

**MINUTES OF MEETING
BOTANIKO
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Botaniko Community Development District was held on Wednesday, January 7, 2026, at 1:30 p.m. at 4000 Hollywood Blvd., Suite 555-S, Hollywood, Florida

Present and constituting a quorum were:

Antonio Fernandez	Chairman
Jai Nandwani	Vice Chairman
Tony Sanchez	Assistant Secretary
Heberto Del Rio	Assistant Secretary

Also present were:

Andrew Gill	District Manager
Ginger Wald	District Counsel
Juan Alvarez	District Engineer
Several Residents	

FIRST ORDER OF BUSINESS

Oath of Office for Heberto Del Rio

Mr. Gill: Prior to this meeting the oath of office was administered for Supervisor Del Rio, so he's been sworn in, so we have a quorum.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Gill called the meeting to order and called roll.

Mr. Gill: Before we move forward I believe the Board wanted to change a few of the items, or at least the order or there were specific line items you wanted to move up.

Mr. Fernandez: Yes, I wanted to move up the discussion of the location for the next Board meetings which is item 7C-3 on the agenda, to something simple.

Mr. Gill: Ok, so we'll start there.

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SEVENTH ORDER OF BUSINESS

Staff Reports

C. Manager

3) Discussion of New Meeting Dates/Times/Locations

- a. Bonaventure Town Center Club – 16690 Saddle Club Road, Weston, FL 33326**
- b. West Business Center – 1500 Weston Road, Weston, FL 33326**
- c. Weston Town Center Executive Suites – 1792 Bell Tower Lane, West, FL 33326**
- d. 2900 Glades Circle, Suite 325, Weston, FL 33327**

Mr. Gill: So, moving down to item 7C-3, this is staff reports, manager, and it's a discussion of new meeting dates, times and locations. Apparently we're now meeting at 4000 Hollywood Blvd. in Hollywood, Florida, and the chairman, together with staff have put together a list of additional locations for the meetings, and I think some of them are closer to the community. So, the Board can decide to change locations and then once we have that location we would make a motion to advertise that new location, publish it and then decide on meeting times and dates and then going forward we'd be able to meet there. It usually takes us about 30 days or so to advertise that new location, so this Board doesn't usually meet every month so if you want to readvertise and then start meeting at the new location in maybe March, that would be easy to do.

Mr. Fernandez: And that's the next scheduled meeting in March?

Mr. Gill: Yes, but when we do a new schedule you all could say, hey, we want to meet once or twice a month starting in February, but March would be the next meeting.

Mr. Fernandez: Ok.

Mr. Gill: So, I'll turn it over to the chairman, do you have any comments or a motion?

Mr. Fernandez: Yes, I would like to propose option D, which is one of the places that's very close to the District, which is 2900 Glades Circle , Suite 325 in Weston with the benefit that it's also for free.

Mr. Gill: Yes, ok.

Ms. Wald: So would the date and time be at the same time?

Mr. Gill: Yes, with respect to dates and times, are there dates that work for you, once a month, we usually try to have them on the same day.

Mr. Fernandez: Well, let me ask here because we're just starting this, if we need to discuss things and take positions, how do we do that, a special meeting to be called?

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Mr. Gill: If it's during one of the scheduled meetings you'd be able to discuss it then, if something comes up where we need a special meeting, we just need to advertise that and post it on the website, usually that takes us about two weeks or so to get that information in and advertise it. Again, the meetings are for the Board to make decisions, so I tell all my Board members, it's hard to pin down a time where you'll have a lot of the community members there, so generally we like to pick a time where we know we'll have quorum with at least three Board members, so keep that in mind as you're deciding whether you want to do mornings, midday, evenings.

Mr. Fernandez: I'm flexible depending on you guys because we need quorum in order to have the meeting, so I'm fine with the schedule, I would like more frequent meetings because that makes but, it's also something we need to discuss. So, can we change the location and keep the dates for now and then we can insert more.

Mr. Gill: So, the same dates and times, different location.

Mr. Fernandez: Yes.

Mr. Nandwani: And it's the first Wednesday every two months, right something like that?

Mr. Fernandez: Yes.

Mr. Gill: Well, I'm going to advertise every month.

Ms. Wald: And think about it this way, you're going to have to advertise so to avoid additional costs for advertisement, that's why I said before choose everything at once, so you may have your location, and you can change to any dates, any times for the location that you're going to go ahead and vote for. You can add two meetings a month if you believe you need two meetings a month and of course if you don't need two meetings, you can always cancel one of those meetings but, it make sense for accounting reasons to just advertise once.

Mr. Fernandez: Agreed.

Ms. Wald: That's why we didn't do it last time, we did it this time on the agenda so you save those costs.

Mr. Fernandez: Ok, so why don't we, or let me propose, let's do once a month, subject to the matters to be discussed unless it's canceled, so we're going to advertise the change of location and let's meet once a month.

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Mr. Gill: Ok, so I'm looking for a motion from the Board creating a new meeting date, time and location to 2900 Glades Circle, Suite 325, Weston, Florida 33327, and this will be the first Wednesday of each month starting in March at 1:30 p.m.

Mr. Fernandez: Of every month.

Mr. Gill: Yes, of every month starting in March.

Mr. Fernandez: Ok, so we cannot do it in February?

Ms. Wald: You can, if you can get the advertisement in the paper.

Mr. Gill: Well, let me do this, we'll start with February and if we can't get February, I'll make sure it's March.

Mr. Fernandez: Fine.

On MOTION by Mr. Fernandez seconded by Mr. Nandwani with all in favor, authorizing staff to advertise a new Monthly Meeting Schedule date, time and location at 2900 Glades Circle, Suite 325, Weston, Florida 33327, for the first Wednesday of each month starting February 3, 2026 at 1:30 p.m. was approved.

Mr. Gill: Ok, I know we have some residents on the Board as well, are there any other items that you'd like to move up Mr. Chairman?

Mr. Fernandez: Not from my side, I don't know if Jai has anything.

Mr. Nandwani: No more changes.

Mr. Gill: Ok.

THIRD ORDER OF BUSINESS

Approval of Minutes of the May 7, 2025 and November 5, 2025 Meetings

Mr. Gill: Alright, so we'll move back up to the agenda, the next item is approval of the minutes of the May 7, 2025 meeting and the November 5, 2025 meeting, and I'm just looking for a motion to approve those.

Mr. Fernandez: Actually, I was not a member, or neither of us were a member at that time, so I read them but, I didn't participate in this meeting and those discussions, and didn't make those decisions, so I prefer to abstain in approving those things.

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Mr. Gill: And the purpose of the approval of the minutes, it's just that they were completed and taken, you aren't approving the validity or what was said during those meetings. Ginger, is that correct?

Ms. Wald: Yes, that is correct. What I usually recommend is because audios are made, audios and videos are made of the meetings for when we do have a situation where we have new Board members, whether it's 1, 2, 3 or 4 for them to have the opportunity to listen because as was stated by Andrew, the only thing that the minutes do is they have a written summary of what occurred, which is required by law for local governments, and it's not to change any of the minutes, unless there is an error such as the spelling of your name, that would be something to change but, the content cannot change. I've had Board who tried to do that and I say, no you can't change the content, whatever was said, was said, that's what's in the minutes. So, that's usually my recommendation, for new Board members if they don't feel comfortable with approving minutes before, and why is it important to approve minutes is to have that formal record and if you don't have minutes approved then you don't have that formal record of what occurred with the local government and if you need that for some purpose down the road, you're not going to have it, and then you're going to have to go back and look at it. There's a variety of different purposes, some are litigation, where itself evidentiary where you have certified minutes that had been approved by the Board, that's just one example the reason why it's important for the minutes to be done.

Mr. Fernandez: I fully understand, however, I don't know the content again, I don't feel comfortable in something that I didn't participate in. The question is why weren't those not approved before, because you had a full Board before.

Ms. Wald: I can't answer that.

Mr. Fernandez: Well, I'm talking about the May 7th ones.

Ms. Wald: Why didn't we do that at the November meeting?

Mr. Gill: Everyone abstained and deferred again.

Ms. Wald: So, they deferred it to this meeting.

Mr. Fernandez: Well, that was the first time I was presented with them, so I never read them, I don't know the details.

Mr. Gill: The reason that the May 7th hadn't been approved yet is because at the November meeting, they were deferred to today.

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Mr. Fernandez: And you didn't have any meetings between May and November?

Mr. Gill: Correct.

Mr. Fernandez: So, 6 months without a meeting?

Mr. Gill: Yes.

Ms. Wald: They didn't have a meeting, we can't force Board members to show up and have a meeting, we can encourage them but, we can force them.

Mr. Fernandez: Right, and we can discuss about November 5th but, I'm afraid May 7th I don't feel comfortable, I think I would just abstain.

Mr. Gill: Ok, well we can review the November 5th ones, have those approved and then keep the May 7th until we have to.

Ms. Wald: Well, let's do this, if you want to make a motion to approve the November 5th, make a motion approving November 5th.

Mr. Fernandez: Well, November 5th, where do we include the roll thing that we discussed that we discussed the other day because remember when we came for the election on November 5th, we knew at that point the developer was holding 23 homes and that would mean 23 votes, however, the roll allowed them to present 32 votes and there was a discrepancy that I was asking to begin recording, so where is that? Where is that going to happen?

Mr. Gill: So, it's in the audio recording, it should be in the minutes as well, what was said during the meeting, and then I'll say at this meeting, additionally, the roll with the developer had was an older roll that my office received and forwarded to the developer so that was the discrepancy there, it was just an older roll, so when we had the meeting here and there was that discrepancy because it didn't matter, and we wanted to get through the vote, we said ok, even if there is a slight discrepancy here we'll proceed because the homeowners had the vote.

Mr. Fernandez: Right, and we saw that and it's not going to change of course but, I always want to have everything recorded as it was.

Mr. Gill: Yes, and it was just an older roll that my office had received.

Mr. Fernandez: So, it was a mistake that was done in the roll.

Mr. Gill: Correct, and the timing was off, so the roll that we received that we used for our documentation changed, and so that was the discrepancy.

Mr. Fernandez: Alright, and that is going to appear in which of the minutes?

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Mr. Gill: The minutes for today are being recorded and also we discuss this a bit at the last meeting, so they should be in the November minutes as well.

Mr. Fernandez: Ok, so regarding the November 5th minutes, let me make a motion to approve those.

On MOTION by Mr. Fernandez seconded by Mr. Nandwani with all in favor, the Minutes of the November 5, 2025 Meetings were approved.

Ms. Wald: So, what do you want to do, or does anyone want to make a motion on November 5, 2025 or do you want to defer?

Mr. Nandwani: I think November 5th we just approved.

Ms. Wald: I'm sorry, strike that, I meant May 7th.

Mr. Nandwani: I wasn't at the meeting, and I also have not read them or listened to the recording, so similar to Mr. Fernandez, I have no way to ascertain what was said.

Ms. Wald: Do you want to just defer to the next meeting?

Mr. Nandwani: I mean would that mean that you want us to listen to the recording and then match it up with the minutes?

Mr. Fernandez: The point here Ginger is, if there were decisions taken there, or confirming that meeting.

Ms. Wald: You're not confirming the meeting, and you're not approving any decisions that were made.

Mr. Gill: Even if we clarify the motions saying that they're approving the minutes as to the electronic documentation of the audio recording, is that sufficient or is there a way for us to do that?

Ms. Wald: Yes, because minutes are only approving what was, and again, you do the verbatim minutes, minutes don't have to be verbatim they can be summary but, what's required of the minutes is just for the summary of what occurred at the meeting, not whether you agreed with it, or didn't agree with it, whether you were there or weren't there. You'll have city commissioners and county commissioners where you will have 3 of the 5 take an oath of office because they won and you only have 2, well they weren't at the prior meeting but, yet they still will have those minutes of that prior meeting to

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approve because again, it's the accuracy of what occurred at the meeting, not whether you agreed or didn't agree.

Mr. Nandwani: So, the challenge is to approve the accuracy, we need to know what happened at the meeting.

Ms. Wald: Exactly which is why there are audio recordings of the meetings. Again, you don't have to do it today, you can defer it, it's up to you.

Mr. Gill: So, I think the best course of action is, we'll defer May 7th until the next meeting that we have, and at that meeting, I will come up with and with Ginger I'll work on language for a motion that makes everyone feel comfortable as to what they're approving.

Mr. Sanchez: Ok, and I just want to make sure that I'm clear on this. The only that was here was myself of the new Board but, at some point if you decide not to approve the minutes and something comes up, you're going to have to I guess go back to see, and all you're basically saying is like, this conversation happened, this meeting happened, let's record it, let's document, or let's approve it to get documented in a sense. So, you don't have to be in agreement with every single thing that happened, or any decisions, you're not saying, yes I agree with that decision, all you're saying is, hey these decisions happened, and this discussion did happen, period. So, I just want to make sure that I understand, so they defer this for the next meeting, and at some point either they're going to have to say, we're not going to approve it, or we are, and if they decide not to approve it then those minutes are going to sit there.

Ms. Wald: They'll sit there, they will never be able to be certified, so if needed, they can't be certified.

Mr. Sanchez: Right.

Mr. Fernandez: Can we approve it in the future, it can be approved in the sense that I could approve it by listening to what was said and to what I listened to that's described in what is written, and that's it.

Mr. Sanchez: You might not agree with everything you're hearing.

Mr. Fernandez: Yes, that's I'm saying.

Mr. Fernandez: But I don't have to say that when I only have to approve it, that's what I listened to is what is recorded digitally.

Mr. Sanchez: That's it.

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Mr. Fernandez: So, I have to listen to it, and I feel more comfortable approving it.

Mr. Sanchez: Yes, that's correct. So, it's not like you're going to be held accountable for what decisions were made.

Mr. Fernandez: I understand that.

Mr. Nandwani: But it allows us at least confirm the accuracy.

Mr. Fernandez: Exactly.

Ms. Wald: Yes, that's right.

Mr. Gill: It was an extremely short meeting, I'm looking at the actual minutes right now and we flew through it, it's 8 pages, which is pretty short. So, we'll defer this, and I'll send the audio to you all between now and the next meeting, and then we'll have this on the agenda.

Mr. Fernandez: Thank you so much.

Mr. Gill: Ok, perfect.

FOURTH ORDER OF BUSINESS

Discussion of License Agreement with Homeowners Association for Installation of Security Measures

Mr. Gill: The next item for discussion is, we want to talk about a potential license agreement with the homeowners association regarding installation of security devices, potential fencing, so I'll turn it over to the Chairman to just give us some background on this, and then we can discuss the next steps and how the CDD can jump in.

Mr. Fernandez: Sure, thank you Andrew. Now for me and Jai because you weren't aware, but you are aware because you are part of it. We have faced several security issues in our community and I'm talking about our amenities in Botaniko of course, and one of the major issues is that we have the perimeter, it's open, so anybody can just cross it, and that's the source, so that's where people have just been passing over and they have stolen cars. We had been 4 cars so far that have been stolen, we had 2 incidents of trying to break into homes, and several others. I mean we have trespassers constantly, and we have the videos from the security cameras that show people are coming in through the night, and 2:00 or 3:00 in the morning trying to open cars, and they're wondering around and for more and more security which for there is not enough. I mean we cannot cover 4 miles of perimeter. So, I personally went to the city

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of Weston and requested, you remember Tony that we discussed this with the HOA Board and we requested permission to install a physical fence and that permission was granted. Of course we need to go through the permit process, and we were in the process of that but, we found out that the fence was going to be installed on the berm, and the berm was not part of the HOA, it was part of the CDD, so we got stopped at that moment. So, in order to proceed, that's why I asked Andrew to do this as an important point, we want to proceed with security measures, not only the physical fence, but we want to put several security devices, not only the cameras we have right now, we have sensors, we have laser cameras, and we have different types of technologies that we can use at the perimeter to detect people that are coming in and we add to those. So, these areas, some are owned by the CDD, it seems to be that the best approach is to request to the CDD to elaborate a license agreement with the HOA in order to use that way to install those measures. So, basically that's the explanation, so do you have any questions?

Mr. Gill: Ultimately, generally what we do with, at least the information that I have is, we'll give the HOA approval on this, the HOA will give us specific locations or at least general locations where they would like a license. I haven't been given a HOA blanket licensing agreement for the entire area, so if you have that, oh great perfect.

Mr. Fernandez: Here it is, the yellow lines are required to have some sort of security.

Mr. Alvarez: These are the tracts owned by the CCD, what you see there in red, that is owned by the CDD.

Mr. Fernandez: Some of them require permission, some of them not but, in order to be generally and you not coming back and forth, why don't we keep a blanket license for the HOA in order for the HOA to sign, also it's important to have the HOA that, so we can come back over here every time but, that's not practical.

Mr. Gill: Yes.

Mr. Alvarez: So, I can make this available for the records if you want.

Mr. Gill: Ok, I think the approval that we would give today.

Ms. Wald: So the license agreement, you need a legal description, and you need a purpose and so if we have the purpose for the fence, for other security measures, including but not limited to cameras, you just give the list.

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Mr. Fernandez: And not only a physical fence but another fence as well.

Ms. Wald: Whatever it may be, give a litany of the items that you want as part of the license agreement, either I can draw it up, your HOA attorney can draw it up, it doesn't matter either way because that's something you're going to need to get your permit. So, you're going to need a recorded document knowing the Town of Weston, so you're going to need that recorded, and you're going to need that legal description, so wherever those areas are. The other thing is for the fence, ensuring that it's not causing any issue with any other permits because we do have certain permits in line where the stormwater management system is, where the lake and so if it doesn't affect that then there's no problem.

Mr. Fernandez: Ok.

Ms. Wald: So, it can be done. What you can do as a Board would be a motion to approve providing that authority to the HOA for a license agreement over the CDD owned properties for security measures.

Mr. Fernandez: I don't what that is.

Mr. Nandwani: That sounds like the motion.

Mr. Gill: Ok, so I'm looking for a motion as Ginger stated.

On MOTION by Mr. Fernandez seconded by Mr. Nandwani with all in favor, authorizing the CDD to enter into a License Agreement with the HOA over CDD owned properties for the purpose of security measures was approved.

Mr. Alvarez: If I may, I noticed that the map you have in your position did not print well, so these are the maps.

Mr. Fernandez: Ok, thank you.

Mr. Gill: Alright, so between now and the next meeting, I will work with you to get any additional information you have, and then if your HOA attorney wants to draft up the license agreement.

Mr. Fernandez: I mean this is going to be approved by the CDD, I would prefer Ginger to do it.

Mr. Gill: Ok.

Ms. Wald: That's fine, I just need to know what you want in there.

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Mr. Fernandez: Ok.

Ms. Wald: And the location, the location is probably going to be pretty easy because the CDD owns some of those areas.

Mr. Fernandez: Yes, it's the whole perimeter actually.

Ms. Wald: Well the CDD doesn't own the whole perimeter but we have deeds.

Mr. Fernandez: Right, and the one that's owned by us, it doesn't require permission.

Mr. Nandwani: Yes, but you have to describe for her what other areas.

Mr. Sanchez: Within the CDD boundary.

Ms. Wald: Well, let me take a step back, so the CDD can have boundaries as part of this, but what Juan just provided to us are these red or pink rectangles areas and that's what the CDD owns.

Mr. Fernandez: Right.

Ms. Wald: So, with that the CDD can provide that license agreement for the areas that it owns and we have deeds because we did those in 2021 where the CDD was deeded over these properties. So, we can take the deed, legal description, and we can use that, that's what I would recommend.

Mr. Fernandez: Ok.

Ms. Wald: And we'll just give it over all of the areas that the CDD owns, that's my understanding, so you can put those security measures in whether it's the exterior fencing, or it's whatever other security measures, we just need to put that in the license agreement. You're going to want to have that recorded because the Town of Weston will probably want that recorded, and then you have it there. Normally, you don't have to have it but because you are proceeding forward with getting a permit from the HOA, more than likely you will need that, so that would be my recommendation.

Mr. Nandwani: But just to make sure, if we require the license for areas owned by the CDD are the ones that are not showing here as red, are owned by then by HOA, right?

Mr. Alvarez: Correct.

Mr. Nandwani: So, we don't need any license for that.

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Ms. Wald: Right, and you're going to be able to show that as part of your permit application process, so you'll have that license agreement and be able to add that as well.

Mr. Nandwani: Perfect.

Mr. Alvarez: And if you put the fence at the property line, just inside the property line, I cannot think any issue with that in terms of access of maintenance.

Mr. Nandwani: Good, thank you.

Ms. Wald: Ok, great.

Mr. Fernandez: I'm sorry, the license agreement, so you will propose that and I will provide you with the technical details and together we will build the document.

Ms. Wald: Yes, so give both of us that information, and as soon as I have that I can start drafting it and I already know the location because you already told me, it's for everywhere that we own so I'll just use that warranty deed as the legal description.

Mr. Fernandez: Great, thank you.

Ms. Wald: And then I'll get it back to you so you can give it to the HOA and then we can put it on the February meeting for approval, does that sound good?

Mr. Nandwani: Yes.

Mr. Fernandez: Great, thank you.

FIFTH ORDER OF BUSINESS

Appointment of Audit Selection Committee

Mr. Gill: Jumping down to item No. 5, before we jump into this one, so at some meetings we have an audit selection committee meeting where you need to select an auditor. Generally, it's a separate portion of the meeting, it's a committee portion of the actual meeting, so what I'm going to do is I'm going to ask for opening the audit selection committee meeting portion and I'll also ask which members of the Board should serve on the audit selection committee, which usually it's the entire Board.

Ms. Wald: And let's explain what it is.

Mr. Gill: Ok.

Ms. Wald: So, every year as a Board member on the CDD it has to have an independent auditor perform an audit required by Florida Statutes, and it's independent. So, it's not an employee of the CDD, so in larger governments you actually have committees made up of a variety of different people and because CDDs are very small

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there's really no need to have someone dealing with the finances of Miami-Dade County that works for the finance department within the city because that's who usually makes up the audit selection committee but, what's required by law is that you have to have a committee for it. So, it's sounds kind of silly but, normally what we do in CDDs is you just appoint yourselves as the committee members to make those determinations. You can appoint anybody else, you can appoint the District manager, you can appoint any member of the public if you wanted to do that, of course they'd have to be here and be involved but, this is not a complicated process for CDDs for audit selections.

Mr. Fernandez: Ok.

Mr. Nandwani: Just a question on that, I mean I understood in the last meeting that an auditor had already been selected for a 5 year period.

Ms. Wald: Yes, and so you can always change.

Mr. Nandwani: So, there's no contract?

Ms. Wald: There's an agreement every single year, so you can go for 5 years under that same agreement without having to do the committee again. There is legislation that just came out that has now extended it to 10 years, and we looked at it and we've taken the position of yes, you can do it but, it's not recommended, 10 years is a very long period of time for any agreement with a CDD. Normally we limit a maximum as to our agreements for 5 years.

Mr. Nandwani: Can it be just one?

Ms. Wald: It can, and in fact for the auditor you actually make that decision each year. So, if you don't like your auditor for whatever reason, or they close up shop because I've had that over the years about 4 years ago, then you have to do the audit selection committee meeting, and all that does is say, we don't like this auditor, we want to go out and do it again, you want to do it early enough so you have the time to get the audit completed by the end of the fiscal year so it can be reported timely. So, you really only, even though you're putting it out for a 5 year term, 3 years with a year extension, you are only really agreeing on a year to year basis.

Mr. Nandwani: Ok, so even though it's a 5 year agreement, after year 1 we can say we're going to change.

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Ms. Wald: Exactly, and at any time you can say, I want to change, I want a new auditor, you have to do the advertisement for the auditor, and you have to have the audit selection committee make those determinations, that was the only difference.

Mr. Fernandez: So what we see right now is that we have a contract for 5 years with Grau?

Mr. Gill: Yes, and I'm pulling it up now, I'm trying to see what it says.

Ms. Wald: Let me look in my notes and see if I can find it.

Mr. Gill: I have the engagement letter that we have from November 5, 2025, so just give me one second to pull it up and see when that ends. The purpose of this portion is just to come up with a criteria for the potential new auditor.

Mr. Fernandez: But you're confirming that it's Grau as well or no?

Mr. Gill: No.

Ms. Wald: No, it would be putting it out for an advertisement to start over again.

Mr. Gill: Yes.

Mr. Fernandez: Because I also recall at that last meeting, you said something about it.

Ms. Wald: So, in 2020 according to my notes, in May of 2020 we had the audit selection committee meeting, and at that time there were only two companies that actually responded, Grau & Associates and CRI, and Grau was ranked #1, and CRI was rated #2, and so the Board went ahead with Grau and authorized staff to bring back the agreement with Grau which was completed, and then the audit happened, and that was 5 years ago. So, your question was what happened at the last meeting.

Mr. Fernandez: Which was 5 years exactly.

Ms. Wald: Exactly and what you did at the last meeting you actually approved the last audit, so that was the last year that Grau under that agreement, so that's why you're starting fresh.

Mr. Nandwani: So, we don't have any contract with Grau right now.

Ms. Wald: Correct, so you're starting fresh, which is good because you guys should be doing it anyway.

Mr. Gill: Ok, so the first thing I'm going to do is ask for a motion from the Board selecting the entire current Board as the audit selection committee.

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On MOTION by Mr. Nandwani seconded by Mr. Fernandez with all in favor, appointing the entire Board of Supervisors to serve as the Audit Selection Committee was approved.

Audit Selection Committee Meeting

- A. Opening Audit Selection Committee Meeting**
- B. Roll Call**
- C. Selection of Criteria for Evaluation**
- D. Authorizing of RFP**
- E. Adjournment**

Mr. Gill: Next I'll ask for a motion to open the audit selection committee meeting.

On MOTION by Mr. Nandwani seconded by Mr. Sanchez with all in favor, opening the Audit Selection Committee Meeting was approved.

Mr. Gill: So, for the roll call, we have Antonia Fernandez, Jai Nandwani, Tony Sanchez, Herberto Del Rio. Ok, now we are in the audit selection committee portion of the meeting, and if you open up your agendas or at least scroll down on your tablets to page 31, 32 and 34 is the meat and potatoes of it. So, if you scroll down to the criteria on page 34, and generally what we do for the RFP is we send it out and we have criteria of 100 points, broken up into increments of 20 points each, and those criteria are, ability of personnel, proposer's experience, understanding the scope of work, ability to furnish the required services, and price.

Mr. Fernandez: And just to understand the scope of the audit, it's only the financial reports of the CDD.

Mr. Gill: Yes, it's a financial audit.

Mr. Fernandez: Does it include, or does it not include the bond information.

Ms. Wald: It includes the bonds.

Mr. Fernandez: It does perfect, ok.

Ms. Wald: Yes.

Mr. Gill: I can also send you between now and the next meeting, I don't think I sent you the previous audits yet.

Mr. Fernandez: No not that I recall.

Mr. Gill: Ok, I can send you those.

Ms. Wald: And the answer is yes.

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Mr. Fernandez: Ok, which include all the bonds and all the transactions that were done, even the requisitions of the CDD to purchase?

Ms. Wald: I can't answer exactly what they reviewed or didn't review.

Mr. Fernandez: But that's the scope of the previous audits.

Ms. Wald: The scope is the financials, yes, that is correct.

Mr. Fernandez: So, that includes those requisitions, and things that had to be paid, and checks.

Ms. Wald: Yes, that would have been for that year.

Mr. Fernandez: Right, ok, sounds good.

Mr. Gill: So, we've broken down the criteria out of 100 points to those five categories, each weighted equally, the Board can change that as they see fit or they can accept this evaluation criteria and then we can issue the RFP. So, it's up to the Board, and usually the Boards keep it broken up into 20% increments but, if the Board wants to weight the understanding of the scope of work higher or the ability to furnish services a little bit higher we can do that as well, it's up to you.

Ms. Wald: And items 1 through 4 of that list of the evaluation criteria are required by Statute, price is not believe it or not.

Mr. Gill: Just as a heads up, once we receive those responses at the next meeting when we review them, there will be a list of all the auditors that responded, we'll have a breakdown of the numbers and then you all will, during this selection committee meeting you'll rank them and then you'll select your auditor.

Mr. Fernandez: Number 2 of the criteria would be the credentials, rights?

Mr. Gill: Correct.

Ms. Wald: And there's only a handful of auditors in South Florida and there are more in the State of Florida, but in the South Florida that actually perform local government audits.

Mr. Fernandez: Do you recall what was the auditor at the time of the bonds, the issuance of the 2020 bonds?

Ms. Wald: I can only say what I read which was 2020 where Grau was selected at that time.

Mr. Fernandez: Which date in 2020?

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Ms. Wald: I can tell you when they did it, I can only say when the Board made the decision to choose Grau.

Mr. Fernandez: And prior to 2020 because the CDD was formed in 2019.

Ms. Wald: Yes, so you have to have a certain amount of money before the audit requirement is triggered at that time. It's different now but, at that time, let's say there was \$10,000 of the assets, of the CDD, so it didn't trigger the audit at that time. Now, it triggers it, when you get to that \$75,000 level it triggers, so in May, 2020 is when we had the audit selection committee meeting.

Mr. Fernandez: Ok, so the 2020 audit included the bond issuance and collections and all the special assessments.

Ms. Wald: Either in 2020 or 2021, we'd have to look at the actual audit reports.

Mr. Fernandez: Ok.

Ms. Wald: But you can get that all online.

Mr. Fernandez: Yes, I will need to go through those, especially the first ones.

Mr. Gill: I believe the audits are on the website.

Ms. Wald: And they have them too.

Mr. Gill: Yes.

Mr. Fernandez: Ok, and Tony what do you think about the criteria?

Mr. Sanchez: This seems reasonable to me.

Mr. Fernandez: Ok.

Mr. Gill: Ok, so I'm looking for a motion approving the current evaluation criteria as described and also authorizing staff to issue an RFP for an auditor.

On MOTION by Mr. Nandwani seconded by Mr. Del Rio with all in favor, accepting the criteria for evaluation and also authorizing staff to advertise for the RFP for an auditor was approved.

Mr. Gill: Then I'm looking for a motion to adjourn the audit selection committee meeting portion of the meeting.

On MOTION by Mr. Del Rio seconded by Mr. Fernandez with all in favor, the Audit Selection Committee Meeting was adjourned.

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SIXTH ORDER OF BUSINESS

Authorization to Open an Account with State Board of Administration

Mr. Gill: The next item is item No. 6 and this is an authorization to open an account with the State Board of Administration for District funds. The District is only allowed to open specific accounts and this is one of them where they can pull the funds and receive interest. Since the Board just turned over to residents here we're looking for a motion to authorize us, or at least the accountant to move any excess funds into that State Board of Administration account.

Mr. Fernandez: So, why was this put on the agenda?

Mr. Gill: I can probably check with the accountant to figure out why this was put on here but, I think it was due to us turning over the Board, I'm not 100% sure so I'll have to get back to you on that.

Ms. Wald: I would recommend that you actually put in the agenda the information so they can review it in advance and see if that's what they want to do .

Mr. Gill: Ok, and I have an email, and I'll find what I sent to other Boards explaining exactly what this account is and I think there's a list of maybe 3 or 4 that we can put the funds in.

Mr. Fernandez: Is that the way it is right now?

Mr. Gill: Yes, and I can get with the accountant, but I can definitely send this out.

Ms. Wald: So you can choose which one you want from the list.

Mr. Fernandez: So, this one is the deferred for next time.

Mr. Gill: Yes, we'll defer it.

Mr. Fernandez: Ok.

Mr. Nandwani: So, that suggests currently it's in a non-interest bearing account, and this is moving to an interest bearing account, is that roughly what you're saying?

Ms. Wald: I don't know what account it's in, I can't answer that.

Mr. Nandwani: Ok, I was just trying to figure out why this is on here.

Ms. Wald: I can't answer that.

Mr. Gill: After the meeting I'll call the treasurer and she can give us the answer.

Mr. Nandwani: Ok.

Mr. Fernandez: Perfect.

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Mr. Gill: So, we'll defer this.

SEVENTH ORDER OF BUSINESS

Staff Reports

Mr. Gill: Let's jump down to staff reports, District attorney.

A. Attorney

Ms. Wald: I don't have anything for today.

Mr. Gill: Any questions for the District attorney?

Mr. Fernandez: I have several questions later.

Mr. Gill: Ok.

B. Engineer

1) Discussion of:

a. FY2025 Engineer's Report

b. District's Stormwater System

Mr. Gill: We do have staff reports, District engineer, and I think a lot of the questions and what Juan may present will be answered during your questions so maybe we can hold off on the engineer's report until after the questions.

Mr. Alvarez: If you like but if I give a presentation of what I have some of the questions may be answered.

Mr. Gill: Ok.

Mr. Alvarez: So, I am really glad to be here and I'm pleased to meet you.

Mr. Fernandez: Thank you for coming.

Mr. Alvarez: I think I might have met you before, I'm not sure.

Mr. Sanchez: No.

Mr. Alvarez: Ok, but my firm was contracted by the CDD in January, 2020, so a lot of things already happened with the CDD before my time. The engineers report was prepared by Ford Engineers had been accepted and used for issuing bonds with the idea of financing some of the improvements. So, when I came in, or when my firm came in January, 2020 the improvements were already constructed and ready to be conveyed to the CDD. There are different ways in which the CDD can finance, the CDD can assume construction contracts and pay the contractor as the infrastructure is being constructed or the alternative is that the developer builds the infrastructure and when it's completed then the CDD can purchase it, that alternative happened in this CDD. The developer

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completed the infrastructure and when completed they notified the CDD that they were ready to convey the infrastructure to the CDD, and that happened one month later in February, 2020.

Mr. Nandwani: Can I ask a question?

Mr. Alvarez: If you don't mind let me finish my presentation and then I can answer your questions.

Mr. Nandwani: Yes, sure.

Mr. Alvarez: Then between January and February we made sure that we got it completed, and we realized with the CDD project, we made sure that there was an agreement within the CDD and the developer for acquiring the infrastructure and the acquisition agreement, that the funds were there, that the developer owned the infrastructure at that time and that the CDD would have the right to the land where the infrastructure was constructed. At that time, the CDD had not acquired any land or anything like that, so before the CDD purchased the infrastructure and my certification, we made sure, and we worked with the developer to make sure that they conveyed the land to the CDD where the infrastructure is located, or if they were not going to convey the land to grant easements. For example, on the road, the interior roads that belong to the HOA and not to the CDD because this is a gated community where the general public is not allowed to come in and therefore, the CDD cannot own the interior roads. Then in those areas, under the roads there is the drainage improvements, and other improvements that the CDD was going to acquire, so the CDD received an easement over those areas so that they could have access and ownership of the infrastructure. So, when all of that happened, and the deeds were deeded, and recorded and the easements were granted and recorded, after all of that and the developer provided documentation as to how much they had paid for construction, because the CDD cannot pay more than what the developer paid, more or less. It could pay less if it didn't have the money, so sometimes that is the case. So, I have put together these books and I know particularly you, Antonio wanted get familiar with all the documentation, so I have put together these books that have, for example, this one here has all four requisitions that have been processed to date, one of the requisitions was for acquiring the stormwater and drainage system, the sanitary sewers, which are owned by the CDD, the lift stations and the entryways because the CDD can pay for the improvements up to the

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gate to the community, from the gate to the public street, that area is public, from the gate inside, is private. So, with this revision of the wall was to buy the lift station and sanitary sewers, stormwater connections, drainage, and the entryways. The second requisition was for purchasing all the landscaping and irrigation in the red tracts that you see here. So, everything is here, all the copies are here and with the proper backup, the absolute bills of sale, the legal descriptions of where they are located, the total of the developer's costs, and there's more information behind this because these are summaries but, they present the actual application for payments that they have paid to the contractors and all of that, the absolute bill of sale, and all of that. So, the next item here is the actual copies of all the deeds that the CDD has received from the developer, and prior to the purchasing of the infrastructure and these are going to be used for some of the other things, and here are the easements that the CDD has over the roads. So the CDD owns all the drainage pipes, the outfall pipes, the sanitary sewer lift stations, the force main that connect to the city outside, the sanitary sewer that collect the sewerage and bring the sewage to the lift station, all of that is owned by the CDD and the CDD has an easement for that. The portable water belongs to the city, the CDD does not own the portable water. Now the CDD also owns the stormwater lakes, and you can follow that.

Mr. Fernandez: The lake, excuse me, lake are owned by the CDD?

Mr. Alvarez: The lakes are owned by the CDD for now, when it comes to maintenance, what needs to happen with the stormwater management system and drainage, the intent is that the CDD continues to maintain what is called the secondary system which are the pipes under the roads, and the outfalls, and Bonaventure Development District will maintain all the lakes and the culverts, the big pipes that connect to the them, but before that happens the permit, the South Florida Water Management permit that is still under the development name needs to be transferred. South Florida Water Management District has to accept a certification from the engineer of record, which is not me but, the engineer who designed the system here.

Mr. Fernandez: Who was that?

Mr. Alvarez: Michael Vazquez is his name from May 14th, I brought here, also for you all the plans, the paving, grading and drainage plans and this is the name of the firm.

Mr. Fernandez: Ok.

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Mr. Alvarez: But here you will have, and I will give these books to you, all the paving, grading, drainage plans for onsite and offsite, the sanitary sewers, everything. So, the engineer of record who did all of this is the one who is dealing with South Florida Water Management District, providing them as-built plans, and the certification, and they have been going back and forth because South Florida has to come to make the inspections together with him.

Mr. Fernandez: They included a letter from December, I believe.

Mr. Alvarez: Yes, right. So, that process is still going on right now between the engineer of record and South Florida Water Management. I have been calling South Florida to see how things are going, and I'm also calling the engineer of record.

Mr. Fernandez: But now that you've touched on that, and sorry for interrupting you, when does that expected to be closed because we are approaching the end of the project?

Mr. Alvarez: Yes, and South Florida Water Management comments that he hasn't been responsive as much as they would like, so I'm trying to push him into react more but, it has to happen soon. Hopefully, the final response should come in this month.

Mr. Fernandez: Because I understand Tony, this is more important for you the developer to close that part in order to close the project, I mean it doesn't affect necessarily us as the homeowners or the CDD.

Mr. Sanchez: Right.

Mr. Fernandez: So, in order for you to close the project you will need the South Florida Water Management.

Mr. Alvarez: So you're with the developer?

Mr. Sanchez: Yes.

Mr. Alvarez: Ok, that's is good, that you're hearing all of this then because the responsibility is yours. If South Florida brings this to a higher level because of lack of response and whatever it may put fines and things of that nature, and you don't want that.

Mr. Sanchez: I'll take that back with me.

Mr. Alvarez: Yes, so we need to get Michael back to responding.

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Mr. Sanchez: Yes, and actually he went looking for me, I was already on my way here, he asked me to just make sure if there was anything that he needs to be involved in to let him know.

Mr. Alvarez: And I tell you what may happened is that if this doesn't get accepted by that third letter, and South Florida is going to send a third letter, and if there is no response to that third letter, then they are going to request that a new permit be issued under new regulations and all that and we don't want it that way. So, we can work with Michael if you like, that would be fine with me. So, anyway I can help let me know but, they have a lot of the information.

Mr. Fernandez: Let me step back, you said that the lift stations are owned by the CDD.

Mr. Alvarez: Yes, not only that, all the sanitary sewers is owned by the CDD, the water is owned by the city.

Mr. Sanchez: Thank you.

Mr. Alvarez: Did you see the engineer report?

Mr. Sanchez: Page 2 and 3.

Mr. Alvarez: But I only list what belongs to the CDD, I only have here what belongs to the CDD and the parcel ID numbers relate to the map that I gave you earlier. So, you can see here everything that the CDD owns.

Mr. Fernandez: Who is the maintenance entity?

Mr. Alvarez: The CDD has an agreement with the HOA to maintain those things that you can see listed there..

Mr. Fernandez: I would like to ask you parcel 20, 21, 22 & 23, are they are either the rear gates or the front gates or from the north and south, including the guardhouse, so according to this means, the gate and guardhouse are owned by the CDD.

Mr. Alvarez: No, the guardhouse is not here.

Mr. Fernandez: It is in the table.

Mr. Alvarez: Ok, sorry about that, so I'll tell you what I'll remove the word guardhouse from the engineer report because I only meant to say, entrance up to the guardhouse but, the guardhouse does not belong to the CDD.

Mr. Fernandez: Neither the gate.

Ms. Wald: No.

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Mr. Alvarez: Neither the gate, only the portion of the road.

Mr. Gill: Up to, ok.

Mr. Fernandez: So you're going to correct it or amend this report?

Mr. Alvarez: It will be reflected in the minutes, and we do these reports every year.

Ms. Wald: Yes, I would correct it, when you look at the legal again, which does have the sketches and improvements you will see where it goes up to and everything that's private with the HOA which includes the gate and the guardhouse.

Mr. Nandwani: So the gate and the guardhouse still belong to the HOA.

Ms. Wald: Yes.

Mr. Alvarez: And there is a sketch here that shows it.

Mr. Fernandez: So both gates front and back for the north and the south and guardhouse for the north and the south belong to the HOA, not to the CDD.

Ms. Wald: Not to the CDD, correct.

Mr. Fernandez: So, I want that to be on the record.

Ms. Wald: Yes.

Mr. Sanchez: That report should be corrected, I prefer that.

Mr. Alvarez: Yes, I will make that correction. Ok, so the CDD has agreements with the HOA and also with Bonaventure Development District but, I think theoretically Bonaventure Development District should only get involved with after the lakes are formally given to them.

Mr. Fernandez: So who owns the lakes right now?

Mr. Alvarez: The lakes are owned by the CDD right now.

Mr. Fernandez: And they are going to be owned in the future by whom?

Mr. Alvarez: The intent is that they be transferred to Bonaventure Development District.

Mr. Fernandez: Just for maintenance or ownership too?

Mr. Alvarez: For ownership but, I think that is something that you may want to decide whether to keep ownership so that you can continue mowing the sides and give Bonaventure and easement for them to come in.

Ms. Wald: Well, the problem with that and it can always change, and I don't know Tony if you were involved in those discussions way back when with the Town of Weston,

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I know I was there with a bunch of engineers but, it shows that the ownership of the lakes is dedicated to Bonaventure Development District. Prior to that it was going to be a combined maintenance ownership responsibility where because of the way the system at Weston and Bonaventure Development District that the lakes as part of that portion of the stormwater system is going to be Bonaventure Development District because we talked about with the City of Weston way back when whether it should just go to the CDD and the CDD be responsible for everything and at that point in time they're like, no, we want to have that dedication done, so that's actually there. The deed hasn't happened but the dedication is there, so it gives them those rights, and then the system, and when I say system, again, I'm not an engineer, is as to, and you can see from the interlocal agreement as to which portions within the stormwater drainage system are the responsibility of CDD and ownership, and which are the responsibility of Bonaventure.

Mr. Fernandez: Right, and I'm sorry for interrupting you but, with this water management, Broward comes in, I mean I understand they are in charge of keeping the health of the lake of the water.

Ms. Wald: I don't know, again I'm not an engineer, I can't answer that.

Mr. Fernandez: No, this is not an engineering thing.

Ms. Wald: Well again, it all comes down to well, jurisdiction is one type, so jurisdiction happens from permitting, so how is it permitted, is it all South Florida Water Management District, has South Florida Water Management District had #1 because they're always the top of the food chain, and then what has been given and what to Broward Water Management District, remember there's South Florida Water Management District and Broward. So, what has been given to Broward and what responsibilities do they have and what have they accepted to take because that's part of it as well.

Mr. Fernandez: But who can clarify that?

Ms. Wald: It all flows from the permits that's why I'm looking back at the engineer.

Mr. Alvarez: Yes, it comes from the permit and that's what is happening right now. Right now the CDD has an agreement with Bonaventure, so the CDD can continue owning the lakes and Bonaventure then just comes in and maintain the lakes.

Ms. Wald: Well again, yes, this agreement was done back in 2019 so even though you have that agreement from 2019 and both still have, or the CDD has the ability for as

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per agreement their responsibilities and Bonaventure has their responsibilities that does not mean that can't be revised, both are governmental entities. So, that's how the City of Weston wanted it, and so there's a control, Bonaventure Development District, and that was back in 2019. That doesn't mean that can't change because that permit is open with South Florida Water Management.

Mr. Fernandez: But the problem here is that lakes are drying, and the shores of lake are growing the brown grass, and nobody is taking care of it, and when you have shared ownership as I have heard, it's the CDD, yes or no, is it Bonaventure yes, or no, is it the HOA, yes or no, is it water management. I mean when you have so many hands, nobody is responsible so we need to solve this, somebody needs to own this and then that owner needs to rely on maintenance from somebody specifically so we can go there and say, hey listen this is a problem, you need to fix it.

Ms. Wald: So, and I'll help you with that but, stepping back is the responsibilities through the maintenance agreement between the HOA and the CDD places that maintenance responsibility on the HOA.

Mr. Fernandez: Not the lakes, the lakes are not included.

Ms. Wald: Right, they're not included because the interlocal agreement has that responsibility with Bonaventure. So, the CDD can go to, under this interlocal agreement to Bonaventure Development District and say, it's this because if it is the actual "lakes", those lake tracts, that is Bonaventure, and if you need assistance with that I will help you with that.

Mr. Fernandez: Yes, please, we need it because we have problem in the lakes and I have gone to Weston and they say, now we're going to check it.

Ms. Wald: Do you have your photographs?

Mr. Fernandez: Of course.

Ms. Wald: So, let's get together with the photographic evidence and with what the responsibilities are under the interlocal agreement and we can put together that letter, that requirement, to Bonaventure Development District to put them on notice.

Mr. Fernandez: Ok, I can send you the pictures when we're done here.

Ms. Wald: Sure.

Mr. Fernandez: The ones that I have on hand, and at the same time we have a problem with stormwater management in the entrances of both sides, when it rains a lot, I

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mean a lot of water is accumulated in the road, and I don't know what's going on. I mean that's the only place that it's happening inside the community, I mean in inside our community, the HOA, the roads accumulate water on both sides, and those are next to some lakes so I don't know if the pipes there are the appropriate ones or what.

Mr. Alvarez: It depends on the degree of the flooding.

Mr. Fernandez: Exactly.

Mr. Alvarez: If it's only 1 inch or if it's a 1 foot.

Mr. Fernandez: It's more than a foot in some cases close to 2 feet, I mean it has been amazing what we've been having there, it's like a new lake, and this is close to the mailboxes, so even at some point we were unable to enter near our mailboxes because it was full of water.

Mr. Alvarez: Well, another thing, let me say, this other table here, this is a plan that we recommend also for the CDD, or in this case the HOA to budget for and implement a 5 year plan to clean the inlets and the pipes. So, maybe since the CDD acquired the pipes they haven't been cleaned maybe, it could be a problem, maybe the flooding has to do with lack of maintenance maybe.

Mr. Nandwani: But whose responsibility is it?

Ms. Wald: Well, those pipes that we're talking about now that's CDD which they contracted with the HOA, so the HOA has the maintenance.

Mr. Nandwani: Yes, but the problem is nobody communicated to the HOA to do that.

Mr. Fernandez: Well, we've been over this, and when I read this document and nobody has told us, I mean Heberto was a Board member for two years and then this is my second year, and so we have 4 years of Board here and we never heard about this.

Mr. Del Rio: Yes.

Mr. Fernandez: Not even with the lift stations and when we opened the lift stations they were a mess, and remember Tony we needed to approve an emergency payment that was not budgeted this year in order to resolve that because we were having that water backflow in homes, and there was a problem that was created inside the lift stations. So, nobody has taken care of it, and I mean so having coordination between the CDD and the HOA, I mean at least we have been notified.

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Mr. Alvarez: Absolutely, and all of this, we prepare one of these reports every year, this one was the latest one for June 9, 2025.

Mr. Nandwani: Are these reports are not shared with the HOA?

Ms. Wald: Yes, they are.

Mr. Nandwani: They are?

Ms. Wald: Yes, they're required to be done and provided to the trustee, it's part of the requirements of the bond.

Mr. Del Rio: My meter is connect but since there was no owner in the CDD before, the communication between CDD responsibility and the HOA responsibility, that never transferred because when I was on the Board, I know that we were paying assessments for the lift stations but that's it.

Ms. Wald: You didn't have any of the agreements?

Mr. Del Rio: No, the only person that was at that time common between the HOA and the CDD, at the very beginning were two people, Michael Piazza and somebody else, those were the two people that would come to vote, and when I got on the Board they came back out so then there was no communication between them.

Mr. Fernandez: We were learning a lot of things about the CDD in the last 4 weeks, so we're trying to understand the process, digest and take solutions. I appreciate you coming here, and are you done with your report so we can move forward because I have some more questions.

Mr. Alvarez: Yes, sure. I'll give all of this information, these books, and I did not offer this to Andrew or Ginger because I ready sent them this digitally and maybe you can share the links with the Board.

Ms. Wald: Yes, we can share that with them.

Mr. Alvarez: Then you can download them. I just brought the hard copies because I wanted you to see them, and I look forward to working with the Board.

Mr. Fernandez: Ok, so shall we move to the questions part?

Mr. Alvarez: Sure.

Mr. Fernandez: Because it's late and I want to get to questions that I have. So, you have it here?

Mr. Gill: Yes, so we can deal with a few items before the questions because he just gave his report, and it's fresh, we can move those up if the Board sees fit and then at

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the end we can go through the last two items under District manager and then the financials.

Mr. Nandwani: So, we're going through the questions?

Mr. Gill: Yes, we're going to the questions.

Mr. Fernandez: So I will read it out loud for the record, right?

Mr. Gill: Yes.

Mr. Fernandez: And what page is that?

Mr. Gill: I'm pulling it up for everyone now.

Mr. Fernandez: I mean I want to go through this before the meeting ends.

Mr. Nandwani: So, this is the updated agenda?

Mr. Fernandez: No, it's not in the agenda, but it's a document that I shared with Andrew this morning.

Mr. Nandwani: Ok.

Mr. Gill: Ok, you can go ahead.

Mr. Fernandez: Ok, I prepared a series of questions after reviewing all the documentation that I received in the last 4 to 6 weeks, it was actually like 500 pages. So, I prepared this document that I have shared with Andrew and he's sharing right now with all the Supervisors. So, for the record, I would like to walk through a series of factual questions and observations that go directly to the purpose, cost and functionality of the Botaniko Community Development District. Number one, scope of the CDD versus the HOA, based on the records reviewed all homes and lots within Botaniko CDD are also within the Botaniko Community Association, HOA, and vice versa. There's a affectively a one to one relationship between the CDD and the HOA, while this was being constructed it has been appropriate during development and financing, the Board must now evaluate whether it remains necessary and efficient for all homeowners going forward, I mean this Board. The question is what independent function does the CDD serve that is not already performed by the HOA, that's discreet and necessary for the location and cost. So, before somebody can answer these questions and just for a matter of time I would like to go through the whole document to be on record, and if the time doesn't permit.

Ms. Wald: Do you want to put this into the minutes?

Mr. Fernandez: Yes.

Ms. Wald: Ok.

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Mr. Fernandez: And that I would like to read it.

Ms. Wald: You mean point by point?

Mr. Fernandez: Yes.

Ms. Wald: So, you want to do point by point.

Mr. Fernandez: I will ask the question but the responses I would like to receive them in writing because we don't have the time to discuss right now.

Mr. Gill: Yes, and what she's asking is we can enter this entire document into the record and then you don't have to read it.

Ms. Wald: Right, and then you don't have to read it.

Mr. Gill: What we're going to do is transcribe your words into the record.

Mr. Fernandez: Ok.

Ms. Wald: Yes, we can make this into the minutes, the whole document can go as part of the minutes.

Mr. Del Rio: You can just say that you're not reading it but the document will be provided.

Mr. Gill: Verbatim, this entire document will be included in the minutes.

Mr. Fernandez: Ok but I am including the motion too, so I want to make a motion.

Ms. Wald: Yes, but you don't have to read the whole thing, you can just say, please include this within the minutes, and along with that you're final motion.

Mr. Gill: Yes, and then you read the motion.

Mr. Fernandez: Indulge me with 5 minutes, I just need 5 minutes.

Ms. Wald: Oh you can do whatever you want.

Mr. Fernandez read a series of questions into the record. The written questions/discussion, as provided by the Chair, are included as Attachment A to these minutes.

Mr. Fernandez: Ok, I would prefer to read them for the benefit also for the homeowners that are, they are waiting, and they haven't read anything and they don't know what I'm talking about. So, they have the right to know, so number two, infrastructure is described as improvements, engineering documentation refers to the various facilities as improvements, this is the Ford Engineer report dated September, 2019. However, homeowners were already living in Botaniko as early as 2019 and many facilities were operational at that time. Question, were these facilities new improvements

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to the infrastructure or already completed infrastructure later acquired by the CDD? Other question, if there were future improvements, who certified that? When? And Which components were still pending? Please share available documentation. Third, if already constructed and operational at the time of acquisition they were not new capital improvements being planned or constructed by the District or rather existing infrastructure later acquired. Under Chapter 190 Florida Statutes, a CDD is created to plan, build and create improvements, no project existing for some and delicate maintenance. Three, ownership, maintenance and engineering oversight, the District's engineers report for fiscal year 2025-2026 list certain facilities that is owned by the CDD entrance gates and guardhouses, I think we already discussed this, so this is going to be corrected in the report. Additionally when did the District engineer conduct site visits or inspections of infrastructure acquired in 2020, where any inspections conducted prior to acquisition, where any inspections conducted after the acquisition, and more recently in 2025, what written documentation exists, have the stormwater overflow lake levels and shoreline conditions been reviewed. Has the Bonaventure Development District been in existence and we discussed that briefly before. Then the District engineer report assures that all tracts and infrastructure are in good repair, working or in good condition. How does this reconcile with these observations. Also, the District engineer report in paragraph #2, assures that the District's proposed budget amounts for maintenance are updated. I went through the CDD 2026 budget and there's no expense, there's zero allotted for maintenance in the CDD. So, how does this reconcile with the District engineer's statement. Has the District engineer reviewed and can assess what the Bonaventure Development District and the Botaniko HOA 2026 maintenance, please share documentation. Four, coordination and execution of maintenance agreements, maintenance agreements were executed with the Botaniko HOA and Bonaventure Development District, what action did the District engineer, legal counsel, and management take to coordinate and implement these agreements, how are they communicated to the HOA, the Bonaventure Development District and the HOA property management, what records exists, what procedures ensure these agreements were actually secured enough and operational. Number five, financial and assessments and the methodology assumptions, approximately \$7.64 million dollars which are composed in \$6.88 million dollars as the purchase price plus, legal engineering fees and \$760,000

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of debt service was paid through Series 2020 Bonds financing for the acquisition. The documentation reflects that the infrastructure was completed, conveyed, and engineer certified, only 79 of the 125 planned homes are assessed for repayment of the Series 2020 Bonds for serving the community-wide in nature. The CDD maintains the lakes and stormwater, the HOA maintains the tracts that were conveyed, the CDD provides no maintenance services and just incurs operating costs of approximately \$75,000 of which roughly two thirds are spent on engineering, legal and management expenses with zero dollars allocated to maintenance, reconsideration of infrastructure costs and allocation of accessible units. The Ford Engineers report, in sections 2.1 to 2.3 of Governmental Management Services for South Florida assessment methodology stated the total created costs of the capital improvement plan is \$10.6 million dollars, and further assert that the developer funded or contributed the difference between such prohibited infrastructure costs and the amounts requisitioned by the District which I said was \$6.88 million. However, the certified requisitions for requisition of public infrastructure reflect that all infrastructure actually conveyed to the District was priced at full cost and paid in full from District bond proceeds, which total infrastructure repaid the requisition of approximately \$6.88 million. The District has not been provided with documentation reconciling the projected infrastructure costs of the \$10.6 million with reference to the Ford Engineer report in section 2.1 and 2.3 of the assessment methodology without requisitions, with the final requisition amount nor with the schedule of plans specific infrastructure components that were funded or retained by the developer and excluded from this requisition. In addition, section 2.3 of the assessment methodology means the service 2020 special assessment to 79 of the planned 125 residential units based on the premise that only those 79 units receive the special benefit from this first infrastructure finance by the District. Consider the absence of the conservation identifying developer funded infrastructure serving the remaining units, it isn't clear how the infrastructure was financed by the District does not compare special benefits on the entire development, including systems of improvements such as stormwater management that refers to lift stations, or work in improvements. Accordingly, please clarify how the total infrastructure costs sited in section 2.1 and 2.3 reconcile with the certified requisitions amounts actually paid by the District. Number two, which specific infrastructure components if any were funded by the developer and not conveyed to or paid for by the District, and three, the

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final methodology report of the basis for limited the Series 2020 special assessments to 79 units rather than all 125 planned residential units that appear to benefit from the infrastructure financed by the District. So, there are so many questions from the homeowners, I would like to, if we can allow them to give their questions?

Mr. Gill: Absolutely, we have two residents, Torben and Issac on the call, and do either of you have any questions?

A resident: No questions for this, this is Torben.

A resident: I have no further questions, thank you.

Mr. Gill: Ok.

Mr. Fernandez: Ok Issac and Torben, thank you. So, I have a couple more things, this Board has a fiduciary duty so based on the record reviewed and the questions raised above, material governments disclosure and assessment allocation issues require clarification. Based on the records currently available these matters do not appear to have been clearly or directly communicated to District landowners by the prior Board, District legal counsel, or District manager. Accordingly, this Board has a fiduciary duty to ensure that a valid public purpose exists, costs imposed on landowners are equitable and proportionate to benefits received. Duplication of governmental functions is avoided, District landowners are provided clear, timely and meaningful communication regarding actions that materially affect their financial obligations and property interests. So, finally I would like to make a formal motion, so I move that the Botaniko Community Development District direct District legal counsel and District management to prepare and present at a future publicly noticed meeting a written legal and fact report addressing, number one, the legislative findings and purpose relied upon by the City of Weston in Ordinance #2019-11 when approving the creation of the Botaniko Community Development District. Number two, whether these actions of the District, including the 2020 acquisition of infrastructure from the developer, and the issuance of the Series 2020 Bonds were consistent with those legislative findings and with the purposes contemplated by Chapter 190 of Florida Statutes. Number three, the nature, scope and completion status of the infrastructure applied in 2020 identifying which components were complete, partially complete, or ongoing at the time of acquisition. Number four, the days, the scope, and the implementation of site pieces, inspections or certifications performed by the District engineer, included any contact prior to the 2020 acquisition. Number five, the actions

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taken or not taken by the District engineer, legal counsel, and District management to communicate, coordinate, document, disclose and ensure the effective implementation of maintenance agreements entered between the District and the Botaniko HOA, and Bonaventure Development District, including how those agreements were communicated and coordinated with the HOA, the CDD and the HOA property management, what records exist evidencing such disclosure, coordination, and acknowledgment, what procedures if any were in place to ensure ongoing execution of those agreements. Number six, whether the continuation of Non-Ad Valorem Assessments remains lawful, equitable and supported by a continue public purpose including whether the assumptions of section 2.1 and 2.3 of GMS-SF assessment methodology regarding total infrastructure costs, developer contributions and allocation of special benefit to only a portion of the planned homes, reconciled with a certified infrastructure acquisitions and requisitions paid by the District. Neither the infrastructure appears confirmed, system-wide benefit while assessments are imposed only a portion of the homes, and seven, what lawful options exist to reduce or eliminate costs to residents, including asset conveyance, restructuring or termination of assessments, bond resolution or dissolution of the District. Finally, for the importance of DOT, the report should not recommend expansion of District operations, assumption of maintenance responsibilities currently performed by the HOA or other entities, or declaration of a new District services funded through increased or reallocated assessments. Nothing in this motion is intended to be open, expanded or authorized for any acquisition, requisitions, payments or financial obligations of the District but solely to ensure the de-facto and legal assumptions underlying existing assessments and District operations are fully documented and reconciled. The report should be provided in writing, presented for Board discussion and made available to residents, thank you.

Mr. Gill: So, we have a motion by Supervisor Fernandez, is there a second?

Mr. Nandwani: I'll second it.

Mr. Gill: Ok, and given the length of that motion, I'd like to open it up for discussion and then we'll move to approve it.

Ms. Wald: Well, I have a question.

Mr. Gill: Yes.

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Ms. Wald: So, some of, under the motion, and I'll just take the last few pages, some of these are specifically as to what the engineer did or didn't do, but yet the motion is what the District counsel, District management, prepared, does it matter about the format because with all that I have to give input, yes, it's not going to be one entity, so it's not just going to be counsel, it's not just going to be management, it's going to have to be a combination, and it may also require the developer.

Mr. Fernandez: Of course, whatever is stated we want the truth.

Ms. Wald: So, you just want it all in one report.

Mr. Fernandez: Yes, the truth, the whole truth.

Ms. Wald: So you just want it in one document.

Mr. Fernandez: Yes.

Ms. Wald: Ok, I just wanted clarity on that, so you want it summarized.

Mr. Fernandez: Consolidated, not a short summary because the details are required so please have the details but, I want it in one solely document also.

Mr. Gill: And I spoke to a few folks on my team and I think in answering some of these questions it may be easier to just provide you with links to documentation and point to exactly where the answer is.

Mr. Fernandez: So, I would like all Board members to receive that information and also the residents too.

Mr. Gill: It will be public.

Ms. Wald: You can put it on the website.

Mr. Gill: Yes.

Mr. Fernandez: I mean I understand that but I prefer to be a little bit more proactive.

Ms. Wald: As to residents is what I was saying because if not we'd have to get a list of every resident that it has to be sent to.

Mr. Fernandez: No, I understand that, I can take care of that.

Ms. Wald: Ok.

Mr. Fernandez: So, I can take care of that, and I can share this information with the residents, right?

Ms. Wald: Of course.

Mr. Gill: All this is public, this entire document will be included in the minutes.

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Mr. Fernandez: Ok, so what I will do is I will share this document with the residents as soon as we're done here and they will know that they should expect some responses from the staff, team by, I don't know next week.

Ms. Wald: Well, some of this may take a little while, some of this will not, some of this is easy.

Mr. Nandwani: My reading of this is, it suggests that, I mean while for example everything might be in here, I think and correct me if I'm wrong Antonio, but at least for me, I would love to have a translation of how this actually, or what this means for us. Right, I mean I can read all these things but, I'm not an engineer, and this is very important for us residents to understand how it actually applies to us in our lives in maintenance terms.

Ms. Wald: And that's why I was saying summarized.

Mr. Nandwani: Yes.

Ms. Wald: Because you can't provide every single document for all those records but it's really just as was stated, what do each one of these documents do, and we can't do it overnight but, we'll get it together.

Mr. Gill: So, I want to ensure, the motion actually says that nothing in the motion intended to create a financial obligation of the District, I guess outside of what's budgeted. If we have to reach out to this prior engineer I can't speak to any additional costs.

Mr. Fernandez: Ok, yes, I understand that but, I was referring to that just trying to get more information.

Ms. Wald: No, I think what he was saying was don't put in there recommendations saying the CDD can go on and take all the responsibilities that they already have in the agreement, that's how I read it.

Mr. Gill: Ok.

Ms. Wald: So I know that we have the agreement, but we don't need to read that, we don't want to do that, that's how I read it.

Mr. Fernandez: Yes, exactly.

Mr. Nandwani: That's how I read it.

Ms. Wald: Ok, I got it because it starts with duplications, so I'm assuming that you don't want that.

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Mr. Fernandez: Right, we don't want that, I want to save some money for the residents of course.

Ms. Wald: And that's the other good part, this also falls into for now we're in 2026, your looking at the proposed budget for 2027 which usually starts in the spring.

Mr. Nandwani: We're right on time.

Ms. Wald: Yes, we're right on time because this falls into that, we're looking at the budget and seeing how you can reduce some items.

Mr. Fernandez: Exactly.

Ms. Wald: Perfect, ok.

Mr. Gill: And I don't know if you said it in the motion but I think you'd like this full question to be included in the minutes verbatim?

Mr. Fernandez: Yes, and also if responses to the questions in the first part of the document could also be provided in writing because we didn't have the time to go through them, so the motion requests a specific report but, over and above that report, the self-assessment if you will that you can provide some answers to the first questions, I mean each of them.

Mr. Gill: Yes, absolutely.

Mr. Fernandez: Not you, I mean the team.

Mr. Gill: Yes.

Ms. Wald: So, we'll put something together as a team to respond individually but, to make it also easier to read, since you wanted to put it out there for the residents, that's why I was saying summarized, respond obviously to what you're specifically asking, some things have to be responded to with explanations, and some can be just no or yes, or those types of things.

Mr. Fernandez: And the residents are eager to receive that information, I mean we have not been aware of anything going on in the CDD for the last 6 years, so people are asking and some are concerned so I think the CDD needs to give these explanations to all the residents of the District.

Ms. Wald: I don't see that as being a problem.

Mr. Fernandez: Good.

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Mr. Nandwani: Could I ask a question about CDDs in general because I just don't know and it's kind of related to the questions, to the last question around number 7. So, when CDDs are created do they exist forever?

Ms. Wald: No.

Mr. Nandwani: Ok.

Ms. Wald: So, yes and no. So, they exist forever in the sense of they are established by ordinance and in this case it was The City of Weston, but they don't have to exist forever. Provided in Chapter 190 it specifically states that if there are no further debts, financial obligations, of the CDD and the CDD no longer owns any property, because obviously the CDD can't own something that no longer exists, the CDD can then petition in this case it would be to The City of Weston to dissolve. So, I have done that, I had an older CDD, and I've done it a few times, but I had an older CDD in the City of Hollywood, and that CDD has paid off its bonds, I worked with The City of Hollywood for the land that the CDD owned which in that instance were the lakes, and the City of Hollywood accepted the lakes and then the maintenance responsibility turned right over to the HOA who also accepted them. So, everything was done at once, I went to The City of Hollywood for the same way that we did the petition to establish the CDD to go ahead and dissolve the CDD at that time because the bonds were completely paid off.

Mr. Nandwani: But everything owned by the CDD would first have to be conveyed.

Ms. Wald: Yes, it has to be conveyed and you usually do it all at once. I've done it in Miami-Dade County, I've done it over in Lee County, I think it was The City of Fort Myers, and yes, so we work on it and then it's all one package that we do in front of the city commission at the same time.

Mr. Fernandez: So what happens with the debt?

Ms. Wald: No, the debt has to be paid off first.

Mr. Fernandez: Of course, I'm not saying not pay it, but the CDD could also give that obligation back to the city.

Ms. Wald: No, it's not the city's obligation, it is the CDD's obligation.

Mr. Fernandez: Yes.

Ms. Wald: But what you're asking would be different.

Mr. Fernandez: Yes, but you said no debt.

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Ms. Wald: No obligations, so what the CDD must do is it has to rid itself of financial obligations and only property is a financial obligation so it has to rid itself of both those financial obligations before it can dissolved.

Mr. Fernandez: How can we do that?

Ms. Wald: Well, the problem is, in this instance you have debt, and that debt would have to be paid off.

Mr. Fernandez: In 30 years, it's a 30 year debt right?

Ms. Wald: Whatever is left on the bonds.

Mr. Gill: 24 years left.

Ms. Wald: Yes, that would have to be paid.

Mr. Fernandez: But it could be guaranteed by the same assets that were guaranteed at the very beginning because then operation was done based on that.

Ms. Wald: Again, I'm just telling you the process for dissolution. As to what specifically for this CDD, how you would go about defeasing your bonds, we would have to get in touch with bond counsel to have that discussion.

Mr. Fernandez: Ok.

Ms. Wald: Which we can, I'm just saying it's another process.

Mr. Fernandez: Yes, and I'm not worried it's the first day of this so there's a lot of things to be done but, I can understand when a District covers more than one community, but in this case we have a one to one relationship with the community.

Ms. Wald: There are a lot of CDDs out there like that believe it or not.

Mr. Fernandez: And I'm always trying to get savings.

Ms. Wald: And I understand, there's actually a CDD in Miami-Dade County that owns nothing and they only meet when they are required to by law, once a year. Their budget is very small.

Mr. Fernandez: That's another matter and we'll have to discuss that.

Ms. Wald: But it does exist, and with the CDD because there is an agreement with the HOA for the maintenance that's why you zero for your budget because it's taken on by the HOA and we have plenty of CDDs that do that as well, and then we have CDDs that have everything like the one I'm going to have tonight in Cooper City where they own almost everything within the boundaries of the CDD and they're almost like a little city, so they're all different.

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Mr. Nandwani: So when the debt is cleared and assets can be conveyed, are they conveyed back to the HOA or do they have to be purchased?

Ms. Wald: No, the problem right now the way the law is right now and there's lobbyists that are attempted to try to change this maybe down the road we'll get it changed is the only way the CDD can remove itself as to the ownership of its property because it's public property is to another governmental entity which why I said what we did in The City of Hollywood is we work in tandem with the city and also the HOA because the amount of work, they didn't want to take on responsibility but, we had it deeded over to The City of Hollywood which immediately deeded it over to the HOA, everything was done all at the same meeting, so it just takes coordination but, it can be done.

Mr. Nandwani: Ok.

Ms. Wald: It can be done, such as coordination here with Bonaventure Development District and why we ended up with that interlocal agreement, it's that same concept, it's that everybody gets in the same room and hashes it all out.

Mr. Gill: So, we have a motion and a second, all in favor.

On MOTION by Mr. Fernandez seconded by Mr. Nandwani with all in favor, accepting the entire motion as read into the record by the Chairman, Antonio Fernandez was approved.

Ms. Wald: And now I think we're on item No. 7C.

SEVENTH ORDER OF BUSINESS

Staff Reports (Cont.)

C. Manager

- 1) Final Approval of the FY2024-FY2025 Report Performance Measures and Standards**
- 2) Consideration of FY2025-FY2026 Performance Measures and Standards as Required by Florida Statute 189.0694**
- 3) Discussion of New Meeting Dates/Times/Locations**

Mr. Fernandez: Did we not approve these at the last meeting, the performance standards?

Mr. Gill: We deferred them.

Mr. Fernandez: Ok.

Mr. Gill: So, going back to staff reports, District manager, again as I said at the last meeting the state has required us to come up with performance measures that the

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CDD has to meet each year. We've included in your packet those measures which were met last year, so I'm looking for a motion just approving them and saying that the District met those performance measures which were, to meet 3 times a year at least, to advertise our meetings, to have a website where the meetings are posted, etc.

Mr. Fernandez: Regarding the new fiscal year I don't have a problem to approve it but, the last fiscal year I don't have a basis for that. So, I can propose to accept number C2 which is for fiscal year 2025-2026.

Mr. Gill: Ok and that's setting the standards, and so we have a motion by Supervisor Fernandez for item 7C-2 and these are the new standards for this current fiscal year.

On MOTION by Mr. Fernandez seconded by Mr. Nandwani with all in favor, accepting the FY2025-FY2026 Performance Measures and Standards as required by Florida Statute 189.0694 was approved.

Mr. Gill: And I'm unclear how to proceed Ginger with last year.

Ms. Wald: Well, the problem is you're required by December 1st to have it posted on the website whether you met those standards or not.

Mr. Gill: Right, which we did.

Ms. Wald: So, what you could do is you do your report is that you reviewed the performance measures and standards from the 2024-2025 fiscal year and they were met per your review and report, and that was posted on the website and the Board can ratify those actions taken.

Mr. Gill: Ok.

Ms. Wald: That's one way you can do it, and then it's his responsibility because he did it.

Mr. Fernandez: Yes, I'm good with that.

Ms. Wald: So, it would be a motion to ratify the actions taken of the District manager, that would be the motion.

Mr. Nandwani: Ok, we'll make that motion then when those actions are done.

Ms. Wald: He already did do them.

Mr. Gill: It was taken and they were met.

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Mr. Nandwani: Ok.

Mr. Gill: So, I'm just looking for a motion to ratify the actions prior to having posted those performance measures.

On MOTION by Mr. Sanchez seconded by Mr. Nandwani with all in favor, ratifying the final approval of the FY2024-FY2025 Report Performance Measures and Standards was approved.

EIGHTH ORDER OF BUSINESS

Financial Reports

A. Approval of Check Register

B. Acceptance of Unaudited Financials

Mr. Gill: So, item No. 8 will jump down and these are the financial reports, and every month we have a check register at the meeting and we include all prior check register and this just shows the outgoing checks that were paid and this is on page 44 of your packet. So, you've had a chance to look at those, I'm just looking for a motion to approve the check register.

Mr. Fernandez: And similar, I will take the lead on this, similar to the minutes of May 7th, I was not a Board member then, and I have not participated in the approval of any payments so I don't feel comfortable and so I will abstain on approval any checks or financial reports prior to the starting of being on the Board.

Ms. Wald: That is not required by law.

Mr. Gill: Ok.

Ms. Wald: So, that doesn't bother me.

Mr. Gill: Ok, so the same thing for the financials we included the unaudited financials each month for the Board for review and usually the Board approves their review, and say, yes these look good.

Ms. Wald: And that's not required by law.

Mr. Gill: Ok, got it.

NINTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

Mr. Gill: Moving down to Supervisor's requests and audience comments, members of the audience, do you all have any questions or comments for the Board, and we have Issac still on the line.

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A resident: No more questions, thank you.

Mr. Gill: Ok. Supervisor's requests, outside of what was mentioned during the meeting, anything else for staff?

Mr. Fernandez: Just coordination, the next meeting will be February.

Mr. Del Rio: It will be depending where we have notified the location.

Ms. Wald: Hopefully we can go ahead and we can get this at 2900 Glades Circle, if they're good with it, with that date, then we should be good to do it in time to make the advertisement.

Mr. Nandwani: Yes, I just need to book the conference room.

Mr. Fernandez: So, the first Wednesday in February, the same time, 1:30?

Mr. Nandwani: Yes, that's fine.

Mr. Fernandez: So, the first Wednesday of each month.

Mr. Nandwani: Ok.

Ms. Wald: So if you can do that now then they can do the advertisement.

Mr. Del Rio: I'm going to probably not be able to make it at 1:30.

Mr. Fernandez: Then let's reschedule, what time?

Mr. Del Rio: I teach, my class is from 1:00 to 2:00, so I won't be able to be here at 1:30.

Mr. Nandwani: Oh, on Wednesdays you mean.

Mr. Del Rio: Yes, Wednesdays, Tuesday, Thursday, I'm fine, but not Monday, Wednesday, Friday.

Mr. Gill: Ok.

Mr. Fernandez: When is a later time? We can't vote 100% on this time.

Ms. Wald: What time do you want to make it?

Mr. Nandwani: Later or earlier?

Mr. Del Rio: No later.

Ms. Wald: So 2:30?

Mr. Nandwani: Is Thursday ok?

Mr. Del Rio: Yes, prefer Tuesdays.

Mr. Nandwani: Ok, so you prefer Tuesdays.

Mr. Del Rio: Yes, I prefer Tuesday because Thursdays I teach from 3:00 to 5:00.

Mr. Gill: So, we would be changing that to the first Tuesday of the month.

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Mr. Del Rio: That I can do.

Ms. Wald: At the same time?

Mr. Del Rio: That I can do yes.

Ms. Wald: So, first Tuesday of the month at 1:30, I just need to write this down.

Mr. Gill: So, it would be the first Tuesday of each month at 1:30.

Mr. Del Rio: So let me check my schedule.

Mr. Nandwani: What about Thursday at 10:00 or something like that.

Mr. Del Rio: I teach, and let me check my schedule. So, for this semester, Tuesday and Thursday 9:30 to 11:00, then I teach at 11:00 on Tuesday and Thursday and then I teach again at 3:00, so Tuesday, no I don't do that. So, it could do it on Tuesday because I finish teaching at 11:00 so I can drive and meet at 12:00.

Mr. Nandwani: On Thursday?

Mr. Del Rio: Yes, but then it would be up to you.

Ms. Wald: You won't see me, not on Thursdays.

Mr. Gills: Thursdays are difficult as well for me.

Mr. Del Rio: Then that's a problem.

Ms. Wald: So, how about the first Tuesday at 1:30?

Mr. Del Rio: I'm fine.

Mr. Nandwani: Can we do it at 1:00?

Mr. Del Rio: Yes.

Ms. Wald: So the first Tuesday at 1:00 p.m.

Mr. Fenandez: I'm fine.

Ms. Wald: Ok, so you're going to have to fix the motion.

Mr. Gill: Yes.

Ms. Wald: Does that work?

Mr. Gill: It does.

Ms. Wald: So, the motion you had already made was a motion to change the location, and you've already stated that and the date as to the first Wednesday of each month at 1:30, so it would be a motion to revise that motion for the first Tuesday of the month at 1:00 p.m.

Mr. Fernandez: Right at the same address in Weston.

Ms. Wald: Yes, the same address, so someone make the motion.

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On MOTION by Mr. Del Rio seconded by Mr. Fernandez with all in favor, revising the Monthly Meeting Schedule to the first Tuesday of each month at 1:00 p.m. at 2900 Glades Circle, Suite 325, Weston, Florida was approved.

Mr. Nandwani: So the first Tuesday of each month at 1:00 p.m.

Mr. Fernandez: Yes.

Mr. Gill: And you'll be the coordinator here.

Mr. Nandwani: Yes.

Mr. Gill: Perfect, so the first Tuesday of each month at 1:00 p.m. at 2900 Glades Circle, Suite 325, Weston, Florida 33327.

TENTH ORDER OF BUSINESS

Adjournment

Mr. Gill: Perfect, if there is nothing else, I'm just looking for a motion to adjourn.

On MOTION by Mr. Sanchez seconded by Mr. Nandwani with all in favor, the meeting was adjourned.

Signed by:

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Secretary / Assistant Secretary

Firmado por:

897E33362ABA750...
Chairman / Vice Chairman

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Botaniko CDD

Attachment A

BOTANIKO CDD BOARD MEETING – JANUARY 7, 2026

I would like to walk through a series of factual questions and observations that go directly to the purpose, cost, and functionality of the Botaniko Community Development District.

1. Scope of the CDD vs. HOA

Based on the records reviewed, all homes and lots within the Botaniko CDD are also within the boundaries of the Botaniko Community Association (HOA) and vice versa. There is effectively a 1:1 relationship between the CDD and the HOA. While this 1:1 structure may have been appropriate during development and bond financing, the Board must now evaluate whether it remains necessary and efficient for homeowners going forward.

- What independent function does the CDD serve that is not already performed by the HOA, and does this create unnecessary duplication and cost?

2. Infrastructure Described as “Improvements”

Engineering documentation refers to various facilities as “improvements” (Ford Engineer Report dated September 2019).

However, homeowners were already living in Botaniko as early as 2018, and many facilities were operational at that time.

- Were these facilities new improvements to be constructed, or already completed infrastructure later acquired by the CDD?
- If they were future improvements, who certified that, when, and which components were still pending? Please share available documentation.
- If already constructed and operational at the time of acquisition, they were not new capital improvements being planned or constructed by the District, but rather existing infrastructure later acquired.
- Under Chapter 190, Florida Statutes, a CDD is created to plan, build, and create improvements, not merely to purchase existing infrastructure and delegate maintenance.

3. Ownership, Maintenance, and Engineering Oversight

January 7, 2026**Botaniko CDD**

The District Engineer's FY 2025–2026 report lists certain facilities as owned by the CDD (Entrance, Gates and Guardhouse).

- On what basis is that ownership asserted?
- Since when?
- Which documents exist to support it?

Additionally:

- When did the District Engineer conduct site visits or inspections of infrastructure acquired in 2020?
- Were any inspections conducted prior to acquisition?
- Were any inspections conducted after the acquisition and more recently in 2025?
- What written documentation exists?
- Have stormwater overflow, lake levels, and shoreline conditions been reviewed?
- Has the Bonaventure Development District been notified?

The District Engineer's FY 2025–2026 report assures that "all tracts and infrastructure are in good repair, working order and condition" (paragraph (i)).

How does this reconcile with the observations and conditions described above, based on the information available to the District Engineer?

- The District Engineer's FY 2025–2026 report assures that "the District's proposed budget amounts for maintenance are adequate" (paragraph (ii)).

The CDD 2026 budget does not include any maintenance expense line. How does this reconcile with the District Engineer's statement?

Has the District Engineer reviewed and assessed the BDD's and the HOA's 2026 Maintenance Budgets? Please share documentation.

4. Coordination and Execution of Maintenance Agreements

Maintenance agreements were executed with the Botaniko HOA and the Bonaventure Development District.

- What actions did District engineering, legal counsel, and management take to coordinate and implement these agreements?
- How were they communicated to the HOA, the BDD, and HOA property management?
- What records exist?

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- What procedures ensured these agreements were actually executed and operational?

5. Financials and Assessment Methodology Assumptions

- Approximately \$7.64 million (\$6.88M purchase price and legal/engineering fees + \$760K debt service) was paid through Series 2020 bond financing for infrastructure acquisition.
- The documentation reflects that the infrastructure was completed, conveyed, and engineer certified.
- Only 79 of the 125 planned homes are assessed for repayment of the Series 2020 Bonds, despite the infrastructure being community wide in nature.
- The BDD maintains lakes and stormwater.
- The HOA maintains the infrastructure conveyed.
- The CDD provides no maintenance services, yet incurs annual operating costs of approximately \$75,000, of which roughly two-thirds are spent on engineering, legal, audit, and management expenses, with zero dollars allocated to maintenance.

Reconciliation of Infrastructure Costs and Allocation of Assessable Units

The Ford Engineers Report and Sections 2.1 through 2.3 of the GMSSF's Assessment Methodology state that the total projected cost of the Capital Improvement Plan is \$10.6 Million and further assert that the developer funded or contributed the difference between such projected infrastructure costs and the amounts requisitioned by the District.

However, the certified requisitions for acquisition of public infrastructure reflect that all infrastructure actually conveyed to the District was priced at full cost and paid in full from District bond proceeds, with total infrastructure related requisitions of approximately \$6.88 million. The District has not been provided with documentation reconciling the projected infrastructure costs referenced in the Ford Engineers Report and in Sections 2.1 to 2.3 of the GMSSF's Assessment Methodology with the final requisition amounts, nor with a schedule identifying specific infrastructure components that were funded or retained by the developer and excluded from District acquisition.

In addition, Section 2.3 of the Assessment Methodology limits the Series 2020 Special Assessments to 79 of the planned 125 residential units based on the premise that only those 79 units receive special benefit from the infrastructure financed by the District. Considering the absence of a reconciliation identifying developer-funded infrastructure serving the remaining units, it is unclear how the infrastructure financed by the District does not confer special benefit on the entirety of the development, including system-wide improvements such as stormwater management, sanitary sewer systems, lift stations, earthwork, and entry improvements.

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Accordingly, please clarify:

1. How the total infrastructure costs cited in Sections 2.1–2.3 reconcile with the certified requisition amounts actually paid by the District;
2. Which specific infrastructure components, if any, were funded by the developer and not conveyed to or paid for by the District; and
3. The factual and methodological basis for limiting the Series 2020 Special Assessments to 79 units rather than all 125 planned residential units that appear to benefit from the infrastructure financed by the District.

6. Homeowners Questions

7. Fiduciary Duty

Based on the record reviewed and the questions raised above, material governance, disclosure, and assessment-allocation issues require clarification.

Based on the records currently available, these matters do not appear to have been clearly or directly communicated to District landowners by the prior Board, District legal counsel, or District management.

Accordingly, this Board has a fiduciary duty to ensure that:

- A valid public purpose exists.
- Costs imposed on landowners are equitable and proportionate to the benefits received.
- Duplication of governmental functions is avoided.
- District landowners are provided clear, timely, and meaningful communication regarding actions that materially affect their financial obligations and property interests.

FORMAL MOTION

I move that the Botaniko Community Development District direct District Legal Counsel and District Management to prepare and present, at a future publicly noticed meeting, a written legal and factual report addressing:

1. The legislative findings and purpose relied upon by the City of Weston in Ordinance No. 2019-11 when approving the creation of the Botaniko Community Development District.
2. Whether the historical actions of the District, including the 2020 acquisition of infrastructure from the developer and the issuance of the Series 2020 bonds, were

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consistent with those legislative findings and with the purposes contemplated by Chapter 190, Florida Statutes.

3. The nature, scope, and completion status of the infrastructure acquired in 2020, identifying which components were complete, partially complete, or ongoing at the time of acquisition.
4. The dates, scope, and documentation of site visits, inspections, or certifications performed by the District Engineer, including any conducted prior to the 2020 acquisition.
5. The actions taken, or not taken, by the District's engineer, legal counsel, and district management to communicate, coordinate, document, disclose, and ensure the effective implementation of maintenance agreements entered between the District and the Botaniko HOA and the Bonaventure Development District (BDD), including:
 - o how those agreements were communicated and coordinated with the HOA, the BDD, and the HOA's property management,
 - o what records exist evidencing such disclosure, coordination, and acknowledgment,
 - o what procedures, if any, were in place to ensure ongoing execution of those agreements.
6. Whether the continuation of non-ad valorem assessments remains lawful, equitable, and supported by a continuing public purpose, including whether the assumptions in Sections 2.1 through 2.3 of the GMSSF's Assessment Methodology regarding total infrastructure costs, developer contributions, and allocation of special benefit to only a portion of the planned homes reconcile with the certified infrastructure acquisitions and requisitions paid by the District, given that the infrastructure appears to confer system-wide benefit while assessments are imposed on only a portion of the homes.
7. What lawful options exist to reduce or eliminate costs to residents, including asset conveyance, restructuring or termination of assessments, bond resolution, or dissolution of the District.

For the avoidance of doubt, the report shall not recommend expansion of District operations, assumption of maintenance responsibilities currently performed by the HOA or other entities, or the creation of new District services funded through increased or reallocated assessments.

Nothing in this motion is intended to reopen, expand, or authorize additional infrastructure

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acquisition, requisitions, payments, or financial obligations of the District, but solely to ensure that the factual and legal assumptions underlying existing assessments and District operations are fully documented and reconciled.

The report shall be provided in writing, presented for Board discussion, and made available to residents.

Certificate Of Completion

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