

**Minutes of the Regular Meeting
of the South Indian River Water Control District
Held on February 20, 2025**

The regular meeting of the South Indian River Water Control District was held on February 20, 2025, at 6:00 p.m. at the District Work Center, 15600 Jupiter Farms Road, Jupiter, Florida, and via Zoom video conferencing. Present in person were Supervisors Michael Howard, Tom Powell, John Meyer, Susan Kennedy, and Beth McElroy. Also present were Karen Brandon, engineer; Sean O'Brien for Charles Haas, treasurer; Seth Behn, attorney; Chad Kennedy, Executive Director; Dustin Fazio, Supervisor of Operations; Donna DeNinno, public information; and Jane Woodard, secretary. Approximately 14 landowners were present in person.

Mr. Howard called the meeting to order and the Pledge of Allegiance to the flag was given. Mr. Powell made a motion to approve the consent agenda. Mr. Meyer seconded the motion and it carried unanimously.

Mr. Howard opened the floor to landowner comments. Mr. Bob Berman again raised the issue of compensation documentation from the supervisors. He believes there have been double payments and asked that this be looked into. He was also concerned about the professional staff salaries and asked that these be looked into as well, suggesting a forensic audit. Mr. Charles Bratten stated that several years ago the Board advised the landowners that the County has a policy requiring 90% approval for road paving. He believes this was misinformation. He inquired how the Board has the ability to supersede the policy stated in F.S. Chapter 298 which requires only 51% approval. He requested written proof that the Board has the authority to supersede this policy.

Ms. DeNinno presented the public information report. She has been working with the staff and Committee regarding additions and revisions to the Policies & Procedures Manual. Suggested changes were forwarded to the Board last week for their review. Ms. DeNinno reported that Family Day is all set for March 15th. The Tom Jackson Band will be performing again. The usual vendors will also be in attendance. The winter newsletter is ready to be mailed. It contains the annual staff reports, election results, referendum results, hurricane overview, and Family Day information.

Mr. O'Brien presented the treasurer's report. Mr. Bob Berman, landowner, requested documentation for the supervisors' compensation and information as to the benefits received by the District.

Mr. O'Brien reported receipt of approximately \$5.1 million in tax distributions for the fiscal year 2024-25. This represents approximately 90% of the expected receipts. The treasurer is working on year-end closing procedures and will be forwarding that information to the auditor.

Mr. Kennedy presented the Executive Director's report. The Policies & Procedures Manual has been updated and reviewed by the Committee. It is recommended that the Board approve the draft distributed to them last week for review. **Mr. Powell made a motion to approve the changes updating the Policies & Procedures Manual. Ms. McElroy seconded the motion and it carried unanimously.**

Mr. Kennedy reported on the National Resources Conservation Service storm grant for Hurricane Milton damage. They agreed to reimburse South Indian River Water Control District for 100% of the

construction costs. However, President Trump's recent Administrative Order has put a freeze on those funds. The contractors are ready as soon as the funds are available, but the District is in a holding pattern at this time. He noted that this is the only way for the District to obtain federal funds. Mr. Kennedy stated if nothing has happened in a month or so, the District will have to do the work at its own expense.

Mr. Kennedy reported on discussions with the Trailwood Homeowners Association regarding stormwater discharge into Canal 2. He presented photos of the area involved. The pipe is corroded and backflows into Trailwood, requiring replacement. South Indian River Water Control District will do the work and Trailwood has agreed to pay for the installation of a replacement riser on their side of the levy. A temporary easement will be provided to South Indian River Water Control District. Mr. Powell inquired about the cost sharing agreement when the discharge pipe was first installed. Mr. Kennedy stated Trailwood had a permit with the District so it is assumed they handled all the installation. Mr. Kennedy also noted he has discussed this matter with Mr. Haas and has had internal staff meetings to insure that the District is not picking up the tab for the Homeowners Association, and we will be made whole before beginning the project.

Mr. Fazio presented the Supervisor of Operations report. He requested that the International 4300 dump truck be declared surplus. The floor is rusted and it is considered a liability. **Mr. Meyer made a motion declaring the 2006 International 4300 dump truck as surplus. Mr. Powell seconded the motion and it carried unanimously.**

Mr. Kennedy next reported on his discussions with the Solid Waste Authority director. He stated he presented photos showing the divots and categorized the depth of the holes and also provided a map of the areas involved. There are about 1200 large holes which require fill and sod. The Solid Waste Authority director stated he will let us know what they can do. If there is no response by our next Board meeting, Mr. Kennedy will discuss the next step with the Board.

Mr. Kennedy reported that the International Tandem Dump Truck was ordered, with delivery expected in April and payment to be made at that time. He presented a lease-purchase agreement for the truck with NCL Government Capital, which provides for payments over four years, at which time the District owns the truck. He requested Board approval to enter into the agreement. **Mr. Powell made a motion approving the Lessee Resolution between South Indian River Water Control District and NCL Government Capital. Mr. Meyer seconded the motion and it carried unanimously.**

Mr. Fazio presented the Supervisor of Operations report. He discussed the Canal C realignment project in Palm Beach Country Estates. Construction work is being done between 159th Court North and 160th Lane North. Five pipes need to be replaced. The contractor estimates that the project will take two months.

Mr. Fazio also reported on trimming the acacia trees along Alexander Run in Jupiter Farms. He noted the branches get into the power lines and also impede maintenance work. There have been reports of overhanging branches along Haynie Lane as well. Mr. Fazio stated that cut debris sometimes has to be stockpiled on the side of the road for later pickup due to the unavailability of a dump truck at this time.

Ms. Brandon presented the engineer's report. Mr. Bob Berman, landowner, stated he previously requested from the engineer a detailed report on the number of votes received for the seven road paving

referenda. This report was received and Mr. Berman requested that it be attached to the minutes (see attached). He noted that, in accordance with the Florida Statutes, three referenda passed and four failed.

Mr. Gene Colwell, landowner, stated he would like to see more items on the agenda for the landowners to discuss. He was concerned that Mr. Kennedy was looking at roads damaged by Solid Waste Authority instead of building up roads that are eroding. He would like to see a road plan that outlines where money is being spent and what roads are being improved. He has noticed road material being washed away during the rainy season. He inquired about using the funds received from the cell tower transaction for improving the roads.

Ms. Greta Foriere, landowner, inquired about the bid offer from contractor for the 20th Plan of Improvement. She was concerned about getting the work done before the rainy season. Ms. Brandon stated she will be requesting approval to issue the Notice of Award to the contractor who is in the process of renewing his licenses. Ms. Foriere requested that this be expedited prior to the next meeting.

Mr. Robert Litzenberger, landowner, inquired about the status of work in Section 7. He noted that his previous inquiries have not been answered. Mr. Howard stated if the staff is unable to answer his questions, he should reach out to him.

Ms. Brandon then reported on the 20th Plan of Improvement. She recommended awarding the contract to Wynn and Sons, the original bidder. She stated the contractor has agreed to sign the contract. Mr. Behn stated the approval to award the contract can be subject to legal review. Ms. Brandon noted the contractor still needs a performance bond, but he has provided everything else. **Ms. Kennedy made a motion to award the contract for the 20th Plan of Improvement to Wynn and Sons, subject to legal review. Mr. Meyer seconded the motion and it carried unanimously.**

Ms. Brandon reported on the Palm Beach Country Estates Modeling Project. She is waiting for additional data from the Town of Jupiter. She will proceed with completing the calibration with the available data and prepare a report. Mr. Kennedy stated he spoke with the director of Jupiter Utilities in an attempt to get more information but what they have is dated and spotty. Ms. McElroy stated she looked at the trouble areas. There is an outfall that will impact where the water flows. The entire canal has vegetation that needs to be cleared. Under the turnpike there is erosion along the guardrails. There are vegetation, Australian pines and an uprooted tree clogging water movement. This area belongs to the Turnpike Authority, and they have not responded positively. Mr. Meyer inquired if the District has a drainage easement, but Mr. Kennedy was not aware of one. In meeting with the Department of Transportation and Turnpike Authority, they acknowledged we have permits but they are only interested in moving traffic. Our drainage is not a priority to these two agencies. Ms. Brandon stated she needs to meet with the Department of Transportation again and will report back to the Board.

Regarding the Busch Wildlife Sanctuary, this week their engineer submitted a minor modification of the permit with the South Florida Water Management District. Ms. Brandon has not had an opportunity to review it yet.

Ms. Brandon reported on water quality. Her graphics showed rainfall right before the sampling on January 22nd. She noted the Commerce Park numbers were very low. She also noted that there was some rainfall, but it was not certain when it occurred related to the samplings. There was discussion regarding

the company measuring field parameters in some areas, which we should not be paying for since they are not actually pulling samples. Ms. Kennedy stated this should be discussed with the company again before their contract automatically renews. Ms. Brandon suggested actually meeting with the person who performs the samplings. Mr. Kennedy will look into doing this and report back to the Board next month.

Ms. Brandon stated she sent out a draft of the updated Water Control Plan and Public Facilities Report to the Board for review. The Report will then be submitted to the South Florida Water Management District who will have 60 days to review it. Once the South Florida Water Management District reviews the Report, it will come back to the Board and minor changes can be made then. Mr. Meyer commented that it was comprehensive and provided the necessary information, facts and history. **Ms. Kennedy made a motion directing the Public Facilities Report to be transmitted to South Florida Water Management District for their review. Ms. McElroy seconded the motion and it carried unanimously.**

Mr. Behn presented the attorney's report. Mr. Bob Berman, landowner, noted that Chapter 298 of the Florida Statutes states the attorney works for the District and advises the Board in following the law. He commented that for years there has been a deliberate attempt to prohibit road paving in the District. It was his opinion that this is not in the best interest of the landowners in the District, and it is also not the attorney's responsibility to support or defend the actions of the Board.

Mr. Behn reported he is working on the Trailwood stormwater discharge matter with Mr. Kennedy, addressing improvements which are downstream from their control structure. He is working with Mr. Kennedy in an effort to protect the District's easements, keeping the easements open and maintained. In Tallahassee, Mr. Behn stated there has been success securing money for water quality projects around the state. There are also projects that may have opportunities for partnerships.

Lastly, in response to an inquiry regarding payments made to the Supervisors, Mr. Behn discussed what is permitted under Chapter 298, which states up to \$50/day for the number of days approved by the landowners at their annual meeting. This year the number of days approved was reduced, effective October 1st. The time periods typically run from the 15th of the month to the 15th of the following month. Board members are eligible for the full allocation of days from September to October. The records have been reviewed with the accountant, and it was Mr. Behn's opinion that there was no overpayment to any of the Supervisors.

There being no further business to come before the Board, Mr. Powell made a motion to adjourn. Mr. Meyer seconded the motion and it carried unanimously.

ADJOURNED.