

**WEST VILLAGES IMPROVEMENT DISTRICT  
REGULAR BOARD MEETING & ATTORNEY-CLIENT SESSION  
APRIL 13, 2023**

**A. CALL TO ORDER**

The April 13, 2023, Regular Board Meeting of the West Villages Improvement District (“WVID” or the “District”) was called to order at 11:20 a.m. in the Public Safety Building Training Room located at 19955 Preto Boulevard, Venice, Florida 34293.

**B. PROOF OF PUBLICATION**

Proof of publication was presented which showed the notice of the Regular Board Meeting had been published in the *Sarasota Herald-Tribune* on April 4, 2023, as legally required.

**C. ESTABLISH A QUORUM**

It was determined that the attendance of the following Supervisors constituted a quorum, and it was in order to proceed with the meeting:

Chairman	John Luczynski	Present in person
Vice Chairman	Steve Lewis	Present in person
Supervisor	Tom Buckley	Present in person
Supervisor	Christine Masney	Present in person
Supervisor	John Meisel	Present in person

Staff members in attendance were:

District Manager	William Crosley	Special District Services, Inc.
District Manager	Todd Wodraska	Special District Services, Inc.
District Counsel	Lindsay Whelan	Kutak Rock LLP
District Counsel	Joe Brown	Kutak Rock LLP
District Engineer	Giacomo Licari	Dewberry

Also present were: Cynthia Wilhelm of Nabors, Giblin, & Nickerson, P.A.; and Erica Klevers of Goodwyn, Mills and Cawood; Michael Kennedy and Jeff Dykstra of Stantec; Robert Hedgecock of US Bank; and Bryan Mantz of GovRates Inc.

**D. ADDITIONS OR DELETIONS TO AGENDA**

There was a consensus of the Board to remove Item G – Attorney-Client Session. In addition, Item K will be moved up to Item G and Item 15 will immediately follow Item I12. Supervisor Meisel also noted that the agenda should reflect Item H1 “Receive and File Commission on Ethics Opinion 23-2 for Supervisor Meisel should be described as a “Commission on Ethics “Advisory” Opinion 23-2.

**E. COMMENTS FROM THE PUBLIC**

Staff solicited public comments and stated that an additional public comment period on Resolution No. 2023-08 will be held later in the Board meeting.

Victor Dobrin requested to have the POA's correspondence back to the District in relation to the Gran Paradiso Property Owners Association irrigation lawsuit included on the WVID website, applauded Supervisor Meisel for giving up his position on the POA, and noted that four of the Supervisors who voted for the irrigation rates in 2018 were employees of the developer.

Jim Coler requested more transparency regarding District activities.

Leonard Kantola thanked Mr. Meisel for his service and questioned staff as to why the landowner-elected Supervisors did not have to recuse themselves from irrigation-related matters.

Steve Glunt stated that he is the corporate representative of the Gran Paradiso Property Owners Association Board of Directors, complimented Supervisor Meisel for his efforts, requested that the Board consider completing any hurricane relief effort before any road resurfacing is performed, requested that all District residents bear the costs of the Gran Paradiso litigation, and requested that the Board not reallocate roadway resurfacing funds for hurricane repairs.

Pam Kantola questioned staff as to why the landowner-elected Supervisors did not have to recuse themselves from irrigation-related matters and requested the legal invoices related to expenses paid by the District relative to the Gran Paradiso litigation.

## **F. APPROVAL OF MINUTES**

### **1. March 9, 2023, Regular Board Meeting & Attorney-Client Session**

A <b>MOTION</b> was made by Mr. Lewis, seconded by Ms. Masney and passed unanimously approving the March 9, 2023, Regular Board Meeting minutes, as presented.
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## **G. ATTORNEY-CLIENT SESSION RELATIVE TO GRAN PARADISO POA IRRIGATION LITIGATION**

This item was removed from the agenda.

## **H. UNIT OF DEVELOPMENT NO. 9 (THIS ITEM WAS TAKEN OUT OF ORDER)**

### **1. Consider Final Supplemental Assessment Request**

Staff referenced that there were no changes from the preliminary assessment report that the Board had previously approved last month. There was lengthy discussion regarding the scope of the capital improvement plan for Unit No. 9 that was previously approved.

Staff discussed that this project is significantly more cost effective to be conducted privately by the developer for acquisition by the District instead of being constructed by the District, and that the cost of completed improvements that are conveyed to the District can be reimbursed back to the developer from a variety of sources, but only up to the amount of the actual cost of those improvements.



A **motion** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously approving the Final Supplemental Assessment Report, as presented.

## **2. Consider Resolution No. 2023-09 – Supplemental Assessment Resolution**

Resolution No. 2023-09 was presented, entitled:

### **RESOLUTION 2023-09**

#### **[UNIT OF DEVELOPMENT NO. 9, SERIES 2023]**

**A RESOLUTION OF THE WEST VILLAGES IMPROVEMENT DISTRICT SETTING FORTH THE SPECIFIC TERMS OF THE DISTRICT'S SPECIAL ASSESSMENT REVENUE BONDS (UNIT OF DEVELOPMENT NO. 9), SERIES 2023; CONFIRMING DISTRICT'S PROVISION OF INFRASTRUCTURE IMPROVEMENTS AND CONFIRMING A MASTER ENGINEER'S REPORT; CONFIRMING AND ADOPTING A SUPPLEMENTAL ASSESSMENT REPORT; CONFIRMING, ALLOCATING AND AUTHORIZING THE COLLECTION OF SPECIAL ASSESSMENTS SECURING SERIES 2023 BONDS; PROVIDING FOR THE SUPPLEMENT TO THE IMPROVEMENT LIEN BOOK; PROVIDING FOR THE RECORDING OF A NOTICE OF SERIES 2023 SPECIAL ASSESSMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE**

Ms. Whelan explained that the Supplemental Assessment Resolution levies assessments for the Series 2023 Bonds only on the lands within Unit of Development No. 9. The amounts indicated in the resolution allocate assessments in Unit 9 in accordance with the supplemental assessment methodology that was just approved to build infrastructure included in the engineer's report that was previously approved.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously adopting Resolution No. 2023-09, as presented.

## **I. GENERAL DISTRICT MATTERS**

### **1. Receive and File Commission on Ethics Advisory Opinion 23-2 for Supervisor Meisel**

Ms. Whelan explained that at the December Board meeting, Supervisor Meisel requested an Ethics Advisory Opinion relative to his involvement with the Gran Paradiso Property Owners Association (POA) irrigation lawsuit and the matter of deannexation in order to determine if any conflicts of interest existed regarding these matters pursuant to the Florida Statutes. The Commission on Ethics did not find a voting conflict, so Mr. Meisel should vote on all matters coming board the board on these topics.

However, the Commission on Ethics did find a situational conflict of interest for the matter relating to the Gran Paradiso POA irrigation lawsuit and provided alternatives to eliminate that conflict. The three alternatives provided were: to remove himself as an owner of the POA; step down from

the WVID Board of Supervisors; or resign as an officer of the Gran Paradiso POA and step away from any involvement and representative capacity on behalf of the POA in that lawsuit. Ms. Whelan noted that per public comments provided earlier in the meeting, Mr. Meisel has stepped down from his role on the Gran Paradiso POA Board of Directors. The District expects Supervisor Meisel to not participate in the Gran Paradiso POA litigation in compliance with the advisory opinion.

## **2. Consider Resolution No. 2023-07 – Awarding Contract for Resurfacing Project**

Resolution No. 2023-07 was presented, entitled:

### **RESOLUTION 2023-07**

#### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST VILLAGES IMPROVEMENT DISTRICT REGARDING THE AWARD OF A CONSTRUCTION CONTRACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Licari explained, pursuant to Board direction at the March meeting, the District sent out requests for proposals (RFP) to its prequalified contractors for two road resurfacing projects. The only bid received by the District was from Woodruff and Sons, Inc. The two projects that were bid out include a portion of Playmore Road located near the rear exit to Island Walk and the public roadways in Gran Paradiso. The bid for the Playmore Road bid (Unit of Development No. 1) was in the amount of \$365,101 and the bid for the areas in Gran Paradiso (Unit of Development No. 3) was in the amount of \$1,043,094.

Ms. Whelan explained that the Board has several options- the bids can be accepted or the District can reject the bids and solicit additional proposals. The projects were bid together to help achieve cost savings, however the District has the ability to separate these projects if desired. The Playmore project is under the statutory bid limit, so if the bid is rejected District Staff is able to informally solicit proposals from potential vendors. The Gran Paradiso project is over the statutory bid limit requiring a formal RFP process, and so if the bid is rejected staff can either re-bid the project to just prequalified vendors or it can prepare and issue a new formal RFP which allows for both prequalified and non-prequalified vendors to submit proposals for this project. The Board discussed cost and timing considerations related to an RFP for the Unit 3 project.

Mr. Licari stated that he was disappointed in the response to the RFP and believed the prices were on the high side. Chairman Luczynski stated that he felt these bids should be rejected because Unit 3 does not have enough money to pay for the road resurfacing project and he felt that the prices were too high. The Board directed District Staff to reject the bids and go out for a formal RFP process for Unit 3 allowing both prequalified and non-prequalified contractors to respond in the hopes of allowing more time for other contractors to respond. Because the Unit 1 road resurfacing project does not require a formal RFP process, direction to the District Staff was to solicit informal proposals from vendors. Supervisor Meisel suggested the District reach out to Advanced Asphalt.

Resolution 2023-07 was not considered, per the Board direction to District Staff.

## **J. UNIT OF DEVELOPMENT NO. 1**



### **1. Update on U.S. 41 Improvements – State/Federal Funding**

There was no update regarding this matter.

### **2. Consider Work Authorization No. 2023-03 with Dewberry for Additional FEMA Hurricane Ian Site Assessment**

Mr. Crosley presented the work authorization and explained that this inspection of stump/tree debris removal on District property within Gran Paradiso would satisfy FEMA guidelines for proper procurement of services and help to achieve FEMA reimbursement once submitted. FEMA's guidelines provide specific requirements for obtaining services such as multiple bids or lack of documentation for work that has been completed. One of the most common reasons that FEMA rejects requests for reimbursement is if a single source is used without the effort to receive multiple bids for the work to be completed. There are exigent circumstances where roadways or sidewalks that are obstructed being addressed in an emergency situation, but those items need to be documented in detail (i.e., pictures and GPS coordinates) in order to receive FEMA reimbursement.

He noted that the estimated \$230,000 of work completed by Gran Paradiso immediately after the hurricane may not qualify for reimbursement because it is believed that the proper procurement procedures were not followed for that work. However, all efforts will be made to receive reimbursement from FEMA for the work completed by the Gran Paradiso POA.

A **MOTION** was made by John Meisel, seconded by Steve Lewis and passed unanimously approving Work Authorization No. 2023-03 for the inspection of stump/tree debris removal on District property in Gran Paradiso for the not to exceed amount of \$15,000, as presented.

### **3. Consider Proposal for Playmore Road Resurfacing**

This item was previously discussed with Item I2. No further discussion on this item ensued.

## **K. UNIT OF DEVELOPMENT NO. 3**

### **1. Update on Status of Unit 3 Bonds Requisition Audit**

A full Unit 3 bond requisition audit is expected in the coming weeks and will be provided to the Board and posted on the District's website once the final version is received.

### **2. Discussion on Matters Related to Gran Paradiso Litigation**

Mr. Brown gave an update on the current situation related to the Gran Paradiso litigation. There was a preliminary injunction hearing in February. The judge's oral ruling from the bench found that the Gran Paradiso POA was likely to succeed on its claims that the District adopted its current rate study in 2018 improperly with respect to published notice. The judge noted that the proposed rates were adopted with five (5) days published notice instead of seven (7) days. During the hearing, while not the basis of his decision to grant a preliminary injunction, the judge also found, based on the preliminary evidence that was presented at the hearing, that Gran Paradiso POA was likely to succeed on its claims that the well availability fee component of the District's irrigation

rates was unfair and unreasonable. He noted that this was a preliminary hearing, not a final hearing on the merits.

Pending the District's appeal rights, the District maintains its legal position that the original rate study was appropriately adopted in 2018 and that it was appropriately noticed and that the rates are appropriate. Further, there have been subsequent hearings held regarding irrigation rates where public input was sought on the rates. However, in an abundance of caution, at the March meeting the Board directed District Staff to publish a legal notice for an additional public hearing for today's meeting regarding the original 2018 rate study along with the District's existing irrigation rates and to take additional public comments and input regarding those rates. In addition, the Board directed staff to publish a notice requesting qualifications (RFQ) for an independent firm to provide the District with a new rate study evaluating both the existing rates previously adopted and providing recommendations with adjustments or a new rate structure or values.

Staff explained that Stantec Engineering, who provided the original rate study, will give a presentation of the original rate study from 2018. The Board will have an opportunity to ask questions of staff. Once the Board questions are answered, a public hearing will be opened to solicit public comment. The recommendation of District staff, subject to the Board's consideration of public comments, the Board's discussion, and any information that District Staff can provide, is to consider readopting, ratifying, and reapproving the 2018 rate study on an interim basis.

Given the Court's concerns regarding the District's well availability fee, staff recommends taking those fees collected and holding them in a segregated account and not disburse them pursuant to the well availability agreement until there is further direction from the Board, which could be influenced as a result of further activity in the litigation or as a result of consideration of a new rate study. It is expected that the Gran Paradiso POA will continue to pay their irrigation fees as they have been paying since the dispute arose and the litigation was filed and that a court order will at some point be issued ordering that. The intent is that the action today will ensure that the District, on a going forward basis, has rates in place to keep providing service to its customers while a RFQ process proceeds. District Staff clarified that any proposed changes to the rates will require a new public hearing.

Supervisor Meisel stated that the only thing that will change today going forward is the decision to escrow the well availability fees that the other communities are paying, keeping everything status quo until the new rates are adopted. The decision to appeal could last months or even years, but his understanding of the interim period basis is only until a new rate study is performed and adopted. Mr. Brown responded that the interim basis is until District Staff receives further direction from the Board, which could be as a result of the litigation, the outcome of the rate study, or whatever reason the Board wishes to revisit. Supervisor Meisel questioned the benefit of adopting this resolution. Mr. Brown responded that the purpose of the resolution was to ensure that the District has validly adopted rates in place because the judge's preliminary ruling was that there may be an issue with the advertising of the 2018 rates and that Resolution No. 2018-18 may be void ab initio, which creates concern that the District does not have valid rates in place that it can rely on to continue to provide irrigation water to its residents and the District has a vested interest in ensuring that it can continue to provide irrigation water to its residents through the pendency of the litigation.

Supervisor Lewis stated that the District cannot be in a position where there is no approved rate structure and that it makes sense to take the administrative steps to validate the irrigation rates on an interim basis.



*Supervisor Meisel left the meeting at 12:22 p.m. and returned at 12:25 p.m.*

Supervisor Meisel stated that the District did a great job with planning and constructing the irrigation system, but that he felt it was a waste of time hearing about a rate study that was completed in 2018 with a well availability fee that the judge had concerns about. Mr. Brown responded that everyone in the room today may not have been present at the public hearing in 2018 and the subsequent public hearings, and that members of the public could benefit from continued education on the rate study and the District's irrigation program. Chairman Luczynski asked the meeting attendees to listen carefully to the rate study presentation, as it will provide a lot of information that many people are not aware of and hopefully through discussion it will educate people on the District's irrigation program.

The 2018 irrigation rate study was presented in full by Jeff Dykstra of Stantec Engineering.

Chairman Luczynski asked for confirmation that the cost to construct the initial installation of the irrigation system was not considered in the 2018 rates. Mr. Dykstra replied in the affirmative, that the rate study contemplates that the funding for the initial construction of the irrigation system will be funded from other sources, but that it was the District's responsibility to maintain and replace those improvements after installation.

Chairman Luczynski asked if it was typical for a government utility to not have the capital outlay to create the system as part of the rates. Mr. Dykstra responded that it is not atypical for that to happen because sometimes developers put in their own infrastructure that connects to a city's utility system, but in those circumstances impact fees or other fees collected by a local government would be reimbursed back to the developer so those capital installation costs are accounted for in a different way.

Supervisor Meisel asked why the well availability fee was calculated at 100% burden of 100% replacement of usage for a year when the SWFWMD permit application specifically stated that it was a goal to rely on reclaimed water. Mr. Dykstra replied that consideration was given that as part of the overall water supply portfolio the District would have to secure access or rights to another source of water in addition to its reclaimed water providers and surface water being held in its ponds. In the past, the District was unable to receive reclaimed water from Englewood Water District (EWD) and Sarasota County in an amount sufficient to provide irrigation water to the development. So groundwater was then and is in the future required to operate the system, even though the permit requires the District to prioritize the use of reclaimed and surface water prior to utilizing groundwater.

Supervisor Meisel asked Mr. Dykstra whether he would establish the well availability fee in the same manner if he was doing the rate study today. Mr. Dykstra responded that he was presenting the rate study from 2018, but that it is appropriate for a new rate study consultant to consider the existing rates and structure in any new rate study procured by the District.

Chairman Luczynski stated that when the rate study was done, it was not known that the reclaimed water from EWD would go away and the District needed to utilize groundwater even at that time. He noted for those not aware, that the reclaimed water supply from EWD will terminate in March 2024, so the District will soon be losing one of its sources of reclaimed water. Sarasota County only provides one fourth of the irrigation water needed for Gran Paradiso and does not provide water for any other project.



Chairman Luczynski also noted that in 2018 the District was three years away from receiving irrigation/reclaimed water from the City of North Port. The engineers that designed the Wastewater Treatment Plant (WWTP) stated that the efficiency rate of water into the plant allowed for reclaimed water is about sixty (60%) to seventy (70%) percent, Mr. Meisel stated he believe the efficiency of the wastewater plant to provide reclaimed water was over 95%. The District currently receives approximately 500,000 gallons a day, which is not enough for one subdivision, let alone the entire District. He discussed that the 2009 irrigation agreement for Gran Paradiso only contemplated supplying the community with reclaimed water from EWD and that no other source was considered because at that time there were no other consistent sources available from Sarasota County, the City of North Port, or groundwater. Considering the 2022 figures from water the District gets from EWD, which translates to approximately one-half of the irrigation water Gran Paradiso uses annually, when that water from EWD goes away, the only source of water to supply that deficit comes from the groundwater wells and the reclaimed water provided by Sarasota County which currently accounts for approximately 25% of the irrigation water used by Gran Paradiso.

Mr. Luczynski stated that over the last three years, the WVID has invested over Ten Million Dollars (\$10,000,000) on new infrastructure installation to create the master irrigation system that Mr. Dysktra indicated was not included in the 2018 rates. He explained that his opinion is that those expenses should have been part of the system costs and part of the 2018 rates. He also noted that the well availability fees collected since the creation of the integrated system four years ago has only collected \$572,000, which means there is \$9,496,000 of deficit funding for the creation of the distribution system net the well availability charges. He noted that the District is currently working on a 10-year master irrigation plan which preliminarily shows that another \$20-30 million will be spent over the next 10 years to complete the master irrigation system, and that he believes these initial installation costs should all be factored in if the District is engaging a consultant to do a new rate study.

Supervisor Lewis stated that the one thing that he thought everyone took comfort from the rate study in 2018 was a chart that reflected the District's rate of \$11.29 per month, which at that time, was right in the heart of the market, which he felt was a huge consideration. Mr. Lewis stated that the whole notion of the well availability fee concept was that the developer had groundwater rights and those rights were not free. The developer spent considerable money to acquire those rights and when you have rights and someone else is going to use those rights, there is a charge for that. He expressed that the charge should be fair, but conceptually he did not understand an argument against a person paying for the use of groundwater rights that it does not own.

Chairman Luczynski stated that he wanted to make sure residents understood that the daily charge to each home in Gran Paradiso is \$0.37 cents per day, which may very well increase under a new rate study now that actual operating and other expenses are known four years into operation of the irrigation utility. He also indicated that if residents of Gran Paradiso in particular feel that \$0.37 cents per day for irrigation water is not fair or reasonable, then he would support separating the Gran Paradiso community's irrigation system from the District's master irrigation system and removing Gran Paradiso from the scope of the District's water use permit so that the Gran Paradiso POA could secure its own permit and irrigation allocations from SWFWMD and be responsible for operating its own system.



Supervisor Meisel recommended that there be community involvement in a new rate study and the remainder of the Board expressed a desire for community input and education on any proposed changes to the irrigation structure or rates.

### **3. Public Hearing – Irrigation Rates**

#### **a. Proof of Publication**

Proof of Publication was presented which indicated that the Notice of Public Hearing had been published in the *Sarasota Herald-Tribune* on March 10, 2023.

#### **b. Receive Public Comment on Resolution No. 2023-08**

District Staff solicited public comments on Resolution 2023-08.

Karen Choi stated that she and her husband were opposed to the 2018 rate structure.

Richard Berrios stated that a judge ruled in favor of the Gran Paradiso POA in the preliminary injunction hearing, he opposed adopting the 2018 rates, and applauded the effort of those involved in the lawsuit.

Kathy Hamby commented that the District was created to ensure timely, cost effective, and high quality implemented infrastructure and that the District has a primary fiduciary commitment to the residents in the District. Ms. Hamby also stated that she was opposed to the long-term irrigation supply agreements that the District entered into with Lennar Homes, and appreciated the discussion on the irrigation rates, but found it unfortunate that the POA had to sue the District to force it to reevaluate its 2018 irrigation rates.

Steve Glunt stated that there has to be a middle ground regarding what is needed to run the District's irrigation business with the best interest of the customer and homeowners at the same time. Mr. Glunt discussed the judge's comments from the February 9<sup>th</sup> hearing and expressed his concern over the well availability charge, and requested new rates that he believes are fair and reasonable.

Lex Van Brero commented that criticizing at the rates from 2018 is almost Monday morning quarterbacking at this point in time, and the District's current plan is perhaps a way to move forward for everyone and minimize future expenses, especially legal expenses.

Pam Kantola reviewed the judge's oral comments from the February hearing and commented that prior to the rate study, Gran Paradiso was paying \$0.37 per 1,000 gallons and there was no capital charge or well availability fee. She explained that current fees are \$0.73/1,000 gallons, \$1.39 capital contribution, and \$4.17 well availability fees which reflects a significant increase. She also questioned how ERUs are calculated for Gran Paradiso.

Victor Dobrin stated that he articulated the flaws of the irrigation rates when he voted against them as WVID Supervisor after he was seated on the Board in November 2018 and that he asked several times for an updated rate study. Mr. Dobrin asked District Counsel to ask the Commission on Ethics if it is ethical for Board Supervisors to vote on a rate study that benefits their employer.

#### **c. Consider Resolution No. 2023-08 – Adopting 2018 Irrigation Rates**

After soliciting comments from all members of the public desiring to speak, District staff solicited any additional comments, questions, or discussions of the Board.

Mr. Meisel asked if District Counsel had contacted Thomas Ranch Intangibles regarding the District escrowing the well availability fees and not paying that fee to them per the contractual agreement. Mr. Brown commented that he did not know the position of that entity, but at the March meeting the Board provided direction to District Staff to provide notice regarding the status of the Gran Paradiso POA litigation to them. This notice has been provided, and no response has been received as of the date of this meeting.

Supervisor Lewis stated that he does not know what the next rate study will reflect as far as rates, but to presume the new rate study would give no value to the ownership of the rights, he would not support that because he believed the person who owns the rights and makes those rights available to other people needs to be compensated, and the concept of the well availability fee is a matter of rights.

Supervisor Masney asked District Counsel if in regard to Mr. Dobrin's comment about recusing themselves from voting today because they are employees of Mattamy Homes and whether it is legally permissible to do so. Ms. Whelan replied that it is codified in Florida Statutes that it is not a conflict of interest for landowner-elected Supervisors to be employed by a landowner-developer that does business with the District. She further opined that now with the Commission on Ethics opinion, Supervisor Meisel is not conflicted to vote on this matter either and should also continue to vote on matters relating to the irrigation rates at the Grand Paradiso HOA litigation.

Supervisor Lewis noted that the District was established to provide public infrastructure and development that benefits the landowners of the District, and that it is important to keep in mind that the developer is a landowner within the District too and in fact, is the largest landowner. As a Supervisor he is charged with adopting policy that is fair, reasonable and equitable to all of the landowners, with the developer being just one.

Chairman Luczynski asked Mr. Dykstra where the 2018 rates fell in comparison to communities around the District. Mr. Dykstra stated that the rates were very comparable; the lowest was around \$9 per month and the highest provider was around \$27-28 a month with District rates falling right in the middle at about \$11 a month, which is much closer to the lowest provider. Mr. Dykstra also stated, in his experience, that \$11 a month is very comparable and very reasonable from what other public utility providers charge and reiterated Chairman Luczynski's prior comment that the provision of irrigation water by the District amounts to a resident paying approximately \$0.37 cents per day.

With no further Board questions or discussion, Resolution No. 2023-08 was then presented, entitled:

#### **RESOLUTION 2023-08**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE WEST VILLAGES IMPROVEMENT DISTRICT  
MAKING CERTAIN FINDINGS; RATIFYING,  
CONFIRMING, AND APPROVING AN IRRIGATION  
QUALITY WATER RATEMAKING STUDY; RATIFYING,**



**CONFIRMING, AND APPROVING RESOLUTION 2018-18,  
RESOLUTION 2020-08, AND RESOLUTION 2021-15;  
ADOPTING INTERIM IRRIGATION QUALITY WATER  
RATES, FEES, AND CHARGES; PROVIDING A  
SEVERABILITY CLAUSE; AND PROVIDING AN  
EFFECTIVE DATE.**

A **MOTION** was made by Mr. Lewis, seconded by Ms. Masney adopting Resolution No. 2023-08. Adopting the 2018 Irrigation Rates, as presented. Upon being put to a vote, the **motion** carried 4 to 1 with Mr. Meisel dissenting.

**4. Consider Proposals for 2023 Professional Ratemaking Services**

*Supervisor Lewis left the meeting at 1:43 p.m. and returned at 1:46 p.m.*

Mr. Brown explained that at the March meeting, the Board directed District Staff to advertise an RFQ for a new irrigation rate study. An RFQ advertisement was published and District Staff also reached out to individual firms that had never previously worked for either the master developer or the District. The District received one proposal from GovRates Inc., a company that performs public utility rate studies across the State of Florida and other areas of the U.S.

Supervisor Meisel asked why the RFQ legal advertisement was sent to the *Herald Tribune* prior to the March Board meeting. Mr. Crosley replied that anticipating the Board's likely approval at the upcoming March meeting, the advertisement was submitted to the *Herald Tribune* so that it could run as quickly after the Board meeting as possible to increase the District's chances of getting respondents, but that if the Board did not give direction to proceed with the RFQ at the March meeting, the advertisement would have been pulled from publication. Mr. Crosley explained that it is a standard operating procedure for staff to be proactive and efficient, and to send notices to the newspaper which can be cancelled if that Board direction is not ultimately provided. As an example, District staff has already been working on coordinating with the newspaper to advertise a Shade Session during the May Board meeting.

Bryan Mantz of GovRates introduced himself and provided some background about his firm.

Supervisor Meisel commented that he done reference checks and had heard very good things about GovRates, and asked if GovRates had ever performed a rate study for a distributor. Mr. Mantz stated that each utility was different, but ultimately the process is essentially always the same- isolating costs, allocating benefits, and coming up with a rate.

There was further discussion with Board members and Mr. Mantz who answered questions about his firm, experience, and processes. There was consensus from the board that GovRates was qualified to perform the rate study

The Board had discussion on the benefits and drawbacks of having an Advisory Committee on the rate study. District Staff recommended that the Board rely upon its hired professional, whether GovRates or some other firm, to review and revise, if necessary, the irrigation rate structure and fees. District Staff recommended in any event that a number of public input and education meetings be held and the Board concurred.

Ms. Whelan explained that the RFQ process was a two-step process with the first step being Board consideration of whether the respondents are qualified and once a qualified respondent is selected, authorizing staff to negotiate an agreement, including pricing, with that vendor which will be brought back to the May Board meeting.

## **5. Discussion Regarding Repurposing Road Reserve Funds for Hurricane Storm Related Expenses**

Mr. Crosley discussed that at a meeting on March 10<sup>th</sup> with WVID Chairman Luczynski, William Crosley and with Gran Paradiso Property Owners Association Treasurer Pam Kantola and Manager Michelle LeCroy, there was discussion regarding hurricane related expenses specific to work completed by the Gran Paradiso POA immediately following the hurricane and the remaining work to be completed such as stump/tree debris removal. At that meeting, the Unit No. 3 finances were discussed and the fact that the 2022/2023 Unit 3 budget of \$267,000 had already been spent as of February 2023. The main driver for exceeding the Unit 3 budget only 6 months into the fiscal year was due to the legal expenses related to the Gran Paradiso POA irrigation lawsuit. The annual 2022/2023 budget for Unit 3 legal fees was \$100,000 and to date over \$300,000 has been spent by the District to defend itself in that litigation for the first six months of the fiscal year.

Mr. Crosley explained that the general fund balance for Unit 3 on March 30, 2023, totaled \$922,597 and the road reserves balance that have accumulated for road resurfacing in Unit 3 as of March 30, 2023, totaled \$593,683, which includes the allocation from assessments for fiscal year 2022/23. This leaves a fund balance of \$328,194. Outstanding expenses related to the work completed by the POA immediately following the hurricane is estimated at \$230,000 and remaining tree/stump debris removal is estimated at \$50,000. As a result, the Unit 3 fund balance will soon be depleted to an almost zero balance.

Supervisor Meisel stated that he felt that the cost of the litigation should be borne by Unit 3 until the date of the amended complaint which related to challenging the process related to the District's adoption of Resolution 2018-18, and that any legal work after that date should be charged to all of the residents in Unit No. 1. Ms. Whelan clarified for the Board that any work done specifically relating to the POA's challenge of Resolution 2018-18, versus their other allegations, was previously and is likely in the future to be minimal.

Supervisor Meisel further stated that the parties should come to a settlement and move forward with a new rate study and put this matter behind them. Chairman Luczynski responded that the District did not initiate the lawsuit and if a settlement is desired by the POA, then it should put together a settlement offer for the Board's review.

Chairman Luczynski noted that the Sarasota National POA has done two special assessments for \$3,100 to each unit for hurricane relief efforts just in January and February of this year. Most communities have submitted for reimbursement from their homeowner's insurance for up to \$2,000. He inquired with Supervisor Meisel and Ms. Kantola as to whether the POA has researched whether this could be done in Gran Paradiso also to allow for more efficient use of homeowner funds. Ms. Kantola noted that she has not researched this matter.

Mr. Crosley explained that the Gran Paradiso POA Maintenance Agreement with the District expressly provides that the timing and extent of the District repair and/or replacement in a force majeure event (such as we are in after the hurricane) is to be determined by the District in its sole discretion. Nothing contractually requires the District to coordinate work at any specific time if it



is decided it is best to proceed with the roadway resurfacing project now, and wait until FY 23/24 to coordinate this cleanup work when more funds are available.

## **6. Consider Proposal for Gran Paradiso Resurfacing**

This item was previously discussed with Item I2. No further discussion on this item ensued.

## **L. ADMINISTRATIVE MATTERS**

### **1. District Engineer**

There was no further report from the District Engineer.

### **2. District Attorney**

Ms. Whelan provided that Erica Klevers had left Goodwyn Mills Cawood and moved to a firm called DCMC Partners. The recommendation from staff, subject to Board approval, is to assign the GMC contract over to her new firm. The prior firm is comfortable with this occurring. In order to avoid delay and to ensure continuity in FEMA consulting coverage, it was suggested that the Board authorize the Chairman to coordinate with District Staff to effectuate the assignment.

A **MOTION** was made by Mr. Meisel, seconded by Mr. Lewis and passed unanimously authorizing the Chairman to negotiate and execute an assignment of the FEMA consulting agreement with GMC to DCMC Partners.

### **3. District Operations' Manager**

There was no report from the District Operations' Manager.

### **4. District Manager**

Mr. Crosley reported that the District's Landowners' Meeting would take place on June 8, 2023. The deadline to submit a candidate's intent to run is May 9, 2023. With the great turnout today, he wanted to clarify a rumor that has been brought to the District's attention, confirming that District Staff has not been directed by the Board to work on any legislation that is in front of the State Legislature during the 2023 Legislative Session, including on any bills related to deannexation matters. He went on to note that per Board request at the March meeting, a "Meetings" tab had been created on the District website to help navigate to the meeting agenda and booklet, so those items should be easier to find.

The next scheduled meeting will be held May 11, 2023. During to ongoing technical difficulties at the Public Safety Building facility, the Board directed staff to not proceed with Zoom calls moving forward, until otherwise directed.

## **M. BOARD MEMBER COMMENTS**

There were no further comments from the Board Members.

## **N. ADJOURNMENT**

There being no further business to come before the Board, the Regular Board Meeting was adjourned at 3:15 p.m. on a **MOTION** made by Mr. Lewis, seconded by Ms. Masney and passed unanimously.

  
Secretary/Assistant Secretary

  
Chair/Vice Chair



WEST VILLAGES IMPROVEMENT DISTRICT

SIGN-IN SHEET

MEETING DATE: April 13, 2023

Please print your name & address below.

Print Name **LEGIBLY**

Address/Company

BOB + Sue Asher

20339 GRANLAGO Dr. Venice

DAVID Wilcox

20785 GRANLAGO Dr.

Bryan Mantz

1988 Varick Way  
Casselberry, FL Gov Rates

Andrea Schroder

12254 Amica Loop Venice

LEX VAN BREPO

20870 GRANLAGO DR, VENICE

Rich + Jeanne Bando

13675 Vancanza Dr, Venice

Val + Phil Stokes

20210 Lagente Circle Northport

CONNIE WEST

20211 Lagente Circle - Northport

Dean Federico

13181 Famiglia Dr Venice

Linda Olsen-Colombo

20259 Passagio Dr. Venice 34293

Dr. William

12595 Gilberte Gr 201

ELAINE NICKS

20472 CRISTOFORO PLACE

VICTOR DOBRIN

20327 REALE CIR

Sam Antila

13200 Amerigo Ln.

Randy + Carrie Rowland

20243 Granlago Dr.

Jammi Miller

~~13849~~ 13602 Brilliant Dr.

NAME

ADDRESS

Joe Coltrane

MaryBeth Fox

Sally Fox

Fred Pasquasi

RICHARD BOSSARD

Jeff O'Sullivan

Andrew Kime

Alicia Kime

Charles Kime

Leonard Krontz

ED CASHMAN

JOYCE WISEMAN

Roar Ellefsen

Steve Glunt

Robert O'Neill

Lisa O'Neill

Maureen Rana-Taylor

Bill Tyng

Elizabeth Johnson

JD Johnson

Darleen & Ken Givlio

20770 Benissimo Dr

1253 Cinqueterre

1253 CINQUETERRE

13349 Campanile CT

13433 CAMPANILE CT.

12279 Canavese LN

12300 Canavese Ln

12681 Cinqueterre

13220 Amerigo LN

13249 CAMPANILE CT

" " "

20251 Gravello Dr

13898 Vancanza Dr

13450 Campanile CT

13450 Campanile CT

20153 Tesoro Dr.

19874 Ortona St.

13340 Campanile Ct

13340 Campanile Ct

20714 Benissimo Dr.



Raven Choi 20720 SALUTE Venice  
 Tam Choi " " Venice  
 Greg Jaeger 19830 Ortona St.  
 Kathleen Hubberman 20190 Granlago Dr  
 Louis Hubberman 20190 Granlago Dr  
 Richard Berrios 13845 Portenza Lane, Venice, FL  
 Cathy Hamby 13260 Campanile Ct Venice FL  
 Nikki Kane 13250 Campanile Ct Venice FL  
 Gary Hamby 13260 Campanile Ct. Venice FL  
 Russ KANU 13250 CAMPANILE CT Venice 34293  
 Holly moonay 13330 Campanile Ct Venice 34293  
 Rodney " " " "  
 Jim Coler 20671 OVID LANE Venice, FL 34293  
 Bob + Cheryl Winstel 20114 Elegante Ct. V. 34293  
 Joanie Pine 12301 Amica Loop 34293  
 Don + Judy Martin 12520 GIBERTI CIR #101 34293  
 Vin + Maureen Iovino 20564 Benissimo Dr  
 Jim + Claudia WALKER 20596 Benissimo Dr 34293  
 PHILIP EPSTEIN 12495 GIBERTI CIR #102, VENICE 34293  
 Dexter Nann 20505 Granlago Dr. Venice 34293  
 Norma Comelli Benissimo DR. 34293  
 DAVID + Kayla Spellman 20114 Benissimo Dr  
 Patricia Price 12333 Canavese Lane, Venice 34293  
 John Kuduk 20273 Tesoro Dr. Venice, FL 34293

# WEST VILLAGES IMPROVEMENT DISTRICT

## SPEAKER'S FORM

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TO ENSURE YOUR NAME IS CALLED FOR THE CORRECT AGENDA ITEM PLEASE  
COMPLETE THIS SETION.

NAME: Richard Berrios

AGENDA ITEM NUMBER: ~~5~~ (J) - 3B

RELATING TO: GP Irrigation Litigation

**Please return this form to the District Manger prior to the agenda item being  
brought forward by the District Supervisors.**

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→ Ag. 2018 Rules  
→ believe Judge was fair



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TO ENSURE YOUR NAME IS CALLED FOR THE CORRECT AGENDA ITEM PLEASE  
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NAME: VICTOR DOBRIN  
AGENDA ITEM NUMBER: (F) (H) (J) IRRIGATION RATE  
RELATING TO: ↓

**Please return this form to the District Manger prior to the agenda item being  
brought forward by the District Supervisors.**

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NAME: Cathy Hamby

AGENDA ITEM NUMBER: J 3 B

RELATING TO: Irrigation

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GP - 2018 mti



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NAME:

Pam Kantola

AGENDA ITEM NUMBER:

H1; J3C; J2

RELATING TO:

ethics, irrigation & litigation

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NAME: Steve Glunt

AGENDA ITEM NUMBER: (S) H & J

RELATING TO: H1, H2, J2, J5, J3

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NAME: ALEX VAN BREERO

AGENDA ITEM NUMBER: I-3

RELATING TO: IRRIGATION

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NAME: Jim Coler

AGENDA ITEM NUMBER: H-1

RELATING TO: transparency of funds

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brought forward by the District Supervisors.**

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NAME: Leonard Kento

AGENDA ITEM NUMBER: 12

RELATING TO: GRAN PARADISO LITIGATION

**Please return this form to the District Manger prior to the agenda item being  
brought forward by the District Supervisors.**

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NAME: Karen Choi Choi  
AGENDA ITEM NUMBER: 13 - Immigration  
RELATING TO: oppose Adopting 2018 immigration rules

Please return this form to the District Manger prior to the agenda item being  
brought forward by the District Supervisors.

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Agg. in the \$Fa