

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 04/24/24**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:01 a.m. on April 24, 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, Ellen T. Baker and Brian J. LaMotte; 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; Budget & Tax Roll Manager Laura Ham; Project Coordinator Polly Scherman; Permit Coordinator Kimberly Morgan; Technical Assistant/Records Management Specialist Kathleen Maloney-Pollack; Ray Spear of The Grassroots Corporation; and Jim Kraus, Keith Ahronheim and Leonard Hasner 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 he needs to move Consent Agenda Item 6)a)iv) for Unit 5A, Vista Center, to the Regular Agenda as Item 7)a)i.

4) APPROVAL OF MINUTES

A **motion** was made by Ms. Baker, seconded by Mr. LaMotte and unanimously passed approving the Minutes of the March 13, 2024 Engineering Review Committee Meeting, the Minutes of the March 21, 2024 Legal Committee Meeting and the Minutes of the March 27, 2024 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. LaMotte and unanimously passed approving the following Consent Agenda Items:

- a) Unit No. 5A – Vista Center
 - i) Consider Acceptance of Bill of Sale
 - ii) Consider Purchase Order to Shenandoah Construction
 - iii) Consider Purchase Order to Crocs, LLC
 - ~~iv) Consider Purchase Order to Crocs, LLC~~
- b) Unit No. 16 – Palm Beach Park of Commerce
 - Consider Change Order to J.W. Cheatham, LLC (CO No. 5)
- c) General
 - Consider Bond and Disclosure Counsel Agreement and Engagement Letter with Nabors, Giblin & Nickerson, P.A.
- d) Payment Requests

copies of which are contained in applicable Northern files.

7) REGULAR AGENDA

a) MULTI-UNIT

Consider First Amendment to Contract w/Everglades Laboratories, Inc.

Ms. Leser explained Northern entered into a General Services Contract with Everglades Laboratories, Inc. in 2017 for water quality testing services. She explained the contract is general in nature and does not set forth specific details regarding specifications, timing of deliverables and pricing, noting that this First Amendment is intended to include those specifications. Ms. Leser stated that funding for water quality testing is included in the Annual Budget each year and she recommends Board approval.

Mr. Boykin asked for clarification that this is not just for Unit 18, and Ms. Leser advised that this Amendment covers multiple units. She added that a separate item for Unit 18 will be addressed later in this meeting.

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. LaMotte and unanimously passed approving acceptance and execution of the First Amendment to the Everglades Laboratories, Inc. Contract.

a)i) UNIT OF DEVELOPMENT NO. 5A – VISTA CENTER

Consider Purchase Order to Crocs, LLC

Mr. Beatty explained that this Purchase Order is for Unit 5A, Vista Center, and it involves rehabilitation of a lake interconnect pipe. He further explained that this Purchase Order is for \$239,000, exceeding the \$200,000 threshold requiring a Payment & Performance Bond. He stated that Staff did not originally include the Payment & Performance Bond in the bid, although it has subsequently been requested from the contractor. Mr. Beatty is asking for approval of the Purchase Order contingent upon receipt of the Payment & Performance Bond.

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. LaMotte and unanimously passed approving Purchase Order No. 24-566 to Crocs, LLC in the amount of \$239,000.00, pending receipt of the referenced Payment & Performance Bond.

**b) UNIT OF DEVELOPMENT NO. 18 – IBIS GOLF & COUNTRY CLUB
Consider Purchase Order to Everglades Laboratories, Inc.**

Ms. Roundtree explained that this is a Purchase Order for Everglades Laboratory for the official water quality testing in Ibis, as required by the Amended and Restated Maintenance Agreement with the City of West Palm Beach. She stated that the testing is required to determine if the alum treatments are working and to help determine whether a third alum treatment is required. Ms. Roundtree reported that Purchase Order No. 24-388 authorizes monthly water quality testing from November 2023 through September 2024 in the amount of \$72,316.75, 85% of which is reimbursable by the City of West Palm Beach, per the Agreement.

Mr. Boykin then asked if this work is in addition to what was approved earlier in the meeting, 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 Ms. Baker, seconded by Mr. LaMotte and unanimously passed approving Purchase Order No. 24-388 to Everglades Laboratories, Inc. in the amount of \$72,316.75 for post alum application water quality testing.

**c) UNIT OF DEVELOPMENT NO. 43 - MIRASOL
Consider Payment Request to WGI, Inc.**

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

Mr. Beatty explained that this item is a payment request in the amount of \$1,800.00 to WGI, Inc. for Unit No. 43 Boardwalk Repairs.

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 \$1,800.00 to WGI, Inc.

d) GENERAL

Consider Project/Consulting Engineer Professional Services Agreement

Prior to consideration of this item., Mr. LaMotte recused himself from the vote, having previously filled out a Form 8B on matters involving WGI, Inc.

Mr. Beatty explained that as authorized by the Board and following the Request for Qualifications selection process, Staff has developed a Project/Consulting Engineer Professional Services Agreement for Board approval. He stated that, if approved, the Agreement will be distributed to the 22 selected firms. He briefly reviewed the execution and termination process as follows: As executed new agreements are received: (a) the former agreement for services with that firm, if any, shall be issued a notice of termination and (b) upon execution of all of the new service agreements, Northern will then issue notices of termination for any remaining previous agreements for engineering services.

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 (i) the Project/Consulting Engineer Professional Services Agreement, (ii) issuance of notice of termination of all previous agreements for engineering services as set forth, and (c) designation of the President, and in his absence the Vice-President, to sign new service agreements as they are returned to the District.

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 Board approved the payments for the final lift of asphalt for Neighborhoods E & F on the Consent Agenda, noting that the next project will be the final lift of Parcel D, which will be publicly bid in the next month or two.

Unit No. 5 – Henry Rolf: Ms. Leser stated that the Board approved the third phase and the Change Order to the contract with Johnson-Davis to complete the final portion of the project. She then showed various photos of the pipe rehabilitation project and noted that Staff is hoping that Vista Parkway can be reopened sometime in May.

Unit No. 16 – Palm Beach Park of Commerce: Ms. Leser stated Staff is still waiting for the County to do their final inspection on the Venture Way project, noting that the Board approved a 30-day extension to the contract by approving Change Order No. 5 on the Consent Agenda which will hopefully give the County and contractor enough time to wrap things up.

Unit No. 43 – Mirasol: Ms. Leser reported that the Boardwalk project is well underway. She stated that she believes almost all of the demolition is complete. She displayed photos of the signage for pedestrians and the boardwalk.

Unit No. 53 – Arden: Ms. Leser stated that Pod D-Southwest is almost complete. She gave a general overview of the project status, noting that not much has changed since last month. She showed various photos looking into and out from Pod D-Southwest.

b) ATTORNEY

Mr. Edwards reported that House Bill 7013, regarding 12-year term limits and other factors involving special districts was submitted to the Governor on April 16th for consideration. It has not yet been signed, but he anticipates that it will be, noting that it also does away with Safe Neighborhood Districts, sets a 12-year term cap for Board members and requires Special Districts to set goals and objectives to be reported upon annually and posted on their website.

Mr. Edwards also reported on another item that has to do with roads in special districts, noting that his firm also represents Indian Trail Improvement District and they have been in litigation over the past couple of years with the City of Westlake over the use of Indian Trail roads. He gave a brief history of the dispute and noted that the County Attorney recently issued an opinion that the roads are not public and the

County will not be providing services on those roadways, including traffic enforcement. Mr. Edwards advised of some of the possible implications of that opinion, explaining that his firm is working on this issue. He reported that based on his correspondence with the County Attorney's office on the road issue, the County Attorney advises that this opinion currently does not affect Northern, but he will keep the Board apprised of any potential impacts, should they arise.

A general discussion followed with regard to the potential consequences of this County Attorney opinion.

Mr. LaMotte asked if Mr. Edwards had an answer to his question last month about the new term limit bill and whether someone who had already served 10 years would be able to run for reelection if the next term would exceed the 12-year limit. Mr. Edwards advised that he would be researching the issue and others that may arise as a result when and if the Governor signs HB 7013 into law, as anticipated.

c) EXECUTIVE DIRECTOR

Mr. Beatty requested that the Board designate Katie Roundtree as Northern's representative in an EEOC mediation hearing on June 19, 2024, as he will not be available at that time.

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 authorizing Ms. Roundtree to represent Northern in the mediation of the EEOC case taking place on June 19, 2024.

Mr. Beatty stated that the Public and Community Relations Report was included in the Board materials for review.

9) RECEIVE AND FILE

The following items were presented to be received and filed:

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

copies of which are contained in Northern's records.

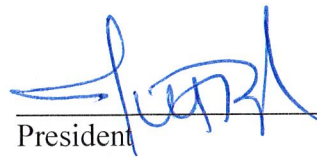
10) COMMENTS FROM THE BOARD

There were no additional comments from the Board.

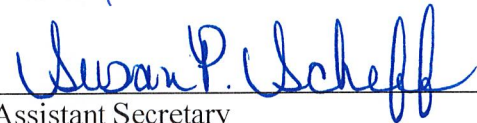
11) ADJOURN

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

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



President



Assistant Secretary