

**MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the WildBlue Community Development District held a Special Meeting on February 20, 2025 at 1:00 p.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.

Present:

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| Christopher Hasty | Chair |
| David Meyers (via telephone) | Vice Chair |
| John Buchholz | Assistant Secretary |
| Rick Bennington | Assistant Secretary |

Also present:

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| Chuck Adams | District Manager |
| Shane Willis | Operations Manager |
| Wes Haber (via telephone) | District Counsel |

Residents present: (in person/via phone)

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|-----------------|---------------|--------------|-------------------|
| Mary Liss | Cynthia Bales | Steve Worth | Kathleen O'Connor |
| Paul Daly | Chris Gregson | Sue Lucente | Nancy Reichenbach |
| Jake Fritz | Selma Baker | Debbie Nolan | Bob Finkelstein |
| John Myer | Judy Saddle | Mahesh Gupta | Lorraine Weymouth |
| Bill Kurth | Jim Schwartz | Mark Laethem | Doreen Shaheen |
| Other residents | | | |

All attendee names were not included. If an attendee did not identify themselves, was not on the Sign In sheet, or the name was inaudible, the name was not included in these minutes.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:00 p.m.

Supervisors Buchholz, Bennington and Hasty were present. Supervisor Meyers attended via telephone. Supervisor Milosevic was absent.

SECOND ORDER OF BUSINESS**Public Comments: Agenda Items (3 Minutes Per Speaker)**

Mr. Adams explained the public comments protocols. He stressed the three-minute limit and stated the Board is not required to respond to questions or comments but might do so.

Resident Mary Liss asked if Lennar can withdraw its offer at any point. Mr. Adams stated this will be addressed during District Counsel's report.

A resident asked if public comments will be heard at the end of the meeting. Mr. Adams replied affirmatively; he hopes today's presentation will answer most of the questions and concerns that arise.

Resident Steve Worth asked if, aside from the wall, there are plans to address the rotting face boards.

Resident Lorraine Raymond stated she resides on the preserve side and expressed sorrow for what residents are going through.

▪ **District Counsel: Continued Discussion/Update Construction Litigation Regarding Retaining Wall Repairs**

This item was an addition to the agenda.

Mr. Haber recalled that, at a prior meeting, the Board authorized Litigation Counsel to negotiate with Lennar on the Contribution Agreement, specifically with respect to the business terms, and to retain a coastal engineering expert to inspect the wall and make findings as it relates to the wall.

Mr. Haber stated that Litigation Counsel reviewed Taylor Engineering's draft Report, which concluded that the retaining wall failed because of numerous design deficiencies and recommends the CDD file a cross claim, before the end of the February, to protect and preserve the CDD's rights and to also seek to immediately engage a mediator to structure and facilitate negotiations to resolve the CDD's claim.

In response to questions, Mr. Haber read portions of Litigation Counsel's email and noted the following:

➤ Regarding if it is proper to find those as patent issues, Mr. Haber stated he does not believe so. Litigation Counsel believes filing their recommendation is in the CDD's best interest,

as far as the CDD's position on the settlement discussions that their opinion on patent versus latent, in that the defects that the CDD is presently dealing with being latent, remains unchanged.

➤ Regarding the CDD being covered under the statute of limitations, Litigation Counsel recommended filing the action immediately to preserve the status quo, minimize risk and maximize the CDD's negotiating position, although there are no guarantees in litigation that a judge or jury could reach a different conclusion. At the very least the CDD will be prejudiced in future negotiations, if an action is not filed this month, since such negotiations appear to be a near certainty. This is a very important issue for protecting the homeowners' rights. The statute of limitations period is four years from when the CDD knew or reasonably should have known of the claims with an outside cap of seven years, essentially from completion for WildBlue and Blue Lake, if Hurricane Ian is used as a state of discovery of the claim and the repose period, which is different from the statute of limitations. The litigation period would expire in May 2026.

Mr. Hasty stated that, if the CDD engages in litigation, he firmly believes the Developer will take its offer back. He received permission from the Developer to share that the Developer offer is a substantial amount, in the millions, to put the wall back. The Developer obtained estimates or information and that is the basis of the Developer's offer. He expressed reasons for concern in filing a cross claim now and whether it is necessary, as there is still time, and there is an offer that is a really good starting point.

Board Members presented varied opinions on whether the entire wall needs to be replaced, whether to file a cross claim and the probability that there would have been no offer without the lawsuit.

Discussion ensued regarding funding, scheduling a Shade Session, the Marine Consultant's email about proceeding with design and not doing the estimates, the Developer's stance on financial contribution and the Board's next steps, etc.

Mr. Adams stated he will provide updates to the District Engineer to incorporate into the Engineer's Report that they are working on that supports the short-term financing and was discussed in a prior meeting. He will speak to Mr. Haber about the financing structure.

Mr. Haber formally requested noticing an Emergency Shade Session for February 27, 2025. The intention is to continue this meeting for the purpose of conducting the Shade Session

and to publicly notice as such in the newspaper, and with notices to be posted on the CDD website and e-blasted to residents.

THIRD ORDER OF BUSINESS

Update: Shoreline

This item was discussed during District Counsel’s report, following the Second Order of Business.

FOURTH ORDER OF BUSINESS

Discussion: CDD Shoreline Stabilization Status Communication

Board Members discussed the draft and potential edits to the CDD Shoreline Stabilization Status Communication, which the Board is considering distributing to all WildBlue residents.

Mr. Haber stated he confirmed Litigation Counsel’s availability and will prepare the notice to continue this meeting for the purposes of conducting an Emergency Shade Session on February 27, 2025 at 3:00 p.m.

This item was deferred to the continued meeting on February 27, 2025.

FIFTH ORDER OF BUSINESS

UPCOMING MEETINGS

- **March 6, 2025 at 10:00 AM [Regular Meeting]**
 - **QUORUM CHECK**
- **March 20, 2025 at 1:00 PM [Special Meeting]**

SIXTH ORDER OF BUSINESS

Public Comments (3 Minutes Per Speaker)

Board Members and Staff responded to comments and questions about the Board needing to consider remedies for homes in significant problematic areas, such as the north end and others, to avoid further damage during hurricane season.

Discussion ensued regarding obtaining estimates from companies experienced with building seawalls, postponing the Shade Session due to concerns about making the wrong decision, if it would be necessary to issue bonds if the CDD repairs the north side of the wall and

a hurricane damages the south side of the wall, whether the lawsuit or settlement is delaying the project, installing riprap, why the CDD is not “attacking” the Engineer and the Architect of Records’ insurance companies, contractor who built the seawall, inspecting the other lakes for deficiencies.

Other topics discussed included Lennar proceeding with the defense that the County approved its design, identifying/adding all the other potential entities that could be liable to the lawsuit, concerns about legal fees, asking if the company who installed the wall deviated from the specifications and designs, when Lennar’s offer will be made public, how confident Litigation Counsel is as to when the statute of limitations expires and what percentage of riprap is allowed.

Regarding publicly sharing Lennar’s offer, Mr. Adams pointed out that if the Board discusses it in public, the CDD would essentially be negotiating against the CDD because all discussion would be public record. Shade Sessions are held so that litigation matters can be discussed. The offer was prior to the recent findings by the third Engineer, Taylor Engineering, which might have opened this even further. He stated that the CDD Board makes the final decision on behalf of CDD property owners.

SEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Meyers and seconded by Mr. Buchholz, with all in favor, the meeting recessed at 3:04 p.m., and was continued to Thursday, February 27, 2025 at 3:00 p.m., at this location, for the purpose of holding an Emergency Shade Session within the Continued Meeting, was approved.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair