

**MINUTES OF MEETING
HAMAL
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Hamal Community Development District held a Regular Meeting on August 4, 2021 at 6:00 p.m., at the Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411.

Present were:

Joseph Petrick	Chair
Steven Pincus	Vice Chair
Ione Senior	Assistant Secretary
Benjamin Cuningham	Assistant Secretary
Marc DePaul	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC
Michelle Rigoni	District Counsel
Leo Giangrande	District Engineer
Noel Deluise	South State Bank
Sara Zare (via telephone)	MBS Capital Markets, LLC
Misty Taylor	Bond Counsel, Bryant Miller Olive P.A.
Mr. and Mrs. Adbeel Martinez	Resident
Grethel Bot Martinez	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Petrick called the meeting to order at 6:04 p.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

Mr. Petrick stated a new flag was on order; therefore, in the absence of the flag, the Pledge of Allegiance was not recited.

THIRD ORDER OF BUSINESS

Public Comments

Ms. Cerbone explained the public comments process and noted that the Board and Staff are not required to respond to any questions or comments during the meeting.

There were no public comments.

FOURTH ORDER OF BUSINESS

Discussion: MBS Capital Markets, LLC, Final Refunding Summary

Ms. Zare presented the Final Refunding Summary, stated that the Series 2017 bonds were successfully refinanced, resulting in a savings of \$267,524.

FIFTH ORDER OF BUSINESS

Discussion: Causey Demgen & Moore, P.C., Verification Report for the Special Assessment Refunding Bond Series 2021

Ms. Taylor presented the Verification Report for the Special Assessment Refunding Bond Series 2021, which verified that the funds deposited by the Trustee were sufficient to pay off the Series 2017 bonds.

SIXTH ORDER OF BUSINESS

Presentation of Second Revised Supplemental Special Assessment Methodology Report

Ms. Cerbone presented the Second Revised Supplemental Special Assessment Methodology Report, dated August 4, 2021. She stated the intent of the Methodology did not change; the dollar amount related to the bond refinancing was updated as follows:

- Page 7, Appendix 6.0, Table 1: The Debt Assessment decreased by approximately \$40 per unit per year.

Discussion ensued regarding Exhibit "A", the Hamal CDD 2021 Bonds Assessment Roll. Ms. Zare confirmed that parcels with \$0 were either owned by the CDD or properties for which the owner prepaid the debt service principal amount. Ms. Cerbone noted that the Property Appraiser's Office website would indicate the status of assessments for all parcels within the CDD boundaries.

On MOTION by Mr. Pincus and seconded by Mr. Cuningham, with all in favor, the Second Revised Supplemental Special Assessment Methodology Report, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2021-06, Approving the Sale and Terms of Sale of the District’s Special Assessment Refunding Bond, Series 2021 (The “2021 Bond”); Establishing the Interest Rate, Maturity Date, and Redemption Provisions Thereof; Approving a Private Placement for the 2021 Bond; Approving the Forms of and Authorizing the Execution and Delivery of a Master Trust Indenture and a First Supplemental Trust Indenture; Authorizing the Refunding of the District’s Outstanding Special Assessment Refunding Bonds, Series 2017; Authorizing and Ratifying Certain Actions of the Officials and Staff of the District, Including the Execution and Delivery of All Documents, Instruments, Agreements and Certificates Necessary in Connection With the Issuance, Sale And Delivery Of The 2021 Bond And The Refunding Of The Refunded Bonds; Appointing a Trustee; Specifying the Application of the Proceeds of the 2021 Bond; Providing Certain Other Details With Respect to the 2021 Bond; and Providing an Effective Date

Ms. Taylor presented Resolution 2021-06, which accomplishes the following:

- Authorizes issuance of refunding bonds not exceeding \$6,420,000.
- Authorizes private placement with SouthState Bank, N.A.
- Authorizes appointment of a Trustee.
- Approves the forms of Master Indenture and Supplemental Indenture.
- Describes the bonds.
- Ratifies and confirms prior bond validation process, and the final judgment entered.

- Authorizes designation of the 2021 bond as a Qualified Tax-Exempt Obligation.

On MOTION by Ms. Senior and seconded by Mr. DePaul, with all in favor, Resolution 2021-06, Approving the Sale and Terms of Sale of the District’s Special Assessment Refunding Bond, Series 2021 (The “2021 Bond”); Establishing the Interest Rate, Maturity Date, and Redemption Provisions Thereof; Approving a Private Placement for the 2021 Bond; Approving the Forms of and Authorizing the Execution and Delivery of a Master Trust Indenture and a First Supplemental Trust Indenture; Authorizing the Refunding of the District’s Outstanding Special Assessment Refunding Bonds, Series 2017; Authorizing and Ratifying Certain Actions of the Officials and Staff of the District, Including the Execution and Delivery of All Documents, Instruments, Agreements and Certificates Necessary in Connection With the Issuance, Sale And Delivery Of The 2021 Bond And The Refunding Of The Refunded Bonds; Appointing a Trustee; Specifying the Application of the Proceeds of the 2021 Bond; Providing Certain Other Details With Respect to the 2021 Bond; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2021-07, Making Certain Findings; Setting Forth the Specific Terms of the District’s Special Assessment Refunding Bond, Series 2021; Confirming the Maximum Assessment Lien Securing the Series 2021 Bond; Confirming and Adopting a Supplemental Special Assessment Methodology Report; Confirming, Allocating and Authorizing the Collection of Special Assessments Securing the Series 2021 Bond; Providing for the Supplement to the Improvement Lien Book; Providing for the Recording of a Notice of Special Assessments; Providing for Conflicts, Severability and an Effective Date

Ms. Rigoni presented Resolution 2021-07, which outlines the specific terms of the assessments, as it relates to the terms of the bonds that were approved by the Board and will be issued upon closing. Resolution 2021-07 accomplishes the following:

- Approves Exhibit A: Second Revised Supplemental Special Assessment Methodology Report, dated August 4, 2021

- Approves Exhibit B: Maturities and Coupon of 2021 Bond
- Approves Exhibit C: Sources and Uses of Funds for 2021 Bond
- Approves Exhibit D: Annual Debt Service Payment Due on 2021 Bond

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, Resolution 2021-07, Making Certain Findings; Setting Forth the Specific Terms of the District's Special Assessment Refunding Bond, Series 2021; Confirming the Maximum Assessment Lien Securing the Series 2021 Bond; Confirming and Adopting a Supplemental Special Assessment Methodology Report; Confirming, Allocating and Authorizing the Collection of Special Assessments Securing the Series 2021 Bond; Providing for the Supplement to the Improvement Lien Book; Providing for the Recording of a Notice of Special Assessments; Providing for Conflicts, Severability and an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Discussion: Fiscal Year 2022 Proposed Budget

Ms. Cerbone reviewed the proposed Fiscal Year 2022 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2021 budget and explained the reasons for any adjustments. She noted that, while the Operation and Maintenance (O&M) portion of the assessment increased, the Debt Service portion of the assessment decreased, resulting in an overall assessment for Fiscal Year 2022, compared to Fiscal Year 2021.

Ms. Rigoni asked for confirmation that the Reserve Study would not cause assessments to increase from the assessment amount previously approved for purposes of setting the public hearing. Ms. Cerbone responded affirmatively and stated that, in the event of an increase to the O&M portion of the assessment, the CDD must send a Mailed Notice to property owners, unless the Board meets to adopt the budget within the narrow date range in September, generally between September 12 and September 15, in which case the Truth in Millage (TRIM) notice sent by Tax Collector would replace the Mailed Notice from the CDD.

Discussion ensued regarding the O&M budget increase, assessment levels and reserves, whether to make budgetary adjustments given the age of the community and whether to increase the O&M assessment because of the aging infrastructure.

TENTH ORDER OF BUSINESS

Discussion: Vandalism of Fence Behind Tides (Lake 9)

Mr. Petrick stated that after the last meeting the vandalized fence was repaired but it was damaged again, which was confirmed on security camera footage. A police report was filed and forwarded to District Counsel. Due to the nature of the offense, the Board discussed sending a letter to the repeat offender. Ms. Rigoni discussed processes for civil claims and policy. Discussion ensued regarding sending a letter, Staff communications with residents, protecting CDD property and instituting a policy to address such situations. Mr. Petrick estimated the cost to repair the damage would be approximately \$500. Board discussed the policy related to district property damage

On MOTION by Mr. Pincus and seconded by Mr. Cuningham, with all in favor, approved a CDD Policy related to addressing property damage under \$1,000 to include a cease-and-desist letter for the first incident and escalating to a request for damages for the second incident and authorizing the Chair to execute, was approved.

ELEVENTH ORDER OF BUSINESS

Consideration of Lighting by Design 2021 Holiday Lighting Proposal and Contract

Ms. Cerbone presented the Lighting by Design annual holiday lighting proposal and contract; \$7,500 was budgeted for this expense. Discussion ensued regarding the proposal, savings realized by selecting the three-year option and the need for an addendum to clarify the termination clause and strike the hold harmless provision.

On MOTION by Mr. Cuningham and seconded by Mr. DePaul, with all in favor, the Lighting by Design 2021 Holiday Lighting Proposal and authorizing Staff to develop an addendum clarifying the termination clause and striking the hold harmless provision and authorizing the Chair to execute, was approved.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2021

Ms. Cerbone presented the Unaudited Financial Statements as of June 30, 2021.

On MOTION by Mr. Pincus and seconded by Ms. Senior, with all in favor, the Unaudited Financial Statements as of June 30, 2021, were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of Minutes

Ms. Cerbone presented the following Meeting Minutes:

- A. May 10, 2021 Regular Meeting**
- B. June 30, 2021 Special Meeting**

The following change was made:

Line 52: Insert "HOA" before "Board"

On MOTION by Mr. Cuningham and seconded by Mr. DePaul, with all in favor, the May 10, 2021 Regular Meeting Minutes, as presented, and the June 30, 2021 Special Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: *Hopping Green & Sams, P.A.***

Ms. Rigoni stated that, for administrative purposes, it would be necessary to change the Registered Agent and designate Ms. Sarah Sandy.

On MOTION by Mr. Pincus and seconded by Mr. Cuningham, with all in favor, Resolution 2020-08, Authorizing and Approving the Change of Designated Registered Agent to designate Sarah R. Sandy, as Registered Agent, and Affirming the Office of Hopping Green & Sams, P.A., 119 South Monroe Street, Suite 300, Tallahassee, Florida 32301, as the Registered Office of the Hamal Community Development District, was adopted.

- B. District Engineer: *Giangrande Engineering and Planning, LLC***

Mr. Giangrande reported that the District Engineer's Annual Report was completed in the past quarter. He described an IT issue relating to the pumphouse software. Mr. Cuningham would work with Mr. Giangrande and Ms. Cerbone to troubleshoot the issue.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

Ms. Cerbone stated the budget would be adopted at the September 13, 2021 meeting.

I. Status of Jog Road Median Maintenance

Ms. Rigoni discussed her understanding that the CDD had maintained the median out of goodwill and for the benefit of residents. She has researched but has not located any plats associated with Jog Road to determine whether the CDD has O&M responsibility for the property. If the CDD wishes to proceed with a public records request to determine responsibility, the Board can direct her to do so. She noted her understanding that there were past efforts to enter into an Interlocal Agreement with the County. Given the potential impact on the CDD budget, she did not recommend taking responsibility for a project of this size and scope without certainty that the CDD is responsible.

Mr. Giangrande stated he performed a thorough review of the CDD plats and Jog Road is not part of the plats. He questioned whether a plat exists and stated the CDD asked the County to make the repairs and the County's response was that it believed there was a historical agreement but no documentation or details were provided so it may be lost or was not executed. Ms. Rigoni stated the plats that she reviewed did not include Jog Road; she identified Easement Agreements but none that related to Jog Road, and more research was needed.

Mr. Pincus thought the public records request is not limited to plats but instead would include all documents, agreements, plats, etc., between the CDD, City and Sail Harbor. Mr. Giangrande noted that Sail Harbor, the townhouse association, was the first community built. Mr. Pincus doubted such a historical document exists and noted that he joined the Board approximately six months after turnover from the Developer; therefore, he would know about such an agreement, if it existed. Discussion ensued regarding the CDD's willingness to maintain the median to a certain extent but not to assume responsibility for major roadway, median and infrastructure repairs. Ms. Rigoni stated, in the absence of a deed, her assumption would be that the median is part of the roadway tract. Mr. Giangrande agreed and stated there may have been a "gentlemen's" agreement whereby the County did not mow and the Developer began performing maintenance.

The consensus was to focus on the public records request, as previously discussed.

Discussion ensued regarding the next steps. Ms. Cerbone stated she would work with Staff and follow up on the public records request made at the last meeting. Mr. Pincus felt that the goal was to ensure proper maintenance and upkeep without exposing the District and its taxpayers to additional liabilities. He noted this was a longstanding issue.

Mr. DePaul stated that some Hamilton Bay residents expressed concern about the condition of the center median on Jog Road since Hamal ceased maintaining it until the matter is resolved. Discussion ensued regarding referring inquiries to the County while the CDD reaches a solution. Staff would forward County Commissioner Greg Weiss’s contact information to the Board.

II. NEXT MEETING DATE: September 13, 2021 at 6:00 P.M.

• QUORUM CHECK

The next meeting would be held on September 13, 2021.

FIFTEENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Petrick asked for wall repairs to be added to the November agenda.

SIXTEENTH ORDER OF BUSINESS

Public Comments

Resident Michelle Martinez thanked the Board for the information shared.

SEVENTEENTH ORDER OF BUSINESS

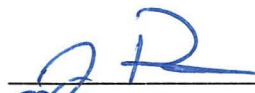
Adjournment

There being no further business to discuss, the meeting adjourned.

On MOTION by Ms. Senior and seconded by Mr. Cuningham, with all in favor, the meeting adjourned at 7:44 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair