

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

A Public Hearing and Regular Meeting of the Board of Supervisors of the WildBlue Community Development District were held on Thursday, August 23, 2018 at 10:00 a.m., at Lennar Homes, 10481 Six Mile Cypress Parkway, Fort Myers, Florida 33907.

Present at the meeting were:

| | |
|--|---------------------|
| Russell Smith | Chair |
| Christopher Hasty | Vice Chair |
| Barry Ernst | Assistant Secretary |
| Chris Johnson (<i>via telephone</i>) | Assistant Secretary |
| David Caldwell | Assistant Secretary |

Also present were:

| | |
|---|------------------------------------|
| Craig Wrathell | District Manager |
| Cindy Cerbone | Wrathell, Hunt and Associates, LLC |
| Jonathan Johnson (<i>via telephone</i>) | District Counsel |
| Wes Kayne | Interim District Engineer |
| Nathan Black | Member of the Public |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 10:03 a.m. Supervisors Smith, Hasty and Ernst were present, in person. Supervisor Johnson was attending via telephone.

- **Administration of Oath of Office to Mr. David Caldwell: SEAT 1 (*the following to be provided in separate package*)**

This item, previously the Third Order of Business, was presented out of order.

Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Caldwell and provided the items listed under the Third Order of Business, which Mr. Caldwell was already familiar with.

SECOND ORDER OF BUSINESS

Public Comments

Mr. Nathan Black stated he was excited about the growth happening around Corkscrew Road, wanted to learn more about this community since it is quickly taking shape and was interested of future growth in the years to come. He is familiar with the land development process and works closely with Florida Gulf Coast University.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Mr. David Caldwell: SEAT 1 (*the following to be provided in separate package*)

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**

- **Form 1: Statement of Financial Interests**
- **Form 1X: Amendment to Form 1, Statement of Financial Interests**
- **Form 1F: Final Statement of Financial Interests**

Form 8B - Memorandum of Voting Conflict

This item was presented following the First Order of Business.

FOURTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Adoption of the District's Final Budget for Fiscal Year 2018/2019, Pursuant to Florida Law

- A. Affidavit/Proof of Publication**

Mr. Wrathell presented the affidavit of publication.

- B. Consideration of Resolution 2018-33, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. Wrathell presented the proposed Fiscal Year 2019 budget and reviewed line item adjustments over Fiscal Year 2018. Certain Engineering activities, such as the Engineer's Report and items related to the construction will be paid through the bond Costs of Issuance (COI); he expected bonds to be issued during calendar year 2019. Mr. Smith stated the bonds might possibly be issued sooner than 2019 and will discuss it later.

▪ **Consideration of ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit**

******This item, previously item 9.C.i., was presented out of order.******

Mr. Wrathell provided an overview of the budget “ADA compliance” line item, which is noted on the agenda as Item 9Ci. Numerous CDDs and other entities were sued because their websites were not compliant with the Americans with Disabilities Act (ADA). Management worked with the District’s insurance carrier, who is providing coverage and defense for those Districts that were sued. Although this District has not been served, Management engaged an ADA compliance firm, at a negotiated annual rate of \$199 per District, to bring its CDD websites into compliance. An ADA Site Compliance Shield and Accessibility Policy were added to the website explaining that work is underway to bring the site into compliance.

Discussion of the Fiscal Year 2019 budget resumed.

Mr. Wrathell stated the District is Landowner-funded, meaning the Landowner provides funding, as expenses are incurred. Once bonds are issued and some platted lots are sold, assessments for those properties would then be placed on the tax rolls.

Mr. Wrathell opened the Public Hearing.

No members of the public spoke.

Mr. Wrathell closed the Public Hearing.

Mr. Wrathell presented Resolution 2018-33.

On MOTION by Mr. Smith and seconded by Mr. Caldwell, with all in favor, Resolution 2018-33, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Fiscal Year 2018/2019 Budget Funding Agreement

Mr. Wrathell presented the Fiscal Year 2018/2019 Budget Funding Agreement. Mr. Caldwell asked how often the Landowner was required to fund the budget. Mr. Wrathell stated that funding requests are typically submitted monthly or on an as needed basis. Mr. Caldwell

asked if the statement “The parties hereto recognize that Developer is responsible for expenditures of the District in the FY 2019 Budget”, in the first paragraph, on Page 4, was correct. Mr. Wrathell stated it was a correct statement, since the District has no other lot owners at this time and is relying on funding from the Developer. Mr. Johnson recommended approving the Agreement, in substantial form, to allow the Landowner and his Counsel to make the necessary changes between Developer and Landowner within the document. The following change was made:

Throughout document: “Developer” to “Landowner”

On MOTION by Mr. Smith and seconded by Mr. Caldwell, with all in favor, the Fiscal Year 2018/2019 Budget Funding Agreement, as amended and in substantial form, subject to revisions by the Developer, and authorizing the Chair to review the revisions and execute the Agreement, were approved.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2018-34, Adopting the Annual Meeting Schedule for Fiscal Year 2018/2019

Mr. Wrathell presented Resolution 2018-34. Mr. Caldwell stated he would not be attending the November meeting. Mr. Smith suggested changing the annual meetings location, date and time to the same day as the WildBlue project meetings held at the offices of Barraco and Associates, on Thursdays, since all interested parties would already be in attendance.

The following changes were made to the Fiscal Year 2018/2019 Meeting Schedule:

Meeting Day: Change to first Thursday of each month

Meeting Time: Change to 11:00 a.m.

Meeting Location: Change to Barraco and Associates, 2271 McGregor Blvd, Suite 100, Fort Myers, Florida 33901.

On MOTION by Mr. Ernst and seconded by Mr. Caldwell, with all in favor, Resolution 2018-34, Adopting the Annual Meeting Schedule for Fiscal Year 2018/2019, as amended, was adopted.

SEVENTH ORDER OF BUSINESS**Approval of Unaudited Financial Statements as of July 31, 2018**

Mr. Wrathell presented the Unaudited Financial Statements as of July 31, 2018. The Landowner/Developer could be reimbursed from the bonds for Debt Service Fund expenses relating to legal costs and the preparation of the Engineer's Report. He explained the process of reimbursing the Developer, through the Advanced Bond Financing Team Funding Agreement, for certain costs; although, he was unsure whether the Landowner, as successors to the Developer, could be reimbursed those costs. Mr. Johnson stated any reimbursement to the Landowner would depend on whether the Agreement was assigned and included from the seller to the buyer. Mr. Smith believed it was part of the Agreement, since the seller submitted a thorough, itemize expense list to which they were reimbursed in full. This will be addressed once bonds are issued.

On MOTION by Mr. Caldwell and seconded by Mr. Smith, with all in favor, the Unaudited Financial Statements as of July 31, 2018, were approved.

EIGHTH ORDER OF BUSINESS**Consideration of May 24, 2018 Regular Meeting Minutes**

Mr. Wrathell presented the May 24, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 27: Delete "David Caldwell" and "Lennar"

Line 22: Add "(via telephone)" after ""Sealy"

On MOTION by Mr. Ernst and seconded by Mr. Smith, with all in favor, May 24, 2018 Regular Meeting Minutes, as amended, were approved.

NINTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: *Hopping, Green & Sams, P.A.***

There being nothing to report, the next item followed.

B. District Engineer: *Barraco and Associates, Inc.*

There being no report, the next item followed.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

i. Consideration of ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit

This item was presented during the Fourth Order of Business.

On MOTION by Mr. Smith and seconded by Mr. Caldwell, with all in favor, ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit and Management’s previously taken actions related to making the CDD website ADA-compliant, were ratified, and authorizing Management to take immediate steps to make the website compliant with previously drafted Department of Justice ADA-related rules, was approved.

ii. NEXT MEETING: September 28, 2018 at 10:00 A.M.

The next meeting will be on September 28, 2018 at 10:00 a.m. This meeting may be cancelled if it is not necessary.

TENTH ORDER OF BUSINESS

Board Members’ Comments/Requests

Mr. Smith directed Mr. Wrathell to obtain proposals for bond underwriting services from MBS Capital Markets, LLC, Mr. Brett Sealy’s office, and Mr. John Kessler’s firm..

Mr. Smith asked for the status of issuing the bonds. Mr. Johnson stated the bonds were validated at \$46 million; he would circulate the Final Judgment entered by the Court. In response to a question, Mr. Wrathell confirmed that the Master Assessment Methodology Report was included as part of the bond validation process. Mr. Smith asked if the CDD was required to revalidate the bonds, as well as amend the Assessment Methodology, since the site plans changed radically. Mr. Johnson stated if \$46 million was enough to cover the changes, he did not recommend revalidating the bonds. It would be necessary if items were added to the list of improvements that were not included in the original validation; otherwise, only the Assessment Methodology Report would need to be revised, under the existing validation cap. Mr. Smith will review the improvement list to confirm what is required and provide Mr. Wrathell the updated product mix so the Methodology can be revised. Mr. Wrathell stated the

Master Assessment Methodology Report assumed financing 100% of the improvements and that there was a distinct possibility of the product mix changing; he expected that the assessment caps will not be an issue.

Mr. Smith asked if the boundary amendment included the big northern recreational lake and excluded the commercial parcel. Mr. Johnson replied affirmatively. Mr. Smith stated Pulte requested its southern recreational lake be included within the CDD’s boundaries. Mr. Smith will forward Mr. Mike Unicon’s contact information to Mr. Johnson, so that Pulte’s request can be included in the revised boundary amendment and, if not already included, also include the “Farm Field”, 107 acre lake on the southwest corner of the property, known as Lake Cresette, within the boundaries of the CDD, which is to be maintained by the CDD.

After further review of outstanding items, Mr. Smith will advise Mr. Wrathell when to issue bonds, which he most likely expects to occur by the end of December 2018. Mr. Wrathell will present the Underwriter proposals at the next meeting. Those properties that are not assessed will likely be excluded from the Methodology Report, with an explanation noting the area is in the process of a boundary amendment.

In response to the question of posting documents on the website, Mr. Wrathell stated the CDD’s website will contain only statutorily required documents in a format that is ADA compliant. The agenda package, which is posted on the website, includes the Methodology Report. The following change will be made to the website:

Chris Hasty: Change “Vice Chair Chair” to “Vice Chair”

ELEVENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

TWELFTH ORDER OF BUSINESS

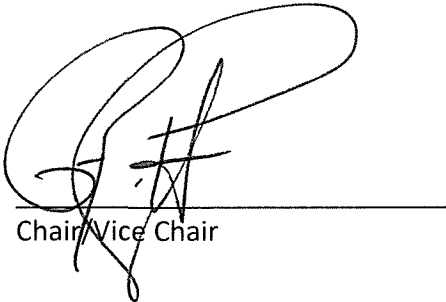
Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Caldwell and seconded by Mr. Smith, with all in favor, the meeting adjourned at 10:40 a.m.



Secretary/Assistant Secretary



Chair/Vice Chair