

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The Regular Meeting of the Board of Supervisors for the Sunshine Water Control District was held on Wednesday, April 9, 2008, at 6:30 p.m. in the Commission Chambers, Coral Springs City Hall, 9551 West Sample Road, Coral Springs, Florida 33928.

Present at the meeting were:

Mary Macomber	President
Dave Hulett	Vice President
Emily Heafy	Secretary

Also present were:

Bruce Cranmer	District Counsel
Cory Selchan	District Supervisor
Doug Paton	Wrathell, Hart, Hunt & Associates, LLC
John McKune	McKune @ Associates
Jane Early	CH2M Hill
Pete Colussy	CH2M Hill
Cedo DaSilva	CH2M Hill
Rich Michaud	City of Coral Springs Public Works
Don Lewis	Globe Tec Construction

FIRST ORDER OF BUSINESS

Call to Order

The meeting was called to order at 6:30 p.m.

SECOND ORDER OF BUSINESS

Organizational Matters

a. Consideration of Resolution 2008-5 Canvassing and Certifying the Results of the Landowners Election (deferred from March 12, 2008 meeting)

Mr. Hulett asked about the votes cast at the Landowners Election. Mr. Paton explained that staff had looked at the tax rolls of Broward County; however it was difficult to find and verify all proxies. Additionally, tax rolls from the Property Appraisers' Office were not all up to date. The proxy votes that couldn't be validated that evening weren't decisive as the votes that were verified determined the outcome of the election.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all were in favor of approving the results of the March 12, 2008 Landowners Election.

- b. Consideration of Resolution 2008-6 Re-Electing the Officers of the Sunshine WCD (deferred from March 12, 2008 meeting)**

Ms. Macomber requested to remove the current slate and add Ms. Heafy as Secretary.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all were in favor of appointing Ms. Macomber as President of the District.

On MOTION by Ms. Macomber and seconded by Ms. Heafy, all were in favor of appointing Mr. Hulett as Vice-President of the District.

On MOTION by Ms. Macomber and seconded by Mr. Hulett, all were in favor of appointing Ms. Heafy as Secretary of the District.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all were in favor of re-appointing Craig Wrathell as Treasurer and Assistant Secretary of the District.

THIRD ORDER OF BUSINESS

Consideration of Permit Request

- a. Incredible Ice Expansion – Coral Springs Regional Park (from DeGirolmo and Associates, Inc. for City of Coral Springs)**

Ms. Macomber referred to a note in the CH2M Hill Letter about elevations that were below Level 11. She raised a question about the required elevation level for the parking lot. Mr. DaSilva said this is an advisory note and it is up to the engineer or designer to address the required elevations.

Mr. Hulett referred to the last special condition and asked whether the existing underground culvert system will be in jeopardy based on work to be done. Mr. DaSilva stated this was another advisory note added because of a pipe and a canal right-of-way on the east side.

Mr. Hulett asked whether Mr. Edward Flavin is a Professional Engineer, as he had signed off on the permit. Mr. DaSilva replied that Mr. Flavin is a staff engineer. Mr. Hulett stated he would be more comfortable having permits signed off by a designated Professional Engineer. Ms. Early stated she can sign off on permits going forward if the Board is more comfortable with this.

Brian DeGirolmo, Civil Engineer for the project, advised that some pavement is at the 10.5 level. He acknowledged that there are isolated areas below the 11.00 elevation. He stated that there was a concern that raising these areas might cause flooding to the existing facility. He added that the finished floor of the expansion will be raised by 6 inches, which will improve the facility overall.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all were in favor of approving the permit request.

FOURTH ORDER OF BUSINESS

Approval of Minutes for the March 12, 2008 Regular Meeting and the March 12, 2008 Landowners' Meeting

- **March 12, 2008 - Regular Meeting Minutes**

Corrections were provided to the minutes as follows:

Correct the spelling of the name "Michaud".

Line 118-119: Change "within the District" to "west basin."

Line 126: Change "station" to "stations".

Line 170: Insert "said" after "Mr. DaSilva."

Line 183: Insert "net" before "yield."

Line 214: Change "eastern district" to "east basin."

Under Field Supervisor's Report - Correct the reward sum of money to \$500.00.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all were in favor of approving the March 12, 2008 Regular Meeting minutes as corrected.

- **March 12, 2008 - Landowners' Meeting Minutes**

Page 1: Change "was held" to "was being held".

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all were in favor of approving the March 12, 2008 Landowners Meeting minutes as corrected.

FIFTH ORDER OF BUSINESS

Acknowledgement of letter received from Emily Heafy indicating she has elected not to receive monthly compensation for serving as a member of the Board

Ms. Macomber acknowledged receipt of Ms. Heafy's letter.

SIXTH ORDER OF BUSINESS

Other Business

No other business was discussed.

SEVENTH ORDER OF BUSINESS

Staff Reports

a. Attorney

Mr. Cranmer stated that he received a call the previous day from a WHHA Staff member regarding a call from the Department of Revenue seeking to update the District's exempt status. He advised that the Department of Revenue is asking for the exact date the name was changed from Sunshine Drainage District to Sunshine Water Control District. Mr. Cranmer said that no documentation or resolutions could be found reflecting the name change. He further stated that he researched all available public records and found that the name "Water Control District" superseded "Drainage District" sometime in the late 1980's. He asked that anyone with relevant information or documents provide them to him. Mr. Selchan said Staff will look into this and do additional research. Mr. Cranmer stated that as far as the state is concerned, the Sunshine Water Control District is the recognized name.

b. Engineer – Update Status of Bid Package for NRCS Silt Removal

Mr. Colussy advised that on April 2, one bid was submitted for \$1,388,000.00 by Globe Tec Construction, whose references and professional background checked out well. He added that Mr. McKune and other CH2M Hill staff had met with the representatives of Globe Tec. Mr.

Colussy stated that CH2M Hill was comfortable with the firm's qualifications and project history and recommended that the Board accept the bid.

Mr. Hulett asked for more detail about why only one bid was received. Mr. Colussy said he had contacted other firms who attended the pre-bid meeting; some of these firms were uncomfortable bidding on this project because of concerns about its complexity and pricing.

Don Lewis, of Globe Tec Construction, addressed the Board, and spoke of similar projects his firm had worked on for the South Florida Water Management District (SFWMD). Mr. DaSilva pointed out areas of concentration on slide illustrations.

Mr. Hulett asked if Mr. Lewis has been out to look at any of the spots being targeted. Mr. Lewis responded affirmatively. Mr. Hulett asked whether Mr. Lewis saw any problems with access to any of these locations which might adversely impact nearby residents. In response, Mr. Lewis said there will be problems finding places to put material that comes out of some canals.

Mr. McKune stated the meeting with Globe Tec was very revealing. He voiced concern about access to District properties and the ability to do the work using the method specified by Globe Tec. Mr. McKune advised that the contractor will work from the banks with adequate access; where there is not adequate access, the contractor will use a barge, remove material from the bottom, place material on top of the bank, spread this down the bank, compact it, place fabric over it and finally add sod.

Mr. Hulett asked Mr. McKune if he had an opinion about why only one bid was submitted. McKune said he got the same response as Mr. Colussy, from contractors who felt one firm would "lowball" all the others, making it a waste of time to submit bids. Mr. Hulett asked Mr. McKune to comment on the Globe Tec price. Mr. McKune said he had expected something close to the price submitted by the NRCS price. He commented that in his view, this is a good bid.

Ms. Heafy asked whether the Board should notify residents about work to be done in the target areas. It was stated that the contractor will provide a work schedule. It was also stated that Management will place door hanger announcements, along with advertisements and notices about work to be done. Ms. Heafy suggested providing a contact telephone number for residents. It was stated that Staff can provide this.

Mr. Hulett commented that people do not read door hangers; he suggested that Staff provide him with necessary information about any work that may adversely impact residents. He

offered to send letters out to caution residents who may be affected by fences or trees that may need to be removed during this work. Mr. Hulett asked that every effort be made to speak with residents personally in such instances.

Mr. Selchan, Field Supervisor, said that based on similar projects done in the past, most residents have been cooperative and understanding about work being done by the District, as long as they receive advance notice. It was stated that a full-time field inspector will also be out working with Mr. Selchan.

Mr. Hulett asked if other areas could be included in the work to take advantage of the full \$1.6 million allowed by the NRCS grant. Mr. Colussy responded affirmatively and stated it is the goal to identify additional areas of concern and use all available monies. Mr. Colussy added that he had spoken with Jesse Wilson, who was fairly confident that money is available. He said once there is a definite response about funding, additional areas of concern would be addressed.

Ms. Heafy asked for clarification as to whether only hurricane silt removal is being addressed. Mr. Colussy said the grant covers removal of all storm related buildup. He added that the worst buildup from storms is being targeted first.

Mr. Hulett voiced disappointment that there were not additional bidders, but stated he is willing to move forward based on the recommendation by CH2M Hill.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all voted in favor to accept the bid from Globe Tec Construction in the amount of \$1,388,000.00.

Stephanie Clark, a resident of Coral Springs, asked if any heavy metal or hazardous material testing has been done. She voiced concern that material being removed would be piled onto the canal banks. She also asked what types of permits are needed for this work. Mr. Colussy advised that both SFWMD and the Broward County Department of Environmental Protection had been checked. He stated that no permits are required for this work. He added that this is a maintenance project, as the canals are being restored to their original condition. He further stated that all material will be covered with sod. Ms. Clark asked if there will still be a free flow of water coming back from the property into the canal. Mr. Colussy responded affirmatively and added that no berms will be built. Ms. Clark asked how many miles of canal area are being addressed first. Mr. Colussy replied that about five to six miles of canal area are being targeted

first. Ms. Clark voiced concern about heavy metals and contaminants, as forty years of accumulated material are being removed and put back. Ms. Macomber pointed out that NRCS wants the District to restore the canals to their original condition, which requires removal and replacement of the material. Ms. Macomber said there is no cause for alarm at this point until the material comes up. Ms. Clark asked for the District's website information. The Board advised that the District's new website address is www.sunshinewcd.net.

Mr. Hulett stated that to his understanding, all the material was to be placed in geotubes. He asked whether this is still the case. It was stated that the contractor would use a geonet type of material that stabilizes soil that is placed on it. Mr. McKune stated that the material Globe Tec will use is acceptable to NRCS representatives.

c. Field Supervisor

Mr. Selchan reported that he had attended a meeting with the City to discuss a property that the City wishes to replat as part of its downtown redevelopment work. He explained that some title work for the District's piece of property will be required. Mr. Selchan stated that from what he saw, this will have no impact on the drainage system. He said that the City is willing to work with the District to offset costs for the relevant title work. Mr. Hulett spoke of a previous lawsuit concerning the City and WCI regarding another piece of property. Mr. Selchan stated he was not sure how this issue was resolved.

Mr. Selchan reported that the facility is operating as usual and preparing for new springtime growth. Ms. Macomber commented that there seems to be a lot of grass-like material. Mr. Selchan stated this is aquatic growth that is somewhat difficult to contain. Mr. Hulett asked about the current water level. Mr. Selchan stated that staff tries to keep the water level at 7.5 feet in the east and west basins; however, as of that morning, the west basin was at 8.4. He added that some of this water was bleeding over to the east side, which was currently at the 7.6 level.

d. Manager – Award of Hurricane Silt Removal and Canal Bank Restoration Phase 1 Project to Globe Tec Construction (Total Base Bid - \$1,388,000.00)

The above item was addressed and voted on earlier in the meeting.

It was stated that an article on the District would be printed in the *Coral Springs Magazine* some time in mid-April.

It was stated that a press release announcing Ms. Heafy's election the Board was submitted to the *Coral Springs Forum* and to the *Coral Springs News*. A copy of the press release was shown to the Board.

EIGHTH ORDER OF BUSINESS**Approval of Financials and Invoices****a. Unaudited Financial Statements as of March 31, 2008**

Mr. Paton presented the March 31, 2008 unaudited financial statements.

Mr. Hulett referred to page 2, under Legal Fees, and asked whether a figure should be \$1,000 instead of \$940. Mr. Paton replied this figure should normally be \$1,000, but Staff will check this.

Mr. Hulett commented on the \$2,500 for contract personnel services for CSID. He stated that he and Mr. Wrathell had met with Mr. Daly the previous Friday. It was agreed that this fee probably needs to be re-allocated as this amount covers more than personnel. Mr. Hulett said Mr. Wrathell had taken a tour of all the facilities being used or rented that belonged to CSID. As a result, CSID will re-allocate some of the expenses.

Mr. Hulett asked why there is a monthly \$343 charge for technology sharing. Mr. Paton said Staff will look into this.

Mr. Hulett asked Mr. Cranmer whether he would object to indicating on his invoice the number of hours he works each month. Mr. Cranmer stated that this was discussed about one year ago. He explained that there are alternating periods of extremely heavy and extremely light work that he believes average out. Ms. Macomber commented that part of the value of Mr. Cranmer's service is that his fee is very reasonable. Mr. Hulett felt it was standard for most attorneys to provide broken out billing.

Ms. Heafy said she is used to attorneys providing a breakdown of services being billed. She felt it would be good for the public to see these specifics. Mr. Cranmer said he will make an effort to provide more specifics in billing going forward.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all voted in favor to approve the March 31, 2008 financial statements.

b. Approval of CH2M Hill Invoices

Mr. DaSilva stated these invoices were approved at the previous Board meeting but were brought back with more specifics on the charges.

On MOTION by Ms. Heafy and seconded by Mr. Hulett, all voted in favor to approve payment of the CH2M Hill invoices.

NINTH ORDER OF BUSINESS

Supervisors' Requests and Audience Comments

Mr. Hulett congratulated Ms. Heafy for stepping forward to serve on the Board.

Mr. Hulett voiced concern about engineering services provided by CH2M Hill. He pointed out that CH2M Hill has been the District Engineer for 45 years. He said that based on research he had done, he found no record of this position ever being advertised during that 45 years. Mr. Hulett stated that although there is nothing illegal about that, it is an extraordinarily long period of time and when a contract has been in place for that particular length of time, he believes it is fair to ask what is the record of stewardship over those years in which CH2M Hill has collected hundreds of thousands of dollars in engineering fees.

Mr. Hulett stated that based upon what we voted on tonight, after 45 years, we have silted up canals, we have pump stations that have been allowed to lapse into a serious state of deterioration, we have poor security at our pump stations and we have propane tanks that had not been inspected or certified for safety standards for quite some time. He advised that he had met with CH2M Hill some months ago to discuss some of the concerns he had raised at previous Board meetings and during the course of that meeting, he asked why, over the course of 45 years, the firm had not apprised the Boards of Supervisors that the District's infrastructure was crumbling. He had also asked why the firm had not come forward with recommendations for preventative maintenance to avoid the problems they are faced with today. Mr. Hulett said the answer he heard seemed to indicate that perhaps the firm was more concerned with following the orders of the previous management company than they were with meeting what he regards as a serious fiduciary responsibility as professional engineers and are directly hired reporting to this Board of Supervisors as the District Engineer to keep this Board fully informed at all times of the

state of the District. Mr. Hulett felt it was past the time to move forward and see what other firms may be interested in the position of District Engineer.

Mr. Hulett made a motion, seconded by Ms. Heafy, to direct Mr. Wrathell and Mr. Cranmer to draft an advertisement for the position of District Engineer for the Sunshine Water Control District and to place such advertisement in the *Sun-Sentinel* and the *Miami Herald* newspapers, as well as any engineering industry publications or websites, such that may be appropriate, with a response deadline of May 7, 2008, such applications to be presented to the Board of Supervisors at the next meeting on May 14, 2008 meeting; and further to immediately present a 90-day termination notice to CH2M Hill, under the terms of their contract.

Ms. Macomber stated she totally disagrees with this action. She has served on this Board of Supervisors for a long time and has been very grateful to have had the professional services and efforts of CH2M Hill. She added that perhaps they were instructed by the prior Management, and she suspects that was probably the case and that is one of the reasons why they changed Management companies, but without their efforts, the District would not have the NRCS monies, nor the long term expertise they have brought to the District and in her opinion, the professional manner in which they operate, and it has been her extreme pleasure to have served with them all of these years. Ms. Macomber advised she would not vote to terminate their contract at this time and feels this is an unfair action. She added she is not sure what the motivation is for this particular action - that she certainly has her suspicions, and in the long run, it will cost the District not only in money, but in experience. Ms. Macomber stated she respectfully, totally and absolutely disagrees with this motion.

Ms. Early, of CH2M Hill, stated that to clarify, we did invite Mr. Hulett to our office because he was a new Board member and we wanted him to see our operations and give him some maps and update him. In the course of their discussion, she feels that Mr. Hulett has misinterpreted what they were explaining to him. She stated that she explained to Mr. Hulett that for years Sunshine, as a District, had an engineer on board. As a prime example, Roger Moore was the engineer for years and he changed the pump stations. CH2M Hill was not involved in that whatsoever. For years, all they did was the permit reviews. Then Roger Moore left, the hurricanes hit, and they were left without an engineer on board and that's when they got involved

and tried to take the reigns. They didn't come to the Board and say, 'we should paint the pump stations or repair the pumps' because they had an engineer that did that. She stated she thinks Mr. Hulett misunderstood - yes, we did have to go to Severn Trent with any suggestions, but over the years, prior to the hurricanes, we really weren't "the engineer" - they had an engineer on board. If he needed assistance, then he would ask us. We weren't there to tell him how to do his job. Ms. Early added that's how it worked for years and she wanted to get that on the record because she thinks Mr. Hulett misunderstood and that Mr. DaSilva and Mr. Colussy were in the office with them and, if she's wrong, they should speak up.

Ms. Macomber voiced concern that this could be a case of slander on the part of the Board "if CH2M Hill is terminated from a financial obligation because of potentially misunderstood or uninvestigated allegations." Mr. Cranmer advised that the Board has a certain amount of license to make criticisms as deemed fit.

Ms. Macomber stated perhaps it is time for a re-bid, but I do not think it is fair to dismiss CH2M Hill based on what you consider to be allegations of mismanagement that perhaps some of the rest of us find no basis. She stated she would support a re-bid, but will not support any termination.

Mr. Hulett stated it is not immediate termination because the contract that we have gives 90 days -

Ms. Macomber stated "with cause".

Mr. Hulett stated this is exactly the same type of situation we had with Severn Trent in terms of the notice that we gave them the night we voted to advertise that decision.

Ms. Macomber stated you have made allegations.

Mr. Hulett responded I have made allegations that, in my judgment, I don't think this engineering company was forthright with this Board or past Boards in terms of the state of the infrastructure of this District and I would prefer not to, but if I have to, I will so state the specific answer that I received from Ms. Early, but I do not want to embarrass her. Nevertheless, a concern that I have in making such a move is whether or not this would have a disruption in our current contract and moving forward with the renovation of the District. I have been assured by our engineering consultant that it will not. I also would suggest to the Board that Mr. McKune has had a very high profile part of identifying and securing our NRCS contract in partnership with CH2M Hill and that we are being well served by that relationship. Therefore, I think that

the record speaks for itself. They have had this contract continuously for 45 years and why preventive maintenance was not done over the years does not wash. He also voiced concern that extensive taxpayer monies were being spent on repairs. He feels they are justified in making such a motion. He wants to see who else might be interested in being the district engineer and thinks they could proceed forward without great interruption to what they are going to do and the motion stands.

Ms. Heafy also commented that pump stations need repair or replacement and that the canals are in poor shape. She agreed that it may be time to re-bid this contract.

Ms. Macomber said it appears to her that CH2M Hill is being scapegoated because of work that was not done by Gary Moyer & Company and by Severn Trent. She agreed with re-bidding the contract but reiterated that she is against the move to terminate CH2M Hill.

Mr. Hulett stated I will modify the motion. Let's retract the Notice of Termination at this point in time, let's advertise the position, we will go through the same process as we did with the management companies in evaluating those that may come forward and, at such time as the vote is taken, based upon who has come forward, if it is someone other than CH2M Hill that might be chosen, we will issue the Notice of Termination at that point in time, if that is more satisfactory.


On MOTION by Mr. Hulett, seconded by Ms. Macomber, all were in favor of directing Mr. Wrathell and Mr. Cranmer to place an advertisement for the position of District Engineer for the Sunshine Water Control District and to place such advertisement in the *Sun-Sentinel* and the *Miami Herald* newspapers, as well as any engineering industry publications or websites, such that may be appropriate, with a response deadline of May 7, 2008, such applications to be presented to the Board of Supervisors at the next meeting on May 14, 2008.

TENTH ORDER OF BUSINESS

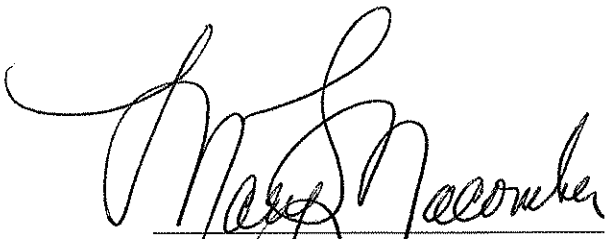
Adjournment

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all voted in favor of adjournment.

There being no further business to discuss, the meeting was adjourned at 8:30 p.m.



Secretary/Assistant Secretary



President/Vice President