



**PAL-MAR
WATER CONTROL DISTRICT**

**“RECONVENED”
LANDOWNERS’ MEETING &
REGULAR BOARD MEETING
JULY 13, 2023
9:00 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
"RECONVENED"
LANDOWNERS' MEETING
July 13, 2023
9:00 a.m.

- A. Call to Order
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- C. Establish Quorum
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- E. Election of Chair for Landowners Meeting
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 - 2. Nomination of Candidates
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- I. Other Business
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- J. Landowners' Comments
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Miscellaneous Notices

Published in The Palm Beach Post on June 28, 2023

Location

Palm Beach County, Florida

Notice Text

PAL-MAR WATER CONTROL DISTRICT NOTICE OF RECONVENED LANDOWNERS MEETING, AMENDED NOTICE OF ANNUAL LANDOWNERS MEETING AND NOTICE OF BOARD OF SUPERVISORS MEETING NOTICE IS HEREBY GIVEN that the June 1, 2023, Annual Landowners Meeting of the Pal-Mar Water Control District (the District) was recessed and re-noticed and will reconvene on July 13, 2023, at 9:00 a.m. in the Martin County Commission Chambers Administrative Center located at 2401 SE Monterey Road, Stuart, Florida 34996.

The primary purpose of the Annual Landowners Meeting is:

1. To elect Supervisors;
2. To receive annual reports and take such action with respect thereto as the Landowners may determine; and
3. To transact any such other business as may properly come before the Meeting.

Immediately following the Reconvened Landowners Meeting, the Board of Supervisors will also hold a Regular Board of Supervisors Meeting. The primary purpose of the Board of Supervisors Meeting is to consider any business which may properly come before the Meeting.

A copy of the Agenda 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.

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 proceeding and such person may need to ensure that a verbatim record of the proceeding is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at this meeting should contact the District

Manager at 561-630-4922 and/or toll-free number at 1-877-737-4922 at least forty-eight (48) hours prior to the date of the meeting.

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

Pal-Mar Water Control District

www.palmarwcd.org

8948014 6/21 6/28/23

Miscellaneous Notices

Published in Stuart News on June 21, 2023

Location

Martin County, Florida

Notice Text

PAL-MAR WATER CONTROL DISTRICT NOTICE OF RECONVENED LANDOWNERS' MEETING, AMENDED NOTICE OF ANNUAL LANDOWNERS' MEETING AND NOTICE OF BOARD OF SUPERVISORS' MEETING NOTICE IS HEREBY GIVEN that the June 1, 2023, Annual Landowners' Meeting of the Pal-Mar Water Control District (the "District") was recessed and re-noticed and will reconvene on July 13, 2023, at 9:00 a.m. in the Martin County Commission Chambers Administrative Center located at 2401 SE Monterey Road, Stuart, Florida 34996. The primary purpose of the Annual Landowners' Meeting is: 1. To elect Supervisors; 2. To receive annual reports and take such action with respect thereto as the Landowners may determine; and 3. To transact any such other business as may properly come before the Meeting. Immediately following the Reconvened Landowners' Meeting, the Board of Supervisors will also hold a Regular Board of Supervisors Meeting. The primary purpose of the Board of Supervisors' Meeting is to consider any business which may properly come before the Meeting. A copy of the Agenda 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. 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 proceeding and such person may need to ensure that a verbatim record of the proceeding is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based. In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at this meeting should contact the District Manager at 561-630-4922 and/or toll-free number at 1-877-737-4922 at least forty-eight (48) hours prior to the date of the meeting. Meetings may be cancelled from time to time without advertised notice. Pal-Mar Water Control District www.palmarwcd.org Publish: June 21, 28, 2023
TCN5739497



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
 REGULAR BOARD MEETING
 JUNE 27, 2022

A. CALL TO ORDER

District Manager Michael McElligott called the June 27, 2020, Regular Board Meeting of the Pal Mar Water Control District to order at 11:37 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 5/31/2022 & 6/7/2022, as legally required.

C. SEAT NEW BOARD MEMBERS

This item was tabled due to challenges made against the results of the election during the Landowners Meeting. The Landowners Meeting has been recessed and will be reconvened on August 22, 2022, at 10:00 am at the Martin County Commission Chambers, 2401 SE Monterey Road, Stuart, Florida 34996.

D. ADMINISTER OATH OF OFFICE

This item was tabled due to challenges made against the results of the election during the Landowners Meeting. The Landowners Meeting has been recessed and will be reconvened on August 22, 2022, at 10:00 am at the Martin County Commission Chambers, 2401 SE Monterey Road, Stuart, Florida 34996.

E. ESTABLISH QUORUM

A quorum was established with the following attendees:

Commissioner Maria Marino	Present
Commissioner Harold Jenkins	Present
Zach Gazza	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, et al
District Engineer Bob Higgins	Higgins Engineering
Betsy Burden	Caldwell & Pacetti, et al

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
JUNE 27, 2022

Bill Doney	Caldwell & Pacetti, et al
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Also, in attendance were several landowners and members of the public.

F. ELECTION OF OFFICERS

This item was tabled due to challenges made against the results of the election during the Landowners Meeting. The Landowners Meeting has been recessed and will be reconvened on August 22, 2022, at 10:00 am at the Martin County Commission Chambers, 2401 SE Monterey Road, Stuart, Florida 34996.

G. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda. However, at this time District Counsel Mary Viator recommended that the remainder of this regular Board meeting have all items tabled until after the election results can be certified at the reconvened Landowners Meeting scheduled for August 22, 2022. Mr. Gazza asked Mrs. Viator if he legally remains in his seat on the Board while waiting the results of the reconvened Landowners Meeting on August 22, 2022. Mrs. Viator said yes, he is still legally the holder of the Board seat until the results of the election to fill his seat are certified and his successor elected and qualified. Mr. Gazza said would his vote and Board action still be legal while waiting the results of the reconvened Landowners Meeting on August 22, 2022. Mrs. Viator said yes.

H. APPROVAL OF MINUTES

1. April 14, 2022, Regular Board Meeting

Commissioner Marino pointed out that Mr. McElligott misspelled Mr. Gazza’s name by only using 1 “z”. Also, she pointed out the Mr. McElligott had misspelled Mr. Darren Leiser’s name. Also, she pointed out that Mr. McElligott misspelled the word “culvert”. Mr. McElligott said he will make those corrections. The April 14, 2022, Regular Board Meeting minutes were then approved as amended on a **motion** made by Mr. Gazza, seconded by Mr. Lolmaugh. The **motion** carried 5-0.

I. STATUS REPORTS

1. Legal – Status Report

District Attorney Mary Viator stated that the legal status report is included in the meeting book. She stated that most of her items have their own agenda item later in the meeting.

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2. Engineer – Status Report

Mr. Higgins noted that most of his items have separate agenda items later in the meeting. He also stated that regarding the BMAP, there is more activity in Pal-Mar WCD than he has ever seen since being the District Engineer, and that per direction from the Board he will support the County in their enforcement of violations.

3. District Manager Report

Mr. McElligott stated that all his items are covered as separate agenda items.

4. Field Maintenance Report

Mr. Lolmaugh brought a picture of a canal that had been recently mowed under the current Lumberjack contract and commented on how good it looks.

J. OLD BUSINESS

1. Consider the Proposed Question for the Attorney General’s Opinion Regarding Pal-Mar WCD Granting of Easements

Mrs. Viator gave a brief explanation that the proposed question for the Attorney General is the same that was presented at a prior meeting. Mrs. Viator explained that she was directed by the Board to communicate again with the Martin County & Palm Beach County attorneys after the last Board meeting. Mrs. Viator said she did have some communication but there has been no change in the question being recommended to the Board. Mr. Gazza gave a brief summary of the history of this agenda item for those who are new in the audience and may not be familiar with how we have arrived at the current point.

After some discussion, Mr. Gazza made a **motion** to direct the Board to prepare and record the easement using language presented previously and apply it to the 150’ strip of land owned by Pal-Mar. There was a second by Mr. Berman. Mrs. Viator recommended that if her office is directed by the Board to prepare an easement, then that easement should come back to the Board for final review before recording it. Mr. Gazza pointed out the urgency to getting it recorded due to fear that once the election is certified, the next Board my block this land from ever being used by the landowners of Pal-Mar WCD for any purpose, including access, drainage, utilities, etc. There was a lot of discussion that followed. Commissioner Marino reminded the Board that Mrs. Viator had

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
JUNE 27, 2022

recommended at the beginning of the meeting that the Board table all action until the election could be certified. She also questioned whether Pal-Mar WCD had the ability to take this action. She stated that she would not be in favor of voting on anything that did not have to come back to the Board for final approval before being recorded. Mr. Lolmaugh commented that he does understand the urgency of taking action before the possibility of having the majority of the Board be government Board members. Commissioner Marino reminded the Board that the governments are landowners like any other landowners, and they should not be referred to as just government Board members, they are landowner Board members too.

Palm Beach County Attorney Mr. Leiser brought up that the motion Mr. Gazza made is not actually an agenda item, and therefore was not noticed and it would be improper for the Board to take any action on it, and any action taken on it would be challenged. Martin County Attorney Mrs. Holmes echoed the statements of Mr. Leiser and suggested that Mrs. Viator explain to the Board if they can take this action. Mr. Gazza pointed out that the agenda item that corresponds to his motion was originally on the advertised agenda back in November of 2021. The agenda item was only changed to requesting an Attorney General Opinion to appease questions by Martin and Palm Beach County, but that the AGO agenda item has stalled.

After some more discussion, Mr. Gazza withdrew his original **motion**, as did Mr. Berman withdraw his second to that original **motion**. After further discussion, Mr. Gazza made a new motion to schedule a new regular Board meeting on Wednesday, July 13, 2022, at 9:30am at Jupiter Old Town Hall. There was a second by Mr. Berman, and the **motion** carried **5-0**.

Mr. Gazza also requested to add an agenda item for that meeting to direct the District Attorney to prepare and record the easement on the 150' strip of Pal-Mar WCD owned land, using the same language as was used in the November 2021 agenda item related to granting an easement on this property.

2. Update Regarding Martin County Litigation

Mr. Viator updated the Board on the appeal that had been ruled in Hobe. St. Lucie CD's favor. At this time, Martin County and South Florida Water Management District have appealed to have the Florida Supreme Court take jurisdiction of the case. We are awaiting the Florida Supreme Courts decision on taking jurisdiction. Mr. Gazza asked about final judgements being issued. District Counsel Mr. Doney said there were conflicting final judgments submitted by both Hobe St. Lucie CD and Martin County regarding how far back the unpaid assessments should now be due. Mr. Gazza asked if Pal-Mar WCD will be subject to the final judgment. Mrs. Viator said yes.

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3. Discussion regarding Mowing Proposals

The Board was updated on the mowing proposal item from previous meetings. There was a question as to whether the proposal amount submitted be lower in future years if the District does the mowing annually as opposed to now when it hasn't been done in approximately 5 years. Mr. Lolmaugh reminded the Board that we had 4 interested companies originally, but that Tim Wallace Landscaping was the only one that submitted an actual quote, and that Mike from the company is here. Mike from Tim Wallace Landscaping said he would think a quote for future years would be less, but that it would be hard to give an estimate now without completing the job the first time and seeing what it looks like next year before doing it again. Mr. Gazza stated that Lumberjack can continue to keep mowing for now, but that this company is a good option if the Board wants to go that direction. After some discussion, the Board recommended that the contractor go back out to the Pal-Mar WCD and review the project again since it had been several months since the original quote and some mowing had been done. Then, report back to the Board at the next meeting with possible updated numbers.

4. Update Regarding Two Illegal Culverts Discussed at Last Meeting

District Engineer Mr. Higgins updated the Board that Martin County and SFWMD are looking into taking action against the owners of the two culverts in question. One of the owners of the culverts, Mr. Beaton explained that like his previous culverts, this is an equalizing culvert. Mr. Higgins noted that this discussion is regarding a new culvert and not the old ones Mr. Beaton was referring to. Mr. Beaton explained the approval he received from SFWMD. The Board directed Mr. Beaton to provide that SFWMD approval to Mr. Higgins so that the matter of Mr. Beaton's culverts could be put to rest.

K. NEW BUSINESS

1. Discussion on New Policy for Outside Landowners to Obtain a Permit from Pal-Mar WCD

Mr. Higgins explained to the Board how we could set up agreements or permits as part of a policy to deal with outside landowners. Mr. Gazza asked if there are many outside landowners looking to drain into Pal-Mar WCD. Mr. Higgins said no, not at this time. After some discussion, Commissioner Marino made a **motion** to send a copy of the meeting minutes from today, along with the language in Florida Statutes 298 to Martin County, Palm Beach County, and SFWMD to remind them that a permit is also required to be obtained from Pal-Mar WCD when approving projects and permits

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affecting the Pal-Mar WCD. There was a second from Commissioner Jenkins. There was public comment from Mr. Meier with the Trail Side community stating that the Trail Side community has asked the gentleman that installed the second of the potentially illegal culverts to remove it. Mr. Meier also stated that the Trail Side community does not want any access between Trail Side and Pal-Mar WCD. Commissioner Jenkins stated that Martin County is aware of this situation and that this is an active violation being worked on. With no further comment, there was a vote and the **motion** passed **5-0**.

2. Consider Approval of Renewal of Funding Agreement with Be A Man Buy Land, LLC

Mr. McElligott explained that this is the funding agreement that pays for the maintenance contract the Board previously approved. This approval will fund the maintenance agreement for another 12 months with the exact same terms currently in place from the expiring funding agreement the Board approved last year. Commissioner Marino stated that she has a lot of discomfort with this since Mr. Gazza is a Board member and a Landowner. Mr. Lolmaugh also agrees that he doesn't feel comfortable about this because he knows Mr. Gazza's business benefits from this. However, Mr. Lolmaugh does agree that this benefits other landowners too, not just Mr. Gazza. There was some discussion regarding what would happen if the Board approves the mowing contract. Mr. Gazza stated he would feel more comfortable waiting for the final judgment and the full funding before switching to the more expensive contracts, and then he would be happy to step aside. Commissioner Marino asked if this contract has a 60-day cancellation clause, and if it doesn't can one be added.

A **motion** was made Mr. Lolmaugh to approve the Funding Agreement with Be A Man Buy Land with the addition of a 60-day cancellation clause. There was a second by Commissioner Marino. That **motion** carried 3-1 with Commissioner Jenkins voting no and Mr. Gazza abstaining.

3. Consider Resolution No. 2022-01 Adopting a Fiscal Year 2022/2023 Budget.

Mr. McElligott presented Resolution No. 2022-01:

RESOLUTION NO. 2022-01

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**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
PAL- MAR WATER CONTROL DISTRICT APPROVING A
BUDGET FOR FISCAL YEAR 2022/2021.**

Mr. McElligott presented 2 options of the budget to the board. One was at the same \$22 per acre rate as in previous years, and one was \$9 per acre due to the last-minute influx of assessments received this month. There was a lot of discussion with the recommendation that we settle at \$15 per acre, between the \$22 and \$9 presented. Mr. McElligott reminded the Board that what ever is approved today will go out on the TRIM notices and that the Board can make changes before the final assessment roll goes out in September, but any changes would have to be at or below the assessment approved today.

After some more Board discussion, Commissioner Marino then made a **motion** to adopt Resolution No. 2022-01, adopting a Fiscal Year 2022/2023 budget as amended to \$15 per acre. There was a second by Mr. Lolmaugh, and that **motion** passed 5-0.

Mr. McElligott will bring the budget back to the Board before the final assessment roll is to be sent to the counties to see if the Board wants to make any further changes.

4. Consider Resolution No. 2022-02 Adopting a Fiscal Year 2022/2023 Meeting Schedule.

Mr. McElligott presented Resolution No. 2022-02:

RESOLUTION NO. 2022-02

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
PAL- MAR WATER CONTROL DISTRICT ESTABLISHING A
REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2022/2023
AND SETTING THE TIME AND LOCATION OF SAID DISTRICT
MEETINGS: AND PROVIDING AN EFFECTIVE DATE.**

After a brief discussion, Mr. Gazza then made a **motion** to adopt Resolution No. 2022-02, adopting a Fiscal Year 2022/2023 Meeting Schedule as presented. There was a second by Commissioner Marino, and that **motion** passed 5-0.

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*At this time Commissioner Marino had to leave the meeting at 1:26 pm.

L. ADMINISTRATIVE MATTERS

1. Financial Report

Mr. McElligott pointed out the financial report in the Board book and explained that most of this has already been covered during the budget discussion.

2. Consider Invoices

The invoices were approved, as presented, on a **motion** made by Mr. Gazza, seconded by Commissioner Jenkins, and the **motion** carried 4-0.

M. LANDOWNER ITEMS

There were no Landowner comments.

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

Mrs. Regina Wood from Martin County stated that she feels that no action should be taken regarding the issuing of an easement until after the election issues have been resolved. She also wanted to reiterate that the residents of Martin County and Palm Beach County are landowners that are represented by the Commissioners.

Dr. Tred Rissacher, a recent landowner who bought from Be a Man Buy Land, wanted to reiterate that while there are a lot of people out there, the majority of them are good people who want to keep the place clean and beautiful and are sympathetic to the complaints of Trail Side and others. He reminded everyone that the County had a chance to buy the land years ago and they did not so the new landowners are now out there enjoying it.

Mr. Meier again representing the Trail Side community listed concerns related to people in Pal-Mar WCD riding motorcycles, ATVs, and buggies along the boarder between Pal-Mar WCD and Trail Side which is spooking their horses and not allowing Trail Side owners the ability to use the bridle path at the border of the properties. Mr. Meier asked what Pal-Mar WCD is doing to stop this activity. Mr. Berman explained that Pal-Mar WCD can not do anything to curb this activity. Pal-Mar WCD does not have any policing powers, so Trail Side would need to contact Martin County sheriffs and FWC if there is illegal activity affecting Trail Side.

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O. BOARD MEMBER COMMENTS

Mr. Berman responding to Mrs. Wood gave some historical information regarding the conflicting interest over the years between individual landowner Board members and government landowner Board members and how the latter has a long history of blocking interest of the individual landowners. Mr. Berman reiterated that the governments had the opportunity to buy this land back in the 90's and they did not. Now there are a growing number of private landowners wanting to use their land, but it was preventable.

Mr. Lolmaugh did comment that he had spoken with FWC out in Pal-Mar WCD, and they are checking papers to make sure there are only landowners out there.

P. ADJOURNMENT

There being no further business to come before the Board, at 1:57 pm a **motion** to adjourn the meeting was made by Mr. Gazza, with a second by Mr. Berman. The **motion** carried unanimously

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 July 13, 2023 at 9:00 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 (2023), 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

JULY 13, 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
July 13, 2023
9:00 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. June 1, 2023 Regular Board Meeting.....Page 29

I. Old Business

1. Update on Adding a Pipe Gate to Control Access Coming Off of Beeline Highway.....Page 36

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

K. Status Report

1. Legal – Status Report

2. Engineer – Status Report

3. District Manager Report

4. Field Maintenance Report.....Page 41

L. Administrative Matters

1. Financial Report.....Page 43

2. Consider Invoices.....Page 44

M. Landowner Items

N. Comments from the Public for Items Not on the Agenda

O. Board Member Comments

P. Adjourn

Miscellaneous Notices

Published in The Palm Beach Post on June 28, 2023

Location

Palm Beach County, Florida

Notice Text

PAL-MAR WATER CONTROL DISTRICT NOTICE OF RECONVENED LANDOWNERS MEETING, AMENDED NOTICE OF ANNUAL LANDOWNERS MEETING AND NOTICE OF BOARD OF SUPERVISORS MEETING NOTICE IS HEREBY GIVEN that the June 1, 2023, Annual Landowners Meeting of the Pal-Mar Water Control District (the District) was recessed and re-noticed and will reconvene on July 13, 2023, at 9:00 a.m. in the Martin County Commission Chambers Administrative Center located at 2401 SE Monterey Road, Stuart, Florida 34996.

The primary purpose of the Annual Landowners Meeting is:

1. To elect Supervisors;
2. To receive annual reports and take such action with respect thereto as the Landowners may determine; and
3. To transact any such other business as may properly come before the Meeting.

Immediately following the Reconvened Landowners Meeting, the Board of Supervisors will also hold a Regular Board of Supervisors Meeting. The primary purpose of the Board of Supervisors Meeting is to consider any business which may properly come before the Meeting.

A copy of the Agenda 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.

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 proceeding and such person may need to ensure that a verbatim record of the proceeding is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at this meeting should contact the District Manager at 561-630-4922 and/or toll-free number at 1-877-737-4922 at least forty-eight (48) hours prior to the date of the meeting.

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

Pal-Mar Water Control District

www.palmarwcd.org

8948014 6/21 6/28/23

Miscellaneous Notices

Published in Stuart News on June 21, 2023

Location

Martin County, Florida

Notice Text

PAL-MAR WATER CONTROL DISTRICT NOTICE OF RECONVENED LANDOWNERS' MEETING, AMENDED NOTICE OF ANNUAL LANDOWNERS' MEETING AND NOTICE OF BOARD OF SUPERVISORS' MEETING NOTICE IS HEREBY GIVEN that the June 1, 2023, Annual Landowners' Meeting of the Pal-Mar Water Control District (the "District") was recessed and re-noticed and will reconvene on July 13, 2023, at 9:00 a.m. in the Martin County Commission Chambers Administrative Center located at 2401 SE Monterey Road, Stuart, Florida 34996. The primary purpose of the Annual Landowners' Meeting is: 1. To elect Supervisors; 2. To receive annual reports and take such action with respect thereto as the Landowners may determine; and 3. To transact any such other business as may properly come before the Meeting. Immediately following the Reconvened Landowners' Meeting, the Board of Supervisors will also hold a Regular Board of Supervisors Meeting. The primary purpose of the Board of Supervisors' Meeting is to consider any business which may properly come before the Meeting. A copy of the Agenda 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. 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 proceeding and such person may need to ensure that a verbatim record of the proceeding is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based. In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at this meeting should contact the District Manager at 561-630-4922 and/or toll-free number at 1-877-737-4922 at least forty-eight (48) hours prior to the date of the meeting. Meetings may be cancelled from time to time without advertised notice. Pal-Mar Water Control District www.palmarwcd.org Publish: June 21, 28, 2023
TCN5739497

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
JUNE 01, 2023

A. CALL TO ORDER

District Manager Michael McElligott called the June 01, 2023, Regular Board Meeting of the Pal Mar Water Control District to order at 10:30 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 9/23/2022, as legally required.

C. SEAT NEW BOARD MEMBERS

This item was tabled due to an advertisement issue with the Landowners Meeting. The Landowners Meeting has been recessed and will be reconvened on July 13, 2023, at 9:00 am at the Martin County Commission Chambers, 2401 SE Monterey Road, Stuart, Florida 34996.

D. ADMINISTER OATH OF OFFICE

This item was tabled due to an advertisement issue with the Landowners Meeting. The Landowners Meeting has been recessed and will be reconvened on July 13, 2023, at 9:00 am at the Martin County Commission Chambers, 2401 SE Monterey Road, Stuart, Florida 34996.

E. ESTABLISH QUORUM

A quorum was established with the following attendees:

Commissioner Maria Marino	Present
Commissioner Sarah Heard	Present
George Stokus	Present
Bob Berman	Absent
Lewis Lolmaugh	Present

Also, in attendance were staff members:

District Manager Michael McElligott	Special District Services, Inc
General Counsel Mary Viator	Caldwell & Pacetti, et al
Betsy Burden	Caldwell & Pacetti, et al
Bill Doney	Caldwell & Pacetti, et al

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
JUNE 01, 2023

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

F. ELECTION OF OFFICERS

This item was tabled due to an advertisement issue with the Landowners Meeting. The Landowners Meeting has been recessed and will be reconvened on July 13, 2023, at 9:00 am at the Martin County Commission Chambers, 2401 SE Monterey Road, Stuart, Florida 34996

G. ADDITIONS, DELETIONS, OR MODIFICATIONS TO THE AGENDA

There were no additions or deletions to the agenda.

H. APPROVAL OF MINUTES

1. April 5, 2023, Regular Board Meeting

After review, the April 5, 2023, Regular Board Meeting minutes were then approved as presented on a **motion** made by Mr. Stokus, seconded by Commissioner Heard. The **motion** carried **4-0**.

I. OLD BUSINESS

1. Update on Adding Pipe Gate to Control Access Coming Off of Beeline Highway

Mr. McElligott explained that Mr. Higgins put together some plans which were in the meeting material to review. Mr. McElligott said that as the Board requested, those plans were also sent to Mr. Yustin at Martin County. Unfortunately, Mr. Higgins was not able to attend today's meeting to further present the item. Mr. Yustin did address the Board and feels that bollards would be a better option at this location. His reasoning is because directly behind where the gate would be there are some wetlands so it would not be a good location for access. He suggested that if the Board needed access to maintain the works of the District, they should place a gate in a different location. Mr. Lolmaugh did not feel like that area had wetlands covering enough of the area behind the gate so that they would prevent using the gate as access. After some discussion, the Board directed that this item be brought back to the next meeting. In the meantime, Mr. Stokus and Mr. Lolmaugh said they will contact Mr. Yustin separately to make sure everyone is

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
JUNE 01, 2023

comfortable with knowing the exact location and conditions for that area to better make a decision on that item.

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

The Board directed that this item be brought back to the next meeting since Mr. Higgins was not present today.

3. Update on Hourly Rate for Inspector / 1099 Maintenance Supervisor

The Board discussed what they envisioned as the scope and amount of time required for this position. Mr. McElligott explained that to this point he has received a verbal proposal from Mr. Ray Spears of \$95 per hour, and Mr. Higgins indicated a junior engineer in his office would perform the duties at approximately \$120 per hour. The Board directed Mr. McElligott to explain the expectations of the position to Mr. Spears and have him submit a formal proposal that can be used to draft an agreement and bring it back to the next meeting.

4. Update on District Map

The Board directed that this item be brought back to the next meeting since Mr. Higgins was not present today.

5. Update on Hired Off Duty Officer to Protect the Works of the District

Mr. McElligott explained that by the time the official agreement was executed, the off-duty officers began working towards the end of April, beginning of May, so at this time they have been out there for approximately 1 month. Officer Smith addressed the Board to go over his view of that first month. He feels the month went very well and that the off-duty officers were able to provide a lot of education to landowners they came across. Officer Smith said they may recommend moving days around, between weekend days and weekdays, but he said he would wait until after July 1st to make the formal recommendation. Officer Smith informed the Board of SFWMD / FWC's intention to close "gate 1" to Pal-Mar WCD landowners as of July 1. This information was provided to those landowners via a letter sent out in the past few weeks. The Board directed that there be no changes made to the current arrangement until after July 1 to see what impact the closing of that gate will have.

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
JUNE 01, 2023

J. NEW BUSINESS

1. Update on Contract for New Maintenance Contractor

Per the previous direction from the Board, Mr. Lolmaugh met with Mr. Wallace to determine the appropriate frequency for the mowing activities put forth in the RFP Mr. Wallace had won at a previous meeting. Based on the new frequency, Mr. Wallace presented a proposed amount of \$76,800. Mr. Lolmaugh explained that he feels this mowing job can wait until about January or February based on the current conditions, since the last mowing was not that long ago. There was some discussion regarding the difference in the extent of the mowing done by Mr. Wallace vs Mr. Gazza. While Mr. Wallace did mow to the specification given to him with the last proposal, Mr. Gazza did mow to a greater extent in the areas that he mowed. Commissioner Heard asked Mr. Wallace if he could mow to the same extent that Mr. Gazza did. Mr. Wallace said he could, but he would have to go back out to the site to examine the difference and might need to adjust his proposed amount. Since there is no rush to have the mowing done in the near future, the Board asked Mr. Wallace to come back to the Board in September with a proposal based on mowing to the same extent Mr. Gazza did.

2. Consider Resolution No. 2023-01 Adopting a Fiscal Year 2023/2024 Budget.

Mr. McElligott presented Resolution No. 2023-01:

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.**

Mr. McElligott presented the budget to the board. Mr. McElligott explained to the Board that with the collection of all past due SFWMD funds, Pal-Mar WCD has a very healthy fund balance of over \$1.8 million dollars. Mr. McElligott explained several different scenarios open to the Board, include having no assessment which utilizes all carryover funds, keeping the assessment at its current \$9 per acre rate

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
JUNE 01, 2023

which utilizes a small amount of carryover funds, or increasing it to somewhere in the \$15 per acre range to utilize no carryover funds. The actual budget presented in the meeting materials is at the \$9 per acre rate adopted last year as the final rate. Mr. McElligott also reminded the Board that whatever is approved today will go out on the TRIM notices and that the Board can make changes before the final assessment roll goes out in September, but any changes would have to be at or below the assessment approved today. Mr. Lolmaugh had asked why we couldn't do a rate less than \$9, but higher than \$0? Mr. McElligott explained that due to the fact that the County Tax Collector will not send out a bill below a minimum amount, if we used an amount less than \$9 per acre, those that only own a half or a quarter acre would never get a bill, which creates problems with fairness and voting.

After some more Board discussion, Commissioner Heard then made a **motion** to adopt Resolution No. 2023-01, adopting a Fiscal Year 2023/2024 budget as presented at \$9 per acre. There was a second by Mr. Stokus, and that **motion** passed **3-1** with Mr. Lolmaugh dissenting.

3. Consider Resolution No. 2023-02 Adopting a Fiscal Year 2023/2024 Meeting Schedule.

Mr. McElligott presented Resolution No. 2023-02:

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.

Mr. McElligott explained that the meeting schedule keeps the same format, time and location currently being used by the District. Commissioner Heard made a **motion** to adopt Resolution No. 2023-02, adopting a Fiscal Year 2023/2024 Meeting Schedule as presented. There was a second by Mr. Stokus, and that **motion** passed **4-0**.

*At this time Commissioner Marino had to leave the meeting at 1:26 pm.

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
JUNE 01, 2023

K. STATUS REPORTS

1. Legal – Status Report

District Attorney Mary Viator stated that most of her items had their own agenda item earlier in the meeting, and she has nothing further.

2. Engineer – Status Report

Mr. Higgins was not in attendance.

3. District Manager Report

Mr. McElligott stated that all his items were covered as separate agenda items. He has nothing further.

4. Field Maintenance Report

Mr. Gazza stated they had already gone over maintenance related items in other agenda items.

L. ADMINISTRATIVE MATTERS

1. Financial Report

Mr. McElligott pointed out the financial report in the Board book and explained that most of this has already been covered during the budget discussion.

2. Consider Invoices

The invoices were approved, as presented, on a **motion** made by Commissioner Heard, seconded by Mr. Stokus, and the **motion** carried **4-0**.

M. LANDOWNER ITEMS

There were no Landowner comments.

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

There were no comments from the Public.

PAL MAR WATER CONTROL DISTRICT
REGULAR BOARD MEETING
JUNE 01, 2023

O. BOARD MEMBER COMMENTS

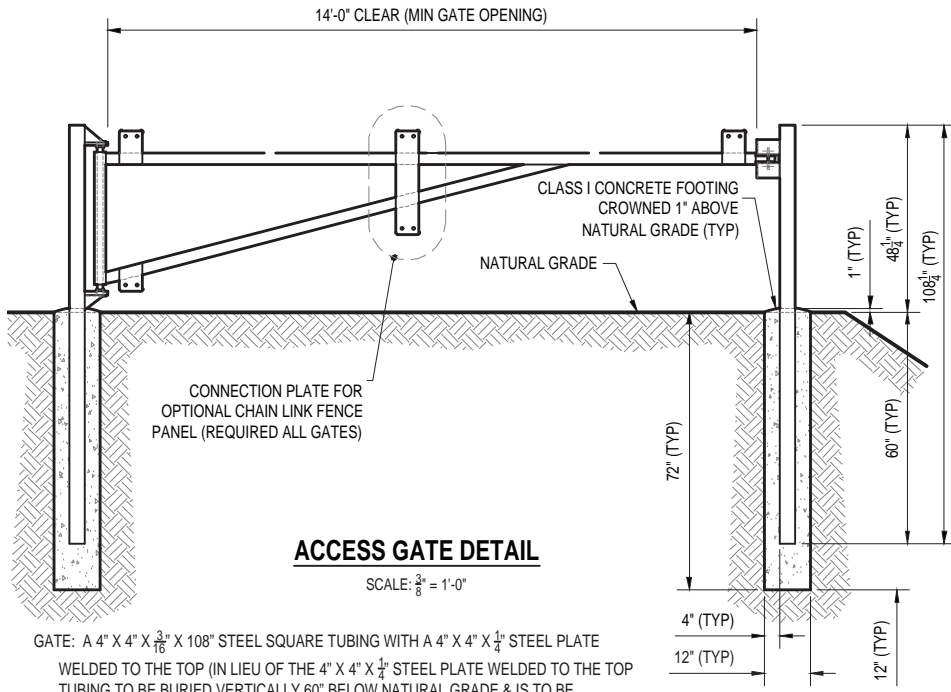
Mr. Lolmaugh asked for information regarding the letter sent out by FWC/SFWMD regarding the July 1 date for changing gate 1. He had not heard about it until just a few days ago. Mr. McElligott explained that this is not a Pal-Mar WCD gate, so the only information we have comes from the letters that were sent out by FWC / SFWMD. Unfortunately, there is no further information we have at this time.

P. ADJOURNMENT

There being no further business to come before the Board, at 11:15 am, a **motion** to adjourn the meeting was made by Commissioner Heard, with a second by Mr. Stokus. The **motion** carried unanimously.

Secretary/Assistant Secretary

Chair/Vice-Chair

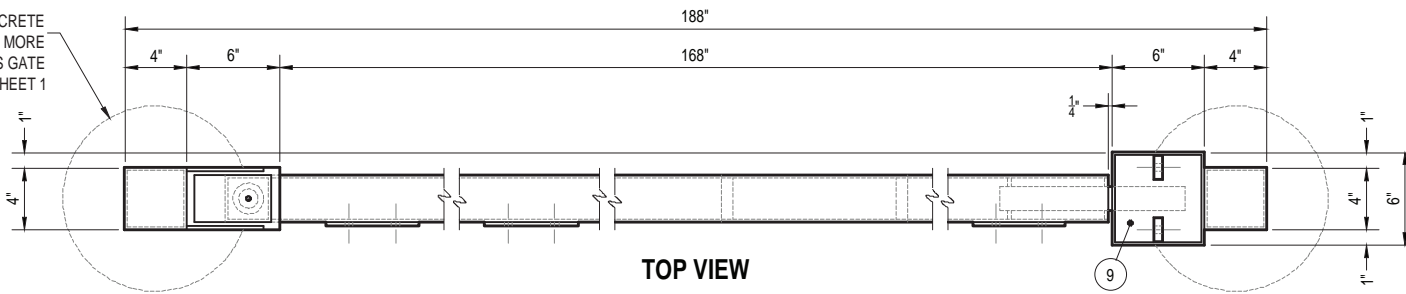


ACCESS GATE DETAIL

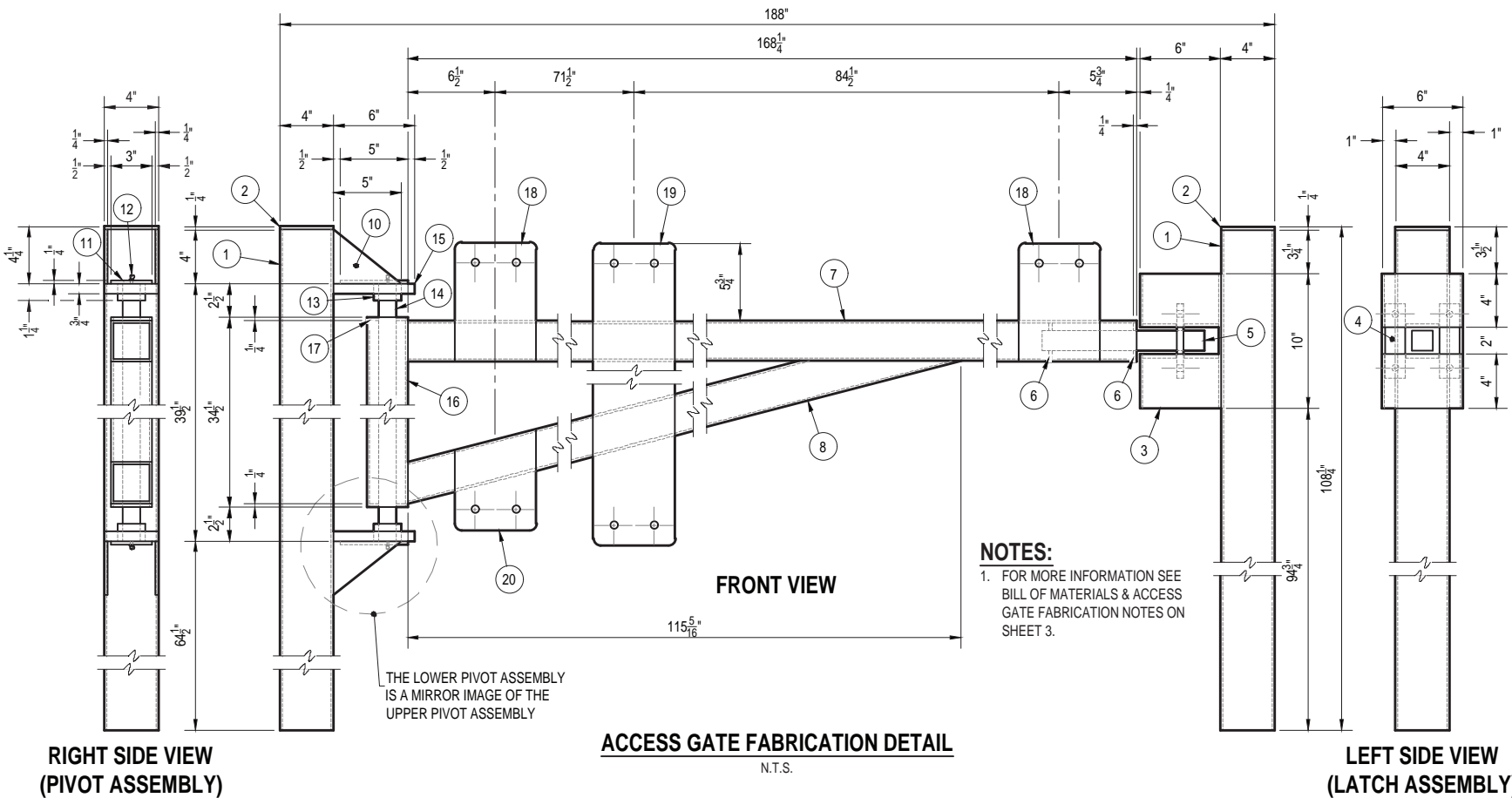
SCALE: 3/8" = 1'-0"

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



ACCESS GATE FABRICATION DETAIL
N.T.S.

NOTES:

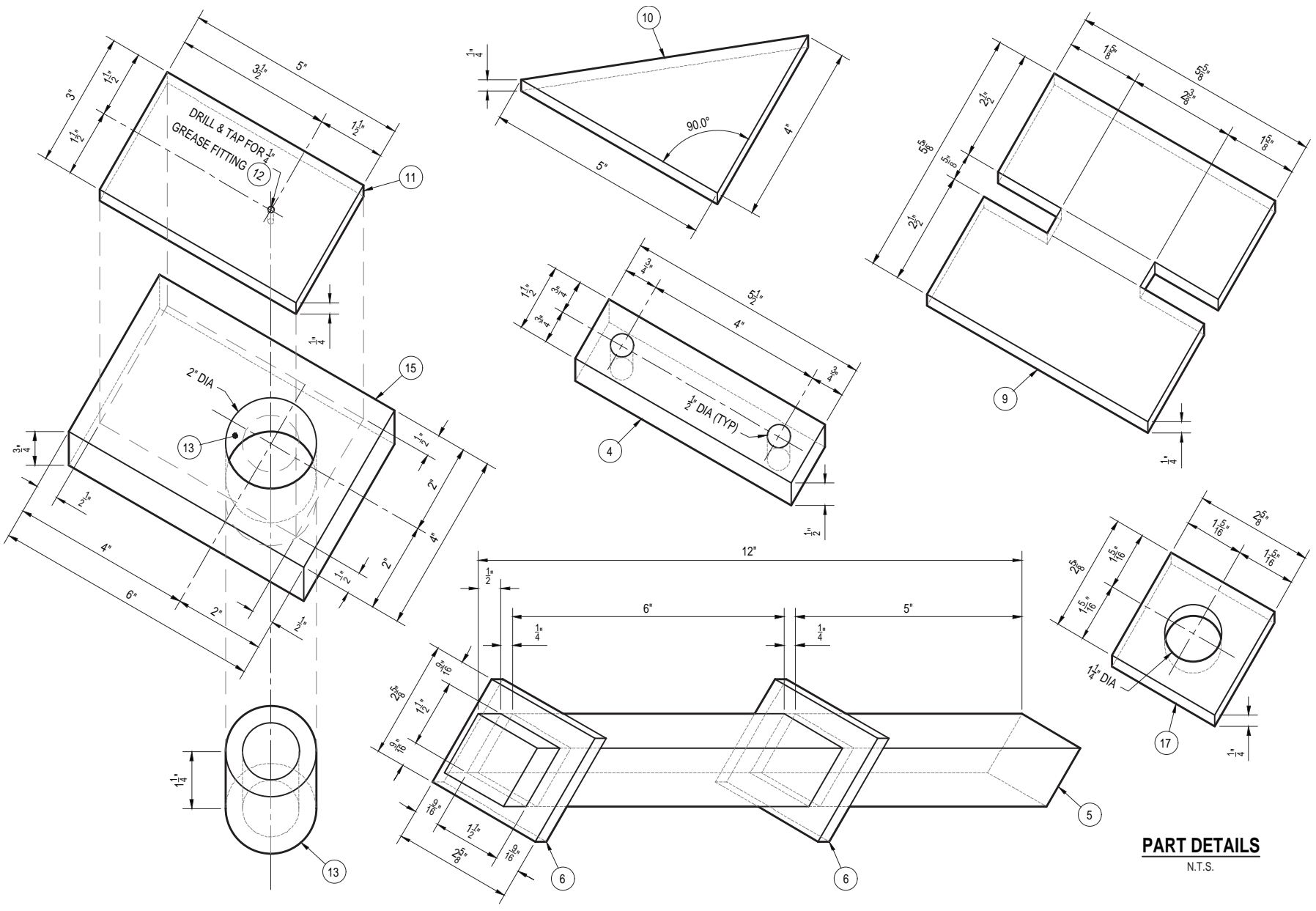
1. FOR MORE INFORMATION SEE
BILL OF MATERIALS & ACCESS
GATE FABRICATION NOTES ON
SHEET 3.

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

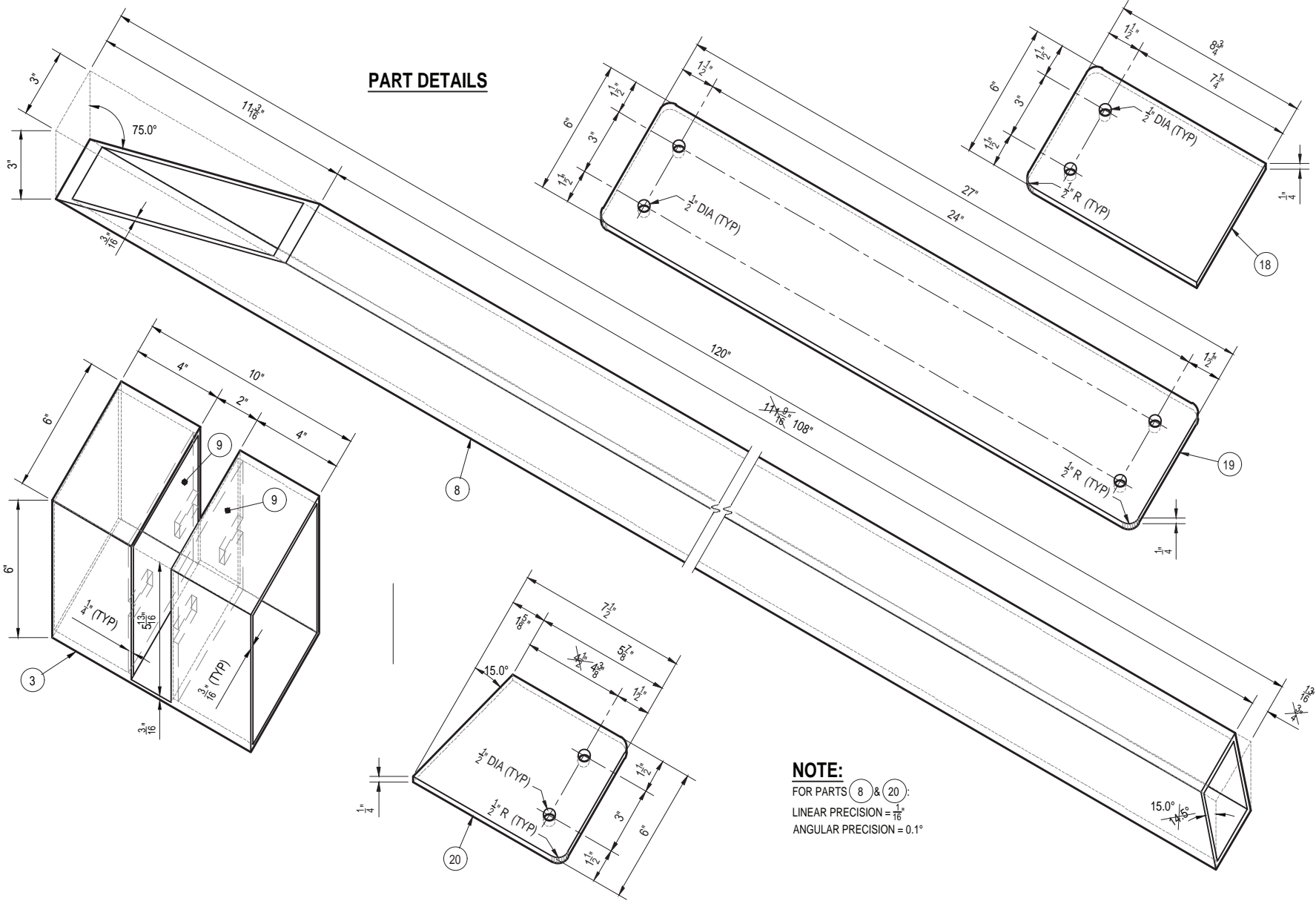
ACCESS GATE FABRICATION NOTES:

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°

The Grassroots Corporation

Certified General Contractor – cgc # 1517651
Office: 561-743-6111 ● Fax: 561-744-8351
6072 Eagles Nest Dr. Jupiter, FL 33458
spear@thegrassrootscorp.com

PROPOSAL

Date: July 2, 2023

Customer: Pal-Mar Water Control District

We propose to furnish on site supervision for the Pal-Mar Water Control District. A field superintendent with a 4wd truck needed for access will be provided with knowledge of land management, construction development & improvements and water control experience. The superintendent duties will include, but not be limited to inspecting washouts and drainage issues, supervising district mowing and aquatic vegetation control contractors and inspect for any potential problems. The principal manager will oversee the superintendent and communicate any problems or concerns with the district board members as well as the subcontractors.

This proposal is based upon a minimum of one 8 hour day per week @\$95.00 per hour = \$760.00 per day x number of weeks per month.

Additional needs upon request:

- Superintendent - to be billed at the rate of \$95.00 per hour with a 4 hour minimum per trip (1 hour travel time to and from Jupiter office and 3 hours on site)
- Principal manager –Additional needs such as attendance at board meetings, meetings with land owners, government agencies, district engineers, handling of contract procurements or the like will be billed at the rate of \$125.00 per hour

Thank you for your consideration,

Proposal accepted _____
date

Ray Spear
GRASSROOTS representative

customer

RE: Palmar Maintenance Supervisor Position agenda backup

I am licensed/insured and have an extensive knowledge of the works of the district. I am very familiar with the area and would be willing to provide my services for a fraction of what was quoted. Please see my attached quote.

- Hourly rate (3 hr minimum) on a case by case basis/Upon request. 65\$/hr
- Weekly rate (8 hrs total, 55\$/hr) 440\$. Will include 1-2 visits per week.
- Monthly rate (32 hrs total) 1760\$.
- Yearly rate 21,120\$.

Services to include

- Inspecting the works of the district 1-2x/week for a minimum of 8 hours/week. Frequency of visits will vary depending on if there is active work within the district or during periods of high traffic.
- Monitoring contractors and work performed within the district
- Educating landowners on works of the district which are forbidden from vehicular traffic
- Monitoring landowners who are degrading works of the district and working with law enforcement to facilitate enforcement.
- Light maintenance such as the hand cleaning of culverts within the district
- Basic hand removal of tree limbs that may fall on canal banks
- Once monthly attendance and report at the PMWCD meetings.
- Direct cellular/email reporting to Palmar Engineer and/or Palmar board officials
- Pictures and videos will be available upon request at no additional charge.
- Remote video monitoring of works of the district will be available at an additional fee.

If you are interested in my services, please send me a list of requirements that I can forward to my ins agency to ensure I have proper coverage. Also, if you would, please forward this email to the board for review. I look forward to working with you in the future. Thank you Michael.

Sincerely,

Cory Beaton/Rockabee Ranch Corp
13633 83rd Ln N
West Palm Beach, Fl. 33412
561-723-0264

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

	<u>Oct '22 - Jun 23</u>	<u>22/23 Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
363.100 · O & M Assessments	1,842,771.55	195,638.00	1,647,133.55	941.93%
363.830 · Assessment Fees	-20,350.22	-3,913.00	-16,437.22	520.07%
363.831 · Assessment Discounts	-1,081.22	-7,826.00	6,744.78	13.82%
369.400 · Other Income	0.00	12,000.00	-12,000.00	0.0%
369.401 · Interest Income	7,871.42	360.00	7,511.42	2,186.51%
369.402 · LO Funding Agreements	3,000.00	0.00	3,000.00	100.0%
Total Income	<u>1,832,211.53</u>	<u>196,259.00</u>	<u>1,635,952.53</u>	<u>933.57%</u>
Gross Profit	1,832,211.53	196,259.00	1,635,952.53	933.57%
Expense				
511.310 · Engineering	31,082.55	28,000.00	3,082.55	111.01%
511.311 · Management Fees	27,000.00	36,000.00	-9,000.00	75.0%
511.315 · Legal Fees	36,418.11	60,000.00	-23,581.89	60.7%
511.318 · Assessment/Tax Roll	0.00	5,000.00	-5,000.00	0.0%
511.320 · Audit Fees	4,000.00	4,000.00	0.00	100.0%
511.450 · Insurance	6,291.00	8,300.00	-2,009.00	75.8%
511.480 · Legal Advertisements	3,062.60	2,100.00	962.60	145.84%
511.512 · Miscellaneous	4,193.33	10,000.00	-5,806.67	41.93%
511.513 · Postage and Delivery	116.25	2,000.00	-1,883.75	5.81%
511.514 · Office Supplies	292.80	2,000.00	-1,707.20	14.64%
511.515 · Website Management Fee	1,125.00	1,500.00	-375.00	75.0%
511.540 · Dues, License & Subscriptions	175.00	175.00	0.00	100.0%
512.305 · Maintenance Contract	9,000.00	12,000.00	-3,000.00	75.0%
512.464 · Mowing	32,880.00	0.00	32,880.00	100.0%
512.466 · Maintenance Contingency	6,720.00	0.00	6,720.00	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>164,077.14</u>	<u>196,259.00</u>	<u>-32,181.86</u>	<u>83.6%</u>
Net Ordinary Income	<u>1,668,134.39</u>	<u>0.00</u>	<u>1,668,134.39</u>	<u>100.0%</u>
Net Income	<u><u>1,668,134.39</u></u>	<u><u>0.00</u></u>	<u><u>1,668,134.39</u></u>	<u><u>100.0%</u></u>

Bank Balance As Of 6/30/23	\$ 1,930,473.62
Investment Acct Balance As Of 6/30/23	\$ 43,221.91
Accounts Payable As Of 6/30/23	\$ 23,685.99
Accounts Receivable As Of 6/30/23	\$ 3,000.00
Total Fund Balance As Of 6/30/23	\$ 1,953,009.54

Pal Mar Water Control District
Custom Transaction Detail Report
May 24 through June 28, 2023

	Type	Date	Num	Name	Memo	Debit	Credit
Legal Fees							
Caldwell Pacetti Edwards Schoech & Viator							
	Bill	05/30/2023	130757	Caldwell Pacetti Edwards Schoech & Viator	Invoice #130757 Legal Services thru 05.30.23		5,184.72
	Bill Pmt -Check	06/01/2023	1885	Caldwell Pacetti Edwards Schoech & Viator		11,804.46	
	Bill	06/09/2023	130928	Caldwell Pacetti Edwards Schoech & Viator	Invoice #130928 Legal Services 05.30.23-06.09.23		6,115.22
Total Caldwell Pacetti Edwards Schoech & Viator						11,804.46	11,299.94
Engineer Fees							
Higgins Engineering, Inc.							
	Bill Pmt -Check	06/01/2023	1886	Higgins Engineering, Inc.	Inv #2337 Engineer Services 03.16.23-04.15.23	5,629.55	
Total Higgins Engineering, Inc.						5,629.55	0.00
Anne M. Gannon							
	Bill Pmt -Check	06/01/2023	1884	Anne M. Gannon	Prorated Share of Tax Roll Postage Costs FY 2023	2.00	
Total Anne M. Gannon						2.00	0.00
CA Florida Holdings, LLC							
	Bill	05/31/2023	5605676	CA Florida Holdings, LLC	Statement #5605676 Notice of LO Mtg & Reg Board Mtg		556.20
Total CA Florida Holdings, LLC						0.00	556.20
Management Fees							
Special District Services, Inc.							
	Bill	05/31/2023	2023-0498	Special District Services, Inc.	Management Fees		3,462.43
	Bill Pmt -Check	06/01/2023	1890	Special District Services, Inc.	Management Fees	3,462.43	
Total Special District Services, Inc.						3,462.43	3,462.43
Miscellaneous							
Lumberjack Land Management LLC							
	Bill	05/27/2023	1036	Lumberjack Land Management LLC	Invoice #1036 Lawn Maintenance May 2023		1,000.00
	Bill Pmt -Check	06/01/2023	1887	Lumberjack Land Management LLC	Invoice #1036 Lawn Maintenance May 2023	1,000.00	
	Bill	06/27/2023	1037	Lumberjack Land Management LLC	Invoice #1037 Lawn Maintenance June 2023		1,000.00
Total Lumberjack Land Management LLC						1,000.00	2,000.00
Martin County Sheriff's Office							
	Bill Pmt -Check	06/01/2023	1888	Martin County Sheriff's Office		4,800.00	
	Bill	06/04/2023	14876	Martin County Sheriff's Office	Pal-Mar Detail 06.03.23-06.25.23		1,920.00
Total Martin County Sheriff's Office						4,800.00	1,920.00
Sir Speedy Printing Center							
	Bill Pmt -Check	06/01/2023	1889	Sir Speedy Printing Center	Invoice #121876 Notice of Annual Meeting Flyer M	2,485.05	
Total Sir Speedy Printing Center						2,485.05	0.00
Treasure Coast Newspapers							
	Bill	05/31/2023	5632639	Treasure Coast Newspapers	Inv#5632639 Notice of LO Mtg & Reg Board Mtg		383.04
Total Treasure Coast Newspapers						0.00	383.04
TOTAL						29,183.49	19,621.61