

PAL MAR WATER CONTROL DISTRICT
 REGULAR BOARD MEETING
 APRIL 2, 2015

A. CALL TO ORDER

The April 2, 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 had been 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 with the following:

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

Staff members in attendance:

| | | |
|------------------------------|------------------------------|--------------------------------|
| District Manager | Peter L. Pimentel | Special District Services, Inc |
| General Counsel | Mary Viator Betsey Burden | Caldwell & Pacetti, P.A |
| District Engineer | Bob Higgins | Higgins Engineering, Inc |
| Field Maintenance Supervisor | T.J. Mansell | Mansell Land Services |

Also in attendance:

- Jeff Dougherty- Martin County
- Deborah Drum- Martin County
- Marge Ketter
- Hugo Carter- SFWMD
- Carla Segura- Martin County

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D. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions.

E. APPROVAL OF MINUTES

1. February 5, 2015, Regular Board Meeting

Mr. Pimentel explained that the last two paragraphs on page 3 of the February 5, 2015, minutes needed to be eliminated and, under Item K, the last three words of the paragraph “match the zoning” need to be changed to read “reflect the fact that the properties were acquired for conservation”.

A **motion** was made by Mr. Valeche, seconded by Ms. LaMartina to approve the minutes of the February 5, 2015, meeting, as amended. 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 researching available options for payment of assessments owed by the TIITF which will be discussed later in the agenda.

2. Engineer – Status Report

Mr. Higgins reviewed his March 25, 2015, letter regarding the activities of the Loxahatchee River Watershed Restoration Project. There was no Board action on this item.

3. Field Maintenance Report

Mr. Mansell reported that the contractor had finished filling in the potholes and that it came in under budget. He stated that the work looks good and noted that it has been quiet on the property.

4. District Manager Report

Mr. Pimentel reported that Mr. Wodraska was ill and that there was no Manager’s Report.

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G. OLD BUSINESS

1. Update Regarding the Corey Beaton Culvert

There was no update to report.

H. NEW BUSINESS

1. Discussion Regarding Options and Costs of Proceeding with a Mandamus Action or Other Type of Lawsuit as it Relates to TIITF Assessments

Ms. Viator presented and reviewed her report dated March 25, 2015, that was contained in the Board Member packet. She noted that, after researching this matter, she has concluded that the District has three options, which are as follows:

- The District could file a “mandamus” action, which is the mechanism used to force a government to do something;
- The District could retain the services of a lobbyist in an attempt to have the Legislature allocate money for the outstanding assessments; or
- The District could simply do nothing at this time.

She further reported that her firm does not handle mandamus lawsuits so the District would need to engage outside counsel and the estimated cost would be in the range of \$40,000 to \$50,000. The cost for a lobbyist would be approximately \$10,000, based on an hourly basis.

Mr. Valeche stated his opposition to hiring a lobbyist. He indicated that if the Board was considering hiring an attorney, he would want to interview the prospective attorneys and obtain an indication of the possible level of success. Ms. Heard opted for the do nothing option. Ms. LaMartina was concerned about the rate of return and the consequences of loss. Mr. Lolmaugh recommended that the Board consider this item in the future.

A **motion** was made by Mr. Valeche, seconded by Ms. LaMartina to continue to explore options and bring the matter back to the Board at a later date. The **motion** passed unanimously.

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

Mr. Higgins reported that this matter had been discussed for a number of years without resolution. He stated that the proposed amendment to the Second Amended Water

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Control simply describes the location of an outfall easement through a natural slough owned by Martin County. The District currently drains through the property in question and the Second Amendment would allow the District the right to enter the property to maintain the easement, should it ever become blocked. Because it is a natural existing flow-way, no improvements are proposed. He stressed that the Second Amendment does not convey development rights to any landowner in the District and that its location is the result of coordination with the SFWMD.

Ms. LaMartina questioned whether this amendment should be presented to the Project Development Team of the Loxahatchee River Watershed Restoration Project. Ms. Heard agreed. Attorney Viator indicated that the easement could be re-locatable. Mr. Lolmaugh stated that he would prefer a re-locatable easement. Deborah Drum cautioned the Board to proceed slowly because the Project Development Team may need to relocate flows in the future.

Following the discussion, the consensus of the Board was to delay action on this item and staff was directed to discuss this matter with the Martin County attorney.

3. Consider Signature Stamp Authorization for District Checks

Mr. Pimentel requested a slight change in the manner in which checks are processed through his office. He noted that currently two individuals manually sign all checks that are generated in the office from all of the Districts that SDS manages and the volume has increased substantially each month. He requested approval to allow one of the signatures to be a signature stamp that will be securely locked when not in use and will only be accessible by the owner of the signature.

The consensus of the Board was to allow the use of a signature stamp on District checks with the understanding that the second signature would be a manual signature.

I. ADMINISTRATIVE MATTERS

1. Announce Annual Landowners' Meeting on June 4, 2015

Mr. Pimentel announced that the Annual Landowners' Meeting would be held on June 4, 2015, in the Martin County Commission Chambers

2. Financial Report

Mr. Pimentel referred to the financial report contained in the Board Member packets.

3. Consider Invoices

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

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

Deborah Drum reported that Martin County had recently taken aerial photographs of Pal Mar.

K. BOARD MEMBER COMMENTS

Ms. LaMartina reported that she recently went on a tour of the District with Mr. Mansell and was impressed with the quality of the area.

ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 11:05 a.m. There were no objections.

Secretary/Assistant Secretary

Chair/Vice-Chair