

PALM BAY

COMMUNITY DEVELOPMENT DISTRICT

January 13, 2022

BOARD OF SUPERVISORS

REGULAR MEETING

AGENDA

Palm Bay Community Development District
OFFICE OF THE DISTRICT MANAGER
2300 Glades Road, Suite 410W•Boca Raton, Florida 33431
Phone (561) 571-0010•Fax (561) 571-0013•Toll-Free (877) 276-0889

January 6, 2022

Board of Supervisors
Palm Bay Community Development District

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| ATTENDEES: Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes. |
|--|

Dear Board Members:

The Board of Supervisors of the Palm Bay Community Development District will hold a Regular Meeting on January 13, 2022, at 9:00 a.m., at the Courtyard by Marriott Tampa/Oldsmar, 4014 Tampa Road, Oldsmar, Florida 34677. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments: Agenda Items
3. Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 4
4. Administration of Oath of Office to Newly Appointed Supervisor *(the following will be provided in a separate package)*
 - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
 - B. Membership, Obligations and Responsibilities
 - C. Financial Disclosure Forms
 - I. Form 1: Statement of Financial Interests
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests
 - III. Form 1F: Final Statement of Financial Interests
 - D. Form 8B – Memorandum of Voting Conflict
5. Consideration of Resolution 2022-01, Designating Certain Officers of the District, and Providing for an Effective Date
6. Continued Discussion: Capital Improvement Program and Closing Loan with FineMark National Bank & Trust
7. Update: Stormwater Reporting Requirements

- 8. Discussion: Marina Remote Controls Available for Purchase by Residents
- 9. Acceptance of Unaudited Financial Statements as of November 30, 2021
- 10. Approval of October 14, 2021 Regular Meeting Minutes
- 11. Staff Reports
 - A. District Counsel: *Straley Robin Vericker*
 - B. District Engineer: *Landmark Engineering & Surveying Corp.*
 - C. District Manager: *Wrathell, Hunt and Associates, LLC*

- NEXT MEETING DATE: April 14, 2022 at 9:00 a.m.

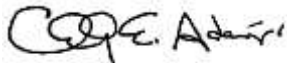
- QUORUM CHECK

| | | | |
|--------------------------|------------------------------------|--------------------------------|-----------------------------|
| ROB BERGMAN | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
| SPIROS MARGETIS | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
| JOE ASCHENBRENNER | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
| VACANT | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
| WIN WILLIAMSON | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |

- 12. Public Comments: Non-Agenda Items
- 13. Supervisors' Requests
- 14. Adjournment

Should you have any questions, please do not hesitate to contact me directly at 239-464-7114.

Sincerely,



Chesley E. Adams, Jr.
 District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE
CALL IN NUMBER: 1-888-354-0094
PARTICIPANT PASSCODE: 229 774 8903

PALM BAY
COMMUNITY DEVELOPMENT DISTRICT

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RESOLUTION 2022-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PALM BAY COMMUNITY DEVELOPMENT DISTRICT DESIGNATING CERTAIN OFFICERS OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, the Board of Supervisors of the District desires to designate certain Officers of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE PALM BAY COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. _____ is appointed Chair.

SECTION 2. _____ is appointed Vice Chair.

SECTION 3. Chuck Adams is appointed Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

Craig Wrathell is appointed Assistant Secretary.

SECTION 4. This Resolution supersedes any prior appointments made by the Board for Chair, Vice Chair, Secretary and Assistant Secretaries; however, prior appointments by the Board for Treasurer and Assistant Treasurer(s) remain unaffected by this Resolution.

SECTION 5. This Resolution shall become effective immediately upon its adoption.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

PASSED AND ADOPTED this 13th day of January, 2022.

ATTEST:

**PALM BAY COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

PALM BAY
COMMUNITY DEVELOPMENT DISTRICT

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TEMPLATE FOR LOCAL GOVERNMENTS AND SPECIAL DISTRICTS FOR PERFORMING A STORMWATER NEEDS ANALYSIS PURSUANT TO SECTION 5 OF SECTION 403.9302, FLORIDA STATUTES

INTRODUCTION

As part of the 2021 regular session, the Legislature recognized the need for a long-term planning process for stormwater and wastewater. Section 403.9302, Florida Statutes, requires a 20-year needs analysis from the local governments providing stormwater services. Because this planning document is forward-looking, it will necessarily include a large number of assumptions about future actions. These assumptions should be based on any available information coupled with best professional judgment of the individuals completing the document. Completing this template by June 30, 2022, will fulfill the statutory requirements for the first round of 20-year needs analyses for stormwater. The template was generated by EDR in cooperation with local governments, Special Districts, the Florida Department of Environmental Protection (DEP), the Water Management Districts, the Florida Stormwater Association, private consultants, and others. Use of this tool will help ensure that information is compiled consistently for the Office of Economic & Demographic Research's (EDR) report to the Legislature.

For the purposes of this document, a stormwater management program and a stormwater management system are as defined in statute (s. 403.031(15) and (16), F.S., respectively; language provided here: <https://www.flsenate.gov/Laws/Statutes/2021/403.031>). Plainly speaking, the "program" is the institutional framework whereby stormwater management activities (MS4 NPDES permit activities, and other regulatory activities, construction, operation and maintenance, etc.) are carried out by the public authority. The "system" comprises the physical infrastructure that is owned and/or operated by the local government or special district that specifically is intended to control, convey or store stormwater runoff for treatment and flood protection purposes.

For the purposes of this document, the following guiding principles have been adopted:

- Stormwater systems or facilities owned and operated by any of the following are excluded from reporting requirements for local governments and special districts:
 - o Private entities or citizens
 - o Federal government
 - o State government, including the Florida Department of Transportation (FDOT)
 - o Water Management Districts
 - o School districts
 - o State universities or Florida colleges
- Local government expenditures associated with routine operation and maintenance are fully funded prior to commencing new projects and initiatives.
- Local government submissions will include the activities of dependent special districts. Only independent special districts report separately. For a list of all special districts in the state and their type (*i.e.*, dependent or independent), please see the Department of Economic Opportunity's Official List of Special Districts at the following link: <http://specialdistrictreports.floridajobs.org/webreports/alphalist.aspx>.
- With respect to federal and state statutes and rulemaking, current law and current administration prevails throughout the 20-year period. In other words, the state's present legal framework (*i.e.*, the status quo) continues throughout the period.

GENERAL INSTRUCTIONS FOR USING THE TEMPLATE

Instructions for submitting the template are still under development. Additional information regarding submission and answers to frequently asked questions will be posted on EDR's website, along with other useful materials, here: <http://edr.state.fl.us/Content/natural-resources/stormwaterwastewater.cfm>

The statutory language forms the titles for each part. This template asks that you group your recent and projected expenditures in prescribed categories. A detailed list of the categories is provided in part 5.0.

The same project should not appear on multiple tables in the jurisdiction's response unless the project's expenditures are allocated between those tables. All expenditures should be reported in \$1,000s (*e.g.*, five hundred thousand dollars should be reported as \$500).

For any jurisdiction that is contracting with another jurisdiction where both could be reporting the same expenditure, please contact EDR for additional guidance. In situations where a reporting jurisdiction contracts with a non-reporting jurisdiction, (*i.e.*, FDOT, the water management districts, the state or federal government), the reporting jurisdiction should include the expenditures.

When reporting cost information, please only include the expenditures that have flowed, are flowing, or will likely flow through your jurisdiction's budget. While necessary to comply with the statute, the concept of "future expenditures" should be viewed as an expression of identified needs.

These projections are necessarily speculative and do not represent a firm commitment to future budget actions by the jurisdiction.

This Excel workbook contains three worksheets for data entry. (Along the bottom of the screen, the three tabs are highlighted green.) Empty cells with visible borders are unlocked for data entry. In the first tab, titled "Background through Part 4," the information requested is either text, a dropdown list (*e.g.*, Yes or No), or a checkbox. The next tab, "Part 5 through Part 8," contains tables for expenditure or revenue data as well as some follow-up questions that may have checkboxes, lists, or space for text.

In Part 5 and Part 6, the expenditure tables have space for up to 5 projects. More projects can be listed in the "Additional Projects" tab. This tab contains a table with space for up to 200 additional projects. In order for these additional projects and expenditures to be correctly classified and included in the final totals, each project must be assigned a Project Type and Funding Source Type from the dropdown lists in columns B and C.

Links to Template Parts:

[Background Information](#)

[Part 1](#)

[Part 2](#)

[Part 3](#)

[Part 4](#)

[Part 5](#)

[Part 6](#)

[Part 7](#)

[Part 8](#)

[Additional Projects - This table contains additional rows for projects that do not fit into the main tables in Parts 5 and 6](#)

Background Information

Please provide your contact and location information, then proceed to the template on the next sheet.

Name of Local Government:

Name of stormwater utility, if applicable:

Contact Person

Name:

Position/Title:

Email Address:

Phone Number:

Indicate the Water Management District(s) in which your service area is located.

- Northwest Florida Water Management District (NFWFMD)
- Suwannee River Water Management District (SRWMD)
- St. Johns River Water Management District (SJRWMD)
- Southwest Florida Water Management District (SWFWMD)
- South Florida Water Management District (SFWMD)

Indicate the type of local government:

- Municipality
- County
- Independent Special District

Part 1.0 Detailed description of the stormwater management program (Section 403.9302(3)(a), F.S.)

The stormwater management program, as defined in the Introduction, includes those activities associated with the management, operation and maintenance, and control of stormwater and stormwater management systems, including activities required by state and federal law. The detailed program description is divided into multiple subparts consisting of narrative and data fields.

Part 1.1 Narrative Description:

Please provide a brief description of the current institutional strategy for managing stormwater in your jurisdiction. Please include any mission statement, divisions or departments dedicated solely or partly to managing stormwater, dedicated funding sources, and other information that best describes your approach to stormwater:

On a scale of 1 to 5, with 5 being the highest, please indicate the importance of each of the following goals for your program:

| 0 | 1 | 2 | 3 | 4 | 5 | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Drainage & flood abatement (such as flooding events associated with rainfall and hurricanes) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Water quality improvement (TMDL Process/BMAPs/other) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Reduce vulnerability to adverse impacts from flooding related to increases in frequency and duration of rainfall events, storm surge and sea level rise |
| | | | | | | Other: |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

Part 1.2 Current Stormwater Program Activities:

Please provide answers to the following questions regarding your stormwater management program.

- Does your jurisdiction have an NPDES Municipal Separate Storm Sewer System (MS4) Permit?

If yes, is your jurisdiction regulated under Phase I or Phase II of the NPDES Program:
- Does your jurisdiction have a dedicated stormwater utility?

If no, do you have another funding mechanism?

If yes, please describe your funding mechanism.
- Does your jurisdiction have a Stormwater Master Plan or Plans?

If Yes:

How many years does the plan(s) cover?

Are there any unique features or limitations that are necessary to understand what the plan does or does not address?

Please provide a link to the most recently adopted version of the document (if it is published online):
- Does your jurisdiction have an asset management (AM) system for stormwater infrastructure?

If Yes, does it include 100% of your facilities?

If your AM includes less than 100% of your facilities, approximately what percent of your facilities are included?

- Does your stormwater management program implement the following (answer Yes/No):

| | |
|---|--|
| A construction sediment and erosion control program for new construction (plans review and/or inspection)? | |
| An illicit discharge inspection and elimination program? | |
| A public education program? | |
| A program to involve the public regarding stormwater issues? | |
| A "housekeeping" program for managing stormwater associated with vehicle maintenance yards, chemical storage, fertilizer management, etc. ? | |
| A stormwater ordinance compliance program (<i>i.e.</i> , for low phosphorus fertilizer)? | |
| Water quality or stream gage monitoring? | |
| A geospatial data or other mapping system to locate stormwater infrastructure (GIS, etc.)? | |
| A system for managing stormwater complaints? | |
| Other specific activities? | |

Notes or Comments on any of the above:

Part 1.3 Current Stormwater Program Operation and Maintenance Activities

Please provide answers to the following questions regarding the operation and maintenance activities undertaken by your stormwater management program.

- Does your jurisdiction typically assume maintenance responsibility for stormwater systems associated with new private development (*i.e.*, systems that are dedicated to public ownership and/or operation upon completion)?

Notes or Comments on the above:

- Does your stormwater operation and maintenance program implement any of the following (answer Yes/No)

| | |
|---|--|
| Routine mowing of turf associated with stormwater ponds, swales, canal/lake banks, etc. ? | |
| Debris and trash removal from pond skimmers, inlet grates, ditches, etc. ? | |
| Invasive plant management associated with stormwater infrastructure? | |
| Ditch cleaning? | |
| Sediment removal from the stormwater system (vacator trucks, other)? | |
| Muck removal (dredging legacy pollutants from water bodies, canal, etc.)? | |
| Street sweeping? | |
| Pump and mechanical maintenance for trash pumps, flood pumps, alum injection, etc. ? | |
| Non-structural programs like public outreach and education? | |
| Other specific routine activities? | |
| | |

Part 2. Detailed description of the stormwater management system and its facilities and projects (continued Section 403.9302(3)(a), F.S.)

A stormwater management system, as defined in the Introduction, includes the entire set of site design features and structural infrastructure for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater. It may include drainage improvements and measures to prevent streambank channel erosion and habitat degradation. This section asks for a summary description of your stormwater management system. It is not necessary to provide geospatial asset data or a detailed inventory. For some, it may be possible to gather the required data from your Asset Management (AM) system. For others, data may be gathered from sources such as an MS4 permit application, aerial photos, past or ongoing budget investments, water quality projects, or any other system of data storage/management that is employed by the jurisdiction.

Please provide answers to the following questions regarding your stormwater system inventory. Enter zero (0) if your system does not include the component.

| | Number | Unit of Measurement |
|---|--------|---------------------|
| Estimated feet or miles of buried culvert: | | |
| Estimated feet or miles of open ditches/conveyances (lined and unlined) that are maintained by the stormwater program: | | |
| Estimated number of storage or treatment basins (<i>i.e.</i> , wet or dry ponds): | | |
| Estimated number of gross pollutant separators including engineered sediment traps such as baffle boxes, hydrodynamic separators, <i>etc.</i> : | | |
| Number of chemical treatment systems (<i>e.g.</i> , alum or polymer injection): | | |
| Number of stormwater pump stations: | | |
| Number of dynamic water level control structures (<i>e.g.</i> , operable gates and weirs that control canal water levels): | | |
| Number of stormwater treatment wetland systems: | | |
| Other: | | |
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Notes or Comments on any of the above:

Which of the following green infrastructure best management practices do you use to manage water flow and/or improve water quality (answer Yes/No):

| Best Management Practice | Current | Planned |
|----------------------------------|---------|---------|
| Tree boxes | | |
| Rain gardens | | |
| Green roofs | | |
| Pervious pavement/pavers | | |
| Littoral zone plantings | | |
| Living shorelines | | |
| Other Best Management Practices: | | |
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Please indicate which resources or documents you used when answering these questions (check all that apply).

- Asset management system
- GIS program
- MS4 permit application
- Aerial photos
- Past or ongoing budget investments
- Water quality projects

Other(s):

Part 3. The number of current and projected residents served calculated in 5-year increments (Section 403.9302(3)(b), F.S.)

Counties and municipalities: Instead of requiring separate population projections, EDR will calculate the appropriate population estimates for each municipality or the unincorporated area of the county. If your service area is less than or more than your local government’s population, please describe in the first text box provided below for part 4.0.

Independent Special Districts:

If an independent special district’s boundaries are completely aligned with a county or a municipality, identify that jurisdiction here:

Any independent special district whose boundaries do not coincide with a county or municipality must submit a GIS shapefile with the current and projected service area. EDR will calculate the appropriate population estimates based on that map. Submission of this shapefile also serves to complete Part 4.0 of this template.

Part 4.0 The current and projected service area for the stormwater management program or stormwater management system (Section 403.9302(3)(c), F.S.)

Rather than providing detailed legal descriptions or maps, this part of the template is exception-based. In this regard, if the stormwater service area is less than or extends beyond the geographic limits of your jurisdiction, please explain.

Similarly, if your service area is expected to change within the 20-year horizon, please describe the changes (*e.g.*, the expiration of an interlocal agreement, introduction of an independent special district, *etc.*).

[Proceed to Part 5](#)

Part 5.0 The current and projected cost of providing services calculated in 5-year increments (Section 403.9302(3)(d), F.S.)

Given the volume of services, jurisdictions should use the template’s service groupings rather than reporting the current and projected cost of each individual service. Therefore, for the purposes of this document, “services” means:

1. Routine operation and maintenance (inclusive of the items listed in Part 1.3 of this document, ongoing administration, and non-structural programs)
2. Expansion (that is, improvement) of a stormwater management system.

Expansion means new work, new projects, retrofitting, and significant upgrades. Within the template, there are four categories of expansion projects

1. Flood protection, addressed in parts 5.2 and 5.3... this includes capital projects intended for flood protection/flood abatement
2. Water quality, addressed in part 5.2 and 5.3... this includes stormwater projects related to water quality improvement, such as BMAPs; projects to benefit natural systems through restoration or enhancement; and stormwater initiatives that are part of aquifer recharge projects
3. Resiliency, addressed in part 5.4... this includes all major stormwater initiatives that are developed specifically to address the effects of climate change, such as sea level rise and increased flood events
4. End of useful life replacement projects, addressed in part 6.0... this includes major expenses associated with the replacement of aging infrastructure

While numbers 3 and 4 have components that would otherwise fit into the first two categories, they are separately treated given their overall importance to the Legislature and other policymakers.

Expansion projects are further characterized as currently having either a committed funding source or no identified funding source. Examples of a committed funding source include the capacity to absorb the project’s capital cost within current budget levels or forecasted revenue growth; financing that is underway or anticipated (bond or loan); known state or federal funding (appropriation or grant); special assessment; or dedicated cash reserves for future expenditure.

All answers should be based on local fiscal years (LFY, beginning October 1 and running through September 30). Please use nominal dollars for each year, but include any expected cost increases for inflation or population growth. Please check the EDR website for optional growth rate schedules that may be helpful.

If you have more than 5 projects in a particular category, please use the "Additional Projects" tab. There, you can use dropdown lists to choose the project category and whether there is a committed funding source, then enter the project name and expenditure amounts.

Part 5.1 Routine Operation and Maintenance

Please complete the table below, indicating the cost of operation and maintenance activities for the current year and subsequent five-year increments throughout the 20-year horizon. Your response to this part should exclude future initiatives associated with resiliency or major expenses associated with the replacement of aging infrastructure; these activities are addressed in subparts 5.4 and 6.0. However, do include non-structural programs like public outreach and education in this category.

If specific cost data is not yet available for the current year, the most recent (2020-21) O&M value can be input into the optional growth rate schedules (available on EDR’s website as an Excel workbook). The most recent O&M value can be grown using the provided options for inflation, population growth, or some other metric of your choosing. If the growth in your projected total O&M costs is more than 15% over any five-year increment, please provide a brief explanation of the major drivers.

Routine Operation and Maintenance

Expenditures (in \$thousands)

| | LFY 2021-2022 | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
|--|---------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Operation and Maintenance Costs | | | | | |
| Brief description of growth greater than 15% over any 5-year period: | | | | | |
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Part 5.2 Future Expansion (Committed Funding Source)

Please list expansion projects and their associated costs for the current year and subsequent five-year increments throughout the 20-year planning horizon. In this section, include stormwater system expansion projects or portions of projects with a committed funding source. If you include a portion of a project that is not fully funded, the project's remaining cost must be included in part 5.3, Expansion Projects with No Identified Funding Source.

Though many, if not most, stormwater projects benefit both flood protection and water quality, please use your best judgment to either allocate costs or simply select the primary purpose from the two categories below.

5.2.1 Flood Protection (Committed Funding Source): Provide a list of all scheduled new work, retrofitting and upgrades related to flood protection/flood abatement. Include infrastructure such as storage basins, piping and other conveyances, land purchases for stormwater projects, etc. Also include major hardware purchases such as vactor/jet trucks.

5.2.2 Water Quality Projects (Committed Funding Source): Please provide a list of scheduled water quality projects in your jurisdiction, such as treatment basins, alum injection systems, green infrastructure, water quality retrofits, etc., that have a direct stormwater component. The projected expenditures should reflect only those costs.

- If you are party to an adopted BMAP, please include the capital projects associated with stormwater in this table. Include BMAP project number, cost to your jurisdiction, and year(s) that capital improvement costs are to be incurred. For reference, DEP publishes a complete list of adopted BMAP projects as an appendix in their Annual STAR Report.

Expansion Projects with a Committed Funding Source

5.2.1 Flood Protection

Expenditures (in \$thousands)

| Project Name | LFY 2021-2022 | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
|--------------|---------------|-----------------------|-----------------------|-----------------------|-----------------------|
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5.2.2 Water Quality

Expenditures (in \$thousands)

| Project Name (or, if applicable, BMAP Project Number or ProjID) | LFY 2021-2022 | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
|---|---------------|-----------------------|-----------------------|-----------------------|-----------------------|
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Part 5.3 Future Expansion with No Identified Funding Source

Please provide a list of known expansion projects or anticipated need(s) without formal funding commitments(s), formal pledges, or obligations. If you included a portion of a project that was partially covered by a committed source in part 5.2 above, list the projects and their remaining costs below.

5.3.1 Future Flood Protection with No Identified Funding Source: Please provide a list of future flood protection/flood abatement projects, associated land purchases, or major hardware purchases that are needed in your jurisdiction over the next 20 years. Future needs may be based on Master Plans, Comprehensive Plan Elements, Water Control Plans, areas of frequent flooding, hydrologic and hydraulic modeling, public safety, increased frequency of maintenance, desired level of service, flooding complaints, etc.

5.3.2 Future Water Quality Projects with no Identified Funding Source: Please provide a list of future stormwater projects needed in your jurisdiction over the next 20 years that are primarily related to water quality issues. Future needs may be based on proximity to impaired waters or waters with total maximum daily loads (TMDLs), BMAPs, state adopted Restoration Plans, Alternative Restoration Plans, or other local water quality needs.

- If you are party to an adopted BMAP, please list capital projects associated with stormwater. Include BMAP project number, cost to your jurisdiction, and year(s) that capital improvement costs are to be incurred.
- List other future water quality projects, including those in support of local water quality goals as well as those identified in proposed (but not yet adopted) BMAPs.

Expansion Projects with No Identified Funding Source

5.3.1 Flood Protection

Expenditures (in \$thousands)

| Project Name | LFY 2021-2022 | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
|--------------|---------------|--------------------|--------------------|--------------------|--------------------|
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5.3.2 Water Quality

Expenditures (in \$thousands)

| Project Name (or, if applicable, BMAP Project Number or ProjID) | LFY 2021-2022 | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
|---|---------------|--------------------|--------------------|--------------------|--------------------|
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Please indicate which resources or documents you used to complete table 5.3 (check all that apply).

| | |
|--------------------------|---|
| <input type="checkbox"/> | Stormwater Master Plan |
| <input type="checkbox"/> | Basin Studies or Engineering Reports |
| <input type="checkbox"/> | Adopted BMAP |
| <input type="checkbox"/> | Adopted Total Maximum Daily Load |
| <input type="checkbox"/> | Regional or Basin-specific Water Quality Improvement Plan or Restoration Plan |
| | Specify: |
| <input type="checkbox"/> | Other(s): |

Part 5.4 Stormwater projects that are part of resiliency initiatives related to climate change

Please list any stormwater infrastructure relocation or modification projects and new capital investments specifically needed due to sea level rise, increased flood events, or other adverse effects of climate change. When aggregating, include O&M costs for these future resiliency projects and investments in this table (not in part 5.1). If your jurisdiction participates in a Local Mitigation Strategy (LMS), also include the expenditures associated with your stormwater management system in this category (for example, costs identified on an LMS project list).

| Resiliency Projects with a Committed Funding Source | | Expenditures (in \$thousands) | | | |
|---|---------------|-------------------------------|--------------------|--------------------|--------------------|
| Project Name | LFY 2021-2022 | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
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| Resiliency Projects with No Identified Funding Source | | Expenditures (in \$thousands) | | | |
|---|---------------|-------------------------------|--------------------|--------------------|--------------------|
| Project Name | LFY 2021-2022 | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
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- Has a vulnerability assessment been completed for your jurisdiction’s storm water system?
- If no, how many facilities have been assessed?
- Does your jurisdiction have a long-range resiliency plan of 20 years or more?
- If yes, please provide a link if available:
- If no, is a planning effort currently underway?

Part 6.0 The estimated remaining useful life of each facility or its major components (Section 403.9302(3)(e), F.S.)

Rather than reporting the exact number of useful years remaining for individual components, this section is constructed to focus on infrastructure components that are targeted for replacement and will be major expenses within the 20-year time horizon. Major replacements include culverts and pipe networks, control structures, pump stations, physical/biological filter media, etc. Further, the costs of retrofitting when used in lieu of replacement (such as slip lining) should be included in this part. Finally, for the purposes of this document, it is assumed that open storage and conveyance systems are maintained (as opposed to replaced) and have an unlimited service life.

In order to distinguish between routine maintenance projects and the replacement projects to be included in this part, only major expenses are included here. A major expense is defined as any single replacement project greater than 5% of the jurisdiction's total O&M expenditures over the most recent five-year period (such as a project in late 2021 costing more than 5% of the O&M expenditures for fiscal years 2016-2017 to 2020-2021).

If you have more than 5 projects in a particular category, please use the "Additional Projects" tab. There, you can use dropdown lists to choose the project category and whether there is a committed funding source, then enter the project name and expenditure amounts.

End of Useful Life Replacement Projects with a Committed Funding Source

Expenditures (in \$thousands)

| Project Name | LFY 2021-2022 | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
|--------------|---------------|-----------------------|-----------------------|-----------------------|-----------------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

End of Useful Life Replacement Projects with No Identified Funding Source

Expenditures (in \$thousands)

| Project Name | LFY 2021-2022 | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
|--------------|---------------|-----------------------|-----------------------|-----------------------|-----------------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Part 7.0 The most recent 5-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components. (Section 403.9302(3)(f), F.S.)

This part of the template also addresses a portion of s. 403.9302(3)(g), F.S., by including historical expenditures. Many local governments refer to these as “actual” expenditures.

Consistent with expenditure projections, the jurisdiction’s actual expenditures are categorized into routine O&M, expansion, resiliency projects, and replacement of aging infrastructure. Additionally, the table includes space for reserve accounts. EDR’s interpretation of subparagraph 403.9302(3)(f), F.S., is that “capital account” refers to any reserve account developed specifically to cover future expenditures.

Note that for this table:

- Expenditures for local fiscal year 2020-21 can be estimated based on the most current information if final data is not yet available.
- Current Year Revenues include tax and fee collections budgeted for that fiscal year as well as unexpended balances from the prior year (balance forward or carry-over) unless they are earmarked for the rainy day or a dedicated reserve as explained in the following bullets.
- Bond proceeds should reflect only the amount expended in the given year.
- A reserve is a dedicated account to accumulate funds for a specific future expenditure.
- An all-purpose rainy day fund is a type of working capital fund typically used to address costs associated with emergencies or unplanned events.

The sum of the values reported in the "Funding Sources for Actual Expenditures" columns should equal the total "Actual Expenditures" amount. The cells in the "Funding Sources for Actual Expenditures" section will be highlighted red if their sum does not equal the "Actual Expenditures" total.

If you do not have a formal reserve dedicated to your stormwater system, please enter zero for the final two reserve columns.

Routine O&M

| | Total | Funding Sources for Actual Expenditures | | | | | |
|---------|---------------------|---|---------------------------------|-------------------------------------|--|----------------------------------|----------------------------|
| | Actual Expenditures | Amount Drawn from Current Year Revenues | Amount Drawn from Bond Proceeds | Amount Drawn from Dedicated Reserve | Amount Drawn from All-Purpose Rainy Day Fund | Contributions to Reserve Account | Balance of Reserve Account |
| 2016-17 | | | | | | | |
| 2017-18 | | | | | | | |
| 2018-19 | | | | | | | |
| 2019-20 | | | | | | | |
| 2020-21 | | | | | | | |

Expansion

| | Total | Funding Sources for Actual Expenditures | | | | | |
|---------|---------------------|---|---------------------------------|-------------------------------------|--|----------------------------------|----------------------------|
| | Actual Expenditures | Amount Drawn from Current Year Revenues | Amount Drawn from Bond Proceeds | Amount Drawn from Dedicated Reserve | Amount Drawn from All-Purpose Rainy Day Fund | Contributions to Reserve Account | Balance of Reserve Account |
| 2016-17 | | | | | | | |
| 2017-18 | | | | | | | |
| 2018-19 | | | | | | | |
| 2019-20 | | | | | | | |
| 2020-21 | | | | | | | |

Resiliency

| | Total | Funding Sources for Actual Expenditures | | | | | |
|---------|---------------------|---|---------------------------------|-------------------------------------|--|----------------------------------|----------------------------|
| | Actual Expenditures | Amount Drawn from Current Year Revenues | Amount Drawn from Bond Proceeds | Amount Drawn from Dedicated Reserve | Amount Drawn from All-Purpose Rainy Day Fund | Contributions to Reserve Account | Balance of Reserve Account |
| 2016-17 | | | | | | | |
| 2017-18 | | | | | | | |
| 2018-19 | | | | | | | |
| 2019-20 | | | | | | | |
| 2020-21 | | | | | | | |

Replacement of Aging Infrastructure

| | Total | Funding Sources for Actual Expenditures | | | | | |
|---------|---------------------|---|---------------------------------|-------------------------------------|--|----------------------------------|----------------------------|
| | Actual Expenditures | Amount Drawn from Current Year Revenues | Amount Drawn from Bond Proceeds | Amount Drawn from Dedicated Reserve | Amount Drawn from All-Purpose Rainy Day Fund | Contributions to Reserve Account | Balance of Reserve Account |
| 2016-17 | | | | | | | |
| 2017-18 | | | | | | | |
| 2018-19 | | | | | | | |
| 2019-20 | | | | | | | |
| 2020-21 | | | | | | | |

Part 8.0 The local government's plan to fund the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future revenues and expenditures with an evaluation of how the local government expects to close any projected funding gap (Section 403.9302(3)(g), F.S.)

In this template, the historical data deemed necessary to comply with s. 403.9302(3)(g), F.S., was included in part 7.0. This part is forward looking and includes a funding gap calculation. The first two tables will be auto-filled from the data you reported in prior tables. To do this, EDR will rely on this template's working definition of projects with committed funding sources, *i.e.*, EDR assumes that all committed projects have committed revenues. Those projects with no identified funding source are considered to be unfunded. EDR has automated the calculation of projected funding gaps based on these assumptions.

| Committed Funding Source | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
|---|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Maintenance | 0 | 0 | 0 | 0 |
| Expansion | 0 | 0 | 0 | 0 |
| Resiliency | 0 | 0 | 0 | 0 |
| Replacement/Aging Infrastructure | 0 | 0 | 0 | 0 |
| Total Committed Revenues (=Total Committed Projects) | 0 | 0 | 0 | 0 |

| No Identified Funding Source | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
|---|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Maintenance | 0 | 0 | 0 | 0 |
| Expansion | 0 | 0 | 0 | 0 |
| Resiliency | 0 | 0 | 0 | 0 |
| Replacement/Aging Infrastructure | 0 | 0 | 0 | 0 |
| Projected Funding Gap (=Total Non-Committed Needs) | 0 | 0 | 0 | 0 |

For any specific strategies that will close or lessen a projected funding gap, please list them in the table below. For each strategy, also include the expected new revenue within the five-year increments.

| Strategies for New Funding Sources | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
|---|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Total | 0 | 0 | 0 | 0 |
| Remaining Unfunded Needs | 0 | 0 | 0 | 0 |

| Project & Type Information | | | Expenditures (in \$thousands) | | | | |
|---|--|--------------|-------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Project Type (Choose from dropdown list) | Funding Source Type (Choose from dropdown list) | Project Name | LFY 2021-2022 | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

| Project & Type Information | | | Expenditures | | | | |
|--|------------------------------|------------------|---------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Project Type | Funding Source Type | | LFY 2021-2022 | 2022-23 to 2026-27 | 2027-28 to 2031-32 | 2032-33 to 2036-37 | 2037-38 to 2041-42 |
| Expansion Projects, Flood Protection | Committed Funding Source | Aggregated Total | 0 | 0 | 0 | 0 | 0 |
| Expansion Projects, Water Quality | Committed Funding Source | Aggregated Total | 0 | 0 | 0 | 0 | 0 |
| Resiliency Projects | Committed Funding Source | Aggregated Total | 0 | 0 | 0 | 0 | 0 |
| End of Useful Life Replacement Projects | Committed Funding Source | Aggregated Total | 0 | 0 | 0 | 0 | 0 |
| Expansion Projects, Flood Protection | No Identified Funding Source | Aggregated Total | 0 | 0 | 0 | 0 | 0 |
| Expansion Projects, Water Quality | No Identified Funding Source | Aggregated Total | 0 | 0 | 0 | 0 | 0 |
| Resiliency Projects | No Identified Funding Source | Aggregated Total | 0 | 0 | 0 | 0 | 0 |
| End of Useful Life Replacement Projects | No Identified Funding Source | Aggregated Total | 0 | 0 | 0 | 0 | 0 |
| Total of Projects without Project Type and/or Funding Source Type | | | 0 | 0 | 0 | 0 | 0 |

PALM BAY
COMMUNITY DEVELOPMENT DISTRICT

9

**PALM BAY
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
NOVEMBER 30, 2021**

**PALM BAY
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
NOVEMBER 30, 2021**

| | <u>Major Funds</u> | Total Governmental |
|--|--------------------|-----------------------|
| ASSETS | General | Funds |
| Cash | \$ 159,585 | \$ 159,585 |
| Investments | 496 | 496 |
| Accounts receivable | 250 | 250 |
| Teco deposit | 430 | 430 |
| Total assets | <u>\$ 160,761</u> | <u>\$ 160,761</u> |
| LIABILITIES AND FUND BALANCES | | |
| Liabilities: | | |
| Lease deposit refundable | 2,700 | 2,700 |
| Due to other funds | | |
| Enterprise | 36,910 | 36,910 |
| Total liabilities | <u>39,610</u> | <u>39,610</u> |
| Fund Balances: | | |
| Unassigned | 121,151 | 121,151 |
| Total fund balances | <u>121,151</u> | <u>121,151</u> |
| Total liabilities and fund balance | <u>\$ 160,761</u> | <u>\$ 160,761</u> |

**PALM BAY
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED NOVEMBER 30, 2021**

| | Current Month | Year to Date | Budget | % of Budget |
|--|------------------|-----------------|----------------|----------------|
| REVENUES | | | | |
| Assessments | \$ 142,904 | \$ 142,904 | \$ 185,780 | 77% |
| Interest & miscellaneous | - | - | 250 | 0% |
| Total revenues | <u>142,904</u> | <u>142,904</u> | <u>186,030</u> | 77% |
| EXPENDITURES | | | | |
| Professional | | | | |
| Supervisors | - | 861 | 5,383 | 16% |
| Management | 1,545 | 3,089 | 18,536 | 17% |
| Audit | - | - | 7,200 | 0% |
| Legal | - | - | 2,000 | 0% |
| Engineering fees | 1,325 | 1,325 | - | N/A |
| Postage | - | - | 425 | 0% |
| Meeting room | 160 | 160 | 1,000 | 16% |
| Insurance | 7,135 | 7,135 | 7,584 | 94% |
| Printing and binding | 46 | 92 | 548 | 17% |
| Legal advertising | - | 508 | 2,000 | 25% |
| Other current charges | 59 | 117 | 800 | 15% |
| Annual district filing fee | - | 175 | 175 | 100% |
| Website | - | - | 705 | 0% |
| ADA website compliance | - | - | 205 | 0% |
| Tax bills | - | - | 675 | 0% |
| Total professional | <u>10,270</u> | <u>13,462</u> | <u>47,236</u> | 28% |
| Parks & recreation | | | | |
| Boat lift repair and maintenance | 282 | 564 | 6,000 | 9% |
| Lake maintenance | 410 | 410 | 2,500 | 16% |
| Capital outlay | - | - | 53,500 | 0% |
| Total parks & recreation | <u>692</u> | <u>974</u> | <u>62,000</u> | 2% |
| Access control | | | | |
| Telephone - gate | 280 | 445 | 3,000 | 15% |
| Insurance - property & causality | 2,801 | 2,801 | 2,976 | 94% |
| Repairs & maintenance - gate | 2,399 | 5,098 | 28,000 | 18% |
| Landscape maintenance | 1,059 | 2,118 | 14,000 | 15% |
| Contingency | - | - | 750 | 0% |
| Capital outlay | - | - | 5,000 | 0% |
| Total access control | <u>6,539</u> | <u>10,462</u> | <u>53,726</u> | 19% |
| Roadway/signage/street lighting | | | | |
| Electric utility service | 1,490 | 1,490 | 13,000 | 11% |
| Repairs and maintenance | 149 | 149 | 3,000 | 5% |
| Total roadway/signage/street lighting | <u>1,639</u> | <u>1,639</u> | <u>16,000</u> | 10% |

**PALM BAY
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED NOVEMBER 30, 2021**

| | <u>Current Month</u> | <u>Year to Date</u> | <u>Budget</u> | <u>% of Budget</u> |
|--|--------------------------|--------------------------|-------------------------|------------------------|
| Other fees & charges | | | | |
| Property appraiser | - | - | 2,903 | 0% |
| Tax collector | 3,485 | 3,485 | 3,870 | 90% |
| Total other fees & charges | <u>3,485</u> | <u>3,485</u> | <u>6,773</u> | 51% |
| Total expenditures | <u>22,625</u> | <u>30,022</u> | <u>185,735</u> | 16% |
| Excess/(deficiency) of revenues over/(under) expenditures | 120,279 | 112,882 | 295 | |
| Fund balances - beginning | 872 | 8,269 | 62,720 | |
| Fund balances - ending | <u><u>\$ 121,151</u></u> | <u><u>\$ 121,151</u></u> | <u><u>\$ 63,015</u></u> | |

**PALM BAY
COMMUNITY DEVELOPMENT DISTRICT
PROPRIETARY FUND
STATEMENT OF NET POSITION
NOVEMBER 30, 2021**

| ASSETS | <u>Balance</u> |
|---|--------------------------|
| Current assets: | |
| Cash - SunTrust | \$ 62,642 |
| Accounts receivable - (net of allowances for uncollectible) | 16,503 |
| Assessments receivable | <u>36,910</u> |
| Total current assets | <u>116,055</u> |
| Noncurrent assets: | |
| Utility plant and improvements | 171,770 |
| Less accumulated depreciation | <u>(171,770)</u> |
| Total capital assets, net of accumulated depreciation | <u>-</u> |
| Total noncurrent assets | <u>-</u> |
| Total assets | <u>116,055</u> |
| LIABILITIES | |
| Current liabilities: | |
| Customer deposits payable | <u>7,290</u> |
| Total liabilities | <u>7,290</u> |
| NET POSITION | |
| Unrestricted | <u>108,765</u> |
| Total net position | <u><u>\$ 108,765</u></u> |

**PALM BAY
COMMUNITY DEVELOPMENT DISTRICT
PROPRIETARY FUND
STATEMENT OF REVENUES, EXPENSES
AND CHANGES IN FUND NET POSITION
FOR THE PERIOD ENDED NOVEMBER 30, 2021**

| | Current Month | Year to Date | Budget | % of Budget |
|---|-------------------|-------------------|------------------|----------------|
| OPERATING REVENUES | | | | |
| Assessment levy | \$ 17,069 | \$ 17,069 | \$ 22,200 | 77% |
| Charges for sales and services: | | | | |
| Water & sewer | 9,743 | 18,812 | 110,000 | 17% |
| Interest | 1 | 1 | 10 | 10% |
| Total operating revenues | <u>26,813</u> | <u>35,882</u> | <u>132,210</u> | 27% |
| OPERATING EXPENSES | | | | |
| Water & sewer - county | 10,313 | 10,313 | 95,767 | 11% |
| Maintenance costs | 3,020 | 3,020 | 20,000 | 15% |
| Other current charges | 174 | 347 | 2,200 | 16% |
| Total operating expenses | <u>13,507</u> | <u>13,680</u> | <u>117,967</u> | 12% |
| Operating income | <u>13,306</u> | <u>22,202</u> | <u>14,243</u> | 156% |
| NONOPERATING REVENUES/(EXPENSES) | | | | |
| Property appraiser | - | - | (333) | 0% |
| Tax collector | (341) | (341) | (444) | 77% |
| Total nonoperating revenues/(expenses) | <u>(341)</u> | <u>(341)</u> | <u>(777)</u> | 44% |
| Change in net position | 12,965 | 21,861 | 13,466 | |
| Total net position - beginning | 95,800 | 86,904 | 77,410 | |
| Total net position - ending | <u>\$ 108,765</u> | <u>\$ 108,765</u> | <u>\$ 90,876</u> | |

**PALM BAY
COMMUNITY DEVELOPMENT DISTRICT**

10

DRAFT

**MINUTES OF MEETING
PALM BAY
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Palm Bay Community Development District held a Regular Meeting on October 14, 2021, at 9:00 a.m., at the Courtyard by Marriott Tampa/Oldsmar, 4014 Tampa Road, Oldsmar, Florida 34677.

Present were:

| | |
|---------------------------------|---------------------|
| Rob Bergman | Chair |
| Joe Aschenbrenner | Vice Chair |
| Win Williamson | Assistant Secretary |
| Speros Margetis (via telephone) | Assistant Secretary |

Also present, were:

| | |
|------------------------------|-------------------------------|
| Chuck Adams | District Manager |
| Dana Collier (via telephone) | District Counsel |
| Dave Raucher | HOA Board Member and Resident |

Also present, via Zoom were:

| | |
|----------------------------|-------------------------------|
| Anthony Dewanni (via Zoom) | HOA Board Member and Resident |
| Jeff Lynn | Resident |
| Dan Greenberg | Resident |
| Wendy Popielarcheck | Resident |
| Michelle Reiss | Resident |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:04 a.m. Supervisors Aschenbrenner, Bergman and Williamson were present in person. Supervisor Margetis was attending via telephone. One seat was vacant.

▪ **Chair's Opening Comments**

This item was an addition to the agenda.

Mr. Bergman welcomed the residents to the meeting and stated he hoped attendance would increase now that Zoom attendance is available, as the Board wants to hear resident

40 opinions, so the Board can make decisions that are best for the community. He wanted to
41 address certain items, such as residents sending emails around the community attacking,
42 slandering and falsely accusing Board Members that, without facts and looking into it, cannot
43 be tolerated.

44 Mr. Bergman presented the following accusations that were made against the Board:

45 ➤ CDD Election: Requested facts from the accuser regarding an accusation of a Board
46 Member cheating and “rigging” the election.

47 Response: Resident Jeff Lynn stated that he said the reason why they were beat was
48 that Board Members who previously expressed no desire to run again, collected proxy votes; no
49 cheating was involved.

50 Mr. Bergman stated proxy voting is 100% legal and typical, as most homeowners do not
51 vote or are not able to attend meetings.

52 ➤ “Kickbacks” from Envera: Requested facts from the accuser regarding the accusation of
53 Board Members taking “kickbacks” from Envera, the company that handles gate access and
54 camera monitoring of the CDD’s assets.

55 A Board Member recalled Mr. Lynn asking Mr. Adams about this.

56 Response: Mr. Lynn stated that he asked Mr. Adams if they receive a referral bonus for
57 referring Envera to other CDDs. After researching and finding that the Whitehall and Envera
58 corporate offices are near each other and several CDDs engaged Envera without suggesting
59 other companies.

60 Discussion ensued regarding the minutes recorded that the accusations were directed
61 against two Board Members, not Mr. Adams, and the verbiage “kickback” was used. The
62 Sunshine Law and constraints on Board Members responding to emails or discussing matters
63 outside a CDD meeting was also discussed. It was noted that meeting minutes are posted on
64 the CDD website and recordings are available, upon request. Mr. Adams stated, for the record,
65 that it is as illegal for him or any Board Member to receive a kickback.

66 Mr. Bergman and Mr. Lynn apologized for the tone in the meetings and in the emails to
67 Board Members.

68 ➤ Board Members Choosing Contractors for Personal Gain, Financial or Other: Mr.
69 Bergman stated that the CDD has engaged multiple contractors over the years. He encouraged
70 residents to ask questions, comment and attend meetings; however, he took issue with
71 accusations with facts not in evidence against Board Members who should not have to deal
72 with this.

73 Mr. Aschenbrenner referred to Lines 125 through 131 of the September 9, 2021
74 meeting minutes and asked that the minutes be corrected to reflect that he was addressing Mr.
75 Jenn Gano about leasing his boat slip to a non-resident. He apologized to Mr. Lynn for assuming
76 it was him and for the accusatory tone and he also sent a text and email about the mistake. Mr.
77 Lynn apologized to Mr. Aschenbrenner for the way he spoke to him after the meeting. His
78 intent was not to accuse anyone; they just do not agree with the restrictions on file and are
79 worried about why the CDD is stepping in for the Boat Club Association's (BCA) lack of oversight
80 because the BCA did not assess sufficiently. Mr. Lynn stated that he knows the CDD's legal
81 opinion would be discussed. Mr. Lynn stated that they too have legal reviews and the rumor of
82 proceeding with litigation was false.

83 The following matters were addressed;

84 ➤ The CDD engaged different contractors for various CDD projects and the only reason Mr.
85 Matt Brown was engaged for a particular project was because he has reasonable prices being a
86 small business owner and performs good work; there was no personal relationship with the
87 contractor.

88 ➤ Article 6, Section 15: Mr. Aschenbrenner offered to discuss historical data about the
89 marina with Mr. Lynn and other homeowners outside of a CDD meeting. He noted that the
90 CDD has monitored the situation over several years, tried unsuccessfully to make the BCA make
91 the repairs and assess the slip owners and tried not to raise assessments over the last seven
92 years. However, per Article 6, Section 15, the CDD, at any point, can take it over if it is not
93 managed property, as it owns Tract B. The issues are not just the gangway but also the
94 walkway behind the homeowners' property and the boat ramp itself.

95 ➤ CDD Assessments: The five-year note would fund several CDD projects and, once paid
96 off, the CDD might be able to lower assessments. Discussion ensued regarding the high costs of

97 issuance for issuing bonds and reducing costs by conveying assets to the HOA and dissolving the
98 CDD, based on a belief that several costs are redundant.

99 ➤ Boat Club Restrictions: In Mr. Lynn’s opinion, the Board’s decision conflicts with the
100 BCA restrictions filed with the County. Mr. Bergman explained that the CDD’s prior District
101 Counsel identified that the CDD owns Tract B and is responsible for the center gangway and
102 noted that the seawall is tied together with the BCA.

103 Ms. Collier, read a portion of a memorandum from the CDD’s former District Counsel,
104 Ms. Slater, which came to the following conclusion:

105 “That the gangway portion of the boat slip is owned by the CDD because it was placed
106 upon CDD owned property. The CDD owns Tract B that is platted in the subdivision, and
107 as with any other improvement that is placed upon property if there is not an
108 underlying lease or something like that, that allowed someone else to build an
109 improvement upon property, the improvement is placed upon the real property
110 becomes part of the bundle of the sticks that are owned by the owner of the property
111 and therefore is the responsibility of the owner of the property.”

112 Ms. Collier stated that this was the simplest way to put Ms. Slater’s conclusion from the
113 January, 2019 “Maintenance of Common Area and Boat Slip Improvements Located on Tract B”
114 by the CDD, Memorandum, which resulted after reviewing all the issues related to ownership
115 and maintenance of the area, the BCA, the CDD, etc. The CDD is the landowner of Tract B upon
116 which the main gangway is located and would be able to repair that area without enforcing
117 deed restrictions to repair the rest of the area, such as the individual boat slips. The
118 memorandum is available as a public record.

119 In response to a question, Ms. Collier confirmed that, among other documents
120 reviewed, it included the 1993 Palm Bay’s 48-page Declaration of Restrictions and Protective
121 Covenants relating to the Palm Bay at Bayside Homeowners Association. The Board would not
122 proceed with paying for another independent legal review from District Counsel. The
123 Memorandum and CDD files of which Ms. Slater based her opinion, which included the Palm
124 Bay Boat Club Association Restriction documents, would be sent to Mr. Lynn. Discussion ensued
125 regarding whether the opinion was also based on the 1993 or 1996 documents.

126 Resident and HOA Board Member Anthony Dewanni asked why 86 homeowners were
127 paying for the repairs and improvements for the private property of 14 people and what the
128 BCA fees were being used for and asked for the details regarding slip availability. Mr. Dewanni
129 was directed to contact Mr. Greg Frolick, who runs the BCA, for these answers because the CDD
130 does not have access to information regarding what the BCA spends its funds on. Based on his
131 belief that all CDD Board Members are members of the BCA and could request the information,
132 Mr. Dewanni asked if any of them requested the information from the BCA. Mr. Margetis stated
133 that the BCA collected funds to pay for the electrical and plumbing for the portion of the fingers
134 that they own that are on deeded property and for electrical and plumbing out to the deeded
135 property. Mr. Dewanni reiterated his question of why the “entire community” is being
136 assessed for the benefit of just 14 owners. Mr. Margetis stated that there are 15 slips and,
137 according to legal counsel, the common property is the CDD’s responsibility, which was the
138 basis of the decision.

139 Ms. Collier stated that she could provide the folio numbers and anyone can go online
140 and see the property that is owned by the CDD.

141 Mr. Lynn referred to Pages 46 and 47 of the Deed Restriction documents, which he
142 believed outlined the “boardwalk” and that it should have been conveyed. In his opinion, the
143 fact that the CDD did not convey it or it was not conveyed is not the homeowners’
144 responsibility, because it was supposed to be an automatic conveyance once the Developer
145 sold the last slip. He felt that it is ridiculous that they now have to cover this because, in his
146 words, “the CDD didn’t do their job years ago to convey this over to the BCA.” Mr. Adams
147 stated that it was not the CDD that was to convey it; it was built by the Developer so the
148 Developer would have been the one to convey it. He explained that one cannot operate on
149 intent, the CDD can only operate on facts and what actually happened. Mr. Lynn talked about
150 what was “supposed to” happen. Mr. Adams stated that the “supposed to” did not happen and
151 voiced his opinion that “supposed to” will not help in terms of a liability claim. Mr. Lynn felt
152 that the Board and Staff are reading the Deed Restrictions the same as he is. Mr. Adams
153 encouraged Mr. Lynn to read the opinion memorandum from former District Counsel and all

154 supporting documents that were reviewed in terms of reaching the opinion, which should shed
155 a different view or legal reading of the documents.

156 Mr. Lynn stated that the only document he cares about now is the Boat Club
157 Restrictions and, in his opinion, whatever else Mr. Adams wants him to review is of no concern
158 to him, regarding litigation. He expressed his confidence that what is being done is in violation.
159 He stated that the Board was asked to vote to go forward with an independent review. Mr.
160 Adams stated that the CDD already obtained an independent legal review; the legal opinion
161 was from General Counsel, not Management. Mr. Lynn further discussed the possibility of
162 litigation and potential questions that would be posed to the Board Members, if litigation
163 commences. Regarding the legal opinion obtained by the CDD, Mr. Lynn asked if it was done in
164 relation to defining who owns the docks and along the seawall. Mr. Adams stated that was part
165 of it; it was an all-encompassing review with a portion being specific to the gangway. Mr. Lynn
166 asked if this project was in mind or discussed during that review. Mr. Adams replied
167 affirmatively. It was basically what pushed this issue; the fact that the gangway dock was
168 deteriorating and dilapidated and determining who is responsible for it.

169 Mr. Lynn recalled past repairs to the gangway boardwalk and asked who repaired those
170 and paid for the repairs. Mr. Adams stated he did not know who funded the repairs but knew it
171 was not the CDD. Mr. Lynn continued discussing the circumstances of the prior repair work.

172 Mr. Aschenbrenner recalled that, at the April 9, 2020 meeting, District Counsel stated
173 that she researched the CDD and the BCA and walked Tract B and the CDD property. He noted
174 that another issue is the walkways around the houses is in disrepair and hanging over Tract B
175 and on CDD property. The CDD gave rights to the HOA to enforce Neighborhood Covenants
176 because the CDD is not allowed to do so; therefore, the HOA has the power it needs to tell
177 people to keep their docks up-to-date. The bigger problem is, if individual dock owners, with
178 their walkways surrounding the perimeter of Tract B, who is responsible for that, in addition to
179 the boat slips along the back with a walkway along all of those, so it is a large problem that
180 everyone, as a community needs to come together to solve.

181 Mr. Bergman noted that this has been going on for a long time and it was only once the
182 CDD obtained the legal opinion that the CDD found out that the CDD owns it, is supposed to

183 manage it and is liable for it. Mr. Aschenbrenner noted that a survey was obtained to
184 determine if residential properties go into Tract B and it was determined that they do not; they
185 stop at the seawall which, in some cases, are a few inches over CDD property, which begs the
186 question of who is responsible for upkeep of the seawall. The Board is trying its best, such that
187 every homeowner on the marina will get a Consent to Use Agreement and they will be
188 responsible for the upkeep.

189 Resident Wendy Popielarcheck recalled in response to her 2018 emails about ownership
190 of the docks that Mr. Adams conveyed that the CDD only owns from the launch to the lift, Folio
191 Number #005755-6124 in question and that the CDD pays taxes on this property, which is the
192 slip for getting into the boat launch. Also Mr. Greg Frolick contacted her this week and stated
193 that he was responsible for the maintenance a couple of years ago and proposed installing a
194 locked gate. Mr. Bergman believed that the email conversations Ms. Popielarcheck referred to
195 were before the CDD obtained the legal opinion.

196 Discussion ensued regarding the areas referenced by Ms. Popielarcheck.

197 Ms. Popielarcheck stated the Hillsboro County Appraiser's Office conveyed to her the
198 following:

199 ➤ Within the documents for the BCA, which is another governing body within this
200 community, the dock is listed as an ingress/egress, a legal access to personal property and that
201 the actual ownership of those docks that are in the marina are deeded properties; they can only
202 build or extend on a property deeded to you.

203 **Mr. Margetis left the meeting at 10:00 a.m.**

204 ➤ Taxes were dispersed equally and have all been paid by each individual dock slip owner.

205 Mr. Adams stated that the CDD paid taxes on Tract B, outside of the individual deeded
206 properties that overlay within the outer boundaries of Tract B.

207 Mr. Bergman stated that, if it were discovered that the CDD does not own the property,
208 he would have no problem reevaluating this matter but, from all the documents involved, Legal
209 Counsel determined that the CDD owns it. He discussed the need to protect the CDD and its
210 assets and pointed out that, if someone sues the CDD, they are not technically suing the Board;
211 they are, in essence, suing the entire CDD.

212 Ms. Collier stated that she emailed the Board Members the January 2019
213 Memorandum, which was after the emails Ms. Popielarcheck discussed, along with the deed to
214 the property when it was conveyed by the Developer to the CDD including Tract B, the BCA
215 Declarations and Covenants and the Easement for the Palm Bay Boat Club from 1996, that were
216 used as the bases of the opinion. Mr. Adams stated that he emailed the items he sent to Mr.
217 Lynn and the Board, which included Ms. Slater's memorandum and the documents footnoted in
218 the it.

219 Mr. Raucher asked Ms. Collier if the CDD can assess the dock owners for the cost to
220 repair the ingress/egress property that leads out to their slips. Ms. Collier stated that the CDD
221 cannot levy a sub-assessment but the CDD has other options. Mr. Aschenbrenner encouraged
222 everyone to look at Article 6 Section 15 of the Declaration documents, which he referenced
223 earlier, about the CDD at any point can assume the responsibilities of the BCA and assess costs
224 but that is not the desire of the CDD. He suggested tabling this item as the issue is not just the
225 gangway, it also includes the walkway behind the homeowner properties, etc.

226 Mr. Aschenbrenner stated that, if the CDD truly owns the gangway, for the benefit of
227 the community, the plan was that the last gangway would be extended by 6' so it can be used,
228 if needed, as the CDD owns it; they were not installing another slip.

229 Discussion ensued regarding the legal opinion, affected homeowners that do not benefit
230 from the dock, etc. The CDD being open to maintaining the docks behind residences was
231 discussed, along with liability, the condition of the seawalls and activities in the middle dock.

232 The Board agreed to table this item to survey homeowners to determine the best
233 approach, including whether to make the docks public or private and if the CDD should pursue
234 the option to assess the slip owners for repairs, while they resolve ownership of the marina.

235 Mr. Lynn stated expressed his opinion that homeowners do not want the beach and
236 other assets, compared to the issue with the dock, and that homeowners believe the BCA owns
237 the docks and are standing firm with the argument that, although legally the CDD owns the
238 dock on paper, it should have been conveyed to the BCA. Mr. Lynn stated his intent to contact
239 the Tax Appraiser to see if he can show those restrictions and have them conveyed.

240 A question was raised regarding what happens if the BCA does not follow through and
 241 the dock is in disrepair. Mr. Adams stated the CDD would then have the option to shut it down
 242 or perform the repairs and assess the members of the BCA. The goal is to get all affected
 243 homeowners who refused to execute the Consent to Use of Easement Agreement, which states
 244 the owner is responsible for maintaining the seawall and indemnifies the CDD from any liability,
 245 to execute it, as only three were recorded with the County.

246 Mr. Adams would work with the HOA on the survey that will also include a notice about
 247 looking for candidates to fill Seat 4, which is vacant.

248

249 **SECOND ORDER OF BUSINESS**

Public Comments: Agenda Items

250

251 This item was presented in conjunction with the Chair’s Opening Comments.

252

253 **THIRD ORDER OF BUSINESS**

**Consider Appointment of Qualified Elector
to Fill Unexpired Term of Seat 4**

254

255

256 This item was deferred to the next meeting.

257

258 **FOURTH ORDER OF BUSINESS**

**Administration of Oath of Office to Newly
Appointed Supervisor *(the following will
be provided in a separate package)***

259

260

261

262 **A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**

263 **B. Membership, Obligations and Responsibilities**

264 **C. Financial Disclosure Forms**

265 **I. Form 1: Statement of Financial Interests**

266 **II. Form 1X: Amendment to Form 1, Statement of Financial Interests**

267 **III. Form 1F: Final Statement of Financial Interests**

268 **D. Form 8B – Memorandum of Voting Conflict**

269 These items were deferred to the next meeting.

270

271 **FIFTH ORDER OF BUSINESS** **Consideration of Resolution 2022-01,**
272 **Designating Certain Officers of the District,**
273 **and Providing for an Effective Date**

274
275 This item was deferred to the next meeting.

276

277 **SIXTH ORDER OF BUSINESS** **Continued Discussion: Capital**
278 **Improvement Program and Closing Loan**
279 **with FineMark National Bank & Trust**

280

281 Regarding the items comprising the Capital Improvement Program (CIP), Mr. Bergman
282 asked if the assessments were finalized and if the CDD could reduce the loan amount with
283 FineMark National Bank & Trust (FineMark).

284 Mr. Adams stated that once the Fiscal Year 2022 budget was adopted, the lien roll for
285 assessments was transmitted to the County Tax Collector and the tax bill would be sent the first
286 week of November. He stated that FineMark approved a \$200,000 loan and he had the loan
287 documents, Resolution and opinion letter from the District Counsel ready to close on the loan.
288 As this was being deferred, Mr. Adams did not foresee getting a lower amount approved or
289 updating the documents.

290 This item was deferred to the next meeting.

291

292 **SEVENTH ORDER OF BUSINESS** **Acceptance of Unaudited Financial**
293 **Statements as of August 31, 2021**

294

295 Mr. Adams presented the Unaudited Financial Statements as of August 31, 2021.

296 The financials were accepted.

297 Mr. Adams stated that the agenda for the next meeting would include consideration of
298 appointment of a qualified elector to fill Seat 4, the Capital Improvement Program and the loan
299 with FineMark.

300 Mr. Aschenbrenner asked if the Fiscal Year 2022 budget was sufficient to proceed with
301 the kayak launch project and defer other items, such as the gazebo, fire pit, etc. Conversation
302 ensued regarding resident access difficulties due to the unfavorable condition of the seawall,

303 the Fiscal Year 2022 budget, an updated proposal, need for additional sand, permitting and
304 fastening the structure to the existing structure.

305

On MOTION by Mr. Aschenbrenner and seconded by Mr. Bergman, with all in favor, installation of the kayak launch and two truck-loads of sand, in a not-to-exceed amount of \$11,000, was approved.

309

310

311 **EIGHTH ORDER OF BUSINESS**

Approval of September 9, 2021 Public Hearings and Regular Meeting Minutes

312

313

314 Mr. Adams presented the September 9, 2021 Public Hearings and Regular Meeting
315 Minutes.

316 Mr. Aschenbrenner asked for the conversation on Lines 125 through 131, which he
317 referenced earlier in the meeting, to be clarified. Mr. Adams stated that the minutes could not
318 be changed, as they reflect what Mr. Aschenbrenner said during that meeting but his
319 clarification today would be reflected in the minutes for today’s meeting, in the section when
320 Mr. Aschenbrenner made the clarification.

321 Mr. Bergman stated that, as he attended the last meeting via telephone, he listened to
322 the entire audio and noted he could be heard saying “I think I caught some of that.”. He asked
323 for today’s minutes to reflect that he was not in agreement with all that was happening, as it
324 was the first time he heard comments about a certain topic, and later in those minutes it
325 reflected that that the Board agreed unanimously. Mr. Williamson stated that he did not agree
326 or disagree about that topic either, as it was also was his first time hearing it.

327

On MOTION by Mr. Aschenbrenner and seconded by Mr. Williamson, with all in favor, the September 9, 2021 Public Hearings and Regular Meeting Minutes, as presented, subject to the explanation from Mr. Aschenbrenner regarding his comments on Lines 125 through 131 and Mr. Bergman and Mr. Williamson’s comments above being included in the October 14, 2021 Meeting Minutes, were approved.

334

335

336 **NINTH ORDER OF BUSINESS**

Staff Reports

337

338 **A. District Counsel: *Straley Robin Vericker***

339 There was no report.

340 **B. District Engineer: *Landmark Engineering & Surveying Corp.***

341 There was no report.

342 **C. District Manager: *Wrathell, Hunt and Associates, LLC***

343 • **NEXT MEETING DATE: January 13, 2022 at 9:00 a.m.**

344 ○ **QUORUM CHECK**

345 The next meeting would be held on January 13, 2022.

346

347 **TENTH ORDER OF BUSINESS**

Public Comments: Non-Agenda Items

348

349 There were no public comments.

350

351 **ELEVENTH ORDER OF BUSINESS**

Supervisors' Requests

352

353 It was reported that the front gate was working well. There were incidents of
354 unauthorized users damaging the lift station; Mr. Raucher or Mr. Lynn were asked to mention it
355 at the next HOA meeting. Discussion ensued regarding several matters that resulted in
356 implementing the following actions:

357 ➤ Access to the Envera cameras would be given to Mr. Raucher and another person to
358 obtain video footage of future violations. Footage of the current incident would be provided to
359 them, as well as Mr. Raucher forwarding it to the HOA Board.

360 ➤ HOA Management would start sending violation letters to the homeowners.

361 ➤ HOA Management would be asked to perform regular inspections at the Marina.

362 ➤ Ask Baycut to clean up the moss from the trees at the beach, as any extra cost was
363 expected to be nominal.

364 ➤ Regarding a request for clarification of the statement "not a consent of use", in the April
365 11, 2019 Meeting Minutes and the CDD owning the waterway but allows the HOA to enforce
366 covenants", Mr. Adams clarified that the plat has a dedication to the HOA; the CDD has
367 ownership but there is a dedication of overlying easement to the HOA. It was noted the BCA

368 documents were outdated and that the CDD does not have land use authority and must rely on
369 the HOA for the docks.

370 Mr. Bergman referred to Mr. Raymondo’s idea at the last meeting to require boat lift
371 users to execute a use and a liability waiver and wondered if the CDD needs to require executed
372 waivers. Mr. Adams believed that it is not necessary because accidents were taken into
373 consideration through the CDD’s general liability coverage.

374

375 **TWELFTH ORDER OF BUSINESS**

Adjournment

376

377 There being nothing further to discuss, the meeting adjourned.

378

379 **On MOTION by Mr. Williamson and seconded by Mr. Bergman, with all in**
380 **favor, the meeting adjourned at 10:52 a.m.**

381

382

383

384

385

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

386
387
388
389
390
391

Secretary/Assistant Secretary

Chair/Vice Chair

**PALM BAY
COMMUNITY DEVELOPMENT DISTRICT**

11C

PALM BAY COMMUNITY DEVELOPMENT DISTRICT

BOARD OF SUPERVISORS FISCAL YEAR 2021/2022 MEETING SCHEDULE

LOCATION

Courtyard by Marriott Tampa/Oldsmar, 4014 Tampa Road, Oldsmar, Florida 34677

| DATE | POTENTIAL DISCUSSION/FOCUS | TIME |
|-------------------------|---|----------------|
| October 14, 2021 | Regular Meeting | 9:00 AM |
| January 13, 2022 | Regular Meeting | 9:00 AM |
| April 14, 2022 | Regular Meeting | 9:00 AM |
| July 14, 2022 | Public Hearing & Regular Meeting | 9:00 AM |