

**Minutes of the Regular Meeting
of the South Indian River Water Control District
Held on February 17, 2022**

The regular meeting of the South Indian River Water Control District was held on February 17, 2022, at 6:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida, and via Zoom video conferencing. Present in person were Supervisors John Meyer, Tom Powell, John Jones, and Susan Kennedy. Also present in person were Karen Brandon, engineer; Charles Haas, treasurer; Mike Dillon, manager of operations; William Capko, attorney; Donna DeNinno, public information; and Jane Woodard, secretary. Four landowners were present in person. Present via Zoom conferencing were Michael Howard, supervisor; Terry Lewis, attorney; Holly Rigsby, office administrator; and three landowners.

Mr. Meyer called the meeting to order, and the Pledge of Allegiance to the flag was given.

Mr. Meyer opened the floor to landowner comments but there were none.

Mr. Powell made a motion to approve the consent agenda. Mr. Jones seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. She discussed the dedication and open house for the work center. A list of invitees had been sent to the Board and she asked for any additional names at this time. Mr. Dillon will check with entities Mr. Hinkle was involved with. Mr. Jones will follow up regarding Mrs. Hinkle's attendance. Information about the dedication will be on the website and in the newsletter, as well as distributed to the HOAs and a short statement placed in the Jupiter Farmer. Ads will state that there is no Family Day this year, but next year there will be a 100-year celebration. The Open House was confirmed for Saturday, March 19th, from 9:00-11:30 a.m.

Infographics and animation information is being collected for updating the District's video. Ms. DeNinno will have more information at the next meeting.

Ms. DeNinno reported that the Policies and Procedures Committee had some additional comments, and these will be incorporated into the manual. A draft will be sent to the Board for review. The election procedures still need to be reviewed with the attorney.

Mr. Haas presented the treasurer's report and had nothing to add to his written report.

Mr. Dillon presented the manager of operations' report. He met with Terra Tech regarding the canal spraying. They have requested an increase in the monthly payment due to the increased cost of materials. He noted that almost all of the chemicals used have increased in price, and it is possible prices will continue to increase. The contract runs out in 2023. Mr. Dillon recommended keeping Terra Tech for the remainder of the year, with the increase they requested, and then see where prices are at that time. He noted Terra Tech has a 13-year history with the District. **Mr. Powell made a motion to approve the increased monthly payment to Terra Tech. Mr. Jones seconded the motion and it carried unanimously.**

Mr. Dillon also met with Enercon regarding the telemetry system. Their start date has been delayed a few weeks due to shipping problems. They estimate six to eight weeks to complete the project.

Mr. Dillon reported that North Florida Emulsion has completed four miles of micro-resurfacing in Section 10. It has been a difficult job because of landowners who were disrespectful and did not follow directions. The contractor had to go back to fix areas several times where landowners were driving on the roads before it was allowed. These additional repairs were done at no extra charge to the District. The surfaces are expected to last another 12 years and have a guarantee for 10 years.

Ms. Brandon presented the engineer's report. Her staff contacted Palm Beach County to discuss the fill permits. Modifications have been made and are under review by the Building Department. It is expected that these modifications will be sent to South Indian River Water Control District for review within the next few weeks.

Regarding the Section 7 project, adjustments have been made based on field work and plans are being completed. The Florida Department of Environmental Protection project manager was contacted to discuss grant requirements. Final plans must be submitted and reviewed.

Ms. Brandon's staff has prepared a draft plan for the Canal E project, which is being reviewed.

Ms. Brandon stated that petitions for road paving have been requested for three areas. One of the petitions will have two separate segments with two different roads, but only four total parcels. She presented a graphic display of the area. A lengthy discussion followed. A copy of the petition was submitted for Board review as to the specific language used. It was noted that the corner lot will have two different assessments if the petition is separated. The Board noted that any change in the fee for submitting petitions needed to be made by February 1st. It was agreed this is an item that should be reviewed each year. Previous petition flaws were noted and discussed. **It was agreed that concerns about this particular petition be conveyed to the petitioner who has until the end of April to respond or make changes.**

Mr. Capko presented the attorney's report. He stated that the District's Special Act would need to be amended and a local Bill submitted in order to change requirements for a non-resident Board member. These would have to be noncontroversial. The cost is estimated to be \$36-50,000, with no guarantee of the outcome. Mr. Lewis noted that legislation could be drafted this year. He explained that it is an election year, and he will not know who will be a member of the Palm Beach County delegation until November. The delegation needs to approve the legislation, which would then be submitted to Tallahassee. There will be committee hearings in Tallahassee in March and April. If the legislation passes, it goes to the Governor in May. Mr. Lewis did not see an advantage of waiting until a non-election year. Ms. Kennedy noted there are so few non-residents that the seat should be open to residents as well. Mr. Capko stated he could undertake a complete review of the Special Act to see if any other changes need to be made at the same time. The Board would then decide if any of these issues need to be addressed. Mr. Lewis noted South Indian River Water Control District is the only district where the Supervisor of Elections is obligated to certify the votes. He suggested an auditor could be appointed to perform this task. Ms. Kennedy made a motion requesting that the attorney look at the entire Special Act and suggest additional changes that may be needed in addition to the residency requirements for Board members. Mr. Meyer seconded the motion. Discussion followed regarding putting the focus on the single

issue of changing residency requirements for Board members or also looking for additional issues that may need to be changed because they are outdated. The motion carried with four members in favor and Mr. Powell opposed. Mr. Gitkin, landowner, questioned if this is not supported by all five supervisors, is it a good idea to go forward with taking legislation to Tallahassee. Mr. Capko stated it is premature at this time to consider proceeding to Tallahassee.

The Loxahatchee River Watershed Restoration Project and G92 agreement were discussed. Mr. Meyer stated construction is expected to start this year. South Indian River Water Control District's canal system is an integral part of the project. He noted we have not seen modeling or basic information from South Florida Water Management District. It was also Mr. Meyer's opinion that the G92 agreement should be revised. He believes the agreement is null and because certain things were not met. He recommended entering into a new operating agreement with South Florida Water Management District which would show how much water goes through the G92 and under what conditions. Mr. Meyer called for discussion of this issue. Mr. Powell noted South Indian River Water Control District is not involved in the design work. It was his opinion that the Board needs to address this matter from a policy standpoint, prioritizing flood protection. Mr. Meyer stated he wants assurances that the District will be protected. Mr. Dillon noted that the agreement is 20 years old. Ms. Brandon stated South Florida Water Management District is starting to develop a new agreement. The average flows during the dry season may go up but not during the wet season. Ms. Brandon confirmed she has initiated the process of a new agreement with South Florida Water Management District and will follow-up with them before the next Board meeting. **Mr. Meyer made a motion to initiate negotiations with South Florida Water Management District to have a new G92 operating agreement with assurances that South Indian River Water Control District will have at least the existing levels of flood protection. Mr. Powell seconded the motion and it carried unanimously.**

Ms. Kennedy made a motion to schedule the District's 100-year anniversary celebration and Family Day 2023 on March 18, 2023. Mr. Jones seconded the motion and it carried unanimously.

There was no further business to come before the Board at this time, and Mr. Powell made a motion to adjourn. Mr. Jones seconded the motion and it carried unanimously.

ADJOURNED.