

**WEST VILLAGES IMPROVEMENT DISTRICT  
REGULAR BOARD MEETING & ATTORNEY-CLIENT SESSION  
MAY 9, 2024**

**A. CALL TO ORDER**

The May 9, 2024, Regular Board Meeting of the West Villages Improvement District (“WVID” or the “District”) was called to order at 10:03 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 April 26, 2024.

**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

Also present were City of North Port Commissioner Phil Stokes; WVID FEMA Consultant Erica Klevers; Michelle Krizen of Special District Services, Inc.; and those indicated on the attached sign-in sheet.

**D. DISCUSSION REGARDING PUBLIC DECORUM AT BOARD MEETINGS**

Chairman Luczynski read the District’s public decorum policy previously approved by the Board.

**E. COMMENTS FROM THE PUBLIC FOR ALL AGENDA ITEMS**

Cathy Hamby commented on the process that the District elects its Supervisors.

Rich Bando asked for an update on the status of the irrigation in Gran Paradiso, and inquired as to the daily allocation being delivered to the community and if the water was being turned off after the daily allocation. Mr. Bando also commented that the irrigation system that is operated by the Gran Paradiso POA was a mess, that timers on individual homes were not programmed properly and residents were taking their own responsibility to conserve irrigation water.

Victor Dobrin stated that he was commenting as a resident of Gran Paradiso and not in his capacity as President of the Gran Paradiso POA, and that in his opinion good things were happening by the cooperation with the WVID and GP POA. He stated that litigation will cost a lot of money for the whole District, and urged the Board to conserve fiscal resources relative to the litigation. Mr. Dobrin also commented that he understood there would be road resurfacing in Gran Paradiso on District owned roads and wanted to ensure that no repairs were duplicated on the roads that were improved in the recent past.

## **F. APPROVAL OF MINUTES**

### **1. March 5, 2024, Master Irrigation Presentation Workshop**

A **MOTION** was made by Mr. Lewis, seconded by Ms. Masney approving the minutes of the March 5, 2024, Master Irrigation Presentation Workshop, as presented.

### **2. March 21, 2024, Irrigation Rate Study Workshop**

A **MOTION** was made by Mr. Lewis, seconded by Mr. Buckley and passed unanimously approving the minutes of the March 21, 2024, Irrigation Rate Study Workshop, as presented.

### **3. April 11, 2024, Public Hearing & Regular Board Meeting**

Mr. Meisel stated the minutes of April 11, 2024, Public Hearing & Regular Board Meeting should be amended to reflect that he asked the question if it was possible to meter all withdraw points and the response was that no, all withdraw points are not metered at this time but a cost estimate could be completed to determine the actual cost.

A **motion** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously approving the minutes of April 11, 2024, Public Hearing & Regular Board Meeting, subject to Mr. Meisel's request for amendment.

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

The Attorney-Client Session was not needed at this time.

## **H. GENERAL DISTRICT MATTERS**

There were no General District Matters to come before the Board.

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

### **1. Consider Invoice for Talon Towing Regarding Sidewalk Damage**

Mr. Crosley explained that Talon Towing had damaged a District sidewalk while attempting to tow a large vehicle. The District sent two letters to Talon Towing to recover the repair expenses of \$4,524. A letter to Talon Towing was sent on March 15, 2024, and then after receiving no response, a second letter was sent on April 5, 2024, requesting Talon Towing to remit payment to the District within 10 days. There have been no responses to the letters and there have been no payments made on the invoice sent to Talon Towing. Mr. Meisel asked what the legal probability of success was to recover the money. Ms. Whelan explained that as with any matter, it was difficult to identify the probability of success because that requires a willing



party to settle. So assuming the District is able to achieve a quick settlement after a small claims' lawsuit is filed we may be able to recover for relatively little legal effort, but if they dig their heels in and force the whole small claims court process, those legal fees could be well in excess of \$4,500 and those legal fees are not recoverable from Talon Towing.

There was consensus of the Board to not attempt to recover the damage expenses. Mr. Luczynski recommended that the District send correspondence to the communities within the District regarding the situation that occurred between Talon Towing and the District, and copy Talon Towing, so that other customers within the community are aware. There was consensus of the Board to send the suggested correspondence.

## **2. Consider Change Order No. 9 between the District and DeMoya, Inc. for Wellen Park Boulevard Roundabout and US 41/State Road 45 Improvement Project**

Mr. Licari explained that this change order was due to quantities missing from the original bid document. Quantities such as mitered storm sewer end sections and truncated domes for sidewalks. This change order is an increase in the amount of \$16,500 which brings the total contract price to date of \$10,846,534.82.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Meisel and passed unanimously approving Change Order No. 9 between the District and DeMoya, Inc. for the Wellen Park Boulevard Roundabout and US 41/State Road 45 Improvement Project in the amount of \$16,500, as presented.

## **3. Discussion Regarding FEMA**

Ms. Klevers gave an update on the FEMA claim submission for costs incurred from Hurricane Ian. There have been multiple FEMA Program Managers assigned to the District's claim, which has greatly lengthened the timeline for submission. The District is prepared to submit the final application to FEMA during the week of May 12, 2024. There are two classifications for submission to FEMA. One classification is for damages on District owned assets inside of Gran Paradiso ("GP"), and the other is for assets owned by the District outside of GP.

GP provided invoices and insurance information in the amount of \$100,282.85 related to street lighting. Based on documents the District has received, five out of a total of six invoices that equaled \$62,434.65 were submitted by GP to its insurance company where GP received a payout of \$42,350.95. The remaining deductible of \$14,829 will be submitted to FEMA as part of the claim and could be approved as a reimbursement to GP. The remaining invoice in the amount of \$37,847.90, not included in GP's letter from their insurance company, Tower Hill, is not included in the District's claim because it is believed that those expenses are eligible for insurance by GP. There is no record that the District has received to determine if those expenses were submitted by GP to its insurance company.

Regarding street signs, GP provided five invoices that totaled \$57,760; however those invoices comingled expenses for each of the responsible parties and did not differentiate between District asset expenses and GP asset expenses. Three of the invoices did not include District assets at all. One invoice clearly states locations where work was completed and six of the locations on that invoice were determined to be the responsibility of the District. On the final invoice there was not enough information to be able to determine the responsible parties. The District intends to submit a claim for \$4,620 of the \$57,000 for street signs unless GP can provide detailed information identifying expenses that are only related to District assets. Ms.

Klevers expressed that the District has made multiple attempts to get additional information and backup documentation from GP in order to substantiate the GP portion of the FEMA claim to no avail, but that the District needs to file its submission by May 15<sup>th</sup>.

Mr. Luczynski stated that GP must get all required documentation needed to Ms. Klevers by May 13<sup>th</sup> in order to be included in the District's submission. Victor Dobrin, GP POA President, stated that he would work towards getting that deadline met. Jim Cranston offered assistance for hurricane preparedness.

The Board also discussed the benefit of prequalifying disaster-related contractors to expedite the FEMA process in the future. Staff agreed to coordinate to prepare the necessary project manuals.

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

### **1. Consider Resolution No. 2024-15 – Indemnifying District Counsel Whelan Regarding Irrigation Lawsuit**

Resolution No. 2024-15 was presented, entitled:

#### **RESOLUTION 2024-15**

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

Mr. Crosley explained that Ms. Whelan advised the District that she had received notice on April 10, 2024, of a Motion for Leave to File Second Amended Complaint filed in the Twelfth Judicial Circuit Court relative to the ongoing GPPOA litigation which requests to add her as a named defendant in her individual, personal capacity, alleging violations of law with respect to actions taken in her role as District Counsel. In compliance with Resolution 2016-08, within fourteen (14) calendar days after actual receipt of notice of the Motion, Ms. Whelan provided the District with a copy of the Motion and a written request for defense and indemnification by the District.

Mr. Meisel made a **MOTION** to table the item since the Court had recently ruled that Ms. Whelan was not permitted to be added as a named defendant in the GPPOA litigation. After further discussion with the Board regarding that the scope of this indemnification should relate to both defense of the filed motion as well as any future litigation filed alleging violations of law with respect to the same actions taken in her role as District Counsel, Mr. Meisel withdrew his **MOTION**.

A **MOTION** was made by Mr. Lewis, seconded by Mr. Luczynski adopting Resolution No. 2024-15, as presented. Upon being put to a vote, the **MOTION** carried 4 to 1 with Mr. Meisel dissenting.

### **2. Discussion Regarding Correspondence to/from Englewood Water District Regarding Termination of Reclaimed Water Agreement**

Ms. Whelan explained that based on discussions at the April Board meeting, and at the request of the Board, her office sent a letter to Englewood Water District ("EWD") requesting confirmation regarding the 2019 letter where EWD terminated the water supply agreement between the District and EWD, specifically whether the person who sent that letter was properly authorized to send the notice of termination. He stated that EWD's response is included in the agenda package.



Mr. Meisel responded that Ms. Whelan asked the right question in her letter, but he felt that the EWD response letter danced around answering that specific question and instead stated that the EWD supervisors were aware of Mr. Burrow's actions. He recommended that Ms. Whelan go back to EWD and ask them again to directly answer whether Mr. Burrows was authorized to send the letter.

Mr. Whelan explained that the letter from EWD's legal counsel essentially confirms that the EWD Board was aware that Mr. Burrows was sending a letter terminating the agreement, which was apparently discussed during EWD Board meetings, but if the District Board would like her to, she would be happy to go back to EWD's legal counsel to seek further clarification.

Mr. Luczynski asked Ms. Whelan to reach back out to EWD and specifically ask if Mr. Burrows was authorized to terminate the water supply agreement. He inquired whether we have received any water from EWD in April and Mr. Johanneman confirmed that the District has not received irrigation water from EWD after the effective date of the agreement termination.

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

### **1. Discussion Regarding District Wide Irrigation Water Allocations**

Mr. Licari reminded the Board that back in December 2023 the District sent a letter to the HOAs that purchase water from the District stating that due to significant impacts that the District is experiencing from lack of stormwater and lack of reclaimed water from EWD and Sarasota County, and due to a recent Southwest Florida Water Management District-imposed Phase I water restrictions order affecting the region, that WVID was taking proactive measures to conserve irrigation water and was holding all communities to their AGMOD allocation set forth in their irrigation agreements. In the letter, it was recognized that during the dry months, if a community needed additional water, that they should reach out to the WVID to discuss a plan to increase the amount of irrigation water they were receiving. The District has recently been in contact with Gran Paradiso, Preserve, Oasis, Renaissance and Tortuga to work out a plan for temporary increases of irrigation water for the short period of time until the rainy season begins, hopefully in late May or early June.

Mr. Licari explained that in order to stay in compliance with the District's Water Use Permit, communities need to manage their allocations each month, but they have to also manage a 12-month rolling average of irrigation water use. When a community exceeds their 12-month rolling average, the District needs to work with the community on their required water conservation plan to keep the District in compliance of its Water Use Permit. It is critical that communities conserve irrigation water during the rainy season so there is more available during the dry months. There was further discussion regarding drought allocations, peak month allocations, daily allocations, and Tier II charges.

District staff confirmed that all communities were being treated the same and being held to their AGMOD irrigation allocations. Mr. Crosley stated that many communities were in fact actually continuously operating under their budgeted AGMOD allocations.

Mr. Meisel stated that he felt that that District roadways were being overwatered based on residents reaching out to him on the topic. Ms. Whelan reiterated that the proper procedure when residents reach out to Board Supervisors on field-related matters is for the Supervisor to disseminate that information to the District's Operations Manager for him to investigate versus letting the Board know one month later when staff isn't able to either verify or contradict the observation. Following this process will allow the District to react to field-related matters in real time for the benefit of residents and landowners.

**L. UNIT OF DEVELOPMENT NO. 10**

**1. Consider Resolution No. 2024-16 – Ratifying Series 2024 Bonds**

Resolution No. 2024-16 was presented, entitled:

**RESOLUTION 2024-16**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST VILLAGES IMPROVEMENT DISTRICT RATIFYING, CONFIRMING, AND APPROVING THE ISSUANCE OF THE WEST VILLAGES IMPROVEMENT DISTRICT CAPITAL IMPROVEMENT REVENUE BONDS (UNIT OF DEVELOPMENT NO. 10), SERIES 2024 (ASSESSMENT AREA ONE); RATIFYING, CONFIRMING, AND APPROVING THE ACTIONS OF THE CHAIRMAN, VICE CHAIRMAN, TREASURER, SECRETARY, ASSISTANT SECRETARIES, AND ALL DISTRICT STAFF REGARDING THE ISSUANCE AND CLOSING OF THE WEST VILLAGES IMPROVEMENT DISTRICT CAPITAL IMPROVEMENT REVENUE BONDS (UNIT OF DEVELOPMENT NO. 10), SERIES 2024 (ASSESSMENT AREA ONE); DETERMINING SUCH ACTIONS AS BEING IN ACCORDANCE WITH THE AUTHORIZATION GRANTED BY THE BOARD; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Whelan presented the resolution, noting that it was post-closing ratification of staff's actions for the Unit 10 bonds that were issued on April 25, 2024.

A **MOTION** was made by Mr. Buckley, seconded by Mr. Meisel and passed unanimously adopting Resolution No. 2024-16, as presented.

Supervisor Lewis left the meeting at 11:23 a.m. and returned at 11:28 a.m. and was absent for this vote.

**M. ADMINISTRATIVE MATTERS**

**1. District Engineer**

- **Consider Ratification of Change Order No. 1 between the District and Ajax Paving for Playmore Road Resurfacing Project**

Mr. Licari presented Change Order No. 1 for the Playmore resurfacing project which increases the contract by the amount of \$33,040. The new total for the contract is \$319,844.

Mr. Licari also noted that an analysis of the costs for road resurfacing in Gran Paradiso would be prepared in order to compare the quotes received last year so a budget can be produced.

A **motion** was made by Mr. Buckley, seconded by Mr. Meisel and passed unanimously ratifying Change Order No. 1 between the District and Ajax Paving for the Playmore Road Resurfacing Project in the amount of \$33,040, as presented.

**2. District Attorney**



Ms. Whelan reported that the result of the hearing on the GPPOA's motion to amend its complaint to include additional defendants was already discussed earlier in the meeting. The only other GPPOA litigation update was that a hearing was held recently on the District's motion to compel the GPPOA to comply with the District's discovery requests. At that hearing, the judge ruled in favor of the District and the GPPOA is required to comply with the District's discovery requests by May 11, 2024.

She noted that there will be a similar hearing coming up on the Unit 6 assessment litigation regarding the Plaintiff's failure to comply with the District's discovery requests in that case as well.

With respect to the urbanization litigation, a two-day has been set which will occur between July 14-25, 2025.

Mr. Meisel asked if staff should prepare a preliminary urbanization calculation instead of presenting it at the Landowners Meeting in June. Ms. Whelan stated that staff's recommendation was not to perform the exercise of an urbanization calculation this year since the urbanization calculation done last year is under current litigation and did not seem to be a good use of District resources to prepare another urbanization report that is likely to be challenged. That would require the District to defend two lawsuits instead of just one. Ms. Whelan also commented that the statute requires an urbanization calculation to be done every five years, so the District is fully compliant with the statute in not preparing a report for 2024. Ms. Whelan also commented that last year the Board directed staff to pursue a legislative amendment to its enabling legislation and that amendment would revise the manner of calculation of the District's turnover of Board seats from the more subjective urbanization calculations to an objective concrete defined method so any additional urbanization reports are essentially moot while that legislative process plays out. Mr. Luczynski asked if any expenses associated with the urbanization calculation for the last three years could be tallied and reported to the Board at the next meeting.

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

- **Discussion Regarding Phase 1 South West Florida Water Management District Restrictions**

This item was previously discussed under agenda item K-1.

- **Discussion Regarding Metering of District Property**

Mr. Johanneman noted that, per Mr. Meisel's requests, staff was currently working on the exercise to determine the cost to install meters on all District-owned common areas. As previously discussed, currently the water consumed by the District is estimated by subtracting the amount of water going to individual communities from the total volume of irrigation water being utilized within the District.

Mr. Luczynski then asked if the irrigation water that irrigated the District lands could provide amounts used on specific common areas throughout the District. Mr. Licari responded no, the amount of water used by the District was in totality, not by individual roads or common areas. He explained that the exercise currently underway was to determine where new meters would need to be placed, how many were needed, and the cost for installation so that the District would be able to identify by each specific common area how much water was being utilized by the District.

Mr. Meisel stated that he did not feel that the exercise to meter the District's common areas was necessary if the total amount used by the District can be determined in the manner that Mr. Johanneman referenced. Mr. Luczynski stated that he agrees that the exercise was not necessary but staff was trying to accommodate Mr. Meisel's prior requests for the metering of District common areas.



Mr. Meisel asked for the total AGMOD allocation for the District lands, so there is accountability for the District since each community was being held to its AGMOD allocation. Staff stated that this information would be provided to Mr. Meisel, but that recently completed and acquired roadway right-of-way is in the process of being included so the calculation would be provided once updated by the District's hydrologist.

There was also discussion of different soil types in Florida, and the fact that some may offer a higher AGMOD allocation of irrigation water. Mr. Meisel requested that the District modify its SWFWMD Water Use Permit to state that a different soil type is present within the District in order to obtain a higher AGMOD for the development. Staff indicated that soil testing would have occurred at the time of SWFWMD permit issuance but that they will reach out to the District hydrologist to see if there are changed circumstances that may warrant a revision to the Water Use Permit. However, they cautioned that any change in the listed soil type should be supported by scientific testing.

#### **4. District Manager**

- **Records Management Memo and Form for Approval**

Mr. Crosley presented the records management memo which designates Todd Wodraska as the custodian of records and William Crosley as the District records management liaison officer.

- **Announce Landowners' Meeting – June 14, 2024**

Mr. Crosley announced the date of the upcoming annual landowners' meeting. After Board discussion on conflicting schedules, the June 14, 2024, Landowners Meeting date will be changed to a later date and will be communicated with the Board. In addition, the date change will be posted on the District's website.

- **Discussion Regarding Legal Fee Charges for Multiple Commission of Ethics Complaints**

Mr. Crosley stated that, at the direction of the Chair at the last meeting, staff researched the total cost for legal representation of the multiple complaints filed against WVID Supervisors and found that the expense to date is \$10,050. He stated that amount has been received as reimbursement by the District's insurance company.

#### **N. BOARD MEMBER COMMENTS**

Mr. Luczynski advised of a conversation he had with Todd Wodraska, President of SDS, regarding the district and operations management contract fees, staff levels, etc. and stated that since he has been on the Board, he was not aware of any update to the management contract. Mr. Wodraska is preparing an updated contract that will be considered by the Board in order to allow for any FY 24/25 budget considerations.

Mr. Luczynski then congratulated Commissioner Stokes and the City of North Port on its recent win in Court relative to the deannexation effort. Mr. Luczynski reminded everyone that the City of North Port was required pursuant to an agreement between the entities to reimburse the WVID and developer up to \$90,000,000 for the expenses collected by the City for roadway impact fees paid by builders for the construction of new homes. The total investment for the construction of these roads to date is \$119,302,510 and the District is to receive reimbursement in full before the developer receives any remaining impact fees. The developer has invested approximately \$70,000,000 and the District has invested \$52,486,000 in the construction of roadways. The District has received \$7,748,000 in impact fee reimbursements from the City to date pursuant to that agreement, which will be used for the construction of additional new public



infrastructure. WVID will at some point receive the remaining \$44,738,000, benefitting taxpayers within the District, and he noted that every penny of that remaining money would have been lost if the City had not prevailed in the deannexation Court case.

**O. ADJOURNMENT**

There being no further business to come before the Board, the Regular Board Meeting was adjourned at 12:00 p.m. on a **MOTION** made by Mr. Luczynski, seconded by Mr. Buckley and passed unanimously.

  
Secretary/Assistant Secretary

  
Chair/Vice Chair





Cathy Hamby  
Gran Paradiso

In the WVID Board meeting April 11, the process of electing the WVID Board members was discussed. Ms. Whelan stated her office submitted the draft wording for the legislation to the lobbyist for creating a final product and submission to a member of the next legislative session.

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Since it is our money paying Ms. Whelan's company as well as the lobbyist, we should be able to review the communication and the draft legislation, as well as the final product from the lobbyist before contacting any FL legislator. I request that this proposed legislation be posted to the WVID website for full disclosure.

This legislation should be for the benefit of the residents of WVID, not the developer.