

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 02/22/23**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District met at approximately 8:04 a.m. on February 22, 2023, 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; Capital Construction/Permits Administrator Tim Helms; Programs & Facilities Maintenance Administrator Jared Kneiss; Moises Ariza and Tammy Goldstrich of Marcum LLP, Don Kiselewski and Bruce Barber of FPL; Steven Eaddy of Estrada Hinojosa; and Rita Feinman and Barry Weiss of BallenIsles Country Club (Unit 31).

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 Mr. LaMotte, seconded by Mr. Cohn and unanimously passed approving the Minutes of the January 25, 2023 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) Unit No. 2C – Alton
Consider Change Order to J.W. Cheatham, LLC – Parcel G, Phase III (CO No. 7)
- b) Unit No. 34 – Hidden Key
Consider First Amendment to Agreement with Sea Breeze Community Management Services, Inc.
- c) General
Consider Declaration of Surplus Equipment
- d) Payment Requests

copies of which are contained in applicable Northern files.

7) REGULAR AGENDA

a) GENERAL

i) **Consider Acceptance of Annual Financial Report for the Fiscal Year Ended September 30 2022 – Marcum, LLP**

Ms. Roundtree informed the Board that they each have a copy of the Annual Financial Report for the fiscal year ended September 30, 2022, placed in front of them along with a copy of the Letter to Those Charged with Governance from Marcum, LLP. She reported that, once again, Northern received an Unmodified Opinion as well as no adverse Management Letter comments. She then introduced Moises Ariza and Tammy Goldstrich of Marcum LLP, the Board's auditors, to present their findings.

Mr. Aziza addressed the Board and explained that Marcum prepares the Auditor's Opinion on the financial statement, noting that the remainder of the document is prepared by Management which, for audit purposes, is Northern's Finance Department. He then briefly reviewed the document with emphasis on Management's responsibility, the Auditor's responsibility, the Auditor's Opinion, some of the financial highlights and the Communication Letter. He reported that it was a clean, Unmodified Opinion and there were no adverse Management Letter comments.

Mr. Aziza stated that the Communication Letter summarizes the Auditor's processes. He explained that there were no difficulties in performing the audit and no disagreements with Management. He stated that it is one of the first audits that they have completed this season and commended Northern's Finance Department for their efficiency and assistance throughout the process.

Mr. Block asked what would cause an auditor to issue a Modified Opinion, and Mr. Aziza provided a few examples, such as not being provided sufficient support for a transaction or if an auditor did not believe certain transactions were done in good will.

Mr. Aziza advised the Board that if they have any further questions, they may contact him at any time.

Mr. Beatty acknowledged and complimented Northern's Finance Department on their work.

Ms. Roundtree expressed that it is a team effort, aided by all of Northern Staff following the rules and she then briefly reviewed the filing and posting process of the Financial Report.

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 Annual Financial Report for Fiscal Year Ending September 30, 2022, as presented.

ii) Consider Resolution Approving Subaward and Grant Agreement for Hurricane Ian (2023-01)

Ms. Roundtree reported that, as she has mentioned at previous meetings, Northern has been approved by FEMA for reimbursement of some of the costs expended for stormwater pump usage during

Hurricane Ian, in the amount of approximately \$59,000. She explained that Northern is a subgrantee of the State of Florida, noting that FEMA provides the money to the State and then the State passes the money on to Northern via the provisions in this Agreement. She stated that Staff is requesting authorization to execute and forward this Agreement to the appropriate parties.

Mr. Boykin asked if the funds go to the specific units, and Ms. Roundtree responded affirmatively.

Mr. Boykin asked how many grants Northern has, and Ms. Roundtree advised that there are currently a couple. She noted that any time there is a natural disaster, you may apply for a grant for disaster cleanup, use of stormwater pumps, etc., noting that it also triggers a proactive Hazardous Mitigation Grant. She explained that, as a result of Hurricane Ian and Hurricane Nicole, Hazardous Mitigation Grants are now eligible for applications, and Northern will be applying for grants for the EOC roof replacement and generator replacements.

Mr. LaMotte asked about the possibility of having to reimburse grant funds, and Ms. Roundtree advised that FEMA always has the right to request fund reimbursement. She stated that Northern has always been able to substantiate the use of funds and has never had to reimburse FEMA for grant funds.

Mr. Edwards stated that the Board will need to make a motion to approve the Resolution approving the Agreement.

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 Resolution No. 2023-01, as presented.

**b) 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 the Consent Agenda approved earlier in the meeting included a Change Order to J.W. Cheatham, LLC closing

out their contract for land work in Artistry. He then showed various aerial photos of the area, noting that home sales are going very well.

Ms. Baker commented that her high school is starting a drone program and she is very excited for the students.

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

**c) UNIT OF DEVELOPMENT NO. 11 – PGA NATIONAL
Consider Grant of Easement to FPL**

Prior to consideration of a Grant of Easement to Florida Power and Light Company (FPL), Mr. Boykin recused himself from the vote, having previously filled out a Form 8B on matters involving this company.

Ms. Leser explained that FPL has applied for a Permit to install a new transmission line within real property owned by Northern that is located north of SR710 (Beeline Highway) and east of SFWMD C-18 Canal. She stated that, in conjunction with the permitted work, FPL is requesting that Northern grant a 15-foot-wide utility easement running parallel with the north right-of-way line of SR710. She explained that the initial sketch and descriptions have been reviewed by Keshavarz & Associates, Inc., Northern's subcontracted surveyor of record, with only minor comments given, noting that final review of the submitted revised sketch and legal descriptions has not been concluded, but is expected shortly.

She reported that there are no currently known fiscal impacts associated with the granting of this utility easement to FPL so, subject to the review and approval of the revised sketch and legal descriptions, the District Engineer and General Counsel recommend approval of the grant of the referenced easement to FPL.

Mr. Edwards stated that this is a different type of easement than Northern's normal form of easement, explaining that it came from FPL and there was much discussion with FPL's legal counsel before reaching

agreement on the language in this Easement and a similar one being presented later for Unit 24. He reported that there is one additional Easement that is still being negotiated.

Mr. Edwards further explained that this Easement requires Northern Staff to get FPL's approval before performing certain activities on the subject easement encumbered property due to safety concerns.

Mr. LaMotte had a question about the land, and Ms. Leser advised him of its location and Northern usage.

There were no comments from the public with regard to this item.

A **motion** was made by Ms. Baker, seconded by Mr. LaMotte and passed by the voting members approving of the grant of the referenced easement to Florida Power and Light Company, subject to the review and approval of the revised sketch and legal descriptions.

**d) UNIT OF DEVELOPMENT NO. 16 – PALM BEACH PARK OF COMMERCE
Consider Resolution to Accept Real Property (2023-02)**

Mr. Beatty explained that property formerly referred to as the "Franz Parcels" was incorporated into Unit 16 last year and the developer is now in the process of going through site plan approval with Palm Beach County. Included within these parcels is an existing 100' Drainage Easement dedicated to Northern for water management purposes. He explained that, as part of their review process, the County has determined that it would be beneficial to deed the Drainage Easement encumbered acreage to Northern in fee simple noting that by doing so, the developable property will no longer be contiguous with the right-of-way of Seminole-Pratt Whitney Road and not subject to certain County set back requirements.

Mr. Beatty stated that he has spoken with the County Engineer, who indicated that the County currently has sufficient right-of-way and does not believe it will need any additional right-of-way. Staff has determined that it does not appear to present any adverse issues and it provides fee simple ownership of the property to Northern, so approval of this Resolution is recommended in order to proceed with the conveyance.

Mr. Edwards stated that this Resolution authorizes the acceptance of these parcels once the checklist of items that has been attached to the Resolution have been finalized. He further stated that the Resolution identifies certain Designated Agents charged with notifying Northern when those conditions have been satisfied, noting that approval of the Resolution is a step towards the process of accepting the real property.

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 Resolution No. 2023-02.

**e) UNIT OF DEVELOPMENT NO. 24 – IRONHORSE
Consider Grant of Easement to FPL**

Prior to consideration of a Grant of Easement to FPL, Mr. Boykin recused himself from the vote, having previously filled out a Form 8B on matters involving this company.

Ms. Leser explained that this item is very similar to the Unit 11 request, but in a different location. She further explained that FPL has applied for a Permit to install a new transmission line within real property owned by Northern located south of SR710 (Beeline Highway) and west of Jog Road. She stated that, in conjunction with the permitted work, FPL is requesting that Northern grant FPL a 15-foot-wide utility easement running parallel with the west edge of pavement of Jog Road. The area is also encumbered by an existing 20-foot-wide Utility and Drainage Easement and includes drainage facilities owned and maintained by Palm Beach County. FPL is coordinating with Palm Beach County regarding any potential impacts to the County's existing infrastructure. She explained that the initial sketch and descriptions have been reviewed by Keshavarz & Associates, Inc. with only minor comments given, noting that final review of the submitted revised sketch and legal descriptions has not been concluded, but is expected shortly.

She reported that there are no currently known fiscal impacts associated with the granting of this utility easement to FPL so, subject to the review and approval of the revised sketch and legal descriptions,

the District Engineer and General Counsel recommend approval of the grant of the referenced easement to FPL.

Mr. LaMotte asked what FPL is planning to do in the easement, and Ms. Leser advised that the work will involve installation of concrete poles for a new transmission line.

Ms. Baker 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 passed by the voting members approving of the grant of the referenced easement to Florida Power and Light Company, subject to the review and approval of the revised sketch and legal descriptions.

**f) UNIT OF DEVELOPMENT NO. 43 – MIRASOL
Consider Payment Request to WGI**

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 \$2,369.50 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 \$2,369.50 to WGI, Inc.

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

Mr. Beatty began his report by initially displaying the unit map and site plan, followed by aerial photos of the project. He explained that the photos are similar to those shown last month since the site is so large and the same type of work is ongoing. He reported that the project is moving along very well and Staff will be advertising shortly for the next two phases, as there are sufficient bonds funds for that work. He stated that future phases would require additional funding.

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

8) MISCELLANEOUS REPORTS

a) ENGINEER

Ms. Leser reported that there are currently a couple of projects out for bid in Unit 11 and Unit 5 and she is currently preparing some others.

b) ATTORNEY

Mr. Edwards reported that the regular Legislative Session will begin in March. He stated that the Legislature did meet to address the Reedy Creek issue, noting that as shown by the treatment of Reedy Creek, whenever the Legislature wants to do something about special districts they have the power to do so. He briefly reviewed some pending bills dealing with ethics and explained how one of the proposed bills could pose problems with regard to the Board makeup of Chapter 298 Districts in agricultural areas and Chapter 189, Community Development Districts. Mr. Edwards explained that he is sure the language will change as it moves through Committees and noted that Mr. LaMotte, as a landowner-elected Board Member, would be the only Board Member affected at Northern should the bill pass.

c) EXECUTIVE DIRECTOR

Mr. Beatty stated that Northern has reached a settlement on a trip and fall case and Ms. Roundtree will give the report.

Ms. Roundtree stated that Northern has been working on a trip and fall case for the past couple of years regarding an alleged crack in the sidewalk. She reported that during mediation held on February 21, 2023, Northern's litigation counsel, Lyman Reynolds, was able to reach a settlement with Plaintiff's counsel, avoiding the need for a trial.

Mr. Beatty then reported on a recent incident in which a contractor, doing site work in Unit 16, was discovered to be discharging construction water during its excavation of a lake into a Northern canal. He explained that the turbidity barriers that they had in place were insufficient to prevent significant turbidity (muddy water) in the canal. Staff stopped the work as soon as it was discovered and notified South Florida

Water Management District (SFWMD). SFWMD is running turbidity tests and will likely impose fines on the contractor, as the contractor did not have a proper dewatering permit from SFWMD.

Mr. Beatty explained that the water did not reach Caloosa, noting that it will settle out, but Northern likes to keep those canals clear.

The Public and Community Relations Report is 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 Monthly Financial Reports; and
- Proof of Publication of Meeting Notice

copies of which are contained in Northern's records.

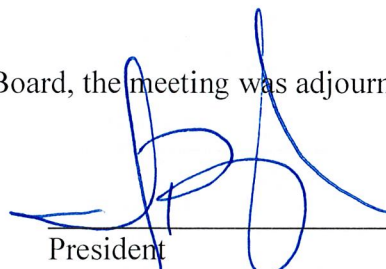
10) COMMENTS FROM THE BOARD

Ms. Baker thanked Ms. Roundtree and Ms. Ham for their work on the Financial Report. She noted that she liked the Northern Notes article on disposing of plastics bags properly, and she also reported that she attended the FASD Legislative Update webinar and will be in Tallahassee the first week of March.

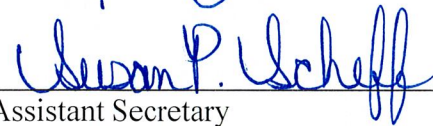
11) ADJOURN

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