

**SOUTH BROWARD DRAINAGE DISTRICT
BOARD OF COMMISSIONERS MEETING
******AGENDA******
THURSDAY, FEBRUARY 26, 2009**

NOTE: BOARD MEMBERS, PLEASE TURN YOUR MICROPHONES ON

- 01. CALL TO ORDER/PLEDGE OF ALLEGIANCE
- 02. PUBLIC COMMENT
- 03. APPROVAL OF MINUTES:
 - A. JANUARY 29TH BOARD OF COMMISSIONERS MEETING
 - B. FEBRUARY 12TH MANAGEMENT COMMITTEE MEETING
- 04. DIRECTOR'S REPORT:
 - A. 2007-2008 ANNUAL AUDIT REPORT
 - B. BLOOD BANK REPRESENTATIVE
 - C. SOCCER FIELD
 - D. STIMULUS PROJECTS STATUS
 - E. BASINS S-9/S-10 CANAL 12 BID AWARD
 - F. OTHER
- 05. ATTORNEY'S REPORT:
 - A. GRAND PALMS LAWSUIT UPDATE
 - B. LEGISLATIVE UPDATE
 - C. STATUS OF SCHOOL BOARD PROPERTY/S-9/S-10 SPECIAL-ASSESSMENT PAYOFF
 - D. OTHER
- 06. APPROVAL OF LEGAL BILLS
- 07. BOARD MEMBERS QUESTIONS/COMMENTS
- 08. OTHER
- 09. MEETINGS:
 - A. BOARD MEETING THURSDAY, MARCH 26, 2009
 - B. MANAGEMENT COMMITTEE - SET DATE IF NEEDED
- 10. ADJOURNMENT

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT 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 TESTIMONY 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 26, 2009**

Present:

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

Leo M. Schwartzberg, District Director
Douglas R. Bell, Legal Counsel
Joann Long, Recording Secretary
Jack McCluskey, PP Commissioner
Barry Fink, Margolies, Fink &
Wichrowski, CPAs
General Public: Marilyn Soltanigova

Absent:

Thomas Good, Vice Chairperson

01. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

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

02. PUBLIC COMMENT

None.

03. APPROVAL OF MINUTES

A. Motion to approve January 29, 2009, Board meeting minutes as submitted made by Commissioner Minnaugh, seconded by Commissioner Goggin; carried unanimously.

B. Motion to approve February 12th Management Committee minutes as submitted made by Commissioner Minnaugh, seconded by Commissioner Goggin; carried unanimously.

04. DISTRICT DIRECTOR'S REPORT

A. 2007-2008 Annual Audit/Available Funds

The annual audit for fiscal year ended September 30, 2008, was submitted for discussion. Mr. Barry Fink of the firm of Margolies, Fink & Wichrowski, CPAs, explained that, as in past years, the District received a clean opinion from his firm for the 2007-2008 fiscal year. There were no problems discovered, nor was there any formal audit required. While monies were received from State grant funds as well as FEMA, those funds date back to the previous fiscal year's work. Accordingly, the 2006-2007 financial statement must be amended which will be done by Mr. Fink's firm.

The balance sheet is very strong, as all Hurricane Wilma debts were paid from the additional FEMA monies received and other debts paid with State grand funds. For the first time in over 25 years, there were no management-letter comments and recommendations.

The Board was very pleased with the audit package and results and expressed their appreciation to Messrs. Schwartzberg and Fink for their efforts on this behalf.

In response to a question from Commissioner Hodges on the amount of funds available, Mr. Schwartzberg explained that he had met with Commissioner Ryan and Mr. Robert Bell, a financial specialist, on the matter of insuring that all District funds are invested and protected as well as possible, as the District is required to meet governmental guidelines. Mr. Schwartzberg will be coming before the Board in the near future for approval of a formal investment policy which is in the process at this time.

Per Mr. Schwartzberg's request, staff members Joe Certain, Luis Ochoa and Robert Franklin are in the process of doing a combined inspection of all pump stations, as there are some that will have to be upgraded and others that require repairs and additional maintenance over and above the "norm". Some of the costs could be taken from capital-improvement funds.

Commissioner Mersinger moved for approval of the 2007-2008 financial audit as submitted. Motion seconded by Commissioner Minnaugh and carried unanimously.

B. Blood Drive

Mr. Schwartzberg explained that the Community Blood Centers of South Florida rep was unable to make today's meeting but had provided information that the group is a non-profit organization even though they do charge for handling, etc., to offset their costs.

Commissioner Mersinger interjected that she had done some research on this group and found that like most blood banks, it has some highly-paid staff members and made a considerable profit in previous years according to information on file. Thus, it is her opinion that they are profiting from all blood donations. If the District is going to become involved in this area, she would rather see such donations made directly at a local hospital to insure that no one profits financially from any donations. Others agreed, and Commissioner Minnaugh moved that the CBCSF planned blood drive at SBDD be cancelled and that any further blood donations be made directly at a hospital. Motion seconded by Commissioner Mersinger and carried unanimously.

C. Soccer Field

At the January 29th Board meeting, there as discussion on the possibility of allowing local municipalities the use of the south portion of the District headquarters property for a soccer field. Commissioner Mersinger has discussed this with some of the adjacent residents who are not happy with that possibility. Mr. Schwartzberg noted that it would be basically for day-time use which should not interfere with adjacent properties. The District would have full control over the property, with a provision that the use privilege could be cancelled at any time by the District.

An owner in Stoneridge voiced her objections, one due to the traffic situation which is already horrendous and would only worsen were the property to be used for youth sporting event purposes. Pembroke Pines Commissioner Jack McCluskey interjected that he has been involved in school soccer events for years and that there are never crowds at these games. Thus, he felt this would have no affect on traffic whatsoever. Mr. McCluskey felt it would be a simple operation with no adverse affects on anyone. He added that it is his belief that allowing the property to be used for municipal soccer practice/events would be a proper use of government property.

After further discussion, it as felt that no action is required until an actual proposal has been submitted to the District.

Commissioners Goggin and Minnaugh felt this would be a multi-sports use park if approved and that the Board must consider the surrounding neighbors/properties when making any decision.

Mr. Bell added that if the Board were to consider approving use of any portion of the property for sports use, it would probably require going back to the County for approval to do so per the property plat even though the District's Charter says that would not be necessary.

D. Stimulus Project(s) Status

Mr. Schwartzberg provided all Commissioners with a revised-stimulus-information package by e-mail. This report shows a total of \$3,868,600 for 19 projects and includes a

column for the number of workers each “project” could require. Commissioner Mersinger felt that column is not necessary, as it should be understood that each “project” will create positions. Others agreed.

After brief discussion, it was agreed to eliminate that column from the data; and were anyone to have any questions after reading the report, that information would be provided as requested. Commissioner Good felt strongly that the cover letter should be signed by the appropriate person.

It was agreed Mr. Schwartzberg will revise the report via eliminating the number of positions column and that Commissioner Hodges will sign the cover letter as Chairperson. All Board members will be provided a copy of the final stimulus package.

E. Basins S-9/S-10 Canal 12 Structure & Culvert Bid Award

Five bids were received for the Canal 12 Structure & Culvert project ranging from the low bid of \$322,594.15 (Williams Paving Company, Inc.) to \$597,503.75. Mr. Schwartzberg recommended the low bid of \$322,594.15 be accepted. This company did the Canal 13A/205 Avenue Culvert Project for the District in 2006 and did a good job.

Commissioner Minnaugh moved for acceptance of the Williams Paving Company bid in the amount of \$322,594.15. Motion seconded by Commissioner Goggin and carried by unanimous vote.

There is a 90-day time frame for completion with a contract provision whereby if the gate had to be opened due to inclement weather, it would be done at no additional cost.

F. Basins S-9/S-10 Culvert Replacements

Due to the economy and the fact that many businesses are providing services at a much lower cost than in the past, Mr. Schwartzberg is procuring information on replacing the last two upstream culverts in Basins S-9/S-10. These two structures are old and in need of replacement regardless of the economic times. Complete information should be available for the March Board meeting.

G. Gil Hyatt Construction Letter of Thanks

A letter was received from Gil Hyatt Construction Company expressing appreciation for the cooperation shown by District staff during the permitting/inspection processes during one of their recent endeavors within SBDD boundaries. Commissioner Goggin noted that this was a new McDonalds and that the Hyatt Company is a “first-class act” and did the work in the manner one would expect of such a company. Mr. McCluskey voiced his agreement.

05. LEGAL-COUNSEL REPORT

A. Grand Palms Lawsuit

Mr. Bell explained that he has heard nothing on this issue since the last meeting. All continued to agree nothing further is to be done on the part of the District until such time as Grand Palms moves forward.

B. Legislative Update

Mr. Bell noted that there are some “scarey” bills which may be submitted to the Senate, one being that basically 100% of special districts information would have to be put on a special web site (proposed by Senator Storms). Another is in Section 1 of the State Constitution whereby special districts would be limited in any increases based on a number of factors, this proposed by Senator Aradopolis. Another possible one, as proposed by Senator Bennett, deals with the possibility of ad-valorem taxes being assessed against both properties and structures, etc.

While nothing appears to include this District due to its taxing method, that could change.

C. Status of School Board Property/S-9/S-10 Special Assessment

After several years of negotiations between the District's legal counsel and the Broward County School Board regarding the S-9/S-10 special assessment, a check has been received in the amount of \$38,377.46 to pay off the Basins S-9/S-10 special assessment in full on a property which they purchased. It was agreed this money will be deposited in S-9/S-10 funds to be used towards the cost of the overall Basins S-9/S-10 storm-water improvement project.

06. APPROVAL OF LEGAL BILLS

After responding to several questions regarding the legal bills, Commissioner Mersinger moved for approval of the legal bills as submitted. Motion seconded by Commissioner Minnaugh and carried unanimously.

07. BOARD MEMBER COMMENTS

A. District Staff

Commissioner Goggin stated that every now and then, he gets to see SBDD crews doing their work; and he feels they do it very well. He has witnessed a lot of initiative shown in the field which results in time saving and frees the workers up to continue on with their "task" list. Commissioner Goggin felt this speaks highly of their supervisor(s) as well as the crews themselves.

B. Board Approvals/Silver Lake HOA

Commissioner Mersinger recalled a situation where in September of last year, the Board approved a portion of a pool to encroach into the easement on the Siegel property located in Silver Lakes per request from the property owners. She noted that Mr. Schwartzberg had not made any recommendation regarding approval or disapproval, as this was a rather-unique situation. Commissioner Minnaugh explained that even though this Board did approve the request, the Silver Lakes HOA did not, as that lake is owned by the Association who is thus responsible for it and does not approve this type of encroachment for that reason. The HOA also felt there was sufficient "free" space where a reconfigured pool could be located without difficulty. The HOA has asked that the SBDD Board not approve this type of request within the Silver Lakes development in the future.

The other Commissioners were quite surprised by this, as they were certain that the property owner had stated that the HOA had approved the encroachment. Had they known otherwise, the request would have been denied.

After brief discussion, it was agreed that proof of HOA approval must be provided in writing with any and all vacation/variance requests as it is not the intent of this District to be in conflict with any HOA.

C. Tree Removal Contractor

Recently, Commissioner Mersinger observed a tree being removed adjacent to her property and was extremely impressed by the workmanship from start to finish. She provided him with the District Director's card in the event he is interested in doing any tree-removal work for SBDD. Mr. Schwartzberg responded that as long as the company is qualified, licensed and meets the insurance requirements, this company would be treated the same as all others who provide or wish to provide work for the District. This goes for all areas of operation within SBDD.

D. Southwest Ranches/Sheriff's Department Antenna/Trailer

In response to a question on the SWR/Sheriff's antenna/trailer on SBDD premises, while this equipment is now on site, the owners will have to place it on a poured concrete slab

for which they are responsible. This should be done within the near future. The location for the concrete slab must meet District approval, and the District is in no way responsible for the slab/equipment.

E. SBDD Taxes/Foreclosures

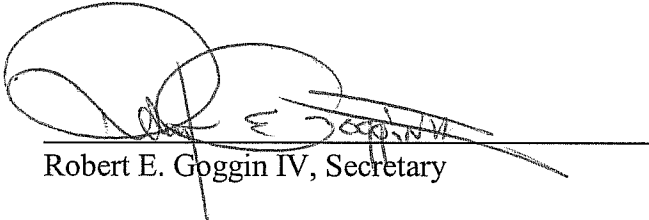
The question was raised on whether or not the great many foreclosures on properties within SBDD boundaries will have any affect on the District's income via the property-tax billings/collections of District fees. Mr. Bell responded this should pose no problem, for at some time, all "late" taxes billed by the County are paid, usually via tax-certificate sales.

08. MEETING DATE

Board meeting, Thursday, March 26th, 9:30 A.M. At this time, it was felt there is no need for a Management Committee Meeting. If that changes, all will be notified accordingly.

Adjournment at 10:50 A.M.

Respectfully submitted,



Robert E. Goggin IV, Secretary

/jl