

**MINUTES OF MEETING
WINDWARD AT LAKEWOOD RANCH
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Windward at Lakewood Ranch Community Development District held Multiple Public Hearings and a Regular Meeting on August 17, 2022, at 12:00 P.M., at 5800 Lakewood Ranch Blvd, Sarasota, Florida 34240.

Present were:

Pete Williams	Chair
Sandy Foster	Vice Chair
Dale Weidemiller (via telephone)	Assistant Secretary
John Blakley	Assistant Secretary
John Leinaweaver	Assistant Secretary

Also present, were:

Chuck Adams	District Manager
Ed Vogler (via telephone)	District Counsel
Mike Kennedy	District Engineer
John Nokes	Resident
Michael Hall	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 12:06 p.m. Supervisors Williams, Foster, Blakley and Leinaweaver were present. Supervisor Weidemiller was attending via telephone.

SECOND ORDER OF BUSINESS

Public Comments: Agenda Items (*limited to 3 minutes per individual*)

There were no public comments.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2022-17, Ratifying the Action of the District Manager in Re-Setting the Date of the Public Hearing on the Proposed Budget for Fiscal Year 2022/2023; Amending Resolution 2022-09 to Reset the Hearing Thereon; Providing a Severability Clause; and Providing an Effective Date

Mr. Adams presented Resolution 2022-17.

On MOTION by Mr. Williams and seconded by Mr. Leinaweaver, with all in favor, Resolution 2022-17, Ratifying the Action of the District Manager in Re-Setting the Date of the Public Hearing on the Proposed Budget for Fiscal Year 2022/2023; Amending Resolution 2022-09 to Reset the Hearing Thereon; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2022/2023 Budget

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2022-18, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Adams presented Resolution 2022-18. He reviewed the proposed Fiscal Year 2023 budget, and explained the reasons for increases, decreases and adjustments, compared to the Fiscal Year 2022 budget. He noted significant increases to operating costs because most of the facilities are operational, which increased total expenditures by approximately \$350,000. Removal of off-roll assessments and Developer contributions in Fiscal Year 2023 also contributed significantly to increasing the per unit assessment compared to Fiscal Year 2022.

On MOTION by Mr. Williams and seconded by Mr. Leinaweaver, with all in favor, the Public Hearing was opened.

Resident John Nokes noted much discussion about moving Operations & Maintenance (O&M) from the HOA to the CDD and asked if the proposed Fiscal Year 2023 budget accounts for that. Mr. Adams replied affirmatively and stated he worked with Ms. Tracy Hecht, of the HOA, and Mr. Kennedy to ensure that there is no duplication of services. The CDD's budget runs October 1 through September 30. The HOA's budget runs January 1 through December 31. The CDD may take on O&M right away and enter into Funding Agreements with the Developer for expenses that arise before the CDD receives the assessment revenues from the Tax Collector.

Resident Michael Hall questioned the \$350,000 increase. Mr. Adams stated the increase is due to facilities coming online for maintenance. Mr. Williams discussed the difference between HOA and CDD management and stated that the CDD assesses and budgets for actual needs in the current year and assessments are calculated annually. In the first three to five years, property owners might see reasonable increases for those areas that were not initially maintained by the CDD and, once all CDD operated assets are being maintained and operated, the cost increases generally level off to cost of living types of increases.

Asked if the number of units affects assessments, Mr. Williams stated that all Landowners pay assessments, including the Landowners of platted lots, so the number of residences does not impact the amounts assessed.

Mr. Adams reviewed the increases to the professional and administrative, engineering and operations expenses related to new facilities coming online. He noted that wetland maintenance, irrigation system management and the purchase of effluent and reclaimed water from the County accounted for the largest budgetary increases.

Mr. Williams stated governmental non-ad valorem assessments are only assessed for specific expenses with a specific benefit to the end users; the CDD does not have a buildout budget as an HOA might. Once the project is complete and everything including landscaping and ponds that is intended to be owned and operated by the CDD is in the ground, assessments typically level off to reflect cost of living increases, unless there are additional resident expectations or unanticipated demands for service.

Mr. Hall asked if an annual assessment increase of approximately \$700 can be expected for the next three to five years and asked if this was forecast to be in that range. Mr. Adams stated, while such a forecast is often done, he was not here when or if the builders generated such a forecast for the buyers. Regarding future assessments, Mr. Adams stated to the extent that an assessment increase occurs in the upcoming years, property owners will receive notices.

Mr. Hall asked if a proposed rezoning meeting to include Martinique would affect the taxes paid by Windward residents. Mr. Adams stated that is not a CDD business item and he has no knowledge about it. Mr. Hall asked who to consult to find out if Martinique property owners will have access to the Windward Clubhouse, given that it is an adjacent property. Mr. Williams stated those questions are addressed in the Disclosures.

On MOTION by Mr. Williams and seconded by Ms. Foster, with all in favor, the Public Hearing was closed.

Mr. Williams stated his understanding that there was more master infrastructure in the early stage than there will be in the future phases, so, part of the \$700 increase this year includes some master infrastructure being maintained but, on a pro rata basis, future assessment increases should be less because the focus will be on fixed infrastructure, rather than master infrastructure. Mr. Kennedy stated Mr. Williams’ understanding is correct.

On MOTION by Mr. Williams and seconded by Mr. Leinaweaver, with all in favor, Resolution 2022-18, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2022/2023, Pursuant to Florida Law

A. Proof/Affidavit of Publication

B. Mailed Notice(s) to Property Owners

These items were included for informational purposes.

C. Consideration of Resolution 2022-19, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

On MOTION by Mr. Williams and seconded by Mr. Blakley, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. Williams and seconded by Mr. Blakley, with all in favor, the Public Hearing was closed.

Mr. Adams presented Resolution 2022-19.

On MOTION by Mr. Williams and seconded by Ms. Foster, with all in favor, Resolution 2022-19, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Hoover Pumping Systems Maintenance Agreement MA#5273

Mr. Adams presented the Hoover Pumping Systems Maintenance Agreement.

On MOTION by Mr. Williams and seconded by Mr. Blakley, with all in favor, the Hoover Pumping Systems Maintenance Agreement MA#5273, was approved.

SEVENTH ORDER OF BUSINESS

Ratification of Termination of Contract with Jon M. Hall Company

Mr. Adams presented the Morris Engineering letter detailing the deficiencies related to Jon M. Hall Company (JMH) and the recommendation to terminate the JMH contract.

Discussion ensued regarding the termination letter, lack of response from JMH, exhaustion of remedies, retainage and further actions.

On MOTION by Mr. Williams and seconded by Mr. Leinaweaver, with all in favor, termination of the contract with Jon M. Hall Company, was ratified.

EIGHTH ORDER OF BUSINESS

Consideration of Eco-Logic Services LLC, Agreement for Environmental Services, Phases 2 and 3

Mr. Adams presented the Eco-Logic Services LLC, Agreement for Environmental Services.

On MOTION by Mr. Williams and seconded by Mr. Leinaweaver, with all in favor, the Eco-Logic Services LLC, Agreement for Environmental Services, for Phases 2 and 3, was approved.

NINTH ORDER OF BUSINESS

Acceptance of the Unaudited Financial Statements as of June 30, 2022

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

On MOTION by Mr. Williams and seconded by Mr. Weidemiller, with all in favor, the Unaudited Financial Statements as of June 30, 2022, were accepted.

TENTH ORDER OF BUSINESS

Approval of July 13, 2022 Regular Meeting Minutes

Mr. Adams presented the July 13, 2022 Regular Meeting Minutes.

On MOTION by Mr. Williams and seconded by Mr. Leinaweaver, with all in favor, the July 13, 2022 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Vogler Ashton, PLLC*

Mr. Vogler stated that he found the Chair’s explanations about the budget to be very succinct and effective and stated he wanted to ratify that process for the CDD and the budgets that the Board will consider and adopt. As noted, only those monies to be expended during the fiscal year can be budgeted and he believes that is what was done.

Mr. Vogler expressed appreciation for the explanations with regard to the termination of the contract with JMH. He stated the CDD has worked with JMH for a long time, through the District Engineer and the Project Engineer, to try getting the project finished. He is aware of other projects in which this contractor is having some difficulty finishing. He expressed regret about the CDD having to take this action and stated Staff would have preferred to do anything short of termination. He noted the possibility that JMH will file suit against the CDD seeking to recover the retainage, or most of it. Staff will have to deal with that if it comes to that.

B. District Engineer: *Stantec*

Mr. Kennedy stated he is drafting the Effluent Agreement with the County. This item will be included on the next agenda.

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

- **NEXT MEETING DATE: September 14, 2022 at 12:00 P.M.**
 - **QUORUM CHECK**

The next meeting will be held on September 14, 2022.

TWELFTH ORDER OF BUSINESS

Board Members' Comments/Requests

Mr. Weidemiller recalled that, during the budget discussion, it was noted that Mr. Adams worked with Ms. Hecht, of the HOA, to ensure that the CDD will assume responsibility for some of the HOA expenses. He asked if that would be an offsetting reduction in the HOA annual fees. Mr. Adams stated it is possible but he cannot speak on behalf of the HOA; the HOA might have increases in other parts of its budget. Mr. Weidemiller asked if the CDD assumed some expenses this year that the HOA assumed last year. Mr. Adams replied affirmatively; there are no services being paid for by both entities.

A Board Member noted a discussion in June regarding aeration to eliminate pond scum. Mr. Adams recalled the discussion and stated the proposal has not moved forward at this time. Mr. Williams stated some research remains to be done. The consensus was this is worth exploring. Mr. Williams stated the expense for that should not be high so, in the interest of expediency, he should be able to approve the expense between meetings.

THIRTEENTH ORDER OF BUSINESS

**Public Comments: Non-Agenda Items
(limited to 3 minutes per individual)**

Mr. Hall asked which entity is responsible for the curbs adjacent to the cement curb before the asphalt. He noted that many homes need similar repairs. Mr. Adams stated he had not been advised about this issue as a CDD item; it might be a warranty matter. Staff will follow up with the project manager.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Williams and seconded by Ms. Foster, with all in favor, the meeting adjourned at 12:42 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair