



**MARSH HARBOUR
COMMUNITY DEVELOPMENT
DISTRICT**

**PALM BEACH COUNTY
REGULAR BOARD MEETING
& PUBLIC HEARING
JUNE 15, 2023
10:00 A.M.**

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

www.marshharbourcdd.org
561.630.4922 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
MARSH HARBOUR
COMMUNITY DEVELOPMENT DISTRICT
Marsh Harbour Community Clubhouse
1000 Marsh Harbour Drive
Riviera Beach, Florida 33404
REGULAR BOARD MEETING & PUBLIC HEARING
June 15, 2023
10:00 a.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
 - 1. May 19, 2023 Regular Board Meeting.....Page 2
- G. Public Hearing
 - 1. Proof of Publication.....Page 5
 - 2. Receive Public Comments on Fiscal Year 2023/2024 Final Budget
 - 3. Consider Resolution No. 2023-02 – Adopting a Fiscal Year 2023/2024 Final Budget.....Page 6
- H. Old Business
 - 1. Update on Landscape
 - 2. Update on Proposal for Security Cameras
- I. New Business
 - 1. Presentation by Tact Tech Security
 - 2. Discussion Regarding Tree Removal at 2005 Nasau.....Page 13
 - 3. Consider Resolution No. 2023-03 – Adopting a Fiscal Year 2023/2024 Meeting Schedule.....Page 14
 - 4. Consider Resolution No. 2023-04 – Adopting a Records Retention Policy.....Page 16
 - 5. Consider Appointment of Audit Committee & Approval of Evaluation Criteria.....Page 20
- J. Administrative Matters
- K. Board Members Comments
- L. Adjourn

LOCALIQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune
News Herald | The Palm Beach Post
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Marsh Harbour Cdd
Marsh Harbour Cdd
2501 BURNS RD
STE A


PALM BEACH GARDENS FL 334105207

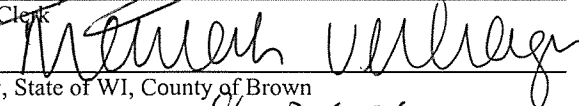
STATE OF FLORIDA, COUNTY OF PALM BEACH

The Palm Beach Post, a daily newspaper printed and published in the city of West Palm Beach and of general circulation in Palm Beach, Martin, Okeechobee and St Lucie Counties, Florida; and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated or by publication on the newspaper's website, if authorized, on:

10/11/2022

and that the fees charged are legal.
Sworn to and subscribed before on 10/11/2022



Legal Clerk


Notary, State of WI, County of Brown
8.28.26

My commission expires

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MARSH HARBOUR COMMUNITY
DEVELOPMENT DISTRICT
FISCAL YEAR 2022/2023
REGULAR MEETING SCHEDULE
NOTICE IS HEREBY GIVEN that
the Board of Supervisors of the
Marsh Harbour Community Devel-
opment District will hold Regular
Meetings at 10:00 a.m. in the Marsh
Harbour Community Clubhouse
located at 1000 Marsh Harbour
Drive, Riviera Beach, Florida 33404
on the following dates:
October 21, 2022
November 18, 2022
December 16, 2022
January 20, 2023
February 17, 2023
March 17, 2023
April 21, 2023
May 19, 2023
June 16, 2023
July 21, 2023
August 18, 2023
September 15, 2023

The purpose of the meetings is to
conduct any business coming before
the Board. Meetings are open to the
public and will be conducted in
accordance with the provisions of
Florida law. Copies of the Agen-
das for any of the meetings may be
obtained from the District's website
or by contacting the District
Manager at (561) 630-4922 and/or toll
free at 1-877-737-4922 prior to the
date of the particular meeting.
From time to time one or more
Supervisors may participate by tele-
phone; therefore a speaker tele-
phone will be present at the meeting
location so that Supervisors may be
fully informed of the discussions
taking place. Meetings may be
continued as found necessary to a
time and place specified on the
record.
If any person decides to appeal any
decision made with respect to any
matter considered at these meet-
ings, such person will need a record
of the proceedings and such person
may need to insure that a verba-
tim record of the proceedings is
made at his or her own expense and
which record includes the testimony
and evidence on which the appeal is
based.
In accordance with the provisions of
the Americans with Disabilities Act,
any person requiring special accom-
modations or an interpreter to
participate at any of these meetings
should contact the District Manager
at (561) 630-4922 and/or toll-free at 1-
877-737-4922 at least seven (7) days
prior to the date of the particular
meeting.
Meetings may be cancelled from
time to time without advertised
notice.
MARSH HARBOUR COMMUNITY
DEVELOPMENT DISTRICT
www.marshharbourcdd.org

MARIAH VERHAGEN
Notary Public
State of Wisconsin



**MARSH HARBOUR
COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
MAY 19, 2023**

A. CALL TO ORDER

The May 19, 2023, Regular Board Meeting of the Marsh Harbour Community Development District (the “District”) was called to order at 10:00 a.m. in the Marsh Harbour Community Clubhouse located at 1000 Marsh Harbour Drive, Riviera Beach, Florida 33404.

B. PROOF OF PUBLICATION

Proof of publication was presented that notice of the Regular Board Meeting had been published in *The Palm Beach Post* on October 11, 2022, as part of the District’s Fiscal Year 2022/2023 Regular Meeting Schedule, as legally required.

C. ESTABLISH A QUORUM

It was determined that the attendance of Chairperson Allen Walker, Vice Chairman Kent Pollock and Supervisors Judy Briggs, Tasha Mullings and Nadine Sampson (via phone) constituted a quorum and it was in order to proceed with the meeting.

Staff present included: District Manager Sylvia Bethel of Special District Services, Inc.; and District Counsel Scott Cochran of Billing, Cochran, Lyles, Mauro & Ramsey, P.A.

Also present was Tara Bennett, the HOA Manager.

D. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

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

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

F. APPROVAL OF MINUTES

1. April 21, 2023, Regular Board Meeting

The minutes of the April 21, 2023, Regular Board Meeting were presented.

A **motion** was made by Mr. Pollock, seconded by Ms. Mullings and unanimously passed approving the minutes of the April 21, 2023, Regular Board Meeting, as presented.

G. OLD BUSINESS

1. Update on Landscaping

Ms. Bethel directed the Board's attention to Page 5 of the meeting book and advised that this correspondence was sent once she informed BrightView that the Board had declined the One Thousand Dollar (\$1,000) credit. It was discovered that BrightView overcharged the District by Three Thousand Five Hundred Fifty-Nine Dollars and Seventy-One Cents (\$3,559.71) due to the revised agreement with BrightView. BrightView never made the adjustment to the monthly amount, therefore an adjustment should be to the amount owed by the District. Mr. Cochran asked the Board if they were willing to give Mr. George the authority to negotiate on the Board's behalf with a cap on the amount they are willing to pay. A lengthy discussion ensued. The Board agreed to let Mr. George negotiate on the Board's behalf. Mr. Pollock indicated that the monthly amount of \$10,859.37, minus the discrepancy of \$3,559.71, equals \$7,299.66, divided by half, equals \$3,649.83, is a reasonable credit and payment. The Board agreed the credit amount would be \$3,649.83 and they would be willing to pay \$3,649.83 to settle with BrightView. Mr. Cochran stated he would get this amount to Mr. George and he will bring an update to the next meeting.

2. Update on Proposal for Security Cameras

Ms. Bethel asked Ms. Bennett if she had received a response from the electrician. Ms. Bennett stated she did follow-up and the light poles cannot support the security cameras. A lengthy discussion ensued. Mr. Pollock stated they could get a proposal to get an idea of how much it would cost the District and could possibly include the cost in next year's budget. Ms. Bethel stated she would email Ms. Bennett an electrician to contact for the proposal.

H. NEW BUSINESS

1. Discussion Regarding Tree Removal at 2005 Nassau

Ms. Bethel advised that this was sent over from the HOA regarding a tree removal. Ms. Briggs explained that the tree's roots were starting to reach the sidewalk and leaving a lot of debris on the sidewalk. A lengthy discussion ensued. Mr. Cochran asked if the tree was on District property. If not, the District cannot have it removed. It was discovered that the tree was not on District property and Ms. Briggs can have the tree removed herself.

2. Consider Tree Root Removal Proposal

Ms. Bethel advised that this was sent over from the HOA for root removal. Ms. Bennett stated this tree was pulling up pavers in the resident's driveway.

A **motion** was made by Mr. Pollock, seconded by Mr. Walker and unanimously passed approving Russ Total Lawn Maintenance, LLC removal of tree root at 2024 Marsh Harbour Drive in the amount of \$600.

I. ADMINISTRATIVE MATTERS

Mr. Cochran noted that Form 1 was due July 1st.

J. BOARD MEMBER COMMENTS

Ms. Bethel suggested keeping an eye on legal fees due to the BrightView negotiations. She indicated that meetings could be cancelled in order to stay within budget.

K. ADJOURNMENT

There being no further business to come before the Board, the Regular Board Meeting was adjourned at 10:44 a.m. on a **motion** made by Mr. Pollock, seconded by Ms. Sampson and the **motion** passed unanimously.

Secretary/Assistant Secretary

Chairman/Vice Chairman

Miscellaneous Notices

Published in The Palm Beach Post on June 2, 2023

Location

Palm Beach County, Florida

Notice Text

Notice of Public Hearing and Regular Board Meeting of the Marsh Harbour Community Development District The Board of Supervisors of the Marsh Harbour Community Development District (the District) will hold a Public Hearing and Regular Board Meeting on June 16, 2023, at 10:00 a.m., or as soon thereafter as can be heard, at the Marsh Harbour Community Clubhouse located at 1000 Marsh Harbour Drive, Riviera Beach, Florida 33404.

The purpose of the Public Hearing is to receive public comment on the Fiscal Year 2023/2024 Proposed Final Budget of the District. The purpose of the Regular Board Meeting is for the Board to consider any business which may properly come before it. A copy of the Budget and/or the Agenda may be obtained at the offices of the District Manager, 2501A Burns Road, Palm Beach Gardens, Florida 33410, during normal business hours. The meetings are open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. Meetings may be continued as found necessary to a time and place specified on the record.

There may be occasions when one or more Supervisors will participate by telephone; therefore, a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at these meetings should contact the District Manager at (561) 630-4922 and/or toll-free at 1-877-737-4922, at least seven (7) days prior to the date of the meetings.

If any person decides to appeal any decision made with respect to any matter considered at this Public Hearing and Regular Board Meeting, such person will need a record of the proceedings and such person may need to ensure that a verbatim record of the proceedings is made at their own expense and which record includes the testimony and evidence on which the appeal is based.

Meetings may be cancelled from time to time without advertised notice.

Marsh Harbour Community Development District

www.marshharbourcdd.org

5/26/23, 6/2/23 8848941

RESOLUTION NO. 2023-02

A RESOLUTION OF THE MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT ADOPTING A FISCAL YEAR 2023/2024 BUDGET.

WHEREAS, the Marsh Harbour Community Development District (“District”) has prepared a Proposed Budget and Final Special Assessment Roll for Fiscal Year 2023/2024 and has held a duly advertised Public Hearing to receive public comments on the Proposed Budget and Final Special Assessment Roll; and,

WHEREAS, following the Public Hearing and the adoption of the Proposed Budget and Final Assessment Roll, the District is now authorized to levy non ad-valorem assessments upon the properties within the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT THAT:

Section 1. The Final Budget and Final Special Assessment Roll for Fiscal Year 2023/2024 attached hereto as Exhibit “A” is approved and adopted, and the assessments set forth therein shall be levied.

Section 2. The Secretary of the District is authorized to execute any and all necessary transmittals, certifications or other acknowledgements or writings, as necessary, to comply with the intent of this Resolution.

PASSED, ADOPTED and EFFECTIVE this 15th day of June, 2023.

ATTEST:

**MARSH HARBOUR
COMMUNITY DEVELOPMENT DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chairperson/Vice Chairperson

Marsh Harbour
Community Development District

**Final Budget For
Fiscal Year 2023/2024
October 1, 2023 - September 30, 2024**

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- IV ASSESSMENT COMPARISON

FINAL BUDGET
MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2023/2024
OCTOBER 1, 2023 - SEPTEMBER 30, 2024

	FISCAL YEAR 2023/2024 BUDGET
REVENUES	
O & M Assessments	678,996
Debt Assessments	253,887
Other Revenues	0
Interest Income	360
TOTAL REVENUES	\$ 933,243
EXPENDITURES	
Supervisor Fees	11,000
Payroll Taxes - Employer	880
Engineering/Inspections	2,000
Lake Maintenance	11,000
Landscaping/Irrigation/Maintenance	150,000
Lighting	35,000
Security	330,000
Management	36,036
Secretarial	4,200
Legal	14,000
Assessment Roll	7,500
Audit Fees	3,700
Insurance	6,700
Legal Advertisements	1,400
Miscellaneous	800
Postage	300
Office Supplies	725
Dues & Subscriptions	175
Trustee Fee	2,500
Continuing Disclosure Fee	350
Website Management	2,000
Reserve/Contingency	18,350
TOTAL EXPENDITURES	\$ 638,616
REVENUES LESS EXPENDITURES	\$ 294,627
Bond Payments	(238,654)
BALANCE	\$ 55,973
County Appraiser & Tax Collector Fee	(18,658)
Discounts For Early Payments	(37,315)
EXCESS/ (SHORTFALL)	\$ -
Carryover Funds From Prior Year	0
NET EXCESS/ (SHORTFALL)	\$ -

DETAILED FINAL BUDGET
MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2023/2024
OCTOBER 1, 2023 - SEPTEMBER 30, 2024

	FISCAL YEAR 2021/2022 ACTUAL	FISCAL YEAR 2022/2023 BUDGET	FISCAL YEAR 2023/2024 BUDGET	COMMENTS
REVENUES				
O & M Assessments	532,414	679,029	678,996	Expenditures Less Interest & Carryover/.94
Debt Assessments	253,579	253,887	253,887	Bond Payments/.94
Other Revenues	0	0	0	
Interest Income	293	360	360	Interest Projected At \$30 Per Month
TOTAL REVENUES	786,286	\$ 933,276	\$ 933,243	
EXPENDITURES				
Supervisor Fees	10,200	11,000	11,000	Supervisor Fees
Payroll Taxes - Employer	780	880	880	Projected At 8% Of Supervisor Fees
Engineering/Inspections	1,967	2,000	2,000	No Change From 2022/2023 Budget
Lake Maintenance	8,135	12,000	11,000	\$1,000 Decrease From 2022/2023 Budget
Landscaping/Irrigation/Maintenance	152,833	150,000	150,000	2022/2023 Expenditure Through 2-28-23 = \$56,869
Lighting	32,992	35,000	35,000	No Change From 2022/2023 Budget
Security	288,503	330,000	330,000	2022/2023 Expenditure Through 2-28-23 = \$131,489
Management	33,984	34,992	36,036	CPI Adjustment (Capped At 3%)
Secretarial	4,200	4,200	4,200	No Change From 2022/2023 Budget
Legal	16,290	13,000	14,000	2022/2023 Expenditure Through 12-31-22 = \$3,675
Assessment Roll	7,500	7,500	7,500	As Per Contract
Audit Fees	3,600	3,600	3,700	\$100 Increase From 2022/2023 Budget
Insurance	5,706	6,100	6,700	Fiscal Year 2022/2023 Expenditure Was \$6,134
Legal Advertisements	855	1,500	1,400	\$100 Decrease From 2022/2023 Budget
Miscellaneous	835	800	800	No Change From 2022/2023 Budget
Postage	304	300	300	No Change From 2022/2023 Budget
Office Supplies	1,228	750	725	\$25 Decrease From 2022/2023 Budget
Dues & Subscriptions	175	175	175	No Change From 2022/2023 Budget
Trustee Fee	2,500	2,500	2,500	No Change From 2022/2023 Budget
Continuing Disclosure Fee	350	350	350	No Change From 2022/2023 Budget
Website Management	2,000	2,000	2,000	No Change From 2022/2023 Budget
Reserve/Contingency	0	20,000	18,350	Reserve/Contingency
TOTAL EXPENDITURES	574,937	\$ 638,647	\$ 638,616	
REVENUES LESS EXPENDITURES	211,349	\$ 294,629	\$ 294,627	
Bond Payments	(242,340)	(238,654)	(238,654)	2024 Principal & Interest Payments
BALANCE	(30,991)	\$ 55,975	\$ 55,973	
County Appraiser & Tax Collector Fee	(4,356)	(18,658)	(18,658)	Two Percent Of Total Assessment Roll
Discounts For Early Payments	(27,215)	(37,317)	(37,315)	Four Percent Of Total Assessment Roll
EXCESS/ (SHORTFALL)	\$ (62,562)	\$ -	\$ -	
Carryover Funds From Prior Year	0	0	0	Carryover Funds From Prior Year
NET EXCESS/ (SHORTFALL)	\$ (62,562)	\$ -	\$ -	

DETAILED PROPOSED DEBT SERVICE FUND BUDGET
MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2023/2024
OCTOBER 1, 2023 - SEPTEMBER 30, 2024

	FISCAL YEAR 2021/2022 ACTUAL	FISCAL YEAR 2022/2023 BUDGET	FISCAL YEAR 2023/2024 BUDGET	COMMENTS
REVENUES				
Interest Income	333	25	100	Projected Interest For 2023/2024
NAV Tax Collection	242,340	238,654	238,654	Maximum Debt Service Collection
Total Revenues	\$ 242,673	\$ 238,679	\$ 238,754	
EXPENDITURES				
Principal Payments	160,000	160,000	165,000	Principal Payment Due In 2024
Interest Payments	79,542	71,766	66,501	Interest Payments Due In 2024
Bond Redemption	0	6,913	7,253	Estimated Excess Debt Collections
Total Expenditures	\$ 239,542	\$ 238,679	\$ 238,754	
Excess/ (Shortfall)	\$ 3,131	\$ -	\$ -	

Series 2015 Bond Refunding Information

Original Par Amount =	\$3,295,000	Annual Principal Payments Due =	May 1st
Interest Rate =	3.24% - 5.45%	Annual Interest Payments Due =	May 1st & November 1st
Issue Date =	August 2015		
Maturity Date =	May 2035		
Par Amount As Of 1/1/23 =	\$2,295,000		

MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT ASSESSMENT COMPARISON

	Fiscal Year 2020/2021 Assessment*	Fiscal Year 2021/2022 Assessment*	Fiscal Year 2022/2023 Assessment*	Fiscal Year 2023/2024 Projected Assessment*
O & M For Two Bedroom Units	\$ 1,325.72	\$ 1,325.65	\$ 1,689.13	\$ 1,689.05
<u>Debt For Two Bedroom Units</u>	<u>\$ 499.52</u>	<u>\$ 499.52</u>	<u>\$ 499.52</u>	<u>\$ 499.52</u>
Total For Two Bedroom Units	\$ 1,825.24	\$ 1,825.17	\$ 2,188.65	\$ 2,188.57
O & M For Three Bedroom Units	\$ 1,325.72	\$ 1,325.65	\$ 1,689.13	\$ 1,689.05
<u>Debt For Three Bedroom Units</u>	<u>\$ 684.28</u>	<u>\$ 684.28</u>	<u>\$ 684.28</u>	<u>\$ 684.28</u>
Total For Three Bedroom Units	\$ 2,010.00	\$ 2,009.93	\$ 2,373.41	\$ 2,373.33

* Assessments Include the Following :

- 4% Discount for Early Payments
- 1% County Tax Collector Fee
- 1% County Property Appraiser Fee

Community Information:

Two Bedroom Units	111
<u>Three Bedroom Units</u>	<u>291</u>
Total Units	402

Three Bedroom Information

Total Units	291
<u>Prepayments</u>	<u>1</u>
Billed For Debt	290

Sylvia Bethel

From: Marsh Harbour <marshharbour1@yahoo.com>
Sent: Tuesday, May 23, 2023 8:41 PM
To: Sylvia Bethel
Subject: Fwd: Attached. Tara

Judy request

Sent from my iPhone

Begin forwarded message:

From: Judy Briggs <judy2005briggs@gmail.com>
Date: May 23, 2023 at 7:57:07 PM EDT
To: Marsh Harbour <marshharbour1@yahoo.com>
Subject: Re: Attached. Tara

Thank you for your response.

Another question, on the opposite side of my garden there was a tree, just like the one I'm asking to be removed, it was leaning, it even came down on our car, I never heard the PM at the time, mentioned he needed a permit, or that he'll have to plant another tree, he had it done pronto, in the back also, there was another tree that they took down, the stump is there for proof, behind me. I can't understand what you're saying.

Judy Briggs

On Tue, May 23, 2023, 5:37 PM Marsh Harbour <marshharbour1@yahoo.com> wrote:

Good evening

Thank you for your email. All have been noted!

Blessings,

Sent from my iPhone

> On May 23, 2023, at 4:46 PM, Judy Briggs <judy2005briggs@gmail.com> wrote:

>

>

> One thing I got to say is that I'm happy that I met with you earlier. Now I understand this FAMILY ORIENTED COMMUNITY!!! I learned things I never knew before.

>

> Thanks

>

> PS. My garden that I GOT PERMISSION for, long before you came here, I want you to know that the land behind my property is slipping away, are you gonna wait until it gets worse to address? You came with City personal about 2 years ago, and their assessment was ,Marsh Harbour HOA problem. I'm asking you to look into the matter.

RESOLUTION NO. 2023-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2023/2024 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary for the Marsh Harbour Community Development District ("District") to establish a regular meeting schedule for fiscal year 2023/2024; and

WHEREAS, the Board of Supervisors of the District has set a regular meeting schedule, location and time for District meetings for fiscal year 2023/2024 which is attached hereto and made a part hereof as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are hereby adopted.

Section 2. The regular meeting schedule, time and location for meetings for fiscal year 2023/2024 which is attached hereto as Exhibit "A" is hereby adopted and authorized to be published.

PASSED, ADOPTED and EFFECTIVE this 15th day of June, 2023.

ATTEST:

**MARSH HARBOUR
COMMUNITY DEVELOPMENT DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chairperson/Vice Chairperson

**MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2023/2024 REGULAR MEETING SCHEDULE**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Marsh Harbour Community Development District will hold Regular Meetings at 10:00 a.m. in the Marsh Harbour Community Clubhouse located at 1000 Marsh Harbour Drive, Riviera Beach, Florida 33404 on the following dates:

October 20, 2023
November 17, 2023
December 15, 2023
January 19, 2024
February 16, 2024
March 22, 2024
April 19, 2024
May 17, 2024
June 21, 2024
July 19, 2024
August 16, 2024
September 20, 2024

The purpose of the meetings is to conduct any business coming before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agendas for any of the meetings may be obtained from the District's website or by contacting the District Manager at (561) 630-4922 and/or toll free at 1-877-737-4922 prior to the date of the particular meeting.

From time to time one or more Supervisors may participate by telephone; therefore a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Meetings may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at (561) 630-4922 and/or toll-free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT

www.marshharbourcdd.org

PUBLISH: PALM BEACH POST 10/11/22

RESOLUTION 2023-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE _____ COMMUNITY DEVELOPMENT DISTRICT PROVIDING FOR THE APPOINTMENT OF A RECORDS MANAGEMENT LIAISON OFFICER; PROVIDING THE DUTIES OF THE RECORDS MANAGEMENT LIAISON OFFICER; ADOPTING A RECORDS RETENTION POLICY; DETERMINING THE ELECTRONIC RECORD TO BE THE OFFICIAL RECORD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Chapter 190, *Florida Statutes*, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business; and

WHEREAS, Section 257.36(5), *Florida Statutes*, requires the District to establish and maintain an active and continuing program for the economical and efficient management of records and to provide for the appointment of a records management liaison officer (“Records Management Liaison Officer”); and

WHEREAS, the District desires for the Records Management Liaison Officer to be an employee of the District or an employee of the District Manager; and

WHEREAS, the District desires to authorize the District’s records custodian to appoint a Records Management Liaison Officer, which may or may not be the District’s records custodian; and

WHEREAS, the District desires to prescribe duties of the Records Management Liaison Officer and provide for the assignment of additional duties; and

WHEREAS, the District’s Board of Supervisors (“Board”) finds that it is in the best interests of the District to adopt by resolution a records retention policy (the “Records Retention Policy”) for immediate use and application.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE _____ COMMUNITY DEVELOPMENT DISTRICT, THAT:

SECTION 1. The District hereby authorizes the District’s records custodian to appoint a Records Management Liaison Officer and report such appointment to the appropriate State of Florida agencies. A Records Management Liaison Officer shall be an employee of the District or the District Manager. The Board, and the District’s records custodian, shall each have the individual power to remove the Records Management

Liaison Officer at any time for any reason. Immediately following the removal or resignation of a Records Management Liaison Officer, the District's records custodian shall appoint a replacement Records Management Liaison Officer.

SECTION 2. The duties of the Records Management Liaison Officer shall include the following:

- A.** Serve as the District's contact with the Florida Department of State, State Library and Archives of Florida;
- B.** Coordinate the District's records inventory;
- C.** Maintain records retention and disposition forms;
- D.** Coordinate District records management training;
- E.** Develop records management procedures consistent with the Records Retention Policy, as amended as provided herein;
- F.** Participate in the development of the District's development of electronic record keeping systems;
- G.** Submit annual compliance statements;
- H.** Work with the Florida Department of State, State Library and Archives of Florida to establish individual retention schedules for the District, from time to time and as may be necessary; and
- I.** Such other duties as may be assigned by the Board or the District's records custodian in the future.

SECTION 3. The District hereby adopts as its Records Retention Policy the applicable provisions of Section 257.36(5), *Florida Statutes*, the rules adopted by the Division of Library and Information Services of the Department of State ("Division") pursuant to Section 257.36, *Florida Statutes*, and the General Records Schedules established by the Division. However, the District will retain certain records longer than required by the General Records Schedules established by the Division as set forth in Exhibit A. To the extent the above statute, rules or schedules are amended or supplemented in the future, the District's Records Retention Policy shall automatically incorporate such amendment or supplement provided that such automatic amendment shall not reduce the retention times set forth in Exhibit A. The Records Retention Policy shall remain in full force and effect until such time as the Board amends the Policy.

SECTION 4. In accordance with section 668.50, Florida Statutes, and section 119.01, Florida Statutes, the Board finds that the electronic record shall be considered the official record and any paper originals are hereby duplicates which may be disposed of unless required to be preserved by any applicable statute, rule or ordinance.

SECTION 5. If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 6. This Resolution shall become effective upon its passage; shall replace, supplant, and supersede any prior policy or resolution of the District regarding records retention; and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED at a meeting of the District Board of Supervisors, this 15th day of June, 2023.

ATTEST:

**COMMUNITY DEVELOPMENT
DISTRICT**

Print name: _____
Secretary / Assistant Secretary

Print name: _____
Chairperson, Board of Supervisors

Exhibit A: Amendments to General Records Schedules Established by the Division

Exhibit A

Amendments to General Records Schedules established by the Division

ADVERTISEMENTS: LEGAL (Item #25)

The District shall retain mailed and published legal advertisements, and corresponding affidavits, relating to proceedings under uniform method of collection of debt assessments permanently. The District shall retain mailed and published legal advertisements, and corresponding affidavits, relating to the levy of assessments securing bonds for five (5) fiscal years provided applicable audits have been released, or until three (3) calendar years after related bonds are redeemed, whichever is later.

AUDITS: INDEPENDENT (Item #56)

The District shall retain the record copy of independent audits for ten (10) fiscal years or until three (3) calendar years after all related bonds are redeemed, whichever is later.

DISBURSEMENT RECORDS: DETAIL (Item #340)

The District shall retain the record copy of disbursement records relating to the use of bonds for five (5) fiscal years provided applicable audits have been released or until three (3) calendar years after related bonds are redeemed, whichever is later.

DISBURSEMENT RECORDS: SUMMARY (Item #341)

The District shall retain the record copy of disbursement records relating to the use of bonds for ten (10) fiscal years provided applicable audits have been released or until three (3) calendar years after related bonds are redeemed, whichever is later.

FINANCIAL REPORTS: LOCAL GOVERNMENT ANNUAL REPORTS (Item #107)

The District shall retain the record copy of disbursement records relating to the use of bonds for ten (10) fiscal years provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later.

INCIDENT REPORT FILES (Item #241)

The District shall retain incident reports for five (5) anniversary years from the date of the incident.

MINUTES: OFFICIAL MEETINGS (PRELIMINARY/AUDIO RECORDINGS/VIDEO RECORDINGS (Item #4)

The District shall retain audio recordings of board of supervisor meetings for five (5) calendar years after adoption of the official minutes.

PROJECT FILES: CAPITAL IMPROVEMENT (Item #136)

The District shall retain the record copy of project files for projects funded with bonds for ten (10) fiscal years after completion of the project provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later.

REAL PROPERTY RECORDS: CONDEMNATION/DEMOLITION (Item #364)

The District shall retain the record copy of project files for condemnation/demolition projects funded with bonds for five (5) anniversary years after final action or until three (3) calendar years after all related bonds are redeemed, whichever is later. The record copy of deeds and easements shall be kept permanently.

REAL PROPERTY RECORDS: PROPERTY ACQUIRED (Item #172)

The District shall retain the record copy of documents related to property acquisitions funded with bonds for three (3) fiscal years after final disposition of the property provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later. The record copy of deeds and easements shall be kept permanently.

**MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT
AUDITOR SELECTION
EVALUATION CRITERIA**

1. *Ability of Personnel (10 Points).*

(E.g., geographic locations of the firm's headquarters or permanent office in relation to the project; capabilities and experience of key personnel; evaluation of existing work load; proposed staffing levels, etc.)

2. *Proposer's Experience (10 Points).*

(E.g. past record and experience of the Proposer in similar projects; volume of work previously performed by the firm; past performance for other Community Development Districts in other contracts; character, integrity, reputation of Proposer, etc.)

3. *Understanding of Scope of Work (10 Points).*

Extent to which the proposal demonstrates an understanding of the District's needs for the services requested.

4. *Ability to Furnish the Required Services (10 Points).*

Present ability to manage this project and the extent to which the proposal demonstrates the adequacy of Proposer's financial resources and stability as a business entity necessary to complete the services required (E.g. the existence of any natural disaster plan for business operations).

5. *Price (10 Points).*

Points will be awarded based upon the price bid for the rendering of the services and reasonableness of the price to the services.

**MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT
REQUEST FOR PROPOSALS**

**District Auditing Services for Fiscal Years 2022/2023, 2023/2024 and 2024/2025
With Two Year Option (2025/2026 and 2026/2027)
Palm Beach County, Florida**

**MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT
AUDITOR SELECTION INSTRUCTIONS TO PROPOSERS**

SECTION 1. DUE DATE. Sealed proposals must be received no later than August 29, 2023 at 4:00 p.m., at the offices of District Manager, located at 2501A Burns Road, Palm Beach Gardens, Florida 33410.

SECTION 2. FAMILIARITY WITH THE LAW. By submitting a proposal, the Proposer is affirming its familiarity and understanding with all federal, state, and local laws, ordinances, rules and regulations that in any manner affect the work. Ignorance on the part of the Proposer will in no way relieve it from responsibility to perform the work covered by the proposal in compliance with all such laws, ordinances and regulations.

SECTION 3. QUALIFICATIONS OF PROPOSER. The contract, if awarded, will only be awarded to a responsible Proposer who is qualified by experience and licensing to do the work specified herein. The Proposer shall submit with its proposal satisfactory evidence of experience in similar work and show that it is fully prepared to complete the work to the satisfaction of the District.

SECTION 4. REJECTION OF PROPOSAL. Proposers shall be disqualified and their proposals rejected if the District has reason to believe that collusion may exist among the Proposers, the Proposer has defaulted on any previous contract or is in arrears on any previous or existing contract, or for failure to demonstrate proper licensure and business organization.

SECTION 5. SUBMISSION OF PROPOSAL. Submit two (2) copies of the Proposal Documents and one digital copy, and other requested attachments at the time and place indicated herein, which shall be enclosed in an opaque sealed envelope, marked with the title “Auditing Services – Marsh Harbour Community Development District” on the face of it.

SECTION 6. MODIFICATION AND WITHDRAWAL. Proposals may be modified or withdrawn by an appropriate document duly executed and delivered to the place where proposals are to be submitted at any time prior to the time and date the proposals are due. After proposals are opened by the District, no proposal may be withdrawn for a period of ninety (90) days.

SECTION 7. PROPOSAL DOCUMENTS. The proposal documents shall consist of the notice announcing the request for proposals, these instructions, the Evaluation Criteria Sheet and a proposal with all required documentation pursuant to Section 12 of these instructions (the “Proposal Documents”).

SECTION 8. PROPOSAL. In making its proposal, each Proposer represents that it has read and understands the Proposal Documents and that the proposal is made in accordance therewith.

SECTION 9. BASIS OF AWARD/RIGHT TO REJECT. The District reserves the right to reject any and all proposals, make modifications to the work, and waive any informalities or irregularities in proposals as it is deemed in the best interests of the District.

SECTION 10. CONTRACT AWARD. Within fourteen (14) days of receipt of the Notice of Award from the District, the Proposer shall enter into and execute a Contract (engagement letter) with the District.

SECTION 11. LIMITATION OF LIABILITY. Nothing herein shall be construed as or constitute a waiver of District’s limited waiver of liability contained in section 768.28, Florida Statutes, or any other statute or law.

SECTION 12. MISCELLANEOUS. All proposals shall include the following information in addition to any other requirements of the proposal documents.

- A. List position or title of all personnel to perform work on the District audit. Include resumes or each person listed; list years of experience in present position for each party listed and years of related experience.
- B. Describe proposed staffing levels, including resumes with applicable certifications.
- C. Three references from projects of similar size and scope. The Proposer should include information relating to the work it conducted for each reference as well as a name, address and phone number of a contact person.

SECTION 13. PROTESTS. Any protest regarding the Proposal Documents, must be filed in writing, at the offices of the District Manager, within seventy-two (72) hours after receipt of the Request for Proposals and Evaluation Criteria or other contract documents. The formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days after the initial notice of protest was filed. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of any right to object or protest with respect to the aforesaid Request for Proposals, Evaluation Criteria, or other contract documents.

SECTION 14. EVALUATION OF PROPOSALS. The criteria to be used in the evaluation are presented in the Evaluation Criteria Sheet, contained within the Proposal Documents.

SECTION 15. REJECTION OF ALL PROPOSALS. The District reserves the right to reject any and all bids, with or without cause, and to waive technical errors and informalities, as determined to be in the best interests of the District.