

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Public Hearing and Regular Meeting on September 1, 2022 at 10:00 a.m., at the offices of Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present were:

Chris Hasty	Vice Chair
Barry Ernst	Assistant Secretary
Aaron Milosevic	Assistant Secretary
Chris Johnson (via telephone)	Assistant Secretary

Also present, were:

Chuck Adams	District Manager
Wes Haber (via telephone)	District Counsel
Carl Barraco	District Engineer
George Cingle	Resident
Roseann Duffy	Resident
Ron Duffy	Resident
Kristi Houston	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:07 a.m. Supervisors Hasty, Ernst and Milosevic were present, in person. Supervisor Johnson was attending via telephone. Supervisor Smith was not present.

SECOND ORDER OF BUSINESS

Public Comments

Resident George Cingle suggested that the Board incorporate the American flag and the Pledge of Allegiance at meetings. He expressed his disagreement with Mr. Kayne's comment in meeting minutes from a prior meeting that erosion is inevitable. He believes proper engineering could prevent erosion and benefit the community.

THIRD ORDER OF BUSINESS

**Public Hearing on Adoption of Fiscal Year
2022/2023 Budget**

A. Proof/Affidavit of Publication

The proof of publication was included for informational purposes.

B. Consideration of Resolution 2022-06, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Adams presented Resolution 2022-06. He reviewed the proposed Fiscal Year 2023 budget, which was unchanged since last presented and keeps assessments flat, year-over-year.

Mr. Adams opened the Public Hearing.

Resident Roseann Duffy asked Mr. Adams to explain the reduction in the “Conservation area maintenance” line item noted in the minutes from a prior meeting. Mr. Adams stated a contract was recently awarded and overall costs were reduced because monitoring and reporting is less intense than when development began. EarthBalance took over from Sand Hill, the previous environmental contractor. SOLitude is the lake maintenance contractor and manages the lakes.

Mr. Cingle asked if the Engineering contract is renewed on an annual basis. Mr. Adams stated it is an ongoing services agreement; fees might be amended from time to time.

Ms. Duffy asked where the funds for lake bank erosion repairs come from. Mr. Adams stated the expenses are paid from the assessments levied, including Builder and Developer-owned lots.

Ms. Duffy and Mr. Cingle discussed their belief that the Developer should pay for lake erosion issues. Mr. Adams stated the CDD cannot make improvements on private property; CDD improvements will be on lake tracts owned by the CDD. Property owners maintain their private property all the way down to the water’s edge, as part of the Covenants and Deed Restrictions; however, the CDD repairs reoccurring erosion. The CDD is working with the Developer to address similar erosion repairs, where necessary.

Erosion and CDD improvements were discussed.

Mr. Adams stated the CDD will not make repairs, from the downspouts and down; those repairs need to be addressed with the Developer. The CDD will address erosion repairs at the water's edge and the Builders have committed to solve the problem at new sites but nothing has been discussed for up the bank from there.

Mr. Cingle discussed his belief that, while new homes built by Pulte included features designed to eliminate erosion, Pulte should also address issues between existing homes. He felt that a partial solution for new homesites only that does not address past erosion is inadequate and that the entire system needs to be included in the design.

Mr. Adams stated that erosion generally begins at the lake's edge and, over time, works its way up the bank; the CDD addressing stormwater runoff will slow the velocity of water's entrance into the lake edge. Mr. Cingle discussed his experience with erosion and issues created by runoff and stated his opinion that the Developer has the responsibility to address the issue. He asked who will guarantee the system will work for existing homeowners.

Mr. Barraco stated he met with representatives of the three Builders and proposed some remediation options that were agreed upon. He reiterated that the CDD can only make repairs on CDD property. The Builders and Developers would address those issues but, going forward, the CDD can only address issues within its control. Remediation will not begin until the dry season, when water recedes and work can be done properly. As the CDD performs maintenance, issues will be addressed as they are identified. The CDD cannot go on private property or assign responsibility to the homeowner or the Builder; the CDD can only maintain its facilities and require repairs when CDD facilities are damaged. So far, there is cooperation between the CDD, the Builders and the Developer and it makes no sense to perform lake bank remediation if underlying issues have not been addressed. Issues are addressed on a case-by-case basis and new issues arise every year, such as broken sprinkler heads and pool overflow drains. Awareness of the use of CDD funds is taken into consideration when addressing remediation and maintenance and issues are presented to the appropriate parties. He respectfully disagreed with Mr. Cingle's belief that erosion is preventable, given the powerful forces of nature.

Areas of CDD responsibility and issues to be addressed before turnover were discussed.

Resident Kristi Huston asked if private homeowners can run French drains down into the lake. Mr. Adams stated the CDD generally does not have an issue with that, provided the CDD approves it in advance to ensure there is no negative impact. Mr. Haber stated homeowners must obtain approval in advance to allow for the Engineer to ensure compliance with permits and work cooperatively with the homeowner.

Remediation, water management features and stormwater ponds were discussed.

Resident Ron Duffy asked why the Builders are not required to address these issues if the CDD is responsible for the resulting issues. Mr. Barraco stated the stormwater management system was inspected before construction began.

Discussion of ongoing construction and the CDD's role in addressing issues ensued.

Mr. Barraco stated, during dry season when maintenance is being addressed, the CDD will identify and address the sources of erosion. Mr. Adams noted that enforcement by the Master Association might be necessary.

Discussion ensued regarding plant replacements once erosion abatement is complete.

Mr. Adams stated the best avenue for homeowners desiring more plantings is to work with the CDD's contractor within the accepted guidelines.

Littoral plantings and responsibility for lake management were discussed.

Mr. Haber left the meeting at 10:42 a.m.

Mr. Barraco stated construction completed to date was inspected by the District Engineer, the County and the South Florida Water Management District (SFWMD) to ensure compliance with the plans, including the littorals.

Mr. Adams responded to questions about reserves and use of fund balance, and noted that catastrophe response will be covered by excess fund balance.

Mr. Adams closed the Public Hearing.

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, Resolution 2022-06, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2022-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Mr. Adams presented Resolution 2022-07. Although the Resolution outlines an off roll billing component, all assessments are on roll.

Mr. Adams opened the Public Hearing.

Mr. Cingle asked for the name of the Trustee. Mr. Adams stated U.S. Bank is the Trustee and the Underwriter is FMS Bonds.

Mr. Adams closed the Public Hearing.

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, Resolution 2022-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

Mr. Haber rejoined the meeting at 10:50 a.m.

FIFTH ORDER OF BUSINESS

Update: Erosion Issues

This item was discussed during the Third Order of Business.

Mr. Adams stated a follow up conference call was held to understand each of the three Builders' decisions regarding the three options proposed by Mr. Barraco. The options were a spreader berm, installation of erosion material known as "coco mat" and a collection berm with

underground piping. Pulte and Stock elected to install coco mat and Lennar elected to install a spreader berm. He discussed the planned remediations and similar approaches and results taken in other CDDs and responded to questions. The CDD will implement spreader berms for repairs for existing Lennar homes at the appropriate time.

Discussion ensued regarding erosion observed, timing of repairs and safety issues.

Mr. Barraco asked for the exact locations of the issues noted and stated he will inspect these areas. He discussed the differences between the wet and dry seasons and noted that the CDD needs to be informed whenever work is being done at the lake banks.

Discussion ensued regarding specific properties to be inspected and remediated.

SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2022

Mr. Adams presented the Unaudited Financial Statements as of July 31, 2022.

The financials were accepted.

SEVENTH ORDER OF BUSINESS

Consideration of June 2, 2022 Regular Meeting Minutes

Mr. Adams presented the June 2, 2022 Regular Meeting Minutes. He stated Mr. Cingle’s comments regarding Mr. Kayne’s comment would be reflected in the meeting minutes of today’s meeting but no adjustment to the previous minutes is needed because the statement was accurate as it was made.

On MOTION by Mr. Milosevic and seconded by Mr. Ernst, with all in favor, the June 2, 2022 Regular Meeting Minutes, as presented, were approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock LLP*

Mr. Cingle asked how Board seats will be filled when the terms expire. Mr. Adams stated that 2024 will be the first year that two Seats go to the General Election process and one seat

will be Landowner-elected. Information regarding the upcoming Landowners’ Election in November is published on the CDD website. A Landowner can cast one vote per lot or per acre, per Seat. Nominations and votes will be made at the Landowners’ Meeting and proxy forms are also available. The standard term is four years.

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

There was no report.

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

Mr. Adams stated the Stormwater Management Needs Analysis Report was filed before the deadline.

- **NEXT MEETING DATE: October 6, 2022 at 10:00 A.M.**
 - **QUORUM CHECK**

The next meeting will be held on October 6, 2022, unless canceled.

NINTH ORDER OF BUSINESS

Board Members’ Comments/Requests

There were no Board Members’ comments or requests.

TENTH ORDER OF BUSINESS

Public Comments

Regarding the CDD assessments, Mr. Cingle suggested the CDD help residents understand what the assessment includes, particularly, the debt service portion of the assessment. Mr. Adams suggested he direct residents to the CDD website and the last page of the budget, which shows detailed information regarding the budget and assessments. The CDD does disseminate information, via the HOA, and another Town Hall meeting might be scheduled in early 2023 to coincide with the grand opening.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Milosevic and seconded by Mr. Ernst, with all in favor, the meeting adjourned at 11:14 a.m.


Secretary/~~Assistant Secretary~~


Chair/~~Vice Chair~~