

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

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

**THURSDAY, SEPTEMBER 28, 2006**

(NOTE: BOARD MEMBERS, PLEASE TURN YOUR MICROPHONES ON)

01. CALL TO ORDER/PLEDGE OF ALLEGIANCE

02. PUBLIC COMMENT

03. APPROVALS:

A. AUGUST 31, 2006, BOARD MEETING MINUTES

B. SEPTEMBER 19, 2006, MANAGEMENT COMMITTEE MEETING MINUTES

04. DIRECTOR'S REPORT:

A. HURRICANE WILMA INTERIM EROSION-RESTORATION PROJECT UPDATE

B. RESIGNATION AND REPLACEMENT OF BOARD SUPERVISOR

C. OTHER

05. ATTORNEY'S REPORT:

A. RESOLUTION #2006-32 AUTHORIZING REVISIONS TO DISTRICT CHARTER:

1. CHANGE SUPERVISOR DESIGNATION TO COMMISSIONER

2. REVISE EVENTS WHICH WILL RESULT IN REVISION TO  
ZONE BOUNDARIES

3. CHANGE DESIGNATION OF PRESIDENT OF BOARD TO  
CHAIRPERSON OF BOARD

4. CREATE OFFICE OF VICE CHAIRPERSON

5. PROVIDE FOR DESIGNATION OF WHO SHALL PRESIDE AT  
MEETINGS OF THE BOARD

6. CLARIFY ZONES THAT WILL BE UP FOR ELECTION IN 2008, 2010  
AND SUBSEQUENT YEARS

7. DELETE REFERENCE TO LANDOWNERS MEETINGS

8. PROVIDE FOR NOTICE OF MEETINGS OF BOARD

9. CHANGE BID THRESHOLD AMOUNT FROM \$10,000 TO STATE OF  
FLORIDA CATEGORY TWO AMOUNT (\$25,000 CURRENTLY)

B. RESOLUTION #2006-33 APPROVAL OF LEGISLATION FOR AUTHORIZING  
CHANGE IN DISTRICT METHOD OF TAXATION FROM AMOUNT PER  
UNIT/ACRE TO AD VALOREM TAX ON ALL TAXABLE PROPERTIES  
AND PROVIDE FOR NOTICE OF PUBLIC HEARING ON ANNUAL BUD-  
GET AND ASSESSMENT RATES; PROVIDE FOR ADOPTION OF AND  
APPROVAL OF ANNUAL BUDGET AND ASSESSMENT RATES

C. UPDATE ON TOWN OF SOUTHWEST RANCHES LAWSUIT

06. APPROVAL OF 2006-2007 BOARD MEETING DATES

07. APPROVAL OF LEGAL BILLS

08. BOARD MEMBERS QUESTIONS/COMMENTS

09. OTHER

10. MEETING DATES:

A. BOARD OF SUPERVISORS MEETING - THURSDAY, OCTOBER 26, 2006,  
9:30 A.M. (UNLESS CHANGED BY VOTE ON 2006-2007 MEETING DATES)

B. MANAGEMENT COMMITTEE MEETING - SET DATE

11. 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 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

Board of Supervisors

Meeting Minutes

September 28, 2006

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**9:30 A.M. BOARD OF SUPERVISORS MEETING CALLED TO ORDER**, followed by the Pledge of Allegiance.

### PRESENT

President Tom Gill, Vice President Vicki Minnaugh, Secretary Jack McCluskey, Supervisors John Eastman & Scott Hodges, District Director Leo Schwartzberg, District Legal Counsel Douglas Bell, Shahin Hekmat/CG&A, Recording Secretary Joann Long, . General Public: Earl Rodney, Jim Ryan, Alanna Mersinger, Carl Lanker, Raymond Piara, Adriana DeVetten, Terrie Allison, Joel Goldfarb.

### PUBLIC COMMENT

None.

### MEETING MINUTES

Mr. McCluskey moved for approval of the August 31, 2006, Board of Supervisors meeting as submitted; second by Mrs. Minnaugh, carried unanimously.

Mr. McCluskey moved for approval of the September 19, 1006, Management Committee meeting minutes as submitted; second by Mrs. Minnaugh, carried unanimously.

### DISTRICT DIRECTOR'S PRESENTATIONS

#### BOARD MEMBER RESIGNATION/REPLACEMENT

A letter of resignation has been received by Treasurer and Supervisor Howard Zimmerman to be effective immediately, this due to health reasons. Mr. Zimmerman did volunteer his services as historian as he has been associated with the District for a great many years and would be happy to share whatever information he has gleaned during those years if he can be of any assistance to anyone individually or as a group.

Mr. McCluskey moved to accept Mr. Zimmerman's resignation with regret, second by Mrs. Minnaugh; carried unanimously.

Mr. McCluskey moved for election of Mr. Jim Ryan, as candidate elect, to fill the "new" Board vacancy; second by Mrs. Minnaugh, carried unanimously. The oath of office was administered to Mr. Ryan by Mr. Bell, and Mr. Ryan was congratulated and welcomed to office of Board Supervisor.

#### INTERIM EROSION-RESTORATION WORK

Mr. Schwartzberg reported that all interim erosion-restoration work appears go be going well, and only "good" feedback has been received from the affected property owners. The South Florida Resource Conservation & Development inspection staff appear to be doing a good job.

#### EROSION RESTORATION-REINFORCEMENT PROJECT

Following the Board's recent decision to put the restoration-reinforcement project on hold, the District Director began working on using the approximate \$2,000,000, that NRCS had agreed to make available for reinforcement of the lake banks around outfall and interconnect pipes in the five western projects. The cost to reinforce the interconnect-pipe headwalls is estimated at \$450,000; and it is the District's responsibility to clean these pipes as necessary. Structural repairs are the responsi-

bility of the HOAs.

The average of the four bids received for cleaning a total of eleven (11) interconnect culverts after Wilma was \$30,904, which makes it obvious that the District has a vested interest in minimizing the need to clean these culverts. If the headwall-reinforcement project moves forward, the culvert clogging will be much less likely to occur as a result of a storm. This would save the District money as well as reduce the chance of flooding.

NRCS will be contributing 75% of the estimated \$450,000, and Mr. Schwartzberg proposed the District and the respective HOAs split the remaining 25% which would be approximately \$56,000 each. Mr. Schwartzberg felt that this is a responsible expense when compared to the cost of cleaning the culverts. He recommended using the newly-created emergency fund to pay for the District's share.

Mr. Schwartzberg noted that regarding the remainder of the NRCS funds, Harbour Lake Estates is prepared to make improvements to their street drainage headwalls that will also reduce the need for cleaning. These improvements are estimated at \$75,000. While Mr. Schwartzberg is not certain how much more of the NRCS monies the District will be able to spend, he is pursuing that issue.

Mrs. Minnaugh moved that the District proceed with this project as outlined by Mr. Schwartzberg in his memo dated September 27<sup>th</sup> (recapped above). Motion seconded by Mr. Hodges.

Mr. Eastman suggested extending the pipes further out in an effort to prevent their getting filled in the future. Mr. Schwartzberg explained that while Harbour Lake Estates would be willing to do this, there could be a problem in the other areas regarding the necessary support.

A vote on the motion showed it carried by unanimous vote.

## **SBDD LEGAL COUNSEL PRESENTATIONS**

### **PROPOSED 2007 LEGISLATION**

(A) Resolution No. 2006-32 was submitted for approval. This encompasses the following amendments to the District's Charter: (1) Change Supervisor designation to Commissioner (2) Revise events which will result in revision to Zone boundaries (3) Change designation of President of Board to Chairperson of Board (4) Create office of Vice Chairperson (5) Provide for designation of who shall preside at meetings of the Board (6) Clarify Zones that will be up for election in 2008, 2010 and subsequent years (7) Delete reference to landowners meetings (8) Provide for notice of meetings of Board (9) Change bid threshold amount from \$10,000, to State of Florida Category Two amount (\$25,000, currently, and with the understanding that anything over \$10,000, must be approved by the Board). Mr. McCluskey moved for approval of Resolution No. 2006-32 as explained; second by Mrs. Minnaugh, carried unanimously.

Mr. Eastman questioned, in reference to (6) if another Charter change will be necessary after year 2010. Mr. Bell responded "no", as that is covered by the word "subsequent" in (6).

(B) Resolution No. 2006-33 was submitted for approval. This pertains to a change in the District's method of taxation from amount per unit/acre to ad valorem tax on all taxable properties and providing for notice of public hearing on the annual budget and assessment rates as well as for adoption of/ and approval of annual budget and assessment rates. Mr. McCluskey moved for approval of Resolution No. 2006-33 as submitted; second by Mr. Hodges.

Mr. Eastman questioned the 5 mills rate. Mr. Bell explained that at present, there is no cap on what the District can charge. Based on last year's experience when a legislator wanted to reduce the 5 mills, he felt it wise to use that same millage rate for this submittal which would provide some flexibility in the event that were to happen again. Mr. Bell further explained that if approved at State level, this would be on the 2008 ballot; and if approved by the public, it would be effective for the 2009-2010 tax year.

Mrs. Minnaugh noted that contrary to rumors, she will be voting in favor of the new taxing method even

though it will increase her property taxes by 61%, as this is the right thing to do for everyone in the District; it brings commercial properties to a rate comparable with residential properties.

A vote on the motion to approve Resolution No. 2006-33 carried unanimously.

### **TOWN OF SOUTHWEST RANCHES LEASE**

There has been no change on the Southwest Ranches lawsuit since the report given at the September 19<sup>th</sup> Management Committee meeting. There will be a meeting tomorrow between SWR representatives and SBDD representative to discuss the "issue". If no resolution is agreed upon at that time, a meeting of the Boards of both entities will be held at 3 P.M., on Thursday, October 26<sup>th</sup>, for further discussion on this matter.

### **BOARD MEETING DATES 2006-2007**

After discussion, Mrs. Minnaugh moved for approval of the following dates for the 2006-2007 fiscal-year Board meetings: 2006/October 26, November 30, December 21; 2007/January 25, February 22, March 29, April 26, May 31, June 28, July 24, August 30, September 26 (meeting dates are subject to change). Motion seconded by Mr. McCluskey, carried unanimously.

### **APPROVAL OF LEGAL BILLS**

Mr. Eastman continues to feel that the Board should seriously consider having someone else do a lot of the work that Mr. Bell does, as he believes this would result in a considerable savings. The District Director responded that if anyone can identify a specific task that could be done by another legal counsel at a lesser cost, he would be receptive to looking into the matter. He added that in the last year, in-house staff has been doing a lot of the work previously done by Mr. Bell such as legal agreements and easement-dedication documents and will continue to do so.

Mr. Ryan questioned if anyone had done a study of what it would cost to have an in-house attorney, as it is his understanding that some of the local municipalities have considered having in-house legal counsels and found it to be more costly than the work done by outside counsel. It was explained that the District has previously investigated legal fees for other comparable districts and found them to be considerably higher than those of SBDD. This did not include benefits, secretarial help, a law library, etc., which Mr. Ryan felt would be very expensive.

A vote on the motion to approve the legal bills as submitted carried unanimously.

### **SUPERVISORS COMMENTS**

#### **INTEROFFICE COMMUNICATIONS/PHONE CALLS**

Mr. Eastman brought up the subject of interoffice communications between the District Director and the Board members, as he felt all Board members should be copied with e-mails from any Board member in order that all can be apprized of any concerns and such. Mr. Schwartzberg responded that this policy is already in place.

Mr. Eastman felt that all telephone calls between Board members and the District Director should be shared with the other Board members, again in order that all Supervisors can be kept aware of any concerns any Board member might have. Perhaps this could be done by a desk log with the date and the name of the Supervisor who called. Most Supervisors responded that their calls are for the most part just to "touch bases" with Mr. Schwartzberg and not for any specific reason/subject. Accordingly, Mrs. Minnaugh felt it would be very cumbersome to have to maintain such a phone log as requested by Mr. Eastman. There was no rebuttal to Mrs. Minnaugh's position.

#### **BOARD MEETING TIME(S)**

Mr. Eastman moved that all 2005-2006 fiscal-year Board meetings be held at night in order that there

can be more participation by the general public. The motion “died” for lack of a second.

**MEETING DATES**

(A) The next Board of Supervisors meeting will be held on Thursday, October 26<sup>th</sup>, at 9:30 A.M.

(B) A Management Committee meeting will be held on Wednesday, October 18<sup>th</sup>, at 4 P.M.

**ADJOURNMENT AT 10:10 A.M.**

A handwritten signature in cursive script, appearing to read "Jack McCluskey", is written over a horizontal line.

Jack McCluskey, Secretary  
Board of Supervisors

/jl