

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT
DISTRICT ENGINEER'S ANNUAL REPORT
JUNE 2009 - MAY 2010**

AUTHORITY AND RESPONSIBILITIES:

The Loxahatchee Groves Water Control District (District) is responsible for drainage, flood control and protection, water management and reclamation of lands, and road maintenance and improvements within its boundaries. The District's boundaries extend from 162nd Drive North to Folsom Road and from Southern Boulevard (SR 80) to one-half mile north of North Road. Pursuant to Florida Statutes Chapter 298, its Water Control Plan and enabling legislation, Chapters 99-425 and 2004-410, Laws of Florida, the District owns, constructs, operates and maintains the works of the District, regulates their use by others, contracts for the construction, operation and maintenance of the works of the District by others and controls, condemns or otherwise acquires lands. Works of the District include public rights-of-way for canals and roads within the District's benefitted area, levees, gated water control structures and pumping stations.

INTERGOVERNMENTAL RELATIONS:

The Town of Loxahatchee Groves (Town) and the District remain separate governmental entities. Service delivery to the landowners within their overlapping boundaries is not duplicated. The District continues to provide storm drainage, road maintenance and road improvement services. The Town is responsible for land use planning, zoning, and building regulation, code enforcement, traffic control regulations, fire rescue, and police protection.

The District has continued to cultivate a network of close relationships with Federal, State, and Local government agencies, including Palm Beach County Engineering, Palm Beach County Water Utilities Department, the United States Department of Agriculture, the Federal Emergency Management Agency, and the Town of Loxahatchee Groves. Over the last several years, millions of dollars in revenue have been received from these agencies to offset significant increases in the District's maintenance assessment. Special projects that otherwise would have been impossible to achieve have been funded with this revenue. However, recent setbacks to national and state economies have resulted in fewer opportunities for outside revenue enhancement.

The District's relationship with the Town has strengthened with the formation of an Intergovernmental Coordination (IGC) Committee comprised of staff and elected officials from the Town and District. The IGC Committee has provided an effective public forum for resolving common difficulties, identifying shared service

responsibilities and cooperative project funding opportunities. This Committee was established January 2009 and has continued to meet on a monthly basis to the present day.

As an example of this improved relationship, the Board of Supervisors and Town Council entered into a funding interlocal agreement directing \$240,000.00 of the Town's shared gas tax revenues to the District for its road maintenance and improvement needs. The District was able to reallocate budgeted revenues designated for roadway services toward other essential stormwater projects. The cooperative relationship between the District and Town has provided a direct financial benefit to the residents and landowners of the Loxahatchee Groves community.

CANAL MAINTENANCE AND IMPROVEMENTS:

The District established a rotational Canal Maintenance and Drainage Improvement Plan in 1998 for the restoration of the District's canal system. The plan provides for the cleaning and maintenance of all District canals every nine to ten years. This year, the District completed the cleaning and reshaping of "D" Road Canal north of Okeechobee Boulevard. Work included the removal of all encroaching vegetation, dredging and removal of several feet of silt from the "D" Road Canal right-of-way from Okeechobee Boulevard to North Road Canal. The improved drainage capacity of "D" Road Canal has translated into greater flood protection and higher property values for the affected landowners.

The "D" Road Canal improvements were indirectly funded in part by the aforementioned funding ILA with the Town of Loxahatchee Groves. Total project costs are as follows:

Canal Improvements	=	\$73,330.60
Grassing & Seeding	=	9,047.04
<u>Other Services</u>	=	<u>850.00</u>
Project Total	=	\$83,227.64

Unlike the 2004 and 2005 hurricane seasons, the South Florida region has experienced relatively little tropical storm activity for the last five years. The region has also experienced significant drought conditions where rainfall has been less than average—a condition that was mitigated this year with above average rainfall.

One issue of mutual interest and significance to the Town and District is the provision of a reliable water source for fire protection purposes. Water restrictions imposed by South Florida Water Management District during a prolonged drought threaten the District's ability to maintain adequate water levels in its canal system for fighting residential and wildland fires. Earlier this year, the Palm Beach County League of Cities and Palm Beach County formed a Water Resources Task Force

(WRTF) of interested cities and government agencies to investigate alternative methods for capturing and maintaining adequate water supply during a prolonged drought. A Working Group was formed to determine whether a pilot study could illustrate (on a larger scale) an increase in water supply by raising pre-established water control elevations. The District submitted its pilot study proposal to the Working Group and it was unanimously accepted. The study will evaluate the effects of raising the District's maintained canal elevation 0.5 feet higher during the wet season to dry season transition months. Staff is coordinating this project with the South Florida Water Management District emphasizing the WRTF's recognition of the project's value to the regional water basin system; the goal being to increase the District's maximum annual water allocation by 100%.

The United States Environmental Protection Agency (USEPA) water quality rulemaking for Numeric Nutrient Criteria (NNC) and the Florida Department of Environmental Protection (FDEP) reclassification of Florida's surface waters will potentially cause severe economic impacts to the State's water control districts, including the Loxahatchee Groves Water Control District. The establishment of NNC by the USEPA will result in an unfunded mandate onto the State of Florida by imposing unattainable and unnecessary water quality standards. The District will be especially impacted as it is responsible for moving and controlling stormwater via its system of canals and pumps. If the USEPA's NNC standards become final in their present form, it will radically undermine the District's statutory responsibility of providing flood control to that of providing water quality treatment. The District has joined with the Florida Association of Special Districts in monitoring and confronting this draconian action by the USEPA as it progresses.

ROAD MAINTENANCE AND IMPROVEMENTS:

The District received four petitions from landowner groups requesting their roads be improved with Open Grade Emulsification (OGEM)—an inexpensive road surface stabilization process similar to standard pavement. In accordance with Florida Law, the District's Board of Supervisors cannot authorize the improvement of a District road without a referendum of the landowners that would be affected by and agree to pay for such improvement. A majority of votes cast on a per-acre basis must indicate that the affected landowners are in favor of paying for the improved OGEM road surface before the District Board can proceed with the requested project.

District road petitions were submitted requesting OGEM stabilization on "A" Road, "C" Road, and "D" Road, each segment extending from Okeechobee Boulevard to North Road (including North Road ¼ mile east and west of each lettered road) and "C" Road extending from Collecting Canal Road to Okeechobee Boulevard (including Collecting Canal Road extending ¼ mile east and west of "C" Road).

The Board of Supervisors scheduled four separate referendum elections for the respective, affected landowners to decide whether they were in favor of paying for the improved OGEM road surface. The referendums passed by large majorities (average 76% in favor).

Due to their unpaved condition, most of the road surfaces in the District have migrated outside of the District's limited right-of-way area onto the adjacent private properties. They have been maintained in their present condition and location in excess of twenty (20) years. Improving the unpaved road surfaces with OGEM would require acquisition of road easements over these overlapping areas.

Upon Board authorization, Staff prepared and submitted road easement forms and related backup documentation to all affected landowners. Unfortunately, there was very minimal response from the landowners. It was discovered many properties had gone into foreclosure or there were other issues affecting clear title (e.g., divorce or death of landowner, etc.). The District prepared conceptual estimates of the improvement costs based upon a reasonable assumption that these required road easements would be donated at no cost to the District. Otherwise, the improvement project budgets would be exceeded and the affected landowners would incur a significant increase in their assessment rates. Consequently, the Board directed Staff to investigate alternative options to acquire the necessary easements. These other options included (1) the quiet title / prescriptive easement process, (2) obtaining a favorable Attorney General Opinion on the application of Chapter 95.361, Florida Statutes to special districts, and (3) filing a Local Bill. The quiet title / prescriptive easement process was determined to be too expensive. Staff prepared an advisory opinion request letter to the Florida Attorney General regarding the application of Chapter 95.361, Florida Statutes to the Loxahatchee Groves Water Control District. The opinion of the Florida Attorney General indicated the District could not apply the provisions of Chapter 95.361, Florida Statutes for acquisition of road easements. Staff is currently pursuing the remaining option of filing a Local Bill. Proposed legislation is less expensive and will amend the District's Special Act to provide for the acquisition of all easements similar to that provided to counties, cities, and the State through Chapter 95.361, Florida Statutes. Passage of the Local Bill will require at least another year before the improvement projects can commence (i.e., the 2011 legislative session commences March 2011 and lasts through May-June 2011).

General maintenance to all District roads, including the placement of specified base material occurred throughout the year. Total base rock purchased by the District and placed on District rights-of-way this year was 3,700 tons (185 truck loads). District Staff also provided weekly road maintenance service on all District roads equivalent to over 2,800 miles of road surface being graded, watered, and cleared of encroaching vegetation.

OTHER DEVELOPMENTS:

The District pumped 363.34 million gallons of water from the C-51 Canal to replenish District canal levels this year. The District's water use permit from the South Florida Water Management District allows an annual maximum allocation of 1.332 billion gallons of water. Conversely, the District received and managed over 72.2 inches of rainfall during the year. The total annual rainfall amount equates to 15.7 billion gallons of water. This volume represents an increase in recorded rainfall over the previous year of 35%.

The District's revised and updated Public Facilities Report for 2010 was prepared and submitted to Palm Beach County as required, per Section 189.415, Florida Statutes.

There were a total of nine (9) drainage connection permits, two (2) bridge culvert permits, and one (1) right-of-way utility permit issued by the District. There was also one (1) courtesy grading petition received and filed by the Board of Supervisors.

Respectfully submitted,
LOXAHATCHEE GROVES WATER CONTROL DISTRICT



Clete J. Saunier, P.E.
District Engineer