

**MINUTES OF THE REGULAR MEETING
OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON OCTOBER 23, 2019**

The regular meeting of the South Indian River Water Control District was held October 23, 2019, at 7:00 pm at the Jupiter Farms Park Pavilion, 16655 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer, Michael Howard and John Jones. Also present were Amy Eason, engineer; Charles Haas, treasurer; Terry Lewis and William Capko, attorneys; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Eleven landowners were also present.

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

Mr. Capko announced the results of the Election of Supervisors. Mike Howard and John Jones were both re-elected. Mr. Powell made a motion to ratify these results. Mr. Meyer seconded the motion and it carried unanimously. Mr. Jones nominated Steve Hinkle to continue as Board president. Mr. Howard nominated Tom Powell to continue as vice president. Mr. Powell nominated Jane Woodard to continue as secretary. All nominations were seconded and approved unanimously. Mr. Powell made a motion to continue with the same committee appointments. The motion was seconded by Mr. Jones and carried unanimously.

Mr. Hinkle opened the floor to discussion of landowner items. Ms. Stephanie Duncan, landowner in Palm Beach Country Estates, requested the appointment of a residents' committee to study the election process and make recommendations as needed. She expressed a need to provide insight into landowner expectations. She suggested the committee be comprised of five landowners, two of them from Jupiter Farms and two from Palm Beach Country Estates, serving with no compensation and selected by the District's legal counsel and operations manager. The goal would be to make voting more transparent and eliminate controversy.

Mr. Matt Gitkin, landowner, stated that past elections have had confusion with questions raised by landowners. In 2015 the election was first contested after two west side residents were elected. Since then the elections have been controversial. He commented on the money being wasted when elections are continually contested by a "self-serving landowner."

Mr. Jones made a motion to accept the consent agenda. Mr. Powell seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. There was discussion regarding scheduling a workshop to address updating the District's website.

Mr. Dillon presented the manager of operations report. Discussions are ongoing with FEMA. The slab has been poured for the new workshop, and building will begin later this week.

Ms. Eason presented the engineer's report. There is now one conceptual plan for the Jupiter Farms Re-Engineering program. She is updating the model and looking at drainage easements and outfalls, as well as doing background document research. Ms. Eason reported the Section 7 pilot project is complete. She also reported on the District workshop improvements; the building permit has been issued.

Regarding the Loxahatchee Reasonable Assurance Plan (RAP), a plan has been developed to address the reduction of nutrients in coordination with environmental protection. Preliminary review is in line with what has already been discussed.

Mr. Howard asked about the proposal to change the state statute regarding septic systems. Ms. Eason noted there are two available grants. In a basin management plan, there is access to those grants by showing certain reductions. Mr. Lewis stated the legislature is looking at this basin-by-basin to begin to allocate loading fees. It has not changed the basic tenor of the program. The legislative season is just beginning and will continue through March. He also noted there is a continuing debate to allocate money to retrofit larger septic tanks.

Mr. Powell asked about the plan development in the Jupiter Farms Re-Engineering program, specifically setting the objectives of the plan, dealing with water quality, and improving flood control. Mr. Meyer also asked about the status of nutrients in the RAP, and if the District is meeting the requirements. Ms. Eason stated the plan shows a current projection to meet the requirements. She also noted it is still a voluntary plan.

Mr. Meyer then asked about the modeling process for the Jupiter Farms Re-Engineering program. Ms. Eason explained she has to identify the outfall locations and make certain assumptions before establishing a model, which will contain more than just two sections. She will use typical sections and copy that information for other sections, looking at existing conditions, identifying where services are not being met, and then come up with a proposed model. Mr. Jones asked if a presentation could be made so the Board can see the difference in cost for the various work performed. Ms. Eason stated a less detailed analysis would involve about \$55,000 per Section. Mr. Meyer was concerned about the cost of this project. Ms. Eason stated she will report monthly on the progress of the analysis until instructed by the Board that it is satisfied with the amount of information presented. Mr. Powell stated that once there is enough information to set goals and objectives, the Board can proceed with a Plan of Reclamation. In the past, there have been bonds sold which include the cost of developing the plan. He noted the Board must first define the objective and then prepare the plan. Mr. Howard stated he was also concerned about the cost of developing a plan but was aware it can be rolled into the bond issue. Mr. Meyer was concerned about the \$165,000 in a fund that will provide for a comprehensive plan. Ms. Eason explained that is a separate budget for Sections 7 and 18.

Mr. Hinkle commented that there are no funds in the budget this fiscal year for C18, but the District is working with SFWMD and Palm Beach County ERM to clean it out. Ms. Eason stated she was not prepared to discuss this issue at this time. Mr. Hinkle stated the Board wants to look at improving drainage in that area, possibly putting in some type of structure so water is not sitting along the canal. He would like to have a long-range plan to start looking at the area.

Mr. Capko presented the attorney's report. He delivered the oath of office to the two newly re-elected Board members, Messrs. Jones and Howard, and they were properly sworn into office. Mr. Capko stated that as of today, there has been no challenge to the election. In addition, no local bills have been filed that could affect the District. He noted that if any future changes to the District's special act are proposed, they will likely only be heard by the legislation if they are without opposition. Mr. Lewis noted that any new legislation will need to be developed in the summer of 2020.

Mr. Lewis also discussed the issue of landowners pumping into the works of the District. It is now difficult to determine what is authorized by permit. Apparently the use of pumps is inconsistent with the permits. Mr. Lewis was concerned with this negatively impacting the District's system. Ms. Eason briefly discussed the policy that allows for pumping into canals as opposed to ditches. Mr. Lewis stated the intrinsic design of the Jupiter Farms system presumes there is storage on the lots. Mr. Dillon noted that most of the time the flow is not impeded. Mr. Powell questioned why moving water from land into the swales is a problem. He noted the objective should be to help people drain their land so it is useable. A proper permit process should allow this with certain specifications. Mr. Meyer noted it is difficult to monitor landowner pumping. He believed the best policy would be to stay away from pumps. Mr. Powell asked if it is possible for a landowner to cut a ditch on their property that will drain by gravity into a swale as a solution to the problem. After further discussion of this issue, Messrs. Howard and Meyer agreed to work with the staff to develop a policy to present to the Board. Mr. Capko reminded the Board members to observe the sunshine law when meeting together.

Mr. Jones asked if there is any legal precedent for a landowner oversight committee regarding the election process. Mr. Lewis stated that normally this power is granted through a special act; there would have to be legislation presented to the delegation.

The Board discussed its policy for use of a right-of-way for an event. Mr. Hinkle stated that SFWMD's policy is to issue a permit at no cost; however, if an event will have money exchanged, insurance is required. He suggested following this same format for SIRWCD. If a permit allows for cars on a canal bank, the permit can be copied and placed on the windshield of each car. Anything dealing with a park in the District, as long as there are no vendors, just a permit would be required. If there will be buying or selling, then insurance must be provided. It was noted that there should be a written policy, although it may be difficult to enforce. The Board was concerned about activities that could be dangerous and the need to require insurance under those circumstances. Mr. Lewis stated that the District has sovereign immunity and would have to be proven negligent. Use of the park is an exceptionally low risk.

Mr. Hinkle suggested scheduling a workshop combining discussion of the website's ADA compliance with discussion of road maintenance on County roads. November 21st was scheduled for the workshop, and December 12th was re-scheduled for the monthly Board meeting, both at the Jupiter Farms Park Pavilion.

The Board discussed installation of a gate at 167th Way North and 90th Terrace North. It was noted that people are parking on private property to gain access to Riverbend. SWA and the Fire Department have agreed with placing a gate that would shut off part of a District road. Mr. Meyer suggested placing no trespassing signs to see if that solves the problem. Mr. Howard stated if people are trespassing, the Sheriff should be contacted. Messrs. Howard and Powell agreed it is not the District's responsibility to police an area. After a brief discussion, Mr. Meyer made a motion to have an agreement allowing the gate. The motion was seconded and carried unanimously.

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

ADJOURNED.