

PAL MAR WATER CONTROL DISTRICT
 REGULAR BOARD MEETING
 FEBRUARY 5, 2015

A. CALL TO ORDER

The February 5, 2015 Regular Board Meeting of the Pal Mar Water Control District was called to order at 10:02 a.m. at the Old Jupiter Town Hall, 1000 Town Hall Avenue, Jupiter, Florida 33458.

B. PROOF OF PUBLICATION

Proof of publication was presented to show that notice of the Regular Board Meeting and Public Hearing was published in the *Palm Beach Post* and in the *Scripps Treasure Coast* on September 19, 2014, as legally required.

C. ESTABLISH QUORUM

A quorum was established:

Supervisor	
Commissioner Sarah Heard	Absent
Vice Chair Gearl Gore	Present
Kathy LaMartina	Present
Lew Lolmaugh	Present
Commissioner Hal Valeche	Present

Staff members in attendance:

District Manager	Todd Wodraska	Special District Services, Inc
General Counsel	Mary Viator	Caldwell & Pacetti, P.A
District Engineer	Bob Higgins	Higgins Engineering, Inc
Field Maintenance Supervisor	T.J. Mansell	Mansell Land Services

Also in attendance:

- Bob Berman
- Cory Beaton
- Ray Palmer-SFWMD
- Jeff Dougherty- Martin County
- Deborah Drum- Martin County
- Marge Ketter
- Hugo Carter- SFWMD

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D. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions.

E. APPROVAL OF MINUTES

1. December 4, 2014 Regular Board Meeting

The minutes of the December 4, 2014, Regular Meeting were approved, as presented, on a **motion** made by Mr. Valeche, seconded by Mr. Lolmaugh. The **motion** carried unanimously.

F. STATUS REPORTS

1. Legal – Status Report

Ms. Viator reviewed the status report provided in the meeting packet noting that the majority of her efforts have been focused on requesting an Attorney General's opinion regarding payment of assessments by the TIITF which will be discussed later in the agenda.

2. Engineer – Status Report

No report.

3. Field Maintenance Report

Mr. Mansell reported that mowing is underway and should be completed within a week. He also stated that he has brought several contractors out to the property to show the remedial maintenance work that needs to be performed. Mr. Mansell asks the contractors to send proposals to the District Manager. He noted it has been quiet on the property and that he has seen a couple of un-occupied trucks.

Mr. Lolmaugh complimented the mowing contractor on how good the canal banks look. He also asked for clarification about mowing along the Old Jupiter Grade Road where there are gates. Mr. Mansell explained that since a dispute with an adjacent property owner years prior he does not travel along this particular section.

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Mr. Berman stated that because of a discrepancy in that location between legal and physical access and boundaries that Martin County has engaged a surveyor to identify the boundaries.

After a brief discussion the consensus of the Board agreed to authorize the Field Maintenance Supervisor to inspect this area because it does include works of the District.

4. District Manager Report

Mr. Wodraska reported he has been receiving proposals for the remedial work that should commence soon after the mowing is completed.

G. OLD BUSINESS

1. Update on Attorney General's Opinion Regarding TIITF Assessments

Ms. Viator reported that District did receive a response from the State of Florida's Attorney General's office. They responded that they do not have authority "to interpret or construe contract or lease provisions", but they did offer several prior AGO's that appear to support the District's argument that it is owed the assessments that have been levied on lands owned by the TIITF.

Mr. Gore asked what the next steps would be if the District kept pursuing the assessments. Ms. Viator answered that the District could file a "mandamus" action, which is the mechanism used to force a government to do something.

Mr. Valeche asked how much is at stake. Mr. Wodraska answered the assessments owed is now more than \$100,000. Ms. Viator noted that there could be a statute of limitations that factors into how much the District could recoup.

After a brief discussion, staff was directed to bring back options and costs of proceeding with a mandamus action or other type of lawsuit.

H. NEW BUSINESS

1. Discussion Regarding the Corey Beaton Culvert

Mrs. LaMartina provided a brief history on the culverts and property and noted that the issue is complicated because of the variety of issues. Mr. Hugo Carter of the SFWMD explained the permitting challenges which include multiple property owners.

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Mr. Higgins stated the fundamental question for the Board is whether to allow drainage from outside property into Pal Mar. He recommended postponing the removal of the culvert(s) to allow the property owner to work through some issues with the SFWMD.

Mr. Lolmaugh asked how long the Board was expected to wait to hear something because he is considered about outside water draining into the District with the existing culverts.

Mr. Wodraska responded that he plans to keep this item on future agendas to monitor the progress of the permit at the SFWMD and allow the Board an opportunity to act if the property stalls.

2. Consider Resolution No. 2015-01- Approving the Amendment to the Second Amended Water Control Plan

Ms. Viator reported that this item was requested to be postponed by Commissioner Heard until there was a full Board present.

Mr. Wodraska explained that this second amended water control plan is needed if the Board wants to pursue being granted a legal positive outfall, rather than seeking another five-year extension, for a commitment for a legal positive outfall.

Mr. Gore thought it was time for the Board to vote on the issue and did not want to delay it any further.

There was a **motion** made by Mr. Valeche, seconded by Mrs. LaMartina, to postpone this item until there is a full Board present. The **motion** carried 3-1 with Mr. Gore dissenting.

I. ADMINISTRATIVE MATTERS

1. Financial Report

Mr. Wodraska reviewed the report and noted the District was in sound financial condition.

2. Consider Invoices

The invoices were approved, as presented, on a **motion** by Mr. Valeche, seconded by Ms. LaMartina. The **motion** carried unanimously.

J. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

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Deb Drum of Martin County asked if the District would write a letter of support for securing a grant for public land acquisition, which Martin County has offered a \$1 million match. The Board asked the District Manager to coordinate a letter with Mrs. Drum.

Bob Berman suggested that Pal Mar have a representative on the Project Delivery Team for the Loxahatchee River watershed project. Mr. Higgins stated that he has requested to be a member of the team on behalf of Pal Mar.

K. BOARD MEMBER COMMENTS

Mr. Lolmaugh asked about the re-zoning signs that are posted by Martin County along Pratt Whitney road. Mrs. Drum explained that the re-zoning is simply an administrative clean-up to make sure the land use designations of properties reflect the fact that this properties were acquired for conservation.

L. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 11:09 a.m.

Secretary/Assistant Secretary

Chair/Vice-Chair