PAL-MAR
WATER CONTROL DISTRICT

REGULAR BOARD MEETING
OCTOBER 5, 2023
9:30 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
Martin County Commission Chambers' Administrative Center
2401 SE Monterey Road
Stuart, Florida 34996
REGULAR BOARD MEETING
October 5, 2023
9:30 a.m.

A. Call to Order
B. Proof of Publication.....Page 1
C. Establish Quorum
D. Additions, Deletions, or Modifications to Agenda
E. Approval of Minutes
    1. September 7, 2023 Regular Board Meeting……...Page 3
F. Old Business
    1. Discussion on Potential Extensive Survey of District Easements and Right-of-Ways
G. New Business
    1. Consider Resolution No. 2023-03 – Adopting a Fiscal Year 2022/2023 Amended Budget…….Page 9
H. Status Report
    1. Legal – Status Report
    2. Engineer – Status Report
    3. District Manager - Status Report
    4. Field Maintenance – Status Report
    5. MCSO – Status Report
I. Administrative Matters
    1. Financial Report…….Page 12
    2. Consider Invoices……...Page 13
J. Landowner Items
K. Comments from the Public for Items Not on the Agenda
L. Board Member Comments
M. Adjourn

Publication Date
2023-09-25

Subcategory
Miscellaneous Notices

PAL MAR WATER CONTROL DISTRICT
FISCAL YEAR 2023/2024 REGULAR MEETING SCHEDULE
NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Pal Mar Water Control District will hold Regular Meetings at 9:30 a.m. in the Martin County Commission Chambers, Administrative Center, located at 2401 SE Monterey Road, Stuart, Florida 34996, (**unless otherwise noted**) on the following dates:
October 5, 2023
November 2, 2023
December 7, 2023
January 4, 2024
February 1, 2024
March 7, 2024
April 4, 2024
May 2, 2024
June 6, 2024
August 1, 2024
September 5, 2024
The June 6, 2024, 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 Districts 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
9301410 9/25/23

Publication Date
2023-09-25

Subcategory
Miscellaneous Notices

PAL MAR WATER CONTROL DISTRICT FISCAL YEAR 2023/2024 REGULAR MEETING SCHEDULE NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Pal Mar Water Control District will hold Regular Meetings at 9:30 a.m. in the Martin County Commission Chambers, Administrative Center, located at 2401 SE Monterey Road, Stuart, Florida 34996, (**unless otherwise noted**) on the following dates: October 5, 2023 November 2, 2023 December 7, 2023 January 4, 2024 February 1, 2024 March 7, 2024 April 4, 2024 May 2, 2024 **June 6, 2024** August 1, 2024 September 5, 2024 **The June 6, 2024, 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: Sept 25, 2023 TCN5830588

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
September 7, 2023

A. CALL TO ORDER

District Manager Michael McElligott called the September 7, 2023, Regular Board Meeting of the Pal Mar Water Control District to order at 9:33 a.m. in the Martin County Commission Chambers, 2401 SE Monterey Road, Stuart, Florida 34996.

B. PROOF OF PUBLICATION

District Manager Michael McElligott offered Proof of Publication which showed that notice of the Regular Board Meeting had been published in *The Palm Beach Post* and in *The Stuart News* on 7/23/2023, as legally required.

C. ESTABLISH QUORUM

A quorum was established with the following attendees:

Commissioner Maria Marino	Present
Commissioner Sarah Heard	Present
George Stokus	Present
Kevin Cutting	Present
Lewis Lolmaugh	Present

Also, in attendance were staff members:

District Manager Michael McElligott	Special District Services, Inc
General Counsel Mary Viator	Caldwell & Pacetti, P.A.
District Engineer Bob Higgins	Higgins Engineering
Betsy Burden	Caldwell & Pacetti, P.A.

Also, in attendance were several landowners and members of the public.

D. ADDITIONS OR DELETIONS TO THE AGENDA

Add a status report from the MCSO under the other status reports.

E. APPROVAL OF MINUTES

1. July 13, 2023, Regular Board Meeting

Commissioner Heard pointed out that under establishing a quorum, Commissioner Jenkins name should be replaced with Commissioner Heard's name. There being no other changes, the July 13, 2023, Regular Board Meeting minutes were approved as

amended on a **motion** made by Commissioner Heard, seconded by Mr. Stokus. The **motion** carried **5-0**.

F. OLD BUSINESS

1. Update on Conversation with FDOT & SFWMD Regarding Flooding Caused by Beeline Highway Project

Mr. McElligott referred to the memo in the meeting materials from Mr. Higgins as requested by the Board at the last meeting. Mr. Higgins explained that SFWMD and FDOT still come to the conclusion that there is nothing wrong. Mr. Higgins did point out that as part of the construction FDOT did have to block things off for a 2 year period which could have contributed to the tree kill, but since construction was completed FDOT and SFWMD believe everything is operating properly now. Commissioner Marion stated that at this point we have done all we can do to research the initial issue that was brought to the Board attention.

2. Update On Hourly Rate for Inspector / 1099 Maintenance Supervisor

Mr. McElligott pointed out that they ended up with 3 proposals, which are in the meeting materials. Mr. McElligott broke down the comparison of normal hourly rate / special activity hourly rate between the 3 proposals as follows: Mr. Spears $95/$125, Mr. Beaton $55/$65, and Mr. Mansell $65/$65. The Board discussed the 3 proposals, and Commissioner Heard pointed out that Mr. Mansell had done the work before, and she thought he had done a good job.

After the discussion, Mr. Stokus made a **motion** to accept the proposal from Mr. Mansell to be the new Pal-Mar WCD Maintenance Supervisor, and to terminate the current contract with Lumberjack, subject to the 60 day termination clause. There was a second by Commissioner Heard, and the **motion** passed **3-2**, with Mr. Lolmaugh and Mr. Cutting dissenting.

G. NEW BUSINESS

1. Discussion Regarding New District Attorney

Mr. McElligott refreshed the Board that at the last meeting they terminated the current District Attorney contract with Caldwell & Pacetti, P.A., subject to the 60 day termination provision, and that the Board would discuss a potential replacement at today's meeting. Mr. McElligott pointed to the proposal in the meeting book from Torcivia, Donlon, Goddeau & Rubin, P.A. Mr. Stokus gave a brief review of his process of looking into qualified firms and he felt this firm was the best option for Pal-Mar WCD.

Mr. McElligott pointed out that the current attorney's 60 days will end on September 12th, 2023, but that he has spoken with that firm, and they will continue to help him with the turnover of documents after that date if needed. After a discussion among the Board, there was a **motion** from Mr. Stokus, with a second from Commissioner Heard to hire the law firm of Torcivia, Donlon, Goddeau & Rubin, P.A. to be the Pal-Mar WCD attorney. That **motion** passed **5-0**.

2. Consider Televising District Board Meetings

Mr. Stokus explained that he had received requests from the public to have the Pal-Mar WCD meetings recorded. Mr. McElligott pointed out the proposal in the meeting materials. There are 2 tiers of service that would be handled by Martin County. The main difference being that tier 2 provides for more dynamic camera and graphics work at a higher cost. Commissioner Heard asked if people would be able to pull past recordings under tier 1. The answer is yes. Mr. McElligott asked if he would be able to get a copy of the recordings for the District's records. The answer is yes, he just needs to bring a thumb drive to each meeting. After a brief discussion, there was a **motion** by Mr. Lolmaugh, with a second Commissioner Marino to approve the Tier 1 proposal for video recording future Pal-Mar WCD meetings. That **motion** passed **5-0**.

3. Discussion Regarding Reviewing the District Website

Mr. McElligott pulled up the Pal-Mar WCD Website and clicked trough the various tabs so the Board could decide what changes might need to be made, including updating which old documents may no longer need to be on the site. During the process there were areas that need the language updated, i.e., where there was mention of CDD's, this should be changed to 298 districts, which Pal-Mar WCD is based on. There was mention of updating an old facilities report. Under maps and documents, it was noted that some of these items do not need to stay on the website. However, Mr. McElligott and the Board reiterated that any items removed from the website are still available from the District, that these items are not being permanently deleted, they are just not going to be on the website. At the conclusion of the exercise, Mr. McElligott had a list of changes he will work on updating.

4. Update on Mr. Higgins Inspection of Potentially Blocked Culverts with Possible Ties to Flooding /Pine tree Killing

This item was covered under Old Business # 1 and requires no additional action.

5. Discussion on Potential Extensive Survey of District Right-of-Ways

While there is no update on this item now, the Board asked that it remain on the agenda.

H. STATUS REPORTS

1. Legal – Status Report

District attorney Mary Viator had nothing further for the Board.

2. Engineer – Status Report

Mr. Higgins discussed some map prints he had with him. After seeing the maps, Mr. Higgins was asked to bring additional copies for the Board members to a future meeting to be used during discussions on specific areas and locations.

3. District Manager Report

Mr. McElligott explained that he is in communication with the outgoing attorney to facilitate and document transfers.

4. Field Maintenance Report

Mr. Gazza asked for clarification on the action taken by the Board today. He stated that the Board began the 60 termination of Lumberjack as the maintenance contractor and hired a maintenance supervisor. But the maintenance supervisor does not do the actual maintenance, so who will be doing the maintenance after the 60 days are up for Lumberjack. Mr. McElligott explained that the Board, in previous meetings, has decided that they will be revisiting hiring a mowing contractor in January or February of 2024. As for other maintenance items, like cleaning or replacing damaged culverts, that will be handled on an as needed basis going forward and it will be the responsibility of the maintenance supervisor hired today to identify contractors for those jobs. Also, TJ will be involved in getting the mowing proposals for the Board to review in January. Mr. Lolmaugh asked Mr. Mansell how quickly he would be up and running. Mr. Mansell explained that it should only take a week or so to get the LLC reactivated and get his insurance in order.

I. ADMINISTRATIVE MATTERS

1. Financial Report

Mr. McElligott pointed out the financial report in the Board book. Mr. Cutting, being new to the Board had a few questions as it pertains to the assessments. Mr. McElligott explained the process of determining the per acre assessment and how it is applied. Mr. Cutting also asked about Units of Development which Mr. McElligott explained, noting

the Pal-Mar WCD does not currently have any Units of Development created and approved by the Board.

2. Consider Invoices

There were a few questions about some of the invoices which Mr. McElligott was able to answer. The invoices were then approved, as presented, on a **motion** made by Mr. Stokus, seconded by Commissioner Heard, and the **motion** carried **5-0.**

J. LANDOWNER ITEMS

There were no landowner items.

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

There were no comments from the public.

L. BOARD MEMBER COMMENTS

Mr. Lolmaugh wanted to thank Mary and Betsy for their service as the Pal-Mar WCD attorneys.

Mr. Cutting asked about the cost to do Water Control Plan updates and surveys. Mr. Higgins explained that it would greatly depend on the type of survey. It could be anywhere from $5,000 to $50,000. Mr. Higgins said since we left the survey item on the agenda, he would talk to a survey to see if he can get an estimate.

Mr. Cutting also asked about the term “public utility and benefit” that he came across and asked how that applied to Pal-Mar WCD. In his eyes this was like a mission statement that should be a guiding light, and specifically in the case of Pal-Mar WCD his thought was the public benefit would be to keep the water clean and not to drain or build. Commissioner Marino also commented from the Palm Beach County standpoint they are committed to getting Pal-Mar WCD moved up on the Florida Forever list which is like a type of natural area protection list. Palm Beach County is trying to play a role in that conservation by trying to buy land in Pal-Mar WCD for that purpose.

Commissioner Heard asked if we can get a regular MSCO status update today and on the future agendas. Mr. McElligott said he would add it, and Mr. Smith is present to update the Board now.

Officer Smith explained the additional activity out there due to being in berry picking season. He said as it relates to landowners out in Pal-Mar WCD, he feels the education

and information program has been working very well, and they have noticed people slowing down and staying off the works of the district more recently. As it pertains to gun fire, Officer Smith explained that as long as the person is legally allowed to own the firearm, and they are being safe, it is not illegal for them to use the firearms on their property. So far, MCSO has not encountered any illegal firearm activity out in Pal-Mar WCD as part of their new service. Mr. Cutting asked if there was anything else the Pal-Mar WCD Board needed to do to help the officers. Mr. Smith review again the particulars with trespassing law, and that due to the lack of marked property, or posted signs, trespass is a civil action that would need to be initiated by the landowner. MCSO can really only charge someone out there if they are actually damaging the works of the District.

M. ADJOURNMENT

There being no further business to come before the Board, at 11:17 am a **motion** to adjourn the meeting was made by Mr. Stokus, with a second by Commissioner Heard. The **motion** carried unanimously.

_____ _____

Secretary/Assistant Secretary Chair/Vice-Chair

RESOLUTION NO. 2023-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PAL-MAR WATER CONTROL DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2022/2023 BUDGET, PURSUANT TO CHAPTER 189, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of the Pal-Mar Water Control District (hereinafter the "District") is empowered to provide a funding source and to impose special assessments upon the properties within the District; and,

WHEREAS, the District has prepared for consideration and approval an amended final fiscal year 2022/2023 budget.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE PAL-MAR WATER CONTROL DISTRICT, THAT:

Section 1. The Amended Operating Fund and Debt Service Fund Budget for Fiscal Year 2022/2023 attached hereto as Exhibit "A" is hereby approved and adopted.

Section 2. The Secretary/Assistant Secretary of the District is authorized to execute any and all necessary transmittals, certifications or other acknowledgements or writings, as necessary, to comply with the intent of this Resolution.

PASSED, ADOPTED and EFFECTIVE this 5th day of October, 2023
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ATTEST:

PAL-MAR
WATER CONTROL DISTRICT

By:_____
Secretary/Assistant Secretary

By:_____
Chairperson/Vice Chairperson

Pal Mar
Water Control District

Amended Final Budget For
Fiscal Year 2022/2023
October 1, 2022 - September 30, 2023

AMENDED FINAL BUDGET

PAL MAR WATER CONTROL DISTRICT
FISCAL YEAR 2022/2023
OCTOBER 1, 2022 - SEPTEMBER 30, 2023

	FISCAL YEAR 2022/2023 BUDGET 10/1/22 - 9/30/23	AMENDED FINAL BUDGET 10/1/22 - 9/30/23	YEAR TO DATE ACTUAL 10/1/22 - 9/29/23
Carry Forward Surplus	0		
REVENUES			
O & M Assessments	195,638	**1,905,164**	1,905,164
Other Revenue (LO Funding Agreement)	12,000	**3,000**	3,000
Interest Income	360	**36,045**	35,945
TOTAL REVENUES	**$ 207,998**	**$ 1,944,209**	**$ 1,944,109**
EXPENDITURES			
ADMINISTRATIVE EXPENDITURES			
Supervisor Fees	0	**0**	0
Payroll Taxes	0	**0**	0
Engineering	28,000	**46,000**	38,693
Management	36,000	**36,000**	36,000
Legal	60,000	**60,000**	42,058
Assessment Roll	5,000	**5,000**	5,000
Audit Fees	4,000	**4,000**	4,000
Insurance	8,300	**6,291**	6,291
Legal Advertising	2,100	**4,500**	3,822
Miscellaneous	10,000	**7,500**	3,366
Postage	2,000	**1,400**	1,368
Office Supplies	2,000	**600**	506
Website Management	1,500	**1,500**	1,500
Dues & Subscriptions	175	**175**	175
Contingency (Legal - Extraordinary)	5,500	**1,721**	1,721
TOTAL ADMINISTRATIVE EXPENDITURES	**$ 164,575**	**$ 174,687**	**$ 144,500**
MAINTENANCE EXPENDITURES			
Maintenance Contract	0	**12,000**	12,000
Mowing	0	**32,880**	32,880
Maintenance Contingency	12,000	**12,000**	10,080
Miscellaneous Maintenance	19,684	**15,000**	0
TOTAL MAINTENANCE EXPENDITURES	**$ 31,684**	**$ 71,880**	**$ 54,960**
TOTAL EXPENDITURES	**$ 196,259**	**$ 246,567**	**$ 199,460**
EXCESS/(SHORTFALL)	**$ 11,739**	**$ 1,697,642**	**$ 1,744,649**
County Appraiser & Tax Collector Fee	(3,913)	**(20,372)**	(20,372)
Discounts For Early Payments	(7,826)	**(1,081)**	(1,081)
NET EXCESS/ (SHORTFALL)	**$ -**	**$ 1,676,189**	**$ 1,723,196**
VARIANCE TO BUDGET		**$ 1,676,189**	

Fund Balance As Of 9/30/22	$284,875
Projected FY 2022/2023 Activity	$1,676,189
Projected Fund Balance As Of 9/30/23	$1,961,064

Pal Mar Water Control District
Budget vs. Actual
October 2022 through September 2023

	Oct '22 - Sep 23	22/23 Budget	$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
363.100 · O & M Assessments	1,905,164.59	195,638.00	1,709,526.59	973.82%
363.830 · Assessment Fees	-20,319.09	-3,913.00	-16,406.09	519.27%
363.831 · Assessment Discounts	-1,133.60	-7,826.00	6,692.40	14.49%
369.400 · Other Income	0.00	12,000.00	-12,000.00	0.0%
369.401 · Interest Income	35,944.75	360.00	35,584.75	9,984.65%
369.402 · LO Funding Agreements	3,000.00	0.00	3,000.00	100.0%
Total Income	1,922,656.65	196,259.00	1,726,397.65	979.65%
Gross Profit	1,922,656.65	196,259.00	1,726,397.65	979.65%
Expense				
511.310 · Engineering	38,693.05	28,000.00	10,693.05	138.19%
511.311 · Management Fees	36,000.00	36,000.00	0.00	100.0%
511.315 · Legal Fees	42,058.25	60,000.00	-17,941.75	70.1%
511.318 · Assessment/Tax Roll	5,000.00	5,000.00	0.00	100.0%
511.320 · Audit Fees	4,000.00	4,000.00	0.00	100.0%
511.450 · Insurance	6,291.00	8,300.00	-2,009.00	75.8%
511.480 · Legal Advertisements	3,822.32	2,100.00	1,722.32	182.02%
511.512 · Miscellaneous	3,365.88	10,000.00	-6,634.12	33.66%
511.513 · Postage and Delivery	1,368.36	2,000.00	-631.64	68.42%
511.514 · Office Supplies	505.85	2,000.00	-1,494.15	25.29%
511.515 · Website Management Fee	1,500.00	1,500.00	0.00	100.0%
511.540 · Dues, License & Subscriptions	175.00	175.00	0.00	100.0%
512.305 · Maintenance Contract	12,000.00	12,000.00	0.00	100.0%
512.464 · Mowing	32,880.00	0.00	32,880.00	100.0%
512.466 · Maintenance Contingency	10,080.00	0.00	10,080.00	100.0%
512.467 · Miscellaneous Maintenance	0.00	19,684.00	-19,684.00	0.0%
512.468 · Contingency-Legal Extraordinary	1,720.50	5,500.00	-3,779.50	31.28%
Total Expense	199,460.21	196,259.00	3,201.21	101.63%
Net Ordinary Income	1,723,196.44	0.00	1,723,196.44	100.0%
Net Income	**1,723,196.44**	**0.00**	**1,723,196.44**	**100.0%**

Bank Balance As Of 9/30/23	$ 1,970,379.89
Investment Acct Balance As Of 9/30/23	$ 43,816.70
Accounts Payable As Of 9/30/23	$ 9,125.00
Accounts Receivable As Of 9/30/23	$ 3,000.00
Total Fund Balance As Of 9/30/23	$ 2,008,071.59

Pal Mar Water Control District
Custom Transaction Detail Report
August 25 through September 25, 2023

	Type	Date	Num	Name	Memo	Debit	Credit
Legal Fees							
Caldwell Pacetti Edwards Schoech & Viator							
	Bill Pmt -Check	09/01/2023	1910	Caldwell Pacetti Edwards Schoech & Viator	Invoice #131079 Legal Services 06.23.23- 07.26.23	5,640.14	
Total Caldwell Pacetti Edwards Schoech & Viator						5,640.14	0.00
Engineer Fees							
Higgins Engineering, Inc.							
	Bill Pmt -Check	09/01/2023	1911	Higgins Engineering, Inc.		7,610.50	
Total Higgins Engineering, Inc.						7,610.50	0.00
Management Fees							
Special District Services, Inc.							
	Bill	08/31/2023	2023-0847	Special District Services, Inc.	Management Fees Aug 2023		3,469.57
	Bill Pmt -Check	09/01/2023	1914	Special District Services, Inc.	Management Fees Aug 2023	3,469.57	
Total Special District Services, Inc.						3,469.57	3,469.57
Miscellaneous							
Lumberjack Land Management LLC							
	Bill	08/27/2023	1040	Lumberjack Land Management LLC	Invoice #1040 Lawn Maintenance Aug 2023		1,000.00
	Bill Pmt -Check	09/01/2023	1912	Lumberjack Land Management LLC	Invoice #1040 Lawn Maintenance Aug 2023	1,000.00	
Total Lumberjack Land Management LLC						1,000.00	1,000.00
Martin County Sheriff's Office							
	Bill Pmt -Check	09/01/2023	1913	Martin County Sheriff's Office	Pal-Mar Detail 08.01-23 - 08.27.23	1,920.00	
Total Martin County Sheriff's Office						1,920.00	0.00
TOTAL						**19,640.21**	**4,469.57**