

**MINUTES OF THE ANNUAL LANDOWNERS' MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON SEPTEMBER 17, 2015**

The annual landowners' meeting of the South Indian River Water Control District was held on September 17, 2015, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Approximately 67 landowners were present.

Mr. Michael Danchuk called the meeting to order. The floor was opened to nominations for chairman and secretary. A motion was made and seconded to elect Susan Kennedy as chairman. Another motion was made and seconded to elect Tom Powell as chairman. There were no other nominations for chairman. A motion was made to nominate Jane Woodard as secretary. There were no other nominations for secretary.

Mr. Danchuk called for a show of hands for the election of the chairman. There were 43 hands for Susan Kennedy and five hands for Tom Powell. Mr. Bob Berman called for a roll call vote by acreage. This was seconded by Mr. Tom Rice. Mr. Berman noted that the law requires a vote by acreage. Mr. Danchuk asked for a statement of acreage from the landowners voting for Mr. Powell, including those voting through the proxies held by Mr. Berman. The total acreage was in excess of 80 acres. Attorney Tara Duhy reviewed the proxies and researched the law. She stated there is nothing in the District's Special Act that requires the vote to be by acreage. She further stated the Special Act and the governing statute do not address this issue.

A landowner made a motion that the majority of landowners present establish the chairman for this landowners' meeting. The motion was seconded. Mr. Powell stated that the Florida Statutes state voting is to be in person or by proxy. Attorney Duhy stated if a proxy is not received in the District Office prior to the meeting, it is not accepted. However a proxy could be accepted as provisional. She will clarify the law as to this issue, but for now the motion to elect a chairman by a majority vote will stand. It was noted by a landowner that proxies must be presented to the secretary of the District at the office of the District prior to the annual landowners' meeting. Attorney Duhy again stated the law does not address how to establish a chairman for the annual landowners' meeting. Therefore, it was her opinion that the vote for chairman will be by a majority; proxies must be received at the District office prior to the time of the annual meeting. Mr. Danchuk clarified that the landowners present are the only ones who will vote. Attorney Duhy confirmed this clarification, unless there were proxies received by the secretary prior to the beginning of the meeting. A landowner called for a vote on the motion to elect a chairman by a majority vote from the landowners present at this meeting. The motion was seconded. The vote by show of hands was 49 for Susan Kennedy and nine for Tom Powell. Ms. Kennedy was then seated as chairman of the annual landowners' meeting.

Ms. Kennedy called for a vote on electing Ms. Woodard as secretary for the meeting and there were no objections.

Mr. Steve Hinkle made a motion to accept the minutes of the last annual landowners' meeting. Mr. Michael Ryan seconded the motion and there were no objections.

Ms. Kennedy called for the election of supervisors. A landowner noted that the positions available have requirements and made a motion that the candidates show proof of ownership or residency according to the statute, using a driver's license, lease or deed. The motion was seconded. Mr. Berman stated this motion was out of order as the item was not on the agenda and it is not a proper action to be taken at this meeting. After further discussion of this issue, a vote was called on the motion and there were no further objections.

Mr. Tom Rice, as one of the candidates, stated he had already provided his residency information to the District's attorney. At this time the landowners requested that the current Board of Supervisors and staff leave the stage and be seated with the landowners. Nominations were then made for the supervisor positions. Mr. Tom Powell nominated Mr. Tom Rice. A landowner nominated Mr. John Meyer. Mr. Bob Berman nominated Mr. Rick Lee. A landowner nominated Mr. Steve Hinkle. A motion was made and seconded to close the

nominations. There were no objections. Ms. Kennedy asked the nominees to provide appropriate identification at this time. Landowners were asked to deposit their ballots if they had not already mailed them. Mr. Hinkle noted that all the nominees were on the official ballot; if one of those nominees did not qualify on the day of election, those votes would be voided. Mr. Rice noted there is nothing that states a nominee has to be present at the annual landowners' meeting.

Ms. Kennedy then called for the annual staff reports. Mr. Charles Haas presented the treasurer's report, a copy of which is attached to these minutes. He explained revenues, expenditures and capital project funds. In response to several landowner questions, he stated there is no storm reserve per se. There is a reserve to maintain paved roads. A portion of the assessment is for paved roads and a portion goes into the general fund. He also explained that if a referendum for paving fails to pass, the cost will be assessed to specific landowners if possible.

Ms. Eason presented the engineer's report, a copy of which is attached to these minutes. She noted the District is in compliance with all regulatory requirements that affect the works of the District and their operation. She discussed capital improvements, resource regulations, intergovernmental coordination, and operation and maintenance. She discussed the 18th Plan of Improvements, the NPDES program, water monitoring and proposed rules, and intergovernmental coordination with other agencies. Concerning operation and maintenance, Ms. Eason discussed improvements of the facilities, the Berman Park, various canals, the Reese Bridge, water quality monitoring, rainfall and the level of service in the District. In response to landowner questions, Ms. Eason stated there are 98 miles of unpaved roads. She discussed the paving timeline for the next project. She agreed to look into the life expectancy of the Reese bridge. Ms. Eason explained the petition process including the minimum requirements necessary to go to referendum and the requirements necessary to pass a referendum. She noted that only those who vote determine the outcome of a referendum.

Mr. Dillon presented the manager's report, a copy of which is attached to these minutes. He discussed erosion in the District. He discussed the rainfall over the past few weeks. A landowner commented that the condition of the roads has improved and also noted improvements made to the courts in the Berman Park.

Ms. Kennedy called for voting on compensation for the supervisors. Mr. Hinkle stated the statute allows for \$50/day for a maximum of eleven days per month. He made a motion to continue the compensation at this rate. The motion was seconded without objection.

Ms. Kennedy then opened the floor to general discussion by the landowners. They discussed landowner-initiated capital improvement projects and the recent District-wide survey. A motion was made that these projects should be determined by a 50%-plus-one vote of the affected landowners, with a three-year waiting period prior to re-petitioning on a failed referendum. The motion was seconded. Attorney Duhy stated it is not appropriate for landowners to make this motion; this is an issue that is for the Board of Supervisors. The motion was then amended to request that the supervisors consider these terms in the future. It was also requested that future voting for chairman of the annual landowners' meeting be by majority of those present. Mr. Berman objected. Ms. Kennedy stated the chairman determines that the landowners present will give direction to the supervisors by a majority vote, not by acreage. Mr. Berman stated this is contrary to the advice of the attorney. A landowner noted that the recent District-wide survey indicated what a majority of the landowners want but the Board chose to ignore it. He called for a vote on the motion and Ms. Kennedy declared that a majority of the landowners present passed the motion.

A motion was also made directing the Board to create a rule that all supervisors must reside as full-time residents during the entire term of office. The motion was seconded. Mr. Berman objected that this motion was contrary to legal advice. Ms. Kennedy stated this is an advisory motion only and acknowledged that a majority of the landowners approved the motion. A landowner requested that residency be verified before the ballots are sent out next year. Ms. Kennedy stated the supervisors are aware of the landowners' request.

Mr. Hinkle commented that all future Board meetings will be held at 7:00 p.m. instead of 7:30 in the Media Room at Jupiter High School.

A motion was made and seconded to adjourn the annual landowners' meeting. There were no objections.

ADJOURNED.

Note: The Annual Reports of the Treasurer, Engineer and Manager of Operations are provided on the Annual Landowners Meeting page of the website at www.sirwcd.org/annualmeet.html.