

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on November 21, 2022, immediately following the adjournment of the Continued Landowners' Meeting scheduled to commence 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
Doug Tarn	BAI
Numerous Homeowners	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:39 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

It was agreed that the public comments would be heard near the end of the meeting.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors [SEATS 1, 2 & 3] *(the following to be provided in a separate package)*

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Hasty, Mr. Ernst and Mr. Milosevic. All were familiar with the following items:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
- B. Membership, Obligations and Responsibilities
- C. Financial Disclosure Forms
 - I. Form 1: Statement of Financial Interests
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests
 - III. Form 1F: Final Statement of Financial Interests
- D. Form 8B – Memorandum of Voting Conflict

Mr. Haber stated he will circulate a memorandum about Form 8B, which essentially specifies that the Board Members are representatives of the Landowner and, pursuant to provisions of Florida Statutes Chapters 190 and 112, they are permitted to vote on the various items that come before them that entail the involvement of that Landowner. Once executed, Form 8B should be sent to Management for the District’s records.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2023-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date

Mr. Adams recapped the results of the Landowners’ Election, as follows:

Seat 1	Aaron Milosevic	1,751 votes	4-year Term
Seat 2	Christopher Hasty	1,751 votes	4-year Term
Seat 3	Barry Ernst	1,750 votes	2-year Term

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, Resolution 2023-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the WildBlue Community Development District, and Providing for an Effective Date

Mr. Adams presented Resolution 2023-02. Mr. Ernst nominated the following slate:

Christopher Hasty	Chair
Barry Ernst	Vice Chair
Chuck Adams	Secretary
Aaron Milosevic	Assistant Secretary
Chris Johnson	Assistant Secretary
Russell Smith	Assistant Secretary
Craig Wrathell	Assistant Secretary

No other nominations were made. Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION by Mr. Ernst and seconded by Mr. Hasty, with all in favor, Resolution 2023-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the WildBlue Community Development District, as nominated, and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Transfer of Surface Water Management System Permit from Construction to Operation and Maintenance

Mr. Haber explained that, by virtue of the plats that have been approved, there has been a transfer of dedication of the easements and maintenance responsibility for the stormwater system in the community to the CDD. At previous meetings, there were motions approving the transfer of the permit for the stormwater system from the Developer to the CDD. The South Florida Water Management District (SFWMD) changed the way the permit is transferred so, rather than transferring the permit in phases, it is transferred all at once. Resolution 2023-03 facilitates authorizing the final step of transferring the permit.

Mr. Barraco confirmed that the SFWMD changed its policy and Staff is still certifying permits by phase but the new policy requests a final certification encompassing all the phases. Once the matter of a bond is completed, the final certification will be issued.

- **Consideration of Resolution 2023-03, Expressing its Intent to Accept the Permit for and Operate and Maintain the Water Management System in Accordance with the Same; Providing for Severability and an Effective Date**

Mr. Adams presented Resolution 2023-03.

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, Resolution 2023-03, Expressing its Intent to Accept the Permit for and Operate and Maintain the Water Management System in Accordance with the Same; Providing for Severability and an Effective Date, was adopted.

- **Construction Completion Certification (Environmental Resource Permit No. 36-05075-P)**

This item was not addressed.

SEVENTH ORDER OF BUSINESS

Consideration of Acceptance of Deeds and Easements for Stormwater and Conservation Parcels

Mr. Haber stated the Deeds for the Stormwater and Conservation Parcels were prepared by District Counsel’s office, in coordination with the District Manager, to identify the areas to be conveyed to the CDD. The documents must still be transmitted to the various Landowners for review and they will ultimately execute the deeds and deliver them to the CDD. He recommended approval in substantial form and authorizing the Chair to finalize the acceptance of the deeds, subject to review by the various Landowners identified in the deeds.

- A. Quit Claim Deed from the WildBlue Master Property Owners Association, Inc.**
- B. Special Warranty Deed for Various Parcels from SD WildBlue, LLC**
- C. Special Warranty Deed for Various Parcels from Lennar Homes, LLC**
- D. Special Warranty Deed for Various Parcels from Pulte Home Company, LLC**
- E. Partial Assignment of Easements from the WildBlue Master Property Owners Association, Inc.**

On MOTION by Mr. Hasty and seconded by Mr. Ernst, with all in favor, Documents A through E, the Deeds and Easements for Stormwater and Conservation Parcels, in substantial form, and authorizing the Chair to finalize and execute, subject to review by the various Landowners identified in the deeds, were approved.

Mr. Barraco gave the following update:

- After Hurricane Ian, Staff toured the site, including the entire perimeter of all lakes, and prepared the WildBlue CDD Retaining Wall Damage Exhibit.
- Staff photographed and documented the damages to the retaining wall.
- There is approximately 6,400 total linear footage of wall damage and 5,350 linear feet of total major damage.
- The maps will be converted to a computer format and posted on the CDD website.
- The two colors on the legend delineate the difference between the major damage and minor damage areas.

Mr. Barraco read the following note from the report into the record:

“This exhibit is intended to document the location of the retaining wall which may be structurally-damaged by Hurricane Ian, other damage including but not limited washouts, land of the retaining wall, erosion around the retaining wall were visible but slight, non-structural changes in the wall alignment are not exhibits.”

Discussion ensued regarding the data maps, major damage versus minor or “light” damage areas, total linear feet of the entire area, repair costs, 60% damage to the lakes, survey locations, Indigo Lake, Latitude Lake and which entity is responsible for repairing the damages.

Mr. Adams stated that Mr. Haber researched the statutes and the documented damages qualify as an emergency of procurement, which allows the CDD to bypass the lengthy sealed bid process. Staff received one proposal and is currently working with Lennar to secure better proposals, which will be presented at the January meeting. Asked about the bid received, Mr. Adams stated the cost is approximately \$500 per linear foot, which is exorbitant. Staff hopes to have the work started in the first quarter of 2023. Another bond issue will be necessary and assessments will have to be levied over all units that the original assessments were spread over and to the same criteria. The retaining wall damage is compounded by erosion on every single lake that was present before the storm. The CDD planned to address what was mostly on the property lines of every home on the stormwater/ exterior ponds. There was nothing regarding the recreational ponds at that time but that has changed. All repair work will be covered by the bond issue. Lennar will do construction administration at no charge to the CDD and Mr.

Barraco, as the District Engineer, will be involved in reviewing plans, doing walk-throughs and inspecting the work as it is performed and will sign off and be a part of the acceptance process.

Mr. Barraco stated erosion repairs on the smaller lakes, not caused by the storm, must be done in the dry season, when the water levels decrease; there must be a waiting period to make sure the repairs are completed properly.

The residents in attendance voiced their concerns and frustrations regarding the extensive Hurricane Ian damage, responsibility for erosion repairs and what they perceive as a flawed design of the seawall and posed the following questions:

Regarding what entity is responsible for the repairs, Mr. Adams stated the CDD is responsible and, as a part of that work, some preventative measures will be installed and most of the work that the CDD will be doing will include a spreader berm.

The property owners voiced their opinion that they have the right to view the specs that were put forth at the time the wall was installed, as they believe the issues might be the contractor's fault. Mr. Barraco emphasized and reiterated that the erosion repair work on the water management lakes will not commence until the dry season.

Regarding why homeowners were not informed at the time of purchase that they have to pay for repairs, Mr. Hasty stated there is implied maintenance that goes along with owning property and a home. Mr. Barraco stated the SFWMD governs construction in Southwest Florida and issued a permit for this system. As part of the permit issuance, the SFWMD requires a legal operating entity be in place, such as a POA, HOA or CDD, and the reason is that the State is aware that these systems require maintenance. It is well-accepted that maintenance of these systems is required throughout the life of the system.

Regarding why there was not a design that included riprap or grasses to catch the water that creates runoff between homes, Mr. Barraco stated the State mandates that only a maximum of 40% of the perimeter can be hardened, via riprap or a retaining wall, but the littoral plants are also very effective. Regarding installing riprap, Mr. Barraco stated, if the District Manager and the Board are amenable to resident input on the rebuilding process, it is an appropriate discussion. Additional consideration was given to the shoreline in that additional permission was obtained from the County for its construction, but, if not, the CDD will have had a much greater problem because the shoreline is fairly stable with the rocks, retaining wall and littoral plantings. Mr. Barraco stated that he did not design the retaining wall.

Regarding whether residents have access to the drawings, Mr. Adams stated they do. A link will be put on the CDD website so the drawings can be viewed and downloaded.

Regarding resident perception that the seawall did not hold up and the questions of when it will be rebuilt, who Lennar will engage and the amount of the original bond, Mr. Adams stated the original bond was \$22 million.

Regarding whether the community is fully developed, Mr. Adams stated the CDD is 100% built out and the construction fund is empty. Mr. Barraco stated, although the CDD has not received final certification, everything is complete.

Regarding what parts of the infrastructure is the CDD's responsibility, Mr. Adams stated the CDD is responsible for the stormwater system, which includes all recreational ponds/lakes, all inter-connecting pipework, control structures, retaining wall and the preserves, which also receive stormwater from the stormwater ponds. Asked if that includes the 10' strips between homeowner properties and the lakes, Mr. Adams replied affirmatively and stated it includes the perimeter for access. Mr. Barraco stated Staff completed an exhibit that shows CDD ownership and CDD easements. Mr. Adams will include a link to the exhibit on the CDD website.

Regarding what will be done about the trees that fell in the preserves, Mr. Adams stated a contractor was engaged and the trees will be removed this week. Another contractor was engaged to pick up small debris at the perimeter of the ponds and map out large debris, such as docks, waves or road runners and a fence contractor toured and will soon submit a proposal.

Regarding the costs, Mr. Adams stated the cleanup work can be absorbed in the operating budget but the erosion repairs will be added into the retaining wall repairs and made into one project, which will be financed altogether, at a reasonable interest rate.

Regarding whether the CDD can receive reimbursement from the Federal Emergency Management Agency (FEMA), Mr. Adams stated this is a private, gated community so FEMA funds will not be available. Mr. Hasty stated the Board was referred to a Disaster Law Attorney regarding FEMA eligibility and, after a review, the Board was informed that the CDD has no chance of receiving FEMA reimbursement.

A resident stated that the docks are damaged, the retaining wall is displaced, materials were scattered and, in their opinion, the area is a mess, and asked who will clean up the docks, pick up the pontoons that washed up on resident lawns and asked if all sprinkler lines in the headwall were checked. He felt that the situation is urgent, as residents are preparing to host relatives and visitors for the holidays.

Mr. Adams stated that the sprinkler lines are the adjacent property owners' responsibility and the Master Association is responsible for the recreational management component, such as the docks, boats and pontoons.

Discussion ensued regarding residents tidying the docks and retrieving abandoned items, a "Derelict Vessels" law obligation to contact the Florida Fish & Wildlife Conservation Commission (FFWCC) for assistance, insurance coverage, the perceived flawed design, installation of the seawall/retaining wall, seawall materials manufacturer, potential liability on the Developer and wall designer, design criteria, residents filing a lawsuit, the Engineer who inspected and certified the retaining wall, obtaining proposals and when repairs will occur.

A resident stated his backyard was re-graded twice. The resident discussed erosion and installing a swale and asked about the CDD's plan. Mr. Barraco stated Staff met with three Developers, Pulte and Stark indicated that they plan to utilize a coco-mat approach, which is one of the three options, and the CDD plans to do the spreader swale at the bottom of the silt within that 10' area that is CDD-owned. Mr. Adams stated the CDD will also give homeowners an option of running hard piping off their downspouts, down the bank and to the lake's edge, and the CDD will tie on to the end and carry it out into the pond, which is an effective option.

The resident consensus was to ask the CDD to recommend a professional to review the seawall specs and drawings to determine if it was inadequate, determine how it was installed and have reports generated as quickly as possible. Regarding the request for an analysis, Mr. Adams stated Staff will research the materials used in the construction of the seawall and try to have a manufacturer representative evaluate it. If that is not possible, Staff will confer with the Chair and, if he is in agreement, have a third-party Engineer come out and review it.

Mr. Hasty summarized that the erosion situation and the repair and cleanup costs will be evaluated and Staff will facilitate a review of the seawall by the manufacturer.

Discussion ensued regarding the importance of establishing specific timelines, securing proposals before the next Board meeting, securing funding, purchasing materials, executing contracts and the need for residents to attend a public hearing regarding planned construction of a gas station on Corkscrew Road that will impact the CDD's waterway.

NINTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of September 30, 2022**

Mr. Adams presented the Unaudited Financial Statements as of September 30, 2022.

The financials were accepted.

TENTH ORDER OF BUSINESS

Consideration of September 1, 2022 Public Hearing and Regular Meeting Minutes

Mr. Adams presented the September 1, 2022 Public Hearing and Regular Meeting Minutes.

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, the September 1, 2022 Public Hearing and Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock LLP*

There was no report

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

There was nothing further to report.

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

- **NEXT MEETING DATE: December 1, 2022 at 10:00 A.M.**
 - **QUORUM CHECK**

The December 1, 2022 meeting will be canceled; the next meeting will be in January.

TWELFTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

THIRTEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Ernst and seconded by Mr. Hasty, with all in favor, the meeting adjourned at 12:20 p.m.

A handwritten signature in blue ink, appearing to read 'Copsali', written over a horizontal line.

Secretary/Assistant Secretary

A handwritten signature in blue ink, appearing to read 'Cottog', written over a horizontal line.

Chair/Vice Chair