

PAL MAR WATER CONTROL DISTRICT
 REGULAR BOARD MEETING & PUBLIC HEARING
 SEPTEMBER 4, 2014

A. CALL TO ORDER

District Manager Todd Wodraska called the September 4, 2014, Regular Board Meeting of the Pal Mar Water Control District to order at 10:04 a.m. at the Old Jupiter Town Hall located at 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 had been published in the *Palm Beach Post* and in the *Stuart News* on August 16th and August 23rd, 2014, as legally required.

C. ESTABLISH QUORUM

A quorum was established with the following Supervisors in attendance:

Supervisor	
Commissioner Sarah Heard	Present
Commissioner Hal Valeche	Present
Kathryn LaMartina	Present
Lew Lolmaugh	Present
Gearl Gore	Present

The following Staff members were in attendance:

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

The following audience members were in attendance:

- Bob Berman
- Deborah Drum, Martin County
- Marge Ketter
- Ray Palmer, South Florida Water Management District (SFWMD)

D. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions.

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E. APPROVAL OF MINUTES

1. June 5, 2014, Regular Board Meeting

The minutes of the June 5, 2014, Regular Meeting were approved, as presented, on a **motion** made by Mr. Valeche, seconded by Mr. Gore. The **motion** carried unanimously.

F. PUBLIC HEARING

1. Proof of Publication

Proof of publication was presented to show that notice of the Regular Board Meeting and Public Hearing had been published in the *Palm Beach Post* and in the *Stuart News* on August 16th and August 23rd, 2014, as legally required.

2. Receive Public Comments on Fiscal Year 2014/2015 Final Budget

Mr. Berman was comfortable with the proposed assessment rate in the budget, but felt that the Board should go out to bid for the Field Security and Maintenance contract.

3. Consider Resolution No. 2014-04 – Adopting a Fiscal Year 2014/2015 Final Budget

Mr. Wodraska presented Resolution No. 2014-04, entitled:

RESOLUTION NO. 2014-04

A RESOLUTION OF THE PAL-MAR WATER CONTROL DISTRICT ADOPTING A FISCAL YEAR 2014/2015 BUDGET.

Mr. Wodraska reviewed the budget for the fiscal year that runs from October 1, 2014, to September 30, 2015. He noted that the current budget calls for an assessment of \$6.50 per acre.

Mr. Mansell requested that the Board consider that he receive an increase in his contract amount because his level of effort has increased and there is substantial wear on his vehicle to go out to the site.

The consensus of the Board agreed to approve the budget, as presented, but directed staff to come up with a proposal to increase the Field Maintenance contract to consider at the next meeting.

There was a **motion** to approve Resolution No. 2014-04, Adopting a Fiscal Year 2014/2015 Final Budget, made by Mr. Gore, seconded by Mr. Valeche, as presented. The **motion** carried unanimously.

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G. STATUS REPORTS

1. Legal – Status Report

Ms. Viator reviewed the status report provided in the meeting packet.

2. Engineer – Status Report

Mr. Higgins noted that the remedial work on the canal banks had been delayed because it is too wet to get equipment on the lake banks.

3. Field Maintenance Report

Mr. Mansell reported that there had been a problem with people picking berries illegally within Pal Mar. He handed out some pictures showing tracks of vehicles on the property.

Mr. Lolmaugh asked how the berry pickers are likely entering the property. Mr. Mansell answered that they are likely entering near the corner of the Beeline Highway and Indiantown Road.

Otherwise, Mr. Mansell reported the property is very wet and there are very few people out there because it has been very hot and humid this summer.

4. District Manager’s Report

There was no District Manager’s Report at this time.

H. OLD BUSINESS

There were no Old Business items to come before the Board.

I. NEW BUSINESS

1. Consider Approval of Draft Attorney General Opinion (AGO) Request Regarding TITF Assessment

Ms. Viator explained that the request is complete and prepared for submission, but she wanted to warn the Board that there could be unintended consequences when making such a request. She felt very strongly that the District was in a good position from a legal standpoint. Betsy Burden, who prepared the draft, explained the process for seeking an AGO.

There was a question about the appeal process. Ms. Burden explained that this is just an opinion and there is no appeal process.

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Mr. Wodraska and Ms. Viator stated that they wanted to make sure the Board understood the risks and was comfortable in seeking the opinion.

Commissioner Heard voiced some reservations about the potential fallout of an opinion that was unfavorable for the District.

Ms. LaMartina requested to abstain from the vote since she is employed at the SFWMD. Ms. Viator advised that abstaining from voting on the item was not appropriate in this instance.

There was a **motion** made by Commissioner Valeche, seconded by Mr. Gore to direct General Counsel to proceed with seeking an Attorney General's Opinion regarding unpaid TIITF assessments. The **motion** carried 3-2 with Commission Heard and Ms. LaMartina dissenting.

2. Discussion Regarding Amendment to the Second Amended Water Control Plan

Mr. Wodraska explained that now that there are two new Board Members, staff was seeking some direction on whether to pursue a permanent legal positive outfall via a Second Amended Water Control Plan or to plan on seeking another extension within two years. Ms. Viator clarified the options the Board had from a legal perspective.

Mr. Higgins offered some history on the sizes of the legal positive outfalls and past drainage plans. He stated that protecting the asset of the legal positive outfall is simply an administrative item that the District can offer the landowners.

Mr. Berman stated that government acquisition had been the primary goal for the land, but money for it is no longer available.

Ms. Heard noted that Martin County is actively purchasing property with Pal Mar.

Deb Drum reported on a project that Martin County is undertaking that could impact the legal positive outfall.

There was a lengthy discussion about whether to move forward or not with the Second Amended Water Control Plan. The consensus agreed to bring the item back at the next meeting for consideration, which would give staff some time to discuss the Martin County project.

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3. Consider Resolution No. 2014-05 – Adopting Setting the Fiscal Year 2014/2015 Regular Meeting Schedule and Location

Mr. Wodraska presented Resolution No. 2014-05, entitled:

RESOLUTION NO. 2014-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PAL-MAR WATER CONTROL DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2014/2015 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

There was a **motion** made by Mr. Gore to approve Resolution No. 2014-05 – Adopting Setting the Fiscal Year 2014/2015 Regular Meeting Schedule and Location with six meetings, seconded by Mr. Valeche, as presented. The **motion** carried unanimously.

4. Consider Auditor Contract Renewal

Mr. Wodraska recommended that the Board authorize staff to negotiate a three year term for auditor services with a two year renewal option with Grau and Associates.

There was a **motion** made by Mr. Gore, seconded by Mr. Valeche to authorize staff to negotiate a three year term for auditor services with a two year renewal option with Grau and Associates, as recommended. The **motion** carried unanimously.

I. ADMINISTRATIVE MATTERS

1. Consider Invoices

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

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

Mr. Berman stated that he has identified the landowner who installed the culvert on the works of the District, noting that there was a recent sale of the property. He suggested that staff contact the new property owner.

K. BOARD MEMBER COMMENTS

There were no Board Member comments.

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L. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:29 a.m., on a **motion** from Mr. Gore, seconded by Mr. Valeche. The **motion** carried unanimously.

Secretary/Assistant Secretary

Chair/Vice-Chair