

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON NOVEMBER 17, 2016

The regular meeting of the South Indian River Water Control District was held on November 17, 2016, 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 Mike Howard. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Terry Lewis, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Several landowners were also present.

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

Mr. Capko called for ratification of the election results. Mr. Meyer made a motion to accept the results provided by the Supervisor of Elections. Mr. Powell seconded the motion and it carried unanimously. Mr. Lewis conducted the swearing in of the newly elected Board members, Mike Ryan and Mike Howard. Mr. Hinkle called for the election of officers. Mr. Howard made a motion to nominate Mr. Hinkle as president and Mr. Ryan as vice-president. Mr. Meyer seconded the motion and it carried unanimously. Mr. Ryan made a motion to retain Ms. Woodard as secretary. Mr. Meyer seconded the motion and it carried unanimously. Mr. Hinkle called for committee appointments. He suggested Mr. Howard for the Policies & Procedures Committee, assisted by Mr. Meyer, and the Board agreed.

Mr. Ryan made a motion to approve the consent agenda, consisting of the October minutes and warrant list. Mr. Powell seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. She requested Board approval of the "Welcome to the District" letter and there were no objections. This letter will be sent out annually to new landowners.

Mr. Haas presented the treasurer's report. He discussed a policy for accepting debt assessment prepayments (see memo attached). He noted there have been requests from the real estate industry to prepay these assessments prior to the real estate closing. Mr. Haas suggested this practice be stopped; any new financing would be set up for the landowner to prepay only before financing. After a brief discussion, Mr. Powell made a motion to adopt this change in policy. Mr. Ryan seconded the motion and it carried unanimously. The policy will be effective January 1st. Mr. Haas noted there is no relevant financing pending at this time.

Mr. Dillon presented the manager of operations report. The new John Deere boom mower has been received. The culvert crossings at Canals 6 and 13, and at Canals 8 and 10 have been completed. He noted this will help with maintenance operations.

Mr. Ryan asked how other districts are handling paving issues. Mr. Dillon stated Indian Trails Improvement District is the only one compatible with SIRWCD. For landowner-initiated projects, the petition acts as a referendum and the District does not finance any capital improvements. The petition has to be signed by more than 50%. All funds must be received up front. Only those in favor of the paving pay for the project. Everything is up to the landowners to achieve. Mr. Dillon noted that other districts only deal with water control, not paving projects.

Ms. Eason presented the engineer's report. A \$1.3 million contract has been signed with Hardrives, Inc., the low bidder for the 18th Plan. The referendum for the 19th Plan has been sent out and responses are due by December 9th .

Ms. Eason met with Strategic Realty Services representing the Jupiter Farms Shopping Center POA and with the representative for the Calvary Chapel Church of Jupiter regarding an equestrian bridge. The property owner is petitioning SIRWCD to construct an equestrian bridge over Canal #1. Ms. Eason presented pictures of the shopping center and the 1996 site plan which shows a bridge. The site plan updated in 2009 shows an equestrian trail, which does not exist. The bridge in the plan is 25' across but there is not sufficient room unless the property owner

is included in the plan. There is no room for any trail without an additional right-of-way easement. There is an agreement with another adjacent landowner in order to perform maintenance. At this time the Shopping Center is looking for direction from the Board. Mr. Hinkle noted there is a crossing at Canal #2. The Canal #1 crossing allows bikes, etc. into the shopping plaza. The bridge gives access to bikes to stay on the west side of the road. Mr. Meyer suggested the right-of-way could be expanded. It would be up to the POA to coordinate this as they are the permittee. Ms. Eason stated any bridge needs to be approved by SIRWCD. Mr. Lewis stated SIRWCD has no legal obligation to build a bridge, but the Shopping Center needs our permission to build. If SIRWCD grants authority to build a bridge, with any grant of easement to SIRWCD on that property, the District needs to consider the liability for maintaining that easement. Mr. Lewis stated this is a policy decision for the Board to make. Mr. Howard noted the bridge is a requirement for the Shopping Center and SIRWCD only needs to approve a permit to build the bridge. The District needs to have access for maintenance purposes. The Board discussed expanding the right-of-way which would require easements from the landowners in order to widen it. Mr. Dillon noted a bridge would only minimally impact maintenance. After further discussion, Mr. Hinkle instructed the staff to research this matter further before the Board makes a decision. Ms. Eason stated the Shopping Center is just looking for a letter from the Board saying it agrees with the site plan and that they could essentially get approval from SIRWCD. Mr. Powell felt there were unanswered questions at this time. Mr. Meyer was concerned that the letter should give approval in concept only. He made a motion authorizing the bridge conceptually, subject to being given sufficient information for review. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Capko presented the attorney's report. Mr. Lewis presented legislative amendments for the Board to review. Both versions require Board members to be residents continuously while sitting on the Board. One version requires two members from the west side, two from the east side, and one member at large. All landowners would be eligible to vote for all candidates. The second version provides that only landowners from the west side can vote for the candidates from the west side, and the same with the east side. All landowners would be eligible to vote for the candidate at large. Mr. Lewis stated the next step is to take the proposed amendment to the Palm Beach County delegation. That deadline is November 28th, and their hearing is December 19th. Mr. Lewis recommended proceeding only if there is unanimous support from the District. Mr. Powell felt there is a problem with disenfranchising residents. Mr. Meyer was in favor of the first option. Mr. Ryan was concerned that the Jupiter Park of Commerce and Egret Landing should have some representation. Mr. Lewis stated he could modify the legislation to allow for the at-large candidate to be a landowner but not required to be a resident. Mr. Howard was concerned with having two candidates each from the west and east sides because most of the District is on the west side. The requirement currently is one candidate from the west, one candidate from the east, and three candidates from either side. There was further discussion by the Board as to the proposed change in make-up of the Board. Mr. Lewis also addressed taking the balloting process out of the hands of the Supervisor of Elections, and instead using a forensic auditor who has no interest in the District. Mr. Ryan was concerned about excluding anyone who is not a registered voter. Mr. Meyer was concerned about accountability if the Supervisor of Elections is taken out of the equation. Mr. Lewis stated he would prefer more time to review these matters with the Board and cover all the issues before proceeding with a change in the legislation. After further discussion, Mr. Meyer made a motion to proceed at this time, in concept, and direct the attorneys to prepare the legislation for this session. Mr. Ryan seconded the motion. Messrs. Powell and Howard did not support the motion and stated they wanted to wait before proceeding. Mr. Lewis recommended waiting to proceed until the Board is unanimous.

Mr. Ryan asked if there is a way around the liability issue in order to allow recreational use, i.e. fishing, off the cattle bridge. Mr. Lewis stated this would take an act of legislation. The Board requested staff to see if there is a way to do this. Mr. Hinkle made the following statement regarding the Board's road paving policy: "After completing the 18th Plan of Improvement and working on the 19th Plan of Improvement, I have come to the conclusion that these Plans of Improvements are taking too much staff time and Board meeting time. Our District needs to refocus on water control, especially our secondary water control system. As time progresses, we need to ensure our quality of surface water runoff remains in the acceptable levels as it has in the past. We need to stop spending so much energy and time concerning whether a dirt road gets paved or it remains a dirt road. Under the proposed policy, all funds to cover the costs will be required prior to paving and landowners not wanting the improvement are not

required nor can be forced to pay for the improvement. There are other special districts that use this policy for paving.” Mr. Hinkle proposed a new policy to create a systematic procedure to apply for road surface upgrades (see attached outline). Mr. Howard stated this policy has a potential for cost savings by refocusing the District’s efforts. It follows the policy of Indian Trails Improvement District. He felt the current process is a waste of time and a duplication of services. He also felt that a 50% requirement would lead to neighbors working together. Mr. Ryan agreed and added that this policy pushes the landowners to take responsibility and expedites the process. Mr. Meyer stated that paving has become a distraction because the Board tries to accommodate those who want paving. He added that the District’s Special Act is for water control and Chapter 298 does not address roads. Mr. Powell stated this policy is designed to stop road paving. He recalled when the legislative delegation first heard arguments about this issue and decided it was wrong for a five-member Board to decide on paving; the democratic way would be for the landowners to decide on paving by means of a referendum. Mr. Powell felt the landowners should still be the ones to decide on a policy change like this. He noted that the referendum process has worked well over the last 30 years. Mr. Hinkle stated the legal advice is to establish a moratorium. A lengthy discussion followed regarding the cost of paving, landowner rights, and the focus of the District. Mr. Ryan then made a motion to adopt this proposed policy change, effective immediately. Mr. Howard seconded the motion, stating the Board sets policy and does not have to go to the landowners every time there is a question. The Board continued to discuss this policy change. Mr. Howard suggested eliminating the five petition limitation within a fiscal year and the ½ mile provision.

Mr. Lewis stated that pursuant to Chapter 298, Board policies should be adopted by resolution. It would be appropriate to conduct a public hearing for something as important as this. Mr. Ryan then amended his motion by a resolve to move forward and have a public hearing. In the meantime, the Board will not accept or move forward with any paving projects. Mr. Howard seconded the amended motion and it carried unanimously. Mr. Hinkle noted the December Board meeting is a workshop for ethics matters; the next meeting open to the landowners is in January. It was agreed to have a public hearing at that meeting.

Mr. Hinkle noted that the Loxahatchee River District is considering putting in a sewer line at the elementary school crossings and this issue may be coming before the Board for discussion. He also noted there was no opportunity for landowner comments at tonight’s meeting because of the late hour. The meeting was then adjourned.
ADJOURNED.

Preamble to Road Paving Policy

After completing the 18th Plan of Improvement and working on the 19th Plan of Improvement, I have come to the conclusion that these Plans of Improvements are taking too much Staff time and Board Meeting time. Our District needs to refocus on water control especially our secondary water control system. As time progresses, we need to ensure our quality of surface water runoff remains in the acceptable levels as it has in the past. We need to stop spending so much energy and time concerning whether a dirt road gets paved or it remains a dirt road.

Under the proposed policy, all funds to cover the costs will be required prior to paving and landowners not wanting the improvement are not required nor can be forced to pay for the improvement. There are other Special Districts that use this policy for paving.

Steve Hinkle

SIRWCD - Enhanced Stabilization (Paving) Policy

I. PURPOSE

To create a systematic procedure for South Indian River Water Control District's Landowners to apply for road surface upgrades on "District Roads" (no more than ½ mile in length).

II. PROCEDURE

The South Indian River Water Control District Board of Supervisors hereby establishes the following:

1. A simple majority or more of the property owners must agree to have the road paved.
2. No roadway will be considered for paving unless the drainage swales and road base are considered suitable for paving by the District's Operations Manager and Engineer.
3. Paving shall be in accordance with the design and specifications approved by the District Engineer.
4. Should a roadway need additional work, the owners may:
 - a. Pay the additional costs of these improvements in addition to the paving.
 - b. Wait until the roadway has been completed as part of the District's road operations and maintenance program approved by the Board of Supervisors.
5. The Board of Supervisors approves the Petition after Staff review.
6. The District shall receive 100% of the cost of paving (grading, asphalt, spreading, rolling, etc.) in advance of the work being undertaken.

III. ADDITIONAL CONSIDERATIONS

1. The District shall consider no more than five (5) petitions for paving within a Fiscal Year. This limitation is imposed based on current Staffing and workload considerations. Additionally, petitions may not be considered until the following Fiscal Year due to work schedules.
2. There will be no financing from the District.
3. Petitions are only for one road.
4. The funds will be held in escrow in a noninterest bearing account until all costs are collected. If all funds are not collected within a year of approval, funds will be returned less administrative/staff fees incurred by the District.
5. Those landowners who do not want the improvement are not required nor can be forced to provide funds.
6. District Roads do not qualify for traffic calming devices after paving.
7. Paving a road does not abandon or reduce the annual road maintenance assessment on landowner's Non Ad Valorem taxes.

MINUTES OF THE WORKSHOP MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON DECEMBER 15, 2016

The workshop meeting of the South Indian River Water Control District was held on December 15, 2016, at 7:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Stephen Hinkle, Michael Ryan, John Meyer and Michael Howard. Also present were William Capko, attorney; Terry Lewis, attorney; Seth Behn, attorney; Michael Dillon, manager of operations; Laura Bender and Donna DeNinno, public information; and Jane Woodard, secretary. Two landowners were also present.

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

Mr. Lewis presented an overview of the Sunshine Law (Chapter 286 F.S.). He also presented the Governor's Sunshine Law Manual to the new Board members. He discussed transparency in government and the purpose of the Sunshine Law. He discussed meetings that are subject to the Sunshine Law. Three requirements for compliance are that meetings must be open to the public, reasonable notice must be given, and minutes must be taken. Any gathering (formal or casual) of two or more members of the same board is subject to the Sunshine Law, including committee meetings, non-members acting as liaison and emails which solicit a response. Consequences of violations include criminal penalties (misdemeanor), fines up to \$500, and attorney's fees.

Mr. Lewis discussed the Public Record Act which gives any person the right to inspect or copy any public record. He explained what constitutes a public record and what is exempt. Requests do not need to be in writing and do not have to be for a specific reason. Violations may result in misdemeanor charges, removal from office, fines up to \$500, or attorney's fees.

Mr. Lewis discussed Florida's Code of Ethics. A public office is a public trust. The Code applies to all public officers and employees including members of an advisory board. The provisions prohibit certain actions and require certain disclosures to the public. Actions prohibited include private gain or benefit, accepting gifts for a vote or action, spouse or children accepting gifts, disclosing information not available to public, employing or promoting relatives to a position, and doing business with the District. Disclosure forms are available on the State of Florida's website and are public records; they include Form 1 (statement of financial interests), Form 8B (memo of voting conflict) and Form 9 (gift disclosure). Violation penalties include dismissal, suspension or demotion, salary reduction, public censure, restitution of pecuniary benefits received, and civil penalty up to \$10,000.

Mr. Lewis cautioned the Board to keep District information separate if using a private computer. He answered several specific questions to explain specific scenarios. Emails can be directed to the District Office for distribution of the rest of the Board members. He also cautioned responding to social media posts pertaining to District business, and anything put in writing, i.e. texts or emails.

There were no further questions or discussion and the meeting was adjourned.

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

6731 Donald Ross Road, Palm Beach Gardens

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON FEBRUARY 16, 2017

The regular meeting of the South Indian River Water Control District was held on February 16, 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; Mike Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary. A number of landowners were also present.

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

A motion was made to approve the consent agenda which included approval of minutes from January and the treasurer's warrant list. The motion was seconded and carried unanimously.

Ms. Laura Bender presented the public information report. She reminded everyone that Family Day is set for March 18th.

Mr. Dillon presented the manager of operations report. Culvert replacement will continue through May and begin again in September. An "Active Shooter" seminar was presented by the PBCSO. They will be evaluating our facility and commenting on upgrading to make it more secure. Steps are being taken to create more water storage in the District including working with SFWMD and LRD to enhance water quality.

Ms. Eason reported on the 18th Plan. Hardrives is in the process of constructing roads now, getting close to the final lift of asphalt. This is expected to be complete by the end of the month.

Ms. Eason discussed the 19th Plan which originally consisted of 3.6 miles of roadway in Palm Beach Country Estates and Jupiter Farms. Since the referendum, the Plan now includes 76th Trail N., 78th Drive N., 154 Court N., 159th Court N., 160th Street N., and 175th Road N. There are now two miles of roadway with 87 assessable lots for a total of \$940,000, resulting in financing of \$1,575/year for 10 years. She requested direction from the Board.

Mr. Hinkle called for landowner comments. Mr. Stan Weinstein from 76th Trail N. stated he voted in favor of paving but neglected to sign his ballot prior to mailing. Ms. Mary Carlo commented that residents were not notified of any action until they received the referendum ballot. She presented signed documents from three neighbors who do not want paving. She also noted one home was sold after the owner voted in favor of paving and the new owner was not informed. She also questioned why there would be paving without swale work. Mr. Scott Scovill was not in favor of the Plan. He noted that owners can vote and then move the following week. Ms. Kathleen Baxter Marvel stated she received a threatening letter from a neighbor. She also noted that HB 879 and Florida's Chapter 298 give the Board jurisdiction to do many things but there is nothing that addresses paving. She believed the voting on 159th Court was flawed. She called for the Board to take its duties seriously. Mr. Charles Bratten stated he voted in favor of paving but did not sign his ballot so it was not counted. He wanted a procedure established whereby an affidavit would be accepted in circumstances like this. Ms. Jennifer Gusikoff stated she initiated the petition for 159th Court. It was submitted in February of 2015, followed all the rules, and obtained the required percentages, even after the rules changed. One of the residents moved after voting but she believed the real estate closing agent disclosed this information to the buyer. Mr. Hinkle asked Attorney Capko for his opinion regarding a revote. Mr. Capko stated if a petition has 51% of affected residents, it doesn't have to go to a referendum. There is no authority to change results based on an unsigned ballot. Mr. Howard stated if the Board allows a revote, it is setting a precedent for landowners who do not like an outcome. Mr. Capko noted the precedent would only be for landowners to request a change; the Board is not required to comply. Mr. Meyer was in favor of a revote for this one particular street. Mr. Capko stated the Board could have the complete referendum process undertaken again or it could request a petition from 51% of the affected residents, thus eliminating the need for a referendum. Mr. Ryan was in favor of a new petition and Mr. Powell agreed this would be the most effective way to handle this. Mr.

Powell made a motion to accept a new petition for this one road, in a form certified by the Supervisor of Elections. Mr. Ryan seconded the motion. After a brief discussion, the motion passed 4:1 with Mr. Howard voting against. Mr. Powell then made a motion to proceed with the 19th Plan; Mr. Ryan seconded the motion. A lengthy discussion followed regarding the sale of property after a petition has been initiated, and making adjustments to an approved Plan, i.e. removing roads or parcels from the Plan. It was noted there are several public hearings before a Plan is finalized. It was also noted that the engineer could present the pros and cons of changing the length of a road and/or excluding parcels. The vote on the motion was called for and it carried unanimously. Mr. Powell made a motion to adopt a resolution to formally direct the engineer to proceed and prepare the 19th Plan. Mr. Meyer seconded the motion and it carried unanimously.

Ms. Eason reported on the Loxahatchee River Water Restoration Plan. Mr. Hinkle was concerned about the LRD putting in a sewer line. Mr. Dillon reported he has spoken with the director and there is no action to pursue a forced main in PBCE or Jupiter Farms. The school property on Haynie Lane has been put on the shelf as well. Mr. Meyer suggested a workshop meeting within the next year to discuss how things are going on this issue and the Board agreed.

Mr. Capko presented the attorney's report. He stated there is nothing else to report other than what has been discussed. Mr. Hinkle asked if everyone has to be assessed in a benefitted area. Mr. Capko stated the landowners have to be equitably apportioned and assessed, regardless of whether they want the benefit or not. Mr. Hinkle noted that in the past there have been corner lots that received a 50% discount. Mr. Capko stated the Board has the discretion to assess according to the benefit received, e.g. if a second paved road is not providing as much benefit. He also noted that if there is private or no financing, the District would not be levying an assessment.

Mr. Hinkle discussed the District's proposed road paving enhanced stabilization policy. He noted receiving 105 emails and the majority of them were in favor of his proposed policy as previously discussed. He expressed concern for landowners who cannot afford an additional expense and also noted this policy would not stop paving, only financing by the District. No rights or benefits would be taken from the landowners. Mr. Ryan was concerned with saving staff time and money, and believed the solution would be to stop financing paving projects. Then those who want paving would have to pay for it themselves. Mr. Howard thanked the landowners who sent letters to the Board, and believed there were suggestions not yet considered. He presented several adjustments to the previously proposed policy (see attached Policy 7.1.2). He agreed that it is unfortunate that someone who doesn't want paving has to pay, but that is the standard, not the exception. Only Indian Trails and a county in Oregon handle projects where landowners are required to provide/obtain their own financing; everyone else assesses. Mr. Hinkle noted landowners should have access to a paved road within ½ mile. Everyone pays for paving the major roads. Mr. Powell noted that landowner emails provided proof that this policy is controversial. He believed the current proposed policy is short-sighted and could be improved. He applauded Mr. Howard for the time spent preparing policy amendments. Mr. Powell pointed out that when the District's Special Act passed, it was about the ability of the District to finance paving projects and sell bonds. Mr. Howard's plan still leaves the ability for people to have paving, and accomplishes everything Mr. Hinkle wanted in the current proposal. Mr. Meyer discussed the pros and cons of the two policies. He appreciated the detail in Mr. Howard's proposal as it sets a threshold more in line with the County. He felt the District's thresholds have made paving too easy and some landowners' rights have been violated. He stated Mr. Hinkle's proposal puts the financial burden where it belongs but it also makes it very difficult to pursue paving. It also allows the Board to get back to dealing with water control. Mr. Howard's proposal is more in line with the County's thresholds and gives more opportunity for paving. Mr. Meyer was concerned with the Board having the ability to initiate paving if it was related to water control. Mr. Capko stated future paving would have to assist the District in maintaining the function of water control. Mr. Powell noted that the District's previous engineer, Len Lindahl, put together a booklet to define OGEM as maintenance material, so the District could spend maintenance funds to use it. There was a brief discussion regarding OGEM and asphalt as maintenance, and the assessments for maintenance material. There was also further discussion regarding corner lot benefits, utilizing Board time in implementing the policy, and the issue of financing. Mr. Ryan concluded Mr. Hinkle's policy was simpler as it eliminates District financing and the Board would not have to address future problems. Mr. Hinkle was also concerned about discrepancies in ownership of roads and easements. Mr. Howard

then made a motion to accept his policy proposal and Mr. Powell seconded the motion. Mr. Capko stated he reviewed Mr. Howard's proposed policy and recommended adopting it conceptually so the Board and staff can "tweak" it to answer as many questions as possible. Mr. Howard amended his motion to adopt the policy conceptually, and Mr. Powell seconded the motion. Mr. Hinkle stated he wanted a workshop to discuss this matter. Mr. Ryan stated he was against adopting the policy conceptually or otherwise. A vote was called for on the motion and it passed 3:2 with Messrs. Hinkle and Ryan opposed. Mr. Capko will prepare a final proposal and present it to the Board at the next meeting. Mr. Howard will work with Mr. Capko to prepare the proposal. The Board agreed to a workshop meeting on March 9th at 6:00 at the District Work Center.

Mr. Hinkle asked Ms. Eason to address where the 19th Plan roads are located and have them surveyed so swales can be done in advance prior to construction.

Mr. Haas stated there are debt payments due to Wells Fargo on April 1st. Two of these payments are final payments for the 2004 road programs. He will send a memo for processing the checks.

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

ADJOURNED

Draft

SIRWCD - Enhanced Stabilization Policy

Policy 7.1.2

I. PURPOSE

To create a systematic procedure for South Indian River Water Control District's Landowners to apply for road surface upgrades on roads maintained by SIRWCD.

II. PROCEDURE

The South Indian River Water Control District Board of Supervisors hereby establishes the following:

1. No roadway will be considered for enhanced stabilization unless the right of way width, drainage swales, and road base are considered suitable by the District Manager of Operations and the District Engineer.
2. Enhanced stabilization shall be in accordance with the design and specifications approved by the District's Manager of Operations and Engineer.
3. Should a roadway need enhancements to be considered suitable for the project as determined by the District's Manager of Operations and Engineer, the landowners must pay the costs of these improvements in addition to the cost of the enhanced stabilization project.
4. Enhanced stabilization projects require a petition with more than 50% of the benefited landowners in favor of the project. Petitions shall be submitted to the District's Manager of Operations requesting the project. Petitions shall be on a District-approved form which provides a preliminary estimate of paving costs provided by the District's Engineer and state whether or not the project will be financed by the District. The Board of Supervisors approves or denies the Petition after the District's Manager of Operations and Engineer review, verify, and make recommendations.
5. After a successful petition, Board approval, and review by the District's Manager of Operations and Engineer, the proposed project is sent to referendum with ballots reflecting assigned benefits and estimated costs and/or assessments. A successful referendum under this policy requires an affirmative vote by more than 80% of benefited landowners for passage.
6. There are two options for funding a project. The choice between project prepayment or District financing must be part of the initial petition request and the choice clearly noted on the petition and referendum ballot:
 - a. District financing: benefited landowners will be assessed for their portion of the actual cost of the project over the term of the financing secured by the District. Landowners who wish to pay their portion of the project without financing charges must submit their portion of the project to SIRWCD prior to District financing of the project. Payment due dates will be announced to affected landowners.

b. Projects not financed must have all estimated costs paid in full prior to the project being added to a Plan of Improvement.

7. Petitions for landowner initiated enhanced stabilization projects will be available from the SIRWCD office on the first business day in February of each year and must be returned to SIRWCD by the last business day in April of the same year. Petitions meeting the requirements of the District's Manager of Operations and Engineer will be presented for approval of the Board no later than August 31 of the same year. Once approved, referendums will be mailed via certified mail to benefitted landowners. Landowners will have at least 30 days to return a completed referendum ballot with the date due for return clearly noted on the envelope and/or referendum ballot.

III. ADDITIONAL CONSIDERATIONS

1. The District Board of Supervisors has the right to deny any landowner initiated project with or without reason.

2. Petitions are only for one road section, defined as a continuous section of roadway of the same street name. Road sections considered for enhanced stabilization shall connect to existing stabilization of equal or greater durability on at least one end and be made up of a logical section of roadway (i.e. - ¼ mile, ½ mile, road of greater connection within the community, 4-way intersection, etc.).

3. For projects not financed through SIRWCD, no landowner can be required by SIRWCD to provide funds. Funds collected for these projects will be held in escrow in a non-interest bearing account until all funds are collected and paid out. All funds must be collected by SIRWCD within one (1) year of a successful referendum. If adequate funds are not collected, the collected funds, less administrative, staff, and other fees or costs incurred by the District, will be returned. In the event of a project exceeding the budgeted amount, the additional funds needed to complete the project will be collected as an assessment on the benefitted properties. Funds in excess of the project cost will be refunded proportionally to the amounts paid by each payor.

4. Projects financed through SIRWCD are generally assessed on a per parcel benefitted basis although a per acre benefitted or per foot of benefitted frontage basis may be used as determined by the Board of Supervisors.

5. Landowners must wait a minimum of 3 years before a section of a road which failed in referendum may be included in a new referendum.

6. Neighborhood plans approved by the Palm Beach County Commissioners shall be considered by the SIRWCD Board of Supervisors when making decisions about project approvals.

7. District Roads do not qualify for traffic calming devices.

8. Paving a road does not abandon or reduce the annual road maintenance assessment on a landowner's Non Ad Valorem taxes.

9. A public record notice will be filed for all benefitted properties within a project upon a successful referendum.

10. Landowners may choose to utilize a road paving program provided by Palm Beach County.

**MINUTES OF THE WORKSHOP MEETING
OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON MARCH 9, 2017**

The workshop meeting of the South Indian River Water Control District was held on March 9, 2017, at 6:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, Michael Ryan, John Meyer and Michael Howard. Also present were Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Three landowners were also present.

Mr. Hinkle called the meeting to order and the Pledge of Allegiance to the flag was given. The purpose of the workshop was to discuss the proposed enhanced stabilization policies.

Mr. Hinkle stated there were three separate policies to consider. Landowners could go to the County for funding, bypassing SIRWCD. Landowners could finance and pay for the improvements themselves without going through a referendum if there is a petition from 51% of the landowners. The landowners could continue with SIRWCD providing financing. Mr. Hinkle stated he initiated his proposal because financing was becoming a problem for the District, and there was too much time spent in meetings talking about paving. If the landowners handled the financing and paving themselves, the District could concentrate on only water control. Mr. Powell stated financing has always been an issue but the treasurer manages to work it out. He pointed out that the majority of the time spent at meetings discussing paving has been about changing policies and procedures. Paving in the District has been accomplished since 1982 with little or no discussion because the landowners handled their petitions, a referendum was conducted, and then the Board made a final decision. He noted that the bar has now been set so high, there probably will not be more paving requested in the District. Mr. Meyer stated there have been complaints from landowners on both sides of the issue. There needs to be a process that gets the District out of the paving business so it can concentrate on water control.

Mr. Howard stated the policy originally proposed virtually does away with paving because landowners will not be able to afford to pay for it up front. The provision for a simple majority decision does not meet the standard, as the policy currently in place requires 50% plus one of the affected landowners. The proposal appears to come directly from Indian Trails and does not deal with specific issues in SIRWCD. He noted that the original proposed policy did not get a second when presented at the previous Board meeting.

Mr. Ryan stated the original proposal would not allow a minority of landowners to make decisions affecting the others. Any paving policy would not be fair unless equal rights and solutions are given to those landowners who want to keep dirt roads. He noted Mr. Howard's proposal does not stop the threat of landowners coming back multiple times to vote for paving. If the District does not provide financing, landowners are then responsible for paying for paving themselves. He would like to find a way to keep dirt roads and not force residents out of their homes because of a hardship caused by assessments on their property.

Mr. Meyer believed most landowners would vote against a petition so they do not have to pay, forcing those who really want the paving to pay for the entire road.

Mr. Powell stated the original proposal is an extreme position. A referendum would be very difficult to pass. Mr. Howard's proposal listens to all the landowners and appears to be a good compromise. The Board should not let a small percentage of hardship cases drive the solution.

Mr. Hinkle noted that every monthly engineering report has had paving issues that require discussion. Mr. Meyer suggested an application process requiring a fee when a petition is initiated. The Board could also establish a paving committee consisting of a supervisor and staff member who would meet outside of the regular Board meetings. Mr. Capko confirmed it would be legal to have an application fee. Mr. Powell noted that once a policy is established, the Board should quit micromanaging the project.

Mr. Howard noted if the Board believes the voting has been bullied, it can decide not to include that road in the paving plan. He stated his proposal creates a timeline for the Board and staff, and requires a super-majority. If the landowners are forced to go to the County for paving, it will construct a street with swales and SIRWCD will have no control over that. Turning over drainage swales to another agency inhibits the job SIRWCD can do for the landowners. Mr. Dillon noted there have been maintenance issues with County culverts in the past. County standards always leave issues with swale contouring, etc.

Mr. Hinkle stated he did not like the “per foot” provision in Mr. Howard’s proposal. Mr. Howard explained this gives the Board flexibility. Mr. Powell stated the District is required to assess on a per parcel basis. Mr. Meyer suggested assessments could be based on frontage and not by parcel. Mr. Hinkle noted that some landowners have three roads on their property. Mr. Howard noted under #6(a) the landowner would be assessed for his own portion. This provision can be clarified. For corner lots, a landowner would have two votes and receive two assessments. A referendum only covers one road so the landowner will be voting for each individual road and assessed 100% for each.

Mr. Meyer agreed there should be a procedure to honor no-paving petitions. Mr. Powell noted this would be an “action to not do something.” Mr. Hinkle noted if there is 100% agreement, a conservation easement could be established on a road. Mr. Howard noted if the bar is high enough and a fee is required to start a project, this should take care of that issue. There would be enough guidance for the Board to make a decision against paving. Ms. Eason suggested bringing petitions to the Board meetings for review prior to proceeding.

Mr. Hinkle asked for staff input as to OGEM vs. asphalt. Ms. Eason stated that OGEM is usually more efficient on short roads. In the past, if there is a change from OGEM to asphalt, a petition is resubmitted. Mr. Dillon noted that usually three miles of roadway is needed for OGEM to be efficient.

Mr. Hinkle was not in favor of providing financing, but would vote for financing with a 90% requirement, similar to the County’s policy. Mr. Powell believed a lower requirement would be better. Mr. Ryan was concerned with hardship cases. Mr. Howard noted it is the Board’s responsibility to look at each project and make a decision. Mr. Capko suggested a provision whereby senior citizens can get a delay in paying their taxes. He will look into this possibility and report back to the Board. Mr. Howard believed the matter of assessment should be a separate policy.

Mr. Hinkle suggested having both proposals discussed at a public hearing, as well as a no-paving policy. Mr. Capko did not think a public hearing was necessary but public comments during a regular Board meeting would be sufficient. Further discussion followed regarding the need for another public hearing.

Mr. Powell excused himself from the meeting at this time due to an urgent family matter.

It was decided to present both proposals and a no-paving policy at the next Board meeting for landowner comments, and then take action at the May Board meeting. It was agreed to use the County’s policy as a model. All were in agreement to add an application fee. Staff was asked to estimate the time required of them during the petition process. Mr. Meyer agreed to prepare a no-paving policy.

Ms. Eason noted the next step in the 19th Plan is a public hearing and asked for Board direction. Three consecutive weeks of advertising are required prior to a public hearing. Ms. Eason and Mr. Capko were both concerned about the 19th Plan public hearings overlapping with the policy changes being presented, creating confusion for the landowners.

Mr. Capko asked that any letters with threats of a lawsuit or bodily harm be forwarded to his office.

Mr. Hinkle asked the Board to consider a workshop meeting on water control, to be scheduled during the summer.

There being no further discussion by the Board, the meeting was adjourned.

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON APRIL 20, 2017

The regular meeting of the South Indian River Water Control District was held on April 20, 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 Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Fifteen landowners were also present.

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

Mr. Ryan made a motion to accept the consent agenda which included the March minutes and warrant list. Mr. Powell seconded the motion and it carried unanimously.

Mr. Hinkle presented a draft of the enhanced stabilization policy as discussed at the recent workshop meeting. He noted it is similar to the County's policy and also includes a no-paving policy. Mr. Howard stated this a good compromise and thanked the other Board members for their assistance. Mr. Meyer also thanked the engineer for working on the no-paving portion which allows for a procedure whereby landowners can circulate a petition if a road segment does not want paving. With 50% or more desiring no paving, the petition is then reviewed by Mr. Dillon and Ms. Eason and brought to the Board for approval. This would stand for three years. If a segment overlaps any paving petition by 50% or more, then the paving petition cannot go forward. Mr. Ryan stated this policy still falls short of offering fairness to those who don't want paving. He felt the no-paving petitions should stand for a minimum of five years. Mr. Ryan also noted that landowners move away after voting in favor of paving, leaving others to pay the bill. He was disappointed there was no follow-through with the original policy that was addressed in a public hearing. Mr. Hinkle stated he still does not want the District to provide financing for paving, but the Board needs to compromise in order to move forward with a policy. He would also like a minimum of five years for the no-paving policy. Messrs. Meyer and Howard agreed with five years; Mr. Powell had no comment. Mr. Hinkle then opened the floor to landowner comments.

Mr. John Jones stated he would prefer Mr. Hinkle's proposal but this one is better than the current policy. Ms. Kristen Atwood supported this policy. Mr. Matt Gitkin would like to see everyone come together and move forward.

Mr. Howard made a motion to change the time limit on the no-paving provision from three years to five years. Mr. Meyer seconded the motion and it carried unanimously. Mr. Ryan asked that existing petitions be grandfathered in. Mr. Meyer agreed that was the intent and this will be clarified. Mr. Hinkle pointed out this policy takes away the previous 50% provision for corner lots; there are no discounts. Ms. Eason noted the petition review fee will be based on the length of road and suggested \$300 for a road one-half mile or less, and \$600 for longer roads. Mr. Meyer stated the time frame for accepting petitions this year should be modified because of the change in policy. After a brief discussion, the Board agreed that people can start petitions anytime but not submit them until February. Mr. Capko suggested not including a specific review fee in the policy so the Board can change it in the future as necessary. Since the Board had already established a moratorium, there was no need to set fees at this time. Ms. Eason was instructed to prepare a new petition form for the landowners. Mr. Meyer made a motion to adopt the policy as discussed and modified. Mr. Howard seconded the motion and it carried 4:1 with Mr. Ryan opposed.

Ms. DeNinno presented the public information report. She acknowledged Mr. Dillon and staff for their participation in Family Day. The new paving policy and information regarding water hook-ups will be included in the next newsletter. Work is continuing on the Policies & Procedures manual.

Mr. Haas presented the treasurer's report. The final payment on the two original paving notes is due April 1st. Final payment on Egret Landing is due August 1st. The budget process is beginning and Mr. Haas requested information if there will be changes in the level of service.

Mr. Dillon presented the manager of operations report. He requested approval of the MS4 NPDES 4th Cycle Permit Interlocal Agreement. Mr. Powell made a motion to approve the agreement between SIRWCD and Northern Palm Beach County Improvement District. Mr. Ryan seconded the motion and it carried unanimously. Mr. Dillon reported the culvert replacement program will take a break during the summer and pick up again in September, except for emergencies. He plans to rent a water truck because the last two months have been so dry.

Ms. Eason presented the engineer's report and discussed the 18th Plan. A substantial walk-through was conducted with the contractor and a punch list prepared. Ms. Eason discussed the 19th Plan which includes 2.4 miles of asphalt and 95 assessable lots. The estimated cost is \$1.1 million. The first public hearing should now be scheduled to approve the proposed plan and she suggested it be scheduled at the next Board meeting. Mr. Meyer made a motion to amend the Plan to include 76th Trail North. Mr. Powell seconded the motion and it carried 4:1 with Mr. Howard opposed.

Ms. Eason reported that the County is proposing construction of portage on the C14 canal. Traffic would allow for extended two- to three-day trips. Traffic is anticipated to be light but there would be a connection to the Loxahatchee River. A permit would be required and all conditions would be spelled out in that permit. Liability issues have been discussed with the attorney. SIRWCD does not have recreational rights for the canal. Mr. Capko stated he thought this request was for a one-time event. Any activities not related to drainage could result in additional liability. Mr. Hinkle noted that canoes and kayaks are currently used daily; there is also frequent fishing and swimming. According to Ms. Eason, portage would cross the District's right-of-way and go into property with an underlying ownership by SFWMD. The County has a lease over the property. Mr. Hinkle stated he would like to go forward with this. Under Chapter 298, SIRWCD is allowed to have trails and this is considered a blue trail. Mr. Powell noted the canal bank on some of the canals have a hydraulic barrier. He did not want to see a breach in that barrier. Ms. Eason noted the canal bank would be gently sloped and only require about 65'; there should not be any breaching of the area. Portage would be maintained by Riverbend Park. Mr. Meyer stated he was in favor of the plan. Further discussion of the proposal involved heavy stabilization of the bank. Portage would cross SFWMD canal bank. A wooden structure could cross over the canal bank on the District's side with stabilization on the opposite side. The County is open to any design considerations that are appropriate. Mr. Howard was in favor as long as there is no expense to the District, it does not impede the work of the District and there is no liability. Mr. Ryan agreed that portage at this location is long overdue. Mr. Ryan made a motion to give the County a permit as discussed. Mr. Howard seconded the motion and it carried unanimously.

Mr. Capko's associate, attorney Seth Behn, presented an update on legislative activities affecting the District. He is tracking a bill that supports a public records request form, as well as a bill regarding ethics reform. It was noted that the District held an ethics workshop a few months ago. There is also legislation regarding pollution reporting. One bill would require mandatory posting of minutes online for one year. Also, a bill addresses voting on something that benefits the public, with an official voting even if there may be a personal benefit or conflict. Mr. Meyer asked about state assistance for septic systems. Mr. Behn stated the focus has been on land acquisition and he was not sure about the status of such assistance.

Mr. Hinkle opened the floor to landowner comments. Mr. Todd Aichele stated he represented four landowners regarding 128th Trail North and Windsong Way. On their behalf, he was requesting partial paving from Indiantown Road to the end of the 5th property. Mr. Hinkle stated 128th is one continuous road and it is not the Board's policy to pave a portion of a road without an intersection. Mr. Ryan stated paving needs to be workable from a maintenance standpoint. Mr. Hinkle stated the new policy adopted tonight requires the use of a new petition which will be prepared and available at a future meeting or on the website. All new petitions must wait until February, 2018.

Mr. John Jones requested removing 159th Court in Palm Beach Country Estates from the 19th Plan. Landowners to the west do not want paving and he believed paving will cause a maintenance problem. He felt it will become a dangerous stretch of pavement. Mr. Matt Gitkin stated this same argument would apply to Windsong if there is partial paving. Mr. Gitkin also had questions regarding water quality in the C14 canal and how it will be affected by the proposed portage. He asked the Board to work with Loxahatchee River District to get the water quality improved.

Ms. Eason stated the Loxahatchee Coordinating Council does not include SIRWCD at this point. Maintenance of the secondary drainage system will help. She agreed to look at water quality information and bring suggestions to the Board. She suggested not moving forward until she can discuss this with the Board at a workshop. Mr. Ryan noted there is no link between the proposed portage and water quality. Mr. Powell stated the District has been monitoring its water quality for many years. Mr. Meyer suggested scheduling a water quality workshop for June or sooner.

There being no further business to come before the Board, Mr. Ryan made a motion to adjourn. Mr. Powell seconded the motion and it carried unanimously.

ADJOURNED.

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON MAY 18, 2017

The regular meeting of the South Indian River Water Control District was held on May 18, 2017, at 7:00 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, John Meyer and Michael Howard. Also present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately 36 landowners were also present.

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

Mr. Hinkle opened the public hearing for the proposed 19th Plan of Improvements. Ms. Eason presented an overview of the 19th Plan which consists of 2.4 miles of asphalt for 76th Trail N., 78th Drive N., 154th Court N., 159th Court N., 160th Street N. and 175th Road. The estimated cost is \$470,000/mile with 95 assessable lots. The estimated payout is \$13,300. After the public hearing tonight, the engineer's report will be filed, followed by a second public hearing.

Mr. Hinkle stated three out of four landowners on 159th Court submitted no-paving requests. He was in favor of shortening the paving on that section. Mr. Meyer stated since the referendum went through, it should not be pulled from the Plan. He admitted this is a controversial issue. Mr. Howard stated the Board should consider removing those four parcels from the Plan. He noted there would be a section paved in the middle of nowhere and this does not meet previous Board guidelines. Mr. Meyer noted that segment of road does not connect on either end, but policies and statutes were followed at the time. He questioned why this was not stopped when it was first initiated three years ago. Mr. Howard stated there was discussion in the past and the staff turned it over to the Board to decide. It is now the Board's job to uphold the policy of the District. Mr. Hinkle noted that 159th and 154th are not feeder roads. Mr. Howard also stated there are concerns about 76th and 160th because of an unsigned ballot and piecemealing which does not meet the Board's criteria. Mr. Hinkle suggested just removing the western block. He opened the floor to landowner comments.

Mr. Jack Cox, an attorney representing the Carlo and Scovill families on 159th Court N., presented a position letter (see attached). He stated there was an amendment in April which changed the affirmative requirement from 50% to 90%. Since there was no vested right to a paved road prior to that time, the new rule should apply. It was his position that there can be no public hearing on the issue tonight because there was not a 90% vote. He further stated this is a procedural issue and the petition should be disregarded. Ms. Kathleen Marvel asked the Board to consider the intent of the law as discussed by Mr. Cox. She stated there is a group of landowners who strongly support this position as paving will diminish their quality of life. Ms. April Jamason supported the policy of owners paving their own roads in PBCE. She asked the Board to stay with what the landowners voted for. Mr. Jorge Rodriguez stated the majority should rule. The requirement to pave is set at 90%. He asked how many votes the Board members received in the election. Mr. Rodriguez became boisterous and Mr. Hinkle asked him to leave but he refused. Other landowners protested that he was being asked to leave and Mr. Hinkle then stopped the meeting and called for a police officer. Mr. Rodriguez continued to speak about constitutional rights. Mr. Capko informed him that his comments did not relate to the 19th Plan being discussed at this time. A police officer arrived and escorted Mr. Rodriguez from the meeting. Mr. Hinkle resumed the meeting.

Ms. Bonnie Alvarez from 154th Court N. questioned how rules can be changed every year and how the landowners are expected to meet those requirements. Although her street voted in the majority, it is obvious that the Board does not want paving. She also questioned why so much time is spent preparing new procedures when the Board could just say there is to be no future paving. It was her opinion that landowners voted for the paving and the Board is nitpicking now as an excuse to get out of paving. Landowners have been waiting five years for this paving. Ms. Jennifer Gusikoff stated 159th was the first petition in the 19th Plan. All requirements were met along the way, following the District's directions. An attorney was hired who said everything was being done legally. They were told it would be better for maintenance if there was a connection to a paved road so that is what they did. She

asked the Board to do the right thing now. Mr. Charles Bratten on 76th Trail N. stated he requested paving procedures in October, 2015. At that time a petition required only 35%. This was obtained but then the policy was changed to 50%. That was then obtained and there was a referendum. Then the Board changed the policy regarding corner lots. The policy now requires 90%. He noted his road only has eight lots so even obtaining seven votes out of eight does not reach 90%. He stated he was sorry for the person with a corner lot on 159th who voted for paving and now may have the Board deny it, resulting in \$25-30,000 in property value that he won't receive. He did not believe there will be another chance for paving for these landowners. Mr. Martin Spiro stated that many people moved here to be on dirt roads. Now there are owners who want paving and everyone is being assessed. Neighborhoods are being turned into war zones. He felt there should be an immediate policy change so landowners wanting paving would have to get their own financing and pay for it themselves. Ms. Kristen Atwood stated the Board always has the option to remove any portion from the Plan that is felt to be unsafe. Regarding 159th, she questioned paving a road that does not stop at a logical point. It is dangerous, especially at night, to go from a dirt road onto paving. Mr. Roberto Abberante from 154th Court N. stated the policy first required 35%, then went to 50%. The referendum passed so it should be paved. It is a road going to other paved roads. He agreed it is a financial burden but maintenance does nothing for the road and that costs money too. Dirt roads aren't safe and the dust is not good for breathing problems. He asked the Board to do what they said they would. Mr. Jose Cabrera stated the Board should consider if the District's legislation is affected by changing the rules. The Board should show evidence that it is following the rules. This is an opportunity for the staff to review the non-applicability of the laws.

The Board then continued its discussion of the Plan. Mr. Meyer asked attorney Capko to give his opinion on the position presented by attorney Cox. Mr. Capko stated he disagreed. The Board made it clear that while the 19th Plan was going to referendum, any changes would be prospective and not impact a project going to referendum. Changes requiring 90% do not impact the 19th Plan. Mr. Meyer questioned the safety issues discussed regarding 159th Trail where it would not connect to pavement. Ms. Eason noted it connects to pavement on one end. Going north would be the quickest route, and going south would lead to a paved road. If speed limits are observed, safety should not be an issue. Mr. Howard stated the Board's job is to do the right thing and be accountable. An increase in property value is outside the scope of the Board. There were issues with the 19th Plan from the beginning. Rules were changed midstream. Mr. Meyer stated there was only one retroactive change: the voting requirement from 35% to 50%. Mr. Hinkle stated the landowners did what they needed to do and voted. Some details need to be worked out, but the Board needs to have the engineering report and the second public hearing before fine tuning the Plan. Mr. Meyer noted he received an email from a landowner who does not want paving on 159th because of hardship. He questioned if the Board can address this and possibly exclude them from the Plan. Mr. Haas stated this has never been done before. Mr. Capko stated there are statutory provisions for hardship cases so someone can obtain relief through the property appraiser's office. The District cannot relieve a property owner of the responsibility to pay. Mr. Meyer made a motion to adjourn the public hearing. Mr. Howard seconded the motion and it carried unanimously.

Mr. Hinkle then opened the Board meeting. Mr. Howard made a motion to approve the consent agenda which included the warrant list and minutes from the April meeting. Mr. Meyer seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. The website now includes a page regarding septic maintenance. She continues to review the Policies & Procedures Manual with the District staff.

Mr. Haas presented the treasurer's report. He discussed the budget calendar and noted there was a suggestion by Mr. Meyer for a new program in the water control budget. Mr. Meyer recommended that the staff present ideas to improve drainage, storage, and the overall system. Storage is a major problem due to continued construction and he would like the budget to reflect this. Mr. Dillon noted that build-out in the District is now over 90%. Low lots used to be retention areas but now they are being filled. He has been concentrating on secondary swales and the culvert replacement program. Swales were designed to retain some water. The District used to focus on canals but now the focus is on swales and outfall easements, especially in PBCE. There are areas that are encroaching on these

easements with fences and sheds. He asked those landowners to work with the District. There will be an article published in "The Farmer" as well as in the District and HOA newsletters. Mr. Hinkle suggested re-recording all easements and rights-of-way so people know what they have when land ownership is transferred. Mr. Haas agreed this issue should be reflected in the proposed budget which he expects to present at the June meeting.

Mr. Dillon presented the manager of operations report. He requested ratifying the purchase of a 2000 dump truck. Mr. Meyer made a motion to approve the purchase. Mr. Howard seconded the motion and it carried unanimously. Mr. Dillon reported he reviewed the Canal 13 right-of-way erosion issues. He surveyed the property and determined that it extends into Canal 13. He recommended stabilizing the bank and has received several quotes for the work. Ms. Eason recommended riprap around the pipes and Mr. Hinkle suggested riprap on both sides. It was clarified that this is an issue caused by the District's system, not erosion from the landowner's property. Stabilization would protect our system. After a brief discussion by the Board, Mr. Dillon was asked to obtain new quotes to reflect this additional work. Mr. Dillon then introduced Mr. Tim Kendall. Mr. Kendall discussed 90th Trail N. at the entry to Riverbend Park. After a referendum in 2012, 90th Trail N. was paved but it was short on the ends and has only 35 feet paved on a 200-foot lot. Ms. Eason suggested it could be paved along with 175th during the 19th Plan. Mr. Howard questioned if this is considered maintenance or if the Plan of Improvements needs to be reopened. The Board agreed there is a need to pave that section and the staff was asked to look at options to be discussed at the next meeting.

Ms. Eason presented the engineer's report. She gave an update of the 18th Plan. She is waiting for records drawings and then the Plan will be ready for the final payment. Ms. Eason discussed the 19th Plan and requested approval to prepare the engineer's report. She suggested the second public hearing be held at the June meeting. Mr. Meyer made a motion to move forward with the engineer's report. Mr. Howard seconded the motion and it carried unanimously.

Ms. Eason discussed the Loxahatchee River Water Restoration project. She explained this is headed by the Army Corp of Engineers and SFWMD. She is currently on two subcommittees to review projects being proposed. One project restores minimum flows to the Loxahatchee River through the G92. This reduces flood protection. Alternative plans will be looked at and she will provide the Board with specifics as to how this will impact the District. Ms. Eason is also involved in the Loxahatchee River Reasonable Assurance Plan. The District's outfall canal is adjacent to that area. It impacts Jupiter Park of Commerce and Egret Landing. She explained that this plan looks at redoing the boundaries and this will affect SIRWCD. The Board will eventually have to decide if it wants to be a stakeholder, but this is in very preliminary stages right now.

Mr. Hinkle discussed possible signage for fishing. Mr. Capko will check to see how this affects liability for the District.

Mr. Meyer asked about scheduling a workshop and Ms. Eason will discuss this at a later time. The next Board meeting was scheduled for June 29th and will include the public hearing for the 19th Plan.

Mr. Capko updated the Board on the legislative session. One bill that would have added layers of advertising did not pass. Mr. Howard discussed the park in PBCE and was concerned about liability for the District. He would like to keep track of larger organized events that are being held there such as fundraisers and commercial events. Mr. Capko stated permits could be required for specific events, and the District could also require insurance and/or a fee. Mr. Howard would like to have rules established for reserving space for organized events. There being no further business to come before the Board at this time, Mr. Meyer made a motion to adjourn. Mr. Howard seconded the motion and it carried unanimously.

ADJOURNED.

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON JUNE 29, 2017

The regular meeting of the South Indian River Water Control District was held on June 29, 2017, at 7:00 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer and Michael Howard. Also present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately 24 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 Mr. Ryan had resigned as supervisor, effective today.

Mr. Hinkle opened the second public hearing for the proposed 19th Plan of Improvements. Ms. Eason presented the engineer's report and a brief overview of the 19th Plan. Mr. Hinkle opened the floor to landowner input.

Mr. Charles Bratten stated the landowners have done everything required since 2015 and asked the Board to continue with this Plan. Ms. Dawn Scovill believed the majority of owners on 159th oppose paving and want to preserve the rural neighborhood. Ms. Jennifer Gusikoff stated all the rules were followed by the landowners and asked the Board to honor its commitment. Ms. Bonnie Alvarez reiterated previous landowner comments and asked the Board to honor its commitment for 154th Court. Mr. Vincent Cuomo stated 76th Trail has a majority of owners in favor of paving and requested that this be done. Mr. Kirt Danielson expressed his appreciation to the Board member who answered his emails. He was puzzled by any action that would not approve this Plan since the majority of landowners want to go forward. Mr. Matt Gitkin asked the Board to approve what is worthy and to look at what is behind the votes on a road by road basis, considering anything that does not make sense.

The Board then discussed the 19th Plan. Mr. Howard stated he still has issues with 159th and 160th. Mr. Meyer felt strongly that if the landowners were told to proceed with this process in a certain way and they complied, the Board must honor that in order to have the trust of the public. He also felt that any changes to the Plan should have been made years ago, not now. He stated he would have been willing to remove the western block from the Plan, but this could have made issues worse. Mr. Powell agreed with Mr. Meyer about making changes at this late date since all procedures were followed by the landowners. Engineering issues should have been dealt with earlier. Mr. Hinkle stated he would like to remove the western block on 159th but had no problem with any other segment. Mr. Powell agreed this is not the time to make such a change.

Mr. Capko stated the Board has the authority to approve or deny the 19th Plan in part or in whole. He felt comfortable defending the District if there were challenges, but with no guarantees. Mr. Hinkle noted he has had emails threatening to sue the District. Mr. Howard noted that the Board's task is to look at each petition and referendum to determine if it fits in. He was firm in his belief that two road segments do not match the intent of the Board's direction.

As there was no further discussion on the matter, Mr. Powell made a motion to adjourn the public hearing. Mr. Meyer seconded the motion and it carried unanimously.

The regular Board meeting then commenced. Mr. Howard made a motion to accept the consent agenda consisting of approval of minutes from May and the warrant list. Mr. Meyer seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. The website has been updated. Chapters 1-6 of the Policies & Procedures Manual have been reviewed and will now go to the staff for their comments. The next newsletter has been started and will include the status of the 19th Plan and an update regarding the potable water hookup. Mr. Hinkle suggested including a flyer regarding the potable water hookup. Mr. Haas suggested a separate letter would have more impact and it could be sent only to those landowners who have not yet hooked up (approximately 80). Ms. DeNinno was asked to prepare a letter and present it to the Board for approval.

Mr. Haas presented the treasurer's report. He acknowledged receipt of the 2016 audit report and stated that a copy had been sent to the Board and staff. The Board members all acknowledged receipt of same. Mr. Haas presented the preliminary budget for next year. He explained how the District functions and how it is assessed. In Palm Beach Country Estates, assessments are expected to increase an average of \$40. In Jupiter Farms, assessments are expected to increase an average of \$9. The Board commented that increased attention to the drainage system and maximizing storage in the District are reflected in this preliminary budget. Mr. Haas noted that there are discretionary funds (approximately \$1 million) available if the Board later decides on additional programs. The Board noted that PBCE previously had empty lots for water storage but now the District has to reclaim outfalls and easements. They agreed that the increased budget will fix issues, not simply patch them, saving money in the long run. Ms. Eason commented that these issues as well as concerns about water quality will be discussed in an upcoming workshop. Mr. Haas requested that any further input regarding the budget be conveyed to him prior to mid-July in order to be included in the TRIM bill. Mr. Howard made a motion authorizing the treasurer to proceed with the budget process. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations report. He discussed the matter of fishing on the Reese bridge. The bridge is owned by SFWMD and SIRWCD has a permit to use it to get equipment back and forth between Jupiter Farms and Palm Beach Country Estates. SFWD has stated it is up to SIRWCD to allow fishing. Mr. Hinkle stated he would like to see fishing allowed from dawn to dusk. The Board agreed and the signage will be changed accordingly.

Regarding the Berman Park, Mr. Dillon had sample permits that others have used, and requested Board direction. Mr. Capko recommended an insurance requirement for commercial or fund raising events. After a brief discussion, the Board agreed that a hold harmless agreement should also be required for all organized events. Mr. Capko will prepare an agreement for Board approval.

Mr. Dillon discussed problems with Winterhawk Trail, a dirt road that requires repairs after rainfalls. He would like to add asphalt to ease the slope and solve the erosion issues. A cost estimate is \$9,700 plus a boring test to determine if the base rock needs to be replaced. There are no driveways involved. Mr. Haas confirmed this would come from the regular maintenance budget. The Board agreed this needs to be fixed and since it is a maintenance issue it does not require Board approval.

Ms. Eason presented the monthly engineer's report. She requested Board approval of the 19th Plan of Improvements and engineering report.

Mr. Powell made a motion to approve the engineer's report and 19th Plan of Improvements. Mr. Meyer seconded the motion. Mr. Howard stated he could not go forward with the Plan because of issues with 159th and 160th. He did not see a way to fix the problem with 159th because it does not fit what the Board has said it wants the roads to look like. The Board discussed paving roads that do not connect to other paved roads and starting pavement in the middle of a long road. Mr. Meyer noted that it was originally decided the petition would include that segment, and it would not be right now to say it is not compliant with Board policy. Mr. Hinkle stated when the decision was originally made, he did not realize the road did not connect to the east. He still agrees that 159th, less one block, should be paved. Mr. Powell stated the Board can't rethink decisions made by a previous Board now that the makeup of the current Board is different. The Board had further discussion regarding the petition process for 160th. The vote on the motion was then called for and it did not pass with Messrs. Hinkle and Howard voting against it. Mr. Hinkle suggested removing the west block of 159th as a way to save the Plan. Mr. Meyer made a motion to go forward with the 19th Plan after removing the west block of 159th. Mr. Powell seconded the motion and it carried 3:1 with Mr. Howard voting against it.

Ms. Eason briefly discussed water quality models and will go into more detail at the Board's water quality workshop.

Mr. Capko discussed the vacancy on the Board and how this is addressed in the statute. The Board has 30 days to fill the vacancy after which time the governor has the opportunity to fill it. He suggested a Board meeting to appoint a new supervisor who will only serve until the annual landowners' meeting. At that time, the landowners

will elect a new supervisor to fill the remaining two years of Mr. Ryan's term. This will have to be an east side resident. Any information should be sent to the District office to be circulated to the other Board members. A formal nomination would then be made at the next meeting. Mr. Hinkle suggested scheduling the water quality workshop on July 20th at 6:00 at the District office, and including a Board meeting to appoint a new supervisor and vice president. No staff reports will be required. The Board agreed.

Mr. Dillon discussed private roads in Cypress Trails. They contract annually for road maintenance and mowing, but now want to be on the tax roll. Mr. Capko stated they would have voluntary assessments and this would require 100% consent. If one landowner is a holdout but all others agree, it would be an extremely low risk for the District to place them all on the tax roll. Mr. Geoffrey Parker, on behalf of those residents, stated he has been unable to reach two of the residents. Both have paid the contracted amount for the past two years so he did not believe there would be a problem. Mr. Haas noted if all documentation is received by July 15th, they can get on the next tax roll. The Board was in agreement. Mr. Parker will work to provide all necessary documentation and signatures.

Mr. Hinkle commented on problems with Code Enforcement picking up signs for community events. Signs are allowed to be posted on District rights-of-way but must be removed within 24 hours after the event. Apparently signs were being placed on FP&L poles and County rights-of-way, causing a problem.

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

ADJOURNED.

MINUTES OF THE REGULAR MEETING AND WORKSHOP MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON JULY 20, 2017

The regular meeting and a workshop meeting of the South Indian River Water Control District were held on July 20, 2017, at 6:00 p.m. at the District Office, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer and Michael Howard. Also present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately nine landowners were also present.

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

Mr. Powell made a motion to approve the consent agenda consisting of approval of the minutes from June and the warrant list. Mr. Howard seconded the motion and it carried unanimously.

Mr. Hinkle presented Mr. John Jones as his candidate to fill the vacancy for Board supervisor. No other candidates were presented. Mr. Meyer made a motion to appoint Mr. Jones as interim supervisor. Mr. Howard seconded the motion and it carried unanimously. Mr. Jones was then sworn in by Attorney Capko. He will serve until the election results from the September landowners' meeting are received. Mr. Howard then made a motion to appoint Mr. Powell as interim Vice-President. Mr. Meyer seconded the motion and it carried unanimously.

The Board discussed continuing with the existing auditing firm. Mr. Howard made a motion to approve a new contract with the existing auditor. Mr. Powell seconded the motion and it carried unanimously.

A motion was made by Mr. Powell to adjourn the regular Board meeting. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Hinkle then commenced the workshop meeting regarding water quality.

Ms. Eason conducted a detailed water quality presentation and discussed water quality standards, trends, numeric nutrient criteria, water body classifications, FDEP impaired waters programs, Loxahatchee River watershed restoration project and WBID (water body ID) numbers. Trends have more stringent requirements developing across the country. Agencies are discharging to sensitive water bodies and are working to advance stormwater treatment technology levels.

Ms. Eason discussed harmful algae blooms, fish kills, reduced spawning grounds, public health concerns, and numeric nutrient criteria (NNC). She gave a history of the EPA and DEP. She discussed the "Path Forward" agreement adopted by EPA and DEP. She explained the numeric nutrient criteria distribution and thresholds for nutrients and chlorophyll.

Ms. Eason explained the various classifications of water bodies: potable water supplies, shellfish propagation or harvesting, fish consumption and recreation, agricultural water supplies, navigation and utility. She explained the difference between Class III and Class III Limited as it relates to fish consumption, recreation and maintenance of limited population of fish and wildlife. She suggested that SIRWCD may want to downgrade to Class III Limited.

Ms. Eason explained the uses addressed by the assessment methods of the impaired waters program, the five cycles and the assessment categories.

Ms. Eason discussed the WBID numbers. The Loxahatchee River has five WBIDs which she outlined on the map, along with the impaired waters program. She discussed where the samplings are taken and how the surrounding areas could affect the numbers. She presented a list of the current nutrient status of SIRWCD. Jupiter Farms is verified as Stream, Class 3F (fresh). Water quality standards are not attained and a total maximum daily

load (TMDL) is required. The summary status is “impaired.” The priority for TMDL development is medium. Mr. Powell noted that samples were taken downstream from the weir. Ms. Eason confirmed that samples taken at different locations will have different results. Ms. Eason stated the next steps would be TMDL development or a Reasonable Assurance Plan (RAP). RAPs describe the impaired water body, the water quality goals, proposed management actions and procedures for monitoring and reporting, and a commitment to proposed corrective actions. A course of action would be to develop a RAP, submit it for review, get approval and formally adopt the Plan. The DEP is responsible for TMDL development and assistance with the Plan. A Loxahatchee Stakeholder (or SIRWCD) is responsible for staff resources, funding and monitoring. Ms. Eason confirmed at this time the RAP is still voluntary. The Loxahatchee River Management Coordinating Council (LRMCC) has agreed to proceed with a RAP for impaired waters. The RAP boundary is determined, WBID boundaries are adjusted, and a preliminary model is completed. As a member of LRMCC, SIRWCD is included in the RAP boundary, and in the future will need to develop projects that address water quality.

Ms. Eason discussed the Watershed Assessment Program. As a member of the National Pollutant Discharge Elimination System (NPDES), permittees have to develop an assessment program. This includes a water quality monitoring plan, pollutant loading estimate and action/response plan. This document is due September 7, 2017. The location of SIRWCD’s water quality monitoring sites were shown on the map, and the results from those sites. SIRWCD is meeting nutrient criteria. She noted that collection sites are upstream from any structures. Mr. Hinkle suggested adding this information to the website or the newsletter. A landowner requested placing a link on the website where current water quality information could be obtained.

Ms. Eason explained that the law precludes the use of a mixing zone if the receiving water body is impaired. Downstream protection standards may require discharges to meet marine/brackish limits instead of freshwater/flowing water limits. The adequacy of the compliance period is critical for long-term success and cost control.

Ms. Eason discussed the Path Forward plan. SIRWCD will continue to monitor water quality data, monitor regulations, participate in the RAP process, and develop projects that help with flood control and water quality. Such projects would include increased roadside ditch widths for more storage, installing sumps at outfall pipes to detain water longer, removing vegetation in canals, investigating where the current system can add longer detention times, and exploring new technologies. Mr. Powell noted that SIRWCD is a Chapter 298 district with power only to assess for an adopted drainage plan. Its only authority to assess is through a Plan of Reclamation or the District’s Special Act.

Mr. Capko stated if the District is required to meet water quality criteria, that becomes our authority. Mr. Howard noted the only entity that can make this requirement is the County Health Department. He was concerned with moving water through the C14 to get to the Loxahatchee, and suggested looking at storage areas further upstream of the outfalls. Mr. Meyer questioned if it would require landowners to conduct a referendum. Ms. Eason noted there is no funding available at this time.

Mr. Hinkle reminded the candidates for supervisor to turn in their information to the Supervisor of Elections Office.

Mr. Dillon reported the fishing signs are in and asked about removing the “authorized personnel only” signs. Mr. Hinkle directed him to put up the new signs and leave the others up as well.

The Board had no further questions or comments regarding water quality, and the workshop meeting was adjourned.

ADJOURNED.

**MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON AUGUST 17, 2017**

The regular meeting of the South Indian River Water Control District was held on August 17, 2017, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer, Michael Howard and John Jones. Also present were Charles Haas, treasurer; Amy Eason, engineer; William Capko, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately 16 landowners were also present.

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

Mr. Hinkle presented Michael Ryan with a plaque as a token of appreciation for his service on the Board of Supervisors. Mr. Ryan thanked the landowners for the opportunity to serve, commended Mr. Dillon for his work in the District, and acknowledged Mr. Hinkle's contribution to the Board.

Mr. Hinkle turned the meeting over to Mr. Haas for the budget presentation. Mr. Haas presented the proposed budget and briefly explained how assessments are handled. He noted there is a decrease in the overall assessments due to certain debt services being paid off (Jupiter Park of Commerce & Egret Landing). There are increasing expenditures for water control; ongoing programs were discussed. Mr. Haas showed typical assessments by unit and the history of assessments in selected neighborhoods. A landowner was concerned with the status of the canals, algae and growth, but there were no other landowner comments that pertained to the budget. Mr. Powell made a motion to adjourn the budget hearing. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Hinkle resumed the regular Board meeting. Mr. Powell made a motion to approve the consent agenda. Mr. Meyer seconded the motion and it carried unanimously.

Ms. DeNinno presented the public relations report. A link has been added to the website for water quality information. She is preparing a letter to the landowners regarding the potable water hookups, and will be attending StormCon at the end of August. Ms. DeNinno discussed the request from The Jupiter Farmer for funds to be contributed for the reprinting of the article regarding the election of supervisors. She explained that the article stated there was a single seat available. When Mr. Ryan resigned, a second seat needed to be filled and the article then had to be corrected and reprinted at a cost of approximately \$1,500-\$2,000. Mr. Howard noted the District has advertised in The Jupiter Farmer for a number of years and has not been billed. Mr. Meyer noted the District should keep a good relationship with the newspaper but not contribute for the article reprint. Mr. Powell noted that this is not a District publication and the request to contribute toward a reprint is not appropriate. Mr. Jones agreed that the District does not have the authority to pay this type of expenditure. Mr. Hinkle suggested requesting bills for the past ads the District has not been billed for. Mr. Howard agreed there is no authority to pay except for services received. The Board unanimously agreed to decline payment for the reprint, and to have the staff work out a bill with the newspaper for past services rendered, i.e. ads ordered by SIRWCD.

Mr. Haas requested approval of a resolution to adopt the 2017-18 budget and the attached Schedule prepared by attorney Capko. Mr. Powell made a motion to adopt the budget and levy the appropriate assessments. Mr. Howard seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations report. He requested ratification of the purchase of a tractor. Mr. Jones made a motion ratifying the purchase. Mr. Howard seconded it and it carried unanimously. Mr. Dillon reported the County assessed the work facility and suggested installation of security cameras. This was done at the gates, fuel pumps and perimeter of the building. He also attended an "active shooter" seminar and has plans to make the work place safer. Work continues on several outfalls throughout the District. Work on Winterhawk Trail will start next week.

Ms. Eason presented the engineer's report. She discussed the 19th Plan of Improvements and made changes per the Board's direction. The Plan now consists of 2.3 miles, \$470,000/mile, 91 lots with 21 corner lots and a total

estimated cost of \$1.1 million. The revised plan has been submitted to SFWMD. Ditch work and pipe relocations are currently under way. Survey work will begin in October, and design work in November or December. After that the project will go out to bid. Ms. Eason noted there is a RAP meeting next week and she will report when there are any changes. She also noted she will submit the Section 34 ditch clearing project for funding.

Mr. Capko presented the attorney's report. He provided a draft of a local Bill regarding updating the District's Special Act. He requested Board direction so he will be in a position to proceed with the local delegation when it is time. This Bill changes the Board's composition starting in 2018, requiring one supervisor from each side, two from either side and the fifth can be a resident or nonresident landowner in the District. The Supervisor of Elections would no longer be required to count the ballots; a forensic auditor would do that. Mr. Capko pointed out that a local Bill like this would not be easy to pass if there is not a consensus on the issues. Mr. Powell stated the nonresident issue has changed over the years but the composition of the Board stays the same. This is an opportunity to do something bigger. Over the past couple of years, the landowner arguments have been between the east and west sides where there are radical differences. He suggested adding one supervisor and have three from each side. The nonresident issue would then be obsolete. Each side would decide issues affecting their own side, including establishing two separate budgets. Meetings could be with all six supervisors or only those who would be voting on a particular issue. Mr. Powell also noted that other districts have done this with their board. He felt this would be fair to all the landowners in the District.

Mr. Hinkle stated the east side controlled the District from 2000 and now there has been a shift in that control. He was opposed to this suggestion and did not want to present any Bill that was controversial. He noted that nonresidents seem to be corporations so it is difficult to find a candidate. He also questioned why Egret Landing and Jupiter Park of Commerce would not have representatives. Mr. Meyer stated these proposals were received only one day before this meeting and he would like to see this issue combined with other policies that need to be codified in the Special Act. He stated this is a good start but he did not feel the Board is prepared to go to the legislation at this time. Mr. Jones stated he did not see an east-west conflict as described. He also stated he did not see why 1500 people should have the same representation as 5000 people. Mr. Howard questioned if the Supervisor of Elections would be willing to share part of the expense of presenting this Bill since it would be taking her out of the loop. Mr. Capko stated he wanted the Board's direction before approaching the Supervisor of Elections about that possibility. He estimated the cost would be \$30,000-\$40,000 with a number of variables. The Board decided it was not in a position to go forward with the Bill at this time.

Mr. Matt Gitkin, landowner, stated the only topic of conflict is paving. He suggested the District stop paving and start looking at climate change issues.

Mr. Meyer thanked Ms. Eason for her recent workshop regarding water quality. The Board agreed it is going in the right direction regarding that issue.

Mr. Hinkle discussed the need for a policy regarding a candidate's biography. He would like this to include only the qualifications of the candidate. Mr. Powell stated a candidate should be able to complain about an issue and the landowners should be informed of his or her position. Mr. Howard stated the candidates should not be making a political statement and it should not be offensive. Mr. Meyer agreed it is a good idea to have guidelines. Mr. Capko noted the information submitted is only reviewed as to space and factually correct statements. No editorial editing is provided. Mr. Meyer stated the Board should not get into censorship. Mr. Jones noted the difficulty in coming up with a policy that determines what you can state in a biography. Mr. Powell stated the biography is the one piece of campaign literature that goes to everyone. Mr. Hinkle believed it should only include qualifications, education and background. No decision was reached at this time.

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

ADJOURNED.