

MINUTES OF THE REGULAR MEETING AND PUBLIC HEARING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON JANUARY 26, 2017

The regular meeting and public hearing of the South Indian River Water Control District were held on January 26, 2017, at 7:00 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, Michael Ryan, John Meyer and Michael Howard. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Terry Lewis, attorney; Mike Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary. Approximately 100 landowners were also present.

Mr. Hinkle called the meeting to order and the Pledge of Allegiance to the flag was given. He then opened the public hearing portion of the meeting regarding the proposed policy changes whereby the District no longer provides financing for paving projects and the landowners are required to obtain their own funding for such projects. The Board members agreed to hold their comments until they heard from the landowners present.

Landowners then took the podium to comment as follows:

Brandon Pero: It is a financial burden to pave and everyone does not consider it a benefit. The Board should focus on water and drainage. Current policies are different from other districts. The proposed policy is fair and still allows for paving.

Naomi Perera-Reeves: The Board's efforts to return to the original mission of water and drainage management are appreciated. Paving discussion takes time away from water issues. She is paying \$1,150 for paving she did not choose, while unpaved roads in Jupiter Farms are only assessed \$200. Improvements benefit only a select few.

Bonnie Alvarez: She disagrees with taking away assistance with financing when landowners want paving. This will stop further improvements that landowners want.

Molly Mitchell: This new policy takes away the right for funding. The District makes interest off of the road paving bonds that are obtained. It is not fair to require 100% payment only from those who vote in favor of paving. This is basically saying no to future paving.

Ann Morgan: She lives on a corner lot and is paying for paving even though she wanted to be on a dirt road. She does not want to pay 50% just because she has a corner lot.

Bruce Aiken: He believes paving should be done and noted there are never ads for dirt road properties so therefore paving must have benefits. The ballots say one thing and then the Board makes changes afterwards. He questioned if proponents of dirt roads who live close to a paved road still drive only on the dirt road. When the District helps with financing, it improves the neighborhood and he would like to see paving continue.

Jon Strauss: The last Plan of Improvements had 11 roads included and more than 50% voted to pave. As elected officials, the Board has the responsibility to facilitate what is in the best interest of the majority of landowners. Although he voted for paving of his road, it did not pass. It is not likely the landowners can finance the paving upfront so this proposed policy will take away the rights of the landowners who want paving. Paving should not be a decision the Board makes.

Jorge Rodriguez: The Board seems to change its mind every time there is a meeting. Now the Board is going back to requiring that corner lots pay 50%. The Board does not care about the consensus of landowners. It is not difficult for the Board to obtain a bond to finance paving.

Bob Berman: Prepared remarks were presented to the Board and Mr. Hinkle agreed to accept them and make them a part of the minutes (see attached). The reason that SIRWCD is different and has special legislation is to answer the

question about how improvements are made. There was a time when the Board could do it on its own. This Board does not have the authority to change the law. To change the way things are done, i.e. paving, the Board first needs to get input from the landowners by referendum. The Board does not have the right to take away inherent rights of the landowners that they have had for over 20 years. If the financing aspect is taken away, there will be no paving. This policy does not mirror Indian Trail District where there has been no paving under this same policy. Landowners have the right to vote for their own improvements. This proposal is an attempt to eliminate the possibility of future paving.

Martin Spiro: When he built his home he needed four-wheel drive to get to his property and this is what he wanted. Now residents want to slow down traffic and put in speed bumps. The OGEM is coming apart like sawdust and mailboxes are being destroyed. Landowners can go to the bank, get a home improvement loan or second mortgage to finance paving. Neighbors are fighting over paving issues. More time should be spent maintaining the dirt roads and drainage ditches.

Jason Gusikoff: For landowner-initiated improvements, a majority of the vote is the only way to get fair representation. The Board is afraid of this outcome as evidenced by their micromanaging the 19th Plan of Improvements. The Board already implemented a policy whereby any improvements should be a shared cost by those benefiting. Now the proposal is that only those voting in favor of a project should pay.

Jennifer Gusikoff: The last Board policy addressed the corner lots. In order to change that policy, it should be taken to Tallahassee. This was brought to the attention of the Board by legal counsel and disregarded. The landowners signed a petition to stop the last policy change. Landowners should not be attacked and should not have their rights taken away by the Board. The Board should care about the community as a whole instead of pushing their personal agenda.

Laura Rodman: She had a question about sewer hookup and assessment, and was informed this subject should be discussed at the next meeting. Dennis Tremblay: He is in favor of the changes proposed. He was in favor of the original paving proposals in 1980 and 1990 as they were for the good of everyone. He is now tired of paying for paving that benefits others. If they want paving, they should pay for it themselves.

Dieter Heinze: He questioned why the Board has the authority to change the law. It should be up to the landowners living on a specific street to decide on paving.

Ben Thompson: With paving there is increased bike traffic and property values. The property next to him has been for sale for 17 years. As soon as paving was completed, the property sold. He does not think those without paving should be restricted in enjoying the same benefits. The proposal is an outline of obstacles to keep paving from happening. He would like to see item #6 eliminated from the proposal and add a provision stating all authorizations will not be unreasonably withheld. Otherwise it is dictatorial in nature.

Thomas Debold: There was a vote about 10 years ago regarding paving and the decision was made to have road by road paving rather than community-wide paving. There have been many complaints about potholes and maintenance needed for dirt roads. Paving provides long-term benefits to the District. This needs to be a democracy, with kids riding bikes and neighbors out walking. The Board should keep the current policy.

Valerie Rozzo: The first layer of asphalt is on her street and is wonderful. There has been a lot of time spent discussing corner lots, and constant changes in policy. When the District is not grading roads, it can be fixing swales. When her street first requested paving, they wanted to take out the corner lots and even volunteered to pay for them, but the Board determined corner lots had to pay. Everyone who is against paving is in favor of the proposed change. Jupiter Farms residents dominate the Board and want to stop paving. Attorney Terry Lewis was told to put this issue of representation on a shelf because it did not want equal representation for Palm Beach Country Estates. She believes this is breaking the law and will pursue the matter any way possible.

John Jones: He supports the proposed changes as they streamline the approval and application processes. It provides for a simple majority vote and eliminates delays. It addresses swales and culverts which should be repaired prior to paving. It reduces the burden on the District. Funds received in advance eliminate time involved finding financing options. It allows the focus to be on drainage and water control. It addresses legitimate concerns of landowners who moved into the District wanting to live in a rural area and on dirt roads.

Sandy Fornies: This is an issue of practicality. Financing has been a perk making paving easy. Now the paving program is a quagmire for the District. She would be happy to turn back to the County for future paving and trusts the supervisors will act in good faith.

Kristen Atwood: She supports the policy changes. Hours are spent on landowner-initiated projects when it should be spent on water control. She would like to see discussions regarding water management have priority.

Jillian Simensky: She supports the changes. She purchased a house because it was on a dirt road and then found out later that the seller had voted for paving and they were then hit with the bill. These changes would eliminate such problems in the future.

Susan Kennedy: She supports the policy because it requires landowners to take responsibility. Financing is not a right. Nothing in the statute confers a right to anyone in the District. The supervisors are elected by majority so they can implement the statute and introduce and set policy. The Board is not here to increase property values. They are here for water control and improvements thereof. This proposed policy puts time and responsibility on those who want paving. Homeowners are free to finance road paving just like other improvements. Elected representatives have the right to make decisions without a threat hanging over them. She hopes no one files a lawsuit against individuals doing their best to fulfill their duties.

Mathew Gitkin: No other issue has been this incendiary. According to the District's attorney, no other districts conduct paving. Nowhere does it specify that the District should provide financing. The proposed policy addresses legitimate concerns of landowners who want dirt roads. There is too much time and effort spent on paving. In looking at the minutes, paving is mentioned 10 times more than water. As an alternative, the Board could place an indefinite moratorium on paving and change mandate of the District to exclude paving.

There were no other landowner comments and Board discussion followed. Mr. Hinkle stated the attorneys initially advised him to put a moratorium on paving, but instead he came up with this proposal. He agreed that the ½ mile and the five project limit restrictions could be stricken from the proposal.

Mr. Ryan questioned why SIRWCD conducts paving projects. He believes previous Board members lobbied for legislation because they were licensed realtors with a financial interest in the District and therefore had a conflict of interest. He supported this policy change because it puts ownership on those landowners wanting the improvements. He did not believe it would be the end of paving in the District.

Mr. Howard noted that this policy change was brought up for discussion in November but he was not contacted by any landowners. Now they come to the meeting expecting the Board to act on their comments. He was concerned that there are a few roads that benefit more than just the residents living on those roads. This makes it more difficult to put a project together. There are some items to be addressed with the proposal.

Mr. Meyer stated the Board has made progress in the last year. Landowners have accused the Board of having a personal agenda but believes the Board has been fair. He agreed the proposal takes away a service. Although the proposal may not be perfect, he believes it is fair. There is a problem if landowners do not have the financial ability to handle the expense; this puts the responsibility of paving on the landowners who vote for it. He stated he is willing to vote in favor of the policy with the condition that the Board allows one more round of paving, for one year, and then no further paving.

Mr. Powell stated he has served on the Board for 36 years and was involved at the beginning of the paving issue. Roads were impassable as that time. The landowners eventually went to the legislative delegation who suggested going through SIRWCD by means of a special Bill. There were requirements in the Bill that paving would be controlled by the landowners and not the Board. Over 80 miles were paved after that by landowner initiation with no controversy because the law was followed and dictated by referendum. There was no issue regarding the amount of time consumed until the Board tried to deviate from the law. He believes the Board should continue with its current policy and raise the bar to require a super majority. The referendum process has been fundamental for the last 35 years. If the Board takes away financing, it takes away road paving. The District has managed projects in an efficient way and the Board should not attack a process that works.

Mr. Hinkle stated he has tried for years to fight against allowing a minority of landowners to force paving onto everyone. The Board has not listened to the landowners. There is a disparity in the landowner-initiated projects and times when only 20% of the landowners have forced paving.

Attorney Capko stated that the District's Special Act requirements are a minimum threshold. Nothing requires the Board to proceed with a project even if 100% of the landowners want it and pay up front. The Board always has the discretion to go forward with a project or turn it down. Provisions were put in the Special Act as restrictions on the authority of board.

Mr. Howard stated the proposal helps to address other issues, i.e. bicycle and pedestrian safety. The Board has no authority to provide bicycle and pedestrian paths. He noted the paving projects used to be simple because there was no landowner input. Mr. Capko pointed out that current policy requires 51% but it still requires certification by the Supervisor of Elections. The Board would have to come up with a process that the Supervisor of Elections is willing to certify.

Mr. Powell stated that based on the input and comments from the Board and landowners, there should be a workshop meeting before voting on the proposed policy changes. Mr. Meyer agreed that the Board needs to discuss the landowner input. He also agreed improvements could be made to the proposal. He suggested easing in changes over the next year or so. Mr. Howard agreed on the need to discuss this further based on landowner input. Mr. Ryan stated the two changes suggested by Mr. Hinkle would eliminate his concerns and did not see the need to postpone a decision.

Mr. Ryan then made a motion to accept the proposed policy, with the two changes noted. There was no second to the motion. Mr. Howard then made a motion to move this item to the February meeting. Mr. Meyer seconded the motion and it carried unanimously. Landowners were asked to continue presenting comments to the Board prior to that meeting.

Mr. Ryan made a motion to adjourn the public hearing. Mr. Howard seconded the motion and it carried unanimously. Mr. Hinkle then opened the regular Board meeting. Mr. Powell made a motion to approve the consent agenda which included the disbursements and minutes of the two prior meetings. Mr. Ryan seconded the motion and it carried unanimously.

Ms. Bender presented the public information report. The "welcome to the District" letter was sent out in December. The annual newsletter was also mailed out. The annual Landowners Family Day is set for March 18th.

Mr. Haas presented his written treasurer's report. There were no questions or comments from the Board.

Mr. Dillon presented his written manager of operations report. The 6110 John Deere boom mower has been purchased as well as a 500-gallon water tank and trailer for road and swale maintenance. Operator Matt Wood was promoted to superintendent.

Ms. Eason presented the engineer's report. Regarding the 18th Plan of Improvements, the majority of the roads have the first layer of asphalt.

The 19th Plan certification has been received from the Supervisor of Elections; six of the ten referendums passed. One roadway received 50% support and had one unsigned ballot. An Affidavit was provided stating that the landowner was in favor of paving. She asked for the Board's decision in accepting the Affidavit. Ms. Eason reported the following roadways passed: 76th Trail N., 78th Drive N., 154 Court N., 159th Court N., 160th Street N., and 175th Road N. This includes two miles of roadway at a preliminary cost estimate of \$940,000. There are a total of 87 parcels including 20 corner lots. Mr. Howard questioned certain parcels included on 154th Court N. Ms. Eason stated they were included because that is how the petition was written. Mr. Howard also questioned 159th Court N. and 160th Street N. He was concerned that the landowner owning a canal property was not included in the referendum. He also questioned how a certain corner lot would be assessed. Ms. Eason stated the Board makes the decision on the assessment. All petitions stated the corner lot policy for assessments. Mr. Capko stated there does not have to be an incidental benefit to be assessed. The Canal owner has unbuildable property. Historically, the right to vote is not given to someone who will not be assessed. Mr. Hinkle suggested waiting to proceed with the 19th Plan. Ms. Eason suggested that a letter be sent to the corner lot owners to confirm the estimated assessment amount and the Board agreed.

Ms. Eason reported she contacted the shopping center owner before the holidays to inform them SIRWCD was not opposed to the bridge. She will follow-up with a letter outlining the requirements to obtain a permit.

Due to the late hour and there being no further business to come before the Board, Mr. Powell made a motion to adjourn the meeting. Mr. Ryan seconded the motion and it carried unanimously.

ADJOURNED.

I would first like to address the fact that this proposed policy has been presented as being representative of a policy adopted by the Indian Trails Improvement District. While that is a small part of the policy that was adopted by that district in 2001, there has never been any roadway improvements completed under that special policy. However, in that same time period over 75 miles of road paving have been constructed there. That is because the rest of the real policy of that district is to pave ALL of the roadways incrementally. There is no petition process and there is no referendum. The Board of Supervisors on their own can decide what roads will be paved and all landowners in the district pay for it. There is no petition and no referendum. The tiny portion of the overall road paving policy that certain members of the board of supervisors of SIRWCD is attempting to copy is actually the portion of the policy of the Indian Trails district that seeks to eliminate any private road paving efforts from interfering in the overall road paving process. And it has worked. All special taxing districts are different and it is not possible to simply attempt to “copy” what another district is doing without legislative authority.

There are over 600 special taxing districts in Florida. They are all different. But SIRWCD is particularly different inasmuch as it is one of the few districts that has its own special local legislative act. This is not a rule, or a policy. It is not a recommendation or a guideline. It is the law. And it can only be changed by an additional act of the Florida legislature. The board of supervisors of SIRWCD has no authority whatsoever to change the contents of the law. THAT IS WHAT THE LAW ITSELF SAYS. (Section 2.(4) of the SIRWCD Charter and contained in Section 3 of the SIRWCD special legislation).

There is certainly some irony associated with all of this. For those who are not familiar with the special legislation for SIRWCD, it was implemented in part because of exactly what Indian Trails Improvement District is doing. People from the Jupiter Farms area were so afraid that the board of supervisors of SIRWCD would just start paving roads without asking for or without permission from the affected landowners. And prior to the special legislation, that could have been done by the supervisors in SIRWCD. So the current special legislation for SIRWCD was enacted, in part, to allow landowners to petition the SIRWCD for improvements and prevented them from paving roads without the 25% petition process and the vote on the referendum. So the bottom line remains that if landowners want to change those requirements then they need to go to the Florida legislature and have the special SIRWCD legislation amended. For more than 20 years all the various members of board of supervisors have complied with the wishes of the landowners and they have complied with the law.

This is all specifically about road paving. For more than 20 years SIRWCD board of supervisors have operated completely within the law for road paving. Petitions require at least 25% of the affected landowners to make a request. A referendum is held and the referendum passes when more than 50% of those votes received vote in favor of a road paving project. Approximately 90 miles of road paving has been accomplished using the legal method.

This action by the board of supervisors is being proposed for one reason and one reason only. And that is that there are supervisors and landowners who are disappointed and angered because the overwhelming majority of petitions from PBCE that have been received and processed through SIRWCD have passed and resulted in the paving of roads. The complaints and criticism of the process has only come from those who have been on the losing end of the democratic process and typically voted no on

petitions and lost. The losing landowners complain about the cost of the roadway paving. This is nothing more than a completely transparent attempt to prohibit road paving by making the process impossible.

Personally I am extremely sympathetic to the landowners who do not want road paving because of the expense. I have repeatedly demonstrated by opinion that the cost is excessive. But that is not a reason to attempt to abolish the democratic process and attempt to control the voting by landowners by illegal acts of the board of supervisors of SIRWCD.

All elected supervisors of SIRWCD take an oath of office that includes the promise to abide by the law and to act impartially on all matters that come before it. There are at least two members of the board of SIRWCD who have substantially violated the impartiality provision of that oath by stating as board members on the record that they are opposed to road paving. While each supervisor is certainly entitled to their own personal opinions and agenda, by law they may not bring those opinions or agenda to a board meeting or take actions reflecting their own personal ideas or beliefs.

There are members of the board of supervisors who have stated publically that they do not believe that the 25% minimum for petitions is adequate. Or they have stated that they do not believe that the requirement for more than 50% of votes returned represents passage if they are in favor. However, if those supervisors want that changed they need to go to the legislature and have the current law changed and not use their position on the board of supervisors to advance a personal agenda.

Again, road paving is a perfect example. I personally come in contact with a lot of people who either live in PBCE or have or are attempting to purchase property in PBCE. Without reservation I can tell you that within the previous 37 years that I have been involved in the sale and purchase of property in PBCE the overwhelming number of landowners or prospective landowners favor road paving on all of the district roadways in PBCE. There have been several surveys over the years and each time the vast majority of landowners favor paving by more than 90%.

There are those that have stated that they are opposed to road paving even if it were free. I am going to be generous and say that in my opinion they may number at total of 30 to 50 people in PBCE out of the over 1,500 properties. Almost no one purchases property in PBCE because of the dirt road but rather in spite of the dirt roads with the expectation that they will be paved in the future. That is not an unreasonable expectation. They expect that the SIRWCD will continue to do the job they have done for over 20 years. They need to be assured that the board of supervisors cannot change the process on their own whims.

Landowners who purchase property in PBCE have the right to expect and demand that the board of supervisors act in accordance with the law. Landowners who purchase with the intent to petitioning to have the dirt roadway paved have the right to depend upon the recorded record of that process. To deny those landowners the ability to utilize the legislation and expect the SIRWCD to act fairly and legally is a violation of the law and it also represents real and substantial damages to those landowners.

And while the vast majority of landowners favor road paving over dirt roads there is considerable disagreement over the cost of making that improvement. Personally I agree that \$1,200 to \$1,500 per

year is excessive. There have been many, many landowners over the years who have voted no to paving NOT because they do not want it but because they feel it is too expensive. But it is proven by the results of the referendums that the majority of landowners who vote in road paving referendums agree to pay that amount. The most recent results in the 19th plan of improvements is a great example. After all the attempts by this board of interfere with the law and attempt to implement policies to prevent passage of the plan...all the petitions passed according to the law. Here is another recent example. I am the secretary of the PBCE landowners association. We just did a mailing for membership. On the return form landowners can write they like or want in PBCE. Many of the comments were about road paving. The comments were 20 to 1 in favor of paving the roads. (Hold up forms).

There is the ridiculous and debunked notion that votes have only passed because of landowners not getting ballots or not knowing about a proposed paving referendum. That is nonsense and it has been proven. When I talk to people on roadways subject to a referendum there are three types of voters. There are those in favor, those against and those that truly do not care. It is unreasonable, unfair and illegal to say that because a roadway referendum did not pass because it did not have more than 50% of the affected landowners voting in favor. The vast majority of those who vote are passionate about their position. And the vast majority of those that do not vote simply really do not care. A standard answer that I hear frequently is that "Whatever the majority of those voting do, is fine with me". That means that if the majority vote in favor, those non-voting landowners agree. That does NOT mean that they are not in favor which is exactly what a system that requires that at least more than 50% must vote in favor. That unreasonably, unfairly and illegally penalizes the majority of voters who vote in favor.

Here is the bottom line. There are a significant number of landowners including landowners who already have had their roadways paved who strongly believe that this BOS does not have the authority to make changes to the special legislative act on their own with a "policy". It is contrary to the law. It is a violation of their oath of office. If after a referendum of all landowners is held that is broken down by PBCE v Jupiter Farms areas, the board sees fit to attempt to change the way road paving is done, then they need to approach the Florida legislature to amend the special legislation for SIRWCD. It should be abundantly clear by now that one change should be the segregation of the representation of PBCE and the Jupiter Farms areas. Each area deserves to have its own elected officials who make decisions only for each respective area. PBCE is not reasonably or fairly represented on the current board. And there is clearly and definitely a difference in attitude and philosophy between PBCE and Jupiter Farms. There absolutely needs to be a difference in the laws as it applies to either area. PBCE and Jupiter Farms areas are as different as night and day/apple and oranges etc. etc.

Here is what is going to happen. For the record this is a promise and not a threat. If the BOS decides to go forward with this ridiculously absurd plan to stop all road paving in SIRWCD, the following actions will occur. An action committee made of up landowners in PBCE will make all possible efforts to have this board removed and replaced with an impartial board of trustees. Volunteers have already been in contact with the Governor's office, our local state legislators, the office of the state attorney office, the department of justice, the Department of Economic Opportunity Special District Accountability program, Florida Commission on Ethics and the Attorney General office, some of whom I understand have provided representatives here at this meeting tonight.

You members of the board of supervisors were elected to administer the operations of the SIRWCD. You were not elected Gods or Kings. You have no authority whatsoever to change the existing legislation that governs SIRWCD. You have no authority to change or interfere with the system provided in the legislative act for petitions or voting for road paving projects. You have no authority to attempt to project your own personal opinions or beliefs on all landowners using your position as a supervisor. You have no right or authority to have made all the unreasonable, unfair and illegal "policies" that have had one purpose and one purpose only over the past 18 months and that is to make it more difficult, more expensive, more complicated or (according to this proposed policy) IMPOSSIBLE to pave roadways.

This will not be tolerated. If assistance is not forthcoming from the government entities that were mentioned previously, we have been provided information from the Attorney General's Office that you can get sued personally and individually.

My personal estimate of the approximate cost of paving all of the remaining dirt roadways in PBCE is \$7 to \$9 Million dollars. However, the cost of NOT paving the remaining roadways is \$35 to \$50 million dollars in lost value to the landowners. This loss in potential equity to landowners affects both landowners already living on roadways that are paved and those who are on dirt roadways. You will be held accountable.

I want to make it clear to all landowners especially those in the Jupiter Farms area that if litigation is necessary we do not intend to make this a financial liability of landowners in the district to defend the illegal acts certain members of this BOS. We have been provided information from the Attorney General's office that supervisors can be sued individually for their actions on the board of supervisors. The statement from the Attorney General is:

"It is clear that an officer (or employee) of the district may be held personally liable for those acts or omissions committed in bad faith or with malicious purpose or in wanton and willful disregard of human rights, safety, or property. As to those acts or omissions committed by officers (or employees) which are merely negligent, however, recent court decisions fail to reflect a consensus with respect to the individual or personal liability of an officer (or employee) or his immunity from suit where the commission of the prescribed negligent acts or omissions occurs within the scope of his office or function or employment"

So the individual supervisors who vote in favor of this illegal policy shall be sued personally and individually and landowners in SIRWCD shall not be paying for their defense. These proposed road paving "policies" are clearly and undeniably acts of bad faith and malicious purpose. There is additionally a wanton disregard of human rights, safety and property as demonstrated by the regulations of Palm Beach County. Damages to landowners are real and they are substantial.

Let us be clear, there are very good reasons that dirt roadways in subdivisions have been prohibited by Palm Beach County for over 30 years. Dirt roadways are unhealthy, unsafe, aesthetically ugly, extremely difficult and expensive to maintain. Dirt roads suppress and decrease property values. While the employees of SIRWCD do the very best possible job of maintaining the dirt roadway, that effort is

entirely inadequate. Whether it is too wet or too dry, dirt roads are terrible and that is why they are banned from new development in Palm Beach County.

To avoid all of this controversy all the Board of supervisors simply needs to do is to do its job in accordance with existing legislation. Actions such as those that have been taken by this board of supervisors in the past 12-18 months are illegal and a gross abuse of authority. They represent misfeasance and nonfeasance on the part of supervisors.

To be clear, the board needs to accept road paving petitions from landowners for roadway paving as long as they are presented by at least 25% of the affected landowners. Votes in referendums held in conjunction with these roadway projects shall be considered approved when more than 50% of the votes received vote in favor of the improvement. That is the current law unless and until it is changed.

There are an extreme minority of landowners that do not want the remainder of roads paved. There are supervisors that have that same opinion and are illegally using their position to attempt to make road paving impossible. That is just wrong. It is disgraceful illegal, immoral and unethical conduct.

There can be all the disguised issues talking about "fairness". That is simply a bunch of crap. It is all about people losing referendums under the current process provided in the law. This is all about attempting to tilt the process in favor of those opposed to paving. They cannot win at the ballot box so they are resorting to illegal tactics. It is a disgrace and a flagrant abuse of the office of supervisor for SIRWCD. Stop attempting to fabricate "fake news" and fake issues to advance what is strictly a NO PAVING effort. You are not fooling anyone and look like fools in the process.

You are desperately afraid of the democratic process. The people you are catering to are nothing but sore losers on road paving referendums. The approved legislative voting process for road paving has worked successfully in SIRWCD especially in PBCE for over 20 years. The purpose and the process for road paving within SIRWCD including the ability to finance capital improvements is a special attribute for property owners that they have a right to rely upon. An attempt by supervisors to take away that that process is no different than stealing and the damages are real and substantial.

Here is what I am proposing. Myself and others have volunteered to attempt a petition drive to pave all of the remaining roadways in PBCE all at once. We will attempt to provide a petition signed by at least 25% of the affected landowners in accordance with the law. We will expect that petition (if successful) to be transmitted to a referendum. If the majority of the landowners who vote are in favor them all of the remaining roadways in PBCE will be paved and we will be done with this reoccurring issue forever. If the referendum fails we will abide by those results. It makes sense from an economy-of-scale basis and it puts an end to all of the political turmoil that this road paving issue provokes.

Only those who are afraid of the outcome of such a petition and vote would be opposed. Let's do it!!!

Bob Berman, landowner

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