

**MINUTES OF MEETING
HAMAL
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Hamal Community Development District held Public Hearings and a Regular Meeting on September 7, 2023 at 6:00 p.m., at the Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411.

Present were:

Joseph Petrick	Chair
Ione Senior	Assistant Secretary
Benjamin Cuningham	Assistant Secretary

Also present were:

Jamie Sanchez	District Manager
Steve Smith	District Engineer
Michelle Rigoni (via telephone)	District Counsel
Bruce King	Field Operations
Gervis Z. Collins	Resident
Bensy Sanon	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Petrick called the meeting to order at 6:01 p.m. Supervisors Petrick, Senior and Cuningham were present. Supervisors Pincus and DePaul were not present.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

All present recited the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

Public Comments

No members of the public spoke.

FOURTH ORDER OF BUSINESS

**Acceptance of Resignation of Supervisor
Steven Pincus [Seat 5]; Term Expires
November 2024**

Ms. Sanchez noted that Supervisor Pincus' resignation was accepted at the last meeting; however, to date, a signed resignation has not been received. She recalled that the Board

previously elected not to send an e-blast regarding the vacancy and the search for Supervisor candidates. The Board Members were encouraged to share news of the vacancy and invite interested candidates to attend a CDD Meeting. This item was deferred.

FIFTH ORDER OF BUSINESS

Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 5

- **Administration of Oath of Office to Appointed Supervisor (the following will be provided in a separate package)**
 - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
 - B. Membership, Obligations and Responsibilities**
 - C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**
 - D. Form 8B: Memorandum of Voting Conflict**

These items were deferred.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2023-04, Designating Certain Officers of the District, and Providing for an Effective Date

This item was deferred.

SEVENTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2023/2024 Budget

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

No members of the public spoke.

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

- A. **Proof/Affidavit of Publication**
- B. **Consideration of Resolution 2023-05, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Sanchez presented Resolution 2023-05. She reviewed the proposed Fiscal Year 2024 budget, which was unchanged since it was last presented. Mr. Cuningham opined that the "Reserve study" line item should be removed, as it was budgeted in the past but was not done; he suggested using unassigned fund balance if the study is done. He questioned the \$35,000 "Turf replacement" line item; in his opinion, not many areas need turf replacement.

Mr. Petrick recalled previous discussions about requesting turf proposals. He voiced his opinion that the medians are currently only mature weeds that will eventually die during dry season. As the sod might need to be replaced at that time, he suggested the funds remain budgeted so that the funds will be available if and when needed. In his opinion, the absence of budgeting for a reserve study will make it more difficult to do one should the need arise.

Discussion ensued regarding the proposed budget and budget adoption process, use of unassigned fund balance and previous discussions regarding the Board's prerogative to reduce line items prior to final adoption of the Fiscal Year 2024 budget.

Ms. Sanchez stated, the Board can reconsider budgeted amounts now but the amounts can only be decreased. Typically, the Board discussed the proposed budget and adjusted it before the Public Hearing. While the reserve study might not occur in Fiscal Year 2024, District Management recommends a Reserve Study for CDDs at the maturity level of Hamal. In her three years with the CDD, there have been constant requests for a Reserve Study.

Mr. Cuningham discussed his understanding of budgeting processes and asked how often a Reserve Study is recommended. Mr. Smith believes a Reserve Study is recommended every five years and it was added to the budget because it is overdue. Ms. Sanchez stated it was added to the budget at the request of a Board Member.

Mr. Cuningham thinks the Reserve Study should be removed from the budget and suggested decreasing turf replacement to \$20,000 to reduce assessments. Mr. Smith stated,

considering the total square footage multiplied by the cost, the estimate for turf replacement is approximately \$40,000; \$35,000 is currently budgeted.

Discussion ensued regarding sod replacement in the medians and other areas.

Mr. Cuningham reiterated his belief that the line items should be reduced to decrease the proposed general fund assessment increase of approximately 8%.

Mr. King noted that the cost has increased from \$0.90 to closer to \$1.00 per square foot and stated his turf replacement estimate was not based on replacing the entire median. That estimate included only the cost of sod, not the prep work involved. Other turf areas in the CDD might eventually need to be replaced. The unsightly appearance of the weeded areas in question would be a violation, if it were a homeowner's property.

Mr. Cuningham stated, while he believes the line item should be increased from the previously budgeted \$15,000, he disagrees with such a large increase.

Ms. Sanchez stated the "Turf replacement" line item can be modified to remove "\$0.90/sq. foot".

Mr. Smith stated he does not believe there is a stability issue with the medians but, from his experience, the amount budgeted is low given the lack of irrigation and the cost of turf replacement. While the areas are green now, he expects it will be unsightly during dry season.

Ms. Senior asked why the sidewalks are not being power washed. Mr. Petrick stated they are cleaned every couple of years when the walls are done; he believes they were last cleaned in 2021. Mr. Smith thinks they are due to be cleaned this year; the two rainy seasons caused extensive buildup. Mr. Petrick thinks they might be cleaned after the holidays when the lights are taken down.

Ms. Sanchez discussed the budget approval process and noted that District Management prefers to be informed of changes before the proposed budget is approved and/or adopted so that information can be circulated to the Board.

The following changes were made to the Fiscal Year 2024 budget:

Pages 1, 2 and 3: Change "DEVELOPMENET" to "DEVELOPMENT"

Page 2, "Turf replacement" line item: Delete "\$0.90/sq. foot)

Mr. Cuningham asked for the Reserve Study to be removed and discussed why he wants to lower the "Turf replacement" line item.

Ms. Sanchez noted that, while they are permitted to do so, if the Board decides to decrease the amount budgeted for “Turf replacement” they are doing so against the recommendation of Staff; the Operations Manager and the District Engineer agree that \$35,000 is a reasonable amount to budget for the expense.

The following additional changes were made to the Fiscal Year 2024 budget:

Page 1: Remove “Reserve study” line item

Page 2, “Turf replacement” line item: Decrease to \$20,000

Ms. Sanchez stated if these revisions are approved, the Fiscal Year 2024 budget will be adopted, as amended, and assessments will be recalculated accordingly, following the meeting.

Ms. Sanchez noted that, when public comments were called for earlier in the meeting, no members of the public were present.

Ms. Sanchez presented Resolution 2023-05 and read the title.

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with Mr. Cuningham and Ms. Senior in favor and Mr. Petrick dissenting, Resolution 2023-05, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024, as amended; Authorizing Budget Amendments; and Providing an Effective Date, was adopted. [Motion passed 2-1]

EIGHTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2023/2024, Pursuant to Florida Law

- A. Proof/Affidavit of Publication**
- B. Consideration of Resolution 2023-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; 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 Mr. Cuningham and seconded by Ms. Senior, 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.

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, Resolution 2023-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; 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.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2023-07, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date

The following change was made to the Fiscal Year 2024 Meeting Schedule:

DATE: Delete October meeting

On MOTION by Ms. Senior and seconded by Mr. Cuningham, with all in favor, Resolution 2023-07, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024, as amended, and Providing for an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Presentation of Audited Financial Report for the Fiscal Year Ending September 30, 2022, Prepared by Grau & Associates

Ms. Sanchez presented the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2022. There were no findings, recommendations, irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-08, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022

On MOTION by Ms. Senior and seconded by Mr. Cuningham, with all in favor, Resolution 2023-08, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022, was adopted.

TWELFTH ORDER OF BUSINESS

Update: Resolve IT Issues Related to Pumphouse Software

Mr. King stated most of the issue was resolved; it is now possible to log in to the system. The system is still aging and a meeting will be held this week to hear recommendations regarding what AWC needs in order to service the equipment. The pump is functional now and all switches were replaced and the pumps can be turned on manually and through the computer. Staff needs to ascertain if certain components in the panel need to be replaced so they can be serviced going forward.

Mr. Cuningham surmised that, this point, the only remaining question is whether the generator starts automatically and, if it does, if it powers the control equipment. It was noted that it does power the control equipment. Mr. Cuningham stated, if that is the case, the only remaining need is battery backups for control equipment. He noted that the control system is older but he doubts that a vendor will take responsibility for maintenance. He expects that AWC will provide a proposal to replace some portions of the control system. Ms. Senior asked if the budget includes a contingency for replacement. Mr. Smith stated proposals will be budget conscious and will be presented for approval. The generator was approved for replacement of the battery but it should remain fueled and ready. While a recommendation was made to run the generator every three months, he suggests doing so every month. Mr. Petrick concurred.

Mr. Cuningham stated proposals will be solicited for the next meeting. While the system can benefit from an update, the Board can rest assured that the system is functional and systems can be operated manually for the time being.

Ms. Sanchez stated there is sufficient Unassigned Fund Balance for this expense.

THIRTEENTH ORDER OF BUSINESS

Ratification of Stewart & Stevenson FDDA, LLC, Scheduled Maintenance Agreement [Emergency Generator]

Ms. Sanchez presented the Stewart & Stevenson FDDA, LLC, Scheduled Maintenance Agreement for the Emergency Generator. Mr. Cuningham asked if the diesel fuel is periodically

inspected, tested or replaced. Mr. Smith stated a fuel additive is typically added to stabilize the fuel. It was noted that periodic inspections are performed and there is a filter.

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, the Stewart & Stevenson FDDA, LLC, Scheduled Maintenance Agreement for the Emergency Generator, was ratified.

FOURTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2023

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, the Unaudited Financial Statements as of July 31, 2023, were accepted.

FIFTEENTH ORDER OF BUSINESS

Approval of May 8, 2023 Regular Meeting Minutes

The following changes were made:
Lines 72 and 76: Change “EWC” to “AWC”

On MOTION by Ms. Senior and seconded by Mr. Cuningham, with all in favor, the May 8, 2023 Regular Meeting Minutes, as amended, were approved.

SIXTEENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: Kutak Rock LLP**
- B. District Engineer: Craig A. Smith & Associates**

There were no District Counsel or District Engineer reports.

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

Mr. Bruce King reported the following:

- The palm trees were trimmed in preparation for holiday light installation.
- The service agreement with Comcast for the modem will be renewed.
- Installation of a new battery for the diesel generator was scheduled. Tests will be performed to ensure the backup comes on automatically.
- The pumphouse software proposal will be finalized at a meeting on Tuesday.

- The fence around the pumps is scheduled to be repaired on September 25, 2023. Numerous children were observed climbing the fence. Why they are entering is unknown.
- One control panel for the fountains did not have a locking latch; a latch was installed. All panels with access to electricity were changed to new heavy-duty locks. All timers were replaced; confusing digital timers were replaced with simple, accessible models. Other than regular maintenance, very few calls are received regarding the fountains.
- The fountains operate from 7:00 a.m. until 11:00 p.m., and the fountain lights are on from 7:00 p.m. until 11:00 p.m.

Ms. Sanchez noted that the last report indicated the lights were all operational. Mr. King should be notified if any issues are observed. The battery to which Mr. King referred is a startup battery, not a backup battery.

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

- **NEXT MEETING DATE: _____ at 6:00 PM**
 - **QUORUM CHECK**

The next meeting will be on November 13, 2023.

SEVENTEENTH ORDER OF BUSINESS

Supervisors’ Requests

There were no Supervisors’ requests.

EIGHTEENTH ORDER OF BUSINESS

Public Comments

Resident Gervis Collins asked who is responsible for fixing the lights on the pathway along the sidewalk. Mr. Petrick stated there is usually a number on each pole and Florida Power & Light (FPL) can be called about lights that need to be replaced. Mr. King stated residents can call the office, and staff will call FPL; a call was already placed for a leaning pole and it has yet to be repaired. Mr. Petrick believes that pole is within the HOA boundaries, which is why he advised that the HOA manager be contacted, as opposed to a pole on CDD property.


NINETEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Senior and seconded by Mr. Cunningham, with all in favor, the meeting adjourned at 7:09 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair