

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

The Board of Supervisors of the Windward at Lakewood Ranch Community Development District held a Regular Meeting on July 12, 2023 at 11:30 a.m., at 5800 Lakewood Ranch Blvd, Sarasota, Florida 34240.

**Present were:**

Pete Williams	Chair
John Leinaweaver	Assistant Secretary
John Blakley	Assistant Secretary
Dale Weidemiller	Assistant Secretary

**Also present, were:**

Chuck Adams	District Manager
Ed Vogler	District Counsel
Mike Kennedy	District Engineer
Tony Grau	Grau & Associates
John Noakes	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 11:34 a.m. Supervisors Leinaweaver, Weidemiller, Williams and Blakley were present. Supervisor Foster was not present.

**SECOND ORDER OF BUSINESS**

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

Resident John Noakes asked about a \$130,000 unallocated surplus for the Series 2020 bonds. Mr. Adams stated that the \$130,000 will be used for prepayment, going forward, keeping in mind that there are A1, A2 and A3 bonds and the A2 and A3 ones are typically short bonds. A substantial amount of prepayment has occurred year-to-date. It is excess revenue that will be applied as prepayment; prepayments are not budgeted.

Mr. Noakes referred to the financials and asked why some on-roll assessments shifted to off-roll assessments. Mr. Williams stated that typically occurs. Lots go on roll as they are

platted and available but the numbers can change. it is regulated by the number of lots that were available to be assessed via the tax roll and both parcels owned by the Developer that are direct or off-roll billed are listed on that budget to make up for the missing lot sizes that have not been platted. The number varies based on what is available and has no impact from Board actions. Mr. Noakes questioned why, if the lots were available for assessment on roll by the Tax Collector, they moved to off roll. Mr. Adams stated each parcel will pay its assessments. It is possible that some were estimates of what would be on roll but the numbers did not materialize and much of the flux was related to the annexation of the additional properties.

**THIRD ORDER OF BUSINESS**

**Presentation of Audited Annual Financial Report for the Fiscal Year Ended September 30, 2022, Prepared by Grau & Associates**

Mr. Grau presented the Audited Annual Financial Report for the Fiscal Year ended September 30, 2023, prepared by Grau & Associates and noted the pertinent information. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-06, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022**

Mr. Adams presented Resolution 2023-06.

**On MOTION by Mr. Weidemiller and seconded by Mr. Leinaweaver with all in favor, Resolution 2023-06, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Continued Discussion: Fiscal Year 2024 Proposed Budget**

Mr. Adams stated that the following changes will be made to the proposed Fiscal Year 2024 budget:

Page 2, "Irrigation System Maintenance": Reduce to \$125,000

Page 2, "Net increase/(decrease) of fund balance": Delete \$49,999

Mr. Adams stated that, with the changes, the Fiscal Year 2024 assessment amount will decrease by about \$200 per unit compared to the Fiscal Year 2023 assessments.

**SIXTH ORDER OF BUSINESS**

**Acceptance of the Unaudited Financial Statements as of May 31, 2023**

**On MOTION by Mr. Williams and seconded by Mr. Weidemiller with all in favor, the Unaudited Financial Statements as of May 31, 2023, were accepted.**

**SEVENTH ORDER OF BUSINESS**

**Approval of June 14, 2023 Regular Meeting Minutes**

**On MOTION by Mr. Blakley and seconded by Mr. Leinaweaver, with all in favor, the June 14, 2023 Regular Meeting Minutes, as presented, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: Vogler Ashton, PLLC**

Mr. Vogler reported the following:

➤ Litigation with Jon M. Hall Company (JMHC) and work to remedy the deficiencies remain ongoing. The CDD justifiably withheld payment, which precipitated the lawsuit. There will likely be a mediation to try resolving the matter. The CDD has special litigation counsel for this matter so District Counsel's firm is not actively handling the litigation.

➤ Some standard, routine utility turnover agreements and documents are required by the County to accept the utilities and several documents will need to be executed by the CDD. He thinks the Board can authorize the Chair or an officer to execute the documents once they are approved by the District Engineer and District Counsel.

**B. District Engineer: Stantec**

Mr. Kennedy reported the following:

- Regarding the JMHC matter, about \$425,000 of additional expense was approved; retainage is a little over \$700,000. There are additional professional services costs.
- Regarding the turnover for water and sewer, the CDD or the Developer will keep certain pieces, whether it is private roads or irrigation system or water management system. The water/sewer always goes to the County.
- The related forms are filled out and authorizing the Chair or another officer to execute the documents is recommended.

**MOTION by Mr. Weidemiller and seconded by Mr. Blakley with all in favor, authorizing the Chair or a CDD officer to execute the necessary turnover documents, was approved.**

Discussion ensued regarding the JMHC retainage, availability of the retained funds during the ongoing litigation, not accessing the retained funds until litigation is completed and determining what other costs and damages that JMHC might be liable for due to its contract defaults, such as legal fees, time, delay penalties, etc.

Mr. Kennedy stated that the CDD has a list of pre-qualified contractors from several years ago. He noted that JMHC needs to be removed from the list and the Developer inquired about adding some contractors to the list. The original list involved a three-year term for the contractors on the list, which expires in October 2023.

**MOTION by Mr. Blakley and seconded by Mr. Leinaweaver with all in favor, the authorizing the District Engineer and Staff to advertise seeking additions to the pre-qualified contractors list, was approved.**

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

- **NEXT MEETING DATE: August 9, 2023 at 11:30 AM [Fiscal Year 2024 Budget Adoption Hearing]**
  - **QUORUM CHECK**

There were no Board Members' comments or requests.

**TENTH ORDER OF BUSINESS**

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

Mr. Noakes asked when Phase 3 might commence. It was noted that that it is anticipated to commence in 2024.

Mr. Noakes noted a rezoning application submitted to the County for a planned development and voiced his opinion that it is not currently in the CDD but the Developer's submittals to the County claim use of CDD assets. He asked about charging for use of CDD assets or adding the area to the CDD. Mr. Vogler voiced his belief that those lands are not currently in the CDD but there was thought that they might be added. If lands outside of the CDD benefit from CDD facilities, there is an allocation of reimbursement that is typically accomplished through an HOA and that is probably what will be requested for that parcel; it is not unusual, per se, and it is beneficial to the CDD because the facilities are in place and no additional facilities will be constructed with CDD funds on lands not within the CDD. How this proceeds is not within the CDD's control, as the Developer owns the land and can pursue zoning of the land and a relationship with the CDD when they deem it essential. Mr. Noakes reiterated that the Developer already filed documents with the County claiming usage of the CDD facilities. Mr. Vogler stated there is nothing incorrect or inappropriate about that because CDD facilities are public and one can use the public facilities. The question is more about how one pays for use of those facilities. He noted that Mr. Noakes is implying that there is something improper about what the Developer submitted but there is not. Mr. Vogler expressed confidence that, if the zoning is approved and the Developer requests usage, the CDD will seek payment but, at this point there has been no request.

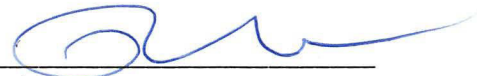
**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Leinaweaver and seconded by Mr. Blakley, with all in favor,  
the meeting adjourned at 12:07 p.m.**

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Secretary/Assistant Secretary

A handwritten signature in blue ink, appearing to be 'AW' with a horizontal line extending to the right.

Chair/Vice Chair