



**BLUE LAKE  
COMMUNITY DEVELOPMENT  
DISTRICT**

**LEE COUNTY  
REGULAR BOARD MEETING  
APRIL 9, 2024  
1:00 P.M.**

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

[www.bluelakecdd.org](http://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**  
**April 9, 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. March 12, 2024 Regular Board Meeting.....Page 2
- G. Old Business
- H. New Business
  - 1. Update on Lake Bank Repair Project
  - 2. Update on Construction Litigation Attorney’s Research
- I. Administrative Matters
  - 1. Manager’s Report
    - Financials.....Page 6
    - Discussion Regarding Upcoming Proposed Budget
  - 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 April 9, 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](http://www.bluelakecdd.org)

No.9998968 Mar. 29, 2024

**BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT  
REGULAR BOARD MEETING  
MARCH 12, 2024**

**A. CALL TO ORDER**

The March 12, 2024, Regular Board Meeting of the Blue Lake Community Development District (the “District”) was called to order at 1:03 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 March 1, 2024, as legally required.

**C. ESTABLISH A QUORUM**

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

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

Also present were the following: Steven Hamburger, Mark Rapponotti, Sharon Rafter, Greg Gosney, Elaine Drake, Norbert Larsen, Diane & Ben Mashioff, Robert Lamb, Ashok Sane, Doug & Nancy Oby, Bill Ramsay, Alan Levitt, Eric & Moureen Humes, Bob Szymkowski, Mike Newman, John Reis, David Geddell, Marc & Sydell Nusbaum, Jim Carr, Don Johnson, John Buchholz, Amy Leach, Willia & Cindy Allen and other residents 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. February 13, 2024, Regular Board Meeting**

The minutes of the February 13, 2024, Regular Board Meeting were presented for consideration.

A **motion** was made by Mr. Fluegel, seconded by Mr. Dean and passed unanimously approving the minutes of the February 13, 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 stated that the funding agreement had been signed, as announced at the last meeting. He indicated that the agreement was a broad outline on how developer funding would work for capital projects and furthered that staff was working on the first exhibit for funding, which would be for fence repairs.

Ms. Meneely went over the expenditure for fence repairs whereby half of the amount budgeted was used to hire Cummins Cederberg to prepare a report on the lake bank repair alternatives.

Mr. Newman asked about inspecting the work and Mr. Dean stated that it was not an inspection per se, but rather the contractor will send before and after pictures.

Mr. Newman stated that there was a problem with a bar on the fence not meeting up behind his property and Mr. Dean noted he would let the contractor know the address for the repair. Ms. Meneely furthered that the fence contract, while the expenditure was cut in half, was repairing the most severely damaged areas. There was general discussion regarding how the funding agreement would work in the future and the process that will be used.

### **2. Update on Lake Bank Repair Project**

Ms. Meneely advised that Cummins Cederberg had been onsite last week. There was general discussion regarding the various engineering reports that had been produced since Hurricane Ian and what their scope is/was. Mr. Haber stated that the Cummins Cederberg report would give options for fixing the lake bank. A resident asked who would make the ultimate decision on the design and Mr. Haber opined that it would be the CDD Board with input from the community.

A resident asked when the seats would turn over from Developer appointments to resident-elected and Mr. Haber went over the requirements. Ms. Meneely added that two seats would be turned over to the residents this election season.

A resident asked if Lennar had submitted a claim to their insurance company for the lake bank repairs. The attending Board Members did not know and Ms. Meneely indicated she would ask the Chair to find out.

Ms. Leach asked if Lennar had a surety bond requirement for the original contractor of the lake banks and if such bond had been released. Ms. Meneely stated she would also ask this of the Chair. Discussion ensued about disseminating this information in between meetings and Ms. Meneely was requested to forward it to Mr. Reis, as representative of the HOA, when answers are received.

Mr. Levitt asked about the developer paying some or all of the costs of the repairs and Mr. Haber stated that the CDD had entered into an agreement with a construction litigation attorney who was investigating any claims the CDD might have.

Mr. Leach asked about the fiduciary responsibility of the Board Members, particularly if the homeowners are 100% against spending money. Mr. Haber stated that the Board Members act in the best interest of the entire District, which is often aligned with the homeowners. He added that the Board has not yet made a decision and has been running all processes congruently in the interest of time. He continued that there was the possibility of issuing a bond for the repairs while the CDD continues to pursue funding to offset the burden to homeowners. Mr. Leach then asked about ownership of the lakes and Mr. Haber responded that the real property had not been formally deeded but the recorded plat provides dedication of the lake to the CDD as well as maintenance responsibility. He furthered that this was something the construction attorney would address.

### **3. Update on Fencing Project**

This item was previously addressed during the meeting.

### **4. Update on Agreement with Construction Attorney**

Mr. Haber reiterated that construction litigation counsel Gurley Fant had been hired and they were also working with Wild Blue. He furthered that hired counsel was still doing their research but have indicated, based on their initial review, that the defect is latent. He furthered that according to statutes the defect therefore begins with the date of the storm. He opined that by hiring an attorney certified in construction litigation, the Board will have the information to aid in determining what the next best options are in terms of repairs.

A resident questioned the deed again and Mr. Haber stated that the deed turnover was in the process but then it was put on hold to preserve the status quo after the storm. He again stated that certain interests and maintenance obligations were given to the CDD with the plat and the litigation counsel would look at the issue. Many residents expressed that they do not feel they should have the burden of financing the repairs.

Mr. Oby asked about a meeting with both the Blue Lake and Wild Blue CDDs. Mr. Haber stated it was possible if both sides agree, but no decisions could be made in a Workshop format. Discussion ensued regarding the similarities and differences of the two districts' issues with Mr. Lamb stating that although the two districts share information, they are not the same.

Mr. Buchholz stated he was from Wild Blue HOA and he corresponds with Mr. Reis of the Blue Lake HOA all the time. He expressed that better prices are obtained if both districts use the same contractors and there is also a benefit of sharing reports.

Mr. Haber went over the assessment process and Mr. Buchholz opined that the process was lengthy and the repairs were not getting built anytime soon.

## **I. ADMINISTRATIVE MATTERS**

### **1. Manager's Report**

- **Financials**

Ms. Meneely went over the financials, reminding the Board of the deficit from the prior fiscal year. There were no questions from the Board.

Mr. Lamb asked if the cost of the litigation attorney was an additional expense to what is in the budget for legal costs and Ms. Meneely responded that it was an additional cost.

Ms. Meneely announced that the next meeting was scheduled for April 9, 2024.

## **2. Engineer's Report**

Mr. Savage stated that he had no further information but had checked the County appraiser's website and confirmed that the physical real property had not yet been conveyed but the plats were recorded.

## **3. Attorney's Report**

Mr. Haber had nothing further to report.

Mr. Levitt asked about getting other sources to pay for the repairs and litigating with everyone in order to fund the repairs. Mr. Haber went over the assessment process again and stated that if the District obtained funds from other sources they could redeem or prepay a bond. He reiterated that the Board has made no formal decisions as of yet on the process they will use.

## **J. BOARD MEMBER COMMENTS**

There were no 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. Dean and passed unanimously adjourning the Regular Board Meeting at 2:36 p.m.

**ATTESTED BY:**

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Secretary/Assistant Secretary

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Chairperson/Vice-Chair

Blue Lake  
Community Development District

**Financial Report For  
March 2024**



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

	Annual Budget 10/1/23 - 9/30/24	Actual Mar-24	Year To Date Actual 10/1/23 - 3/31/24
<b>REVENUES</b>			
O & M Assessments	466,833	2,398	453,625
Debt Assessments	663,697	3,400	643,147
Other Revenues	240	0	0
Interest Income	0	0	4,997
<b>Total Revenues</b>	<b>\$ 1,130,770</b>	<b>\$ 5,798</b>	<b>\$ 1,101,769</b>
<b>EXPENDITURES</b>			
<b>Administrative Expenditures</b>			
Supervisor Fees	0	0	0
Payroll Taxes (Employer)	0	0	0
Management	29,688	2,474	14,844
Legal	14,000	0	2,900
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	729
Miscellaneous	950	196	956
Postage	300	46	240
Office Supplies	1,050	55	292
Dues & Subscriptions	175	0	175
Trustee Fee	4,050	0	0
Continuing Disclosure Fee	1,000	0	0
<b>Total Administrative Expenditures</b>	<b>70,063</b>	<b>2,771</b>	<b>32,355</b>
<b>Maintenance Expenditures</b>			
Engineering/Inspections	29,500	0	6,003
Mitigation Monitoring	138,500	0	10,177
Lake Maintenance	60,000	2,782	16,370
Flow Way Inspection Certification	5,000	0	0
Vista Dry Retention Area	45,000	0	0
Detention Area Maintenance	36,000	2,784	16,705
Miscellaneous Maintenance	55,000	0	8,325
<b>Total Maintenance Expenditures</b>	<b>369,000</b>	<b>5,566</b>	<b>57,580</b>
<b>Total Expenditures</b>	<b>\$ 439,063</b>	<b>\$ 8,337</b>	<b>\$ 89,935</b>
<b>REVENUES LESS EXPENDITURES</b>	<b>\$ 691,707</b>	<b>\$ (2,539)</b>	<b>\$ 1,011,834</b>
Bond Payments	(623,875)	(3,366)	(617,598)
<b>BALANCE</b>	<b>\$ 67,832</b>	<b>\$ (5,905)</b>	<b>\$ 394,236</b>
County Appraiser & Tax Collector Fee	(22,611)	0	(1,201)
Discounts For Early Payments	(45,221)	(58)	(42,791)
<b>EXCESS/ (SHORTFALL)</b>	<b>\$ -</b>	<b>\$ (5,963)</b>	<b>\$ 350,244</b>
Carryover From Prior Year	0	0	0
<b>NET EXCESS/ (SHORTFALL)</b>	<b>\$ -</b>	<b>\$ (5,963)</b>	<b>\$ 350,244</b>

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

<b>Bank Balance As Of 3/31/24</b>	<b>\$ 326,389.68</b>
<b>Accounts Payable As Of 3/31/24</b>	<b>\$ 17,518.52</b>
<b>Accounts Receivable As Of 3/31/24</b>	<b>\$ -</b>
<b>Available Funds As Of 3/31/24</b>	<b>\$ 308,871.16</b>

**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	7	Lee County Tax Collector	03/13/24	NAV Taxes	\$ 5,798.26			\$ (57.99)	\$ 5,740.27	\$ 2,398.16	\$ 3,400.10	\$ 2,374.17	\$ 3,366.10	\$ 3,366.10
9									\$ -					\$ -
10									\$ -					\$ -
11									\$ -					\$ -
12									\$ -					\$ -
13									\$ -					\$ -
14									\$ -					\$ -
15									\$ -					\$ -
					\$ 1,096,771.88	\$ -	\$ (1,201.32)	\$ (42,790.95)	\$ 1,052,779.61	\$ 453,624.68	\$ 643,147.20	\$ 435,181.36	\$ 617,598.25	\$ 617,598.25

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.

\$ 1,096,771.88	
\$ -	\$ 1,052,779.61
\$ (453,624.68)	\$ (435,181.36)
\$ (643,147.20)	\$ (617,598.25)
\$ -	\$ -