

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT HELD ON
SEPTEMBER 15, 2011

The regular meeting of the South Indian River Water Control District was held on September 15, 2011, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, Dave Beane, Michael Danchuk and Michael Ryan. Also present were Len J. Lindahl, engineer; Charles Haas, treasurer; William Capko, attorney; Mike Dillon, operations manager; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately 15 landowners were also present.

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

Mr. Haas presented the treasurer's report and recommended Board approval of the monthly disbursements. Mr. Rice made a motion approving the disbursements; Mr. Danchuk seconded the motion and it carried unanimously.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON AUGUST 18, 2011

The regular meeting of the South Indian River Water Control District was held on August 18, 2011, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, David Beane, Michael Danchuk and Michael Ryan. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer (via telephone conference); Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Several landowners were also present.

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

Mr. Powell called for approval of the consent agenda which included approval of minutes from July, 2011, and the monthly disbursements. Mr. Rice made a motion to approve the consent agenda. Mr. Danchuk seconded the motion and it carried unanimously.

The public information report was presented by Ms. DeNinno. She reported that news releases were sent to local publications and the website was updated. Ms. DeNinno will be attending the StormCon 2011 Stormwater Conference in Anaheim in August.

Mr. Haas presented the treasurer's report.

Mr. Dillon presented the manager of operations' report. He noted the paving projects are going well.

Mr. Lindahl presented the engineer's report. A Change Order has been negotiated with Lynch Paving & Construction for additional services related to the Twisty Pines Park including paving, drainage and maintenance. This does not include any landscaping or anything "vertical." The road paving is expected to be completed prior to moving to the park.

Mr. Lindahl reported on the Palm Beach Country Estates levee. It has been reshaped and compacted; the remaining low areas will be corrected.

Mr. Capko presented the attorney's report. He noted that a draft of an employment contract for Mr. Dillon was distributed. Board input has been received which will be incorporated into a revised contract to be presented at the October meeting for further Board discussion.

Ms. Susan Kennedy, landowner, inquired about a written operational protocol for weirs during storm events. Mr. Lindahl stated there is an operational and storm protocol and presented a brief overview. He noted they are powered electrically but can also be controlled manually.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JULY 21, 2011

The regular meeting of the South Indian River Water Control District was held on July 21, 2011, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, David Beane, Michael Danchuk and Michael Ryan. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Donna DeNinno, public information; and Jane Woodard, secretary. Seven landowners were also present.

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

Mr. Powell stated the first part of this meeting is the public hearing for the 2011-12 budget. Mr. Haas presented a brief overview of the budget. He noted there are two new areas: the park maintenance on the east side and the 16th Plan of Improvements. The total assessments for ongoing programs decreased by \$300,000. One of the major reductions in the budget is a decrease in operations and maintenance by \$95,000. He also noted reductions in the assessments for debt services. Mr. Haas briefly discussed all projects requiring assessments. There were no questions from the Board and Mr. Powell then opened the floor to landowner comments. A question was raised about the reduction in the operations and maintenance budget. Mr. Haas explained that not all personnel positions are filled; there is to be no reduction in services. There were no other landowner questions regarding the proposed budget and the public hearing was closed.

Mr. Powell called for approval of the consent agenda which included approval of minutes and the monthly disbursements. He proposed adding the adoption of the 2011-12 budget and adoption of the uniform method of collecting non-ad valorem assessments to the consent agenda. Mr. Rice made a motion to modify the consent agenda as proposed. Mr. Danchuk seconded the motion and it carried unanimously. Mr. Rice then made a motion to approve the modified consent agenda. Mr. Danchuk seconded the motion and it carried unanimously.

The public information report was presented by Ms. DeNinno. She reported that news releases were sent to local publications and the website was updated. The July issue of the newsletter has been mailed.

Mr. Haas presented the treasurer's report. He recommended refunding the 2001 Egret Landing bond issue. He suggested replacing the bonds with a bank loan, reducing the interest rate from 4.84% to 3%. He also noted that the bond issue requires a trustee fee of approximately \$4,000 annually; no trustee is required with a bank loan. Also, the current bond has a reserve account of \$700,000 which can be used to reduce the amount borrowed. After a brief discussion, Mr. Ryan made a motion authorizing Mr. Haas to obtain proposals from various banks and proceed with the refinancing process. Mr. Beane seconded the motion and it carried unanimously.

Mr. Haas reported that Regions Bank has made a proposal to handle the trustee responsibilities for the 2001 Egret Landing bond issue and the 2006 Palm Beach Country Estates water distribution bonds. He explained that a transfer to Regions would result in an annual savings of approximately \$5,000. Mr. Rice made a motion authorizing Mr. Haas to enter into an agreement with Regions Bank to serve as trustee in these two bond issues. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Haas then discussed the agreement with the Town of Jupiter regarding hook-ups in connection with the water distribution system. Since the agreement expires in 2012, he asked the Board to discuss benefits of extending the agreement. He noted there is annual guaranteed revenue of \$117,000 for the unconnected lots to reserve the right to connect later. With the calling of the bonds, Mr. Haas believes this revenue could be easily recovered. He recommended continued discussions with the Town of Jupiter regarding this matter. Mr. Danchuk stated his desire to abstain from voting because he has not yet hooked up and this could be a conflict of interest. Mr. Capko stated that if a Board member is benefiting in the same way as others in the District, a vote may be cast with no conflict of interest. He noted there would not be any "special benefit" to Mr. Danchuk. There were no objections and the Board unanimously agreed to authorize and instruct Mr. Haas to continue discussions with the Town of Jupiter.

Mr. Dillon presented the manager of operation's report. He requested Board approval to declare certain items as obsolete and remove them from inventory. Mr. Beane made a motion to remove these items from inventory. Mr. Rice seconded the motion and it carried unanimously.

Mr. Lindahl presented the engineer's report. He discussed the 16th Plan of Improvements; construction contracts have been executed and work has begun. Based on the bids, the OGEM will cost \$160,000/mile (\$3,500/parcel) and the asphalt \$240,000/mile (\$5,800/parcel). Mr. Lindahl also discussed the Twisty Pines Park and noted that Lynch Paving & Construction will be handling the grading, paving, drainage improvements as well as the perimeter fence. Mr. Lindahl reported that out of the 457 notices mailed regarding the FEMA flood maps, 64 are interested in proceeding and the application has been submitted to FEMA. With regards to levee construction in Palm Beach Country Estates, improvements are being made to the south levee as well as the G160 structure. This work is expected to be completed in approximately two weeks, after which a meeting will be scheduled with SFWMD.

Mr. Capko presented the attorney's report. He stated he has been contacted by State Representative Pat Rooney's office regarding meetings with landowners who have suggested legislative changes to the District's Special Acts charter. Rep. Rooney's office has asked what the Board's position is relative to these suggested changes which include moving from a one vote/one acre basis to one vote/one parcel, requiring at least two Board members to reside west of the C18, and requirements for initiating capital improvement projects. Mr. Powell stated that the Board had a special workshop meeting to discuss these issues and the staff can communicate those discussions. Mr. Ryan stated that those discussions dealt with policy issues and these are legislative issues. It was his belief that this needed to be landowner-initiated and he assisted with the presentation to Rep. Rooney. Mr. Danchuk and Mr. Rice agreed that if there are any legislative changes recommended, it should be after every landowner has an opportunity to vote on the issue, not a presentation from a special interest group. After further discussion, Mr. Rice made a motion to establish the Board's position that there be no change in the legislation until all landowners of the District have a chance to be informed and vote. Mr. Danchuk seconded the motion. A lengthy discussion followed. Several Board members expressed concern that they did not know what changes have been presented to Rep. Rooney. Several Board members stated they would support whatever a majority of the landowners want. Mr. Ryan stated he was opposed to the motion. After further discussion, Mr. Danchuk amended the motion stating that the Board wants to see support by the landowners and the Board will decide what is enough support. Mr. Rice seconded the amendment. The amended motion carried unanimously.

In response to an earlier question from the Board, Mr. Lindahl stated that the right-of-way access on 150th at C-18 ends where the roadway ends. There is a 30' easement for public ingress and egress so residents cannot legally block access.

Ms. Susan Kennedy, landowner, announced that 1200 acres of the Culpepper Ranch has been enveloped into the Hungry Lands Wildlife area.

Ms. Lois Taylor, landowner, noted that the Jupiter Farms community pavilion is available as a meeting place and asked the Board to consider scheduling monthly meetings there.

Mr. Bob Berman, landowner, reported on positive comments from landowners regarding Mr. Dillon's performance.

Mr. Berman noted that SIRWCD originally had legislative authority to construct improvements in the park in Palm Beach Country Estates. However, a grant consultant recommended this authority be removed, which it was. He requested that the Board take steps to include this authority again.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON MAY 5, 2011

The regular meeting of the South Indian River Water Control District was held on May 5, 2011, at 5:00 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, Michael Danchuk and Michael Ryan. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary. Five landowners were also present.

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

Mr. Brian Cottrell from Brown & Brown Public Risk Insurance Agency was introduced. Mr. Rice explained that Mr. Cottrell used to be the District's agent prior to his change of employment, and he recommended that Mr. Cottrell return as the District's agent by means of a "letter of record." There would be no change to the District's existing governmental entity insurance. Mr. Rice then made a motion approving a letter of authorization transferring representation from the District's current insurance agency to Mr. Cottrell's agency. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Lindahl recommended awarding the bid for construction of OGEM roads to Roadway Management Inc. as the low bidder in the amount of \$305,315. Mr. Rice made a motion to award the OGEM contract to Roadway Management. Mr. Danchuk seconded the motion and it carried unanimously. Mr. Lindahl recommended awarding the bid for construction of asphalt roads to Lynch Paving & Construction as the low bidder in the amount of \$1,003,260. He noted that Lynch Paving was not in attendance at the pre-bid conference. Mr. Danchuk made a motion to award the asphalt contract to Lynch Paving and noted (pursuant to the attorney's advice) that the non-attendance at the pre-bid conference was a minor irregularity which does not affect the price of the bid or give the bidder an advantage or benefit not enjoyed by other bidders, and does not adversely affect the interest of the District. Mr. Rice seconded the motion and it carried unanimously. Mr. Powell called for approval of the consent agenda which consisted of approval of the minutes from March 17 and April 11, 2011. Mr. Rice made a motion to approve the consent agenda. Mr. Danchuk seconded the motion and it carried unanimously.

The public information report was presented by Ms. Bender. She reported that news releases were sent to local publications and the website was updated. A Proclamation honoring Gale English was recently presented by the Palm Beach County Commission. The next District newsletter is in progress.

Mr. Haas presented the treasurer's report. He clarified that the budget amendments approved at the last Board meeting included opening a new fund for the Palm Beach Country Estates park and the transfer of \$150,000 into that fund. Mr. Haas then recommended approval of a resolution authorizing the District to borrow the funds necessary to pay for the two paving contracts just awarded. Mr. Capko presented a Note Resolution authorizing a loan from Regions Bank in the amount of \$1,875,000 to fund the 16th Plan of Improvements. Closing is scheduled for May 12th. He also presented a resolution requested by the bank which directs the staff to take all action necessary to place the appropriate special assessments on the tax bill. Mr. Haas noted that the interest rate is 4.07% annually for 15 years, which is below estimates. Mr. Danchuk made a motion to adopt the Note Resolution. Mr. Rice seconded the motion and it carried unanimously. Mr. Rice then made a motion to adopt the resolution directing the staff to place the necessary assessments on the tax bill. Mr. Ryan seconded the motion and it carried

unanimously.

Mr. Dillon presented the manager of operations' report. He noted that Roadway Management recently performed various repairs for the District in a very professional manner.

Mr. Lindahl presented the engineer's report. He continues to coordinate with Twisty Pines Playground Foundation regarding paving the parking area and sidewalks and drainage. He suggested negotiating with Lynch Paving for competitive pricing. Mr. Danchuk made a motion authorizing the engineer to negotiate with Lynch Paving. Mr. Ryan seconded the motion and it carried unanimously. Mr. Lindahl also reported on park maintenance. Landscaping has been estimated to cost \$65-67,000. He requested authority to obtain comparative quotes or proceed with a cap set by the Board. Mr. Berman noted that a major item in the cost estimate is irrigation, and that volunteer labor was also taken into account. Mr. Danchuk made a motion authorizing and instructing the engineer to proceed with the landscaping, noting that the total cap for park expenditures is \$150,000. Mr. Rice seconded the motion and it carried unanimously.

Mr. Capko presented the attorney's report. He requested authorization for the Board to sign an amendment to the agreement with the donors of the park (Mr. & Mrs. Berman) which states that in the event the reverter is exercised, the cost of the improvements that are being funded by the District will be reimbursed to the District. Mr. Berman confirmed these terms are acceptable. Mr. Rice made a motion authorizing the Board to execute the amendment. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Danchuk noted that landowners have blocked access on the Blue Gill Trail at 150th. Mr. Lindahl stated he will check to see if there is an easement.

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

MINUTES OF THE SPECIAL MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON APRIL 11, 2011

The special meeting of the South Indian River Water Control District was held on April 11, 2011, at 5:00 p.m. at the District Work Center, 15600 Indiantown Road, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, David Beane, Michael Danchuk and Michael Ryan. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary. Six landowners were also present.

Mr. Powell called the meeting to order. He stated the main focus of the meeting is discussion of proposed policy changes.

Mr. Ryan presented his proposed policy changes for landowner-initiated improvement referendums. Mr. Powell commented that 30 years ago the District had no authority to conduct improvements. The landowners petitioned to change the legislation in order to give the District the authority it now has to make improvements. Significant projects have been conducted since then. Mr. Powell stressed that all improvements, as well as the change in legislature, were at the request of the landowners. He expressed his concern that the proposed policy changes will make it much more difficult for landowners to make future improvements. The Board agreed to discuss each proposal individually:

1. Petitions must be acted upon within 12 months. The Board was not aware of any program that took more than a year unless there were legal reasons or extenuating circumstances. Mr. Ryan referred to the Rocky Pines petition and the petition for paving on the east side that was delayed for three years until the potable water project was completed. Mr. Capko advised that the time limit could be a general policy which allows

for an exception for extenuating circumstances. Mr. Danchuk made a motion to adopt a general policy to act on all petitions within 12 months unless there are extenuating circumstances. Mr. Rice seconded the motion and it carried unanimously.

2. Require a three-year waiting period after a referendum fails before a new petition is accepted. Mr. Ryan believed this would allow for a "cooling off" period and prohibit any overly-aggressive landowners. Other Board members felt this requirement would unnecessarily impose control over the landowners. Mr. Capko stated the Board always has the authority to deal with abusive petitions.
3. After a referendum fails three times, there must be a 50% change in land ownership before another referendum is initiated. Mr. Ryan discussed accepting petitions to not pave a road. Mr. Danchuk noted that dirt roads may cost more than paved roads.
4. Improvement referendums must stand on their own and not attach to other improvements to pass. This proposal was discussed in conjunction with proposal #5.
5. Paving petitions covering more than one block must have 25% from each block involved. Mr. Ryan felt this would protect landowners not wanting paving, specifically landowners at the end of a street. Mr. Powell stated the benefited area is always determined by the engineer.
6. Require a petition from 51% of affected landowners before going to a referendum. Mr. Capko noted that 25% is the minimum requirement under the District's Special Act. Mr. Beane stated 25% may not be high enough; also, a higher percentage would result in fewer petitions and less money spent. Mr. Powell believed the recent failures in referendums were the result of economic issues.
7. Require 51% of affected landowners to vote affirmatively before proceeding with improvements. Mr. Rice stated the District follows the voting system where the majority of the voters rules. Mr. Beane stated the problem is voter turnout and it is not the Board's responsibility to promote voting on a referendum.

Mr. Powell opened the floor to comments from the landowners present. Comments were made regarding how a benefited area is defined in a paving project, improvement projects other than paving that will be affected by these changes, pros and cons of a three-year waiting period between referendums, and problems with requiring a 51% voter requirement.

Mr. Powell again noted that the improvement projects are initiated by the landowners; the Board only administers the paperwork. Complaints about aggressive petitioners, the process, and voter turnout have nothing to do with the Board. Mr. Rice agreed there is a complacency issue in the District. Mr. Ryan stated these proposals tighten up the process; although this may make it more difficult for the landowners, the burden should be on those who want the change. Mr. Beane was concerned about the Board being locked into inflexible rules; the Board must maintain the ability to use its discretion in each situation. Mr. Danchuk noted that fewer referendums will save the landowners money.

Mr. Powell called for a vote on the remaining six proposed policy changes, noting that the first proposal was already voted on. As to proposal #2, Mr. Rice made a motion requiring a one-year waiting period after a referendum fails. Mr. Danchuk seconded the motion. The motion was then amended to include an exception for extenuating circumstances. The amended motion carried unanimously. As to proposal #3, Mr. Ryan made a motion to approve; the motion failed for lack of a second. As to proposal #4, Mr. Ryan made a motion to approve; the motion failed for lack of a second. As to proposal #5, Mr. Ryan made a motion to approve; the motion failed for lack of a second. As to proposal #6, Mr. Danchuk made a motion to approve. Mr. Ryan seconded the motion but it failed with Messrs. Powell, Rice and Beane opposed. Mr. Rice then made a motion requiring a petition from 35% of the affected landowners before going to a referendum. Mr. Danchuk seconded the motion and it carried unanimously. As to proposal #7, Mr. Ryan made a motion to approve; the motion failed for lack of a second.

Mr. Ryan again requested that the Board establish a policy to accept petitions to keep a dirt road unpaved.

The Board agreed to reschedule the regular April 21st Board meeting for May 5th; the regular May Board meeting was cancelled.

Mr. Dillon requested Board approval to purchase a John Deere 5101 side arm tractor. Mr. Danchuk made a motion approving this request; Mr. Beane seconded the motion and it carried unanimously.

Mr. Danchuk discussed the park in Palm Beach Country Estates. He was concerned about the amount the operations manager can spend without Board approval. Mr. Powell noted that \$150,000 has been budgeted for this project and he did not see a need to micromanage. Mr. Capko stated that the operations manager does not have authority to enter into a contract; all contracts are approved by the Board.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON MARCH 17, 2011

The regular meeting of the South Indian River Water Control District was held on March 17, 2011, at 7:30 p.m. at the District Work Center, 15600 Indiantown Road, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, David Beane, Michael Danchuk and Michael Ryan. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Michael Dillon, manager of operations; Laura Bender, public information; and Jane Woodard, secretary.

Mr. Powell called the meeting to order. Mr. Rice offered the invocation. A moment of silence was observed in remembrance of Mr. Gale English. The Pledge of Allegiance to the flag was then given. Mr. Powell called for approval of the consent agenda consisting of minutes from February 10, February 17 and March 5, 2011, and the monthly disbursements. Mr. Rice made a motion to approve the consent agenda. Mr. Danchuk seconded the motion and it carried unanimously.

The public information report was presented by Ms. Bender. She reported attendance was up 12% for the 20th Annual Landowner's Day, which had 17 community exhibits this year. The website has been updated. The March newsletter was mailed to the landowners.

A crystal commemorating Mr. English's 30 years with the District will be presented to his wife, Betty, together with a photo album. Mr. Powell stated that the District has sent flowers for the funeral and also made a contribution to Gideons International in memory of Mr. English.

Mr. Haas presented the treasurer's report. He discussed financing for the 16th Plan of Improvements. A commitment letter has been received from the bank. The interest rate will be fixed at the time of the closing, which is expected to be scheduled around the end of April. Mr. Haas requested Board approval of two "housekeeping" budget amendments. Mr. Rice made a motion to approve these amendments. Mr. Beane seconded the motion and it carried unanimously.

Mr. Dillon presented the manager of operations' report. He requested that a TW72 mower and a Campbell Hausfeld compressor be declared inoperable and removed from inventory. Mr. Rice made a motion declaring these two items as surplus. Mr. Danchuk seconded the motion and it carried unanimously. Mr. Danchuk requested that the District's surplus items be recycled whenever possible.

Mr. Lindahl presented the engineer's report. He discussed the Hatcher/Indiantown joint venture proposal to expand the existing canal to 35 acres and restore 125 acres of wetlands with 34 acres of open water storage. He noted there were concerns expressed at the Board's recent workshop meeting about an operable structure that discharges downstream and the ability to provide relief to the north. Mr. Lindahl reported that the County has re-submitted its application, satisfying both of these concerns. The permitting process is expected to take approximately a year or more, and construction will take approximately four years. Mr. Rob Robbins from Palm

Beach County Environmental Resources stated the items still pending include the operation and maintenance of the structures and an operating agreement between the County and SIRWCD. At this time the County is requesting a letter of support or no objection from SIRWCD to aid in their permitting process with the environmental agencies. After further discussion, Mr. Danchuk made a motion authorizing and instructing Messrs. Capko and Lindahl to draft a letter of no objection. Mr. Rice seconded the motion and it carried unanimously.

Mr. Lindahl noted that bids for the 16th Plan of Improvements are due April 12th. Regarding the FEMA flood maps, Mr. Lindahl reported that of the 457 letters sent out to landowners in Palm Beach Country Estates, only 79 responded and only 64 of those responses want to participate. At this level, it will cost approximately \$500/parcel to complete the LOMR-F application. After further discussion, Mr. Danchuk made a motion to proceed with the application process at this time. Mr. Rice seconded the motion and it carried unanimously. The Board noted that if additional participants come forward in the next month, they will be added to the application.

Mr. Lindahl also reported he is continuing to work on a cost sharing plan for the restoration of the levee in Palm Beach Country Estates.

Mr. Capko presented the attorney's report. He requested ratification of the actions taken at the emergency Board meeting of March 5, 2011. Mr. Rice made a motion ratifying those actions. Mr. Danchuk seconded the motion and it carried unanimously. Mr. Capko requested approval of the revised procurement policy presented at the last meeting which now includes several minor suggestions from the treasurer. Mr. Beane made a motion to adopt the revised policy. Mr. Ryan seconded the motion and it carried unanimously. Messrs. Capko and Haas requested approval of an adjusted vacation and leave pay rate for Mr. Dillon based on his past service with the District. Mr. Rice made a motion approving this action. Mr. Ryan seconded the motion and it carried unanimously.

Mr. Ryan requested a workshop meeting to discuss certain policy changes. It was agreed to schedule this for April 11th at 5:00 p.m. at the District Work Center.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON FEBRUARY 17, 2011

The regular meeting of the South Indian River Water Control District was held on February 17, 2011, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, David Beane, Michael Danchuk and Michael Ryan. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Seven landowners were present.

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

Mr. Powell introduced Mr. Steve Lindhart, an expert in water quality, who made a presentation to the Board. Mr. Lindhart discussed EPA numeric nutrient criteria and the potential issues and impact for SIRWCD. He explained that coastal areas are facing problems such as increased algae, fish kills, decreased spawning grounds, degraded nursery habitats and dead zones with no growth or fish. These problems lead to health concerns when it comes to consuming fish, aquatic recreation, drinking water, and toxic microbes. The numeric process for quality assessments allows EPA to manage more effectively and measure impact. Mr. Lindhart discussed the proposed criteria for fresh water that flows (lakes & rivers) for a three-year period. Final rules were adopted in December, 2010, and immediately delayed for 15 months to allow for public hearings and discussion of implementation. The rules will become effective in March, 2012, and will then be added to NPDES permits when those permits are

renewed. Mr. Lindahl noted that SIRWCD's permits are to be renewed this year so the EPA rules will not be in effect for the District until 2016. Mr. Lindhart discussed the need to work with EPA to meet its criteria. The Board expressed concerns about the entity responsible for meeting EPA's criteria, how the criteria will be enforced and the impact weather will have on the criteria.

Mr. Lindhart concluded his presentation by discussing issues of concern to SIRWCD: The numeric nutrient criteria may supersede adopted limits for NPDES permits if they are more stringent. Florida law currently precludes use of a mixing zone if the receiving water is impaired. Downstream protection standards may require discharges that meet marine limits. EPA and FDEP will both require water quality treatment. The compliance period needs to be adequate for success and cost control. Consideration should be given to coordinating with other entities for shared treatment facilities. The Board thanked Mr. Lindhart for his presentation.

Mr. Powell called for approval of the consent agenda consisting of minutes from December 2, 2010, and monthly disbursements. Mr. Danchuk made a motion to approve the consent agenda. 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. Planning continues for the 20th Annual Landowners' Day scheduled for March 12th. The winter newsletter has been completed and distributed. A mailing has gone out to landowners regarding the FEMA flood zone revision. A 30th anniversary luncheon is being planned for Mr. English.

Mr. Haas presented the treasurer's report. There were no items requiring Board action.

Mr. English presented the general manager's report. He discussed the transfer of asphalt millings and fill into the District, Michael Dillon's resignation as field supervisor after 15 years, replacement of the shop air compressor, attendance at various meetings and conferences, and canal erosion repair.

Mr. Lindahl presented the engineer's report. He discussed the proposed Plan of Improvements for OGEM on 1.5 miles of roads and asphalt on 4 miles of roads. The project will be ready for bids in March. There is an option of going to public bids or piggybacking the contracts. The Board unanimously agreed that the engineer proceed with the public bidding process.

Mr. Lindahl presented the proposed Minor, Insubstantial Amendment to the Thirteenth Plan of Improvements. He explained this Amendment pertains to improvements for parking, a maintenance shed, drainage, paths, landscaping and fencing in the Palm Beach Country Estates recreational park. Mr. Danchuk made a motion to adopt the Amendment; it was seconded by Mr. Ryan. Mr. Beane commented that he just received a copy of the Amendment and did not have time to review it. The motion carried with only Mr. Beane voting against it.

Mr. Rice made a motion instructing the staff to make every effort to have items requiring Board action received by the Board members seven days in advance of the meeting. Mr. Danchuk seconded the motion and it carried unanimously. Mr. Lindahl reported that the letter sent out regarding FEMA flood maps has resulted in 36 participants to date. The deadline stated in the letter is February 28th. Mr. Lindahl reported bids were received for obtaining monthly water quality samplings and he recommended awarding the contract to Harbor Branch. Mr. Danchuk made a motion awarding the contract as recommended. Mr. Rice seconded the motion and it carried unanimously. Mr. Lindahl reported on the levee in Palm Beach Country Estates as discussed at the recent workshop meeting. He reported that the cost estimate to do the minimum amount required to repair the levee is \$50,000 which includes moving the dirt and bringing in additional fill using an outside contractor. This would bring the elevation up to 21', providing some security. It was discussed that the District could do some of the work; Mr. English and Mr. Lindahl will meet to discuss the best way to accomplish this.

Mr. Capko presented the attorney's report. He has been working with the District's staff to update the procurement

policy. He presented a draft and requested Board comments prior to the next meeting. Mr. Danchuk commented that Palm Beach Country Estates recently distributed a questionnaire to the community. He suggested that the Board do the same thing in order to ascertain landowner desires and concerns. Mr. Rice requested Board input and he will work with Ms. DeNinno to prepare a questionnaire.

Mr. Ryan referred to a memo he prepared regarding certain policy changes and requested Board discussion. Mr. Rice commented that these proposals represent drastic changes from existing policies; he did not feel the proposals should be Board decisions as they affect every landowner in the District. Mr. Powell commented that the underlying issue is voter turnout in any election. After 30 years of referendums in the District, the data shows there is rarely 50% participation. He pointed out that 90% of the landowners did not vote in the last election for supervisors; the real issue is apathy, not District policy. Mr. Powell also noted that with the proposed rule change, it would require 100% of the voters to vote in favor of a referendum in order to pass any capital improvement project. Mr. Ryan noted he compared his proposals to Palm Beach County criteria. Mr. Danchuk felt there were several proposals that could be adopted. The Board will continue to discuss these issues.

Mr. Bob Berman, landowner, thanked the Board for passing the Amendment affecting the PBCE park. He requested that a budget be established for the park improvements and noted estimates of \$150,000 have been received. Mr. Powell stated that combining upcoming roadway resurfacing and new roadway work with the parking lot paving will be the most economical way to handle these projects. Mr. Berman noted that the site plan is very specific as to the landscaping, and much of that work can be done on a volunteer basis. He supported piggybacking the parking lot paving on the roadway improvements. Mr. Powell noted that this is a maintenance item and the Board does not need to take action to fund it. He did not see a need to delay proceeding with the improvements. Mr. Danchuk was concerned as he felt this was a different type of maintenance and the landowners should be able to provide feedback about what is wanted. He was also concerned about spending too much on this maintenance. Mr. Capko stated there is a reverter in favor of Mr. Berman and the Board should consider amending the agreement with Mr. Berman. He agreed to prepare an amendment for Board approval at the next meeting. After further discussion, it was agreed that expenditures for the park will be subject to Board approval.

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

MINUTES OF THE WORKSHOP MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON FEBRUARY 10, 2011

A workshop meeting of the South Indian River Water Control District was held on February 10, 2011, at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Tom Powell, David Beane, Tom Rice, Michael Danchuk and Michael Ryan. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. One landowner was present.

Mr. Powell called the meeting to order. He stated the purpose of the meeting is to have engineering presentations regarding the Hatcher property and the berm on the east side. Mr. Powell noted that the meeting was advertised and the Board can take action if necessary.

Mr. Lindahl presented a brief history of the Jupiter Venture (Hatcher property) dating back to 1995. Canal 2 was expanded to create a lake which improved drainage. A structure was put in at the east side of Canal 2, controlled through telemetry. Palm Beach County proposes expanding the existing lake from 21 to 35 acres, restoring 125 acres of natural area, adding a 34-acre lake east of the natural area and adding two small pump stations. Storage in the natural area would be discharged into SIRWCD's system.

Mr. Lindahl discussed several concerns including SIRWCD's ability to discharge to the north, the ownership and

operation of the pumps, and the operational flexibility at the fixed crest structure. He discussed several storm scenarios that would affect operations. He discussed the need for culverts under Indiantown Road, a moveable weir, more storage post-development, and treatment for water quality in the natural area. Mr. Lindahl noted the benefits to SIRWCD could include decreased stages downstream, a natural recreational area close to the District, additional storage, and improved water quality.

Mr. Lindahl then discussed the Palm Beach Country Estates levee as it could be impacted by SFWMD raising water elevations as mandated by DEP. He presented a brief history of the G-160 structure on the east leg of C-18. Originally the operation was limited to 15-15.5 feet; it is currently operated at 16½ feet. DEP is requiring that SFWMD gradually raise the water level to 17.5-18 feet. The optimum stage is from 16-17.5 feet. Mr. Lindahl noted the levees were improved in 1984 under the 7th Plan of Reclamation. The existing east-west levee elevation ranges from 18-27 feet; the north-south levee elevation ranges from 19.5-21 feet. Soil boring results were presented. Mr. Lindahl recommended that elevations for both levees be equalized at 21 feet. The existing levee is expected to hold up to 4 feet of water if the Slough is raised to 18 feet. If the water is maintained at that level for enough time, the seepage rate would be a problem and the levee could fail. The current levee does not meet the new design standards. Mr. Lindahl discussed other conditions affecting the levee, concluding that the current existing levee does not meet the standards in the 7th Plan. He stated a geotechnical engineer prepared a report documenting this information. Mr. Lindahl recommended formulating a letter to SFWMD documenting the concerns, addressing what can be done and the associated costs. Mr. Powell noted that if the levee is improved to the standards in the 7th Plan as it was originally designed, it would still be deficient under current standards with the increased water levels. The Board discussed the need to present SFWMD with a detailed plan to bring the levee to the condition necessary for the increased levels, including estimates of cost and engineering time. Mr. Lindahl will present the Board with an estimate at the February Board meeting next week.

Mr. Danchuk expressed his concern about monthly Board meetings being canceled. He made a motion that the Board be contacted before a meeting is canceled; Mr. Ryan seconded the motion. Mr. Powell stated if a Board member has an item requiring Board action, the chairman should be advised. Mr. English noted it costs the District approximately \$3,000 for each monthly Board meeting with staff in attendance. After a brief discussion, the motion carried unanimously. Mr. English will contact the Board prior to each meeting.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON DECEMBER 2, 2010

The regular meeting of the South Indian River Water Control District was held on December 2, 2010, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, David Beane, Michael Danchuk and Michael Ryan. Also present were Len J. Lindahl, engineer; William Capko, attorney; Terry Lewis, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Sixteen landowners were present.

Mr. Powell called the meeting to order. Mr. English offered the invocation, and the Pledge of Allegiance to the flag was then given. Mr. Powell stated the first part of this meeting is the second public hearing for the 2010 landowner-initiated roadway improvement project. He opened the floor to landowner comments; no comments were made. Mr. Capko stated a certification was received from the Supervisor of Elections for 154th Ct. N. between 69th Dr. N. and 75th Ave. N. with 10 votes in favor and 7 opposed. It was noted that this road was already included in the 16th Plan pending these results. The public hearing was then closed.

Mr. Rob Robbins, Deputy Director of the Palm Beach County Environmental Resources, was introduced and made a presentation regarding the Hatcher property project. He explained the project lies east of SIRWCD's boundaries and

consists of 130 acres. The plan involves taking water from SIRWCD's system, storing and treating it, and slowly releasing it to the Loxahatchee River. Plans also include expanding the lake operated by SIRWCD, installing a pump that will take water from the lake into the wetland area and then into an above-ground storage area before discharging to the River. The project still needs to address equalization between SIRWCD's system and the culverts under Indiantown Road before approval of the project permit is requested. The Board asked Mr. Lindahl to schedule a workshop with the Board prior to a formal request from the County. Mr. Powell noted that the District's priority is storm water protection and flood control.

Mr. Powell called for approval of minutes from October 7, 2010. Mr. Danchuk 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 and the December newsletter is being prepared. Work has begun on plans for the 20th Annual Landowner's Day scheduled for March 12th.

Mr. Haas presented the treasurer's report. There were no items requiring Board action.

Mr. English presented the general manager's report. He discussed road maintenance, sidewalk installation, and installation of voting signs on 154th. He reported that health insurance costs have increased 13%. Mr. Danchuk was concerned with this increase; Mr. Rice noted he has seen increases as high as 16-17%. Mr. English discussed meetings attended, vandalism at the C-14 weir and radio tower repair. He reported spraying has begun on the canals.

Mr. Lindahl presented the engineer's report. He requested Board action regarding the 16th Plan of Improvements. Mr. Danchuk made a motion to adopt the Plan; Mr. Rice seconded the motion and it carried unanimously. Mr. Lindahl reported on the issue of access for hunting in the Pal-Mar area north of Indiantown Road. The primary concern is the buffer for hunting and the frequency of access. Another meeting on this issue is scheduled for December 6th. Mr. Lindahl also reported on the EPA-approved numeric nutrient criteria for fresh waters. He will update the Board on water quality standards at the January Board meeting.

Mr. Capko presented the attorney's report. He had previously announced the results of the referendum for 154th Ct. N. between 69th Dr. N. and 75th Ave. N. Mr. Rice made a motion to accept the results. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Terry Lewis discussed the legal authority of the District for activities regarding the park in Palm Beach Country Estates. He explained that SIRWCD has authority to operate and maintain the park. Maintenance assessments may be used to upgrade facilities, improve drainage and flood control. Security may be provided for the park such as fencing, gates and perimeter buffers. Paving facilities, i.e. a parking area, construction of an equipment shed and landscaping are acceptable. Sidewalks as an adjunct to a parking lot could be provided, but not a network of walks through the park. "Vertical improvements" such as basketball courts, benches, swing sets, etc. that are not operational or a functional part of the park would be considered a capital improvement and SIRWCD has no authority to provide these. If changing the Plan requires new or increased assessments, a formal process is required including a referendum, public hearings, etc. Mr. Lewis did not believe this would be necessary. It was his opinion that it would be sufficient to have an engineer's report and legal opinion concluding that there would be a minor amendment to the water control activities of the District requiring no additional assessments. Mr. Powell questioned if private fundraisers build improvements in the park, would the District have authority to maintain them. Mr. Lewis stated if the District receives the improvements, it has authority to maintain them; once a structure is in place, SIRWCD can maintain it. Mr. Capko stated that the grantor of the property and SIRWCD must approve any construction of structures. Mr. Bob Berman noted that a site plan for the park has been approved by the County so any construction must fit into that plan. Mr. Lewis stated the next step is to have the park included in the Plan of Reclamation, which would require an engineer's report and legal opinion; no public hearing is required and there will be no authority to assess for a capital improvement. Mr. Beane questioned if maintenance

assessments for park activities can be increased in the future. Mr. Haas stated there are general reserves currently available. However, he recommended a review of the long-term financial requirements. Mr. Beane made a motion authorizing and instructing the staff to include the park in the Plan of Reclamation by means of a "minor unsubstantial change" as described by Mr. Lewis. Mr. Rice seconded the motion and it carried unanimously. Mr. Rice discussed the 154th Ct. N. paving project signs that were posted and stolen within 24 hours. He believed an expenditure for future project signs is not justified. He would still like to try posting information signs for the next general election. Mr. Danchuk was in favor of continuing to post signs for future projects.

Mr. Danchuk discussed a recent article in the Jupiter Farmer regarding a desire for a one-man-one-vote in Jupiter Farms. He was concerned that this disenfranchises absentee landowners and would also result in an inconsistency in the taxes paid. Mr. Lewis noted that the assessments are based on the proportion of value that the lot is receiving. He suggested inviting the legislative delegation to a meeting to provide education in the operation of a Chapter 298 District. Mr. Ryan stated his understanding of the issue is to have one vote per lot, regardless of the size of the lot, which would not disenfranchise any landowner. Mr. Powell noted that voting in the District is according to the general election laws.

Mr. Ryan discussed the issue of access to River Bend Park. Ms. Jennifer Cirillo from the County's Parks & Recreation Department was introduced. She requested pedestrian and equestrian access; no-parking signs could be posted. After a brief discussion, Mr. Powell stated this is not an issue for SIRWCD. The District has no control over traffic and there is no maintenance issue.

Mr. Steve Hinkle, landowner, noted there are still unauthorized vehicles driving on the canal bank at Brian's Way. A landowner suggested distributing a questionnaire to landowners in Palm Beach Country Estates to determine what services are most important to them. It was suggested that these comments be addressed to Mr. English.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON OCTOBER 7, 2010

The regular meeting of the South Indian River Water Control District was held on October 7, 2010, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice and Michael Danchuk. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Eighteen landowners were present.

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

The election results as certified by the Supervisor of Elections Office were announced: Michael J. Ryan: 1374; Michael Danchuk: 1318; Bob Berman: 1045; write-in candidates: 40. Mr. Rice made a motion to accept these results. Mr. Danchuk seconded the motion and it carried unanimously. Mr. Ryan and Mr. Danchuk were then sworn in for a three-year term as Supervisor. Mr. Rice then made a motion to retain the current officers and committee appointments. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Powell stated the first part of this meeting is the first public hearing for the 2010 landowner-initiated roadway improvement project. Mr. Lindahl briefly described the project which consists of 1-1/2 miles of OGEM at an estimated cost of \$250,000/mile, and 4 miles of asphalt at an estimated cost of \$375,000/mile. The cost to the affected landowners is estimated to be \$636/year for 15 years for the OGEM and \$975/year for 15 years for the asphalt. He noted that 154th between 69th and 75th is included in the project, subject to the referendum going

out.

Mr. Powell opened the floor to landowner comments. Mr. Steve Hinkle asked what percentage of the actual landowners approved the referendums. Ms. Gail Helms noted that on 98th Trail North, only 9 of the 18 affected landowners responded, with 5 of those voting in favor. She recommended mailing ballots by registered mail. Mr. Arthur Dodd asked if votes were tabulated by street, if the ballots can be viewed, and who pays the taxes in the case of a foreclosed property. Mr. Powell stated the voting was by street and the ballots are turned over to our attorney, available for viewing by appointment. Mr. Haas stated that if taxes are not paid by July 1st, they are placed on a tax certificate; there has been no visible reduction in assessments received in the past. Mr. Steve Grasso asked if the bonds are ever refinanced to obtain lower interest rates. Mr. Haas stated that the bond interest rates are reviewed annually and refinanced when it is advantageous to the landowners. Mr. Rice noted that in the past several years, the landowners have been saved millions by doing this. In response to a prior question, Mr. Michael Ryan stated that out of the 15 road referendums that passed, two passed with more than 50% of the actual landowners voting, two passed with 50%, and one passed with 28%; the other roads passed with 40+%. Mr. Powell noted that only 10% of the landowners voted in the recent election of supervisors. He stated that apathy is a big issue in the District. He also stated that ballots are sent out exactly the same way as taxes, using the same tax roll, to 100% of the landowners. Mr. Rice noted that there needs to be a certain amount of landowner responsibility when it comes to voting. Mr. Capko explained there are two public hearings after the referendum. The Board then has the ultimate decision-making authority. Mr. Hinkle felt that 51% of the total affected landowners should be required. Mr. Powell stated that every election in the country is decided by the majority of the people who vote. There were no other landowner questions regarding the roadway project and the public hearing was closed. Mr. Rice made a motion directing the engineer to file his report. Mr. Danchuk seconded the motion and it carried unanimously. The second public hearing for this project will be December 2nd.

Mr. Powell called for approval of minutes from August 12, 2010. Mr. Danchuk 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 and work continues on re-designing the website. Mr. Rice recommended having permanent road signs made informing landowners of capital improvement projects and the annual election of supervisors. The signs would be approximately 3' X 3' and placed at points of ingress to Jupiter Farms and Palm Beach Country Estates or around a project as appropriate. Mr. Danchuk made a motion to proceed with the proposed signs, working with the attorney for the appropriate language. Mr. Rice seconded the motion and it carried unanimously.

Mr. Haas presented the treasurer's report. He recommended approval of two budget amendments for "housekeeping" purposes. The first amendment would reflect the call of the \$2,150,000 water distribution system bonds and the second would reflect the conversion of the line of credit to a term loan for the hook-up fees paid to the Town of Jupiter. Mr. Rice made a motion approving these two budget amendments. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He discussed DOT repairs around Canal H in Egret Landing. The gate at Canal C in PBCE has been replaced. Several matters have been discussed with the County Parks & Recreation Department. Funds have been received from Section 33 POA for contract road maintenance, and from the County School District for drainage assessments. Resurfacing and sealing is scheduled to be performed by North Florida Emulsions. Mr. Lindahl noted that when access from 90th Trail North to the park is opened, parking and trespassing is an issue. SIRWCD is waiting for a letter from the County addressing this issue.

Mr. Lindahl presented the engineer's report. He will be attending a meeting of the NPDES Steering Committee on October 20th. The County is still processing the permits for the Hatcher/Indiantown Joint Venture Property; there may be a presentation at the December Board meeting. Mr. Lindahl's staff continues to monitor the water quality, coordinating with the Loxahatchee River District. He recommended sending out a Request for Qualifications and

obtaining bids for water quality sampling services. Mr. Danchuk made a motion approving this recommendation. Mr. Ryan seconded the motion and it carried unanimously. Mr. Lindahl will put out an independent mailing regarding the FEMA map revision matter, coordinating with the District's public information officer.

There were no issues to be discussed by Attorney Capko.

Ms. Susan Fitzgerald, landowner, stated that Florida Wildlife Commission has scheduled a public hearing on October 11th to discuss the expansion of the Jones Hungryland Wildlife Management Area to include the Culpepper Ranch. If approved, this area would abut the boundary of Jupiter Farms at the end of Indiantown Road. The public would have access to the area for hunting purposes, open 24 hours to almost 20,000 acres. She was concerned about traffic issues and roadway maintenance. The Board requested that Mr. Lindahl attend this hearing to determine the impact to the District.

Mr. Bob Berman, landowner and former Board member, discussed the PBCE community park donated to the District which SIRWCD now has authority to operate. He has been researching to see if SIRWCD is able to participate in funding for the operation of the park. Mr. Berman believes the existing 7th Plan of Improvements could be amended to include improvements for the park at no additional assessment or increased cost to the landowners. The independent fundraising group will continue its efforts, including soliciting grant funds. Mr. Berman requested that the Board take action to amend the 7th Plan of Improvements to include the park, and implement a capital improvement project for the park. He noted that there are reserve funds being held under the 7th Plan and believed it is the desire of the landowners that the funds be spent for this purpose. Mr. Rice made a motion to amend the 7th Plan of Improvement to include the park. Mr. Danchuk seconded the motion and discussion followed. It was noted by the Board that full disclosure must be made to all the residents in PBCE before any reserve funds are used. The Board specifically re-stated that Mr. Rice's motion is only to authorize and instruct the staff to take the necessary action to include the park in the 7th Plan. After a brief discussion, the motion carried unanimously.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON AUGUST 12, 2010

The regular meeting of the South Indian River Water Control District was held on August 12, 2010, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Tom Rice, Michael Danchuk and Bob Berman. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Laura Bender, public information; and Jane Woodard, secretary. Fourteen landowners were present.

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

Mr. Powell stated the first part of this meeting is the public hearing for the 2010-11 budget. Mr. Haas presented a brief overview of the budget, noting that assessments will have very little change from last year. He noted that landowners only pay assessments for the programs they benefit from. Mr. Haas then answered questions from landowners. He noted that assessments for the typical parcel in Palm Beach Country Estates will increase by approximately \$3.00. He also explained that maintenance assessments continue on paved roads, based on a 25-year projection, and those funds go into a renewal and replacement budget. Mr. Haas clarified there is no budget for the community park in PBCE. There were no other landowner questions regarding the proposed budget and the public hearing was closed.

Mr. Powell convened the regular Board meeting and stated the following items are included in the consent agenda: approval of minutes from May 20, 2010, and approval of the monthly disbursements as presented by the treasurer. The Board unanimously agreed to approve the consent agenda.

The Board reviewed the Resolution adopting the budget for 2010-11 and electing to use the uniform method of collection of non-ad valorem assessments. Mr. Rice made a motion to approve the Resolution; Mr. Danchuk seconded the motion and it carried unanimously.

The public information report was presented by Ms. Bender. News releases were sent out to the local newspapers and community publications. Assistance was provided for a mailing regarding the FEMA flood zone revision. The September newsletter is being prepared. The website has been updated and work continues on re-designing the website. Mr. Danchuk requested the inclusion of detailed information in the next newsletter regarding the FEMA flood zone revision. Mr. Beane noted that Mr. Berman sent out an excellent email regarding this issue and suggested this explanation be used in the newsletter.

Mr. Haas presented the treasurer's report. He referred to a memo from the Auditor Selection Committee regarding the recommendation that Grau & Associates be appointed as independent auditors for the District for the next four years, subject to an annual review. Mr. Beane made a motion to appoint Grau & Associates; Mr. Rice seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He discussed problems with Aquatic Vegetation Control and recommended awarding the 2010-11 aquatic weed control contract to Terra Tech Environmental Services. Mr. Danchuk made a motion to award the contract to Terra Tech; Mr. Beane seconded the motion and it carried unanimously. Mr. Capko will review the contract prior to signing and it will be confirmed that proper insurance is in place. Mr. English reported on conferences with SFWMD and ENCON. An onsite review of the Canal E levee in PBCE was conducted.

Mr. Lindahl presented the engineer's report. Landowner petitions for paving have been received, and referendums were prepared and mailed. Due to some issues regarding the counting of the ballots, Mr. Capko met with the Supervisor of Elections and these issues were reviewed and corrected. Mr. Capko reported on the issues and stated that none of the final results changed.

Mr. Lindahl then stated the landowners on the following roadways were in favor of asphalt paving:

- 72nd Dr. N. between 150th Pl. N. & 154th Rd. N.
- 165th St. N. between 75th Ave. N. & 79th Terr. N.
- 72nd Dr. N. between 155th Dr. N. & 159th Ct. N.
- 167th Ct. N. between 75th Ave. N. & 78th Dr. N.
- 84th Ave. N. between 155th Pl. N. & 159th Ct. N.
- 140th La. N. between 64th Dr. N. & 69th Dr. N.
- 75th Way N. between 165th St. N. & 167th Ct. N.
- 67th Ave. N. between 141st La. N. & Donald Ross Rd.
- 71st Dr. N. between 150th Pl. N. & 154th Rd. N.
- 151st Ct. N. between 69th Dr. N. & 69th Tr. N.

The landowners on the following roadways were not in favor of asphalt paving:

- 73rd Terr. N. between 155th Dr. N. & 159th Ct. N.
- 154th Rd. N. between 69th Dr. N. & 89th Ave. N.
- 82nd Terr. N. between 150th Pl. N. & 154th Ct. N.
- 75th Ave. N. between 165th St. N. & 169th St. N.
- 82nd Terr. N. between 155th Pl. N. & 159th Ct. N.

- 83rd Way N. between 150th Pl. N. & 154th Ct. N.
- 64th Way N. between 143rd St. N. & Donald Ross Rd.
- 70th Tr. N. between 155th Pl. N. & 159th Ct. N.
- 85th Way N. between 155th Pl. N. & 159th Ct. N.
- 141st Dr. N. between 64th Dr. N. & 69th Dr. N.
- 75th Ave. N. between 150th Ct. N. & 154th Rd. N.

The landowners on the following roadways were in favor of OGEM paving:

- 98th Tr. N. between 150th Ct. N. & 154th Rd. N.
- 151st La. N. between 133rd Terr. N. & Canal 13
- 92nd Way N. between 150th Ct. N. & 154th Rd. N.
- 80th Dr. N. between 155th Pl. N. & 159th Ct. N.
- 187th Pl. N. between 126th Terr. N. & 129th Terr. N.
- 129th Terr. N. between 186th Ct. N. & 187th Pl. N.

The landowners on the following roadways were not in favor of OGEM paving:

- 101st Terr. N. between 150th Ct. N. & 154th Rd. N.
- 159th St. N. between 133rd Terr. N. & Canal 13.

Mr. Capko confirmed these results are consistent with the tally of the Supervisor of Elections and the adjustments made. Mr. Danchuk made a motion to accept these results as presented and as certified by the Supervisor of Elections; Mr. Berman seconded the motion and it carried unanimously.

Mr. Danchuk discussed the issue of the two landowner petitions for paving 154th, one between 69th and 75th and the other between 69th and the end of the road. It had been decided to conduct one referendum for the section between 69th and the end of the road, which did not pass. Mr. Danchuk suggested that the landowners between 69th and 75th be allowed to present another petition with an immediate vote; if it passes, the road would be included as part of the current paving project. Mr. Powell explained that since there was no referendum just for the section between 69th and 75th, SIRWCD does not have authority to pave. He stated the only issue now is whether to have another petition or to review the petition already submitted and determine if it is sufficient to proceed with a referendum. Mr. Powell called for a show of hands from those landowners in favor of paving the section between 69th and 75th, which was significant. Mr. Capko advised the Board that it has the authority to proceed with a referendum for that section of 154th. Mr. Berman made a motion authorizing and instructing the staff to prepare the referendum for 154th between 69th and 75th; Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Capko presented a Resolution to begin the process to consider approval of a plan amendment for the roadway improvement project for the referendums already passed. He noted this does not commit the Board to do anything other than consider the process. There must be two public hearings on the roadway improvement project before it can proceed. Mr. Rice made a motion approving the Resolution; Mr. Danchuk seconded the motion and it carried unanimously. Mr. Capko noted the Supervisor of Elections must be advised 30 days in advance of conducting the referendum. After the first public hearing, the engineer's report will be prepared and filed. The final public hearing must be held at a regularly scheduled Board meeting. The Board's plan is to include 154th in these public hearings; if that referendum does not pass, that road will be deleted from the project.

Mr. Lindahl reported on meetings with Palm Beach County regarding the Hatcher property. A representative from the County will probably attend the October or November Board meeting to provide an update and make a presentation. Mr. Lindahl also reported on responses from landowners regarding updating FEMA's floodplain maps in Palm Beach Country Estates. There were only 43 responses to a mailing and the Board agreed to do an additional mailing with more information.

A landowner questioned changing the policy for conducting road paving projects. The Board explained that these procedures are regulated by Florida Statutes and can only be changed by state legislation.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON MAY 20, 2010

The regular meeting of the South Indian River Water Control District was held on May 20, 2010, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Tom Rice, Michael Danchuk and Bob Berman. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Two landowners were present.

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

Mr. Powell stated the following items are included in the consent agenda: minutes from March 18, 2010, and the monthly disbursements as presented by the treasurer. The Board unanimously agreed to approve the consent agenda.

The public information report was presented by Ms. DeNinno. News releases were sent out to the local newspapers and community publications. The website was updated, including the addition of the monthly staff reports. The May-June newsletter is in production.

Mr. Haas presented the treasurer's report. He noted that work has begun on a bond call for the 2006 PBCE water distribution system bonds. The amount is \$2,150,000 which will result in a reduction in debt service of approximately \$4,300,000 over the life of the bonds; the call will be on August 1st. Mr. Haas also reported that the contract for the District's independent auditors has expired. He noted it is good business practice to issue an RFP for these services. He recommended appointing a selection committee which would include himself, Mr. Powell and Mr. English. Mr. Rice made a motion to appoint this committee; Mr. Beane seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He reported that Mr. Earl Smith retired after 32 years. Mr. English attended a pre-job conference with North Florida Emulsions and Hardrives regarding maintenance overlay. Refund checks were issued for assessments paid on anticipated (but not completed) OGEM installation on 187th and 129th. The County has sent \$7,500 to fund the 2nd quarter road maintenance contract services. The County has also delivered asphalt stabilizer valued at approximately \$7,500. Mr. English recommended purchasing a new master internal telephone system for the work center, replacing the current 15-year-old system. He recommended Best.com whose proposal was \$2900; two other bids were received in the amounts of \$3010 and \$2990. Mr. Rice made a motion approving this purchase. Mr. Beane seconded the motion and it carried unanimously. Mr. English then reported that the gate recently installed on the berm at C-2 and 133rd has been destroyed. The Board reiterated that Mr. English was previously instructed to take whatever steps are necessary to enforce the safety of this area.

Mr. Lindahl presented the engineer's report. The ballots for the PBCE asphalt and OGEM petitions will be sent out on June 9th with a return deadline of July 14th. The monitoring wells have been installed in PBCE to collect data and monitor for seepage from the Slough area into PBCE as a result of G-160 water levels being elevated.

Mr. Lindahl reported that the EPA has received numerous comments from various agencies regarding its proposed

water quality standards. He noted that recent results for phosphorus and nitrogen in ground water from the County's wells were in excess of proposed levels. He presented a summary of sampling data as compared to proposed EPA standards and noted specific locations that would need to be addressed. The Board again expressed concerns about the impact on the District.

Mr. Lindahl reported on FEMA's flood zone designation in PBCE which was established in 1982 prior to the 7th Plan. A letter of modification could be issued by FEMA. The application for obtaining a single lot waiver costs approximately \$425, plus a surveyor to certify the elevations; a multiple lot application costs \$800. The total estimate for a project including 462 lots would be \$80,000, i.e. \$186/lot. However, since drainage has changed, canals added and the area improved, there may be additional certification and detailed information requested by FEMA. The Board discussed a voluntary assessment vs. a one-time special assessment. After further Board discussion, Mr. Danchuk made a motion instructing the staff to send a letter of explanation to the affected landowners to determine who is interested. Mr. Berman seconded the motion and it carried unanimously.

Mr. Powell expressed concerns about the levy parallel to 150th in PBCE. The area south of that levy now has an increased water level due to SFWMD raising the G-160 level. He questioned what would happen if that perimeter dike is at its highest elevation and a storm occurs. If it does not hold, the entire community could be flooded. He suggested instructing the engineer to perform a study to analyze the dike, address that scenario and prepare a technical report. If there are engineering concerns, that report could then be presented to SFWMD with a request for them to build a sufficient dike. The Board unanimously agreed and the engineer was so instructed.

Mr. Capko presented the attorney's report. He met with the Supervisor of Elections and no future problems are anticipated regarding conducting SIRWCD elections and referendums. There was a concern about the timing of SIRWCD's annual election in September, as it coincides with primaries and general elections in November.

Mr. Haas noted the District's annual budget is being prepared and requested Board input.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON MARCH 18, 2010

The regular meeting of the South Indian River Water Control District was held on March 18, 2010, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Tom Rice, Michael Danchuk and Bob Berman. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Eight landowners were present.

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

Mr. Powell stated the following items are included in the consent agenda: minutes from January 21, 2010, monthly disbursements as presented by the treasurer, a formal amendment to the 2009 budget reflecting past actions, a resolution revising drainage district codes for the Property Appraiser, and three proclamations declaring May 17, 2010 as Wild and Scenic Loxahatchee River Day, the week of May 10th as River Refuge Week, and April as Water Conservation Month. The Board unanimously agreed to approve the consent agenda.

The public information report was presented by Ms. DeNinno. News releases were sent out to the local newspapers and community publications. Information regarding Family Day was distributed to The Jupiter Farmer and Palm Beach Country Estates newsletter. The March newsletter was sent out and the website was updated. Ms. DeNinno

reported on the March 13th Family Day which included 17 exhibitors and approximately 650 attendees.

Mr. Haas presented the treasurer's report. He noted that the format of the monthly financial report has been revised to make it more readable on the District's website.

Mr. English presented the general manager's report. He reported that the Canal 2 right-of-way is being used by vehicles as a short-cut to a paved road, and the landowners on 133rd are requesting placement of a gate to prevent this. Mr. Beane was concerned about the danger of vehicles driving on a canal bank, the disturbance to landowners, and the violation of District policy; he recommended placement of a gate. Mr. Rice was concerned about the liability issue. Mr. Berman was also in favor of placing a gate after first notifying the affected landowners. Mr. Powell was concerned that a gate would be torn down in a short period of time. He suggested digging a trench or ditch to make the area impassable for trucks and cars. After a period of time, the ditch could be filled in and a gate placed. Mr. Danchuk made a motion to send a notice to the affected landowners, post signs and re-address the situation at the next Board meeting. After a brief discussion, Mr. Danchuk amended his motion to send a 30-day notice to the affected landowners and authorize placement of a gate or other corrective obstruction after 30 days. The motion was seconded and carried unanimously.

Mr. Lindahl presented the engineer's report. OGEM was placed on 158th, 152nd and Rocky Pines. The final construction cost is approximately \$390,000. The referendum for 187th and 129th was mailed out but the Supervisor of Elections returned the referendum. Mr. Capko stated that the Supervisor of Elections has instituted a policy requiring an interlocal agreement with any municipality or special district before undertaking any activity related to counting ballots or running an election. Mr. Powell felt that the returned ballots are now tainted and the referendum should be re-done; the Board agreed. Mr. Beane made a motion to re-do the referendum. Mr. Rice seconded the motion and it carried unanimously. Mr. Rice stated the affected landowners should be informed of what has happened as a result of a decision made by the Supervisor of Elections; the Board unanimously agreed that a letter from the Chairman will precede the distribution of ballots.

Mr. Lindahl reported that the proposed 16th Plan of Improvements includes 9.2 miles of asphalt in Palm Beach Country Estates and 1.8 miles of OGEM in Jupiter Farms. Two additional petitions have been received, one for asphalt and one for OGEM, both in PBCE. Although the cut-off date has passed, these two petitions could easily be added into the cost estimates. Mr. Haas noted the addition of these petitions would have no adverse impact on financing. After further discussion, Mr. Rice made a motion to include the two additional petitions in the 16th Plan. Mr. Berman seconded the motion and it carried unanimously.

Mr. Lindahl reported on a recent EPA meeting regarding the proposed water quality standards for the State of Florida. The majority of the concerns expressed included how the criteria is being developed, how it is applied to south Florida canals, the lack of authority for special districts to regulate water quality, and the impact to reclaimed water systems and storm water treatment systems. The comment period has been extended to April 28th. Mr. Lindahl is continuing to monitor this issue. Mr. Powell noted that, under Chapter 298, SIRWCD will be responsible for assessing landowners for meeting the new water quality standards. He was quite concerned about the financial impact on the District landowners.

Mr. Lindahl reported that FEMA's current flood plain re-mapping does not apply to our area. The current FEMA maps for the District were prepared in 1982, prior to structures and canals being put in place. To adjust those maps, a letter of map revision is required. FEMA needs to be provided with all information that proves there is flood protection, certified by the engineer. Mr. Lindahl will prepare a report outlining exactly what will be required.

Mr. Powell inquired about the G-160 structure, specifically the south berm along 150th. Mr. Lindahl stated there was a meeting today but an updated report is not ready yet.

Mr. Capko presented the attorney's report. He presented an agreement between SIRWCD and Supervisor of Elections regarding conducting elections and referendums. It requires SIRWCD to provide a detailed explanation of

the procedures that the District is undertaking. It also requires SIRWCD to pay the costs that are solely required for the District. Mr. Berman noted the agreement provides for a charge to review ballots after an election. Mr. Capko stated that the Supervisor of Elections will return the ballots to the District after the seven-day review period post-election; the ballots can then be reviewed in the District's office. Mr. Danchuk made a motion to adopt the proposed agreement. Mr. Beane seconded the motion and it carried unanimously.

Mr. Capko also re-presented an agreement between Robert and Joanne Berman and SIRWCD regarding the community park property in Palm Beach Country Estates which provides for capital improvements and maintenance. This was originally presented at the last meeting but action was tabled. Mr. Beane made a motion to approve the agreement. Mr. Rice seconded the motion and it carried unanimously.

Mr. Danchuk stated there was landowner interest in putting a small boat ramp off of 154th going into the C-18. He questioned if this could be incorporated as part of the park. Mr. Capko stated that property does not belong to the District but to SFWMD.

Lisa Grosso, landowner on 187th Place North, was concerned that the petition for paving 187th Place will now be voted on three times, each time using a different process. Landowners are not clear on the proper petition and referendum procedures. She also noted that funds for paving have been held since November and asked when this will be returned to the landowners. Mr. Haas explained that this road was originally part of the 15th Plan of Improvements and the landowners were so assessed. He recommended that these funds be returned since this road is now part of another program. Mr. Rice made a motion approving this refund. Mr. Beane seconded the motion and it carried unanimously. Mr. Rice stated that the procedures for requesting paving are on the District's website. Mr. Powell explained that the Board follows Chapter 298 and the Special Acts; the definition of the benefited area comes from the engineer. In this case, there was an engineering decision made to not pave a road that does not connect to another paved road. Another referendum was conducted in which the benefited area was redefined with the road connecting to another paved road.

Mr. Lak, landowner on 127th Drive, was concerned because his street does not want to be combined with 187th Drive; they do not want paving. He was also concerned that the corner property at 127th and 187th could vote on paving for both streets but would only have to pay for one. Mr. Powell again stressed that the Board is acting in accordance with the law. If a road gets paved, it is because the majority of landowners in the benefited area have voted to have it done. All road paving starts with a landowner-initiated petition. The Board only responds to the petitions received from the landowners. Mr. Capko explained that a petition signed by 51% of the landowners affected met all the legal requirements for proceeding with paving without a formal vote. However, the Board felt this may be unfair to some of the landowners and decided to go forward with a formal referendum so all of the residents on both streets would have an opportunity to vote. Mr. Danchuk provided a lengthy explanation of the process, noting that including or excluding certain roads is not a decision made by the Board or the District's engineer.

Mr. Steve Hinkle, landowner, questioned if the Sheriff's Office could post a "no trespassing" sign for the Canal 2 right-of-way, with violators being subject to ticketing. He also asked if SIRWCD is addressing anything in the state legislature. Mr. Capko stated there are no bills or amendments to the Special Act sponsored by the District, although there is special district legislation that is being monitored. Mr. Hinkle also asked if SFWMD's recent purchase of the U.S. Sugar property could affect funding for SIRWCD projects. The Board noted there are no projects at this time that would be affected. Mr. Hinkle expressed concern that the Board is not being consistent with honoring the cut-off dates for accepting landowner petitions.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JANUARY 21, 2010

The regular meeting of the South Indian River Water Control District was held on January 21, 2010, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Tom Rice, Michael Danchuk and Bob Berman. Also present were Len E. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Two landowners were present.

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

Mr. Tom Rice was sworn in for a three-year term as Supervisor.

Mr. Powell stated that the time allotted to landowner comments during the regular monthly Board meetings needs to be limited in the future. He also discussed landowner requests to modify the agenda format to include more detailed information. After a brief discussion, the Board agreed that staff reports or report outlines will be posted on the website prior to each meeting, giving landowners a preview of what will be discussed at that monthly meeting. Staff was asked to provide their information to Ms. DeNinno one week before each meeting.

Mr. Powell requested approval of the minutes of November 19, 2009, and approval of the monthly disbursements. Mr. Danchuk made a motion to approve both items. Mr. Berman 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. The December newsletter was sent out and the website was updated. Updated published information regarding EPA nutrient water quality standards was provided to the Board. Mr. Capko noted his office will be attending the EPA public hearings in February.

Mr. Haas presented the treasurer's report which stated 77% of the District's assessments have been received to date. Work is continuing on the audit for the fiscal year ending September 30, 2009.

Mr. English presented the general manager's report. Cleanup was begun in the Margaret Berman Park. Funds were received from the Palm Beach County School District for assessments. North Florida Emulsions completed the OGEM surfacing on Rocky Pines, 152nd St. North and 158th St. North. Fill material was transferred from SR706 to rip rap installations in Jupiter Farms and Palm Beach Country Estates.

The engineer's report was presented. The referendum for 187th and 129th was mailed in December and responses are due in the Supervisor of Elections Office by January 22, 2010. The contractor began work on the other roads which are now substantially complete.

Petitions for OGEM and asphalt in Jupiter Farms and Palm Beach Country Estates have been received; 8.8 miles have requested asphalt and 2.2 miles have requested OGEM. Mr. Lindahl recommended setting a cut-off date for receipt of future petitions for this project. Mr. Danchuk stated a petition is expected for 75th Ave. in PBCE but he was not aware of any other pending petitions. Mr. Beane made a motion to set the cut-off date for 1/31/10. Mr. Rice seconded the motion and it carried unanimously. Mr. Danchuk made a motion authorizing and instructing the staff to take all steps necessary to proceed with the referendums. Mr. Berman seconded the motion and it carried unanimously. Mr. Berman made a motion to set 12/31/10 as the next cut-off date for receiving petitions. Mr. Danchuk seconded the motion and it carried unanimously. The Board noted it is not requesting petitions; this is only a procedural action.

It was reported that the next NPDES meeting is scheduled for 1/20/10, after which there is a 60-day review period for comments. The engineer continues to work with Palm Beach County regarding the Hatcher-Indiantown joint

venture property.

Communications continue with SFWMD regarding the G-160 structure. Mr. Lindahl stated that the monitoring wells will give an indication of where the seepage and saturation lines come through and determine the stability of the levy. A dike will be needed since there will be water stacked on the south side. Core samples will be taken as the analysis progresses. Mr. Lindahl confirmed that the District has made SFWMD aware of its concerns.

Mr. Capko presented the attorney's report. He presented a revised agreement regarding the park property in Palm Beach Country Estates, which provides for capital improvements and maintenance. He recommended Board approval of the agreement. Mr. Berman, as grantor in the agreement, confirmed his approval and consent. Mr. Beane stated he did not have sufficient time to review the revised agreement. Since there was no urgency, the Board agreed to table this item until the next meeting.

Mr. Capko reported on recent communications with the Supervisor of Elections. He noted there has been no confirmation as to how the current referendum will be handled; an agreement for additional cost sharing from SIRWCD may be required.

Mr. Rice raised the question of whether to continue with the annual Family Day considering the current economic situation. Ms. DeNinno noted that this event helps the District meet its NPDES educational criteria. She presented a breakdown of the 2009 costs which were approximately \$1.63/landowner. After a brief discussion, the Board agreed there are sufficient positive benefits to continue with the event.

Mr. Danchuk questioned if the District can do anything to encourage FEMA to update the flood maps which govern flood insurance requirements. Mr. Lindahl noted the FEMA maps are inadequate, an opinion supported by the County and other municipalities. He agreed to obtain further information on this issue before the next meeting. Mr. Berman noted that the maps were never updated after the District's 7th Plan, which should have eliminated the need for flood insurance.

Mr. Ron Steedly, landowner, presented a letter of appreciation to the Board, which is attached to these minutes.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON NOVEMBER 19, 2009

The regular meeting of the South Indian River Water Control District was held on November 19, 2009, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Michael Danchuk and Bob Berman. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately 20 landowners were present.

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

Mr. Berman made a motion to accept the election results from the Supervisor of Elections Office which certified that Tom Rice and Dave Beane were re-elected to the Board. Mr. Danchuk seconded the motion and it carried unanimously. Mr. Beane was then sworn in for a three-year term as Supervisor. Mr. Rice was absent and will be sworn in at the next meeting.

Mr. Beane then made a motion to retain the current officers: Tom Powell as President, Tom Rice as Vice-President,

and Jane Woodard as secretary. Mr. Berman seconded the motion and it carried unanimously. The Board unanimously agreed to keep the current committee appointments: Tom Rice as chairman for the communications and public relations committee, Dave Beane as chairman for the policies and procedures committee, Tom Powell as chairman for the budget committee, and Bob Berman as chairman for parks and recreation.

Mr. Powell asked if there were any corrections or additions to the minutes of August 20, September 10 and September 17, 2009. Mr. Danchuk noted his name was omitted from attendance in the August 20th minutes. There were no other corrections and these minutes were approved.

Mr. Berman made a motion for the Board to reconsider his previous motion which passed on August 20th authorizing and instructing the staff to proceed with obtaining legislative authority to construct potable water and sewer services for the area west of C-18 canal. Mr. Beane seconded the motion. Mr. Danchuk noted that residents in the Jupiter Farms area had a negative reaction to the Board's action. Since the authority is not needed right now, he felt the previous motion should be rescinded. Mr. Beane also noted that residents have communicated to him that they do not want the Board to proceed at this time. Mr. Powell believed there are landowners interested in water and sewer services. He reported that at a recent meeting with ENCON it was noted they can bring in pipes for potable water without a referendum. He also reported that Palm Beach County has an agenda to eventually get water and sewer for all the western lands, which also can be done without a referendum. It was Mr. Powell's opinion that if the authority is included in the District's Special Act, the landowners could have a referendum giving them the opportunity to vote and voice their opinion; it would provide a level of protection to the landowners. As it is now, the County or ENCON can impose their authority without a vote by the landowners. After further discussion, the Board voted unanimously to reconsider Mr. Berman's previous motion.

Mr. Beane made a motion to rescind the direction to the staff to pursue legislation which would give SIRWCD the authority to install water and sewer services in Jupiter Farms. Mr. Danchuk seconded the motion and it carried unanimously. Mr. Berman commented that communications he received from the landowners were in favor of the District having this authority, which was the reason for his original motion. Based on current comments, Mr. Berman agreed the Board does not need to pursue this issue at this time.

Mr. Powell opened the floor to discussion of the road improvement program on the west side. He explained that the referendum for 129th passed but 187th failed. The engineer recommended that 129th not be paved as it does not connect with an existing paved road. Subsequently, in compliance with the Florida Statutes, a petition was submitted by a majority of all the parcels in a revised benefited area that included both 129th and 187th. Under Florida Statutes, all legal requirements were met and that became the authority for the Board to proceed and levy assessments. Mr. Powell noted that landowners on 187th are now objecting. Mr. Beane was concerned that the second election was only by petition with no notification or ballots. He stated that although it was legal, he did not believe it was fair and open. It was Mr. Beane's opinion that these programs should only be conducted by referendum, not petition. Mr. Powell pointed out that the Board has approved road paving projects in the past by similar petitions as provided under the law. Mr. Capko explained that under the District's Special Act, 25% of the affected landowners must show support for a project, e.g. by petition. The engineer then prepares a report as to feasibility. A referendum is then conducted and passes by a majority of those voting. A second method states that a petition from 51% of the parcels to be assessed will satisfy each of the requirements of the referendum process. Mr. Capko further explained that in this instance, the proponents for paving submitted a petition from 51% of the parcels. Under the Special Act, they were not legally required to notify all the landowners. Mr. Danchuk commented that the decision ultimately rests with the Board. Mr. Powell stated that the Board followed the same process as in the past, consistent with SIRWCD policies and the Statutes. If the Board does not like this process, the policy should be changed. It was Mr. Beane's opinion that the Board should change the policy and require a referendum for every project. Mr. Danchuk was not in favor of changing the current process and stated the Board should continue to review each individual situation. Mr. Berman commented that the petition process becomes skewed by the method of solicitation. Although the referendum process is more open, it can be passed by only a majority of those actually voting. Following several landowner comments and further Board discussion regarding this road improvement issue, Mr. Beane made a motion to not proceed with the paving of 129th and 187th under

the petition process, but to authorize and instruct the staff to proceed with preparing a referendum for the same area. Mr. Berman seconded the motion. Mr. Lindahl reiterated that his original recommendation to not proceed with paving 129th, although the referendum passed, was based on the fact that it would not be connected to another paved road. He noted that the landowners took it upon themselves to submit a petition which included 187th, giving 129th the necessary connection. After further discussion, the motion carried unanimously.

The public information report was presented by Ms. DeNinno. News releases were sent out to the local newspapers. The winter newsletter is in production and will include annual reports, election results, roadway petitions and EPA pollution limits. The website has been updated.

Mr. Haas presented the treasurer's report. He recommended approval of the monthly disbursements. Mr. Danchuk made a motion to approve these disbursements. Mr. Berman seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He reported that four canal culverts were installed in Section 33 and two new John Deere tractors were received. He requested that several items be declared as surplus. Mr. Berman made a motion declaring the items as surplus and removing them from inventory. Mr. Beane seconded the motion and it carried unanimously.

Mr. Lindahl presented the engineer's report. He stated a landowner has requested an explanation of charges for improvements on 158th. The property is on the east side of 133rd, a paved road, and the north side of 158th, to which there is no access. As part of the entire community, this property was assessed for the paving of 133rd and is now being assessed for 158th. Mr. Len E. Lindahl noted that in the past the collector roads were paid for by all the landowners in the community. Roads that are paved by landowner-initiated petitions are considered local roads with a different method of assessment. If a property is at the corner of a collector road and a local road, it is assessed; if it is at the corner of two local roads, there is no additional assessment. He also noted this is the same policy that the County uses. Mr. Danchuk questioned if there is a way to reduce her share of the assessment. Mr. Capko explained this would require amending the Plan of Improvements.

Mr. Capko presented the attorney's report. He presented a draft of an agreement regarding the park property in Palm Beach Country Estates that has been conveyed by Mr. Berman to the District. It provides for the construction of improvements and maintenance. He requested input from the Board prior to the next meeting. Mr. Capko then reported on a meeting with the Supervisor of Elections regarding her willingness to conduct future elections for SIRWCD. He noted that under the District's Special Act, the Supervisor of Elections is required to tabulate the ballots. Mr. Capko recommended an amendment to the Special Act that provides for the ability of the District to have an independent third party handle the ballots. Mr. Powell stated the existing law should be followed and the Supervisor of Elections should do the job as required; Mr. Beane and Mr. Berman agreed. The Board unanimously agreed that if there is no willingness to tabulate ballots, the District is prepared to litigate.

Mr. Lindahl noted that the total estimated cost for the 15th Plan, including 129th and 187th, was \$638,000. North Florida Emulsions has estimated the cost at \$493,000. The pro rata share for 129th and 187th needs to be removed prior to executing a contract. Mr. Beane made a motion to proceed with the construction of Rocky Pines, 152nd and 158th, and execute the contract. Mr. Berman seconded the motion and it carried unanimously.

Mr. Berman suggested that the monthly staff reports and agenda be posted to the website prior to the meeting so the landowners are aware of what will be discussed.

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

The regular meeting of the South Indian River Water Control District was held on September 17, 2009, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Rice, Dave Beane, Bob Berman and Michael Danchuk. Also present were Len J. Lindahl, engineer; Charles Haas, treasurer; William Capko, attorney; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately 25 landowners were also present.

Mr. Rice called the meeting to order. He noted that a summary of the approved 2009-2010 budget is available at this meeting, and the entire budget can be inspected at the District office. Mr. English offered the invocation, and the Pledge of Allegiance to the flag was given.

The secretary confirmed there was a quorum present for purposes of conducting a meeting. Mr. Berman presented a copy of the Warranty Deed conveying the community park in Palm Beach Country Estates to the District. He thanked the cooperative efforts of the Donald Ross Landowners Association and the Twisty Pines Playground Foundation. Ms. Chris Rinehart, vice-president of the Twisty Pines Playground Foundation, explained the Foundation is the charitable organization that raised funds for developing the park. She thanked Mr. Berman for his generous donation of 2.4 acres for the park, and SIRWCD for agreeing to take ownership of the park. She also thanked all the volunteers who worked on this project. She presented a check to SIRWCD to cover the cost of transferring the deed.

Mr. Rice presented a form to the landowners who are attending this meeting to complete, stating their position regarding a request to the Florida legislature which would allow landowners in Jupiter Farms to have the right to have potable water services for their property. He noted this form will be made a part of the minutes of the annual landowners' meeting.

Mr. Haas presented the treasurer's report and recommended Board approval of the monthly expenditures. Mr. Berman made a motion approving these disbursements. Mr. Danchuk seconded the motion and it carried unanimously.

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

MINUTES OF THE SPECIAL MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON SEPTEMBER 10, 2009

A special meeting of the South Indian River Water Control District was held on September 10, 2009, at 5:00 p.m. at the District Office, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Tom Rice, Bob Berman and Michael Danchuk. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Donna DeNinno, public information; and Jane Woodard, secretary. Several landowners were present.

Mr. Rice called the meeting to order and the Pledge of Allegiance to the flag was given. Mr. Rice stated the purpose of this meeting is to discuss the 2009-2010 budget.

Mr. Haas stated this is the public hearing for the budget, which has already been reviewed by the Board. He distributed a handout with a summary of information. He reported that the total assessments for ongoing programs will be decreased from \$5,162,000 to \$5,092,000. The total budget, including new programs, is \$5,327,000. Mr. Haas went over the breakdown of assessments including the east and west side water control and road maintenance. The breakdown of proposed expenditures includes 53% to debt service, 15% to personnel, 25% to operating expenses, 6% to capital outlay and 1% to reserves. Mr. Haas went over the typical assessments for parcels within the District, noting that most parcels will be receiving a decrease in assessments, with the exception of those parcels that have no road maintenance.

Mr. Danchuk suggested that the pie chart prepared by Mr. Haas showing the breakdown of expenditures be placed on the website and in the next newsletter and be available at the annual landowners' meeting.

Ms. Lois Taylor, representing Jupiter Farms residents, requested extra copies for their homeowners' meeting tonight. Mr. Haas clarified that the budget for the 2006 water distribution system is the debt service to pay for the construction of the lines, i.e., the infrastructure. Mr. Haas also clarified that the assessment for landowners on Rocky Pines changed to include \$900 for the road improvement program. He noted those landowners will have the option to prepay this assessment.

There were no other landowner questions or comments from the Board and staff, and the public hearing for the 2009-2010 budget was closed. Mr. Capko presented the resolution for the adoption of the budget and levying of the assessments. Mr. Berman made a motion approving the resolution. Mr. Danchuk seconded the motion and it carried unanimously.

Ms. Lois Taylor, landowner, requested a copy of the motion made at the August 20th Board meeting regarding the authority to bring water and sewer services to the Jupiter Farms area. Mr. Berman stated his motion was to expand the authority that the District currently has for the area east of the C-18 to the rest of the District. Mr. Rice commented that the possibility of this happening is almost nil due to the cost involved. However, there is no mechanism in place in the event something would have to be done in the Jupiter Farms area. Mr. Rice further commented that he supported the motion which was to obtain "the right" to have SIRWCD act to facilitate water and sewer, only if the landowners petitioned and approved it by a majority vote. Mr. Capko stated this should not be a controversial issue because it is not mandating the imposition of water and sewer services, only removing one barrier in the event the residents request those services in the future. Mr. Berman noted that in Palm Beach Country Estates, a major factor has been fire protection (i.e., fire hydrants) which resulted in a decrease in insurance costs for about 95% of the residents. He stated he has had inquiries from residents in Jupiter Farms regarding getting potable water services. Ms. Taylor asked if it would be all or nothing if such a referendum passed. Mr. Berman stated that the implementation would be whatever the landowners request, and cost would certainly be a factor. Mr. Danchuk reiterated that if the landowners don't request potable water services, it won't happen.

Mr. Rice stated there is a much more serious issue facing the landowners, which is mandated standards for any manmade body of water, including all the canals in the District. If the standards are set so high that they can't be met, it will become a major cost factor for the landowners. He stated he would like to see the Jupiter Farmer and others address this issue.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JUNE 18, 2009

AUGUST 20, 2009 The regular meeting of the South Indian River Water Control District was held on August 20, 2009, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Tom Rice, Michael Danchuk and Bob Berman. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Laura Bender, public information; and Jane Woodard, secretary. Several landowners were present.

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

Mr. Powell introduced Lt. James Barrett from the Jupiter Police Department. Lt. Barrett stated he is district

commander for District 2, the area south of Indian Creek Parkway and west of Alt. A-1-A, including Egret Landing. He reported there is a problem with trespassers on the ponds within Egret Landing and requested authority to enforce Florida's trespass laws. This authority would allow an officer to warn trespassers and ultimately make an arrest if the warning is not heeded. He noted that SIRWCD has given similar authority for the Palm Beach County Sheriff to enforce prohibition of ATVs on works of the District. Mr. Powell noted that the Board can act to protect the works of the District or if there is a public health and safety issue. He questioned who actually owns this land and the extent of SIRWCD's easement. Lt. Barrett stated they look at this as a public safety issue. Ms. Lisa Moreland from Bristol Management, the property managers for Egret Landing, stated that the HOA had concerns about trespass issues and requested that the Jupiter Police Department be contacted. Lt. Barrett confirmed he has a trespass authorization from the HOA for all the common property. After further discussion, Mr. Rice made a motion directing the attorney to research the ownership issue and draft a letter of authority. Mr. Berman seconded the motion and it carried unanimously.

Ms. Lisa Moreland also reported that the District's "No Trespassing" and "No Parking" signs along the canal behind I-95 have been damaged or torn down. She suggested that these signs be replaced or a chain link fence be erected. Ms. Moreland requested that this issue be placed on a future agenda for discussion in more detail.

Mr. Powell asked if there were any corrections or additions to the minutes of June 18, 2009. There were none and the minutes were approved as submitted.

The public information report was presented by Ms. Bender. News releases were sent out to the local newspapers. The August newsletter was mailed to the landowners; it included an overview of the District's history and an update on roadway improvements in Jupiter Farms. The website has been updated.

Mr. Haas presented the treasurer's report and noted the District has received 99% of its assessments. He reported on the effects the current economic turmoil is having on securing financing for the 2008 OGEM road program and the current options. He proposed splitting the 2007 bond issue into two pieces: one that benefited the property owners of the 2007 OGEM project, and the second consisting of the extra funds that could be used to fund the 2008 OGEM program. He explained that \$638,000 is needed for the 2008 program; \$510,000 can be used from the 2007 program and \$128,000 could be borrowed from the District's reserve funds in the renewal and replacement budget at an interest rate that would be reset annually. Mr. Haas recommended the Board approve this financing proposal as he believes it is the best option available for all the landowners involved. Mr. Powell stated he was extremely impressed with this proposal. Mr. Haas commented that the landowners in the 2008 OGEM project will benefit by receiving financing at less than what was originally presented; the landowners in the 2007 project will benefit by having a debt reduction of \$510,000 resulting in reduced assessments. Mr. Danchuk made a motion to approve Mr. Haas' proposal and authorize and instruct the staff to prepare the formal documentation and take all other steps necessary to accomplish this financing proposal. Mr. Beane seconded the motion and it carried unanimously.

Mr. Haas discussed the proposed 2009-2010 budget which has an overall decrease in assessments of 2%. The maintenance fund personal services line item is increased by \$16,000. The road and equipment renewal and replacement funds have been more refined long-term. He noted there will be decreases in assessments for landowners in Palm Beach Country Estates (about \$4/parcel), in Egret Landing (about \$29/parcel) and in Jupiter Farms (about \$10/parcel). Mr. Danchuk suggested that the next newsletter reflect the fact that the District is fiscally sound and responsible. After further discussion, the Board agreed to schedule the public hearing on the proposed budget for September 10th at the District office.

Mr. Haas then recommended approval of the monthly disbursements. Mr. Rice made a motion to approve these disbursements. Mr. Beane seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He reported on several administrative and employee matters. He noted the radio tower antenna was hit by lightning and needs to be replaced. A \$1,698 rebate has been received

from Zurich Insurance for the new underground tank. The new 6430 John Deere tractor was received. Mr. English recommended extending Aquagenix's weed spraying contract for an additional year. Mr. Rice made a motion to extend this contract at the same rate and service. Mr. Berman seconded the motion and it carried unanimously.

Mr. Lindahl presented the engineer's report. He noted that SFWMD needs to sign off on the 15th Plan of Improvements and this is expected to occur next week. At that time the District can proceed with obtaining bids and selecting contractors. Mr. Lindahl reported additional petitions for asphalt and OGEM paving have been received from Palm Beach Country Estates landowners.

Mr. Lindahl noted that culverts have been reviewed in the area north of Indiantown Road. Four existing culverts need to be replaced and he will be obtaining cost estimates. Mr. Haas noted that this will be covered in next year's budget.

Mr. Lindahl again reported on the G-160 structure. SFWMD has agreed to increase the water levels upstream of G-160 incrementally and monitor that. He noted that the levy separating PBCE from the Loxahatchee Slough is not at the elevation where it should be. Mr. Powell was concerned with the difference in the elevation, now being less than the original 21 feet, as well as the life expectancy of the dike with that much of a head difference across it. Mr. Lindahl noted there will be another meeting next week to review these issues.

Mr. Lindahl discussed the water quality standards established by EPA which are then solidified and enforced by DEP. Those standards affect all of the District's canals. The east side of the District discharges downstream of S-46 and goes into the Loxahatchee River and future water quality requirements could be strict. The west side discharges into a wild and scenic state river and those requirements could be even stricter. Mr. Lindahl will be putting together information regarding what might be happening and this will be distributed to the landowners at the annual meeting. Mr. Powell commented that this water quality issue could present the greatest financial burden to the landowners in the District. Currently, Ch.298 places the burden of meeting water quality standards on SIRWCD. He also commented that the landowners need to know the downside of these standards. Mr. Danchuk commented that the EPA has very lax water quality standards and if the District can't meet those standards, he would be more concerned about the health of the landowners than the cost of meeting the standards imposed. He was opposed to a resolution proposed by the Board reflecting its opposition to a federal agency imposing water quality standards. Mr. Rice commented that the District meets the current standards but he was concerned with future standards being set so high that they can't be met. Mr. Capko commented that his associate, attorney Terry Lewis, has reported that the standards currently being discussed will be impossible to meet by any water control district in the state of Florida. Mr. Powell again stated that if standards can't be met, the cost of remediation would be devastating to the District. After further discussion regarding changing some of the verbiage in the proposed resolution, Mr. Berman made a motion to adopt the amended resolution related to the adoption of numeric water quality standards. Mr. Beane seconded the motion and it carried unanimously.

Mr. Berman suggested that the Board consider legislation to expand the District's authority to construct potable water services for the remainder of the District, including fire hydrants. He was concerned with the need to do this in advance of potential future requests from landowners, considering the length of time required to accomplish this. Mr. Rice agreed and noted this authority should include water and sewer. Mr. Berman made a motion authorizing and instructing the staff to proceed with obtaining this authority; Mr. Rice seconded the motion. Mr. Beane noted that the Board can't impose this authority without the landowners' request. After a brief discussion, the motion carried unanimously.

Mr. Berman noted the October 15th deadline for having the community park in PBCE deeded to SIRWCD.

Mr. Mike Ryan, landowner, was concerned about the 25% petition requirement for landowner-initiated projects. He suggested the Board establish a requirement of 51% of the affected landowners as the only option, which he believed would save money on going forward with referendums that may not pass. Mr. Powell noted this still has to be done under the auspices of the Supervisor of Elections and the District engineer still has to prepare a report and

cost estimates, so there is not really much of a savings. He also noted that the law currently states if landowners present a petition from 25%, the District can provide the referendum. He believed if the District doesn't do this, the landowners have been denied the right to petition. Mr. Ryan also requested that future ballots be sent by certified mail, return receipt requested, to be certain all landowners affected are properly notified. Mr. Powell responded that the percentage of people who participate in the capital project referendums is much higher than in any general election. None of the projects go forward unless a majority of the people participating in the elections vote for them. Mr. Rice noted that the Board can't make decisions based on people who don't care enough to vote. Mr. Danchuk also commented that information on every project is available through the newsletter, separate mailings and the District's website.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JUNE 18, 2009

The regular meeting of the South Indian River Water Control District was held on June 18, 2009, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Tom Rice, Bob Berman and Michael Danchuk. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Laura Bender, public information; and Jane Woodard, secretary. Eight landowners were present.

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

Mr. Powell announced that the first part of the meeting would be the second public hearing for the amended 2008 landowner-initiated roadway improvement project. Mr. Powell convened the public hearing. Mr. Lindahl briefly summarized the project. He again noted that the project consists of approximately 2.1 miles of road including 187th, 158th, 152nd and Rocky Pines. The total cost is estimated to be \$638,000 for the application of OGEM pursuant to the landowner petitions.

Mr. Powell then opened the floor to landowner questions regarding the project. Ms. Beth McGlynn, a resident on Rocky Pines Road, questioned when the referendum was held. Mr. Powell explained that the referendum for Rocky Pines was held about two years ago but a legislative problem caused a delay which was followed by a one-year waiting period. It was decided to include Rocky Pines in this project for economic purposes. Mr. Capko further explained that the legislation clarified SIRWCD's authority to perform additional improvements on roads that have been maintained for at least seven years, if requested by the landowners. Ms. McGlynn expressed her concern with speeders and safety and asked about the addition of speed bumps. Mr. Powell stated this is classified as traffic control and is therefore not part of the road improvement project. SIRWCD has no authority when it comes to traffic control measures. It was suggested that the residents contact the Sheriff's Department or Commissioner Karen Marcus regarding those concerns. Ms. McGlynn noted there are Rocky Pines residents who are now concerned about the cost of the road improvements. It was agreed that Mr. Haas will provide the cost of the Rocky Pines road improvements to the public information officer who will distribute the information in the next newsletter and post it to the District's website. A resident on 129th noted that some landowners are already initiating another petition for paving roads that did not previously pass a referendum. He inquired about the Board's policy on continuing to accept petitions on the same roads. Mr. Powell stated the Board has no established policy concerning this issue. Mr. Capko noted it is not a major expense to review landowner petitions. Mr. Powell stated it has always been the Board's policy to do projects that the majority of the landowners want.

There were no further questions from the landowners or comments from the Board and staff. The public hearing was then concluded.

Mr. Berman announced that the annexation was approved for the 20 acres on the north side of Indiantown Road. He welcomed Mr. Paul Thomas and his property to the District. Mr. Thomas thanked the Board and staff for their efforts and stated he is proud to be a part of SIRWCD.

Mr. Powell asked if there were any corrections or additions to the minutes of April 16, 2009. There were none and the minutes were approved as submitted.

The public information report was presented by Ms. Bender. News releases were sent out to the local newspapers. The June newsletter has been printed and is being mailed to the landowners; it includes information regarding replacement of the District's fuel tanks, the roadway improvement plan, hurricane preparation, wildfire prevention maintenance, the annual Landowners' Family Day and NPDES stormwater. Information regarding the end of the financing program for the potable water project has been mailed to the PBCE landowners. The website information has been updated.

Mr. Haas presented the treasurer's report. He stated an account has been opened with Regions Bank and the bank is requiring a formal resolution. Mr. Capko recommended that the Board approve this resolution and explained that it merely expresses what is involved in the banking relationship. Mr. Berman made a motion to approve the resolution; Mr. Rice seconded the motion and it carried unanimously. Mr. Haas then recommended approval of the monthly disbursements. Mr. Berman made a motion to approve these disbursements. Mr. Beane seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He reported North Florida Emulsions has completed maintenance on approximately 12 miles of OGEM roadways at a cost of \$61,067.31. Hardrives Construction Co. completed 3.4 miles of asphalt overlay on the original OGEM pilot roads at a cost of \$212,007. The District's Explorer was traded for a 2009 Ford Edge mini cross-over vehicle from Wayne Akers Ford at a cost of \$12,900. Envirospec, Inc. is preparing spill prevention control for the new underground tanks at a proposed cost of \$987.50. Repairs have been made to the District's monitoring system after lightning struck the Verizon tower. Mr. English noted there has been 14.23" of rainfall in the District in the past month.

Mr. Lindahl presented the engineer's report. He asked for Board approval of the engineer's report for the 2008 landowner-initiated road improvement project. Mr. Berman made a motion to approve and confirm the engineer's report. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Lindahl reported there have been petitions received from PBCE landowners for improvements on individual roads. He requested Board direction. Mr. Danchuk made a motion establishing the end of this year as the cut-off for bundling petitions for the next road improvement project in PBCE. Mr. Berman seconded the motion and it carried unanimously.

Mr. Lindahl again reported on the G-160 structure. SFWMD has now responded to DEP stating they will incrementally raise the water levels released into the Loxahatchee Slough. There is an upcoming meeting to see how SFWMD plans to monitor the levy in PBCE. Mr. Rice expressed concerns with retention and the efficiency of draining in the event of a storm. He was also concerned with cost sharing by the mandating agency. Mr. Lindahl stated that the impact analysis has not been fully evaluated. Mr. Berman was concerned with seepage in some areas where road elevations are only 15-16'. The Board agreed these issues need to be addressed.

Mr. Capko presented the attorney's report. He confirmed that the local bill approving the Thomas' property annexation has been signed by the Governor.

Mr. Mike Ryan, landowner, was concerned with equipment traffic from the District Work Center and asked if it could enter the neighborhood to the north in order to avoid the bike trails. Mr. English agreed to look at the feasibility of this suggestion. Mr. Ryan also requested clarification of the requirements for landowner-initiated

projects. Mr. Powell suggested reading the Special Acts legislation; Mr. Capko agreed to send him a copy.

Mr. Steve Hinkle, landowner, thanked the District for allowing horse gates along Canal #7. He asked if there is anything volunteers can do along this area. Mr. Powell suggested he meet with Mr. English regarding this offer. Mr. Hinkle also asked about the installation of sidewalks along the paved roads in Jupiter Farms. Mr. Powell noted that the District has no authority to install sidewalks. Mr. Hinkle asked who is responsible for the cost of diverting stormwater from the north side of Indiantown Road to Canal #1. Mr. Lindahl stated the applicant is responsible for this expense. Mr. Hinkle also asked about the status of the removal of exotics along Canal #7. Mr. Powell noted SIRWCD has not received any notice from the County regarding removal of exotics.

Mr. Ron Steedly, landowner on Rocky Pines, asked when paving will begin on the road. Mr. Lindahl stated it will be in three to four months.

Mr. Paul Thomas, landowner, noted there has been a lot of misinformation over the past few years about his project. He wanted to clarify that he has had historic drainage that goes east, but at his own expense his property now drains into this District so as not to interfere with the Loxahatchee River.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON APRIL 16, 2009

The regular meeting of the South Indian River Water Control District was held on April 16, 2009, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Tom Rice, Bob Berman and Michael Danchuk. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Six landowners were present.

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

Mr. Powell stated the first part of the meeting is the public hearing for the amended 2008 landowner-initiated roadway improvement project which now includes 129th Terrace and 187th Place in Section 34. Mr. Powell convened the public hearing. Mr. Lindahl briefly re-described the project and the process. He confirmed that the engineer's report for this project will include Rocky Pines. There were no landowner questions and the public hearing was concluded.

Mr. Powell asked if there were any corrections or additions to the minutes of January 15 and February 19, 2009. There were none and the minutes were approved as submitted.

The public information report was presented by Ms. DeNinno. News releases were sent out to the local newspapers. An interim newsletter is in the process of being mailed to the landowners, which will include information regarding the roadway improvement referendum results, the potable water project update and the annual Landowners' Family Day. An additional mailing regarding the potable water project financing program will be sent out in early May. The website information has been updated. Ms. DeNinno reported on the 18th annual Landowners' Family Day held on March 14th.

Mr. Haas presented the treasurer's report. He recommended approval of the monthly disbursements. Mr. Danchuk made a motion to approve these disbursements. Mr. Berman seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He reported partial payment has been received for the RV park annexation legal costs. Estimates of \$65,000-\$70,000 have been received for OGEM sealing on 13 miles of road. Work has begun replacing the underground fuel tanks at the Work Center. Mr. English attended the pre-job conference for the proposed SIRWCD Minutes 4/16/09 Page Three construction at Haynie Lane and Indiantown; the District's interest is in the culvert work to be performed at this location. Mr. Danchuk asked if there is knowledge of a governmental duck-counting project in Palm Beach Country Estates. Mr. English was unaware of such a project.

Mr. Lindahl presented the engineer's report. He reported that the referendum for the road improvement project in PBCE failed. He reported on options for Haynie Lane and recommended an asphalt overlay at a cost of \$75,000-\$100,000/mile. Mr. Lindahl noted that the Baptist Church on Haynie Lane needs a turn lane onto Indiantown Road. Their contractor has estimated an overlay of this strip to cost \$14,000. The permit requires the Church to match what is currently in place.

Mr. Lindahl presented an update regarding G-160 which was constructed by SFWMD to store water that is to be released into the Loxahatchee Slough. The District has questioned what impact there will be to its system due to raising the water level. The DEP recently mandated that SFWMD monitor and operate the levy in PBCE. SFWMD has not yet responded to the DEP regarding this issue. Mr. Lindahl noted that downstream of the structure there could be increased seepage into the District's canal and the potential for damage to the levy. He stated that although the analysis of the impact to the District is not yet complete, he recommended addressing the District's concerns in a letter to the DEP. Mr. Capko concurred with the importance of having a traceable record of the District's concerns. Mr. Lindahl stated he will get cost estimates for seepage monitors. The Board unanimously agreed to authorize and instruct the engineer to write a letter to DEP.

Mr. Capko presented the attorney's report. He reported on the positive progress of the bill regarding the Thomas annexation and the bill regarding contract "piggybacking". Mr. Capko stated the required notices have been prepared for the next public hearing on the 2008 roadway improvement project. He asked for confirmation of the date and place. The Board agreed to schedule the public hearing for the regular June meeting.

Mr. Danchuk reported on landowner calls he received regarding the road improvement referendum. He expressed his regret that this referendum was presented as a community project rather than a street-by-street project. He presented a map displaying which roads would have been approved for paving if the referendum had been presented that way. He also noted those areas in PBCE that were strongly against paving. Mr. Powell noted there were enough petitions from at least 25% of the landowners on each street to justify a community-wide project. Mr. Berman also felt the community-wide referendum was justified based on the petitions received from landowners. He suggested that in the future the petition requirement should be 50%. He also suggested asking the staff to estimate the cost for paving those streets which would have passed the referendum. Mr. Powell believed the timing was not good for a capital project due to the current economy. Mr. Rice suggested re-establishing the policy for future petitions. It was Mr. Berman's opinion that it is a misrepresentation to include only the annual assessment and not the lump-sum per-unit cost. He also noted that the District cannot favorably finance a project on a single street basis. Mr. Ken Trapasso, landowner on 154th, noted that the petitions were brought in according to the Board's rules. He questioned the engineer's determination of which landowners would be assessed. He was not in favor of the District holding the petitions indefinitely and changing the 25% requirement. The Board confirmed that any requirement changes would be for future projects. Mr. Powell clarified that the 25% requirement is the minimum set by state law. The Board agreed to continue accepting petitions and re-address this project later in the year.

Mr. Berman presented an update on the community park in PBCE. The rezoning application was recommended for approval with certain conditions, one of which was that a 500' gap between the end of the paving on 69th Drive and the northern exit of the proposed parking area be paved to County standards with full drainage and sidewalk. The Zoning Commission has agreed to forward the application to the County Commissioners with a recommendation for approval and the deletion of that condition. The estimated cost of that condition is \$225,000. The estimated budget for the completion of the basic improvements for the park is \$125,000. The current plan is to

deliver the property and funds for completion of the improvements to SIRWCD in six to eight months.

Ms. Lois Taylor, landowner, commented that the Board was possibly not aware that the Jupiter Farms residents appealed the County's approval of the Jupiter RV Park because of environmental reasons. Mr. Beane noted that is a zoning issue and the Board does not address zoning issues.

Another landowner in PBCE questioned if there is 51% approval required on petitions, would this eliminate the need for a referendum. He was also concerned that the requirement is based on the number of landowners voting, not the number of affected landowners. Mr. Powell stated this can be done if it is under the auspices of the Supervisor of Elections and as specified by F.S. 298. All voting rules are governed by state law and are not established by the District.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON FEBRUARY 19, 2009

The regular meeting of the South Indian River Water Control District was held on February 19, 2009, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Tom Rice, Bob Berman and Michael Danchuk. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Eleven landowners were present.

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

Mr. Powell stated the first part of the meeting is the public hearing for the proposed 2008 landowner-initiated roadway improvement project. Mr. Powell convened the public hearing. Mr. Lindahl described the project, stating it consists of the application of OGEM on 158th & 152nd in Jupiter Farms for a total of 0.7 mile and on Rocky Pines for a total of 1+ miles. Mr. Craig Culligan, landowner, questioned if the initial estimate of \$755 for 152nd will be affected by the addition of Rocky Pines to the project. Mr. Lindahl stated this can only be determined when bids are obtained; costs for OGEM have been fluctuating recently.

Mr. Capko noted that after the engineer's report is filed, a second public hearing will be scheduled and then bids will be obtained. Mr. Powell noted there is a re-vote being conducted for 129th, with a redefinition of the benefited area, and that road may be added to this project. There were no other landowner questions and the public hearing was concluded.

Mr. Powell asked if there were any corrections or additions to the minutes of January 15, 2009. Mr. Powell questioned the terminology regarding backflow valve requirements and Mr. Lindahl confirmed these terms were correct. Mr. Powell noted corrections pertaining to the discussion of culvert replacements. The Board agreed to defer approval of the corrected minutes to the next meeting.

The public information report was presented by Ms. DeNinno. News releases were sent out to the local newspapers. The February newsletter is in the process of being mailed to the landowners. The website information has been updated and the overall design is also being updated. Work continues on the 18th annual Landowners' Family Day.

Mr. Haas presented the treasurer's report. He recommended approval of the monthly disbursements. Mr. Berman made a motion to approve these disbursements. Mr. Rice seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He reported the County is installing sidewalks at 155th and 169th in Palm Beach Country Estates. The list of landowners has been delivered to the Supervisor of Elections office for the counting of ballots. Funds have been received from the County for road maintenance and from Jupiter for the potable water project. Mr. Paul Thomas has been contacted regarding payment to SIRWCD for the legislative costs of annexation; he is waiting for financing. The County has completed culvert installation on Randolph Siding at the park entrance.

Mr. Lindahl presented the engineer's report. He reported that DEP hosted a workshop regarding the backflow protection requirements. There was discussion at the workshop regarding potential hookup vs. actual physical hookup. As previously reported, a dual check device remains the least expensive, a double check valve is more expensive (in the \$400 range), and an RP is the most expensive (in the \$600 range) and also requires annual testing. DEP has suspended enforcement until a final ruling is made.

Mr. Lindahl reported he attended an informational meeting for the POA in Palm Beach Country Estates regarding the road improvement referendum.

Mr. Lindahl's staff continues to evaluate options for the Haynie Lane overlay.

Mr. Lindahl reported on the G-160 structure in the Loxahatchee Slough. The Florida DEP has informed SFWMD of the need to monitor and increase the water levels by June 1st. Mr. Lindahl is concerned about what water levels the DEP wants to achieve. He noted this could impact the Palm Beach Country Estates levy. He will follow up on this matter and keep the Board informed.

Mr. Capko presented the attorney's report. He presented a Resolution for Plan Amendment and Engineer's Report for the 2008 road improvement project discussed during the public hearing at the beginning of this meeting. Mr. Berman made a motion to approve the resolution; Mr. Rice seconded the motion and it carried unanimously.

Mr. Capko reported on the amendment to the District's Special Act to accommodate the Thomas annexation. The Bill has been filed by Representative Domino and is H.B.743. The other bill regarding contract "piggybacking" was filed by Representative Pafford and is H.B.247.

Mr. Capko confirmed that the Rocky Pines paving project did not previously go through the entire plan amendment process and that is why it is now being included in the current 2008 road improvement project. A filing for the Circuit Court will be prepared pursuant to the change in the District's Special Act. He noted July 1st will be the deadline for objections.

Mr. Berman reported on the progress of the community park in PBCE. An application was made for site plan approval. The County's staff suggested rezoning the property to public ownership which would have no setback requirements, and the County agreed to switch the application. He is now continuing with the site plan review and approval process. One of the conditions is that the land needs to be owned by the public, i.e. SIRWCD. An agreement is being prepared providing for SIRWCD to accept the property which will be maintained as a park.

Mr. Powell opened the floor to discussion by the landowners regarding the road improvement referendum in PBCE. He explained the delay, stating that the Board had decided to postpone this project until after the potable water project was completed and because paving expenses were continuing to increase. The potable water project has now been completed and paving expenses have decreased significantly. The Board determined this would be the best time to act on the landowner petitions in terms of expense. Mr. Mike Ryan, landowner, noted that most of the petitions were signed in 2005 when the economy was better. He believes that now the majority of those landowners no longer want or can't afford the project. He also noted a discrepancy in the voting requirements posted on the District's website. Mr. Powell explained that Florida Statutes govern the voting process; a majority of the votes cast decides the outcome. Mr. Capko confirmed that the voting process has always been based on the

actual votes cast. Mr. Rice stated he would have the website checked regarding the information pertaining to the road paving requirements. Ms. Mimi McCanthreys, landowners, questioned when the paving project changed from a street-by-street project to an entire community project. Mr. Berman explained that all other capital projects in PBCE have been community-wide. He did not believe there was ever a street-by-street project in PBCE. Petitions were received throughout the community from 25% of the landowners on every single dirt road in PBCE. Mr. Danchuk disagreed, believing 143rd, 145th, 67th, 68th and 65th landowners were all voting street-by-street. Mr. Danchuk questioned the outcome if no one on a particular street wants paving but a community-wide referendum passes. Mr. Capko stated the Board will ultimately make a decision at that time. A landowner in PBCE asked for clarification of the estimated assessment of \$1200 for 20 years, and the Board confirmed that estimate. A landowner in Jupiter Farms was concerned with the use of OGEM, preferring asphalt, as well as the necessity of sidewalks along paved roads, especially in the location of the elementary school.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JANUARY 15, 2008

The regular meeting of the South Indian River Water Control District was held on January 15, 2009, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Tom Rice, Bob Berman and Michael Danchuk. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Three landowners were present.

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

Mr. Powell asked if there were any corrections or additions to the minutes of October 16, 2008. There were none and the minutes were approved as submitted.

The public information report was presented by Ms. DeNinno. News releases were sent out to the local newspapers. The December newsletter has been sent out and the website has been updated. A second informational postcard regarding the backflow prevention valve requirement has been mailed to all PBCE landowners. Research is being conducted for public education information. Preliminary work has begun on the 18th annual Landowners' Family Day.

Mr. Haas presented the treasurer's report. He requested authority to proceed with moving the District's investments from Wachovia to other major banks that can offer a better return. He noted there is currently no issue of safety with Wachovia. Mr. Rice made a motion approving Mr. Haas' request. Mr. Danchuk seconded the motion and it carried unanimously. Mr. Haas then recommended approval of the monthly disbursements. Mr. Danchuk made a motion to approve these disbursements. Mr. Rice seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He reported a letter of agreement was sent to DERM allowing a horse gate passage at S.R.706 and C-12. He commented on several personnel problems and the employees' Christmas breakfast. Mr. English confirmed that a letter was sent regarding the Board's position on the Unity Church swale issue.

Mr. Lindahl presented the engineer's report. He reported that DEP issued a memorandum regarding the backflow valve requirement. The proposed rule requires installation of a reduced pressure principle assembly, a double check valve assembly, or a dual check device. DEP will begin the formal process of amending the current rule in February.

Mr. Lindahl discussed the OGEM referendums which passed for roads on 129th, 158th and 152nd, approximately 1.1 miles. He noted, however, that only two of these roads connect to other paved roads; the third road connects only to other dirt roads. He stated the next step is preparation of a Plan of Improvements and he requested Board authority for the staff to proceed. After further discussion, Mr. Beane made a motion authorizing and instructing the staff to take all steps necessary to proceed with the paving of the two roads which connect to other paved roads. Mr. Berman seconded the motion and it carried unanimously. Landowners on the third road will be notified of the Board's decision.

Mr. Lindahl discussed the referendum being prepared for the Palm Beach Country Estates road paving project. He proposed one referendum for County-standard roads on all currently unpaved roads in PBCE. Landowners who are already on paved roads are excluded from the benefited area. The total number of lots would then be 1,269; the total mileage 34; and the total estimated cost \$15,300,000, i.e. \$450,000/mile and \$1,220/parcel when financed over 20 years. Mr. Haas reported that underwriting firms now require funding of a reserve account which increases the amount of the bond and shortens the life of the bond. Current interest rates range from 2.65% (short-term) to 6.13% (20 years). He noted that staff is already looking at the possibility of obtaining government funding. Discussion followed regarding the cost of the project and the expected trend of construction costs over the next six months. Following this discussion, the Board members unanimously reaffirmed their previous decision to proceed with this referendum.

Mr. Lindahl discussed the issue of an overlay on Haney Lane. Currently, the prices for OGEM and asphalt are about the same at approximately \$10/square yard. Following the current County guidelines, he recommended using an asphalt overlay and proceeding with obtaining bids. The Board was unanimously in favor of obtaining bids for an asphalt overlay on Haney Lane.

Mr. Lindahl noted there are eight culverts in Section 33 and two culverts on 165th that are failing and will need to be replaced. He requested authorization to set up another culvert replacement program to present to the Board for review. He noted these are steel pipes now and to replace them with new aluminum pipes would cost approximately \$750,000. Replacing them with concrete would cost more. Mr. Haas was asked if there are sufficient reserves in the budget for this purpose and he said there are not. Mr. English noted there is an immediate need to replace three of these culverts. The Board unanimously agreed that a new culvert replacement program should be prepared by the engineer for their review.

Mr. Berman suggested following up directly with landowners who have submitted petitions advising them if the referendums passed or failed. The Board agreed this would be a positive thing to do in terms of public relations.

Mr. Capko presented the attorney's report. He reported that the local Bill to annex the Thomas property was unanimously passed by the Palm Beach County legislative delegation. The Bill will now be formally filed in Tallahassee. Regarding the "piggybacking" provisions in Chapter 255, this legislation has been re-introduced and Senator Pruitt is sponsoring it in the Senate. As discussed last year, Mr. Capko recommended updating the procurement procedures in the Policies & Procedures Manual. Mr. Berman made a motion to follow this recommendation and proceed with updating the Manual. Mr. Rice seconded the motion and it carried unanimously.

Mr. Berman discussed the property he is donating to the District for use as a park in Palm Beach Country Estates. He is currently pursuing site plan approval for the park. The Zoning Department requires that a public park must be publicly-owned property and they are requesting assurance that if the site plan is approved, ultimately the property will be owned and maintained by SIRWCD. Mr. Berman requested an assurance letter from the Board. Mr. Capko stated that this letter does not commit the District in any way, such as a commitment to accept the land, pay for it or meet any conditions of site plan approval. Mr. Rice made a motion authorizing Mr. Powell to sign an assurance letter. Mr. Beane seconded the motion and it carried unanimously.

Mr. Ron Steedly, landowner, noted that the necessary legislation for road paving in Rocky Pines passed, although there is a waiting period until July. He inquired if it is possible to start the process now in order to lock in favorable prices. Mr. Lindahl will research to see if this property was included in the 14th Plan of Improvements and Mr. Capko will review the appropriate Statute as to any other requirements. Mr. Rice made a motion authorizing the staff to begin the process if the property was not already included in the 14th Plan of Improvements. Mr. Berman seconded the motion and it carried unanimously.

A landowner asked if it is possible to get bids prior to the road paving referendums so there is a more accurate price included in the referendum. Mr. Lindahl stated there must be plans and specifications submitted in order to get a more accurate bid. The process of preparing a plan of improvements and the engineer's report, having the public hearings, etc. is six to nine months. Typically, contractors do not want to hold a price for that length of time.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON OCTOBER 16, 2008

The regular meeting of the South Indian River Water Control District was held on October 16, 2008, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Tom Rice, Bob Berman and Michael Danchuk. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary.

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

Mr. Rice made a motion to accept the election results from the Supervisor of Elections Office (Thomas Powell received 841 votes; write-in candidates received 1-2 votes each). Mr. Berman seconded the motion and it carried unanimously. Mr. Powell was then sworn in for a three-year term as Supervisor for SIRWCD.

Mr. Beane then made a motion to retain the current officers and committee chairmen: Tom Powell as President, Tom Rice as Vice-President, Jane Woodard as secretary; Tom Rice as chairman for the communications and public relations committee, Dave Beane as chairman for the policies and procedures committee, Tom Powell as chairman for the budget committee, and Bob Berman as chairman for parks, recreation and potable water. Mr. Berman seconded the motion and it carried unanimously.

Mr. Powell asked if there were any corrections or additions to the minutes of August 21 and September 3, 2008. There were none and these minutes were approved as submitted.

The public information report was presented by Ms. DeNinno. News releases were sent out to the local newspapers. Work is being done on the next newsletter. The website has been updated to include current information on the backflow prevention valve requirement, the OGEM road improvement project and monthly meeting minutes. A backflow prevention valve requirement informational postcard is being mailed to all PBCE landowners.

Mr. Haas presented the treasurer's report. He recommended approval of the monthly disbursements. Mr. Rice made a motion to approve these disbursements; Mr. Berman seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He reported on his conference with NRCS regarding the check for Canal #2 and the Jupiter Farms Road culvert replacement. He also reported receipt of \$11,659.72 from the

Section 33 HOA for road maintenance services. Mr. English reported that the District's John Deere 316 mower was traded for \$500 toward the purchase of a new 2007 model 737 Z Trak John Deere mower. The District's 10-year-old John Deere 670 grader will require repairs in the amount of \$9,500 which will be performed by Thermo King. Mr. English presented a list of inoperable equipment and recommended that these items be declared surplus. Mr. Danchuk made a motion declaring these items surplus; Mr. Beane seconded the motion and it carried unanimously.

Mr. Lindahl presented the engineer's report. A representative for Mr. Paul Thomas, who had previously requested drainage from his RV Park under Indiantown Road into the District, again requested a letter from the Board accepting this drainage so they can proceed with their project. He also requested annexation of this property into the District, noting Mr. Thomas would pay SIRWCD's engineering and legal fees in connection with the annexation. Mr. Lindahl discussed the historical drainage for the property which runs east toward Cypress Creek. He explained that the request is to bring in a little over 1 cfs, which would have a negligible impact on the District. Mr. Danchuk was concerned about receiving some benefit to the District. Mr. Capko stated the District can negotiate fees with the property owner to cover costs, even past costs. It was also noted that if the property is annexed, SIRWCD would not be responsible for upgrading that property's stormwater management system. Mr. Rice noted any letter of agreement should include the specific amount of drainage and any restrictions, subject to a fee to be negotiated between the parties. After further discussion by the Board, Mr. Danchuk made a motion to approve Mr. Thomas' request for drainage subject to conditions discussed which will become part of the permit, and with the understanding that the District's engineering and legal fees will be paid by Mr. Thomas; the District will provide a letter indicating conceptual agreement. Mr. Rice seconded the motion and it carried unanimously. Mr. Rice then made a motion to grant Mr. Thomas' request for annexation, authorizing and instructing the staff to proceed with the process, with all associated costs to be paid by Mr. Thomas. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Lindahl presented an update on the potable water project. Certification packages have been accepted. The final contract price for construction is \$13,030,243. Currently the backflow prevention devices will not be required. However, residents must sign an affidavit stating if this device is required in the future, the customer will be responsible for its installation.

Mr. Lindahl reported on the updated cost for County-standard roads. In 2007 the cost per mile was \$591,000; today the estimated cost is \$450,000 per mile. Looking at all of Palm Beach Country Estates, i.e. 33.8 miles, the total estimated cost is \$15 million. If this were financed over 20 years, the cost would range between \$1,000 and \$1,100 per parcel per year. The up-front buyout amount would be \$11,250. Mr. Haas stated it would be difficult to sell bonds at this time but believed the market will be more stable in three to six months. Mr. Lindahl stated that the most recent OGEM referendum sent out was based on a cost of \$300,000 per mile. The overlay cost for OGEM is approximately \$80,000 per mile. Mr. Danchuk was concerned about the maintenance costs for OGEM roads over a 20-year period. Mr. Powell stated that originally OGEM was cost effective but costs have changed since then. Mr. Danchuk believed 75% of the landowners in PBCE would be in favor of asphalt paving at \$1,000 per year instead of OGEM. Mr. Berman was in favor of presenting all the information to the landowners and letting them decide. Mr. Powell stated there are enough landowner-initiated petitions to justify sending out information for a referendum in order to seize this opportunity to use asphalt at a favorable cost. Mr. Capko stated that the District's Special Act requires the Board to demonstrate evidence of requests from the landowners. He also stated that the Board has the authority to proceed based on the intent of the landowners. Mr. Danchuk made a motion to proceed with referendums in PBCE for each individual road. After a lengthy discussion by the Board and staff, Mr. Danchuk amended his motion to authorize and instruct the staff to prepare cost estimates for asphalt paving and prepare a referendum to include every unpaved road in the entire community of PBCE. The motion was seconded and carried unanimously.

Mr. Capko commended Mr. Berman on his efforts regarding the issue of the backflow prevention valve devices.

Mr. Ray Dailey, landowner on 87th Terrace North, complained about the presence of muck on the roadway several days after it was graded. He requested fill for the potholes and noted that the quality of road maintenance has

deteriorated. He asked about acceptable material to put on the roads and when elevations were last performed to see if the roads and swales still meet requirements. Mr. Powell stated that all operations and maintenance are handled by Mr. English and the Board only sets policy. Mr. Berman stated that the District tries to maintain a level of service at an affordable cost to the landowners. He felt that landowners now want a higher level of service and noted that the referendum for asphalt paving in PBCE would eliminate these types of road maintenance problems.

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

MINUTES OF THE RESCHEDULED REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON SEPTEMBER 3, 2008

The rescheduled regular meeting of the South Indian River Water Control District was held on September 3, 2008, at 4:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, Bob Berman, Dave Beane (via telephone conference) and Michael Danchuk. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary.

Mr. Powell called the meeting to order. He asked if there were any corrections or additions to the minutes of July 17, 2008. Mr. Danchuk noted that the owner of the Jupiter RV Resort Park had agreed to pay for the District engineer's and attorney's time in connection with the request to drain into the District as discussed at the July meeting. This clarification was noted and the minutes were approved unanimously.

The public information report was presented by Ms. DeNinno. News releases were sent out to the local newspapers. The Milestone #3B landowner packets will be sent out tomorrow. The August newsletter has been mailed and the website updated.

Mr. Haas presented the treasurer's report. He recommended approval of the revised 2008-2009 budget. He noted the only revisions reflect a decrease in assessments for the west side for water and road maintenance. Mr. Rice made a motion to adopt the revised budget; Mr. Danchuk seconded the motion and it carried unanimously. Mr. Capko presented a formal resolution to adopt the 2008-2009 budget and levy special assessments, which was executed by Mr. Powell.

Mr. Haas then requested an amendment to the current budget affecting the water control budget for both the east and west sides. He noted the west side revenues increased by \$585,000 and the east side revenues increased by \$18,700 as a result of the estimated amounts expected to be received from NRCS through September 30th. Mr. Rice made a motion approving this amendment to the budget. Mr. Berman seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. The culvert replacement at Canal 2 was completed ahead of schedule and is working well. Eight bids have been received for two underground fuel tanks and Mr. English recommended approval of the bid of \$164,000 from Delta Petroleum. He noted this was the low bid and the company is local and reputable. Mr. Danchuk made a motion to award this bid to Delta Petroleum. Mr. Rice seconded the motion and it carried unanimously. Mr. Haas confirmed this is within next year's budget.

Mr. English reported on bids received from Florida Highway Products (FHP) and North Florida Emulsions (NFE) for the overlay of Haynie Lane. Mr. English noted past problems with FHP's performance and product, and the quality of past work as well as the additional work performed by NFE at no charge to the District. He recommended awarding the bid to NFE. Mr. Lindahl reported the edges of this road are crumbling and this problem needs to be addressed. This road was a pilot project for OGEM in 2000 and there was no base or shoulder prep. Mr. Powell noted that OGEM was originally a cost savings, but now costs have increased and OGEM is now more comparable

to hard asphalt. Mr. Danchuk noted there is now only about a 12% difference in cost, with hard asphalt lasting longer than OGEM. Mr. Lindahl suggested it is worthwhile to consider a cost comparison for Haynie Lane since it is a high-traffic road. A brief discussion following regarding an OGEM overlay, hard asphalt, microsurfacing and Chip Seal. The Board instructed the engineer to present information on these comparisons at the next meeting. The Board also requested Mr. Haas' recommendations for financing. Mr. English was asked to contact the County regarding funding. Mr. Danchuk suggested that if the District is going to be paving roads in Palm Beach Country Estates at this time, the fill from those roads could be sold for the Jog Road connection project.

Mr. English acknowledged 30 years of service for Greta Rayman (office administrator) and Earl Smith (equipment foreman).

Mr. Lindahl presented the engineer's report. Milestone #3B of the potable water project has been released to service. Certification for the entire project has been submitted to the Town of Jupiter for review and acceptance. This project is expected to be completed by the end of September. The total contract price was \$13,570,000 and at this time the cost of construction is \$13,030,243.45. Mr. Danchuk noted that the contractor properly repaired roads that were damaged by equipment.

Mr. Lindahl reported on the Canal 2 culvert replacement project that was completed on August 16th. He commended the contractor and noted the job went smoothly. Following 6 inches of rain recently, the system performed very well.

Mr. Lindahl reported on landowner petitions for OGEM roads received through July 31st, representing seven miles of roads and meeting the 25% requirement. An additional petition for OGEM was received today for 75th Avenue in PBCE between 150th and 154th, and it appears to also meet the 25% requirement. The estimated total cost for the seven miles is \$2.1 million, i.e. \$300,000/mile. If financed at an interest rate of 5% for 12 years the cost will be \$733/year. A one-time parcel buyout will be \$6,287. If the additional petition received today is included, the total cost would increase to \$2.25 million. Mr. Danchuk noted the original petition for paving on 75th Avenue two years ago requested hard paving. He was concerned that landowner requests for hard paving are being ignored in favor of OGEM. He did not feel OGEM is cost effective at this time and suggested investigating costs for hard paving. He was concerned about the cost of long-term maintenance for OGEM. Mr. Berman stated that two years ago he personally surveyed the landowners to see if they would pay for asphalt paving and the results showed they would not. He did not believe the expense of a formal referendum for asphalt paving is justified, knowing it will fail. Mr. Berman was concerned about representing a cost for asphalt paving to landowners without back-up from a reputable contractor. Mr. Rice suggested posting current costs for OGEM and asphalt to the website and including the same information in the newsletter, with instructions for landowners to contact the District if there is an interest. After further discussion, Mr. Rice made a motion directing the engineer and staff to proceed with a referendum for OGEM based on the petitions received. Mr. Berman requested that the petition for OGEM from 67th, 140th and 141st in PBCE (as one unit) be included in the referendum. Mr. Berman then seconded the motion and it carried 4:1 with Mr. Danchuk opposed.

Mr. Powell asked for discussion regarding the request from the Jupiter RV Resort to discharge surface water into SIRWCD's system. Mr. Berman believed the District should accommodate the insignificant impact of 1.1 cfs to the system and gain tax base revenue. Mr. Powell did not believe the majority of landowners would be in favor of annexation, regardless of how minimal the impact would be. In addition, he noted the Resort already has a permit to drain directly to an outfall without going through the District. Mr. Powell also questioned the benefit to SIRWCD and expressed concern over setting a precedent. Mr. Berman noted there would be a benefit to the County as they want to eliminate the obligation to accommodate the permit and provide drainage. Mr. Powell noted the engineer would have to adopt a Plan of Reclamation for the area in order to levy assessments. The District would then have to create the best drainage plan for the area and assume responsibility for any drainage problems. Further consideration will be given to the Resort's request.

It was noted that Unity Church wants an additional parking area. They are looking at the canal that dead ends at

Donald Ross Road and the possibility of filling it in. Mr. Berman noted this canal provides flood protection from the Slough and believes the District owns that canal.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON AUGUST 21, 2008

The regular meeting of the South Indian River Water Control District was held on August 21, 2008, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane (via telephone conference) and Michael Danchuk. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; and Donna DeNinno, public information.

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

Mr. Powell noted there was not a quorum of supervisors physically present to allow the Board to conduct District business. However, this meeting was also scheduled and advertised as the public hearing regarding the District's proposed budget for the fiscal year 2008-09. Mr. Haas presented the budget and asked if there were any landowners present for the budget hearing. There were no landowners present. Mr. Powell noted that the Board had already reviewed the proposed budget in advance of this meeting. Mr. Haas reported to the Board that the only changes in this revised budget reflect a decrease in assessments for the west side for water and road maintenance, from \$21 to \$10.80. There were no landowner comments and the public hearing was concluded.

Mr. Powell stated the regular Board meeting will be rescheduled for the first week in September. Budget action will be taken at that time. Mr. Danchuk was concerned about the issue of Board members being present at the scheduled meetings and would like to discuss this at the next Board meeting. Mr. Powell noted that Mr. Berman is on vacation but Mr. Rice was called away unexpectedly for an emergency situation. Mr. Beane stated he had intended to physically attend this meeting but his wife had a health problem that prevented this. Mr. Powell summarized that two of the Board absences were due to unforeseen circumstances.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JULY 17, 2008

The regular meeting of the South Indian River Water Control District was held on July 17, 2008, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, Bob Berman, Dave Beane and Michael Danchuk. Also present were Len J. Lindahl, engineer; Len E. Lindahl, consulting engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately 15 landowners were also present.

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

Mr. Powell noted that many of the landowners present were concerned about the bridge closing on Jupiter Farms Road at Canal #2. Mr. Lindahl explained that this project began in April when NRCS discussed funding available for SIRWCD; this funding had a cutoff date in September. The District's culvert replacement program was discussed in

terms of cost sharing with NRCS, specifically the culverts on Jupiter Farms Road at Canal #2 which are over 20 years old. A permit was received from Palm Beach County on June 13th, and shop drawings for the new headwall and pipes were then submitted to the County for review. The proposed replacement involves an open cut with new aluminum pipe arches put in place. The total time estimated for this project is two to three weeks. The County requested that this be completed prior to school opening on August 18th. The total cost of the project is approximately \$400,000 with NRCS contributing \$272,000, SIRWCD contributing \$47,000 and Palm Beach County contributing \$106,000.

Mr. Powell opened the floor to landowner discussion. A landowner on 184th Court North was concerned about storm flooding and a traffic bypass. Mr. Lindahl stated the contractor will be prepared to use portable pumps to pump from one side to the other. If a hurricane occurs, water will be allowed to flow. A traffic bypass would cost an additional \$100,000 and would need to be manned. Mr. Charles Jaffe, attorney for the Queen Mary Pub, expressed concern about the lack of notice which has affected his client's business. Mr. Powell reiterated the financial savings for the landowners, which is only available until September. After that time, the District would have to bear the full cost of the project. Ms. Lois Taylor with The Jupiter Farmer stated she received notice of this project from the Sheriff's office on June 12th. She believed the community should have been given an additional 30 days' notice by SIRWCD and that the information should have been in the newsletter. Mr. Rice emphasized the Board would not be doing their duty if they did not take advantage of available funding. Ms. DeNinno explained the preparation of the last newsletter was delayed due to the issue with the Palm Beach Country Estates potable water project. Mr. Scott Myers questioned what studies were performed that showed the culverts are at risk of collapse. Mr. Powell explained the District has a scheduled ongoing culvert replacement program throughout the District; deteriorating culverts are replaced before they reach a stage where they are at risk of collapse. Mr. English noted the general life span of culverts is 15-18 years; these particular culverts are 20 years old and that is why they were scheduled for replacement. Mr. John Bellamy was concerned about emergency response in the event of a hurricane. Mr. English believed the only area of concern would be the shopping center. The owner of the Queen Mary Pub questioned the information on the District's website. Ms. DeNinno explained she did not know the exact dates of the road closure until yesterday. Mr. English stated detour signs will be placed prior to starting the project. Mr. Lindahl explained it will take approximately three days to put everything together on site; the structure will then be lifted by crane and put in place. Since this is a County road, it was noted that the Road & Bridge Department will determine the detour plan. Mr. Powell thanked the landowners for all their comments. The Board acknowledged that more information could have been provided to the landowners prior to knowing the exact specifics of the project.

Mr. Powell then called for discussion of a request for drainage under Indiantown Road into the District. Mr. Paul Thomas stated his project involves the Jupiter RV Park on the north side of Indiantown Road near Rocky Pines Road. The RV Park is requesting permission to tie its drainage into SIRWCD. Mr. Thomas presented a fact sheet prepared by Mock, Roos & Associates. Mr. Powell stated from a policy standpoint the Board cannot approve this request as the current flood protection for that community is marginal. He noted that the District's engineer previously prepared a list of requirements and concerns which would need to be addressed before approving this request. Mr. Berman stated the County is interested in an alternate drainage scenario for the RV Park. He felt this issue could be opened for discussion as the potential impact is restricted to 1.1 cfs. Mr. Powell noted the Board and staff need to re-review the engineer's memorandum regarding this issue. Mr. Danchuk was concerned with reimbursement for the engineer's time to review this issue. Mr. Beane was concerned with setting a precedent. The Board agreed there are environmental issues, drainage issues, and benefits to the District that need to be addressed. After further discussion, the Board unanimously agreed to authorize and instruct the engineer to review his previous memorandum and report back to the Board.

Mr. Powell asked if there were any corrections or additions to the minutes of March 20, May 15 and June 16, 2008. He also called for approval of the corrected minutes of November 15, 2007. Mr. Danchuk requested clarification of his comment on March 20th, noting that the 24% discount for the Soiltac application was only available "at that time". Mr. Rice made a motion to approve all minutes as submitted and corrected; Mr. Beane 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. The Milestone #3A landowner packets have been mailed out. Milestone #3B packets are expected to be sent out shortly. As soon as the backflow prevention valve requirement issue is resolved, an informational letter will be sent to the landowners. The June-July newsletter has been mailed.

Mr. Haas presented the treasurer's report. He recommended approval of the monthly disbursements. Mr. Beane made a motion to approve these disbursements; Mr. Danchuk seconded the motion and it carried unanimously. Mr. Haas presented the proposed 2008-2009 budget for Board review.

Mr. English presented the general manager's report. He recommended extending the aquatic weed spraying contract to Aquagenix at the same price. Mr. Rice made a motion to approve this contract extension. Mr. Beane seconded the motion and it carried unanimously. Mr. English stated North Florida Emulsions has "fogged" several roads in the District at no cost. Mr. English reported the 2001 Dodge service truck requires repairs at an estimated cost of \$2,500. He requested approval to purchase a replacement truck, specifically a 2008 GMC Sierra for \$17,500. Mr. Rice made a motion approving this purchase. Mr. Beane seconded the motion and it carried unanimously.

Mr. Lindahl presented the engineer's report. Ms. Christine Miranda presented an update on the potable water project. Milestone #3A has been released to service. The pressure test has been completed for Milestone #3B and it is expected to be presented to the Town of Jupiter for approval next week. At this time the Town of Jupiter is not requiring any type of backflow device. However, a signed agreement is required which states if a decision is made in the future requiring a backflow device, it will be placed within 90 days. Mr. Berman commented this is a reasonable compromise by the Town of Jupiter. He also commented that the Florida Department of Environmental Protection needs to make a statewide policy decision. Mr. Berman thanked Mr. Rice for his letter to the Governor.

Mr. Lindahl reported Soiltac has been applied to approximately 250 ft of roadway on 150th Court North; he will update the Board on this project over the next few months.

Mr. Berman presented an additional petition for OGEM for a small area in Palm Beach Country Estates. He noted the intent is to have 51% support by the time of the next Board meeting, eliminating the need for a referendum. If 51% support is not obtained, the petition will probably be withdrawn.

Mr. Capko presented the attorney's report. He stated the Board needs to set a date for the public hearing regarding the 2008-2009 budget.

Mr. Haas presented an overview of the proposed 2008-2009 budget and noted there is a need to restore some of the reserves. He noted there may be legislation passed in the near future which would place limitations on the District's ability to make assessments. The OGEM renewal and replacement fund continues. Overall, assessments in the Palm Beach Country Estates section will increase about 2%; assessments in Egret Landing will decrease about 3%; and assessments in the Jupiter Farms area will increase about 8%. Mr. Haas stated the budget hearing needs to be scheduled for August. Mr. Beane was concerned about the increase in assessments for the Jupiter Farms area and will discuss possible cutbacks with Mr. Haas. Mr. Powell noted that in order to continue to obtain NRCS funding, the District has to budget 25% toward the cost sharing. Mr. Berman stated the public relations budget is an item to watch and fund sufficiently in order to keep the landowners advised of projects in the District via newsletters, special mailings or website updates. The Board agreed that Mr. Beane will work with Mr. Haas to explore possible cutbacks, especially in the Jupiter Farms area, and any revisions to the proposed budget will be presented at the public hearing meeting.

The Board and staff commented on the feedback presented by the landowners regarding the Jupiter Farms Road closure. Mr. Len E. Lindahl stated that the decision regarding an open cut vs. bypass was a County decision, not the District's decision. This project was "on hold" until the County made a decision whether or not to fund a bypass road or go with the open cut, and that decision was not made until July 13th. The Board agreed that more of an effort will be made in the future to communicate with the landowners.

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

MINUTES OF AN EMERGENCY MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JUNE 16, 2008

An emergency meeting of the South Indian River Water Control District was held on June 16, 2008, at 4:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Tom Powell, Bob Berman, Dave Beane (via telephone conference) and Michael Danchuk. Also present were Len J. Lindahl, engineer; Len E. Lindahl, consulting engineer; William Capko, attorney; Terry Lewis, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Several guests were present including David Brown representing the Town of Jupiter, Sherry from State Representative Carl Domino's office, and Hassan Hadjimiry representing the County's Water Utilities Department.

Mr. Powell called the meeting to order and stated the purpose of the meeting is for discussion of the backflow prevention device requirement by the Florida Department of Environmental Protection (DEP). He also noted that the regularly scheduled Board meeting for June 19th will not be held as there will not be a quorum available. Mr. Powell stated there may also be discussion of other issues during this meeting and if action is necessary, it can be ratified at the next regular Board meeting.

Mr. Berman recounted the discussion of the backflow prevention device issue during the regular May Board meeting. He stated that Milestone #3A of the potable water project in Palm Beach Country Estates (PBCE) has been completed and is ready for hook-up and homeowners are very anxious to complete that hook-up. When the District received the last certification from the Palm Beach County Health Department (PBCHD), it included a new contingency requiring a backflow prevention device. The Town of Jupiter would have to confirm installation of this device prior to hook-up. Prior to this requirement, a homeowner could install his own pipe for the hook-up. Now this work must be performed by a certified plumber and is estimated to cost \$580. There is an additional requirement for an annual inspection of the valve which is estimated to cost \$75. The fiscal impact to property owners in PBCE due to this additional requirement is in excess of \$600,000 plus an annual cost of approximately \$100,000. Mr. Berman pointed out there are 1450 homes in PBCE which have been exclusively served by wells since 1976 with no known contamination to date. Additionally, since there is a requirement to completely disconnect the existing water source from the system, i.e., no physical connection between any existing on-site wells and the new potable water system, cross connection does not seem possible. To date there have been 400 connections in PBCE with the new system without this backflow prevention device. Mr. Berman believes the homeowners are entitled to an explanation, identification of a safety or health threat, and demonstration of the authority to impose this requirement.

Mr. Terry Lewis stated he has placed calls to the DEP in Tallahassee and locally, but the calls have not yet been returned. He reported that in order to adopt a rule or have a policy, there has to be specific legal authorization for it. F.S. Chapter 403 provides that the DEP may require backflow prevention devices in areas with a potable water system that are also re-use service areas. From a legal standpoint, he doubted the ability to enforce this newly imposed requirement in PBCE. It appears that the DEP intends to have rule-making workshops regarding this issue, and he suggested that SIRWCD participate. He explained it is normal to have an internal working group; then when there is a draft rule, there will be published notices of workshops.

Mr. Len E. Lindahl noted this is not the method normally used to implement a regulatory item. He believed that communication will clarify this issue.

Mr. Danchuk stated this involves the entire state of Florida and believed there should have been a cost analysis performed. He reported that the homeowners association in PBCE wants to take action opposing the requirement.

Mr. Lewis stated the immediate goal is to obtain a clear statement from DEP that this rule is not going to apply until a formal rule is adopted.

Mr. David Brown, representing the Town of Jupiter, stated that the removal of any type of connection between an existing well and the internal plumbing system in a home removes the hazards that might exist from a backflow condition or cross connection. That is the reason for the Town of Jupiter's disconnect requirement prior to hook-up. He confirmed that the Town's policy is not to allow cross-connections.

Mr. Brown clarified that two letters received from the PBCHD in April and May advised the Town of Jupiter that backflow prevention devices will be required and also made that a provision of releasing a system to service.

Mr. Berman stressed the need to obtain an answer from DEP. Landowners in PBCE will be damaged due to the timing issue and the increased cost of installation. Some landowners have failing wells and need to have this issue resolved as soon as possible.

Mr. Hassan Hadjimiry, director of regulatory compliance with Palm Beach County Water Utilities, stated that the DEP has not been properly educated as to backflow prevention. About two years ago, there was an internal memo from Tallahassee regarding re-use water. It stated if re-use water is co-mingled with lake water, backflow prevention should be in place. He noted that when a well line is cut, an air gap is created which prevents any backflow. DEP has been unable to show any health complaint in the state of Florida due to backflow contamination. Mr. Hadjimiry stated that Miami-Dade, Palm Beach and Duval Counties, three of the largest counties in the state, do not have a backflow prevention program; therefore it seems unreasonable to require a small residential community like PBCE to have this requirement. Mr. Hadjimiry agreed to inform Messrs. Lewis and Capko of his next scheduled meeting with DEP.

Mr. Lewis stated he will pursue obtaining answers from DEP and report to the Board within the next two weeks. If formal legal proceedings are indicated at that time, the Board agreed to hold another emergency meeting.

Mr. Berman briefly discussed a small road paving project in PBCE and the possibility of bypassing the formal referendum process. He questioned if there is a petition form that can be executed by 51% of the affected landowners that would meet the necessary requirements. Mr. Capko stated that Board action is always required to authorize a project, regardless of the petition format.

Mr. Berman asked if the additional fee for installation of the backflow prevention device could be included in the District's financing plan if the DEP does not reverse their rule or if they formalize the rule. Mr. Haas will report back to the Board with an answer.

In answer to a landowner's question, Mr. Len J. Lindahl stated the culvert replacement at Jupiter Farms Road and Canal 2 is still in the permitting process and is scheduled to start in July or August.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON MAY 15, 2008

The regular meeting of the South Indian River Water Control District was held on May 15, 2008, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Bob Berman, Tom Rice, Dave Beane (via telephone conference) and Michael Danchuk. Also present were Len J. Lindahl, engineer; Len E. Lindahl, consulting engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general

manager; and Donna DeNinno, public information.

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

Mr. Powell introduced a representative from the Palm Beach County Department of Environmental Resources Management who presented an update of their land acquisition project. The closing was completed in February and plans have been forwarded to the Solid Waste Authority. A dredging plan will now be drawn by SWA as to excavation, etc. These two plans will be incorporated and a permit application prepared. At that time ERM will seek approval from SIRWCD as to the District's easement, discharge through the District's structures, etc. An overview of the proposed plans was presented. After the presentation, Mr. Powell suggested the Board schedule an engineering workshop meeting to internally discuss this project.

The public information report was presented by Ms. DeNinno. News releases were sent out to the local newspapers. The Milestone #3A landowner packets are ready to be mailed out. The May 2008 newsletter is being prepared.

Mr. Haas presented the treasurer's report. Work has begun on the 2008-09 budget and a draft will be presented to the Board for review prior to the July meeting. Any budget items should be presented to Mr. Haas prior to that time. Mr. Haas then recommended approval of the monthly disbursements. A motion was made to approve these disbursements; the motion was seconded and it carried unanimously.

Mr. English presented the general manager's report. He discussed restoring the revetment sections on the S.R. 706 outfall bank to initial configuration at a cost of \$18,000. Murray Logan will be the contractor for replacing culverts at the Canal 2 and Jupiter Farms Road crossing, and it is anticipated the road will be closed for approximately three weeks. Mr. English attended a meeting with Hawkeye Properties Land Development to discuss the impact of construction of a biotech facility on the 706 outfall and C-18. A gate was installed at 75th Way and Canal A due to reportedly loud parties and gunfire.

Mr. English reported an initial bid has been obtained for replacing the underground fuel storage tanks.

The Board discussed renewal of Mr. English's contract. The term is for a three-year extension with an annual salary adjustment of 4%. A motion was made to approve the contract extension as presented with an annual adjustment of 4%; the motion was seconded. Mr. Danchuk commented on the current state of the economy and opined that a 3% increase would be more appropriate. Mr. Rice noted that the funds received by the District over and above normal funding total in excess of \$3 million due to Mr. English's efforts. The motion carried 4:1 with Mr. Danchuk opposed.

Mr. Len J. Lindahl presented the engineer's report. Ms. Christine Miranda presented an update on the potable water project. To date, 347 residents have hooked up to the system; 225 of these are using the District's financing program. It is expected that this project will come in below budget. Milestone #3A's release to service is pending due to a change in requirements. The Florida Department of Environmental Protection and Palm Beach County Health Department are now requiring installation of a backflow prevention device. Ms. Miranda explained how this device would work, and that it would add approximately \$400 to the homeowner's cost, plus an annual inspection fee of \$75-100. Mr. Lindahl stated this issue is expected to be re-addressed at the Tallahassee level in the next couple of weeks. Ms. Miranda noted that the bacteriological tests are only valid for 60 days. If this issue is not resolved prior to June 4th, these tests will have to be performed again in Milestone #3. She also noted that PBCHD has written a letter to the Town of Jupiter stating that they will not release this phase without installation of this device.

Mr. Lindahl reported on culvert replacement at Jupiter Farms Road and Canal 2, and in Canal 1 at Trailwood. He also reported on landowners' petitions received for OGEM roads totaling approximately 3.8 miles of roadway. The

Board agreed to establish a cut-off date at the end of July for accepting any additional petitions to be included in this project. This information will be included in the June newsletter. Mr. Lindahl also reported the Town of Jupiter has requested a 10 foot utility easement in favor of FP&L for purposes of providing power to the recharge pump station on Canal H in Egret Landing, and the Board had no objections.

Mr. Capko presented the attorney's report. He reported that House Bill 211, which provides authorization for special districts to piggyback on other special district contracts, did not get heard in the senate on the last day and will have to wait until next year. House Bill 973, which is an amendment to the District's Special Acts legislation regarding ability to maintain roads, has passed both houses of the legislature but has not yet been signed by the governor.

Mr. Berman discussed the status of the park proposed to be developed in Palm Beach Country Estates. The initial park site plan prepared by the County had a price tag of about \$250,000, and estimates are still in that price range for park improvements. Efforts are ongoing to raise funds, finalize a site plan, and obtain zoning approval and permits. Mr. Berman reiterated to the Board that his plan is still to develop and fund the project, and then request that SIRWCD take possession of the property.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON MARCH 20, 2008

The regular meeting of the South Indian River Water Control District was held on March 20, 2008, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Bob Berman, Tom Rice, Dave Beane and Michael Danchuk. Also present were Len E. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary.

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

Mr. Powell asked if there were any corrections or additions to the minutes of November 15, 2007. Mr. Danchuk questioned a comment on page 6 regarding the OGEM project. The Board instructed the secretary to listen to the tape and clarify that comment. Approval of these minutes was deferred.

The public information report was presented by Ms. DeNinno. News releases were sent out to the local newspapers. A letter has been mailed to the residents of Trailwood regarding a project affecting their community access. The website has been updated to include revised information on the Palm Beach Country Estates water hook-up and the annual Family Day. Landowner packets have been mailed out regarding phases 2A and 2B of the PBCE potable water project. The December 2007 and March 2008 newsletters have been mailed. Ms. DeNinno also reported favorably on Family Day held March 15th.

Mr. Haas presented the treasurer's report. He recommended approval of the monthly disbursements. Mr. Rice made a motion to approve these disbursements; Mr. Danchuk seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. The C-1 culvert replacement at Trailwood has been completed. It will be four to six weeks before the phone terminals can be removed from 75th Way and 155th Place North. The telemetry systems computer controlling weir structure gates failed; this has been rebuilt by DCR Engineering. Mr. English noted that Mr. Beane will be preparing a visual aid map for displaying projects and grants completed and received since 2004. The 706 outfall structure has experienced pressure bulges; the cost of repairs will be shared

with NRCS. The DEP has required that the District's underground fuel storage tanks and piping be replaced by December, 2009; the initial cost estimate is \$164,300.

Mr. Powell asked about the policy for operating the weirs, i.e. raising or lowering the water level. Mr. Lindahl stated the protocol is built into the District's permit and sets the criteria for lowering pre-storm and other regulations. SIRWCD can always make a decision if there are conditions not covered in the protocol. The actual raising or lowering of the water level is the District's responsibility. Mr. English discussed the issue of alligator trapping by Donald Hampton through the Private Wetlands Program. Mr. Capko will look into the liability issues.

Mr. Lindahl presented the engineer's report. Ms. Christine Miranda presented an update on the potable water project. All the pipes are in the ground. Milestones #2A and #2B have been placed in service. To date, 256 residents have hooked up to the system; 169 of these are using the District's financing program. Testing has started for Milestone #3A which should be released to service in about three weeks; Milestone #3B will follow. Restoration activities continue.

Mr. Lindahl discussed new roadway petitions received for OGEM, representing seven streets on the west side for a total of 2.5 miles. Additionally, there are several petitions that were received after the last cut-off date. He suggested proceeding with the project and getting under contract by October. After further discussion by the Board, Mr. Danchuk made a motion directing the staff to start the referendum process and go forward with this project. Mr. Beane seconded the motion and it carried unanimously. The Board also instructed the staff to notify landowners of this action in case there are others interested in participating in the project.

Mr. Lindahl discussed chemical treatment for a test section of the roadway for purposes of dust control. He explained this is a road mix application that has the prospect of being more durable; a spray application would not hold up as well. Mr. Danchuk noted that the Soiltac should last two years and can be obtained with a 24% discount on the price at this time. Mr. Powell noted that testing was previously authorized by the Board, but no expenditure was authorized. Mr. Danchuk reported that a full mix application would be approximately \$8,000 for 400-500 feet of roadway, i.e. \$105,00/mile. The Board agreed this method was not cost effective. The spray method would be approximately \$12,000-15,000/mile. The Board agreed the expenditure for the test area should not exceed \$2,000, and Mr. Lindahl agreed to provide more information to the Board regarding this application.

Mr. Lindahl discussed the Hatcher property that Palm Beach County is acquiring. The County is requesting that SIRWCD address land rights in Section 6, the square mile lying east of Jupiter Farms Road. He noted that DERM wants to initiate a plan for rehydrating the area. Mr. Capko reported that SIRWCD has an easement and fee simple title to Canal #2. This information was presented to the seller's attorney and was disclosed in documents presented at closing.

Mr. Lindahl also discussed a land rights issue in Section #11 in the area of 167th and 169th. He has determined that SIRWCD has no easement or interest in the right-of-way and requested authorization to state this in a letter, subject to review and approval by the attorney. After further discussion by the Board, it was decided not to take any action on this issue.

Mr. Capko presented the attorney's report. He reported that the House Bill 973 amendment to the District's Special Acts legislation regarding ability to maintain roads has passed unanimously. House Bill 211, which provides authorization for special districts to piggyback on other special district contracts, also passed.

Mr. Berman stated several landowners east of Jupiter Farms Road have inquired about the process of a potable water project in their area. Mr. Powell noted that legislation would be required to change the Special Acts, removing the prohibition of the west side of the District. Formal landowner petitions and/or letters expressing an interest will be needed before the Board pursues legislative changes.

Mr. Danchuk stated that 160th, an OGEM road, has reportedly been deteriorating. He asked Mr. English to look into

this. He also requested authorization to work with the engineer in negotiating prices on roads and the Board agreed.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON NOVEMBER 15, 2007

The regular meeting of the South Indian River Water Control District was held on November 15, 2007, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Bob Berman, Tom Rice and Michael Danchuk. Also present were Len J. Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. One landowner was also present.

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

Mr. Rice made a motion to accept the election results from the Supervisor of Elections Office. Mr. Powell seconded the motion and it carried unanimously. Messrs. Bob Berman and Mike Danchuk were then sworn in for a three-year term as Supervisor for SIRWCD. Mr. Rice then made a motion to retain the current officers and committee chairmen: Tom Powell as President, Tom Rice as Vice-President, Charles Haas as treasurer, Jane Woodard as secretary, and all Board members as assistant secretary; Tom Rice as chairman for the communications and public relations committee, Dave Beane as chairman for the policies and procedures committee, and Tom Powell as chairman for the budget and finance committee. Mr. Berman seconded the motion and it carried unanimously.

Mr. Powell asked if there were any corrections or additions to the minutes of August 16, September 10, and September 20, 2007. There were none and these minutes were approved as submitted.

Mr. Rich Walesky, Director of Palm Beach County Department of Environmental Resources Management, made a presentation to the Board regarding the County's acquisition of a 230-acre piece of property, the perimeter of which is Indiantown Road on the north, Jupiter Farms Road on the west and a 20-acre ENCON parcel and Riverbend Park on the east. The purchase contract contains a five-year leaseback provision to the Hatcher family for approximately seven acres. The contract closing date is February 11, 2008. Mr. Walesky explained that the County's intent is to maintain 135 acres of environmentally sensitive land and potentially store additional water there, expand Riverbend Park, rehydrate an historic cypress slough containing 200-year-old trees, and create a 64-acre water resource project which will store water that will be moved through the Wild & Scenic River during the dry season and provide additional flood protection for the Jupiter Farms area. SIRWCD has an easement over an existing lake on this property, as well as a control structure; a District canal comes from Jupiter Farms through the property and feeds into this lake. Mr. Walesky requested authorization for the SIRWCD engineering staff to work with ERM as the project is designed in order to maximize the flood benefits to SIRWCD. He also requested that the Board consider, once this project is completed, allowing the discharge to continue through the District's structures. Mr. Walesky also noted that the County is attempting to acquire an additional parcel from ENCON which would add 20 acres to the project and provide additional storage. The intent is to protect the sensitive portion and expand the lake to store more water. He stated that the cost of the land is \$20 million, but he could not estimate the cost of the project itself.

Mr. Mark Bruner with Solid Waste Authority stated they have \$5 million to help with property acquisition; they will want to recover fill and take it to the SWA site off 45th Street. He stated SWA does not want to impede SIRWCD's drainage or have SIRWCD's drainage interfere with the dredging which is expected to take several years.

Mr. Lindahl expected that the District staff would participate in the technical planning, i.e., reviewing and giving input as it affects the District. Mr. Haas noted that the scope of the District's engineering services is within the budget, but there would be a need to track the costs. Mr. Powell was concerned with the impact to the District's drainage plan. Mr. Rice was concerned with the possible financial burden in changing the District's drainage plan, in which case the County should assume that financial responsibility. After discussion, Mr. Berman made a motion authorizing and instructing the staff to work with the County on an appropriate level. 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. The website has been updated to include current information on the Palm Beach Country Estates water hook-up, the annual landowners' meeting and annual budget.

Mr. Haas presented the treasurer's report. He presented a list of equipment that falls below the capitalization threshold and recommended removal of these items from inventory. Mr. Danchuk made a motion to remove these items from inventory; Mr. Rice seconded the motion and it carried unanimously. Mr. Haas recommended approval of the monthly disbursements. Mr. Berman made a motion to approve these disbursements; Mr. Danchuk seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He reported that the roadwork by North Florida Emulsions has been completed and the roads are much better than ones done before. Mr. Danchuk requested that the scheduled road grading occur after trash pick-up and Mr. English stated the schedule can be changed to accommodate this request. Mr. Danchuk stated a landowner has noted that as a result of the work being done with the water lines, dirt ends up on top of the road and gets graded into the road. Mr. English asked that this landowner contact him directly to discuss the problem.

Mr. Lindahl presented the engineer's report. Ms. Christine Miranda presented an update on the potable water project. All pipes should be in by Christmas. Milestone #1B is in service; Milestone #2A is ready to be released to service in about two weeks; and Milestone #2B is ready for testing. Mr. Berman thanked the engineering staff for their work with the Town of Jupiter and the contractor.

Mr. Lindahl reported that the OGEM project is complete at \$26,000 below the original estimate from the contractor. He presented two pay requests for signature. Mr. Lindahl also reported coordinating with NRCS to replace culverts in Canal #1 at Trailwood.

Mr. Lennart Lindahl presented an update on the roadway project in Palm Beach Country Estates. He discussed the increase in oil prices which impacts petroleum-based products, the decrease in the quantity of liquid asphalt, the closing of rock mines in Dade County, available rock now costing about 32% less, and the decrease in Federal and local government funding. He also noted that contractors will not commit more than 90 days in advance without an escalation clause. There has been a slowdown in both private and public sector work. He discussed the statewide indices of costs. The District's OGEM project was estimated at \$250,000/mile in February. Mr. Lindahl stated "If you were to test those costs against what I've just said, then you are talking about a reduction from that, it's gone in a more favorable direction by that 10-13%." Mr. Danchuk was concerned that the District's process takes six to eight months and contractors will not commit long-term. Mr. Berman stated that no capital improvement project is Board-initiated, and suggested preparing a handout explaining the process which can be distributed to the landowners.

Mr. Capko presented the attorney's report. He reported that several years ago there was an excavation project in conjunction with Canal #2 and Mr. Burkhart had agreed to pay certain engineering fees in the amount of \$18,000. After many attempts to obtain payment, this money has not been received and Mr. Capko requested authorization to file suit to collect. Mr. Rice made a motion so authorizing the attorney; Mr. Berman seconded the motion and it carried unanimously.

Mr. Ron Steedly, landowner, requested an update on the legislation regarding paving in Rocky Pines. Mr. Capko reported it is still the plan to obtain a sponsor for legislation changing Chapter 298. There is also legislation that has been drafted regarding the issue of "piggy-backing" contracts. The Board unanimously authorized the attorney to proceed with all avenues available.

Mr. Berman discussed the previously proposed construction of a community park in Palm Beach Country Estates which was dependent upon grant funds that could not be obtained. He reported there is now a formal group that wants to fund this project. This group has requested use of surplus dirt from the potable water project, transferring it to the proposed park location for eventual fill. Mr. Capko stated the District can lease the land for purposes of stockpiling surplus dirt. He also noted that, according to the Special Acts legislation, any costs attributable to operating and maintaining recreational property has to be borne by the residents of Palm Beach Country Estates. A motion was made authorizing and instructing the attorney to prepare an agreement with Mr. Berman regarding the District's interest in the property and the use of the District's dirt. Mr. Rice seconded the motion and it carried unanimously. Mr. Danchuk noted that the homeowners association owns quite a few trees at the entrance which will eventually be moved to the proposed park property.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON SEPTEMBER 20, 2007

The regular meeting of the South Indian River Water Control District was held on September 20, 2007, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Rice, Dave Beane, Bob Berman and Michael Danchuk. Also present were Len Lindahl, engineer; Charles Haas, treasurer; William Capko, attorney; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately six landowners were also present.

Mr. Rice called the meeting to order. Mr. English offered the invocation, and the Pledge of Allegiance to the flag was given.

Mr. Haas presented the treasurer's report and recommended Board approval of the monthly expenditures. Mr. Danchuk made a motion approving these disbursements. Mr. Berman seconded the motion and it carried unanimously.

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

MINUTES OF THE SPECIAL MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON SEPTEMBER 10, 2007

A special meeting of the South Indian River Water Control District was held on September 10, 2007, at 5:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, Dave Beane (via telephone conference) and Bob Berman. Also present were Len J. Lindahl, engineer; Charles Haas, treasurer; William Capko, attorney; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary.

Mr. Powell called the meeting to order and stated that the first portion of this meeting is for the public hearing regarding the uniform method of collection of non-ad valorem assessments pursuant to Chapter 197. He formally

convened the public hearing. Mr. Capko explained this hearing is specifically for the 2005 landowner-initiated roadway improvement project known as the 14th Plan of Improvement. Since a new assessment will be levied for the first time, a public hearing is required by state law. There were no landowner comments and the public hearing was concluded.

Mr. Powell then resumed the Board meeting. Mr. Capko presented a resolution to adopt the uniform method of collection of non-ad valorem assessments and recommended Board approval. Mr. Berman made a motion approving the resolution. Mr. Rice seconded the motion and it carried unanimously.

Mr. Haas reported the District's auditing firm has recommended amending the budget for the fiscal year ending September 30, 2007 as it pertains to certain technical requirements. Mr. Berman made a motion to amend the budget as recommended. Mr. Rice seconded the motion and it carried unanimously.

Mr. Haas then discussed salary and compensation for the general manager. Mr. English excused himself from the meeting during this discussion. Mr. Haas proposed an additional salary of \$7,500 plus a bonus of \$7,500 in recognition of Mr. English's services. He noted this salary is "in the middle" when compared to other districts and similar entities. Mr. Haas reported he received an email from supervisor Danchuk (absent at this meeting) stating he could not support this salary increase. After Board discussion, Mr. Rice made a motion authorizing the salary increase beginning October 1, 2007, and the bonus to be paid before the end of the 2007 fiscal year. Mr. Berman seconded the motion and it carried unanimously.

Mr. Lindahl presented a report on the dust control product discussed at previous meetings. This product has not been applied in Florida but it has been applied in other tropical environments. It takes 72 hours to cure. A 1/10 mile test site was suggested. North Florida Emulsions has volunteered to work with Mr. English to apply the product. The purpose is to improve stabilization and cut down on dust. The cost is \$1 million/33 miles for the material; application is an additional expense. It has a life span of six to seven years with a partial re-application after three years. This product could be an alternative maintenance material.

Mr. English reported the Work Center's telephone system is outdated. A new system is estimated to cost \$3,800. The Board requested additional research before replacing the system.

Mr. Lindahl reported on the potable water project. Milestone #1A has been accepted by the Health Department and is ready for hook-up.

Mr. Capko reported on an amendment to the interlocal agreement with the Palm Beach County School District which adds all the properties owned by the School District within SIRWCD, including the former Burt Reynolds Ranch. The School District will pay SIRWCD for contract drainage services in lieu of assessments. Mr. Capko recommended approval of this agreement when it is finalized, and authorization for the chairman to sign the agreement. Mr. Rice made a motion approving the agreement as recommended. Mr. Berman seconded the motion and it carried unanimously.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON AUGUST 16, 2007

The regular meeting of the South Indian River Water Control District was held on August 16, 2007, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, Dave Beane (via telephone conference), Bob Berman and Michael Danchuk. Also present were Len J. Lindahl, engineer; Charles Haas, treasurer; William Capko, attorney; Gale English, general manager; Donna DeNinno, public

information; and Jane Woodard, secretary.

Mr. Powell called the meeting to order. Mr. English offered the invocation; the Pledge of Allegiance to the flag was given.

Mr. Powell stated that the first portion of this meeting is for the public hearing regarding the District's proposed budget for the fiscal year 2007-08. He formally convened the public hearing. Mr. Haas reported that the main increase in the budget is for the 2007 assessment for the west side OGEM program. Mr. Powell noted that the Board has already reviewed the proposed budget in advance of this meeting. There were no landowner comments and the public hearing portion of this meeting was concluded.

Mr. Powell then resumed the regular Board meeting. Mr. Powell made a motion to adopt the uniform method of collection of non-ad valorem assessments. Mr. Rice seconded the motion and it carried unanimously.

Mr. Powell asked if there were any corrections or additions to the minutes of July 19 and August 2, 2007. There were none and the minutes were approved as submitted.

The public information report was presented by Ms. DeNinno. The website has been updated and the July-August newsletter has been sent out to the landowners. Work continues on the Palm Beach Country Estates water hook-up information packet.

Mr. Haas presented the treasurer's report. He asked if the Board had any questions regarding the proposed budget. Mr. Danchuk was concerned with the 10% increase in personal services (salaries and benefits). Mr. Haas noted there has been an increase in the number of hours of service, not salary increases. Mr. Rice commented that SIRWCD's salaries are comparable to other water control districts. Mr. Beane believed that employee benefits constitute a large part of the expenses which cannot be controlled. Mr. Haas agreed that benefits constitute a substantial portion of this increase. Mr. Powell noted that the maintenance budget has shown minimal increase over the years. Mr. Rice then made a motion to approve the resolution adopting the proposed budget and levying special assessments. Mr. Berman seconded the motion and it carried unanimously.

Mr. Haas recommended approval of the monthly disbursements. A motion was made by Mr. Berman to approve these disbursements. The motion was seconded by Mr. Danchuk and carried unanimously.

Mr. English presented the general manager's report. Funds have been received from NRCS and Palm Beach County for riprap costs and canal cleaning. The Ford Explorer was traded for a flatbed GMC Sierra. A 15,000 kilowatt generator was purchased. The OGEM project was started in Jupiter Farms. Mr. English recommended extending the aquatic weed control contract with Aquagenix. The Board agreed and Mr. Rice made a motion to extend this contract for one year. Mr. Berman seconded the motion and it carried unanimously. Mr. English recommended trading in some old equipment for a new Ford tractor. Mr. Haas confirmed this is within the budget. Mr. Danchuk made a motion approving this transaction. Mr. Berman seconded the motion and it carried unanimously.

Mr. Lindahl presented the engineer's report. Ms. Christine Miranda presented an update on the potable water project. Milestone #1B has been released to be placed into service, and Milestone #1A will be reviewed by the Health Department in approximately ten days. The project is still on schedule for the beginning of 2008. Mr. Lindahl reported that the OGEM project has been started in Section 18. The time table will be presented at the next meeting. The staging area for this project is the District's Work Center.

Mr. Capko presented the attorney's report. He noted a public hearing needs to be scheduled for the 14th Plan of Improvements and suggested September 10th at the Work Center. The Board agreed and the time was set for 5:00 p.m. Mr. Capko will handle the required advertising for the public hearing, including any other business to come before the Board. Mr. Capko noted there has been no contact from either attorney regarding the OGEM project.

Mr. Danchuk reported on a small trial application of the dust control material discussed at the last meeting. He requested Board consideration for using this material on a larger section of road. The cost would be \$1,500-2,000. Mr. Lindahl stated he is still researching this product and suggested the staff discuss its use prior to the September 10th meeting.

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

MINUTES OF THE RECESSED MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON AUGUST 2, 2007

The recessed meeting of the South Indian River Water Control District was held on August 2, 2007, at 5:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, Dave Beane (via telephone conference), Bob Berman and Michael Danchuk. Also present were Len J. Lindahl, engineer; William Capko, attorney; Gale English, general manager; Laura Bender, public information; and Jane Woodard, secretary.

Mr. Powell reconvened the meeting of July 19, 2007, primarily to reconsider the issue of the paving contract for the 14th Plan of Improvements. He reviewed the vote from the previous meeting which was 2-2 on both the motion to re-bid the project and the motion to proceed with the contract with North Florida Emulsions (NFE). It was noted that, under standard parliamentary procedure, a motion to reconsider a prior motion must be brought by a prevailing party. Since both prior motions resulted in a tie vote, Mr. Berman would be the only party able to request the reconsideration of a motion. At this time, Mr. Berman made a motion to reconsider a motion to go forward with the contract with NFE. Mr. Rice seconded the motion and it carried unanimously. Mr. Berman then made a motion to go forward with the contract with NFE, authorizing and instructing the staff to take all steps necessary to proceed with that contract for the 14th Plan. Mr. Rice seconded the motion. Mr. Beane asked if there were any changes in the staff recommendations on this matter. Mr. Capko and Mr. Lindahl both stated there was no change in their recommendations made at the prior meeting. Mr. Berman stated he believed a re-bid could result in a higher price and the two bidders were both treated fairly in the bid process; he also noted there will be future roadway paving projects available for both bidders. Mr. Berman encouraged the Board members to try to vote unanimously on this motion. Mr. Beane commented that any delay in the project could be critical and he was still inclined to follow the staff recommendations. Mr. Rice commented that the project could be delayed by legal action taken by either of the two bidders. Mr. Danchuk commented there will be more paving projects open to bids in the future. Mr. Powell called for a vote. Messrs. Powell and Beane voted against the motion; Messrs. Berman, Rice and Danchuk voted in favor of the motion; the motion carried 3-2.

Mr. Powell commented that the attorney for SIRWCD represents the District and it is not a problem when all Board members are not in agreement with the attorney's opinion.

Mr. Danchuk briefly discussed a dust control material approved by EPA. He distributed literature and requested an opinion from the engineer.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JULY 19, 2007

The regular meeting of the South Indian River Water Control District was held on July 19, 2007, at 7:30 p.m. at Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, Dave Beane (via telephone conference), and Michael Danchuk. Also present were Len J. Lindahl, engineer; Charles Haas,

treasurer; William Capko, attorney; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary.

Mr. Powell called the meeting to order. Mr. English offered the invocation, and the Pledge of Allegiance to the flag was then given. Mr. Powell called for discussion of the financing package for the Palm Beach Country Estates water distribution system hookups. Mr. Haas requested Board approval to close the loan for the public financing as discussed at previous meetings. He again explained this is a voluntary financing program which will be offered to the landowners for their hookup fees. The loan is a two-year line of credit with an option to convert to a 15-year term loan. Mr. Capko presented a resolution authorizing the issuance of a promissory note in favor of Regions Bank and also recommended approval. Mr. Rice made a motion approving the seconded the motion and it carried unanimously.

Mr. Powell then called for discussion of the paving contract for the 14th Plan of Improvements and the option to re-bid that project as discussed at the July 2nd emergency meeting of the Board. Mr. Capko reported he researched issues raised at that meeting and his recommendation to re-bid the project has not changed. He introduced Thomas Callan, attorney for North Florida Emulsions (NFE) and Kevin Fowler, attorney for Florida Highway Products (FHP) and asked that the Board allow them to make presentations regarding their positions. The Board acknowledged that letters and pertinent information have already been received from the two attorneys and reviewed by the Board and staff; the attorneys were then invited to make oral presentations. It was Mr. Fowler's opinion that the competitive bidding process was not followed properly especially in terms of advertising and notification that this was to be a competitive bid. It was Mr. Callan's opinion that Chapter 255 is very broad as to the process for this type of bid, NFE was the low bidder and FHP was present at the award of the bid. Mr. Jeffrey King, president of NFE, stated he will guarantee payment of SIRWCD's legal fees if this matter is brought to court. It was Mr. Capko's opinion that SIRWCD would probably prevail in a lawsuit, but the issue is the risk to the project as a whole. The project would be delayed until a lawsuit is resolved, probably resulting in increased costs. After further discussion by the Board and staff, Mr. Danchuk made a motion to give the Notice to Proceed to NFE and Mr. Rice seconded the motion. Messrs. Danchuk and Rice voted in favor of the motion; Messrs. Powell and Beane voted against the motion. After further discussion, Mr. Danchuk made a motion to re-bid the project and Mr. Powell seconded the motion. Messrs. Powell and Beane voted in favor of the motion; Messrs. Danchuk and Rice voted against the motion. Because neither motion passed, the Board agreed to recess this meeting to August 2nd at which time all five Board members will be present. Mr. Brian King from NFE agreed to hold the bid prices until all five Board members are available for another vote.

Mr. Powell asked if there were any additions or corrections to the minutes of February 15th, April 19th, May 24th and July 2nd. Mr. Powell noted a minor correction in the minutes of May 24th. Mr. Danchuk made a motion to approve all minutes with the correction noted in the May 24th minutes. Mr. Powell seconded the motion and it carried unanimously.

The public information report was presented by Ms. DeNinno. She reported on the feedback from the initial informational letter sent out regarding the PBCE water hookup. There were 556 responses: 336 plan to hook up now and use the District's financing plan; 125 plan to hook up now and pay up front; 35 plan to hook up in the future; 60 had no interest.

Mr. Haas presented the treasurer's report. He presented the proposed budget and requested that the Board review this before the next meeting. He noted that the only new project is the OGEM paving. Mr. Haas then recommended approval of the monthly disbursements. A motion was made by Mr. Rice to approve these disbursements. The motion was seconded by Mr. Danchuk and carried unanimously.

Mr. English presented the general manager's report. He reported on ERM's proposal to install a wooden foot bridge over the Loxahatchee River channel near the turnpike; he will monitor this issue. Mr. English is discussing cost-sharing for riprap operations with the County. The request from landowner Pedro Garcia regarding replacement of a driveway culvert was discussed. Mr. Powell noted that although the District has an easement over the land

involved, the District cannot give another landowner an easement over that same land because it is not owned by the District. Mr. English will relay this information to Mr. Garcia. Mr. English requested approval to offer the Ford Explorer SUV as a trade-in for a truck and the Board agreed.

Mr. Lindahl presented the engineer's report. An update was presented regarding the potable water project in PBCE. The contractor is focusing on the Milestone #1B certification. The forms will be submitted to the Town of Jupiter for review and signing of the certification forms, which will then be turned over to the Health Department. Milestone #1A is now ready for the bacteriological sampling and proceeding with the certification process.

Mr. Capko presented the attorney's report.

Mr. Danchuk stated there are several low-lying vacant lots in the District and he asked the Board to consider purchasing these lots for water storage areas. Mr. Lindahl noted that more storage areas help with major rainfall events. The Board asked the engineer to prepare a preliminary report on this issue.

At this time the Board agreed to recess the meeting until August 2nd at 5:00 at the District Work Center.

MINUTES OF THE EMERGENCY MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JULY 2, 2007

An emergency meeting of the South Indian River Water Control District was held on July 2, 2007, at 5:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, Dave Beane (via telephone conference), Bob Berman, and Michael Danchuk. Also present were Len Lindahl, engineer; William Capko, attorney; Gale English, general manager; Laura Bender, public information; and Jane Woodard, secretary. Brian King from North Florida Emulsions (NFE) and Cynthia Hopkins, court reporter from Esquire Deposition Services (on behalf of Thomas Callan, attorney for NFE) were also present. Mr. Powell called the meeting to order. He stated the purpose of the meeting is to discuss the contract awarded for paving on the west side of the District.

Mr. Capko stated the Board previously authorized award of a contract to NFE for the 14th Plan of Improvements. Prior to the Notice to Proceed being issued, SIRWCD received correspondence from attorneys on behalf of another bidder, Florida Highway Products (FHP), leading SIRWCD to anticipate a formal bid protest. A meeting was held June 29th with the District engineers, Mr. Capko and his partner Terry Lewis, and Mr. English to discuss the matter. After significant discussion, the staff recommends it is in the best interest of the District to re-bid the project. Mr. Capko emphasized that the staff is confident the District actions in awarding the contract followed state law and would ultimately be supported if challenged in circuit court. However, a lawsuit could result in a serious delay in the project, whereas a re-bid of the project could get the project back on track in approximately 60 days. Mr. Lindahl stated that the items to be bid are not complicated and a pre-qualification package could be expedited.

Mr. Rice questioned if there are legal grounds for FHP to make this challenge. Mr. Capko stated there are provisions in Chapter 255 that are not clear as to the required process for this type of bid; an argument could be made by an opposing party. Mr. Rice was concerned that this type of a challenge is wrong because it is interfering with the Board's ability to represent the landowners. He stated the Board is now faced with additional legal fees at the expense of the landowners. Mr. Rice was also concerned with future bids on other projects.

Mr. Powell stated FHP's basis is not strong but it is enough to cause problems for the District in terms of delays, legal fees, etc. From a business standpoint, the Board needs to avoid these problems. Mr. Capko and Mr. Lindahl confirmed that under the statutes the District is required to accept the lowest responsive and responsible bidder; NFE is a good contractor and was approximately \$200,000 lower than its competitor. Mr. Danchuk questioned if FHP has filed similar protests in the past. Mr. Capko believed this has happened but had no personal knowledge as

to specifics.

Mr. Capko explained that if this issue is taken to court, a temporary injunction could be issued, stopping the project until the bid protest case runs its course. Recovery of legal fees and other damages as decided by the judge could be awarded to the prevailing party. At this time, Mr. Capko was not aware of any statutory provision that directly determines the time frame, i.e. 30 days, for a protest to be filed. Mr. Lindahl explained there are provisions in the contract for termination prior to the Notice to Proceed being issued with no responsibility of payment to the contractor. He was unable to estimate at this time what the cost would be to re-bid the contract. It was Mr. Lindahl's opinion that when a contractor hires an attorney to stop a project, the agency is forced to make a decision based on the risks, timing and benefits. It was also his opinion that this is a ploy that the legal system allows, putting public entities in the position to "re-do" because of a timing issue.

Mr. Rice commented that if the District re-bids the project, there is nothing to prevent another protest. He considered it a no-win situation and Mr. Beane agreed. It was Mr. Beane's opinion that, although abhorrent, a re-bid is the best way to complete the project at an affordable cost to the landowners. He was concerned that steps must be taken to be sure this situation cannot happen again. Mr. Lindahl stated it would build our position to go through a re-bid process. This would include a formal qualification that does not rely on existing contracts with other local governments, i.e., no piggybacking. All other specifications would remain unchanged. Mr. Powell introduced Brian King from NFE who stated his intent in the bid process was to save the District money and give a good product. He believed it would be a good idea for the Board to delay making a decision for 30 days. He stated FHP has taken this type of action before when losing a bid. Mr. King stated his company is willing to put up \$50-100,000 toward legal fees for the District if there is a lawsuit.

Mr. Rice asked the Board to table further action for 14 days so counsel can review all legal ramifications and the Board can reflect further on the situation. Mr. Lindahl asked Mr. King to waive any time limits in the contract documents that are statutorily required for issuing the Notice to Proceed, until after the regular July Board meeting; Mr. King verbally agreed. The Board was in agreement to table further action until the July 19th Board meeting. Staff was requested to keep the Board informed promptly of any dialogues, letters, etc. Mr. Beane requested that he be informed by hard copy in addition to e-mail.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON MAY 24, 2007

The regular meeting of the South Indian River Water Control District was held on May 24, 2007, at 5:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane (via telephone conference), Bob Berman, and Michael Danchuk. Also present were Len Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary.

Mr. Powell called the meeting to order. He stated the primary issues to be discussed at this meeting are the financing for the road improvement program and the award of the contract.

The Board agreed to defer approval of the corrected February 15th minutes and the April 19th minutes.

The public information report was presented by Ms. DeNinno who reported that the May-June newsletter has been mailed out.

Mr. Haas presented the treasurer's report. Mr. Danchuk made a motion to ratify the approval of the monthly

disbursements. Mr. Berman seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He noted Mr. Burkhart has promised payment but it has not yet been received. New gates on the canal rights-of-way in Palm Beach Country Estates have been installed. Mr. Berman commented that this issue still needs discussion by the Board.

Mr. Lindahl presented the engineer's report. A presentation was made regarding the potable water project. The contractor is focusing on restoration and testing. The District engineer is now working with the contractor to pre-test each area which must pass inspection before the contractor moves to the next area. Last week the engineer attended a property owners meeting to answer questions, all of which were very positive. A representative from the Town of Jupiter was also present at that meeting.

Mr. Lindahl reported on the 14th Plan of Improvements. Two contractors submitted proposals which were evaluated for purposes of piggybacking. He recommended North Florida Emulsions which was the lowest bid at \$2.7 million. Mr. Haas stated the cost/parcel/year is within what was quoted in the referendum. Mr. Capko stated funding is anticipated to be received by the bank tomorrow. Mr. Berman made a motion to award the contract to North Florida Emulsions, subject to receipt of funding. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Capko presented the attorney's report. He presented a resolution authorizing issuance of the promissory note not to exceed \$3.2 million for the 14th Plan of Improvements in order to close this transaction tomorrow. Mr. Haas noted that all the bids received were based on a formula and the actual fixed rate over a 20-year term is 4.16%, which is within the anticipated range. Mr. Capko explained that the resolution sets forth the terms of the loan from Regions Bank to the District and authorizes the execution of all other loan documents. Mr. Capko and Mr. Haas both recommended approval of the resolution. Mr. Berman made a motion so authorizing the resolution. Mr. Beane seconded the motion and it carried unanimously.

Mr. Ron Steedly, landowner, requested an update on the status of the Rocky Pines situation. Mr. Capko stated that attempts to amend Chapter 95 were unsuccessful. He suggested getting a sponsor and preparing a separate bill for this issue for the next legislative session. Mr. Capko will seek direction from the Board on this matter before the end of the year.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON APRIL 19, 2007

The regular meeting of the South Indian River Water Control District was held on April 19, 2007, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Bob Berman, Tom Rice and Michael Danchuk. Also present were Len Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno, public information; and Jane Woodard, secretary.

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

Mr. Powell asked if there were any corrections or additions to the minutes of February 15, 2007. Mr. Danchuk noted that his statements regarding Mr. Berman's straw poll as to paving were omitted. The secretary was directed to review the tape of the meeting and include Mr. Danchuk's statements. It was agreed to table approval of these minutes until the next meeting.

The public information report was presented by Ms. DeNinno. News releases were sent to local newspapers. The website was updated. Attendance at the 16th Annual Landowners' Family Day was approximately 650, comparable to previous years. A presentation award for NRCS was presented to Jesse Wilson at that event.

Mr. Haas presented the treasurer's report. He discussed the financing package for the Palm Beach Country Estates water distribution system hookups. Regents Bank presented the most competitive proposal offering a \$3 million line of credit over a two-year period. This will be converted to a 15-year term loan after two years. Mr. Haas met with the business manager for the Town of Jupiter's utilities to discuss interfacing with them. It was agreed that the landowner will sign a voluntary assessment agreement with SIRWCD. SIRWCD will then send this information to the Town of Jupiter on a monthly basis, which will allow the Town to draw on SIRWCD's line of credit. He recommended Board approval of Regents Bank as the lender for this line of credit. Mr. Berman made a motion approving Regents Bank's proposal. Mr. Rice seconded the motion and it carried unanimously. Mr. Haas stated he will be preparing a separate informative mailing for the landowners. Mr. Berman suggested two separate mailings: the first with general information, followed by a second more detailed letter as each phase nears completion.

Mr. Berman commented that he has negotiated a fixed price of \$620 from a licensed plumbing contractor for installation of the line from the meter to the house.

Mr. Haas discussed financing for the OGEM project and again recommended Regents Bank's proposal. This financing is tax exempt and the rate is 4% over a 20-year period which will be fixed at closing. The Board agreed to defer further discussion on this financing until the District engineer has made his report on the estimated costs.

Mr. Haas recommended approval of the monthly disbursements. A motion was made by Mr. Berman to approve these disbursements. The motion was seconded by Mr. Danchuk and carried unanimously.

Mr. English presented the general manager's report. He discussed delivery of pay requisitions from Felix & Associates and National Waterworks; completion of the NRCS rock rubble riprap installation in Jupiter Farms and Palm Beach Country Estates; installation of a gate at C-12 and Indiantown Road; discussions with SFWMD regarding funding for the outfall right-of-ways clearing; Bay Colony reimbursement for legal fees; and funds received from FEMA for activities following Hurricane Wilma. Mr. English reported that several paintings in the District office were purchased by him over 20 years ago, for which he was reimbursed. At this time he requests permission to exchange some of these paintings at his expense. Mr. Danchuk made a motion approving this request. Mr. Berman seconded the motion and it carried unanimously.

Mr. Danchuk reported on a meeting with the Sheriff's Department who has requested confirmation that the District will support them in the event of vandalism on the canal banks within the District, and that Mr. English will be available to testify as to trespassing issues. Mr. Lindahl presented the engineer's report. A presentation was made regarding the potable water project showing the construction milestones. It is planned to have all pipes in the ground prior to the upcoming wet season, and the project is expected to be completed by February, 2008. When milestone #1 is certified, the water can be turned on. A certain percentage of restoration must be completed by the contractor before moving to the next milestone.

Mr. Lindahl reported on the 14th Plan of Improvements. The cost estimate for OGEM is currently at \$14.95/sq. yard, a 46% increase since December. He noted there was only a 15% contingency included in the referendum. Mr. Lindahl stated the District needs to "piggyback" on a public contract as soon as possible and requested authorization for the chairman to enter into a contract for the proposed 14th Plan, utilizing an existing public contract. He reported that by negotiating with a contractor, utilizing the contingency and with the favorable financing secured by Mr. Haas, the District can stay with the original cost estimate included in the referendum. Mr. Haas suggested requesting an increase in the amount of the bank loan. Mr. Rice made a motion so authorizing the chairman to enter into a contract for the 14th Plan and Mr. Beane seconded the motion. Mr. Danchuk was concerned with financing this project over 20 years since OGEM does not have a 20-year life span. Mr. Lindahl

explained there is a replacement and renewal program for resurfacing, just as there would be for any other type of road. Mr. Haas confirmed that a 20-year financing plan was included in the referendum presented to the landowners. After a brief discussion, the motion carried unanimously.

Mr. Lindahl then discussed the \$20 million cost for county-standard roadways on the east side. He and Mr. Danchuk met with several contractors in order to explore less costly paving options. Mr. Lindahl concluded that in order to look at something less than \$20 million, a hybrid would need to be developed. However, this would be a deviation from what was represented to the landowners and would not meet county standards. He discussed the specifications of a hybrid which could be constructed at an estimated \$15 million. Mr. Danchuk stated the landowners are not concerned about deeding the roads over to the County. Mr. Lindahl reported that the use of OGEM for all-weather roads throughout the state has increased, not just in rural areas but also in subdivisions due to its cost and durability. He noted that the life expectancy of a hybrid road has not yet been determined. It was Mr. Danchuk's opinion that a referendum for constructing a hybrid road should be presented to the landowners. Mr. Berman stated that the Board should only inform the landowners of what is available; the landowners will in turn let the Board know what they want. The only referendum the Board is authorized to conduct is for county-standard roads with a current cost estimate of \$1200/year for 20 years. Mr. Capko confirmed that the Board can only act on what the landowners have requested, which at this time is county-standard roads. Mr. Lindahl stated considerable research and testing need to be done on a hybrid road before an information packet could be put together for the landowners. Mr. Danchuk stated that any information sent to the landowners must include the true cost of maintenance. He inquired if a particular road could be paved on an independent basis without consulting the District. Mr. Lindahl stated if the landowners on that road are paying for paving with no financing involved and no public representation by an agency such as SIRWCD, this could be done but the road must be accepted by the District engineer and the District must be in a position to maintain that road.

Mr. Capko presented the attorney's report. He reported that the special district assessments have successfully been kept out of the rollback provision of the legislation. However, attempts to amend Chapter 95 to cover the Rocky Pines Road situation have so far been unsuccessful. He confirmed that a response was sent to Commissioner Karen Marcus regarding the sidewalk issue discussed at the last meeting.

Mr. Berman discussed an "attractive nuisance" in SIRWCD, specifically in Palm Beach Country Estates, in the form of easy accessibility to the District's canal rights-of-way and easements. Landowners have reported to him that youths are bringing cars and trucks onto these canal rights-of-way on the weekends, resulting in District property being destroyed. Mr. Berman asked the Board to address a control and maintenance issue including the rebuilding of what has been destroyed, the safety issue for District employees due to mud holes, erosion and unstable areas, and public safety for those youths congregating in their vehicles. He requested that Mr. English be authorized to immediately identify the areas that need to be secured by fences and gates, and that the District obtain personnel security for the weekends at these sites. Mr. Rice suggested a workshop to discuss policy decisions. Mr. Berman made a motion authorizing Mr. English, as an emergency measure, to install fencing and gates at the canal access points in Palm Beach Country Estates that are most vulnerable. Mr. Danchuk seconded the motion and it carried unanimously.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON FEBRUARY 15, 2007

The regular meeting of the South Indian River Water Control District was held on February 15, 2007, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave

Beane, Bob Berman, and Michael Danchuk. Also present were Len Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno from Dick Gruenwald & Associates, public information; and Jane Woodard, secretary. Approximately eight landowners were also present.

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

Mr. Powell stated this meeting also constitutes the second public hearing for the landowner-initiated roadway improvement project as required by law and as properly advertised. Mr. Lindahl presented a brief explanation of the 14th Plan of Improvements. The Plan includes 13 miles of roads to be improved by the application of OGEM at an estimated cost of \$3.2 million with 573 lots fronting the roads. Financing for the project will be over a 20-year period. Rocky Pines Road has now been excluded from this Plan due to certain legislative requirements as discussed at previous meetings.

Mr. Powell then opened the floor to comments from landowners. A landowner asked about assessments for corner lots and if swale maintenance will continue. Mr. Powell stated that corner lots will be assessed only once, and swale maintenance will continue.

Another landowner on 189th Court stated there were six landowners on her road who never received ballots and who are now requesting a re-vote. She also stated some of the landowners on that road want to change their vote because of the increased cost; they only want the drainage issue resolved, not road paving. Mr. Powell explained that a petition was circulated by the landowners in that community and more than 25% wanted paving. In response to that petition, a referendum was then conducted, which included estimated costs, and a majority voted in favor of paving. The law states that the current tax roll is to be used for voting purposes, i.e. distribution of ballots, and this was done. All proper procedures were followed by the District. Mr. Lindahl stated that the ballots were mailed by an independent entity who then provides the District with a certified list as to where the ballots were sent. The ballots were returned to the Supervisor of Elections Office and the results in turn were reported to the District. Mr. Haas confirmed this was the procedure used. Mr. Powell stated that this referendum was not flawed, all proper procedures were followed as required by law, and the District now has the authority to assess those properties; another vote would not change that result. The Board agreed to check the certified list to verify that ballots were sent to the six addresses in question.

Mr. Powell acknowledged receipt of a letter from Jeffrey Dick regarding one of the roads included in the 14th Plan of Improvements.

There were no further comments from the landowners, staff or Board and the public hearing portion of the meeting was closed.

Mr. Powell asked if there were any corrections or additions to the minutes of January 18, 2007. A correction was noted on page two and certain clarifications were requested on page four. The minutes were approved as corrected.

The public information report was presented by Ms. DeNinno. News releases were sent to local newspapers. The website was updated. The winter newsletter is about to go to print. Work continues for Family Day scheduled for March 17th, and for the presentation award for NRCS. Ms. DeNinno commented that several of the District's newsletters discussed the road improvement projects, the information has been on the District's website, and the Jupiter Courier also reported on the project.

Mr. Haas presented the treasurer's report. He discussed the financing program for the Palm Beach Country Estates water distribution system which was previously distributed to the Board and staff. He explained that under the terms of the agreement with the Town of Jupiter, SIRWCD pays for 50% of the connection fees up front, estimated at \$3900/connection. A voluntary financing package has been structured to help the landowners pay this fee. The

concept is to obtain a line of credit for approximately two years which will then be converted to a term loan with an amortization period of 15 years. The majority of the homes in the area will qualify for the standard \$3900 fee but there are larger homes that will likely require a \$9000 connection fee based on square footage and as determined by the Town of Jupiter. The key to the financing program is that each landowner who wants to avail themselves of this financing program will execute an agreement with SIRWCD to voluntarily be assessed. The agreement will be recorded and run with the land, i.e. the balance of the assessment will not be due on sale but will continue until the financing is completely paid for. No formal court hearing process will be required. Mr. Haas confirmed that landowners will basically have a two-year window to get into this financing program prior to its conversion to a term loan. As soon as the agreement with SIRWCD is executed, a check will be issued by SIRWCD to the Town of Jupiter to pay the connection fee. The landowner's assessment will then be included in the next tax bill. The Board was unanimously in favor of this program. Mr. Haas will now draft an RFB to be sent out to the banks.

Mr. Haas recommended approval of the monthly disbursements. A motion was made by Mr. Berman to approve these disbursements. The motion was seconded by Mr. Beane and carried unanimously.

Mr. English presented the general manager's report. He reported on NRCS funding for the riprap installation program and canal cleaning, landscaping around the new Verizon tower, DERM's exotic tree removal program, termination of three part-time employees, the possible low-level arsenic contamination near a perimeter canal in Section 33, and receipt of the Canal 2 lake area easement. Mr. English requested that the Ford Explorer SUV be declared surplus for purposes of trading it in for a new SUV. The Board agreed and Mr. English will seek bids for a replacement. He also requested that two obsolete and inoperable radios be declared surplus. Mr. Beane made a motion to declare these items surplus. Mr. Berman seconded the motion and it carried unanimously.

Mr. Lindahl presented the engineer's report. He discussed the status of the potable water project in Palm Beach Country Estates. The pipe is being installed at a rate of approximately one mile/day. The estimated completion date for the entire project is February, 2008.

Mr. Lindahl reported on the 14th Plan of Improvements. He has followed up with landowner questions from the previous public hearing. He discussed the letter received from Jeffrey Dick regarding 126th and those concerns are being addressed. Mr. Beane commented that the proper process was followed by the Board and there was ample time for landowner discussion prior to the referendum which subsequently passed. The engineer has now confirmed that this road can be tied to Mellon which is already paved so there will be a connection to a paved road. Mr. Lindahl confirmed that the Plan provides for this issue.

Mr. Capko presented the attorney's report. Mr. Powell commented on the letter received from Commissioner Karen Marcus regarding putting in a sidewalk. He suggested that Mr. Capko send her a response stating that the Board is looking into this matter; the Board agreed. Mr. Capko stated that there may be circumstances under which Chapter 298 Districts can do such a project and he will prepare an outline of the issues involved. In the meantime, he will respond to Commissioner Marcus' letter.

Mr. Berman reported on the straw poll he conducted regarding asphalt road paving in Palm Beach Country Estates. The results were 2:1 in favor of road improvements but only 18% were in favor at the currently estimated costs. It was Mr. Berman's opinion that if a referendum had been held it would not have passed. Mr. Berman confirmed that he volunteered to conduct this straw poll as an individual landowner concerned about the increased costs for paving.

A landowner asked if the County could financially assist with roads, street lights, etc. Mr. Danchuk stated that the landowners' association recently requested such assistance and it was told there are no funds available to help communities with dirt roads wanting paving.

In answer to another landowner's question, Mr. Haas clarified the payment of water connection fees in PBCE. Each individual landowner is responsible to pay the connection fee to the Town of Jupiter when service is requested. In

order to assist the landowner with the payment of this fee, SIRWCD will provide a financing package (as discussed earlier) strictly on a voluntary basis.

There was general landowner discussion regarding road paving and private vs. County ownership of roads in the District. Mr. Danchuk stated that, separate from this Board of Supervisors, the landowners' board has also been looking at how to reduce the cost of paving. It was his opinion that the 18% on the straw poll who want to have paving regardless of the cost is a considerable number. He invited interested landowners to meet with him after this meeting.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JANUARY 18, 2007

The regular meeting of the South Indian River Water Control District was held on January 18, 2007, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Bob Berman, Tom Rice and Michael Danchuk. Also present were Len Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; and Donna DeNinno from Dick Gruenwald & Associates, public information.

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

Mr. Powell asked if there were any corrections or additions to the minutes of October 19, 2006. There was one typographical error noted on page four and the minutes were approved as corrected.

Attorney Capko administered the oath of office to Mr. Beane. The public information report was presented by Ms. DeNinno. The fall newsletter has been uploaded to the website. Work is in progress for the winter newsletter and annual Family Day which is scheduled for March 17th.

Mr. Haas presented the treasurer's report. He recommended approval of the monthly disbursements. A motion was made to approve these disbursements. The motion was seconded and carried unanimously.

Mr. Haas announced he is in the process of separating from the accounting firm of Rachlin, Cohen and Holtz and hopes to continue on as the District's treasurer.

Mr. English presented the general manager's report. He reported on the funding for the riprap installation program, delivery of a new 28th trailer from Nortrax, the new Verizon tower and repair of the work center's roof.

Mr. Lindahl presented the engineer's report. He recommended putting together a recognition plaque for NRCS to show the District's appreciation for the funding and assistance provided. The Board unanimously agreed and Mr. Rice will handle this.

Mr. Lindahl then discussed the current estimated costs for the roadway improvement program in Palm Beach Country Estates. Working from the basis that all of the currently unpaved roads in the area would be paved, this involves approximately 33-1/2 miles for a total of \$20 million. This would result in an assessment of \$14,000-\$15,600/parcel, \$1,300-\$1,450/year. When the road improvement program was first initiated, the cost estimate was \$260,000/mile, and the estimate is now \$590,000/mile. This increase is primarily driven by the cost for the rock and anything related to a petroleum-based product.

A lengthy discussion by the Board followed. Mr. Powell was concerned about presenting these costs to the landowners on a referendum and believed there are lower cost alternatives that can also be presented. Mr. Berman was concerned about incurring the cost of a referendum that he did not believe would pass because of these increased cost estimates, especially when the landowners are already faced with increased costs for taxes and insurance. Mr. Danchuk, however, was concerned about the legality of not going forward with what landowners requested in their petitions, i.e. a county-standard road. The attorney stated the Board cannot move ahead with a plan amendment until there is documented evidence from 25% of the affected landowners that they want to consider a plan amendment; however, there is nothing in the statutes that requires the Board to proceed. If the Board determines this quality of paving is unlikely to occur, it has the authority to present alternatives on a referendum. Mr. Rice suggested postponing the referendum for a few months until the potable water project is completed and that final assessment is established. Mr. Danchuk was strongly opposed to postponing a referendum and conducting any more research for alternatives. He was also concerned that these petitions were presented two years ago when cost estimates were more reasonable and he felt the cost of a referendum is justified. Mr. Berman pointed out that the landowners in Palm Beach Country Estates were not presented with an alternative to the asphalt paving on the petitions that were distributed. He suggested conducting a straw poll presenting alternative standards of paving. The Board discussed the long-term costs of maintenance on the different types of paving and the method of determining the annual budget for the sinking fund. Mr. Powell stated that Mr. Berman has done more for the PBCE community than anyone; he knows the community and what those landowners want, and the Board can rely on Mr. Berman's knowledge of the community. Mr. Powell also stated that the Board is obligated, in his opinion, to put together a good program that can be presented to the landowners that has an opportunity to do what the landowners want, i.e. improve the roads in an affordable way. Mr. Powell further stated that in his opinion the initial plan for county-standard roads is no longer affordable and the Board is now obligated to find something that is affordable. Mr. Beane stated he is in favor of a straw poll rather than incurring the expense of a referendum at this time. He also was in favor of presenting information on alternative standards of road improvement. Mr. Danchuk made a motion to immediately conduct the referendum for a county-standard road improvement project in Palm Beach Country Estates. There was no second and the motion failed. The Board then unanimously agreed that Mr. Berman will conduct a straw poll in PBCE as discussed, and report the findings as soon as possible.

Mr. Lindahl then discussed the progress of the potable water project in Palm Beach Country Estates. Approximately 16 miles of pipe has been placed and the materials have been almost completely paid off. Mr. Berman commented that the supervision and management of this project from an engineering standpoint has been exceptional.

Mr. Lindahl discussed a permit submitted by the Town of Jupiter associated with the wellfield recharge program. This program involves taking water that would otherwise be discharged to tide water and never recaptured, keeping it within the system and using it to recharge Jupiter's wellfield. Under an agreement with the District, Jupiter utilizes the District's infrastructure along the Turnpike and I-95 to get water into Indian Creek, Egret Landing and Jupiter Commerce Park. However, because there is not enough ability to move water into Egret Landing for sufficient recharge, a permit has been applied for to provide pumps adjacent to the outfall structure. Mr. Lindahl noted that in the agreement with the Town of Jupiter, Egret Landing cannot be filled above the bleed-down level so there is no change in the active storage for Egret Landing that would cause diminished flood protection. Also, the system cannot be taken down on the intake side below a certain level. These conditions will be restated in the permit.

Mr. Capko presented the attorney's report. Legislative options to solve the road paving problem in Rocky Pines have been reviewed. Mr. Capko stated the best possibility for success in a timely manner would be to amend Florida Limitations Code Section 95.361 to include roads maintained by special districts, and he recommended pursuing this option. The Board unanimously agreed to authorize and instruct the staff to pursue this option. Mr. Lindahl stated that this road could be included in the contract as an option, with the provision that it be done last, contingent upon the necessary approvals.

Mr. Capko also discussed the previously-discussed program to fund the connection charges for the potable water

project in PBCE. The Board agreed this program should be established.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON OCTOBER 19, 2006

The regular meeting of the South Indian River Water Control District was held on October 19, 2006, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane (via conference phone), Bob Berman, Tom Rice and Michael Danchuk. Also present were Len Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno from Dick Gruenwald & Associates, public information; and Jane Woodard, secretary. Approximately 15 landowners were also present.

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

It was noted that the election results from the Supervisor of Elections Office were ratified at the previous Board meeting. Attorney Capko administered the oath of office to Mr. Rice, attested to by Ms. Woodard as the notary public. Mr. Beane will take the oath of office at the next meeting when he is physically present.

Mr. Powell opened the floor to nominations for officers. Mr. Rice made a motion to retain the current officers: Tom Powell as President, Tom Rice as Vice-President, Charles Haas as treasurer, Jane Woodard as secretary, and all Board members as assistant secretary. Mr. Berman seconded the motion and it carried unanimously. The Board also unanimously agreed to retain the current committee chairmen: Tom Rice as chairman for the communications and public relations committee, Dave Beane as chairman for the policies and procedures committee, and Tom Powell as chairman for the budget and finance committee. Mr. Berman will continue to act as liaison for the potable water project in Palm Beach Country Estates.

Mr. Powell stated this meeting also constitutes a public hearing for the roadway improvement project as required by law. He noted that preparation of an engineering plan is the next step in the process and that plan is being presented to the landowners at this time for their comments. Mr. Lindahl presented a map of the roads included in the 14th Plan of Improvements. The Plan includes 14 miles of roads to be improved by the application of OGEM at an estimated cost of \$3.45 million. This is divided into two groups of roadways: Rocky Pines, approximately 1 mile in length, at an estimated cost of \$250,000 (\$900/year); and all other roads constituting approximately 13 miles, at an estimated cost of \$3.2 million (\$515/year). The financing for both projects would be over a 20-year period.

Mr. Powell then opened the floor to comments from landowners. Mr. Dan Miller, on 159th east of 133rd, asked if those landowners fronting the paved roads are the only ones paying for that paving. Mr. Lindahl stated when the assessment of benefits is prepared, that issue will be formalized and another public hearing will be held to discuss it. Mr. Miller stated he received referendum ballots for the three lots he owns, although none of the lots front a road that is to be paved. Mr. John Dennis, also on 159th, had the same inquiry. The Board and engineer agreed to look into this matter. Mr. Lindahl stated that based on previous improvement plans, if a landowner does not front a road that is to be paved, he is not assessed.

A letter from Jill Blitman on 150th Court North was read by Mr. Capko. In her letter she stated her completed ballot was given to her husband to submit. Unfortunately, he "went missing shortly thereafter" and has been officially a missing person for the past three months. She expressed her concern that her "no" vote was not counted.

Mr. John Dennis requested that he be notified prior to being assessed. The Board stated the 2nd public hearing will

be announced and publicized in the newspapers and on the website, at which time the benefited area will be discussed.

Mr. Andrew Sintelli and Mr. Al Rossi asked about the standards for the road prior to the application of OGEM. Mr. Lindahl stated a base is applied to the road for structural integrity, the road elevation is addressed, and a base is reapplied just prior to the application of OGEM.

Mr. Matt Davis, on 103rd Terrace North, asked if there will be any improvement in the swale drainage. He was also concerned about the impact of large trucks traveling on OGEM roads. Mr. Lindahl stated the conditions of culverts and drainage will be addressed. He also stated OGEM has been used on county roads and in heavy truck traffic with no problems reported.

Mr. Steve Carew inquired about the culvert crossings invert at 189th and Mr. Lindahl stated this will be checked.

Mr. Dan Miller inquired about the expected life span of OGEM roads. Mr. Powell stated the maintenance is funded so when resurfacing is required, there will not be an additional assessment. Mr. Lindahl estimated the life span for OGEM is approximately ten years.

Ms. Carol Clark noted that a previous construction staging area destroyed the sidewalk and was open to children playing on rock piles and equipment. She was concerned about liability for injuries and the unrepaired sidewalk. The Board stated it was aware of these problems in the past and will address these issues with this project.

There were no other landowner comments and Mr. Powell closed the public hearing portion of the meeting. Mr. Rice made a motion authorizing and instructing the engineer to prepare a report for the 14th Plan and file it with the appropriate agencies. The motion was seconded and carried unanimously.

Mr. Powell asked if there were any corrections or additions to the minutes of August 17 and September 21, 2006. There were none and the minutes were approved as submitted.

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

The public information report was presented by Ms. DeNinno. Recent minutes and information pertaining to tonight's public hearing were uploaded to the website. A mailing regarding the water service location was sent to the Palm Beach Country Estates landowners. Work continues on the fall newsletter. Dates suggested for Family Day are February 24th and March 17th.

Mr. English presented the general manager's report. Work is continuing on the riprap on canal crossings; the contractor was given a 60-day extension to complete this project due to emergency circumstances. Mr. English recommended extending Aquagenix's contract through 2007 at the same rate and the Board had no objections. The Board inquired about the status of the sidewalk damage at the staging area. Mr. English reported approximately 1/4 mile of the sidewalk was damaged. That site was also used for hurricane clean-up. The Board suggested this area be fenced during the road improvement project and then a beautification effort should be made when that project is completed.

Mr. Lindahl presented the engineer's report. He discussed the potable water project which will be completed in three phases. The staging area for the materials is currently on the canal right-of-way. The contractor has also been authorized to temporarily use the Donald Ross Road right-of-way where the County is constructing a round-about.

Mr. Danchuk inquired about the status of the 75th Way petition. Mr. Lindahl stated the next step is preparation of the cost estimate and the referendum. It was agreed to immediately go forward with the referendum.

Mr. Capko presented the attorney's report. He stated Mrs. Thompson's slip-and-fall matter is being handled by the District's insurance carrier.

Mr. Ron Steedly, landowner, reported his road referendum passed but there is no easement on the roadway. Mr. Capko reported the District currently has no statutory authority to do this work. Several legal actions were discussed and Mr. Capko recommended modifying Florida Limitations Code Section 95.361 to include Special Districts. Mr. Steedly noted there were eleven landowners in favor of the paving, but eight were opposed. He also felt that modifying 95.361 was the best alternative, but was concerned about the length of time involved in this action. Mr. Capko noted that although the District currently maintains this road, if there were objections from the landowners the maintenance could simply be stopped. However, if OGEM were to be applied to the road and landowners objected, this could result in putting the District at risk for the cost of doing this. Mr. Haas stated a problem arises when financing is required for the project and there are underwriting requirements. The Board instructed the attorney to prepare a report for the next meeting, addressing the legislative steps necessary to obtain authority and any other viable alternatives.

Mr. Danchuk inquired if registration is required for ATV's as Sheriff's officers have been approaching ATV owners in Palm Beach Country Estates requesting proof of registration. Mr. Capko was not familiar with this requirement.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON SEPTEMBER 21, 2006

The regular meeting of the South Indian River Water Control District was held on September 21, 2006, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Rice, Bob Berman and Michael Danchuk. Also present were Len Lindahl, engineer; Charles Haas, treasurer; William Capko, attorney; Gale English, general manager; Donna DeNinno of Dick Gruenwald Associates, public information; and Jane Woodard, secretary. Approximately 11 landowners were also present.

Mr. Rice called the meeting to order. Mr. English offered the invocation, and the Pledge of Allegiance to the flag was given.

Mr. Haas presented the treasurer's report and recommended Board approval of the monthly expenditures. Mr. Berman made a motion approving these disbursements. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Rice called for a motion to accept the election results from the Supervisor of Elections office. Mr. Berman made a motion to accept that report. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Capko presented a resolution as required by Chapter 298 to begin the process to prepare an amendment to provide for an engineer's report which will allow for the road improvement project to proceed. Mr. Berman made a motion to approve the resolution. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Lindahl reported that of the 68 petitions submitted by landowners for road improvement, 28 were approved by referendum. He presented an exhibit showing the location of those roads.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON AUGUST 17, 2006

The regular meeting of the South Indian River Water Control District was held on August 17, 2006, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Bob Berman, Tom Rice and Michael Danchuk. Also present were Len Lindahl, Jr., engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Laura Bender from Dick Gruenwald & Associates, public information; and Jane Woodard, secretary.

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

Mr. Powell announced that the first part of this meeting is the public hearing regarding the District's budget for the fiscal year 2006-2007. He formally convened the public hearing regarding the proposed budget. Mr. Powell then opened the floor to comments from the public. There were no questions or comments and the public hearing regarding the proposed budget was closed.

Mr. Powell then convened the regular meeting of the Board of Supervisors. Mr. Rice made a motion to adopt a resolution to approve the proposed budget and elect the uniform method of collection of non-ad valorem assessments. Mr. Berman seconded the motion and it carried unanimously.

Mr. Powell asked if there were any corrections or additions to the minutes of July 20, 2006. There were none and the minutes were approved as submitted.

The public information report was presented. Photos have been taken of the NRCS riprap on the Jupiter Farms canals. The summer newsletter has been mailed out.

Mr. Haas presented the treasurer's report. He recommended approval of the monthly disbursements. A motion was made by Mr. Rice to approve these disbursements. Mr. Berman seconded the motion and it carried unanimously.

Mr. Rice discussed the possibility of purchasing a conference phone at an estimated cost of \$500. Mr. Capko noted this could be useful to assure that a quorum is present when Board members are out of town. Mr. Danchuk made a motion authorizing an expenditure not to exceed \$700 for a conference phone. The Board unanimously agreed.

Mr. English presented the general manager's report. He discussed the proposals received for an enhanced maintenance program. He also reported that the ballots for the OGEM referendum were forwarded to the confidential addresses affected by the referendum. Mr. English noted there are now no more outstanding funds due from FEMA. One of the overhead garage doors must be replaced and this will be handled by Overhead Door Company. Aquagenix is assisting with removal of brush and exotics from the outfall easements.

Mr. Lindahl presented the engineer's report. He continues to work with the County regarding the issue of pipe storage associated with the potable water distribution system. At this time there will need to be a temporary storage location for the pipes which will constitute handling them twice, incurring additional costs. The referendum ballots for the 14th Plan of Improvements are due back tomorrow. Mr. Lindahl then discussed the Pine Glades mitigation area which wants to bleed water off at off-peak times into SIRWCD's system. This is currently being discussed with the County in order to address certain concerns of the District.

Mr. Danchuk reported that a landowner on 159th has questioned how the placement of the water line will affect the mailboxes. Mr. Lindahl stated that if mailboxes are taken down temporarily, they will be replaced as per the contract. Mr. Danchuk also asked about the status of asphalt paving in Palm Beach Country Estates. Mr. Lindahl stated he is discussing this with a national contractor.

Mr. Capko presented the attorney's report. He reported that a change in the legislation provides for a change in the amount of per diem and mileage rates for any District employees and officials. Along with the engineer, he is pursuing discussions with the County regarding the issue of pipe storage.

Mr. Berman discussed the status of grant assistance for the park project. Current legislation restricts the benefits of a park to District landowners, not the general public, thereby disqualifying the application for grant assistance. He is continuing to look for a method for creating the park. There will be no billing to the District from the grant consultant.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JULY 20, 2006

The regular meeting of the South Indian River Water Control District was held on July 20, 2006, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Bob Berman and Tom Rice. Also present were Lennart Lindahl and Len Lindahl, engineer; Amy Dukes for Lewis, Longman & Walker, P.A., attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno from Dick Gruenwald & Associates, public information; and Jane Woodard, secretary.

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

Mr. Kilday of Kilday & Associates, land planner representing landowner Paul Thomas, owner of Tree Brothers Nursery, explained their intent to build a recreational vehicle resort on a seven-acre parcel on the north side of Indiantown Road one mile west of Jupiter Farms Road. Mr. Kilday explained that the County's Zoning Department requires positive outfall as part of the permitting process. The nearest positive outfall is the District's canal on the south side of Indiantown Road. A study has been prepared and delivered to the District's engineer for review. Mr. Len Lindahl stated he is currently reviewing the study but is not yet in a position to make a recommendation. Mr. Kilday noted the additional discharge into the District's canal would be approximately 1 c.f.s. Mr. Powell stated this issue can be handled by a policy decision. The Board cannot compromise the flood protection to the residents of the District and this is a policy that has already been established. Mr. Beane and Mr. Rice agreed that a deviation from this established policy could establish a legal precedent that may not be in the best interest of the landowners. The Board unanimously agreed and directed the engineer to return the \$300 check to Mr. Kilday and to spend no further time on this matter.

Mr. Powell asked if there were any corrections or additions to the minutes of April 20, 2006. There were none and the minutes were approved as submitted.

The public information report was presented by Ms. DeNinno. News releases were sent out to local newspapers. Several items were uploaded to the website. Work has begun on the summer newsletter. The staff and supervisor information sheet has been updated.

Mr. Haas presented the treasurer's report. He recommended approval of the monthly disbursements. A motion was made by Mr. Rice to approve these disbursements. Mr. Berman seconded the motion and it carried unanimously.

Mr. Haas presented the proposed 2006-2007 budget for review. He noted that the total assessments for ongoing programs have increased. The major increases are for programs in Palm Beach Country Estates including the potable water distribution project and the maintenance program for increased level of service along the main collector roads. Mr. Berman noted the need for a workshop to discuss this increased level of maintenance in Palm

Beach Country Estates and the establishment of a long-term project which will address this issue. Mr. Haas stated the maintenance budget for the west side has also been increased but this will be mitigated by a decrease in assessments for debt service as a result of the road bond being paid off. An increase in the communications budget was recommended due to an increase in postage and printing costs and the Board agreed. The personal services budget reflects a slight increase. Mr. Haas stated other increases are reflected in the maintenance budget due to cost increases in the marketplace. Mr. Lennart Lindahl noted a trend for increased costs for anything related to rock aggregate and petroleum-based products, specifically the replacement and renewal fund for OGEM. Mr. Haas explained his calculations for arriving at the budget estimates which take these increased costs into consideration. He stated a public budget hearing needs to be scheduled and suggested this be handled at the next Board meeting on August 17th. The Board agreed and that meeting will be so advertised.

Mr. English presented the general manager's report. Rock riprap is currently being installed in certain sections of Jupiter Farms and this work will continue in Palm Beach Country Estates. Mr. Lennart Lindahl suggested a formal resolution thanking NRCS for its financial support in helping the District recover from the impact of three hurricanes and the Board agreed. Mr. English requested retroactive approval of the sale of the District's 1978 surplus equipment trailer for \$500 and the purchase of a replacement trailer for \$16,839. Mr. Beane made a motion approving this transaction. Mr. Rice seconded the motion and it carried unanimously. Mr. English also requested authorization for the purchase of a replacement mower for an approximate cost of \$12,000. Mr. Rice made a motion authorizing this purchase. Mr. Berman seconded the motion and it carried unanimously. Mr. English reported that the Verizon agreement has been signed by Verizon and returned to the District. Mr. Haas stated the figures are in order and recommended signing the agreement subject to the attorney's final review.

Mr. Lennart Lindahl discussed the issue of storing construction equipment and materials on adjacent vacant lots. He noted this has been a standard practice for decades but the County has recently been enforcing an apparent non-existent ordinance, prohibiting this type of storage. Mr. Lindahl stated there may be a need to go before the Board of County Commissioners to request relief.

Mr. Len Lindahl presented the engineer's report. The referendums for the 14th Plan of Improvements for the west side went out last week. The program for increased maintenance in Palm Beach Country Estates was discussed.

Ms. Dukes presented the attorney's report and noted there were no other pertinent legal issues to discuss at this time.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON APRIL 20, 2006

The regular meeting of the South Indian River Water Control District was held on April 20, 2006, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Bob Berman, Tom Rice and Michael Danchuk. Also present were Len Lindahl, Jr., engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno from Dick Gruenwald & Associates, public information; and Jane Woodard, secretary. One landowner was present. Mr. J.W. Howard from Bear Stearns, bond underwriter for the 13th Plan of Improvements project, was also present.

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

Mr. Powell formally convened the Chapter 197 public hearing on the Palm Beach Country Estates potable water project. Mr. Lindahl presented a brief summary of the project known as the 13th Plan of Improvements, which

involves construction of 40+ miles of water lines throughout Palm Beach Country Estates, fire hydrants and residential connections. There is no requirement for annexation into the Town of Jupiter or mandatory connection. The estimated cost is \$13.5 million. Mr. Lindahl stated he recently attended a meeting of the homeowners' association to answer questions from over 100 attendees. Mr. Danchuk commented that the staff's presentation at the homeowners' meeting was excellent and the responses were very positive. Mr. Haas stated the purpose of this hearing is to inform the public as to the assessments necessary to pay the bond issue which is expected to total \$18,155,000, payable over 25 years, resulting in an annual assessment between \$690/parcel and \$1,072/parcel. The latter amount would be applicable if no money at all is received for connection costs. Mr. Powell asked for comments from the landowners. There were none and the public hearing was concluded.

Mr. Powell called for Board action on the bond resolution to finance the potable water project. Mr. Capko explained that the resolution provides for a delegated award of the sale of the bonds. There is no further requirement for a Board meeting at the time the bonds are priced and sold. The tentative pricing date is May 2nd with a closing on May 11th. Attached to the bond resolution are the bond purchase agreement, the preliminary official statement and the trust agreement. Mr. Rice made a motion to adopt the bond resolution as presented and recommended by the attorney. Mr. Beane seconded the motion and it carried unanimously. Mr. Capko then presented an assessment resolution which sets forth the details of the benefits assessed, the interest component and the intent to collect the special assessments using the uniform method of collection. Mr. Beane made a motion to adopt the resolution to use the uniform method of collection of non-ad valorem assessments and to levy these assessments on the benefited lands, as presented and recommended by the attorney. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Richard Walesky, Director of Palm Beach County Environmental Resources Management Department (ERM), requested follow-up on his request to release a flowage easement issued to SIRWCD in 1986 affecting property south of Indiantown Road and west of Jupiter Farms Road. Mr. Lindahl again briefly discussed the history of this easement. He was concerned that the County does not own all of the parcels in that area (Indian Lakes Estates) and a permit modification should be made in order to eliminate the potential for development. Mr. Walesky acknowledged there are still two parcels which the County has not yet acquired by eminent domain. He explained at this time the County is asking SIRWCD to execute a letter which will allow the to move forward with the grant process; the formal abandonment of the easement will occur at a later date. Mr. Walesky agreed to request modification or abandonment of the SFWMD permit as it pertains to proposed or potential development. Mr. Berman was concerned that all issues and statements made in the letter have not yet been addressed. He had questions about the content of the letter and suggested a workshop meeting to further discuss this issue. Mr. Berman stated he was not ready to make a decision at this time and wanted the opportunity to meet with the staff to discuss his concerns in order to be better prepared to make a decision. Mr. Walesky stated the property was purchased for conservation, not development; this letter is a requirement of the funding entity. The Board agreed there are statements contained in the letter that raise concerns and they were not in a position to take action at this time.

Mr. Powell asked if there were any corrections or additions to the minutes of March 16, 2006. There were none and these minutes were approved as submitted.

The public information report was presented by Ms. DeNinno. News releases were sent out to local newspapers. Several items were uploaded to the website. Work has begun on the spring newsletter. The District's videotape needs to be updated to include new projects and this is currently being edited.

Mr. Haas presented the treasurer's report. He recommended approval of the monthly disbursements. A motion was made by Mr. Danchuk to approve these disbursements. Mr. Berman seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. Reimbursements have been received from NRCS. The District is still waiting for \$120,000 from FEMA for canal cleaning. Mr. English discussed the Trapper Nelson site. The

National Register of Historical Places has requested a letter from the District stating it is in favor of this designation for the site. Mr. Lindahl stated his only concern is any impact this designation would have on flood protection. The Board questioned the need for such a letter as this issue does not come under the District's authority.

Mr. Lindahl presented the engineer's report. He discussed the proposed 14th Plan of Improvements, which involves the application of OGEM to approximately 32 miles of roadway. At this time the total estimated cost is \$8 million which includes a 20% contingency due to the volatility of the market. This represents a 50% increase from the initial estimated costs presented for this project due to an increased cost of the product. Mr. Lindahl commented that the cost of the base used on the roads has increased over 40% in the last six months in addition to the increased cost of OGEM. He explained there will be three referendums: Rocky Pines, Section 33 and the remaining roads. Rocky Pines includes approximately one mile of roadway at a cost of \$1,267/year/parcel. Section 33 includes 2-1/2 miles of roadway at a cost of \$1,306/year/parcel. The remaining roads include 28-1/2 miles at a cost of \$693/year/parcel. These costs represent funding over a 12-year period. Mr. Haas stated it has to be demonstrated to the underwriter that OGEM will last 20 years in order for the project to be funded over 20 years. He will continue to pursue obtaining funding over a longer period of time. Mr. Haas noted there will be no additional special assessment for maintenance or re-paving. The underwriter needs to be convinced that the estimated useful life of the project is more than the bond life. Mr. Lindahl explained that since construction will not start until next year, the 20% contingency is necessary. After a lengthy discussion by the Board, Mr. Rice made a motion directing and authorizing the staff to proceed with the preparation of the three referendums which will include the best estimates of the financing costs. Mr. Beane seconded the motion and it carried unanimously. It was agreed to include a disclosure in the referendums for Rocky Pines and Section 33 regarding the need for sufficient proof that the District has the ability to perform the project in terms of land rights.

Mr. Lindahl reported on the Town of Jupiter's request to discharge nano-filtration reject water into the District's east side outfall canal. He noted the Town may be requesting discharge into the Loxahatchee River District instead. He will continue to keep the Board advised as to this issue.

Mr. Capko presented the attorney's report. He noted all pertinent items have already been covered in this meeting.

Mr. Danchuk questioned the possibility of purchasing a water trough to spray down the dirt roads in order to control dust. Mr. English stated he had looked at this option in past years and it was determined the cost is impractical.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON MARCH 16, 2006

The regular meeting of the South Indian River Water Control District was held on March 16, 2006, at 7:30 p.m. at the Jupiter High School, 500 North Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Bob Berman, Tom Rice and Michael Danchuk. Also present were Len Lindahl, Jr., engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno from Dick Gruenwald & Associates, public information; and Jane Woodard, secretary. One landowner was also present.

Mr. Powell called the meeting to order. Mr. English offered the invocation, and the Pledge of Allegiance to the flag was then given. Mr. Powell asked if there were any corrections or additions to the minutes of November 28, 2005, January 19 and February 14, 2006. There were none and these minutes were approved as submitted.

The public information report was presented by Ms. DeNinno. News releases were sent out to local newspapers and also uploaded to the website. Positive comments were received regarding the change of date for the annual

Landowners Family Day which was attended by approximately 750 people. The Revetment ribbon cutting is scheduled for March 17th.

Mr. Haas presented the treasurer's report. He recommended approval of the monthly disbursements. A motion was made by Mr. Danchuk to approve these disbursements. Mr. Beane seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. A refund has been received from FEMA but there is still a balance outstanding. The signed agreement has been returned to NRCS for completing the canal debris removal and installation of rip-rap at certain culvert crossings and canal sections. SIRWCD has received two awards from the County's Safety Council. Mr. Rice asked about the status of an emergency generator for the Work Center. He noted there is a resident in Jupiter Farms who is a state certified electrician and who should be included on the bidders' list. The Board commented on the role the District plays during emergency situations such as the recent hurricanes, and the need to be able to continue communications. Mr. English requested that the Board secretary's tape recorder be declared surplus and removed from inventory. A new recorder has been purchased. Mr. Rice made a motion to declare the old recorder surplus. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Lindahl presented the engineer's report. He presented the Second Supplemental Engineer's Report for the 13th Plan of Improvements and requested Board approval. He noted this report reflects a change in the contract price as discussed at the last Board meeting. Mr. Beane commented that this report was just received by the Board and there has been no opportunity to review it prior to this meeting. Mr. Berman made a motion to approve this report and Mr. Danchuk seconded the motion. It was unanimously agreed to table voting on this motion until later in the meeting so the report can be properly reviewed by the Board.

Mr. Lindahl then reported on the 14th Plan of Improvements for the west side. The contractor has notified him that the cost of construction material has increased significantly. Mr. Lindahl expects to have current prices available at the next meeting. He also reported on meetings with the Town of Jupiter regarding their request to discharge nano-filtration reject water into the District's east side outfall canal. He expects the Town will respond promptly to the District's concerns and he will prepare an updated report for the next Board meeting.

Mr. Richard Walesky, Director of Palm Beach County Environmental Resources Management Department (ERM), was introduced. He requested follow-up on his January, 2006, request to release a flowage easement which was issued to SIRWCD in 1986 in anticipation of the annexation of certain property into the District. This property lies south of Indiantown Road and west of Jupiter Farms Road and was never annexed. He explained that when this easement is released by SIRWCD, ERM will be in a position to obtain a substantial grant from Florida Communities Trust (FCT). He noted there is a time constraint for ERM and stressed the urgency of this request. Mr. Capko stated he cannot unequivocally recommend this release at this time without further research. He cannot say at this time that there would be no absolute harm to the District or that the District would never need to make use of this easement in the future. Mr. Lindahl stated this easement was tied to past litigation involving Indian Lakes Estates. His understanding is that the 130 acres were set aside for a storage area and, if developed, the easement would be released. The Board noted that Mr. Walesky should have made a presentation earlier so these issues could have been researched by staff prior to this meeting. The Board requested and instructed the staff to research these issues and make a recommendation to the Board as soon as possible.

Mr. Capko presented the attorney's report. He stated there is still the need for the Chapter 197 public hearing for the potable water project before the bonds are issued, which actually confirms the levying of the assessment on the property. This public hearing can be scheduled at the same time as the meeting for the approval of the bond resolution. He expects to have the bond documents ready by the next meeting. The Board agreed to schedule this public hearing in conjunction with the regular April 20th meeting.

Mr. Capko reported on the Rocky Pines road paving. He is working with the engineer regarding the language for the referendum and for conveying the necessary easements. Mr. Capko confirmed his authorization to spend time

researching issues regarding individual roads in preparation for a road paving referendum.

Mr. Danchuk announced the east side homeowners meeting is scheduled for April 4th. Mr. Haas and Mr. Lindahl will be attending to answer questions regarding the potable water project.

Mr. Rice reported that he filled in for Mr. English in attending Palm Beach County Day and found it very informative.

Mr. Powell called for the vote on the motion on the floor to approve the engineer's Second Supplemental Report. Mr. Beane asked what caused the increase in price on the pipes and fittings, etc. by 60% over a three-year period, and if this could have been foreseen. Mr. Lindahl stated that the increase in construction costs started in 2003. Pipes are iron and PVC and therefore a product of the oil industry. There was a dramatic increase in costs after Hurricane Katrina because a number of pipe makers are located in the New Orleans area. Mr. Berman commented that the initial information presented to the landowners specified a range from \$11-14 million so this project is still within the bounds of that budget. He again commended the staff on negotiations to keep the costs within the budget and at the assessment level presented to the landowners. The vote was called for and the motion carried unanimously to approve the engineer's Second Supplemental Report.

Mr. Ron Steedly, landowner, stated his understanding that OGEM is now available for the Rocky Pines road paving but at an increased price, and the project is now moving forward. Mr. Lindahl confirmed he has been discussing the cost with the contractor, which will be a realistic cost by the time the work is actually done. He noted that the cost of asphalt has not increased as much as the OGEM. These costs will be available by the April Board meeting.

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

MINUTES OF THE EMERGENCY MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON FEBRUARY 14, 2006

An emergency meeting of the South Indian River Water Control District was held on February 14, 2006, at 7:30 p.m. at the District's Work Center, Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Tom Powell, Bob Berman, Tom Rice and Michael Danchuk. Also present were Len Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno from Dick Gruenwald & Associates, public information; and Jane Woodard, secretary.

Mr. Powell called the meeting to order and stated that the purpose of the meeting is consideration of the award of the construction contract for the Palm Beach Country Estates potable water project. No other action will be taken at this meeting.

Mr. Lindahl provided a copy of a letter sent to Felix Equities of Florida documenting the need for an emergency meeting (attached). He stated there was a bid opening on October 20th; three contractors submitted bids ranging from \$14,206,239 to \$16,250,100. Staff has been working with the low bidder to obtain adjusted prices based on contract considerations and has arrived at a reduced price of \$13,570,000. When the referendum notices went out in May, 2003, the estimated cost was \$11,000,000. The notices and ballots contained language stating the estimates are based on costs currently existing. Mr. Lindahl noted that general engineering costs have increased 15.33% from May, 2003, to present. Certain other costs connected with this project have increased at a greater rate.

Mr. Powell commented on the excellent work the staff has done to negotiate prices on this project.

Mr. Haas presented a memo regarding financing options for the project. He noted that short-term bond rates are currently 3%; long-term bond rates are 5%. Mr. Haas' memo included an analysis of estimated assessments based

on the hook-up schedule developed last year and also compares the assessment to a schedule with no hook-ups (memo attached). He noted that the hook-up schedule is based on 1,400 (90% of the total homes) within a seven-year period. He also noted the expectation that the District will establish a voluntary program for homeowners to hook-up, finance the cost through the District and make payment as part of their annual assessment. Mr. Danchuk felt a 90% hook-up was unrealistic and commented that 75% was more realistic.

Mr. Lindahl recommended awarding the contract to Felix Associates, LLC for an amount of \$13,570,000. He noted the contractor has 18 months from the Notice to Proceed to finish the project. The award is contingent upon financing.

Mr. Danchuk expressed his concern that the increase in cost is approximately 22%. He questioned why it took so long to reach this point in the project, resulting in the increased cost to the landowners. Mr. Rice noted that the permitting process takes time. He also noted the increase in prices in general over the past two years, i.e. property values, cost of gasoline, etc. Mr. Haas noted that the Town of Jupiter has locked in the connection fee at \$3,877. Mr. Lindahl, Jr., stated that, by history, the connection fee is expected to increase to \$4,000+ in April, 2006. Mr. Haas also noted that the hook-up component is not a major cost factor; with 10% fewer hook-ups, the result would only be \$10-15 for a few years. Mr. Berman commended the staff on their efforts at obtaining the lowest possible costs for this project. He noted that the ability to bring the project in at this level could not be done today under these same terms. He considered it a "monumental event" for Palm Beach Country Estates. Mr. Powell commented that part of the delay was the need for a re-bid on the project which resulted in decreasing the costs to the landowners. Mr. Lindahl stated the first bid was put out concurrent with receiving a signed agreement from the Town of Jupiter.

Mr. Berman made a motion to accept the recommendation of the engineer and award the contract for the Palm Beach Country Estates Potable Water Distribution System (13th Plan of Improvements) to Felix Associates, LLC, and to authorize and instruct the staff to do all things necessary to accomplish this. Mr. Danchuk seconded the motion. During further discussion, Mr. Danchuk again expressed concerns with the increase in cost, why there was no warning this was going to happen, and the need to get this information to the landowners. Mr. Rice noted the need to concentrate on the positive features of this project. Mr. Haas confirmed his recommendation to move forward with the project. Mr. Capko stated these terms are consistent with the information provided to the landowners in the referendum and meet all requirements under the District's Special Acts. The motion then carried unanimously.

Mr. Danchuk requested the presence of the engineer and treasurer at the homeowners' meeting in March to discuss the project and the increased cost. The Board had no objection.

Mr. Berman discussed the District's contract with the grants consultant, Stan Hemphill, and distributed a work authorization form in connection with the proposed Margaret Berman Memorial Park. He requested that SIRWCD act as the vehicle for the application of the grants. He again noted there will be no cost to the District for the development of the park. Mr. Capko stated that the Board previously entered into an agreement with Mr. Hemphill which provides for work authorizations and the Board can therefore direct the staff to proceed, ratifying the action at the next regular Board meeting. Mr. Capko acknowledged he will be finalizing the indemnity agreement for the District, and will determine with Mr. Haas how payment will be made to Mr. Hemphill. The Board was in agreement and Mr. English will execute the work authorization after the indemnity agreement is finalized.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JANUARY 19, 2006

The regular meeting of the South Indian River Water Control District was held on January 19, 2006, at 7:30 p.m. at the Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Bob Berman,

Tom Rice, Michael Danchuk and Dave Beane. Also present were Len Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; and Donna DeNinno from Dick Gruenwald & Associates, public information.

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

Mr. Powell asked if there were any corrections or additions to the minutes of October 20, 2005. There were none and these minutes were approved as submitted.

The public information report was presented by Ms. DeNinno. The annual Landowners Family Day has been rescheduled for Saturday, March 4th.

Mr. Haas presented the treasurer's report. He recommended approval of the monthly disbursements. A motion was made to approve these disbursements. The motion was seconded and carried unanimously.

Mr. English presented the general manager's report. The tree and debris removal from the canals is being handled by Murray Logan under an agreement with FEMA. The estimated cost is \$440,000.00. The District will go to NRCS for further funding. Mr. English reported that two computers had to be replaced at the Work Center. He requested retroactive approval of the purchase for a total of approximately \$5,000, which included a scanner. He also requested that the old computers be declared as surplus. Mr. Rice made a motion to approve the purchase of the two computers, and to declare the old computers as surplus. Mr. Haas confirmed this purchase was within the budget. The motion was seconded and carried unanimously.

Mr. Lindahl presented the engineer's report. He is currently negotiating with the lowest bidder for the Palm Beach Country Estates potable water project. He requested a special meeting of the Board, probably around February 13th, to consider the award of the construction contract.

Mr. Lindahl reported on the roadway program for OGEM on the west side. He stated there were two packages previously received in the District Office that he did not receive. Mr. Lindahl requested an amendment to the authorization for the referendum to include 179th Court North between Alexander Run and Mellon Lane, and 121st Drive North between 175th Road and 179th Court, both of which met the necessary qualifications. A motion was made to amend the authorization to include these areas. The motion was seconded and carried unanimously. Mr. Lindahl noted there are no SIRWCD initiatives in this proposed plan of improvements, only landowner initiatives. He reported one petition for road improvement on the west side was presented in December and it will be included in the next bundle. He also reported that the Rocky Pines petitioners have decided on OGEM. Because of the low density of this area, they will be shown separately on the referendum. He confirmed there is documentation of this petition change, as well as any other petition changes.

Mr. Lindahl reported on a request from the Town of Jupiter to have SIRWCD's system act as the recipient of nano-filtration reject water. He explained that water is drawn and treated for potable distribution. In the treatment process, a certain amount of the product being introduced into the system is rejected and the good water goes on its way. The Town of Jupiter wants to put this reject water into the District's surface water management system upstream from the control structure just south of SR 706. Mr. Lindahl stated there are a number of things to consider before he can make a recommendation to the Board. He was concerned with what the concentrate will do to the water quality, the variability in the reject water discharge, and how the system will be affected if there is no fresh water flow coming in. The Board authorized and instructed the engineer to communicate these concerns to the Town of Jupiter and inform them that the District is not prepared to enter into an agreement at this time.

Mr. Danchuk asked if the engineer would meet with the east side landowners prior to the referendum ballots going out in order to answer questions. He stated that most of the streets on the east side want hard paving but about a dozen streets have a conflict as to material. He was concerned with the possibility of delays with the project and

wanted to have this meeting as soon as possible. Mr. Berman felt such a meeting at this time would be premature. He noted that the potable water project may move much quicker and be completed sooner than originally expected. The road paving would then follow as soon as possible. For the road paving plan of improvements, the engineer has to define the benefited area, which is currently in flux until all petitioners have agreed on the type of material. Mr. Berman stated the referendum should be presented as soon as all the information is available, including the definite time frame on the potable water project, and the meeting with the landowners should be held just prior to the referendum. Mr. Lindahl noted that after the referendum, he has to then prepare design documents for both OGEM and asphalt paving before putting out bid documents.

Mr. Capko presented the attorney's report. The County is still in the process of gathering data requested concerning the implementation of the mitigation plan discussed at the Board's last meeting. He also reported he is close to completion of the Verizon agreement which will then be presented to the Board for approval.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON NOVEMBER 28, 2005

A special meeting of the South Indian River Water Control District was held on November 28, 2005, at the District Work Center, 15600 Indiantown Road, Jupiter, Florida. Present were Supervisors Tom Powell, Bob Berman, Tom Rice, Michael Danchuk and Dave Beane. Also present were Len Lindahl, engineer; Terry Lewis and William Capko, attorneys; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno from Dick Gruenwald & Associates, public information; and Jane Woodard, secretary.

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

Mr. Haas discussed the proposal from Verizon Wireless regarding the installation of a communications tower in the District. He noted there can be up to three additional carriers and stated the rent proposal is \$24,000/year for a term of 25 years with a 15% increase every five years. Mr. Haas stated these terms are satisfactory. Mr. Rice made a motion to refer the proposed lease agreement to Mr. Capko for review, and to authorize execution of the agreement contingent upon the attorney's review. The motion was seconded and discussion followed. Ms. Christy Bartolucci, agent for Verizon, confirmed that SIRWCD would have the right to add additional carriers at a fee negotiated between SIRWCD and that carrier. Verizon would lease the tower space, but SIRWCD would lease the ground space for equipment. After further discussion, the motion carried unanimously.

Mr. Danchuk discussed an issue on 165th in Palm Beach Country Estates at the end of C-18. This is where the Town of Jupiter is building wells and a large storage tank. Landowners are concerned that the road is being extended. Mr. Danchuk questioned why the Town of Jupiter has the right to use this road for its project and if the District is being paid for the use of the road. Mr. Lindahl stated the easement there is dedicated to the public and there are no exclusive rights for SIRWCD. Any other entity can use or even pave the road; the only restriction is against something detrimental to the District or its Plan of Reclamation.

The Board unanimously ratified approval of the monthly disbursements prepared by the treasurer.

Mr. Lindahl discussed a request from the County. He reported the County wants to bring closure to the acquisition of environmentally-sensitive land west of SIRWCD's boundary and north of Indiantown Road. There are mitigation credits to be received for restoring the property to a wetlands but this can't be accomplished without having an appropriate level of water management to keep the property hydrated. The County wants to discharge water into the District to manage hydration. SFWMD has issued a performance permit prior to any agreement between the

County and SIRWCD. At this time the County is requesting an agreement with SIRWCD. Mr. Lindahl noted that certain items have not yet been defined. Mr. Powell questioned if the current Plan allows the District to take in additional water, would an amendment to the current Plan be required, and could this be detrimental to the landowners. Mr. Lewis stated this would involve a minimal change to the Plan, there would be no harm to the landowners and SIRWCD would have operational control. The District could take land outside the benefited area and benefit it, but that area must be defined and certain technical questions answered. All costs must be paid by the County and the Plan would need to be amended to include the drainage of benefited land not within SIRWCD's boundary. Mr. Lindahl noted that some of this land already receives contract drainage from the District. Mr. Powell questioned if there is some benefit to the District as a result of this additional liability. Mr. Lindahl stated that the County's current proposal does not appear to contain anything beneficial to the District. Mr. Powell stated the Board needs to look at positive benefits for the District that can be obtained from the County such as a reservoir to back-pump into during flood conditions, a pump, augmenting flow down the river, etc. Mr. Berman felt there should be an agreement with the County as to the payment of expenses to evaluate and analyze its proposal. He also questioned if the contract with Stuart Enterprises for drainage of Indian Lakes Estates runs with the land since ownership of the property has changed.

After a lengthy discussion of this issue, Mr. Berman suggested the Board's response should be cooperative but the County needs to provide a cost and benefit analysis and explore alternatives. Mr. Lewis stated the District may not be legally authorized to do what is requested and suggested asking the County to define the benefits to the District. Mr. Haas noted that the last payment received for contract drainage for Indian Lakes Estates was through June, 2005. The Board agreed to respond to Commissioner Marcus stating their willingness to work with the County although there are several concerns. The engineer and attorney will send another letter to Mr. Wolesky addressing the concerns discussed, i.e. the County's payment of expenses, legal authority of the District, contract drainage, identification of benefits to the District, and pursuit of other options.

Mr. Powell then opened the floor to discussion of the level of swale maintenance throughout the District and improvement of the quality of this maintenance, noting that landowners have requested an increased level of maintenance. Mr. Lindahl stated the District must pay attention to retention, detention and water storage. Mr. Powell requested a swale maintenance schedule and a program to include beautification of the swales. Mr. English stated there is a schedule for mowing and backhoe work. Mr. Rice questioned if there is a plan to identify the areas that can be corrected. Mr. Berman noted that landowners in Palm Beach Country Estates want an increased level of service and are willing to pay for it. He also noted the problem there is the mixture of conscientious landowners and those with a lack of interest who have clogged, collapsed or nonexistent culverts. He also suggested taking an inventory and identifying problem areas. Mr. Powell suggested a total program to modify or improve swale maintenance, improve secondary drainage and address swale beautification.

After a lengthy discussion by the Board and staff, Mr. Danchuk made a motion authorizing and instructing the engineer and general manager to inventory the culverts in the District. He then amended his motion to include instructions to the staff to identify low areas, make an analysis and prepare a report on recommendations of what can be done with an enhanced maintenance plan. Mr. Berman seconded the amended motion. Mr. Powell stated it is up to the Board to establish a policy and the staff to implement that policy. Mr. Lewis suggested an inventory of the low areas with this as the basis for an advanced maintenance level; a schedule could then be prepared for corrections, culvert by culvert. Mr. Lindahl stated he will select a pilot area and make recommendations. This report will be presented at the February meeting. He stated he will then be in a position to discuss an extended program before conducting a District-wide inventory. A vote was called for on Mr. Danchuk's motion and it carried unanimously.

Mr. Lindahl reported he met with the landowners on Rocky Pines who have made the decision to use OGEM on their road.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON OCTOBER 20, 2005

The regular meeting of the South Indian River Water Control District was held on October 20, 2005, at 7:30 p.m. at the Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Bob Berman, Tom Rice, Michael Danchuk and Dave Beane. Also present were Len Lindahl, engineer; William Capko, attorney; Gale English, general manager; Donna DeNinno from Dick Gruenwald & Associates, public information; and Jane Woodard, secretary. Several landowners were also present.

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

Mr. Powell called for a ratification of the election results received from the Supervisor of Elections Office declaring that Thomas Powell received the highest number of votes (a copy of which is attached). Mr. Danchuk made a motion to ratify these results. Mr. Rice seconded the motion and it carried unanimously. Attorney Capko administered the oath of office to Mr. Powell, attested to by Ms. Woodard as the notary public.

Mr. Powell opened the floor to nominations for officers. Mr. Beane made a motion to retain the current officers: Tom Powell as President, Tom Rice as Vice-President, Charles Haas as treasurer, Jane Woodard as secretary, and all Board members as assistant secretary. Mr. Rice seconded the motion and it carried unanimously. The Board also unanimously agreed to retain the current committee chairmen: Tom Rice as chairman for the communications and public relations committee, Dave Beane as chairman for the policies and procedures committee, and Tom Powell as chairman for the budget and finance committee.

Mr. Powell introduced Patricia Walker from SFWMD who presented a restoration plan for the northwest fork of the Loxahatchee River. Ms. Walker stated that SFWMD and the DEP plan to develop a restoration plan to protect, enhance and restore the flood plan, maintain conditions for the propagation of cypress trees and promote a healthy estuarine system. This restoration will take place between River Mile 6 and 15.5. Ms. Walker then presented a proposed resolution and requested that SIRWCD support the plan. She recommended a coordinated effort by the appropriate entities to continue to implement restorative flows to the northwest fork of the Loxahatchee. Ms. Walker confirmed that SIRWCD would not discharge differently into the Loxahatchee through the G-92 or C-14. Nothing would change during the wet season and the existing level of flood control would stay the same. Mr. Lindahl commented there would be no negative effects for SIRWCD as this plan deals with dry season conditions. He noted that this is a scientifically-based plan with a lot of merit. Ms. Walker noted that environmental groups also support this plan. After a lengthy discussion by the Board and staff, Mr. Danchuk made a motion to approve the resolution. Mr. Rice seconded the motion and it carried unanimously.

Mr. Powell asked if there were any corrections or additions to the minutes of July 21 and September 15, 2005. There were none and these minutes were approved as submitted.

The public information report was presented by Ms. DeNinno. The fall newsletter was mailed. The annual Landowners Day was postponed due to impending Hurricane Wilma. The Board suggested rescheduling this event for early next year and keeping that as a permanent time.

The treasurer's written report was presented, along with the list of proposed disbursements. Mr. Danchuk made a motion to approve these disbursements with instructions to Mr. English to hold any payments related to Landowners Day. Mr. Berman seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He noted that the annual equipment audit was conducted by

Rachlin, Cohen & Holtz and no deficiencies were found. He requested approval for the purchase of a John Deere loader for \$73,000. After a brief discussion, Mr. Danchuk made a motion to approve this purchase. Mr. Beane seconded the motion and it carried unanimously.

The Board discussed extending the bank hardening project on the 706 outfall canal for possibly an additional 1000-1500 feet south of the weir. It was noted that NRCS will approve funding assistance for this project. Mr. Rice made a motion authorizing and instructing the staff to extend this project. Mr. Berman seconded the motion and it carried unanimously.

Mr. Lindahl presented the engineer's report. He discussed impending Hurricane Wilma which is expected to bring 8-10" of rainfall in the District. This is a large, complex storm and, coupled with full moon high tides, there is the potential for some coastal flooding. All protocols are being followed.

Mr. Lindahl reported that the east side road project still has some issues to be worked out and he expects it will take another month to resolve these issues. Mr. Powell suggested rescinding the cut-off date for inclusion in this project. Mr. Rice made a motion to rescind the original cut-off date. Mr. Berman seconded the motion and it carried unanimously. Mr. Lindahl reported that the west side road improvement project is moving forward as the 14th Plan of Improvements. It includes a total of 31 miles of OGEM, 1,365 benefited parcels, and a total estimated cost of \$5,100,000 (\$3,736/parcel). The estimated annual payment is expected to be \$440-465/year. This information will be included in the notice to the affected landowners. Mr. Lindahl noted there is an outstanding issue on one road involving petitions for both County roadway standard paving and OGEM. There will be a meeting with these landowners to discuss and resolve this matter, after which one of the petitions will be withdrawn or rescinded. Mr. Danchuk made a motion authorizing and instructing the staff to proceed with the referendum on the west side, including the road noted above. The motion was seconded and carried unanimously.

Mr. Lindahl reported that Palm Beach County recently contacted his office and Mr. English regarding the implementation of a mitigation plan on properties being purchased immediately west of SIRWCD's western boundary and south of Indiantown Road. SIRWCD has an easement on a portion of that property for flowage and storage associated with Indian Lakes Estates. Mr. Lindahl noted there was an 8th Plan of Reclamation linked to the annexation of Indian Lakes Estates and drainage into the District. This Plan was put in abeyance until certain improvements were made which are now being completed. In order for the County to implement their management plan, they are requesting the ability to discharge water into SIRWCD. Permits have been applied for from SFWMD. SIRWCD's position has been explained to the County, including opposition to taking additional water that would compromise and conflict with the District's flood control system. There is also concern with the threat to endangered species or vegetation in this area. Mr. Lindahl agreed to keep the Board advised of this situation and to check on the status of the permits. If necessary, the Board agreed to have an emergency meeting to address this matter.

Mr. Capko presented the attorney's report. He is currently working with Mr. Lindahl to come up with options regarding the C-6 right-of-way issues.

Mr. David Felton, representative from Verizon Wireless, inquired about the status of the proposed replacement of the District's wireless communication tower. He noted that this matter needs to be finalized as soon as possible as it still needs to go through the zoning procedure. The Board stated Mr. Haas was reviewing the financial aspect of this matter and requested a report from him by the next meeting. At that time the Board will be in a position to make a decision.

Mr. Danchuk discussed scheduling a special workshop meeting to discuss District-wide swale maintenance. The Board agreed to schedule a workshop meeting for November 28th at 3:00 p.m. at the District's Work Center.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON SEPTEMBER 15, 2005

The regular meeting of the South Indian River Water Control District was held on September 15, 2005, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, and Michael Danchuk. Also present were Len Lindahl, engineer; Charles Haas, treasurer; Andrew Baumann of Lewis, Longman & Walker, attorney; Gale English, general manager; Donna DeNinno of Dick Gruenwald Associates, public information; and Jane Woodard, secretary. Approximately 17 landowners were also present.

Mr. Powell called the meeting to order. Mr. English offered the invocation, and the Pledge of Allegiance to the flag was given.

Mr. Haas presented the treasurer's report and recommended Board approval of the monthly expenditures. Mr. Danchuk made a motion approving these disbursements. Mr. Rice seconded the motion and it carried unanimously.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON SEPTEMBER 1, 2005

The regular meeting of the South Indian River Water Control District was held on September 1, 2005, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Bob Berman, Tom Rice and Michael Danchuk. Also present were Len Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; and Donna DeNinno of Dick Gruenwald Associates, public information. Four landowners were present.

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

Mr. Powell announced that the first part of this meeting is the public hearing for the proposed 2005-2006 budget.

Mr. Haas stated that the total assessments for ongoing programs decreased. There will be new assessments for the landowner-initiated road programs. Assessments for Palm Beach Country Estates will increase by \$610/parcel to reimburse the District for funds expended for the water distribution system. Mr. Haas commented that most landowners will see a slight decrease in assessments if they are not in a landowner-initiated road program.

Mr. Powell noted that the Board and staff previously reviewed this proposed budget and presented their comments to the treasurer. He then called for comments from the landowners. A landowner asked what the District's personnel will be focusing on now that there is so much paving and grading is not an issue. He was concerned about the lack of swale maintenance in his area (170th). Mr. Powell stated that the skill mix will change but there will still be maintenance required on the paved roads, the dirt roads and the canals. He noted the Board and staff will be addressing these changes in the coming year. The Board then directed Mr. English and Mr. Lindahl to address this specific swale maintenance problem with the landowner. Another landowner questioned the increase in the maintenance budget. Mr. Haas explained this increase is for road maintenance on the west side of the District.

There were no other comments regarding the proposed budget and the public hearing portion of the meeting was closed. Mr. Rice made a motion to adopt the proposed 2005-2006 budget. Mr. Berman seconded the motion and it

carried unanimously. Mr. Berman made a motion to elect the uniform method of collection of non-ad valorem assessments. Mr. Rice seconded the motion and it carried unanimously.

Mr. Powell asked if there were any corrections or additions to the minutes of July 21, 2005. Mr. Danchuk made a motion to approve the minutes as submitted. Mr. Berman seconded the motion and it carried unanimously.

Ms. DeNinno presented the public information report. She reported that the summer newsletter has been mailed. Work is ongoing for the planning of the annual Landowners' Family Day scheduled for October 22nd.

Mr. Haas presented the treasurer's report and stated there are no additional items to be discussed at this time.

Mr. English presented the general manager's report. He noted the staging area on Randolph Siding has been restored to an acceptable condition. The final request for payment has been submitted to NRCS for the canal cleaning. District roadways have received 477 tons of shell rock and 684 cubic yards of crushed asphalt this past month. Recent equipment purchases were discussed. Mr. English requested an amendment to the existing agreement with NRCS for emergency watershed protection resulting from Hurricane Frances. The amendment extends the contract for two months and increases the total amount of work to be performed. It continues the cost split with 25% being paid by the District. Mr. Capko recommended approval of the amendment. Mr. Rice made a motion to approve the amendment. The motion was seconded and carried unanimously.

Mr. Berman briefly discussed Mr. English's use of vacation time to assist the County court system with pre-trial conference mediations. Mr. Berman did not feel vacation time needed to be used as this service benefits the public image of the District and is done without compensation. The Board agreed to discuss this matter at a later meeting.

Mr. Berman commented that the District should be moving more toward swale maintenance since the need for road maintenance has decreased. He believes many landowners want a higher level of service which seems to be directed toward swales. Mr. Rice agreed it is time for the District to conduct a long-term District-wide analysis addressing clogged culverts. The Board instructed Mr. English and Mr. Lindahl to begin making plans that will improve the secondary drainage system in the District.

Mr. Lindahl presented the engineer's report. He stated two bids were received for the potable water project. Only one was satisfactory. He recommended rejecting the bids and modifying the requirements so they provide for a single contractor for the entire project rather than a multi-contractor annual purchase order approach. Mr. Berman made a motion to reject all the bids and to change the basis for new bids. Mr. Rice seconded the motion and it carried unanimously. The Board instructed Mr. Lindahl to prepare the necessary documents for the re-bidding and send the appropriate notification to the nine pre-qualified bidders. Mr. Lindahl stated this will be handled immediately and new bids are expected to be received in mid-October.

Mr. Powell discussed landowners' comments regarding the section of 164th between Mellen Lane and 130th. Although no petitions for paving were received from this specific area, the surrounding roads have petitioned paving. He asked Mr. Lindahl to review this area for the possibility of it being a benefited area or for inclusion in the paving project.

Mr. Powell asked about the status of the C-6 issue, i.e. the best way to maintain the canal and the right-of-way for the maintenance easement. Mr. Lindahl stated the survey analysis has been completed and he is moving toward the history of precedent decisions that deal with occupied lines.

Mr. Capko presented the attorney's report and stated there are no additional items to be discussed at this time.

Mr. Berman discussed the grant agreement between the District and Stan Hempfield which was entered into several years ago. This agreement has expired and Mr. Hempfield has presented a new agreement specifically for developing the community park in Palm Beach Country Estates. Mr. Berman requested Board approval of this

agreement and stated he will personally indemnify the District for any costs incurred. Mr. Berman then made a motion authorizing the Board to enter into the agreement prepared by Mr. Hempfield, conditioned on Mr. Berman executing a personal indemnification agreement. Mr. Rice seconded the motion, contingent upon Mr. Capko's review of Mr. Hempfield's agreement and the preparation of the appropriate indemnification agreement. Mr. Berman modified his motion to include subject to the attorney's review and approval. The motion carried unanimously and the Board requested that Mr. Berman keep the Board and staff advised as to the status of this matter.

Mr. Danchuk discussed a letter received from Chris and Cindy Cuneo regarding a request for speed bumps. The Board directed Mr. Capko to respond by informing them that the District has no authority regarding traffic control.

A landowner on 152nd Road discussed a neighbor's culvert that was placed higher than the road. The Board directed Mr. Lindahl and Mr. English to inspect this area and prepare a report with a recommendation as to how to resolve this issue. There was a brief discussion of the criteria for culvert placement and the need to include this issue in the District's long-term plans.

There being no further business to be discussed, the meeting was adjourned.

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JULY 21, 2005

The regular meeting of the South Indian River Water Control District was held on July 21, 2005, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Bob Berman, Tom Rice and Michael Danchuk. Also present were Len Lindahl, Jr., engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; and Donna DeNinno of Dick Gruenwald Associates, public information. Several landowners were present.

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

Mr. Powell asked if there were any corrections or additions to the minutes of May 19 and May 26, 2005. There were none and the minutes were approved as submitted.

Ms. DeNinno presented the public information report. She reported that work has begun on the summer newsletter. Work is ongoing for the planning of annual Landowners' Family Day set for October 22nd.

Mr. Haas presented the treasurer's report. He presented the proposed budget for the fiscal year 2005-2006. He noted that the 1985 road improvement bonds for the Jupiter Park of Commerce and the 1994 road improvement refunding bonds have been paid off resulting in a decrease in assessments of approximately \$700,000. He also noted the addition of landowner-initiated programs for road paving and the water distribution system in Palm Beach Country Estates. The assessments for the water distribution system total \$610/parcel and are mitigated by a decrease in maintenance assessments for a net total budget increase of \$378. Maintenance on the east side has decreased \$200,000. Maintenance on the west side has increased a total of \$260,000 but is mitigated by the decrease in the debt service. The operations budget has increased \$24,000. A \$50,000 sinking fund has been created for the OGEM projects and the proposed budget contemplates an increase of \$70,000. He suggested scheduling a budget hearing meeting prior to the annual meeting.

Mr. Haas then recommended approval of the monthly disbursements. Mr. Rice made a motion to approve these disbursements. Mr. Berman seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He is currently investigating the cost of installing a new generator at the work center and upgrading the electrical panel and wiring. He noted that Nextel is reviewing a site in the District for possible tower placement. Mr. English requested approval for the purchase of a 48" John Deere lawn mower for \$2,050. Mr. Haas confirmed this purchase is in the budget. Mr. Danchuk made a motion approving this request. Mr. Berman seconded the motion and it carried unanimously. Mr. English also requested approval for the purchase of a new John Deere side boom tractor for a net purchase price of \$64,000 after a trade-in credit. Mr. Haas confirmed this purchase is in the budget. Mr. Rice made a motion approving this request. Mr. Berman seconded the motion and it carried unanimously. Mr. English also noted that the roof at the work center is leaking and he is currently soliciting repair estimates. Mr. English then requested that a 25-year-old front-end loader and a 10-year-old tractor be declared surplus. After a brief discussion, Mr. Berman made a motion approving this request. Mr. Rice seconded the motion and it carried unanimously. Mr. English recommended approval of a one-year extension of the Aquagenix contract at no increase in cost. Mr. Rice made a motion to extend the Aquagenix contract. Mr. Berman seconded the motion and it carried unanimously.

Mr. Lindahl, Jr. presented the engineer's report. He noted that nine contractors have been pre-qualified to submit bids for the water distribution system project. There is a 30-day time frame to bid this project. SIRWCD then has the ability to enter into a "continuing services contract" with one or more contractors. He recommended scheduling a Board meeting in early September to discuss this matter and suggested this meeting be held in conjunction with the budget hearing meeting. The Board and staff agreed to schedule a meeting for September 1st to address both these issues. Mr. Capko was instructed to handle the required advertising for the meeting. Mr. Lindahl then reported that the 11th and 12th Plans of Improvements have been completed.

Mr. Lindahl presented a list of roads that have satisfied the requirements for requesting paving. He reported these petitions include 32 miles of OGEM on the west side, 8 miles of OGEM on the east side and 29 miles of County-standard paving on the east side. He noted there are some overlaps as a result of petitions for both OGEM and County-standard paving on the same roads. Petitions were received for both substances for Rocky Pines Road on the west side and several roads in Palm Beach Country Estates. Mr. Powell suggested that, prior to the referendum ballot, an informational packet should be distributed to these specific landowners explaining both types of materials and the costs, and requesting a vote on the material preferred. After further discussion by the Board, Mr. Berman made a motion to instruct the engineer to proceed with defining the project, the benefited areas and the cost for the west side based on the petitions. Mr. Rice seconded the motion and it carried unanimously. After additional discussion by the Board, it was agreed that a factual informational packet will be prepared by the engineer and distributed by SIRWCD to those landowners who submitted overlapping petitions. Mr. Danchuk made a motion to instruct the engineer to proceed with defining the project, the benefited areas and the cost for the east side based on the petitions, with the understanding that clarifications will be necessary. Mr. Berman seconded the motion and it carried unanimously.

Mr. Lindahl presented a proposed agreement between SFWMD, the City of Palm Beach Gardens, Northern Palm Beach County Improvement District and SIRWCD regarding the interim operations of the G-160 structure. This structure was constructed by SFWMD to hold up water in the Loxahatchee Slough, rehydrate the Slough and make it better. Since construction, there have been concerns about the impact of raising the water levels. This agreement will give all parties the same level of flood protection. Since it protects and benefits the District from water supply and environmental standpoints, Mr. Lindahl requested Board review and approval. It was noted that this agreement is currently being reviewed by the City of Palm Beach Gardens and will only be effective if all four parties agree. Mr. Capko stated he has not yet reviewed the agreement in detail and suggested that it be approved as to substance only. After a discussion by the Board and staff, Mr. Rice made a motion to approve the agreement contingent upon the attorney's review and approval, and to authorize the president to sign the agreement. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Capko presented the attorney's report. He reported that the Governor has signed HB 1389 which contains minor modifications to Chapter 298, some of which clarify amendments to a plan of improvement or engineer's report that will make it easier for the District to go through the process in those situations.

Mr. Danchuk reported on an inquiry received from a landowner in Palm Beach Country Estates as to regulating the height of house pads under new construction. This landowner is experiencing increased water draining onto his property. Mr. Powell stated there is a County ordinance that restricts how low a house pad can be constructed but there is nothing that regulates the height. He also stated there is a County ordinance prohibiting drainage onto a neighbor's property. It was suggested that Mr. Danchuk refer this landowner to the County for this matter.

A landowner requested that the District include the pros and cons of OGEM and County-standard paving in the informational packet to be distributed. She also noted that several houses on 88th have a driveway onto 89th and some have driveways onto both 88th and 89th. The Board confirmed that the engineer will address this issue when defining the benefited areas. The Board also confirmed that road ownership will remain the same with an easement for maintenance.

A landowner on 150th in Jupiter Farms voiced her opposition to OGEM and paving. Mr. Powell stated this is not an issue being decided by the Board; it is being requested by her neighboring landowners who are requesting these improvements under the law.

There being no further business to be discussed, the meeting was adjourned.

MINUTES OF THE RECESSED MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON MAY 26, 2005

The recessed meeting of the South Indian River Water Control District was held on May 26, 2005, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane, Bob Berman, Tom Rice and Michael Danchuk. Also present were Len Lindahl, Jr., engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; and Donna DeNinno of Dick Gruenwald Associates, public information. Several landowners were present.

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

Mr. Powell called for discussion of the proposed interlocal agreement with the Town of Jupiter. Mr. Capko discussed the background of the 13th Plan of Improvements which is a landowner-initiated project for providing potable water in Palm Beach Country Estates. In 2003, a referendum passed with 754 votes in favor of the project and 442 opposed to the project. The Board then asked the Town of Jupiter to work with the District on the preparation of an interlocal agreement. Since then there have been numerous meetings with the District's staff, Mr. Berman as the Board's liaison and the Town of Jupiter's staff to develop this agreement which has been presented to the Board for approval.

Mr. Len Lindahl, Jr. presented the engineer's report on the 13th Plan of Improvements which establishes the cost of the project and the benefited area. The total estimated construction cost is \$11 million. This estimate does not include financing costs, connection charges levied by the Town of Jupiter, or any plumbing costs to run a line from the main line to the house. Mr. Lindahl then discussed connection charges from the Town of Jupiter which total \$3,877 effective 4/20/04.

Mr. Haas stated this connection charge of \$3,877 is basically the charge for a landowner who wants to have water hooked up. It was negotiated with the Town of Jupiter that these 2004 connection charges will be locked in for seven years. SIRWCD has agreed to pay 50% of the connection charges and 50% of the planned capacity charges, 100% of the accrued guaranteed revenue fee, 100% of the guaranteed administrative fees and the annual guaranteed revenue from the system for seven years. In summary, SIRWCD will pay \$2,172 for each of 1,400

connections. When connections are added to the system, the Town of Jupiter will rebate that \$2,172 to the District and these monies will be used to pay the principal of the bond issue for the project.

Apart from this interlocal agreement, as part of the District's proposed financing plan, when construction is close to completion the landowners will voluntarily have the ability to put the \$3,877 cost on their annual tax bill to be paid over a period of time in order to minimize the impact.

Mr. Rice made a motion to approve the interlocal agreement with the Town of Jupiter as presented and recommended by the staff. The motion was seconded and discussion followed. Mr. Berman noted that no guarantee has been made to the Town of Jupiter that landowners will hook up to the system so there is only speculation as to revenue going to the Town. He also noted that the District has negotiated the best possible agreement to the benefit of Palm Beach Country Estates landowners and recommended approval. Mr. Danchuk asked if there is a minimum usage charge. Mr. Lindahl stated there is a base facility charge of \$13.80/month. He also noted that the water quality is regulated by the Department of Environmental Protection as well as the Health Department. Mr. Powell noted that, although there is no guarantee made to the Town of Jupiter for landowners to hook up to the system, almost 800 landowners voted in favor of this project.

Mr. Powell opened the floor to comments from landowners. In answer to questions from the floor, Mr. Haas stated that all properties not hooked up during the seven years will be notified and will have the option to continue the benefits of this agreement at the then-current rate with the Town of Jupiter. He noted that typically these fees increase every six months. If a landowner pays the monthly base fee, he has the right to hook up at the price that is locked in for seven years.

Mr. Powell called for a vote on the motion to approve the interlocal agreement as presented and it carried unanimously.

Mr. Lindahl noted that several costs were not included in the original engineer's report. He presented a supplemental amendment to the report which reflects items discussed by Mr. Haas and recommended Board approval. Mr. Rice made a motion to accept this amendment. Mr. Berman seconded the motion and it carried unanimously.

Mr. English reported that property owners on either side of the outfall at 83rd and 154th in Palm Beach Country Estates want to have it cleared. Two bids have been received to move the ditch and install a new culvert. Mr. English recommended accepting the \$6,650 bid received from C Hawthorne & Son Construction. Mr. English noted that the District does not have the equipment to remove the trees. Mr. Danchuk made a motion to accept the bid from Hawthorne. Mr. Berman seconded the motion and it carried unanimously.

Mr. Powell asked about the status of clearing Canal #6. Mr. Lindahl stated he is still gathering information and no engineering opinion has been made yet.

Ms. Beverly Bean, landowner, asked for clarification of "County standard paving." Mr. Powell stated there are several types of County standard roads and suggested she meet with the engineer for clarification. Ms. Bean then noted that landowners on 150th petitioned for road paving but received ballots for OGEM instead. A subsequent petition to not use OGEM was denied. She asked that landowners be allowed to submit multiple ballots with the last one being the effective one. Mr. Powell did not feel a procedure for submitting multiple ballots should be encouraged. He believes the problem is communication. Mr. Powell also clarified that June 16th is simply the cut-off date for road paving petitions to be included in the current bundling package. Landowners can submit petitions at any time and future petitions will be included in the next bundling package. Mr. Powell also again clarified that neither the Board nor SIRWCD is promoting road paving. All petitions are landowner-initiated and any landowner, even one who is on the Board, has the right as an individual landowner to initiate a petition or promote a project. Mr. Capko confirmed that any Board member, in a personal capacity, can petition, solicit or promote anything without a conflict of interest existing. Mr. Rice noted the District's website and the written newsletter distributed

by the District's public relations firm can be relied upon as reflecting information generated by the Board.

There being no further business to be discussed, the meeting was adjourned.

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON MAY 19, 2005

The regular meeting of the South Indian River Water Control District was held on May 19, 2005, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Dave Beane and Michael Danchuk. Also present were Len Lindahl, Jr., engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; and Donna DeNinno of Dick Gruenwald Associates, public information. Five landowners were present.

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

Mr. Powell asked if there were any corrections or additions to the minutes of March 17, 2005. There were none and the minutes were approved as submitted.

Ms. DeNinno presented the public information report. She reported that the spring newsletter has been mailed to the landowners and will also be available on the District's website. Planning has begun for the annual Landowners' Day.

Mr. Haas presented the treasurer's report. He recommended approval of the monthly disbursements. Mr. Danchuk made a motion to approve these disbursements. Mr. Beane seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He discussed conferences regarding new FP&L power lines in Section 34 along the Martin County line. He noted that the Stuart Enterprises property has been purchased by Palm Beach County who is interested in the construction of a seepage barrier between SIRWCD and their property. Mr. English then reported there is about 3-4,000 cubic yards of fill onsite generated by the construction of the 11th Plan of Improvements in Palm Beach Country Estates. He recommended this fill be declared surplus, allowing landowners in that area the opportunity to buy it. Mr. Danchuk made a motion to declare this fill material as surplus. The motion was seconded and carried unanimously. Mr. English was directed to determine how much of this fill will be kept by SIRWCD and then determine a fair price for the sale of the excess.

Mr. Lindahl, Jr. presented the engineer's report. He reported his office is ready to advertise for a prequalification of contractors for the proposed potable water system project. He recommended establishing a committee as has been done in the past with other projects, and suggested Mr. Haas and Mr. Powell be members of that committee along with the engineer. Mr. Danchuk made a motion to establish this prequalification committee with the members as recommended. Mr. Beane seconded the motion and it carried unanimously.

Mr. Lindahl, Jr. then reported on the 11th and 12th Plans of Improvements, as well as the cleanup efforts for Canal 6. He noted there are still issues regarding the location of the easement for Canal 6. After a brief discussion, the Board directed the staff to review these issues and present their recommendations to the Board for discussion at a workshop meeting.

Mr. Lindahl, Jr. reported on the 2005 landowner-initiated roadway project which to date includes 33 roads totaling 17 miles in Palm Beach Country Estates and Jupiter Farms. He noted that the cutoff date for landowners to submit petitions to be included in this particular project is June 16th.

Mr. Capko presented the attorney's report. He reported that the legislature amending Chapter 298 has passed the session and is now waiting for the Governor's approval. He believes this amendment will be beneficial to the District in terms of streamlining and clarifying the Statute.

A landowner questioned the 25% vote requirement for paving roads. Mr. Powell explained that 25% of the landowners is the requirement to initiate an engineering study to define the project, the benefited area and the cost. That plan must then be approved by the Board and a referendum presented to the affected landowners which requires a majority vote to pass.

Another landowner on 133rd at 159th stated that part of the District's staging area is on his property, and that a representative from the County confirmed this with him. Mr. English was under the impression that the staging area was only on County property. The Board directed the engineer and Mr. English to look into this matter.

The Board agreed to recess this meeting for one week, at which time the proposed potable water system project will be discussed at length. By that time the proposed interlocal agreement is expected to be ready for review.

At this time the meeting was recessed until 7:30 p.m. May 26th at Jupiter High School.

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON MARCH, 17, 2005

The regular meeting of the South Indian River Water Control District was held on March 17, 2005, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, Bob Berman, Dave Beane and Michael Danchuk. Also present were Len Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; and Donna DeNinno of Dick Gruenwald Associates, public information.

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

Mr. Powell asked if there were any corrections or additions to the minutes of January 20, 2005. There were none and the minutes were approved as submitted.

Ms. DeNinno presented the public information report. She reported that the appropriate releases went out to the local newspapers. She also reported on the ribbon cutting event for the West Basin Structure which took place on March 3rd. The winter newsletter has been mailed to the landowners and work has begun on the spring newsletter.

Mr. Haas presented the treasurer's report. He requested a budget amendment to increase the West Side Water Control Intergovernmental Revenue Income account and the West Side Water Control Subcontract Canal Cleaning account by \$750,000 each as a result of the grant received from the National Resource Conservation Service. A motion was made to approve this budget amendment. The motion was seconded and carried unanimously.

Mr. Haas then recommended that the District's Gain Share Program be used to fund additional income for three employees whose work immediately after the hurricanes went beyond the normal scope of their service. He recommended that one-time bonuses be paid to Gale English in the amount of \$17,500, Michael Dillon in the amount of \$1,250 and Greta Rayman in the amount of \$1,250. A motion was made to approve such a distribution to these three employees. The motion was seconded and carried unanimously.

Mr. Haas reported on the progress being made on the east side water distribution system. He expects to have the final details worked out in the next few weeks at which time the District's attorney can prepare a draft agreement.

He noted that a bond financing team should be designated at this time and recommended the same team used in the past, i.e. Steve Sanford as bond counsel and Kevin McCarty as underwriter. Mr. Haas stated there is no financial obligation for the District until the bonds are sold. A motion was made authorizing Mr. Haas to engage the two gentlemen mentioned. The motion was seconded and carried unanimously. Mr. Capko confirmed this is an appropriate action.

Mr. Haas then recommended approval of the monthly disbursements. A motion was made to approve these disbursements. The motion was seconded and carried unanimously.

Mr. English presented the general manager's report. He reported that NRCS has agreed to fund an additional \$400,000. He also reported that Florida Highway Products is continuing with the OGEM installation on 174th and 120th, and Whiteside Paving is continuing their work in Palm Beach Country Estates. Canal cleaning is approximately 60% completed. Mr. English reported that he sent a letter to the affected landowners on Randolph Siding near the OGEM staging area as directed.

Mr. Lindahl presented the engineer's report. He reported that the design, preparation of plans, specifications and contract documents are being prepared for the 13th Plan of Improvements in order to go out for bids.

Mr. Lindahl reported that the OGEM roadway program is very near completion. Another 15-16 petitions have been received for additional roadway improvements. He commented on the need to find an alternate staging site for these next improvements. He suggested that the May Board of Supervisors meeting be the cut-off time for the bundling of these petitions. After discussion by the Board, it was agreed that June will be the cut-off date and that a notice will be sent out as soon as possible to inform the landowners of this cut-off date. There will also be a follow-up notice in the District newsletter. The Board emphasized that it is not promoting a roadway improvement project but is obligated to provide information to the landowners. Mr. Lindahl expressed his concerns with the rising costs of oil products and the need to be under contract before another price increase at the end of the year.

Mr. Powell reported on the results of the referendum for 73rd Terrace's hard asphalt type of road. The official results from the Supervisor of Elections Office showed 16 of the 18 landowners voting with eight in favor and eight opposed. Consequently the referendum did not pass.

Mr. Capko presented the attorney's report. He reported on the litigation filed to stop the placement of OGEM on 134th Terrace North and 160th Lane North. A Motion to Dismiss was filed on behalf of the District. Mr. Capko reported he continues to work with Mr. Lewis regarding any suggested revisions to the District's Special Act and Chapter 298.

Mr. Capko reported on Mr. Danchuk's request regarding the use of golf carts on certain roads in the District. The Florida Statutes specifically prohibit this except under very limited circumstances. In this case it would require an agreement with Palm Beach County regarding traffic control for those designated roads and then asking the County to designate the roads as being available for use by golf carts. Mr. Danchuk asked the Board to consider pursuing this issue as the area would then be more "user-friendly". Mr. Danchuk stated he will contact the County officials to see if they are receptive to such an idea.

Mr. Powell discussed the contract with the District's engineer. He noted that the only issue is compensation which involves a rate structure for about 25 different categories of people within the engineering firm. In comparison with an average in the County, these rates are significantly lower than the average. Mr. Powell recommended approval of this new contract. Mr. Lindahl explained that this is actually a documentation on the existing contract which is necessary due to changes in the rules governing contracts with public agencies. Mr. Capko and Mr. Haas confirmed they have reviewed this from legal and accounting standpoints. A motion was made to approve the contract. The motion was duly seconded and carried unanimously.

Mr. Berman discussed the ongoing Swales to Trails program. He noted that the Board decided to bring the existing

Haney Lane application to fruition, formulate a plan and conduct a referendum. He expressed concerns about misinformation being distributed to the landowners as to the cost. Mr. Powell noted that with the referendum, the landowners will have an official notification of the actual projected costs as determined by the District's engineer. Any anticipated grant money will not be reflected in this referendum. At this time, those costs have not been determined by the engineer.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JANUARY 20, 2005

The regular meeting of the South Indian River Water Control District was held on January 20, 2005, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, Bob Berman, Dave Beane and Michael Danchuk. Also present were Len Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; and Donna DeNinno of Dick Gruenwald Associates, public information.

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

Mr. Powell asked if there were any correction or additions to the minutes of October 21 and December 3, 2004. The October 21st minutes were approved as submitted. There was one correction to the December 3rd minutes and they were then approved as corrected. Ms. DeNinno presented the public information report. She reported that the appropriate releases went out to the local newspapers. The winter newsletter is currently in production.

Mr. Hass presented the treasurer's report and recommended approval of the monthly disbursements. A motion was made to approve these disbursements. The motion was seconded and carried unanimously.

Mr. English presented the general manager's report. He stated the canal cleaning is proceeding well and Sections 33 and 34 have been completed. He also reported that several OGEM roads have been completed in Section 9.

Mr. Lindahl presented the engineer's report. Construction under the 9th Plan of Improvements has been completed. He noted this plan involved over \$1 million of water management improvements and resource management. A Notice of Consistency was sent by SFWMD for the 13th Plan of Improvements, i.e. the construction of the potable water distribution system for Palm Beach Country Estates. SFWMD also sent a Notice of Consistency for the 12th Plan of Improvements, i.e. the placement of OGEM on the roadways throughout the District. The paving project for 73rd Terrace is moving forward. Mr. Lindahl stated that the removal of debris from the canals which is being funded by NRCS, and other things that will hopefully be funded by FEMA, are tremendous post-storm benefits for SIRWCD and will mitigate the storm damage that occurred as well as improve performance of the existing system. Mr. Lindahl reported on a letter regarding an access easement issue on 131st Terrace North and stated he will work with the attorney to help cure the deficiency. He also reported that the NPDES annual report is being compiled.

Mr. Powell noted there is litigation pending and the Board will not discuss that subject in a public meeting. If there is a need to have discussions regarding that lawsuit, there will be a closed session scheduled.

Mr. Capko presented the attorney's report. He has had continuing discussions with the Town of Jupiter toward resolving issues in the interlocal agreement pertaining to the potable water distribution system in Palm Beach Country Estates. He noted another access easement issue on 103rd Terrace that he was working on has resulted in an easement agreement which gives all landowners adjacent to 103rd Terrace legal access to Indiantown Road. This

revised access easement agreement has been received and will be reviewed by Mr. Capko and Mr. Lindahl. Mr. Capko asked for Board authorization to execute this agreement subject to the review and approval by the District engineer. Mr. Rice made a motion approving this request. The motion was seconded and carried unanimously.

Mr. Powell discussed the letter received from landowner James Kaplan regarding an easement issue on 131st Terrace North. The Board agreed to cooperate in any way possible and Mr. Capko was instructed to send a letter to Mr. Kaplan informing him of the Board's position.

Mr. Berman asked the Board and staff to think about what can be done in a legislative effort to streamline the procedure for the applications and requests for capital improvements within the District. He commented that the system needs to be re-designed. The Board agreed and the staff was instructed to work on this matter and report back to the Board when the time is appropriate.

Ms. Kathleen Fahey, landowner on 134th Terrace North, stated that the staging area for the placement of the OGEM has affected a large area that will need to be enhanced post-construction. She noted that landowners are concerned about how long this staging area will be in place. She suggested that the Board send a letter to those local landowners directly affected by this disruption, explaining the duration of the project, etc. The Board instructed Mr. English to prepare a "please bear with us" type of letter to be sent to the appropriate landowners.

Another landowner, representing the Donald Ross Landowners Association, asked if there are guidelines regarding collaboration and communication among Board members dealing with Board issues that are not yet resolved, and the distribution of information from the Board to landowners. She commented that landowners want assurance that these guidelines are being followed and that information discussed by the Board is not given out before it is public knowledge. Mr. Powell stated there is no communication regarding District issues between Board members outside of a Board meeting. Mr. Rice noted that the Board operates under the Sunshine Act. Mr. Powell explained that when the Board is not convened at a public meeting, a Board member's statements are simply individual statements or opinions. He also stated that certain newsletters or flyers distributed in the District are not coming from the Board, but may be coming from an individual Board member who is expressing his own personal opinion. Mr. Berman stated that he is the Board-appointed liaison for the potable water project in Palm Beach Country Estates. Any questions regarding that project should be directed to him in order to avoid problems of misinformation being distributed to landowners.

Ms. Susan Kennedy, landowner, asked when the canal cleaning will be completed. Mr. English stated the cleaning is scheduled to take 180 days but it may be completed sooner. Another landowner asked about the status of the Swales to Trails project. Mr. Powell stated that this project was discussed at last month's meeting and the staff has been instructed to bring that project to a point where it will be ready for a referendum.

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

MINUTES OF THE SPECIAL MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON DECEMBER 03, 2004

A special meeting of the South Indian River Water Control District was held on December 3, 2004, at 3:00 p.m. at the District's Work Center, 15600 Jupiter Farms Road, Jupiter, Florida. Present were Supervisors Tom Powell, Bob Berman, Dave Beane and Michael Danchuk. Also present were Len Lindahl and Len Lindhal, Jr., engineers; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; and Donna DeNinno of Dick Gruenwald Associates, public information, who took the minutes for the meeting.

Mr. Haas reported that RFPs had been sent to four banks for financing the 10th, 11th, and 12th Plans of Improvement--Wachovia, SunTrust, Fidelity, and Bank Atlantic. Responses were received from Wachovia and

SunTrust, each offering two options. Mr. Haas wanted to handle the three separate notes with one lender so the total amount would be higher, resulting in a better overall rate for the smaller notes. Mr. Haas stated that Wachovia offered the lowest interest rate with a no pre-payment option and without penalties. Mr. Haas recommended the Wachovia proposal (see handout provided at the meeting). Mr. Haas noted that because the financing package annual cost would be below the amount originally calculated, the landowners would get a lower assessment than previously estimated.

Mr. Danchuk asked that if a landowner wanted to prepay, could they. Mr. Haas replied that they could. Mr. Berman discussed possible new road paving in Palm Beach Country Estates and asked if they could be bundled with existing projects. Mr. Lindhal noted that these would be different projects. Mr. Danchuk added that some road projects might move through quickly, but others may be drawn out, so they should be new projects.

Mr. Powell stated that another advantage to this financing package versus bonds was that there would be no reserve fund and could be set up for efficient delivery and get the assessments for the December through February payments in April.

Mr. Capko indicated the next step was to adopt the three resolutions authorizing the issuance of the promissory notes and pledging special assessments to repay such notes--Series 2004A for the District's 12th Plan of Improvements in the principal amount not to exceed \$2,200,000; Series 2004B for the District's 10th Plan of Improvements in the principal amount not to exceed \$400,000; and Series 2004C for the District's 11th Plan of Improvements in the principal amount not to exceed \$400,000. (See resolutions provided by Mr. Capko.) Mr. Berman made a motion to adopt the resolutions for authorizing the financing and special assessments for the 10th, 11th, and 12th Plans of Improvement. Mr. Danchuk seconded the motion and it carried unanimously. Mr. Haas indicated the closing would be scheduled with Mr. Powell, the bank, and appropriate staff.

Mr. Berman asked when the "pink" roads would be built. Mr. Lindhal stated that the roads had been staked out, base material was stockpiled and pre-construction had been completed. They were waiting on final approval from South Florida Water Management District. Mr. Danchuk asked Ms. DeNinno if a picture could be taken with the supervisors and Mr. English during road construction. Ms. DeNinno indicated she would coordinate this with Mr. Danchuk. Mr. English added that there would be a ribbon cutting at the weir structures in the near future and area officials would be invited to attend. Ms. DeNinno noted she could also take pictures at that function and write a news release.

Mr. English said that canal clearing had started with some of the storm funds received from the Department of Agriculture. Mr. Powell noted there was an issue with Canal 6 access and as such has not been fully maintained and that the District should resolve any survey issues with the landowners. Mr. Berman asked if there was a process to resolve right of way issues.

Mr. Lindahl responded that the roadway maintenance map indicates where the roads have been maintained for years and establishes right of use. Mr. Beane asked if the District didn't already have some kind of agreement that gives the District the right to access the easements.

Mr. Berman asked about expenses to date on the Swales to Trails project. He indicated that there was still some question whether the District has the authority to do such a project and questioned whether the District should continue to spend money researching options for it and allowing landowner access to staff. Mr. Powell replied that as general policy, the staff acts at the direction of the board. Mr. Powell noted that the board has received a petition on the Swales to Trails project with more than the required 25% signatures and that the preliminary engineering research has been done. Mr. Powell asked the board if it should then go to referendum. Mr. Lindahl noted that water quality issues needed to be addressed as part of the water quality credits and that land acquisition costs hadn't been factored in. Mr. Danchuk noted that landowners would need all the costs associated with the proper design and engineering of the project. Mr. Lindahl, Jr. added that there have been a number of design options discussed to date and the landowners involved in the project have often asked for changes or additional

options.

Mr. Berman stated that the final design should be one that the engineers, not the landowners, recommend as the best option for the project. Mr. Danchuk made a motion to direct the District Engineer to prepare a final engineering report for the board so a decision can be made regarding whether the project could go to referendum. Mr. Berman seconded the motion and it carried unanimously.

Mr. Lindhal reported that they had received a petition meeting the 25% requirement for paving 73rd Terrace from 155th to 159th to county local standards. Costs are estimated at \$150,000 or \$7,500 per lot (\$850-\$860 annually). Mr. Lindhal asked if they should move forward on the project or if the board wished to wait and bundle other projects. Mr. Berman noted that this road was an exception. Mr. Berman made a motion to authorize staff to proceed with the engineering plan for a referendum. Mr. Danchuk seconded the motion and it carried unanimously.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON OCTOBER 21, 2004

The regular meeting of the South Indian River Water Control District was held on October 21, 2004, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, Bob Berman, Dave Beane and Michael Danchuk. Also present were Len Lindahl, engineer; William Capko, attorney; Gale English, general manager; Donna DeNinno of Dick Gruenwald Associates, public information; and Jane Woodard, secretary. Approximately 45 landowners were also present.

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

Mr. Powell called for the ratification of the election results from the Supervisor of Elections Office declaring Bob Berman and Michael Danchuk the two successful candidates with 1669 and 1568 votes, respectively. Mr. Rice made a motion to accept these results. Mr. Beane seconded the motion and it carried unanimously. The two re-elected supervisors were then sworn into office.

Mr. Powell opened the floor to nominations for officers. Mr. Rice made a motion to retain the current officers and committee chairmen: Tom Powell as President, Tom Rice as Vice-President, Charles Haas as treasurer, Jane Woodard as secretary, and all Board members as assistant secretary; Tom Rice as chairman for the communications and public relations committee, Dave Beane as chairman for the policies and procedures committee, and Tom Powell as chairman for the budget committee. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Powell stated that landowners have submitted petitions objecting to the results of referendums affecting 165th between Randolph Siding and 150th Drive North, 174th Court North from Alexander Run to Mellon and Mellon to 130th, and 160th Lane North between 75th Avenue North and 79th Terrace North. The staff reviewed the petitions and the original votes submitted to the Supervisor of Elections Office. Mr. Capko presented a summary of his review: He outlined the requirements and procedures for roadway improvements requiring the levying of assessments under the District's Special Act and Chapter 298. As to the voting: With respect to 165th Road, there is a total of 27 lots; 10 verified petitions were received (37%); 19 lots were represented in the voting with 11 in favor (57.9%). With respect to 174th Court, there is a total of 40 lots; 16 verified petitions were received (40%); 28 lots were represented in the voting with 15 in favor (53.6%). With respect to 160th Lane North, there is a total of 23 lots; 7 verified petition were received (30%); 15 lots were represented in the voting with 10 in favor (66.7%). Mr. Capko concluded that all actions taken by the District met the requirements and procedures contained in the District's Special Act and Chapter 298 from submittal of the original petitions through the formulation of the

proposed 12th Plan of Improvements. No evidence indicates any fraudulent activity. No procedural flaws were found that would require overturning the results of the referendums. Mr. Capko noted that the District's Special Act provides for a majority of those submitting ballots to determine the outcome.

Mr. Danchuk questioned if a majority of the landowners do not want the improvements, can the Board decide not to follow the referendum results. He was concerned that landowners may have changed their minds since voting. Mr. Capko stated the Board has some discretion if there is a rational basis for not following what has been expressed as the will of the landowners in the referendum. He noted there was a 30-day period in which to vote. Unless there are extremely exceptional circumstances, there is a risk of never being able to move ahead with a project because of requests from landowners on the losing side; future voting would always be tentative. Mr. Rice stated, based on the attorney's review of this issue, the referendums should stand and from a legal standpoint there is no basis for them to be set aside. Mr. Beane questioned if the referendum should be conducted over again for these three roads, even though there does not appear to be any legal basis to do so. Mr. Powell stated that landowners who changed their mind or did not vote should not be the basis for overturning the election. In any election, after the cut-off date for voting, that election is over. Ms. Susan Kennedy, landowner, on behalf of the petitioners, stated that the Board is the decision maker and has the authority to change the outcome if it is in the best interest of the landowners; she believed there is evidence that this is actually not the desire of the landowners. Ms. Beverly Bean, landowner, questioned why there is a public hearing after the voting as part of the procedure for determining what the landowners want. Mr. Powell stated that the public hearing does not keep the election "open". Mr. Berman stated there was ample time to gather and consider the necessary information and vote. He stated the Board would be setting a terrible precedent to break from established procedure and legal criteria. He also stated the Board does not have the ability or the legal authority to change a vote which was conducted under controlled circumstances through the Supervisor of Elections Office. A landowner questioned how the District can guarantee everyone receives a ballot so they have the opportunity to vote.

Mr. Powell stated that the voter roll in the District is the tax roll. The Board looked into several cases where landowners claimed a ballot was not received; due to clerical error, three landowners did not receive ballots but those three received replacement ballots and voted. After a lengthy Board discussion and consideration of the petitions, no action was taken.

Mr. Powell then called to order the public hearing regarding the 2004 landowner-initiated road improvement project. Mr. Lindahl summarized the 12th Plan of Improvements which is a "bundled plan" consisting of a total length of 85,000 feet (over 16 miles) at an estimated cost of \$3,000/parcel. There are 686 property owners affected; of those, 517 voted (75%): 361 in favor and 156 against. Mr. Powell then opened the floor to landowner comments. Ms. Beverly Bean was concerned that the petition affecting 160th requested paving but the ballots were specifically for OGEM. She felt this was a basis for a re-vote. Ms. Daniela Russell petitioned the Board not to overturn the referendum results. Ms. Susan Kennedy requested that the letter from landowner Kathleen Fahey be addressed and the Board agreed to attach the letter to these minutes. Mr. David West stated the District is bound by the rules of the general election laws contained in the Florida Statutes. Under those rules, the only person who can overturn the outcome of an election once it is certified is a circuit court judge. There were no other landowner comments and the public hearing was concluded. Mr. Rice made a motion to confirm and approve the engineer's report regarding the road improvement project, and to proceed with the project as described in that report. Mr. Berman seconded the motion and it carried unanimously.

Mr. Powell convened the public hearing for the Palm Beach Country Estates potable water project. The floor was opened to landowner comments. Ms. Angela Powell asked about the status of the agreement with the Town of Jupiter. Mr. Capko stated it is still being negotiated and when it is finalized it will be brought back to the Board for approval. Ms. Daniela Russell stated she is in favor of the project as it is eight miles to the nearest fire station and it is crucial to have fire hydrants and city water. There were no other landowner comments and the public hearing was concluded. Mr. Berman made a motion to confirm and approve the engineer's report regarding the potable water project and to proceed with the project as described in that report. The motion was seconded and it carried unanimously.

Mr. Powell then convened the regular meeting of the Board of Supervisors. He asked if there were any corrections or additions to the minutes of August 19th and September 16th, 2004. There were none and the minutes were approved as submitted.

Ms. DeNinno presented the public information report. She reported that the appropriate releases went out to the local newspapers. The annual Landowners' Day will be Saturday, October 23rd. The fall newsletter was mailed out. The election results and minutes from the 2003 annual landowners' meeting and July Board meeting have been posted to the District's website.

The Board acknowledged receipt of the treasurer's report in Mr. Haas' absence. Mr. Beane made a motion to approve the monthly disbursements. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. English presented the general manager's report. He recommended approval of the bid received from Murray Logan, Inc. for the removal of trees and debris from the canals. Mr. Rice made a motion to approve this bid. Mr. Beane seconded the motion and it carried unanimously.

Mr. English reported on the status of the District after Hurricanes Frances and Jeanne. He noted that the OGEM roads which were under water for several days showed no signs of deterioration. Mr. Powell and Mr. Berman noted there were a number of letters received from landowners commending the District's performance after the hurricanes (attached to these minutes). The Board asked Mr. English to relay these comments to the staff. Mr. Rice suggested recognizing the staff at the District's Landowners Day and sending a thank you letter to the County Commissioners for their assistance as well.

Mr. Lindahl presented the engineer's report and discussed the tidal surge during the two hurricanes and the performance of the G-92 structure. He discussed the status of the current capital improvement projects. He noted that the petition received for the paving of 73rd Terrace has been verified and equates to 50% of the affected lots. Mr. Danchuk made a motion to authorize and instruct the engineer to define the project and take the necessary action to proceed with this project. The motion was seconded and carried unanimously.

Mr. Berman noted there are a number of collapsed and blocked private driveway culverts and these need to be addressed. He also noted the FEMA maps that are flawed in terms of flood zones which also need to be addressed.

Mr. Capko presented the attorney's report and stated there was no other legal business to be discussed at this time.

Mr. Berman discussed the community park project in Palm Beach Country Estates, a plan that originated in 1983. He reviewed the course of events concerning the designated property (Lot X-199) which is now in the possession of the Berman family. Mr. Berman announced this property is now being donated to the District for the use of a public park. There will be an associated agreement which states the park will be named in honor of his mother and for the benefit the children of Palm Beach Country Estates. Mr. Berman asked that this be accomplished before the end of the year. The Board thanked Mr. Berman for his generosity. Mr. Powell noted the current legislation allows the District to accept such a donation of property. Mr. Rice made a motion to accept the property and to authorize and instruct the staff to finalize the transfer prior to the end of the year. The motion was seconded and carried unanimously.

Mr. Berman addressed certain deed restrictions for Palm Beach Country Estates and noted that a Palm Beach County real estate attorney recently stated an opinion that PBCE is designed and designated for equestrian use. Mr. Berman stated that PBCE has never designated "horse trails" and requested that Mr. Capko send a letter to this attorney informing him that his statement is in error. The Board was in agreement and Mr. Capko was so directed.

Mr. Aaron McDonald, landowner and past president of the Donald Ross Landowners' Association, thanked Mr.

Berman for his generosity in donating land for the public park. Mr. McDonald also asked about discretionary funds available through the County Commission which may be available for offsetting the potable water connection fees for the PBCE homeowners. Mr. Danchuk agreed to contact Commissioner Marcus regarding this possibility.

Mr. Danchuk asked if the Board would make a decision to allow slow moving vehicles, such as golf carts, on the side roads that have a speed limit of 25-30 m.p.h. The Board asked Mr. Capko to review the Florida Statutes to see if this is possible.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON SEPTEMBER 16, 2004

The regular meeting of the South Indian River Water Control District was held on September 16, 2004, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, Bob Berman, Dave Beane and Michael Danchuk. Also present were Len Lindahl, engineer; Charles Haas, treasurer; William Capko, attorney; Gale English, general manager; Donna DeNinno of Dick Gruenwald Associates, public information; and Jane Woodard, secretary. Approximately 25 landowners were also present.

Mr. Powell called the meeting to order. Mr. English offered the invocation, and the Pledge of Allegiance to the flag was given.

Mr. Haas presented the treasurer's report and recommended approval of the monthly expenditures. Mr. Danchuk made a motion approving these disbursements. Mr. Rice seconded the motion and it carried unanimously.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON AUGUST 19, 2004

The regular meeting of the South Indian River Water Control District was held on August 19, 2004, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice and Bob Berman. Also present were Len Lindahl, Jr., engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Laura Bender of Dick Gruenwald Associates, public information; and Jane Woodard, secretary. Nine landowners were also present.

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

Mr. Powell announced that the first part of this meeting is the public hearing regarding the District's budget for the fiscal year 2004-2005 and the Chapter 197 hearing to adopt the uniform method of collection of non-ad valorem assessments. Mr. Powell convened the public hearing regarding the proposed budget. Mr. Haas presented an overview of the District's budget and explained that it currently contains four maintenance programs and eight existing bond issues for capital projects. The 2004-2005 budget will contain two additional referendum-approved programs: the Section 18 project on the west side and the road improvement project on the east side. He noted last year's budget for existing programs was \$3,759,000 and this year's budget will be \$3,769,000. With the two additional programs, this year's budget's total assessments will be \$3,844,000. Mr. Powell then opened the floor to comments from the public. Mr. Steve Hinkle presented a list of questions to the Board. It was agreed that these

specific questions should be discussed with Mr. Haas after the meeting since most were addressed in the treasurer's memo. Ms. Susan Kennedy asked for clarification of the two new items in the budget. Mr. Haas explained that \$75,000 is being added to the budget for the two new capital improvement projects. There were no other questions and the public hearing regarding the proposed budget was closed.

Mr. Powell convened the Chapter 197 public hearing for the Section 18 road improvement project. There were no landowner comments and the hearing was closed.

Mr. Powell convened the Chapter 197 public hearing for the Section 22 road improvement project. There were no landowner comments and the hearing was closed.

Mr. Powell then convened the regular meeting of the Board of Supervisors. He asked if there were any corrections or additions to the minutes of July 15, 2004. There were none and the minutes were approved as submitted.

Ms. Bender presented the public information report. She reported that the appropriate releases went out to the local newspapers. Work is ongoing for the annual Landowners' Day. The summer newsletter is scheduled to be mailed out this week.

Mr. Haas presented the treasurer's report. He presented the monthly disbursements and recommended Board approval. Mr. Berman made a motion approving the disbursements. Mr. Rice seconded the motion and it carried unanimously. Mr. Haas then recommended approval of a resolution to adopt the proposed 2004-2005 budget. Mr. Berman made a motion to approve the budget. Mr. Rice seconded the motion and it carried unanimously. Mr. Haas also recommended approval of two resolutions for Sections 18 and 22. Mr. Berman made a motion to approve the resolutions. Mr. Rice seconded the motion and it carried unanimously.

Mr. Lindahl presented the engineer's report. He presented pictures of the structures for Canal 14 and Canal 2. He noted that completion of the work on Canal 2 was delayed due to the possibility of Hurricane Charley coming to the area. Mr. Lindahl reported that the second public hearings for the Palm Beach Country Estates potable water project and for the 12th Plan of Improvements are scheduled for the October meeting. He also reported that the NPDES annual report is being finalized.

Mr. English presented the general manager's report. He reported that 85 ballots could not be mailed to property owners who are on a confidential address list. The Board asked that he contact the Property Appraiser's office and the Supervisor of Election's office in an effort to distribute these ballots. Mr. English recommended extending Aquagenix's contract for aquatic weed control for another year at the same rate. Mr. Rice made a motion approving this recommendation. Mr. Berman seconded the motion and it carried unanimously.

Mr. Capko presented the attorney's report. He reported work is ongoing for the Palm Beach Country Estates potable water project.

Mr. Powell noted petitions and letters have been received from landowners objecting to the results of two of the referendums for road paving. The Board authorized and instructed the staff to review the petitions and the results of the elections, and report back to the Board if there is any basis for overturning the results of the referendums.

Mr. Steve Hinkle, landowner, asked if members of Scout Troop #109 who are working on an Eagle project could work with SIRWCD. The Board had no objection and he was advised to contact Mr. English.

Ms. Susan Kennedy, landowner, asked about posting signs and distributing flyers for the annual Landowners' Day in order to increase participation. Mr. Powell noted no Board authorization is necessary for this.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JULY 15, 2004

The regular meeting of the South Indian River Water Control District was held on July 15, 2004, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, Tom Rice, David Beane, Bob Berman and Michael Danchuk. Also present were Len Lindahl, engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno of Dick Gruenwald Associates, public information; and Jane Woodard, secretary. Approximately 60 landowners were also present.

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

Mr. Powell stated that the first part of the meeting is for the two public hearings which have been advertised for the landowner-initiated road improvement project and the Palm Beach Country Estates potable water project. The Board considered a landowner's request to continue or postpone the road improvement public hearing due to the large number of landowners who want to speak and also due to the typographical error on the initial notice that was sent out. It was explained that if the hearing is continued until next month, there will be no instruction to the engineer at this time to prepare a plan. It was also explained that a second public hearing is held after the engineer's plan is prepared. After a lengthy discussion, it was decided to proceed with both public hearings.

Mr. Lindahl presented a summary of the 2004 road improvement project which includes 20 different roads to be surfaced with OGEM. He emphasized that this project is the result of a landowner initiative. The cost estimate is \$3,000/parcel for a total of \$2,058,000, a total of 16.1 miles representing \$127,000/mile. Mr. Lindahl reported that of the 686 affected parcels, 517 voted in the referendum (75%). There were 361 votes in favor of the project (70%) and 156 votes against the project (30%). He noted that all ballots were handled by the Supervisor of Elections Office.

Mr. Powell opened the floor to comments from the landowners. He explained the format is for comments only, and each speaker is limited to three minutes. Prior to the hearing, those landowners wishing to speak completed comment cards summarizing their concerns. Seventeen landowners spoke and their comment cards are attached to these minutes.

Mr. Powell again explained that a second public hearing will be held after the engineer prepares an amended plan. He also stated that public notices are sent by the Supervisor of Elections Office to the addresses on the County's certified tax roll. Mr. Rice requested that the public relations firm again place the notice for the second public hearing in the Palm Beach Post, the Jupiter Farmer, and the Courier. At this time the Board agreed to conclude the public hearing regarding the road improvement project.

Mr. Berman made a motion authorizing and instructing the engineer to prepare a report and the amended plan, including cost estimates. Mr. Rice seconded the motion and it carried unanimously. Mr. Rice made a motion to instruct the engineer and chairman to address the issue raised by Ms. Kennedy, landowner, regarding a petition against the placement of OGEM on 174th Drive between Mellon Lane and 130th. Mr. Berman seconded the motion and it carried unanimously.

Mr. Lindahl presented a summary of the Palm Beach Country Estates potable water project that is the result of a landowner initiative. He explained this is a water distribution system that will connect with the Town of Jupiter's system westerly under the turnpike and I-95 into SIRWCD east of C-18. The Town of Jupiter will be the service provider. The project also includes a hydraulic design and delivery system to give fire control for the area. It consists of two miles of 16" line, three miles of 12" line, four miles of 10" line, 25-1/2 miles of 8" line and 11-1/2 miles of 6"

line for a total of 46 miles of piping infrastructure. It will involve crossings of I-95 and the turnpike. The project includes roadway and driveway restoration as necessary, 17 canal crossings, 430 fire hydrants and 1,551 individual services. The estimated cost is \$11 million. Mr. Lindahl reported that of the 1,551 affected parcels, 1,196 (77%) voted in the referendum; 754 voted in favor of the project (63%) and 442 voted against (37%). He explained that additional fees are set by the Town of Jupiter for a total of \$3,877.00 (\$30.18/month). Mr. Lindahl noted that the Town of Jupiter has received a number of awards for its water quality. He also noted that the project proceeds only with the provision of no annexation requirement.

Mr. Powell opened the floor to comments from the landowners. He again explained the format is for comments only, and each speaker is limited to three minutes. Prior to the hearing, those landowners wishing to speak completed comment cards summarizing their concerns. Seven landowners spoke and their comment cards are attached to these minutes. At this time the Board agreed to conclude the public hearing regarding the Palm Beach Country Estates potable water project.

Several landowners were concerned about hook-up fees and hydraulics. Mr. Berman requested that all technical questions be directed to the engineer through the District Office. Mr. Berman made a motion authorizing and instructing the engineer to proceed with preparation of his report. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Powell then opened the regular monthly Board of Supervisors' meeting.

Mr. Lindahl presented the engineer's report and briefly discussed current capital improvements, and operation and maintenance.

Mr. Haas presented the treasurer's report. He presented the monthly disbursements and recommended Board approval. Mr. Danchuk made a motion approving the disbursements. Mr. Berman seconded the motion and it carried unanimously.

Mr. Haas presented the proposed 2004-2005 budget for Board review. He requested that the public hearing on the budget be scheduled for the August meeting, and the Board agreed.

Mr. English presented the general manager's report. The annual contract drainage fee has been received from Stuart Enterprises. He requested authorization for the purchase of a backhoe. Mr. Haas confirmed that funds are available. Mr. Berman made a motion authorizing this expenditure. Mr. Danchuk seconded the motion and it carried unanimously.

Mr. Capko presented the attorney's report. Mr. Berman asked about the status of the contract with Stuart Enterprise since that property has apparently been sold to the County. The staff agreed to review the contract and have further discussions with the County regarding this matter.

Ms. DeNinno presented the public information report. She stated news releases regarding the two public hearings were sent out to the local newspapers. Work has begun on the summer newsletter.

Mr. Berman briefly reported on a news report regarding the FEMA maps and noted the Board's interest in pursuing this problem.

Mr. Powell asked if there were any corrections or additions to the minutes of June 24th. He noted a correction on page two regarding a draft agreement, not a proposal, from the Town of Jupiter regarding potable water for Palm Beach Country Estates. The minutes were approved as corrected.

Ms. Susan Kennedy, landowner, announced there is a clean-up day for the Loxahatchee River every third Saturday. She extended an invitation to the Board, staff and landowners.

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

MINUTES OF THE REGULAR MEETING OF THE SOUTH INDIAN RIVER WATER CONTROL DISTRICT
HELD ON JUNE 24, 2004

The regular meeting of the South Indian River Water Control District was held on June 24, 2004, at 7:30 p.m. at Jupiter High School, 500 N. Military Trail, Jupiter, Florida. Present were Supervisors Tom Powell, David Beane, Bob Berman and Michael Danchuk. Also present were Len Lindahl, Jr., engineer; William Capko, attorney; Charles Haas, treasurer; Gale English, general manager; Donna DeNinno of Dick Gruenwald Associates, public information; and Jane Woodard, secretary. Several landowners were also present.

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

Mr. Powell asked if there were any corrections or additions to the minutes of March 18th. There were none and the minutes were approved as submitted.

Ms. DeNinno presented the public information report. She stated news releases regarding the road improvement referendums were sent out. The spring newsletter has been mailed. Letters have been sent to vendors to participate in the annual Family Day to be held October 23rd.

Mr. Haas presented the treasurer's report. He presented the monthly disbursements and recommended Board approval. Mr. Danchuk made a motion approving the disbursements. Mr. Beane seconded the motion and it carried unanimously. Mr. Haas reported that the preliminary budget will be presented to the Board for review next month.

Mr. English presented the general manager's report. He reported that the west basin structures were reviewed with SFWMD. He also reported that the John Deere 670 CH motor grader is having an engine overhaul at Trail Truck Center.

Mr. English presented an application for funds from Loxahatchee Preservation Initiative for the purpose of clearing the north side of Canal #6 in Jupiter Farms. After a discussion by the Board, it was agreed that Mr. English will request funds from the Loxahatchee River Preservation Initiative for generic use, not specifically Canal #6.

Mr. Lindahl presented the engineer's report. He presented photographs of the C-14 structure and discussed construction of the concrete cap and gates for Canals 4, 5 and 14. He reported on meetings with the staff and the Town of Jupiter regarding potable water for Palm Beach Country Estates; he expects to have a draft agreement to present to the Board at the next meeting.

Mr. Lindahl then reported that the 11th Plan of Improvements has been accepted by SFWMD. He recommended that the Board president be authorized to enter into an agreement with a contractor subject to the engineer's and attorney's review. Mr. Danchuk made a motion authorizing the president to execute such a contract. Mr. Beane seconded the motion and it carried unanimously.

Mr. Lindahl reported on the NPDES Steering Committee meeting, the CERP Project and the report for the Loxahatchee Slough Restoration regarding the G-160 structure. The interlocal agreement regarding the interim operation of the G-160 structure will be reviewed by the Board at the next meeting, if it is available.

Mr. Berman complimented the engineering staff on their efforts regarding the proposed County ordinance that would have prohibited the filling of lots within Palm Beach Country Estates. As a result of their efforts, the

proposed ordinance was revised.

Mr. Capko presented the attorney's report. He presented the report from the Supervisor of Elections Office certifying the referendum results: 19 referendums passed and 3 referendums failed (see attached Certificate). Those referendums which did not pass included 85th Avenue North, 73rd Terrace North and 150th Court North. Mr. Danchuk made a motion to accept the certified results from the Supervisor of Elections. Mr. Beane seconded the motion and it carried unanimously. Mr. Capko explained that the next step would be for the Board to adopt a resolution to consider adoption of a plan amendment which would include these 19 roads. A public hearing would then be scheduled. After that hearing, the Board can direct the engineer to file a report, after which there is a final public hearing. Mr. Berman made a motion to approve a resolution to consider adoption of a plan amendment (I2004 Landowner-Initiated Roadway Improvement Project). Mr. Beane seconded the motion and it carried unanimously. The Board agreed to schedule the first public hearing for the July 15th meeting and directed the attorney to prepare and send the necessary notices.

Mr. Capko recommended that this year's ballots for the election of supervisors contain a statement that at least one candidate voted for must be an east side resident. The Board agreed that this voting requirement should be discussed and coordinated with the Supervisor of Elections Office, and directed the attorney to do so.

Mr. Capko reported that HB #1671 regarding the de-annexation of parcel 19 was approved by the Governor. He also noted that the agreement with the Town of Jupiter and the lease with Verizon will be presented at the next meeting.

Mr. Berman recommended scheduling the public hearing regarding the potable water project at the same time as the public hearing regarding the roadway improvement project. The Board agreed and Mr. Berman made a motion to approve a resolution to consider the adoption of a plan amendment relating to the Palm Beach Country Estates potable water project. Mr. Danchuk seconded the motion and it carried unanimously. The Board agreed to schedule the first public hearing for the July 15th meeting and directed the attorney to prepare and send the necessary notices.

Mr. Danchuk requested that every Board member be asked if they have issues to be discussed before a monthly meeting is canceled. Mr. Powell stated that the Board has adopted Roberts Rules of Order as its parliamentary authority and therefore it is the call of the chair to meet as needed. Mr. Powell stated he always asks the staff if there are action items that need to be addressed. He noted that the primary purpose of the Board meeting is to take action; it is not intended to be a forum for landowner discussion. When necessary, workshop meetings have been scheduled to discuss specific issues. Mr. Berman suggested that if a Board member knows of an issue requiring action, this matter should be presented to the appropriate staff member who in turn will report it to the president. Mr. Powell also suggested that Mr. English poll the supervisors, as well as the staff, prior to a scheduled meeting. Mr. Capko confirmed and clarified that under the Sunshine Law, any correspondence can be sent through the general manager with a request that it be distributed to the Board and staff.

Mr. Powell then opened the floor to discussion of landowner items. He noted that a list of questions was received from landowner Barbara Beck relating to the road improvement project for 165th Road, including the determination of the benefited area. These questions have been forwarded to the staff who will prepare answers for her.

Several other landowners on 165th Road discussed the ballots for the roadway improvement referendum. They stated several landowners never received ballots and questioned how many votes were actually cast. It was explained that the ballots are available for inspection at the Supervisor of Elections Office; that office should be contacted to obtain this information and to confirm addresses on the County's tax roll. The landowners were also concerned that 25% of the landowners can determine the expenditure of funds for an engineering study.

Mr. Mike LaTour, landowner, stated there was never a petition requesting placement of OGEM on 85th Avenue

North and a referendum should not have been conducted. He noted his letter to the District approximately three years ago specifically requested shellrock improvement. Mr. LaTour requested that the District send a letter to the affected landowners explaining this error. Mr. Powell stated the Board was informed that a petition had been submitted requesting improvements. If a referendum had not been conducted, the affected landowners would have been denied the opportunity to express their desires. He also stated that the Board operated according to procedure. Mr. Berman commented that the system works because that referendum did not pass. Mr. Powell noted it is better to let the landowners have their say than to deny them their right to speak; Mr. Berman agreed.

The Board explained the purpose of the public hearings for the roadway improvement and potable water projects.

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