

**SOUTH BROWARD DRAINAGE DISTRICT
BOARD OF COMMISSIONERS MEETING
AGENDA
THURSDAY, FEBRUARY 25, 2010**

NOTE: BOARD MEMBERS, PLEASE TURN YOUR MICROPHONES ON

01. CALL TO ORDER/PLEDGE OF ALLEGIANCE
02. PUBLIC COMMENT
03. APPROVAL OF JANUARY 28TH BOARD OF COMMISSIONERS MEETING MINUTES
04. DIRECTOR'S REPORT
 - A. MICHAEL WOOD, LOBBYIST, UPDATE
 - B. PRESENTATION OF DRAFT AUDIT
 - C. MICHAEL & CHRISTINE LAMBERT VARIANCE
 - D. REPORT ON FEBRUARY 1, 2010 STORM
 - E. SFWMD/SWR MEMORANDUM OF AGREEMENT
 - F. EPA NUMERIC STANDARDS CRITERIA STATUS REPORT
 - G. OTHER
05. ATTORNEY'S REPORT:
 - A. LEGISLATIVE UPDATE
 - B. PROPOSED SPECIAL DISTRICT LEGISLATION
 - C. LOCAL BILL FOR BROWARD COUNTY OFFICE OF INSPECTOR GENERAL
 - D. OTHER
06. APPROVAL OF LEGAL BILLS
07. BOARD MEMBERS QUESTIONS/COMMENTS
08. OTHER
09. MEETINGS:
 - A. NEXT MEETING WILL BE THURSDAY, MARCH 25, 2010
10. ADJOURNMENT

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE BOARD WITH RE-SPECT TO ANY MATTER CONSIDERED AT SUCH HEARING/MEETING MAY NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE MAY WISH TO INSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD IS TO BE USED FOR TESTI-MONY AND EVIDENCE UPON WHICH AN APPEAL WOULD BE BASED.

IN ACCORDANCE W/THE AMERICANS W/DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS W/DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE DISTRICT AT (954) 680-3337 AT LEAST 48 HOURS PRIOR TO THE PROCEEDINGS FOR ASSISTANCE.

**SOUTH BROWARD DRAINAGE DISTRICT
GOVERNING BOARD MEETING MINUTES
FEBRUARY 25, 2010**

Present:

Scott Hodges, Chairperson
Thomas Good, Vice Chairperson
James Ryan, Treasurer
Robert E. Goggin, IV, Secretary
Mercedes Santana-Woodall, Commissioner
Vicki Minnaugh, Commissioner
Alanna Mersinger, Commissioner

Leo M. Schwartzberg, District Director
Douglas R. Bell, Legal Counsel
Reina Muniz, Recording Secretary
Charlie Lynn, SWR Town Administrator
Fred Fisikelli, SWR Councilman
Carl Huntsberger, SWR
Jose Lopez, SFWMD
Douglas McKay, Councilman
Lobbyist Michael Wood
General Public: See Attached List

01. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Meeting called to order at 9:35 A.M., followed by the Pledge of Allegiance.

02. PUBLIC COMMENT

None

03. APPROVAL OF MINUTES

Commissioner Minnaugh moved for approval of the minutes of the January 28, 2010 Board meeting minutes. Motion seconded by Commissioner Goggin and carried unanimously.

04. DISTRICT DIRECTOR'S REPORT

A. Michael Wood, Lobbyist, Update

Mr. Wood said that he continues lobbying for funding. He said that on the Habitat project, Nancy had a meeting with Mr. Goodwin and they are still moving forward with it.

Commissioner Good mentioned a grant called an "EPA Care Program" grant. He said that this grant gives first level funding anywhere between \$75,000 – \$100,000 and a level two funding from \$150,000 - \$300,000. He said that this grant would be an opportunity to get money to educate the community before the District implements any new rules or changes in its charter. He mentioned that there may be a two-week window or less. He recommends that SBDD considers finding a way to get this application completed to help Mr. Wood push this issue that is faced by this District.

Mr. Bell asked Mr. Wood if he had any input on the EPA Nutrient Criteria. Mr. Wood said it is one of the issues he wants to bring up on his trip to Washington. Mr. Wood said he would touch bases with Representative Debbie Wasserman-Shultz Legislative person and that he will follow-up on it.

B. Presentation of Draft Audit

Mr. Barry Fink gave a brief explanation of the draft audit and commended Susan on what a good job she's been doing. Commissioner Goggin made a motion for approval of the Draft Audit. Motion seconded by Commissioner Mersinger and carried unanimously.

C. Variance

Lambert Variance Request – Mr. Schwartzberg said the Lamberts are requesting a variance to allow the pool and deck that encroach into the L.M.E. to remain. The patio encroaches about 4.5 feet into the L.M.E. and the shortest distance from the patio to the water's edge is approximately 25 feet. Since there is adequate access around the patio, Mr. Schwartzberg recommends approval to allow the pool and patio to remain in the L.M.E.

Commissioner Minnaugh moved for approval. Motion seconded by Commissioner Mersinger and carried unanimously.

D. Report on February 1, 2010 Storm

Mr. Schwartzberg made a powerpoint presentation of the February 1, 2010 Storm. He mentioned that there were two homeowners that he approached with suggestions of a possibility of getting a side-yard easement from each of them in order to relieve some of the flooding that occurs on 178th avenue. He recommended extending the canal and placing a culvert under 54th street to tie into Lateral Two; or as a second option, SBDD can place a pipe in a 30 foot easement with 15 feet on each side of the property line. Mr. Schwartzberg explained to the homeowners the advantages of doing this. He said his only real preference for the canal versus the culvert is that it would cost the district less money to put in the canal, but because this is important enough, he thinks the District would pay for the culvert. Mr. Schwartzberg said that he would bring the culvert issue to the board for approval to pay for it if that's what the homeowners would like.

The homeowners asked Mr. Schwartzberg if he could present their request to the board to be paid \$30,000 for their 15 feet side-yard easements.

Commissioner Mersinger and Commissioner Minnaugh questioned the \$60,000 expense to the homeowners for the easements.

Mr. Schwartzberg explained that it would require the District to remove a row of Bischofia and Australian pine trees. He said the District can do that right away. He said he would do the plans in-house to speed up the process and save the District some money; and if the property owners choose to grant the District the easements, then the District could proceed with the project.

Mr. Schwartzberg said that in the Ivanhoe area, he recommends the District replace the fixed weir with a removable gate that the District can open to lower the water back down to control. He said the District will be placing a bid out for this.

Mr. Bell further explained that when Bailey Drainage District was created, that District got easements throughout a lot of the area and, unfortunately, that was one of the areas that no one ever got an easement.

Commissioner Ryan asked Mr. Schwartzberg if the District checks with SFWMD meteorologist when a storm event is coming. Mr. Schwartzberg replied that it does.

Commissioner Minnaugh asked if we have any jurisdiction on commercial areas that totally flood and if it was time for them to do recertification. Mr. Schwartzberg replied no, the District has no jurisdiction and as long as they meet their five year requirement there is not much the District can do.

Commissioner Good wants to know if there is a chart or a report that would show the relationship between how much rain falls and how high the water rises in the District. Mr. Schwartzberg said that he should be able to produce such a report.

E. SFWMD/SWR Memorandum of Agreement

Mr. Schwartzberg made a powerpoint presentation on the proposed Memorandum of Agreement (M.O.A.). The M.O.A. is being worked on by the following 4 entities: SBDD, SFWMD, town of SWR, and the Florida Department of Agriculture (FDACS). It has been approved by the town of Southwest Ranches and SFWMD. It has yet to be approved by SBDD. FDACS role relates to education and assisting in the implementation in the best management practices for agricultural land.

Mr. Schwartzberg said that the basic concept is to allow the northern part of S-9 & S-10 to fluctuate with the C-11 canal during the rainy season. He said that the pilot project is a one year project that is proposed by the entities. He further commented that this project must not result in an increase in phosphorous discharging into the C-11 canal.

Commissioner Mersinger explained that during her attendance at the EPA meeting she understood the FDACS and the BMPs would most likely be disregarded, so if the EPA chooses to enforce their rules on the District, this M.O.A. would be a mute issue because that's in part what the District is basing the M.O.A. on.

Mr. Schwartzberg agrees that if the EPA chooses to enforce its new rule on the District, as water body owners, then voluntary cooperation might have to be dismissed if the District is not getting enough cooperation.

Commissioner Minnaugh had concerns in regard to payment. She asked Mr. Bell if the District changes the wording to say that the town of SWR were to pay in advance to the District what the fee charge would be, would that be acceptable to SFWMD? Mr. Bell replied the District

would take the position that it would not file the permit application unless the town of SWR paid the District first.

Commissioner Good expressed his acceptance of the M.O.A. He believes that this would allow the District to move forward with helping out with the situation that many people have complained about since the very beginning of his tenure.

Commissioner Ryan also had concerns on the wording in regard to funding. He requested Mr. Bell remove the last comment of Section 7-4B. He said he agrees that this is a project that is solely for the town of SWR. He encourages the board to vote on it and move forward. He, like others on the board, would like some assurance from the town of SWR that they are serious about this.

Commissioner Goggin and Santana-Woodall were in concurrence with the other commissioners. Commissioner Hodges commended everyone who got together on this.

Commissioner Mersinger asked if there are any plans in installing storm sewers in the Dykes Road area.

Mr. Lynn, SWR Town Administrator, said he doesn't have a definite answer to Commissioner Mersinger's question. He suggested that one of the board members be a liaison between SBDD and the town of SWR to ensure that there is a communication structure and to avoid some of the issues they have had in the past. Commissioner Minnaugh accepted the task of liaison to meet with one council member from the town of Southwest Ranches.

Commissioner Minnaugh moved for approval that the M.O.A. be accepted as provided, conditioned upon all of the changes that the commissioners presented in regard to funding, paying, etc., and that there is no obligation. Motion seconded by Commissioner Mersinger.

Commissioner Good wanted to address the before-mentioned deal breaker, whether the wording should stay in or not, so he made an amendment to approve it with the strike through on any reference on the permit fees and the construction cost; the motion was seconded by Commissioner Ryan. Both were voted on and carried unanimously.

F. EPA Numeric Standards Criteria Status Report

Commissioner Mersinger, Mr. Bell, and Mr. Schwartzberg attended the EPA meeting. Mr. Schwartzberg said the basic issue, as it relates to the District, is that EPA is proposing a 42 part per billion phosphorous level for canals in South Florida. Mr. Schwartzberg said the cost of compliance is prohibitive and the benefits, if any, do not support the cost. He said that USGS, whose computer model is what EPA used, say that EPA misused the model. He commented that the rule is too expensive. Commissioner Mersinger, Mr. Bell, and Mr. Schwartzberg made it a point to mention at the meeting that the EPA needs to decide who they will penalize if there is a violation.

Commissioner Ryan commented that everyone involved should apply for the grant that Commissioner Good discussed earlier. Commissioner Good suggested support letters to be

included in applying for this grant.

05. LEGAL-COUNSEL REPORT

A. Update on proposed South Broward Charter changes

Mr. Bell said that on the legislative update, once the session has ended, the District will schedule meetings with Senator Rich and others to try to get it back on track.

B. Proposed Special District Legislation

Mr. Bell said he did an update on the Special District Legislation and one bill, senate 690, which relates to local government accountability, has gone through a number of the committees and is now in finance and tax. He said they have put together a bill analysis and impact statement, but he had concerns that almost half of it refers to stuff with Special District that refers to the budget. He mentioned that his concern is that there are more than 32 Special Districts that are more than one year late on their finance reporting requirements. Mr. Schwartzberg clarified that some of those that are late are dormant Districts that should have been disbanded and haven't been; so technically they are in violation. Mr. Bell said senate bill 512, which relates to local government health insurance, is going forward. It's now in government oversight accountability. This is the bill that allows board members of Special Districts to take advantage of the insurance cost that the state gets.

C. Local Bill for Broward County Office of Inspector General

On the local bill for Broward County office of Inspector General, Mr. Bell said it's still where it was the last time. He said he's not sure what's going on, but he will be getting a copy of the draft and for the board members. He expressed his concern about how several members of the cities are not aware of this bill or what the impact will be.

D. Other

Mr. Bell said that on Mr. Eastman situation, he will give us an update on the next meeting.

06. APPROVAL OF LEGAL FEES

Commissioner Minnaugh moved for approval of the legal bills; motion was seconded by Commissioner Goggin and carried unanimously.

07. BOARD MEMBERS COMMENT

None

08. OTHER

Mr. Schwartzberg mentioned that on the SFWMD's governing board, there were three potential vacancies and the governor reappointed Shannon Estenoz, who is a Broward County

Representative. He also mentioned that they appointed one of their two At- large members from Broward County for the first time, replacing the gentleman from the Keys. The new board member is Mr. Glen Waldman, attorney from Weston. Mr. Schwartzberg has already invited him for a tour.

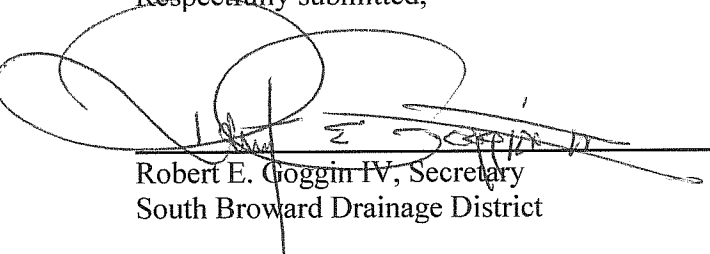
March 6th is Canal Clean-up Day which is sponsored by SFWMD. March 13th is Water Matters Day; it will be at Tree Top Park in Davie. On March 16th there will be a Water Conservation Seminar at SFWMD.

09. MEETING DATE

A. Next Board Meeting will be held Thursday, **March 25**, 2010 at **9:30** A.M.

Adjournment at 11:15 A.M.

Respectfully submitted,



Robert E. Goggin IV, Secretary
South Broward Drainage District

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