

## **Minutes of the Regular Meeting of the South Indian River Water Control District Held on May 21, 2026**

The regular meeting of the South Indian River Water Control District was held on May 21, 2026, 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 Tom Powell, Beth McElroy, and Bob Berman. Also present were William “Chad” Kennedy, Executive Director; Dustin Fazio, Supervisor of Operations; Ryan Grigg, Chief Financial Officer; Karen Brandon, Engineer; Sean O’Brien, Treasurer; Seth Behn, Attorney; and Donna DeNinno, Public Information. Approximately 10 landowners were present in person. Approximately 3 landowners, Supervisor John Meyer; and Robert Eustice, Engineer, were present via Zoom video conferencing.

Mr. Powell called the meeting to order and the Pledge of Allegiance to the flag was given.

Mr. Powell asked for a motion to approve the minutes of the April Meeting. Mr. Berman repeated his comments from previous meetings that he’d like the minutes to have less detail. **Ms. McElroy motioned to approve the minutes of the April 21, 2026, board meeting. The motion was seconded by Tom Powell, and it carried by a vote of two to one.**

Mr. Powell asked for a motion to approve the warrant list. **Mr. Berman motioned to approve the warrant list. The motion was seconded by Ms. McElroy, and it carried unanimously.** Mr. Berman repeated his comments from previous meetings about the compensation for Supervisors and the lack of documentation.

Landowner comment: Mr. Michael Howard of Jupiter Farms stated it was important for the Board to be prepared ahead of time for meetings as staff time costs money, which comes from the landowners. He noted when he was a Supervisor, he made sure to review the minutes so corrections could be made and asked staff about any questions on agenda items he had prior to the meetings. By his calculations, every 10 minutes of time taken by a Supervisor who is not prepared is spending about as much money as all five Supervisors get paid for an entire month. He noted staff time is not free and landowners are taking time to attend meetings. He felt the concerns about costs and waste by a particular Supervisor were a case of do as I say, not as I do.

Landowner comment: Mr. Daniel Armas of Jupiter Farms thanked the Board for their time and service and wanted to clarify his concerns with the District’s actions regarding the drainage easement on his property. He asked the Board whether the District has the authority to allow ongoing public pedestrian access across a privately-owned drainage easement in Jupiter Farms. He is not disputing the District's right to access the easement for maintenance. The issue is whether public use, which is separate from drainage, is within the District's authority in this context. As he understands it, the policy permitting public access only applies to District-owned canal rights-of-way, not private easements and the District’s charter explicitly limits the District’s control and maintenance of property for recreational purposes to Palm Beach Country Estates only, not Jupiter Farms. He believes the District cannot allow recreational access across a private easement. He also noted that this position is refuted in the Jupiter Farms neighborhood plan. He felt it was a legal scope question rather than routine operational determination and is asking the District for some oversight with respect to this.

Ms. DeNinno presented the Public Information report. She noted the Department of Justice has extended the deadline for Special District’s compliance by a year to April 26, 2028. She explained that Streamline, who is our current web hosting provider, had been acquired by CivicPlus. This was due in large part to Streamline’s

proprietary DocAccess program, which is an AI powered platform that transcribes PDF files into accessible HTML. She said that after researching the program capabilities, the District added it to the website. The program cost is \$3000 annually; however, she was able to negotiate the first six months for free so it wouldn't impact the current fiscal year's budget, and she was also able to obtain a 25% discount for fiscal year 2026-2027. She added this program will save the District money on remediation costs, particularly on larger documents and detailed financial tables, which are difficult and time-consuming to remediate. Ms. DeNinno then showed an example of the DocAccess capabilities on the website using the six-month financial statements provided by Mr. Grigg, demonstrating how the PDF files were transcribed, and showing the clarity and detail of the transcriptions. The transcribed documents also can be printed or downloaded. The program also features other language capabilities and live operator assistance to ensure accessibility.

Ms. DeNinno also mentioned she had been contacted by the communications outreach coordinator for Florida's Turnpike Authority, Fiorella Teodista, who is responsible for handling customer inquiries and will be in touch regarding future coordination on the Turnpike Expansion Project.

Mr. O'Brien presented the Treasurer's report. The audit reports are due to be signed next week, and the Board will need to accept the report at their next meeting. He is working with Mr. Grigg to file the required state reports.

Mr. Kennedy presented the Executive Director's report. Landowner Comment: Mr. Michael Howard of Jupiter Farms spoke about traffic control elements required by law for a school zone and the District, by law, cannot provide traffic control. This problem should not have been allowed to happen, was apparently ignored or forgotten for more than 35 years, and now it must be fixed. The issue of safety must be addressed and is complicated because the District roads sit on an easement with neighboring landowners owning the underlying land and it's not legal to build on someone else's land without permission or be turned over to the county without their permission. He also felt the county wouldn't want this anyway as it would be a maintenance nightmare. Everyone involved needs to work together to find a solution, and this must never be allowed to happen again.

Mr. Kennedy asked for approval Board Resolution 2026-05: Pursue Road Transfer of Portion of Haynie Lane to Palm Beach County. The Department of Transportation had approached Palm Beach County and said there were a lot of deficiencies, and the county wants the District to do things outside the scope of our services. Legal sent a letter to the county explaining why the District cannot meet their requests. The county is not interested in taking responsibility for any additional roads. Mr. Kennedy is concerned about liability and is looking for clarification. Mr. Powell felt it was not complicated as it is something we do not do. Mr. Behn said that their firm had been involved in a fight between Indian Trails Improvement District and Seminole Improvement District and it came down to the claim that Westlake had the right to connect into their system of public roads. The ruling was that the roads had been built and paid for by the residents for residential access and built and maintained to those standards. While their firm didn't agree with the ruling, it had important implications, whereas in this case, the county is going to do something that drives public access to this facility and do it over your residentially built roads, causing impacts to the neighborhood. He said they'd like to take some of their research back to the county for further discussion. Landowner Matt Gitkin of Jupiter Farms asked if landowners own to the middle of the road, would the county take it by eminent domain. Mr. Berman stated the District doesn't have the authority to turn over the easement to the county. Ms. McElroy is concerned about setting a precedent. Mr. Berman explained historically when roads were first paved there was an effort to have major arterial roads paved to county standard with the intent to have the county maintain them in the future. The District approached each of the affected landowners to voluntarily deed over the road easement to the District, and then subsequently to the county. He felt

it was an issue between the school and county, and we should say no. Mr. Powell and Ms. McElroy agreed. Mr. Kennedy withdrew the resolution.

Mr. Kennedy asked for approval of Board Resolution 2026-06: Update to Water Control Plan. He requested the Board of Supervisors authorize and direct the District Engineer to update the District's Water Control Plan. **Mr. Berman motioned to approve Resolution 2026-06. The motion was seconded by Mr. Powell, and it carried unanimously.**

Mr. Kennedy asked for approval of Board Resolution 2026-07: Kimley-Horn Professional Services Contract. He requested approval to authorize the Executive Director to execute a three-year professional services agreement, with two optional one-year extensions, with Kimley-Horn for District engineering and related services. It can be for any type of engineering work, but the intent is to utilize them to obtain grant funding for resiliency projects. **Mr. Berman motioned to approve Resolution 2026-06. The motion was seconded by Ms. McElroy, and it carried unanimously.**

Mrs. Brandon presented the Engineer's report. The District received one road petition prior to the April 30 cut-off date. It is for 129th Place North between Sandy Run and 150th Court North. There are 14 lots within the Petition area. She requested Board authorization to proceed with going forward to referendum. **Mr. Berman motioned to move this petition forward to referendum. The motion was seconded by Ms. McElroy, and it carried unanimously.**

Regarding the Natural Resources Conservation Service Grant Phase 2 Debris Removal, A Notice to Proceed was issued on April 22, 2026, Crowder-Gulf has completed work on Canal 3, and they have moved on to Canal 7. The work is anticipated to be completed in approximately two months.

Mrs. Brandon said they had a Teams meeting on May 14, 2026, with Florida's Turnpike Enterprise, Florida Department of Transportation, and their consultant to discuss the stormwater modeling. They addressed assumptions for discharge, criteria, and storage. They have to do pre-expansion versus post-expansion calculations for submittal to the South Florida Water Management District, and she has been pushing for these calculations to review. They still have to look at the impacts to our system. They did not agree to provide these before the 45% design submittal deadline, which has been pushed back to August. They have to do pre-development and post-development calculations before they can do the 45% design, so this doesn't make sense. AECOM is setting up another meeting with South Florida Water Management District to give them an update on what we have been told. Mr. Berman said he had attended the meeting, which included Nicola Liquori, the CEO of Florida's Turnpike Authority, and it seemed like everything was going well and they were being cooperative, so it's extremely disappointing that this is not happening. He said if it was okay with the Board, he would reach out to Nicola. Mr. Kennedy supports Mr. Berman reaching out. Mrs. Brandon also noted the necessary revisions that will need to be made to the maintenance agreement. Mr. Kennedy said this is a major concern and needs to be addressed.

Mr. Behn presented the attorney's report. Initial research has been done on the road paving policy written response requested by the Board at the April meeting. A work session has been set up for next Friday, so he will have that for next month's meeting. House Bill 145 to increase sovereign immunity hasn't been signed by the governor yet and is being monitored. He reminded everyone that financial reports are due July 1, 2026. He can send out a link if needed. In addition, if anyone wants to attend the ethics training session he will be doing at the Florida Association of Special Districts Conference on June 7th, it should still be available.

Mr. Berman said he hopes if the research on road paving policy determines that the policy is not legally defensible, that Mr. Behn will let the Board know.

Under old business, Mr. Berman spoke about landowners who have come to the Board with a problem, and from what he's seen, those people never get a response from the Board and they deserve an answer. He said the Board had received an email from Mr. Armas regarding his easement issue. Mr. Berman thought it was unusual regarding the title and easements, and as it went through title changes, the portion of the easement regarding ingress/egress was omitted in the deed. He felt that in Mr. Armas' case, the only thing that exists on his property is the underlying fee ownership of the property subject to a 30-foot drainage easement. He didn't know if it had ever been used as a road in the last 60 years and whether there would be potential use of it by the District. He believes that Mr. Armas has asked for, and is entitled to, an answer regarding the ability to gate it off. He also thought that the District does not have the authority to grant the use of the easements to anyone other than District employees. This issue is more unusual as there is a question whether it's a road easement or a drainage easement. He asked Mr. Kennedy if there were intentions to put a swale there and Mr. Kennedy replied that right now it's big picture planning and they are currently doing surveying work in the Farms to do a similar model to the one done in Palm Beach Country Estates. Part of the work with Kimley-Horn will be assessing drainage needs in the Farms and he wants to leave all options open at this time. It will be a couple of years before the study is completed. He said they get requests monthly to give up easements and the answer is no, as he does not know what will be needed in the future. Mr. Berman stated that if the District has said the public can use this easement that this has to stop. He added that even if there was a road easement that has never been used, this most likely will not change. He felt it wasn't setting a precedent and believes Mr. Armas is entitled to the quiet enjoyment of his property as long as it doesn't interfere with drainage. Mr. Armas has asked the Board to direct the District Engineer to work with him to design a locked gate that will block public access but does not interfere with the District's drainage and maintenance functions.

Mr. Behn said someone from the county commission visited the site, as well as a legislative aid from Ms. Weinberger's office. He said his office has reviewed the original easement and that the 175th Road easement that's in front of his home is the exact same easement document that establishes this road easement on the side. The failure of a deed to cite to an existing valid easement doesn't invalidate it. There has long been public access to it because we allow that on the rights-of-way we own, it's in our policy, and recreational use is encouraged for pedestrians and equestrians. This pathway was well-traveled for years. Vehicular traffic is not encouraged, and it was initially thought it could be gated to prohibit this, but public access was long established through policy. That easement established the entire road and drainage network for the neighborhood. It is 175th and all the other roads, not just this piece. That dedication was to the public, not the District or anyone else. The law says if you have an easement network and have built any portion of it, you vested that system of easements. He spoke about a similar case in the South Florida Water Management District where a homeowner asked to get rid of an easement that was never built, and the outcome was that it was a recorded easement, was vested, and the right to build that road in the future remains. He feels in this case, it is a legal, vested public easement and the District has no authority to close it off. He said Mr. Armas has suggested he may do a quiet title action or some other way to show the easement doesn't exist. Mr. Berman said absent the release of the ingress/egress portion that is dedicated to the public, even if the District were to deed over any rights, he would still need to go to the county to get the additional release. His point is that years ago, when landowners came before the Board, we tried to help them. Mr. Powell said that is exactly what has been done in this case, so it is untrue that we didn't address his concerns. Mr. Behn said over \$7,000 has been spent so far on this issue. Our concern is that the maintenance on the swale is done to ensure

system capacity. He noted that the property owner on the other side built a six-foot privacy fence along the easement line and Mr. Armas can do that on his side of the easement to create the privacy he wants.

Mr. Berman spoke about a landowner issue in Palm Beach Country Estates that has to do with the improvements to the swales. He said the technique currently being used is dramatically different from what has been done in the past. There were quite a few property owners who had been maintaining the swales themselves. The ‘half-moon’ swale clearing process is creating a maintenance and aesthetics problem for both the landowners and the District. He thought the slope is too steep and is being eroded. The landowner was asking if something else could be done. He asked the Board to consider allowing Mr. Kennedy and Mr. Fazio to investigate other options. Mr. Fazio said he did inspect her particular culvert and it is failing. Mr. Kennedy said it is not optimal, as it isn’t a three-to-one ratio, and Mr. Fazio said if it was a three-to-one slope, a lot of sod would be needed, and it takes a lot of time. The options are limited, but they are looking into it. Ms. DeNinno showed a photo of the half-moon swale maintenance process.

Mr. Berman spoke about the survey/poll that he did regarding paving in Palm Beach Country Estates and provided the updated results to the Board and asked that the information be attached to the minutes.

Under new business, Ryan Grigg, Chief Financial Officer, showed the financial schedule for the 2026-2027 fiscal year budget process. The budget workshop will be held June 18, 2026, at 3:00 p.m. The Chief Financial Officer will present the budget with revisions made from June’s Budget Workshop on July 16, 2026. The final budget will be presented to the Board at the August Board meeting. Ms. DeNinno stated that we also have a Budget Public Hearing held prior to the start of the Board Meeting.

Mr. Grigg also presented Fiscal Year 2025-2026 Budget versus Actual - 2nd Quarter information, which is the halfway point of the fiscal year, and asked that Board members contact him if they want to discuss anything. Approximately 90% of assessment revenue has been collected and he expects the full amount to be collected by fiscal year end. Culvert revenues are below the 50% year-to-date benchmark. He noted the National Resources Conservation Service grant revenue of \$401,731 through March 31, 2026. Under expenses, we are under the 50% threshold with the exception of Fund 230 – 2015 Palm Beach Country Estates Water Distribution Bonds because the full principal and interest amount payment was made in February. The only fund anticipated to go over budget is the Palm Beach Country Estates Park Maintenance Fund (Fund 185) due to unforeseen expenses incurred in April and May 2026. There is \$100,000 in fund balance that can be used for the overage.

Under Supervisor Comments, Ms. McElroy wanted to let the Board know about a potential motor oil shortage that is being discussed in the media. We may need to think ahead about the issue and stay on top of it. Mr. Kennedy agreed and can look into it.

There being no further business to come before the Board, the meeting was adjourned at 7:35 p.m.

ADJOURNED

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Recording Secretary

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Approved

Attachments submitted by Supervisor Bob Berman

**COST (DAMAGES) TO LANDOWNERS ON DIRT ROADWAYS  
DUE TO THE SIRWCD BOARD POLICY SINCE 2017 THAT IS  
CONTRARY TO FLORIDA STATUTES SIRWCD SPECIAL ACT**

**PALM BEACH COUNTRY ESTATES**

Cost of 19 <sup>th</sup> Plan of reclamation	\$438,250/mile
AECOM 2026 estimate	\$1,475,000/mile
750 parcels	
29 miles @ \$1,475,000	\$42,775,000
29 miles @ \$438,250	\$12,709,250
<b>CONSTRUCTION COST (DAMAGES)</b>	<b>\$30,065,750</b>
<b>LAND VALUE LOST(\$100,000/PARCEL)</b>	<b>\$75,000,000*</b>
<b>TOTAL DAMAGES TO LANDOWNERS</b>	<b>\$105,065,750</b>

DAMAGES DUE ENTIRELY TO SIRWCD 90% ROAD PAVING POLICY

\*Difference in value paved versus dirt road = +\$100,000

NOTE: All roads would have been paid in full 2027.



## ROAD PAVING SURVEY/POLL/OPINION SUMMARY MAY 21, 2026

TOTAL MAILED	735	
TOTAL RECEIVED	468	(64%)
PREFERRED PAVING	<b>426</b>	<b>(91%)</b>
PREFERRED DIRT ROADS	41	(9%)

### PERCENTAGE VOTE FOR PAVING

51% or less	<b>369</b>	<b>(80%)</b>
90% or more	52	( 11%)
200%	1	
100%	12	(3%)
80%	4	
75%	8	
67%	13	(3%)
40%	1	
25%	3	
20%	4	
10%	9	

### WILLING TO PAY PER MONTH

ANY AMOUNT	20	
\$ 1,000	1	
\$ 500	4	
\$ 300	90	
\$ 200	109	
\$ 150	36	
\$ 100	83	
\$ 50	17	
\$ 0	35	
\$ ??	22	
<b>\$157</b>	<b>AVERAGE</b>	<b>\$1,884/YEAR</b>
\$ 220	<b>MEDIAN</b>	<b>\$2,640/YEAR</b>