 2018/2019 Budget
Exhibit "B" – District Assessment Lien Roll
Assessment Roll (Uniform Method)
Assessment Roll (Direct Collect)

EXHIBIT 6.

Budget Funding Agreement
Fiscal Year 2018/2019

This Agreement is made and entered into this 22nd day of August, 2018, by and between the **Brightwater Community Development District**, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, and located in Lee County, Florida (hereinafter "**District**"), and **North Brook Holdings, LLC**, a Florida limited liability company (hereinafter "**Developer**").

Recitals

WHEREAS, the District is a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes and located in Lee County, Florida, (the "County") for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure; and

WHEREAS, the District, pursuant to Chapter 190, Florida Statutes, is authorized to levy such taxes, special assessments, fees and other charges as may be necessary in furtherance of the District's activities and services; and

WHEREAS, Developer presently owns real property within the District, which property will benefit from the timely construction and acquisition of the District's facilities, activities and services and from the continued operations of the District; and

WHEREAS, the District is adopting its general fund budget for the Fiscal Year 2018/2019, which year commences on October 1, 2018 and concludes on September 30, 2019; and

WHEREAS, the District will need a funding mechanism to enable it to proceed with a portion of its operations and services during Fiscal Year 2018/2019 as described in Exhibit "A" attached hereto; and

WHEREAS, the Developer desires to provide such funds, as are necessary, to the District to proceed with its operations and services for Fiscal Year 2018/2019, as described in Exhibit "A," and as may be amended from time to time by the District.

NOW, THEREFORE, based upon good and valuable consideration and the mutual covenants of the parties, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Developer agrees to make available to the District the monies necessary for the operation of the District as called for in the budget attached hereto as Exhibit "A", as may be amended from time to time, within thirty (30) days of written request by the District. The funds shall be placed in the District's general checking account. These payments are made by the Developer in lieu of taxes, fees, or assessments which might otherwise be levied or imposed by the District.

2. The parties hereto recognize that a portion of the aforereferenced operating expenses may be required in support of the District's effort to implement its capital improvements program which are to be financed in the form of note(s), bond(s) or future developer advances and as such may be considered to be reimbursable expenses. The District agrees that upon the issuance of its note(s) or bonds(s) that there will be included an amount sufficient to reimburse the Developer for a portion of the advances made pursuant to this agreement and such reimbursement will be made within thirty (30) days of receiving the proceeds of the note(s) or bond(s). The advances made pursuant to this agreement and reimbursement of same will not include any interest charge since it is anticipated that the District will proceed in a timely fashion to obtain its note(s) or bond(s).

3. This instrument shall constitute the final and complete expression of the agreement between the parties relating to the subject matter of this Agreement. Amendment to and waivers of the provisions contained in this Agreement may be made only by an instrument in writing which is executed by both of the parties hereto.

4. The execution of this Agreement has been duly authorized by the appropriate body or official of all parties hereto, each party has complied with all the requirements of law, and each party has full power and authority to comply with the terms and provisions of this instrument.

5. This Agreement may be assigned, in whole or in part by either party only upon the written consent of the other. Any purported assignment without such written consent shall be void.

6. A default by either party under this Agreement shall entitle the other to all remedies available at law or in equity, which shall include, but not be limited to, the right of damages and specifically including the ability of the District to enforce any and all payment obligations under this Agreement through the imposition and enforcement of a contractual or other lien on property owned by the Developer.

7. In the event that either party is required to enforce this Agreement by court proceedings or otherwise, then the parties agree that the prevailing party shall be entitled to recover from the other all costs incurred, including reasonable attorneys' fees and costs for, trial alternative dispute resolution, or appellate proceedings.

8. This Agreement is solely for the benefit of the formal parties herein and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto. Nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person or corporation other than the parties hereto any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof; and all of the provisions, representations, covenants and conditions herein contained shall inure to the sole benefit of and shall be binding upon the parties hereto and their respective representatives, successors and assigns.

9. This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida.

10. This Agreement has been negotiated fully between the parties as an arm's length transaction. The parties participated fully in the preparation of this Agreement with the assistance of their respective counsel. In the case of a dispute concerning the interpretation of any provision of this Agreement, the parties are each deemed to have drafted, chosen and selected the language, and the doubtful language will not be interpreted or construed against any party.

11. The Agreement shall be effective after execution by both parties hereto.

IN WITNESS WHEREOF, the parties execute this agreement the day and year first written above.

Attest:

**Brightwater Community
Development District**

Secretary/Assistant Secretary

By: _____
Michael Lawson
Chair of the Board of Supervisors

North Brook Holdings, LLC
a Florida limited liability company

Witness

By: _____
John Ryan
Managing Member

Witness

Exhibit "A" – Fiscal Year 2018/2019 General Fund Budget

EXHIBIT 7.

EXHIBIT 8.

RESOLUTION 2018-34

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT ADOPTING AN ELECTRONIC RECORDS POLICY AND ADDRESSING SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the Brightwater Community Development District (the "**District**") is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes;

WHEREAS, Chapter 190, Florida Statutes, authorizes the District to adopt policies to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of district business;

WHEREAS, the District maintains an active and continuing program for the economical and efficient management of public records of the District;

WHEREAS, the District previously adopted a resolution adopting a records retention policy and appointing a representative from the District Manager's office as the "records management liaison officer" as required by Section 257.36(5), Florida Statutes and the "Custodian of public records" as required by Section 119.011(5), Florida Statutes (together the "**Public Records Custodian**");

WHEREAS, Rule 1B-26.003, Florida Administrative Code, allows the Public Records Custodian to designate an electronic copy of an original paper record as the record (master) copy and designate the original paper copy as a duplicate;

WHEREAS, the District desires to adopt an electronic records policy as described more fully in **Exhibit A** attached hereto ("**Electronic Records Policy**"), as such policy may be amended from time to time, and authorize the Public Records Custodian to use such policy, for creating electronic copies of original paper records, designating such electronic copies as the record (master) copy, designating such original paper copies as duplicates and destroying, or otherwise disposing of, such originals in accordance with the applicable general schedule once such originals are obsolete, superseded or the administrative value is lost;

WHEREAS, consistent with Rule 1B-26.003, Florida Administrative Code, the District has undertaken a cost benefit analysis to determine that the adoption of the Electronic Records Policy would be cost-effective;

WHEREAS, the Board of Supervisors of the District (the "**Board**") finds that the contemplated Electronic Records Policy will be cost effective by, among other things, eliminating the need to store physical records; and

WHEREAS, the Board finds that it is in the best interests of the District to adopt the Electronic Records Policy for immediate use and application.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:

1. **RECITALS.** The foregoing recitals are true and correct and incorporated herein as findings of the Board.
2. **ADOPTION OF ELECTRONIC RECORDS POLICY.** The District hereby authorizes the Public Records Custodian to implement the Electronic Records Policy.
3. **SEVERABILITY.** If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.
4. **CONFLICTS.** Upon its passage, this Resolution is intended to supplement the District's prior rules and policies regarding records management, including but not limited to rules and policies adopted by prior resolutions, and, accordingly, all such prior rules and policies remain in full force and effect, except to the extent modified by this Resolution.
5. **EFFECTIVE DATE.** This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this 25th day of July, 2018.

Attest:

**Brightwater Community Development
District**

Secretary/Assistant Secretary
Paul Cusmano

Chair/Vice Chair of the Board of Supervisors
Mike Lawson

Exhibit A
Electronic Records Policy

- 1. PURPOSE OF ELECTRONIC RECORDS POLICY.** The purpose of this Electronic Records Policy (this "**Policy**") is to create a more efficient and cost effective means for retaining and managing District records by authorizing the District and its Public Records Custodian to designate electronic copies of original paper records as record, "master" copies, and to dispose of the duplicate original paper records in accordance with Florida law and rules.
- 2. DESIGNATION OF ELECTRONIC COPIES AS MASTER COPIES.** It is the policy of the District to permit the retainage and management of public records in accordance with, and pursuant to, Rule 18-26.003, Florida Administrative Code, and, more specifically, to: (i) create electronic copies of original paper records, (ii) designate all such electronic copies as the record (master) copies; and (iii) destroy, or otherwise dispose of, such originals in accordance with the applicable general schedule once such originals are obsolete, superseded or the administrative value is lost. The Public Records Custodian in his or her sole discretion may select which original paper records, if any, shall be subject to the implementation of this Policy.
- 3. DISTRICT DUTIES AND RESPONSIBILITIES.** The District and its Public Records Custodian shall develop and implement this Policy, all in compliance with Rule 18-26.003(6), Florida Administrative Code, the terms of which are incorporated herein. Among other things, the District and its Public Records Custodian shall ensure that all records are included within records retention schedules, integrate the management of electronic records with other records and information resources management programs, incorporate electronic records management objectives, responsibilities, and authorities in pertinent District directives, establish procedures for addressing records management requirements, provide training as appropriate, etc.
- 4. PUBLIC RECORDS.** The District and its Public Records Custodian shall ensure that the electronic recordkeeping systems meet all requirements for public access to records in accordance with Chapter 119, Florida Statutes. Toward that end, the District and its Public Records Custodian shall provide copies of electronic records to any person making a public records request, shall ensure that all District contracts do not impair the right of the public to access District records, shall maintain the confidentiality of records exempt from disclosure, and otherwise shall satisfy the requirements of Chapter 119, Florida Statutes, and Rule 1B-26.003(6)(g), Florida Administrative Code, the terms of which are incorporated herein.
- 5. DOCUMENTATION STANDARDS.** The District and its Public Records Custodian shall develop and maintain adequate and up-to-date technical and descriptive documentation for each electronic recordkeeping system in compliance with Rule 1B-26.003(7), Florida Administrative Code, the terms of which are incorporated herein. Among other things, and without intending to limit the requirements of Rule 18-26.003(7), Florida Administrative Code, the documentation shall include a narrative

description of the system, the physical and technical characteristics of the system, and any other technical information needed to read or process the records.

- 6. CREATION AND USE OF ELECTRONIC RECORDS.** The District and its Public Records Custodian shall comply with Rule 18-26.003(8), Florida Administrative Code, the terms of which are incorporated herein, with respect to the creation and use of electronic records. Among other things, the District and its Public Records Custodian shall provide a method for authorized users to retrieve desired records, shall provide an appropriate level of security in order to maintain the integrity of the records, shall identify the open format or standard interchange format when necessary to permit the exchange of records on electronic media, and shall provide for the disposition of the records, including, when appropriate, transfer to the Florida State Archives. Before a record (master) copy is created on an electronic recordkeeping system, the record shall be uniquely identified to enable authorized personnel to retrieve, protect, and carry out the disposition of records in the system.
- 7. LEGAL AUTHENTICATION.** Pursuant to Rule 18-26.003(9), Florida Administrative Code, the terms of which are incorporated herein, the District and its Public Records Custodian shall implement the following procedures to enhance the legal admissibility of electronic records:

 - a.** Document that similar kinds of records generated and stored electronically are created by the same processes each time and have a standardized retrieval approach.
 - b.** Substantiate that security procedures prevent unauthorized addition, modification, or deletion of a record and ensure systems are protected against such problems as power interruptions.
 - c.** Identify the electronic media on which records are stored throughout their life cycle, the maximum time span that records remain on each storage media, and the official retention requirements as approved by the Division of Library and Information Services.
- 8. SELECTION OF ELECTRONIC RECORDS STORAGE MEDIA.** The District and its Public Records Custodian shall select appropriate media and systems for the storage of electronic records throughout their life cycle pursuant to Rule 18-26.003(10), Florida Administrative Code, the terms of which are incorporated herein. Among other things, such media and systems shall permit easy and accurate retrieval, shall retain the records in a usable format, and shall meet the standards, and be selected based on the factors, set forth in Rule 1B-26.003(10), Florida Administrative Code.
- 9. MAINTENANCE OF ELECTRONIC RECORDS.** The District and its Public Records Custodian shall maintain electronic records in a manner consistent with the standards set forth in Rule 1B-26.003(11), Florida Administrative Code, the terms of which are incorporated herein.

10. RETENTION OF ELECTRONIC RECORDS. The District and its Public Records Custodian shall ensure that all electronic records are retained and accessible for as long as required by law and pursuant to Rule 18-26.003(12), Florida Administrative Code, the terms of which are incorporated herein. Specifically, the Public Records Custodian shall schedule the retention and disposition of all electronic documents, shall establish a process for recopying, reformatting and other necessary maintenance to ensure the retention and usability of electronic records throughout their authorized life cycle, and shall transfer a copy of the electronic records to the Florida State Archives at the time specified in the record retention schedule, if applicable.

11. DESTRUCTION OF ELECTRONIC RECORDS. The District and its Public Records Custodian shall destroy electronic records only in a manner consistent with the standards set forth in Rule 1B-26.003(13), Florida Administrative Code, the terms of which are incorporated herein. At a minimum, the District and its Public Records Custodian shall destroy electronic records in a manner such that any confidential or exempt information cannot practicably be read or reconstructed, and shall ensure that recording media previously used for electronic records containing confidential or exempt information are not reused if the previously recorded information can be comprised in any way by reuse.

EXHIBIT 9.

RESOLUTION 2018-35

A RESOLUTION OF THE BOARD OF SUPERVISORS OF BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DATES, TIME AND LOCATION FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Brightwater Community Development District (hereinafter the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated entirely within the Lee County, Florida; and

WHEREAS, the District’s Board of Supervisors (hereinafter the “Board”), is statutorily authorized to exercise the powers granted to the District, but has not heretofore met; and

WHEREAS, all meetings of the Board shall be open to the public and governed by the provisions of Chapter 286, Florida Statutes; and

WHEREAS, the District is required by Florida law to prepare an annual schedule of its regular public meetings which designates the date, time, and location of the District’s meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BRIGHTWATERCOMMUNITY DEVELOPMENT DISTRICT THAT:

Section 1. The annual public meeting schedule of the Board of Supervisors for the Fiscal Year 2018/2019 attached hereto and incorporated by reference herein as **Exhibit A** is hereby approved and will be published and filed in accordance with the requirements of Florida law.

Section 2. The District Manager is hereby directed to submit a copy of the Fiscal Year 2018/2019 annual public meeting schedule to Lee County and the Department of Economic Opportunity.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 22ND DAY OF AUGUST, 2018.

ATTEST:

BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT

Secretary/ Assistant Secretary
Print Name: Paul Cusmano

Chair/ Vice Chair
Print Name: Mike Lawson

EXHIBIT A

Exhibit A

Notice of Meeting Schedule Fiscal Year 2019 Brightwater Community Development District

As required by Chapters 189 and 190 of Florida Statutes, notice is hereby given that the Fiscal Year 2019 regular meetings of the Board of Supervisors of the Brightwater Community Development District are scheduled to be held on the fourth Wednesday of every month at 11:00 a.m. in a conference room of the Hampton Inn, 9241 Marketplace Road, Fort Myers, Florida 33912 as follows (exceptions noted below):

October 24, 2018
November 28, 2018
December 26, 2018
January 23, 2019
February 27, 2019
March 27, 2019
April 24, 2019
May 22, 2019
June 26, 2019
July 24, 2019
August 28, 2019
September 25, 2019

The meetings will be open to the public and will be conducted in accordance with the provision of Florida Law for community development districts. Any meeting may be continued to a date, time, and place to be specified on the record at the meeting. Copies of the agendas for the meetings listed above may be obtained from DPF Management & Consulting, LLC ("DPFG"), 15310 Amberly Drive, Suite 175, Tampa, Florida 33647 or (813) 374-9105, one week prior to the meeting.

There may be occasions when one or more Supervisors will participate by telephone. At the above location there will be present a speaker telephone so that any interested person can attend the meeting at the above location and be fully informed of the discussions taking place either in person or by telephone communication.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District's management company office, DPF Management & Consulting, LLC at 813-374-9105 at least two (2) business days prior to the date of the hearing and meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 711 for aid in contacting the District.

Each person who decides to appeal any action taken at these meetings is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

DPFG, District Management