

MINUTES OF MEETING

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

**BELLA VIDA
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Bella Vida Community Development District was held on **Tuesday, February 9, 2016 at 4:00 p.m.** at the office of Rizzetta & Company, Inc., located at 9530 Marketplace Road, Suite 206, Fort Myers, FL 33912.

Present and constituting a quorum:

Sarona Weyant	Board Supervisor, Chairman
Erik Sandsmark	Board Supervisor, Vice Chairman
Jim Benafel	Board Supervisor, Assistant Secretary
John Krantz	Board Supervisor, Assistant Secretary
Judy Strunk	Board Supervisor, Assistant Secretary

Also present were:

Kristen Suit	District Manager, Rizzetta & Company, Inc.
Lindsay Whelan	District Counsel, Hopping Green & Sams, P.A.
	(via speaker phone)
Audience	

FIRST ORDER OF BUSINESS

Call to Order

Ms. Suit called the meeting to order and read roll call.

SECOND ORDER OF BUSINESS

Public Comment

Ms. Suit opened the floor to public comments. There were none.

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the Board
of Supervisors' Meeting held on November
10, 2015**

Ms. Suit presented the Minutes of the Board of Supervisors Meeting held on November 10, 2015. She asked if there were any revisions to the Minutes. There were none.

<p>On a Motion by Ms. Weyant, seconded by Ms. Strunk, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on November 10, 2015, for the Bella Vida Community Development District.</p>
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FOURTH ORDER OF BUSINESS

**Operations and Maintenance Expenditures
for the Months of October, November, and
December 2015**

Ms. Suit provided an overview of the expenditures for the period of October 1-31, 2015 which totaled \$21,005.44, the period of November 1-30, 2015 which totaled \$9,736.34, and the period of December 1-31, 2015 which totaled \$14,654.25. She asked if there were any questions regarding any item of expenditure. Discussion ensued regarding several invoices.

On a Motion by Mr. Benafel, seconded by Mr. Sandsmark, with all in favor, the Board approved the Operations and Maintenance Expenditures for the Months of October, November, and December 2015, for the Bella Vida Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2016-02,
Adopting a Policy Regarding Recreational
Activities on District Ponds, Providing for
Trespass Authority, Authorizing the
Issuance of a Letter Regarding the Same**

Ms. Whelan discussed the resolution which prohibits recreational activities from the District's ponds. The resolution would adopt the policy, Exhibit A is a map of the ponds, exhibit B is the policy, and exhibit C is a letter to the Cape Coral Police Department making them aware of the policy and providing authority to District Staff to enforce trespass violations. The only additional matter would be for the District to post signage around ponds. The signage would have to be every 500 feet, but would give authority to anyone to enforce trespass violations by calling the police department. The Board discussed the need for signage.

On a Motion by Ms. Weyant, seconded by Mr. Krantz, with all in favor, the Board adopted Resolution 2016-02, Adopting a Policy Regarding Recreational Activities on District Ponds, Providing for Trespass Authority, Authorizing the Issuance of a Letter Regarding the Same, for the Bella Vida Community Development District.

Ms. Suit advised the District does not currently have the budget for signage, the Board asked that staff obtain proposals for the signage for discussion during the budget process. Discussion ensued regarding the method to get this policy out to the community.

SIXTH ORDER OF BUSINESS

**Update Regarding Juniper Landscaping
Proposal**

Ms. Weyant advised she has tried to get in contact with Juniper though they have not returned her calls or e-mails. She discussed the landscape issues caused by the car accident at the entrance to the community. The Board directed Staff to get a proposal from Juniper for repairs to landscaping on CDD property caused by the accident. Ms. Weyant discussed the beetle invasion on the palms, the palms are dying off. She advised the landscapers have said they are treating the palms but she isn't sure the palms are being treated properly. The Board directed Staff to reach out to the HOA to have the bismark palm trees properly treated.

SEVENTH ORDER OF BUSINESS

**Discussion Regarding Property Appraisers
Designation of Common Area Property**

Ms. Whelan advised a portion of the debt and the O&M is allocated to the HOA Clubhouse; and there is a Statutory Provision that provides that common elements cannot be subject to assessments if they are part of a plat, and if they are designated on that plat as a common element for the exclusive benefit of lot owners. You have to have that particular language and very few clubhouses fit this designation. She advised the Bella Vida clubhouse does not fit this designation and for the last ten years or so the District has been apportioning assessments to the Bella Vida clubhouse. She further advised that District Management received an e-mail from the property appraiser saying that they have determined that the HOA clubhouse parcel, which is currently assessed \$2,000 per year in both debt and O&M, is a common element pursuant to the statute so that it cannot be assessed. Because it doesn't have the exact language and the fact it was never planned to not be assessed, a letter was written back stating the above, and normally that would be the end of it but a response has been received advising that they do not agree with the determination and if the District submits an assessment roll that includes the HOA property that they will remove the assessment from that parcel and allocate it against the remaining lots within the District, which would be about a \$4 increase per unit. She advised legal counsel does not agree with this determination. Ms. Whelan advised the options are 1) to continue to work with the property appraisers office and incur the costs to dispute the matter or 2) take the HOA Clubhouse parcel off the property appraiser's assessment roll and direct bill for the clubhouse. She advised all other lots would still be on the tax roll but the HOA Clubhouse would be direct billed. Ms. Whelan stated she would advise the Board switch to the direct bill method in order to avoid further legal fees. Discussion ensued.

On a Motion by Mr. Sandsmark, seconded by Mr. Krantz, with all in favor, the Board directed Staff to Direct Bill the HOA for the Clubhouse Parcel for the Upcoming Fiscal Year, for the Bella Vida Community Development District.

EIGHTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
Ms. Whelan advised she had no further report.

- B. District Engineer
Not present.

- C. District Manager
Ms. Suit announced that the next meeting of the Board of Supervisors is scheduled for Tuesday, May 10, 2016 at 4:00pm.

NINTH ORDER OF BUSINESS

Supervisor Requests and Comments

Ms. Suit asked if there were any supervisor requests or comments.


Mr. Sandsmark advised of a resident planting in the preserve. Ms. Whelan will send a letter to cease and desist, and if they do not remove the plantings, the District will have it removed and bill the resident.


Mr. Sandsmark further inquired as to the Stantec preserve trimming, he asked that staff review the contract and send to the Board for review. Discussion ensued.

TENTH ORDER OF BUSINESS

Adjournment

On a Motion by Ms. Krantz, seconded by Mr. Benafel, with all in favor, the Board adjourned the meeting at 5:15 p.m. for the Bella Vida Community Development District.


Secretary/Assistant Secretary


Chairman/Vice Chairman