



**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF SUPERVISORS OF  
LAKE WORTH DRAINAGE DISTRICT  
HELD AT THE DELRAY BEACH OFFICE ON  
September 11, 2024 AT 8:30 A.M.**

**Board Members Present:**

John I. Whitworth, III  
James Alderman  
Stephen Bedner  
Jeffrey Phipps, Sr.

**Board Member Present On the Phone:**

Carrie P. Hill

**1. Call to Order**

President Bedner called the meeting to order at 8:30 A.M. and confirmed the quorum.

**2. Pledge of Allegiance**

Sr. Vice President Alderman led the Pledge of Allegiance.

**3. Agenda Revisions – Reagan Walker, Assistant Executive Director**

There were no agenda revisions.

**4. Abstentions by Board Members from Items on the Agenda**

There were no abstentions.

**5. General Public Comment (limited to 5 minutes)**

There was no general public comment.

**6. Approval of minutes, check register and financial statement for the previous month**

*A motion was made by Supervisor Phipps to approve the minutes, check register and financial statement for the previous month, seconded by Supervisor Whitworth and approved unanimously.*

## **DISCUSSION**

### **7. Approval to quit claim a portion of L-13 Canal right-of-way to adjacent property owner, Damaris Gonzalez. Location: South side of the L-13 Canal, west of Kirk Road (Project # RI-24-0045) – Dave Bends, Right-of-Way Interest Supervisor**

Ms. Walker stated that as part of the Canal Rehabilitation Program (CRP), the south side of the L-13 Canal is currently being recovered and refurbished to ensure access to a safe, maintainable canal bank. In May 2024, a notice was issued to property owner, Damaris Gonzalez, regarding an encroaching fence within the Lake Worth Drainage District (LWDD) right-of-way. Following this, Ms. Gonzalez reached out to LWDD with concerns about her property boundary.

In 1917, the North 90.42 feet of the East half of the Northeast quarter of the Southeast quarter of Section 25 was taken for canal right-of-way under Chancery Case 407, covering the L-13 Canal from Kirk Road to 660 feet west. Approximately 30 years ago, the Gonzalez's purchased the adjacent property. Although the deed and survey referenced the "LWDD right-of-way or easement," the survey did not provide specific dimensions.

For two decades, the property owner was assessed for the entirety of the property. However, in 2014, Palm Beach County updated the property boundaries to align with the LWDD right-of-way, and they are no longer being assessed for additional acreage. To date, the Gonzalez's have complied with the notice by removing much of the fencing within the right-of-way.

Ms. Gonzalez is currently petitioning the Board to surplus and release the southern 22.42 feet of the canal right-of-way. This adjustment would align her property boundary with the LWDD right-of-way to the west. In May 2001 and July 2003, the Board had previously approved similar requests from the property owner to the west, allowing the purchase of the south 22.42 feet of the canal right-of-way.

Staff recommended that, given the property owner's efforts to remove encroachments within the required right-of-way and staff's ongoing efforts to address the irregular "saw tooth" right-of-way boundaries, the Board approve the following: declare the south 22.42-foot strip of the canal right-of-way as surplus and release it for a payment of \$250.00. The strip in question measures 22.42 feet by 78.15 feet, containing a total of 1,752 square feet. This approval would be subject to the following conditions: the removal of all remaining encroachments from the required right-of-way, certification of the property's title, a \$250 processing fee, and compliance with district operating policies.

***A motion was made by Supervisor Whitworth to approve staff recommendation, seconded by Supervisor Phipps and approved unanimously.***

**8. Approval of Resolution 2024-03 finding a necessity for certain special improvements to a defined benefitted property; describing the nature of the necessary special improvements; providing the estimated total cost of the improvements; declaring the portion of the costs to be paid by the benefitted property; stating the method for payment of the associated assessments, the term of those assessments, and the interest rate to be applied to the assessment; calling for notice and public hearing; and providing an effective date. Location: L-25 Canal within Pine Tree Country Club Estates; Joseph Property, 10519 Pine Tree, Boynton Beach (Project #91-1557D.01, 03-1557P.08, CM-20-0260) – Brian Tilles, Director of Right-of-Way Regulation**

Mr. Tilles discussed the piping easement agreement concerning the Joseph Family Trust at 10519 Pine Tree Terrace. Mr. Tilles reviewed the project details, which had previously been presented at the May 2024 meeting. Mr. Tilles presented a history of the agreement and subsequent compliance issues. He outlined the current actions taken due to evidence of potential pipe failure and stated that the pipe must be repaired/removed. A copy of the presentation is attached as a part of the meeting record.

A background of the project was provided. In 1991, the then-owner, Mr. Lambrakis, requested approval from the Board of Supervisors to pipe a portion of the L-25 Canal. This request was granted, and a permit was issued in May 1991 to install 153 feet of 72-inch corrugated steel pipe. A piping easement agreement was also entered into between the Lambrakis family and the district. Over the years, the easement was assigned to new owners, eventually transferring to the Joseph Family Trust.

The terms of the agreement required the property owner to maintain the canal and its improvements, ensuring free water flow and good engineering standards. If the owner failed to comply within 30 days of notice, the easement would be voided, and the district would have the right to restore the canal and reclaim expenses as a lien against the property.

Mr. Tilles noted several non-compliance issues, with notices beginning in 2016 and continuing through 2023. A pipe inspection ordered by Lake Worth Drainage District (LWDD) in December 2023 revealed heavy corrosion, silt buildup, and damage. A final notice of default was sent in April 2024, and the Board approved Resolution 24-01, initiating a special assessment process to repair the pipe.

The scope of work includes removing 200 feet of fencing, clearing vegetation, and installing 150 feet of cured-in-place pipe. The total estimated cost for repairs and ancillary expenses is \$202,000.

The next steps outlined include adopting Resolution 24-03 in September 2024, advertising the resolution, and holding a public hearing in October. If the property owner does not complete the work by then, a bid will be awarded to finish the repairs. Following project completion in 2025, a final report will be prepared and presented to the Board, and the assessment will be included in the next fiscal year's tax roll for the August 2025 budget hearing.



Staff recommended adopting Resolution 24-03, which outlines the necessity for improvements, estimated costs, and the payment method for assessments, along with scheduling a public hearing to finalize the process. A copy of the Resolution is attached as a part of the meeting record.

Mr. David Lehr, representing Mr. Joseph, addressed the board, stating that much of the information presented was new to his client. He explained that Mr. Joseph, who resides full-time out of state, had not received any substantial information regarding the issue until August of this year. While acknowledging this is not an excuse, he emphasized that Mr. Joseph was unaware of the situation due to not receiving prior notices.

Mr. Lehr requested that Mr. Joseph be provided with the same materials that the District has, such as videos, inspection reports, surveys, and photos, as he had not yet had the opportunity to seek a second opinion or explore alternative costs. Given the significant financial implications of the project, Mr. Joseph would like to explore the possibility of hiring his own engineer and collaborating with the District to investigate alternate methods for repairing the damage.

Additionally, Mr. Lehr referenced Chapter 258, Section 11, Subsection 1, which states that the amount assessed for improvements should not exceed the benefit accruing to the property because of the special improvement. He expressed interest in further exploring the benefits of the proposed repairs.

Considering these concerns, Mr. Lehr requested more time to review the situation and proposed rolling the formal resolution over to the October meeting. He emphasized Mr. Joseph's willingness to maintain open communication with the District and work toward a resolution. Given that the repairs could not be carried out during hurricane season, he suggested that there was no immediate urgency and reiterated that Mr. Joseph did not intend to ignore the district but simply had not received notice at his out-of-state residence.

Ms. Walker indicated that Mr. Joseph has been aware of the issues for some time and has been provided with all the referenced documentation as he has previously acknowledged. She indicated that a copy of all previous correspondence sent to and received by Mr. Joseph would be provided to Mr. Lehr, and the District would look forward to meeting with the parties to discuss potential resolutions. She recommended that the Board move forward with adopting the resolution, emphasizing the importance of maintaining the timeline to complete the priority repair of the pipe. District Counsel Mark Perry noted that with a public hearing scheduled in October, there would be sufficient time for the property owner to meet with the District and respond appropriately.

***A motion was made by Supervisor Whitworth to approve staff recommendation, was seconded by Vice President Hill and approved unanimously.***

- 9. Approval for Umdasch Real Estate USA LTD to install two (2) monitoring wells within the east right-of-way of the E-4 Canal. Location: E-4 Canal; south side of 7<sup>th</sup> Avenue, north of 2<sup>nd</sup> Avenue (Project #RW-24-0147) – Nicole Smith, Permit Supervisor**

Ms. Smith provided an update regarding UMDASH REAL ESTATE USA, LTD (UMDASH), which has acquired a parcel located at the southeast quadrant of 7th Avenue N and the E-4 Canal, north of 2nd Avenue N. The Florida Department of Environmental Protection (FDEP) requested that UMDASH install monitoring wells and evaluate the groundwater quality for the parcel east of the E-4 Canal. Groundwater samples will be collected quarterly as required by FDEP. Once monitoring is complete, as determined by FDEP, the wells will be removed or abandoned, and the right-of-way will be restored.

Ms. Smith assured that the installation of the monitoring wells will not impede the District's access or maintenance operations. The wells will be installed using direct push technology with a track-mounted Geoprobe rig with augers. All installation, sampling, and well abandonment will be carried out at the expense of UMDASH.

Staff recommended approval to issue a Right-of-Way Permit to UMDASH REAL ESTATE USA, LTD for the installation of two temporary monitoring wells within the E-4 Canal right-of-way. This approval is subject to: the submission of a Certificate of Liability Insurance listing Lake Worth Drainage District (LWDD) as an "Additional Insured" (which has been received), adherence to LWDD Operating Policies and Permit Conditions, payment of the permit fee of \$2,900 (already paid), an application fee of \$580 per well, and a use fee of \$870 per well.

***A motion was made by Sr. Vice President Alderman to approve staff recommendation, was seconded by Supervisor Phipps and approved unanimously.***

**10. Approval of surplus and disposal of designated items – Karen Hoyt, Director of Finance & Administration**

Ms. Hoyt explained that, in accordance with Chapter 274 of the Florida Statutes, the District has the discretion to declare property as surplus if it is obsolete, uneconomical, unsafe, inefficient, or no longer serves a useful function. Staff has identified several items that meet these criteria and is requesting that they be declared surplus and disposed of through the recommended disposal method.

Ms. Hoyt provided a list of the items to surplus, a copy of which is attached as part of the meeting record.

Staff recommended approval to declare listed items surplus and authorize disposal of items through the recommended disposal method.

***A motion was made by Supervisor Whitworth to approve staff recommendation, was seconded by Supervisor Phipps and approved unanimously.***

**11. Approval of 2024 LWDD Water Control Plan – Reagan Walker, Assistant Executive Director**



Ms. Walker presented the Board Members with an updated draft of the Water Control Plan. She stated minimal revisions were made to update information regarding SCADA technology at water control structures, capital improvement projects, and staff and board member names.

Staff recommended the approval of the revised 2024 Water Control Plan, a copy of which will be provided to the South Florida Water Management District and local municipalities.

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

## **STAFF REPORTS**

### **12. Executive Director's Report**

Mr. Strowd reported that the U.S. Army Corps of Engineers (USACE) has approved the new regulation schedule for Lake Okeechobee, known as LOSOM. He reminded the Board of previous concerns regarding the potential impacts on water supply associated with this schedule. With this approval, the federal operating policy for Lake Okeechobee is now in effect.

The South Florida Water Management District (SFWMD) is finalizing the 2024 update to the Lower East Coast Water Supply Plan (LECWSP). This new policy establishes the amount of water available for use, while state policies allocate these quantities to beneficial uses through water use permits. LOSOM defines water availability from Lake Okeechobee, and the LECWSP provides the framework for its allocation.

The Board has previously expressed concerns to both the USACE and SFWMD regarding the implications of the new schedule. Meetings were held with SFWMD staff to clarify these concerns, and language was proposed for inclusion in the LECWSP. The Executive Director of SFWMD indicated that the state and water management districts would oversee the allocation of regional water, utilizing available capacity to meet demands during drought conditions.

However, SFWMD noted that LOSOM does not address water supply losses compared to past operating schedules, which may lead third parties to challenge current permit allocations. Despite this, SFWMD is committed to collaborating with the Board to effectively manage drought conditions, recognizing that using excess water from Lake Okeechobee is preferable to sourcing it from Water Conservation Area No. 1.

In light of the potential unavailability of Lake Okeechobee water during droughts, there may be an opportunity to persuade SFWMD to support a request to USACE to lower the 'Floor' elevation in Water Conservation Area 1. While the outcome of these discussions is not ideal, pursuing legal action against the USACE is not seen as a viable option due to the lack of documented damages.

Collaborating with SFWMD on operational details and leveraging their commitment to assist during droughts appears to be the best course of action. No Board action is required at this time.

Ms. Walker stated that the District recently solicited proposals for a comprehensive compensation study and after review of proposals selected MGT Impact Solutions, LLC. Staff is reviewing the draft contract and expects to complete the study in the Spring 2025 ahead of the FY26 Budget approval process.

Ms. Walker also stated that staff will be presenting a proposal at next month's board meeting to piggyback Palm Beach County's contract with Bencor Inc. to implement a 401(a) Special Pay Plan for retiree sick and vacation leave benefits.

Ms. Walker provided a list of tentative meeting dates for 2025 Board Workshops and Meetings and stated that unless there were any identified conflicts or requests to amend dates, the list will be finalized and published.

**13. District Counsel's Report**

No additional items to report.

**14. Board Reports & Comment**

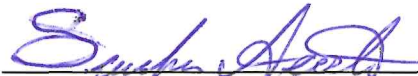
No additional reports or comments.

**15. Adjourn**

There being no further business, the meeting adjourned at 9:32 A.M.



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President – Stephen Bedner



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Recording Secretary – Sandra Acosta