

## **MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON JULY 16, 2020**

The regular meeting of the South Indian River Water Control District was held on July 16, 2020, at 7:00 pm via Zoom video conferencing. Present were Supervisors Steve Hinkle, Tom Powell, John Meyer, Michael Howard and John Jones. Also present were Amy Eason, engineer; Charles Haas, treasurer; William Capko and Terry Lewis, attorneys; Mike Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Eight landowners were also present via Zoom conferencing.

Mr. Hinkle called the meeting to order.

Mr. Hinkle confirmed that all Board and staff members were present. He read a statement that the meeting will be conducted consistent with the Governor's Executive Order 20-69 and as extended by Executive Orders 20-139 and 20-166 issued due to the outbreak of Covid-19. Mr. Hinkle then read ground rules for conducting this meeting.

Ms. Jennifer Cochran and Mr. Matt Gitkin, landowners, thanked Mr. Dillon and his staff for recent work performed in the District. Ms. Stephanie Duncan, landowner, presented a proposal to reinstate enhanced sidewalk maintenance in Palm Beach Country Estates. The proposal would incorporate funding into the budget. She stated this maintenance was previously performed by the District until 2018 when the District did not renew the contract. The Board agreed that it should be the landowners' responsibility to handle any enhanced sidewalk maintenance. Mr. Hinkle stated this issue was previously discussed by the Board and it was decided this should be the responsibility of the landowners.

Mr. Jones made a motion to approve the consent agenda. Mr. Howard seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. She discussed archiving information that is currently on the website so that it is still accessible to the public. It was noted that the public can make a public records request and the information would then be generated by the District office. She explained that the problem is posting a link on the website that allows people into the archives and she requested direction from the Board. Mr. Hinkle was concerned about having to produce an audio of text at District expense. Mr. Lewis stated if the information does not already exist in a particular form, the District is not required to generate it in another form. Mr. Hinkle was also concerned about having a link to archived information that could result in getting a virus. Mr. Lewis noted that most entities are taking the advice of their attorney and minimizing the amount of information obtained through the website. Ms. DeNinno noted there would be cost savings by limiting what is on the website. Mr. Howard was concerned about the District's openness with its records. In the future, he would like to return to where we are currently as far as information that is easily available to the landowners. After a brief discussion, Mr. Howard made a motion to begin the process of creating an ADA-compliant website with information that is required by the state. Mr. Jones seconded the motion and it carried unanimously.

Mr. Hinkle stated there has been a problem with lost emails since using the exchange server. Mr. Howard noted that the emails do not automatically migrate from one server to another. The Board discussed these email problems and it was agreed to contact the company handling this.

Mr. Haas presented the treasurer's report. At the end of June he had forwarded a copy of the audit to the supervisors. By roll call, all Board members acknowledged receipt of the audit. It was noted that the auditors issued a clean opinion. All regulatory filing requirements were met. Mr. Powell made a motion to accept the auditor's report. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Haas presented the proposed budget and requested Board input. He noted the rates for the TRIM bill are due by July 28. Mr. Haas reviewed the budget and assessment cycles. Highlights were discussed. Routine maintenance assessments remain the same or lower except the Jupiter Farms road maintenance assessment is increased by \$50,000. Debt service assessments remain the same or lower. Internal service costs increased by \$14,000. Capital project funds were discussed. Improvements to Canal C and Canal E were approved at the last Board meeting. The Jupiter Farms reengineering plan budget is \$50,000 for follow-up engineering. The budget for improvements in the LRPI project area in Jupiter Farms is \$80,000. Mr. Haas noted that no grant money will be received this year, and possibly not next year either.

Mr. Haas then reviewed the proposed funding of Palm Beach Country Estates canal improvements. The total amount required for debt service repayments is \$63,300 for the next three years. He discussed funding of the LRPI project, proposing a \$10/acre assessment for a total of \$85,700. He noted this funding has flexibility. Mr. Haas next presented a summary of assessments impacting Palm Beach Country Estates, Jupiter Farms, Egret Landing and Jupiter Commerce Park. He presented the payments required for existing bond issues. Mr. Haas then concluded his discussion of the budget.

Mr. Hinkle asked the Board for their comments regarding the \$80,000 for water maintenance in Jupiter Farms. Mr. Jones asked if there is eventually a new plan of improvements, can these funds be rolled into a bond issue and repaid. Mr. Haas stated this could be done. Mr. Jones commented that the engineer prepared a comprehensive survey and it should be put to use. Any work possible should be done in-house. He was in favor of including this item in the budget. Mr. Meyer agreed and was in favor of including it in the budget and starting the plan next year. Mr. Howard stated he is hesitant to assess for funds when it is not certain how they will be spent, but believes the Board has good direction. He was also in favor of including it in the budget, as was Mr. Powell. Mr. Powell made a motion to include the \$80,000 item in the budget. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Hinkle called for additional discussion of enhanced mowing and sidewalk maintenance requested in Palm Beach Country Estates. He noted that only 157 parcels face the sidewalk so only 10% of the community's landowners would be benefitting. It was his opinion that this should be HOA business, not performed by the District. Mr. Powell commented that this service was provided in the past and was well received. The area is at the entrance into the community so in that regard it benefits everyone and is good for the entire community. Mr. Powell also stated he was aware there may be politics involved, and did not want the Board to take action as payback against a landowner with whom the Board has had problems. He asked that the Board consider the merits of the request and not make a decision based on political reasons. Mr. Hinkle stated there have been more comments from landowners who do not want it than landowners who do want it. Mr. Howard stated it is not the responsibility of the District, which is

currently providing maintenance for that area at the same level as other similar areas in the District. Mr. Meyer stated this request is for aesthetics and is good for the community, but is not a function of the District. Mr. Jones also agreed this is something for the HOA to take on, not the District. Mr. Hinkle concluded there is no need to include this item in the budget.

Mr. Haas discussed the issue of the road maintenance assessment policy. He presented a view of the existing policy vs. Alternative 1 which discontinues maintenance assessment for property adjacent to a county road but with access to a District road vs. Alternative 2 which is a community approach where everyone has an assessment. He requested Board input. Mr. Hinkle stated he favored road maintenance assessed to all parcels. He noted the attorney has stated that the majority of districts have adopted a community policy. He also noted that a parcel-by-parcel analysis would require a change in the culvert replacement program. Mr. Hinkle compared the District to the County whose taxes include certain items that do not benefit every individual but taxpayers live in a unit and everyone pays for those items. Mr. Jones stated the fair way to handle the assessment is to only assess those adjacent to a District road. Mr. Meyer stated that assessments should be based on benefits. A lot-by-lot assessment would be the most accurate. He proposed that landowners on a county road with no access to a District road should not have an assessment. If a landowner borders a District road, then they must be assessed. Mr. Howard agreed that anyone who benefits should be assessed. He was in favor of assessing only properties adjacent to a District road. Mr. Powell stated he agreed with Mr. Hinkle, and it is not necessary to break it down road-by-road. Mr. Powell made a motion to adopt Alternative 2, the community method of assessing. Mr. Hinkle stated that this is the recommendation of the Board's legal counsel, but as Chairman he cannot second the motion. The motion failed for lack of a second. Mr. Howard made a motion to assess only those properties that abut District roadways. Mr. Meyer seconded the motion and it passed 3-2 with Messrs. Powell and Hinkle opposed.

Mr. Haas reported the current contract with the auditors has ended. He is required to get competitive proposals and will be preparing an RFB.

Mr. Dillon presented the manager of operations' report. He thanked Ms. Cochran and Mr. Gitkin for their comments which he will pass on to his crew. The expansion project is in review. He continues to work on the outfall and drainage swales. Improvements are being made to the west end of Canal E and an update will be provided when the work is complete. Mr. Hinkle asked about the debris that SWA is leaving in swales throughout the District. Mr. Dillon agreed to contact SWA to see if anything has changed in their policy and why they are not picking up the debris.

Ms. Eason presented the engineer's report. She discussed adding an Alternative to attend the LRMCC meetings. Currently Mr. Dillon is representing the District but he can have an Alternative in the event he is not able to attend. Ms. Eason suggested that since she is already attending these meetings, she be authorized to act as the Alternative. Mr. Jones made a motion authorizing Ms. Eason to act as an Alternative on behalf of the District at the LRMCC meetings. Mr. Powell seconded the motion and it carried unanimously.

Ms. Eason discussed the Jupiter Farms re-engineering project. She would like to perform a calibration to be sure the model is operating efficiently. At the next Board meeting she should have these results and be able to discuss where there are problems. Mr. Howard asked if a workshop is in order. Ms. Eason stated this would be helpful to discuss the level of service and ways to improve. When the model is calibrated, she will insert the Section 7 and Section 18 improvements to see how they affect the model. Ms. Eason also stated that creating maps may take some time. She expects to present some preliminary maps next month and then discuss the scheduling of a workshop.

Ms. Eason reported that the governor vetoed funding for the LRPI project. Another application and presentation will be submitted before the August deadline. Mr. Hinkle asked if there is anything in Section 18 that the District could cost-share with Loxahatchee River District. Ms. Eason noted they want larger improvements and may be looking for more water quality than what SIRWCD has presented. She will be reviewing the next application with Mr. Dillon and may decrease the cost amount. Mr. Hinkle asked the staff to review what Lake Worth District accomplished by selling off rights to canal banks to raise money.

Mr. Capko presented the attorney's report. He reminded the Board that the August 20 meeting will include a public hearing to adopt the budget. Also, there has been no extension from the governor to allow for virtual meetings past July 31st. With the increased number of Covid-19 cases, he does expect authorization to be given but it may not be until the last minute. This issue will also apply for the annual landowners' meeting in September. Mr. Capko will keep the Board advised. It was noted that only one person, Mr. Powell, has submitted his name for candidacy.

Mr. Dillon stated he is looking at the culvert program and discussed adding a \$100 fee to culvert replacements that have existing concrete over the culvert. Mr. Jones stated this seemed fair because there is more work involved, and the rest of the Board agreed. Mr. Powell made a motion to increase the fee for concrete driveway removal as recommended by Mr. Dillon. Mr. Jones seconded the motion and it carried unanimously.

Mr. Lewis reported that about a year ago the District was involved in a lawsuit regarding an access easement at 133rd Trail. One of the adjacent landowners has now decided to negatively impact the proceedings by claiming the original property owner does not need the easement. A memo to the Board will be presented outlining the current status of the lawsuit.

Mr. Hinkle stated that since there is now a new policy for assessing road maintenance, the culvert program needs to be changed. The new method of assessment will go into effect at the beginning of the new fiscal year so there needs to be a new policy in place for culverts. He noted that road maintenance is assessed by parcel and water control by acreage. Currently the culvert replacement costs are split 50/50. Mr. Hinkle stated a plan should be presented at the next Board meeting and a decision reached prior to October 1st.

There was no further business to come before the Board, and a motion was made to adjourn. The motion was seconded and carried unanimously.

ADJOURNED.