

Minutes of the Regular Meeting of the South Indian River Water Control District Held on March 19, 2026

The regular meeting of the South Indian River Water Control District was held on March 19, 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 Dustin Fazio, Supervisor of Operations; Karen Brandon, Engineer; Sean O'Brien, Treasurer; Seth Behn, Attorney; and Donna DeNinno, Public Information. Approximately 11 landowners were present in person. Approximately 7 landowners, William Capko, Attorney, and Robert Eustice, Engineer, 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 February Meeting. Mr. Berman stated that he'd like the minutes to have less detail. It is unnecessary and unless someone listens to the audio, how do they know it's accurate. He doesn't know how anyone can approve it. **Mr. Meyer motioned to approve the minutes of the February 19, 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 consent agenda. Mr. Berman said the compensation for Supervisors is not displayed anywhere, there is no justification for the amount of time spent, and the work performed is not detailed. He believed this isn't standard accounting practice or what landowners intended. **Mr. Meyer motioned to approve the warrant list. The motion was seconded by Mr. Powell, and it carried unanimously.**

Landowner comments. Ms. Mary Michaels of Jupiter Farms stated that at the Board meetings there have been calls for transparency with regard to Supervisors, as well as generally accepted accounting principles. She said that on November 13, 2025, Mr. Berman submitted House Bill 4099 to the local legislative delegation, which included a local bill economic impact statement form that was prepared by April Lundgren, CPA, representing the Palm Beach Country Estates Landowners Association. The point of contact was Mr. Berman's Realty company, and the email belongs to the association, which is monitored by Mr. Berman as secretary. On January 20 and 21, 2026, she requested via telephone and email the information that was used to prepare the economic impact form, and her request was refused and deemed to be "frivolous and harassing." She said these papers should provide the calculations and methodology use to create the net-zero information in that form and should be available to the public. She once again asked Mr. Berman to provide the documentation that Ms. Lundgren used to create the impact statement form. She provided her email for the record.

Ms. Juliana DeSena of Jupiter Farms spoke on behalf of her partner regarding the easement issue along his property, and that a few months ago, he requested permission to install a fence and gate that the District would have access to for maintenance. After not receiving a response, they followed up and were told the District would not allow a gate. She said she understood the need for maintenance, but they should be allowed to take reasonable steps for their safety, when this would have no impact on the water control system. She stated as a survivor of sexual assault, it is frightening that they cannot take reasonable measures to secure their property and safety. They are not asking to restrict District access and are just asking the District to work with them on a solution.

Ms. DeNinno presented the Public Information report. She reported that the newsletter was at the printers and would be going out shortly.

Sean O'Brien presented the Treasurer's report. They are continuing to work with the Chief Financial Officer transitioning roles and training. Regarding assessments, 92% has been collected - \$5.5 million out of \$6 million. They are working with the Chief Financial Officer on budget to actual schedule and a more efficient way of allocating machine hours.

Mr. Fazio presented the Executive Director's report in lieu of Mr. Kennedy's absence. He provided an update on the Florida Turnpike Expansion regarding the latest correspondence with the Turnpike Authority. He said the District reiterated that they must get a permit for the expansion work to ensure it does not negatively impact the ability to discharge stormwater and negatively affect Palm Beach Country Estates, Egret Landing, and the Jupiter Park of Commerce. The District received an email reply from the Florida Turnpike Enterprise on March 2, 2026, and dismissed the District's requirement for the Florida Turnpike Enterprise to obtain a permit from the District. The Florida Turnpike Enterprise also stated, "If you and your team believe a fundamental disagreement persists regarding the legal interpretation of the Florida Statutes governing our work, we recommend engaging our respective legal teams to resolve the matter." Mr. Kennedy, Mrs. Brandon, and Mr. Behn are working on an email response. Mr. Behn said their claim is that it is within their right-of-way and they don't need a permit, however, the fact that it is a system we built and maintain and hold a permit for and they will need to discharge through our system, this situation is different and this is the message we need to convey. Bottom line is that we hold the South Florida Water Management District permit and ultimately they would need to discharge through our permit. He said they have been working with the Florida Department of Transportation's environmental team on a number of projects and will reach out to them as well. It is still early, as we are only at the 45% design stage. He believes South Florida Water Management District will be the nexus that all of this has to run through, and Mrs. Brandon said they have been copied on all correspondence. Ms. Kennedy said they cannot force us to change our permit and can get their own, but it would be subservient to ours, which dictates how much they can discharge.

Ms. Kennedy asked if we had a good understanding of how much flow we need and Mrs. Brandon replied that in the recent Palm Beach Country Estates model she believed 455 cubic feet per second is allowed and 50 cubic feet per second is allowed for the Turnpike and I-95 corridor as per the 7th Plan of Reclamation. However, the I-95 numbers are from decades ago and since it has been widened, this may not have been taken into account. Mr. Meyer was interested in what our permit entails – what it covers, what the calculations were based on, is it a general permit or specific, storage calculations, etc. Mrs. Brandon thought it was based on the 7th Plan of Reclamation, so the permit is a South Florida Water Management District permit. In addition to the permit for allowable discharge and control structures, we also have a right-of-way permit for the outfall canal that runs through the C-18 right-of-way. Mr. Meyer said the changes that would occur with the Turnpike widening would affect us and we have the nexus with South Florida Water Management District to say they cannot do that without a permit. Mr. Behn said our permit is for the basin that 2657 acres of residential and light industrial that entirely flows through that system – this includes Palm Beach Country Estates, Egret Landing and Jupiter Park of Commerce.

Mr. Powell was focused on the engineering – the flow through the pipes. When they make the changes to the highway, the capacity for what we can flow into will be less due to higher numbers flowing into it from the expansion. He wants to see the numbers of the actual flow from the highway, into the ditch, through the pipes, and how that will be restricted, and then he'd be interested in permissions. Mrs. Brandon said right now they don't

know because they have only given us partial design information. Ms. Kennedy said we do not have that information yet, and as far as permissions go, we have our existing permit, and they have to comply. The Turnpike Authority will have to show with their engineering calculations increased flow and velocity and that the size of the system will have to accommodate additional flow, which will probably mean increasing the size of parts of the system. Mrs. Brandon said they didn't have a good understanding of the design of our system. Mr. Powell reiterated the importance of the District being involved in the process. Mrs. Brandon said the next submittal will be the 60% design plan. Meanwhile, she said she is developing an overview of how the system works and a graphic to provide to them and will plug in the new discharge numbers from the recent modeling study that they will have to meet. Mr. Berman thought I-95 wasn't even open in the area until 1987, after the permit was originally issued, so there was already an impact and asked if we even know what they are discharging now and how much is coming from each highway. Mrs. Brandon said in our model we did generate flows from the highway corridor, but it is based on assumptions. It is assumed that they have exceeded 50 cubic feet per second, though they didn't address it. Mr. Berman asked if we know if it was required at that time that they sought a modification to our permit or did they permit it separately. Mrs. Brandon said she didn't see anything in the file regarding this. Mr. Berman asked if there is no additional allocation for outfall, could the widening even proceed. Mrs. Brandon replied they would either have to secure property to build a retention area or add a new outfall to C-18, which would be difficult, or expand ours in order to handle the difference. Ms. Kennedy said there was Board consensus for engineering to take a look at the nodes allocated for the model to ensure the data is defensible and do a back of the envelope for the additional flow we are going to get. Mrs. Brandon said based on the new model, it shows we would need to widen the four Palm Beach Country Estates' weirs and the outfall weir as well.

Mr. Fazio discussed the new District Mission and Vision Statements being developed by staff. He spoke about the importance of developing a Mission Statement, identifying the District's core purpose, the people it serves, and the essential services it provides. A strong mission statement helps everyone to align the daily priorities and ensures that actions, programs, and resources stay focused on fulfilling that core purpose.

A good Vision Statement describes what the organization aspires to become in the future, what it hopes to achieve, and how it wants to be viewed. A Vision Statement is forward-looking, inspirational and serves as a guide for growth, strategic planning, and decision-making. With a clearly defined mission and vision, it helps provide organizational focus to prevent scope drift. He then presented the proposed Vision and Mission Statements, which had been provided to the Board members the previous week. Ms. Kennedy asked if would be put on the website and Ms. DeNinno said it would. Mr. Meyer thought it was long overdue and thought we could add a bullet about fiscal responsibility. Ms. McElroy thought if we are going to do this, there also needs to be a strategic planning document. Ms. Kennedy said there isn't funding for creating a strategic plan at this time, but this is a good first step and we have other plans such as the water control plan, road maintenance plan, etc., that can be put towards that goal. Mr. Fazio indicated some of these plans are in progress with the ultimate goal being an overall strategic plan. This will be discussed again at the next meeting.

Mr. Fazio spoke about potential changes to the Executive Director employment agreement. Mr. Kennedy is requesting the Board's consideration and approval of several updates to his employment agreement, originally executed on May 16, 2024. These updates are intended to align the agreement with current District policies, maintain an appropriate organizational compensation structure, and support continuity of leadership. Changes would include transition to paid time off, alignment of compensation, and an extension of the employment agreement. Berman said he agreed with most of the information provided, but as he was unfamiliar with the previous agreement, he needed more time to discuss the issue with Mr. Kennedy. He would like to postpone any

approval until next month's meeting, and the rest of the Board agreed. It was agreed that Mr. Kennedy has done an excellent job for the District and the level of professionalism has increased substantially, and with the new Chief Financial Officer position and pay, the salary discrepancy needs to be addressed. It was noted by Mr. Meyer that Mr. Kennedy received no bonus last year and this should be considered and potentially be addressed in the budget.

Mr. Fazio presented the Supervisor of Operations report. He explained that the District is transitioning from corrugated metal pipe to a new 100-year culvert plastic pipe by Advanced Drainage Systems that is lighter and easier to handle. Palm Beach County and other agencies are using it, and AECOM is recommending it as well. He said that the pipe they are currently using has about a 25-30-year life. The cost for the old 18-inch by 20-foot steel pipe, including delivery, is \$500. The new pipe is \$580, but the life expectancy is tripled. He added that they are also looking at a 60-inch pipe to see if that's feasible. Advanced Drainage Systems is coming to the District for a presentation.

Mr. Fazio spoke about the East Borrow Canal where 2.3 miles of canal excavation and tree removal have been done in-house. They reached out to a contractor and received a bid of about \$24,000 to grind the vegetative material in place – it would have been double or triple to cost to haul it away – and it was started yesterday. In some areas you couldn't even see the canal and there was limited or no access.

Mr. Fazio talked about canal cutbacks in Jupiter Farms. They only have 50-foot right-of-way there with access on only one side, so they reach across the canal to cut the material, it falls into the canal, and then it is raked out. They are doing it in smaller sections as an operational change. Smaller material is mulched and left on site, but larger material must be contracted to be cut and hauled out.

Mrs. Brandon presented the Engineer's report. She stated that the District received reimbursement from the Natural Resources Conservation Service for the Phase 1 work on March 3, 2026. The District is waiting for water levels to come up in the canals before issuing a Notice To Proceed for the Contractor to start Phase 2. The duration of the Phase 2 work has been extended until November if needed.

Regarding the National Pollutant Discharge Elimination System MS4 Permit, we are in year nine of what was supposed to be a five-year permit. The Renewal Notice was received on March 6, 2026, from the Florida Department of Environmental Protection that the Palm Beach County application for Permit Renewal has been deemed complete. The draft Permit Package is scheduled to be sent to the co-permittees by May 1, 2026. There is a 30-day Public Comment period on the draft permit and a 14-day Public Petition period. The tentative date for Final Permit Issuance is September 1, 2026. September 30th is the end of the current report year, so the next annual report will be in February/March. They are proposing changes.

Mr. Behn presented the attorney's report. Most of the focus has been on the Turnpike widening. The end of the legislative session has been reached and HB4099 did not make it out of the committee. He spoke about future ethics training needing to include what a foreign influence campaign is and how to avoid it. Another item that passed is that Districts make a statement that they not adopt a net-zero emission policies or engage in any cap and trade. There was an increase on statutory caps for sovereign immunity. The House's version was \$200,000 per individual and \$300,000 for an event and did not pass, but the Senate bill raised it to \$350,000 per individual and \$500,000 per event. Other items did not make it through this year's session. He also noted the Florida Association of Special District's conference is June 7-11.

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Under Supervisor Comments, Mr. Meyer referenced the information maintenance costs for paving versus dirt roads that Ryan Grigg and Mr. Kennedy had developed and whether the assumptions were for just repaving roads that had already been paid for with assessments or the cost of paving up front. Mr. Fazio felt he couldn't answer that question and Ms. Kennedy said she thought it was strictly maintenance. Ms. Kennedy noted for the audience that this was part of the Executive Director's report and the findings showed the dirt road maintenance cost significantly less than the paved roads. Mr. Berman said he had questions regarding the methodology of the findings. The issue will be discussed at the next meeting.

Mr. Berman spoke about a survey on paving that he had done years ago in Palm Beach Country Estates and his offer to redo the survey, which he did and requested the results be attached to the minutes. Ms. Kennedy asked for a motion to receive and file. **Mr. Berman motioned to add the document to the minutes. The motion was seconded by Mr. Powell, and it carried unanimously.** He said it was sent to approximately 800 landowners on an unpaved or partially paved road. He described the questions that were asked including preference for paved or dirt roads, how much they were willing to pay, and he said 93% preferred paving. He thought he might receive more results but felt this was statistically significant. Ms. Kennedy said that saying it is statistically important is not accurate, as it is not a survey, but a preference card.

There being no further business to come before the Board, the meeting was adjourned.

The meeting was adjourned at 7:35 p.m.

ADJOURNED

Recording Secretary

Approved