



**PAL-MAR
WATER CONTROL DISTRICT**

**REGULAR BOARD MEETING
NOVEMBER 1, 2018
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
Old Jupiter Town Hall
1000 Town Hall Avenue
Jupiter, FL 33458
REGULAR BOARD MEETING
November 1, 2018
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. October 4, 2018 Regular Board Meeting.....Page 5
- F. Status Reports
 - 1. Legal – Status Report.....Page 10
 - 2. Engineer – Status Report
 - 3. District Manager Report
- G. Old Business
 - 1. Update Regarding Martin County Litigation.....Page 12
 - 2. Update Regarding Adding Additional Gates and Access Policy
 - 3. Update Regarding Permit for Culvert Improvements on Cory Beaton Property
 - 4. Update Regarding Game Trail Under Beeline Highway
- H. New Business
 - 1. Consider Approval of Funding Agreement for Unit of Development No. 1
 - 2. Consider Approval of Engineering Proposal Regarding Unit of Development No. 1
 - 3. Consider Resolution No. 2018-05 – Adopting a Fiscal Year 2017/2018 Amended Budget.....Page 17
- I. Administrative Matters
 - 1. Financial Report.....Page 20
 - 2. Consider Invoices.....Page 21
- J. Comments from the Public for Items Not on the Agenda
- K. Board Member Comments
- L. Adjourn

Treasure Coast Newspapers

TCPALM

The Stuart News

1939 SE Federal Highway, Stuart, FL 34994

AFFIDAVIT OF PUBLICATION

STATE OF FLORIDA
COUNTY OF MARTIN

Before the undersigned authority personally appeared, Natalie Zollar, who on oath says that she is Classified Inside Sales Manager of the Stuart News, a daily newspaper published at Stuart in Martin County, Florida: that the attached copy of advertisement was published in the Stuart News in the following issues below. Affiant further says that the said Stuart News is a newspaper published in Stuart in said Martin County, Florida, with offices and paid circulation in Martin County, Florida, and that said newspapers have heretofore been continuously published in said Martin County, Florida, daily and distributed in Martin, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid or 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. The Stuart News has been entered as Periodical Matter at the Post Offices in Stuart, Martin County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

Customer	Ad Number	Copyline	PO #
432676 - SPECIAL DISTRICT SERVICES, INC	2142789	PAL MAR WATER CONTROL DISTRICT REVIS	

Pub Dates
October 23, 2018

Sworn to and subscribed before me this day of, October 23, 2018, by

Natalie Zollar, who is
Natalie Zollar

(X) personally known to me or
() who has produced _____ as identification.

Karol E Kangas
Karol Kangas Notary Public



PAL MAR WATER CONTROL
DISTRICT
REVISED FISCAL YEAR
2018/2019 REGULAR MEETING
SCHEDULE

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

PAL MAR WATER CONTROL
DISTRICT

www.palmarwcd.org
Pub October 23rd 2018
TCN 2142789

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. (**unless other-
wise noted**) in the Old Jupi-
ter Town Hall, 1000 Town Hall
Avenue, Jupiter, Florida 33458,
(**unless otherwise noted**) on
the following dates:

November 1, 2018
December 6, 2018
January 3, 2019
February 7, 2019
March 7, 2019
April 4, 2019
May 2, 2019
June 6, 2019
August 1, 2019
September 5, 2019

**The June 6, 2019, Regular
Meeting will take place at
10:00 a.m. in the Martin Coun-
ty Commission Chambers,
Administrative Center, locat-
ed 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 loca-
tion so that Supervisors may
be fully informed of the dis-
cussions taking place. Meet-
ings 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 testimo-
ny and evidence on which the
appeal is based.

In accordance with the provi-
sions of the Americans with
Disabilities Act, any person
requiring special accommo-
dations 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.

PROOF OF PUBLICATION STATE OF FLORIDA

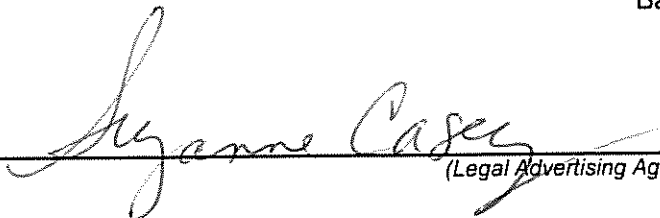
PUBLIC NOTICE

Before the undersigned authority, personally appeared Suzanne Casey, who on oath, says that he/she is a Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published in West Palm Beach and distributed in Palm Beach County, Martin County, and St. Lucie County, Florida; that the attached copy of advertising for a Legal - PublicNotice was published in said newspaper on: first date of Publication 09/26/2018 and last date of Publication 09/26/2018. Affiant further says that the said The Palm Beach Post is a newspaper published in 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 he/she 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 said newspaper.

PAL MAR WATER CONTROL DISTRICT
2501 BURNS RD
STE A
PALM BEACH GARDENS, FL 33410-5207

Invoice/Order Number:	0000426186
Ad Cost:	\$275.20
Paid:	\$0.00
Balance Due:	\$275.20

Signed

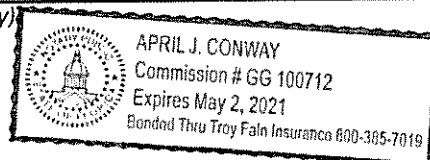

(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 26th day of September, 2018 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed


(Notary)

Please see Ad on following page(s).



PAL MAR WATER CONTROL DISTRICT
2501 BURNS RD
STE A
PALM BEACH GARDENS, FL 33410-5207

Invoice/Order Number: 0000426186
Ad Cost: \$275.20
Paid: \$0.00
Balance Due: \$275.20

**PAL MAR WATER CONTROL DISTRICT
FISCAL YEAR 2018/2019
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:

October 4, 2018
November 1, 2018
December 6, 2018
January 3, 2019
February 7, 2019
March 7, 2019
April 4, 2019
May 2, 2019
June 6, 2019
August 1, 2019
September 5, 2019

The June 6, 2019, 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
9-26/2018

0000426186-01

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
OCTOBER 4, 2018

A. CALL TO ORDER

Chair Commissioner Hal Valeche called the October 4, 2018 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 *Stuart News* on September 26, 2018, as legally required.

C. ESTABLISH QUORUM

A quorum was established:

Supervisor	
Commissioner Hal Valeche	Present
Commissioner Sarah Heard	Present
H. Gearl Gore	Present
Bob Berman	Present
Frank Sardinha	Present

Staff members in attendance:

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

D. ADDITIONS OR DELETIONS TO THE AGENDA

Ms. Viator asked that an addition be made under New Business to address amending the boundaries of Unit 1.

E. APPROVAL OF MINUTES

1. September 6, 2018 Regular Board Meeting

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
OCTOBER 4, 2018

Mr. Burman noted a correction on page 8. That correction was to clarify that Mr. Berman did not ask if he should vote if he has a financial conflict, instead, he simply stated that in an abundance of caution he was declaring his financial interest in the Unit of Development No. 1, which then led Mrs. Viator to comment that Mr. Berman would need to fill out a form 8B. Mr. McElligott stated that he will make those corrections.

The minutes of the September 6, 2018, Regular Meeting were approved, as amended, on a **motion** made by Ms. Heard, seconded by Mr. Gore. The **motion** carried 5-0.

Mr. Sardinha commented that he would like it mentioned in the next meeting exactly what was amended in the minutes.

F. STATUS REPORTS

1. Legal – Status Report

Mrs. Viator stated that the general legal status report was in the meeting book and that most items she is going to discuss have their own agenda item later in the agenda and she will wait until then to discuss them. She had nothing further.

2. Engineer – Status Report

Mr. Higgins stated that the general engineer status report was in the meeting book and that most items he is going to discuss have their own agenda item later in the agenda and he will wait until then to discuss them. He had nothing further.

3. District Manager Report

Mr. McElligott checked on the fixed asset question regarding audits from the 1990s. He did not have the audits in question, but he did inform the Board that he would discuss it with the auditors when the audit for this 2017/2018 fiscal year begins.

Mr. Berman indicated that he too had checked his records but was unable to find the specific letter related to fixed asset question.

G. OLD BUSINESS

1. Update Regarding Martin County Litigation

Mrs. Viator presented a summary provided in the meeting books. She informed the Board that the Judge denied the District's motions. She also informed the Board of SFWMD motion to intervene. She said that with the motions to dismiss denied, the counsel hired by the District's insurance company would be preparing responses to the claims. Ms. Viator

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
OCTOBER 4, 2018

indicated that essentially there has been no change since last month's meeting. Commissioner Valeche asked if there was case law regarding these matters. Mrs. Viator said yes, but the judge chose to not follow the prior case law.

2. Discussion Regarding St. Lucie River BMAP Letter

Mr. Higgins presented a letter on page 15 of the meeting books. He informed the Board that because the land in Pal-Mar is undeveloped, there is nothing more that can be done. He also indicated that the letter had been sent. Mr. Higgins stated that there has been no response to his letter. Commissioner Valeche asked how long before he expected to hear a response from DEP. Mr. Higgins said there is no time table that a response could come at any time, but for now he expects the matter to go dormant.

3. Discussion Regarding Adding Additional Gates and Access Policy

Mr. Sardinha presented his findings since the last meeting and indicated 3 possible points additional gates could stop people hunting from driving into Pal-Mar lots. Mr. Sardinha pointed to these points on a map. A lengthy discussion among Board members ensued. Mr. Sardinha and Mr. Higgins indicated that the next step would be to further investigate and meet with Florida Fish and Wildlife Commission. Mr. Sardinha hopes to have more information for the Board at the next meeting.

H. NEW BUSINESS

1a. Consider Amending Resolution for Unit of Development No. 1

Mr. McElligott explained that this is to simply remove a lot that was incorrectly indicated on the description of Unit of Development No. 1 that the board approved at a previous meeting.

A **motion** was made by Mr. Sardinha, seconded by Mr. Gore to amend the boundaries of Unit of Development No. 1. That **motion** carried 4-1, Commissioner Heard dissenting.

1. Consider Approval of Funding Agreement for Unit of Development No. 1

Mrs. Viator presented, via handout, the proposed Funding Agreement and explained its' purpose and some of the terms of the agreement. There was some discussion among the Board members. To prevent the possibility of the district being saddled with an expense that we had not collected funds from the landowner for, Commissioner Valeche asked if we could add to the funding agreement that the landowner indemnify Pal-Mar. Mrs. Viator said yes, that can be added. There was also discussion regarding the amount the initial deposit should be. Mr. Sardinha confirmed with Mr. Higgins the amount of his proposal would carry us through the initial plan. Mr. Gore asked Mrs. Viator for her estimate in

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
OCTOBER 4, 2018

conjunction with Mr. Higgins. It was determined that a combined amount of \$25,000.00 should be sufficient for the cost of Legal, Engineering, Advertising, etc. to get the district to the creation of the water control plan. However, Mr. Berman asked for this item to be deferred to the next meeting due to the fact that the agreement was not available to review in depth prior to the meeting.

A **motion** was made by Commissioner Heard, seconded by Mr. Sardinha to defer the consideration to next month's meeting, **motion** carried 5-0.

2. Consider Approval of Engineering Proposal Regarding Unit of Development No. 1

Since there was no funding agreement approved, it was determined that this item should also be deferred to the next meeting.

A **motion** was made by Commissioner Heard, seconded by Mr. Gore to defer the consideration to next month's meeting, **motion** carried 5-0.

3. Consider Approval of Amendment of District Purchasing Policy

Mrs. Viator explained that this was a new policy that would be required should the district need FEMA or other federal funds in the future.

A **motion** was made by Mr. Sardinha, seconded by Commissioner Heard to approve, **motion** carried 5-0 as presented.

4. Consider Approval of Culvert Improvements on Cory Beaton Property

Mr. Higgins presented the letter and map in the book related to Corey Beaton's culverts. Mr. Higgins explained that while SFWMD stated that the culverts were de minimis, these culverts do supply flood relief to Mr. Beaton's land outside of the district and it is common in those situations that the landowner outside the district be billed for his benefits. There was lengthy discussion by the Board. The Board's decision is to have Mr. Higgins determine a benefit that could be used as part of a permit for charging Mr. Beaton for his drainage into Pal-Mar lands and a cost of doing the permit work and bring that all back to the Board.

5. Discussion Regarding Meeting Time

Mr. McElligott explained to the Board that another entity has reserved this room that we hold our Pal-Mar WCD Board meetings in at 11:30am on every day that we have a scheduled meeting in the upcoming fiscal year 2018-2019. Mr. McElligott suggested that because our meetings start at 10am and sometimes go up to 2 hours long, the Board could

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
OCTOBER 4, 2018

re-advertise the meetings to begin at 9:30am or make a decision that Board meeting cannot exceed 1 hour and 15 minutes long.

After some discussion, a **motion** was made by Commissioner Heard, seconded by Mr. Berman to re-advertise the Board meeting for 9:30am. That **motion** carried 5-0 as presented.

I. ADMINISTRATIVE MATTERS

1. Financial Report

Mr. McElligott presented the current financials in the meeting book.

2. Consider Invoices

The invoices were approved, as presented, on a **motion** by Commissioner Heard., seconded by Mr. Sardinha. The **motion** carried 5-0.

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

There were no comments from the Public.

K. BOARD MEMBER COMMENTS

Mr. Sardinha reported to the Board about a game trail / animal crossing being placed under Beeline Highway that will be a box culvert that will result in outside land draining into Pal-Mar. Mr. Higgins noted that when he saw the original plans for the work being done on Beeline Highway that this game trail / animal crossing was not included. Mr. Sardinha asked that the Board authorize Mr. Higgins to look into this. The Board agreed that Mr. Higgins should look into this issue and report back to the Board.

L. ADJOURN

There being no further business to come before the Board, at 11:18 am a **motion** to adjourn the meeting was made by Mr. Gore with a second by Commissioner Valeche. The **motion** carried unanimously.

Secretary/Assistant Secretary

Chair/Vice-Chair

CALDWELL PACETTI
EDWARDS SCHOECH & VIATOR LLP

ATTORNEYS AT LAW

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CHARLES F. SCHOECH
MARY M. VIATOR
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JOHN A. WEIG

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EMILIE PEARSON, CP

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OF COUNSEL
BETSY S. BURDEN
RUTH P. CLEMENTS

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

MEMORANDUM

TO: Board of Supervisors of the Pal-Mar Water Control District

FROM: Caldwell Pacetti Edwards Schoech & Viator

DATE: October 22, 2018

RE: Legal Status Report for the November 1, 2018 Board of Supervisors' Meeting

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) SFWMD Budget Issues
 - (a) Follow Up Coordination Regarding Collection of SFWMD's Non-Ad Valorem Assessments
 - (b) Coordinated with Martin County Regarding SFWMD's Non-Ad Valorem Assessments
- (3) Martin County/Coordinated, Researched and Followed Up Regarding Defense of Martin County's Lawsuit Relating to Non Payment of District Assessments
 - (a) Use by Martin County of Chapter 194 to Challenge District Assessments
 - (b) Request for Declaratory Judgment/Waiver of Chapter 164 Procedures
 - (c) Pal-Mar Water Control District and Hobe-St. Lucie Conservancy District filed a Notice of Special Set Hearing on June 29, 2018 regarding their Motion to Dismiss Complaint, Motion to Abate Complaint under 164.1041, or in the Alternative, Motion for More Definite Statement. The hearing was held on August 16, 2018. The Judge rendered an Order on August 23, 2018, denying the Districts' Motions. The Districts' insurance counsel filed an Answer and

Defenses to the Complaint. SFWMD filed a Motion for Leave to Intervene, which matter was held on October 5, 2018. The Motion was granted. The Districts have prepared a Motion to Dismiss SFWMD's complaint.

A Memorandum with additional information regarding this matter is provided as a separate Agenda Item.

- (4) Coordination regarding the requirements for creation of a Unit of Development, including preparation of Resolution Designating Unit of Development No.1, Preparation of Landowner Funding Agreement and Follow Up Coordination with Landowner(s).
- (5) Coordination with District Engineer regarding Culvert Installation Request.

CALDWELL PACETTI
EDWARDS SCHOECH & VIATOR LLP

ATTORNEYS AT LAW

PARALEGAL
EMILIE PEARSON, CP

MANLEY P. CALDWELL, JR.
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OF COUNSEL
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MEMORANDUM

TO: Board of Supervisors, Pal-Mar Water Control District
FROM: Caldwell Pacetti Edwards Schoech & Viator, LLP
DATE: October 17, 2018
RE: Update Regarding Martin County Lawsuit

A hearing was held on the Districts' Motions to Dismiss, Abate, and for More Definite Statement on August 16, 2018. It was held before Judge Bronis at the Martin County Courthouse. In attendance were Lyman Reynolds, Districts' insurance counsel, Mary Viator, and Betsy Burden (representing the Districts), and David Arthur and Elizabeth Lenihan (representing Martin County). Also in attendance was James Sherman of the South Florida Water Management District.

The hearing was scheduled for 30 minutes but lasted approximately one (1) hour, with the judge asking several questions of the attorneys. The County stated its main argument was that Chapter 298 is inapplicable to political subdivisions of the State such as the County, since Section 298.36 only says it applies to the "state" and does not expressly state "political subdivisions" like the sovereign immunity statute. The Districts cited cases specifically stating that counties comprise the "state" and constitute "part of machinery of state government" and are thus subject to the Districts' assessments, under both Chapter 298 and the Districts' special acts.

The County also argued that the Districts are levying "taxes", not just "non-ad valorem assessments," since Section 298.54 specifically says "maintenance tax". The Districts responded that Section 298.54 defines "maintenance tax" as a non-ad valorem assessment and not an "ad valorem tax". The Districts also cited authorities for the well-settled proposition that "ad valorem taxes" and "non-ad valorem assessments" are entirely different.

An Order was rendered by Judge Bronis on August 23, 2018, denying the Districts' Motions on the basis that she believes that Section 298.36 only refers to "the state" and not "political subdivisions". The Districts' insurance counsel timely filed an Answer and Defenses to the County's Complaint.

SFWMD also filed a Motion to Intervene, which matter was scheduled for hearing on October 5, 2018. This Motion was granted despite the Districts' opposition to same. The Districts will now prepare and file a Motion to Dismiss SFWMD's Complaint by the Judge's deadline of October 25, 2018. See attached from Litigation Counsel.



ROBERTS, REYNOLDS,
BEDARD & TUZZIO, PLLC

Providing Outstanding Service for Over 30 Years

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ABBY J. GOLDMAN
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JESUS DELAROSA
LINDA J. FRIEDMAN
DANIELLE M. LEWIS
DEBRA R. MALONE

PLEASE REPLY TO:
WEST PALM BEACH

October 11, 2018

Confidential matter exempt from disclosure or inspection per FS 119.07, 768.28 & 768.301

VIA EMAIL: ajimenez@egisadvisors.com VIA EMAIL: anegretti@networkadjusters.com

Andres Jimenez
Risk Services Coordinator
Egis Insurance & Risk Advisors
101 Plaza Real South, Suite 216
Boca Raton, FL 33432

Ashley Negretti
Network Adjusters, Inc.
Stanford Place I
8055 E. Tufts Ave., Ste. 600
Denver, CO 80237

Re: Martin County v. Hobe-St. Lucie Conservancy District, et al.
Claim No.: FDC000153 Pal-Mar
Claim No.: FDC000152 Hobe
Our File No.: 18-307

Dear Mr. Jimenez & Ms. Negretti:

The hearing on South Florida Water Management District's (SFWMD) Motion to Intervene was heard Friday, October 5, 2018, before Judge Bronis at the Martin County Courthouse in Stuart, Florida. After hearing argument of counsel, Judge Bronis granted SFWMD's Motion to Intervene and deemed their Complaint filed as of October 5, 2018. Defendants have been provided a deadline of October 25, 2018 for the filing of their responsive pleading to Co-Plaintiff SFWMD's Complaint. We are in the process of preparing a Motion to Dismiss on behalf of the Defendant Districts and will forward a copy of same to you upon timely filing.

I have enclosed herein for your file a copy of the Court's Order which was entered in this regard.

We will continue to keep you advised of any and all developments.

With best regards,


LYMAN H. REYNOLDS, JR.
For the Firm

LHR, jr./rls
Enclosure

cc: Jason Pierman, Hobe-St. Lucie, via email: jpierman@sdsinc.org
Peter Pimentel, Hobe-St. Lucie & Pal Mar, via email: ppimentel@sdsinc.org
Michael McElligott, Pal Mar, via email: mmcelligott@sdsinc.org
Mary Viator, Esq., via email: viator@caldwellpacetti.com
William Doney, Esq., via email: doney@caldwellpacetti.com
Betsy Burden, Esq., via email: burden@calwellpacetti.com

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL
CIRCUIT IN AND FOR MARTIN COUNTY, FLORIDA

MARTIN COUNTY, a political subdivision of
the State of Florida,

CASE NO.: 2018CA000389
Judge Barbara W. Bronis

Plaintiff,

vs.

HOBE-ST. LUCIE CONSERVANCY
DISTRICT,

and

PAL MAR WATER CONTROL DISTRICT,

and

THE HON. RUTH PIETRUSZEWSKI, in her
official capacity as the Tax Collector of Martin
County,

and

THE HON. LAUREN KELLY, in her official
capacity as the Property Appraiser of Martin
County,

Defendants.

**ORDER GRANTING SOUTH FLORIDA
WATER MANAGEMENT DISTRICT'S MOTION TO INTERVENE**


This matter having come before this Court on October 5, 2018, on South Florida Water Management District's Motion for Leave to Intervene, and after hearing argument of counsel, reviewing the file and submissions of the parties, and being otherwise advised in the premises, it is hereby

ORDERED AND ADJUDGED:

South Florida Water Management District's Motion for Leave to Intervene as Co-Plaintiff is GRANTED and the Complaint attached thereto as Exhibit A is deemed filed as of the date of

this order. Defendants, Hobe-St. Lucie Conservancy District and Pal Mar Water Control District, shall have 20 days from the date of this Order (October 25, 2018), to ~~file an answer or response to~~ ^{file its responsive} ~~pleading~~ the Complaint:

DONE AND ORDERED in ^{Stuart Martin} ~~Miami, Miami-Dade~~ County, Florida, this 5 day of October 2018.



Honorable Barbara W. Bronis
Circuit Judge

Copies to:

James W. Sherman, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406; (561) 682-2791; jsherman@sfwmd.gov; litigation@sfwmd.gov

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RESOLUTION NO. 2018-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PAL-MAR WATER CONTROL DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2017/2018 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 2017/2018 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 2017/2018 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 1st day of November, 2018.

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 2017/2018
October 1, 2017 - September 30, 2018**

AMENDED FINAL BUDGET
PAL MAR WATER CONTROL DISTRICT
FISCAL YEAR 2017/2018
OCTOBER 1, 2017 - SEPTEMBER 30, 2018

	FISCAL YEAR 2017/2018 BUDGET 10/1/17 - 9/30/18	AMENDED FINAL BUDGET 10/1/17 - 9/30/18	YEAR TO DATE ACTUAL 10/1/17 - 9/29/18
Carry Forward Surplus	200,632		
REVENUES			
O & M Assessments	213,830	55,232	55,232
Other Revenue - Unit 1	0	4,600	1,553
Interest Income	420	1,920	1,899
TOTAL REVENUES	\$ 214,250	\$ 61,752	\$ 58,684
EXPENDITURES			
ADMINISTRATIVE EXPENDITURES			
Supervisor Fees	1,200	750	750
Payroll Taxes (Admin)	100	57	57
Engineering	17,000	36,400	30,422
Engineering - Unit 1	0	2,000	0
Management	24,000	24,000	24,000
Legal	27,000	32,300	30,241
Legal - Unit 1	0	2,600	1,553
Assessment Roll	5,000	5,000	5,000
Audit Fees	5,200	5,200	5,200
Insurance	6,350	5,778	5,778
Legal Advertising	1,800	1,800	1,488
Miscellaneous	3,000	3,000	2,577
Postage	2,300	1,740	1,728
Office Supplies	2,500	960	923
Website Management	1,500	1,500	1,500
Dues & Subscriptions	175	175	175
Contingency	27,545	19,400	17,337
TOTAL ADMINISTRATIVE EXPENDITURES	\$ 124,670	\$ 142,660	\$ 128,729
SECURITY/MAINTENANCE EXPENDITURES			
Contract Labor - Security & Maintenance	28,000	28,000	28,000
Contingencies	10,750	1,000	0
Repairs & Maintenance	15,000	1,000	0
Mowing	23,000	23,000	23,000
TOTAL SECURITY/MAINTENANCE EXPENDITURES	\$ 76,750	\$ 53,000	\$ 51,000
TOTAL EXPENDITURES	\$ 201,420	\$ 195,660	\$ 179,729
EXCESS/(SHORTFALL)	\$ 12,830	\$ (133,908)	\$ (121,045)
County Appraiser & Tax Collector Fee	(4,277)	(2,590)	(2,590)
Discounts For Early Payments	(8,553)	(1,485)	(1,485)
NET EXCESS/ (SHORTFALL)	\$ -	\$ (137,983)	\$ (125,120)
VARIANCE TO BUDGET		\$ (137,983)	

Fund Balance As Of 9/30/17	
Projected FY 2017/2018 Activity	
Projected Fund Balance As Of 9/30/18	

\$200,632
(\$137,983)
\$62,649

Pal Mar Water Control District
Budget vs. Actual
October 2017 through September 2018

	<u>Oct '17 - Sep 18</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
363.100 · O & M Assessments	55,231.69	213,830.00	-158,598.31	25.83%
363.830 · Assessment Fees	-2,590.40	-4,277.00	1,686.60	60.57%
363.831 · Assessment Discounts	-1,484.83	-8,553.00	7,068.17	17.36%
369.400 · Other Revenue - Unit 1	1,552.50	0.00	1,552.50	100.0%
369.401 · Interest Income	1,899.19	420.00	1,479.19	452.19%
Total Income	<u>54,608.15</u>	<u>201,420.00</u>	<u>-146,811.85</u>	<u>27.11%</u>
Gross Profit	54,608.15	201,420.00	-146,811.85	27.11%
Expense				
511.122 · Payroll Taxes (Admin)	57.40	100.00	-42.60	57.4%
511.131 · Supervisors Fees	750.00	1,200.00	-450.00	62.5%
511.310 · Engineering	30,422.35	17,000.00	13,422.35	178.96%
511.311 · Management Fees	24,000.00	24,000.00	0.00	100.0%
511.315 · Legal Fees	30,240.72	27,000.00	3,240.72	112.0%
511.318 · Assessment/Tax Roll	5,000.00	5,000.00	0.00	100.0%
511.320 · Audit Fees	5,200.00	5,200.00	0.00	100.0%
511.450 · Insurance	5,778.00	6,350.00	-572.00	90.99%
511.480 · Legal Advertisements	1,487.75	1,800.00	-312.25	82.65%
511.512 · Miscellaneous	2,576.78	3,000.00	-423.22	85.89%
511.513 · Postage and Delivery	1,727.55	2,300.00	-572.45	75.11%
511.514 · Office Supplies	922.93	2,500.00	-1,577.07	36.92%
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%
511.902 · Legal - Unit 1	1,552.50	0.00	1,552.50	100.0%
511.999 · Contingency	17,337.30	27,545.00	-10,207.70	62.94%
512.201 · Contract Labor - Maint/Security	27,999.96	28,000.00	-0.04	100.0%
512.305 · Maintenance Contingency	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	23,000.00	23,000.00	0.00	100.0%
Total Expense	<u>179,728.24</u>	<u>201,420.00</u>	<u>-21,691.76</u>	<u>89.23%</u>
Net Ordinary Income	<u>-125,120.09</u>	<u>0.00</u>	<u>-125,120.09</u>	<u>100.0%</u>
Net Income	<u><u>-125,120.09</u></u>	<u><u>0.00</u></u>	<u><u>-125,120.09</u></u>	<u><u>100.0%</u></u>

Bank Balance As Of 9/30/18	\$ 21,756.94
Investment Acct Balance As Of 9/30/18	\$ 69,855.26
Accounts Payable As Of 9/30/18	\$ 17,652.38
Accounts Receivable As Of 9/30/18	\$ 1,552.50
Total Fund Balance As Of 9/30/18	\$ 75,512.32

Pal Mar Water Control District
Custom Transaction Detail Report
 September through October 2018

	Type	Date	Num	Name	Memo	Paid	Due
Legal Fees							
Caldwell Pacetti Edwards Schoech & Viator							
	Bill Pmt -Check	10/01/2018	1602	Caldwell Pacetti Edwards Schoech & Viator		4,687.50	
	Bill	09/14/2018	126640	Caldwell Pacetti Edwards Schoech & Viator	Matter ID:P087000 General Counsel 8-22-18 - 9-11-18		1,907.38
	Bill	09/14/2018	126638	Caldwell Pacetti Edwards Schoech & Viator	Matter ID:P087004 Litigation 8-23-18 - 9-4-18		2,617.50
	Bill	09/14/2018	126641	Caldwell Pacetti Edwards Schoech & Viator	Matter ID:P087005 Unit of Development No. 1 8-24-18 - 9-5-18		202.50
	Bill	09/30/2018	126682	Caldwell Pacetti Edwards Schoech & Viator	Invoice #126682 Legal Services for Sept 2018		967.50
	Bill	09/30/2018	126683	Caldwell Pacetti Edwards Schoech & Viator	Invoice #126683 Litigation for Sept 2018		2,947.50
	Bill	09/30/2018	126684	Caldwell Pacetti Edwards Schoech & Viator	Invoice #126684 Unit of Development No.1		1,350.00
Total Caldwell Pacetti Edwards Schoech & Viator						4,687.50	9,992.38
Engineering Fees							
Higgins Engineering, Inc.							
	Bill Pmt -Check	09/18/2018	1600	Higgins Engineering, Inc.	Professional engineering services 07.16.18 - 08.15.18	3,382.40	
Total Higgins Engineering, Inc.						3,382.40	0.00
Management Fees							
Special District Services, Inc.							
	Bill Pmt -Check	10/01/2018	1603	Special District Services, Inc.		7,224.75	
	Bill	09/29/2018	2018-2398	Special District Services, Inc.	Inv#2018-2398 Assessment Roll Prep 2018		5,000.00
	Bill	09/30/2018	2018-2219	Special District Services, Inc.	Management Fees for September 2018		2,224.75
Total Special District Services, Inc.						7,224.75	7,224.75
Miscellaneous							
Egis Insurance & Risk Advisors							
	Bill Pmt -Check	10/01/2018	1604	Egis Insurance & Risk Advisors	Invoice #8061 Renew Policy #100118051 10/1/18-10/1/19	5,000.00	
	Bill	10/01/2018	8060	Egis Insurance & Risk Advisors	Invoice #8061 Renew Policy #100118051 10/1/18-10/1/19		5,000.00
Total Egis Insurance & Risk Advisors						5,000.00	5,000.00
Department of Economic Opportunity							
	Bill	10/01/2018	71945	Department of Economic Opportunity	Invoice #71945 FY 2018/2019 Special District Fee		175.00
Total Department of Economic Opportunity						0.00	175.00
Board of County Commissioner							
	Bill Pmt -Check	10/01/2018	1601	Board of County Commissioner	VC0000155837-30DYS	210.00	
	Bill	10/01/2018	VC0000155837-30DYS	Board of County Commissioner	Inv#490-0717180000000002178 Property Data Prep 2018		210.00
Total Board of County Commissioner						210.00	210.00
PBN (Newspaper)							
	Bill	09/26/2018	I00426186-09262018	PBN (Newspaper)	Invoice #I00426186-09262018 FY 18/19 Mtg Schedule		275.20
Total PBN (Newspaper)						0.00	275.20
Treasure Coast Newspapers							
	Bill	09/30/2018	2121801	Treasure Coast Newspapers	Order#2121801 FY 18/19 Mtg Schedule		160.05
Total Treasure Coast Newspapers						0.00	160.05
TOTAL						20,504.65	23,037.38