

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 05/24/23**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:00 a.m. on May 24, 2023, 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; Technical Assistant/Records Management Specialist Kathleen Maloney-Pollock; and Rita Feinman and Barry Weiss of BallenIsles Country Club (Unit 31).

2) ESTABLISHMENT OF A QUORUM

Mr. Boykin announced 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 requested item 6)e) be moved from the Consent Agenda to the Regular Agenda under General and the Board consented to the request.

4) APPROVAL OF MINUTES

Ms. Baker asked that approval of the Minutes of the April 26, 2023 Regular Meeting be tabled until the June Board Meeting, allowing her additional time to review them.

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed tabling approval of the Minutes of the April 26, 2023 Regular Meeting until the June Board 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. 14 – Eastpointe
Consider Authorization to Record Permit No. PER-14-038 – Hillman
- b) Unit No. 18 – Ibis Golf & Country Club
Consider Authorization to Record Permit No. PER-18-225 – Katzen
- c) Unit No. 34 – Hidden Key
Consider Authorization to Record Permit No. PER-34-013 – Civitella
- d) Unit No. 53 – Arden
Consider Bill of Sale and No Lien Affidavit for Pod I-North
- e) General
 - i) Consider Third Amendment to Project Engineer Agreement with Michael B. Schorah & Associates, Inc.
 - ii) ~~Consider Travel Request – Florida Association of Special Districts Annual Conference (moved to Regular Agenda)~~
- f) 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 by showing the Board the unit map and displaying the site plan. He explained that there are no current photos as the current construction projects have been completed. He stated that Staff is in the process of executing the contract for the final lift of asphalt, noting that construction is expected to commence sometime mid-June.

Mr. Beatty stated that there is a Northern permit for the hospital project and the hospital site is currently being cleared and prepared for that construction.

Ms. Baker had a question regarding an aesthetic issue in the children's park, and Mr. Beatty stated Staff will bring the issue up with the HOA, which is responsible for park maintenance.

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

b) UNIT OF DEVELOPMENT NO. 11 – PGA NATIONAL Consider Water Management Easement and Water Management Maintenance Easement

Ms. Leser explained that this item is for consideration of a Water Management Easement and a Water Management Maintenance Easement by separate instruments. She stated that these two easements were previously dedicated by plat. She noted that the area is being replatted and those easements will be extinguished in the replatting process, so these are replacement easements which will be recorded in advance of the new replat. She reported that the sketches and descriptions of the replacement easements have been reviewed by Keshavarz & Associates, Inc., and its approval letter is included in the Board materials. Ms. Leser stated that no fiscal impacts are associated with the items and Staff recommends approval of the Water Management and Water Management Maintenance Easement.

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 accepting the Water Management and Water Management Maintenance Easements, as presented.

**c) UNIT OF DEVELOPMENT NO. 14 – EASTPOINTE
Consider Acceptance of Quit Claim Deed**

Mr. Edwards stated that this item requires some history. He then explained that Northern entered into an Exchange Agreement with the Eastpointe Country Club, Inc. and EPBG, LLC in 2019 which required Northern to Quit Claim some property to the Country Club. He further explained that subsequently, a plat was recorded which dedicated real property interests to Northern. Following the recording of the plat, it was determined that the Country Club was not going to meet its deadline required by the Quit Claim Deed (QCD), so Northern entered into a Corrective QCD allowing for additional time. Unfortunately, the Corrective QCD used the same metes and bounds legal description as used for the first QCD, and it inadvertently included a small portion of platted Tract W-1 which Northern needs back. Mr. Edwards explained that the QCD by the Eastpointe Country Club, Inc. to Northern that is the subject of this Agenda item accomplishes this reconveyance to Northern, and Staff recommends 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 and accepting the Quit Claim Deed from the Eastpointe Country Club, Inc.

d) UNIT OF DEVELOPMENT NO. 20 – JUNO ISLES

i) Status Report

Mr. Beatty stated that this is a status report on the Unit 20, Juno Isles, weir reconstruction project. He explained that the Board approved a Purchase Order to Murray Logan last month for the restoration of the weir and installation of a passive tidal backflow mechanism. He reported that a successful preconstruction meeting was held with the Boat Owners Association and the Homeowners Association, noting that Murray Logan then mobilized this week. Mr. Beatty completed his report by displaying some photos of the project area.

Mr. Boykin asked if the project is still on track and Mr. Beatty responded affirmatively.

Ms. Baker asked if the South Florida Water Management District (SFWMD) permit exemption was granted. Mr. Beatty advised that he has emailed WGI for a copy of the permit exemption, which he has not yet received, but he further advised that the work falls under maintenance work, so they may proceed without first receiving the exemption.

Ms. Baker asked about the fence shown in the photos and was advised that the homeowner has been informed that the fence will need to be removed for the work.

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

ii) Consider Payment Request to WGI

Mr. Beatty explained that this item is a payment request in the amount of \$3,357.29 to WGI, Inc. for the Unit No. 20 Salinity Weir project which has been moved from the Consent Agenda to the Regular Agenda in order for Mr. LaMotte to recuse himself.

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. 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 approving a payment request in the amount of \$3,357.29 to WGI, Inc.

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

Mr. Beatty began his report by initially displaying the unit map and site plan. He stated that this is a brief status report, as Northern has wrapped up all construction activities and turned all water and sewer improvements constructed thus far over to Palm Beach County Water Utilities. He reported that Staff has not heard from Lennar with respect to any further bond activity, noting that they will need to provide additional funding for any new Northern construction projects.

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

f) GENERAL

Consider Travel Request – Florida Association of Special Districts Annual Conference
(Item moved from the Consent Agenda)

Mr. Beatty stated that this is a travel request authorizing Ms. Baker to attend the Florida Association of Special Districts Annual Conference.

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

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed approving the travel request, as presented.

i) Consider Agreement with Thompson Consulting Services for Storm-Related Debris Monitoring

Ms. Roundtree stated that this is a Cooperative Agreement essentially piggybacking off the Solid Waste Authority's debris monitoring contract with Thompson Consulting Services that uses electronic load tickets as opposed to the prior paper load ticket process. She stated that the version of the Agreement in the Board materials has been slightly modified by Mr. Edwards, so she passed out a copy of the latest version to the Board. Ms. Roundtree briefly reviewed the debris monitoring process, noting that all this work is potentially reimbursable through FEMA.

Mr. LaMotte inquired who Northern performs debris monitoring for and Mr. Beatty advised that Northern has an Interlocal Agreement (ILA) with the City of Palm Beach Gardens (City). Ms. Roundtree further advised that the ILA is for PGA National and BallenIsles, noting that the City is in the process of amending the ILA to add Alton, and this amendment will come to the Board for consideration in the near future. She explained that for areas not under the City's jurisdiction, such as Ibis and The Bear's Club, Northern hires other contractors to handle debris hauling.

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 the Agreement with Thompson Consulting Services for Storm-Related Debris Monitoring.

ii) Presentation of the Proposed 2023/2024 Budget

Ms. Roundtree began by thanking Laura Ham, Northern's Budget & Assessment Roll Manager, and Northern's high school intern, Quinton Dang, for putting this presentation together. She also acknowledged that Lucas Schaffer, Northern's Environmental Manager, took the Budget's cover photo of a Barred Owl.

Ms. Roundtree then gave a PowerPoint presentation and highlighted some information from Northern's proposed Fiscal Year (FY) 2023/2024 Budget. She explained that the proposed FY 2023/2024 Budget is \$42.3 million, which is a 7.2% or approximately \$2.8 million increase from the FY 2022/2023 Budget. She further explained that Staff has remained mindful of the current economic conditions and took that into consideration when evaluating increased assessments. She reported that the budgets for the last few years had some maintenance projects delayed to keep budgets at the same level or with a slight increase, but this year's budget reflects some projects that could not be delayed any longer. She noted that, where available, excess fund balances were used to reduce assessments or projects were planned over several years to reduce the increase.

She presented charts showing the budgets for the past 10 years and the expected debt service for the next 20 years. She also presented a chart comparing the proposed FY 2023/2024 Budget to the FY 2022/2023 Budget and gave a general review of the increases and decreases. Ms. Roundtree showed the Board more detailed charts involving major components of the FY 2023/2024 Budget.

Over the course of the presentation, the Board had questions to which Staff provided answers regarding whether the debt service and capital outlay charts were presented in constant dollars or not, favorable debt interest rates, and use of fund balances to offset assessment increases.

Ms. Roundtree noted that although 87% of Northern's Units have proposed increases, most of those increases result in less than 10% or \$100.00 per parcel. She reviewed some of the larger assessment

increases and explained the reason for each. She then reviewed the process for finalizing the FY 2023/2024 Budget.

Mr. Beatty commended the Finance Department for doing an excellent job.

Mr. Boykin thanked Ms. Roundtree and asked the Board if they had any additional questions.

Mr. LaMotte asked if there were any plans to replace the Deputy Director position, and Mr. Beatty advised him not at this time.

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

8) MISCELLANEOUS REPORTS

a) ENGINEER

Ms. Leser reported that a couple of projects were brought to the Board for consideration last month and one of those was an Award of Contract to J.W. Cheatham (JWC) for the Unit 11, Avenue of the Masters milling and resurfacing project. She stated that during the contract execution process, JWC requested a modification to Northern's standard retainage of 10% until substantial completion. They asked Northern to consider utilizing the Florida Statute (FS) requirement of 5% for public entities, which statute is currently waived in the pending agreement. She explained that Northern typically has retained 10% until a contract is substantially complete and then reduced it to 2% until final completion, noting that JWC asked to modify the 10% to 5%, but did not mention a modification to the 2% retainage. Ms. Leser noted that the FS states 5% retainage throughout and that would be fine with JWC. She also noted that JWC was almost \$300,000 lower than the next low bidder on this project.

Mr. Boykin stated that JWC has worked on many projects for Northern and asked if this has ever come up before. Ms. Leser advised that it was brought up too late into the contract preparation process after they had been awarded the Unit 16 Venture Way project and too late to address in the bidding process for the Unit 2C Phase 2 final paving project. She added that JWC will be requesting this retainage change for future awards, which is why it is being brought to the Board.

Mr. Edwards explained that the Legislature frequently changes retainage percentage requirements and Northern previously decided that rather than having to change its documents every year to address the latest changes, any bidders for Northern projects would waive those provisions regarding retainage and accept 10% retainage until substantial completion and then 2% retainage until final completion. He stated that JWC has agreed to this previously, but has now requested this change for the Unit 2C and Unit 11 projects. Mr. Edwards explained that he asked for this request to be brought to the Board, because it is his belief that this issue should have been brought up during the bidding process, so that all the other contractors would be made aware of the request. He has an issue with JWC requesting the reduction following being awarded the bid, but added that, given that the differential between the lowest bid and the next low bidder in these cases is so significant, the difference in the retainage is de minimis.

Mr. Edwards stated that if the Board should approve the request, Northern would reduce its retainage to 5% for projects that also require payment and performance bonds. He agrees with the modification request and is recommending that the Board approve the change in the referenced Unit 11 and Unit 2C contracts and for all similar project documents moving forward.

There was a general discussion with regard to how often the FS changes and the continued need for the waiver in order to prevent having to change multiple documents and manuals on a regular basis.

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 the request to change the retainage amounts to 5% until final completion, as discussed.

b) ATTORNEY

Mr. Edwards reminded the Board that their Form 1 documents should be arriving by mail shortly and are required to be filed by July 1, 2023.

c) EXECUTIVE DIRECTOR

Mr. Beatty stated that, as Ms. Roundtree reported previously, there have been some personnel changes and two vacant positions have been filled with new employees starting in June. Polly Scherman will be filling the vacancy left by Tim Helms and Kimberly Morgan will be filling in the open Permit Coordinator position.

Mr. Beatty reported that the Budget, Banking & Audit Committee met on May 18, 2023, and Ms. Roundtree will give that report and subsequent Committee recommendation.

Ms. Roundtree stated that the purpose of the Budget, Banking & Audit Committee Meeting was to discuss whether to go out for a Request for Proposals (RFP) for audit services, as Northern had not gone out for an RFP since 2008. She stated that the Committee recommended that the Board go out for an RFP for audit services, and a motion is required.

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 the Budget, Banking & Audit Committee's recommendation to go out for an RFP for audit services.

The Public and Community Relations Report is included in the Board materials for review.

9) RECEIVE AND FILE

The following items were presented to be received and filed:

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

copies of which are contained in Northern's records.

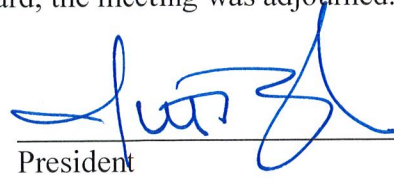
10) COMMENTS FROM THE BOARD

There were no further comments from the Board.

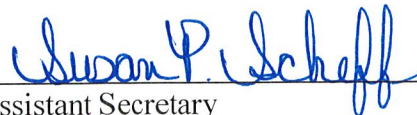
11) ADJOURN

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

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



President



Assistant Secretary