

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT
BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING - JULY 13, 2009**

Call to Order at 7:30 P.M.

Roll Call: David DeMarois, Don Widing, John Ryan, Robert Snowball and Darlene Crawford present.

Also Present: Clete J. Saunier, P.E., District Administrator, Mary M. Viator, Esquire, and Lynnette R. Ballard, Administrative Secretary.

Invocation / Pledge of Allegiance led by Mr. Saunier.

SUBJECT: AGENDA APPROVAL. There were no additions, deletions, or substitutions to the Regular Agenda. However, Mr. Saunier stated the title of Regular Agenda Item 3E was revised (the phrase "and Unit of Development No. 1" was deleted).

MOTION: Mr. Widing made a motion to approve and adopt the Regular Agenda. Mr. Ryan seconded the motion.

There were no comments from the Board or the public on this item.

ACTION: **MOTION PASSED 5 TO 0.**

SUBJECT: RESOLUTION 09-09 RE: ADOPTION OF DISTRICT BUDGET AND NON-AD VALOREM ASSESSMENT ROLL. Mr. Saunier stated the Board of Supervisors, at its June 8, 2009 public meeting, directed Staff to post notice of public hearing to adopt the District's 2009-2010 budget proposal and non-ad valorem assessment roll. The 2009-2010 budget includes funding for all base line expenses necessary for maintaining general maintenance service delivery on all District roads and canals. Projected revenues from the District-Town gas tax funding ILA and the related roadway maintenance and improvement expenditures funded by it are incorporated into the current budget proposal.

Total budgeted expenditures for FY 2010 are \$1,393,690.00. This represents an increase of approximately 17% in budgeted expenditures from FY 2009. The proposed assessment rate for FY 2010 remains unchanged since FY 2007 at \$137.95 per acre.

Mr. Saunier requested a motion to approve the 10-Year Capital Equipment Replacement Plan and Resolution 09-09 Adopting the District Budget and Non-Ad Valorem Assessment Roll as Provided Herein; the Levying of the

Non-Ad Valorem Assessments for the District and Appointing an Authorized Representative of the District for Certification of the District's Non-Ad Valorem Assessment Roll, including the proposed budget for fiscal year 2009-2010. A brief discussion ensued.

MOTION: Mr. Ryan made a motion to approve the 10-Year Capital Equipment Replacement Plan and Resolution 09-09 Adopting the District Budget and Non-Ad Valorem Assessment Roll as Provided Herein; the Levying of the Non-Ad Valorem Assessments for the District and Appointing an Authorized Representative of the District for Certification of the District's Non-Ad Valorem Assessment Roll, including the proposed budget for fiscal year 2009-2010. Mr. Widing seconded the motion.

Marge Herzog, 966 "A" Road commented about the proposed budget.

ACTION: MOTION PASSED 5 TO 0.

SUBJECT: TOWN-DISTRICT INTERGOVERNMENTAL COORDINATION (IGC) COMMITTEE REPORT. Mr. Saunier stated the Town and District Intergovernmental Coordination (IGC) Committee meeting was held on June 26, 2009. In attendance were Clete Saunier, Ryan Liang, Dr. Irv Rosenbaum, and Darlene Crawford. The topics of discussion included: (1) Water Conservation and Fire Suppression; (2) Coordination between Town and District Relating to Town Comprehensive Plan; (3) 40th Street North / North Road Canal; (4) Federal Funding Sources; (5) Coordination of Equestrian Trails; (6) Town-District Funding ILAs, (7) Town Management / Administrative Staff Transition; and (8) South Florida Water Management District Emergency Order 2009-108-DAO-WS effective May 18, 2009 (Loxahatchee Groves Water Control District Variance Application to South Florida Water Management District).

Mr. Saunier stated the next IGC Committee meeting is scheduled for July 31, 2009. The next Board Supervisor scheduled to represent the District for a two-month term (July / August) is Secretary-Treasurer Darlene Crawford.

There were no comments from the Board or the public on this item.

MOTION: No motion was necessary.

ACTION: NO ACTION WAS TAKEN.

SUBJECT: RESOLUTION 00-4: UPDATED INCUMBENCY CERTIFICATE. Mr. Saunier stated Resolution 00-4 authorizing Borrowing for Emergency Purposes was adopted by the Board of Supervisors on September 11, 2000. The resolution acknowledges in the event of a disaster, the District may be

unable to hold a meeting of the Board to authorize borrowing of emergency response funds. The resolution authorizes any two (2) Supervisors to act in the absence of the Chair and/or Secretary-Treasurer to negotiate and execute emergency borrowing. The election of Supervisor Darlene Crawford and subsequent appointment of new Board officers requires certification of all Board members' signatures on a new Incumbency Certificate form.

Mr. Saunier requested a motion to approve and certify all 2009 Board Supervisors' signatures on the required Incumbency Certificate form.

MOTION: Mr. Snowball made a motion to approve and certify all 2009 Board Supervisors' signatures on the required Incumbency Certificate form. Mr. Ryan seconded the motion.

There were no comments from the Board or the public on this item.

ACTION: **MOTION PASSED 5 TO 0.**

SUBJECT: RESOLUTION 09-10: RELATING TO THE STATE ADOPTION OF NUMERIC WATER QUALITY STANDARDS. Mr. Saunier stated the United States Environmental Protection Agency has mandated the State of Florida develop numeric water quality standards for all Florida lakes and "flowing waters" by January 14, 2010. The Florida Department of Environmental Protection is in the process of developing rules establishing numeric water quality standards for all of Florida's lakes and "flowing waters" scheduled to become effective December 20, 2009.

Mr. Saunier stated the District maintains and operates an extensive system of waterways to protect the property, residents, and development within the District. The implementation of numeric water quality standards for Florida's "flowing waters", including man-made canals and downstream water bodies, will significantly impact the District's waterway system operationally and economically. Resolution 09-10 acknowledges the detrimental effect this will have on the District and the Board's support of the Florida Association of Special Districts' efforts to develop reasonable and economically sustainable numeric water quality standards including the contribution of monies and technical resources. The amount of funding from each Florida Association of Special Districts member district has yet to be determined.

Mr. Saunier requested a motion to approve Resolution 09-10: A Resolution of the Loxahatchee Groves Water Control District Relating to the State Adoption of Numeric Water Quality Standards.

Mr. Widing suggested the Board consider asking the Town Council to adopt a resolution and to match the District's contribution of funds to the Florida Association of Special Districts. A brief discussion ensued.

MOTION: Mr. Widing made a motion to approve and adopt Resolution 09-10: A Resolution of the Loxahatchee Groves Water Control District Relating to the Adoption of Numeric Water Quality Standards by the State of Florida; and to approve a contribution to the Florida Association of Special Districts to fund its efforts associated with the development of numeric water quality standards in an amount not to exceed \$3,000.00. Mr. Ryan seconded the motion.

Marge Herzog, 966 "A" Road commented about this item.

ACTION: **MOTION PASSED 5 TO 0.**

SUBJECT: OGEM ROAD SURFACE IMPROVEMENT SCHEDULE FOR NORTH A, C, AND D ROADS. Mr. Saunier stated as directed by the Board of Supervisors at the June 8, 2009 public meeting, Staff has prepared an anticipated schedule for the three (3) road surface improvement projects. The schedule is as follows:

Prepare & Submit Assessment Roll	-	January 2010
Data to P.B.C. Property Appraiser, Tax Collector & Department of Revenue		
Secure Road Improvements Financing	-	June 2010
Adoption of Assessment Roll	-	July 2010
Recording of All Road Easements	-	August 2010
Improvement Construction Bid Award	-	September 2010
Improvement Construction Start	-	October 2010
Improvement Construction Completion	-	December 2010

To process any change in property tax assessments, the Palm Beach County Tax Collector's Office requires information be provided by January 10th for the change to be included on the current year's tax bill. This requirement has resulted in a significant re-schedule of the road resurfacing project, but it will also delay the initial special assessment on landowners' property tax bill from Fall 2009 to Fall 2010. After filing this information, the District will proceed to conclude arrangements for project financing and the recording of necessary road easements.

A draft form letter has been prepared for distribution to all landowners affected by this schedule.

Mr. Saunier requested Board review and approval of the anticipated project schedule and authorization to distribute the form letter to all affected landowners. A brief discussion ensued.

MOTION: Mr. Snowball made a motion to approve the anticipated project schedule for OGEM Road Surface Improvements to North "A" Road, North "C" Road, and North "D" Road, and to authorize the distribution of the form letter to all affected landowners. Mr. Widing seconded the motion.

There were no comments from the public on this item.

ACTION: MOTION PASSED 5 TO 0.

SUBJECT: EMERGENCY LINE OF CREDIT - DISASTER RECOVERY. Mr. Saunier stated as directed by the Board of Supervisors, District staff requested proposals from interested banking entities for a \$400,000.00 guidance line of credit for emergency disaster response. The District received one response. SunTrust Bank proposed a commitment to lend a \$400,000.00 (Bank Qualified) Guidance Line of Credit to provide short-term financing for emergency disaster response and clean-up. The loan would be secured by a pledge of FEMA and State reimbursements for disaster relief. The Bank Qualified variable interest rate is based upon 67% of the one-month Libor rate plus 2%. As of June 22, 2009, the variable rate would be 2.21%. The annual loan fee is \$2,000.00. The loan terms require establishing a deposit relationship with SunTrust with a minimum average annual balance of \$100,000.00.

The annual fee and estimated bank counsel fees to review legal documents are not included in the current fiscal year or next fiscal year budgets. If approved, the Board will need to authorize funding for these expenses from undesignated reserves (estimated at \$4,500.00 for FY 2008-2009 and \$2,000.00 for FY 2009-2010).

Mr. Saunier requested Board review of the SunTrust Bank proposal and if acceptable, a motion to approve the proposal and authorization to fund related expenses up to \$4,500.00 from undesignated reserves for FY 2008-2009 and \$2,000.00 for FY 2009-2010. A brief discussion ensued.

MOTION: Mr. Ryan made a motion to approve the SunTrust Bank proposal and to authorize funding of related expenses up to \$4,500.00 from undesignated reserves for FY 2008-2009 and \$2,000.00 for FY 2009-2010. Ms. Crawford seconded the motion.

There were no comments from the public on this item.

ACTION: MOTION PASSED 5 TO 0.

SUBJECT: INTERIM TOWN MANAGEMENT SERVICES - REPORT. Mr. Saunier stated, as directed by the Board of Supervisors during the June 22, 2009 special meeting, Staff prepared and submitted the District's proposal for Interim Town Management Services on June 30, 2009. The District Administrator conferred with individual Board members prior to submitting the District's proposal to the Town Clerk. The Town Council met on July 7th to review and rank the top three proposals (a total of six responses were submitted). A shortlist of three candidates was approved by the Town Council. The three shortlisted candidates were then invited to be interviewed by the Town Council at its July 21st public meeting. The District's proposal was one of three selected.

Mr. Saunier requested a motion to formally accept the District's proposal for Interim Town Management Services and appoint a Board representative to be interviewed by the Town Council at its July 21, 2009 public meeting. If requested by the Board, the District Administrator shall also be present to answer questions during the interview.

At the request of Chairman DeMarois, Ms. Viator summarized a letter written by Charles F. Schoech of Caldwell Pacetti Edwards Schoech & Viator LLP regarding the District's proposal for interim Town Management Services.

A brief discussion ensued.

MOTION: No motion was necessary.

ACTION: IT WAS THE CONSENSUS OF THE BOARD TO FORMALLY ACCEPT THE DISTRICT'S PROPOSAL FOR INTERIM TOWN MANAGEMENT SERVICES AND TO APPOINT JOHN RYAN AS THE BOARD REPRESENTATIVE TO BE INTERVIEWED BY THE TOWN COUNCIL AT ITS JULY 21, 2009 PUBLIC MEETING.

Town Council Member Ryan Liang, 4245 148th Terrace North commented on this item.

Marge Herzog, 966 "A" Road commented on this item.

SUBJECT: CONSENT AGENDA. There were no additions, deletions, or substitutions to the Consent Agenda.

1. Minutes of June 8, 2009 Regular Meeting
2. Minutes of June 22, 2009 Annual Landowners Meeting
3. Minutes of June 22, 2009 Special Board Meeting
4. Financial Reports
 - A. Warrant Report – June 2009
 - B. Treasurer's Report – June 2009
5. District Staff Reports
 - A. Attorney's Report – June 2009
 - B. Superintendent's Report - June 2009
 - C. District Engineer's Report – June 2009
 - D. District Administrator's Report – June 2009
6. Administrative
 - A. Third Quarter Budget Adjustments – FYE 2009
7. Permits Recommended for Approval:
 - A. Drainage Connection (2) – Yavneh, Adam
13537 Collecting Canal Road
 - B. Courtesy Grading Petition – Timberlane Place

MOTION: Mr. Snowball made a motion to accept and approve the Consent Agenda. Ms. Crawford seconded the motion.

There were no comments from the Board or the public on this item.

ACTION: **MOTION PASSED 5 TO 0.**

SUPERVISOR COMMENTS

Mr. Snowball thanked the landowners for re-electing him to the Board for another three-year term.

Mr. Ryan commented about the District's proposal for Town Management Services.

Mr. Widing had no comments.

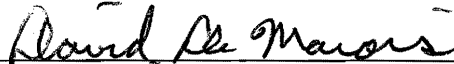
Ms. Crawford commented about the District's proposal for Town Management Services.

Mr. DeMarois congratulated Mr. Snowball on his re-election to the Board.

PUBLIC COMMENTS

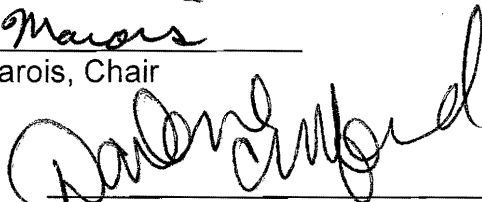
There were no comments from the public.

The Chair adjourned the meeting at 8:45 p.m.



David DeMarois, Chair

Donald P. Widing, Vice Chairman



Darlene Crawford, Secretary-Treasurer



John Ryan, Deputy Secretary-Treasurer



Robert Snowball, Supervisor