

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, March 11, 2009, at 6:30 p.m.** in the **Commission Chambers, Coral Springs City Hall, 9551 West Sample Road, Coral Springs, Florida 33065.**

Present at the meeting were:

Mary Macomber	President
Dave Hulett	Vice President
Emily Heafy	Assistant Secretary
Joe Morera	Supervisor-Elect

Also present were:

Doug Paton	Client Services Manager
Michal Szymonowicz	Wrathell, Hart, Hunt & Associates
Jesse Jackson	Wrathell, Hart, Hunt & Associates
Bruce Cranmer	General Counsel
Rhon Ernest-Jones	District Engineer
Cory Selchan	Field Superintendent
Tom Donahue	Engineer
John McKune	McKune & Associates
Rich Michaud	City of Coral Springs Public Works

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

The meeting was called to order at 7:00 p.m.

All Supervisors were present at Roll Call. Ms. Macomber welcomed newly elected Supervisor, Mr. Joe Morera.

SECOND ORDER OF BUSINESS

Affidavit of Publication for March 11, 2009 Landowners' Meeting

Mr. Paton indicated that the proof of publication for the Landowners' Meeting was included in the Agenda packet.

Ms. Macomber thanked the community, Staff, Board members and City representatives for their support during her term of service and for their efforts on behalf of the District. Mr.

Hulett thanked Ms. Macomber for her many years of service to the District. Ms. Macomber congratulated Mr. Morera once again.

Ms. Macomber left the meeting.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisor

- **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- **Membership, Obligations and Responsibilities**
- **Form 1: Statement of Financial Interests**
- **Form 1X: Amendment to Form 1, Statement of Financial Interests**
- **Form 1F: Final Statement of Financial Interests**

Mr. Paton advised that he is a Notary of the State of Florida and duly authorized to administer the Oath of Office. Led by Mr. Paton, Mr. Morera recited the Oath of Office. Mr. Paton briefly explained the documents in the New Supervisors packet provided to Mr. Morera and he signed the Oath of Office.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2009-3, Canvassing and Certifying the Results of the Landowners' Election

Mr. Paton said the meeting will be chaired by Mr. Hulett until the Board members are elected to their positions. Mr. Hulett presented Resolution 2009-3.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, all voted in favor of adopting Resolution 2009-3, Canvassing and Certifying the Results of the Landowners' Election.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2009-4, Electing the Officers of the Sunshine Water Control District

Mr. Paton explained that Officers for the new Board of Supervisors would need to be elected. Ms. Heafy then nominated Mr. Hulett as President. Mr. Morera seconded the nomination.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of appointing Mr. Hulett as President.

Mr. Paton said, with the Board's approval, Mr. Wrathell will continue as Treasurer and Assistant Secretary and Mr. Paton would be added as Assistant Secretary. Mr. Hulett then nominated Ms. Heafy for Vice President. Mr. Morera seconded the nomination.

On MOTION by Mr. Hulett and seconded by Mr. Morera, with all in favor of maintaining Mr. Craig Wrathell as Assistant Secretary and Treasurer, appointing Mr. Doug Paton as Assistant Secretary and appointing Ms. Heafy as Vice President.

On MOTION by Mr. Hulett and seconded by Ms. Heafy, with all in favor of appointing Mr. Morera as Assistant Secretary.

Mr. Paton announced the Slate of Officers as follows: Mr. Hulett, President; Ms. Heafy, Vice President; Mr. Morera, Assistant Secretary; Mr. Wrathell, Treasurer and Assistant Secretary; and Mr. Paton, Assistant Secretary.

SIXTH ORDER OF BUSINESS

Sunshine Water Control District Chapter 298 Florida Statutes: Legal Opinion

Mr. Hulett said this item concerned recent discussions between Mr. Wrathell and Terry Lewis regarding bond funding. Mr. Paton said Mr. Wrathell would like to expand on this matter and had requested that the Board table this item until the next meeting, when he would be present.

Mr. Hulett requested that the material presented be prepared as a flow chart of the process used to issue debt under Chapter 298. Mr. Szymonowicz said Staff will prepare this material. He explained that the language of the Statute states: "the amount of the bonds issued by the District

cannot be more than 90% of the benefit flowing from the infrastructure improvements.” Mr. Hulett said he hoped there would be funding through sources other than issuance of bonds.

This item was tabled until the next meeting.

SEVENTH ORDER OF BUSINESS

Consideration of Permits:

- **Permit Application Log**
- **Permit Application Review**
 1. **Amendment to Proposed Coral Springs Fire Station #80 (Public Safety Complex/Mullins Park) - Two Outfall Connections at SWCD Canal “U”**

Mr. Ernest Jones explained that the modification to this permit sets forth the ability to allow dewatering of the canal under certain provisions. He said his firm recommended approval.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of approving the Amendment to the Permit, as explained.

EIGHTH ORDER OF BUSINESS

Approval of February 11, 2009 Regular Meeting Minutes

Mr. Paton presented the February 11, 2009 Regular Meeting Minutes.

On MOTION by Mr. Hulett and seconded by Mr. Morera, with all in favor of approving the February 11, 2009 Regular Meeting Minutes, as presented.

NINTH ORDER OF BUSINESS

Other Business

There being no Other Business, the next item followed.

TENTH ORDER OF BUSINESS

Staff Reports

a. Attorney

Mr. Cranmer recalled that, at the previous meeting, the Board approved the permit for the expansion of Incredible Ice. He advised that, during his absence, the City Attorney had contacted

him and made a minor change to Paragraph 11, requesting that the City be included as a party for reimbursement, if any litigation ever arises. Mr. Cranmer said he had made this revision and will submit the revision to Incredible Ice and to the City Attorney.

i. Consideration of Form of Engagement Letter

Mr. Cranmer explained that Paragraph 298.18 requires District capital to be governed by an agreement for legal services. He stated that the Agreement presented fulfills this requirement. Mr. Hulett requested a chance for the Board to review the Agreement and discuss this further at the next meeting.

b. Engineer

i. Monthly Engineer's Report - 2/12/09 to 3/2/09

Mr. Ernest-Jones presented the monthly Engineer's Report. Mr. Hulett thanked Mr. Ernest-Jones for the in-depth Report that was presented at the Landowners' Meeting. Mr. Ernest-Jones briefly summarized the Report. He stated that he will have more to report on water use permit issues.

Mr. Hulett raised the issue of encroachment to District right-of-ways and said this will affect canal restoration efforts. He said it will be necessary to communicate the District's concerns to residents, in a reasonable way. Ms. Heafy pointed out the Board will have to send letters when the bond is issued and could include this information at the same time. Mr. Hulett said many people had no idea they were encroaching on the right-of-ways because they were unaware it belonged to a District. He said it will be necessary for Mr. Selchan to identify critical right-of-ways and to identify which residents are in violation. Discussion ensued regarding involving the City in the District's efforts to identify code violators.

It was suggested that the District work in conjunction with the City to outline a plan to remove plant material that may block access to right-of ways during storm restoration efforts; it will be important to adequately educate residents on these matters. Mr. Hulett pointed out that there will be some resistance and stressed that Mr. Selchan should first identify critical areas where he will need access to right-of-ways during storm restoration work. Ms. Heafy suggested involving the realtors in town and having them distribute letters communicating this information.

ii. Estimated 5-Year Capital Improvements Plan

Mr. Ernest-Jones briefly summarized the Capital Improvement Plan. Mr. Hulett pointed out that a number of items concerned the GIS, totaling about \$230,000. He asked if these items

were in addition to what was already done. Mr. Ernest-Jones said additional information is necessary to complete this system, such as permit management and integration with emergency response systems. He stated most of these items will enhance the operation of the system; however, they do not have to be done immediately, but can be included over time.

iii. Proposal: Pump Station 1 & 2 Replacement - Design

Mr. Ernest-Jones presented a proposal for design of Pump Stations 1 & 2. He stated this proposal included design and construction.

Mr. Hulett asked for clarification on the \$75,000 cost. Mr. Ernest-Jones stated the Board already approved \$5,000 worth of this work. He explained this proposal will authorize Staff to move forward with engineering work for the remaining cost of \$70,000. Mr. Hulett asked whether the Hydrologic Model included, in this proposal, is separate from the additional Hydrologic Model being proposed. Mr. Ernest-Jones said this Hydrologic Model specifically concerned the Pump Stations.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of approving the preliminary analysis on Pump Stations 1 & 2, for an additional \$70,000.

iv. Proposal: Culvert Major Cleaning

Mr. Ernest-Jones stated that great progress has been made on culvert replacement and repair. He advised that an agreement was in place for canal replacement work. He stated the surveyor has done a profile of the canal bottom in order to improve canal function.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of approving the Proposal for Culvert Cleaning and Repair.

v. Proposal: Hydrologic Model

Mr. Ernest-Jones said his firm felt strongly that, with the money being spent on Capital Improvements, a Hydrologic Model should be developed. He said this will be the best tool to determine how the District's system will behave. Mr. Hulett asked how this will differ from the previous study. Mr. Ernest-Jones explained that the proposed study involved breaking the whole

district down into small drainage basins and their discharges. He added that Staff now has excellent data from the recent study completed by Mr. Selchan and this will be included in the Hydrologic Model.

Mr. Hulett recalled that the Board had previously discussed providing a laptop computer for Mr. Selchan's use. Mr. Selchan agreed it would be helpful to access the District's water system and relevant information, while out in the field. Mr. Hulett asked Mr. Ernest-Jones to look into what would be needed to provide Mr. Selchan with a laptop computer that can access the entire District's system.

Mr. Hulett said it is critical to redo this in order to move forward with continued canal restoration work. He asked what the bottom line is, regarding funding this work. Mr. Ernest-Jones recalled that original discussions about this work involved using 50% of grant funding toward design and construction; the remainder would be split between the City and the District. He indicated that Staff had presented a proposal for the Board's consideration.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor of approving the funding for a District Hydrologic Model for a cost of \$58,000.

c. Field Supervisor

Mr. Selchan advised that canal water levels are extremely low due to a lack of rainfall. He said Staff could not do much about this. He commented that many residents were uninformed about this matter and believed low water levels were caused by poor canal maintenance. Mr. Selchan stressed this was not the case and had nothing to do with the actions of the District. He reported that the levels were dropping daily. Mr. Selchan thanked Management, Staff and the District Engineer for their support on the District's new Capital Improvement Program.

Mr. Hulett asked about the District's employee status. Mr. Selchan said the District is fully staffed. He reported that District Staff participated in the City's waterway cleanup effort.

Mr. Hulett asked if Mr. Selchan could estimate how many tons of trash were removed from canals, annually. Mr. Selchan said this was measured in cubic feet.

d. Manager

i. Unaudited Financial Statements as of January 31, 2009

Mr. Paton presented the Unaudited Financial Statements as of January 31, 2009. He indicated that the transition to Community Bank of Broward is reflected in the February Statements. Mr. Paton indicated that Mr. Jesse Jackson, from WHHA, was present and would speak about the District's funds in the State Board of Administration.

Mr. Hulett asked Mr. Jackson if the District had received the remaining funds invested with the SBA. Mr. Jackson replied, "No, we have not received all funds; they are still actively liquidating the pools".

Mr. Paton referred to the Balance Sheet and advised that the \$1,199,971 Treasury Bill investment is due for renewal. He said Staff recommended rolling this balance over into a new Treasury Bill. He stated the District has adequate reserves and has no extraordinary expenses coming up. Mr. Jackson advised that the current Treasury Bill will mature in four (4) months. Mr. Paton referred to the General Fund and pointed out that the final NRCS reimbursement of \$498,357 was received.

Mr. Hulett asked why the balance of the SunTrust loan was not reflected.

Mr. Jackson responded that there was a reason for its exclusion and Mr. Wrathell could explain it at next meeting.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of rolling over \$1.2 million in Treasury Bills and \$125,000 from Fidelity into a 120-day Treasury Bill.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of accepting the Unaudited Financial Statements as of January 31, 2009.

ii. Unreconciled Cash and Investment Balances as of February 28, 2009

Mr. Paton presented the Unreconciled Cash and Investment Balances as of February 28, 2009 for the Board's information.

iii. Application to Florida Association of Special Districts

Mr. Paton presented an application to the Florida Association of Special Districts for the Board's consideration. Mr. Hulett pointed out the Board could receive the same benefits as supporters by paying \$500 versus the membership fee of \$4,000.

Mr. Hulett requested that Staff look into this. Mr. Ernest-Jones said he will check whether the District could join as Associate Members for \$500.

iv. Economic Stimulus Bill

- **Watershed and Flood Prevention Operations**
- **Watershed Rehabilitation Program**

Mr. Paton indicated he had attached part of the Economic Stimulus Bill for Watershed and Flood Prevention Operations. He explained that Congress approved a Bill for \$290 million for drainage districts. This money would be supplied through the NRCS; however, the NRCS does not yet have information on how to distribute this money.

Mr. Hulett asked Staff to find out more about the Watershed Rehabilitation Program for \$50 million. Mr. Paton said Staff will update the Board further, on this.

v. Update: Employee Manual

Mr. Paton advised that Mr. Wrathell was able to get an electronic version of the Employee Manual and Staff will include the District’s information. He stated that, once this is done, Staff will send a copy to Mr. Cranmer for his review.

vi. NEXT MEETING DATE: April 8, 2009 at 6:30 P.M.

The next meeting was scheduled for April 8, 2009 at 6:30 p.m.

ELEVENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors’

Mr. Cranmer said that with regard to the Incredible Ice Permit Amendment, discussed earlier in the meeting, he had submitted the update with a minor change to Paragraph 11. He requested a motion from the Board to approve this.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of approving the modification to the Agreement.

Ms. Heafy welcomed Mr. Morera to the Board.

Mr. Hulett spoke of a resident who had a lien placed on his property during the Phase 1 Restoration Project. Mr. Selchan reported that steps were in process to release the lien and that Staff is awaiting a hard copy of the Release of Lien to give the homeowner. It was explained that

the property owner's driveway and a portion of sidewalk had been damaged during this work. During the process, the Project Contractor, GlobeTec Construction's subcontractor, had hired a separate concrete company to repair the sidewalk; however, this concrete firm was not paid by GlobeTec's subcontractor and they had placed a lien on the property. It was stated that this bill was satisfied and that the Lien Satisfaction was being processed and removed.

Mr. Hulett requested that Staff send a letter of apology to the resident who was included on the lien. Mr. Paton said Staff will prepare this letter.

Mr. Hulett acknowledged Mr. Selchan on the loss of a family member. Mr. Hulett welcomed Mr. Morera to the Board. Mr. Morera thanked the Board and expressed his interest in serving the District.

TWELFTH ORDER OF BUSINESS

Adjournment

The meeting was adjourned at 9:30 p.m.


Secretary/Assistant Secretary


President/Vice President