



January 6, 2025

Via email only

Honorable Tiffany Esposito, Chair District 77 Honorable Jenna Persons-Mulicka, District 78
Honorable Ben Albritton, District 27 Honorable Mike Giallombardo, District 79
Honorable Jonathan Martin, District 33 Honorable Vanessa Oliver, District 76
Honorable Kathleen Passidomo, District 28

Re: Proposed Bill by Representative Botana to convert the San Carlos Estates Water Control District from an independent special district to a dependent district of the City of Bonita Springs

Dear Honorable Chair Esposito and Honorable Local Delegation Members:

I am the Chair of the Board of Supervisors of the San Carlos Estates Water Control District ("District") which is an independent special water control district that is primarily governed by Chapter 298 of the Florida Statutes.

Representative Botana has proposed a draft Bill for the upcoming legislative session to convert the District from an independent special district to a dependent special district of the City of Bonita Springs.

I have been a resident landowner in the District for over 25 years and during that time I have participated in the operations of the District as a volunteer and also as an elected member of the Board of Supervisors of the District. As a result of my long time residence in the District, I have firsthand knowledge of the operations of the District and of the services the District has provided to the landowners and residents in the District over time. In my opinion, the District residents and property owners are best served by the District as an independent special district and not as a dependent district of the City of Bonita Springs for many reasons, including the following:

1. Since the District was created as an independent special water control district in 1969 by judicial decree, the District has constructed and managed capital improvements in the form of water control structures (canals, weirs, etc.) and roadways (including paved roads and swales, etc.) at the sole expense of the landowners of more than \$15,000,000.00 over the last decades for the benefit and use of the District residents and landowners.

2. The annual cost of the maintenance and operation of the District's water control activities and capital improvements in recent years has been less than an average of \$250,000.00 per year using primarily contract labor. These maintenance and operations activities include maintenance and operation of 5.5 miles of canals and water control structures, 23 miles of road right of ways, including drainage swales, three (3) surface water storage and treatment areas, and over 800 culverts, inlets and associated structures. This effort is overseen by a single part-time manager/superintendent employee and three part-time independent contractors. Relatively speaking to other government agencies, the District's maintenance and operation costs are low. In comparison to the low annual cost of maintenance and operation of the District as an independent special district, it is our opinion that there will be a much higher cost for the City of Bonita Springs to perform the same maintenance and operation of the District's water control structures and roadways.
3. As a part of the water control and water quality maintenance efforts of the District, the District has constructed and operates/maintains approximately 15 miles of paved private roadways. Originally constructed with judicially approved bond funding and paid for completely by the residents and landowners of the District through a special District non-ad valorem assessment, the ongoing operation and maintenance is also funded solely by the residents through non-ad valorem annual maintenance assessments. As with other District activities, the work is completed by independent contractors under the District's management and inspection oversight by the District Manager.
4. The District is currently a co-permittee in the Lee County MS4 permit as is the City of Bonita Springs. The District is currently expanding the number of established water quality monitoring stations which is currently three sites, all collected by Lee County, to better characterize the water quality of the discharge from the District in response to increased concerns over the water quality of Spring Creek, into which the District discharges. The expansion program is being facilitated under a special agreement with FGCU and, as such, will be performed in a very cost-effective manner.
5. For more than 5 decades the District has served its constituents and has grown in an efficient and cost effective manner and has met all of its legal engineering and fiscal requirements with only the District landowners paying for the construction and operation of the District's water control improvements and roadway improvements so that the operation of the District has not been a burden on any other landowners outside the District boundaries.
6. The District currently works closely with the City of Bonita Springs to minimize the need for City Staff to address such issues as permitting of driveway culverts, drainage complaints, NPDES inspections, etc. in the District. The District Manager, along with volunteers within the District and the District Engineer, conduct regular, sometimes daily, inspections through-out the District to ensure that the drainage and roadway systems are not adversely impacted by unauthorized activity. The City of Bonita Springs staff cannot provide the same level of service the District representatives provide to the District residents and landowners within the District, especially at the same low cost that is currently charged by the District in annual non ad-valorem maintenance assessments. In

addition, the District has helped the City of Bonita Springs with a water retention project recently that allowed a Developer, Pulte Homes, to build more residential structures in the City that will allow more tax revenue to the City. The District has allowed Pulte Homes to construct a water overflow/discharge structure to allow for water overflow/discharge from the Pulte development to enter into the District's canal and water control system. The City of Bonita Springs requested the District's permission to allow the discharge of water from the Pulte Homes development project into the District's water canal system which the District has granted.

7. The District has not requested a change in the District's status as an independent special water control district and further the Board of Supervisors were caught by surprise by Representative Botana's submittal of his proposed bill to the Local Delegation.
8. A conversion of the independent district status of the District to a dependent district status of the City of Bonita Springs as described in Representative Botana's proposed bill will result in several outcomes that are very detrimental to the District residents and landowners/assessment payers, some of which are as follows:
 - a. The landowners in the District have a much stronger vote per person on the election of the Supervisors of the District than the District landowners will have on the election of City Council members if the District's status changes from being an independent special district to being a dependent district of the City of Bonita Springs as described in Representative Botana's proposed legislation. As an independent special district, the landowners in the District will have a much greater say in who represents them on the Board of Supervisors of the District and how the District operates in comparison to Representative Botana's proposal of the District becoming a dependent district of the City in which case the City Council will make all of the District's decisions.
 - b. If the District is no longer an independent district with a separate Board of Supervisors elected exclusively by the District landowners, there is a much higher possibility that the District's primary street, Strike Lane, will be opened up to become used as a major connector road between Imperial Parkway and US 41. The conversion of the District's Strike Lane from a private local street servicing just the residents and landowners in the District to a major connector road between Imperial Parkway and US 41 will drastically change the volume and type of vehicle traffic that will be using the District's roadways in comparison to the current low volume of local residential traffic to and from the 650 (approximate) current residences located within the District. It is estimated that a conversion of Strike Lane into a major connector road between Imperial Parkway and US 41 will increase traffic on Strike Lane through the District by approximately 4,500 to 5,000 vehicles per day which will be very detrimental to the residents and landowners within the District. The adverse impact on the residents will be even more drastic because many of the new vehicle trips through the District on Strike Lane will be commercial vehicles and not just primarily personal vehicles traveling to and from the residences in the District. The District's private residential roads were not designed or constructed

to have high volumes of traffic or heavy weighted commercial traffic using them many times every day and it will destroy the District's roads and it will be detrimental to the District's residents for such a use to be allowed which the City of Bonita Springs could approve if Representative Botana is successful in having the District's independent district status converted into a dependent district of the City of Bonita Springs.

c. If Representative Botana's proposed bill passes and the District becomes a dependent district, it will become much easier for the City Council to approve the requirement for every developed parcel owner in the District to convert their septic system into a new form of a municipal sewer collection system. In conversations with Bonita Springs Water Utilities, a for profit private entity, the indication has been made to the Manager of the District that the type of design considered for a sewer system would be grinder pumps at each resident's house then lift stations along each road, with all of the costs of installation and future maintenance to be borne by the District's residents. The estimated cost for a new sewer system is estimated to be at least \$40,000.00 per house/residence for capital installation costs and an additional \$3,000.00 per year in maintenance costs, all of which will be borne by the residents in the District in the form of significant annual increases in the District's residents' utility bills. The decades of MS4 monitoring of waters leaving the District's canals have not indicated any problems with the discharge of sewage so a future imposition by the City requiring the District residents to install and pay for an expensive conversion from onsite septic systems to a municipal sewer collection system is an unnecessary excessive financial burden on the District residents, especially where the land parcels in the District are much larger than normal residential lots so that there is a lower percentage of impervious surface (lot coverage) for each parcel and a greater area of land on each parcel for the filtration of sewer effluents.

d. If Botana's bill is successful and the District becomes a dependent district of the City, additional connections of surface water flows from lands outside the District to accommodate drainage for lands upstream of the District can be approved by the City Council for the benefit of landowners outside the District even though they have not paid any part of the construction costs of the canals and water control structures in the District. As an independent district, the District Board of Supervisors negotiates agreement terms, including the payment of a reasonable usage fee, with other property owners who want to discharge water through the District's canal system; however, if the District is converted to a dependent district of the City, the City Council will then be able to authorize anyone to use the District's canals under agreement terms that may not be as protective of the District and the District's residents and landowners.

e. All elected official decisions are currently made by the District's Board of Supervisors, all of who are residents of the District and understand the needs of the District residents. However, if the District is converted to a dependent district of the City, the elected official decisions will be made by the Bonita Springs City

Council all of who are city residents instead of residents exclusively of the District and there will not be as good of an understanding of the needs of the District residents by the City Council members who are not District residents.

f. A conversion of the District to a dependent District of the City of Bonita Springs will result in the loss of all local decision making and control by the landowners/assessment payers of the District because the District landowners will no longer be able to elect the Supervisors of the District who oversee the expenditure of their assessments and the provision of the maintenance of the District's private roads and canals that have been paid for exclusively by the District's landowners and that are currently being used primarily by the District landowners for their personal use.

g. If the District is converted to a dependent district as proposed by Representative Botana, the City Council could approve the opening of the District's private back gate located on Stillwell Parkway that is currently used only by residents and first responders. The gate currently is only used to allow District residents to cross the District's bridge over the District's canal that was designed and constructed to accommodate usage only by District landowners. If the City controls the District as a dependent district of the City, the City Council can choose to remove the back gate and open Stillwell Parkway to public traffic which would create a substantial increase in the volume of traffic over the District's bridge and which would also result in much heavier commercial vehicles crossing the District's bridge. The District's bridge and, as mentioned earlier, the District's roads, are not designed or constructed for heavy volumes of general public traffic or heavy commercial vehicles and opening the District's back gate to outside public traffic will severely impact and damage the District's roads and will also cause major safety risks. To date, the District Board of Supervisors has been very adamant in protecting the District's bridge and private (limited access) roadways from adverse impacts of outside public traffic by keeping the back gate into the District closed and restricted so that it is only used by District residents.

If an argument is made by Representative Botana that his intention is to place the District under the control and management and authority of the City of Bonita Springs by converting the District to be a dependent district of the City of the Bonita Springs for the purpose of achieving better reporting and oversight of the District's activities, it is our opinion that Representative Botana's local bill is not necessary at this time in light of the passage last year of House Bill 7013 (2024-136, Laws of Florida) which was passed by the Legislature and signed by the Governor as a statewide statutory measure to implement prudent reporting and oversight of all independent special districts including the San Carlos Estates Water Control District. All of the State legislators worked on the passage of House Bill 7013 so that it became a law. Now, Representative Botana's local bill seems to be unnecessary and redundant in what it is trying to accomplish if Representative Botana's goal is to provide more stringent reporting and oversight. The District has been compliant with the requirements of the new law as well as any requirements that have been placed upon the District since its inception in 1969.

For all of the reasons stated above and for other reasons that have not been listed in this correspondence, we believe that Representative Botana's proposed bill should not be forwarded by the Local Delegation to the Legislature for further consideration. As described above, there are a number of benefits that result from the operation of the District as an independent special water control district where the landowners within the District have the exclusive authority to elect the District Supervisors and where the District assessments are used exclusively for the benefit of the District landowners for the maintenance of the water control improvements and roadway improvements owned by the District for the benefit of the District landowners. We believe this is true especially in light of the fact that the District is compliant with the statutory reporting and oversight requirements for independent special districts, including those that were adopted last year with the passage of House Bill 7013 by the Legislature.

In conclusion, it is best to leave the District as an independent special water control district for the benefit of the District residents and landowners who are able to elect their own Board of Supervisors and who are able to approve the District's operations and the District's assessment rates for the benefit of the District landowners. Please do not approve Representative Botana's proposed bill at the Local Delegation level.

If the Local Delegation determines that it is appropriate to approve Representative Botana's proposed bill, we respectfully request that in all cases, the proposed bill should be amended to provide that the draft legislation will not become effective until a separate and independent vote of approval of Representative Botana's proposed bill is rendered by a majority of the landowners of the District regardless of whether the voters in the City of Bonita Springs approve Representative Botana's proposed bill.

Respectfully submitted,



James Bradford, Chair
San Carlos Estates Water Control District

JB/cq