



# Palm Beach County Commission on Ethics

## Commissioners

Manuel Farach, Chair  
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Vacant

## Executive Director

Steven P. Cullen

August 26, 2013

Mr. Jay Foy  
Stormwater J Engineering, Inc.  
1855 Indian Road, Suite 202  
West Palm Beach, FL 33409

Re: Jay Foy, Town of Haverhill  
C13-012

Dear Mr. Foy,

This is to inform you that a complaint was filed against you in the above referenced matter on June 5, 2013. Attached please find a copy of the complaint as well as additional documents prepared by the Commission on Ethics Staff. This information is not a public record until either probable cause is found or the complaint is dismissed by the Commission.

On September 5, 2013 this matter will be heard by the Commission on Ethics. For the reasons contained in the reports, Staff is recommending that the Commission make a finding of No Probable Cause due to No Legal Sufficiency and dismiss the complaint.

You are not required to attend the executive session; however, it is recommended that you attend. The session will take place at the following time and location:

September 5, 2013 @ 1:30 P.M.  
Palm Beach County Governmental Center  
301 North Olive Avenue  
12<sup>th</sup> Floor, McEaddy Conference Room  
West Palm Beach, FL 33401

Should you have any questions or concerns regarding the above, please feel free to contact me at 561-355-1937.

Sincerely,

Steven P. Cullen,  
Executive Director

Enclosures

SPC/gal

## EXECUTIVE SUMMARY

To: Palm Beach County Commission on Ethics  
From: Steven P. Cullen, Executive Director  
Re: C13-012 – Jay Foy, Mayor Town of Haverhill

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- **Background**

This matter came to the attention of the PB Commission on Ethics (COE) staff through a sworn complaint filed on June 5, 2013 by Diana Demarest, a resident of the City of Loxahatchee, FL. It was alleged Jay Foy, Mayor of the Town of Haverhill, appointed Chair of the Water Resources Task Force, and owner/CEO of Stormwater J Engineering, Inc. participated in an advisory board discussion and voted on the C-51 Reservoir Project that came before the Water Resources Task Force. Mr. Foy's company currently has a contract with a state entity, the Indian Trails Improvement District (ITID), which may participate in the proposed project. This contractual information was not publicly disclosed by Mr. Foy. As a result, his alleged actions may constitute a financial gain for both him and his company.

- **Conclusion**

Mayor Foy was appointed to the Water Resources Task Force (WRTF) by the Palm Beach County League of Cities, a private entity, which does not fall under the jurisdiction of the PB County on Ethics. As such, the COE has no jurisdiction to consider the Respondent's participation in or any vote submitted by him while participating in the WRTF. While it is unclear whether his contract with ITID caused a conflict of interest in any vote taken by the Respondent concerning the C-51 Reservoir Project, it is recommended that this matter be referred to the Florida Commission on Ethics for review and analysis as they would have the proper jurisdiction over the Respondent as a WRTF Board Member. This Complaint lacks legal sufficiency to conduct an investigation.



PALM BEACH COUNTY COMMISSION ON ETHICS  
**MEMORANDUM OF INQUIRY**

To: Steven Cullen, Executive Director  
From: Anthony C. Bennett, Investigator  
Re: C 13-012 – Jay Foy (Town of Haverhill)

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• **Background**

This matter came to the attention of the Palm Beach County Commission on Ethics staff by way of a notarized Complaint Form signed by Diana Demarest, and dated on June 5<sup>th</sup>, 2013. Attached to the Complaint Form was a letter that was neither signed nor dated. According to the letter, Jay Foy (Respondent) is the Mayor of the Town of Haverhill. He is also the appointed Chair and a voting member of the Water Resources Task Force (WRTF), which is an advisory Board that was created by the Palm Beach County Commission by way of a Palm Beach County Resolution. As an elected city official in the Town of Haverhill, he is under the jurisdiction of the Commission on Ethics as of June 1, 2011.

According to the letter the Respondent has been extremely active and vocal in his role with the WRTF since its creation in 2009, advocating for and voting on a number of issues related to water supplies, conservation, water quality and other water related projects and initiatives throughout the county. He has attended at least 20 meetings of the WRTF. The complainant attached transcripts of these 20 meetings to the complaint packet.

It is also alleged that the Respondent is the current owner of Stormwater J. Engineering, Inc. (Stormwater), a company that works on water related engineering projects in and around Palm Beach County. He recently went into a "No-Bid" contract with the Indian Trail Improvement District (ITID), allegedly a governmental entity whose jurisdictional authority is defined by Florida State Statute 298. Under this contractual agreement, the Respondent's company, Stormwater, will complete the C-51 Reservoir Project. It is alleged that the project was never publically approved and involves water related issues that Respondent had been advocating for through his role as Chair of the WRTF. It is also alleged that Respondent "interacted" with ITID Board members in order to secure this contract.

On April 25, 2013, the WRTF Board met and voted to approve the C-51 Reservoir Project through a resolution that was forwarded to the Palm Beach County Commission for their final approval. It is alleged Respondent's actions and influence during this approval process will result in him receiving a financial gain and/or benefit as the project contract holder. It is implied that his actions in this matter may also pose a voting conflict of interest. The below documents accompanied the complaint form:

1. Formal Notarized Palm Beach County Commission on Ethics Complaint Form (1 page)
2. Anonymous letter outlining the details of the complaint (1 page)
3. Copy of the Palm Beach County Florida Code of Ethics form (effective date June 11, 2011) with selected definitions and sections highlighted in yellow (11 pages)
4. Unsigned Board of County Commissioners of Palm Beach County Florida Resolution with no formal number listed, approving the C-51 Reservoir Project (2 pages)
5. Water Resources Task Forces Webpage printout listing the Board Members, as well as the reason for the WRTF creation (2 pages)
6. Printout of all WRTF meetings from 2009-2012 (1 page)
7. Copies of the Minutes from 20 of the Water Resources Task Forces meetings between the dates of 2009 and 2012 (multiple pages)
8. Copy of the Town of Haverhill elected officials (1 page)
9. Florida Department of State Division of Corporations / Stormwater J Engineering, Inc (2 pages)
10. Florida Department of State Division of Corporations / PBA Holdings, Inc. (3 pages)
11. CE Form 8B – Eff 1/2000 (2 pages)

12. April 25, 2013 WRTF Meeting Minutes (4 pages)
13. Palm Beach County WRTF Authority Resolution (8 pages)
14. Email: Layle Knox / Anthony Bennett (1 page)
15. April 10, 2013 ITID Agenda Memorandum (2 pages)
16. Stormwater J / ITID Contract (2 pages)
17. F.S.S. Bill No. 2564 – Establishment of the Indian Trail Improvement District (multiple pages)

- **Applicable Law**

The Following section of the PBC Commission on Ethics Ordinance establishes jurisdiction in this investigation:

**Sec. 2-254. Creation and jurisdiction.**

The Palm Beach County Commission on Ethics (hereinafter "commission on ethics") is hereby established. The jurisdiction of the commission on ethics shall extend to *any person required to comply with the countywide code of ethics*, the county lobbyist registration ordinance, and the county post-employment ordinance... (Emphasis added)

The following portions of the PBC Code of Ethics ordinance are relevant to this Investigation:

**Section 2-442. Definitions.**

*Advisory board* shall mean any advisory or quasi-judicial board created by the board of county commissioners, by the local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local municipal governing bodies.

*Financial benefit* includes any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law.

*Lobbying* shall mean seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of any county commissioner, any member of a local municipal governing body, any mayor or chief executive officer that is not a member of a local municipal governing body...(Emphasis added)

*Official or employee* means any official or employee of the county or the *municipalities located within the county*, whether paid or unpaid... The term "official" shall mean members of the board of county commissioners, a mayor, *members of local municipal governing bodies* ...(Emphasis added)

**Sec. 2-443. Prohibited conduct.**

- (a) *Misuse of public office or employment.* An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public,
- (b) *Corrupt misuse of official position.* An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

- (c) *Disclosure of voting conflicts.* County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The official shall publically disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143...(Emphasis added)

- **Inquiry**

On July 8, 2013, I was assigned this complaint for follow-up. I reviewed all of the attached documents associated with the complaint. In reviewing the City of Haverhill website, it was learned, Jay Foy is currently not listed as the Mayor of the Town of Haverhill, but he is listed as a Councilman for the City of Haverhill. As such, Councilman Foy, being an elected official, would still fall under the jurisdiction of the COE.

In researching the Water Resources Task Force (WRTF), it was learned that this Task Force was created by the Board of County Commissioners (BCC) and given authority under County Resolution No. 2008-1810 (adopted October 7, 2008), Amended Resolution No. 2009-0237 (adopted February 3, 2009), and Amended Resolution No. 2010-0660 (adopted April 20-2010). This task force is charged with identifying and evaluating opportunities and impediments to provide future water supply, conservation, wastewater treatment, and reuse or reclaim water opportunities that are efficient and cost effective. Recommendations from this board are forwarded to the Palm Beach County Commission for formal vote and approval.

According to the resolution, the Task Force is composed of thirteen (13) Board Members and ten (10) alternates from various entities to include the South Florida Water Management District, The Palm Beach County League of Cities, The Palm Beach County Board of County Commissioners, and the Lake Worth Drainage District. The Respondent was appointed as a WRTF Board Member on January 13, 2009 by the Palm Beach County League of Cities and is currently the Vice-Chair of the Task Force.

According to the Florida Department of State Division of Corporations website ([www.sunbiz.com](http://www.sunbiz.com)), Stormwater J Engineering, Inc. (Stormwater) has been listed as an active "for profit" corporation since November 13, 2002 with Jay G. Foy listed as the Registered Agent and sole officer for the company. Based on this documentation, Respondent, Jay G. Foy, is the owner of Stormwater.

On July 11, 2013, I accessed the Water Resources Task Force website in an attempt to retrieve any documentation related to the April 25, 2013 WRTF meeting that was referred to in the initial complaint letter. The website only contained meeting minute documentation between the dates of 02/19/2009 and 06/21/12. There was no April 25, 2013 meeting minutes listed. In addition, there is no contact information given or process given that allows for one to request the minutes for any meeting that has taken place from 06/13/2012 to present.

I contacted Ken Todd, the WRTF Water Resources Manager, in an attempt to retrieve the April 25, 2013 WRTF meeting minutes. He advised they were not approved yet and won't be approved, and available for public view, until 7/29/2013. On 7/29/2013, I received an emailed copy of the April 25, 2013 WRTF meeting minutes from Mr. Todd. Upon review, the WRTF discussed the C-51 Reservoir Project. The Respondent did not recuse himself from the meeting and according to the minutes did in fact participate in the discussion. It was also noted, that the WRTF voted to unanimously approve the project. As such, it appears the Respondent did not abstain from voting on this project.

On July 12, 2013, I reviewed the Indian Trail Improvement District website in an effort to retrieve any meeting minutes or documentation that could assist in this inquiry. On July 15, 2013 at 1:00 PM, I contacted the Indian Trail Improvement District (ITID) and spoke with Ms. Layle Knox, who identified herself as an Engineering Aide for the ITID. I inquired about the ITID public records request process. I advised that I was looking for any relevant documentation that links the ITID and Stormwater. Ms. Knox stated the ITID had just entered into a contract for services with Stormwater. She also advised that she would contact her Manager and get clearance to forward me a copy of the contract.

On July 15, 2013 at 1:46 PM, I received an email from Ms. Knox noting ITID had hired Stormwater by Board action on April 10, 2013 for engineering services. Attached to the email were a copy of the Purchase Order between the ITID and Stormwater (PO Number 13-00523) and a copy of the ITID Board of Supervisors Agenda Memorandum, dated April 10, 2013. The Agenda listed an ITID Board scheduled workshop on April 15, 2013 that focused on comprehensive draining planning and approval for engineering services to be provided by Stormwater that is not to exceed \$35,000.00.

**On August 5, 2013 at 9:30 AM, a sworn taped statement was taken from Ken Todd, Manager of the Water Resources Task Force, at 300 North Dixie Highway Suite 450, West Palm Beach, Florida 33401. Below is a synopsis of the statement:**

Mr. Todd advised the WRTF was created by the Palm Beach County Commission approximately four (4) years ago and it is comprised of fourteen (14) members. Six (6) members appointed by the Palm Beach County League of Cities, one (1) from the South Florida Water Management District, one (1) from the Indian Trail Improvement District, one (1) from the Northern Palm Beach County Improvement District, one (1) from the farming district, one (1) from the Lake Worth Drainage District, one (1) environmental representative, and a few utility representatives. He advised that he is not an appointee, but serves as the Manager. His duties include record keeping, the scheduling of formal meetings, and setting the meeting agenda items.

The goal of the task force is to discuss water related issues that could benefit the county. They devise ideas or plans from a water resource stand to point that would promote efficiency and effectiveness to the benefit the general public. It is merely an advisory board comprised of knowledgeable water professionals. Although it is an advisory committee to the County Commission, they have also made suggestions to other utility entities and other city councils. The WRTF cannot compel a body, government entity, private business, etc. to act on any of their suggested proposals, suggestions or recommendations. The WRTF has no real authority to make any formal policy for the county, any city, or public works department. He stated the WRTF meets quarterly, every three months.

He advised Jay Foy was appointed by the Palm Beach County League of Cities due to him being an elected official from the City of Haverhill, Florida. He was first appointed to the board as a general board member, a year later elected as Vice-Chair, and six (6) months ago elected as the Chair of the WRTF after the previous Chair resigned his position.

Mr. Todd advised he recalled the April 25, 2013 WRTF meeting at the Clayton Hutchinson Building. He stated Mr. Foy was in attendance. He stated they discussed the C-51 Reservoir Project. He advised the project came about after several South Florida utilities and private land owners got together and discussed the possibility of creating a reservoir on the west end of the county that would potentially provide water for south Palm Beach County and even possibly Broward County. The initial group got together, hired its own consultants, came up with a plan and decided to create a Phase 1 Working Group in an effort to move the concept from an idea to a formal project. There was no formal "lead" entity established at that point. The WRTF Resolution was created as a way to formulate that suggested working group which would be comprised of multi-jurisdictional entities. This group would have the authority and expertise to develop the necessary governance and standards needed to plan and complete Phase 1. The Resolution would include setting up a lead agency or person, securing funding options, and seeing what entities would need to be involved to move forward. Mr. Todd stated by this still being in the early stages, there are no set policies, funding options, or participants established yet.

The location of the reservoir would be out by the 20 mile bend adjacent to the L-8 Reservoir, due to the geological formation making it very easy to store water naturally. This site was picked out by the Palm Beach Aggregate and the land owners to the west of the L-8 Reservoir, independent of the WRTF.

Mr. Todd advised that he is familiar with the Indian Trails Improvement District. He stated "if" they had a role at all, it would be to just supply some of the water that would be used within the proposed reservoir through their well system. Other than that, he couldn't think of any other role the ITID would play in this project. They don't own the land and the proposed reservoir is not being built within their jurisdictional district.



Mr. Todd advised that he was familiar with Stormwater J Engineering, Inc. He identified the company as a "small firm" owned by Jay Foy (Respondent). He advised the company does some consulting work for private and governmental entities. He advised that according to his recollection, the Respondent does not discuss his private business ventures with other members of the WRTF. Regarding a relationship between the Respondent and the ITID, he stated he was aware that Stormwater had a consulting contract and recently he was selected as the ITID engineer (within the last month). He wasn't aware of any work the Respondent did for the C-51 Reservoir Project.

Mr. Todd was asked if the Respondent voted for the C-51 Reservoir Project. He stated he wasn't aware if he did or did not vote. The April 25, 2013 meeting minutes were read to Mr. Todd, in which it was scribed that all board members voted unanimously. When asked again, if the Respondent had abstained his vote, would it have been documented within the minutes, he said "Yes". When asked if the recorded minutes directly reflect the actual meeting, he said "Yes". When asked if it is his belief, that the Respondent did in fact vote yes on the project, as reflected in the minutes, he said, "If he said unanimously he would assume everybody voted yes, but he couldn't say he directly remembers the Respondent voting yes." He then stated, "If the Respondent had abstained and he would have noticed he abstained, it would be reflected in the meeting minutes."

Mr. Todd advised that he had nothing else to add to the statement, he again stated the ITID will not have any significant role in this project and again he wasn't sure if the project would move forward anyway.

The statement concluded at 9:45 am.

**On, August 6, 2013 at 9:00 AM, I took a sworn taped statement from Jay Foy, President of Stormwater J Engineering, Inc., Chair of the Water Resources Task Force and Mayor of the Town of Haverhill, at 1855 Indian Road Suite 202, West Palm Beach, FL 33409. The following is a synopsis of that interview:**

The Respondent is an engineer by profession and is the President and CEO of Stormwater J Engineering, Inc., which is a For Profit Corporation that has been in existence since 2002. He advised that he is the sole proprietor of this company. He is also the elected Mayor of the City of Haverhill. In addition, he is the Chair of the Water Resources Task Force (WRTF)

The Respondent advised that he was appointed to the WRTF by the Palm Beach County League of Cities, since its inception in 2009. He advised the basic function of the WRTF is to explore ideas in water resources for the benefit of Palm Beach County and to make recommendations specifically to the Board of County Commissioners of those ideas. There are between 10 to 14 members total on the WRTF comprised of individuals who are either serving in some government capacity or are experts in their respective fields.

There is no obligation to approve any recommendation suggested by the WRTF. Recommendations can be discarded by the County Commission.

The Respondent was asked and he advised that he was familiar with the Indian Trails Improvement District (ITID). He stated he has had an on again off again relationship with the ITID since 1991 when he was part of an engineering firm that at that time, was selected as their District Engineer. That firm held the position with the ITID from 1991-2002. In 2002, the ITID engineering contract was awarded the engineering firm Craig A. Smith. The respondent ultimately joined Craig A. Smith in 2002. Craig A. Smith held the contract from 2002-2008 when another firm, Ingenuity, was selected by the ITID for engineering services. In 2012, the ITID Board became interested in contracting with another firm for engineering services. In 2013, Stormwater went into the ITID response process for a new District Engineer. The ITID selected Stormwater as the first choice and they are currently in contract negotiations. He advised the engineering position was advertised in the newspaper and he applied just like everyone else.

The Respondent did advise that he held a \$35,000 drainage contract with the ITID, which was secured at April 10, 2013 ITID Board Meeting. He stated the ITID District Administrator contacted him directly and asked if Stormwater was available to do the contractual work. He stated his company was available and by the dollar for service

amount being in line with the State of Florida non-competitive procurement clause, Stormwater was awarded the contract without competitive bid.

The Respondent was asked if he recalled the April 25, 2013 WRTF meeting. He advised yes and that he was present during the meeting. He stated he did recall discussion on the C-51 Reservoir Project. He stated that he did participate in the discussion process. As the "Chair" he stated he lead the discussion. He stated it was plan or proposal to create a water storage reservoir that would be located in western Palm Beach County, just north the C-51 Canal and west of the L-8 Canal. This reservoir would be used as a future water supply for southern Palm Beach County and Broward County. The project was a proposal of ways to create this reservoir, it is only in the planning stages and no part of this project has been implemented on any level.

Based on this initial idea, the WRTF created a resolution tasked to formally create a joint board or committee between Broward County and Palm Beach County to establish ideas to move the project forward. It was a way to see who would be the lead entity that would oversee the project and to see if "Phase 1" could be approved and moved forward. According to him, there was no lead entity identified as of yet. He advised the resolution was for possible implementation of a Joint Task Force and did not include any flood control benefits or endorsements of costs related to project.

He stated he was aware of potential conflict and wanted to be sure that everyone knew only Phase 1 dealt with flood control. The Respondent advised the ITID's water supply is comprised of deep water wells, they don't have a water reservoir and would receive "Zero (0) Benefit" from this type of project. If they had any role at all, it would be to supply some water from their well systems, but this was not a needed component to move this project forward.

The Respondent advised that he did vote "Yes" on the resolution. He advised that he "did not" disclose to the WRTF Advisory Board that his company was under contract with the ITID. He felt it wasn't necessary due there being no flooding benefits or any other types of benefits to the ITID. He advised the WRTF meetings are not recorded so the official minutes are just a summary of the actual meeting. He stated he was not aware if any of the WRTF Board members knew he had the \$35,000 scope contract with the ITID.

The Respondent was shown Form 8B (titled: Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers). Although he stated he's seen it before, he stated he wasn't really educated on the official ordinance and wasn't sure what form 8B was. He also advised, he did not fill out or submit Form 8B for this project.

He wasn't aware of any other information that could be relevant to this investigation. But he did question if the Complainant had any personal knowledge of the situation and was "a little put off" by the complaint as a whole.

The statement concluded at 9:42 am.

On July 16, 2015, I again spoke with Ms. Knox regarding the documents. I also inquired whether the ITID was governed under Florida State authority. She advised that the ITID was a government entity whose jurisdictional authority is defined by Florida State Statute. She also stated the ITID did not sign off to be under the authority of the Palm Beach County COE. She stated the ITID falls under the authority of the Florida Commission on Ethics due to them being a state created body.

I then reviewed Florida State Statute 298 and Senate Bill No. 2564 Section 1 and found the Indian Trail Improvement District is a State created body. Subsequently, this body does not fall under the jurisdiction of the Palm Beach COE.

During this inquiry, it was discovered that potential jurisdictional issues exist.



- **Definition: Legal Sufficiency**

*Legal sufficiency exists where there is an allegation of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly committed by an individual within the authority of the Ethics Commission, based substantially on the personal knowledge of the Complainant filed in a sworn complaint, relating to an alleged violation occurring after the effective date of the code, and filed with the Ethics Commission within two years of the alleged violation.*

- **Analysis**

In investigating this inquiry, it was discovered:

Reviewing both Florida Senate Bill No. 2564 creating the ITID, which was passed by the Florida Legislature, and Palm Beach County Resolutions 2008-1810, 2009-0237, and 2010-0660 creating the WRTF, which was passed by the BCC, it was discovered that neither of these bodies fall under the jurisdiction of the Palm Beach Commission on Ethics. The ITID is a State entity and falls under the jurisdiction of the Florida State Commission on Ethics. The WRTF was created through BCC resolution, however, Board members are appointed by various public and private entities that do not fall under COE jurisdiction.

1. The Respondent is an elected official serving the Town of Haverhill, FL, His actions related to his duties as an elected official fall under the jurisdiction of the COE as of June 1, 2011.
2. The Respondent is the owner of Stormwater J Engineering, Inc., a For Profit company that provides consulting services to public and private entities.
3. The Respondent currently serves as the Chair and voting board member of the Water Resources Task Force.
4. The Water Resources Task Force is an advisory board that was created by Palm Beach County Resolutions 2008-1810, 2009-0237, and 2010-0660; pursuant to Senate Bill CS/CS/SB 1302 (Wastewater Discharge/Ocean Outfalls Legislation) which was passed by the Florida Legislation. It is comprised of elected and appointed officials designated by the BCC, Palm Beach County League of Cities, The South Florida Water Management District, the Lake Worth Drainage District, and the Indian Trails Improvement District.
5. The ITID has an appointed seat within the WRTF.
6. The concept for the C-51 Reservoir Project was initially comprised by the Palm Beach Aggregate, a registered For Profit Corporation - 11780 U.S. Highway One, Three Golden Bear Plaza S-300, North Palm Beach, FL 33408 ([www.sunbiz.com](http://www.sunbiz.com)) active since 04/16/1993, and land owners west of the L-8 Reservoir independently of the WRTF.
7. The WRTF Supporting Resolution was formed as a means to formalize "Phase 1". It which would set up governance and authority policies to move the C-51 Reservoir Project forward.
8. The Respondent did participate in the discussions surrounding the C-51 Reservoir Project at the April 25, 2013 WRTF Meeting.
9. The ITID would not have any involvement in the project, except to supply well water if applicable, due to the project not being proposed within the ITID or the ITID not owning any of the proposed land.
10. The Respondent has a \$35,000 drainage contract with the ITID, which was secured at April 10, 2013 ITID Board Meeting, in which he provides water runoff services for the ITID.

11. The dollar for service amount is under the State of Florida non-competitive procurement clause, so Stormwater was awarded the contract without competitive bid.
12. The Respondent did not publicly disclose his business and financial relationship with ITID and the C-51 Reservoir Project.
13. The Respondent did vote on the approval of the Resolution for the C-51 Reservoir Project.
14. It was advised that the ITID will not have any significant role in this project and it is not known if the project would move forward.
15. Jay Foy's duty as Chair of the WRTF in no way affects his elected duties as Mayor of the Town of Haverhill.
16. The COE has no jurisdiction over WRTF members who are not appointed by the BCC, but by some other appointing entity. The Respondent was appointed to the WRTF by the Palm Beach League of Cities (which does not fall under the jurisdiction of the COE).
17. The WRTF is tasked to make recommendations as it relates to water projects and those recommendations are voted on by WRTF Board Members. This information is then forwarded to the BCC and all affected cities for review and final decision. As noted in the Resolution 2008-1810, "the BCC and the cities agree and understand that any final report issued by WRTF will not be construed as imposing mandates requiring city participation and/or project completion." As such it is left to the discretion of the county or city entity to approve or disapprove WRTF recommendations.
18. The ITID is a State entity and falls under the jurisdiction of the Florida State Commission on Ethics, as noted in both Florida State Statute 298 and Senate Bill No. 2564. The C-51 Reservoir project "No-Bid" contract was awarded and approved through ITID Board action. Any review of the award process would be under the guidance of the Florida State Commission on Ethics.

In summary, the COE jurisdiction is limited to municipal and county employees, officials and advisory board members appointed by the BCC or a municipal governing body. Although the WRTF was created under state law, and adopted by way of BCC Resolution, the Respondent was appointed to the WRTF by the League of Cities, and is not an official as defined by the Palm Beach County Code of Ethics. In addition, the ITID is a State created entity and falls under the jurisdiction of the State of Florida Commission on Ethics. Any possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

**Recommendation:** Because Respondent in his position on the WRTF Board was appointed by a private entity (PBC League of Cities), the PBC Commission on Ethics has no jurisdiction to consider his participation in and any and vote submitted by him as a WRTF member. While it is unclear whether his contract with ITID caused a conflict of interest in any vote by Respondent concerning C-51 Reservoir Project, it is recommended that this matter be referred to the Florida Commission on Ethics for review and analysis as they would have jurisdiction over Respondent as a WRTF Board Member.

Submitted by:

  
Anthony C. Bennett, Investigator  
PB County Commission on Ethics

8/22/13  
Date

Reviewed by:

  
(Initials)

8/22/2013  
Date

PALM BEACH COUNTY COMMISSION ON ETHICS

MEMORANDUM OF NO LEGAL SUFFICIENCY

To: Palm Beach County Commission on Ethics  
From: Steven P. Cullen, Executive Director  
Re: C13-012 – Respondent Jay Foy

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- **Recommendation**

Regarding Respondent, Jay Foy, staff recommends a finding of NO LEGAL SUFFICIENCY be entered in Complaint C13-012.

*Legal sufficiency exists where there is an allegation of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly committed by an individual within the authority of the Ethics Commission, based upon facts which have been sworn to by a material witness or witnesses, and if true would constitute the offenses alleged, relating to a violation occurring after the effective date of the code, and filed with the Ethics Commission within two years of the alleged violation.*

- **Background**

This matter came to the attention of the Palm Beach County Commission on Ethics staff by way of a notarized Complaint Form signed by Diana Demarest, and dated on June 5, 2013. According to the Complaint, Jay Foy (Respondent) is the Mayor of the Town of Haverhill. He is also the appointed Chair and a voting member of the Water Resources Task Force (WRTF), which is an advisory Board that was created by the Palm Beach County Commission by way of a Palm Beach County Resolution. As an elected city official in the Town of Haverhill, he is under the jurisdiction of the Commission on Ethics as of June 1, 2011.

Respondent is the current owner of Stormwater J Engineering, Inc. (Stormwater), a company that works on water related engineering projects in and around Palm Beach County. He recently went into a "No-Bid" contract with the Indian Trail Improvement District (ITID), a governmental entity whose jurisdictional authority is defined by Florida State Statute 298. Under this contractual agreement, the Respondent's company, Stormwater, will complete the C-51 Reservoir Project. It is alleged that the project was never publically approved and involves water related issues that Respondent had been advocating for through his role as Chair of the WRTF. It is also alleged that Respondent "interacted" with ITID Board members in order to secure this contract.

- **Analysis**

**Section 2-442. Definitions.**

*Advisory board* shall mean any advisory or quasi-judicial board created by the board of county commissioners, by the local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local municipal governing bodies.

The term "official" shall mean members of the board of county commissioners, a mayor, members of local municipal governing bodies, and **members appointed by the board of county commissioners**, members of local municipal governing bodies or mayors or chief executive officers that are not members of local municipal governing body, as applicable, **to serve on any advisory, quasi judicial, or any other board of the county, state, or any other regional, local, municipal, or corporate entity.** (Emphasis added)

Pursuant to Chapter 2, Article V, Division 8, §2-258(a), the jurisdiction of the Commission on Ethics extends to the county code of ethics, county post-employment and lobbyist registration ordinances. Violations of §2-443(a) (Misuse of office) and §2-443(c), (Disclosure of Voting Conflicts) of the Code of Ethics are within the jurisdiction of the Palm Beach County Commission on Ethics. As such, the Commission on Ethics has personal jurisdiction over Respondent Jay Foy as Mayor of the Town of Haverhill.

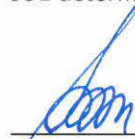
However, since Respondent was appointed to the WRTF by and as a representative of the League of Cities, and not by the Board of County Commissioners, his role as a member of that advisory board falls outside of COE jurisdiction, as do any actions he may have taken in his role as a WRTF member.

- **Conclusion**

Where a person serves on a county advisory board through an appointment made by any entity other than the Board of County Commissioners, they are not within the jurisdiction of the Code of Ethics, or the PBC Commission on Ethics. Respondent, Jay Foy, the sitting Mayor of Haverhill, is under COE jurisdiction for any actions taken linked to this official position as Mayor of Haverhill. However, he was appointed to the WRTF board by the PBC League of Cities, a private entity, and therefore his actions taken as a member of this board do not fall within COE jurisdiction to review.

It is recommended that this matter and all relevant documents be forwarded to the Florida Commission on Ethics who would have jurisdiction to review this issue further. The Executive Director of the PBC Commission on Ethics has personal knowledge of a possible violation of the Florida Code of Ethics based on the staff investigation of this Complaint, and has the authority to file a sworn complaint with the Florida Commission on Ethics based on this knowledge if the COE determines this should be completed.

BY:

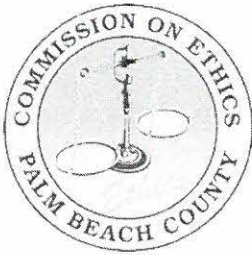


\_\_\_\_\_  
Steven P. Cullen, Executive Director  
Florida Bar No. 362204  
Commission on Ethics

8/26/13

\_\_\_\_\_  
Date





## PALM BEACH COUNTY COMMISSION ON ETHICS

2633 Vista Parkway, West Palm Beach, Florida 33411

Hotline: 877-766-5920 or 561-233-0724

### COMPLAINT FORM

**1. Complainant (Person bringing Complaint) Add pages, if necessary.**

Please list all information where you would like to be contacted. Our preference is email.

Name: Diana Demarest E-Mail: ddemarest@PageAdmco.com  
Address: 18849 W. Sycamore Dr  
City: Loxahatchee Zip: 33470  
Home #: 792-2772 Work #: \_\_\_\_\_ Cell #: 644-0962

**2. Respondent (Person against whom complaint is made) Add pages, if necessary.**

Please provide as much information as possible.

Name: Jay Foy E-Mail: \_\_\_\_\_  
Address: 4585 Charlotte Street  
City: Town of Haverhill Zip: 33417  
Home #: \_\_\_\_\_ Work #: 689-0370 Cell #: \_\_\_\_\_  
Title/Office Held or Sought: Mayor, Town of Haverhill

**3. IF KNOWN, CHECK THE BOX OR BOXES THAT APPLY**

☒ Allegation is against person in  
County/Municipal Government

☐ Allegation is about County:  
Whistleblower Retaliation

**4. STATEMENT OF FACTS BASED ON YOUR PERSONAL KNOWLEDGE**

In a separate attachment, please describe in detail the facts and actions that are the basis of your complaint, including the dates when the actions occurred. Also attach any relevant documents as well as names and contact information of persons who may be witnesses to the actions. If known, indicate the section of the ordinance you believe is being violated. For further instructions, see page 2 of this form.

**5. OATH**

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments are true and correct, to the best of my knowledge and belief.

Signature of Person Making Complaint

STATE OF FLORIDA

COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me  
this 5<sup>th</sup> day of June, 2013, by

Diana H Demarest

(Name of Person Making Statement)

who is personally known to me / or produced  
identification via. Type of identification  
produced:

7 LOC

Basmattie Persaud

(Signature of Notary Public, State of Florida)



BASMATTIE PERSAUD  
NOTARY PUBLIC  
STATE OF FLORIDA

Commission # 0000421  
Expires 4/27/2014

Jay Foy is the Mayor of Haverhill, the owner of Stormwater J Engineering Inc., and the Chair of Palm Beach County's Water Resource Task Force (WRTF), an Advisory Board established by the Board of County Commissioners.

Mr. Foy has been extremely active and vocal in the WRTF since its creation in 2009. He has attended all 20 meetings posted on the WRTF website. He has advocated and voted on issues related to water supply, water conservation, water quality and water related projects/initiatives relative to the benefit of the water resources of a particular area. A copy of all 20 WRTF meeting minutes has been provided. Also copies of the purpose of the WRTF and a list of its members have been provided.

Mr. Foy entered into a recent non bid contract with the Indian Trail Improvement District (ITID)( before his April 25, 2013 WRTF meeting- see below). This contract, which was never publically approved, involves storm water issues that Mr. Foy has been advocating and voting on since 2009. His position on the WRTF was never disclosed to the Board of Directors of the Indian Trail Improvement District at a publically attended Board Meeting. The ITID is a governmental entity whose jurisdictional authority is defined by Florida Statute 298.

There has been innuendo at ITID Board meetings that Mr. Foy has interacted with ITID Board Members to lobby for a contract with ITID.

On April 25, 2013, the WRTF met and voted on supporting the C-51 Reservoir project. Attached is the Resolution that was passed by the WRTF. Mr. Foy was in agreement. This vote has a significant impact on ITID's ability to discharge water in the future. This vote is a direct benefit to Mr. Foy's financial gain at ITID and therefore is an abuse of power as set forth in the Palm Beach County Code of Ethics section 2-443 (a), (b), and (c).



# CODE OF ETHICS

(Effective date June 1, 2011)

## **Sec. 2-441. Title; statement of purpose.**

This article shall be known as the Palm Beach County Code of Ethics. This code of ethics is enacted pursuant to Florida Constitution, Article VIII, Section 1(g), Florida Statutes, ch. 125, and the Charter of Palm Beach County. The Municipalities located within Palm Beach County are subject to the provisions of this Code of Ethics pursuant to referendum. The purpose of this code is to provide additional and more stringent ethics standards as authorized by Florida Statutes, §112.326. This code shall not be construed to authorize or permit any conduct or activity that is in violation of Florida Statutes, ch. 112, pt. III. This code of ethics shall be deemed additional and supplemental to any and all state and federal laws governing ethical conduct of officials and employees, as well as all local laws, rules, regulations and policies.

Officials and employees in the public service shall be conscious that public service is a public trust, shall be impartial and devoted to the best interests of the people of Palm Beach County, and shall act and conduct themselves so as not to give occasion for distrust of their impartiality.

Nothing herein shall abridge employees' constitutional right to collective bargaining.

## **Sec. 2-442. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Advisory board** shall mean any advisory or quasi-judicial board created by the board of county commissioners, by the local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local municipal governing bodies.

**Customer or client** means any person or entity to which an official or employee's outside employer or business has supplied goods or services during the previous twenty-four (24) months, having, in the aggregate, a value greater than ten thousand dollars (\$10,000).

**Domestic partner** is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship and maintains a mutual residence.

**Financial benefit** includes any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law.

**Household Member** includes anyone whose primary residence is in the official or employee's home, including non-relatives who are not rent payers or employees of the head of the household.

**Inspector general** shall mean the office established in article XII of this chapter.

**Lobbying** shall mean seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of any county commissioner, any member of a local municipal governing body, any mayor or chief executive officer that is not a member of a local municipal governing body, any advisory board member, or any employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board, the board of county commissioners, or the local municipal governing body lobbied as applicable.

**Lobbyist** shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. "Lobbyist" shall not include:

- (1) any employee, contract employee, or independent contractor of a governmental agency or entity lobbying on behalf of that agency or entity, any elected local official when the official is lobbying on behalf of the governmental agency or entity which the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency or entity by which the staff member is employed.
- (2) any person who is retained or employed for the purpose of representing an employer, principal or client only during a publicly noticed quasi-judicial hearing or comprehensive plan hearing, provided the person identifies the employer, principal or client at the hearing.
- (3) any expert witness who is retained or employed by an employer, principal or client to provide only scientific, technical or other specialized information provided in agenda materials or testimony only in public hearings, so long as the expert identifies the employer, principal or client at the hearing.
- (4) any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation.
- (5) any employee, contract employee, or independent contractor of the Palm Beach County League of Cities, Inc., lobbying on behalf of that entity.

**Official or employee** means any official or employee of the county or the municipalities located within the county, whether paid or unpaid. The term "employee" includes but is not limited to all managers, department heads and personnel of the county or the municipalities located within the county. The term also includes contract personnel and contract administrators performing a government function, and chief executive officer who is not part of the local governing body. The term "official" shall mean members of the board of county commissioners, a mayor, members of local municipal governing bodies, and members appointed by the board of county commissioners, members of local municipal governing bodies or mayors or chief executive officers that are not members of local municipal governing body, as applicable, to serve on any advisory, quasi judicial, or any other board of the county, state, or any other regional, local, municipal, or corporate entity.

**Outside employer or business** includes:

- (1) Any entity, other than the county, the state, or any other federal regional, local, or municipal government entity, of which the official or employee is a member, official, director, proprietor, partner, or employee, and from which he or she receives compensation for services rendered or goods sold or produced. For purposes of this definition, "compensation" does not include reimbursement for necessary expenses, including travel expenses; or
- (2) Any entity located in the county or which does business with or is regulated by the county or municipality as applicable, in which the official or employee has an ownership interest. For



purposes of this definition, an "ownership interest" shall mean at least five (5) percent of the total assets or common stock owned by the official or employee or any combination of the official or employee's household members, spouse, child, step-child, brother, sister, parent or step-parent, or a person claimed as a dependent on the official or employee's latest individual federal tax return.

- (3) The term outside employer or business shall not apply to an employee who is employed by a certified bargaining agent solely to represent employees.

**Palm Beach County Commission on Ethics** means the commission established in §2-254 et seq. to administer and enforce the ethics regulations set forth herein, and may also be referred to as the "commission on ethics" in this article.

**Persons and entities** shall be defined to include all natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business entities, syndicates, fiduciaries, corporations, and all other organizations.

**Relative** unless otherwise specified in this ordinance, means an individual who is related to an official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the official or employee or who otherwise holds himself or herself out as or is generally known as the person whom the official or employee intends to marry or with whom the official or employee intends to form a household, or any other natural person having the same legal residence as the official or employee.

**Transaction** shall refer to the purchase or sale by the county or municipality of goods or services for a consideration.

**Vendor** means any person or entity who has a pending bid proposal, an offer or request to sell goods or services, sell or lease real or personal property, or who currently sells goods or services, or sells or leases real or personal property, to the county or municipality involved in the subject contract or transaction as applicable. For the purposes of this definition a vendor entity includes an owner, director, manager or employee.

#### **Sec. 2-443. Prohibited conduct.**

- (a) **Misuse of public office or employment.** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:

- (1) Himself or herself;
- (2) His or her spouse or domestic partner, household member or persons claimed as dependents on the official or employee's latest individual federal income tax return, or the employer or business of any of these people;
- (3) A sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic partner, or the employer or business of any of these people;



- (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;
  - (5) A customer or client of the official or employee's outside employer or business;
  - (6) A substantial debtor or creditor of his or hers, or of his or her spouse or domestic partner-- "substantial" for these purposes shall mean at least ten thousand dollars (\$10,000) and shall not include forms of indebtedness, such as a mortgage and note, or a loan between the official or employee and a financial institution;
  - (7) A civic group, union, social, charitable, or religious organization, or other not for profit organization of which he or she (or his or her spouse or domestic partner) is an officer or director.
- (b) **Corrupt misuse of official position.** An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.
- (c) **Disclosure of voting conflicts.** County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, §112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. Officials who abstain and disclose a voting conflict as set forth herein, shall not be in violation of subsection (a), provided the official does not otherwise use his or her office to take or fail to take any action, or influence others to take or fail to take any action, in any other manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, as set forth in subsections (a)(1) through (7).
- (d) **Contractual relationships.** No official or employee shall enter into any contract or other transaction for goods or services with their respective county or municipality. This prohibition extends to all contracts or transactions between the county or municipality as applicable or any person, agency or entity acting for the county or municipality as applicable, and the official or employee, directly or indirectly, or the official or employee's outside employer or business. Any such contract, agreement, or business arrangement entered into in violation of this subsection may be rescinded or declared void by the board of county commissioners pursuant to § 2-448(c) or by the local municipal governing body pursuant to local ordinance as applicable. This prohibition shall not apply to employees who enter into contracts with Palm Beach County or a municipality as part of their official duties with the county or that municipality. This prohibition also shall not apply to officials or employees who purchase goods from the county or municipality on the same terms available to all members of the public. This prohibition shall also not apply to advisory board members provided the subject contract or transaction is disclosed at a duly noticed public meeting of the governing body and the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction.
- (e) **Exceptions and waiver.** The requirements of subsection (d) above may be waived as it pertains to advisory board members where the advisory board member's board is purely advisory and

provides regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction. No waiver shall be allowed where the advisory board member's board is not purely advisory and provides regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction. Waiver may be effected by the board of county commissioners or by the local municipal governing body as applicable upon full disclosure of the contract or transaction prior to the waiver and an affirmative vote of a majority plus one of the total membership of the board of county commissioners or the local municipal governing body as applicable. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after full disclosure of the contract or transaction at a public hearing, by the appointing person. In addition, no official or employee shall be held in violation of subsection (d) if:

- (1) The business is awarded under a system of sealed, competitive bidding to the lowest bidder and:
  - a. The official or employee or member of his or her household has in no way participated in the determination of the bid specifications or the determination of the lowest bidder;
  - b. The official or employee or member of his or her household has in no way used or attempted to use the official or employee's influence to persuade the agency, governmental entity or any personnel thereof to enter such a contract other than by the mere submission of the bid; and
  - c. The official or employee, prior to or at the time of the submission of the bid, has filed a statement with the supervisor of elections and the commission on ethics, disclosing the nature of the interest in the outside employer or business submitting the bid.
- (2) An emergency purchase or contract which would otherwise violate a provision of subsection (d) must be made in order to protect the health, safety, or welfare of the citizens of the county or municipality as applicable.
- (3) The outside employer or business involved is the only source of supply within the county or municipality as applicable and there is full disclosure by the official or employee of his or her interest in the outside employer or business to the county or municipality as applicable and the ethics commission prior to the purchase, rental, sale, leasing, or other business being transacted.
- (4) The total amount of the contracts or transactions in the aggregate between the outside employer or business and the county or municipality as applicable does not exceed five hundred dollars (\$500) per calendar year.
- (5) Notwithstanding any provision to the contrary, subsection (d) shall not be construed to prevent an employee from seeking part-time employment with an outside employer who has entered into a contract for goods or services with the county or municipality as applicable provided that:
  - a. The employee or relative of the employee does not work in the county or municipal department as applicable which will enforce, oversee or administer the subject contract; and
  - b. The outside employment would not interfere with or otherwise impair his or her independence of judgment or otherwise interfere with the full and faithful performance of his or her public duties to the county or municipality as applicable; and
  - c. the employee or relative of the employee has not participated in determining the subject contract requirements or awarding the contract; and
  - d. the employee's job responsibilities and job description will not require him or her to be involved in the outside employer's contract in any way including, but limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance; and

- e. the employee demonstrates compliance with applicable merit rules regarding outside employment and obtains written permission from his or her supervisor; and
  - f. The employee has obtained a conflict of interest waiver from the chief administrative officer and the employee's department head of the county or municipality based on a finding that no conflict exists. The employee shall submit the request for waiver in writing and under oath. The request for the waiver shall be signed by the employee under oath or affirmation on an approved form provided by the Commission on Ethics. The document shall contain written acknowledgment of compliance with the provisions of (5)a. through (5)e. of this subsection, together with such pertinent facts and relevant documents that support such waiver. A waiver under this subsection must be approved by both the employee's supervisor and chief administrative officer of the county or municipality. The county or municipality shall record such waiver in the employee's personnel file and shall submit a copy of the waiver and all related documents to the commission on ethics. The commission on ethics in its discretion may elect to review, comment on, or investigate any waiver. The commission on ethics review or investigation shall not delay an employee's ability to take the part time employment.
  - g. Official law enforcement overtime or extra duty details. The provisions of subsection (d) shall be waived for outside employment when that employment consists of a certified police agency uniformed external security or extra duty detail, contracted or administered by the police agency as applicable. For the purpose of this subsection, all records of external, extra duty or overtime security details, including supervisor approval, identity of contracting parties, and including time, date and manner of detail shall be maintained by the individual contracting police agency, records of which shall be accessible to the public subject to state public records disclosure exemptions.
- (f) *Accepting travel expenses.* No official or employee shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county or municipal contractor, vendor, service provider, bidder or proposer as applicable. The board of county commissioners or local municipal governing body as applicable may waive the requirements of this subsection by a majority vote of the board or local municipal governing body. The provisions of this subsection shall not apply to travel expenses paid by other governmental entities or by organizations of which the county or municipality as applicable is a member if the travel is related to that membership.
- (g) *Contingent fee prohibition.* No person shall, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person shall, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: an ordinance, resolution, action or decision of the board of county commissioners or local municipal governing body as applicable, any employee authorized to act on behalf of the board of county commissioners or local municipal governing body as applicable, the county administrator or municipal administrator as applicable, or any action or decision of an advisory board or committee. This prohibition does not apply to real estate brokers when acting in the course of their profession as regulated by §§475.001-475.5018, Florida Statutes, as may be amended. Nothing in this section may be construed to prohibit any salesperson from engaging in legitimate government business on behalf of a company from receiving compensation or commission as part of a bona fide contractual arrangement with that company provided such compensation or commission is ordinary and customary in the industry. Nothing in this section may be construed to prohibit an attorney



from representing a client in a judicial proceeding or formal administrative hearing pursuant to a contingent fee arrangement.

- (h) *Honesty in applications for positions.* No person seeking to become an official or employee, or seeking to enter into a contract to provide goods or services to the county or municipality as applicable, may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or services to the county or municipality as applicable.
- (i) *Disclosure or use of certain information.* A current or former official or employee shall not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person.

**Sec. 2-444. Gift law.**

- (a) (1) No county commissioner, member of a local governing body, mayor or chief executive when not a member of the governing body, or employee, or any other person or business entity on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100) in the aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the county or municipality as applicable.
- (2) No lobbyist, vendor or principal or employer of a lobbyist that lobbies the county or a municipality shall knowingly give, directly or indirectly, any gift with a value greater than one hundred dollars (\$100) in the aggregate for the calendar year to a person who the vendor, lobbyist, or principal knows is an official or employee of that county or municipality. For the purposes of this subsection 2-444(a)(2), the term vendor also includes any person or entity that, because of the nature of their business, may respond to an invitation to bid, request for proposal or other procurement opportunity that has been published by the county or a municipality.
- (b) (1) No advisory board member, or any other person on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100) in the aggregate for the calendar year from any vendor, lobbyist, or any principal or employer of a lobbyist, who lobbies the recipient's advisory board, or any county or municipal department as applicable that is subject in any way to the advisory board's authority.
- (2) No lobbyist, vendor, or principal or employer of a lobbyist who lobbies an advisory board or any county or municipal department that is subject in any way to the advisory board's authority, influence or advice, shall knowingly give, directly or indirectly, any gift with a value greater than one hundred dollars (\$100) in the aggregate for the calendar year to a person who the vendor, lobbyist, or principal knows is a member of that advisory board. For the purposes of this subsection 2-444(b)(2), the term vendor also includes any person or entity that, because of the nature of their business, may respond to an invitation to bid, request for proposal or other procurement opportunity that has been published by the county or a municipality.
- (c) No county commissioner, member of a local governing body, mayor or chief executive officer when not a member of the governing body, or employee, or any other person or business entity on his or her behalf, shall knowingly solicit a gift of any value from any person or business entity that the recipient knows is a vendor, lobbyist or any principal or employer of a lobbyist where the gift is for the personal benefit of the official or employee, another official or employee, or any relative or household member of the official or employee. No advisory board member or

any other person or business entity on his or her behalf, shall knowingly solicit a gift of any value from any person or business entity that the recipient knows is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies the recipient's advisory board, or any county or municipal department as applicable that is subject in any way to the advisory board's authority, influence or advice, where the gift is for the personal benefit of the advisory board member, another advisory board member, or an official, or any relative or household member of the official or employee.

- (d) For purposes of this section, a principal or employer of a lobbyist shall include any officer, partner or director of the principal entity, or any employee of a principal who is not an officer, partner or director, provided that the employee knows or should know with the exercise of reasonable care that the principal employs a lobbyist.
- (e) No person or entity shall offer, give, or agree to give an official or employee a gift, and no official or employee shall accept or agree to accept a gift from a person or entity, because of:
  - (1) An official public action taken or to be taken, or which could be taken;
  - (2) A legal duty performed or to be performed or which could be performed; or
  - (3) A legal duty violated or to be violated, or which could be violated by any official or employee.
- (f) Gift reports. Any official or employee who receives a gift in excess of one hundred dollars (\$100) shall report that gift in accordance with this section.
  - (1) *Gift reports for officials and employees identified by state law as reporting individuals.* Those persons required to report gifts pursuant to state law shall report those gifts in the manner provided by Florida Statutes, §112.3148, as may be amended. A copy of each report shall be filed with the county commission on ethics.
  - (2) *All other officials and employees who are not reporting individuals under state law.*
    - a. *Personal Gifts.* All officials and employees who are not reporting individuals under state law are not required to report gifts in excess of one hundred dollars (\$100) so long as those gifts are given to the official or employee by a personal friend or co-worker and the circumstances demonstrate that the motivation for the gift was the personal or social relationship rather than an attempt to obtain the goodwill or otherwise influence the official or employee in the performance of his or her official duties. Factors to be considered in determining whether a gift was motivated by a personal or social relationship may include but shall not be limited to: whether the relationship began before or after the official or employee obtained his or her office or position; the prior history of gift giving between the individuals; whether the gift was given in connection with a holiday or other special occasion; whether the donor personally paid for the gift or sought a tax deduction or business reimbursement; and whether the donor gave similar gifts to other officials or employees at or near the same time. If the personal friend or co-worker is a vendor, lobbyist or principal or employer of a lobbyist that lobbies the county or municipality as applicable, then the official or employee shall not accept a gift in excess of \$100 in accordance with subsections (a)(1) and (b)(1).
    - b. *All other gifts.* All officials or employees who are not reporting individuals under state law and who receive any gift in excess of one hundred dollars (\$100), which is not otherwise excluded or prohibited pursuant to this subsection, shall complete and submit an annual gift disclosure report with the county commission on ethics no later than November 1 of each year beginning November 1, 2011, for the period ending September 30 of each year. All officials or employees who are not reporting individuals under state law and who do not receive a gift in excess of one hundred dollars (\$100) during a given reporting period shall not file an annual gift disclosure report. The annual gift disclosure report shall be created by

the county commission on ethics and shall be in a form substantially similar in content as that required by state law.

- (g) For the purposes of this section, "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single setting or a meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift. In determining the value of the gift, the recipient of the gift may consult, among other sources, §112.3148, Florida Statutes and the Florida Administrative Code as may be amended.

(1) Exceptions. The provisions of subsection (g) shall not apply to:

- a. Political contributions specifically authorized by state or federal law;
- b. Gifts from relatives, domestic partners, and dependents named on the official's or employee's latest federal income tax return, or one's household member;
- c. Awards for professional or civic achievement;
- d. Materials such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;
- e. Gifts solicited or accepted by county or municipal officials or employees as applicable on behalf of the county or municipality in performance of their official duties for use solely by the county or municipality for a public purpose;
- f. Publicly advertised offers for goods or services from a vendor under the same terms and conditions as are offered or made available to the general public;
- g. Inheritance or other devise;
- h. Registration fees and other related costs associated with educational or governmental conferences or seminars and travel expenses either properly waived or inapplicable pursuant to §2-443(f), provided that attendance is for governmental purposes, and attendance is related to their duties and responsibilities as an official or employee of the county or municipality;
- i. A ticket, pass or admission in connection with public events, appearances or ceremonies related to official county or municipal business, if furnished by a nonprofit sponsor organization of such public event, or if furnished pursuant to a contract between the event's non-profit sponsor and the county or municipality as applicable, provided the sponsor organization does not employ a lobbyist, and further provided the ticket, pass or admission is given by a representative of the sponsor organization who is not otherwise a vendor, lobbyist, principal or employer of a lobbyist. Notwithstanding the exception as provided in this subsection, the ticket, pass or admission must be disclosed in accordance with the gift law reporting requirements of subsections 2-444(f)(1) and (f)(2);
- j. Expenditures made in connection with an event sponsored by a nonprofit organization funded in whole or in part with public funds whose primary function is to encourage and attract tourism or other business opportunities for the benefit of Palm Beach County or the municipalities as applicable, provided the sponsor organization does not employ a lobbyist, and further provided that the invitation to the event is made by a representative of the sponsor organization and the representative is not otherwise a vendor, lobbyist, principal or employer of a lobbyist. Notwithstanding the exception as provided in this subsection, the expenditure must be disclosed in accordance with the gift law reporting requirements of subsections 2-444(f)(1) and (f)(2).

- (h) Solicitation of Contributions on Behalf of a Non-Profit Charitable Organization.
- (1) Notwithstanding the prohibition on gifts as outlined in subsection 2-444(a) and (b), the solicitation of funds by a county or municipal official or employee for a non-profit charitable organization, as defined under the Internal Revenue Code, is permissible so long as there is no quid pro quo or other special consideration, including any direct or indirect special financial benefit to the official or employee or to the person or entity being solicited. The solicitation by an official or employee as contemplated herein, is expressly prohibited if made to any person or entity with a pending application for approval or award of any nature before the county or municipality as applicable.
  - (2) To promote the full and complete transparency of any such solicitation, officials and employees shall disclose, on a form provided by the Commission on Ethics, the name of the charitable organization, the event for which the funds were solicited, the name of any person or entity that was contacted regarding a solicitation or pledge by the official or employee, and the amount of the funds solicited or pledged if known. The form shall be completed legibly and shall be filed with the Commission on Ethics. The form shall be filed within 30 days from the occurrence of the event for which the solicitation was made, or if no event, within 30 days from the occurrence of the solicitation.
  - (3) Officials and employees may not use county or municipal staff or other county or municipal resources in the solicitation of charitable contributions described in this subsection.

**Sec. 2-445. Anti-nepotism law.**

An official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement in or to a position in the county or municipality as applicable in which the official is serving or over which the official exercises jurisdiction or control, any individual who is a relative or domestic partner of the official. An individual may not be appointed, employed, promoted, or advanced in or to a position in the county or a municipality if such appointment, employment, promotion, or advancement has been advocated by an official, serving in or exercising jurisdiction or control over the county or municipality as appropriate, who is a relative or domestic partner of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member. However, this section shall not apply to appointments to boards other than those with land-planning or zoning responsibilities in those municipalities with less than 35,000 population. This section does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide. Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control" for the purposes of this section.

- (1) For the purposes of this section, "official" means any official or employee in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in the county or municipality as applicable.
- (2) For the purposes of this section, "relative" means spouse, parent, child, sibling, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.



**Sec. 2-446. Ethics training.**

- (a) Officials and employees, as public servants, are considered stewards of the public trust and should aspire to the highest level of integrity and character. Officials and employees shall be informed of their ethical responsibilities at the start of their public service, and shall receive updates and training materials on ethics issues throughout the span of their public service. The county administrator or municipal administrator as applicable shall establish by policy a mandatory training schedule for all officials and employees which shall include mandatory periodic follow-up sessions. This policy may also address ethics training for entities that receive county or municipal funds as applicable.
- (b) The commission on ethics shall develop and deliver, or contract with other entities to develop and deliver, training programs. The commission on ethics shall coordinate and cooperate with all affected county or municipal entities, departments, agencies, boards, councils and commissions to ensure that effective and meaningful training experiences are delivered in a timely and efficient manner.

**Sec. 2-447. Noninterference.**

It shall be a violation of this article for any person: (a) to retaliate against, punish, threaten, harass, or penalize any person for communicating, cooperating with, or assisting the commission on ethics or the inspector general; or (b) to interfere, obstruct or attempt to interfere or obstruct without valid legal basis any investigation conducted by the commission on ethics or the inspector general.

**Sec. 2-448. Administration, enforcement and penalties.**

- (a) The commission on ethics shall be empowered to review, interpret, render advisory opinions, and enforce this code of ethics pursuant to the procedures established in the county commission on ethics ordinance. Jurisdiction of the commission on ethics with respect to advisory opinions rendered shall extend to all county and municipal officials and employees, and all other persons and entities required to comply with the provisions of this code and the county lobbyist registration ordinance, including but not limited to lobbyists, their employers and principals, and contractors and vendors.
- (b) A finding by the commission on ethics of a violation of any part of this article shall subject the person or entity to public reprimand, a fine of up to five hundred dollars (\$500), or both. The commission on ethics may also order the person or entity to pay restitution when the person or entity or a third party has received a pecuniary benefit as a result of the person's violation.
- (c) Upon a finding of the commission on ethics that a violation of this article or the lobbyist registration ordinance resulted in a contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit conferred by the county or municipality as applicable, then such contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit may be rescinded or declared void by the board of county commissioners or the local municipal governing body as applicable.
- (d) The commission on ethics may in its discretion refer willful violations of §§2-443, 2-444(a), 2-444(b), 2-444(c), 2-444(e), or 2-447 to the state attorney. Pursuant to Florida Statutes, §125.69, a person who violates the sections of the article set forth in this §2-448(d) shall be subject to prosecution in the name of the state in the same manner as first degree misdemeanors are prosecuted, and upon conviction, such person shall be punished by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed one (1) year, or both.

RESOLUTION NO. 2013-\_\_\_\_\_

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF  
PALM BEACH COUNTY FLORIDA, SUPPORTING PHASE I  
IMPLEMENTATION OF THE PROPOSED C-51 RESERVOIR PROJECT**

**WHEREAS**, the Broward and Palm Beach Water Resources Task Forces were created for the purpose of identifying and evaluating cost-beneficial and effective regional water supply projects and conservation strategies; and

**WHEREAS**, in 2006, prior to the convening of the Task Forces, Broward and Palm Beach water providers were beginning to investigate the potential development of a large surface water reservoir project to serve as a regional alternative water supply by capturing stormwater runoff for wet season storage and later distribution and use during the dry season; and

**WHEREAS**, this project subsequently become known as the C-51 Reservoir given its proposed siting just north of the C-51 Canal in central Palm Beach County, and is contemplated to ultimately include 75,000 acre-feet of surface water storage at a site proximate to the existing L-8 Reservoir where geologic characteristics allow long-term surface water storage without significant seepage losses; and

**WHEREAS**, both Task Forces have been actively engaged in the advancement of the proposed C-51 Reservoir, having received numerous technical presentations, offered guidance and planning strategies, and conducted a site tour; and

**WHEREAS**, regional collaboration in the C-51 Reservoir planning effort has expanded beyond the initial seven (7) utilities and in 2010/2011 a Memorandum of Understanding (MOU) was jointly approved by the City of Fort Lauderdale, the South Florida Water Management District, Palm Beach County, and the Lake Worth Drainage District providing for committed support to ongoing planning efforts, this MOU was subsequently supported by seven (7) local governments, including Broward County; and

**WHEREAS**, these planning efforts included project cost estimates, analysis of water availability and conveyance options, environmental considerations, economic analyses, hydrologic modeling, geotechnical evaluations, and processes for water supply certification, with the results documented in technical reports; and

**WHEREAS**, these assessments have substantiated early estimations about the unique benefits of the C-51 Reservoir as an alternative water supply relative to other alternative water supply options, which include lower capital cost, lower maintenance costs, reduced energy demands, water resource enhancements via aquifer recharge, wellfield offsets, and general permissibility; and

**WHEREAS**, most recently, the South Florida Water Management District, Broward County, Palm Beach County, and the Lake Worth Drainage District collaborated in the completion of the C-51 Preliminary Design and Cost Estimate Report dated June 2012, which estimates total water availability from the proposed C-51 Reservoir at 185 million gallons per day (mgd) and total construction costs of \$755 million; and

**WHEREAS**, while the benefits of the C-51 Reservoir were originally focused on environmental enhancements and alternative water supply development, there is an increasing appreciation of the benefits the C-51 Reservoir in the preservation of existing water supplies, especially in light of rising sea level pressures; and

**WHEREAS**, climate changes and rising sea levels are predicted to increase drought severity and saltwater intrusion into coastal wellfields, and storage provided in the C-51 Reservoir can help mitigate for these impacts while also providing stormwater mitigation and flood control protection during extreme storm events in an area that was inundated with the passage of Tropical Storm Isaac; and



**WHEREAS**, on January 18, 2013, a joint meeting of the Task Forces was convened for the purpose of considering these issues, receiving a project status update, receiving updated cost estimates, evaluating phased implementation, and considering next steps; and

**WHEREAS**, information presented at this meeting included a phased construction plan that would allow for Phase I construction to provide 14,000 acre-feet (35 mgd) of storage capacity in 2.5 years at an estimated cost between \$150.5 and \$186.5 million depending upon conveyance alternatives; and

**WHEREAS**, many entities expressed strong support for the project and the need to move from project planning to implementation; and

**WHEREAS**, the joint memberships of the Task Forces voted unanimously to support advancement of Phase I Implementation of the C-51 Reservoir project, and resolved that those members with more short term water supply or environmental needs should cooperate and jointly participate in the planning and implementation of Phase I.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA** that the Board hereby supports advancement of Phase I Implementation of the C-51 Reservoir project, and supports those members of the Task Force with more short term water supply or environmental needs to jointly cooperate in the development and structure for participation in the Phase I implementation. Those members with an interest in participating in Phase I shall convene a meeting or meetings to discuss the available options and determine how best to proceed with Phase I of the C-51 Reservoir, with updates at each scheduled meeting of the Task Forces.

The governmental entities adopting this Resolution recognize and agree that their participation in these meetings is voluntary and are encouraged to the extent deemed beneficial to the entity. The participating governments further recognize that any recommendations shall not be construed as imposing any mandates upon the participants or other government entities, and that it shall be the decision of each individual participant or government entity as to its participation in Phase I of the C-51 Reservoir.

This Resolution shall take effect immediately upon its adoption.

This foregoing Resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote; the vote was as follows:

Commissioner Steven L. Abrams, Mayor -  
Commissioner Priscilla A. Taylor, Vice Mayor -  
Commissioner Hal R. Valeche -  
Commissioner Paulette Burdick -  
Commissioner Shelley Vana -  
Commissioner Mary Lou Berger -  
Commissioner Jess R. Santamaria -

The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

**APPROVED AS TO FORM AND  
LEGAL SELF SUFFICIENCY**

**ATTEST: SHARON R. BOCK,  
CLERK & COMPTROLLER**

By: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Clerk

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**Water Resources Task Force**

The Palm Beach County Water Resources Task Force was created by Resolution of the Palm Beach County Board of County Commissioners to identify and evaluate opportunities and impediments to providing future water supply, conservation, wastewater treatment, and reuse or reclaimed water opportunities in the most efficient and cost effective manner practicable.

Additionally, a Technical/Professional Working Group is established to advise the Task Force on technical, environmental, and other professional subject matters as requested by the Task Force. The Task Force and Working Group are composed of elected and appointed officials designated by government entities identified in the Resolution.

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**Water Resources Task Force Members**
**April 2013**

<b>Member</b>	<b>Organization</b>	<b>Alternate</b>	<b>Organization</b>
Jay Foy (Vice-Chair)	Town of Haverhill	Vacant	
Michael Mullaugh	City of Boca Raton	Milton (Chip) Block	Jupiter Inlet Colony
Matt Willhite	Village of Wellington	Scott Maxwell	City of Lake Worth
Michael Dahlgren	City of Atlantis	John Callaghan	Town of Juno Beach
Jeff Hmara	Village of Royal Palm Beach	Dawn Pardo	City of Riviera Beach
David Stewart	Town of Lantana	Vacant	
Mary Lou Berger	Palm Beach County	Shelley Vana	Palm Beach County
David Brown	Jupiter Utilities	Kofi Boateng	Boynton Beach Utilities
Jim Alderman	LWDD	John Whitworth	LWDD
Adrian Salee	NPBCID	Vacant	
Vacant	SFWMD	Rod Braun	SFWMD
John Flanigan	Environmental Interests	Dick Tomasello	Environmental Interests
Ted Winsberg	Farming Interests	Vacant	Farming Interests
Tanya Quickel	ITID	Henry Shaw	ITID

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# Water Resources Task Force Meeting Minutes

Minutes are available in pdf format. 

## 2012

- [PBC Water Resources Task Force Minutes 06-21-12](#)
- [PBC Water Resources Task Force Minutes 04-19-12](#)

## 2011

- [PBC Water Resources Task Force Minutes 12-15-11](#)
- [PBC Water Resources Task Force Minutes 09-15-11](#)
- [PBC Water Resources Task Force Minutes 06-16-11](#)
- [PBC Water Resources Task Force Minutes 03-17-11](#)
- [PBC Water Resources Task Force Minutes 01-28-11](#)

## 2010

- [PBC Water Resources Task Force Minutes 11-18-10](#)
- [PBC Water Resources Task Force Minutes 09-16-10](#)
- [PBC Water Resources Task Force Minutes 07-22-10](#)
- [PBC Water Resources Task Force Minutes 05-20-10](#)
- [PBC Water Resources Task Force Minutes 03-18-10](#)
- [PBC Water Resources Task Force Minutes 01-21-10](#)

## 2009

- [PBC Water Resources Task Force Minutes 11-19-09](#)
- [PBC Water Resources Task Force Minutes 09-17-09](#)
- [PBC Water Resources Task Force Minutes 07-16-09](#)
- [PBC Water Resources Task Force Minutes 06-05-09](#)
- [PBC Water Resources Task Force Minutes 04-16-09](#)
- [PBC Water Resources Task Force Minutes 03-19-09](#)
- [PBC Water Resources Task Force Minutes 02-19-09](#)



**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**



**Village of Wellington Town Hall  
12300 Forest Hill Blvd.  
Wellington, FL 33414**

**June 21, 2012  
1:30 P.M. to 4:30 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair David Levy called the meeting to order at 1:35 p.m.

**Members Present:**

David Levy (Chair), Jay Foy (Vice-Chair), Adrian Salee, Mike Mullaugh, Ted Winsberg, John Flanigan, Terrie Bates, Matt Willhite

**Alternates Present:**

J.P. Sasser, John Callaghan, Kofi Boateng

**Members not Present:**

Jim Alderman, Dave Stewart, Tanya Quickel, Michael Dahlgren, David Brown, Priscilla Taylor

**Alternates not Present:**

Shelley Vana, Marlene Ross, John Whitworth, Dawn Pardo, Henry Shaw, Scott Maxwell, Dick Tomasello

**WRTF Working Group Present:**

Ken Todd (Chair), Paul Schofield, Ray Liggins, Mike Baker, Pete Kwiatkowski

**County Staff Present:**

Tom Miller, Brian Shields

**Guests Present:**

Drew Martin, Karen Brandon, Alex Larson, Kyle Grandusky, Terrence Bailey, Don Mathis, Steve Lamb, Rosa Durando, John Bonde, Laura Corry, Ron Crone, Dave Boyer, Sean O'Keefe, Neil Johnson, Dana Ackerman-White, Martha Musgrove, Willie Miller

**II. APPROVAL OF MEETING MINUTES:**

A motion was made by Adrian Salee and seconded by Matt Willhite to approve the 12-15-11 and the 4-19-12 meeting minutes with no revisions. The motion passed unanimously.



### III. Hydrologic Cycle

Jay Foy, StormwaterJ

Jay made a brief presentation on useful storage and the Hydrologic Cycle. Jay emphasized that this presentation was more about water quantity than quality or the environment. He stated a reservoir should probably be at least 10' in depth to be effective. He also expressed concerns about the Lake Okeechobee (LO) stage trend line over the last 100 year period. Jay said he believed the changed regulation schedule appeared to be the reason. Jay showed a graph that indicates when the lake has been drawn down; it takes about 4 years on average to recover. He said he realized that dike safety and environmental purposes are complicating issues within the lake. Jay then showed a graph that presented the LO storage (stage vs. volume). Jay said that he believes more storage is needed to address the water supply issues of south Florida as was recommended and implemented following the 1978 Water Use Plan by the South Florida Water Management District. He then illustrated that conveyance facilities to regional systems are needed to make storage effective. He concluded his presentation with four recommendations that would help water supply: increase available storage, have a minimum 10' depth in all storage facilities, push for a higher LO regulation (up to 15.5'-17.5'), and promote transmission to regional storage, wherever possible.

#### Discussion:

Drew Martin commented that from an environmental standpoint, higher lake stages would devastate the ecological value of Lake Okeechobee. He said Lake O was cleaner historically and you could see to the bottom. Because of this he said vegetation would receive light, even in deeper depths. It was not opaque like it is now. Drew went on to comment that when the dike was constructed, it cut off wetlands when the lake flooded. There was a loss of fish as a result. He suggested that the dike be moved to allow expansion of new wetland areas.

Jay responded that even if former environmental evaluation was correct, we're not getting what was expected for water supply. We're getting less water now and the lake schedule should be re-evaluated since the Corps is strengthening the dike. Even a half foot additional storage would make a tremendous difference for water supply.

There was a question about how this relates to the L-8 Reservoir discussion. Jay said the L-8 Reservoir will likely be used as a surge tank for the STAs and not storage for the North County Area. David Levy said he sees an opportunity to achieve greater regional storage by raising the LO stages. Jay advocated having the Corps of Engineers look at the LO regulation schedule again to see if current Lake elevation strategies could be improved to insure we are getting what we expected. Terrie Bates cautioned that there are numerous dike integrity, operational and environmental issues associated with the LO regulation schedule and it is not likely that the Corps of Engineers will consider changing the schedule in the near future. She explained that an Environmental Impact Statement had been completed as part of the National Environmental Policy Act (NEPA) requirements and public review process associated with the LO regulation schedule change. She stated that the impacts of the LO regulation schedule change on water supply had been well documented, but were outweighed by the public health, safety and welfare considerations.

J.P. Sasser said that concerning the shores of LO, the City of Pahokee spent \$12M to build a marina that no boat can get into due to low lake stages. He said dealing with ACOE is not easy. They tout public safety. Pahokee has plan and funding to build islands, wetlands, etc. J.P. said that boat traffic crossing LO is non-existent because lake stages are so low.

#### **IV. Wellington Created Wetlands**

#### **John Bonde, Village of Wellington**

John made a brief presentation on the water quality history of the Village of Wellington. He said it all started with the Everglades Forever Act because Wellington is adjacent to the Everglades. Wellington is divided into two basins, Basins A and B. Basin A is mostly residential and was pumped into the C-51 Canal while Basin B is mostly agricultural and was pumped directly into the conservation areas. John said they sample 30 locations every 2-weeks and have for more than 2-decades so they have good data on the water quality within the Village. He then discussed the Peaceful Waters Sanctuary and Section 24 Preserve (Wellington Environmental Preserve) projects done in partnership with SFWMD to improve the water quality exiting Wellington. The plan removed the discharge pumps that pumped directly into the Conservation area from Basin B and send the water into C-51. The water flows through the Section 24 preserve, along with water from Basin A, where it is then pumped into the C-51 Canal. John then showed a slide that Wellington is now achieving better than the 50 ppb goal for these projects, even though the goal for the Everglades was 10 ppb. Water from the western C-51 Canal will be further treated in STA 1E. John also said that in addition to better water quality, the Village also experiences better flood protection because of the additional storage created with these projects and the projects have also provided a very good habitat for animals that did not exist before.

#### **Discussion:**

Terrie Bates congratulated Wellington on a job well done with the projects. She mentioned that Wellington was the only community in Palm Beach County that had historically pumped water to the Everglades. Jay Foy also congratulated the Village and expressed concerns about getting to 50 ppb. Rosa asked if read report from SFWMD about equine residuals and that the local Audubon Society was instrumental in stopping this. She said that last week, the Village Council approved new BMP practices in Wellington for horse manure. She said she believes there needs to be real composting and it was approved. The manure must go to an approved site.

#### **V. Election of Officers:**

The Chair entertained a motion for the 2012-2013 Task Force officers. Jay Foy nominated David Levy for the office of Chair. Michael Mullaugh made a motion to close the nominations for office of Chair. The motion passed unanimously. Matt Willhite nominated Jay Foy for the office of Vice-Chair. There was a motion to close the nominations for Vice-Chair and it passed unanimously. Jay Foy nominated Matt Willhite for Vice Chair pro-tem. There were no other nominations for Vice-Chair Pro-Tem. The motion was unanimously approved.



**VI. Public Comments:**

- **Drew Martin** – Drew expressed a concern about how changing lake levels will harm fish.
- **Alex Larson** – Alex stated that with respect to Lake Okeechobee, she believes no one has ever looked for a natural filtering area south of the Lake. She believes we should think about an STA and storage south of Lake.
- **Rosa Durando** – Rosa said that at a recent Regional Planning Council meeting, a FDOT representative proposed dredging Taylor Creek in Okeechobee County deeper and wider.

**VII. Task Force Member Comments**

Jay Foy requested that the Working Group take a cursory review of the feasibility of the four items he mentioned in his recommendations of the hydrologic cycle presentation. Those recommendations are: 1) increase available storage, 2) design to a minimum 10' depth in storage facilities, 3) push for a higher Lake Okeechobee water regulation schedule (up to 15.5'-17.5'), and 4) promote conveyance to regional storage wherever possible. Terrie Bates reiterated her earlier comments that a significant amount of work had been done in evaluating the LO regulation schedule through the NEPA process and did not think it was advisable to spend staff resources trying to re-evaluate the LO regulation schedule. She further questioned the role of the Palm Beach County Water Resources Task Force in taking on this issue as it was her opinion that the Task Force, was not in a position to influence the Army Corps of Engineers. Ken Todd clarified that the Working Group was not being asked to do an in-depth analysis of the LO regulation schedule, but rather a cursory review of the evaluation previously completed by the Corps of Engineers. The motion was made by Jay Foy and seconded by Mike Mullaugh. It passed unanimously.

**VIII. Next Meeting**

The Task Force requested a presentation on the following three issues: 1) Newly unveiled L-8 Reservoir Plan by the SFWMD, 2) Hungryland Slough and the Unit 11 Restoration, 3) Lower East Coast Water Supply Plan update with emphasis on PBC.

The next meeting location was discussed and it was agreed to meet in the City of Pahokee as the WRTF had never met in the Glades area. Ken Todd was asked to work out the arrangements with J.P. Sasser.

**IX. Adjournment**

There being no further business, Chair Levy adjourned the meeting at 3:40 p.m.

**Next Scheduled PBC WRTF Meeting**

**September 20, 2012  
1:30 p.m. to 4:30 p.m.  
City of Pahokee**





**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**



**South Florida Water Management District  
3301 Gun Club Rd.  
West Palm Beach, FL 33406**

**April 19, 2012  
1:30 P.M. to 4:00 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair David Levy called the meeting to order at 1:30 p.m.

**Members Present:**

David Levy (Chair), Jay Foy (Vice-Chair), Adrian Salee, Michael Dahlgren, Mike Mullaugh, Ted Winsberg, John Flanigan, Priscilla Taylor, Matt Willhite, David Brown

**Alternates Present:**

Dick Tomasello, John Callaghan

**Members not Present:**

Jim Alderman, Dave Stewart, Tanya Quickel

**Alternates not Present:**

Shelley Vana, Marlene Ross, J.P. Sasser, John Whitworth, Terrie Bates, Dawn Pardo, Henry Shaw, Scott Maxwell, Kofi Boateng

**WRTF Working Group Present:**

Ken Todd (Chair), John Bonde, Clete Saunier, Ray Liggins

**County Staff Present:**

Tom Miller

**Guests Present:**

Drew Martin, Karen Brandon, Patrick Martin, Rosemary Rayman, Albert Basulto, Ernie Cox, Alex Larson, Kyle Grandusky, Roberto Balbis, Marjorie Craig, Lyle Munce, Richard Radcliffe, Brent Whitfield, Terrence Bailey, Bud Howard, Tom Biggs, Alan Wertepny, Jim Sigfried, G.J. Schers, John Ryan, Frank Schiano, Tom Goltzene, David Jacobs, Jim Rocket

**II. Next Meeting**

There was no business discussed other than where to hold the next meeting. The WRTF membership agreed to hold the next meeting at the Village of Wellington on Thursday, June 21, 2012. The agenda will be comprised of several presentations scheduled for this meeting, but postponed due to the Bus Tour.

The bus pulled away from the SFWMD at about 1:45 p.m. to start the tour of the existing L-8 Reservoir and the proposed C-51 Reservoir site. Upon arriving at the L-8 Reservoir site, Ernie Cox representing Palm Beach Aggregates LLC, made a brief presentation of the C-51 Reservoir concept before the bus started the Tour. Ernie then explained how the L-8 Reservoir was dug and how the ultimate configuration of the L-8 Reservoir came about, which is similar to how the C-51 Reservoir would be constructed. Ernie went on to explain that the SFWMD was in the process of selecting a design-build team to construct a permanent pump station to replace the small temporary pump that was in place in the L-8 Reservoir. We then toured a portion of the location for the proposed C-51 Reservoir and Ernie explained the operation of the dragline and the shovel and conveyor belt system for the excavation effort. He also explained the phasing of the C-51 Reservoir and how construction could proceed.

**Discussion:**

At various points along the tour, Ernie fielded questions related to the operation of the L-8 Reservoir and the proposed C-51 Reservoir. One question dealt with whether or not the same geological formation that allowed for the L-8 Reservoir function as a below ground reservoir existed for the C-51 Reservoir site. Ernie responded that the geological testing for the C-51 Reservoir site confirmed that the geology was very similar. A question was asked about the chloride issue that had been previously raised and where that issue stood. Ernie responded that the chloride level will not be an issue when the L-8 Reservoir is exercised. When water was put into the L-8 Reservoir and removed to move water along to the Loxahatchee River, the chloride levels were not an issue. In fact, Ernie mentioned that as of this tour date the chloride reading within the L-8 Reservoir was 314 ppm as compared to this time last year where it was 370 ppm. He also mentioned that at the end of the north mixing zone in the L-8 Canal the reading was 140 ppm, well below the drinking water standard of 250 ppm. He also mentioned that for the second year in a row the minimum flow of 35 cfs had been met for the Loxahatchee River and that water had been supplied to the City of West Palm Beach pursuant to District Order during the drought. On the day of the tour, water was being released from the L-8 Reservoir as there are still several feet of storage available in the L-8 Reservoir that can be accessed by the temporary pump. Another question dealt with the depth of the C-51 Reservoir in relation to the L-8 Reservoir depth. Ernie responded that the C-51 Reservoir will be dug much shallower (bottom of reservoir to stay above connate ground water levels) than the L-8 Reservoir to avoid the chloride issue altogether.

**IIV. Public Comments**

There was no public comment.

**V. Task Force Member Comments**

There were no comments from Task Force members.

**VI. Adjournment**

There being no further business, Chair Levy adjourned the meeting at 4:00 p.m.

**Next Scheduled PBC WRTF Meeting**

**June 21, 2012**

**1:30 p.m. – 4:30 p.m.**

**Village of Wellington Council Chambers**

**12300 West Forest Hill Blvd.**

**Wellington, FL 33414**

**Phone No. 561-791-4000**





**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**



**PBC Utilities Training Room  
8100 Forest Hill Blvd.  
West Palm Beach, FL 33413**

**December 15, 2011  
1:30 P.M. to 4:00 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair David Levy called the meeting to order at 1:35 p.m.

**Members Present:**

David Levy (Chair), Jay Foy (Vice-Chair), Adrian Salee, Michael Dahlgren, Dave Stewart, Mike Mullaugh, Ted Winsberg (Alternate for Steve Bedner), Dick Tomasello (Alternate for John Flanigan)

**Alternates Present:**

None

**Members not Present:**

Steve Bedner, Tony Las Casas, Priscilla Taylor, Matt Willhite, Jim Alderman, John Flanigan

**Alternates not Present:**

Shelley Vana, Marlene Ross, J.P. Sasser, John Whitworth, David Brown, Terrie Bates, Dawn Pardo, Scott Maxwell

**WRTF Working Group Present:**

Ken Todd (Chair), Mike Baker, Pete Kwiatkowski, Juan Guevarez, John Bonde, Richard Hasko, Clete Saunier

**County Staff Present:**

Tom Miller, Brian Shields, Nancy Gallinaro, David Gillings

**Guests Present:**

Ronald Crone, Drew Martin, Martha Musgrove, Steve Lamb, Larry Portnoy, Kevin Ratterree, Dave Collins, Karen Brandon, Patrick Martin, Rosemary Rayman, Kevin Cunniff, Neil Johnson, Albert Basulto, Kirk Martin, Georgia Vince, Bob Hennes, David Boyer, Bruce King, David Clark, Carl Creedon, Sean O'Keefe, Don Mathis, Raul Mercado, Nat Roberts, Ernie Cox

**II. APPROVAL OF MEETING MINUTES:**

A motion was made by Adrian Salee and seconded by Michael Dahlgren to approve the 9-15-11 meeting minutes with minor corrections. The motion passed unanimously.

David made a brief presentation on the Caloosa water management system. The Caloosa community is located on the Bee Line Highway (SR 710) near Pratt & Whitney, and has 350 home sites. The Caloosa Property Owners Association, Inc. (POA) maintains the canals within the system and also replaces and maintains the infrastructure of pipes, culverts, and water control structures. The purpose of this presentation was to ask support of the Task Force for the POA's request to the SFWMD regarding the operation of a small drainage structure in the system. Specifically, the POA has requested to be allowed to resume operation of an internal flashboard riser structure that will slow water releases from their system into the main weir that drains into C-18 Canal. The POA would like to keep water levels higher because the water management system is the community's main source of fire protection. The POA began operating the structure in the early 1990's, when Caloosa took over operation from the NPBCID, and there were no flooding or other problems associated with the POA's operation of the structure. Several years later the SFWMD directed the POA to cease operating the structure. David said insurance costs continue to rise and the POA needs to be able to point to its water management system as its water supply source for fire protection in order to keep insurance levels more affordable. The SFWMD initially required that the POA complete a professional engineering study as a condition to resuming operation of the structure. David indicated the POA has complied with that request and that the consultant's report indicated no impact on POA flood protection for a 100 year 5-day storm event. SFWMD now wants the POA to install telemetry equipment, which is very costly, and the POA cannot justify the expense in view of the limited funds available to it. Their concern is fire protection and David said the POA would like the Task Force to support the POA's efforts to operate the riser structure as they did in previous years without installation of expensive telemetry equipment.

**Discussion:**

A question was asked why the SFWMD asked the HOA to stop operating the structure. David indicated that one resident didn't want it because of a concern about flooding. David indicated that the permitted control elevation is 16' NGVD and the permitted outfall weir crest elevation is 18' NGVD. David said typically the structure was operated with placing 2 additional boards in, taking the elevation from 16' NGVD to 18' NGVD. He reiterated the consultant's report indicating no impact on the HOA flood protection. During periods of drought, with the additional 2 boards in, the HOA can save an additional 30-45 days of water in the system for fire protection. Currently, no one is managing the structure.

Chair Levy said the WRTF has in the past encouraged water conservation and asked the pleasure of the Task Force. In discussion that followed, the WRTF believes the SFWMD should determine the most appropriate operation of the Caloosa system that encourages greater water storage, especially with the residents' safety and property in mind. It was also discussed that since it appears there have been no problems to date with operation of Caloosa's water system and the HOA has demonstrated a history of successful drainage system operation, then adjusting the control elevation by the Caloosa HOA would be appropriate. A motion was made by Mike Mullaugh and seconded by Jay Foy to send a letter urging SFWMD to work with Caloosa to determine a way to retain more water in Caloosa by raising the control elevation in the dry season and lowering it in the wet season. The motion passed unanimously.



**IV. L-8 Basin Land Purchases for Storage**

**David Gillings, ERM**

David made a brief presentation on the hydrologic restoration of PBC natural areas within the north county. David discussed 5-sites: Hungryland Slough, Loxahatchee Slough, Cypress Creek, Pine Glades Natural Area, and Winding Waters Natural Area. David reviewed the benefits of all restoration efforts and how these projects have increased water storage (conservatively estimated at 28,150 acre-feet) within all the watersheds in the north county, including the L-8 Basin.

**Discussion:**

A question was asked concerning problems associated with leachate movement from the existing adjacent Dyer landfill into the Winding Waters system? David responded that they have not observed any movement to date. The system has monitoring wells in place and creates a hydraulic barrier. A question was asked about getting water from other properties? David said the system is mostly rainfall, but Winding Waters is getting some flow from Iron Horse.

**V. C-51 Canal Conveyance to L-8 Reservoir**

**Ken Todd, Working Group Chair**

Ken made a brief presentation on the recent Working Group charge by the Task Force to address water delivery routes from C-51 East Basin into the L-8 Reservoir. Ken related the Working Group's key concerns and pointed out the infrastructure requirements of double pumping (S-155A and at the L-8 structure) in order to move water from one basin to another. Ken stated that the Working Group's conclusion was that there was only one viable route to send water from the C-51 East Basin to the L-8 Reservoir and that was by using the existing C-51 Canal.

**Discussion:**

Jay Foy pointed out that this has been done before. The idea does work. Jay then asked if water quality was reviewed. Ken answered that the Working Group did not, since that was not their charge. A question was asked concerning the use of water from Lake Okeechobee? Ken responded that the SFWMD did, in fact, use water from Lake Okeechobee last year in the Pilot Study. Ken discussed drinking water standards and the benefits of blending with Lake Okeechobee to reduce Chlorides because Lake Okeechobee is very low in Chlorides. The L-8 Reservoir is not totally impervious (although extremely tight) and therefore needs to be exercised continually to keep the water low in chloride concentration. It has been demonstrated several times that when the L-8 Reservoir is used consistently the chloride concentration within the L-8 Reservoir meets drinking water standards. When it is not exercised for long periods of time the chloride concentration starts to increase due to seepage. Another question arose as to whether or not water could be moved west from the M Canal? The answer is yes, if the system was plumbed in such a manner, but the City of WPB would need to be consulted. The Water Catchment Area (now called Grassy Waters Preserve) was originally set up in the late 1890's to bring water from Lake Okeechobee into the City's Water Catchment Area to augment water supply, when needed. It is not likely the City would want to send any of their water supply into the L-8 Reservoir. Another question was asked as to whether the water from the L-8 Reservoir could be used as an alternative for water into STA 1E & 1W? Yes, but there would be certain caveats to that as well.



## **VI. C-51 Reservoir Update**

**Patrick Martin, LWDD**

Patrick made a brief presentation to update the current status of the C-51 Reservoir concept. He said LWDD plans to attend PBC Days in Tallahassee to lobby the delegation for money to help pay for this project. Patrick invited the Task Force members to take a tour of the land areas and the existing L-8 Reservoir (which is constructed similarly to what the C-51 Reservoir would be).

### **Discussion:**

A question arose as to the location of the proposed C-51 Reservoir. Patrick mentioned that the C-51 Reservoir would be located just west of the L-8 Reservoir to take advantage of the similarly tight rock formation that exists in the L-8 Reservoir. A question arose as to how many potential partners are there for this project. Patrick responded that there is interest from several Palm Beach County utilities, Broward County Utilities, and even some interest from Miami Dade County. Patrick said that right now the only obstacle to bringing water into Miami-Dade County is the I-595 interchange. A question arose as to how the water would be moved south from the proposed C-51 reservoir. Patrick responded that currently the plan is to use the LWDD E-1 Canal primarily. Water could be moved south to Broward, through the LWDD E2-W Canal, the E-1 Canal and the E1-W Canal. Broward County would need to lift water from Hillsborough Canal into their canals. A question arose as to what the demand is for the entire effort. Pat indicated that right now the demand is currently projected to be 185 MGD (approximately 285 cfs). Pat said FP&L is looking at an alternative backup source and repowering options in Broward County using this water, too. Moving 185 MGD to recharge well fields would be a cheaper alternative than the treatment costs associated with tapping into the brackish Floridan Aquifer. Pat said that Hazen & Sawyer did a report, finding it to be 2-3 times less expensive than RO if this project moved forward. A question was asked as to how this concept compares to costs associated with water conservation. Patrick responded that a substantial conservation effort is being actively pursued throughout southeast Florida. Consumption has dropped dramatically due to this conservation effort, but may not get much lower as consumption is approaching the minimum domestic demand for most utilities. The demand side management is more challenging because there are no "hammers" except for a tiered rate structure.

## **VII. Public Comments**

- **Drew Martin-Sierra Club.** He liked the idea and the presentation of bringing C-51 water into the L-8 Reservoir, but is concerned about water quality. Drew also said he believes we need to look more at distributed storage; for example, the Mecca Farms property near the Corbett Area.

## **VIII. Task Force Member Comments**

There were no comments from Task Force members.

## **X. Adjournment**

There being no further business, Chair Levy adjourned the meeting at 4:00 p.m.

### **Next Scheduled PBC WRTF Meeting**

**April 19, 2012**

**1:30 p.m. – 4:30 p.m.**

**South Florida Water Management District**

**3301 Gun Club Rd.**

**West Palm Beach, FL 33406**

**Phone No. 561-686-8800**



**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**



**Lake Worth Drainage District  
13081 Military Trail  
Delray Beach, FL 33484**

**September 15, 2011  
1:30 P.M. to 4:00 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair David Levy called the meeting to order at 1:36 p.m.

**Members Present:**

David Levy (Chair), Jay Foy (Vice-Chair), Adrian Salee, Michael Dahlgren, Matt Willhite, Jim Alderman, Anthony Las Casas, Dave Stewart, John Flanigan, Terrie Bates

**Alternates Present:**

Scott Maxwell

**Members not Present:**

Steve Bedner, Albrey Arrington, Priscilla Taylor, Mike Mullaugh

**Alternates not Present:**

Shelley Vana, Dick Tomasello, Marlene Ross, J.P. Sasser, John Whitworth

**WRTF Working Group Present:**

Ken Todd (Chair), Mike Baker, Pete Kwiatkowski, Juan Guevarez, John Bonde, Richard Hasko, Rebecca Elliott

**County Staff Present:**

Tom Miller, Brian Shields

**Guests Present:**

Ronald Crone, Carol Connolly, Laura Corry, Drew Martin, Martha Musgrove, Steve Lamb, Larry Portnoy, David Diaz, Alex Larson, Joel Englehardt, Dave Collins, Terry Clark, Karen Brandon, Patrick Martin, Rosemary Rayman, Megan Jacoby, Lyle Munce, Dan Beatty, Chad Kennedy, Neil Johnson, Brent Whitfield, Melissa Meeker, Angelica Gregory, Albert Basulto, Kirk Martin, Georgia Vince, Bob Hennes, David Boyer, Megan Hanney

**II. REORDER OF AGENDA and APPROVAL OF MEETING MINUTES:**

A request was made by the Chair to reorder the agenda to move the presentation by Melissa Meeker to the first presentation of the meeting. A motion was made by Dave Stewart to reorder the agenda and it was seconded by Jim Alderman. The motion passed unanimously. A motion was made by John Flanigan and seconded by Jay Foy to approve the 6-16-11 meeting minutes as presented. That motion also passed unanimously.



### III. Future Direction of the SFWMD

Melissa Meeker, Executive Director, SFWMD

Newly appointed SFWMD Executive Director, Melissa Meeker, provided comments on what she sees as the future direction of the SFWMD. Melissa stated that there was clear direction from Governor Scott to have the District return to its Core Mission. This Core Mission constitutes the following: No. 1 is the Operation & Maintenance of the South Florida Flood Control System; No.2 is Regulation functions & Water Supply; No. 3 is Everglades Restoration; No. 4 is water quality. The Governor also wants this done with a fiscally sound budget.

Ms. Meeker went on to provide her vision for the future direction of the District. Because of the difficult budgeting situation she sees more of an effort to have Public/Private Partnerships. She believes that providing water for the citizens will be a high priority and can be done more effectively by having the Regional Utilities provide more interconnectedness to help ease water shortages in critical areas. The District will also be looking to create new water that could be made available for public use by capturing some of the water lost to tide through structure releases.

- Comments from Task Force Members

- Jay Foy – Thanks for expediting permitting. The ACOE process is a failure as there is no funding and STA1/E is not working. The L-8 Reservoir is not on line and was supposed to be finished in 2001. Can we believe your timing? Melissa responded that the District gave the Governor a 5-year time period to complete the project, including the L-8 Reservoir pump station that is in the budget. Jay then asked a question relative to Lake Okeechobee. Because of dike failure concerns that have caused the ACOE to keep the lake at lowered elevations, will the levels ever be raised again? ACOE says no. There is not enough storage of water on the east coast. We can't get it to where it is needed unless it is stored in Lake Okeechobee. Melissa responded that the District is working with the ACOE to look at more flexibility in Lake Okeechobee operations. Also, there will be a Lake Okeechobee summit in November or December where it is hoped that we will be able to lay out a plan for the future. SFWMD has recently focused on more storage north of lake. Concerns now are for Hurricane Protection.
- Adrian Salee – Putting water into storage is great, but now how do we get it into the aquifers? Melissa responded that the Water Supply Planners are looking into this, including landscape plans, water conservation, appropriate uses of particular water bodies, etc. Melissa also reminded everyone that the canal system provides recharge.
- John Flanigan – To what extent have budget cuts created a problem for CERP obligations? Melissa said District staff took a hard look at functionality of the CORE mission. She said staff believes they are ahead on all accounts of the CERP Plan from the state's obligations. The District will, however, need to look at how to address future needs beyond year 5.
- Jim Alderman – Wants the District to consider constructing the L-8 pump station on faster pace (<3-years). Melissa agreed that a faster pace would be ideal and not just the pump, but also the needed revetment. Jim stated it would be good to be able to use it in this continuing drought.
- David Levy – He is concerned about reclaimed water in that if the proposed Numeric Nutrient Criteria go into effect, we might not be able to continue using reclaimed water. Melissa said that was an excellent point and it is being discussed at the state policy level as we do need to be careful of unintended consequences. It is part of the discussion that is moving forward, but we should only be using reclaimed water for irrigation. David said he was happy to hear her say that. David mentioned Frenchman's Reserve and how they have adjusted their fertilization practices when using reclaimed water for irrigation. David is also concerned about the overuse of the Floridan aquifer. The community is being told we need to go here for more water, but it is limited and takes a long time to recharge. Melissa said the District is concerned as well and it will be addressed in the water supply plan.



#### **IV. Fertilizer Ordinance      Alan Wertepny, NPDES Coordinator**

Alan gave a presentation on a proposed ordinance for Palm Beach County dealing with fertilizer. Alan stated that the MS4 permit granted by DEP to many municipalities, drainage districts, and the county for discharges into nutrient impaired water bodies requires the permittees to adopt a fertilizer ordinance by March 2013 (Section 403.9337, F.S.) for impaired water bodies within their local government jurisdiction. Alan went to say that the text of the proposed ordinance followed state guidelines for implementation.

Terrie Bates asked if the County can do a blanket ordinance. Alan indicated that yes it could be done, but that each municipality has the ability to craft their own ordinance (there are 41 Governmental entities in the county included in the MS4 Permit). Alan mentioned that the biggest variation to individual ordinances will be on enforcement side.

David Levy asked if individual homeowners can apply fertilizer on their own property. Alan said, yes they can, but if they hire someone to place fertilizer on their property the commercial applicator must be certified. David also asked whether or not a homeowner can be fined for putting fertilizer on sod incorrectly. Alan indicated that they could under certain circumstances.

Jay Foy asked if homeowners were subject to the ordinance. Alan responded that they are subject to the fertilizer application criteria, but do not need to go through the training. It was mentioned that there is no specific date anticipated at this time to have this ordinance approved, but that it must be implemented by January 2013 per the MS4 permit. Alan stated that this proposed ordinance has been to NPDES steering committee for comment. County staff is making changes now, based on comments received. It still needs to go through County management and the BCC for final approval. Other local government entities need to approve some form of the ordinance, but are not obligated to accept the County version of the ordinance.

#### **V. Water Conservation      Brian Shields, PBC Water Utilities**

Brian Shields presented information on "Water Conservation" as it relates to Palm Beach County Utilities. Brian related potential reuse (reclaimed water) issues as a result of the proposed EPA numeric Nutrient Criteria being formulated. Brian mentioned that reclaimed water helps reduce the amount of irrigation water needed by residents and also has a side benefit of helping reduce the fertilizer load needed. Brian also mentioned that the Utilities inverted rate system discourages the wasting of water by high rates for heavy users. Brian also suggested that communities could help in the conservation arena by utilizing more storage opportunities to recharge the groundwater, such as, pervious pavement, underground storage tanks, etc. This recharging of the water table will help to keep the saltwater/freshwater interface at bay, thus lessening saltwater intrusion problems for wells.

#### **VI. L-8 Reservoir Pilot Study Resolution**

Ken Todd introduced the subject of the L-8 Reservoir Pilot Study Resolution with a brief presentation on the operation of the Pilot Study conducted earlier this year by SFWMD to deliver water to the Loxahatchee River. He described the two flow-ways in the proposed CERP project, with Flow-Way No.1 being the conveyance water body for this Pilot Study. The final results of the study showed that for the first time in years, the MFL for Loxahatchee River had been met. Additionally, as a by-product of these deliveries, water was supplied to the City of West Palm



Beach that supplemented their water supplies during this drought condition. After he explained how the Pilot Study was conducted earlier this year and the benefits derived from the efforts of the water deliveries, Ken relinquished control to Chair Levy to discuss the Resolution with the Task Force. A copy of the draft resolution was provided to Task Force members. Ken mentioned that all comments received to date had been incorporated into this version of the Resolution.

David Levy said that he believed the Task Force should make recommendations to BCC and other stakeholders dealing with water resource issues and this resolution fits right in with that mandate. David said that the City of West Palm Beach could have run out of water without this project. The proposed Phase II plan should be more ambitious than Phase I. David also said he believed that by exercising the L-8 Reservoir, chlorides will drop within the reservoir over time. Terrie Bates said that last year's Pilot study was successful and that the District learned a lot about how the system will work and collected much useful data. She said they do have plans to go forward with Phase II. She also said, however, that the biggest caveat to the proposed Phase II study will hinge on what happens with the drought in this last couple of months of the rainy season. She said right now Lake Okeechobee is 3.5 feet lower this year than last year and the L-8 Canal is now gravity flowing back into the lake. So, depending on water availability, we may not be able to do Phase II next spring if there is not enough water to send to the river. However, she said SFWMD is supportive of a proposed Phase II. Jay Foy stated the Project is a great project and needs to happen. He said the L-8 Reservoir needs to be exercised and that this proposed Pilot Study needs to be done, whether a good idea or not, to determine if it fails or not.

Adrian Salee asked where else water might be obtained to fill the reservoir. Ken Todd mentioned the possibility of sending water to the reservoir from the C-51 Canal during those times that it does rain during the dry season. He indicated that the current system not set up to do that now, but is an option for discussion. A motion was made by Jay Foy to adopt the resolution as presented and was seconded by Jim Alderman. It was approved unanimously.

## VII. Public Comments

Drew Martin said he was concerned about the fertilizer situation. He said he agrees the original fines that were contemplated are too much. He believes a complicating factor will be if each city has their own ordinance. He said a countywide ordinance is a better idea. He said he believes a buffer is a good idea and he encourages the use of composting. He also thinks we should change the landscaping code as sod is the big issue because it is hard to maintain and grow. He believes the answer is moving away from sod to more natural ground covers. He questioned if the ordinance prohibited fertilizer application during rain. The answer from Alan Wertepny was no.

Alex Larson stated she does not fertilize or irrigate her 1.6 acres of land. She believes we need to change people's habits and stop using Floratam sod. She also believes that the L-8 Reservoir is never going to work because she believes it was dug too deep

Patrick Martin indicated LWDD will be the lead agency on the C-51 Reservoir study. He said the District should let LWDD backpump into the L-8 Reservoir from the C-51 Canal right now and quit pushing water to tide via the C-51 Canal. He believes we need to discuss doing a mass balance for the C-51 Canal. He said that since we will be in drought this coming year we should "borrow" water from the C-51 this year for the L-8 Reservoir, if possible. LWDD will volunteer pumps to help accomplish this project and it can be a win-win situation.

Martha Musgrove mentioned that a solution to the problems of the Glades Utility Authority (GUA) needs to come together quickly or it may go to Governor for resolution. She said there are a number of people in Glades that are deeply concerned about the status of the Utility. She believes the County is not thrilled with prospect of taking it over.

#### **VIII. Task Force Member Comments**

Jay Foy ask that we add to a future agenda a presentation on land purchases for storage along the Flow-way 1 & 2 routes. He believes we need to have conversation that encourages others to look at mass purchases that could be converted into storage or wetlands treatment. He would like to see support given to the acquisition of strategically large parts of land along Flow-way 1 & 2 (by locals, not by SFWMD or ACOE). It was agreed the County's DERM would be the appropriate group to make this presentation. It can be delayed or go on the next agenda.

David Levy asked to have the Loxahatchee River Management Plan from FDEP presented.

Jay Foy also asked to be placed on the agenda to make a presentation on the hydrological cycle. He said the presentation will be on the hydrologic cycle from a water conservation perspective that utilizes conservation of mass.

Jim Alderman asked Task Force to have the Working Group bring back ideas on how to get water from C-51 Canal into the L-8 Reservoir? There was consensus by the Task Force to have a report from the Working Group by the next meeting.

David Levy would like a status presentation at next meeting on the GUA, if possible. He did say we may need to push the Glades Utility Authority issue to a later date because of Agenda timing.

#### **X. Adjournment**

There being no further business, Chair Levy adjourned the meeting at 3:40 p.m.

#### **Next Scheduled PBC WRTF Meeting**

**December 15, 2011  
1:30 p.m. – 4:30 p.m.  
Palm Beach County Utilities Training Room  
8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
Phone No. 561-493-6000**





**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**



**Clayton Hutcheson Agricultural Center  
559 N. Military Trail  
West Palm Beach, FL 33415**

**June 16, 2011  
1:30 P.M. to 4:00 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair David Levy called the meeting to order at 1:32 p.m.

**Members Present:**

David Levy (Chair), Jay Foy (Vice-Chair), Jim Alderman, Anthony Las Casas, Priscilla Taylor, Dave Stewart (Alt. for Steve Wilson), Ted Winsberg (Alt. for Steve Bedner), David Brown (Alt. for Albrey Arrington)

**Alternates Present:**

John Whitworth

**Members not Present:**

Steve Bedner, Steve Wilson, Adrian Salee, Michael Dahlgren, John Flanigan, Albrey Arrington

**Alternates not Present:**

Shelley Vana, Terrie Bates, Dick Tomasello, Scott Maxwell

**WRTF Working Group Present:**

Ken Todd (Chair), Mike Baker, Pete Kwiatkowski, Linda Brien

**County Staff Present:**

Tom Miller, Brian Shields

**Guests Present:**

Ronald Crone, Carol Connolly, Laura Corry, Don Mathis, Drew Martin, Martha Musgrove, Steve Lamb, Rosa Durando, Matt Boone, Raul Mercado, Ron Rice, Audrey Norman, Bill Schall, Ken Roundtree, Tom Paulson, Mike Mullaugh, Dave Ellis, Barbara Susco, Vanessa Aparicio, John Marshall, Shannon Duffy, Bob Hill, Judy Hartshorn, Larry Portnoy, David Diaz, Amy Eason, Jen Sorentrue, Alex Larson, Craig Kruempel

**II. APPROVAL OF MEETING MINUTES:**

A motion was made by Jay Foy and seconded by Ted Winsberg to approve the 3-17-11 meeting minutes as presented. The motion passed unanimously.

**III. Palm Beach County Agricultural Extension Programs  
Bill Schall & Ron Rice, UF IFAS County Extension**

Ron Rice spoke first on the topic of water quality related projects in farm production that the Cooperative Extension Service helps the farming community address. He spoke of herbicide and pesticide application, sediment control from farm drainage waters, and how the Extension Service works with the farmers to minimize the impacts of these issues. He also addressed fertilizer applications relative to optimizing crop growth. Many questions followed.

Bill Schall presented an overview of the commercial horticulture industry within the county. He then discussed how the Extension Service helps residences and schools with the Florida Friendly concept by teaching of the Florida Friendly concepts through the Florida Yards & Neighborhood program. He said the Extension Service works with HOAs to minimize runoff of pollutants. Many questions followed.

**IV. 2011 Drought Update – Pete Kwiatkowski, SFWMD**

Pete Kwiatkowski presented an update of the drought that actually started last year. He mentioned the extreme rainfall deficit this area has experienced for the last ten months or so and how it has dramatically affected the groundwater table due to a lack of significant recharge. Pete did mention that the water levels within Lake Okeechobee have dropped so low that water deliveries via gravity can no longer be accomplished. This means that no water is being delivered at the present time to the coastal canals that recharge the wellfields. Although monitoring wells throughout the County show low groundwater elevations, no wells have become problematic at this time. The District and the Utilities will continue to monitor that situation.

Pete then briefly discussed the forecast for the coming months. Pete said that even if we get normal rains this coming rainy season we will still likely remain in the water shortage management band of the Lake Okeechobee Operation Schedule. That means we can anticipate another six months or so of drought conditions.

Pete touched a little on the water crisis facing the City of West Palm Beach due to lack of rainfall and no deliveries from Lake Okeechobee. This is problematic for the City that gets its water supply from a surface water body that is so low that the treatment plant intake will not be able to pump water in the near future. Pete said the City and the District are working with DEP to obtain an emergency order to provide water from the L-8 Reservoir to supplement their supply in Clear Lake.

After much discussion on how to help the City obtain water from the L-8 Reservoir, Jim Alderman made a suggestion that the WRTF write a letter of support to the SFWMD and FDEP for the use of the L-8 Reservoir next year for supplying water next year for both water supply and Loxahatchee River needs. Jim then made the motion to write such a letter signed by the Chair on behalf of the WRTF. The motion was seconded by Priscilla Taylor and after discussion of effectiveness it passed unanimously.

**VII. Public Comments**

Drew Martin stated that he believes the public has not taken the current drought seriously enough and that we need more conservation efforts and should not use as much turf grass as we do.

Alex Larson mentioned we should all consider what we are doing in the use of water during this drought.



Martha Musgrove stated that the Florida Wildlife Federation presented an award to the Loxahatchee Preservation Initiative for their Conservation efforts. She said it was a collaborative effort of many entities and is a real success story.

Rosa Durando stated she is concerned that too many variances to the current water restrictions are being given out.

John Marshall introduced this year's group of interns for the Marshall Foundation. He said this year's interns were given the task to look at the drought with fresh eyes and try to develop some solutions.

#### VIII. Task Force Member Comments

- Jay Foy said that he would like to see a presentation from the District on the next agenda as to how Flow-Way #2 of the Loxahatchee River Watershed Restoration Plan is progressing. He said that the current plan being evaluated by the ACOE is a very focused wetland enhancement effort and not on a broader water resources program that includes flood control and water supply. He believes that in order for the Restoration Project to be considered a success as a water resource project it needs to be a multi-purpose project and not a single purposed project as it appears to be heading in the Corps process. He also expressed concern that based on recent meetings, the Corps may recommend only using Flow-way #1 through the City of West Palm Beach's Grassy Waters Preserve and not include Flow-Way #2 as part of the final plan. It was stated that Flow-way #1 is limited in its conveyance capability and that Flow-way #2 is needed in order to guarantee the Project's effectiveness. The only methodology on the table to justify the cost of Flow-way #2 is wetlands habitat lift. Therefore, Flow-way#2 must include a large wetland habitat unit uplift. Jay said he believes this can only be accomplished by conversion of new lands into wetlands habitat, such as the Mecca site, GL Homes property, or other lands in the area. He believes the governmental entities should encourage coalition of land owners to help bring about a plan that provides more flood protection for the Acreage and more water supply benefits for the area.

As this was not an agenda item for this meeting, it will be discussed at a future meeting. Jay gave Ken Todd a written possible motion following the meeting that suggested the WRTF consider (at a future meeting where this item is discussed as the WRTF is an advisory group to the PBC Board of County Commission (PBC BCC). The suggested wording of the motion is as follows:

**Motion:** Have staff prepare a resolution from the WRTF to the PBC BCC in support of encouraging, participating in, and/or taking the lead in promoting the acquisition and /or collaboration of obtaining large parcels of land that are strategically located in the connected area and adjacent to the area known as Flow-way#2.

- David Levy suggested having the County Utilities Department provide a presentation on what measures are being taken for water conservation.
- The Task Force would like to have a presentation on a possible county fertilizer ordinance.



- David Levy would like to have the new SFWMD Executive director, Melissa Meeker, address the Task Force on the new direction of the District.
- Ken Todd reported to the Task Force that the recent L-8 Reservoir Pilot Study to deliver water to the Loxahatchee River was a success. The River received its minimum flow for approximately six weeks while providing a source of water to enhance the water supply for the City of West Palm Beach. The pilot Study was discontinued when there was no more water available from Lake Okeechobee to blend with the water from the L-8 Reservoir. The SFWMD intends to hold a second Pilot Study once the rainy season has commenced and there is sufficient water to blend with the L-8 Reservoir water.

#### **IX. Next Meeting Agenda - David Levy, PBC WRTF Chair**

The next meeting location is at the Lake Worth Drainage District located at 13081 Military Trail in Delray Beach. The meeting date will be Thursday, September 15<sup>th</sup> and will start at 1:30 p.m.

#### **X. Adjournment**

There being no further business, Chair Levy adjourned the meeting at 4:00 p.m.

#### **Next Scheduled PBC WRTF Meeting**

**September 15, 2011  
1:30 p.m. – 4:00 p.m.  
Lake Worth Drainage District  
13081 Military Trail  
Delray Beach, FL 33484  
Phone No. 561-737-3835**



**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**



**Town of Jupiter Community Center  
200 Military Trail  
Jupiter, FL 33418**

**March 17, 2011  
1:30 P.M. to 4:30 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair David Levy called the meeting to order at 1:35 p.m. in the Town of Jupiter Community Center.

**Members Present:**

David Levy (Chair), Jay Foy (Vice-Chair), Albrey Arrington, John Flanigan, Adrian Salee, Michael Dahlgren, Jim Alderman, Dave Stewart (Alt. for Steve Wilson), Terrie Bates (Alt. for SFWMD)

**Alternates Present:**

David Brown, Dick Tomasello

**Members not Present:**

Carmine Priore, Steve Bedner, Steve Wilson, Priscilla Taylor, Anthony LasCasas

**Alternates not Present:**

Shelley Vana, Susan Haynie, Scott Maxwell, John Whitworth, Ted Winsberg

**WRTF Working Group Present:**

Ken Todd (Chair), Mike Baker, Pete Kwiatkowski, Clete Saunier

**County Staff Present:**

Tom Miller, Brian Shields, Rob Robbins

**Guests Present:**

Ronald Crone, Laura Corry, Pam Mac'Kie, Don Medellin, Don Mathis, Alan Wertepny, Albert Basulto, David Boyer, Drew Martin, Martha Musgrove, Lisa Wilson-Davis, David DeMaio, David Swift, Karen Brandon, Terry Clark, Steve Lamb, Neil Johnson, Stacey Hetherington, Brian Einkauf, Amber Barritt, Paul Millar, Raphael Frias, Joan Lawrence

**II. APPROVAL OF MEETING MINUTES:**

A motion was made by John Flanigan and seconded by Jay Foy to approve the 11-18-10 meeting minutes as presented. The motion passed unanimously. A motion was made by Michael Dahlgren and seconded by David Stewart to approve the 1-28-11 meeting minutes as presented. The motion passed unanimously.

Ken Todd informed the Task Force of the recent passing of Task Force alternate Gale English. Ken mentioned that the Funeral Service would be on Saturday at the Royal Palms Funeral Home. There was a moment of silence in honor of Gale.

### III. C-51 Reservoir Resolution – Ken Todd, Palm Beach County

Ken Todd stated that at the joint meeting in January with the Broward Task Force the two groups agreed to pass resolutions supporting further study of the project. A copy of a draft resolution by the Broward County Task Force was included the packets to use a starting point in the development of a resolution by this Task Force. Ken emphasized that the resolution was not a resolution to endorse construction of the project, but to conduct further studies of the feasibility of the project. Given that, Ken said there were two issues that the Task Force needed to decide in regard to the resolution. First, does the Task Force want to pass a supporting resolution themselves or send a recommendation to the BCC to do so. Secondly, does the Task Force want to use the draft language provided by the Broward Task Force or develop their own language. Some of the items that are within the Broward language that this Task Force may to consider including or deleting are the mentioning of the District's Governing Board, the role of SFWMD for coordination, the stakeholder process, all of which are inherent in review process. There is also a reference to a Memorandum of Understanding (MOU) between all the potential partners.

In the discussion that followed, someone asked whether the Task Force has authority to adopt a resolution? Ken responded that the Task Force has done resolutions in the past. Terrie Bates indicated that the Palm Beach County BCC will have the MOU before them to act upon in April. April 5<sup>th</sup> is the target date to bring this MOU before the BCC according to Brian Shields

Jim Alderman indicated that the Task Force needs to relate support or not and allow BCC to render final decision. He asked whether the draft MOU had gone out yet. The answer was no. Ron Crone of LWDD related that the MOU was not a contract and that SFWMD, LWDD, Broward and PBC are all considered partners. He indicated Dean Powell of SFWMD has the document. Ron also mentioned that LWDD had signed off on the MOU as a participant.

Albrey Arrington said he believed that sections 2, 3, and 4 of the draft resolution should be stricken while keeping section No. 1. He also felt the Task Force should recommend that the Palm Beach County BCC execute the MOU. Jay Foy said he wants the Task Force to do this, as he is in support of further study. Brian Shields mentioned that the Task Force has already endorsed the project. Ken Todd suggested that if the Task Force wanted to keep it simple then the resolution should only include Section 1.

Albrey wrote out a short resolution for consideration by the full Task Force. It was agreed by the Task Force to use Albrey's version. The main gist of the language was that the PBCWRTF supports continued analysis of the C-51 regional surface water reservoir project to help meet environmental goals and regional water supply needs. Furthermore, the PBC WRTF Task Force encourages the Palm Beach County BCC to execute the C-51 Reservoir Partnership Study MOU. This resolution shall become effective upon adoption, Adopted this ....day of.....2011. Albrey moved this language as the language for the resolution and also that the resolution be signed by the Chair. It was seconded by Jim Alderman. The motion passed unanimously.



#### **IV. Irrigation Mobile Lab – David Demaio, PBC Water Soil Conservation**

David Demaio gave a presentation on Irrigation Audits. David stated that between 2005 and 2008, the PBC Water & Soil Conservation Service has evaluated 450 properties and that there was a reported savings of 263 MGY through the first nine months of 2008. David also stated that the average system efficiency of an irrigation system in PBC is 50%. He also discussed the multiple benefits of a comprehensive conservation program.

David informed the Task Force that the Audit Program is not being funded this year. He stated that audits are relatively inexpensive, but right now the only Audits being done are with Agriculture. PBC Soil & Water Conservation is looking for funding for this program. Dave Levy asked David to get with Ken Todd to see how the Task Force might help. There was consensus on this directive by the Task Force.

#### **V. TMDL Update, Alan Wertepny, PBC NPDES Coordinator**

Alan indicated that the PBC MS4 had recently received their third term Permit. The MS4 has been working with DEP on this permit for over a year. As part of the permit requirements, DEP is asking for written SOP's. Also, the permit requires ordinances be enacted by March 2013 for landscaping and fertilizer application. He indicated that the municipalities will be informed of these requirements through the posting of the permit on NPDES website, plus all the municipalities have representation on the NPDES Committee.

Alan also discussed the TMDL Schedule. For the C-51 East Watershed, fecal coliform is one of the major impairments for this specific Water Body Identification (WBID). He then described the Basin Management Action Plan (BMAP) process and that a BMAP must be developed by stakeholders for each watershed. There is concern about the multi-jurisdiction nature of watersheds. Prevention and investment into source controls is an inexpensive solution. Jay Foy raised the concern that for water quality improvement, Dissolved Oxygen (DO) is impossible to meet and that we need changes in water quality standards for this parameter. There was discussion and consensus that we need to push for better source controls.

#### **VI. Loxahatchee River Watershed Restoration Project-Operational Testing David Swift, SFWMD**

Dave Swift gave an update related to the Loxahatchee Watershed Restoration Project. Dave said there were 6-options presented to SFWMD Water Resource Advisory Committee (WRAC), but the focus for this presentation would be only focus on options 1A and 1B. His report to the WRAC followed up on a PBC WRTF requesting that SFWMD staff be assigned to develop operational protocols to deliver up to 20 cfs from the L-8 Reservoir to meet the Loxahatchee River minimum flow criteria. Dave went on to explain that as a result of a meeting with several stakeholders the idea of a pilot test to deliver L-8 Reservoir water to NW Fork of Loxahatchee River was brought forth. That meeting established a technical team that is chaired by the PBC Water Resource Manager, Ken Todd. The SFWMD Governing Board directed District staff to work with technical team to develop an operational protocol to make such deliveries to the River.

The Pilot study will move water from the L-8 Reservoir and route it through the City of WPB's 'M' Canal within the Grassy Waters Preserve to the C-18 Canal. Then it will move through

several SFWMD structures on its way to the Loxahatchee River. This will be a 30-day pilot test, using existing infrastructure. He showed the Task Force a slide that outlined the flow path on a map. Dave indicated that this Pilot Study was actually beneficial to all parties as it allowed the District the opportunity to exercise the L-8 Reservoir to help lower chloride levels, provide additional water supply for the City of West Palm Beach, and route additional environment flows to the Loxahatchee River.

Dave indicated that the study will provide valuable technical information as the District does not currently have seepage information along the M-canal. It is estimated that 18% (30 cfs) of the flow along this canal is lost due to seepage. Dave said that next year the intent is to expand the pilot study with larger pumps and a longer term pumping duration.

There was a question about the Chloride content and was it a problem for Grassy Waters? Dave responded that it was a little higher than background, but that the internal marsh sites within Grassy Waters have not seen a significant increase. Monitoring will be done throughout the duration of the Test. Dave indicated that the Drinking water standard of 250 mg/l is the actual Chloride level being used. Currently the highest chloride level coming out of the L-8 Reservoir is 391 mg/l, but by the time water reaches the City's Control 4 structure (just south of 45<sup>th</sup> St. along Haverhill Rd. and miles from the City's intake), it has a Chloride concentration of less than 220 mg/l.

#### **VI. Lake Worth Lagoon South County Project – Rob Robbins, PBC ERM**

Rob said the South Cove project is located within the Lake Worth Lagoon in downtown West Palm Beach right opposite Trump Towers. In one of the slides of his presentation he showed the Task Force an artist's rendering of what the final project will look like. He indicated the project was born out of an idea to improve the fisheries and water quality by building islands similar to those accomplished previously in the Riviera Beach and Lake Worth portions of the Lagoon. He said that much of the mangroves along the shoreline were eradicated and replaced with bulkheads & several deep holes were dredged within the waterway when development was occurring many years ago. This project will enhance the Lagoon's productivity and will also entomb the nasty sediments in the muck hole near the site. He said the purpose of the project is to soften the shoreline, fill the deep hole and to create islands. Additionally, the project will recruit sea grasses behind the protective barriers within the islands and boardwalk. Rob stated that spoil disposal requires critical care at project start until the poor sediments are capped.

The current project status is that the large deep hole has now mostly been filled and capping of the sediment is now beginning with large grain material. Finished grades are expected to be completed by the end of the summer. ERM is looking for mangrove planting volunteers. The finished project benefits will be 1.5 acres of planted mangrove, 2 acres of seagrass, and an oyster habitat. Rob indicated that the City will not allow fishing on the boardwalk for safety reasons.

#### **VII. Public Comments**

There was only one comment made by members of the public:

Drew Martin stressed the need for conservation of water to the Task Force as he said that over 60% of all potable water use goes toward irrigation.

### **VIII. Task Force Member Comments**

- Jay Foy said that he would like to see a presentation from the District on how Flow-Way 2 of the Loxahatchee River Watershed Plan is progressing. He would specifically like to address the need for the flow-way concept and how the GL Homes Property would fit into the plan. Terrie Bates will help Ken Todd coordinate the presentation.
- Terrie Bates introduced Pam Mac'Kie of the SFWMD who was recently named as the new WPB Service Center Director for the SFWMD.
- Adrian Salee would like a future presentation on the Floridan Aquifer. Pete Kwiatkowski of SFWMD suggested that the presentation wait until after the LECWSP was further along. It was agreed that the presentation would wait. Adrian also asked for an update of the drought and a discussion on water restrictions, especially since Terrie Bates mentioned to the Task Force that due to the loss of water in both Lake Okeechobee and the Water Conservation Areas widespread water restrictions are coming.
- Terrie Bates introduced Pam Mac'Kie, the new WPB Service Center Director.
- David Levy suggested having the County Ag Extension Office provide a presentation on what services they provide and any water related issues they address

### **IX. Next Meeting Agenda - David Levy, PBC WRTF Chair**

The next meeting location is at the Clayton Hutcheson Agriculture Center located at 559 North Military Trail in West Palm Beach. The meeting date will be Thursday, June 16<sup>th</sup> and will start at 1:30 p.m.

### **X. Adjournment**

There being no further business, Chair Levy adjourned the meeting at 4:00 p.m.

#### **Next Scheduled PBC WRTF Meeting**

**June 16, 2011  
1:30 p.m. – 4:30 p.m.  
Clayton Hutcheson Agricultural Center  
559 N. Military Trail  
West Palm Beach, FL 33415  
Phone No. 561-233-1217**





**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE JOINT MEETING  
WITH BROWARD COUNTY  
Coconut Creek Community Center**



**January 28, 2011  
1:30 P.M. to 3:30 P.M.**

**I. CALL TO ORDER AND OPENING REMARKS**

Coconut Creek Vice-Mayor Lisa Aronson welcomed the two Task Forces to the City for this meeting. Broward County WRTF Vice-Chair Kristin Jacobs welcomed all to Broward County. Palm Beach County WRTF Chair David Levy expressed his pleasure in having the two Task Forces meet to discuss regional water issues. A quorum was announced for both Task Forces and Commissioner Jacobs called the meeting to order at 1:35 p.m. Commissioner Jacobs announced that those who were unable to pick up handouts at the door could find them posted on the web. ([http://my.sfwmd.gov/portal/pls/portal/portal\\_apps.repository\\_lib\\_pkg.repository\\_browse?p\\_key\\_words=bwrtf&p\\_thumbnails=no](http://my.sfwmd.gov/portal/pls/portal/portal_apps.repository_lib_pkg.repository_browse?p_key_words=bwrtf&p_thumbnails=no))

**Palm Beach County WRTF Members Present:**

Betty Bingham, David Levy, Jay Foy, Adrian Salee, Albrey Arrington, Tony LasCasas, Michael Dahlgren, Priscilla Taylor, Dick Tomasello (Alt. for John Flanigan), Ted Winsberg (Alt. for Steve Bedner), Dave Stewart (Alt. for Steve Wilson), Terrie Bates (Alt. for SFWMD)

**PBC WRTF Alternates Present:**

None- other than sitting for a member (see above)

**PBC WRTF Members not Present:**

Carmine Priore, John Flanigan, Steve Wilson, James Alderman, Steve Bedner

**PBC WRTF Alternates not Present:**

John Whitworth, Shelley Vana, Scott Maxwell, David Brown, Gale English, Susan Haynie

**Broward County WRTF Members and Alternates Present:**

Lisa Aronson, Douglas Bell, Kristin Jacobs, Richard Kaplan, Donald Rosen, Allegra Webb-Murphy

**Guests Present:**

**PBC WRTF Working Group:** Ken Todd (Chair), Mike Baker, Peter Kwiatkowski

**Broward WRTF Tech Team:** Steve Bassett, Hank Breitenkam, Randy Brown, Ray Gagnon, Todd Hiteshew, Jennifer Jurado, Dylan Larson

**Other Guests:** John Abbott, Mark Abbott, Harold Aiken, John Armstrong, Jim Barnes, Albert Basulto, Michael Bechtold, David Boyer, Les Bromwell, Martin Cala, Albert

Carbon, Ben Chen, Dave Collins, Ernie Cox, Carol Connolly, Phil Cooke, John Crouse, Tyler Davis, Lisa Wilson-Davis, Mark Elsner, Rosemarie Fallon, Rafael Friasre, Liz Fujikawa, Jane Graham, Kim Giles, Theresa Hadjipetrov, Glen Hanks, Kevin Hart, Fran Henderson, Gary Hines, Steve Holmes, Brian Houston, Glen Humphrey, Larry Johnson, Karl Kennedy, Ed Kent, Steve Lamb, Joan Lawrence, Alex Larson, Kevin Leo, Julie Leonard, Rod Ley, Maria Loucraft, Jon Luper, Don Mathis, Drew Martin, Domino Molyneauxd, Karen Moore, Bob Moresi, Carole Morris, John Mulliken, Martha Musgrove, Sean O'Keefe, Michael Owens, Sylvia Pelizza, Dean Powell, Rosemary Rayman, Franklin Sands, John Shearer, Brian Shields, Charlotte St, John, Maurice Tobon, Mark Tomeczyk, Alex Vazquez, Georgia Vince, Elbert Waters, Tim Welch, Alan Wertepny, Brent Whitfield, Mike Zygnerski

**II. \*\*Broward WRTF appointment of Technical Team member to Selection Committee (RLI No. R0889908R1 - Water Conservation Education and Outreach)**

Commissioner Jacobs declared that the Broward Task Force had one item of business to take care of and that was appointing a member of the Technical Team to participate in the Broward Water Conservation Incentives RLI process. Tim Welch of Sunrise offered to participate. A motion to accept Mr. Welch in this capacity was made by Commissioner Rosen and was seconded and passed unanimously.

Commissioner Jacobs noted that there were several presentations to be made and asked that public comments be held until after the presentations.

**III. Regional Environmental/Water Supply Partnership Project (C-51) Update  
Dean Powell, Deputy Director, Intergovernmental Programs Department, SFWMD**

**Regional Environmental/Water Supply Partnership Project (C-51) Update  
Dean Powell, Deputy Director, Intergovernmental Programs Department, SFWMD**

Commissioner Jacobs introduced Dean Powell, Deputy Director, Intergovernmental Programs Department at SFWMD who provided an update with a PowerPoint presentation on the regional environmental/water supply partnership project, or C-51 project. Mr. Powell is a scientist who deals with water supply planning and local government comprehensive plans. Mr. Powell mentioned that the project was originally in the Restudy and CERP but that it never went anywhere because they never had a need for the water. That changed after the Regional Water Availability Rule. The project was picked up by the utilities and eventually became a recommendation of the Broward Water Resources Task Force. He mentioned that it could have a beneficial effect on the Lake Worth Lagoon. Mr. Powell shared a map of the area and pointed out features and explained the concept of how it would be used to recharge wellfields. Mr. Powell mentioned that he shared the project with the Governing Board in October and that it could have benefits for Everglades Restoration, particularly as it relates to water quality benefits. He referred to it as a flow continuation equalization basin. The Governing Board directed staff to pursue exploration and Mr. Powell provided a three phase milestone schedule for that effort through the end of 2011, including a public participation process. He mentioned it was an aggressive schedule but worked well with the schedule for the Lower East Coast Plan update that is underway. The District is currently completing modifications to a regional model, a water availability analysis, identifying who could benefit, and quantifying the needs of the natural system. Mr. Powell indicated that March 4 is the tentative date for the first public workshop and that there is a website under development for the project. He opened up the floor for questions.



Mr. Levy asked about available geological information for the site. Mr. Powell mentioned it was a gross level of study at this point and that level of detail had not been done yet. Reference was made to the adjacent rock mine. Is it being looked at as a multiple use facility? Yes. Commissioner Rosen mentioned that the adjacent L-8 Reservoir has not been used and wanted to know why and asked why it could not be used as a test case to see if the concept would work. Mr. Powell mentioned that the pump station to move water out of that reservoir was not there and that they (SFWMD) were hoping that the Federal government would provide cost-share for the pump. Given the lack of progress to date, the Governing Board has authorized moving ahead with a design for the pump station and developing an interim pumping strategy to get water to the Northwest Fork of the Loxahatchee. With regards to whether the L-8 could be used as a test case, Mr. Powell mentioned that that water is intended to go north. He reiterated that nothing could be done until the pump was in place and that a specialized pump was required. Mr. Arrington brought up other issues with water quality, as the water currently has a chloride concentration higher than the drinking water standard of 250 mg/l. Mr. Powell said once the water is "exercised" it would freshen up. Mr. Arrington expressed a concern that the existing reservoir project had not proceeded and that consideration of a new project would take resources from the L-8 Reservoir. He mentioned that water for the environment needs to take priority in consideration of the C-51 project. Mr. Powell mentioned that there were different staff members at SFWMD working on each of the projects (L-8 and C-51). There was some further discussion about the delays caused by the Federal process.

#### **IV. Ocean Outfall Legislation Implications and Planning Efforts** **Lisa Wilson-Davis, City of Boca Raton Utilities**

Commissioner Jacobs announced the next speakers would discuss the ocean outfall legislation's implications and reuse planning efforts. She introduced Lisa Wilson-Davis to highlight Boca Raton's efforts on this issue via a PowerPoint presentation. As background, Ms. Wilson-Davis indicated that the legislation is impacting its system. She briefly described the City's system. She shared a picture of an ocean outfall discharging wastewater and explained that their wastewater is 99.6% water and that the reason the effluent looked greenish-brown was that that is what happens when freshwater meets saline water because of the different densities. The City's reuse system is 17.5 MGD and is co-located with their wastewater system. Back in the early 90's they started project Iris for an in-city reclamation system targeting potential areas of saltwater intrusion, large potable water users near the facility, and single family homes and FAU. They reduced per capita water usage by 20%. They received \$2.97 million in funding (of \$10 million worth of projects) from SFWMD for distribution expansion and other infrastructure upgrades. She then discussed the constraints that come with the ocean outfall legislation. She mentioned that irrigation demands are not consistent and the system needs to be reliable. If it is raining, people don't irrigate, so the design has to address disposal for those periods. If we have reuse, we have to ensure that customers have the reuse water when they need it. These are the two sides of the coin. There has to be a balance – a big operational constraint. There are regulatory and legislative constraints as well as funding constraints (funding is zero now). There are also NPDES requirements and several unknowns. Boca Raton's strategy has been to increase distribution – adding 30,000 linear feet of pipe, increasing storage, and increasing plant capacity. They utilize stormwater ponds which provide additional storage that gives them the ability to time when they use reuse water. By the end of the year they will have committed 100% of average flows. The biggest unknown is whether numeric nutrient criteria will affect the ability to operate the system as designed. In conclusion, she indicated that the City of Boca Raton will meet the requirements of ocean outfall legislation. She opened up the discussion for questions. There was



a question about whether the storage ponds are lined or unlined, to which she answered by saying they had both kinds.

### **Alan Garcia, Broward County Water and Wastewater Services**

Commissioner Jacobs introduced the next speaker, Alan Garcia of Broward Water and Wastewater Services to discuss their ocean outfall and reuse planning efforts. Mr. Garcia explained that the PowerPoint presentation was essentially the same as was presented to Broward Commissioners in October 2010. He reviewed the history of the Broward North Regional wastewater plant and discussed the outfall. He pointed out that they also do deepwater injection and some reuse. They currently use all 3 options. He reviewed the requirements of the ocean outfall legislation. The ocean outfall legislation imposes a requirement for 22.5 MGD of new reuse on top of what is being done to date. He described the reuse onsite in wastewater treatment where some is sent to the waste energy recovery system, some to Pompano for reuse, and WWS is working with Coconut Creek to extend reuse for irrigation. The next milestone is 2013 when a detailed plan to say how they will take care of the reuse is due. The critical element with the master plan is that it is integrated. He discussed the required reduction in nutrients by 2018 and how WWS intends to meet the requirements. The most cost effective approach is to shift additional water to deep injection wells. They have reduced nutrients from 22 ppm nitrogen to 14 ppm through some operational changes and are on track to meet the nutrient reduction goal. This has also provided cost savings in electrical use. He discussed peak disposal issues with large rainfalls and extensive infiltration. WWS plans to spend \$58 million for the next several years or interim term. Next he discussed the long-term plans. Mr. Garcia mentioned that currently they can handle peak disposal because of the outfall, but once the outfall is closed, they lose the ability to discharge 105 MGD. This is significant and means that WWS needs to build a duplicate deep injection system to address this challenge – a significant investment of about \$350 million for a system that will not be used that much. Next he discussed the reuse mandate and explained they looked at three options: recharge of the Biscayne aquifer, recharge of the Floridan aquifer, and reuse. He discussed the County review process of those three options. He mentioned that all options are still available. They estimate they could provide 8 MGD to large users. The issue is large golf courses are out west, far from the plant. He mentioned that costs of conveyance don't justify doing this and that it takes a long time to get a reuse system in the ground. Mr. Garcia mentioned his support of the C-51 project as it can use an existing infrastructure system. He opened the floor for questions.

Glen Hanks discussed Coral Springs wastewater system and asked if there was any mechanism that Coral Springs could use to divert some of the flow. There was some discussion about this and how the loss of revenues would impact WWS. Commissioner Rosen pointed out that the energy savings that had been made will be lost if they need to build new booster plants and new injection wells. Mr. Garcia mentioned that nothing in the ocean outfall legislation addressed carbon footprint reduction. There was further discussion about operations and acceptance by the public of reuse. Mayor Aronson asked for some input on Boca Raton's experience with the public and outreach. Ms. Wilson-Davis discussed that the consumptive use permit conditions and year round irrigation restrictions helped sell reuse to golf courses and that the public was generally receptive. Reuse is offered at 60% of potable water rates. Cooling towers are another area where reuse water can be utilized. Commissioner Jacobs then discussed the unintended consequences of land application of reuse water that can result in impaired water quality.

**Phil Cooke, Hazen and Sawyer for Albert Perez, Director of Public Utilities,  
City of Hollywood**

Commissioner Jacobs then introduced Phil Cooke of Hazen and Sawyer to discuss Hollywood's system. Mr. Cooke started by mentioning that Alan had done a great job of discussing the regulatory issues and then began discussing Hollywood's system. He discussed similar strategies as the County is considering. Strategy 1 - an AWT plant is about \$350 million while Strategy 3 for a 100% reuse system is looking at a cost of about \$1 billion, largely for the distribution system. Strategy 2 looks at deep wells and is the preferred choice with 129 MGD of disposal capacity. Interim planning for Hollywood focuses on reduction of nutrient loads and maintaining peak effluent disposal capacity. With consideration of long-term planning, Hollywood has the same issues as Broward County, with an associated cost of \$200 million for deep wells. He discussed operational issues with nutrient removal. Hollywood built a system 10-20 years ago that provided irrigation for golf courses. These offsets are not credited toward the future. Hollywood runs a different type of treatment system - pure oxygen which is more difficult for achieving nutrient reduction. One option is to try and split flows in different parts of the plant. Costs are estimated at \$350 million for Biscayne Aquifer recharge, \$175 million for Floridan Aquifer recharge, and \$550 million for reuse. Hollywood will explore their options further with the regulatory agencies. Costs are higher because their plant is about half the size of Broward County's, which translates into increased costs for their customers.

Mr. Arrington asked a question about inflows and infiltration. Mr. Cooke explained that while Hollywood had a good handle on their own inflows, the system handles other municipalities and that was less well known. Also, given their location, the other issue that Hollywood has to deal with is saltwater infiltration. A question was raised about the benefits to the environment and the possibility of extending the outfalls. There was a discussion about the impacts from the outfall pointing to a NOAA study that did not identify impacts to reefs, and that there would be little benefit to extending the outfalls. Commissioner Jacob then discussed her experience with trying to lobby against the ocean outfall legislation in Tallahassee, saying that it was largely politics and not science that gave rise to the legislation. She expressed her frustration with the situation. Mr. Arrington added that while reuse is an important part of the state's water strategy, the current direction is in favor of deep well injection to avoid imposing an excessive burden in treatment costs on taxpayers. He asked if someone could comment on what Pembroke Pines is doing. Vice-Mayor McCluskey turned the question over to the Pembroke Pines engineer who explained what they were doing. Representative Sands mentioned that consumer education is important because people don't understand and they see a "Yuck" factor when you discuss reuse. He mentioned that he was on the new legislature's water policy committee. He mentioned he hears arguments between consumer use and agriculture. He hopes that the committee addresses the issue seriously. Commissioner Jacobs lauded Representative Sands for taking an interest in understanding the issue. Commissioner McCluskey indicated that the author of the article about the Pembroke Pines pilot project was new to the area and had not been educated in water issues, and stressed the importance of educating people. Randy Brown, Director of Utilities for Pompano Beach, pointed to the work of the International Water Reuse Association to combat misinformation and lack of knowledge. He mentioned that the International Space Station uses reuse water and referred to what California is doing with reuse. He pointed to the fact that people along the Mississippi and Missouri Rivers use reuse water constantly. The Water Reuse Foundation will be having a conference in November 2011 in Fort Lauderdale.

Commissioner Rosen asked Mr. Cooke a question about nutrient impacts from deep well injection versus other methods. Mr. Cooke said those studies had not been done for Hollywood. Hollywood is planning to use the Floridan Aquifer for future water supply. Ms. Wilson-Davis

pointed out that not all nutrients are bad – once deep-welled, the water is out of the system. She pointed out if applied correctly that reuse water could benefit vegetation by reducing the need for fertilizer application.

**V. Current Water Conditions**  
**Pete Kwiatkowski, SFWMD**

Commissioner Jacobs introduced Peter Kwiatkowski, Director of the Resource Evaluation Division at SFWMD to review current water conditions and the dry season outlook. He reviewed weather conditions, explained the responsibilities of SFWMD, and he said the District's predictions for a dry season have materialized. He pointed to the October to December record low rainfall and mentioned that Lake Okeechobee is at a level about 2 feet below normal and explained why that is important to the coastal counties. He shared that we are in the moderate to severe category of drought in South Florida. He explained that the water shortage emergency management center is partially activated. SFWMD Service Center Directors are engaged in making the same presentation to local governments and stressed that the District is encouraging conservation and mentioned that the current Broward irrigation rules are helping to keep aquifer levels up, but that water restrictions might be necessary if dry conditions continue. Those restrictions are not meant as a penalty, but are aimed at protecting the resource. They are designed to prevent saltwater intrusion, loss of crops, provide for fire protection, minimize wildfires, ensure the ability of the stormwater treatment areas to function properly, and meet minimum flows and levels. Municipalities have the statutory authority to assist in enforcing restrictions on homeowners. SFWMD has the responsibility for golf courses, homeowner associations, and agricultural users. He mentioned a note to public works directors, that if water restrictions are imposed, they need to follow those restrictions (e.g., sprinklers irrigating medians). SFWMD doesn't want to get to the point where they are taking enforcement actions against local governments. Finally, he pointed to a web button that the District has developed and mentioned that local governments have used the web link to direct the public to the District's Water Shortage website.

Commissioner Jacobs thanked Mr. Kwiatkowski for his presentation. She mentioned that there was one other issue to discuss, and that was a resolution by the group to proceed with further exploration of the C-51 project. She asked if there were any members that wouldn't support a resolution. Mr. Arrington wanted to know what the language of the resolution would say. Commissioner Jacobs said it hadn't been crafted yet. Mr. Rosen expressed a desire to have an across the table conversation between the Task Forces. Dr. Jurado provided some history and mentioned that while it didn't seem like there was much progress envisioned 6 months ago, a lot has happened and there is some momentum now. There was further discussion on a resolution. Terrie Bates offered that the District does intend to have an open process with all stakeholders present. Ken Todd offered that the Palm Beach Task Force has already passed a resolution in support of further exploration. Dr. Jurado said she felt it would be of value to have a resolution acknowledging that both task forces supported moving forward and she discussed the points it would make. Commissioner Jacobs asked if there was any objection to having Dr. Jurado draft the resolution. Mr. Arrington offered that environmental restoration needs to be included in the language. Mr. Levy mentioned conveyance systems and that there had been issues with this in the past so it was important that a resolution not endorse any particular conveyance mechanism. There was some further discussion about the resolution. A motion was made to draft the resolution, was seconded, and approved by all.



## **VI. Public Comment**

Commissioner Jacobs opened the floor for public comment. The first comments were from Alexandria Larson, representing "People Against Dumb Ideas" (she had left meeting, but left the following written comments for the record): Alexandria Larson commented on the proposed C-51 Reservoir project. She said there several issues that make the project problematic. First, she said there is presently no acceptable conveyance route to send water from the proposed reservoir to Broward County. The L-8 Reservoir project had public perception problems due to the scandals involved with several of the Commissioners involved at the time. She said another problem would be that if the project is dug in 100 acre per year increments to stay under the DRI threshold, the timing may not work for Broward County. She also commented on the Ocean outfalls. She said she believes deep well injection does not work and that the ocean outfall effluent is green and slimy because it is not properly treated, not because of the effluent coming in contact with salt water.

Sylvia Pelizza, Refuge Manager for Arthur R. Marshall Loxahatchee National Wildlife Refuge mentioned concerns about conveyance, but has worked with Fort Lauderdale to address some of those concerns, and as further discussion continues on the project wants to be involved and at the table as it could improve water quality for refuge. She indicated she wants to be involved in all discussions. Commissioner Jacobs agreed that their input to the Task Force is important and that she wanted to know if they could be added. Dr. Jurado indicated she thought that their participation in the SFWMD stakeholder process might be more appropriate.

Joan Lawrence of US Department of Interior, Senior Policy Advisor, Everglades Restoration Initiatives, reiterated Ms. Pelizza's comments, but pointed out stewardship responsibilities for water conservation areas. She indicated that they want to be more than part of a group that is given a presentation to, and that they would like to be part of a technical group to be able to bring their expertise. They don't want to be at the end of the process saying they have a problem.

Martha Musgrove representing the Arthur R. Marshall Foundation indicated the problems they see are with water conveyance and water quality issues. She indicated that the Foundation supports USFWS/DOI involvement in working group. With respect to the Lake Worth Drainage District, she indicated quite clearly that the canals around the refuge cannot be used for conveyance of water as dirty water would get into refuge. She said LWDD has some canals that could be used for conveyance. She brought up inter-basin transfers of water as a hot button issue and that there would be objections. She believes water utility grid is a good way of approaching water issues and supports multi-jurisdictional approaches, but that any memorandum of understanding clearly include consideration of financing. She pointed out that the people of the LWDD, a taxing authority, are not going to support funding infrastructure improvements that bring water to Broward County. She also mentioned moving water through the EAA and closed by saying almost everything involved with multi-jurisdictional inter-transfers of water raise fiscal issues and are not cost effective.

Jane Graham, Audubon of Florida expressed their desire to work with all on the C-51 project and expressed concerns including impacts on the snail kite and water quality. On reclaimed water, she shared Commissioner Jacobs' concerns about impacts of reclaimed water on water quality. She referred to a presentation by Dr. Harvey Harper that indicated if you use reclaimed water for irrigation, you don't need any additional fertilizers.

**VII. Adjournment:** There being no further business, the meeting was adjourned at 3:55.



**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**



**North Palm Beach County Improvement District  
357 Hiatt Drive  
Palm Beach Gardens, FL 33418**

**November 18, 2010  
1:30 P.M. to 4:30 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Vice-Chair David Levy called the meeting to order at 1:30 p.m. in the NPBCID Auditorium.

**Members Present:**

David Levy (Vice-Chair), Albrey Arrington, John Flanigan, Betty Bingham, Adrian Salee, Michael Dahlgren, Priscilla Taylor, Jay Foy, Ted Winsberg (Alt. for Steve Bedner), Dave Stewart (Alt. for Steve Wilson), Terrie Bates (Alt. for SFWMD) Anthony LasCasas (left due to an emergency at 2:30 p.m.)

**Alternates Present:**

Gale English

**Members not Present:**

Carmine Priore, Steve Bedner, Steve Wilson, Jim Alderman

**Alternates not Present:**

Shelley Vana, Susan Haynie, Scott Maxwell, Dick Tomasello, Dennis Lipp, John Whitworth, David Brown

**WRTF Working Group Present:**

Ken Todd (Chair), Mike Baker, Pete Kwiatkowski, John Bonde, Clete Saunier

**County Staff Present:**

Tom Miller, Brian Shields

**Guests Present:**

Ronald Crone, Laura Corry, Marie Ecton, Patrick Martin, Don Mathis, Alan Wertepny, Albert Basulto, Drew Martin, Martha Musgrove, Dean Powell, Amy Eason, Terry Clark, Ernie Cox, Dan Beatty, Michael Zygnerski, Becky Hachenberg, Steve Lamb, Cal Neidrauer, Lt. Col. Michael Kinard, Brent Whitfield, Bob Higgins, Stacey Hetherington, Bob Hennes, Lyle Munce, George Lindemann

**II. APPROVAL OF MEETING MINUTES:**

A motion was made by John Flanigan and seconded by Adrian Salee to approve the 9-16-10 meeting minutes as presented. The motion passed unanimously.

### III. Lake Okeechobee Operating Schedule - Cal Neidrauer, SFWMD

Cal made a short presentation on the Lake Okeechobee regulation schedule. Cal briefly explained how the system functions and indicated that the water flow is generally constrained from moving south. However, when flow capacity and STA treatment capacity are available, the District moves water through the EAA into the WCAs via the STAs. Cal mentioned that discharges from the Lake through the C-43 Canal or the C-44 Canal are sometimes constrained because of potential environmental impacts to the Caloosahatchee estuary on the west coast and the St. Lucie estuary on the east coast.

Cal then discussed some of the tools water managers use such as; regulation schedules, the water shortage management plan, Operating Management Protocols, etc. He reviewed the current Lake Okeechobee Regulation Schedule (2008 LORS), mentioning the various operating bands that require specific release decisions when lake levels fall within a specific band. He specifically mentioned the Base Flow and Water Shortage Management Bands as being important for water supply. He concluded his presentation by discussing the weekly communication meetings with the various agencies that leads to the USACE release decision from the Lake.

Jay Foy asked if the regulation schedule will be changed back after repairs have been made to the Herbert Hoover Dike. Lt. Col. Kinard responded that the Corps of Engineers will look at it, but it will not go back to being a reservoir to just stack water. It is an ecosystem in and of itself, although minor adjustments could be made when dike is rehabilitated.

Ron Crone asked about the anticipated water shortage this coming spring. He asked if the District and Corps will address the fact that releasing water from the Lake, as they are currently doing, may help exacerbate the shortage next March. Cal responded that they do factor in releases in the schedule. He went on to explain that Lake Okeechobee stage forecast shows for the La Nina years like the previous 11, 10 would lead to water restrictions in the Lake Okeechobee Service Area. Therefore, past history tells us that water restrictions may be imminent. Because of that, Cal said that it is likely that the current releases into the C-43 Canal will diminish shortly per the Lake Okeechobee Adaptive Protocol.

Adrian Salee asked if the District has access to overall surface water flow models. Cal said he suspects they do. Adrian then asked if local drainage districts could use them to make their own assessments. Cal said perhaps if tools are suitable. Adrian then asked where the released water goes and does it have any negative downstream effect. Terrie Bates responded that there is stronger coordination among 298 Districts regarding these issues than there has been in the past. This coordination helps local districts release or move water around when needed with little adverse impacts.

Another question asked was will the purchase of U.S. Sugar land have an effect on Lake Okeechobee? Cal responded, yes, particularly to improve water quality treatment.

Cal then held an exercise with the WRTF members whereby Cal presented them with certain weather scenarios and the members had to decide what releases to make out of the Lake. Based on their decisions, they were given a score depending on the environmental impacts to the Lake or estuaries. The WRTF members scored a 38, which was a very good score. Pat Martin related what a good exercise this was and encouraged District staff to do more of these presentations.



#### IV. C-51 Reservoir Project Update – Dean Powell, SFWMD

Dean Powell provided a short update on the Regional Environmental/Water supply partnership project known to most as the C-51 Reservoir Project. Dean said the District was looking into the project to see if it could fit into their plans for creating a sustainable & reliable water supply for south Florida. SFWMD Governing Board directed staff to take the lead. The project concept is to capture water discharged to LW Lagoon to meet environmental & public water supply purposes. Dean explained that initially the project studies (Phases I & II) were commenced by the utility coalition and that the District will build upon their studies. The District is still looking at it as a 3-phase project, concluding in a go/no go decision and partnering agreement (MOU). Dean said the District is now developing the MOU with the utilities and LWDD. He anticipates Phase III will be concluded in September 2011. Overall, this is a 2-year schedule to complete the final phase. What makes this project attractive to the District is that this is the last large chunk of water in the Lower East Coast Region wasted to tide that can be used for beneficial purposes.

Clete Saunier asked if there was any thought of tying in Loxahatchee Groves Drainage District flows into this project during transition and not sent to tide. Dean responded that the District was aware of this request that could help for fire protection purposes and yes they would work with LGDD.

Albrey Arrington asked about the purchase price of existing L-8 rock pit. He was told it was roughly \$220 M and was purchased around 2002. Albrey then asked why would we want do this if we haven't used the first swimming pool. We own the first pit, yet we can't earnestly demonstrate using it. Dean stated that we need to investigate it anyway, not that we will build it, but at least we need to determine if there are benefits to doing a second pit. Albrey said he struggles with the fact we are not using the first pit and are now talking about building a second one.

Pat Martin asked what the time line is for decisions concerning construction of the L-8 Reservoir pumps. Pete Kwiatkowski responded that Beth Kacvinsky made a presentation to the WRTF earlier this year on the CERP North Palm Beach County Plan, which includes the L-8 Reservoir. He said it is scheduled to have a complete the PIR in March 2012. It was noted that the dates have slid a bit. David Levy asked that we place L-8 Reservoir Project on a future agenda to show that it's working. Jay Foy asked if this is a District project and not a CERP project. Dean responded that it is not a CERP project.

Drew Martin said he believed the water will not be clean and won't fit into Everglades clean-up process. Dean responded that the STAs will function better if we can attenuate flows into them better. That is the environmental interest in this project.

Ken Todd asked if the District was only studying the C-51 Reservoir concept at this time and not moving forward with construction. Dean confirmed that the District is only studying the merits of the project at this time. Ken indicated that this proposal is no different than what was brought to WRTF last year and the WRTF endorsed the concept. Ken said that in his opinion it is irresponsible not to study a possible solution since there are very few alternatives.

## **V. Working Group Report – Ken Todd, Working Group Chair**

Ken mentioned that the Working Group recently received a resignation from one of its members and he would like to put forth Clete Saunier of Loxahatchee Groves Water Control District as the replacement for the Public at Large seat. John Flanigan moved the nomination and it was seconded by Jay Foy. It passed unanimously.

## **VI. Election of Officers – David Levy, Vice-Chair**

Ron Crone told the Board that Mr. Alderman was unable to attend the meeting today, but expressed that he would like to rescind his nomination in favor of Mr. Levy. There was a motion and second to close the nominations with David Levy being the only nomination for Chair. It passed unanimously. The Chair then opened up nominations for Vice-Chair. Jay Foy was nominated. There was a motion and second to close the nominations. It was unanimous. David Levy passed the gavel to Jay and nominated Albrey Arrington for Chair Pro-Temp. Albrey respectfully declined the nomination. Jim Alderman was then nominated. Since he was not in attendance the Chair asked Ron Crone if he thought Jim would accept the nomination. Ron indicated he believed he would. Jim's name being the only name placed in nomination, there was a motion and second to accept Jim as the only nomination and approve him as Chair Pro-Temp. It passed unanimously.

## **VII. Public Comment – David Levy, PBC WRTF Chair**

The following comments were made by members of the public:

Drew Martin wants to see more than options than the C-51 Reservoir for additional storage as he believes it is not a particularly good solution due to evaporation. He stated that in his opinion the project may be good for utilities, but not for environment. He believes the Task Force should look at other possibilities to proposed reservoir. David Levy commented that the Task Force has looked at other options with one being inter-basin transfer that is being worked on currently.

## **VIII. Task Force Member Comments**

- Jay Foy – He said that in order for the Task Force to be effective it needs to have good communications with the Board of County Commissioners (BCC). He said he doesn't want this Task Force to be self gratifying and we need to better communicate. He believes a major issue for the group is to decide if it needs to go back to BCC with results from discussions and actions on important water issues. Can we take something back to BCC? As an example, he would like to push the water credit idea. If someone paid to accomplish something that saved water through seepage, that individual or company should get credit for that amount of water that was saved in the Consumptive Use Permit. We need to be more effective in how we do business in conserving water. David Levy said the group could make a motion and entertain the idea.

- Ken Todd asked how the Task Force would like to resolve the Communication issue with the BCC. He asked that if the Task Force were to pass a resolution or adopted some position, would they like for Commissioner Taylor to carry the message back to the BCC. He asked what Jay was looking for specifically. Jay said he didn't know exactly. David suggested a letter to BCC from the Task Force to consider whether or not they can make decisions independently of the BCC. Ken was asked to agenda this at a later date, including the original Task Force purpose. Commissioner Taylor noted that items coming to BCC from the Task Force should come through Staff. She also explained that if the Task Force wished they could send a representative who can sit at a BCC meeting and raise an issue during public comment. Otherwise, any item of discussion from the Task Force would need to need to come through staff.
- Terrie Bates introduced Pete Kwiatkowski of the SFWMD who would be the District point person for the planning involved with any upcoming water shortages.

**IX. Next Meeting Agenda and Date**

**David Levy, PBC WRTF Chair**

The next meeting location is in Broward County at the Coconut Creek Community Center. Ken Todd will poll the PBC WRTF members about their availability for a January 28, 2011 meeting, although it may still be set for January 21, 2011.

**X. Adjournment**

There being no further business, Chair Levy adjourned the meeting at 3:40 p.m.

**Next Scheduled PBC WRTF Meeting**

**January 2011  
Exact Date and Time TBD  
Coconut Creek Community Center  
Coconut Creek, FL 33477**





**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**

**Lake Worth Drainage District  
Delray Beach, FL**



**September 16, 2010  
1:30 P.M. to 4:30 P.M.**

**I. CALL TO ORDER**

The meeting was delayed by about twenty minutes because of a traffic accident that occurred on Military Trail causing several participants to arrive late. A quorum was announced and Vice-Chair David Levy called the meeting to order at 1:50 p.m. in the Auditorium of the Lake Worth Drainage District.

**Members Present:**

David Levy (Vice-Chair), Jay Foy (Chair Pro-Temp), John Flanigan, Jim Alderman, Betty Bingham, Dr. Albrey Arrington, Priscilla Taylor, Dave Stewart (Alt. for Steve Wilson), Ted Winsberg (Alt. for Steve Bedner), Terrie Bates (Alt. for SFWMD)

**Alternates Present:**

John Whitworth, David Brown, Dick Tomasello

**Members not Present:**

Carmine Priore, Steve Bedner, Steve Wilson, Mike Erickson

**Alternates not Present:**

Shelley Vana, Susan Haynie, Scott Maxwell, Michael Dahlgren, Dennis Lipp

**WRTF Working Group Present:**

Ken Todd (Chair), Mike Baker, Pete Kwiatkowski, John Bonde, Linda Brien

**County Staff Present:**

Tom Miller, Bevin Beaudet, Brian shields, Larry Johnson, Bonnie Finneran

**Guests Present:**

Laura Corry, Patrick Martin, Alan Wertepny, Paul Millar, Adrian Salee, Craig Kruempel, Dr. Jennifer Jurado, Patrick Hayes, Carol Connolly, Thomas Mullin, Ron Crone, Rosemary Rayman, John Wodraska, Ernie Cox, John Shearer, Megan Hanney, Dan Beatty, Melissa Wheelihan, Tony Las Casas, Don Mathis

**II. APPROVAL OF MEETING MINUTES:**

A motion was made by Jay Foy and seconded by Jim Alderman to approve the 7-22-10 meeting minutes as presented. The motion passed unanimously.

### **III. NPDES Presentation – Alan Wertepny, NPDES Coordinator for Palm Beach County**

Alan gave a presentation on what the National Pollution Discharge Elimination System (NPDES) program is and identified the 41 co-permittees to the NPDES draft permit that was received in July. It's a progressive permit in that PBC is the pilot permit for the rest of the state. Alan then provided an overview of new permit requirements for all NPDES permits and indicated that the state is being pressured by EPA to add additional requirements. It will be mid-February next year (2011) before the final draft is complete. Program areas are expanding and there has been a plan implementation added in order to achieve TMDL reduction goals. The bottom line is that the new permit requirements will increase reporting, increase personnel, and will increase a commitment of limited resources at considerable cost for each co-permittee.

### **VII. Future of the Task Force– David Levy, PBC WRTF Vice-Chair**

Vice-Chair David Levy led a discussion on the future of the Task Force. David read the Mission statement that was agreed upon by the WRTF at the initial meeting back in February 2009. David asked if there were any changes needed to the Mission statement. After some discussion, there was consensus that the Mission statement will remain as written.

The Vice-Chair then asked the WRTF members to consider the purview of the Task Force and suggested that the group may want to consider having the focus of the Task Force being that of mainly water supply issues. Albrey then asked if he believed water supply for the environment was included in that definition. David said no. There was disagreement voiced by Jim Alderman. He believed that by having the mission include the environment, it would give the Task Force an opportunity to solve problems they might not otherwise have known existed (i.e., L-8 Pilot Project, C-51 Reservoir, etc.). Jay Foy also disagreed and suggested that water supply needs cannot stand alone. He described the mission as a 3-legged stool that includes environment and flood control, even if one were trying to promote water supply. Betty Bingham also disagreed with the water supply only position. The WRTF agreed to keep all freshwater supply issues as their purview, including environmental, flood protection and water supply. They did not want to take up ocean issues as other committees and initiatives address those issues.

The Vice-Chair then asked the members about future expectations of the WRTF. Jay mentioned that the WRTF needed to have issues brought before the BCC with good communication and passion since the purpose of the WRTF was to advise the BCC on water resource issues. Otherwise, Jay said the WRTF might as well ask, "What's the use". Jim Alderman suggested that Commissioner Taylor could be the voice of the WRTF to the BCC. Commissioner Taylor said that although she could provide communication to the BCC, she would need further education on water issues before she felt comfortable with the subject matter. Terry Bates then asked if there is a procedure whereby the BCC has a monthly report presented to them by the WRTF. The answer was no. Commissioner Taylor also indicated that this committee was one of 90 such committees established by the BCC. Working Group Chair Ken Todd mentioned that he had been asked by Commissioner Koons to provide an annual report to BCC which was just done a few months ago for the first year of this Task Force's existence. Commissioner Taylor indicated that the WRTF should just stick with an annual report to the BCC unless some pressing issue is recognized by WRTF that is needed to be brought before the BCC. Ken also suggested that he could provide the latest copy of minutes to BCC once approved by the WRTF. That would help keep the BCC informed of the activities and concerns of the WRTF. There was consensus that WRTF move forward with this concept of reporting to the BCC.



David Stewart said that with the new ethics policies, perhaps the Task Force should look at how this group is made up. Perhaps the Task Force should operate under the County's Water Resource Manager, Ken Todd with no formal committee structure. John Flanigan said he wants to keep it in the sunshine as a committee. David Levy agreed, saying the WRTF needs to be sanctioned by BCC so what the Task Force says has credibility and meaning. Ken Todd indicated that he could call meetings informally to provide information to the BCC, but that it would be more credible if the information came from the WRTF as a sanctioned diverse group of stakeholders. It was mentioned by Commissioner Taylor that the BCC would be having a meeting on September 28<sup>th</sup> to discuss this issue. Jim Alderman wants to discuss with the County attorneys the idea of taking the Working Group out of sunshine. Bevin Beaudet agreed to come to the 28<sup>th</sup> meeting to ask that specific question. By consensus, all agreed to have the WRTF remain a Task Force under the original Resolution.

#### **Public Comments:**

Bevin Beaudet said that he was speaking as person who conceived this Task Force. He said it was originally intended to make people aware of the water resource issues and develop positions for decision making. He said he wanted to congratulate all the WRTF members for what they had accomplished in their first year. He believed it is a wonderful thing to be as informed about issues as they are and to have helped staff and PBC move forward. He just wanted to say thank you and was glad they are continuing to move forward as a Task Force.

Pat Martin said LWDD believes they can move the quantity of water from north to south with the C-51 Reservoir project. He said that water quality is an important aspect to the project and that it will be a challenge to get from the C-51 Reservoir to Broward and meet the water quality standard set by Broward County. He believes this issue needs to be looked at in detail.

Jennifer Jurado of Broward County said she agreed that the water quality issues can't be dismissed. She said the Hillsboro Canal is impaired for nutrients and there is no firm understanding of what the nutrients are that will be coming from the C-51 Basin. However, Broward is looking to support the project and wish to work through those issues. She thought that by expressing the desire to resolving these issues while defining the project at the same time would demonstrate their support. Ken Todd indicated that based on these discussions he would have SFWMD, the Utilities Coalition, Broward County and LWDD get together to prepare the agenda for the joint meeting on January 14<sup>th</sup>.

John Whitworth also wanted the PBC Task Force to help develop the agenda of the upcoming joint meeting with Broward so that the Broward WRTF and the PBC WRTF both have parts of the agenda and that it not be a political meeting. John then said LWDD would like to offer Commissioner Taylor the opportunity to take her on a site visit of the L-8 & C-51 Reservoir Projects so she would be better informed of the issues.

David Levy then brought up the issue of elections. It was mentioned that the WRTF is scheduled to have an election at their next meeting for the offices of Chair, Vice-Chair and Chair Pro-Temp. David asked for a show of hands expressing interest in being the Chair of the Task Force. There were two hands raised. It was agreed that at the next meeting when the elections are held, there will first be a discussion on how to hold the elections (i.e., show of hands, secret ballot, etc.) for all three offices. After that discussion is completed, then there will be nominations from the floor and the voting will be done immediately thereafter.



### **Next Meeting Agenda:**

The WRTF asked for an update of the C-51 Reservoir at the next WRTF meeting in preparation for the joint meeting with Broward in January. Jennifer Jurado indicated the joint Broward/PB meeting is scheduled for January 14<sup>th</sup>. She said that the PBC WRTF had indicated willingness to travel to north Broward County (like last year's meeting) so she has secured the Coconut Creek Community Center again for the upcoming joint meeting this January. She said the main subject will be the C-51 Reservoir and efforts to obtain regional feasibility.

Another item to be added to the agenda is an update on the NPDES Permit.

### **X. Adjournment**

There being no further business, Vice-Chair Levy adjourned the meeting at 3:05 p.m.

#### **Next Scheduled PBC WRTF Meeting**

**November 18, 2010**

**1:30 p.m. to 4:30 p.m.**

**Northern Palm Beach County Improvement District**

**357 Hiatt Drive**

**Palm Beach Gardens, FL 33418**

**Phone 561-624-7830**



**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**

**Loxahatchee River Center  
805 North U.S. Hwy. #1  
Jupiter, FL 33477**



**July 22, 2010  
1:30 P.M. to 4:30 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair Jeff Koons called the meeting to order at 1:40 p.m. in the Auditorium of the Loxahatchee River Center. Paul Whalen, Chair of the Loxahatchee River District (LRD), welcomed the group to the River Center. Paul indicated that the River District has been successful at achieving some operational changes that better manage water to the River. John Flanigan, former SFWMD Governing Board member and current WRTF member, gave some additional history as to the early efforts to improve the health of the river.

**Members Present:**

Jeff Koons (Chair), David Levy (Vice-Chair), Jay Foy, John Flanigan, Jim Alderman, Todd Wodraska, Dennis Lipp (Alt. for Betty Bingham), Dr. Albrey Arrington, Dave Stewart (Alt. for Steve Wilson)

**Alternates Present:**

John Whitworth, David Brown, Michael Dahlgren, Kevin Powers (substituting for Terrie Bates as a non-voting alternate representing SFWMD)

**Members not Present:**

Carmine Priore, Steve Bedner, Steve Wilson, Betty Bingham, Mike Erickson

**Alternates not Present:**

Shelley Vana, Susan Haynie, Dick Tomasello, Scott Maxwell, Michelle Damone, Terrie Bates, Ted Winsberg

**WRTF Working Group Present:**

Ken Todd (Chair), Mike Baker, Pete Kwiatkowski, John Bonde

**County Staff Present:**

Tom Miller, Bevin Beaudet

**Guests Present:**

Laura Corry, Marie Ecton, Patrick Martin, David Scott, Alan Wertepny, Drew Martin, Paul Millar, O'Neal Bardin, Adrian Salee, Jayne Bergstrom, Karen Brandon, Terry Clark, Pat Painter, Paul Whalen, Kim Vitek, Beth Kacvinsky, Cara Capp, Craig Kruempel, Dr. Jennifer Jurado, Steve Lamb, Mark Nelson, Patrick Hayes, Doug Smith, Mike Grella

## **II. APPROVAL OF MEETING MINUTES:**

A motion was made by Todd Wodraska and seconded by Jim Alderman to approve the 5-20-10 meeting minutes as presented. The motion passed unanimously.

## **III. Loxahatchee River Issues – Albrey Arrington, Loxahatchee River District**

Dr. Albrey Arrington, LRD Executive Director, gave a short presentation to the WRTF on issues that affect the Loxahatchee River. He also included a discussion on the success stories that have occurred within the river over the last year. He discussed the lionfish problem that has occurred recently around the Jupiter Inlet and how through a partnership with both Martin and Palm Beach Counties they established new oyster bars within the river to help filter the water. Finally, he discussed how the LRD is continuing to eliminate septic systems throughout the Loxahatchee River watershed and the continued monitoring they do for flows and water quality parameters.

Albrey requested the WRTF consider sending two letters of support for two specific components of the NPBC Plan. First, a letter to the SFWMD Governing Board requesting that staff be assigned to develop and implement an interim protocol to attain 35cfs until the NPBC Plan has been constructed. Secondly, send a letter to the City of West Palm Beach requesting conceptual support for delivering up to 20 cfs (when available) through Grassy Waters to help achieve the minimum flow over the Lainhart Dam. After some discussion, Jay Foy moved to send the two letters and was seconded by Jim Alderman. The motion passed unanimously. Ken Todd will prepare the two letters for the Chair's signature and send to the WRTF members for comment and approval before mailing.

## **IV. North Palm Beach County CERP Issues – Beth Kacvinsky, SFWMD**

Beth Kacvinsky, SFWMD Project Manager, gave a brief update of the results of the most recent CERP Project Development Team (PDT) meeting. At that meeting, the PDT agreed to a Tentatively Selected Plan (TSP) for the North Palm Beach County CERP, Part 1. This plan, known as Alternative #6, included Flow-ways 1, 2, and 3 that will deliver water from the L-8 Reservoir to the Loxahatchee River. Flow-way 1 will go through the City of West Palm Beach Catchment Area before connecting to the C-18E. Flow-way 2 will flow through Indian Trail Improvement District before connecting with C-18W. Flow-way 3 will connect water from western Martin County areas to the Loxahatchee River. The TSP will now be sent to ACOE offices in Jacksonville, Atlanta, and Washington for approval before the Project Implementation Report can be completed.

## **V. Martin County Issues, Paul Millar, Martin County**

Paul Millar, Water Resources Manager for Martin County, gave a presentation on the Partnerships that Martin County has for the Restoration of the Wild & Scenic Loxahatchee River. Paul mentioned that the river was part of the most bio-diverse estuary in North America. Paul indicated that Martin County would like to see the 16 counties within the jurisdiction of the SFWMD get more involved with our elected officials and water resource managers to prioritize funding for these efforts to ensure they are successful.



## **VI. Working Group Report – Ken Todd, Working Group Chair**

Ken stated that there were three items that he wished to include in his report. First, he presented a one page summary of the recommendations of the Working Group (WG) for support of portions of the SFWMD Strategic Plan. The WG recommended that the WRTF support the funding for three specific areas within the Strategic Plan. Additionally, the WG recommended to the WRTF that they support two other projects that, although not specifically mentioned in the SFWMD Strategic Plan, would have major benefits to the water resources of the county. These two projects were an operational evaluation and protocol to maximize water flows to the Loxahatchee River. It is noted that Albrey made a similar request in his presentation earlier. The second project was the continued evaluation of the merits of the C-51 Reservoir Project. It was agreed by consensus to accept the report provided the wording was revised in the one page summary to be specific that the endorsement of the C-51 project was only for further study. Ken Todd agreed to revise the wording (copy attached). Ken will write a letter to the SFWMD Governing Board for the Chair's signature that supports funding for the five projects as part of their upcoming budget.

Ken also reported that the three projects supported by the WRTF several months ago for inter-basin transfers are moving forward. The City of WPB has an application into the SFWMD for a permit to move water from the PBC Pond Cypress Natural Area to the City's natural areas within the Baywinds development. Loxahatchee Groves Water Control District and the Town of Jupiter are continuing to work with stakeholders on their respective projects. Additionally, Ken reported that due to the WRTF's support of the concept of inter-basin transfers, another such project is in the permitting process. This would move water from the C-51 canal into the Stub Canal as part of the Renaissance Expansion Project for use by the City of WPB instead of sending it to tide.

Lastly, Ken informed the members that the Broward County WRTF has requested another joint meeting with the PBC WRTF for January 2011 to discuss the C-51 Reservoir Project. Ken introduced Bevin Beaudet, PBC Utilities Director, to provide an update of the recent happenings for the project. Bevin indicated that the SFWMD is very interested in continuing the pursuit of the project because of possible environmental benefits that could be accomplished. Recent meetings between District and PBC staff have been very positive and Bevin believes that another meeting with Broward County would be beneficial. Ken then introduced Dr. Jennifer Jurado, Broward County Natural Resources Director. Dr. Jurado thanked Bevin for his summary and asked the WRTF to consider having a joint meeting as Broward WRTF would welcome the opportunity to further explore the partnering opportunities with SFWMD and the PBC WRTF. Ken Todd was asked to work out the details of the meeting with Dr. Jurado and bring back to the next WRTF meeting in September.

## **VII. Public Comment – Jeff Koons, PBC WRTF Chair**

The following comments were made by members of the public:

1. Drew Martin stated that before the L-8 Reservoir existed the area was a swamp that was better at storing water than any man-created reservoir. He said that using rock mines for reservoirs was an expensive solution to storage and not the best solution. He would like to see the Task Force support more natural solutions such as storing water in natural areas. He does not support the proposed C-51 Reservoir project.

2. Pat Martin stated that the proposed C-51 Reservoir project could store water up to 40 feet deep as opposed to the maximum three foot depth that could be achieved by storing water on natural areas. He said the proposed reservoir has the ability to replenish water for the environment as well as for public water supply. He mentioned that the existing L-8 Reservoir is only for environmental purposes. Lastly, he said that because additional storage is needed for the environment and for water supply the proposed C-51 Reservoir project would be a win-win for all stakeholders.

### **VIII. Task Force Member Comments**

- Jeff Koons asked about the Total Maximum Daily Load (TMDL) program and what has the state been developing that would affect Palm Beach County. In response to the question, Alan Wertepny, PBC NPDES Consultant, gave a brief update on TMDLs. He indicated that the state has developed a list of impairments that includes bacteria, dissolved oxygen, and Nutrients (TP, TN). The state TMDL Task Force is currently developing the numeric limits of how much water bodies can assimilate and how much load needs to be reduced. Then, they will recommend steps on how the load can be reduced. A Basin Management Action Plan (BMAP) will then be developed with county stakeholders to establish final strategies to achieve a reduction in impairment to the water bodies. Alan also mentioned that the NPDES group is working with County staff to develop a fertilizer ordinance as a BMP to meet state requirements.

The agenda for the next meeting will include an update on the NPDES permit, an update on the NENA program (recreational components), and a presentation of a draft agenda for the joint meeting with the Broward County WRTF.

### **X. Adjournment**

There being no further business, Chair Koons adjourned the meeting at 4:45 p.m.

#### **Next Scheduled PBC WRTF Meeting**

**September 16, 2010  
1:30 p.m. to 4:30 p.m.  
Lake Worth Drainage District  
13081 Military Trail  
Delray Beach, FL 33484  
Phone 561-737-3835**



**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**



**North Palm Beach County Improvement District  
357 Hiatt Drive  
Palm Beach Gardens, FL 33418**

**May 20, 2010  
1:30 P.M. to 4:30 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair Jeff Koons called the meeting to order at 1:35 p.m. in the NPBCID Auditorium.

**Members Present:**

Jeff Koons (Chair), David Levy (Vice-Chair), Jay Foy, John Flanigan, Jim Alderman, Betty Bingham, Todd Wodraska, Ted Winsberg (Alt. for Steve Bedner), Albrey Arrington, Dave Stewart (Alt. for Steve Wilson), Terrie Bates (Alt. for Patrick Rooney), Mike Erickson

**Alternates Present:**

Dick Tomasello, Dennis Lipp, John Whitworth, David Brown

**Members not Present:**

Carmine Priore, Steve Bedner, Steve Wilson

**Alternates not Present:**

Shelley Vana, Susan Haynie, Cara Jennings, Scott Maxwell, Michael Dahlgren

**WRTF Working Group Present:**

Ken Todd (Chair), Mike Baker, Pete Kwiatkowski

**County Staff Present:**

Tom Miller, Brian Shields

**Guests Present:**

Ronald Crone, Rosa Durando, Laura Corry, Alex Larson, Sharon Waite, Marie Ecton, Patrick Martin, Don Mathis, Alan Wertepny, Albert Basulto, David Scott, Drew Martin, John Wodraska, Martha Musgrove, Vince Amy, Paul Millar, Larry Portnoy, Kevin Ratterree, Sharon Niemczyk, Alex Vazquez, Deena Reppen, Dean Powell, Tom Olliff, Amy Eason, Terry Clark, Ernie Cox, O'Neal Bardin

**II. APPROVAL OF MEETING MINUTES:**

A motion was made by Jay Foy and seconded by Albrey Arrington to approve the 3-18-10 meeting minutes as presented. The motion passed unanimously.



### III. Strategic Plan – Tom Olliff, SFWMD

Tom Olliff told the WRTF that the SFWMD is in the process of developing a strategic management plan. One of the main concepts within the plan was to see where SFWMD wants to be 10-years from now. Based on that decision, the next step would be to develop an annual work plan based on the developed 10-year plan. The SFWMD began this task in February, 2010. This effort has the SFWMD trying to look at major issues and events (such as sea level rise and a smaller ad valorem budget) and how to plan for them. The presentation was based on the handout given to the WRTF members and entitled, “*Strategic Plan 2010~2020*”.

In the discussion that followed, Chair Koons mentioned that possibly a Basin Fee would help bring in money for the District. He also said he would like to have the Working Group help SFWMD staff in their planning effort. Ken Todd, Working Group Chair, was asked to convene the Working Group to work with the SFWMD staff to discuss what water resource issues should be included within the Strategic Plan. Jay Foy mentioned the North County CERP plan has been in the planning stage for the last 15 years. He said he hoped the Strategic Plan would actually complete projects and answer the question, what are we actually going to accomplish? Strategic planning is nice, but we need to accomplish something soon? Tom Olliff agreed. Tom mentioned that there is money in the District budget next year to complete the PIR for the L-8 Pump Station. He said the District continues to believe the L-8 Reservoir is a very viable project. However, he said the budget session this year is going to be difficult since their budget was down \$250 Million and two Federal Court Orders will require additional improvements in the hundreds of millions of dollars. Dean Powell was introduced as acting director for water supply.

### IV. Numeric Nutrient Criteria Impacts to PBC Existing Reuse System - Brian Shields, PBC Utilities

Brian Shields presented to the group the potential impacts the proposed EPA Numeric Nutrient Criteria (NNC) could have to utilities. Brian mentioned that since the rule has not been finalized the end result is unknown. However, he wanted to give an overview of the PBC Utility position through this presentation. PBC sent a letter of concern to EPA that outlined PBC Utilities’ concerns and will continue to monitor the proposed rule. He mentioned one of the biggest potential issues is whether or not the County’s Reuse program will be impacted. The County has spent about \$250 million to develop a reuse system that will allow the County to be at 100% utilization of its WWTP effluent. In the ensuing discussion, it was mentioned that all utilities are developing reuse. Albrey Arrington mentioned that Florida is now the number one purveyor of reuse water in the country having recently passed California. So, depending on how the rule is implemented this could be a major financial problem for utilities around the state. If reuse water must meet the proposed criteria before it can be discharged to a water body, then from a cost perspective, it would be cheaper to place the effluent down a deep well than to treat wastewater to the proposed EPA standards. As an example of impact, it was stated the Loxahatchee River District rates would likely increase by 100% to treat the wastewater to meet the proposed numeric nutrient criteria. Brian indicated that FPL would need to more than double the size of their energy plants to supply the power needed because of what will be required in the way of process treatment to meet the proposed criteria. Deep well injection is not the most beneficial use of reclaimed water, but will certainly be cheaper than treating the effluent to the proposed criteria. Chair Koons said that from a consumptive use standpoint, PBCWUD is at less than 100 gallons per capita per day (GPD) while the District average is 170 GPD. PBC is about as low as it can go without drastically altering lifestyles. Implementation of these rules will have major repercussions that will make it difficult to meet long range water supply plan goals.

## **V. Report on Letter Concerning EPA's Proposed NNC – Ken Todd, Working Group Chair**

Ken mentioned that at the last WRTF meeting, it was requested by one of the members that the WRTF should endorse the letter sent to the EPA by Palm Beach County (PBC) since it addressed many of the concerns that the other government entities will face in complying with EPA's proposed NNC. Ken then suggested that since not everyone on the Task Force had seen the letter it would be more appropriate to send all the WRTF members a copy of the letter and then take a poll concerning endorsement of the letter. That was agreed to by the WRTF. Ken then presented the results of that poll. Twelve of the 13 members endorsed the PBC letter. The one member who did not endorse the letter actually took a neutral stand. Terrie Bates mentioned that the SFWMD was the non-endorsing member. She indicated the SFWMD was making their own comments and didn't want any ambiguity in the two positions as each Agency had their own concerns. She also mentioned that though SFWMD did not feel it appropriate to endorse the letter, the SFWMD did agree with many of the points brought out in the PBC letter.

## **VI. Public Comment – Jeff Koons, PBC WRTF Chair**

The following comments were made by members of the public:

1. Rosa Durando expressed a concern on what to do about heavy metals, iron, and mercury in water bodies. She also said that in her opinion deep wells will have their own problems. She stated that we can't keep sending water to the ocean without developing solutions on how to store more water.
2. Drew Martin stated that the Soil and Water Conservation District had a mobile irrigation lab that measured soil moisture and helped people to conserve water. He believes that program would be very beneficial in water conservation. He also stated he supported water reuse. Lastly, he stated the Sierra Club believes the state should do a better job of regulating the application of fertilizer.
3. Alex Larson stated she is not happy with giving water away to golf courses. She believes we need to reconsider what to do with golf course irrigation.

## **VII. Task Force Member Comments**

- Jim Alderman asked about the status of the C-51 Reservoir Project. Jeff Koons stated the BCC recently approved the zoning for an expansion of PB Aggregates for a separate mine. The owners of the land would like to sit down and discuss with the stakeholders what the next steps should be. Could the reservoir serve as an AWS project? Could there be regional restoration strategies that have multiple benefits? Ken Todd was asked what the status was of the project. Ken mentioned that the SFWMD is looking at the project more closely to develop a work scope that will address the previously mentioned questions in a way that benefits all. When that scope is complete they will talk to utilities and the other stakeholders. Jeff Koons mentioned that he spoke to Carol Wehle and she mentioned they have a short time frame to deal with water quality issues to the Everglades. SFWMD believes that having a second reservoir in the area could be valuable from a water quality/environmental purpose. The County will continue to monitor this as having another storage reservoir is a strategic advantage for our region.



- Jay Foy mentioned that a bill for water savings credits passed, and is on the Governor's desk for his signature. If signed into law, the SFWMD should address this immediately in order to stop water seepage losses.
- Mike Erickson mentioned that the Sun Sentinel newspaper ran an editorial on the GL Homes Land Swap proposal a week ago. He was disappointed that such a negative opinion was expressed in the editorial when we haven't yet even evaluated the proposal. He introduced a graphic that showed the 4-5,000 acres proposed land swap with the County. Mike said he believed the land swap has a huge potential related to the North County CERP Plan and therefore deserves the opportunity to be evaluated objectively. This property has the potential to address nutrients via flow-ways, filter marshes, and storage that would be beneficial to the North County Plan. He would like the Task Force to consider this in a more constructive manner than has so far been presented.
- Jeff Koons stated that PBC is working aggressively with representatives of ITID and the Corbett Area to develop a plan that will recharge the Hungryland Slough.
- Jay Foy said the GL Homes Land Swap project definitely had merit if we could get habitat lift with this project from the ACOE. However, he would not want to do anything that would cause a lengthy delay to getting the North County Plan approved by the ACOE.
- Jeff Koons told the WRTF members that the Colonel from the ACOE Jacksonville District made a presentation to the BCC earlier this week on the HHD rehabilitation. Copies of the presentation were given to WRTF Members.
- Jeff Koons asked that when the WRTF Working Group met with SFWMD staff to discuss the strategic planning document, they also address how we can include reclaimed water issues in the SFWMD strategic planning document.

#### **X. More Public Comment**

- Martha Musgrove stated that the Marshall Foundation would like to be involved in the process of the C-51 Reservoir planning effort and the GL Homes Land Swap effort.
- Drew Martin indicated the Sierra Club would strongly object to taking land out of the Ag Reserve. He believes land in the Ag Reserve should not be for swapping.

#### **XI. Adjournment**

There being no further business, Chair Koons adjourned the meeting at 3:50 p.m.

#### **Next Scheduled PBC WRTF Meeting**

**July 22, 2010  
1:30 p.m. to 4:30 p.m.  
Loxahatchee River Center  
805 N. U.S. Hwy. #1  
( inside Burt Reynolds Park)  
Jupiter, FL 33477  
Phone 561-743-7123**





**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**

**Lake Worth Drainage District  
13081 Military Trail  
Delray Beach, FL 33484**



**March 18, 2010  
1:30 P.M. to 4:30 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair Jeff Koons called the meeting to order at 1:30 p.m. in the LWDD Auditorium.

**Members Present:**

Jeff Koons (Chair), David Levy (Vice-Chair), Jay Foy, John Flanigan, Patrick Rooney, Jim Alderman, Dan Beatty (Alt. for O'Neal Bardin), Ted Winsberg (Alt. for Steve Bedner), Albrey Arrington, Dave Stewart (Alt. for Steve Wilson), Betty Bingham

**Alternates Present:**

Dick Tomasello, Terrie Bates, Dennis Lipp, John Whitworth

**Members not Present:**

Carmine Priore, Steve Bedner, Steve Wilson, Todd Wodraska, O'Neal Bardin

**Alternates not Present:**

Shelley Vana, Susan Haynie, Cara Jennings, Scott Maxwell, Michael Dahlgren

**WRTF Working Group Present:**

Ken Todd (Chair), Linda Brien, Mike Baker, Pete Kwiatkowski

**County Staff Present:**

Tom Miller, Joanne Koerner, Laura Yonkers

**Guests Present:**

Ronald Crone, Rosa Durando, Laura Corry, Alex Larson, Sharon Waite, Karen Brandon, Marie Ecton, Patrick Martin, Don Mathis, David Scott, Alan Wertepny, Alejandro Toro, Mark Abbott, Albert Basulto, Becky Hachenburg, Kevin Carter, Ernie Cox, David Brown, Rosemary Rayman, Lyle Munce, David Scott, Carol Connolly, Link Humphrie, Drew Martin, Mark Perry, John Wodraska, David Lefkovich, Paul Quinlan, Stella Rossi, Megan Hanney

**II. APPROVAL OF MEETING MINUTES:**

A motion was made by John Flanigan and seconded by Patrick Rooney to approve the 1-19-10 meeting minutes as presented. The motion passed unanimously.

### **III. BMP Resolution – Ken Todd, Working Group Chair**

Ken Todd presented a draft resolution that encouraged entities to keep up the maintenance of any stormwater BMPs they may have implemented. A copy of the draft resolution was provided to the WRTF members for their review. Jay Foy made the motion to adopt the resolution as presented and to send it out to all appropriate entities under the Chair's signature. It was seconded by Betty Bingham and approved unanimously.

### **IV. Water Quality Standards Update - Kevin Carter, SFWMD**

Kevin Carter started his presentation by providing an update of the proposed EPA Nutrient Numeric Criteria (NNC) and a brief timeline. Kevin said the final rule is anticipated to be in effect in October 2010. He stated the rule was developed for lakes based on the relationship of chlorophyll-a levels to TN & TP criteria. Most lakes in SFWMD are anticipated to be colored lakes as opposed to clear lakes. Proposed lake standards for TP are 50 ppb and 1.23 ppm for TN with Chlorophyll-a to be less than 20 ppb. Palm Beach County is mostly in the South Florida region. Mr. Carter discussed how EPA derived the standards for canals in south Florida, The proposed standard for South Florida canals is TP 42 ppb, TN 1.6 ppm, and Chlorophyll-a 4 ppb. District staff is reviewing the criteria and its potential effects on south Florida canals. The District plans to submit comments on the proposed rule by April 28<sup>th</sup>. The DEP has also commented on the EPA criteria and he discussed a number of their concerns as well. DEP expressed concerns about the technical merits of the determination of criteria and the inadequacy of the EPA's estimate of economic costs. Kevin informed the WRTF that Estuary NNC criteria will be out next January. DEP is working to prepare a technical support document to be completed within the next 3 months. The next estuarine workshop with the DEP related to LWL will be in Ft. Pierce on March 31, 2010 at the Harbor Branch. Mr. Carter reviewed the DEP's process for designated use classifications for canals. Current schedule for DEP is to take proposed rule to the ERC by May 2010. This new rule will redefine existing designated uses & classifications of Florida's waters. Current proposal adds a new Class III Limited.

Ted Winsberg asked why someone would petition for a change in classification if the parameters are all the same? Kevin indicated that all were the same except for a small subset. These subset parameters are the ones that enable an entity to petition for a change in classification.

Jay Foy asked if the EPA requirement to adopt the proposed standards is due to a lawsuit. Kevin said yes and the standards and schedule were established in order to meet the agreement in a consent decree. Jay then asked the WRTF to endorse the PBC position letter on the proposed NNC standards as written by Ken Todd. The WRTF asked to see the letter when completed and agreed if there were no major objections from members would endorse by consensus. Mr. Todd indicated he would send the final letter to the WRTF and poll the members. If the majority of the WRTF agreed to endorse the letter, Mr. Todd would prepare a letter for the Chair's signature to EPA expressing the WRTF's endorsement of the County letter.

David Levy asked about artificial water bodies, will they have criteria to go to the new proposed limited class? Kevin indicated that an artificial water body could be reclassified as Class III Limited if the criteria were met.

Linda Brien thanked Kevin on behalf of DEP for his making the presentation. It was mentioned that Kevin has served for several years on the Water Quality Task Force. Because of scheduling conflicts, no one from DEP in Tallahassee was able to attend the meeting today and make the presentation.

**V. TMDL's and Numeric Nutrient Criteria - Alan Wertepny, Mock, Roos & Assoc.**

Alan Wertepny explained to the WRTF what the acronyms NPDES, MS4, and TMDL stand for and what those programs are. Mr. Wertepny reviewed again the standards proposed in the EPA NNR. He mentioned that only one basin in Palm Beach County, the C-18 Basin, has no exceedences of the proposed EPA standards. He went on to say that EPA's estimated costs to meet the new criteria are generally very low.

Mike Baker of LWDD gave a practical example of what would be necessary to meet the proposed EPA standards for 4 different basins within LWDD. Mike presented a map to the WRTF that showed how large a Stormwater Treatment Area (STA) would be needed to achieve compliance. LWDD preliminary calculations showed that approximately 21,000 acres would be needed for an STA facility, if that type of treatment was provided. It was pointed out that these calculations did not include what would need to be accomplished for the municipalities east of LWDD (roughly east of I-95). Those municipalities would have to develop their own treatment methodology. Jeff Koons mentioned that wastewater reuse program in PBC could also be gone as a result of the proposed criteria, a \$220 million investment for PBC Utilities. Jay Foy said the proposed criteria for phosphorous has a higher standard than current groundwater quality. How can we clean this up to these levels if groundwater phosphorous concentrations are higher than the proposed standard? David Levy offered the opinion that when you set standards that are impossible to be achieved, they will be ignored. He believes there is no environmental protection in standards like this.

Alan Wertepny then discussed that Total Maximum Daily Loads (TMDLs) are required by Section 303(d) of Federal CWA and Florida Watershed Restoration Act. There will be goals for point and non-point loads established for each impaired water body. In Palm Beach County, Lake Okeechobee has a completed protection plan with a goal to show improvement in water quality by 2015. Water bodies within PBC Groups 2 & 3 have a completed verified list with a Basin Management Action Plan (BMAP) that must be completed in 2011. When the state identifies and enumerates impairment for a water body, a management action plan discusses the measures that should be accomplished in order to resolve the impairment (e.g. fertilizer ordinances, pre-development nutrient levels, etc.). All discharges must reduce nutrients as specified in the BMAP. Alan mentioned that another rule to watch is Florida's proposed statewide stormwater treatment rule that controls the discharge of nutrients. This will replace the District's current one half inch rule by establishing an 85% reduction of pre development phosphorous loads. The draft Rule and handbook are now on the FDEP website. Comments are due by June 18<sup>th</sup>. Workshops will begin in May and run through March 11, 2011.

Chair Koons said that the loss of the reuse program is a potential problem as the BCC heard this on Tuesday. David Levy said there will be a problem in the future when they start taking away Alternative Water Supply (AWS) options, such as the reuse program. Albrey Arrington said a utility can discontinue a reuse program and send the effluent down a deep well. However, utility bills could increase as much as ten fold, assuming there is enough resource capacity to sell water and be in compliance with regional water availability rule.



## **VI. Update - C-51 Reservoir, Phase 2A & 2B Report - Tom Miller, PBC Utilities**

Mr. Tom Miller gave a brief presentation on the C-51 Reservoir Phase 2A report. Mr. Miller made no recommendation and no action was taken by the WRTF. He reminded the WRTF the original study concept was to determine feasibility of the project that was sponsored by seven utilities. The original concept foresaw benefits of estuary improvement, additional water supply, and water management flexibility. Phase 2A was to accomplish the following four tasks:

- 1) Update Demand Projects
- 2) Evaluate two Conveyance Routes
- 3) Compare Geotechnical and Hydrologic Conditions to possible C-51 site
- 4) Develop Cost Effectiveness Sensitivity Analysis

The report is now complete and Tom passed out copies of the report to the Task Force members. The report concluded that more detailed study was needed for the conveyance routes. It also concluded that the geologic and hydrologic characteristics in the area west of and adjacent to the existing L-8 Reservoir were similar to those of the L-8 reservoir. The final design would require further data collection, site performance analysis and anticipates a slurry wall.

Tom went on to say that capital costs for any AWS project could not exceed \$5.00-6.50 per gallon as the County could meet their demand for the future using a reverse osmosis system at that cost. The report said costs could be as low as \$3.75 per gallon with virtually all the utilities in the study area participating.

Tom outlined the next steps in the study process:

- 1) Send letter to SFWMD requesting response on benefits to the Utilities
- 2) Extension of Utilities' CUP Timing
- 3) Survey Utility Support for the Project among other Utilities within the County
- 4) LWDD investigates their role
- 5) Prepare Scope of Work for Phase 2B
- 6) Stakeholder Review of Scope of Work for Phase 2B
- 7) BCC Approval of Phase 2B Study

## **VII. Public Comment – Jeff Koons, PBC WRTF Chair**

The following comments were made by members of the public:

1. Rosa Durando has concerns that the proposed C-51 Reservoir will not work because of water quality concerns. She indicated that she was for more studies, but doesn't think we should get our hopes too high.
2. Drew Martin commented that nutrient numeric criteria is something that is needed. He also believes we need a fertilizer ordinance in the County. He, too, has concerns with the C-51 Reservoir, particularly the problem of stratification and mixing.

## **VIII. Task Force Member Comments**

- Chair Koons mentioned to the Task Force that we had a 9 inch rain in central PBC last week near the Westgate area and the Pineapple Park area within the City of West Palm Beach, both areas that he represents as a County commissioner. Even with such a large amount of rain within a short period of time, there was very little flooding. He attributed this to the work of the Stub Canal Task Force and improvements that have been made over the last couple of years.

- Chair Koons also mentioned the LWL initiative boat tour which had a total of 110 people. On the tour the participants saw manatees, spotted rays, an oyster catcher fly over and a turtle release. He said it is interesting to see progress being made in the LWL.
- Betty Bingham commented that there was no flooding in Ocean Ridge from that rain event last week because of improvements they have made to their system. She also said that within the LWL adjacent to Ocean Ridge, they have good bay water quality. Additionally, she said that because they have so many manatees and red hawks, the Town should consider declaring Ocean Ridge a bird sanctuary.
- Jay Foy stated that we need nutrient standards, but the proposed EPA standards were inappropriate for south Florida. He also said he dislikes the policy of local sources first and to think that each utility should be its own entity is fiscally irresponsible. He is opposed to a local source philosophy.
- Dave Levy commented that it's a regional resource, not just local. We need a regional plan.
- Chair Koons also mentioned that SFWMD is looking for public input into strategic planning concepts, due in October. He asked this be added to a future agenda for discussion.
- Chair Koons also told the Task Force that at last Tuesday's Board of County Commission (BCC) workshop a presentation was made on the activities of the Task Force and that the BCC was very impressed with what they're doing. He mentioned that there was discussion by the BCC to add one more drainage district, Indian Trail Improvement District, to the WRTF to represent the western area of the County. The Task Force was okay with the idea and with the direction from the BCC, the Resolution will be amended to include ITID.
- Chair Koons mentioned to the Task Force that the SFWMD made a presentation to the BCC on the CERP Northern Palm Beach County Plan. He mentioned that Commissioner Vana wants a presentation from SFWMD on what they plan for the south end of the County. Jeff thought we should take the opportunity to invite the Refuge to show their master plan, have SFWMD to talk about the ACCELER8 program, and discuss the east coast buffer program. He felt the meeting should be held at LWDD. Jim Alderman indicated they would be happy to host the meeting.
- Chair Koons suggested that the Utilities be placed on a future agenda to talk about the reuse system that is in place and how the nutrient numeric criteria may affect all systems.

## IX. Task Force Procedures

Ken Todd pointed out to the WRTF members that they had a copy of current procedures in their packet. There were a couple of changes to the procedures that the WRTF should consider:

- 1) He explained to the members that Seacoast Utilities had decided not to replace outgoing member, Don Noel, with another Seacoast Board member. In light of that, Mr. Todd suggested that Aubrey Arrington of the Loxahatchee River District be elevated from alternate to member for that slot. He also suggested placing Dave Brown of Jupiter Utilities as the alternate to represent the North County utilities. Since the original County Ordinance spelled out a special independent district for this slot, the Ordinance would have to be amended with the approval of the BCC to include a utility for that slot. There were no objections and by consensus the suggestion was approved. The ordinance language will also be amended with the direction from the BCC to add ITID to the WRTF.
- 2) The current WRTF procedures call for all officers to serve for a year or until the next election is held. Mr. Todd asked the WRTF that since the original officers were voted in during the middle of the year, would they want to wait until next November to hold the next election of officers or elect new officers now? By consensus it was agreed to wait until November to hold new elections.
- 3) Mr. Todd also suggested the WRTF consider having the procedures reflect that all members shall abide by the new PBC Ethics Ordinance, as well as the Sunshine law. Foy moved to do so and Levy seconded with unanimous approval. It was suggested that an attorney from the County Attorney's Office come and discuss the ordinance with the WRTF members at the next meeting.

**X. Adjournment**

There being no further business, Chair Koons adjourned the meeting at 3:40 p.m.

**Next Scheduled PBC WRTF Meeting**

**May 20, 2010  
1:30 p.m. to 4:30 p.m.  
NPBCID  
357 Hiatt Drive  
Palm Beach Gardens, FL 33418**





**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**

**Town of Jupiter Community Center  
200 Military Trail, Jupiter, FL 33458**



**January 21, 2010  
1:30 P.M. to 4:30 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair Jeff Koons called the meeting to order at 1:35 p.m. in the Town of Jupiter Community Center.

**Members Present:**

Jeff Koons (Chair), David Levy (Vice-Chair), Jay Foy, John Flanigan, Patrick Rooney, Todd Wodraska, O'Neal Bardin, Ted Winsberg (Alt. for Steve Bedner), Albrey Arrington (Alt. for Donald Noel), Dave Stewart (Alt. for Steve Wilson), Betty Bingham, Scott Maxwell (Alt. for Carmine Priore)

**Alternates Present:**

Michael Dahlgren, Dick Tomasello, Terrie Bates, Dan Beatty

**Members not Present:**

Carmine Priore, Donald Noel, Steve Bedner, Steve Wilson, Jim Alderman

**Alternates not Present:**

Shelley Vana, Susan Haynie, Cara Jennings, John Whitworth, Dennis Lipp

**WRTF Working Group Present:**

Ken Todd (Chair), Linda Brien, Kyle Grandusky, Mike Baker, Pete Kwiatkowski, John Bonde

**County Staff Present:**

Brian Shields and Tom Miller

**Guests Present:**

Ron Crone, Rosa Durando, Laura Corry, Alex Larson, Sharon Waite, Karen Brandon, Marie Ecton, Ken Roundtree, Terry Clark, Patrick Martin, Don Mathis, Christy Coghlan, Dr. Matthew Harwell, Melissa Meeker, Clete Saunier, David Scott, Alan Wertepny, Alejandro Toro, Tom Biggs, Alex Vazquez, Brent Whitfield, Jayantha Obeysekera, Matt Morrison, Amanda Barnes, Mark Abbott, Paul Millar, Albert Basulto, Becky Hachenburg, Max Bosso  
Approximately 25 students from the Jupiter High School Environmental Academy

## **II. APPROVAL OF MEETING MINUTES:**

A motion was made by John Flanigan and seconded by David Levy to approve the 11-19-09 meeting minutes as presented. The motion passed unanimously.

Vice Chair Levy introduced the Environmental Geology Class and Teacher from the Jupiter High Environmental Academy. They were in attendance (as a field trip) learning how the community leaders addressed issues related to water resources. Commissioner Koons welcomed the group and mentioned how water knows no political boundary and because of that it makes jurisdictional issues related to water that much more difficult. However, efforts such as this Task Force help everyone work through those difficult jurisdictional issues.

## **III. Presentation - Inter-basin Transfer Pilot Study – Ken Todd, Working Group Chair**

Ken Todd stated that the main objective of a Pilot Study would be to study the ability to reduce discharges to tide by transferring water between basins. A written report was provided to the Task Force members prior to this meeting. He discussed concerns of the Working Group as outlined in a previous presentation to the Task Force. Ken also reminded the Task Force that the original recommendation to the Task Force from the Working Group was that the concept had merit and should be explored further. As a result of that recommendation, the Task Force asked for a recommended site(s). After several Working Group meetings where several sites were discussed and evaluated, the Working Group recommended that the Task Force endorse the Pilot Studies for three sites: (1) Town of Jupiter Recharge System, (2) Loxahatchee Groves WCD, (3) Pond Cypress Natural Area. Before the Task Force voted on the recommendation, a brief explanation of each of the three sites that are discussed in detail in the written report was made.

The first site was the Town of Jupiter Recharge System, presented by Amanda Barnes, P.E. of the Town of Jupiter. Ms. Barnes explained where the project is located and how the system would work. She indicated that the Town was looking for more water during dry periods to supplement well field recharge and provide more water for some wetlands within the Town. She indicated that the Town would work with SFWMD to take only water when it is available from the C-18 Canal after the Loxahatchee River has received its restoration goal water.

The second site presentation was made by Clete Saunier, P.E. of Loxahatchee Groves WCD. Clete thanked the Task Force members for the opportunity to explain the operation and merits of the Loxahatchee Groves Pilot Study. Clete explained that this proposal will save more than one billion gallons of water annually from going to tide via the C-51 Canal. He went on to say that there are limited costs associated with this project as the infrastructure was already in place. There would be an annual \$20K - \$30K O&M cost. He said LGWCD would coordinate closely with SFWMD to develop an appropriate protocol through the permitting process. He provided handouts of the project to the Task Force members and left some on the back table for the Public.

Ken Todd, P.E. explained the Pond Cypress Pilot Study, which is a cooperative effort between the City of West Palm Beach, NPBCID, & Palm Beach County. Ken described the project benefits, which would reduce the amount of water discharged to tide through existing bleed-down pipes from the Pond Cypress Natural Area. Ken explained that because of the limited ability to removing excess rainfall Pond Cypress Natural Area retains much of the rainfall it receives. Historically, at the end of the rainy season high water levels have had an adverse impact on the uplands within the Natural Area. Conversely, the Preserves within the Baywinds

Subdivision could use some additional water. The additional effort needed to be able to move water between these two areas is minimal. The City will do the necessary monitoring.

All three Projects will provide data documentation through monitoring to enable someone to decide if the effort was successful in achieving the objective. Ken recommended endorsement by the Task Force of all three projects, based on the Working Group recommendation.

Jay Foy asked where the excess water would come from for Jupiter Project. Ms. Barnes indicated that once the Loxahatchee River received its required minimum flow, the excess water could be sent to the Town's Recharge system. Ken Todd noted for the Task Force members that all projects are intended to only use excess water that would have been sent to tide. Aubrey Arrington asked if the Town was proposing additional flows from the L-8 rock pits. Ms. Barnes said it was anticipated that the project would simply operate the system differently from how it is being managed now. Terry Bates of the SFWMD related discussions District staff had had with Jupiter and how they hope a more real time operation can be achieved. It was noted that no specific elevations were established for withdrawals from the C-18 Canal, but an agreement would have to be worked on that could achieve instantaneous operational commitment.

Chair complimented the Working Group for their efforts.

Motion: To endorse all three projects.

Moved by: Levy

Seconded by: Wodraska

The motion passed unanimously with no Board discussion.

Rosa Durando said that while it is commendable to achieve greater storage, she asked that we be careful not to create flooding problems for those areas where this is done.

#### **IV. Presentation – EPA Nutrient Numeric Criteria – Alan Wertepny, NPDES Consultant**

Alan Wertepny, P.E. stated that Palm Beach County has a federal NPDES permit. This permit includes most of the Counties municipalities, as well as several Water Control Districts. He then defined NPDES for the students and discussed the need over time to do stormwater improvements. Todd Wodraska talked to students about issues involving water that would impact them both now and in the future. Alan then discussed briefly the 3-programs that are going on now: EPA's Nutrient Numeric Criteria Rule, DEP's TMDL program to implement restoration efforts for Florida water bodies, and the Florida Stormwater Treatment Rule for new or redevelopment activities.

Mr. Wertepny's goal at this meeting was to introduce the Task Force to the Nutrient Numeric Criteria issue. Alan informed the Task Force that currently there are only narrative criteria, dealing with an imbalance in flora and fauna, in the state law regarding nutrients in water bodies. Nutrients occur naturally and it is difficult to quantify toxicity levels. EPA is currently developing Nutrient Numeric standards for Florida in response to a law suit brought against EPA by several environmental groups to enforce the Clean Water Act of 1972. DEP has been working on standards for the last four years with the last revision in March 2009. However, due to the difficulty associated with such diverse geology, topography, land uses, and chemical make-up around the state DEP has stopped the effort at this time deferring to EPA. DEP did



come up with some preliminary numbers for central and northern Florida before stopping, but south Florida was not covered in these standards due to diversity of conditions.

Alan mentioned that EPA entered into a consent agreement with several Environmental Groups to postpone legal action. This Consent Decree required EPA to establish numeric criteria by Jan 14, 2010. Once EPA publishes these standards in the Federal Register, it starts the 60-day clock for public comment. EPA has established a workshop on 2/18/10 in Palm Beach County. In October 2010 the final rule will be published and then becomes law within 60-days.

Alan then presented the proposed EPA nutrient standards. He said EPA divided the state into 5 different nutrient regions. A comparison of the proposed standards shows that the South Florida region has the lowest phosphorus standard in the state. Alan said that through the NPDES permit, the coalition of municipalities has assembled data showing that all canals of Palm Beach County, except C-18, are above proposed standards being set by EPA. Transferring water from basins through canals will likely be unacceptable because of the inability to maintain the low phosphorus criteria in downstream water bodies. He mentioned the proposed rule sets a time table for compliance of 20 years. Another big issue is the impact to many government entities to their reclaimed water program. This program has been putting reclaimed water into lakes for recharge, and could be in jeopardy of creating a compliance issue for downstream water bodies by discharge. Reclaimed water historically has much higher phosphorus concentrations than the proposed EPA criteria will allow. Therefore, the Reclaimed Program (with hundreds of millions of dollars already invested) will need to be looked at very critically. The other looming issue is the state's TMDL program being developed by DEP. Alan indicated he could come back and make a presentation on that issue at a future meeting.

There was a suggestion to invite him back for more discussion on these issues. Commissioner Koons noted that many elected officials have not seen this and asked for SFWMD comment. Terrie Bates mentioned that the issue is still in litigation, but the District would be willing to work with local governments as we could be equally impacted by this proposed rule.

Dr. Matt Harwell, Arthur R. Marshall Wildlife Refuge, said DEP's surface water classification system was not mentioned. He suggested FDEP present this item at a future meeting.

**V. Presentation – NPBC CERP, Part 1 Update – Beth Kacvinsky, SFWMD**

Ms. Kacvinsky discussed the planning objectives of the CERP study for this Project. She presented the final array of alternatives and Costs, ranging from \$42-\$692 Million and indicated the original Yellow Book cost numbers were \$425 Million. She then outlined the proposed CERP strategy for the implementation schedule of this Project and what the next steps would be.

Beth indicated that the ACOE has contributed no money to the Project to date, only in kind services. Commissioner Koons noted that government owned all land necessary to restore the system and that Palm Beach County was working closely with Martin County to get this Project implemented. He indicated that Palm Beach County was working to construct the MECCA Flow-way. Beth indicated that the CERP Project Team has met with County Planners to ensure consistency of the County's efforts with the CERP planning process.

Paul Millar of Martin County indicated that Flow-way 3 being planned to achieve much of the goals of the Project. Paul indicated that Martin County felt Flow-way 4 was problematic due to high Phosphorus levels from Lake Okeechobee, but may keep on the idea on the back burner.

**VI. Update - C-51 Reservoir, Phase 2A - Tom Miller, PBC Utilities Dept.**

Mr. Tom Miller reminded everyone of the recent appearance before the Task Force in September by Mr. Bevin Beaudet (PBC Utilities Director) wherein he said he would come back at a later date to update the Task Force on the status of Phase 2A report and Phase 2B Work Scope. Tom related that the Phase 2A report is not yet concluded because of the many loose ends that needed to be completed by the Broward Partners. He noted that even as of this morning the consultant for the Study, Hazen and Sawyer, was still refining the final report, but expected it to be concluded by the end of January. He also advised the Task Force that the Partnership was scheduled to again meet on January 29<sup>th</sup> to receive and approve the final Phase 2A report. In the meantime, PBCWUD staff have prepared a draft conceptual Phase 2B Work Scope which is currently undergoing WUD review. Subsequent review of this Work Scope is being planned with key County water utility providers, drainage districts and the SFWMD to determine potential funding partners. Subsequent to a determination that funding partners may be available, the Phase 2B Work Scope would then be opened to all key partners to refine a comprehensive Work Scope. This refining effort would help determine estimated costs, which would then be presented to the WRTF and BOCC for consideration and to provide direction on how to proceed. Mr. Miller indicated that completion of Phase 2A Report and perhaps a draft Phase 2B work scope could be brought back to the Task Force for their further consideration at the next meeting of the Task Force.

**VII. Presentation - Climate Change – Jayantha Obeysekera, SFWMD**

Jayantha presented the efforts of the SFWMD concerning climate change. Jayantha indicated that this effort was begun by their staff about 2 years ago in order to discuss the strategic issues associated with climate change from a regional perspective. He indicated that the focus from a regional modeling approach would be 2-prong: science and coordination with other government entities. SFWMD is concerned about the impacts from climate change on their mission. He noted that there are two important questions that need to be addressed: (1) affected decisions in short-term and (2) long-term decisions that can be delayed without consequences. He mentioned to all that the District has White-Paper on the subject that is now available. He said the District recognizes the potential impacts to direct landscaping, water supply, flood control, and restoration projects. Salt water intrusion and Southern Everglades Restoration are two other critical concerns.

Sea level rise and causes were discussed. SFWMD is using a range of 5-20" sea level rise by 2060 for their planning efforts. ACOE has a range that has an upper limit as much as 2-feet. Most of coastal structures in the south end of the peninsula are having some additional difficulty in operating their structures during storm events due to critical operating window for release of flood water. Some areas are now using forward pumps.

Jayantha said that one of the District's conclusions is that there is not enough historical data to make accurate predictions concerning climate change. He also indicated that if temperatures increase by another 7 degrees thermal expansion and ice melting could raise sea levels even more. Therefore, given the uncertainty with accurate projections on sea level rise, Jayantha said all entities need to work together to select the most appropriate range of criteria for future planning.



## VIII. Public Comment

The following comments were made by members of the public:

1. Rosa Durando said that many of the problems we have today are from improper land uses. She felt the only hope for proper land use is partnership between the TCRPC and local officials. As an example, she said artificial control elevations in some subdivisions adjacent to the C-51 Canal were approved with too low a control elevation. She said a policy change in this area is needed.
2. Alex Larson said we should not be rewarding the bad behavior of Dade & Broward Counties by cascading water south.

## IX. Board Comment

- Jay Foy asked the Task Force to consider a resolution that encourages all operating entities of water management systems to keep up with the maintenance of all BMPs for said systems. After some discussion, Jay then made a motion to have Ken Todd, as Working Group Chair, write up a draft resolution to be brought back to the Task Force for their approval that encourages local governments and other operating entities of water management systems to properly maintain BMPs for the systems under their jurisdiction. John Flanigan seconded the motion. Motion was unanimously approved.
- Jay also cited three other issues he had brought up at previous Task Force meetings:
  - (1) A reminder that inter-basin transfer is part of the idea to better manage control elevations, but the idea is much more encompassing;
  - (2) While the thought of revising utility rates to better reflect the resource availability may be a valid consideration, he will not bring it up again as several utilities have indicated this would be problematic for their operations;
  - (3) The idea of giving some type of water use credit for saving wasted water (such as to tide through seepage) by construction, management activities, or contributions to projects should be considered in the future.
- Jeff Koons then asked the Task Force what items they would like to have on the Agenda for the next meeting. It was agreed to have the following topics placed on the agenda for the next meeting: Presentation of a proposed Resolution on BMP maintenance, Nutrient Numeric Criteria/TMDL update by Alan Wertepny, a review of the Task Force Operating Procedures, and a presentation by DEP on water body classifications. According to the current procedures, a Chair, Vice Chair, and Chair Pro-Temp are elected every year. Jeff Koons mentioned that Don Noel had resigned from the Task Force and that Seacoast Utilities was considering what to do with their appointed position on the Task Force.
- A Chair and Vice Chair may need to be elected at the next meeting, depending on revisions to the Procedures. The members were told to come prepared to nominate a chair, vice chair, and chair pro-temp, if needed.
- The Task Force agreed to meet next on Thursday, March 18<sup>th</sup> at the offices of LWDD.



**X. Adjournment**

There being no further business, Chair Koons adjourned the meeting at 3:50 p.m.

**Next Scheduled PBC WRTF Meeting**

**March 18, 2010  
1:30 p.m. to 4:30 p.m.  
LWDD  
13081 Military Trail  
Delray Beach, FL 33484**



**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**

**Arthur R. Marshall National Wildlife Refuge  
10216 Lee Road, Boynton Beach, FL 33437**



**November 19, 2009  
1:30 P.M. to 4:30 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair Jeff Koons called the meeting to order at 1:34 p.m. in the Refuge Auditorium at the Arthur R. Marshall NWR Visitors Center in Boynton Beach.

**Members Present:**

Jeff Koons, David Levy, James Alderman, Jay Foy, John Flanigan, Patrick Rooney, Todd Wodraska, Dan Beatty (Alt. for O'Neal Bardin), Ted Winsberg (Alt. for Steve Bedner), Albrey Arrington (Alt. for Donald Noel), Dave Stewart (Alt. for Steve Wilson), Dennis Lipp (Alt. for Betty Bingham)

**Alternates Present:**

John Whitworth, Michael Dahlgren, Dick Tomasello, Terrie Bates

**Members not Present:**

Carmine Priore, Betty Bingham, Donald Noel, Steve Bedner, Steve Wilson, O'Neal Bardin

**Alternates not Present:**

Shelley Vana, Susan Haynie, Cara Jennings

**WRTF Working Group Present:**

Ken Todd (Chair), Rich Walesky

**County Staff Present:**

Brian Shields and Tom Miller

**Guests Present:**

Ronald Crone, Rosa Durando, Martha Musgrove, Laura Corry, John Bonde, Alex Larson, Sharon Waite, Carol Connolly, Karen Brandon, Marie Ecton, Ken Roundtree, Terry Clark, Sharon Niemczyk, Patrick Martin, Joan Lawrence, Don Mathis, Christy Coghlan, John Wodraska, Patricia Strayer, Sylvia Pelizza, Dr. Matthew Harwell, Panagioti Tsolkas, Drew Martin, Becky Hachenburg

**II. APPROVAL OF MEETING MINUTES:**

A motion was made by Todd Wodraska and seconded by Jay Foy to approve the 7-16-09 and 9-17-09 meeting minutes as presented. The motion passed unanimously.

### **III. Working Group Report Update – Ken Todd, Working Group Chair**

Ken Todd provided the Task Force with an update of the Working Group's activity in selecting a Pilot Study site for the concept of sub-basin transfer of excess water. Mr. Todd mentioned the group started with six sites, but has reduced that number to three. The Working Group will be meeting next month to develop a final recommendation of a proposed site for the Pilot Study. A final report will be presented to the Task Force at the next meeting.

### **IV. Refuge Overview & Invasive Species Program – Sylvia Pelizza, U.S.F.W.S.**

Chairman Koons introduced this topic by stating that he and Ken Todd had previously met with the Refuge to understand their needs and determine how the County might be able to support the needs of the Refuge. Sylvia welcomed the Task Force to the Refuge and introduced the Refuge through a slide presentation about the National Wildlife System. Ms. Pelizza also reviewed the history and habitat types of the Arthur R. Marshall Loxahatchee National Wildlife Refuge. The Refuge receives over 300,000 visitors annually. Part of the 2002 renewed lease agreement with SFWMD requires the USFWS, as part of the invasive species program, to monitor and eradicate 4 species (Old World Climbing Fern, Melaleuca, Brazilian Pepper and Australian Pine) at a total expense to date of \$21.5 Million. Treatment is both aerial and ground. Australian Pine is under control at this time. The USFWS receives \$1.0 Million annually for exotic removal and monies will continue to be required even after invasive species are under control. Chemical treatments are working well, but after invasives are under control, they expect to use biological treatment and control burning to maintain the system. Their goal is for a pristine system. Primary wildlife threat though is a loss of habitat. Chairman Koons noted that one of our reasons for being here today is to learn how we, as the public, can better communicate with the federal government to assist the Refuge.

### **V. Water Quality Program – Dr. Matthew Harwell, U.S.F.W.S.**

Dr. Harwell introduced his topic through a slide presentation. The program serves 3-purposes; conservation, water supply and flood protection. Historically, the Refuge is a rainfall-driven system with 40-60 % of water coming from rain and the rest from inflows. The system is operated in accordance with an operating schedule that balances flood protection, water supply, and the environment. Since 1951, the Refuge has had four different regulation schedules, the most recent since 1995. Dr. Harwell discussed the federal lawsuit history. Refuge staff do track water levels in the Refuge. The lawsuit settlement called for stormwater treatment areas (STA's), BMP's, and research to better understand the Phosphorus thresholds. The USFWS manages the Refuge to maintain water quantity and quality conditions to maximize the system to obtain the conditions they want. The USFWS does not have a good grasp in how water from canals impacts the marsh. They need to better understand the water quality in the interior of the marsh, and its impacts on the marsh ecosystem. Dr. Harwell described the new, enhanced monitoring program established for the Refuge. The water coming in from canals is Agricultural and urban driven in nature. Conductivities are higher in canals and the transition zones than in the interior Refuge areas, ranging from nearly 1,000  $\mu\text{mhos/cm}$  to 10  $\mu\text{mhos/cm}$  in the interior. Based on a 2008 Case Study, it was determined that under high inflow conditions, while having nearly equal outflows, water quality impacts were reduced in the interior. They have now been able to develop management recommendations.



Chairman Koons noted that the purpose for today's meeting is for all to hear the particular issues of the Refuge. In response to a question about more STA's, Dr. Harwell noted the challenge of too much water and phosphorus can overwhelm the STA's. An upstream reservoir would be a good thing in concept by reducing flows and noted that is being explored. LWDD offered to together with USFWS staff to balance water elevations better. Refuge staff complimented LWDD in managing water and having innovative ways to improve water management when needed.

## **VI. Public Comment – Jeff Koons, PBC WRTF Chair**

The following comments were made by members of the public:

- We need more STA's.
- We need more created wetlands like Green Cay.
- Climate Change...we need to take an active step to address it. We should place the SFWMD "white paper" on Climate change on the agenda for the next meeting.
- The County has a mobile irrigation lab, but the funding is being cut. We need to have this sort of thing to monitor the efficiency of irrigation practices. We need to be more proactive by reducing our water consumption and improving reuse. This task force needs to look at this carefully.
- There is concern about moving houses west if climate change results in sea level rise.
- Wellfield protection around the turnpike is a concern. We should consider using seepage barriers.

### **Board Comment:**

- Foy- Swales are examples of BMPs that improve water quality when well managed. He noted he has observed that many of these systems are poorly maintained and therefore do not provide the benefits they should. He asked the Task Force to have Ken Todd prepare a draft Resolution for their review and approval that encourages all government entities to ensure that the BMPs within their jurisdiction are properly maintained. This to be brought to the Task Force at the next meeting.
- Foy-All Governments are experiencing a funding problem. He asked if we could consider advocating the setting up of a regulatory administration function that could provide a water credit (Lox Groves, for example) for fixing leaks through a salinity control structure or a seepage barrier. These seepage barriers along the coastal canals would be in addition to current salinity control structures. By constructing a seepage barrier an entity could then pull water out of a canal to help provide water for that community. The water being used would be the same volume that would have been lost to tide.
- Koons – Would like to have Climate Change placed on a future agenda.
- Levy – Asked that the next meeting include an update of the Numeric Criteria Rule by EPA.
- Next meeting to include a report on the Phase 2A Study of the C-51 Reservoir Project.
- Next meeting to include a report by SFWMD on the status of the North Palm Beach County, Part 1 Project (locally preferred plan, construction of flow-ways, pump station, etc.).

**IX. NEXT MEETING**

The next meeting of the Palm Beach County Water Resource Task Force is scheduled for Thursday, January 21, 2010 from 1:30 p.m. to 4:30 p.m. at the Jupiter Community Center.

**X. ADJOURNMENT & REFUGE TOUR**

There being no further business, Chair Koons adjourned the meeting at 3:25 p.m. Members and visitors were encouraged to tour the Exhibits or one of the nature trails.

**Next Scheduled PBC WRTF Meeting**

**January 21, 2010  
1:30 p.m. to 4:30 p.m.  
Town of Jupiter Community Center  
210 Military Trail  
Jupiter, FL 33458**



**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**

**Lake Worth Drainage District  
13081 Military Trail, Delray Beach, FL**



**September 17, 2009  
1:30 P.M. to 4:30 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair Jeff Koons called the meeting to order at 1:40 p.m. in the Board room of the LWDD in Delray Beach.

**Members Present:**

Jeff Koons (Chair), David Levy (Vice-Chair), James Alderman, John Flanigan, Patrick Rooney, Dr. Carmine Priore, Betty Bingham, Todd Wodraska, Jay Foy, Donald Noel, Ted Winsberg (Alt. for Steve Bedner), Dan Beatty (Alt. for O'Neal Bardin), Dave Stewart (Alt. for Steve Wilson)

**Alternates Present:**

John Whitworth, Dick Tomasello, Terrie Bates

**Members not Present:**

Steve Bedner, Steve Wilson

**Alternates not Present:**

Shelley Vana, Susan Haynie, Dennis Lipp, Cara Jennings, Albrey Arrington, Michael Dahlgren

**County Staff Present:**

Bevin Beaudet and Valerie Cintron-Perez

**Guests Present:**

**WRTF Working Group:** Ken Todd (Chair), Mike Baker, Peter Kwiatkowski, Darrell Graziani, Juan Guevarez, Kyle Grandusky, Chris Helferich, Kurt Bressner

**Other Guests:** Ronald Crone, Martha Musgrove, Joan Lawrence, Clete Saunier, Alexandria Larson, Sharon Waite, Carol Connolly, Pat Martin, Marie Ecton, Drew Martin, Steve Lamb, Don Mathis, Vince Akhimie, Karen Brandon, Greg Reynolds, Tom Twyford, John Wodraska, Vicki Lehr, Mike Erickson, Jamie Titcomb, Neil Johnson, Christy Coglean, Mario Loaiza, Tim Powell, Isabel Butero

**II. APPROVAL OF MEETING MINUTES:**

Since several revisions were pointed out, the Task Force asked that the Minutes be revised and brought back for approval at the next meeting.



### **III. Working Group Report Update – Ken Todd, Working Group Chair**

At the April Task Force meeting, the Task Force asked the Working Group to prepare a report noting the issues and concerns of the concept of controlling water elevations in a different fashion than currently practiced as a way of conserving water that would be released to tide. The Working Group prepared a report on the concept and determined that the concept had merit with a recommendation that a pilot study be done to evaluate how such a system would work. Upon hearing that report at the July Task Force meeting, the Task Force then asked the Working Group to bring back a recommended location and cost to carry out the pilot study. Ken Todd, Working Group Chair, reported at this meeting that the Working Group had narrowed down to six the possible list of locations at their most recent meeting. Mr. Todd indicated that at their next meeting the Working Group would discuss each of the six locations in detail and bring back as a recommendation at the next Task Force meeting one or two locations for a pilot study.

### **IV. C-51 Reservoir Environmental Issues Presentation – Bevin Beaudet, PBC Utilities Dept.**

Bevin Beaudet made a presentation on the Environmental issues associated with the C-51 Reservoir. He explained to the Task Force members that this project is still in the conceptual study phase (Phase 2A) and further detailed evaluation will be needed. He presented that the total demand for all of the County Utilities was 232 million gallons per day. Bevin then emphasized that in any given year more 270 million gallons per day on average is wasted to tide through the S-155 Structure in the C-51 Canal resulting in considerable environmental damage to the Lagoon. This flow accounts for increased turbidity, reduced bio-diversity and benthic habitat, as well as degraded water quality.

Bevin told the Task Force that a possible solution for reducing the wasted flow to tide is to create a new reservoir in the existing geological formation that currently contains the L-8 reservoir at the edge of the EAA. The benefits to such a system would be improved ecosystem in the LW Lagoon, improved regional system management flexibility, improved water quality, water supply offsets, and an ability to better adapt to climate change. Bevin mentioned that the alternative to this plan would likely be a reverse osmosis plant which would be more expensive, have higher maintenance and operation costs, higher energy costs, and have a significant carbon footprint. Some of the issues that the next study phase (Phase 2B) will need to address are: water quality concerns, conveyance issues, quantifying the environmental benefits, operation and maintenance concerns, project costs, and creation of offsets.

Several Task Force members asked Bevin about the upcoming Scope of Work for Phase 2B. Bevin indicated that this phase will provide answers to costs, conveyance, water quality and other technical issues so all will be able to make an informed decision as to the effectiveness of the plan. The Task Force voted unanimously to support moving on with Phase 2B. The Task Force also asked Bevin to make a report on the final results of the Phase 2A study when complete and to bring back the Scope of Work for Phase 2B when finished.

### **V. PUBLIC COMMENT**

Alex Larson expressed her opposition to pay an exorbitant amount for another pit. Sharon Waite also expressed concern over paying too much money for another pit. Drew Martin of the Sierra Club, said that we don't have enough answers to move forward with the project.

Martha Musgrove expressed support for moving to the next phase of study for the project. Greg Reynolds, Executive Director of Lagoon Keepers, expressed support for continued study of the reservoir because keeping flow out of the Lagoon is an environmental benefit to the Lake Worth Lagoon. Tom Twyford, President of the West Palm Beach Fishing Club, also offered support for continued study of the project as more storage provides for less water entering the LW Lagoon and a better environment for fish. Mike Erickson, Indian Trail Supervisor, also supported more storage in the area, but wanted to see the first pits (L-8) finished before a new was started.

## **VI. NEXT MEETING**

The next PBC WRTF meeting is scheduled for Thursday, November 19, 2009 from 1:30 p.m. to 4:30 p.m. at the Arthur R. Marshall Loxahatchee National Wildlife Refuge Auditorium, Boynton Beach, FL. The agenda will include a presentation by Refuge staff on issues of concern to the Refuge and a report by the Working Group on a Pilot study location for sub-basin runoff dispersion.

Future meeting topics will include the Northern Plan, Numeric Nutrient Criteria, and landscaping issues related to conservation.

## **X. ADJOURNMENT**

There being no further business, Chair Koons adjourned the meeting at 3:15 p.m.

### **Next Scheduled PBC WRTF Meeting**

**November 19, 2009  
1:30 p.m. to 4:30 p.m.  
Arthur R. Marshall Loxahatchee Nat'l Wildlife Refuge  
10216 Lee Road  
Boynton Beach, FL 33473**



**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**



**Wellington Community Center  
12165 West Forest Hill Blvd.  
Wellington, Fla.**

**July 16, 2009  
1:30 P.M. to 4:30 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Chair Jeff Koons called the meeting to order at 1:40 p.m. in the Grand Cypress Room of the Wellington Community Center.

**Members Present:**

Jeff Koons, David Levy, Jay Foy, John Flanigan, Todd Wodraska,, Ted Winsberg (Alt. for Steve Bedner), Dan Beatty (Alt. for O'Neal Bardin), Terrie Bates (Alt. for Patrick Rooney), John Whitworth (Alt. for James Alderman), Dennis Lipp (Alt. for Betty Bingham)

**Alternates Present:**

None

**Members not Present:**

Dr. Carmine Priore, Betty Bingham, Donald Noel, Steve Bedner, Jim Alderman, Patrick Rooney, Steve Wilson

**Alternates not Present:**

Commissioner Shelley Vana, Dick Tomasello, David Stewart, Lynne Hubbard, Susan Haynie, Cara Jennings, Albrey Arrington, Michael Dahlgren

**County Staff Present:**

Tom Miller

**Guests Present:**

**WRTF Working Group:** Ken Todd (Chair), Mike Baker, Peter Kwiatkowski, Joey Quinn, Kyle Grandusky, Chris Helfrich, Rich Walesky, Paul Schofield

**Other Guests:** Ronald Crone, Rosa Durando, Martha Musgrove, Laura Corry, John W. Bonde, Alex Larson, Carol Connolly, Fred Rapach, John Koch, Ed Tedtmann, Bob Lawson, Terry Clark, Harold Aiken, Bob Moresi, Marie Ecton, Pat Martin, Christy Coghlan, Drew Martin, Bill Lynch, Steve Lamb, David Yates, Kathleen O'Neil, Martin County Commissioner Patrick Hayes, Ed de la Parte, Don Mathis

**II. APPROVAL OF MEETING MINUTES:**

A motion was made by Jay Foy and seconded by David Levy to approve the 4-16-09 meeting minutes as presented. The motion passed unanimously.



### III. Emerging Issues

Chairman Koons asked members of the Task Force for issues of concern that could be considered for future meetings. Mr. Foy noted that the Task Force might consider two issues: (1) **Water utility rate schedules**: Presently rates are set based on consumptive demand and are not resource based rates. He questioned how rates might look if the focus were different. (2) **Well fields**: Historically, well fields were located on the coast. He questioned how might well fields be located now if we were able to do it over again with the present knowledge. Hearing no further comments from the Task Force, Mr. Koons asked the audience for their suggestions. The following suggestions for future agenda items were provided by the public:

- Overall “re-plumbing” of the drainage network within Palm Beach County
- Address salt water intrusion in Palm Beach County, before any water is reallocated south
- EPA Numeric nutrient criteria and its impact to the County.

### IV. Ocean Outfalls Update – Chris Helfrich, City of Boca Raton Utilities Director

Chris Helfrich made a short presentation on the current status of efforts to eliminate ocean wastewater outfalls in Southeast Florida, two of which are located in Palm Beach County. He related a history of the ocean outfall concerns that led to enactment of Senate Bill 1302, which was signed by the Governor on June 30, 2008 to require the elimination of all ocean outfalls by December 31, 2025, except for functioning reuse system backup. Specific strategies for the elimination of ocean outfalls for Boca Raton and the Cities of Boynton and Delray Beach were also addressed and included expansion of reuse, additional piping, and deep well injection at a cost of approximately \$50 Million. Mr. Helfrich concluded with several issues that he believed the Task Force needs to follow closely that include: (1) NPDES Permitting; (2) Open Ocean Water Quality Monitoring; and (3) the Numeric Nutrient Criteria Rulemaking now being developed by the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency. These could affect storm water discharges to surface water ponds for reuse and further require costly system retrofit to Advanced Wastewater Standards in Palm Beach County. Mr. Helfrich addressed questions related to why local dive clubs were so concerned about the impacts to reef systems by municipal outfalls, how to prevent seepage to surface water canals from shallow groundwater aquifers, and why it has taken such a long time to address the high levels of staphylococcus bacteria in coastal marine waters and along our beaches.

### V. Working Group Report Update – Ken Todd, Working Group Chair

Ken Todd recognized **Mr. Jay Foy, P.E.** for bringing this project idea forward and thanked the Technical-Professional Workgroup for their effort, which he presented entitled “*Feasibility of Adjusting Water Control Elevations During the Dry Season*”. Mr. Todd reported that the result of the Working Group’s review of the concept offered by Mr. Foy was that moving water from saturated areas to drier areas to maximize system storage and minimize discharges to tide had merit. Furthermore, the Working Group recommended that a pilot study be done, which would address the following issues:

- *The political will to implement such an approach*
- *Possible need for consumptive use permit revisions*
- *Additional staff to accomplish the concept*
- *Mechanism for Inter-Agency coordination*
- *Impacts to surrounding properties*
- *Possible problems for septic tank drain fields*
- *Environmental damage or water quality concerns*
- *An H&H analysis*

After much discussion among board members regarding how a pilot study would be funded, the public was given an opportunity to also comment. Comments were received regarding:

- *Project needs to address a policy on drawing down water that otherwise could go south to the Hillsborough Canal*
- *The need for better data to determine the percentage of water moved around versus that which otherwise is not let out to tide*
- *Revisit this issue from the perspective not as a drainage district but as a recharge district*
- *Each 298 District should consider their pain threshold to discharging quickly due to pending hurricane announcement that would affect their operations*

Concluding discussion, a motion was made by David Levy and seconded by Ms. Terrie Bates, alternate for Mr. Patrick Rooney, to have the Working Group define an area where a pilot study would be recommended and determine what the cost would be to conduct such a study.

#### **VI. WEAP Model Presentation – David Yates, Nat'l Center for Atmospheric Research Kathleen O'Neil, Geotrans, Inc.**

Tom Miller provided an introductory presentation entitled "*A Dynamic Decision Support System (D2S2) Helping Water Managers Plan for the Future in Times of Uncertainty*". Mr. Miller's presentation introduced the topic, describing it as a regional planning tool to help guide water supply planning decisions that would optimize and provide cost-effective water supply solutions. These decisions would hopefully contribute to regional economic vitality, environmental sustainability, and an appropriate management of growth while maintaining a high degree of flexibility and certainty. After describing some of the model's benefits, he then turned the presentation over to Mr. David Yates who made a brief presentation of the WEAP Model's use as a planning tool for future facilities and how through a D2S2 development team comprised of local stakeholders the model was developed. Mr. Yates then guided the Task Force (through a model run with specific scenarios) in understanding the flexibility and power of this regional planning tool in its ability to guide policy decisions as related to water supply management. Mr. Koons thanked the D2S2 development team for the interesting and exciting project tool that has been developed for Palm Beach County.

#### **VII. C-51 Reservoir Scope of Work Update – Tom Miller, Palm Beach County Utilities**

Tom Miller presented a status update on the C-51 Reservoir Project, Work Scope 2A as it has been revised since the last Palm Beach County Water Resource Task Force meeting. Tom provided a brief summary of Palm Beach County Water Resource Task Force approval to support this project to date and what that approval included. He then reminded the Task Force of what has been subsequently approved at the recent joint meeting of the Palm Beach Water Resources Task Force and the Broward County Water Resources Task Force. He then clarified that what was approved at the joint task force meeting is different than what was approved by Palm Beach County's Task Force in April. He stated that he was bringing back those differences to clarify for the Task Force what staff's next steps would be. He related the primary difference was in the requirement to obtain South Florida Water Management District input into a revised Work Scope 2A that would specifically include revisions to population projections, water conveyance, and consistency with the Regional Water Availability Rule. All of this would be addressed in the revise work scope, within the outstanding project balance of \$72,413. The remaining needs of the District (i.e. reservoir constructability and Everglades Restoration/River of Grass Compatibility) that were presented at the joint meeting would need to be addressed in another project phase, termed Work Scope 2B. To date, that direction and budget have not been approved by the Palm Beach County Commission. Tom related the next steps to the Task Force, noting that the Palm Beach County Commission has asked

for a status update on this project at their September 22nd meeting, at which time County staff would seek project direction for continuation of the project.

As no action from the Task Force was needed, Mr. Koons' thanked staff for their efforts on this project and by consensus, agreed to hold another Task Force meeting on September 17, 2009 to discuss further the environmental impacts of the project and to review staff's recommendation for project direction to the Commission.

#### **VIII. Public Comment**

Ed Tedtmann, Drew Martin, John Koch, and Alex Larson all expressed concerns over the project. Some of the concerns were based on costs of the project and some on the possible impacts to CERP projects in the EAA. Martin County Commissioner Patrick Hayes encouraged the Task Force to continue supporting further exploration of the benefits/impacts associated with creating a reservoir for additional storage.

Rosa Durando spoke on the following four issues:

1. There is a need for more regional storage.
2. There is no existing conveyance south to Broward County.
3. The Everglades has a federally protected allocation of water.
4. There are conveyance issues with the LWDD E-I Canal for moving water south.

#### **VIII. NEXT MEETING**

The next PBC WRTF meeting is scheduled for Thursday, September 17, 2009 from 1:30 p.m. to 4:30 p.m. at the offices of the Lake Worth Drainage District in Delray Beach, Fla.

#### **IX. ADJOURNMENT**

There being no further business, Chair Koons adjourned the meeting at 4:15 p.m.

#### **Next Scheduled PBC WRTF Meeting**

**September 17, 2009  
1:30 p.m. to 4:30 p.m.  
Lake Worth Drainage District  
13081 Military Trail  
Delray Beach, Fla.**





**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE JOINT MEETING  
WITH BROWARD COUNTY  
Coconut Creek Community Center**



**June 5, 2009  
11:00 A.M. to 1:00 P.M.**

**I. CALL TO ORDER**

Coconut Creek Vice-Mayor Lisa Aronson welcomed the two Task Forces to the City for this meeting. Broward County Commissioner Kristin Jacobs welcomed all to Broward County. Broward County WRTF Chair Shannon Estenoz thanked all for attending to address this important issue. Palm Beach County WRTF Chair Jeff Koons expressed his pleasure in having the two Task Forces meet to discuss regional water issues. A quorum was announced for both Task Forces and Shannon called the meeting to order at 11:05 a.m.

**Palm Beach County WRTF Members Present:**

Betty Bingham, David Levy, James Alderman, Jay Foy, John Flanigan, Steve Bedner, Patrick Rooney, Todd Wodraska, Jeff Koons, Dan Beatty (Alt. for O'Neal Bardin), Dave Stewart (Alt. for Steve Wilson)

**PBC WRTF Alternates Present:**

Susan Haynie, Dennis Lipp, John Whitworth, Chip Merriam, Shelley Vana, Ted Winsberg,

**PBC WRTF Members not Present:**

Carmine Priore, O'Neal Bardin, Donald Noel, Steve Wilson

**PBC WRTF Alternates not Present:**

Dick Tomasello, Lynne Hubbard, Albrey Arrington

**Broward County WRTF Members and Alternates Present:**

Lisa Aronson, Douglas Bell, Richard Blattner, Peter Bober, Joy Cooper, Shannon Estenoz, Lamar Fisher, Beth Flansbaum-Talabisco, Thomas Good, Kristin Jacobs, Richard Kaplan, Jack McCluskey, Charlotte Rodstrom, Donald Rosen, Allegra Webb-Murphy

**Guests Present:**

**PBC WRTF Working Group:** Ken Todd (Chair), Mike Baker, Peter Kwiatkowski, Linda Brien, Juan Guevarez, Rebecca Elliott

**Broward WRTF Tech Team:** Steve Bassett, William Brant, Hank Breitenkam, Randy Brown, Neil Buckeridge, Hector Castro, Heather Cunniff, Ray Gagnon, Todd Hiteshew, Jennifer Jurado, Dylan Larson, Albert Perez, Raj Verma, David Womacks

**Other Guests:** Ronald Crone, John Mulliken, Rosa Durando, Martha Musgrove, Laura Corry, Jim Fandrey, Alex Larson, Sharon Waite, Carol Connolly, Brian Shields, Dana Ackerman- White, Anta Allen, Terrie Bates, Mike Belvedere, Frank Bernardino, Karen Brandon, Albert Carbon, Ben Chen, Christy Coghlan, John Crouse, Grazia Damasceno, Nick Damasceno, Pat Davis, Rosa Durando, Toni Edwards, Freddy Fisikelli, Thaddeus Hamilton, Barry Heimlich, Fran Henderson, Steve Joseph, Chad Kennedy, Steve Lamb, Tom Miller, Joan Lawrence, Beth Lewis, Keith London, Jose Lopez, Stew Magenheimer, Drew Martin, Pat Martin, Kristin Meltin, Marcia Monserrat, Bob Moresi, Carole Morris, Patrick Mullen, Martha Musgrove, Eric Myers, Bill Louda, Tom Oliff, Mike Owens, Sylvia Pelizza, Deena Reppen, Rudy Rudolph, Randy Smith, Charlotte St, John, Tommy Strowd, Susan Sylvester, Resha Thummadi, Elbert Waters, Patti Webster, Jacquie Weisblum, John Wodraska, Mike Zygnerski

## **II. WRTF UPDATES – Dr. Jennifer Jurado, Broward County Ken Todd, P.E., Palm Beach County**

Dr. Jennifer Jurado gave a short presentation on what the Broward County WRTF has been working on since its inception to address water supply concerns. Members have heard presentations that gave them familiarity with the existing Broward systems. Dr. Jurado explained to the audience that the WRTF has had several discussions concerning programs and policies that are needed to provide improvement to water systems within Broward County.

Ken Todd gave a short presentation on what the Palm Beach County WRTF has been working on since their first meeting in February 2009. Mr. Todd indicated that the PBC WRTF has spent most of its time since February addressing the C-51 Reservoir Project as this project has both environmental and water supply benefits. One other issue that the group has discussed deals with being able to store water within a drainage district system differently from the way it has been done in the past. By managing control elevations differently during the wet and dry seasons, it was felt that we might be able to provide more storage for use during the drier times of the year. Additionally the WRTF was briefed on some the operational concerns associated with different systems within the County.

## **III. STATUS UPDATE OF C-51 RESERVOIR PHASE 2A SCOPE OF WORK Albert Carbon, P.E., City of Ft. Lauderdale Brian Shields, P.E., Palm Beach County Utilities**

Albert and Brian gave a presentation that outlined the Scope of Work for the Phase 2A study of the C-51 Reservoir project as an alternative water supply project. Albert made the following keys points in the presentation of what the preliminary study accomplished to date has concluded:



- 1) Project would meet some environmental restoration objectives
- 2) Project would meet the need for additional potable water supplies for portions of southeast Florida
- 3) Project needs to be developed in a framework for Regional Water Supply
- 4) Preliminary total project costs are \$363 Million or \$2.70/gallon

Brian discussed what the next steps should be for the study. There are certain key issues that need to be examined in Phase 2A before the more extensive and costly Phase 2 study is completed. Brian indicated that these issues are the “deal killers” that can be examined without extensive cost. The key issues that are being planned in the Phase 2A Scope are as follows:

- 1) Update the raw water demand projections based on recently revised population projections
- 2) Water conveyance/Water quality issues
- 3) Geologic/Hydrologic Data Compilation
- 4) Cost effectiveness Sensitivity Analysis

Brian explained that the Utility Coalition still had money in its budget to complete the anticipated cost of the Phase 2A study. Should the results from this phase of the study indicate the project is still feasible, then Phase 2 can be discussed. Brian and Albert recommended to the WRTF that the Phase 2A Study move forward and that the Consultants continue to work with District staff throughout the study.

#### **IV. SFWMD PRESENTATION on the C-51 RESERVOIR**

SFWMD staff gave a presentation on the issues they felt needed to be included within the Phase 2A study. Tom Oliff (Assist. Executive Director) said that because staff felt this project had possible regional impact several departments (O & M, CERP, Administration, Water Supply) have been reviewing the information provided by the Utility Coalition. Tom indicated that the population demands need to be revisited in light of the economic downturn that could reflect in smaller population increases than earlier projected. He also said that traditional water sources are no longer available as result of the Regional Water Availability Rule and so alternative water supplies do need to be explored. He went on to say that water supplies should be looked at more on a regional basis and less on a utility by utility basis.

Tommy Strowd (SFWMD CERP Assist. Deputy Director) discussed the District's views on the issues associated with the C-51 Reservoir project. Tommy said the final study needed to include considerations for: (1) how to construct the facility, (2) conveyance of the water, (3) consistency of the project with the Regional Water Availability Rule, and (4) compatibility with Everglades Restoration (including River of Grass planning).



## V. TASK FORCE DISCUSSION

There was discussion amongst the Joint Task Force membership about several issues that had been raised such as population projections and planning for additional reservoirs that would store water instead of wasting it to tide. It was also mentioned by one member that CERP would probably not capture all the water necessary to rehydrate the Everglades. Therefore, some of the "excess" water currently being wasted to tide may not be available for other purposes as it may be captured in the future for the environment.

Shannon Estenoz, Broward WRTF Chair, responded that she felt the Phase 2A study should be moved forward provided that the District comments were included within the study Scope. District staff reiterated that they are not opposed to the project and believe that the next level of study (Phase 2A) is the appropriate progression before any decision is made as to the feasibility of the project.

The public was given an opportunity to provide comment to what was presented. As a part of the comments made two agencies expressed concerns with the project. The U.S. Dept. of Interior expressed concern over possible impacts of water flowing through WCA. Also, the U.S. Fish & Wildlife Service expressed concerns over possible impacts to the Refuge due to water quality and conveyance issues of untreated storm water within the L-40 Canal.

After the discussion and public comment the Broward WRTF voted unanimously to support the Utility Coalition's effort for the Phase 2A Study provided District comments are incorporated into the study. The Utility Coalition representatives indicated that they would work with the DOI and Refuge during the Study. The Coalition will bring back the revised Phase 2A Scope of Work to the two Task Forces with District comments included at a future Task Force meeting.

The meeting was adjourned at approximately 1:25 p.m.



**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**

**Lake Worth Drainage District  
13081 Military Trail, Delray Beach, FL**



**April 16, 2009  
1:30 P.M. to 4:30 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Vice Chair David Levy called the meeting to order at 1:35 p.m. in the Board room of the LWDD in Delray Beach.

**Members Present:**

Betty Bingham, David Levy, James Alderman, Jay Foy, John Flanigan, O'Neal Bardin, Patrick Rooney, Todd Wodraska, Steve Wilson, Ted Winsberg (Alt. for Steve Bedner)

**Alternates Present:**

Cara Jennings, Dan Beatty, John Whitworth, Michael Dahlgren, Albrey Arrington

**Members not Present:**

Carmine Priore, Commissioner Jeff Koons, Donald Noel, Steve Bedner

**Alternates not Present:**

Chip Merriam, Commissioner Shelley Vana, Dick Tomasello, David Stewart, Lynne Hubbard, Susan Haynie, Dennis Lipp

**County Staff Present:**

Brian Shields and Valerie Cintron-Perez

**Guests Present:**

**WRTF Working Group:** Ken Todd (Chair), Mike Baker, Peter Kwiatkowski, Linda Brien, Joey Quinn, Darrell Graziani, Juan Guevarez, Kyle Grandusky

**Other Guests:** Murray Kalish, Ronald Crone, John Mulliken, Rosa Durando, Martha Musgrove, Laura Corry, Jim Fandrey, John W. Bonde, Max Bosso, Bonnie Finneran, Clete Saunier, Alex Larson, Sharon Waite, Carol Connolly

**II. APPROVAL OF MEETING MINUTES:**

A motion was made by Todd Wodraska and seconded by Pat Rooney to approve the 2-19-09 and 3-19-09 meeting minutes as presented. The motion passed unanimously.

### **III. Working Group Report Update – Ken Todd, Working Group Chair**

The Task Force asked the Working Group to prepare a report noting the issues and concerns that should be addressed in the next level of study for the potential C-51 Reservoir project. After the presentation of that report at the March meeting, the Task Force asked that anyone who had additional comments to send those to the Working Group Chair, Ken Todd. Mr. Todd gave an oral report of those comments received from LWDD, Jay Foy and SFWMD. LWDD, although supportive of the concept, reiterated several issues in the Working Group report. Jay Foy encouraged the use of eminent domain to purchase any lands for the reservoir. SFWMD indicated that several policy decisions needed to be made as a part of the next level of study. Brian Shields, PBC Utilities Deputy Director, suggested that a Phase 2A Scope be done first. This Scope would investigate those items that needed to be known before a lot of money is spent on the system should it move forward. Jay Foy moved that the Utilities Coalition bring back a Phase 2A Scope for approval by the Task Force. It was seconded by Patrick Rooney and it passed unanimously.

### **IV. Rethinking NPBC Control Elevations – Jay Foy, Task Force Member**

Jay Foy made a short presentation on the possibility of having a different control elevation within the northern portions of the county for both the dry and wet seasons in an attempt to conserve water for water supply purposes during the dry periods of the year. After a lot of discussion, it was agreed that the concept should be looked into further. The Task Force asked the Working Group to bring back a preliminary report at the next meeting in July on the feasibility of such a concept for the northern county.

### **V. 10 Year Facility Plan Update – John Mulliken, SFWMD**

John Mulliken of SFWMD made a short presentation on the status of the water supply plans that each municipality is required to prepare as part of their comprehensive planning efforts. John indicated that most municipalities have finished their plans and submitted them to DCA. Those municipalities still working on their plans were encouraged by John to finish them ASAP.

### **VI. Lake Worth Drainage District Issues – Mike Baker, LWDD Director of Operations**

Mike made a presentation on how the LWDD system is operated and some of the challenges associated with operating their system. One specific point Mike made dealt with how their system is set up to handle water deliveries that may come from a new source, such as the C-51 Reservoir. Mike indicated that much of the LWDD is currently recharged from the WCA1 through a pump near Boynton Beach Blvd. The existing canal network is sized to hydraulically move water from west to east because of the natural drop in land elevations. Therefore, moving water east along the C-51 from the potential reservoir site location and introducing it into their system at either SR 7 or Jog Rd. to flow south would probably not work from a hydraulic standpoint. Both he and Ron Crone, LWDD Manager, requested that the group continue to look into moving water along the western edge of LWDD to Boynton Beach Blvd. for any new water deliveries as this will cause the least amount of impacts to their system.

### **VII. Section 24 and CERP Compliance – John Bonde, Village of Wellington**

John Bonde made a short presentation on the STA that the Village constructed adjacent to the WCA1. This STA will remove phosphorous from the Village system, thus providing for better water quality discharged into the C-51 Canal while providing recreational opportunities for the public at the STA site.



## VIII. WRTF PROCEDURES

A couple of issues concerning the procedures used by the Task Force were discussed. In an attempt to keep all comments on subject it was discussed that all public comment be limited to 3 minutes. A motion was made by Jim Alderman and seconded by Steve Wilson to amend the procedures requiring all Public Comments be limited to 3 minutes each. The motion passed with an 8 yes to 2 no vote. The Task Force requested that a timer be made available at all future meetings.

There was also discussion as to whether or not all the meetings should be taped. It was mentioned that it is not a requirement to tape meetings as long as minutes are taken. It was also mentioned that there was no budget to provide for taping of the meetings. It was discussed that it would be difficult to tape the meetings since the meetings moved around the County from meeting to meeting which would require specific coordination at each new location. This would be difficult for staff since there was no budget to provide for taping of the meetings. Given there was no consensus, the idea was dropped.

## IX. NEXT MEETING

The Joint Meeting of the Palm Beach County Water Resource Task Force and the Broward County Water Resource Task Force is scheduled for Friday, June 5, 2009 from 11 a.m. to 1 p.m. at the Coconut Creek Community Center. There is a \$10 charge for lunch. RSVP will be required.

The next PBC WRTF meeting is scheduled for Thursday, July 16, 2009 from 1:30 p.m. to 4:30 p.m. at the Village of Wellington Community Center, Wellington, FL.

## X. ADJOURNMENT

There being no further business, Vice Chair Levy adjourned the meeting at 3:50 p.m.

### Next Scheduled PBC WRTF Meeting

**July 16, 2009  
1:30 p.m. to 4:30 p.m.  
Village of Wellington Community Center  
12165 West Forest Hill Blvd.  
Wellington, FL 33414**



357

Palm Beach County  
Water Utilities

**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**

**NPBCID OFFICES  
357 Hiatt Dr., Palm Beach Gardens, Fla.**



**March 19, 2009  
1:30 P.M. to 4:00 P.M.**

**I. CALL TO ORDER**

Commissioner Jeff Koons called the meeting to order at 1:35 p.m. at the offices of the NPBCID, Palm Beach

**Members Present:**

Jeff Koons, Betty Bingham, Donald Noel, John Flanigan, Steve Bedner, Jim Alderman, O'Neal Bardin, Jay Foy, Todd Wodraska, Pat Rooney, and David Levy

**Alternates Present:**

Dave Stewart, Cara Jennings, Chip Merriam, Dan Beatty, John Whitworth, Ted Winsberg, Dennis Lipp, Albrey Arrington

**Members not Present:**

Steve Wilson and O'Neal Bardin

**Alternates not Present:**

Shelley Vana, Lynne Hubbard, Michael Dahlgren, Dick Tomasello, and Susan Haynie

**County Staff Present:**

Thomas H. Miller, Brian Shields

**Guests Present:**

**WRTF Working Group:** Ken Todd (Chair), Mike Baker, Peter Kwiatkowski, Linda Brien, Joey Quinn, Darrell Graziani, Juan Guevarez, Paul Schofield, Kurt Bressner, Rim Bishop

**Other Guests:** Carol Connolly, Len Lindahl, Karen Brandon, Alex Larson, Sharon Waite, Ron Crone, Steve Lamb, Pat Davis, Pat Martin, Paul Millar, Laura Corry, Max Bosso, John Wodraska, John Bonde, Ken Roundtree, Jupiter H.S. Environmental Academy teacher and students

**II. REVISION OF WRTF PROCEDURES:**

Chairman Koons shared with the Task Force members a suggestion by the County Attorney's office concerning the wording that establishes a Quorum for the meeting. The suggestion was to revise the wording to say "A quorum for the Task Force meeting shall consist of a majority of the appointed members (or alternates) of the Task Force." The motion to accept this language revision was made by Jay Foy and seconded by David Levy. It passed unanimously.

Chairman Koons also suggested that in case both he and the Vice-Chair were not in attendance to run a meeting the Task Force should elect another member to run the meetings in their absence. David Levy moved that the Procedures reflect this addition and nominated Jay Foy to be the Chair Pro-Temp. The motion was seconded by Todd Wodraska and passed unanimously.

### **III. APPROVAL OF NEW WORKING GROUP MEMBER**

Darrell Grazani was recommended as the Working Group member representing the Health Dept. who was replacing John O'Malley. Todd Wodraska moved to accept this member change and it was seconded by David Levy. It was approved unanimously.

### **IV. JOINT MEETING WITH BROWARD COUNTY WRTF**

The Broward County WRTF has requested a joint meeting with the Palm Beach County WRTF in May. It was agreed by the WRTF to hold a joint meeting with Broward as requested on a Friday morning starting at 11:00 a.m. The Task Force asked Ken Todd to arrange such a meeting with Broward County and to bring back a draft Agenda for review by the Task Force at the next meeting.

### **V. WORKING GROUP REPORT ON ISSUES WITH C-51 RESERVOIR PROJECT**

Ken Todd, Working Group Chair, gave an update concerning the issues that needed to be addressed in the Phase II Study of the C-51 Reservoir Project. A copy of the report was provided to all members of the Task Force prior to the meeting. After much discussion the Task Force asked that anyone who wished to provide additional comments on the issues paper be allowed to do so with those comments being brought back to the Task Force at the next meeting. Comments are to be submitted to the Working Group Chair, Ken Todd. A copy of the C-51 Reservoir Feasibility Report by a coalition of Utilities was also provided to the Task Force for their review.

### **VI. S-9 PUMP STATION LAW SUIT**

Chip Merriam of South Florida Water Management District (SFWMD) made a presentation on the S-9 Pump Station law suit. Chip indicated the suit has been sent back to the state courts by the U.S. Supreme Court to look into some facts. A ruling has not yet been made. Chip explained the ruling could have serious implications to all levels of Government as to how water can be moved around from area to area. He encouraged all to continue to monitor the suit.

### **VII. G-160 STRUCTURE & C-18 CANAL WATER LEVEL ISSUES**

Chip Merriam made a presentation of how the G-160 structure was developed and what the SFWMD hoped to achieve in the way of increased water levels in the Loxahatchee Slough. Chip indicated that the District had an agreement with the Florida Dept. of Transportation (FDOT), Northern Palm Beach County Improvement District (NPBCID), South Indian River Water Control District (SIRWCD), and the City of Palm Beach Gardens to raise the water levels incrementally from 15.0' NGVD to 17.5' NGVD in the C-18 Canal over time and monitor the situation. He said that the Florida Dept. of Environmental Protection (FDEP) had recently written a letter to SFWMD instructing them to meet the FDEP Permit Conditions within a certain time period.

Dan Beatty provided information that NPBCID had serious flooding concerns in a couple of Developments within NPBCID if the water levels were raised all at once. They felt the water level needed to be raised incrementally and monitored to see if any modifications were needed to alleviate any flooding that may occur. Len Lindahl, speaking on behalf of SIRWCD, said their District was concerned that the Slough area adjacent to their berms that separate the Jupiter Farms community from the slough could possibly be breached at the higher water elevations that were being proposed without any modifications to their berms. David Levy, speaking on behalf of the City of Palm Beach Gardens, also expressed concern about possible flooding within the PGA National community because some of the roads there were only at elevation 17.0' NGVD.

Each of these three entities encouraged the District to continue work within the agreement into which they had all entered. Chairman Jeff Koons also distributed an e-mail to the Task Force members he had received from FDOT about this issue that seemed to indicate FDOT was unaware of the FDEP letter and



still believed the incremental raising of water levels was the plan. Chip indicated the District was very cognizant of the issue and did not want to cause any flooding. He indicated the District would continue to attempt to work out a solution with FDEP that took into account all parties concerns.

#### **VIII. LOXAHATCHEE RIVER ISSUES**

Albrey Arrington, Executive Director of the Loxahatchee River District, gave a presentation to the Task Force to familiarize the Task Force with issues concerning the Loxahatchee River. No action was taken.

#### **IX. NEXT MEETING**

The next meeting is scheduled for Thursday, April 16, 2009 from 1:30 p.m. to 4:30 p.m. at the offices of Lake Worth Drainage District in Delray Beach.

#### **X. ADJOURNMENT**

There being no further business, Chairperson Koons adjourned the meeting at 3:45 p.m.

#### **Next Scheduled Meeting**

**April 16, 2009  
1:30 p.m. to 4:30 p.m.  
Lake Worth Drainage District  
13081 Military Trail  
Delray Beach, Fla. 33484**



**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**



**PBC WATER UTILITIES  
8100 FOREST HILL BLVD, WPB, FL**

**February 19, 2009  
1:30 P.M. to 4:00 P.M.**

**I. CALL TO ORDER**

Commissioner Jeff Koons called the meeting to order at 1:40 p.m. at the PBC Water Utilities, 8100 Forest Hill Blvd, West Palm Beach, FL 33413

**Members Present:**

Jeff Koons, Betty Bingham, Donald Noel, John Flanigan, Steve Bedner, Jim Alderman, O'Neal Bardin, Jay Foy, Todd Wodraska, Pat Rooney, Steve Wilson, and David Levy

**Alternates Present:**

Dave Stewart, Susan Haynie, Dave Autrey, Chip Merriam, Michael Dahlgren, Dan Beatty, John Whitworth, Richard Tomasello, Ted Winsberg

**Members not Present:**

Carmine Priore

**Alternates not Present:**

Shelley Vana, Lynne Hubbard and D. Albrey Arrington

**County Staff Present:**

Thomas H. Miller, Brian Shields, Valerie Cintron-Perez, and Dana Ackerman-White for PBC Commissioner Shelley Vana

**Guests Present:**

**WRTF Working Group:** Ken Todd (Chair), Chris Helfrich, Kyle Grandusky, Mike Baker, Peter Kwiatkowski, Linda Brien, Joey Quinn, John O'Malley, Juan Guevarez

**Other Guests:** Bill Gurney, Carol Connelly, Fred Rapach and Michael Cox of Gannett Fleming

**II. PRESENTATION ON SUNSHINE LAW**

Lenny Berger of the County Attorney's Office made a brief presentation on the Sunshine Law and the responsibilities of the members pertaining to this law. Each member was provided with a booklet concerning Florida's Sunshine Law and all members were encouraged to read the information herein. Mr. Berger informed all present that all meetings held by both the Task Force and Working Group come under the Sunshine Law.

### III. ELECTION OF WRTF CHAIR

A motion was made by **O'Neal Bardin** and seconded by **David Levy** to elect PBC Commissioner Jeff Koons to serve as the Chair for the Water Resources Task Force. The motion passed unanimously.

### IV. ELECTION OF WRTF VICE-CHAIR

A motion was made by **Steve Wilson** and seconded by **Pat Rooney** to elect David Levy to serve as the Vice-Chair for the Water Resources Task Force. The motion passed unanimously.

### V. APPROVAL OF WRTF PROCEDURES:

The Task Force members discussed the draft Procedures of the Task Force as provided by County Staff.

A motion was made by **Jay Foy** and seconded by **Pat Rooney** to amend section (V) OFFICERS (A) ELECTION OF CHAIR AND VICE CHAIR **to be changed from** "The tenure of the Chair and Vice-Chair for the Task Force shall be for one year or for the duration of the Task Force and shall be automatically extended until the next election", **to say** "The tenure of the Chair and Vice-Chair for the Task Force shall be a maximum of one year. The motion passed unanimously.

A motion was made by **Jay Foy** and seconded by **David Levy** to amend section (VII) TASK FORCE MEETINGS (B) **to be changed from** "A quorum for the Task Force meeting shall consist of fifty percent (50%) plus one (1) of the total appointed Task Force members (or Alternates), or seven (7) Task Force members (or alternates). " **to say** "A quorum for the Task Force meeting shall consist of seven (7) Task Force members (or alternates). The motion passed unanimously.

A motion was made by **Todd Wodraska** and seconded by **Betty Bingham** to approve the WRTF Procedures with the changes listed above. The motion passed unanimously.

### VI. DISCUSSION OF MEETING LOGISTICS

1. Each meeting will be held on the third Thursday of each month from 1:30 P.M. to 4:30 P.M.
2. The March meeting to be held in Jupiter. All future meetings will be rotated throughout the county. The third meeting will be held at the offices of the Lake Worth Drainage District (LWDD) in Delray Beach.
3. Meetings will be held monthly for the first few meetings and then less frequently by the summer. The group will decide then how frequently to meet.

### VII. APPROVAL OF THE WRTF WORKING GROUP

Ken Todd, Chair of the Working Group by BCC Resolution, presented the names for the remainder of the Working Group for approval by the Task Force members. A motion was made by **David Levy** and seconded by **Todd Wodraska** to approve the WRTF Working Group Members as listed: Ken Todd, Chris Helfrich, Kyle Grandusky, Mike Baker, Peter Kwiatkowski, Linda Brien, Joey Quinn, John O'Malley, Juan Guevarez, Paul Schofield, Kurt Bressner, Rich Walesky, Rim Bishop, John Fumero, Rebecca Elliott, and Pat Gleason. The motion passed unanimously.



## VIII. C-51 RESERVOIR PRESENTATION

Albert Carbon, Public Works Director for the City of Ft. Lauderdale, made a brief presentation on the progress made by a coalition of Utilities in investigating the possibility of capturing runoff from the C-51 Canal; storing it in a reservoir for release to the LWDD system for canal and wellfield recharge throughout central and southern Palm Beach County. Broward County could benefit from this by having water originally allocated for Palm Beach County from WCA 1 freed up to be used by Broward County. Ken Todd, Working Group Chair, suggested that the Task Force may want the Working Group to look into the issue and bring back a report at a future meeting. Jay Foy moved that the Working Group meet and bring back to the Task Force a Technical Scope for the project (list of items that needed to be looked into in more detail before any entity moves forward with this concept). The motion was seconded by Todd Wodraska and passed unanimously.

## IX. COUNTY WATER ITEMS FOR FUTURE TASK FORCE DISCUSSION

1. SFWMD - to give Reuse presentation
2. C-51 Basin - WRTF Working Group to provide Task Force with a Technical Scope
3. SFWMD - to make a presentation on the North County Plan, including Mecca Farms Flow-way and water levels in the C-18 Canal and associated PGA Blvd. road elevation
4. SFWMD - to provide an update on the S-9 Pump Station Law Suit
5. Update on status of various 10-water plans submitted to DCA
6. Update on EPA Numeric Water Quality Standards and the TMDL issue for Water Bodies
7. Update on Federal contribution to CERP
8. Update on Utility credit for AWS systems for drought relief during Water Restrictions
9. Provide wellfield maps and wellfield protection ordinance
10. Interagency cooperation in resource permitting

## X. ADJOURNMENT

There being no further business, Chairman Koons adjourned the meeting at 3:50 p.m.

### Next Scheduled Meeting

March 19, 2009  
1:30 p.m. to 4:30 p.m.  
Northern Palm Beach County Improvement District  
357 Hiatt Dr., Palm Beach Gardens, Fla.

## District 2 Links

- District 2 Home
- 
- BCC Agenda
- BCC Briefs
- Ch 20 Live
- City Watch
- District Locator
- Guide to Wind Mitigation Programs
- Homeless Advisory Board
- Legislative Links
- PBC Boards & Committees
- D2 News Archives
- D2 Videos
- Zoning

## BCC Directory

- BCC Home
- BCC Staff
- BCC Agenda
- BCC Briefs
- E-mail BCC
- Find Your District
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- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7
- 
- County Administrator

## Town of Haverhill

4585 Charlotte Street, Haverhill, FL 33417

Tel: (561) 689-0370

Fax: (561) 689-4317

### Mayor-Council Form of Government

Regular Meeting: 2nd & 4th Thursday @ 7 p.m.

Town Hall Hours: 9 a.m. to 3 p.m., Monday-Friday

Next Election Date: 2nd Tuesday in March

2004 Population Estimates: 1,502

### Official:

Mayor: Richard F. Pierro

Councilman: Jerry Beavers

Councilman: U. Jonathan Jadu

Councilman: James Woods

Councilman: H. Christopher Edden

**Councilman: Jay G. Foy**

Clerk: Joseph S. Kroll, Asst. Admin.

Attorney: John Fenn Foster, Esq.

### Contact

#### Commissioner

**Paulette Burdick:**

301 North Olive Ave.

Suite 1201

West Palm Beach, FL

33401

(561) 355-2202

877-930-2202

(Toll Free outside the

West Palm Beach

calling area)

E-mail Commissioner

[Burdick](mailto:PBurdick@pbcgov.org)

[Board of County](http://www.pbcgov.org/boards/commissioners)

[Commissioners](http://www.pbcgov.org/boards/commissioners)

#### Peyton McArthur

Administrative Assistant

[PMcArthur@pbcgov.org](mailto:PMcArthur@pbcgov.org)

#### Robin Rance-Hoffman

Administrative Assistant

(Part-Time)

[RRance@pbcgov.org](mailto:RRance@pbcgov.org)

#### Loren Londner

Secretary

[LLondner@pbcgov.org](mailto:LLondner@pbcgov.org)

#### Contact Us

Phone: 561-355-2202





FLORIDA DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS**Detail by Entity Name**Florida Profit Corporation**STORMWATERJ ENGINEERING, INC.**Filing Information

<b>Document Number</b>	P02000121406
<b>FEI/EIN Number</b>	611431221
<b>Date Filed</b>	11/13/2002
<b>State</b>	FL
<b>Status</b>	ACTIVE

Principal Address

1855 INDIAN ROAD  
SUITE 202  
WEST PALM BEACH, FL 33409

Changed: 06/02/2006

Mailing Address

1855 INDIAN ROAD  
SUITE 202  
WEST PALM BEACH, FL 33409

Changed: 01/17/2008

Registered Agent Name & Address

FOY, JAY G  
1094 TRILAWAY LANE  
HAVERHILL, FL 33417

Address Changed: 01/15/2004

Officer/Director Detail**Name & Address**

Title D

FOY, JAY G  
1094 TRILAWAY LANE  
HAVERHILL, FL 33417

Annual Reports

<b>Report Year</b>	<b>Filed Date</b>
2011	03/16/2011
2012	04/11/2012
2013	01/17/2013

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State of Florida, Department of State

FLORIDA DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS**Detail by Entity Name****Florida Profit Corporation****PBA HOLDINGS, INC.****Filing Information**

<b>Document Number</b>	V72591
<b>FEI/EIN Number</b>	650366954
<b>Date Filed</b>	10/17/1992
<b>State</b>	FL
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<b>Event Date Filed</b>	07/16/2009
<b>Event Effective Date</b>	NONE

**Principal Address**20125 STATE ROAD 80  
LOXAHATCHEE, FL 33470

Changed: 04/29/2005

**Mailing Address**PO BOX 700  
LOXAHATCHEE, FL 33470

Changed: 05/14/1997

**Registered Agent Name & Address**FHS CORPORATE SERVICES INC  
11780 U.S. HIGHWAY ONE  
THREE GOLDEN BEAR PLAZA S-300  
NORTH PALM BEACH, FL 33408

Name Changed: 04/16/1993

Address Changed: 04/16/1993

**Officer/Director Detail****Name & Address**

Title VP

PHILLIPS, W JR



6621 WILBANKS RD  
KNOXVILLE, TN 37912

Title D

TURNER, BEN R  
8940 GALL BLVD  
ZEPHYRHILLS, FL 33541

Title D

PHILLIPS, W SR  
6621 WILBANKS RD  
KNOXVILLE, FL 37912

Title ST

MCMULLEN, J. PATRICK  
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KNOXVILLE, TN 37912

Title DP

TOMEU, ENRIQUE A  
20125 STATE ROAD 80  
LOXAHATCHEE, FL 33470

Title D

KLEIN, MICHAEL S  
71 RIDGECREST ROAD  
KENTFIELD, CA 94904

#### Annual Reports

Report Year	Filed Date
2011	02/21/2011
2012	01/09/2012
2013	01/24/2013

#### Document Images

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<a href="#">04/26/2000 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
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<a href="#">09/24/1997 -- NAME CHANGE</a>	<a href="#">View image in PDF format</a>
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State of Florida, Department of State

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED	NAME OF POLITICAL SUBDIVISION:
MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)



### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, \_\_\_\_\_, hereby disclose that on \_\_\_\_\_, 20 \_\_\_\_:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- \_\_\_ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- \_\_\_ inured to the special gain or loss of my relative, \_\_\_\_\_;
- \_\_\_ inured to the special gain or loss of \_\_\_\_\_, by  
whom I am retained; or
- \_\_\_ inured to the special gain or loss of \_\_\_\_\_, which  
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

\_\_\_\_\_  
Date Filed

\_\_\_\_\_  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



**PALM BEACH COUNTY  
WATER RESOURCES  
TASK FORCE MEETING**



**Clayton Hutcheson Agricultural Center  
559 N. Military Trail  
West Palm Beach, FL 33415**

**April 25, 2013  
1:30 P.M. to 2:30 P.M.**

**I. CALL TO ORDER**

A quorum was announced and Vice-Chair Jay Foy called the meeting to order at 1:40 p.m.

**Members Present:**

Jay Foy (Vice-Chair), Dave Stewart, Ted Winsberg, Michael Dahlgren, Mike Mullaugh, Tanya Quickel, Jeff Hmara, Dick Tomasello (Alt. for John Flanigan), Rod Braun (Alt. for SFWMD)

**Alternates Present:**

Chip Block, John Callaghan

**Members not Present:**

Adrian Salee, John Flanigan, Matt Wilhite, Jim Alderman, David Brown, Mary Lou Berger

**Alternates not Present:**

Shelley Vana, Scott Maxwell, John Whitworth, Dawn Pardo, Kofi Boateng, Henry Shaw

**WRTF Working Group Present:**

Ken Todd (Chair), Pete Kwiatkowski, Pat Painter

**County Staff Present:**

Shannon LaRocque-Baas, Brian Shields

**Guests Present:**

Don Mathis, Drew Martin, Martha Musgrove, Steve Lamb, Richard Radcliffe, Terry Clark, Danna Ackerman-White, Alan Ballwig, Ernie Cox, Patrick Martin, David Swift, Karen Brandon, Alex Vazquez, Brent Whitfield, Dan Beatty, Phil Gildan, Donald Rosen

**II. APPROVAL OF MEETING MINUTES:**

A motion was made by Mike Mullaugh and seconded by Dave Stewart to approve the minutes for the 9-20-12 meeting and the minutes for the 1-18-13 joint meeting with the Broward WRTF. The motion passed unanimously.

### **III. WRTF Officer Elections**

Per the WRTF By-laws, the annual election was held for the 2013 officers. Nominations were accepted for Chair. Mike Mullaugh moved Jay Foy as the Chair and Dave Stewart seconded the motion. The vote was unanimous. Chair Foy then accepted nominations for Vice-Chair. Mike Dahlgren nominated Matt Wilhite for Vice-Chair and the motion was seconded by Dave Stewart. The motion passed unanimously. Chair Foy then accepted nominations for Chair Pro-Temp. Dave Stewart moved Mary Lou Berger as the Chair Pro-Temp. The motion was seconded by Mike Dahlgren and it passed unanimously.

### **IV. Working Group Report – Ken Todd, Chair**

Ken Todd, WRTF Working Group Chair, made a presentation of a report the Working Group was asked to prepare by the WRTF at the June 2012 meeting of the WRTF concerning water supply and additional storage in Lake Okeechobee. A copy of the report was provided to each WRTF member. Ken mentioned that the Working Group met on September 26, 2012 and discussed the following items:

- 1) Increasing available storage throughout the SFWMD jurisdiction to meet water supply demands.
- 2) The minimum Lake Okeechobee stage should be at least 10.0' deep.
- 3) The Lake Okeechobee Regulation Schedule (LORS) schedule of 13.5'-15.5' NGVD is not practical and should be raised to 15'-17.5' NGVD.
- 4) Promote regional storage and conveyance projects to move water around to the created regional storage areas and reduce water lost to tide.

Ken stated that the Working Group identified several issues that needed to be accounted for in the development of a new Lake Okeechobee regulation schedule. First, the Working Group noted that it is a goal of the LORS 08 schedule to manage the lake in a more environmentally sensitive manner than the previous WSE schedule. In order to accomplish this, the duration of extreme water levels at high stages or low stages must be considered to minimize ecological damage.

Another issue that warranted consideration is the study completed by the U.S. Army Corps of Engineers (ACOE) that shows the structural integrity of the Herbert Hoover Dike (HHD) is adversely impacted when high water levels occur. The study noted that a new Lake Okeechobee Regulation schedule cannot be developed until the dike has been rehabilitated sufficiently or the Comprehensive Everglades Restoration Plan Band 1 Projects are completed. The ACOE is not willing to revise the schedule, even upward three inches, until risk is reduced by lake rehabilitation projects or CERP project related additional operational flexibility is in place.

Given these issues, Ken presented recommendations by the Working Group for the Task Force's consideration concerning additional storage for water supply.



## **Recommendations:**

The Working Group recommends that the WRTF consider support of the following concepts:

- 1) Support an expeditious process by the ACOE to revise the Lake Okeechobee Schedule at a future time when the risk of dike failure has been significantly reduced.
- 2) Support increasing storage within Lake Okeechobee as appropriate within the current LORS 08 regulation schedule without specifying specific elevations.
- 3) Support additional regional storage facilities and conveyance system improvements to be able to move water to those facilities when needed.
- 4) Support projects that reduce the volume of water that is sent to tide and instead send it to regional storage facilities.

Jay Foy indicated that the minimum depth of Lake Okeechobee was not an issue that he felt included in the original charge to the Working Group. He was more interested in having the Working Group discuss the minimum depth of all future water reservoirs and the technical merits for having a minimum depth requirement. After some discussion concerning the need for a better operational schedule of Lake Okeechobee, Mike Mullaugh moved to accept the recommendations of the Working Group while noting that it did not include any recommendation concerning a specific minimum depth for Lake Okeechobee. The motion was seconded by Jeff Hmara and it passed unanimously.

By consensus the WRTF agreed to have the Working Group look into a minimum depth for future water storage reservoirs. Ken told the WRTF that he would bring back a report at the next WRTF meeting if the Working Group were able to meet and develop a report in time for that meeting. Otherwise, he would bring the report back to the following meeting in September/October.

## **V. C-51 Reservoir Resolution – Ken Todd, Palm Beach County**

Ken Todd presented the Resolution for a C-51 Reservoir work group that was developed to be presented to the PBC Commission. Ken explained that the development of this Resolution was agreed to by both Task Forces at the Broward/Palm Beach County WRTF joint meeting in January. Ken stated that this Resolution supports advancement of Phase I Implementation of the C-51 Reservoir project. It supports those members of the two Task Forces with more short term water supply or environmental needs to jointly cooperate in the development and structure for participation in the Phase I implementation. Ken explained that those members with an interest in participating in Phase I shall convene a meeting or meetings to discuss the available options and determine how best to proceed with Phase I of the C-51 Reservoir.

Ken then asked for a vote of support for the Resolution that has been scheduled to be on the PBC Commission agenda at their May 7<sup>th</sup> meeting. Jay Foy noted that although the whereas statements included background on flood benefits and costs, these were not included in the Resolution therefore. After a brief discussion Mike Mullaugh moved approval of support for the Resolution. Michael Dahlgren seconded the motion and it passed unanimously.

## **VII. Public Comments**

Drew Martin stated that he believes we need to promote water conservation before we spend large amounts of money on reservoirs for water storage.

Chip Block introduced himself as the WRTF alternate for Mike Mullaugh. Chip indicated he is a councilmember for Jupiter Inlet Colony.

Commissioner Donald Rosen of the City of Sunrise (Broward County WRTF) congratulated the group on a concise well written Resolution that captured the essence of what the two Task Forces agreed to at the joint meeting in January.

## **VIII. Task Force Member Comments**

Mike Mullaugh commented that he was pleased with the collaboration between the Task Force members. He said he felt there was a lot of good discussion on water resource issues. He said that the presentations and subsequent discussions allowed the Task Force to make informed decisions.

## **IX. Next Meeting Agenda – Jay Foy, PBC WRTF Chair**

The next meeting will be held at the Clayton Hutcheson Agricultural Center (if available) located at 559 N. Military Trail in West Palm Beach. The meeting date will be on a Thursday, and will be either June 20<sup>th</sup>, June 27<sup>th</sup>, or July 18<sup>th</sup>, depending on availability of Ernie Barnett (SFWMD) and the facility. The meeting will start at 1:30 p.m. It was further agreed to have Ken Todd looking into the possibility of having all future WRTF meetings held at the Clayton Hutcheson Agricultural Center as it was a convenient location. Ken Todd said he would discuss that possibility with Audrey Norman, Cooperative Extension Director.

By consensus the Task Force asked the Working Group to look into the feasibility of having storage reservoirs all having a minimum depth of 10'. If the report is ready for the next meeting, then it can be placed on the Agenda. Other agenda items include the update by Ernie Barnett on the Loxahatchee River Restoration Plan, an update on the NNC rule making by Kevin Carter, and a presentation on the 25 yr. storm event versus the 100 yr. storm event for floodplain study modeling. Dick Tomasello agreed to make the presentation on this last item.

## **X. Adjournment**

There being no further business, Chair Foy adjourned the meeting at 2:40 p.m.

### **Next Scheduled PBC WRTF Meeting**

**Location TBD**

**Date TBD**

**1:30 p.m. – 4:00 p.m.**



**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
WATER RESOURCES TASK FORCE**

**I. AUTHORITY :**

Resolution No. 2008-1810, adopted October 7, 2008; amended by Resolution No. 2009-0237, adopted February 3, 2009; amended by Resolution No. 2010-0660, adopted April 20, 2010.

**II. APPOINTING BODY :**

Board of County Commissioners

**III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :**

The Task Force is composed of six (6) City elected officials and alternates appointed by the League of Cities; one (1) County Commissioner and an alternate appointed by BCC; one (1) special independent district water and/or wastewater provider official and an alternate appointed by BCC; one (1) Lake Worth Drainage District representative and an alternate appointed by BCC; one (1) drainage/water control district elected official and an alternate appointed by the BCC; one (1) SFWMD Governing Board member and an alternate appointed by SFWMD; one (1) environmental representative familiar with water resource issues and an alternate appointed by the BCC; and one (1) land owner in PBC, actively farming land and an alternate appointed by the BCC; and one (1) Indian Trail Improvement District representative and an alternate appointed by Indian Trail Improvement District Board of Supervisors.

**EXTENDED COMPOSITION :**

**IV. MEETINGS :**

As necessary at various locations throughout Palm Beach County.

**V. FUNCTIONS :**

The Task Force will identify and evaluate opportunities and impediments to providing future water supply, conservation, wastewater treatment, and reuse or reclaimed water opportunities that are most efficient and cost effective.

**VI. LIAISON INFORMATION :**

LIAISON DEPARTMENT

County Administration

CONTACT PERSON

Ken Todd

ADDRESS

301 N Olive Ave Ste 1105  
West Palm Beach FL 33401  
Phone # 561-355-4600

\* indicates a member having an action pending





## WATER RESOURCES TASK FORCE

SEAT ID	CURRENT MEMBER	ROLE TYPE	RACE CODE	GENDER	BUSINESS / HOME PHONE	SEAT REQUIREMENT	APPOINT DATE	REAPPOINT DATE	EXPIRE DATE
<b>Appointed By : PBC County Commission</b>									
1	MaryLou Berger Palm Beach County Board of County Commissioners 301 N Olive Ave FI 12th Gover West Palm Beach FL 33401	Member	CA	F	561-355-2205	County Commissioner	12/04/2012		
<b>NOMINATED BY :</b>									
1	Shelley Vana PBC Board of County Commissioners 301 N Olive Ave FI 12th Gover West Palm Beach FL 33401	Alternate Member A	CA	F	561-355-2203	County Commissioner	12/07/2010	12/04/2012	
<b>NOMINATED BY :</b>									
<b>Appointed By : Palm Beach County League of Cities</b>									
2	Jay Foy Town of Haverhill 1855 Indian Rd West Palm Beach FL 33409	Member	CA	M	561-242-0028	Elected Municipal Official	01/13/2009		
<b>NOMINATED BY :</b>									
2	Milton "Chip" Block 101 Lighthouse Dr Jupiter FL 33469	Alternate Member A	CA	M	561-277-9168	Elected Municipal Official	04/02/2013		
<b>NOMINATED BY :</b>									

\* indicates a member having an action pending

Appointed By [REDACTED] m Beach County League of Cities

3	Michael Mullaugh C-City of Boca Raton 201 W Palmetto Park Rd Boca Raton FL 33432	Member	CA	M	--	Elected Municipal Official	06/21/2011
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NOMINATED BY :

4	Matthew Willhite C-Village of Wellington 12300 Forest Hill Blvd West Palm Beach FL 33414	Member	CA	M	--	Elected Municipal Official	06/21/2011
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NOMINATED BY :

4	Scott Maxwell City of Lake Worth 7 N Dixie Hwy Lake Worth FL 33460	Alternate Member A	CA	M	561-586-1730	Elected Municipal Official	10/01/2009
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NOMINATED BY :

5	Michael Dahlgren  250 JFK Dr Apt 201 Atlantis FL 33462	Member	CA	M	561-641-9696	Elected Municipal Official	11/16/2010
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NOMINATED BY :

\* indicates a member having an action pending

Appointed By [REDACTED] m Beach County League of Cities

5	John Callaghan Town of Juno Beach 340 Ocean Dr Juno Beach FL 33408	Alternate Member A	CA	M	--	Elected Municipal Official	03/06/2012
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NOMINATED BY :

6	Jeffrey Hmara  2220 Ridgewood Cir Royal Palm Beach FL 33411	Member	CA	M	561-204-2530	Elected Municipal Official	04/02/2013
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NOMINATED BY :

6	Dawn Pardo C-City of Riviera Beach 600 W Blue Heron Blvd Riviera Beach FL 33404	Alternate Member A	CA	F	561-845-4095	Elected Municipal Official	09/13/2011
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NOMINATED BY :

7	David Stewart C-Town of Lantana 500 Greynolds Cir Lantana FL 33462	Member	CA	M	561-540-5004	Elected Municipal Official	09/13/2011
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NOMINATED BY :

\* indicates a member having an action pending



Appointed By [REDACTED] m Beach County League of Cities

7	James "JP" Sasser C-City of Pahokee 207 Bacom Point Rd Pahokee FL 33476	Alternate Member A	CA	M	561-924-5534	Elected Municipal Official	09/13/2011
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NOMINATED BY :

Appointed By : PBC County Commission

8	David Brown Town of Jupiter Utilities 210 Military Trl Jupiter FL 33458	Member	CA	M	561-746-5134	Spec. Indep. Water/Wastewater	03/06/2012
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NOMINATED BY : Lox. River District

8	Kofi Boateng City of Boynton Beach/Utilities Department 124 E Woolbright Rd Boynton Beach FL 33435	Alternate Member A	AA	M	561-742-6401	Spec. Indep. Water/Wastewater	03/06/2012
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NOMINATED BY : Lox. River District

9	James Alderman Alderman Farms Sales Corp. P.O. Box 740631 Boynton Beach FL 33474	Member	CA	M	561-369-2801	Lake Worth Drainage District	01/13/2009
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NOMINATED BY : Lake Worth Drainage District

\* indicates a member having an action pending

Appointed By [REDACTED] C County Commission

9	John Whitworth	Alternate Member A	CA	M	561-498-3487	Lake Worth Drainage District	01/13/2009
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3926 Sherwood Blvd  
Delray Beach FL 33445

NOMINATED BY : Lake Worth Drainage District

10	Adrian Salee	Member	CA	M	561-625-0360	Drainage/Water Control Dist.	11/16/2010
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378 Kelsey Park Dr  
Palm Beach Gardens FL  
33410

NOMINATED BY : Drainage/Water Control District

10	Vacant	Alternate Member A			--	Drainage/Water Control Dist.	
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NOMINATED BY : Drainage/Water Control District

Appointed By : South Florida Water Management District

11	Vacant	Member			--	South Florida Water Management District	
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NOMINATED BY : SFWMD

\* indicates a member having an action pending

Appointed By South Florida Water Management District

11	Rod Braun South Florida Water Mgmt District 3301 Gun Club Rd West Palm Beach FL 33406	Alternate Member A	CA	M	561-682-2925	South Florida Water Management District	12/18/2012
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NOMINATED BY : SFWMD

Appointed By : PBC County Commission

12	Theodore "Ted" Winsberg Green Cay Farms, Inc. 12750 Hagen-Ranch Rd Boynton Beach FL 33437	Member	CA	M	561-499-5345	Land Owner, actively farming	04/17/2012
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NOMINATED BY :

13	John Flanigan, Esquire Haile, Shaw & Pfaffenberger, P.A. 660 U.S. Highway One Fl 3rd North Palm Beach FL 33408	Member	CA	M	561-627-8100	Environmental Representative	01/13/2009
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NOMINATED BY :

13	Richard Tomasello, Sr. P.E. Tomasello Consulting Engineer, Inc. 5906 Center St Jupiter FL 33458	Alternate Member A	CA	M	561-575-3910	Environmental Representative	01/13/2009
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NOMINATED BY :

\* indicates a member having an action pending



Appointed By [REDACTED] C County Commission

14	Tanya Quickel Indian Trails Improvement District 13476 61st St West Palm Beach FL 33412	Member	CA	F	561-793-0874	Indian Trail Improv. District	03/06/2012
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NOMINATED BY : Indian Trail Improvement District

14	Henry Shaw Indian Trails Improvement District 13476 61st St West Palm Beach FL 33412	Alternate Member A	CA	M	561-793-0874	Indian Trail Improv. District	03/06/2012
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NOMINATED BY : Indian Trail Improvement District

0 Board alternate(s) are vacant.

\* indicates a member having an action pending

## Anthony Bennett

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**From:** Layle Knox [lknox@indiantrail.com]  
**Sent:** Monday, July 15, 2013 1:46 PM  
**To:** Anthony Bennett  
**Subject:** ITID - Stormwater J Request  
**Attachments:** Pages from Agenda Package 4-10- 2013.pdf - Adobe Acrobat Pro.pdf

Good afternoon,

ITID hired Stormwater J by Board action on April 10, 2013. Attached is the Agenda Memo and the PO.

If possible could we get a copy of the complaint submitted? My Manager is curious to see the parameter of the complaint.

If you need anything more feel free to contact us.

Thank you,  
Layle Knox, Engineering Aide  
Indian Trail Improvement District  
13476 61st Street North  
West Palm Beach, Florida 33412  
Tel: (561) 721-4834  
Fax: (561) 793-3716  
[www.indiantrail.com](http://www.indiantrail.com)

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## Indian Trail Improvement District Board of Supervisors Agenda Memorandum

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**To:** Board of Supervisors  
**From:** Katrina Myers-Arnold, Director of Finance  
**Date:** April 10, 2013  
**Subject:** March Disbursements, 2013

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Staff recommends Board ratification of the following disbursements for March, 2013 in excess of \$10,000. The period total is: \$ 395,115.62.

<u>Vendor</u>	<u>Date</u>	<u>Check Total</u>	<u>Reimbursable</u>
Advanced Drainage	3/20/2013	14,417.90	N/A
Bartow Ford	3/13/2013	68,539.35	N/A
Bon's Barricades	2/28/2013	14,850.00	N/A
Como Oil	2/28/2013	4,513.57	N/A
Como Oil	3/13/2013	3,065.07	N/A
Como Oil	3/20/2013	17,018.74	N/A
Delta Petroleum & Industrial	2/28/2013	19,000.00	N/A
Everglades Farm Equipment	2/28/2013	416.81	N/A
Everglades Farm Equipment	3/13/2013	776.74	N/A
Everglades Farm Equipment	3/13/2013	12,928.72	N/A
Everglades Farm Equipment	3/20/2013	99.12	N/A
Nortrax Equipment	2/28/2013	186,667.00	N/A
Palm Beach Aggregates	2/28/2013	537.44	N/A
Palm Beach Aggregates	3/13/2013	1,325.24	N/A
Palm Beach Aggregates	3/20/2013	11,300.79	N/A



<b>Rampell &amp; Rampell</b>	<b>3/13/2013</b>	<b>12,000.00</b>	N/A
<b>Southern Waste Systems</b>	<b>2/28/2013</b>	<b>12,750.00</b>	N/A
<b>Southern Waste Systems</b>	<b>3/20/2013</b>	<b>1,205.80</b>	N/A
<b>Total Maintenance Build Serv</b>	<b>2/28/2013</b>	<b>13,703.33</b>	N/A
<b>Total</b>		<b><u>395,115.62</u></b>	

Staff recommends Board approval of the following disbursements for March, 2013 in excess of \$10,000. The period total is: \$ 72,186.62.

<u>Vendor</u>	<u>Date</u>	<u>Check Total</u>	<u>Reimbursable</u>
<b>Engenuity Group</b>	<b>3/27/2013</b>	<b>42,239.25</b>	(3,352.00)
<b>Caldwell &amp; Pacetti</b>	<b>3/26/2013</b>	<b>29,947.37</b>	(517.50)
	<b>Total</b>	<b><u>72,186.62</u></b>	<b><u>(3,869.50)</u></b>

*ITID is required to comply with the Local Government Prompt Payment Act (Ch. 218, Part VII, F.S.), which establishes certain firm deadlines for payment of undisputed invoices. Payment applications for construction services must be reviewed and approved by the District Engineer or according to the agreed terms of a District contract.*

The ITID Board is scheduled to hold a Workshop focusing on comprehensive drainage planning on April 15, 2013. Pursuant to District policies, the Board is requested to approve a purchase order for expenditures not to exceed \$35,000 for engineering services relating to planning activities for comprehensive drainage to Stormwater J Engineering.

The Board is requested to approve a purchase order for expenditures not to exceed \$20,000 for engineering services relating to preparation of a Hazard Mitigation Grant Program application.

Staff recommends Board approval to issue a Quarterly Blanket Purchase Order for M & O Fuel (Off-road Diesel, Regular Diesel, and Unleaded) to **Martin County Petroleum** for \$ 100,000.

Staff recommends Board approval to issue a Quarterly Blanket Purchase Order for Pump Ops Fuel (Regular Diesel) to **Martin County Petroleum** for \$ 40,000.

#### **Fiscal Impact**

All expenditures greater than \$10,000 must be approved by the Board of Supervisors. These expenditures are within the approved Fiscal Year 2012-2013 Budget.



# Indian Trail Improvement District

PO Number 13-00523

**Vendor :STORMWATERJ ENGINEERING**

**STORMWATERJ ENGINEERING INC.**

1855 INDIAN RD.  
WEST PALM BEACH, FL 33409

**Bill-to-Address**

13476 61st Street North  
West Palm Beach, FL 33412  
(561)793-0874  
Jim Shallman

**Document Information**

Document Date 04/11/2013  
Required Date 04/21/2013  
Prepared By Jim Shallman  
Workflow ID Admin  
Status Document Transferred to MIP  
Description Engineering Services / Planning Activities  
for ITID Comprehensive Drainage Plan

**Ship-to-Address**

13476 61st Street North  
West Palm Beach, FL 33412  
(561)793-0874  
Jim Shallman

**Comments :** 01-50312BOS APPROVED 4-10-13NOT TO EXCEED \$ 35,000

Qty	Unit Type	Fund	GL	Dept	Unit	Project	Item Description	Unit Price	Total
0.08098	EA	100	50312	01	01	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.0 0	2,834.30
0.077867	EA	100	50312	01	02	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.0 0	2,725.35
0.055447	EA	100	50312	01	03	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.0 0	1,940.65
0.13683	EA	100	50312	01	04	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.0 0	4,789.05
0.099881	EA	100	50312	01	05	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.0 0	3,495.84
0.055522	EA	100	50312	01	06	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.0 0	1,943.27
0.081985	EA	100	50312	01	07	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.0 0	2,869.48
0.054199	EA	100	50312	01	09	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.0 0	1,896.97
0.122019	EA	100	50312	01	10	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.0 0	4,270.67

Qty	Unit Type	Fund	GL	Dept	Unit	Project	Item Description	Unit Price	Total
0.086618	EA	100	50312	01	12	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	3,031.63
0.018344	EA	100	50312	01	13	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	642.04
0.026519	EA	100	50312	01	14	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	928.17
0.008376	EA	100	50312	01	17	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	293.16
0.030302	EA	100	50312	01	18	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	1,060.57
0.014167	EA	100	50312	01	2K	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	495.85
0.027923	EA	100	50312	01	M1S	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	977.31
0.011227	EA	100	50312	01	M2D	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	392.95
0.007988	EA	100	50312	01	M2L	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	279.58
0.001691	EA	100	50312	01	7M	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	59.19
0.0021149999 9999998	EA	100	50312	01	M1H	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	74.02

**Total : \$35,000.00**

#### Approval Information

Jim Shallman	Accounting	04/15/2013 4:18 PM
Tanya Quickel	District Administrator	04/15/2013 2:16 PM
Katrina MyersArnol	Finance Director	04/15/2013 9:14 AM
Jim Shallman	Procurement	04/11/2013 9:53 AM
Jim Shallman	Requester	04/11/2013 9:52 AM
Jim Shallman	Procurement	04/11/2013 9:36 AM
Jim Shallman	Requester	04/11/2013 9:35 AM

This Purchase Order Authorizes the purchase of the items or services in the quantities and the amounts specified above by the purchaser identified above on the presentation of proper identification at time of purchase. The Purchase Order number must appear on billing invoices and packages and billing of the purchase must be submitted to the address shown above. Indian Trail Improvement District is exempt from payment of State Sales Tax under Exemption 85-8012528096C-0. Expires 06-30-2015. Annual Contracts- Work shall be completed in accordance with existing agreement between ITID and Vendor listed herein. Payment shall be in accordance with said agreement, attached scope and budget. Work shall not exceed the herein authorized fee without an approved written change to this Purchase Order.



An act relating to Indian Trail Improvement District, Palm Beach County; providing for codification of special laws relating to the Indian Trail Improvement District, a special tax district of the state; providing legislative intent; codifying, reenacting, and amending chapters 57-646, 67-692, 80-569, 82-352, 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, 99-473, Laws of Florida; providing for minimum charter requirements; amending the boundaries of the district to include additional lands; providing for supervisor qualifications, terms of office, election procedures, and compensation; providing for a referendum; providing for provisions of other laws made applicable; providing for ratification of prior actions; repealing chapters 57-646, 67-692, 80-569, 82-352, 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, 99-473, Laws of Florida, relating to the Indian Trail Improvement District; providing for liberal construction; providing for severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Indian Trail Improvement District, an independent special district and public corporation of the state. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all district authority, including the authority to annually assess and levy taxes or non-ad valorem assessments against all assessable property in the district.

Section 2. Chapters 57-646, 67-692, 80-569, 82-352, 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, and 99-473, Laws of Florida, are codified, reenacted, amended, and repealed as provided in this act.

Section 3. The Indian Trail Improvement District is re-created, and the charter for the District is re-created and reenacted to read:

Section 1. In accordance with section 189.404(3), Florida Statutes, the following are the minimum requirements for the charter of the Indian Trail Improvement District:

(1) The district is organized and exists for all purposes set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time, except as otherwise provided in this act.

(2) The powers, functions, and duties of the district regarding non-ad valorem assessments, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments,

and contractual agreements shall be as set forth in chapters 189, 197, and 298, Florida Statutes, this act, or any other applicable general or special law, as they may be amended from time to time.

(3) The district was created by chapter 57-646, Laws of Florida.

(4) The district's charter may be amended only by special act of the Legislature.

(5) In accordance with chapter 57-646, Laws of Florida, and the subsequent amendatory special acts of the Legislature, the district is governed by a board of supervisors. The membership and organization of the board shall be as set forth in this act, as it may be amended from time to time.

(6) The compensation of board members shall be governed by this act, as it may be amended from time to time.

(7) The administrative duties of the board shall be as set forth in this act, as it may be amended from time to time.

(8) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 119, 189, 286, and 298, Florida Statutes, as they may be amended from time to time.

(9) The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the district shall be as set forth in chapters 189 and 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(10) The procedures for conducting district elections and for qualification of electors shall be pursuant to chapters 189 and 298, Florida Statutes, this act, and applicable general laws, as they may be amended from time to time.

(11) The district may be financed by any method established in this act, chapters 189 and 298, Florida Statutes, or any applicable general laws, as they may be amended from time to time.

(12) In accordance with chapter 298, Florida Statutes, the district may continue to levy upon all of the real taxable property in the district a special tax each year as maintenance tax.

(13) The method for collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapters 197 and 298, Florida Statutes, as they may be amended from time to time.

(14) The district's planning requirements shall be as set forth in chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

Section 2. District created and boundaries thereof.—For the purpose of reclaiming and draining the lands hereinafter described and protecting such lands from the effects of water by means of the construction and maintenance of canals, ditches, levees, dikes, pumping plants, and other drainage works and improvements, and for the purpose of making the lands within

the district available and habitable for settlement and agriculture, for the public convenience, welfare, utility, and benefit, and for the other purposes stated in this act, a water control district is created and established in Palm Beach County, to be known as the Indian Trail Improvement District, a water control district, the territorial boundaries of which shall include the following land:

TOWNSHIP 41 SOUTH, RANGE 41 EAST

That part of Sections 18, 19, and 20, lying South of the southerly right-of-way of the Seaboard Coast Line Railroad, all being in Township 41 South, Range 41 East.

The West ½ of Section 29, all of Sections 30 and 31, and the West ½ of Section 32, Township 41 South, Range 41 East.

TOWNSHIP 42 SOUTH, RANGE 39 EAST

The south one-half (S ½) of Sections 13, 14, and 15; all of Sections 21, 22, 23, 24, 25, 26, 27, and 28; the north one-half (N ½) of Section 29; and all that part of Section 36 lying north and east of the north easterly right-of-way line of levee L-8, a project in the plan of water control of the Central and Southern Florida Flood Control District.

TOWNSHIP 42 SOUTH, RANGE 40 EAST

The south one-half (S ½) of Sections 13, 14, 15, 16, 17, and 18 and all of Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.

TOWNSHIP 42 SOUTH, RANGE 41 EAST

The West ½ of Section 14, lying South of the right-of-way for North Lake Boulevard, the same being a part of Stonewal Estates Plat One as recorded in Plat Book 47, pages 12 thru 17 inclusive, all in Palm Beach County, Florida; the West one-half (W ½) of Section 23; and all of Sections 26, 31, 33, 34, and 35.

The West ½ of Section 17 and all of Sections 18, 19, 20, 21, 22, 27, 28, 29, 30, and 32.

The West 80 feet of Sections 6 and 7 and the South 80 feet of the North 280 feet of the West 1,700 feet of Section 6.

TOWNSHIP 43 SOUTH, RANGE 39 EAST

All of Sections 1, 2, 11, 12, 13, 14, 23, and 24 and all that part of Sections 25, 26, and 36 lying north and east of the northeasterly right-of-way line of levee L-12, a project in the plan of water control of the Central and Southern Florida Flood Control District.

TOWNSHIP 43 SOUTH, RANGE 40 EAST

All of Sections 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 17, 18, 20, 21, 22, 23, and 26; that part of Section 3 lying Northerly and Westerly of the Southeasterly right-of-way line of the "M" Canal; the west three-quarters (W ¾) of Sections 13, 24, and 25; all that part of Section 35 lying north of the northerly right-of-way line of State Road 80; all that part of the West



three-quarters (W  $\frac{3}{4}$ ) of Section 36 lying north of the northerly right-of-way line of State Road 80; and all that part of the West one-half (W  $\frac{1}{2}$ ) of Section 31 lying north and east of the northerly and easterly right of way lines of State Road 80 and Levee L-12 a project in the plan of water control of the Central and Southern Florida Flood Control District.

TOWNSHIP 43 SOUTH, RANGE 41 EAST

All of sections 1, 2, 3, 4, 9, 10, 11, 14, 15, 23, and 26; the east one-half (E  $\frac{1}{2}$ ) and the east one-half of the southwest one-quarter (E  $\frac{1}{2}$  of SW  $\frac{1}{4}$ ) of Section 22; the west one-quarter (W  $\frac{1}{4}$ ) of Section 24; the northwest one-quarter (NW  $\frac{1}{4}$ ) of Section 25; the east three-quarters (E  $\frac{3}{4}$ ) of Section 27; all that part of the east one-half of the west one-half (E  $\frac{1}{2}$  of W  $\frac{1}{2}$ ) of Section 34 lying north of the northerly right-of-way line of State Road 80; and all that part of the west one-half (W  $\frac{1}{2}$ ) of Section 35 lying north of the northerly right-of-way line of State Road 80.

PARCEL 1

A parcel of land lying in the South 587.82 feet of Section 15, Township 42 South, Range 41 East, Palm Beach County, Florida, being bounded as follows:

Bounded on the South by the South line of Section 15.

Bounded on the West by the right-of-way for Coconut Boulevard as recorded in Official Records Book 5778, Page 1279, Public Records, Palm Beach County, Florida.

Bounded on the North by the right-of-way for Lake Park West Road as recorded in Official Records Book 1229, Page 131, Public Records, Palm Beach County, Florida.

Bounded on the East by the right-of-way for 120th Avenue North as recorded in Official Records Book 1229, Page 135, Public Records, Palm Beach County, Florida.

Containing: 35.15 acres, more or less.

PARCEL 2

A parcel of land lying in the South 587.82 feet of Section 15, Township 42 South, Range 41 East, Palm Beach County, Florida, being bounded as follows:

Bounded on the South by the South line of Section 15.

Bounded on the West by the right-of-way as recorded in Official Records Book 1229, Page 135, Public Records, Palm Beach County, Florida.

Bounded on the North by the right-of-way for Lake Park West Road as recorded in Official Records Book 1229, Page 131, Public Records, Palm Beach County, Florida.

Bounded on the East by the right-of-way for Coconut Boulevard as recorded in Official Records Book 5778, Page 1279, Public Records, Palm Beach County, Florida.

Containing: 30.71 acres, more or less.

PARCEL 3

A parcel of land lying in the South 587.82 feet of Section 16, Township 42 South, Range 41 East, Palm Beach County, Florida, being bounded as follows:

Bounded on the South by the South line of Section 16.

Bounded on the West by the right-of-way for 140th Avenue North as recorded in Official Records Book 1229, Page 183, Public Records, Palm Beach County, Florida.

Bounded on the North by the right-of-way for Lake Park West Road as recorded in Official Records Book 1229, Page 125, Public Records, Palm Beach County, Florida.

Bounded on the East by the East line of the West one-half of Section 16.

Containing: 35.31 acres, more or less.

PARCEL 4

A parcel of land lying in the South 587.82 feet of Section 17, Township 42 South, Range 41 East, Palm Beach County, Florida, being bounded as follows:

Bounded on the South by the South line of Section 17.

Bounded on the West by the West line of the East one-half of Section 17.

Bounded on the North by the right-of-way for Lake Park West Road as recorded in Official Records Book 1229, Page 125, Public Records, Palm Beach County, Florida.

Bounded on the East by the right-of-way for 140th Avenue North as recorded in Official Records Book 1229, Page 133, Public Records, Palm Beach County, Florida.

Containing: 35.73 acres, more or less.

Section 3. Provisions of chapter 298, Florida Statutes, made applicable.—The Indian Trail Improvement District shall be a public corporation of this state. The provisions of the general drainage and water control laws of Florida applicable to water control districts which are embodied in chapter 298, Florida Statutes, and all of the laws amendatory thereof, now existing or hereafter enacted, so far as not inconsistent with this act, are declared to be applicable to Indian Trail Improvement District. Indian Trail Improvement District shall have all of the powers and authority mentioned in or conferred by chapter 298, Florida Statutes, and acts amendatory thereof, except as otherwise provided in this act.

Section 4. Provisions of chapter 153, Florida Statutes, made applicable.—The provisions of the County Water System and Sanitary Sewer Financing Law which are embodied in chapter 153, Florida Statutes, and all the laws amendatory thereof, now existing or hereafter enacted, so far as not inconsistent with this act, are declared to be applicable to Indian Trail Improvement District. Indian Trail Improvement District shall have all of the powers and authority mentioned in or conferred by chapter 153, Florida

Statutes, and acts amendatory thereof. Where referred to in chapter 153, Florida Statutes, "county" or "counties" shall mean this district; "county commission" or "commission" shall mean the board of supervisors of this district; "engineer" shall mean the engineer for this district; "county tax assessor" shall mean the county tax collector or the treasurer of the district, whoever is collecting the taxes of the district in the discretion of the board of supervisors; and all other words or terms in chapter 153, Florida Statutes, shall be construed so as to refer and be applicable to this district.

Section 5. Powers of the district.—

(1) The district shall have the power to sue and be sued by its name in any court of law or in equity, to make contracts, to adopt and use a corporate seal and to alter the same at pleasure; to acquire by purchase, gift, or condemnation real and personal property, either or both, within or without the district, and to convey and dispose of such real and personal property, either or both, as may be necessary or convenient to carry out the purposes, or any of the purposes, of this act and chapters 298 and 153, Florida Statutes; to construct, operate, and maintain canals, ditches, drains, levees, and other works for drainage and water control purposes; to acquire, purchase, operate, and maintain pumps, plants, and pumping systems for drainage and water control purposes; to construct, operate, and maintain irrigation works, machinery, and plants; to construct, improve, pave, and maintain roadways and roads necessary and convenient for the exercise of the powers or duties or any of the powers or duties of the district or the supervisors; and, in furtherance of the purposes and intent of this act and chapter 298, Florida Statutes, to construct, improve, pave, and maintain roadways and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, and other beneficial use and development as a result of the drainage and reclamation operations of the district; included as a component of roads in a water control plan parkways, bridges, landscaping, irrigation, bicycle and jogging paths, street lighting, traffic signals, road striping, and all other customary elements of a modern road system; however, as it relates to traffic signals, the district must obtain authorization from the appropriate state or local government prior to expending funds; to construct, operate, and maintain gas mains and facilities for the distribution of natural gas and to purchase natural gas for distribution in the district; to construct and maintain recreation areas and facilities, including the authority to provide for the construction, operation, and maintenance of such recreation areas and facilities; provide recreation and playground equipment; employ supervisory personnel; organize and sponsor community and athletic teams and events; provide liability insurance to cover such projects; lease recreation areas and facilities to nonprofit community corporations or groups; and provide any other programs and elements of recreation areas and facilities, including trails, the enumeration of the same not being exclusive; to borrow money and issue negotiable or other bonds of the district as provided in this act; to borrow money, from time to time, and issue negotiable or other notes of the district therefor, bearing interest at the rate as provided by law, in anticipation of the collection of taxes, levies, and assessments or revenues of the district, and to pledge or hypothecate such taxes, levies, assessments, and revenues to secure such bonds, notes, or obligations, and to sell, discount, negotiate,



and dispose of the same; and to exercise all other powers necessary, convenient, or proper in connection with any of the powers or duties of the district stated in this act. The powers and duties of the district shall be exercised by its board of supervisors, which board shall have the authority to employ engineers, attorneys, agents, employees, and representatives as the board of supervisors from time to time determines, and to fix their compensation and duties.

(2) There shall be adopted by resolution such policies, guidelines, and procedures which will thereby authorize the district, at its discretion, to elect to use either a public bid negotiation process for the letting of contracts and purchase orders for works and improvements of the district, including procurement of personal property, commodities, and services, when the cost of such works and improvements, personal property, commodities, and services does not exceed the CATEGORY TWO amount set forth in section 287.017, Florida Statutes.

Section 6. Board of supervisors; organization; terms of office; election; vacancy.—

(1) Organization.—

(a) The business affairs of the district shall be conducted and administered by a five-member board of supervisors elected by the electors of the district.

(b) The office of each member of the board is designated as being a seat on the board, distinguished from each of the other seats by a numeral: 1, 2, 3, 4, or 5. The numerical seat designation does not designate a geographical subdistrict. Each candidate for a seat on the board shall designate, at the time the candidate qualifies, the seat on the board for which the candidate is qualifying. The name of each candidate who qualifies for election to a seat on the board shall be included on the ballot in a way that clearly indicates the seat for which the candidate is a candidate.

(c) To qualify for office:

1. Each candidate for the office of district supervisor must be a qualified elector of the district; and

2. At the time of qualification, each candidate for a board of supervisors seat shall reside within the boundaries of an activated unit of the district and, if elected, shall maintain such residency throughout the term of office.

(2) Terms of office.—

(a) In the first election following the effective date of this act, seats 1, 3, and 5 shall be designated for 4-year terms and seats 2 and 4 shall be designated for 2-year terms. Thereafter, the terms of all supervisors shall be for 4 years.

(b) Each supervisor shall remain in office until the successor is elected and assumes the duties of the position.

(c) The term of every supervisor who is holding office on the effective date of this act shall be extended from September 2002 until November 2002 to coincide with the first election held pursuant to this section.

(3) Elections.—

(a) Electors.—Any person who is a resident of an activated unit of development of the district who has qualified as an elector of this state and who registers in the manner prescribed by law is an elector of the district.

(b) Nonpartisan elections.—All elections for the district supervisors shall be conducted on a nonpartisan basis without any designation of political party affiliation.

(c) Qualification.—Any person who wishes to become a candidate for a district supervisor's seat shall qualify with the county supervisor of elections in accordance with the provisions of the Florida Election Code and this act.

(d) Schedule for elections and primaries.—The regular nonpartisan district election shall be held on the first Tuesday after the first Monday in November of each even-numbered year, beginning in November 2002. If there are more than two candidates who qualify for any office, a primary election shall be held at the same time as the first primary election.

(e) Schedule for other elections.—An election to fill the remainder of an unexpired term shall be held as provided in this subsection.

(f) Determination of election of office.—If only one candidate qualifies for an office, that candidate shall be deemed to be elected. If two candidates qualify for an office, the names of those candidates shall be placed on the ballot at the general election. If more than two candidates qualify for an office, the names of those candidates shall be placed on the ballot at the first primary election. If no candidate receives a majority of the votes cast for an office in the primary election, the two candidates receiving the highest vote for such office shall be placed on the ballot at the general election, provided that:

1. In any contest in which there is a tie for second place, the name of the candidate placing first and the names of the candidates tying for second shall be placed upon the general election ballot.

2. The candidate receiving the highest number of votes cast for the office in the general election shall be elected to such office. If the vote at the general election results in a tie, the outcome shall be determined by lot.

(g) Elected or reelected supervisors shall be inducted into office at the first regularly scheduled meeting following certification of the election.

(4) Filling of vacancies.—

(a) If any board member fails to attend three consecutive meetings without cause and without prior approval of the chair, that member shall be deemed to have committed neglect of duty and may be subject to the provisions of chapter 112, Florida Statutes.

(b) If any vacancy occurs in the office of any district supervisor and the remainder of the unexpired term is less than or equal to 2 years and 81 days, the remaining supervisors shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy for the remainder of the unexpired term. If, however, the remainder of the unexpired term exceeds 2 years and 81 days, the remaining supervisors shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy until the next regularly scheduled district election.

(c) Any person appointed to fill a vacant seat on the board of supervisors shall be required to meet the qualifications of the seat to which that person is appointed.

Section 7. Compensation of supervisors.—Each supervisor shall be paid for his or her services in accordance with chapter 298, Florida Statutes, and shall be paid 10 cents per mile for each mile actually traveled in going to and from his or her place of residence to the place of meeting.

Section 8. Meeting of landowners; public hearings.—

(1) The board of supervisors may to call special meetings of the landowners at any time to receive reports of the board of supervisors or consider and act upon any matter upon which the board of supervisors requests advice. Notice of all meetings of the landowners shall be given by the board of supervisors by causing publication thereof to be made for 2 consecutive weeks before such meeting in some newspaper published in Palm Beach County. The meetings of the landowners shall be held in some public place in the county, and the place, day, and hour of holding such meetings shall be stated in the notice. The landowners when assembled shall organize by electing a chair who shall preside at the meeting.

(2) Before adopting the annual budget, authorizing a special assessment, or making a material expenditure, as defined in this act, the board of supervisors shall hold a public hearing upon due public notice, at which time the landowners in the district shall have an opportunity to be heard. At such hearings, the board of supervisors shall hear comments from those landowners who will be directly affected by the issue that is the subject of the public hearing. For purposes of this section, "material expenditure" means an expenditure for a line item in the budget which exceeds, on a cumulative basis, the amount of such line item by 10 percent during each fiscal year. However, an expenditure that does not exceed \$1,000, cumulatively, shall not be a material expenditure. For purposes of this act, due public notice shall mean publication of notice of the time, place, and purpose of the scheduled meeting or hearing for 2 consecutive weeks in some newspaper of general circulation published in Palm Beach County. The board of supervisors need not hold a public hearing before making a material expenditure if the board, in its best judgment, determines that an emergency exists.

Section 9. Installment and maintenance taxes levied and apportioned and the collection thereof.—Taxes shall be levied and apportioned as provided for in chapter 298, Florida Statutes, and amendments thereto.



Section 10. Enforcement of taxes and discounts; when unpaid taxes delinquent; penalty.—

(1) The collection and enforcement of all taxes levied by the district shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedures in connection therewith shall be applicable to the district and the delinquent and unpaid taxes of the district to the same extent as if such statutory provisions were expressly set forth in this act. All taxes shall be subject to the same discounts as county taxes. All discounts allowed shall be a charge against the maintenance tax only.

(2) All taxes levied by the district shall be and become delinquent and bear penalties on the amount of such taxes in the same manner as county taxes.

Section 11. Taxes and costs; lien on land against which taxes levied; taxes levied a lien of equal dignity with other taxes.—All drainage taxes levied by the district, together with all penalties for default in payment of the same and all costs in collecting the same, shall constitute a lien of equal dignity with the liens for county taxes, and other taxes of equal dignity with county taxes, upon all the lands against which such taxes are levied. A sale of any of the lands within the district for county or other taxes shall not operate to relieve or release the lands so sold from the lien for subsequent installments of district taxes, which lien may be enforced against such lands as though no such sale thereof had been made.

Section 12. Uniform acreage tax for payment of expenses.—Pursuant to section 298.349, Florida Statutes, the district may levy upon each and every acre of land within a newly created unit of development within such Indian Trail Improvement District a uniform initial assessment of \$50 per acre for the year in which the unit of development is created to be used by the district, through its board of supervisors, for the purpose of paying expenses incurred or to be incurred in making surveys of the lands in the district, assessing district administrator benefits and damages and other expenses necessarily incurred, as estimated or determined by the board of supervisors, before the board of supervisors collects or receives funds under the subsequent provisions of this act. Such assessment shall be a lien upon the lands in the district from the date of the creation of the new unit of development and shall be collected in the same manner as the annual installment of taxes. If it appears to the board of supervisors to be necessary to obtain funds to pay any expenses incurred or to be incurred in organizing the district, making surveys, preparing the water control plan, or other expenses of the conduct and operation of such district before a sufficient sum can be obtained by the collection of the acreage tax levied by this section, the board of supervisors may borrow a sufficient sum of money for any of such purposes at a rate of interest as provided by general law, may issue negotiable notes or bonds therefor signed by the members of the board of supervisors, and may pledge any and all assessments of the acreage tax levied under

the provisions of this section for the repayment thereof. The board of supervisors may issue to any person or persons performing work or services or furnishing anything of value in the organization of the district or making surveys of the same and assessing benefits or damages or preparing the water control plan and other expenses necessarily incurred before the receipt of funds arising from assessments or benefits, negotiable evidence of debt bearing interest at the rate as provided by general law.

Section 13. Bonds may be issued; sale and disposition of proceeds; interest; levy to pay bonds; bonds and duties of Treasurer, etc.—

(1) The board of supervisors may, if in its judgment it seems best, issue bonds not to exceed 90 percent of the total amount of the taxes levied under the provisions of section 298.36, Florida Statutes, in denominations of not less than \$100, bearing interest from date at a rate not to exceed the rate as provided by general law, payable annually or semiannually, to mature at annual intervals within 40 years commencing after a period of not later than 10 years, to be determined by the board of supervisors, both principal and interest payable at some convenient place designated by the board of supervisors to be named in such bonds, which bonds shall be signed by the president of the board of supervisors, attested with the seal of the district and by the signature of the secretary of the board. All of the bonds shall be executed and delivered to the treasurer of the district, who shall sell the same in such quantities and at such dates as the board of supervisors deems necessary to meet the payments for the works and improvements in the district. Such bonds shall not be sold for less than 90 cents on the dollar, with accrued interest, shall show on their face the purpose for which they are issued, and shall be payable out of money derived from the aforesaid taxes. A sufficient amount of the drainage tax shall be appropriated by the board of supervisors for the purpose of paying the principal and interest of the bonds, and the same shall, when collected, be preserved in a separate fund for that purpose and no other. All bonds and coupons not paid at maturity shall bear interest at the rate as provided by general law or until sufficient funds have been deposited at the place of payment, and such interest shall be appropriated by the board of supervisors out of the penalties and interest collected on delinquent taxes or other available funds of the district. However, it may, in the discretion of the board, be provided that at any time, after such date as shall be fixed by the board, the bonds may be redeemed before maturity at the option of the board, or their successors in office, by being made callable prior to maturity at such times and upon such prices and terms and other conditions as the board shall determine. If any bond so issued subject to redemption before maturity shall not be presented when called for redemption, it shall cease to bear interest from and after the date so fixed for redemption.

(2) The board of supervisors of the district may issue refunding bonds to take up any outstanding bonds and any interest accrued thereon when, in the judgment of the board, it is in the best interest of the district so to do. The board is authorized and empowered to issue refunding bonds to take up and refund all bonds of the district outstanding that are subject to call and prior redemption, and all interest accrued to the date of such call or prior redemption, and all bonds of the district that are not subject to call or

redemption, together with all accrued interest thereon, where the surrender of the bonds can be procured from the holders thereof at prices satisfactory to the board or can be exchanged for such outstanding bonds with the consent of the holder thereof. Such refunding bonds may be issued at any time when in the judgment of the board it will be to the interest of the district financially or economically to secure a lower rate of interest on the bonds or by extending the time of maturity of the bonds, or for any other reason in the judgment of the board advantageous to the district. Such refunding bonds may mature at any time or times in the discretion of the board, not later, however, than 40 years from the date of issuance of said refunding bonds. Such refunding bonds shall bear a date of issue and such other details as the board determines and may in the discretion of the board be made callable prior to maturity at such times and upon such prices and terms and other conditions as the board determines. All the other applicable provisions of this act not inconsistent therewith shall apply fully to such refunding bonds and the holders thereof shall have all the rights, remedies, and security of the outstanding bonds refunded, except as may be provided otherwise in the resolution of the board authorizing the issuance of such refunding bonds. Any funds available in the sinking fund for the payment of the principal and interest of outstanding bonds may be retained in the fund to be used for the payment of principal and interest of the refunding bonds, in the discretion of the board of supervisors. Any expenses incurred in buying any or all bonds authorized under the provisions of this section and the interest thereon and a reasonable compensation for paying same shall be paid out of the funds in the hands of the treasurer and collected for the purpose of meeting the expenses of administration. It shall be the duty of the board of supervisors in making the annual tax levy to take into account the maturing bonds and interest on all bonds and expenses and to make a provision in advance for the payment of same.

(3) In case the proceeds of the original tax levy made under the provisions of section 298.36, Florida Statutes, are not sufficient to pay the principal and interest of all bonds issued, the board of supervisors shall make such additional levy or levies upon the benefits assessed as are necessary for this purpose, and under no circumstances shall any tax levies be made that will in any manner or to any extent impair the security of the bonds or the fund available for the payment of the principal and interest of the same. The treasurer shall, at the time of the receipt by him or her of such bonds, execute and deliver to the president of the board of the district a bond with good and sufficient surety to be approved by the board, conditioned that he or she shall account for and pay over as required by law and as ordered by the board of supervisors any and all moneys received by him or her on the sale of such bonds, or any of them, and that he or she shall only sell and deliver such bonds to the purchaser or purchasers thereof under and according to the terms herein prescribed, and that he or she shall return to the board of supervisors and duly cancel any and all bonds not sold when ordered by the board to do so. Such bonds when so returned shall remain in the custody of the president of the board of supervisors, who shall produce the same for inspection or for use as evidence whenever and wherever legally requested to do so. The treasurer shall promptly report all sales of bonds to the board of supervisors. The board shall at reasonable time thereafter prepare and issue warrants in substantially the form provided in



section 298.17, Florida Statutes, for the payment of maturing bonds so sold and the interest payments coming due on all bonds sold. Each of such warrants shall specify what bonds and accruing interest it is to pay, and the treasurer shall place sufficient funds at the place of payment to pay the maturing bonds and coupons when due, together with necessary compensation for paying same. The successor in office of any such treasurer shall not be entitled to such bonds or the proceeds thereof until he or she has complied with all of the foregoing provisions applicable to his or her predecessor in office. The aforesaid bond of the treasurer may, if the board so directs, be furnished by a surety or bonding company, which may be approved by the board of supervisors, provided that, if it is deemed more expedient to the board of supervisors as to money derived from the sale of bonds issued, the board may by resolution select some suitable bank or banks or other depository as temporary treasurer or treasurers to hold and disburse such moneys upon the order of the board as the work progresses, until such fund is exhausted or transferred to the treasurer by order of the board of supervisors. The funds derived from the sale of the bonds or any of them shall be used for the purpose of paying the cost of the drainage works and improvements, and such costs, fees, expenses, and salaries as may be authorized by law, and used for no other purpose.

Section 14. Full authority for issue and sale of bonds authorized.—

(1) This act shall, without reference to any other act of the Legislature, be full authority for the issuance and sale of the bonds authorized in this act, which bonds shall have all the qualities of negotiable paper under the law merchant and shall not be invalid for any irregularity or defect in the proceedings for the issuance and sale thereof and shall be incontestable in the hands of bona fide purchasers or holders thereof. No proceedings in respect to the issuance of any such bonds shall be necessary, except such as are required by this act. The provisions of this act shall constitute an irrepealable contract among the board of supervisors and the Indian Trail Improvement District and the holders of any bonds and the coupons thereof issued pursuant to the provisions hereof. Any holder of any of such bonds or coupons may either in law or in equity by suit, action, or mandamus enforce and compel the performance of the duties required by this act of any of the officers or persons mentioned in this act in relation to the bonds, or to the correct enforcement and application of the taxes for the payment thereof.

(2) After the several bonds and coupons are paid and retired as provided in this act, they shall be returned to the treasurer, and they shall be canceled and an appropriate record thereof made in a book to be kept for that purpose, which record of paid and canceled bonds shall be kept at the office of the treasurer and shall be open for inspection of any bondholder at any time.

Section 15. Eminent domain.—The board of supervisors is authorized and empowered to exercise the right of eminent domain and may condemn for the use of the district any and all lands, easements, rights of way, riparian rights, and property rights of every description, in or out of the district, required for the public purposes and powers of the board as granted in this act, and may enter upon, take, and use such lands as it may deem necessary for such purposes.

Section 16. Unit development; powers of supervisors to designate units of district and adopt system of progressive drainage by units; water control plans and financing assessments, etc., for each unit.—

(1) The Board of Supervisors of Indian Trail Improvement District may drain and reclaim or more completely and intensively drain and reclaim the lands in the district by designated areas or parts of the district to be called "units." The units into which the district may be so divided shall be given appropriate numbers or names by the board of supervisors, so that such units may be readily identified and distinguished. The board of supervisors shall have the power to fix and determine the location, area, and boundaries of and lands to be included in each and all such units, the order of development thereof, and the method of carrying on the work in each unit. The unit system of drainage provided by this section may be conducted and all of the proceedings by this section and this act authorized in respect to such unit or units may be carried on and conducted at the same time as or after the work of draining and reclaiming of the entire district has been, is being, or shall be instituted or carried on under the provisions of this act. If the board of supervisors determines that it is advisable to conduct the work of draining and reclaiming the lands in the district by units, as authorized by this section, it shall, by resolution duly adopted and entered upon its minutes, declare its purpose to conduct such work accordingly, and shall at the same time and manner fix the number, location, and boundaries of and description of lands within such unit or units and give them appropriate numbers or names. As soon as practicable after the adoption and recording of such resolution, the board of supervisors shall publish notice once a week for 2 consecutive weeks in a newspaper published in Palm Beach County, briefly describing the units into which the district has been divided and the lands embraced in each unit, giving the name, number, or other designation of such units, requiring all owners of lands in such district to show cause in writing before the board of supervisors at a time and place to be stated in such notice why such division of the district into such units should not be approved, and the system of development by units should not be adopted and given effect by the board, and why the proceedings and powers authorized by this section should not be had, taken, and exercised. At the time and place stated in the notice, the board of supervisors shall hear all objections or causes of objection, all of which shall be in writing, of any landowner in the district to the matters mentioned and referred to in such notice, and if no objections are made, or if such objections, if made, are overruled by such board, then the board shall enter in its minutes its finding and order confirming said resolution, and may thereafter proceed with the development, drainage, and reclamation of the district by units pursuant to such resolution and to the provisions of this act. If, however, the board of supervisors finds as a result of such objections, or any of them, or the hearing thereon, that the division of the district into such units as aforesaid should not be approved, that such system of development by units should not be adopted and given effect, that the proceedings and powers authorized by this section should not be had, taken, or exercised, or that any other matter or thing embraced in such resolution would not be in the best interest of the landowners of the district or would be unjust or unfair to any landowner therein or otherwise inconsistent with fair and equal protection and enforcement of the rights of every landowner in the district, then such board of supervisors

shall not proceed further under such resolution, but such board of supervisors may, as a result of such hearing, modify or amend such resolution so as to meet such objections so made, and thereupon the board may confirm such resolution as so modified or amended and may thereafter proceed accordingly. The sustaining of such objections and the rescinding of such resolutions shall not exhaust the power of the board under this section; but, at any time not less than 1 year after the date of the hearing upon any such resolution, the board of supervisors may adopt other resolutions under this section and thereupon proceed on due notice in like manner as above. If the board of supervisors overrules or refuses to sustain any such objections in whole or in part made by any landowner in the district, or if any such landowner deems himself or herself aggrieved by any action of the board of supervisors in respect to any objections so filed, such landowner may, within 10 days after the ruling of the board, file a bill of complaint in a court of competent jurisdiction against the district praying an injunction or other appropriate relief against the action or any part of such action proposed by such resolution or resolutions of such board, and such suits shall be conducted like other suits, except that such suits shall have preference over all other pending actions except criminal actions and writs of habeas corpus. Upon the hearing of such cause the court may hear the objections and receive the evidence thereon of all parties to such cause and approve or disapprove such resolutions and action of the board in whole or in part, and render such decree in such cause as right and justice require. When such resolutions creating such unit system are confirmed by the board of supervisors or by the court if such proposed action is challenged by a landowner by the judicial proceedings hereinabove authorized, the board of supervisors may adopt a plan or plans of water control for and in respect to any or all such units, and to have the benefits and damages resulting therefrom assessed and apportioned by the district engineer and the engineer's report considered and confirmed, all in like manner as is provided by law in regard to water control plans for and assessments for benefits and damages of the entire district. With respect to the water control plan, notices, engineer's report, and notice and confirmation thereof, the levy of assessments and taxes, including maintenance taxes, and the issuance of bonds and all other proceedings as to each and all of such units, such board shall follow and comply with the same procedure as is provided by law with respect to the entire district; and such board of supervisors has the same powers in respect to each and all of such units as is vested in it with respect to the entire district. All the provisions of this act apply to the drainage, reclamation, and improvement of each, any, and all of such units, and the enumeration of or reference to specific powers or duties of the supervisors or any other officers or other matters in this act as hereinabove set forth shall not limit or restrict the application of any and all of the proceedings and powers herein to the drainage and reclamation of such units as fully and completely as if such unit or units were specifically and expressly named in every section and clause of this act where the entire district is mentioned or referred to. All assessments, levies, taxes, bonds, and other obligations made, levied, assessed, or issued for or in respect to any such unit or units shall be a lien and charge solely and only upon the lands in such unit or units, respectively, for the benefit of which the same shall be levied, made, or issued, and not upon the remaining units or lands in the district. The board of supervisors



may at any time amend its resolutions by changing the location and description of lands in any such unit or units; and provided, further, that if the location of or description of lands located in any such unit or units is so changed, notice of such change shall be published as required in this section for notice of the formation or organization of such unit or units, and all proceedings shall be had and done in that regard as are provided in this section for the original creation of such unit or units. However, no lands against which benefits have been assessed may be detached from any such unit after the confirmation of the engineer's report of benefits in such unit or units or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon the lands within such unit or units.

(2) If, after the confirmation of the engineer's report of benefits in such unit or units, or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon lands within such unit or units, the board of supervisors finds the water control plan for any such unit or units insufficient or inadequate for efficient development, the water control plan may be amended or changed as provided in chapter 298, Florida Statutes, and the unit or units may be amended or changed as provided in this section, by changing the location and description of lands in any such unit or units, by detaching lands therefrom, or by adding lands thereto. In such event all assessments, levies, taxes, bonds, and other obligations made, levied, assessed, incurred, or issued for or in respect to any such unit or units may be allocated and apportioned to the amended unit or units in proportion to the benefits assessed by the engineer's report for the amended water control plan and such report shall specifically provide for such allocation and apportionment. However, a change or amendment to a designated unit is not authorized if it has the effect of impairing a debt or other obligation of the unit or district.

Section 17. Amendment of water control plan.—

(1) The Board of Supervisors of Indian Trail Improvement District may amend a previously approved water control plan by resolution, provided that the district engineer certifies that all land benefited by the improvements provided for in the original plan receives the same or greater benefits as previously assessed and that the estimated cost of implementing the plan, as amended, does not exceed the total benefits assessed in the manner provided by law, until such time as chapter 298, Florida Statutes, is amended to provide a process for implementing section 298.225(8), Florida Statutes.

(2) Indian Trail Improvement District may accept for maintenance additional facilities which are within its boundaries and which are donated to the district at no cost and may supplement a previously adopted water control plan to include such facilities.

Section 18. Ratification of prior acts.—All acts and proceedings of the circuit court taken by, for, and on behalf of the district since the creation thereof; all of the acts and proceedings of the board of supervisors, the commissioners, and all other officers and agents of the district, and of the

county, acting for and on behalf of the district; and any and all tax levies and assessments which have been made by the board of supervisors for and on behalf of the district, are each and every one of them, and each and every part thereof, ratified, validated, and confirmed.

Section 4. Chapters 57-646, 67-692, 80-569, 82-352, 83-491, 88-501, 89-465, 90-446, 92-261, 97-326, and 99-473, Laws of Florida, are repealed.

Section 5. This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 6. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 7. Except as otherwise provided in this act, in the event of a conflict of the provisions of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 8. A landowner referendum shall be called by the board of supervisors within 60 days after the effective date of this act on the question of whether the board of supervisors will be elected by qualified electors, as provided by section 6 of the charter contained in section 3 of this act. Notwithstanding section 298.12, Florida Statutes, all district landowners whose lands are not exempt from district assessments and may be assessed for benefits are entitled to vote in the referendum held pursuant to this section. The referendum shall be held on a one-acre/one-vote basis. If the landowners approve the election procedure described in section 6 of the charter contained in section 3 of this act by a majority vote of the acreage cast, then such section shall take effect immediately. A landowners referendum shall also be called at the same time on the question of whether the governing board shall be a 5-member or 7-member board. Provided the election procedures of section 6 of the charter contained in section 3 of this act are approved and the landowners approve a 7-member board by a majority vote of the acreage cast, then section 6 of the charter contained in section 3 of this act shall be amended to provide a 7-member board with member 6 first term of office 4 years and member 7 first term of office 2 years. If the landowners do not approve the election procedure described in section 6 of the charter contained in section 3 of this act by a majority vote of the acreage cast, then such section shall be replaced by the following:

Section 6. Board of supervisors; election; organization; meetings; powers; duties; terms of office.—

(1) The governing body of the Indian Trail Improvement District shall be the board of supervisors. The board shall have seven members who shall hold office for terms of 3 years each and shall serve until their successors shall be duly elected and qualified. Current members of the board shall continue to serve until successors are elected.

(2) Every 3rd year during the month of September, beginning September 2003, all supervisors shall be elected, as provided in this section, by the landowners of the subdistricts identified in subsection (4). All vacancies or expirations on such board shall be filled as required by this act. The Supervisors of the Indian Trail Improvement District shall be residents of the subdistrict from which elected and owners of lands or property within such subdistrict. In case of a vacancy in the office of any supervisor, the remaining supervisors may fill such vacancy until the next election, when his or her successor shall be elected by the landowners of the subdistrict which elected the supervisor.

(3) As soon as practicable after their election, the board of supervisors of the district shall organize by choosing one of their members as president of such board of supervisors and by electing some suitable person secretary, who may or may not be a member of the board. The secretary shall be required to execute a bond for the faithful performance of his or her duties in such penal amount as the board may determine. The board of supervisors shall adopt a seal which shall be the seal of the district. At each annual meeting of the landowners of the district, the board of supervisors shall report all work undertaken or completed during the preceding year and the status of the finances of the district.

(4) With the assistance of the district engineer and attorney, the board shall designate seven subdistricts as nearly equal in population as practicable, no later than June 30, 2002. Redistricting of the seven subdistricts shall occur every 10 years thereafter by the end of June.

(5) The subdistricts shall be designated as subdistricts 1, 2, 3, 4, 5, 6, and 7, respectively. Beginning with the 2003 elections, a candidate for a subdistrict seat shall be a resident of the subdistrict for which he or she runs.

(6) All candidates shall qualify with the Secretary of Indian Trail Improvement District by July 30 of the year in which they run and must declare the subdistrict number for which they qualify.

(7) All assessed acreage within the Indian Trail Improvement District may be voted in any election. Each acre and any fraction thereof shall count as one vote. Only assessed acres within a subdistrict may be cast for a supervisor candidate within a designated district. The candidate receiving the most votes of the acreage cast for each subdistrict is elected. If only one candidate qualifies for a seat, that candidate shall be deemed to have received the most votes and be elected.

(8) The board shall adopt official qualifications, proxy and ballot forms, and such other policy as required to conduct elections. The board shall also appoint an independent certified public accountant who shall count all ballots and certify results of each election.

Section 9. Except as otherwise specifically provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor April 29, 2002.

Filed in Office Secretary of State April 29, 2002.



Jay Foy is the Mayor of Haverhill, the owner of Stormwater J Engineering Inc., and the Chair of Palm Beach County's Water Resource Task Force (WRTF), an Advisory Board established by the Board of County Commissioners. (Mr. Foy is an appointee of the PBC League of Cities)

Mr. Foy has been extremely active and vocal in the WRTF since its creation in 2009. He has attended all 20 meetings posted on the WRTF website. He has advocated and voted on issues related to water supply, water conservation, water quality and water related projects/initiatives relative to the benefit of the water resources of a particular area (Palm Beach County and recently Broward County). Agreed to this point: this does demonstrate commitment. A copy of all 20 WRTF meeting minutes has been provided. Also copies of the purpose of the WRTF and a list of its members have been provided.

Mr. Foy entered into a recent non bid contract (very limited scope for master planning and within the legally defined limitations of the CCNA) with the Indian Trail Improvement District (ITID) (Mr Foy did not contact ITID to solicit this contract. The then ITID District Administrator, Tanya Quickle contacted Mr. Foy as she was aware of his expertise and knowledge of ITID and requested Mr. Foy accept the work.) (before his April 25, 2013 WRTF meeting- see below). (Note: the WRTF vote was after the 4/10/13 ITID Board authorization. Also note Mr. Foy gave a presentation to ITID's Board on 4/15/13 where he stated the current C-51 Reservoir project is for water supply but in the future phases may possibly include flood control.) This contract, which was never publically approved (Mr Foy was not present at the 4/10/13 ITID BOS meeting, but it was on the agenda, see attached 4/10/13 Agenda Memorandum. It was also approved, see attached PO.), involves storm water issues that Mr. Foy has been advocating and voting on since 2009. (as this claim is not specific with its' relevance to ITID or date it is impossible to address but is herein asserted to be untrue. However, a vote on any issue prior to any possible knowledge of a contractual agreement can not be a conflict of interest or abuse of power.) His position on the WRTF was never disclosed to the Board of Directors of the Indian Trail Improvement District at a publically attended Board Meeting. (False: the question of a possible conflict was raised by Supervisor Damone at a public meeting during a presentation regarding the master planning study by Mr Foy on 6/5/13 at the ITID regular meeting. This question was answered on the record at this public meeting. The presentation also included Mr Foy being the Chair of the WRTF. In addition the submittal to an RFQ for ITID engineering services due on 6/10/13 included full disclosure.) The ITID is a governmental entity whose jurisdictional authority is defined by Florida statute 298.

There has been innuendo (?) at ITID Board meetings that Mr. Foy has interacted with ITID Board Members to lobby for a contract with ITID. As stated above; the cited contract was the result of communication from the District Administrator to Mr. Foy.

On April 25, 2013, the WRTF met and voted on supporting the C-51 Reservoir project. (This is partially correct: the vote was to recommend to the PBC BCC they authorize a joint Palm Beach County - Broward County study group be formed to look into the possible implementation of the first phase of the C-51 project. The purpose of this group is to identify the institutional issues of concern and to see if

they can come up with suggestions on if and how the project could move forward. They would have no power to institute any such suggestions to either Palm Beach or Broward County. Further, the first phase of the C-51 project is limited to water supply.) Attached is the Resolution that was passed by the WRTF. Mr. Foy was in agreement. This vote has a significant impact on ITID's ability to discharge water in the future. (Absolutely false: ITID would benefit only if the first phase of the C-51 Reservoir was for a designated flood protection benefit; even if it goes forward, it is designated for water supply. Mr. Foy was clear that this is not for flood control and this is reflected in the minutes of the meeting. This vote is a direct benefit to Mr. Foy's financial gain at ITID (false: as stated this vote may possibly benefit water supply in the distant future, not flood control. ITID does not benefit from water supply as almost all of the residents are on wells. The master planning contract was already approved when this vote was taken, so this could not have been a benefit to Mr. Foy. If the claim is this vote may have influenced the ITID BOS to select Mr. Foy's firm as a future ITID engineer; this claim can also not be justified as the vote was to recommend formation of a study group for future possible recommendations as to how to proceed with a water supply project. Again; water supply projects do not benefit ITID. Further, full disclosure during the RFQ process was made and the submittal letter offered to resign any and/or all other such committees) and therefore is an abuse of power as set forth in the Palm Beach County Code of Ethics section 2-443 (a), (b). and (c) (improper conclusion based upon the facts as demonstrated by the inserted comments above).

#### Additional comments:

This complaint was filed by Diana Demarest. Ms. Demarest's picture is easily found on the web and she is president of PagePartners Web Publishing. She has listed on her web site some of the political campaigns she has managed as a paid political consultant. Mr. Foy does not know Ms. Demarest and can not recall her ever being present at a WRTF meeting. One of the criteria for filing an ethics complaint is that the person filing must have personal knowledge of the issues. It is difficult to believe that Ms. Demarest has the requisite personal knowledge to file this complaint.

Please note that the ITID public meetings are recorded by ITID and can be heard via their web site <http://www.indiantrail.com/>. These meetings are also recorded by Loxahatchee Radio and can be heard or watched at <http://www.loxahatcheeradio.com/>.



# Indian Trail Improvement District Board of Supervisors Agenda Memorandum

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**To:** Board of Supervisors  
**From:** Katrina Myers-Arnold, Director of Finance  
**Date:** April 10, 2013  
**Subject:** March Disbursements, 2013

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Staff recommends Board ratification of the following disbursements for March, 2013 in excess of \$10,000. The period total is: \$ 395,115.62.

<u>Vendor</u>	<u>Date</u>	<u>Check Total</u>	<u>Reimbursable</u>
Advanced Drainage	3/20/2013	14,417.90	N/A
Bartow Ford	3/13/2013	68,539.35	N/A
Bon's Barricades	2/28/2013	14,850.00	N/A
Como Oil	2/28/2013	4,513.57	N/A
Como Oil	3/13/2013	3,065.07	N/A
Como Oil	3/20/2013	17,018.74	N/A
Delta Petroleum & Industrial	2/28/2013	19,000.00	N/A
Everglades Farm Equipment	2/28/2013	416.81	N/A
Everglades Farm Equipment	3/13/2013	776.74	N/A
Everglades Farm Equipment	3/13/2013	12,928.72	N/A
Everglades Farm Equipment	3/20/2013	99.12	N/A
Nortrax Equipment	2/28/2013	186,667.00	N/A
Palm Beach Aggregates	2/28/2013	537.44	N/A
Palm Beach Aggregates	3/13/2013	1,325.24	N/A
Palm Beach Aggregates	3/20/2013	11,300.79	N/A



Rampell & Rampell	3/13/2013	12,000.00	N/A
Southern Waste Systems	2/28/2013	12,750.00	N/A
Southern Waste Systems	3/20/2013	1,205.80	N/A
Total Maintenance Build Serv	2/28/2013	13,703.33	N/A
<b>Total</b>		<b><u>395,115.62</u></b>	

Staff recommends Board approval of the following disbursements for March, 2013 in excess of \$10,000. The period total is: \$ 72,186.62.

<u>Vendor</u>	<u>Date</u>	<u>Check Total</u>	<u>Reimbursable</u>
Engenuity Group	3/27/2013	42,239.25	(3,352.00)
Caldwell & Pacetti	3/26/2013	29,947.37	(517.50)
	<b>Total</b>	<b><u>72,186.62</u></b>	<b><u>(3,869.50)</u></b>

*ITID is required to comply with the Local Government Prompt Payment Act (Ch. 218, Part VII, F.S.), which establishes certain firm deadlines for payment of undisputed invoices. Payment applications for construction services must be reviewed and approved by the District Engineer or according to the agreed terms of a District contract.*

The ITID Board is scheduled to hold a Workshop focusing on comprehensive drainage planning on April 15, 2013. Pursuant to District policies, the Board is requested to approve a purchase order for expenditures not to exceed \$35,000 for engineering services relating to planning activities for comprehensive drainage to Stormwater J Engineering.

The Board is requested to approve a purchase order for expenditures not to exceed \$20,000 for engineering services relating to preparation of a Hazard Mitigation Grant Program application.

Staff recommends Board approval to issue a Quarterly Blanket Purchase Order for M & O Fuel (Off-road Diesel, Regular Diesel, and Unleaded) to **Martin County Petroleum** for \$ 100,000.

Staff recommends Board approval to issue a Quarterly Blanket Purchase Order for Pump Ops Fuel (Regular Diesel) to **Martin County Petroleum** for \$ 40,000.

### **Fiscal Impact**

All expenditures greater than \$10,000 must be approved by the Board of Supervisors. These expenditures are within the approved Fiscal Year 2012-2013 Budget.



# Indian Trail Improvement District

PO Number 13-00523

**Vendor :STORMWATERJ ENGINEERING**

**STORMWATERJ ENGINEERING INC.**

1855 INDIAN RD.  
WEST PALM BEACH, FL 33409

**Bill-to-Address**

13476 61st Street North  
West Palm Beach, FL 33412  
(561)793-0874  
Jim Shallman

**Document Information**

Document Date 04/11/2013  
Required Date 04/21/2013  
Prepared By Jim Shallman  
Workflow ID Admin  
Status Document Transferred to MIP  
Description Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan

**Ship-to-Address**

13476 61st Street North  
West Palm Beach, FL 33412  
(561)793-0874  
Jim Shallman

**Comments :** 01-50312BOS APPROVED 4-10-13NOT TO EXCEED \$ 35,000

Qty	Unit Type	Fund	GL	Dept	Unit	Project	Item Description	Unit Price	Total
0.08098	EA	100	50312	01	01	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	2,834.30
0.077867	EA	100	50312	01	02	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	2,725.35
0.055447	EA	100	50312	01	03	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	1,940.65
0.13683	EA	100	50312	01	04	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	4,789.05
0.099881	EA	100	50312	01	05	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	3,495.84
0.055522	EA	100	50312	01	06	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	1,943.27
0.081985	EA	100	50312	01	07	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	2,869.48
0.054199	EA	100	50312	01	09	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	1,896.97
0.122019	EA	100	50312	01	10	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	4,270.67

Qty	Unit Type	Fund	GL	Dept	Unit	Project	Item Description	Unit Price	Total
0.086618	EA	100	50312	01	12	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	3,031.63
0.018344	EA	100	50312	01	13	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	642.04
0.026519	EA	100	50312	01	14	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	928.17
0.008376	EA	100	50312	01	17	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	293.16
0.030302	EA	100	50312	01	18	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	1,060.57
0.014167	EA	100	50312	01	2K	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	495.85
0.027923	EA	100	50312	01	M1S	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	977.31
0.011227	EA	100	50312	01	M2D	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	392.95
0.007988	EA	100	50312	01	M2L	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	279.58
0.001691	EA	100	50312	01	7M	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	59.19
0.0021149999 9999998	EA	100	50312	01	M1H	CDP	Engineering Services / Planning Activities for ITID Comprehensive Drainage Plan	35,000.00	74.02

#### Approval Information

Jim Shallman	Accounting	04/15/2013 4:18 PM
Tanya Quickel	District Administrator	04/15/2013 2:16 PM
Katrina MyersArnold	Finance Director	04/15/2013 9:14 AM
Jim Shallman	Procurement	04/11/2013 9:53 AM
Jim Shallman	Requester	04/11/2013 9:52 AM
Jim Shallman	Procurement	04/11/2013 9:36 AM
Jim Shallman	Requester	04/11/2013 9:35 AM

**Total : \$35,000.00**

This Purchase Order Authorizes the purchase of the items or services in the quantities and the amounts specified above by the purchaser identified above on the presentation of proper identification at time of purchase. The Purchase Order number must appear on billing invoices and packages and billing of the purchase must be submitted to the address shown above. Indian Trail Improvement District is exempt from payment of State Sales Tax under Exemption 85-8012528096C-0. Expires 06-30-2015. Annual Contracts- Work shall be completed in accordance with existing agreement between ITID and Vendor listed herein. Payment shall be in accordance with said agreement, attached scope and budget. Work shall not exceed the herein authorized fee without an approved written change to this Purchase Order.