

**WEST VILLAGES IMPROVEMENT DISTRICT
PUBLIC HEARING & REGULAR BOARD MEETING
OCTOBER 12, 2023**

A. CALL TO ORDER

The October 12, 2023, Regular Board Meeting of the West Villages Improvement District (“WVID” or the “District”) was called to order at 10:00 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 September 29, 2023, as part of the District’s Fiscal Year 2023/2024 Meeting Schedule, 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 Manager	Andrew Karmeris	Special District Services, Inc.
District Manager	Michelle Krizen	Special District Services, Inc.
District Counsel	Lindsay Whelan	Kutak Rock LLP
District Engineer	Giacomo Licari	Dewberry

Also present were Bond Counsel Cynthia Wilhelm of Nabors, Giblin & Nickerson; Phil Stokes, City Commissioner with the City of North Port and those indicated on the attached sign-in sheet.

D. COMMENTS FROM THE PUBLIC ON ALL AGENDA ITEMS

Andrew Kime spoke about his concern of Board Supervisor conflicts of interest while working for Mattamy and serving on the WVID Board, the school site and WWTP land sale transactions; and why the end users of irrigation were the only ones paying for irrigation of common ground.

Paul Maloney stated that John Meisel was making false inaccurate statements about \$2.8 Billion in fees that will benefit the developer despite being aware that the irrigation rates have only been increased 2 times since 2018, and he feels that he is intentionally misleading the public and questioned what other statements made by Supervisor Meisel were not accurate. Mr. Maloney also stated that the developer was not required to donate land for the Wastewater Treatment Plant or new school site. Mr. Maloney provided his comments for the public record.

Louise Elleo stated that she was disappointed in Judge Brewer's ruling regarding de-annexation, and the West Villagers 4 Responsible Government would appeal.

Jim Cranston suggested that the maintenance agreement between the District and Gran Paradiso be terminated and spoke about John Meisel hiring unlicensed and uninsured contractors for cleanup without scope and that Gran Paradiso Property Owners Association Treasurer Pam Kantola was concerned because of the lack of communication with her regarding storm cleanup. Mr. Cranston feels that the maintenance of the Gran Paradiso community has declined as compared to other communities.

Steve Glunt thanked William Crosley for working so diligently on hurricane reimbursement and clarified that Gran Paradiso HOA does not want to propose an offer of settlement but would rather see if there was common ground regarding the irrigation lawsuit it filed against the District. Mr. Glunt also thanked the WVID Operations Manager for his cooperation in working with Gran Paradiso.

City of North Port Commissioner Phil Stokes stated that the court ruled in favor of the City regarding the de-annexation lawsuit and the burden of competent substantial evidence was met by the City. Commissioner Stokes also thanked WVID Supervisors and Wellen Park residents for their help in developing Wellen Park into a nationally recognized community, and it has become the second fastest growing community in America.

Pam Kantola stated that there was confusion after the hurricane as to what agreements were signed and who was responsible for those agreements, and the GPHOA took the actions that it did to promptly clean up after the hurricane to clear roadways, etc. and denied having ever spoken to Mr. Cranston regarding concerns over the storm cleanup process.

E. APPROVAL OF MINUTES

1. September 14, 2023, Public Hearing, Regular Board Meeting & Attorney-Client Session

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the September 14, 2023, Public Hearing, Regular Board Meeting & Attorney-Client Session minutes, amended to reflect that Ms. Kantola had been removed from the meeting.

Supervisor Meisel asked that the minutes for today reflect that Mr. Luczynski stated in a previous meeting that, if in fact the District did not have an obligation to pay for the school site and wastewater treatment plant that it would be reimbursed back to the District and requested that it

be followed up on. Supervisor Lewis commented that he would be addressing that subject later in the meeting.

F. GENERAL DISTRICT MATTERS

G. UNIT OF DEVELOPMENT NO. 1

1. Consider Change Order No. 5 between the District and The deMoya Group, Inc. for Wellen Park Boulevard Roundabout & US41/SR 45 Improvements Project

It was noted that Change Order #5 was for the Wellen Park Village D Roundabout Project with a net change of \$31,069.57 and would not add any additional days to the construction schedule.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving Change Order No. 5 for the Wellen Park Village D Roundabout Project with a net change of \$31,069.57, as presented.

H. UNIT OF DEVELOPMENT NO. 3

1. Discussion Regarding Roadway Resurfacing Project

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley rejecting the bid received from Ajax Paving and to be re-bid next year and possibly prioritize the project in phases to allow for fiscal budgets to account for those expenses along with consultation from the Gran Paradiso Property Owners Association. Upon being put to a vote, the **MOTION** carried unanimously.

It was noted that this action taken by the Board was at the request of the Gran Paradiso Property Owners Association.

2. Discussion Regarding Matters Related to Gran Paradiso Litigation

- **Presentation by GovRates on Status of Rate Study**

Bryan Mantz from GovRates presented an update with PowerPoint slides on the status of the 2023 Irrigation Rate Study. The review involved identifying Operation and Maintenance expenses, Debt Service/Coverage Requirements, Capital Improvement Program Funding Through Rates, potential bond issuances to fund cash deficits and repay developer advances, Reserve Allowances which will equal Annual Revenue Requirements. Mr. Mantz shared that the current irrigation program was not self-sustainable at the current rates and requires developer deficit funding to function. To run the irrigation program like a prudent government, there needs to be an increase in rates to be self-sustaining and eventually phase out the developer subsidization so that revenue would be sufficient to fund all of the system requirements. Mr. Mantz went on to state that there was about \$4.1 million deficit funding (amount still being validated) by the developer to date, which is essentially an interest free loan and is a great benefit to the District, however, private subsidization

cannot last forever, and the system needs to start moving toward being self-sustaining. Mr. Mantz suggested an option: to issue bonds to pay off the developer subsidization for operating and capital needs. GovRates has assumed waiting until at least 10 years to issue bonds. This would require the need for developer consent as to timing of the bonds, but the District should ask for the developer deficit funding to continue as long as possible (e.g., 20 years or through buildout) as that will allow more users to come on to the system, which will decrease the amount of the rate for the debt-service component and fixed charge recovery of the irrigation rates for all existing users (more users over which to spread these costs). Mr. Meisel asked if we could issue Unit 6 bonds today. Ms. Whelan responded that Unit 6 has legal authority to issue bonds after following procedural requirements, but Mr. Mantz explained that financing was likely not feasible while Unit 6 was operating at a deficit. Mr. Meisel asked if any bond assessment allocation would be the same as FY 24 Unit 6 special assessment allocation. Mr. Lewis stated that the District relies on professional consultants to determine assessment allocations. Mr. Mantz suggested that any bond offering be delayed allowing more users to come on to the system which will serve to decrease the amount of the rate serving the debt service component of the irrigation rates for all existing users. Mr. Mantz' acknowledged that this would require the developer's cooperation in continuing to fund Unit 6 deficits.

Mr. Meisel asked why the District needed developer consent to issue bonds. Ms. Whelan responded that it was not on the obligation itself, but timing with the need to coordinate with the developer so that they were aware of how long they will be deficit funding or otherwise they can request a more immediate repayment than the District had planned and/or could terminate the agreement and be left without a current funding source for the irrigation program because the District had adopted the rates based on an assumption as to when it thought bonds could be issued and have a backstop funding source until that time.

Mr. Mantz noted that there was \$13.7 Million of capital needs identified through FY 2033, based on master plan costs and renewal replacement costs. The Board Members discussed the summary of estimated capital improvements through FY 2033. Mr. Meisel indicated that he had called Keith Ledford at Englewood Water District and inquired if they would continue to provide water to WVID after 2024. Ms. Whelan stated that the District received a 5-year termination letter from Englewood Water District relative to the reclaimed water supply agreement between the parties, and her office has received no indication from Englewood Water District that they desire to rescind that termination letter. Mr. Meisel stated that he believes Englewood Water District would want to provide WVID with any excess water. Mr. Luczynski expressed doubt as to whether they would have any excess water or whether they would want to be obligated to provide it to the District since we're at the end of their line. Ms. Masney inquired as to what was the appropriate chain of command for individual Supervisors to be reaching out to other government entities on behalf of the District without direction or staff involvement and expressed concern with Mr. Meisel reaching out to Englewood Water District on District matters without staff being aware and without Board authorization. Mr. Meisel indicated that he felt that it did not matter if he was reaching out as a Supervisor or as a resident. Steve Lewis, John Luczynski, and Christine Masney agreed that they wanted contact with other government entities and others on WVID business to go through staff and the chairman with that information disseminated back to the Board so that there is a clear chain of command and so that those entities know who has the authority to speak on behalf of the WVID

board. Mr. Meisel inquired if the board wanted to try to see if they could get more reclaimed water from Englewood Water District. Mr. Lewis and Mr. Luczynski stated everyone agrees that you should try to get as much reclaimed as possible to offset well and potable water which are water resources of last resort, however based on Mr. Luczynski's most recent conversations with Englewood Water District, they do not desire to provide us additional water under the existing agreement after March 2024, at which point the District's reclaimed water supply agreement with Englewood Water District terminates. Mr. Luczynski stated that he was happy to reach out to Englewood Water District on behalf of the District to inquire again.

Mr. Mantz reviewed operating expenses that had substantially increased and were projected to continue to increase. He stated that the Tampa-St. Petersburg-Clearwater Consumer Price Index (CPI) has increased by about 28% since September 2019, but the District's irrigation rates have increased by only 11% during this same time period. Mr. Meisel stated that he does not believe that the CPI index GovRates is utilizing is appropriate for WVID and that he does not think that other jurisdictions are applicable since the District is only a distributor of water. Mr. Mantz disagreed and stated this was the most applicable CPI Index, and it is actually likely more conservative than the current inflationary market currently operating in.

Mr. Mantz indicated that the amount of the well availability fee may be subject to change in the future based on the result of litigation or agreement of the parties, but otherwise GovRates will use the current \$4.17 as a placeholder and stated that he is not a water rights valuation expert, but if you hired 10 consultants, they would probably provide 10 different answers and in his opinion, the groundwater supply agreement should be amended since in 2018 there were a lot of unknowns at the start of the irrigation program, most notably the City of North Port bulk reclaimed water fees, and certain assumptions could be updated to current known actuals.

Mr. Lewis asked for the average irrigation usage per month for a normal Equivalent Residential Unit. Bryan Mantz responded that between 9,000-10,000 gallons per month is the average. Mr. Lewis asked what was the approximate current monthly rate based on average usage. Mr. Crosley responded that it was less than \$13 per month per 10,000 gallons. Mr. Lewis asked how that relates to other jurisdictions. Ms. Whelan stated that the current rate study from 2018 provided a schedule of fees where the District's fees fell in the mid to lower price range compared to other governmental entities. The District has only increased rates two times since 2018, but it was unknown if the comparative entities have increased their rates since 2018. Mr. Lewis asked that an updated chart based on current rates be prepared and Mr. Mantz said he could assist with that.

Mr. Luczynski indicated that although WVID takes reclaimed and groundwater from other sources, it is also a manufacturer because the District has built lakes to hold water, built and installed distribution lines and pump stations to distribute water and the District is not just a distributor.

Mr. Lewis left the meeting at 11:37 a.m. and returned at 11:42 a.m.

Mr. Luczynski and Mr. Meisel discussed SWFWMD allocations and well water usage.

Mr. Mantz discussed that if the developer was to terminate WVID's use of well water, then the only option is bulk potable water from CONP at \$6.83 per 1,000 gallons, and that the current well availability payment is \$4.17, with an effective rate of \$.42 per 1,000 gallons. So, the well availability fee is not the best deal or worst deal for the District. Mr. Meisel stated that he feels that market numbers are irrelevant since we are a not-for-profit entity, we should pay a fair and equitable amount to the developer for drawing water out of the wells, but we should base the well availability fee on CONP bulk reclaimed water rate. Mr. Luczynski stated the car analogy that Mr. Meisel always uses is not a good one where he talks about having two cars in the garage, which is not necessary, but from his point of view if one car breaks and your only other source of transportation is a bike, then having that second car in the garage ready to go is prudent resource management. Mr. Luczynski stated that the WVID's only alternative if we do not have groundwater is getting CONP potable water, and CONP does not even have amounts that we would need available for irrigation water if we did not have groundwater. Mr. Luczynski stated it's a free market and Thomas Ranch Intangibles can sell the water to whoever they want; they're not obligated to sell it to WVID, absent the well water supply agreement. Mr. Luczynski then explained that the average homeowner pays 37 cents per day, consisting of .22 water/operating charge, .04 capital charge, .11 for well availability per day equaling .37/day. Eleven cents are not just the cost of the water; it's like an insurance policy so that when we need the groundwater, which is also when it is the District's only option for irrigation water, that it is available.

Mr. Lewis asked who was going to determine the well availability fee. Ms. Whelan responded that it was a contractual agreement between WVID and Thomas Ranch Intangibles, and GovRates plugs in that contractual amount to its modeling to determine our rates.

Mr. Mantz requested Board direction for the rate study regarding developer funding. There was consensus of the Board to wean off of developer funding, gradually, if possible. Ms. Whelan will speak with the developer to confirm developer timing and other considerations so that GovRates can appropriately model the rates. The Board also discussed entering into an agreement of what has been funded to date, the date of the earliest repayment, reasonable notice of termination of funding agreement, etc.

Mr. Mantz also asked for Board direction regarding including 5 years of rate adjustments in the rate study and collecting any expenses for irrigation of District common areas. There was consensus of the Board to include 5 years of rate adjustments in the rate study and pursue looking into including the District common area irrigation expenses to be potentially budgeted as a Unit of Development No. 1 expense so all landowners would share that expense and then reimburse Unit of Development No. 6.

Mr. Meisel requested consideration of an amendment to the Englewood Water District agreement to provide for the purchase of any excess irrigation water that Englewood might have. Mr. Lewis suggested that staff and or a member of the Board reach out to Englewood Water District to discuss the potential purchase of excess water, if any, after March 2024. These discussions could provide information as to whether a new or amended agreement is practical. Mr. Luczynski asked that Mr. Crosley coordinate a meeting.

Mr. Meisel indicated he had to leave the meeting early due to another engagement and noted that there had been a lawsuit filed against the District relative to the urbanization calculation. Mr. Meisel left the meeting at 11:56 a.m.

Mr. Mantz stated that it was planned to have at least one outreach meeting prior to finalizing rate recommendations for Board consideration and depending on how that meeting goes, it can be determined if any other outreach meetings are necessary.

Ms. Masney inquired about the purpose and plan for customer outreach. Ms. Whelan indicated that today's presentation was meant to update the Board on status and get direction on items needed to finalize the study and the customer outreach was meant to educate the community and provide another opportunity to have their questions answered. Ms. Masney then asked that the presentation from today be posted on the District's website and allow residents to submit questions for discussion at the Workshop, and she also requested that the Board review the proposed presentation before the Workshop. Ms. Whelan indicated that was allowed, but due to the Sunshine Law, staff cannot solicit comments because otherwise it would be utilizing GovRates as a conduit to communicate between Board members.

- **Appointment of District Representatives Relative to Dispute Resolution Request from Thomas Ranch Intangibles**

Ms. Whelan noted that while the District maintains that it properly noticed its 2018 ratemaking hearing and has had several additional public hearings on the rates since then, in an abundance of caution, the District conducted a curative ratemaking hearing in early 2023. At that time, the Board also directed the collection of all well availability fees from all communities but also directed that these fees be held in escrow. Those fees are being collected but not remitted to Thomas Ranch Intangibles and the Ranch Land Operations pursuant to the groundwater supply agreement between the District and those entities.

The District previously sent a letter to Thomas Ranch Intangibles and the Ranch Land Operations advising it of its withholding of the well availability fees during the litigation, and that we believe we are excused from performance due to the force majeure terms of the groundwater supply agreement.

Thomas Ranch Intangibles and the Ranch Land Operations have sent the District a letter advising that it has invoked the dispute resolution process set forth in the groundwater supply agreement between the parties. That parties' position as outlined in the letter are that:

This situation is not a "listed event" under the groundwater supply agreement under which the well availability fee payment is not required to be made- a "listed event" excusing performance only occurs if groundwater wells produce no or virtually no water suitable for irrigation purposes. Currently, the wells are producing irrigation quality water so this provision excusing performance cannot be invoked.

The force majeure provision of the groundwater supply agreement is not invoked because that requires a situation not caused by or under the control of the District and the court found in the

preliminary hearing that it was likely to find that the District did not properly notice its 2018 ratemaking hearing and the noticing of public hearings and meetings is within the District's control. Also, that issue has been cured by the District's 2023 curative ratemaking hearing.

There is no basis for withholding well availability payments from customers that continue to not be in breach of their irrigation water supply agreements with the District (i.e. all customers other than Gran Paradiso).

The Court's order to temporarily escrow the Gran Paradiso portion of the well availability fees does not relieve the District from having to pay well availability fees relative to the Gran Paradiso development - the District needs to find another source of revenue to utilize to remit those fees during Gran Paradiso's breach of its irrigation water supply agreement with the District.

Although the groundwater supply agreement provides that the District is not in breach from the District's failure to remit well availability fees resulting from the nonpayment by a customer, the District is only excused from performance if 1) collection is diligently pursued and 2) the District discontinues service of irrigation water to that customer. Irrigation water is defined in the groundwater supply agreement to include all sources- groundwater, stormwater, and reclaimed water. To date WVID has not discontinued its provision of all irrigation water to Gran Paradiso, thus the District cannot be excused from performance by this provision.

Finally, it is Thomas Ranch Intangibles and Thomas Ranch Land Operation's position that irrespective of the well availability fee matter, pursuant to the Court's preliminary order that the 2009 irrigation agreement between the District and the GPHOA is the operative agreement, the District should only be providing irrigation water to Unit 3 that is supplied by Englewood Water District as that was the only source of irrigation water available when that 2009 agreement was entered into.

At this time, the Board needs to appoint a representative or representatives to sit down with Thomas Ranch Intangibles and Thomas Ranch Land Operation's in order to discuss the allegations they've made and gather additional information from them in order to bring back that information to the Board at a future meeting, where the Board will provide direction to staff as to how it would like to proceed.

Ms. Masney asked if the representatives had to be Board Members or could it be someone else. Ms. Whelan responded that it could be anyone designated by the Board. Mr. Luczynski commented that he did not want the representative to be a Board Member, since they will ultimately be voting on providing direction, so he would rather have staff be designated as the fact-finding representatives.

A **MOTION** was made by Mr. Lewis, seconded by Ms. Masney and passed unanimously appointing Todd Wodraska and representatives of Kutak Rock to represent the District in the discussions with Thomas Ranch Intangibles and Thomas Ranch Land Operations

I. UNIT OF DEVELOPMENT NO. 7

1. Consider Matters Relating to 2023 Financing

- **Consider Final Supplemental Engineer's Report**

Ms. Whelan noted that at the last meeting there was discussion of the District's planned issuance of neighborhood bonds in Unit 7 on undeveloped lands. These neighborhood bonds do not affect any other existing residential properties and that the consultants were on the phone to present their reports. Bonds are planned to close on October 17, 2023.

Mr. Licari presented the Final Supplemental Engineer's Report and indicated it was the same report with no changes as the preliminary supplemental engineering report from the last Board meeting.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley, and passed unanimously approving the Final Supplemental Engineer's Report, as presented.

- **Consider Final Supplemental Assessment Methodology Report**

Mr. Karmeris presented the Final Supplemental Assessment Methodology Report and noted some key highlights in the report that can provide specific debt assessments per unit now that the bonds have been sized at \$4,805,000 with an interest rate of 6.17%.

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

- **Consider Resolution No. 2023-23 – Supplemental Assessment**

Ms. Whelan presented Resolution No. 2023-23, entitled:

RESOLUTION 2023-23

[UNIT OF DEVELOPMENT NO. 7 – SERIES 2023 BONDS (VILLAGES F-3 AND G-1B)]

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. 7), SERIES 2023 (VILLAGES F-3 AND G-1B); CONFIRMING THE DISTRICT'S PROVISION OF INFRASTRUCTURE IMPROVEMENTS AND CONFIRMING A SUPPLEMENTAL 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 noted that this imposes the lien on the property based on the actual bond terms provided in the Final Supplemental Assessment Methodology Report.

A **MOTION** was made by Mr. Buckley, seconded by Mr. Lewis and passed unanimously adopting Resolution No.2 023-23, as presented.

The Regular Board Meeting was then recessed and the Public Hearing was opened.

J. UNIT OF DEVELOPMENT NO. 10

1. Public Hearing – Designation of Unit of Development No. 10

- **Proof of Publication**

Proof of publication was presented which showed the notice of the Public Hearing had been published in the *Sarasota Herald-Tribune* on September 28, 2023, October 5, 2023, as legally required.

- **Receive Public Comment Regarding Designation of Unit of Development No. 10**

There was no public comment regarding the designation of Unit of Development No. 10.

The Public Hearing was then closed and the Regular Board Meeting was reconvened.

- **Consider Resolution No. 2023-24 – Unit Confirmation Resolution**

Resolution No. 2023-24 was presented, entitled:

RESOLUTION 2023-24

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE WEST VILLAGES IMPROVEMENT DISTRICT
APPROVING AND CONFIRMING THE DESIGNATION OF
THE “WEST VILLAGES IMPROVEMENT DISTRICT UNIT
OF DEVELOPMENT NO. 10;” PROVIDING FOR THE
RECORDING OF A NOTICE REGARDING SAME;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

Ms. Whelan stated that at the last meeting the Board adopted Resolution 2023-22, designating lands as Unit of Development No.10 upon the request of the owner of the lands within that area.

This resolution confirms the designation and establishes these lands as Unit of Development No. 10. The District has complied with all statutorily required processes for unit establishment.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously adopting Resolution No. 2023-24, as presented.

K. ADMINISTRATIVE MATTERS

1. District Engineer

Mr. Licari reported that the Islandwalk irrigation outfall project had been completed on the Islandwalk side, and the contractor was waiting for some structures expected to be delivered next week to complete the District side of the project.

Mr. Licari noted that Ajax Paving had not yet provided a schedule for the Playmore resurfacing project.

Mr. Licari also noted that the irrigation line under West Villages Parkway had been completed other than the restoration of sod.

2. District Attorney

Ms. Whelan reported that the GPHOA irrigation litigation appeal hearing had been set for December 5, 2023, at 9:30 a.m.

Ms. Whelan advised that new litigations had been filed against WVID by 3 residents- Jeffrey O'Sullivan, Arthur Adams, and John Coughlin, which are generally related to the District's imposition of a Unit 6 assessment to fund irrigation related litigation expenses. The plaintiffs allege that the District did not timely post a tentative agenda on its website, and the Unit 6 assessments were not fairly and equitably allocated, and they are seeking injunction and declaratory relief. The District believes that it has complied with Florida law for adoption of its budget and imposition of its assessments. A preliminary hearing will be held November 8, 2023, at 3:30 p.m.

Ms. Whelan commented that although Mr. Meisel had informed staff and the other Board Members that an urbanization calculation lawsuit had been filed, as of the start of this meeting, no docket for this litigation appears on the Sarasota County Clerk of Courts' website, so he appears to have more information than District staff on that topic. If and when the District is served, staff will update the Board accordingly.

3. District Operations' Manager

There was no District Operations' Manager Report at this time.

4. District Manager

Mr. Crosley advised that the next meeting was scheduled for November 9, 2023.

Mr. Crosley advised of a conflict with the use of the Chambers Room on the July 11, 2024, meeting. Manager Crosley polled the Board to see if the meeting could be held on July 10, 2024. There was consensus of the Board to meet on July 10, 2024, at 10:00 a.m.

L. BOARD MEMBER COMMENTS

Mr. Lewis discussed a recent letter that was forwarded to him. The letter was sent by Mr. Meisel to his West Villages for Responsible Government political action committee supporters. Mr. Lewis raised several concerns regarding possible conflicts of interest and what he perceived as incorrect and misleading information.

Previously, the Commission on Ethics advised Mr. Meisel of the inherent conflict in serving on both the Gran Paradiso Property Owners' Association and District boards while the POA was suing the District. Mr. Meisel's letter included a solicitation of funds to support the Grand Paradiso Property Association's irrigation lawsuit against the District. This would seem to conflict with the spirit of the guidance. Also, Mr. Meisel indicated at last month's meeting that he had distanced himself from the POA litigation, but the letter would suggest otherwise.

Mr. Meisel's letter also included a solicitation of funds for the ongoing de-annexation dispute. His letter stated that the District had "a lot to lose" from the irrigation and de-annexation lawsuits, and yet he was soliciting funds for both. This again seems to conflict with his obligations to the District as a District board member.

Mr. Lewis also stated that Supervisor Meisel's letter was advocating for a reallocation of assessments which would benefit him personally which is a potential conflict of interest.

Mr. Lewis also stated that he felt comments in the letter regarding WVID acquisitions of school board and wastewater treatment land included misstatements of fact and were misleading. Mr. Miesel's letter said the developer was "obligated to donate these properties per the annexation agreements." Annexation agreements were between the City of North Port and the Developer and/or District. The school land was conveyed to the Sarasota County School Board. This transfer is not addressed by the annexation documents as stated in the letter. As for the wastewater treatment plant land, the various agreements with the City required that this land be donated to the City without cost to the City. The documents do not speak to the District's acquisition of land from the developer. The letter implies that WVID's acquisition of the school and wastewater treatment plant land was somehow improper because WVID "had no obligation to purchase" the land. WVID's enabling legislation provides the power to acquire land and other assets for public use. There does not need to be an obligation for the District to do things that it is empowered to do.


Mr. Lewis stated that he understands that District Counsel does not serve as legal counsel to Supervisors on an individual basis, but asked for guidance in whether board members generally have any legal obligation to report or respond to situations where they believe a fellow Supervisor has violated provisions of the ethics laws.

Ms. Whelan advised that all Supervisors need to uphold the fiduciary and ethical responsibilities of this office. The WVID Board does not have the authority to remove a fellow Supervisor from office, only the Governor has that ability, so her gut tells her that there is likely not an affirmative obligation of other Supervisors to report perceived ethics violations to the Commission on Ethics or other entity.

Chairman Luczynski congratulated Commissioner Stokes and the City of North Port on the recent Judge's ruling regarding de-annexation.

M. ADJOURNMENT

There being no further business to come before the Board, the Regular Board Meeting was adjourned at 12:49 p.m. on a **MOTION** made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously.


Secretary/Assistant Secretary


Chair/Vice Chair

WEST VILLAGES
IMPROVEMENT DISTRICT

October 12, 2023

Irrigation Water Rate Study Update

GovRates

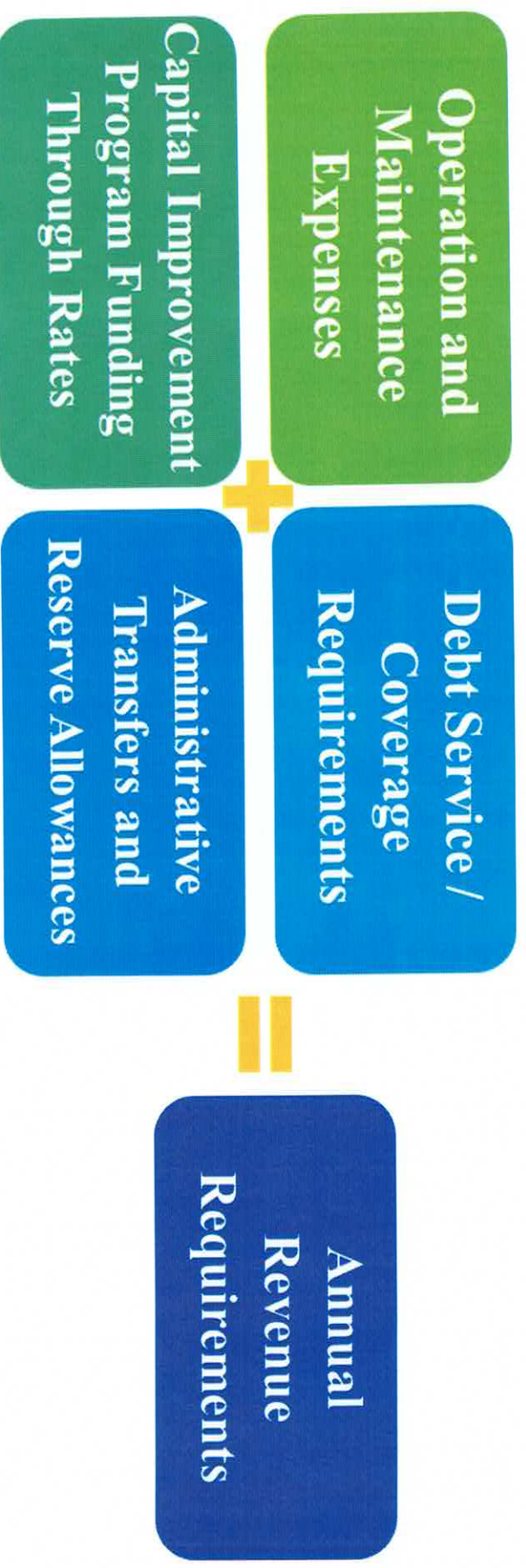
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Revenue Requirements

- Projected Through Fiscal Year 2033
 - Should Update Financial and Rate Plan Regularly
- Given Potential Substantial Changes**



Issue: Irrigation System Not Currently Self-Sustainable

WEST VILLAGES
IMPROVEMENT DISTRICT

■ **Historical Developer Deficit Funding That Must Eventually Be Repaid**

- Current Balance of About \$4.1 Million (Still Being Validated)
- Fiscal Year 2024 Budgeted Developer Subsidy for Capital / Operating: \$517,876
- Per Deficit Funding Agreement with Developer, District Is Not Charged Interest for Any Deficit Funding

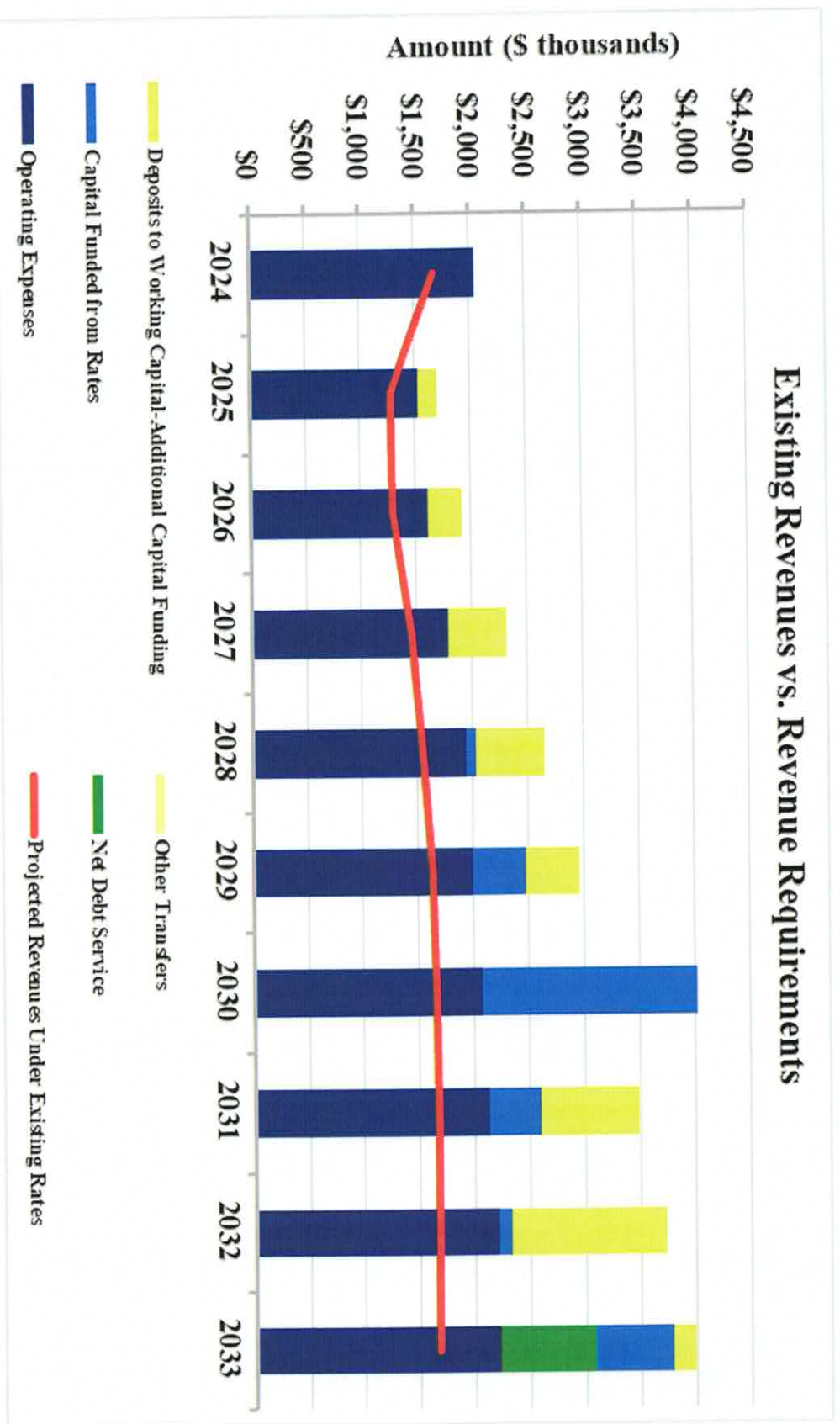
■ **Assumption (Requires Developer Consent): With Goal of Making System Financially Independent, Continue Developer Deficit Funding Over the Next Several Years to Enable More Gradual Irrigation Rate Increases**

- Projected Future Bond Issue(s) to Pay Off Deficit Funding Balance
- The More Customers Connected to the System, the More Equivalent Residential Units Over Which to Pay System Fixed Operating Costs and Debt Payments, the Lower the Monthly Irrigation Rates Over the Long Term

Issue: Irrigation System Not Currently Self-Sustainable (cont.)

WEST VILLAGES
IMPROVEMENT DISTRICT

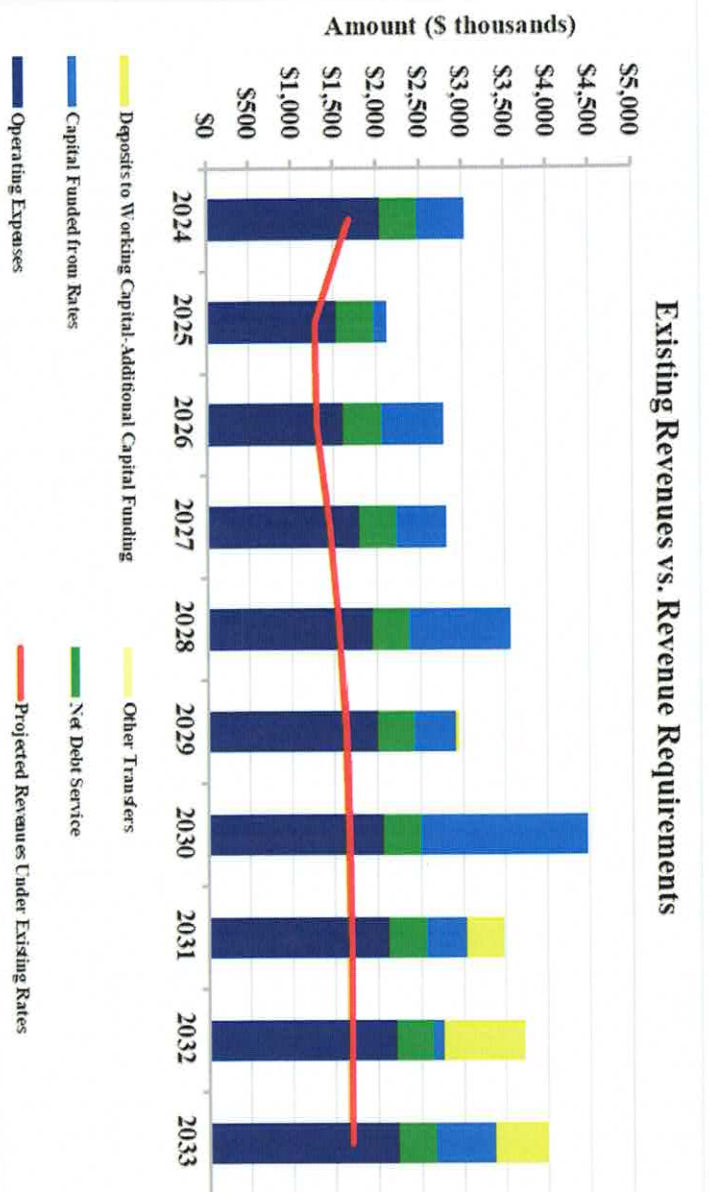
■ With Developer Deficit Funding:



Issue: Irrigation System Not Currently Self-Sustainable (cont.)

WEST VILLAGES
IMPROVEMENT DISTRICT

- **100% Pay-As-You-Go Funding – Including Assumed 20-Year Bond Issues in 2024 to Pay Off \$4.1 Million Historical Developer Deficit Funding – Would Require Higher Upfront Rate Adjustments**
 - \$2.7M Tax-Exempt Bonds to Pay Off Capital Improvements Deficit Funding and \$1.5M Taxable Bonds to Pay Off Deficit Funding of Operating Costs



Issue: Capital Funding

■ About \$13.7 Million of Capital Needs Identified Through Fiscal Year 2033

- Based on Master Plan Cost Estimates and Renewal / Replacement Cost Estimates Provided By District Staff
- Considered Necessary to Meet Irrigation Demand and Keep System Operationally Sustainable
- Approximately \$6.0 Million (44%) of Capital Needs Assumed to Be Funded By Other Units and Future Unit Bonds
- All Customers Benefit from Having More Units Over Which to Pay for System Fixed Costs

Assumed Capital Program Funding

WEST VILLAGES
IMPROVEMENT DISTRICT

Summary of Estimated Capital Improvements Through Fiscal Year 2033

Project	Project Type	Amount	Projected Funding Source
12" PVC, C-905 Irrigation Water Main with Fittings	Distribution Piping	\$ 4,153,500	Future Unit Bonds
New Irrigation Wells - 97, 98, 100, 101, 128, 129, 130, 187, 188, 189	Irrigation Wells	3,600,000	Rate Revenues / Developer Deficit Funding
6" PVC, C-905 Irrigation Water Main with Fittings	Distribution Piping	1,287,000	Future Unit Bonds
PLL 2A, 4, and 5 Pump Stations	PLL Expansion/Construction	990,000	Rate Revenues / Developer Deficit Funding
16" PVC, C-905 Reclaimed Water Line (Engl. WWTP)	Future Supply	928,800	Rate Revenues / Developer Deficit Funding
Future Wells Supply Lines	Future Supply	900,000	Rate Revenues / Developer Deficit Funding
Infrastructure Improvements and Maintenance	Renewals and Replacements	663,298	Rate Revenues / Developer Deficit Funding
Islandwalk Stormwater Outfall	Future Supply	430,764	50% Other Units; 50% Rate Revenues / Developer Deficit Funding
16" PVC, C-905 Irrigation Water Main with Fittings	Distribution Piping	378,000	Future Unit Bonds
Well 77 Supply Line	Future Supply	151,200	Rate Revenues / Developer Deficit Funding
West Villages Parkway Pond Irrigation Delivery	Future Supply	90,054	Rate Revenues / Developer Deficit Funding
Construction Entrance	PLL Expansion/Construction	41,400	Rate Revenues / Developer Deficit Funding
Silt Fence	Unit	37,212	Rate Revenues / Developer Deficit Funding
Total		\$ 13,651,228	

Issue:

WEST VILLAGES
IMPROVEMENT DISTRICT

Operating Expense Increases

- **Operating Expenses Have Increased Substantially and Are Projected to Continue Increasing**
 - Inflationary Effects Due to Various Factors
 - Tampa-St. Petersburg-Clearwater Consumer Price Index (CPI) Has Increased By About 28% Since September 2019, But District's Irrigation Rates Have Increased By Only 11% During This Same Time Period
 - Substantial Increases in Utility Supply Costs of Chemicals, Steel, PVC Pipes, and Other Materials That Are Driven By Global Market Forces
 - Due to Regulatory Environment, Utility Costs Typically Increase at a Higher Rate Than CPI

Issue:

Well Payments

WEST VILLAGES
IMPROVEMENT DISTRICT

■ Will Be Settled in Court Years from Now or If Parties Reach a Settlement

- Valuation of Water Rights Typically Determined Based on the Cost of Replacement with Another Source
- Per Easement Agreement Submitted with Water Use Permit Application:

"Any rates for water charged by Grantee [Thomas Ranch Intangibles] will be competitive with prevailing rates charged by the City of North Port or other utility providers in the West Villages Improvement District."

Issue:

Well Payments (cont.)

- **After Englewood Water District Reclaimed Water Is No Longer Available After March 2024, Reclaimed Water Sources May Be Able to Handle Only About 21% of Current Irrigation Demand**

- Alternative to Well Water for Estimated 79% of Irrigation Demand May Be Potable Water and Stormwater / Retained Water

Reclaimed Water Supply vs. Demand (2023)

Description	Amount (gpd)
City of North Port Wastewater Treatment Facility Reclaimed Water	456,963
Sarasota County Reclaimed Water	36,898
Englewood Water District Reclaimed Water After March 2024	0
Total Reclaimed Water Sources	493,861
Current Irrigation Water Demand - Annual Average Demand	2,303,615
Percent of Irrigation Water Demand Provided By Reclaimed Water Sources	21%

Issue:

Well Payments (cont.)

**■ Current \$4.17 per Equivalent Residential Unit (ERU)
Well Availability Charge Is Neither the Best Deal Nor the
Worst Deal for District Customers**

- Issues or Arguments Regarding "Apples-to-Apples" Comparisons, Methodology for Determining Existing Well Availability Charges, and Well Water Paid For Vs. Used
- Future Well Payments Are Uncertain Pending Resolution of Current Litigation

Bill Comparison With City of North Port Fiscal Year 2024 Rates [*]

Description	Amount
City of North Bulk Reclaimed Water Rate Per 1,000 Gallons	\$0.31
Well Availability Charge Per 1,000 Gallons at Usage of 10,000 Gallons	\$0.42
Well Availability Charge Per 1,000 Gallons at Usage of 3,000 Gallons	\$1.39
City of North Port Bulk Potable Water Rate Per 1,000 Gallons	\$6.83
City of North Port Effective Retail Potable Water Rate Per 1,000 Gallons at Usage of 10,000 Gallons	\$10.13
21% City of North Port Bulk Reclaimed Water Rate, 30% Stormwater / Retained Water (\$0), and 49% of North Port Bulk Potable Water Rate Per 1,000 Gallons	\$3.41

[*] Reflects North Port water rates anticipated to become effective on December 1, 2023.

Thoughts on Irrigation Water Rate Design

WEST VILLAGES
IMPROVEMENT DISTRICT

- **Target 40% Fixed Charge Recovery**
 - Most System Costs Are Fixed and Must Be Paid Regardless of Whether Water Is Used
 - Higher Fixed Charge Recovery Favored By Credit Rating Agencies
- **Proposed Purchased Water Component of Volumetric Rates That Would Be Adjusted Annually Based on Percentage Increases in North Port Bulk Reclaimed Water Rate**
 - Future Increases from North Port Are Unknown
- **Future Adjustments to Well Charges / Payments Based on Effective Agreement at the Time**
 - Existing Agreement May Be Amended in Near Future

Thoughts on Irrigation

WEST VILLAGES
IMPROVEMENT DISTRICT

Water Rate Design (cont.)

- **In Absence of Formal Rate Study Recommendation, Recommend Automatic Rate Indexing for Rate Structure Components Other Than Purchased Water Volumetric Rates and Well Charges Based on Increases in Local Tampa-St. Petersburg-Clearwater Consumer Price Index**
 - Indexing Is Common Among Utilities in Florida and Is a Best Financial Management Practice
 - Smaller Rate Increases Over Time Help Prevent Large Future Rate Increases and "Rate Shock"
 - Favored By Credit Rating Agencies Since Indexing Provides More Assurance That Rates Will Keep Up With Inflation

Board Direction Needed

WEST VILLAGES
IMPROVEMENT DISTRICT

- **Continued Developer Deficit Funding (Presumption) Vs. Immediate 100% Pay-as-You-Go Funding**
 - Developer Must Agree to This Arrangement
- **Possibly Charging the District for District's Use of Irrigation Water (e.g., for Common Areas)**
 - Would Be Paid As Operating Costs from Other Units

Moving Forward...

WEST VILLAGES
IMPROVEMENT DISTRICT

- **Need to Secure Approval of Developer for Financial Plan**
- **Financial and Rate Plan Is Anticipated to Remain Affordable and Competitive By Utility Industry Standards**
 - Plan Should Be Updated Regularly to Reflect Changing Conditions and to Preserve Ability to Gradually Phase-In Irrigation Rate Adjustments
- **Will Have at Least One Customer Outreach Meeting Prior to Finalizing Rate Recommendations for Board Consideration**

QUESTIONS AND DISCUSSION



WEST VILLAGES IMPROVEMENT DISTRICT

SIGN-IN SHEET

MEETING DATE: October 12, 2023

Please print your name & address below.

Print Name **LEGIBLY**

Address/Company

<u>Jim CRANSTON</u>	<u>20880 GRANLAGE DR.</u>
<u>Paul Moloney</u>	<u>13746 Yelma Street -</u>
<u>Steve Glunt</u>	<u>13898 Vancenza Dr</u>
<u>R. Ghyll Theurer</u>	<u>19251 Lappacio St</u>
<u>Bruce Theurer</u>	<u>19251 Lappacio St</u>
<u>Andrew Kime</u>	<u>12300 Canavese La</u>
<u>GEORGIA KINGSLEY</u>	<u>20740 SAILUTH PL.</u>
<u>BUR</u>	<u>" " "</u>
<u>Pam Kantola</u>	<u>Gran Paradiso</u>
<u>EUGENE LUCCI</u>	<u>GRAN PARADISO</u>
<u>TAMMY CORNWELL</u>	<u>GRAN PARADISO</u>
<u>Rich Bando</u>	<u>Gran Paradiso</u>
<u>PETER VASIGIAN</u>	<u>19257 Lappacio St. DU</u>
<u>Deborah VASIGIAN</u>	<u>19257 Lappacio</u>
<u>Linda Olson Columbus</u>	<u>Gran Paradiso</u>

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: Andrew Kime

AGENDA ITEM NUMBER: _____

RELATING TO: General Comments on Multiple Items

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brought forward by the District Supervisors.**

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NAME: Paul Maloney

AGENDA ITEM NUMBER: General Comment

RELATING TO: Irrigation Water Litigation and Land donation

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COMPLETE THIS SECTION.

NAME: LOUISE ELLER LILLO

AGENDA ITEM NUMBER: H - 2

RELATING TO: DISCUSSION REGARDING MATTERS RELATED
TO GRAND JUROR LITIGATION

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WEST VILLAGES IMPROVEMENT DISTRICT

SPEAKER'S FORM

✓
Cancel
Maintenance
Agmt

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

NAME: COMMANDER JIM CRANSTON

AGENDA ITEM NUMBER: UNIT 3

RELATING TO: WVID/CP MAINTENANCE AGREEMENT

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WEST VILLAGES IMPROVEMENT DISTRICT

SPEAKER'S FORM

Thanked Well
Monitored You
✓

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

NAME: Steve Glunt

AGENDA ITEM NUMBER: H

RELATING TO: Discussion Regarding Matters Related to Gran Paradiso Litigation

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WEST VILLAGES IMPROVEMENT DISTRICT

SPEAKER'S FORM

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NAME: Phil Stokes

AGENDA ITEM NUMBER: General Comment

RELATING TO: Gen Bus

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Last please

WEST VILLAGES IMPROVEMENT DISTRICT

SPEAKER'S FORM

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NAME:

Pam Kantola

AGENDA ITEM NUMBER:

RELATING TO:

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WVID Board of Supervisors – October 2023

As Chairman and spokesperson for the WV4RG Mr. Meisel released a community wide statement on September 20 commenting on the Irrigation Water litigation among other topics.

In his statement regarding this litigation Mr. Meisel writes, "...there is an agreement whereby the developer would be paid over \$2.8 billion dollars over the next 100 years."

On February 8 and 9 of this year a court hearing on this litigation was held before Judge Hunter Carroll.

During cross examination Mr. Meisel was asked how many times in recent history had the District raised the irrigation water rates.

This was an important question because, in court, it was established that the \$2.8 billion dollar figure had no basis in reality and was not accurate.

Yet, on September 20, the \$2.8 billion dollar number was again thrown out to the public.

This number is also being used in a related lawsuit brought by residents against the District and the Sarasota County Tax Collector. Only this time the \$2.8 billion dollars has now ballooned to over \$3.0 billion dollars. It appears this number is growing faster than Pinocchio's nose.

Yet, this number continues to be published as if it were an indisputable fact.

Since this number is not accurate a reasonable person must ask: What other statements are not accurate?

For example, in his September 20 statement Mr. Meisel also writes that the Developer was obligated to donate land for the new school and wastewater treatment plant.

The Annexation agreement does not call for the developer to donate the land. What the Agreement does state is this:

- The City desires to own land
- The WVLP desires to provide land
- The City will, within limits, reimburse the District from Impact Fees **and**
- The Parties agree the actual costs will include the acquisition, subdivision and improvements of land.

This is a clear indication that funds would be used to purchase the land.

The public deserves to know the full story.