



**BANYAN CAY  
COMMUNITY DEVELOPMENT  
DISTRICT**

**PALM BEACH COUNTY  
REGULAR BOARD MEETING  
APRIL 19, 2022  
2:00 P.M.**

Special District Services, Inc.  
2501A Burns Road  
Palm Beach Gardens, FL 33410

[www.banyancaycdd.org](http://www.banyancaycdd.org)  
561.630.4922 Telephone  
877.SDS.4922 Toll Free  
561.630.4923 Facsimile

**AGENDA**  
**BANYAN CAY**  
**COMMUNITY DEVELOPMENT DISTRICT**  
Conference Room of Special District Services, Inc.  
2501A Burns Road  
Palm Beach Gardens, Florida 33410  
**REGULAR BOARD MEETING**  
April 19, 2022  
2:00 P.M.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
  - 1. November 16, 2021 Regular Board Meeting Minutes.....Page 3
- G. Old Business
- H. New Business
  - 1. Consider Resolution No. 2022-01 – Adopting a Fiscal Year 2022/2023 Proposed Budget.....Page 6
  - 2. Consider Stormwater & Wastewater 20-Year Needs Analyses Proposal.....Page 14
- I. Administrative Matters
- J. Board Members Comments
- K. Adjourn

## PALM BEACH DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays  
West Palm Beach, Palm Beach County, Florida

STATE OF FLORIDA  
COUNTY OF PALM BEACH:

Before the undersigned authority personally appeared ANGELINA GARAY, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Palm Beach Daily Business Review f/k/a Palm Beach Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT -  
FISCAL YEAR 2021/2022 REGULAR MEETING SCHEDULE -  
NOTICE IS HEREBY GIVEN THAT THE BOARD OF  
SUPERVISORS OF THE BANYAN CAY COMMUNITY  
DEVELOPMENT DISTRICT WILL HOLD REGULAR BOARD  
MEETINGS, ETC.

in the XXXX Court,  
was published in said newspaper in the issues of

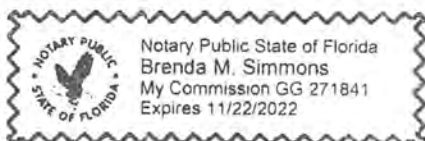
10/06/2021

Affiant further says that the said Palm Beach Daily Business Review is a newspaper published at Palm Beach, in said Palm Beach County, Florida and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in West Palm Beach in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Angelina Garay*  
Sworn to and subscribed before me this  
6 day of OCTOBER, A.D. 2021

(SEAL)

ANGELINA GARAY personally known to me



### BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT FISCAL YEAR 2021/2022 REGULAR MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Banyan Cay Community Development District will hold Regular Board Meetings in the Conference Room of Special District Services, Inc.

located 2501A Burns Road, Palm Beach Gardens, Florida 33410 at 2:00 p.m. on the following dates:

October 19, 2021  
November 16, 2021  
December 21, 2021  
January 18, 2022  
February 15, 2022  
March 15, 2022  
April 19, 2022  
May 17, 2022  
June 21, 2022  
July 19, 2022  
August 16, 2022  
September 20, 2022

The purpose of the meetings is to conduct any business coming before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agendas for any of the meetings may be obtained from the District's website or by contacting the District Manager at 561-630-4922 and/or toll free at 1-877-737-4922 five (5) days prior to the date of the particular meeting.

From time to time one or two Supervisors may participate by telephone; therefore, a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Said meeting(s) may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense

and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at 561-630-4922 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

BANYAN CAY COMMUNITY  
DEVELOPMENT DISTRICT

[www.banyancaycdd.org](http://www.banyancaycdd.org)

10/6

21-20/0000554765P

**BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT  
REGULAR BOARD MEETING  
NOVEMBER 16, 2021**

**A. CALL TO ORDER**

The Regular Board Meeting of the Banyan Cay Community Development District (the “District”) was called to order at 2:07 p.m. in the Conference Room of Special District Services, Inc., located at 2501A Burns Road, Palm Beach Gardens, Florida 33410.

**B. PROOF OF PUBLICATION**

Proof of publication was presented which showed that notice of the Regular Board Meeting had been published in *The Palm Beach Post* on October 6, 2021, as part of the District’s Fiscal Year 2021/2022 Meeting Schedule, as legally required.

**C. SEAT ELECTED BOARD MEMBER**

**D. ADMINISTER OATH OF OFFICE AND REVIEW BOARD MEMBER RESPONSIBILITIES & DUTIES**

Mr. Pierman noted that both Mr. Kutner and Mr. Kohlasch had been sworn in prior to the start of the meeting.

**E. ESTABLISH A QUORUM**

A quorum was established with the following Supervisors in attendance:

Chairperson	Alicia Lewis (via phone)	Present
Vice-Chair	Charlie Rimpela	Present
Supervisor	Matthew Kutner	Absent
Supervisor	Camryn Guerzon	Present
Supervisor	Vacant	

Also in virtual attendance were:

District Manager	Jason Pierman	Special District Services, Inc.
District Counsel	Bill Capko (via phone)	Lewis Longman & Walker, P.A.

Mr. Pierman explained that Mr. Guerzon’s term had expired and recommended that the Board make a motion declaring a vacant seat.

A **motion** was made by Mr. Rimpela, seconded by Mr. Kutner, and unanimously passed declaring a vacant seat.

**F. ELECTION OF OFFICERS**

Mr. Pierman explained that it was now necessary to elect officers.

A **motion** was made by Ms. Lewis, seconded by Mr. Rimpela, and unanimously passed electing the following slate of officers:

CH: Alicia Lewis  
VC: Charlie Rimpela  
Sec/Treas: Jason Pierman  
Assist. Sec: Matthew Kutner  
Assist. Sec: David Kohlasch

**G. ADDITIONS OR DELETIONS TO AGENDA**

There were no additions or deletions to the agenda.

**H. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

There were no comments from the public for items not on the agenda.

**I. APPROVAL OF MINUTES**

**1. June 22, 2021, Public Hearing & Regular Board Meeting**

The minutes of the June 22, 2021, Public Hearing & Regular Board Meeting were presented for consideration.

A **motion** was made by Mr. Rimpela, seconded by Mr. Kohlasch and passed unanimously approving the minutes of the June 22, 2021, Public Hearing & Regular Board Meeting, as presented.

**J. OLD BUSINESS**

There were no Old Business items to come before the Board.

**K. NEW BUSINESS**

**1. Consider Resolution No. 2021-06 – Adopting a Fiscal Year 2020/2021 Amended Budget**

Resolution No. 2021-06 was presented, entitled:

**RESOLUTION NO. 2021-06**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2020/2021 BUDGET (“AMENDED BUDGET”), PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.**

A **motion** was made by Mr. Rimpela, seconded by Mr. Kohlasch and passed unanimously adopting Resolution No. 2021-06, as presented.

**2. Consider Ratification of Interlocal Agreement with Palm Beach County Information System Services**

A **motion** was made by Mr. Rimpela, seconded by Mr. Kohlasch and passed unanimously ratifying the Interlocal Agreement with Palm Beach County Information System Services, as presented.

**3. Consider Acceptance of 2021 Facilities Report**

A **motion** was made by Mr. Rimpela, seconded by Mr. Kohlasch and passed unanimously accepting the 2021 Facilities Report, as presented.

**L. ADMINISTRATIVE MATTERS**

Mr. Pierman noted that the next meeting would most likely be held on March 15, 2022.

**M. BOARD MEMBER COMMENTS**

There were no comments from the Board Members.

**N. ADJOURNMENT**

There being no further business to come before the Board, a **motion** was made by Mr. Rimpela, seconded by Mr. Kohlasch and passed unanimously to adjourn the meeting at 2:16 p.m.

**ATTESTED BY:**

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Secretary/Assistant Secretary

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Chairperson/Vice-Chair

## RESOLUTION 2022-01

### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2022/2023 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Banyan Cay Community Development District (“District”) was recently established by Palm Beach County, Florida effective January 28, 2019; and

**WHEREAS**, the District Manager has prepared and submitted to the Board of Supervisors of the Banyan Cay Community Development District (the “Board”) the proposed operating budget for Fiscal Year 2022/2023; and

**WHEREAS**, the Board has considered the proposed budget and desires to set the required public hearing thereon.

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT:**

1. The operating budget proposed by the District Manager for Fiscal Year 2022/2023 attached hereto as **Exhibit A** is hereby approved as the basis for conducting a public hearing to adopt said budget.
2. The public hearing on said approved budget is hereby declared and set for the following date, hour and location:

DATE: \_\_\_\_\_, 2022

HOUR: 2:00 p.m.

LOCATION: Special District Services, Inc.  
2501A Burns Road  
Palm Beach Gardens, FL 33410.

3. The District Manager is hereby directed to submit a copy of the proposed budget to Palm Beach County at least 60 days prior to the hearing set above.
4. In accordance with Section 189.016, Florida Statutes, the District's Secretary is further directed to post the approved budget on the District's website at least two days before the budget hearing date as set forth in Section 2. If the District does not have its own website, the District's Secretary is directed to transmit the approved budget to the managers or administrators of Palm Beach County for posting on their website.
5. Notice of this public hearing shall be published in the manner prescribed in Florida law.



6. This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this 19<sup>th</sup> day of April, 2022.

**ATTEST:**

**BANYAN CAY COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chairman

**Exhibit A:** Fiscal Year 2022/2023 Budget

# Banyan Cay Community Development District

**Proposed Budget For  
Fiscal Year 2022/2023  
October 1, 2022 - September 30, 2023**

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- IV      ASSESSMENT COMPARISON**

**PROPOSED BUDGET**  
**BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT**  
**FISCAL YEAR 2022/2023**  
**OCTOBER 1, 2022 - SEPTEMBER 30, 2023**

	<b>FISCAL YEAR 2022/2023 BUDGET</b>
<b>REVENUES</b>	
O&M Assessments	91,026
Developer Contribution	0
Debt Assessments	425,532
Interest Income	60
<b>TOTAL REVENUES</b>	<b>\$ 516,618</b>
<b>EXPENDITURES</b>	
Supervisor Fees	0
Engineering/Inspections	8,000
Management	24,720
Legal	22,000
Assessment Roll	5,000
Audit Fees	4,500
Arbitrage Rebate Fee	650
Insurance	6,064
Legal Advertisements	1,400
Miscellaneous	2,000
Postage	400
Office Supplies	750
Dues & Subscriptions	175
Trustee Fees	4,150
Continuing Disclosure Fee	1,000
Website Management	2,000
Reserve	2,816
<b>TOTAL EXPENDITURES</b>	<b>\$ 85,625</b>
<b>REVENUES LESS EXPENDITURES</b>	<b>\$ 430,993</b>
Bond Payments	(400,000)
<b>BALANCE</b>	<b>\$ 30,993</b>
County Appraiser & Tax Collector Fee	(10,331)
Discounts For Early Payments	(20,662)
<b>EXCESS/ (SHORTFALL)</b>	<b>\$ -</b>

**DETAILED PROPOSED BUDGET**  
**BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT**  
**FISCAL YEAR 2022/2023**  
**OCTOBER 1, 2022 - SEPTEMBER 30, 2023**

	FISCAL YEAR 2020/2021 ACTUAL	FISCAL YEAR 2021/2022 BUDGET	FISCAL YEAR 2022/2023 BUDGET	COMMENTS
<b>REVENUES</b>				
O&M Assessments	0	91,026	91,026	Expenditures Less Interest /.94
Developer Contribution	121,870	0	0	Developer Contribution
Debt Assessments	0	425,532	425,532	Bond Payments/.94
Interest Income	14	60	60	Projected At \$5.00 Per Month
<b>TOTAL REVENUES</b>	<b>\$ 121,884</b>	<b>\$ 516,618</b>	<b>\$ 516,618</b>	
<b>EXPENDITURES</b>				
Supervisor Fees	0	0	0	
Engineering/Inspections	16,017	8,000	8,000	No Change From 2021/2022 Budget
Management	24,000	24,000	24,720	CPI Increase (Capped At 3%)
Legal	41,840	24,000	22,000	FY 21/22 Expenditures Through Jan 2022 Were \$1,634
Assessment Roll	5,000	5,000	5,000	As Per Contract
Audit Fees	3,200	3,300	4,500	Increased Due To Bond Issue
Arbitrage Rebate Fee	0	650	650	No Change From 2021/2022 Budget
Insurance	5,513	6,064	6,064	Insurance Estimate
Legal Advertisements	636	1,500	1,400	\$100 Decrease From 2021/2022 Budget
Miscellaneous	751	2,000	2,000	No Change From 2021/2022 Budget
Postage	178	400	400	No Change From 2021/2022 Budget
Office Supplies	110	800	750	\$50 Decrease From 2021/2022 Budget
Dues & Subscriptions	175	175	175	No Change From 2021/2022 Budget
Trustee Fees	4,140	4,150	4,150	No Change From 2021/2022 Budget
Continuing Disclosure Fee	500	1,000	1,000	No Change From 2021/2022 Budget
Website Management	2,000	2,000	2,000	No Change From 2021/2022 Budget
Reserve	11,000	2,586	2,816	Reserve
<b>TOTAL EXPENDITURES</b>	<b>\$ 115,060</b>	<b>\$ 85,625</b>	<b>\$ 85,625</b>	
<b>REVENUES LESS EXPENDITURES</b>	<b>\$ 6,824</b>	<b>\$ 430,993</b>	<b>\$ 430,993</b>	
Bond Payments	0	(400,000)	(400,000)	2023 P & I Payments Less Earned Interest
<b>BALANCE</b>	<b>\$ 6,824</b>	<b>\$ 30,993</b>	<b>\$ 30,993</b>	
County Appraiser & Tax Collector Fee	0	(10,331)	(10,331)	
Discounts For Early Payments	0	(20,662)	(20,662)	
<b>EXCESS/ (SHORTFALL)</b>	<b>\$ 6,824</b>	<b>\$ -</b>	<b>\$ -</b>	

# DETAILED PROPOSED DEBT SERVICE FUND BUDGET

BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2022/2023

OCTOBER 1, 2022 - SEPTEMBER 30, 2023

	FISCAL YEAR 2020/2021	FISCAL YEAR 2021/2022	FISCAL YEAR 2022/2023	
REVENUES	ACTUAL	BUDGET	BUDGET	COMMENTS
Interest Income	21	25	25	Projected Interest For 2022/2023
Capitalized Interest	234,726	0	0	Capitalized Interest Set-up Though November 2021
NAV Tax Collection	0	400,000	400,000	Maximum Debt Service Collection
<b>Total Revenues</b>	<b>\$ 234,747</b>	<b>\$ 400,025</b>	<b>\$ 400,025</b>	
<b>EXPENDITURES</b>				
Principal Payments	0	130,000	130,000	Principal Payment Due In 2023
Interest Payments	100,170	269,113	265,538	Interest Payments Due In 2023
Bond Redemption	0	912	4,487	Estimated Excess Debt Collections
<b>Total Expenditures</b>	<b>\$ 100,170</b>	<b>\$ 400,025</b>	<b>\$ 400,025</b>	
<b>Excess/ (Shortfall)</b>	<b>\$ 134,577</b>	<b>\$ -</b>	<b>\$ -</b>	

## Series 2020 Bond Information

Original Par Amount =	\$6,895,000	Annual Principal Payments Due =	November 1st
Interest Rate =	2.75% - 4.00%	Annual Interest Payments Due =	May 1st & November 1st
Issue Date =	December 2020		
Maturity Date =	November 2051		
Par Amount As Of 1/1/22 =	\$6,895,000		

## Banyan Cay Community Development District Assessment Comparison

	Original Projected Assessment*	Fiscal Year 2020/2021 Assessment*	Fiscal Year 2021/2022 Assessment*	Fiscal Year 2022/2023 Projected Assessment*
O & M For Estate Homes	\$ -	\$ -	\$ 370.03	\$ 370.03
<u>Debt For Estate Homes</u>	<u>\$ 1,789.00</u>	<u>\$ -</u>	<u>\$ 1,789.13</u>	<u>\$ 1,789.13</u>
<b>Total For Estate Homes</b>	<b>\$ 1,789.00</b>	<b>\$ -</b>	<b>\$ 2,159.16</b>	<b>\$ 2,159.16</b>
O & M For Hotel Room/Units	\$ -	\$ -	\$ 370.03	\$ 370.03
<u>Debt For Hotel Room/Units</u>	<u>\$ 1,789.00</u>	<u>\$ -</u>	<u>\$ 1,789.13</u>	<u>\$ 1,789.13</u>
<b>Total For Hotel</b>	<b>\$ 1,789.00</b>	<b>\$ -</b>	<b>\$ 2,159.16</b>	<b>\$ 2,159.16</b>
O & M For Resort Villas	\$ -	\$ -	\$ 370.03	\$ 370.03
<u>Debt For Resort Villas</u>	<u>\$ 1,431.00</u>	<u>\$ -</u>	<u>\$ 1,431.30</u>	<u>\$ 1,431.30</u>
<b>Total For Resort Villas</b>	<b>\$ 1,431.00</b>	<b>\$ -</b>	<b>\$ 1,801.33</b>	<b>\$ 1,801.33</b>
O & M For Clubhouse Component	\$ -	\$ -	\$ 8,140.66	\$ 8,140.66
<u>Debt For Clubhouse Component</u>	<u>\$ 32,639.00</u>	<u>\$ -</u>	<u>\$ 32,639.00</u>	<u>\$ 32,639.00</u>
<b>Total For Clubhouse Component</b>	<b>\$ 32,639.00</b>	<b>\$ -</b>	<b>\$ 40,779.66</b>	<b>\$ 40,779.66</b>

\* Assessments Include the Following :

4% Discount for Early Payments  
1% County Tax Collector Fee  
1% County Property Appraiser Fee

Community Information - Phase One:

Estate Homes	52
Hotel Units/Room	150
Resort Villas	22
<u>Clubhouse Component</u>	<u>22</u>
Total Units	246

Clubhouse Component Is 18,243 Square Feet

February 17, 2022

Jason Pierman  
District Manager  
Special District Services, Inc.  
2501 Burns Rd., Suite A  
Palm Beach Gardens, FL 33410  
(Via email: [jpierman@sdsinc.org](mailto:jpierman@sdsinc.org))

**Re: Professional Civil Engineering Services  
Banyan Cay Development  
20 Year Needs Analysis for Stormwater System  
Palm Beach County, Florida  
Engenuity Group Project No. 19030.03**

Dear Mr. Pierman:

We are pleased to offer this proposal to render professional civil engineering services in connection with a 20 Year Needs Analysis for Stormwater System (hereinafter called the 'Project') for the Banyan Cay Development. This analysis will be pursuant to Section 5 of Section 403.9302 of the Florida Statutes, and will be completed by June 30, 2022 to conform with this Statute.

Our services will consist of the following:

- Meet onsite with Banyan representatives to observe the existing conditions of the stormwater system. The latest Banyan Cay CDD Annual Report will also be utilized as reference for our analysis.
- Work with SDS and Banyan to gather information as necessary for use in the provided template.
- Utilize the template to provide information, statements, data and answers as necessary for eventual submittal.

**Total Fee: Hourly, Not to Exceed \$8,500.00**

The cost of printing, reproduction, facsimile, mileage, and postage are included in our lump sum fee.

This proposal represents the entire understanding between you and us with respect to the Project. If this satisfactorily sets forth your understanding of our agreement, we would appreciate you issuing a Purchase Order for the requisite amount.



**PURSUANT TO SECTION 558.0035 FLORIDA STATUTES, THE CONSULTANT IS THE RESPONSIBLE PARTY FOR THE PROFESSIONAL SERVICES IT AGREES TO PROVIDE UNDER THIS CONTRACT. NO INDIVIDUAL PROFESSIONAL EMPLOYEE, AGENT, DIRECTOR, OFFICER OR PRINCIPAL MAY BE INDIVIDUALLY LIABLE FOR NEGLIGENCE ARISING OUT OF THIS CONTRACT, AS LONG AS THE CONSULTANT MAINTAINS THE PROFESSIONAL LIABILITY INSURANCE REQUIRED UNDER THIS CONTRACT AND AS LONG AS ANY DAMAGES ARE SOLELY ECONOMIC IN NATURE AND THE DAMAGES DO NOT EXTEND TO PERSONAL INJURIES OR PROPERTY NOT SUBJECT TO THIS CONTRACT.**

Sincerely,

A handwritten signature in blue ink, appearing to read 'Adam Swaney', with a long horizontal flourish extending to the right.

Adam Swaney, PE  
Director of Engineering

Approved By:

A handwritten signature in blue ink, appearing to read 'Lisa Tropepe', with a long horizontal flourish extending to the right.

Lisa Tropepe, PE  
Vice President