

**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 13, 2013, at 6:30 p.m.**, at the **LaQuinta Inn, Coral Springs, 3701 N. University Drive, Coral Springs, Florida 33065.**

**Present at the meeting were:**

Joe Morera	President
Emily Heafy	Vice President
Daniel Prudhomme	Secretary

**Also present were:**

Craig Wrathell	District Manager
Doug Paton	Wrathell, Hunt and Associates, LLC
Howard McGaffney	Wrathell, Hunt and Associates, LLC
Terry Lewis	District Counsel
Tom Donahue	District Engineer
Cory Selchan	Field Superintendent
John McKune	McKune & Associates
Dan Daley	City Commissioner
Mark Westfall	City Forester
Erik Wilczek	Kimley-Horn and Associates, Inc.
David Hulett	Resident
Gary Runge	Resident
Karen Runge	Resident
Ahmie Turk	Resident
Cynthia Borders-Byrd	Resident
Neil Bradic	Resident
Brian Ellis	Resident
Mr. and Mrs. Frank Scanlan	Residents

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Morera called the meeting to order at 6:32 p.m.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Mr. Wrathell called the roll and noted, for the record, that all Supervisors were present, in person.

**THIRD ORDER OF BUSINESS**

**Pledge of Allegiance**

All present recited the Pledge of Allegiance.

**FOURTH ORDER OF BUSINESS**

**Public Comments [3-Minute Time Limit]**  
*(Comments should be made from the microphone to ensure recording. Please state your name prior to speaking.)*

Mr. Morera pointed out that discussion of wildlife habitats will take place later in the meeting and asked those that wished to speak on the subject hold their comments until later in the meeting, when that agenda item is addressed.

Mr. Gary Runge, a resident, acknowledged that his comments relate to the wildlife habitat matter but asked to speak at this time, anyway. He stated that he sent and physically delivered letters to numerous habitat residents, as he feels the matter of habitats is not “published” anywhere and this is the only way to “get the word out”. Mr. Runge referred to the comment, “cannot stop these little governments, known as Florida water districts from doing what they want”, in his letter, and stated that he did not intend for the comment to be hostile. He explained that the comment was not said in any negative connotation; however, the District is its own government and everyone knows it. Mr. Runge indicated that, if anyone received the letter and took offense to his comment, they should not be offended because that is not the way he meant it.

Mr. Runge referred to the comments in his letter about the District’s four (4)-year history and the City promoting planting to the water’s edge to control erosion and fertilize the runoff. He stated that someone accused him of “bs”, with this comment. Acknowledging that the comment, in the letter, might not be true, Mr. Runge indicated that he obtained the information from the MUNI Code #7, Special Provisions C., where it speaks of planting, stating “landscape materials shall extend to any abutting street pavement edge and to the mean water line of any abutting canal, lake or waterway, not to exceed 30’ from the property line”. Whether his information is correct or not, Mr. Runge stressed that he is not trying to promote incorrect information with his letter; he was trying to raise interest and encourage people to come to the meeting to speak.

Ms. Karen Runge, a resident, elected to defer her comments to the wildlife habitat discussion later in the meeting.

**FIFTH ORDER OF BUSINESS**

**Discussion: Exemptions for Wildlife Habitat**

Mr. Donahue indicated that the matter of wildlife habitats was initiated by a resident. He explained that Certified Wildlife Habitats is a national and Broward County program; at the national level, it is supported by the National Wildlife Federation Program. He stated that there are two (2) ways to become certified with Broward County Natural Resources Planning and Management Division. The first is related to the National Wildlife Federation Program and the other is related to the Florida Yards & Neighborhoods Program. Both have criteria that must be met and documented, in order for a property to be certified and registered as a wildlife habitat.

Mr. Donahue reported that 91 properties within the District or abutting the District's canals are Certified Wildlife Habitats. He identified 50 properties which abut the District's canals and the other 41 are away from the canals. Of the 50 properties, 18 contain major vegetation within the District's right-of-way (ROW) and 12 of those 18 have continuous vegetation extending from the backyard into the ROW.

Mr. Donahue reviewed photographs of the properties and discussed the vegetation issues. He noted a commercial property with a narrow bank, where vegetation overflows into the ROW; the District would likely not need access from those locations. He pointed out several properties that are along the canal but little or no vegetation is within the ROW. Mr. Donahue indicated that the goal of reviewing these properties was to determine how great a factor the Certified Wildlife Habitats will be, once the ROW canal project reaches those canals. He explained that certain properties were eliminated because the property line extends into the middle of the canal or lake, meaning, the District cannot do anything about the vegetation on the canal. Mr. Donahue continued reviewing the identified properties.

Regarding the 12 properties with continuous vegetation from the backyard into the ROW, Mr. Donahue indicated that those properties must be reviewed, individually, at the appropriate time, depending upon the District's access needs.

In response to Mr. Morera's question regarding whether a habitat can extend onto another owner's property, Mr. Donahue stated that the "certification" is address-specific. Ms. Heafy pointed out that a Certified Wildlife Habitat should not violate any codes, easements or ROWs.

Mr. Lewis referred to the property lines that extend into the canal and asked if the District has an easement over the property. Mr. Donahue indicated that Mr. Selchan can verify; however, he believes that the District does not hold an easement, along the water's edge, for

those properties. Mr. Lewis stated that he posed the question because, notwithstanding the fact that the area might be private property, it is burdened by the District's maintenance and operation easement and, if that is the maintenance side of the canal, his opinion would be that the District is within its right to remove vegetation, if necessary, in order to maintain the canal. Mr. Donahue stated that, in these cases, the District does not own the property on either side of the water's edge, which is why those properties might have maintenance easements over them.

Mr. Wrathell stated that Districts or entities who must maintain water bodies typically own the ROW or have an easement; otherwise, they must access from another location. Mr. Wrathell summarized that, if the District does not own the ROW and does not have an easement, the District cannot use it for access. Mr. Lewis concurred.

Ms. Runge indicated that she wished to give her time to Mr. Runge. Mr. Morera advised her that she cannot give her time to another person.

Mr. Runge referred to Mr. Donahue's report regarding Broward County Certified Wildlife Habitats and asked about the criteria statement "Located on waterfront, a maintenance-free zone of at least 10 ft. has been established." Mr. Donahue advised that this criteria is a condition of the Florida Yards & Neighborhoods Program, which indicates that there should be a 10' buffer between the waterline and yards.

Mr. Runge stated that he wants to be sure that the statement is properly understood. He discussed his interpretation of the 10' maintenance free zone, including no mowing, no pesticides, etc. Mr. Runge believes that this statement is a strong recommendation of how to handle property adjacent to water. He presented information from the Florida Wildlife Federation about Senate Bill 2080, the Water Rights Bill, signed June 30, 2009, which states, "Any landscape that fits the nine (9) principals of Florida friendly planting, use the right-of-way in the right place, water efficiently, fertilize appropriately, mulch, track wildlife, manage yard pests, etc.....supersedes and takes precedence over all other municipal, county and homeowner association rules or ordinances of law". He voiced his opinion that this is a strong statement of law. Mr. Runge stated that there is no doubt that the District has its own property and he is not arguing the law related to the property owned by the District; however, he believes this is pertinent to what the State believes is important for waterways.

Mr. David Hulett, a resident, indicated that he has a backyard habitat and received Mr. Runge's letter yesterday. He stated that the Certified Wildlife Habitat program is wonderful and encourages others to build habitats and apply for designation. Mr. Hulett's habitat was certified

in 2006. Mr. Hulett advised that, the difference between his and Mr. Runge's habitat is that his wildlife habitat does not trespass onto the District's private property, while Mr. Runge's habitat does. Mr. Hulett felt that Mr. Runge's letter implies that a property owner must plant on the District's ROW in order to receive certification, which is not accurate. He noted the language in the letter related to easements but believes that Mr. Runge now understands that what he believed were easements are actually the District's privately owned property and that the District has full rights to its property.

Mr. Hulett indicated that Mr. Runge's letter states that "his habitat would be ruined if the District did some clearing". Mr. Hulett suggested that clearing 4' or 5' feet behind Mr. Runge's property would still leave him with a significant wildlife habitat. He pointed out that Mr. Runge's letter erroneously contends that "there has never been any clearing in the history of the District", which is an incorrect statement; considerable clearing occurred in the Meadows and the Dells neighborhoods following Hurricane Wilma; other clearings took place, over the years.

Mr. Hulett stated that he was confused by something Mr. Runge read, which stated that "the City has always promoted planting to the water's edge". Mr. Hulett voiced his belief that the statement is not true and that "planting to the water's edge" is specifically prohibited by City Ordinances 8-19, 8-20 and 8-21. He noted that 8-20 states that "The owners of all improved property within the city shall not permit untended vegetation upon such property and the adjoining portions of the rights-of-way, swales, and canal banks." Untended vegetation is defined as grass, weeds or underbrush in excess of 8" in height from the ground, vines or other vegetation." He explained that, if excess growth occurs, Section 8-21 states that the "City Code Enforcement Department shall issue notices of violation and that remedial action must be completed within 15 days of the notice by code and, a failure to remedy that violation, within that period of time, the city, at the expense of the property owner, will clear the property." Mr. Hulett indicated that these are ordinances that the City seems to have not pursued.

Regarding the District's clearing project, Mr. Hulett voiced his opinion that the District established a very customer friendly program a few years ago, to clear the banks at the District's expense, meaning those residents that do not reside along canals help pay the clearing expense for those residents that live along canals. Mr. Hulett recalled that the District has received nothing but "flack" about the program, from certain City Commissioners, along the way. Mr. Hulett suggested that it is time to reconsider the program.

Mr. Morera advised Mr. Hulett that his three (3) minutes were up.

Mr. Hulett asked for another minute to finish, as the Board allowed Mr. Runge extra time to speak.

Mr. Morera asked Mr. Hulett to continue.

Mr. Hulett reiterated that, perhaps it is time to withdraw the District's program and ask the City to begin enforcing its own ordinances, which would enable the District to use its money for the important canal dredging work.

Mr. Morera welcomed Commissioner Dan Daley and City Forester, Mark Westfall, of the City of Coral Springs.

Commissioner Daley indicated that his attendance at the meeting is at the request of several residents who contacted him regarding this issue. He thanked the Board for taking his phone call and speaking to him on the matter. Commissioner Daley stated that he chairs a neighborhood committee and works with Mr. Westfall on a number of issues in Coral Springs. He advised of the City's efforts to get as many Certified Wildlife Habitats, as possible, in the community. Commissioner Daley confirmed that the City has a vested interest in supporting wildlife habitats. Acknowledging that the District is probably correct in its position and likely has the legal right to clear its own property and stating that no one is debating those facts, Commissioner Daley voiced his opinion that, as a means of "offering an olive branch to the City", it is reasonable for the Board to agree to review the wildlife habitats on a case-by-case basis and work with the City and residents. Commissioner Daley contended that the District's Board was not as diligent, at times, as it is now, which he believes is a great move. Commissioner Daley stated that the Board now does "a heck of a job" and he hopes that they "keep it up"; however, he asked for the Board's support in this matter.

Mr. Morera asked Mr. Westfall to clarify information presented regarding the City's Codes and Ordinances and how those are being interpreted and applied.

Mr. Westfall stated that the problem with the codes is that, when taken out of context, they can be interpreted any way one wants to interpret them. The purpose of the code, read by Mr. Runge, regarding having vegetation extend all the way to the water's edge, was to avoid having bare dirt in the ROW and to require some type of vegetation, even if it is only grass. Mr. Westfall advised that the vegetation is normally at the discretion of the property owner which, in this case, is the Sunshine Water Control District.

Mr. Westfall conceded that the codes and ordinances discussed by Mr. Hulett are correct, regarding not allowing untended vegetation on property or for it to extend to adjoining portions

of the rights-of-way, swales, canal and canal banks, the City issuing notices of violation and requiring remedial action to be within 15 days of the notice, by code. He noted that those codes were written prior to the concept of wildlife habitats. Mr. Westfall stated that these items fall under normal code infractions, which are code violations to be addressed by the Code Enforcement Department. He advised that wildlife habitats are in a different category; they are not in the code and were not considered in the code. Mr. Westfall acknowledged that vegetation in wildlife habitats grows higher than 8” but it is probably not addressed by the City Code.

Mr. Westfall indicated that, regardless of the City Codes, the City Commission, over the past couple of years, stated that pursuing certification of wildlife habitats is a desirable goal for the City. Ms. Heafy asked Mr. Westfall if he means that it is desirable even if one (1) property owner’s wildlife habitat extends onto another property owner’s property. Mr. Westfall stated that he is not arguing that point and he understands a property owner’s legal rights to their own property. Referring to the necessity to clean the canals, Ms. Heafy asked Mr. Westfall what the District should do, in order to clean it, if something is obstructing access. Mr. Westfall advised that what to do is the Board’s decision. Ms. Heafy stressed that she is a habitat lover and loves her habitat; however, she would never presume that she could plant on someone else’s property. Mr. Westfall voiced his understanding of Ms. Heafy’s comment.

Mr. Selchan indicated that those working in the field must deal with this issue every day and a cleared ROW is desirable. He voiced his understanding of the City and resident concerns regarding wildlife habitats. Mr. Selchan stated that the District might be able to work with those residents, under a strict set of guidelines, if the Board wishes.

Mr. Wrathell summarized that Mr. Selchan’s concerns relate to whether the ROW is needed to access the canal and whether the vegetation that is encroaching on the ROW could fall into and block the canal, during a storm event.

Mr. Selchan confirmed that those are his main considerations. He believes that wildlife habitats could be reviewed, on a case-by-case basis; however, if large trees or other vegetation are in the ROW and could fall into the canal, those cannot be allowed to remain. Mr. Selchan envisioned being able to give special consideration, on a case-by-case basis, to allow certain plant material to remain on site, only because the property is a Certified Wildlife Habitat. He suggested that the policy would have to apply to those properties that already have a Certified Wildlife Habitat, with those being “grandfathered in”, as of the date the policy is adopted; otherwise, people would rush to sign up and plant “habitats” within the District’s ROWs,

effectively blocking access everywhere. At this point, Mr. Selchan felt that the current Certified Wildlife Habitats should not impact the District's work, in the near future. Mr. Selchan pointed out that some property owners have inherited the wildlife habitat and would prefer that overgrowth be cleared. He stressed that, when the public heard of the clearing project, he received more calls from people wanting the District to clear the ROWs than from people who did not want them cleared.

Mr. Paton stated that, based on his review of the identified Certified Wildlife Habitats, the District is not currently completing work in those specific areas. He advised that this is not an impending issue. Mr. Paton agreed with grandfathering in the current Certified Wildlife Habitats and giving them special consideration when work commences in those areas; however, if the habitat is blocking access, the District should be able to negotiate with the property owner to unblock a portion so that work can be completed. He does not favor allowing new wildlife habitats to be planted within the District's ROWs, going forward.

Mr. Wrathell agreed with Mr. Paton's comments. He suggested that, almost immediately, no new wildlife habitats should be considered; going forward, residents would not be allowed to install new wildlife habitats within the District's ROWs. Mr. Wrathell believes that the matter should stop now and not proceed beyond the existing Certified Wildlife Habitats. He suggested creation of an application process for the current habitats, which would be reviewed on a case-by-case basis. Mr. Wrathell stated that Mr. Selchan, Mr. Paton and Mr. Donahue should be included in the review process. The items to consider, during review, would be what access is necessary to enable staff to access the canal and complete their work and, based on the current condition of the wildlife habitat, if certain vegetation could fall into the canal and block it, those must be removed. Mr. Wrathell recommended including an agreement that gives "grandfathered in" status to the Certified Wildlife Habitat; however, once the property is sold, the portion of the habitat encroaching on the District's property must be removed.

Mr. Lewis noted that Mr. Donahue inventoried the existing Certified Wildlife Habitats; therefore, the District already has a definitive inventory of those that would qualify to be "grandfathered in". In response to a question, Mr. Donahue reiterated that the District currently has 91 Certified Wildlife Habitats, within its boundaries, with approximately 50 abutting canals or lakes. Mr. Lewis agreed that "grandfathering in" is a good concept for the existing habitats, based on the current inventory.



Ms. Heafy recalled that, when she applied and received her Certified Wildlife Habitat designation, around 1976, one (1) of the criteria was that the habitat must be within the owner's property and not encroach on property belonging to others. She questioned if that criteria changed, at some point. Ms. Heafy stated that she does not understand how people can plant or install a fence on someone else's property, etc.

Mr. Prudhomme stated that he is a supporter of Certified Wildlife Habitats and believes that development of a policy to deal with them is good. Mr. Prudhomme disagrees with the suggestions of Mr. Wrathell, Mr. Selchan, Mr. Donahue, Mr. Paton and Mr. Lewis regarding only "grandfathering in" currently existing Certified Wildlife Habitats. Mr. Prudhomme favors allowing new habitats to be built. Mr. Morera clarified that the District is not trying to limit residents from building wildlife habitats on their own property, only limiting them from building new habitats on the District's property. Mr. Prudhomme voiced his understanding of Mr. Morera's clarification.

Mr. Prudhomme noted his disagreement with the requirement to remove the portion of a Certified Wildlife Habitat that extends beyond the property owner's land, into the District's ROW, at the time the home is sold. He believes that the habitat would be a deciding factor for prospective buyers and, requiring removal of any portion, even the portion that is on the District's property, would deter a buyer.

Mr. Prudhomme believes that this is a business decision. He feels that it can be a favorable situation for the City of Coral Springs but it is unfavorable for the Sunshine Water Control District to be more concerned about protecting its property, rather than being concerned about possibly discouraging some people from buying homes in Coral Springs.

Mr. Morera stressed that the District does not want to take away what residents with Certified Wildlife Habitats have built. The District only wants to set a policy that can be uniformly applied to every resident of the District. He explained that, when the Board starts creating pockets of exceptions, residents will always find exceptions. Mr. Morera stated that the District must manage a logical approach that can be applied broadly. He noted that the Certified Wildlife Habitats must maintain certain criteria. He voiced his belief that, when certain property owners were building their wildlife habitats, they must have known that part of what they were planting was not on their property; those residents knew where their property lines were, from the survey, at the time they bought their home. Mr. Morera indicated that, when a property

owner starts planting and building outside of their property lines, they invite situations such as this, because they did something they should not have done to begin with.

Mr. Morera reiterated that there is no restriction on having a Certified Wildlife Habitat within your own property lines but, when the habitat extends to someone else's property and creates an impediment, it creates a problem for the operation of the District. He recalled the issues after a 2004 hurricane and confirmed that the steps that the District is taking are to avoid similar situations in the future. Mr. Morera advised that the Board is trying to find a manageable process that can be implemented and allows property owners to maintain their Certified Wildlife Habitat but still allows the District to manage the District's operations.

Mr. Morera stressed that, if the District is not able to do its job, it cannot serve its residents. He believes that it is incumbent upon the Board to set policies that can be applied broadly, have uniformity and can be implemented to the benefit and wellbeing of the entire community. Mr. Morera acknowledged Mr. Prudhomme's comment that the matter only applies to a few residents and his desire to please them and the City; however, the District must be careful when setting policy and the potential impact, rather than writing policy catered to a small number of property owners within the District.

Mr. Morera favors drafting a policy that considers the information provided by Staff, along with incorporating some of Mr. Runge's recommendations. He wants a policy that meets the needs of the District's residents, adheres to the Certified Wildlife Habitat requirements, allows the District to operate properly and allows the resident to maintain their existing certified habitat status.

Mr. Morera reiterated that it will likely take years for the District to begin work in the areas with the identified Certified Wildlife Habitats. He reminded residents and others that the sole, primary responsibility of the Board is to ensure that the District does not flood; this is a drainage district, with the goal of moving water from the streets, into the canals and out of the city. Mr. Morera stressed that the goal is to avoid flooding.

Ms. Heafy asked that the policy clearly state that the District needs access; the District is not asking for the resident's property but wants to be able to use its own property. Mr. Wrathell confirmed that, as part of the criteria, the District must have proper access to do what must be done; existing or future vegetation cannot be something that could negatively impact the District. If it fell into the canal, and, in extraordinary or catastrophic events of life, health and safety concerns, the District must be able to do whatever is necessary to gain access.

Ms. Heafy suggested that, as part of its program encouraging residents to build Certified Wildlife Habitats, the City of Coral Springs should reinforce to those residents that their habitats should be built on their own property and not encroach onto someone else's property, including the District's ROWs.

**On MOTION by Mr. Prudhomme and seconded by Ms. Heafy, with all in favor, directing Staff to draft a policy incorporating the points discussed by Staff, along with some recommendations provided by Mr. Runge, for the Board's review, was approved.**

- **Permit Application Review**
  - **NE Corner of Sample Road & Coral Ridge Drive – Pharmacy, Culvert**  
*\*\*\*This item, previously Item 10.B.ii., was presented out of order.\*\*\**

Mr. Donahue presented the permit application and his recommendation for the Board's review. He recalled that the project received conceptual approval, provided that the applicant submits complete engineering plans and a drainage analysis. The proposal is to culvert and fill approximately 180' of Canal U and construct a drive aisle over the canal to a parking area. Mr. Donahue stated that the applicant now proposes constructing in phases. The current request is for a permit for the culvert and rough grading; at a later time, the actual site plan for the building and parking will be submitted. Mr. Donahue indicated that he worked with the applicant's attorney and an access and maintenance easement agreement was drafted, which was reviewed by Mr. McKune, Mr. Selchan and Mr. Lewis; minor corrections were made and all are now in agreement. A major feature of the agreement is that the District will be responsible for the basic maintenance of the canal and operation of the culvert; the property owner will be responsible for all maintenance above the culvert. Anything above normal maintenance will be completed but billed to the owner.

In response to a question, Mr. Donahue discussed the concrete wing walls that are part of the headwall, enabling installation of a fence across the ROW, with gates on either side of the canal; there is no need to have a security fan on the fence. Mr. Donahue stated that the culvert will be secure.

Ms. Heafy asked if the retention area at the end will be dug out. Mr. Donahue advised that a certain volume of flood storage is being lost by installing the culvert but, to offset the loss,

a depressed area was proposed. Mr. Donahue noted that this plan might be revised to another method, when the site plan is submitted. In response to Ms. Heafy’s question, Mr. Donahue confirmed that the plans currently call for a giant swale.

Mr. Donahue introduced Mr. Erik Wilczek, of Kimley-Horn and Associates, Inc.

Discussion ensued regarding when culverts were installed and how they were constructed. Regarding the proposed culvert, Mr. Selchan confirmed that it will be inspected. Mr. Donahue noted that cleaning and inspection of the constructed culvert, following completion, at the applicant’s expense, is a special condition of the permit.

Based on his review, and subject to the special conditions set forth in the recommendation letter dated November 6, 2013, Mr. Donahue recommended that the District issue a right-of-way permit.

Mr. Wilczek referred to special condition #8, stating that “No landscaping other than grass is allowed to be placed in the SWCD Canal U Right-of-Way” and stated that the City of Coral Springs might require this area, by permit, to have hedges or other plantings.

Mr. Prudhomme asked if a tenant is in place. Mr. Wilczek stated that there is a lease agreement with CVS, although he does not know if it has been executed.

**On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the NE Corner of Sample Road and Coral Ridge Drive – Pharmacy, IBI Job #227961, right-of-way permit application, subject to the special conditions, as set forth in the IBI Group recommendation letter dated November 6, 2013, was approved.**

**SIXTH ORDER OF BUSINESS**

**Update: Canal Z**

- **ROW Clearing Summary [DP, TD]**

Mr. Paton presented the ROW Clearing Summary. He indicated that 22 properties remain that were contacted. Staff met with the property owners and provided them with agreements; those properties were cleared. The District has 49 executed Option 3 agreements, 20 Option 2 agreements and no Option 1 agreements. Mr. Paton noted that the 22 that failed to sign an agreement are not entitled to plant anything in the ROW, as they did not opt for Option 3 or attempt to keep what was previously in the ROW; anything planted in those ROWs, going forward, will be removed by the District.

Mr. Paton advised that a lot of trees were transplanted; mitigation costs were saved by relocating trees or leaving some in place within the 10' vegetative buffer area. He noted that the Canal Z bank is clear and stressed the importance of remaining diligent to keep it clear. Mr. Paton stated that dredging will begin soon.

Mr. Paton reported that the main obstacle encountered, which upset residents, is related to irrigation lines. Residents installed irrigation pipes and heads on the canal ROW and, at times, during the clearing process, main suction pipes were damaged. He explained that the District repaired many of those, in spite of not knowing for sure which ones actually worked, prior to the damage; he concluded that the District probably repaired more than it should have.

Mr. Donahue clarified that the contractor completed the irrigation line repairs, at his expense, under the Canal Z contract. Mr. Paton noted that the greater issue is that the dredging contractor will not have small trucks on the ROW, as the clearing contractor did; it will be big equipment and irrigation lines will likely be damaged again. Mr. Paton suggested discussing this issue with the next contractor, to avoid upsetting residents.

Mr. Selchan indicated that residents must understand that pipes will be broken during the project and they will remain unrepaired for the duration of the project. He stressed that residents should not be given false hope or the expectation that the broken pipes will be repaired in a week.

Mr. McKune pointed out that the pipes will not be broken; the contractor will remove them.

Ms. Heafy asked if residents will be notified.

Mr. Morera stated that numerous calls were received and he suggested to Mr. Paton that a letter be mailed to all residents affected by the project, advising them that their irrigation, from the canal, will be disrupted for the duration of the project, no repair or maintenance will occur until the project is completed and they should find alternative irrigation sources. Mr. Morera pointed out that allowing residents to draw water from the canal for their irrigation is a courtesy; the District does not have to let them tap into the canal for irrigation water. Those drawing from the canal are acquiring water for free, while most others must pay for their irrigation water. Mr. Morera wants residents to know what to expect, from the beginning.

Mr. Paton believes that residents will be unhappy and noted that, during the Canal Z project, some residents actually thought that the District should pay their expenses related to using alternative irrigation, until their irrigation pipes were repaired.

Mr. Selchan believes that residents did not expect the irrigation issues during the clearing phase but, when Staff met with the residents, they were informed of the potential disruption during the dredging phase. He stressed that the Board must understand Staff's position and that there is no alternative method. Mr. Selchan reported that he was contacted by two (2) residents seeking relief or reimbursement for their water bills.

Discussion ensued regarding the pros, cons, costs and other matters related to using canal or city water for irrigation.

Mr. Paton noted that, when the pipes and sprinkler heads were replaced, the crew installed them along the 10' vegetative buffer line, so that they would be out of the way; the next contractor should do the same. In response to Mr. Morera's question, Mr. Paton and Mr. Donahue confirmed that all damaged sprinklers are being repaired, regardless of whether the property owner signed an agreement.

Mr. Wrathell agreed that notifying residents of the irrigation issue is important. From a timing perspective, he recommended that, from now until the end of the year, the contractor should focus on the slidegates, prep work and getting the process underway and begin the actual canal work in 2014. Mr. Wrathell believes that this will give residents time to prepare. Also, residents that might be off work for the holidays might be more annoyed by the construction taking place than if they were at work. He suggested that the number of complaints might be less, if the work begins in January.

- **Canal Restoration Project Update [TD]**

Mr. Donahue noted time issues with obtaining the materials for the headwall and slidegate. He indicated that they discussed having the contractor install the construction fence, along the length of the canal, during December; December will be a staging and mobilization period. Mr. Donahue believes that January 6, 2014 is a realistic start date for the heavy duty work to commence. In response to Mr. Morera's question, Mr. Donahue confirmed that he believes the work can still be completed in the previously established time frame.

Mr. Morera asked that the City be copied on any communications to residents. He wants the City to know what is taking place, so that the City is prepared, if residents call.

- **Communication with City of Coral Springs**

Mr. Morera thanked Mr. Wrathell for his communication with the City of Coral Springs and pointed out the City's favorable response from the City Manager. Mr. Wrathell noted that he

received a telephone call from Commissioner Daley, the same day he sent the email, regarding the wildlife habitat matter.

Regarding the operational audit, currently underway, Mr. Wrathell indicated that he shared his communications with the City and the City Engineer's PowerPoint presentation recommending that the District proceed with the Canal Z project, with the auditors.

**SEVENTH ORDER OF BUSINESS**

**Approval of October 9, 2013 Regular Meeting Minutes**

Mr. Morera presented the October 9, 2013 Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the October 9, 2013 Regular Meeting Minutes, as presented, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Responses to RFP for Annual Audit Services**

**A. Affidavit of Publication**

The affidavit of publication was provided for informational purposes.

**B. RFP Package**

The RFP Package was provided for informational purposes.

**C. Respondents**

- i. Alberni, Caballero & Company, L.L.P.**
- ii. C Borders-Byrd, CPA, LLC**
- iii. Carr, Riggs & Ingram, LLC**
- iv. Grau & Associates**
- v. Keefe, McCullough & Co., LLP**
- vi. Sanson, Kline, Jacomino, Tandoc & Gamarra, LLP**
- vii. Templeton & Company, LLP**

The RFP packages from each of the respondents were provided for informational purposes. Mr. Wrathell indicated that all respondents met the criteria, as specified in the RFP; all were deemed responsible and responsive.

Regarding the cost, Mr. Wrathell advised that the District's current auditor, Grau & Associates (Grau), submitted the lowest bid. He stated that, in his experience, Grau, Keefe, McCullough & Co., LLP (Keefe) and Carr, Riggs & Ingram, LLC (CRI) are very good; he was not familiar with the other firms.

Based on the proposed prices and experience, Mr. Wrathell believes that it makes sense to select Grau.

**D. Ranking of Proposals**

In response to Mr. Prudhomme's question, Mr. Wrathell reiterated that Grau, Keefe and CRI are qualified and, if the Board wants to make the process simple, the deciding factor could be the proposed price.

Regarding whether the Board must rank the RFPs, in all categories, Mr. Lewis stated that, in theory, they are supposed to.

Mr. Morera pointed out that, over the term of Grau's contract with the District, Grau always billed just below the contracted price. He stated that Grau billed the District \$14,700, the first year, \$15,100 the second year, \$15,300 the third year and 15,500 the fourth year, for their auditing service. Mr. Morera found it interesting that Grau's rate dropped to \$9,500 in their RFP, which is about \$6,000 less than their billed price for the prior year; he questioned the price drop.

Discussion ensued regarding why Grau was able to drop their price so significantly.

The Board Members completed their Auditor Evaluation Criteria: FINAL RANKING forms.

Mr. Wrathell calculated the rankings.

Mr. Wrathell announced the rankings in lowest to highest order:

#7 Ranked Firm: Templeton & Company, LLP (182 points)

#6 Ranked Firm: Alberni, Caballero & Company, L.L.P. (213 points)

#5 Ranked Firm: C Borders-Byrd, CPA, LLC (214 points)

#4 Ranked Firm: Sanson, Kline, Jacomino, Tandoc & Gamarra, LLP (216 points)

#3 Ranked Firm: Carr, Riggs & Ingram, LLC (257 points)

#2 Ranked Firm: Keefe, McCullough & Co., LLP (266 points)

#1 Ranked Firm: Grau & Associates (300 points)

**E. Award of Contract**

**i. Acceptance of Proposal Rankings**



**On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, acceptance of the proposal rankings, as read into the record, was approved.**

**ii. Authorization to Negotiate with #1 Ranked Firm**

**On MOTION by Mr. Prudhomme and seconded by Ms. Heafy, with all in favor, authorizing Staff to negotiate with the #1 ranked firm, Grau & Associates, and, if those negotiations fail or break down, for any reason, granting Staff discretion to negotiate with the #2 ranked firm, Keefe, McCullough & Co., LLP, followed by the #3 ranked firm, Carr, Riggs & Ingram, LLC, if necessary, was approved.**

**NINTH ORDER OF BUSINESS**

**Supervisors' Communications**

Mr. Morera indicated that the concert at the Sportsplex, on November 2, 2013, was a success. He noted that the Veteran's concert was held last Monday, at the Coral Springs Country Club.

Mr. Morera asked the status of the next newsletter. Mr. Paton advised that the webmaster is working on the newsletter. In response to Ms. Heafy's question, Mr. Paton confirmed that a reminder to only water twice per week will be included.

Mr. Wrathell indicated that the employee luncheon is scheduled for November 22, 2013. Mr. Selchan will confirm which restaurant the employees want to go to. Mr. Selchan noted that his staff will be released for the remainder of the day, following the luncheon.

**TENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney: *Lewis, Longman & Walker, P.A.***

Mr. Lewis indicated that he continues to work with Staff regarding the operational audit. He stated that he has missed several of the District's meetings due to legislative obligations.

Mr. Lewis recalled that, upon taking office, Governor Scott directed his staff to review all 1,612 special districts in Florida to determine if districts are fiscally responsible, administratively efficient and whether they should be abolished or merged. He noted that the Florida Association of Special Districts (FASD) immediately contacted Governor Scott's staff and has worked with them ever since. Mr. Lewis stated that, to date, three (3) years into his term, the Governor's staff

has reviewed only 25 special districts and advised that they are almost finished with the 63 fire/rescue districts, which leaves approximately 1,500 districts to complete. He indicated that the Governor's staff contacted him a month ago, indicating that they cannot complete a review of all of the districts; therefore, they will review only a sampling of districts throughout the state. He advised that FASD has a great working relationship with the Governor's staff and provided them with much information about special districts.

Mr. Lewis pointed out that, although the Governor's office seems to have changed direction, the District is within Senator Jeremy Ring's district. He recalled that, last year, Senator Ring used the Sunshine Water Control District as his basis for filing Senate Bill 538, which, if passed, would have converted the District to a department with the City of Coral Springs, along with doing the same to the other three (3) water control districts in Coral Springs and all other water control and some improvement districts in Broward County. Mr. Lewis reiterated that FASD and others were successful in defeating that bill, which did not make it out of the Senate. He advised that Senator Ring promised to file a similar bill again.

Mr. Morera asked the position of the various municipalities that could find themselves required to absorb a special district. Mr. Lewis indicated that he and his staff have had conversations with municipalities and counties. He concluded that, while not being able to state it specifically, the cities, municipalities and counties want nothing to do with absorbing special districts, as they would suddenly have an enormous administrative and financial burden for which they have no money. Mr. Lewis anticipates a similar attempt by Senator Ring again.

Mr. Lewis advised of another legislative policy that would require all local governments to post all of their financial transactions in a "real time" mode. He noted that a question was raised about the cost for governments to meet this requirement and it was determined that the financial cost would be huge.

**B. Engineer: *IBI Group***

**i. Permit Application Log**

The permit application log was included for informational purposes.

**ii. Permit Application Review**

- **NE Corner of Sample Road & Coral Ridge Drive – Pharmacy, Culvert**

This item was addressed prior to the Sixth Order of business.

**iii. Monthly Engineer's Report: 10/02/13 to 11/06/13**

Regarding the pump stations, Mr. Donahue reported that he, Mr. Selchan and Mr. McKune participated in a walkthrough and warranty review with The Weitz Company and developed a punch list of minor items, such as paint touchup, caulking, fence issues, etc. Those items are being addressed. In response to Mr. Morera's question, Mr. Donahue indicated that the new transformers were installed; the FPL work was completed. Mr. Donahue noted that, due to the lack of rain, Mr. Selchan has not been able to fully test Pump Station 1 with the new transformer.

Regarding the Coral Springs Drive Bridge, Mr. Donahue stated that he is working with Broward County; the project is still on their schedule and the District provided a technical letter highlighting the problems with the canal restriction, along with a letter for the Board to sign, signifying their support for the project. Mr. Donahue advised that those letters will help bump the bridge up on the County's priority list; the County is confident that the work can be completed in conjunction with the Canal Z work.

**C. Engineering Consultant: *John McKune***

Mr. McKune voiced his optimism regarding the Canal Z dredging project. He noted his experience working with the contractor, Lanzo, and stated that he, Mr. Selchan and Mr. Donahue will work closely with them and be involved in every phase, before the work is completed. Regarding the sequence of events, Mr. McKune believes that Lanzo has a good plan. Mr. McKune concluded that, barring anything unexpected, the project should go as well as can be expected. He agreed that there will be complaints but the contractor knows how to keep residents happy.

**D. Field Supervisor: *Cory Selchan***

Mr. Selchan indicated that this is the dry season; the District is 1' lower than normal in the West Basin and 2' lower than normal in the East Basin, due to lack of rainfall. The rainfall received is not sufficient to add water to the system; the District is losing approximately ½' of water every ten (10) days. Mr. Selchan stated that staff will begin recharging the system the week prior to Thanksgiving and the District will receive its new recharge water allocation on January 1, 2014.

Ms. Heafy asked if the new pump houses will be landscaped. Mr. Selchan noted that the City has an elaborate landscaping plan that will involve the pump station on Royal Palm Boulevard.

**E. Manager: Wrathell, Hunt & Associates, LLC****i. Approval of Unaudited Financial Statements as of September 30, 2013**

Mr. Wrathell presented the Unaudited Financial Statements as of September 30, 2013 and the unreconciled cash balances. He noted that additional expenses might accrue back to Fiscal Year 2013; however, the District is currently under budget, despite the FEMA reimbursement.

Mr. Wrathell referred to the "Balance Sheet", on Page 1. Referring to Page 2, Mr. Wrathell indicated that assessment collections were 101%. Regarding "Interest and miscellaneous income", Mr. Wrathell advised that interest earnings have increased recently. Overall, revenues were 106% and expenses were under budget and, although additional expenses will likely accrue, he believes that the District's expenses will remain under budget.

Mr. Wrathell reviewed the "Debt Service Fund", on Page 4.

**On MOTION by Ms. Heafy and seconded by Mr. Prudhomme, with all in favor, the Unaudited Financial Statements as of September 30, 2013, were approved.**

Regarding the operational audit, Mr. Wrathell voiced his opinion that it is "going well". He recalled that the on-site staff supervisor was changed a few weeks ago. Mr. Wrathell believes that the auditors understand that the impetus for the audit request was the Canal Z project. He felt that, based on the questions raised, thus far, there are no material issues or concerns, which could result in a material finding. Mr. Wrathell has a minor concern that the auditors will find "ticky tack" items. In response to the auditor's question of whether the District has a written fraud policy, Mr. Wrathell advised them that the District's written fraud policy is state and federal law and the District would prosecute to the fullest extent. He believes that there is always a chance for the auditors to pick "ticky tack" things and suggest that the District should have written policies on certain things; however, he believes that the statutes and federal laws are in place for a reason and the District operates under those. Mr. Wrathell thinks that the on-site auditors "like" the District and understand that nothing underhanded or unethical was occurring. He stated that the on-site auditors gather information and submit it to Tallahassee; the report is written by someone in Tallahassee. Mr. Wrathell noted that this concerns him a bit, if the audit was politically motivated from the beginning.

Mr. Wrathell voiced his belief that the audit process could have been completed a few weeks ago; however, when the new supervisor was brought in, he brought a new list of things to request. He thinks that the on-site staff was diligent but was told to research additional items, much of which is not related to the Canal Z; it is general information.

Mr. Wrathell believes that, if there is a finding, it would not be a finding. He noted that the District has the opportunity to respond to the auditor’s report. Mr. Wrathell hopes that, if the auditors discover something, they will be in the form of recommendations, rather than a “finding”.

Ms. Heafy asked if this is the only district being audited. Mr. Lewis indicated that a district in Palm Beach County is also being audited. Ms. Heafy questioned if this was precipitated by Senator Ring or by the Coral Springs City Commissioners. Mr. Wrathell voiced his understanding that it was precipitated by Senator Ring; however, he suspects that other influences generated the audit of the District.

Mr. Wrathell suggested that, if the audit is not reasonable, the District might consider a public records request of the communications between who is “puppeteering” this process to determine why it occurred. He noted that, at this point, he is taking the auditors on their word that this is a legitimate, nonpolitically biased audit; at the staff level, he believes that is the type of audit being conducted but does not know what is taking place behind the cloak.

Mr. Wrathell indicated that the auditor’s on-site staff has been very easy to work with and have worked with little disruption to Management’s office.

Regarding the habitat policy, Mr. Wrathell confirmed that Management’s office will create an outline, seek input from Mr. Donahue and Mr. Selchan and submit a version to Mr. Lewis’s office, for review.

**ii. NEXT MEETING: December 11, 2013 at 6:30 P.M.**

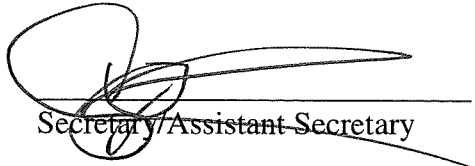
Mr. Morera stated that the next meeting is scheduled for December 11, 2013.

**ELEVENTH ORDER OF BUSINESS**

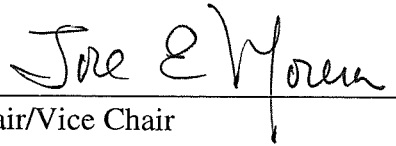
**Adjournment**

There being nothing further to discuss, the meeting adjourned at 8:58 p.m.

**On MOTION by Ms. Heafy and seconded by Mr. Prudhomme,  
with all in favor, the meeting adjourned at 8:58 p.m.**



Secretary/Assistant Secretary



Chair/Vice Chair