

**WEST VILLAGES IMPROVEMENT DISTRICT  
SPECIAL BOARD MEETING & ATTORNEY-CLIENT SESSION  
JUNE 27, 2023**

**A. CALL TO ORDER**

The June 27, 2023, Regular Board Meeting of the West Villages Improvement District (“WVID” or the “District”) was called to order at 11:56 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 June 13, 2023, and June 20, 2023, as legally required.

**C. SEAT NEW BOARD MEMBER**

Christine Masney was seated as the elected Board Supervisor.

**D. ADMINISTER OATH OF OFFICE AND REVIEW BOARD MEMBER RESPONSIBILITIES & DUTIES**

Mr. Crosley administered the Oath of Office to Ms. Masney.

**E. 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 were the City of North Port Commissioners McDowell and Phil Stokes.

**F. ELECTION OF OFFICERS**

- **Chairman**

A **motion** was made by Mr. Meisel, nominating himself as Chairman. That **motion** failed due to the lack of a second.

A **motion** was then made by Mr. Lewis, seconded by Ms. Masney electing Mr. Luczynski as Chairman and upon being put to a vote, the **motion** carried 4 to 1 with Ms. Meisel dissenting.

- **Vice Chairman**

A **MOTION** was made by Ms. Masney, seconded by Mr. Buckley electing Mr. Lewis a Vice Chairman and upon being put to a vote, the **motion** carried 3 to 1 with Mr. Meisel dissenting.

- **Secretary/Treasurer**

A **MOTION** was made by Mr. Lewis, seconded by Mr. Luczynski and passed unanimously electing Mr. Wodraska as Secretary/Treasurer.

- **Assistant Secretaries**

A **MOTION** was made by Mr. Lewis, seconded by Mr. Luczynski and passed unanimously electing William Crosley, Christine Masney, Tom Buckley and John Meisel as Assistant Secretaries.

## **G. COMMENTS FROM THE PUBLIC**

Mr. Dobrin suggested that the District Board look at the sovereign immunity liability insurance that the District has. Coverage is up to \$1 Million Dollars for each event and this is right in line with transferring those legal costs that are foreseen for next year into that instead of assessing everybody in Unit 6. Mr. Dobrin also commented on the legal representation being provided to the four Supervisors that received letters from the Commission on Ethics and that he felt the same treatment should have been applied to Mr. Meisel for his ethics complaint. Mr. Dobrin also commented that he felt the proposed Gran Paradiso road resurfacing project should be deferred until after the costs of resurfacing come down and felt that the money should not be spent this year.

Jim Cranston commented that the Florida Commission on Ethics issued an opinion on 3/10/2023 regarding John Meisel and his simultaneous position on the WVID Board of Supervisors and Director of the Gran Paradiso Property Owners Association, who is currently involved in the irrigation lawsuit against the District. Mr. Cranston stated that he felt Mr. Meisel was continuing to violate the ethics opinion by co-hosting a town hall meeting where the subject was the ongoing Gran Paradiso Property Owners Association irrigation lawsuit. Mr. Cranston requested that the Supervisors take note and limit the behavior of one of their own Supervisors.

Pam Kantola questioned why John Meisel's ethics violation was not supported by legal defense while there is defense for the four Supervisors who received ethics violations. Ms. Kantola also commented on the Corvel letter regarding \$100,000 for defense and the assignment of Donald Roper for that defense. She also commented that Gran Paradiso had not been reimbursed for Hurricane Ian repairs. Ms. Kantola further stated that she was upset that Ms. Whelan counseled the Board during its meetings and stated that does not happen at the GP POA board meetings.



Debbie McDowell, a City of North Port Commissioner, welcomed the WVID back to the meetings being held at the City of North Port Commission Chambers' room. Commissioner McDowell also thanked the Board for serving. Commissioner McDowell went on to state that she felt the WVID Board was important, as well as the City Commission Board and invited everyone to attend the City Commission meetings as well.

## **H. APPROVAL OF MINUTES**

### **1. May 11, 2023, Regular Board Meeting & Attorney-Client Session**

Mr. Meisel asked when the decision was made to appeal Judge Carroll's temporary injunction. Ms. Whelan responded that the decision to file a Notice of Appeal was made in consultation with the Chairman, after discussion with the Board during shade session meetings, to preserve the District's appeal rights in advance of the August Board Meeting. She stated that it would be a Sunshine Law violation if a virtual meeting was held or if she otherwise polled the Board and that she was planning to discuss this matter more during her Attorney Report.

A **MOTION** was made by Ms. Masney, seconded by Mr. Buckley and passed unanimously approving the minutes of the May 11, 2023, Regular Board Meeting & Attorney-Client Session, as presented.

## **I. ATTORNEY-CLIENT SESSION RELATIVE TO GRAN PARADISO HOA IRRIGATION LITIGATION**

Mr. Luczynski advised that a shade session was not needed for this meeting.

## **J. GENERAL DISTRICT MATTERS**

### **1. Consider Ratification of 1<sup>st</sup> Amendment to Traffic Enforcement Agreement with the City of North Port**

The Board was reminded that the District entered into a Traffic Enforcement Agreement with the City of North Port in March 2020, which provided the City of North Port Police Department jurisdiction to enforce traffic laws over roads under the ownership and control of the District. The City of North Port Commission approved this amendment at its May 2023 meeting and the addition of any newly constructed roads will be considered by the WVID Board during today's meeting.

A **MOTION** was made by Mr. Buckley, seconded by Ms. Masney and passed unanimously ratifying the 1<sup>st</sup> Amendment to Traffic Enforcement Agreement with the City of North Port, as presented.

### **2. Consider Resolution No. 2023-02 – Adopting Proposed Budgets for Fiscal Year 2023/2024; Declaring Special Assessments to Fund the Proposed Budget**

Resolution No. 2023-12 was presented, entitled:

#### **RESOLUTION 2023-12**

#### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST VILLAGES IMPROVEMENT DISTRICT APPROVING PROPOSED**

**BUDGETS FOR FISCAL YEAR 2023/2024; DECLARING SPECIAL ASSESSMENTS TO FUND THE PROPOSED BUDGETS PURSUANT TO CHAPTERS 170 AND 197, FLORIDA STATUTES, AND CHAPTER 2004-456, LAWS OF FLORIDA; SETTING PUBLIC HEARINGS; ADDRESSING PUBLICATION; ADDRESSING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Luczynski advised that this was the first reading of the proposed budget which sets the maximum assessments that can be levied by the District. There will be additional work to this budget before a final budget is brought back to the Board in September for consideration. The final budget, once approved, will set the actual assessment that will appear on county tax bills. There was a noticed budget workshop held on June 19, 2023, open to all residents to attend and give their input.

Mr. Meisel stated that this budget contained a lot of information and because it was available online and considering the other topics on the agenda and time restraints, he recommended that, for the sake of time, the District Manager did not need to go into detail when going through the budget. There were no objections from the audience.

Mr. Luczynski noted Mr. Dobrin's previous comment regarding the road resurfacing projects on District owned roads in Gran Paradiso that the POA should tell the District how they wished to proceed with the timing of the road resurfacing. This was because the proposals for the work that were coming in exceeded the balance of available funds for that project and by spreading the project over a period of time would allow the sufficient reserve funds to be available at those times.

A **MOTION** was made by Mr. Lewis, seconded by Ms. Masney and passed unanimously adopting Resolution No. 2023-12, as presented.

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

**1. Consider Change Order No. 3 under Work Authorization No. 51 to Stantec for Miscellaneous Engineering Services**

A **MOTION** was made by Mr. Meisel, seconded by Mr. Lewis and passed unanimously approving Change Order No. 3 under Work Authorization No. 51 to Stantec increasing the previous work order by an amount not to exceed \$10,000 for general engineering services.

**2. Consider Ratification of Change Order No. 3 between the District and The deMoya Group, Inc. for Wellen Park Boulevard Roundabout & U.S. 41/SR 45 Improvements Project**

Mr. Meisel asked who was paying for this project and Mr. Luczynski indicated that the contract was held by the District with an agreement with Wellen Park Construction LLLP for deficit funding. Mr. Lewis commented that to be more specific, to the extent that the District has existing construction funds available for capital projects, it uses those funds for the project. If the District does not have the funds to cover the expenses, then the developer would fund the remainder of this project per the agreement with Wellen Park.

Mr. Meisel stated the US 41 project, or future projects, could burden future bond issuances, which was the process similar to the Unit 9 bond issuance where those bond funds were allocated for a portion of the cost of the Wastewater Treatment Plant and Water Plant. Mr. Lewis stated that the



Board could issue more Unit 1 bonds to pay for the US 41 project because there are additional validated Unit 1 bond funds available; however the Board has never contemplated issuing more debt for this project and also the developer preferred for the District to not issue more debt for this project. The Board discussed its intent to not issue additional Unit 1 bond debt for the US 41 project.

Mr. Lewis stated that one of the primary purposes of the District was to build public infrastructure and that the US 41 improvement project is considered a safety benefit and will attenuate speeds through the portion of US 41 that runs through the District. Supervisor Meisel stated that because of time constraints at the June meeting, the board was unable to discuss the US 41 improvement project

A **MOTION** was made by Mr. Meisel, seconded by Mr. Lewis and passed unanimously ratifying Change Order No. 3 between the District and The deMoya Group, Inc. for Wellen Park Boulevard Roundabout & US 41/SR 45 Improvements Project contract with an increase of \$50,103.00 for additional utility exploration for Village E with the new contract amount being \$9,898,370.34.

### **3. Consider Second Amendment to BrightView Landscaping Contract for the Addition of New Road Segments**

It was explained that this amendment to the landscape and irrigation maintenance contract would now include Manasota Beach Road, roundabouts, Radiant Way and Sunglow Boulevard, which were recently constructed and conveyed to the District.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously approving the Second Amendment to the BrightView landscape contract, adding Manasota Beach Road, roundabouts, Radiant Way and Sunglow Boulevard , as presented.

### **4. Discussion Regarding Road Impact Fee Credits**

Mr. Luczynski stated that this item was requested to be added to the agenda by Mr. Meisel and explained that there was an agreement between the District and the City of North Port to reimburse the District for collector road construction from impact fees that the City collects. The City was presented the third annual bill and at that point, the total claim to the City was \$95,999,266. However, the agreement caps the City's obligation to reimburse those impact fees at \$90 Million. As of today, the City, through impact fee collection, has paid the District \$7,747,945 in reimbursements resulting in an outstanding balance of impact fees in the amount of \$82,252,055.

The District has spent \$49,200,262 on roadways leaving a balance due of \$41,452,317. The developer has funded the difference of \$46,799,004 on roadway costs. Mr. Luczynski also stated that this figure was very important because if the District was no longer included in the North Port city limits, and the City was no longer collecting impact fees via the District, the District could lose \$41,452,317 from those guaranteed reimbursements if deannexation is successful. Mr. Luczynski also stated that based on his conversations with Sarasota County, they have indicated that no impact fee credits would be given for collector roadway construction except for the possibility of the County participating in road widening projects in the future.

## **L. UNIT OF DEVELOPMENT NO. 2**

## **1. Consider Agreement with Shipps Excavating, Inc. for Installation of Storm Drainage Improvements**

This agreement is for the installation of a second outfall for the capture of stormwater draining from Islandwalk into the District's irrigation lake. The total cost for this project is \$358,965.45. As part of the budget workshop discussion, half of this cost will be charged to Unit 1 and the other half will be charged to Unit 6. This project will help with stormwater drainage for Islandwalk, Gran Paradiso and the Preserve.

A **MOTION** was made by Mr. Meisel, seconded by Ms. Masney and passed unanimously approving the agreement with Shipps Excavating, Inc. for the installation of storm water drainage improvements in the amount of \$358,965.45, as presented.

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

### **1. Discussion of Matters Related to Gran Paradiso Litigation**

- Discussion Regarding Directors and Officers' Policy Coverage Related to Gran Paradiso Irrigation Lawsuit**

Ms. Whelan noted that there were several questions from the last few Board meetings and from the public comments today on the scope of the District's insurance coverage relative to the Gran Paradiso irrigation litigation. As set forth in the reservation of rights letter, the insurance coverage limit for injunction litigation is set at \$100,000. Staff felt that it would be helpful to the Board and residents to include this letter from the insurer in the agenda package highlighting some key provisions to show the information directly from the insurer. She further noted that Donovan Roper had been assigned as co-defense counsel. Mr. Roper has attended hearings and been involved with the pleadings to date. She also confirmed that the insurance provider reviews any amended complaints to see if there is any change in coverage.

Mr. Meisel felt that each individual count of the complaint is a different incident (for a total of 4) and each would have \$100,000 coverage.

Ms. Whelan replied that the District's insurer is involved with reviewing the initial claim, as well as the amended complaint, and they have provided their level of coverage, which, referenced in the reservation of rights letter, included in the agenda package today. Mr. Meisel asked if the insurer was allocating the \$100,000 coverage in totality for their defense of and the District's defense of the litigation. Ms. Whelan responded that was correct. She indicated that District staff did recently discuss the coverage limits again with the insurer after the last Board meeting to ensure proper coverage.

- Consider Resolution No. 2023-13 – Providing for the Defense and Indemnification of Board Member – John Luczynski**

Resolution No. 2013-13 was presented, entitled:

### **RESOLUTION 2023-13**

## **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST VILLAGES IMPROVEMENT DISTRICT PROVIDING FOR THE**



**DEFENSE AND INDEMNIFICATION OF A BOARD MEMBER;  
PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN  
EFFECTIVE DATE.**

Ms. Whelan explained that District staff had been made aware of an administrative complaint filed against Mr. Luczynski relative to the adoption of a District Resolution. The District received a timely request for indemnification pursuant to its indemnification resolution. Based on a preliminary review of the complaint, it appears to be that the actions in the dispute arose out of and are in connection with his work as a District Supervisor, and within the scope of his duties. It does not appear that there are any circumstances that would prohibit District indemnification, which is required by the District's indemnification resolution. The insurance company has been made aware of this complaint.

A **MOTION** was made by Mr. Lewis, seconded by Ms. Masney adopting Resolution No. 2023-13, as presented. The **MOTION** passed by a vote of 3 to 0 with Messrs. Luczynski and Meisel abstaining.

- **Consider Resolution No. 2023-14 – Providing for the Defense and indemnification of Board Member – Steve Lewis**

Resolution No. 2023-14 was presented, entitled:

**RESOLUTION 2023-14**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST  
VILLAGES IMPROVEMENT DISTRICT PROVIDING FOR THE  
DEFENSE AND INDEMNIFICATION OF A BOARD MEMBER;  
PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN  
EFFECTIVE DATE.**

District staff is aware of an administrative complaint filed against Steve Lewis relative to the adoption of a District Resolution. The District received a timely request for indemnification pursuant to the standard indemnification resolution. Based on a preliminary review of the complaint, it appears that the actions in dispute arose out of and are in connection with his work as a District Supervisor and within the scope of his duties. It does not appear that there are any circumstances that would prohibit District indemnification, which is required by the District's indemnification resolution. The insurance company has been made aware of this complaint.

A **MOTION** was made by Mr. Buckley, seconded by Ms. Masney adopting Resolution No. 2023-14, as presented. The **MOTION** passed by the vote of 3 to 0 with Messrs. Lewis and Meisel abstaining.

- **Consider Resolution No. 2023-15 – Providing for the Defense and indemnification of Board Member – Thomas Buckley**

Resolution No. 2023-15 was presented, entitled:

**RESOLUTION 2023-15**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST VILLAGES IMPROVEMENT DISTRICT PROVIDING FOR THE DEFENSE AND INDEMNIFICATION OF A BOARD MEMBER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

District staff is aware of an administrative complaint filed against Thomas Buckley relative to the adoption of a District Resolution. The District received a timely request for indemnification pursuant to the standard indemnification resolution. Based on a preliminary review of the complaint, it appears that the actions in dispute arose out of and are in connection with his work as a District Supervisor and within the scope of his duties. It does not appear that there are any circumstances that would prohibit District indemnification, which is required by the District's indemnification resolution. The insurance company has been made aware of this complaint.

A **MOTION** was made by Mr. Luczynski, seconded by Mr. Lewis adopting Resolution No. 2023-15, as presented. The **MOTION** passed by the vote of 3 to 0 with Messrs. Buckley and Meisel abstaining.

- **Consider Resolution No. 2023-16 – Providing for the Defense and indemnification of Board Member – Christine Masney**

Resolution No. 2023-16 was presented, entitled:

**RESOLUTION 2023-16**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST VILLAGES IMPROVEMENT DISTRICT PROVIDING FOR THE DEFENSE AND INDEMNIFICATION OF A BOARD MEMBER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

District staff has been made aware of an administrative complaint filed against Christine Masney relative to the adoption of a District Resolution. The District received a timely request for indemnification pursuant to the standard indemnification resolution. Based on a preliminary review of the complaint it appears to be that the actions in the dispute arose out of and are in connection with her work as a District Supervisor and within the scope of her duties. It does not appear that there are any circumstances that would prohibit District indemnification, which is required by the District's indemnification resolution. The insurance company has been made aware of this complaint.

Mr. Lewis asked if someone could explain why Mr. Meisel did not receive the same consideration for his matter involving the Commission on Ethics. Mr. Meisel stated that was due to the Commission on Ethics rendered an opinion, which does not require defense and indemnification. The request for an ethics opinion as opposed to the complaints received are distinctively different. Ms. Whelan also stated that the District did not receive a request for indemnification from Mr. Meisel.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Luczynski adopting Resolution No. 2023-16, as presented. The **MOTION** passed by the vote of 3 to 0 with Ms. Masney and Mr. Meisel abstaining.



## **K. UNIT OF DEVELOPMENT NO. 6**

### **1. Consider Agreement with Shipps Excavating, Inc. for Irrigation Connection to Parkway Pond**

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously approving the agreement with Shipps Excavating, Inc. for an irrigation connection to the Parkway pond in the amount of \$75,045.25, which will be funded by Unit 6, and is to install irrigation improvements along West Villages Parkway, just south of the proposed Meridy Way in order to provide water to adjoining parcels.

Mr. Luczynski left the meeting and handed over Chairman duties to Mr. Lewis.

## **O. ADMINISTRATIVE MATTERS**

### **1. District Engineer**

Mr. Licari reported that the Board had previously approved road improvements near the entrance to the Publix plaza at West Villages Parkway had been completed. The Gran Paradiso roadway resurfacing bid proposals are due July 6, 2023, and will be brought to the Board at a future meeting.

### **2. District Attorney**

Ms. Whelan reported that since the last meeting the Gran Paradiso litigation temporary injunction order was entered by the court and accordingly, a Notice of Appeal had been filed relative to the irrigation litigation to preserve the District's rights. The Board did not state an objection to proceeding with an appeal. In addition, petitions for Writs of Certiorari and Prohibition were filed by Thomas Ranch Intangibles and Ranchland Operations who are counterparties to the well availability agreements. Copies of all documents have been sent to the Board via e-mail. District staff will let the Board know when hearing dates have been set.

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

Ryan Johanneman was introduced as new Operations Manager. Mr. Johanneman came onboard in early June. The Board welcomed Ryan to the District staff. Previous Operations Manager, Mike Smith is still available on a consulting basis to assist staff if needed.

### **4. District Manager**

Mr. Crosley reported that the District was ready to submit an insurance claim for street lighting and irrigation pump station repairs needed as a result of Hurricane Ian. In addition, GovRates was provided a large amount of data that will assist with their due diligence for the provision of a new irrigation water rate study that will be considered by the Board.

Mr. Crosley noted that the District was continuing to review the invoices submitted by Gran Paradiso in regard to hurricane damage on District property in order to reimburse the POA for those expenses that it incurred. The force majeure clause in the maintenance agreement between the District and Gran Paradiso POA provides that it is the District's responsibility to provide the hurricane damage effort, not the POA. However, the District did not have the opportunity to

Mr. Crosley explained that the BrightView invoices that were submitted were very vague in the description of work completed and provided little or no information as to the locations. There are four invoices with a project name of "Hurricane Clean Up" that total over \$220,000 that only provide dates, man hours worked, and the equipment used, but offer no detail of where or what type of work was done. IN addition, none of the attached authorizations for extra work provide signatures of approval from the POA prior to BrightView performing any work. When additional information was requested to help clarify specifically where work was completed, the POA provided an ownership map indicating all the lands inside Gran Paradiso that the District owns. So it is impossible for the District to confirm, based on the information currently submitted, that the work was done on District property and not POA or private property.

Mr. Meisel offered to provide a sworn affidavit because he was present during some of the work. He indicated that the sworn affidavit would state that the work was only performed on the main arteries inside (Prestigio and Renaissance Boulevards) Gran Paradiso.

*During this discussion it is important to note that there were significant, multiple interruptions from members of the public who were in attendance where staff and the Board had to repeatedly stop their discussions in order to attend to disturbances from members of the public so staff has summarized the intent of the Board's discussion in the minutes.*

After discussion, it was determined that the Board would not meet in July, and the August meeting would be held August 17, 2023.

#### **P. BOARD MEMBER COMMENTS**

Mr. Meisel stated in regard to his accusation of participating in the town hall meeting concerning the irrigation lawsuit was that he attended as a resident with knowledge of the irrigation.

#### **Q. ADJOURNMENT**

There being no further business to come before the Board, the Special Board Meeting was adjourned at 1:18 p.m. on a **MOTION** made by Mr. Buckley, seconded by Ms. Masney and passed unanimously.

  
Secretary/Assistant Secretary

  
Chair/Vice Chair



# WEST VILLAGES IMPROVEMENT DISTRICT

## SIGN-IN SHEET

**MEETING DATE:** June 27, 2023

Please print your name & address below.

Print Name <b><u>LEGIBLY</u></b>	Address/Company
MARY ELLEN DONNER	13520 CINGWETERRE DR.
Linda Olson Colombo	20259 Passagio DR.
Richard Berrios	13845 Portenza Lane, Venice
JAMES CRANSTON,	20880 GRANLACO DR. VENICE FL
Betty Kelly	12653 Felice Dr 34293
JAYNE Tappe	12635 Felice Dr, Venice
Lynette Godburn	12659 Felice Dr. Venice.
WILLIAM GODBURN	12659 Felice Dr Venice 34293
Casey Land	20681 TRATTORIA Loop Venice 34293
Kathy Hedrick	12491 Cingwetterre Dr. Venice, 34293
Stephen E. Hedrick	12491 Cingwetterre Dr. Venice, 34293
Ronald Donner	12520 Cingwetterre Dr. Venice 34293
Rasha Buzan	12207 Canavese Lane - 34293
James Corvino	12511 Cingwetterre Dr. 34293
LAURENCE FLETCHER	20905 VALOR CT. VENICE 34293
JULIE ENGLISH	" " "

## SIGN-IN SHEET

13220 Amerigo Ln