

**WEST VILLAGES IMPROVEMENT DISTRICT
REGULAR BOARD MEETING
JANUARY 11, 2024**

A. CALL TO ORDER

The January 11, 2024, Regular Board Meeting of the West Villages Improvement District (“WVID” or the “District”) was called to order at 10:07 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 December 29, 2023.

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

District Manager	William Crosley	Special District Services, Inc.
District Operations Manager	Ryan Johanneman	Special District Services, Inc.
District Counsel	Lindsay Whelan	Kutak Rock LLP
District Engineer	Giacomo Licari	Dewberry

D. DISCUSSION REGARDING PUBLIC DECORUM AT BOARD MEETINGS

Chairman Luczynski read the Board approved public decorum statement.

E. COMMENTS FROM THE PUBLIC FOR ALL AGENDA ITEMS

Pam Kantola questioned if the meeting was for the WVID or for Mattamy Homes, as the agenda items benefit Mattamy Homes, not the taxpaying residents in the District and that in her opinion the urbanization calculation used over the past 20 years should now reflect three resident seats on the Board.

Victor Dobrin voiced his concerns with the District’s urban area calculation and in his opinion only 4 out of 5 seats will transfer. He would prefer that the District continue to follow the current urban area calculation set forth in statutes instead of changing to a definitive calculation. He further noted that he does not want the irrigation program to be a profit center for the District.

Norma Camiletti noted that she does not understand the urbanization calculation and when residents transition to the Board, or the need to hire a lobbyist.

David Fernstrum thinks that the District is not following Florida Statutes regarding its urban area calculation, which is why he filed a lawsuit against the District.

Debbie Yasegian is tired of the relentless tirades of John Meisel to pursue deannexation, revised irrigation rates, upheaval of government, etc. In 12/22/23 correspondence, John Meisel stated that his e-mail was made as a resident and not as an elected official, stating that his emails show that his conduct is not as a public official. She does not support the indemnification of John Meisel.

Gil Theurer asked whether the insurance company made a determination on John Meisel being covered under the District's insurance policy for his recently filed ethics complaint and believes that indemnity should only be provided if he acted within his scope as a District Supervisor.

Paul Maloney indicated that the developer has provided over \$4 Million to subsidize irrigation rates, likely to continue for 10 years before a breakeven. This shows rates are not excessive but are actually inadequate to fund the irrigation program. He further noted that the public has been misinformed. John Meisel should not be indemnified due to his actions as a private citizen that brought the administrative complaint. Mr. Maloney referenced John Meisel's e-mail that his statements are as a private citizen exercising rights under the First Amendment. John Meisel confirmed in his own words that he is not acting in his Board capacity.

Commander Cranston urged the Board to vote against Resolution 2024-01, indemnifying John Meisel, noting that taxpayer money should not be spent on actions taken by John Meisel against the District which he swore to support in 2022. It is his belief that Mr. Meisel has spread misinformation about the wastewater treatment and water treatment plants; undermined the community's developer for fundraising for lawsuits against the District and misrepresented actual cost of deannexation from the City of North Port's boundary. In December John Meisel has received a ruling from the Commission on Ethics that he violated the ethics laws, and John Meisel continues his unethical behavior. Commander Cranston believes the community deserves a Supervisor that places fiduciary duty above personal benefit and further believes John Meisel should pay his own legal bills as his activities are as a private citizen and outside of his scope as a WVID Supervisor.

F. APPROVAL OF MINUTES

1. November 9, 2023, Regular Board Meeting

Supervisor Lewis stated that under Board Member Comments, Section L, the third paragraph, his comments should be revised in two locations (first and second sentence) to reflect "utility agreements" not "annexation agreements".

In addition, Supervisor Meisel stated that in Section L, in regard to Englewood Water District (EWD), the minutes should reflect discussion with the Board regarding John Meisel's desire for the District to amend the existing EWD agreement instead of terminating the existing agreement and entering into a new agreement in the future. Ms. Whelan clarified for the benefit of the public in attendance that WVID did not terminate the EWD irrigation supply agreement, EWD did. Based on Board discussion, it sounds like the Board is happy to amend the existing agreement but that based on discussions with EWD, they do not desire to do that. She stated that WVID cannot unilaterally amend or extend the agreement without EWD's consent.

In addition, in Section L, the second to last paragraph, the reference to 7,000 gallons should be changed to 700,000 gallons at build out.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel approving the minutes of the November 9, 2023, Regular Board Meeting, as amended.

G. ATTORNEY-CLIENT SESSION RELATIVE TO GRAN PARADISO HOA IRRIGATION LITIGATION

Ms. Whelan advised that the Attorney-Client Session was not needed at this time.

H. GENERAL DISTRICT MATTERS

1. Consider Resolution No. 2024-01 – Adopting Defense and Indemnification

Resolution No. 2024-01 was presented, entitled:

RESOLUTION 2024-01

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 provided a summary of this agenda item. As discussed at the last Board meeting, District staff has received a timely request for indemnification of Supervisor Meisel relative to an administrative complaint filed against him. Pursuant to the District's indemnification policy, the District may indemnify Board Members and staff for their actions taken in furtherance of their official public duties, so long as there is not egregious conduct.

Upon receipt of the indemnification request, the complaint was forwarded to the District's insurance provider for determination of coverage. The District's insurance coverage is applicable when an elected official is acting within the scope of their duties as a Board Member and if they are found to have not violated any laws. At the last meeting, Mr. Meisel requested that this resolution be tabled until that determination by the insurance company as to whether the actions were within his scope as a Board Supervisor.

The insurance company has since advised the District that their standard practice for all clients is to reserve the right to insure, subject to the Supervisor being found to have not violated the law. If the elected official has violated the law, no insurance is available. If they are found to not have violated the law, the insurance company will only then conduct an inquiry as to whether the actions at issue were within the scope of the elected official's role. So, essentially, they defer an inquiry into the "scope" question until the legal violation question has been resolved.

As a result, unfortunately, staff was not able to get any clarity or determination from the insurance company relative to whether they consider these actions to be within the scope of Mr. Meisel's public role.

At this point, the Board has two options: 1) make a determination on whether you think indemnification is appropriate based on whether you believe Mr. Meisel was acting within or outside his public role; or 2) continue to defer this resolution until the pendency of the administrative action, which may provide more clarity on these issues. If indemnity is provided at the conclusion of the complaint process, then it can be provided on a reimbursement basis, similar to how the insurance policy works.

A **MOTION** was made by Mr. Meisel to vote on the matter now.

That **MOTION** failed for lack of a second.

Mr. Lewis stated he would not vote to indemnify at present since the actions appeared to be outside of the scope of Mr. Meisel's role as an elected public official. He was fine to vote today on denying indemnification, but felt it may be more prudent and fair to wait until the conclusion of the complaint process, similar to the insurance company's process, as there may be more information on the topic of scope and other matters that results from that process.

A **MOTION** was made by Mr. Lewis, seconded by Ms. Masney deferring this matter until there is a determination from the Administrative Commission. Upon being put to a vote, the **MOTION** carried 4 to 0 with Mr. Meisel abstaining.

2. Consider Lobbyist/Consultant Agreement with Capital City Consulting, LLC

Ms. Whelan discussed that the Board in September directed District staff proceed with filing legislation to amend the District's special act to change the District's election process from a subjective calculation to a defined, numerical calculation that is not able to be disputed. She noted for the benefit of the public that the Board's direction to proceed with the legislative amendment was approved prior to the date that the urbanization lawsuit was filed.

To that end, the District has retained Capital City Consulting to lobby the state legislative and executive branches on its behalf. She explained that it is extremely difficult to get legislation passed in Tallahassee without the efforts of a lobbyist and indicated that lobbying is not her firm's area of expertise and so it is important to hire a professional lobbyist to shepherd the legislation through the legislative process.

District Counsel will coordinate lobbying efforts with Capital City Consulting in the event that there are any technical issues that legislators or legislative staff have that require Kutak Rock's assistance. She estimated that Kutak Rock's lobbying services would be minimal, if any, and likely less than \$5,000.

Due to the cost of the legislative amendment, staff is also suggesting hat additional provisions of the special act be reviewed and revised, namely removing the existing requirement that the City of North Port/Sarasota County approve all land acquisition transactions of WVID as this requirement is not normal for special districts of this type and is actually burdensome and costly for all government entities involved.

Another item that she wants the Board to consider including in the legislation is removing the City of North Port/Sarasota County consent requirement for the District's exercise of eminent domain within its boundaries. While the District presently has no desire to exercise eminent domain, removing this limitation is beneficial to the District's bonding rates, allowing us to get the most favorable tax-exempt rates that we can. This provision is also not normal for special district acts of this type.

At the request of the Chairman, Ms. Whelan responded to a question from the public on whether a lobbyist is required and stated that legally no, but functionally, it is extremely difficult to get legislation approved without lobbying assistance. She indicated that her experience lobbying assistance is always obtained relative to establishment and amendment of special district acts, and has previously been obtained for prior WVID boundary amendments.

Mr. Meisel indicated that he felt the Board was limited to paying \$60,000 for a lobbyist pursuant to a discussion at the September meeting based on Ms. Whelan's statement. Ms. Whelan indicated that she

was clear at that meeting that the amount she stated was a ballpark estimate based on amounts incurred related to prior boundary amendments. However since that meeting, a lawsuit was filed against the District relative to its urbanization calculation. Those boundary amendments were not subject to the same level of debate and attention as this matter is presently, and due to the current chaos within the District with litigation plus the timing between now and the 2025 session, so unfortunately the cost for lobbying services accordingly is increased. She discussed that the legislative team would work on this issue in the interim so that we are appropriately teed up for the 2025 session, as staff was not able to make all of the deadlines required for the 2024 session.

Mr. Meisel stated that he wanted to proceed with litigation instead of pursuing a legislative amendment.

Mr. Lewis inquired as to the length of the Capital City Consulting agreement and whether it reasonably tracks the 2025 legislation session. Ms. Whelan responded in the affirmative and explained the legislative process and timing between legislative sessions, that the 2023 and 2024 sessions were very close together but the 2024 and 2025 sessions are more than a year apart but that we need someone working on the District's behalf in the interim leading up to the 2025 legislative session. She indicated that the agreement timely terminates at the conclusion of the 2025 session.

Ms. Masney stated that she understood that authorization at the September meeting was to proceed with the legislative amendment and was not limited to cost, as Ms. Whelan merely provided an estimate of what legislative amendments for WVID cost historically for simpler boundary amendments. The Board concurred.

Mr. Meisel voiced his concerns regarding scope and feels that it is open ended to make any change that the lobbyists want to the special act. Ms. Whelan confirmed that the lobbyists were only going to pursue legislation on the topics that have been authorized by the Board. They are not going to include in the legislation, for example, the District's right to colonize Mars without the Board's consent and direction to do so. The only item currently authorized by the Board is the modification to the election method. Ms. Whelan further noted that she was seeking approval by the Board of the consent and eminent domain items discussed today to make most efficient use of District resources as these are items that have been long identified by staff as being inefficient and costly for the District and the local governments involved.

Mr. Meisel inquired with District Counsel as to whether the District was able to adopt a legislative amendment. Ms. Whelan explained that she was not a lobbyist but based on Florida Statutes and to her knowledge, the District is permitted to amend its special act by pursuing a legislation to do so.

A **MOTION** was then made by Mr. Lewis ratifying the agreement between Capital City Consulting, LLC and Kutak Rock LLP and to pursue modifying the District's enabling legislation to remove the City of North Port and Sarasota County consent requirements relative to the District's 1) land acquisitions and 2) exercise of eminent domain within its boundaries, in order to improve the administration of the District and other government entities. Ms. Masney seconded and upon being put to a vote, the **MOTION** carried 4 to 1 with Mr. Meisel dissenting.

3. Consider Representation from Kutak Rock, LLP in Connection with the Modification of the District's Enabling Legislation

This item was approved in the previously made **MOTION** above.

I. UNIT OF DEVELOPMENT NO. 1

1. Consider Ratification of Amendment to Solar Light Lease Agreement

Mr. Johanneman presented the agreement. In the original solar lighting agreement, the District agreed to the installation of 77 ISSL Plus solar light fixtures. Only 50 have been installed. The other 37 are in storage.

This Amendment changes the number of lights the Contractor will install on the District's property from 77 to 55. The other 22 will be installed on property owned by Lakespur at Wellen Park Homeowners Association, Inc. and Everly at Wellen Park Homeowners Association Inc. (11 each) at their expense, reducing the District's monthly lease payments.

A **MOTION** was made by Mr. Meisel, seconded by Mr. Lewis and passed unanimously rarifying the Amendment to the Solar Light Lease Agreement, as presented.

2. Consider Resolution No. 2024-02 – Authorization of RFQ to Prequalify Landscape Contractors

Resolution No. 2024-02 was presented, entitled:

RESOLUTION 2024-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST VILLAGES IMPROVEMENT DISTRICT APPROVING REQUEST FOR QUALIFICATIONS FOR PREQUALIFIED CONTRACTORS FOR DISTRICT CONSTRUCTION AND MAINTENANCE SERVICES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Johanneman advised that this resolution would approve an RFQ to update the list of prequalified contractors. He furthered that updating the prequalified list could only increase the prequalified vendors and does not affect the existing prequalified contractors previously selected by the District. Ms. Whelan added that the benefit of prequalifying contractors is that it saves time and money when you have a construction RFP when you already have a list of vendors that you've reviewed and have prequalified in accordance with Florida Statutes.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously adopting Resolution No. 2024-02, as presented.

3. Discussion Regarding New Paver Crosswalks at Playmore and West Villages Parkway Intersections

Mr. Licari stated that District staff recently received a request from a resident to install crosswalks at the above-referenced intersections due to safety concerns. The estimated cost is approximately \$50,000.

Mr. Luczynski suggested that the Board approve Playmore/Preto but wait on the West Villages Parkway/Playmore intersection and bring that matter back to the Board for consideration in approximately 15 months.

Mr. Meisel stated that he felt the crosswalks should be painted and not install pavers to accommodate safety concerns and the aesthetics of those crosswalks could be completed at a later date. Ms. Masney asked about

construction cost increases. The Board indicated that they are amenable to advance purchasing all of the pavers now if necessary to save on costs.

A **MOTION** was made by Mr. Luczynski authorizing the District Engineer to proceed with the intersection of Playmore/Preto at this time and deferring consideration of the West Villages Parkway/Playmore intersection until approximately 15 months from now. Mr. Lewis seconded and upon being put to a vote, the **MOTION** carried 5 to 0.

J. UNIT OF DEVELOPMENT NO. 3

1. Consider Amendment to Rate Study Agreement for Additional Services

Mr. Crosley presented the amendment to the GovRates agreement who is currently working on an Irrigation Rate Study for the District. After discussions with GovRates, the District expressed a desire to have them evaluate whether a tiered rate structure is recommended, to be based on the manner in which customers are receiving water from the District. This alternative would involve two separate classes receiving different rates, customers with their own pump stations and customers receiving service through a pressurized line.

Mr. Meisel stated that he did not support this increase because he would like to see what GovRates has today from a rate perspective before we dissect that to determine if there is any benefit or value.

A **MOTION** was made by Mr. Lewis, seconded by Ms. Masney approving the Amendment to the GovRates' Rate Study Agreement, as presented. Upon being put to a vote, the **MOTION** carried 4 to 1 with Mr. Meisel dissenting.

2. Review Chart of Survey of Irrigation Water Rates

Mr. Crosley presented a survey of public utility providers' current rates against WVID's current irrigation rates, which was requested by Mr. Lewis at a prior meeting. GovRates prepared the chart showing the requested research included in the agenda package.

Mr. Meisel asked why community meetings had not been scheduled on the irrigation rate study. Mr. Crosley advised that community meetings were to be scheduled once the rate study is further along. GovRates needs to finalize the structure of the proposed rates prior to making rate recommendations which necessitated the community education meetings discussed at prior Board meetings.

K. UNIT OF DEVELOPMENT NO. 6

1. Consider Work Authorization No. 3 Amendment 03 for Regulatory Assistance Services for Reuse Distribution System Florida Department of Environmental Protection Permit

Mr. Johanneman presented the amendment which extends the work authorization for Kimley-Horn's regulatory assistance services for reuse distribution system reporting to the Florida Department of Environmental Protection Agency for an additional year (10/1/23 to 10/1/24). The amendment will also increase the fees associated with the work authorization by \$100,000.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously approving Work Authorization No. 3 Amendment 03 for Regulatory Assistance Services for Reuse Distribution System Florida Department of Environmental Protection Permit, as presented.

2. Consider Agreement between the District and AMC Contracting, Inc. for Irrigation Distribution Line Repairs

Mr. Johanneman presented the proposed agreement between the District and AMC Contracting for construction services related to irrigation distribution line repairs serving the Stillwell at Wellen Park development. Mr. Johanneman stated that the District's involvement in these repairs were unique because of their proximity to District property and the potential issues that could result from failure/faulty workmanship, but that the project developer was going to fund the costs of this work.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously approving the agreement between the District and AMC Contracting, Inc. for irrigation distribution line repairs, as presented.

3. Consider Funding Agreement for Irrigation Distribution Line Repairs

Mr. Johanneman stated that this agreement would ensure funding by Stillwell at Wellen Park for the irrigation improvement repairs approved by the Board above.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the Funding Agreement for irrigation distribution line repairs, as presented.

L. UNIT OF DEVELOPMENT NO. 10

1. Consideration of Matters Related to Financing

Ms. Whelan stated that the District had previously established its Unit No. 10 which is the Village I development area, planned to be developed as the Palmera residential community, and the District is now starting the bond issuance process. For the benefit of the public, these proposed assessments and bonds do not affect existing developed properties. They only relate to currently undeveloped property owned by the master developer. The master assessment process will be kicked off today and we will come back in February to hold a public hearing on the approval of the master assessments.

a. Consider Preliminary Master Engineer's Report

Mr. Licari presented the preliminary Master Engineer's Report and went over the costs and scope and stated that the project costs were reasonable as to the size and scope of the project. He also noted that this was a two-phase project.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously approving the Preliminary Master Engineer's Report, as presented.

b. Consider Preliminary Master Assessment Report

Mr. Karmeris presented the Preliminary Master Assessment Report with charts and confirmed that the assessments were fairly and reasonably allocated to the benefitted properties.

Mr. Meisel asked whether there was an overall bonding plan for the District. Mr. Lewis stated that the District currently plans to issue bonds for each Village of development, but the amount is unknown and is based on the market and other conditions.

Ms. Whelan explained the concept of a master system of improvements to Mr. Meisel. Mr. Lewis indicated that it was important to note that the District has not issued bonds in any existing units, but rather the District has opted to establish new units of development so that it does not assess existing residents for continued public infrastructure development.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously approving the Preliminary Master Assessment Report, as presented.

c. Consider Resolution No. 2024-03 – Declaring Master Special Assessments

Resolution No. 2024-03 was presented, entitled:

RESOLUTION 2024-03

A RESOLUTION OF THE WEST VILLAGES IMPROVEMENT DISTRICT DECLARING SPECIAL ASSESSMENTS RELATIVE TO UNIT OF DEVELOPMENT NO. 10 WITHIN THE DISTRICT; INDICATING THE LOCATION, NATURE AND ESTIMATED COST OF THOSE INFRASTRUCTURE IMPROVEMENTS WHOSE COST IS TO BE DEFRAIDED BY THE SPECIAL ASSESSMENTS; PROVIDING THE PORTION OF THE ESTIMATED COST OF THE IMPROVEMENTS TO BE DEFRAIDED BY THE SPECIAL ASSESSMENTS; PROVIDING THE MANNER IN WHICH SUCH SPECIAL ASSESSMENTS SHALL BE MADE; PROVIDING WHEN SUCH SPECIAL ASSESSMENTS SHALL BE PAID; DESIGNATING LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED; PROVIDING FOR AN ASSESSMENT PLAT; ADOPTING A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR PUBLICATION OF THIS RESOLUTION.

Ms. Whelan indicated that this resolution declares the District's intent to levy and collect assessments to fund public improvements within Unit 10, as described in the Master Engineer's Report. The assessments will be made in proportion to the benefits received as set forth in the District's Master Special Assessment Methodology Report.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously adopting Resolution No. 2024-03, as presented.

d. Consider Resolution No. 2024-04 – Setting a Public Hearing on Master Assessments

Resolution No. 2024-04 was presented, entitled:

RESOLUTION 2024-04

A RESOLUTION OF THE WEST VILLAGES IMPROVEMENT DISTRICT SETTING A PUBLIC HEARING TO BE HELD ON

FEBRUARY 16, 2024, AT 10:00 A.M. AT THE CHAMBERS OF THE CITY OF NORTH PORT, 4970 CITY HALL BOULEVARD, NORTH PORT, FLORIDA 34286 FOR THE PURPOSE OF HEARING PUBLIC COMMENT ON IMPOSING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY WITHIN THE DISTRICT GENERALLY DESCRIBED AS THE WEST VILLAGES IMPROVEMENT DISTRICT UNIT OF DEVELOPMENT NO. 10 IN ACCORDANCE WITH CHAPTERS 170 AND 197, FLORIDA STATUTES, AND CHAPTER 2004-456, LAWS OF FLORIDA.

Ms. Whelan stated that this resolution sets a public hearing for 10 AM at February 16, 2024 at the City Commission Chambers, for the purpose of hearing public comments and objections to the proposed special assessment program for public improvements planned for Unit 10.

A **MOTION** was made by Mr. Buckley, seconded by Mr. Lewis and passed unanimously adopting Resolution No. 2024-04, as presented, setting the Public Hearing for February 16, 2024.

e. Consider Resolution No. 2024-05 – Authorizing Bond Validation

Cynthia Wilhelm, Bond Counsel with Nabors Giblin Nickerson, presented Resolution No. 2024-05, entitled:

RESOLUTION NO. 2024-05

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$120,000,000 WEST VILLAGES IMPROVEMENT DISTRICT CAPITAL IMPROVEMENT REVENUE BONDS (UNIT OF DEVELOPMENT NO. 10), IN ONE OR MORE SERIES; APPROVING THE FORM OF A MASTER TRUST INDENTURE; APPOINTING A TRUSTEE, REGISTRAR AND PAYING AGENT; APPROVING A CAPITAL IMPROVEMENT PROGRAM; AUTHORIZING THE COMMENCEMENT OF VALIDATION PROCEEDINGS RELATING TO THE BONDS; AND PROVIDING AN EFFECTIVE DATE.

Ms. Wilhelm advised that this resolution authorizes the District to proceed with the validation of not to exceed \$120,000,000 in Capital Improvement Revenue Bonds to finance the capital improvement plan set forth in the approved preliminary Engineers Report and appoints US Bank as Trustee. This resolution also sets the maximum amount of debt that can be issued in subsequent bond issuances in connection with this master trust indenture, which is attached as an exhibit.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously adopting Resolution No. 2024-05, as presented.

M. ADMINISTRATIVE MATTERS

1. District Engineer

There was no District Engineer Report at this time.

2. District Attorney

Ms. Whelan reported on the irrigation litigation, specifically that the District had an appellate oral argument scheduled for early December as previously reported to the Board. Thereafter the District received an order from the 2nd DCA that “per curiam affirmed” the preliminary injunction order, which means that while the court declined to overturn the trial court order, it did not provide the District with its rationale or reasons why it declined to overturn the preliminary ruling. Since the District did not get relief from the preliminary injunction order from the 2nd DCA, the next logical step is to get back in front of the trial court to seek to set aside the preliminary injunction order due to the April 2023 supplemental ratemaking hearing held by the District which both ratified the previously-imposed rates and re-adopted the 2018 rate study to remedy any alleged defect in noticing of the 2018 hearing, as well as re-adopted the current rates until the conclusion of the ongoing 2023 rate study, which the Board had authorized at the same time, so that the District has validly-adopted rates in place to enable it to continue to provide irrigation service to Wellen Park on a continuing basis until resolution of the litigation. Recall that the trial court order was a preliminary order, not a final order or ruling on the case between the GPHOA and WVID, and the injunction was only granted because Judge Carroll believed that there was a noticing defect in WVID’s original 2018 ratemaking hearing. So even though the District disputes that Sunshine Law claim, it has ultimately corrected any defect. As a reminder, none of the substantive issues relative to the litigation have been determined, and a trial is presently set for late summer 2024.

In regard to the assessment litigation, and as previously reported to the Board, the District has a Motion for Summary Judgment hearing scheduled for January 16th. Plaintiffs had recently filed a motion to continue that hearing, which was denied by Judge Brewer so that hearing date stands. The District has received a reservation of rights letter relative to this litigation whereby the insurance company has tentatively agreed to provide \$100,000 of insurance coverage pending how the pleadings materialize.

Additionally, with respect to the urbanization litigation, the District has timely filed an answer but otherwise there is no further update.

Mr. Meisel inquired as to who prepares the notices and coordinates advertising of the 2018 notes. Mr. Crosley responded that District staff coordinates the legal advertisements.

Mr. Meisel inquired as to what the process was if landowners and residents pursue recovery against District staff for improperly publishing notices. Ms. Whelan explained, pursuant to the District’s indemnification policy, both Supervisors as well as staff are to be indemnified for actions that they take in furtherance of their official roles. If an action is filed against staff, staff would seek indemnification by the District pursuant to that policy and their legal fees and any applicable judgments against them would be paid by the District.

Mr. Meisel inquired about the scope of the Kutak Rock and Special District Services’ insurance policy. Ms. Whelan stated that whether and to what extent Kutak Rock and Special District Services are insured is irrelevant to this inquiry since, as she just explained, District indemnification would be sought for actions taken by staff in connection with their work on behalf of the District.

3. District Operations’ Manager

Mr. Johanneman reported that the District was moving forward with the repairs of the GP guardhouse and roof.

4. District Manager

Mr. Crosley advised that the next meeting was scheduled for February 16, 2024.

L. BOARD MEMBER COMMENTS

Mr. Meisel asked if the March Board Meeting could be moved to a later date. The Board provided direction to staff to try to find another meeting date the third week of the month, if possible, and to provide an update at the February meeting.

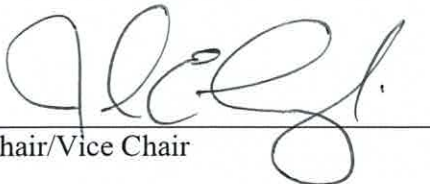
Mr. Meisel reviewed the Local Bill Policies and Procedures Manual and asserted that the document prevents amendment of WVID's special act relative to the revising of the District's election process and the fact that this is being pursued is an egregious oversight and the lobbying contract should be cancelled. Mr. Meisel also stated that he feels that attempting to change the District's turnover provisions from a subjective to an objective standard is being done to retain landowner-elected seats on the Board. Ms. Whelan stated that staff had already reviewed this issue and determined a legislative amendment was compliant with Chapter 189, F.S. and the District's enabling legislation, but she was happy to reach out to the lobbying team to review Mr. Meisel's inquiry and report back to the Board.

Mr. Luczynski commented that Mr. Meisel's statement was false when he stated that the proposed change to the WVID's enabling legislation was being done to benefit the developer by allowing longer control of the District Board. The change is needed to stop the foolishness that has occurred over the past years by endlessly debating when another seat should convert over to a resident based on a subjective calculation in favor of a clear, indisputable turnover requirement which stops the infighting and preserves District financial resources.

M. ADJOURNMENT

There being no further business to come before the Board, the Regular Board Meeting was adjourned at 12:25 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: January 11, 2024

Please print your name & address below.

Print Name **LEGIBLY**

Address/Company

Alana Galko Nick Galko	20473 Benisimo Drive, Venice
Kary & Jerry Winkler	23
Jim CRANSTON	20880 GRANLAGO DR. 60
NEIL BRADY	11799 ALESSANDRO LN.
Arthur Adams	19415 Solaresmo St.
Paul Maloney	13740 Yelma St.
Tim MATZ	11569 Tapestry Ln
Phil Shket	12537 Sunbeam
Val San Juan	2570 Sunset
ALEXANDRE	20870 GRANLAGO DR
Shawn Bray	20699 Granlago Dr
Larry Cobb	11583 Alessandro Lane
TOM DESAND	13897 KARNA ST
Bob Hughes	12560 Gibraltar Ct #101
VICTOR DOBRIN	20327 REALE CIR.
Tamara	Gran Fradiso
Bob & Sue Asher	20339 GRANLAGO Dr. V
Fred Pasquero	13349 Campanile Ct, Venice
BRUCE & GUYL THEUREN	19251 LAPPACIO ST VENICE

Good morning, my name is Paul Maloney and I would like to discuss two topics today:

First, fourteenth century philosopher William of Ockham posited that of two competing theories the simpler explanation is to be preferred.

In December, through social media, Mr. Meisel issued an almost 3,000-word criticism of the WVID and the City of North Port regarding irrigation water rates and de-annexation.

The truth of the matter is much simpler.

To date, the developer has provided over \$4.0 million dollars to subsidize the irrigation water rates. A recent consultant's study estimates this subsidy will continue for another 10 years before the irrigation water rate could be shared equitably among residents and businesses.

The fact the current rates must be subsidized is proof that the irrigation water rates are not excessive but are, in fact, inadequate.

Again, the public has been misinformed. Residents need to know the facts.

Second, in terms of Mr. Meisel's appearance before the Ethics Commission as I stated in a previous Board meeting, Mr. Meisel should not be indemnified with our tax dollars.

It is Mr. Meisel's actions as a private citizen that brings him before the Ethics Commission and not his work as a Board Supervisor. Mr. Meisel makes this abundantly clear in his social media posts where he states and I quote;

"I also need to clarify that this update is being made in my capacity as a resident and not as an elected representative of the West Villages Improvement District." "I am exercising my rights under the first amendment." There you have it: Mr. Meisel confirms, in his own words, that he is acting as a private citizen and not a Board member. This is an easy decision for the Board.

WVID Meeting, January 11th 2023

Good morning WVID Supervisor, Staff, ladies and gentlemen.

I am CDR Jim Cranston, from Gran Paradiso. I have come today to reiterate and implore the District Supervisors to vote against Resolution 2024-01, which would indemnify and pay for Mr. Meisel's legal defense expenses, against several ethics complaints, filed against him, with the Florida Commission on Ethics.

Taxpayer money should not be spent on actions Mr. Meisel has taken as a private citizen, against the WVID community, which he has sworn to support in December 2022. Here are 4 specific examples of his misbehavior:

1. He has falsely claimed, to Wellen Park security personnel, that he was a City of North Port official, in order to receive preferential treatment while on private property.
2. He is and has promoted secession (via WV4RG) and frivolous legal action against the very board of supervisors, to which he was elected.
3. Mr. Meisel has spread misinformation about funding instruments for the Water Treatment and Waste-water Treatment Plants.
4. As a "sworn fiduciary and supervisor" of WVID, he has undermined our community's development by:
 - a. Raising monies for litigation against WVID, and
 - b. Completely misrepresenting the "actual" costs of de-annexation to homeowners.

As an aside, ethics complaints that Mr. Meisel has called "frivolous", have already earned him an ethics violation from the Dec 6th Probable Cause Hearing at the FL Comm. on Ethics. Mr. Meisel continues his unethical misbehavior, in light of the fact that several more serious complaints, against him, are currently being deliberated by the FCE.

Our community deserves better ... a good, ethical public servant, who places the fiduciary interest of the WVID, Wellen Park and the West Villages, ... above his own agenda. When the Florida Commission on Ethics finds that Mr. Meisel's continued misbehavior is not befitting the public office to which he was elected, ... then HE must be personally held accountable for HIS actions and pay for HIS own legal defense.

THEREFORE, please vote "NO" on Resolution 2024-01, for the District should not indemnify Mr. Meisel for his activities as a private citizen and well outside the course and scope of his responsibilities as a District Supervisor.

Thank you for the opportunity to address you.

My best,

Jim Cranston, CDR/USN(Ret)
USCG Lic. Ship's Master
860-884-1233

Good morning, Board of Supervisors.

As a private citizen and resident of the West Villages Improvement District, I express my deep concern about the proposed approach to resolving the ongoing questions surrounding the fair calculation of the urbanization rate. My concern stems from the narrow definition of "urban area" being considered.

Urban areas are defined not only by housing lots, but also by the presence of key elements like access roads, commercial districts, medical facilities, government offices, and leisure/entertainment zones. Excluding these crucial aspects, as the current formula invented by the Board seems to do, could significantly underestimate the actual level of urbanization.

It's likely that including preserves, lakes/ponds would push the area outside residential developments to around 30%. If the Board's current formula remains unchanged, with its 12,000-acre denominator and potential 70% maximum numerator (achieved by excluding the aforementioned elements), the enabling legislation (HB 1557, Chapter 2004-556) determines a maximum of only three board seats ever being transferred to residents. Ultimately, the residential areas will be below 90% and residents permanently denied the fifth seat intended by the enabling legislation.

Furthermore, I believe the population density thresholds outlined in the legislation have already been met, indicating an urbanized area exceeding the 25% threshold. These facts make it clear: The proposed \$200,000 expenditure on lobbying and legal firms to alter existing laws and delay the fair transfer of WVID board seats is not only unfair to residents who will bear the financial burden via assessments, but also contradicts the very spirit of the enabling legislation.

Therefore, I strongly urge you to reconsider and stop this course of action and work towards a more accurate and inclusive definition of "urban area" that reflects the true character of our community. Let us ensure that the rightful representation of residents enshrined in the enabling legislation is not undermined.

Thank you for your understanding and consideration of this critical matter.

Sincerely,

A handwritten signature in blue ink that reads "Victor Tobac". The signature is fluid and cursive, with the first name "Victor" and last name "Tobac" clearly distinguishable.

01.11.2024