

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 03/27/24**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:00 a.m. on March 27, 2024, in the Administrative Building and Emergency Operations Center, 359 Hiatt Drive, Palm Beach Gardens, Florida.

1) ROLL CALL

There were present Board President Matthew J. Boykin and Supervisors L. Marc Cohn, Gregory Block, Ellen T. Baker and Brian J. LaMotte; Executive Director Dan Beatty; and General Counsel Kenneth W. Edwards of Caldwell Pacetti, et al.

Also present were Director of Finance & Administration Katie Roundtree; District Engineer Kim Leser; District Clerk Susan Scheff; Director of Operations Ken Roundtree; Budget & Tax Roll Manager Laura Ham; Programs & Facilities Maintenance Administrator Jared Kneiss; Project Coordinator Polly Scherman; Permit Coordinator Kimberly Morgan; Mark Mustian of Nabors, Giblin & Nickerson, P.A.; Jonathan Ricketts of J.T.R., Inc.; Jeff Bergmann of WGI; Jeff Hiscock of Baxter & Woodman; Ray Spear of The Grassroots Corporation; Jim Kraus, Connie Goldberger and Leonard Hasner of PGA National (Unit 11); and Rita Feinman of BallenIsles Country Club (Unit 31).

2) ESTABLISHMENT OF A QUORUM

Mr. Boykin announced that there was a quorum and that it was in order to consider any business to properly come before the Board.

3) ADDITIONS OR DELETIONS TO THE AGENDA

Mr. Beatty reported that no additions or deletions to the Agenda were necessary.

4) APPROVAL OF MINUTES

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving the Minutes of the February 28, 2024 Regular Meeting.

5) COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Mr. Boykin called for any comments from the public for items not on the Agenda to which there was no response.

6) CONSENT AGENDA

Mr. Boykin called for any comments from the public on the Consent Agenda to which there was no response.

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving the following Consent Agenda Items:

- a) Unit No. 2C – Alton
 - i) Consider Seventh Amendment to Maintenance Agreement
 - ii) Consider Acceptance of Bill of Sale – Planned Community Development Buffer
- b) Unit No. 23 – The Shores
Consider Purchase Order to Crocs, LLC
- c) Unit No. 53 – Arden
Consider Ratification of First and Second Amendments to Indemnification & Hold Harmless Agreement
- d) Payment Requests

copies of which are contained in applicable Northern files.

7) REGULAR AGENDA

- a) **UNIT OF DEVELOPMENT NO. 5 – HENRY ROLF**
Consider Encumbrance Modification to Mock Roos & Associates, Inc.

Ms. Leser explained that a Purchase Order was issued to Mock Roos & Associates, Inc. in April 2021 for engineering design, permitting, bidding and construction phase services for the Vista Parkway South Culvert Rehabilitation and Replacement Project. She stated that, at last month's meeting, the Board

approved an emergency amendment to the contract to include the Phase 3 work in the golf course and this encumbrance modification is associated with that emergency work. Ms. Leser reported that the additional amount requested is \$64,936.00. She has reviewed and approved the proposal and recommends Board approval.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving an Encumbrance Modification in the amount of \$64,936.00 to Purchase Order No. 21-467 issued to Mock Roos & Associates, Inc.

**b) UNIT OF DEVELOPMENT NO. 14 – EASTPOINTE
Consider Purchase Order to Crocs, LLC**

Mr. Beatty explained that during a routine inspection, a portion of pipe was identified as in need of repair. He reported that three quotes were requested, two were received and the low quote came from Crocs, LLC in the amount of \$41,500. He stated that Crocs is very qualified to do this work and approval is recommended.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving Purchase Order No. 24-492 to Crocs, LLC in the amount of \$41,500.00.

**c) UNIT OF DEVELOPMENT NO. 20 – JUNO ISLES
Consider Termination of Multi-Party Agreement**

Mr. Beatty stated that, prior to consideration of this item, he will need a motion to remove it from the table.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed removing this item from the table for Board consideration at this time.

Mr. Beatty began by stating that he and Mr. Edwards met with the Town of Juno Beach as well as representatives from The Preserve at Juno Beach Homeowners Association (HOA), as requested. He provided the other parties with a copy of a photo of the proposed boat ramp as well as a photo of the maintenance vehicle that would be utilizing the proposed boat ramp approximately twice a month for about two hours. He stated that Mr. Edwards informed the group that any easement granted for use of the boat ramp would be exclusive to Northern. Mr. Beatty stated that the HOA did not indicate that they have changed their mind about granting the easement. He reported that Northern has not heard anything further from them, so he is requesting that the Board move forward with the formal Notice of Intent to Terminate the Maintenance Agreement. He added that the HOA will still have six months from the letter being issued in which the parties may work on the transition of services or, if they choose, a possible solution with Northern.

Mr. LaMotte asked for Mr. Beatty's confirmation that he met with the HOA and Mr. Beatty responded affirmatively.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed authorizing termination of the Multi-Party Agreement, via the Notice of Intent to Terminate, as presented.

**d) UNIT OF DEVELOPMENT NO. 43 - MIRASOL
Consider Payment Request to WGI, Inc.**

Prior to consideration of the Payment Request to WGI, Inc., Mr. LaMotte recused himself from the vote, having previously filled out a Form 8B on matters involving this company.

Mr. Beatty explained that this item is a payment request in the amount of \$2,170.62 to WGI, Inc. for Unit No. 43 Boardwalk Repairs.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Ms. Baker seconded by Mr. Cohn and passed by the voting members approving a payment request in the amount of \$2,170.62 to WGI, Inc.

8) MISCELLANEOUS REPORTS

a) ENGINEER

Ms. Leser gave the following status updates with accompanying photos under her report:

Unit No. 2C - Alton: Ms. Leser stated that Northern is in the process of completing the neighborhood roadways, noting that Staff is working with Kolter and Schorah & Associates on plans to complete the final lift in Neighborhood 2, Parcel D. She showed photos of the project area as well as the hospital site, reporting that the hospital has plans for 150 beds opening in 2025.

Unit No. 5A – Henry Rolf: Ms. Leser showed photos of the pipe rehabilitation project and noted that the Board approved the related Encumbrance Modification earlier in this meeting.

Unit No. 11 – PGA National: For general Board interest, Ms. Leser displayed photos of the construction project taking place next to Northern’s Administrative Building/EOC, explaining that Northern is not involved in this project. She believes they are building a warehouse/office and an additional office on the site.

Unit No. 14 – Eastpointe: Ms. Leser explained that Northern entered into an Agreement with Eastpointe Country Club and the Developer for a proposed development site in 2019. She showed a site plan denoting what is projected as well as photos of the current project site, explaining that they are currently working on the bypass pipe.

Unit No. 16 – Palm Beach Park of Commerce: Ms. Leser stated that the Venture Way project is being wrapped up and she anticipates closing out this project shortly. There were no photos of this project as nothing has changed since last month.

Unit No. 43 – Mirasol: Ms. Leser reported the Notice to Proceed for the boardwalk project was issued in February and the demolition is expected to begin on April 1st. She displayed photos of the

boardwalk in its current state, noting that the railing and decking is scheduled to be replaced as well as some hurricane hardening.

Ms. Baker asked if the boardwalk will be closed during the renovation and Ms. Leser responded affirmatively, stating that CJ Contracting has maintenance of traffic scheduled to redirect pedestrian traffic. Ms. Leser advised that the Mirasol Master Maintenance Association will be sending emails to alert the Mirasol and PGA National communities that the boardwalk will be closed for a period of time.

Unit No. 53 – Arden: Ms. Leser gave a general overview of the project status, noting that not much has changed since last month. She showed photos of Pod H-North and pointed out the area where the proposed Unit 54 property is located.

b) ATTORNEY

Mr. Edwards reminded the Board that they should be filling out their Form 1 and taking the four-hour ethics course which is now required by Florida Statute. He reported that House Bill 7013 is now ready for submission to the Governor for consideration. He explained that if the bill passes, it will begin the 12-year term limit for current and incoming Board Members. He further explained that the bill would do away with Safe Neighborhood Districts and require Special Districts to set goals and objectives to be reported upon annually and posted on their website.

Mr. Cohn asked about what to do when they complete the ethics course, and Mr. Edwards recommended that they consider sending a copy of their certificate to Northern for its records.

Mr. LaMotte questioned whether someone who had already served 10 years would be able to run for reelection if the next term would exceed the 12-year limit, and Mr. Edwards advised that he would have to research the issue and report back.

c) EXECUTIVE DIRECTOR

Mr. Beatty began his report by recognizing Matt Lee and Pavel Honzik for work they performed this past month which saved Northern approximately \$10,000 by not contracting the job out and handling it in-

house. He also noted that Mr. Honzik has begun the integration of a new type of cell phone communication for redundancy which interfaces with Northern's telemetry system and has been performing flawlessly.

Mr. Beatty stated that the Public and Community Relations Report was included in the Board materials for review.

9) COMMITTEE REPORTS

a) ENGINEERING REVIEW COMMITTEE

i) Consider Committee Recommendations

Mr. Beatty reported the Engineering Review Committee (ERC) met on March 13, 2024, adding that there were two items on the agenda for consideration, each of which will be addressed separately.

Prior to consideration of the ERC recommendations, Mr. LaMotte recused himself from the vote, having previously filled out a Form 8B on matters involving WGI, Inc.

Consider Retainage Amendment for Annual Contracts

Mr. Beatty reported that the first item was to consider modification of the retainage on Northern's annual contracts from 7.5% to 5 % to remain consistent with Northern's publicly bid construction contracts. He stated that the Committee agreed and recommends that the Board approve modifying the retainage amount from 7.5% to 5%, beginning October 1, 2024.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Ms. Baker, seconded by Mr. Block and passed by the voting members accepting the Committee's recommendation to modify the retainage amount on annual contracts from 7.5% to 5%, beginning October 1, 2024.

Review and Ranking of Request for Qualifications Submittals for Project/Consulting Engineers

Mr. Beatty stated that on March 1, 2024, Northern received 22 responses to the Request for Qualifications (RFQ) for Project/Consulting Engineers. He stated that the RFQ was structured around seven

different disciplines, with an established limit of engineering firms for each discipline. He further stated that once the submittals were reviewed, it was determined that submittals had been received for each of the specified disciplines. He explained that Northern received six submittals for both the General Civil with surveying in-house category and the General Civil without surveying in-house category, noting that the established limit for those disciplines had been set at five firms each.

Mr. Beatty explained that rather than eliminate one firm from each of the General Civil disciplines, the Committee agreed and recommends Board acceptance of all the RFQ submittals, thereby expanding the two General Civil disciplines from five to six firms each, and direct Staff to proceed with the preparation of a Consulting Agreement template for future consideration.

Ms. Baker stated that she appreciated all the submittals and read them all, noting she is excited about working with new firms as well as some of Northern's existing firms.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and passed by the voting members accepting the Committee's recommendation to accept of all 22 firms and direct Staff to proceed with the preparation of a Consulting Agreement template.

b) LEGAL COMMITTEE

i) Consider Committee Recommendation

Ms. Roundtree explained that the Legal Committee met on March 21, 2024, to consider the District's current bond counsel vacancy and determine how to proceed with engagement of new bond counsel. She explained that Mark Raymond attended the meeting to discuss the differences between Bond Counsel and Disclosure Counsel and offer his opinion on who he thought would best suit Northern's needs. She reported that it was Mr. Raymond's recommendation and the Committee's recommendation to engage Nabors, Giblin & Nickerson, P.A. (NG&N). She stated that NG&N would likely assign Chris Traber from the Tampa office as Northern's Bond Counsel. She further stated that although Mr. Traber was unable to

attend the meeting today due to a prior commitment, Mark Mustian, the firm's President, is in attendance and can answer any questions the Board may have.

Mr. Mustian addressed the Board and began by complimenting the Board and Staff on how efficiently Northern's Board Meeting is run. He stated that the firm would appreciate the opportunity to work with Northern and he then gave a brief overview of NG&N, noting that it is one of the largest public finance firms in Florida. He confirmed that Chris Traber would be the point person for Northern and he has a lot of experience with assessment-related financings. Mr. Mustian said he has spoken with Mr. Raymond about how Northern does things and he does not expect to change the process.

Ms. Baker asked if there will be any issue with acting as Northern's Bond Counsel and Disclosure Counsel, and Mr. Mustian stated that they do this often and his firm will likely have two different people from the Tampa office assuming those roles.

The Board thanked Mr. Mustian for his time.

Ms. Roundtree explained that the Committee recommendation is to work with NG&N to develop an engagement letter and if it is acceptable to Staff and the Legal Counsel, authorize the Board President or Vice-President to sign it prior to the April Board Meeting. She further explained the need to expedite the process due to the upcoming Unit 2C refunding and stated that the engagement letter would come back to the Board for ratification.

Mr. Boykin called for any comments from the public.

Mr. Jim Krause of PGA National asked about the fee structure, and Mr. Edwards advised that the fees will be set forth in the terms and conditions of the Engagement Agreement.

Ms. Roundtree confirmed that she has reviewed several of NG&N's previous engagement fee structures and they are consistent with industry practice.

Mr. LaMotte asked if Staff has worked with this firm in the past and she advised that Northern Staff has not, but Northern's new Financial Advisor as well as several of Northern's underwriters have worked with them in the past and have been pleased with the interaction.

Ms. Baker stated that Mr. Raymond recommended the firm and was confident in their ability to assist Northern. She further stated that she is very comfortable with Mr. Raymond's vetting process.

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving the engagement of Nabors, Giblin & Nickerson, P.A. as Northern's Bond Counsel and Disclosure Counsel and authorizing the Board President or Vice President to sign and accept the terms of such a letter of engagement upon advice of Staff and General Counsel without awaiting Board approval.

10) RECEIVE AND FILE

The following items were presented to be received and filed:

- U9B - Homeowner Appreciation Email & Response – Eric Vincent
- U9B - Homeowner Appreciation Email & Response – Lucas Schaffer
- Assessment Collection Status;
- Northern Monthly Financial Reports; and
- Proof of Publication of Meeting Notice

copies of which are contained in Northern's records.

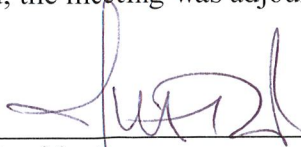
11) COMMENTS FROM THE BOARD

Ms. Baker thanked Staff for their help with the Engineering Review Committee and the Legal Committee. She stated it was a pleasure to work with everyone and she is excited to move forward.

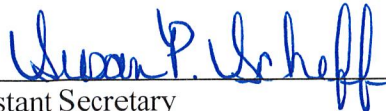
12) ADJOURN

A **motion** was made by Ms. Baker, seconded by Mr. Block and unanimously passed to adjourn the meeting.

There being no further business to come before the Board, the meeting was adjourned.



President



Assistant Secretary