

**MINUTES OF MEETING
HAMAL
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Hamal Community Development District held a Regular Meeting May 13, 2024 at 6:00 p.m., at the Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411.

Present were:

Joseph Petrick
Benjamin Cuningham
Ione Senior

Chair
Vice Chair
Assistant Secretary

Also present:

Jamie Sanchez
Michelle Rigoni (via telephone)
Al Caruso
Joseph King
Pamela Atkinson
Lisa Fearon
Bensy Sanon

District Manager
District Counsel
District Engineer
Kings Management & Landscape Supervisor
Resident
Resident
Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Petrick called the meeting to order at 6:01 p.m. Supervisors Senior, Cuningham and Petrick were present. Supervisor DePaul was absent. One seat was vacant.

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

**Consideration of Resolution 2024-03
Approving a Proposed Budget for Fiscal
Year 2024/2025 and Setting a Public
Hearing Thereon Pursuant to Florida Law;
Addressing Transmittal, Posting and**

Publication Requirements; Addressing Severability; and Providing an Effective Date

Ms. Sanchez presented Resolution 2024-03. She reviewed the proposed Fiscal Year 2025 budget, highlighting line item increases, decreases and adjustments, compared to the Fiscal Year 2024 budget and explained the reason for any changes. She and Mr. King worked on the landscape maintenance budget line items to ensure expenses are accurately forecasted.

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, Resolution 2024-03 Approving a Proposed Budget for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law on September 9, 2024 at 6:00 p.m., at the Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date

The following will be inserted in the Fiscal Year 2024/2025 Meeting Schedule:

DATES: October 14, 2025 and November 7, 2024

On MOTION by Ms. Senior and seconded by Mr. Cuningham, with all in favor, Resolution 2024-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025, as amended, and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Time Reserve Study Proposal

- A. Dreux Isaac 7 Associates, Inc.
- B. Reserve Advisors

Ms. Sanchez stated that she has worked with both firms. At Ms. Sanchez’s suggestion, this item was deferred until Mr. DePaul is present, as he requested this agenda item and the project would not commence until Fiscal Year 2025.

SEVENTH ORDER OF BUSINESS

Discussion: Stormwater Pump Station

Mr. Caruso provided the following update regarding the control panels:

- AWC completed the upgrades; the control panels are now operational.
- Manuals are being updated to include historical lake levels and, upon completion, four sets of manuals and drawings will be distributed; one will be kept at the station, one at the District Engineer’s Office, one at District Management’s office and the last one will be a spare.
- The remote access aspect is underway and, once finalized, the IP address will be issued and access given to the District Engineer, the On-site Manager and whoever else is deemed appropriate, and AWC will commence its quarterly maintenance service.
- Once lake levels rise, the pumps will be tested to ensure the system is operational.

Mr. Caruso’s recent email regarding the South Florida Utilities (SFU) contract and Florida Detroit Diesel – Allison proposal were included for informational purposes. He noted the following for the Board to consider in relation to future service contracts:

- Florida Detroit Diesel – Allison: The emergency generator contractor replaced the six-year-old battery and almost 10-year-old oil filter, while SFU was under contract charging \$12,600 per year for the emergency generator and an addendum to perform preventative maintenance and inspections, which was unknown to Mr. Caruso.

Mr. Caruso stated that he obtained three proposals from existing CDD-contracted vendors, totaling \$5,979 for the same scope of services, which is less than the SFU contract.

Mr. Caruso and Ms. Sanchez recommended terminating the SFU Agreement.

Discussion ensued regarding the SFU Agreement 30-day termination clause, lack of communication, SFU’s failure to submit reports and notify the Operations Manager of why services cannot be performed, and Staff preparing and monitoring an active vendor list and developing a detailed scope of services for the equipment and separate components.

Mr. Caruso will instruct the other contracted vendors to perform their services, once the SFU Service Contract is fully terminated. He will provide updates at the next meeting.

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, terminating all South Florida Utilities Service Contracts related to preventative maintenance and inspection services of the pump station, effective 30-days from the date of the termination letter, was approved.

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2024

Ms. Sanchez stated that the \$44,229 coded as “Undeposited funds” in the prior month is from the School Board; it was removed from future Financial Statements.

On MOTION by Ms. Senior and seconded by Mr. Cuningham, with all in favor, the Unaudited Financial Statements as of March 31, 2024, were accepted.

NINTH ORDER OF BUSINESS

Approval of April 8, 2024 Regular Meeting Minutes

The following change was made:

Line 87: Change “Suit” to “Sanchez”

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, the April 8, 2024 Regular Meeting Minutes, as amended, were approved.

TENTH ORDER OF BUSINESS

Discussion: Onsite Property Services Review

Mr. Petrick recalled the Board’s decision, at the January meeting, for Mr. Joseph King to remain as the CDD Operations Manager, on a trial period. He asked Mr. King to provide certain documents, such as his Community Association Manager (CAM) license and City and County occupational licenses for the Property Management company and the Landscape company and Certificates of Liability Insurance, which Mr. King provided but it was not issued in his name.

Mr. Petrick noted a delay in Mr. King contacting Ms. Sanchez to work on the proposed Fiscal Year 2025 field operations budget. He asked the Board if they can to reconsider retaining King’s Management and King’s Landscaping at this time.

Mr. Cuningham asked Ms. Rigoni about a legal matter Mr. Petrick raised. Ms. Rigoni stated that she must research if the CDD requires Mr. King to have a CAM license; she believes

that, as the CDD's on-site person, he is required to have one, per the Department of Business and Professional Regulation (DBPR). Ms. Sanchez read from the District's Request for Proposals (RFP) for Landscaping Services, which states "It is required to have general liability insurance, automobile liability, worker's compensation and state and federal licenses all in good standing."

Mr. Petrick read the West Palm Beach City and Palm Beach County ordinances requiring occupational licenses for on-site property management and landscaping companies. Ms. Rigoni stated that the individual company, not the CDD, is in charge of managing licenses and day-to-day activities; she believes the concerns voiced are valid concerns.

Regarding licenses, Mr. King noted that Kings Associations Management provides property management services and he must research if Kings Management Services, Inc., is for landscaping services, as that originally fell under the umbrella of Kings Associations Management. The Certificate of Liability Insurance for King's Management Services, Inc., is in the agenda.

Mr. Cunningham asked Ms. Sanchez and Ms. Rigoni if they consider this problematic to the point of requiring immediate action from the Board. Ms. Sanchez agreed with Ms. Rigoni's point that, operationally, this is concerning. She noted that none of her other CDDs engages a non-licensed Operations Manager and reiterated that licensure was a requirement in the RFP. Ms. Rigoni stated that the Board can consider going out to the bid for these services and have the Chair work with the company to obtain updated licenses, etc. She noted that there are several landscaping services options and they do not have to go out to bid if the costs are within the expense threshold. The Board can choose to stay with Kings or engage an interim vendor if the decision is made to go through the RFP process. As the RFP process is a two-step process, she suggested Staff prepare the RFP package or assign a Board Member to work with Staff to prepare an updated RFP package and obtain proposals for the following meeting.

Mr. Petrick asked to work with Ms. Sanchez to engage an interim licensed CAM while the contract goes out to bid; he knows that Ms. Amanda Foster, with Ibero Property Management, is familiar with the CDD. Ms. Senior noted her concern that Ms. Foster does not handle landscaping. Ms. Rigoni stated that, before the CDD can engage an interim licensed landscaper, if bidding threshold is met, an RFP packet or at minimum an evaluation criteria, notice and schedule for such services must be presented at the next meeting.

Regarding landscaping, Mr. Cuningham stated that he is in favor of sending a demand letter requiring all licenses and insurance deficiencies to be addressed by a certain date or the CDD will implement the RFP process. Ms. Senior concurred with Mr. Cuningham’s suggestion. Regarding insurance, Mr. Petrick discussed scenarios that could cause financial harm to the CDD and its homeowners and noted that Mr. King has worked for the CDD for months without submitting items that were requested a while ago. Ms. Rigoni noted that landscapers are required to provide fertilization certifications. Mr. King distributed Palm Beach County Fertilization Certification License #11-412

Ms. Rigoni provided the Board with its options.

Mr. Petrick asked if the Board is in favor of engaging a licensed CAM, temporarily, via the Master Association. Ms. Senior replied affirmatively. Mr. Cuningham replied no.

Ms. Sanchez will email the Demand Letter to the Board and the response, upon receipt.

Ms. Senior and Mr. Petrick listed dates they will not be available for a Special Meeting.

On MOTION by Mr. Cuningham and seconded by Ms. Senior, with all in favor, authorizing Staff to send Demand Letters, with clear expectations, to Kings Association Management and King Management Services, Inc., advising them to produce all State, County and City business and occupational licenses, along with contractually obligated insurance for both the Management Company and the Landscaping Company, and submit them to the District Manager’s office within 14 days of receipt of the letter, subject to the Chair’s final approval of the letter, was approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

There was no report.

B. District Engineer: Craig A Smith & Associates

Mr. Caruso stated that he reviewed the easement agreement that was distributed to determine which entity owns and maintains the area around the lift station and found it to be convoluted and not clear. Based on the plat recorded easement, the CDD is responsible for landscaping just the south portion of the easement. The CDD will need to obtain a permit from the City if it wants to screen around the lift station but that might create problems.

Ms. Sanchez distributed the optional landscaping proposals from the last meeting. It was noted that the surveyor surveyed the lift station at Celebration Road instead of the one on Bollard Road at the end of Celebration Road. Mr. Petrick will work with District Staff to prepare a written agreement with Briar Bay to maintain the property at the lift station on Bollard Road.

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

Mr. King stated that, as of two days ago, all fountain lights are functioning properly. The fence around the lift station was pulled open and there is debris around the lakes.

Staff was asked to place discussion of security cameras on the next agenda.

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

- **NEXT MEETING DATE: July 8, 2024 at 6:00 PM**
 - **QUORUM CHECK**

Ms. Sanchez directed the Board Members to review their junk email folder if they have not received the email from the Florida Commission on Ethics’ (COE), which contains the link to register with the COE enabling them to file Form 1 electronically.

TWELFTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Petrick asked if the CDD has a contract for storm drain inspection. Ms. Sanchez stated a response is pending from Allstate Resource Management, Inc. (Allstate) on whether they need a new contract this year; this is different from the proposal to maintain the stormwater system that was approved at the last meeting.

THIRTEENTH ORDER OF BUSINESS

Public Comments

Resident Lisa Fearon asked what happens if a Regulatory Agency finds out a business does not have a valid business license. She asked if, since the City has not maintained landscaping at the lift station in 20-years, it constitutes abandoning the property. Mr. Petrick stated that a Notice of Violation or Citation, with fines, would be issued depending on the type of business. He noted that the City is maintaining the lift station but not the easement.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Petrick and seconded by Mr. Cuningham, with all in favor, the meeting adjourned at 8:00 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair