



**MINUTES OF A REGULAR MEETING OF
THE BOARD OF SUPERVISORS OF
LAKE WORTH DRAINAGE DISTRICT
HELD AT THE DELRAY BEACH OFFICE ON
AUGUST 12, 2015 AT 8:30 A.M.**

Board Members Present:

Harry Raucher
John I. Whitworth, III

James M. Alderman
Jeffrey P. Phipps, Sr.

Board Members Absent:

Joyce D. Haley

1. Call to Order

President Raucher called the meeting to order at 8:30 A.M.

2. Pledge of Allegiance

Mr. Alderman led the Pledge of Allegiance.

3. LWDD Centennial Moment (8th Installment): 1975-1985 - Rosemary Rayman, Outreach & Records Manager

Ms. Rayman introduced the eighth video in a twelve-part series of LWDD Centennial Moments from 1975-1985.

4. Agenda Revisions – Robert M. Brown, Executive Director

Mr. Brown informed the Board that Item 14 was postponed and Item 15 was revised.

5. Abstentions by Board Members from items on the Agenda

There were no abstentions by the Board Members.

6. City of Delray Beach's Proposed Plan for Greenway on E-4 Canal - Mayor Cary Glickstein

Delray Beach Mayor Glickstein and Jim Chard with the Human Powered Delray Citizen Based Task Force spoke about the city of Delray Beach's (City) plan for a bike-ped greenway. Mayor Glickstein explained that the City made a commitment to provide a network of non-motorized pathways to complement their current transportation network and to promote economic development and a healthy, more sustainable lifestyle.

Mayor Glickstein stated the City applied for a \$25 million Transportation Initiatives Generating Economic Recovery (TIGER) grant. He further stated that the Lake Worth Drainage District's E-4 Canal is a key component in connecting Delray Beach to surrounding cities and requested District support to achieve this goal. The City proposed to use the east side of the District's E-4 Canal and requested an easement for the full length. The City stated they will build the pathways and provide the necessary maintenance, security and safety. The City further proposed to enter into an interlocal agreement with the District to regulate maintenance and monitor commitments.

Supervisor Phipps inquired if the City would provide assistance if there was a significant weather event and the canals or paths needed maintenance.

Vice President Whitworth expressed that he was not supportive of bike paths on District canal rights-of-way. He indicated that outside interests such as electric transmission lines and reclaimed water lines often conflict with the District's flood control and maintenance efforts which is a priority for residents. He also shared concerns regarding paths being located behind private property.

Mayor Glickstein requested that staff look at interlocal agreements with other districts and communities as a potential template that might allay some of the Boards' concerns. Vice President Whitworth stated staff would consider other interlocal agreements.

President Raucher stated that the District prides itself on being community oriented, but safety and flood control are a priority. He requested that the City maintain an open dialog with staff.

7. General Public Comment

There were no public comments.

CONSENT

- 8. Board comment or request to pull items from consent agenda**
- 9. Approval of minutes, check register and financial statement for the previous month**
- 10. Approval of additions to the concrete paving contract (LWDD Project No. 15-5947D.13) - Patrick A. Martin, Director of Stormwater Permitting & Engineering**
- 11. Approval to issue a quit claim deed to James L. Schry for the North 30.36 feet of Tract 3, Block 67, of Palm Beach Farms Company Plat 3. Location: South side of Atlantic Avenue, west of State Road 7 (LWDD Project No. 12-1532P.02) - David Bends, Project Surveyor**
- 12. Approval to issue a quit claim deed to Amerigrow Recycling for the 0.36' of the North 30.36' of Chancery Case 407. Location: South side of Atlantic Avenue, west of State Road 7 (LWDD Project No. 98-4949P.01) - Nicole Smith, Right-of-Way Coordinator**

13. Board Vote on Consent Agenda

A motion was made by Vice President Whitworth to approve the Consent Agenda, seconded by Supervisor Alderman and approved unanimously.

DISCUSSION

- 14. Approval to declare a portion of the L-15 Canal right-of-way eligible for purchase at fair market value and sell to adjacent property owner Kafir Baranes. Location: 20' wide by 120' long area in the Southwest Quadrant of L-15 Canal and Haverhill Road (LWDD Project No. 03-6991P.02) - Joseph Walsh, Right-of-Way Permitting Section Lead - **ITEM POSTPONED****
- 15. **REVISED** - Approval to surplus mower tractors M-60 and M-63 with attachments and other designated items, and authorization to purchase two mower tractors with available funds and proceeds from surplus sales - Robert M. Brown, Executive Director**

Mr. Brown informed the Board that the agenda item was revised from mower tractors M-60 and M-63 to only M-61. Due to excessive repair and maintenance costs, staff recommended approval to surplus M-61 with its mower attachment and dispose of via auction or trade-in. Staff also requested authorization to purchase a replacement tractor with available funds and proceeds from surplus sales.

A motion was made by Supervisor Phipps to approve the recommendation, seconded by Supervisor Alderman and approved unanimously.

16. Employee Benefit Renewals - Melissa Wheelihan, Business Operations Specialist

Ms. Wheelihan stated that Florida Blue initially submitted a 14.6% increase in costs for employee medical benefits. The District's broker for health insurance and employee benefits, Brown & Brown of Florida, Inc., solicited additional quotes from other major carriers. Florida Blue counteroffered with a final proposed 5% rate increase. Cigna provided the most comparable and competitive quote at 2% less than the District's current rate for a level funded plan for groups below 100 employees. Cigna provided additional benefits including discounts for grouping ancillary coverages, a single provider for all benefits and administrative efficiencies for account management. The proposed plans will mirror the District's current plans.

In conjunction with increased sick leave benefits in 2014, staff recommended changes to the short-term disability benefit. The current benefit provides 67% of pay at a \$3,000 weekly maximum. Staff proposed a change to 60% of pay at a \$2,000 weekly maximum. Also, benefits for accidents will begin on the eighth calendar day of leave rather than on the first.

Staff also recommended increasing Life and Accidental Death & Dismemberment benefits from \$20,000 to \$50,000. Cigna also offers a buy-up option for employees wishing to purchase additional insurance on their own.

Staff recommended approval to purchase group health, dental, vision, life and disability benefits with Cigna.

A motion was made by Supervisor Alderman to approve the recommendation, seconded by Supervisor Phipps and approved unanimously.

17. Public Hearing - Fiscal Year 2015/16 Preliminary Operating Budget - Karen Hoyt, Director of Finance

Ms. Hoyt stated the Preliminary Operating Budget was advertised in a local newspaper in accordance with District policies. Ms. Hoyt inquired if there were any questions or public comment regarding the advertised budget. There were no questions or public comment.

**18. Approval of Final Operating Budget for the Fiscal Year ending September 30, 2016 - Karen Hoyt, Director of Finance
Resolution No. 15-04**

Ms. Hoyt stated there were minor changes to the Final Operating Budget. The Preliminary Budget was \$14.5 million and the Final Budget is \$14.6 million. The changes included an additional 313 parcels added to the tax roll which equates to approximately \$13,000. Staff also increased the capital budget for heavy equipment to replace M-60 for \$117,000, and reduced health insurance by 5% based on the final quote by Cigna. The total net change was \$101,000. Staff recommended approval of Resolution No. 15-04 adopting the 2016 Operating Budget of \$14,690,400 million as presented with a non-ad valorem assessment rate of \$45.

A motion was made by Vice President Whitworth to approve the recommendation, seconded by Supervisor Alderman and approved unanimously.

President Raucher announced a brief recess for the setup of the workshop.

President Raucher called the meeting back to order.

WORKSHOP

19. Overview of Annexation Procedures - Robert M. Brown, Executive Director

Mr. Brown provided a brief overview of changes to the District's annexation procedures, explaining that initially lands were annexed into the District by board resolution. In 1961, the laws were changed to allow landowners to request to receive services to be annexed into District boundaries. Tracts less than 10 landowners could be annexed with board resolution and public notice. Tracts with

10 or more landowners could only be annexed by a majority vote of all landowners who are registered voters within the District's boundaries and proposed area of annexation. Mr. Brown explained that the annexation requirements remain the same today; however, the process does not account for areas that have historically received services from the District.

As an example, Mr. Brown illustrated an area within the city of Boca Raton (City) that was de-annexed in 1951, with the exception of canals and associated rights-of-ways. He explained that some areas within this area have been annexed back into the District as part of the District's permitting process. However, many of these areas were developed in 1960-70s and prior to current regulatory standards. He stated there are approximately 4,400 taxable parcels within the City that receive services, but do not pay an assessment to the District.

Mr. Brown discussed current services provided in this area including direct and indirect drainage, mowing, vegetation removal, and canal rehabilitation. Additionally, the District staff spends time responding to citizen inquires and complaints and there have been litigation cases in this area.

Mr. Brown shared several options with the Board to rectify annexation of the areas that have historically received services, but are not currently assessed. He ultimately indicated that legislative changes would be necessary to assess these parcels.

Mr. Brown mentioned that staff will meet with City officials to discuss the proposed annexation as well as canal maintenance and rehabilitation needs in this area. He further indicated that the District would pursue legislative changes during the 2016 session and that the District would work with outside counsel to draft bill language and then submit to the Palm Beach County Legislative Delegation.

Supervisor Whitworth suggested a fly-over of the area with City officials in order to view the entire area and better understand how it connects to the District's drainage infrastructure.

20. Right-of-Way Program: Part II - Robert M. Brown, Executive Director, and Tommy B. Strowd, Director of Operations & Maintenance

Mr. Brown introduced the second workshop on the right-of-way program and stated that Mr. Strowd will discuss the right-of-way program elements and management options.

Mr. Strowd discussed current challenges including existing and new encroachments, as well as excessive vegetation that has rendered a significant portion of the low maintenance canal right-of-way inaccessible and, in some instances, obstructs canal rehabilitation completely.

Mr. Strowd presented a graphic illustrating the current conditions of the canals using green for accessible right-of-way, yellow for obscured right-of-way and red for completely obstructed right-of-way. On the low maintenance side of the District's canal rights-of-way, approximately 71% of the canals are accessible, 26% are obscured and 3% are obstructed.

Mr. Strowd briefed the Board on canal reconstruction methods including public noticing, tree and encumbrance removal, canal excavation and reconstruction. He indicated that with current staffing and equipment it could take approximately 15 to 20 years to complete 150 miles of canal rehabilitation on the obscured or obstructed canal rights-of-ways.

Mr. Whitworth suggested considering contracted labor payable by the foot to clear rights-of-way.

Mr. Strowd reminded the Board that during the previous meetings staff provided a presentation on current right-of-way issues and the need to re-evaluate the right-of-way program as well as current polices that prohibit encroachments. He also discussed the major elements of the current right-of-way program including the reclamation program, field inspections, regulation through multiple types of permits and agreements, legal negotiations and litigation, enforcement and removal of encroachments by field staff.

Mr. Strowd mentioned that the District currently approves two types of agreements for encroachments and piping, parking and paving projects. The District also issues 15 types of individual permits for right-of-way occupancy such as bridges, culverts, fences, docks, etc. Since 1985, the District has issued more than 5,000 permits and agreements.

Mr. Strowd stated that the District began a Critical Path Program in 2007 that identified and prioritized canal segments for removal of encroachments, focusing on the high-maintenance side of the canals. More than 13 miles of canal were cleared and District actions resulted in several lawsuits filed by property owners which cost the District approximately \$275,000 in litigation expenses.

Mr. Strowd discussed re-evaluation of the current right-of-way program and discussed options for improving overall management of the rights-of-way. First, staff would need to identify unacceptable encroachments and vegetation. Next, staff would need to consider enforcement to remove unacceptable encroachments. Lastly, staff would need to develop a comprehensive, consistent right-of-way permitting program. A permit program would document the status of all encroachments and determine if it would be cost effective to remove the encroachments, provide staff with criteria to allow or deny a permit, provide an option for variances subject to Board approval, and improve coordination with local government building departments to reduce placement of future encroachments.

Mr. Strowd presented examples of South Florida Water Management District's right-of-way permitting program including the zones used in establishing permit criteria and the types of encroachments allowed within the zones, which were similar to the types of encroachments allowed by the District. He also presented other agency programs for right-of-way management and discussed that all of these agencies have challenges dealing with encroachments. The District would need to determine what program works for its needs.

Mr. Strowd presented photos to illustrate how much right-of-way is needed on both the high maintenance and low maintenance sides of the canals to access, rehabilitate and maintain canals. The photos illustrated the many challenges faced

by District staff when rehabilitating canals including fences, power lines, vegetation and water utility crossings.

Mr. Strowd indicated that staff will be presenting a recommendation to the Board in the coming months for a standardized and coordinated overall program which would include specific permitting criteria, inspection and maintenance requirements, outreach protocols, and coordination with local governments. He stated he would also like to begin presenting an annual report card to the Board.

STAFF REPORTS

18. Executive Director's Report

Mr. Brown briefed the Board on the status of the South Florida Water Management District's application to the U.S. Army Corps of Engineers for forward pumps in Lake Okeechobee.

Mr. Strowd explained how the forward pumps work, when they are used and how it affects water deliveries to the District. Mr. Strowd stated that he and Mr. Brown met with the Corps to discuss the District's concerns regarding water supply and the impact of salt water intrusion.

Mr. Brown stated he is not a proponent of litigation, but the Board should consider joining in on any litigation with the State or South Florida Water Management District.

Mr. Brown informed the Board that he was appointed to the Hobe St. Lucie Conservancy District, a Chapter 298 District in Martin County. He stated that his term expires June 2016 and meetings are held every other month.

Director of Operations and Maintenance

Mr. Strowd had nothing additional to report.

Director of Administrative Services

Ms. Walker stated there would be an open enrollment meeting with employees on September 3, 2015 to discuss health benefits. She thanked Brown & Brown of Florida, Inc. for their help to solicit quotes and negotiate the contract with Cigna.

Director of Stormwater Permitting & Engineering

Mr. Martin shared photos of the progress on the concrete paving project and mentioned the changes to the contract that the Board previously approved as part of the Consent Agenda.

Mr. Martin stated the firm of Mock Roos & Associates, Inc. was hired to conduct a preliminary evaluation of the Control Structure No. 9 relocation to include conceptual planning, survey work, demolition layout, conceptual layout, hydraulic analysis and probable cost estimate to construct. The project will be completed by October 1, 2015 and the fee is \$34,829.

Supervisor Alderman asked Mr. Martin if this project was bid. Mr. Martin replied that the project cost is under the Competitive Consultant Negotiations Act (CCNA) requirement of \$35,000; therefore, it is not necessary to bid. Mr. Martin further explained that the project is only for the preliminary evaluation.

Director of Finance

Ms. Hoyt had nothing additional to report.

District Counsel

Mr. Perry had nothing to report.

Supervisor Alderman inquired about the next meeting with the County regarding Transfer of Development Rights (TDRs). Mr. Perry replied that it is scheduled for August 18, 2015.

19. Board Comment

There were no additional comments from the Board.

20. Adjourn

There being no further business, the meeting adjourned at 11:10 A.M.

President – Harry Raucher

Recording Secretary – Joann M. Aylor