
RE: Request for comment

From William Crosley [REDACTED]

Date Wed 4/9/2025 1:05 PM

To Derek Gilliam [REDACTED]
[REDACTED]

Derek –

Thank you for your patience. Unfortunately, no one from the district is available for an interview. However, we have prepared a statement in response to your questions, which you'll find below. **Please attribute this statement to the West Villages Improvement District.**

Statement on behalf of the West Villages Improvement District

The West Villages Improvement District (WVID) was established by the Florida Legislature in June 2004 to ensure the timely, cost-effective and high-quality design and implementation of infrastructure, such as the irrigation water system, serving the lands within the WVID boundaries. In 2018, the Southwest Florida Water Management District (SWFWMD) issued a joint Water Use Permit to WVID and The Ranch Land Operations, an affiliate of the master developer. This permit, which was issued for a period of 50 years, allows the WVID to use irrigation water resources for which the developer solely held the rights to utilize. The WVID was added to the permit due to an agreement with the master developer and WVID, wherein the developer provided irrigation water to the WVID. The permit determines how much water the WVID, and communities located within its boundaries, can use on an annual basis.

That same year, the WVID also established a district-wide irrigation rate and fee schedule as a result of an independent rate study prepared by Stantec Consulting Services, Inc. When it was commissioned, the rates were publicly vetted, and community members were given ample opportunity to weigh in on the proposed rates and fees before the WVID Board of Supervisors approved the rate schedule at a public meeting. WVID has operated its irrigation system since 2018 at a deficit.

These rates, along with the corresponding service agreement between WVID and the Gran Paradiso Property Owners Association (GPPOA), are at the center of a lawsuit initiated by the GPPOA in November 2022. GPPOA initiated the lawsuit after the WVID notified the GPPOA of its intent to suspend irrigation water service due to nonpayment of its third quarter 2022 fees. In the lawsuit, the GPPOA asserts that the WVID irrigation rates adopted in 2018 were invalid due to the fact that WVID published a notice of the irrigation rate public hearing five (5) days in advance of the hearing, and that WVID instead should have published the notice seven (7) days in advance of the hearing. The public hearing was held during a noticed public meeting of WVID's Board of Supervisors. Since 2022, the GPPOA has sought in the lawsuit to have the existing irrigation service agreements between WVID and the GPPOA terminated, which would effectively eliminate WVID's provision of irrigation water service to the Gran Paradiso community.

The WVID firmly believes the rates were properly noticed and approved in accordance with the law. However, out of an abundance of caution the WVID Board of Supervisors held a public hearing in April 2023 to reaffirm the 2018 rates. Additionally, in 2023, WVID contracted with another independent rate consultant – GovRates Inc. – to conduct a second rate study focused on evaluating and updating irrigation water rates. The WVID Board of Supervisors approved the new rate schedule in April 2024 after extensive public outreach, discussion and public hearing.

In the years prior to and since filing the suit, GPPOA has consistently exceeded water allocations, failed to put conservation plans in place, and acted in violation of the underlying SWFWMD Water Use Permit as well as its irrigation water supply agreement with the WVID. Over the past 27 months, Gran Paradiso has exceeded its 12-month rolling average irrigation allocation 19 times. The rampant over-usage of scarce water resources by the Gran Paradiso community was even acknowledged by the GPPOA Board as far back as May 2021 when it admitted in a publication to Gran Paradiso residents that the community was utilizing 50% more irrigation water than its neighboring communities. In that same newsletter, the GPPOA noted that the biggest cause of excessive irrigation usage is homeowner abuse and warned that, if Gran Paradiso continued to exceed allocations, irrigation water would get shut off when the community hit monthly allotted levels. These actions by the GPPOA put the entire Water Use Permit at risk. In December 2024, the WVID Board of Supervisors voted 4-1, with Supervisor Meisel dissenting, to consent to modifying the Water Use Permit to remove Gran Paradiso from the underlying permit. This decision came after the Ranch Entities asserted that the WVID was not in compliance with terms of the Water Use Permit and was in breach of a 2018 water supply agreement between the WVID and the Ranch Entities due to Gran Paradiso's consistent and egregious over usage. This occurrence jeopardizes WVID's ability to remain on the Water Use Permit and its ability to provide irrigation water to its customers. Further, as the GPPOA has consistently argued that the existing irrigation supply agreements between WVID and the GPPOA should be voided, the permit modification also works to achieve the objectives of the GPPOA in the irrigation litigation. GPPOA was notified in December 2024 of the Water Use Permit modifications and informed that it would need to find an alternative irrigation resource to serve the community. The SWFWMD approved the permit modification on January 15, 2025, and GPPOA had the opportunity to appeal the SWFWMD decision but failed to do so by the February 10, 2025 deadline. Gran Paradiso residents, the GPPOA, and its attorney were notified once infrastructure modifications were substantially completed that WVID's provision of irrigation water would be terminated on March 31.

The WVID continues to seek an amicable resolution with the GPPOA to this ongoing issue. The WVID is a wholly public entity, meaning the District as well as its elected representatives must adhere to the same laws that govern how a local government – such as a city or county – must operate, including ethics, financial disclosure, competitive procurement, and open government laws. The District, its Board of Supervisors and staff are committed to ensuring the interests of landowners and residents are represented. WVID staff provides community members with timely updates about projects and initiatives, and public engagement is encouraged at board meetings and other public forums.

Understanding the importance of a timely transition from a one-acre, one-vote landowners' election to a general election of qualified voters, the WVID Board of Supervisors voted 4-1, with Supervisor Meisel dissenting, in September 2023 to seek legislative changes to the District's enabling legislation to clearly define the transition process. The requested change seeks to provide clarity to community members, while updating WVID transition rules to be in line with rules governing other similar improvement districts throughout the State of Florida.

The proposed change, which is currently being reviewed by the Florida Legislature, eliminates the District's current subjective method to a turnover formula that provides objective, defined metrics. The proposed change sets clear milestones for turnover using existing land development approvals and undisputable data from the U.S. Census Bureau and the Florida Department of State Division of Elections.

These changes not only clarify the turnover process but provide more opportunities for participation amongst WVID residents. The current methodology only calculates occupied, single-family residential properties when determining urbanization, while the proposed methodology considers all qualified electors, including those who reside in single-family and multi-family residences, to determine when a seat transitions. Additionally, the current method only allows landowners, or their spouses, to vote and/or serve on the WVID Board of Supervisors. The proposed amendment gives all WVID residents, including property owners and renters, the ability to vote serve on the WVID Board of Supervisors.

The WVID believes this change could lead to seats on the WVID Board of Supervisors to turnover faster than is anticipated in the current, antiquated model.

As an independent special district, the WVID's purpose is to manage, own, operate, construct and finance basic capital infrastructure, facilities and services. To fulfill its purpose, WVID issues tax-exempt bonds to finance public infrastructure projects throughout the community. While these bonds pay for a portion of the cost of developing the improvements, the master developer of Wellen Park provides funding to make up the difference, in addition to paying the same assessments as other WVID landowners, to ensure critical infrastructure projects are completed in a timely fashion. The developer has invested millions of unreimbursed public infrastructure development costs for the WVID to date.

Being an improvement district allows the WVID to take a long-term, measured approach to developing key public infrastructure. This system also reduces the burden on taxpayers, by encouraging developers to fund the development of critical infrastructure and ensuring that growth pays for growth.

Improvement districts allow for development to keep pace with demand, ensuring communities have access to the infrastructure they need when they need it without placing additional burdens on other local government entities.

Thank you,

William Crosley
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West Villages Improvement District Manager
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