

**Minutes of the Regular Meeting
of the South Indian River Water Control District
Held on April 16, 2026**

The regular meeting of the South Indian River Water Control District was held on April 16, 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 Susan Kennedy, Tom Powell, John Meyer, 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; Chuck Haas, Treasurer; Seth Behn, Attorney; and Donna DeNinno, Public Information. Approximately 20 landowners were present in person. Approximately 4 landowners, William Capko, Attorney; Robert Eustice, Engineer; and Kyle Wekenmann, Office Assistant, were present via Zoom video conferencing.

Ms. Kennedy called the meeting to order and the Pledge of Allegiance to the flag was given.

Ms. Kennedy asked for a motion to approve the minutes of the March Meeting. Mr. Berman repeated his comments from previous meetings that he’d like the minutes to have less detail and provided information on requirements for minutes from his ethics training session. Ms. Kennedy noted that if there are any issues with the minutes, Board members have the ability to address them and make corrections when they approve them. She asked Mr. Behn if the District is out of compliance with providing more detailed minutes and he responded that there is no prohibition regarding this, only that minimum requirements are met. There was a discussion about retention of audio recording versus minutes. Ms. Kennedy asked if there was a motion on changing the way minutes are done. **Mr. Meyer motioned to approve the minutes of the March 16, 2026, board meeting. The motion was seconded by Tom Powell, and it carried by a vote of four to one.**

Ms. Kennedy asked for a motion to approve the warrant list. Mr. Berman asked Mr. Haas to clarify some Treasurer expenditures and wanted to ensure the Chief Financial Officer is reviewing these. **Mr. Meyer motioned to approve the warrant list. The motion was seconded by Ms. McElroy, and it carried unanimously.** Mr. Berman spoke again about the compensation for Supervisors and justification for the amount of time spent, and that the work performed is not detailed and available to landowners.

Landowner comment: Ms. Mary Michaels of Jupiter Farms wanted to thank Mr. Kennedy and his staff for the excellent work in obtaining grant funds for swale maintenance and focusing on water management. She noted she had still not received documents from the Palm Beach Country Estates Landowners Association regarding the local economic impact statement for HB4099 that she spoke about at the March Board meeting. As a result, she thinks there is no creditable back up for information stated in the economic impact form and in her opinion, feels it was a felony to file a false financial statement.

Landowner comment: Mr. Charles Bratten of Palm Beach Country Estates. He asked why anyone in Jupiter Farms has any issue with what is going on in Palm Beach Country Estates. He said the financial transparency in the District is an “F.” He has asked about budget specifics for six months. He asked Mr. Haas to provide a detailed breakdown of what he does on his invoices. He requested that his attorney’s opinion letter and supportive information be attached to the minutes. Ms. Kennedy asked for a motion to receive and file Mr. Bratten’s documents. **Mr. Berman motioned to add Mr. Bratten’s documentation to the minutes. There was no second. The motion failed.**

Landowner comment: Ms. Lisa Spierito of Palm Beach Country Estates stated that she has had an issue for a while with the swales on her street after they had been dug out. She has pictures of the erosion from underneath the concrete of her driveway and mentioned another landowner was also having issues. Ms. Kennedy asked Mr. Kennedy and Mr. Fazio to look into her concerns.

Ms. DeNinno presented the Public Information report. She reported that the Board had received her report and she has no additional information to report at this time.

Mr. Haas presented the Treasurer's report.

Landowner comment: Mr. Bratten said he had a meeting with Mr. Kennedy and Mr. Grigg and had some questions. Regarding the 15th Plan of Improvement, he asked if it was true that TRIM notices went out two years after this was paid off and landowners are owed money. With paved roads, he asked if money set aside for paved roads had been used for dirt road maintenance. He asked that all the professionals provide breakdown on invoices. Mr. Haas said he has no items that require Board action. Mr. Berman said that he is not suggesting wrongdoing but didn't think information conforms to what is considered standard accounting practices and would like an audit that goes back at least seven years. Ms. Kennedy said the District is already audited each year, but Mr. Berman felt that this isn't the type of audit needed, and also said the auditor has been the same for many years and should be changed often. Mr. Haas said there is a specific rule regarding auditors that the District follows, and this firm specializes in governmental clients.

Mr. Kennedy presented the Executive Director's report. He asked for approval of the Mission and Vision Statements that had been previously discussed at the March meeting. **Mr. Berman motioned to approve the Mission and Vision Statements. The motion was seconded by Ms. McElroy, and it carried unanimously.**

Mr. Kennedy spoke about the update of his contract agreement with the District. This includes the transition to paid time off from vacation time, a salary adjustment to increase his salary to be more than the Chief Financial Officer's compensation, and an extension of his contract from five to six years for 100% investment in the pension plan. Mr. Berman spoke about his concerns that have been addressed and noted it is a big increase, but Mr. Kennedy is doing an outstanding job. **Ms. McElroy motioned to approve the updated contract for Mr. Kennedy. The motion was seconded by Mr. Meyer, and it carried unanimously.**

Mr. Kennedy spoke about the Canal C project. The District was only able to complete approximately a third of the project due to cost constraints within the original grant from Loxahatchee Preservation Initiative. The design has already been done, and with the result of the recent study done by the District Engineer, we need to increase our on-site storage, and this will demonstrate we are doing what is necessary. As we don't want the 404 permit to expire (2028), and costs continue to go up, time is of the essence. He asked for Board approval to move forward with a Request for Bid. He will work with legal and engineering to develop this. Cost is estimated at about \$2,000,000. If financing is secured over 15 years, it is estimated landowners would be assessed \$88 per year. In June, the Loxahatchee Preservation Initiative accepts applications for grant funding for 2027, and this will be submitted for consideration. Mr. Meyer said input from landowners might be helpful and we need to consider all the projects that need to be done and how this will benefit the landowners. Ms. McElroy said while doing this process we need to see how this project addresses the issues found in the engineering modeling. **Mr. Powell motioned to approve the Request for Bid for the Canal C Project. The motion was seconded by Mr. Meyer, and it carried unanimously.**

Mr. Kennedy said they will work with the District Engineer to identify needed projects and the water control plan will be a much more robust document by this time next year, and in conjunction with the Mission and Vision Statements, we will be developing a five-year Strategic Plan of all maintenance-type activities, similar to the Policies and Procedures Manual.

Mr. Kennedy stated we had five engineering firms respond to the Request for Qualifications 2026-01 for General Engineering Services. The top company was Kimley-Horn and they are in negotiations for a three-year term with the option for up to two, one-year extensions. There are four other firms that can be considered if they are not able to come to an agreement. Mr. Berman was disappointed that they are another large firm.

Mr. Kennedy provided an update on the Florida Turnpike Expansion. They are in regular communication with the Turnpike planning team and project manager. The District has shared our model with Florida Turnpike Enterprise. Additional information will be provided under the Engineer's report. Mr. Berman asked if the emphasis needs to be on storage or on outfall and we need to determine what is the better solution for the District.

Mr. Fazio presented the Supervisor of Operations Report, and he did not have any items that required Board action. Mr. Berman spoke about contractors submitting service requests for culverts, and due to time constraints, if there was a separate policy for this. There is currently not a separate policy.

Mrs. Brandon presented the Engineer's report. Regarding the Natural Resources Conservation Service grant, for Phase 2 debris removal, the contractor is remobilizing by next Wednesday. Hopefully they will be done by the rainy season. Mr. Kennedy added they will be using a new aquatic excavator machine to accomplish this canal clearing work.

Regarding the bridge inspection update, she said Underwater Engineering Services completed their inspection and submitted their reports for the C-18 and C-14 bridges. There were no serious structural defects. Everything was a repair-type maintenance situation.

In response to the Turnpike design coordination email, a response was sent back on March 27, and a Teams meeting was held on April 6. AECOM prepared an exhibit with all of the model discharges and how the system functions. The plans they originally gave us, which we thought were at the 45% design stage, were actually only a preliminary set of drawings. The 45% submittal by the consultant is due on July 1. Their modeler was on the call, and he was emailed the model as well. They will take that basin and plug in more detail that we did not have at the time. She said based on just adding the two lanes, it doesn't impact our outfall significantly with the existing Borrow Canal – it will be a function of how much they impact the Borrow Canals on the East and West side as part of their construction. They have been advised that any impact by their system to increase water in the Borrow Canals and our outfall canal will have an adverse impact on Palm Beach Country Estates, Egret Landing and the Park of Commerce. There would need to be an increase in the size of the outfall structure. Mr. Behn said ultimately their discharge is into our canal, before it even gets to the outfall and downriver of the structure. We have two South Florida Water Management District permits, one is to construct the additional canal that runs from the north end, which was based on a set of assumptions. Then there is the volumetric discharge permit for the entire system, which includes the Turnpike and they do have an allocation, but we have to get through their system to get there. Hopefully, they either increase their retention or improve their system so much that the structures can handle a greater volume. Ultimately this will be determined by the South Florida Water Management District as the regulatory agency that handles both their water control permit and ours. Mr. Berman said the 1984 agreement

does need to be updated, and Mr. Behn said this has been brought to their attention. Mrs. Brandon said they also asked them about the sound wall and its impact.

Mrs. Brandon spoke about amending the Water Control Plan. She, Robert Eustice, Mr. Kennedy and Mr. Grigg had a meeting and discussed the types of projects they'd recommend in the Amended Water Control Plan. They plan to merge the larger Public Facilities Report into the Amended Water Control Plan and include the capital improvement plan with all the cost estimates. Mr. Kennedy authorized them to start.

Mr. Behn presented the attorney's report.

Landowner comment: Mr. Aymeric Benet of Palm Beach Country Estates asked for clarification about the law versus policy for road paving. He did an informal poll and 17 of 19 lots on a road said yes, but that's not enough to meet the 90% requirement to get a road paved. He also said he has gotten bids for paving that are 80% less than the amount shown on the petition and questioned where this information came from.

Mr. Behn said they have previously provided the attorney's opinion on the matter and asked if the Board would like them to prepare a written formal opinion, which entails more case law research, analysis, establishing policies, statutory instruction, etc. Estimate is \$5,000-\$10,000. The policy is at discretion of the Board, you can't go below the statutes threshold, but it can be increased. The Board doesn't even have to pave roads at all. **Mr. Berman motioned to direct the attorney to prepare a written response whether Board policy contradicts the statutes.** Ms. McElroy clarified this document would not be whether it is right or wrong, but why this policy is the correct interpretation. She would rather have transparency. Mr. Meyer said it is a plain and simple reading of the charter, and the issue has caused a lot of mistrust of the District, so he would be in favor of a formal legal opinion. **The motion was seconded by Mr. Powell, and it carried four to one.**

House Bill 145 was passed by both houses increasing the statutory limits on sovereign immunity. The governor still hasn't signed it. This would affect insurance limits. Mr. Berman noted that Mr. Capko was on Zoom and asked why we have to have both attorneys present. Mr. Behn replied that Mr. Capko has the expertise regarding financing in relation to the potential Canal C project. Mr. Berman thought perhaps Mr. Kennedy can determine when a staff professional is required to attend so as not to occur costs and the same would apply to engineering. Mrs. Brandon said when Mr. Eustice listens via Zoom, he does not charge for his time unless there is a specific item or presentation needed.

Under old business, Ryan Grigg, Chief Financial Officer, presented his report on Paved versus Unpaved Road Costs. Landowner comment: Mr. Gitkin of Jupiter Farms said the narrative that paved roads are somehow the smart, cost-effective choice has been repeated so often that many think it's true. He thought that the study that we are going to see tonight refutes that. He felt it is not about fiscal responsibility, but pushing an agenda. It is turning a rural system into an urban one and this is an assault by a small faction and one Supervisor who tried to force it through the legislature with HB4099. It isn't about what is best for the District.

Prior to starting his presentation, Mr. Grigg stated that he is working with the auditors, as the 2025 audit is due June 30.

He said that this presentation discusses the comparison of road paving costs versus the road grading costs for the District's 92 miles of unpaved roads over a 60-year period.

Mr. Grigg explained the difference between ad valorem and non-ad valorem taxes, and that the District assesses non-ad valorem taxes. The District does not receive gas taxes to help fund road improvements and is not aware of any alternative funding (i.e., grants) for road improvements.

He presented the District assessment types: Water Control Assessment – per acre, Road Maintenance Assessment – per parcel, Park Maintenance – per parcel (Palm Beach Country Estates Park), Debt Service, Road Plan of Improvement – per benefited parcel, Water Control Plan of Improvement – per acre, and Equipment Replacement – per parcel.

Mr. Grigg showed the Unpaved Road Cost Assumptions including Operator Labor Costs, Equipment Replacement Costs, Equipment Fuel and R&M Costs, and Road Materials, all using a 3% inflation rate per year. He then showed the Paved Road Cost Assumptions for the remaining 92 miles of unpaved roads District-wide (Palm Beach Country Estates – 29 miles, Jupiter Farms – 63 miles), including Road Resurfacing every 15 years, Annual Interest Rate – 5%, Bonds Maturity – 30 years, AECOM estimated initial paving cost per mile of \$1,475,000 (design and pave), Wynn & Sons quote initial paving cost per mile of \$751,410 (pave only including base), Wynn & Sons quote resurfacing cost per mile of \$379,800 (pave only excluding base). Using the AECOM estimate for all 92 unpaved miles, the cost would be \$135,700,000 spread out over a 30-year bond. This breaks down to \$42.8 million for Palm Beach Country Estates and \$93 million for Jupiter Farms to pave all remaining unimproved roads.

On average, there are roughly 48 parcels per mile of roadway in the District. With an initial cost per mile of \$95,443 (AECOM) and \$48,621 (Wynn & Sons), a landowner would pay an additional assessment of \$1,988 or \$1,013 per year for 15 years. It would then increase to \$2,786 (AECOM) and \$1,810 (Wynn & Sons) for the first resurfacing occurring at the 15-year mark.

He then presented graphs for the cost per mile for the next 60 years for dirt road grading, design and paving, and repaving. It currently costs \$278,164 annually to grade the 92 miles of dirt roadways in the District and increases were shown over 60 years including equipment replacement costs. The annual cost for initial paving District wide would be approximately \$4.5 million per year under the Wynn & Sons estimate, and \$8.8 million under AECOM estimate and using the 15-year resurfacing schedule this would increase to \$8 million and \$12.3 million (this includes initial debt repayment and new resurfacing debt). Additional graphs showed the costs separately for Palm Beach Country Estates and Jupiter Farms.

Mr. Grigg noted that this presentation was only based on the 92 miles of unimproved roads and does not include costs for resurfacing existing 97 miles of paved roads. All landowners contribute to road maintenance – dirt and paved, unless they reside on a county road. As of March 31, 2026, the District's road renewal and replacement cash balance is \$820,853. Based on the presentation this would cover two miles of unfinanced resurfacing cost. District staff believe it is critical to assess the condition of the current roadways and develop a comprehensive road inventory to support the establishment of a five-to-ten-year improvement plan.

Ms. Kennedy said this information has been requested for more than 20 years and thanked Mr. Grigg for the analysis. Mr. Powell said this is really based on assumptions. Mr. Grigg said he is being conservative, it is an estimation, and he is being neutral and transparent. Mr. Berman said from a historical standpoint, if they had paved all the roads in Palm Beach Country Estates before they changed the policy in 2017, at those specs and costs, it would have been \$12 million financed over 10 years, and it would have been paid off this year. He referenced a handout he provided to the Board that this has cost \$105 million in damages to landowners for lost value. He also referred again to his opinion poll of unpaved roads in Palm Beach Country Estates for preference of paving and

costs respondents were willing to pay. He said Board personal opinions should not matter; it should be up to the landowners and the Board's job is to provide it in the most precise and cost-efficient way possible. He also felt the paved roads didn't need to be resurfaced as early as every 15 years and that the Board and District hadn't been focusing on water control as much as claimed.

Mr. Meyer disagreed with Mr. Berman's assessment that they have not made progress regarding water control, and that a lot has been done, some of which was necessary correction of actions by previous Boards and staff. He said property values are not the purview of the District – our responsibility is drainage and water control. He added that in the last set of road referenda, none had more than 50% of the affected parcels in favor of paving. He believes the majority in Palm Beach Country Estates are not in favor of paving at the current costs and cannot be compared to costs years ago. He also felt that paved roads don't provide a benefit and negatively affect infiltration and that there is unfair equity in dirt and paved road maintenance. He appreciated the presentation and it shows paving is very costly and is not just a one-time cost.

Ms. McElroy was concerned about the current reserve amount for paving resurfacing and what happens in the future. Mr. Grigg said that is the purpose of the capital improvement plan for roads.

Ms. Kennedy said she would not vote for a financial instrument that was for longer than the life of a road. She agreed with Mr. Meyer's assessment that unpaved roads are paying proportionally more for road maintenance and are essentially subsidizing paved roads because road maintenance is charged on a per parcel basis. She asked if there was a way to separate the road maintenance for dirt and paved roads. If there is a cost difference, no one should be paying for someone else's benefit. Mr. Haas said, under previous analysis, the discrepancy was not significant, but this hasn't been updated for many years.

Mr. Berman said that when roads were originally paved, landowners were told they were paying the same amount for maintenance, and this money was set aside for the day when they would need it, and it wouldn't go towards dirt road maintenance. Is that money set aside? He's hearing it is not. Mr. Haas said landowners were not told their individual road had a reserve fund, but a portion of their road maintenance assessment would be moved to a reserve fund. Currently, approximately \$100,000 is being paid back to the reserve fund mentioned by Mr. Grigg that had been borrowed. The amount had been increasing and then there had been some major needs a couple of years ago. In addition, it is currently costing a lot more today than originally anticipated.

Ms. Kennedy asked if staff could get the information or how road maintenance reserves are being done, actual costs, and what assumptions have been used before that may need to be changed. It may not be something we can do in time for next year's budget, but it has to be investigated. Mr. Berman agreed, saying we need an analysis of where the money should go and where it comes from. Mr. Kennedy said this will take some time.

There was no new business.

Under Supervisor Comments, Ms. McElroy recognized that staff had won two awards for vehicle safety from the Safety Council at the annual award luncheon, where she was also the Keynote Speaker.

There being no further business to come before the Board, the meeting was adjourned at 8:27 p.m.

ADJOURNED

Recording Secretary

Approved