

**Minutes of the Regular Meeting
of the South Indian River Water Control District
Held on June 20, 2024**

The regular meeting of the South Indian River Water Control District was held on June 20, 2024, at 6:00 p.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 Jones, John Meyer, and Susan Kennedy. Also present in person were Chad Kennedy, Executive Director; Dustin Fazio, interim manager of operations; Charles Haas, treasurer; Karen Brandon, engineer; Seth Behn and William Capko, attorneys; Donna DeNinno, public information; and Jane Woodard, secretary. Three landowners were present in person. Several 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. Powell made a motion to approve the consent agenda. Mr. Jones seconded the motion and it carried unanimously.

Mr. Howard opened the floor to landowner discussion. Mr. Matt Gitkin extended a welcome to Mr. Kennedy and thanked him for appearing at the Jupiter Farms Residents monthly meeting. Mr. Fazio was also thanked for stepping up to fill Mr. Dillon's position and making it a smooth transition for Mr. Kennedy.

Ms. DeNinno presented the public information report. The newsletter is ready to be mailed and will contain information on Mr. Chad Kennedy and Ms. Jennifer Hammond, as well as hurricane and swale information.

Mr. Haas presented the treasurer's report. He reported on issues with our bank and is looking into seeking other banking services this summer. Mr. Haas reported he received the annual audit report which had a clean opinion. All five Board members acknowledged receipt of a copy of the report. **Ms. Kennedy made a motion to accept the auditor's report. Mr. Meyer seconded the motion and it carried unanimously.**

Mr. Kennedy presented the Executive Director's report. He discussed state grants and the ability to submit applications for various competitive grants. He requested Board direction on this matter. Mr. Powell inquired if there is any indication of funding or specific grants available. Mr. Kennedy was not aware of anything specific at this time. Ms. Susan Kennedy mentioned a canal project in Palm Beach Country Estates, but Ms. Eason stated there is no data for this yet. Ms. Kennedy also mentioned mapping or resiliency-type grants. Mr. Gitkin, landowner, mentioned Loxahatchee River Preservation Initiative and re-contouring swales for width and depth. Mr. Meyer stated Loxahatchee River Preservation Initiative is not the best source for grants. He also suggested that mapping is something the District could put together based on prior studies in the District. Mr. Kennedy stated the County has maps but easements are not shown and landowners then unknowingly plant trees within the easements. Mapping would be a useful tool to educate new landowners. Mr. Howard questioned if this could be funded outside our budget, or if the District needs to include it in next year's budget.

Mr. Kennedy reported on an operational change. Usually, flood gates are opened during a rainfall but it was decided to keep them closed during a recent rain event. He is looking for any change in water quality as a result. He acknowledged Mr. Fazio's assistance during this event, confirming that all went well.

Mr. Howard took this opportunity to give a heartfelt thank you to Mr. Dustin Fazio for taking on the challenge and responsibilities of the day-to-day operations of the District during the transition period. Mr. Dillon and the Board had faith in him, and his guidance led to improvements in our operations and service. The District is very fortunate to have him as a member of its family. Since the Board did not make any change to Mr. Fazio's pay during that time to reflect the added responsibilities, the treasurer and Board discussed and agreed that a bonus is in order. **Mr. Powell made a motion to approve a one-time bonus for Mr. Fazio for his added responsibilities and leadership during the transition period. Ms. Kennedy seconded the motion and it carried unanimously.** Mr. Howard also acknowledged Ms. Holly Rigsby, office administrator, for her assistance during the transition, as well as her years as part of the South Indian River Water Control District family.

Mr. Fazio presented the Supervisor of Operations' report. He stated his appreciation for the recognition, noting he could not have done it without the people in the office and the staff. Mr. Fazio then reported on the Rocky Pines overlay project. The contractor has pushed back again, and the work is now scheduled for closer to November. Mr. Fazio noted there have been landowner calls about the road and there is one section that we can repair. He is looking for another contractor for the micro-overlay work.

Mr. Fazio reported delivery of the John Deere grader that was previously authorized. He noted there have been issues with the Volvo grader, especially during last week's heavy rain, and requested it be declared as surplus. **Mr. Jones made a motion to declare the Volvo grader as surplus. Mr. Powell seconded the motion and it carried unanimously.**

Mr. Fazio noted that the manatees are back in the C18.

Ms. Brandon presented the engineer's report. She requested Board approval to proceed with defining the areas, preparing cost estimates and sending ballots for the several paving/no-paving petitions discussed last month. **Mr. Jones made a motion to proceed with the petition processes as discussed last month. Mr. Meyer seconded the motion and it carried unanimously.** Mr. Meyer inquired on the status of the two petitions that did not meet the required standards. It was confirmed that the petition fees were refunded.

Ms. Brandon reported that Rio-Bak reduced their bid to \$607,046 for the section of Canal C from 85th Avenue North to 79th Terrace North. She requested Board approval of the contract. **Ms. Kennedy made a motion to award the Canal C project contract to Rio-Bak. Mr. Jones seconded the motion and it carried unanimously.**

Ms. Brandon stated she discussed the 20th Plan of Improvements with the petitioner who had requested changes in the roadway specifications in order to lower the cost. Ms. Brandon does not believe this project will move forward at this time.

Regarding the Palm Beach Country Estates stormwater modeling, progress has been made working on the stage area calculations. Canal cross sections and basin outfalls are being added. Ms. Brandon will

have a schedule by the next meeting. The project does not include the turnpike canal. Mr. Howard noted that this canal was higher after the recent rain event and suggested looking at it in the future. Mr. Kennedy noted that he and Mr. Fazio looked at the area. It does not enter the C18 and goes right into the estuary. The Department of Transportation was asked if we can maintain the area, i.e. mow their canal, which benefits them as well as South Indian River Water Control District. This will be discussed and they will let us know.

A pre-construction meeting regarding the asphalt overlay of Haynie Lane and the “pink roads” was held May 23. A Notice to Proceed was issued for June 17 but there will be a delay due to the recent rain event. Work is expected to begin July 1st. Mr. Fazio noted this will be a micro-overlay, not asphalt.

Lastly, Ms. Brandon discussed the water quality update. There was little rainfall prior to the latest samples being taken. Samples are supposed to be taken during periods of discharge and it was dry at the time these were taken. She noted a correlation issue with sucralose in SW5. This sample is sent out of state for values. Mr. Meyer noted the samples show animal waste as opposed to human. With higher E. coli and fecal coliform also, he believes these values are related to animals. Discussion followed regarding a change in the measurements used and how rainfall may have affected the samples. Ms. Brandon will contact the agency to discuss the issues.

Mr. Behn presented the attorney’s report. He recommended that Mr. Kennedy and Mr. Fazio attend the Florida Association of Special Districts’ Annual Conference next year. He reported the election notices for Board Supervisor are being prepared. Candidates have until July 12 to submit their biographies. The Supervisor of Elections Office has been advised of the upcoming election.

Mr. Behn reported on the cell tower lease. He requested a follow-up on Verizon’s right of refusal. They agreed to draft a letter, but Mr. Behn has not received anything yet. He will continue to follow up with them.

Mr. Behn also noted that all districts are required to prepare a report on goals and objectives. He is in the process of preparing this report. Discussion followed regarding the District’s obligations in terms of water quality. The National Pollutant Discharge Elimination System permit makes South Indian River Water Control District part of the coalition. Ms. Brandon stated that the National Pollutant Discharge Elimination System permit is a management program that includes construction inspections, identifying whether someone is disturbing the land, construction sediment, public education programs such as newsletters and websites, projects that improve flood control, reviewing plans such as Busch Wildlife for example, and overall maintenance. She also noted she is required to prepare a water quality assessment report as part of her annual report. Ms. Kennedy asked about the District’s responsibility and authority when there is a “red flag” such as what has been shown at Canal 5. Mr. Behn stated that the requirements under Chapter 298 are with the plan of improvements. There is authority provided within the statutes, but there is no ability to regulate if pollutants are coming from a landowner’s property. Ms. Brandon stated she was not aware of any enforcement against a water control district or any district having a liability issue. Mr. Meyer stated our responsibility is not clear in the event it is decided that our water quality is not good enough. Mr. Capko stated if there is a detrimental impact to our system, that would support us opposing any action. Mr. Kennedy noted that Lake Worth Drainage District has a written policy about what is allowed and what the cost is to use their easements. Mr. Howard stated South Indian River Water

Control District has always addressed these situations on an individual basis. After further discussion, Ms. Brandon stated the District is complying with all programs and there is no reason to think we may be targeted. **The Board agreed to continue the investigation of any high values reported, and if there is a need to improve environmental benefits, that will be considered.**

Mr. Capko reported the Legislature decided that all elected officials had to file a Form 6, which caused a lot of resignations. This has been found to be unconstitutional. Some of the information requested was prohibitive to disclose. He noted that South Indian River Water Control District officials must file Form 1, which is fairly simple.

Mr. Jones asked for confirmation regarding the use of Berman Park. It is his understanding that this is a public park, open to the public between dawn and dusk. There are no special privileges for landowners in Palm Beach Country Estates. Use of the facilities is on a first-come first-served basis, and no reservations are accepted. Mr. Behn confirmed this information is correct. It was noted that the website needs to be revised as to the acceptance of reservations for the park.

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

ADJOURNED.