

**SOUTH BROWARD DRAINAGE DISTRICT
GOVERNING BOARD MEETING MINUTES
OCTOBER 23, 2007**

Present:

Jack McCluskey, Chairperson
Scott Hodges, Vice Chairperson
Robert Goggin, IV, Commissioner
John Eastman, Commissioner
Alana Mersinger, Commissioner

Leo M. Schwartzberg, District Director
Douglas R. Bell, Legal Counsel
Joann Long, Recording Secretary
General Public (List Attached)

Absent:

Jim Ryan, Secretary
Carl Lanke, Treasurer

01. CALL TO ORDER/ROLL CALL

Meeting called to order at 10:00 A.M. followed by roll call.

02. MEETING PURPOSE

This meeting with SFWMD was requested by Mr. Eastman to discuss issues regarding the proposed second phase of the SBDD Basins S-9/S-S-10 storm-water improvement plan. The meeting was advertised as a regular Board meeting in the event there is any other issue that needs to be addressed.

03. SBDD BASINS S-9/S-10 STORM-WATER IMPROVEMENT PROJECT PHASE II

Mr. Eastman noted that as the months have passed, changes have been made to the Corps C-11 project; and he explained changes re: the proposed impoundment area. Phase I of the SBDD project has been completed, and Mr. Eastman was of the opinion that the \$1,000,000, received from SFWMD was for that portion of the work. There are two other components of the plan which are for structures which is the main reason Mr. Eastman requested this meeting.

Mr. Eastman explained that this Board had decided to put the two structures “on hold”, and now the time has arrived when the Board must determine whether or not to proceed with the project. The cost of the structures has increased to approximately \$700,000, each, plus there would be legal and other associated costs involved if the projects moves forward.

Mr. Eastman once again questioned what SBDD is mandated to do regarding the two remaining proposed structures and whether or not these are even needed by SFWMD.

Mr. Needle responded that the original SBDD plans were approved based on SBDD providing a pump station as well as the two control structures which are a part of the Everglades restoration work and will provide benefits upstream as well as to the several SBDD basins. SFWMD is relying on these two structures based on the Everglades Forever Act and the CERP Plan as well as SBDD’s permit requirements. Mr. Eastman reiterated his question and received the same response. It was also noted that the \$1,000,000, grant from SFWMD was for the overall SBDD project and not just the first phase. Also, SFWMD has submitted a request to the State Legislature for funds; and if that request is approved, some of those monies would go to SBDD for financial assistance with the remaining work.

Re: a question of whether or not water would ever be returned into the Everglades,

the response was that some of the runoff from the West C-11 Basin will be processed into the Everglades as the impoundment area is not large enough to prevent that. SFWMD is hopeful that no more than 30% of the runoff will go into the Everglades. This provision has been included in the CERP program for a number of years, and the overall intent of CERP has not changed.

Mr. Eastman felt that SBDD needs some kind of mandate that it is required to do the remaining work. It was his opinion that these structures are not needed by SBDD but rather by SFWMD. Mr. Schwartzberg interjected that at a previous combined meeting of SBDD and SFWMD on this project, Mr. Chip Merriman made a distinction between drainage and flood protection and explained that this project does benefit flood protection in the SBDD's north western areas. Mr. Miers confirmed that even if CERP didn't exist, SBDD would still be required to complete its Basins S-9/S-10 project.

Mr. Schwartzberg noted that the amount of water we are able to release from Canal 13 A is greater than we used to discharge through the three outfalls that were closed west of S-381. He explained that the structures allow SBDD to hold more water back in typical afternoon showers and to discharge more in major storms. The requirement to hold water in the District's system for the purpose of water quality prior to allowing any discharge to leave the Basin is a SFWMD requirement for all projects; it is not just related to the Everglades.

Mr. Eastman remained of the opinion that the improvements appear to be more for water quality than improvement of drainage. It was reiterated that this work is a requirement of the SFWMD permits to SBDD for its Basins S-9/S-10 Storm-Water Improvement Project which will bring the District into compliance with SFWMD criteria. Re: the word "mandate", Mr. McCluskey noted that if the District has a permit from SFWMD with certain requirements, those requirements must be met and can be considered "mandates". Mr. McCluskey added that Mr. Eastman doesn't speak for the entire Board.

Mr. Eastman requested copies of information showing what SBDD has to do in order to comply with the SFWMD permits. SFWMD responded that some of their projects were planned around the SBDD Basins S-9/S-10 permits which were issued based on SBDD improving the surface-water management in those two basins.

Originally, the District's plan included a primary pump station. Prior to construction of same, SFWMD included a pump station in their improvement plans for the area which negated the need for a second pump. This reduced the cost of SBDD's project considerably.

The original SFWMD S-9/S-10 permit was issued in the late 1980s, with modifications made in the late 1990s. As noted before, even if CERP was not in the picture, the permitted work would still be necessary.

Mr. Eastman again asked to see something in writing in order to determine what the District would be in violation of if it did not proceed with the project.

Mr. McCluskey opined that the problem lies with the Board having postponed moving forward with the project after completion of Phase I as during that time, costs have increased considerably.

Mr. Bergeron felt that SBDD should work with SFWMD in an effort to "Save The Everglades" and to save our water. His concern is that these projects should be paid from CERP and "Save The Everglades" funds. Mr. Bergeron's concern is SBDD voluntarily moving forward and pulling permits. He strongly felt the work should be paid from federal and state funds rather than by the property owners in the area. Mr. Bergeron agreed that if permits require this work in order for SFWMD to do their work, they should pay for same.

Mr. Bergeron also felt that if the culverts are not allowing SBDD to divert more water

into C-11, the property owners are not being provided better drainage. He questioned why the local tax payers should then have to pick up the costs rather than state/federal agencies.

Mr. Schwartzberg explained that once SBDD has met water quality, our discharges will be greater during peak flow than what existed under the old permits. Mr. Bergeron disputed that position. SFWMD noted that changes with the project allow for the peak discharge rates to provide the flood protection needed on a maximum-discharge basis. During small events, there may be no discharge.

Mrs. Mersinger asked if SFWMD has funding for Phase II of the SBDD project. The response was "no". They did provide information on some possible sources of grant money, most of which would be cost-sharing grants. Mrs. Mersinger felt that the longer SBDD waits, the more the cost will increase. This seemed to be the overall feeling, and Mr. McCluskey added that the majority of the Board had already agreed to move forward with Phase II.

Mr. Schwartzberg advised that SBDD is ranked #1 for a \$591,000, CBIR Grant. If another \$100,000, became available, that would bring the District to the 50-50 cost-sharing basis.

Mr. Eastman noted that the previous Board based its decision politically as it was concerned about large-area developers. This has now changed, and he would like financial assistance with the two remaining control structures. He felt there is no emergency on getting that work done. SFWMD responded that statement is not correct as the structures are needed as soon as possible.

SFWMD noted that when SBDD first came in for the Basins S-9/S-10 permit, that area was the last area that did not drain via control discharge.

Mr. Bergeron asked if SBDD can get a written proposal from SFWMD on what SBDD is required to do. SFWMD responded that letters were submitted to SBDD in 1993 which identified the reasons for the project (Mr. Eastman has copies of that correspondence as do other SBDD Board members). Mr. Bergeron replied that only referenced Phase I; SFWMD response was the \$1,000,000, grant was based on completing the entire project and that the information requested has been previously provided via letters.

Mr. Hodges questioned the possibility of doing some water-quality testing in the area under discussion. Mr. Schwartzberg interjected that the District has been doing this for a long time, and the area in question has one of the highest phosphorus loadings in the C-11 West Basin.

Mr. Bergeron stated that approximately 90% of the water is already being held back by his property, and less than 10% of the entire water in the area is entering the C-11. Mr. Miers responded that was part of the information taken into consideration in order that the large water bodies could be utilized to provide the additional need.

Mr. Bergeron questioned the fact that Phase II includes tearing out a structure and replacing it in very close proximity in an area that has no positive discharge as it is mostly percolation. Mr. Schwartzberg interjected that closing the three outfalls and adding Control Structure 13-A eliminated all discharges into C-11 from that area.

Mr. Schwartzberg noted that the only place there is bad water-quality discharge is in Southwest Ranches. Mr. Bergeron felt this is due to the nurseries who should be required to pretreat their water. SFWMD is working on this.

Mr. Bergeron felt there will be very little improvement with the installation of the two new structures, and he still felt the nurseries should be responsible for the cost of what would be needed to improve water quality.

Mr. Hekmat explained that the pretreatment commercial sites and structures will not be touched. SBDD is trying to take water quality from individual sites and move structures to the north end of the basins and provide quality at that location. The intent is to hold back water and only drain small amounts into the C-11. Total maximum discharge is not increased; the time for the 100-year storm to go back to normal is reduced.

It appeared that the vast majority of those present are in favor of completing the project and that the question with those dissenting is who pays for the improvements.

Mr. Lopez advised that this project was part of the Broward County water-issue request approved by the local legislative group but vetoed by the Governor. As such, there is no money available for SFWMD to be able to assist any group this year. For next year, there is a good possibility through the County. If SFWMD is funded, there is a good possibility that SBDD would get over \$500,000, towards the project provided it comes up with the matching funds.

Mr. Bergeron noted that all basically agree this project is needed for water-quality improvement but that outside financial assistance should be provided. Mr. Lopez suggested that all contact the Broward County Initiatives group on this matter.

Mrs. Minnaugh was on the Board when this project was approved. Looking back, had she known the costs would increase so drastically from Phase I to Phase II, she would have been in favor not postponing the Phase II work which was done at the request of only a few property owners. Mrs. Minnaugh felt the Board should move forward with this work as soon as possible in order to avoid any further increases in cost. Then the District can look for sources for reimbursement and also try to educate the general public.

Due to time, Mr. Schwartzberg has put Phase II out for bid which should be available for consideration at the November 15th Board meeting at which time perhaps the Board can make a decision. If, after completion of the project, there are funds available, they would be returned to the applicable taxpayers in some manner.

There were objections to moving forward unless 50% in outside funding becomes available. Mr. Bergeron suggested looking at the problem areas and correcting those. He continued to believe the entire project should be funded via state/federal funds. He also felt that eliminating the source of the problem is very important in order to move forward with anything. Mr. Bergeron doesn't see any reason to rush ahead until outside funding is available.

Mrs. Minnaugh felt that to wait would only cause the costs to increase as happened between Phase I and Phase II.

Mrs. Mersinger felt the Board should perhaps address how individual-basin projects are funded. It is her opinion that funding should be done through the entire District and not by individual basins.

Mr. Busch also felt the Basins S-9/S-10 project balance should be paid from state/federal funds and that it is unfair that only his area has to pay for this project that provides no benefits to them.

Mr. Eastman felt that as the costs have increased and will continue to do so, SFWMD should help with the financing. Mr. Lopez responded there is no money to be had from that agency at this time and that they need all the support they can garner from the Board, the property owners Board and any other sources possible for their efforts to procure additional funding during the upcoming legislative sessions. Most felt that Mr. Bergeron is realistically the person who could succeed in getting the governor not to veto any funding the legislature might approve for water matters, and Mr. Bergeron was asked to assist SFWMD and SBDD in this effort. Mr. Lopez felt that the cities/towns should also become involved in this effort.

Mrs. Mersinger moved that the District move forward with the bid process and that the Board take the appropriate action at the November 15th Board meeting. Motion seconded by Mr. Goggin and carried by majority vote with Mr. Eastman voting nay.

Mrs. Mersinger moved, seconded by Mr. Hodges, that the District support SFWMD in its efforts through the Broward County Initiative submittal. Motion carried unanimously.

Mr. Bergeron again voiced his opinion that anything paid by SBDD will not be included in anything the outside funding would provide.

Mr. Eastman noted that for the information of the new Board members, some members of the last Board who made decisions re: the Basins S-9/S-10 project did not live within SBDD boundaries. There was, and continues to be, acceptable drainage. This project is a water-quality driven project.

04. Adjournment at 11:45 A.M.

Jack McCluskey, President
South Broward Drainage District

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