

**MINUTES OF THE REGULAR MEETING  
OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON OCTOBER 19, 2017**

The regular meeting of the South Indian River Water Control District was held on October 19, 2017, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, John Meyer, Michael Howard and John Jones. Also present were Charles Haas, treasurer; Amy Eason, engineer; Seth Behn, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately 17 landowners were also present.

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

The election results from the Supervisor of Elections Office were presented. Tom Powell and John Jones were declared the two winners. Mr. Howard made a motion to ratify the election results. Mr. Meyer seconded the motion and it carried unanimously. Mr. Jones was sworn in as supervisor by attorney Behn. Mr. Powell was absent and will be sworn in at the next meeting. Mr. Howard made a motion that Mr. Hinkle continue as president/chairman. Mr. Jones seconded the motion and it carried unanimously. Mr. Meyer made a motion that Mr. Powell continue as vicepresident. Mr. Jones seconded the motion and it carried unanimously. Mr. Meyer made a motion that Ms. Woodard continue as secretary. Mr. Howard seconded the motion and it carried unanimously. Mr. Meyer made a motion to appoint the following committee chairmen: Mr. Powell, Budget Committee; Mr. Meyer, Communications Committee; Mr. Jones, Parks Committee; and Messrs. Howard and Meyer, Policy and Procedures Committee. Mr. Howard seconded the motion and it carried unanimously.

Mr. Howard made a motion to approve the consent agenda which included approval of the August and September minutes, and the warrant list. Mr. Meyer seconded the motion and it carried unanimously.

Ms. DeNinno presented the public relations report. The letter regarding the potable water connection in Palm Beach Country Estates has been sent out to the landowners who have not yet connected. This information will also be included in the next newsletter. The updated website will archive the previous year's information. All meeting dates are now on the website.

Mr. Haas presented the treasurer's report. He received the bank's proposal to finance the 19<sup>th</sup> Plan of Improvements which requires a closing by November 15<sup>th</sup>. The interest rate will be set at the time of closing. Mr. Haas explained the bank will negotiate a higher loan amount if the bids are higher than anticipated and the actual cost exceeds the amount of the loan. He also clarified that the Board will have the option of not going forward with the project if the bids are higher than expected. Mr. Haas requested Board authority for the staff to do whatever is necessary to complete this transaction. Mr. Meyer was concerned about being locked in to a letter of commitment and then deciding not to go forward with the project. Mr. Hinkle recommended Mr. Haas be given the authority to deal with the bank, work out a proposal that is better for the district, and extend the closing date if possible. Mr. Meyer made a motion authorizing Mr. Haas to negotiate this loan as discussed. Mr. Howard seconded the motion and it carried unanimously.

Mr. Hinkle announced that Mr. Dillon is now a certified district manager, allowing him to work with other districts to help our operations. He noted that our operations personnel are now better educated.

Mr. Dillon presented the manager of operations report. The rainfall total is 24". The District is still saturated with water on the roads but there will soon be a return to a normal maintenance schedule. He is working with SWA regarding hurricane debris pick-up which will probably take another six weeks to complete. Mr. Dillon thanked landowner Matt Gitkin for inviting him to the Jupiter Farms Residents meeting to talk about the rain event. Digging swales and checking culverts for the 19<sup>th</sup> Plan should be completed in a few weeks. Mr. Hinkle asked if the culvert program is helping with water control. Mr. Dillon reported work has been done in Section 18 and there were no problems after the recent rainfall. Areas that are low and tend to flood revealed some things to work on, but the culvert program is making a difference. He noted that one road routinely goes under water during a rainfall but

there have been no maintenance problems as a result. There has been no deterioration of any other roads that have been under water. The Board thanked Mr. Dillon for his leadership during the rain event.

Mr. Dillon reported that the meeting room will not be available for the next scheduled meeting on the 16<sup>th</sup> and suggested changing the meeting to November 30<sup>th</sup>. The Board agreed.

Ms. Eason presented the engineer's report. She discussed the 19<sup>th</sup> Plan which consists of 2.3 miles of asphalt. Ditch work and pipe relocations are being completed, and then surveying can begin. Design work is expected to start in January or February.

Ms. Eason reported on the RAP (Reasonable Assurance Plan) meeting held on September 25<sup>th</sup>. There will be stakeholder discussion at the next meeting on October 25<sup>th</sup>. The next LRMCC meeting will be October 30<sup>th</sup> to discuss options. The DEP is already doing a model but stakeholders are not confident about it. Another option is to have stakeholders pay for a new model. Two other plans are up for discussion. Ms. Eason will give the Board an update at the next meeting.

Ms. Eason reported that representatives Sally Channon and Benjamin Studt from the Department of Environmental Resources Management are present to discuss their application for a proposed portage between the C-18 and Canal #14. They were introduced and presented their proposal for a canoe and kayak launch which will be accessible, cost effective, durable and environmentally friendly. There were photos of the Loxahatchee River wooden portage site, and the site of the proposed C18/Canal #14 portage. This proposed location has an expansive grassy area with exotic trees in the background which they want to highlight. The major consideration is cost and maintenance. They propose a stabilized slope on the east side of the portage and a sloped stabilized area where boats come out of the water. Stabilization materials were discussed. The design allows for canal bank maintenance. No grant funding is available for the project that is expected to cost \$5,000 to install. Maintenance will be required every few years but it will be more cost effective than maintenance on a wooden structure. After the presentation, Ms. Eason stated the information will be reviewed and they will be advised.

Mr. Hinkle discussed a salary increase for the Board/Recording Secretary, noting that in the past she has made the same amount as the Board members. He recommended that her salary be brought up to that amount, noting that the minutes have been more complex in recent years. After a brief discussion, Mr. Howard made a motion to increase the salary to \$750/month. Mr. Meyer seconded the motion and it carried unanimously.

The Board requested that a draft of the minutes be provided to the staff prior to their monthly staff meeting.

Mr. Hinkle discussed the policies for records requests and ballot canvassing. Attorney Behn stated a charge is allowed to be established for administrative time and copying, although copying of ballots is not allowed. A reasonable fee can be established for the time spent during a review, such as the cost of the salary of the person who oversees the review process. The attorney's office may submit the cost for its personnel who is involved, but the fee would be charged and collected by the District. The Board discussed appropriate methods of establishing a fee. Mr. Howard noted that in the past the cost to the District has been around \$1,000 because an attorney has been present. He felt a threshold and rules should be established. Mr. Behn cautioned that rules should not be established that would discourage an inspection. He stated the ballots should be subject to inspection in the condition they are received; they are not to be sorted in any manner. He also stated that the purpose of the inspection would not be open for discussion. The public record laws do not permit a limitation of time or an explanation of purpose. Mr. Meyer was concerned with an invasion of privacy. Mr. Behn noted the ballots cannot be copied or photographed, but it is not an anonymous ballot because of the identifying information and signature required. After further discussion, the attorney was asked to establish an hourly rate to oversee a review. The Board will establish a specific rate for a review, and this amount will be paid at the time of the review so no billing will be necessary. The attorney will act as an escrowagent. Mr. Matt Gitkin, landowner, was concerned there is no protection for the landowner to have anonymity. Anyone inspecting the ballots is allowed to take notes and can see

the name of the voter. Mr. Behn stated the ballots require a signature and that it be visible. He agreed to look into this issue to see if there is a remedy under the statutes.

Mr. Hinkle discussed requesting the County require building permits for filling in properties within the District. Mr. Meyer noted that currently, SFWMD issues the District a permit to establish the building pad with a culvert and drainage system. When the landowner fills his property, it takes away storage and water is sometimes diverted onto a neighbor's property. The District is now losing a lot of ponds and thus a lot of storage. Also, the DEP only requires part of the wetlands to be retained and they are also being filled resulting in more loss of storage. Mr. Meyer suggested the County needs to re-evaluate its permitting program and codes, and establish a threshold where a permit is required to control how a property is graded and how the flow is directed. Currently the burden of proof is on the person complaining or being flooded, rather than on the applicant getting the building permit. Mr. Meyer requested that the Board send a resolution to the County to let them know about these concerns. Mr. Hinkle noted that prior to filling in a lot, the owner should have a topographical survey to show elevations; after the lot is filled, a survey should show that the water is going to be flowing to the swales, not to a neighbor's property. Mr. Howard noted water storage is an issue. He felt an official statement for the County is a good idea but he was not sure of what direction to take. Mr. Meyer stated the resolution should ask the County to regulate their permits and require a permit if a specific amount of fill is being brought onto the property. Ms. Eason suggested that the staff look into this issue as the District permits do not say how much fill is permitted. She suggested a review of the County and State codes before determining the best course of action. She noted there is a master permit for the Park of Commerce so they have to come to SIRWCD for permits. After further discussion, Mr. Meyer agreed to hold up on preparing a resolution until the staff can review the issue and the Board can discuss it further.

Ms. Lois Taylor, landowner, stated new construction is causing drainage problems. She suggested during mowing, excess fill could be used for pockets that have developed over the years. She also noted that the County does not like to approve ponds because they can be dangerous.

Mr. Matt Gitkin, landowner, thanked Mr. Dillon for attending the Jupiter Farms Residents meeting. He noted that supervisor Jones has an accounting background and he would be an asset to the Budget Committee.

Mr. Gitkin also noted that he is experiencing flooding from his neighbors. He felt this is something the County should address, especially with new construction. Mr. Hinkle pointed out that Mr. Powell has extensive knowledge of the District's budget history, but agreed Messrs. Powell and Jones could both be on the Budget Committee. He noted that all the supervisors provide input to the treasurer regarding the budget.

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

ADJOURNED.

**MINUTES OF THE REGULAR MEETING  
OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON NOVEMBER 30, 2017**

The regular meeting of the South Indian River Water Control District was held on November 30, 2017, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer, Michael Howard and John Jones. Also present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately nine landowners were also present.

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

Mr. Powell was sworn in as supervisor by attorney Capko.

A motion was made by Mr. Powell to approve the consent agenda. Mr. Howard seconded the motion and it carried unanimously.

Ms. DeNinno presented the public relations report. The annual newsletter has been started. The Policies & Procedures Manual is being reviewed by staff and will include the procurement policy.

Mr. Haas presented the treasurer's report and presented amendments to the Premium Only Plan.

Mr. Dillon presented the manager of operations report. He requested that the Ford F-250 be declared surplus. Mr. Powell made a motion to declare it as surplus. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Dillon requested approval on a bid of \$31,465 for the purchase of a Ford F-150. Mr. Jones made a motion approving this request. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Dillon reported that bids have been received to remove vegetation in the drainage outfalls in PBCE. The lowest bid of \$39,000 was submitted by Community Trees. This will clear nine outfalls with work commencing after the first of the year.

Mr. Dillon also discussed purchasing property for retention purposes. There is property in Jupiter Farms with a cell tower and warehouse on it north of Indiantown Road by Canal 11. He requested direction from the Board. Mr. Meyer was concerned about the existing structures on the property. Mr. Howard was concerned about the limited storage and the cost of the property. Mr. Jones felt this project should be handled incrementally. Mr. Dillon stated he would work with Ms. Eason to determine the minimum acreage to consider. Mr. Powell noted the District's authority to assess is in the Plan of Reclamation and purchasing property is not part of that Plan. He was concerned about the legal authority to pursue this project. Mr. Capko agreed to look at this issue and report back to the Board at the next meeting.

Mr. Haas stated there are also legal questions if financing is required. Mr. Hinkle stated there are other properties selling for less but this one is in a good location. He was also concerned about the cell tower on the property. Ms. Eason agreed to do a further analysis to determine how much storage the District needs to look for.

Ms. Eason presented the engineer's report. She discussed the 19<sup>th</sup> Plan which consists of 2.3 miles of asphalt at an estimated cost of \$470,000/mile. Design should start in January or February.

Ms. Eason reported on the RAP (Reasonable Assurance Plan). The LRMCC meeting was held on October 30<sup>th</sup>. The Committee is currently determining boundary lines and suggested a Webex meeting in December. She noted there was discussion at the meeting regarding the type of plan because there is a lot of uncertainty regarding the model. She asked if the Board is interested in contributing toward having a consultant look at the model, noting the District has a large piece of land involved.

There will be discussions about who will be the lead agency, how costs are allocated, and who will develop the interlocal agreements. Mr. Howard was concerned about legally participating financially. He was unclear how the District is to be involved. Mr. Capko stated he wants to look at the specifics of this program and what authority the District will have. Mr. Powell was also concerned with other requirements for SIRWCD to deal with water quality. It was his opinion that the District does not have legal authority to assess for this project. He believes these problems can be fixed but the Board needs to have authority before pursuing. Mr. Meyer believes it is a regulatory issue and the DEP has the authority to assess SIRWCD. He is in favor of a voluntary plan but that requires an expenditure of funds. He also believed it is too soon to commit to funding for a consultant; with the current PLSM model, no cost is required. Mr. Jones was in favor of having our own model but was also concerned with the authority to spend money. Mr. Powell stated the District should stay in front of this issue so there is not a problem in the future with having to fix the water quality, and suggested changing the Plan of Reclamation if it does not provide sufficient authority. Ms. Eason noted there is ample time to make a decision as to the District's contribution. Mr. Hinkle stated he does not want to use the DEP model and would prefer our own model. He noted the entire area encompasses other water control districts that are not involved and believed they need to also contribute. Ms. Eason noted RAP has voluntary participation although they are attempting to get all entities involved. Mr. Meyer also noted a concern with the area boundaries established.

Ms. Eason discussed the issue of filling residential lots in the District. Mr. Meyer stated he has researched the County Codes and met with the County Building Department to develop a "fill permit." The County does not have a good way to implement policies that are already in place and they agreed that several departments need to be involved. It was concluded that the County wants to work with SIRWCD on implementation and develop a "fill permit" with the assistance of other entities having the same problem. Mr. Meyer will continue to work on this and report on his progress. A permit would apply to new construction and everything involving fill. It would also need to address storage issues and flow direction. The County would like to meet again after the beginning of the year. Mr. Meyer noted his concern with the enforcement aspect and neighbors fighting. Ms. Eason clarified that the burden of proof is on the landowner causing the flooding. That landowner must prove that he did not violate any Code. Several other concerns were noted and these issues will all be discussed with the County. Mr. Hinkle stated the Board will continue to move forward with this matter, and table any formal resolution for now.

Mr. Hinkle reported that a landowner in PBCE wants off the paving project in the 19<sup>th</sup> Plan of Improvements. The landowner has changed his mind now that he sees how expensive the project will be. The Board agreed that the referendum passed, the project has started, and it will move forward as planned.

Mr. Capko presented the attorney's report. He stated the recent election ballots were reviewed by Mr. Berman as requested. Mr. Berman is now waiving his previous objection and congratulated Mr. Jones on his election to the Board.

Mr. Matt Gitkin, landowner, stated he was not in favor of relying on neighbors for enforcement of a fill permit. He felt a permit is a good idea but questioned how many truckloads would be covered and the practicality of enforcement if photos are not acceptable for Code Enforcement. He suggested giving residents an incentive for making a pond. He also suggested and landowner initiated project for purchasing land if the District is not able to do this.

Mr. Bob Berman, landowner, discussed his letter to the Board dated September 29<sup>th</sup> regarding compensation to the supervisors, and requested that it be attached to the minutes. He stated compensation, under Chapter 298, should be for actual work conducted for the District. Compensation is set by the landowners at their annual meeting. Mr. Berman stated he had no problem with the motion passed at this year's annual meeting, but members of the Board should apply for their compensation. He noted the statute reads "up to 15 days" and he believes the customary interpretation is a full day not just part of a day. He questioned how many other Boards are paid more than \$50/day and could find none. Mr. Berman thought it is fair to ask each supervisor what work they have done, what hours were involved, and what the benefit is to the landowners. He noted that the total compensation to the Board is now more than 1% of the District's total budget. He asked the Board to consider this when filling out their

monthly compensation form and believed this issue needs to be addressed. Mr. Hinkle noted the Board is following the same procedure that was in place when Mr. Berman was a supervisor, except the number of days has been increased from 11 to 15.

Mr. George Mitchell, landowner, discussed his flooding issues. He stated it has cost him \$18,000 to fix his yard after water came through the yard to get into the canal. He stated the swales and culverts are inoperable and that is the District's responsibility. He explained that when his yard flooded, Mr. Dillon got a backhoe to help fill in the yard but the problem persists. He stated Mr. Meyer and Mr. Dillon have spent days trying to fix the situation and he is satisfied with their progress. Mr. Mitchell is now concerned about debris removal. Mr. Hinkle stated the District does not have authority to pick up debris. This has been addressed numerous times in the newsletter and there is information on the website. Mr. Mitchell noted the swales are the responsibility of the District and the landowners need to be advised if they are in violation.

Mr. Hinkle noted the District is in the process of cleaning out the culverts but this project may take several years to complete. Mr. Dillon stated most work on the culverts is as a result of landowners calling about a neighbor.

Mr. Matt Gitkin, landowner, clarified that he asked for a raise in compensation for the supervisors at the annual meeting and there were no objections. He did not believe that the objections made now are justified.

It was announced there will be no meeting in December; the next Board meeting will be in January.

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

ADJOURNED.

## **MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD JANUARY 18, 2018**

The regular meeting of the South Indian River Water Control District was held on January 18, 2018, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer, Michael Howard and John Jones. Also present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary. Six landowners were also present.

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

A motion was made by Mr. Powell to approve the consent agenda. Mr. Howard seconded the motion and it carried unanimously.

Ms. Bender presented the public relations report. The annual newsletter has been mailed to the landowners. The Policies & Procedures Manual continues to be reviewed by staff.

Mr. Haas presented the treasurer's report. It was noted there are a number of debt payments due on February 1st but the invoices have not yet been received from Regions Bank. Mr. Haas reported he is in communications with the bank regarding financing for the 19th Plan.

Mr. Dillon presented the manager of operations report. He requested ratification of the purchase of a new Kubota U35 and the trade-in of the Kubota U25. Mr. Howard made a motion approving this action. Mr. Powell seconded the motion and it carried unanimously.

Mr. Dillon reported the culvert program is ongoing. Landowners are being notified by certified letter and door hangers. Currently there are six culverts on the schedule. Five landowners have not yet responded. Mr. Hinkle asked if the District could proceed with the work and bill these landowners in order to avoid delays. Mr. Capko stated that staff is working on deciding what additional fees should be assessed. Mr. Haas noted there is a cost associated with time spent separating out particular parcels. Mr. Capko suggested sending an invoice that states what penalty the landowner will be assessed if they don't pay the cost. Mr. Meyer noted this is a voluntary program for culvert placement, but if someone is heeding drainage, the District should assess a penalty. Mr. Capko stated the Board can assess double the actual cost of installation in such a situation.

Mr. Dillon reported that landowner feedback regarding landscaping in the park has been positive. The landscaping contract ends next month and he requested Board approval to renew it for an additional year. He noted that eight contractors submitted bids and it was his opinion that this company was the most qualified, even though they were not the low bidder. Mr. Hinkle noted it would cost more if District employees did the work. Mr. Powell made a motion to renew the contract at the same rate. Mr. Howard seconded the motion and it carried unanimously. Mr. Capko noted that these services can be renewed at this time without going to bid. He will add public custodial language to the new contract.

Ms. Eason presented the engineer's report. The design process has begun on the 19th Plan with the expectation that it will go to bid in March. She noted there is a utility pole in the middle of an easement on 175th that needs to be relocated. This will take AT&T 30-60 days but she does not expect this will be a problem.

Ms. Eason reported on the lack of funding available for debris removal due to Hurricane Irma. She met with FEMA again to start the process with them. Bids must be submitted by February 2nd. She noted there are 29 locations affected, 140 trees, and an estimated cost of \$250,000. Since the contract needs to be awarded prior to the next Board meeting, Ms. Eason requested Board approval for a bid at the upper limit of \$250,000. She expects 75% to be reimbursed by FEMA. She noted this estimate is only for debris removal and does not include Mr. Dillon's

time during and after the storm, engineering fees or inspection fees. Mr. Haas noted the District's share is within the budget, even if the District has to pay the entire amount. Mr. Howard made a motion to approve the upper limit of \$250,000 as requested. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Jones inquired about the status of the fill permit process. Ms. Eason reported they are working on Code issues and she will provide an update at the next Board meeting.

Mr. Capko presented the attorney's report. He discussed the District's authority regarding water quality and water retention issues. He reported that subsections of Chapter 298 authorize the District to implement water quality protection and improvement, and to have water retention basins. If no increase in assessments is required, the District has this authority. However, if additional assessments are required, the District must go through a Plan of Reclamation amendment process. Mr. Powell was concerned about the District's ability and authority to assess for various projects being discussed by the Board. He would like to be assured this issue is being tracked by the attorney at all times. Mr. Haas noted that banks look at the District's ability to assess and its legal ability to put assessments on the tax roll. Mr. Capko stated there needs to be more definition to the project before amending the Plan. There needs to be a benefit and cost analysis as determined by the engineer. The Board discussed benefits and the cost of land acquisition. Mr. Matt Gitkin, landowner, inquired if this could be accomplished with a landowner-initiated project.

Ms. Eason discussed the enhanced stabilization policy. She noted a petition review fee was discussed but not approved. In order to allow landowners to obtain petitions February 1st, Ms. Eason needs to prepare the petitions; she requested approval of a petition review fee and recommended \$600 if the petition covers more than one-half mile and \$300 if less than one-half mile. She noted if the landowners do not get the required 50%, they do not have to pay a fee because the project will not proceed. Dirt road petitions will have the same requirement. Mr. Howard made a motion to approve the review fees of \$300 and \$600 as recommended. Mr. Meyer seconded the motion and it carried unanimously.

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

ADJOURNED.



## **MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD FEBRUARY 15, 2018**

The regular meeting of the South Indian River Water Control District was held on February 15, 2018, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer, Michael Howard and John Jones. Also present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary. Four landowners were also present.

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

A motion was made by Mr. Howard to approve the consent agenda. Mr. Jones seconded the motion and it carried unanimously.

Ms. Bender presented the public relations report. They are working on this year's Family Day preparations. The next newsletter is in production. The website has been updated.

Mr. Haas presented the treasurer's report. He introduced a guest representative from Bank United, a principal in the refunding that the District participated in last year. Mr. Haas noted there are no action items in his report.

Mr. Dillon presented the manager of operations report. He discussed the existing purchasing categories set forth in the District's current procurement policy. He noted that materials are being purchased on a daily basis for the culvert program, and he is often required to obtain bids from several vendors, even though the bidders have been consistent with their prices. Mr. Dillon requested establishing new purchasing limits of \$20,000 (Category 1), \$35,000 (Category 2) and \$65,000 (Category 3). Mr. Dillon stated he would still request bids when deemed necessary. Mr. Hinkle stated this should save time by eliminating the need to go to vendors that, by history, will not be a low bidder. It was noted that these category guidelines are supported in the statute. Mr. Jones made a motion to change the purchasing categories as recommended. Mr. Powell seconded the motion and it carried unanimously.

Mr. Dillon reported he has been sending out certified letters to landowners who have inoperable culverts, but noted a price has not been established yet for non-compliance. He suggested following the provisions in the statute which allow for assessing double the cost. An invoice for \$300 would be sent with a letter stating if the invoice is not paid within 45 days, the landowner will be assessed double that amount, i.e. \$600. He confirmed that several hangers would be placed on doors, a notice sent by regular mail, and then the certified letter would be sent to those landowners who have not responded. Mr. Meyer made a motion to adopt this policy for handling driveway culverts and swales. Mr. Jones seconded the motion and it carried unanimously. Mr. Capko stated this policy should be added to the Policies & Procedures Manual.

Ms. Eason presented the engineer's report. She discussed the 19<sup>th</sup> Plan. Documents will be prepared for obtaining bids in March. One permit is still required from the County for 175<sup>th</sup> which may take another month to obtain. There is also a utility pole for AT&T to deal with on 175<sup>th</sup> which should take three to four weeks to relocate.

Ms. Eason reported on the hurricane-related debris removal. This went to bid on January 9<sup>th</sup> and four bids were received. The contract was awarded to Edens Construction Co. in the amount of \$114,400 for removal of trees.

Ms. Eason reported on her attendance at the LRMCC meeting on January 29<sup>th</sup>. They are moving forward with RAP and the current modeling. The preliminary model of projects in the past showed reduction in pollutants.

Requests for petitions for roadway improvements have been received. Petitions have been provided to the District office so landowners can obtain signatures. Mr. Dillon commented that some of the petitioners have indicated they will not go forward if they do not obtain signatures from 90%.

Mr. Capko presented the attorney's report. He met with attorney Terry Lewis and noted special district legislation has no problematic issues. Mr. Capko discussed legislation presented that would prohibit cities and counties from enforcing requirements for removal of trees and obstructions within rights-of-way. He explained that if the county has a tree protection ordinance, the District can continue to remove trees from swales and easements if this is required in order to maintain rights-of-way and drainage.

Mr. Meyer questioned the status of the county's fill permit. Ms. Eason reported the county is telling landowners to present an engineer's plan prior to filling in their property. Work is still being done to develop a fill permit.

Mr. Dillon reported he is still looking into purchasing property in Jupiter Farms for a retention area. There is 19.45 acres of vacant land available on Randolph Siding. This area experiences flooding issues and has no structures to deal with. The wetlands issue still needs to be explored. The asking price is \$995,000 but it is believed the seller would entertain \$800,000. Ms. Eason commented this is an ideal location but the District will have to do its due diligence as to environmental, wetlands and wildlife issues. Mr. Meyer expressed the need to set a minimum threshold, and obtain an analysis of water treatment, flood protection and water quality. Ms. Eason discussed some of the benefits as related to flood protection, and also whether there is a possibility of grants. Mr. Powell expressed concerns about the District's authority to purchase land and the need for a Plan of Improvements. Mr. Powell was also concerned about the need to change the law in order to assess landowners for meeting requirements imposed by an unfunded mandate. Mr. Haas estimated the west side assessment for purchase of this land would be \$20/parcel over a 10-year period. Mr. Howard questioned the timing and cost for an analysis of the benefits received. Ms. Eason stated the flood analysis would be simple but analysis of the water quality would be more difficult. She will review this and report back to the Board with more information. The Board agreed that the staff should continue to pursue and establish parameters, analyze the costs of this project, and decide what will be beneficial district-wide as it pertains to storm control, flood protection, and water quality. Mr. Howard also questioned if this will benefit the District by providing storage during storm events. Mr. Powell noted the need to obtain a cost benefit analysis. Mr. Hinkle also saw this as an aid in fire protection in Jupiter Farms. Mr. Meyer made a motion instructing the staff to investigate these issues further, and to prepare an analysis of water quality and flood protection. Mr. Howard seconded the motion and it carried unanimously.

Mr. Matt Gitkin, landowner, asked if landowners would have the opportunity to pay up front, and Mr. Haas confirmed they would. Mr. Gitkin also inquired as to how the benefit of flood protection will be shown. Mr. Powell explained there is a requirement for a cost benefit analysis within the Plan. Mr. Capko also stated that the District has the authority, under Chapter 298, to pursue water quality and flood control projects, and an analysis to show benefits in terms of cost is required.

Mr. Gitkin then discussed the Loxahatchee River District project regarding the elementary school in Jupiter Farms. He asked if there are any engineering drawings and if LRD is planning on crossing any easements. Ms. Eason stated no preliminary plans have been received yet. Mr. Gitkin was concerned with the effect this project would have on the Jupiter Farms neighborhood plan. Mr. Hinkle stated that LRD has failed to show any environmental problem at the school. Mr. Meyer was not certain anything will be required from SIRWCD. After a brief discussion regarding this matter, Mr. Meyer suggested a meeting be scheduled with the School Board and LRD. Ms. Eason agreed to meet with the parties and report back at the next meeting.

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

ADJOURNED.

**MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT  
HELD MARCH 15, 2018**

The regular meeting of the South Indian River Water Control District was held on March 15, 2018, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer, Michael Howard and John Jones. Also present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary. 21 landowners were also present.

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

A motion was made by Mr. Powell to approve the consent agenda. Mr. Howard seconded the motion and it carried unanimously.

Ms. Bender presented the public information report. The newsletter has been mailed out. Family Day is Saturday, March 17th; Ms. Bender thanked Mr. Dillon and his staff for getting everything ready.

Mr. Haas presented the treasurer's report. He requested approval of a reimbursement to landowners Mr. and Mrs. Crate for an assessment paid in error for the years 2013-2017 for the annual debt service on the hookup financing note. Mr. Haas verified that they were over-assessed \$1,934.40 because of an error on the part of the District. Mr. Powell made a motion approving this reimbursement. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations' report. The District has received two Palm Beach County annual safety awards for the 21st year in a row.

Mr. Dillon requested Board direction for continuing the contract to provide detailed mowing and landscaping around culverts, telephone poles, hydrants, etc. requested by landowners in Palm Beach Country Estates. He explained this service has been provided by an outside party since 2006. The work is labor intensive if handled in-house and would necessitate hiring extra workers. He noted the current contract is up for renewal and he will be required to obtain bids as the cost will increase to over \$20,000 annually. Mr. Meyer questioned why the District is paying for this service instead of the individual landowners as he considers this to be a beautification issue. Mr. Jones reported he has received letters from landowners who believe the District is going to stop maintaining the swales, and he confirmed this is not the case. Mr. Dillon noted this enhanced maintenance service was originally started in 2006 and incorporated into the budget because residents wanted a more "finished" look, although there was never a referendum for this issue. Mr. Haas stated this cost is assessed on a per parcel basis and is a component of the road maintenance budget for 1525 parcels.

Mr. Hinkle asked for landowner input on this subject. Mr. Manuel Bueno noted that a precedent has been set over the past 12 years and this service is already in the budget. Since everyone is not able to take care of their yards, this service maintains the integrity of the neighborhood. Ms. Susan Deckert also supported continuing with the enhanced maintenance. She noted there are "snowbirds" in the neighborhood who are not always there to maintain the area. She was in favor of continuing with the status that has been established. Mr. Martin Spiro stated this extra maintenance should be scrapped and the District should do more drainage work. He noted there are no vacant lots on 69th and no reason why landowners cannot assume responsibility for their own property. He also noted that the landowners' committee should be involved in beautification, not the District. Mr. Bob Berman stated he was in favor of continuing the maintenance. He noted these are County roads and the landowners do not have ownership to the center of the roads and are not responsible for maintenance of the swales. These swales are deeper than any of the regular drainage swales in the rest of the District. He noted the residents want an enhanced level of maintenance, particularly at the entrance to PBCE. He also noted the landowners' association has supplemented and paid for additional work such as edging sidewalks and additional landscaping. Noemi Reeves stated the contract should be scrapped and landowners should take responsibility for the care of their own

property. Ms. Sandy Fournies stated this sounds like a beautification project. Mr. Matt Gitkin stated there was no referendum regarding this issue and no due process for assessing all of PBCE. He believed less than 7% are benefitting but everyone is being taxed. He commented that the landowners' association should handle this project, not the District. Mr. Hinkle stated that four roads were originally included in this program but it was determined that two of them did not need to be included and they were removed. He suggested that the 111 parcels that benefit from the enhanced maintenance could be assessed separately for this service. Mr. Dillon confirmed the District could continue to just do the mowing and it would still fulfill the requirements of the contract with the County. Mr. Howard believed this enhanced maintenance should be considered as beautification and not continued. Mr. Powell questioned how much the County pays SIRWCD for mowing the swales. Mr. Haas stated approximately \$32,000, which is not enough to cover the cost. Mr. Powell suggested obtaining more bids because of the increase in cost being proposed. Mr. Meyer questioned why the District took this project on when they are County roads. He noted the County occasionally maintains the entrance to Jupiter Farms. Mr. Jones reported he heard from 65 landowners regarding this issue, and concluded that the landowners on 69<sup>th</sup> like the program but there is not much interest about 75<sup>th</sup>. He pointed out that this maintenance benefits a small group of people who should be doing the work themselves. Mr. Jones requested the opportunity to discuss this with the concerned landowners. He also suggested removing 75<sup>th</sup> from the program and then asking the County to perform the maintenance. Mr. Jones also questioned the possibility of including this issue on the annual ballot. Mr. Capko stated the Supervisor of Elections would have to allow it, and at best it would only be a straw poll. Mr. Dillon noted the current contract for the maintenance runs out on April 30<sup>th</sup>. Mr. Howard again stated this is outside the purview of the District and a straw poll is not necessary. Mr. Powell noted an improvement district could handle this but type of maintenance but SIRWCD is a water control district.

Mr. Hinkle noted that a letter sent out to the landowners stated Mr. Jones was the supervisor for PBCE. He pointed out that all five Board members represent PBCE. Mr. Hinkle was not in favor of the contract being renewed as it only benefits 111 parcels and is not justified. Mr. Jones questioned if only the 111 parcels could be assessed and Mr. Haas stated he would have to review this suggestion. After further discussion, Mr. Jones made a motion to include a straw poll on the next election ballot, if permissible. Mr. Powell seconded the motion and it carried 3:2 with Messrs. Meyer and Howard opposed. Mr. Meyer then made a motion to discontinue the contract and ask the County to take over the enhanced maintenance. There was no second to the motion. Mr. Meyer then amended his motion to state the Board will not renew the existing contract and the County will be asked to take over the enhanced maintenance. Mr. Howard seconded the motion and it carried 3:2 with Messrs. Jones and Powell opposed.

Ms. Eason presented the engineer's report. She reported the 19<sup>th</sup> Plan has not gone out for bids yet. A new petition has been received for .4 miles of asphalt paving on 74<sup>th</sup> Avenue North. Petitions will be accepted through April 30<sup>th</sup>.

Ms. Eason reported on the FEMA debris removal project. Edens Construction submitted the lowest bid and began construction in February. The work was substantially completed March 9<sup>th</sup> and the final paperwork is being processed. The final cost is \$176,000 for the removal of 289 trees.

There was a meeting regarding the Reasonable Assurance Plan (RAP) last month to go over PLSM model assumptions. The FDEP is looking at the projects and evaluating them. Regarding the possible purchase of a 20-acre parcel as previously discussed by the Board, Ms. Eason discussed the need to continue analysis of the amount of land needed to reduce flooding and pollutants. She noted there is no evidence at this time that SIRWCD has a problem with pollutants/water quality. Mr. Powell commented there would need to be a new Plan of Reclamation which provides the authority to purchase property if this option is pursued. Ms. Eason stated the price for purchasing property would also have to be contained in that Plan. Mr. Meyer asked about the FDEP position regarding the Reasonable Assurance Plan (RAP). He questioned if SIRWCD could be in a position where it does not have to do anything. Ms. Eason noted there are options for the District that do not include purchasing land, such as widening swales for more storage, putting in control structures to retain water, and looking at outfalls. Mr. Meyer

noted the property being discussed is in the middle of Jupiter Farms and questioned if there are other locations downstream or upstream. Ms. Eason stated the need to be close to a canal for flood protection.

Mr. Charles Bratten, landowner, stated the paving project in PBCE was expected to be completed by April. He questioned if financing is in place and if the project will be completed before hurricane season. Mr. Haas stated there is no actual financing in place yet but there have been initial conversations with the bank.

Mr. Jones questioned if it is now time for the Board to present a resolution to support the County requiring a fill permit. Mr. Powell stated there has been no engineering report as to surface water runoff, etc. Mr. Meyer was concerned about the progress of this issue and the need to have actual data. Ms. Eason suggested giving the County another month, and recommended a letter of support from the Board at that time.

Mr. Capko presented the attorney's report. The legislative session has ended. There were a number of bills filed under the guise of transparency that would be expensive for the District to follow. He noted the legislature spent a lot of time on school security issues.

Mr. Hinkle suggested starting the monthly Board meetings earlier because of increased security restrictions, or moving them from the high school to the District Work Center or Jupiter Farms Pavilion. It was agreed that future meetings will start at 6:30.

Mr. Haas added to his report that the field work has been completed for the annual audit with no adjustments called for. He will have the full audit report shortly.

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

ADJOURNED.

## **MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD APRIL 19, 2018**

The regular meeting of the South Indian River Water Control District was held on April 19, 2018, at 6:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer, Michael Howard and John Jones. Also present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary. Seven landowners were also present.

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

A motion was made by Mr. Meyer to approve the consent agenda. Mr. Jones seconded the motion and it carried unanimously.

Ms. Bender presented the public information report. The website has been updated. It was reported that the annual Landowners Family Day on March 17th was a success.

Mr. Haas presented the treasurer's report. He will be preparing an RFT for a new audit service.

Mr. Dillon presented the manager of operations' report. He discussed the bids for the canal culvert at 175th and Jupiter Farms Road. Murray Logan was the low bidder at \$118,000 and Mr. Dillon requested Board approval of the bid. Mr. Powell made a motion to approve this bid; Mr. Meyer seconded the motion and it carried unanimously. The culvert is expected to be placed in mid-May.

Ms. Eason presented the engineer's report. She presented an update regarding the FEMA debris removal funding. The work has been completed and Ms. Eason requested Board approval of pay requests and a change order for a total of \$181,845. She noted there were actually 297 trees removed instead of the 140 initially estimated. Mr. Powell made a motion to approve the pay requests and change order as recommended. Mr. Meyer seconded the motion and it carried unanimously. Ms. Eason noted the District will receive a refund of 75% of the cost from FEMA after these payments are made.

Ms. Eason discussed the proposed force main to the Jupiter Farms Elementary School. Records have been reviewed from the Palm Beach County School District and Loxahatchee River District. Water quality testing was requested but not yet received. A meeting has been requested with the School District. Ms. Eason reported the Jupiter Farms Shopping Plaza and Riverbend will have 38% of the capacity of the line. The RV Park will have an additional 15%. When the School District is added, that will use most of the remaining capacity for the 6-inch line. FS381.00655 addresses connection of existing onsite sewage treatment and disposal systems to central sewerage system requirements. The person operating the system is the one who has to hook up. LRD stated its intent to construct a 4-inch main to Jupiter Farms Elementary, without service to residential property. On March 20 the application to install a 4-inch force main was received. It will cross SIRWCD facilities so a permit is required. Ms. Eason proposed allowing them to go down Haynie Lane for less impact to residential parcels. This would affect only 15 adjacent properties. The permit could include a provision that no residential connections will be allowed. If an upgrade is wanted in the future, they will need to come back to SIRWCD for approval. Mr. Hinkle noted it will save taxpayer money if the line goes down Haynie. Mr. Howard noted that although the Board could say no to this plan, there could then be a legal challenge; Mr. Capko agreed. Mr. Meyer was concerned with other services along Indiantown Road. Ms. Eason stated it would be difficult to attach anything else to a 4-inch line. Messrs. Powell and Jones were in favor of approving the plan. Mr. Matt Gitkin, landowner, thanked Ms. Eason and Mr. Dillon for working with the landowners on this issue. Ms. Eason noted that if the permit provision only prohibits residential connections, that allows the option of adding the Baptist church and fire station in the future. After discussion, Mr. Meyer made a motion approving the plan for the line to go down Haynie Lane, with the condition that it is only for the elementary school and not any residential connections. Mr. Powell seconded the motion and it carried unanimously.

Ms. Eason discussed NRCS funding. It was determined there are 18 locations where additional work is needed as a result of the hurricane. FEMA only paid for the tree removal. NRCS has agreed to 75% funding as long as it is not above the \$202,138 amount originally requested. Ms. Eason requested Board approval of an upper limit of \$202,138 for bank stabilization and riprap. After a brief discussion, Mr. Howard made a motion to approve this request. Mr. Jones seconded the motion and it carried unanimously. Ms. Eason stated that in the future, she will be preparing a continuing contract for debris removal so the process can start immediately. She will also be preparing an emergency plan so the District is better prepared.

Ms. Eason reported the design for the 19th Plan has begun. Three bids have been received so far. The bid closing date is May 15th. She will give an updated report at the next Board meeting. Regarding the next proposed Plan of Improvements, Ms. Eason reported only one petition has been received to date for asphalt on approximately 0.4 miles of 74<sup>th</sup> Avenue North.

Ms. Eason presented an update on the County's fill permit. A draft policy has been received. It defines a minor fill, which would not require a permit. New construction shall not impact historic surface water drainage flows serving adjacent properties. Any comments from the Board will be added to the policy and returned to the County to be discussed at a future meeting. Mr. Meyer was concerned with the application procedure, stating if there is more than what is defined as a minor fill, it cannot impact surrounding properties. New structures need to be separated from existing structures. Standards need to be tightened up and criteria should be more strict. The policy also needs to be enforceable. Mr. Meyer stated he will provide Ms. Eason with more specific comments. Mr. Jones agreed with Mr. Meyer's concerns. Mr. Howard noted if the policy is so restrictive that a landowner cannot bring in a load or two every year, this will lead to more violations. He felt some flexibility is needed for minor fill. Mr. Capko stated he will also get comments to Ms. Eason. Mr. Matt Gitkin, landowner, was concerned about enforcement of this policy and questioned if a permit has to be posted. He was also concerned with neighbors reporting on neighbors. A permit fee was briefly discussed but Mr. Capko stated this is not a money maker for the District. Ms. Eason explained that positive drainage around a property going to a drainage ditch is required as an overall provision in the permit. Mr. Dillon commented that the engineer will need to confirm that the amount of fill brought in does not impact the neighbors. Mr. Hinkle asked the Board and staff to get any additional ideas to Ms. Eason by the end of the month.

Mr. Capko presented the attorney's report. There were no additional items to discuss and no additional questions for the attorney.

Mr. Dillon discussed a section by section survey of the District that has been briefly discussed by the Board in the past. There were three scenarios presented, with different costs. Mr. Dillon would like to reintroduce this idea and move forward with surveys and determining easements. Ms. Eason stated the survey could look at water quality, flooding, drainage, and easements. Sections 7 and 18 would be a good starting point and she requested Board direction. Mr. Powell stated he would like to see a large project of this nature and suggested a drainage plan for the entire District. This would start with a survey, laying out a drainage plan, establishing an objective for the plan, and widening the swales and canals. The plan could have drainage that provides flood water protection and storage. Mr. Powell suggested putting together a plan, even if it is conceptual, to look at the entire system as a whole. He noted there have been hydrological surveys in past. The Board could start with the objective of developing an engineering plan and then at some point discuss funding. Mr. Hinkle stated Loxahatchee River District might want to partner with SIRWCD on this. Mr. Meyer stated surveying would be the first step to see what we need. Ms. Eason estimated costs of the three scenarios previously discussed at \$55,000, \$30,000 and \$18,000 per Section, depending upon how much detail is done and what analysis is provided. Mr. Dillon stated Sections 7, 12 and 18 should have priority.

Mr. Haas stated this type of work is not currently budgeted but he could find funds to cover one Section. Mr. Hinkle suggested a pilot program in one Section and Mr. Dillon suggested Section 7 where there are areas with no swales or culverts, and outfalls which could be retention areas but they are not aligned. Mr. Meyer believes LRD and SFWMD would like to participate. Ms. Eason stated this could require title searches and more engineering time. One Section could be done in the current fiscal year, but not in time for the budget meetings. However, by June she would know survey costs and engineering fees. Mr. Haas stated assessment rates will need to be set before budget hearings, but the District has until the middle of September to make adjustments.

Mr. Dillon requested clarification about utility lines. There have been cables left on the road or in the bushes instead of buried. Then when the cable is hit by a grader, the District is at fault. If there is a question of a line in the swale, he will call for locates but this cripples the maintenance. Mr. Howard questioned if option #1 is worth twice the money as the next option. Ms. Eason stated it is worth it because it takes the unknowns out of the equation. After this discussion, Mr. Howard made a motion to start a pilot program in Section 7, using option #1 as presented. Mr. Jones seconded the motion. Mr. Meyer was concerned with the cost and wants updated figures since these estimates are from two years ago. Ms. Eason noted the most increase in cost will be with the surveying. The vote was called and the motion carried unanimously.

Ms. Kristen Atwood, landowner, thanked Mr. Dillon for the new culvert on her property. Mr. Matt Gitkin, landowner, hoped there could be matching funds for the project discussed tonight, or a shared project with LRD or the County.

Mr. Hinkle stated the District needs to renew its contract with the high school for the monthly meetings. Other location options were discussed such as the Jupiter Farms Pavilion. After a brief discussion, it was agreed to renew the contract with the high school for another year, with the new meeting time of 6:30 p.m.

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

## **MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD MAY 17, 2018**

The regular meeting of the South Indian River Water Control District was held on May 17, 2018, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer, and John Jones. Also present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary. Eight landowners were also present.

Mr. Hinkle called the meeting to order and the Pledge of Allegiance to the flag was given. He announced that the monthly meetings will return to their previous time of 7:00.

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

Ms. Bender presented the public information report. The website has been updated. The next newsletter has been started. Staff met to review the Policies & Procedures Manual. Earlier this month, a Certificate of Appreciation was presented to William Dean, a local contractor, acknowledging his assistance in deeding a drainage easement to the District which will provide benefits to 10-15 homes on Sandy Run. Mr. Dillon stated a cross pipe will be in the budget for next year, which will be an additional benefit to those landowners.

Mr. Haas presented the treasurer's report. The annual audit report has been delivered to each Board member and they all confirmed receipt of same.

Mr. Dillon presented the manager of operations' report. He requested Board approval of the purchase of an SVL 95 Skid Steer for use in culvert installations. An experienced operator has been hired towards creating a crew for this program, which has been averaging four installations/week. Mr. Dillon now expects to place 8-10 culverts/week. Two bids were received and he recommended approval of the purchase from Kubota for \$66,181. After a brief discussion, Mr. Meyer made a motion to approve the purchase. Mr. Powell seconded the motion and it carried unanimously.

Mr. Dillon reported almost six inches of rainfall in the District this week. There have been no issues, but more rain is expected.

Mr. Capko presented the attorney's report. He spoke with the Supervisor of Elections regarding including a straw poll with the election ballots, but she was not receptive to mailing anything other than the statutory mandated ballots.

Ms. Eason presented the engineer's report. Regarding the 19th Plan of Improvements, bids were received ranging from \$858,000 to \$1.2 million. The low bidder, Rosso Site Development, Inc., came in under the originally estimated construction costs. Ms. Eason requested Board approval for awarding the contract to this bidder. Although the District has never used this company before, it has worked for the County on asphalt paving projects. She reported the bid was \$470,000/mile including engineering and construction. Mr. Meyer noted this is \$42,000 less than what was estimated. Mr. Haas stated that interest rates are trending upwards so actual costs may be higher than estimated. Mr. Haas expects a proposal from Regions Bank in about a week, which should reflect an interest rate between 4% and 5%. He explained that the recent tax cut program has an inverse effect on interest rates. Banks are now charging higher interest rates because the corporate tax rate has been reduced. The referendum stated the rate will be based on prevailing interest rates. Mr. Jones made a motion to approve awarding the contract to Rosso Site Development as recommended by the engineer. Mr. Powell seconded the motion and it carried unanimously. The Board agreed to recess this meeting and reconvene on May 31st at 6:00 p.m. at the Work Center to review the proposal from Regions Bank.



Ms. Eason reported only one petition was received for .4 miles of asphalt paving in Palm Beach Country Estates. April 30th was the deadline for petitions. She requested Board direction. Mr. Hinkle stated the petitioners met the qualifications and should be allowed to go to referendum. Ms. Eason confirmed the petitioner was advised of the 90% level of approval required, and the petition fee of \$300 was paid. Mr. Meyer made a motion directing this project to proceed to referendum. Mr. Powell seconded the motion and it carried unanimously.

Ms. Eason reported on the District's application to NRCS. There are now funds available in the original requested amount of \$240,673. Ms. Eason requested Board approval of the upper limit of \$240,000. After a brief discussion of cost sharing, Mr. Powell made a motion approving this amount. Mr. Jones seconded the motion and it carried unanimously.

Ms. Eason participated in the Project Delivery Team meeting for the Loxahatchee River Watershed Restoration Plan. Originally the Plan was part of the Comprehensive Everglades Restoration Plan which restores and sustains the overall quality and distribution of fresh waters to the Loxahatchee River. The Plan delivers more water through the G-92 structure. At the meeting, they discussed several alternative plans to help push water up and improve the flows of the Loxahatchee River. They discussed performance measures to restore the River. Ms. Eason explained the elements of the Plan, including increased water levels in the north area and more water in the G-92 structure. The main goal is to increase water during dry periods and push fresh water into the Loxahatchee River. She presented the study schedule and recommendations for the project. If the group agrees with the plan's cost and analysis, the next step is for the agency to endorse the Plan. This is anticipated to be in January, 2019. At that time it will have to be shown that the Plan will not negatively impact anyone.

Ms. Eason met with the County on May 11th regarding the fill permit. There will be no permit requirement for minor fill. New construction activity shall not adversely impact the legal historic surface water drainage flows serving adjacent properties. There may be a requirement for a special drainage design complying with engineering standards to preserve the positive drainage patterns of the affected sites. The County will ask SIRWCD for guidance on the allowable fill. The County will utilize their existing guidelines for allowing fill and will notify SIRWCD of significant activities. Slope requirements will be added. It was noted that the District is more than 90% built out. Mr. Meyer was concerned that there is nothing in writing regarding the designation of a special flood hazard area, but noted this issue is moving in a positive direction.

Ms. Eason noted the District needs to be better prepared in terms of emergency debris management after a hurricane. She would like to have contractors on call. Funding through FEMA requires an emergency plan that abides by their standards so Ms. Eason will be updating the District's plan.

Work has begun in Section 7 regarding known easements. This section is unique because part of it used to be an unplatted subdivision. Ms. Eason has obtained a preliminary price from a surveyor for cross sections of all drainage easements. The next step will be a contract for surveying the section.

Ms. Eason discussed the concept plan for improvements in the District, including purchasing land to improve drainage. She now has an updated map and will conduct preliminary calculations. The main part will begin in September when she has lidar information from the County.

Mr. Hinkle requested an update on the Policies and Procedures Manual. Mr. Capko stated the staff has taken individual sections of the manual to review and will then present them to the committee (Messrs. Howard and Meyer) in June. After committee review, the manual will be presented to the Board. He noted he has discarded portions of the manual which were based on Chapter 120 requirements which the District is no longer required to follow.

Mr. Hinkle asked the attorney for something to protect the District when something is placed on its land. Mr. Capko discussed enforcement of easements and removal of items if needed. He agreed to prepare a form that protects the District so there is no question as to its easements.

Mr. Jones discussed the straw poll in Palm Beach Country Estates. He will put something together that accomplishes what the enhanced contract used to, so a poll is not necessary at this time.

Mr. Haas requested input regarding next year's budget, especially any changes in the level of service. The Board and staff were asked to give such information to Mr. Dillon.

Mr. Dillon discussed combining the June and July meetings and suggested 7:00 on Wednesday, July 11th, since there is security on the premises only on Wednesdays during the summer. Mr. Meyer stated he will be out of town, but everyone else was in agreement.

Mr. Matt Gitkin, landowner, thanked Mr. Dillon for attending and speaking at a homeowners' meeting. He also asked about the content of the annual audit and Mr. Haas confirmed that the audit had a clean opinion.

There being no further business to come before the Board at this time, Mr. Powell made a motion to recess the meeting until May 31st at 6:00 at the Work Center. Mr. Meyer seconded the motion and it carried unanimously.

RECESSED.

**MINUTES OF THE RECONVENED REGULAR MEETING  
OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT  
HELD MAY 31, 2018**

The regular meeting of the South Indian River Water Control District was reconvened on May 31, 2018, at 6:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer, Michael Howard and John Jones. Also present were Charles Haas, treasurer; William Capko, attorney; Mike Dillon, manager of operations; and Jane Woodard, secretary.

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

Mr. Haas presented a proposal from Regions Bank to fund the 19<sup>th</sup> Plan of Improvements. He noted that the annual assessment will be more than the estimate presented in the referendum. All affected landowners were sent a letter advising them of the higher amount and there has been no adverse reaction from anyone. Mr. Haas explained that the commitment letter's prepayment policy provides for prepayment with a declining premium for the first five years, after which it may be prepaid with no penalty.

The interest rate is higher as a result of the recent tax cut, but there is more latitude to take advantage of the market in the future. The rate is fixed at 4.95%; previously it was 4.27%.

Mr. Capko presented a Resolution authorizing the issuance of a promissory note in an amount not to exceed \$1,008,000 to provide funds for the 19th Plan of Improvements, and the proposed Promissory Note. Mr. Meyer made a motion to approve the Resolution and Note. Mr. Jones seconded the motion and it carried unanimously. Mr. Capko stated the closing is scheduled for Tuesday, June 5th, at the District's Work Center.

Mr. Dillon discussed the recent rainfall in the District which is being well managed. He noted other local districts have had flooding and roads under water.

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

ADJOURNED.

## **MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD JULY 11, 2018**

The regular meeting of the South Indian River Water Control District was held on July 11, 2018, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, Michael Howard and John Jones. Also present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary. Ten landowners were also present.

Mr. Hinkle called the meeting to order and the Pledge of Allegiance to the flag was given. Mr. Hinkle announced that the District has received a total of 49.22 inches of rain as of the end of June. He congratulated Mr. Dillon and his staff for "keeping things afloat."

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

Ms. Bender presented the public information report. They have started working to make the District's website ADA compliant and have posted the recommended notice.

Mr. Haas presented the treasurer's report. He confirmed that the audit report was delivered and all the required reports were filed. The Board confirmed receipt of the audit report.

Mr. Haas presented the preliminary proposed budget. Major changes and initiatives were noted. The driveway culvert replacement program increases the District's capacity to install culverts and this program's budget is expected to increase next year. The cost of the culverts are paid for by fees collected from the landowners, but the cost of installation and the ancillary costs are borne by everyone in the water control budget.

Another project that is budgeted is the outfall cleaning. Palm Beach Country Estates has 75% of the budget and Jupiter Farms has the remaining 25% of the budget. He noted this is an assessment-driven district and landowners do not pay for things they do not receive.

Another program is the detailed analysis of Section 7 currently budgeted at \$50,000 for the pilot program. He noted it would be prudent to have money in the budget for this program in case the Board decides to continue with it.

Mr. Haas discussed the new work center expansion budgeted at \$400,000, which will be borne by every parcel in the District since everyone benefits from the operations available.

Lastly, Mr. Haas discussed the need to do modeling benefitting Jupiter Farms, budgeted at \$50,000.

Mr. Haas next presented an itemization of the normal budget items and the new initiatives, explaining that the overall assessment will increase. This budget focuses more on water control and less on road maintenance. Debt service was itemized for the different ongoing programs. Mr. Haas showed the typical assessments per unit and explained that part of the assessments are on a per-acre basis and part on a per parcel basis. He showed the actual rates that will be used for the different assessment units.

In answer to a landowner's question, he discussed the individual costs of modeling in Jupiter Farms. Mr. Powell noted this will be a large budget increase and asked if it could be time phased. Mr. Haas noted there is money in the road replacement fund which could be borrowed for a year or two, but it is a sinking fund that should be kept available. He also noted that financing would require a plan of improvements. Mr. Jones was interested in financing it over a two-year period only if it can be done easily. Mr. Hinkle stated he spoke with some of the landowners about spreading the cost over two years and they were not too concerned. Mr. Howard stated that landowners

may be concerned about having funds available when needed for road maintenance if the District makes a loan from this budget.

The Board briefly discussed the various programs and agreed these are all things that need to be tackled. Mr. Howard made a motion to accept the preliminary budget. Mr. Powell seconded the motion and it carried unanimously. Mr. Haas will submit the preliminary rates to the County.

Mr. Dillon presented the manager of operations' report. The beginning of the rainy season has been challenging and improvements are being put to the test. Construction under the 19<sup>th</sup> Plan began today in Palm Beach Country Estates and approximately 5,000 yards of material are to be excavated and used on other PBCE roads. Because of the weather, they are trying to push back work on 175<sup>th</sup> in Jupiter Farms, starting the project in late October. Mr. Hinkle asked about adding another box culvert. Mr. Dillon spoke with the contractor and there could be a savings of about \$6000 if both are done at the same time.

Ms. Eason presented the engineer's report. As mentioned, construction began today under the 19<sup>th</sup> Plan of Improvements. Completion is expected by January 9<sup>th</sup> depending on the rainy season. The 175<sup>th</sup> area work will begin at the end of October.

Ms. Eason is beginning the referendum process for the next proposed plan of improvements. She discussed a preliminary cost estimate of \$500,000/mile, resulting in an estimated \$1,560/parcel. Once the referendum preparation is completed, it will be reviewed by Mr. Capko and then forwarded to the Supervisor of Elections.

Ms. Eason discussed NRCS funding. Last month the Board approved \$240,000 and an agreement was executed. More paperwork is being furnished and documents have been revised to meet the additional requirements. She expects construction to begin at the end of July.

Ms. Eason then began discussion of an off-site dewatering permit. Mr. Hinkle turned the meeting over to Mr. Powell and stated he would not participate in any discussion regarding this issue and would not be voting on the matter. Ms. Eason explained there is a project site outside of the District boundaries by the Jupiter Park of Commerce which eventually drains into an outfall canal. The landowner wants a permit from SIRWCD to drain into our facility. Pursuant to the District's policy, no one can alter the works of the District for the discharge of water without a permit. This is not normal practice and is only considered if the applicant demonstrates that onsite retention is not technically feasible in order to keep water on the project site. If there is no interference with construction, alteration, operation or maintenance of works of the District, no interference with legal rights of others, and if it will be operated in a manner acceptable to the District, it can be considered. The landowner has a drawing and site plan prepared by an engineer. Ms. Eason asked if the Board will allow activity and accept a permit request from them. She also noted that there is no established provision for a permit fee in this situation.

Mr. Powell noted that there used to be contract drainage in the District, so it can be done. When asked, Mr. Capko responded that the District has the authority to accept a permit for off-site dewatering under the conditions already mentioned. Mr. Powell stated that the dewatering will not impact the District's drainage system. He asked if the Board has an interest in accepting such a permit. Mr. Howard stated he needs to know more information. If it is short term, there will not be a lot of water and therefore will not affect our drainage. However, he was not comfortable making a decision without knowing more about the plan. Mr. Powell stated this needs to be a Board decision after more details are known, and should not be a decision made by our engineer. Mr. Jones assumed the landowner would also comply with all the protocols of South Water Management District. Ms. Eason was unable to answer any more questions as she has not been given any additional plan information.

A landowner voiced concern about the quality of water in that area, noting marine fuel and factories in the area. Mr. Haas noted the Jupiter Park of Commerce has been a part of the District since the 1980s. This is about someone just outside the District wanting to use our drainage system to discharge. Mr. Gitkin, landowner, stated that delaying a decision in this matter is time sensitive since construction is already underway. Mr. Powell stated that no

one has initiated a permit request yet and they should be told what will be required by SIRWCD. The Board agreed the landowner should be allowed to apply for a permit. Ms. Eason noted that a \$300 drainage connection fee is in place and suggested that would be an appropriate fee for a permit application in this situation. The Board agreed. At this time Mr. Powell turned the meeting back over to Mr. Hinkle.

Mr. Powell asked why the road paving for 175<sup>th</sup> would have to be pushed back. Ms. Eason explained that Canal #1 has to be blocked for three weeks in order to place the culvert. September is the height of the hurricane season and the water level needs to be down.

Mr. Jones asked for clarification of the costs of the referendum for 74<sup>th</sup> and the 19<sup>th</sup> Plan. Ms. Eason explained there were three different assessments in the 19<sup>th</sup> Plan, including some 50% assessment parcels.

Mr. Howard requested an update on the fill permit with the County. Ms. Eason stated she only has what was previously presented to the Board.

Mr. Capko noted it is now necessary to put into place the ADA compliance for the District's website, which has already been started.

Mr. Dillon discussed an issue regarding drainage along Canal #2 in Section 6, which is not in the District. Years ago improvements were made by the County around Hatcher Lake which have apparently impeded drainage. Since the County has not responded to the residents in Section 6, one possible option is for SIRWCD to take over the drainage in that Section. This has been discussed with the director of Northern Palm Beach County Improvement District who has no problem with this idea. It would require legislation and Board approval, but no referendum by the landowners. Mr. Capko stated it would be difficult to pass legislation if some of the landowners are opposed to coming into our District. Mr. Dillon stated that another option would be for the landowners to install culverts to alleviate their drainage issues. The residents would pay for materials and construction of the pipes. Then there would be an issue of assessments, since they would be draining into our system. A landowner from the affected Section stated the residents do not want an assessment and they do not want to be incorporated into SIRWCD. Mr. Dillon further explained that everything drains to the Hatcher Lake. The landowner also stated that during a heavy rainfall, Canal #2 does not affect Section 6. The residents had apparently been draining into the system for 50 years until the canal berm was fixed. They believe they have a prescriptive right to continue draining. Apparently NPBCID assessed them for 37 years and then took them off the tax roll. Mr. Hinkle asked if there is a location where a culvert can be placed that will alleviate flooding. The District has spent money in Section 6 to repair the bridge for access into Canal #2. Mr. Dillon stated the residents are willing to pay the cost of SIRWCD putting in a culvert and will then assume maintenance of the culvert. Ms. Eason stated she has plans of the area that were prepared by Mr. Lindahl. She will need to look deeper into this issue before stating an opinion. Mr. Powell stated it is good to help out, but the Board needed to look at the legalities since the Section is outside the District. If there is no Plan of Improvement, there can be no assessment. Mr. Howard asked if the District is required to do anything if there has been historic drainage. Mr. Capko stated there are no prescriptive rights against a governmental body. The Board agreed there are significant questions that need to be addressed. Mr. Hinkle stated the Board will continue to discuss this matter, and the Board agreed to take no action at this time. Mr. Dillon was directed to request something in writing from the residents stating what they want from SIRWCD, and the Board will respond. Dillon requested that written email from landowners stating what want from District and District will respond.

Several District landowners thanked Mr. Dillon and his staff for the culvert work, noting there has been no flooding during the recent rainfall.

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

ADJOURNED.

## **MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON AUGUST 16, 2018**

The regular meeting of the South Indian River Control District was held on August 16, 2018, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer, Michael Howard and John Jones. Also, present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney, Mike Dillon, manager of operations and Laura Bender, public information. Eight landowners were also present.

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

Mr. Hinkle turned the meeting over to Mr. Haas for the budget presentation. Mr. Haas presented the proposed budget and briefly explained how the budget process occurs and how assessments are figured. He noted the proposed budget increases reflect the enhanced initiatives that include the Driveway Culvert Replacement Program (Palm Beach Country Estates & Jupiter Farms); Outfall Clearing and Detailed Section review (Jupiter Farms) and the new initiatives that include the Work Center expansion (all parcels equally) and Modeling (Jupiter Farms). He noted there was a decrease in assessments in the areas of park maintenance, and road and vehicle improvements. The public assessments are increasing from \$4,798,800 in 2017/2018 to \$6,097,675 in 2018/2019. He noted that assessments have been trending down because loans are being paid off but is higher this year because of the new assessment program for the 19th Plan of Improvements. He mentioned the Town of Jupiter cooperative agreement for the Palm Beach Country Estates (PBCE) water hook up. This is for the people who are volunteering for the hook up financing with the Town of Jupiter. Looking at the individual assessment for each general area, the assessment for water control in PBCE and Egret Landing will be \$304 per acre, up substantially from \$148 per acre. Jupiter Farms (JF) will go up from \$114 to \$202 per acre. A lot of the increase comes from one-time funding for such items as the Work Center expansion and fund balance replenishment, while other areas will drop off due to projects winding down. At this time the presentation was concluded.

Mr. Meyer said he had most of his questions answered but feels the budget is too ambitious and the assessments are high. He acknowledges that the Staff will say this is what he wanted. He noted the increases are 45% for JF and 23% for PBCE without the road maintenance. Putting himself in the position of the average resident, and as someone who has always lived on a fixed income, he feels that if you go over budget in one year, you tighten your belt the next. He wanted to go on record as saying that things could be tightened up and that we could do better. Mr. Haas mentioned again that a lot of this increased budget is one time or two years and could go back down and is not a long-term commitment. Mr. Haas, noting the difference between work being done in PBCE and JF, that PBCE should decrease \$97 after this year and JF has a curve that is a little longer due to long term programs but should see an approximate decrease of \$77. Mr. Meyer concluded by stating that he had a little sticker shock and was still trying to work through that but does notice the improved services and the increased focus on drainage.

Mr. Howard also mentioned sticker shock but noted the focus on drainage was important to the District and the popularity of some programs were more than anyone expected. He asked Mr. Haas how much of the budget will be able to go back to the norm after this year. He understands that it is a one-time increase but is necessary with what the Board asked the Staff to do. He is hopeful that the landowners will be understanding of that. While the percentages look bad at least the numbers aren't that much. He was hopeful that we can get back to more along the lines of last year. Mr. Howard acknowledged the good work Mr. Dillon and his crew have done on the roads to be confident enough to know they won't have to put as much maintenance into the roads, so we don't have to hit the landowners with even more expense.

Mr. Powell noted that the value of the expenses/work to be done isn't money going down the sewer, it is money well spent that holds value. Similar to using your cash to buy property. While you have depleted your bank account

you have increased your net worth because you now own property that has value as this maintenance has a value and are all good choices.

Mr. Jones asked Mr. Haas how much of the \$145 increase to JF was attributed to the section survey. Mr. Haas answered that the section survey is \$15 of the \$145 increase. Modeling is \$8, the work center is \$57, and fund replenishment is \$20.

Mr. Hinkle noted some of the structures need to be fixed because of age and will ease up and save us down the road.

Mr. Matt Gitkin asked when we would see a return on the investment. Ms. Eason said the analysis will show how the plan can make improvements. Depending on how those improvements come about, how much we need to do will then be at the Board's discretion as to the time frame as to implementation of those projects.

Mr. Hinkle sought and received a motion to adjourn the public hearing by Mr. Howard and was seconded by Mr. Meyer and carried unanimously.

Mr. Hinkle welcomed everyone to the regular Board meeting. Mr. Howard made a motion to accept the consent agenda and was seconded by Mr. Powell and carried unanimously.

Ms. Bender, public information, notes the monthly newsletter has been mailed out, and that they are working with Mr. Meyer on the ADA issue with the website and interviewing website developers that are able to do the job and will get the Board information as soon as it is available.

Mr. Hinkle asks for a motion to adopt a resolution to approve the budget. Mr. Powell motioned to adopt the resolution to approve the budget and a uniform method of assessment. Mr. Howard seconded the motion. The budget passed with a 4-1 vote with Mr. Meyer dissenting.

Mr. Dillon presented the manager of operations report. He announced they have just replaced their 400th culvert and it has made a big difference especially this year with 50+ inches of rain in three months. We have gone back and reevaluated the areas we have done a lot of swale and culvert work and I am pleased with what we have seen. Mr. Dillon asked the Board to remove from inventory the Scotsman ice machine. It dropped its last cube. Mr. Howard made a motion to remove the ice maker from inventory. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Dillon requested a ratification on the purchase of a Kubota turn commercial mower for \$14,399.00. Mr. Meyer made a motion ratifying the purchase. Mr. Jones seconded it and it carried unanimously. Mr. Dillon concluded his report.

Ms. Eason presented the engineer's report with status updates on four items. The 19th Plan of Improvement, is 2.3 miles of asphalt in PBCE and 1 mile in JF, is under construction as of July 9th. They will be in PBCE laying rock through the next month and then an asphalt crew will come in and do all the asphalt at once. They are moving quickly and on schedule for a final completion date of January 9th. She discussed some of the issues that have come up - a pole on 175th that has been moved, coordinating with FPL to place a conduit under the road to relocate the line so they can come in and do the paving on 175th, and the box culvert. She'd like to try and get that in before they do any work over there. They are still coordinating the project and still have time.

The next item is the proposed Plan of Improvements. This is just for 74th Ave. N about .4 miles road with the estimated cost of \$200,000 and an assessment of \$1,650 per year. Ms. Eason prepared the referendum and sent it to Mr. Capko for review. Once Mr. Capko reviews it, it will be sent to the Supervisor of Elections for review and then we will let her know when we will do the ballot. Mr. Capko notes that we are coordinating with the Supervisor of



Elections schedule with the primary and general elections as to when we can send the ballot out so as not to interfere with the elections.

The third item is the NRCS funding from Hurricane Irma. As previously noted, in April the NRCS notified us they had additional funding available for 18 sites where we are reshaping the canal banks and doing a little bit of clearing and maintenance. Also, Site 1 will have some rip rap around it. All contracts are executed through NRCS and we have a contract with Murray Logan with a tentative start date of Aug. 27th to start work on the canal banks.

The last item is Section 7. We are still in the analysis stage and the survey field work was finished last week. They have two more weeks before I get the survey information from them for analysis. Meanwhile, there is some scheduling conflicts occurring. The Loxahatchee River Preservation Initiative (LRPI) is asking for applications for grant funding for fiscal year 2020 and we would like to try and receive some grant money from that. Ms. Eason showed some slides of canals on Mockingbird South, Whipoorwill North and Quail North, showing outfalls and ditches needing to be cleaned in order to get that additional storage that we need out there. The idea is to widen the swales and deepen them to get additional storage. In addition, we have about 12 control structures at the end of some of these street ends that will be worked on. It is not just about water quality but also about flood prevention because as you are widening ditches you are providing additional water storage. There are some ditches that are in between lots that we want to widen within our 30-foot easements, so we want to get in there and clean them out. This is very preliminary for Section 7 but there is about seven miles of road within that section that we're looking at clearing ditches on both sides of the road along with some swale clearing. There are about 13 miles of swale cleaning, four acres of easement clearing, 30 culverts, and 12 outfalls. This is very conservative. So, we are looking at 62,000 cubic yards of additional storage treatment volume. Ms. Eason is estimating \$580,000 in cost and the LRPI grant is a 50/50 bringing the estimated cost down to \$290,000 and Mr. Dillon will be doing a lot of the ditch cleaning and outfall clearing. But we must show LRPI the entire cost. Ms. Eason showed an example of what a typical outfall is, and what a 30-foot easement looks like and is considered internal maintenance.

Mr. Meyer stated he is very pleased with the addition of 33-acre feet of storage and asks if any of these easements conflict with landowners. Ms. Eason did say there were a few areas where communications will be needed with landowners. Ms. Eason mentioned a lot of time the easements are not mentioned on surveys and sometimes she goes back four or five landowners to find the mention of easements. Ms. Eason concluded her report.

Mr. Capko presented the attorney's report. He wanted to confirm one issue with the ballots that were sent out last week. There was an issue with the total acreage printed on the individual ballots that was not accurate. Mr. Capko confirmed with the Supervisor of Elections that they don't look at the acreage printed on the ballot they use the spreadsheet that the District provides them so if someone has a mistake on their ballot about acreage it will not affect their ballot, they will get the correct acreage voted. Mr. Capko recommended sending out a one-page notice to landowners so there is no confusion. Several of the Board members asked questions regarding where the mistake came from, the legality of the vote and what to do if a resident calls Ms. Rigsby stating their acreage is incorrect.

We are looking into where the error came from. Mr. Capko will also ask the Supervisor of Elections if they feel it is necessary for the District to review the acreage totals on each ballot. The District is very comfortable that the incorrect acreage totals on the ballot will not be a problem.

Mr. Gitkin, landowner, expressed his concerns regarding discrepancies on acreage printed incorrectly on the ballot. Mr. Powell asked Mr. Haas to confirm that there is going to be a mailing to everyone stating not to worry about it, it's going to be ok. Mr. Haas confirmed that is what is being recommended. Mr. Blair Kennedy, landowner, stated that it would save a lot of trouble to redo the ballots in a different color and get them out by Saturday, Sunday at the latest. Because if in fact this goes to court someone is going to lose and I have a feeling it's going to be the District. Mr. Capko is concerned about sending out new ballots and that they will be received within the 30-day period. There will be people who have already submitted ballots and then you are going to have a question as to whether the first ballot should count, or the second ballot should count. There is going to be as many questions raised by sending out new ballots. That's a Board call and if that's what the Board wants to do that's fine. When

Staff talked about this that was not our initial recommendation to send out new ballots. We knew there was a possibility that we would have to do that, but we were comfortable that whether or not the Supervisor of Elections is perfect in canvassing the ballots, that wasn't going to change if we sent out a new ballot or stayed with the current ballot that was out with notices to landowners.

Mr. Hinkle, asked Mr. Capko, the legal staff, if he can generate a document to all three candidates explaining this in detail? Mr. Capko confirms he can if that is what the Board would like him to do. Mr. Hinkle would like a paper trail for those who are not here, sent by both email and mail assuring them there is no problem and we have the assurance of the Supervisor of Elections. That way the three candidates know and with the mailing out to the landowners, myself I'm comfortable with something of that nature.

Mr. Meyer asked if we have had any discussions with Supervisor of Elections and Mr. Capko confirms they have, and Supervisor of Elections confirms it is not the number of acreage printed on the ballot that they use. They have a print out that matches the property control number with the landowners and with the acreage provided that does not have the glitch this one has. Mr. Capko suggested that he can follow up with Supervisor of Elections to see if they have any other advice. He can draft something to the three candidates tomorrow and send it. He has no guarantee that he will get a response from one of the candidates that is absent tonight and is not here to understand this. Mr. Gitkin asked if we can get a statement that they can push through social media to explain this to the landowners. The Board confirmed they are going to mail it to all the landowners. Mr. Gitkin is concerned about the speed of getting it to the landowners but was assured by the Board that if they have already mailed in their ballots then it doesn't matter. They've already voted and obviously not troubled by it. Mr. Gitkin asked how much this is going to cost the District when a canvassing of the ballots is called for after the election because we know that that is going to happen. Mr. Capko agreed that it is likely to happen every year. The Supervisor of Elections does that, and we get a bill, but it is nominal. The District tries to keep its cost down by having a Staff member attend because the candidate contesting it cannot be there and touch the ballot.

Mr. Hinkle asked that we provide an official comment and get that out to the local groups, so they can put it on social media so that they can say it's coming from the District. Mr. Capko said he could make a statement but can't guarantee the signoff from the Supervisor of Elections because he is going to put a statement in there that they agree this is the proper approach and I have no idea how fast we can get a reply from them to send it out. Mr. Gitkin wants a written agreement, signed by all three candidates that they are ok with this process. The Board feels this is not a valid option and repeated that this is a Board decision to have the final say in how to handle this and not the candidates running.

Mr. Hinkle asked for a motion. Mr. Powell made a motion to authorize the attorney to generate a letter to go to all the landowners with this information. Mr. Howard seconded the motion and it carried unanimously.

Mr. Meyer says he should have brought this up after Ms. Eason's presentation. It has been about ten months since we brought this up at a board meeting. We are on hold on this issue to get the County to come up with some policies for fill. Mr. Meyer wanted to know if we provided the direction that is needed to move the message to the County to make the codes less confusing and to have them enforced. The problem is the level to which people are filling in their property especially because of all the rain. It's an epidemic out there. No one is getting permits, I can tell you that. By the letter of the law, that is how it is supposed to work, according to the County, but yet the County doesn't get us clarification. We had a policy drafted but the County has not put it forward yet. I would like to see the County move forward on this. Mr. Hinkle thanked Mr. Meyer for bringing this up. He confirmed that the County is tagging people filling in ponds. The County is stepping up too, but the problem is they don't have enough people to see all the filling that is going on.

Mr. Hinkle asked Mr. Meyer to read his resolution. *(attached)*

Mr. Capko's opinion is that it is at the discretion of the Board to adopt a resolution to that effect. They have the authority. Mr. Powell mentions we have talked about specificity and the assumption of how important it is to have water retention and the huge negative impact it has on our drainage. None of that has been quantified or evaluated

and you don't have numbers. It's clear that it is in that direction and has some effect. But I think unless you actually look the system, look at the hydraulics of it, quantify some of this, your blowing smoke, you don't know how big a deal this is, it might be very small. In the olden days people filled there lots up and its only now that they have neighbors that it's creating a problem with water running across to the neighbors and suddenly we've come up with how important retention is for the few ponds sitting around. It may be right, but you don't know that because you've never looked at this, the hydraulics have never been quantified, and I think you're basing this all on guess work. I think you have to look at the numbers before you say you have an emergency.

Mr. Meyer responded to Mr. Powell's comments with the following: The County by its own rules says it is a problem. The County's rules say if you are in a special flood hazard area, which they have designated us as, you need a permit for any fill. So as of right now, you bring a truck load of fill to level out a low spot on your property, the County code says you need a permit. You do that, and you don't get a permit you are in violation. They are the ones who have classified us as a flood hazard area. They are the ones who have determined you have to have permits to fill. I just want things clarified. I want people to be able to fill without fearing of being in violation. The only way to do that is to make policies. How are you going to interpret existing code? That's all I'm asking. Let's have some clarity and let people know what they can and cannot do. I don't think the code, as it is written now, is clear and it's not being followed and it's a joke.

Mr. Powell replied that Mr. Meyer's whole point is enforcement. Is the problem that big? From an engineering point of view? No, you are just wanting to enforce a rule that already exist. The assumption is that it is a big problem. All I'm saying is it would be better if you knew what the problem was. Mr. Hinkle stated that there is a big problem out here. There are several landowners out here that have lost use of their property because their neighbors have filled in. So, it is causing a problem not only in our District but in other Districts because they're bringing dirt into these areas and not abiding by bringing it into the swales, they're just dumping it into their neighbors. It wasn't a problem when we had all these empty lots. We used to have the authority, but the County took it away from us. It also creates a lot of infighting between neighbors all over water. The problem has become worse because the County has been dragging its feet enforcing their own codes. People are in a rush to bring in fill before they start this "new" permitting.

Mr. Howard asked if we know where the County stands on the discussions on this topic on the language? Ms. Eason notes that she has not received any update. We had a discussion with them and they wanted our assistance on determining what's an appropriate amount of fill and such, they told us that they would provide the Board with a letter asking SIRWCD to direct her to do the work. We've gotten no further information from them. Mr. Jones, reading the resolution, says we strongly encourage the adaption of clear and specific policy. I have no problem encouraging that. Mr. Hinkle asked if anyone would like to make a motion to adopt. Ms. Eason would like Mr. Capko and her to review the language before it is sent to the Board of County Commissioners. Mr. Meyer made a motion to adopt the resolution with necessary changes by Ms. Eason and Mr. Capko before it was sent to the Board of County Commissioners. Mr. Howard seconded the motion. The vote passed with a 4-1 vote with Mr. Powell dissenting.

Mr. Hinkle asked if there was any other old business or new business.

Mr. Dillon announced that Mr. Wood had met the Certified District Manager requirements and will be certified as a District Manager. That makes two certified District Managers in our District.

Mr. Hinkle asked if there were any landowners comments.

Mrs. Donelle Jones thanked the District. With all the rain that we have had, we have not had any standing water in our yard, and our road didn't flood.

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

ADJOURNED.

**Proposed Fill Resolution  
08/16/2018 SIRWCD Board Meeting**

Whereas the South Indian River Water Control District (SIRWCD) finds that the filling of properties, beyond what is required for the construction of a home and certain associated structures typically associated with agricultural/residential properties in Jupiter Farms and Palm Beach Country Estates, reduces available water storage needed for flood protection and water quality treatment and can often result in the diversion of storm water onto adjacent properties; whereas existing county codes lack clarity and specificity on how such codes are to be applied by the County; whereas the lack of clarity and specificity in the interpretation of existing codes reduce the effectiveness and consistency of application; and whereas the lack of clarity, specificity, effectiveness and consistency in applying such codes adversely impacts the storm water drainage system of SIRWCD and the flood protection of individual properties;

So be it resolved that SIRWCD does hereby strongly encourage the adoption of clear and specific policies on the regulation of fill placement in Jupiter Farms and Palm Beach Country Estates for the purpose of providing fair and consistent application of the County's codes, minimizing adverse impacts of such filling on the storm water drainage system of SIRWCD, and protecting landowners within the boundaries of SIRWCD from un-regulated and damaging fill placement.

**MINUTES OF THE REGULAR MEETING  
OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON SEPTEMBER 20, 2018**

The regular meeting of the South Indian River Water Control District was held on September 20, 2018, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, John Meyer, Michael Howard and John Jones. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Terry Lewis, attorney; Mike Dillon, manager of operations; and Jane Woodard, secretary. A large number of landowners were also present.

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

Mr. Jones made a motion to approve the consent agenda which included the monthly disbursements. Mr. Howard seconded the motion and it carried unanimously.

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