

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
MINUTES

Date: August 15, 2022
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 8:00 A.M.

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

In Attendance:

Board Members: Charles Walsey, Rick Elsner, Larry Portnoy, and Pam Duhaney. Supervisor Pat Fogarty arrived at 8:15 A.M.

District Engineer: Alan Wertepny

District Attorney: Peter Breton (by speakerphone)

Operations Manager: Robert Poyner, RLP Property Services, Inc.

2. Approval of Agenda

After a motion by Supervisor Elsner and second by Supervisor Portnoy, the Board unanimously approved the agenda,

3. Approval of Minutes

By motion by Supervisor Elsner and second by Supervisor Portnoy, the Board unanimously approved the minutes of the Board of Supervisors' Meeting of July 18, 2022.

4. Engineer's Report

The District Engineer distributed his written report (copy attached).

5. Operations Manager's Report

The Operations Manager distributed his written report (copy attached). He said that he will need one fuel delivery at the start of the dry season which should carry him through to December or January. He said the price of diesel has been going down. If he receives a delivery in December, it won't be payable until January. He pointed out that the pipes at the L-8 canal are aging and will need replacement at some point. There are 3 72 inch pipes at the north pump station and 1 72 inch pipe at the south pump station. Each pipe is close to 100 feet in length. The existing gas pipeline will complicate the project. The Board discussed the issues involved with replacing the pipes.

6. Treasurer's Report

The Treasurer reported that the District had \$205,000 after the checks for August. He is budgeting \$50,000 for fuel. After setting aside operation funds through the end of the calendar year, he estimated that there will be \$28,000 for projects.

Next was a discussion of the FY 2022-2023 budget. The attorney distributed copies of the budget which he said was identical to the preliminary budget approved in May. The Board had no comments or questions.

Cypress Grove Community Development District

Operations Report

8/14/22

- On August 14, 2022 the offsite L-8 Canal elevation at the North Pump was 12.6 and the onsite elevation was 17.5 The South Pump offsite elevation was 12.8 and the onsite elevation was 17.6 Lake Okeechobee water level is ---- July level was at 12.99
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- 2nd quarter pump reports turned in.
- Side Mowing ongoing.
- Pontano Farms water use.
- Fuel tank inspection. There are no leaks and tanks are working properly at this time. We had 6500 gal of fuel delivered on 3/3/22 and have used 6300 gal since delivery.
- Capital Improvement Projects and estimated cost.
 1. Replace 60 Ft of 72" pipe at 59th & Carol St. (Estimate \$14,000.00 wet install one pipe.)
 2. Marie Ct & Dennis St. Clear & reshape canal banks. (Approx 1.25 miles.)
 3. Rip Rap reshape canal banks N/S pump stations.
 4. Remove brush west canal bank section 29. (Estimate \$15,000.00)
 5. Long reach summer maintenance \$12,000.00
 - 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.

- Item 10 Carol Street pipe replacement & canal bank cleaning Marie Ct & Louise Street prior to ITID road repairs. Discussion on adding two new 72" pipes Carol St & 59th. Additional pipe \$16,540.00. Two to three weeks for pipe new pipe delivery.
- ITID officially starting improvements at SRG. Review CDD & SRG projects. (Repair Louise Street) CDD regular maintenance. (Trash removal)
- FPL using temp pump in section 28. Starting permitting for second solar field. Request to modify section 33 discharge permit.
- Water project discussion.
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7. Public Hearing on 2022-2023 Budget and 2022-2023 Non-ad Valorem Assessment Rate

The Chair then announced that the public hearing on the FY 2022-2023 budget and the FY 2022-2023 Non-ad Valorem Assessment Rate was open. The District Attorney stated for the record that the public hearing was duly noticed in the Palm Beach Post and that letters were mailed to all property owners in the District at the address in the tax rolls. There being no members of the public desiring to speak, the Chair closed the public hearing.

8. Discussion of Revisions to 2022-2023 Budget and 2022-2023 Non-ad Valorem Assessment Rate

The Board did not make any revisions to the budget or non-ad valorem assessment rate.

9. Motion to Adopt Resolution Approving 2022-2023 Budget

Upon motion by Supervisor Elsner and second by Supervisor Portnoy, Resolution No 2022-2 adopting the FY 2022-2023 final budget as presented was unanimously approved.

10. Motion to Adopt Resolution Approving 2022-2023 Non-ad Valorem Assessment Rate

Upon motion by Supervisor Elsner and second by Supervisor Portnoy, Resolution No 2022-3 adopting the FY 2022-2023 final Non-ad Valorem Assessment Rate of \$75.39 per acre was unanimously approved

11. Attorney's Report

The Attorney stated that there he mailed letters to all landowners advising of the public hearing. He also had the required notices published in the Palm Beach Post and emailed the proof of publication to Supervisor Portnoy for the District records.

He also reported that the District Engineer found a recent court case which he has studied. The case is a Fourth District Court of Appeals decision that found that a Chapter 298 Drainage District has the legal right to levy non-ad valorem assessments against both a county and the South Florida Water Management District. The Florida Supreme Court declined to consider the appeals filed by Martin County and SFWMD. While the 4th DCA decision was based on certain language contained in Ch. 298, he found that Chapter 190, which governs the District, is substantially similar and would support the CDD's right to levy against ITID and Palm Beach County. Supervisor Portnoy told the attorney not to contact ITID's attorney at this time.

12. Comments by Supervisors

There were no comments by Supervisors.

13. Comments by Public

There were no members of the public present.

14. Announcement of Next Meeting Date

The Chair announced that the next meeting would occur on September 19, 2022 at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

15. Adjournment

Upon motion by Supervisor Elsner, seconded by Supervisor Portnoy the meeting was adjourned at 8:43 A.M.

Charles C. Walsey, Chair

Peter L. Breton, Secretary