

***BRIGHTWATER COMMUNITY
DEVELOPMENT DISTRICT***

Advanced Meeting Package

***Board of Supervisor
Regular Meeting***

***Wednesday,
September 26, 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 AGENDA

At the Hampton Inn, located at 9241 Market Place,
Fort Myers, Florida

District Board of Supervisors	Mike Lawson Doug Draper Lori Price Ted Sanders	Chairman Vice Chairman Assistant Secretary Assistant Secretary
District Manager	Paul Cusmano	DPFG
District Attorney	Vivek Babbar	Straley Robin Vericker
District Engineer	Tonja Stewart	Stantec Consulting Services, Inc.

All cellular phones and pagers must be turned off during the meeting.

The District Agenda is comprised of different sections:

The first section which is called **Audience Questions and Comments**. The Audience Comment portion of the agenda is where individuals may comment on matters that concern the District. Each individual is limited to three (3) minutes for such comment. The Board of Supervisors or Staff is not obligated to provide a response until sufficient time for research or action is warranted. **IF THE COMMENT CONCERNS A MAINTENANCE RELATED ITEM, THE ITEM WILL NEED TO BE ADDRESSED BY THE DISTRICT MANAGER OUTSIDE THE CONTEXT OF THIS MEETING.** The second section is called **Administrative Matters** and contains items that require the review and approval of the District Board of Supervisors as a normal course of business. The third section is called **Business Matters**. The business matters section contains items for approval by the District Board of Supervisors that may require discussion, motion and votes on an item-by-item basis. Occasionally, certain items for decision within this section are required by Florida Statute to be held as a Public Hearing. During the Public Hearing portion of the agenda item, each member of the public will be permitted to provide one comment on the issue, prior to the Board of Supervisors' discussion, motion and vote. Agendas can be reviewed by contacting the Manager's office at (813) 374-9105 at least seven days in advance of the scheduled meeting. Requests to place items on the agenda must be submitted in writing with an explanation to the District Manager at least fourteen (14) days prior to the date of the meeting. The fourth section is called **Staff Reports**. This section allows the District Manager and Maintenance Supervisor to update the Board of Supervisors on any pending issues that are being researched for Board action. The fifth section which is called **Audience Comments on Other Items** provides members of the Audience the opportunity to comment on matters of concern to them that were not addressed during the meeting. The same guidelines used during the first audience comment section will apply here as well. The final section is called **Supervisor Requests**. This is the section in which the Supervisors may request Staff to prepare certain items in an effort to meet residential needs.

Public workshops sessions may be advertised and held in an effort to provide informational services. These sessions allow staff or consultants to discuss a policy or business matter in a more informal manner and allow for lengthy presentations prior to scheduling the item for approval. Typically no motions or votes are made during these sessions.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the District Office at (813) 374-9105, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770, who can aid you in contacting the District Office.

Any person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that this same 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 the appeal is to be based.

BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT

Date of Meeting: Wednesday, September 26, 2018
Time: 9:00 a.m.
Location: Hampton Inn
9421 Marketplace Road
Fort Myers, FL 33912

(563) 999-2090
Code: 686859#

AGENDA

I. Roll Call

II. Audience Comments

III. Business Matters

A. FY 2018 Amended Budget

Exhibit 1

B. Consideration and Adoption of Resolution 2018-36 Proposed Budget Amendment

Exhibit 2

IV. Staff Reports

A. District Manager

B. Attorney

C. District Engineer

V. Supervisor Requests

VI. Adjournment

EXHIBIT 1.

**STATEMENT 1
BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT
FY 2018 PROPOSED AMENDED BUDGET
GENERAL FUND (O&M)**

	FY 2018 ADOPTED BUDGET	FY 2018 10/1/2017 - 7/31/2018	FY 2018 Projected 08/01-09/30/2018	FY 2018 PROJECTED TOTAL	FY 2018 AMENDMENT	FY 2018 AMENDED BUDGET
I. REVENUE						
OFF ROLL FUNDING (a)	\$ 365,003	\$ 41,542	\$ 15,788	\$ 57,330	\$ (307,673)	\$ 57,330
INTEREST		2	-	2	2	2
TOTAL REVENUE	365,003	41,544	15,788	57,332	(307,671)	57,332
II. EXPENDITURES						
GENERAL ADMINISTRATIVE						
SUPERVISORS COMPENSATION	12,000	1,109	1,200	2,309	(9,691)	2,309
PAYROLL TAXES	918	111	92	203	(715)	203
PAYROLL PROCESSING	660	184	110	294	(366)	294
MANAGEMENT CONSULTING SERVICES	21,000	8,750	3,500	12,250	(8,750)	12,250
CONSTRUCTION ACCOUNTING SERVICES	9,000	-	-	-	(9,000)	-
PLANNING, COORDINATING & CONTRACT SERVICES	36,000	15,000	6,000	21,000	(15,000)	21,000
ADMINISTRATIVE SERVICES	3,500	-	2,079	2,079	(1,421)	2,079
BANK FEES	300	35	35	70	(230)	70
MISCELLANEOUS	500	-	100	100	(400)	100
AUDITING SERVICES	4,500	-	-	-	(4,500)	-
TRAVEL PER DIEM	-	52	52	104	104	104
INSURANCE	4,000	2,508	-	2,508	(1,492)	2,508
REGULATORY AND PERMIT FEES	175	125	-	125	(50)	125
LEGAL ADVERTISEMENTS	2,000	5,657	500	6,157	4,157	6,157
ENGINEERING SERVICES	4,000	-	1,000	1,000	(3,000)	1,000
LEGAL SERVICES	7,500	7,477	1,000	8,477	977	8,477
PERFORMANCE & WARRANTY BOND PREMIUM	-	-	-	-	-	-
WEBSITE HOSTING	720	536	120	656	(64)	656
ADMINISTRATIVE CONTINGENCY	-	-	-	-	-	-
TOTAL GENERAL ADMINISTRATIVE	106,773	41,544	15,788	57,332	(49,441)	57,332
DEBT ADMINISTRATION:						
DISSEMINATION AGENT	1,000	-	-	-	(1,000)	-
TRUSTEE FEES	8,000	-	-	-	(8,000)	-
ARBITRAGE	750	-	-	-	(750)	-
TOTAL DEBT ADMINISTRATION	9,750	-	-	-	(9,750)	-
PHYSICAL ENVIRONMENT EXPENDITURES						
FIELD MANAGEMENT	9,600	-	-	-	(9,600)	-
FIELD MANAGER	11,679	-	-	-	(11,679)	-
AMENITY MANAGEMENT SERVICES	6,000	-	-	-	(6,000)	-
FIELD TRAVEL	1,400	-	-	-	(1,400)	-
STREETPOLE LIGHTING	-	-	-	-	-	-
ELECTRICITY (IRRIGATION & POND PUMPS)	-	-	-	-	-	-
WATER	-	-	-	-	-	-
LANDSCAPING MAINTENANCE	60,000	-	-	-	(60,000)	-
IRRIGATION MAINTENANCE	15,000	-	-	-	(15,000)	-
ELECTRICAL IRRIGATION PUMP	15,000	-	-	-	(15,000)	-
POND MAINTENANCE	10,920	-	-	-	(10,920)	-
CONTINGENCY FOR PHYSICAL ENVIRONMENT	118,881	-	-	-	(118,881)	-
TOTAL PHYSICAL ENVIRONMENT EXPENDITURES	248,480	-	-	-	(248,480)	-
TOTAL EXPENDITURES	365,003	41,544	15,788	57,332	(307,671)	57,332
III. EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	-	-	-	-	-	-
FUND BALANCE - BEGINNING	-	-	-	-	-	-
FUND BALANCE - ENDING	\$ -	\$ -				

(a) Off Roll funding will be made on an "as needed" basis only and based only on actual expenditures incurred

EXHIBIT 2.

RESOLUTION 2018-36

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BRIGHTWATER COMMUNITY DEVELOPMENT DISTRICT AMENDING ITS 2017/2018 OPERATIONS AND MAINTENANCE BUDGET AND ASSESSMENT ROLL AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors (the “**Board**”) of the Brightwater Community Development District (the “**District**”) previously adopted its budget for the 2017/2018 fiscal year (the “**Original Budget**”), levied operations and maintenance special assessments in accordance with the terms outlined in Resolution No. 2018-30 (the “**O/M Resolutions**”), and approved a budget funding agreement on certain property within the District, which resolutions are still in full force and effect; and

WHEREAS, at the time that the Original Budget was adopted it was anticipated that the District would be fully developed and platted during the 2017/2018 fiscal year; and

WHEREAS, based upon current projections by the District Manager, it is anticipated that the Original Budget overestimated the revenues needed for the District’s operations and maintenance activities for the 2017/2018 fiscal year because the Original Budget was adopted with the anticipation that all property within the District would be developed and platted in the 2017/2018 fiscal year; and

WHEREAS, the District is empowered by section 170.08 and 189.016, Florida Statutes to adjust the budget and assessments based on actual expenditures and services provided to benefited properties within its boundaries; and

WHEREAS, the Board recognizes that developed and platted lots receive a direct benefit and unplatted and undeveloped lots do not receive operations and maintenance services from the District. As additional lands are platted and developed, they will get their allocation of the special assessments in future budget years based on services provided to those areas in future years; and

WHEREAS, the District Manager has submitted a proposed amended budget and assessment roll to show the reductions for the current fiscal year (the “**Amended Budget**”), attached hereto as **Exhibit “A”** and incorporated as a material part of this Resolution by this reference, 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;

WHEREAS, it is in the best interests of the District to adopt the Revised Assessment Roll included in the Amended Budget; and

WHEREAS, to the extent the District needs additional funds to provide for the operations and services during the current fiscal year the developer of land within the District has entered into a Budget Funding Agreement to provide such funds as are necessary to the District to proceed with its operations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. **Recitals.** The foregoing recitals are hereby incorporated as the findings of fact of the Board.

2. **Authority for this Resolution.** This Resolution is adopted pursuant to Sections 170.08, 170.14, 189.016(2), 189.016(6), 189.016(7), 190.011(14), and 190.011(15) Florida Statutes.

3. **Budget.** The Board hereby finds and determines as follows:

a. That the Board has reviewed the Amended Budget, a copy of which is on the District’s website, on file with the office of the District Manager, and at the District’s Records Office.

b. That the Amended Budget shall be maintained in the office of the District Manager and at the District’s Records Office and identified as the “Amended Budget for the Brightwater Community Development District for the Fiscal Year Beginning October 1, 2017, and Ending September 30, 2018”.

c. The Amended Budget shall be posted by the District Manager on the District’s official website within five (5) days after adoption and remain on the website for at least two (2) years.

4. **Appropriations.** There is hereby appropriated out of the revenues of the District, for the fiscal year beginning October 1, 2017, and ending September 30, 2018, the sum of \$ _____ to be funded with revenue from assessments and the budget funding agreement, 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.

5. **Revised Assessment Roll.** The Revised Assessment Roll shown in **Exhibit “A”** is hereby certified and adopted.

6. **Severability.** If any section or part of a section of this Resolution is declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

7. **Conflicts.** This Resolution is intended to supplement the O/M Resolutions, which remain in full force and effect. This Resolution and the O/M Resolutions shall be construed to the maximum extent possible to give full force and effect to the provisions of each resolution. All

District resolutions or parts thereof in actual conflict with this Resolution are, to the extent of such conflict, superseded and repealed.

8. Effective Date. This Resolution shall become effective upon its adoption.

Passed and adopted this 26th day of September, 2018.

Attest:

**Brightwater Community Development
District**

Name: Paul Cumsano
Secretary

Name: Michael Lawson
Chair, Board of Supervisors

Exhibit A: 2017/2018 Amended Budget and Assessment Roll