

WILDBLUE

COMMUNITY DEVELOPMENT DISTRICT

January 15, 2026

BOARD OF SUPERVISORS

REGULAR MEETING

AND ATTORNEY-CLIENT

SHADE SESSION

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
<https://wildbluecdd.net/>

January 8, 2026

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 and Attorney-Client Session on January 15, 2026 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913. The agenda is as follows:

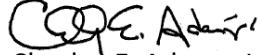
1. Call to Order/Roll Call
2. Public Comments: *Agenda Items (3 Minutes Per Speaker)*
3. ANNOUNCE ATTORNEY-CLIENT SESSION SHADE MEETING/RECESS REGULAR BOARD MEETING
4. COMMENCEMENT OF ATTORNEY-CLIENT SESSION SHADE MEETING (Closed to the Public by Law)
 - Executive Session Regarding: WILDBLUE COMMUNITY DEVELOPMENT DISTRICT, Plaintiff, v. FL WILDBLUE, LLC, and 38769 TAMPA FL, LLC, Defendants. Case No. 25-CA-1837, Circuit Court Lee County. Pending Litigation
5. ADJOURN ATTORNEY-CLIENT SESSION SHADE MEETING/RECONVENE REGULAR BOARD MEETING
6. Consideration of Matters Related to WILDBLUE COMMUNITY DEVELOPMENT DISTRICT, Plaintiff, v. FL WILDBLUE, LLC, and 38769 TAMPA FL, LLC, Defendants. Case No. 25-CA-1837, Circuit Court Lee County.
7. Updates
 - A. Lake Bank Erosion Repair Project
 - Downspout Diagram
 - B. Retaining Wall Restoration
 - Schedule
 - C. Fuel Station Site

8. Discussion/Consideration/Ratification: Performance Measures/Standards & Annual Reporting Form
 - A. October 1, 2024 - September 30, 2025 [Posted]
 - B. October 1, 2025 - September 30, 2026
9. Acceptance of Unaudited Financial Statements as of November 30, 2025
10. Approval of Minutes
 - A. November 20, 2025 Special Meeting and Attorney-Client Sessions
 - B. December 4, 2025 Regular Meeting and Attorney-Client Session
 - C. December 18, 2025 Special Meeting and Attorney-Client Session
11. Staff Reports
 - A. District Counsel: *Kutak Rock LLP*
 - B. District Engineer: *Barraco and Associates, Inc.*
 - C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - UPCOMING MEETINGS
 - February 5, 2026 at 10:00 AM [Regular Meeting]
 - February 19, 2026 at 10:00 AM [Special Meeting and Attorney-Client Session]
 - March 5, 2026 at 10:00 AM [Regular Meeting]
 - QUORUM CHECK

SEAT 1	HERBERT LANESE	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 2	SIMA BAKER	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 3	DENIS BOURQUE	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 4	JOHN BUCHHOLZ	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 5	RICHARD BENNINGTON	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
12. Board Members' Comments/Requests
 - Discussion/Consideration of Official WildBlue CDD Public Statement Regarding the Retention Wall Project
13. Public Comments Non-Agenda Items (*3 Minutes Per Speaker*)
14. Adjournment

Should you have any questions, please do not hesitate to contact me directly at 239-464-7114 or Shane Willis at 239-259-4299.

Sincerely,



Chesley E. Adams, Jr.
District Manager

CONFERENCE CALL INFORMATION:

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

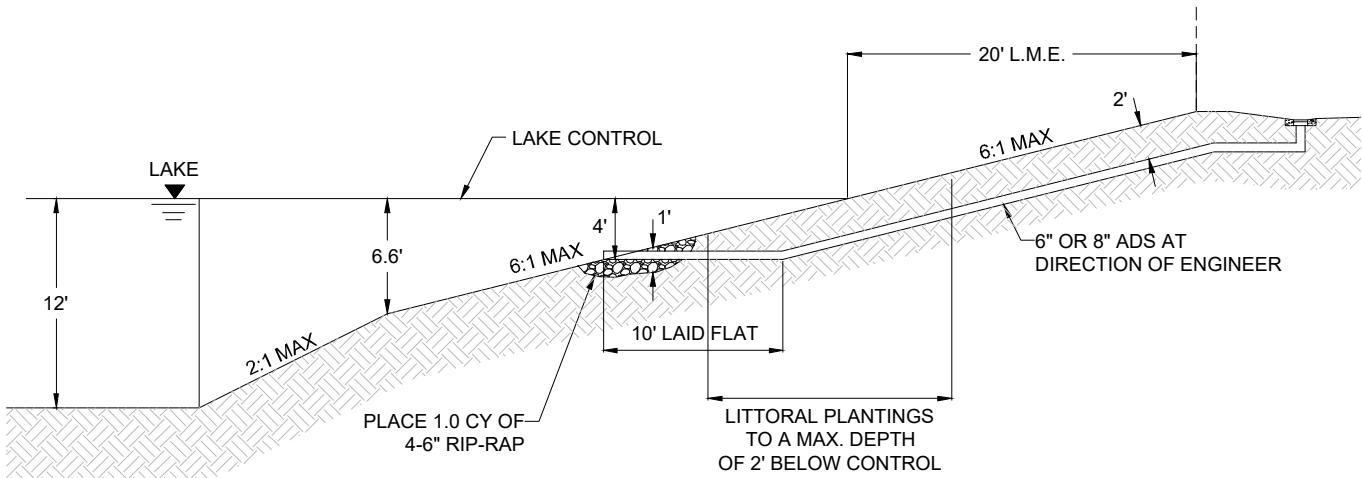
PARTICIPANT PASSCODE: 229 774 8903

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

7

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

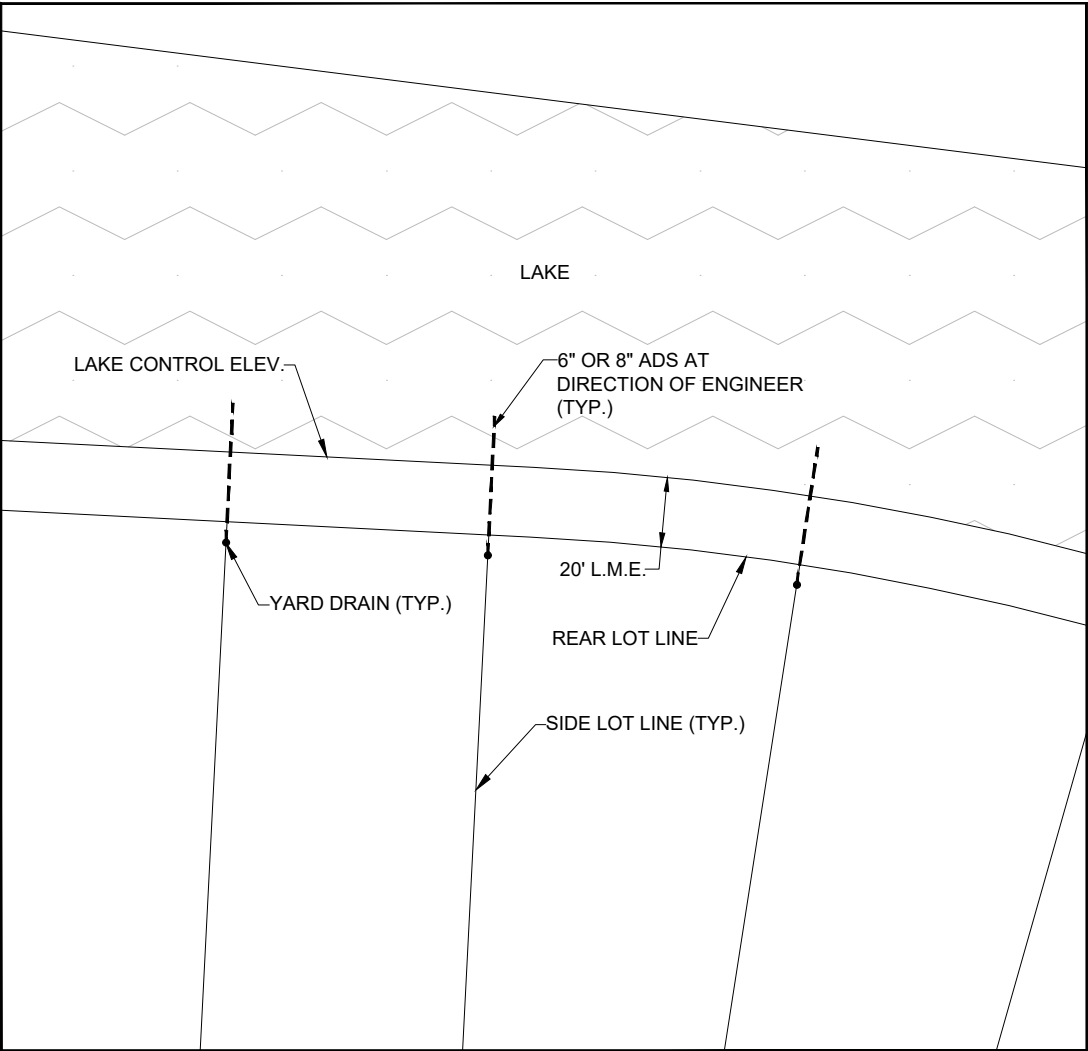
7A



LAKE BANK WITH SECONDARY DRAINAGE

N.T.S.

NOTE: THIS SECTION IS OPTIONAL AND MAY BE IMPLEMENTED AT COMMON LOT LINES BY THE OWNER(S).



LAKE BANK WITH SECONDARY DRAINAGE

N.T.S.

NOTE: THIS SECTION IS OPTIONAL AND MAY BE IMPLEMENTED AT COMMON LOT LINES BY THE OWNER(S).

PREPARED FOR

WILDBLUE
COMMUNITY
DEVELOPMENT
DISTRICT

PROJECT DESCRIPTION

WILDBLUE
CDD

LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY.

SITE LAYOUT AND LAND USE
INTENSITIES OR DENSITIES MAY
CHANGE SIGNIFICANTLY BASED
UPON SURVEY, ENGINEERING,
ENVIRONMENTAL AND / OR
REGULATORY CONSTRAINTS
AND / OR OPPORTUNITIES.

DRAWING NOT VALID WITHOUT SEAL, SIGNATURE AND DATE
© COPYRIGHT 2023, BARRACO AND ASSOCIATES, INC.
REPRODUCTION, CHANGES OR ASSIGNMENTS ARE PROHIBITED

FILE NAME	J:\23620\DWG\LBR LAKE DETAILS.DWG
LOCATION	J:\23620\DWG\LBR\EXH1
PLOT DATE	THU, 6-29-2023 - 2:34 PM
PLOT BY	CHRIS PAULY

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

EXHIBIT

REAR LOT TO LAKE
DRAINAGE
EXHIBIT

PROJECT / FILE NO.	SHEET NUMBER
23620	EXH

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

7B

WildBlue CDD Phase 1 Rec Lake Restoration Schedule																				
ID	Task Name	Duration	Start	Finish	May B M E	June B M E	July B M E	August B M E	September B M E	October B M E	November B M E	December B M E	January B M E	February B M E	March B M E	April B M E	May B M E	June B M E	July B M E	August B M E
1	Phase 1 Restoration Timeline	586 d	Mon 5/12/25	Fri 12/18/26																
2	Phase 1 Restoration Design	51 d	Mon 5/12/25	Tue 7/1/25																
3	60% Construction Set Design	23 d	Mon 5/12/25	Tue 6/3/25																
4	Prepare 60% Construction Plans for Review (Cummins Cederberg)	23 d	Mon 5/12/25	Tue 6/3/25																
5	90% Construction Set Design	58 d	Wed 6/4/25	Thu 7/31/25																
6	Prepare 90% Construction Plans for Review (Cummins Cederberg)	59 d	Wed 6/4/25	Fri 8/1/25																
7	Phase 1 Permitting	142 d	Thu 6/12/25	Fri 10/31/25																
8	Lee County Administrative Amendment (AA) - if needed (Zoning)*	114 d	Thu 6/12/25	Fri 10/3/25																
9	Pre-submission meeting with Lee County staff	9 d	Thu 6/12/25	Fri 6/20/25																
10	Initial AA Submission (BAI)	19 d	Mon 6/30/25	Fri 7/18/25																
11	Lee County AA Initial Review	31 d	Sat 7/19/25	Mon 8/18/25																
12	Review Lee County AA RAI and First Resubmission (BAI)	14 d	Tue 8/19/25	Mon 9/1/25																
13	Lee County AA Review and Approval	30 d	Tue 9/2/25	Wed 10/1/25																
14	Permit Issued	2 d	Thu 10/2/25	Fri 10/3/25																
15	Lee County Limited Review Development Order (LDO)	142 d	Thu 6/12/25	Fri 10/31/25																
16	Pre-submission meeting with Lee County staff	9 d	Thu 6/12/25	Fri 6/20/25																
17	Initial LDO Submission (BAI)	33 d	Mon 6/30/25	Fri 8/1/25																
18	Lee County LDO Initial Review	31 d	Sat 8/2/25	Mon 9/1/25																
19	Review Lee County LDO RAI and First Resubmission (BAI)	14 d	Tue 9/2/25	Mon 9/15/25																
20	Lee County LDO 2nd Review	30 d	Tue 9/16/25	Wed 10/15/25																
21	Paperwork Resubmission (BAI) and LDO Approval	14 d	Thu 10/16/25	Wed 10/29/25																
22	Permit Issued	2 d	Thu 10/30/25	Fri 10/31/25																
23	SFWMD ERP Minor Modification - if needed	128 d	Thu 6/12/25	Fri 10/17/25																
24	Pre-submission meeting with SFWMD staff	9 d	Thu 6/12/25	Fri 6/20/25																
25	Initial ERP Minor Mod Submission (BAI)	33 d	Mon 6/30/25	Fri 8/1/25																
26	SFWMD Initial Review	31 d	Sat 8/2/25	Mon 9/1/25																
27	Review SFWMD RAI and First Resubmission (BAI)	14 d	Tue 9/2/25	Mon 9/15/25																
28	SFWMD Resubmission Review and Approval	30 d	Tue 9/16/25	Wed 10/15/25																
29	Permit Issued	2 d	Thu 10/16/25	Fri 10/17/25																
30	Phase 1 Construction Services	586 d	Mon 5/12/25	Fri 12/18/26																
31	Phase 1 Technical Specifications (Cummins Cederberg - concurrent to construction plan design)	51 d	Mon 5/12/25	Tue 7/1/25																
32	Optional - Obtain updated Order of Magnitude pricing (Cummins Cederberg - based on 60% design)	28 d	Wed 6/4/25	Tue 7/1/25																
33	Prepare Project Manual and Bid Documents (Cummins Cederberg - based on 90% design)	14 d	Fri 8/1/25	Thu 8/14/25																
34	Review and Finalize Bid Documents (concurrent to construction plans)	20 d	Fri 8/15/25	Wed 9/3/25																
35	Send Request for Proposals (RFP) Phase 1	1 d	Thu 9/4/25	Thu 9/4/25																
36	Phase 1 Bidding Coordination (Pre-bid, review and respond to questions, etc.)	32 d	Fri 9/5/25	Mon 10/6/25																
37	Phase 1 Bid Reviews and Recommendations	10 d	Tue 10/7/25	Thu 10/16/25																
38	Phase 1 Contract Award and Construction Commencement	21 d	Sat 11/1/25	Fri 11/21/25																
39	Phase 1 Construction Duration	392 d	Sat 11/22/25	Fri 12/18/26																
40	Phase 1 Financing	121 d	Mon 5/12/25	Tue 9/9/25																
41	Obtain Initial Financing (Interest Only)	2 d	Mon 5/12/25	Tue 5/13/25																
42	Prepare Supplemental Engineer Report	22 d	Wed 6/4/25	Wed 6/25/25																
43	Prepare Supplemental Methodology Report	21 d	Thu 6/26/25	Wed 7/16/25																
44	Obtain Bond Financing (Long Term)	121 d	Mon 5/12/25	Tue 9/9/25																

* Assumes no public hearing is required.

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

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WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

8A

WILDBLUE COMMUNITY DEVELOPMENT DISTRICT
Performance Measures/Standards & Annual Reporting Form
October 1, 2024 – September 30, 2025

1. COMMUNITY COMMUNICATION AND ENGAGEMENT

Goal 1.1 Public Meetings Compliance

Objective: Hold at least two (2) regular Board of Supervisor meetings per year to conduct CDD related business and discuss community needs.

Measurement: Number of public board meetings held annually as evidenced by meeting minutes and legal advertisements.

Standard: A minimum of two (2) regular board meetings was held during the fiscal year.

Achieved: Yes ☒ No ☐

Goal 1.2 Notice of Meetings Compliance

Objective: Provide public notice of each meeting at least seven days in advance, as specified in Section 190.007(1), using at least two communication methods.

Measurement: Timeliness and method of meeting notices as evidenced by posting to CDD website, publishing in local newspaper and via electronic communication.

Standard: 100% of meetings were advertised with 7 days' notice per statute on at least two mediums (i.e., newspaper, CDD website, electronic communications).

Achieved: Yes ☒ No ☐

Goal 1.3 Access to Records Compliance

Objective: Ensure that meeting minutes and other public records are readily available and easily accessible to the public by completing monthly CDD website checks.

Measurement: Monthly website reviews will be completed to ensure meeting minutes and other public records are up to date as evidenced by District Management's records.

Standard: 100% of monthly website checks were completed by District Management.

Achieved: Yes ☒ No ☐

2. **INFRASTRUCTURE AND FACILITIES MAINTENANCE**

Goal 2.1 District Infrastructure and Facilities Inspections

Objective: District Engineer will conduct an annual inspection of the District's infrastructure and related systems.

Measurement: A minimum of one (1) inspection completed per year as evidenced by district engineer's report related to district's infrastructure and related systems.

Standard: Minimum of one (1) inspection was completed in the Fiscal Year by the district's engineer.

Achieved: Yes ☒ No ☐

3. **FINANCIAL TRANSPARENCY AND ACCOUNTABILITY**

Goal 3.1 Annual Budget Preparation

Objective: Prepare and approve the annual proposed budget by June 15 and final budget was adopted by September 30 each year.

Measurement: Proposed budget was approved by the Board before June 15 and final budget was adopted by September 30 as evidenced by meeting minutes and budget documents listed on CDD website and/or within district records.

Standard: 100% of budget approval and adoption were completed by the statutory deadlines and posted to the CDD website.

Achieved: Yes ☒ No ☐

Goal 3.2 Financial Reports

Objective: Publish to the CDD website the most recent versions of the following documents: current fiscal year budget with any amendments, most recent financials within the latest agenda package; and annual audit via link to Florida Auditor General website.

Measurement: Previous years' budgets, financials and annual audit, are accessible to the public as evidenced by corresponding documents and link on the CDD's website.

Standard: CDD website contains 100% of the following information: most recent link to annual audit, most recently adopted/amended fiscal year budget, and most recent agenda package with updated financials.

Achieved: Yes ☒ No ☐

Goal 3.3 Annual Financial Audit

Objective: Conduct an annual independent financial audit per statutory requirements, transmit to the State of Florida and publish corresponding link to Florida Auditor General Website on the CDD website for public inspection.

Measurement: Timeliness of audit completion and publication as evidenced by meeting minutes showing board approval and annual audit is transmitted to the State of Florida and available on the Florida Auditor General Website, for which a corresponding link is published on the CDD website.

Standard: Audit was completed by an independent auditing firm per statutory requirements and results were transmitted to the State of Florida and corresponding link to Florida Auditor General Website is published on CDD website.

Achieved: Yes ☐ No ☒

Audit received October 13, 2025



District Manager

CHESLEY E. ADAMS JR.

Print Name

8.1.24

Date



Chair/Vice Chair, Board of Supervisors

CHRIS NASTY

Print Name

8.1.24

Date

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

8B

WILDBLUE COMMUNITY DEVELOPMENT DISTRICT
Performance Measures/Standards & Annual Reporting Form
October 1, 2025 – September 30, 2026

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Standard: Audit was completed by an independent auditing firm per statutory requirements and results were transmitted to the State of Florida and corresponding link to Florida Auditor General Website is published on CDD website.

Achieved: Yes ☐ No ☐

District Manager

Chair/Vice Chair, Board of Supervisors

Print Name

Print Name

Date

Date

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

UNAUDITED
FINANCIAL
STATEMENTS

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
NOVEMBER 30, 2025**

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
NOVEMBER 30, 2025**

	General Fund	SRF - Note 2025	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
ASSETS					
Cash	\$ 502,399	\$ -	\$ -	\$ -	\$ 502,399
Synovus Note	482,762	4,050,072	-	-	4,532,834
Investments					
Synovus reserve	-	55,045	-	-	55,045
Revenue	-	-	616,665	-	616,665
Reserve	-	-	699,902	-	699,902
Prepayment	-	-	27,968	-	27,968
Construction	-	-	-	99,155	99,155
Due from general fund	-	-	324,538	-	324,538
Utility deposit	400	-	-	-	400
Prepaid expense	850	-	-	-	850
Total assets	<u>\$ 986,411</u>	<u>\$4,105,117</u>	<u>\$1,669,073</u>	<u>\$ 99,155</u>	<u>\$ 6,859,756</u>
LIABILITIES AND FUND BALANCES					
Liabilities:					
Accounts payable	419,265	14,182	-	-	433,447
Tax payable	214	-	-	-	214
Due to debt service fund	324,538	-	-	-	324,538
Accrued wages payable	2,800	-	-	-	2,800
Landowner advance	6,000	-	-	-	6,000
Total liabilities	<u>752,817</u>	<u>14,182</u>	<u>-</u>	<u>-</u>	<u>766,999</u>
Fund balances:					
Restricted for:					
Debt service	-	-	1,669,073	-	1,669,073
Capital projects	-	-	-	99,155	99,155
Unassigned	233,594	4,090,935	-	-	4,324,529
Total fund balances	<u>233,594</u>	<u>4,090,935</u>	<u>1,669,073</u>	<u>99,155</u>	<u>6,092,757</u>
Total liabilities and fund balances	<u>\$ 986,411</u>	<u>\$4,105,117</u>	<u>\$1,669,073</u>	<u>\$ 99,155</u>	<u>\$ 6,859,756</u>

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED NOVEMBER 30, 2025**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy: on-roll - net	\$ 182,048	\$ 182,048	\$ 781,989	23%
Total revenues	182,048	182,048	781,989	23%
EXPENDITURES				
Professional & administrative				
Supervisors	1,076	3,014	20,000	15%
Management/accounting/recording	4,000	8,000	48,000	17%
Legal	7,031	7,581	20,000	38%
Special counsel	29,731	29,731	50,000	59%
Engineering	-	2,215	100,000	2%
Audit	-	-	6,500	0%
Arbitrage rebate calculation	-	-	1,500	0%
Dissemination agent	167	333	2,000	17%
Trustee	-	-	8,000	0%
Telephone	17	33	200	17%
Postage	54	83	500	17%
Printing & binding	42	83	500	17%
Legal advertising	201	201	2,000	10%
Annual special district fee	-	175	175	100%
Insurance	-	6,866	7,790	88%
Contingencies/bank charges	115	233	500	47%
Website				
Hosting	-	-	705	0%
ADA compliance	-	-	210	0%
Total professional & administrative	42,434	58,548	268,580	22%
Field operations				
Field management	833	1,667	10,000	17%
Aquatic maintenance	6,393	12,786	80,000	16%
Conservation area maintenance	-	-	320,000	0%
Conservation area monitoring & reporting	-	-	45,000	0%
Water level and quality reporting	-	-	13,000	0%
Littoral plant replacements	-	-	10,000	0%
Conservation area fence review/repairs	-	-	15,000	0%
Aeration operating supplies	400	814	7,500	11%
Contingencies	-	-	5,000	0%
2025 note repayment*	-	-	206,000	0%
Shoreline/seawall repair and replacements*	-	-	2,500,000	0%
Total field operations	7,626	15,267	3,211,500	0%

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED NOVEMBER 30, 2025**

	Current Month	Year to Date	Budget	% of Budget
Other fees and charges				
Property appraiser	673	673	673	100%
Tax collector	1,238	1,238	1,238	100%
Cost of issuance	17,500	17,500	-	N/A
Total other fees and charges	19,411	19,411	1,911	1016%
Total expenditures	69,471	93,226	3,481,991	3%
Excess/(deficiency) of revenues over/(under) expenditures	112,577	88,822	(2,700,001)	
OTHER FINANCING SOURCES				
Transfer in*	-	-	3,000,000	0%
Note/LOC proceeds	500,000	500,000	-	N/A
Total other financing sources	500,000	500,000	3,000,000	17%
Net change in fund balances	612,577	588,822	299,999	
Fund balances - beginning	(475,427)	(355,228)	476,814	
Fund balances - ending	\$ 137,150	\$ 233,594	\$ 776,813	

*These items will be reflected in the special revenue fund.

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
SPECIAL REVENUE FUND NOTE 2025
FOR THE PERIOD ENDED NOVEMBER 30, 2025**

	Current Month	Year To Date
REVENUES		
Interest	6,302	13,047
Total revenues	<u>6,302</u>	<u>13,047</u>
EXPENDITURES		
Engineering	-	13,181
Contingencies	1,000	1,000
2025 note repayment	96,444	96,444
Total debt service	<u>97,444</u>	<u>110,625</u>
Excess/(deficiency) of revenues over/(under) expenditures	(91,142)	(97,578)
Fund balances - beginning	4,182,077	4,188,513
Fund balances - ending	<u><u>\$ 4,090,935</u></u>	<u><u>\$ 4,090,935</u></u>

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2019
FOR THE PERIOD ENDED NOVEMBER 30, 2025**

	Current Month	Year To Date	Budget	% of Budget
REVENUES				
Special assessment: on-roll	\$ 321,694	\$ 321,694	\$ 1,392,509	23%
Interest	4,261	8,499	-	N/A
Total revenues	<u>325,955</u>	<u>330,193</u>	<u>1,392,509</u>	24%
EXPENDITURES				
Debt service				
Principal	-	-	515,000	0%
Interest	-	-	881,369	0%
Total expenditures	<u>-</u>	<u>-</u>	<u>1,396,369</u>	0%
Excess/(deficiency) of revenues over/(under) expenditures	325,955	330,193	(3,860)	
Fund balances - beginning	<u>1,343,118</u>	<u>1,338,880</u>	<u>1,312,535</u>	
Fund balances - ending	<u>\$ 1,669,073</u>	<u>\$ 1,669,073</u>	<u>\$ 1,308,675</u>	

**WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
CAPITAL PROJECTS FUND SERIES 2019
FOR THE PERIOD ENDED NOVEMBER 30, 2025**

	Current Month	Year To Date
REVENUES		
Interest	\$ 314	\$ 609
Total revenues	<u>314</u>	<u>609</u>
EXPENDITURES	<u>-</u>	<u>-</u>
Total expenditures	<u>-</u>	<u>-</u>
Excess/(deficiency) of revenues over/(under) expenditures	314	609
Fund balances - beginning	98,841	98,546
Fund balances - ending	<u>\$ 99,155</u>	<u>\$ 99,155</u>

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

MINUTES

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

MINUTES
A

DRAFT
MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the WildBlue Community Development District held a Special Meeting and Attorney-Client Sessions on November 20, 2025 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.

Present:

John Buchholz	Chair
Rick Bennington	Vice Chair
Herbert Lanese	Assistant Secretary
Denis Bourque	Assistant Secretary
Sima Baker	Assistant Secretary

Also present:

Chuck Adams	District Manager
Shane Willis	Operations Manager
Wes Haber (via Zoom)	District Counsel
David Gurley	Special Counsel
Christopher Fiore	Gurley Fant, P.A.
Jordon Cheifet	Cummins Cederberg, Inc.
Terry Kurth	Resident
Elaine Daily	Resident
Victor Shneur	Resident
Kathleen (via Zoom)	Resident
Other residents	
Court Reporter	

The names of all attendees, residents and/or members of the public might not appear in the meeting minutes. If the person did not identify themselves, their name was inaudible or their name did not appear in the meeting notes or on a sign in sheet, the name was not listed.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:03 a.m.

All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments (3 Minutes Per Speaker)

Resident Victor Shneur expressed concern about low lake levels approaching dry season and asked if levels will be monitored. Mr. Willis stated that stormwater lakes are affected by fluctuating rainfall. SOLitude monitors lake levels and applies treatments during the dry season to control growth of invasives. The system is designed to catch stormwater runoff and move the water out of the system; water levels balanced by equilibrium are not within the CDD's control. It was noted that the lake in question is very shallow, rainfall totals are very low and water restrictions might be imposed.

Resident Terry Kurth expressed concern about low lake levels, given the eventual need for boats to be moved or removed from the lake during construction. He stated that a marina experienced an issue at the edge of the concrete and voiced his opinion that a contingency plan is needed. It was noted that recreational use of the lakes is an Amenities matter unrelated to the CDD but the CDD can speak with Amenities about placing boats in open slips.

Discussion ensued regarding underwater obstructions that need to be buoyed, repair and replacement of buoys, the need to increase the input levels, etc.

THIRD ORDER OF BUSINESS

ANNOUNCE ATTORNEY-CLIENT SESSION SHADE MEETING 1/RECESS SPECIAL BOARD MEETING

Mr. Adams announced the Attorney-Client Session Shade Meeting and recessed the Special Meeting. Members of the public left the meeting room and telephone and/or Zoom.

FOURTH ORDER OF BUSINESS

COMMENCEMENT OF ATTORNEY-CLIENT SESSION SHADE MEETING (Closed to the Public by Law)

- Executive Session Regarding: Terry Kurth, derivatively on behalf of WildBlue Master Property Owners Association, Inc. v. Lennar Homes, LLC, Pulte Home Company, LLC, SDWB, LLC, SD WildBlue, LLC, WCI Communities, LLC, Barraco and Associates, Inc., Turrell, Hall & Associates, Inc. and WildBlue Community Development District, pending in the Twentieth Judicial Circuit in and for Lee County Florida, Case No. 001775. Pending Litigation

The Executive Session commenced at 10:14 a.m.

FIFTH ORDER OF BUSINESS

ADJOURN ATTORNEY-CLIENT SESSION
SHADE MEETING 1

The Attorney-Client Session Shade Meeting adjourned and the Special Meeting reconvened at 11:33 a.m. Members of the public were invited to returned to the meeting.

The Special Meeting recessed at 11:33 a.m., and reconvened at 11:41 a.m.

All Supervisors were present.

SIXTH ORDER OF BUSINESS

ANNOUNCE ATTORNEY-CLIENT SESSION
SHADE MEETING 2

This item was not addressed.

SEVENTH ORDER OF BUSINESS

COMMENCEMENT OF ATTORNEY-CLIENT
SESSION SHADE MEETING 2 (Closed to the
Public by Law)

- Executive Session Regarding: WILDBLUE COMMUNITY DEVELOPMENT DISTRICT, Plaintiff, v. FL WILDBLUE, LLC, and 38769 TAMPA FL, LLC, Defendants. Case No. 25-CA-1837, Circuit Court Lee County. Pending Litigation

This item was not addressed.

EIGHTH ORDER OF BUSINESS

ADJOURN ATTORNEY-CLIENT SESSION
SHADE MEETING 2/RECONVENE
CONTINUED BOARD MEETING

This item was not addressed.

NINTH ORDER OF BUSINESS

Consideration of Matters Related to Terry Kurth, derivatively on behalf of WildBlue Master Property Owners Association, Inc. v. Lennar Homes, LLC, Pulte Home Company, LLC, SDWB, LLC, SD WildBlue, LLC, WCI Communities, LLC, Barraco and Associates, Inc., Turrell, Hall & Associates, Inc. and WildBlue Community Development District, pending in the Twentieth Judicial Circuit in and for Lee County Florida, Case No. 001775

Mr. Adams stated that the Board needs to designate a representative to attend the mediation. The designated representative will be authorized to approve a settlement to be presented to the Board for consideration and final action, should a settlement be presented.

Mr. Haber asked for a shade session to be scheduled for during the December 4, 2025 meeting.

On MOTION by Mr. Lanese and seconded by Mr. Buchholz, with all in favor, designating Mr. Bennington to serve as the Board's representative at the December 3, 2025 mediation, was approved.

TENTH ORDER OF BUSINESS

Consideration of Matters Related to WILDBLUE COMMUNITY DEVELOPMENT DISTRICT, Plaintiff, v. FL WILDBLUE, LLC, and 38769 TAMPA FL, LLC, Defendants. Case No. 25-CA-1837, Circuit Court Lee County.

This item was not addressed.

ELEVENTH ORDER OF BUSINESS

Update: Shoreline Stabilization

Mr. Savage stated that work proceeded as discussed at the last meeting. Authorization was received to push some due dates back, and those due dates outlined in Addendum #2 and Addendum #3 remain in effect. Bids are due on Tuesday, November 25, 2025 at 3:00 p.m. A public bid opening will occur on November 26, 2025, at which the bids will be opened and amounts announced. It was noted that phone-in access for members of the public will not be offered for the bid opening.

Mr. Savage stated that Addendum #3 will likely be issued today or tomorrow to address Litigation Counsel's opinions regarding insurance requirements and the final Bid Calculation Form. It was noted that one of the bidders inquired about an extension, and bidders were advised that no further extensions will be provided.

Discussion ensued regarding Lennar's ownership of the land at the rotaries adjacent to CDD properties, the Board's support for the use of the property, and HOA maintenance of the property.

Mr. Haber stated that the issue was raised at the last BlueLake meeting and recommended obtaining permission from Lennar or the property owner to use the property.

Discussion ensued regarding the argument that the multi-million dollar retaining wall repair is maintenance, the need to confirm that the property the CDD would like to use is burdened by a maintenance easement in favor of the CDD, and shoreline repair not storage of materials fitting within the maintenance easement's intended purpose.

Mr. Haber voiced his hope that, despite the ongoing litigation, all would agree with the need to complete the shoreline repairs and that the CDD would receive cooperation in that regard. He recommended asking Litigation Counsel, who is in contact with Counsel for Lennar, to raise the question in the hope that Lennar will agree to the property's use for that purpose.

The Board and Staff discussed the map, which includes the buffer at the end of Blue Sapphire Drive.

Mr. Adams stated that, according to the plat dedicated to the Master POA with responsibility for maintenance, there is no mention of Tract O3 under the dedications to the CDD.

Mr. Buchholz stated that mediation is scheduled for December 3, 2025. Following the bid opening, the leveled bids will provide the Phase 1 costs.

Mr. Cheifet was asked to calculate the linear footage to create estimated costs for Phase 2, which is the south side of the lake.

Mr. Savage will prepare and circulate an Exhibit that shows the Phase 2 limits, which will exclude Indigo Lake.

Mr. Buchholz stated that he and Mr. Cheifet will consider Phases 2 and 3. He expressed uncertainty regarding how to handle Indigo Lake, which was handled by a different contractor. After December 3, 2025, the costs that will be needed, including littoral plantings, permit costs, Barraco Engineering costs, estimated phases to date, Mr. Cheifet's costs, and any other miscellaneous costs, will give a final amount to be pursued from the Developers.

Mr. Buchholz and Mr. Cheifet discussed the timeframes for cost calculations to be provided before the December 3, 2025 mediation, and information to be provided at later dates.

Discussion ensued regarding holding a shade session in conjunction with the regularly scheduled December 4, 2025 meeting, and items to be discussed at upcoming meetings.

Barraco & Associates will provide a summary of the bids to the Board and Staff by December 1, 2025, well in advance of the discussion at the December 4, 2025 meeting.

It was noted that a community meeting will be postponed for the time being.

Mr. Adams stated that, although the bids will be considered at the December 4, 2025 meeting, the documents generally allow 120 days for the contract to be awarded.

Mr. Savage stated that the sealed bids are due at 3:00 p.m. on November 25, 2025. The bids will be opened at a public meeting at Barraco & Associates' Fort Meyers, Florida office at 10:30 a.m., on November 26, 2025.

Mr. Barraco stated the Environmental Resources Permit (ERP) Modification was submitted; he expects it to be approved but, if not approved, he believes there is still time.

Mr. Cheifet stated that his firm is completing the last changes to Addendum #4. These will be forwarded to Mr. Savage for distribution.

▪ **Consideration of Resolution 2026-02, Authorizing the Issuance of its Taxable Public Improvement Revenue Note, Series 2025B, in the Aggregate Principal Amount Not to Exceed \$500,000 to Provide Funds, Together with other Funds of the District, to Finance Certain Legal Expenses Incurred by the District; Providing that Such Note Shall be Payable from Operation and Maintenance Special Assessments Upon Benefitted Properties in the District as Provided Herein; Awarding the Note to Synovus Bank by Negotiated Sale; Authorizing the District to Enter into a Loan Agreement with Synovus Bank; Providing for the Rights, Security and Remedies for the Owner of such Note; Providing for the Creation of Certain Funds; Making Certain Covenants and Agreements in Connection therewith; and Providing an Effective Date**

This item was an addition to the agenda.

Mr. Adams presented Resolution 2026-02, including the Term Sheet and Form of Loan Agreement. He recommended approval in substantial form.

On MOTION by Mr. Buchholz and seconded by Mr. Bourque, with all in favor, Resolution 2026-02, Authorizing the Issuance of its Taxable Public Improvement Revenue Note, Series 2025B, in the Aggregate Principal Amount Not to Exceed \$500,000 to Provide Funds, Together with other Funds of the District, to Finance Certain Legal Expenses Incurred by the District; Providing that Such Note Shall be Payable from Operation and Maintenance Special Assessments Upon Benefitted Properties in the District as Provided Herein; Awarding the Note to Synovus Bank by Negotiated Sale; Authorizing the District to Enter into a Loan Agreement with Synovus Bank; Providing for the Rights, Security and Remedies for the Owner of such Note; Providing for the Creation of Certain Funds; Making Certain Covenants and Agreements in Connection therewith; and Providing an Effective Date, in substantial form, was adopted.

TWELFTH ORDER OF BUSINESS

UPCOMING MEETINGS

- **December 4, 2025 at 10:00 AM [Regular Meeting]**

• **December 18, 2025 at 10:00 AM [Special Meeting and Attorney-Client Sessions]**

○ **QUORUM CHECK**

These items were discussed during the Eleventh Order of Business.

THIRTEENTH ORDER OF BUSINESS

Public Comments (3 Minutes Per Speaker)

Resident Elaine Daily asked how much was spent on the commercial property litigation and how it was financed. Mr. Adams estimated that approximately \$400,000 was financed through operating assessments. The \$500,000 loan will restore the operating assessments utilized to pay the legal expense and help to offset multiple Special Counsel costs incurred in the past year and a half, including the commercial property lawsuit. He estimated that slightly more than \$100,000 was spent on the retaining wall lawsuit with Lennar.

Mr. Adams stated that the commercial property has been the subject of an Administrative Hearing, which included the South Florida Water Management District (SFWMD) and the Developer, and then there was a lawsuit; both proceedings have been through discovery and depositions, where many of the legal costs accumulate. The litigation with Lennar has not gone through that process yet; mediation is scheduled for December 3, 2025.

Mr. Adams stated that future costs associated with the commercial lawsuit are expected to be light, as all the high-cost activities have occurred. Asked if there is an estimate of future costs, Mr. Adams replied no. Asked if a cost/risk benefit was done prior to entering into the lawsuit, Mr. Adams replied no. Asked about future costs related to the Lennar lawsuit, Mr. Adams stated that future costs depend on the outcome of mediation. The lawsuit is not expected to go to arbitration. There is no estimate yet regarding future legal expenses.

A resident asked when work can be expected to begin. It was noted that cleanup must occur first, which could take two to three months. It is hoped that demolition can begin in January and that as much of the missing up front wall can be completed before hurricane season.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Bourque and seconded by Mr. Lanese, with all in favor, the meeting adjourned at 12:32 p.m.

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Secretary/Assistant Secretary

Chair/Vice Chair

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

MINUTES
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DRAFT
MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the WildBlue Community Development District held a Regular Meeting and Attorney-Client Shade Session on December 4, 2025 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.

Present:

John Buchholz	Chair
Rick Bennington	Vice Chair
Herbert Lanese	Assistant Secretary
Denis Bourque	Assistant Secretary
Sima Baker	Assistant Secretary

Also present:

Chuck Adams	District Manager
Shane Willis	Operations Manager
Wes Haber (via Zoom/phone)	District Counsel
Frank Savage	District Engineer
Carl Barraco Zoom/phone	Barraco and Associates, Inc.
Christopher Fiore (via Zoom/phone)	Special Counsel
Court Reporter (via Zoom/phone)	

Residents present in person or via Zoom/phone:

Larry Bryan	Jerry O'Malley	Phil Magery	Tom McNamara	Larry Weinstein
Elaine Bailey	Brad Bertoia	Henry Alonzo	Bob Finkelstein	Kathleen O'Connor

The names of all attendees, residents and/or members of the public might not appear in the meeting minutes. If the person did not identify themselves, their name was inaudible or their name did not appear in the meeting notes or on a sign in sheet, the name was not listed.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:02 a.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items (3 Minutes Per Speaker)

Resident Tom McNamara asked about the retaining wall project bids and commencing the project in the dry season. Mr. Adams stated the District Engineer is reviewing the bids received yesterday. Recommendations will be based on the Board approved Evaluation Criteria.

Discussion ensued regarding the project start date, mobilization and completing Phase 1.

Resident Larry Bryan asked if there is a retaining wall timeline to provide to homeowners. Mr. Adams stated the milestone schedule is on the website and updated every few weeks. Limited information about the lawsuit is posted on the website to avoid disclosing strategy information to the opposing parties, which is the purpose of the Shade Sessions.

Resident Larry Weinstein asked why homeowners were not told of Lennar's offer. Mr. Haber stated settlement discussions during mediation are confidential. Mr. Fiore stated the initial offer and general terms can be disclosed but the items discussed in mediation must remain confidential. Mr. Buchholz stated Lennar's settlement offer is \$5 million. Based on the bids received yesterday, the District Engineer's rough estimate for all three phases is \$22 million. They were unable to submit a counteroffer until the bids were received and analyzed.

Board Members responded to questions about potential project overruns, remediation costs from the Marine Engineer ranging from \$22 million to \$30 million for all three phases, Phase I being mostly riprap, the repair plans, and the schedule being posted on the website.

A resident asked how Lennar is responsible for the Phase 3 Pulte Lake repairs. Mr. Adams stated all three Developers are represented in the lawsuit.

Resident Phil Magery thinks the wall designated as Phase 2 does not appear to be damaged. Mr. Buchholz stated the wall is damaged and was deemed defective and susceptible to future damage. Mr. Magery voiced his opinion that the Phase 2 costs are not real expenses.

Resident Henry Alonzo expressed his opinion that the Board is discounting Mr. Magery's comments and asked why. Mr. Buchholz stated that this matter has been addressed over the last two years; he offered to discuss it later in the meeting.

THIRD ORDER OF BUSINESS

ANNOUNCE ATTORNEY-CLIENT SESSION SHADE MEETING/RECESS REGULAR BOARD MEETING

Mr. Haber announced the Attorney-Client Session Shade Meeting. The Shade Meeting acknowledges the CDD is implementing the portion of the Sunshine Law that allows the Board to meet privately with Counsel and the District Manager when the District faces litigation. This is specifically related to Lee County Case No. 001775, outlined in the Fourth Order of Business. The Shade Session was formally requested at a prior meeting and properly noticed. Attendees for the Shade Session will include CDD Board Members; Mr. Haber; Litigation Counsel Chris Fiore; District Management representatives Chuck Adams and Shane Willis; and the Court Reporter.

Mr. Haber recessed the Regular Board Meeting at 10:24 a.m., and announced commencement of the Attorney-Client Session Shade Meeting, which must be confined to settlement negotiations/strategy related to litigation and not disclosed to any third parties.

Mr. Willis disconnected the phone lines and audio recording and in-person members of the public left the meeting room.

FOURTH ORDER OF BUSINESS**COMMENCEMENT OF ATTORNEY-CLIENT
SESSION SHADE MEETING (Closed to the
Public by Law)**

- **Executive Session Regarding: Terry Kurth, derivatively on behalf of WildBlue Master Property Owners Association, Inc. v. Lennar Homes, LLC, Pulte Home Company, LLC, SDWB, LLC, SD WildBlue, LLC, WCI Communities, LLC, Barraco and Associates, Inc., Turrell, Hall & Associates, Inc. and WildBlue Community Development District, pending in the Twentieth Judicial Circuit in and for Lee County Florida, Case No. 001775. Pending Litigation**

The Executive Session commenced.

FIFTH ORDER OF BUSINESS**ADJOURN ATTORNEY-CLIENT SESSION
SHADE MEETING/RECONVENE REGULAR
BOARD MEETING**

The Attorney-Client Session Shade Meeting adjourned.

Mr. Willis reconvened the Regular Board Meeting at 11:34 a.m. The phone lines and audio recording were reconnected and the meeting room was opened to the public.

The Regular Meeting recessed for a brief break.

Mr. Adams reconvened the Regular Board Meeting at 11:45 a.m. The same Board Members present at roll call were still present.

Mr. Haber stated that, based on Litigation Counsel's advice and recommendation in the Shade Meeting, the Board accepted the proposed settlement of paying Terry Kruth \$90,000 in exchange for a dismissal of the suit against the CDD and subject to other various terms and conditions to be set forth in a Settlement Agreement between the CDD and Mr. Terry Kurth.

On MOTION by Mr. Bourque and seconded by Mr. Lanese, with all in favor, authorizing a settlement payment of \$90,000 to Terry Kurth in settlement of the above referenced litigation; delegating authority to Mr. Bennington to work with Litigation Counsel to finalize the other related terms and the Settlement

Agreement; and authorizing Mr. Bennington to execute the Settlement Agreement in final form, was approved.

SIXTH ORDER OF BUSINESS**Updates****A. Lake Bank Erosion Repair Project**

- **Downspout Diagram**

B. Retaining Wall Restoration

- **Schedule**

These items were included for informational purposes.

Mr. Savage and Mr. Barraco presented and discussed the following:

➤ Since the last meeting, additional addendums to the Request for Proposals (RFP) were issued to provide additional clarifications.

➤ Three bids were received in response to the RFP. After the initial bid opening, an initial bid calculation was prepared and a clean version was circulated to have before mediation.

➤ It is suggested that the Board review the bids, which are locked in for 120 days from the December 2, 2025 date of receipt. The next steps can be discussed at the next meeting.

➤ A qualitative update that aligns to the scoring criteria related to means and methods was emailed this morning. It specifies a full water approach.

Mr. Buchholz asked Mr. Adams to email the link to review the bids to the Board, along with Mr. Savage's email, and include this on the December 18, 2025 agenda or the following. Board Members with technical questions should contact the District and Marine Engineers and email general questions to Mr. Adams to consolidate and pass onto both Engineers.

➤ The contractor bids are based on unit pricing and the measured quality of materials that they place in the field; it is not a lump sum contract and might result in cost overruns.

Mr. Barraco asked if each contractor can be asked about their source of raw materials and if they can observe them. Mr. Haber stated yes, if the CDD is precise in how questions are asked.

Mr. Buchholz asked Mr. Willis to post information related to the wall bid on the website.

➤ Staff is internally finalizing the Lake Bank Erosion bid to go out this month and bids will be received in January 2026. Updates will be provided at the December 8, 2025 meeting.

➤ The Retaining Wall Restoration Schedule related to permitting is not updated. County approval of the Administrative Amendment allowing the revetment and marine mattress to be

utilized as an alternative to previously approved alternatives is pending. Mr. Barraco spoke with the South Florida Water Management District (SFWMD) about the resubmittal.

➤ Resubmission of the Limited Development Order (LDO) related to the construction of the revetment with the marine mattress is pending. Mr. Barraco will contact the City if the LDO is delayed and prevents the CDD from issuing the Notice of Commencement.

C. Fuel Station Site

There was no update.

Mr. Buchholz stated the CDD won its Motion to Dismiss the Counter Claim. The Developer will not receive any fees. Mediation continues and depositions are being scheduled. This litigation is to address water quality and potential flooding behind homes facing the main road.

SEVENTH ORDER OF BUSINESS

Consider Award of Contract for Lake Bank and Wall Remediation Projects

This item was discussed earlier and is being deferred to the December 18, 2026 meeting.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2026-03, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Conduct the District's General Elections; Providing for Compensation; Setting Forth the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

Mr. Adams presented Resolution 2026-03. Seats 1 and 2, currently held by Mr. Herbert Lanese and Ms. Sima Baker, respectively, are up for Election at the November 2026 General Election; the candidate qualifying period is from noon on June 8, 2026 to noon on June 12, 2026.

On MOTION by Mr. Bennington and seconded by Mr. Lanese, with all in favor, Resolution 2026-03, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Conduct the District's General Elections; Providing for Compensation; Setting Forth the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2026-04, Relating to the Amendment of the Budget

for the Fiscal Year Beginning October 1,
2024 and Ending September 30, 2025; and
Providing for an Effective Date

Mr. Adams presented Resolution 2026-04. This action is necessary because some
operational expenditures exceeded budget and it will help avoid a finding in the annual audit.

**On MOTION by Mr. Lanese and seconded by Mr. Bennington, with all in favor,
Resolution 2026-04, Relating to the Amendment of the Budget for the Fiscal Year
Beginning October 1, 2024 and Ending September 30, 2025; and Providing for an
Effective Date, was adopted.**

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial
Statements as of October 31, 2025

**On MOTION by Mr. Bourque and seconded by Mr. Bennington, with all in favor,
the Unaudited Financial Statements as of October 31, 2025, were accepted.**

ELEVENTH ORDER OF BUSINESS

Approval of Minutes

A. October 16, 2025 Special Board Meeting and Attorney-Client Sessions

The following changes were made, including edits from Ms. O'Connor:

Line 47 and throughout: Change "Safire" to "Sapphire"

Line 62 and throughout: Change "judgement" to "judgment"

Line 68 and throughout: Change "counter claim" to "counterclaim"

Line 82 and throughout: Change "counter-claim" to "counterclaim"

Line 83: Delete "as there is not a legal basis to do so"

**On MOTION by Mr. Lanese and seconded by Mr. Bourque, with all in favor, the
October 16, 2025 Special Board Meeting and Attorney-Client Sessions Minutes,
as amended, were approved.**

B. November 6, 2025 Regular Meeting

The following changes were made, including edits from Ms. O'Connor:

Line 58 and throughout: Change "counter suit" to "countersuit"

Line 95: Move agenda title "Downspout Diagram" after "Line 127"

Line 104: Delete "; there are issues with the contract and anticipated mediation"

Line 208: Change "Ms. O'Connor" to "Ms. Lanese"

223 Line 210: Change "Halese" to "Alesi"

224 Line 224: Change "remediation" to "mediation"

225 Line 226: Change "November" to "December"

226 **On MOTION by Mr. Lanese and seconded by Mr. Bourque, with all in favor, the**
227 **November 6, 2025 Regular Meeting Minutes, as amended, were approved.**

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230 **TWELFTH ORDER OF BUSINESS**

Staff Reports

231

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

233 Mr. Haber stated that the Blue Lake CDD publicly noticed a Sunshine Community Meeting
234 involving the Vista Blue CDD that allows two or more of its Board Members to attend and discuss
235 CDD issues similar to what WildBlue CDD is experiencing regarding shoreline repair projects, etc.;
236 however, no actions can be taken by the Board during the community meeting.

237 To avoid any potential Sunshine Law violation, Mr. Haber recommended issuing a public
238 notice for Community Meetings in the future if the CDD Board wants to attend or assign a
239 representative to attend the meeting on behalf of the Board .

240 Some Board Members have no interest in attending the meeting and think Vista Blue
241 Board Members who are interested can attend the CDD's publicly noticed meetings.

242 • **Continued Discussion/Update: Construction Litigation Regarding Retaining Wall**
243 **Repairs**

244 This bullet point item will be removed from future agendas.

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

246 There was no report.

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

248 • **UPCOMING MEETINGS:**

249 ➤ **December 18, 2025 at 10:00 AM [Special Meeting and Attorney-Client**
250 **Sessions]**

251 Mr. Adams stated the December 18, 2025 meeting is also a Regular Meeting. All
252 Supervisors confirmed their attendance at the December 18, 2025 meeting.

253 Mr. Haber advised on the appropriateness of conducting the Shade Session on December
254 18, 2025 if Litigation Counsel has recommendations.

255 ➤ **January 15, 2026 at 10:00 AM [Regular Meeting]**

256 ○ **QUORUM CHECK**

257

258 **THIRTEENTH ORDER OF BUSINESS****Board Members' Comments/Requests**

259

260 There were no Board Members' comments or requests.

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262 **FOURTEENTH ORDER OF BUSINESS****Public Comments Non-Agenda Items (3
Minutes Per Speaker)**

263

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265 Mr. Magery asked if any of the Kurth lawsuit settlement money goes to the POA. Mr.
266 Haber stated Mr. Kurth will receive the payment; it is then between Mr. Kurth and the POA/HOA
267 as to whether there is any use of that money for any POA purposes. Part of the earlier motion
268 was payment as well as the settlement terms and Release the CDD will receive. He will confirm
269 with Litigation Counsel that the Release included in the negotiations of the Settlement
270 Agreement is broad such that it prevents the POA/HOA from bringing another lawsuit against the
271 CDD, after that payment is made.

272 Mr. Magery asked the District Engineer why the CDD did not specify the exact source
273 materials rather than the specifications for the certain area. Mr. Barraco stated doing so would
274 have limited bidders tremendously, with the possibility that no bids would be received. Finding
275 the best source is typically left to the contractor. Mr. Barraco responded to Mr. Magery's other
276 questions clarifying that questions to consider asking the bidders can be emailed to Mr. Buchholz.
277 Regarding an earlier comment about potential cost overruns, it is because the contract is not
278 structured as a lump sum amount; rather, the contractor gets a unit price and is paid their unit
279 price for the measured quantity of material that they put out.

280 Resident Brad Bertoia expressed his and his neighbors' frustration about what they
281 perceive to be the Board's lack of transparency in communicating to residents and asked for
282 improvement in communicating what is going on with the litigation, why the CDD is not
283 interested in accepting Lennar's offer, and when this matter will end. As to transparency, Mr.
284 Adams stated that the transcribed meeting minutes are posted on the website and residents can
285 submit a public records request to receive the audio recording. The Shade Session is closed to
286 the public for the purpose of discussing litigation strategy and is not available until litigation has
287 ended to avoid sharing decisions/strategy with opposing parties.

288 Mr. Buchholz stated the Board was elected to work on behalf of the CDD's residents and
289 is negotiating with the Developer based on the recent bids and calculating remediation costs,
290 which are upwards of \$20 million to \$30 million for Phases 1, 2 and 3.

Board Members and multiple residents opined on what they believe would be the best next course of action.

Resident Bob Finkelstein asked who determined the quantities in the bids. Mr. Barraco stated that the Marine Engineer prepared plans and his estimates are based on those plans; Barraco & Associates did the same, specific to land work.

A Board Member noted that, when asked, the District Engineer indicated that he would not restore the wall back to the way it was and, if they did, the cost per linear foot costs more than the recommended solution. It was noted that the mediation is to recover funds and is not delaying the project.

Mr. Buchholz stated the Engineer's Report indicates that the Fort Myers Beach hurricane was a Category 5; however, the wind speed that hit WildBlue was no greater than 80 miles per hour, which equates to a Category 1 hurricane. He reviewed the project scope.

Resident Jerry O'Malley asked how the bond is different from a performance bond, if damaged sod in easements will be restored, and if the CDD is liable if it does not repair all three walls. Mr. Adams stated the contractor probably got better rates on the performance bond. Mr. Haber noted the potential exposure if there is significant damage from a new storm; however, the CDD might be able to apply sovereign immunity, which could diminish or remove all liability.

Resident Elaine Bailey asked if littorals can be planted in front of the rock revetment instead of the marine mattress to take care of the erosion. Mr. Willis stated only if the Board decides to go against the advice of the District Engineer and Marine Engineer, both of which recommended the marine mattress. Mr. Buchholz stated that the Marine Engineer decided that the first storm will scour out the stones where the mattress will help settle the stones.

Resident Kathleen O'Connor thanked the Board for their efforts to get to the point of completing the retaining wall project. She was not surprised about the project costs since it required sophisticated engineering and noted that the other reason for the litigation is to mitigate the potential environmental damage for the runoff from the fuel station site.

Discussion ensued regarding the information on Facebook posts and residents obtaining correct information by attending CDD meetings rather than from social media.

FIFTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Bourque and seconded by Ms. Baker, with all in favor, the meeting adjourned at 1:25 p.m.

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Secretary/Assistant Secretary

Chair/Vice Chair

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

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MINUTES OF MEETING
WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the WildBlue Community Development District held a Special Meeting and Attorney-Client Session on December 18, 2025 at 10:00 a.m., at the Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913.

Present:

John Buchholz (via Zoom/phone)	Chair
Rick Bennington	Vice Chair
Herbert Lanese	Assistant Secretary
Denis Bourque	Assistant Secretary
Sima Baker	Assistant Secretary

Also present:

Chuck Adams	District Manager
Shane Willis	Operations Manager
Wes Haber (via Zoom/phone)	District Counsel
Frank Savage	District Engineer
Carl Barraco (via Zoom/phone)	Barraco and Associates, Inc.
Kevin Hennessy (via Zoom/phone)	Special Counsel
Court Reporter (via Zoom/phone)	

Residents present in person or via Zoom/phone:

Chris Gregson	Larry Weinstein	Joann Schaeffer	Greg Christiansen
Ron Wirley	Bob Finkelstein	Marie Goodman	Kathleen O'Connor
Steve Wirth	Steve Swasey	Dave Goodman	Merrill Finkelstein

The names of all attendees, residents and/or members of the public might not appear in the meeting minutes. If the person did not identify themselves, their name was inaudible or their name did not appear in the meeting notes or on a sign in sheet, the name was not listed.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:04 a.m. Supervisors Bennington, Lanese Bourque and Baker were present. Supervisor Buchholz attended via phone.

SECOND ORDER OF BUSINESS

Public Comments (3 Minutes Per Speaker)

Mr. Bennington discussed the upcoming agenda items and asked attendees to hold non-related Shade Session questions until after the Shade Session to avoid incurring attorney fees.

Resident Larry Weinstein asked why the Shade Session was scheduled on the same day as the Special Meeting or is not after the Special Meeting. He asked about Lennar's \$5 million offer, installing a high-priced wall, and why there is a rush to make the repairs. He thinks the Board is misleading residents by withholding information. He believes the other two phases should be deferred until the lawsuits are resolved, then build the wall as it was, and repair damages as they occur. Mr. Adams stated Statutes require the Shade Session to be within a Public meeting. Two meetings are held each month. The first meeting consists mostly of general routine CDD business. The second meeting is primarily to hold Shade Sessions. Today's Shade Session is to provide updates on the commercial property and upcoming mediation and depositions.

Resident Chris Gregson asked what will happen if the District loses the lawsuits. Mr. Adams stated information will be communicated to everyone when it does not negatively impact strategy with the ongoing litigation. The public portions of the meetings are transcribed and on the website. Shade Sessions are confidential.

A Board Member stated the reason to repair the wall now is to avoid a catastrophic event. He believes the CDD has a strong case based on Lennar's offer to restore the wall back to its prior condition versus the CDD's comprehensive Engineer's Report that outlines Lennar's failings to underline the integrity of the wall by not building it properly.

Mr. Gregson and some Board Members gave their opinions as to the next steps.

Discussion ensued regarding funding via a performance bond separate from the ongoing litigation; the Board fulfilling its fiduciary with regard to the deficiencies in the wall.

It was noted that awarding the contract today should not be considered a rush decision since the CDD published a project timeline over the last ten months.

A resident thinks, if this was an insurance claim, the insurance company would restore the wall to its original condition and the judge might rule the same. A Board Member disagreed as Lennar engaged Marine Engineer Cummins Cederberg, Inc., who refused to install the wall using the same design due to insufficiencies. Lennar made its monetary offer to the prior CDD Board comprised of Lennar Representatives. A litigation attorney was engaged to review the offer and, after submitting the Report, the Lennar Board Members resigned before the litigation attorney recommended pursuing litigation to protect the CDD's best interest. The belief is that Lennar's offer was to buy a liability release and Lennar's insurance deductible is \$5 million.

A resident asked if the memorandum Steve Wirth emailed to the Board will be addressed, as he was unable to attend the meeting. If not, he asked permission to read the letter, which was distributed. The consensus was to defer this until after the Shade Session.

THIRD ORDER OF BUSINESS**ANNOUNCE ATTORNEY-CLIENT SESSION
SHADE MEETING**

Mr. Haber announced commencement of the Attorney-Client Session Shade Meeting and transitioned the meeting to the Court Reporter. In-person members of the public left the room.

Mr. Willis stated his office is trying to fix the issue with the call in number.

Mr. Haber stated the Shade Meeting acknowledges implementation of a portion of Sunshine Law allowing the Board to meet privately with Counsel and District Manager when the District faces litigation. This is specifically related to Lee County Case No. 1837 outlined in the Fourth Order of Business. The Shade Session was formally requested at a prior meeting and properly noticed. Shade Session attendees include CDD Board Members, Mr. Haber, Litigation Counsel Kevin Hennessy, District Management representatives Chuck Adams and Shane Willis, and the Court Reporter. The Attorney-Client Session Shade Meeting must be confined to settlement negotiations or strategy related to litigation and not disclosed to third parties.

The Special Meeting recessed at 10:23 a.m. Mr. Willis disconnected the phone lines and recording.

FOURTH ORDER OF BUSINESS**COMMENCEMENT OF ATTORNEY-CLIENT
SESSION SHADE MEETING (Closed to the
Public by Law)**

- Executive Session Regarding: WILDBLUE COMMUNITY DEVELOPMENT DISTRICT, Plaintiff, v. FL WILDBLUE, LLC, and 38769 TAMPA FL, LLC, Defendants. Case No. 25-CA-1837, Circuit Court Lee County. Pending Litigation

The Executive Session commenced.

FIFTH ORDER OF BUSINESS**ADJOURN ATTORNEY-CLIENT SESSION
SHADE MEETING/RECONVENE SPECIAL
BOARD MEETING**

The Attorney-Client Session Shade Meeting adjourned. The phone lines and audio recording were reconnected and the meeting room was opened to the public.

Mr. Adams reconvened the Special Board Meeting at 11:03 a.m. The same Board Members present at roll call were still present.

SIXTH ORDER OF BUSINESS

Consideration of Matters Related to WILDBLUE COMMUNITY DEVELOPMENT DISTRICT, Plaintiff, v. FL WILDBLUE, LLC, and 38769 TAMPA FL, LLC, Defendants. Case No. 25-CA-1837, Circuit Court Lee County.

There were no matters to consider.

SEVENTH ORDER OF BUSINESS

Consider Award of Contract for Lake Bank and Wall Remediation Projects

Mr. Adams recalled discussion of the bid results for the Phase 1 Shoreline Stabilization Project at the last meeting. A link was emailed to the Board and Staff with the three bid responses, bid package, evaluation criteria, ranking form, Mr. Savage's Bid Comparison Tabulation Spreadsheet and a follow-up review and comments from Cummins Cederberg, Inc. He received individual evaluation forms from Supervisors Bennington and Bourque; Supervisors Lanese and Baker handed theirs to him. Mr. Buchholz is texting his Evaluation Form.

Mr. Savage was unsure why there was a different phone number on the documents but confirmed there was no communication with any of the respondents since receipt of the bids.

Discussion ensued regarding Cummins Cederberg's email assuming the reason for the differences on the stone is due to quality.

Mr. Haber confirmed Staff's ability to clarify the source of the stone with the three respondents to better evaluate the bids.

Everyone should have the same scores for timeframe and amount, as the calculation equation is in the bid package. Of the forms initially received, Kelly Brothers, Inc. was the #1 ranked respondent to the Request for Proposals (RFP) for the Lake Bank and Wall Remediation Projects and B&Z Construction was the #2 ranked respondent. The points each Board Member awarded to each respondent, in each category, were noted. The Board Members discussed their individual scoring for each respondent and reasoning for their scores. A Board Member stated, based on the individual scores, the middle-priced bid ranked #1. Approximate bid amounts were:

141	Quality Enterprises	\$12,755,000
142	Kelly Brothers, Inc.	\$10,001,281
143	B & Z Construction	\$ 7,417,000

144 Mr. Savage read information from Consultant Jordan Cheifet regarding Cummins
145 Cederberg's experience and Mr. Barraco's experience with the three respondents. Overall, both
146 recommended clarifying the exact raw materials each contractor would use. He thinks it would
147 be prudent to award the contract, subject to confirming the material source and visually
148 inspecting the materials. Mr. Haber reviewed the calculation formula for the price and schedule
149 categories. Mr. Savage gave the scores to the Board Members to enter in their evaluation forms.

150 Mr. Adams stated the updated evaluation forms from the Board Members show Kelly
151 Brothers as the #1 ranked respondent to the RFP.

152 Mr. Haber provided language for the motion to award the contract for the Lake Bank and
153 Wall Remediation Projects and issue the Notice of Intent to Award Letters. Staff will finalize the
154 contract once the 72-hour protest period expires. As the contract will be for the entire project
155 and is greater than the funds available, funding must be discussed before executing the contract.

156 Mr. Buchholz stated that, B&Z Construction's premium cost for the bond performance
157 and its bid prices are some of the reasons he chose Kelly Brothers.

**On MOTION by Mr. Bourque and seconded by Mr. Lanese, with all in favor,
ranking Kelly Brothers as the #1 ranked respondent to the RFP for Lake Bank and
Wall Remediation Projects and authorizing Staff to send the Notice of Intent to
Award letters to the respondents and to work with Kelly Brothers to finalize the
contract, once the protest period ends, was approved.**

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165 Mr. Haber stated, with the monies available to fund the Phase 1 project, the CDD would
166 enter into the Agreement with the understanding that the CDD will issue a Notice to Proceed and
167 that the CDD will start the bond issuance process to secure the balance of funds needed to pay
168 for the remainder.

169 Mr. Adams asked for the status of the Stormwater Pond Lake Bank Erosion bid package.

170 Mr. Savage stated his office is reviewing the bid package; he expects it to go out between
171 meetings and to receive the responses in late January. Mr. Adams stated this will on the February
172 agenda and included in the bond issue for Phases 2 and 3, which addresses stormwater
173 runoff/washout deficiencies. Mr. Willis stated information about the project is on the CDD
174 website under the Exhibit Lake Bank Erosion Map.

Regarding the Phases 2 and 3 projects proposed costs and location, Mr. Adams stated Kelly Brothers' unit pricing could be used to determine the costs. The projects will address erosion on the preserves and will ultimately bring the CDD's permits back into compliance.

EIGHTH ORDER OF BUSINESS**UPCOMING MEETINGS**

➤ **January 15, 2026 at 10:00 AM [Regular Meeting and Attorney-Client Sessions]**

➤ **February 5, 2026 at 10:00 AM [Regular Meeting]**

➤ **February 19, 2026 at 10:00 AM [Special Meeting and Attorney-Client Sessions]**

○ **QUORUM CHECK**

NINTH ORDER OF BUSINESS**Public Comments (3 Minutes Per Speaker)**

Resident Steve Swasey asked for an estimate of the homeowners affected by the stormwater repairs and for the status of the lawsuit on the front property. It was noted that it involves erosion along the pond retention areas. Mr. Adams stated the next step is mediation; the CDD is filing sanctions against the Developer.

Resident Ron Wirley asked if the CDD is requiring a two-year maintenance bond and if Lennar is responsible for paving the final coat and, if not, he suggested taking before and after photos of the roadway. Staff will confirm if there is a maintenance bond. Regarding potential roadway damages, Mr. Willis stated it was included as part of the bid.

Resident Bob Finkelstein asked if the Phase 2 and Phase 3 bids can be combined. Mr. Adams replied affirmatively.

Mr. Feinstein asked when Lennar's settlement amount will be known. Mr. Adams stated no sooner than the next mediation date. The amount will be to cover all costs and those funds will be used to pay down the principal and hopefully reduce assessments.

A resident asked about legal expenses. Mr. Adams stated the CDD was given a couple million-dollar budget and about 18 months if the case goes through an actual court proceeding. It was noted that assessments would likely increase through 2027.

Resident Joann Schaeffer asked how the bond assessments are determined. Mr. Adams stated the Methodology will be used to ascertain the amount; the Methodology is on the CDD website under the Budget. Mr. Bennington provided the economic formula based on the budget.

A resident asked when construction will commence and be completed. Mr. Adams stated it will commence in late January or early February 2026; the project timeline is one year.

Mr. Savage stated the preliminary estimate is \$1.6 million.

Resident Greg Christiansen asked if docks will be removed to do the repairs. Mr. Adams stated notices will be sent to homeowners of their responsibility to remove their docks. Resident Ron Wirley recommended notifying homeowners soon about having to remove their docks.

Resident Marie Goodman asked if all dock owners must move their docks now if it will be in phases. Mr. Adams stated the area is within the work limits, north of the peninsula; the CDD contractor will provide a schedule of the phases.

Resident Merrill Finkelstein voiced concern for dock owners and price gouging. Mr. Bennington stated he would, as a resident, help homeowners negotiate capacity pricing to remove the docks. Mr. Buchholz spoke to J&M who is ready to meet with dock owners and discuss with the contractor how to successfully complete both lakes at the same time.

Resident David Goodman stated that J&M told him J&M would try to work with the homeowners to remove the docks. J&M is not certain they need to remove everything associated to the docks. It was noted that everything should be removed, as the CDD/contractor is not liable for any damages to the docks, pilings, electrical, landscaping, etc.

A resident asked about Lennar providing funds for the Alico project that is on hold. It was noted that the CDD has not received any funds and the project has been delayed for over a year.

Resident Steve Wirth thanked the Board for their work over the last couple of years. As stated in the letter he sent to the Board yesterday, thinks the CDD needs to improve communication to residents, as most are unable to attend the meetings during the day. He proposed holding Town Hall meetings. A Board Member asked the Board to review the document he distributed in the meeting and submit their comments to Mr. Willis for future discussions.

A resident asked for the timeline for Phases 2 and 3 and asked if it includes adding vegetation along the eroded slopes. Mr. Willis stated littorals will be planted in the stormwater ponds in accordance with the permits. The Phases 2 and 3 projects, if combined, might commence the second quarter of calendar year 2026.

TENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Bennington and seconded by Mr. Bourque, with all in favor, the meeting adjourned at 12:31 p.m.

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Secretary/Assistant Secretary

Chair/Vice Chair

WILDBLUE
COMMUNITY DEVELOPMENT DISTRICT

STAFF
REPORTS

WILDBLUE COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2025/2026 MEETING SCHEDULE		
LOCATION		
<i>Community Center (Card Room), 18721 WildBlue Blvd., Fort Myers, Florida 33913</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 2, 2025	Regular Meeting	10:00 AM
October 16, 2025	Special Meeting and Attorney-Client Sessions	10:00 AM
November 6, 2025	Regular Meeting	10:00 AM
November 20, 2025	Special Meeting and Attorney-Client Sessions	10:00 AM
December 4, 2025	Regular Meeting and Attorney-Client Session	10:00 AM
December 18, 2025	Special Meeting and Attorney-Client Session	10:00 AM
January 15, 2026	Regular Meeting and Attorney-Client Session	10:00 AM
February 5, 2026	Regular Meeting	10:00 AM
February 19, 2026	Special Meeting and Attorney-Client Session	10:00 AM
March 5, 2026	Regular Meeting	10:00 AM
March 19, 2026	Special Meeting and Attorney-Client Session	10:00 AM
April 2, 2026	Regular Meeting	10:00 AM
April 16, 2026	Special Meeting and Attorney-Client Session	10:00 AM
May 7, 2026	Regular Meeting	10:00 AM
May 21, 2026	Special Meeting and Attorney-Client Session	10:00 AM
June 4, 2026	Regular Meeting	10:00 AM
June 18, 2026	Special Meeting and Attorney-Client Session	10:00 AM

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
July 2, 2026	Regular Meeting	10:00 AM
July 16, 2026	Special Meeting and Attorney-Client Session	10:00 AM
August 6, 2026	Regular Meeting	10:00 AM
August 20, 2026	Special Meeting and Attorney-Client Session	10:00 AM
September 3, 2026	Regular Meeting	10:00 AM
September 17, 2026	Special Meeting and Attorney-Client Session	10:00 AM