

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD JULY 11, 2018

The regular meeting of the South Indian River Water Control District was held on July 11, 2018, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, Michael Howard and John Jones. Also present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary. Ten landowners were also present.

Mr. Hinkle called the meeting to order and the Pledge of Allegiance to the flag was given. Mr. Hinkle announced that the District has received a total of 49.22 inches of rain as of the end of June. He congratulated Mr. Dillon and his staff for "keeping things afloat."

A motion was made by Mr. Powell to approve the consent agenda. Mr. Jones seconded the motion and it carried unanimously.

Ms. Bender presented the public information report. They have started working to make the District's website ADA compliant and have posted the recommended notice.

Mr. Haas presented the treasurer's report. He confirmed that the audit report was delivered and all the required reports were filed. The Board confirmed receipt of the audit report.

Mr. Haas presented the preliminary proposed budget. Major changes and initiatives were noted. The driveway culvert replacement program increases the District's capacity to install culverts and this program's budget is expected to increase next year. The cost of the culverts are paid for by fees collected from the landowners, but the cost of installation and the ancillary costs are borne by everyone in the water control budget.

Another project that is budgeted is the outfall cleaning. Palm Beach Country Estates has 75% of the budget and Jupiter Farms has the remaining 25% of the budget. He noted this is an assessment-driven district and landowners do not pay for things they do not receive.

Another program is the detailed analysis of Section 7 currently budgeted at \$50,000 for the pilot program. He noted it would be prudent to have money in the budget for this program in case the Board decides to continue with it.

Mr. Haas discussed the new work center expansion budgeted at \$400,000, which will be borne by every parcel in the District since everyone benefits from the operations available.

Lastly, Mr. Haas discussed the need to do modeling benefitting Jupiter Farms, budgeted at \$50,000.

Mr. Haas next presented an itemization of the normal budget items and the new initiatives, explaining that the overall assessment will increase. This budget focuses more on water control and less on road maintenance. Debt service was itemized for the different ongoing programs. Mr. Haas showed the typical assessments per unit and explained that part of the assessments are on a per-acre basis and part on a per parcel basis. He showed the actual rates that will be used for the different assessment units.

In answer to a landowner's question, he discussed the individual costs of modeling in Jupiter Farms. Mr. Powell noted this will be a large budget increase and asked if it could be time phased. Mr. Haas noted there is money in the road replacement fund which could be borrowed for a year or two, but it is a sinking fund that should be kept available. He also noted that financing would require a plan of improvements. Mr. Jones was interested in financing it over a two-year period only if it can be done easily. Mr. Hinkle stated he spoke with some of the landowners about spreading the cost over two years and they were not too concerned. Mr. Howard stated that landowners

may be concerned about having funds available when needed for road maintenance if the District makes a loan from this budget.

The Board briefly discussed the various programs and agreed these are all things that need to be tackled. Mr. Howard made a motion to accept the preliminary budget. Mr. Powell seconded the motion and it carried unanimously. Mr. Haas will submit the preliminary rates to the County.

Mr. Dillon presented the manager of operations' report. The beginning of the rainy season has been challenging and improvements are being put to the test. Construction under the 19th Plan began today in Palm Beach Country Estates and approximately 5,000 yards of material are to be excavated and used on other PBCE roads. Because of the weather, they are trying to push back work on 175th in Jupiter Farms, starting the project in late October. Mr. Hinkle asked about adding another box culvert. Mr. Dillon spoke with the contractor and there could be a savings of about \$6000 if both are done at the same time.

Ms. Eason presented the engineer's report. As mentioned, construction began today under the 19th Plan of Improvements. Completion is expected by January 9th depending on the rainy season. The 175th area work will begin at the end of October.

Ms. Eason is beginning the referendum process for the next proposed plan of improvements. She discussed a preliminary cost estimate of \$500,000/mile, resulting in an estimated \$1,560/parcel. Once the referendum preparation is completed, it will be reviewed by Mr. Capko and then forwarded to the Supervisor of Elections.

Ms. Eason discussed NRCS funding. Last month the Board approved \$240,000 and an agreement was executed. More paperwork is being furnished and documents have been revised to meet the additional requirements. She expects construction to begin at the end of July.

Ms. Eason then began discussion of an off-site dewatering permit. Mr. Hinkle turned the meeting over to Mr. Powell and stated he would not participate in any discussion regarding this issue and would not be voting on the matter. Ms. Eason explained there is a project site outside of the District boundaries by the Jupiter Park of Commerce which eventually drains into an outfall canal. The landowner wants a permit from SIRWCD to drain into our facility. Pursuant to the District's policy, no one can alter the works of the District for the discharge of water without a permit. This is not normal practice and is only considered if the applicant demonstrates that onsite retention is not technically feasible in order to keep water on the project site. If there is no interference with construction, alteration, operation or maintenance of works of the District, no interference with legal rights of others, and if it will be operated in a manner acceptable to the District, it can be considered. The landowner has a drawing and site plan prepared by an engineer. Ms. Eason asked if the Board will allow activity and accept a permit request from them. She also noted that there is no established provision for a permit fee in this situation.

Mr. Powell noted that there used to be contract drainage in the District, so it can be done. When asked, Mr. Capko responded that the District has the authority to accept a permit for off-site dewatering under the conditions already mentioned. Mr. Powell stated that the dewatering will not impact the District's drainage system. He asked if the Board has an interest in accepting such a permit. Mr. Howard stated he needs to know more information. If it is short term, there will not be a lot of water and therefore will not affect our drainage. However, he was not comfortable making a decision without knowing more about the plan. Mr. Powell stated this needs to be a Board decision after more details are known, and should not be a decision made by our engineer. Mr. Jones assumed the landowner would also comply with all the protocols of South Water Management District. Ms. Eason was unable to answer any more questions as she has not been given any additional plan information.

A landowner voiced concern about the quality of water in that area, noting marine fuel and factories in the area. Mr. Haas noted the Jupiter Park of Commerce has been a part of the District since the 1980s. This is about someone just outside the District wanting to use our drainage system to discharge. Mr. Gitkin, landowner, stated that delaying a decision in this matter is time sensitive since construction is already underway. Mr. Powell stated that no

one has initiated a permit request yet and they should be told what will be required by SIRWCD. The Board agreed the landowner should be allowed to apply for a permit. Ms. Eason noted that a \$300 drainage connection fee is in place and suggested that would be an appropriate fee for a permit application in this situation. The Board agreed. At this time Mr. Powell turned the meeting back over to Mr. Hinkle.

Mr. Powell asked why the road paving for 175th would have to be pushed back. Ms. Eason explained that Canal #1 has to be blocked for three weeks in order to place the culvert. September is the height of the hurricane season and the water level needs to be down.

Mr. Jones asked for clarification of the costs of the referendum for 74th and the 19th Plan. Ms. Eason explained there were three different assessments in the 19th Plan, including some 50% assessment parcels.

Mr. Howard requested an update on the fill permit with the County. Ms. Eason stated she only has what was previously presented to the Board.

Mr. Capko noted it is now necessary to put into place the ADA compliance for the District's website, which has already been started.

Mr. Dillon discussed an issue regarding drainage along Canal #2 in Section 6, which is not in the District. Years ago improvements were made by the County around Hatcher Lake which have apparently impeded drainage. Since the County has not responded to the residents in Section 6, one possible option is for SIRWCD to take over the drainage in that Section. This has been discussed with the director of Northern Palm Beach County Improvement District who has no problem with this idea. It would require legislation and Board approval, but no referendum by the landowners. Mr. Capko stated it would be difficult to pass legislation if some of the landowners are opposed to coming into our District. Mr. Dillon stated that another option would be for the landowners to install culverts to alleviate their drainage issues. The residents would pay for materials and construction of the pipes. Then there would be an issue of assessments, since they would be draining into our system. A landowner from the affected Section stated the residents do not want an assessment and they do not want to be incorporated into SIRWCD. Mr. Dillon further explained that everything drains to the Hatcher Lake. The landowner also stated that during a heavy rainfall, Canal #2 does not affect Section 6. The residents had apparently been draining into the system for 50 years until the canal berm was fixed. They believe they have a prescriptive right to continue draining. Apparently NPBCID assessed them for 37 years and then took them off the tax roll. Mr. Hinkle asked if there is a location where a culvert can be placed that will alleviate flooding. The District has spent money in Section 6 to repair the bridge for access into Canal #2. Mr. Dillon stated the residents are willing to pay the cost of SIRWCD putting in a culvert and will then assume maintenance of the culvert. Ms. Eason stated she has plans of the area that were prepared by Mr. Lindahl. She will need to look deeper into this issue before stating an opinion. Mr. Powell stated it is good to help out, but the Board needed to look at the legalities since the Section is outside the District. If there is no Plan of Improvement, there can be no assessment. Mr. Howard asked if the District is required to do anything if there has been historic drainage. Mr. Capko stated there are no prescriptive rights against a governmental body. The Board agreed there are significant questions that need to be addressed. Mr. Hinkle stated the Board will continue to discuss this matter, and the Board agreed to take no action at this time. Mr. Dillon was directed to request something in writing from the residents stating what they want from SIRWCD, and the Board will respond. Dillon requested that written email from landowners stating what want from District and District will respond.

Several District landowners thanked Mr. Dillon and his staff for the culvert work, noting there has been no flooding during the recent rainfall.

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

ADJOURNED.