

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, November 4, 2009** at **6:30 p.m.**, in the **Commission Chambers, Coral Springs City Hall, 9551 West Sample Road, Coral Springs, Florida 33065.**

Present at the meeting were:

David Hulett	President
Emily Heafy	Vice President
Joe Morera	Secretary

Also present were:

Craig Wrathell	District Manager
Doug Paton	Client Services Manager
Cory Selchan	Field Superintendent
Terry Lewis	District Counsel
Rhon Ernest-Jones	District Engineer
Tom Donahue	District Engineer
Ashley Resta	REJ/IBI Group
John McKune	McKune & Associates
Virginia Gascoigne	Corporate Benefit Advisors
Christine McCarthy	Corporate Benefit Advisors
Vincent Bocard	Vice Mayor, City of Coral Springs

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Hulett called the meeting to order at 6:30 p.m.

Mr. Wrathell called the roll and announced that all Supervisors were present and a quorum was established to proceed with the meeting.

SECOND ORDER OF BUSINESS

Update: Health Insurance/Benefits

Mr. Hulett stated the next item is an update of the health insurance benefits. He asked Mr. Wrathell to present this item.

Mr. Wrathell stated, as we have discussed, over the course of the last several months, we have looked at getting a benefits program for the Sunshine Water Control District, separate and

distinct of the Coral Springs Improvement District. He stated, several months ago, he presented an option for health insurance and, after further investigation and discussion with Mr. Selchan, the Aetna plan, recommended by their current insurance agent, was not quite an “apples to apples” policy. Over the last 45 days, he and Mr. Hulett have worked with Ms. Virginia Gascoigne and Corporate Benefit Advisors, as well as Ms. Heather Leck, and they were able to put together a plan that could be put into place to replace the current CSID plan.

Mr. Wrathell referred to the Medical Plan Analysis, which is the health insurance plan option. He stated on the left-hand side is the current CSID Plan, which is the Aetna OA HMO Plan 1 and it is in network only. He noted, for a relatively large group, it is an excellent plan. He expressed that this presented quite a challenge but, thanks to the assistance of Virginia and Heather, they came up with the AvMed HMO Plan. Mr. Wrathell highlighted the differences in the plans. He referred to the out-of-pocket maximum and stated the AvMed plan is actually better than the Aetna plan, as far as copays. The AvMed plan is \$1,500 per person, versus \$2,000, with Aetna and \$3,000, versus \$4,000, for the family maximum. He added, the Maximum Lifetime Benefit was an additional concern and the AvMed plan has an unlimited Lifetime Benefit. He mentioned that some of the copay were slightly higher with AvMed, but this is made up by the out-of-pocket maximums for the copay above.

Mr. Wrathell further reviewed some of the plan comparisons. He indicated that Mr. Selchan and his staff were asked to check out the network and, those that did, felt positively towards the new plan, as all of their physicians appeared to be in the network. They were also asked to fill out medical questionnaires. He advised that AvMed has the ability to raise the premium up to 15%, depending upon the outcome of the medical questionnaires and he anticipates the final rate will be somewhere in between. He stated they were able to get some good ancillary benefits as well, and reviewed the Dental Plan Analysis.

Mr. Wrathell referred to Page 3, which contained information on the Life, Accidental Death and Disability Insurance, as well as Short Term and Long Term Disability Insurance, and highlighted the differences between the two (2) plans. He noted that Short Term Disability was standard and pointed out the maximum weekly benefit. He added the advantage of Long Term Disability is that the maximum monthly benefit is 60% of the monthly salary, for a maximum monthly benefit of \$7,500, and the benefit duration is the normal Social Security retirement age. He further noted the four (4) options for vision care and advised he was leaning towards the

United Healthcare Vision Plan 1, which has a \$10 copay and is a good plan. He advised the Board that the plan is to set this up for December 1st. He said if it is acceptable, Staff would like to move forward with getting these plans put into place. He stated his understanding, from the Board, is that Wrathell, Hart, Hunt and Associates will take on the responsibility of administering the health benefit plans, as well as the retirement plan, and CSID will continue to process payroll deductions, as part of their Human Resources function.

Mr. Hulett stated their mission was to try to keep the benefit package competitive with what they previously had, and going from a large group to a small group is a difficult task, but he felt they had accomplished that. He introduced Ms. Virginia Gascoigne and Ms. Christine McCarthy of Corporate Benefit Advisors. He explained that he and Mr. Wrathell met with their Principal, Heather Leck, and noted, they came to his attention via a strong referral from a former client. He said they did great work so far and he asked Ms. Gascoigne to take a moment to introduce the firm.

Ms. Gascoigne advised she has been with Ms. Leck for about a month and she is her Executive Assistant. She noted she has a background in insurance and they specialize in benefit packages for all sizes of firms. She explained that it was a challenge to find a comparable plan for a small group, but feels they were able to identify a plan. She then asked if there were any questions from the Board. Mr. Hulett asked for a scope of some of the clients they work with, from the small to the very large. Ms. Gascoigne stated some of the large clients are Mednax Pediatrics, which is a large group of physicians. Ms. McCarthy added that Pediatric Associates is one (1) of their largest clients. Ms. Gascoigne indicated they handle many country clubs, some large and some small. She advised they also have another municipal group in Weston, which has about 17 employees. Ms. McCarthy stated they cover a full spectrum of benefit needs for groups, from health insurance to dental to life and disability, as well as a division for 401K and financial planning. Their approach usually is to present their plans as a package. They even assist with payroll administration. She said employees are able to call and they will assist them throughout the process.

Mr. Hulett stated even though our group is small, CBA has gone above and beyond the call of duty and he expressed that he is happy and pleased that they will be associated with the Sunshine Water Control District.

Mr. Wrathell advised they have decided to continue to pay for the premiums for the employees and if they elect anything beyond what is in the plan, they will pay for those options, or some percentage. In response to a question by Mr. Hulett, Mr. Wrathell suggested that the District cover the base plan and, in future years, evaluate establishing a cap.

Mr. Morera asked if the individual premium was based on the options that each individual chose, based upon what the plan was offering or if it was a combination of that and their health. Ms. Gascoigne responded it was based on their age and their dependent status. Ms. McCarthy advised, in the State of Florida, for group sizes 2 - 50, all of the rates are filed with the state for all insurance companies. Those rates can go up 15% or down 15%, based on the health of the group. The employees filled out the health questionnaires and the group, as a whole, will get rated.

Mr. Morera questioned the AvMed Member Payment for 'Outpatient Surgery at Facility' and was advised that it should have been \$250, as opposed to 250%.

Mr. Hulett indicated he is pleased with this plan and advised Mr. Selchan that he could tell his employees that they have an excellent benefit plan, which is 100% paid for by the employer, which is practically unheard of in this day and age.

Mr. Wrathell stated they need to couple this with the retirement program the Board approved at the last meeting, with the increase in the retirement contribution rate to 10% and now, with the 401A and all of the options under the ICMA plan, the employees have more of an ability to manage their investments themselves, rather than being put into a pension plan where there are no choices. Overall, this package is superior.

Mr. Hulett asked Mr. Wrathell if any action was required by the Board. Mr. Wrathell indicated the only question is the Voluntary Vision Plan and stated if everyone was satisfied with the United Health Care Vision Plan 1, he would ask the Board for a motion to authorize Staff to move forward with putting these plans into place, as outlined in the Agenda package.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of approving the Health Insurance Benefit Package, to include the United Healthcare Vision Plan 1, as outlined in the Agenda package.

THIRD ORDER OF BUSINESS

**Consideration/Discussion
Permits/Applications** of

• **PERMIT/APPLICATION LOG**

Mr. Hulett stated item #3 is the consideration and discussion of permits and applications and turned the item over to Mr. Ernest-Jones.

Mr. Ernest-Jones reported there were no actual permit applications to consider this month, which signifies the general lack of development activity. He advised they are considering several easement documents. He stated Ms. Heafy brought to their attention that a small community, called Hamlet, received a threatening letter from the South Florida Water Management District and asked what they should do. Ms. Heafy received the call, turned it over to REJ/IBI, they met with the head of the association, who happens to be the Director of the Fire Academy, and they pointed them in the right direction, with minimal input required. He said they reviewed the letter and advised what documents they needed to file. He stated they did not think it proper to do any actual work for them, but did provide guidance. It was handled by Mr. Donahue and the matter is now dealt with.

Ms. Heafy expressed her thanks and indicated he was most impressed by the District's work. She said they were panicked because the corporation that built it was no longer around and they did not have any documents. She again thanked Mr. Ernest-Jones on her behalf, as well as that of Mr. Bob Bertone.

FOURTH ORDER OF BUSINESS

**Approval of October 14, 2009 Regular
Meeting Minutes**

Mr. Hulett presented the October 14, 2009 Regular Meeting Minutes and asked if there were any comments or concerns.

Mr. Wrathell pointed out, for the record, that at the last meeting, he indicated that Ashley transcribed the minutes and they were, in fact, transcribed by Diana. Mr. Hulett said Diana did an outstanding job and the minutes were exactly what they were looking for. There was enough detail, but yet not overdone, so she provided a good balance.

**On MOTION by Ms. Heafy and seconded by Mr. Morera, with
all in favor of approving the October 14, 2009 Regular Meeting
Minutes, as presented.**

FIFTH ORDER OF BUSINESS

Citizens' Requests

Mr. Hulett indicated there were no citizens present and the next item followed.

SIXTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Hulett asked if there were any Supervisors' Requests. He asked for clarification that they are okay, from a fiduciary responsibility, with their previous pension documents and administration. He indicated that he asked for, and received, some of the documents from the pension plan and advised, what he did not see, in any of this material, were any resolutions from this Board, or whoever was in place at the time this plan was put into effect, authorizing this pension plan or the adoption agreement of the plan itself. He indicated that he may have missed it and it could very well be in the information he received, but his concern goes to whether or not this Board, even though this was done by previous Boards, has any current fiduciary responsibility if there are any flaws, or mistakes were made, or paperwork was not properly put together.

Mr. Lewis stated, as far as the previous plan, the Board has an ongoing fiduciary responsibility to manage the plan on behalf of the employees. He advised this is not his given area of law, but one (1) of his partners does nothing but pension law and is known statewide in the public sector for the work he does. He indicated most of these plans end up having a set of trustees to look at them and see what needs to be changed from time to time. He stated they do not make choices for employees, but often, they are in a position to make choices as to the array of choices that the employees have to go into their individual plans. He said his firm is set up like that as well; they have a set of three (3) trustees that serve as a Pension Board and actually make those choices. They would have to look at the old plan. He explained there normally is a document that would have approved setting up the Pension Plan and approving whatever alternatives were in that pension plan for the employees to avail themselves of. He offered to take the material to make sure that everything that was done previously was everything that needed to be done.

Mr. Hulett indicated that was the direction he was headed in. He said one (1) document that he found was a Certificate of Corporate Resolution, dated July of 2001 and signed by Rhonda Archer, stating, "The undersigned Secretary of the Coral Springs Improvement District,

North Springs Improvement District, Pine Tree Water Control District, Sunshine Water Control District, Turtle Run Community Development District and the Port of the Islands Community Improvement District (“the Corporation”), hereby certifies that the following Resolutions were duly adopted by the Board of Directors of the Corporation on...” and he noted that this was blank, and continued, “and that such Resolutions have not been modified or rescinded as of the date thereof.” He stated what he is looking for is a Certificate of Corporate Resolution of the Sunshine Water Control District and/or a resolution passed by this Board, adopting this Pension Plan, to ensure that everything was done properly. He indicated he believes Mr. Zilmer is, or was, the trustee of this plan, over the years, and he is concerned about whether they have any exposure, particularly in light of the fact that, in almost three (3) years that he has sat on this Board, he has never had a single document brought to him showing the return on these Pension Plans, annual reports, any status, nothing. He added he was particularly concerned in light of the losses that were incurred in the 10/1/07 – 9/30/08 period of time, where the employees had no opportunity to move their money, nor was there any opportunity given, or notice brought to the Board, for an opportunity to do that. Mr. Hulett advised that while he did not wish to incur additional legal fees, he felt this was an area of importance and he wanted to be comfortable that they are not looking at any fiduciary issues.

Mr. Lewis suggested to the Board that, initially, he can take the documents and start looking at them. First he will ask Mr. Jim Lynn, of his firm, exactly what the obligations of this Board are and what steps the old Board should have taken and what steps they should be taking now, as they set up the new plan. Mr. Hulett stated they have done that; it is in place.

Ms. Heafy asked if the monies have been moved. Mr. Wrathell indicated they are in the final stages. He said Yolanda, of ICMA, contacted him today to finally effectuate the movement of money from the Pension Plan to the new 401A. He stated Mr. Selchan and his employees have already filled out the forms regarding the mix of investments, per employee, for their new money coming in. She advised she will meet with them on Tuesday of next week and fill out the forms for the rollover from the Pension Plan into the 401A and where they want their money invested. He stated he still does not have an answer as to the exact balance, per employee, that is being transferred. He asked Yolanda if she has it and requested that she give it to him. He advised, WHHA has done everything on their side, thus far, to get everything set up, so when

they receive the final audit with the final numbers per employee, that is when they will effectuate the transfer, and he expects that to occur in the next week or two (2).

Mr. Lewis asked if Mr. Wrathell would have time to spend on the phone with Mr. Lynn to see exactly what obligations the Board has and to make sure there is nothing they are overlooking. Mr. Wrathell indicated he would have time on Friday. Mr. Hulett stated he wanted to be clear that he was not making any accusations that anything was done wrong or incorrectly and that he has every confidence it was done on the up-and-up. He feels if any mistakes were made, it had to do with communication to this Board as to what is happening with what should have been their plan, so it is more of a concern to make sure that everything was done properly and he could actually see an adoption agreement or a Board resolution adopting these plans, because they were all commingled under one (1) document for different districts, if that was appropriate, and particularly because of the losses that were incurred.

Mr. Wrathell stated he agrees with Mr. Hulett in the sense that, proactively, this was not brought to them information-wise; however, when he has requested documents, Mr. Zilmer has worked with him expeditiously. Mr. Hulett stated he is confident that Mr. Zilmer, as a trustee, which is a serious fiduciary responsibility, would not put himself in any jeopardy; they just want to see the documents for their own records.

SEVENTH ORDER OF BUSINESS**Staff Reports****a. Attorney**

Mr. Lewis reported the legislature is about to be in session and indicated he returned from there this morning. He stated there are committee meetings all this week and he was there Monday and Tuesday for those. He indicated Mr. Ernest-Jones can give more detail on the nutrient standards issue that they have both reported on, from time to time, and this is the expanding topic, at this time. He stated the information they briefed the Board on in the past is ongoing. The Environmental Protection Agency (EPA) is adopting quantitative standards for phosphorus and nitrogen that this District, nor any other District, can meet. He explained that the Department of Environmental Protection (DEP), the state analog to the EPA, is considering several things; they are halfheartedly participating in the adoption of the nutrient standards with EPA and are having a workshop on nutrient standards on the Rule Adoption in Temple Terrace, near Tampa, on November 17th. He stated on November 18th, the DEP will hold a workshop on

a related topic, which is a reclassification, or a consideration, of a new water quality classification system for the State of Florida, that will include some human use classifications. Once that classification system is in place, it is, theoretically, possible to establish water quality standards that reflect the human use, where there will always be higher concentrations of nitrogen than in a natural water body. So many people have weighed in on this issue politically, from Washington on down, that the state legislature is under the gun to hold hearings on the topic of nutrient standards. It is certain to be a topic right through the legislative session, in early May. He advised he will have a report on this at the December meeting.

Mr. Hulett then thanked Mr. Lewis for the generous discount given on his firm's legal fees and indicated the District is almost to the point of more normalized operations. Mr. Lewis thanked Mr. Hulett for noting it and indicated he feels the next month will be more normal.

b. Engineer

i. Monthly Engineer's Report – 10/6/09 – 10/27/09

Mr. Ernest-Jones stated the interconnect will be deleted from future reports and advised, even if SFWMD gives them the benefit of their ruling as to what regulations they will impose, they have concluded, with the city, that the cost is not worth the benefit. On this same topic, he noted SFWMD will not let it go and indicated he would discuss this further under the Water Control Plan.

Mr. Ernest-Jones reported the Canal Restoration, Phase 2, has gone very well. He said there was a prolonged field visit two (2) days ago, with Mr. Selchan, Mr. McKune and Mr. Donahue. The plans are finished and fully coordinated and they were reviewed in the field, versus actual conditions there. Mr. Donahue thanked Mr. Selchan and Mr. McKune for spending the better part of two (2) days with them and advised they went through every single plan, profiles and cross sections of each of the canals, making sure they made sense. Mr. McKune and Mr. Donahue evaluated where they were getting the benefit of the money spent on each particular canal, so they now have a priority group of canals, which will be their base bid, and then, other canals that, as money allows, they will also put out for bid in the same package. They then re-checked everything in the field. They are polishing up a good set of plans and finalizing the specs and the actual bid documents. He indicated the package will be ready shortly.

Mr. Ernest-Jones advised the Board that the additional time they spent was under their lump sum, so there are no additional fees to the District. They felt it was worth doing the extra

bit of coordination and it confirmed some of the conclusions they are reaching on the hydrologic modeling.

Mr. Ernest-Jones advised that the Culvert Replacement is now complete, as to concept. He stated they finished the alternative analysis with the hydrologic model, so now they know the diameter of every culvert that will go in each of the replacement locations. He said it is preferable for the District if they do the relining process on the culverts. If they change the culvert and make it larger, it will not be a candidate for relining. He further advised, on some of the trouble spots that they had, there have been some blockages and restrictions, due to the culvert sizing. He explained that by proposing an increased size and inserting that into the model, it is very apparent that it creates the kind of relief they are looking for in the zones that appear to be excessively flooding in the 100-year storm event. The model helps to analyze what it would look like if there was a larger culvert there, and it appears to have solved many of the flooding concerns. With the culverts in, it is anticipated that some of those flooding concerns will go away.

He referred to the water quality criteria and advised Mr. Donahue is monitoring that by attending the local meetings.

Mr. Ernest-Jones stated, since filing this report, he and Mr. Donahue had a conference with FEMA, as to their reasons for rejecting their grant applications and some of it has to do with current interpretation of the regulations. He noted they have found some areas where they think they might get some grants, as opposed to being rejected completely, and added they have set some narrow parameters as to what projects are eligible. He said taking care of deferred maintenance is out. He feels the person he spoke with is acting in good faith and is saving them from wasting time and money. He advised they did identify two (2) or three (3) areas where they might be able to get some money. The additional provisions being made on the new stations, over and above the basics required by code to make it more storm resistant so the delta between what they are doing and what the basic code requires, is actually eligible for this grant and could amount to some money. He concluded they will not spend their time finalizing the grant unless they are 99% sure of their likelihood of success.

With regard to District Mapping and GIS, Mr. Donahue reported that they will be getting all of the software and licenses plugged into Mr. Selchan's laptop and they will get it up and running. Mr. Ernest-Jones indicated once all of those are on, the huge GIS file will be loaded

onto that computer. Mr. Donahue indicated several other components are being added to Mr. Selchan's desktop and then also the licenses, which will allow both the laptop and the desktop to run the GIS licenses.

Mr. Ernest-Jones noted that he will allude to the Water Use Permit under the Water Control Plan.

He stated Pump Stations 1 & 2 are proceeding well. In the Agenda package, for further consideration, will be the Construction Manager at Risk (CMAR) issue. He expressed his gratitude to Mr. Lewis for his quick turnaround of comments. He indicated they put this package together and solicited Mr. Lewis' comments on the Request for Letters of Interest (RLI), and he brought up some good points, which they have had a chance to respond to, having to do with being consistent with the provisions of Chapter 298 and also being consistent with the procurement requirements of the same District.

Mr. Lewis stated Section 255.20 gives a mandate of how to bid construction contracts for local governments, including Special Districts, in addition to the CCNA.

ii. Construction Manager At Risk Discussion – Pump Station 1 & 2 Replacement

*****This item, formerly item 7.b.iii, was presented out of order.*****

- **Construction Manager At Risk Letter – Pump Station 1 & 2 Replacement**
- **Construction Manager At Risk Request for Letters of Interest (RLI) – Pump Station 1 & 2 Replacement**
 - a. Authorization to Publish RLI**

Mr. Ernest-Jones noted they had written an explanatory letter to the Board and in their backup report, outlining the benefits and reasons for going with a CMAR, as opposed to the traditional hard bid. He stated CMAR is becoming more prevalent, in terms of delivering to the public entity the constructive product in the least expensive, most reliable, least litigious way. He said hopefully, the explanatory letter helped in the understanding of this process. He added, with regard to the Request for Letters of Interest, they have looked at the schedule and, even on an accelerated basis, it still will be February before they have a contractor in place. He advised they have to advertise and then they have to come back and present. He stated the District will benefit enormously by having this contractor on board, as the plans are finalized. He concluded by saying, tonight, subject to final approval of the changes made, they are requesting permission

to advertise. He noted the advertisement for this Request for Letters of Interest probably helped to explain a little what the CMAR does. He requested that the Board, by motion, allow them to advertise the RLI and added that they will not be putting anything on the street that does not meet with Mr. Lewis' approval.

Mr. Hulett stated, to summarize, going back to last month's meeting, based on Mr. Ernest-Jones' recommendations, one (1) of the overriding purposes of having this individual in place is to help to sharpen and refine cost estimates, so that the Board is finally in a position to make a final decision with regard to whether they are going to do the full project, with bonds, etc. He asked Mr. Ernest-Jones for clarification that, even if they approve this tonight, this person will not be in place until February. Mr. Ernest-Jones indicated that is the schedule they have laid out within the actual advertisement. They have to advertise and then there is a mandatory pre-bid, the responses are opened and then they short list. He stressed that it is absolutely essential that they remain consistent with the CCNA requirements, and also with the requirements of 255.20, because in this day and age, contractors are looking for work and they do not want to be challenged and have to go back to the beginning.

Mr. Hulett asked Mr. Wrathell how this fits together with what he had envisioned, in terms of timing. He noted Mr. Lewis mentioned an issue with regard to some notification of the bond itself and the Public Hearings. He asked how this all ties together.

Mr. Wrathell stated he thinks going out with the Construction Manager At Risk and getting this process started, it would be nice to devise what they think the real numbers will be for the pump stations, once they have the Construction Manager At Risk on board, and at that point, look at the Five (5)-Year CIP and the updated Drainage Plan and decide whether the amounts in that report are high enough or low. He added, once the Construction Manager at Risk has determined what the numbers will be, or they think they know what the numbers will be, he suggested revising the updated Drainage Plan, based upon those numbers, and then revising the methodology, based upon those numbers, as well. He feels if they come in higher than what was originally estimated in the Drainage Plan, and they will be part of that process of deciding why it may be higher, because they may make certain decisions where they decide certain improvements to the pump stations are integral for the long term of the District and that may prompt them to say, instead of spending "X", they now think it is going to \$500,000 more. He indicated he would like to get that number nailed down, revise the Drainage Plan and revise

the methodology, prior to starting any public hearings. This way, they will delay themselves four (4) – five (5) months from what they originally projected, but the nice part is they will not have any problems along the way if something comes in more expensive than what they originally thought and they will not be trying to fit the design of the system into the budget of Mr. Ernest-Jones' report and the methodology. He expressed his hope that the bond market will improve, as time progresses.

Mr. Lewis stated he agrees with what they are saying, as far as the schedule, specifically about what needs to go into a Water Control Plan Amendment, and then, eventually, the Engineer's Report. He asked if they want to address the preliminary resolution and the four (4) weeks of once-a-week notice that need to occur before the end of this year, in the event they want to put a Capital Improvement Assessment on the tax roll next September. That is Chapter 197, not Chapter 298. He stated you can do that a little later, if you have the agreement of the Property Appraiser and the Tax Collector. Mr. Wrathell stated he believes the cut off is January 15th. Mr. Lewis advised they do not lock you into a schedule, as far as the public hearings, but it does get that procedural step out of the way.

Mr. Wrathell stated they may consider this as a new assessment, for the purposes of the Capital Improvement Program. He agreed with Mr. Lewis that they can begin that process for the purposes of 197. Mr. Lewis stated they have to adopt a resolution at the December Board Meeting, determining to go forward.

Mr. Wrathell indicated the December Board Meeting is scheduled for December 9th and they could have the public hearing about 30 days later, which will take them into January. Mr. Lewis indicated all they need to do, to take care of that procedural step, is to have the Board authorize going forward. He indicated they do not need to have a public hearing; they need to adopt a resolution, consider going forward with a Water Control Plan Amendment and then the notice is placed in the newspaper determining that if they do it, then they will use the Property Appraiser and the Tax Collector to collect the money. Mr. Hulett asked if that has to be advertised four (4) times. He indicated he believes they can complete that as late as January 15th, and there is a provision in Chapter 197 that allows them to do a later agreement on this, but they have to enter into an agreement with the Property Appraiser and Tax Collector.

Mr. Hulett asked about the advertising itself. Mr. Wrathell advised it is four (4) successive weeks. Mr. Lewis added, once a week, prior to December 31st. Mr. Hulett advised if

they adopt this resolution on December 9th, that will only allow three (3) weeks prior to December 31st. He asked if the notices have to be a week apart. Mr. Lewis responded that they do not; they have to be once a week for four (4) weeks. Mr. Wrathell stated the deadline under 197 is January 15th and if they set it up so that the ads run between the December meeting and the January meeting, the next meeting is January 13th. Mr. Hulett indicated Mr. Lewis is saying they have to be completed prior to December 31st. Mr. Lewis stated the Statute says December 31st, but there is a provision in there that allows an extension to January 15th. Mr. Wrathell advised they should wait until the December meeting.

Mr. Lewis advised these notices essentially say that the Board has adopted a resolution determining to use the Chapter 197 process to collect assessments; however, he recalled that at the first meeting he came to, Mr. Wrathell's office had the Board adopt a 197 resolution then. Mr. Wrathell stated he did not think they did that.

Mr. Ernest-Jones stated, to recap the pump stations, they are working diligently now on ways of addressing some of the more expensive issues and cutting back the costs and the idea is to have the Design Plans 30% ready when the CMAR is appointed. They will work on getting some hard numbers at that point. He advised Pavarini Construction is preparing cost estimates at no cost to the District. He stated some business decisions will have to be made later on with regard to levels of protection and levels of security. He said there is not only one (1) way to do pump stations.

Mr. Morera asked if the advertisement was to have qualified parties show interest in becoming the CMAR. Mr. Ernest-Jones stated specifically, it is a request for Letters of Interest and there is a deadline for submitting those letters. Mr. Morera asked, once they go through the process of identifying qualified participants and narrow that down to the qualified candidate they believe they will contract with, at that point, what happens next. Mr. Ernest-Jones explained initially it is a ranking. He indicated he is assuming that the Board will select themselves as the selection and negotiating committee, along with the advice of the Attorney and Staff. Initially it is a short listing and then an actual ranking; first, second and third, and then they attempt to negotiate an acceptable agreement with the first ranked individual and if they cannot reach a satisfactory arrangement, they will go to the next.

Mr. Morera asked if the percentages, or flat fees, that are incorporated into a contract are standard or if it is based upon the size of the contract. He asked Mr. Ernest-Jones what the

criteria is. Mr. Ernest-Jones stated in his letter, it gives some ranges. Obviously they would prefer to be at the lower end of the range, but this is a two (2)-tier process; there are pre-construction services and then construction services. The pre-construction piece is what they are discussing now, to help them get to a guaranteed maximum price, based upon a contractor's price that will actually be a guaranteed maximum price and not an Engineer's estimate, upon which the Capital Improvement Plan will now be based. The beauty of the process is that it is a relatively open book and they can negotiate a fee, based on the total amount and for the pre-construction work. If they are not happy with the work, they are not obligated to stick with the same contractor for the two (2) phases.

Mr. Hulett stated, in your Request for Letters of Interest, in the package itself, it mentions a pre-bid meeting on the 18th and asked if that still will hold, with the revision Mr. Lewis made tonight. Mr. Ernest-Jones responded affirmatively and added they would like to advertise this on Friday, if possible. He noted if they advertise on Friday, there is a mandatory pre-submittal meeting, which is always helpful. They will distribute some documents to acquaint them with the magnitude of the project and they will have to get their qualifications package together and submit it on December 16th. He advised they plan on giving themselves a month to short list at the January 13th meeting. There will be several firms submitting and the packages get reviewed. He stated the RLI states the means by which these proposals will be ranked, so that everyone knows ahead of time and he advised that came from him. Mr. Hulett indicated he would be interested in attending the meeting.

Mr. Ernest-Jones stated, with regard to the Water Control Plan, they have added to the backup the actual comments they received. He advised the South Florida Water Management District (SFWMD) takes on the role to see how they are linking up with the other districts, which is fine, but it drags out the completion of the Water Control Plan. The Plan is better than anything they have seen before. He stated they have asked for CDs and electronic versions of the hydrologic model. He indicated they will try to get the process completed. He advised that he and Mr. Donahue responded to SFWMD within a day and when Mr. Donahue checked today, he was advised it was still under review. Mr. Lewis told Mr. Ernest-Jones he might want to remind them that they have 60 days; if he submitted it on September 12th, they are running out of time. Mr. Donahue advised they asked for informal responses, so his impression is that they are looking to build a comfort factor and sign off on it.

With regard to the Permit Criteria Manual, Mr. Donahue indicated it has been retyped, it is being edited and hopefully, by the December meeting, they will have a draft to present to the Board.

Mr. Morera stated based on the responses from SFWMD, there does not appear to be anything glaring that they are pointing to. Mr. Ernest-Jones stated, hopefully, they will be satisfied by their responses. There is a macro study going on of all of the Districts. He stated they have tried to keep it separate, but SFWMD is doing a tie-in between CSID, NSID, SWCD, the City of Coral Springs and others.

Mr. Hulett took a moment to introduce Vice Mayor Vince Bocard and expressed his appreciation for his attendance.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of approving the Request for Letters of Interest for Construction Manager at Risk for Pump Stations 1 & 2, subject to final approval by District Counsel.

iii. Hydrologic Report Presentation

******This item, formerly 7.b.ii., was presented out of order.******

Ms. Ashley Resta, with REJ/IBI, presented the final report of the hydrologic model. She stated, to reiterate, SWCD is broken into two (2) basins; the east basin and the west basin. The west basin is independent of the east basin. She referred to an exhibit on the screen and stated the west basin exits the pump station into the C-14 Canal and the east basin exits out of a pump station, down this canal and into the C-14 Canal, as well.

Ms. Resta reported that the hydrologic model is complete. It was completed using a program called ICPR. You input parameters into a system and then it takes a storm and it rains on your system and it shows you how your system operates. It shows how your pipes and canals operate, how fast rain water is going and it shows the elevation levels that the water reaches in various parts of the basin.

Ms. Resta stated on the screen is a list of tasks that were completed at the very beginning, including all of the research and gathering of data, down to inputting the model, running the model, analyzing the results and preparing the report. The report is finalized. It is going through some last basic review and then it will be supplied to the Board.

Ms. Resta explained that the model and calculations are all based on several assumptions, due to lack of data. She said they used all available data, but there were several assumptions made. With regard to the major design storms that were analyzed, they will hear engineers speaking about a 100-year storm. That is a storm that comes once every 100 years; that is the magnitude and seriousness of it and it is looked at in a three (3)-day span. She stated, picture a massive amount of rain coming over three (3) days. The 100-year, three (3)-day storm, used in this District, is 19" of rain in three (3) days. The ten (10)-year, one (1)-day storm is 9.5", and is distributed over a 24-hour period. She advised the reason these storms are important is the 100-year, three (3)-day storm is used when analyzing the finished floor elevation of a building. She explained when you open the door and you step in, the elevation where your foot is at is called the finished floor elevation. You want that to be dry in any possible, worst case scenario storm that comes through. She further explained the ten (10)-year, one (1)-day storm is used to analyze roadways. The highest point in the roadway should be dry in a ten (10)-year storm. Those are the storms that were analyzed in the model.

Mr. Morera asked for clarification of the slide for the ten (10)-year, one (1)-day storm amount of 9.5" and asked if this is the floor elevation. He stated you want to be sure your floor elevation is higher than 9.5" of rain.

Ms. Resta explained the inches are the actual amount of rainfall that come down and spread over a given area. She stated depending on the elevations of the ground, the rain travels to the lowest spots and then starts rising and it reaches a certain elevation. She noted the 100-year, three (3)-day elevation, in the west basin, for instance, is 11.5', so that is the permitted elevation. That means, when that storm comes through, water should not be higher than 11.5' above sea level, because all of the buildings should be set at 11.5' or higher. She stated if you have water higher than 11.5', which means some buildings will be flooded. The ten (10)-year, one (1)-day storm in the west basin is elevation 11'.

Mr. Morera asked if they incorporated any data on the heavy downpours they have gotten into her report. Ms. Resta explained that for Broward County as a whole, based on all of their research, about every ten (10) years, they update their rainfall data map and SFWMD requires them to use the Broward County maps. She advised the District has one (1) for all of South Florida, but the Broward County maps are much more defined and they have contour lines. She stated depending on where you are located in the county, you are given a rainfall data that you

are supposed to use, as well as the flood elevations, and those are based on several studies they have done and the water table elevations below the ground. She noted the flooding elevation is the level that the water cannot rise above.

She then referred to the exhibits. She pointed to the exhibit of the west basin and pointed out the dividing line where the east starts. She stated this slide shows the 100-year, three (3)-day storm results and it is the staging results, stage meaning the stage the elevation level of the water reached. She explained the color code on the exhibit for the different areas.

Mr. Morera stated, based on this model and today's current condition of the District, you are forecasting or considering improvements. If there was a 100-year storm tomorrow, right now, it appears there are ten (10) locations that may exceed the flood zone concern. Ms. Resta agreed and added those are areas that could be possible, high water areas. She then explained about the culverts that were analyzed and advised they paid close attention to those areas and pointed out that some are located in high water areas and that improving those culverts might alleviate those areas.

Next she referred to the slide of the east basin for the 100 year three (3)-day storm. She stated the east basin has a 12.5' substage elevation and the only areas of concern are in the northwest corner.

Mr. Resta then referred to the next slide, showing the west basin for the ten (10)-year storm compared against roadways, which indicates potential high areas during the storm. The last slide was for the east basin ten (10)-year storm and she pointed out a few areas in the northeast corner of the District where there is some potential road flooding. She stated the areas in yellow are over an inch higher, but less than 6" and anything in orange is 6" or greater.

Ms. Resta stated the question they may have, by looking at the models, is what can be causing these areas to be high water areas prone to flooding. She gave a few points which demonstrated contributing factors. She stated the range of elevations that were assumed in some of the site area calculations may be inaccurate, due to lack of data. In neighborhoods and other areas, the sites fill up first, then they enter the catch basins, then go into the canals and then move down towards the pump station, so some areas that might be showing high water elevations, the elevations that were used in the assumptions could affect that, if they were changed. She advised the link report, which links their pipes, shows that some pipes and culverts going under the roadways are showing small flow and a large size pipe should have a large size flow going

through it. She explained that in particular areas that are showing there is not a lot of movement through the pipes, that means the water is not leaving that area fast enough, which could also contribute to the fact that the water is rising up on one (1) side. She stated there are a lot of areas in the canals where there is silt buildup, before the pipe, and that was put into the model because it is based on current conditions. Canal Restoration Phase 2 is going to take care of a lot of these areas, but that has not happened yet.

Ms. Resta then reported there are two (2) projects that Sunshine Water Control District is working on that directly effect this, which are the Canal Restoration Project, Phase 2 and the Culvert Replacement Project.

She first addressed the Canal Restoration Project, Phase 2. She explained that the silt that is blocking several of the culverts will be removed, which will then allow the pipes to run at full capacity and move the water down towards the pump stations and then the canal areas that are high, the dams will be scraped down so that the canal is flat. With regard to the silt removal, Mr. Morera asked if the removal is done according to EPA regulations so that there are no contaminants and also asked how it is disposed of. Mr. Ernest-Jones advised there will be additional fill coming out as a result of the canal excavation program. He stated they have not made a provision right now for doing any chemical testing of the materials coming out of there but they can add it into their specifications. Mr. Morera asked if it is required, especially with the disposal of the silt. Mr. Ernest-Jones responded it is not typically required. Mr. Hulett stated in Phase 1, they rebuilt the banks with the silt. He asked if they were planning to do that in Phase 2, or if they are planning to haul it away. Mr. Selchan stated when the first phase was done, the NRCS was the governing group and, as long as they are putting it back where it came from, which was basically on the canal banks, there were no requirements for any type of testing. He advised, if they decide to move it off-site to a dump area, they will have to see if there is a requirement, but they were not given one. He noted in most of these areas, they have tried to put it along the banks of the canal; if not in the immediate area, then somewhere close to it, where they can restore a canal bank and possibly areas where they were looking to build some type of berms next to the canal bank; for example, a landscaping type berm, but they are going to try to avoid having to haul any of this material away from the District. It will be placed somewhere in the District, either as a canal bank restoration, or a berm, or something of that nature.

Ms. Resta stated that is how Canal Restoration Phase 2 is related to the model. Once that is complete, the model can be updated, based on the new canal elevations and all of the blockages of the pipes.

Ms. Resta stated the other project is the Culvert Replacement Project. She advised nine (9) culverts that had been previously chosen were looked at, according to the results of the model, and it was determined that the effectiveness of replacing the culverts of different sizes and elevations, seeing if lowering the pipes would make any difference. They took into account the locations of the culverts. She indicated some of them were under major roadways. She advised they looked at if it would be worth it to drop it a foot; does it make any impact on the model whatsoever and all of that was taken into account. She stated, based on the analysis, it was determined that culvert W8 is the only culvert that needs a full replacement and upgrade in size. If it is upgraded in size, it will have a significant impact on the high water areas upstream of it. She noted the remaining eight (8) culverts are going to be relined. That is the recommendation, rather than to change size or to lower it.

Ms. Resta then referred to the slide and stated it shows an example of how both Canal Restoration Phase 2 and the upgrading of culvert W8, which is located under a small neighborhood roadway. She advised under current conditions, everything upstream of it, the pipe currently is a 24" pipe, which is small for a pipe that is contributing to a major canal. They ran that section of the model with a larger pipe and explained the difference it would make, indicating all of the areas of concern would no longer be a concern. She stated they will be well below the permitted flood elevation. She noted all of the other culverts in their analysis did not make much of an impact.

Mr. Ernest-Jones indicated in the top left-hand corner of the after sketch, the area in brown is in the vicinity of the school. He explained the School Board's policy is to set finished floor in all of their buildings one 1' above the FEMA required elevation, which is why they are not flooding.

Mr. Morera asked if, once they change from a 24" to a 36" pipe, there is a formula to determine the increase in flow rate through that pipe. Mr. Ernest-Jones stated that is the basis of the hydraulics of pipe flow. He stated the head loss is much greater the smaller the pipe diameter. He said you give it extra diameter and the head loss is reduced; therefore, more water moves and the stages drop down. Mr. Morera asked how it affects the canal levels, if the water

is flowing faster. Mr. Ernest-Jones stated more water is being moved over time. He advised the model deals with routing over time and factors in the diameter and the head loss. Mr. Morera asked if the canal levels will drop once the improvements are done. Mr. Ernest-Jones stated as a consequence of increasing the size, the canals and the lake system upstream of the culvert will be lower. Mr. Morera suggested advising the effected residents what they should expect as a result of the improvements.

Mr. Selchan stated they will not be any lower, on an average day, due to the culvert replacement. He explained when they start the pump station up, it starts to rapidly pull the water down in front of the pump station; the further you get away from the pump station, the water is very high. The water is trying to go to the pump station, so if they open it up, the water moves much faster to the pump station in a storm event.

Mr. Ernest-Jones stated in a storm event, the property owners along the canal are going to hope that the canal levels are low.

Ms. Resta stated they wanted to show how important the pump stations are, with the model. She advised if they assume a worst-case scenario, where a hurricane comes through and the pump stations are down and are not allowing any water to flow through whatsoever, they ran the model with the pump stations off, meaning no water was exiting either basin, so that any rain that ended up in the basin was staying within the basin, and there was significant flooding throughout the entire basin. She indicated the entire west basin was up half a foot above the permitted elevation, which means severe building flooding, if buildings were built at the permitted elevation. She added, in the east basin, there was more than 4" across the entire basin, which indicates severe flooding, which shows how important the pump stations are to alleviate flooding and property damage.

Ms. Resta stated, based on the model output, after analyzing the reports, the following recommendations are being made: 1) areas prone to flooding, in a particular storm event, should be further analyzed in more detail and the properties and roads involved can be further researched or surveyed to help eliminate assumptions within these regions; 2) pipes that are demonstrating little to no flow should be investigated further to determine what is stopping the flow; 3) prepare and prioritize a District-wide action plan of culvert improvements to determine optimal culvert sizing versus cost; 4) prepare a Field Calibration Program to monitor flows and elevations in both basins in the future; 5) Phase 2 of the Canal Restoration should alleviate

some of these high water areas; 6) culvert W8 is recommended to be upgraded in size to improve the movement out of the high water areas in the west basin. She indicated these are the recommendations being made per the model.

Ms. Resta stated the following are suggested projects that are coming up in the future, or will happen, that the model could benefit: the canal restoration, culvert improvements, anything to do with the pump stations, the east-west interconnect, any interconnects with the other drainage districts within Coral Springs, development of sites within the Districts. She noted anything done in the District, in the future, could affect the model, so it should be updated in the model to make sure it is always current, such as major roadway or drainage improvements by the city or FDOT or Broward County, or any new survey work done within the District, to keep eliminating assumptions.

Mr. Hulett stated they are light years ahead of where they were several years ago and they now have a comfort level to make the decision to go ahead with the canal restoration and the repairs. He stated after Hurricane Wilma, he went with Mr. Selchan on a tour of Pump Station 2 and it was explained to him that because of the heat generated by the engines, they had to leave the windows open. Fortunately it was not a severe wind, but if it had been a Category 3 or Category 4, the possibility exists that the building could have been severely damaged and the pump stations and stations made inoperative. He advised, this type of information helps them, as a Board, to make the decision to tell the citizens why the additional assessment is necessary to finance the bond issue to rebuild this District so that it will work in these conditions and a huge element of that is having a building, that the pumps are located in, that will not be blown down by a hurricane which could render the whole system inoperable. He noted they now have a model that is based upon actual condition of the District, rather than how it is supposed to be.

Mr. Ernest-Jones commended the Board for authorizing this study because it shows the worst condition and connects the dots when it comes to the canal excavation and the Culvert Replacement Program. He stated the difference between this and the prior model is pretty extreme; they actually utilized all of the surveying information that Mr. Selchan acquired and put in what it actually looked like. He advised the report that is coming includes what has been done in Phase 1 of the canal restoration, but does not include what will be done in Phase 2. He indicated these are expensive improvements and they need to have a scientific justification that people can relate to.

c. Field Supervisor

Mr. Selchan expressed his appreciation for everyone's efforts over the last few months. He thanked the District Manager for his help, along with that of the President, in assisting to get good quality health care for his staff. He indicated the importance of this subject and he expressed his appreciation on his behalf, as well as that of his family and his employees. He then thanked the Engineers for their hard work and for helping to make some of the improvements he felt were necessary.

Mr. Hulett asked Mr. Selchan if he had an opportunity to give any additional thought or planning, in terms of the discussion they had last month, with regard to the rights-of-way issues. Mr. Selchan responded affirmatively, stating he had been out looking at a lot of different areas. He advised he wants to begin with Canal A, which is the first canal on the eastern border of Sunshine. He noted this area is in desperate need of attention and they have no access without making some difficult decisions on the vegetation and fences and other things that are on their right-of-way. He advised he has not put together anything to actually show the Board. He needs to put together something that everyone can live with that they can bring to the residents, and possibly bring to the city, and everyone involved that they need to involve, to get some of the vegetation and fences and obstacles out of their right-of-way so that they can do their job. Mr. Hulett stated they need to be mindful of proceeding in a way that is not heavy-handed and gives the residents every opportunity to make the corrections within a reasonable period of time, yet gives the District the critical access, where needed, to the canals. This will be a cooperative joint effort with the city and Code Enforcement because it is critical that they have access to the canals, particularly in a storm situation.

Mr. Hulett stated many residents have built fences into the rights-of-way, probably unbeknownst that they were doing anything untoward, because many citizens do not realize the District exists and are unaware that there are certain restrictions and requirements. He stated the importance of Mr. Selchan, as a Field Superintendent, beginning to identify some of the critical areas for access for their equipment, in coordination with the District Manager and the Attorney, and figuring out a way to notice the citizens who are in violation in areas Mr. Selchan feels are critical to his operations and working with those citizens in a way that is reasonable to help them comply.

d. Manager

i. Unaudited Financial Statements as of September 30, 2009

Mr. Wrathell presented the Unaudited Financial Statements as of September 30, 2009 and gave a brief overview. Mr. Morera asked if they were going to move \$500,000 out of CDARS into Cash Flow. Mr. Wrathell agreed and indicated the last meeting was in October, so that will not show in these Financial Statements. Mr. Hulett advised it does not show on October 27th either. Mr. Wrathell stated he will check into it to make sure they are updated properly.

Mr. Hulett asked Mr. Wrathell if he thinks they will ever get their \$70,000 back from the State Board of Administration. Mr. Wrathell responded by saying they already have the audits started and advised they have actually lost somewhere between \$18,000 and \$30,000 on the State Board and stated he will provide a report at the next meeting.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor of approving the Unaudited Financial Statements as of September 30, 2009, as presented.

ii. Update: Distribution of Personnel Manual

Mr. Wrathell advised the Board that the Personnel Manual has been distributed to Mr. Selchan and his staff and has been signed by the employees.

iii. NEXT MEETING DATE: December 9, 2009 at 6:30 P.M.

Mr. Wrathell reminded the Board that the next meeting will be held on December 9, 2009.

Mr. Morera asked about the paper supply being purchased from a company in New Jersey, and inquired about purchasing it locally. Mr. Selchan stated it is a local location, but the corporate office is in New Jersey. Mr. Morera then thanked Mr. Lewis for the adjustment in his legal fees.

EIGHTH ORDER OF BUSINESS

Adjournment

There being no additional business, the meeting adjourned at 8:44 p.m.



Secretary/Assistant Secretary



President/Vice President