



**BLUE LAKE
COMMUNITY DEVELOPMENT
DISTRICT**

**LEE COUNTY
REGULAR BOARD MEETING
DECEMBER 10, 2024
3:00 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

<https://us02web.zoom.us/j/86021081132?pwd=1rQpkJW0pbXp9k4tTfBReDpbTw9Xya.1>

REGULAR BOARD MEETING

December 10, 2024

3:00 P.M.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Approval of Minutes
 - 1. November 12, 2024 Regular Board Meeting.....Page 2
- F. New Business
 - 1. Consider Resolution No. 2024-10 – Amending Regular Meeting Dates for Remainder of 2024-25 Fiscal Year.....Page 6
- G. Old Business
 - 1. Barraco update on permitting for the revetment
 - 2. Cummins-Cederberg update on revetment design
 - 3. Taylor Engineering status update
 - 4. Status of responses to residential requests for Engineering reviews
- H. Administrative Matters
 - 1. Manager’s Report
 - Financials.....Page 9
 - Discussion on Zoom Participation.....Page 12
 - 2. Engineer’s Report
 - 3. Attorney’s Report
- I. Comments from the Public for Items Not on the Agenda
- J. Board Members Comments
- K. Adjourn



Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

_ Special District Services, Inc.
Blue Lake Comm. Development
2501 Burns RD # A
Palm Beach Gardens FL 33410-5207

STATE OF WISCONSIN, COUNTY OF BROWN

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

09/24/2024

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 09/24/2024

Legal Clerk

Notary, State of WI, County of Brown

5.15.27

My commission expires

Publication Cost: \$339.12
Tax Amount: \$0.00
Payment Cost: \$339.12
Order No: 10583640 # of Copies:
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BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2024/2025 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 3:00 p.m. on the following dates:

- October 8, 2024
- November 12, 2024
- December 10, 2024
- January 14, 2025
- February 11, 2025
- March 11, 2025
- April 8, 2025
- May 13, 2025
- June 10, 2025
- July 8, 2025
- August 12, 2025
- September 9, 2025

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 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 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
No.10583640

Sept. 24, 2024

NANCY HEYRMAN
Notary Public
State of Wisconsin

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

A. CALL TO ORDER

The November 12, 2024, Regular Board Meeting of the Blue Lake Community Development District (the “District”) was called to order at 3:02 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 September 24, 2024, as part of the District’s Fiscal Year 2024/2025 Meeting Schedule, as legally required.

C. SEAT NEW BOARD MEMBERS

Ms. Meneely announced that Matt Shorey had been appointed to a four-year term at the Landowners’ Meeting.

D. ADMINISTER OATH OF OFFICE

Ms. Meneely swore in Mr. Shorey.

E. ESTABLISH A QUORUM

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

Chairman	Chris Hasty	Present via phone
Vice Chairman	Scott Edwards	Present
Supervisor	Matthew Shorey	Present
Supervisor	David Bello	Present
Supervisor	Mark Rapponotti	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.
District Engineer	Frank Savage	Barraco and Associates, Inc.

Also present were several residents and other residents via phone.

F. ADDITIONS OR DELETIONS TO AGENDA

There were no additions or deletions to the agenda.

G. APPROVAL OF MINUTES

1. September 10, 2024, Regular Board Meeting

A **motion** was made by Mr. Bello, seconded by Mr. Edwards and passed unanimously approving the minutes of the September 10, 2024, Regular Board Meeting, as presented.

H. NEW BUSINESS

1. Presentation on How the Drainage System Functions

Mr. Barraco went over the retention and detention areas of the community, noting that homes were higher than the perimeter and roads were the next highest to drain into green areas. He also noted that there were no pumps in the system and heavy rainfalls can by-pass the system. He explained infiltration for treatment of water and the difference between bubblers and drains, noting that some areas were designed to be wet. There was general discussion on drain covers and that they should all have been removed. He presented a diagram showing the various areas and was thanked for his presentation.

2. Consider Resolution No. 2024-09 – Adopting a Fiscal Year 2023/2024 Amended Budget

Resolution No. 2024-09 was presented, entitled:

RESOLUTION NO. 2024-09

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2023/2024 BUDGET (“AMENDED BUDGET”), PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

A **motion** was made by Mr. Edwards, seconded by Mr. Shorey and passed unanimously adopting Resolution No. 2024-09, as presented.

I. OLD BUSINESS

1. Lake Bank Repair Costs Presentation

Mr. Savage went over the report provided in the meeting package, going over the phases and noting that it was not ready to go out for bid. He explained the immediate Phase 1 suggestion of installing a breakwater with rip/rap and went over the four options in Phase 2 for wall repair. Mr. Barraco noted that the costs for Wild Blue were included, as there may be some synergy to do together. Mr. Bello asked if the engineers were confident in the pricing and Mr. Savage stated that they include a 25% contingency but fill material is hard to estimate prior to formal design. Mr. Bello also noted that it may save money to do the repairs along with Wild Blue but asked who would get priority if there was shortness of rock or issues with timing. Mr. Barraco noted that those were all things to be considered and were good points. Mr. Rapponotti asked if the numbers included everything including the use of barges, repair to yards and such. Mr. Savage stated that the method was not specified and it was assumed that access would be from the land which will come out in the proposals. Mr. Barraco expounded stating that the contractor he has spoken with wanted to do the repairs by land but other bidders may have access to barges. He continued that any yards used would be restored once completed. He asked for direction, suggesting to go to the marine contractor Cummins Cedarberg to design the plans in the interest of time since their current contract can be added to through an addendum. There was general

discussion regarding the use of breakwater rip/rap only as well as going directly to Phase 2 to restore the retaining wall. There was also discussion regarding the streets being able to handle the weight of large equipment with Mr. Hasty suggesting holding off on the last layer of asphalt until after completion of the repairs. After further discussion on aesthetics, timing and bidding options, the suggestion was made by Mr. Edwards to move forward directly with Phase 2, Option 3 rock revetment alternative which was considered Option 6 in the original Cummins Cederberg report, noting that in other areas where rip/rap was in place had withstood all four storms.

A motion was made by Mr. Bello, seconded by Mr. Rapponotti and passed unanimously directing Barraco and Associates to engage Cummins Cederberg through an addendum to their contract to provide the scope for bidding the repairs to the lake bank using Option 6, rock revetment.

Mr. Edwards stated he would take the lead as the liaison with the engineer and Cummins Cederberg on the project with consensus of the Board agreeing for him to do so. Mr. Barraco asked permission to begin meeting with the County regarding permitting and it was the consensus of the Board that he do so.

J. AUDITOR SELECTION COMMITTEE

1. Ranking of Proposals/Consider Selection of an Auditor

Ms. Meneely noted that only one proposal had been received and it was from the District's current auditor, Grau & Associates.

A **motion** was made by Mr. Bello, seconded by Mr. Rapponotti and passed unanimously approving Grau & Associates as the District's auditor.

K. ADMINISTRATIVE MATTERS

1. Manager's Report

- **Financials**

Ms. Meneely went over the financials. There were no questions.

Ms. Meneely reminded the Board that their next meeting was scheduled for December 10, 2024.

Mr. Hasty suggested that beginning in January, that the Board meet twice a month in order to effectuate the repairs in an expeditious manner where approvals and updates will be necessary. There was a consensus of the Board to do so.

2. Engineer's Report

The District Engineer had nothing further.

3. Attorney's Report

a. Contribution & Release Agreement from Lennar Process

Mr. Haber stated that a confidential settlement offer had been received from Lennar and phone calls had been made with all the Board Members individually. He stated that business terms were to be negotiated with Lennar's counsel. He explained that litigation counsel has asked to retain an engineering company to conduct a review of the status of issues with the wall. He noted that the Chair had agreed to the request

of retaining Taylor Engineering for this process and asked the Board to ratify the Chair's approval. He explained that the specifics of the agreement were confidential and that no position can be made by the Board except in a public meeting. There was general discussion regarding Florida Statute 558 and Mr. Haber advised that that would be each homeowners' individual determination and not something he can opine upon. Mr. Bello stated that any agreement would have to release the developer and that he was comfortable that we were in the right mix. Mr. Rapponotti stated that he wanted to protect the District's rights but is experienced in litigation and advised that such would cost in the millions with an uncertain result. He continued that the litigation path was a long road, in the neighborhood of five years until there could be a result, and he believed that Lennar was acting in good faith. He deems the parties can come to a resolution which would avoid a long costly process.

b. Consider Ratification of Taylor Engineering Engagement and Retainer

A **motion** was made by Mr. Bello, seconded by Mr. Rapponotti and passed unanimously ratifying the Chair's approval of the Taylor Engineering agreement.

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

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

M. BOARD MEMBER COMMENTS

Mr. Hasty stated that if the District was going out for an RFP, the agreement cannot be signed until funding is in place. He suggested looking at short term debt to keep the process moving and stated that Wild Blue was investigating a bond anticipation notice. Mr. Rapponotti agreed with the idea, stating that Lennar funding could be used to pay the bond or any gap.

A **motion** was made by Mr. Hasty, seconded by Mr. Rapponotti and passed unanimously directing the District Manager to bring back information on an interest only bond anticipation notice.

N. ADJOURNMENT

There being no further business to come before the Board, a motion was made by Mr. Bello, seconded by Mr. Rapponotti and passed unanimously adjourning the Regular Board Meeting at 5:26 p.m.

ATTESTED BY:

Secretary/Assistant Secretary

Chairperson/Vice-Chair

RESOLUTION 2024-10

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT ADOPTING AN AMENDED ANNUAL MEETING SCHEDULE FOR FISCAL YEAR 2024-2025; 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, the District is required by Section 189.015, *Florida Statutes*, to file quarterly, semi-annually, or annually a schedule (including date, time, and location) of its regular meetings with local governing authorities; and

WHEREAS, further, in accordance with the above-referenced statute, the District shall also publish quarterly, semi-annually, or annually the District’s regular meeting schedule in a newspaper of general paid circulation in the county in which the District is located; and

WHEREAS, the Board desires to amend its adopted annual meeting schedule for the fiscal year beginning October 1, 2024, and ending September 30, 2025 (“Fiscal Year 2024-2025”), attached as **Exhibit A**.

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

SECTION 1. The Amended Fiscal Year 2024-2025 annual meeting schedule attached hereto and incorporated by reference herein as **Exhibit A** is hereby approved and shall be published in accordance with the requirements of Florida law and also provided to applicable governing authorities.

SECTION 2. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 10th day of December, 2023.

ATTEST:

BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT

Secretary / Assistant Secretary

Chairperson, Board of Supervisors

Exhibit A: Amended Fiscal Year 2024-2025 Annual Meeting Schedule

Exhibit A

**BOARD OF SUPERVISORS MEETING DATES
BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2024-2025
(AMENDED)**

The Board of Supervisors of the Blue Lake Community Development District will hold their regular meetings for Fiscal Year 2024-2025 at the Wild Blue Social Building, 18721 WildBlue Blvd., Fort Myers, Florida 33913 at 3:00 p.m. on the following dates (the 2nd and 4th Tuesdays of the month) while lake bank planning and construction takes place during the 2024-2025 Fiscal Year:

**January 14 & 28, 2025
February 11 & 25, 2025
March 11 & 25, 2025
April 8 & 22, 2025
May 13 & 27, 2025
June 10 & 24, 2025
July 8 & 22, 2025
August 12 & 26, 2025
September 9 & 23, 2025**

Note that the second meetings of the month will be cancelled, without further notice, if there are no actionable items or significant updates. Meetings may, in the District's sole discretion, be broadcast thru Zoom, or some other communications technology platform, but note participation may be limited to in-person attendance. Additionally, should there be a failure with the internet or other technical difficulties, the District may, in its sole discretion, continue with the in-person meeting. Instructions to participate through Zoom or other methods may be obtained from the District Manager using the below contact information.

A copy of the agenda may be obtained at the offices of the District Manager, c/o Special District Services, 2501A Burns Road, Palm Beach Gardens, Florida 33410, Ph: 561-630-4922 ("**District Manager's Office**"), during normal business hours, or by visiting the District's website at www.bluelakecdd.org. The meetings are open to the public and will be conducted in accordance with the provisions of Florida law. The meetings may be continued in progress to a date, time certain, and place to be specified on the record at the meeting. There may be occasions when Board Supervisors or District Staff may participate by speaker telephone.

Any person requiring special accommodations at meeting because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the public hearing and 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.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the 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.

District Manager

Blue Lake
Community Development District

**Financial Report For
November 2024**

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

	Annual Budget 10/1/24 - 9/30/25	Actual Nov-24	Year To Date Actual 10/1/24 - 11/30/24
REVENUES			
O & M Assessments	581,132	108,356	108,356
Debt Assessments	661,941	123,422	123,422
Other Revenues	480	0	0
Interest Income	0	0	0
Total Revenues	\$ 1,243,553	\$ 231,778	\$ 231,778
EXPENDITURES			
Administrative Expenditures			
Supervisor Fees	12,000	0	0
Payroll Taxes (Employer)	960	0	0
Management	30,576	2,548	5,096
Legal	40,000	0	0
Legal Extraordinary - Retaining Wall	0	0	16,015
Assessment Roll	4,000	0	0
Audit Fees	4,100	0	0
Arbitrage Rebate Fee	650	0	0
Insurance	13,610	0	12,850
Legal Advertisements	6,000	0	742
Miscellaneous	2,000	0	693
Postage	700	18	76
Office Supplies	1,050	84	179
Dues & Subscriptions	175	0	175
Trustee Fee	4,050	0	0
Continuing Disclosure Fee	1,000	0	0
Deficit Funding (FY 2022/2023)	41,373	0	0
Total Administrative Expenditures	162,244	2,650	35,826
Maintenance Expenditures			
Engineering/Inspections	40,000	0	0
Engineering Extraordinary - Retaining Wall	0	25,000	25,000
Mitigation Monitoring	138,500	0	60,679
Lake Maintenance	60,000	2,782	5,564
Flow Way Inspection Certification	5,000	0	0
Detention Area Maintenance	36,000	2,895	5,791
Miscellaneous Maintenance (Fence Repairs, Stabilization Analysis, etc.)	55,000	0	2,054
Maintenance Reserve	50,000	0	0
Total Maintenance Expenditures	384,500	30,677	99,088
Total Expenditures	\$ 546,744	\$ 33,327	\$ 134,914
REVENUES LESS EXPENDITURES	\$ 696,809	\$ 198,451	\$ 96,864
Bond Payments	(623,875)	(117,816)	(117,816)
BALANCE	\$ 72,934	\$ 80,635	\$ (20,952)
County Appraiser & Tax Collector Fee	(24,312)	(1,201)	(1,201)
Discounts For Early Payments	(48,622)	(9,327)	(9,327)
EXCESS/ (SHORTFALL)	\$ -	\$ 70,107	\$ (31,480)
Carryover From Prior Year	0	0	0
NET EXCESS/ (SHORTFALL)	\$ -	\$ 70,107	\$ (31,480)

Bank Balance As Of 11/30/24	\$ 233,739.93
Accounts Payable As Of 11/30/24	\$ 143,464.81
Accounts Receivable As Of 11/30/24	\$ -
Available Funds As Of 11/30/24	\$ 90,275.12

**BLUE LAKE CDD
TAX COLLECTIONS
2024/2025**

#	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
									\$1,243,073.00	\$581,132.00	\$ 661,941.00	\$581,132.00	\$ 661,941.00	
									\$1,170,139.00	\$546,264.00	\$ 623,875.00	\$546,264.00	\$ 623,875.00	\$ 623,875.00
1		Paid to Lee County Prop Appraiser	11/12/24	Fees			\$ (423.00)		\$ (423.00)			\$ (198.00)	\$ (225.00)	
2	1	Lee County Tax Collector	11/14/24	NAV Taxes	\$ 4,474.37		\$ (778.32)	\$ (234.91)	\$ 3,461.14	\$ 2,091.77	\$ 2,382.60	\$ 1,618.04	\$ 1,843.10	\$ 1,618.10
3	2	Lee County Tax Collector	11/26/24	NAV Taxes	\$ 227,303.84			\$ (9,091.89)	\$ 218,211.95	\$ 106,264.54	\$ 121,039.30	\$ 102,014.05	\$ 116,197.90	\$ 116,197.90
4									\$ -					\$ -
5									\$ -					\$ -
6									\$ -					\$ -
7									\$ -					\$ -
8									\$ -					\$ -
9									\$ -					\$ -
10									\$ -					\$ -
11									\$ -					\$ -
12									\$ -					\$ -
13									\$ -					\$ -
14									\$ -					\$ -
15									\$ -					\$ -
					\$ 231,778.21	\$ -	\$ (1,201.32)	\$ (9,326.80)	\$ 221,250.09	\$ 108,356.31	\$ 123,421.90	\$ 103,434.09	\$ 117,816.00	\$ 117,816.00

Assessment Roll

O&M	581,134.32
Debt	661,941.00
	<u>1,243,075.32</u>

Collections

18.65%

Note: \$1,243,073, \$581,132 and \$661,941 are 2024/2025 Budgeted assessments before discounts and fees.
\$1,170,139, \$546,264 and \$623,875 are 2024/2025 Budgeted assessments after discounts and fees.

\$ 231,778.21	
\$ -	\$ 221,250.09
\$ (108,356.31)	\$ (103,434.09)
\$ (123,421.90)	\$ (117,816.00)
\$ -	\$ -

MEMORANDUM

TO: BOARD OF SUPERVISORS
BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”)

FROM: WESLEY S. HABER

DATE: DECEMBER 10, 2024

RE: MEETING STREAMING ON THIRD PARTY PLATFORMS AND VARIOUS
CONSIDERATIONS

The following is a short overview of Florida’s public meeting requirements and considerations when utilizing a third-party streaming service to allow for virtual meeting viewing.

Many governmental entities allow for streaming of their meetings on a variety of platforms, which may be done in accordance with Florida law. Below are a few items to consider when determining whether to offer streaming of District meetings.

- Impact of technology failure on meeting.
 - Recommend noticing meeting with virtual attendance as convenience only and in the event there are interruptions in internet service or other technical difficulties, the meeting will continue at the physical location regardless of availability of the virtual attendance option. This type of notice will ensure meeting can continue as planned despite a technology failure.
- Whether virtual meeting participation will allow for public participation or simply viewing meeting actions.
 - If virtual participation, District staff will need to ensure for public comment period and ensure meeting can run efficiently. Many governments manage by either allowing viewing only OR requiring public comment registration in advance.
- Impact on District public record requirements.
 - The term “public record” is broadly defined in Section 119.011(11), Florida Statutes, to include “all documents, papers, letters... or other material, **regardless of the physical form**, characteristics, or means of transmission, made or received... **in connection with the transaction of official business by any agency.**” The nature of the record, rather than the form of the record, determines whether it is a public record subject to Chapter 119, Florida Statutes.
 - If a meeting being is recorded it is a public record of the District. Therefore, the District must ensure retained in accordance with its public records retention

policy which retains in perpetuity or adopts the statutory minimum retention requirement.

- Americans with Disability Act (“ADA”) considerations.
 - If the meeting is being streamed, the District would have to provide an accommodation, such as providing closed captioning or screen reader compatibility, upon request. The District meeting notice provides information for requesting accommodations in advance of the meeting. Recommend reviewing potential accommodations with streaming platforms in advance.
 - If the meeting is posted and available for viewing on a government website or third-party website certain ADA requirements must be met. Recommend working with an ADA consultant to ensure meeting the requirements in a cost-effective manner as possible or alternatively not allowing posting the meeting video. *See Nat'l Ass'n of the Deaf v. Florida*, 318 F. Supp. 3d 1338 (S.D. Fla. 2018).¹ Additionally, the Federal Register published the Department of Justice’s final rule updating its regulations for Title II of the ADA which is applicable to state and local governments, including special districts, specifically. The final rule has specific requirements about how to ensure web content is accessible. Information on the rule is available at <https://www.ada.gov/resources/2024-03-08-web-rule/#top>. Special districts must comply with all aspects of the rule by April 26, 2027. The rule requires public entities comply with the Web Content Accessibility Guidelines (“WCAG”) 2.1 Level AA success criteria and conformance requirements by such timeframe. If posting any videos recommend ensuring compliance with such requirements now to avoid having to audit website for removal of non-compliant information or having to update such files.

We hope you find this information helpful in determining whether to stream future meetings and how to ensure compliance with statutory requirements. In sum, doing so would increase public access but may also increase liability from an access and record-keeping standpoint. Posting videos of meeting in a manner compliant with ADA requirements may also incur an additional cost to the District as well.

¹ Advising if videos are posted on a local government’s website, they should have captions unless doing so would constitute an undue burden. The local government must respond to requests for access with “reasonable modifications” that would not fundamentally alter the nature of the service provided. However, a local government need not go to extreme lengths or expense to provide accessible content.