

SOUTH BROWARD DRAINAGE DISTRICT

Management Committee

Meeting Minutes

October 18, 2006

4:00 P.M. MANAGEMENT COMMITTEE MEETING CALLED TO ORDER.

PRESENT

President Tom Gill, Vice President Vicki Minnaugh, Secretary Jack McCluskey, Supervisors John Eastman, Jim Ryan and Scott Hodges, Director Leo Schwartzberg, District Legal Counsel Douglas Bell, Recording Secretary Joann Long. General Public: See Attached.

PUBLIC COMMENT

None.

CRANE TRUCK DEMO

The Board and meeting attendees were invited to the maintenance facility at this time for a brief demonstration of the District's new crane truck.

SOUTHWEST RANCHES LEASE PROPOSAL

A letter from the Town of SWR has been received in which they provided the following items for discussion: (1) Town Hall to be placed on the south 5 acres of SBDD property (2) SBDD may de-annex to any municipality with action of the SBDD Board after SWR moves to new facility (3) SBDD commits to keep remaining land for government use only (4) SWR to have first right of refusal if SBDD were to sell the remaining land. The Town's letter noted that this information is intended to provide additional input that will lead to a successful conclusion to the Chapter 164 Conflict Resolution.

An attachment was included with the Town's letter with the following items also for the conflict-resolution discussion: (1) Non-refundable \$100,000, rent for future period until Town Hall is occupied by Town (2) \$50,000 deposit returned after Town leaves and restores site (3) Purchase south 5-acre portion of SBDD site at fair market value for new Town Hall site; (4) SBDD commits to keep remaining land for government use only (5) Town has first right of refusal if SBDD sells remaining land (6) SBDD may de-annex to any municipality with action of the SBDD Board after Town moves to new facility (7) Provide free garbage service for SBDD (8) Pressure clean and paint Town Hall facility with color to be selected by SBDD (9) Landscape and maintain neat and clean appearance of Town Hall area (10) Provide replacement of any trees destroyed on SBDD site due to

natural disaster; includes removal of trees (11) Provide grant writing and followup services for up to four grant applications (12) Provide pressure-cleaning services for sidewalks and SBDD roof as requested; maximum of 4 (13) Provide asphalt driveway on south field at gated entrance (14) Provide Town with key to front gate (15) Provide Town with usage of SBDD meeting room.

Comments by Mr. McCluskey: (1) The \$100,000, doesn't mention any time frame. (2) Confirm \$50,000 deposit information. (3) Had in mind only selling the north property to SWR with the District to build a suitable headquarters facility on the south end. (4) Has no problem re: annexation to Davie or Pembroke Pines.

Mr. McCluskey did not feel the District could sell the south 5 acres to the Town as the District's remaining property would then become an enclave which is illegal per Florida State Statute(s). Mr. Keith Poliakoff responded that although contiguity is a normal requirement for annexation, the Florida Legislature could approve this type of de-annexation by special action as the Legislative action would trump Florida Law in this case.

Mr. McCluskey opposed providing the Town with a key to the front gate. He reiterated his position that preferring to see the Town purchase the northern portion of the property and the District relocate its facilities to the south portion. He is also concerned about the de-annexation issue, as it is his belief that the current Town Council cannot guarantee this would happen. Mr. Poliakoff agreed that while an agreement would bind the Town, it would not bind future Board.

Mrs. Minnaugh felt that the only way to fully assure the Town would not object to any de-annexation would be not have the or title exchange or allow possession the building(s) and land on the property purchase until after de-annexation took place. After discussion on a previous offer submitted to the Town last year whereby de-annexation would take place once the new Town Hall was available for occupancy, Mrs. Minnaugh agreed that such an offer had been made but that much has happened since that time. She reiterated that the only way to fully insure there would be no problem would be to hold up the closing, title exchange and occupancy.

Mr. Eastman noted that while he was glad to see the Town is coming around on the issue of de-annexation, he personally doesn't care to sell any of the property as it is one of the few large parcels remaining within the Town. He added that all the Town really wants to do is stay here until they get the new Town Hall built on the Dykes/Sheridan property, and selling them any District property would put a halt to that. Mrs. Minnaugh responded that would be the Town's decision. Mr. Eastman again noted that he doesn't feel it would be a wise decision to break up the property; but if that's what the Board wants to do, he would go along with doing so.

Mrs. Minnaugh again advised that the only real problem is the de-annexation, and there

is only one way that will fully guarantee that will take place.

Mr. Ryan felt the current situation is a landlord-tenant dispute and in no way an inter-governmental issue. After considering all the facts, Mr. Ryan was in favor of doing with the original “new” lease offer to the Town. He also agreed with Mr. Eastman in being opposed to selling any of the property.

Mr. Hodges didn’t understand why selling part of the District’s headquarters property is even an issue under discussion, and he was basically in agreement with Mr. Ryan’s position. He did agree that it would be better to sell the north half of the property rather than the south half if this is the only way the issue can be resolved.

Mrs. Minnaugh objected to selling any of the property to anyone, as did Mr. Gill and property owner Robert Goggin. Mr. Gill added that he had been inclined to extend the lease based for a short period of time under certain conditions, but he wanted to give further consideration to that possibility.

On the issue of the legislature approving de-annexation which would result in an enclave, Mr. Bell explained that he had been advised in recent conversations with several persons involved in that procedure that the legislature will not consider any such de-annexations. Also, he was advised that the pre-annexation agreement provided to Mr. Canada several years ago had been approved and signed but has never been returned to he or the District. Mr. Bell asked that Mr. Canada do so as soon as possible. He further explained that the original lease and renewal provided that in the event of a lease dispute, the Town would be responsible for all legal fees incurred by the District.

Mr. Bell noted that if the matter is not resolved at the October 26th afternoon joint meeting of the District’s Board and the Town’s Council, a mediator would be determined within two weeks thereafter with mediation to take place within seven days. If nothing is resolved after that, the District can then proceed with the lawsuit.

LEGISLATIVE UPDATE

The District’s two bills will have been submitted to the local delegation who will submitted them to Tallahassee at the appropriate time. Mr. Bell has received no comments back as yet. These bills have also been submitted to the applicable local Representatives and Senator Nan Rich with full backup.

Mr. Eastman stated he had discussed this with Representative Davis and Senator Nan Rich’s aide Linda Burke recently who told him that the Senatorial Committee who reviews these for recommendations to the Legislature will not recommend the District’s tax bill with a 5-millage rate. Therefore, Mr. Eastman recommended the bill be amended to include a lower millage rate than at present. Mr. Gill voiced his disagreement with that, noting that the District must insure it has a realistic operating budget at all times and that as Wilma proved, emergencies can happen at any time. The District had to borrow over \$3,000,000, from two Cities within its boundaries, and the District has an obligation

to the general public to be prepared in the event of other unforeseen emergencies.

Mr. McCluskey advised that he had spoken with Senator Rich just this morning; and according to Senator Rich, she has had no direct conversation(s) with Mr. Eastman recently on the millage issue. Mr. McCluskey is concerned with future Boards, and he doesn't care to "hobble" them with an unrealistic millage rate. He felt that the Board must plan for the future and do it intelligently and realistically. He would like to see the 5 millage rate left in the bill. Even so, he moved that the rate be decreased from 5 to 3 in the hope it will be approved at the reduced rate; second by Mr. Ryan.

Mr. Ryan explained that he had attended a recent meeting of the Central Broward Water Control District. That Board will be taking the same action next year as SBDD is doing this year regarding taxes and taxation method. They are waiting to see how SBDD fares this year in its effort(s).

Mr. Eastman was firm in his position that he had spoken with Senator Rich perhaps three weeks ago on the issue of the District's tax bill. He objected to Mr. McCluskey's remarks on his integrity and expects an apology from Mr. McCluskey when he is proven wrong.

Mrs. Minnaugh discussed her resentment towards the State legislative body in its not approving something that the District is trying to do for the good of the vast majority of its taxpayers. As a member of that body had the bill pulled last year at the request of the Town of Southwest Ranches and the Board is being told that it will not be approved this year unless the millage rate is lowered, Mrs. Minnaugh felt perhaps the Board should just leave things as they are now for which is there is no cap.

A vote on the motion to reduce the millage rate from 5 to 3 carried by majority vote with Mr. Hodges and Mrs. Minnaugh voting nay.

INTERIM EROSION RESTORATION PROJECT

The first project has been completed, three are almost finished; and the final two should commence within the next week. Only positive comments/responses have been received from the affected property owners. There has not been a single situation that has not been dealt within a satisfactory manner. Upon completion of the projects, there will be a sign-off form executed by all who had work done on their properties.

Mrs. Minnaugh advised that from her own observations in her area, the workers seem to be keeping all well apprized of what is going on.

196th AVENUE/SOUTHWEST RANCHES RIGHT-OF-WAY VACATION

In response to a question, Mr. Schwartzberg explained that the Town's Engineer, Werner Vaughn, is satisfied that he will be able to work out an agreement with the property owners whose property abuts the 196th Avenue right-of-way that the Town vacated

without first checking with the District to see if such a vacation would be a problem which it is. Evidently, the woman who appeared before the Board several months ago and called the problem to the Board's attention is satisfied with Mr. Vaughn's actions, as the District has heard nothing more from her.

MEETING ADJOURNED AT 5:05 P.M.

A handwritten signature in cursive script, appearing to read "Tom Gill", is written above a horizontal line.

Tom Gill
Meeting Chairperson

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