

**MINUTES OF A BOARD OF SUPERVISORS MEETING  
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 06/23/10**

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Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at 8:00 a.m. on June 23, 2010 in the Administrative Building and Emergency Operations Center, 359 Hiatt Drive, Palm Beach Gardens, Florida.

**1. ROLL CALL**

There were present Board President Deborah A. Diaz and Supervisors Ronald M. Ash, 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.

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 Scott of Jordan, Jones & Goulding; Jonathan Ricketts of J.T. Ricketts, Inc.; Jeff Collier of Greenberg, Traurig; Shaun McIntyre of North American Properties; Gene Frans of Ironhorse (Unit 24) and Michael O'Rourke (Seat No. 2 Board Member-elect in November).

**2. ESTABLISHMENT OF A QUORUM**

Ms. Diaz 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. Ash and unanimously passed approving the Minutes of the May 26, 2010 Regular Meeting.

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

Ms. Diaz 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 Ms. Lew-Jacobs and unanimously passed approving the following Consent Agenda General Items:

- Unit No. 43 Mirasol

Consider Termination of Construction Agreement

- General

Extension Amendments for Annual Service Contracts – Phase 4 of 4

Aquatic Weed Control and Marsh Maintenance, Unit No. 18	Aquatic Vegetation Control
Maintenance of Natural Preserves, Units 3, 11, 16, 21, 23, 24, 27B, 29, 33, 43 & 45	Arazoza Brothers
Aquatic Weed Cont, Greenway and Preserve Maint, Unit No. 9A/B	DeAngelo Brothers Inc. dba Aquagenix
Aquatic Weed Control and Marsh Maintenance, Unit No. 11	DeAngelo Brothers Inc. dba Aquagenix
Minor Services Contract	DeAngelo Brothers Inc. dba Aquagenix
Aquatic Weed Control and Marsh Maintenance, Units 5A, 16, 19, 21, 23, 24, 27B, 29 & 45	Lake Masters Aquatic Weed Control Inc.
Environmental Liaison , Unit No. 16	Land Design South
Water Quality Monitoring Program, Unit’s 5, 7, 9,11,14,16, 19,21,31& 45	Xenco Laboratories fka Genapure Analytical Services Inc. & U.S Biosystems

copies of which are contained in Northern files.

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

<b>Approved Disbursements from June 23, 2010 Board Meeting</b>					
			<b>NOTE</b>	<b>L/O</b>	
	<b>BOND</b>	<b>EIPC</b>	<b>Proceeds</b>	<b>Funding</b>	<b>TOTAL</b>
<b>Unit No. 2C – Scripps II/Briger Tract</b>				<b>1,786.25</b>	<b>1,786.25</b>
<b>Unit No. 9B – Abacoa II</b>		<b>1,750.00</b>			<b>1,750.00</b>
<b>Unit No. 19 – Regional Center</b>		<b>1,425.00</b>			<b>1,425.00</b>
<b>Unit No. 21 – Old Marsh</b>		<b>19,530.00</b>			<b>19,530.00</b>
<b>Unit No. 44 – The Bear’s Club</b>	<b>2,402.50</b>				<b>2,402.50</b>
<b>Unit No. 51- Frenchman’s Harbor</b>		<b>1,255.00</b>			<b>1,255.00</b>
	<b>2,402.50</b>	<b>23,960.00</b>		<b>1,786.25</b>	<b>28,148.75</b>

copies of which are contained in Northern files.

**7. UNIT OF DEVELOPMENT NO. 2C– SCRIPPS II/BRIGER TRACT**

- Mr. Bardin explained that the South Florida Water Management District has issued an Environmental Resources Permit which is now being challenged. The Permit Challenge will be heard in an Administrative Hearing, but it has not yet been scheduled. It is expected to be scheduled sometime in October, and Brian Joslyn of Casey Ciklin will be representing the Lester Family in this process. Mr. Bardin further stated that although the Permit Challenge will delay the construction process, typically a Permit Challenge is not successful.
- Mr. Bardin noted that the District did submit a Request for Loan Proposals (RFP). Two banks had initially expressed some interest, but no proposals were received. In Staffs’ discussions with Clark Bennett, the banks are not interested in real estate investments in this economy. He reported that District Staff will be researching other financing alternatives.

There was a general discussion on how this lack of interest will affect the project and the entities involved. Mr. Bardin did note that construction must commence by 2013 or the Lester Family will lose all of their entitlements.

**8. UNIT OF DEVELOPMENT NO. 43 – MIRASOL**

Mr. Edwards explained the history of the original connection agreement and the related fees. He stated that a portion of the commercial property has been purchased and Northern needs to Consent to the Assignment of the Agreement in order to complete the land purchase. Mr. Edwards noted that he had reviewed the Assignment of Agreement, requested some changes be made and the other parties have complied with those requests.

Ms. Lew-Jacobs expressed some concerns with regard to the financial status of the purchaser and a general discussion followed.

A **motion** was made by Mr. Salee, seconded by Mr. Boykin and unanimously passed approving the Consent to Assignment of Agreement.

**9. GENERAL**

Mr. Bardin explained that Mr. Ash attended the Florida Association of Special Districts' Annual Conference held in St. Petersburg, FL from June 8<sup>th</sup> through June 11<sup>th</sup>. He further explained that Mr. Ash has requested that he be reimbursed \$90.00 for his golf expense.

Mr. Ash expressed his view that he and Mr. Roundtree, who also attended the conference and played golf, market the District while doing so and, therefore, should be reimbursed.

A general discussion followed and it was the consensus of the Board that golf is an entertainment expense and under the District's Travel Policy should not be reimbursed by the District.

**10. MISCELLANEOUS REPORTS**

**A) ENGINEER**

- Mr. Lawson had nothing to report.

**B) ATTORNEY**

- Mr. Edwards reminded the Board that that their Form 1 - Statement of Financial Interests forms are required to be filled out and filed by July 1st.

**C) EXECUTIVE DIRECTOR**

- Mr. Bardin presented the Community Information and Press Box Report.
- Mr. Bardin noted that last week (June 14-18, 2010) was the candidacy qualifying period to run for Board Seat No. 2 in the November General Election. He stated that Michael J. O'Rourke filed his intent to run with the Supervisor of Elections Office and, as the only qualifying candidate, will take Seat No. 2 in November. Mr. Bardin acknowledged Mr. O'Rourke in the audience and the Board congratulated and welcomed him.
- Mr. Beatty stated that Mr. Roundtree received the Safety Award at this year's Florida Association of Special Districts' Annual Conference. He acknowledged Mr. Roundtree's efforts and noted that he is also President of the Safety Council of the Palm Beaches.
- **Presentation of the Proposed Fiscal Year 2010/2011 Annual Budget and Consideration of TRIM Resolution (2010-03)**

Ms. Brunk stated that the Proposed Budget for Fiscal Year 2010/2011 was reviewed during the May 26, 2010 Board meeting. She noted that the Tax Roll was received in early June and necessitated only minor changes to the proposed unit assessments. As a result, rates decreased less than 1% for all but three assessments and the three remaining rates increased by less than \$1.00 each. Ms. Brunk stated that the Assessment Rates for TRIM ("Truth in Millage") and accompanying Resolution were included in the Board's materials. The Resolution allows for changes to the budget after adoption of the TRIM Resolution.

Ms. Diaz asked when the next Budget & Banking Meeting will take place and Ms. Brunk said that if it complies with the Committee Members' schedules, Staff will schedule the meeting for August 11, 2010. Ms. Diaz also reminded the Board that a Personnel Committee meeting has been scheduled for July 14, 2010.

A **motion** was made by Ms. Lew Jacobs, seconded by Mr. Ash and unanimously passed approving the proposed Annual Budget and corresponding TRIM Resolution No. 2010-03, as presented.

- Mr. Bardin noted that the District had previously been involved with the Western Communities Council. Although the District is not currently involved with this group, Mr. Bardin stated that he continues to receive agendas and minutes and they address issues that are of interest to the District at times. He recommended that the District appoint Mr. Roundtree to attend the meetings and keep the District advised of any items of interest, as he lives in that area and is active in the community.

Ms. Lew-Jacobs expressed her belief that the District should not get involved financially and set a precedent where other related organizations would turn to the District for financial backing.

Mr. Bardin assured Ms. Jacobs that the District would not be making any financial contribution to the organization, and that Mr. Roundtree is only being asked to monitor the Western Communities Council meetings.

A **motion** was made by Mr. Salee, seconded by Mr. Boykin and unanimously passed appointing Kenneth Roundtree as Northern's representative to monitor the Western Communities Council meetings.

- Mr. Salee asked about the outstanding Water Resources Task Force Appointment, and Ms. Diaz mentioned that she had planned to address this item during Board Comments. Ms. Diaz explained that she has reviewed the current Task Force roster and discovered that it mostly consists of elected officials. It is her opinion that either a Board Member or an additional member added to the Engineering Review Committee should be the person representing Northern on the Task Force. She does not believe a District employee should be subject to the reporting requirements involved with being a member of the Task Force.

Ms. Lew-Jacobs stated that she agrees with Ms. Diaz.

Mr. Salee volunteered to serve on the Water Resources Task Force and inquired about the reporting requirements involved.

Mr. Edwards explained that a waiver form and a revised ordinance have been submitted for consideration by the County Commission which may affect some of the requirements. Mr. Bardin also mentioned that a Memorandum of Law was prepared by Peggy Wood of Mr. Edwards' office and Staff could review that with Mr. Salee as well. Mr. Bardin confirmed that District Staff will prepare and send a letter to the Chairman of the Task Force requesting that Mr. Salee be appointed to the Task Force seat originally held by Mr. Bardin.

A **motion** was made by Mr. Boykin, seconded by Mr. Ash and unanimously passed requesting Adrian Salee be confirmed as Northern's appointment to the Water Resources Task Force.

## **11. COMMITTEE REPORTS**

- **ENGINEERING REVIEW COMMITTEE**

**Unit 24 – Ironhorse Country Club  
Consider Policy for Pedestrian Access to Northern Property**

Mr. Beatty explained that at their meeting on February 10, 2010, Northern's Board approved a License Agreement to perpetuate the Country Club's use of golf course facilities constructed on Northern's property. He further explained several of the members of the Ironhorse POA (who are not members of the Country Club) requested they be allowed to use Northern's property as well. Northern's Board agreed but conditioned their approval on their development of an access policy.

Mr. Beatty reported that the Committee was presented with and reviewed a draft access policy, and after general discussion, the Committee requested that a section be added to the policy regarding the placement of signs adjacent to the subject area which would identify the access conditions. The Committee then voted in support of the policy subject to the proposed modifications.

Mr. Beatty stated that the revised policy was included in the Board materials and Northern Staff and the Engineering Review Committee request Board approval of the Pedestrian Access Policy as modified.

A **motion** was made by Mr. Ash, seconded by Mr. Salee and unanimously passed approving the Pedestrian Access Policy.

**Unit 31 –BallenIsles  
Guardhouse Repair Update**

Mr. Beatty reported that the porte-cochere to the guardhouse located on BallenIsles Drive, south of PGA Boulevard, was recently struck by a Waste Management truck while the truck was attempting to exit the development. He showed the Board photos of the damage. District Staff and the District Engineer conducted an analysis, and it was determined that structural damage had occurred.

He stated that meetings were subsequently held with the Insurance Adjuster from Waste Management’s insurance carrier to assess the cost for repairs. Temporary repairs have been made, but the initial estimate for a permanent repair is approximately \$30,000. Northern’s District Engineer will prepare a detailed scope for the repair work and Northern Staff will obtain quotes for the work in accordance with the Engineering Standards Manual. Mr. Beatty confirmed that the award of contract for the repair work will come back to the Board for approval.

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

**12. RECEIVE AND FILE**

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

- 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**

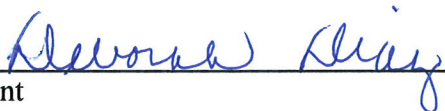
Ms. Lew-Jacobs asked Mr. Bardin if he received additional information about the monies the District has been holding in the Unit No. 51 Landowner's Agreement account. He reported that he was advised that WCI Communities assigned everything to Toll Brothers when they sold the property and the District is waiting to receive written confirmation of same.


Ms. Lew Jacobs asked about collections and Ms. Brunk noted that as of the last Tax Collector's payment, the District has collected the same percentage of the 2009/2010 Budget as it had last year at this time. She explained that the latest collection information was expected to be received from the County later in the day.

Ms. Lew-Jacobs asked about the Community Development District located on Military Trail (Mediterranea). Mr. Bardin told her what he knows about the current status of the project and asked Mr. Beatty to check the plat on that portion of Unit No. 3 and provide him a verbal status report.

**14. ADJOURN**

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

  
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President

  
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Secretary