MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 01/26/11

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at 8:00 a.m. on January 26, 2011 in the Administrative Building and Emergency Operations Center, 359 Hiatt Drive, Palm Beach Gardens, Florida.

1. ROLL CALL

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

Supervisor Michael O'Rourke was not present at roll call but was expected to arrive shortly.

Also present were Deputy Director C. Danvers Beatty; Finance Director Katie Brunk; Executive Assistant Susan Scheff; Director of Operations Kennith Roundtree; Construction Manager Tim Helms; Budget & Assessment Roll Manager Laura Ham; Staff Biologist Sam Payson; Engineering Administrative Assistant JoAnn Osborne; Alan Wertepny of Mock Roos; Karen Brandon of AECOM; Michael Schorah; Martha Carter and Fred Roth of Michael B. Schorah & Associates; Tad Rowe of Simmons & White; and Andy Honeycutt and Jeff Davenport of Davenport Lawrence.

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 December 15, 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:

- General

Consider Amendment to Section 125 Pre-Tax Plan

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 payments:

Approved Disbursements from January 26, 2011 Board Meeting					
			NOTE	L/O	
	BOND	EIPC	Proceeds	Funding	TOTAL
Unit No. 2C – Scripps II/Briger Tract			1,845.00		1,845.00
Unit No. 19 – Regional Center				46,129.50	46,129.50
Unit No. 21 – Old Marsh		51,592.50			51,592.50
Unit No. 51- Frenchman's Harbor		165.00			165.00
General		42,831.00			42,831.00
		94,588.50	1,845.00	46,129.50	142,563.00

copies of which are contained in Northern files.

7. UNIT OF DEVELOPMENT NO. 11–PGA NATIONAL

- Mr. Bardin explained that as discussed at the last meeting, Northern's current property interest via an easement encumbering the Coventry Lane Right-of-Way was deemed insufficient for authorization to build the proposed PGA South Pump Station replacement facility.

Mr. Edwards stated that Northern sought to acquire more property interest through a Quit Claim Deed, and the landowner expressed his willingness to convey the property to Northern. The item being presented to the Board is acceptance of the subject Quit Claim Deed.

Mr. Ash asked Mr. Beatty about access to that property and Mr. Beatty explained the access options currently available.

A **motion** was made by Mr. Salee, seconded by Mr. Boykin and unanimously passed approving acceptance of the Quit Claim Deed as presented.

- Mr. Bardin reported that Northern received a letter from Tom Biggs, P.E. of Mock Roos & Associates following the pump station proposal evaluation. Mr. Bardin and Ken Edwards met with Mr. Biggs as well as their attorney, Steve Bull, on January 13, 2011. He reported that they expressed several concerns with regard to the engineering selection and ranking process, and Mr. Edwards asked Mr. Bull to provide those concerns in writing to Northern so the Board can address those issues to the extent they choose. This letter has not yet been received.

Mr. Beatty reported that the process of developing the Purchase Orders for the pump stations is currently taking place and those Purchase Orders should come before the Board at the February meeting.

Mr. Edwards clarified that the issues being discussed within the Mock Roos protest should not affect moving forward with the pump station design. The discussions with Mock Roos are for the purpose of considering recommendations to improve the process for future proposals.

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

8. UNIT OF DEVELOPMENT NO. 20–JUNO ISLES

Mr. Bardin reviewed the request from John Gary, the landowners' attorney, that Northern consider conveying three parcels to the adjacent landowners. He explained that the Legal Committee approved the conveyance of the land to the landowners upon the conditions that the District Engineer determines the property in question is not needed by Northern to carry out the Plan of Improvements and that the property is sold to the landowners for its appraised value. Mr. Bardin has met with and engaged an appraiser and the appraisal process is currently taking place.

Mr. O'Rourke joined the meeting at this time.

Mr. Ash asked when the appraisal is expected and Mr. Bardin believes it will take a week to ten days to complete.

Mr. Bardin also stated that the District Engineer has reviewed the legal descriptions and provided a letter stating the property is not necessary to carry out the Plan of Improvements.

A general discussion followed with regard to what would happen to the proceeds from the land sale, as well as the value of the property improvements that are on Northern-owned property (i.e. docks and boat lifts). Mr. Bardin noted that the Board may wish to refer the discussion of these types of improvements to a Committee for further review.

Mr. Edwards clarified that extensive research could be involved to determine what improvements existed prior to Northern's obtaining title to the land.

Mr. O'Rourke asked Mr. Edwards about canal property easement/ownership and Mr. Edwards described what area is currently Northern's property.

Mr. Salee expressed his concern about Northern losing its property rights.

It was the consensus of the Board that this item be directed to the Legal Committee for further consideration following receipt of the property appraisal.

9. UNIT OF DEVELOPMENT NO. 21–OLD MARSH

Mr. Beatty gave a brief status report of the bridge construction project and presented accompanying photos. He stated that he will continue to provide updated photos of the progress of this project.

10. UNIT OF DEVELOPMENT NO. 44 – THE BEAR'S CLUB

Mr. Bardin explained the Legal Committee met on December 6, 2010 to discuss issues regarding unauthorized removal of wetlands and placement of fill and drainage improvements within Northern property.

Mr. Bardin stated that the Committee directed Staff to develop a list of proposed remedial actions which Northern will require The Bear's Club to satisfy in order for Northern to amend the Property Return Agreement, issue its permit and approve a Quit Claim Deed for the disturbed area of the buffers and wetlands. Staff met to discuss these issues and proposed the following required actions by The Bear's Club:

Resolution of the Army Corps of Engineers Notice of Non-Compliance
Resolution of the South Florida Water Management District Notice of Non-Compliance
Execution of the West Palm Beach Mitigation Agreement
Fund the approved offsite mitigation
Execution of the Amended Conservation Easement
Reimbursement of Northern's engineering and legal expenses ($17,000.00)
Penalty payment to Northern in the amount of $5,000.00

Mr. Bardin explained that the penalty amount matches that requested by the South Florida Water Management District.

He stated that there is still a question whether the Army Corps of Engineers (ACOE) has jurisdiction in this matter. The landowner met with the ACOE, but has not received a response from the ACOE as a result of the meeting. Staff has been told that a report has been drafted and sent to Jacksonville for final review.

Mr. Ash asked the Legal Committee members if they are satisfied with the list and Mr. O'Rourke expressed his concern that the ACOE issue has not yet been resolved.

Mr. Edwards explained that he had recently spoken with Jose Rivera at the ACOE and was informed that the matter is moving forward.

Mr. Ash asked that Mr. Bardin arrange for a representative of Unit No. 44 to attend the February 23, 2011 Board meeting.

No further action was taken at this time.

11. UNIT OF DEVELOPMENT NO. 49–NORTHERN PALM BEACH COUNTY BUSINESS PARK

Mr. Beatty reviewed the turnover of the stormwater management system to Northern and the Easement required for same. He noted that the sketches and legal descriptions have been received and reviewed by the District Engineer. He also noted that the Bill of Sale includes physical improvements that will be accepted and maintained by Northern.

Mr. Beatty explained Northern Staff and Consultants are requesting Board approval of the Easement and Bill of Sale predicated on satisfaction of the following three conditions:

1. Execution of a memorandum of understanding between Northern and Palm Beach County as a result of an overlap of the Easement and a Palm Beach County Easement.
2. Authorization from the Town of Lake Park for drainage flow through a Town owned culvert.
3. Execution of a consent and joinder to the Easement by Congress Industrial, LLC.

Mr. Boykin asked about the type of property and Mr. Beatty advised that it is commercial.

Mr. Salee inquired about any future risk for water management if the property is developed, and Mr. Beatty explained that all water management requirements must be met for any future development.

A **motion** was made by Mr. Boykin, seconded by Mr. Salee, and unanimously passed approving the Easement and Bill of Sale predicated upon satisfaction of the conditions listed above.

12. UNIT OF DEVELOPMENT NO. 51– FRENCHMAN'S HARBOR

Mr. Lawson presented a status report of this project and presented accompanying photos of the bulkhead, beautification efforts, compaction for future building and bridge construction. He will continue to provide the Board with project updates and photos.

13. GENERAL

Mr. Bardin provided the Board with an outline on the Formation of a Unit (a copy of which is attached) and explained the initial process once the Board receives a petition for unit formation from a landowner. He stated that this is the first of a series of monthly reviews with regard to the process required when forming and implementing a Unit of Development.

Mr. Bardin explained that the Unit No. 2C project will be the next large project going through the development process and these updates will familiarize the Board Members with the steps required.

A general discussion followed with regard to some historical problems with the development process, as well as questions with regard to the landscaping policy and landowner notification requirements.

Mr. Edwards also reviewed a second method of unit formation which involves the Board initiating its own unit formation by super majority. Mr. Bardin explained that the second methodology has only been used twice in Northern's history when it was deemed absolutely necessary.

Mr. Ash thanked Mr. Bardin for the information and inquired about next month's report. Mr. Bardin confirmed the next item will cover the Landowner Agreement negotiation and execution process.

14. MISCELLANEOUS REPORTS

A) ENGINEER

- Mr. Lawson had nothing to report.

B) ATTORNEY

- Mr. Edwards reported that preparation for the upcoming Legislative Session has begun and his firm is monitoring several proposed bills which may affect special districts. He will provide reports as information becomes available.

C) EXECUTIVE DIRECTOR

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

15. COMMITTEE REPORTS

- **ENGINEERING REVIEW COMMITTEE**

Mr. Beatty explained that an ERC meeting was held on January 19, 2011. He advised that three items were discussed and all three received favorable recommendations for Board approval from the Committee. The items presented for Board approval are:

Unit of Development No. 2C, Briger Tract

- Purchase Order to Michael B. Schorah & Associates for Phase 1 Engineering Design and POI/ROE Coordination in the amount of $883,750.00.
- Purchase Order to Arcadis-US, Inc. for Phase 1 Engineering Design and POI/ROE Coordination, Plan Review & Bid Administration in the amount of $69,200.00.

Unit of Development No. 44, Bear's Club – Final Lift of Asphalt

- Change Order to Arcadis-US, Inc. for additional services in the amount of $11,154.75.

A **motion** was made by Mr. Salee, seconded by Mr. Boykin, and unanimously passed approving the three recommendations of the ERC Committee items as presented.

16. RECEIVE AND FILE

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

- Operations Department Newsletter;
- Emails to the Office through the Website;
- Northern's Quarterly Financial Reports; and
- Proof of Publication of Meeting Notice

copies of which are contained in Northern's files.

17. COMMENTS FROM THE BOARD

Mr. Ash asked Mr. Bardin to arrange for someone from the Unit No. 2C project to present a report to the Board next month. Mr. Bardin advised that he will ask Fred Roth to make a presentation.

18. ADJOURN

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

President

Secretary