



PAL-MAR WATER CONTROL DISTRICT

**REGULAR BOARD MEETING
JULY 13, 2022
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, Florida 33458
REGULAR BOARD MEETING
July 13, 2022
9:30 a.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Status Report
 - 1. Legal – Status Report
 - 2. Engineer – Status Report
 - 3. District Manager Report
 - 4. Field Maintenance Report
- F. Old Business
 - 1. Update on the Proposed Question for an Attorney General’s Opinion Regarding Pal-Mar WCD Granting of Easements
 - 2. Consider Granting and Recording of Drainage, Utility, and Ingress/Egress Easement to Landowners on the Map Over the District’s Three Parcels Extending from Bee Line Highway to Jupiter Grade.....Page 3
 - 3. Update Regarding Litigation
 - 4. Update on Mowing Proposal.....Page 6
 - 5. Update on Sending Minutes and 298 Language Martin County, Palm Beach County and SFWMD Regarding Outside Landowners Obtaining a Permit from Pal-Mar WCD
 - 6. Consider Amending the Fiscal Year 2022/2023 Budget.....Page 8
- G. New Business
 - 1. Consider Officially Amending Mr. McElligott’s Email dated 6/24/2022.....Page 12
- H. Administrative Matters
 - 1. Financial Report.....Page 13
- I. Landowner Items
- J. Comments from the Public for Items Not on the Agenda
- K. Board Member Comments
- L. Adjourn

Miscellaneous Notices



Published in Stuart News on July 3, 2022

Location

Martin County, Florida

Notice Text

PAL-MAR WATER CONTROL DISTRICT NOTICE OF REGULAR BOARD MEETING NOTICE IS HEREBY GIVEN that the Pal-Mar Water Control District ("District") will hold a Regular Board Meeting ("Meeting") at 9:30 a.m. on July 13, 2022, in the Old Jupiter Town Hall located at 1000 Town Hall Avenue, Jupiter, Florida 33458. The purpose of the Regular Board Meeting is to transact any business to properly come before the Board. A copy of the Agenda for this meeting may be obtained from the District's website at www.palmarwcd.org or by contacting the District Manager at 561-630-4922 and/or toll free at 1-877-737-4922. The Meeting 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 this Meeting, 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 this Meeting should contact the District Manager at 561-630-4922 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the Meeting. Meetings may be cancelled from time to time without advertised notice. Pal-Mar Water Control District www.palmarwcd.org Publish: 07/03/2022 TCN 5319068

Miscellaneous Notices



Published in The Palm Beach Post on July 5, 2022

Location

Palm Beach County, Florida

Notice Text

PAL-MAR WATER CONTROL DISTRICT

NOTICE OF REGULAR BOARD MEETING

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

Pal-Mar Water Control District

www.palmarwcd.org



Florida Fish and Wildlife Conservation Commission

Commissioners
Rodney Barreto
Chairman
Coral Gables

Steven Hudson
Fort Lauderdale

Gary Lester
Oxford

Albert Maury
Coral Gables

Gary Nicklaus
Jupiter

Sonya Rood
St. Augustine

Robert A. Spottswood
Key West

Executive Staff
Eric Sutton
Executive Director

Thomas H. Eason, Ph.D.
Assistant Executive Director

Jennifer Fitzwater
Chief of Staff

South Region
Thomas Reinert, Ph.D.
Regional Director

561-625-5122
561-625-5129 FAX

Managing fish and wildlife resources for their long-term well-being and the benefit of people.

South Region
8535 Northlake Boulevard
West Palm Beach, FL
33412-3303

Hearing/speech-impaired:
800-955-8771 (T)
800-955-8770 (V)

MyFWC.com

July 11, 2022

Pal-Mar Water Control District – Board of Supervisors
c/o Michael McElligott
Special District Services, Inc.
Submitted electronically: MMcElligott@sdsinc.org

Dear Pal-Mar Board of Supervisors,

Please allow this correspondence to be considered Florida Fish and Wildlife Conservation Commission's (FWC) public comment for the Pal-Mar Water Control District (the District) Board Meeting, scheduled for Wednesday, July 13, 2022, specifically, Old Business, Item 2: "Consider Granting and Recording of Drainage, Utility, and Ingress/Egress Easement to Landowners on the Map Over the District's Three Parcels Extending from Bee Line Highway to Jupiter Grade."

The FWC has concerns regarding this proposal, given the limited scope of activities codified for 298 Districts and what the proposal hopes to achieve. It is not clear what benefits the District derives from this action; especially given the concerns the District previously has expressed to FWC regarding impacts of vehicular access to works of the District. I will note that the FWC has worked with the District to limit or eliminate vehicular access when requested and where within the ability of FWC to do so.

Further, the District-owned parcel in question is directly adjacent to (east of) a portion of the John C. and Marianna Jones/Hungryland Wildlife and Environmental Area ("Hungryland") that is not open to the public and is maintained for environmental purposes only. The powerline Right of Way (owned by South Florida Water Management District and then further along by Martin County) is dedicated solely for the use of the utility company and is not legally accessible by members of the public. Nevertheless, individuals, using the access created by the 'improvements' to the District parcel (namely a rebuilt road apron and 'gravel driveway' created during 'exotic plant' removal activities directed by the District) have created a path deviating from the District parcel into Hungryland to access the ROW. Vehicular trails are now clearly visible through the bordering wetland and into state-owned property. The existing fence line also has been cut. This access constitutes illegal entry, damage of state property, as well as causing resource damage.

FWC believes that the proposal lacks a clear objective that benefits the Pal-Mar Water Control District and likely would greatly increase illegal entry into, and continued resource degradation of, FWC-managed, environmentally-sensitive lands.

Sincerely,

Thomas Reinert, Ph.D.
Regional Director

Cc: Mary Viator, Palm Beach County, Martin County, South Florida Water Management District, Kevin Cutting

7/11/2022

Palmar board members,

Please accept the following as my public comments for the July board meeting. Specifically, regarding the palmar properties and opening them to the public, and or recording an easement on these properties.

1. The wording of the original easement suggests this ingress-egress is also to the benefit of the general public. I'm not sure I understand the intent but this seems to suggest that anyone, property owner or not could now enter or utilize this section. I have safety and security concerns that would also be shared by other property owners.
2. Please ensure the recording document contains specific wording as to the type of access that is permitted and who is permitted to enter. Taking past district comments at face value, the district claims it has no ability to protect the works from damage associated with misuse or trespass. The only protective measure the district seems to have available is either not to record this proposed document as an easement, ingress-or egress, or to restrict the access to passive means only. Motorized vehicles would not be allowed or highly regulated. Is this possible?
3. The board has made past comments that your actions and abilities are limited to drainage only. How does this action benefit the stated objective and responsibilities?
4. What liabilities may come with opening this property. If the action leads to the very foreseeable destruction of the works of the district or harm to others, which I believe it will (Gate 1 example), might this action be considered neglectful?
5. Will this create further issues with the Martin County Sheriff's office or FWC with respect to protecting private and public property rights associated with the works of the district, no trespass, etc.? As I understand the MCO has very little capability to enforce trespass issues and damage that may occur to the works of the district and the properties they cross.
6. What future obligation might this create for property owners and the use of our pro-rata shares? Will we be required to maintain the easement in a safe manner consistent with the intended purpose? Again, please establish and limit the use type to be consistent with protecting the works.
7. Does the district have any recourse to recover costs from property owners that are associated with the recording or creation of the easement?
8. As an alternative, the district may simply not open this section. Property owners would need to use the courts to achieve easement by way of necessity. The district would then appropriately respond to the court's directive rather than volunteer an easement that is very likely to be abused. In this way, the district can help to ensure that courts dictate the type of access allowed, the path of access, and the specific and intended purpose for the access.
9. Does opening this easement now give property owners any right to modify the district property, cut down trees, improve a path, or do other things necessary in order to utilize the easement for the intended and recording purpose.

10. With respect to negligence in actions taken by the district, if there is a liability for resulting harm, are we as property owners, or our district commissioners protected by the liability insurance policy? Do personal assets and pro-rata shares become fair game to an accident injury law team. ?

Thank you in advance for your consideration of these concerns.

Kind Regards and thank you for your past and continuing service to the landowners of the Palmar Water control district.

Kevin Cutting

Lot owner Palmar water control district.

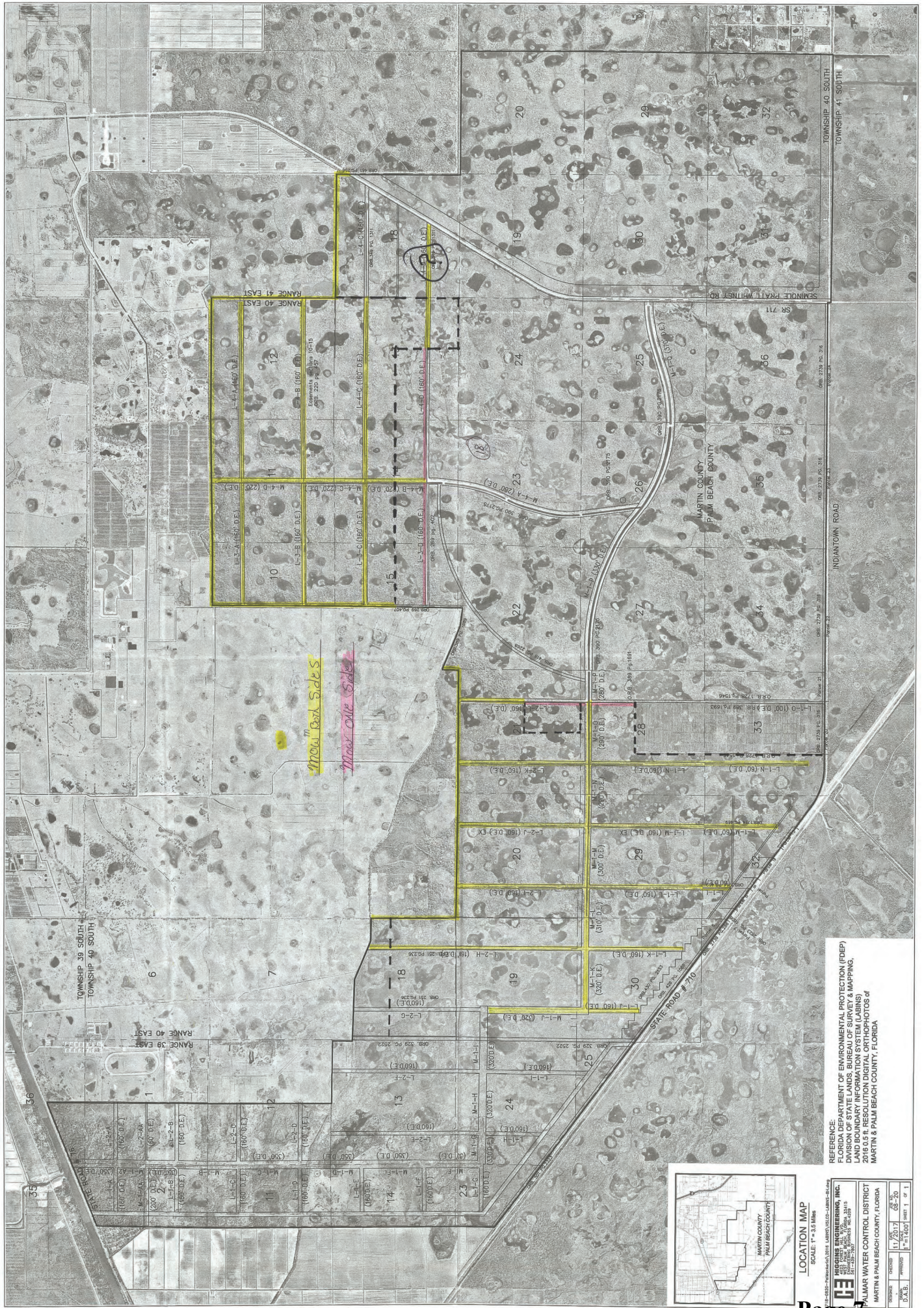
Date: 03/02/2022
Quote No.: 10055

Bill To:
Lewis & Michael
Pal Mar Water Control District
2501 Burns Road
Palm Beach Gardens Fl
33410

Ship To:
Pal Mar Water Control District
2501 Burns Road
Palm Beach Gardens FL
33410

Qty	Description	Unit Price	Total
1	Mow all canal banks, roads and trees encroaching onto roadways.	\$68,000.00	\$68,000.00

Thank you for your business.



REFERENCE:
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP)
DIVISION OF STATE LANDS, BUREAU OF SURVEY & MAPPING,
LAND BOUNDARY INFORMATION SYSTEM (LABIS)
2000 DIGITAL ORTHOPHOTOS OF
MARTIN & PALM BEACH COUNTY, FLORIDA

LOCATION MAP
SCALE: 1" = 3.0 Miles

MARTIN ENGINEERING, INC.
1100 S. US HWY. 1, SUITE 100
FORT MYERS, FLORIDA 33901
TEL: 941-939-1100
FAX: 941-939-1101
WWW.MARTINENGINEERING.COM

PALMAR WATER CONTROL DISTRICT
MARTIN & PALM BEACH COUNTY, FLORIDA

DATE: 11/25/17
DRAWN BY: J. L. LAMAR
CHECKED BY: J. L. LAMAR
APPROVED BY: J. L. LAMAR
SCALE: 1" = 100'

Pal Mar
Water Control District

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

CONTENTS

- I BUDGET**
- II DETAILED BUDGET**

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

	FISCAL YEAR 2022/2023 ANNUAL BUDGET
REVENUES	
O & M Assessments	326,064
Other Income	12,000
Uncollectable Assessments	0
Interest Income	360
	0
TOTAL REVENUES	338,424
EXPENDITURES	
Supervisor Fees	0
Payroll Taxes (Admin)	0
Engineering	28,000
Management	36,000
Legal	60,000
Assessment Roll	5,000
Audit Fees	4,000
Insurance	8,300
Legal Advertising	2,100
Miscellaneous	52,285
Postage	2,000
Office Supplies	2,000
Website Management	1,500
Dues & Subscriptions	175
Maintenance Contingency	12,000
Miscellaneous Maintenance	100,000
Contingency (Legal - Extraordinary)	5,500
TOTAL EXPENDITURES	318,860
EXCESS/ (SHORTFALL)	19,564
County Appraiser & Tax Collector Fee	(6,521)
Discounts For Early Payments	(13,043)
NET EXCESS/ (SHORTFALL)	-

Note: Projected Cashflow (Including State Board Of Administration Investment Fund)
As Of 9-30-22 is \$350,000.

FY 2022/2023 Projected Assessment Rate is \$15.00 Per Acre (\$22.00 Per Acre In 2021/2022).

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

	FISCAL YEAR 2020/2021 ACTUAL	FISCAL YEAR 2021/2022 ANNUAL BUDGET	FISCAL YEAR 2022/2023 ANNUAL BUDGET	COMMENTS
REVENUES				
O & M Assessments	128,298	478,278	326,064	Expenditures Less Interest/.94
Other Income	12,500	12,000	12,000	Includes Landowner Funding for Maintenance
Uncollectable Assessments	0	(353,687)	0	
Interest Income	277	360	360	Projected At \$30 Per Month
TOTAL REVENUES	141,075	\$ 136,951	\$ 338,424	
EXPENDITURES				
Supervisor Fees	0	0	0	Eliminated by Board
Payroll Taxes (Admin)	0	0	0	Eliminated by Board
Engineering	25,968	28,000	28,000	No Change From 2021/2022 Budget
Management	24,000	24,000	36,000	\$3,000 Per Month
Legal	49,322	30,000	60,000	\$30,000 Increase From 2021/2022 Budget
Assessment Roll	5,000	5,000	5,000	Assessment Roll Preparation
Audit Fees	3,800	3,900	4,000	Accepted Amount For 2021/2022 Audit
Insurance	5,513	8,300	8,300	Insurance Estimate
Legal Advertising	1,993	2,100	2,100	No Change From 2021/2022 Budget
Miscellaneous	1,738	5,000	52,285	Miscellaneous
Postage	84	2,000	2,000	No Change From 2021/2022 Budget
Office Supplies	642	2,000	2,000	No Change From 2021/2022 Budget
Website Management	1,500	1,500	1,500	No Change From 2021/2022 Budget
Dues & Subscriptions	175	175	175	No Change From 2021/2022 Budget
Maintenance Contract	12,000	12,000	12,000	\$1,000 Per Month
Miscellaneous Maintenance	0	0	100,000	Miscellaneous Maintenance
Contingency (Legal - Extraordinary)	964	5,500	5,500	No Change From 2021/2022 Budget
TOTAL EXPENDITURES	132,699	\$ 129,475	\$ 318,860	
EXCESS/ (SHORTFALL)	8,376	7,476	19,564	
County Appraiser & Tax Collector Fee	(3,818)	(2,492)	(6,521)	Two Percent Of Expected Assessment Roll
Discounts For Early Payments	(2,295)	(4,984)	(13,043)	Four Percent Of Expected Assessment Roll
NET EXCESS/ (SHORTFALL)	\$ 2,263	\$ -	\$ -	

Note: Projected Cashflow (Including State Board Of Administration Investment Fund)
As Of 9-30-22 is \$350,000.

FY 2022/2023 Projected Assessment Rate is \$15.00 Per Acre (\$22.00 Per Acre In 2021/2022).
Current Estimated assesable acres is 21,740.

From: Michael McElligott
Sent: Friday, June 24, 2022 12:18 PM
To: Ruth Pietruszewski <ruthski@martintax.us>
Cc: rholmes@martin.fl.us; csegura@martin.fl.us; ddonalds@martin.fl.us; Taryn Kryzda <tkryzda@martin.fl.us>; gstokus@martin.fl.us; Sarah Woods <swoods@martin.fl.us>; jgorton@martin.fl.us; jlomonic@sfwmd.gov; Caitlin.Blair@pa.martin.fl.us; jmaehl@martin.fl.us; Karl Andersson <karl.andersson@pa.martin.fl.us>; Jenny.Fields@pa.martin.fl.us; Chelsea Coffin <c Coffin@martintax.us>; Shanna Varady <svarady@martintax.us>; Jose Mourao <jmourao@martintax.us>; Daron Wright <dwright@martintax.us>
Subject: RE: Pal-Mar payment

Ruth, I'm not sure what the definition of full payment would be in this case. Technically, there is still thousands of acres of SFWMD land that was not paid with this distribution. Also, this payment is for assessments for 2021, these properties are all still delinquent on prior year assessments dating back to 2017. I would say a more accurate statement would be full payment of Pal-Mar WCD assessment on a specific 4,954.45 acres of Martin County and SFWMD owned lands for the 2021 tax year only have been made and received. I wouldn't want there to be any confusion on the approximately 10,000 acres of SFWMD that did not pay their assessments for 2021 or the prior year delinquent amounts that have not been paid at all Martin County or SFWMD. Thanks.

BOARD MEMBERS: Please do not use the reply all feature of your e-mail as it may be deemed a violation of the Sunshine law. Please reply only to the management office. Thank You.

NOTE: Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Michael McElligott

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

Phone: (561) 630-4922 x 226
Fax: (561) 630-4923

From: Ruth Pietruszewski <ruthski@martintax.us>
Sent: Friday, June 24, 2022 11:57 AM
To: Michael McElligott <MMcElligott@sdsinc.org>
Cc: rholmes@martin.fl.us; csegura@martin.fl.us; ddonalds@martin.fl.us; Taryn Kryzda <tkryzda@martin.fl.us>; gstokus@martin.fl.us; Sarah Woods <swoods@martin.fl.us>; jgorton@martin.fl.us; jlomonic@sfwmd.gov; Caitlin.Blair@pa.martin.fl.us; jmaehl@martin.fl.us; Karl Andersson <karl.andersson@pa.martin.fl.us>; Jenny.Fields@pa.martin.fl.us; Chelsea Coffin <c Coffin@martintax.us>; Shanna Varady <svarady@martintax.us>; Jose Mourao <jmourao@martintax.us>; Daron Wright <dwright@martintax.us>
Subject: Pal-Mar payment

Dear Mr. McElligott,

Please find attached a letter and receipt to verify full payment made by Martin County Board of County Commissioners for Pal-Mar total assessments.

If you have any questions, please contact me at 772-288-5748 or ruthski@martintax.us.

Respectfully,
Ruth Pietruszewski
Martin County Tax Collector

Pal Mar Water Control District
Budget vs. Actual
October 2021 through June 2022

	Oct '21 - Jun 22	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
363.100 · O & M Assessments	264,577.30	478,278.00	-213,700.70	55.32%
363.830 · Assessment Fees	-4,002.98	-2,492.00	-1,510.98	160.63%
363.831 · Assessment Discounts	-8,072.54	-4,984.00	-3,088.54	161.97%
369.400 · Other Income	0.00	12,000.00	-12,000.00	0.0%
369.401 · Interest Income	221.74	360.00	-138.26	61.59%
512.999 · Uncollectable Assessments	0.00	-353,687.00	353,687.00	0.0%
Total Income	<u>252,723.52</u>	<u>129,475.00</u>	<u>123,248.52</u>	<u>195.19%</u>
Gross Profit	<u>252,723.52</u>	<u>129,475.00</u>	<u>123,248.52</u>	<u>195.19%</u>
Expense				
511.310 · Engineering	12,926.60	28,000.00	-15,073.40	46.17%
511.311 · Management Fees	18,000.00	24,000.00	-6,000.00	75.0%
511.315 · Legal Fees	32,541.06	30,000.00	2,541.06	108.47%
511.318 · Assessment/Tax Roll	0.00	5,000.00	-5,000.00	0.0%
511.320 · Audit Fees	2,000.00	3,900.00	-1,900.00	51.28%
511.450 · Insurance	5,706.00	8,300.00	-2,594.00	68.75%
511.480 · Legal Advertisements	947.69	2,100.00	-1,152.31	45.13%
511.512 · Miscellaneous	1,077.87	5,000.00	-3,922.13	21.56%
511.513 · Postage and Delivery	54.44	2,000.00	-1,945.56	2.72%
511.514 · Office Supplies	459.00	2,000.00	-1,541.00	22.95%
511.515 · Website Management Fee	1,125.00	1,500.00	-375.00	75.0%
511.540 · Dues, License & Subscriptions	175.00	175.00	0.00	100.0%
511.999 · Contingency	0.00	5,500.00	-5,500.00	0.0%
512.305 · Maintenance Contract	9,000.00	12,000.00	-3,000.00	75.0%
Total Expense	<u>84,012.66</u>	<u>129,475.00</u>	<u>-45,462.34</u>	<u>64.89%</u>
Net Ordinary Income	<u>168,710.86</u>	<u>0.00</u>	<u>168,710.86</u>	<u>100.0%</u>
Net Income	<u><u>168,710.86</u></u>	<u><u>0.00</u></u>	<u><u>168,710.86</u></u>	<u><u>100.0%</u></u>

Bank Balance As Of 6/30/22	\$ 359,209.71
Investment Acct Balance As Of 6/30/22	\$ 41,678.30
Accounts Payable As Of 6/30/22	\$ 9,728.53
Accounts Receivable As Of 6/30/22	\$ -
Total Fund Balance As Of 6/30/22	\$ 391,159.48