

**MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON OCTOBER 15, 2015**

The regular meeting of the South Indian River Water Control District was held on October 15, 2015, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Michael Danchuk, Tom Powell, Michael Ryan and Steve Hinkle. 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. Approximately 35 landowners were also present.

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

Mr. Danchuk displayed a plaque which will be presented to Mr. Tom Rice recognizing his 24 years of service on the Board. Mr. Rice was absent due to illness.

Mr. Danchuk announced the election results from the Supervisor of Elections, showing Steve Hinkle and Jon Meyer as the winners. Mr. Ryan made a motion to accept these results. Mr. Hinkle seconded the motion. Mr. Powell stated there were landowner objections to the election and asked that these objections be satisfied prior to seating a new Board. Mr. Danchuk called for a vote on Mr. Ryan's motion which carried 3:1, with Mr. Powell voting against the motion. Messrs. Hinkle and Meyer were sworn into office by attorney Capko.

Mr. Danchuk called for the election of officers. Mr. Meyer nominated Steve Hinkle as Board president and Mr. Ryan seconded the motion. There were no other nominations for president and the motion carried unanimously. Mr. Meyer nominated Jane Woodard as secretary. Mr. Ryan seconded the motion and it carried unanimously. Mr. Meyer nominated Michael Ryan as vice-president. Mr. Hinkle seconded the motion and it carried unanimously. Mr. Danchuk suggested reappointing all the committee chairmen and a motion was so made by Mr. Ryan. Mr. Hinkle seconded the motion and it carried unanimously. Mr. Danchuk then turned the meeting over to Mr. Hinkle.

Mr. Hinkle called for approval of the minutes. Mr. Danchuk made a motion to approve the August 20th minutes. Mr. Ryan seconded the motion and it carried unanimously. Mr. Ryan made a motion to approve the September 17th minutes. Mr. Danchuk seconded the motion and it carried unanimously. Mr. Ryan made a motion to approve the warrant list. Mr. Meyer seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. The website has been updated and previous years' reports have been archived. The meeting schedule has been updated. Ms. DeNinno is working with the engineer to set up a new plan of improvements page on the website. Plans are underway for the next annual landowners day scheduled for March 12th, which will be the event's 25th anniversary. Work has begun on the next newsletter.

Mr. Haas presented the treasurer's report. He requested Board approval of a second amendment to the Town of Jupiter's water service agreement. Currently the District pays for capacity, more than can be used by the District. The Town of Jupiter has agreed that outstanding reservations will be on a sliding scale over the next two and one-half years. Mr. Haas stated that anyone who wishes to sign up can take advantage of the discounted price of \$3,800, noting the current market price is \$5,000. He clarified that this only affects Palm Beach Country Estates. Mr. Powell made a motion to approve the 2nd amendment to the agreement and Mr. Ryan seconded the motion, which carried unanimously. Mr. Hinkle requested that this information be included in the next newsletter so residents are aware they have two and one-half years to act on this.

Mr. Haas discussed refunding the 2006 Series A and B bonds. Bank United has proposed a private placement at a fixed rate of 2.75% over 12 years. At that time the District will have the option of looking for other financing. This represents a \$2.2 million savings for PBCE landowners who are paying on these bonds. Mr. Haas noted the advantages of refunding now are lower interest rates and a negative arbitrage. The closing would be deferred until December. Mr. Haas requested authorization to sign an agreement with the bank, make the necessary budget amendments and retain the specialists who worked on the original 2006 transaction. Mr. Haas confirmed that the

2.75% rate will be locked in if the District pre-closes by October 27th. Attorney Lewis noted that a special meeting requires a seven-day notice prior to the meeting. After a brief discussion by the Board, Mr. Danchuk made a motion approving Mr. Haas' requests as stated above. Mr. Ryan seconded the motion and it carried unanimously. A special meeting was scheduled for 6:00 p.m. on October 26th at the District office.

Mr. Dillon presented the manager of operations report. He is currently looking at a digital radio system vs. cell phones. Over two years, the cell phones will save the District \$4,000. Mr. Dillon reported the annual inventory was conducted.

Ms. Eason presented the engineer's report. She reported SFWMD has approved the plans for the 18th Plan of Improvements. She noted there are ten other petitions circulating. Ms. Eason presented a map of the roadways that have petitioned in Jupiter Farms and Palm Beach Country Estates.

Ms. Eason discussed moving forward with an operation and maintenance project, clearing vegetation from the drainage ditches and adding roadway swales to capture drainage and help with water quality issues. The estimated cost for the survey is \$6,300 which is in line with the amount spent for clearing the Canal #3 easement. There will also be pipes added to control discharge, ditches cleared, outfall culverts and roadside ditches.

Ms. Eason then discussed the possibility of looking at the District's drainage on a section-by-section basis to address low lying lots, etc. Mr. Dillon commented that the main canal system is sound. The interior canal system now needs to be addressed. There is no longer an abundance of retention areas. Mr. Hinkle stated several culverts need to be replaced and Mr. Haas confirmed there are funds in the budget for this. Mr. Danchuk suggested obtaining a cost analysis from the engineer. Ms. Eason will discuss with Mr. Dillon what needs to be addressed. Mr. Danchuk requested the Board be advised of the cost of the survey at the next meeting.

Mr. Lewis presented the attorney's report and discussed the recently contested election. It was his opinion that the election was conducted legally and fairly, and that the results are accurate. He explained that the election contests included the election itself and a demand for canvassing the ballots. This is authorized in the District's charter and the objection was timely filed. He stated the Board can accept the election results. Under Chapter 298, any dispute is under the exclusive jurisdiction of the local circuit court. The election code directs any challenges to the local circuit court. The request to canvass ballots will be forwarded to the Supervisor of Elections who will then forward the request to the court.

Mr. Lewis also reported he is working with Mr. Dillon regarding Section 33, and with Mr. Haas on the bond refunding.

Mr. Hinkle opened the floor to landowner comments. Mr. Ron Fundal requested clarification on road maintenance revenue. Mr. Haas explained there are 7,300 parcels in the District and assessments are collected on all but ten. Certain road funds have balances carried forward. Budgeted expenditures exceed revenues, which is intentional. The District does not collect money unless there is a purpose for it. Funds go into a sinking fund so when it is time to re-pave, the funds are available.

There were several landowner questions regarding the election contest. Mr. Lewis stated if this issue goes to court and is unfounded, there is no recourse for the District to regain money spent in its defense. He also explained that the purpose of canvassing the ballots is to find irregularities. There were approximately 3000 ballots. The person requesting the canvassing inspects the ballots under the supervision of the Supervisor of Elections, who may charge the District for this.

Mr. Ken Wilson questioned the annual \$2,600 maintenance fee for the Margaret Berman Park. Mr. Dillon stated the contract is for weekly detail work, cutting trees, cleaning, etc. This contract went out for bid and this was the lowest bid received. There were no other landowner comments.

Mr. Ryan presented suggestions to changes in Board policies. Mr. Hinkle suggested a workshop meeting to discuss multiple items. This was scheduled for November 12th at 6:00 at the District office. Mr. Lewis presented a memo regarding residency requirement changes which will also be discussed in the workshop.

Mr. Hinkle recessed the regular meeting and convened the public hearing for the 18th Plan of Improvements. Ms. Eason presented the engineer's report for the 3.8 miles of asphalt paving at an estimated cost of \$1,200/year. She recommended that the Board approve the report and proceed with a referendum. After a brief discussion Mr. Powell made a motion to close the public hearing. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Hinkle then reopened the regular Board meeting. Mr. Powell made a motion to approve the 18th Plan of Improvements and the engineer's report. Mr. Danchuk seconded the motion and it carried unanimously.

The Board then discussed cutting off the petition process at this time. After a brief discussion, Mr. Danchuk made a motion to establish December 31st as the cut-off deadline. Mr. Ryan seconded the motion and it carried unanimously. This information will be placed on the website immediately. Ms. Eason suggested contacting those landowners who have outstanding petitions that the deadline is approaching. Mr. Kevin Baker, landowner, stated he will include the information in the PBCE's newsletter which goes out next month.

There being no further action to come before the Board, the meeting was adjourned.

**MINUTES OF THE SPECIAL MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON NOVEMBER 12, 2015**

A workshop meeting of the South Indian River Water Control District was held on November 12, 2015, at 7:00 p.m. at Jupiter High School, Jupiter, Florida. Present were Supervisors Steve Hinkle, Michael Danchuk, Michael Ryan and John Meyer. Also present were Amy Eason, engineer; William Capko, attorney; Donna DeNinno, public information; Mike Dillon, manager of operations; and Jane Woodard, secretary. Seventeen landowners were also present.

Mr. Hinkle called the meeting to order and the Pledge of Allegiance to the flag was given. Mr. Hinkle stated each landowner could have three minutes to comment after each agenda item.

The Board had no objection to the purchase of a backhoe as requested by Mr. Dillon.

Mr. Capko clarified that this is a workshop meeting for the purpose of discussion only. The staff may be directed to take action, but no policies will be adopted by the Board or actions taken by the Board at this meeting.

Election procedures for supervisor were discussed. Mr. Capko was directed to determine if candidates are required by law to be a resident or reside on the east or west sides of the District. Mr. Meyer requested clarification as to eligibility. Mr. Danchuk questioned if a nonresident who owns property in the District is eligible to be a candidate. Mr. Meyer noted three of the five candidates must be residents. Mr. Capko stated a resident cannot be restricted from running for supervisor based on residency eight or nine months prior to the election. Currently, a landowner can purchase land in January and be qualified to run as supervisor. Mr. Capko stated a homestead exemption or registered voter status is not required to qualify as a resident. Renters are considered residents of the District. Mr. Meyer stated some criteria should be established for running as a resident, requiring that they live in the District for more than a week. Mr. Capko stated this can only be done by a change in the statute. The Board can adopt a change in policy but it cannot be enforced under the law. A policy could require an affidavit from the candidate as to residency, but Mr. Capko noted that a change in policy can be challenged under the law. Mr. Meyer stated a requirement for an affidavit is a step in the right direction, even if this is not on firm legal ground. This affidavit should be provided prior to July 1st. Mr. Danchuk suggested a policy to accept certain items as proof of residency. Mr. Capko noted that if a person is a resident on January 1st, they may not be a resident on the day of the election. Voter registration cannot be used to prove residency. The Board also discussed that a candidate must own land that is buildable. Mr. Danchuk noted there are non-buildable lots that are assessed and the owners must pay taxes. He was concerned that a person can be taxed but they are not eligible to run for supervisor. Mr. Meyer stated the land owned must give the owner some type of use. Mr. Ryan noted that those who own rights-of-way do not get assessed for road paving; he also noted some drainage canals are privately owned. Mr. Danchuk was concerned with the amount of taxes on non-buildable land. Mr. Capko stated if someone is assessed, they are considered a landowner and cannot be excluded from running for supervisor. He agreed to research the possibility of restrictions for owners who do not pay taxes and owners of non-buildable land.

The Board discussed the approval process for the final ballot form. The attorney approves the ballot and the supervisors have the option to review. Mr. Meyer stated the agreement with the County Supervisor of Elections should be reviewed and established as a Board policy.

Absentee and proxy ballots are presently sent out if requested by a certain date. Mr. Capko explained that proxy ballots need to be presented to the District Office prior to the annual landowners' meeting. Mr. Meyer suggested a specific proxy form should be in place and Mr. Capko agreed to prepare a form. The Supervisor of Elections is notified at least 30 days before the election. If a representative from that office is present, they take the ballots with them after the meeting. Otherwise, the ballots are collected by the attorney and delivered to the Supervisor of Elections Office the following day. Candidates must be nominated and accepted at the annual landowners' meeting. Write-in candidates are allowed. The election process closes during the annual meeting. An election may be contested within seven days after the Board meeting when the Supervisor of Elections results are accepted. Mr. Hinkle questioned if there is a better way to let landowners know when the results are received. Mr. Capko noted

that the District's Special Act provides for an objection seven days after the election, even if the votes are not counted. This provision should be amended by legislation.

At this time the Board listened to landowner comments. Mr. Kevin Baker stated there should be ten business days after the election results are presented to the Board, allowing for the election to be contested. It should be in the manual that the attorney has the responsibility to check residency. No one checks the signatures on the ballots so the Supervisor of Elections should verify if they are valid. If a candidate's name is on the ballot, they should automatically be considered a candidate at the annual meeting because they have been subject to a verification process prior to that day.

Mr. Bob Berman discussed policy changes vs. changing the law. He noted statutes are permissive. If permission for authority is not granted, it does not exist. The Board needs to identify those things that are governed by Chapter 298 or the Special Act and determine what can be changed. Residency and ownership should be clarified.

Mr. Mike Howard questioned who is responsible for qualifying the candidates. All elected offices should have certain forms of proof of residency. The District should have a pre-approved ballot and proxy form.

Mr. Rick Lee stated there is time and money being spent on something that is not that important. Laws already exist that cover these issues.

Mr. Meyer would like to discuss the residency policy at the next Board meeting. Mr. Capko stated he will look into the issues of residency, proxies, buildable lots, and declaring candidacy at the annual meeting.

Mr. Capko stated if the Board makes a policy requiring a candidate to maintain residency during the term of his office, that may not be enforceable. Mr. Meyer noted the intent is not to affect current Board members. Mr. Capko will review the feasibility of leaving office if no longer a resident. The Board agreed to a ten-day notice if a supervisor changes residency status.

Landowners commented as follows: Mr. Bob Berman stated this requires a legislative change and a policy change cannot be enforced.

Mr. Matt Gitkin questioned what is policy and what is law. He also questioned if there is any process to unseat a supervisor. Mr. Capko stated this must be done by the governor and must be based on public evidence of wrongdoing.

Mr. Rick Lee questioned what is done to replace the void if a supervisor is required to step down as a result of a residency change.

Mr. Hinkle stated there are three proposed legislative initiatives being prepared by the legal staff. He suggested further discussion be postponed in order to include the issues currently being discussed.

The Board discussed the benefitted area in capital improvement projects. Mr. Hinkle stated PAPA addresses should be used to determine assessments. Corner lots were discussed. It was also discussed that the referendums should require approval by 50% plus one of the affected landowners, consistent throughout both sides of the District. Mr. Danchuk noted Jupiter Farms is different from Palm Beach Country Estates. Mr. Hinkle noted that the recent survey showed this is what landowners want. Mr. Danchuk noted that the majority of landowners in the District did not vote in this survey. He did not want to set a policy that may cause problems years from now. Mr. Meyer noted that when a higher assessment is at stake, a more stringent criteria should be required. He was of the opinion that this is what the landowners want and the bar should be set high. Mr. Ryan noted this issue has divided the community. Landowners who do not want paving must fight a battle over and over, and if landowners want paving, they only need to win once.

Landowners commented as follows: Mr. Rick Lee stated there is a problem requiring a 50% vote on capital improvement projects as some land may be owned by a bank or be in foreclosure. It may be very difficult to get any capital improvement project passed.

Mr. Mike Howard stated if a person can vote, he should be assessed. If an address is on a County road, there may still be a driveway that is on a District road. If there is a landowner-initiated project, it should require a 50% plus one approval by the affected landowners. By not requiring this, if a landowner does not vote, he may have to live with the vote of a minority.

Mr. Matt Gitkin stated that the Board needs to pay more attention to the recent survey from the landowners. He did not think it would be possible to get 50% of the landowners to vote. He also did not think it was fair to place an increased assessment on a landowner who has a fixed income.

Mr. Bob Berman stated this is all spelled out in the legislation. Voting is clearly by a majority and by parcel. Legislation is required to change this. It is also spelled out that the engineer decides on the benefitted area. He stated the Board should utilize the resources it has available. If changes are wanted, they should be made legally by a change in the law.

Mr. Martin Spiro stated he received a handwritten notice in his mailbox regarding the paving of 76th. He started a petition and 17 out of 20 did not want paving. Another landowner started another petition in favor of paving. He did not understand why these petitions continue. He also noted there are several families living in one home and illegal immigrants living in the area. He noted it should not be easy for a landowner to turn things around in their favor.

Ms. Noeme Perera from Palm Beach Country Estates was in favor of a 50% plus one requirement. She noted many landowners get roads paved because landowners do not receive ballots. She has to continually check the news so no one "sneaks in" a petition for paving.

Ms. Beth Brunman noted the Board changed to a requirement of a 50% majority but at the next meeting this was changed again with one policy for the east side and another for the west side. She wants consistency within the District. If landowners want paving, they should be able to prove they are in the majority.

Ms. Bonnie Alvarez noted both sides of the District have different rules. She stated that after the last vote that was in favor of paving, someone went door-to-door telling them they should not have voted for it.

The Board agreed to discuss these issues at the next meeting. After a brief break, the Board discussed capital improvement projects with a referendum. Mr. Ryan noted some petitions were double-sided and not all signatories saw the back side which included cost and other information.

It was agreed that both sides of the petition need to be attached and returned with a signature.

It was suggested that petitions require a payment to cover the engineering and staff costs. Mr. Ryan stated that even though a petition is not for a community-wide program, everyone shares the cost. This should require a user fee and the staff should prepare a price list. For example, there should be a fee for the engineer to review a petition. A charge should be made for verifying the petition to determine if there is an adequate number of signatures. Mr. Danchuk was concerned that if the District has to grade a road more often, those landowners might be required to pay more. He also questioned how fees would be structured for those not wanting paving. He stated the District landowners all live in the same society and share expenses for different things. Mr. Ryan noted that landowner-initiated project are beyond the norm. Ms. Eason noted that fees for the petition and referendum are only added into the assessment if the referendum passes.

The Board discussed requiring petitions to have signatures from 35% of the affected landowners and full payment of all referendum costs upon submission of the petition. The Board also discussed increasing the requirement to 50% plus one of the affected landowners with no fees required. Mr. Hinkle noted that with a 50% plus one requirement, it would show that a majority of the landowners on that road want the paving. He suggested the petition would then be equal to a referendum. Mr. Danchuk questioned if a petition requires 50% plus one, why would the expense of a referendum be needed. Mr. Meyer stated a referendum is more formal and a landowner cannot be pressured to vote one way or another. Mr. Hinkle noted that the cost information is included in a referendum but not necessarily on the petition. Mr. Meyer was in favor of a 50% plus one requirement on both the petition and referendum, affecting both sides of the District.

Landowners commented as follows: Mr. Bob Berman did not believe the Board has the authority to implement these changes without legislative change. It is in the law that there is a 25% requirement for petitions and 50% to pass a referendum. All fees discussed are an unnecessary burden and are meant to be punitive for those who want paving.

Mr. Matt Gitkin stated if a referendum does not pass, those landowners get a “free ride.” He was in favor of the fees proposed by Mr. Ryan.

Mr. Mike Howard stated the Board should obtain an opinion from the attorney as to what the statute provides.

Mr. Jason Gusikoff stated the fees proposed touch on double taxation. The landowners are already being taxed for the staff to do their jobs including any research, etc.

Mr. Kevin Baker stated there should be a higher bar for getting petitions to referendum. If there is a high probability of the referendum passing, fees should not be required.

Ms. Carol-Sue Ryan stated both sides of a petition should be signed because many residents are not aware of the cost that is outlined on the second side.

The Board agreed to discuss these issues at the next Board meeting.

The Board discussed no-paving petitions. It was agreed that petitions with a minimum of 50% plus one signatures should not require a fee.

It was discussed that subsequent paving petitions should have 15% more signatures than a no-paving petition on file. Mr. Ryan stated that when there was only a 35% requirement, there were no petitions that had 50% plus one signing. No-paving petitions should also require 50% plus one. If there is a petition from a majority who do not want paving, a subsequent petition for paving should have a higher requirement. Mr. Danchuk noted a landowner may change his mind and later want paving. Mr. Meyer questioned how long no-paving petitions should be in effect because of new owners, etc. Mr. Hinkle asked the attorney to review this issue to see if maintaining a dirt road is considered a benefit. Mr. Capko stated it must be proven to provide value to the property. It may be a benefit to someone to keep a dirt road but this is not considered a capital improvement.

The Board agreed to discuss this again at the next Board meeting.

Due to time restraints, Mr. Danchuk made a motion to adjourn the meeting. Mr. Ryan seconded the motion and it carried unanimously.

ADJORNED.

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON NOVEMBER 19, 2015

The regular meeting of the South Indian River Water Control District was held on November 19, 2015, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Michael Danchuk, Tom Powell, Michael Ryan and John Meyer. Also present were 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 called for approval of the minutes. Mr. Ryan made a motion to approve the October 15th and October 26th minutes. Mr. Danchuk seconded the motion and it carried unanimously. Mr. Ryan made a motion to approve the disbursements as presented. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Dillon introduced a representative from RG Towers who presented a proposed lease for a site in Palm Beach Country Estates near the Berman Park, noting there would be plenty of access for the District's trucks. They are also looking at collapsible towers if there is a problem with setbacks. Mr. Meyer suggested moving the location further to the north, away from homes and the Park, but apparently there is another tower in that area. Mr. Capko noted there are some issues that still need to be resolved. He was concerned that an exact location has not been determined yet. Mr. Powell stated he would like to see the site plan and the details. Mr. Danchuk was concerned about the effect on property values and questioned if the residents would be in favor of the location. Mr. Hinkle requested more information and answers to these concerns. He noted that the money received from the lease could go into a sinking fund for major repairs to the Park; if so, PBCE would not have to be assessed for future maintenance. Mr. Danchuk noted that the issue is not only financial because some residents strongly object to having a tower in the area. Mr. Ryan stated there were previous objections concerning the dangers from microwave dishes and issues caused by storms and hurricanes. However, he did not believe the current newer towers would cause any of these problems. He wanted to hear current opinions from the residents in the area. Mr. Hinkle asked the residents to talk to their neighbors about this proposal and let the Board know their thoughts and opinions.

Ms. DeNinno presented the public information report. The appropriate notices were sent out. The website has been updated. The winter newsletter has been sent to the printer. Ms. DeNinno is working with the engineer to set up a plan of improvements page on the website.

Mr. Dillon presented the manager of operations report. He requested authorization to purchase a John Deere backhoe. He also requested removal of the old radio system from inventory and having it declared as surplus. Mr. Danchuk made a motion to remove the radio system from inventory. Mr. Powell seconded the motion and it carried unanimously. Mr. Dillon stated the backhoe cost is approximately \$111,700 and the trade-in allowance is \$14,000. Mr. Danchuk made a motion to approve the purchase of the backhoe. Mr. Ryan seconded the motion and it carried unanimously.

Ms. Eason presented the engineer's report. She discussed the status of the 18th Plan. The engineering report has been approved and she is now moving forward with the surveying which will begin after Thanksgiving. She continues to receive petitions: one additional petition from 133th Drive North has been added with 39% of the affected landowners signing the petition. She is also in receipt of a no-vote petition on 87th and two other petitions on 153rd and 92nd, not yet verified.

Ms. Eason reported on the Reese bridge. It is currently owned by SFWMD who wants to transfer a right-of-way to SIRWCD. The application has been completed and Ms. Eason is moving forward with the necessary repairs to the bridge. It is estimated that the handrail with a chain and the no-trespassing signs will be up in 60-90 days. Mr.

Hinkle requested that this information be included in the next newsletter because some landowners are using this as a recreational bridge. He stated the bridge is to be used for District vehicles only and not for fishing, etc.

Ms. Eason reported on the Reynolds Ranch. The applicant responded to SFWMD's comments and Ms. Eason requested a new submittal. However, there are still some items that have not been satisfied, particularly internal drainage issues. This application continues to be under review.

Ms. Eason presented the 128th Trail North drainage improvement project. The drainage easements are highly vegetated. Mr. Dillon is obtaining prices for clearing the easements.

Ms. Eason discussed the District's current secondary drainage system. She presented several different engineering approaches.

(1) A full survey with cross sections, centerline of swales, centerline of roadway, driveway culverts and outfall pipes. This would give the District information as to which ditches need to be cleaned, which culverts need to be replaced, confirm the level of service of roads and determine cost estimates for improvements. The main disadvantage to this option is the cost.

(2) A partial survey with centerline of roadway and outfall pipes. The drainage design approach is the same but not all facilities are surveyed and inventoried; therefore it can't be confirmed where ditches and adjustments are needed. The information provided would not determine cost estimates for improvements.

(3) No survey. The engineer would have to look at every outfall pipe which will require more field time. The benefit is a lower cost. The disadvantages are that no facilities are surveyed; therefore it can't be confirmed where ditches and adjustments are needed, and the cost estimates cannot be determined.

The cost of these options are (1) \$60,000, (2) \$21,000, and (3) \$18,000.

The Board had a lengthy discussion of these options. Mr. Ryan would like option #1 with GPS tracking. Mr. Powell would like option #1 but did not think it was really necessary. Mr. Hinkle stated the budget needs to be looked at first, but would also like option #1 with GPS tracking. Mr. Danchuk noted that the low-lying lots are getting filled and the information obtained could be passed on to the landowners so they are informed about what is necessary for drainage purposes. Mr. Meyer was in favor of option #2. Mr. Hinkle asked the engineer to fine tune these options based on the Board's comments, and present them again at the next meeting when the treasurer is present to review and comment.

Mr. Capko presented the attorney's report. He has been working on topics discussed at the workshop meeting as directed, and is preparing drafts for those items that will need legislative change to accomplish.

Mr. Hinkle opened discussion regarding the proposed requirement of 50% plus one for capital improvement petitions as discussed at the recent workshop. Mr. Powell discussed petitions and elections in general. The petitions have no controls and only demonstrate that there is some interest to move toward a referendum. There is too much emphasis on this process without any controls. Mr. Danchuk stated the Board always has the right to look at a petition and decide whether to accept it or not. If there are too many rules, that decision is taken away from the Board. He also noted the Board could be headed toward more legal fees. Mr. Ryan stated that when the petitions proceed to referendum but don't pass, the landowners are responsible for the cost of this process. If the requirement is raised to 50%, there is a better indication that the referendum will pass. Mr. Danchuk did not believe cost should be the reason for increasing the requirements. He noted that the amount being spent to analyze this issue is higher than that of failed petitions. Every time the Board makes a change in the requirements, the staff is involved. Mr. Hinkle was concerned that the Board represent every landowner. In the past there have been roads paved with only 44% of the landowners in favor. Mr. Powell noted that SIRWCD is the only

District that goes to referendum. The Board alone decides these issues in the other districts. After a lengthy discussion by the Board, Mr. Hinkle asked for landowner input.

Mr. Martin Spiro stated that the Board should be doing what the majority of the landowners want. Ms. Sandy Fournies stated she supported the 50% requirement. Mr. Bob Berman stated the Board only has authority granted by law and the law requires 25% approval for petitions. He did not believe the Board has the authority to change this. Mr. Matt Gitkin stated there are more provisions in the law and the entire law should be followed.

At this time Mr. Meyer made a motion to amend the policy for capital improvements proceeding to referendum only if a majority of the affected landowners are in favor. The motion was seconded and carried 3:2 with Messrs. Powell and Danchuk voting against. Mr. Danchuk commented that this could be the same requirement when voting for supervisor. Mr. Powell noted that the history of participation in the elections is approximately 30%; requiring 50% to make a decision would not happen. The Board had more discussion on voting requirements and referendums that had already passed without a majority of affected landowners in favor. Mr. Hinkle discussed the recent survey which indicated the landowners want to see a change. Mr. Danchuk noted that only 20% of the landowners in PBCE wanted a change. Landowners were asked to comment again. Mr. Tony Caputo stated 30% gives a strong indication but there is no way of knowing what the other 70% want. Mr. Martin Spiro stated paved roads attract speeders which has required barricades to be put up. He suggested the Board look at why paved roads are not wanted by many landowners. Mr. Bob Berman questioned why the Board has not requested the attorney's opinion on what authority it has to make these changes. Ms. Sandy Fournies stated there is a difference between voting in an election and voting on a referendum. She stated a referendum involves money and can't be undone so the bar needs to be higher. Mr. Matt Gitkin stated that non-resident supervisors tend to protect the minority. They are more willing to spend money and set a lower threshold. Mr. Powell stated he is not advocating paving roads but does not feel comfortable with the Board changing the law; any changes should be made through the legislation. After further discussion, Mr. Meyer made a motion that construction proceed only when a majority of the affected landowners vote in favor. He clarified that this will affect all petitions that have not yet gone to referendum. The motion was seconded and carried 3:2 with Messrs. Powell and Danchuk voting against.

Mr. Hinkle then discussed the petitions from landowners wanting their roads to remain as dirt roads. He was concerned that these landowners have no protection from other landowners continually attempting to pave. Mr. Powell noted that the attorney previously discussed that a paved road is considered an asset. As brought up during bond issues, standard accounting practices define a paved road as an asset. A dirt road cannot be defined as an asset. Mr. Capko deferred to Mr. Haas on this issue. Mr. Ryan stated there are landowners who don't want paving but want something better than standard dirt roads. He wanted to look at what this would cost. Mr. Capko stated it may be difficult to finance such a project as opposed to a paved road. Mr. Hinkle stated if the District starts installing culverts for landowners again, it can charge them and put an assessment on their tax bill. Mr. Capko stated banks are not willing to loan money to improve a dirt road. Mr. Danchuk suggested the District could finance this for the landowners. Ms. Eason noted this seems to be normal operation and maintenance. It would be difficult to determine what is considered an actual improvement. Mr. Hinkle suggested there should be an option that would guarantee a dirt road will remain a dirt road. He directed the staff to report back to the Board with ideas on how to accomplish this.

Mr. Hinkle discussed rights-of-way with little value and asked if they could be purchased by the District and if this would be an advantage in performing maintenance in the District. Mr. Danchuk suggested looking at taking back all rights-of-way that are not buildable. Ms. Eason noted this would require title searches. Mr. Danchuk made a motion to proceed with purchasing rights-of-way in the District that are not buildable. Mr. Meyer seconded the motion and it carried unanimously.

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

**MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JANUARY 21, 2016**

The regular meeting of the South Indian River Water Control District was held on January 21, 2016, at 7:00 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Stephen Hinkle, Michael Danchuk, Tom Powell, Michael Ryan and John Meyer. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Terry Lewis, attorney; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Eighteen landowners were also present.

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

Mr. Hinkle called for approval of the consent agenda which included the minutes of November 12 and November 19, 2015, and the monthly disbursements. A correction was made in the November 19th minutes. Mr. Powell made a motion to approve the consent agenda including the corrected minutes. Mr. Ryan seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. She reported that the appropriate news releases and notices were sent out. The website has been updated and the new website should be uploaded on February 1st. Ms. DeNinno is in the process of securing quotes for food and getting exhibitors for Landowners' Family Day. The winter newsletter was mailed in December. An insert was added regarding the change in the deadline date for returning petitions. The next newsletter will include information regarding the Reese bridge project. New shirts were obtained for the Board and staff. Ms. DeNinno is working with the Board and staff to update the policies & procedures manual which will then be available on the District's website.

Mr. Haas presented the treasurer's report. The refunding of the 2006 Palm Beach Country Estates water distribution bonds took place on December 11th, resulting in a \$2 million savings. The new bond requires a transfer of funds to the trustee for interest payments on the bank notes. The District is also required to establish a deposit of \$500,000 in CD form with Bank United. Mr. Haas requested that the Board members sign updated bank forms reflecting the new members and new positions. Mr. Danchuk made a motion to approve the \$500,000 deposit. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations report. The 128th Trail outfall project is underway and is expected to be completed in a week to ten days. North Florida Emulsions has completed work on the OGEM roads. A new John Deere backhoe has been purchased. The District was awarded second place in the Christmas parade. There has been over 13" of rainfall in the District since December 1st.

Ms. Eason presented the engineer's report. She discussed the status of the 18th Plan of Improvement in Palm Beach Country Estates and presented a map showing the location of improvements with the estimated cost of \$1.4 million. Surveying began November 30th and is 80% complete. The engineering design will take four to six weeks. The project then goes to bid. Construction will likely begin in May.

Petitions have been received for a new roadway improvement project consisting of two miles of asphalt. Ms. Eason presented an exhibit of the roadways that meet the petition requirements. She noted that the landowners heading up petitions prior to the Board's policy change have been notified of the new requirements and the new deadline of February 29th.

All permitting for the SFWMD bridge (Reese bridge) has been received and the preconstruction meeting was held on January 11th. The riprap price will decrease by \$2,100 as SFWMD will supply the rock. There will be right-of-way gates instead of chains. The original price estimate was \$53,566 and this has increased to \$59,386. The gates will be on the bridge, not the levee. Ms. Eason stated that SFWMD has confirmed the bridge is structurally sound. After a brief discussion, Mr. Danchuk made a motion approving the contract's increased price. Mr. Powell seconded the motion and it carried unanimously.

Ms. Eason reported on the Reynolds Ranch permit application. There seems to be some flooding at 162nd and a drainage easement should be considered. Topography is being looked at prior to making this decision. She noted that no plats have been finalized.

The secondary drainage analysis was discussed. Engineering approaches have been investigated to correct some of the drainage problems. Ms. Eason reviewed the options discussed at the November Board meeting. Mr. Dillon stated that getting the elevations and checking the outfall drainage can be done in-house. Ms. Eason stated there would have to be a guidance plan in place. Mr. Powell stated engineering plans would not be necessary as this is maintenance work that Mr. Dillon can handle. The determination of who sets the driveway culverts and how the elevations are set should be the responsibility of the District. The Board had a lengthy discussion of option #2, a partial survey, including a plan to reset problem culverts and replacement of culverts. Mr. Haas stated if the District is doing this work on an annual continuous basis it would be part of the maintenance budget. Mr. Meyer stated it will be a problem to go driveway by driveway and determine who is responsible for the payment. Mr. Dillon stated culverts cost about \$420/40'; these are 20' culverts. Mr. Hinkle recommended a workshop meeting in February to discuss this issue at length. The Board agreed that the District needs to be the entity placing the culverts and needs to establish a standard procedure. The Board agreed to meet on Feb. 4th at 6:00 at the District Office for a workshop meeting.

At the Board's request, Ms. Eason reported on privately owned land in canal rights-of-way. She presented a map of parcels found and noted if the District is interested in buying them back, she can work with the attorney to prepare an approach on how to accomplish this. Mr. Meyer asked if any of these parcels are preventing District maintenance. Ms. Eason stated they are not. Mr. Ryan questioned why private individuals own these parcels. Mr. Danchuk stated it would be worthwhile to find out if the owners want to sell and suggested sending a letter to the owners. Mr. Powell questioned what would be gained by the District owning the parcels since it already has easements on them. Mr. Danchuk stated this issue came up because the owners have the right to vote even if the parcel is not buildable; some landowners oppose this. Mr. Ryan stated an owner is able to vote in a road paving project, but does not get assessed because it is not a buildable property. Mr. Meyer noted this also affects candidates for the Board of Supervisors. After a brief discussion, Mr. Danchuk made a motion to send a letter to these landowners to see if there is any interest in selling the property. Mr. Ryan seconded the motion and it carried without objection. Mr. Matt Gitkin, landowner, noted that Mr. Powell is one of the landowners of these canal right-of-way properties, and asked what benefit he gets from owning the parcel. Mr. Gitkin suggested this is to qualify to run for supervisor.

Mr. Capko presented the attorney's report. He discussed residency requirements for the supervisor position. A permanent change that will be enforceable will require an amendment to the District's Special Act. The Board has the authority to amend the election policy to provide for any candidate to submit an affidavit setting forth whether he or she is a resident on the east or west side, or a nonresident. The affidavit can also provide that if the candidate later moves out of the area, they will agree to resign and leave office. Mr. Capko stated there is no guarantee that this latter provision would be enforceable. Attorney Lewis stated that the issue of continuous residency is vague to nonexistent. He noted if it is required by policy and challenged, the District will lose; it cannot be enforced without being in the Special Act. Mr. Powell noted that if a candidate does not agree to this affidavit but still wants to run, there will be a problem. Mr. Lewis stated if a landowner nominates himself on the night of the election, he must be accepted as a candidate. Mr. Hinkle asked the attorney to provide the Board with an affidavit that can be used for the purpose discussed. Mr. Lewis noted that if the Board wants to attempt to change the Special Act, a decision needs to be made by mid-summer.

Mr. Lewis then reported on several pending legislative bills. One bill would require districts to post public records, budgets, checking account data, financial data, etc. Several bills require local governments to establish a records custodian. Mr. Hinkle suggested that a letter to the District's local representative could help present the Board's position on these issues, and Mr. Lewis was asked to prepare something for the Board.

Mr. Lewis reported the recent election challenge is dormant and has not been pursued. The Supervisor of Elections is still holding the ballots in case the challenge is pursued. He believed the statute has run out and any

challenge now would be dismissed. He agreed to prepare a uniform proxy form that can be mailed out with the ballots. Mr. Powell questioned why the Board would want to encourage proxy ballots and was not in favor of this idea. Mr. Kevin Baker, landowner, inquired about the voting and challenge procedures for the annual landowners' meeting, and asked if there will be a standard template on the website.

Mr. Matt Gitkin, landowner, was in favor of candidates submitting an affidavit as discussed. He also believed the residency requirement is in the statutes.

Mr. Hinkle inquired about the water hookup fees. Mr. Dillon stated he has looked at this and has taken care of the algae buildup. Mr. Hinkle stated Section 33 originally cancelled the contract for the District to maintain the roads and swales. A decision needs to be made whether to go forward with a new contract. Mr. Powell questioned why they are not put on the tax rolls. Mr. Haas stated they are on the tax rolls for drainage but not for road maintenance. Mr. Lewis noted the District does not own the roads or have an easement on them. Mr. Geoff Parkins, representing the 24 landowners in Section 33, stated that the corporation that was assigned those easements is still functional, so the easements are available for road maintenance. Mr. Lewis stated the easements must be assigned by the landowner. Mr. Hinkle suggested accepting the contract for this year, and pursue getting them on the tax rolls for next year. This was acceptable to Mr. Parkins. Mr. Dillon noted that the District has been maintaining the roads since 2004. Mr. Powell made a motion to continue with a contract for road maintenance. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Dillon noted the roads are in need of maintenance at this time. Mr. Lewis noted the District only has liability if its employees are negligent.

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

ADJOURNED.

MINUTES OF THE WORKSHOP MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON FEBRUARY 4, 2016

The workshop meeting of the South Indian River Water Control District was held on February 4, 2016, at 6:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Steve Hinkle, Michael Danchuk, Tom Powell, Michael Ryan and John Meyer. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Four landowners were also present.

Mr. Hinkle announced the purpose of the meeting is to discuss the installation of driveway culverts. Mr. Dillon conducted an inventory of culverts in Section 18. There is a total of 479 culverts, 77 under concrete and 198 with a riprap headwall. It is estimated to cost \$97,230 to replace every culvert. Engineering fees are estimated at \$650,000. Mr. Hinkle stated that last year the District replaced 30 culverts. If this is an average and the District budgeted for 50 culverts/year, replacing one a week, it can be handled in-house. He suggested assessing on a per parcel basis, adding an additional \$10 to the road budget as a buffer. This would be a District-wide project. There was discussion as to whether the culverts come under water control or road maintenance. Mr. Meyer stated there should be a more comprehensive approach, looking at both swales and culverts, replacing the worst of the culverts. Mr. Dillon noted that swales and culverts are in separate budgets. Mr. Meyer noted that if the swales are improved, there is not as much saturation in the road so there is less maintenance. Mr. Dillon stated the life expectancy of a culvert is 20-25 years. The District would need to replace 300/year in order to replace them all within a 25-year period. Mr. Hinkle suggested including swales and culverts in a plan of reclamation project.

Mr. Powell stated the Board first needs to determine who will be responsible for the culverts. Mr. Ryan noted that some culverts are not at a proper elevation. Mr. Dillon stated if a culvert is sound but impacted, the District takes it out, cleans it and resets it. At that time the elevation can be checked. Mr. Meyer questioned if there should be two separate programs: older culverts need to be replaced, and other culverts are not at the proper elevation. Mr. Danchuk stated the Board does not need to micromanage. Mr. Dillon can be given a certain number of culverts and he decides, along with the engineer, what needs to be done. Mr. Powell stated that once every culvert is "perfect," the Board can determine what budget is needed to maintain them at that level. The budget will be higher initially, fixing what needs to be done to make the system perfect. After that, the budget will come back down. Mr. Dillon stated that placement of six or seven culverts per week would be a challenge for his staff. Mr. Hinkle stated the project could be put out for bid. Ms. Eason stated the engineering fees may be higher if work is done piecemeal rather than section by section.

The Board continued to discuss the various costs involved, how many culverts could be replaced every year, prioritizing the work and assessment options. Ms. Eason stated the engineering work could be done within the normal engineering budget if it would be increased slightly. The Board agreed that the District should be responsible for the culverts, with the exception of new construction. Mr. Haas noted that historically assessments are acre-based for drainage and by parcel for road maintenance. He was not sure how non-District roads would be handled. This issue needs legal research. There was further discussion regarding per parcel vs. per acre assessing. Mr. Capko stated if the District has been maintaining swales for years, it has prescriptive rights even if there is not an easement. Landowner consent may be needed. If concrete has to be removed, this will add liability to the District. Mr. Powell believed that anything built in an easement is subject to being removed. Mr. Capko stated a hold harmless agreement from the property owner may be needed.

Mr. Hinkle opened the floor to landowner discussion. Mr. John Pickerill, landowner, stated he was surprised the Board was not looking at the total costs. He thought the entire project would cost \$13 million with a minimum annual increase in assessments of \$104 not including contouring swales and culvert maintenance. He questioned the cost benefit. It was his opinion that the Board was taking on a "grandiose scheme to create a secondary drainage system." Mr. Powell explained that the secondary drainage system is defined in the plan of

reclamation. The District must do its job to keep it functional. The District is obligated to implement and maintain the plan of reclamation. Mr. Pickerill stated the District was not built on a site plan and now the Board is going back to create such a plan. He questioned the true cost of the plan. Mr. Hinkle explained the costs discussed are just an educated guess at this time. Mr. Pickerill questioned why it is not acceptable to continue with the ongoing culvert program. Mr. Dillon explained that the District is now running into issues with different effects. In some areas, the landowners are actually changing the topography. Mr. Powell noted that all the Board can do is establish a policy for the system to run as best as it can. It was Mr. Pickerill's opinion that if the totally collapsed, nonfunctioning culverts are fixed, the system will work. Rapid flow to the canals is not necessary. Mr. Powell again noted that the secondary system is defined in the plan of reclamation.

Mr. Graham Huls, landowner, discussed various elevations throughout the District and noted most of the drainage is based on percolation. Mr. Hinkle agreed that new culverts should be installed by the District but charged to the landowners. He wanted to put this into effect March 1st. Mr. Dillon stated metal culverts are used as the District standard. Mr. Meyer questioned the method of billing for his work.

Ms. Eason suggested it could be considered a driveway connection permit requiring a fee. The staff was asked by the Board to fine-tune the costs involved and present a detailed plan at the next meeting, including the number of culverts to be replaced. A report on funds available in the maintenance budget was also requested. Mr. Ryan stated this is the first step in improving the secondary drainage and outfalls. Mr. Meyer also stated the plan is to fix problem areas, not put in a new system. Mr. Hinkle noted there will probably be a need to increase the budget next year. Ms. Eason was asked to determine what work is of most importance and the cost. The Board agreed that the project should be handled section by section.

Mr. Hinkle then discussed a landowner who wants to build a bridge over a canal. He owns the land but the District has an easement. Ms. Eason stated this could affect drainage and maintenance in that area. The landowner is required to get a building permit from the County to build a bridge. Plans need to be reviewed before discussing this further.

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

ADJOURNED.

**MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON FEBRUARY 18, 2016**

The regular meeting of the South Indian River Water Control District was held on February 18, 2016, at 7:00 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Stephen Hinkle, Michael Danchuk, Tom Powell, Michael Ryan and John Meyer. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Michael 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. Hinkle called for approval of the consent agenda which included the minutes of January 21 and February 4, 2016, and the monthly disbursements. Mr. Powell made a motion to approve the consent agenda. Mr. Ryan seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. She is working on finalizing plans for the 25th annual Landowners Day on March 12th. The spring newsletter is being printed and will be mailed next week. She is also working on updating the policies and procedures manual, and preparing a letter to homeowners in Palm Beach Country Estates regarding the remaining hookups for potable water.

Mr. Haas presented the treasurer's report. The District uses the County's information system services when preparing the assessment roll. The County has evaluated the cost of services and formalized it in an interlocal agreement. In the past, there was no charge for the service. After 1990, the Tax Collector paid for all the special districts that used the service. Three years ago the Tax Collector stopped paying. Now the annual cost for SIRWCD is less than \$4,000. Mr. Haas recommended approval of the agreement. Mr. Hinkle questioned several provisions in the agreement. Mr. Capko stated these do not provide any additional power to the Inspector General. It just provides that the Office can get involved in other local contracts and review them. Mr. Capko stated there is no problem proceeding with the agreement. Mr. Danchuk made a motion approving the agreement. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Haas discussed financing for the 18th Plan of Improvements. There is not yet a formal approval available. Informally, financing is being finalized by a review committee and is within the parameters of the referendum. Mr. Haas suggested distributing the bank approval to the Board when it is received, to be followed by discussion at the next Board meeting, or authorizing preparation of the loan documents with formal Board approval at the next meeting. The specific terms and conditions will be included in the actual loan. Mr. Danchuk made a motion authorizing Mr. Haas to distribute the documents to the Board as soon as they are available. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Dillon presented the general manager's report. He has completed clearing along the outfall drainage canals. The culvert inventory could not be completed because of the rain. North Florida Emulsions completed fog-seal and micro-applications to the scheduled OGEM roads. The cell tower issue has been concluded; there were problems and they have not called back. Mr. Meyer asked about the status of the drainage easement across the Hovnanian development. Ms. Eason stated there has been nothing done yet. Mr. Dillon noted there has been 24 inches of rainfall in the District since Thanksgiving.

Ms. Eason presented the engineer's report. The survey has been completed for the 18th Plan of Improvements in Palm Beach Country Estates. The cost is estimated at \$385,000/mile for a total of \$1.4 million. The payout per lot is estimated to be \$8,813/lot. The next Plan of Improvements has a deadline of February 29th and only one road for 2.2 miles has been added.

Ms. Eason reported on a request from ABC Montessori School in Jupiter Farms to install a waterline within the canal banks so the school can receive fire protection. The waterline would be extended to 103rd so a fire hydrant

could be placed. Mr. Hinkle stated that no water was supposed to go past the shopping center. He questioned why a 12" line was requested instead of a 6" line, and why a fire hydrant was needed. Mr. Mark Williams with Southern Design Group explained that they are trying to get the line requirement down to 8" but were told by the Town of Jupiter it had to be 12". He also noted that the County's Fire Rescue is getting away from pumping water from the canals. Mr. Hinkle stated that the community has fought to keep water from coming into the area. Mr. Powell asked if an 8" line could be run straight to the school. Mr. Ryan stated he was opposed to a 12" line.

Ms. Susan Kennedy, landowner, representing herself and Jupiter Farms Environmental Council, opposed bringing water into Jupiter Farms. She encouraged Mr. Williams to have his client use other options for potable water. It was her opinion that this is a way for the Town of Jupiter to bring water into the area. Mr. Matt Gitkin, landowner, also stated this is a "Trojan horse" and noted that the fire code does not warrant a 12" line for a project of this size. Mr. Williams stated the Fire Department conducted an inspection and set forth the improvements needed for their system. Instead of putting money into an antiquated system, it was decided to bring in potable water. Although there are alternatives, it was decided that having a municipal system provide potable water and fire protection would be the best way to go. After further discussion of the issue, Mr. Ryan made a motion to reject the Montessori School's request; no permit will be issued for a waterline to cross District property. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Hinkle inquired if correcting swales and culverts is included in the price for the 18th Plan. Ms. Eason stated there has not been enough time to evaluate this as the survey was just completed. She noted that "County standard" includes pavement only, no shoulders or swales. Mr. Hinkle suggested it would be advantageous to include any culverts that need to be replaced when paving the road. Ms. Eason will check to see how many culverts are involved. The Board agreed that replacement culverts should be included.

Mr. Danchuk stated that landowners with new culverts should not have to pay for a neighbor's culvert replacement. Mr. Ryan stated the cost should be rolled up in the project costs. The Board was in agreement but still questioned who will pay the expense. Mr. Powell stated the policy is that landowners pay for their own culverts and the policy should stay the same. Ms. Eason stated she will work it into the project.

Mr. Capko presented the attorney's report and gave an update on the revised election policy, proxy form and affidavit for candidates. He will prepare drafts for discussion at the next meeting. The final forms can be adopted in April which provides ample time in advance of the next election.

Mr. Hinkle stated there has been concern about electing the chairman of the annual landowners meeting. He suggested that after the Board meeting, all Board members should step down and legal counsel should run the meeting during the election of the chairman. The landowners present can then run the meeting. Mr. Powell stated it is clear under Chapter 298 that it is a landowners meeting. Historically, the Board chairman acts as the chairman pro tem to elect the chairman for the landowners meeting. Votes are by acreage and a landowner should not be denied voting their acreage. Mr. Hinkle stated landowners voting by proxy need to turn in the proxy prior to the meeting. Mr. Powell stated at the last annual meeting landowners who wanted to vote their acreage were denied that right. The vote has always been by a show of hands and if there is a dispute, the method should revert back to acreage. An objection should be settled by a vote by acreage. Mr. Capko stated there is no case law to support this. No other business is to be transacted by the landowners other than the election of supervisors. Mr. Capko will draft a policy clarifying this issue.

Mr. Dillon stated there has been a lack of maintenance of driveway culverts in the District. It was his opinion that the District should install these culverts and educate the landowners on how to maintain them. The landowners should be charged for the installation. Most landowners do not know the culvert is their responsibility. New housing construction is inspected by the District and the culvert must be approved prior to the C.O. being issued. Mr. Hinkle stated the District's standards should be met with minimum requirements outlined on a spec sheet. Mr. Meyer suggested a general permit be required for replacing culverts. There was further discussion on this issue and the Board agreed that the elevation for the culverts will be determined by the general manager. Ms. Eason will

prepare a standard spec sheet. The Board also discussed the need to create a policy for replacement culverts which the District will install. The landowner will be billed for the culvert but everything else such as riprap and sod is covered in the maintenance budget. Mr. Hinkle stated another policy is needed if a landowner wants extra paving on top of an existing culvert. The landowners need to know that anything on top of the culvert is at risk. Mr. Meyer suggested obtaining a liability release when the District is doing driveway culvert work. After further discussion, Mr. Danchuk made a motion directing the staff to prepare policies as discussed. Mr. Powell seconded the motion and it carried unanimously.

Mr. Hinkle inquired if it is necessary to collect sales tax when selling a culvert to a landowner. It was the attorney's opinion that this is an attachment to real estate so sales tax is not necessary. Mr. Hinkle reminded everyone to attend the annual Landowners Day on March 12th.

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

ADJOURNED.

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

The regular meeting of the South Indian River Water Control District was held on March 17, 2016, at 7:00 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Stephen Hinkle, Michael Danchuk, Tom Powell, Michael Ryan and John Meyer. Also present were Charles Haas, treasurer; William Capko, attorney; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Thirty-one landowners were also present.

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

Mr. Hinkle called for approval of the consent agenda which included the minutes of February 18, 2016, and the monthly disbursements. Mr. Ryan made a motion to approve the consent agenda. Mr. Danchuk seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. An award for 20 years of service was presented to Mr. Dillon at the Annual Landowners Family Day. Ms. DeNinno has been working on a letter to Palm Beach Country Estates residents regarding the potable water agreement. She met with staff regarding updating the District's policies and procedures. Mr. Ryan requested that the engineer's Power Point presentations be added to the District's website so the information is available to the landowners. Ms. DeNinno will coordinate this with Ms. Eason. Mr. Meyer requested a more detailed meeting agenda, sent out a week in advance.

Mr. Haas presented treasurer's report. He presented a draft of the informational letter to PBCE landowners regarding the water distribution system hook-up extension agreement with the Town of Jupiter. He discussed the table which showed savings to the landowners based on several different hookup dates, and the minimum amount paid to the Town of Jupiter for water service. Mr. Danchuk suggested that a running total of the number of hook-ups be shown on the website. Ms. DeNinno will work with Mr. Haas and add this feature to the website. Mr. Powell was concerned that the table encourages the landowners to wait to hook up. Mr. Haas noted the table could be dropped from the letter and only the monthly cost of the connection would be included. Mr. Meyer agreed that the table should be dropped. Mr. Haas wants to be sure the landowners know there is a minimum charge from the Town of Jupiter whether the hook-up is used or not, i.e. for a vacant parcel.

Mr. Dillon presented the general manager's report and thanked everyone for the award presented at Family Day. He met with Chief Wells with the Palm Beach County Fire and Rescue, and Chris Wasil with Florida Forest Service to review the preventative maintenance plan for the perimeter canals. Mr. Dillon noted this is the 19th year in a row that the District has received safety awards.

Mr. Dillon discussed the culvert drawing prepared by the engineer. Mr. Meyer made a motion to adopt the specifications prepared by the engineer, in concept. These specs would give guidance to the landowners who are putting in culverts. Mr. Danchuk seconded the motion. Mr. Powell noted it is critical to specify the invert of the pipe, especially how the elevation is relative to neighbors or the crown of the road, for example. Mr. Hinkle stated the general manager will specify what the grade and elevation will be. Mr. Meyer noted a plastic pipe would be preferred unless the elevation is too high. He would also like to include specifications pertaining to riprap. The Board agreed the specifications would be established later. The motion carried unanimously.

Mr. Dillon discussed culvert replacement. About 40 collapsed pipes need to be replaced. The landowners will be charged for this installation. Mr. Meyer stated the District needs to prioritize which ones are to be replaced, section by section. He suggested the replacements should expand beyond those requested by the landowners so the system can be improved. Mr. Meyer made a motion that the culverts be replaced under the direction of the

general manager or the engineer. Mr. Danchuk seconded the motion. Discussion followed regarding prioritizing the replacements and the cost. Mr. Dillon stated \$300 would cover the cost, including riprap. It was noted that the actual installation is covered under the maintenance budget. Mr. Hinkle asked the landowners present if they thought \$300 was reasonable and all agreed. Mr. Meyer clarified and restated his motion to implement the culvert replacement program, charging \$300 for driveway culvert installation performed by the District at an elevation to be set by Mr. Dillon or the engineer. The motion carried unanimously.

Mr. Hinkle stated if a landowner pours a surface over his culvert, a permit is required. It is the landowner's responsibility to monitor the culvert and keep it functional. The District will do all it can to notify and educate the landowners. Mr. Powell noted that any hard paving within an easement is at risk and the District will not replace any paving when replacing a culvert. Mr. Meyer stated this should be put in writing, on the website and in the newsletter. Mr. Dillon noted there are already a number of culverts scheduled to be replaced and requested that the Board hold off on publishing information about the program for at least a month. Mr. Hinkle stated this program does not include culverts on County roads; District roads only. Mr. Powell noted that swales in the secondary drainage system include those along County roads, and the District has an obligation to keep the system working properly. Mr. Haas stated the District charges a drainage assessment along the County roads. Mr. Hinkle stated driveway culverts along County roads have different requirements and would cost more to replace. Mr. Dillon stated he will know more specifics after meeting with the County. The Board agreed to address County road culverts at the next meeting.

Mr. Capko presented the attorney's report. He presented a resolution authorizing a 10-year loan from Regions Bank, not to exceed \$1.5 million, for the 18th Plan of Improvements. The interest rate is 3.25%. The closing is scheduled for March 22nd. Mr. Danchuk made a motion approving the resolution. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Capko then provided a memorandum regarding residency requirements during the term of office for supervisor. He presented an Affidavit/Oath of Candidate which would state where the candidate lives and that the candidate would agree to resign from office if their residency changes thereby affecting the composition of the Board. Mr. Danchuk made a motion to approve the form presented by the attorney. Mr. Meyer seconded the motion. Mr. Meyer suggested a resignation should occur within 30 days. Mr. Ryan suggested a definition is needed for "landowner," specifically if they own a buildable piece of land. Mr. Capko stated Chapter 298 has a clear definition of landowner and who is eligible to be on the Board. He stated a candidate cannot be forced to sign this Affidavit and a landowner cannot be excluded from being placed on the ballot. After further discussion, Mr. Danchuk's motion carried unanimously.

Mr. Capko briefly discussed legislation that could affect SIRWCD. More detailed information will be on the District's website.

Mr. Ryan discussed "no paving" petitions. He suggested they should have the same three-year waiting period as a paving petition. He also suggested petitioners should come before the Board to sign a petition so the Board can inform them of what is involved. Proper identification should also be required prior to signing. Mr. Meyer agreed the policy should be changed for "no paving" petitions to allow for a three-year waiting period before submitting a new petition. Mr. Danchuk noted there is a difference between a petition and a referendum. Petitions are sometimes signed because of pressure from neighbors. He was uncomfortable making a decision based on a petition instead of a referendum. Mr. Capko stated the Board never has to approve a paving project. A petition does not have safeguards like a referendum, and is not enforceable. Mr. Hinkle agreed there is a need to have petition signatures verified. He also suggested that if a referendum passes, something should be recorded so it shows up on a title search of the property. Mr. Capko stated that anything can be recorded, but it is not enforceable. These policies can be changed any time the composition of the Board changes. Mr. Powell stated all a

referendum does is give authority to assess. A petition does nothing. If landowners want to keep a dirt road, they should have a referendum.

Mr. Hinkle opened the floor to landowner discussion. Mr. Matt Gitkin stated paving is a capital improvement and conflicts with the mission of Jupiter Farms residents. In a rural tier, paved roads can jeopardize the community. Mr. Jorge Rodriguez stated 160th in Palm Beach Country Estates has an issue with kids tearing up the road after it has been repaired by Mr. Dillon's staff. Mr. Hinkle stated this is something the Sheriff's Office needs to handle. Mr. Stanley Germain was out of order several times and Mr. Hinkle had him ejected from the meeting. Another landowner speaking on his behalf noted problems with petitions in Palm Beach Country Estates including discrepancies and names of petitioners. Mr. Keith Best stated he would be charged for other road paving even though he is already on a paved road. Mr. Hinkle informed him if he is on a County road, he will still have to pay for District paving. Ms. Cindy Jaworski stated residents in Palm Beach Country Estates should not be bullied regarding paving and should be free from government intrusion. Ms. Jennifer Gusikoff stated there is a lack of rules for dirt road petitions but many rules for those who want paving. She noted landowners are going to other neighborhoods to petition. There is no privacy as to who has signed the petitions. Ms. Carol-Sue Ryan stated she was asked to help neighbors organize to prevent higher taxes. Anyone can look at ballots to see who has voted for specific issues. Mr. Hinkle stated the Board needs to work on these policies.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON APRIL 21, 2016

The regular meeting of the South Indian River Water Control District was held on April 21, 2016, at 7:00 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Stephen Hinkle, Michael Danchuk, Tom Powell and Michael Ryan. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Fourteen landowners were also present.

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

Mr. Hinkle called for approval of the consent agenda, which included the minutes of March 17, 2016, and the monthly disbursements. Mr. Danchuk made a motion to approve the consent agenda. Mr. Ryan seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. The letter regarding the potable water agreement has been sent to the Palm Beach Country Estates residents. Work has begun on the next newsletter.

Mr. Haas presented treasurer's report. He noted that Wells Fargo Bank has been downgrading its services to public entities and charging maintenance fees. He recommended closing the District's accounts with Wells Fargo. Mr. Ryan made a motion approving this recommendation. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Dillon presented the general manager's report. He requested Board approval to purchase a 2013 Volvo motor grader for \$105,000. The trade-in allowance for the John Deere grader will be \$25,000, leaving a balance of \$80,000. Mr. Danchuk made a motion approving this purchase. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Dillon reported 20 driveway culverts have been installed. There were no issues collecting fees or with the installations. He noted four culverts per week can be installed with no disruption of normal services. Landowners will not have to pull a permit from the County to install replacement culverts along County roads. However, the cost will be approximately \$572 for the metal or aluminum culverts. Most of these culverts will require removal of concrete and more riprap. The Board discussed a \$600 charge to the property owner which would merely cover the cost of the pipe.

They also discussed a \$750 charge which would include labor. Mr. Dillon noted the total actual cost would be approximately \$1,000 including employee time, etc. Mr. Berman, landowner, noted the District should charge the actual cost and not subsidize the landowners who would be paying more than \$750 if they were arranging for this work themselves. After further discussion, Mr. Ryan made a motion to charge \$750 for replacement culverts along County roads. Mr. Danchuk seconded the motion and it carried unanimously. The Board agreed to revisit this issue in the future after a few installations have been completed.

Mr. Dillon reported on the 128th outfall project. Outfalls have been cleared, ditches cleaned and pipes placed. Drainage has improved. This project should be completed this summer.

Ms. Eason presented the engineer's report. The 18th Plan of Improvement's design is 80% complete. The project will be ready to go out for bids in May.

Ms. Eason showed the roads to be included in the 19th Plan. All petitions had over 50% approval for a total of 3.6 miles of roadway. Mr. Hinkle questioned how the petition was collected on 154th Court. He noted there was previously a "dirt road" petition from over 60% of the landowners on 154th Court. Ms. Eason stated the "dirt road" petition matches only a portion of the road included on this current petition for paving. Mr. Hinkle stated that the

letter sent out for this road stated it was not a petition to pave the road. Ms. Eason noted the petition submitted was the standard SIRWCD approved petition with all the necessary language. Mr. Danchuk proposed personally contacting each landowner to see what their intent was. Mr. Powell stated that a referendum with actual estimated costs is the way to determine the landowners' intent. Mr. Danchuk noted only 16 landowners signed the petition so it would not be difficult to contact them by phone. Mr. Ryan stated the Board should consider that there was a "dirt road" petition within that area, as well as the issue of the corner lots. After a brief discussion, Mr. Hinkle suggested holding off on this road at this time and let them come back next year. Mr. Danchuk questioned what is being spent to discuss these issues as compared to having a referendum. The Board agreed to discuss this road again later in the meeting's agenda.

The Board then discussed 159th Court. Mr. Ryan was concerned about the corner lots and allowing landowners with no "skin in the game" to vote on paving. Mr. Powell stated that when two streets intersect, relief can be given to the owner on the corner. This reduction in the assessment should happen when the treasurer prepares the tax rolls. It should not be tied to the voting. Mr. Danchuk questioned how a landowner can make an informed decision if their assessment is unknown. Mr. Powell stated the Board can have a policy to assess 50% on each road. Landowners should be aware that they can be assessed the full amount on each road, but also be aware that there is a policy that gives them a reduction in assessments. Mr. Powell stated that the authority to assess should be simple and according to the statutes. Mr. Capko stated it must be known who is going to be assessed and how much when the assessments are put together. Any Board policy should be in place prior to the ballots going out. Mr. Ryan stated if the landowner is not required to pay and is not able to vote, he should not be on the petition; and if he is not required to pay, he should not be able to vote.

After further Board discussion, Mr. Hinkle asked for landowner comments on this matter. Mr. Jorge Rodriguez was concerned about the Board changing the rules from month to month. He noted 67% signed the petition. Mr. Roberto Abbenante also noted there were 20/29 signatures on the petition for 154th and asked why it should be rejected. He stated he personally talked to everyone who signed the petition and everyone knew what was going on; no one was misinformed. Mr. Mike Scaglione stated if a driveway is on a road that is where the owner should vote and be assessed. Ms. Lois Taylor suggested there should be a visual that shows where "dirt road" petitions are so it can be seen if they are doubling up with other petitions. Mr. Kevin Baker stated if there were a rectangular benefitted area, there would not have to be a vote on other roads. Ms. Carol-Sue Ryan stated the "dirt road" petitioners for 154th were told they had to wait three years before petitioning again, yet another petition was given out. The petition for 159th Court was signed by landowners who thought they would not have to pay an assessment. Mr. John Jones questioned why the Board wants to subsidize owners who live on a corner. He noted they receive benefit from both roads. Ms. Jennifer Gusikoff stated if the Board wants to change its policy, it should start with the next Plan of Improvements. Policies should not be changed after a project is started. She noted it will be over two years waiting for 159th Court to be paved. Mr. Bob Berman stated if petitions are solicited under a particular policy, that policy should not be changed. He was not in favor of the no-paving petitions. He stated the only determining factor is a vote and noted that the majority of paving referendums have passed. He questioned why the Board does not want the landowners to have a vote which would determine who wants paving and who does not. Ms. Noemi Perera stated there was a lack of information on the District's website indicating the real cost of a project. She was concerned about false information circulating in the District and no cost information on the petitions. Mr. Hinkle stated that the second page of the petition states the estimated cost. Ms. Donelle Jones stated if a property fronts a road, the owner should be included in paying for paving that road.

Mr. Danchuk stated he would not be comfortable preventing a petition from going forward to a referendum and vote. Mr. Powell agreed, noting that the only true information and cost estimates are presented in the referendum. Mr. Ryan stated the Board should refine its policy which currently states the owner of a corner lot does not have to pay double. Mr. Hinkle stated the current policy was established to prevent undue financial burden on the landowner. Mr. Powell suggested that the referendum state the Board may give a discount to owners on a corner lot. The District needs the authority to assess fully but could add language that a discount may be given. Mr. Powell stated this discount is addressed by Board policy; the right to vote is governed by statute. Mr. Haas stated there has always been authority to assess the corner lots but the policy has been to give a 100% discount on the second road.

Mr. Capko stated the Board needs to make a decision as to the percentage of discount to give prior to the ballots going out. He also noted that there is a reduced benefit from the second road being paved. Ms. Eason stated it would be difficult to establish the exact benefit of the second road. Mr. Danchuk made a motion to charge 25% for the second road and approve the petitions that are now ready to go to a referendum. Mr. Powell seconded the motion. Messrs. Hinkle and Ryan voted against the motion and it did not pass. Mr. Hinkle stated 25% was not enough. Mr. Powell then made the same motion but changed the amount to 50% to charge for the second road. Mr. Danchuk stated he would prefer one-third, but seconded Mr. Powell's motion. The motion carried unanimously.

Mr. Hinkle stated there is no 19th Plan referendum yet, so this is going forward. Mr. Ryan asked if there would need to be two different referendums, one for the corner lots and one for the others. Mr. Powell stated all necessary information could be included in one referendum. It was noted that the corner lots on 160th want to be included in the 19th Plan (160th Street North and 72nd Drive North). Mr. Danchuk suggested that if the referendum for 160th Street passes, a letter can be sent to those landowners asking if they want to be included in the project.

Ms. Eason stated she attended the Loxahatchee River Management Coordinating Council meeting. The FDEP is in the process of developing TMDLs. Ms. Eason noted SIRWCD could end up being a stake holder in that plan. She suggested a workshop may be in order to discuss how this might affect the District.

Mr. Capko presented the attorney's report. He stated there was a successful closing on the \$1.5 million loan for the 18th Plan on March 22nd. He reported that the attorney representing the owner of the Montessori School is inquiring about the Board's decision regarding the request for water service. The Board agreed to allow a 10-minute presentation at the next meeting. Mr. Capko noted he has had no further direction from the Board regarding any potential legislation.

Mr. Haas stated he is working on next year's proposed budget and requested input from the Board and staff, particularly as to any changes in the scope of service in the District.

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

ADJOURNED.

**MINUTES OF THE BUDGET WORKSHOP MEETING
OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON MAY 19, 2016**

The budget workshop meeting of the South Indian River Water Control District was held on May 19, 2016, at 5:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Stephen Hinkle, Michael Danchuk, Tom Powell and John Meyer. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Michael 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.

Mr. Haas presented a preliminary budget which is intended to give an indication of where the staff thinks the level of service is obtainable and realistic; it does not include special projects. He asked the Board for their opinions at this time, including opinions on additional special projects. He noted a deadline of July 22 for submitting the budget to the County.

Mr. Haas discussed ongoing programs, including maintenance and debt assessments. Overall, the debt budget is expected to decrease by \$30,000. He discussed the District's agreement with the Town of Jupiter regarding the financing of water hookups. He also noted the addition of the new 18th Plan of Improvements to repay the note issued for \$1.5 million with a 10-year payback, (\$189,000/year for 10 years). In the Palm Beach Country Estates area east of C18, a refunding issue has lowered the need for debt assessment. Egret Landing also had a refunding issue several years ago which reduced the annual assessments; this has one more year to go. The Jupiter Park of Commerce budget decreased about three years ago.

Mr. Haas is now proposing to take advantage of these reductions and increase the maintenance funds. This will mainly affect Palm Beach Country Estates. There is a need to increase the budget because there have been more service calls requiring an increased level of service. There will still be a \$23/parcel reduction in cost with a better level of service. Mr. Dillon stated the service will include clearing of numerous drainage outfalls in order to provide better drainage, and roadside swale cleanings. Mr. Haas proposed adding \$50,000 to the water control budget and an increase of \$42,500 for road maintenance. Mr. Dillon stated there are roads that need to be re-contoured and resurfaced. Mr. Danchuk questioned why there is increased road maintenance if the roads are paved. Mr. Hinkle stated that maintenance of roads affects secondary drainage. Mr. Haas stated that swale maintenance is charged equally to road maintenance and water control. Mr. Powell noted this is a good time to increase that budget because the debt service is decreasing. Mr. Dillon noted that this is the area in the District that is calling for an increased level of service. Mr. Danchuk commented he wants to honor promises made to landowners years ago, that their assessments would go down after paving. Mr. Hinkle stated the District needs to fix problems the proper way in order to prevent recurring repairs, thus saving money in the long run.

Mr. Haas then discussed the operation and maintenance budget which is based on where the staff is working. He requested an increase of 4%. There has been a thin crew for the last three to four years and now there is an opportunity and a need to increase the staff by two employees. Mr. Danchuk was concerned with increased cost for insurance. Mr. Dillon stated the current insurance plan is the best price-wise and for employee benefits. Mr. Haas noted the total increase includes insurance and the addition of two employees. Mr. Dillon stated two additional employees are actually replenishing what has been lost over the last few years. He also could be losing operators in the near future due to age and would like to have people already experienced and able to take over.

Mr. Powell stated he was satisfied with the proposed budget. Mr. Danchuk was also proud of the budget presented and wants to be able to give appropriate answers to landowners. Mr. Meyer stated he has had his questions answered and now has a better understanding of why some items are increasing. Mr. Hinkle concurred with these comments and then asked if the landowners present had any questions.

Mr. Kevin Baker questioned how much is allocated for cleaning up debris in canals. Mr. Dillon stated landowner clean-up days would help a lot. Mr. Baker also asked about a higher level of maintenance for the grass in the park which is overgrown with weeds. Mr. Dillon stated there have been no calls about the park except regarding fire ants. Mr. Baker questioned if the District could contract for outside help in cleaning debris from the canals. Mr. Danchuk stated this is something that could be done once a month; someone could walk the canals prior to an operator coming through. Another landowner questioned why it costs \$1000 to maintain the park. Mr. Haas explained there was a five-year capital assessment for pavilions and a racquetball court; \$67,000 was assessed to pay back the cost of those improvements. The actual park maintenance budget is \$25,000 (\$14,000 for contract maintenance and \$10,000 for other items including starting a sinking fund). Maintenance includes lawn maintenance, irrigation repairs, mulch, repair of pavilions and courts, a walking path, etc. Mr. Hinkle commented that realtors should inform new residents about assessments. The District distributes information in multiple ways and residents can always call the office with questions.

There were no other landowner questions. Mr. Powell made a motion to adjourn. Mr. Danchuk seconded the motion and it carried unanimously.

ADJOURNED.

**MINUTES OF THE REGULAR MEETING
OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON JUNE 30, 2016**

The regular meeting of the South Indian River Water Control District was held on June 30, 2016, at 6:00 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Stephen Hinkle, Michael Ryan, Michael Danchuk, Tom Powell and John Meyer present via phone. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Sixty-four landowners were also present.

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

Mr. Hinkle called for approval of the consent agenda which included the minutes of April 21 and May 19, 2016, and the monthly disbursements. Mr. Powell made a motion to approve the consent agenda. Mr. Danchuk seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. The District's policies and procedures are in the formatting phase and will be forwarded to staff to begin review to update and make the necessary changes. Ms. DeNinno Mr. Meyer and Mr. Haas have discussed sending a welcoming letter to new landowners once a year. The next newsletter has been started and will include information on the culvert program, the annual meeting, and the public hearing for the budget as well as information on the petitions and referendum updates and stormwater information.

Mr. Dillon presented the general manager's report. He asked for the Board's approval to purchase a mini excavator and trailer. Florida Coast Construction was the lowest bid at \$30,625 for the mini excavator. Jones Equipment was the lowest bid at \$3,604 for the trailer. Mr. Danchuk made a motion to approve the purchase. Mr. Powell seconded the motion and it carried unanimously.

Mr. Dillon reported about culverts on Palm Beach County roads. He noted rip-rap bags cannot be used, ends must be mitered and headwalls must be poured so it increases the cost to an estimated \$1,400. Mr. Dillon asked for Board direction whether the previously established price of \$750 needed to be adjusted to reflect the increase.

Mr. Hinkle discussed the cost to landowners versus what the District is paying. Mr. Dillon said the cost share for District road culverts is 50/50. He noted if the District does multiple culverts as opposed to just a single one there is a savings. Mr. Powell stated he was fine with it and Mr. Hinkle agreed, noting to leave the cost at \$750.

Mr. Dillon received a call from Egret Landing's POA regarding the tragedy in Orlando. They requested to have signs put up at the lakes stating "Warning Gators" and "No Trespassing" with statutes that are attached to it. The District would purchase signs and they will install.

Mr. Powell asked Mr. Capko if the District had the ability to do it and Mr. Capko stated the District has the ability to put the signs up if desired. Mr. Danchuk stated he was unsure about the No Trespassing signs as he was concerned if someone wanted to go fishing, whether the District should prevent it. He doesn't have a problem with warning signs. Mr. Powell said he thought it was the POA's responsibility, but the lakes belong to the District. Mr. Hinkle said he also has an issue with the No Trespassing signs, but is okay with the gators sign. Mr. Powell felt the POA would have the right to install them. Mr. Danchuk asked if the District had an easement, to which Mr. Dillon stated yes, there is a maintenance easement. Mr. Dillon thought the issue was people walking through an owner's property to get to the lake. Mr. Ryan said individual owners can put up their own No Trespassing signs. Mr. Capko said it's a tough issue for a landowner who has lakefront property, but does not know if the POA has any other power. The District's Board has the authority to post the signs, but is not required to. Mr. Meyer said he's inclined to follow Mr. Capko's recommendation.

Mr. Danchuk made a motion to put up gator warning signs, but to hold off on the No Trespassing signs. Mr. Meyer asked if that means we have to put up signs on all District canals. Mr. Hinkle didn't think we would need to do that. Mr. Ryan seconded the motion and it carried unanimously.

Ms. Eason presented the engineer's report. The 18th Plan of Improvements was originally estimated at \$385,000 per mile for 3.8 miles of asphalt in PBCE for a total of \$1,463,000, estimated at approximately \$1,200 a year for 12 years. Ms. Eason noted that the Board also wanted to look at some culvert and swale construction.

On May 20, 2016 an invitation to bid was advertised that documents could be picked up on May 27, 2016 and bids were due on June 27, 2016. The low bid from Hardrives was \$1.6 million. Palm Beach County allows for different base rock either 6.5" of lime rock, 8" of shell rock or 8" of crushed concrete. The low bid is with lime rock, an alternative and would be \$1.5 million. If culverts and swales were not included in the bid, it would be \$1.3 million. The bid without was in line with original estimates. Ms. Eason recommends awarding the contract to Hardrives excluding the culverts and swales. Ms. Eason asked the Board to approve the bid so she can start negotiations.

Mr. Powell asked why the other bids are so high. Ms. Eason stated that contractors are very busy. No one showed up for the pre-bid meeting. Mr. Powell made a motion to award the contract to Hardrives. Mr. Danchuk seconded the motion. Mr. Ryan said he would like to see the culverts and swales included, it should be addressed at the same time. Mr. Powell felt that we are already underway with the culvert program - it's a maintenance program. Mr. Ryan said we have fairly recent projects but that it was not done and afterwards we would have to tear up sod, etc., after the fact. Mr. Danchuk said perhaps Mr. Dillon can review this for problems and address them at the same time. Mr. Meyer liked the idea of doing it at the same time. Mr. Danchuk said that we are not putting it aside; we're having Mr. Dillon research it. The motion carried unanimously.

The District Engineer reported she was given authorization to proceed with the 19th Plan of Improvements at the April meeting. Ms. Eason wanted to wait for the most recent bids to come back for the most current numbers with which to prepare the information for referendum.

Ms. Eason stated that the water quality testing contract was awarded originally in July 2011. The District has been extending the contract because they have been satisfied with the company. Ms. Eason asked if the contract could be extended 3 years if the Board is comfortable with the price. It went from \$34,704 annually to \$50,784 annually. It is still below the next nearest bid from back in 2011, which was \$54,000. Mr. Danchuk asked if Ms. Eason could go back and negotiate. Mr. Powell asked Mr. Capko if this is discretionary. Mr. Capko said he was not positive. Mr. Powell said it was not in the requirements. Ms. Eason said in the long run it is good that we are doing this as it is protection for the District. Mr. Powell asked if the number of samples could be lowered. Ms. Eason said she dictates this at all our outfalls and doesn't see us reducing it. There are 13 locations tested monthly. Ms. Eason stated that she does not mind talking to them, but testing costs have gone up. Mr. Meyer asked if chlorophyll a is tested under the contract. Ms. Eason said that chlorophyll is tested but does not know if it is chlorophyll a. Ms. Eason said she needs to discuss fecal chloroform with them. Enterococcus testing should be included, and she is not sure if that is in there. Mr. Hinkle felt it is not only good for the District, but also for the landowners. Mr. Ryan said he sees both sides, if we can negotiate okay, but does not think it is an exorbitant increase given the period of time. Mr. Danchuk made a motion to give Ms. Eason the authority to extend the contract for three years but to see if she can negotiate a better price. Mr. Ryan seconded the motion. The motion carried unanimously.

Mr. Hinkle asked if the landowners present had any comments. Mr. Brian Murphy of Palm Beach Country Estates (PBCE) asked who the company was that is doing the testing. Ms. Eason stated Pace Analytical. Mr. Murphy stated that it is a 43% hike and would like to see it negotiated and if not maybe look for another. Mr. Jorge Rodriguez of PBCE stated he is not happy about the corner lot assessment and felt it should be just one vote based on the property's address. Mr. Hinkle said you vote on your property. Ms. Cindy Jaworski of PBCE discussed the benefits of corner lots and thought only the landowner can say what a benefit is. She said everyone needs to calmly listen and she just wants to be able to vote. She felt neither paving nor keeping a dirt road should be pushed. Mr. Bob Berman stated regarding the 19th Plan of Improvement petitions that everyone did exactly what they were supposed to do. He feels assessing twice for corners is wrong. The landowners followed the procedures set forth by the Board only to have the Board change the policy before the vote. He feels the 19th Plan should go forward under the old policy and it was not fair to change it midstream. Mr. Jeffrey Englebrect stated that he thought 159th was a feeder road. He feels safety and health is a major issue and that the dusty road is a problem for his four girls with allergies. He has video of a pickup fishtailing down the dirt road. Mr. Matt Gitkin stated that Jupiter Farms Residents feel that the District should not finance the paving. He thinks those who want to pave and those who benefit should just pay for it and thought referendums like these can force people out of homes. He doesn't think twofers should skate by. He feels SIRWCD should focus on their

mandated mission - water control. Mr. Mike Howard agreed with Mr. Gitkin. He said there was a lot of concern with the 19th Plan of Improvement and changing rules and is recommending a moratorium on paving projects until it's figured out. Ms. Sandy Fornies stated if you are going to vote you should pay and you should not get a vote if not paying and thought there needed to be a better way to do it.

Mr. Capko presented the attorney's report. He stated that if the Board wants to go to the Legislature for any changes, they would have to do so by September. Mr. Hinkle asked if this is plausible with our current governor. Mr. Capko said not likely, but if the staff changes it is possible. Mr. Powell said it was a waste of time. Mr. Meyer felt there should be a change in the Special Act, but the Board will need to be unanimous in that position and if not, our chances are lessened. He feels residency issues should be addressed and of the three options that were brought forth he liked Option 1 which is more resident-oriented. He said we do have the Oath of Office, which is an improvement. Mr. Hinkle asked what a rough estimate cost would be. Mr. Capko said it is approximately \$30,000 for the process. There is time for them to investigate the likelihood of the governor approving it for the next meeting. Mr. Powell said there will be opposition within the Board and others, so moving forward may be difficult. Mr. Hinkle asked Mr. Capko to move forward with investigating the cost and probability for the next meeting.

Mr. Capko prepared a draft specific proxy form for voting. Once the Board approves it, it can be put on the website. Mr. Capko introduced Mr. Seth Behn, who was a planner prior to becoming an attorney. He will be working with Mr. Capko.

Old Business: Charles White, attorney, representing Ms. Michelle Kincaid, the owner of ABC Montessori School of Jupiter Farms regarding a change in the application. He noted that a letter was sent to Mr. Capko. He thanked the Board for rehearing the request. Kidworks of West Jupiter Inc., dba ABC Montessori School of Jupiter Farms, the applicant, is requesting to change the application for SIRWCD to give permission for a short line from the N.E. corner of the Jupiter Farms Shopping Center directly S.W. under the canal to the ABC Montessori property. They have been there since the mid-80s with 100 local enrollees. There are 75-85 children per day and use water provided by a well. He noted Palm Beach County Health Department requires a daily test be performed on their well water and has told them it needs to be replaced, which is very costly. Another issue is fire prevention and control. There is an old standpipe the fire dept. has advised is inadequate and needs to be replaced with a fire hydrant and this is difficult with a well source. If the school has potable water they would also install the fire hydrant. Mr. White addressed some comments from Feb. 18 meeting minutes noting the Board said that no water was supposed to go past Jupiter Farms Shopping Center and it already goes past Jupiter Farms Road and by allowing the owner to only use it for their property, would not violate this. He noted the owners just want a less expensive way of providing water. A line would be buried four feet below the bottom of the canal in accordance with SIRWCD's rules and regulations. The size of the pipe and short distance is just to get water to the facility. Mr. White thanked the Board for their time and attention.

Mr. Hinkle said it's the Jupiter Farms Neighborhood Plan, not the Board, regarding the comment about extending water past the center. He said the churches, fire department, RV Park and the elementary school are on well water.

Mr. Powell made a motion to reconsider. Mr. Danchuk seconded the motion. Mr. Meyer said he has not heard a lot of new information and is not inclined to change his mind. He asked if it is still a 12-inch line and Mr. Hinkle answered yes. Mr. White said they would be open to a smaller line. Mr. Powell said this is simply crossing the easement. Mr. Hinkle said there is the neighborhood plan in place and they want to keep it this way. Mr. White said the difference here is young children have to use this all day compared to some of these other uses and noted these other sites are not overseen by the County Health Dept. which is more stringent.

Mr. Hinkle asked if the landowners present had any comments. Mr. Mike Howard stated that Jupiter Farms has worked for years for a rural way of life and that the neighborhood plan was created for this purpose and that the Board is aware of this. He is concerned about potential action in the future. Mr. Gitkin said the neighborhood plan has been in place since 1993 and was approved and recommended by Palm Beach County. He didn't feel that the Board has the purview to grant appeal and encouraged the Board to turn it down. Ms. Lois Taylor stated that the County recognizes Jupiter Farms as a rural tier community and one of the definitions is that we not be served by central water or sewer. The water was originally just supposed to be for

Jupiter Farms Shopping Center. She felt the drawing they provided was poor and thought it was for more than just their property.

Mr. Powell revised the previous motion to accept the request of the petitioner. Mr. Danchuk seconded the motion. There was discussion with Mr. Hinkle against it. Mr. Danchuk said right or wrong, Jupiter Farms would have to change it first, so he's against it. Mr. Powell feels it goes beyond the District's authority and is not clear how the Board is bound by the neighborhood plan. Mr. Meyer asked Mr. Capko if this was within the District's purview. Mr. Capko agreed with Mr. Powell, but said the District is within its authority because of the canals. The motion failed, 4 to 1 with Mr. Powell in favor and the rest of the Board opposed.

Mr. Hinkle asked if there was any discussion on the petition signature collection procedure. Mr. Ryan said the back page often gets lost. Mr. Powell said there is too much emphasis on petitions and that the authority comes from a referendum. The petition process was originally to gauge landowner interest. Mr. Meyer said he agreed with Mr. Powell, that is the intent, but that there is a lot of controversy. He stated he is not happy with the petition process and feels it can be improved. Mr. Hinkle felt petitions were originally not truthful and he developed the new style petition to present the facts. Before petitions are sent out, the engineer reviews it first. This has helped to assure landowners on what they are being told. He wants to make sure everyone signs both the front and back so they clearly understand the costs behind it. Ms. Rigsby said petition forms have changed and as they do, the most current form is given out. Ms. Eason and Mr. Capko make updates as the Board revises the policy on petitions. Mr. Hinkle asked Ms. DeNinno if information is on the website. She said yes and she noted she could add an actual sample petition form if the Board desired.

Ms. Eason said the petition has already been changed to include the requirement of initials on the back. Mr. Ryan said that some people are circulating only the front and that's the purpose of initialing the back. The District needs the front signed and back initialed. If someone doesn't get it back, they should be contacted to make sure both are received. Ms. Rigsby clarified that since the District initiated the two-sided petition form, they have all come in that way. Mr. Hinkle noted that Ms. Eason is still to verify the signatures. Mr. Meyer asked if the process could be changed so that people could take time to look over the petition and then mail it back, so they would not be pressured to sign right away. Mr. Danchuk said you can say no. Like Mr. Powell said, the petition doesn't really count; it is the vote that counts.

Mr. Capko and Ms. Eason said they have discussed a request to remain a dirt road form, but have not received Board direction on how it will be used. Currently they are being used as a guide on whether to proceed to referendum with a paving petition. They noted they are waiting on further direction. Mr. Danchuk asked whether the Board can prohibit something years in the future and it should only be used for making a decision on whether a referendum should move forward. He thought that 50+ percent should have taken care of the issue, but Mr. Powell noted we've had people signing both the paving petition and request to remain a dirt road. Mr. Hinkle said he hears from people saying they put in a dirt road request and nothing happens. He noted he is looking for some length of time so they don't have to worry about it. It still needs an escape clause for the future. Paving is permanent. Mr. Meyer said if we have no-pave petitions we need a way of dealing with them. We need to have some consistency and work on those policies to provide protection for no-pave petitions. Mr. Danchuk said they do have validity if they have over 50 percent, it should solve it. Mr. Meyer would like to see a policy in place that if a majority does not want it that there is a period of time to keep it that way. Mr. Powell said you really don't know what people really want without an actual referendum and if the majority does not want it, then it will be proven in the referendum. Mr. Ryan felt people who want to keep a dirt road want an equal say and was concerned about people who vote for paving then move away. Mr. Danchuk said when selling a house you are supposed to disclose assessments to the buyer and those who want a house on a paved road are aware they are paying for it.

Mr. Hinkle stated he wanted to do a workshop on the issue as there is too much back and forth between landowners. He doesn't know the exact answer, but felt there should be some time period. He asked Mr. Capko if you can put a dirt road to referendum to vote. Mr. Capko suggested this may be possible if there were some type of actual capital improvement, such as widening the road, and then you can go through an assessment process. Mr. Capko said the problem the District has is that there is not a situation where you can permanently require a road to remain dirt for a period of time. He noted that the Board could do a policy on this, but it lasts

only as long the Board keeps the policy in place. Mr. Powell said if you pave the road it is documented as an asset from the standpoint of borrowing for payment for capital improvements.

Mr. Danchuk asked Mr. Capko if 80% wanted no paving, could the District legally keep it that way for a particular amount of time. Mr. Capko said yes, because the Board has the discretion, but if something changes and you then have 100% who want paving earlier than the prescribed amount of time the Board set, what would happen? Mr. Hinkle talked about the conservation easement possibility, but noted it requires 100% of owners and that it has to be done in an agricultural area. The Board agreed there would be no agreement tonight. Mr. Meyer asked Mr. Capko how the statutes and Special Act address our ability to pave roads and was it something that could be turned over to someone else. Mr. Capko noted there are restrictions that the Board cannot do certain things without requirements. The Board uses the petition to demonstrate support for these improvements and he reiterated that the Board does have ultimate discretion.

Mr. Powell said regarding the District's authority, in the Plan of Reclamation, road improvement is structured as a Plan of Improvement to the Plan of Reclamation. Mr. Meyer noted he would like to look into the possibility of the District easing its way out of road paving. He felt the function of the District is water management and we are taking away from this focus. Mr. Hinkle agreed. Mr. Danchuk said walking away was not the answer and another entity would just do it. Mr. Ryan said we have made progress and the process is getting fairer. Mr. Meyer asked if we can look at other Districts for how they handle it. Mr. Danchuk asked Mr. Dillon if he could look into this.

Next there was discussion on protocol for conducting the annual landowners meeting. Mr. Capko noted that after the Board conducts the business portion of the meeting, the meeting will be adjourned and turned over to the attorney for nominations for chairing the landowner meeting. He said the statute gives reasons for having the annual meetings. To provide a report to landowners on the activities of the District from the Engineer and Manager of Operations. The primary purpose is to hold the election for Board members. There is a time period for landowners to comment and Board can decide at next meeting whether to address these comments. There is no process for landowners to be able to make changes, except through the process of electing of Board members.

Mr. Hinkle said that some landowners have asked if they had to have specific comments on the agenda. Mr. Capko said it is covered under landowner comments.

Under new business there is a request to change Randolph Siding Road to a District road. Mr. Hinkle said he has had people ask about it as they are not happy with the condition of the County road. Mr. Capko said it is possible if the Board wants to and the District would have to request this in writing for the County to review and ultimately would go to the Palm Beach County Commission. Mr. Powell did not think it was a good idea. Mr. Hinkle said that section of road is terrible and the County does not have money to repair it. It is a collector road. Mr. Dillon said it is akin to a private road asking for it. Mr. Danchuk said he does not see a problem if we got some money from the County. Mr. Hinkle said they would have to be assessed. Ms. Eason said she recalled it was an experimental pavement. Mr. Powell said no. Mr. Danchuk did not have a problem and Mr. Meyer said okay if the people want it and needs to know the costs. Mr. Ryan said he was not really in favor of letting the County off the hook. Palm Beach County Commissioners are floating the idea of a bond issue and he thinks they are not doing their job and have dropped the ball by not funding maintenance. Mr. Hinkle noted he is on the fence and will discuss this further with landowners and was curious on the cost.

Mr. Hinkle asked if there were landowner comments. Mr. Gitkin stated in response to the petition/referendum that he thought the District could send it out registered mail for a cost of \$4.00 each to have people go on record for or against paving and keep a spreadsheet on the status. There should be paving only when there's a clear majority. Mr. John Rosser, lives on 154th and stated that this is his first meeting and hopes maintenance for dirt roads are funded separately. He said the shoulders are not maintained and doesn't see what he's getting for pavement maintenance. He thought he was paying for the dirt road because nothing is being done. Mr. Ken Trapasso of PBCE, felt meetings are still confusing. He spoke about trash and asked PBCE people to pick it up when walking. He felt this Board doesn't like things to go to vote. Mr. Hinkle responded that the District is not involved with waste removal. This would only be the case when large items are in the canals blocking drainage. Ms. Cindy Jaworski agrees with Mr. Powell to allow people to vote. People have their own

responsibility to find out what is going on when buying in an area. She said that landowners are not stupid and if unsure about something they can always call. She said if a majority say they want paving then okay, if they want dirt fine. She asked the Board to stop delaying and just finalize and go to referendum and vote. She felt that month after month policy changes or items are tabled. Ms. Noemi Perera said she appreciates Mr. Meyer, Mr. Hinkle and Mr. Ryan listening to landowners and thanks the Board for listening and taking time to make a responsible decision.

There were no other landowner questions. Mr. Powell made a motion to adjourn. Mr. Danchuk seconded the motion and it carried unanimously.

ADJOURNED.

**MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON AUGUST 18, 2016**

The regular meeting of the South Indian River Water Control District was held on August 18, 2016, at 7:00 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Stephen Hinkle, Michael Danchuk, Tom Powell, Michael Ryan and Jon Meyer. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Michael Dillon, manager of operations; and Laura Bender, public information. Thirty landowners were also present.

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

Mr. Hinkle turned the meeting over to the treasurer for the budget hearing. Mr. Haas presented the proposed 2016-17 budget. He explained how the individual budget funds are established for the different areas of the District, including water control, road maintenance and debt service. A landowner requested an individual accounting for his property. Mr. Hinkle explained he needed to set up an appointment at the District Office for this information. Mr. Haas stated that all budget information is available at the office and on the website. He went on to explain that 55% of the budget is debt service, 21% water control and 20% road maintenance. He discussed the details of the various budgets. Copies of the proposed budget were available to the landowners. There were no other questions from the landowners regarding the budget and the budget hearing was adjourned.

Mr. Hinkle convened the regular Board meeting and called for approval of the consent agenda which included the minutes from June 30th and the monthly disbursements. Mr. Danchuk noted some minor changes in the minutes. Mr. Powell made a motion to approve the consent agenda with the amended minutes. Mr. Danchuk seconded the motion and it carried unanimously.

Ms. Bender presented the public information report. Releases and notices were sent out, and the website has been updated. The August newsletter has been printed and mailed. Their office is working on the changes to the website required by state statute. A draft of the existing policies and procedures manual will be ready shortly. The next Landowners' Day is scheduled for March 18, 2017.

Mr. Haas presented the treasurer's report. He recommended that the budget be adopted as proposed and that the uniform method of assessment be used. Mr. Powell made a motion to accept the treasurer's recommendation. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Dillon presented the general manager's report. He stated Terra-Tech has agreed to renew their contract for another year at the same amount, and requested Board approval. Mr. Meyer made a motion to approve renewal of this contract for another year. Mr. Powell seconded the motion and it carried unanimously.

Mr. Dillon requested replacing a boom mower with a new John Deere mower for \$124,844, including the trade-in. Mr. Danchuk made a motion approving the purchase. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Dillon has received bids for work on two canal crossings and recommended the low bidder, Murray Logan Construction. Mr. Meyer made a motion approving the selection of Murray Logan Construction for the projects. Mr. Danchuk seconded the motion and it carried unanimously.

Ms. Eason presented the engineer's report. She discussed the 18th Plan of Improvements and the removal of the swale design from the contract documents. The final price estimate is now \$1.34 million. Construction will begin in the middle of September.

Regarding the 19th Plan of Improvements referendum, Ms. Eason reported that construction costs are higher than expected. With the improved swale design and the new policy for corner lots, the estimated cost is \$3.2 million.

Mr. Powell was concerned with the increased cost of this project. Mr. Haas was concerned about the financing options available for this project. Mr. Powell noted landowners were concerned that the Board's policy regarding corner lots changed while this project was in progress. He suggested another review of the Board's policy as it affects this Plan of Improvements. He noted that the law provides for the engineer to make the determination of the benefitted area for each project, not the Board. Mr. Meyer compared the way the corner lot policy for the 19th Plan is being handled as opposed to the 18th Plan. Mr. Capko stated a property cannot be assessed more than the benefits being apportioned to that property. The engineer defines the benefitted area and recommends the amount of the benefit going to each parcel. Mr. Danchuk stated he may have made a mistake voting to assess corner lots 50% for the second road. It was agreed to discuss the corner lot issue later in the meeting. After further discussion, Mr. Danchuk made a motion to remove the swales from the 19th Plan of Improvements before determining the estimated cost for the referendum. Mr. Powell seconded the motion and it carried unanimously.

Ms. Eason reported on the improved Reese bridge and presented photos. Mr. Hinkle noted that this bridge is not for bicycles, hikers, equestrians or fishing because the District does not carry liability insurance for it.

Mr. Hinkle discussed the Randolph Siding Road maintenance issue, and noted that no landowner fronts the road. It is a County road. Mr. Powell stated the District could take over maintenance of the road from the County, the cost of the upgrade and perpetual maintenance. There needs to be a referendum to do this. Mr. Meyer suggested discussing this matter with the County. Mr. Danchuk suggested there may be an opportunity for receiving funds from the County. Mr. Ryan suggested waiting to pursue this until after the November election and the Board agreed.

The Board discussed the issue of assessing corner lots. Mr. Danchuk was in favor of returning to the original policy of one vote and one assessment. Mr. Powell agreed and noted that was the policy when the process for the 19th Plan started. A lengthy discussion followed. Mr. Hinkle was concerned with landowners not having the right to vote on road improvements. He opened the floor to landowner comments. Ms. Jennifer Gusikoff was opposed to the change in rules from one petition to another. Ms. April Jamason believed if there is an added benefit, there should be an additional assessment. Mr. Bob Berman stated that whatever the policy was when the petition was initiated, that is what should be followed; the policy should not change just prior to going to referendum. Mr. Mike Howard stated that dirt road maintenance does not increase property value but if paving improves the property, there should be a vote and an assessment. Mr. Matt Gitkin noted that 80% of the Board meeting was spent discussing paving. He also wants ballots sent out by registered mail. Ms. Cindy Jaworski noted that a 75% increase in the cost of the 19th Plan is not right. Feeder roads should have already been paved; this would help reduce the cost of the 19th Plan. Mr. Kurt Danielson questioned the cost of the 19th Plan. Mr. Rick Kalb stated the owner who signed the petition on his road no longer lives there. Mr. Capko stated that the District's Special Act requires documented evidence of interest in a capital improvement project from 25% of the affected landowners. The Board voted to increase those requirements. He noted that the petition is only to get the ball rolling; the referendum is what determines whether a project proceeds. Mr. Ken Trapasso stated the landowners should act like neighbors and work together. Mr. Tim Brown stated he has been fishing off the cattle bridge for 23 years and questioned how much insurance would cost so this could continue. Mr. Hinkle stated the Board will look into this.

Mr. Hinkle then asked the Board to decide on how to proceed with the 19th Plan. Mr. Danchuk made a motion to use the original corner lot assessment policy for the 19th Plan, i.e. the corner lots have only one assessment and one vote. Mr. Powell seconded the motion. The motion failed with Messrs. Danchuk and Powell in favor, and Messrs. Hinkle, Ryan and Meyer against. It was confirmed that the corner lots in the 19th Plan will get two votes and be assessed 50% for the second paved road. The Board agreed to move forward with the referendum. There being no further business to come before the Board at this time the meeting was adjourned.

ADJOURNED.

**MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON SEPTEMBER 15, 2016**

The regular meeting of the South Indian River Water Control District was held on September 15, 2016, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Steve Hinkle, Michael Danchuk, Michael Ryan and Jon Meyer. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko, attorney; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately 40 landowners were also present.

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

Mr. Danchuk made a motion to approve the consent agenda which included the monthly disbursements. Mr. Meyer seconded the motion and it carried unanimously.

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

ADJOURNED.

**MINUTES OF THE ANNUAL LANDOWNERS' MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON SEPTEMBER 17, 2015**

The annual landowners' meeting of the South Indian River Water Control District was held on September 17, 2015, at 7:00 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Approximately 67 landowners were present.

Mr. Michael Danchuk called the meeting to order. The floor was opened to nominations for chairman and secretary. A motion was made and seconded to elect Susan Kennedy as chairman. Another motion was made and seconded to elect Tom Powell as chairman. There were no other nominations for chairman. A motion was made to nominate Jane Woodard as secretary. There were no other nominations for secretary.

Mr. Danchuk called for a show of hands for the election of the chairman. There were 43 hands for Susan Kennedy and five hands for Tom Powell. Mr. Bob Berman called for a roll call vote by acreage. This was seconded by Mr. Tom Rice. Mr. Berman noted that the law requires a vote by acreage. Mr. Danchuk asked for a statement of acreage from the landowners voting for Mr. Powell, including those voting through the proxies held by Mr. Berman. The total acreage was in excess of 80 acres. Attorney Tara Duhy reviewed the proxies and researched the law. She stated there is nothing in the District's Special Act that requires the vote to be by acreage. She further stated the Special Act and the governing statute do not address this issue.

A landowner made a motion that the majority of landowners present establish the chairman for this landowners' meeting. The motion was seconded. Mr. Powell stated that the Florida Statutes state voting is to be in person or by proxy. Attorney Duhy stated if a proxy is not received in the District Office prior to the meeting, it is not accepted. However a proxy could be accepted as provisional. She will clarify the law as to this issue, but for now the motion to elect a chairman by a majority vote will stand. It was noted by a landowner that proxies must be presented to the secretary of the District at the office of the District prior to the annual landowners' meeting. Attorney Duhy again stated the law does not address how to establish a chairman for the annual landowners' meeting. Therefore, it was her opinion that the vote for chairman will be by a majority; proxies must be received at the District office prior to the time of the annual meeting. Mr. Danchuk clarified that the landowners present are the only ones who will vote. Attorney Duhy confirmed this clarification, unless there were proxies received by the secretary prior to the beginning of the meeting. A landowner called for a vote on the motion to elect a chairman by a majority vote from the landowners present at this meeting. The motion was seconded. The vote by show of hands was 49 for Susan Kennedy and nine for Tom Powell. Ms. Kennedy was then seated as chairman of the annual landowners' meeting.

Ms. Kennedy called for a vote on electing Ms. Woodard as secretary for the meeting and there were no objections.

Mr. Steve Hinkle made a motion to accept the minutes of the last annual landowners' meeting. Mr. Michael Ryan seconded the motion and there were no objections.

Ms. Kennedy called for the election of supervisors. A landowner noted that the positions available have requirements and made a motion that the candidates show proof of ownership or residency according to the statute, using a driver's license, lease or deed. The motion was seconded. Mr. Berman stated this motion was out of order as the item was not on the agenda and it is not a proper action to be taken at this meeting. After further discussion of this issue, a vote was called on the motion and there were no further objections.

Mr. Tom Rice, as one of the candidates, stated he had already provided his residency information to the District's attorney. At this time the landowners requested that the current Board of Supervisors and staff leave the stage and be seated with the landowners. Nominations were then made for the supervisor positions. Mr. Tom Powell nominated Mr. Tom Rice. A landowner nominated Mr. John Meyer. Mr. Bob Berman nominated Mr. Rick Lee. A landowner nominated Mr. Steve Hinkle. A motion was made and seconded to close the

nominations. There were no objections. Ms. Kennedy asked the nominees to provide appropriate identification at this time. Landowners were asked to deposit their ballots if they had not already mailed them. Mr. Hinkle noted that all the nominees were on the official ballot; if one of those nominees did not qualify on the day of election, those votes would be voided. Mr. Rice noted there is nothing that states a nominee has to be present at the annual landowners' meeting.

Ms. Kennedy then called for the annual staff reports. Mr. Charles Haas presented the treasurer's report, a copy of which is attached to these minutes. He explained revenues, expenditures and capital project funds. In response to several landowner questions, he stated there is no storm reserve per se. There is a reserve to maintain paved roads. A portion of the assessment is for paved roads and a portion goes into the general fund. He also explained that if a referendum for paving fails to pass, the cost will be assessed to specific landowners if possible.

Ms. Eason presented the engineer's report, a copy of which is attached to these minutes. She noted the District is in compliance with all regulatory requirements that affect the works of the District and their operation. She discussed capital improvements, resource regulations, intergovernmental coordination, and operation and maintenance. She discussed the 18th Plan of Improvements, the NPDES program, water monitoring and proposed rules, and intergovernmental coordination with other agencies. Concerning operation and maintenance, Ms. Eason discussed improvements of the facilities, the Berman Park, various canals, the Reese Bridge, water quality monitoring, rainfall and the level of service in the District. In response to landowner questions, Ms. Eason stated there are 98 miles of unpaved roads. She discussed the paving timeline for the next project. She agreed to look into the life expectancy of the Reese bridge. Ms. Eason explained the petition process including the minimum requirements necessary to go to referendum and the requirements necessary to pass a referendum. She noted that only those who vote determine the outcome of a referendum.

Mr. Dillon presented the manager's report, a copy of which is attached to these minutes. He discussed erosion in the District. He discussed the rainfall over the past few weeks. A landowner commented that the condition of the roads has improved and also noted improvements made to the courts in the Berman Park.

Ms. Kennedy called for voting on compensation for the supervisors. Mr. Hinkle stated the statute allows for \$50/day for a maximum of eleven days per month. He made a motion to continue the compensation at this rate. The motion was seconded without objection.

Ms. Kennedy then opened the floor to general discussion by the landowners. They discussed landowner-initiated capital improvement projects and the recent District-wide survey. A motion was made that these projects should be determined by a 50%-plus-one vote of the affected landowners, with a three-year waiting period prior to re-petitioning on a failed referendum. The motion was seconded. Attorney Duhy stated it is not appropriate for landowners to make this motion; this is an issue that is for the Board of Supervisors. The motion was then amended to request that the supervisors consider these terms in the future. It was also requested that future voting for chairman of the annual landowners' meeting be by majority of those present. Mr. Berman objected. Ms. Kennedy stated the chairman determines that the landowners present will give direction to the supervisors by a majority vote, not by acreage. Mr. Berman stated this is contrary to the advice of the attorney. A landowner noted that the recent District-wide survey indicated what a majority of the landowners want but the Board chose to ignore it. He called for a vote on the motion and Ms. Kennedy declared that a majority of the landowners present passed the motion.

A motion was also made directing the Board to create a rule that all supervisors must reside as full-time residents during the entire term of office. The motion was seconded. Mr. Berman objected that this motion was contrary to legal advice. Ms. Kennedy stated this is an advisory motion only and acknowledged that a majority of the landowners approved the motion. A landowner requested that residency be verified before the ballots are sent out next year. Ms. Kennedy stated the supervisors are aware of the landowners' request.

Mr. Hinkle commented that all future Board meetings will be held at 7:00 p.m. instead of 7:30 in the Media Room at Jupiter High School.

A motion was made and seconded to adjourn the annual landowners' meeting. There were no objections.

ADJOURNED.

Note: The Annual Reports of the Treasurer, Engineer and Manager of Operations are provided on the Annual Landowners Meeting page of the website at www.sirwcd.org/annualmeet.html.