

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON MAY 20, 2021

The regular meeting of the South Indian River Water Control District was held on May 20, 2021, 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 Tom Powell, John Jones, John Meyer, Michael Howard, and Susan Kennedy. Also present in person were Amy Eason, engineer; Mike Dillon, manager of operations; Charles Haas, treasurer; Seth Behn, attorney; Donna DeNinno, public information; Jane Woodard, secretary; and Holly Rigsby, office administrator. Attorneys William Capko and Terry Lewis were present via Zoom conferencing. Four landowners were present in person and several landowners were present via Zoom conferencing.

Mr. Powell called the meeting to order and the Pledge of Allegiance was given.

A motion was made to approve the consent agenda. The approval of minutes was removed from the consent agenda for discussion purposes. A motion was made by Mr. Howard to approve the amended consent agenda. The motion was seconded by Mr. Jones and carried unanimously.

Ms. Kennedy requested that the Board decision regarding the Policies & Procedures Manual, as noted in the March minutes, be highlighted. She also requested that, in the future, certain Board decisions that are made without a formal motion should also be highlighted in the minutes so that these decisions are easier to read. Ms. Kennedy then made a motion to approve the April 15th minutes and the April 1st Workshop minutes as submitted. The motion was seconded by Mr. Jones and carried unanimously.

Mr. Powell opened the floor to landowner comments. Ms. Jennifer Cochran thanked Mr. Dillon for his work regarding the canals in Palm Beach Country Estates. There were no other landowner comments.

Ms. DeNinno presented the public information report. The spring newsletter has been mailed. The website has been updated. Information has been provided to the staff regarding the preparation of documents, so they are easier to transfer to the website. On April 23rd, a meeting was held with the District staff to review Chapters 1-6 of the Policies & Procedures Manual. The engineer is reviewing Chapters 7-9, and the procurement policy is being updated in Chapter 10. This information was sent to Messrs. Meyer and Howard for review.

Mr. Haas presented the treasurer's report. The audit report was received on May 5th and reflected a clean opinion. The report has been filed with the Auditor General's Office. Mr. Haas asked that each Board member individually confirm receipt and review of the audit report. The Board members were polled individually, and all confirmed they had received and reviewed the report.

Mr. Haas reported that while preparing the six-month budget, it was noted that two funds are out of balance. The water control budget in Jupiter Farms shows assessments received, but the actual charges are in the Jupiter Farms capital projects fund. He recommended an amendment to move the funds to the proper budget. Mr. Haas presented a budget amendment to transfer \$139,000 from Fund 120 to Fund 250, and to reflect carryover funds of \$98,000 for Account 56100 for Work Center improvements and \$73,000 for Account 56201 for Canal 4 improvements. Mr. Howard made a motion to approve

the budget amendments as recommended by the treasurer. Mr. Jones seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations' report. The conference room construction has been completed. He asked the Board to ratify the purchase of a Kubota U55 Excavator and a Super Duty 20' trailer. Mr. Jones made a motion to ratify both purchases. Mr. Howard seconded the motion and it carried unanimously. Mr. Dillon also reported that FP&L hooked up the power, and the fire alarm system inspection is set for Monday.

Ms. Eason presented the engineer's report. Regarding the Jupiter Farms Re-Engineering program, the preliminary estimate to survey all outfalls is \$438,000 if they are all done at the same time. If the work is performed in segments, the total estimate is \$460,000 because of mobilization issues. The next course of action is to have Mr. Dillon and Ms. Eason prioritize the areas. Mr. Howard was concerned that this estimate was high at approximately \$1,200/outfall. Ms. Eason noted that every outfall staked is about \$960 just for the survey and this does not include canal cross-sections or engineer's drawings. Mr. Howard questioned if they could just get elevations on certain outfalls. Ms. Eason stated that would not give any better information that what we have currently; she also wants to see elevations. Mr. Meyer asked for clarification of the direction this project is taking and questioned if the water control plan has been abandoned. Ms. Eason stated nothing has been abandoned and there will now be enough information to determine costs. The model can be improved in problem areas. Mr. Powell questioned if these surveys are really necessary, and Ms. Eason stated her numbers have been based on assumptions. Ms. Eason confirmed that she will present specific cost estimates before any instructions are given by the Board.

Ms. Eason reported on the Canal C widening and maintenance ability on the south side of the Canal. She has spoken with SFWMD regarding the permitting of the project and will set up a pre-application meeting with FDEP for the Section 404 permit. She expects to be able to do a modification of the plan showing the changes to the Canal. Ms. Kennedy raised a question about the fill. Ms. Eason stated they will be taking fill away in order to get more storage. Mr. Dillon confirmed that there will definitely be a use for any fill that is removed. Ms. Eason explained that when Palm Beach Development subdivided the lots, they took out canal rights-of-way but gave easements to rights-of-way. Consequently, there was unclaimed land and people were buying tax certificates in Section 16. This part of Canal C has one-person ownership.

Ms. Eason reported on Canal E. A pre-application meeting was held with SFWMD and raising a berm was discussed. That would eliminate the need for riser pipes. She confirmed that the Loxahatchee Slough does not use that area for drainage. The next step is to talk to the County because it actually owns the land. Operations have changed since the permit. SIRWCD will have to document the operation plan with the protocol for storms, etc. This will be a cost savings for SIRWCD. If the County does not agree, then riser pipes will need to be used. In response to a question from Ms. Kennedy, Ms. Eason confirmed that SFWMD owns the culvert under the C-18 right-of-way berm. SIRWCD's right-of-way stops there and only drains through in an emergency. What constitutes an emergency will be part of the operation plan. Mr. Jones clarified that the plan is to leave the culverts in place, make use of the existing structure, and save money for the District; Ms. Eason confirmed.

Ms. Eason reported on a meeting with the County on May 6th regarding suggested changes to the Code regarding land development for single family lots in Jupiter Farms and Palm Beach Country Estates. Lot sizes from 1.5 acres would be required to be designed for a 25-year 24-hour storm; lot sizes greater than 5 acres would be required to provide storage for a 100-year storm event. This would be a policy change. The current Code requires storage for a 3-year 24-hour storm for engineered subdivisions. The County wants to connect this requirement to the fill permit. Ms. Eason is currently reviewing the Code before getting back to them on their proposal. The concern is that owners will fill their lots and there needs to be a requirement for storage if fill is brought in. Ms. Eason noted she will have a better idea of options at the next meeting. Mr. Howard noted there are a number of lots under 1.5 acres. Ms. Eason clarified that all lots, including those from .5 to 1.5 acres, already require a design for a 3-year 24-hour storm. This applies to new development as well as those connecting to a fill permit. **Ms. Kennedy suggested the Board make a request that the County combine their current Code requirement for a 3-year 24-hour storm requirement to the current fill permit requirement as soon as possible.** She noted this is an issue that SIRWCD residents have suffered from. She suggested a letter or phone call as direction from the Board. **Ms. Eason stated she could write a letter requesting intermediate action on this one issue. The Board was in agreement.**

Attorney Terry Lewis reported on current legislation. He noted that HB 53 had a provision added that requires an analysis of certain expenditures in the annual assessment. This would apply to every local government in the county that provides stormwater management.

Attorney Seth Behn reported on the Mellinger litigation. He presented a copy of the Order Granting Plaintiffs' Motion for Summary Judgment. Mediation is now necessary to determine how the repairs will be paid for. As a government agency, the District can participate in the mediation, but because of the Sunshine Laws, it cannot agree to anything in the mediation without first presenting it to the Board. A Notice has been filed and Mr. Behn will continue to attend as the District's counsel. The Board discussed sending Mr. Dillon to the mediation as their representative and Mr. Behn confirmed his recommendation of this. He clarified that Mr. Dillon cannot make any decisions without the Board's review. Mr. Howard made a motion authorizing Mr. Dillon to attend mediation as discussed. Mr. Jones seconded the motion and it carried unanimously.

Mr. Meyer asked about the status of LLPI funds. Mr. Lewis stated this is likely to be vetoed.

There was no further business to come before the Board at this time, and the meeting was adjourned.

ADJOURNED.