

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 09/25/24**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District was called to order at approximately 8:04 a.m. on September 25, 2024, 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, and Ellen T. Baker; 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; Programs & Facilities Maintenance Administrator Jared Kneiss; Project Coordinator Polly Scherman; Permit Coordinator Kimberly Marcello; Technical Assistant/Records Management Specialist Kathleen Maloney-Pollack; Invasive Species Biologist Grant Black; Frances Bethel of Caldwell Pacetti et al.; Jonathan Ricketts of J.T.R., Inc.; Ray Spear of The Grassroots Corporation; and Leonard Hanser of PGA National (Unit 11).

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

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

4) APPROVAL OF MINUTES

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving the Minutes of the August 28, 2024 Public Hearing and 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 Ms. Baker, seconded by Mr. Cohn and unanimously passed approving the following Consent Agenda Items:

- a) Multi-Unit
Consider Authorization to Close Trust Accounts
- b) Unit No. 18 – Ibis Golf & Country Club
Consider Purchase Order to Top Dog Industries, LLC
- c) Unit No. 43 – Mirasol
Consider Change Order to CJ Contracting, LLC (CO No. 4)
- d) General
 - i) Consider Local Mitigation Strategy (LMS) Resolution (2024-07)
 - ii) Consider Approval of General Services Contract – CJ Contracting, LLC
- e) Payment Requests

copies of which are contained in applicable Northern files.

7) REGULAR AGENDA

- a) **MULTI-UNIT**
Consider Change Order to SOLitude Lake Management, LLC

Mr. Beatty explained that SOLitude is Northern’s annual contractor for a multi-unit aquatic weed control contract. He reported that Northern requested a proposal from SOLitude for additional monthly service in Unit 2 to be added to the annual contract. He explained that Staff recommends approval of Change Order No. 12 in the amount of \$15,000.00 for the requested monthly service in Unit 2 which will be added to the annual contract.

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 Change Order No. 12 in the amount of \$15,000.00 to the Annual Aquatic Weed Control (Rural Areas) contract, as presented.

b) UNIT OF DEVELOPMENT NO. 14 – EASTPOINTE

i) Consider Fifth Amendment to Exchange Agreement

Mr. Edwards explained that in 2019, Northern entered into a Multi-Party Agreement with Eastpointe for their development project. He explained some of the details of the Agreement, noting that it has been five years and the project is still not complete. As a result, the developer has requested another amendment to the Exchange Agreement. Mr. Edwards explained that Northern has no objection, but has requested the extension be extended to February 2025, as Staff inspected the project site and believes it is a more reasonable timeframe for project completion.

Mr. LaMotte joined the meeting at this time.

Mr. Boykin asked what the developer needs to complete and Ms. Leser advised that they are completing the roadways, noting that the drainage bypass is done, but the rain has slowed down their progress. Mr. Boykin asked if they will be finished by February 2025, and Ms. Leser further advised that the developer will have completed its work for Northern by that time and any remaining work will be covered by a Northern permit.

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 Fifth Amendment to the Exchange Agreement.

ii) Consider Modification to Corrective Quit Claim Deed

Mr. Edwards explained that in consideration of the obligation to transfer to Northern the Improvements as noted in the Exchange Agreement, Northern executed a Quit Claim Deed, as amended by

a Corrective Quit Claim Deed, to the Seller of certain real property interests. He further explained that the Board's approval of the Fifth Amendment to the Agreement also requires the Board's approval of an Amendment to the Modification Agreement pertaining to the Corrective Quit Claim Deed in order to memorialize the deadline extension.

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 Amendment to the Modification Agreement pertaining to the Corrective Quit Claim Deed.

**c) UNIT OF DEVELOPMENT NO. 53 – ARDEN
Consider Funding Agreement**

Ms. Roundtree explained that there was plenty of money when the bonds for Unit 53 were initially sized. She noted that prices have increased and funds are running out as Northern reaches the end of this project. She reported that approximately \$950,000 remains in project funds, but there are two pods and the remaining portion of the Linear Park left to be completed.

Ms. Roundtree stated that this Funding Agreement is for the last two pods, noting that the construction costs are estimated to be approximately \$1.5 million. Lennar will be providing Northern a Letter of Credit in the amount of \$1,866,365.00, which represents 125% of the public improvements cost estimate. She reported that there may be a possible modification to the amount of days in which they have to remit payment to Northern, but the document has been signed by Lennar and they are awaiting Northern's approval before remitting the Letter of Credit. Mr. Roundtree stated that the motion will be to accept the amended Agreement, if acceptable to Mr. Edwards and upon receipt of the Letter of Credit.

Mr. Edwards explained the timing requirement in the current form of the Agreement, adding that Lennar's turnaround time for payment needs some clarification, so the Board's approval would be subject to the timing clarification and receipt of the Letter of Credit.

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 amended Funding Agreement upon receipt of the Letter of Credit, as presented.

d) GENERAL

Consider Adoption of Goals & Objectives and Related Resolution (2024-08)

Mr. Beatty reported that there is a Resolution in the Board materials to consider adoption of Goals & Objectives which meet the statutory requirements recently set forth and adopted by the Florida Legislature.

Mr. Boykin asked about the requirement and Mr. Edwards advised that the Goals & Objectives, as well as a measurement of meeting those standards is to be adopted by October 1, 2024. He reviewed the other relevant dates and requirements set forth in Section 189.0694, Florida Statutes.

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 Goals & Objectives and related Resolution No. 2024-08.

8) MISCELLANEOUS REPORTS

a) ENGINEER

Ms. Leser gave the following status updates with accompanying photos under her report:

Unit No. 2C - Alton: Ms. Leser stated that the final lift of pavement in the Parcel D neighborhood roadways is ongoing as planned, noting that they are currently making concrete repairs to the curbing and sidewalk.

Unit No. 5/5A – Henry Rolf/Vista Center of the Palm Beaches: Ms. Leser advised that two projects are taking place in these Units. She stated that the Unit 5 culvert rehab project is done and Northern will be paying the retainage next month. She reported that the Unit 5A culvert rehab project had its Notice to Proceed issued on September 5th and the work is underway.

Unit No. 18 – Ibis Golf & County Club: She briefly reviewed the history behind the alum application contract and noted that two of the alum treatments have been completed and she is ready to issue the Notice to Proceed on the third alum treatment which will begin approximately November 14th and will be completed within 10 days.

Unit No. 43 – Mirasol: Ms. Leser reported that on the Consent Agenda, a Change Order for time was approved for the Boardwalk project and final completion is expected in October. She also expects final payment to be made next month and she showed before and after photos of the nearly-completed project.

Unit No. 53 – Arden: Ms. Leser stated that, as mentioned earlier in the meeting, Northern is waiting to complete Pod D-Northwest and Pod D-Northeast, Phase 2. She explained that last month, the Board approved an Indemnification & Hold Harmless Agreement so that Lennar could complete Pod D-Northeast, Phase 1 and Pod H-North, Phase 2 public improvements and subsequently turn them over to Northern or Palm Beach County Water Utilities. She reviewed on an overhead the parcels that Lennar will pay for and the parcels that will be put out for public bid, upon receipt of the previously-discussed Letter of Credit.

Mr. LaMotte asked if the alum treatment in Unit 18 has made any improvement, and Ms. Leser advised that there has been some improvement, in her opinion, and she believes the Environmental Department would agree. She explained that the requirements were incredibly stringent, but there has been some improvement.

A general discussion followed with regard to the requirements of the alum treatment program and its potential conclusion.

b) ATTORNEY

Mr. Edwards reported on some of the changes to Chapter 112, Florida Statutes with regard to the filing of ethics complaints. He explained that they can be no longer based upon hearsay or filed anonymously, noting that that anyone filing an ethics complaint must have direct knowledge and it must be signed and notarized.

c) EXECUTIVE DIRECTOR

Mr. Beatty reported that there is a hurricane in the Gulf, noting that Northern's Staff is prepared, its systems are working as they should be, and everything worked as expected during the most recent large rain event.

Mr. Beatty then introduced Grant Black, a new addition to Northern's Environmental Department.

Mr. Edwards also took this opportunity to introduce Frances Bethel, a new attorney in his office.

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

9) COMMITTEE REPORTS

b) PUBLIC RELATIONS COMMITTEE REPORT

Ms. Roundtree reported that the Committee met earlier this month to discuss a couple of items. Staff first reviewed Northern's public relations practice and policies with the current Committee members as there has not been a need for this Committee to meet since 2012. She briefly reviewed how Northern acquaints the District's residents with its services.

Ms. Roundtree stated that since the website was last redesigned in 2012, it is time to revise it once again. She reported that the website is mostly Americans with Disabilities Act (ADA) compliant, but Northern will be engaging Streamline, a vendor used by several members of the Florida Association of Special Districts, and the redesign will keep the website fully compliant on an ongoing basis. She briefly explained some of the proposed changes to the new website which will make it easier to navigate and invited the Board to contact her with any questions or suggestions they may have regarding the website redesign. Ms. Roundtree stated that the Committee will be meeting once more to review the redesigned website prior to its going live, noting that she expects it should be live before the end of the calendar year.

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

Ms. Roundtree stated that she had one additional item to present unrelated to the Public Relations Committee. She reported that Public Resources Advisory Group (PRAG) is Northern's Municipal Advisor

and Natalie Sidor, who attended a recent Board Meeting, acts as Northern's representative. Ms. Roundtree explained that the U.S. Securities and Exchange Commission (SEC) had previously determined that text messages are considered public records and they reached out to the Municipal Advisor firms to inquire if they are backing up their text messages, noting that several large firms were subsequently fined large sums of money for noncompliance. She added that PRAG disclosed that they had not been backing up their text messages, but have since settled with the SEC and are now doing so, as well as informing all of their clients of the disclosure and settlement.

Mr. Boykin asked if Northern backs its texts up, and Ms. Roundtree advised affirmatively that Northern has a company that handles the text backups, noting that PRAG and many others use the same company.

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.

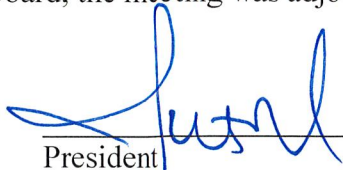
11) COMMENTS FROM THE BOARD

There were no further comments from the Board.

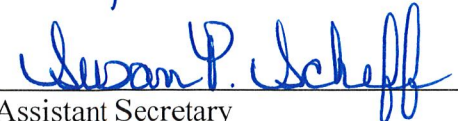
12) ADJOURN

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