

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, December 9, 2009 at 6:30 p.m.**, in the **Commission Chambers, Coral Springs City Hall, 9551 West Sample Road, Coral Springs, Florida 33065.**

Present at the meeting were:

David Hulett	President
Emily Heafy	Vice President
Joe Morera	Secretary

Also present were:

Craig Wrathell	District Manager
Doug Paton	Client Services Manager
Cory Selchan	Field Superintendent
Bill Capko	District Counsel
Rhon Ernest-Jones	District Engineer
Tom Donahue	District Engineer
John McKune	McKune & Associates

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Hulett called the meeting to order at 6:35 p.m.

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

SECOND ORDER OF BUSINESS

**Consideration of Resolution 2010-4,
Amending the General Fund Budget for
Fiscal Year 2009**

Mr. Hulett presented the Second Order of Business and turned the item over to Mr. Wrathell.

Mr. Wrathell explained the purpose of Resolution 2010-4 was to amend the General Fund Budget for Fiscal Year 2009. He stated this amendment is necessary because the District exceeded the fiscal year budgeted expenses. He referred to Page 2 and indicated the revenue numbers were amended to exactly match the revenues actually brought in and the administrative

expenses were also amended to exactly match the expenses that were incurred. Mr. Wrathell referred to the water management expenses on Pages 2 and 3 and highlighted the amendments. He explained the Contingencies line item was left as budgeted, to provide a cushion and avoid the necessity of an additional amendment, should something change.

Mr. Wrathell stated the primary items necessitating the amendment were additional expenditures for Engineering and Capital Projects, resulting in expenses exceeding revenues by \$322,250. He stated the main reason for the amendment is to avoid a note in the audit. He further explained the reason for leaving the “Contingencies” line item as originally budgeted and the benefits of adopting the amended budget.

Mr. Hulett summarized the District had an actual deficit of \$215,749, but has \$2,579,000 cash in the bank. Mr. Wrathell said he fully anticipates, going into next year, having the Capital Improvement Program, being in a similar situation and using the surplus to fund most of the engineering components associated with the upcoming bond issue.

Mr. Morera referred to the “Wages and Salaries” line item amendment amount, with a decrease of \$62,418, and asked how that can happen (coming in below the projected budget). Mr. Wrathell indicated the original budget contemplated three (3) additional workers that were not brought on. Mr. Morera asked Mr. Selchan if the CDD is fully staffed. Mr. Selchan replied affirmatively, adding he planned to add a two (2) people as a tree crew, but that was not done, as it would not have been sufficient.

Mr. Morera referred to the “Principal prepayments – SunTrust loan” line item and asked Mr. Wrathell what savings, in interest, is generated for the District, by prepaying the loan. Mr. Wrathell indicated he will cover this, and the savings can be seen, when he reviews the Unaudited Financial Statements, later in the meeting, during the Eleventh Order of Business.

Mr. Morera asked Mr. Wrathell if management is responsible for maintaining the District’s website. Mr. Wrathell replied affirmatively.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of adopting Resolution 2010-4, Amending the General Fund Budget for Fiscal Year 2009, as presented.

THIRD ORDER OF BUSINESS

Legal Review of CSID/Sunshine Water Control District Pension Plan

Mr. Capko, District Counsel, referred to the email from Mr. Terry Lewis to the District Manager, and noted, after review of the documents, Mr. Lewis found there was no basis for any potential liability for the District and its officers, in the organization of the Pension Plan, because it was always administered and managed by either CSID or Severn Trent, who acted as trustee for the plan. Mr. Capko said Mr. Lewis found no issues. Mr. Capko indicated there were some things that probably should have been done, such as an agreement between the District and CSID, regarding the Pension Plan, but since the District is no longer part of CSID's Plan, there is no reason to take any action to remedy that, now.

Mr. Hulett commented it was troubling that the previous management company was managing all three (3) districts and there seemed to be little discussion of the investments or returns on investments. He expressed he is happy the District no longer has its pension plan under the previous jurisdiction.

Mr. Wrathell referred to Mr. Jan Zilmer's email that he passed out prior to the meeting. He noted it appears the pension funds will be transferred into the ICMA account within a matter of days. Mr. Hulett asked Mr. Wrathell to email the Board, once the transfer is complete and also alert Mr. Selchan, so he can notify his staff.

Mr. Morera asked if there will be any penalties incurred, in relation to the transfer of the funds. Mr. Wrathell stated his understanding that there are no penalties because the funds are being moved from one (1) tax-sheltered account to another and he is not aware of any administrative fees being charged for the movement of the money. Mr. Wrathell indicated he will confirm there are no fees.

FOURTH ORDER OF BUSINESS

Construction Manager at Risk (Pump Station 1 & 2)

Mr. Hulett turned the discussion over to Mr. Rhon Ernest-Jones.

Mr. Ernest-Jones indicated, since the Board last met, the SWCD advertised for a Construction Manager at Risk and care was taken with regard to protocol and procedure to ensure they are not subject to challenges.

- **Affidavit of Publication for Request for Letters of Interest**

Mr. Ernest-Jones referred to the Affidavit of Publication confirming proper advertisement of the Request for Letters of Interest.

- **Sign In Sheets**
 - **Pre-Bid Meeting – November 18, 2009**
 - **Optional Site Meeting – November 23, 2009**

Mr. Ernest-Jones noted a mandatory Pre-Bid Meeting was held on November 18, 2009 and an optional Site Meeting was held on November 23, 2009. He indicated these meetings went as planned.

- **Appointment of Selection and Negotiation Committee (SNC)**

Mr. Ernest-Jones stated, typically, the analysis of the proposals and presentations is technical, so a committee is necessary. He asked for a motion to approve the members of the Selection and Negotiation Committee (SNC). He confirmed everything done by the SNC will come before the Board for its approval.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor of ratifying the appointment of Cory Selchan, John McKune, Doug Paton and Rhon Ernest-Jones to the Selection and Negotiations Committee (SNC) for the purposes of selecting a Construction Manager at Risk.

- **SNC Evaluation and Recommendation**

Mr. Ernest-Jones indicated there were four (4) respondents; Hunter Construction Services, Inc., Pavarini South East Construction Co., Inc., The Whiting-Turner Contracting Company and Weitz Company and all were bona-fide responses. He indicated, upon evaluation, there were three (3) clear leaders. He applauded Hunter Construction's efforts, but they did not have the necessary experience.

Mr. Ernest-Jones indicated all of the SNC Members reviewed the documents, completed evaluation forms and met last Monday. He said the SNC concluded that Pavarini was the top-ranked firm with 361 points; Whiting-Turner was next with 358 points, Weitz followed with 350 points and Hunter Construction received 260 points and recommended the three (3) leaders be shortlisted and invited to make presentations.

Discussion ensued regarding whether the SNC should hear the presentations, rank the firms and report to the Board for final decision or, if the Board wished to hear the presentations, as well. Ms. Heafy felt the SNC should take the lead and provide the Board with the rankings, for final decision. Mr. Hulett agreed with Ms. Heafy, stating his desire to have the Board sit in on the presentations and question and answer session. Mr. Hulett emphasized that the Board should have the final decision. Mr. Morera asked about the procedure for the presentations and whether Board Members could ask questions.

Mr. Hulett suggested starting the January 13th meeting earlier, having an abbreviated Regular Meeting Agenda and focusing the time on the Construction Manager at Risk presentations and selection. Mr. Ernest-Jones recommended starting the meeting at 4:00 p.m., to allow sufficient time for the presentations; approximately one (1) hour per firm.

Discussion ensued regarding the meeting start time. Mr. Wrathell confirmed that the presentation meeting needs to be advertised, in order to avoid any Sunshine Law issues. He said Management will dual-advertise the SNC meeting, as well as the Board's meeting, to begin at 4:00 p.m., on January 13th and the District's regularly scheduled meeting will commence at the conclusion of the SNC meeting.

Discussion ensued regarding the structure of the SNC portion of the meeting and when Board Member questions could be addressed. The Board decided to hold a joint meeting of the Board of Supervisors and the SNC on January 13, 2010 at 4:00 p.m., with the first item being the Construction Manager at Risk presentations and rankings. Mr. Wrathell confirmed the joint meeting will be properly advertised.

Discussion ensued and it was decided the presentations should be focused on details and specifics to this project, rather than a reiteration of information already provided in the Letters of Interest, such as the company's history, previous projects and etc.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor of accepting the Selection and Negotiations Committee (SNC) recommendation to short-list the top three (3) firms, Pavarini South East Construction Co., Inc., The Whiting-Turner Contracting Company and Weitz Company, for consideration as Construction Manager at Risk and invite those firms to make presentations at the January 13, 2010 Board Meeting.

The Board agreed to have the firms make their presentations in alphabetical order. Each firm will be given 25 minutes to present, followed by a 25-minute question and answer session. The information will be included in the invitation letters to the firms.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of authorizing Management to advertise a Joint Meeting of the Board of Supervisors of the Sunshine Water Control District and the SNC on January 13, 2010 at 4:00 p.m., to include presentations by the three (3) shortlisted firms, the SNC's final ranking and Board consideration of the SNC's recommendation for Construction Manager at Risk.

Mr. Ernest-Jones stated, from this process, there is a ranking, then, there is an attempt to negotiate a reasonable contract with the #1 ranked firm. He indicated the calendar anticipates the contract negotiations will be complete by the end of January. He expected the Board to be able to select and award a contract during its February meeting. Mr. Hulett asked if the firm would then be able to give some evaluation at the March meeting. Mr. Ernest-Jones replied affirmatively.

Discussion ensued regarding the approach, process and steps to be taken by the District Engineer and District Manager. Mr. Wrathell stressed the importance of looking at the Construction Manager at Risk information and estimates and utilizing that information to revise the Engineer's Report and Methodology, prior to starting public hearings related to the project. Mr. Wrathell speculated the public hearings would begin around June or July and, realistically, he felt the project would get started in the fall. He spoke of the change in the economic climate and the bond process taking longer than in the past.

Mr. Hulett wondered, given the lengthiness of the process, if the District had enough money on hand to move forward with some of the culvert repair and cleanout, prior to the bonds being in place, to relieve some of the pressure on the system. Mr. Wrathell suggested looking at revising the cash flow analysis. Mr. Ernest-Jones said, once the available cash is identified, he will set up a top priority list.

Mr. Hulett said he wanted to know, with the cash on hand and what will come in, how much can get done in the top five (5) most critical areas. He asked what can be done to relieve

some of the most serious pressure points on the system. Mr. Donahue said they identified priority canals and have a second level of canals. Mr. Donahue said they would put it all out to bid, but identify it as primary and alternate bid. Mr. Hulett stressed the importance of doing something to relieve the pressure points. Mr. Ernest-Jones confirmed the idea is not to use the Construction Manager at Risk for the canal or culvert work; those types of items should be straight bids.

FIFTH ORDER OF BUSINESS

**Discussion: Supervisor Morera's
February 10, 2010 Meeting Conflict**

Mr. Morera indicated he has a conflict with the February 10, 2010 meeting and asked the Board to consider moving the meeting to either February 3rd or 17th. The Board agreed to move the meeting to February 17, 2010.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of rescheduling the February 10, 2010 meeting to February 17, 2010, pending confirmation of availability of the meeting room.

Mr. Morera thanked the Board for its consideration.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2010-5,
Expressing the Intent to Use the Uniform
Method of Levy, Collection and
Enforcement of Non Ad Valorem
Assessments [Section 197.3632, Florida
Statutes]**

Mr. Wrathell presented Resolution 2010-5 and explained the need for considering this resolution. He said there is a required public hearing. January 13th is the proposed date, which is actually three (3) days after the statutorily set deadline of January 10th; however, there is a provision that allows for going past the deadline, to ask the Property Appraiser and Tax Collector to accept this. He indicated he, and District Counsel, feel the odds of them saying no are slim because the District already uses the Property Appraiser and Tax Collector and already has the process in place. He said notices would be published.

Mr. Wrathell summarized that Resolution 2010-5 puts the Property Appraiser and Tax Collector on notice that the District will be adding a capital assessment and will hold a public hearing, as required. He added this prevents anyone from legally arguing that the District did not follow all the steps in the process to properly put the debt assessment on the tax bill.

Mr. Wrathell asked for a motion to approve Resolution 2010-5.

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of adopting Resolution 2010-5, Expressing the Intent to Use the Uniform Method of Levy, Collection and Enforcement of Non Ad Valorem Assessments, setting the Public Hearing for January 13, 2010 at 6:30 p.m., at this location and authorizing the publication of notice for four (4) consecutive weeks.

SEVENTH ORDER OF BUSINESS **Consideration/Discussion** **of**
Permits/Applications

• **PERMIT/APPLICATION LOG**

Mr. Ernest-Jones indicated there were no permits for consideration, this month.

Mr. Hulett asked what was happening at Incredible Ice and referred to the \$30,000 that was set aside in escrow. He asked if there is any attention that needs to be given to that. Mr. Ernest-Jones indicated that section of the canal is in the Phase 2 Canal Improvement Program. Mr. Ernest-Jones clarified Incredible Ice was to excavate the canal in a certain way, for a certain distance, but, as it was so difficult to do it, the District Engineer felt it was better for Incredible Ice to pay a prorated share of the improvement of the canal and give the money to the District to incorporate into its Phase 2 work.

EIGHTH ORDER OF BUSINESS **Approval of November 4, 2009 Regular**
Meeting Minutes

Mr. Hulett presented the November 4, 2009 Regular Meeting Minutes and asked if there were any additions, corrections or deletions. The following changes were noted:

Line 45: Replace “her company” with “Corporate Benefit Advisors”

Line 99: Replace “their” with “our”

Line 185: Replace “mad” with “made”

Line 288: Replace “Mr. McKune” with “Mr. McKune and Mr. Donahue”

Line 289: Replace “questioned” with “evaluated”

Line 685: Replace “it would have exploded and the pump stations would have been out of business.” with “the possibility exists that the building could have been severely damaged and the pump stations and stations made inoperative.”

Line 690: Replace “rendering” with “which could render the”

Line 153: Change “Brito” to “Bertone”

On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor of approving the November 4, 2009 Regular Meeting Minutes, as amended.

NINTH ORDER OF BUSINESS

Citizens’ Requests

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

TENTH ORDER OF BUSINESS

Supervisors’ Requests

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

ELEVENTH ORDER OF BUSINESS

Staff Reports

a. Attorney

Mr. Capko reminded the Board that, with the legislative session and upcoming committee hearings, Mr. Lewis’ legislative schedule will determine whether Mr. Lewis or Mr. Capko will attend the District’s meetings, over the next few months.

b. Engineer

i. Monthly Engineer's Report – 11/04/09 – 12/01/09

Mr. Ernest-Jones stated he tried to prune out repetitious history in the Monthly Engineer’s Report.

Regarding the Hydrologic Model, Mr. Ernest-Jones stated this item was already addressed.

Regarding the Water Control Plan, Mr. Ernest-Jones indicated they are very close to being complete on the Water Control Plan and Mr. Henry Bittaker, of South Florida Water

Management District (SFWMD), indicated he does not expect any further comments. Mr. Hulett asked if the District is only awaiting a letter from SFWMD indicating they have no further comments. Mr. Donahue indicated, as it was explained to him, SFWMD does not technically approve the Water Control Plan, they just have no further comments, so, with that letter, it will free up the five (5)-year CIP.

Regarding District Mapping and GIS, Mr. Ernest-Jones indicated, and Mr. Selchan confirmed, all of the GIS software was loaded onto Mr. Selchan's computer and all that remains is some final "de-bugging".

Mr. Ernest-Jones reported he is still in pursuit of the grants related to the FEMA 2010 Pre-Disaster Mitigation Program. He indicated he received additional comments from the FEMA reviewers on November 19th and 23rd and responded to the comments on November 25th, prior to the November 27th deadline.

Regarding the Canal/Culvert Program, Mr. Ernest-Jones stated they are in the final stages of the Canal Restoration and Culvert Replacement and Cleaning programs. He indicated those projects will be permitted and completed. He will meet with Mr. Wrathell during the month to come to an agreement on what might be considered capital money and, once the dollar sum is established, he will come to the Board at the next meeting with the completed plans and a priority list for utilizing the money that is available.

Mr. Morera spoke about prioritizing canals for cleanup prior to knowing the final dollar amount for the bond issues and asked how much money the District has set aside to cover that and, of those dollars, how much can they use without creating concern of a deficit in the budget. Mr. Ernest-Jones indicated the Phase 2 Canal Cleaning and Culvert Replacements were deemed the most critical, at the time, and already represent a prioritization; within that, the budgeted amount, in the CIP, for canal restoration, is \$5.5 million and \$1.4 million for culvert replacement. Mr. Hulett spoke of identifying the three (3) to five (5) most critical areas and look at what it would cost to get those fixed, without creating a budget deficit.

Mr. Wrathell noted there is some engineering work that is already underway, so Management would need to meet with the District Engineer to determine the balance remaining to be paid on those particular projects and what is budgeted and planned for the coming year. He stated, realistically, out of the \$2.5 million available, about \$700,000 is needed just for October, November and the first half of December. Mr. Wrathell cautioned spending the monies before

closing on the bond deal. Mr. Hulett asked if the District has any money, comfortably available to fix anything, prior to hurricane season. Mr. Wrathell indicated he would need to run an analysis to make that determination. Discussion continued regarding projects that could possibly be completed prior to hurricane season. Mr. Ernest-Jones suggested the culvert cleaning might be the most effective approach, giving the biggest “bang-for-the-buck”. Mr. Wrathell indicated, in his estimation, the available amount should be close to \$1.2 million.

Regarding the Water Use Permit, Mr. Ernest-Jones indicated he has a meeting with SFWMD on December 16, 2009. He indicated SFWMD is connecting all of the applications from the city, CSID and SWCD and the meeting is to address some of the inter-district questions SFWMD has raised. Mr. Ernest-Jones indicated the meeting will be at SFWMD’s office in West Palm Beach.

Regarding Pump Stations 1 & 2, Mr. Ernest-Jones indicated the pump station design is going well. They anticipate getting the contractor on board and having them check his design and will have 50% plans ready, by the time the contractor is on board.

Mr. Ernest-Jones stated Mr. Donahue continues to monitor what is happening in relation to the FASD/EPA Numeric Water Quality Criteria for Nutrients issue. Mr. Donahue noted a number of organizations and entities have been accepted as interested parties to the challenge in court. The process of EPA setting numeric water quality criteria is now a legal matter, with many environmental agencies and organizations joining to give their input.

Mr. Ernest-Jones indicated the Permit Criteria Manual will be ready for presentation at the next meeting.

c. Field Supervisor

Mr. Selchan indicated rain levels are down and, without some rain, the District will be out of water, soon. He said most of the complaints this month were low water and garbage complaints.

Mr. Morera asked Mr. Selchan if he started the process of identifying the critical locations. Mr. Selchan replied affirmatively.

Other than the District’s logo, Mr. Morera asked if the District’s vehicles have anything else, such as an identification number or phone number, which can be called if a citizen sees the truck and wants to call in. Mr. Morera asked, if that information could be put on the vehicles, if it is not already on them. Mr. Selchan had no objection to putting the information on the

vehicles. Discussion ensued and the Board decided to place this item on the next agenda, for consideration.

Mr. Hulett noted a letter of appreciation was received from Oriole Condo Association and commended Mr. Selchan for the work completed.

Per the Board's request at the last meeting, Mr. Selchan presented pictures of areas around Canal A with plantings on the right-of-ways, fences and etc., to reflect the types of obstacles and access issues his crews encounter and provided explanation of various issues. Mr. Morera asked if the responsibility for maintenance is on the homeowners or on the District. Mr. Selchan indicated city code says adjacent property owners are responsible to maintain to the water's edge.

Mr. Hulett suggested Mr. Selchan begin to identify, by street address, the properties that are in violation and what the violation is. He proposed, once the information is assembled, bringing it back and, with the assistance of District Counsel and the District Manager, decide how to approach and give notification of the violations.

Mr. Morera suggested approaching homeowners with clearly visible new plantings and asking them to remove them now, since it is easier to remove or relocate new plantings, early on.

Mr. Hulett felt the approach could not be piecemeal and it would be best to take sections, identify the violations and notify those homeowners in some formal way; stressing this cannot be approached in a heavy-handed manner. Mr. Wrathell suggested, with the District's new GIS system and its capabilities, it might be beneficial to include a picture of the property showing the homeowner the area of concern, what needs to be removed from the easement.

Mr. Morera asked how long it would take to compile the list of violations. Mr. Selchan said it would take some time because he will be doing it himself, but said he will try to get it done by the next meeting. Mr. Hulett said within then next few months would be fine.

Mr. Selchan felt it is important to have the City of Coral Springs' City Commissioner and Code Enforcement Department informed of what Sunshine Water Control District is doing and to have them behind the District, as he does not want the City Commissioner to get approached by angry citizens, without knowing what is going on. Mr. Hulett agreed stating he feels the notices should not go out until the District has informed the city of what will be happening.

The Board agreed to have Mr. Selchan start the identification process for the area on the east side of the canal, from Sample Road to Wiles Road.

Mr. Morera suggested, in conjunction with notifying homeowners of the violation, the District should also include recommendations of options that can be put up. Discussion ensued regarding the need for the easements to be clear.

d. Manager

▪ **Supplemental Life Insurance**

******This item was an addition to the Agenda.******

Mr. Wrathell indicated the Board previously approved \$75,000 base life insurance for each employee, along with accidental death and disability coverage. He stated, under the CSID plan, voluntary life was also offered and was covered by the District, for those that elected to take the additional coverage. He briefly discussed the coverages taken by employees in the past. Mr. Wrathell indicated the new company, Corporate Benefit Advisors, can not offer voluntary life, because the group size is seven (7), rather than ten (10). To remedy the inability to obtain voluntary life insurance for its employees, Mr. Wrathell suggested the District add an additional \$75,000 of base life insurance for each employee, with the exception of one (1) who is age-reduced. He indicated the added cost to the District would be \$324 per month. Mr. Wrathell explained this option is suggested in an attempt to give the employees the same level of benefits they had, under the old plan.

Mr. Hulett asked if this was a group benefit. Mr. Wrathell replied affirmatively. Mr. Wrathell explained there would basically be two (2) life insurance policies; first, each employee would have the \$75,000 base policy and a second policy for \$50,000. Mr. Wrathell clarified that to bring the second policy up by an additional \$25,000, to make it a full \$75,000, would require each employee to complete a questionnaire.

Mr. Hulett asked if the existing voluntary policies are still in place. Mr. Wrathell indicated the policies have a 30-day window for the employees to take them on, themselves, and the District would not pay the premium. Mr. Wrathell confirmed the employees were notified of this. Mr. Morera asked what the cost is to the employee, if they wish to continue the coverage. Mr. Wrathell indicated he was not sure, but the price would go up and the price would be based on the individual. Mr. Wrathell cautioned against paying for benefits outside of the group policy, as IRS issues could arise regarding taxable benefits.

Mr. Hulett voiced his support of the Sun Life plan, for the balance of the year, with the understanding that the subject be addressed when the benefit plan is reviewed for the next year.

Mr. Selchan spoke of the importance of providing a good benefits package to retain the best employees. Discussion ensued regarding the wages of the District's employees and the benefit plan offered, in comparison to other Districts. Mr. Selchan offered his opinion that the employees would be satisfied with the additional \$50,000 life insurance benefit, guaranteed, rather than having to fill out paperwork, in order to increase it to the \$75,000. Mr. Wrathell noted his fear that, with the questionnaire, someone may not qualify and would then be left out of the additional benefit.

On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor of authorizing Staff to secure the Sun Life policy for an additional \$50,000 of life insurance coverage, without dependant coverage, for each employee.

Mr. Selchan expressed his and his staff's appreciation to the Board and Staff for their work and consideration regarding the benefits and pension plans.

i. Unaudited Financial Statements as of October 31, 2009

Mr. Wrathell presented the Unaudited Financial Statements as of October 31, 2009 and gave a brief overview. He addressed Mr. Morera's question, from last month, regarding CDARS rolling over into the new plan. He indicated the last statements went through October 27th and the CDs matured two (2) days later and were reinvested. Mr. Wrathell explained the new unreconciled cash balance shows the money was moved, primarily, into the three (3) money markets and the money in the bank account is reflected. The money in the escrow account is also reflected.

Mr. Wrathell indicated he expects Broward County to begin remitting assessment collections, within the next week or so and, if sizable checks are received, with the Board's approval, he wants to roll more money into the CDARS Program at Community Bank of Broward. Mr. Wrathell indicated this time of year is rather active with money being moved around.

Mr. Hulett asked why the funds were not rolled over into Community Bank of Broward.

Discussion ensued regarding requirements of banks to be a Qualified Public Depository and holder of governmental funds. Mr. Wrathell explained that all governmental entities, in the State of Florida, are required to have their money in a Qualified Public Depository. He stressed,

however, given the current rate of failure of banks, he feels strongly about keeping investments FDIC protected. Mr. Hulett spoke of his reasoning and the benefits of keeping funds in the Public Funds Money Market account, including the higher rate of interest being offered and it being easier for Management to move money in the operational accounts, as needed. Mr. Wrathell voiced his concern that, should a large number of banks fail, the Qualified Public Depository program may have difficulty fulfilling its obligation 100%. He stated there is a degree of risk. Mr. Hulett indicated Community Bank of Broward is solid and is “doing things right” and suggested, in these times, perhaps they deserve the business, if the Board is comfortable with that and asked for Mr. Capko’s opinion. Mr. Capko said he needed to look at the requirements under Chapter 280, to see what type of collateralization is required and report back to the Board.

Mr. Wrathell indicated, if the Board wants more than the FDIC limit to be invested into Community Bank of Broward, he would request a motion directing Staff to do so.

Mr. Hulett suggested, and the Board agreed, bringing this matter back to the next meeting.

Mr. Wrathell continued explaining the Unaudited Financial Statements as of October 31, 2009.

Mr. Morera asked for clarification of the Engineer’s Fee line item. Mr. Wrathell explained the amount.

Mr. Hulett asked how difficult it would be to get the more recent financials in the Agenda. Mr. Wrathell explained, when a District’s meeting is early in the month, there is not sufficient time to compile the financial information for inclusion, prior to the time the Agenda is assembled and sent to the Board. Mr. Hulett requested Management provide current information, up to the date of the meeting. Mr. Wrathell agreed to provide the Board with the current, unreconciled cash analysis, a day or two (2), before the meetings. The Board agreed.

Mr. Wrathell addressed Mr. Morera’s issue, noting, on Page 3, the payment made to SunTrust and explained the benefit of paying down the principal was about \$18,000.

Mr. Hulett asked Mr. Wrathell if he thinks they will ever get their money back from the State Board of Administration. Mr. Wrathell said, at this point, the District has lost about \$18,000 on the State Board. He said, once the audit is completed, the final number will be released and will give a description about the fund and what occurred.

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

Mr. Hulett asked if the District is cancelled from the CSID insurance, as of December 1st. Mr. Wrathell replied affirmatively.

ii. CDARS Rates

Mr. Wrathell indicated this matter was previously discussed.

iii. *For Informational Purposes: Correspondence from Oriole Gardens Condominium Two Association, Inc., Regarding Cleanup of the Canal Bank Between 80th Terrace, Margate and Ramblewood Shopping Center*

Mr. Wrathell indicated this matter was previously discussed.

iv. State Board of Administration Fiscal Year 2009 Losses

Mr. Wrathell indicated this matter was previously discussed.

v. NEXT MEETING DATE: January 13, 2010 at 6:30 P.M.

Mr. Wrathell reminded the Board that the next meeting will be held on January 13, 2010, at 4:00 p.m., at this location.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no additional business, the meeting adjourned at 10:19 p.m.



Secretary/Assistant Secretary



President/Vice President