

**MINUTES OF A BOARD OF SUPERVISORS MEETING  
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 01/26/22**

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Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:05 a.m. on January 26, 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, Adrian M. Salee, 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; Permits & Contracts Specialist Mila Acosta; and Patrick Helms of AECOM.

**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**

There were no additions or deletions to the agenda.

**4) APPROVAL OF MINUTES**

A **motion** was made by Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the Minutes of the December 15, 2021 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 Mr. Salee, seconded by Mr. Cohn and unanimously passed approving the following Consent Agenda Items:

- a) Unit No. 9A/9B – Abacoa I & II  
Consider Purchase Order to Straight Ahead Construction, Inc.
- b) Unit No. 11 – PGA National  
Consider Purchase Order to Flying Scot, Inc.
- c) Unit No. 16 – Palm Beach Park of Commerce  
Consider Water Management Easement and Water Management Maintenance Easement
- d) Unit No. 31 – BallenIsles Country Club  
Consider Purchase Order to Future Horizons
- e) Unit No. 49 – Northern Palm Beach County Business Park  
Consider Authorization to Record Permit No. PER-49-022 – Seacoast Utility Authority
- f) Unit No. 53 – Arden  
Consider Acceptance of Water Management Easement
- g) General  
Consider Ratification of Vehicle Purchase
- h) Payment Requests

copies of which are contained in applicable Northern files.

## 7) REGULAR AGENDA

### a) UNIT OF DEVELOPMENT NO. 2C – ALTON

#### i) Status Report

Mr. Beatty began by showing the Board the unit map and then displayed a site plan which delineated the final phase of Parcel G. He reported that the final phase of Parcel G was awarded to J.W. Cheatham and they are currently installing the utilities. He then showed various aerial photos of the work being done. Mr.

Beatty also showed some photos of homes being built on Parcel D. He reported that both the project and Kolter's home sales are going well.

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

**ii) Consider Funding Agreement No. 19**

**iii) Consider Purchase Orders to Caulfield & Wheeler (2)**

Ms. Leser explained that this item is to consider Funding Agreement No. 19, as well as two Purchase Orders to Caulfield and Wheeler for the Parcel G (Phase III) Bidding and Construction Phase Services, including Materials Testing. She stated that a proposal was received from Caulfield & Wheeler in the amount of \$137,850.00, and it includes both Public and Private Improvements. She explained that the pro-rata shares between public and private funding, based on the September 7, 2021 bid, will be split 50.0 % (\$68,925.00) funded from bond funds and 50.0 % (\$68,925.00) funded from private funds to be held by Northern. Ms. Leser further explained that funding in the amount of \$86,156.25, which represents 125% of Private Improvements cost, will be provided by the Landowner in accordance with Funding Agreement No. 19 and noted that for accounting purposes, two separate Purchase Orders will be issued, one for design and construction phase services and one for materials testing.

Ms. Leser reported that Staff is recommending approval of Funding Agreement No. 19, Purchase Order No. 22-202 for Bidding and Construction Phase Services in the amount of \$61,050.00 and Purchase Order No. 22-203 for Materials Testing in the amount of \$76,800.00 to Caulfield & Wheeler, Inc.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee seconded by Mr. Cohn and unanimously passed approving Funding Agreement No. 19.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee seconded by Mr. Cohn and unanimously passed approving Purchase Order No. 22-202 for Bidding and Construction Phase Services in the amount of \$61,050.00 and Purchase Order No. 22-203 for Materials Testing in the amount of \$76,800.00 to Caulfield & Wheeler, Inc.

**b) UNIT OF DEVELOPMENT NO. 20 – JUNO ISLES  
Consider Assessment Proposal**

Ms. Roundtree began by noting that Mr. Beatty would be displaying some aerial photos of the Unit and subject area. She explained that Unit 20 has four assessment categories, the base benefit level is for lots that benefit from saltwater intrusion protection into the groundwater, the second benefit level adds on the benefit of drainage into the lake system, the third benefit level adds on recreational use of the lakes, and the fourth benefit level adds the ability to use the lake system for irrigation. Ms. Roundtree then stated that the area to the north of Unit 20 is The Preserve at Juno Beach (The Preserve) which consists of 29 lots and was originally built by Toll Brothers. She further stated that this parcel is not within the Unit boundaries, but they have an annual assessment via an Agreement with Northern in order to drain into the Unit 20 lakes. She explained that when The Preserve initially entered into this Agreement, Northern was not sure of the scope of the development, but since it appeared they may have access to some recreational use of the lakes, the third benefit level of assessments was applied.

Ms. Roundtree stated that assessments in Unit 20 increased significantly this year due to the budgeting of an estimated loan to repair or replace the salinity weir, noting that The Preserve's assessment went from approximately \$8,700 in 2020 to \$25,600 in 2021. Northern Staff was contacted by Mr. Schindler, the past President of The Preserve HOA, and his wife, the current Treasurer, and they requested that this assessment be reviewed to determine if The Preserve was being assessed correctly. After Staff evaluation, it was determined that residents of The Preserve were only receiving one of the four benefits, so Staff is recommending The Preserve assessment level be decreased from the third benefit level assessment to the base benefit level assessment which will bring them back into the \$8,200 to \$8,500 range. Ms.

Roundtree explained that the Unit 20 reserves would then be used to fund the difference this year if the reduction is approved, so Staff is requesting Board approval for the use of reserves as well as the change in assessment calculation for The Preserve.

Mr. Boykin asked if there will be enough funds to do whatever needs to be done, and Ms. Roundtree responded affirmatively.

Ms. Roundtree noted that Staff will be scheduling a Committee Meeting in the future, since The Preserve has also requested a refund for the difference between what they had been charged previously and the newly adjusted assessment benefit level. She stated that Mr. Edwards suggested this request be taken to Committee since it will set a precedent and the impact to the Unit should be reviewed.

Ms. Baker asked if the \$8,700 assessment is divided among the 29 homes, and Ms. Roundtree responded affirmatively.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee seconded by Mr. Cohn and unanimously passed changing the assessment level for The Preserve at Juno Beach from the from the third benefit level assessment to the base benefit level assessment and approving the use of reserves to make up the budgeted shortfall in revenues.

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

Mr. Beatty gave a status report of this project, initially displaying the unit map and site plan, followed by aerial photos of the project. He explained that the project is moving along fairly well, but the contractor is slightly behind schedule. He noted that Northern will be issuing a Change Order to increase the time of the contract, so that the contract does not expire. Mr. Beatty stated that Staff has been working with the contractor to facilitate the construction process as quickly as possible. He followed up with additional photos of the project site and construction of model homes.

Ms. Baker asked about the home density, and Mr. Beatty advised that he believes they are zero lot line homes.

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

**d) GENERAL**

**Consider Resolution Approving the First Amendment to Joint Participation Agreement with Florida Department of Transportation for the National Pollutant Discharge Elimination System (2022-01)**

Mr. Edwards reported that Northern is the Lead Permittee for the five-year National Pollutant Discharge Elimination System (NPDES) Permit for Palm Beach County. As such, it enters into a number of Interlocal Agreements and Joint Participation Agreements with Co-Permittees to address the allocation of duties as well as each Co-Permittee's financial contribution for the provision of specified NPDES Permit required services. He stated that the Florida Department of Transportation (FDOT) enters into a Joint Participation Agreement (JPA) with Northern for this purpose, and this First Amendment adds an additional year of NPDES program funding to the current JPA. Mr. Edwards also stated that since FDOT requires a Resolution be adopted along with the JPA, Resolution No. 2022-01 is also being presented for Board approval along with the First Amendment to the JPA with FDOT.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Mr. Salee seconded by Mr. Cohn and unanimously passed approving the First Amendment to the JPA with FDOT for the current NPDES permit, as well as the accompanying Resolution No. 2022-01.

**8) MISCELLANEOUS REPORTS**

**a) ENGINEER**

Ms. Leser had nothing to report.

**b) ATTORNEY**

Mr. Edwards noted that the Legislative Session has begun and he will report on any relevant bills that appear likely to pass as Session progresses.

**c) EXECUTIVE DIRECTOR**

Mr. Beatty reported that the Needs Analysis that Northern is required to submit is in progress. He advised that he has reached out to the Coordinator in charge of collecting the reports for Palm Beach County. He also noted that Northern will be taking sea level rise and climate change into account as well as other aspects that could affect Northern within the next 20 years.

Mr. Beatty then gave a brief COVID update, noting that Northern has had about five to six employees who have been out with COVID, but all are now healthy and back to work. Masks are currently required in the common areas and that policy will remain in effect until further notice.

Mr. Beatty reported on State Road 7, noting that he was contacted in late December by South Florida Water Management District (SFWMD) requesting an update on the four Corrective Action Plans. He provided a summary letter and approximately 4,000 pages of backup data collected over the past couple of years. He stated that he has also been contacted by the SFWMD Counsel in charge of this case and Northern has engaged its Litigation Counsel, in case he is called as a witness. Mr. Beatty reported that he is listed as a witness of fact for the Administrative Hearing scheduled to be held in a couple of months from now, and he gave a brief overview of his current understanding of the case.

The Public and Community Relations Report was included in the Board materials for review, and Mr. Beatty had nothing further to report.

**9) RECEIVE AND FILE**

The following items were presented to be received and filed:

- Assessment Collection Status as of January 5, 2022;

- Northern Quarterly Financial Report; and
- Proof of Publication of Meeting Notice

copies of which are contained in Northern's records.

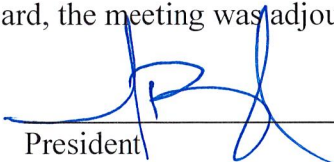
#### **10) COMMENTS FROM THE BOARD**

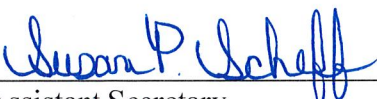
Mr. Salee informed the Board that he will not be seeking reelection in November and wanted to express his deep appreciation for the cooperative attitude that everyone has taken toward him and the pleasure he has had working with his fellow Board Members.

#### **11) ADJOURN**

A **motion** was made by Mr. Salee, 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.

  
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President

  
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Assistant Secretary