

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: November 20, 2023
8:00 A.M.

Held at
8756 Boynton Beach Boulevard, Suite 2100
Boynton Beach, Florida 33472

1. **Roll Call**

The meeting was called to order by Chair Walsey at 8:11 A.M.

The Secretary then called the roll, and noted that all Supervisors except Rick Elsner were present.

In Attendance:

Board Members: Charles Walsey (via Microsoft Teams), Larry Portnoy, Pam Duhaney, and Pat Fogarty.
District Engineer: Alan Wertepny
District Attorney: Peter Breton (via Microsoft Teams)
Operations Manager: Robert Poyner, RLP Property Services, Inc.

2. **Approval of Agenda**

After a motion by Supervisor Duhaney and second by Supervisor Fogarty, the Board unanimously approved the agenda.

3. **Election of Officers**

The District's attorney stated that it was necessary to elect the officers for the next two years. He stated that he would no longer serve as Secretary since he is retiring. Supervisor Portnoy made a motion to elect Charles Walsey as Chair, Rick Elsner as Vice Chair, himself as Treasurer and Pamela Duhaney as Secretary. Charles Walsey seconded the motion which was unanimously approved.

4. **Approval of Minutes**

After a motion by Supervisor Duhaney and second by Supervisor Portnoy, the minutes of the Board meeting of October 16, 2023 were unanimously approved.

5. **Engineer's Report**

The District Engineer presented his written report (copy attached). Supervisor Portnoy asked the Engineer to check on the right of way on the roads leading to the District and report at the next meeting.

6. **Operations Manager's Report**

The Operations Manager distributed his written report (copy attached). He discussed the problem on 200th and 59th with residents damaging the road and possible solutions. He discussed the fuel situation. He said he will order a tanker in December with the invoice coming in January. He then described a problem with flooding at the school caused by pumping by Hunley. He outlined two possible corrective actions. Chair Walsey stated that since the problem is caused by the farmer pumping into the canal for irrigation, which is backing up into the school grounds, it is not a CDD issue but a GL Homes issue. The Engineer concurred. The Attorney asked if this is the same problem with the crushed pipe or a new one. Mr. Poyner said that when he replaced the crushed pipe, it allowed the water pumped by Hunley to backflow onto the school grounds.

7. **Treasurer's Report**

The Treasurer reported that he has not received a bank statement but that he will have approximately \$30,000 to meet the December expenses.

The Treasurer then introduced the budget amendment for FY 2022-2023. The Attorney explained that the report on actual revenues and expenditures as of the end of the fiscal year showed that actual expenditures exceeded actual revenues by \$17,420. Florida Statutes allows the District to amend its budget within 60 days of the end of the fiscal year. He has prepared Resolution No. 23-4 to amend the budget to bring it in line with the actual revenues and expenditures and to address the revenue shortfall with a carry forward from the prior year, since there is a positive balance in the Fund Balance as of the end of FY 2021-2022. Supervisor Portnoy moved the adoption of Resolution No. 2023-4, Supervisor Fogarty seconded and the motion was unanimously adopted.

8. Attorney's Report

The Attorney explained that in the course of exploring possible replacements for him after his retirement, it came to the attention of Supervisor Portnoy and him that Special District Services, LLC could take over all of the administrative functions that the Attorney does. After contacting Todd Wodraska at SDS, he confirmed his interest and sent a draft agreement. The agreement has been reviewed and several additional sections were added for the protection of the District. The Attorney explained that most of his functions have been administrative rather than strictly legal, so that SDS can take over from him. To the extent that any legal issues arise or legal documents need to be drafted, the District can engage an attorney to handle those tasks on an hourly basis. SDS can likely recommend attorneys it has worked with. Chair Walsey said that he knows both Todd Wodraska and Pete Pimental and has high confidence in their ability. The Attorney explained that GL Homes' in-house attorney can generally not function as the District's attorney due to possible conflicts of interest. There are certain tasks that SDS will not be able to do since it constitutes unauthorized practice of law, such as drafting contracts, that an attorney must do. Treasurer Portnoy said that GL Homes works with SDS on another district on the west coast and they do a good job. He said that they will take over the financial tasks that GL Homes currently does such as cutting checks and dealing with the auditors. Supervisor Portnoy moved to approve the modified contract with SDS, along with a delegation of authority to work out any minor revisions. Supervisor Duhaney seconded and the motion was unanimously approved. Supervisor Portnoy, Todd Wodraska and Attorney Breton will discuss the transition.

9. Comments by Supervisors

Supervisor Duhaney said she will be on vacation during the December meeting. There were no additional comments by Supervisors.

10. Comments by Public

There were no members of the public present.

11. Announcement of Next Meeting Date

The Chair announced that the next meeting would occur on December 18, 2023 at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

12. Adjournment

Upon motion by Supervisor Duhaney, seconded by Supervisor Portnoy, the meeting was adjourned at 9:02 A.M.

Charles C. Walsey, Chair

Pamela Duhaney, Secretary

Cypress Grove Community Development District
District Engineer's Report
November 20, 2023

Lake Okeechobee System Operating Manual (LOSOM) No update on progress since September 2023

Lake Okeechobee System Operating Manual.

The U.S. Army Corps of Engineers (USACE) is in the process of completing its re-evaluation of Lake Okeechobee operating schedule.

Activities to finalize LOSOM include:

- Release of LOSOM Draft Environmental Impact Statement (EIS)..... July 27, 2022
- Public Comment on EIS due..... September 12,2022
- New LOSOM Schedule adoptionin 2023

On March 1, 2023, National Marine Fisheries. A division of NOAA requested a formal biological review of the impact of LOSOM, as currently drafted, on red tide on Florida’s west coast. The request pushed back the expected date of implementation from June 2023 to December 2023.

The National Marine Fisheries Service (NMFS) missed their deadline of August 30, 2023, to complete its biological assessment. **To date I have not found any media posted updates.**

Loxahatchee River Restoration (No revisions since September 2022)

On August 18, 2022, South Florida Water Management District (Jennifer Leeds) provided an update to the Palm Beach County Water Resources Task Force. The Project Status included:

Tasks Completed:

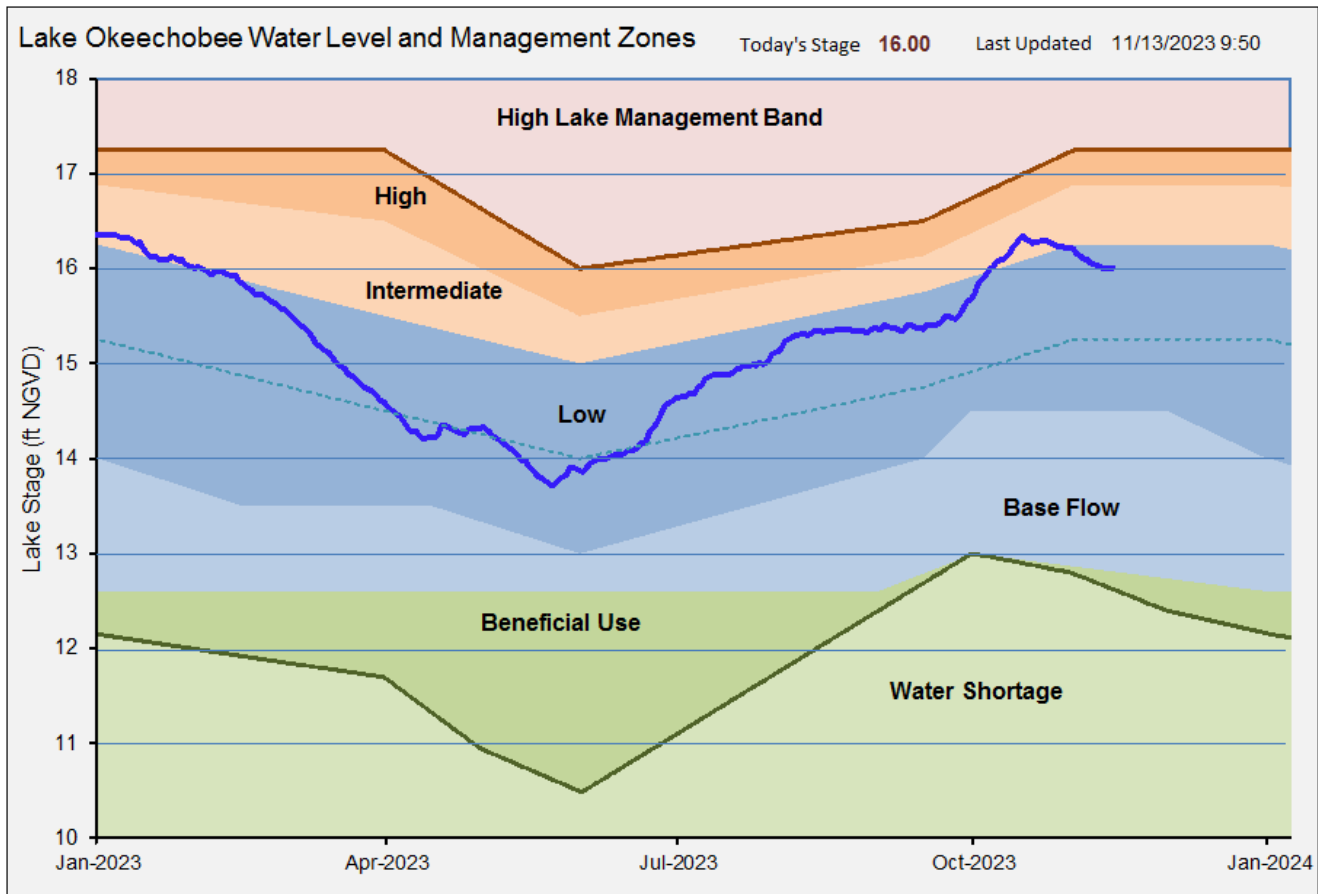
- Project authorized by Congress – Water Resources Development Act 2020
- Restricted Allocation Area (RAA) rulemaking – June 2022
- Pre-partnership Credit Agreement (PPCA) – July 2022

Tasks Underway:

- Update Integrated Delivery Schedule (IDS) – October 2022
- Execute Project Partnership Agreement (PPA) – June 2023 Flow-way 2
- Agreements and stakeholder engagement – Ongoing
- Execute design contract for C-18W Impoundment – December 2022
- Design on Mecca major impoundment is in progress

Current Lake Okeechobee Water Levels

On November 13, 2023, the Lake level was at 16.0 feet NGVD. The one-year graph of the Lake Okeechobee water level is within the intermediate Zone (Approximately 3.4 feet above the Water Shortage Zone). Reported releases from the Lake are west into the Caloosahatchee River and south into the West Palm Beach Canal and L-8 Canal. The L-8 Canal stage at West Palm Beach M Canal was at 14.9 feet NGVD.



SR 7 Extension from Okeechobee BLVD to Northlake Blvd (No revisions since November 2022)

The City of West Palm requested an administrative hearing on SFWMD Environmental Resource Permit and the Consumptive Use Permit for SR7 Extension. The ERP hearing started in October 2023 and involves SFWMD, FDOT, PBC and CWPB. The hearing has been postponed and is likely to reconvene in January or February of 2024. The CUP permit hearing will follow the ERP hearing.

County Five-Year Road Program Fiscal Year 2024 – FY 2028

Within the next 5 years Palm Beach County Roadway Production Division has seven roadway improvement projects for three roads within the vicinity of our District. Seminole Pratt Whitney Road and Northlake Boulevard widening projects are underway. 60th Street Improvements are projected to begin in 2025. Below is a listing of the seven segments of roadway improvements for these three roads.

Seminole Pratt Whitney Rd. from Orange Blvd to south of Northlake Blvd widening from 2 to 4 lanes (1.8 miles) at an estimated construction cost of \$10.7 million.

Seminole Pratt Whitney & Northlake Blvd. intersection improvements at an estimated construction cost of \$5.41 million.

Northlake Blvd East of Seminole Pratt Whitney Road east to Hall Blvd widening from 2 to 4 lanes (1 mile) at an estimated construction cost of \$7.5 million,

Northlake Blvd east of Hall Blvd. to Coconut widening from 2 to 4 lanes (2.4 miles) at an estimated right-of-way acquisition and construction cost of \$7.0 million.

60th Street North from Seminole Pratt Whitney Road to 140th Street Avenue North. An estimated cost of \$ 0.50 million for design of 2.7 miles of a 4-lane road in FY 2026.

60th Street North from west of 140th Avenue to Avocado Blvd. An estimated cost of \$ 0.5 million for design, right-of-way acquisition and mitigation for 0.8 miles of a three-lane road in FY 2025.

60th Street North from Avocado Blvd. to East of 120th Avenue North. The construction cost is estimated to be \$5 million for 1.6 miles of a three-lane road in FY 25 and FY26.

SFWMD Water Use Permit

We submitted the 3rd quarter water use report to SFWMD. A copy of the historical 11 years of monthly pumping records is attached.

SFWMD Proposed Rule 40E-7 Canal Management Plan for Vegetation, Trash and Debris (No revisions since June 2023)

SFWMD held a second public workshop on their proposed regulatory process of requiring a written Vegetation and Debris Management Plan (documenting practices/schedule) and retainage of records of implemented vegetation and debris management activities. In a letter dated May 24, 2023, the Florida Association of Special District provided comments on the proposed program. FASD raised the following issues:

1. Lack of a list, map, GIS layer, database or some other identifying criteria of areas that are and are not subject to the proposed rules.

2. Allowance for a time extension for implementation for budgeting, procurement, contracting, and/or updating water control plans.
3. Concerning increased costs for special districts.
4. Appears to be duplication of similar requirements already incorporated in other District regulatory criteria. Expand exemptions to include existing regulatory programs.

FPL Silver Palm Solar Facilities

Silver Palm - Discharge pump installations are in progress. Bobby is monitoring it. We are still waiting on FPL to reactivate discussions for an easement to CGCDD easement at the northeast corner of Carol St. and Louise St.

Website Update

The cgdd.org website has been updated with the minutes of the October 2023 meeting and November 20, 2023, agenda.

Cypress Grove Community Development District

Operations Report

11/20/23

- On November 19, 2023 the offsite L-8 Canal elevation at the North Pump was 15.3 and the onsite elevation was 17.2 The South Pump offsite elevation was 15.3 and the onsite elevation was 17.2 Lake Okeechobee water level is 15.93 October level was at 16.31
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- Pump reports due January 2024.
- Side Mowing ongoing.
- Discussion 59th Lane & north canal road repairs.
- Fuel tank inspection. We had 7018 gal of fuel delivered on 3/8/23 and have used 6450 gal since delivery.
- Capital Improvement Projects and estimated cost.
 1. Repair Canal Bank 59th & Washouts interior CDD Canals.
 2. Marie Ct. Clear & reshape canal banks. (Approx 1 mile.)
 3. Rip Rap reshape canal banks N/S pump stations. (South station started)
 4. Remove brush west canal bank section 29. (Estimate \$15,000.00)
 5. Long reach summer maintenance \$17,500.00 (Reduced \$7500.00)
 - 6.
 - 7.
 8. Clean canal bottom east side section 30&31. Estimate \$12000.00
 9. Close canal SE corner section 34. Estimate \$3500.00
 - 10.
 11. Pump replacement original north pump. Option 1. 37,644.00 Option 2. \$45,233.00
 12. Replace 40 feet of 72 inch pipe center road section 20&21. 20ft of pipe needed. Estimate \$7000.00

Future projects clean both sides of district canal banks.

- School lake retention.
- ITID Review CDD & SRG projects.
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- FPL easement Legum & Carol St. & CDD L-8 Easement update.
- Corbett Draining in to West Canal Section 19.
- Projects to complete. (Repair canal bank east canal 21&22
- Water boom estimate \$3000.00 (GEI Works)
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CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
LANDOWNERS' MEETING
MINUTES

Date: November 20, 2023
8:00 A.M.

Held at
8756 Boynton Beach Boulevard, Suite 2100
Boynton Beach, Florida 33472

1. **Call to Order**

The meeting of the Landowners was called to order by the Chair of the District, Charles Walsey, at 8:03 A.M.

2. **Presentation of Proof of Publication of Meeting**

The District Attorney, Peter Breton, presented the proof of publication of the meeting from The Palm Beach Post. The notice was published on 10/25/2023 and on 11/01/2023. The attorney also stated that a letter with the election procedures and a proxy form was mailed to every landowner at the address on file with the County Tax Collector.

3. **Confirmation of Number of Votes Present in Person or Proxy**

The Chair announced that one proxy received was from Palm Beach West Assoc I LLLP, representing 4935 votes, which named Larry Portnoy as the company's proxy, A proxy was also received from Albert and Diana Thornbrough representing 41 votes, which named Rick Elsner as proxy. Mr. Elsner has substituted Larry Portnoy as the proxy, as he was unable to attend. No other landowners were present in person or by proxy.

4. **Nomination of Candidates for Three Seats on Board of Supervisors**

The Chair announced that there were three (3) seats open of the Board due to the expiration of their terms: Supervisors Walsey, Portnoy and Fogarty. Larry Portnoy nominated Supervisors Walsey, Portnoy and Fogarty. There were no other nominations.

5. **Voting on Candidates**

Larry Portnoy cast 4976 votes for Supervisor Walsey, 4976 votes for Supervisor Portnoy and 4975 votes for Supervisor Fogarty. As the candidates receiving the most votes, Supervisors Walsey and Portnoy were reelected to a four (4) year term and Supervisor Fogarty was reelected to a two (2) year term.

6. **Oath of Office**

In as much as the reelected supervisors have already taken their oath of office, it was unnecessary to repeat the oath.

7. **Comments by Landowners**

There were no comments from landowners.

8. **Comments by Public**

There were no members of the public present.

9. **Adjournment of Annual Meeting**

The meeting was adjourned at 8:11 A.M.

Charles C. Walsey, Chair

Pamela Duhaney, Secretary