

**MINUTES OF MEETING
HAMAL
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Hamal Community Development District held Multiple Public Hearings and a Regular Meeting on September 13, 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 (via telephone)	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Michelle Rigoni (via telephone)	District Counsel
Leo Giangrande (via telephone)	District Engineer
Wesley Finch	Operations Manager, Kings Association Management, Inc. (KAM)
Cheryl Model	Resident
Ricardo Vazquez	Resident
Sandra Forbes	Resident
Danielle Hanson	Resident
Rafael Vazquez	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Petrick called the meeting to order at 6:00 p.m. Supervisors Senior, Cuningham, Pincus and Petrick were present. Supervisor DePaul was attending via telephone.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

Mr. Petrick stated a new flag was still on order. All present recited the Pledge of Allegiance to a temporary flag in the room.

THIRD ORDER OF BUSINESS

Public Comments

Ms. Cerbone explained that there would be four opportunities to make public comments during the meeting. She discussed the process and noted that the Board and Staff are not required to respond to any questions or comments during the meeting; responses are at the Board's discretion and/or direction.

Resident Ricardo Vazquez expressed his opinion that the Jog Road medians have looked unnatural and have been an eyesore for the last six months. It was noted that this matter will be discussed next.

Another resident asked about what was happening with Jog Road.

FOURTH ORDER OF BUSINESS

Update: Jog Road Maintenance Responsibilities

Mr. Petrick explained the Board's decision against maintaining the Jog Road medians until an Agreement with Palm Beach County is in place. He discussed Board Member and District Staff conversations with the County.

Ms. Rigoni stated she is continuing her research. The issues are two-fold in that the CDD wants to take on the operation and maintenance (O&M) of the median itself, regardless of who is the ultimate property owner, and a separate matter from that is the irrigation breaks on the County Road. Today she spoke to Mr. White who is contacting the Roads and Bridges Department to inspect the damages on Jog Road. She would continue discussions with the County's Attorney to see if the CDD can present another Interlocal Agreement to the County Commissioners for consideration. A public records request response from the City and County and for the Development Order from the City were pending.

Ms. Senior suggested providing homeowners with information so they can contact the County Commissioners about this. Residents were encouraged to contact the County Commissioners. Ms. Rigoni confirmed her understanding that it is the Board's position that the CDD would not perform any maintenance or repairs until an agreement can be reached with City and/or County; the CDD is not obligated to do anything now. She noted that Commissioner Greg Weiss was made aware of the current condition of the median and was working on

resolving it. She has not found any documents indicating the CDD owns the median or is responsible for its maintenance.

Ms. Cerbone stated that the Board decided that the CDD would temporarily stop maintenance of the median until this is resolved with the City or the County. It was noted that the reason for this decision is so the CDD does not put any liability on CDD Staff or its contractors without having documentation or agreements in place.

Ms. Rigoni discussed her conversation with Commissioner Weiss, which was her first discussion about the Interlocal Agreement, and the CDD wanting to define a clear scope of work.

Discussion ensued regarding the County's past maintenance performance, the decision to do minimal upkeep, this being a longstanding issue since 2008 and the Board decision to cease upkeep because it is not the CDD's obligation and due to concerns about exposing the CDD and its contractors to liabilities.

FIFTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2021/2022 Budget

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2021-08, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date

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. The budgeted amounts were the same as presented at the last meeting and, while the O&M portion of the assessment increased, the Debt Service portion of the assessment decreased due to refinancing the bonds, which resulted in an overall assessment decrease for Fiscal Year 2022, compared to Fiscal Year 2021.

Mr. Cuningham asked the other Board Members if they were interested in proceeding with a Reserve Study. He felt that one is not necessary; therefore, he would ask for the expense to be removed from the proposed Fiscal Year 2022 budget.

Discussion ensued regarding the reason for the Reserve Study and budgeting for it was due to the age of the infrastructure. It was noted that the benefit of a Reserve Study could be discussed once proposals are obtained.

On MOTION by Mr. Pincus and seconded by Mr. Cuningham, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, the Public Hearing was closed.

Ms. Cerbone presented Resolution 2021-08.

On MOTION by Mr. Pincus and seconded by Mr. Cuningham, with all in favor, Resolution 2021-08, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Public Hearing to Hearing Comments and Objections on the Imposition of Special Assessments for Operations and Maintenance for Fiscal Year 2021/2022, Pursuant to Florida Law

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2021-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; Providing for the Collection and

Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

On MOTION by Ms. Senior and seconded by Mr. DePaul, with all in favor, the Public Hearing was opened.

Resident Danielle Hanson asked about the rationale for the O&M assessment increase and wanted to know if this is normal and expected. It was explained that this is typical, given the age of the community and inflation; however, refinancing the bonds brought down the debt service assessment amount resulting in a combined, overall assessment decrease.

On MOTION by Mr. Pincus and seconded by Mr. DePaul, with all in favor, the Public Hearing was closed.

Ms. Cerbone presented Resolution 2021-09.

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, Resolution 2021-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Allstate Resource Management, Inc., Stormwater System/Maintenance Proposal

Ms. Cerbone presented the Allstate Resource Management, Inc. (ARM) Stormwater System/Maintenance Agreement to clean out all the storm drains and/or storm structures listed in the Agreement. The Board confirmed that this is done every three to four years to avoid a catastrophe during a storm event; the last clean out was in 2018. Contingency and

unassigned reserves would be used to offset the costs exceeding the “Catch basin inspection & cleanout” budget line item; sufficient funds would be allocated during budget deliberations for the Fiscal Year 2023 budget. ARM expected to commence work three weeks after receipt of the deposit; there was concern about risks and whether to wait to commence work in case a storm event occurred while the project is in progress. Mr. Giangrande believed there would be no risk, as the divers already looked at the intake and outtake to determine the scope of work.

On MOTION by Mr. Pincus and seconded by Mr. Cuningham, with all in favor, the Allstate Resource Management, Inc., Stormwater System/Maintenance Agreement to clean all CDD storm drains, etc., listed in the Agreement, in a not-to-exceed amount of \$28,520, and authorizing Ms. Rigoni to prepare an Agreement and for the Chair to execute, was approved.

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2021

Ms. Cerbone presented the Unaudited Financial Statements as of July 31, 2021.

On MOTION by Ms. Senior and seconded by Mr. Cuningham, with all in favor, the Unaudited Financial Statements as of July 31, 2021, were accepted.

NINTH ORDER OF BUSINESS

Approval of August 4, 2021 Regular Meeting Minutes

Ms. Cerbone presented the August 4, 2021 Regular Meeting Minutes. Ms. Rigoni submitted edits to Management’s office.

The following changes were made:

Line 67: Insert “per unit” after “\$40”

Line 195: Change “Giangrande” to “Petrick”

Line 291: Change “Cuningham” to “DePaul”

Line 302: Change “Pincus” to “Petrick” and insert “and painting” after “repairs”

A Board Member referred to Line 245 and asked about Ms. Sarah Sandy being designated as the District’s Registered Agent. Ms. Rigoni stated that she is the primary Attorney

for the CDD and Ms. Sandy is the Hopping Green & Sam's (HGS) Attorney who worked on the bond refinancing. The edits she submitted clarified items; it did not change what was reflected in the minutes.

On MOTION by Mr. Cuningham and seconded by Mr. Pincus, with all in favor, the August 4, 2021 Regular Meeting Minutes, as amended to incorporate today's edits and edits previously submitted to Management, were approved.

TENTH ORDER OF BUSINESS

Staff Reports

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

Ms. Rigoni discussed the Board setting policy to address offenders responsible for damaging District property, adopted in August. A cease-and-desist letter was sent to the homeowner, Mr. Gancz, in response to his request for special use of the District's common area. She discussed this matter with the Chairman and his Attorney, along with the intended use of the ponds. Mr. Gancz's request was denied, as the same request was previously denied at a previous public meeting. Although the policy was approved at the last meeting, she would present a Resolution at the next meeting.

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

Ms. Cerbone presented the Giangrande Engineering and Planning, LLC (GEP) notification of the firm's decision to terminate its contract with the CDD. She noted that Mr. Giangrande agreed to extend the termination terms from 60 to up to 90 days, due to the timing between the next meeting and advertising a Request for Qualifications (RFQ) Package.

Mr. Giangrande stated it was a pleasure serving the CDD. He is prepared to provide services as needed during the transition and committed to a seamless transition.

The Board thanked Mr. Giangrande for his efforts serving the District. Mr. Giangrande would provide Ms. Cerbone with recommendations.

Mr. Cuningham stated that he received everything from Mr. Giangrande, including access to the guard house.

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, accepting the Termination Letter from Giangrande Engineering and Planning, LLC, for District Engineering Services, effective 60 to up to 90 days, and authorizing Staff to prepare and advertise a Request for Qualifications for District Engineering Services, was approved.

C. Operations Manager: King’s Management Services, Inc.

The Report was emailed to the Board this afternoon.

A Board Member asked if the contractor repairing the walls would be on site before the next meeting. Mr. Finch stated he would call and hoped to provide an answer at the end of the week; the contractor was not responding to emails. The casts were expected to arrive last month but there may have been delays in getting materials.

As the middle school has not responded, Mr. Giangrande stated his belief that the CDD has recourse under the terms of the Fair Share Agreement to be responsive. He would review and forward the Agreement, if available, to Ms. Cerbone and Ms. Rigoni. Ms. Rigoni was asked to draft a letter upon receipt. This would be included on the next agenda.

D. District Manager: Wrathell, Hunt and Associates, LLC

- **NEXT MEETING DATE: November 15, 2021 at 6:00 P.M.**
 - **QUORUM CHECK**

The next meeting would be held on November 15, 2021; however, a meeting would be scheduled sooner if materials from the County or City regarding Jog Road are received.

The following items would be included on the November agenda:

- RFQ for District Engineering Services
- Wall Repairs
- Resolution for District Property Destruction Policy
- Fair Share Agreement/Middle School’s Responsibility

Mr. Cuningham stated he inspected the pump house network equipment and Management located an active phone line but was unable to locate an active internet service provider. Discussion ensued regarding the service, laptop and pump house folio. Staff was directed to cancel the AT&T phone line and initiate new internet service with Comcast, to be able to access the system remotely. Mr. Cuningham would continue troubleshooting this until the issue is remedied.

TWELFTH ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRTEENTH ORDER OF BUSINESS

Adjournment

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

On MOTION by Ms. Senior and seconded by Mr. DePaul, with all in favor, the meeting adjourned at 7:13 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair