

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON SEPTEMBER 19, 2013

The regular meeting of the South Indian River Water Control District was held on September 19, 2013, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Michael Danchuk, Tom Rice, Tom Powell, Michael Ryan and Steve Hinkle (via telephone). 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. Danchuk called the meeting to order and the Pledge of Allegiance to the flag was given.

Mr. Rice made a motion to approve the consent agenda which consisted of the monthly disbursements and sick leave policy. Mr. Powell seconded the motion and it carried unanimously.

Mr. Haas noted a request was made by Mr. Dillon to declare an inoperable wing mower as surplus. Mr. Powell made a motion declaring the mower surplus. Mr. Ryan seconded the motion and it carried unanimously. Due to the fact that Mr. Haas is still working with the bank regarding financing for the 17th Plan of Improvements, the Board agreed to recess the meeting until October 10th, at 6:00 p.m., at the District Work Center.

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON AUGUST 15, 2013

The regular meeting of the South Indian River Water Control District was held on August 15, 2013, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Michael Danchuk, Thomas Powell, Tom Rice, Michael Ryan and Stephen Hinkle. Also present were Amy Eason, engineer; William Capko, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Several landowners were present.

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

Mr. Danchuk opened the public hearing regarding the 17th Plan of Improvements. Ms. Eason presented the engineer's report. She stated that landowners petitioned for OGEM and asphalt on certain roadways. A referendum was held with landowners voting in favor of 0.4 miles of OGEM and 1.5 miles of asphalt. Cost estimates are \$104,000 (\$9,455/parcel) for OGEM, and \$562,500 (\$9,868/parcel) for asphalt. The total cost estimate for the entire 17th Plan is \$666,500. She recommended Board approval of the engineer's report. A landowner requested more information regarding the financing. Mr. Haas stated financing will be handled by Regions Bank at a fixed interest rate over 12 years. No formal commitment has been received yet but Mr. Haas expects a 4-5% interest rate. He recommended that landowners who want to prepay should commit to do so prior to October 10th or the date of closing. He suggested distributing a letter to the affected landowners advising them of this option. Ms. DeNinno and Mr. Haas were instructed to prepare and distribute the letter. There were no other comments or questions from the landowners present. Mr. Rice made a motion to adopt the engineer's report and 17th Plan of Improvements. Mr. Powell seconded the motion and it carried unanimously.

Mr. Danchuk then proceeded with the regular Board meeting. Mr. Hinkle made a motion to approve the minutes from June 20, 2013. Mr. Ryan seconded the motion and it carried unanimously. Mr. Ryan inquired about the three payees receiving \$259 each. Mr. Haas explained that as a result of the special bond call on the 2000 Series B water distribution bonds, the three landowners who had prepaid their assessment were entitled to a refund. Mr. Ryan made a motion approving the monthly disbursements. Mr. Rice seconded the motion and it carried unanimously.

The public information report was presented by Ms. DeNinno. News releases and notices were sent out to the media. The website was updated. The summer newsletter was sent out. Ms. DeNinno will be attending an annual storm conference next week.

Mr. Haas presented the treasurer's report. The public hearing for the proposed 2013-2014 budget was opened. Mr. Haas reported that the total expenditures in this budget total \$5,305,000. He presented graphs showing the breakdown of expenditures, a summary of budgeted assessments, and a list of the various programs and how they impact the individual landowners. Mr. Haas pointed out how the District assessments have historically remained constant over a number of years. He requested Board approval of the proposed budget and, as part of the budget, the specific schedule. Mr. Haas explained that if the budget is amended throughout the year, there must be a public hearing in order to document this procedure adequately. To eliminate the need for a public hearing, when the budget is established, not only the total expenditures are authorized but also any other available money that is in the fund. There were no budget questions from the landowners, and after a brief discussion by the Board, Mr. Powell made a motion to adopt the budget and levy the special assessments as recommended by the treasurer. Mr. Rice seconded the motion. It was clarified that the schedule is part of the budget being adopted, and is listed as Exhibit A. The motion carried unanimously.

Mr. Dillon presented the manager of operations' report. He has met with the County regarding repairing the Canal #7 berm. Mr. Dillon then noted over 32" of rainfall has been recorded in the District since May 1st, which is about twice the normal rainfall. As a result, he has pinpointed areas where drainage improvements can be made. Mr. Hinkle noted there is water encroaching highway right-of-ways and questioned what effect this will have on SIRWCD if there is a major storm. Ms. Eason stated that these concerns will be discussed with the County. Ms. Eason presented the engineer's report. A quote for \$86,250 has been received from North Florida Emulsions for OGEM in the 17th Plan. The preliminary work will be done when there is drier weather. Bidding for asphalt will begin in October, with construction to begin in November or December. Mr. Powell questioned why the cost of OGEM is so much higher than when the District originally started using it. Ms. Eason stated it is now mixed with granite and is much better than when it was mixed with limestone, but she did not think the costs had increased that much since the 14th Plan.

Ms. Eason reported two petitions have been received for 0.75 miles of roadway paving on 74th Avenue North and 88th Trail North. These petitions meet the 35% requirement. Six other road paving petitions are out but have not been returned yet.

Ms. Eason reported permits have been obtained for the Canal #3 extension project. The contract was awarded at \$179,000 but the estimated project cost is \$149,000. Mr. Dillon noted that Canal #3 is functioning as it should and the water level has gone down.

FEMA map changes are being done by Ms. Eason's firm. She noted there are no changes in SIRWCD. Landowners on 69th Drive in Palm Beach Country Estates will be petitioning the County for speed humps. Ms. Eason will discuss the protocol with the landowners prior to their HOA meeting. Mr. Powell commented that all the landowners on the east side should have a voice in this because they all paid for the paving. Mr. Rice commented that first-responders object to such speed humps/bumps.

Mr. Hinkle discussed traffic calming devices and the District's policies and procedures. He discussed the need to clarify the procedure for running for supervisor, especially the ability to have write-in candidates. Mr. Ryan discussed the policy of voting on multiple roads in paving projects and requiring a significant majority of the landowners to vote. He suggested requiring 100% approval. Mr. Powell discussed the problem of landowners requesting paving in a hodge-podge manner rather than having a paving program designed by an engineer. Mr. Capko noted the Board always has the authority to not approve a project if it is not fair to an individual landowner. 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 JUNE 20, 2013

The regular meeting of the South Indian River Water Control District was held on June 20, 2013, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Michael Danchuk, Thomas Powell and Stephen Hinkle. Also present were Amy Eason, engineer; William Capko, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Two landowners were present.

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

Mr. Danchuk called for approval of minutes from May 23, 2013. Mr. Hinkle made a motion approving the minutes as submitted. Mr. Powell seconded the motion and it carried unanimously.

The public information report was presented by Ms. DeNinno. News releases and notices were sent out to the media. The website was updated with current reports, minutes, OGEM road revote results and Ms. Eason's information. The ethics meeting was attended. Work on the next newsletter has been started.

Mr. Haas presented the treasurer's report. Regions Trust Services, trustee for the 2006 water distribution bonds, has been instructed to advertise a bond call on August 1st for \$400,000 of the Series B bonds prior to their maturity. This bond issue was set up with a gradually increasing debt service and this action will result in a savings to the District. Because of current treasury rates, advance refunding is not feasible. Mr. Haas also noted that the Jupiter Park of Commerce note is maturing. The first series of bonds was paid off last year and the remaining parts of the bond series are due to be paid off next year.

Mr. Haas presented an overview of the proposed budget and noted the District continues to hold the line with assessments. Due to Mr. Dillon's work with the road contractors to micro-surface rather than overlay, the life of the roads has been extended and adequate funds remain in the sinking fund. There is an adequate renewal and replacement budget. No increase in the maintenance budget is necessary. There is an increase in the budget for personal services. There are two new assessment programs which were voted on and approved by the landowners, i.e. the 17th Plan of Improvements and the Town of Jupiter Hookup Financing Plan. Mr. Haas will be making an assessment to be collected and turned over to the Town of Jupiter as repayment of the advances made. Board discussion followed Mr. Haas' presentation. Mr. Hinkle questioned if there is a need to invest in equipment to control vegetation. Mr. Powell noted that in the past it has been more economical to rent such equipment rather than purchase. Mr. Hinkle stated there is equipment available with multiple attachments for various jobs. Mr. Dillon will look into this option. Mr. Hinkle also questioned if \$25,000 is sufficient for the park. Mr. Danchuk stated this is up to the landowners and Mr. Powell commented that the Board needs to be satisfied it is meeting the needs of the landowners. Mr. Haas noted this equates to \$17/parcel. Mr. Dillon noted there have been no landowner complaints regarding the microsurfacing of the roads.

Mr. Haas stated the budget must be adopted prior to September 15th. The preliminary budget has been submitted for the County's TRIM bill. The Board agreed to set the public hearing for July 18th to be held in conjunction with the monthly Board meeting.

Mr. Haas requested approval of the monthly disbursements. The Board did not have a copy to review and Mr. Danchuk suggested tentatively approving the disbursements. Mr. Powell made a motion approving the disbursements subject to Board review. Mr. Hinkle seconded the motion and it carried unanimously. Mr. Haas reported he is waiting for a formal release from the auditors and will provide this to the Board when received.

Mr. Dillon presented the manager of operations' report. The Canal #3 extension project will be completed in two to three weeks, weather permitting. Areas for improvement have been pinpointed as a result of recent rain. Mr. Dillon

noted there is a landowner who is upset about water in his swale and wants to fill it in. Ms. Eason stated this would take away storage. She also stated that the permit with SFWMD does not regulate how much storage is required, but as protection for the landowners, storage cannot be given up. Mr. Rice stated this is a maintenance issue as well. Mr. Dillon was instructed to inform the landowner that his situation was discussed by the Board and concerns were raised that would be against Board policy.

Ms. Eason presented the engineer's report. A public hearing for the 17th Plan of Improvements will be advertised for the August Board meeting. The Board decided to schedule the budget hearing for the same meeting, rather than the July meeting. Ms. Eason reported three requests for petitions have been received (74th Ave., 77th Trail and 101st) and one has already been returned.

Ms. Eason noted that in November, 2012, the County presented a plan on the Hatcher property which included 131 acres of a natural area to restore. This plan received conceptual approval by the Board. In May the County received SFWMD's permit and now construction plans include Canal #2 coming into the Hatcher property. SIRWCD has requested the ability to lift weirs in case of an emergency, and a flowage and maintenance easement over the parcel. Ms. Eason clarified that the County will be the entity granting the easement to SIRWCD.

Mr. Capko presented the attorney's report. HB 855 regarding construction of the park has been presented to the Governor and it has been suggested that it will be vetoed because it expands the authority for a special district. As part of a "full court press" to have this bill pass, Mr. Capko prepared a letter for the Board President to sign which will be sent directly to the Governor. There will also be an email sent to the community by Mr. Bob Berman asking that landowners contact the Governor voicing their support of the bill. Rep. Rooney has contacted the Governor on behalf of the District as well, and attorney Terry Lewis is meeting with another representative today. Mr. Berman stated that the park is used every day and is well received by the community. It needs to be preserved and maintained as it has had a dramatic impact on the community.

Mr. Danchuk noted that a meeting has not been set up yet with the Supervisor of Elections. Mr. Capko stated he contacted her office requesting available dates but has had no response. Mr. Danchuk noted Ms. Bucher attended the PBCE Landowners Association meeting and made a presentation, disagreeing with the Board's position. 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 MAY 23, 2013

The regular meeting of the South Indian River Water Control District was held on May 23, 2013, at 6:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Florida. Present were Supervisors Michael Danchuk, Tom Rice, Thomas Powell, Michael Ryan and Stephen Hinkle. Also present were Amy Eason, engineer; William Capko, attorney; Terry Lewis, attorney; Tara Duhy, attorney; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Five landowners were present. Mr. Danchuk called to say he was delayed; Mr. Rice called the meeting to order.

Mr. Rice called for approval of minutes from April 18, 2013. Mr. Hinkle made a motion approving the minutes as submitted. Mr. Powell seconded the motion and it carried unanimously.

The monthly disbursements were presented and reviewed. Mr. Powell made a motion approving the disbursements. Mr. Hinkle seconded the motion and it carried unanimously.

The public information report was presented by Ms. DeNinno. News releases and notices were sent out to the media. The website was updated with current reports, minutes, meeting notice, Town of Jupiter water survey and results of the OGEM revote. Ms. Eason's photo has been added to the Work Center's wall.

Mr. Dillon presented the manager of operations' report. The Canal #3 extension project will start next week. Preparations have been made for the onset of the rainy season. Arrangements have been made with River Bend Park to take its excess fill material.

Ms. Eason presented the engineer's report. The engineer's report for the 7th Plan has been completed and filed. The pipe has been delivered for the Canal #3 project and excavation will start next week. Ms. Eason reported on a request for petition on 88th Trail. She noted at the recent workshop the Board decided to include 89th Ave. with 88th Trail; therefore signatures will be requested from both roads. There was further Board discussion about this issue. It was agreed that the landowners on 89th will be put on notice that if their road is not included in this project, it will cost much more for paving in the future or, alternatively, the road will remain a dirt road. Ms. Eason will discuss the preparation of this notice with Mr. Capko.

Ms. Eason also reported that the revote referendum for 90th Trail and 127th Drive has passed. She noted the actual construction costs for OGEM did not change from the original estimates but there are now fewer parcels in the project. Mr. Ryan questioned if asphalt would now be comparable in cost for this project, but Ms. Eason stated asphalt will still be more expensive than OGEM. Mr. Powell commented that the type of material should be an engineering decision based on what is best, not a landowner decision. Mr. Capko noted that the landowners voted for OGEM on the referendum and he did not recommend a 3rd referendum. After further discussion, the Board agreed to proceed with OGEM as requested by the landowners.

Mr. Capko presented the attorney's report. The local bill has passed both Houses of the legislature and will now be sent to the Governor. Mr. Capko also reported receiving the certification from the Supervisor of Elections Office regarding the revote referendum.

Mr. Lewis reported there are changes to the Florida Ethics Code regarding legislators, local public officers and employees which affect the District. He briefly discussed a bill regarding special districts filed by Senator Jeremy Ring which was defeated. Mr. Lewis then conducted a code of ethics workshop. He covered topics pertaining to private gain or benefit, prohibited conduct, employment conflicts, disclosure requirements and fraud. Attorney Tara Duhay covered topics related to the Sunshine Law and public records.

Mr. Danchuk stated he sent a letter to Ms. Susan Bucher after her presentation to the Board at the last meeting. Mr. Rice stated a date for the discussion meeting with her needs to be set and properly advertised as soon as possible.

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 18, 2013

The regular meeting of the South Indian River Water Control District was held on April 18, 2013, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Michael Danchuk, Tom Rice, Thomas Powell, Michael Ryan and Stephen Hinkle. Also present were Amy Eason, engineer; William Capko, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Seven landowners were present.

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

Mr. Danchuk opened the public hearing for the 2013 landowner-initiated road improvement project and asked for comments from the landowners. Mrs. Elaine Beardsley, landowner on 79th Terrace, stated she does not want paving. She was concerned with an increase in traffic, the safety of children in the area, and the cost. Mr. Ryan noted there were 25 ballots sent out; 12 voted in favor and 5 against. Mrs. Beardsley asked if there would be speed bumps? Mr. Danchuk stated this issue has been raised in the past and he did not believe this would be a reality at this time. Mr. Rice noted that once a road is paved, it is up to the county to enforce speed limits. Mr. Danchuk confirmed that the District will obtain bids for the project and the assessment will be included on the tax bills. Mr. Haas noted the estimated assessment is \$9,700 if prepaid. If the actual cost is less, there will be a refund issued to the landowner. Mr. Danchuk also confirmed that road maintenance will continue as those funds are for future repairs and resurfacing. Mr. Haas noted that billing will begin with next year's tax roll. There were no further landowner comments. Mr. Rice made a motion to close the public hearing. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Danchuk introduced Susan Bucher, Palm Beach County Supervisor of Elections, who made a presentation to the Board. Ms. Bucher stated that SIRWCD is the only district in the state of Florida that has the county hand counting their ballots. She recalled several specific difficulties with SIRWCD's elections since she took the position as Supervisor in 2009. It was her opinion that SIRWCD has not always followed its charter. In 2010 a contract was entered into between her office and SIRWCD. Subsequent to that, she recalled additional problems with SIRWCD's elections which she believes were in violation of the District's charter and the contract with her office. Most recently, Ms. Bucher discussed receipt of a notice on March 25th that SIRWCD would be mailing referendum ballots on March 27th. She believed this is also a violation of the contract which requires 30 days advance notice.

Ms. Bucher noted that other special districts provide for their own elections and requested that SIRWCD change its charter in order to conduct their own elections or hire an unbiased accounting firm to handle the elections. Mr. Danchuk expressed his appreciation of Ms. Bucher's concerns and the difficulty of her job. He noted that the taxpayers in SIRWCD are very involved and want the Supervisor of Elections to count the ballots. Mr. Danchuk stated he wants the landowners to be satisfied that they are getting a fair count with the ballots. He suggested that the District staff work with Ms. Bucher to correct the problems discussed. Ms. Bucher stated if she were to inform the legislature that SIRWCD was the only district requiring her office to hand count ballots, she could get a bill passed changing the District's charter. Mr. Danchuk stated he could also approach the legislature, suggesting that all special district elections be handled by the Supervisor of Elections, but he believed this would be a waste of time and money. In response to Ms. Bucher's current issue of insufficient notice, Mr. Capko stated there would be at least 33 days before Ms. Bucher would ever see a single ballot. He noted there were only 21 ballots sent out for this re-vote. This re-vote was requested by the Board because the original referendum, which passed legally, turned out to be more expensive than originally proposed. Mr. Capko also noted he delayed this re-vote process until the municipal elections were concluded so as to not place an extra burden on Ms. Bucher. Mr. Danchuk suggested that two Board members meet with Ms. Bucher to work out the problems discussed. The Board agreed that Messrs. Danchuk and Rice will meet with Ms. Bucher, who will prepare a "wish list" for them to review. Mr. Capko will be informed prior to any meetings with Ms. Bucher.

Mr. Danchuk called for approval of minutes from March 21, 2013. Ms. Eason noted a correction in the estimate given for the asphalt projects in PBCE. Mr. Hinkle made a motion approving the minutes as corrected. Mr. Ryan seconded the motion and it carried unanimously.

The public information report was presented by Ms. DeNinno. The engineer's biography has been updated on the website. News releases were sent out to the media. Ms. DeNinno is looking into getting hats with the District's anniversary logo.

Mr. Haas presented the treasurer's report. He requested approval of the monthly disbursements. Mr. Hinkle made a motion approving the disbursements. Mr. Rice seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations' report. He reported the District has received the award of excellence for the 16th consecutive year. Community Asphalt completed the asphalt overlay on 174th.

Ms. Eason presented the engineer's report. She noted that the updated referendum and letter of explanation for the OGEM project were sent out to the affected landowners; the results are due by April 27th. Ms. Eason reported that the Canal #3 extension permits have been obtained. The project has been awarded to Construction Technology, Inc. in the amount of \$179,160. She noted that the pipe has been removed from the project so that the District can directly purchase it tax-free, reducing the amount of the contract. Mr. Powell noted this project will provide increased flood protection. Mr. Ryan made a motion approving the preliminary plan of improvements and instructing the engineer to move ahead with preparation of the engineer's report. Mr. Powell seconded the motion and it carried unanimously.

Mr. Capko presented the attorney's report. He noted he had felt animosity, both personally and toward his law firm, from Ms. Bucher earlier in the meeting. Mr. Danchuk stated that the Board has confidence in Mr. Capko as the District's attorney. Mr. Powell stated if the contract with Ms. Bucher is renegotiated, an attorney for the District should be present. Mr. Danchuk stated any meetings will be for discussion only. Mr. Rice also stated any contract changes proposed will be presented to the Board prior to any negotiations. Mr. Haas reported that the Supervisor of Elections bills the District for 30 hours for the annual election.

Mr. Capko then reported that the District's local bill is proceeding. An inquiry was received from an attorney in the Governor's office asking detailed questions about the parks authority. Mr. Rice suggested that if the local bill goes to the Governor's desk, the supervisors should send a personal letter of thanks to the Governor. Mr. Capko will let the Board know when this is appropriate.

Mr. Capko noted that the draft of the petition form provided by Mr. Hinkle is being worked on. He requested further comments from the engineer and the Board prior to putting the form on the website. Mr. Capko will discuss the notice of assessment with Mr. Lewis in the next few days.

Regarding previous questions from the Board concerning the park property in PBCE, Mr. Capko reported that the Board and Mr. and Mrs. Berman have to agree prior to proceeding with improvements. This was a condition in the agreement when Mr. Berman conveyed the property to the District.

A landowner asked about the survey for municipal water service in Jupiter Farms. Mr. Dillon stated this survey is being sent out by the Town of Jupiter; SIRWCD has nothing to do with this. Ms. DeNinno noted information will be put on the website, making it clear that SIRWCD is not involved with this survey. Mr. Powell stated the Board should distance itself from any discussion of this issue since it is not District business. Mr. Hinkle noted it may be a source of income in the event the Town of Jupiter has to cross a District right-of-way. It was noted that Mr. David Brown from the Town of Jupiter may attend the next Board meeting to inform the Board about this issue.

Mr. Hinkle noted the School Board is selling the Burt Reynolds Ranch and asked if the District has any say regarding drainage. Ms. Eason stated a permit must be obtained to connect to District facilities.

Mr. Ryan suggested going to a one lot-one vote for the Board of Supervisors elections. He noted that drainage projects and supervisor elections are voted by acreage and road paving is by parcel. Mr. Rice noted this would require a legislative change.

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 21, 2013

The regular meeting of the South Indian River Water Control District was held on March 21, 2013, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Michael Danchuk, Michael Ryan and Stephen Hinkle. Also present were Amy Eason, engineer; William Capko, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. District employee David Duckett and one landowner were present.

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

Mr. Dillon reported that Ms. Woodard would be late due to car trouble and Ms. DeNinno was therefore appointed acting secretary for the meeting.

Mr. Danchuk called for approval of minutes from January 10 and February 7, 2013. There were two minor corrections to the January 10th minutes and both minutes were then unanimously approved as corrected.

Mr. Haas recommended approval of the monthly disbursements. Mr. Hinkle made a motion approving the disbursements. Mr. Ryan seconded the motion and it carried unanimously.

The public information report was presented by Ms. DeNinno. News releases were sent out to the media. The website has been updated. Ms. DeNinno reported on the 22nd Annual Landowners Family Day held on March 16th where many families attended with their children. She thanked Mr. Dillon and his staff for their excellent work. The Board noted approval of the newly created 90th anniversary logo and expressed interest in having patches for their shirts. Ms. DeNinno will investigate the cost for patches and hats. She also suggested updating SIRWCD's logo and adapting the anniversary design to give it a fresh look. The newsletter containing information on Family Day, the results of the two roadway workshops, and storm water information has been mailed. Ms. Eason was thanked for her assistance with the engineering section of the newsletter.

Mr. Haas presented the treasurer's report. He presented the compensation package for Mr. Dillon which the Board had previously requested. Mr. Ryan noted that if the District had gone outside to hire a new manager, the salary would most likely have been much more. He also stated Mr. Dillon has done an excellent job and felt Mr. Dillon deserves compensation similar to other district managers. Mr. Hinkle agreed and asked the Board to consider an increase of \$2500 in salary over Mr. Haas' proposal because of Mr. Dillon's accomplishments in the last two years. Mr. Danchuk felt that bonuses are a better way to handle any increase in the recommended proposal and suggested increasing the bonus an additional \$1000, noting this can be amended during the term of the contract which is being adjusted to the District's financial year. Mr. Ryan made a motion to accept Mr. Haas' proposal, increasing the bonus by an additional \$1000. Mr. Hinkle seconded the motion and it carried unanimously.

Mr. Haas reported on the need to increase the capacity on the District's computer servers. He also discussed the issue of texting regarding District business. Mr. Capko noted that no texting would be preferable; however, if it is done, a copy of the text should be kept. Mr. Danchuk suggested it should be mandatory to not text District business.

Mr. Dillon presented the manager of operations' report. He thanked the Board for their support and stated he appreciates his dedicated staff, acknowledging equipment operator David Duckett who was present. Mr. Dillon reported on meetings with Hardrives Construction and Community Asphalt to review and receive bids on the 174th asphalt overlay maintenance, and with North Florida Emulsions and Hubbard Construction to review and receive bids for maintenance on existing OGEM roads. He also reported on his meeting with the engineer regarding the Canal #3 extension project. Maintenance work on Canal #6 is almost completed and access has been gained

to areas not previously reached. Mr. Dillon then requested that an old piece of boom equipment be declared as surplus because it was too costly to maintain. Mr. Hinkle made a motion to declare this equipment surplus. Mr. Ryan seconded the motion and it carried unanimously.

Ms. Eason, the District's new engineer, presented the engineer's report. She noted she has been working with the District in conjunction with the two previous engineers for over 11 years and is well-versed on the issues and engineering requirements of the District. Ms. Eason discussed the current OGEM roadway improvement project, noting the staff had been directed by the Board to present a new referendum to the landowners because of the increased estimated costs. Since there was recently a change in the Board's policy regarding corner lots, she requested Board direction as to whether or not to include these lots in the new referendum; they were not included in the original referendum. Mr. Danchuk felt the corner lots should now be included. Mr. Hinkle agreed, but Mr. Ryan felt the referendum should not be changed since it was actually a revote. Mr. Haas noted that when the parcel determination was put into our law, it was not technically one property control number; if there were four houses on a larger property, they would be assessed as four parcels. Although the law allows for some flexibility, generally each parcel contributes the same to use the road. After further discussion, the Board directed Ms. Eason to include the corner lots in the reissue of the referendum. She noted the referendum is scheduled to go out on March 27th with results due in 30 days. Mr. Capko noted they will be contacting the Supervisor of Elections regarding this referendum.

Ms. Eason then discussed the asphalt projects in Palm Beach Country Estates. The estimate is approximately \$562,500 which is in line with the referendum. The draft of the 17th Plan of Improvements should be completed shortly and then the first public hearing can be scheduled. Mr. Capko asked if the OGEM project, if approved, should be added to the 17th Plan and the Board agreed.

Ms. Eason reported on the Canal #3 construction project noting there are 175 linear feet of pipe with a cost estimate of \$179,000. A contractor has been secured and the Town of Jupiter's permit is waiting for a signature. The Corps of Engineer's permit is also waiting for a signature.

Ms. Eason then reported on the weed infestation in a PBCE canal as a result of the DOT's inadequate maintenance of a pond next to I-95. The hydrilla is backing up into the District's system and the aquatic weed control company is not able to contain it. Ms. Eason proposed a turbidity barrier of 75' at the mouth of the canal; a DOT maintenance consultant has approved the plan. A temporary barrier would cost approximately \$1600 and last one to two years; a permanent barrier would cost approximately \$3500-4000 and last up to ten years. She recommended the permanent barrier. A motion was made to proceed with a permanent barrier. The motion was duly seconded and carried unanimously.

Mr. Hinkle inquired if a community could have input regarding traffic calming devices on county roads in the District. He cited a recent case on Brian's Way where a plan for four speed bumps is being considered. He was concerned because this is the last road in the area where equestrians can go without an issue for their horse trailers. Mr. Capko noted that the District can address its concerns to the County. Mr. Hinkle noted there are other ways to slow traffic such as four-way stop signs. Mr. Hinkle made a motion directing Ms. Eason to send a letter to the County addressing the Board's concerns and request that the County's engineer look at their traffic data. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Ryan acknowledged the work that Mr. Lindahl and Ms. Eason have done for the District and felt that Ms. Eason will continue to do an excellent job as the District's engineer. Mr. Danchuk also thanked Ms. Eason and asked Ms. DeNinno to draft a letter of appreciation on behalf of the Board, acknowledging the services of Mr. Lindahl.

Mr. Capko presented the attorney's report. He stated the District's local bill has been referred to two committees with no problems reported. He reported there was a bill filed regarding special districts that has the Florida Association of Special Districts concerned. The bill would allow special districts to be taken over by the counties. It

has been temporarily passed, meaning it was not approved or passed forward. The chairman of the committee believes it will have to be greatly pared down in order to pass because it is too broad in its scope. Mr. Capko will keep the Board advised.

Mr. Ryan inquired about Mr. Bob Berman's authority in making decisions and his veto power regarding the park in PBCE. Mr. Capko noted Mr. Berman has significant input but it must be reasonably exercised. Mr. Danchuk will forward some recent emails regarding this issue to Mr. Capko for review.

Mr. Hinkle inquired about the ethics workshop previously discussed. Mr. Capko plans to schedule this in May when Attorney Terry Lewis will be available. Mr. Hinkle also inquired about the draft of a petition that he presented at the workshop. Mr. Capko requested Board and staff comments; he will make any necessary revisions and distribute it for final comments.

Mr. Ryan inquired about SFWMD's work along the C-18, providing more access to Blue Gill Trail. Mr. Dillon noted that access from 150th looks good but not 159th.

Mr. Hinkle inquired about high water levels in the Loxahatchee Slough, especially near PGA. He was concerned about the berm around PBCE. Ms. Eason stated she has requested updated seepage data and is waiting to talk with the G-160 staff regarding improving or adding a discharge pipe.

Mr. Ryan reported he has scheduled Ms. Susan Bucher, Supervisor of Elections, to attend the next Board meeting. He inquired about the cost of a forensic accounting for comparison. Mr. Haas did not believe the cost would be less. A landowner questioned the cost of maintaining OGEM as compared to asphalt and/or dirt roads in the District. Mr. Haas explained that this issue has been researched in the past and overall there was no significant difference. He agreed to provide this information to the landowner.

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

MINUTES OF THE REGULAR AND WORKSHOP MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON FEBRUARY 7, 2013

The regular and workshop meeting of the South Indian River Water Control District was held on February 7, 2013, at 5:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Michael Danchuk, Thomas Powell, Tom Rice, Michael Ryan and Stephen Hinkle. Also present were Len Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Three landowners were present.

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

Mr. Danchuk called for approval of minutes from November 29, 2012. There were no changes or corrections and the minutes were unanimously approved as submitted.

The public information report was presented by Ms. DeNinno. News releases were sent out to the local newspapers and community publications. The website has been updated. The annual newsletter was distributed in December; the next one is in progress. Plans are underway for Family Day scheduled for March 16th. The minutes from the January workshop are being prepared.

Mr. Haas presented the treasurer's report.

Mr. Dillon presented the manager of operations' report. He requested that an obsolete computer and unused box blade be declared surplus. Mr. Ryan made a motion to declare these two items as surplus. Mr. Hinkle seconded the motion and it carried unanimously. Three bids for the canal #3 extension project have been received and Mr. Dillon recommended Construction Technology, the lowest bidder at \$176,800. Mr. Lindahl stated the contractor will hold this bid at least six months until the permitting process is finalized. This will be confirmed in their contract. Mr. Haas stated funds are available in the 8th Plan and recommended proceeding. Mr. Rice made a motion to award this bid to Construction Technology. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Capko presented the attorney's report. He stated the District's local bill is moving through the process and has been approved by the local delegation.

Mr. Lindahl presented the engineer's monthly report. Mr. Lindahl then continued with workshop discussions regarding the District's protocols and policies for roadway improvement projects. Currently landowners are required to obtain signatures on a petition from at least 35% of those affected. All petitions are to be acted on within 12 months. After the Board approves a petition, a referendum is held. If the referendum passes, a Plan of Improvements is prepared by the engineer and public hearings are held. All property owners adjacent to the roadway improvement are assessed. If a corner lot is assessed for one project, it is not assessed for subsequent projects and that owner is not able to vote on a referendum for any subsequent projects. If a referendum fails, there is a one-year waiting period before a petition can be resubmitted. At the last workshop meeting Mr. Lindahl was asked to make recommendations for changes discussed by the Board. He pointed out that corner lots may receive benefits on both sides of the lot, some have access on both streets, and some have an address on one side but access on another side. He proposed that every lot adjacent to the improvement be included in the petition and in the referendum. The corner lot votes on whatever is proposed but is only assessed on the first project approved. That corner lot will still be included in subsequent petitions and will vote on subsequent referendums. If there are simultaneous actions that are both approved, the corner lot is assessed only for the road providing access.

It was Mr. Hinkle's opinion that the Property Control Number (PCN) should be used to control the assessment. Mr. Lindahl noted that a landowner could have access to a road they are not assessed for; Mr. Rice was concerned with being able to police this type of situation. Mr. Capko noted a corner lot could receive two benefits if both streets are paved; however, the Board historically has been opposed to assessing that lot twice. Mr. Powell stated if a lot is adjacent to the improvement, it is in the benefited area and thus included in the referendum. The plan for assessing a corner lot should not be dealt with when the benefited area is defined or during voting, but by establishing assessment guidelines with the treasurer. He was concerned with landowners being disenfranchised. Mr. Lindahl agreed that corner lots should be able to vote on both roads, but should only be assessed once. He noted that when the Plan of Improvements is prepared, all lots are listed with the benefits received and the amount of assessment. Mr. Danchuk was concerned with landowners who are not assessed for a paved road but their neighbors are assessed. Mr. Haas noted that a Plan can be amended to redistribute the allocation of an assessment.

After further discussion, Mr. Rice made a motion that the policy for corner lots and lots with multiple road frontages should be as follows: If the lot is adjacent to the roadway, the landowner has a vote. If there is a subsequent project on the other adjacent roadway, the landowner can vote again. However, the lot will only be assessed once on the first project approved. The assessment roles can be evaluated and modified from time to time to maintain equity. Mr. Hinkle seconded the motion and it carried unanimously.

Regarding the separation or combining of roadway segments, the Board currently accepts a petition as submitted. Mr. Lindahl suggested that, after petitions are submitted, the engineer could present an exhibit that shows all the affected lots for Board discussion. Mr. Powell stated that in the past, the benefited area has been defined by the petition. However, the best way to define a project should be by the engineer.

The landowners' petition can start the process but the engineer should be able to analyze and define a plan that makes sense. Mr. Rice agreed this would eliminate some problems but a set of standards would need to be

established. Mr. Ryan suggested that at the start of the petition process, the parameters should be presented to the engineer for review prior to obtaining signatures. Mr. Lindahl was concerned about possibly making recommendations for additional road paving. Mr. Powell noted that if a feeder road serves another area, other landowners would benefit, not just those adjacent to the road. Mr. Danchuk suggested that the petition and vote should be street by street. Mr. Ryan suggested that once a petition has been approved by the engineer and Board, a notice should be sent to every affected landowner that there is a petition being circulated.

Mr. Hinkle presented a draft of a petition for landowners to use for road paving projects. This petition will include only one road. The back of the petition will contain general information and also state that the 35% signing the petition must still own the property at the time of the referendum. Mr. Capko pointed out that if a property is sold, the new owner has the right to vote on the referendum and the petition doesn't mean anything at that point. Mr. Danchuk did not believe a cost estimate should be included in the petition. Mr. Hinkle was concerned with landowners misrepresenting the cost in order to obtain signatures. After further discussion, Mr. Ryan made a motion that the policy for combining streets and submitting petitions should be as follows: No two streets are to be combined. There will be an official District prepared petition used by the landowners, which will be reviewed and approved by the engineer prior to obtaining signatures. The petition will specify OGEM or asphalt paving. All landowners in the proposed area will be notified by mail and/or signage. Mr. Hinkle seconded the motion and it carried unanimously.

The Board discussed the current 12-month waiting period for re-submitting petitions after the original referendum fails. It was noted that if a referendum fails, the District's general fund is required to pay all the associated fees. Mr. Ryan suggested increasing the petition requirement to 50% to reduce the fail rate, and also require a filing fee. Mr. Capko will review the Special Act regarding payment in the event of a failed project. Mr. Danchuk stated the expenses do not justify the negativity of requiring a filing fee. After further discussion, the Board unanimously agreed to continue with a 12-month waiting period for re-submitting petitions, and pooling petitions for a year. Individual problems will be addressed as they arise. It was noted there are fewer petitions currently being submitted.

Mr. Lindahl briefly discussed 88th Trail and 89th Avenue North. This was presented as one project instead of two due to middle lots. The petition has now been dropped.

Regarding a public record notice, the Board was concerned with landowners moving after a referendum has been approved and prior to construction. Filing a public notice on the property immediately after a referendum passes would inform a new buyer that an assessment might be forthcoming. Mr. Rice made a motion approving the filing of such a notice. The motion was seconded and carried unanimously.

Mr. Lindahl requested Board direction regarding the current Plan of Improvements. He reported that the OGEM project has been reduced from 91 lots to 11 lots due to failed referendums. Fewer lots now increases the per-parcel estimate from \$780 to \$1,150. The Board agreed that a letter should be sent to the 11 landowners, stating the project will not go forward at this time due to the increased cost. The landowners will have the opportunity to vote again based on the revised cost estimate. Staff was directed to prepare and send the appropriate letter. Mr. Lindahl reported that the asphalt project is at the upper limits of the estimate in the referendum. Mr. Hinkle made a motion to proceed with this project. Mr. Powell seconded the motion and it carried unanimously.

Mr. Lindahl briefly discussed 133rd in Section 4. He noted landowners were illegally using the canal right-of-way for access. Access was blocked and landowners are now attempting to gain access through an empty individual lot. In response to the question of adding improvements such as reshaping swales, replacing culverts, and adding paths as part of roadway improvements, Mr. Lindahl stated SIRWCD has a rural drainage system and Palm Beach County standards do not apply. He agreed to look for opportunities to include pathways in the future if so directed by the Board.

Mr. Danchuk noted Mr. Dillon's contract is coming up for review. Mr. Haas stated the contract calls for a salary

adjustment on April 1st. Mr. Danchuk requested recommendations from Mr. Haas for discussion at the next Board meeting.

Mr. Hinkle noted that the new tablets and emails were functioning satisfactorily and suggested discontinuing use of individual emails. The Board agreed to wait until the next meeting to make this decision.

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

MINUTES OF THE REGULAR AND WORKSHOP MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
Held on January 10, 2013

The workshop meeting of the South Indian River Water Control District was held on January 10, 2013, at 5:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Michael Danchuk, Thomas Powell, Tom Rice, Michael Ryan and Stephen Hinkle. Also present were Len Lindahl, engineer; Amy Eason, engineer; William Capko, attorney; Michael Dillon, manager of operations; and Donna DeNinno, public information. Several landowners were present.

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

Mr. Lindahl noted he had prepared a presentation for the board. He said the purpose of the workshop is to discuss board policy with regards to roadway improvements and listed a number of points for discussion: Plan of Improvement Protocol, Road Improvement Protocol, 78th Drive North, current proposed Plan of Improvement, 88th Trail North and 89th Avenue North, Evaluating Petition Protocol – separate versus combined, and Public Record Notice. He said he'd provide some history as to how the District arrived at their current policy.

He explained that the current Plan of Improvement protocol requires landowners petitioning for improvements to obtain signatures from 35% of affected landowners on a road in order for a road to be considered for improvements. He said that a year and a half ago, the requirement went from 25% to 35% after the boards motion at a similar workshop. He noted that all petitions must be acted on within 12 months unless there are extenuating circumstances. After the petition comes in they are evaluated and verified by the engineer as having satisfied the 35% requirement. The board approves petitions to proceed to referendum and the engineer prepares preliminary cost estimates and the landowners vote on the referendum. The board acknowledges the results of the referendum and the board approves the resolution for the plan of improvements. The engineer defines the benefitted area and prepares the plan of improvements. There are then two noticed public hearings – the first hearing is about the plan of improvements and the second hearing is for the engineers report. He added that for the second hearing, every affected landowner gets a certified mailing that their lot or parcel is going to have an improvement done to it and potentially be assessed. After the hearings, the construction documents are prepared, bids are secured and construction begins. He also stated there is a one year waiting period to re-petition after a referendum fails, unless there are extenuating circumstances.

Mr. Lindahl then reported on current road improvement protocol, which is all property owners adjacent to the roadway improvement will be assessed for the improvement unless the property owners is living on a corner lot that has been accessed for a specific previous roadway improvement project adjacent to their property. A corner lot that has already been subject to a special assessment will not be assessed for the adjacent SIRWCD roadway and they do not vote on it. Everyone is assessed once, with the exception of previous community-wide roadway improvements. He added that should a corner lot have a roadway improvement submitted for both sides of the property simultaneously, then the property owner can only vote on the referendum for the roadway that provides the access to the property. Should a property owner have access to both sides, the owner can only vote on the

referendum for the roadway that has the greatest frontage along the property. He added that this also applies to empty lots.

He explained a unique circumstance where an entire section, Section 18, had enough petitions to improve the four East/West roads and all the landowners in the section voted on it. So you can have circumstances where you might not directly have an improvement in front of your property, but are part of an overall petition for a larger benefited area. Mr. Powell noted it has happened in a couple of other places.

Mr. Danchuk said the reason we're having this meeting was there had been some concerns raised, and perhaps Mr. Lindahl could address those.

Mr. Lindahl said he would be touching on some key items that we want to talk about and would propose some scenarios and solutions. He discussed the referendum for 78th Drive North in Palm Beach Country Estates that failed and noted a landowner had come to the last board meeting to discuss it. The landowner had wanted to discuss re-petitioning with dropping two corner lots on 155th from the benefitted area as they were on a county road that the entire community paid for, and would not vote for his road to be paved. Mr. Lindahl said he had replied to the landowner at the previous meeting the current protocols dictated that there was a benefit to those lots and as such they were included in the referendum. He said a possible solution could be that the group that initiated the petition could approach these landowners and get an easement that we could file on behalf of the District that would limit access off this road and then have it filed as part of the property record. If the property was sold in the future and access was added, the District could then assess the property. Mr. Rice questioned the benefit to the District for considering a special easement.

Mr. Lindahl discussed the current OGEM Plan of Improvement and that the scope of it was greatly reduced due to the number of referenda that failed. The project now is only about .4 miles and the number of lots has made an enormous difference in costs. He said the referendum price had been at \$780 annually for up to 12 years, but due to the number of roads that had failed, the price was about \$1,100 and he needed some direction on how to proceed.

Mr. Lindahl also noted an unusual situation in Palm Beach Country Estates where 88th and 89th have only a single lot between roads instead of the usual two lots and access points varied from lot to lot. A landowner had come to him asking how to get 89th improved. Mr. Lindahl asked who would get included in the benefitted area – the whole section or if both roads would have to be petitioned as a single project. He said this leads into the issue regarding conjoined petitions. He said every situation is unique, but historically the board has accepted petitions as they have come in to the District. He discussed Winterhawk and 175th Road North in Jupiter Farms, 129th Terrace North and 186th Court North in Jupiter Farms, 126th Terrace North in Jupiter Farms and 154th Court North in Palm Beach Country Estates. In some cases there was criticism as to why roadways were combined or why part of a roadway was not included, but as he previously noted, the projects were presented as petitioned. The board discussed whether it makes sense from an engineering standpoint to have connected paved roadways and not have an isolated piece of pavement, though Mr. Ryan questioned this, noting that from his understanding, most people want the pavement to control dust, so it shouldn't have to connect to another paved road. There was also concern expressed whether it would be a hazard with different surfaces.

Mr. Powell noted that the plan is the key – it defines the improvements to be made and defines the benefits to the area. He added that it needs to be kept simple and not micromanaged. He said by law the engineer defines the benefitted area and he will define the benefits and the costs. He said any land that's on a road obviously is going to receive a benefit and you can't adjust the benefit of the area so that the assessment comes out another way and you can't include and exclude parcels in the definition. He felt that if you want to adjust the assessments, then adjust the assessments.

Mr. Hinkle said he lives on a corner lot and is one of the prime examples. He said he's had to fight two separate petitions. He felt the only assessment should be the physical address, but because the adjoining road will also affect

his property values and quality of life, he should also have a right to vote on it. He said some people don't feel paving is a benefit and if you own the property you should have the right to vote on how your property is going to be modified.

Mr. Danchuk expressed concern that the workshop would run for several hours and questioned whether the board should sort through the issues first and then open it up to residents on another day. Mr. Powell agreed that the board would not take action today and it was just a workshop. Mr. Lindahl noted that some of the ideas discussed would represent a change in our protocol. In the past, whatever road comes in first in relation to a corner lot is what they get assigned to – not what their physical address is – but that doesn't mean it has to stay that way. Mr. Hinkle felt that petitions should only be from people who have a physical address on the road.

Mr. Danchuk said the board can make decisions on whether to accept petitions only from landowners whose physical address is on that roadway. He noted he'd like to hear from each board member regarding this. Mr. Powell thought an address or driveway shouldn't have anything to do with it. Others felt that perhaps it should be opened up to the community for input and feedback.

Mr. Danchuk asked the residents in attendance for their thoughts. A resident on 78th Drive North in Palm Beach Country Estates noted he had voted to have 78th paved and it failed. He said that he has a combined SIRWCD property that also is on 79th Terrace North, which also had a referendum and he did not receive a ballot for 79th and it passed. He added that he wasn't going to be assessed on that, but he wouldn't use that for access anyway. He was concerned about the statement by a board member that because he's on a corner, he should be able to vote on the other roadway and have an input, even if he'd already been assessed for the adjoining roadway and would not be assessed again. He felt the corner lots on 155th Place North could have been left off of their petition as there was no way they were going to vote for being assessed because they already had access to a paved road. Another resident commented that if someone buys a corner lot they should be prepared to pay two assessments and it was a reason why he chose not to buy a corner property.

Mr. Danchuk reiterated that you will always have two sides to the issue and we have to rely on the engineer as defining the benefitted area. It needs to be decided how you do the assessments.

Another resident noted they have been here for 30 years and there were only 45 homes at the time and it was why they moved out here – they wanted dirt roads and bought a corner lot and felt that paving on one road was shoved down their throat, and now they want to pave the adjacent street and didn't want to have to pay twice. A resident who lives on 154th Court North on a corner lot liked a lot of what he's heard here and felt there must be consistency and it was what people are looking for and expect from the government. He didn't like what the engineer said about doing it on a case by case basis. He noted that with 154th, the majority of the people on the road said no, but then residents decided to subdivide it and submit a different petition. He felt this is the kind of thing that causes problems.

Mr. Lindahl clarified what happened with 154th and the fact that there had been two initial petitions, one smaller section and the 2nd for the rest of the road – there was an overlap. There was no inconsistency, it simply made sense to combine them since the whole roadway was represented. In hindsight, it was agreed it probably should have been left as two separate petitions.

Another resident questioned if the petition minimum should be 51% instead of 35%, to which the reply was that it is just a petition, not the referendum, which requires 51% majority of votes cast. Another resident questioned having to connect to another paved road and didn't think it was necessary if people just wanted to reduce dust. The issue on combining roads in a petition was revisited and it was reiterated that historically the District takes the petitions as they are presented. This was the case with Winterhawk and 175th – it was received as one petition. Mr. Hinkle noted that in some cases where you have a lot of small lots on one road and larger lots on the adjoining road that one road could override the other in the referendum. It was discussed whether the board could make the policy that petitions be on a road by road basis and not combined. Mr. Powell was concerned that there would be

no thought as to traffic flow and a road layout that makes sense if it was driven strictly by the petition process. He felt that the inconsistency between the benefitted area and the whole program that evolves after that and the way the petitioning happens in the first place is the problem. There could be areas where a benefit is derived from one portion of a roadway, 154th Court North for example, where only the people near 69th Drive North have paid for that area improvement, yet all the people further down the road are benefitting by using it and are not paying for it. There was further discussion on tiered benefit possibilities.

The board and engineer discussed safety issues with dirt and paved roads, as well as swale and culvert improvement possibilities. Mr. Hinkle expressed concern over OGEM in Jupiter Farms and the drop off at the edges and that there had been some problems on Haynie with trucks. He said that trucks had flipped over when there's no swale and the edge is not sloped from the roadway. He asked why the District wasn't engineering for a slope less than 8% on the roadsides and replacing. He added there were concerns about speeding on paved roads. Others noted people speeding on dirt roads and doing fish tails, so there were two sides to the issue.

Mr. Hinkle noted that in Jupiter Farms, the neighborhood plan action called for a pathway that goes along side any paved road. He said that in 298-22 it states in chapter 12, "we may construct, manage or utilize construction in the management of resource based recreational facilities that may include greenways, trails and associated facilities." He felt that a trail is a pathway and thought a pathway along all of our paved roads would provide a safety benefit. He added that if we're going to be paving, it should meet the neighborhood plan and the cost of having a 4 foot pathway needs to be included. Other supervisors expressed concern over the cost and if he was talking about reshaping the profile to make enough room on the shoulder, plus the cost of building a pathway and replacing culverts, you're not going to pass any paving program like that. There was discussion about liability and sovereign immunity. Mr. Ryan said that at his daughter's bus stop at 80th and 155th, they've just recently paved and people who drop their kids off there are crowded in closer because they can't really share a part of the slope because the edge drops off and he feels it's a hazard. It was discussed whether the engineer could look at options for this.

Mr. Hinkle brought up an issue with how the petitions are set up. He said they simply state you are signing a petition to request a capital road improvement with either OGEM or asphalt. There is no other information and as a result, there is a lot of false information that is spread and people are signing without knowing what is going on. He felt more information should be included. It was also suggested a notarized signature be obtained because we have to spend money to do an engineering study based only on the 35% requirement. It was suggested that Mr. Hinkle work up a draft petition and bring it to the next meeting for discussion. Mr. Danchuk expressed concern about the notarized signatures because it wouldn't make it perfect and he's had litigation cases the notarization means absolutely nothing.

Mr. Powell noted the issue is actually decided in a referendum and that's where the facts are presented and the people vote. He felt this was an additional hurdle and it's just too much emphasis on the petition.

There was discussion regarding the current policy of constructing projects within 12 months. It was questioned whether it would be prudent to hold projects for more time in order to take advantage of economy of scale, though there was the possibility of construction costs going up over time. A suggestion to put pending petitions on the website was discussed. Ms. DeNinno noted that petitions and referendums are continually posted on the website and in the newsletter. Most felt that either a time period or minimum number of miles should be considered. A suggestion was made for setting a time period of every four years, though Mr. Danchuk responded it was a long time to make people wait and people move often in Florida. He added that as a board, we have the obligation to serve the public in a timely manner and if they want a road paved we shouldn't tell them it's going to be four years. Mr. Danchuk suggested the attorney and engineer take what they heard tonight, analyze what they have, and get back to the board with a report at one of our board meetings or another workshop. He felt the board needed to digest what was presented and see whether we can go down some of these pathways that were discussed. He addressed the landowners in attendance and explained that the board has always been very consistent in applying the protocols that we have and the issue the board had discussed this evening is the circumstances that don't really fit or that appear to not be equitable.

A resident asked if the current requirement for a majority for passing a referendum could be changed from 51% of votes cast, to 51% of the property owners. It was explained that it is the same as other voting, such as state or federal elections.

Another resident questioned the closing of canal access at Brian's Way and 174th in Jupiter Farms, which has blocked their access from 133rd. She said they've all used the access for 35 years and all of a sudden a new neighbor moves in and now it's closed. She asked if they have to get a petition together to get it back open. It was noted the 133rd is private and pays no road maintenance fees to the District and they don't have the authority to maintain the road. She mentioned another possibility is that they have talked to the property owner who will give them permission to make an access across his property onto 170th. Mr. Danchuk asked Mike Dillon to investigate and update the board at another meeting because it is an unusual situation that may not involve the board at all.

With no further discussion, the meeting was adjourned.

ADJOURNED

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON NOVEMBER 29, 2012

The regular meeting of the South Indian River Water Control District was held on November 29, 2012, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Michael Danchuk, Thomas Powell, Tom Rice, Michael Ryan and Stephen Hinkle. Also present were Len Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Two landowners were present.

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

Mr. Lindahl introduced a representative from the County who made a presentation regarding the Hatcher property. He presented a re-design which changes the project to a restoration project, eliminating the wetland impact and the need for pumps. The existing hydrology will be enhanced and additional wetlands will be created. In the natural area, the project will fix leaks, repair the berm, fill in the ditch, install control structures and maintain the overflow structure in the northeast corner. Approval of the re-designed project by the Board and a letter from the District's engineer recommending the elevation and size of the culverts were requested. Mr. Lindahl noted there will be increased storage and recommended supporting this project with permitting through SIRWCD. Mr. Lindahl did not see a negative impact with flooding protection or cost to the District. It was noted that if SWA decides it wants fill material from the area in the future, the lake area could be increased and this would increase storage. After a brief discussion, Mr. Ryan made a motion to approve the project and direct the engineer and attorney to prepare a letter as requested. Mr. Hinkle seconded the motion and it carried unanimously.

Mr. Danchuk called for approval of the consent agenda which included approval of minutes from August 16th and October 18th, and approval of the monthly disbursements. Mr. Hinkle requested a correction to the October minutes reflecting his appointment as chairman of the Policies & Procedures committee, and the correction was made. Mr. Rice made a motion to approve the consent agenda; Mr. Ryan seconded the motion and it carried unanimously.

The public information report was presented by Ms. DeNinno. News releases were sent out to the local newspapers and community publications. The website has been updated. The next newsletter is in progress.

Mr. Haas presented the treasurer's report. He requested that new bank signature cards be signed reflecting the new officers and Board members. Mr. Haas then discussed insurance coverage for employees and Board members,

recommending an increase to a maximum limit of \$250,000. The Board unanimously agreed. Mr. Haas discussed the concept of providing Board members with notebook or tablet computers in order to keep all District business separate from personal business. Mr. Capko stated the Board has authority to expend the funds for this type of purchase and noted there are advantages in being able to differentiate between personal and public business. The Board unanimously agreed to go ahead with this purchase. Mr. Haas recommended a data plan that includes a wireless system. Mr. Capko recommended establishing a policy regarding the use of these computers.

Mr. Dillon presented the manager of operations' report. There were no questions or comments from the Board.

Mr. Lindahl presented the engineer's report. He discussed the roadway improvement plan. The OGEM referendum reflected an estimated cost of \$260,000/mile, \$780/lot, based on 2.3 miles of paving. Since all the roads did not pass, there are now only 0.4 miles of OGEM paving at a total cost of \$104,000, or over \$1,000/lot. Mr. Lindahl explained that although the number of parcels has decreased, the parcels that did pass under the referendum are larger, resulting in the increase in cost to each parcel. He stated he could get bids to see if the cost estimates would decrease. Mr. Powell noted the Board now has the authority to levy an assessment with no time limit. The referendum attaches to the land regardless of ownership. Several Board members were concerned about landowners disclosing this potential liability to a new buyer. Mr. Capko recommended establishing a time limit on taking action and adopting a policy. The Board asked Mr. Capko to research its options in this type of situation. Mr. Rice suggested scheduling a workshop meeting to discuss these types of issues and the board agreed to do so early in January. Mr. Ryan stated the affected landowners should be informed of the increased cost estimate and be given the option of whether or not to move forward. The Board agreed to inform the landowners after the engineer receives bids. Mr. Lindahl discussed the costs of the asphalt paving referendum, which remain close to the estimates provided since the majority of the landowners voted in favor of the project. He recommended proceeding with this project.

Mr. Lindahl then reported on discussions he had with Mr. Rozzo, landowner on 78th Drive North, a road that did not pass its referendum. He introduced Mr. Rozzo who spoke on behalf of the residents on 78th Drive North who want their road paved. Their referendum included landowners on 155th who are on a paved road and who all voted against the referendum. He presented a petition that requests dismissing 155th from the referendum in order to get 78th Drive paved. During a discussion of this matter, it was noted that landowners on 155th own to the middle of 78th, even though their driveways enter onto 155th. Mr. Powell noted that taking parcels out of a benefited area that has been established by the engineer, for the purpose of passing a referendum, could be considered gerrymandering. Mr. Ryan suggested that a landowner could make an agreement with another to pay his assessment if the referendum passes. After further discussion, Mr. Rozzo was invited to attend the District's workshop meeting where these issues will be discussed.

Mr. Lindahl reported that the Canal #3 permitting is moving forward. FEMA is not going to cost share; other options will be looked at including NRCS.

Mr. Capko presented the attorney's report. He reiterated Mr. Lewis' suggestion that the Board members attend a seminar to go over issues such as ethics, public records, Sunshine Law, financial disclosures, etc. in February. Mr. Rice commented that attendance at such a seminar could result in a reduction in the E&O insurance premiums. Mr. Capko also reported he submitted a local bill as previously authorized by the Board. The tentative date for the legislative delegation's public hearing is January 4th. Mr. Hinkle inquired about an individual Board member interacting with Representative Rooney. Mr. Rice stated it should be clear that any such interaction is as an individual, not on behalf of the Board. Mr. Ryan was concerned about action being taken by the Supervisor of Elections as a result of this bill. He suggested that she be invited to speak to the Board to present her side of the issue regarding the counting of ballots. Mr. Powell noted the problem is not with the Supervisor of Elections Office, but with the person in the position. He noted the District has worked with that Office for over 30 years with no problems. Mr. Ryan stated he has personally spoken with Ms. Bucher about the issue of counting ballots and she is agreeable to attend a meeting to express her concerns. Mr. Rice stated it is a state law that Ms. Bucher's

Office handle the ballots, and questioned why the Board should be involved in discussing the issue. After further discussion, the Board agreed that Mr. Ryan will invite her to the January Board meeting.

It was announced that the Christmas parade will be on Sunday. Several Board members will participate by riding on the District's float.

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 OCTOBER 18, 2012

The regular meeting of the South Indian River Water Control District was held on October 18, 2012, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Thomas Powell, Tom Rice, Michael Danchuk, Michael Ryan and Stephen Hinkle. Also present were Amy Eason, engineer; Terry Lewis, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Six landowners were present.

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

Mr. Powell called for ratification of the election results from the Supervisor of Elections office as follows: Stephen Hinkle, 1021; Tom Rice, 954; write-ins, 56. Mr. Danchuk made a motion to accept and ratify these results. Mr. Ryan seconded the motion and it carried unanimously. Messrs. Hinkle and Rice were then sworn in as Supervisors for three-year terms. Mr. Hinkle nominated Mr. Danchuk for Board President. Mr. Ryan nominated Mr. Rice for Vice-President. There were no other nominations for these two offices and they were so elected. Mr. Danchuk made a motion to reappoint the current secretary, treasurer and committee chairmen. The motion was seconded and carried unanimously. Mr. Hinkle will take over as chairman of the Policies & Procedures Committee, the position previously held by Mr. Beane. Mr. Rice thanked Mr. Powell for his years of service as President. Mr. Powell then passed the gavel to Mr. Danchuk.

Mr. Danchuk called for approval of minutes from September 20th, 2012. Mr. Ryan made a motion to approve the minutes as submitted. Mr. Rice seconded the motion and it carried unanimously.

The public information report was presented by Ms. DeNinno. News releases were sent out to the local newspapers and community publications. The website has been updated. The results of the landowner questionnaire have been compiled and distributed to the Board and staff. The next newsletter is in progress and will include annual reports and road paving results. A crystal award for David Beane was presented at the annual meeting. Mr. Rice commented on the landowner questionnaire and noted the main reason landowners don't attend meetings is because there are no issues. The Board was pleased with the overall results.

Mr. Haas presented the treasurer's report. He requested approval of several budget amendments for "housekeeping" purposes. He also requested a transfer of approximately \$42,000 remaining in the Jupiter Park of Commerce Phase II fund to the Phase IIA and IIB funds. Mr. Rice made a motion approving this request. Mr. Powell seconded the motion and it carried unanimously. Mr. Haas next requested a transfer of \$5,000 from the road maintenance fund in PBCE to the water control fund to cover a deficit. He anticipates this will be repaid next year. He also requested a transfer of \$25,000 from the PBCE road maintenance fund to the park maintenance fund for construction costs. Mr. Hinkle made a motion approving these two transfers. Mr. Ryan seconded the motion and it carried unanimously. Mr. Danchuk expressed concern with expenditures for the park and noted this is an item to be

watched in the future. Mr. Ryan made a motion approving all the other budget amendments for “housekeeping” purposes. Mr. Rice seconded the motion and it carried unanimously.

Mr. Haas presented the monthly disbursements and recommended Board approval. Mr. Ryan made a motion approving the disbursements. Mr. Rice seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations’ report. He reported on several personnel items. The Aquagenix contract has been renewed for two years.

Ms. Eason presented the engineer’s report. She discussed the recent referendums passed for 0.4 miles of OGEM paving on 127th Drive North and 90th Trail, and the 1.5 miles of asphalt paving on 73rd Terrace North, 79th Terrace North, 75th Way North and 77th Trail North. Attorney Lewis presented a resolution regarding these road improvements and recommended Board approval. Mr. Rice made a motion to approve the resolution.

Mr. Ryan seconded the motion and it carried unanimously. The Board noted that if actual costs exceed the estimates, the Board may decide not to go forward.

Ms. Eason reported on the Hatcher/Indiantown property. The County wants to proceed with a revised plan to make the area a natural area. The berm will be repaired, a fixed structure will be placed, and the existing wetlands will be enhanced to make a canoe trail and connect to SIRWCD’s lake. This revised plan will need approval from SIRWCD and the engineer will review the impact to the District’s system. Mr. Rice noted that the District will not be gaining storage as with the previous plan.

Ms. Eason reported on the status of the Canal 3 extension into Riverbend Park. Meetings were held with Loxahatchee River Management Coordinating Council to present the plan, and with Florida Division of Emergency Management to apply for grant funds through FEMA. She also discussed the G-160 structure, raising the water levels and results from the monitoring stations. She noted there were no breaches in the levee during Hurricane Isaac.

Mr. Lewis presented the attorney’s report. He recommended that the new Board members attend a seminar that focuses on ethics, public records, the Sunshine Law, and financial disclosure. Mr. Lewis discussed legislation to change the charter for SIRWCD as it relates to recreational areas. Currently, the Special Act allows the District to receive and maintain real property but not buy, hold control or construct improvements. He will prepare a notice which will be published next month prior to the legislative hearing. Mr. Lewis noted that this Special Act also requires the Supervisor of Elections to count the District’s votes, which she has repeatedly opposed. He believes she can be prevented from adding something to this bill that would request a change in this requirement. Mr. Lewis also noted that Governor Scott has issued an executive order to review all special districts. This review is being conducted in groups and water control districts are not expected to be reviewed in the near future.

Mr. Ryan suggested changing the cut-off date for receiving paving petitions be changed to Labor Day so referendums can be sent out in January when landowners are in residence. Mr. Powell suggested keeping the deadline date open until sufficient requests have been received since the total number of requests has been decreasing. Mr. Ryan was also concerned that the issue of corner lots needs to be clarified. Mr. Powell noted that corner lot landowners should be able to vote on both streets but by policy they are not assessed for both. Mr. Lewis suggested a written policy be established. The Board agreed to discuss these issues at the next meeting.

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