

**MINUTES OF MEETING  
SUNSHINE WATER CONTROL DISTRICT**

The Board of Supervisors of the Sunshine Water Control District held a Regular Meeting on December 8, 2021 at 6:30 p.m., at the La Quinta Inn Coral Springs, 3701 N. University Drive, Coral Springs, Florida 33065.

**Present were:**

Joe Morera	President
Ivan Ortiz	Vice President
Daniel Prudhomme	Secretary

**Also present were:**

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Al Malefatto	District Counsel
Orlando Rubio	District Engineer
Cory Selchan	Field Superintendent
John McKune (via telephone)	Consultant Engineer
Patty Villaran (via telephone)	Gallagher and Associates
Brynjar Bergsveinsson	Resident
Madelyn Bravo	Resident
Other residents	

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Morera called the meeting to order at 6:30 p.m.

**SECOND ORDER OF BUSINESS**

**Roll Call**

All Supervisors were present, in person.

**THIRD ORDER OF BUSINESS**

**Pledge of Allegiance**

All present recited the Pledge of Allegiance.

**FOURTH ORDER OF BUSINESS**

**Public Comments [3-Minute Time Limit]**

Resident Brynjar Bergsveinsson stated he spoke with Staff regarding an issue and his questions were answered, for the most part, and the issue would be resolved. Mr. Selchan stated he would work with the residents regarding an issue with the previous property owner's plantings in the right-of-way (ROW).

Discussion ensued regarding the need to survey the property, the previous owner's Option 3 Agreement and potential resolutions. Mr. Selchan stated the issue would not impede construction and he would work directly with the homeowner.

**FIFTH ORDER OF BUSINESS****Presentation: Benefits Plan Renewal**

Ms. Cerbone thanked each of the Board Members for taking the time to discuss the benefits with Staff individually during the past week. The benefit plan includes health insurance, dental, vision, long term disability, short term disability, life insurance and AD&D. While annual increases of 10% to 15% for medical are typical and she generally budgeted for an annual increase of 15% for medical insurance, this year's renewal quote reflected an increase of approximately 32% for medical coverage; renewal rates for other benefits were fairly stable. She presented a summary showing budgeted amounts and actual benefit amounts and stated the budget provided for keeping the existing medical plan in effect with approximately \$9,000 to spare. She stated that she and Ms. Patty Villaran, of Gallagher and Associates, were available to answer questions.

Mr. Ortiz stated that Staff answered his questions about current utilization of the plan. He felt that the team is doing an excellent job and that it was reasonable to continue with the current insurance carrier and noted it was provided for in the budget.

Mr. Morera asked Ms. Villaran whether the current provider was likely to continue offering the current plan. Ms. Villaran stated the current plan was "grandfathered" while AvMed was obligated to continue offering the plan, if the District moves to another plan, it would not be possible to regain the plan. She discussed the side-by-side comparison of other plans, including costs and features, including deductibles and out of pocket maximums, and noted that the current plan is generous and offers the greatest benefits to employees. When AvMed was asked about the increase, she was advised that trends and changes in demographics affect the renewal. She expressed her opinion that providers may not want to

continue offering “grandfathered” pre-Affordable Care Act (ACA) plans and noted that rate increases must be substantiated with the State.

Mr. Morera discussed the importance of maintaining employee benefits, proactively considering options should rate increases continue and presenting options well in advance, if necessary. He thought maintaining the existing benefits would be most important to employees and suggested the Board consider proactive changes in other areas, such as adjusting pension plan contributions, subsidizing only the employee premium, splitting the coverage cost for family members and/or forgoing hiring additional personnel. He felt that proactivity is necessary to avoid having to make changes that could be detrimental to employees.

Mr. Prudhomme supported forgoing hiring additional personnel versus reducing pension plan contributions and discussed his reasons. The consensus was that it is important to proactively consider and address the issues. Ms. Villaran stated competitive quotes are available for new plans in advance of the renewals.

Ms. Cerbone suggested adding a discussion item on the April agenda regarding staffing and the percentage increase for healthcare benefits so that Mr. Selchan can provide information regarding staffing and the Board can discuss the amount budgeted for healthcare, for budgeting purposes. Then, in November 2022, when the renewal and other plan information is received, the Board can determine what coverage the budget will accommodate.

Mr. Morera stated the goal is not to reduce employee benefits but to manage and prepare for changes that may be inevitable. Ms. Cerbone stated Mr. Selchan may also discuss options with employees and provide feedback for the Board to consider. Mr. Selchan concurred. Discussion ensued regarding pension plan options and the need to educate employees regarding any changes in that regard.

**On MOTION by Mr. Prudhomme and seconded by Mr. Ortiz, with all in favor, acceptance of the Insurance Renewal Plans for insurance coverage with the same providers, for calendar year 2022, as presented, was approved.**

Ms. Sanchez presented the Unaudited Financial Statements as of October 31, 2021.

**On MOTION by Mr. Prudhomme and seconded by Mr. Ortiz, with all in favor, the Unaudited Financial Statements as of October 31, 2021, were accepted.**

**SEVENTH ORDER OF BUSINESS**

**Approval of November 17, 2021 Regular Meeting Minutes**

Mr. Morera presented the November 17, 2021 Regular Meeting Minutes.

**On MOTION by Mr. Ortiz and seconded by Mr. Prudhomme, with all in favor, the November 17, 2021 Regular Meeting Minutes, as presented, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Supervisors' Communications**

Mr. Prudhomme wished all in attendance happy holidays and stated he hoped those who are in Coral Springs would attend the parade.

Mr. Ortiz wished everyone safe and happy holidays and stated he was looking forward to the Staff luncheon.

Mr. Morera wished everyone happy holidays. He stated the City's Downtown in December event was well attended and the community was receptive to the outdoor event and the parade is a highly anticipated event. He thanked all in attendance for their contributions on behalf of the residents.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Malefatto discussed the following:

- Through its attorney, Mr. Robbins, the Briarwood Club made a claim that the District is responsible for maintaining a portion of the canal adjacent to its property southeast of the District. An easement and a portion of the plat were originally presented to justify the claim and, following lengthy discussions with Mr. Selchan, Mr. Robbins was advised that the District

would require a survey before considering the request. Though the survey was provided, questions remain because, when the easement was granted, it was never formally accepted by the District. While the District might be responsible, the logistics of District crews accessing the canal would need to be determined because the area is too small to allow access for maintenance.

Mr. Selchan stated that no easement was shown on the plat. Mr. Malefatto stated, while the grant of easement was never accepted by the District, it was granted and recorded and it shows on the survey where it was recorded.

Discussion ensued regarding the exhibits included in the agenda, the areas in question, whether the District is legally bound to maintain the area and how the easement could have been recorded without being accepted by the District. Mr. Malefatto stated there may have been language in the original plat stating that Sunshine Drainage District, the legal entity at the time, was responsible for maintenance. Mr. Selchan stated, while some areas are clearly marked on the plat, the area of the canal in question is not on the plat. Mr. Malefatto stated the easement is recorded dedicating the land to the District and his firm's legal judgment was that, weighing the cost of maintenance, the District should accept its position and work out the logistics. Access would be needed across the parking lot so a Right of Access Agreement would be needed.

Discussion ensued regarding the extent of the additional maintenance. Mr. Selchan believed the area could be maintained a few times a year and it would be important to determine what maintenance the District would accept. He discussed normal maintenance to CDD-owned canals, which can include included spraying, dredging and cleaning culvert pipes. He noted that, when the code was changed, the Board authorized canal cleaning as a one-time courtesy to homeowners along District-owned canals. The District was not required to remove litter from canals. The District's commitment is to keep the canals free-flowing and manage stormwater. Mr. Selchan stated, if the Board agrees to the District performing some maintenance, it would be necessary to determine what would be done and how access would be provided. Discussion ensued regarding the need to set expectations and an area on the Exhibit beyond the red line to Coral Lago.

Mr. Selchan stated his understanding that there was an area in dispute that would not be maintained by the District or by Coral Lago and that the adjacent community, Thunderbird Villas, wants the area belonging to Broward County to be maintained. He noted that, in his 40 years working in the District, he never saw the documents they produced. Mr. Malefatto stated the original easement dated back to 1973. Discussion ensued regarding areas to be maintained, the need to be consistent and follow the documents and property boundaries.

Ms. Cerbone recommended that the Board give direction regarding the next steps for Staff to take. Mr. Malefatto deferred to Mr. Selchan regarding the appropriate maintenance. Mr. Selchan stated, if District Counsel determined that the District has some responsibility, the District would only be required to maintain the free-flowing canal and spray the aquatic weeds so they do not plug culverts or restrict water flow. That portion of canal only provides street drainage for Sample Road, which outfalls into this little canal for drainage. Discussion ensued regarding the survey, aerial photos and the area for which maintenance was being requested.

Mr. Malefatto stated he would contact Mr. Robbins regarding the extent of maintenance requested and an Access Agreement. Mr. Selchan would accompany him to a meeting on the property site. This item would be included on the next agenda.

➤ Mr. Malefatto referred to an article drafted by LLW attorneys and provided to the Board and Staff discussing a November 17, 2021 court decision in which a Martin County 298 District litigated against the County and the South Florida Water Management District (SFWMD). For years, the Hobe Sound Conservancy District had been assessing the County and the SFWMD for lands they owned on which drainage services were being provided but, in 2016, the Executive Director of the SFWMD stopped paying the assessments because he believed the SFWMD, as a governmental agency, is not required to make such payments. Martin County filed a lawsuit for a Declaratory Judgment to determine whether the County is obligated to pay the assessments. The court ruled in the County's favor but the Conservancy District filed an appeal. The appeals court ultimately determined that, if the District provides services, the assessments are just and proper and the other governmental agencies are required to make those payments. He inquired about whether there are any areas in which the District assesses the City or the County.

Mr. Selchan stated there are no areas like that within the District and he was not aware of it for any District in the County. Mr. Malefatto stated an appeal to the Florida Supreme Court could be filed within the next ten days. He discussed considerations for appeals; further updates would be provided.

➤ Lewis, Longman & Walker, P.A., moved to a new office in West Palm Beach. Board Members and Staff would be invited to attend the January 27, 2022 opening event.

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

• **Presentation: Monthly Engineer's Report**

Mr. Rubio provided the following updates:

➤ Electrical Repairs at Pump Stations 1 and 2: On Tuesday, NWI was on site to remove the two pumps from Pump Station 1 for retrofitting. Shop drawings for electrical work were pending.

➤ West Outfall Canal Phase 2B Improvements: The field representative spoke to residents and placed door hangers at properties along the canal. The City Manager's staff was notified that construction would begin. WHA Staff has been communicating with residents with questions and/or encroachment removal issues.

➤ Right-of-Way Permitting: The Westchester Culvert Replacement Project for which the District shared the design costs totaling approximately \$50,000 went out to bid. Johnson and Davis was the lowest, most responsive bidding contractor, at a bid price of \$526,000. The City included a \$50,000 allowance for contingencies, bringing the total to \$576,000. The City would like to enter into another Interlocal Agreement to cost-share the construction costs; it would be presented to the City Commission soon.

Mr. Morera asked if the culvert is part of the District. Mr. Selchan replied affirmatively and stated the project was initiated to address drainage improvements to the Westchester area. The District already shared the planning and design costs and the consensus was that the District would share half the cost. Ms. Cerbone believed an amendment may be made to the existing Interlocal Agreement. Discussion ensued regarding the scope and specifics of the project. It was noted that the culvert would be deeper and the metal pipe would be replaced with concrete that flows better because corrugation presented problems with silt buildup. Mr. Selchan stated the project would benefit both the City and the District.

This item would be included on the January agenda.

Mr. Morera asked if any update was provided by Crown Castle Fiber, LLC. Mr. Rubio stated they were waiting on the ROW permit from the County. Ms. Cerbone noted that there has been more frequent email communication in this regard.

**C. District Engineering Consultant: *John McKune***

There was no report.

**D. District Field Supervisor: *Cory Selchan***

Mr. Selchan reported the following:

- The District received nearly 1" of rain on Monday but water levels were not greatly affected, as it is the beginning of dry season.
- The pumps would be removed from Pump Stations 1 and 2 for retrofitting new equipment. The contractor would soon begin the survey work necessary to prepare the data needed to plug into their smart machines. By January, the project should commence, beginning from the Pump Station and working northward. There was adequate room for staging equipment near the Pump Station. Traffic would be managed with flagmen given the proximity to the school.
- The resident whose plantings encroach on District property understands what he needs to do. On Tuesday, the surveyor will be on site to delineate the area. The current plantings are not allowed on District property so they would be moved to the property owner's property. The contractor would not charge an additional fee to remove the plants if the resident fails to do so.

Mr. Selchan stated he was glad his employees did not hear the discussions about possible reductions to benefits. He discussed the need for a competitive package to retain staff, the benefit his employees bring to the District and the cost savings due to his employees' hard work while operating with just seven employees. He stated he highly valued his hardworking employees' loyalty and dedication to the District.

Mr. Ortiz thanked Mr. Selchan for his candor and honesty and stated these were necessary discussions. He expressed his appreciation of Mr. Selchan's comments and his team's contributions.

Mr. Morera agreed and stated, as elected officials, Board Members are responsible for representing the District's residents and it was necessary to analyze and review the costs and



discuss these issues; it was no reflection on the employees’ work or loyalty. There is no way to avoid such discussions in the future but he hoped to maintain and provide employee benefits. He expressed his appreciation for their longtime service and contributions. He thanked Mr. Selchan for the work that he and his staff perform.

Mr. Prudhomme expressed support for Mr. Selchan and his staff. He believed the majority of the residents would support taking other measures to avoid benefit reductions.

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

**I. Obstructions Removal Agreement-Option 2 – 10367 NW 42 Dr.**

Ms. Sanchez stated a fence request was received but a Letter of No Objection (LONO) could not be issued due to obstructions in the ROW; an Option 2 Agreement was drafted. Mr. Selchan requested proposals and one proposal was received; NTTI bid \$4,500.

Mr. Selchan stated two additional bids were requested but not yet received. Approval in a not-to-exceed amount was requested and it was noted that other bids were requested and a lower bid would likely be received. This bid applied to three residents in a row, whose removals were approved by the Board.

**On MOTION by Mr. Prudhomme and seconded by Mr. Ortiz, with all in favor, the Option 2 Agreement with Darren Baierlein, in substantial form, and removal of the obstructions, in a not-to-exceed amount of \$4,500, were approved.**

**II. NEXT MEETING DATE: January 12, 2022 at 6:30 P.M.**

- **QUORUM CHECK**

The next meeting would be held on January 12, 2022.


**TENTH ORDER OF BUSINESS**

**Adjournment**

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

**On MOTION by Mr. Morera and seconded by Mr. Prudhomme, with all in favor, the meeting adjourned at 8:22 p.m.**

  
Secretary/Assistant Secretary  
DANIEL S. RUDHAMMS

  
President/Vice President