

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 05/26/10**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at 8:00 a.m. on May 26, 2010 in the Administrative Building and Emergency Operations Center, 359 Hiatt Drive, Palm Beach Gardens, Florida.

1. ROLL CALL

There were present Board Vice-President Ronald M. Ash and Supervisors Marilyn Lew-Jacobs, Matthew J. Boykin and Adrian M. Salee; Executive Director and Secretary O'Neal Bardin, Jr., District Engineer Robert W. Lawson and General Counsel Kenneth W. Edwards of Caldwell Pacetti, et al.

As she had previously informed the Board, Board President Deborah A. Diaz was not able to attend.

Also present were Deputy Director C. Danvers Beatty; Finance Director Katie Brunk; Executive Assistant Susan Scheff; Director of Operations Kenneth Roundtree; Construction Manager Tim Helms; Budget & Assessment Roll Manager Laura Ham; Engineering Administrative Assistant JoAnn Osborne; Amy Eason of AECOM; Alan Wertepny of Mock, Roos; David Brobst of Wantman Group, Inc.; Bill Reagan of Raymond James; Ken Tuma of Urban Design Kilday Studios; Shannon LaRocque of Palm Beach County; Fred Roth of Michael B. Schorah & Associates; Jonathan Ricketts of J.T. Ricketts, Inc. and Tad Rowe of Simmons & White.

2. ESTABLISHMENT OF A QUORUM

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

3. ADDITIONS OR DELETIONS TO THE AGENDA

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

4. APPROVAL OF MINUTES

A **motion** was made by Mr. Salee, seconded by Mr. Boykin and unanimously passed approving the Minutes of the April 28, 2010 Regular Meeting.

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

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

6. CONSENT AGENDA

A **motion** was made by Mr. Salee, seconded by Mr. Boykin and unanimously passed approving the following Consent Agenda General Items:

- Unit No. 21 Old Marsh

Consider Authorization to Record Permit No. PER-21-050 - Tauber

- General

Extension Amendments for Annual Service Contracts – Phase 3 of 4

Aerator Contract – Maintenance & Installation Services	Future Horizons, Inc.
Annual Repair & Maintenance of Water Control Structures & Storm Drains (Services)	Shenandoah General Construction Co.
Debris Management	SRS Inc.
Debris Management	Crowder Disaster Recovery
Debris Management	Omni Pinnacle LLC
Debris Management	Sheltra & Son Construction Company Inc.
Electrical Services	C.R.Dunn Inc.
Electrical Services	Davco Electrical Contractors Corp.
Minor Services Contract	Dunworth Construction Inc.
Minor Services Contract	Total Maintenance Building Services Inc.
Minor Services Contract	DeAngelo Brothers Inc. dba Aquagenix
Minor Services Contract	Palmwood Corporation Inc.
Minor Services Contract	The GRASSroots Corporation
Minor Services Contract	Open Space Systems f.k.a. Bart Colucci Inc.
Minor Services Contract	New Earth Total Maintenance, LLC
Mowing - Field Cut	Total Maintenance Building Services Inc.

Mowing - Lawn Cut	Total Maintenance Building Services Inc.
General Contracting Services	The GRASSroots Corporation
Landscape Maintenance 1, 2, 3, 4, 5B, 5D, 9, 9A, 9B, 11, 12, 14, 15, 18, 19, 23, 24, 32, 34, 43 & Office	The GRASSroots Corporation
Minor Asphalt & Concrete Services	The GRASSroots Corporation

copies of which are contained in Northern files.

A **motion** was made by Mr. Salee, seconded by Mr. Boykin and unanimously passed approving the following Consent Agenda Change Orders:

- Unit No. 9A H & J Contracting - Final Quantity (C.O. No 8)

A **motion** was made by Mr. Salee, seconded by Mr. Boykin and unanimously passed approving the following Consent Agenda payments:

Approved Disbursements from May 26, 2010 Board Meeting					
			NOTE	L/O	
	BOND	EIPC	Proceeds	Funding	TOTAL
Unit No. 2C – Scripps II/Briger Tract				3,467.00	3,467.00
Unit No. 9B – Abacoa II		66,257.18			66,257.18
Unit No. 21 – Old Marsh		33,637.50			33,637.50
		99,894.68		3,467.00	103,361.68

copies of which are contained in Northern files.

7. UNIT OF DEVELOPMENT NO. 2/2A – FRENCHMAN’S CREEK/MACARTHUR OVERLAY

Mr. Beatty stated that sediment within the EPB-3 Canal has accumulated and is in need of removal. He showed pictures of the project area and explained that this project includes the excavation and removal of sediment from within approximately 2,600 linear feet of the EPB-3 Canal situated north of Hood Road. He noted that vegetation will also be removed.

Proposals from six of Northern's approved contractors were received and Aqua-Terra provided the lowest quote in the amount of \$66,300.00. Mr. Beatty explained that there was a significant variance in the bid prices received due to different methods proposed to remove the sediment.

Ms. Lew-Jacobs asked if Northern has previously used this contractor and whether Staff has seen this contractor's proposed method used elsewhere. Mr. Beatty confirmed that the District has never used Aqua-Terra for this type of project but Staff has checked their references. In addition, Staff has seen the suggested process of sediment removal used elsewhere and recommends approval of the Purchase Order to Aqua-Terra in the amount of \$66,300.00.

A **motion** was made by Mr. Boykin, seconded by Mr. Salee and unanimously passed approving the Purchase Order to Aqua-Terra in the amount of \$66,300.00.

8. UNIT OF DEVELOPMENT NO. 2C- SCRIPPS II/BRIGER TRACT

- Mr. Bardin stated that the District has successfully negotiated a Landowners Agreement between the Lester Family and the District. He noted that some modifications had been made to the Landowners Agreement and that Mr. Edwards would explain them in further detail.

Mr. Edwards indicated that one of the major modifications dealt with the funding process. Instead of the Landowner providing a deposit, the District will levy a one-time formation assessment as allowed by its enabling legislation, and use this levy to obtain financing for the preparation and design of the Plan of Improvement and Report of Engineer. He explained that this does not obligate the District, and the Landowner is ultimately responsible for funding. Mr. Edwards noted that if the Request for Loan Proposals (RFP) to be discussed later in the agenda does not go forward, all of the parties involved will need to meet and discuss alternative funding options. The other modifications were primarily minor. The timing of notices was changed from 10 business days to 30 calendar days and there were some additional changes to the requirements for reimbursement for out-of-pocket expenses.

Mr. Bardin explained that this same financing process was used in the past for the creation of Units of Development No. 2A, 3 and 19.

Mr. Ash stated that he wanted to discuss the RFP financing agenda item first before calling for a motion on the Landowners Agreement.

- Mr. Bardin discussed the budget development and preparation process of the RFP for funding this project. This request is for a loan in the amount of \$1,052,000, (plus capitalized interest and cost of issuance), the proceeds of which will be used for the preparation of the Unit No. 2C Plan of Improvement and Engineer's Report. He explained that a voluntary pre-submittal conference is scheduled to take place at the District. The District's one-time assessment would be levied in the 2012 tax roll and the loan repaid on August 1, 2013 from the proceeds of that levy. In the event Northern issues bonds for construction of improvements in this Unit, the loan may be repaid earlier.

Mr. Bardin further explained that such a loan does not represent a pledge of Northern's good faith or any of its assets. All of the parties involved understand the District's position and representatives in the audience confirmed same.

Mr. Edwards asked Ken Tuma to speak to the Board with regard to the project's permitting and any other relevant issues. Mr. Tuma gave a brief status report and Mr. Ash thanked him.

A **motion** was made by Mr. Salee, seconded by Mr. Boykin and unanimously passed approving the Landowners Agreement.

A **motion** was made by Mr. Boykin, seconded by Mr. Salee and unanimously passed approving the Request for Proposal for project funding.

Mr. Ash asked Mr. Tuma that he keep the Board informed of the project's progress. Ms. Lew-Jacobs asked that those reports be given to the Board during their regularly scheduled Board Meetings.

9. UNIT OF DEVELOPMENT NO. 51 – HARBOURSIDE

Mr. Bardin explained that the development project this Unit was previously owned by WCI, but recently acquired by Toll Brothers.

Mr. Beatty then presented a brief PowerPoint presentation showing the location of the Unit. He explained that Northern will not be funding the design or construction of any of the Unit’s public improvements. The District will be involved in permitting and high level review as it will be taking over management of the Unit’s stormwater system once it is constructed. Mr. Beatty showed additional slides of the site plan for the project as well as the wetland preserve area and reported that he expects a High Level Maintenance Agreement to be developed once the project is completed.

A general discussion followed with regard to inspections to be performed and the permit inspection fees involved. Mr. Bardin noted that the District has received permitting fees from WCI and still have approximately \$30,000 that it is holding for this purpose. He will find out if WCI’s interest in these funds has been transferred to Toll Brothers. Mr. Bardin also explained that additional status reports will follow as the project progresses.

10. MISCELLANEOUS REPORTS

A) ENGINEER

- Mr. Lawson had nothing to report.

B) ATTORNEY

- Mr. Edwards explained that Northern’s bill was presented to the Governor on May 13th and he has 15 days to take action. If he has not taken action by May 28, 2010, the bill will automatically become law. This item was presented for information only and no Board action was required.

11. COMMITTEE REPORTS

• BUDGET & BANKING COMMITTEE

Presentation of the Proposed 2010/2011 Budget

Ms. Brunk presented the District's current draft budget to the Board and gave an overview through PowerPoint slides.

Mr. Salee asked that the colors be changed on one of the slides to make the information more clear to the reader and Ms. Brunk said she would take care of it. She also briefly ran through the budget calendar and thanked District Staff for their contributions to the budget. The Board thanked Ms. Brunk for her presentation.

Fitch Recalibration

Ms. Brunk had provided the Committee a list of District bond issues that have been reviewed by Fitch Ratings and, as a result of positive factors, have been upgraded from their previous ratings.

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

- Mr. Ash noted that the Executive Director report had been skipped.

C) EXECUTIVE DIRECTOR

- Mr. Bardin presented the Community Information and Press Box Report.

12. RECEIVE AND FILE

Mr. Bardin presented the following items to be received and filed:

- Audit Billing Email from MarcumRachlin;
- Assessment Collection Status as of May 19, 2010;
- Volume No. 12 of the Operations Department Newsletter;
- Northern's Monthly Financial Reports; and
- Proof of Publication of Meeting Notice

copies of which are contained in Northern's files.

13. COMMENTS FROM THE BOARD

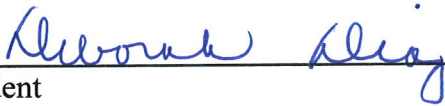
Ms. Lew Jacobs asked about collections and Ms. Brunk noted that the information was included in the Receive and File portion of the agenda packet. She explained that the District has collected the same percentage of the Budget as it had last year at this time.

Per a previous request by Ms. Diaz, Mr. Bardin gave a report on the Units where over 7% remains uncollected and provided his understanding of the possible reasons for same.

A brief discussion followed on the effect of the current economy on Community Development Districts.

14. ADJOURN

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



President



Secretary