

**SOUTH BROWARD DRAINAGE DISTRICT  
BOARD OF COMMISSIONERS MEETING**

**\*\*\*\*AGENDA\*\*\*\***

**THURSDAY, FEBRUARY 28, 2008**

**NOTE: BOARD MEMBERS, PLEASE TURN YOUR MICROPHONES ON**

01. CALL TO ORDER/PLEDGE OF ALLEGIANCE
02. PUBLIC COMMENT
03. APPROVAL OF JANUARY 31, 2008, BOARD MEETING MINUTES
04. DIRECTOR'S REPORT
  - A. TORRES SURFACE-WATER MANAGEMENT VACATION REQUEST (16651 SW 59 COURT, SOUTHWEST RANCHES)
  - B. APPOINTMENT OF COMMISSIONER - ADMINISTER OATH OF OFFICE
  - C. BOAT STORAGE AREAS - DESIGN CRITERIA MANUAL REVISION
  - D. 2006-2007 ANNUAL AUDIT REPORT
  - E. DISPOSAL OF SURPLUS EQUIPMENT
  - F. ZIMMERMAN MEMORIAL VIDEO
  - G. OTHER
- 05 ATTORNEY'S REPORT
  - A. SHORELINE EROSION UPDATE
  - B. SPECIAL DISTRICT LEGISLATION UPDATE
  - C. APPROVAL OF MARIA ENCROACHMENT IN VARIANCE RESOLUTION NO. 2008-02
  - D. OTHER
06. APPROVAL OF LEGAL BILLS
07. BOARD MEMBERS QUESTIONS/COMMENTS
08. OTHER
09. MEETINGS:
  - A. BOARD OF COMMISSIONERS MEETING - THURSDAY, MARCH 27, 2008, 9:30 A.M.

10. ADJOURNMENT

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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 PARTI-CIPATE 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 28, 2008**

**Present:**

James Ryan, Chairperson  
Robert E. Goggin IV, Secretary  
Carl Lanke, Treasurer  
John Eastman, Commissioner  
Thomas Good, Commissioner  
Alanna Mersinger, Commissioner

Leo M. Schwartzberg, District Director  
Douglas R. Bell, Legal Counsel  
Barry Fink, SBDD CPA  
Joann Long, Recording Secretary  
General Public: Robert Busch,  
Vicki Minnaugh, Jack McCluskey  
Arthur Cappella

**Absent:**

Scott Hodges, Vice Chairperson

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

Meeting called to order at 9:40 A.M. followed by roll call and the Pledge of Allegiance.

**02. PUBLIC COMMENT(S) - None.**

**03. APPROVAL OF MEETING MINUTES**

Per motion by Commissioner Mersinger and second by Commissioner Eastman, the January 31, 2008, Board meeting minutes were unanimously approved.

**04. DISTRICT DIRECTOR'S REPORT**

A. **2006-2007 Annual Audit** - Mr. Barry Fink (Margolies, Fink & Wichrowski, CPAs) highlighted the annual audit for fiscal year ended September 30, 2007, noting this was the first year that it was necessary to perform a "single" audit regarding the grant monies from FEMA and the Basins S-9/S10 project grant monies, in addition to the "regular" audit for normal District operations. Mr. Fink explained the requirements for the "single" audit. As in the past, the "regular" audit resulted in a clear opinion from the auditors as did the "single" audit, as everything was done correctly and in compliance with existing rules/regulations.

Mr. Fink explained the need for a large change in the breakdown of the funds billed and collected by the County for the District's maintenance, administrative and special assessment monies due to the great increase in the number of the basin codes due to the change in the taxing method. While this is included in the annual audit information as a suggestion to management, a new system is already in place as it would have been basically impossible to continue with the "hand" breakdown method that has been used for well over twenty years. The "new" computerized breakdown method appears to be working well.

Mr. Fink advised that the District remains in sound financial condition.

Commissioner Eastman noted that on Page 7 under General Revenues, maintenance and erosion are included together. He questioned if these two categories can be separated. Mr. Fink responded that this is broken out on Page 12 and that Page 7 is a summary page. This met with Commissioner Eastman's approval, and he then Eastman questioned the S-8 monies shown on Page 10 (just under \$47,000). This account will be closed out after the next tree project in that area is completed. On Page 12, Commissioner Eastman questioned the S-8 amount shown for engineering. Mr. Schwartzberg responded that this

was due to requirements for modeling and permitting by South Florida Water Management District. Commissioner Eastman also questioned the total of \$460,000 amount transferred out of S-8 monies. Mr. Schwartzberg felt this had to do with monies “borrowed” for the erosion projects and will confirm same.

Per a question by Commissioner Eastman, the District has two employees who are currently in the DROP (Deferred Retirement Option Program), those being Joseph Certain and Joann Long.

On Page 23, Item 8, this is strictly Basins S-9/S-10 assessment monies remaining as of September 30, 2007, to be billed/collected to pay the remaining loan monies already collected.

On the matter of legal fees, these were higher than anticipated due to the erosion projects. Commissioner Mersinger moved for approval of the 2006-2007 annual audit report as modified after Mr. Fink’s final review. Motion seconded by Commissioner Goggin; carried unanimously.

**B. Appointment of Commissioner & Oath Of Office** - There are two excellent candidates for the vacancy on the Board, Mr. Arthur Cappella who is a semi-retired CPA, and Mr. Thomas Good who is the Public Works Director for the City of Miramar. Both are extremely well qualified and would make a great addition to the Board. A roll-call vote was taken which showed Commissioners Lanke, Eastman and Mersinger voting for Mr. Good and Commissioners Ryan and Goggin voting for Mr. Cappella. Therefore, Mr. Good was elected by a vote of 3 to 2. Those voting for Mr. Good felt his association with the City of Miramar gave him the “edge”.

The District’s legal counsel, Mr. Douglas R. Bell, administered the Oath of Office to newly-elected Commissioner Good.

**C. Torres Surface-Water Management Area Vacation Request** - Previously, surface-water management areas were dedicated on the 16631 Southwest 59 Court, SWR property based on the site plan at that time. Subsequently, the plan was revised necessitating a modification to the dedicated areas. The owners have executed the document to create new, slightly-larger swmas that will accommodate the revised site plan. This will be recorded simultaneously with the vacation document for the original dedicated areas. Mr. Schwartzberg recommended approval of the vacation of the original surface-water management areas. Commissioner Eastman moved for approval of Mr. Schwartzberg’s recommendation. Motion seconded by Commissioner Mersinger; carried unanimously.

**D. Boat-Storage Areas** - Recently, District staff has become aware of an increased number of property owners who pull their boats up onto the shore behind their houses (see attached memorandum). Mr. Schwartzberg recommended small concrete or brick paver storage areas flush with the surrounding ground and no larger than 10 feet in any dimension be approved for the purpose of boat storage. This would create no problems for the District due to the small size of the area, and Section 9 of the District’s Criteria Manual (Docks, Decks, Bulkheads, Seawalls, etc.) would be amended to include this new criteria. Commissioner Mersinger moved Mr. Schwartzberg’s recommendation be approved by Resolution (to be prepared by Mr. Bell and submitted for final approval at the March 27<sup>th</sup> Board meeting); motion seconded by Commissioner Eastman, with the inclusion of the fact these storage areas will not be items that would be repaired by the District no matter what type of damage they may realize. It was reiterated that when the Criteria Manual is updated, this information will be included therein.

Mr. Goggin noted that from what he has been told by a number of people who come into his business that the City of Pembroke Pines continues to issue permits in SBDD dedicated areas without sending them here. Mr. Schwartzberg responded that to the best of his knowledge, both Pembroke Pines and Miramar have been notifying persons of the

need to check with the District re: improvements within SBDD easements before issuing their permits for same. Mrs. Minnaugh interjected that there are actually signs posted in the Permitting Department of Pembroke Pines advising of the need for lake-front property owners needing additional permits from SBDD. When questioned, Mr. Schwartzberg responded that the Town of Southwest Ranches does comply with this requirement as does the Town of Davie.

A vote on the motion and second to approve Mr. Schwartzberg's recommendation on the boat-storage areas (not to exceed 10 feet in an dimension) was unanimously approved.

E. **Surplus Equipment/Property Disposal** - Mr. Schwartzberg requested approval to advertise on [www.Publicsurplus.com](http://www.Publicsurplus.com) (a web site specifically designed to assist government agencies to sell surplus items) items no longer needed by the District (see attached memorandum), or if this does not produce satisfactory results, via any other method that is acceptable under SBDD Resolution No. 2007-16 previously approved. Motion by Commissioner Goggin to approval Mr. Schwartzberg's request, second by Commissioner Eastman; carried unanimously.

F. **Zimmerman Memorial Video** - The memorial video shown in honor of Mr. Zimmerman at the recent Conine Classic Golf Tournament banquet (benefitting the Joe Di-Maggio Children's Ward at Hollywood Memorial Hospital) was played. Chairperson Ryan noted that Mr. Zimmerman was a great asset to this District over his many years of association with SBDD both as a property owner and as a Board member. He was also a great asset to the Cities and many other governmental agencies throughout Broward County. He will be greatly missed.

G. **Broward Water Matters Day 2008** - Saturday, March 15<sup>th</sup>, at Tree Top Park . The District will have a display. All were urged to attend.

H. **Adopt A Canal Program** - The District has its first participating sponsor for the Adopt A Canal Program, the Pembroke Pines/Miramar Rotary Club, signed up through Commissioner Lanke. No other details available at this time.

## 5. **LEGAL-COUNSEL REPORT**

A. **Shoreline Erosion Update** - The first "official" meeting of the Erosion Committee will be held on Monday, March 3<sup>rd</sup>, at 10:00 A.M. Mr. Castillo will be out of town and thus unable to attend even though he wants everyone to be assured he is very much interested in this issue.

B. **Special District Legislation Update** - Senator Baker submitted an almost identical bill to the one he submitted last year, and there appears to continue to be a great deal of opposition to the proposed bill. In reference to a proposed bill for funds, while there is local support, it may not pass the governor's office. Mr. Schwartzberg noted that the District is linked to SFWMD's priority list. SBDD staff and Commissioners continue to work on this in every way possible, and Commissioner Mersinger's efforts are key. All Board members will be provided with a copy of a document that contains information on all Districts in South Florida. Proposed House Bill 731, if approved, would restrict the amount the District can increase taxes from one year to the other.

C. **Maria Encroachment Variance/Resolution No. 2008-02** - Removed from today's agenda for inclusion on the March 27<sup>th</sup> meeting agenda.

## 06. **APPROVAL OF LEGAL BILLS**

Legal bills approved unanimously per motion by Commissioner Lanke and second by Commissioner Eastman who questioned the number of hours spent reviewing HOA documents. Mr. Bell explained that while he was pretty much familiar with the overall

master HOAs, there are numerous sub-HOAs where he was not provided any information on as they were formed after the master ones which is normally the District's main concern. Commissioner Eastman asked for a "heads up" for issues such as this so that Board isn't surprised "after the fact" at the sizeable cost that was generated for the work done.

07. **NEW BOARD MEMBER COMMENTS**

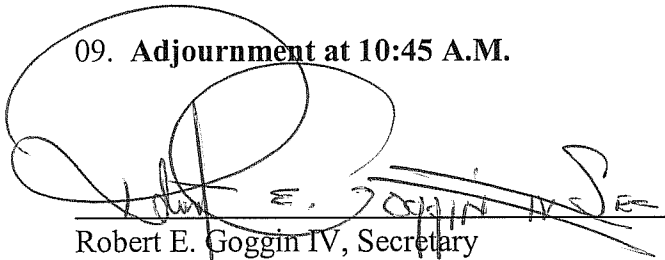
New Commissioner **Tom Good expressed his appreciation** for being provided the opportunity to be a part of this District and to represent the property owners within his Zone as well as all property owners within SBDD boundaries.

08. **MEETING DATES**

- A. Erosion Committee, Monday, March 17<sup>th</sup>, 10:00 A.M..
- B. Board of Commissioners Meeting, Thursday, March 27, 2008, 9:30 A.M.

In reference to these meetings, Chairperson Ryan felt the Board needs to review the District's Charter to see what the District is actually responsible for before making definite decisions on what it will be undertaking with the erosion issue as well as other possible issues that could arise..

09. **Adjournment at 10:45 A.M.**



Robert E. Goggin IV, Secretary  
South Broward Drainage District

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