

Minutes of the Regular Meeting of the South Indian River Water Control District Held on January 15, 2026

The regular meeting of the South Indian River Water Control District was held on January 15, 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 Chad Kennedy, executive director; Dustin Fazio, supervisor of operations; Karen Brandon, engineer; Chuck Haas, treasurer; Seth Behn, attorney; and Donna DeNinno, public information;. Approximately 30 landowners were present in person. Approximately 12 landowners were present via Zoom video conferencing.

Ms. Kennedy called the meeting to order and the Pledge of Allegiance to the flag was given. She noted that there have been issues with the online meeting concerning audio and that the District is looking into updating equipment. She also stated that Ms. DeNinno is the recording secretary for the meeting, as the person contracted to take the minutes is no longer with the District.

Ms. Kennedy asked for a motion to approve the consent agenda and Mr. Berman asked the items be considered separately. **Mr. Powell motioned to approve the minutes of the October 16, 2025, board meeting. John Meyer seconded the motion, and it carried unanimously.** Regarding the December minutes, Mr. Berman noted that there was a spelling error on Greta Foriere's name and Ms. DeNinno noted she'd make the correction. He also said the minutes are long and what is stated in the minutes is stated in the reports. He asked if the reports could just be attached. Ms. Kennedy disagreed and prefers the information to be easily accessible in the minutes themselves. **Mr. Meyer motioned to approve the minutes of the December 4, 2025, board meeting. Mr. Powell seconded the motion, and it carried unanimously. Mr. Berman motioned to approve the warrant list. The motion was seconded by Mr. Powell, and it carried unanimously.** After a short discussion on Board Resolution 2026-1, **Mr. Powell motioned to approve Board Resolution 2026-1: Declaring Authorized Signers for Specified District Bank Accounts; Providing for Implementation; and Providing an Effective Date. Mr. Meyer seconded the motion, and it passed unanimously.**

Several landowners spoke under Landowner comments. Gene Colwell of Jupiter Farms felt that the District was missing opportunities for road improvements and wants to see a road plan where sections can be identified for road improvements and reestablishing a crown so water can properly run off.

Mr. Matt Gitkin of Jupiter Farms addressed the submittal of House Bill 4099. He expressed concern that a Supervisor, without community meetings, an agenda item, or vote from the Board, submitted a bill to the District's legislative delegation as if it represented the will or needs of the District. There was no discussion at a District Board meeting, no workshop, or outreach. He felt there was no transparency and the realignment of the Board would present issues. He said the documentation provided with the bill states there will be no cost, but that would not be the case. He asked the Board to publicly repudiate the passage of HB4099 and demand that it be withdrawn.

Mr. Michael Howard of Jupiter Farms spoke about his hopes that the Board would work together on the issues, however, he thought that one Board member was pushing an agenda. He felt the legislation was poorly written and not representative of the District. He believed Mr. Berman manipulated a political process to push his agenda.

Mr. Charles Bratten stated that the people in Palm Beach Country Estates were sick of being controlled by Jupiter Farms, that they just want to control themselves, and don't care about what Jupiter Farms does. He said they are

five times the size of Palm Beach Country Estates and he has spoken many times about this issue. He feels the 90% road passage requirement is unlawful and he cannot get a letter from the District's attorney. He said that other attorneys have told him it is unlawful. As a result, their association has taken it upon themselves to go to the legislature so that each area's policies are separate. He noted that if some things need to be changed in the bill so nothing affects Jupiter Farms, they are open to that. He also asked Mr. Kennedy whether email updates could be provided regarding service orders placed by landowners.

Ms. DeNinno presented the public information report. She reported that she had worked with Supervisor McElroy regarding drought information that was put on the website, sent out to community social media, and will be included in the next newsletter. She added that the new interactive water quality monitoring program has been added to the website.

Mr. Haas did not have anything that needed Board action. Mr. Bratten spoke again. He was concerned about the signatories on District accounts. He said as someone who has been in finance for years, he questioned why deceased and old employees were still on the account, as this represented a security issue. He felt this was incompetence on the part of the treasurer and Board members.

Mr. Kennedy presented his executive director's report. He discussed the meeting he and the District engineer had with the Florida Department of Transportation regarding the Turnpike expansion. The Turnpike Authority planning staff presented preliminary stormwater conveyance concepts for the proposed addition of two lanes on the west side of the existing Turnpike. He said that District staff expressed significant concerns regarding these concepts – specifically that the Turnpike Authority does not plan to increase stormwater detention or retention capacity despite the increase in impervious surface area resulting from the expansion. District staff raised concerns that replacing open-channel flow with piped conveyance would increase flow resistance and could reduce the capacity for stormwater discharge from Palm Beach Country Estates, potentially exacerbating flooding conditions. He noted that the proposed sound wall will also create stormwater concerns. He added that the District is working with the South Florida Water Management District on the issue, and the Turnpike Authority must prove there wouldn't be adverse impacts to Palm Beach Country Estates. Mr. Meyer asked if there was anything in the agreement the District has with the Turnpike Authority regarding major changes and Mr. Kennedy said he told them that the District does not have equipment to maintain pipes. Mr. Meyer asked counsel if there was legal justification to renegotiate the 1984 agreement as a result of these changes, and Mr. Behn responded there may be. Ms. Kennedy was concerned we have drainage in and around the Turnpike and we must ensure the District is not impacted by the expansion. She noted there would be more in-depth discussion at the February meeting and that staff should be directed to make sure the District's interests are fully protected. Mr. Powell stated the District must be in on this from the beginning – at the front-end of the design.

Mr. Kennedy requested Board approval for adding the Chief Financial Officer to Regions Bank and other financial institutions for administrator access. **Ms. McElroy motioned to approve granting access for the Chief Financial Officer. Mr. Meyer seconded the motion, and it carried unanimously.**

Mr. Kennedy then spoke about the on-line service request ticket. The District is evolving from hand-written paper slips to a streamlined digital process. There are normal maintenance activities, and they are doing coordinated efforts such as driveway culverts in particular areas instead of piecemeal. They work on a priority basis. Regarding email follow up, he has discussed this with the District engineer and the District's computer contractor regarding the software necessary to accomplish this. He believes it is part of the District's software package. He felt it has

been a great success in conjunction with the new Geographic Information System program. Ms. McElroy wondered if there was a way where landowners could code the requests according to the urgency of an issue – like a stoplight – red, yellow and green. Mr. Kennedy said it could be enhanced and will evolve in the future. Mr. Fazio said certain issues are addressed immediately, such as trees down over a road, whereas others are addressed according to schedules.

Mr. Fazio presented the supervisor of operations report. He stated the District is in maintenance mode and has a small full-time crew shooting grades, digging swales, and doing culvert assessments. The driveway culvert replacements are booked through February. On the canal cutbacks, the District has completed cutting on Canals 5 and 6, with Canal 6 fully raked out and Canal 5 halfway done. They have spread 539 tons of road material in the last reporting period, about double the last reporting period. He said there may be a need to increase the amount of road material required in the next budget. He explained the process of pulling in the shoulders of the road and putting the material back in the center of the road, and if that wasn't sufficient, a cap using from six to 18 loads of shell rock is done. He added that moisture is needed to do these types of road work, otherwise the material breaks down to sugar sand consistency, and since there are a lot of roads, it takes a considerable amount of time. Ms. McElroy asked if a water truck could be used. Mr. Fazio explained that the former executive director looked into it to keep the dust down, and it would take between six to eight water trucks and equivalent personnel for several months per year. Ms. McElroy thought if it was used from the maintenance standpoint to speed up the process, perhaps it could be useful. Mr. Fazio said they have a small 400-gallon trailer, but with that size, when used on a typical half-mile road, it dries out before you are at the end of the road. He added that there is also an issue of where to get the water when canals are low during the dry season. He said they could look into it.

Ms. Sally Kennedy of Palm Beach Country Estates commented that she works for the South Florida Water Management District, and her property is located where the Turnpike and I-95 come together. She is concerned that her property may be taken for the Turnpike expansion and construction of the sound wall. She believes the District, affected landowners, lawyers, and our state legislator must get involved sooner than later. Mr. Kennedy responded that the preliminary designs do not show any properties being taken by eminent domain. Mr. Powell reiterated the District needs to be involved in the process.

Mrs. Brandon presented the engineer's report. A request for reimbursement has been drafted for review by the Natural Resources Conservation Service in the amount of \$636,867 for the first stage of work that has been completed. They have approved additional funding in the amount of \$846,737 for work in Canal 3, though no additional funding is included in the grant for technical assistance, including debris monitoring, despite being required for reimbursement. However, there are funds of approximately \$20,000 left over from the first phase that can be applied. The District plans to wait on reimbursement from the Natural Resources Conservation Service for the Phase 1 work before authorizing the Contractor to start Phase 2.

Mrs. Brandon stated they received a proposal from subcontractor Underwater Engineering Services, Inc., for \$9,800 to perform bridge inspections for the bridges over the C-18 and C-14 canals and are in the process of issuing a purchase order to them to proceed. This was included in the budget. She said the last time they were inspected was over 15 years ago and some repairs were done at that time.

Mrs. Brandon stated that they have drafted a permit modification and are working with the Chief Financial Officer on an invoice for engineering fees for submittal to Busch Wildlife Sanctuary. Mr. Meyer asked what the fee costs were and Mrs. Brandon replied she thought it was about \$5,000. Mr. Meyer recommended that the District waive

those fees as they are a non-profit organization and member of the community. **Ms. McElroy motioned to waive the engineering fees for the Busch Wildlife Sanctuary permit modification and Mr. Powell seconded the motion.** Mr. Berman wanted it clarified this is not a precedent, but a unique situation. **The motion carried unanimously.**

Mrs. Brandon reported the water quality monitoring data is now available on the District web site. Ms. DeNinno brought up the webpage and Ms. Kennedy explained it was a result of the District working with the Loxahatchee River District to develop the program.

A number of landowners commented on House Bill 4099 to be discussed under the attorney's report. Mr. Charles Bratten of Palm Beach Country Estates said as an administrator of a landowners' page with 1000 followers, he did a poll and asked if Palm Beach Country Estates wanted to control themselves or keep the status quo. Total count was 53 votes (92%) for self-control and four votes (7%) to keep it as is. He stated that they want what is best for Palm Beach Country Estates, that the bill will only affect them, and if there needs to be changes in the legislation, they can address that. They do not want to control Jupiter Farms at all.

Ms. Sally Kennedy of Palm Beach Country Estates felt the small Facebook poll referenced was bogus. She said she was not opposed to discussing legislation, but the two areas are together within one water control district and to separate the two would cause financial problems, particularly in Palm Beach County Estates, due to its much smaller size. This would result in more taxation, and also no financial analysis of the bill was done. She noted this is a 298 Special District and felt there was a lack of understanding as to how they work. She opposed the legislation and thought a lot of other people are opposed and didn't like how it was implemented without the people having a say.

Ms. Mary Michaels of Jupiter Farms said Mr. Berman, as an elected official of the District, took the oath of office to honestly, faithfully, and impartially perform duties as outlined in Section 2.2.4. of the Policies and Procedures Manual. She added that Section 2.2.5.4 directs the Board of Supervisors to establish policies and procedures to adopt resolutions consistent with the desires of the landowners. She said that HB4099 is not consistent with the desires of landowners, but instead with Mr. Berman's desires. She added that Section 3.3.2 outlines the proper procedures for proposing new legislation and she felt he chose to disregard this policy by bringing this to the Florida Legislature without the knowledge, consent, or input of fellow Supervisors or the community he was elected to serve. She felt Mr. Berman violated his oath of office, the trust of the Board, and landowners he was elected to serve. She requested he resign immediately.

Ms. Jillian Simensky of Jupiter Farms stated she wanted to thank the staff, Supervisors, and community leaders for their responsiveness regarding HB4099 and that no one was aware of this bill until the eleventh hour, despite Mr. Berman apparently filing this bill the day he was sworn in. She felt it was sneaky and he should know better. She said it was a bad piece of legislation.

Mr. Paul Blythe of Palm Beach Country Estates wanted it to be clear that Mr. Bratten does not represent all the voices in their community. He stated he's opposed to the bill and is happy with the District and Board. He mentioned that he's voted in the District elections for 30 years and feels they are fairly and adequately represented. He was unhappy with the campaign misinformation and secrecy that the landowners' association has used to present the proposed legislation at the state level without a broadly advertised public discourse in the District's three neighborhoods. He said the required public affidavit of the Palm Beach Country Estates Landowners Association's intent to file the bill was published on November 15th and the local bill certification by the

legislative delegation cites a public hearing, where they supposedly voted on moving forward with the bill, was held on November 13th, two days prior to public notice of the intent to file a bill. He questioned how this was possible. He said there was no report on where the hearing was held, who was at the meeting, and how the specific lawmakers voted. He felt there was no transparency, no advance notice to the District Board, no mention on the Palm Beach Country Estates or Jupiter Farms Facebook pages, and no requests for the District to discuss this with the three neighborhoods. He also questioned the veracity of the economic impact statement with no supporting analysis.

Mrs. Donnelle Jones of Palm Beach Country Estates said she has lived in Palm Beach Country Estates for 25 years and knew nothing about this bill being filed. She felt Mr. Berman has tried for years to turn a water control district into a community development district. She said this was all about paving, which is community development, and they wouldn't even care about the District except for its ability to assess people for the paving.

Mr. Justin MacIsaac, president of the Egret Landing Homeowners Association, reported that he had received a call from a congressional aide that morning about the bill. He had not heard about the bill, and after reading it, felt it was "utter crap". He felt it affected not only Palm Beach Country Estates, but Egret Landing as well. He didn't feel it was good for his neighborhood and was unhappy with what Mr. Berman did, going behind their backs. He thought it was deceitful and did not want to see something like this happen again.

Mr. Michael Howard of Jupiter Farms stated that in October, after the election results were announced, Mr. Berman appeared to use his position as secretary of the Palm Beach County Estates Landowners Association to file a poorly-written piece of legislation with the Palm Beach County legislative delegation and convinced a state representative to sponsor the bill, which would fundamentally change the governance of the District. He said that two Board meetings and four months passed without any disclosure to the Board or staff that this bill was in the works, and this was done behind the backs of landowners and District leadership without any transparency. He added that the only signatures in the submitted documentation were Mr. Berman's, as secretary, and the treasurer's. He asked if the association had given Mr. Berman authority to do this and if he disclosed to the legislators that he's an elected official of the District who single-handedly wanted the change. He felt there were serious legal and ethical concerns and landowners deserved answers.

Mr. Behn presented the attorney's report on HB4099. The bill has been filed with the legislature and Meg Weinberger is the representative who filed it. He stated that she has provided him with an email stating the bill is in abeyance at this time as she had received concerns from stakeholders and landowners in the communities and did not realize there was as broad a concern as there was. She planned to hold it in abeyance until she had the opportunity to meet with anyone with concerns on the bill. He said that their firm has an expert term regarding the bill process in Tallahassee and these things have to go through committees with the possibility of amendments. Ms. Kennedy asked Mr. Behn to explain what placing a bill in abeyance means and he replied that it's tabled for now and would not be scheduled to go through committees in order to move forward, where it would be discussed and voted on to move forward, or possibly shelved, where it would die. Ms. Weinberger would have to either refile or continue with the bill should she decide to move forward. Mr. Meyer asked how long it could be kept in abeyance until such time it may be too late to proceed. Ms. Kennedy said the session ends the second week of March, so technically it would be until the end of this term. Mr. Behn said bills are typically reviewed by at least two subcommittees and would still need to be placed on agendas, and not all committees meet all the time. Ms. Kennedy asked if a Senate companion bill was required and Mr. Bain replied no, it would ultimately be referred over to the Senate.

Mr. Berman then spoke about HB4099. He stated that in August 2024, Bill Capko addressed the idea of an amendment to the legislation regarding the current seat requirement by a non-resident landowner. When asked about the cost to do this, he replied it would be between \$40,000 and \$60,000 to process the application, while this bill process was done for free. He said that at the annual meeting in September, he presented a copy of what the proposed legislation would look like and asked that it be attached to the minutes. He thought it was rude and disrespectful towards the end of the meeting when some Board members and people from Jupiter Farms left. He noted there have been some changes to the language since that time. He commented that anyone who has said there wasn't a notice or attempt to discuss this issue with the landowners was lying. He stated he was not a Supervisor at that point and wasn't until October 16. He said the first thing he did was to go to the Representative Weinberger's office for the procedure to file the legislation and found that it had to be filed by October 15, one day before he became a District Supervisor. He explained that between September and the date it was filed, a lot of things had to happen to get it to the delegation in time and it occurred in a timely manner. There were advertising requirements and three public hearings where anyone could have attended. The board of directors of the Palm Beach Country Estates Landowners Association authorized him to move forward with his signature as secretary and attempt to get the approval of the legislative delegation, where it was approved unanimously. He said all requirements were followed. There was no meeting of the South Indian River Water Control District until December 4, and at that time, he did not have any confirmation that the bill was going to move forward. He met with Meg Weinberger and her staff on multiple occasions and went through final draft of the bill. He felt there was a tremendous amount of disinformation being disseminated. He stated that the cover letter that was sent to the legislative delegation clearly spells out the distinction between Palm Beach Country Estates and Jupiter Farms and that the intent is to have two three-member boards within the District, who would operate independently and would only make decisions for each side – east of the C-18 Canal and west of the C-18. This cover letter wasn't in the first draft, but it is in there now, and he had copies available for anyone who wanted to view it. He said the entire purpose of the legislation is to have Palm Beach Country Estates elect its own representative, which hasn't happened since 2010. He added that prior to this last election, the supervisor required to reside east of the C-18 had never been elected by the residents of Palm Beach Country Estates and this was wrong. He said that there was nothing in the bill that negatively affects Jupiter Farms. He reiterated that anyone who tries to characterize the bill as unfair is wrong and this is an attempt to reach fairness in the District. He spoke about the even number of board members proposed in the legislation and pointed out that juries have an even number of people. He said you'd still need a majority vote regardless. He felt this bill creates fairness and allows the people in Palm Beach Country Estates to develop their own policies and procedures based on desires of their area, and the same goes for Jupiter Farms. He noted it could be done in other ways such as de-annexing from South Indian River Water Control District and annexing into Northern Improvement District or leave the District all together and let Palm Beach County provide services but thought this approach was the easiest, simplest, and most economically viable way to address the problem, where the goal is autonomy for Palm Beach Country Estates and Jupiter Farms. He said that the budgets are already kept separate, the drainage systems don't connect to each other, and nothing would change under the current operations, other than who is elected to the Board and what policies, procedures, and budget items are established for each area independently. He stated he spoke with Meg Weinberger that morning in preparation for receiving negative comments and responses from Jupiter Farms and thanked people in the audience for living up to what he told her they would do to try to kill the bill for no good reason, other than to have control over people in Palm Beach Country Estates. He added that he thinks there are large numbers of people in each area who do not care what happens in each community. He stated that none of the activities relating to the bill occurred when he was a Supervisor, it was done prior to his election to the Board, and the timing was beyond his control. He stated that this issue was presented at a Palm Beach Country Estates meeting where only a few people were in

attendance, but this was typical of attendance. He admitted it did not go before Jupiter Farms, and he would be happy to attend a meeting with Meg Weinberg to explain the situation and sort out truth from fiction and facts from lies. He felt that people faced with the facts and true intentions would conclude this is the way to reach harmony and avoid battles. He said there is really only one issue that separates Jupiter Farms and Palm Beach Country Estates, and that is road paving. He felt that 95% of people in Palm Beach Country Estates want their roads paved, so the discussion needed is how do you get the roads paved, at what cost, and how do you pay for it. He said he only knew 29 people who would prefer to live on a dirt road, but there are over 900 people who rather lived on a paved road who want the opportunity to get that done. This bill doesn't change anything and as far as he is concerned, Jupiter Farms can determine their own policies. Statements that he wants to pave roads or bring in potable water in Jupiter Farms are a lie, and this bill would still let them determine this. He added that he doesn't care if people in Palm Beach County Estates want to pave or not, it's up to them to vote on it. He stated that his personal opinion is that dirt roads are unhealthy, unsafe, and stupidly expensive to maintain. He said that 40 years ago Palm Beach County prohibited developments constructed with dirt roads because of these reasons. He noted that over the last 15 years, this board invented the 90% requirement, and contrary to statements, Palm Beach County never had this requirement, and this is a lie. Ms. Kennedy asked Mr. Berman to go back to the bill issue as information on the roads is under a separate agenda item and Mr. Berman responded they wouldn't be discussing this bill if the road paving policy wasn't changed.

Ms. Kennedy asked if there was a motion to oppose House Bill 4099 and create a formal resolution stating as such and authorizing staff to make such representations to the Palm Beach County legislative delegation and other interested parties. **Mr. Meyer motioned as stated. Ms. McElroy seconded the motion.** Mr. Berman said this motion has been brought with no discussion or presentation. Ms. Kennedy stated that Mr. Berman had two Board meetings where he was a Supervisor and had the opportunity to bring up the legislation at those times. Mr. Berman said there was only one meeting, because it wasn't approved at that time. Ms. Kennedy said there is a proper way to present legislation per our Policies and Procedures Manual, to which Mr. Berman replied it was attempted at the annual meeting. Mr. Meyer said he listened to Mr. Berman's comments at the annual meeting and that it is not the way to present a piece of legislation and not something the Board agreed to. He felt it was misrepresented to the legislative delegation that it was something the Board wanted and people were surprised at how everything transpired. People didn't know because there was no discussion other than Mr. Berman bringing it up at the landowners' meeting. Mr. Meyer said he was there as a landowner and did listen, and for Mr. Berman to claim this was enough for him to go on his own to present legislation was problematic. He said that Board members did not know about it or have the opportunity to weigh in on it, and from an ethics standpoint, it should have been talked about. He added that regarding the issue of unfairness in representation, there are currently two Board members from Palm Beach Country Estates and two from Jupiter Farms. Mr. Meyer also asked who determined there would be no cost to the landowners in Palm Beach Country Estates. He said that normally when you want to be efficient you consolidate, not separate into two separate Boards. Engineering plans would be mandated with a 25% approval for paving, which would be more costly. Staff time would have to increase with a more complex election process, particularly in the first year. Automatic Requests for Proposal for professional staff every three years would create additional costs.

Mr. Powell said he was aware of this and didn't have a problem with it because he doesn't think it would pass. He did feel that the Board could accommodate some of the objectives in the bill, so that each side can do what they need to do. He thought the Board could find a way to compromise.

Ms. McElroy said she doesn't disagree with Mr. Powell that some of the issues can be addressed at a policy level. She spoke about a meeting with Governor DeSantis where it was said that it may be more appropriate to handle things at the local level instead of the state level. She said she's had conversations with Mr. Kennedy on bid schedules and there is a time period with bringing on new people that would impact District operations. This can be discussed. She noted she had many calls from people asking what was going on with the bill and she couldn't answer because she hadn't been made aware of it. She felt it was embarrassing and reflects poorly on the entire Board. She was open to exploring alternatives, but the change should be made on a policy level. There should have been meetings where the issues in this bill were discussed.

Ms. Kennedy said the language in the bill is presented in an opaque manner without any involvement from the public or agency that it completely restructures. This lack of transparency and public input is the reason why she would entertain the motion. She also felt the legislation is an embarrassment for the District with the level of sloppiness and is over-regulating the law when it should be a policy issue that should be decided at the local level as opposed to the state level. She added that if the sponsor of the bill wanted to bring the issues before the Board for discussion and changes in the policy, she thought everyone was open to it. She said the Board has been focused over that last year on fiscal responsibility and trying to increase transparency and efficiency. This bill doesn't do anything to address this.

Mr. Meyer added that to address the fundamental issue of paving as per Mr. Berman's comments, this bill was taking a shotgun to a mosquito and turning the District upside down for the purpose of changing a policy, and if we want to change the policy, let's have a discussion on the specifics of the policies. He took exception with Mr. Berman's statement that 95% of the people in Palm Beach Country Estates want paving, based on emails he's received and most want to be left alone without assessment being placed on them. He said the Board can have a discussion on the policy instead of reorganizing the whole District, though he doesn't want to make things more difficult for people.

Mr. Powell asked if this could actually be accomplished through a policy. Ms. Kennedy replied there is nothing preventing a policy regarding this, but she thinks two Boards within a Board is problematic and there are many costs that aren't strictly attributed to East versus West. Mr. Powell agreed with Ms. Kennedy that these issues are best worked out by the Board.

Ms. Kennedy stated that back in October she had asked that Supervisors request items to go on the agenda in the upcoming months. While the issue of road paving in Palm Beach Country Estates was brought up regarding percentages for approval and financing, there was nothing brought up about the legislation or new Board configuration, and at the same time, this bill was going through without any kind of public policy. As a result, some people felt it was a statutory overreach of the Board's decision-making authority at the state level. There was no specific motion at the time and there is a way to do this without people feeling like they were stabbed in the back. Mr. Berman replied that the problem with this is if the Board had just operated within existing law and not tried to fabricate erroneous policy, there wouldn't have been an issue, and for the last 15 years they have ignored the law. He felt policies could be changed at every other meeting. He didn't believe the Board had the authority to change the law and force it upon everyone. Mr. Berman stated again that there would be no additional expense, that the elections would be the same, and extraneous information would be removed. He thought when everyone heard the truth, understood the process, and the goals of the legislation, the vast majority of people in Palm Beach Country Estates and Jupiter Farms would support it. He said he wants to move forward with the legislation and then can discuss policy. Mr. Powell once again said we need to take more time and didn't think the legislation was

going anywhere anyway. Ms. Kennedy felt there was misrepresentation by whoever signed the financial statement that there would be zero impact to the District and landowners. Mr. Kennedy stated that as executive director, he has a fiduciary responsibility to make sure the Board does not do anything that conflicts with the law. He did not think they could take action on something that didn't have prior notice, and if the Board wanted to move forward with a resolution, there may need to be an emergency meeting and have that on the agenda, as otherwise people would be unaware in advance that it was to come before the Board. Ms. Kennedy said the motion would have to clarify that the resolution would have to be brought up at the regular February Board meeting. Mr. Behn agreed the resolution would have to come back before the Board and the motion would have to direct staff to prepare the resolution and objection to the bill as filed. He indicated that Meg Weinberg would be reaching out to the Board members and he asked if direction should be provided to Mr. Kennedy about the issue until the resolution is filed or let her know there will be a resolution that will come before the Board in February. Mr. Meyer felt it was important to provide direction for staff tonight and make it clear the Board does not support the legislation in its present form. Mr. Berman commented that the Board could just work on the legislation and not just kill it. He felt it would be obvious to every legislator that this was an attempt to kill it without talking about it. Ms. Kennedy replied that any Tallahassee staff member that reads the legislation will think that whoever proposed it is an amateur and that it was sloppy, not presented well, and has absolutely no financial analysis. Mr. Berman disagreed and said that no action was required of the Board. Ms. Kennedy then asked if Mr. Meyer would like to amend his motion in any way. **Mr. Meyer said that based on concerns by the executive director and attorney he would amend the motion to propose the District oppose the HB4099 legislation in its present form. Ms. McElroy seconded the motion.** Mr. Berman continued to object and due to the late hour and additional topics the Board needed to discuss, Ms. Kennedy called for a vote on the motion. **Ms. Kennedy, Mr. Meyer, and Ms. McElroy voted in favor and Mr. Berman and Mr. Powell voted against it. The motion passes by a vote of three to two.** Mr. Berman called the motion out of order and Ms. Kennedy replied he was out of order.

Under old business – Board discussion of the Policies and procedures manual 7.3.3 Road Paving – five landowners submitted comment cards. Beth Brunman of Palm Beach Country Estates urged the Board to keep the current policy of 90% requirement for paving. She and others in the community have had constant pressure to pave the roads and over the years she has had to vote no four times against paving, feels she has been badgered and wants to be left alone to control her own property. She said paving is not a necessity, it is a desire, and those who want it should not force others to change the aesthetics of their property against their will at a cost of thousands of dollars and a lien that doesn't go away until the debt is paid. She said that anyone can face hardships at any time. She asked if the Board would be comfortable voting to force people to pay thousands for paved roads they do not want.

Mrs. Greta Foriere of Palm Beach Country Estates said for years they have not been heard. She cited seven roads that petitioned to be paved, and none passed. The year before her road passed because they paid for it. The seven roads each paid \$400 fee, took the time to gather petitions and completed the paperwork and not a single one passed because of the 90% rule, so they were disappointed. She said they have different needs and are outvoted every time by Jupiter Farms. She also mentioned she was in charge of working on the sound wall and that the wall was supposed to go up prior to any expansion.

Mr. Michael Howard of Jupiter Farms said he was part of the Board when the policy was developed, and it was based partially on the County's policy. He stated that he had been in contact with the County engineers who had been working on their road paving policy since the District established our policy. He said there are significant legal issues with the County's policy and that is why over the last eight years it has not been available. It also had to do with assessing people on County roads and if it's a County road they maintain, they cannot assess a

landowner for this, which raises a lot of questions for our District, so this would need to be addressed by the Board prior to considering any changes.

Ms. Kristen Atwood of Jupiter Farms stated we are a water control district and important issues regarding this, which actually affect property values and way of life, prior to the enacting of the 90% road policy, were not prioritized. She noted that afterward, things improved, though it is a slow process as the system is antiquated and it takes time to fix it. Many people are unaware how long it took to get to this point. She said that when landowner-initiated road improvement projects had priority, the engineer's time was taken up with roads instead of water control, so the 90% was directing focus back to the purpose of water control. She added that the homes and roads are worthless if they are flooded.

Mr. Charles Bratten, of Palm Beach Country Estates, said the Board wasted time at the last meeting discussing project requirements from \$1 million to \$5 million, while we could have been working on drainage, like Canal C, where they didn't get drainage in the back of the neighborhood because they ran out of money when we lost grant money. He felt the Board needed to table the issue. He said he works for Truist Bank and asked their commercial loan department regarding rate difference between a \$1 million and \$5 million loan to a Special District, and it was only 15 basis points, and even if 25 to 50 basis points, that is only 1/4 to 1/2% or the equivalent of \$100 a year to the landowner. He stated that this Board has created its own problem by changing it to 90% and if we changed the policy for Palm Beach Country Estates, we would be done with the arguments.

Ms. Kennedy said the only action on the agenda for this meeting was a staff recommendation for recovery of referendum costs. At this point in time, the petition fees are \$400 for 1/2 mile or less and \$800 for greater than 1/2 mile. However, the Board is looking at the costs for proceeding to referendum, which if it fails, is borne by the entire District. Mrs. Brandon had prepared a memo and the actual costs of preparing the referendum and counting the votes was \$2400 per street for the last seven streets that went to referendum. She explained that when they receive a petition, it must be verified as to ownership, addresses, and signatures, and verification that the roadway meets the criteria for paving, as well as creation of an exhibit. If it has been verified as meeting the minimum 50% plus 1, it then goes to the Board as a resolution, where they request approval to prepare the engineer's report and the plan of improvement. After that, the more significant costs come in with design, cost estimates, individual ballots, and costs per parcel. Mr. Meyer said this was discussed last year and the Board raised the petition fees \$100, but it doesn't really cover the costs of proceeding to referendum and it's important the District recoup the cost associated with the paving process. If there is a benefit to the District, there may be justification for subsidizing it much like the District's driveway culvert replacement program. He doesn't want to discourage petitions and isn't in favor of a big fee up front, doesn't want to increase petition fees astronomically, and feels the solution is one fee for the petition, and then if successful in getting the required signatures, then a second fee to cover the costs of preparation for a referendum. He would be okay with bumping up the petition fee slightly. Ms. Kennedy asked if the petition fees were sufficient to cover those costs and Mrs. Brandon thought it might need to be increased a little. Ms. Kennedy noted the Board needs to make a decision as the petition process for this year starts February 1st. Mr. Powell said he'd be okay with bumping the petition fee up slightly, but the big change would be instituting a fee to cover the referendum preparation costs. Mr. Meyer added that if a referendum were successful, that cost would be deducted from the financing cost. Mr. Berman cited information he presented to the Board last year on the seven roadways that had petitioned and he reiterated that if those referendums had been handled in accordance with the legislation, three roads would have passed and costs would have been recovered. He said he wasn't opposed to covering the costs, but we need to minimize those costs and thought consultants had a blank check and were just doing what they want. He felt that the District didn't need to pay the engineer to verify

the petition information via the Palm Beach County Property Appraisers website, and instead, the Board can change the policy to require that landowners supply their own verification, such as a deed. He felt the Board's job is to limit the costs. He also said that if the vote requirement remains at 90%, that it's impossible to pave roads and thought that was their intent. Ms. McElroy said she'd like to see line-item costs so she can understand how much is being spent. Mrs. Brandon said she thought that up to the point of the resolution stage, it's a cost of \$500 for a half mile or less. She said they can go through their accounting regarding other specific costs. Mr. Berman said part of the problem with cost is that there was a focus on street by street, but it doesn't have to be and could instead be a group of streets coming together, which would change the number. He thought as a result, you can't have a fixed number and the cost would be determined on exactly what the engineer is asked to do. Mr. Meyer said we need to look at the existing policy, and we rely on the engineer to tell us what the cost would be and perhaps we might be too cautious. Right now, we are going by last year's cost of \$2,400 per street regardless of street length. Ms. Kennedy said there are two considerations, increasing the petition fee from \$400 to \$500 and \$800 to \$1,000, and then changing policy to create a fee for the referendum that would be paid regardless of whether it passed or not. Mr. Meyer noted it needs to be clear to petitioners there is an additional cost. Mr. Berman asked Mrs. Brandon if the \$500 includes getting to the point of estimating what the referendum would be.

Mr. Meyer motioned to increase the petition to \$500 for 1/2 mile or less and \$1000 for over 1/2 mile and include in the petition form language that the cost of the referendum as determined by the engineer would be borne up front by the petition sponsor. The motion was seconded by Ms. McElroy. Mr. Meyer asked if we are keeping the construction cost per mile the same and Mrs. Brandon said yes unless directed otherwise. Mr. Berman said an issue that came up with Greta's road was that they heard from the contractor that the road specification the District uses is excessive, and it does not need to be done to this design. He added that there is a difference between the types of roads and we might need to circle back to the specification, as this might have greatly increased the cost. After calling for the vote, **the motion passed with Ms. Kennedy, Mr. Powell, Mr. Meyer, and Ms. McElroy voting in favor and Mr. Berman voting against.**

Ms. McElroy said at the last meeting she heard different things about financing strategies, and she did some research should there be additional discussion in the future. Mr. Berman said that with capital projects to date, the vote is on the assessment, not necessarily the total cost and in order to get to that, financing is essential, and in the past, the best financing for the project was sought and implemented. He felt it is the job of the Board to determine the most economical way to approach financing, and he didn't think paying up front makes any sense for anyone. **Mr. Powell made a motion to change the 90% requirement of benefited landowners for roadway paving projects for the East side and return to the percentage in the statute of 50% plus one. The West side would remain the same. Mr. Berman seconded the motion.** Mr. Meyer said there is a lot of discontent and would be open to reducing the 90% but only on the condition that the District doesn't do financing. He felt if we revert to the past policy, it will burden people who don't want it, an issue they tried to correct in 2017. Ms. McElroy received four emails supporting reducing the percentage, which she doesn't consider to be overwhelming support. She said that many more have reached out to her wanting it to remain the same, or some sort of super majority. She is open to reducing it, but there is strong support for a super majority. Of the people who have contacted her, the majority are concerned with affordability. Mr. Meyer said this goes to self-financing, so those who want it pay for it. Mr. Powell said he would amend his motion to include Mr. Meyer's self-financing requirement where only those who want the paving pay for it. Mr. Berman said no one would want to pay for it then because the guy down the street is paying. He said all referendums are based on the majority of votes cast, citing state referendums where a small percentage of voters dictate the outcome for everyone. Mr. Meyer said Indian Trails' policy requires payment for

roads up front. Ms. Kennedy said she is willing to talk about a reduction from 90% but a simple majority is not enough. There needs to be a super majority or some type of protection for residents who would be priced out of the community. **Mr. Powell withdrew his motion, and the motion died for want of a second.**

Mr. Berman motioned that the District follow the law. Mr. Powell seconded. Ms. Kennedy said the attorney has assured them they are following the law and said the motion would need to state a specific change to the policy. She then stated there was no need to have a motion on this as they have been following the law.

Under new business, Ms. Kennedy noted that Ms. McElroy had asked for time at the February meeting to present an emergency management plan and Ms. McElroy asked if it could be moved to March. Ms. Kennedy said there would also be a report on the water control modeling for Palm Beach Country Estates, which will require a considerable amount of time. Mr. Berman also requested a line item be added to the agendas for Supervisors' comments.

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

The meeting was adjourned at 9:32 p.m.

ADJOURNED

Recording Secretary

Approved