

# **PALM BAY**

**COMMUNITY DEVELOPMENT  
DISTRICT**

**January 11, 2024**

**BOARD OF SUPERVISORS  
PUBLIC HEARING AND  
REGULAR MEETING  
AGENDA**

**PALM BAY  
COMMUNITY DEVELOPMENT DISTRICT**

**AGENDA  
LETTER**

**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 4, 2024

Board of Supervisors  
Palm Bay Community Development District

**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 Public Hearing and Regular Meeting on January 11, 2024 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. Public Hearing to Hear Public Comment and Objections on the Adoption of Rate Study Amendment #5 to Chapter I of the Rules of Procedure Relating to the Water & Sewer Fees and Charges, Pursuant to Sections 120.54, 190.012 and 190.035, Florida Statutes
  - A. Affidavits of Publication
    - Notice of Rule Development
    - Notice of Rule Making for Rate Setting
  - B. Consideration of Resolution 2024-01, Adopting Rate Study Amendment #5 to Chapter I of the Rules of Procedure Relating to the Rates, Fees and Charges for Utility Services
4. Consideration of Resolution 2024-02, Designating a Date, Time and Location for a Landowners' Meeting; Providing for Publication; Providing for an Effective Date
5. Acceptance of Unaudited Financial Statements as of November 30, 2023
6. Approval of July 28, 2023 Public Hearing and Regular Meeting Minutes
7. 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 11, 2024 at 9:00 AM
    - QUORUM CHECK

SEAT 1	ROB BERGMAN	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 2	SPEROS MARGETIS	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 3	JOE ASCHENBRENNER	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 4	JOSEPH TIMBERLAKE	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 5	WIN WILLIAMSON	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO

- 8. Public Comments: Non-Agenda Items
- 9. Supervisors' Requests
- 10. 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**

**3A**

**Tampa Bay Times**  
**Published Daily**

STATE OF FLORIDA  
COUNTY OF Hillsborough

Before the undersigned authority personally appeared Carol Chewning who on oath says that he/she is Legal Advertising Representative of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: PALM BAY COMMUNITY NOTICE OF RULE DEVELOPEMENT was published in said newspaper by print in the issues of: 12/ 3/23 or by publication on the newspaper's website, if authorized, on

Affiant further says the said Tampa Bay Times is a newspaper published in Hillsborough County, Florida and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida each day and has been entered as a second class mail matter at the post office in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

\_\_\_\_\_  
Signature Affiant

Sworn to and subscribed before me this .12/03/2023

\_\_\_\_\_  
Signature of Notary Public

Personally known \_\_\_\_\_ X \_\_\_\_\_ or produced identification

Type of identification produced \_\_\_\_\_

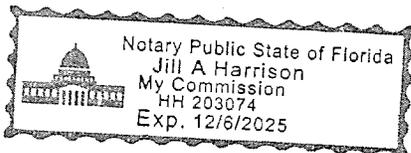
**PALM BAY COMMUNITY DEVELOPMENT DISTRICT**  
**NOTICE OF RULE DEVELOPMENT AMENDMENT #5 TO**  
**CHAPTER I WATER & SEWER FEES AND CHARGES RULE**

In accordance with Chapter 190, Florida Statutes and Chapter 120, Florida Statutes, the PALM BAY COMMUNITY DEVELOPMENT DISTRICT hereby gives notice of its intention to develop an amendment to its **Water & Sewer Fees Charges Rule**. This rule addresses the payment of service charge fees. The purpose and effect of this rule amendment is to amend certain provisions within the rule that are necessary. Specific legal authority for the rule includes Sections 190.012(2)(a) and 190.011(5), Florida Statutes (2023), or as amended. A public hearing will be conducted by the Board of Supervisors of PALM BAY COMMUNITY DEVELOPMENT DISTRICT on **Thursday, January 11, 2024** during the meeting of the Board of Supervisors beginning at **9:00 a.m.**, at the **Courtyard by Marriot Tampa/Oldsmar, 4014 Tampa Road, Oldsmar, Florida 34677.**

District Manager  
Palm Bay Community Development District  
12/03/2023

0000319770

} SS



**Tampa Bay Times**  
**Published Daily**

STATE OF FLORIDA  
COUNTY OF Hillsborough

Before the undersigned authority personally appeared **Cindy Pickett** who on oath says that he/she is **Legal Advertising Representative** of the **Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: PALM BAY COMMUNITY RULE MAKING TO ADOPT RATE STUDY** was published in said newspaper by print in the issues of: **12/ 6/23** or by publication on the newspaper's website, if authorized, on

Affiant further says the said **Tampa Bay Times** is a newspaper published in **Hillsborough** County, Florida and that the said newspaper has heretofore been continuously published in said **Hillsborough** County, Florida each day and has been entered as a second class mail matter at the post office in said **Hillsborough** County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Cindy Pickett*

Signature Affiant

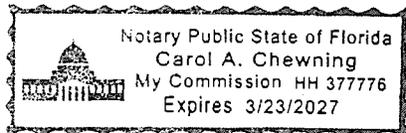
Sworn to and subscribed before me this **12/06/2023**

*[Handwritten Signature]*

Signature of Notary Public

Personally known  or produced identification

Type of identification produced



**PALM BAY COMMUNITY DEVELOPMENT DISTRICT**  
**NOTICE OF RULE MAKING TO ADOPT RATE STUDY AMENDMENT #5**  
**TO CHAPTER I OF THE WATER & SEWER FEES AND CHARGES**

A public hearing will be conducted by the Board of Supervisors of PALM BAY COMMUNITY DEVELOPMENT DISTRICT on **Thursday, January 11, 2024**, during the meeting of the Board of Supervisors beginning at **9:00 a.m.**, at the **Courtyard by Marriot Tampa/Oldsmar, 4014 Tampa Road, Oldsmar, Florida 34677**.

In accordance with Chapters 120 and 190, Florida Statutes, the hearing will consider establishing a rule amendment relating to the District's Water & Sewer Fees and Charges. The rule will address the Water & Sewer Fees and Charges regarding amending payments for service charge fees. The purpose and effect of the rule is to establish fees and charges.

Specific legal authority for the rule and the provisions of the Florida Statutes being implemented, includes Chapter 190, Florida Statutes, generally and Sections 190.012(2)(a) and 190.011(5), Florida Statutes (2023), or as amended.

Any person who wishes to provide the District with a proposal for a lower cost regulatory alternative as provided by Section 120.541, Florida Statutes, must do so in writing within twenty-one (21) days after publication of this notice. If anyone chooses to appeal any decision of the Board with respect to any matter considered at the hearing, such person will need a record of the proceedings and should accordingly ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which such appeal is to be based. Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager at (561) 571-000. Copies of the currently proposed rule amendment(s) may be obtained by contacting the District Manager, 2300 Glades Road, Suite 410W; Boca Raton, FL 33431.

On the 3rd day of December, 2023, a Notice of Rule Development was published in the Tampa Bay Times.

**District Manager**  
**Palm Bay Community Development District**  
12/06/2023

0000319783

} SS

**PALM BAY**  
**COMMUNITY DEVELOPMENT DISTRICT**

**3B**

**RESOLUTION 2024-01**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PALM BAY COMMUNITY DEVELOPMENT DISTRICT, HILLSBOROUGH COUNTY, FLORIDA, REGARDING ADOPTING RATE STUDY AMENDMENT #5 TO CHAPTER I OF THE RULES OF PROCEDURE RELATING TO THE RATES, FEES AND CHARGES FOR UTILITY SERVICES**

**WHEREAS**, the Palm Bay Community Development District is a Community Development District, established in 1993 by Ordinance 93-25 by the Hillsborough County Commission, pursuant to the provisions of Chapter 190, Florida Statutes; and

**WHEREAS**, the Board of Supervisors, on January 19, 2006, adopted Chapter I of its Rules of Procedure establishing potable water and wastewater regulations; establishing rates, fees and charges for utility services; and

**WHEREAS**, the Board of Supervisors has subsequently amended its Rule of Procedure relating to the rates, fees and charges for utility services as evidenced by Resolution 2017-1 of the Board of Supervisors; and

**WHEREAS**, except as otherwise provided, amendments or modifications to the Rules of Procedure require the approval of the Board of Supervisors; and

**WHEREAS**, the District gave notice of its intent to conduct rule development and rulemaking proceedings pursuant to Fla. Stat. §§120.54, 190.012 and 190.035 and said notice was published in the manner required by law; and

**WHEREAS**, the Board of Supervisors held a public hearing on January 11, 2024 and thereafter determined to adopt certain amendments to the Rules of Procedure relating to the rates, fees and charges for utility services.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE PALM BAY COMMUNITY DEVELOPMENT DISTRICT, HILLSBOROUGH COUNTY, FLORIDA, THAT:**

Section 1. The Rules of Procedure relating to the rates, fees and charges for utility services of the District are hereby amended as shown on the attached Exhibit "A." hereto. The Rules of Procedure relating to the rates, fees and charges for utility services as amended,

except as otherwise provided, shall not be further amended or modified except by approval of the Board of Supervisors.

Section 2. The District Manager is authorized and directed to codify and promulgate the Rules of Procedure relating to the rates, fees and charges for utility services, taking into account the amendment adopted hereby and to make such Rules of Procedure relating to the rates, fees and charges for utility services available as required by Chapter 119, Florida Statutes.

Section 3. The amendment attached in Exhibit "A" shall take effect immediately upon the adoption of this Resolution. Providing a Severability Clause; and Providing an Effective Date.

Section 4. If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

Section 5. This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this 11<sup>th</sup> day of January, 2024.

ATTEST:

**PALM BAY COMMUNITY DEVELOPMENT  
DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

EXHIBIT "A"

**AMENDMENT #5 TO CHAPTER I  
OF THE  
PALM BAY COMMUNITY DEVELOPMENT DISTRICT  
POTABLE WATER AND WASTEWATER REGULATIONS: ESTABLISHING  
RATES, FEES AND CHARGES FOR UTILITY SERVICES**

**1.01 PURPOSE.** The purpose of this amendment is to amend certain provisions within the rule that are necessary relating to the District’s Water & Sewer Fees and Charges and to re-establish certain rates, fees and charges for potable water and wastewater utility services of the Palm Bay Community Development District, and to provide for an effective date.

The Palm Bay Community Development District located in Hillsborough County, Florida, will hold a public hearing on **Thursday, January 11, 2024 at 9:00 A.M.**, in the Boardroom of the **Courtyard by Marriot, 4014 Tampa Road, Oldsmar, Florida 34677**, for the purpose of hearing public comment and objections on the adoption of the amendment of a rule relating to the re-establishment of the District’s Water and Sewer Fees and Charges, in accordance with Sections 190.012(2)(a), 190.011(5) and 120.541, Florida Statutes. The amendment will address the Water and Sewer Fees and Charges Rule regarding payment for service charge fees. This amendment will be adopted pursuant to the authority of Chapter 120, Section 120.54, Florida Statutes; Chapter 190, Section 190.012 and Section 190.035, Florida Statutes.

**1.02 NECESSITY.** To re-establish potable water and wastewater rates, fees and charges for utility services as outlined in Schedule “A”, which is provided herein, of the District rules as a result of the rate study performed in October 2023 and the approval of a new fee structure.

**1.03** A “Statement of Estimated Regulatory Costs” has not been prepared pursuant to the provisions of Section 120.541(2) Florida Statutes. The estimate of the cost or the economic benefit to persons directly affected by the adoption of the rule amendment is believed to be insignificant in that the payment of the required fees based on the formula contained within the District’s Rules will provide revenues based upon actual use for each user qualifying for this user category.

**1.04** The estimate of the cost to the agency (District) in implementing the Rule is primarily the cost of legal advertising of the meetings to adopt said rule amendment, which is estimated not to exceed \$500.00. In addition, certain copying costs will be incurred by the District for distribution to interested persons which costs should not exceed \$200.00.

**1.05** There is not estimated adverse impact on small business as defined by Section 288.703 or small Counties and Cities as defined by Section 120.52.

**1.06 ATTORNEY’S FEES.** In any action to enforce the provisions of this Rule, the District shall be entitled to recover its costs and attorney’s fees, including any fees and costs on appeal.

**1.07 SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this Rule is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**1.08** A copy of Amendment #5 to Chapter I of the Rules is available at the District's Management Office located at 2300 Glades Road, Suite 410W; Boca Raton, FL 33431.

**1.09 EFFECTIVE DATE.** This Rule shall become effective immediately upon adoption. This Rule has been adopted by the Board of Supervisors at their Public Hearing and Board Meeting held on **January 11, 2024.**

Specific Authority: Chapter 190.035; 190.012; 120.54, Florida Statutes

Law Implemented: Chapter 190.035, Florida Statutes

History: New

**SCHEDULE "A"**  
**AMENDED WATER AND WASTEWATER RATES AND CHARGES**

**I. RESIDENTIAL RATES AND CHARGES:**

**A. SINGLE FAMILY RESIDENCE**

<b>Base Fees</b>	<b><u>Proposed Fee</u></b>	<b><u>As of 10/2023</u></b>	<b><u>Change</u></b>
Bill Charge	\$4.75	\$3.80	\$0.95
Water Base	\$27.50	\$22.00	\$5.50
Sewer Base	\$18.75	\$15.00	\$3.75

<b>User Fees</b>	<b><u>Proposed Fee</u></b>	<b><u>As of 10/2023</u></b>	<b><u>Change</u></b>
<b>Per 1,000 Gallons</b>			
0 to 5,000 gals	\$7.76	\$6.21	\$1.55
5,001 to 15,000 gal	\$8.95	\$7.16	\$1.79
15,001 to 30,000 gals	\$9.20	\$9.20	\$0.00
30,001 or more gals	\$13.25	\$13.25	\$0.00

<b>Resulting Effect on Average Account Monthly Bill</b>			
	<b><u>Proposed</u></b>	<b><u>Current</u></b>	<b><u>Change</u></b>
Base Fees	\$51.00	\$40.80	\$10.20
User Fees*	<u>\$83.55</u>	<u>\$66.85</u>	<u>\$16.70</u>
	\$134.55	\$107.65	\$26.90

\*assumes 10,000 gallons used on an average month

**PALM BAY**  
**COMMUNITY DEVELOPMENT DISTRICT**

**4**

**RESOLUTION 2024-02**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PALM BAY COMMUNITY DEVELOPMENT DISTRICT DESIGNATING A DATE, TIME AND LOCATION FOR A LANDOWNERS' MEETING; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the District's Board of Supervisors ("**Board**") is statutorily authorized to exercise the powers granted to the District; and

**WHEREAS**, all meetings of the Board shall be open to the public and governed by provisions of Chapter 286, Florida Statutes; and

**WHEREAS**, the effective date of Ordinance No. 93-25, creating the District was the 3rd day of December, 1993; and

**WHEREAS**, the District is statutorily required to hold a meeting of the landowners of the District for the purpose of electing supervisors for the District on a date in November established by the Board, which shall be noticed pursuant to Section 190.006(2)(a), Florida Statutes.

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

Section 1. In accordance with Section 190.006(2), Florida Statutes, the meeting of the landowners to elect three (3) supervisors of the District, shall be held on the \_\_\_\_ day of November, 2024 at \_\_\_\_:\_\_\_\_ a/p.m., at the \_\_\_\_\_.

Section 2. The District's Secretary is hereby directed to publish notice of this landowners' meeting in accordance with the requirements of Section 190.006(2)(a), Florida Statutes.

Section 3. Pursuant to Section 190.006(2)(b), Florida Statutes, the landowners' meeting and election has been announced by the Board at its January 11, 2024 meeting. A sample notice of landowners' meeting and election, proxy, ballot form and instructions were presented at such meeting and are attached hereto as **Exhibit A**. Such documents are available for review and copying during normal business hours at the office of the District Manager, Wrathell, Hunt & Associates, LLC, located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

Section 4. This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED THIS 11TH DAY OF JANUARY, 2024.**

**PALM BAY COMMUNITY DEVELOPMENT DISTRICT**

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**CHAIR/VICE CHAIR, BOARD OF SUPERVISORS**

**ATTEST:**

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**SECRETARY/ASSISTANT SECRETARY**

**EXHIBIT A**

**NOTICE OF LANDOWNERS' MEETING AND ELECTION AND MEETING OF THE BOARD OF SUPERVISORS OF THE PALM BAY COMMUNITY DEVELOPMENT DISTRICT**

Notice is hereby given to the public and all landowners within Palm Bay Community Development District (the "District") in Hillsborough County, Florida, advising that a meeting of landowners will be held for the purpose of electing three (3) persons to the District Board of Supervisors. Immediately following the landowners' meeting there will be convened a meeting of the Board of Supervisors for the purpose of considering certain matters of the Board to include election of certain District officers, and other such business which may properly come before the Board.

DATE: November \_\_, 2024

TIME: \_\_\_\_:\_\_\_\_ A/P.M.

PLACE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Each landowner may vote in person or by written proxy. Proxy forms may be obtained upon request at the office of the District Manager, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431. At said meeting each landowner or his or her proxy shall be entitled to nominate persons for the position of Supervisor and cast one vote per acre of land, or fractional portion thereof, owned by him or her and located within the District for each person to be elected to the position of Supervisor. A fraction of an acre shall be treated as one acre, entitling the landowner to one vote with respect thereto. Platted lots shall be counted individually and rounded up to the nearest whole acre. The acreage of platted lots shall not be aggregated for determining the number of voting units held by a landowner or a landowner's proxy. At the landowners' meeting the landowners shall select a person to serve as the meeting chair and who shall conduct the meeting.

The landowners' meeting and the Board of Supervisors meeting are open to the public and will be conducted in accordance with the provisions of Florida law. One or both of the meetings may be continued to a date, time, and place to be specified on the record at such meeting. A copy of the agenda for these meetings may be obtained from 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, 561-571-0010, during normal business hours. There may be an occasion where one or more supervisors will participate by telephone.

Any person requiring special accommodations to participate in these meetings is asked to contact the District Office at (877) 276-0889, at least 48 hours before the hearing. If you are hearing or speech impaired, please contact the Florida Relay Service at (800) 955-8770 for aid in contacting the District Office.

A person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that such person will need a record of the 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 the appeal is to be based.

Chesley E Adams. Jr.  
District Manager

Run Date(s): \_\_\_\_\_ & \_\_\_\_\_

**PUBLISH: ONCE A WEEK FOR 2 CONSECUTIVE WEEKS, THE LAST DAY OF PUBLICATION TO BE NOT FEWER THAN 14 DAYS OR MORE THAN 28 DAYS BEFORE THE DATE OF ELECTION, IN A NEWSPAPER WHICH IS IN GENERAL CIRCULATION IN THE AREA OF THE DISTRICT**

**INSTRUCTIONS RELATING TO LANDOWNERS' MEETING OF  
PALM BAY COMMUNITY DEVELOPMENT DISTRICT  
FOR THE ELECTION OF SUPERVISORS**

DATE OF LANDOWNERS' MEETING: **November \_\_, 2024**

TIME: \_\_\_\_:\_\_\_\_ **A/P.M.**

LOCATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Pursuant to Chapter 190, Florida Statutes, and after a Community Development District ("**District**") has been established and the landowners have held their initial election, there shall be a subsequent landowners' meeting for the purpose of electing members of the Board of Supervisors ("**Board**") every two years until the District qualifies to have its board members elected by the qualified electors of the District. The following instructions on how all landowners may participate in the election are intended to comply with Section 190.006(2)(b), Florida Statutes.

A landowner may vote in person at the landowners' meeting, or the landowner may nominate a proxy holder to vote at the meeting in place of the landowner. Whether in person or by proxy, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the District, for each position on the Board that is open for election for the upcoming term. A fraction of an acre shall be treated as one (1) acre, entitling the landowner to one vote with respect thereto. Please note that a particular parcel of real property is entitled to only one vote for each eligible acre of land or fraction thereof; therefore, two or more people who own real property in common, that is one acre or less, are together entitled to only one vote for that real property.

At the landowners' meeting, the first step is to elect a chair for the meeting, who may be any person present at the meeting. The landowners shall also elect a secretary for the meeting who may be any person present at the meeting. The secretary shall be responsible for the minutes of the meeting. The chair shall conduct the nominations and the voting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions. Candidates must be nominated and then shall be elected by a vote of the landowners. Nominees may be elected only to a position on the Board that is open for election for the upcoming term.

This year, three (3) seats on the Board will be up for election by landowners. The two candidates receiving the highest number of votes shall be elected for a term of four (4) years. The candidate receiving the next highest number of votes shall be elected for a term of two (2) years. The term of office for each successful candidate shall commence upon election.

A proxy is available upon request. To be valid, each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy does not need to be notarized.

**LANDOWNER PROXY**  
**PALM BAY COMMUNITY DEVELOPMENT DISTRICT**  
**HILLSBOROUGH COUNTY, FLORIDA**  
**LANDOWNERS' MEETING – NOVEMBER \_\_, 2024**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, the fee simple owner of the lands described herein, hereby constitutes and appoints \_\_\_\_\_ (“Proxy Holder”) for and on behalf of the undersigned, to vote as proxy at the meeting of the landowners of the Palm Bay Community Development District to be held at

\_\_\_\_\_, on November \_\_, 2024 at \_\_: \_\_ a/p.m., and at any adjournments thereof, according to the number of acres of unplatted land and/or platted lots owned by the undersigned landowner that the undersigned would be entitled to vote if then personally present, upon any question, proposition, or resolution or any other matter or thing that may be considered at said meeting including, but not limited to, the election of members of the Board of Supervisors. Said Proxy Holder may vote in accordance with his or her discretion on all matters not known or determined at the time of solicitation of this proxy, which may legally be considered at said meeting.

Any proxy heretofore given by the undersigned for said meeting is hereby revoked. This proxy is to continue in full force and effect from the date hereof until the conclusion of the landowners’ meeting and any adjournment or adjournments thereof, but may be revoked at any time by written notice of such revocation presented at the landowners’ meeting prior to the Proxy Holder’s exercising the voting rights conferred herein.

\_\_\_\_\_  
 Printed Name of Legal Owner

\_\_\_\_\_  
 Signature of Legal Owner

\_\_\_\_\_  
 Date

<u>Parcel Description</u>	<u>Acreage</u>	<u>Authorized Votes</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

[Insert above, the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel. If more space is needed, identification of parcels owned may be incorporated by reference to an attachment hereto.]

**Total Number of Authorized Votes:** \_\_\_\_\_

NOTES: Pursuant to Section 190.006(2)(b), Florida Statutes, a fraction of an acre is treated as one (1) acre entitling the landowner to one vote with respect thereto. Moreover, two (2) or more persons who own real property in common that is one acre or less are together entitled to only one vote for that real property.

If the fee simple landowner is not an individual, and is instead a corporation, limited liability company, limited partnership or other entity, evidence that the individual signing on behalf of the entity has the authority to do so should be attached hereto (e.g., bylaws, corporate resolution, etc.).

**OFFICIAL BALLOT**

**PALM BAY COMMUNITY DEVELOPMENT DISTRICT  
HILLSBOROUGH COUNTY, FLORIDA  
LANDOWNERS' MEETING - NOVEMBER \_\_, 2024**

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**For Election (3 Supervisors):** The two (2) candidates receiving the highest number of votes will each receive a four (4) year term, and the one (1) candidate receiving the next highest number of votes will receive a two (2) year term, with the term of office for the successful candidates commencing upon election.

The undersigned certifies that he/she/it is the fee simple owner of land, or the proxy holder for the fee simple owner of land, located within the Palm Bay Community Development District and described as follows:

<b>Description</b>	<b>Acreage</b>
_____	_____
_____	_____
_____	_____

[Insert above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel.] [If more space is needed, identification of parcels owned may be incorporated by reference to an attachment hereto.]

or

**Attach Proxy.**

I, \_\_\_\_\_, as Landowner, or as the proxy holder of \_\_\_\_\_ (Landowner) pursuant to the Landowner's Proxy attached hereto, do cast my votes as follows:

<b>SEAT</b>	<b>NAME OF CANDIDATE</b>	<b>NUMBER OF VOTES</b>
1.	_____	_____
3.	_____	_____
4.	_____	_____

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**PALM BAY  
COMMUNITY DEVELOPMENT DISTRICT**

**UNAUDITED  
FINANCIAL  
STATEMENTS**

**PALM BAY  
COMMUNITY DEVELOPMENT DISTRICT  
FINANCIAL STATEMENTS  
UNAUDITED  
NOVEMBER 30, 2023**

**PALM BAY  
COMMUNITY DEVELOPMENT DISTRICT  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
NOVEMBER 30, 2023**

	<u>Major Funds</u>	<u>Total Governmental Funds</u>
<b>ASSETS</b>	<u>General</u>	<u>Funds</u>
Cash	\$ 65,318	\$ 65,318
Investments	530	530
Accounts receivable	250	250
Due from enterprise fund	22,102	22,102
Teco deposit	430	430
Total assets	<u>\$ 88,630</u>	<u>\$ 88,630</u>
 <b>LIABILITIES AND FUND BALANCES</b>		
<b>Liabilities:</b>		
Lease deposit refundable	<u>2,700</u>	<u>2,700</u>
Total liabilities	<u>2,700</u>	<u>2,700</u>
 <b>Fund Balances:</b>		
Unassigned	<u>85,930</u>	<u>85,930</u>
Total fund balances	<u>85,930</u>	<u>85,930</u>
Total liabilities and fund balance	<u>\$ 88,630</u>	<u>\$ 88,630</u>

**PALM BAY  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
FOR THE PERIOD ENDED NOVEMBER 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessments	\$ 18,455	\$ 22,079	\$ 184,556	12%
Interest & miscellaneous	3	6	250	2%
Total revenues	<u>18,458</u>	<u>22,085</u>	<u>184,806</u>	12%
<b>EXPENDITURES</b>				
<b>Professional</b>				
Supervisors	-	-	5,383	0%
Management	1,545	3,089	18,536	17%
Audit	-	-	7,200	0%
Legal	-	-	2,000	0%
Postage	17	213	425	50%
Meeting room	-	549	1,000	55%
Insurance	-	7,938	8,000	99%
Printing and binding	46	91	548	17%
Legal advertising	-	475	2,000	24%
Other current charges	204	204	800	26%
Annual district filing fee	-	175	175	100%
Website	-	705	705	100%
ADA website compliance	-	-	205	0%
Tax bills	-	-	675	0%
Total professional	<u>1,812</u>	<u>13,439</u>	<u>47,652</u>	28%
<b>Parks &amp; recreation</b>				
Boat lift repair and maintenance	299	2,544	6,000	42%
Lake maintenance	219	439	2,500	18%
2022 Note repayment	-	2,233	44,575	5%
Total parks & recreation	<u>518</u>	<u>5,216</u>	<u>53,075</u>	10%
<b>Access control</b>				
Telephone - gate	296	592	3,000	20%
Insurance - property & causality	-	4,406	3,600	122%
Repairs & maintenance - gate	2,756	5,712	28,000	20%
Landscape maintenance	1,240	2,386	16,000	15%
Contingency	49	93	750	12%
Capital outlay	-	-	3,000	0%
Total access control	<u>4,341</u>	<u>13,189</u>	<u>54,350</u>	24%
<b>Roadway/signage/street lighting</b>				
Electric utility service	1,953	1,953	14,000	14%
Repairs and maintenance	184	184	3,000	6%
Total roadway/signage/street lighting	<u>2,137</u>	<u>2,137</u>	<u>17,000</u>	13%

**PALM BAY  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
FOR THE PERIOD ENDED NOVEMBER 30, 2023**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>Other fees &amp; charges</b>				
Property appraiser & tax collector	369	442	6,729	7%
Total other fees & charges	<u>369</u>	<u>442</u>	<u>6,729</u>	7%
Total expenditures	<u>9,177</u>	<u>34,423</u>	<u>178,806</u>	19%
 Excess/(deficiency) of revenues over/(under) expenditures	 9,281	 (12,338)	 6,000	
 Fund balances - beginning	 76,649	 98,268	 102,954	
Fund balances - ending	<u><u>\$ 85,930</u></u>	<u><u>\$ 85,930</u></u>	<u><u>\$ 108,954</u></u>	

**PALM BAY  
COMMUNITY DEVELOPMENT DISTRICT  
PROPRIETARY FUND  
STATEMENT OF NET POSITION  
NOVEMBER 30, 2023**

<b>ASSETS</b>	<b>Balance</b>
Current assets:	
Cash - SunTrust	\$ 24,979
Accounts receivable - (net of allowances for uncollectible)	13,442
Total current assets	38,421
Noncurrent assets:	
Utility plant and improvements	171,770
Less accumulated depreciation	(171,770)
Total capital assets, net of accumulated depreciation	-
Total noncurrent assets	-
Total assets	38,421
 <b>LIABILITIES</b>	
Current liabilities:	
Accounts payable	6,502
Due to governmental funds	22,102
Customer deposits payable	7,380
Total liabilities	35,984
 <b>NET POSITION</b>	
Unrestricted	2,436
Total net position	\$ 2,436

**PALM BAY  
COMMUNITY DEVELOPMENT DISTRICT  
PROPRIETARY FUND  
STATEMENT OF REVENUES, EXPENSES  
AND CHANGES IN FUND NET POSITION  
FOR THE PERIOD ENDED NOVEMBER 30, 2023**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>OPERATING REVENUES</b>				
Assessment levy	\$ 2,321	\$ 2,776	\$ 23,200	12%
Charges for sales and services:				
Water & sewer	8,718	18,620	110,000	17%
Interest	-	-	10	0%
Total operating revenues	<u>11,039</u>	<u>21,396</u>	<u>133,210</u>	16%
<b>OPERATING EXPENSES</b>				
Water & sewer - county	10,582	10,582	95,767	11%
Contractual maintenance costs	3,251	6,502	21,000	31%
Other current charges	167	328	2,200	15%
Total operating expenses	<u>14,000</u>	<u>17,412</u>	<u>118,967</u>	15%
Operating income	<u>(2,961)</u>	<u>3,984</u>	<u>14,243</u>	28%
<b>NONOPERATING REVENUES/(EXPENSES)</b>				
Property appraiser	-	-	(348)	0%
Tax collector	(46)	(55)	(464)	12%
Total nonoperating revenues/(expenses)	<u>(46)</u>	<u>(55)</u>	<u>(812)</u>	7%
Change in net position	(3,007)	3,929	13,431	
Total net position - beginning	5,443	(1,493)	68,339	
Total net position - ending	<u>\$ 2,436</u>	<u>\$ 2,436</u>	<u>\$ 81,770</u>	

**PALM BAY  
COMMUNITY DEVELOPMENT DISTRICT**

**MINUTES**

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

The Board of Supervisors of the Palm Bay Community Development District held a Public Hearing and Regular Meeting on July 28, 2023 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
Speros Margetis	Assistant Secretary
Joseph Timberlake	Assistant Secretary

**Also present, were:**

Chuck Adams	District Manager
Michael Raymondo	Resident
HOA Board Member	

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 9:01 a.m. Supervisors Aschenbrenner, Bergman, Timberlake and Margetis were present. Supervisor Williamson was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments: Agenda Items**

There were no public comments.

**THIRD ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2023/2024 Budget**

**A. Proof/Affidavit of Publication**

**B. Consideration of Resolution 2023-06, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date**

40 Mr. Adams presented Resolution 2023-06. He reviewed the proposed Fiscal Year 2024  
41 budget, which is unchanged from when it was last presented.

42 **Mr. Adams opened the Public Hearing.**

43 No members of the public spoke.

44 **Mr. Adams closed the Public Hearing.**

45 In response to Mr. Aschenbrenner’s question, Mr. Adams confirmed that there will be  
46 no assessment increase.

47

48 **On MOTION by Mr. Margetis and seconded by Mr. Timberlake, with all in**  
49 **favor, Resolution 2023-06, Relating to the Annual Appropriations and Adopting**  
50 **the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending**  
51 **September 30, 2024; Authorizing Budget Amendments; and Providing an**  
52 **Effective Date, was adopted.**

53

54

55 **FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

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67 Mr. Adams presented Resolution 2023-07. This Resolution directs the District Manager  
68 to finalize the lien roll and transmit it to the Tax Collector for placement of the assessments on  
69 the property tax bills.

70

71 **On MOTION by Mr. Bergman and seconded by Mr. Aschenbrenner, with all in**  
72 **favor, Resolution 2023-07, Making a Determination of Benefit and Imposing**  
73 **Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and**  
74 **Enforcement of Special Assessments, Including but Not Limited to Penalties**  
75 **and Interest Thereon; Certifying an Assessment Roll; Providing for**  
76 **Amendments to the Assessment Roll; Providing a Severability Clause; and**  
77 **Providing an Effective Date, was adopted.**

78

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80 FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date

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Mr. Adams presented Resolution 2023-08.

89 **On MOTION by Mr. Aschenbrenner, and seconded by Mr. Margetis, with all in**  
90 **favor, Resolution 2023-08, Designating Dates, Times and Locations for Regular**  
91 **Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024**  
92 **and Providing for an Effective Date, was adopted.**

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94

95 SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2023

96  
97  
98

Mr. Adams presented the Unaudited Financial Statements as of June 30, 2023.

99 Discussion ensued regarding a water/sewer rate adjustment and operating expenses.

100 Mr. Adams will draft a notice informing residents of the water/sewer rate increase once  
101 the list is updated by the HOA.

102 The financials were accepted.

103

104 SEVENTH ORDER OF BUSINESS

Approval of April 13, 2023 Regular Meeting Minutes

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106  
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Mr. Adams presented the April 13, 2023 Regular Meeting Minutes.

108

109 **On MOTION by Mr. Timberlake and seconded by Mr. Aschenbrenner, with all**  
110 **in favor, the April 13, 2023 Regular Meeting Minutes, as presented, were**  
111 **approved.**

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114 EIGHTH ORDER OF BUSINESS

Staff Reports

115

116 A. District Counsel: Straley Robin Vericker

117 B. District Engineer: Landmark Engineering & Surveying Corp.

118 There were no District Counsel or District Engineer reports.

119 C. District Manager: Wrathell, Hunt and Associates, LLC

120 Mr. Adams stated the Legislature recently passed a bill requiring Special District  
121 Supervisors to undergo four hours of ethics training each year, starting January 2024. Staff will  
122 provide an update at the next meeting.

- 123 • **189 Registered Voters in District as of April 15, 2023**
- 124 • **NEXT MEETING DATE: October 12, 2023 at 9:00 AM**
  - 125 ○ **QUORUM CHECK**

126

127 **NINTH ORDER OF BUSINESS**

**Public Comments: Non-Agenda Items**

128

129 Resident Michael Raymondo voiced his impression that the CDD’s position has been  
130 fairly adamant that the bulkhead around the marina is the homeowner’s responsibility and  
131 asked why the CDD is so adamant about that. He asked if the Board has copies of the Boat Club  
132 document.

133 Mr. Adams stated he can give Mr. Raymondo a copy of District Counsel’s legal opinion,  
134 which states that the homeowner is responsible even though their property lines do not extend  
135 into that barrier. It follows the argument that the benefitting party for the seawall/retaining  
136 wall is the adjacent property and without that adjacent property, the Developer would have  
137 built the lake retention holding pond with a 4:1 earthen slope. There would not be a backyard  
138 or even a pad to build homes on. He stated that the primary purpose of the pond is stormwater  
139 retention to receive runoff and to retain and treat runoff before it discharges; the Developer  
140 marketed it as a marina, developed it as a marina with a boat ramp and a boat cradle that is  
141 available to all residents.

142 Discussion ensued regarding the bulkhead, earthen slope, pond, marina, dock, finger  
143 piers, gangway and a survey. Mr. Adams will email the legal opinion to Mr. Raymondo.

144 Regarding the Boat Club document, Mr. Raymondo stated the document states that the  
145 Boat Club is responsible for repair and maintenance of the common areas. Mr. Bergman stated  
146 all Supervisors have a copy; it was reviewed by District Counsel, who rendered a legal opinion  
147 on it, as well.

148 Discussion ensued regarding the common areas that were supposed to be transferred to  
149 the Boat Club but were not, Exhibit B or Tract B, perimeter ownership of the bulkhead, the Boat  
150 Club being defunct, a grant of easement, deeding the seawall to the homeowner, grey areas,

151 maintenance and repair responsibilities, the boat lift, air rights, assigned benefit to adjacent  
152 property owners and District Counsel’s opinion.

153 Mr. Adams stated the legal opinion has less to do with the survey and more to do with  
154 the slope. He will email the legal opinion regarding the Boat Club to Mr. Raymondo.

155

**TENTH ORDER OF BUSINESS**

**Supervisors’ Requests**

156

157 A Board Member stated that the HOA asked for the CDD to update/improve the front  
158 entry area. He presented a quote from Baycut, to remove shrubs, add river rock and mulch, for  
159 \$4,300.

160  
161 The HOA representative stated there are several dead palm trees near the nature  
162 preserve that he is trying to have Baycut clean up, as, in his opinion, the area really needs it. He  
163 expressed his opinion that the front gate area is very unattractive, has several dead bushes and  
164 needs to be spruced up. He voiced his dissatisfaction with Baycut’s level of service.

165 Discussion ensued regarding the condition of the front gate area, lake, fountain, marina,  
166 pedestrian gate, mulching, cost-sharing with the HOA, assessments, \$4,300 quote and Fund  
167 Balance.

168

**On MOTION by Mr. Aschenbrenner and seconded by Mr. Margetis, with all in favor, designating a not-to-exceed amount of \$4,500 for front entry improvements, was approved.**

172

173

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

174

175

**On MOTION by Mr. Margetis and seconded by Mr. Bergman, with all in favor, the meeting adjourned at 10:32 a.m.**

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

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Chair/Vice Chair

**PALM BAY  
COMMUNITY DEVELOPMENT DISTRICT**

**STAFF  
REPORTS**

**PALM BAY COMMUNITY DEVELOPMENT DISTRICT**

**BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE**

**LOCATION**

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

<b>DATE</b>	<b>POTENTIAL DISCUSSION/FOCUS</b>	<b>TIME</b>
<b>October 12, 2023 CANCELED NO QUORUM</b>	<b>Regular Meeting</b>	<b>9:00 AM</b>
<b>January 11, 2024</b>	<b>Regular Meeting</b>	<b>9:00 AM</b>
<b>April 11, 2024</b>	<b>Regular Meeting</b>	<b>9:00 AM</b>
<b>July 11, 2024</b>	<b>Public Hearing &amp; Regular Meeting</b>	<b>9:00 AM</b>