



**BLUE LAKE
COMMUNITY DEVELOPMENT
DISTRICT**

**LEE COUNTY
REGULAR BOARD MEETING
& PUBLIC HEARING
AUGUST 8, 2023
1:00 P.M.**

Special District Services, Inc.
The Oaks Center
2501A Burns Road
Palm Beach Gardens, FL 33410

www.bluelakecdd.org
561.630.4922 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
BLUE LAKE
COMMUNITY DEVELOPMENT DISTRICT
WildBlue Social Building
18721 WildBlue Boulevard
Fort Myers, Florida 33913
REGULAR BOARD MEETING & PUBLIC HEARING
August 8, 2023
1:00 P.M.

A. Call to Order	
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C. Establish Quorum	
D. Additions or Deletions to Agenda	
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F. Approval of Minutes	
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• Discussion Regarding Required Ethics Training	
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L. Adjourn	

Naples Daily News

PART OF THE USA TODAY NETWORK

Published Daily
Naples, FL 34110

BLUE LAKE COMM. DEVE LOPMENT
2501 BURNS RD # A

PALM BEACH GARDENS, FL 33410-5207

Affidavit of Publication

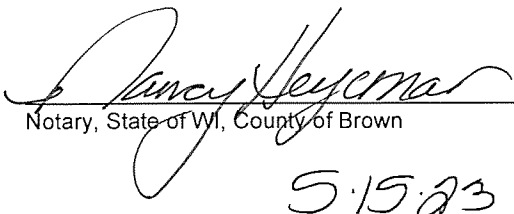
STATE OF WISCONSIN
COUNTY OF BROWN

Before the undersigned they serve as the authority, personally appeared said legal clerk who on oath says that he/she serves as **Legal Clerk** of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida; distributed in Collier and Lee counties of Florida; that the attached copy of the advertising was published in said newspaper on dates listed. Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said

Collier County, Florida; distributed in Collier and Lee counties of Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper issue(s) dated or by publication on the newspaper's website, if authorized, on

Issue(s) dated: 09/30/2022

Subscribed and sworn to before on September 30, 2022:


Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$406.00
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Customer No: 1501703
PO #: FY 22/23
of Affidavits 1

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BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT FISCAL YEAR 2022/2023 REGULAR MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Blue Lake Community Development District will hold Regular Board Meetings in the Conference Room of the offices of Lennar located at 10461 Ben C. Pratt, Six Mile Cypress Parkway, Fort Myers, Florida 33966 at 1:00 p.m. on the following dates:

October 11, 2022
November 8, 2022
December 13, 2022
January 10, 2023
February 14, 2023
March 14, 2023
April 11, 2023
May 9, 2023
June 13, 2023
July 11, 2023
August 8, 2023
September 12, 2023

The purpose of the meetings is to conduct any business coming before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agendas for any of the meetings may be obtained from the District's website or by contacting the District Manager at 239-444-5790 and/or toll free at 1-877-737-4922 prior to the date of the particular meeting.

From time to time one or two Supervisors may participate by telephone; therefore, a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Said meeting(s) may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at 239-444-5790 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT

www.bluelakecdd.org
Pub Date: Sept. 30, 2022

No. 5421705

NANCY HEYRMAN
Notary Public
State of Wisconsin

**BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
JULY 11, 2023**

A. CALL TO ORDER

The July 11, 2023, Regular Board Meeting of the Blue Lake Community Development District (the “District”) was called to order at 1:13 p.m. in the Conference Room of the Offices of Lennar located at 10461 Ben C. Pratt, Six Mile Cypress Parkway, Fort Myers, Florida 33966.

B. PROOF OF PUBLICATION

Proof of publication was presented which showed that notice of the Regular Board Meeting had been published in the *Naples Daily News* on July 3, 2023, as legally required.

C. ESTABLISH A QUORUM

It was determined that the attendance of the following Board Members constituted a quorum:

Chairman	Christ Hasty	Present
Vice Chairman	Scott Edwards	Present
Supervisor	Tommy Dean	Absent
Supervisor	Walter Fluegel	Present
Supervisor	Barry Ernst	Present

Also present were the following Staff Members:

District Manager	Kathleen Meneely	Special District Services, Inc.
District Counsel	Wes Haber (via phone)	Kutak Rock LLP
District Engineer	Carl Barraco	Barraco and Associates, Inc.

Also present were the following:

John Reis, Wayne Patterson, Marc & Sydell Nusbaum, Steve Hamburger, Larry Noughton and attached Sign-In Sheet of 32 with an additional 24 individuals via phone

Hans Wilson & Jack Walter - HWA

D. ADDITIONS OR DELETIONS TO AGENDA

There were no additions or deletions to the agenda.

E. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no comments from the public for items not on the agenda.

F. APPROVAL OF MINUTES

1. May 9, 2023, Regular Board Meeting

The minutes of the May 9, 2023, Regular Board Meeting were presented for consideration.

A **motion** was made by Mr. Ernst, seconded by Mr. Fluegel and passed unanimously approving the minutes of the May 9, 2023, Regular Board Meeting, as presented.

2. June 13, 2023, Regular Board Meeting

The minutes of the June 13, 2023, Regular Board Meeting were presented for consideration.

A **motion** was made by Mr. Edwards, seconded by Mr. Ernst and passed unanimously approving the minutes of the June 13, 2023, Regular Board Meeting, as presented.

G. OLD BUSINESS

There were no Old Business items to come before the Board.

H. NEW BUSINESS

1. Hans Wilson Presentation on Retaining Wall Report

Mr. Wilson introduced Jack Walter from his office and went over his report, explaining Hurricane Ian, the littoral shelves, the established vegetation, the wave energy and erosion, which caused the retaining wall to succumb. He went over the storm surge in the lake, stating that the energy from Ian was phenomenal and the retaining wall was designed correctly for its intended application. He went over considerations for a rebuild, adding that there were no specific design standards.

Messrs. Patterson and Reis asked about erosion prior to the storm causing the damage and Mr. Wilson stated that the retaining wall was not designed as a seawall and it was the littoral shelf that failed. Mr. Wilson noted, from an engineering perspective, the littoral shelf may have deviated since the location's use as a borrow pit for past 30 years had already been established. There was general discussion regarding emergency repairs or "Band-Aids" with Mr. Wilson indicating that this would only be done if it was threatening home foundations.

Mr. Walter went over the modeling used and the information that was available for modeling. Mr. Patterson asked about boar docks being attached to the wall if it is a retaining wall and Mr. Wilson advised that they do not recommend such attachments. Mr. Reis asked about rip rap in the original design and Mr. Wilson noted that this changed down the road and that the County only allows 20% of the shoreline to be stabilized by rip rap in a residential neighborhood. Mr. Barraco added that the State allows 40%. Mr. Reis asked if there were special rules, given the depth of the lake, and Mr. Wilson noted that the County had deep lake requirements with Mr. Barraco adding that the rules did not apply since it was an existing mining lake. Mr. Reis asked if the County signed off and inspected the original plans and Mr. Wilson advised that the engineer of record, Josh Maxwell, would have certified the plans to the County. Another resident asked Mr. Wilson if he would rebuild the same. Mr. Wilson responded by stating that there are comments in the report that a more robust design should be looked at for different areas, as there are no standards for these types of walls. He furthered that the littoral shelves should be addressed first and then the wall with wave energy looked at to come up with a design.

There was general discussion regarding slopes, breakwater and the area being in a hurricane prone state. Dr. Hamburger asked about modeling with rip rap and Mr. Wilson stated rip rap was empirical with Mr. Walter explaining how they do calculations and use assumptions.

Gregory Mullholic (via phone) stated that he believed the minimum life of the wall should have been 50 years. Mr. Wilson stated that if the littoral shelves were stabilized then that should have provided the necessary protection, as what was built was what was designed. He added that retaining walls are not designed to survive without a littoral shelf. Mr. Barraco asked Mr. Wilson if he was aware of any local or state requirement for protection on such a lake and Mr. Wilson responded in the negative, stating the wall is an investment in the property. Mr. Wilson suggested putting money into final solutions instead of “Band-Aids” and do a priority matrix to do the most critical locations first.

Mr. Noughton asked about finding records and Mr. Wilson stated there were no public records if done on the private side. Mr. Barraco added that his work was public record, as it is based on standards, but there is no requirement for this design.

Mr. Edwards indicated that the next step would be to get moving and hire somebody for clean-up. Mr. Barraco suggested letting the residents know that by a date certain the CDD will be cleaning up the area so that they need to let us know if they want us to skip their property for any type of forensics. Ms. Meneely stated she would get such a communication out to the Association to distribute to the residents. Mr. Hasty stated that he was working on a developer funding agreement with the attorney.

2. Fence Considerations

- **Discussion on Hurricane Fence Damage**

Ms. Meneely advised that the proposal had not yet been received so this item will be discussed at a future meeting.

- **Discussion on Fence Vegetation Treatment**

Ms. Meneely stated that there were two proposals from Solitude; one was for immediate treatment and the other was for a 4x a year treatment as maintenance. Ms. Meneely noted that this expense was not included in the budget.

A **motion** was made by Mr. Fluegel, seconded by Mr. Ernst and passed unanimously approving both Solitude service agreements, as presented.

3. Consider Fiscal Year 2023/2024 Developer Funding Agreement

Ms. Meneely advised that the agreement was still in the draft stage and would be brought back to a future meeting.

4. Consider Resolution No. 2023-02 – Redesignating the Meeting Location to Adopt a Fiscal Year 2023/2024 Final Budget

Resolution No. 2023-02 was presented, entitled:

RESOLUTION 2023-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT RATIFYING THE RESETTING OF THE LOCATION OF THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR FISCAL YEAR 2023/2024; AMENDING RESOLUTION 2023-01 TO SET THE PUBLIC HEARING THEREON; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Ms. Meneely reminded the Board that they had requested that the August meeting be held at the WildBlue Social Building instead of the offices of Lennar. Ms. Meneely further noted that this resolution formalizes the change in location for the Public Hearing.

A **motion** was made by Mr. Hasty, seconded by Mr. Ernst and passed unanimously adopting Resolution No. 2023-02, as presented.

I. ADMINISTRATIVE MATTERS

1. Manager's Report

Ms. Meneely reminded the Board that the next meeting was scheduled for August 8, 2023, at the WildBlue Social Building.

2. Engineer's Report

• Discussion Regarding Easement/Setbacks

Mr. Barraco advised that he was working on answering some HOA questions regarding setbacks and drainage within easements. He stated that he had looked at plats and the proper easements were in place which he has relayed to the residents.

• Discussion Regarding Drainage Issues

Mr. Barraco stated that this concerns the Nusbaum's property which is at the northernmost part of the lake. He added that clean-up was addressed by the Board earlier in the meeting and he was recommending to have a contractor replace the sod and fill with measures to stabilize the area. Mr. Hasty stated that WildBlue had a contractor they were using and he will contact them to get a proposal.

J. BOARD MEMBER COMMENTS

There were no Board Member comments.

K. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Mr. Fluegel, seconded by Mr. Edwards and passed unanimously adjourning the Regular Board Meeting at 3:30 p.m.

ATTESTED BY:

Secretary/Assistant Secretary

Chairperson/Vice-Chair

Naples Daily News

PART OF THE USA TODAY NETWORK

Published Daily
Naples, FL 34110

BLUE LAKE COMM DEVELOPMENT
2501 BURNS RD #A
PALM BEACH GARDENS, FL 33410
ATTN LAURA ARCHER

Affidavit of Publication

STATE OF WISCONSIN
COUNTY OF BROWN

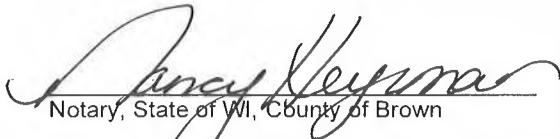
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Naples Daily News, published in Collier County, Florida; that the attached copy of advertisement, being a PUBLIC NOTICE, was published on the publicly accessible website of Collier and Lee Counties, Florida, or in a newspaper by print in the issues of, on:

Issue(s) dated: 7/14/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.



Subscribed and sworn to before me, by the legal clerk, who is personally Known to me, on JULY 14TH, 2023:



Notary, State of WI, County of Brown

My commission expires: 5/19/27

Publication Cost: \$2,688.00
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of Affidavits: 1

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NANCY HEYRMAN
Notary Public
State of Wisconsin

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE FISCAL YEAR 2023/2024 BUDGET; NOTICE OF PUBLIC HEARING TO CONSIDER THE IMPOSITION OF OPERATIONS AND MAINTENANCE SPECIAL ASSESSMENTS, ADOPTION OF AN ASSESSMENT ROLL, AND THE LEVY, COLLECTION, AND ENFORCEMENT OF THE SAME; AND NOTICE OF REGULAR BOARD OF SUPERVISORS' MEETING.

Upcoming Public Hearings, and Regular Meeting

The Board of Supervisors ("Board") for the Blue Lake Community Development District ("District") will hold the following two public hearings and a regular meeting:

DATE: August 8, 2023
TIME: 1:00 p.m.
LOCATION: WildBlue Social Building
 18721 WildBlue Blvd.
 Fort Myers, Florida 33913

The first public hearing is being held pursuant to Chapter 190, *Florida Statutes*, to receive public comment and objections on the District's proposed budget ("Proposed Budget") for the beginning October 1, 2023 and ending September 30, 2024 ("Fiscal Year 2023/2024"). The second public hearing is being held pursuant to Chapters 190 and 197, *Florida Statutes*, to consider the imposition of operations and maintenance special assessments ("O&M Assessments") upon the lands located within the District, to fund the Proposed Budget for Fiscal Year 2023/2024; to consider the adoption of an assessment roll; and, to provide for the levy, collection, and enforcement of assessments. At the conclusion of the hearings, the Board will, by resolution, adopt a budget and levy O&M Assessments as finally approved by the Board. A Board meeting of the District will also be held where the Board may consider any other District business.

Description of Assessments

The District imposes O&M Assessments on benefitted property within the District for the purpose of funding the District's general administrative, operations, and maintenance budget. A geographic depiction of the property potentially subject to the proposed O&M Assessments is identified in the map attached hereto. The table below shows the schedule of the proposed O&M Assessments, which are subject to change at the hearing:

Land Use	Total # of Units	Unit of Measurement	Proposed O&M Assessment (including collection costs / early payment discounts)
Platted Lots	423	One Platted Lot	\$1,103.63

The proposed O&M Assessments as stated include collection costs and/or early payment discounts, which Lee County ("County") may impose on assessments that are collected on the County tax bill. Moreover, pursuant to Section 197.3632(4), *Florida Statutes*, the lien amount shall serve as the "maximum rate" authorized by law for O&M Assessments, such that no assessment hearing shall be held or notice provided in future years unless the assessments are proposed to be increased or another criterion within Section 197.3632(4), *Florida Statutes*, is met. Note that the O&M Assessments do not include any debt service assessments previously levied by the District and due to be collected for Fiscal Year 2023/2024.

For Fiscal Year 2023/2024, the District intends to have the County tax collector collect the assessments imposed on certain developed property, and will directly collect the assessments imposed on the remaining benefitted property by sending out a bill prior to, or during, November 2023. It is important to pay your assessment because failure to pay will cause a tax certificate to be issued against the property which may result in loss of title, or for direct billed assessments, may result in a foreclosure action, which also may result in a loss of title. The District's decision to collect assessments on the tax roll or by direct billing does not preclude the District from later electing to collect those or other assessments in a different manner at a future time.

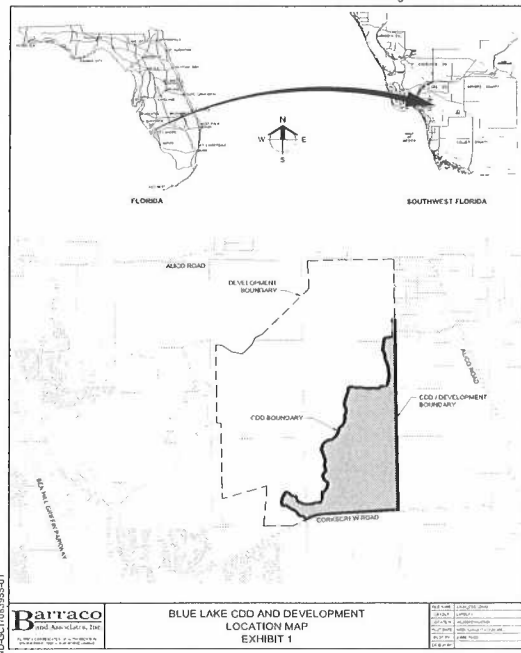
Additional Provisions

The public hearings and meeting are open to the public and will be conducted in accordance with the provisions of Florida law. A copy of the Proposed Budget, proposed assessment roll, and the agenda for the hearings and meeting may be obtained at the offices of the District Manager, located at 2501A Burns Road, Palm Beach Gardens, Florida 33410, Ph: 561-630-4922 ("District Manager's Office"), during normal business hours. The public hearings and meeting may be continued to a date, time, and place to be specified on the record at the hearings or meeting. There may be occasions when staff or board members may participate by speaker telephone.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office.

Please note that all affected property owners have the right to appear at the public hearings and meeting, and may also file written objections with the District Manager's Office within twenty days of publication of this notice. Each person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearings or meeting is advised that person will need a record of proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

Kathleen Meneely
District Manager



Public Notices | **Public Notices**

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE FISCAL YEAR 2023/2024 BUDGET; NOTICE OF PUBLIC HEARING TO CONSIDER THE IMPOSITION OF OPERATIONS AND MAINTENANCE SPECIAL ASSESSMENTS, ADOPTION OF AN ASSESSMENT ROLL, AND THE LEVY, COLLECTION, AND ENFORCEMENT OF THE SAME; AND NOTICE OF REGULAR BOARD OF SUPERVISORS MEETING.

Upcoming Public Hearings and Board Meeting

The Board of Supervisors ("Board") for the Blue Lake Community Development District ("District") will hold the following two public hearings and a regular meeting.

DATE: August 8, 2023
TIME: 10:00am
LOCATION: Wellness Social Building
 16131 Wellness Blvd.
 Fort Myers, Florida 33913

The first public hearing is being held pursuant to Chapter 180 Florida Statutes, to receive public comment and objections on the District's proposed budget (Proposed Budget) for the beginning October 1, 2023 and ending September 30, 2024 (Fiscal Year 2023/2024). The second public hearing is being held pursuant to Chapters 180 and 187 Florida Statutes, to consider the imposition of operations and maintenance special assessments ("OM Assessments") upon the lands located within the District, to hear the Proposed Budget for Fiscal Year 2023/2024, to consider the adoption of an assessment roll, and to provide for the levy, collection, and enforcement of assessments. At the conclusion of the hearings, the Board will, by resolution, adopt a budget and levy OM Assessments as finally approved by the Board. A Board meeting of the District will also be held where the Board may consider any other District business.

Description of Assessments

The District imposes OM Assessments on benefited property within the District for the purpose of funding the District's general administrative, operations, and maintenance budget. A geographic description of the property potentially subject to the proposed OM Assessments is located in the map attached hereto. The table below shows the schedule of the proposed OM Assessments which are subject to change at the Board meeting.

Land Use	Total # of Units	Units of Measurement	Proposed OM Assessment (including collection costs / early payment discount)
Residential	423	One Parcel/Unit	\$1,100.00

The proposed OM Assessments as stated include collection costs and/or early payment discounts, which Lee County ("County") may impose on assessments that are subject to the County's assessment jurisdiction pursuant to Section 197.002(3), Florida Statutes. The ten amounts shall serve as the maximum rate authorized by law for OM Assessments, such that no assessment hearing shall be held or notice published if thirty days prior to the assessment hearing, the assessors are proposed to be increased or another action which would result in a loss of this. The District's decision to collect assessments on the tax roll or by direct billing does not preclude the District from later electing to collect those or other assessments in a different manner at a future time.

For Fiscal Year 2023/2024, the District intends to have the County tax collector collect the assessments imposed on certain developed property and will directly collect the assessments imposed on the remaining benefited property by sending out a bill and/or by direct billing November 22, 2023. It is important to pay your assessment because failure to pay will cause a tax certificate to be issued against the property which may result in loss of title, or the direct billed assessments may result in a foreclosure action, which also may result in a loss of title. The District's decision to collect assessments on the tax roll or by direct billing does not preclude the District from later electing to collect those or other assessments in a different manner at a future time.

Additional Provisions

The public hearings and meeting are open to the public and will be conducted in accordance with the provisions of Florida law. A copy of the Proposed Budget, proposed assessment roll, and the agenda for the hearings and meeting may be obtained at the office of the District Manager located at 2501A Burns Road, Palm Beach Gardens, Florida 33410. Tel: 561-430-1822 (District Manager's Office), during normal business hours. The public hearings and meeting may be closed to the public, and access to the record of the proceedings or meeting, there may be occasions when staff or board members participate by remote teleconference.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact Florida Relay Service by dialing 711, or 1-800-855-8771 (TDD) or 1-800-855-8770 (voice) for additional information.

Please note that all affected property owners have the right to appear at the public hearings and meeting, and may also file written objections with the District Manager's Office twenty days of publication of the notice. Each person who desires to appeal any decision made by the Board at the meeting or any matter considered at the public hearings or meeting is advised that persons will need a record of proceedings and that accordingly, the person(s) need to arrange for a verbatim record of the proceedings to be made, including the testimony and evidence which will be used to resolve the issue.

Kristen Mansley
District Manager

Blue Lake Community Development District
 BLUE LAKE CDD AND DEVELOPMENT LOCATION MAP EXHIBIT 1

SELL IT BUY IT FIND IT

cars
garage sales
tickets
jobs
antiques
motorcycles
computers
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RESOLUTION 2023-03

THE ANNUAL APPROPRIATION RESOLUTION OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has, prior to the fifteenth (15th) day in June, 2023, submitted to the Board of Supervisors (“**Board**”) of the Blue Lake Community Development District (“**District**”) proposed budget (“**Proposed Budget**”) for the fiscal year beginning October 1, 2023 and ending September 30, 2024 (“**Fiscal Year 2023/2024**”) along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), *Florida Statutes*; and

WHEREAS, at least sixty (60) days prior to the adoption of the Proposed Budget, the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), *Florida Statutes*; and

WHEREAS, the Board set a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), *Florida Statutes*; and

WHEREAS, the District Manager posted the Proposed Budget on the District’s website at least two days before the public hearing; and

WHEREAS, Section 190.008(2)(a), *Florida Statutes*, requires that, prior to October 1st of each year, the Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

WHEREAS, the District Manager has prepared a Proposed Budget, whereby the budget shall project the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during the fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. BUDGET

- a. The Board has reviewed the Proposed Budget, a copy of which is on file with the office of the District Manager and at the District’s Local Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.

- b. The Proposed Budget, attached hereto as **Exhibit A**, as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes* (“**Adopted Budget**”), and incorporated herein by reference; provided, however, that the comparative figures contained in the Adopted Budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.
- c. The Adopted Budget, as amended, shall be maintained in the office of the District Manager and at the District’s Local Records Office and identified as “The Budget for the Blue Lake Community Development District for the Fiscal Year Ending September 30, 2024.”
- d. The Adopted Budget shall be posted by the District Manager on the District’s official website within thirty (30) days after adoption and shall remain on the website for at least 2 years.

SECTION 2. APPROPRIATIONS

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2023/2024, the sum of \$1,130,530 to be raised by the levy of assessments and/or otherwise, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	\$ <u>466,833</u>
DEBT SERVICE FUND – SERIES 2019	\$ <u>663,697</u>
TOTAL ALL FUNDS	\$ <u>1,130 530</u>

SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2023/2024, or within 60 days following the end of the Fiscal Year 2023/2024, may amend its Adopted Budget for that fiscal year as follows:

- a. A line-item appropriation for expenditures within a fund may be decreased or increased by motion of the Board recorded in the minutes, and approving the expenditure, if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may approve an expenditure that would increase or decrease a line-item appropriation for expenditures within a fund if the total appropriations of the fund do not increase and if either (i) the aggregate change in the original appropriation item does not exceed the greater of \$15,000

or 15% of the original appropriation, or (ii) such expenditure is authorized by separate disbursement or spending resolution.

- c. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must ensure that any amendments to the budget under paragraph c. above are posted on the District’s website within 5 days after adoption and remain on the website for at least 2 years.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 8TH DAY OF AUGUST, 2023.

ATTEST:

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT

Secretary / Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Fiscal Year 2023/2024 Budget

Exhibit A

Fiscal Year 2023/2024 Budget

Blue Lake
Community Development District

**Final Budget For
Fiscal Year 2023/2024
October 1, 2023 - September 30, 2024**

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FINAL BUDGET
BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2023/2024
OCTOBER 1, 2023 - SEPTEMBER 30, 2024

	FISCAL YEAR 2023/2024 BUDGET
REVENUES	
O&M Assessments	466,833
Developer Contribution - O&M	0
Debt Assessments	663,697
Interest Income	240
TOTAL REVENUES	\$ 1,130,770
EXPENDITURES	
ADMINISTRATIVE EXPENDITURES	
Supervisor Fees	0
Management	29,688
Legal	14,000
Assessment Roll	4,000
Audit Fees	4,000
Arbitrage Rebate Fee	650
Insurance	6,700
Legal Advertisements	3,500
Miscellaneous	950
Postage	300
Office Supplies	1,050
Dues & Subscriptions	175
Trustee Fees	4,050
Continuing Disclosure Fee	1,000
TOTAL ADMINISTRATIVE EXPENDITURES	\$ 70,063
MAINTENANCE EXPENDITURES	
Engineering/Inspections	29,500
Mitigation Monitoring	138,500
Lake Maintenance	60,000
Flow Way Inspection Certification	5,000
Vista Dry Retention Area	45,000
Detention Area Maintenance	36,000
Miscellaneous Maintenance	55,000
TOTAL MAINTENANCE EXPENDITURES	\$ 369,000
TOTAL EXPENDITURES	439,063
REVENUES LESS EXPENDITURES	\$ 691,707
Bond Payments	(623,875)
BALANCE	\$ 67,832
County Appraiser & Tax Collector Fee	(22,611)
Discounts For Early Payments	(45,221)
EXCESS/ (SHORTFALL)	\$ -

DETAILED FINAL BUDGET
BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2023/2024
OCTOBER 1, 2023 - SEPTEMBER 30, 2024

	FISCAL YEAR 2021/2022 ACTUAL	FISCAL YEAR 2022/2023 BUDGET	FISCAL YEAR 2023/2024 BUDGET	COMMENTS
REVENUES				
O&M Assessments	139,722	253,701	466,833	Expenditures Less Interest/.94
Developer Contribution - O&M	167,500	0	0	Developer Contribution - O&M
Debt Assessments	648,254	663,697	663,697	Bond Payments/.94
Interest Income	90	120	240	Interest Projected At \$20 Per Month
TOTAL REVENUES	\$ 955,566	\$ 917,518	\$ 1,130,770	
EXPENDITURES				
ADMINISTRATIVE EXPENDITURES				
Supervisor Fees	0	0	0	
Management	27,996	28,824	29,688	CPI Adjustment (Capped At 3%)
Legal	5,158	14,000	14,000	FY 2022/2023 Expenditure Through 2/28/23 Was \$4,463
Assessment Roll	4,000	4,000	4,000	As Per Contract
Audit Fees	3,800	3,900	4,000	Accepted Amount For 2022/2023 Audit
Arbitrage Rebate Fee	650	650	650	No Change From 2022/2023 Budget
Insurance	5,706	6,100	6,700	FY 2021/2022 Expenditure Was \$6,134
Legal Advertisements	3,829	3,000	3,500	\$500 Increase From 2022/2023 Budget
Miscellaneous	283	1,000	950	\$50 Decrease From 2022/2023 Budget
Postage	330	300	300	No Change From 2022/2023 Budget
Office Supplies	538	1,100	1,050	\$50 Decrease From 2022/2023 Budget
Dues & Subscriptions	175	175	175	Annual Fee Due Department Of Economic Opportunity
Trustee Fees	4,031	4,050	4,050	No Change From 2022/2023 Budget
Continuing Disclosure Fee	1,000	1,000	1,000	No Change From 2022/2023 Budget
TOTAL ADMINISTRATIVE EXPENDITURES	\$ 57,496	\$ 68,099	\$ 70,063	
MAINTENANCE EXPENDITURES				
Engineering/Inspections	22,634	15,000	29,500	FY 2022/2023 Expenditure Through 3/31/23 Was \$19,975
Mitigation Monitoring	153,300	73,000	138,500	Sandhill Environmental Services Proposal
Lake Maintenance	61,805	35,000	60,000	Lake Maintenance
Flow Way Inspection Certification	0	2,500	5,000	\$2,500 Increase From 2022/2023 Budget
Vista Dry Retention Area	0	45,000	45,000	Vista Dry Retention Area
Detention Area Maintenance	0	0	36,000	Solitude Lake Management Currently Charging \$2,677 Per Month
Miscellaneous Maintenance	0	0	55,000	Includes Fence, Littoral & Wells Maintenance
TOTAL MAINTENANCE EXPENDITURES	\$ 237,739	\$ 170,500	\$ 369,000	
TOTAL EXPENDITURES	295,235	238,599	439,063	
REVENUES LESS EXPENDITURES	\$ 660,331	\$ 678,919	\$ 691,707	
Bond Payments	(632,675)	(623,875)	(623,875)	2024 Principal & Interest Payments
BALANCE	\$ 27,656	\$ 55,044	\$ 67,832	
County Appraiser & Tax Collector Fee	(524)	(18,348)	(22,611)	Two Percent Of Total Assessment Roll
Discounts For Early Payments	(18,542)	(36,696)	(45,221)	Four Percent Of Total Assessment Roll
EXCESS/ (SHORTFALL)	\$ 8,590	\$ -	\$ -	

DETAILED FINAL DEBT SERVICE FUND BUDGET
BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2023/2024
OCTOBER 1, 2023 - SEPTEMBER 30, 2024

	FISCAL YEAR 2021/2022 ACTUAL	FISCAL YEAR 2022/2023 BUDGET	FISCAL YEAR 2023/2024 BUDGET	COMMENTS
REVENUES				
Interest Income	35	25	100	Projected Interest For 2023/2024
NAV Tax Collection	632,675	623,875	623,875	Maximum Debt Service Collection
Total Revenues	\$ 632,710	\$ 623,900	\$ 623,975	
EXPENDITURES				
Principal Payments	195,000	205,000	210,000	Principal Payment Due In 2024
Interest Payments	428,988	418,575	411,313	Interest Payment Due In 2024
Bond Redemption	0	275	2,662	Estimated Excess Debt Collections
Transfer To Construction Fund	16	50	0	Transfer To Construction Fund
Total Expenditures	\$ 624,004	\$ 623,900	\$ 623,975	
Excess/ (Shortfall)	\$ 8,706	\$ -	\$ -	

Series 2019 Bond Information

Original Par Amount =	\$10,400,000	Annual Principal Payments Due =	June 15th
Interest Rate =	3.50% - 4.5%	Annual Interest Payments Due =	June 15th & December 15th
Issue Date =	May 2019		
Maturity Date =	June 2049		
Par Amount As Of 1/1/23 =	\$9,830,000		

Blue Lake Community Development District Assessment Comparison

	Fiscal Year 2020/2021 Assessment*	Fiscal Year 2021/2022 Assessment*	Fiscal Year 2022/2023 Assessment*	Fiscal Year 2023/2024 Projected Assessment*
O & M Assessment For 50' Single Family Units	\$ 337.66	\$ 337.66	\$ 599.77	\$ 1,103.63
<u>Debt Assessment For 50' Single Family Units</u>	<u>\$ 1,330.00</u>	<u>\$ 1,330.00</u>	<u>\$ 1,330.00</u>	<u>\$ 1,330.00</u>
Total For 50' Single Family Units	\$ 1,667.66	\$ 1,667.66	\$ 1,929.77	\$ 2,433.63
O & M Assessment For 60' Single Family Units	\$ 337.66	\$ 337.66	\$ 599.77	\$ 1,103.63
<u>Debt Assessment For 60' Single Family Units</u>	<u>\$ 1,596.00</u>	<u>\$ 1,596.00</u>	<u>\$ 1,596.00</u>	<u>\$ 1,596.00</u>
Total For 60' Single Family Units	\$ 1,933.66	\$ 1,933.66	\$ 2,195.77	\$ 2,699.63
O & M Assessment For 75' Single Family Units	\$ 337.66	\$ 337.66	\$ 599.77	\$ 1,103.63
<u>Debt Assessment For 75' Single Family Units</u>	<u>\$ 1,995.00</u>	<u>\$ 1,995.00</u>	<u>\$ 1,995.00</u>	<u>\$ 1,995.00</u>
Total For 75' Single Family Units	\$ 2,332.66	\$ 2,332.66	\$ 2,594.77	\$ 3,098.63

* Assessments Include the Following :

-
- 4% Discount for Early Payments
 - 1% County Tax Collector Fee
 - 1% County Property Appraiser Fee

Community Information:

50' Single Family Units	182
60' Single Family Units	148
<u>75' Single Family Units</u>	<u>93</u>
Total Units	423

RESOLUTION 2023-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT MAKING A DETERMINATION OF BENEFIT AND IMPOSING SPECIAL ASSESSMENTS FOR FISCAL YEAR 2023/2024; 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.

WHEREAS, the Blue Lake Community Development District ("**District**") is a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes*, for the purpose of providing, operating and maintaining infrastructure improvements, facilities and services to the lands within the District; and

WHEREAS, the District is located in Lee County, Florida ("**County**"); and

WHEREAS, the District has constructed or acquired various infrastructure improvements and provides certain services in accordance with the District's adopted capital improvement plan and Chapter 190, *Florida Statutes*; and

WHEREAS, the Board of Supervisors ("**Board**") of the District hereby determines to undertake various operations and maintenance and other activities described in the District's budget ("**Adopted Budget**") for the fiscal year beginning October 1, 2023 and ending September 30, 2024 ("**Fiscal Year 2023/2024**"), attached hereto as **Exhibit "A;"** and

WHEREAS, the District must obtain sufficient funds to provide for the operation and maintenance of the services and facilities provided by the District as described in the Adopted Budget; and

WHEREAS, the provision of such services, facilities, and operations is a benefit to lands within the District; and

WHEREAS, Chapter 190, *Florida Statutes*, provides that the District may impose special assessments on benefitted lands within the District; and

WHEREAS, it is in the best interests of the District to proceed with the imposition of the special assessments for operations and maintenance in the amount set forth in the Adopted Budget; and

WHEREAS, the District has previously levied an assessment for debt service, which the District desires to collect for Fiscal Year 2023/2024; and

WHEREAS, Chapter 197, *Florida Statutes*, provides a mechanism pursuant to which such special assessments may be placed on the tax roll and collected by the local tax collector (“**Uniform Method**”), and the District has previously authorized the use of the Uniform Method by, among other things, entering into agreements with the Property Appraiser and Tax Collector of the County for that purpose; and

WHEREAS, it is in the best interests of the District to adopt the assessment roll (“**Assessment Roll**”) attached to this Resolution as **Exhibit “B,”** and to certify the portion of the Assessment Roll related to certain developed property (“**Tax Roll Property**”) to the County Tax Collector pursuant to the Uniform Method and to directly collect the portion of the Assessment Roll relating to the remaining property (“**Direct Collect Property**”), all as set forth in **Exhibit “B;”** and

WHEREAS, it is in the best interests of the District to permit the District Manager to amend the Assessment Roll adopted herein, including that portion certified to the County Tax Collector by this Resolution, as the Property Appraiser updates the property roll for the County, for such time as authorized by Florida law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. BENEFIT & ALLOCATION FINDINGS. The provision of the services, facilities, and operations as described in **Exhibit “A”** confers a special and peculiar benefit to the lands within the District, which benefit exceeds or equals the cost of the assessments. The allocation of the assessments to the specially benefitted lands is shown in **Exhibits “A” and “B,”** and is hereby found to be fair and reasonable.

SECTION 2. ASSESSMENT IMPOSITION. Pursuant to Chapters 190 and 197, *Florida Statutes*, and using the procedures authorized by Florida law for the levy and collection of special assessments, a special assessment for operation and maintenance is hereby imposed and levied on benefitted lands within the District and in accordance with **Exhibits “A” and “B.”** The lien of the special assessments for operations and maintenance imposed and levied by this Resolution shall be effective upon passage of this Resolution. Moreover, pursuant to Section 197.3632(4), *Florida Statutes*, the lien amount shall serve as the “maximum rate” authorized by law for operation and maintenance assessments.

SECTION 3. COLLECTION AND ENFORCEMENT; PENALTIES; INTEREST.

A. **Tax Roll Assessments.** The operations and maintenance special assessments and previously levied debt service special assessments imposed on the Tax Roll Property shall be collected at the same time and in the same manner as County taxes in accordance with the Uniform Method, as set forth in **Exhibits “A” and “B.”**

- B. Direct Bill Assessments.** The operations and maintenance special assessments and previously levied debt service special assessments imposed on the Direct Collect Property shall be collected directly by the District in accordance with Florida law, as set forth in **Exhibits “A” and “B.”** Assessments directly collected by the District are due in full on December 1, 2023; provided, however, that, to the extent permitted by law, the assessments due may be paid in several partial, deferred payments and according to the following schedule: 50% due no later than December 1, 2023, 25% due no later than February 1, 2024 and 25% due no later than May 1, 2024. In the event that an assessment payment is not made in accordance with the schedule stated above, the whole assessment – including any remaining partial, deferred payments for Fiscal Year 2023/2024, shall immediately become due and payable; shall accrue interest, penalties in the amount of one percent (1%) per month, and all costs of collection and enforcement; and shall either be enforced pursuant to a foreclosure action, or, at the District’s sole discretion, collected pursuant to the Uniform Method on a future tax bill, which amount may include penalties, interest, and costs of collection and enforcement. Any prejudgment interest on delinquent assessments shall accrue at the rate of any bonds secured by the assessments, or at the statutory prejudgment interest rate, as applicable. In the event an assessment subject to direct collection by the District shall be delinquent, the District Manager and District Counsel, without further authorization by the Board, may initiate foreclosure proceedings pursuant to Chapter 170, *Florida Statutes*, or other applicable law to collect and enforce the whole assessment, as set forth herein.
- C. Future Collection Methods.** The decision to collect special assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect special assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices.

SECTION 4. ASSESSMENT ROLL. The Assessment Roll, attached to this Resolution as **Exhibit “B,”** is hereby certified for collection. That portion of the Assessment Roll which includes the Tax Roll Property is hereby certified to the County Tax Collector and shall be collected by the County Tax Collector in the same manner and time as County taxes. The proceeds therefrom shall be paid to the District.

SECTION 5. ASSESSMENT ROLL AMENDMENT. The District Manager shall keep apprised of all updates made to the County property roll by the Property Appraiser after the date of this Resolution, and shall amend the Assessment Roll in accordance with any such updates, for such time as authorized by Florida law, to the County property roll. After any amendment of the Assessment Roll, the District Manager shall file the updates in the District records.

SECTION 6. SEVERABILITY. The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect upon the passage and adoption of this Resolution by the Board.

PASSED AND ADOPTED this 8th day of August, 2023.

ATTEST:

**BLUE LAKE COMMUNITY DEVELOPMENT
DISTRICT**

Secretary / Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Budget
Exhibit B: Assessment Roll (Uniform Method)
Assessment Roll (Direct Collect)

**FUNDING AGREEMENT BETWEEN THE
BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT
AND _____**

THIS AGREEMENT (“Agreement”), dated as of the ____ day of _____, 2023, is made and entered into by and among:

Blue Lake Community Development District, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, and located within Lee County, Florida (hereinafter “District”), and

_____, a _____ (hereinafter "Developer") with an address of _____.

RECITALS

WHEREAS, the Blue Lake Community Development District (“District”) was established by an ordinance adopted by the Board of County Commissioners of Lee County, Florida, for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure, including but not limited to surface water management, utilities, and other infrastructure; and

WHEREAS, the Act authorizes the District to issue bonds for the purpose, among others, of planning, financing, constructing, operating and/or maintaining certain infrastructure within or without the boundaries of the District; and

WHEREAS, the District desires to undertake the repair of various infrastructure improvements that were damaged by Hurricane Ian (the “Repairs”) but does not have sufficient funds to pay for the Repairs; and

WHEREAS, the Board of Supervisors has determined that certain portions of the Repairs, as such portions are defined in a Funding Authorization as set forth in more detail herein, will need to be undertaken prior to the District obtaining adequate financing for the Repairs and, as a result, the District will not have funds available to pay for the Repairs until it obtains such financing; and

WHEREAS, the District has determined that the execution and delivery by the Developer of this Agreement is necessary in order to proceed with the Repairs subject to Funding Authorizations; and

WHEREAS, to assist the District to proceed with portions of the Repairs defined in a Funding Authorization, the Developer is willing to deliver this Agreement.

NOW, THEREFORE, based upon good and valuable consideration and the mutual

covenants of the parties, the receipt of which and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. INCORPORATION OF RECITALS. The recitals stated above are true and correct and by reference are incorporated herein as a material part of this Agreement.

2. FUNDING. To the extent the District needs funds for the construction, installation, and acquisition of the Repairs, Developer is willing to make available to the District such funding subject to the terms of this Agreement. The provision of funding is in the Developer's sole discretion provided by this Agreement. The District may request funding from the Developer, and the Developer agrees to notify the District within ten (10) days as to whether such funding will be provided. Each funding request shall be authorized in writing by the Developer. The written authorization shall be incorporated in a funding authorization which shall include the scope of services, cost proposal, and schedule of payment as set forth in **Exhibit A** ("Funding Authorization"). Developer will make such funds available according to the manner in which the District will be invoiced by the contractor as specified in **Exhibit A**. The funds shall be placed in the District's depository as determined by the District. The District acknowledges that the Developer and any lender designated by Developer providing financing to Developer for any Repairs in the District shall have a right to enter upon any property of the District for the purpose of inspection of the progress of construction.

3. REPAYMENT. Subject to the limitations below, the parties agree that funds provided by Developer pursuant to this Agreement are intended to be properly reimbursable from financing to be obtained by the District, including, but not limited to from the proceeds of the any future issuance of tax-exempt bonds. Within forty-five (45) days of receipt of sufficient financing by the District, the District shall reimburse Developer in full, exclusive of interest, for the funds advanced under paragraph two (2) above. The District agrees to make diligent efforts to obtain financing to make the repayments contemplated herein and such repayments shall be due no later than __ years from the date that the funding was provided by the Developer pursuant to a Funding Authorization.

4. DEFAULT. A default by either party under this Agreement shall entitle the other to all remedies available at law or in equity, which may include, but not be limited to, the right of damages, injunctive relief and/or specific performance.

5. ENFORCEMENT OF AGREEMENT. In the event that either party is required to enforce this Agreement by court proceedings or otherwise, then the prevailing party, as determined by the applicable court or other dispute resolution provider, shall be entitled to recover from the non-prevailing party all fees and costs incurred, including reasonable attorneys' fees and costs incurred prior to or during any litigation or other dispute resolution proceedings including all fees and costs incurred in appellate proceedings.

6. AGREEMENT. This instrument shall constitute the final and complete expression of this Agreement between the parties relating to the subject matter of this Agreement.

7. **AMENDMENTS.** Amendments to and waivers of the provisions contained in this Agreement may be made only by an instrument in writing which is executed by both of the parties hereto.

8. **AUTHORIZATION.** The execution of this Agreement has been duly authorized by the appropriate body or official of all parties hereto, each party has complied with all the requirements of law, and each party has full power and authority to comply with the terms and provisions of this instrument.

9. **NOTICES.** All notices, requests, consents and other communications hereunder ("Notices") shall be in writing and shall be delivered, mailed by First Class Mail, postage prepaid, or overnight delivery service, to the parties, as follows:

A. **If to Developer:** _____

Attn: _____

B. **If to District:** Blue Lake
Community Development District
2501 A Burns Road
Palm Beach Gardens, Florida 33410
Attn: District Manager

With a copy to: Kutak Rock.
107 West College Avenue
Tallahassee, Florida 32301
Attn: District Counsel

Except as otherwise provided herein, any Notice shall be deemed received only upon actual delivery at the address set forth herein. Notices delivered after 5:00 p.m. (at the place of delivery) or on a non-business day, shall be deemed received on the next business day. If any time for giving Notice contained in this Agreement would otherwise expire on a non-business day, the Notice period shall be extended to the next succeeding business day. Saturdays, Sundays and legal holidays recognized by the United States government shall not be regarded as business days. Counsel for the parties may deliver Notice on behalf of the parties. Any party or other person to whom Notices are to be sent or copied may notify the other parties and addressees of any change in name or address to which Notices shall be sent by providing the same on five (5) days written notice to the parties and addressees set forth herein.

10. **THIRD PARTY BENEFICIARIES.** This Agreement is solely for the benefit of the formal parties herein and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto. Nothing in this Agreement expressed

or implied is intended or shall be construed to confer upon any person or corporation other than the parties hereto any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof; and all of the provisions, representations, covenants and conditions herein contained shall inure to the sole benefit of and shall be binding upon the parties hereto and their respective representatives, successors and assigns.

11. NEGOTIATION AT ARM'S LENGTH. This Agreement has been negotiated fully between the parties as an arms length transaction. All parties participated fully in the preparation of this Agreement and received the advice of counsel. In the case of a dispute concerning the interpretation of any provision of this Agreement, all parties are deemed to have drafted, chosen and selected the language, and the doubtful language will not be interpreted or construed against either party.

12. ASSIGNMENT. Neither party may assign this Agreement nor any monies to become due hereunder without the prior written approval of the other party; provided, however, the Developer may collaterally assign its rights and obligation under this Agreement to any institutional lender providing financing to Developer for funding of improvements to property within the District.

13. CONTROLLING LAW. This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida.

14. EFFECTIVE DATE. The Agreement shall be effective after execution by both parties hereto and shall remain in effect unless terminated by either of the parties hereto.

15. PUBLIC RECORDS. Developer understands and agrees that all documents of any kind provided to the District or to District Staff in connection with the work contemplated under this Agreement are public records and are treated as such in accordance with Florida law.

16. SEVERABILITY. The invalidity or unenforceability of any one or more provisions of this Agreement shall not affect the validity or enforceability of the remaining portions of this Agreement, or any part of this Agreement not held to be invalid or unenforceable.

17. SOVEREIGN IMMUNITY. The Developer agrees that nothing in this Agreement shall constitute or be construed as a waiver of the District's limitations on liability contained in Section 768.28, Florida Statutes, or other statutes or law.

18. HEADINGS FOR CONVENIENCE ONLY. The descriptive headings in this Agreement are for convenience only and shall not control nor affect the meaning or construction of any of the provisions of this Agreement.

IN WITNESS WHEREOF, the parties execute this agreement the day and year first written above.

Attest:

**BLUE LAKE
COMMUNITY DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairman, Board of Supervisors

Print Name

WITNESS:

a _____

Signature

Print Name

By: _____

Its: _____

EXHIBIT A
FUNDING AUTHORIZATION NUMBER _____
_____, 2023

[DEVELOPER] (“Developer”)

Subject: **Funding Authorization Number _____**
 Blue Lake Community Development District

Dear [DEVELOPER]:

Pursuant to that certain *Funding Agreement between the Blue Lake Community Development District and _____* dated _____, 2023 (“Funding Agreement”), the Blue Lake Community Development District (“District”) submits this funding authorization to provide funding for the construction, installation, and acquisition of public infrastructure for Repairs, as such term is defined in the Funding Agreement.

I. Scope of Construction, Installation and/or Acquisition

Blue Lake Community Development District seeks to engage the services of _____ (“Contractor”), as _____ to _____ (“Services”) pursuant the proposal attached hereto as **Exhibit A** (“Proposal”).

II. Proposal Cost

As compensation for the Services described in the Proposal, the District will be required to pay the Contractor a total of _____ Dollars (\$_____). Subject to the terms of the Funding Agreement, the Developer agrees to provide the District with funding in an amount not to exceed the Proposal Cost.

III. Payment Schedule

Select one of the following:

Contractor will invoice the District a lump sum amount for the Services set forth in the proposal. By accepting this funding request, the Developer agrees to provide the District with funding equal to such lump sum amount within (10) days of receipt of Contractor’s invoice from the District.

Contractor will invoice the District monthly for the proportion of Services completed during the preceding month. By accepting this funding request, the Developer agrees to provide the District with funding equal to the amount of the applicable monthly invoice within (10) days of receipt of Contractor’s invoice from the District.

IV. Authorization to Enter Into Agreement

Subject to approval of this Funding Authorization, the District intends to enter into an agreement with the Contractor for the Services as described above (“Agreement”). A form of the Agreement is attached hereto as **Exhibit B**. By accepting this Funding Authorization, the Developer authorizes the District to enter into an agreement with Contractor and further agrees to provide funding for the Services according to the terms of this Funding Authorization.

This Funding Authorization, together with the Proposal and the Funding Agreement, represents the entire understanding between the District and Developer with regard to the referenced funding authorization. If you wish to accept this Funding Authorization, please sign both copies where indicated, and return one complete copy to our office. Upon receipt, we will promptly enter into an agreement for the Services.

Thank you for your consideration.

APPROVED AND ACCEPTED

Chairman/Vice Chairman
Blue Lake Community Development District

By: _____
Authorized Representative of
[DEVELOPER]

Date: _____

RESOLUTION NO. 2023-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2023/2024 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary for the Blue Lake Community Development District ("District") to establish a regular meeting schedule for fiscal year 2023/2024; and

WHEREAS, the Board of Supervisors of the District has set a regular meeting schedule, location and time for District meetings for fiscal year 2023/2024 which is attached hereto and made a part hereof as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT, LEE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are hereby adopted.

Section 2. The regular meeting schedule, time and location for meetings for fiscal year 2023/2024 which is attached hereto as Exhibit "A" is hereby adopted and authorized to be published.

PASSED, ADOPTED AND EFFECTIVE THIS 8th DAY OF AUGUST, 2023.

ATTEST:

**BLUE LAKE
COMMUNITY DEVELOPMENT DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chairperson/Vice Chairperson

**BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2022/2023 REGULAR MEETING SCHEDULE**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the **Blue Lake Community Development District** will hold Regular Board Meetings at the WildBlue Social Building, 18721 WildBlue Boulevard, Fort Myers, Florida 33913 at **1:00 p.m.** on the following dates:

**October 10, 2023
November 14, 2023
December 12, 2023
January 9, 2024
February 13, 2024
March 12, 2024
April 9, 2024
May 14, 2024
June 11, 2024
July 9, 2024
August 13, 2024
September 10, 2024**

The purpose of the meetings is to conduct any business coming before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agendas for any of the meetings may be obtained from the District's website or by contacting the District Manager at 239-444-5790 and/or toll free at 1-877-737-4922 prior to the date of the particular meeting.

From time to time one or two Supervisors may participate by telephone; therefore, a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Said meeting(s) may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at 239-444-5790 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT

www.bluelakecdd.org

PUBLISH: NAPLES DAILY NEWS

RESOLUTION 2023-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT PROVIDING FOR THE APPOINTMENT OF A RECORDS MANAGEMENT LIAISON OFFICER; PROVIDING THE DUTIES OF THE RECORDS MANAGEMENT LIAISON OFFICER; ADOPTING A RECORDS RETENTION POLICY; DETERMINING THE ELECTRONIC RECORD TO BE THE OFFICIAL RECORD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Blue Lake Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*; and

WHEREAS, Chapter 190, *Florida Statutes*, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business; and

WHEREAS, Section 257.36(5), *Florida Statutes*, requires the District to establish and maintain an active and continuing program for the economical and efficient management of records and to provide for the appointment of a records management liaison officer (“Records Management Liaison Officer”); and

WHEREAS, the District desires for the Records Management Liaison Officer to be an employee of the District or an employee of the District Manager; and

WHEREAS, the District desires to authorize the District’s records custodian to appoint a Records Management Liaison Officer, which may or may not be the District’s records custodian; and

WHEREAS, the District desires to prescribe duties of the Records Management Liaison Officer and provide for the assignment of additional duties; and

WHEREAS, the District’s Board of Supervisors (“Board”) finds that it is in the best interests of the District to adopt by resolution a records retention policy (the “Records Retention Policy”) for immediate use and application.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT, THAT:

SECTION 1. The District hereby authorizes the District’s records custodian to appoint a Records Management Liaison Officer and report such appointment to the appropriate State of Florida agencies. A Records Management Liaison Officer shall be an employee of the District or the District Manager. The Board, and the District’s records custodian, shall each have the individual power to remove the Records Management

Liaison Officer at any time for any reason. Immediately following the removal or resignation of a Records Management Liaison Officer, the District's records custodian shall appoint a replacement Records Management Liaison Officer.

SECTION 2. The duties of the Records Management Liaison Officer shall include the following:

- A.** Serve as the District's contact with the Florida Department of State, State Library and Archives of Florida;
- B.** Coordinate the District's records inventory;
- C.** Maintain records retention and disposition forms;
- D.** Coordinate District records management training;
- E.** Develop records management procedures consistent with the Records Retention Policy, as amended as provided herein;
- F.** Participate in the development of the District's development of electronic record keeping systems;
- G.** Submit annual compliance statements;
- H.** Work with the Florida Department of State, State Library and Archives of Florida to establish individual retention schedules for the District, from time to time and as may be necessary; and
- I.** Such other duties as may be assigned by the Board or the District's records custodian in the future.

SECTION 3. The District hereby adopts as its Records Retention Policy the applicable provisions of Section 257.36(5), *Florida Statutes*, the rules adopted by the Division of Library and Information Services of the Department of State ("Division") pursuant to Section 257.36, *Florida Statutes*, and the General Records Schedules established by the Division. However, the District will retain certain records longer than required by the General Records Schedules established by the Division as set forth in Exhibit A. To the extent the above statute, rules or schedules are amended or supplemented in the future, the District's Records Retention Policy shall automatically incorporate such amendment or supplement provided that such automatic amendment shall not reduce the retention times set forth in Exhibit A. The Records Retention Policy shall remain in full force and effect until such time as the Board amends the Policy.

SECTION 4. In accordance with section 668.50, Florida Statutes, and section 119.01, Florida Statutes, the Board finds that the electronic record shall be considered the official record and any paper originals are hereby duplicates which may be disposed of unless required to be preserved by any applicable statute, rule or ordinance.

SECTION 5. If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 6. This Resolution shall become effective upon its passage; shall replace, supplant, and supersede any prior policy or resolution of the District regarding records retention; and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED at a meeting of the District Board of Supervisors, this 8th day of August, 2023.

ATTEST:

**BLUE LAKE COMMUNITY
DEVELOPMENT DISTRICT**

Print name: _____

Print name: _____

Secretary / Assistant Secretary

Chairperson, Board of Supervisors

Exhibit A: Amendments to General Records Schedules Established by the Division

Exhibit A

Amendments to General Records Schedules established by the Division

ADVERTISEMENTS: LEGAL (Item #25)

The District shall retain mailed and published legal advertisements, and corresponding affidavits, relating to proceedings under uniform method of collection of debt assessments permanently. The District shall retain mailed and published legal advertisements, and corresponding affidavits, relating to the levy of assessments securing bonds for five (5) fiscal years provided applicable audits have been released, or until three (3) calendar years after related bonds are redeemed, whichever is later.

AUDITS: INDEPENDENT (Item #56)

The District shall retain the record copy of independent audits for ten (10) fiscal years or until three (3) calendar years after all related bonds are redeemed, whichever is later.

DISBURSEMENT RECORDS: DETAIL (Item #340)

The District shall retain the record copy of disbursement records relating to the use of bonds for five (5) fiscal years provided applicable audits have been released or until three (3) calendar years after related bonds are redeemed, whichever is later.

DISBURSEMENT RECORDS: SUMMARY (Item #341)

The District shall retain the record copy of disbursement records relating to the use of bonds for ten (10) fiscal years provided applicable audits have been released or until three (3) calendar years after related bonds are redeemed, whichever is later.

FINANCIAL REPORTS: LOCAL GOVERNMENT ANNUAL REPORTS (Item #107)

The District shall retain the record copy of disbursement records relating to the use of bonds for ten (10) fiscal years provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later.

INCIDENT REPORT FILES (Item #241)

The District shall retain incident reports for five (5) anniversary years from the date of the incident.

MINUTES: OFFICIAL MEETINGS (PRELIMINARY/AUDIO RECORDINGS/VIDEO RECORDINGS (Item #4)

The District shall retain audio recordings of board of supervisor meetings for five (5) calendar years after adoption of the official minutes.

PROJECT FILES: CAPITAL IMPROVEMENT (Item #136)

The District shall retain the record copy of project files for projects funded with bonds for ten (10) fiscal years after completion of the project provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later.

REAL PROPERTY RECORDS: CONDEMNATION/DEMOLITION (Item #364)

The District shall retain the record copy of project files for condemnation/demolition projects funded with bonds for five (5) anniversary years after final action or until three (3) calendar years after all related bonds are redeemed, whichever is later. The record copy of deeds and easements shall be kept permanently.

REAL PROPERTY RECORDS: PROPERTY ACQUIRED (Item #172)

The District shall retain the record copy of documents related to property acquisitions funded with bonds for three (3) fiscal years after final disposition of the property provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later. The record copy of deeds and easements shall be kept permanently.

Blue Lake
Community Development District

**Financial Report For
July 2023**

**BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT
MONTHLY FINANCIAL REPORT
JULY 2023**

	Annual Budget 10/1/22 - 9/30/23	Actual Jul-23	Year To Date Actual 10/1/22 - 7/31/23
REVENUES			
O & M Assessments	253,701	1,471	254,004
Direct Bill - O & M	0	0	0
Developer Contribution - O & M	0	0	0
Debt Assessments	663,697	3,463	661,919
Direct Bill - Debt	0	0	0
Other Revenues	0	0	0
Interest Income	120	0	3,419
Total Revenues	\$ 917,518	\$ 4,934	\$ 919,342
EXPENDITURES			
Supervisor Fees	0	0	0
Payroll Taxes (Employer)	0	0	0
Engineering/Inspections	15,000	0	23,112
Management	28,824	2,402	24,020
Legal	14,000	0	6,483
Assessment Roll	4,000	0	0
Audit Fees	3,900	0	3,900
Arbitrage Rebate Fee	650	0	650
Insurance	6,100	0	6,134
Legal Advertisements	3,000	0	3,080
Miscellaneous	1,000	87	623
Postage	300	47	327
Office Supplies	1,100	63	421
Dues & Subscriptions	175	0	175
Trustee Fee	4,050	0	4,031
Continuing Disclosure Fee	1,000	0	0
Mitigation Monitoring	73,000	0	93,603
Lake Maintenance	35,000	5,485	57,093
Flow Way Inspection Certification	2,500	0	0
Vista Dry Retention Area	45,000	0	5,354
Total Expenditures	\$ 238,599	\$ 8,084	\$ 229,006
REVENUES LESS EXPENDITURES	\$ 678,919	\$ (3,150)	\$ 690,336
Bond Payments	(623,875)	(3,463)	(635,676)
BALANCE	\$ 55,044	\$ (6,613)	\$ 54,660
County Appraiser & Tax Collector Fee	(18,348)	0	(1,036)
Discounts For Early Payments	(36,696)	0	(35,689)
EXCESS/ (SHORTFALL)	\$ -	\$ (6,613)	\$ 17,935
Carryover From Prior Year	0	0	0
NET EXCESS/ (SHORTFALL)	\$ -	\$ (6,613)	\$ 17,935

Bank Balance As Of 7/31/23	\$ 67,313.99
Accounts Payable As Of 7/31/23	\$ 24,442.47
Accounts Receivable As Of 7/31/23	\$ -
Available Funds As Of 7/31/23	\$ 42,871.52