



Board of Supervisors
Emergency Meeting Agenda
Friday, December 13, 2019 at 1:00 P.M.

1. CALL TO ORDER

2. PRESIDENT'S REMARKS

A. Motion for Emergency Meeting

3. CONSIDER RESOLUTION NO. 2019-020, DECLARING EMERGENCY CIRCUMSTANCES RELATING TO ACREAGE COMMUNITY PARK SOUTH EXPANSION.

4. DISCUSSION AND CONSIDER AUTHORIZING THE HIRING OF A CONTRACTOR TO PROVIDE SERVICES RELATING TO THE COMPLETION OF ACREAGE COMMUNITY PARK SOUTH EXPANSION.

5. ADJOURNMENT

Any person wishing to appeal any decision made by the Board of Supervisors with respect to any matter considered at such meeting or hearing will need a record of the proceedings, and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made. Persons with disabilities requiring accommodations in order to participate should contact the District at 561-793-0874. If you are hearing or speech impaired, please contact The Florida Relay Service by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (ttd).

RESOLUTION NO. 2019-20

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE INDIAN TRAIL IMPROVEMENT DISTRICT PROVIDING FOR DECLARATION OF EMERGENCY REGARDING CONTRACTOR FAILURE TO PERFORM TERMS OF CONTRACT FOR CONSTRUCTION OF ACREAGE COMMUNITY PARK SOUTH EXPANSION PROJECT; PROVIDING FOR NOTICE TO TERMINATE CONTRACT FOR CAUSE; AUTHORIZING SUCH OTHER ACTIONS AS MAY BE NECESSARY AND APPROPRIATE TO COMPLETE THE WORK AND PRESERVE AND PROTECT THE DISTRICT'S RIGHTS AND INTERESTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

RECITALS:

WHEREAS, on September 16, 2016, Indian Trail Improvement District ("District") entered into a certain Contract with Rosso Site Development, Inc. ("Contractor") for construction of the Acreage Community Park South Expansion Project ("Project"); and

WHEREAS, despite good faith efforts by District and District's Project Engineer over an extended period to resolve issues regarding Contractor's performance of the work, Contractor has, among other things::

- Failed to supply sufficient skilled workmen or suitable materials or equipment to complete the work;
- Disregarded the authority of the Project Engineer;
- Repeatedly violated the schedule and performance provisions of the Contract Documents;
- Appears to have actually or constructively ceased performing or has suspended its performance;
- Failed to provide or to comply with an agreed recovery schedule or remedial program; and

WHEREAS, Contractor's direct and indirect actions constitute a material breach of its obligations under the terms of the Contract.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF INDIAN TRAIL IMPROVEMENT DISTRICT, FLORIDA:

SECTION 1. The foregoing Recitals are true and correct and hereby ratified and confirmed by the Board of Supervisors.

SECTION 2. The Board of Supervisors of the District hereby declares that Contractor's actions have created an emergency situation requiring immediate termination of the Contract for cause. Written notice to terminate shall be provided to Contractor by District's Special Legal Counsel according to the provisions of the Contract.

SECTION 3. District Special Legal Counsel, Professional Consultants and Staff are directed to take such other actions as may be appropriate to complete the work and preserve and protect the District's rights and interests, including but not limited to procurement of equipment, services and commodities by direct solicitation, as permitted by Section 255.20(1)(c)8, Florida Statutes.

SECTION 4. All Resolutions or parts of Resolutions in conflict herewith are repealed to the extent of such conflict.

SECTION 5. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

SECTION 6. This Resolution shall be immediately effective upon adoption.

PASSED AND RESOLVED this 13th day of December 2019 by the Board of Supervisors of Indian Trail Improvement District, Palm Beach County, Florida.

ATTEST:

INDIAN TRAIL IMPROVEMENT DISTRICT, an Independent Special District of the State of Florida

Mary M. Viator
Secretary

By: _____
Betty Argue
Its: President

[District Seal]

NOTICE OF EMERGENCY MEETING OF THE BOARD OF
SUPERVISORS OF INDIAN TRAIL IMPROVEMENT DISTRICT

YOU ARE HEREBY NOTIFIED that an Emergency Meeting of the Board of Supervisors of INDIAN TRAIL IMPROVEMENT DISTRICT will be held on December 13, 2019 at 1:00 P.M. at the District Office located at 13476 61st Street North, West Palm Beach, Florida.

The purpose of this meeting is for the Board of Supervisors to consider the Rosso Site Development, Inc. Contract for Acreage Community Park South Expansion for failing to meet contractual obligations and effective abandonment of the Project, take possession of the Project and of all materials, and finish the work by whatever method the District may deem expedient to protect the integrity of the Project, including authorizing the Executive Director to contract with a General Contractor to complete the work, and other appropriate action, in an amount not to exceed \$300,000.

If a person decides to appeal the decision of the Board of Supervisors with respect to any matter considered at the Emergency Meeting herein referred, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provision of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, because of a disability or physical impairment, should contact the District Administrator at (561) 793-0874.

DATED this 12th day of December 2019.

INDIAN TRAIL IMPROVEMENT DISTRICT

POSTED: December 12, 2019