

**MINUTES OF MEETING  
SUNSHINE WATER CONTROL DISTRICT**

A Public Hearing and Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on **Wednesday, September 14, 2011, 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
Joe Morera	Vice President
Emily Heafy	Secretary

**Also present were:**

Craig Wrathell	District Manager
Doug Paton	Wrathell, Hunt & Associates, LLC
Bill Capko	District Counsel
Tom Donahue	District Engineer
Rhon Ernest-Jones	District Engineer
John McKune	McKune and Associates
Rodney Fitz	Resident
Dennis Poore	Resident
John & Barbara Considine	Residents
Linda & Mark Scofield	Residents
Bob Miller	Resident
Joshua Prenter	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Hulett called the meeting to order at 6:30 p.m. Mr. Wrathell indicated, for the record, that all Supervisors were present, in person.

**SECOND ORDER OF BUSINESS**

**Affidavit of Publication for September 14, 2011 Public Hearing and Regular Meeting**

Mr. Hulett referred to a copy of the affidavit of publication for tonight's public hearing and regular meeting, located behind Tab 2.

**THIRD ORDER OF BUSINESS****Citizens' Requests**

Mr. Rodney Fitzpatrick, 3000 NW 112<sup>th</sup> Avenue, referred to Resolution 2011-9 and asked Mr. Hulett if his house is in compliance with the resolution. Mr. Fitzpatrick clarified his question to Mr. Hulett is related to the District's letter regarding growth in his backyard and asked Mr. Hulett if his house is in compliance. Mr. Hulett replied affirmatively. Mr. Fitzpatrick questioned Mr. Hulett's response, noting he has seen pictures. Mr. Hulett reaffirmed his response that he has no growth in his backyard, which extends to the canal. Mr. Fitzpatrick noted the presence of a police officer, at tonight's meeting, asked the Board if they expected a problem and indicated he considers it intimidation. Mr. Hulett advised that it is routine, stating there is always a police officer present at city commission meetings. Mr. Fitzpatrick stated he has attended other meetings, on this subject, at which there was not a police officer present, and reiterated his question as to whether the Board was expecting problems. Mr. Hulett replied, not really.

Mr. Dennis Poore, 2640 NW 112<sup>th</sup> Avenue, distributed copies of a letter that he sent to the Board, nearly a year ago. He indicated he is affected by the right-of-way clearing project. Mr. Poore felt that his area is being targeted, as the Board did not institute a District-wide clearing and, if it is a pilot project, there should be no expense to him, or anyone else. Mr. Poore feels the District should pay for this from its CIP funds. He questioned why he should have to pay from his own pocket and also pay taxes, for the same thing, when the District has increased his taxes 46%. Mr. Poore advised that his canal is fairly clear and one can walk along both canal banks, while there are other canals that cannot be accessed, at all. He questioned why his area was targeted and if it was because the Board felt that area could afford to pay for it. Mr. Poore stated the city wants a canopy and has been funding planting projects; he feels the cutting of trees makes no sense. He suggested that the canals were designed with a maintenance berm on one (1) side, with the intent that there would only be one (1) side to maintain. Mr. Poore considered this project ill advised and questioned the legality of the Board's action; he does not see a positive outcome, as the initial purpose will not be accomplished.

Mr. Mark Scofield, 2831 NW 115<sup>th</sup> Terrace, indicated he has nine (9) palm trees, in a row, and, as much as he has tried to comply, he cannot even give the trees away. Given the current economic times, Mr. Scofield questioned the cost, to him, should the District cut the trees down. He questioned if the Board will compromise and discussed the location and the fact that

there is more room for access, as is, than if he moved them to an area that would put him in compliance.

Mrs. Linda Scofield, 2831 NW 115<sup>th</sup> Terrace, noted her impression that residents would be included in the workshop addressing this project but they were not. Mr. Hulett acknowledged a workshop was held and it was publicly noticed. Ms. Scofield questioned how it was noticed, as she did not receive information. Mr. Wrathell advised that a notice was published in the newspaper. Ms. Scofield indicated this was important to residents and asked why the Board did not feel it important enough to mail notices to the small group of residents in the pilot program area.

Mr. Scofield commented that the trees in question are not a hurricane threat. He indicated arborists told him that the tree root system is part of what is holding the banks in place. Mr. Scofield recalled his attendance at meetings and his feeling that the Board already decided to enforce a clear cut on the canal, regardless, and are only giving him lip service. Mr. Hulett thanked him for expressing his opinions and indicated this is a project that should have taken place many years ago; however, it has become necessary, due to the CIP. Mr. Hulett noted there may not be a satisfactory answer to everyone in the District but access is essential. Mr. Scofield reiterated that there is more access between the trees than there would be sideways and questioned how they would get into the area, at all. Mr. Scofield commented that the other residents do not even know this is coming and suggested the Board is taking a “divide and conquer” approach. Discussion ensued regarding Mr. Scofield’s trees, canal easements and accessibility.

Ms. Heafy asked Mr. Ernest-Jones what equipment could get down the easement, if there is only 12 feet. Mr. Ernest-Jones questioned who will be held responsible when the “big” storm comes and the royal palms are blown into the canal. Mr. Ernest-Jones suggested that the option presented by Mr. Scofield would require crisscrossing his private property and, while he may be agreeable, his successors may not. Mr. Ernest-Jones stressed that the District must operate within its rights related to rights-of-way and easements; the trees are on District property. Mr. Ernest-Jones felt the greatest concern is of those trees getting bigger and bigger and falling into the canal. Mr. Ernest-Jones confirmed it is not the District’s intention that the roots be removed.

Mr. Joshua Prenter, 2850 NW 112<sup>th</sup> Avenue, recalled previous canal work involving a barge, which was not a problem. He noted the focus area includes a vacant lot and there would

be easy access to the waterway. Mr. Prenter discussed that the waterways have widened and the cable boxes are now only about five (5) feet from the water; he questioned if the cable boxes will be moved. Ms. Heafy replied affirmatively, indicating all of the cable boxes must be moved out of the District's way. Mr. Prenter felt scare tactics are being used and this came as a surprise. He further noted that he will be fined by the city if he removes a tree. Mr. Ernest-Jones indicated it will be necessary to contact the city and acknowledged the District is in discussions with the city on how to permit this project.

Mr. Robert Miller, 2700 NW 112<sup>th</sup> Avenue, recalled 16 months ago, a dredge machine was in his backyard for over six (6) months. He indicated the machine entered through an empty lot. He felt the project was handled very unprofessionally and drawn out. Mr. Miller explained the adverse impact of the project on his property. He concluded that his yard has never been the same and it is now difficult to mow because of the steep slope that was left. He voiced his opinion that it is wrong for the District to ask him to remove his palm trees, which he feels are not even in the District's easement. Mr. Miller suggested the Board figure out a way to do what needs to be done using a machine that can make it through the canal, as it is not possible to get a vehicle down there, given the slope. He feels there is sufficient access, from the street, to enter the easement for spraying and/or vegetation control. Mr. Miller suggested that no one can afford this and that the trees are a part of the vista and beauty of the country club development.

Mr. Morera acknowledged visiting Mr. Miller's property, when he was running for office. He recalled the issue of the canal bank. Mr. Morera noted the District's response to the problem, at that time, was beyond his control, as he was not a Board Member. He stressed the Board's dilemma is that the current problem has developed, over time, to its current state. He indicated the Board must act responsibly and proactively to avoid future problems, in the event of a catastrophic storm. Mr. Morera stated the Board does not want to add to the homeowners' burden; however, the cost of doing nothing would eventually be borne by the homeowners. Mr. Miller suggested that palm trees did not fall during Hurricane Wilma; however, a tree in the city's easement had damage. He questioned if the city will be required to move their trees, as they could fall into the canal. Mr. Miller felt that proper tree trimming and being proactive is the solution, rather than removal. He questioned why the Board, District Engineer and residents cannot come together, collectively, to address the issues. Mr. Morera acknowledged the merit of Mr. Miller's comments; however, he stated Board policies must be fair and balanced to all

citizens within the District. Mr. Morera clarified that this area just happened to be the starting point for the clearing project; they were not “targeted”. Mr. Morera voiced his willingness to consider a sensible and manageable approach that would meet the needs of both the District and residents, while achieving the access goal.

Mr. Ernest-Jones distinguished the difference in the city’s and the District’s responsibilities, when questioned about why the city did not say anything when the houses were built and the landscaping was installed. He acknowledged the pictures may not clearly differentiate the city and District right-of-way areas. Mr. Ernest-Jones stated many of the issues were ignored by the city and the District, over the years; however, this Board now finds it necessary to address the problems. A question was raised about why things would not be “grandfathered” in.

Mr. Poore reiterated his opinion that the District will never be able to use a backhoe on the canal banks and questioned how they could access the property, as there is a guardrail at every entrance point. He suggested the District must either encroach on private property or remove the city’s guardrails, in order to gain access to any canals. Mr. Poore recalled Mr. Ernest-Jones’ suggestion that the District may want to spray from the banks but noted they have never done so, in the past; rather, spraying has been done from a boat, in the canal. Mr. Poore continued his discussion of the canal bank conditions, plantings along the canals and access. Mr. Poore appealed to the Board to use reason as to whether people are being asked to spend money to only destroy the value of their property.

Mr. Hulett recalled being in the audience members’ position, several years ago, and how he was inspired to run for the Board. He discussed the current Board’s responsibilities and explained the condition of the District’s canal system, the need for repairs, canal access issues and the CIP. Mr. Hulett thanked the residents for their participation and indicated the Board will take the resident’s comments under advisement.

Mr. Wrathell recalled the results of an analysis completed by the District Engineer, with regard to flooding implications and indicated there is the possibility of flooding, if no action is taken to improve the system. He explained the CIP and research that went into this project.

The members of the public left the meeting.

## FOURTH ORDER OF BUSINESS

**Public Hearing to Consider Resolution 2011-8, Adopting the Final Budget for the Fiscal Year beginning October 1, 2011 and Ending September 30, 2012, Pursuant to Florida Law**

Mr. Wrathell presented Resolution 2011-8 for the Board's consideration, along with the proposed budget. He referred to Page 11, noting the total, proposed Fiscal Year 2012 assessment is \$198.11. He discussed the projected revenue, on Page 1, and the overall total expenditures, on Page 2. Mr. Wrathell indicated \$481,000 of fund balance is budgeted to be applied to the CIP. He acknowledged the Board's efforts in keeping assessments as low as possible, while implementing the CIP. Mr. Hulett felt, while there was an increase this year, they may not need to increase, over the next few years.

Mr. Wrathell referred to the debt service fund, on Page 8, and the debt service schedule, on Pages 9 and 10, indicating this is the first year for this expenditure. He explained the interest expense - November 1, 2012 line item, on Page 8, indicating collections of funds to pay the debt service payments is collected in advance of the bill being sent. It was noted that the SunTrust loan has almost matured.

Mr. Morera questioned the inclusion of an additional trash collection crew, comprised of a crew leader and a field staff member, under field operations, salaries and wages, on Page 5. Mr. Wrathell confirmed the Board appropriated the funds but has not approved the hiring. Mr. Wrathell confirmed the Board has the discretion on whether to hire a crew. Mr. Hulett spoke in favor of adding the crew and asked that it be included as a discussion item on the next agenda.

Mr. Hulett indicated the District is buying a new truck and asked if anyone talked to the city about contracting for maintenance services, noting the city contracts and performs maintenance for Parkland, Coconut Creek and other cities. Mr. Hulett asked that Management obtain a quote from the City of Coral Springs.

Mr. Morera asked what will happen to the funds, once the SunTrust loan is paid off. Mr. Wrathell indicated it is the Board's discretion but he assumed the Board wanted to use the funds toward a pay-as-you-go approach to the CIP, with any additional funds applied to increasing the fund balance. Mr. Wrathell discussed earmarking excess funds for specific purposes and confirmed these scenarios will be considered during next year's budget talks.

***\*\*\*Mr. Hulett opened the Public Hearing.\*\*\****

No members of the public spoke.

**\*\*\*Mr. Hulett closed the Public Hearing.\*\*\***

**On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, Resolution 2011-8, Adopting the Final Budget for the Fiscal Year beginning October 1, 2011 and Ending September 30, 2012, as presented, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2011-9, Levying a Non Ad Valorem Maintenance Assessment for the General Fund for the Sunshine Water Control District for Fiscal Year 2012**

Mr. Wrathell presented and distributed a revised Resolution 2011-9 for the Board's consideration. He noted the resolution is for a non ad valorem maintenance assessment for both the general and the debt service funds and explained that Section 1 becomes two (2) sections; one reflecting the maintenance assessment and the other for the debt service assessment.

**On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, Resolution 2011-9, Levying a Non Ad Valorem Maintenance Assessment for the General Fund for the Sunshine Water Control District for Fiscal Year 2012, as amended, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Discussion: Investment Options *(to be provided under separate cover)***

Mr. Wrathell presented information regarding the District's investment options for the Fund 201 Reserve and Fund 301 Construction accounts. He recommended spreading the \$10,610,814.01 in the Fund 301 Construction account into three (3) CDs: \$3,641,282 into a three (3)-month CD, \$1,080,537 into a six (6)-month CD and \$2,318,432.31 into a nine (9)-month CD. He explained this will maximize the yields, while keeping necessary funds liquid. He proposed putting \$439,786.45 of the Fund 201 Reserve monies into a six (6)-month CD, maturing prior to the May 1 debt service reserve call date.

Mr. Wrathell referred to the page labeled Page 10, regarding “permitted investments” and explained that the District can invest in U.S. Obligations and all other investments permitted under the laws of Florida and consistent with the investment policies of the Board. He indicated the only investment policy adopted by the Board was the Alternative Investment Guidelines, which is the state approved investment policy. Mr. Wrathell referred to item c., noting the District’s policy allows for investment in “interest-bearing time deposits or savings accounts in qualified public depositories”. He stated the trustee is not completely comfortable that interest-bearing time deposits and CDs are the same thing. Mr. Wrathell spoke of his experience in investing in CDs, on behalf of Districts, and indicated Mr. Capko is researching the matter to alleviate the trustee’s concerns.

Mr. Wrathell reviewed the SunTrust Robinson Humphrey investment options spreadsheet and advised that treasury notes do not provide a good yield, leaving CDs as the best option. Mr. Wrathell reiterated that the CDs must be from qualified public depositories (QPD). Discussion ensued regarding whether the CDARs program can spread the investments. Mr. Wrathell stated the problem was that the CDARs bank was a QPD but the other members may, or may not, have been QPDs. He confirmed that the State of Florida advised that CDARs was a permissible investment.

Mr. Wrathell referred to the second page listing the CD rates from 20 Florida qualified public depositories, as of September 14, 2011. He explained that, given the FDIC insurance coverage limit, the District’s funds will have to be spread over 40 different QPD banks in order to invest the full \$10 million. Mr. Hulett asked that Management review the bank ratings and weed out the lower rated banks, even if they are a QPD. Mr. Wrathell explained that some of the smaller, or less strong, banks typically offer the higher yields and reminded the Board that those funds are still FDIC insured. Mr. Hulett clarified he meant to use caution in investing amounts over the FDIC coverage limit, at weaker banks. Mr. Wrathell advised that he has no intention of placing more than \$250,000 in any single bank.

Mr. Wrathell referred to the insurance agreement related to the bonds and confirmed there is nothing impacting the District’s investments. He concluded that the District is on track to move forward with the CD investments, once Mr. Capko confirms they are the same as an interest-bearing time deposit, under the District’s alternative investment guidelines. If that determination cannot be made, the District is likely limited to placing the money in money



market accounts. Mr. Capko indicated, should they not come to an agreement with the trustee, the Board can consider amending the District’s investment policy, to provide more flexibility. Mr. Wrathell felt the trustee will be agreeable, as long as District Counsel says it is okay.

The Board was agreeable to proceeding with CD investments, as discussed.

**SEVENTH ORDER OF BUSINESS**

**Discussion/Consideration of Pump Station Project Signage**

Discussion ensued regarding signage for the pump station projects and the Board’s desired wording. In lieu of installing signs, Ms. Heafy spoke in favor of putting the information on the District’s website. Mr. Hulett was in favor of installing signs at the two (2) pump station locations. In response to Ms. Heafy’s question, Mr. Paton confirmed information about the pump station project and pictures are on the District’s website.

The Board agreed to the purchase and installation of signs at the pump station locations.

**EIGHTH ORDER OF BUSINESS**

**Update: ROW Notice of Correction**

This item was discussed during the Thirteenth Order of Business.

**NINTH ORDER OF BUSINESS**

**Consideration of FASD 2011-2012 Membership Re-Application**

Mr. Hulett opened the floor to consideration of renewing the District’s membership with FASD. Ms. Heafy asked what benefit the District receives from membership. Mr. Morera indicated membership is giving the District the benefit of the association’s weight and has given him access to information, materials and opportunities to make him a better public official. Mr. Morera spoke of his personal participation and benefits. Ms. Heafy reiterated her question regarding what the association has specifically done for the District. Mr. Morera feels being part of the association gives the District valuable access to numerous opportunities that are only open to members.

Mr. Wrathell summarized that an association, such as this, is a benefit to a District that may not have access, or connections, to get their voice heard, in Tallahassee. He noted the District employs Mr. Lewis, as District Counsel, so it already has a voice. Mr. Wrathell discussed the legislative benefit of membership.

Mr. Capko referred to Governor Scott's recent statement regarding Districts and advised that he and Mr. Lewis, on behalf of FASD, will be meeting with the governor's staff to educate them on what special districts are, how they operate and the benefits of special districts. Mr. Capko noted that Governor Scott and his staff are unfamiliar with governmental special districts and their only experience is in hospital districts. Mr. Capko stated that membership helps this District by allowing it to be one of the names referenced by Mr. Lewis and the association, to ensure the special district message gets through to Tallahassee.

Mr. Hulett felt there is value in membership and recommended renewing the District's membership.

**On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, renewal of the District's membership with FASD and payment of the dues, was approved.**

**TENTH ORDER OF BUSINESS**

**Discussion: Correspondence from CSID  
Endorsing a Joint Board Workshop**

Mr. Hulett presented CSID's letter endorsing a joint board workshop. Dr. Marty Shank, CSID President, was amenable to a breakfast meeting of four (4) water district presidents, to schedule a time for a workshop. Mr. Ernest-Jones clarified that there are a total of five (5) districts, including SWCD, CSID, NSID, Pine Tree and Turtle Run. Discussion ensued regarding the next step.

**On MOTION by Ms. Heafy and seconded by Mr. Morera, with all in favor, designating Mr. Hulett to act as the District's liaison with the other water district presidents, was approved.**

In order to avoid any Sunshine Law violations, Mr. Capko advised against more than one Board Member attending the CSID's board meeting.

**ELEVENTH ORDER OF BUSINESS**

**Approval of Minutes**

- **August 1, 2011 Board Workshop**

Mr. Wrathell presented the August 1, 2011 Board Workshop Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, August 1, 2011 Board Workshop Minutes, as presented, were approved.**

- **August 10, 2011 Regular Meeting**

Mr. Wrathell presented the August 10, 2011 Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the August 10, 2011 Regular Meeting Minutes, as presented, were approved.**

**TWELFTH ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. Morera thanked the Board for its agreement to renew the District's FASD membership. He also thanked District Counsel for providing the District with a 10% discount, on the recent bill.

Mr. Morera asked for an update on the FEMA situation. Mr. Paton indicated there has been no response, to date, and reminded the Board that FEMA has a six (6)-month window, in which to respond. Mr. Paton confirmed nothing further has been heard from Mr. West or Mr. Nelson but he will follow up with both. The Board asked Management to remain proactive.

Mr. Morera advised that he has a conflict with the November 9, 2011 meeting. The Board discussed moving the meeting to November 16, 2011.

Mr. Morera reminded the Board of the international dinner dance on September 24.

Mr. Hulett thanked District Counsel for their discount and outstanding work.

Mr. Hulett discussed the resident concerns expressed earlier in the meeting, his enjoyment of the groundbreaking ceremony and seeing the District's CIP begin.

**THIRTEENTH ORDER OF BUSINESS****Staff Reports****A. Attorney**

Mr. Capko reported that Mr. Darin Mizer and his wife welcomed a new baby girl.

**B. Engineer****i. Permit Application Log**

Mr. Ernest-Jones reviewed the permit application log, noting little activity. Review comments were provided to Mr. K. Dan Shalloway, regarding the Cumber Professional Plaza, but no response has been received.

Mr. Hulett asked the status of the fire station. Mr. Donahue reported that it is still active and additional information was recently provided to the District. Mr. Donahue felt this may be ready for the Board's approval by next month.

**ii. Monthly Engineer's Report – 08/02/11 to 09/07/11**

Regarding Pump Stations 1 and 2, Mr. Ernest-Jones indicated they have had a good rapport with the contractor and subcontractor. He presented pictures of the progress at the pump stations. Mr. Ernest-Jones reported that the final building permit was issued on Pump Station 1, the cofferdams are complete, formwork and reinforcement steel layout is proceeding and the first concrete slab pour is expected in early September. At Pump Station 2, the final building permit was approved but with a higher than expected fee, requiring additional bond funds; the permit will be issued and work will begin, once the funds are received by the building department. Mr. Ernest-Jones advised that coordination continues with FPL regarding a transformer issue and repairs to FPL infrastructure. He reviewed the status of work at each of the pump station locations and the estimated timelines for each.

Mr. Morera recommended including a comment about the project providing jobs in the community. Ms. Heafy requested that the signage include the start and end dates for the project.

Discussion ensued regarding the water flow and levels at each pump station. Mr. Ernest-Jones invited the Board to visit the jobsites.

**a. Bank Repair Update and Consideration of Change Order**

Regarding bank repairs at 7541 NW 44<sup>th</sup> Court, he recalled that the Board previously approved hiring Shenandoah Construction, Inc., at a cost of \$5,730, to complete bank repairs using a geotube method. He indicated that the contractor attempted but was unable to use canal material to fill the geotubes, thus, requiring the import of seven (7) loads of material, at a cost of

\$1,400. Mr. Ernest-Jones confirmed this was necessary and the cost is reasonable and asked the Board to approve the change order. Mr. Donahue explained the geotube process and assured the Board that the bank is now secure. Ms. Heafy noted a ledge area that has a hollow underground, which will need to be addressed, in the future. In response to Mr. Morera's question, it was confirmed that Fish Tec, not Shenandoah, requested a change order on a previous project. Mr. Donahue added that the reason this change order was appropriate is that Shenandoah's contract specifically stated it was based on suitable material from the canal; as it was not usable, they had a legitimate right to ask for the change order. Mr. Donahue noted their first change order requested payment for the extra personnel time but it was amended to only include the fill material.

**On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the Shenandoah Construction, Inc., change order, for fill material, at a cost of \$1,400, was approved.**

Mr. Ernest-Jones felt that the other contracts can go to bid, by the end of the month. The approach was to define the priority work and then complete additional work, as possible. Regarding the canals, Mr. Donahue confirmed the first two (2) miles of primary canals are the first priority. In response to Mr. Hulett's question, Mr. Donahue confirmed that Canals AA and BB are a part of the two (2) miles but it also includes other areas. Mr. Hulett asked what type of equipment will be used for dredging. Mr. Ernest-Jones anticipates using a long boom backhoe, tracking along one (1) side of the canal. Mr. Hulett asked Mr. Ernest-Jones how confident he is that this piece of equipment will make it up the right-of-way. Mr. Ernest-Jones acknowledged it will be on an angle but voiced his confidence. Mr. Hulett felt the area is quite narrow and asked about the feasibility of using a barge. Mr. Ernest-Jones advised that it would be quite expensive and recommended waiting for the bids, rather than tying down the method and means. Mr. Ernest-Jones confirmed the dilemma that work will require access across private property, due to the guardrails. The guardrails are on the city's right-of-way. Mr. Hulett asked Mr. McKune to detail the previous cleanup project and Mr. McKune confirmed property was torn up. Discussion ensued and it was noted property may have not been left in its original condition; rather, some may have been left in an "acceptable" condition.

- **Update: ROW Notice of Correction**

***\*\*\*This item was discussed out of order.\*\*\****

Mr. Hulett acknowledged the residents comments, earlier in the meeting, and asked for the Board's comments. Ms. Heafy voiced her feeling that this project is huge. Mr. Ernest-Jones asked the Board to fast-forward 20 years and consider the problems then, if nothing is done now. Ms. Heafy noted the expense to the homeowner, especially during these economic times.

Mr. Morera agreed with Ms. Heafy and felt that the Board discussed looking at nuisance species first, as a starting point. He felt the goal is to achieve access to maintain the canals and he is willing to work with homeowners, as long as the District can achieve its goal, without creating a situation.

Mr. Paton noted that Mr. Donahue discussed alternatives with various homeowners and several property owners have already completed the requested removal and cleanup. Mr. Morera discussed his concerns about repercussions, should the District require removal, only to later find that access is still not possible, due to the bank slope and conditions. Mr. Ernest-Jones explained the importance of requiring removal and cleanup, to provide access and to avoid issues, should trees fall, during a storm.

Mr. Wrathell stated he now has a better understanding of what the District will have to contend with, on a broader perspective, and recommended exploring the use of a barge, despite the higher cost. He voiced his feeling that the public is willing to work with the District; however, they do not have the money to do what is being asked. Mr. Wrathell proposed that the District complete the removals, as a cost of doing business, while requiring the property owners to sign a hold harmless agreement, along with an agreement to keep the area clear. Mr. Wrathell noted the potential difficulty in treating all property owners the same and the possibility of those that complain the most or loudest being given more allowances and/or consideration, which could become problematic. Mr. Wrathell stressed the importance of follow up and enforcement of cleared areas, should the District proceed with the cleanup, at its own expense. Discussion ensued regarding the District's options. Mr. Wrathell cautioned the Board against proceeding in a fashion that would result in an all-new Board, over the next three (3) years.

Mr. McKune spoke of the CSID, which now has an all-new "lay" board, due to residents being displeased with the previous board's actions. The new board is now entertaining the concept that the right-of-way areas be shared. He acknowledged the difficulty and problematic

nature of this approach. In response to Ms. Heafy's question about what to do, Mr. McKune felt debris is the biggest problem and, if the debris can be reduced, the District would require less access to maintain the canals.

The Board discussed requiring removal of structures such as fences and docks, and nuisance species but holding off on removal of trees, etc., until the District is ready to begin dredging and, as that time approaches, addressing homeowners of property where access cannot be gained. The Board acknowledged the clear-cut approach is probably not practical and would likely ignite a political firestorm; the District must come to a reasonable compromise. Mr. Ernest-Jones asked the Board to consider the liability, should trees, which are allowed to remain in the District's right-of-way, fall onto and damage someone's property. Discussion returned to requiring property owners to sign hold harmless agreements.

Mr. Capko felt the hold harmless approach is doable; however, there are some trees that will need to be removed, regardless, in order to gain access. He discussed removal agreements and requirements, etc. Mr. Wrathell stressed that a revised approach gives property owners options that were not previously offered. Discussion ensued regarding access across private property, should the property owner choose against removing obstacles. Mr. Ernest-Jones stressed that, if that option is selected, it must be made clear to the owner that the District will take care but will not be liable for any damage to the owner's property. Mr. Donahue reported there are 86 properties along Canals AA and BB, with 47 having encroachment issues.

Mr. Hulett spoke in favor of the compromise recommended by Mr. Wrathell and asked District Counsel to begin working on hold harmless agreements. In response to Mr. Hulett's question, Mr. Ernest-Jones confirmed dredging is expected to begin in about three (3) months. Discussion ensued regarding the barge approach to completing work. Mr. McKune stressed that, regardless of the options presented, the District must be prepared for someone to fight it and ultimately sue.

Mr. Morera recommended holding a workshop, once a final decision is made. Mr. Hulett questioned if any property owners have already taken action, in response to the Notice of Correction, and stressed the need to notify the affected property owners immediately, of the Board's reconsideration of the matter. Mr. Hulett felt they should be told to hold off, as it would not be fair for those who adhered to the notice to incur the expense, as the Board's position may change. The Board agreed to send letters to the property owners.

**C. Field Supervisor**

There being no report, the next item followed.

**D. Manager**

**i. Unaudited Financial Statements as of July 31, 2011**

Mr. Wrathell reviewed the Unaudited Financial Statements as of July 31, 2011. He reported that assessment collections were at 101%. He explained that the overage is a result of people not taking advantage of the allowable 4% discount.

**On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the Unaudited Financial Statements as of July 31, 2011 were approved.**

**ii. Check Detail, July 2011**

Mr. Wrathell presented the July check detail for the Board's review.

**iii. Invoices, July 2011**

Mr. Wrathell presented the July invoices for the Board's review.

In response to Mr. Hulett's question, Mr. Wrathell informed the Board that, as a result of the current economy and FDIC requirements, Community Bank of Broward has elected to reduce its deposits but will keep the District's accounts, as they are local.

**iv. Resident Inquiry Log**

This item was included for the Board's information.

**v. Fiscal Year 2012 Proposed Meeting Schedule**

Mr. Wrathell presented the proposed meeting schedule for Fiscal Year 2012. The Board agreed to change the November meeting date to November 16, 2011.

**On MOTION by Mr. Morera and seconded by Ms. Heafy, with all in favor, the Fiscal Year 2012 Proposed Meeting Schedule, as amended, and authorizing District Management to advertise, accordingly, was approved.**



**FOURTEENTH ORDER OF BUSINESS      Adjournment**

Mr. Morera thanked Mr. Kozak for getting the District's information published in the FASD magazine.

The meeting adjourned at 11:05 p.m.



Secretary/Assistant Secretary



President/Vice President