

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, June 8, 2016 at 6:30 p.m.**, at **Sartory Hall, located in Mullins Park, 10150 NW 29 St. (Ben Geiger Drive), Coral Springs, Florida 33065.**

Present at the meeting were:

Joe Morera	President
Daniel Prudhomme	Secretary

Also present were:

Craig Wrathell	District Manager
Cindy Cerbone	Wrathell, Hunt and Associates, LLC
Alfred J. Malefatto	District Counsel
Gene Schriener	District Engineer
Steve Zielnicki	Craig A. Smith & Associates, Inc.
Cory Selchan	Field Superintendent
John McKune	McKune & Associates

FIRST ORDER OF BUSINESS

Call to Order

Mr. Morera called the meeting to order at 6:42 p.m.

SECOND ORDER OF BUSINESS

Roll Call

Ms. Wrathell called the roll and noted, for the record, that Supervisors Morera and Prudhomme were present, in person. Supervisor Maguire was not present.

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.)

There being no public comments, the next item followed.

FIFTH ORDER OF BUSINESS

Continued Discussion: Pump Stations #1 & #2

Mr. Zielnicki worked with Current Connections and Square D Corporation (Square D). Parts were ordered and the shop drawings, for the Phase 1 improvements, should arrive this week. Once received, Mr. Zielnicki will visit the pump stations, with Mr. Selchan, to confirm items that were possibly included in the scope but were already in the pump station. Those details would be resolved, the shop drawings would be approved and installation would commence, once the parts were delivered.

In response to Mr. Morera's question, Mr. Schriener indicated that Phase 1 involved replacing the breakers in Pump Stations #1 and #2.

SIXTH ORDER OF BUSINESS

**Discussion/Update: West Outfall Canal
*(deferred from May 18, 2016 Regular Meeting)***

Mr. Schriener spoke with the County regarding the West Outfall Canal to obtain approval to go under the bridges and excavate, to bring a cross section of the canal down to the level needed for pump stations, which involves digging several feet down beyond the design level. In order to perform the work, the County requires testing, to verify the depth of the piles, as the depth is unknown. Part of the testing involves coring holes next to two piles, per ridge, and lowering a parallel seismic device, which is a hydrophone method of testing. A signal is emitted to identify the piling. The difficult part is performing the testing in a motionless position, which requires a barge.

Mr. Schriener felt that it was not cost effective to perform the testing, as the cost was \$350,000 for the testing and \$85,000 for the structural analysis. Mr. Schriener consulted with Mr. McKune for alternatives to the testing. One option is to de-silt, under the bridge, to remove material that accumulated over the years.

Mr. Morera asked if the County requested testing to determine the depth of the pilings of the bridge because the County did not have that information from when the bridge was built.

Mr. McKune replied no; the bridge was built by Westinghouse, designed by Gee & Jenson and there were no as-builts showing the actual depth.

In response to Mr. Morera's question, Mr. McKune indicated that the County was responsible for the bridge. Mr. Morera asked if the County would ask the District to determine what the problem was or hire its own engineer, if there was a problem with a bridge in the District's canal. Mr. McKune indicated that the County must hire their own engineer. Mr. Morera wondered about the County's response, if the bridge impeded Staff's ability to perform District work in the West Outfall Canal, due to the County's restriction, which could result in a \$400,000 expenditure to the District. Mr. Morera suggested contacting the County Commissioner representing the District to explain that the County would impede the possible benefit to minimizing flooding within the Commissioner's District by imposing the enormous burden of completing this testing, the costs of which must be passed on to residents; for testing, at a County bridge. The District cannot touch the bridge. Mr. Morera pointed out that the County should not expect a small District, with a \$2.5 million budget, to pay \$500,000 to perform a test, when the County has a budget in the billions. Mr. Schriener has the drawings of the bridge but the depth of the pilings cannot be determined from them. Mr. Morera stated, if at some point, the bridge became structurally defective, the County must repair it. Mr. Morera felt that it was belligerent for the County to require a test and for the District to pay for a test to determine the depth of the pilings of its bridge.

In response to Mr. McKune's question, Mr. Schriener confirmed that the estimate was for four bridges. Mr. Zielnicki clarified that two bridges were twin bridges, for a total of six locations. Mr. McKune suggested testing the depth of the canal where Staff wanted to dig, if the work would be performed in phases, and determine, from a functional standpoint, where to dig first, the length of the digging and whether to start at the deepest end, which is the south end of the canal. Mr. Schriener has a map showing the depth at the bottom of the canal.

Mr. McKune suggested starting with the bridge at Riverside Drive. Mr. Selchan noted that the worst bridge was at Coral Springs Drive. Mr. McKune asked if there was only enough money to complete excavation of one segment of the canal, whether that segment would be at the south or north end of the canal. Mr. Selchan wanted the most restrictive bridge, which Mr. McKune noted was at Coral Springs Drive. Mr. McKune estimated that, for a total of \$350,000, the cost per bridge, for six bridges, was \$60,000. Mr. Schriener estimated \$80,000 per bridge, to

include the \$85,000 for the structural analysis and the barge. Mr. McKune expected the cost to be cut in half if the work was performed from the land. Mr. Schriener anticipated coring through the deck. Mr. Zielnicki voiced concern about coring through the deck because of post stressed sections of deck. Mr. Schriener surmised that the County wanted to core from the piles and not through the deck because there were cables. Mr. McKune surmised that testing at the Coral Springs Drive bridges would be approximately \$120,000, versus \$360,000.

Mr. Morera agreed with the suggestion to phase the work to make the work more manageable but believed that the County should have money in its budget to perform the bridge work.

Mr. Selchan recalled advising the County that it was responsible for the Coral Springs Drive bridge and the County was willing, at that time, to work with the District; however, the County had management changes, which may have changed their perspective. Mr. Selchan agreed with Mr. Morera's approach to inform the County that its bridge is causing a problem and, if the County was willing to perform the testing, the District would perform the excavation.

Mr. Malefatto questioned the purpose of the core boring and increasing the depth of the piles. Mr. Schriener indicated that digging too deep and if the piles were not deep enough the strength of the piles could be lost. Mr. Selchan advised digging lower than zero but, ideally, minus four. The bridge is old and silt piled up. It is set in pieces and there are leaks between the pieces. The canal bank underneath the bridge eroded away to the center post piling, creating a v-shaped piling. As the water rises into the column, the area shrinks, dramatically, as the water level falls. After a few hours of pumping, the area was virtually a dam.

Mr. Morera was in favor of approaching the County and presenting all points discussed by Mr. Selchan, to determine if there was understanding of the burden being placed upon the District. It is reasonable for the County to bear the cost, as the District must incur the expense of dredging the entire canal.

Mr. McKune was troubled that neither he, Craig A. Smith & Associates, Inc. (CAS) or Mr. Selchan participated in the discussion with the County; it was all done by the County's subconsultant and proposed that the District meet with the County to have those discussions. Mr. Morera requested further information before proceeding further.

Mr. Schriener was surprised when the information was received a few days ago. Mr. McKune noted that the cost was based upon drilling 75' below the bottom of the canal, even

though the depths of the pilings were 50' and suggested that the County be provided with alternative cross sections.

There was Board consensus for Mr. Selchan, Mr. McKune and the District Engineer to meet with the County.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2016-5, Approving the District's Proposed Budget for Fiscal Year 2016/2017 and Setting a Public Hearing Thereon Pursuant to Florida Law and Providing an Effective Date

Mr. Wrathell presented the proposed Fiscal Year 2017 budget, which commences on October 1, 2016 and runs through September 30, 2017. The Board has the next few months to amend the budget, prior to the Public Hearing scheduled for September 14, 2016 at 6:30 p.m., at this location. This works out perfectly because the Truth in Millage (TRIM) notices are mailed on September 15, 2016, from the property appraiser, in advance of yearly tax bills.

Mr. Wrathell presented Resolution 2016-5 for the Board's consideration.

Referring to Page 1, Mr. Wrathell reviewed the "General Fund" budget for Fiscal Year 2017, which proposed a 2.48% increase, which could be considered in line with the cost of doing business and fairly reasonable. "Interest and miscellaneous" increased from \$5,000 to \$7,500; however, as the Fed continues to raise interest rates over time, it should have a positive effect. The amount budgeted for "Cost recovery" was increased from Fiscal Year 2016, to bring expenses equal to revenues. The District Engineer and District Counsel did a good job of ensuring that cost recovery costs are billed out. Staff reviewed the Fiscal Year 2016 budget, year-to-date, and expenses were trending towards the \$12,000 range.

Under "Expenditures", on Page 1, Mr. Wrathell reviewed the "Professional & administration" expenditure line items, noting minor adjustments in various line items. Mr. Selchan kept expenses in line, which enabled increases in fund balance. The budget was conservative and had enough cushion to protect the District from reasonable type events; however, if there was a hurricane, the District might have to tap into reserves, although funds were budgeted under "Disaster recovery". There were slight Consumer Price Index (CPI) adjustments of 1.8%, under "Management/accounting/recording" and "DSF & CPF accounting".

\$100,000 was budgeted for “Legal: litigation” for the IBI Group (Florida), Inc., (IBI) litigation matter, as expenses were still being incurred. The “Legal: Lanzo construction” litigation costs were shown as an unbudgeted expense, since the matter was settled. There was a slight CPI adjustment of \$300 for “Audit”. The audit should be presented at the next meeting. The audit expense may be lower.

Mr. Morera asked if the CPI adjustment was part of the contract with the auditor. Mr. Wrathell replied affirmatively.

Mr. Wrathell referred to “Arbitrage rebate calculation”, which decreased slightly. This calculation must be performed once, every three years, and is required under the Bond Trust Indenture. There was a slight CPI adjustment to “Human resource services”, which were previously provided by Coral Springs Improvement District (CSID). Mr. Wrathell suggested utilizing the funds budgeted for “Communication costs” for publishing a newsletter to residents regarding the West Outfall Canal project. “Rent – operations facility”, related to the space rented from the CSID, for Mr. Selchan and his staff, increased slightly. “Insurance” increased slight, due to an increase in the general liability and Directors and Officers liability insurance but “Website” and “Contingencies” remained the same.

In response to Mr. Morera’s question, Mr. Wrathell indicated that his office was providing information to the website company and keeping the website current. Mr. Morera felt that the District’s website should be more informative. Mr. Wrathell suggested that the website include information on the status of the West Outfall Canal project. Mr. Morera wanted the website to include pending projects and a timeline, for informational purposes. Mr. Wrathell requested that Mr. Morera provide his suggestions to Ms. Cerbone. Mr. Morera asked about the amount of website traffic. Ms. Cerbone will provide the information.

Mr. Wrathell reviewed the “Field operations” expenditures, on Page 1. “Salaries and wages”, “FICA taxes” and “401a retirement plan” increased slightly. “Health insurance” increased, due to a 7% rate increase.

Mr. Prudhomme asked if the District matched, dollar for dollar, up to 10%, for the District’s “401a retirement plan”. Mr. Wrathell indicated that the District contributes 10% of employees’ salaries with no required match. Mr. Wrathell recalled that the District was previously under the CSID and had a benefits package, which included the equivalent of a pension. The Board decided to place 10% into a pension fund, instead of having a defined

benefit program, based upon years of service, since field staff does not receive high salaries. Mr. Wrathell pointed out that, each year, the salaries and benefits of neighboring Districts are compared and the District's salaries and benefits are in line. Mr. Selchan noted that North Springs Improvement District (NSID) recently joined the State pension program and their benefit package increased, dramatically. CSID recently adopted a program where employees can contribute more than 10% of their salary. Mr. Prudhomme asked who controls the investing. Mr. Wrathell replied the individuals, noting that a 401a retirement plan was the public version of a 401k.

Regarding "Workers' compensation insurance", Mr. Morera asked if worker's compensation covered Staff injuries. Mr. Wrathell explained that worker's compensation is to the benefit of the employees, if something happens to them but, as an employer, the District is covered. Mr. Selchan noted that worker's compensation is for a covered member but would increase, if there were claims; the District has not had any significant claims.

Mr. Wrathell referred to "Engineering", on Page 2, which was trending under the \$260,000 budget amount but would increase, since a number of CAS invoices were received. Leaving "Engineering" at \$260,000 and "Consulting engineer services" at \$25,000 was indicative of the West Outfall Canal project. \$12,000 was projected for "Cost recovery". "Electric" increased due to the testing for the pump stations. Mr. Selchan advised that there was record rainfall early in the year, which resulted in a great deal of pumping. Mr. Wrathell recommended increasing "Electric" from \$48,000 to \$60,000, with the new pump stations. Mr. Selchan agreed, as he forecasted going over budget if this line item was not increased.

Mr. Wrathell indicated that "Insurance" was related to property insurance, which decreased, slightly, and "Repairs and maintenance" and "Operating supplies" remained the same. "Fuel – pump station generator" is in the event of a power failure and backup generators must be used. Since they are diesel powered, \$35,000 may not be adequate. In this case, "Disaster recovery" funds could be used.

Regarding "Capital outlay", Mr. Wrathell explained that in the Fiscal Year 2016 budget, \$497,570 of fund balance was used to offset capital projects. If the \$400,000, assumed for the West Outfall Project was not used, it would be applied towards fund balance. If the bids for the West Outfall Canal exceed the \$1,300,000 budgeted for "Capital outlay", excess funds could be utilized under a budget amendment. The Board could also increase "Capital outlay" without

raising assessments by using the \$2,410,218, under “Unassigned” fund balance. Mr. Morera asked if the “Capital outlay” was only intended for the West Outfall Canal. Mr. Wrathell indicated that the \$1,300,000 was based on an estimated amount for projects in Fiscal Year 2017.

Mr. Morera requested increasing “Capital outlay” from \$1,300,000 to \$1,600,000, in anticipation of unknown expenses for the West Outfall Canal and other projects. Mr. Prudhomme agreed. Based on Mr. Morera’s direction, Mr. Wrathell would transfer \$300,000 from fund balance to “Capital outlay”.

Mr. Wrathell explained that “Field equipment” decreased from \$90,000 to \$30,000, based upon Mr. Selchan’s recommendation. Mr. Selchan explained that, each year, \$30,000 would be set aside to build a balance to replace the trucks. Trucks would be purchased, outright, versus leasing. Mr. Morera asked if there was a four-year rotation on the trucks. Mr. Selchan expected a five or six-year rotation, depending on the condition of the trucks. Mr. Prudhomme asked if there was discussion about employees taking trucks home. Mr. Selchan indicated that it was never offered to the employees, due to insurance costs. Mr. Wrathell noted that the IRS deems government vehicles as a taxable benefit when employees are permitted to drive their vehicles home.

Regarding capital projects, Mr. Morera requested that Mr. McKune, Mr. Selchan and the District Engineer consider projects that can commence, during Fiscal Year 2016, since the pump stations and West Outfall Canal projects were completed.

Mr. Wrathell stated that “Pump station telemetry” and “Contingencies” remained the same. He pointed out that “Tax collector” and “Property appraiser” increased slightly, based on the actual amounts charged by the Tax Collector and Property Appraiser. One property is assessed with a fire and EMS assessment, each year. The actual amount is \$23 but \$100 was budgeted. Mr. Morera reported that CSID received monies from the City on property that was assessed a fire and EMS assessment. Mr. Selchan noted that the pump stations were the only facilities required to be imposed a fire and EMS assessment.

Mr. Wrathell reported that overall expenses in the “General Fund” increased from \$3,192,446 to \$3,225,346; \$400,000 would be transferred to “Capital outlay” to increase “Capital outlay” from \$1,300,000 to \$1,600,000 and “Net increase/(decrease) of fund balance” would increase from \$400,000 to \$700,000. “3 months working capital” was the amount set

aside because Fiscal Year 2017 begins on October 1, 2016 but tax collections would not arrive until mid-December. The “Unassigned” fund balance would increase by \$300,000.

Mr. Wrathell reviewed the “Debt Service Fund” budget and the debt service schedule, for the Series 2011 bond, on Pages 7 and 8. “Principal”, of \$255,000, and “Interest”, of \$622,944, were budgeted to make the November 1, 2016 interest payment of \$311,471.88, May 1, 2017 principal and interest payment of \$566,471.88 and November 1, 2017 interest payment of \$307,328.13. Revenues exceed expenses by \$19,009; however, a “Debt service reserve balance”, of \$439,839, is required for missed interest payments and to make the bondholders whole. The bonds mature on May 1, 2041 and carry a ten-year call protection, meaning that the District cannot consider refinancing the bonds until 2021.

Mr. Wrathell referred to Page 9. The projected assessment increase was from \$222.22, in Fiscal Year 2016 to \$227.74, Fiscal Year 2017, or an increase of \$5.52, assuming that residents pay their assessments in March; if residents pay in November the assessed amount would be 4% less. The debt assessment amount remains consistent, each year, at \$56.10. If collections were received slowly, the District would have excess cash to make debt service payments, so reserve funds would not be used, which causes a technical default of the bonds. If enough cash is built up, it could be used to lower the debt assessment. The number of assessable units can shift, from year to year, based on the number provided by the property appraiser, which, according to Page 9, anticipated 17,009 assessable units, reflecting an increase from last year.

Mr. Morera asked how the District acquired an additional 148 units. Mr. Wrathell explained that undeveloped property, like Broken Woods, may have been assessed a different number of units or there may be commercial property that, over time, is being redeveloped. Mr. Morera reported that the Country Club of Coral Springs (CCCS) would be developed in 2017. Mr. Selchan anticipated that CCCS would be completed before Broken Woods. Mr. Prudhomme noted approximately 436 units in Broken Woods and 255 units in CCCS.

At Mr. Morera’s request, Mr. Wrathell will increase the total assessment from 2.48% to 3% and use less fund balance. Mr. Prudhomme agreed. Ms. Cerbone calculated an increase in the “Assessment per unit-general” from \$171.64 to \$172.79.

Mr. Morera noted that the maps behind the budget must be changed to include the Broken Woods reconfiguration. Mr. Wrathell asked if the Board wanted to task the District Engineer

with changing the maps. Mr. Selchan did not recommend this, as the District did not have the as-builts.

Mr. Prudhomme asked if information must be provided to the Property Appraiser by September 15, 2016 to be on the TRIM notices. Mr. Wrathell explained that the actual TRIM notices are mailed in the second to third week of August and specify the proposed taxes for the local governments and the Public Hearing dates and times. Broward County requires assessments to be included on the TRIM notices. If the assessment increase reaches a certain threshold, the District must mail 197 Notices. Mr. Prudhomme asked what happens if the District misses the September 15 deadline. Mr. Wrathell will receive a call from the property appraiser; although, a not-to-exceed amount must be provided in July. Mr. Wrathell urged the Board to set a higher assessment amount, as the amount could be decreased but not increased.

On MOTION by Mr. Morera and seconded by Mr. Prudhomme, with all in favor, Resolution 2016-5, Approving the District’s Proposed Budget for Fiscal Year 2016/2017 and Setting a Public Hearing, for Wednesday, September 14, 2016 at 6:30 p.m., at this location, was adopted.

EIGHTH ORDER OF BUSINESS

Discussion: Renewal of Disaster Debris Removal Agreements

Ms. Cerbone recalled discussion about piggy-backing off the City of Coral Springs’ agreements with Phillips & Jordan, Inc. (Phillips & Jordan) for debris removal and Rostan Solutions, Inc. (Rostan) for debris monitoring. Contract assignments were pending, since there was disposition of a company. Both agreements could be on the July agenda.

In response to Mr. Morera’s question, Ms. Cerbone indicated that the District was currently under contract for debris removal and monitoring; this was for renewal.

NINTH ORDER OF BUSINESS

Discussion: Simons Residence, 4381 NW 75th Street

Mr. Malefatto recalled that, at the last meeting, Mr. Frank Simons, a resident, felt that, behind his property at 4381 NW 75 Way, in The Dells, the District caused erosion to his property. Mr. Simons claimed that the District was responsible for compensation and cited

Statute 373.056, which is a Water Management Statute. Mr. Malefatto informed the resident that he would take this under advisement and review the statute.

Mr. Malefatto presented a memorandum advising that Section 373.056, Florida Statutes, provides for local governments, Special Districts and other entities to donate or provide land to State Water Management Districts (WMD), which are governed by Statute 373, if the donation of the land would assist WMDs in meeting their role of providing: "*protection of property and the inhabitants in the district against the effects of water*". Apparently, Mr. Simons took this out of context, inferring that, based on the language, this District had a responsibility to protect him from the effects of water. Mr. Malefatto advised that the statute did not support Mr. Simons' position, as it was related to the donation of land to WMDs. Even if the District was contributing to the erosion, Mr. Malefatto believed there was a causation issue.

Mr. Malefatto presented a letter from the District Engineer advising that the District's canal was not causing the erosion and provided recommendations that Mr. Simons can follow to mitigate erosion. Mr. Malefatto asked if Mr. Simons received a copy of this letter. Mr. Schriener did not send the letter. Mr. Malefatto recommended providing a copy of the letter, if Mr. Simons complained again.

Mr. Selchan reported that Mr. Simons claimed that the culvert in the street was collapsing and an inspection was scheduled. Mr. Selchan suggested providing Mr. Simons with a copy of the written summary, after the inspection was complete, including the findings of all issues that Mr. Simons presented to the Board and the City. Mr. Morera recommended including some of the current code enforcement guidelines pertaining to canal bank maintenance.

Mr. Prudhomme recalled Mr. Simons stating that the house should have never been built but the land sold for \$4,600 in 1969, as a vacant piece of property, with no other transfer for decades and Mr. Simons' family built the house on the property.

Mr. Morera received a call from the Vice Mayor, Dan Daley regarding Mr. Simons' dilemma. At Mr. Daley's request, Mr. Morera met with Mr. Simons and Mr. Daley, last Saturday, to determine what could be done to resolve the matter. Mr. Simons stated the same complaints. Discussion ensued regarding the different views and interpretations of the existing conditions and cause and the recommendations from the District Engineer. There was discussion about a tree in the canal that was cut and dumped by Mr. Simons into the canal, which could cause a blockage. Different scenarios were addressed. Mr. Morera met with Mr. Simons, in

good faith, and informed Vice Mayor Daley that Mr. Simons would receive a copy of the results of the culvert inspection. Mr. Morera informed Mr. Selchan about items brought up during the meeting; although minor, the issues would be addressed. No commitment or guarantee was made by Mr. Morera, on behalf of the Board, to Mr. Simons.

TENTH ORDER OF BUSINESS

Approval of May 18, 2016 Regular Meeting Minutes

Mr. Morera presented the May 18, 2016 Regular Meeting Minutes and asked for any additions, deletions or corrections.

Line 60: Change “Schriner” to “Zielnicki”

Line 66: Change “setback” to “side yard”

Line 72: Change “Schriner” to “Zielnicki”

Line 81: Change “370.3056” to “373.056”

Line 144: Change “including” to “excluding”

Line 265: Change “370.3056” to “373.056”

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, the May 18, 2016 Regular Meeting Minutes, as amended, were approved.

ELEVENTH ORDER OF BUSINESS

Supervisors’ Communications

There being no Supervisors’ communications, the next item followed.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Lewis, Longman & Walker, P.A.*

Mr. Malefatto emailed Mr. Michael Wilson, of Broad and Cassel, regarding the lawsuit against IBI but received no response. Mr. Malefatto suspected that the answers were due shortly, as the complaint was filed on May 8 and served later in May. If IBI was serious about pursuing settlement, Mr. Malefatto advised scheduling a closed session, so Mr. Wilson could discuss the evaluation and recommendations.

B. District Engineer: *Craig A. Smith & Associates*

- **Monthly Engineer's Report: May 11, 2016 – June 1, 2016**

Mr. Zielnicki reported that, in December, 2015, CAS was notified by Mr. Selchan that two of the special conditions of the permit with Advanced Hood Systems (AHS), on Wiles Road, was not satisfied. The incomplete items were:

- Permittee shall clear all vegetation from the canal right-of-way (ROW) abutting project.
- Permittee shall de-muck canal to solid rock or elevation 0.0, whichever is lower.

Mr. Zielnicki noted that AHS removed the trees that remained after cutting the trees down but the owner seemed resistant about de-mucking the canal, due to financial hardship. Mr. Zielnicki referred the matter to Mr. Malefatto, when the owner mentioned referring this matter to their attorney. No action was required from the Board.

Mr. Morera asked if the owner agreed to satisfy these conditions before receiving their permit and proceeding with the project. Mr. Zielnicki replied affirmatively. Mr. Morera asked if the project was completed and one of the conditions was met but not the other. Mr. Schriener replied affirmatively.

Referring to the second condition, Mr. Malefatto explained that the contractor was expected to remove muck from the canal but the owner provided excuses about why they should not have to remove the muck, including the fact that the property was being surveyed to determine if de-mucking was necessary. Mr. Malefatto advised that this was a clear permit condition and there was no reason why the contractor should not be required to de-muck the canal. Under Chapter 298, the District has the right to enforce the conditions of the permit and the Board can authorize the District to perform the work that the contractor did not complete and assess them or revoke the permit, meaning that the contractor must disconnect from the canal.

Mr. Zielnicki heard that the owner wanted to speak to the Board.

Mr. Morera advised the District Engineer to continue following the permitting steps and stress to the owner what was required and the consequences for not meeting the permit conditions.

In response to Mr. Morera's question, Mr. Zielnicki recommended setting a deadline for the owner to complete the remaining work.

Mr. Zielnicki asked Mr. Selchan about the severity of the work with regard to the drainage system. Mr. Selchan indicated that Staff was willing to work with the owner, if they

needed time to manage their finances and make arrangements to complete the work; however, the owner keeps making excuses, complaining and threatening to get their attorney involved, which is why District Counsel was involved. If the owner decided to take a stand against complying with the permit requirements, everyone would be informed. Mr. Selchan suggested waiting until the next meeting, when surveying was completed and, in the meantime, the District Engineer would prepare a letter with timelines and actions to be taken, if the owner does not comply in that time frame.

Mr. Morera asked if the elevation of the land was such that drainage flows into a street drain and empties into a canal. Mr. Zielnicki explained that the property has an on-site drainage system and a structure near the bank of the canal. Mr. Morera asked if the structure was installed, as part of the project. Mr. Zielnicki indicated that the contractor installed the structure and a pipe. Disconnection would involve removing the structure and pipe and, possibly, building additional on-site drainage. Mr. Selchan advised that the property must have drainage and, if the District said that the property could no longer be connected, an elaborate system to contain water on-site would be necessary. In addition, the canal must be dug out, as part of the program. The District would perform the work and the owner would be assessed. Mr. Morera asked if this information would be communicated to the owner. Mr. Zielnicki replied affirmatively.

Mr. Morera anticipated that other entities would be approached to solicit support and wanted to ensure that the District was not in a position where someone tries to become a friend of the affected party by asking, as a public entity, to deviate from an existing agreement. Mr. Prudhomme did not believe that the "friend" would materialize because there was a faction in the industrial park.

Mr. Malefatto advised that the permittee's June 1 email to Mr. Zielnicki, said that the owner was awaiting the survey information and, if the canal needed de-mucking, the owner would request a 24-month extension to perform the work.

Mr. Morera did not want a situation where this business leaves the Corporate Park, this condition is not met and the District is left with uncompleted work, and requested that potential recourses be addressed now.

Mr. Prudhomme pointed out that, even if the owner was granted a two year extension, anyone purchasing the property would know about the situation. If the new owner could not afford to pay for the de-mucking, the deal must be renegotiated.

Mr. Malefatto reported that the owner has been in possession of the permit since October, 2014.

Mr. Morera requested that Staff determine whether a time extension should be granted. Mr. Selchan will try to obtain an answer prior to the next Board meeting.

C. District Engineering Consultant: *John McKune*

There being no report, the next item followed.

D. Field Supervisor: *Cory Selchan*

Mr. Selchan reported that the District did not receive much rain, since the last meeting, so water levels were still low; although, .25" of rain was received yesterday and .5" today. The water in the East Basin dropped 2' and the West Basin was at 7'. The water level would remain at 7' until Phase 1 was completed.

Mr. Selchan received a call from Mr. Scott Nebrasky, a Carriage Point resident, asking if the structure left behind could be removed, as it was an eyesore. Mr. Selchan informed Mr. Nebrasky that it was old infrastructure that could be removed but the Board must approve removal. In response to Mr. Morera's question, Mr. Selchan indicated that there was a walkway and a half pipe that held wood when the pump station existed, which remained because removal was not addressed. The infrastructure is in disrepair and does not serve any purpose. Mr. Selchan suggested cutting the pipe above the water level to keep the riser and disposing of the remaining metal pieces at a cost of approximately \$10,000 to \$15,000.

In response to Mr. Prudhomme's question, Mr. Selchan explained that only a small portion of the pipe would be cut and a functional portion would remain, as the structure was part of the drainage system.

Mr. Selchan noted that there were "A" projects and "B" projects and this project would be classified as a "B" project.

There was Board consensus for Mr. Selchan to obtain quotes to torch off the pipe above the water line and remove the remaining metal pieces.

Mr. Selchan was contacted by the Property Manager, on the corner of Coral Ridge Drive and Wiles Road, which was the old Westinghouse property. The property owner was concerned that the canal is heavily silted with leaves and debris. Mr. Selchan believed it was a valid concern and informed the property owner about an association that addresses ongoing issues in the Corporate Park and, if the property owner cleared an area, the District would perform the

work. ABB Power (ABB), immediately to the left of the property owner, asked if the District would determine whether the canal needed to be de-silted, if ABB cleared their canal bank. Mr. Selchan suspected that de-mucking was necessary, in both cases, and felt good about the property owner and ABB reaching out to the District. Since both were willing to do their part, the District should do its part. Mr. Selchan is meeting tomorrow with ABB and, once the work was completed, Mr. Selchan would ask the District Engineer to perform an assessment and present it to the Board. This would be a win-win for the District, as these areas would be cleaned up.

Mr. Morera asked if Mr. Selchan spoke with the fish supplier. Mr. Selchan indicated that they were delivering fish for the CSID, on Friday, and the District should receive a delivery, shortly thereafter. There were issues with water levels. Several ponds overflowed from the tropical storm.

Mr. Morera informed Mr. Selchan that the Board appreciates the work performed by the field staff.

E. District Manager: *Wrathell, Hunt & Associates, LLC*

i. Approval of Unaudited Financial Statement as of April 30, 2016

Mr. Wrathell presented the Unaudited Financial Statements as of April 30, 2016. On Page 1, there was \$955,872 in the "Debt service-Wells fargo" account, providing additional cash in-between receiving revenues and making debt service payments. On Page 2, assessment collections were at 95%, which was indicative of tax certificate sales and late payments. Expenditures were unchanged and the District was significantly under budget, due to under utilizing the \$1.322 million budgeted for capital projects. A principal payment was made on May 1 out of the debt service revenue account.

On MOTION by Mr. Prudhomme and seconded by Mr. Morera, with all in favor, the Unaudited Financial Statements as of April 30, 2016, were approved.

ii. NEXT MEETING DATE: July 13, 2016 at 6:30 P.M.

Mr. Morera stated the next meeting will be held on July 13, 2016 at 6:30 p.m., at this location.

THIRTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned.

On MOTION by Mr. Prudhomme and seconded by Mr. Maguire, with all in favor, the meeting adjourned at 8:45 p.m.

Cindy Carbone
Secretary/Assistant Secretary

Joe E. Moore
Chair/Vice Chair