

HAMAL

COMMUNITY DEVELOPMENT DISTRICT

March 28, 2022

BOARD OF SUPERVISORS

REGULAR MEETING

AGENDA

Hamal Community Development District
OFFICE OF THE DISTRICT MANAGER
2300 Glades Road, Suite 410W•Boca Raton, Florida 33431
Phone: (561) 571-0010•Fax: (561) 571-0013•Toll-Free: (877) 276-0889

March 21, 2022

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:

The Board of Supervisors of the Hamal Community Development District will hold a Regular Meeting on March 28, 2022 at 6:00 P.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. Pledge of Allegiance
3. Public Comments
4. Continued Discussion: Wall Repairs
 - A. Maintenance Easement
 - B. Structural Review
 - C. Pressure Cleaning/Painting
5. Continued Discussion: Fence Located at/Near Lake 9 Between the Tides and Vista Lago Communities
 - Consideration of Proposal to Perform Survey
6. Continued Discussion: Jog Road Maintenance Responsibilities and Consideration of Proposed Maintenance Scope
 - A. Form 8B – Memorandum of Voting Conflict Filed by Supervisor Petrick Regarding Future Discussions/Decisions Related to Jog Road Issue
 - B. Consideration of Revised Form of Permit (*supporting documentation attached*)
7. Continued Discussion: IT Issues Related to Pumphouse Software
8. Acceptance of Unaudited Financial Statements as of February 28, 2022

9. Approval of February 7, 2022 Regular Meeting Minutes

10. Staff Reports

- A. District Counsel: *Kutak Rock LLP*
- B. District Engineer: *Craig A. Smith & Associates*
 - Discussion: Condition of Pump House Roof
- C. Operations Manager: *King's Management Services, Inc.*
- D. District Manager: *Wrathell, Hunt and Associates, LLC*
 - NEXT MEETING DATE: May 9, 2022 at 6:00 P.M.

○ QUORUM CHECK

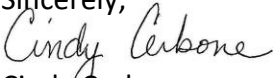
Marc DePaul	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
Benjamin Cuningham	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
Joseph Petrick	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
Ione Senior	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
Steven Pincus	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO

11. Supervisors' Requests

12. Public Comments

13. Adjournment

Should you have any questions, please do not hesitate to contact me directly at (561) 346-5294 or Jamie Sanchez at (561) 512-9027.

Sincerely,

 Cindy Cerbone
 District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE
CALL-IN NUMBER: 1-888-354-0094
PARTICIPANT PASSCODE: 801 901 3513

HAMAL
COMMUNITY DEVELOPMENT DISTRICT

4C

Proposal

Date
3-22-22

Name / Address
Hamal Community Development District C/O Wes at Kings Association management

Description	Qty	Rate	Amount
Sail Harbour behind the wall remove the Holleys and the vines. Remove Sabals and Gumbo limbos	1	\$1,115.0	\$1,1150.0
Hamal outside wall behind the school between SH and Cove.	1	\$480.00	\$480.00
Hamal inside wall behind the school between SH and Cove	1	\$860.00	\$860.00
Hamal wall on the inside of Hamilton Bay			
270 linear ft of light trimming off of wall	1	\$3,600.0	\$3,600.0
498 linear ft of heavy trimming(areca palms, holly etc)		\$4,960.0	\$4,960.0
Cove 1 behind jog rd wall Cut down massive ficus tree to the ground, growing up the wall	1	\$740.00	\$740.00
Grind stump down from 2-3'up	1	\$520.00	\$520.00
Clear debris off of behind the wall along Jog rd Liberty Bay	1	\$400.00	\$400.00
Clear debris off of wall along jog rd by Liberty Isles	1	\$360.00	\$360.00
Acceptance and Approval of Proposal:			
Client Signature _____ Date _____		Total	\$13,070.0

Complete Concrete, LLC
 13043 53rd Ct N
 Royal Palm Beach

PROPOSAL

Mike@completeconcretefla.com

Date	Estimate #
12/9/2021	1419

Name / Address
Hamal Community Development District c/o Wrathell, Hunt and Associates, llc. attn: Wesley Finch 2300 Glades Rd. Ste. 410 W Boca Raton, Florida, 33431

Job Description	
Proposal Valid Until:	12/9/2021

Description	Qty	U/M	Total
Pressure Clean & Paint Privacy Wall & Pump House	8,100	lf	79,420.00
Total:			\$79,420.00

Payment shall be made by check upon job completion.

ACCEPTANCE:

The above price, specifications and conditions are satisfactory and are hereby accepted. I authorize Complete Concrete, LLC to do the Work as specified. Payment shall be made as described above with the addition of any applicable permitting and/or documentation fees that may be incurred relating to the project.

Signature: _____ **Title:** _____ **Date:** _____

Complete Concrete, LLC
 13043 53rd Ct N
 Royal Palm Beach

PROPOSAL

Mike@completeconcretefla.com

Date	Estimate #
12/9/2021	1419

Name / Address
Hamal Community Development District c/o Wrathell, Hunt and Associates, llc. attn: Wesley Finch 2300 Glades Rd. Ste. 410 W Boca Raton, Florida, 33431

Job Description	
Proposal Valid Until:	12/9/2021

Description	Qty	U/M	Total
Pressure Clean & Paint Privacy Wall & Pump House	11,850	lf	116,188.54
<i>Payment shall be made by check upon job completion.</i>			
Total:			\$116,188.54

ACCEPTANCE:

The above price, specifications and conditions are satisfactory and are hereby accepted. I authorize Complete Concrete, LLC to do the Work as specified. Payment shall be made as described above with the addition of any applicable permitting and/or documentation fees that may be incurred relating to the project.

Signature: _____ **Title:** _____ **Date:** _____

HAMAL
COMMUNITY DEVELOPMENT DISTRICT

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CRAIG A. SMITH & ASSOCIATES

PROPOSED SCOPE OF SERVICES AND PROPOSED FEE

FOR

PROFESSIONAL SURVEYING SERVICES

AT

**PORTION OF TRACT "L-9"
THE RENAISSANCE
PALM BEACH COUNTY, FLORIDA
FOR
HAMAL CDD**

DATED: March 23, 2022



CRAIG A. SMITH & ASSOCIATES

Consulting Engineers•Planners•Surveyors

21045 Commercial Trail, Boca Raton, FL 33486

Broward (954) 782-8222, Boca Raton (561) 314-4445, Dade (305) 940-4661

FAX (561) 314-4445

CRAIG A. SMITH & ASSOCIATES

PROPOSED SCOPE OF SERVICES AND PROPOSED FEE

FOR

PROFESSIONAL SURVEYING SERVICES

PROJECT NAME: Portion of Tract "L-9", The Renaissance, Palm Beach County, Florida

PROPOSAL NUMBER: 22-9999-4296

PROJECT DESCRIPTION: Map of Topographic Survey

CLIENT: HAMAL Community Development District

Attention: Ms. Cindy Cerbone

Address: 2300 Glades Road, #410W
Boca Raton, Florida 33431

Phone:

E-Mail: cerbonec@whhassociates.com

Craig A. Smith and Associates proposes to accomplish the professional surveying services for the above project as outlined in this proposal. When the parties have agreed upon the details of the services to be provided, the fees to be paid for the services, and sign this proposal, this proposal will become a formal written agreement. **The project is**

located at the south end of Tract "L-9" of The Renaissance Subdivision, lying east of the multi-family plat, west of The Renaissance Section 8, north of Snelgrove way and south of the existing lake. A location map is attached as exhibit "A".

Craig A. Smith & Associates proposes to accomplish the services as follows:

S02 MAP OF TOPOGRAPHIC SURVEY

Surveying will provide a Map of Topographic Survey adhering to the Florida Standards of Practice for Surveying, (Chapter 5J – 17) of the Florida Administrative Code relative to the scope of services provided below. Survey will include the following:

- o Topographic data within the area together with elevations relative to North American Vertical Datum of 1988.
- o Survey will be limited to the area indicated above and include fences, walls, top of lake bank, etc.
- o Trees 4" or greater at breast height (ABH) will be shown with diameter information and common names to the best of the Surveyor's knowledge.


The certified survey will be provided in .PDF and AutoCAD formats for the Client's use as well as 6 certified hard copies.

SURVEY = \$4,000.00

PAYMENT OF FEE

Craig A. Smith & Associates proposes to invoice monthly based upon percent completion. Payment is due within thirty days of receipt of the invoice. If CLIENT has not made payment within forty-five (45) days after receipt of the invoice, interest at the rate of 1½% per month will be added to the invoice. If no payment has been made forty-five (45) days after receipt of invoice, services will be suspended until Craig A. Smith & Associates has been paid in full. CLIENT agrees to pay Craig A. Smith & Associates all reasonable costs, charges, expenses and attorney fees expended or incurred to enforce any provisions hereof.

CRAIG A. SMITH & ASSOCIATES


Robert D. Keener, PSM
Vice President

ACCEPTED BY:

Corporation Name or Person

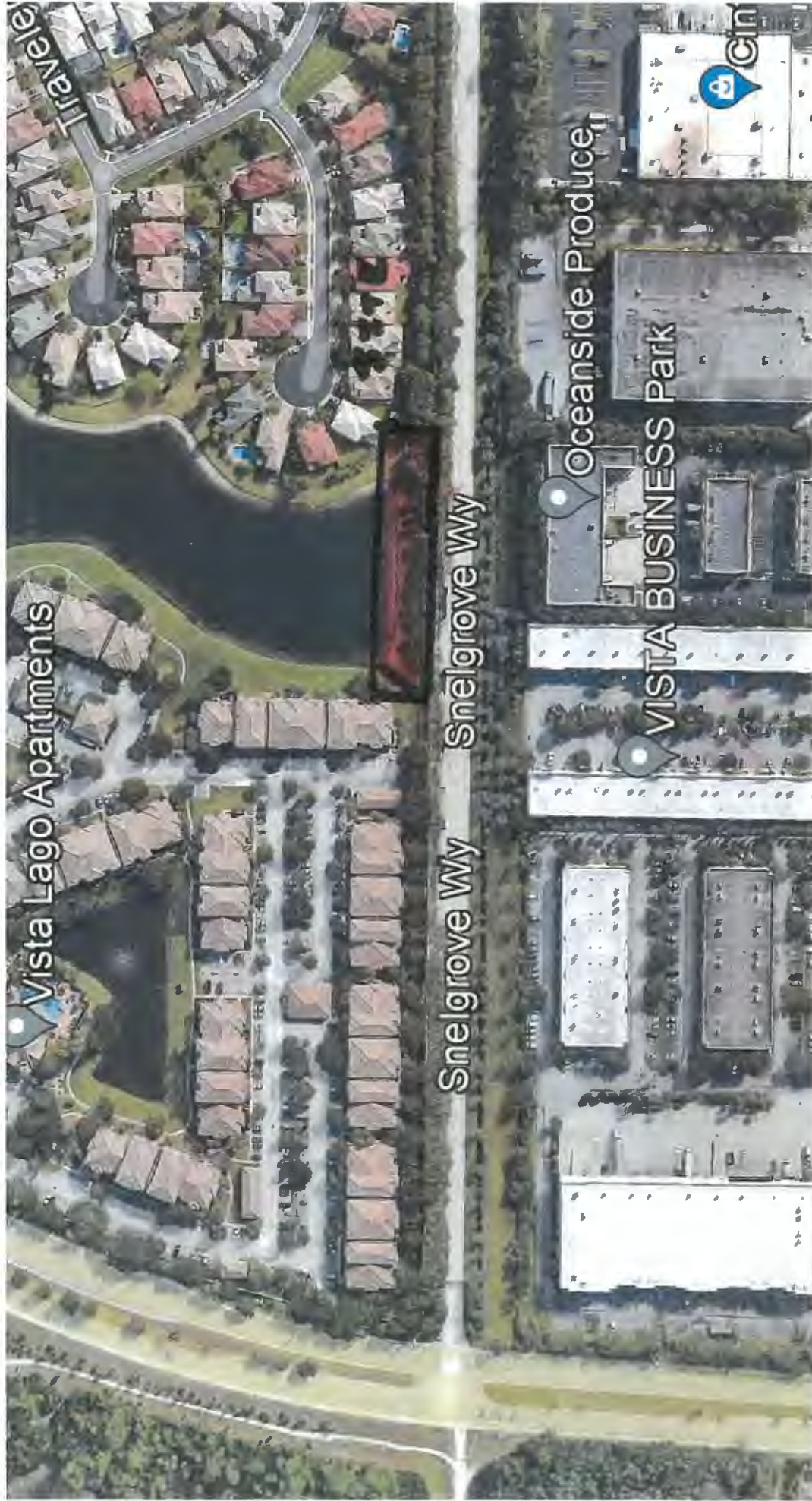
Signature

Name of Authorized Representative

Title

Date

EXHIBIT "A"



HAMAL
COMMUNITY DEVELOPMENT DISTRICT

6A

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME PETTRICK JASON EDWARD	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE HAMAL CDD
MAILING ADDRESS 3362 COMMODORE COURT	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY WEST PALM BEACH PALM BEACH	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED NOVEMBER 3, 2020	NAME OF POLITICAL SUBDIVISION: MY POSITION IS:
	<input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JOSEPH PETRICK, hereby disclose that on FEBRUARY 7, 20 22 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am a Supervisor serving on the Board of Supervisors of the Hamal Community Development District ("CDD"), entirely located within the City of West Palm Beach, within Palm Beach County ("County"). I was recently retained by the County as a Code Enforcement Officer. The County and the CDD is currently engaged in negotiations for a maintenance permit. Pursuant to section 112.313(7)(a)1., F.S., my employment with the County may not be prohibited as contemplated in section 112.313(7)(a), F.S.; out of abundance of caution, I hereby declare a conflict with respect to the ongoing negotiations between the County and the CDD.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

02-07-22
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

HAMAL
COMMUNITY DEVELOPMENT DISTRICT

6B

CONDITIONS FOR RIGHT-OF-WAY LANDSCAPING AND/OR IRRIGATION MAINTENANCE
MEDIAN

1. ~~The Construction Coordination Division (561) 684-4180 and Streetscape Section (561) 684-4100 shall be contacted 48 hours before commencement of work to establish the start date and establish a timeline when field review(s) of the work are required. Construction shall be done Monday through Friday. Weekend work shall be approved by Construction Coordination 48 hours before Saturday. Plans bearing the approval stamp of the County Engineer and the approved permit shall be at the work site. The work may proceed beyond the permit expiration date if a start date was established and work started prior to the permit expiration date. When work is complete and the Landscape Architect/Irrigation Designer/Engineer (as applicable) has submitted the certification of completion to the Land Development Division, the permittee/representative/Landscape Architect/ Irrigation Designer/Engineer (as applicable) shall schedule a final review with Construction Coordination and Streetscape. If a permit medians located in the Palm Beach County ("County") owned a certification of completion, the permittee/representative (as applicable) shall submit a letter to the Land Development Division indicating the work is complete. Hamal Community Development District ("Permittee") will notify the permittee/representative. Land Development will notify the permittee/representative. The work shall be depicted in in the HAMAL CDD MEDIAN LANDSCAPE AND IRRIGATION MAINTENANCE AREAS map attached hereto.~~
The landscaping and/or irrigation within the right-of-way of the subject road(s) as granted by this permit shall be owned and maintained by the Permittee, any successors, legal heirs and assigns. The maintenance area shall be the entire swale or median in which the landscaping and/or irrigation are permitted, within the limits permitted. The drainage facilities (swales, inlets, etc.) shall be kept clear of grass clippings, branches, leaves, etc. The landscaping and/or irrigation may be replaced in like kind without a permit. If road pavement/sidewalk is disturbed or changes are proposed to the landscaping/irrigation a permit from the Office of the County Engineer is required.
2. Any transfer of this Permit shall require the approval of the Office of the County Engineer.
3. Sight obstructions for the traveling public on the subject road(s) shall be removed.
4. Irrigation systems shall comply with the current "Palm Beach County Irrigation Manual" and all materials associated with the system, including electrical, controller, and valves. For avoidance of doubt, the Permittee's indemnification of the County provided herein shall be solely limited to those claims and actions arising out of the Permittee's negligent or intentional actions while performing its permit responsibilities and shall not cover any claims and actions against the County in which the County is wholly or partly negligent or at fault. (note - no comments on paragraphs 3, 4 and 5 under this)
5. ~~The Permittee, any successors, legal heirs or assigns, shall, upon request and within 30 days after notice by the Office of the County Engineer, remove or relocate the irrigation from the right-of-way of the subject road(s) at no expense to Palm Beach County. This request can be initiated by the Office of the County Engineer with or without cause.~~ against the County which result in a court-ordered judgment,
6. The Permittee, any successors, legal heirs or assigns, shall indemnify and hold Palm Beach County harmless from any and all claims, liability, losses and causes of action which may arise specifically out of its negligent, improper or non compliant performance of this Permit. The Permittee, any successors, legal heirs or assigns shall pay all claims and losses of any nature whatsoever in connection herewith, and shall defend all suits in the name of Palm Beach County where applicable, and shall pay all costs of judgments which may arise thereon. median(s) pay to the County to
7. The Permittee, any successors, legal heirs or assigns shall, at its expense, promptly correct any failure of the landscaping and/or irrigation within the right-of-way of the subject road(s). If in the Office of the County Engineer's opinion the landscaping and/or irrigation caused or contributed to the damage or failure of any part of the subject road(s), the Permittee, any successors, legal heirs or assigns, shall in such case also at their expense, repair the damage or failure sustained by the subject road(s) within 48 hours of notification by the Office of the County Engineer. In the event that the Permittee any successors, legal heirs or assigns fail to repair said damage or failure within the 48 hour period, Palm Beach County shall have the right to make any and all repairs, and in the event Palm Beach County should exercise and give effect to such right, the Permittee, any successors, legal heirs or assigns, shall be liable to pay and indemnify Palm Beach County upon completion of said repairs. The total cost may include engineering and legal fees. solely to the extent of the Permittee's contribution to such damage or failure.
8. The Office of the County Engineer shall be the sole and final authority as to the placement of the landscaping and/or irrigation and the quality and quantities of materials used in the installation. Adjustments to the landscaping and/or irrigation may be required as deemed necessary by the Office of the County Engineer.
9. In the event of widening, repair, or reconstruction of the subject road(s), the Permittee, any successors, legal heirs or assigns, shall upon request and within 30 days after notice by the Office of the County Engineer, remove or relocate the irrigation within the right-of-way of the subject road(s) at no expense to Palm Beach County. median(s)
10. If the irrigation is not removed or relocated pursuant to Conditions 6 and 10 of this Permit, Palm Beach County shall have the right to remove or relocate said irrigation, and the Permittee agrees to pay all costs thereby incurred by Palm Beach County.
11. The permittee shall be responsible for coordinating the installation of the landscaping and/or irrigation with existing utilities/cable TV. Should damage occur to the existing utility/cable TV facilities during installation or in the future due to the landscaping or irrigation, the permittee shall be responsible for repair costs.
12. Permittee assumes full responsibility to maintain all areas under construction safe for the public and to properly route and direct traffic through the construction area. All Traffic control operations shall be done in accordance with the current Manual on Uniform Traffic Control Devices (Part VI). Supplements to this manual are the Florida Department of Transportation Road and Bridges Standard Plans (Index 102-100 through 102-600) and Standard Specifications to Road and Bridge Construction (latest edition). No obstruction to the travel lanes between 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 7:00 p.m. Monday through Friday, unless approved by the Palm Beach County Traffic Engineering Division. No time restrictions for local and subdivision roads or for construction down Saturday or Sunday, unless noted otherwise from Palm Beach County Engineering Traffic Division. Working hours are subject to change due to proximity to schools, traffic signals, special events or the type of MOT required.
13. Florida Statute 336.048 - Temporary closing traveling lane of road: Whenever any road on the county road or city street system is repaired, reconstructed, or otherwise altered in a manner that necessitates the closing of one or more traveling lanes of the road for a period of time exceeding 2 hours, the party performing such work shall give notice to the appropriate local law enforcement agency within whose jurisdiction such road is located prior to commencing work on the project. However, when the closing of one or more lanes is required because of emergency conditions, such notice shall be waived.
14. Permittee hereby acknowledges the COUNTY'S right to inspect the area governed by this permit at any time prior to final acceptance by the COUNTY to assure compliance with all plans and specifications. All reviews, however, shall be performed at the COUNTY'S discretion and are strictly to assure compliance with project plans and specifications. PERMITTEE HEREBY ACKNOWLEDGES THAT THE COUNTY VIA SAID REVIEWS IS NOT THE EMPLOYER, SUPERVISOR, PRINCIPAL OR AGENT OF PERMITTEE. Permittee is at all times an independent contractor with full responsibility for all obligations and responsibilities imposed under this permit and imposed by law.
15. If previously approved construction is underway in the same location as indicated on this permit, the permittee shall obtain permission to work from the contractor doing the underway construction. If not granted, the construction under this permit shall not be done until the underway construction is finalized by the Palm Beach County Construction Coordination Division.
16. Issuance of this permit does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
17. All applicable state or federal permits must be obtained before any development is commenced.
18. Provide a minimum cover of 36 inches in the right-of-way of Thoroughfare Plan Roads and a minimum of 30 inches for all others. Maintain a minimum clearance of 12 inches over or under drainage facilities.

New #. The Permittee may terminate this Permit by providing sixty (60) days' written notice of termination to the County, in the event it is no longer in the best interests of the Permittee to perform or otherwise the Permittee is unable to carryout the maintenance responsibilities contemplated in this Permit.

New #. Nothing in this Permit shall be deemed as a waiver of the Permittee's sovereign immunity or the Permittee's limits of liability as set forth in Section 768.28, Florida Statutes, or other statute, and nothing in this Permit shall inure to the benefit of any third party for the purpose of allowing any claim which would otherwise be barred under such limitations of liability or by operation of law.

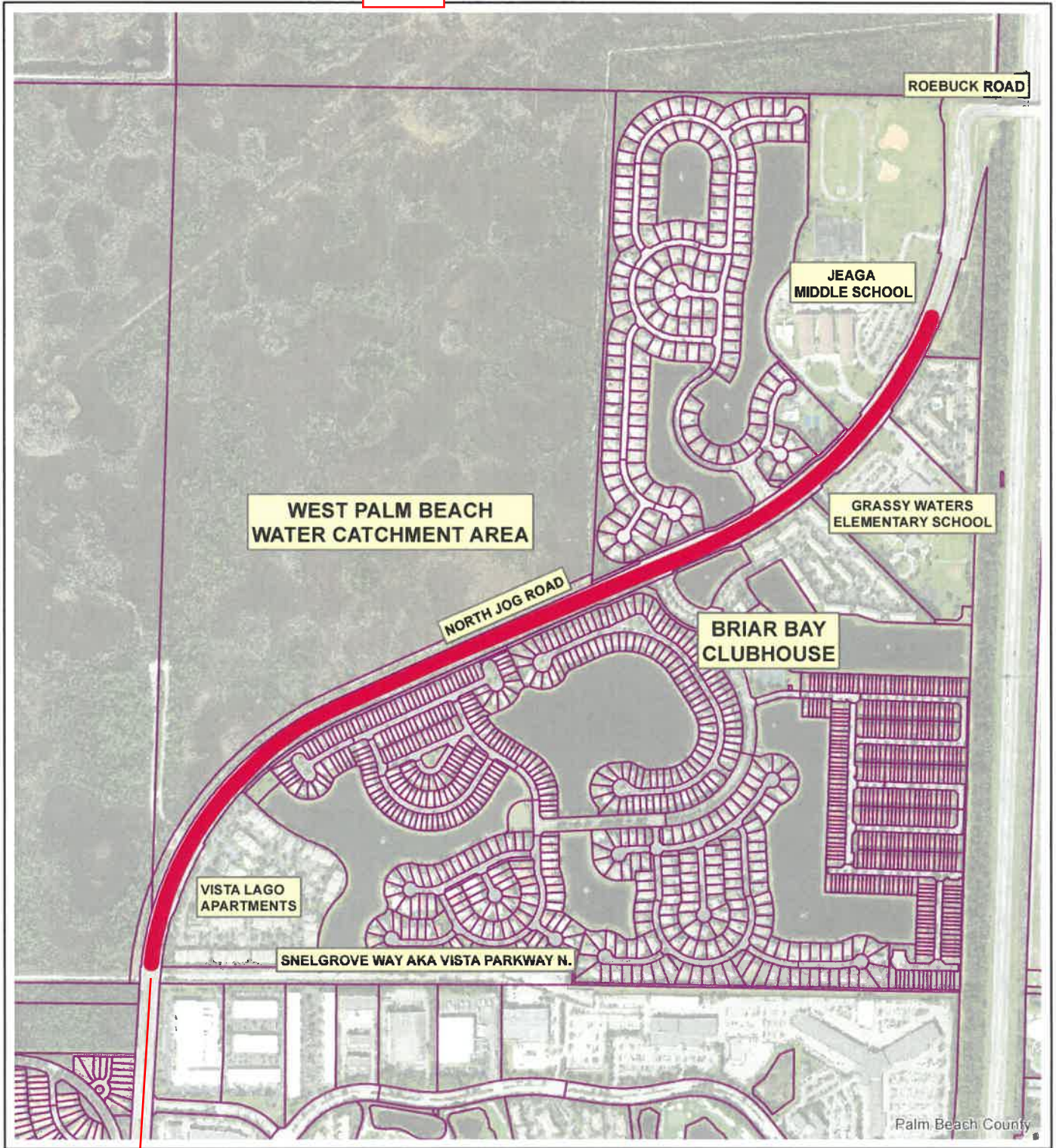


HAMAL CDD LANDSCAPE AND IRRIGATION MAINTENANCE AREAS

NORTH JOG ROAD FROM NORTH OF SNELGROVE WAY TO 1,425 FEET SOUTH OF ROEBUCK ROAD



MEDIAN



THIS COLORED LINE SHOULD BE EDITED SO ONLY THE MEDIANS ARE COLORED

LEGEND

County RIGHT OF WAY (ROW)

~~HAMAL CDD ROW~~ MEDIAN IRRIGATION AND LANDSCAPING MAINTENANCE LIMITS

Aerial Flight Dates: 1/5/2021 – 2/10/2021

N.T.S.

From: Rigoni, Michelle K.

Sent: Monday, March 21, 2022 9:44 AM

To: 'Steve Carrier' <SCarrier@pbcgov.org>; Carl Bengtson <CBengtso@pbcgov.org>; Liz Herman <LHerman@pbcgov.org>; Shannon Fox (SXfox@pbcgov.org) <sxfox@pbcgov.org>

Cc: 'Cindy Cerbone' <cerbonec@whhassociates.com>; Jamie Sanchez <sanchezj@whhassociates.com>; Sandy, Sarah R. <Sarah.Sandy@KutakRock.com>; 'Marc DePaul' <marcdepaul@gmail.com>; Scott Cantor B. <SCantor@pbcgov.org>; Joanne Keller M. <JKeller@pbcgov.org>

Subject: RE: Jog Road Snelgrove Way to 1/2 Median north of Jeaga Middle School Bus Drop-off Drive

Steve,

Good morning. I will relay to the Board that the County is moving forward with scheduling a hearing on the outstanding Notice of Violation issued to another entity. In the meanwhile, please see below my thoughts; all are subject to further discussion with the Hamal CDD Board ("CDD" or "Board") and in no way express their intent or final decision at this time, but are my opinions based on prior conversations with you and your team and what has been proposed so far:

1. ***Is Hamal CDD going to pay/reimburse (per proposed Condition #8) the County's cost to restore/repair the NOV area? Attached are the estimated costs (approx. \$21k).***

This would, first and foremost, depend on whether the CDD can enter into a permit and become the Permittee (which the CDD currently is not), subject to the permit conditions, as negotiated.

Further, the latter part of proposed Condition 8 does state that if the County Engineer determines the landscaping and/or irrigation failure contributed to the damages on the roads, the permittee would pay for repair solely to the extent of the Permittee's contribution to such damage or failure.

2. ***And will Hamal CDD be responsible for future roadway damage related to the irrigation and landscaping for any and all the median opening crossing locations (also proposed Condition #8) – within subject Jog limits?***

Yes, but again as with Question 1, this is if and only if the CDD and County agree to the proposed permit as provided in the attached, and CDD becomes the Permittee. Condition 8 does state that the Permittee, at its expense, will promptly correct any failure of the landscaping and/or irrigation within the medians.

Notwithstanding the above, I believe any existing damage currently not addressed should be the responsibility of the County absent any showing that the CDD caused the damages, prior to entering into a permit. I will relay to the Board this discussion and get their feedback. I still think it would be helpful to have your comments or approval on the attached comments to the proposed permit. Would you be able to provide prior to next Monday?

Sincerely,

Michelle K. Rigoni

Attorney

Kutak Rock LLP

d: 850.692.7310

From: Steve Carrier <SCarrier@pbcgov.org>

Sent: Friday, March 4, 2022 2:59 PM

To: Rigoni, Michelle K. <Michelle.Rigoni@KutakRock.com>; Carl Bengtson <CBengtso@pbcgov.org>; Liz Herman <LHerman@pbcgov.org>; Shannon Fox <[SXfox@pbcgov.org](mailto: SXfox@pbcgov.org)>

Cc: 'Cindy Cerbone' <cerbonec@whhassociates.com>; 'Jamie Sanchez' <sanchezj@whhassociates.com>; Sandy, Sarah R. <Sarah.Sandy@KutakRock.com>; 'Marc DePaul' <marcdepaul@gmail.com>; Scott Cantor B. <SCantor@pbcgov.org>; Joanne Keller M. <JKeller@pbcgov.org>

Subject: RE: Jog Road Snelgrove Way to 1/2 Median north of Jeaga Middle School Bus Drop-off Drive

[CAUTION - EXTERNAL SENDER]

Michelle – as you know, the County issued a Notice of Violation (NOV) regarding the damaged irrigation and pavement in the Jog Road directional median opening at the Grassy Waters Elementary School bus loop entrance.

And the County is moving forward in scheduling a hearing regarding the NOV.

We are also still researching if there are any other maintenance obligations at this site. However, in reviewing the proposed permit conditions, we are looking for clarification on the following 2 issues:

1. Is Hamal CDD going to pay/reimburse (per proposed Condition #8) the County's cost to restore/repair the NOV area? Attached are the estimated costs (approx. \$21k).
2. And will Hamal CDD be responsible for future roadway damage related to the irrigation and landscaping for any and all the median opening crossing locations (also proposed Condition #8) – within subject Jog limits?

Steven B. Carrier, P.E.

Assistant County Engineer

561-684-4016

561-684-4167 (Fax)

scarrier@pbcgov.org

From: Rigoni, Michelle K. <Michelle.Rigoni@KutakRock.com>

Sent: Thursday, February 24, 2022 2:25 PM

To: Steve Carrier <SCarrier@pbcgov.org>; Carl Bengtson <CBengtso@pbcgov.org>; Liz Herman <LHerman@pbcgov.org>; Shannon Fox <[SXfox@pbcgov.org](mailto: SXfox@pbcgov.org)>

Cc: 'Cindy Cerbone' <cerbonec@whhassociates.com>; 'Jamie Sanchez' <sanchezj@whhassociates.com>; Sandy, Sarah R. <Sarah.Sandy@KutakRock.com>; 'Marc DePaul' <marcdepaul@gmail.com>; Scott Cantor B. <SCantor@pbcgov.org>; Joanne Keller M. <JKeller@pbcgov.org>

Subject: RE: Jog Road Snelgrove Way to 1/2 Median north of Jeaga Middle School Bus Drop-off Drive

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Thank you for the update, Steve.

The Hamal Board meets again for a special meeting scheduled Monday, March 28th, at the Briar Bay Clubhouse at 6 pm, one of the reasons for meeting being this outstanding issue. I believe it would be helpful, if at all possible, if we could come to an agreement about a possible permit so the Board would have an action item to consider and the issue does not stay unaddressed until a subsequent meeting. Please let me know if any County team members, to the extent you might find it helpful or necessary, would like to discuss the proposed edits from the District. If not, would you be able to provide an updated version of the proposed permit for the Board by March 21st (agenda deadline)?

Michelle K. Rigoni

Attorney

Kutak Rock LLP – Tallahassee

michelle.rigoni@kutakrock.com

m: 706.224.6936

Support provided by

Gabe McKee | Legal Assistant | m: 816.679.1830 | Gabe.McKee@kutakrock.com

From: Steve Carrier <SCarrier@pbcgov.org>

Sent: Thursday, February 24, 2022 2:12 PM

To: Rigoni, Michelle K. <Michelle.Rigoni@KutakRock.com>; Carl Bengtson <CBengtso@pbcgov.org>; Liz Herman <LHerman@pbcgov.org>; Shannon Fox <[SXfox@pbcgov.org](mailto: SXfox@pbcgov.org)>

Cc: 'Cindy Cerbone' <cerbonec@whhassociates.com>; 'Jamie Sanchez'

<sanchezj@whassociates.com>; Sandy, Sarah R. <Sarah.Sandy@KutakRock.com>;
'Marc DePaul' <marcdepaul@gmail.com>; Scott Cantor B. <SCantor@pbcgov.org>;
Joanne Keller M. <JKeller@pbcgov.org>

Subject: RE: Jog Road Snelgrove Way to 1/2 Median north of Jeaga Middle School Bus Drop-off Drive

[CAUTION - EXTERNAL SENDER]

Michelle – The County is still evaluating the issue.

All of the irrigation system is part of and tied directly to the median landscaping; it would be difficult to remove any of the irrigation from a permit regarding the median landscaping.

We are still discussing the issue internally and will be in touch.

From: Rigoni, Michelle K. <Michelle.Rigoni@KutakRock.com>

Sent: Monday, February 21, 2022 6:31 PM

To: Steve Carrier <SCarrier@pbcgov.org>; Carl Bengtson <CBengtso@pbcgov.org>; Liz Herman <LHerman@pbcgov.org>; Shannon Fox <SXfox@pbcgov.org>

Cc: 'Cindy Cerbone' <cerbonec@whassociates.com>; 'Jamie Sanchez'

<sanchezj@whassociates.com>; Sandy, Sarah R. <Sarah.Sandy@KutakRock.com>;

'Marc DePaul' <marcdepaul@gmail.com>

Subject: RE: Jog Road Snelgrove Way to 1/2 Median north of Jeaga Middle School Bus Drop-off Drive

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Steve, Carl, Liz and Shannon,

Just following up here. Thank you.

Michelle K. Rigoni

Attorney

Kutak Rock LLP – Tallahassee

michelle.rigoni@kutakrock.com

m: 706.224.6936

Support provided by

Gabe McKee | Legal Assistant | m: 816.679.1830 | Gabe.McKee@kutakrock.com

From: Rigoni, Michelle K.

Sent: Tuesday, February 15, 2022 9:25 AM

To: Steve Carrier <SCarrier@pbcgov.org>; Carl Bengtson <CBengtso@pbcgov.org>; Liz Herman <LHerman@pbcgov.org>; Shannon Fox (<SXfox@pbcgov.org>)

<sxfox@pbcgov.org>

Cc: Cindy Cerbone <cerbonec@whhassociates.com>; Jamie Sanchez <sanchezj@whhassociates.com>; Sandy, Sarah R. <Sarah.Sandy@KutakRock.com>; 'Marc DePaul' <marcdepaul@gmail.com>

Subject: FW: Jog Road Snelgrove Way to 1/2 Median north of Jeaga Middle School Bus Drop-off Drive

Steve, Carl, Liz and Shannon,

Just following up on the proposed permit. We were also informed of the new code violation issued and outstanding against a third entity for the same issues we are trying to address with this permit. If there is anything that the District should discuss with you, please let us know.

Thank you,

Michelle K. Rigoni

Attorney

Kutak Rock LLP – Tallahassee

michelle.rigoni@kutakrock.com

m: 706.224.6936

Support provided by

Gabe McKee | Legal Assistant | m: 816.679.1830 | Gabe.McKee@kutakrock.com

From: Rigoni, Michelle K.

Sent: Tuesday, February 1, 2022 4:36 PM

To: Steve Carrier <SCarrier@pbcgov.org>; Carl Bengtson <CBengtso@pbcgov.org>; Liz Herman <LHerman@pbcgov.org>; Shannon Fox <SXfox@pbcgov.org>

Cc: Cindy Cerbone <cerbonec@whhassociates.com>; Jamie Sanchez <sanchezj@whhassociates.com>; Sandy, Sarah R. <Sarah.Sandy@KutakRock.com>; 'Marc DePaul' <marcdepaul@gmail.com>

Subject: RE: Jog Road Snelgrove Way to 1/2 Median north of Jeaga Middle School Bus Drop-off Drive

County team:

Please see attached our comments to the County's proposed maintenance permit for the Jog Road medians. I believe they are consistent with the CDD's discussion with Carl and Steve at the December 13, 2021 Board meeting and pre-Board meeting with me and Supervisor DePaul.

If you would like to discuss, please let me know and we can coordinate a time for a conference call. The CDD Board is meeting next Monday, 2/7/2022 at 6 pm at the Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411, and as always, you are more than welcome to attend. If available, the Board would be

discussing any comments or a revised permit at such meeting; otherwise, I will let them know our comments are with the County for review.

We look forward to hearing from you,

Michelle K. Rigoni

Attorney

Kutak Rock LLP – Tallahassee

michelle.rigoni@kutakrock.com

m: 706.224.6936

Support provided by

Gabe McKee | Legal Assistant | m: 816.679.1830 | Gabe.McKee@kutakrock.com

From: Marc DePaul <marcdepaul@gmail.com>

Sent: Tuesday, December 14, 2021 5:59 PM

To: Steve Carrier <SCarrier@pbcgov.org>

Cc: Carl Bengtson <CBengtso@pbcgov.org>; Cindy Cerbone <cerbonec@whhassociates.com>; Jamie Sanchez <sanchezj@whhassociates.com>; Liz Herman <LHerman@pbcgov.org>; Rigoni, Michelle K. <Michelle.Rigoni@KutakRock.com>; Sandy, Sarah R. <Sarah.Sandy@KutakRock.com>; Shannon Fox <SXfox@pbcgov.org>

Subject: Re: Jog Road Snelgrove Way to 1/2 Median north of Jeaga Middle School Bus Drop-off Drive

[CAUTION - EXTERNAL SENDER]

That is fine with me

Thank you all

On Tue, Dec 14, 2021 at 10:24 AM Steve Carrier <SCarrier@pbcgov.org> wrote:

Agreed

Sent from my iPhone

On Dec 14, 2021, at 8:14 AM, Rigoni, Michelle K.

<Michelle.Rigoni@kutakrock.com> wrote:

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Steve and Carl,

Thank you so much for your time yesterday. The Board and I really appreciated the time we had to discuss our concerns and also fine comb the proposed permit provisions as it would uniquely applies to the Hamal CDD. From what we gathered during the meeting, I believe the next steps would be for me and Supervisor DePaul to review the permit conditions and propose edits both per our discussion and CDD Board direction. To that end, I believe tomorrow's Zoom meeting is likely unnecessary at this time. Should you wish to reschedule after our comments have been made, we would be happy to do so. I think that would prove more productive, also given you had indicated during our meeting that some of the CDD's proposed edits would require further review by various County staff members. Unless there are any objections from the County staff, I would like to request we cancel tomorrow's meeting.

I look forward to our continued, joint effort in this matter.

Best,

Michelle K. Rigoni

Associate

Kutak Rock LLP – Tallahassee

michelle.rigoni@kutakrock.com

m: 706.224.6936

Support provided by

Gabe McKee | Legal Assistant | m: 816.679.1830 | Gabe.McKee@kutakrock.com

[der immediately and delete this message and all copies and backups thereof. Thank you.](#)

This E-mail message is confidential, is intended only for the named recipients above and may contain information that is privileged, attorney work product or otherwise protected by applicable law. If you have received this message in error, please notify the sender at 402-346-6000 and delete this E-mail message. Thank you.

HAMAL
COMMUNITY DEVELOPMENT DISTRICT

8

**HAMAL
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
FEBRUARY 28, 2022**

**HAMAL
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GENERAL FUND
FEBRUARY 28, 2022**

	General Fund	Debt Service Fund 2021	Total Governmental Funds
ASSETS			
Cash	\$ 712,088	\$ -	\$ 712,088
Investments			
Centennial	254,297	-	254,297
FineMark MMA	249,013	-	249,013
FineMark ICS	284,269	-	284,269
Iberia - MMA	25,082	-	25,082
Bank United	452,430	-	452,430
Revenue	-	675,793	675,793
COI	-	5,654	5,654
Due from other funds			
General fund	-	34	34
Undeposited funds	45,694	-	45,694
Deposits	135	-	135
Total assets	<u>\$2,023,008</u>	<u>\$ 681,481</u>	<u>\$ 2,704,489</u>
LIABILITIES			
Liabilities:			
Due to other funds			
Debt service (series 2021)	\$ 34	\$ -	\$ 34
Total liabilities	<u>34</u>	<u>-</u>	<u>34</u>
FUND BALANCES			
Nonspendable			
Prepays and deposits	135	\$ -	135
Restricted			
Debt service	-	681,481	681,481
Assigned			
3 months working capital	152,130	-	152,130
Sound barriers	50,000	-	50,000
Stormwater pump station	300,000	-	300,000
Culvert repair/replacement	100,000	-	100,000
Disaster recovery	500,000	-	500,000
Unassigned	920,709	-	920,709
Total fund balance	<u>2,022,974</u>	<u>681,481</u>	<u>2,704,455</u>
Total liabilities and fund balances	<u>\$2,023,008</u>	<u>\$ 681,481</u>	<u>\$ 2,704,489</u>

**HAMAL
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED FEBRUARY 28, 2022**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Maintenance assessments	\$ 12,899	\$ 492,240	\$ 529,427	93%
Fair share agreement	45,692	58,749	46,302	127%
Interest & misc. income	60	321	1,500	21%
Total revenues	<u>58,651</u>	<u>551,310</u>	<u>577,229</u>	96%
EXPENDITURES				
Administrative				
Supervisors	1,077	2,153	7,536	29%
Management	3,671	18,353	44,048	42%
Trustee	-	-	4,350	0%
Legal	14,500	18,339	10,000	183%
Engineering	-	1,789	6,000	30%
Audit	-	-	8,184	0%
Arbitrage rebate calculation	-	-	1,250	0%
Dissemination agent	83	417	1,000	42%
Website	-	-	705	0%
Postage	10	48	750	6%
Legal advertising	203	1,035	2,500	41%
Office supplies	-	-	250	0%
Other current charges	-	-	750	0%
Dues, licenses & subscriptions	-	175	175	100%
ADA website compliance	-	210	210	100%
Insurance	-	6,674	6,962	96%
FASD annual dues	-	1,500	1,500	100%
Pump station/equipment insurance	-	3,140	3,468	91%
Reserve study	-	-	6,000	0%
Total administrative expenses	<u>19,544</u>	<u>53,833</u>	<u>105,638</u>	51%
Maintenance				
Telephone	151	731	2,040	36%
Field operations management	1,175	4,850	14,100	34%
Landscape maintenance				
Mowing, edging, pruning & weed control	7,611	30,221	96,491	31%
Turf replacement	-	-	6,000	0%
Mulch	-	10,725	16,969	63%
Insect, weed, fertilization	3,805	15,110	47,648	32%
Annuals removal, replacement, installation	-	-	11,670	0%
Tree pruning	-	23,500	25,750	91%
Irrigation system maintenance	859	4,463	7,702	58%
Irrigation repairs	-	1,283	10,000	13%
Capital outlay	-	-	30,400	0%
Landscape replacement	-	-	20,000	0%
Preventative maintenance: pump station	125	1,450	11,100	13%
Catchbasin cleanout	-	14,260	14,935	95%
Repair/maintenance: pump station	-	-	4,000	0%

**HAMAL
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED FEBRUARY 28, 2022**

	Current Month	Year to Date	Budget	% of Budget
Maintenance (continued)				
Lake maintenance	1,890	6,344	24,000	26%
Fountain maintenance	940	14,359	28,000	51%
Holiday landscape lighting	2,891	2,891	7,500	39%
Contingency	-	-	10,600	0%
Wall maintenance	-	-	12,000	0%
Utilities	5,659	20,607	62,000	33%
Total maintenance expenses	<u>25,106</u>	<u>150,794</u>	<u>462,905</u>	33%
Other fees and charges				
Property appraiser	-	-	1,141	0%
Information system services	-	2,030	2,030	100%
Tax collector	130	5,590	5,515	101%
Total other fees and charges	<u>130</u>	<u>7,620</u>	<u>8,686</u>	88%
Total expenditures	<u>44,780</u>	<u>212,247</u>	<u>577,229</u>	37%
Excess (deficiency) of revenues over (under) expenditures	13,871	339,063	-	
Fund balance - beginning	2,009,103	1,683,911	1,607,927	
Fund balance - ending				
Nonspendable				
Prepaid expenditures and deposits	135	135	-	
Assigned				
3 months working capital	152,130	152,130	152,130	
Sound barriers	50,000	50,000	50,000	
Stormwater pump station	300,000	300,000	300,000	
Culvert repair/replacement	100,000	100,000	100,000	
Disaster recovery	500,000	500,000	500,000	
Unassigned	920,709	920,709	505,797	
Total fund balance - ending	<u>\$ 2,022,974</u>	<u>\$ 2,022,974</u>	<u>\$ 1,607,927</u>	

**HAMAL
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2021 (REFUNDED SERIES 2017)
FOR THE PERIOD ENDED FEBRUARY 28, 2022**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy	\$ 17,323	\$ 661,087	\$ 710,953	93%
Interest	3	4	-	N/A
Total revenues	<u>17,326</u>	<u>661,091</u>	<u>710,953</u>	93%
EXPENDITURES				
Principal	-	-	589,000	0%
Interest 11/1	-	27,012	27,012	100%
Interest 5/1	-	-	60,027	0%
Cost of issuance	-	7,475	-	N/A
Total expenditures	<u>-</u>	<u>34,487</u>	<u>676,039</u>	5%
Other fees and charges				
Tax collector	173	7,508	7,406	101%
Total other fees and charges	<u>173</u>	<u>7,508</u>	<u>7,406</u>	101%
Total expenditures	<u>173</u>	<u>41,995</u>	<u>683,445</u>	6%
Excess (deficiency) of revenues over (under) expenditures	17,153	619,096	27,508	
Fund balances - beginning	664,328	62,385	42,876	
Fund balances - ending	<u>\$ 681,481</u>	<u>\$ 681,481</u>	<u>\$ 70,384</u>	

HAMAL
COMMUNITY DEVELOPMENT DISTRICT

9

DRAFT

**MINUTES OF MEETING
HAMAL
COMMUNITY DEVELOPMENT DISTRICT**

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The Board of Supervisors of the Hamal Community Development District held a Regular Meeting on February 7, 2022 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 (WHA)
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Michelle Rigoni	District Counsel
Steve Smith	District Engineer
Wesley Finch	Operations Manager, Kings Association Management, Inc. (KAM)
Landscape Supervisor	
Susan Ritchie	Resident and HOA President

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Petrick called the meeting to order at 6:00 p.m. Supervisors Petrick, Pincus, Senior and Cuningham were present. Supervisor DePaul was not present at roll call.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Ms. Cerbone introduced Mr. Andrew Kantarzhi, a new District Manager with WHA.

THIRD ORDER OF BUSINESS

Public Comments

There were no public comments.

43 **FOURTH ORDER OF BUSINESS****Discussion: Wall Maintenance**

44

45 **A. Pressure Cleaning/Painting**46 **B. Structural Review**

47 Ms. Cerbone recalled discussion at the previous meeting regarding wall maintenance in
48 one or more locations. A \$79,000 proposal was presented and discussed.

49 **Mr. DePaul arrived at the meeting.**

50 Ms. Cerbone stated performing a structural review of the wall before entering into an
51 agreement or approving a maintenance proposal was also considered.

52 Mr. Finch reported the following:

53 ➤ In 2021, wall and crack repairs and pressure cleaning and painting the walls on Jog Road,
54 back walls behind South Harbor and the pump house, were facilitated on the same contract.

55 ➤ Upon inspection, there were no additional cracks.

56 ➤ There is considerable ficus overgrowth and palm tree growth near the wall; the ficus are
57 not yet pushing against the wall but they should be trimmed before painting.

58 Ms. Senior stated she observed encroaching vegetation on the wall behind some homes
59 and asked if residents are asked to trim the foliage when maintenance is being performed. Ms.
60 Senior was advised that the HOA could better answer her question. Crews would have to
61 inform Mr. Finch so he can advise Management. Depending on the severity of the overgrowth,
62 the resident would be asked to trim the foliage so the wall can be maintained. Ms. Cerbone
63 asked how this item should be addressed. Ms. Rigoni stated it is similar to a tree overhanging
64 their neighbor's yard; the property owner has the right to cut the overhang to the fenceline.
65 Ms. Cerbone stated this is not an overhang, it is on the wall. Mr. Finch stated that section of the
66 wall has never been painted. He recalled discussion at the last meeting about whether to paint
67 the wall on the highway side to protect it structurally or for esthetics.

68 Discussion ensued regarding the by-laws, HOA landscaping, asking residents to trim the
69 vegetation, emailing photos of the overgrowth to the HOA, maintenance easements and a
70 structural review of the wall. Ms. Rigoni would research the plats to determine if there are
71 easements. Mr. Smith would facilitate a structural inspection of the wall.

72

73 **FIFTH ORDER OF BUSINESS****Discussion: Fence Located at/near Lake 9
Between the Tides and Vista Lago
Communities**

74

75

76

77 Ms. Rigoni reported the following:

78 ➤ District Management received a public records request from a person who is requesting
79 a permit and a contract related to the previously damaged fence at or near Lake 9 between the
80 Tides and Vista Lago Communities.

81 ➤ A cease-and-desist letter regarding the same fence was received.

82 ➤ It was discovered that construction of the fence was not authorized by the CDD.

83 ➤ A prior CDD Board Member spear-headed the project, got it approved by the HOA
84 Board and had the fence constructed.

85 ➤ The permit that was pulled at the time was under the HOA's name and, although an
86 invoice is on file, there is no contract.

87 ➤ Staff researched the minutes, dating back to 2016, and did not find any proof or
88 information stating that the CDD Board approved construction of the fence.

89 Ms. Rigoni stated the Board must determine what to do about the fence. She discussed
90 the following options:

91 1. Ask the HOA to remove the fence because the CDD never authorized it.

92 2. Give the HOA a license or an easement to maintain the fence.

93 3. If the Board is amenable, the CDD could accept the improvements, subject to a bill of
94 sale, and a document stating the CDD would accept the fence.

95 Ms. Rigoni stated if the third option is selected, she would recommend that the
96 document contain strong indemnification language. Asked if the fence is on Hamal property,
97 Ms. Rigoni replied affirmatively. Asked about the indemnification language, Ms. Rigoni stated it
98 is the typical verbiage found in all of District Counsel's maintenance agreements basically, in
99 this case, setting forth that the HOA must accommodate the CDD for any and all claims that
100 arise out of its acceptance and maintenance of the fence. Asked if she spoke to the HOA
101 attorney about the indemnification language, Ms. Rigoni stated that she had not.

102 Referencing an aerial view of the fence and surrounding homes, the Board and Staff
103 discussed the indemnification language, HOA, litigation relating to the fence, the Tides
104 property, the fence permit that was obtained through Briar Bay and the lack of CDD Board
105 approval to construct the fence in the minutes.

106 Resident and Briar Bay HOA President Susan Ritchie stated she would not sign anything
107 stating that Briar Bay is at fault for anything that could and will happen for the life of the fence,

108 such as damages or anything else. Ms. Cerbone stated that the CDD could consider extending
109 the maintenance agreement with the HOA. Ms. Rigoni stated that the maintenance agreement
110 would contain the indemnification clause.

111 Discussion ensued about the former CDD Supervisor’s rationale for the fence, safety
112 concerns, potential CDD liability if the fence causes injury, sovereign immunity, modifying
113 indemnification language to make it acceptable to the HOA, removing the fence piecemeal, re-
114 installing the fence, inspecting the entire fenceline, conducting a survey and permitting.

115 Mr. Petrick asked Ms. Ritchie if she would be amenable to District Counsel contacting
116 the HOA’s attorney to discuss the fence issue and then discussing it with the February HOA
117 Board meeting. Per Mr. Petrick, Ms. Rigoni would contact the HOA attorney.

118

On MOTION by Ms. Senior and seconded by Mr. Pincus, with all in favor, authorizing the District Engineer and Mr. Wesley to inspect the fence at/near Lake 9 between the Tides and Vista Lago communities and for the District Engineer to prepare a cost proposal to conduct a survey for presentation at the next meeting, was approved.

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SIXTH ORDER OF BUSINESS

**Consideration of Work Authorization/
Proposal for Stormwater Management
Reporting Requirements**

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Ms. Cerbone presented the Work Authorization/Proposal for preparation of the
Stormwater Needs Analysis Report that is due by June 30, 2022, and every five years thereafter.
Mr. Smith stated the \$6,640 fee is based on an hourly rate. Ms. Cerbone stated that this item
was not budgeted so it would be in a separate line item, once the expense is incurred.

134

On MOTION by Mr. Cuningham and seconded by Mr. DePaul, with all in favor, the Work Authorization/Proposal for Stormwater Management Reporting Requirements for preparation of the Stormwater Needs Analysis Report, in a not to exceed amount of \$6,640, was approved.

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SEVENTH ORDER OF BUSINESS

**Continued Discussion: Jog Road
Maintenance Responsibilities and
Consideration of Proposed Maintenance
Scope**

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142

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146 • **Consideration of Revised Form of Permit**

147 Ms. Rigoni reported the following:

148 ➤ She and Mr. DePaul recently met with County Representatives regarding the proposed
149 Jog Road maintenance issue.

150 ➤ The County presented a standard form of permit for the median area.

151 ➤ In response and per the Board’s direction, Ms. Rigoni made a few revisions to the permit
152 and submitted it to the County. Thus far, the County has not responded.

153 ➤ Ms. Cerbone and Mr. Wesley would discuss more developments about Jog Road.

154 Mr. Petrick stated he recently filled out a conflict-of-interest form because he accepted
155 a position with Palm Beach County, in a department involved in this matter; therefore, he
156 would not be able to partake in discussions regarding the Jog Road issue, going forward.

157 Ms. Cerbone stated she was recently informed that DR Horton received a compliance
158 violation letter and she conferred with District Counsel regarding a possible connection
159 between the DR Horton letter and the delayed response from the County.

160 Discussion ensued regarding the revised permit, how patient to be with the County, DR
161 Horton’s violation letter, installation of irrigation lines on Jog Road and if the next meeting
162 should be held in March or April. An additional meeting date was set for March 28, 2022.

163 Ms. Rigoni would follow up with the County.

164

165 **EIGHTH ORDER OF BUSINESS**

Continued Discussion: IT Issues Related to Pumphouse Software

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168 This item would be carried over to the next agenda.

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170 **NINTH ORDER OF BUSINESS**

Consideration of Resolution 2022-03, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Palm Beach County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

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180 Ms. Cerbone presented Resolution 2022-03 and read the title. Seats 1 and 2, currently
181 held by Mr. DePaul and Mr. Cuningham, respectively, would be up for election.

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On MOTION by Mr. Pincus and seconded by Mr. Cuningham, with all in favor, Resolution 2022-03, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Palm Beach County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

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TENTH ORDER OF BUSINESS

Consideration of Resolution 2022-04, Designating a Registered Agent and Registered Office of the Hamal Community Development District

195 Ms. Rigoni presented Resolution 2022-04.

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On MOTION by Ms. Senior and seconded by Mr. DePaul, with all in favor, Resolution 2022-04, Designating Sarah R. Sandy, of Kutak Rock, LLP, as the Registered Agent and the office of Kutak Rock LLP, 113 South Monroe Street, Suite 116, Tallahassee, Florida 32301, until February 15, 2022, and commencing February 16, 2022, the office of Kutak Rock LLP, 107 West College Avenue, Tallahassee, Florida 32301 as the Registered Office of the Hamal Community Development District, was adopted.

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ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2021

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

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On MOTION by Mr. DePaul and seconded by Mr. Pincus, with all in favor, the Unaudited Financial Statements as of December 31, 2021, were accepted.

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TWELFTH ORDER OF BUSINESS

Approval of December 13, 2021 Regular Meeting Minutes

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218 Ms. Cerbone presented the December 13, 2021 Regular Meeting Minutes.

219 The following changes were made:

220 Lines 304, 306 and 333: Change “Pincus” to “Petrick”

221 Line 307: Insert “asked if” after “and”

222 Line 500: Change “Mr. Pincus” to “it was”

223 Line 507: Change “Ms. Pincus” to “Mr. Pincus”

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225 **On MOTION by Mr. Pincus and seconded by Mr. Cuningham, with all in favor,**
226 **the December 13, 2021 Regular Meeting Minutes, as amended, were approved.**

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229 **THIRTEENTH ORDER OF BUSINESS**

Staff Reports

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231 **A. District Counsel: *Kutak Rock LLP***

232 Ms. Rigoni stated Staff is monitoring the legislative session and would give an update on
233 any bills that pass that would impact the CDD.

234 **B. District Engineer: *Craig A. Smith & Associates***

235 There was no report.

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

237 Mr. Finch reported that staff resolved a few minor pump issues on the Hampton Bays
238 side and the fountain is operational.

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

- 240 ● **NEXT MEETING DATE: May 9, 2022 at 6:00 P.M.**

- 241 ○ **QUORUM CHECK**

242 All Supervisors confirmed their attendance at the March 28, 2022 meeting.

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244 **FOURTEENTH ORDER OF BUSINESS**

Supervisors’ Requests

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246 There were no Supervisors’ requests.

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248 **FIFTEENTH ORDER OF BUSINESS**

Public Comments

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250 There were no public comments.

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252 **SIXTEENTH ORDER OF BUSINESS**

Adjournment

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255 **On MOTION by Mr. Cuningham and seconded by Mr. DePaul, with all in favor,**
256 **the meeting adjourned at 7:38 p.m.**

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Secretary/Assistant Secretary

Chair/Vice Chair

HAMAL
COMMUNITY DEVELOPMENT DISTRICT

10B



HAMAL
COMMUNITY DEVELOPMENT DISTRICT

10D

HAMAL COMMUNITY DEVELOPMENT DISTRICT

BOARD OF SUPERVISORS FISCAL YEAR 2021/2022 MEETING SCHEDULE

LOCATION

Briar Bay Clubhouse, 3400 Celebration Blvd., West Palm Beach, Florida 33411

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
November 15, 2021 CANCELED	Regular Meeting	6:00 P.M.
December 13, 2021	Regular Meeting	6:00 P.M.
February 7, 2022	Regular Meeting	6:00 P.M.
March 28, 2022	Regular Meeting	6:00 P.M.
May 9, 2022	Regular Meeting	6:00 P.M.
July 11, 2022	Regular Meeting	6:00 P.M.
September 12, 2022	Public Hearing and Regular Meeting	6:00 P.M.