

**MINUTES OF A BOARD OF SUPERVISORS MEETING  
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 08/25/21**

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Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:05 a.m. on August 25, 2021, 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, Adrian M. Salee, Gregory Block, and Ellen T. Baker; Executive Director O'Neal Bardin, Jr.; District Engineer Robert W. Lawson of Arcadis and General Counsel Kenneth W. Edwards of Caldwell Pacetti, et al.

Also present were Deputy Director Dan Beatty; Finance Director Katie Roundtree; District Clerk Susan Scheff; Director of Operations Ken Roundtree; Capital Construction/Permits Administrator Tim Helms; Programs and Facilities Maintenance Administrator Jared Kneiss; Staff Engineer Kim Leser; and Cliff Hertz of Nelson, Mullins, et al. (Unit 16).

**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**

There were no additions or deletions to the agenda.

**4) APPROVAL OF MINUTES**

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Minutes of the July 28, 2021 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 Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the following Consent Agenda Items:

- a) Unit No. 53 – Arden  
Consider Bill of Sale and No Lien Affidavit for Pod G-South Phase 1
- b) Multi-Unit  
Consider Change Order to Aquatic Vegetation Control, Inc. (CO No. 10)
- c) General
  - i) Consider Board Meeting Schedule – Fiscal Year 2021/2022
  - ii) Consider Award of General Services Contract to Industrial Divers Corp. Inc.
- d) Payment Requests

copies of which are contained in applicable Northern files.

## 7) REGULAR AGENDA

### a) UNIT OF DEVELOPMENT NO. 2C – ALTON Status Report

Mr. Beatty began his report by showing the Board the Unit map and then displayed a site plan and aerial photo which delineated Parcel D of the Alton development. He reported that the construction progress is going very well and is on schedule. He then showed photos of the site from multiple directions, explaining that the curbing and utilities have been installed.

Mr. Boykin asked if these are all single-family homes and Mr. Beatty responded affirmatively.

This item was presented for information only and no Board action was required.

**b) UNIT OF DEVELOPMENT NO. 5A – VISTA CENTER OF PALM BEACH  
Consider Acknowledgment and Release to Assignment and Assumption of Exchange Agreement**

Mr. Edwards stated that in July of 2020, Northern entered into an Exchange Agreement with Discovery West Palm Development LLC (Discovery) that had planned to build a senior living facility. He explained that the Agreement was required for relocation of one or more of Northern's lakes. He noted that the Agreement has since been amended twice to allow Discovery additional time.

Mr. Edwards explained that the Agreement included a provision allowing for assignment to another party, provided certain matters were addressed. He noted that Northern was advised that Discovery has sold the property to a group that Northern believes is affiliated with Emerald Dunes, the entity that originally sold the property to Discovery. He reported that Discovery has come to Northern asking that Northern acknowledge the assignment of the Exchange Agreement and release Discovery from its obligations under the Agreement. As a result, Staff is asking that the Board authorize execution of an Acknowledgment and Release that is part of the Assignment and Assumption Agreement between the other two parties.

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

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving execution of the Acknowledgment and Release.

**c) UNIT OF DEVELOPMENT NO. 16 – PALM BEACH PARK OF COMMERCE  
Consider Resolution Adopting the Ninth Amendment to the Plan of Improvements  
(2021-07)**

Mr. Bardin explained that, with regard to the Public Hearing that took place prior to this meeting, a Resolution adopting the Ninth Amendment to the Plan of Improvements is included in the Board's materials and Staff recommends approval.

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

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving Resolution No. 2021-07, as presented.

**d) UNIT OF DEVELOPMENT NO. 53 – ARDEN  
Status Report**

Mr. Beatty gave a status report of this project, initially displaying the Unit map and site plan, followed by aerial photos of Pod G of the Arden development. He reported that most of the construction activities are currently taking place on this site, such as the storage of materials, excavation and related earthwork.

Mr. Boykin asked about the lake to the left of the site, and Mr. Beatty advised that the earthwork is being extended into the lake for construction of a pipe. A discussion followed with regard to the pipe's installation process. Mr. Beatty stated that the project is going very well and is on schedule.

This item was presented for information only and no Board action was required.

**e) GENERAL**

**i) Consider Rate Adjustment Request from Keshavarz & Associates, Inc.**

Mr. Beatty stated that Keshavarz & Associates (Keshavarz) has been one of Northern's Consulting Engineers since 2009. He explained that Keshavarz is still operating under its 2009 payment rate schedule and has requested a rate increase. Mr. Beatty stated that he and Mr. Lawson have reviewed the updated rate and expense schedule, noting that they found it to be consistent with other engineering firms and recommend approval.

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

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the requested rate and expense increases submitted by Keshavarz & Associates, Inc.

**ii) Consider Resolution Approving & Adopting the 2020/2021 Annual Budget and Assessment Roll (2021-08)**

Based on the Public Hearing that took place immediately prior to this meeting, Ms. Roundtree explained that Mr. Edwards has prepared a Resolution for the Board's consideration that approves the 2021/2022 Budget, 2021/2022 Assessment Roll and the levy of the assessments, plus authorizes the certification and submittal of the Assessment Roll to the Tax Collector. She stated that unless Mr. Edwards had further comment regarding the Resolution, a motion was in order.

Mr. Edwards had no further comment.

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

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving Resolution No. 2021-08, as presented.

Mr. Bardin stated that this action marks the end of a very long process that begins on January 1<sup>st</sup> of each year.

**8) MISCELLANEOUS REPORTS**

**a) ENGINEER**

Mr. Lawson had nothing to report.

**b) ATTORNEY**

Mr. Edwards reported that last week he received a document from the Florida Department of Transportation (FDOT) on behalf of Florida's Turnpike Enterprise, which is one of the many co-permittees within Palm Beach County that are subject to the National Pollutant Discharge Elimination System (NPDES) program. Northern is the lead permittee and has a number of Interlocal Agreements with the County, many municipalities and certain special districts that participate in the program. He explained that FDOT, in lieu of using the interlocal agreement method, enters into Joint Participation Agreements (JPA) with Northern, and this particular FDOT JPA is due to expire in September. FDOT

has asked Northern for an amendment extending the JPA for one additional year. He reported that Northern has no objection to this extension and approval is recommended.

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

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the First Amendment to the Joint Participation Agreement with the Florida Department of Transportation (Florida's Turnpike Enterprise), as presented.

**c) EXECUTIVE DIRECTOR**

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

**9) COMMITTEE REPORTS**

**a) ENGINEERING REVIEW COMMITTEE  
Consider Committee Recommendation**

Mr. Beatty reported that the Committee met on August 11, 2021, to consider and rank the engineering firms that provided approach methodologies for design services related to the refurbishment and/or reconstruction of a control structure in Unit 20, Juno Isles. He stated that requests were sent to three of Northern's Project Engineers: AECOM, Mock Roos and WGI, and all three firms submitted proposals. He reported that, after general discussion, the Committee ranked the firms with WGI being first, AECOM as second and Mock Roos as third. Staff is currently in the process of negotiating a reasonable price with WGI for the project, which will be brought back to the Board in the form of a Purchase Order to be considered at a future Board Meeting.

Mr. Edwards advised that there was some confusion on the part of Staff as to who was to Chair the meeting, which resulted in the wrong Committee member serving as Chair. He stated that Staff is asking the Board to ratify this unintentional procedural governance exercise and, as part of the motion, approve the ranking recommendation of the Engineering Review Committee.

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

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed ratifying how the meeting was governed and approving the Engineering Review Committee's ranking recommendation.

Mr. Bardin reiterated that the governance error was on the part of Staff and not that of the Committee members.

#### **10) RECEIVE AND FILE**

The following items were presented to be received and filed:

- Northern Monthly Financial Reports; and
- Proof of Publication of Meeting Notice

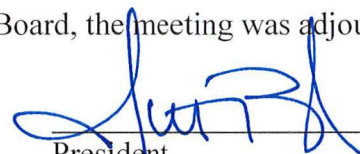
copies of which are contained in Northern's records.

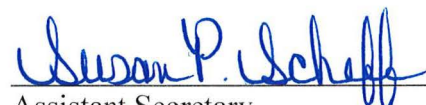
#### **11) COMMENTS FROM THE BOARD**

There were no comments from the Board.

#### **12) ADJOURN**

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

  
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President

  
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Assistant Secretary