

# **PALERMO COMMUNITY DEVELOPMENT DISTRICT**

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## **REGULAR MEETING AGENDA**

September 18, 2020

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PREPARED BY:

JPWARD & ASSOCIATES, LLC, 2900 NORTHEAST 12<sup>TH</sup> TERRACE, SUITE 1, OAKLAND PARK, FL 33334

T: 954-658-4900 E: [JimWard@JPWardAssociates.com](mailto:JimWard@JPWardAssociates.com)

# PALERMO COMMUNITY DEVELOPMENT DISTRICT

September 11, 2020

Palermo Community Development District

Dear Board Members:

This Regular Meeting of the Palermo Community Development District will be held on **Friday, September 18, 2020 at 8:30 A.M.**, at the offices of **Lennar Homes, LLC, 10481 Six Mile Cypress Parkway, Ft. Myers, Florida 33966**, and can be accessed through the Web address below.

With the State of Emergency in Florida, and pursuant to Executive Orders 20-69, 20-112, 20-114, 20-150, 20-179, and 20-193 issued by Governor DeSantis on March 20, 2020, April 29, 2020, May 8, 2020, June 23, 2020, July 29, 2020, and August 7, 2020 respectively, and pursuant to Section 120.54(5)9b)2., Florida, Statutes, this meeting will be held utilizing communication media technology due to the current COVID-19 public health emergency.

#### Event address for attendees:

<https://districts.webex.com/districts/onstage/g.php?MTID=e85ce2c5fbb76e1f05d257c0465a9b08e>

**Access Code:** 173 968 8346

**Event password:** Pal1

**Call in information if you choose not to use the web link:**

Phone: **408-418-9388** and enter the access code **173 968 8346** to join the meeting.

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The link to the meeting will also be posted on the District's web site: [www.Palermocdd.org](http://www.Palermocdd.org).

The Agenda is as Follows:

1. Call to Order and Roll Call.
2. Consideration of Minutes:
  - I. August 21, 2020 – Landowners Meeting
3. Consideration of **Resolution 2020-1** canvassing and certifying the results of the landowner’s election of Supervisors held pursuant to Section 190.006(2), Florida Statutes.
4. Consideration of **Resolution 2020-2** a Resolution Re-Designating Certain Officers of the Palermo Community Development District following the landowners Election.
5. Staff Reports
  - a) District Attorney
  - b) District Engineer
  - c) District Manager
6. Supervisor’s Requests and Audience Comments
7. Adjournment

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The Second Order of Business is the consideration of the August 21, 2020 Landowners Meeting Minutes.


The Third Order of Business is the Consideration of **Resolution 2020-1** canvassing and certifying the results of the landowner’s election of Supervisors held pursuant to Section 190.006(2), Florida Statutes.

The Fourth Order of Business is Consideration of **Resolution 2020-2** which designates the officers of the Palermo Community Development District subsequent to the outcome of the Landowners Election which was held on August 21, 2020. Below are the existing officers for the District.

OFFICE	NAME OF OFFICE HOLDER
CHAIRPERSON	RUSSELL SMITH
VICE-CHAIRPERSON	STEVE GABOR
ASSISTANT SECRETARY	DALTON DRAKE
ASSISTANT SECRETARY	SCOTT EDWARDS
ASSISTANT SECRETARY	DAVID NEGIP
SECRETARY & TREASURER	JAMES P. WARD

If you have any questions and/or comments before the meeting, please do not hesitate to contact me directly at (954) 658-4900.

**Palermo Community Development District**



James P. Ward  
District Manager

**MINUTES OF MEETING  
PALERMO  
COMMUNITY DEVELOPMENT DISTRICT**

The Landowner’s Meeting of the Board of Supervisors of the Palermo Community Development District was held on Friday, August 21, 2020 at 8:30 a.m., at the offices of Lennar Homes, LLC, 10481 Six Mile Cypress Parkway, Ft. Myers, Florida 33966.

**Present:**  
Russell Smith  
Scott Edwards

**Also present were:**  
James P. Ward District Manager

**Audience:**

All resident’s names were not included with the minutes. If a resident did not identify themselves or the audio file did not pick up the name, the name was not recorded in these minutes.

**PORTIONS OF THIS MEETING WERE TRANSCRIBED VERBATIM. ALL VERBATIM PORTIONS  
WERE TRANSCRIBED IN *ITALICS*.**

**FIRST ORDER OF BUSINESS** **Call to Order**

District Manager James P. Ward called the meeting to order at approximately 8:48 a.m. He reported with the State of Emergency in Florida, and pursuant to Executive Orders 20-69, 20-112, 20-114, and 20-150, and 20-179 issued by Governor DeSantis on March 20, 2020, April 29, 2020, May 8, 2020, June 23, 2020, and July 29, 2020, respectively and pursuant to Section 120.54(5)9b)2., Florida, Statutes, this meeting was being held utilizing communication media technology due to the current COVID-19 public health emergency. He explained all attendees were present via videoconference or telephone save Mr. Russell Smith who was present in the on-site meeting room location. He noted Mr. Russell Smith was a representative of the landowners. He noted he saw only one other individual in attendance today, Mr. Scott Edwards.

**SECOND ORDER OF BUSINESS** **Chairperson Election**

**Election of a Chairperson for the Purpose of Conducting the Landowner’s Meeting**

*Mr. Ward: Mr. Smith, since I know you are the majority proxy holder today, I’ll ask if you would like to conduct today’s meeting, or I will be glad to continue to do that for you.*

*Mr. Russell Smith: I would like Mr. Ward to act as Chairperson of the Meeting.*

Mr. Ward agreed to act as Chairperson.

**THIRD ORDER OF BUSINESS**

**Election of Supervisors**

- a) Determination of the Number of Voting Units Represented or Assigned by Proxy**
- b) Nominations for Supervisors (five positions)**
- c) Casting of Ballots**
- d) Ballot Tabulations and Results**

*Mr. Ward: The purpose of the Meeting was to elect five Members to the Board of Supervisors. The first item that we deal with is to determine the number of voting units represented or assigned by proxy. I do have a proxy appointing Russell Smith as the holder of the Proxy for 395 votes which represents 100% of the votes within the District itself. Mr. Smith, it would be appropriate for you to nominate five individuals to serve on the Board.*

Mr. Ward explained two seats would serve for four-year terms and three seats would serve for two-year terms.

Mr. Smith nominated Dalton Drake, David Negip, Russell Smith, Scott Edwards, and Steve Gabor.

Mr. Ward asked Mr. Smith to fill out the ballot, sign it, and indicate the number of votes assigned to each nomination. Mr. Smith complied: Dalton Drake received 300 votes, David Negip received 300 votes, Russell Smith received 395 votes, Scott Edwards received 300 votes, and Steve Gabor received 395 votes.

Mr. Ward reported Mr. Smith and Mr. Gabor would serve four-year terms, while Mr. Edwards, Mr. Negip and Mr. Drake would serve two-year terms.

**FOURTH ORDER OF BUSINESS**

**Landowner Questions or Comments**

Mr. Ward asked if there were any Landowner questions or comments; there were none.

**FIFTH ORDER OF BUSINESS**

**Adjournment**

Mr. Ward adjourned the meeting at approximately 8:52 a.m.

Palermo Community Development District

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James P. Ward, Secretary

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Russell Smith, Chairperson

**RESOLUTION 2020-1**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PALERMO COMMUNITY DEVELOPMENT DISTRICT CANVASSING AND CERTIFYING THE RESULTS OF THE LANDOWNERS ELECTION OF SUPERVISORS HELD PURSUANT TO SECTION 190.006(2), FLORIDA STATUTES, AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Palermo 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 Pasco County, Florida; and

**WHEREAS**, pursuant to Section 190.006(2), *Florida Statutes*, a landowners meeting is required to be held within 90 days of the District’s creation and every two years following the creation of the District for the purpose of electing supervisors of the District; and

**WHEREAS**, such landowners meeting was held on August 21, 2020, and at which the below recited persons were duly elected by virtue of the votes cast in his/her favor; and

**WHEREAS**, the Board of Supervisors of the District, by means of this Resolution, desire to canvass the votes and declare and certify the results of said election.

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

**SECTION 1. ELECTION RESULTS.** The following persons are found, certified, and declared to have been duly elected as Supervisors of and for the District, having been elected by the votes cast in their favor as shown:

<b>NAME OF INDIVIDUAL ELECTED</b>	<b>SEAT NUMBER</b>	<b>NUMBER OF VOTES</b>
Russell Smith	1	395
Steve Gabor	2	395
Dalton Drake	3	300
Scott Edwards	4	300
David Negip	5	300

**SECTION 2. TERMS.** In accordance with Section 190.006(2), *Florida Statutes*, and by virtue of the number of votes cast for the Supervisors, the above-named persons are declared to have been elected for the following terms of office:

<b>NAME OF INDIVIDUAL ELECTED</b>	<b>TERM OF OFFICE</b>	<b>TERM UP FOR ELCTION</b>
Russell Smith	FOUR (4)	November, 2024
Steve Gabor	FOUR (4)	November, 2024
Dalton Drake	TWO (2)	November, 2022
Scott Edwards	TWO (2)	November, 2022
David Negip	TWO (2)	November, 2022

**RESOLUTION 2020-1**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PALERMO COMMUNITY DEVELOPMENT DISTRICT CANVASSING AND CERTIFYING THE RESULTS OF THE LANDOWNERS ELECTION OF SUPERVISORS HELD PURSUANT TO SECTION 190.006(2), FLORIDA STATUTES, AND PROVIDING FOR AN EFFECTIVE DATE**

**SECTION 3. SEVERABILITY AND INVALID PROVISIONS.** If any one of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or contract to the policy of express law, but not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way effect the validity of the other provisions hereof.

**SECTION 4. Conflict.** That all Sections or parts of Sections of any Resolutions, Agreements, or actions of the Board of Supervisor's in conflict are hereby repealed to the extent of such conflict.

**SECTION 5. Effective Date.** This Resolution shall take effect upon the passage and adoption of this Resolution by the Board of Supervisors of the Palermo Community Development District.

**PASSED AND ADOPTED THIS 18<sup>th</sup> DAY OF SEPTEMBER, 2020**

**ATTEST:**

**PALERMO COMMUNITY  
DEVELOPMENT DISTRICT**

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James P. Ward, Secretary

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Mr. Russell Smith, Chairperson

**RESOLUTION 2020-2**

**A RESOLUTION RE-DESIGNATING CERTAIN OFFICERS OF THE PALERMO COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY AND INVALID PROVISIONS; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Palermo 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 Lee County, Florida, and:

**WHEREAS**, pursuant to Chapter 190, Florida Statutes, the Board of Supervisors (“Board”) shall organize by election of its members as Chairperson and by directing a Secretary, and such other officers as the Board may deem necessary.

**WHEREAS**, the Board of Supervisors of the Palermo Community Development District desire to appoint the below recited person(s) to the offices specified.

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

**SECTION 1. DESIGNATION OF OFFICERS OF THE DISTRICT.** The following persons are appointed to the offices shown.

OFFICE	NAME OF OFFICE HOLDER
CHAIRPERSON	RUSSELL SMITH
VICE-CHAIRPERSON	STEVE GABOR
ASSISTANT SECRETARY	DALTON DRAKE
ASSISTANT SECRETARY	SCOTT EDWARDS
ASSISTANT SECRETARY	DAVID NEGIP
SECRETARY & TREASURER	JAMES P. WARD

**SECTION 2. SEVERABILITY AND INVALID PROVISIONS.** If any one of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or contract to the policy of express law, but not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way effect the validity of the other provisions hereof.

**SECTION 3. CONFLICT.** That all Sections or parts of Sections of any Resolutions, Agreements, or actions of the Board of Supervisor’s in conflict are hereby repealed to the extent of such conflict.

**SECTION 4. PROVIDING FOR AN EFFECTIVE DATE.** This Resolution shall become effective immediately upon passage.



**RESOLUTION 2020-2**

**A RESOLUTION RE-DESIGNATING CERTAIN OFFICERS OF THE PALERMO COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY AND INVALID PROVISIONS; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE.**

**PASSED AND ADOPTED** this 18<sup>TH</sup> day of September, 2020

**ATTEST:**

**Palermo Community Development District**

\_\_\_\_\_  
James P. Ward, Secretary

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Russell Smith, Chairperson