

**MINUTES OF MEETING
SUNSHINE WATER CONTROL DISTRICT**

The Board of Supervisors of the Sunshine Water Control District held a Regular Meeting on June 8, 2022 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
Ed Khouri	Secretary

Also present were:

Cindy Cerbone	District Manager
Jaimie Sanchez	Wrathell, Hunt and Associates, LLC
Al Malefatto	District Counsel
Seth Behn	Lewis, Longman & Walker, P.A.
Janice Rustin (via telephone)	Lewis, Longman & Walker, P.A.
Orlando Rubio	District Engineer
Cory Selchan	Field Superintendent
Steve Smith	Craig A. Smith & Associates (CAS)

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

Supervisors Morera, Ortiz and Khouri were present, in person.

THIRD ORDER OF BUSINESS

Pledge of Allegiance

All present recited the Pledge of Allegiance.

A moment of silence was observed to reflect on the lives of recent victims of mass shootings and violence across the United States.

FOURTH ORDER OF BUSINESS

Public Comments [3-Minute Time Limit]
(Comments should be made from the microphone to ensure recording. Please state your name prior to speaking)

No members of the public spoke.

FIFTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisor, Ed Khouri *(the following to be provided in a separate package)*

Ms. Cerbone stated that Mr. Khouri, who was previously-appointed to fill the vacant seat, was sworn in prior to this meeting. She provided and briefly explained the following items:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**
- D. Form 8B – Memorandum of Voting Conflict**

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2022-06, Designating Certain Officers of the District, and Providing for an Effective Date

Ms. Cerbone presented Resolution 2022-06. Mr. Ortiz nominated the following slate of officers:

Joe Morera	President
Ivan Ortiz	Vice President
Ed Khouri	Secretary
Craig Wrathell	Assistant Secretary
Cindy Cerbone	Assistant Secretary
Jamie Sanchez	Assistant Secretary

No other nominations were made.

Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION by Mr. Ortiz and seconded by Mr. Morera, with all in favor, Resolution 2022-06, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Ratification of Engagement Letter to Re-Establish District

Mr. Malefatto recapped and discussed the following:

- During the last Legislative Session, at the Governor’s behest, the Legislature approved decertifying the Reedy Creek Improvement District (RCID), which was established in 1967 and is a Special District in the Orlando area that covers Walt Disney World.
- The legislation effectuating that also included five other Special Districts in Florida that had not been “re-authorized” before the 1968 Florida Constitution.
- The Sunshine Water Control District (SWCD) is among the other five Special Districts impacted by the Legislature’s actions.
- As a result of the Legislation, as of June 1, 2023, the SWCD will no longer exist.
- The Statute allows for the affected Special Districts that are being dissolved to be re-established by a Special Act during the 2023 Legislative Session.

Mr. Malefatto stated that Lewis, Longman & Walker (LLW) submitted a proposal to represent the SWCD to seek passage of a Special Act to re-establish SWCD effective June 2, 2023. He presented an engagement letter with a flat fee of \$77,000 for the services necessary to re-establish the SWCD, which was previously-approved by Mr. Morera and Mr. Ortiz.

On MOTION by Mr. Ortiz and seconded by Mr. Khouri, with all in favor, the Lewis, Longman & Walker engagement letter to re-establish the District, in the amount of \$77,000, was ratified.

EIGHTH ORDER OF BUSINESS

Update: Legislative Matters

Mr. Malefatto provided the following update:

- To re-establish the District, LLW will draft a Special Act that must be approved by the local Legislative Delegation.
- Staff received an indication from a local representative that the Broward County Legislative Delegation would be in support of the SWCD’s re-establishment.

In response to Mr. Morera’s question regarding drafting the legislation, Mr. Malefatto stated LLW will draft the Special Act, initially, and forward it to Representative Daley’s office for review and feedback.

Discussion ensued regarding taxes, whether the RCID will be re-established, the Legislature and a November referendum that would change how Board members are elected.

NINTH ORDER OF BUSINESS

Consideration of NFP Investment Advisory Agreement and 408(b)(2) Disclosure

Ms. Cerbone recalled that, after a presentation by a representative from NFP at the last meeting, she was asked to allot funds in the budget for a Pension Consultant.

Referencing a loose copy of the NFP Disclosure, Mr. Malefatto stated Ms. Rustin, LLW’s pension expert, reviewed the document and made edits, which were forwarded to NFP. The document was returned with a few minor adjustments, which Staff deems acceptable.

Ms. Rustin responded to questions regarding NFP’s services, ancillary services, compensation and Employee Retirement Income Security Act (ERISA) requirements. Ms. Rustin and Mr. Malefatto discussed the changes that were made, including the ERISA language, jurisdictional changes and arbitration/attorney fee provisions.

Discussion ensued about the employees’ preferences regarding advisor meetings and the effective date of the Agreement. Ms. Cerbone would inform Mr. Larsen that the agreement will be effective July 1, 2022.

On MOTION by Mr. Ortiz and seconded by Mr. Khouri, with all in favor, the NFP Investment Advisory Agreement and 408(b)(2) Disclosure, effective July 1, 2022, was approved.

TENTH ORDER OF BUSINESS

Update: PS1, PS2 and WOFC Phase 2B Project

This item would be removed from the agenda.

Mr. Rubio gave the following update:

- All electrical work in Pump Station 1 (PS1) and Pump Station 2 (PS2) has been postponed until the dry season.
- The West Outfall Canal earthwork project was completed.
- Staff is waiting for the as-builts from the contractor to get the finalized quantities to fill out pay requests.
- Staff will negotiate with the same contractor to do a change order at PS1 to install a cone and do some work at the canal including at the concrete intake at PS1, similar to the work done at PS2.
- A link, with photographs, was provided for the Board to review current and past successful projects.

Mr. Morera commented that the photographs were not sequenced and voiced his opinion that they are difficult to follow. We note that project photograph folders are dated. However, on future projects, CAS will upload progress photographs on a periodic basis and will provide a link on the monthly reports instead of providing the link at the end of the project.

Mr. Morera noted a small portion of the eastern bank of the canal, close to PS2, has eroded and some of the side has fallen into the canal. He asked if Staff would have it examined. Mr. Smith stated that he and Mr. Rubio were aware of, examined and discussed the erosion issue and they concluded that the repairs could be deferred for now.

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

This item, previously Item 14B, was presented out of order.

I. Presentation: Monthly Engineer's Report

Mr. Rubio stated that the Stormwater Management Needs Analysis Report was completed and submitted to the County.

II. Permit Applications

Mr. Rubio presented the following permit applications from Florida Power & Light (FPL):

- a. **Florida, Power & Light – 4100 NW 120th Avenue**

On MOTION by Mr. Ortiz and seconded by Mr. Khouri, with all in favor, the CAS Project No. 19-2064 ROW Permit Application submitted by Florida Power & Light, for directional bore of 2 - 6" HPDE conduits at 4100 NW 120th Avenue, crossing under a 50' SWCD canal ROW known as Canal "18-1", subject to the Special Conditions set forth in the May 31, 2022 recommendation letter was approved.

b. Florida, Power & Light – 12001 NW 35th Street

On MOTION by Mr. Ortiz and seconded by Mr. Khouri, with all in favor, the CAS Project No. 19-2064 ROW Permit Application submitted by Florida Power & Light, for directional bore of 2 - 6" HPDE conduits located at 12001 NW 35th Street, crossing under a 70' wide SWCD canal known as Canal "NN", subject to the Special Conditions set forth in the May 31, 2022 recommendation letter, was approved.

c. Florida, Power & Light – South of West Sample Road

On MOTION by Mr. Ortiz and seconded by Mr. Khouri, with all in favor, the CAS Project No. 19-2064 ROW Permit Application submitted by Florida Power & Light, for directional bore of 2 - 6" HPDE conduits located south of West Sample Road, crossing under a 70' wide SWCD canal known as Canal "MM", subject to the Special Conditions set forth in the May 31, 2022 recommendation letter was approved.

d. Florida, Power & Light – South of Intersection of Wiles & NW 120th Avenue

On MOTION by Mr. Ortiz and seconded by Mr. Khouri, with all in favor, the CAS Project No. 19-2064 ROW Permit Application submitted by Florida Power & Light, for directional bore of 2 - 6" HDPE conduits located south of the intersection of Wiles Road and NW 120th Avenue crossing under a 70' wide SWCD canal known as Canal "RR", subject to the Special Conditions set forth in the May 31, 2022 recommendation letter was approved.

Ms. Cerbone presented the Unaudited Financial Statements as of April 30, 2022. She discussed the Proposed Fiscal Year 2023 budget and Assigned and Unassigned fund balances, and the Insurance, 3-months working capital, Disaster recovery and Truck replacement line items. The following change would be made to the financials:

Page 7: Change "Series 2018" to "Series 2021"

On MOTION by Mr. Ortiz and seconded by Mr. Khouri, with all in favor, the Unaudited Financial Statements as of April 30, 2022, was accepted.

TWELFTH ORDER OF BUSINESS

Approval of May 11, 2022 Regular Meeting Minutes

Ms. Cerbone presented the May 11, 2022 Regular Meeting Minutes.

On MOTION by Mr. Khouri and seconded by Mr. Ortiz, with all in favor, the May 11, 2022 Regular Meeting Minutes, as presented, were approved.

THIRTEENTH ORDER OF BUSINESS

Supervisors' Communications

Mr. Ortiz welcomed Mr. Khouri to the Board and stated that he looked forward to working with him.

Mr. Morera stated he recently visited PS1 and PS2 and met with crew members who monitor the pump stations overnight and on weekends and expressed his gratitude for their hard work and diligence on behalf of the District. He commented that the velocity of the water coming out of the pump station is incredible; PS1 pumps approximately 200,000 gallons per minute and PS2 pumps about 300,000 gallons per minute. He urged those in attendance to visit the pump stations to see what the crew goes through to make sure that everything runs the way it should. Mr. Morera stated that he conferred with Mr. Selchan about his visit and related that everything seems to be functioning as anticipated since the recent improvements that were made. In Mr. Morera's opinion, the District is moving in the correct direction, in terms of the pump stations.

Mr. Morera wished the fathers in attendance a Happy Father's Day and thanked everyone for their contribution.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Lewis, Longman & Walker, P.A.***I. Attorney General Opinion Addressing Tree Removal**

Mr. Malefatto presented a letter from the Attorney General addressing tree removal. He explained that the Coral Springs Improvement District (CSID), another LLW client, requested an Attorney General (AG) opinion regarding whether Districts are responsible for obtaining permits to remove trees within the ROW. In the past, CSID and SWCD's position was that, statutorily, there is no basis for the City to require a permit or mitigation for tree removal. The AG's office position is that they will not get involved if there is a dispute between two governmental agencies.

Mr. Behn, Counsel to CSID, stated that the AG advised that, if there is another governmental entity involved, they need to sign on to the request for an opinion; the City of Coral Springs is not interested in doing so. LLW's position continues to be that the CSID and SWCD have the statutory right and responsibility to keep its ROWs clean and clear. The trees were planted by a third party and the Districts are not responsible for their removal.

Mr. Malefatto stated that, as far as SWCD is concerned, it has been abiding by the wishes and requirements of the City of Coral Springs and applies for permits as requested.

In response to Mr. Morera's question, Mr. Behn stated the CSID Board's position is that the CSID is unwilling to pay the City's mitigation fees and they asked LLW to argue their position. Mr. Selchan voiced his understanding that, if an entity tries to cut down a tree without a permit, law enforcement will be sent to stop it and that no one can clear a tree in Coral Springs without a permit.

II. Discussion: CS/HB 7049 Concerning Public Notice

Mr. Malefatto discussed the legislation that, in lieu of publishing notice of meetings, bid requests, etc., in a newspaper, allows governmental agencies the option of posting on a publicly-accessible website within the District's County. Before the District takes advantage of this, it must make a calculation that doing so would be more affordable than publishing it in a newspaper. There is a requirement for an annual publication to provide notice to all residents in a District that they have the right to request direct notice, by mail or email to the individual home, and the District would have to keep a list of all the individuals who want to receive it

directly, as opposed to publishing. Staff conferred with Management regarding whether the District should post meetings in the manner allowed by this statute. Management's recommendation was to continue advertising in a publication, and not change to the newly available option.

B. District Engineer: Craig A. Smith & Associates

This item was presented following the Tenth Order of Business.

C. District Engineering Consultant: John McKune

There was no report.

D. District Field Supervisor: Cory Selchan

Mr. Selchan reported the following:

- 9" of rain was received last month, which is substantially higher than average.
- There was over 12" of rain in the last seven days.
- The recent modifications at PS2, with the hydro cones, allowed crews to pump the water efficiently. No modifications have been made to PS1.
- There were no flooding issues.
- The Phase 2B project is looking great; Rio-Bak has done a great job.
- The tree vendor reported that, per a homeowner's request, they cut a tree stump that had a cable running through it. The cable company might bill the contractor up to \$12,000 but, since the vendor was doing work on behalf of the District, Mr. Selchan is defending the vendor.
- Mr. Malefatto will draft and send a letter to the cable company on behalf of the vendor.

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

- **NEXT MEETING DATE: July 13, 2022 at 6:30 P.M.**
 - **QUORUM CHECK**

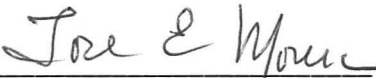
The next meeting would be held on July 13, 2022.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 8:24 p.m.


Secretary/Assistant Secretary


President/Vice President