

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON JUNE 17, 2021

The regular meeting of the South Indian River Water Control District was held on June 17, 2021, at 6:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida, and via Zoom video conferencing. Present in person were Supervisors Tom Powell, John Jones, John Meyer, Michael Howard, and Susan Kennedy. Also present in person were Amy Eason, engineer; Mike Dillon, manager of operations; Charles Haas, treasurer; Seth Behn, attorney; Donna DeNinno, public information; and Jane Woodard, secretary. Four landowners were present in person and several landowners were present via Zoom conferencing.

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

Mr. Powell pulled approval of the minutes from the consent agenda for discussion purposes. A motion was made by Mr. Howard to approve the revised consent agenda. The motion was seconded by Mr. Jones and carried unanimously. Mr. Powell explained that the April 15th minutes were mistakenly approved at the last meeting. The highlighting clarification that was requested at that meeting was to have been made in the April 15th minutes, not the March 25th minutes as requested. Submitted for approval at this time are the March 25th minutes as originally submitted, the corrected April 15th minutes, and the May 20th minutes. Ms. Kennedy made a motion to approve all three sets of minutes. The motion was seconded and carried unanimously.

Mr. Powell opened the floor to landowner comments but there were none.

Ms. DeNinno presented the public information report. There are updated items on the website. Revisions to the Policies & Procedures Manual are continuing to be made by the committee. There have been discussions regarding the possibility of updating one of the District's video presentations.

Mr. Haas presented the treasurer's report. He discussed the status of the proposed 2021-2022 budget. There are no overall increases in assessments. Jupiter Farms will have reduced assessments for water control and increased assessments for road maintenance. Mr. Haas then requested Board direction for outstanding items in the budget.

Mr. Haas discussed the driveway culvert program that has been charging the landowners \$350 for a basic install. There has been a huge increase in the cost of culverts. He noted Mr. Dillon is now recommending a charge of \$600. The net cost will increase assessments by \$55,000. Mr. Haas requested Board direction. Mr. Howard noted that when the program started, the District was charging for the cost of materials and sharing labor costs within the assessments. He suggested \$700 would be more in keeping with actual costs. Mr. Dillon noted that the cost of materials increased all at once, not gradually, and believes that this price will hold. Mr. Powell suggested that an equation be established regardless of the actual cost. If the total is \$1,200, the District absorbs 50% of the total and the landowner pays 50%. Mr. Howard noted there is additional work associated with the culvert installation such as shooting the grade, correcting the swale, etc. Mr. Dillon stated the \$1,200 amount does not include labor. Equipment time and swale cleaning are not factored in. He noted that the original idea was to make it affordable for the landowners. The total cost of materials would be split 50/50 with the landowner and the District would pay for the

installation and labor. After further discussion, Ms. Kennedy made a motion that 50% of the cost of materials, as defined by Mr. Dillon, will be paid by the District. Mr. Meyer seconded the motion and it carried unanimously. Mr. Jones noted that if the cost of culverts goes down significantly, the Board can adjust the cost to the landowners throughout the year. The Board agreed this is an item to be reviewed annually.

Mr. Haas then discussed the Canal C improvements budget in Palm Beach Country Estates where \$40,000 is budgeted for permits. Mr. Haas stated he is not asking for approval at this time, just confirmation that this budget should continue on until the project is permitted. He recommended continuing with the \$40,000 budget. If the budget needs to go to \$600,000, that would require serious discussion by the Board. Mr. Dillon explained this is an access issue; landowners are putting fences up, so fill is being moved from one side to the other. Ms. Eason noted the District has a 100' right-of-way, so all work is within the right-of-way. Permits are good for five years so there is no rush. The Board was in agreement to continue with the \$40,000 budget.

Mr. Haas discussed the LRPI improvements budget. A grant has just been approved with the work starting in the State's next fiscal year, July 1st. Currently there is \$80,000 budgeted for improvements, and \$40,000 has been spent. The total amount from the grant will be \$350,000. Mr. Haas stated he is not prepared to present budget amendments at this time as he just received notice of the grant approval. He would like to discuss this item with Ms. Eason and Mr. Dillon. At this time Mr. Haas recommended continuing with the \$80,000 budget and Ms. Eason agreed. The Board also agreed.

Mr. Haas recommended continued funding of \$50,000 for the Jupiter Farms Re-Engineering project. He did not require a decision at this time.

Mr. Haas noted that the Jupiter Farms telemetry system was installed in 2005 and has operational problems. Mr. Dillon confirmed there are communication issues with the structures. The headwaters are failing, and parts are difficult to find. Because of power glitches, the gates have to be operated manually. Mr. Haas stated that equipment funds are available, but this only applies to the water control budget. He suggested a one-time increase. Ms. Kennedy made a motion to include an assessment of \$154,000 in the budget. Mr. Howard seconded the motion and it carried unanimously.

Mr. Haas noted that stormwater management projections in HB 53 will require special districts to do a "needs assessment" every five years beginning in 2022. Attorney Behn pointed out that there is no penalty mechanism if this is not done. Ms. Eason explained the plan requires a detailed description of the system, facilities, and projects. The local plan must include historical and estimated future revenues and expenditures. Ms. Eason stated she will be discussing this next week and will let the Board know the outcome. The Board will continue to monitor this item.

Mr. Haas requested scheduling a budget workshop with the public hearing in August. He suggested continuing this meeting in a couple of weeks so he can incorporate the budget items discussed. He also requested an informational meeting for the public in early July.

Mr. Dillon presented the manager of operations' report. He referred to a memo requesting removal of certain items from inventory. Mr. Jones made a motion to approve this request. Mr. Howard seconded the motion and it carried unanimously.

Mr. Dillon reported that Terra Tech, the aquatic spray contractor, has requested an increase due to increases in herbicide prices, and a two-year contract. The company has done a good job and Mr. Dillon recommended continuing with them. Mr. Howard made a motion approving the increase in a two-year contract as recommended by Mr. Dillon. Ms. Kennedy seconded the motion and it carried unanimously.

Mr. Dillon thanked his staff for receiving safety awards for vehicle safety.

Ms. Eason presented the engineer's report. She estimated the Jupiter Farms re-engineering survey on all outfalls to be \$438,000. She presented the preliminary order of magnitude cost estimate of the total project. To bring the roads to their permitted elevation for the entire District the estimate is \$21.7 million, or \$1.4 million/section. It is assumed that the driveway culverts will be 50% replaced.

The Canal C preliminary estimate is \$625,000. Ms. Eason stated she needs to set up a pre-app meeting with FDEP on the Section 404 permit. She noted she could present this as an LRPI project.

Mr. Howard had questions regarding the surveys on the re-engineering. It was his opinion that the District could have a surveyor on staff to do that work specifically, and any other survey work in the District. The surveyor would be paid a salary instead of hourly.

Attorney Behn presented the attorney's report. He briefly discussed the public meeting notice legislation in HB 35, which is an effort to migrate to digital notices.

Attorney Behn reported Mr. Dillon attended the Mellinger litigation mediation. The agreement is status quo regarding the error in the easement which was not recorded properly. Lawyers are now reviewing how to handle the crossing. There is nothing of concern to the District at this time.

Discussing old business, Mr. Powell noted that the Board has not received any revisions in the Policies & Procedures Manual to review. Mr. Meyer stated there are broad-based issues that the Board might be able to answer before there can be concrete revisions. He noted the Manual is heavy on statutory requirements, but not on policies, and there is little on procedures. The committee is not ready to bring anything to the Board at this time but is requesting direction regarding going forward with substantial changes. There needs to be a better definition of when a policy is adopted, i.e., when it should be considered a formal adoption. Mr. Meyer recommended a substantial change to the Manual and requested confirmation that this is what the Board wants to do. Mr. Howard stated that ideally there would be a policy manual and a separate procedure manual. He suggested changes to clarify the language and to shift the order. Mr. Powell stated the Board cannot give direction until it can review the proposed changes. Ms. Kennedy is concerned that the policies set by the Board are transparent for the landowner, and easy to access and understand. Mr. Powell stated that the Board is a policy-making body; when it takes action and votes, that is policy. Mr. Meyer pointed out that issues not voted on have sometimes become policies. Mr. Howard stated the committee's plan is to bring up everything that has happened in the last 20 years. The Board agreed that the committee should continue in that direction.

Ms. Kennedy requested that the fill permits issue be placed on the regular agenda. Ms. Eason stated the District's canal system is designed for 4" so the discharge is 2.5" over 24 hours. The County is proposing in a 10-year 24-hour storm event, the discharge should be over 2.5" in 24 hours. Ms. Eason stated the Code reads that if there is a special flood within a subdivision, those provisions can be applied to the

entire subdivision. Mr. Meyer stated the County determined that the District is a special flood hazard area. Based on that, the District fell under the policy that states it could not bring in more fill unless it applied for a permit. Ms. Kennedy questioned what impact there would be to the landowners if this information was put on the FEMA maps and the cost of flood insurance goes up. Ms. Eason emphasized she needs to continue reviewing the Code. Mr. Howard noted that landowners have to bring in sand every few years to fill in holes in their horse barns, but they cannot do that now without a permit. Ms. Kennedy stated the Board should know what the implications are to the landowners. The County should also be asked for clarification of permit requirements and roadside swales, how specific calculations need to be, who signs off on it, and if a 10-year 24-hour storm event applies to vacant lots. Ms. Kennedy requested this issue be on the next agenda so there is time for discussion.

Ms. Kennedy discussed the Jupiter Farms Re-Engineering Plan and requested confirmation that after all improvements are in the model, there is only a 2/10" difference in canal stages. She questioned if this engineering project as proposed will make any difference in the level of service. Ms. Eason stated she would need to look at the results of the improvements and that information is not available tonight at this meeting. Ms. Kennedy requested a workshop to discuss the Plan. Mr. Powell stated the Board already had a workshop and the lowest area was picked to see what kind of improvements were needed. It was concluded that a lot of improvements would not help significantly, including changing culverts. It was Mr. Meyer's opinion that the Re-Engineering Plan be put on hold until the Board can see what happens in Section 7. Ms. Eason stated the focus should be on what we know. Certain roads have flooding issues. Ms. Kennedy wants the level of service to be transparent. Mr. Howard was concerned with the cost of improvements.

There was no new business to discuss at this time.

Mr. Haas suggested recessing this meeting and reconvening on July 1st to finish budget discussions. He scheduled a budget information meeting for landowners only on July 8th at 6:00 p.m. It was noted the next regularly scheduled Board meeting will be July 15th. Ms. Kennedy made a motion to recess this meeting and reconvene on July 1st. The motion was seconded and carried unanimously.

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

RECESSED.