



South Indian River Water Control District™

Established 1923

A Florida Special District

15600 Jupiter Farms Road • Jupiter, Florida 33478-9399 • (561) 747-0550 • Fax (561) 747-9182

www.sirwcd.org

sirwcd@sirwcd.org

BOARD OF SUPERVISORS MEETING AGENDA

June 29, 2023 – 6:00 pm

District Work Center

15600 Jupiter Farms Rd., Jupiter, FL 33478

Meeting and Zoom Video Conference

- 1) Pledge of Allegiance
- 2) Consent Agenda
 - A) Approval of Minutes of Previous Meeting
 - B) Approval of Warrant List
- 3) Landowner Items
- 4) Public Information Report
 - A) Policy and Procedures Manual
- 5) Treasurer's Report
 - A) 2023-24 Budget Discussion
- 6) Manager of Operations Report
- 7) Engineer's Report
 - A) Section 7 Resurvey
 - B) Canal C Project
 - C) Water Quality Monitoring
 - D) 20th Plan of Improvements
 - E) Budget for Modeling Palm Beach Country Estates Drainage Study
 - F) Update on FPL Pole Conflict with Busch Culvert
- 8) Attorney's Report
 - A) Ethics Training Update
- 9) Old Business
- 10) New Business
 - A) Renewal of Aquatic Weed Spray Contract
- 11) Adjourn

Public Information Monthly Report June 2023

**TO: Board of Supervisors
South Indian River Water Control District**

**FROM: Dick Gruenwald Associates
District Public Information Specialists**

News releases/Notices were sent out to local newspapers and community publications:

- 1) Monthly Board of Supervisors Meeting (June 29) release
- 2) Hurricane Season Preparation

The following items were updated or added to the website:

- 1) Multiple copy changes on numerous pages
 - Statistics, Board Meetings, Budget, Elections
- 2) Monthly Meeting (Apr. 20) minutes
- 3) Board of Supervisors Monthly Meeting (June 29) information and Zoom registration invitation
 - Agenda, staff reports and slide presentation

Attended Monthly Meeting (May 18) at District Office.

We will begin work on the 2023 Welcome to the District letter upon receipt of the updated assessment roll from the District Treasure.

We will begin working with the District Treasurer to prepare slides for the 2023-2024 fiscal year budget.

Donna DeNinno originally secured four initial proposals for accessibility-compliant website development and hosting and did extensive research and prepared outlines to work with legal, Michael Howard, John Meyer, and Holly Rigsby on content and changes for the District's website. Keeping costs within budget was a primary consideration, as well as meeting the accessibility guidance. We do have the accessibility statement suggested by legal on the existing website regarding creating a new compliant site and that the District will provide content upon request to those currently unable to access any information. Covid-delayed Florida Senate and House bills sponsored by Florida Association of Special Districts to change requirements for special district websites were signed into law on July 1, 2020. Ms. DeNinno and Legal reviewed changes and reported on options at the July 16, 2020, Board Meeting. The Board approved creating the new site based on the latest information required by the State.

We are continuing to update pages within the existing website that will be included in the creation of the new site, once reviewed by the committee and Board. Nine Portable Document Files (PDFs) that are required to be on the website have been remediated through a third-party accessibility company. As requested by the Board, we are now including Staff Reports and Presentations in addition to the Agenda for meetings. We are currently updating these files dating back to October of 2020. New PDF remediation checkers have been released and we are using these to check our remediated files for compliance. We have

sent staff information with tips for preparing more accessible documents that will be used as PDF files on the website so remediation will be easier.

Municode is now a wholly owned subsidiary of CivicsPlus (these are companies we quoted with for the creation of an accessible website). Both companies use the same software, have the same features and similar costs. An updated quote was received for \$4,050 per year, which incorporates design of the site, hosting, maintenance. We continue to edit and revise the existing website, remediate PDF files, and prepare for moving the website to a new host. We are concerned with the rapidly increasing cost of website hosting with CivicsPlus/Municode. The last quote received in September of 2022 had increased almost \$1,000 from January. This could mean hefty increases each year. While this quote is still less than other government-oriented hosting companies, it may be much more beneficial to create an accessible WordPress site and use accessibility checking software/company to ensure Americans with Disabilities Act compliance. As per Ms. Kennedy's request, we spoke with Todd Wodraska at Special District Solutions to ask whether they offered website creation and hosting for special districts. As a company that creates, manages, and provides administrative and financial services, they do provide website hosting through GoDaddy and use a stock WordPress template for the companies they manage. They said that it hasn't been done before but they could provide a quote to allow us to use their template and host on their server, however this is something the District can do on its own. **We will be discussing website options with the committee.**

The District office and staff met on April 23, 2021, to review and discuss updates by Legal of the District's Policy & Procedures Manual. These revisions to Chapters 1-6 and associated Appendices have been incorporated into the manual. Mike Dillon, Donna DeNinno, and Mike Howard met on June 16, 2021, for additional discussion. A Policy Committee Meeting was held on October 5, 2021, at the District Office with John Meyer, John Jones, Mike Dillon, Donna DeNinno, Bill Capko and Seth Behn in attendance and Amy Eason attending via Zoom. Three landowners also attended. The Policy & Procedures Manual Update was discussed, and additional revisions were made. John Meyers and Donna DeNinno made additional updates and changes to Chapters 1-6 and the Table of Contents in December and January, and the latest revision was submitted to Michael Howard, Mike Dillon, Legal, and Engineering, with comments due back by January 20, 2022. Michael Howard and John Meyers made a few additional changes after the January 20 meeting. Mr. Meyer asked at the February 17, 2022, meeting if Chapters 7-9 and Chapter 10 could be completed by the end of the year. Comments have been received from legal, Laura Bender, and Mrs. Rigsby for additional updates to Chapters 1-6 and Appendix C, which includes election information, and a draft was sent to the Board and Staff for review. Chapters 7 and 8 were received from engineering and reviewed by Mr. Meyer, Mr. Howard, and the staff and after comments, Chapters 7 and 8 have been combined and revisions made. Mr. Behn sent a draft of the procurement policy to staff and the Board for comments and changes in late November. This will be the new Chapter 9. Chapters 7-9 were incorporated into the draft manual and sent to the committee for review prior to the December 8 meeting. Mr. Meyer has sent changes, and these are being reviewed by Engineering and Legal. The board approved the Procurement Policy section separately in January.

Changes to Chapters 7 and 8 were made by Engineering and were forwarded to the committee for review in April 2023. We received responses in May 2023, and these were incorporated into the manual. The manual was updated with an interactive Table of Contents and formatted to prepare for accessibility. The latest version with comments was sent to staff for further review.

Susan Kennedy, Karen Brandon, and Donna DeNinno held a January 2022 Zoom meeting to discuss options for public education materials, with an initial focus on information for the wet season - District

drainage and flooding management. The consensus was to consider a series of options such as animations, infographics, videos, and fact sheets on a number of subjects of interest to the landowners and of importance to the District. The Board was updated on this approach at the January Board meeting. Ms. DeNinno has provided research information to Ms. Kennedy and Mrs. Brandon for consideration of topics to include in our projects. Ms. DeNinno secured original art files from South Florida Water Management District, and they have given us permission to utilize their materials in our projects. The first project will be on drainage and flooding with print fact sheets/infographics. Ms. Kennedy, Mrs. Brandon, and Ms. DeNinno have had three Zoom meetings and an initial draft was sent to Board members for comments at the May Meeting. Ms. Kennedy asked Ms. DeNinno to send her the file so she could make edits, and Ms. DeNinno sent her the information on May 20, 2022. **Ms. Kennedy is currently working on the file.**

The premier of the Drainage in the District Video was shown at the Annual Landowners' Meeting in September 2022, and links to the video on YouTube were provided to community social media. **The video has received 412 views and 12 likes as of June 22, 2023.**

We continue to work with Mr. Howard, Ms. Kennedy, and the Manager of Operations on a regular basis. We review and monitor print and online media for all District-related stories articles on roads, drainage, and other issues of interest in Palm Beach County and Florida, as well as nationally, then prepare and distribute material to supervisors and members of the staff via e-mail.



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15600 Jupiter Farms Road, Jupiter, Florida • (561) 747-0550 • Fax (561) 747-9182

To: Board of Supervisors

From: Charles F. Haas, Treasurer

RE: Treasurer's Report for the month of May 2023

CC: Staff

Date: June 29, 2023

Routine Business

- 1) The district received a total of \$5,820,633.66 in current assessments receipts from the Palm Beach County Tax Collector through May 2023.
- 2) The audit is nearing completion, with the audit report expected to be delivered by June 30, 2023. The Budget to Actual report for the six months ended March 31, 2023, has been forwarded to the Budget Committee for their review.
- 3) The state required Annual Financial Report, a prescribed online reporting mechanism has is being uploaded.
- 4) The 2023-24 Proposed Budget has been drafted and reviewed by the Budgetary Committee and is being sent to the Board under separate cover.
- 5) Following the Board's direction, we will be sending our report to the District's Public Information Officer for uploading to the website.

Board Consideration

- 1) The Board will be asked to approve the list of disbursements. (Sent under separate cover).



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MEMORANDUM

TO: Board of Supervisors
FROM: Manager of Operations
SUBJECT: Manager's Report for May 13, 2023 to June 22, 2023
DATE: June 22, 2023

ADMINISTRATIVE

- 1) Reviewed District canals with Aquatic Weed Spray Contractor.
- 2) On-site meetings and phone conversations with Landowners related to maintenance activities throughout the District.
- 3) Meetings with contractor to discuss seal coating parking lot and walk path at Berman Park.
- 4) Meeting with District Engineer and Property Manager for Egret Landing to inspect discharge pipes into lakes.
- 5) Salgado Tree Trimming begins work on the Canal 14 tree removal. (Update)
- 6) Received \$3,041.75 for Verizon cell tower lease.
- 7) Meetings with Wynn & Sons to discuss asphalt overlays on roadway aprons in Palm Beach Country Estates and Jupiter Farms.
- 8) Attended Jupiter Farms Residents' Meeting via Zoom.
- 9) Attended Loxahatchee River Preservation Initiative meeting.
- 10) Teams meeting with District Engineer and Contractor for Simmons and White to discuss maintenance concerns along Canal 4 in Jupiter Farms.

WATER CONTROL

- 1) Received 14.64 inches of rain this reporting period.
- 2) Crews installed 14 driveway culverts and seven temporary culverts. Crews also prepared swales for four new construction culvert installations. Four driveway culverts were inspected.
- 3) Terra Tech continues canal spraying for aquatic weed control.
- 4) Crews continue to inspect landowner driveway culverts for replacement and drainage swales for recontouring.
- 5) Crews continue to inspect and replace inoperable drainage culverts throughout the District.

- 6) Discussions with Palm Beach County Road and Bridge related to swale cleaning along County Rights-of-Ways.

ROAD MAINTENANCE

- 1) Roads continue to be graded on a weekly basis.
- 2) Roads are being recontoured throughout the District for proper stormwater runoff.
- 3) Lake Point Restoration hauled 1487 tons of shell rock to the District yard.

Michael Dillon

Michael Dillon
Manager of Operations

Memorandum

To South Indian River Water Control District
Board of Supervisors

CC

Subject Engineer's Report for April

From Karen D. Brandon, PE, District Engineer

Board Meeting

Date June 29, 2023

The following is a summary of activities and communications that were of significance during the past month. Updated information is presented in **bold**:

I. CURRENT CAPITAL IMPROVEMENTS AND OTHER DISTRICT PROJECTS

- A. Staff has executed a contract for the surveying of Canal C. Survey has been obtained. Staff prepared design cross sections and preliminary plans for the permit applications to expand and relocate Canal C to allow for maintenance on both sides of the canal. Staff also investigated the ownership of Canal C and has attended a meeting with South Florida Water Management District to discuss permitting. Per Board direction, staff submitted a Loxahatchee River Preservation Initiative grant application for this project and was ranked on August 9, 2021. Staff submitted the House of Representatives forms for submission to the Florida Legislation for consideration. In addition, staff has reached out to the Florida Department of Environmental Protection to discuss permitting. Notification was received March 9, 2022, that Legislative funding was approved for the Canal C project in the amount of \$312,500 for Fiscal Year 2023. Staff is also researching the U.S. Army Corps 404 Permitting and the delegation to Florida Department of Environmental Protection. It is anticipated that the project will qualify for an exemption for stormwater maintenance. FDEP has confirmed that as long as there are no wetland impacts that are in Waters of the United States then a 404/Federal authorization will not be required. Staff submitted a letter to them requesting confirmation of qualification as an exemption or "No Permit Required". The Florida Department of Environmental Protection has requested completion of a Waters of the United States form followed by a site inspection for verification. Staff was notified by the Florida Department of Environmental Protection this week that we have been assigned a new permit reviewer. A site inspection with the new reviewer has been requested. After requesting a site inspection with the Florida Department of Environmental Protection reviewer, we were informed on January 26, 2023, that our application has been assigned to yet another new reviewer (our third). We have requested a site inspection with the new reviewer.

A site inspection was held with the Florida Department of Environmental Protection permit reviewer on April 4, 2023. The reviewer, David White, was still unsure as to which permit route – No Permit Required, Exemption, or General Permit will be required. He will review historic aerials and discuss with his manager. He also requested the fill quantity up to the top of bank. He now has a much better understanding of the project.



Staff has followed up with the Florida Department of Environmental Protection reviewer via email to request a decision on the required permit. **On June 21, 2023 staff received an email from the reviewer stating that he has reviewed the Waters of the United States information and the additional historic aerials provided and will be drafting a No Permit Required letter for review and signature by his management.**

The Florida Department of Environmental Protection Grants office forwarded Agreement Forms and Insurance Requirements which are necessary for them to draft the grant agreement. These forms and the Certificate of Insurance were submitted to Florida Department of Environmental Protection in early December 2022.

The Florida Department of Environmental Protection Grants office is currently working to finalize the Grant Agreement. Arlene Acevedo has been assigned as the Project Manager for this Agreement.

South Indian River Water Control District received the Grant Funding Agreement from the Florida Department of Environmental Protection for execution on May 2, 2023.

- B. On June 23, 2021, staff received notice from the Florida Department of Environmental Protection that South Indian River Water Control District received a cost reimbursement grant of \$353,650 for the Section 7 Drainage Improvement Project. Staff prepared the information for the agreement and submitted it to them on August 31, 2021. Florida Department of Environmental Protection executed the agreement on October 22, 2021, and the operation manager ordered three (3) risers. Staff has been finalizing calculations and preparing contract documents for various components of the project to obtain costs from various contractors in accordance with South Indian River Water Control District policy and procedures. A site inspection to verify field conditions was conducted on January 27, 2022, with staff. As a result of the site meeting, some revisions and adjustments were made to the plans. A quarterly Progress Report was sent to Florida Department of Environmental Protection on January 14, 2022. A teleconference was held between staff and the Florida Department of Environmental Protection Grant Project Manager on February 3, 2022. The plans, once finalized, will be sent to them prior to construction. The plans are scheduled to be submitted to the District Manager for review by March 17, 2022, prior to submittal to Florida Department of Environmental Protection. A meeting was held with staff on March 23, 2022, for a final review of the plans. Minor edits have been made to the plans and the calculations of additional storage volume to be provided by the project are being finalized. The quarterly Progress Report is being submitted to them this week. The final construction plans were submitted to the Florida Department of Environmental Protection Grant Manager on April 29, 2022, for his files. The District Manager is in the process of requesting bids from contractors for the riser/culvert installations and land clearing activities.

On May 2, 2022, South Indian River Water Control District received a request for information from the Public Integrity & Elections Committee by email for the Section 7 project. The notification includes a list of records to be produced related to invoice documentation, communications with Florida Department of Environmental Protection, contracts, and status of the project. Staff reached out to the Committee Staff Director on May 6, 2022 and discussed the current status of the project. The requested information was submitted on June 3, 2022.

As a result of the Manager of Operations receiving only one bid for the installation of the riser/culverts after reaching out to several contractors, staff decided to advertise for bids in the Palm Beach Post. The advertisement ran on July 10, 2022, with a bid due date of August 9, 2022.



A quarterly Progress Report was submitted to the Florida Department of Environmental Protection on July 17, 2022.

Unfortunately, only one bid was received for the riser/culvert installations and the bid was very high. Staff is reaching out to the contractor to clarify his assumptions, with the intent of negotiating a more reasonable price. Meanwhile, the clearing of vegetation from the easements has been completed.

The Section 7 contract was re-bid in September with a due date of October 11, 2022. Two bids were received and are currently under review for responsiveness. It is anticipated staff will make a recommendation for the award at the October meeting.

A quarterly Progress Report was submitted to the Florida Department of Environmental Protection on October 13, 2022.

The construction contract was awarded to Johnson-Davis, Inc. at the October Board meeting. The Contract has been fully executed and a pre-construction meeting was held on November 30, 2022. The Notice to Proceed date was set for December 12, 2022, with a completion date of February 28, 2023.

Johnson-Davis is making good progress on the installation of the riser/culvert structures. They have one structure remaining and are expected to be substantially complete by the end of next week. A site inspection is scheduled for January 13, 2023, to verify work completed for approval of Johnson-Davis' first Pay Application and to review the progress to date.

A quarterly Progress Report will be submitted to the Florida Department of Environmental Protection on January 13, 2023. In addition, a Change Order to the Agreement was executed, extending the construction completion date to March 31, 2023.

A second Pay Application for the balance of the contract less retainage for work through January 31, 2023, has been received and is recommended for approval.

Pricing from three (3) contractors has been received for the installation of four (4) culverts. Upon initial review, Johnson-Davis appears to be the low bidder therefore, it is proposed that a Change Order to their contract be executed for the additional work. A Change Order was issued and Johnson-Davis is scheduled to commence work on the installation of four (4) culverts on March 20, 2023. Johnson-Davis has completed the installation of the four (4) culverts. We are awaiting the final as-built information.

A second and final Request for Reimbursement in the amount of \$288,850 was submitted to the Florida Department of Environmental Protection. Comments were addressed on April 12, 2023. Once reviewed and approved by the Florida Department of Environmental Protection, they typically pay within two weeks.

The final reimbursement check in the amount of \$288,850 was received from the Florida Department of Environmental Protection the week of May 1, 2023.

The Engineer has received the as-built information from Johnson-Davis and is confirming that the slight deviations in elevation will not make a significant difference in stage. Once this is completed, Johnson-Davis will submit their final Pay Application.

- C. The funding for the 20th Plan of Improvements has been received from the landowners. The next step is for the Engineer to prepare the Amendment for the 20th Plan of Improvements.

The draft 20th Plan of Improvements is being reviewed by legal, the Treasurer and staff. The draft Plan of Improvement will be submitted for Board consideration at the May Board meeting.

- D. Estimated fee proposals for the modeling of the Canal D sub-basin and all of Palm Beach Country Estates have been prepared for budgeting purposes. Survey proposals have been requested from two survey firms for use in the modeling of the Palm Beach Country Estates system.

The Engineer has reviewed the survey proposals and confirmed that Legacy Surveying's fee does encompass the task items per the scope specified. A purchase order is the process of being issued to Legacy so that the work can proceed.

II. OPERATION AND MAINTENANCE

- A. The Annual Report for permit year 21-22 was submitted in March to the Florida Department of Environmental Protection. Joint Annual Refresher Training took place on March 10, 2023.

The District was notified that our Year 6 Annual Report, which was submitted in March 2023 has been determined to be complete by the Florida Department of Environmental Protection. In May, the Florida Stormwater Erosion and Sedimentation Control Training Certification Course will be held virtually on the 17th and 18th.

The next Steering Committee meeting is scheduled for September 20, 2023. The agenda will include the Program Budget Reports, the Cycle 5, Year 1 Permit Requirements and the Public Education Program.

- B. Staff continues to monitor and participate in the activities of the Loxahatchee River Ecosystem Management Committee, the Loxahatchee River Initiative, and the Loxahatchee River Management Coordinating Council. The Council met on June 27, 2022. The meeting included an update on the Loxahatchee River Watershed Restoration Project Rulemaking Revisions. Their next meeting is scheduled for June 26, 2023.
- C. Staff had a conference call with South Florida Water Management District staff members Beth Kacvinsky and Jeff Buck on February 10, 2022, to discuss the G-92 Agreement between South Indian River Water Control District and South Florida Water Management District for operation of the structure. Beth will discuss with South Florida Water Management District operations staff and others to initiate the process of developing an updated agreement. Staff received an email with flow graphs for G-92 on March 9, 2022, for review. An update on the status of internal discussions at South Florida Water Management District regarding a new G-92 agreement was requested on March 11, 2022.

Staff attended the Palm Beach County Water Resources Task Force Meeting on March 31, 2022, and had the opportunity to speak with Jennifer Reynolds, who is the Director of Ecosystem Restoration and Capital Projects for South Florida Water Management District. The South Florida Water Management District is proposing to amend consumptive use permitting criteria to protect water made available by the Loxahatchee River Watershed Restoration Project. This water resource protection is a prerequisite for the South Florida Water Management District signing a Project Partnership Agreement with the US Army



Corps of Engineers for the Loxahatchee River Watershed Restoration Project by September 2022. Ms. Reynolds is not authorized to begin drafting agreements, such as the new G-92 Agreement, until after the rule is final. Staff reached out to Jeff Buck on December 2, 2022, to request an update as to when South Florida Water Management District will be ready to start discussing a new G-92 Agreement. Staff had a conference call with Jeff Buck, Adnan Mirza (Operations), and Matt Alexander (Lead Engineer for Flow-way 2) of South Florida Water Management District on January 6, 2023. South Florida Water Management District is currently working on the C-18 West Impoundment design, and it is scheduled to take 2-3 years. No discharge through the G-92 structure is proposed during rainfall events. However, there may be the need for emergency releases from the reservoir. Staff explained that keeping the stages in the 13-13.5 ft NGVD range in the C-14 Canal works best for South Indian River Water Control District. The C-14, C-4, C-5, and C-6 Canals are the most impacted when South Florida Water Management District discharges through the G-92 structure. The stages in the District canals come up very quickly, especially when the ground is saturated. For now, South Florida Water Management District recommended that South Indian River Water Control District continue to work with Operations. More detailed modeling information will become available during the C-18 W Impoundment design process. South Indian River Water Control District can coordinate with Jeff Buck and Matt Alexander.

- D. In response to the Board's requests last month regarding water quality sampling, staff obtained a quote from Pace Analytical Services, LLC for Sucralose. The additional monthly fee would be \$450/sample or \$3600 for all eight sample locations, which would double South Indian River Water Control District's sampling cost. Additionally, trend graphs have been created for the metals currently sampled. Staff's recommendations for modifications to the Water Quality Monitoring Program were presented at the October Board meeting. At the Board's request, water quality trend graphs were prepared for all the sample parameters at all District monitoring locations and distributed to the Board for a more thorough review. A follow-up discussion was held at the December Board meeting.

The water quality parameter summaries to be included with the water quality trend graphs have been finalized, and a copy will be kept at South Indian River Water Control District's office for review by the public.

The first E. Coli sample data was received for May however, the sucralose results have not been received from Pace yet.

- E. Final edits incorporating Board member comments on Chapters 7 and 8 and the first draft of revisions to Chapter 9 of the Policy and Procedures Manual were forwarded to the Public Information Officer for incorporation into the draft Manual. Staff has made revisions in response to the comments received from Board Members and resubmitted to the Public Information Officer. Staff received a final round of comments in May and are working on addressing them.
- F. We continue to provide engineering assistance to the Manager of Operations, as needed, on operation and maintenance items, as well as landowner requests, utility requests, and inquiries from other governmental entities on issues that involve engineering support.
- G. We continue to provide engineering assistance to the General Manager, as needed, on operation and maintenance items, as well as landowner requests, utility requests, and inquiries from other governmental entities on issues that involve engineering support.

Should you have any questions or comments, please feel free to contact me for more detailed information on any of the above subjects.