



**PAL-MAR
WATER CONTROL DISTRICT**

**LANDOWNERS' MEETING &
REGULAR BOARD MEETING
JUNE 1, 2023
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
Martin County Commission Chambers' Administrative Center
2401 SE Monterey Road
Stuart, Florida 34996
LANDOWNERS' MEETING
June 1, 2023
10:00 a.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Consider Adoption of Election Procedures.....Page 3
- E. Election of Chair for Landowners Meeting
- F. Election of Secretary for Landowners Meeting
- G. Approval of Minutes
 - 1. June 27, 2022 Landowners' Meeting Minutes.....Page 6
 - 2. August 22, 2022 Reconvened Landowners' Meeting Minutes.....Page 15
- H. Election of Supervisors
 - 1. Determine Number of Voting Units Represented or Assigned by Proxy.....Page 21
 - 2. Nomination of Candidates
 - 3. Casting of Ballots.....Page 22
 - 4. Ballot Tabulations
 - 5. Certification of the Results
- I. Other Business
 - 1. Receive Treasurer's Report.....Page 23
 - 2. Receive Engineer's Report.....Page 24
 - 3. Consider Approval of Payment for Supervisors
- J. Landowners' Comments
- K. Adjourn

Location Palm Beach County, Florida

Notice Text

PAL MAR WATER CONTROL DISTRICT

NOTICE OF LANDOWNERS MEETING AND REGULAR BOARD MEETING

NOTICE IS HEREBY GIVEN that the Annual Landowners Meeting and a Regular Board Meeting of the Pal Mar Water Control District (the District) will be held at 10:00 a.m., or as soon thereafter as can be heard, on June 1, 2023, in the Martin County Commission Chambers Administrative Center located at 2401 SE Monterey Road, Stuart, Florida 34996.

The primary purpose of the Landowners Meeting is the election of Supervisor(s) for the District. The purpose of the Regular Board Meeting is to transact any business to come before the Board.

Each landowner may vote in person or by written proxy. Proxy forms may be obtained upon request at the office of the District Manager, Special District Services, Inc., 2501A Burns Road, Palm Beach Gardens, Florida 33410. At said meeting each landowner or his or her proxy shall be entitled to nominate persons for the position of Supervisor and cast one vote per acre of land, or fractional portion thereof, owned by him or her and located within the District for each person to be elected to the position of Supervisor. A fraction of an acre shall be treated as one acre, entitling the landowner to one vote with respect thereto. Platted lots shall be counted individually and rounded up to the nearest whole acre. The acreage of platted lots shall not be aggregated for determining the number of voting units held by a landowner or a landowner s proxy. At the landowners meeting the landowners shall select a person to serve as the meeting Chair and who shall conduct the meeting.

A copy of the Agendas for these meetings may be obtained from the District s website (www.palmarwcd.org) or by contacting the District Manager at 561-630-4922 and/or toll free at 1-877-737-4922. The 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 ensure 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 these meetings 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 meetings.

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

Pal Mar Water Control District

www.palmarwcd.org

PUBLISH: PALM BEACH POST 05/05/23 & 05/12/23 8764689

Miscellaneous Notices

Published in Press Journal on May 5, 2023

Location

Martin County, Florida

Notice Text

PAL MAR WATER CONTROL DISTRICT NOTICE OF LANDOWNERS' MEETING AND REGULAR BOARD MEETING NOTICE IS HEREBY GIVEN that the Annual Landowners' Meeting and a Regular Board Meeting of the Pal Mar Water Control District (the "District") will be held at 10:00 a.m., or as soon thereafter as can be heard, on June 1, 2023, in the Martin County Commission Chambers' Administrative Center located at 2401 SE Monterey Road, Stuart, Florida 34996. The primary purpose of the Landowners' Meeting is the election of Supervisor(s) for the District. The purpose of the Regular Board Meeting is to transact any business to come before the Board. Each landowner may vote in person or by written proxy. Proxy forms may be obtained upon request at the office of the District Manager, Special District Services, Inc., 2501A Burns Road, Palm Beach Gardens, Florida 33410. At said meeting each landowner or his or her proxy shall be entitled to nominate persons for the position of Supervisor and cast one vote per acre of land, or fractional portion thereof, owned by him or her and located within the District for each person to be elected to the position of Supervisor. A fraction of an acre shall be treated as one acre, entitling the landowner to one vote with respect thereto. Platted lots shall be counted individually and rounded up to the nearest whole acre. The acreage of platted lots shall not be aggregated for determining the number of voting units held by a landowner or a landowner's proxy. At the landowners' meeting the landowners shall select a person to serve as the meeting Chair and who shall conduct the meeting. A copy of the Agendas for these meetings may be obtained from the District's website (www.palmarwcd.org) or by contacting the District Manager at 561-630-4922 and/or toll free at 1-877-737-4922. The 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 ensure 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 these meetings 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 meetings. Meetings may be cancelled from time to time without advertised notice. Pal Mar Water Control District www.palmarwcd.org PUBLISH: STUART NEWS 05/05/23 & 05/12/23 TCN5686416



ELECTION PROCEDURES

1. Annual Landowner's Meeting

In accordance with the provisions of Chapter 298, Florida Statutes, it is required that a meeting of the Landowners of the District to be held every year during the month of June for the purpose of electing Supervisors and hearing reports of the Board of Supervisors. The Landowners when assembled shall organize by electing a Chairperson who shall preside at the meeting with the Secretary or Assistant Secretary of the Board of Supervisors to be the Secretary of the Landowners meeting.

Those Landowners present or voting by proxy shall constitute a quorum at the meeting of the Landowners.

2. Voting

At each Landowners meeting, each Landowner shall be entitled to cast one vote for each and every acre, or any fraction thereof, of land owned by him or her in the District and each Landowner shall be entitled to vote either in person or by representative present with a lawful written proxy.

3. Registration for Casting of Ballots

The registration process for the casting of ballots by Landowners or their representatives holding their proxies shall be as follows:

(A) At the annual Landowner's meeting and prior to the commencement of the first casting of ballots for a Board of Supervisor position, each Landowner or their representative, if proxies are being submitted in lieu thereof, shall be directed to register their attendance, and the total number of votes by acreage to which each claims to be entitled, with the District's Manager, who will be in attendance at the meeting.

(B) At such registration, each Landowner or their representative with a lawful proxy, as the case may be, shall be provided a color coded ballot for each Board of Supervisor position open for election upon which ballot a District representative will fill in the number of votes that such Landowner or their representative is registered to cast for each Board of Supervisor position open for election.

(C) All Landowner proxies shall be collected at the time of registration and retained with the Official Records of the District for subsequent certification or verification, if required.

4. Nominations for Supervisor

Once the Landowners have organized by electing a Chairman and Secretary to conduct the election, the Chairman will call the nominations for Supervisors from the floor. Nominations are not required to be seconded. After nominations are received, and the floor has been closed for nominations, those nominated will be asked if they accept the nominations (this will ensure those nominated for Supervisor wish to serve).

5. Casting of Ballots

Registration and the issuance of ballots shall cease once the Chairperson calls for the commencement of the casting of ballots for the election of a Board of Supervisor and thereafter no additional ballots shall be issued.

Taking each open Board of Supervisor position in the order determined by the Chairperson, the Landowners or their representatives, as the case may be, will be required to cast their ballots using the appropriately colored ballot for that particular Board of Supervisor position. Once the ballots have been cast, the Chairperson will call for a collection of the ballots for that particular open position by the Secretary.

6. Counting of Ballots

Following the collection of the ballots for a particular Board of Supervisor position, the Secretary or Assistant Secretary shall be responsible for the tabulation of ballots for that position in order to determine the total votes cast for each candidate that is seeking election to that particular open position and for determination of the number of votes cast for each candidate for such position.

The candidate receiving the highest number of votes for the particular Board of Supervisor position for which said votes were cast shall be declared by the Chairperson as elected for such Board of Supervisor position following the Secretary's submission of the tabulation for that election.

The process shall be repeated for each Board of Supervisor position open for election until balloting has been conducted for all such positions.

7. Contesting of Election Results

(A) Following the first election and announcement of the candidate receiving the highest number of votes, the Chairperson shall ask the Landowners present or those representatives holding proxies for Landowners, whether they wish to contest the election results. If no contests are received, said election results shall thereupon be certified and the newly elected Supervisor will thereupon take the Oath of Office and be seated as a member of the District's Board of Supervisors.

If there is a contest, the contest must be addressed to the Chairperson and thereupon the individual casting a ballot that is being contested will be required to provide proof of ownership of the acreage for which they voted at the election within five (5) business days of the Landowner's meeting. The proof of ownership shall be submitted to the District Manager who will thereupon consult with the District's general counsel and together they will review the material provided and attempt to determine the legality of the contested ballots. Once the contests are resolved, the Chairperson shall reconvene the Landowner's meeting and thereupon certify the election results with the newly elected Supervisor to thereupon take the oath of office and be seated as a member of the Board of Supervisors.

(B) If, following any balloting for a particular Board of Supervisor position, there is a contest of the election results, any subsequent ballot shall proceed but the results of the subsequent ballots for those subsequent Board of Supervisor position(s) shall be on a "conditional basis" pending resolution of the challenged ballot results. If the contest over the challenged balloting is resolved and the candidate that was initially announced as receiving the highest number of votes is elected, then the subsequent un-contested ballot(s) shall thereupon be closed and the candidate that received the highest number of votes during the subsequent balloting for a particular Board of

Supervisor position shall thereupon take the Oath of Office and be seated as a member of the Board of Supervisors for that particular position.

If, however, there is a contest of the election results of any subsequent balloting, then the procedure for resolving the contest of such election shall be done in the same fashion as that set forth above for each such round of balloting so contested.

8. Recessing of Annual Landowner's Meeting

In the event there is a contest of a ballot or of the election, the Landowner's meeting shall be recessed to a future time certain date and location at which time the election findings on the contest shall be reported in accordance with the procedure above and the newly elected Supervisor(s) shall thereupon take their Oath of Office.

9. Miscellaneous Provisions

(A) Each Landowner shall only be entitled to vote in person or by means of a representative attending in person and holding a lawful written proxy in order to cast said Landowner's votes.

(B) Proxies will not require that proof of acreage ownership be attached. Rather, proof of ownership must be timely provided by the holder of the proxy if the proxy is contested in accordance with the procedure above.

PAL-MAR WATER CONTROL DISTRICT
LANDOWNERS' MEETING
JUNE 27, 2022

A. CALL TO ORDER

District Manager Michael McElligott called the June 27, 2022, Landowners' Meeting of the Pal-Mar Water Control District to order at 10:02 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 showing that notice of the Landowners' Meeting was published in the *Palm Beach Post* and in the *Scripps Treasure Coast* on May 31, 2022, and June 7, 2022, as legally required.

C. ESTABLISH QUORUM

There was a quorum established with several landowners/proxy holders (see sign in sheet attached).

Also, in attendance were staff members: District Manager Michael McElligott of Special District Services, Inc.; General Counsel Mary Viator, Betsy Burden, and Bill Doney of Caldwell, Pacetti, Edwards, Schoech & Viator LLP; and District Engineer Bob Higgins of Higgins Engineering, Inc.

Also in attendance were several members of the public.

D. CONSIDER ADOPTION OF ELECTION PROCEDURES

Mr. Berman mentioned that it was the policy of the Board to send out mailed notices announcing the landowners' meeting and that was not done this year. Mr. McElligott mentioned that the Board had decided a few years ago to stop the process of sending out the mailed notices due to the cost since the district was not receiving assessment payments from SFWMD and Martin County. Mr. Berman stated that the Board did make that decision, but that he believes it was just for that one year and not a change going forward. For that reason, Mr. Berman for a motion that the Landowner's meeting be recessed, and notices be mailed out and then reconvene the meeting September 1, 2022. Both Martin County attorney's and Palm Beach County attorney's objected and spoke to why they believe the advertised notice was proper and sufficient without the need for a mailed notice and that it was proper to proceed with the meeting today. Mr. Berman then asked if anyone wanted to make the motion to recess, and there was no such motion made, so the meeting continued.

Mr. Berman went over the Election Procedures in the meeting materials.

PAL-MAR WATER CONTROL DISTRICT
LANDOWNERS' MEETING
JUNE 27, 2022

There was then a **motion** made by Commissioner Marino, seconded by Mr. Gazza, to adopt the Election Procedures as presented. That **motion** passed.

E. ELECTION OF CHAIR FOR LANDOWNERS' MEETING

Ms. Berman asked for nominations for a Chair for the Landowners' Meeting.

Mr. Gazza nominated Bob Berman. Commissioner Jenkins nominated Mr. Lolmaugh; however, Mr. Lolmaugh refused the nomination. There being no other nomination, Mr. Berman was elected Chair of the Landowners' Meeting by acclamation.

F. ELECTION OF SECRETARY FOR LANDOWNERS' MEETING

Mr. Gazza nominated that Mr. McElligott serve as the Recording Secretary for the Landowners' Meeting.

There being no other nominations, Mr. McElligott was elected as the Recording Secretary for the meeting by acclamation.

G. APPROVAL OF MINUTES

1. June 11, 2021, Landowners' Meeting Minutes

Commissioner Mario pointed out some name misspellings and an error on page 12 to be corrected. The June 11, 2021, Landowners' Meeting Minutes were then approved unanimously as amended following a **motion** from Commissioner Marino and seconded by Mr. Gazza.

H. ELECTION OF SUPERVISORS

1. Determine Number of Voting Units

Mr. McElligott noted that the main purpose of the Landowners' Meeting is to elect a Supervisor for a three-year term of the seat most recently held by Zach Gazza.

District Counsel Mary Viator reviewed the election procedures for Chapter 298 Water Control Districts and recommended Mr. McElligott announce the number of votes represented at the meeting.

Mr. McElligott read the total number of votes totaled 9,701.

PAL-MAR WATER CONTROL DISTRICT
 LANDOWNERS' MEETING
 JUNE 27, 2022

Landowner	Acres/Votes
Bob Berman	583
Harold Jenkins (Martin County only)	535
Harold Jenkins (SFWMD & Martin County Joint)	3,031
Harold Jenkins (SFWMD only – located in Martin County)	1,388
Harold Jenkins (SFWMD only – located in Palm Beach County)	1,246
Maria Marino (Palm Beach County only)	280
Zach Gazza (proxies)	2,531
Zach Gazza (personal)	15
Robert Hershberger	26
Michael Englert	1
Blair Pontek	1
Scott Pettigrew	3
Eugene Wise	3
Susan Witonsky	1
Patrick Kidney	1
Tammy Crowe	1
Ricky Morales	1
Corey Beaton	52
Brian Gale	1
Jamie Weimer	1
Total	9,701

2. Nomination of Candidates

Chairman Berman called for nominations of candidates for the three-year term.

Commissioner Jenkins nominated George Stokus.

Mr. Gazza nominated himself, Zach Gazza.

Mr. Lolmaugh asked if Martin County and SFWMD can vote if any past due assessments are still unpaid. Mrs. Viator read the statute and determined that the law only states the prior year, singular, assessments must be paid and does not state that all prior years, plural, must be paid. Since Martin County and SFWMD did pay the prior year, they are eligible to vote.

PAL-MAR WATER CONTROL DISTRICT
 LANDOWNERS' MEETING
 JUNE 27, 2022

There were no other nominations.

3. Casting of Ballots

Since there are 2 nominations and several landowner and proxy holders, written ballots were passed out and collected back.

4. Ballot Tabulations

Mr. McElligott announced the ballot results as follows:

Candidate	Acres/Votes
Zach Gazza	
Bob Berman	583
Zach Gazza (proxies)	2,531
Zach Gazza (personal)	15
Robert Hershberger	26
Michael Englert	1
Blair Pontek	1
Scott Pettigrew	3
Eugene Wise	3
Patrick Kidney	1
Tammy Crowe	1
Ricky Morales	1
Corey Beaton	52
Brian Gale	1
Jamie Weimer	1
Total Votes Received for Zach Gazza	3,220
George Stokus	
Harold Jenkins (Martin County only)	535
Harold Jenkins (SFWMD & Martin County Joint)	3,031
Harold Jenkins (SFWMD only – located in Martin County)	1,388
Harold Jenkins (SFWMD only – located in Palm Beach County)	1,246
Maria Marino (Palm Beach County only)	280

PAL-MAR WATER CONTROL DISTRICT
 LANDOWNERS' MEETING
 JUNE 27, 2022

Total Votes Received for George Stokus	6,480
“None”	
Susan Witonsky	1
Total Votes Received for “None”	1
Total Votes Received	9,701

5. Certification of the Results

Ms. Viator asked if there were any objections to the election results and referred back to the election rules.

Mr. Gazza objected to the results and formally contested the election. Specifically, Mr. Gazza contests every vote cast by Martin County and SFWMD. Mr. Gazza formally read the basis for contesting every vote cast by Martin County and SFWMD on the basis that they only paid 1 year of assessments and still have previous years of unpaid assessments at this time. In addition, Mr. Gazza contested that the payment made for the 1-year Martin County and SFWMD did pay was not sufficient as the payment was made after the County deadline and therefore should have been charged a late fee or penalty interest. Since no late fee or penalty interest was charged and paid, the payment made by Martin County and SFWMD is insufficient to be considered paid. Mr. Gazza also pointed to payment discounts given as improper due to the timing of the payment made, again meaning that the payment made was insufficient. Mr. Gazza then questioned the procedure in which the payment was authorized by Martin County, noting that he had been unable to determine when the County Commission approved the payment, only that County staff had authorized the payment. Mr. Gazza also contested on an ethics basis as it concerns the gifting of the county owned property to Mr. Stokus so that he would qualify as a landowner.

Terra Christie, a Martin County administrator spoke to counter any of Mr. Gazza’s contests that Martin County did anything unethical. She also explained the process by which she worked with the tax collector’s office to process the tax bills correctly.

Mr. Gazza asked if the assertions from the Martin County administrator nullifies his contest? Mrs. Viator stated that his contest is not impacted by the statements made by others.

PAL-MAR WATER CONTROL DISTRICT
LANDOWNERS' MEETING
JUNE 27, 2022

Tammy Crowe, a concerned landowner, agreed with statements made by Mr. Gazza regarding contesting the vote by Martin County and SFWMD.

Landowner Corey Beaton also agreed with Mr. Gazza that the County should not be able to pick and choose which years they pay so they can vote, they should have to pay all years.

Landowner Robert Hershberger agrees the County should not be able to only partially pay their assessments and still vote.

Mr. Berman is also contesting the election on behalf of himself as a landowner and on behalf of the Palm Beach Heights Landowners Coalition. Mr. Berman provided a handout that explained his reasons for contesting, which mirror the objections of Mr. Gazza in addition to other objections. Mr. Berman contests that the proxy executed by SFWMD allowing Commissioner Jenkins to vote those SFWMD lands is not valid because it was not approved by the SFWMD Board.

Ruth Holmes on behalf of Martin County as a landowner. Mrs. Holmes asked that everyone be clear on the distinction between taxes and assessments. Some of the statutes referenced by other landowners deal with taxes, and referencing those statutes can cause confusion. Mrs. Holmes then went on to state that Martin County is contesting any and all votes cast using proxies to Mr. Berman from the Palm Beach Heights Landowners Association. Martin County does not believe that entity is a qualified landowner. Mrs. Holmes also stated that any disputes regarding penalties and discounts between Martin County and the Martin County Tax Collector are between the Tax Collector and Martin County the landowner and has nothing to do with the Pal-Mar WCD Board. Mrs. Holmes also stated that Martin County is contesting all proxies appointing Mr. Zach Gazza that are not from Be A Man Buy Land” as to those proxies’ validity.

Mrs. Viator read the procedure as it pertains to the contest, and that the Landowners meeting shall be recessed to a time certain while considering the contest. Mrs. Viator also stated that everything will be determined based on what was submitted today, and only what has been submitted today. No additional proxies or votes or contest will be permitted.

Mrs. Holmes commented that per the rules, the parties have 5 business days to submit proof of ownership. Mrs. Holmes also wanted to make clear that this applies to all parties the same, not just Martin County and SFWMD. Mrs. Viator agreed, all parties including Mr. Berman and Mr. Gazza are subject to ownership verification within 5 business days. Then the landowners’ meeting can be held anytime after that.

Commissioner Jenkins asked what the status of Mr. Gazza’s Board seat is during the contest and recess? Mrs. Viator explained that since no one is elected to that seat, the

PAL-MAR WATER CONTROL DISTRICT
LANDOWNERS' MEETING
JUNE 27, 2022

current supervisor will remain until the new supervisor is sat and qualified. So, Mr. Gazza will remain in the seat in a de facto situation until the election is resolved.

An attorney for Palm Beach County commented that he does not believe Mr. Gazza should remain in his seat during the contesting of the election and asked Mrs. Viator to site the statute she is basing that on. Mrs. Viator stated it is FL Statute 298.11(2) and also there are AGO opinions and case law to substantiate it. The Palm Beach County attorney stated that in 298.12 that the Governor appoints the supervisor if the District fails to elect a supervisor. Mr. Berman stated that this was not the place to debate, that the Board will follow the advice of the Pal-Mar WCD attorney Mrs. Viator, but that the Palm Beach County attorney can submit his opinion to Mrs. Viator to review.

After discussion among the Board, it was determined that the Landowners meeting will be reconvened on August 22, 2023, at 10:00 am at the Martin County Commission Chambers, and if that room is not available, the Blake Library. That will be a formal motion at the end of today's landowners meeting after we receive the customary reports.

I. OTHER BUSINESS

1. Receive Treasurer's Report

Mr. McElligott presented the Annual Treasurer's Report that was in the agenda package noting that the District collected 113% of budgeted revenues and spent 111% of the budgeted expenses from the previous year resulting in a next excess of \$2,263.00 for the previous fiscal year.

The Board received the report with no additional questions or comments.

A **motion** was then made by Mr. Gazza, with a second by Commissioner Marino to accept the Treasurer's Report. That **motion** passed.

2. Receive Engineer's Report

Mr. Higgins presented the Annual Engineer's Report that was in the meeting book. Mr. Higgins pointed out that the report states the purpose of Pal-Mar WCD as been defined by prior Boards. Mr. Higgins also commented that Pal-Mar WCD continues to participate in FDEP BMAP program, and that there is not anything different Pal-Mar WCD needs to do different from what they are doing to improve water quality. Mr. Higgins also updated the landowners that the Loxahatchee River restoration Project has received congressional approvals so he will be updating the Board on that going forward as the project progresses. Mr. Higgins also updated the Board that FDOT did replace the apron that

PAL-MAR WATER CONTROL DISTRICT
LANDOWNERS' MEETING
JUNE 27, 2022

they had removed off Beeline highway. Mr. Higgins also reminded the Board about the ongoing conversations regarding the 2 floating gates. Mr. Higgins also commented that Pal-Mar WCD continues to have good communication with FWC.

Commissioner Marino questioned the statement that “no action required” as it pertains to the BMAP, and that Pal-Mar WCD staff should be updating FDEP on potential illegal development by landowners going on out in Pal-Mar WCD. Mr. Higgins said he doesn't disagree with that sentiment. Mr. Higgins said he will make sure his next report to FDEP reflects these comments.

Mr. Lolmaugh stated that the 2 floating gates issues were resolved. Mr. Higgins acknowledged the change.

There was a motion by Mr. Gazza, with a second by Commissioner Marino to receive the report with the stated comments. That **motion** passed.

3. Consider Approval of Payment for Supervisors

Mr. Gazza suggested the District keep the same policy that supervisors do not get paid. With little discussion, a **motion** was then made by Mr. Gazza and seconded by Commissioner Marino to keep supervisor payments at \$0 per meeting. That **motion** passed.

J. LANDOWNERS' COMMENTS

Mrs. Tammy Crowe asked about the comments made by Commissioner Marino regarding illegal structures in Pal-Mar WCD. Mr. Berman said that the determination and enforcement of illegal structures falls out of the purview of the Pal-Mar WCD Board and that is a County issue.

Landowner Juan asked if both counties could be in violation of racketeering laws?

K. ADJOURNMENT

There being no further business to discuss regarding the Landowners' Meeting, at 11:22 am, there was a **motion** was made to recess the Landowners Meeting, to reconvene on August 22, 2023, at 10:00 am at the Martin County Commission Chamber if available, or at the Blake Library if the Commission Chambers is not available. That **motion** was made by Mr. Gazza, with a second by Mr. Lolmaugh. The **motion** passed.

PAL-MAR WATER CONTROL DISTRICT
LANDOWNERS' MEETING
JUNE 27, 2022

Secretary/Assistant Secretary

Chair/Vice-Chair

PAL-MAR WATER CONTROL DISTRICT
RECONVENED LANDOWNERS' MEETING
AUGUST 22, 2022

A. CALL TO ORDER

District Manager Michael McElligott reconvened the recessed June 27, 2022, Landowners' Meeting of the Pal-Mar Water Control District to order at 10:00 a.m. on August 22, 2022, 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 showing that notice of the Reconvened Landowners' Meeting was published in the *Palm Beach Post* and in the *Scripps Treasure Coast* on August 2, 2022, and August 9, 2022, as legally required.

C. ESTABLISH QUORUM

There was a quorum established with several landowners/proxy holders (see sign in sheet attached).

Also, in attendance were staff members: District Manager Michael McElligott of Special District Services, Inc.; General Counsel Mary Viator, Betsy Burden, and Bill Doney of Caldwell, Pacetti, Edwards, Schoech & Viator LLP; and District Engineer Bob Higgins of Higgins Engineering, Inc.

Also in attendance were several members of the public.

D. CONSIDER ADOPTION OF ELECTION PROCEDURES

Previously completed on June 27th, 2022.

E. ELECTION OF CHAIR FOR LANDOWNERS' MEETING

Previously completed on June 27th, 2022.

F. ELECTION OF SECRETARY FOR LANDOWNERS' MEETING

Previously completed on June 27th, 2022.

G. APPROVAL OF MINUTES

PAL-MAR WATER CONTROL DISTRICT
 RECONVENED LANDOWNERS' MEETING
 AUGUST 22, 2022

1. June 11, 2021, Landowners' Meeting Minutes

Previously completed on June 27th, 2022.

H. ELECTION OF SUPERVISORS

1. Determine Number of Voting Units

Previously completed on June 27th, 2022. For reference, the number of votes previously determined are as follow:

Landowner	Acres/Votes
Bob Berman	583
Harold Jenkins (Martin County only)	535
Harold Jenkins (SFWMD & Martin County Joint)	3,031
Harold Jenkins (SFWMD only – located in Martin County)	1,388
Harold Jenkins (SFWMD only – located in Palm Beach County)	1,246
Maria Marino (Palm Beach County only)	280
Zach Gazza (proxies)	2,531
Zach Gazza (personal)	15
Robert Hershberger	26
Michael Englert	1
Blair Pontek	1
Scott Pettigrew	3
Eugene Wise	3
Susan Witonsky	1
Patrick Kidney	1
Tammy Crowe	1
Ricky Morales	1
Corey Beaton	52
Brian Gale	1
Jamie Weimer	1
Total	9,701

2. Nomination of Candidates

PAL-MAR WATER CONTROL DISTRICT
 RECONVENED LANDOWNERS' MEETING
 AUGUST 22, 2022

Previously completed on June 27th, 2022.

3. Casting of Ballots

Previously completed on June 27th, 2022.

4. Ballot Tabulations

Previously completed on June 27th, 2022. For reference, the ballot results as previously determined are as follows:

Candidate	Acres/Votes
Zach Gazza	
Bob Berman	583
Zach Gazza (proxies)	2,531
Zach Gazza (personal)	15
Robert Hershberger	26
Michael Englert	1
Blair Pontek	1
Scott Pettigrew	3
Eugene Wise	3
Patrick Kidney	1
Tammy Crowe	1
Ricky Morales	1
Corey Beaton	52
Brian Gale	1
Jamie Weimer	1
Total Votes Received for Zach Gazza	3,220
George Stokus	
Harold Jenkins (Martin County only)	535
Harold Jenkins (SFWMD & Martin County Joint)	3,031
Harold Jenkins (SFWMD only – located in Martin County)	1,388
Harold Jenkins (SFWMD only – located in Palm Beach County)	1,246
Maria Marino (Palm Beach County only)	280
Total Votes Received for George Stokus	6,480

PAL-MAR WATER CONTROL DISTRICT
 RECONVENED LANDOWNERS' MEETING
 AUGUST 22, 2022

“None”	
Susan Witonsky	1
Total Votes Received for “None”	1
Total Votes Received	9,701

5. Certification of the Results

Mr. McElligott explained that we had previously completed all other items for the Landowners Meeting back on June 27, 2022, and there was no need to revisit them. The only item not completed was the certification of the results because we had numerous challenges by multiple parties. Mr. McElligott reiterated the number of votes and ballot results as presented back on June 27th, 2022, and noted that everyone now has that information in the form of a chart in front of them. Mr. McElligott explained that the only item of business for today is to attempt to resolve the certifying of the results, so that is where the meeting will begin.

Ms. Viator asked Mr. McElligott to restate aloud the votes and ballot results from the June 27th, 2022, recessed Landowners Meeting. Mr. McElligott read the results aloud.

Mrs. Viator gave the opinion of their office as district counsel. She stated that as it pertains to the multiple election contest received, that it is their opinion as Pal-Mar WCD counsel, that Pal-Mar WCD is governed by F.S. 298, the pal-mar WCD Special Act, and the election procedures adopted by the Board. In reviewing these items, it is their opinion that the items to be considered by the District are limited to whether the person or entity casting the ballot is the owner of the property for which they are casting a ballot, and if casting a ballot by proxy, whether the proxy documents comply with the provisions of F.S. 607.0722. This review has been completed by their office. Several of the contests submitted are well beyond the scope of these limitations. Such matters should be raised in a judicial hearing.

Mrs. Viator went on to discuss the different types of objections received. Mrs. Viator went on to state that her office is the district attorney for the Pal-Mar WCD and is impartial to any specific objector. The objections received and considered are only those submitted in a timely matter by the June 27th, 2022, meeting. No objections or contest received after that meeting were considered, only the supporting documents pertaining to those objections and contest were received after the meeting. Mrs. Viator reiterated that objections that fall outside the scope of election review as stated before are also invalid. As it pertains to Mr. Gazza continuing in his seat as supervisor, Mrs. Viator explained

PAL-MAR WATER CONTROL DISTRICT
RECONVENED LANDOWNERS' MEETING
AUGUST 22, 2022

that F.S. 298.11(2) states that a supervisor shall serve until the new supervisor is elected and qualified. This means that as it pertains to Palm Beach County assertion that the Governor should fill the vacant seat, according to F.S. 114.01 there is no vacancy in the seat. This means the Mr. Gazza shall server util his successor is elected or qualified. Mrs. Viator went on to explain that it is the Districts responsibility to accept proxies in good faith. As it pertains to challenges to the authority of an individual within an entity or the process for which an entity approved a proxy, that speaks to the internal process of that entity and are beyond the scope of the Pal-Mar WCD. Therefore Pal-Mar WCD acceptance of the Martin County, SFWMD, Palm Beach County, and the Martin County / SFWMD co-owned proxies, is valid. Mrs. Viator stated that as it pertains to the assertion that Martin County and SFWMD have not paid their assessments in full, the questions as they pertain to the payments, the discounts and the penalties fall under providence of the Tax Collector and are beyond the scope of the election challenge. Pal-Mar WCD was advised by the Tax Collector that the assessments are paid in full. As it pertains to notice of the Landowners Meeting, Pal-Mar WCD has followed all applicable state law. Mrs. Viator reminded everyone that all the challenges that fall beyond the scope of Pal-Mar WCD, as stated before, would be legal challenges and it would be incumbent on individuals to make those legal challenges in the appropriate legal venues. Mrs. Viator then concludes that the objections received by the landowners have now been addressed and the election certification should proceed accordingly.

Mrs. Viator went on to state that based on the stated review above, all the proxies received are valid. This means that the district council holds that the 3,320 votes for Mr. Gazza, and the 6,480 votes for Mr. Stokus are valid.

Mr. Berman thanked Mrs. Viator and her office for the work done as it relates to all the challenges to the election. Mr. Berman then stated that it would be in order to accept a motion to certify the results of the election from the June 27, 2022, Landowners Meeting. A **motion** was made by Commissioner Jenkins, with a second by Commissioner Marino. Mr. Berman asked if there was any discussion. Mr. Gazza asked about the discount decided by the tax collector. Mr. Gazza asked Pal-Mar WCD ever received anything written pertaining to the properties paid for by the distribution. Mr. McElligott stated that yes, the tax collector's office sent an email with an excel spreadsheet attachment along with the wire amount information, stating that the properties listed in the excel spreadsheet are the ones paid for by the distribution. Mr. Gazza asked for a copy to be forwarded to him. Mr. Gazza also asked, as it pertains to leaving it up to the tax collector to determine if the assessments are legally paid, is any case law where this has come up before. Mrs. Viator said they are not aware of any.

Mr. Lolmaugh asked if all SFWMD lands were paid for this past year. Mr. McElligott explained that SFMWD did not pay for all the acres they own, but they are only voting the acres that were paid. Mr. Lolmaugh asked is that a conflict to only pay for some acres. Mrs. Viator said no.

PAL-MAR WATER CONTROL DISTRICT
RECONVENED LANDOWNERS' MEETING
AUGUST 22, 2022

Mr. Gazza stated that, since the Florida Supreme Court declined to hear the appeal in the lawsuit, that means the lawsuit is concluded, and SFMWD and Martin County are now required to pay all assessments. Did that final judgement mention anything about paying or not paying the late fee penalties or interest. Mrs. Viator said no, it just stated that payments are due according to statutory requirements.

With that, the discussion was closed and a vote on the original **motion** to certify was made. That **motion** passed 6,480 to 2,546.

I. OTHER BUSINESS

1. Receive Treasurer's Report

Previously completed on June 27th, 2022.

2. Receive Engineer's Report

Previously completed on June 27th, 2022.

3. Consider Approval of Payment for Supervisors

Previously completed on June 27th, 2022.

J. LANDOWNERS' COMMENTS

Previously completed on June 27th, 2022.

K. ADJOURNMENT

There being no further business for the Landowners' Meeting, there was a **motion** to adjourn at 10:40 am by Commissioner Marino, with a second by Commissioner Jenkins. The **motion** passed with Mr. Gazza opposed.

Secretary/Assistant Secretary

Chair/Vice-Chair

**LANDOWNER PROXY
PAL-MAR WATER CONTROL DISTRICT
LANDOWNERS' MEETING**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, the fee simple owner of the lands described herein, hereby constitutes and appoints _____ (“Proxy Holder”) for and on behalf of the undersigned, to vote as proxy at the meeting of the landowners of the Pal-Mar Water Control District to be held on June 1, 2023 at 10:00 a.m. at the Martin County Commission Chambers’ Administrative Center, 2401 SE Monterey Road, Stuart, Florida 34996. and at any adjournments thereof, according to the number of acres of unplatted land and/or platted lots owned by the undersigned landowner which the undersigned would be entitled to vote if then personally present, upon any question, proposition, or resolution or any other matter or thing which may be considered at said meeting including, but not limited to the Board of Supervisors. Said Proxy Holder may vote in accordance with their discretion on all matters not known or determined at the time of solicitation of this proxy, which may be legally considered at said meeting.

This proxy is to continue in full force and effect from the hereof until the conclusion of the above noted landowners’ meeting and any adjournment or adjournments thereof, but may be revoked at any time by written notice of such revocation presented at the annual meeting prior to the Proxy Holder exercising the voting rights conferred herein.

Printed Name of Legal Owner

Signature of Legal Owner

Date

Parcel Description*

of Acres

* Insert in the space above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel. [If more space is needed, identification of Parcels owned may be incorporated by reference to an attachment hereto.]

Pursuant to section 298 Florida Statutes (2022), a fraction of an acre is treated as one (1) acre entitling the landowner to one vote with respect thereto.

TOTAL NUMBER OF AUTHORIZED VOTES: _____

Please note that each eligible acre of land or fraction thereof is entitled to only one vote, for example, a husband and wife are together entitled to only one vote per their residence if it is located on one acre or less of real property.

If the Legal Owner is not an individual, and is instead a corporation, limited liability company, limited partnership or other entity, evidence that the individual signing on behalf of the entity has the authority to do so should be attached hereto. (e.g. bylaws, corporate resolution, etc.)

BALLOT

BALLOT # _____

**PAL-MAR
WATER CONTROL DISTRICT
LANDOWNERS' MEETING**

ELECTION OF BOARD SUPERVISORS

JUNE 1, 2023

The undersigned certifies that he/she is the owner (____) or duly authorized **representative of lawful proxy of an owner** (____) of land in the **Pal-Mar Water Control District**, constituting _____ acre(s) and hereby casts up to the corresponding number of his/her vote(s) for the following candidate/candidates to hold the above-named open position:

Name of Candidate

Number of Votes

Signature: _____

Printed Name: _____

Street Address or Tax Parcel Id Number for your Real Property:

June 1, 2023

Pal Mar Water Control District Treasurer's Report For Annual Landowners Meeting

The fund balance for the Pal Mar Water Control District at the close of Fiscal Year 2020/2021 (September 30, 2021) was \$222,448.

The fund balance for the Pal Mar Water Control District at the close of Fiscal Year 2021/2022 (September 30, 2022) was \$284,875.

The following table illustrates Fiscal Year 2021/2022 revenues and expenditures budgeted versus actuals:

	Budgeted	Actual	Percentage
Revenue	\$129,475	\$267,242	207%
Expenditures	\$129,475	\$204,815	159%
Excess/(Shortfall)	\$0	\$62,427	

Special District Services, Inc.



**DISTRICT ENGINEER'S ANNUAL REPORT
TO THE LANDOWNERS**

PAL MAR WATER CONTROL DISTRICT

June 1, 2023

PAL-MAR WATER CONTROL DISTRICT POLICY:

The purpose of the District is to manage the surface water within the District so as to render the land suitable for some useful purpose in accordance with Chapter 298, F.S. and the Special Act for the Pal Mar Water Control District.

FDEP ST. LUCIE RIVER BMAP PROGRAM:

The Pal Mar Water Control District (Pal Mar WCD) continues to participate in the Florida Department of Environmental Protection St. Lucie River Best Management Action Plan (BMAP) process. The District Staff has informed the FDEP that illegal activities appear to be occurring internally to the District by private landowners, although there does not appear to be any damage to works of the District. This BMAP recently underwent its annual update.

ARMY CORPS LOXAHATCHEE RIVER WATERSHED RESTORATION PLAN:

The Loxahatchee River Watershed Restoration Plan is underway. It was presented to Congress in the Water Resources Development Act (WRDA) of 2020 which authorizes implementation of the Plan. The agencies have now initiated the survey, research, and testing phase which will lead up to the design phase.

BEE LINE HIGHWAY DRIVEWAY APRON:

This FDOT has previously re-installed a driveway apron off the Bee Line Highway leading up to right-of-way lands owned by the District. A pole gate will be installed to secure access in the near future replacing the current locked chain.

ACCESS GATES WITHIN THE DISTRICT:

Illegal gates continue to be an issue within the District. The one illegal entry from Trailside to Pal Mar has been removed. District staff, as well as a private landowner, have been mapping all of the gates, both private and public within the District resulting in detailed aerials showing many aspects of interest within Pal Mar.

SFWMD/MARTIN COUNTY LITIGATION:

A major milestone occurred this past year which was a favorable ruling for the District on payment of taxes by the SFWMD and Martin County. The ruling included back payment of all back taxes by both SFWMD and Martin County.


BEELINE HIGHWAY FLOODING:

The investigation continues into the die off of mature pine trees along the Beeline Highway after the four-laning of the Beeline Highway. This issue has been evaluated by SFWMD and the FDOT. District staff will continue this investigation with the SFWMD and FDOT which will likely include field review meetings.

COORDINATION WITH FWC:

Meetings continue with the Florida Fish and Wildlife Conservation Commission to discuss our mutual interest in access to lands within Pal Mar WCD. Lines of communication with the FWC and Pal Mar WCD Staff continue to be satisfactory.

RWH: jp
08-20
cc: Board of Supervisors
Mike McElligott
Mary Viator


Robert W. Higgins
Robert W. Higgins, P.E.
Pal Mar WCD District Engineer

AGENDA
PAL MAR WATER CONTROL DISTRICT
Martin County Commission Chambers' Administrative Center
2401 SE Monterey Road
Stuart, Florida 34996
REGULAR BOARD MEETING
June 1, 2023
10:00 a.m.

A. Call to Order	
B. Proof of Publication.....	Page 27
C. Seat New Board Members	
D. Administer Oath of Office & Review Board Member Responsibilities and Duties	
E. Establish Quorum	
F. Election of Officers	
• Chairman	
• Vice Chairman	
• Secretary/Treasurer	
• Assistant Secretaries	
G. Additions, Deletions, or Modifications to Agenda	
H. Approval of Minutes	
1. April 5, 2023 Regular Board Meeting.....	Page 30
I. Old Business	
1. Update on Adding a Pipe Gate to Control Access Coming Off of Beeline Highway.....	Page 37
2. Update on Conversation with FDOT & SFWMD Regarding Flooding Caused by Beeline Highway Project	
3. Update on Hourly Rate for Inspector/1099 Maintenance Supervisor	
4. Update on District Map	
5. Update on Hired Off Duty Officers to Protect the Works of the District	
J. New Business	
1. Consider Updated Contract for New Maintenance Contractor.....	Page 42
2. Consider Resolution No. 2023-01 – Adopting a Fiscal Year 2023/2024 Budget.....	Page 46
3. Consider Resolution No. 2023-02 – Adopting a Fiscal Year 2023/2024 Meeting Schedule.....	Page 51
K. Status Report	
1. Legal – Status Report.....	Page 53
2. Engineer – Status Report	
3. District Manager Report	
4. Field Maintenance Report	
L. Administrative Matters	
1. Financial Report.....	Page 57
2. Consider Invoices.....	Page 58
M. Landowner Items	
N. Comments from the Public for Items Not on the Agenda	
O. Board Member Comments	
P. Adjourn	

LOCALiQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune
News Herald | The Palm Beach Post
Northwest Florida Daily News

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

laura archer
Pal-Mar Water Control District
2501 Burns RD # A
Palm Beach Gardens FL 33410-5207

STATE OF FLORIDA, COUNTY OF PALM BEACH

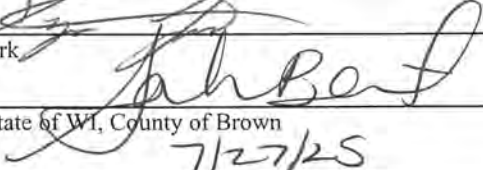
The Palm Beach Post, a daily newspaper printed and published in the city of West Palm Beach and of general circulation in Palm Beach, Martin, Okeechobee and St Lucie Counties, Florida; and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated or by publication on the newspaper's website, if authorized, on:

09/23/2022

and that the fees charged are legal.
Sworn to and subscribed before on 09/23/2022



Legal Clerk



Notary, State of WI, County of Brown
7/27/25

My commission expires

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SARAH BERTELSEN
Notary Public
State of Wisconsin

PAL MAR WATER CONTROL DISTRICT
FISCAL YEAR 2022/2023
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 6, 2022
November 3, 2022
December 1, 2022
January 5, 2023
February 2, 2023
March 2, 2023
April 6, 2023
May 4, 2023
June 1, 2023
August 3, 2023
September 7, 2023

The June 1, 2023, 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
September 23, 2022 #7804494

Treasure Coast Newspapers

PART OF THE USA TODAY NETWORK

Stuart News

1801 U.S. 1, Vero Beach, FL 32960

AFFIDAVIT OF PUBLICATION

SPECIAL DISTRICT SERVICES INC
2501 BURNS RD # A

PALM BEACH GARDENS, FL 33410-5207

STATE OF WISCONSIN
COUNTY OF BROWN

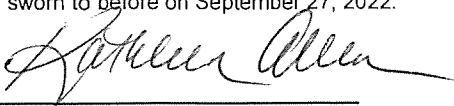
Before the undersigned authority personally appeared, said legal clerk, who on oath says that he/she is a legal clerk of the Stuart News, a daily newspaper published at Stuart in Martin County, Florida: that the attached copy of advertisement was published in the Stuart News in the following issues below. Affiant further says that the said Stuart News is a newspaper published in Stuart in said Martin County, Florida, and that said newspaper has heretofore been continuously published in said Martin County, Florida, daily and distributed in Martin 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 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.

Issue(s) dated before where the dates are noted or by publication on the newspaper's website, if authorized, on :

09/23/2022



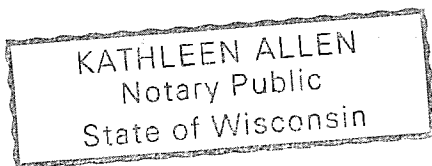
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Notary, State of WI, County of Brown

1-7-25

My commission expires



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PO #:

PAL MAR WATER CONTROL
DISTRICT FISCAL YEAR
2022/2023 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:

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PAL MAR WATER CONTROL
DISTRICT
www.palmarwcd.org
PUBLISH:09/023/22
TCN 5420608

PAL MAR WATER CONTROL DISTRICT
 REGULAR BOARD MEETING
 APRIL 5, 2023

A. CALL TO ORDER

District Manager Michael McElligott called the April 5, 2023, Regular Board Meeting of the Pal Mar Water Control District to order at 9:31 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 3/27/2023, 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
Bob Berman	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.
Bill Doney	Caldwell & Pacetti, P.A.

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

D. ADDITIONS OR DELETIONS TO THE AGENDA

Commissioner Marino asked that we move item F1 to be included with H1. To move F3 to be included with H4. To move F6 to be included with H2. And to delete item F4. Mr. Stokus made a **motion** to accept the agenda changes as presented by Commissioner Marino, with a second by Commissioner Heard. The **motion** passed **5-0**.

E. APPROVAL OF MINUTES

1. January 17, 2023, Regular Board Meeting

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
APRIL 5, 2023

Mr. McElligott pointed out the January 17, 2023, Regular Board Meeting minutes in the meeting book. It was pointed out that January 17, 2022, was used instead of January 17, 2023. Also, under New Business on page 5 a motion carried 4-0 should read, motion carried 4-1. Also, in section D Mr. Bermans name was misspelled once. Mr. McElligott noted the corrections. There was a **motion** made by Commissioner Heard, seconded by Mr. Stokus, to approve the minutes as amended. The **motion** carried **5-0**.

F. OLD BUSINESS

1. Update Regarding Litigation

This was moved to item H1.

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

This was moved to item H2.

3. Update Regarding Trailside Culvert

Mr. McElligott updated the Board that the culvert has been pulled. The rest of the discussion on this item has been moved to item H4.

4. Update On Official District Policy

This item has been deleted.

5. Update On Pipe Gate to Control Access off Beeline Highway

Mr. Higgins stated that he plans to bring a plan for the Board to review at the next meeting so we can then go out to get prices.

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

This item was moved to H2.

7. Update On District Map

This item was also moved to H2.

8. Update On Report on Requirement to Implement the Water Control Plan

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
APRIL 5, 2023

Commissioner Marino stated that we need to move on from this conversation. All the structures are currently adequate.

A **motion** was made by Mr. Stokus, with a second from Commissioner Heard, to move on from this conversation and remove it from the agenda.

There was discussion where Mr. Berman stated that the Pal-Mar WCD Board has one duty, to provide drainage, and the only reason it has not been done properly is due to a lack of funding. With the anticipation of funds coming from the resolution of the lawsuit, it would be a dereliction of duty for the Board not to do more to implement the Water Control Plan. Commissioner Marino said the Board is doing their job and there is no additional infrastructure needed. Mr. Lolmaugh asked Mr. Berman what the District needs to do. Mr. Berman stated that the District doesn't drain properly.

With no further discussion, there was a vote and the **motion** passed **4-1**, with Mr. Berman opposed.

G. NEW BUSINESS

1. Consider Bids for New Maintenance Contractor

Mr. McElligott handed out the bid rankings as a separate handout as it was not ready when the book was printed. The final totals came in as follows:

Tim Wallace at \$244,400.00 total for all activity

Brightview at \$228,000.00 plus hourly rate for canal inspections and cleanings

Mr. Gazza at \$3.00 total for all activity

There was a lengthy discussion regarding the bids. Mr. Lolmaugh stated that he feels the frequency of the activity is way too high. These items can be done once a year and be sufficient. Mr. Stokus asked Mary if we could ask Mr. Wallace to adjust his bid if we lower the frequency of the requested maintenance items. Mr. Viator said yes, the Board can ask.

Mr. Berman commented that we have a bid of \$3.00 from the most qualified bidder, there is no reason to disregard his bid. Commissioner Marino wonders how Mr. Gazza could bid so low that he must be getting some other kind of benefit, and Commissioner Marino is not comfortable with that. Mr. Berman said the other benefit is Mr. Gazza owns a lot of land and it is in his best interest that the work is done correctly.

After some more discussion, a **motion** was made by Mr. Stokus, with a second from Commissioner Heard, to accept Mr. Wallace as the bid winner, but direct Mr. Lolmaugh

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
APRIL 5, 2023

to sit down with Mr. Wallace to come up with a lower frequency plan and come back to the Board with an updated bid amount reflecting the lower frequency of work. That **motion** passed **4-1**, with Mr. Berman opposed.

2. Consider Hiring Off Duty Officers to Protect the Works of the District

Mr. McElligott presented the rates from Martin County and Palm Beach County for off duty sheriffs as requested by the Board. Mr. Lolmaugh questioned the benefit of this since the District doesn't have policing powers. Officer Robert Smith from MCSO came up to speak. He suggested that since weekends are the busiest, he would recommend they just be out there on weekends, and they would be there primarily to educate the people out there that they cannot be damaging the works of the district, such as the canal banks or damaging gates. They would not be out there to police anything civil, like trespass, more things like criminal mischief. Mrs. Viator stated that while the District does not have policing powers, they can protect the works of the district. Mr. Lolmaugh asked about trespassing and Officer Smith explained that without surveys and clear property boundary markings there is nothing they can do about trespassing. They would be more concentrating on people doing things that damage the works of the district, like gates and canal banks. When asked if the off-duty police officers can still make arrest, Officer Smith said yes, for criminal offences. Mr. Berman asked if simply driving on the canal banks constitutes criminal destruction. Officer Smith said no, normal driving would not be considered criminal vandalism. Mrs. Viator stated that the Board would have to rely on the officer's judgement on what constitutes criminal vandalism. Mr. Stokus explained that the purpose of this would not be to limit any owners' access, just to prevent criminal vandalism.

After the Board discussion, and based on the man hours recommendation by Officer Smith, a **motion** was made by Mr. Stokus, seconded by Commissioner Heard, hire the MCSO off duty officers at 2 officers, 4 hours each on Saturday and Sunday, for a total of 16-man hours a week, with the schedule to be reevaluated at future meeting based on the officers' recommendations. That **motion** passed **5-0**.

H. STATUS REPORTS

1. Legal – Status Report

District Attorney, Mary Viator, stated that there are no additional legal items. Mr. McElligott did inform the Board that Within the last few days, SFWMD properties are showing as paid on the Martin County Tax Collectors website. Pal-Mar WCD has not received any funds yet, but this is a positive sign that we might soon.

2. Engineer – Status Report

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
APRIL 5, 2023

Mr. Higgins informed the Board that he has finally found the person at FDOT who is responsible for Beeline and is now trying to get in communication with them. He hopes to have an update at the next meeting.

Regarding hiring a Maintenance supervisor, Mr. Higgins stated his Junior Engineer rate is \$120 and that is who would be out inspecting. Mr. McElligott did get an outside 1099 Maintenance Supervisor verbal quote of \$95 per hour from someone we use in another District, as the Board requested, for comparison. Mr. Lolmaugh estimated that the previous maintenance supervisor spent about 8 hours a week out there. Mr. Gazza raised his hand from the audience to which Commissioner Marino acknowledged that they see his hand as an indication he would be willing to continue as Maintenance Supervisor, and that he can put his hand down. Mrs. Viator explained that ultimately it is Mr. Higgins that has to verify and work in the District as the district engineer. Mr. Berman suggests that we just use Mr. Higgins junior engineer. The Board then directed Mr. McElligott to get a formal quote from Mr. Spears and also Mr. Mansell for the Board to consider along with Mr. Higgins stated rate at the next meeting. Also, Mr. Stokus asked the Mrs. Viator to confirm the current maintenance agreement with Lumberjack has a 60-day termination clause and report back at the next meeting.

Mr. Higgins also stated that the map is getting very close to being completed. The map currently being displayed to the Board was a map prepared by Mr. Gazza, which is probably more accurate than the one Mr. Higgins has to show the gates. The Board was then showed a couple versions of maps Mr. Higgins has worked on. Mr. Berman asked if we could get a map that also showed the culverts. Mr. Higgins said yes, he will work on that.

3. District Manager Report

District Manager, Mr. McElligott, stated that he did not have anything additional to present.

4. Field Maintenance Report

Mr. Gazza asked if the Board had any questions. Commissioner Marino asked if there are currently any culverts needing to be replaced. Mr. Gazza said there are none currently being replaced, but there are some that have been damaged. Mr. Gazza pointed out some areas on the map of concern.

I. ADMINISTRATIVE MATTERS

1. Financial Report

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
APRIL 5, 2023

Mr. McElligott pointed out the financial report in the Board book and reviewed it for the Board. There was no action needed from the Board.

2. Consider Invoices

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

J. LANDOWNER ITEMS

Mr. Gazza stated that he believes the money coming in from SFWMD should be reimbursed to the landowners that did actually pay their assessments, that it should not be for the Pal-Mar WCD Board to spend.

Mr. Gazza also explained that his low bid is because he owns a lot of land out there and it is in his best interest for the maintenance to be done right, so it is worth it to him to do it himself and virtually no cost. Mr. Gazza is concerned that it will not be maintained properly, as was the case in the past.

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

Diane Myer asked if the County has surveyed all their properties and where they are posted no trespassing. Also, is the County allowing target shooting, not hunting, but target shooting out there? It is a danger to the surrounding property owners.

L. BOARD MEMBER COMMENTS

Mr. Lolmaugh just wanted to state he will not be available for May, but will be back by June.

Mr. Stokus asked Mr. Yustin from Martin County public works to come give an update on the fires in Pal-Mar WCD. Mr. Yustin showed an aerial video of some of the burns. Mr. Stokus commented that Martin County had to staff extra personnel to deal with this fire. Mr. Berman asked how this affects the works of Pal-Mar WCD. Mr. Stokus stated that the brush trucks had to drive on the works. Mr. Stokus also asked Officer Smith to comment on an injured person being airlifted from Pal-Mar WCD. Officer Smith could not confirm if the accident occurred on the works of the District, but did confirm it happened in the District boundaries. Mr. Stokus brought this up as examples of why we need people out there to make sure this does not happen on District property and cause a liability issue.

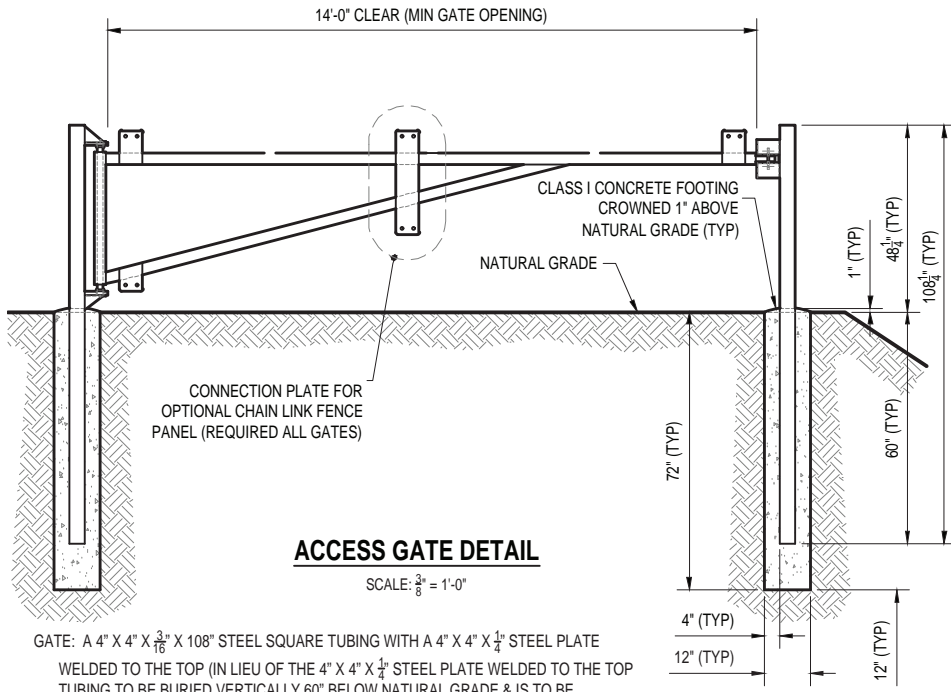
PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
APRIL 5, 2023

M. ADJOURNMENT

There being no further business to come before the Board, at 11:30 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

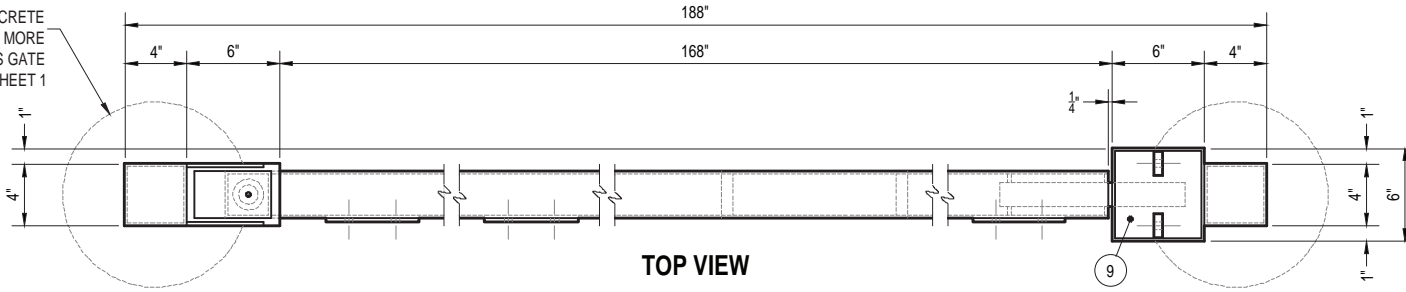


ACCESS GATE DETAIL

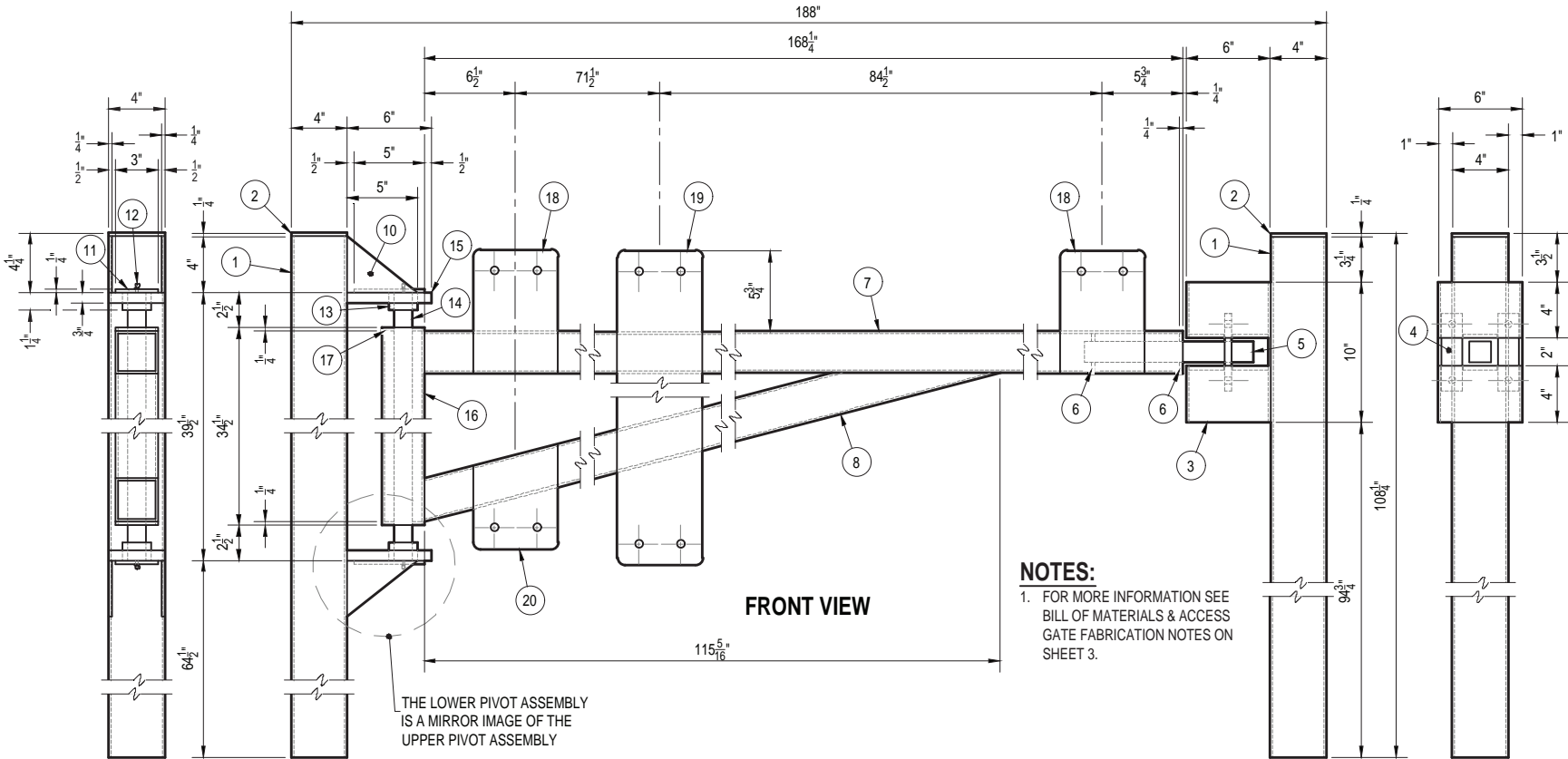
SCALE: 3/8" = 1'-0"

GATE: A 4" X 4" X 3/16" X 108" STEEL SQUARE TUBING WITH A 4" X 4" X 1/4" STEEL PLATE WELDED TO THE TOP (IN LIEU OF THE 4" X 4" X 1/4" STEEL PLATE WELDED TO THE TOP TUBING TO BE BURIED VERTICALLY 60" BELOW NATURAL GRADE & IS TO BE CENTERED WITHIN A 12" DIAMETER CIRCULAR CLASS I CONCRETE FOOTER. THE CONCRETE FOOTER SHALL BE TO A DEPTH OF 72" BELOW NATURAL GRADE & THE CONCRETE IS TO BE CROWNED 1" ABOVE NATURAL GRADE.

OUTLINE OF CLASS I CONCRETE FOOTING (TYP) FOR MORE INFORMATION SEE ACCESS GATE DETAIL ON SHEET 1



TOP VIEW



FRONT VIEW

NOTES:

1. FOR MORE INFORMATION SEE BILL OF MATERIALS & ACCESS GATE FABRICATION NOTES ON SHEET 3.

**RIGHT SIDE VIEW
(PIVOT ASSEMBLY)**

ACCESS GATE FABRICATION DETAIL

N.T.S.

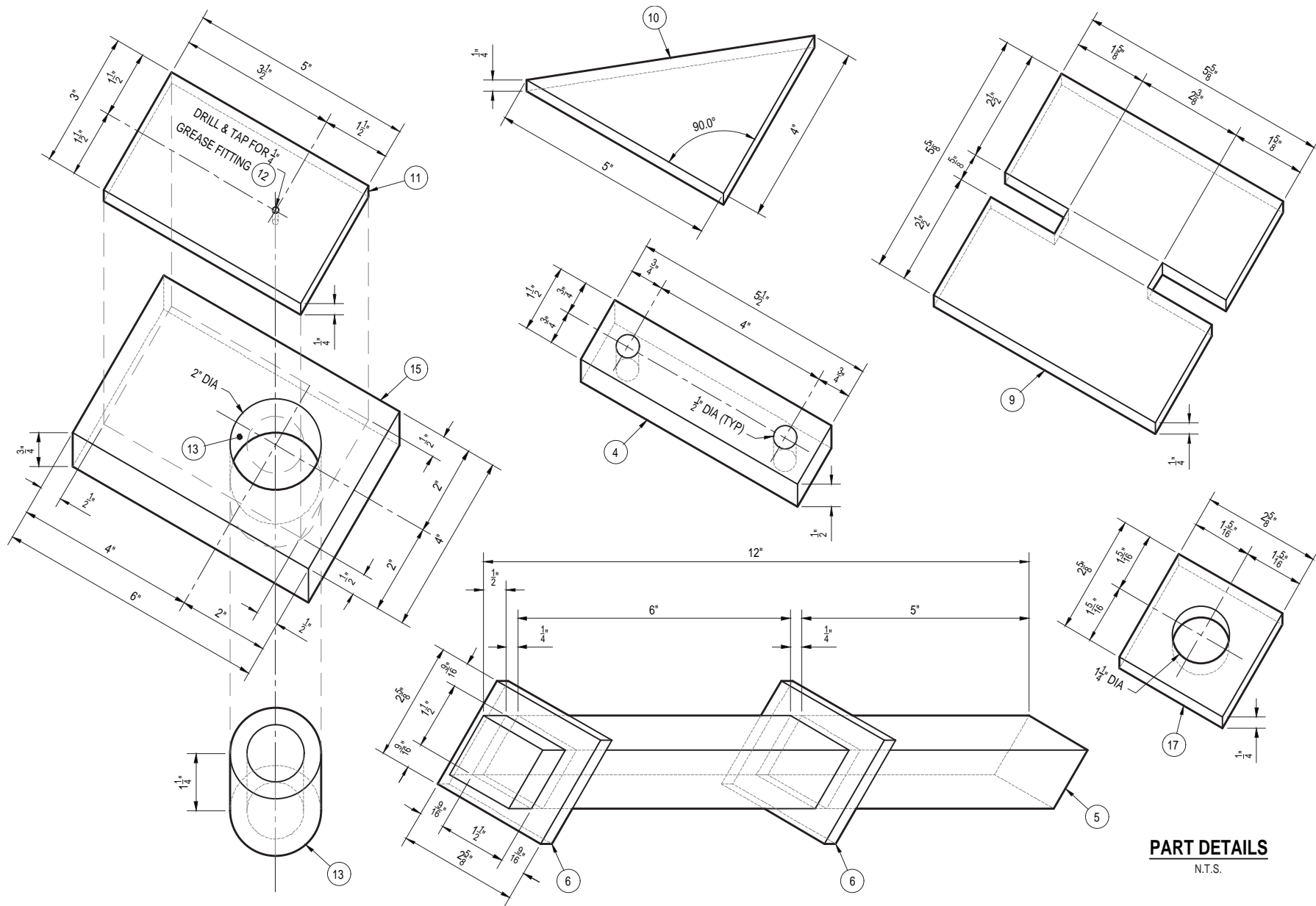
**LEFT SIDE VIEW
(LATCH ASSEMBLY)**

BILL OF MATERIALS

ITEM	DESCRIPTION	ITEMS REQ'D
①	GATE POST: 4" X 4" X $\frac{3}{16}$ " X 108" STEEL SQUARE TUBING	2
②	GATE POST END CAP: 4" X 4" X $\frac{1}{4}$ " STEEL PLATE	2
③	LOCK HOUSING: 6" X 6" X $\frac{3}{16}$ " X 10" STEEL SQUARE TUBING (SEE PART DETAILS ON SHEET 5 OF 5)	1
④	LOCK PIN: $\frac{1}{2}$ " X $5\frac{1}{2}$ " X $\frac{1}{2}$ " 304 STAINLESS STEEL PLATE (SEE PART DETAILS ON SHEET 4 OF 5)	2
⑤	LATCH ARM: $1\frac{1}{2}$ " X $1\frac{1}{2}$ " X 12" STEEL SOLID STOCK (SEE PART DETAILS ON SHEET 4 OF 5)	1
⑥	GATE ARM END CAP & LATCH ARM BRACE: $2\frac{5}{8}$ " X $2\frac{5}{8}$ " X $\frac{1}{4}$ " STEEL PLATE (SEE PART DETAILS ON SHEET 4 OF 5)	2
⑦	GATE ARM: 3" X 3" X $\frac{3}{16}$ " X $168\frac{1}{4}$ " STEEL SQUARE TUBING	1
⑧	GATE ARM BRACE: 3" X 3" X $\frac{3}{16}$ " X $128\frac{1}{8}$ " 120° STEEL SQUARE TUBING (SEE PART DETAILS ON SHEET 5 OF 5)	1
⑨	LOCK PIN RECEIVER: $5\frac{5}{8}$ " X $5\frac{5}{8}$ " X $\frac{1}{4}$ " STEEL PLATE (SEE PART DETAILS ON SHEET 4 OF 5)	2
⑩	PIVOT GUSSET: 4" X 5" X $\frac{1}{4}$ " TRIANGULAR STEEL PLATE (SEE PART DETAILS ON SHEET 4 OF 5)	4
⑪	PIVOT PIN CAP: 3" X 5" X $\frac{1}{4}$ " STEEL PLATE (SEE PART DETAILS ON SHEET 4 OF 5)	2
⑫	STANDARD $\frac{1}{4}$ " GREASE FITTING	2
⑬	PIVOT PIN BUSHING: 2" OUTSIDE DIA X $1\frac{1}{4}$ " INSIDE DIA X $1\frac{1}{4}$ " STEEL TUBING (SEE PART DETAILS ON SHEET 4 OF 5)	2
⑭	PIVOT PIN: $1\frac{1}{4}$ " DIA X $39\frac{1}{2}$ " SOLID STEEL STRESS PROOF PIN STOCK	1
⑮	PIVOT PLATE: 4" X 6" X $\frac{3}{4}$ " STEEL PLATE (SEE PART DETAILS ON SHEET 4 OF 5)	2
⑯	GATE SUPPORT MEMBER: 3" X 3" X $\frac{3}{16}$ " X $34\frac{1}{2}$ " STEEL SQUARE TUBING	1
⑰	GATE SUPPORT MEMBER END CAP: $2\frac{5}{8}$ " X $2\frac{5}{8}$ " X $\frac{1}{4}$ " STEEL PLATE (SEE PART DETAILS ON SHEET 4 OF 5)	2
⑱	CHAIN LINK FENCE PANEL CONNECTION PLATE: 6" X $8\frac{3}{4}$ " X $\frac{1}{4}$ " STEEL PLATE (SEE PART DETAILS ON SHEET 5 OF 5)	2
⑲	CHAIN LINK FENCE PANEL CONNECTION PLATE: 6" X 27" X $\frac{1}{4}$ " STEEL PLATE (SEE PART DETAILS ON SHEET 5 OF 5)	1
⑳	CHAIN LINK FENCE PANEL CONNECTION PLATE: 6" X $7\frac{1}{2}$ " X $\frac{1}{4}$ " STEEL PLATE (SEE PART DETAILS ON SHEET 5 OF 5)	1

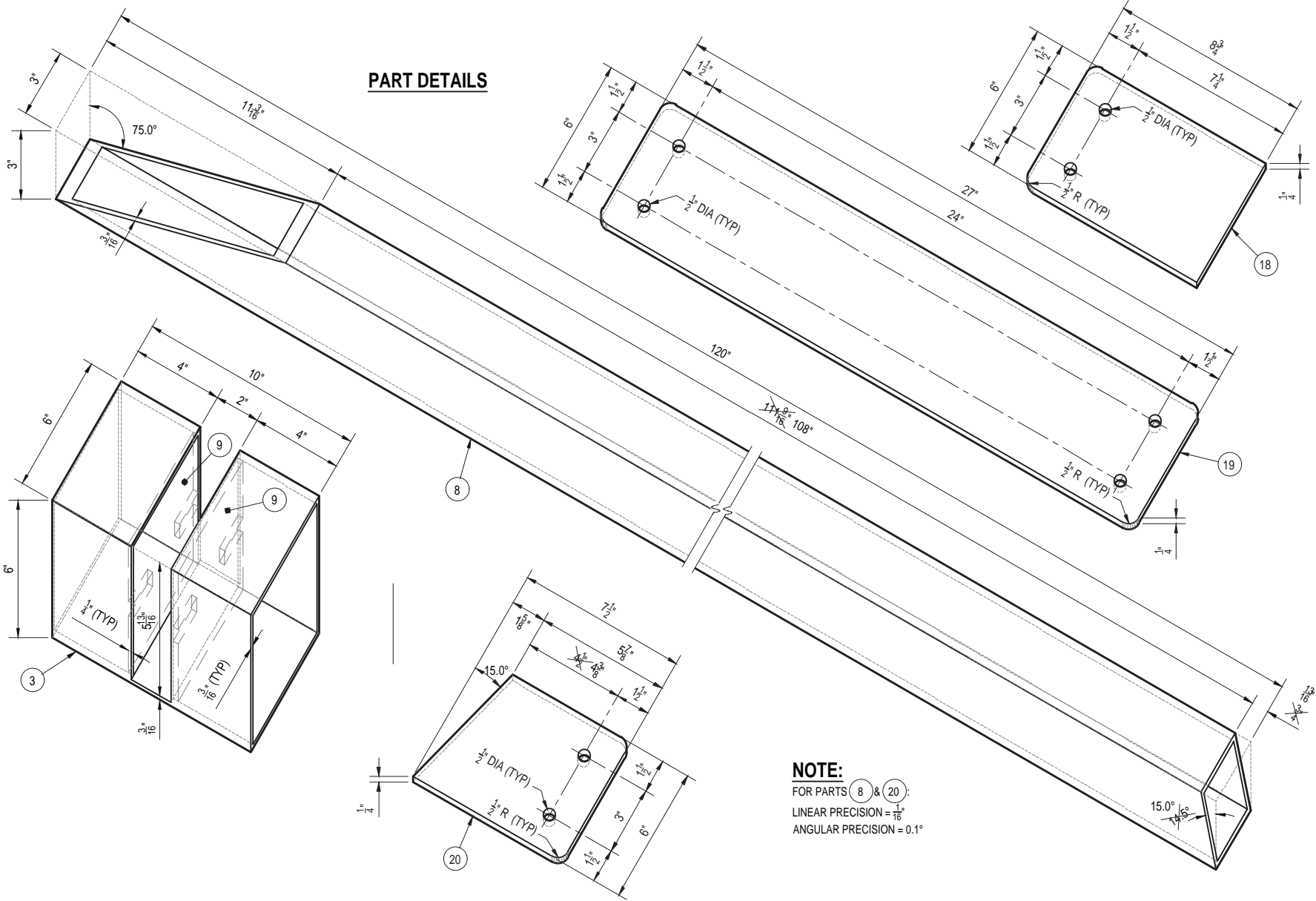
ACCESS GATE FABRICATION NOTES:

1. ALL STEEL TUBING SHALL BE ASTM A500 STANDARD OR BETTER.
2. ALL FIXED CONNECTIONS SHALL BE $\frac{1}{4}$ " FILLET WELD ALL AROUND USING ER70XX ELECTRODE.



PART DETAILS
N.T.S.

PART DETAILS



NOTE:
 FOR PARTS (8) & (20):
 LINEAR PRECISION = 1/16"
 ANGULAR PRECISION = 0.1°

Mowing Contract

This Contract entered into this ____ day of _____, 2023, is between Tim Wallace Lawn Service ("Independent Contractor"), whose address is 16374 132nd Terrace North, Jupiter, Florida , 33478, and the Pal Mar Water Control District ("District"), whose address is c/o Special District Services, Inc., 2501A Burns Road, Palm Beach Gardens, Florida 33410.

1. **Duties of independent Contractor:** The Independent Contractor shall perform mowing duties as shown on Exhibit A attached hereto. There shall be no variance from these duties until and unless authorized by the District in writing as addendum to this Contract.
2. **Compensation:** District agrees to pay Independent Contractor a total of \$_____ as compensation for the performance of the duties of the Independent Contractor under this Contract.
3. **Basic Understanding of the Parties:** The parties acknowledge and agree that the District is a local government with a specialized single purpose of providing drainage. All of the work of the District is subject to public records, government-in-the-sunshine and related requirements. The parties understand that because the District is a local government, certain requirements and limitations apply that would not apply to a private entity.
4. **Termination:** This Contract may be terminated with or without cause at any time by either party upon sixty (60) days prior written notice, delivered by certified U.S. mail, return receipt requested, to the addresses indicated herein, in which event all rights, duties and obligations of the parties hereto shall terminate forthwith.
5. **Other Related Provisions and Requirements:**
 - a. Work shall be performed professionally in accordance with generally accepted standards of the trade or business.
 - b. Independent Contractor shall provide evidence of general liability insurance and property damage insurance naming the District as insured; and Workmen's Compensation insurance, if applicable; and shall indemnify the District for any wrongdoing of the Independent Contractor should the District be made a party to any litigation as to that wrongdoing.
 - c. Independent Contractor shall reimburse the District for damages by Independent Contractor to personal and/or real property owned by the District due to negligence of the Independent Contractor.
 - d. Independent Contractor is not considered an employee of the District and is responsible for payment of any and all applicable taxes.

- e. Any controversies that cannot be resolved by the parties shall be subject either to arbitration or mediation as the parties may agree and, if they cannot agree, then mediation. If mediation fails, then legal action may be instituted, and any prevailing party shall be entitled to be reimbursed for all court costs and reasonable attorney's fees incident to such legal action.
- f. Independent Contractor shall indemnify and hold harmless the District for any injury, loss or damage to person or property, including attorney fees and other costs, when caused by the Independent Contractor's own negligence or arising out of a material breach by the Independent Contractor of this Agreement.
- g. Independent Contractor shall not assign, delegate or otherwise transfer its rights and obligations as set forth in this Agreement without prior written consent of the District.
- h. Independent Contractor shall assure that no person shall be excluded on the grounds of race, color, creed, national origin, handicap, age or sex from participation in, denied the benefits of, or be otherwise subjected to discrimination in any activity under this Agreement.
- i. This Agreement may be amended only with the written approval of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

**Pal Mar Water Control District
c/o Special District Services, Inc.
2501A Burns Road
Palm Beach Gardens, FL 33410**

**Tim Wallace Lawn Service
16374 132nd Terrace North
Jupiter, FL 33478**

By: _____

By: _____

Name:

Name:

Date: _____

Date: _____

Tim Wallace lawn service
16374 132nd terrace north
Jupiter FI 33478

Estimate

Number E104

Date 5/8/2023

Bill To

Pal Mar
Water Control District
2501 Burns Road
Palm Beach Gardens, FI , 33410

Ship To

PO Number	Terms	Customer #	Service Rep	Project

Description	Quantity/Hours	Price/Rate	Amount
Mow all canal banks to the water line. Flat mow all levees, vertical mow trees encroaching onto easements.		\$76,800.00	\$76,800.00

Amount Paid \$0.00

Amount Due \$76,800.00

Discount \$0.00

Shipping Cost \$0.00

Sub Total \$76,800.00

Total \$76,800.00

RESOLUTION NO. 2023-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PAL-MAR WATER CONTROL DISTRICT APPROVING A BUDGET FOR FISCAL YEAR 2023/2024; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors (“Board”) of the Pal-Mar Water Control District (“District”) is required by Chapter 298, *Florida Statutes*, to approve a Budget for each fiscal year; and,

WHEREAS, the Budget for Fiscal Year 2023/2024 has been prepared and considered by the Board.

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

Section 1. The Budget for Fiscal Year 2023/2024 attached hereto as Exhibit “A” is approved and adopted.

PASSED, ADOPTED and EFFECTIVE this 1st day of June, 2023.

ATTEST:

**PAL-MAR WATER
CONTROL DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chairman/Vice Chairman

Pal Mar
Water Control District

Budget
Fiscal Year 2023/2024
October 1, 2023 - September 30, 2024

CONTENTS

- I BUDGET
- II DETAILED BUDGET

BUDGET
PAL MAR WATER CONTROL DISTRICT
FISCAL YEAR 2023/2024
OCTOBER 1, 2023 - SEPTEMBER 30, 2024

	FISCAL YEAR 2023/2024 ANNUAL BUDGET
REVENUES	
O & M Assessments	195,638
Other Income	0
Uncollectable Assessments	0
Interest Income	480
	0
TOTAL REVENUES	196,118
EXPENDITURES	
Supervisor Fees	0
Payroll Taxes (Admin)	0
Engineering	28,000
Management	36,000
Legal	60,000
Assessment Roll	5,000
Audit Fees	4,100
Insurance	8,300
Legal Advertising	2,500
Miscellaneous	7,500
Postage	2,000
Office Supplies	2,000
Website Management	1,500
Dues & Subscriptions	175
Maintenance Contingency	0
Miscellaneous Maintenance	20,000
Mowing	100,000
Security	60,000
Contingency (Legal - Extraordinary)	3,000
TOTAL EXPENDITURES	340,075
REVENUES LESS EXPENDITURES	(143,957)
County Appraiser & Tax Collector Fee	(3,913)
Discounts For Early Payments	(7,826)
EXCESS/ (SHORTFALL)	(155,696)
Carryover From Prior Year	155,696
NET EXCESS/ (SHORTFALL)	\$ -

**Note: Projected Cashflow (Including State Board Of Administration Investment Fund)
As Of 9-30-23 is \$1,850,000.**

**FY 2023/2024 Projected Assessment Rate is \$9.00 Per Acre (\$9.00 Per Acre In 2022/2023).
Current Estimated Assesable Acres is 21,740.**

DETAILED BUDGET
PAL MAR WATER CONTROL DISTRICT
FISCAL YEAR 2023/2024
OCTOBER 1, 2023 - SEPTEMBER 30, 2024

	FISCAL YEAR 2021/2022 ACTUAL	FISCAL YEAR 2022/2023 ANNUAL BUDGET	FISCAL YEAR 2023/2024 ANNUAL BUDGET	COMMENTS
REVENUES				
O & M Assessments	265,016	195,638	195,638	Expenditures Less Interest/.94
Other Income	12,675	12,000	0	
Uncollectable Assessments	0	0	0	
Interest Income	603	360	480	Projected At \$40 Per Month
TOTAL REVENUES	278,294	\$ 207,998	\$ 196,118	
EXPENDITURES				
Supervisor Fees	0	0	0	Eliminated by Board
Payroll Taxes (Admin)	0	0	0	Eliminated by Board
Engineering	19,871	28,000	28,000	No Change From 2022/2023 Budget
Management	25,000	36,000	36,000	\$3,000 Per Month
Legal	89,084	60,000	60,000	Fiscal Year 2022/2023 Expenditure Through April 2023 Is \$18,498
Assessment Roll	5,000	5,000	5,000	Assessment Roll Preparation
Audit Fees	3,900	4,000	4,100	Accepted Amount For 2022/2023 Audit
Insurance	5,706	8,300	8,300	Insurance Estimate
Legal Advertising	2,378	2,100	2,500	\$400 Increase From 2022/2023 Budget
Miscellaneous	1,710	10,000	7,500	Miscellaneous
Postage	102	2,000	2,000	No Change From 2022/2023 Budget
Office Supplies	958	2,000	2,000	No Change From 2022/2023 Budget
Website Management	1,500	1,500	1,500	No Change From 2022/2023 Budget
Dues & Subscriptions	175	175	175	No Change From 2022/2023 Budget
Maintenance Contract	12,000	12,000	0	Line Item Eliminated
Miscellaneous Maintenance	0	19,684	20,000	Miscellaneous Maintenance
Mowing	32,880	0	100,000	Mowing
Security	0	0	60,000	Security
Contingency (Legal - Extraordinary)	4,551	5,500	3,000	\$2,500 Decrease From 2022/2023 Budget
TOTAL EXPENDITURES	204,815	\$ 196,259	\$ 340,075	
REVENUES LESS EXPENDITURES	73,479	11,739	(143,957)	
County Appraiser & Tax Collector Fee	(2,979)	(3,913)	(3,913)	Two Percent Of Expected Assessment Roll
Discounts For Early Payments	(8,073)	(7,826)	(7,826)	Four Percent Of Expected Assessment Roll
EXCESS/ (SHORTFALL)	\$ 62,427	\$ -	\$ (155,696)	
CARRYOVER FROM PRIOR YEAR	0	0	155,696	Carryover From Prior Year
NET EXCESS/ (SHORTFALL)	\$ 62,427	\$ -	\$ -	

**Note: Projected Cashflow (Including State Board Of Administration Investment Fund)
As Of 9-30-23 is \$1,850,000.**

**FY 2023/2024 Projected Assessment Rate is \$9.00 Per Acre (\$9.00 Per Acre In 2022/2023).
Current Estimated Assesable Acres is 21,740.**

RESOLUTION NO. 2023-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PAL-MAR WATER CONTROL DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2023/2024 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary for the Pal-Mar Water Control District ("District") to establish a regular meeting schedule for fiscal year 2023/2024; and

WHEREAS, the Board of Supervisors of the District has set a regular meeting schedule, location and time for District meetings for fiscal year 2023/2024 which is attached hereto and made a part hereof as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE PAL-MAR WATER CONTROL DISTRICT, MARTIN COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are hereby adopted.

Section 2. The regular meeting schedule, time and location for meetings for fiscal year 2023/2024 which is attached hereto as Exhibit "A" is hereby adopted and authorized to be published.

PASSED, ADOPTED and EFFECTIVE this 1st day of June, 2023.

ATTEST:

**PAL-MAR
WATER CONTROL DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chairperson/Vice Chairperson

**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

PUBLISH: PALM BEACH POST & STUART NEWS 00/00/2023

**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

OF COUNSEL
BETSY S. BURDEN

1555 PALM BEACH LAKES BLVD.
SUITE 1200
WEST PALM BEACH, FL 33401

www.caldwellpacetti.com

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

May 19, 2023

Grau & Associates
Certified Public Accountants
951 Yamato Road, Suite 280
Boca Raton, FL 33431

Re: Pal-Mar Water Control District Annual Audit
Fiscal Year Ending September 30, 2022

Dear Auditors:

We are counsel for the above-named District whose financial statements you are examining for the year ended September 30, 2022.

1. APPEAL OF NON PAYMENT OF ASSESSMENTS BY MARTIN COUNTY and SFWMD:

As previously discussed with the Auditors, South Florida Water Management District (SFWMD) failed to pay non-ad valorem assessments for Fiscal Year 2017-18 levied on SFWMD property located within the boundaries of the Pal-Mar Water Control District (PMWCD). Effective April 1, 2018, the referenced assessments became delinquent. SFWMD also failed to pay non-ad valorem assessments for Fiscal Year 2018-2019, Fiscal Year 2019-2020 and Fiscal Year 2020-2021 levied on SFWMD property located within the boundaries of the Pal-Mar Water Control District (PMWCD). Effective April 1, 2019, April 1, 2020, April 1, 2021 and April 1, 2022 respectively, the referenced assessments became delinquent.

As previously discussed with the Auditors, Martin County failed to pay non-ad valorem assessments for Fiscal Year 2017-2018 levied on Martin County property located within the boundaries of Pal-Mar Water Control District. Effective April 1, 2018 the referenced assessments became delinquent. Martin County failed to pay non-ad valorem assessments for Fiscal Year 2018-2019, Fiscal Year 2019-2020 and Fiscal Year 202-2021 levied on Martin County property located within the boundaries of Pal-Mar Water Control District. Effective April 1, 2019, April 1, 2020, April 1, 2021 and April 1, 2022, respectively the referenced assessments became delinquent. At its meeting held January 23, 2018, the Board of Commissioners of Martin County moved to “[d]irect staff to not pay the assessments for properties owned by Martin County within the Pal-Mar Water Control District and within the Hobe-St. Lucie (sic) Conservancy District, authorizing staff to challenge the validity of the assessments against County-owned

properties. Staff was directed to investigate the services provided to county-owned lands by Pal-Mar Water Control District and Hobe-St. Lucie Conservancy District and develop contracts for services, if warranted.”

Martin County and SFWMD subsequently filed complaints in Martin County alleging they are not responsible for the District's assessments.

On August 12, 2020, the Circuit Court entered two Final Judgments in the litigation. The Final Judgments essentially concluded that as a matter of law, lands owned by both Martin County and SFWMD are immune from the levy of non-ad valorem special assessments and the Special Districts have no legal authority to levy such assessments on these lands.

On September 10, 2020, Hobe-St. Lucie Conservancy District (HSLCD), through its appellate counsel, filed a Notice of Appeal with the Fourth District Court of Appeal. Pal-Mar did not file an appeal. Although Pal-Mar elected not to participate in the appeal filed by Hobe-St. Lucie Conservancy District, it remains a party as appellee pursuant to Fla. Rule of Appellate Procedure 9.020(g).

On November 17, 2021, the District Court of Appeal issued its written decision in favor of HSLCD and reversed the summary judgment previously rendered in favor of the County and South Florida Water Management District. The Court stated in part, that both the County and South Florida Water Management District improperly conflated the terms “assessment” and “tax” “to justify their position”, and held that HSL had correctly imposed a special assessment and not a tax. It further held that Sections 298.305(1) and 298.54 “provide the requisite statutory authority for imposing the special assessment,” and that Section 298.36(1) has no effect on Section “298.305(1)’s mandate to assess all lands.” The Court concluded that the reading of the law by the County and South Florida Water Management District “violate the clear mandate of 298.305(1),” noting that both entities had paid these assessments for over twenty years.

On March 4, 2022, the District Court of Appeal issued its Mandate, which remanded the case to the Circuit Court for entry of summary judgment in favor of HSLCD.

On March 24, 2022, HSLCD filed its Brief on Jurisdiction opposing jurisdiction of the Florida Supreme Court against Martin County and also SFWMD.

A hearing was held on July 15, 2022 on the District’s Motion for Entry of Final Judgment. The Final Judgment dated July 15, 2022 was entered.

The Judge also entered an Agreed Order Taxing Appellate Costs in favor of the HSLCD, which has been paid.

The Florida Supreme Court rendered its decision regarding jurisdiction on July 20, 2022. No Motion for rehearing will be entertained. The effect of the Supreme Court Order is that the ruling of the 4th District Court of Appeal controls. *See* Hobe-St. Lucie conservancy District v. Martin Co. (Fla. 4th Dist. Ct. Appeal November 17, 2021).

The Trial Court also entered a Final Judgment in favor of Pal-Mar Water Control District which was a companion party in the Trial Court.

The District Manager has reported assessments have been paid by South Florida Water Control District. The District Manager has further reported assessments had been paid by Martin County for Fiscal Years 2021, 2022 and 2023 only.

This matter is being handled by the District's insurance Counsel, Mr. Lyman Reynolds of Roberts, Reynolds, Bedard & Tuzzio, PLLC. It is more appropriate for Mr. Lyman Reynolds to comment on this matter.

2. LETTER FROM FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ("FDEP")

On a related matter, several districts, including Hobe-St. Lucie Conservancy District, previously received a letter from FDEP regarding the State's non-payment of the District's non-ad valorem assessments.

The District responded that a special assessment may be levied against state lands when expressly authorized by legislation.

The District has previously requested FDEP provide any and all legal authority upon which it based its position. No response has been received from FDEP.

We are unaware of any other pending or threatened litigation, claims or assessments against this District for Fiscal Year Ending September 30, 2022.

To the best of our knowledge and belief, we have no knowledge of any unasserted claims or assessments against the District for Fiscal Year Ending September 30, 2022.

The information set forth herein is as of today, the date on which we completed our internal review procedures for purposes of preparing this response, and we disclaim any undertaking to advise you of changes which thereafter may be brought to our attention.

This response is limited by, and in accordance with, the ABA Statement of Policy regarding Lawyers' Responses to Auditors' Requests for Information (December, 1975); without limiting the generality of the foregoing, the limitations set forth in such Statement on the scope and use of this response (Paragraphs 2 and 7) are specifically incorporated herein by reference, and any description herein of any "loss contingencies" is qualified in its entirety by Paragraph 5 of the Statement and the accompanying Commentary (which is an integral part of this Statement). Consistent with the last sentence of Paragraph 6 of the ABA Statement of Policy and pursuant to the District's request, this will confirm as correct the District's understanding as set forth in its audit inquiry letter to us that whenever, in the course of performing legal services for the District with respect to a matter recognized to involve an unasserted possible claim or assessment that may call for financial statement disclosure, we have formed a professional conclusion that the District must disclose or consider disclosure concerning such possible claim or assessment, we as a matter of professional responsibility to the District, will so advise the District and will consult with the District concerning the question of such disclosure and the applicable requirements of Statement of Financial Accounting Standards No. 5.

Sincerely,

Caldwell Pacetti Edwards Schoech & Viator

CALDWELL PACETTI EDWARDS
SCHOECH & VIATOR LLP

Attorneys for Pal-Mar Water Control District

MMV/tsh

cc: Pal-Mar Water Control District

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

	<u>Oct '22 - Apr 23</u>	<u>22/23 Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
363.100 · O & M Assessments	1,829,861.76	195,638.00	1,634,223.76	935.33%
363.830 · Assessment Fees	-20,221.43	-3,913.00	-16,308.43	516.78%
363.831 · Assessment Discounts	-1,051.71	-7,826.00	6,774.29	13.44%
369.400 · Other Income	0.00	12,000.00	-12,000.00	0.0%
369.401 · Interest Income	3,091.00	360.00	2,731.00	858.61%
369.402 · LO Funding Agreements	3,000.00	0.00	3,000.00	100.0%
Total Income	<u>1,814,679.62</u>	<u>196,259.00</u>	<u>1,618,420.62</u>	<u>924.64%</u>
Gross Profit	1,814,679.62	196,259.00	1,618,420.62	924.64%
Expense				
511.310 · Engineering	19,152.00	28,000.00	-8,848.00	68.4%
511.311 · Management Fees	21,000.00	36,000.00	-15,000.00	58.33%
511.315 · Legal Fees	18,498.43	60,000.00	-41,501.57	30.83%
511.318 · Assessment/Tax Roll	0.00	5,000.00	-5,000.00	0.0%
511.320 · Audit Fees	0.00	4,000.00	-4,000.00	0.0%
511.450 · Insurance	6,291.00	8,300.00	-2,009.00	75.8%
511.480 · Legal Advertisements	2,123.36	2,100.00	23.36	101.11%
511.512 · Miscellaneous	1,260.93	10,000.00	-8,739.07	12.61%
511.513 · Postage and Delivery	97.74	2,000.00	-1,902.26	4.89%
511.514 · Office Supplies	133.70	2,000.00	-1,866.30	6.69%
511.515 · Website Management Fee	875.00	1,500.00	-625.00	58.33%
511.540 · Dues, License & Subscriptions	175.00	175.00	0.00	100.0%
512.305 · Maintenance Contract	7,000.00	12,000.00	-5,000.00	58.33%
512.464 · Mowing	32,880.00	0.00	32,880.00	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	<u>111,207.66</u>	<u>196,259.00</u>	<u>-85,051.34</u>	<u>56.66%</u>
Net Ordinary Income	<u>1,703,471.96</u>	<u>0.00</u>	<u>1,703,471.96</u>	<u>100.0%</u>
Net Income	<u><u>1,703,471.96</u></u>	<u><u>0.00</u></u>	<u><u>1,703,471.96</u></u>	<u><u>100.0%</u></u>

Bank Balance As Of 4/30/23	\$ 1,959,798.16
Investment Acct Balance As Of 4/30/23	\$ 42,852.54
Accounts Payable As Of 4/30/23	\$ 17,303.59
Accounts Receivable As Of 4/30/23	\$ 3,000.00
Total Fund Balance As Of 4/30/23	\$ 1,988,347.11

Pal Mar Water Control District
Custom Transaction Detail Report
March 27 through May 23, 2023

	Type	Date	Num	Name	Memo	Debit	Credit
Legal Fees							
Caldwell Pacetti Edwards Schoech & Viator							
	Bill	03/31/2023	130588	Caldwell Pacetti Edwards Schoech & Viator	Invoice #130588 Legal Services thru 03.31.23		3,532.50
	Bill Pmt -Check	04/01/2023	1873	Caldwell Pacetti Edwards Schoech & Viator	Invoice #130537 Legal Services thru 02.22.2023	1,710.00	
	Bill	04/24/2023	130666	Caldwell Pacetti Edwards Schoech & Viator	Invoice #130588 Legal Services thru 04.24.23		6,619.74
	Bill Pmt -Check	05/01/2023	1878	Caldwell Pacetti Edwards Schoech & Viator	Invoice #130588 Legal Services thru 03.31.23	<u>3,532.50</u>	
Total Caldwell Pacetti Edwards Schoech & Viator						5,242.50	<u>10,152.24</u>
Engineer Fees							
Higgins Engineering, Inc.							
	Bill Pmt -Check	04/01/2023	1874	Higgins Engineering, Inc.	Inv #2298 Engineer Services 12.16.22-01.15.23	6,213.45	
	Bill	04/15/2023	2337	Higgins Engineering, Inc.	Inv #2337 Engineer Services 03.16.23-04.15.23		5,629.55
	Bill Pmt -Check	05/01/2023	1879	Higgins Engineering, Inc.	Inv #2315 Engineer Services 01.16.22-03.15.23	<u>8,334.25</u>	
Total Higgins Engineering, Inc.						14,547.70	<u>5,629.55</u>
Management Fees							
Special District Services, Inc.							
	Bill	03/31/2023	2023-0266	Special District Services, Inc.	Management Fees		3,292.07
	Bill Pmt -Check	04/01/2023	1876	Special District Services, Inc.	Management Fees	3,292.07	
	Bill	04/30/2023	2023-0373	Special District Services, Inc.	Management Fees		3,348.89
	Bill Pmt -Check	05/01/2023	1882	Special District Services, Inc.	Management Fees	<u>3,348.89</u>	
Total Special District Services, Inc.						6,640.96	<u>6,640.96</u>
Miscellaneous							
Anne M. Gannon							
	Bill	05/08/2023	FY 2023 Postage	Anne M. Gannon	Prorated Share of Tax Roll Postage Costs FY 2023		2.00
Total Anne M. Gannon						0.00	<u>2.00</u>
CA Florida Holdings, LLC							
	Bill	03/31/2023	5434677	CA Florida Holdings, LLC	Statement #5434677 Legal Ad		163.77
	Bill Pmt -Check	05/01/2023	1877	CA Florida Holdings, LLC		<u>488.22</u>	
Total CA Florida Holdings, LLC						488.22	<u>163.77</u>
Lumberjack Land Management LLC							
	Bill	03/27/2023	1034	Lumberjack Land Management LLC	Invoice #1034 Lawn Maintenance March 2023		1,000.00
	Bill Pmt -Check	04/01/2023	1875	Lumberjack Land Management LLC	Invoice #1034 Lawn Maintenance March 2023	1,000.00	
	Bill	04/27/2023	1035	Lumberjack Land Management LLC	Invoice #1035 Lawn Maintenance April 2023		1,000.00
	Bill Pmt -Check	05/01/2023	1880	Lumberjack Land Management LLC	Invoice #1035 Lawn Maintenance April 2023	<u>1,000.00</u>	
Total Lumberjack Land Management LLC						2,000.00	<u>2,000.00</u>
Martin County Sheriff's Office							
	Bill	05/01/2023	14824	Martin County Sheriff's Office	Pal-Mar Detail 04.29.23 8am-4pm		960.00
Total Martin County Sheriff's Office						0.00	<u>960.00</u>
Palm Beach County Property Appraiser							
	Bill	04/01/2023	2022 Admin Tax Roll	Palm Beach County Property Appraiser	2022 Administrative Tax Roll Cost		150.00
	Bill Pmt -Check	05/01/2023	1881	Palm Beach County Property Appraiser	2022 Administrative Tax Roll Cost	<u>150.00</u>	
Total Palm Beach County Property Appraiser						150.00	<u>150.00</u>
Sir Speedy Printing Center							
	Bill	05/09/2023	121876	Sir Speedy Printing Center	Invoice #121876 Notice of Annual Meeting Flyer Mailer		2,485.05
Total Sir Speedy Printing Center						0.00	<u>2,485.05</u>
Treasure Coast Newspapers							
	Bill	03/31/2023	5487629	Treasure Coast Newspapers	Statement #5487629		119.70
	Bill	03/31/2023	02282023	Treasure Coast Newspapers	Statement #5387980 RFP for Maintenance Services		330.03
	Bill Pmt -Check	05/01/2023	1883	Treasure Coast Newspapers	432676	<u>449.73</u>	
Total Treasure Coast Newspapers						449.73	<u>449.73</u>
TOTAL						<u>29,519.11</u>	<u>28,633.30</u>