

HAMAL
COMMUNITY DEVELOPMENT
DISTRICT

REGULAR MEETING
AGENDA

December 19, 2012

Hamal Community Development District
6131 Lyons Road, Suite 100 • Coconut Creek, Florida 33073
Phone: (954) 426-2105 • Fax: (954) 426-2147 • Toll-Free: (877) 276-0889

December 12, 2012

Board of Supervisors
Hamal Community Development District

ATTENDEES:
Please identify yourself each
time you speak to facilitate
accurate transcription of
meeting minutes.

Dear Board Members:

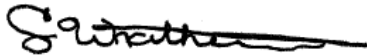
A Regular Meeting of the Hamal Community Development District's Board of Supervisors will be held on **Wednesday, December 19, 2012 at 8:30 a.m.**, at the **Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411**. The agenda is as follows:

1. Call to Order/Roll Call
2. Administration of Oath of Office to Newly Elected Supervisor, **Ione Senior** [Seat 3], (*the following to be provided in separate package*)
 - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees 2012
 - B. Membership, Obligations and Responsibilities
 - C. Financial Disclosure Forms
 - Form 1: Statement of Financial Interests
 - Form 1X: Amendment to Form 1, Statement of Financial Interests
 - Form 1F: Final Statement of Financial Interests
3. Consideration of **Resolution 2013-2**, Declaring Vacancies in Certain Seats on the Board of Supervisors (Seats 3 and 5)
4. Consideration of **Resolution 2013-3**, Appointing Qualified Electors to Fill Vacancies in Certain Seats on the Board of Supervisors
 - Administration of Oath of Office to Newly Appointed Supervisors
5. Consideration of **Resolution 2013-4**, Electing the Officers of the District
6. Approval of **October 17, 2012** Regular Meeting Minutes
7. Award of Contract: Pump Station Maintenance
8. Update: SFWMD Meeting and Letter to Homeowners

9. Other Business
10. Staff Reports
 - A. Manager
 - i. Approval of Unaudited Financial Statements as of October 31, 2012
 - ii. **NEXT MEETING DATE: February 20, 2013 at 8:30 A.M.**
 - Fiscal Year 2013 Meeting Schedule Conflict
 - February 20, 2013 at 8:30 A.M.
 - April 17, 2013 at 8:30 A.M.
 - June 19, 2013 at 8:30 A.M.
11. Audience Comments/Supervisors' Requests
12. Adjournment

Should you have any questions, please do not hesitate to contact me directly at (561) 719-8675.

Sincerely,



Craig A. Wrathell
District Manager

**FOR BOARD MEMBERS AND STAFF TO ATTEND
BY TELEPHONE:**

**Call-in number: 1-888-354-0094
Conference ID: 2144145**

CW:dg

RESOLUTION 2013-2

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HAMAL COMMUNITY DEVELOPMENT DISTRICT DECLARING VACANCIES IN CERTAIN SEATS ON THE BOARD OF SUPERVISORS PURSUANT TO SECTION 190.006(3)(b), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Hamal Community Development District (the “District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

WHEREAS, on November 6, 2012, three (3) members of the Board of Supervisors (the “Board”) were to be elected by the Qualified Electors of the District, as that term is defined in Section 190.003, Florida Statutes; and

WHEREAS, the District published a notice of qualifying period set by the Supervisor of Elections at least two (2) weeks prior to the start of said qualifying period; and

WHEREAS, at the close of the qualifying period only one Qualified Elector qualified to run for the three (3) seats available for election by the Qualified Electors of the District; and

WHEREAS, pursuant to Section 190.006(3)(b), Florida Statutes, the Board shall declare such unfilled seats as vacant, effective the second Tuesday following the general election; and

WHEREAS, Qualified Electors are to be appointed to the vacant seats within 90 days thereafter; and

WHEREAS, the Board finds that it is in the best interests of the District to adopt this Resolution declaring the seats available for election as vacant.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HAMAL COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The following seats are hereby declared vacant effective as of November 20, 2012:

- Seat # 3 (currently held by Edward Zakarian)
- Seat # 5 (currently held by Steven Pincus)

SECTION 2. Until such time as the District Board nominates Qualified Electors to fill the vacancies declared in Section 1 above, the incumbent Board member in each respective seat shall remain in office.

SECTION 3. This Resolution shall become effective upon its passage.

PASSED AND ADOPTED this 19th day of December, 2012.

ATTEST:

**HAMAL COMMUNITY
DEVELOPMENT DISTRICT**

Print Name:_____

Chair

RESOLUTION 2013-3

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HAMAL COMMUNITY DEVELOPMENT DISTRICT APPOINTING QUALIFIED ELECTORS TO FILL VACANCIES IN CERTAIN SEATS ON THE BOARD OF SUPERVISORS PURSUANT TO SECTION 190.006(3)(b), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Hamal Community Development District (the “District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

WHEREAS, on November 6, 2012, three (3) members of the Board of Supervisors (the “Board”) were to be elected by the Qualified Electors of the District, as that term is defined in Section 190.003, Florida Statutes; and

WHEREAS, the District published a notice of qualifying period set by the Supervisor of Elections at least two (2) weeks prior to the start of said qualifying period; and

WHEREAS, at the close of the qualifying period only one Qualified Electors qualified to run for the seats available for election by the Qualified Electors of the District; and

WHEREAS, pursuant to Section 190.006(3)(b), Florida Statutes, the Board declared such seats as vacant, effective the second Tuesday following the general election; and

WHEREAS, Qualified Electors are to be appointed by the Board to the vacant seats within 90 days thereafter; and

WHEREAS, the Board finds that it is in the best interests of the District to adopt this Resolution appointing Qualified Electors to fill the vacancies in those seats.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HAMAL COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The following vacant seats are hereby filled by the Qualified Electors designated below:

Seat # 3 _____
Seat # 5 _____

SECTION 2. This Resolution shall become effective upon its passage.

PASSED AND ADOPTED this 19th day of December, 2012.

ATTEST:

**HAMAL COMMUNITY
DEVELOPMENT DISTRICT**

Print Name:_____

Chair

RESOLUTION 2013-4

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HAMAL COMMUNITY DEVELOPMENT DISTRICT ELECTING THE OFFICERS OF THE DISTRICT AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Hamal Community Development District (the “District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Board of Supervisors of the District (“Board”) desires to elect the Officers of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HAMAL COMMUNITY DEVELOPMENT DISTRICT:

- Section 1.** _____ is elected Chair.
- Section 2.** _____ is elected Vice Chair.
- Section 3.** _____ is elected Secretary.
- Section 4.** _____ is elected Assistant Secretary.
_____ is elected Assistant Secretary.
_____ is elected Assistant Secretary.
_____ is elected Assistant Secretary.
- Section 5.** _____ is elected Treasurer.
- Section 6.** _____ is elected Assistant Treasurer.
- Section 7.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 19th day of December, 2012.

ATTEST:

HAMAL COMMUNITY DEVELOPMENT DISTRICT

Secretary/Assistant Secretary

Chair/Vice Chair

1 **MINUTES OF MEETING**
2 **HAMAL**
3 **COMMUNITY DEVELOPMENT DISTRICT**
4

5 A Regular Meeting of the Hamal Community Development District's Board of
6 Supervisors was held on **Wednesday, October 17, 2012 at 8:30 a.m.**, at the **Briar Bay**
7 **Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411.**
8

9 **Present and constituting a quorum were:**

10 Brian Dowling	Chair
11 Robert Simeone (via telephone)	Vice Chair
12 Ione Senior	Assistant Secretary
13 Edward Zakarian	Assistant Secretary
14 Steven Pincus	Assistant Secretary

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18 **Also present were:**

19 Craig Wrathell	District Manager
20 Matthew Adika	Wrathell, Hunt & Associates
21 Roy Van Wyk (via telephone)	District Counsel
22 Bruce King	Kings Management
23 Leo Giangrande	District Engineer

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27 **FIRST ORDER OF BUSINESS**

Call to Order/Roll Call

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29 Mr. Wrathell called the meeting to order at 8:32 a.m., and noted, for the record, that
30 Supervisors Dowling, Senior, Zakarian and Pincus were present, in person. Supervisor Simeone
31 was not present at roll call.
32

33 **SECOND ORDER OF BUSINESS**

**Approval of September 12, 2012 Public
Hearing and Regular Meeting Minutes**

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36 Mr. Wrathell presented the September 12, 2012 Pubic Hearing and Regular Meeting
37 Minutes and asked for any additions, deletions or corrections. The following changes were
38 made:

39 Line 284: Change "Mr. _____" to "Mr. Zakarian"

40 Line 288: Change "the Board will renew the contract" to "the Board will not renew the
41 contract"

42 Mr. King indicated that Staff will read contracts more carefully and make sure there is a
43 ‘way out’ default clause.

44

45 **On MOTION by Mr. Pincus and seconded by Ms. Senior, with**
46 **all in favor, the September 12, 2012 Public Hearing and**
47 **Regular Meeting Minutes, as amended, were approved.**

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THIRD ORDER OF BUSINESS

**Courtesy Letter to Holiday Lighting
Designs, Inc.**

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53 ******This item, previously the Fourth Order of Business, was presented out of order.******

54 Mr. Wrathell presented a copy of the letter to Holiday Lighting Designs, Inc. (Holiday
55 Lighting), located behind Tab 4. The letter warned Holiday Lighting that the District intends to
56 terminate their contract, if their services do not improve. Mr. Wrathell advised that no response
57 was received.

58 In response to Mr. Pincus’ inquiry, Mr. King indicated that Holiday Lighting has not
59 scheduled a date to hang the holiday lights; however, Andy received their response to
60 Management’s letter. Holiday Lighting’s reply mentioned that their records reflect two (2)
61 service calls for the season and that their policy will be to respond to services calls within 24
62 hours.

63 Mr. King recalled that, last season, the holiday lights were going out because rain was
64 tripping the breakers. Staff thought it was more efficient to reset the breakers instead of waiting
65 24 hours for Holiday Lighting’s service call. A major problem was Holiday Lighting’s use of
66 indoor cables and extension cords, which caused outages at the slightest onset of moisture. Mr.
67 King pointed out that, although, Holiday Lighting has two (2) service calls on file, in all
68 probability, Staff reset the breakers approximately 15 times.

69 Mr. Pincus recalled that the diagrams and proposal, approved by the Board, did not match
70 the ornamentation that Holiday Lighting installed. Mr. King advised that, going forward, he will
71 ensure that the diagrams match the actual decorations.

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FOURTH ORDER OF BUSINESS

Update: Pump Station

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75 ******This item, previously the Third Order of Business, was presented out of order.******

76 Mr. Wrathell recalled that, as a result of Tropical Storm Isaac, it was discussed that
77 additional and frequent pump station inspections are essential. Referring to emails that the
78 Board was copied on, Mr. Wrathell stated that Mr. Giangrande considered some of the
79 suggestions to be excessive, while other suggestions were incorporated into the proposed bid
80 specs.

81 Mr. Wrathell stated that, because the revisions took longer than anticipated, he and Mr.
82 Dowling decided to present the specs to the Board once again.

83 Mr. Dowling recalled that, during the September 12, 2012 meeting, the Board approved
84 finalization of the Request for Proposal (RFP), as well as authorized him to solicit bids based on
85 the final RFP. Mr. Dowling noted that the objective of giving him authority was to not prolong
86 the bidding process another month; however, the RFP was not finalized until approximately one
87 (1) week ago and, given that it was close to today's meeting, he elected to wait to give the Board
88 an opportunity to review it once more.

89 Mr. Wrathell noted that Mr. Giangrande concurred with the suggestion of scheduling one
90 (1) of the required inspections prior to hurricane season. Genset Services, Inc. (Genset)
91 proposed a May date for the inspection.

92 Referring to Exhibit A-C, Mr. Wrathell expressed his concern with the quantity of
93 inspections for the intake culvert and discharge pipe and pointed this out to Mr. Giangrande in an
94 email. Genset suggests a visual inspection once per year; Mr. Giangrande feels this is sufficient.
95 Mr. Wrathell finds the frequency questionable and feels that the Board may consider increasing
96 the number of inspections. The other inspections are quarterly, except for the generator, which is
97 inspected monthly, per the manufacturer's requirements.

98 In response to Mr. Dowling's question, Mr. Wrathell stated that it would be less
99 complicated to work with one (1) contractor but he will defer the decision to the Board. Mr.
100 Dowling indicated that, in this type of facility, multiple levels of experience and expertise may
101 be required. Mr. Wrathell indicated that there may be one (1) contractor that is accountable to
102 the District and that contractor may have subcontractors, as part of their team. Mr. Pincus
103 compared the process to building a house and the general contractor hires subcontractors for
104 every facet of building the house.

105 In response to a question, Mr. Wrathell indicated it is his understanding that the RFP
106 includes subcontractors. Mr. Pincus stated that the subcontractors must submit their proof of

107 insurance and licenses. Mr. Wrathell suggested that Mr. Van Wyk and Mr. Giangrande add a
108 provision to the RFP regarding subcontractors and insurance requirements.

109 Mr. Van Wyk recalled an issue with the landscaper hiring an irrigation contractor;
110 however, they were not authorized to do so. He cautioned the Board against allowing a Genset
111 maintainer to provide electrical contracting, because this is a licensed profession. It is important
112 to include language in the contract such that an electrical contractor would be obtained by the
113 District, in the event that electrical work was required or determined to be required by the
114 generator contractor.

115 Mr. Dowling recommended at least two (2) contractors, one (1) electrical contractor and
116 one (1) contractor for the generator; they will keep each other honest. In his experience, a
117 generator's electrical system is complex.

118 Mr. Wrathell stated that the RFP may be modified with the aforementioned provisions.

119 Mr. Zakarian suggested the following modification for Exhibit A-E, electrical telemetry:
120 any electrical work must be performed by a licensed electrician. Mr. Pincus suggested adding
121 that 'any party responding to the RFP must hold the applicable licenses necessary for all facets of
122 the work'. Mr. Wrathell concurred with Mr. Pincus and suggested Mr. Van Wyk draft language
123 that will require contractors to have the necessary licenses and, if needed, the District will have a
124 direct contractual relationship with the electrical contractor.

125 In response to Mr. Dowling's comment, Mr. Wrathell directed the Board to the statement
126 in Item 8B, "firm should provide statement of qualifications for the enlistment of work similarly
127 performed including other ongoing maintenance contracts..." For the District's protection, Mr.
128 Pincus proposed adding 'and will provide proof of applicable licenses' after "proposed personnel
129 hourly rates".

130 Seeking clarification, Mr. Wrathell asked if the Board intends to include language stating
131 that the electrical contractor will be contracted directly with the District or if it would be through
132 the bid. Mr. Pincus indicated that it would depend on whether the responding contractor has
133 both types of licenses. Mr. Wrathell suggested including language requesting that the contractor
134 provide proof of all the applicable licenses and see what qualifications the responding
135 contractors have. Mr. Wrathell reiterated that it is more desirable to have a single contractor,
136 with the project handled under "one roof". Mr. Pincus noted that the contract the Board will
137 ultimately sign may contain language advising that the District may contract with an electrician,
138 separately.

139 ****Mr. Simeone joined the meeting, via telephone.****

140 Mr. Zakarian proposed adding language allowing bidders to bid in whole or in part; for
141 example, an electrician may bid just on the electrical portion of the RFP. Mr. Dowling and Mr.
142 Pincus were in agreement.

143 Mr. Wrathell expressed his concern with the RFP becoming too piecemeal and, if the
144 Board would like the ability to accept separate bidders, he suggested adding a separate bid for
145 the generator and another for the electrical.

146 Mr. Zakarian suggested extending the bid to one (1) company that is able to handle it all,
147 such as an electrical firm that has experience in this area. The three (3) areas of specialty include
148 the generator, the electrical and the pumps; the firm handling the pumps will also handle the
149 culverts, intakes and outtakes.

150 Mr. Dowling stated that the decision will be made based on the bid responses.

151 Mr. Wrathell suggested adding to Item 8C, “the firms will be required to provide proof of
152 all applicable licensing”, as well as adding, “bidders are able to bid in whole or in part”. Mr.
153 Zakarian suggested putting out a bid for each of the maintenance requirements. Discussion
154 followed regarding the maintenance requirements listed on Exhibit A.

155 Mr. Wrathell recommended one (1) contractor handle the pumps, wet well and discharge
156 bay and the intake culvert/discharge pipe, with a different contractor handling the backup
157 generator, the electric controls and telemetry.

158 A consensus was reached to amend Item 8C to include language requesting proof of all
159 applicable licenses and the District will consider separate items for D and E under Exhibit A.

160 Mr. Zakarian asked if language should be added regarding the District awarding the bid
161 to the best qualified party, regardless of pricing. Mr. Pincus felt it was not necessary.

162 In response to Mr. Wrathell’s question Mr. Van Wyk recalled that, during a previous
163 discussion, it was decided not to hold a formal bid and accept proposals instead, as well as
164 remove the word ‘bid’ from all documents. If bids are sought, the District will be forced to go
165 with the lowest offer unless an evaluation criterion, describing how the selection will be made, is
166 added to the bid package. In Mr. Van Wyk’s opinion, the amended language agreed on today
167 will allow the District to choose contractors that will be most beneficial, regardless of cost.

168 Referring to the language at the end of Section 8, Mr. Wrathell pointed out that the packet
169 is referred to as “request for proposal package” and asked if the language should be modified.

170 Mr. Van Wyk reiterated his opinion regarding keeping the word ‘proposal’, as using the word
171 ‘bid’ will bind the District to bidding requirements.

172 Mr. Zakarian was under the impression that the District’s by-laws contained verbiage
173 allowing the District to accept the most qualified bidder instead of the lowest price. Mr. Van
174 Wyk indicated that the decision will be made, by the Board, when the responses are received.

175 Mr. Wrathell asked for a motion approving the revisions and asked if the Board wishes to
176 review the package before it is executed. Mr. Pincus advised that the Board does not need to
177 review the package again.

178

On MOTION by Mr. Zakarian and seconded by Mr. Pincus, with all in favor, authorizing the District Engineer, District Counsel and District Manager to revise Item 8C, of the RFP, as agreed, and authorizing the Chair to execute the agreement, pending final review by District Counsel, was approved.

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FIFTH ORDER OF BUSINESS

Other Business

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There being no other business to discuss, the next item followed.

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SIXTH ORDER OF BUSINESS

Staff Reports

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A. Manager

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i. Unaudited Financial Statements as of August 31, 2012

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194 Mr. Wrathell presented the Unaudited Financial Statements as of August 31, 2012. He
195 advised that funds were moved from the State Board Administration (SBA) account and he
196 would investigate why \$5 was left in the account. He reported that assessment collections were
197 at 102%, which is indicative of the fact that some property owners did not pay their tax bill in
198 November. Additional funds were received in August, which may have been a result of tax
199 certificate sales.

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On MOTION by Ms. Senior and seconded by Mr. Simeone, with all in favor, the Unaudited Financial Statements as of August 31, 2012 were approved.

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205 ii. NEXT MEETING DATE: December 19, 2012 at 8:30 A.M.

206 Mr. Wrathell advised that the next meeting is scheduled for December 19, 2012.

207	SEVENTH ORDER OF BUSINESS	Audience	Comments/Supervisors'
208		Requests	
209			

210 Mr. Dowling requested that Mr. Wrathell elaborate on Mr. Giangrande’s report. Mr.
 211 Wrathell reported that it is his understanding that one (1) objective is to convince the Northern
 212 Palm Beach County Improvement District (NPBCID) to approve expanding the District’s permit,
 213 allowing an increase in pumping capacity; however, this may be a significant issue. It was Mr.
 214 Wrathell’s understanding that the South Florida Water Management District (SFWMD) prefers
 215 that the District have NPBCID’s approval before meeting with them; however, there is a
 216 tentative meeting scheduled with SFWMD. Mr. Wrathell hoped to clarify this issue with Mr.
 217 Giangrande today. Mr. Wrathell indicated that the District may have an upward climb to have
 218 the pumping capacity increased.

219 Mr. Dowling recalled that at the last meeting, the Board discussed upgrading the
 220 pumping capacity. Mr. Dowling questioned Mr. Giangrande’s comment regarding a second
 221 permit issued, as the District is young. Apparently, there was a permit issued before the land was
 222 developed. The permit was amended when the District was developed.

223 Mr. Dowling reported that SFWMD set the pumping capacity for the District at 3,596
 224 gallons per minute. Mr. Pincus inquired if the issue was that the District had one (1) pump
 225 running and the other not running. Mr. Dowling replied no, and indicated that there are many
 226 misconceptions as to the reasons for the flood.

227 Mr. Dowling clarified that the pumps are set to automatic mode; there is absolutely no
 228 reason for anyone to turn them off. The pumps are set to turn on periodically when the floats
 229 reach 15.25’; however, when the floats reach 15.75’ the pumps run continuously. Mr. Dowling
 230 indicated that, 72 hours before Tropical Storm Isaac, he switched the pumps to manual, allowing
 231 them to run continuously. The District is still limited as to how much it may pump. There are
 232 two (2) pumps for redundancy; the pumps were not designed to run simultaneously. One (1)
 233 pump runs for an hour and shuts down; the other pump starts, for overheating protection. Mr.
 234 Zakarian indicated that the engineers tried to bypass the system and the pumps kept blowing out,
 235 as they were not designed to run at the same time. If the system is taking in more than 3,600
 236 gallons per minute, the system will shut down. The District could not anticipate receiving 18 to
 237 21 of rain in a 24-hour period. Discussion ensued regarding flooding areas.

238 Mr. Dowling reported that the good news is that the District was at saturation overflow
239 and the homes were not flooded. Mr. Pincus pointed out that it was very close; in some areas,
240 the water reached the garage doors. Mr. Dowling stated that the minimum required flow level is
241 18', the maximum water level, based on the equipment readings, was 16.75'. Theoretically, the
242 water should not get above that level because it will automatically overflow into the easement
243 behind the pump stations. Mr. Wrathell indicated that water flowing from off-site areas taxes the
244 District's system.

245 *****Mr. Giangrande joined the meeting.*****

246 Mr. Dowling advised that Hamilton Bay and the District do not have a berm protecting it
247 from water coming in from Grassy Waters. Riverwalk, Enders Isles and Baywinds have a 6'
248 berm protecting them from Grassy Waters; the water reached the berm capacity. Mr. Pincus
249 pointed out that the properties that abut the preserve did not have their backyards flooded; only
250 the street side was flooded. Discussion ensued regarding the areas that were flooded and the off-
251 site areas that drain into the District's system.

252 Mr. Giangrande reported that the meeting with NPBCID went well; they had exhibits and
253 presentations. The District is a water management district, assigned to only one (1) basin, and
254 Mr. Giangrande has never encountered this type of situation. The District is defined as a basin
255 by the SFWMD, which, in turn, defines what the discharge rates will be. The District is located
256 in the C51 basin, which does not have an available discharge but discharges into another basin,
257 which is a unique situation. The basin the District is assigned to was previously designated for
258 another property and a minimal discharge amount was allocated to the District.

259 Mr. Giangrande stated that the problem is that the District is a retainage site; there is
260 3,600 feet of pipe discharging with only two (2) pumps. The District's frustration is that the
261 basin is not having a big impact on the performance and is the reason why the bleed down is so
262 poor. He reported that NPBCID is not seeking to provide relief to the District because the 3,600
263 foot pipe that discharges into NPBCID comes into a residential neighborhood that has one (1)
264 gravity float discharge which would be beneficial to the District and that is backed up to the
265 whole top end to the system. There is no available storage and any changes the District makes
266 will impact their neighborhood immediately.

267 The District is bound by the C51 restrictions, established by the SFWMD, who initially
268 determined the discharge parameters per basin; typically, there is a certain amount of discharge

269 per acre of land. NPBCID expressed their desire to assist the District but their hands are tied.
270 Mr. Giangrande will proceed with the SFWMD meeting and see what transpires.

271 Currently, there is a public safety issue, and there must be something that the District can
272 do regarding negotiating. Mr. Giangrande was not sure where the District may negotiate, other
273 than being given the opportunity to turn the pumps on prior to storm events. He noted that the
274 District was full before Isaac and would have had better performance given the chance to bleed
275 down. Mr. Dowling pointed out that the District should bleed down six (6) weeks prior to an
276 incoming storm. Conversation ensued regarding monitoring of the pump system.

277 Mr. Wrathell expressed concern that going forward with the SFWMD meeting may
278 elevate the issue. The District should consider advance draining before a storm approaches. In
279 response to Mr. Wrathell's question, Mr. Giangrande indicated that the District is not permitted
280 to manually turn the pumps on at a lower than permitted elevation; the permitted elevation is 6"
281 above control. Mr. Dowling indicated he believes it is 15.25'. Mr. Giangrande stated that, in
282 order to level out, the District will have a bleeder at control, which is how 99% of the sites work.

283 Mr. Pincus asked if the pumps are currently set to discharge at the maximum rate
284 permitted. Mr. Giangrande replied affirmatively. Mr. Dowling indicated that the pumps need to
285 be tested to confirm that they will discharge at that setting.

286 Mr. Giangrande indicated that, in reviewing the District's initial and subsequent permits,
287 he noted that having a minimal bleed down above control is a poor level of service and is almost
288 pure retention. The District still needs to prove that it will bleed down in seven (7) days.

289 Mr. Dowling stated that the last time the District had any street flooding was
290 approximately six (6) to seven (7) years ago and that was what prompted Mr. Collazo to research
291 who was responsible. Mr. Giangrande stated that the District's pumps were previously
292 maintained by NPBCID, until Mr. Collazo upset them, causing them to hand over maintenance
293 of the pumps to the District. Ms. Senior indicated that Mr. Collazo may have been trying to
294 protect the District.

295 Mr. Pincus inquired whether the District has legal recourse if NPBCID and SFWMD are
296 not willing to voluntarily find a solution and the problem is an initial permit issue where the
297 District was given inadequate capacity and there is a public safety issue. Mr. Giangrande
298 indicated he is not sure; however, he is stating it is a safety issue. Per Volume 4 of the SFWMD
299 Rules and Regulations, the District is in full compliance, has a permit that is within South Florida
300 standards, the site functions per the SFWMD standards and all the finished floor levels are

301 protected. Mr. Dowling expressed concern regarding homeowner's insurance turning the
302 District into a flood zone. Mr. Wrathell pointed out that everyone should have flood insurance,
303 regardless.

304 Mr. Wrathell reviewed the District's options: (1) the District does not meet with the
305 SFWMD and handle the situation; and (2) meet with the SFWMD and document the concerns
306 and put the onus on them. The advantage of meeting with the SFWMD is that, in case of a flood,
307 the District may prove they spoke with SFWMD and NPBCID; however, they both refused
308 assistance. The other aspect is the District must cut holes in the berms to relieve water, in the
309 event of a major storm.

310 Mr. Dowling indicated that the District will need to watch the pump levels and deal with
311 situations on a case by case basis.

312 Mr. Giangrande stated that he is aware of the Board's responsibility to document the
313 meetings and show that the Board has made every good faith effort to service the community;
314 however, he is not sure where that card will come into play. Mr. Wrathell indicated that it is a
315 protection for the Board, in the sense of assisting the community to understand that the
316 limitations that exist are real.

317 Conversation ensued regarding bleed down rates and emergency situations.

318 Mr. Giangrande stated that the pumps are minimal. It would benefit the system if the
319 pumps turn on 6" above control. In the event of a major storm, the District should set the pumps
320 on 1' below control, four (4) days in advance of a major storm. This will provide 18' of freeport,
321 which, for this acreage, is massive. Discussion ensued regarding flooding areas.

322 In response to Mr. Dowling's question, Mr. King advised that homeowner's inquiries
323 regarding the flooding have eased. Mr. Dowling suggested composing a simple summarized
324 report of the occurrence for a mailing to the homeowners; Mr. Pincus added it should be in
325 laymen's terms.

326 Mr. Giangrande asked if the memo he prepared, summarizing the permit, was too
327 technical. Mr. Dowling and Mr. Pincus agreed that it was too technical. Mr. Wrathell indicated
328 that the District should proceed with the SFWMD November 30 meeting and try to obtain a
329 written response as to how to proceed and include that in the information to the homeowners.
330 Discussion ensued regarding what information should be provided to the homeowners. Mr.
331 Pincus suggested adding 'if you are concerned, feel free to write to the SFWMD' to the mailing.

332 A consensus was reached to prepare the homeowners' mailing after the November 30 meeting
333 with SFWMD.

334 In response to a question, Mr. Wrathell stated that the property appraiser's database may
335 be used to mail the information to homeowners.

336 Mr. Pincus presented Resolution 2013-1 for the Board's consideration

337 In response to Ms. Senior's question, Mr. Van Wyk stated that an attorney from his office
338 was the prior registered agent; however, this year, he will be the registered agent.

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**On MOTION by Mr. Pincus and seconded by Ms. Senior, with
all in favor, Resolution 2013-1, Authorizing and Approving
Change of Designated Registered Agent and Registered Office,
was adopted.**

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EIGHTH ORDER OF BUSINESS

Adjournment

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There being nothing further to discuss, the meeting adjourned.

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**On MOTION by Mr. Simeone and seconded by Mr. Pincus,
with all in favor, the meeting adjourned at 9:41 a.m.**

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Secretary/Assistant Secretary

Chair/Vice Chair

From: [Craig Wrathell](#)
To: [Craig Wrathell](#); [Matthew Adika](#)
Cc: leo.giangrande@aecom.com; briandowling1@comcast.net; [Daphne Gillyard](#)
Subject: RE: SFWMD meeting & letter to homeowners
Date: Monday, November 05, 2012 4:09:40 PM

Daphne

Good afternoon. Please place on the upcoming Hamal agenda as a FYI to the Board.

Thanks Craig

Craig Wrathell
President & Partner
Wrathell, Hunt & Associates, LLC
6131 Lyons Road, Suite 100
Coconut Creek, Florida 33073
Office: (954)426-2105
Toll-free: (877)276-0889
Fax: (954)426-2147
www.whhassociates.com

From: Craig Wrathell
Sent: Tuesday, October 30, 2012 1:02 PM
To: Matthew Adika
Cc: leo.giangrande@aecom.com; briandowling1@comcast.net; [Daphne Gillyard](#); [Craig Wrathell](#)
Subject: Re: SFWMD meeting & letter to homeowners

Matt & Brian

Leo and I thought after today's meeting that we might want to wait for a bit on the resident letter. Leo did a good job negotiating with SFWMD today and it looks like they are open to a permit modification which under certain circumstances would allow us to drain down from 16.05 to 15.5 feet before certain storms (right now we can only turn on the pumps after 16.05 per the SFWMD permit). Leo is going to contact Northern to see if they are agreeable to the concept. If so, then we will come back to the Board and request authorization for Leo to formally request a SFWMD permit modification.

Thanks Craig

Sent from my iPhone

On Oct 30, 2012, at 11:24 AM, "Matthew Adika" <adikam@whhassociates.com> wrote:

Good Morning,

I remember last meeting there was discussion about writing a letter to homeowners detailing the CDDs involvement with SFWMD, our permit and the flooding issue. I know we wanted to do this after the meeting today with

SFWMD. Please advise how you would like to proceed given today's meeting and if we should draft a letter for review at the next board meeting.

I am currently waiting to hear back from Roy in regards to the changes we made on the RFP for the pump station maintenance. Once we get the ok we can put the project out to bid.

Have a great day

Matt Adika

Wrathell, Hunt and Associates, LLC

6131 Lyons Road, Suite 100

Coconut Creek, Florida 33073

Toll Free: (877) 276-0889

Phone: 954-426-2105, ext. 214

Fax: 954-426-2147

www.whassociates.com

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this office. Instead, contact this office by phone or in writing.

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.2742 / Virus Database: 2617/5875 - Release Date: 11/05/12

**HAMAL
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
OCTOBER 31, 2012**

**HAMAL
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GENERAL FUND
OCTOBER 31, 2012**

	General Fund	Debt Service Fund 2006	Capital Projects Fund 2006	Total Governmental Funds
ASSETS				
Wachovia	\$ 214,866	\$ -	\$ -	\$ 214,866
Investments				
State Board of Administration	5	-	-	5
Broward Bank of Commerce	248,598	-	-	248,598
Finemark MMA	248,702	-	-	248,702
Old Florida National Bank - MMA	25,000	-	-	25,000
Revenue (series 2006)	-	496,437	-	496,437
Construction (series 2006)	-	-	113	113
Assessments receivable	2,716	5,151	-	7,867
Deposits	50	-	-	50
Total assets	<u>\$ 739,937</u>	<u>\$ 501,588</u>	<u>\$ 113</u>	<u>\$ 1,241,638</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts payable	\$ 5,033	\$ -	\$ -	\$ 5,033
Total liabilities	<u>5,033</u>	<u>-</u>	<u>-</u>	<u>5,033</u>
Fund balances				
Unreserved, undesignated	734,904	501,588	113	1,236,605
Total fund balance	<u>734,904</u>	<u>501,588</u>	<u>113</u>	<u>1,236,605</u>
Total liabilities & fund balances	<u>\$ 739,937</u>	<u>\$ 501,588</u>	<u>\$ 113</u>	<u>\$ 1,241,638</u>

**HAMAL
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED OCTOBER 31, 2012**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Maintenance assessments	\$ -	\$ -	\$ 440,210	0%
Fair share agreement	-	-	48,311	0%
Interest	218	218	1,500	15%
Total revenues	<u>218</u>	<u>218</u>	<u>490,021</u>	0%
EXPENDITURES				
Administrative				
Supervisors	1,077	1,077	7,536	14%
Management	3,292	3,292	39,500	8%
Legal	-	-	15,000	0%
Engineering	820	820	5,000	16%
Audit	-	-	6,283	0%
Arbitrage rebate calculation	-	-	1,250	0%
Postage	-	-	750	0%
Legal advertising	-	-	2,000	0%
Office supplies	-	-	250	0%
Other current charges	-	-	750	0%
Dues, licenses & subscriptions	-	-	175	0%
Insurance	5,500	5,500	5,500	100%
Total administrative expenses	<u>10,689</u>	<u>10,689</u>	<u>83,994</u>	13%
Maintenance				
Telephone	102	102	1,350	8%
Landscape maintenance				
Mowing, edging, pruning & weed control	-	-	84,050	0%
Turf replacement	-	-	2,000	0%
Mulch	-	-	14,250	0%
Insect, weed, fertilization	-	-	42,750	0%
Annuals removal, replacement, installation	-	-	5,000	0%
Tree pruning	-	-	17,500	0%
Irrigation system maintenance	1,050	1,050	12,600	8%
Irrigation repairs	8	8	5,000	0%
Briar Bay & Jog Road:				
Discussed expansion of landscape maintenance program	-	-	20,000	0%
Briar Bay common area: landscape enhancements	-	-	12,500	0%
Jog Road: median landscape enhancements	-	-	20,000	0%
Landscape replacement	-	-	25,000	0%
Preventative maintenance: pump station	-	-	5,000	0%
Repair/maintenance: pump station	-	-	4,000	0%
Lake maintenance	1,800	1,800	21,600	8%
Fountain maintenance	-	-	18,020	0%
Holiday landscape lighting	2,428	2,428	6,000	40%
Contingency	-	-	21,680	0%
Utilities	4,494	4,494	62,000	7%
Total maintenance expenses	<u>9,882</u>	<u>9,882</u>	<u>400,300</u>	2%

**HAMAL
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED OCTOBER 31, 2012**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
Other fees and charges				
Property appraiser	-	-	1,141	0%
Tax collector	-	-	4,586	0%
Total other fees and charges	-	-	5,727	0%
Total expenditures	<u>20,571</u>	<u>20,571</u>	<u>490,021</u>	4%
Excess (deficiency) of revenues over (under) expenditures	(20,353)	(20,353)	-	
Fund balance - beginning (unaudited)	755,257	755,257	647,956	
Fund balance - ending (projected)				
Assigned				
3 months working capital	-	-	122,505	
Sound barriers	-	-	50,000	
Stormwater pump station	-	-	100,000	
Culvert repair/replacement	-	-	50,000	
Disaster recovery	-	-	150,000	
Unassigned	-	-	175,451	
Total fund balance - ending	<u>\$ 734,904</u>	<u>\$ 734,904</u>	<u>\$ 647,956</u>	

**HAMAL
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE - SERIES 2006
FOR THE PERIOD ENDED OCTOBER 31, 2012**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Maintenance assessments	\$ -	\$ -	\$ 836,349	0%
Interest	26	26	-	N/A
Total revenues	<u>26</u>	<u>26</u>	<u>836,349</u>	0%
EXPENDITURES				
Principal 5/1	-	-	335,000	0%
Interest 11/1	-	-	246,319	0%
Interest 5/1	-	-	246,319	0%
Total expenditures	<u>-</u>	<u>-</u>	<u>827,638</u>	0%
Other fees and charges				
Tax collector	-	-	8,711	0%
Total other fees and charges	<u>-</u>	<u>-</u>	<u>8,711</u>	0%
Total expenditures	<u>-</u>	<u>-</u>	<u>836,349</u>	0%
Excess (deficiency) of revenues over (under) expenditures	26	26	-	
Fund balance - beginning (unaudited)	<u>501,562</u>	<u>501,562</u>	<u>476,102</u>	
Total fund balance - ending	<u><u>\$ 501,588</u></u>	<u><u>\$ 501,588</u></u>	<u><u>\$ 476,102</u></u>	

**HAMAL
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
CONSTRUCTION - SERIES 2006
FOR THE PERIOD ENDED OCTOBER 31, 2012**

	<u>Current Month</u>	<u>Year to Date</u>
REVENUES	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
EXPENDITURES	<u>-</u>	<u>-</u>
Total expenditures	<u>-</u>	<u>-</u>
Excess (deficiency) of revenues over (under) expenditures	-	-
Fund balance - beginning (unaudited)	113	113
Total Fund balance - ending	<u><u>\$ 113</u></u>	<u><u>\$ 113</u></u>

Hamal Community Development District

FISCAL YEAR 2013 MEETING SCHEDULE

Meeting	Date	Time	Potential Discussion Focus
1	Wednesday, October 17, 2012	8:30 AM	Regular Meeting
2	Wednesday, December 19, 2012	8:30 AM	Regular Meeting
3	Wednesday, February 20, 2013	8:30 AM	Regular Meeting
4	Wednesday, April 17 2013	8:30 AM	Approve Fiscal Year 2014 Proposed Budget
5	Wednesday, June 19, 2013	8:30 AM	Regular Meeting
6	Wednesday, September 11, 2013	8:30 AM	Adopt Fiscal Year 2014 Final Budget

Meeting Location: **Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411**