

**Minutes of the Regular Meeting
of the South Indian River Water Control District
Held on January 16, 2024**

The regular meeting of the South Indian River Water Control District was held on January 16, 2025, at 9:00 a.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida, and via Zoom video conferencing. Present in person were Supervisors Michael Howard, Tom Powell, John Meyer, Susan Kennedy, and Beth McElroy. Also present were Karen Brandon, engineer; Charles Haas, treasurer; Seth Behn, attorney; Chad Kennedy, Executive Director; Dustin Fazio, Supervisor of Operations; Donna DeNinno, public information; and Jane Woodard, secretary. William Capko, attorney, and Robert Eustice, engineer, were present via Zoom video conferencing. Twenty-four landowners were present in person and six landowners were present via Zoom video conferencing.

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

Mr. Howard stated he was implementing the following rules for the Board meetings: three minutes for each landowner discussion; landowners are to address the Board members only; any landowner questions are to be handled by the District office during business hours. He noted that comments are welcome at the meetings, but Board meetings are not a forum for questions. He also requested that vehicles use the parking lot, not the front of the building.

Mr. Howard opened the floor to landowner discussion. Mr. Bob Berman asked to comment on the warrant list. Ms. Kennedy stated that the consent agenda is not up for discussion by the landowners. She then made a motion to approve the consent agenda. Mr. Powell seconded the motion and it carried unanimously.

Mr. Bob Berman asked the Board to address the issue of supervisor compensation at the next meeting. He stated there needs to be some substantiation of the work performed by the Board members each month. He noted he could not find when the Supervisors' compensation for the past several years was approved. He also did not find a line item in the budget for this. He mentioned overlaps and overpayments, and presented a letter to the Board, with attachments, that he requested be attached to these minutes (see attached).

Mr. Bob Berman then objected to the recent appointment of Supervisor Beth McElroy to fill Mr. John Jones' position. He noted that, according to the Statute, September 19, 2024, should have been considered the first annual meeting following a vacancy on the Board. He presented a letter to the Board outlining his position on this matter and requested that it be attached to these minutes (see attached).

Mr. Dennis Trembley thanked the Board members for their work on behalf of the District, and noted they are not paid enough for the "stand-up job" they do.

Mr. Howard acknowledged that Ms. Page Lewis, for Representative Weinberger, was in attendance at tonight's meeting.

Ms. DeNinno presented the public information report. She is looking at potential updates for the Policies and Procedures Manual. She reported that work is underway for this year's Family Day scheduled for

March 15th. Park Avenue BBQ has been contacted and letters have been sent to exhibitors from previous years.

Mr. Haas presented the treasurer's report. The District has received distributions from the Tax Collector's office representing 81% of the expected receipts. There was nothing that required Board action at this time and Mr. Haas concluded his report. Mr. Bob Berman stated he has researched payments made to the treasurer for services during 2024 and it was his opinion that the amount paid is excessive. He presented a letter to the Board regarding this matter and requested that it be attached to these minutes (see attached). Mr. Berman also stated it was time for the Board to look at the services and invoices that are being submitted by the entire professional staff, including the attorney and engineer.

Mr. Kennedy presented the Executive Director's report. He provided a draft document for the road paving petition which will contain the estimated cost and assessment for the project. He requested Board approval to move forward with the draft petition as presented. Mr. Meyer commented this was an improvement since disclosing the costs has been an issue in the past. **Ms. Susan Kennedy made a motion to approve the new road paving petition, subject to editorial changes for ADA compliance. Mr. Meyer seconded the motion and it carried unanimously.**

Mr. Kennedy stated he feels positive about receiving funding from the Natural Resources Conservation Service for storm damage as a result of the tornado in October, including canal cleaning. He will report back to the Board when this is final. There is expected to be a contract with Natural Resources Conservation Service stating how to use the funding. The District should be able to use the emergency contractor to clean the canals.

Mr. Kennedy has looked into the road damage reportedly caused by the Solid Waste Authority clamshell trucks while picking up vegetation. He now has GPS coordinates and dates that have been mapped out. The engineer will look into the cost to repair. Mr. Kennedy would like to begin conversations with Solid Waste Authority to resolve the issue. At this time Mr. Kennedy requested Board guidance. Ms. Brandon noted that the map of damages still has to be refined, and the repair costs will also include labor. She will present this information to the Board as soon as it is ready. Mr. Kennedy has spoken with the local Solid Waste Authority representative, but is requesting Board direction before contacting their governing board or administrative head. Ms. Susan Kennedy suggested contacting the Executive Director at Solid Waste Authority to let them know the District is very concerned about the damage to its resources and the cost to repair the damage. There are now photographs and mapping to document the damage. After further discussion by the Board and the attorney, it was decided that Mr. Kennedy should first have a discussion with the Executive Director at Solid Waste Authority before pursuing any other course of action. Mr. Kennedy will report back to the Board regarding Solid Waste Authority's response.

Mr. Fazio presented the Supervisor of Operations report. He requested that the International 4300 dump truck be declared surplus. The floor is rusted and it is considered a liability. **Mr. Meyer made a motion declaring the 2006 International 4300 dump truck as surplus. Mr. Powell seconded the motion and it carried unanimously.**

Mr. Fazio reported the contractor has finished the fencing at Jupiter Commerce Park. He presented photographs of the area.

Ms. Brandon presented the engineer's report. Mr. Bob Berman, landowner, presented a letter to the Board regarding the road paving policy and current referendum, including copies of emails from attorney Terry Lewis and a Palm Beach County engineer. He requested that the letter be attached to these minutes (see attached). It was Mr. Berman's opinion that the District's policy is not consistent with the Florida Statutes or the County's policy.

Ms. Brandon reported that the ballots for the road petitions were mailed on December 13th and counted on January 13th, with Mr. Kennedy and Mr. Fazio as witnesses. She noted that the current policy requires 90% "yes" votes from the affected landowners in order to pass. None of the petitions reached that threshold. Mr. Berman requested a report of the number of votes received for each petition.

Ms. Brandon reported on the Palm Beach Country Estates modeling project. She is waiting for data from the Town of Jupiter before completing the calibration. The remainder of the report, without that calibration, is undergoing a review.

The Busch Wildlife engineer has authorized an Environmental Resource Permit modification to be submitted to South Florida Water Management District. A permit modification will also be submitted to South Indian River Water Control District for the spreader swale.

Ms. Brandon reported on the water quality samples, noting there has been very little rainfall in the District. Mr. Howard asked if the samples are only taken during rainfall periods and when the billing occurs. Ms. Brandon will check and report back to the Board. She noted that SW-5 has higher coliform levels and SW-10 levels have come down. The SW-10 samples were taken after the fence was constructed. She will clarify the timing of rainfall to determine if these are surface levels.

Mr. Behn presented the attorney's report. In response to inquiries received prior to the meeting, he discussed the road paving policy and petitions. The Board has the discretion to participate in paving as it sees fit. It cannot authorize a paving project unless a certain majority of the landowners in that area request it through a referendum. To clarify, the Board has the right to proceed, but not a requirement. The Board may set higher standards for determining the threshold required, at its discretion. Regarding the no-paving process, those petitions can never bind a future Board. The petitions serve as a policy tool for the Board. The Board can agree to not pave a certain section for a specific period of time, but if other landowners request paving by following the established process, the Board can proceed with their request to pave.

Mr. Behn discussed the election to the Board and the appointment of a new Board member to fill the seat previously held by Mr. John Jones. According to Chapter 298, elections are conducted at the annual landowners' meeting. The landowners elect the Board in person or by proxy. South Indian River Water Control District's Charter is different and takes precedence over Chapter 298. Landowners are required to vote by ballot and those ballots are required to be tabulated by the Supervisor of Elections for Palm Beach County. All ballots are to be received by the date of the annual meeting. It is mandatory that the ballots include instructions as to who is eligible for election that year, i.e. east or west side resident or non-resident, and the number of available seats. This year the ballots were mailed out on August 16th. There were five candidates listed with clear instructions that there were two vacant seats. This year there was no requirement as to where the candidates reside. Only two votes could be cast. Mr. Jones passed away on the day of the annual meeting. The results of the election were proper, with two seats being

filled. The remaining vacancy, Mr. Jones' seat, was then to be filled by the Board as required under Chapter 298.

Lastly, in response to an inquiry regarding payments made to the Supervisors, Mr. Behn discussed what is permitted under Chapter 298, which states up to \$50/day for the number of days approved by the landowners at their annual meeting. This year the number of days approved was reduced, effective October 1st. The time periods typically run from the 15th of the month to the 15th of the following month. Board members are eligible for the full allocation of days from September to October. The records have been reviewed with the accountant, and it was Mr. Behn's opinion that there was no overpayment to any of the Supervisors.

The Board noted that it had not approved compensation for the Recording/Board Secretary for the coming year. **Ms. Kennedy made a motion to approve compensation for the Secretary at the same rate as last year. Mr. Powell seconded the motion and it carried unanimously.**

There being no further business to come before the Board at this time, Mr. Powell made a motion to adjourn. Ms. McElroy seconded the motion and the meeting was adjourned.

ADJOURNED.