

WILDBLUE

**COMMUNITY DEVELOPMENT
DISTRICT**

February 1, 2024

**BOARD OF SUPERVISORS
REGULAR MEETING
AGENDA**

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

AGENDA
LETTER

WildBlue Community Development District
OFFICE OF THE DISTRICT MANAGER
2300 Glades Road, Suite 410W•Boca Raton, Florida 33431
Phone: (561) 571-0010•Toll-free: (877) 276-0889•Fax: (561) 571-0013

January 25, 2024

Board of Supervisors
WildBlue Community Development District

ATTENDEES:
Please identify yourself each
time you speak to facilitate
accurate transcription of
meeting minutes.

Dear Board Members:

The Board of Supervisors of the WildBlue Community Development District will hold a Regular Meeting on February 1, 2024 at 10:00 a.m., at the offices of Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments: *Agenda Items (3 Minutes Per Speaker)*
3. Update: Lake Bank Erosion Repair Project
 - Consideration of Proposal for Additional Work
4. Resident Presentation of Potential Ingress/Egress Traffic Flow Concern with Commercial Parcel at South Entrance
5. Consideration of Resolution 2024-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that Lee County Supervisor of Elections Begin Conducting the District's General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date
6. Consideration of Resolution 2024-03, Designating a Date, Time, and Location for Landowners' Meeting and Election; Providing for Publication, Providing for Severability and an Effective Date
7. Acceptance of Unaudited Financial Statements as of December 31, 2023
8. Approval of January 4, 2024 Regular Meeting Minutes
9. Staff Reports
 - A. District Counsel: *Kutak Rock LLP*
 - Required Ethics Training

- B. District Engineer: *Barraco and Associates, Inc.*
- C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - Consideration of Changing July 4, 2024 Meeting to July 11, 2024
 - NEXT MEETING DATE: March 7, 2024 at 10:00 AM [Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913]

○ QUORUM CHECK

SEAT 1	AARON MILOSEVIC	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 2	CHRISTOPHER HASTY	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 3	BARRY ERNST	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 4	DAVID MEYERS	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 5		<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO

- 10. Board Members' Comments/Requests
- 11. Public Comments *Non-Agenda Items (3 Minutes Per Speaker)*
- 12. Adjournment

Should you have any questions, please do not hesitate to contact me directly at 239-464-7114.

Sincerely,


 Chesley E. Adams, Jr.
 District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE:

CALL-IN NUMBER: 1-888-354-0094

PARTICIPANT PASSCODE: 229 774 8903

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

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RESOLUTION 2024-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WILDBLUE COMMUNITY DEVELOPMENT DISTRICT IMPLEMENTING SECTION 190.006(3), FLORIDA STATUTES, AND REQUESTING THAT THE LEE COUNTY SUPERVISOR OF ELECTIONS BEGIN CONDUCTING THE DISTRICT'S GENERAL ELECTIONS; PROVIDING FOR COMPENSATION; SETTING FOR THE TERMS OF OFFICE; AUTHORIZING NOTICE OF THE QUALIFYING PERIOD; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the WildBlue Community Development District ("District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated entirely within Lee County, Florida; and

WHEREAS, the Board of Supervisors of WildBlue Community Development District ("Board") seeks to implement section 190.006(3), Florida Statutes, and to instruct the Lee County Supervisor of Elections ("Supervisor") to conduct the District's General Elections ("General Election").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE WILDBLUE COMMUNITY DEVELOPMENT DISTRICT:

1. **GENERAL ELECTION SEATS.** Seat 4, currently held by David Meyers, and Seat 5, currently vacant, are scheduled for the General Election in November 2024. The District Manager is hereby authorized to notify the Supervisor of Elections as to what seats are subject to General Election for the current election year, and for each subsequent election year.

2. **QUALIFICATION PROCESS.** For each General Election, all candidates shall qualify for individual seats in accordance with Section 99.061, *Florida Statutes*, and must also be a qualified elector of the District. A qualified elector is any person at least 18 years of age who is a citizen of the United States, a legal resident of the State of Florida and of the District, and who is registered to vote with the Lee County Supervisor of Elections. Campaigns shall be conducted in accordance with Chapter 106, *Florida Statutes*.

3. **COMPENSATION.** Members of the Board receive \$200 per meeting for their attendance and no Board member shall receive more than \$4,800 per year.

4. **TERM OF OFFICE.** The term of office for the individuals to be elected to the Board in the General Election is four years. The newly elected Board members shall assume office on the second Tuesday following the election.

5. **REQUEST TO SUPERVISOR OF ELECTIONS.** The District hereby requests the Supervisor to conduct the District's General Election in November 2024, and for each subsequent General Election unless otherwise directed by the District's Manager. The District understands that it will be responsible to pay for its proportionate share of the General Election cost and agrees to pay same within a reasonable time after receipt of an invoice from the Supervisor.

6. **PUBLICATION.** The District Manager is directed to publish a notice of the qualifying period for each General Election, in a form substantially similar to **Exhibit A** attached hereto.

7. **SEVERABILITY.** The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

8. **EFFECTIVE DATE.** This Resolution shall become effective upon its passage.

PASSED AND ADOPTED THIS 1ST DAY OF FEBRUARY, 2024.

**WILDBLUE COMMUNITY DEVELOPMENT
DISTRICT**

CHAIR/VICE CHAIR, BOARD OF SUPERVISORS

ATTEST:

SECRETARY/ASSISTANT SECRETARY

NOTICE OF QUALIFYING PERIOD FOR CANDIDATES FOR THE BOARD OF SUPERVISORS OF THE
WILDBLUE COMMUNITY DEVELOPMENT DISTRICT

Notice is hereby given that the qualifying period for candidates for the office of Supervisor of the WildBlue Community Development District will commence at noon on June 10, 2024, and close at noon on June 14, 2024. Candidates must qualify for the office of Supervisor with the Lee County Supervisor of Elections located at 2480 Thompson Street, Third Floor, Fort Myers, Florida 33901, (239) 533-8683. All candidates shall qualify for individual seats in accordance with Section 99.061, Florida Statutes, and must also be a qualified elector of the District. A qualified elector is any person at least 18 years of age who is a citizen of the United States, a legal resident of the State of Florida and of the District, and who is registered to vote with the Lee County Supervisor of Elections. Campaigns shall be conducted in accordance with Chapter 106, Florida Statutes.

The WildBlue Community Development District has two (2) seats up for election, specifically seats 4 and 5. Each seat carries a four-year term of office. Elections are nonpartisan and will be held at the same time as the general election on November 5, 2024, in the manner prescribed by law for general elections.

For additional information, please contact the Lee County Supervisor of Elections.

District Manager
WildBlue Community Development District

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

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RESOLUTION 2024-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF WILDBLUE COMMUNITY DEVELOPMENT DISTRICT DESIGNATING A DATE, TIME, AND LOCATION FOR LANDOWNERS’ MEETING AND ELECTION; PROVIDING FOR PUBLICATION, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, WildBlue Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within Lee County, Florida; and

WHEREAS, the District’s Board of Supervisors (the “Board”) is statutorily authorized to exercise the powers granted to the District; and

WHEREAS, all meetings of the Board shall be open to the public and governed by provisions of Chapter 286, *Florida Statutes*; and

WHEREAS, the effective date of Lee County Ordinance No. 17-17 creating the District (the “Ordinance”) is November 9, 2017; and

WHEREAS, the District is statutorily required to hold a meeting of the landowners of the District for the purpose of electing supervisors for the District on a date in November established by the Board, which shall be noticed pursuant to Section 190.006(2)(a), *Florida Statutes*.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WILDBLUE COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The Board is currently made up of the following individuals.

<u>Seat Number</u>	<u>Supervisor</u>	<u>Term Expiration Date</u>
1	Aaron Milosevic	November 2026
2	Christopher Hasty	November 2026
3	Barry Ernst	November 2024
4	David Meyers	November 2024
5	Vacant	November 2024

This year, Seat 3, currently held by Barry Ernst, is subject to election by landowners in November 2024. The candidate receiving the highest number of votes shall be elected for a term of four (4) years. The term of office for the successful candidate shall commence upon election.

SECTION 2. In accordance with section 190.006(2), *Florida Statutes*, the meeting of the landowners to elect one (1) supervisor of the District shall be held on the ___ day of November, 2024, at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.

SECTION 3. The District's Secretary is hereby directed to publish notice of this landowners meeting and election in accordance with the requirements of Section 190.006(2)(a), *Florida Statutes*.

SECTION 4. Pursuant to Section 190.006(2)(b), *Florida Statutes*, the landowners' meeting and election is hereby announced by the Board at its February 1, 2024 meeting. A sample notice of landowners' meeting and election, proxy, ballot form and instructions were presented in at such meeting and are attached hereto as **Exhibit A**. Such documents are available for review and copying during normal business hours at the at the office of the District Manager, Wrathell, Hunt & Associates, LLC, located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, or by emailing adams@whhassociates.com or calling (561) 571-0010.

SECTION 5. The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution or any part thereof.

SECTION 6. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 1st day of February, 2024.

ATTEST:

**WILDBLUE COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A

NOTICE OF LANDOWNERS' MEETING AND ELECTION AND MEETING OF THE BOARD OF SUPERVISORS OF THE WILDBLUE COMMUNITY DEVELOPMENT DISTRICT

Notice is hereby given to the public and all landowners within WildBlue Community Development District (the "District"), in Lee County, Florida, advising that a meeting of landowners will be held for the purpose of electing one (1) person to the District Board of Supervisors. Immediately following the landowners' meeting, there will be convened a meeting of the Board of Supervisors for the purpose of considering certain matters of the Board to include election of certain District officers, and other such business which may properly come before the Board.

DATE: November ____, 2024
TIME: 10:00 AM
PLACE: Community Center (Card Room)
18721 WildBlue Blvd.
Fort Myers, Florida 33913

Each landowner may vote in person or by written proxy. Proxy forms may be obtained upon request at the office of the District Manager, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, or by emailing adamsc@whhassociates.com or calling (561) 571-0010. At said meeting, each landowner or his or her proxy shall be entitled to nominate persons for the position of Supervisor and cast one vote per acre of land, or fractional portion thereof, owned by him or her and located within the District for each person to be elected to the position of Supervisor. A fraction of an acre shall be treated as one acre, entitling the landowner to one vote with respect thereto. Platted lots shall be counted individually and rounded up to the nearest whole acre. The acreage of platted lots shall not be aggregated for determining the number of voting units held by a landowner or a landowner's proxy. At the landowners' meeting, the landowners shall select a person to serve as the meeting chair and who shall conduct the meeting.

The landowners' meeting and the Board of Supervisors meeting are open to the public and will be conducted in accordance with the provisions of Florida law. One or both of the meetings may be continued to a date, time, and place to be specified on the record at such meeting. A copy of the agenda for these meetings may be obtained from 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431. There may be an occasion where one or more supervisors will participate by telephone.

Any person requiring special accommodations to participate in these meetings is asked to contact the District Manager's Office at (877) 276-0889, at least 48 hours before the hearing. If you are hearing or speech impaired, please contact the Florida Relay Service at (800) 955-8770 for aid in contacting the District Office.

A person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that such person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

District Manager

Run Date(s): _____ & _____

PUBLISH: ONCE A WEEK FOR 2 CONSECUTIVE WEEKS, THE LAST DAY OF PUBLICATION TO BE NOT FEWER THAN 14 DAYS OR MORE THAN 28 DAYS BEFORE THE DATE OF ELECTION, IN A NEWSPAPER WHICH IS IN GENERAL CIRCULATION IN THE AREA OF THE DISTRICT

INSTRUCTIONS RELATING TO LANDOWNERS' MEETING OF

**WILDBLUE COMMUNITY DEVELOPMENT DISTRICT
FOR THE ELECTION OF SUPERVISORS**

DATE OF LANDOWNERS' MEETING: **November __, 2024**

TIME: **10:00 AM**

LOCATION: **Community Center (Card Room)
18721 WildBlue Blvd.
Fort Myers, Florida 33913**

Pursuant to Chapter 190, Florida Statutes, and after a Community Development District ("**District**") has been established and the landowners have held their initial election, there shall be a subsequent landowners' meeting for the purpose of electing members of the Board of Supervisors ("**Board**") every two years until the District qualifies to have its board members elected by the qualified electors of the District. The following instructions on how all landowners may participate in the election are intended to comply with Section 190.006(2)(b), Florida Statutes.

A landowner may vote in person at the landowners' meeting, or the landowner may nominate a proxy holder to vote at the meeting in place of the landowner. Whether in person or by proxy, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the District, for each position on the Board that is open for election for the upcoming term. A fraction of an acre shall be treated as one (1) acre, entitling the landowner to one vote with respect thereto. Please note that a particular parcel of real property is entitled to only one vote for each eligible acre of land or fraction thereof; therefore, two or more people who own real property in common, that is one acre or less, are together entitled to only one vote for that real property.

At the landowners' meeting, the first step is to elect a chair for the meeting, who may be any person present at the meeting. The landowners shall also elect a secretary for the meeting who may be any person present at the meeting. The secretary shall be responsible for the minutes of the meeting. The chair shall conduct the nominations and the voting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions. Candidates must be nominated and then shall be elected by a vote of the landowners. Nominees may be elected only to a position on the Board that is open for election for the upcoming term.

This year, one (1) seat on the Board will be up for election by landowners. The candidate receiving the highest number of votes shall be elected for a term of four (4) years. The term of office for the successful candidate shall commence upon election.

A proxy is available upon request. To be valid, each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy does not need to be notarized.

LANDOWNER PROXY

**WILDBLUE COMMUNITY DEVELOPMENT DISTRICT
LEE COUNTY, FLORIDA
LANDOWNERS' MEETING – NOVEMBER ____, 2024**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, the fee simple owner of the lands described herein, hereby constitutes and appoints _____ (“Proxy Holder”) for and on behalf of the undersigned, to vote as proxy at the meeting of the landowners of the WildBlue Community Development District to be held at 10:00 a.m., on November ____, 2024 at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913, and at any adjournments thereof, according to the number of acres of unplatted land and/or platted lots owned by the undersigned landowner that the undersigned would be entitled to vote if then personally present, upon any question, proposition, or resolution or any other matter or thing that may be considered at said meeting including, but not limited to, the election of members of the Board of Supervisors. Said Proxy Holder may vote in accordance with his or her discretion on all matters not known or determined at the time of solicitation of this proxy, which may legally be considered at said meeting.

Any proxy heretofore given by the undersigned for said meeting is hereby revoked. This proxy is to continue in full force and effect from the date hereof until the conclusion of the landowners’ meeting and any adjournment or adjournments thereof, but may be revoked at any time by written notice of such revocation presented at the landowners’ meeting prior to the proxy holder’s exercising the voting rights conferred herein.

Printed Name of Legal Owner

Signature of Legal Owner

Date

<u>Parcel Description</u>	<u>Acreage</u>	<u>Authorized Votes</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

[Insert above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel. If more space is needed, identification of parcels owned may be incorporated by reference to an attachment hereto.]

Total Number of Authorized Votes: _____

NOTES: Pursuant to Section 190.006(2)(b), Florida Statutes, a fraction of an acre is treated as one (1) acre entitling the landowner to one vote with respect thereto. For purposes of determining voting interests, platted lots shall be counted individually and rounded up to the nearest whole acre. Moreover, two (2) or more persons who own real property in common that is one acre or less are together entitled to only one vote for that real property.

If the fee simple landowner is not an individual, and is instead a corporation, limited liability company, limited partnership or other entity, evidence that the individual signing on behalf of the entity has the authority to do so should be attached hereto (e.g., bylaws, corporate resolution, etc.).

OFFICIAL BALLOT

**WILDBLUE COMMUNITY DEVELOPMENT DISTRICT
LEE COUNTY, FLORIDA
LANDOWNERS' MEETING – NOVEMBER __, 2024**

For Election (1 Supervisor): The candidate receiving the highest number of votes will receive a four (4)-year term, with the term of office for the successful candidate commencing upon election.

The undersigned certifies that he/she/it is the fee simple owner of land, or the proxy holder for the fee simple owner of land, located within the WildBlue Community Development District and described as follows:

<u>Description</u>	<u>Acreage</u>
_____	_____
_____	_____
_____	_____

[Insert above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel.] [If more space is needed, identification of parcels owned may be incorporated by reference to an attachment hereto.]

or

Attach Proxy.

I, _____, as Landowner, or as the proxy holder of _____ (Landowner) pursuant to the Landowner's Proxy attached hereto, do cast my votes as follows:

SEAT	NAME OF CANDIDATE	NUMBER OF VOTES
3.	_____	_____

Date: _____ Signed: _____

Printed Name: _____

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

UNAUDITED
FINANCIAL
STATEMENTS

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
DECEMBER 31, 2023**

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
DECEMBER 31, 2023**

	General Fund	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
ASSETS				
Cash	\$ 905,711	\$ -	\$ -	\$ 905,711
Investments				
Revenue	-	1,032,778	-	1,032,778
Reserve	-	701,319	-	701,319
Construction	-	-	33,117	33,117
Principal	-	2	-	2
Due from general fund	-	260,972	-	260,972
Utility deposit	400	-	-	400
Total assets	<u>\$ 906,111</u>	<u>\$ 1,995,071</u>	<u>\$ 33,117</u>	<u>\$ 2,934,299</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts payable	\$ 4,861	\$ -	\$ -	\$ 4,861
Retainage payable	-	-	433,933	433,933
Due to debt service fund	260,972	-	-	260,972
Landowner advance	6,000	-	-	6,000
Total liabilities	<u>271,833</u>	<u>-</u>	<u>433,933</u>	<u>705,766</u>
Fund balances:				
Restricted for:				
Debt service	-	1,995,071	-	1,995,071
Capital projects	-	-	(400,816)	(400,816)
Unassigned	634,278	-	-	634,278
Total fund balances	<u>634,278</u>	<u>1,995,071</u>	<u>(400,816)</u>	<u>2,228,533</u>
Total liabilities and fund balances	<u>\$ 906,111</u>	<u>\$ 1,995,071</u>	<u>\$ 33,117</u>	<u>\$ 2,934,299</u>

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED DECEMBER 31, 2023**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy: on-roll - net	\$ 116,646	\$ 544,571	\$ 622,369	87%
Total revenues	<u>116,646</u>	<u>544,571</u>	<u>622,369</u>	87%
EXPENDITURES				
Professional & administrative				
Management/accounting/recording	4,000	12,000	48,000	25%
Legal	1,320	1,320	15,000	9%
Engineering	3,375	9,738	15,000	65%
Audit	-	-	5,500	0%
Arbitrage rebate calculation	-	-	750	0%
Dissemination agent	83	250	1,000	25%
Trustee	-	-	3,950	0%
Telephone	17	50	200	25%
Postage	50	154	500	31%
Printing & binding	42	125	500	25%
Legal advertising	1,155	1,360	1,200	113%
Annual special district fee	-	175	175	100%
Insurance	-	6,228	6,500	96%
Contingencies/bank charges	-	-	1,200	0%
Website				
Hosting	705	705	705	100%
ADA compliance	-	-	210	0%
Total professional & administrative	<u>10,747</u>	<u>32,105</u>	<u>100,390</u>	32%
Field operations				
Field management	833	2,500	10,000	25%
Aquatic maintenance	6,393	19,179	78,000	25%
Conservation area maintenance	-	-	190,000	0%
Conservation area monitoring & reporting	6,083	14,433	69,000	21%
Lake bank erosion repairs	-	-	85,000	0%
Water level and quality reporting	-	-	13,000	0%
Littoral plant replacements	-	-	20,000	0%
Conservation area fence review/repairs	4,850	13,800	10,000	138%
Aeration operating supplies	413	1,252	7,500	17%
Contingencies	-	-	10,000	0%
Shoreline/seawall repair and replacements	-	-	25,000	0%
Total field operations	<u>18,572</u>	<u>51,164</u>	<u>517,500</u>	10%
Other fees and charges				
Property appraiser	-	-	673	0%
Tax collector	-	1,238	1,010	123%
Total other fees and charges	<u>-</u>	<u>1,238</u>	<u>1,683</u>	74%
Total expenditures	<u>29,319</u>	<u>84,507</u>	<u>619,573</u>	14%
Excess/(deficiency) of revenues over/(under) expenditures	87,327	460,064	2,796	
Fund balances - beginning	546,951	174,214	178,216	
Fund balances - ending	<u>\$ 634,278</u>	<u>\$ 634,278</u>	<u>\$ 181,012</u>	

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2019
FOR THE PERIOD ENDED DECEMBER 31, 2023**

	<u>Current Month</u>	<u>Year To Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Special assessment: on-roll	\$ 260,973	\$ 1,215,595	\$ 1,392,509	87%
Interest	5,035	15,262	-	N/A
Total revenues	<u>266,008</u>	<u>1,230,857</u>	<u>1,392,509</u>	88%
EXPENDITURES				
Debt service				
Principal	-	-	480,000	0%
Interest	458,459	458,459	916,919	50%
Total expenditures	<u>458,459</u>	<u>458,459</u>	<u>1,396,919</u>	33%
Excess/(deficiency) of revenues over/(under) expenditures	(192,451)	772,398	(4,410)	
OTHER FINANCING SOURCES/(USES)				
Transfers out	-	(16,645)	-	N/A
Total other financing sources	<u>-</u>	<u>(16,645)</u>	<u>-</u>	N/A
Net change in fund balances	(192,451)	755,753	(4,410)	
Fund balances - beginning	2,187,522	1,239,318	1,205,966	
Fund balances - ending	<u>\$ 1,995,071</u>	<u>\$ 1,995,071</u>	<u>\$ 1,201,556</u>	

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
CAPITAL PROJECTS FUND SERIES 2019
FOR THE PERIOD ENDED DECEMBER 31, 2023**

	Current Month	Year To Date
REVENUES		
Interest	\$ 135	\$ 269
Total revenues	135	269
EXPENDITURES		
Total expenditures	-	-
Excess/(deficiency) of revenues over/(under) expenditures	135	269
OTHER FINANCING SOURCES/(USES)		
Transfer in	-	16,645
Total other financing sources/(uses)	-	16,645
Net change in fund balances	135	16,914
Fund balances - beginning	(400,951)	(417,730)
Fund balances - ending	\$ (400,816)	\$ (400,816)

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

MINUTES

DRAFT

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting on January 4, 2024 at 10:00 a.m., at the offices of Barraco & Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present were:

Christopher Hasty	Chair
Barry Ernst	Vice Chair
Aaron Milosevic	Assistant Secretary
David Myers	Assistant Secretary

Also present:

Chuck Adams	District Manager
Wes Haber (via telephone)	District Counsel
Frank Savage	District Engineer
John Bucholtz	Resident/Aqua Shore HOA President
Steve Riggs	Resident
Roseanne Duffy	Resident
John Dolan	Resident
Richard Gurney	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:00 a.m.

Supervisors Meyers, Milosevic, Hasty and Ernst were present. One seat was vacant.

SECOND ORDER OF BUSINESS

**Public Comments: Agenda Items (3
Minutes Per Speaker)**

Mr. Adams reviewed the protocols for public comments.

Resident John Dolan discussed owning his own law firm in Michigan and experience representing the County on roadway issues. He offered information he presented to the County regarding what he perceives as line-of-sight issues from the gate, southbound towards

40 Corkscrew Road, and traffic issues near the commercial property that he believes will worsen.
41 The Board directed Staff to include this as a topic on the next meeting agenda.

42

43 **THIRD ORDER OF BUSINESS**

Update: Lake Bank Erosion Repair Project

44

45 Mr. Savage reported the following:

- 46 ➤ Water levels have receded and the project is ready to commence.
- 47 ➤ During the on-site pre-construction meeting, additional washout areas were identified
48 beyond the date of the original investigations in early 2022 and late 2023.
- 49 ➤ The additional washout areas were surveyed and incorporated into the schedule exhibit
50 outlining all the contract work and depicts the additional areas differently from the original
51 areas, which was then emailed to Management and Counsel.

52 Mr. Adams stated that any adjustments to the price will likely be more than the original
53 value of the proposal. He asked Mr. Savage his professional opinion of what he estimates the
54 value will be to include the additional washouts and asked if it is likely \$700,000 or \$750,000.
55 Mr. Savage believes it would certainly be in that range if the intent is to address the previously
56 contracted and the additional washout areas. Mr. Weber stated he is comfortable with the
57 Board considering a change order as long as the contractor is willing to apply the same pricing
58 mechanism used in the original competitively bid contract.

59 Discussion ensued regarding the \$240,000 originally budgeted, if the overall project
60 might exceed the bidding threshold, treating project as a capital repair, presenting the proposal
61 for the additional areas at the next meeting and proceeding with the project commencing on
62 January 8, 2024, which would extend the schedule.

63

64 **On MOTION by Mr. Meyers and seconded by Mr. Milosevic, with all in favor,**
65 **authorizing Staff to proceed with the contractor, utilizing the existing contract**
66 **and proposal amounts by erosion type to start the project and complete all**
67 **wash outs as the project moves along and to obtain a proposal for the**
68 **additional work to present in the next meeting, was approved.**

69

70

71 Resident Roseanne Duffy voiced her opinion that Blue Safire’s Developer should be
72 responsible for repairing the initial lots discovered with erosion, not the CDD. Mr. Adams asked
73 Mr. Savage to identify the areas that were later than October 2022 on the map.

74 Resident Steve Riggs asked if Management contacted Nick, at Vista WildBlue
75 Management, about sod remediation once the CDD completes its project. Mr. Adams noted
76 that the CDD will make the repairs at the water’s edge on the property lines, within the
77 easement area, and install Bahia sod; property owners will be responsible for making the
78 improvements on their property, at their expense. Homeowners expressed interest in working
79 concurrently with the CDD project to install a secondary drain on their property. A Board
80 Member asked for the sod schedule to be shared with Nick.

81 Resident Richard Gurney asked about the yard drain homeowners would install on their
82 own property. Mr. Adams recommended homeowners complete the work ahead of the CDD
83 remediation project. He will ask Karen to e-blast detailed information about the drain, which is
84 also posted on the CDD website, and include the recommendation that homeowners repair
85 their own property prior to the CDD commencing its project.

86 Resident and Aqua Shore HOA President John Bucholtz asked for the project timeline.
87 Mr. Savage will update the contractor about today’s discussion and discuss the mobilization
88 timeline. Mr. Adams will email the updated schedule to the Board and have Karen e-blast it,
89 along with the other information he discussed earlier.

90 Mr. Bucholtz wants the information sooner to convey it to property owners and
91 residents. He stated his understanding that the CDD was originally going to do three weeks of
92 work for \$250,000 but now it might be nine weeks of work for \$750,000. Mr. Adams stated that
93 is correct.

94 A resident asked if the CDD will be using manhole locks, which is the same approach as
95 at Bonita National. Mr. Adams stated that will be the responsibility of the homeowner, if they
96 so choose; the CDD chose the spread berm option. He stated homeowners on both sides must
97 participate in installing yard drains for mitigation to be effective. Mr. Bucholtz asked Mr. Savage
98 to provide a legible illustration of the drain box to share with homeowners.

99

100 **FOURTH ORDER OF BUSINESS****Consideration of J&M Marine Construction
Bid Package for Hurricane Ian Lake Bank
Cleanup Project**101
102
103

104 An email from Mr. Barraco outlining the bid opening and results was included for
105 informational purposes.

106 Mr. Adams noted the J&M Marine Construction (J&M) \$120,100 proposal was lower
107 than the anticipated \$250,000 and J&M did not follow the scheduled values as outlined in the
108 project manual. He asked Mr. Savage if he thinks the proposal was responsive and a responsible
109 amount. Mr. Savage stated that, outside of not following the bid schedule, in the other aspects
110 it seemed to be a very responsive and a reasonable bid. Mr. Adams stated that J&M has done a
111 lot of work in WildBlue, is very familiar with the project and, in the last few years, expressed to
112 him wanting a chance to bid on CDD projects.

113 Mr. Hasty voiced his concern about J&M not following the bid details or including the
114 actual scope of work in its proposal. Mr. Haber explained the options, under Florida law, that
115 address Mr. Hasty's concerns; these involve deeming the proposal as a non-material irregularity
116 and awarding the contract, subject to clarifying the scope of work with the proposer, since
117 there would be no concern of contesting the contract as there was only one respondent to the
118 advertised bid requests. The other option is to deem the proposal as a material variance, which
119 would make it a non-responsive proposal and thereby enabling the Board to reject the bid and
120 privately negotiate the project. Mr. Savage noted the purpose of the bid was to establish a fixed
121 unit price to remove and dispose of the retaining wall, including change orders. He will need to
122 confirm with J&M that the proposal is based on the map outlined in the Request for Proposals
123 (RFP). Mr. Hasty supported awarding the contract to J&M, as he is familiar with J&M's work,
124 subject to clarifying the scope of work.

125

126 **On MOTION by Mr. Hasty and seconded by Mr. Meyers, with all in favor,**
127 **deeming J&M Marine Construction, the sole respondent to the RFP for the**
128 **Hurricane Ian Lake Bank Cleanup Project, as a qualified respondent and**
129 **awarding the contract to J&M, subject to Mr. Savage confirming the \$122,100**
130 **total cost includes all the properly delineated areas pursuant to the map that is**
131 **in the RFP, was approved.**

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Ms. Duffy asked if J&M is the vendor for Vista WildBlue. Mr. Savage, Engineer for Vista WildBlue, stated Vista WildBlue has not taken any retaining wall cleanup actions at this time.

Mr. Bucholtz asked about a performance bond. Mr. Adams stated a performance bond it is not required for this project; it is only required if a certain cost threshold is met.

Mr. Gurney asked about the scope delineating removal between major and minor damage. Mr. Savage stated that the major versus minor classification was done during the original inspection. The project manual for the RFP included additional specifications; removal is a part of identifying any of the areas providing any benefit, therefore it should stay. The RFP was constructed to establish the price based upon the areas identified for that major location; ultimately, the scope is to remove anything that is providing no benefit. Mr. Bucholtz asked for a copy of the RFP package.

145

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-01, Relating to the Amendment of the Budget for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023; and Providing for an Effective Date

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Mr. Adams stated that this budget amendment was prepared in case there are any journal entry adjustments and to avoid a potential finding in the annual audit.

154

On MOTION by Mr. Ernst and seconded by Mr. Milosevic, with all in favor, Resolution 2024-01, Relating to the Amendment of the Budget for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023; and Providing for an Effective Date, was adopted.

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SIXTH ORDER OF BUSINESS

Consideration of New Meeting Location

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Discussion ensued regarding changing the CDD meeting location to the card room or the restaurant space at WildBlue proper for the remainder of Fiscal Year 2024, meeting on the

165 same dates as the Vista WildBlue CDD and Tuesday meetings conflicting with Mr. Adams’
166 schedule.

167 Mr. Adam will contact the Vista WildBlue CDD District Manager to discuss the possibility
168 of conducting both CDD meetings on the same day at the same location and inform accordingly.

169

170 **SEVENTH ORDER OF BUSINESS** **Acceptance of Unaudited Financial**
171 **Statements as of October 31, 2023**

172

173 The financials were accepted.

174

175 **EIGHTH ORDER OF BUSINESS** **Approval of December 7, 2023 Regular**
176 **Meeting Minutes**

177

178 **On MOTION by Mr. Meyers and seconded by Mr. Ernst, with all in favor, the**
179 **December 7, 2023 Regular Meeting Minutes, as presented, were approved.**

180

181

182 **NINTH ORDER OF BUSINESS** **Staff Reports**

183

184 **A. District Counsel: Kutak Rock LLP**

185 Based on the exhibit Mr. Savage emailed outlining the certifications of different phases
186 of the wall, Mr. Haber reviewed statutory deadlines for the CDD to file a latent defect claim and
187 a patent defect claim. If there is potential for a claim, he thinks it would be a latent defect
188 claim.

189 **Mr. Adams left the meeting at 11:00 a.m.**

190 With the March 2024 statute of limitations deadline approaching, Mr. Savage thinks it is
191 in the CDD’s best interest to engage a construction litigation attorney to advise how to proceed
192 in order to preserve any right to make a claim. He will give Mr. Hasty a list of construction
193 litigators.

194

195 **On MOTION by Mr. Hasty and seconded by Mr. Meyers, with all in favor,**
196 **delegating authority to Mr. Hasty to speak to and, at his discretion, retain a**
197 **construction litigation attorney to advise the CDD with respect to defect**
198 **claims, with the focus on a patent versus latent defect claim, was approved.**

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

200 Mr. Savage stated that, having crossed referenced the certification exhibits, it does not
201 appear any of the certifications from 2019 incorporate any portions of the wall that were
202 identified as being damaged by Hurricane Ian. He was asked to merge the exhibits and change
203 the coloring to ensure consistency throughout.

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

- 205 • **NEXT MEETING DATE: February 1, 2024 at 10:00 A.M.**
- 206 ○ **QUORUM CHECK**

207

208 **TENTH ORDER OF BUSINESS** **Board Members' Comments/Requests**

209

210 There were no Board Member' comments or requests.

211

212 **ELEVENTH ORDER OF BUSINESS** **Public Comments Non-Agenda Items (3**
213 **Minutes Per Speaker)**

214

215 Mr. Riggs asked if the County contacted the CDD, as he believes the County is looking for
216 funding sources to install a traffic signal at WildBlue Boulevard and Corkscrew Shores. Mr.
217 Hasty replied no; he thinks the County should contact the Master Developer.

218 **Mr. Adams returned to the meeting at 11:19 a.m.**

219 Asked about engaging an engineer to redesign the three walls, Mr. Hasty stated that he
220 executed the updated proposal from Cummins Cederberg today. Mr. Adams distributed a copy
221 of the \$44,400 proposal, which is less than the \$50,000 to \$60,000 originally anticipated. The
222 expectation is to present designs at the next meeting. Mr. Hasty designated Mr. Milosevic to
223 ask Mr. Jordan Cheifet to provide design options and schedule the project sooner, since work at
224 Vista WildBlue is underway.

225

226 **TWELFTH ORDER OF BUSINESS** **Adjournment**

227

228 **On MOTION by Mr. Ernst and seconded by Mr. Hasty, with all in favor, the**
229 **meeting adjourned at 11:31 a.m.**

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Secretary/Assistant Secretary

Chair/Vice Chair

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

STAFF
REPORTS A

MEMORANDUM

To: Board of Supervisors
From: District Counsel
Date: January 1, 2024
Subject: Ethics Training Requirements

Beginning January 1, 2024, all Board Supervisors of Florida Community Development Districts will be required to complete four (4) hours of Ethics training each year. The four (4) hours must be allocated to the following categories: two (2) hours of Ethics Law, one (1) hour of Sunshine Law, and one (1) hour of Public Records law.

This training may be completed online, and the four (4) hours do not have to be completed all at once. The Florida Commission on Ethics (“COE”) has compiled a list of resources for this training. An overview of the resources are described below, and links to the resources are included in this memo.

Each year when Supervisors complete the required financial disclosure form (Form 1 Statement of Financial Interests), Supervisors must mark a box confirming that he or she has completed the Ethics training requirements. At this time, there is no requirement to submit a certificate; however, the COE advises that Supervisors keep a record of all trainings completed (including date and time of completion), in the event Supervisors are ever asked to provide proof of completion. The training is a calendar year requirement and corresponds to the form year. So, Supervisors will not report their 2024 training until they fill out their Form 1 for the 2025 year.

Free Training Options

The Florida Commission on Ethics’ (“COE”) website has several free online resources and links to resources that Supervisors can access to complete the training requirements. Navigate to that page here: [Florida Commission on Ethics Training](https://ethics.state.fl.us/Training/Training.aspx).¹ Please note that the COE only provides free training for the two (2) hour Ethics portion of the annual training. However, the COE does provide links to free outside resources to complete the Sunshine and Public Records portion of the training. These links are included in this memorandum below for your ease of reference.

¹ <https://ethics.state.fl.us/Training/Training.aspx>

Free Ethics Law Training

The COE provides several videos for Ethics training, none of which are exactly two (2) hours in length. Please ensure you complete 120 minutes of Ethics training when choosing a combination of the below.

State Ethics Laws for Constitutional Officers & Elected Municipal Officers (100 minutes)

Click here: [Kinetic Ethics](#)

Business and Employment Conflicts and Post-Public-Service (56 minutes) Restriction

Click here: [Business and Employment Conflicts](#)

Gifts (50 minutes)

Click here: [Ethics Laws Governing Acceptance of Gifts](#)

Voting Conflicts - Local Officers (58 minutes)¹

Click here: [Voting Vertigo](#)

Free Sunshine/Public Records Law Training

The Office of the Attorney General provides a two (2) hour online training course (audio only) that meets the requirements of the Sunshine Law and Public Records Law portion of Supervisors' annual training.

Click here to access: [Public Meeting and Public Records Law](#)

Other Training Options

4- Hour Course

Some courses will provide a certificate upon completion (not required), like the one found from the Florida State University, Florida Institute of Government, linked here: [4-Hour Ethics Course](#). This course meets all the ethics training requirements for the year, including Sunshine Law and Public Records training. This course is currently \$79.00

CLE Course

The COE's website includes a link to the Florida Bar's Continuing Legal Education online tutorial which also meets all the Ethics training requirements. However, this is a CLE course designed more specifically for attorneys. The 5 hours 18 minutes' long course exceeds the 4-hour requirement and its cost is significantly higher than the 4-Hour Ethics course provided by the Florida State University. The course is currently \$325.00. To access this course, click here: [Sunshine Law, Public Records and Ethics for Public Officers and Public Employees](#).

If you have any questions, please do not hesitate to contact me.

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

STAFF
REPORTS C

WILDBLUE COMMUNITY DEVELOPMENT DISTRICT

BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE

LOCATION

¹offices of Barraco and Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901

²Community Center (Card Room), 18721 WildBlue Boulevard, Fort Myers, Florida 33913

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 5, 2023	Regular Meeting	10:00 AM
November 2, 2023 CANCELED NO QUORUM	Regular Meeting	10:00 AM
November 9, 2023	Regular Meeting	10:00 AM delayed to 4:30 PM**
December 7, 2023	Regular Meeting	10:00 AM
January 4, 2024	Regular Meeting	10:00 AM
February 1, 2024	Regular Meeting	10:00 AM
March 7, 2024 ²	Regular Meeting	10:00 AM
April 4, 2024 ²	Regular Meeting	10:00 AM
May 2, 2024 ²	Regular Meeting	10:00 AM
June 6, 2024 ²	Regular Meeting	10:00 AM
July 11, 2024 ²	Regular Meeting	10:00 AM
August 1, 2024 ²	Regular Meeting	10:00 AM
September 5, 2024 ²	Regular Meeting	10:00 AM

Exceptions/Notes

*The July meeting date is on the Independence Day holiday

**November 9, 2023 Meeting start time delayed to ensure a quorum of the Board.