

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT

LEE COUNTY

REGULAR BOARD MEETING FEBRUARY 13, 2024 1:00 P.M.

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

www.bluelakecdd.org

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AGENDA BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT WildBlue Social Building 18721 WildBlue Boulevard Fort Myers, Florida 33913 REGULAR BOARD MEETING February 13, 2024 1:00 P.M.

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Publication Date 2024-02-02

Subcategory Miscellaneous Notices

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT NOTICE OF REGULAR BOARD MEETING

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Blue Lake Community Development District will hold a Regular Board Meeting in the WildBlue Social Building located at 18721 WildBlue Boulevard, Fort Myers, Florida 33913 at 1:00 p.m. on February 13, 2024.

The purpose of the meeting is to address any business to properly come before the Board. The meeting is open to the public and will be conducted in accordance with the provisions of Florida law. A copy of the agenda for this meeting may be obtained from the Districts 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 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 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 this meeting, such person will need a record of the proceedings and such person may need to ensure 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 this meeting 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 meeting. Meetings may be cancelled from time to time without advertised notice.

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT

www.bluelakecdd.org Dec. 28, 2023 #9662773

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BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT REGULAR BOARD MEETING JANUARY 9, 2024

A. CALL TO ORDER

The January 9, 2024, Regular Board Meeting of the Blue Lake Community Development District (the "District") was called to order at 1:00 p.m. in the WildBlue Social Building located at 18721 WildBlue Boulevard, 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 December 28, 2023, as legally required.

C. ESTABLISH A QUORUM

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

Chairman	Chris Hasty	Present
Vice Chairman	Scott Edwards	Present
Supervisor	Tommy Dean	Present
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	Kutak Rock LLP
District Engineer	Frank Savage (via phone)	Barraco and Associates, Inc.

Also present were the following: Robert Lamb, Sharon Rafter, Walter Page, Sydell & Marc Nusbaum, James Towgood, Larry Houghton, Diane Mashioff, Michael Newman, Frank Lozano, Norbie Larsen, Malcolm Bennett, Alan Lovitt, David Creddeis, John Reis, Steve Hamburger and others physically present and present via phone.

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. October 10, 2023, Regular Board Meeting

The minutes of the October 10, 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 October 10, 2023, Regular Board Meeting, as presented.

G. OLD BUSINESS

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

H. NEW BUSINESS1. Update on Funding Agreement

Mr. Hasty advised that he was continuing to pursue a funding agreement, but one had not been approved as of yet. Mr. Hamburger asked if there were alternative methods for funding and Mr. Hasty stated that there was not, but they may need to be looked at. Ms. Meneely stated that the budget cycle was coming up and funds could be put into that, but the budget does not go into effect until October 1. Mr. Haber stated that finding a lender willing to lend and not use the tax roll for payback would be difficult. Mr. Reis asked if the issue was \$26,000 in order to hire the engineer to design the alternatives. Mr. Hasty stated that was the immediate need and the CDD did not have the funds or any collateral besides assessments to pay back. Mr. Hamburger asked if the funding for fence repairs could be re-allocated for the engineering designs. Mr. Haber stated that the Board has discretion to use the funds in this fiscal circumstance as it was contemplated that a funding agreement would have been signed by now. Discussion ensued regarding Lennar, litigation and finding a solution. Mr. Reis asked about the Statute of Repose and Mr. Haber went over the statutes, stating that, conservatively, September 2022 could be used as the date of the storm. He added that he was not a construction litigator and those answers would need to be from someone specializing in that field. Mr. Hasty stated that he wanted to preserve all rights to the District and made a motion, seconded by Mr. Ernst and passed unanimously directing Mr. Haber to reach out to a construction litigator for "off the record" advice on timeframes regarding the Statute of Limitations.

2. Update on Lake Bank Repair Project

This item was addressed during the previous discussion.

3. Update on Fencing Project

Pursuant to the above discussion, a **motion** was made by Mr. Hasty, seconded by Mr. Edwards and passed unanimously diverting miscellaneous funds from the fence contract at this time and moving forward with the Cedarbrook Cummins contract for design of the lake bank repairs.

There was general discussion on the fence and Mr. Hamburger stated there was no active growth or falling down of the fence. Mr. Edwards stated that we could look at where the fence was down and needs immediate repairs and get a revised quote for those areas.

A **motion** was made by Mr. Edwards, seconded by Mr. Fluegel and passed unanimously authorizing Mr. Dean to contact and sign a fencing proposal for a not to exceed amount of \$20,000 to repair the areas most needed.

I. ADMINISTRATIVE MATTERS 1. Manager's Report

Ms. Meneely went over the financials, noting a deficit of \$41,373.09 from the 2022/2023 fiscal year.

Ms. Meneely advised that the next meetings were scheduled for February 13, 2024, and March 12, 2024.

2. Engineer's Report a. Presentation of Dates of Lee County Certifications

Mr. Savage advised of an exhibit that was sent over this morning and that this presentation should be rescheduled to the next meeting.

3. Attorney's Report

Mr. Haber stated that an email was sent concerning available ethics training and asked Ms. Meneely to send it out to the Board Members.

Mr. Haber stated that filing of Form 1 for Supervisors was now required to be done online rather than in paper form.

J. BOARD MEMBER COMMENTS

There were no further comments from the Board Members.

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 3:00 p.m.

ATTESTED BY:

Secretary/Assistant Secretary

Chairperson/Vice-Chair

From: Mason Maher <<u>mason.maher@solitudelake.com</u>>
Sent: Tuesday, February 6, 2024 8:49 AM
To: Kathleen Meneely
Cc: Jeffrey Moding
Subject: Re: FW: Blue Lake and WildBlue CDDs: Concern about Glyphosate use in our community lakes

Good Morning Kathleen,

This is a common question we receive in our industry. We do use an aquatically labeled glyphosate product by the name of Aquaneat that is approved by the EPA for invasive weed control which is our industry standard. There is no ban of glyphosate in Fort Myers. When we are using these products we are treating non native and invasive species along the shoreline and among the native littoral plants. If you have any other questions please let me know!

thanks Mason

RESOLUTION NO. 2024-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT IMPLEMENTING SECTION 190.006(3), *FLORIDA STATUTES*, AND REQUESTING THAT THE LEE COUNTY SUPERVISOR OF ELECTIONS CONDUCT THE DISTRICT'S GENERAL ELECTIONS; PROVIDING FOR COMPENSATION; SETTING FORTH THE TERMS OF OFFICE; AUTHORIZING NOTICE OF THE QUALIFYING PERIOD; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Blue Lake Community Development District (**"District"**) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within Lee County, Florida; and

WHEREAS, the Board of Supervisors of the District ("Board") seeks to implement Section 190.006(3), *Florida Statutes*, and to instruct the Lee County Supervisor of Elections ("Supervisor") to conduct the District's elections by the qualified electors of the District at the general election ("General Election").

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

1. **GENERAL ELECTION SEATS.** Seat 3, currently held by Scott Edwards, and Seat 4, currently held by Barry Ernst are scheduled for the General Election beginning in November 2024. The District Manager is hereby authorized to notify the Supervisor of Elections as to what seats are subject to General Election for the current election year, and for each subsequent election year.

2. **QUALIFICATION PROCESS.** For each General Election, all candidates shall qualify for individual seats in accordance with Section 99.061, *Florida Statutes*, and must also be a qualified elector of the District. A qualified elector is any person at least 18 years of age who is a citizen of the United States, a legal resident of the State of Florida and of the District, and who is registered to vote with the Lee County Supervisor of Elections. Campaigns shall be conducted in accordance with Chapter 106, *Florida Statutes*.

3. **COMPENSATION.** Members of the Board receive \$200 per meeting for their attendance and no Board member shall receive more than \$4,800 per year.

4. **TERM OF OFFICE.** The term of office for the individuals to be elected to the Board in the General Election is four years. The newly elected Board members shall assume office on

the second Tuesday following the election.

5. **REQUEST TO SUPERVISOR OF ELECTIONS.** The District hereby requests the Supervisor to conduct the District's General Election in November 2024, and for each subsequent General Election unless otherwise directed by the District's Manager. The District understands that it will be responsible to pay for its proportionate share of the General Election cost and agrees to pay same within a reasonable time after receipt of an invoice from the Supervisor.

6. **PUBLICATION.** The District Manager is directed to publish a notice of the qualifying period for each General Election, in a form substantially similar to **Exhibit A** attached hereto.

7. **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.

8. **EFFECTIVE DATE.** This Resolution shall become effective upon its passage.

PASSED AND ADOPTED this <u>13th</u> day of <u>February</u> 2024.

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT

CHAIRPERSON/VICE CHAIRPERSON

ATTEST:

SECRETARY/ASSISTANT SECRETARY

<u>EXHIBIT A</u>

NOTICE OF QUALIFYING PERIOD FOR CANDIDATES FOR THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT

Notice is hereby given that the qualifying period for candidates for the office of Supervisor of the Blue Lake Community Development District ("District") will commence at noon on June 10, 2024, and close at noon on June 14, 2024. Candidates must qualify for the office of Supervisor with the Lee County Supervisor of Elections located at the Melvin Morgan Constitutional Complex, 2480 Thompson Street, 3rd Floor, Fort Myers, Florida 33901; Ph: (239) 533-8683. All candidates shall qualify for individual seats in accordance with Section 99.061, *Florida Statutes*, and must also be a "qualified elector" of the District, as defined in Section 190.003, *Florida Statutes*. A "qualified elector" is any person at least 18 years of age who is a citizen of the United States, a legal resident of the State of Florida and of the District, and who is registered to vote with the Lee County Supervisor of Elections. Campaigns shall be conducted in accordance with Chapter 106, *Florida Statutes*.

The Blue Lake Community Development District has two (2) seats up for election, specifically seats 3 and 4. Each seat carries a four-year term of office. Elections are nonpartisan and will be held at the same time as the general election on November 5, 2024, and in the manner prescribed by law for general elections.

For additional information, please contact the Lee County Supervisor of Elections.

Publish on or before May 30, 2024.



Trusted Experience. Sustainable Solutions.

PROPOSAL

February 5, 2024

PROJECT:14997 & 14931 Blue Bay Circle - Vista Lake - Pine Tree Removal**CLIENT:**Special District Services

SCOPE OF WORK

Woods and Wetlands Inc. will provide the equipment, labor, and materials for a one-time tree removal at 14997 & 14931 Blue Bay Circle. More specifically, (4) dead pine tree (*Pinus elliottii*) located within the preserve directly beside the residence at 14997 Blue Bay Circle and (2) dead pine trees behind 14931 Blue Bay Circle will be topped at 15'-20' in accordance with ANSI Standards under the supervision of an ISA Certified Arborist. All felled material will be removed and properly disposed of at Woods and Wetlands' expense.

DATE AND PRICE OF WORK

FEB 2024 Total- **\$4,400.00**

Woods and Wetlands Inc will perform all the services described in the above referenced SCOPE OF WORK in a professional and workman-like manner and in compliance with all applicable Florida state and local statutes, rules, and regulations.

TERMS AND CONDITIONS

Invoices are due and payable upon receipt. Prices are valid for 30 days. This Proposal becomes an Agreement when signed by both the Client and Woods and Wetlands Inc and modifications or services not specifically included by reference herein will be undertaken and completed only by Change Order(s) signed by an authorized representative of each of the above and will be invoiced as additional services to the Client. In the event of an issue, clarification of intent or dispute at some future date, this Proposal/Agreement shall be interpreted according to the laws of the State of Florida.

Accepted this day of	, 2024.
Special District Services	Woods & Wetlands Inc.
TITLE	TITLE

Blue Lake Community Development District

Financial Report For January 2024

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT MONTHLY FINANCIAL REPORT JANUARY 2024

	Annual Budget	Actual	Year To Date Actual
REVENUES	10/1/23 - 9/30/24	Jan-24	10/1/23 - 1/31/24
O & M Assessments	466,833	,	/
Debt Assessments	663,697		
Other Revenues	240		-
Interest Income	0		_1
Total Revenues	\$ 1,130,770	\$ 27,169	\$ 1,066,509
EXPENDITURES			
Administrative Expenditures			
Supervisor Fees	0	0	0
Payroll Taxes (Employer)	0		0
Management	29,688		9,896
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	0	
Office Supplies	1,050	36	232
Dues & Subscriptions	175	0	175
Trustee Fee	4,050	0	0
Continuing Disclosure Fee	1,000	0	0
Total Administrative Expenditures	70,063	2,510	24,242
Maintenance Expenditures			
Engineering/Inspections	29,500	750	1,988
Mitigation Monitoring	138,500		,
Lake Maintenance	60,000		10,805
			,
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	8,211	36,678
Total Expenditures	\$ 439,063	\$ 10,721	\$ 60,920
			A
REVENUES LESS EXPENDITURES	\$ 691,707	\$ 16,448	\$ 1,005,589
Bond Payments	(623,875)	(15,454)	(598,996)
BALANCE	\$ 67,832	\$ 994	\$ 406,593
County Appraiser & Tax Collector Fee	(22,611)		(1,201)
Discounts For Early Payments	(45,221)	(815)	(42,119)
EXCESS/ (SHORTFALL)	\$ -	\$ 179	\$ 363,273
Carryover From Prior Year	0	0	0
		¢ 470	¢ 000.070
NET EXCESS/ (SHORTFALL)	\$ -	\$ 179	\$ 363,273

Note: Operating Fund Balance As Of 9/30/23: (\$41,373.08) - Deficit

Bank Balance As Of 1/31/24	\$ 386,752.66
Accounts Payable As Of 1/31/24	\$ 64,852.04
Accounts Receivable As Of 1/31/24	\$ -
Available Funds As Of 1/31/24	\$ 321,900.62





