

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

The Board of Supervisors of the Koa Bay Community Development District held Public Hearings and a Regular Meeting on December 9, 2024 at 10:00 a.m., at the Susan Broom Kilmer Branch Library, 101 Melody Lane, Fort Pierce, Florida 34950.

Present were:

Kathy Houser
Jacob Webb
Joseph “Joby” Slay
Roland LaBonte

Chair
Vice Chair
Assistant Secretary
Assistant Secretary

Also present:

Cindy Cerbone
Chris Conti
Jonathan Johnson (via telephone)
Joe Capra (via telephone)
Steve Marquart (via telephone)
Chad LaBonte
Jill Van Wie
Ryan Perna (via telephone)

District Manager
Wrathell, Hunt and Associates, LLC (WHA)
District Counsel
District Engineer
Captec Engineering, Inc.
Developer
Universal Engineering
Supervisor-Elect

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 10:07 a.m.

Supervisors Houser, Webb, Slay and LaBonte were present. Supervisor-Elect Perna attended via telephone.

SECOND ORDER OF BUSINESS

Administration of Oath of Office to Ryan Perna [Seat 4] (the following will also be provided in a separate package)

Ms. Cerbone stated that the Oath of Office will be administered to Mr. Perna at or before the next meeting.

A. Update: Required Ethics Training and Form 1 Disclosure Filing

B. Membership, Obligations and Responsibilities

C. Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees 2023

D. Form 8B: Memorandum of Voting Conflict

Asked if Staff should keep conflict-of-interest forms on file for the Board Members, Mr. Johnson replied affirmatively.

Ms. Cerbone discussed conflicts of interest and Form 8B.

This item will be carried over to the next agenda.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2025-31, Electing and Removing Officers of the District and Providing for an Effective Date

This item was deferred.

FOURTH ORDER OF BUSINESS

Public Hearing Confirming the Intent of the District to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments as Authorized and Permitted by Section 197.3632, Florida Statutes; Expressing the Need for the Levy of Non-Ad Valorem Assessments and Setting Forth the Legal Description of the Real Property Within the District's Jurisdictional Boundaries that May or Shall Be Subject to the Levy of District Non-Ad Valorem Assessments; Providing for Severability; Providing for Conflict and Providing for an Effective Date

A. Affidavit/Proof of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2025-32, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Koa Bay Community Development District in Accordance with

Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2025-32 and read the title.

On MOTION by Mr. Webb and seconded by Mr. LaBonte, with all in favor, the Public Hearing was opened.

No affected property owners or members of the public spoke.

On MOTION by Mr. Webb and seconded by Ms. Houser, with all in favor, the Public Hearing was closed.

On MOTION by Mr. LaBonte and seconded by Mr. Slay, with all in favor, Resolution 2025-32, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Koa Bay Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements

Ms. Cerbone recalled that, at the Organizational Meeting, the Master Engineer's Report outlining the estimated costs for CDD improvements was presented and the Master Debt Assessment Methodology was presented outlining how, the debt would be levied based on the unit types, if bonds are issued to cover the costs of the infrastructure improvements. She stated that these are the Master Reports and do not actually set the debt; they were presented for the purpose of setting today's Public Hearing and are the same as presented, unless there were minor adjustments. She stated that this is a step in setting the amounts and having the bonds validated.

A. Affidavit/Proof of Publication**B. Mailed Notice to Property Owner(s)**

These items were included for informational purposes.

C. Engineer's Report (for informational purposes)

Mr. Marquardt provided a brief overview of the Engineer's Report dated October 2024, which was presented in depth at the last meeting. He stated that the Engineer's Report is prepared for the usual costs for the infrastructure improvements to be funded by the CDD, which includes stormwater management, roadways, water and wastewater systems, underground conduits, park and trails, hardscape, landscape, etc., as reflected in the Report. The Report sets forth the various land areas in the CDD. The total Master Infrastructure costs are \$62,010,900.

D. Master Special Assessment Methodology Report (for informational purposes)

Ms. Cerbone reviewed the Master Special Assessment Methodology Report dated October 28, 2024, which was presented in depth at the last meeting. She discussed the pertinent information, including the Assessment Apportionment on Appendix Table 5 on Page 14. The estimated CDD improvement construction costs of \$62,010,900. If the CDD were to issue bonds to finance the entire cost of the improvements, it would require issuance of approximately \$86,680,000 in bonds. She pointed out the Annual Debt Service Payment per unit type, if the maximum amount of debt is issued.

- **Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.**

On MOTION by Mr. Webb and seconded by Ms. Houser, with all in favor, the Public Hearing was opened.
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No affected property owners or members of the public spoke.

On MOTION by Mr. Slay and seconded by Mr. Webb, with all in favor, the Public Hearing was closed.
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- E. Consideration of Resolution 2025-33, Authorizing District Projects For Construction and/or Acquisition of Infrastructure Improvements; Equalizing, Approving, Confirming, and Levying Special Assessments on Property Specially Benefited by Such Projects to Pay the Cost Thereof; Providing for the Payment and the Collection of Such Special Assessments by the Methods Provided for by Chapters 170, 190 and 197, Florida Statutes; Confirming the District's Intention to Issue Special Assessment Bonds; Making Provisions for Transfers of Real Property to Homeowners Associations, Property Owners Association and/or Governmental Entities; Providing for the Recording of an assessment Notice; Providing for Severability, Conflicts and an Effective Date**

Ms. Cerbone presented Resolution 2025-33 and read the title. She stated that this Resolution does not levy the debt but sets the groundwork to do it.

Mr. Johnson stated these items are being presented at this time because the Bond Validation Hearing has been scheduled for January and this is part of what Staff brings before the Court for approval and to validate the bonds prior to issuing the bonds.

On MOTION by Mr. Webb and seconded by Mr. LaBonte, with all in favor, Resolution 2025-33, Authorizing District Projects For Construction and/or Acquisition of Infrastructure Improvements; Equalizing, Approving, Confirming, and Levying Special Assessments on Property Specially Benefited by Such Projects to Pay the Cost Thereof; Providing for the Payment and the Collection of Such Special Assessments by the Methods Provided for by Chapters 170, 190 and 197, Florida Statutes; Confirming the District's Intention to Issue Special Assessment Bonds; Making Provisions for Transfers of Real Property to Homeowners Associations, Property Owners Association and/or Governmental Entities; Providing for the Recording of an assessment Notice; Providing for Severability, Conflicts and an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Public Hearing to Hear Public Comments and Objections to the Adoption of the Rules of Procedure, Pursuant to Sections 120.54 and 190.035, Florida Statutes

A. Affidavits of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2025-34, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2025-34. She noted that the Rules of Procedure are based on the Florida Statutes. She discussed public meetings and hearings, workshops, internal controls, rulemaking proceedings, published notices, etc.

On MOTION by Mr. Slay and seconded by Mr. Webb, with all in favor, the Public Hearing was opened.

Ms. Van Wie asked about the bond issuance timing. Ms. Cerbone stated the process typically takes four to six months; it depends on the Developer, Bond Underwriter and the market/economy. Several factors could expedite or delay the process.

On MOTION by Mr. Webb and seconded by Mr. LaBonte, with all in favor, the Public Hearing was closed.

On MOTION by Mr. Slay and seconded by Mr. Webb, with all in favor, Resolution 2025-34, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2025-09, Designating the Location of the Local District Records Office and Providing an Effective Date

This item was deferred.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2025-16, Designating Dates, Times and Locations for Regular Meetings of the Board of

**Supervisors of the District for Fiscal Year
2024/2025 and Providing for an Effective
Date**

This item was deferred.

NINTH ORDER OF BUSINESS

**Consideration of Resolution 2025-30,
Authorizing an Individual Designated by
the Board of Supervisors to Act as the
District's Purchasing Agent for the Purpose
of Procuring, Accepting, and Maintaining
Any and All Construction Materials
Necessary for the Construction,
Installation, Maintenance or Completion of
the District's Infrastructure Improvements
as Provided in the District's Adopted
Improvement Plan; Providing for the
Approval of a Work Authorization;
Providing for Procedural Requirements for
the Purchase of Materials; Approving the
Form of a Purchase Requisition Request;
Approving the Form of a Purchase Order;
Approving the Form of a Certificate of
Entitlement; Authorizing the Purchase of
Insurance; Providing a Severability Clause;
and Providing an Effective Date**

Ms. Cerbone presented Resolution 2025-30 and read the title. If the CDD will direct-purchase above ground materials, Builder's Risk (BR) insurance must be obtained. The cost of the BR insurance can be paid out of the construction fund.

**On MOTION by Mr. Webb and seconded by Ms. Houser, with all in favor,
Resolution 2025-30, Authorizing an Individual Designated by the Board of
Supervisors to Act as the District's Purchasing Agent for the Purpose of
Procuring, Accepting, and Maintaining Any and All Construction Materials
Necessary for the Construction, Installation, Maintenance or Completion of the
District's Infrastructure Improvements as Provided in the District's Adopted
Improvement Plan; Providing for the Approval of a Work Authorization;
Providing for Procedural Requirements for the Purchase of Materials;
Approving the Form of a Purchase Requisition Request; Approving the Form of**

a Purchase Order; Approving the Form of a Certificate of Entitlement; Authorizing the Purchase of Insurance; Providing a Severability Clause; and Providing an Effective Date, was adopted.

TENTH ORDER OF BUSINESS**Approval of Minutes**

- A. October 28, 2024 Landowners' Meeting
- B. October 28, 2024 Organizational Meeting

On MOTION by Ms. Houser and seconded by Mr. Webb, with all in favor, the October 28, 2024 Landowners' Meeting and October 28, 2024 Organizational Meeting Minutes, both as presented, were approved.

ELEVENTH ORDER OF BUSINESS**Staff Reports**

- A. District Counsel: Kutak Rock LLP

Mr. Johnson stated the Bond Validation Hearing is scheduled for Monday, January 6, 2025. It will be a Zoom hearing; the Board does not need to attend.

- B. District Engineer (Interim): Captec Engineering, Inc

There was no report.

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

- NEXT MEETING DATE: February 10, 2025 at 10:00 AM [Fiscal Year 2025 Budget Public Hearing]
 - QUORUM CHECK

Discussion ensued regarding when to hold the budget public hearing.

On MOTION by Mr. Webb and seconded by Mr. Slay, with all in favor, authorizing the Chair to coordinate with District Management to reset the budget Public Hearing from February 10, 2025 to a later date, with a resolution ratifying the new date at the next meeting, was approved.

TWELFTH ORDER OF BUSINESS**Board Members' Comments/Requests**

There were no Board Members' comments or requests.

THIRTEENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Webb and seconded by Mr. Slay, with all in favor, the meeting adjourned at 10:52 a.m.
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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair