

## **MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON APRIL 15, 2021**

The regular meeting of the South Indian River Water Control District was held on April 15, 2021, at 6:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida, and via Zoom video conferencing. Present in person were Supervisors Tom Powell, John Jones, John Meyer, Michael Howard and Susan Kennedy. Also present in person were Amy Eason, engineer; Mike Dillon, manager of operations; Jane Woodard, secretary; and Holly Rigsby, office administrator. Charles Haas, treasurer; William Capko, attorney; Terry Lewis, attorney; and Donna DeNinno, public information, were present via Zoom conferencing. Two landowners were also present via Zoom conferencing.

Mr. Powell called the meeting to order.

A plaque was presented to Mike Dillon in appreciation of his 25 years of service to the District.

A motion was made to approve the warrant list. The motion was seconded and carried unanimously.

Mr. Powell opened the floor to landowner comments. Mr. Gitkin inquired when the landowners will be able to attend meetings in person. Mr. Dillon noted the office should be fully functional by the May meeting. Following the current CDC guidelines for adequate spacing, the office will allow for six people. There were no other landowner comments at this time.

Ms. DeNinno presented the public information report. She noted that information regarding the newly appointed officers and Board supervisor will be included in the next newsletter, as well as acknowledgement of Mr. Dillon's 25 years of service. Ms. DeNinno reported on updating the website. She has information regarding software for ADA compliance. Ms. DeNinno will be meeting with Ms. Eason to set up a registration process for landowners to register for Zoom conferencing of future meetings.

Mr. Haas presented the treasurer's report. He will be starting the budget process shortly. Information from the Board regarding any changes or new programs should be given to Mr. Dillon.

Mr. Dillon presented the manager of operations' report. The overlay on 165th in Palm Beach Country Estates has cracking and potholes. Repairs were performed but they are not holding up. The base material has become saturated and is failing. Contractors have submitted bids to make repairs. The low bid was \$26,450 from Ranger Construction. No Board action is required. Mr. Meyer questioned if this is an isolated case or can we expect the same with other roads. Mr. Dillon reported that this is an isolated case. Mr. Jones asked if there is any recourse against the contractor who put the road in. Ms. Eason stated this road was paved in 2012 with a one-year warranty. Mr. Dillon reported on the drainage issue on 159th Court which was discussed at the last meeting. He presented photos of the area and noted both sides have been cooperative in reaching a compromise.

Ms. Eason presented the engineer's report. She reported that the Canal C survey information has just been obtained. She showed one cross section and what the proposed conditions look like. There is 15' of access on the south side. Ms. Eason also reported on Canal E. SFWMD will schedule a pre-application meeting next week. Ms. Eason wants to get the background of permits put together so she can present

information at the meeting. The Loxahatchee Slough is being monitored for possible breaching. Ms. Eason is preparing options to discuss.

In answer to Board member questions, Ms. Eason stated that Canal C does not have an issue regarding an impact on wetlands access. There will be a pre-application meeting on Canal C, and Ms. Eason is coordinating that with the attorney first. The operation and maintenance of Canal C will be under the jurisdiction of the Army Corps of Engineers. Ms. Eason presented photos of where dirt will be pulled from the north side of Canal C and deposited on the south side in order to increase the width of the bank.

Mr. Capko presented the attorney's report. He has a work session scheduled for next week to discuss the Policies & Procedures Manual. Recommendations for changes will be delivered to the committee for their input before presenting anything to the Board. Mr. Capko stated he has reviewed the codes regarding reimbursement, and when the Board is closer to having a Jupiter Farms Re-Engineering Project, the District will be able to issue bonds to reimburse for any expenses incurred prior to the bond.

Mr. Lewis presented an update on legislation. One particular Bill presented has a requirement for performance audits. This is similar to a performance review. He noted Mr. Haas has participated in such audits before and this could be a \$100,000 expense. It does not apply to water control districts yet, but they could be added at any time. There is also a second provision that requires additional information in the annual financial report, specifically the total number of employees and the amount of their salaries and benefits. The District would need to include the millage rate and amount of outstanding bonds, the non-ad valorem assessment rate and the total amount of collected and outstanding bonds. Mr. Lewis reported there are Bills progressing that may require publishing meetings on a statewide website in lieu of newspapers. He noted that HB 35 has already passed, and SB 402 is on the agenda for this week. He felt that chances are 90% it will pass in some form and be signed by the governor.

Mr. Powell asked for clarification of the performance audit. Mr. Lewis stated performance audits are usually for state agencies, performed by the auditor general. They look at whether the entity is carrying out its statutory mission, complying with codes, etc. It is basically a compilation of how the entity is running. Usually, it addresses efficiency.

Under old business, Mr. Meyer questioned if the Board still wants to go forward with the Policies & Procedures Manual update. He noted it has been in progress for four to five years, and last updated in 1990. He suggested proceeding with just one chapter at a time. Mr. Powell stated it is statutory to have a Policies & Procedures Manual, and the Board has always worked to keep it updated, although this could be done faster and better. Mr. Capko stated again he will be working on changes to the manual next week and will then bring it to the committee. Mr. Capko was asked to report on the status and progress of the manual, and then possibly restructure the updating process. Mr. Capko stated he will be moving ahead on the procurement policy and then prioritize the chapters. Mr. Meyer will convene a committee meeting in-between the attorney's meeting and the next Board meeting. Sunshine Law issues were noted, and Board members will submit their input directly to the staff, not the other Board members. **It was noted that the entire manual needs to be updated and the Board will move forward on sections that were already reviewed.**

Mr. Gitkin, landowner, stated it is frustrating to go to the website prior to a meeting and see only the agenda but none of the reports. Landowners do not know what is contained in the staff reports so they do

not know if they will have anything to comment on. He had questions about the website management and hosting. He believed other agencies spend about \$2000/month for a service that keeps their website updated with reports. Ms. DeNinno stated she is in the process of doing that. Certain items are available on the website and other information is available in the District office. She mentioned that approximately \$1700/year is spent for hosting the website, plus the cost for construction of the site. Mr. Gitkin was concerned that other districts provide much more information on their sites and asked the Board to consider this issue on behalf of the landowners. Mr. Howard stated as new documents are created and are ADA compliant, they will be added. The Board agreed that more information should be available to landowners, but all had concerns about ADA compliance. During the discussion that followed, Ms. Kennedy asked that the written staff reports and video reports be made part of the agenda package. That information would be publicly available prior to a meeting. She noted the slide show presentations can be made ADA accessible to everyone, and the staff should be educated in how to make this happen. Mr. Howard stated it is complicated to convert old documents to be ADA compliant, but going forward, new documents are easier to make compliant. He noted there are simple processes to make sure that PDF documents are accessible. Mr. Powell stated the attorneys have always advised putting out just a summary of information on the website in order to avoid sabotage, and the Board has followed that advice. He asked for advice again from the attorneys. Mr. Lewis stated the issue has been the possibility of lawsuits. If someone complains that the site is not ADA compliant or cannot be accessed, they can collect attorney fees. When trying to discern the direction to take in making the site ADA compliant, there are some policies but no federal regulations. Mr. Meyer stated if it is so easy to make new documents ADA compliant, the District should be doing that. He questioned how SFWMD handles this issue. He noted there is no information on the website regarding the Jupiter Farms Re-Engineering project to show what has been done in the last two or three years. He also pointed out the District is good at getting news out after something happens, but there is nothing reported about work in progress, such as the engineer's reports and presentations. Mr. Howard stated the District needs to be protected from a legal standpoint, making the site as compliant as possible and meeting the requirements. It was his opinion that the Board should continue to move forward to deal with documentation created in the past and to create more ADA compliant documents. Ms. Kennedy made a motion that staff reports and PowerPoint presentations be made a part of the agenda package, available on the website prior to the meetings. Mr. Powell noted that there should be a policy requiring anything on the website to be ADA compliant. Mr. Howard stated they are trying to get everything done at once, but it is better to do things a piece at a time as they are available. Mr. Meyer seconded the motion and more discussion followed. Mr. Lewis suggested that the agenda and reports be made available a week prior to the meeting but that backup presentations, such as PowerPoint, be part of the meeting. Mr. Meyer stated the presentations should be available at least two days prior to the meeting to give landowners a chance to prepare comments. Mr. Howard stated this should be a guideline to follow rather than a policy. Mr. Powell called for a vote on the motion and it carried unanimously.

Ms. Kennedy stated she has received questions from landowners regarding the Jupiter Farms Re-Engineering project. She requested a section on the website for special projects so landowners can obtain information such as a brief statement of the purpose of the project, documentation for backup, workshops, and survey work. She suggested other projects to be included should be the Canal C and Canal E projects. Ms. Kennedy stated this is also good public relations to show landowners what the Board is doing. Mr. Powell suggested that Ms. DeNinno meet with Ms. Kennedy to discuss this

suggestion. Mr. Meyer noted the next newsletter should include this information. The Board agreed with suggestions to modify the format of the website.

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

ADJOURNED.