



**BLUE LAKE
COMMUNITY DEVELOPMENT
DISTRICT**

**LEE COUNTY
REGULAR BOARD MEETING
MARCH 12, 2024
1:00 P.M.**

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

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561.630.4922 Telephone
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AGENDA
BLUE LAKE
COMMUNITY DEVELOPMENT DISTRICT
WildBlue Social Building
18721 WildBlue Boulevard
Fort Myers, Florida 33913
REGULAR BOARD MEETING
March 12, 2024
1:00 P.M.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
 - 1. February 13, 2024 Regular Board Meeting.....Page 2
- G. Old Business
- H. New Business
 - 1. Update on Funding Agreements
 - 2. Update on Lake Bank Repair Project
 - 3. Update on Fencing Project
 - 4. Update on Agreement with Construction Attorney
- I. Administrative Matters
 - 1. Manager’s Report
 - Financials.....Page 6
 - 2. Engineer’s Report
 - 3. Attorney’s Report
- J. Board Members Comments
- K. Adjourn

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 March 12, 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

PUBLISH: NAPLES DAILY NEWS 03/01/24

**BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
FEBRUARY 13, 2024**

A. CALL TO ORDER

The February 13, 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 part of the District’s Fiscal Year 2023/2024 Meeting Schedule, 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	Absent
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	Frank Savage	Barraco and Associates, Inc.

Also present were the following: Sharon Rafter, Gregory Miholic and Amy Leach (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

Mr. Miholic questioned the meeting minutes and Mr. Haber explained that under Florida law, minutes are summarized and only need to reflect action items. He furthered that details and transcripts are not required.

F. APPROVAL OF MINUTES

1. January 9, 2024, Regular Board Meeting

The minutes of the January 9, 2024, Regular Board Meeting were presented for consideration.

motion was made by Mr. Ernst, seconded by Mr. Edwards and passed unanimously approving the minutes of the January 9, 2024, Regular Board Meeting, as presented.

G. OLD BUSINESS

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

H. NEW BUSINESS

1. Update on Funding Agreements

Mr. Haber advised that the funding agreement form had been finalized for capital-related items. He explained that it was a master agreement detailing how funding would work. Mr. Hasty added that each time the District utilizes the agreement it would need to submit a scope to the developer. There was discussion regarding the fence funding and how the money was reallocated toward Cummins Cederberg to start the retaining wall analysis. Mr. Hasty stated that the current agreement was the first step and then the parties would work on a similar agreement for deficit funding. Ms. Leach asked if the homeowners would be assessed to pay back Lennar and Mr. Haber responded that ultimately there would be an assessment to the extent that other funds do not cover the repayment.

Supervisor Walter Fluegel arrived at approximately 1:16 p.m.

Ms. Leach asked about putting the agreement on the website and Ms. Meneely responded that due to past ADA litigation against special district websites, management does not recommend it. Mr. Haber furthered about the ADA issues and liability, stating that was why only what is required is put on the District's website. Mr. Hasty pointed out that the document could be obtained through a public records request.

2. Update on Lake Bank Repair Project

Ms. Meneely stated that the Cummins Cederberg contract had been signed. Mr. Hasty indicated that Wild Blue was near signing the agreement and he anticipated the contractor would do their field work in both communities at the same time for cost effectiveness.

3. Update on Fencing Project

Mr. Dean advised that the fencing contract had been signed at a cost of \$20,000 for the worst areas. He added that the work would begin next week.

4. Information on Glyphosate Use

Ms. Meneely read the response from Solitude, which states that that they use Aquaneat, which is approved by the EPA for invasive weed control and there is no ban of glyphosate in Fort Myers

5. Consider Resolution No. 2024-01 – General Election Resolution

Resolution No. 2024-01 was presented, entitled:

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.

Mr. Haber went over the resolution and terms for when seat turnover takes place. He stated that Seats 3 and 4 would be converting to general election seats this year with June 10-14th as the qualifying period. Ms. Meneely suggested in item #3 of the resolution that the word "may" be added before "receive" since the stipend is optional.

A **motion** was made by Mr. Ernst, seconded by Mr. Fluegel and passed unanimously adopting Resolution No. 2024-01, as presented.

I. ADMINISTRATIVE MATTERS

1. Manager's Report

- **Consider Proposal from Woods & Wetlands for Removal of Hazardous Preserve Trees**

A **motion** was made by Mr. Edwards, seconded by Mr. Ernst and passed unanimously approving the proposal from Woods & Wetlands in the amount of \$4,400 for the removal of hazardous preserve trees, as presented.

- **Financials**

Ms. Meneely went over the financials, noting that the District was still operating in a deficit from the 2022/2023 fiscal year.

2. Engineer's Report

a. Presentation of Dates of Lee County Certifications

Mr. Savage stated that the initial certification dates for the retaining wall had been overlaid on the damage exhibit. He went over the dates which were between 2019 and 2022.

3. Attorney's Report

Mr. Haber advised that he had spoken with 6 or 7 construction litigation attorneys, of which he found one without a conflict willing to work with the District on the Statute of Limitations. He added that Wild Blue took action delegating the authority to the Chair to retain such attorney. Mr. Hasty asked if the fact pattern at Wild Blue would be applicable to Blue Lake in order to piggyback their contract at a reduced rate or smaller retainer. He added that he felt that was what the District should do in order to preserve its rights and identify potential claims. Mr. Haber indicated that it made sense for the Chair to work on the agreements with the construction attorney.

After discussion, a **motion** was made by Mr. Edwards, seconded by Mr. Ernst and passed unanimously delegating authority to Chairman Hasty to represent the District in negotiating a contract with the construction attorney for a not-to-exceed retainer amount of \$10,000.

J. BOARD MEMBER COMMENTS

Mr. Hasty asked about a deliverable date for the Cummins Cederberg report and Mr. Edwards stated that he would reach out to the contractor to get a firm date. Mr. Savage stated that the folks at Cummins Cederberg had reached out to establish bi-weekly meetings with the District Engineer while the project is ongoing and Ms. Meneely advised that that request had been okayed.

Ms. Meneely reminded the Board that March 12, 2024, was their next meeting.

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 1:56 p.m.

ATTESTED BY:

Secretary/Assistant Secretary

Chairperson/Vice-Chair

Blue Lake
Community Development District

**Financial Report For
February 2024**

**BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT
MONTHLY FINANCIAL REPORT
FEBRUARY 2024**

	Annual Budget 10/1/23 - 9/30/24	Actual Feb-24	Year To Date Actual 10/1/23 - 2/29/24
REVENUES			
O & M Assessments	466,833	11,001	451,227
Debt Assessments	663,697	15,597	639,747
Other Revenues	240	0	0
Interest Income	0	0	3,754
Total Revenues	\$ 1,130,770	\$ 26,598	\$ 1,094,728
EXPENDITURES			
Administrative Expenditures			
Supervisor Fees	0	0	0
Payroll Taxes (Employer)	0	0	0
Management	29,688	2,474	12,370
Legal	14,000	90	1,350
Assessment Roll	4,000	0	0
Audit Fees	4,000	0	0
Arbitrage Rebate Fee	650	0	0
Insurance	6,700	0	12,219
Legal Advertisements	3,500	0	486
Miscellaneous	950	444	753
Postage	300	43	194
Office Supplies	1,050	5	237
Dues & Subscriptions	175	0	175
Trustee Fee	4,050	0	0
Continuing Disclosure Fee	1,000	0	0
Total Administrative Expenditures	70,063	3,056	27,784
Maintenance Expenditures			
Engineering/Inspections	29,500	0	1,988
Mitigation Monitoring	138,500	0	10,177
Lake Maintenance	60,000	2,782	13,587
Flow Way Inspection Certification	5,000	0	0
Vista Dry Retention Area	45,000	0	0
Detention Area Maintenance	36,000	2,784	13,921
Miscellaneous Maintenance	55,000	5,000	8,325
Total Maintenance Expenditures	369,000	10,566	47,998
Total Expenditures	\$ 439,063	\$ 13,622	\$ 75,782
REVENUES LESS EXPENDITURES	\$ 691,707	\$ 12,976	\$ 1,018,946
Bond Payments	(623,875)	(15,237)	(614,232)
BALANCE	\$ 67,832	\$ (2,261)	\$ 404,714
County Appraiser & Tax Collector Fee	(22,611)	0	(1,201)
Discounts For Early Payments	(45,221)	(614)	(42,733)
EXCESS/ (SHORTFALL)	\$ -	\$ (2,875)	\$ 360,780
Carryover From Prior Year	0	0	0
NET EXCESS/ (SHORTFALL)	\$ -	\$ (2,875)	\$ 360,780

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

Bank Balance As Of 2/29/24	\$ 341,632.24
Accounts Payable As Of 2/29/24	\$ 22,225.68
Accounts Receivable As Of 2/29/24	\$ -
Available Funds As Of 2/29/24	\$ 319,406.56

**BLUE LAKE CDD
TAX COLLECTIONS
2023/2024**

#	ID#	PAYMENT FROM	DATE	FOR	Tax Collect Receipts	Interest Received	Commissions Paid	Discount	Net From Tax Collector	O & M Assessment Income (Before Discounts & Fee)	Debt Assessment Income (Before Discounts & Fee)	O & M Assessment Income (After Discounts & Fee)	Debt Assessment Income (After Discounts & Fee)	Debt Assessments Paid to Trustee
									\$1,130,530.00	\$466,833.00	\$ 663,697.00	\$466,833.00	\$ 663,697.00	
									\$1,062,698.00	\$438,823.00	\$ 623,875.00	\$438,823.00	\$ 623,875.00	\$ 623,875.00
1		Paid to Lee County Prop Appraiser	11/07/23	Fees			\$ (423.00)		\$ (423.00)			\$ (423.00)		\$ -
2	1	Lee County Tax Collector	11/15/23	NAV Taxes	\$ 2,457.16		\$ (778.32)	\$ (129.00)	\$ 1,549.84	\$ 1,016.26	\$ 1,440.90	\$ 640.99	\$ 908.85	\$ 908.85
3	2	Lee County Tax Collector	11/29/23	NAV Taxes	\$ 197,033.36			\$ (7,881.42)	\$ 189,151.94	\$ 81,492.96	\$ 115,540.40	\$ 78,233.19	\$ 110,918.75	\$ 110,918.75
4	3	Lee County Tax Collector	12/13/23	NAV Taxes	\$ 771,016.07			\$ (30,840.84)	\$ 740,175.23	\$ 318,892.22	\$ 452,123.85	\$ 306,136.43	\$ 434,038.80	\$ 434,038.80
5	4	Lee County Tax Collector	12/28/23	NAV Taxes	\$ 66,700.86			\$ (2,452.37)	\$ 64,248.49	\$ 27,587.46	\$ 39,113.40	\$ 26,573.14	\$ 37,675.35	\$ 37,675.35
6	5	Lee County Tax Collector	01/12/24	NAV Taxes	\$ 27,168.87			\$ (815.08)	\$ 26,353.79	\$ 11,237.02	\$ 15,931.85	\$ 10,899.89	\$ 15,453.90	\$ 15,453.90
7	6	Lee County Tax Collector	02/15/24	NAV Taxes	\$ 26,597.30			\$ (614.25)	\$ 25,983.05	\$ 11,000.60	\$ 15,596.70	\$ 10,746.55	\$ 15,236.50	\$ 15,236.50
8									\$ -					\$ -
9									\$ -					\$ -
10									\$ -					\$ -
11									\$ -					\$ -
12									\$ -					\$ -
13									\$ -					\$ -
14									\$ -					\$ -
15									\$ -					\$ -
					\$ 1,090,973.62	\$ -	\$ (1,201.32)	\$ (42,732.96)	\$ 1,047,039.34	\$ 451,226.52	\$ 639,747.10	\$ 432,807.19	\$ 614,232.15	\$ 614,232.15

Note: \$1,130,530, \$466,833 and \$663,697 are 2023/2024 Budgeted assessments before discounts and fees.
\$1,062,698, \$438,823 and \$623,875 are 2023/2024 Budgeted assessments after discounts and fees.

\$ 1,090,973.62	
\$ -	\$ 1,047,039.34
\$ (451,226.52)	\$ (432,807.19)
\$ (639,747.10)	\$ (614,232.15)
\$ -	\$ -