

**WEST VILLAGES IMPROVEMENT DISTRICT  
REGULAR BOARD MEETING  
MAY 11, 2023**

**A. CALL TO ORDER**

The May 11, 2023, Regular Board Meeting of the West Villages Improvement District ("WVID" or the "District") was called to order at 11:00 a.m. in the Chambers Room of the City of North Port located at 4970 City Hall Boulevard, North Port, Florida 34286.

**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 May 2, 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 Engineer	Giacomo Licari	Dewberry

Also present was Bryan Mantz of GovRates Inc.

**D. ADDITIONS OR DELETIONS TO AGENDA**

There were no additions or deletions to the agenda.

**E. COMMENTS FROM THE PUBLIC**

Steve Glunt asked, in regard to the Grand Paradiso Property Owners Association irrigation lawsuit, that the Board take a look at what steps they intend to exercise the Directors and Officers policy as it relates to the litigation; identify who authorized the expenditures for legal fees and that both parties want the same thing, which is to bring this matter to a close with a fair and reasonable solution. Mr. Glunt asked that both parties get together to discuss a resolution to the lawsuit.

Mr. Glunt also stated regarding hurricane recovery, that he would like to see the District be held to the same standards in Gran Paradiso that is being done throughout other areas of the District.

Victor Dobrin asked who approved the expenses for the Grand Paradiso Property Owners Association irrigation lawsuit and that it was illogical and unfair to charge the same people to fight themselves. Mr. Dobrin asked the Board to go after Thomas Ranch Intangibles for the well availability fee. Mr. Dobrin stated that, hopefully, the report from Dewberry regarding tree/stump debris removal will soon be ready for review and an eventual FEMA reimbursement. Chairman Luczynski asked Mr. Dobrin to stop pinning hopes on a FEMA reimbursement because it will take significant time before a FEMA reimbursement.

Supervisor Meisel stated that money had been frivolously spent on litigation that should have been settled a long time ago or there would be money to fix the damages from the hurricane. Chairman Luczynski advised that the date of the lawsuit was after the date of the hurricane. Supervisor Meisel asked if the District had submitted a claim for the Directors and Officers Policy in relation to the Grand Paradiso Property Owners Association irrigation lawsuit. Ms. Whelan explained that the District had defense counsel at the lawsuit hearings. Supervisor Meisel asked if a claim was filed under the D&O policy. Ms. Whelan explained that it would not be a D&O policy claim. The District has \$100,000 for injunction coverage, which is exactly what has been invoked.

There was further discussion regarding Unit 3 legal expenses. Mr. Dobrin also stated that he had concerns related to the Unit 3 requisition audit and asked that the audit be reviewed at a future meeting.

Robert Roehrig asked about the multi modal path widening project that occurred in Gran Paradiso and that he felt Lennar should have paid for the project, and if Lennar did not pay for the project, did it affect the Unit 3 bond.

## **F. APPROVAL OF MINUTES**

### **1. April 13, 2023, Regular Board Meeting & Attorney-Client Session**

A <b>MOTION</b> was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the minutes of the April 13, 2023, Regular Board Meeting & Attorney-Client Session, as presented.
---

## **G. ATTORNEY-CLIENT SESSION RELATIVE TO GRAN PARADISO POA IRRIGATION LITIGATION**

There was no Attorney-Client Session held during this meeting.

## **H. GENERAL DISTRICT MATTERS**

Chairman Luczynski noted that the land around Myakka Pines Golf Course that is owned by developer John Cannon was looking for access to the property via West Villages Parkway in two or three locations. The land in question is surrounded almost entirely by the District, but it does not exist in the current District boundary. The discussions will include roadway access, irrigation water availability and impact to the District roads regarding future maintenance.

Supervisor Meisel stated that the Urbanization Density Calculation last year removed the wetlands, road, and everything else and that after reading the statute, he felt that the 2022 calculation was done erroneously because wetlands and roads are supposed to be included as part of the



Supervisor Meisel stated that the Urbanization Density Calculation last year removed the wetlands, road, and everything else and that after reading the statute, he felt that the 2022 calculation was done erroneously because wetlands and roads are supposed to be included as part of the urbanization footprint. Supervisor Meisel stated that the calculation will be challenged if roadways, wetlands and ponds are not included in this year's calculation.

Supervisor Meisel also stated that he was aware of two candidates who had submitted their intent to serve on the Board of Supervisors. Thomas Mulligan introduced himself and gave some background of his experience. Supervisor Meisel asked Ms. Masney if she submitted a document of intent to serve in writing. Ms. Masney stated that she had.

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

### **1. Receive Unit 3 Bonds Requisition Audit**

The Board directed District staff to complete an independent audit of the Unit of Development No. 3 Requisitions to show exactly how the bond construction funds were used. This direction was as a result of misinformation being shared in the communities that Unit 3 bond funds were used in other Units of Development. The firm chosen was Giffels Webster Engineers, Inc. This audit was completed and shared with the Board just before the May 11, 2023, meeting, which did not offer sufficient time for Board review. Board members indicated that it may be helpful for the auditor to reconcile the par value of the construction fund against expenditures.

### **2. Consider Resolution No. 2023-10 – Authorizing Request for RFP for Gran Paradiso Roadway Resurfacing Project**

Resolution No. 2023-10 was presented, entitled:

#### **RESOLUTION 2023-10**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE WEST VILLAGES IMPROVEMENT DISTRICT  
APPROVING REQUEST FOR PROPOSAL DOCUMENTS  
FOR THE DISTRICT'S ROADWAY RESURFACING  
PROJECT; PROVIDING A SEVERABILITY CLAUSE; AND  
PROVIDING AN EFFECTIVE DATE.**

At the April meeting, the Board requested that District staff request formal Requests for Proposals (RFP) for the road resurfacing project. This resolution provides approval to proceed with a legal advertisement and evaluation criteria. Request For Proposals can be received from previously prequalified contractors and non-prequalified contractors who meet the District's contracting requirements in the hopes of bringing proposals to the Board at the July meeting.

A **MOTION** was made by Mr. Buckley, seconded by Mr. Lewis and passed unanimously adopting Resolution No. 2023-10, as presented.

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

**a. Consider Agreement for Public Utility Irrigation Rate Study Services with GovRates**

At the April meeting, the Board selected GovRates, represented by Bryan Mantz, to provide 2023 rate making services. This is the negotiated agreement and scope of work for those services. Supervisor Meisel asked if there would be community involvement as well as representation by the Board. The scope provided for up to 5 community work sessions. Public notices will run individually for community involvement sessions. Supervisor Lewis noted that he felt it was important to remember that the District was hiring an independent firm to provide an opinion based on their professional expertise. Community involvement can provide people's rational, ask questions and make sure he (Mr. Mantz) is aware of material facts, but in the end, that involvement should not attempt to direct his determinations and approach during the study. Supervisor Meisel Stated, in his experience when studies are done, garbage in garbage out, without all the good data points and representatives from every community to articulate those data points they think are relevant where one side may feel that it is relevant and one side may feel that it is not relevant, but let him come to his own conclusions. Supervisor Lewis stated that articulating points is one thing, but arguing with the professional hired by the District is another thing. The goal is to complete the study in a timely manner. A hopeful timeline is September, as long as the study has been completed and staff determines adequate community sessions have been held.

A **MOTION** was made by Mr. Buckley, seconded by Mr. Lewis and passed unanimously approving the Agreement for Public Utility Irritation Rate Study services with GovRates, as presented.

**J. UNIT OF DEVELOPMENT NO. 9**

**1. Consider Resolution No. 2023-11 – Ratifying Series 2023 Bonds**

Resolution No. 2023-11 was presented, entitled:

**RESOLUTION 2023-11**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST VILLAGES IMPROVEMENT DISTRICT RATIFYING, CONFIRMING, AND APPROVING THE ISSUANCE OF THE WEST VILLAGES IMPROVEMENT DISTRICT SPECIAL ASSESSMENT REVENUE BONDS (UNIT OF DEVELOPMENT NO. 9), SERIES 2023; RATIFYING, CONFIRMING, AND APPROVING THE ACTIONS OF THE CHAIRMAN, VICE CHAIRMAN, TREASURER, SECRETARY, ASSISTANT SECRETARIES, AND ALL DISTRICT STAFF REGARDING THE ISSUANCE AND CLOSING OF THE WEST VILLAGES IMPROVEMENT DISTRICT SPECIAL ASSESSMENT REVENUE BONDS (UNIT OF DEVELOPMENT NO. 9), SERIES 2023; DETERMINING SUCH ACTIONS AS BEING IN ACCORDANCE WITH THE AUTHORIZATION GRANTED BY THE BOARD; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**



Ms. Whelan advised that the Unit 9 Bonds had closed on April 18, 2023, and that this resolution ratifies the actions by the Chairman and staff who executed the bonds which were in compliance with the Board's directions.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously adopting Resolution No. 2023-11, as presented.

## **K. ADMINISTRATIVE MATTERS**

### **1. District Engineer**

Dewberry finalized the tree/stump debris removal survey and a report will be provided to the GP POA for their reference, after it has been reviewed by the FEMA consultant. The intersection at West Villages Parkway and the Publix will be re-stripped to make the intersection safer for traffic entering or exiting the shopping center.

Chairman Luczynski stated that there was discussion with Sarasota Memorial Hospital regarding access to their property that fronts US 41 and West Villages Parkway. There will be further discussions with the College of South Florida, SMH, Thomas Ranch Intangibles, and the District.

### **2. District Attorney**

There was nothing further from District Counsel.

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

There was no report from the District Operations' Manager.

### **4. District Manager**

Two applicants provided the District with their intent to run for the Supervisor seat that will become available at the June Landowners' Meeting. The candidates who submitted written intents were Christine Masney, which was received on April 20, 2023, and Thomas Mulligan who submitted on May 9, 2023.

House Representative Buchanan and State Senator Gruters are sponsoring the possibility of federal or state funding for the District for the US 41 improvements. An update will be provided to the Board when available.

After board discussion, a Budget Workshop will be held on June 6, 2023, and the Landowners' Meeting will be held June 15, 2023.

There was lengthy discussion regarding the legal expenses related to the Grand Paradiso Property Owners Association irrigation lawsuit.

Todd Wodraska reported that Mike Smith had semi-retired but would still be kept on board as a consultant. A new employee has been hired who will begin work on May 22, 2023.

Gran Paradiso has asked for the ability to view the irrigation pump station by view only to track irrigation consumption. District staff will work on allowing the POA to monitor the irrigation pump station by view only.

#### **L. BOARD MEMBER COMMENTS**

Supervisor Meisel stated that each Board Supervisor had been reported to the Commission on Ethics for readopting and validating a resolution that was in violation and benefitted their principal and that by the statutes they cannot vote on an agreement that benefits their employer.

Supervisor Meisel asked about the process for the Landowners' Election being held on June 15, 2023. Ms. Whelan explained that there was a two-week published notice announcing the landowner meeting and election. Electronic voting is not permitted; proxies can be obtained from the District Manager and will be posted on the District's website. The final rolls received from the Supervisor of Elections' and Property Appraiser's offices days before the election will determine more accurately all the current landowners and acreage. These lists are received as close to the election date as possible.

Supervisor Meisel asked why the District purchased the land for the Water Treatment Plant from the developer for \$2,385,000 when the Pre and Post Annexation Agreement clearly stated that it was the Developer's responsibility to donate that land, and the District had no obligation to purchase it. Chairman Luczynski noted that was a fair question, and if that was the case, he was unaware that occurred in 2017 and that none of the current Supervisors were serving on the Board at that time. Chairman Luczynski also stated that if the developer did something it should not have done regarding the transaction, that it will be corrected. There was lengthy discussion regarding ERCs and those credits related to residential construction, road impact, wastewater treatment, and water treatment plants.

#### **M. ADJOURNMENT**

There being no further business to come before the Board, the Regular Board Meeting was adjourned at 12:32 p.m. on a **MOTION** made by Mr. Lewis, seconded by Mr. Luczynski and passed unanimously.

  
Secretary/Assistant Secretary

  
Chair/Vice Chair