

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 11/16/22**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:04 a.m. on November 16, 2022, 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; Capital Construction/Permits Administrator Tim Helms; Programs & Facilities Maintenance Administrator Jared Kneiss; Operations Manager Jon Iles; Ray Spear of The Grassroots Corporation; Brian J. LaMotte (Candidate for Board Supervisor Seat 1) and Marcie Tinsley (Mr. LaMotte's spouse).

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) ADMINISTER OATH OF OFFICE TO NEW SUPERVISORS

Mr. Edwards asked Mr. LaMotte to join the Board Members at the dais. Mr. Edwards then administered the Oaths of Office to Brian J. LaMotte for Seat No. 1, Gregory Block for Seat No. 2, and L. Marc Cohn for Seat No. 3, and they were congratulated by Mr. Edwards and those in attendance.

4) ADDITIONS OR DELETIONS TO THE AGENDA

Mr. Beatty reported that there are some modifications to the original agenda. He explained that any items involving WGI have been moved from the Consent Agenda to the Regular Agenda.

Mr. Beatty also reported that there is one addition to the agenda regarding the purchase and surplus of District vehicles which he will address under his report. A handout was provided with the related materials.

5) APPROVAL OF MINUTES

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed approving the Minutes of the October 12, 2022 Rescheduled Regular Meeting.

6) NOMINATION AND ELECTION OF OFFICERS

Mr. Boykin announced that it was in order to nominate and elect the Officers to serve the Northern Board.

Mr. Cohn suggested that the Board's Officers remain the same for this term with Mr. LaMotte assuming Mr. Salee's previous position as Secretary, unless someone would like to make a change.

Ms. Baker expressed her interest in the Secretary position as she currently is not a Board Officer.

A **motion** was made by Mr. Cohn, seconded by Mr. Block and unanimously passed retaining the current slate of Board Officers, with the exception of Ms. Baker assuming the Board Secretary position, replacing the vacancy left by Mr. Salee.

7) CONSIDER APPOINTMENTS

a) Committee Appointments

Mr. Boykin suggested that the Committee Appointments remain the same for this term with Mr. LaMotte assuming Mr. Salee's Committee vacancies, unless someone would like to make a change.

Ms. Baker expressed her interest in serving on the Personnel Committee and Mr. LaMotte agreed to fill the remaining Committee vacancies, as noted in the Board materials.

A **motion** was made by Ms. Baker, seconded by Mr. LaMotte and unanimously passed retaining the current Committee Appointments with the exception that Ms. Baker will serve on the Personnel Committee and Mr. LaMotte will fill the remaining Committee vacancies left by Mr. Salee's departure.

b) Intergovernmental Representatives and Miscellaneous Appointments

Mr. Boykin suggested that the Intergovernmental Representatives and Miscellaneous Appointments remain the same for this term with Mr. LaMotte assuming the vacancies left by Mr. Salee, unless someone would like to make a change.

Mr. LaMotte agreed to fill the Intergovernmental Representatives and Miscellaneous Appointments vacancies, as noted in the Board materials.

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and unanimously passed retaining the current slate of Intergovernmental Representatives and Miscellaneous Appointments with Mr. LaMotte filling the vacancies left by Mr. Salee's departure.

8) 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.

9) 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. 5 – Henry Rolf
Consider Purchase Orders and Payment Authorization to Palm Beach County
- b) Unit No. 11 – PGA National
Consider Purchase Order to Michael B. Schorah & Associates, Inc.
- c) Unit No. 53 – Arden
Consider Encumbrance Modifications to Michael B. Schorah & Associates, Inc.
- d) General
 - i) Consider Declaration of Surplus Equipment
 - ii) Consider Signatory Resolution (2022-09)
- e) Ratify October Payment Requests

f) Payment Requests

copies of which are contained in applicable Northern files.

10) REGULAR AGENDA

At this time, Mr. Boykin asked Mr. Beatty to address the addition to the Board Agenda.

GENERAL

**2022/2023 Vehicle Purchase Authorization and Declaration of Surplus Vehicles
Purchase Order Nos. 23-118 & 23-119 and Payment to Gilbert Chevrolet, Inc.**

Mr. Beatty explained that the approved Budget included the purchase of two new fleet vehicles. Both new vehicles will be 2023 Chevrolet Silverado 1500 Double Cab 4X4 and will replace trucks in the fleet that are due for replacement. The Board Members received a handout on this item including the specification price sheet for the proposed vehicle and Purchase Order Nos. 23-118 and 23-119. Mr. Beatty noted that the two vehicles being replaced can be declared surplus and will be sold at some point in the future.

Mr. Beatty explained that Staff recommends approval of the referenced Purchase Order Nos. 23-118 and 23-119 in the amount of \$49,955.00 each for the purchase of two 2023 Chevrolet Silverado 1500 Double Cab 4X4 to Gilbert Chevrolet, Inc., as well as payment to Gilbert Chevrolet, Inc. for the same. In addition, Staff recommends declaration of the two vehicles being replaced as surplus.

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 Purchase Order Nos. 23-118 and 23-119 in the amount of \$49,955.00 each for the purchase of two 2023 Chevrolet Silverado 1500 Double Cab 4X4 to Gilbert Chevrolet, Inc., authorizing payment to Gilbert Chevrolet, Inc. for the purchase, and approving declaration of the two vehicles being replaced as surplus.

**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 is not much to report since the last Board Meeting. He reported that Staff is working with the City Engineer with regard to a final lift of asphalt and the timing of the hospital project.

Mr. LaMotte asked if Northern has heard anything from the University of Florida and Mr. Beatty advised that Staff has not been contacted by the University.

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

**b) UNIT OF DEVELOPMENT NO. 3A – WOODBINE
Discuss Possible Traffic Control Agreement**

Mr. Edwards explained that he has been in some discussions regarding a request from the Unit 3A Property Owners Association. He stated that they would like the City of Riviera Beach (City) to provide traffic control for roads within the development and wanted to know if Northern would give the Woodbine Master Association (HOA) control of the roads. Mr. Edwards and staff were not agreeable to this request and advised them that giving control of the roads to a private, not-for-profit entity is not appropriate. After further discussion, he stated that he has been asked to request that the Board consider entering into an Agreement with the City and possibly the HOA. Mr. Edwards advised that he suggested the HOA be a party to the Agreement, because if the City requires payment for these services, he does not believe Northern should add it to the Unit's non-ad valorem assessments, but rather have the payments be made directly by the HOA. He explained that Northern does not typically enter into Traffic Control Agreements with municipalities, but if the HOA is willing to bear the cost, it should not affect Northern's operations.

Mr. Boykin asked why Northern would have to be involved, and Mr. Edwards advised that Northern owns the roads, so for traffic enforcement purposes, Northern can enter into an Agreement with the City for traffic enforcement services.

After a general discussion with regard to what takes place now with regard to current traffic enforcement, ownership of the gate, etc., there was a consensus of the Board to authorize the drafting of such an Agreement for future Board consideration.

**c) UNIT OF DEVELOPMENT NO. 11 – PGA NATIONAL
Consider Acceptance of Easements**

Ms. Leser stated that Northern issued a permit in late 2020 for the redevelopment of the Squire Golf Course at PGA National Resort. She explained that the redevelopment plans included excavation and deposit of fill in portions of several Northern lakes and a modification of Northern’s access to Stormwater Pump Station No. 1. She noted that, as required by the permit and executed Agreement, the Property Owner was to provide new easements to Northern, upon completion of construction, for the purposes of Northern’s continued uninterrupted access to and for the maintenance of the water management system.

Ms. Leser stated that the Blanket Easement in the Board materials provides Northern access to and maintenance of its modified lakes, and the new Ingress and Egress Easement grants Northern access over the modified golf cart pathway to Stormwater Pump Station No. 1. She reported that Keshavarz & Associates, Inc., has reviewed the sketches and descriptions and its approval letters are attached. Ms. Leser stated that there are no fiscal impacts to acceptance of these easements and she explained that Staff recommends acceptance of the Blanket Easement and the Ingress/Egress Easement as presented.

Mr. Edwards added that the Blanket Easement is not Northern’s standard form as the Landowner requested some additional clauses, one of which included indemnification. He explained that Northern agreed to the indemnification clause, but noted that it is significantly limited. He then briefly explained the limitations in more detail.

Ms. Baker asked if Northern Staff participates in relocation of the lakes with regard to environmental impact, and Ms. Leser explained Northern’s review process in more detail.

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 Blanket Easement and Ingress and Egress Easement, as presented.

**d) UNIT OF DEVELOPMENT NO. 16 – PALM BEACH PARK OF COMMERCE
Consider Ratification of Payment Request to WGI**

Mr. Beatty stated that Mr. LaMotte has a comment with regard to this item.

Mr. LaMotte explained that he will be abstaining from this matter as he is an employee of WGI. He has also filled out a Form 8B on matters involving WGI, Inc.

Mr. Beatty explained that this item would normally have been on the Consent Agenda, and it is for the ratification of a payment request to WGI for Environmental Liaison Services, which they are contracted to provide for Northern. He stated that Staff recommends approval of this payment request in the amount of \$7,346.60.

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 passed by the voting members approving a payment request in the amount of \$7,346.60 to WGI, Inc.

**e) UNIT OF DEVELOPMENT NO. 19 – REGIONAL CENTER
Consider Acceptance of Easements**

Ms. Leser stated that this item is for consideration of acceptance of Utility Easements in Unit 19. She explained that a permit was issued earlier this year for redevelopment of Downtown Palm Beach Gardens and those plans require new Utility Easements for the electric service lines to Northern aerators within an adjacent lake. She noted that the sketches and descriptions affixed to the Utility Easements have been reviewed and approved by Keshavarz & Associates.

Ms. Leser stated that Northern has been asked to not record the new Utility Easements until the new aerator electrical lines are installed and Northern has been notified that the sketch and descriptions

for the Easements are still accurate. Otherwise, the held sketch and descriptions will be replaced with new ones and subsequently reviewed by Keshavarz & Associates prior to recordation.

Ms. Leser stated that there are no fiscal impacts to acceptance of these easements and the recommendation is for acceptance of the Utility Easements and approval of the substitution of new sketches and legal descriptions, if necessary, prior to recordation.

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 Utility Easements and approving the substitution of new sketches and legal descriptions, if necessary, as presented.

**f) UNIT OF DEVELOPMENT NO. 20 – JUNO ISLES
Consider Payment Request to WGI**

Prior to consideration of the Payment Request to WGI, Mr. LaMotte abstained from the vote, having previously filled out a Form 8B on matters involving WGI, Inc.

Mr. Beatty once again explained that this item would normally have been on the Consent Agenda, and it is for a payment request to WGI for work associated with renovations of the control structure and fixed weir in Unit 20. He stated that Staff recommends approval of this payment request in the amount of \$9,692.50.

Mr. Boykin asked if this for the saltwater intrusion project, and Mr. Beatty confirmed it was.

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 passed by the voting members approving a payment request in the amount of \$9,692.50 to WGI, Inc.

**g) UNIT OF DEVELOPMENT NO. 43 – MIRASOL
Consider Purchase Order to WGI**

Prior to consideration of the Payment Request to WGI, Mr. LaMotte abstained from the vote, having previously filled out a Form 8B on matters involving WGI, Inc.

Mr. Edwards explained what is occurring by Mr. LaMotte abstaining from these votes. He explained that there is a Florida Statute which prevents certain people from voting when they have a conflict of interest, but as the sole Board Member elected under one-acre, one vote and not popularly-elected, Mr. LaMotte is required to disclose the conflict, but he may vote if he chooses to. He further explained how the law differs between special districts and other municipalities, stating that it has been recommended that Mr. LaMotte exercise his authorization to abstain from voting in matters concerning WGI.

Mr. LaMotte stated that he has been with WGI for 15 years, noting that he is now semi-retired and working on a part-time, hourly basis. He reported that he has no ownership in the company and acts as a consultant at this point.

Mr. Beatty stated that this item is related to a grant project for the renovation of the boardwalk within the Mirasol preserve. He explained that WGI performed the preliminary study on the boardwalk to access the condition for the grant submittal. He reported that once the grant was approved, Staff requested a proposal from WGI for the final engineering and construction phase services and the total amount of the proposal is \$68,450.00.

Mr. Beatty explained that typically when engineering design fees exceed \$35,000, Northern's Engineering Standards Manual requires Staff to use an approach methodology process. He further explained that the process is time-consuming and requires significant effort on the part of those involved. He stated that, under these circumstances, it was logical to select WGI as they have already done the preliminary work which likely would have given them an advantage over any other participant in the

approach methodology process. For these reasons, Staff is requesting that the Board consider waiving the approach methodology process in this instance before considering a Purchase Order to WGI.

Mr. Boykin asked if the price of the proposal is within the reasonable estimate for the project.

Mr. Beatty advised that based upon the extent of the project and the estimated cost of the project, the proposal is reasonable.

Mr. Boykin called for any comments from the public.

Ray Spear, of The Grassroots Corporation, addressed the Board and asked if Mr. LaMotte were to vote on an item with regard to WGI, isn't there a conflict of interest form that he can fill out which would go on the record.

Mr. Edwards advised that Mr. LaMotte will be filling out a Form 8B for any Board of Supervisors vote involving WGI, confirming that one has been filled out for this meeting, and thanking Mr. Spear for his question.

A **motion** was made by Ms. Baker, seconded by Mr. Cohn and passed by the voting members waiving the approach methodology process for this project.

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 Purchase Order No. 23-48 to WGI in the amount of \$68,450.00.

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

Mr. Beatty began by showing the Board the unit map and site plan. He stated that not much has changed with regard to construction element activities. He stated that, as previously reported, Staff had met with Lennar to discuss a potential bond issuance for future phases, but they have not yet made a formal request to move forward. He believes they need to meet with the residents of Arden to discuss this option and determine whether they would have support or opposition.

Mr. Boykin inquired about home sales and Mr. Beatty advised that, to the best of his knowledge, sales have been good.

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

11) MISCELLANEOUS REPORTS

a) ENGINEER

Ms. Leser had nothing to report.

b) ATTORNEY

Mr. Edwards reported that Northern is still involved in two slip and fall lawsuits, one in Unit 11 and one in Unit 2C. He briefly gave details of those lawsuits. He noted that with regard to the Unit 2C lawsuit, Northern's insurance carrier legal counsel has submitted an indemnification notification to Dickerson, one of Northern's contractors, advising them of their potential responsibility.

Mr. LaMotte asked for clarification regarding the Unit 2C case and was advised of same.

c) EXECUTIVE DIRECTOR

Mr. Beatty stated that his report is included in the Board materials for review, noting that commendation letters were issued to the individuals he recognized at the last meeting with respect to Hurricane Ian.

Mr. Beatty reported that the City of West Palm Beach (City) owns and operates the preserve within Ibis and in Staff's view it is not being operated pursuant to the provisions of the South Florida Water Management District (SFWMD) permit. He explained that Northern has supporting documentation and data showing that the City has been operating the preserve almost six inches above the permitted level. Mr. Beatty stated that he will be providing that information to Mr. Edwards in order for him to draft a letter to SFWMD requesting that they require the City to adhere to the permit requirements. Mr. Beatty

expressed his concerns regarding this issue and noted that he has not received a response from a letter he previously sent to the City's Utility Director.

Mr. LaMotte asked if the POA knows about this, and Mr. Beatty advised that he has been in contact with Steve LoGiudice and has informed him that Northern will be in contact with SFWMD and the City.

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

12) 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.

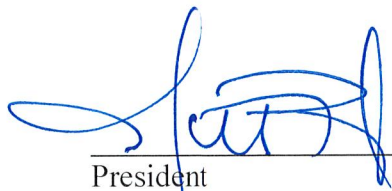
13) COMMENTS FROM THE BOARD

Mr. Boykin welcomed Mr. LaMotte to the Board.

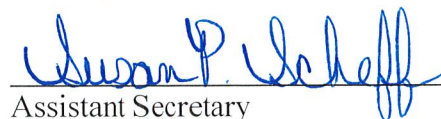
Ms. Baker thanked Mr. Beatty for helping her with a constituent matter, noting that he is always there whenever she needs him.

14) ADJOURN

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



President



Assistant Secretary