

# BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT

### **PALM BEACH COUNTY**

SPECIAL BOARD MEETING JUNE 4, 2024 2:00 p.m.

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

> > 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

### SPECIAL BOARD MEETING

June 4, 2024 2:00 P.M.

A.	Call to Order
B.	Proof of PublicationPage 1
C.	Consider Resignations and Appointments to Board Vacancies
D.	Administer Oath of Office and Review Board Member Duties and Responsibilities
E.	Establish Quorum
F.	Election of Officers
	<ul> <li>Chairman</li> <li>Vice Chairman</li> <li>Secretary/Treasurer</li> <li>Assistant Secretaries</li> </ul>
G.	Additions or Deletions to Agenda
Н.	Comments from the Public for Items Not on the Agenda
I.	Approval of Minutes
	1. November 21, 2023 Regular Board Meeting Minutes
J.	Old Business
K.	New Business
	1. Consider Resolution No. 2024-01 – Adopting a Fiscal Year 2024/2025 Proposed BudgetPage 5
	2. Discussion Regarding of HOA Maintenance Agreement
	3. Discussion Regarding Required Ethics Training
L.	Administrative Matters
M.	Board Members Comments
N.	Adjourn

Subcategory Miscellaneous Notices

NOTICE OF SPECIAL BOARD MEETING OF THE BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT

NOTICE IS HEREBY GIVEN that the Banyan Cay Community Development District (the District) will hold a Special Board Meeting (the Meeting) of its Board of Supervisors (the Board) on June 4, 2024, at 2:00 p.m. in the Conference Room of Special District Services, Inc. located at 2501A Burns Road, Palm Beach Gardens, Florida 33410. The Meeting is being held for the necessary public purpose of considering agenda items related to the District. At such time the Board is so authorized and may consider any business that may properly come before it.

A copy of the agenda for the Meeting may be obtained at the offices of the District Manager, c/o Special District Services, Inc., at (561) 630-4922 or jpierman@sdsinc.org (the District Managers Office) during normal business hours. The Meeting is open to the public and will be conducted in accordance with the provisions of Florida law for special districts. The Meeting may be continued to a date, time, and place to be specified on the record at the Meeting.

Any person requiring special accommodations in order to access and participate in the Meeting because of a disability or physical impairment should contact the District Managers Office at least forty-eight (48) hours prior to the Meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Managers Office. Each person who decides to appeal any decision made by the Board with respect to any matter considered at the Meeting is advised that person will need a record of proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

District Manager
BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT
www.banyancaycdd.org
5/22/24 #10187535

### BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT REGULAR BOARD MEETING NOVEMBER 21, 2023

### A. CALL TO ORDER

The November 21, 2023, Regular Board Meeting of the Banyan Cay Community Development District (the "District") was called to order at 2:30 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 Daily Business Review* on October 6, 2023, as part of the District's Fiscal Year 2023/2024 Meeting Schedule, as legally required.

Mr. Pierman noted that Deborah Morton, Jonas Nierman and Peter Vitale were sworn in prior to the start of the meeting to Seats 1, 2 and 4, respectively.

### C. ACCEPT BOARD MEMBER RESIGNATION AND SEAT NEW BOARD MEMBERS

Mr. Pierman presented resignations from Matthew Kutner and David Kohlasch. A **motion** was made by Ms. Morton, seconded by Mr. Nierman, and unanimously passed accepting the resignations.

A **motion** was then made by Ms. Morton, seconded by Mr. Nierman, and unanimously passed appointing Alicia Lewis to Seat 3.

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

Mr. Pierman noted that Ms. Lewis would be sworn in prior to the start of the next meeting.

### E. ESTABLISH A QUORUM

A quorum was established with the following Supervisors in attendance:

Chairperson	Alicia Lewis	Present		
Vice-Chair	Charlie Rimpela	Present		
Supervisor	Matthew Kutner	Present		
Supervisor	Sarah Dosch	Present		
Supervisor	David Kohlasch	Present		

### Also in attendance were:

District Manager	Jason Pierman	Special District Services, Inc.		
	Stephanie Brown	Special District Services, Inc.		

District Counsel	Bill Capko	Lewis Longman & Walker,
		P.A.
District Engineer	Lisa Tropepe	Engenuity

Others present were: Peter Vitale, Jonas Nierman, Deborah Morton and Greg Jaffe.

### F. ELECTION OF OFFICERS

Mr. Pierman explained that it was now necessary to elect officers. A **motion** was made by Ms. Morton, seconded by Mr. Nierman, and unanimously passed electing the following slate of officers:

CH: Deborah Morton VC: Peter Vitale

Sec/Treas: Jason Pierman Assist. Sec: Jonas Nierman Assist. Sec: Alicia Lewis

### 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. August 15, 2023, Public Hearing & Regular Board Meeting

The minutes of the August 15, 2023, Public Hearing & Regular Board Meeting were presented for consideration.

A **motion** was made by Mr. Vitale, seconded by Mr. Nierman and passed unanimously approving the minutes of the August 15, 2023, 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. 2023-05 – Adopting a Fiscal Year 2022/20/23 Amended Budget

Resolution No. 2023-05 was presented, entitled:

### **RESOLUTION NO. 2023-05**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL

# YEAR 2022/2023 BUDGET ("AMENDED BUDGET"), PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

A **motion** was made by Mr. Vitale, seconded by Mr. Nierman and passed unanimously adopting Resolution No. 2023-05, as presented.

### 2. Consider 2-Year Auditor Renewal Option – Grau & Associates

A **motion** was made by Mr. Vitale, seconded by Mr. Nierman and passed unanimously approving the 2-Year Auditor Renewal Option with Grau & Associates, as presented.

### L. ADMINISTRATIVE MATTERS

Mr. Pierman noted that the next meeting would most likely take place on April 16, but that the next scheduled meeting was December 19, should there be a need for it.

### M. BOARD MEMBER COMMENTS

There were no further comments from the Board Members.

### N. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Ms. Morton, seconded by Mr. Vitale and passed unanimously adjourning the meeting at 2:53 p.m.

ATTESTED BY:	
Secretary/Assistant Secretary	Chairperson/Vice-Chair

### **RESOLUTION NO. 2024-01**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2024/2025; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Board of Supervisors ("Board") of the Banyan Cay Community Development District ("District") is required by Chapter 190.008, *Florida Statutes*, to approve a Proposed Budget for each fiscal year; and,

**WHEREAS**, the Proposed Budget including the Assessments for Fiscal Year 2024/2025 has been prepared and considered by the Board.

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

Section 1. The Proposed Budg 2024/2025 attached hereto as Exhibit "A"	et including the Assessments for Fiscal Year is approved and adopted.	
at 2:00 p.m. at the offices of Special D	hereby scheduled for	ch
PASSED, ADOPTED and EFFE	CTIVE this $\underline{4}^{th}$ day of June, 2024.	
ATTEST:	BANYAN CAY COMMUNITY DEVELOPMENT DISTRIC	Γ
By: Secretary/Assistant Secretary	By:Chairman/Vice Chairman	
Secretary/Assistant Secretary	Channan/vice Chaifflan	

# Banyan Cay Community Development District

Proposed Budget For Fiscal Year 2024/2025 October 1, 2024 - September 30, 2025

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### PROPOSED BUDGET

# BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT FISCAL YEAR 2024/2025

### OCTOBER 1, 2024 - SEPTEMBER 30, 2025

	FISCA	AL YEAR
	202	4/2025
REVENUES	BU	DGET
O&M Assessments		102,492
Developer Contribution		0
Debt Assessments		425,532
Interest Income		360
TOTAL REVENUES	\$	528,384
EXPENDITURES		
		0
Supervisor Fees		0.000
Engineering/Inspections		8,000
Management		26,208
Legal		20,000
Assessment Roll		5,000
Audit Fees		4,700
Arbitrage Rebate Fee		650
Insurance		7,250 1,400
Legal Advertisements Miscellaneous		1,400
Postage		370
Office Supplies		650
Dues & Subscriptions		175
Trustee Fees		4,150
Continuing Disclosure Fee		1,000
Website Management		2,000
Lake Maintenance		13,000
Reserve		750
Miscellaneous Maintenance		0
TOTAL EXPENDITURES	\$	96,703
REVENUES LESS EXPENDITURES	\$	431,681
Bond Payments		(400,000)
•		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
BALANCE	\$	31,681
County Appraiser & Tax Collector Fee		(10,560)
Discounts For Early Payments		(21,121)
EXCESS/ (SHORTFALL)	\$	-

### **DETAILED PROPOSED BUDGET**

# BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT FISCAL YEAR 2024/2025

REVENUES	FISCAL YEAR 2022/2023 ACTUAL	FISCAL YEAR 2023/2024 BUDGET	FISCAL YEAR 2024/2025 BUDGET	COMMENTS		
O&M Assessments	95,330			Expenditures Less Interest /.94		
Developer Contribution		0 (02,437		Developer Contribution		
Debt Assessments	437,17			Bond Payments/.94		
Interest Income	2,094			Projected At \$30.00 Per Month		
TOTAL REVENUES	\$ 534,595	\$ 528,209	\$ 528,384			
EXPENDITURES						
Supervisor Fees			0			
Engineering/Inspections	6,470			No Change From 2023/2024 Budget		
Management	24,720			CPI Increase (Capped At 3%)		
Legal	24,164			FY 23/24 Expenditures Through April 2024 Were \$8,938		
Assessment Roll	5,000			As Per Contract		
Audit Fees	4,400	4,600	4,700	\$100 Increase From 2023/2024 Budget		
Arbitrage Rebate Fee	650	650	650	No Change From 2023/2024 Budget		
Insurance	6,134	6,700	7,250	FY 23/24 Expenditure Was \$6,594		
Legal Advertisements	360	1,400	1,400	No Change From 2023/2024 Budget		
Miscellaneous	(	1,800	1,400	\$400 Decrease From 2023/2024 Budget		
Postage	8	1 400	370	\$30 Decrease From 2023/2024 Budget		
Office Supplies	197	7 700	650 650	\$50 Decrease From 2023/2024 Budget		
Dues & Subscriptions	175	5 175	5 175	No Change From 2023/2024 Budget		
Trustee Fees	4,139	4,150	4,150	No Change From 2023/2024 Budget		
Continuing Disclosure Fee	1,000	1,000	1,000	No Change From 2023/2024 Budget		
Website Management	2,000	2,000	2,000	No Change From 2023/2024 Budget		
Lake Maintenance	(	13,000	13,000	Lake Maintenance		
Reserve	(	1,500	750	Reserve		
Miscellaneous Maintenance	8,300	0	0	FY 2022/2023 Expenditure Was For Vegatation		
TOTAL EXPENDITURES	\$ 87,799	\$ 96,527	\$ 96,703			
REVENUES LESS EXPENDITURES	\$ 446,796	\$ 431,682	\$ 431,681			
Bond Payments	(435,307	) (400,000)	(400,000)	2025 Principal & Interest Payments		
BALANCE	\$ 11,489	\$ 31,682	\$ 31,681			
County Appraiser & Tax Collector Fee	(1,127	) (10,561)	(10,560)			
Discounts For Early Payments	(1,814	(21,121)	(21,121)			
EXCESS/ (SHORTFALL)	\$ 8,548	\$ -	\$ -			

### DETAILED PROPOSED DEBT SERVICE FUND BUDGET

BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT FISCAL YEAR 2024/2025 OCTOBER 1, 2024 - SEPTEMBER 30, 2025

	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR	
	2022/2023	2023/2024	2024/2025	
REVENUES	ACTUAL	BUDGET	BUDGET	COMMENTS
Interest Income	14,158	100	400	Projected Interest For 2024/2025
NAV Tax Collection	435,307	400,000	400,000	Maximum Debt Service Collection
Total Revenues	\$ 449,465	\$ 400,100	\$ 400,400	
EXPENDITURES				
Principal Payments	130,000	135,000	140,000	Principal Payment Due In 2025
Interest Payments	267,325	261,963	258,250	Interest Payments Due In 2025
Bond Redemption	0	3,137	2,150	Estimated Excess Debt Collections
Total Expenditures	\$ 397,325	\$ 400,100	\$ 400,400	
Excess/ (Shortfall)	\$ 52,140	\$ -	\$ -	

### **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 1/1/24 = \$6,635,000

# Banyan Cay Community Development District Assessment Comparison

		Fiscal Year 2021/2022 Assessment*		Fiscal Year 2022/2023 Assessment*		Fiscal Year 2023/2024 Assessment*		Fiscal Year 2024/2025 Projected Assessment*	
O & M For Estate Homes	\$	370.03	\$	370.03	\$	416.66	\$	416.64	
<u>Debt For Estate Homes</u> Total For Estate Homes	\$ \$	1,789.13 <b>2,159.16</b>	\$ <b>\$</b>	1,789.13 <b>2,159.16</b>	\$ <b>\$</b>	1,789.13 <b>2,205.79</b>	\$	1,789.13 2,205.77	
O & M For Hotel Room/Units	\$	370.03	\$	370.03	\$	416.66	\$	416.64	
<u>Debt For Hotel Room/Units</u> Total For Hotel	\$ <b>\$</b>	1,789.13 <b>2,159.16</b>	\$ <b>\$</b>	1,789.13 <b>2,159.16</b>	<u>\$</u> \$	1,789.13 <b>2,205.79</b>	<u>\$</u> \$	1,789.13 2,205.77	
O & M For Resort Villas	\$	370.03	\$	370.03	\$	416.66	\$	416.64	
<u>Debt For Resort Villas</u> Total For Resort Villas	\$ <b>\$</b>	1,431.30 1,801.33	<u>\$</u> \$	1,431.30 <b>1,801.33</b>	<u>\$</u> \$	1,431.30 <b>1,847.96</b>	\$ \$	1,431.30 1,847.94	
O & M For Clubhouse Component Debt For Clubhouse Component	\$ \$	8,140.66 32,639.00	\$ \$	8,140.66 32,639.00	\$ \$	9,166.52 32,639.00	\$ \$	9,166.08 32,639.00	
Total For Clubhouse Component	\$	40,779.66	\$	40,779.66	\$	41,805.52	\$	41,805.08	

\* Assessments Include the Following:

Community Information - Phase One:

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

Clubhouse Component Is 18,243 Square Feet

<sup>4%</sup> Discount for Early Payments

<sup>1%</sup> County Tax Collector Fee

<sup>1%</sup> County Property Appraiser Fee

# BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT SYSTEMS AND FACILITIES OPERATION AND MAINTENANCE AGREEMENT

THIS COMMUNITY DEVELOPMENT DISTRICT SYSTEMS AND FACILITIES OPERATION AND MAINTENANCE AGREEMENT (this "Agreement") is entered into as of the 18<sup>th</sup> day of October, 2022 by and between the **BANYAN CAY COMMUNITY DEVELOPMENT DISTRICT**, an independent special district established pursuant to Chapter 190, Florida Statutes, being situated in Palm Beach County, Florida and whose mailing address is c/o Special District Services, Inc., 2501A Burns Rd., Palm Beach Gardens, FL 33410 (the "District"), and the **BANYAN CAY MASTER ASSOCIATION, INC.**, a Florida Limited Liability Company and whose address is 2300 Presidential Way, West Palm Beach, Florida, 33401 (the "HOA").

### RECITALS:

- A. The District has the authority to exercise powers to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for roads, water management, water supply, sewer, street lights, security and parks and recreational facilities, among other powers, including all powers necessary, convenient, incidental or proper in connection with any of the powers, duties, or purposes authorized by Chapter 190, Florida Statutes.
- B. The District desires to contract with the HOA to operate and maintain the District's following systems and facilities: (i) road improvements including all landscaping, entry monuments and sidewalks, (ii) perimeter landscape berms, fences and walls, (iii) drainage and water management system, including maintenance of lakes, (v) utility infrastructure, and (iv) conservation and open space improvements (collectively, the "District Systems and Facilities").
- C. HOA is agreeable to operating and maintaining the District Systems and Facilities, all on the terms and conditions set forth herein.
- D. The District and the HOA agree that having the HOA operate and maintain the District Systems and Facilities is in the best interests of the District and the property owners intended to benefit from the District Systems and Facilities. Specifically, having the HOA operate and maintain the District Systems and Facilities will provide for and facilitate the ease of administration, potential cost savings, and the efficiencies of operation and maintenance.

**NOW, THEREFORE**, the District and the HOA agree as follows:

1. The above recitals are true and correct and incorporated by reference herein.

- 2. The District and HOA agree that HOA will operate and maintain the District Systems and Facilities.
- 3. HOA shall operate and maintain the District Systems and Facilities in compliance with all applicable statutes, ordinances, administrative rules and regulations, permit conditions and the rules, policies, practices and procedures of the District.
- 4. All other operation and maintenance responsibilities for the District Systems and Facilities not otherwise addressed in this Agreement shall remain the sole responsibility of the District, including but not limited to the funding of major capital repairs or replacement of the District's Systems and Facilities. HOA shall not be required to budget for or fund reserves to pay for the cost of major capital repairs or replacement expenses.
- 5. District shall pay HOA the sum of \$10.00 per year for the performance of the operation and maintenance responsibilities set forth in this Agreement.

### 6. Terms and Conditions:

- A) The term of this Agreement is for a period of five years commencing on the date of this Agreement, and shall be automatically renewed for additional one-year periods unless and until either party provides the other party at least 180 days prior written notice of its intent not to renew.
- B) Notwithstanding the foregoing, the District has the right to terminate this Agreement at any time during its term (including any renewal term) upon providing written notice of said termination to HOA and this Agreement shall stand terminated 60 days after receipt by HOA of said written notice. Such termination need not be with cause and the District specifically retains the right to terminate this Agreement without cause.
- 7. HOA shall be solely responsible for staffing, budgeting, financing, billing and collection of fees, service charges, etc., necessary to perform the operation and routine maintenance responsibilities set forth in this Agreement. Notwithstanding the previous sentence, the District shall be responsible for all major capital repairs and replacement of District facilities and systems. (The District shall continue to collect annual assessments for General Fund Administrative purposes and any Capital Improvement Assessments, against the property using the services of the St. Lucie County Property Appraiser and Tax Collector, placed on the real estate tax bills annually or through a direct assessment to the landowner/developer.)
- 8. HOA shall procure at its expense and at all times include the District as an additional named insured on comprehensive liability insurance policies to cover the operation and maintenance responsibilities set forth in this Agreement. Comprehensive liability insurance shall be in amounts determined by the District Manager. HOA, in consideration of Ten Dollars(\$10.00), the receipt and sufficiency of which is accepted, agrees to hold harmless, defend and indemnify the District, its agents and employees, from all claims, suits and actions (whether for negligence or otherwise), including claims for reasonable attorneys' fee and all costs of litigation, and judgments of any name and description, arising out of or incidental to the performance of this Agreement or work or services performed

- hereunder. This Section does not pertain to any incident arising from the sole negligence of the District.
- 9. This Agreement may only be amended by a written amendment executed by both parties.
- 10. This Agreement may not be assigned by HOA without the prior written specific consent of the District, which consent may be withheld in the District's sole and absolute discretion.
- 11. This Agreement is made and shall be governed and construed by the laws of the State of Florida. Any litigation arising out of this Agreement shall be in the court of appropriate jurisdiction in St. Lucie County, Florida.
- 12. HOA recognizes, acknowledges and agrees that the records and materials associated with the provision of services under this Agreement constitute public records under the laws of the State of Florida and will be maintained in accordance with the provisions of the law governing public records.
- 13. This Agreement was approved by the Board of Supervisors of the District on October 18, 2022, and shall become effective as of said date.

{Intentionally left blank}

**IN WITNESS WHEREOF**, the parties hereto have executed this Community Development District Systems and Facilities Operation and Maintenance Agreement on the day and year first above written.

**BANYAN CAY COMMUNITY** 

# Attest: By: Charlie Rimpela, Vice Chairman BANYAN CAY MASTER ASSOCIATION, INC. Witness: By: Alicia Lewis, President Printed Name Signature

Printed Name



### **Ethics Training**

Beginning in 2024, District Supervisors are required to complete four (4) hours of ethics training annually. Below are links to two training sessions that will, upon completion, satisfy the training requirement. Beginning with the 2024 Form 1, District Supervisors will be required to confirm that they have completed the training each year.

- State Ethics Laws for Constitutional Officers & Elected Municipal Officers
  - o <u>https://www.youtube.com/watch?v=U8JktIMKzyl</u>
- Public Meetings and Public Records Law
  - https://www.myfloridalegal.com/sites/default/files/Full%2520audio%25 202018%5B2%5D.mp3

Both links can be found on SDS' website, at www.sdsinc.org/links.

The Florida Association of Special Districts (FASD) also offers a training option through Florida State University's Florida Institute of Government. If your special district is a member of FASD, the cost for this special district-specific ethics training is \$49.00 for each district official.

If your special district is NOT a member of FASD, the cost for this special district-specific ethics training is \$79.00 for each district official.

Information on the FASD course can be found at <a href="https://www.fasd.com/ethics-forspecial-districts">https://www.fasd.com/ethics-forspecial-districts</a>.