

**SOUTH BROWARD DRAINAGE DISTRICT
MANAGEMENT COMMITTEE MEETING MINUTES
JUNE 13, 2007**

Members Present/Absent:

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| Jack McCluskey, President | Robert Goggin IV, Supervisor |
| Scott Hodges, Vice President (Absent) | Alanna O. Mersinger, Supervisor |
| Carl J. Lanke, Treasurer | Leo Schwartzberg, District Director |
| James Ryan, Secretary | Douglas R. Bell, Legal Counsel |
| John Eastman, Supervisor | Joann Long, Recording Secretary |
| General Public - Gloria Casazza, David Pressler (DRD Enterprises, Inc.) | |

01. Call to Order

The Management Committee meeting was called to order by Mr. McCluskey at 3:02 P.M.

02. Casazza Variance Request

Per a request from Mr. & Mrs. Casazza, owners of 18200 Southwest 6 Street, Pembroke Pines (Silver Lakes), and Mr. Schwartzberg's recommendation (see attached memo) that the Board grant a variance for the construction of a pool/patio in a portion of the District's lake-maintenance easement which abuts a mitigation parcel, Mr. Eastman moved that the District vacate the applicable area. Motion seconded by Mrs. Mersinger and carried unanimously.

03. Employee Benefits

Per request of Mr. McCluskey, Mr. Ryan moved that the Federal Family and Medical Leave Act (see attached) be adopted for District staff even though the District is not subject to said Act. Motion seconded by Mrs. Mersinger. Carried unanimously after amending the motion whereby only the applicable provisions of the Act, as determined by Messrs. Bell and Schwartzberg, will be utilized by the District.

After discussion on recommendations submitted by Mr. Lanke, the following changes were unanimously approved per motion by Mr. Lanke, second by Mr. Goggin: (1) First year, 2 weeks vacation time accrual annually; after 7 years, 3 weeks vacation time annual accrual; after 14 years, 4 weeks annual vacation time accrual. Vacation time will be capped at 4 weeks maximum.

Current 3-days compassionate leave (usually used when there is a death in the family) does not include grandparents. Mrs. Mersinger moved to include grandparents in the applicable section of the Employee Manual. Motion seconded by Mr. Lanke; carried unanimously. All new benefits will be effective as of October 1, 2007.

While Mr. Lanke favored allotting personal days for staff, the other Board members and District Director felt this type of benefit was not necessary due to staff being paid in full in some manner for all unused sick or vacation days within each fiscal year. This could be revisited at a later date.

04. Legislative Update/SBDD Annual Operations-Administrative Fee

The District's Bill #1533 still has not been signed by the Governor. If not vetoed or signed by him by June 19th, it automatically becomes law.

Mr. Bell noted that 2008 would be a good year to submit any needed changes to the District's Charter to the legislative body.

The Broward County Property Appraiser's office wants SBDD's annual operations-administrative fee for year 2007 by the end of July for inclusion on the TRIM notices.

Mr. Eastman would like to see the words "or otherwise" removed from the portion of the District's Charter dealing with "easement taking". Mrs. Mersinger responded that she is opposed to taking away any of the Board's authority as were others.

05. Hamilton Variance Request

Mr. & Mrs. Hamilton's request to leave a line of trees over a SBDD culvert within a drainage easement was approved at the last Board meeting provided certain provisions were made including an inspection of the culvert which was done and resulted in a favorable determination on the condition of the pipe. Resolution #2007-09 and accompanying indemnification agreement whereby the Hamiltons will be responsible for repair of any damage to the pipe created by the trees over same pipe, etc., was submitted for approval. Motion to approve by Mrs. Mersinger, second by Mr. Eastman; carried unanimously. The Hamiltons will execute the agreement and be responsible for all charges incurred on this behalf.

06. State Annual Legislative Session/Code Enforcement

Mrs. Mersinger expressed her wish that more SBDD Board members attend at least part of the annual State Legislative Session, particularly Broward Days, as it would be beneficial for SBDD to have "visible" representation. Mr. Schwartzberg noted that money has been included in the 2007-08 annual budget for this purpose.

Re: legislation, Mr. Schwartzberg noted that SBDD does not have any police powers and that the Board perhaps should consider some method of code enforcement. Mr. McCluskey noted, in response to a comment by Mrs. Mersinger, that SBDD already has a way to have things removed from its easements as it can do the work if the owner(s) won't and then include the cost on the annual property bill of the offending owner. Mr. Schwartzberg would like to have some provision that would encourage the property owner to comply with District rules rather than having staff or outside contractors physically go in and do the work and then adding the cost to the individual property-tax bill(s).

Some felt a code-enforcement Board would be a good idea. Mr. Bell was asked to further investigate this possibility.

07. Legal Fees

In conjunction with discussion at the last Board meeting on legal fees, Mr. Lanke visited a considerable

number of public municipalities and found that all were paying much higher hourly rate for their legal services than this District pays. Mr. Bell has been working for SBDD since 1984 and has never lost a case; plus his work has always been done in a very professional manner with excellent results. As such, Mr. Lanke moved that effective October 1, 2007, Mr. Bell's hourly rate be increased to \$190. Motion seconded by Mrs. Mersinger.

Mr. Eastman and Mr. Ryan felt a RFP should be put out re: legal services. The other four Board members disagreed.

A voice vote on Mr. Lanke's motion carried by majority vote of 4 to 2. Mr. Ryan challenged the ruling of the Chair on the results of the vote. A roll-call vote was taken with the following results: Eastman/no, Goggin/yes, Lanke/yes, Mersinger/yes, Ryan/no, McCluskey/yes. Thus, the results of 4 for and 2 opposed remained, upholding the ruling of the Chair.

08. Rolling Oaks Lateral 4 East Canal Project

The low bidder for the Rolling Oaks Lateral 4 East Canal project has challenged the District's policy of not allowing small companies who are not required to carry workers compensation insurance from doing work within the District. He felt this is discrimination as he was awarded this contract before it was discovered he has no workers comp insurance. He is the only employee of his company and uses day laborers for any assistance he needs.

After considerable discussion, Mr. Bell was asked to research this further even though it is a known fact that were someone to be injured during the process of performing the needed work, the District would be liable even though the contractor would not. Mr. Bell will report his findings at the June 28th Board meeting. The contractor agreed to hold his bid until that time.


09. Supervisors/Commissioners

Assuming the Governor does not veto the District's Bill on renaming the Supervisors "Commissioners", in order to comply with the Bill, it will be necessary to have a new election for officers at the June 28th Board meeting.

10. New Taxing Method

Brief discussion ensued on the fact that while the District does not tax common areas, perhaps this possibility should be considered.

11. Adjournment at 4:50 P.M.



Jack McCluskey, Chairperson
Management Committee