

St. Lucie West Services District
Public Hearing & Regular Board Meeting Minutes
August 5, 2014, at 9:00 a.m.
450 SW Utility Drive
Port St. Lucie, Florida 34986

(Please note: This is not verbatim. A CD recording of the Regular Board Meeting is available on file.)

Board Members Present

Harvey Cutler, Chairman
Everett Child, Vice Chairman
Charles B. Altwein, Secretary
Vincent D'Amico, Supervisor
Sal Mancuso, Supervisor

Staff Present

Dennis Pickle, District Manager, St. Lucie West Services District ("SLWSD")
Bill Hayden, Public Works Director/Assistant District Manager, SLWSD
Maddie Maldonado, Office Manager, SLWSD
Dan Harrell, District Counsel, Gonano & Harrell
Bob Lawson, District Engineer, ARCADIS-US, Inc.
Jason Pierman, District Treasurer, Special District Services, Inc. ("SDS")
Laura Archer, Recording Secretary, SDS

Guests Present (Sign-In Sheet Attached)

A. Call to Order

Chairman Cutler called the Regular Board Meeting to order at 9:00 a.m.

B. Pledge of Allegiance

Chairman Cutler then asked for a moment of silence, given all the maladies currently in the world.

C. Roll Call

It was noted that all 5 Supervisors were present.

D. Approval of Minutes

- 1. June 30, 2014, Workshop**
- 2. July 1, 2014, Regular Board Meeting**

A **motion** was made by Vice Chairman Child, seconded by Supervisor D'Amico approving the minutes of the June 30, 2014, Workshop, as amended, and the July 1, 2014, Regular Board Meeting, as presented. Upon being put to a vote, the **motion** carried 5 to 0.

Chairman Cutler then recessed the Regular Board Meeting at approximately 9:01 a.m.

E. Public Hearing 1
1. Call to Order

Chairman Cutler opened Public Hearing 1.

2. Roll Call

It was noted that all 5 Supervisors were present.

3. Receive Public Comment on Amending Chapter A-II of the Rules of the Board of Supervisors of the St. Lucie West Services District Regarding Amounts Paid for Supervisor Services

There was no public comment on Amending Chapter A-II of the Rules of the Board of Supervisors of the St. Lucie West Services District Regarding Amounts Paid for Supervisor Services.

PH 1 – Consider Resolution No. 2014-04 – Amending Chapter A-II of the Rules of the Board of Supervisors of the St. Lucie West Services District Regarding Amounts Paid for Supervisor Services

Resolution No. 2014-04 was presented, entitled:

RESOLUTION NO. 2014-04

A RESOLUTION AMENDING CHAPTER A-II OF THE RULES OF THE BOARD OF SUPERVISORS OF THE ST. LUCIE WEST SERVICES DISTRICT REGARDING AMOUNTS PAID FOR SUPERVISOR SERVICES; PROVIDING AN EFFECTIVE DATE.

Chairman Cutler asked that the amendment be read into the record. Mr. Pickle indicated that the 4 main amendments were as follows:

Section 13. AMOUNTS PAID FOR SUPERVISOR SERVICES

(d) (i) The Supervisor is unable to attend a meeting in person or by teleconference due to his or her personal illness or injury, or the illness, injury, or death of a relative (as defined in Section 112.3143, Florida Statute(s) of the Supervisor;

- (d) (ii) The Supervisor is a member of a committee or subcommittee approved by the Board, and the Supervisor participates in a meeting of the committee or subcommittee that directly conflicts with a Board meeting;
- (d) (iii) The Supervisor is assigned to jury duty that directly conflicts with a Board meeting;
- (d) (iv) The Supervisor is a member of the Florida National Guard or the reserve of any branch of the United States military, and is called to active military duty that directly conflicts with a Board meeting; or
- (d) (v) Other good cause shown.

Chairman Cutler then asked for a motion on the matter.

A **motion** was made by Supervisor Mancuso, seconded by Secretary Altwein to adopt Resolution No. 2014-04, as presented.

Vice Chairman Child asked if the resolution is not adopted and a Supervisor misses a meeting, could the 4 Supervisors who were in attendance vote to allow the compensation of the absent Board Member. Vice Chairman Child also asked, without this action, would a Board Member be compensated for attending the meeting via Skype or conference call. Mr. Harrell indicated that the Board could not vote on whether to compensate the absent Board Member if this resolution is not adopted today, but if the Board Member was present for the meeting via Skype or conference call, they could be compensated.

The Board Members then took this opportunity to voice their concerns, should the resolution be adopted today and also express their belief that they should be considered employees of the District and should reap the benefits extended to other employees.

The Board then asked for public comment on the matter.

Gregg Ney, a resident of the District, indicated it was a thorny issue and expressed his opinion that the Board gets compensated for their participation at the meetings; he noted the compensation may not be well, but regardless, it's compensation. He further indicated that he believes that it is the Board's duty to bring wisdom, and knowledge and to give direction to staff. It is Mr. Ney's belief that Board Members should not be compensated for not attending a meeting.

Steven Dewey, also a resident of the District, agreed that \$4,800 annually is not the appropriate compensation and should be increased. Mr. Dewey was advised that the maximum amount of annual compensation was set by Florida Statute. Mr. Dewey indicated that if the annual amount could not be increased then he had no objection to the amendment.

Vice Chairman Child noted that when each Supervisor ran for office they knew the rules and what the compensation would be.

Chairman Cutler asked Mr. Harrell if he represented any special districts who have brought this subject up to which Mr. Harrell replied he did not.

Chairman Cutler asked Mr. Pierman if his office managed any special districts who have had this matter come up to which Mr. Pierman replied that all the Supervisors they work with are compensated for their attendance at the meetings.

Supervisor Mancuso's **motion** was reiterated, seconded by Secretary Altwein to adopt Resolution No. 2014-04, as presented. Upon being put to a vote, the **motion failed** on a vote of 2 to 3 with Supervisor D'Amico, Vice Chairman Child and Chairman Cutler dissenting.

At approximately 9:47 a.m., Chairman Cutler closed the Public Hearing and reconvened the Regular Board Meeting.

E. Public Comment

There was no public comment at this time.

F. District Attorney

DA 1 – Memorandum No. 14-07 – Takeover of Street to Lake Drainage

Mr. Harrell presented the item indicating that this was the final phase of a project that began several years ago. He noted that conveyance instruments are being presented for signature, which formally allows District staff onto private property in order to perform maintenance for certain street to lake drainage facilities. He recommended approval.

A **motion** was made by Vice Chairman Child, seconded by Secretary Altwein approving the execution of conveyance instruments relative to the takeover of the Street to Lake Drainage, as presented.

Under discussion, Gregg Ney, a resident of the District, congratulated the Board for their vision and taking the appropriate responsibilities.

Vice Chairman Child's **motion** was reiterated, seconded by Secretary Altwein approving the execution of conveyance instruments relative to the takeover of the Street to Lake Drainage, as presented. Upon being put to a vote, the **motion** carried 5 to 0.

G. District Engineer

DE 1 – Approval of Work Authorization No. 4D-18-1407-SU between SLWSD and Menin Development, Inc.

Mr. Lawson presented the item indicating that the subject had been thoroughly discussed at yesterday's Workshop.

A **motion** was made by Vice Chairman Child, seconded by Supervisor D'Amico approving Work Authorization No. 4D-18-1407-SU between SLWSD and Menin Development, Inc., as presented.

Discussion ensued regarding the developer's responsibilities with regard to the maintenance and upkeep of the exfiltration trench.

Mr. Lawson suggested adding a condition to the Work Authorization which would spell out that the maintenance of the exfiltration trench is the responsibility of the developer.

Chairman Cutler suggested making that condition part of the general policy. Mr. Harrell noted whether stated or not, the landowner is responsible for the maintenance.

Discussion ensued regarding the policing of these exfiltration trench, which it was decided would be very difficult.

An amendment was made to the original motion to include the condition that the maintenance of the exfiltration trench would remain a responsibility of the applicant. The maker of the motion (Vice Chairman Child) and the second (Supervisor D'Amico) agreed to the amendment.

Vice Chairman Child's **motion** was reiterated, seconded by Secretary Altwein approving Work Authorization No. 4D-18-1407-SU between SLWSD and Menin Development, Inc. with the added condition that the maintenance of the exfiltration trench remain the responsibility of the applicant. Upon being put to a vote, the **motion** carried 5 to 0.

DE 2 –Acceptance of Bid from Johnson-Davis, Inc. for the 2C/3B Gate Construction Project

Mr. Lawson presented the item reminding the Board that staff was recommending acceptance of the Johnson-Davis bid due to the mathematical error in the bid from Melvin Bush Construction.

A **motion** was made by Vice Chairman Child, seconded by Secretary Altwein accepting the \$186,000 bid from Johnson-Davis, Inc. for the 2C/3B Gate Construction Project, as presented.

Under discussion, Secretary Altwein asked if the motion could be amended to state a not to exceed amount of \$186,000.

Mr. Lawson indicated it was a lump sum bid and could not be changed without a Change Order and approval from the Board.

Mr. Pickle presented the easement which will provide power to the Wastewater Treatment Plant.

A **motion** was made by Secretary Altwein, seconded by Vice Chairman Child approving the Underground Easement for FPL, as presented. Upon being put to a vote, the **motion** carried 5 to 0.

DM 2 - District Manager Annual Performance for 2014

Mr. Pickle presented the item for approval.

Discussion ensued about the difference between (a) and (b). Mr. Pickle indicated that (a) was a more neutral position, whereas (b) affirms that the District Manager's performance is considered satisfactory or better.

A **motion** was made by Secretary Altwein, seconded by Supervisor D'Amico approving choice (b) Taking action to extend this Agreement for one additional year beyond its then-current term. Upon being put to a vote, the **motion** carried 5 to 0.

DM 3 – Authorization to Approve Blue Cross and Blue Shield Health Insurance Provider

Mr. Pickle presented the item reminding the Board that Mary Leighton had further negotiated the renewal since the meeting booklet had been printed and that a new abstract for item DM – 3 had been distributed to the Board which indicates an overall 5.5% decrease for the current Plans 5467 and 5462. He recommended approval.

A **motion** was made by Vice Chairman Child, seconded by Secretary Altwein adopting the negotiated renewal of Health Insurance Plan 5467 and the 5462 step-up plan proposal from Blue Cross and Blue Shield of Florida. Upon being put to a vote, the **motion** carried 5 to 0.

DM 4 – Approval of District's Holiday Schedule for 2015 Calendar Year

Mr. Pickle presented the item indicating that the schedule presented does not take into account the 4 ten hour work shifts. If it is found to have a substantial cost savings and the 4 ten hour work shifts is implemented permanently, then this schedule will change.

A **motion** was made by Vice Chairman Child, seconded by Supervisor D'Amico approving the District's Holiday Schedule for the 2015 Calendar Year, as presented. Upon being put to a vote, the **motion** carried 5 to 0.

DM 5 – Consider Resolution No. 2014-05 – Establishing the Fiscal Year 2014/2015 Workshop and Regular Meeting Schedule and Location

Mr. Pickle presented Resolution No. 2014-05, entitled:

RESOLUTION NO. 2014-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ST. LUCIE WEST SERVICES DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2014/2015 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Pickle noted that publishing the entire Workshop and Meeting Schedule would be more cost effective than publishing each individual meeting and he recommended approval.

A **motion** was made by Secretary Altwein, seconded by Supervisor D'Amico to adopt Resolution No. 2014-05, as presented. Upon being put to a vote, the **motion** carried 5 to 0.

DM 6 – Authorization to Approve Change Order #1 to Dunkelberger Engineering & Testing

Mr. Pickle presented the item indicating that the purchase order was originally issued to Dunkelberger Engineering & Testing in the amount of \$24,870 and was based on an estimated number of samples and concrete pours. Because it was an estimate and the amount approved is not enough to complete the project, Change Order #1 is being presented for Board approval for an additional \$9,830. He recommended approval.

A **motion** was made by Supervisor D'Amico, seconded by Vice Chairman Child authorizing Change Order #1 for the Wastewater Treatment Plant Expansion Project to Dunkelberger Engineering & Testing in the amount not to exceed \$9,830, as presented. The Available Project Budget is \$445,019.03; This Project Cost is \$9,830; leaving an Available Balance of \$435,189.03. Upon being put to a vote, the **motion** carried 5 to 0.

DM 6 – Supplement to Investment Banking Agreement

The item was presented and it was explained that this supplemental agreement was necessary in order to complete the refunding of all un-refinanced remaining SLW bonds. Its approval was recommended.

A **motion** was made by Vice Chairman Child, seconded by Secretary Altwein approving the August 5, 2014, Supplement to the Investment Banking Agreement

dated April 2, 2013, regarding Bond Issuances by St. Lucie West Services District with MBS Capital Markets, LLC. Upon being put to a vote, the **motion** carried 5 to 0.

Discussion then ensued about the timing of the next Board Meeting and the possibility of the necessity of holding a Special Board Meeting between today and the next scheduled Board Meeting in September. Mr. Pickle indicated that the letter of intent for the bond refinancing would definitely be on the agenda and, depending on the timing of the matter, a Change Order for the Wastewater Treatment Plant Expansion Project could also be addressed at that time. Two dates were discussed: August 19th and August 20th. Mr. Pickle indicated he would get in touch with Kevin Mulshine to determine which date the Special Meeting could be set for.

J. Supervisor Requests

Supervisor Mancuso brought up the policy for Board Members attending meetings via telephone. He noted that the policy does not state what the conditions are for such an attendance. He further noted that it was his belief that if a Board Member attends a meeting by telephone that that Board Member should be in communication at the beginning of the meeting until the adjournment. He indicated that the arrival and departure time of any teleconferencing Board Members should be noted in the record.

Supervisor D'Amico indicated he would be traveling as of August 13th and may not be able to attend neither the August or September meetings. He did indicate that, if available, he would attend by telephone.

Secretary Altwein had no requests.

Vice Chairman Child wished to commend Messrs. Harrell and Pickle for the preparation of the Memorandum on Supervisor Compensation. He believed they did a wonderful job tightening up the requirements even though the matter was voted down.

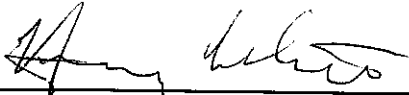
A motion was made by Supervisor Mancuso requiring that Board Members who attend Board Meetings via telephone, must attend the entire meeting in order to be compensated. The **motion failed** for lack of a second.

There were no other comments or requests.

K. Adjournment

There being no further items to be addressed, the Regular Board Meeting was adjourned at 11:26 a.m. There were no objections.

Regular Board Meeting Minutes Signature Page



Chairman/Vice Chairman



Secretary/Assistant Secretary

Date Approved 09-09-14