



**PAL-MAR
WATER CONTROL DISTRICT**

**REGULAR BOARD MEETING
FEBRUARY 2, 2017
10:00 A.M.**

Special District Services, Inc.
The Oaks Center
2501A Burns Road
Palm Beach Gardens, FL 33410

www.palmarwcd.org
561.630.4922 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
PAL MAR WATER CONTROL DISTRICT
Old Jupiter Town Hall
1000 Town Hall Avenue
Jupiter, FL 33458
REGULAR BOARD MEETING
February 2, 2017
10:00 a.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Approval of Minutes
 - 1. November 3, 2016 Regular Board Meeting.....Page 3
- F. Status Reports
 - 1. Legal – Status Report.....Page 9
 - 2. Engineer – Status Report.....Page 10
 - 3. Field Maintenance Report
 - 4. District Manager Report
- G. Old Business
 - 1. Update Regarding SFWMD Non-Payment of Assessments
- H. New Business
- I. Administrative Matters
 - 1. Financial Report.....Page 11
 - 2. Consider Invoices.....Page 12
- J. Comments from the Public for Items Not on the Agenda
- K. Board Member Comments
- L. Adjourn

The Palm Beach Post

Palm Beach Daily News



PAL MAR WATER CONTROL DISTRICT FISCAL YEAR 2016/2017 REGULAR MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Pal Mar Water Control District will hold Regular Meetings at 10:00 a.m. in the Old Jupiter Town Hall, 1000 Town Hall Avenue, Jupiter, Florida 33458, (unless otherwise noted) on the following dates:

November 3, 2016
February 2, 2017
April 6, 2017
June 1, 2017
August 3, 2017
September 7, 2017

The June 1, 2017, Regular Meeting will take place at 10:00 a.m. in the Martin County Commission Chambers, Administrative Center, located at 2401 SE Monterey Road, Stuart, Florida 34996 and will also include the Landowners' Meeting.

The purpose of the meetings is to conduct any all business coming before the Board. Copies of the Agenda for any of the meetings may be obtained from the District's website or by contacting the District Manager at (561) 630-4922 and/or toll free 1-877-737-4922.

From time to time one or more Supervisors may participate by telephone; therefore a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Meetings may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at (561) 630-4922 and/or toll-free 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

PAL MAR WATER CONTROL DISTRICT
www.palmarwcd.org

PUB: The Palm Beach Post
10-24/2016 #664217

PAL MAR WATER CONTROL DISTRICT PROOF OF PUBLICATION STATE OF FLORIDA COUNTY OF PALM BEACH Before the undersigned authority personally appeared Tiffani Everett, who on oath says that she is Call Center Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a Notice was published in said newspaper on First date of Publication 10/24/2016 and last date of Publication 10/24/2016 Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties. Meeting Notice Ad ID: 1297824 Ad Cost: 254.56

Signed _____
NADIA VAREDES, Notary Public
In and for the State of Ohio
My Commission Expires Sept. 2, 2019
Sworn to and subscribed before me on 10/26/2016.
Who is personally known to me.

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PAL MAR WATER
CONTROL DISTRICT
FISCAL YEAR 2016/2017
REGULAR MEETING SCHEDULE

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PAL MAR WATER CONTROL
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PAL MAR WATER CONTROL DISTRICT
 REGULAR BOARD MEETING
 NOVEMBER 3, 2016

A. CALL TO ORDER

Chair Commissioner Sarah Heard called the November 3, 2016 Regular Board Meeting of the Pal Mar Water Control District to order at 10:00 a.m. at the Old Jupiter Town Hall, 1000 Town Hall Avenue, Jupiter, Florida 33458.

B. PROOF OF PUBLICATION

Proof of publication was presented to show that notice of the Regular Board Meeting and Public Hearing was published in the *Palm Beach Post* and in the *Scripps Treasure Coast* on October 24, 2016, as legally required.

C. ESTABLISH QUORUM

A quorum was established:

Supervisor	
Commissioner Sarah Heard	Present
Vice Chair Gearl Gore	Present
Commissioner Hal Valeche	Absent
Lew Lolmaugh	Present
Kathy LaMartina	Present

Staff members in attendance:

District Manager	Todd Wodraska	Special District Services, Inc
General Counsel	Mary Viator	Caldwell & Pacetti, P.A
District Engineer	Bob Higgins	Higgins Engineering, Inc
Field Maintenance Supervisor	T.J. Mansell	Mansell Land Services
Secretary/Treasurer	Michael McElligott	Special District Services, Inc

Also in attendance:

- Bob Berman
- Marge Ketter
- Jeff Dougherty – Martin County

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
NOVEMBER 3, 2016

D. ADDITIONS OR DELETIONS TO THE AGENDA

There were none.

E. APPROVAL OF MINUTES

1. September 1, 20156 Regular Board Meeting & Public Hearing

The minutes of the September 1, 2016, Regular Meeting & Public Hearing were approved, as presented, on a **motion** made by Mr. Gore, seconded by Mr. Lolmaugh. The **motion** carried unanimously.

F. STATUS REPORTS

1. Legal – Status Report

Ms. Viator stated that the main legal issue deals with the decision of not paying Pal-Mar assessment by the South Florida Water Management District (SFWMD), and that issues is a specific item later on this agenda, so she will reserve her discussion on it until then. Mrs. Viator asked if there were any other questions from the board, and there were none.

2. Engineer – Status Report

Mr. Higgins reported that he has not heard or seen anything from Corey Beaton since the last meeting regarding Mr. Beaton’s culverts. His only other item it regarding SFWMD decision to not pay Pal-Mar assessments, and like Mrs. Viator he will wait until that specific agenda item comes up for discussion.

3. Field Maintenance Report

Mr. Mansell reported that it is very wet and quiet out on the property. He said that there were some trees lost to both the recent hurricane and some fires, but other than that everything is good.

4. District Manager Report

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
NOVEMBER 3, 2016

Mr. Wodraska said that it's safe to say the main purpose of today's meeting are the two new business items later in the agenda.

G. OLD BUSINESS

None.

H. NEW BUSINESS

1. Discussion Regarding SFWMD Decision to Not Pay Assessments

Mr. Wodraska started with a brief description of the problem which is that back in September the executive director of the SFWMD decided to remove all the money in the SFWMD upcoming budget that was supposed to be used to pay 298 district assessments, which would include Pal-Mar's assessments. Mr. Wodraska explained that this decision was made after Pal-Mar had already approved its upcoming year's budget, as had all the other 298 districts also being affected. Mr. Wodraska explained that as soon as this news came out it triggered discussions among the affected district managers, attorney's and engineers and that some attended the public meetings of SFWMD where this topic was discussed. At that meeting SFWMD confirmed their intention to not pay the assessments but said that they would look at each district on a case by case situation to see if they might pay the assessments for some of these districts. Mr. Wodraska explained that Mrs. Viator has been intimately involved in this issues, and that she attended these SFWMD public meetings and he would turn the discussion to her.

Mrs. Viator explained that she had been in communication with SFWMD staff and had attended these public meetings and she had informed the SFWMD that they are subject to the Pal-Mar assessments and are obligated to pay. Mrs. Viator explained that the district's reasoning for not having to pay is based on the fact that the SFWMD does not have to pay taxes. Mrs. Viator explained to the SFWMD staff that that reasoning does not apply to the Pal-Mar non-ad valorem assessments as they are not taxes. This information did not change the decision of the SFWMD. Mrs. Viator expressed her frustration over the fact that SFWMD would not recognize the difference between taxes and non-ad valorem assessments, which in turn would invalidate the SFWMD stance on why they do not have to pay the Pal-Mar assessments.

Mrs. Viator also explained that during the public meetings the SFWMD staff made completely false statements to the SFWMD board that neither Palm Beach County nor Martin County were paying their assessments.

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
NOVEMBER 3, 2016

Mrs. Viator recommended that the Pal-Mar board authorize the Pal-Mar staff to set up a meeting with SFWMD staff to explain to SFWMD the services provided to their land by Pal-Mar. Also, to remind the SFWMD that they would lose access to their land if the assessments went unpaid.

Mr. Higgins also spoke to the issue. He also attended the public meetings and he confirmed that SFWMD staff was making statements to the SFWMD board that were completely false. Mr. Higgins also confirmed the benefit that Pal-Mar provides the SFWMD lands such as access and security.

Mr. Gore asked Mrs. Viator about the false statements made by SFWMD staff to SFWMD board and if anyone told the SFWMD board that those statements were false. Mrs. Viator confirmed that she and another attorney from her law firm did stand during the public comments portion of that meeting and tried to explain to the SFWMD board all the inaccuracies being said.

Mrs. Viator and Mr. Higgins did state that the SFWMD feels that it is not actually delinquent on these assessments until April, so SFWMD still has time to look at all the affected districts on a case by case basis.

Commissioner Heard asked if Pal-Mar has any other contractual arrangements with SFWMD other than chapter 298. Mrs. Viator responded no.

Jeff Dougherty from Martin County did confirm that Martin County does pay their non-ad valorem for the bills they receive for the properties they are the primary owner, but he did state Martin County are a minority owner or secondary owner with SFWMD as the primary. Martin County does not get those bills so they do not pay those. Those bills go to SFWMD as the primary owner.

Mr. Wodraska also reminded everyone that when a private landowner doesn't pay their assessments tax certificates are sold so that Pal-Mar still receives its funds. However, in the case of a government owner like SFWMD, tax certificates cannot be sold by law. So Pal-Mar would not be able to collect funds that way in this situation.

Mr. Lolmaugh asked how many total 298 districts are being affected by this. Mrs. Viator stated that there are 20 298 districts on the list that SFWMD referenced during their presentation, but only 6-7 of those district were being heavily discussed as in question of SFWMD not paying. Of those, 3, one of them being Pal-Mar, seem to be the main ones not getting paid.

Mr. Gore asked how long Pal-Mar would be able to operate normally using the current reserves to make up the shortfall from SFWMD not paying. Mr. Wodraska and Mr.

PAL MAR WATER CONTROL DISTRICT
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McElligott stated that we would use up all of Pal-Mar reserves in 2-3 years unless we raised assessments next year.

Mr. Berman stated that he watched the public meetings of SFWMD on TV and complimented both Mr. Higgins and Mrs. Viator in their work at those meetings.

2. Consider Resolution No. 2016-06 – Adopting a Fiscal Year 2015/2016 Amended Budget

Mr. Wodraska presented Resolution No. 2016-06, entitled:

RESOLUTION NO. 2016-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PAL-MAR WATER CONTROL DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2015/2016 BUDGET, PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wodraska and Mr. McElligott reviewed the previous year's budget vs the years actual expenses noting that the District is currently in a strong financial position.

A **motion** was made by Mr. Gore, seconded by Mr. Lolmaugh to adopt Resolution No. 2015-05 as presented. The **motion** carried unanimously.

I. ADMINISTRATIVE MATTERS

1. Financial Report

Mr. Wodraska stated the current financials are basically the same information presented in the amended budget discussion.

2. Consider Invoices

The invoices were approved, as presented, on a **motion** by Mr. Gore, seconded by Mr. Lolmaugh. The **motion** carried unanimously.

J. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

None.

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
NOVEMBER 3, 2016

K. BOARD MEMBER COMMENTS

Commissioner Heard thanked Mrs. Viator, Mr. Higgins, and Mr. Wodraska for their hard work on the SFWMD issues.

L. ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 10:56 a.m., as announced by Commissioner Heard.

Secretary/Assistant Secretary

Chair/Vice-Chair

CALDWELL PACETTI
EDWARDS SCHOECH & VIATOR LLP

ATTORNEYS AT LAW

MANLEY P. CALDWELL, JR.
KENNETH W. EDWARDS
CHARLES F. SCHOECH
MARY M. VIATOR
WILLIAM P. DONEY
FRANK S. PALEN
JOHN A. WEIG

ONE CLEARLAKE CENTRE
1555 PALM BEACH LAKES BLVD.
SUITE 1200
WEST PALM BEACH, FLORIDA 33401

PARALEGAL
EMILIE PEARSON, CP

www.caldwellpacetti.com

OF COUNSEL
BETSY S. BURDEN
RUTH P. CLEMENTS

TELEPHONE: (561) 655-0620
TELECOPIER: (561) 655-3775

Legal Status Report

TO: Board of Supervisors
Pal-Mar Water Control District

FROM: Caldwell Pacetti Edwards Schoech & Viator

DATE: January 13, 2017

RE: Legal Status Report for the February 2, 2017 Board of Supervisors' Meetings

The following is a summary of the work in progress and status thereof for the Pal-Mar Water Control District:

- (1) Coordinated with the District re: Administrative Issues
- (2) Non-Ad Valorem Assessments and Budget Coordination
- (3) Follow Up Coordination regarding Easement Agreement with SFWMD and Martin County addressing conditions set forth in the 1995 Commitment, as amended, for Legal Positive Drainage Outfall.
- (4) Coordinated, Researched and Follow Up regarding SFWMD Budget issues including attendance at two SFWMD Governing Board Budget Hearings and Governing Board Meeting.
- (5) Coordinated a Meeting with SFWMD to be held at SFWMD on January 27, 2017 at 2:00 P.M.

ENGINEER – STATUS REPORT

**TO BE DISTRIBUTED
UNDER SEPARATE COVER**

Pal Mar Water Control District
Budget vs. Actual
October through December 2016

	<u>Oct - Dec 16</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
363.100 · O & M Assessments	17,520.08	184,527.00	-167,006.92	9.5%
363.830 · Assessment Fees	-318.21	-3,691.00	3,372.79	8.62%
363.831 · Assessment Discounts	-699.95	-7,381.00	6,681.05	9.48%
369.401 · Interest Income	216.65	420.00	-203.35	51.58%
Total Income	<u>16,718.57</u>	<u>173,875.00</u>	<u>-157,156.43</u>	<u>9.62%</u>
Expense				
511.122 · Payroll Taxes (Admin)	0.00	100.00	-100.00	0.0%
511.131 · Supervisors Fees	0.00	1,200.00	-1,200.00	0.0%
511.310 · Engineering	1,690.49	20,000.00	-18,309.51	8.45%
511.311 · Management Fees	6,000.00	24,000.00	-18,000.00	25.0%
511.315 · Legal Fees	2,340.00	25,000.00	-22,660.00	9.36%
511.318 · Assessment/Tax Roll	0.00	5,000.00	-5,000.00	0.0%
511.320 · Audit Fees	0.00	5,100.00	-5,100.00	0.0%
511.450 · Insurance	5,778.00	6,250.00	-472.00	92.45%
511.480 · Legal Advertisements	401.41	2,000.00	-1,598.59	20.07%
511.512 · Miscellaneous	475.38	2,000.00	-1,524.62	23.77%
511.513 · Postage and Delivery	17.55	2,300.00	-2,282.45	0.76%
511.514 · Office Supplies	91.20	2,500.00	-2,408.80	3.65%
511.515 · Website Management Fee	375.00	1,500.00	-1,125.00	25.0%
511.540 · Dues, License & Subscriptions	175.00	175.00	0.00	100.0%
512.201 · Contract Labor - Maint/Security	6,999.99	28,000.00	-21,000.01	25.0%
512.305 · Contingencies	0.00	10,750.00	-10,750.00	0.0%
512.308 · Repairs & Maintenance	0.00	15,000.00	-15,000.00	0.0%
512.464 · Mowing	0.00	23,000.00	-23,000.00	0.0%
Total Expense	<u>24,344.02</u>	<u>173,875.00</u>	<u>-149,530.98</u>	<u>14.0%</u>
Net Ordinary Income	<u>-7,625.45</u>	<u>0.00</u>	<u>-7,625.45</u>	<u>100.0%</u>
Net Income	<u><u>-7,625.45</u></u>	<u><u>0.00</u></u>	<u><u>-7,625.45</u></u>	<u><u>100.0%</u></u>

Bank Balance as of 12-31-16	\$ 40,822.46
Investment Account Balance as of 12-31-15	\$ 146,812.64
Accounts payable as of 12-31-16	\$ (2,220.13)
Current Net Fund Balance as of 12-31-16	\$ 185,414.97

**Pal Mar Water Control District
Custom Transaction Detail Report
October 25, 2016 through January 18, 2017**

	Type	Date	Num	Name	Memo	Paid	Due
Legal Fees							
Caldwell Pacetti Edwards Schoech & Viator	Check	11/01/2016	1497	Caldwell Pacetti Edwards Schoech & Viator	Legal Invoice 124926	2,340.00	
	Invoice	01/18/2017	125129	Caldwell Pacetti Edwards Schoech & Viator	Legal Invoice 125129		787.50
Total Caldwell Pacetti Edwards Schoech & Viator						2,340.00	787.50
Advertising							
Cox Media Group	Check	12/01/2016	1502	Cox Media Group	G#9013 Notice of PH FY 16/17 Reg Board Mtg Invoice 396366	254.56	
Total Cox Media Group						254.56	0.00
Treasure Coast Newspapers	Check	12/01/2016	1506	Treasure Coast Newspapers	432676	146.85	
Total Treasure Coast Newspapers						146.85	0.00
Miscellaneous							
Department of Economic Opportunity	Check	11/01/2016	1498	Department of Economic Opportunity	Inv# 38641 FY 2016/2017 Special District Fee	175.00	
Total Department of Economic Opportunity						175.00	0.00
Ruth Pietruszewski, Tax Collector	Check	12/01/2016	1504	Ruth Pietruszewski, Tax Collector	Acct# 18-40-40-000-00031.7000 Ad Valorem & Non-Ad Valorem	259.68	
Total Ruth Pietruszewski, Tax Collector						259.68	0.00
Engineering							
Higgins Engineering, Inc.	Check	11/01/2016	1499	Higgins Engineering, Inc.	Job No. 08-20 Invoice 1099 period 09/16/16 to 10/15/2016	746.60	
	Check	12/22/2016	1507	Higgins Engineering, Inc.	Job No. 08-20 Invoice 1116 period 10-16-16 to 11-15-16	1,690.49	
Total Higgins Engineering, Inc.						2,437.09	0.00
Landscape							
Mansell Land Mgt, LLC	Check	11/01/2016	1500	Mansell Land Mgt, LLC	Monthly Maintenance for Nov 2016	2,333.33	
	Check	12/01/2016	1503	Mansell Land Mgt, LLC	Monthly Maintenance for Dec 2016	2,333.33	
	Check	12/22/2016	1508	Mansell Land Mgt, LLC	Monthly Maintenance for Jan 2017	2,333.33	
Total Mansell Land Mgt, LLC						6,999.99	0.00
Management Fees							
Special District Services, Inc.	Check	11/01/2016	1501	Special District Services, Inc.	Invoice 2016-2917 for Oct 2016	2,223.51	
	Check	12/01/2016	1505	Special District Services, Inc.	Invoice 2016-3590 for Nov 2016	2,255.81	
	Check	01/04/2017	1509	Special District Services, Inc.	Invoice 2016-3931 for Dec 2016	2,220.13	
Total Special District Services, Inc.						6,699.45	0.00
TOTAL						19,312.62	787.50