

St. Lucie West Services District
Regular Board Meeting Minutes
November 5, 2013, 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 Board Meeting is available on file.)

Board Members Present

Harvey Cutler, Chairman
Everett Child, Vice Chairman
Charles 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
Molly Rottinghaus, District Counsel, Gonano & Harrell
Bob Lawson, District Engineer, ARCADIS-US, Inc.
Jason Pierman, Assistant 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

C. Roll Call

Ms. Archer took roll, noting that all five Board Members were present.

D. Approval of Minutes

- 1. October 7, 2013, Workshop**
- 2. October 8, 2013, Regular Board Meeting**

<p>A motion was made by Vice Chairman Child, seconded by Supervisor D'Amico approving the minutes of the October 7, 2013, Workshop, and the October 8, 2013, Regular Board Meeting, as presented. Upon being put to a vote, the motion carried 5 to 0.</p>
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E. Public Comment

Tony Stachewicz, a resident of the District, indicated that it was his belief that the Board was overpaid for their attending 2 meetings per month. He did not agree with holding a Workshop and a Regular Board Meeting every month and believes it wastes money. He believes one meeting per month is sufficient.

Tony Roach, also a resident of the District, asked if the District was treating the white flies in the preserves. Mr. Hayden indicated they have not yet looked into it, but will do so in the coming week.

Mary Leighton of BenefitAbility gave a brief overview of the Affordable Care Act and distributed a leaflet on the implementation timeline of the Health Care Reform. She also noted that although the premiums for the District's health insurance had been negotiated for no increase this year, she advised to expect a 4 to 5% increase next year.

F. District Attorney

DA 1 – Consider Draft Proposed Amendment to Chapter A-II, Rules of Board of Supervisors of the St. Lucie West Services District – New Section 13

Ms. Rottinghaus presented the item, indicating that the Board had requested that an amendment to the District's Rules of Board of Supervisors be made by adding a Section 13, Amounts Paid for Supervisor Services. Ms. Rottinghaus indicate she was seeking approval of the Board to move forward with the amendments.

Supervisor D'Amico indicated he had a comment on the matter.

Chairman Cutler asked for a motion so that it could be discussed.

A motion was made by Secretary Altwein, seconded by Supervisor D'Amico to discuss a Resolution on the Proposed Amendment to Chapter A-II, Rules of Supervisors of the St. Lucie West Services District – New Section 13.

Supervisor Mancuso asked for clarification of the motion.

Ms. Archer re-read the motion.

Supervisor Mancuso indicated that Supervisors were entitled to receive a payment for an amount not to exceed \$200 per meeting, not to exceed a total amount of \$4,800 per year. He noted that Board Members were not employees, but rather elected officials. Chairman Cutler indicated Supervisor Mancuso had made his point.

Vice Chairman Child noted being uncomfortable with the approach and was not in favor of it as written. Supervisor D'Amico indicated he believed the Chairman was correct in asking for a legal opinion on the matter, but thinks the only justification a Supervisor would have to miss a meeting and to get paid would be that he is attending to District business. He noted he would vote against the proposed change.

Secretary Altwein indicated that a policy change looks like a correction to the rules and agrees that Supervisors should be paid if they have any excused absence. Vice Chairman Child noted that we had already heard from a resident earlier in the meeting who thinks \$400 per month is too much and he believes the public would take this revision poorly, believing that it could be perceived as trying to get out of attending meetings. Discussion ensued regarding the work put forth by the Board of Supervisors.

Chairman Cutler then indicated he would appoint a committee of 2 Board Members to sit with the attorney and Mr. Pickle to work on this matter. Mr. Pickle reminded Chairman Cutler that he could only appoint a committee of one because of the Sunshine Law violations. Chairman Cutler appointed Supervisor D'Amico to meet with the attorney and the District Manager to address the caveats which may satisfy the Board. Discussion ensued regarding the Chair's ability to appoint a committee. Vice Chairman Child then asked what the prior motion was. Mr. Pickle indicated the motion was for discussion purposes only and that no action is necessary. Only if the Board wishes to proceed with the Public Hearing date does the Board need to approve a motion to move forward. Chairman Cutler indicated that the committee appointment was to discuss the matter with the attorney and District Manager and bring it back to the Board.

**G. District Engineer
DE 1 – Status Report**

Mr. Lawson indicated he was working with the City and permitting agencies on the design of the mitigation of the District's own property. He noted that a meeting would be scheduled to meet with the HOA Board of Lake Forest. Mr. Lawson also updated the Board on recent complaints about drainage in the Cascades NW corner. He noted that the Cascades had engaged an engineer and that he was working with him. He noted that he had found a weir well that was not known, which has since been removed and said removal will give some positive benefit.

Mr. Lawson had no further updates.

- H. Consent Agenda**
- CA 1 - Monthly Report on Public Works Operations**
 - CA 2 - Monthly Report on Utilities Operations**
 - CA 3 - Monthly Report on Capital Improvement Projects**
 - CA 4 - Monthly Report on Billing and Customer Service**
 - CA 5 - Financial Statements for September, 2013**
 - CA 6 - Consider Approval to Transfer Funds for the R&R Account, the WCF Account and the WWCF Account Requisitions**

A **motion** was made by Vice Chairman Child, seconded by Secretary Altwein approving Consent Agenda Items CA 1 through CA 6, as presented. Upon being put to a vote, the **motion** carried 5 to 0.

**I. District Manager
Action Items**

DM 1 - Declaration of Surplus Equipment

Mr. Hayden presented the item, indicating that the matter had been discussed at the prior day's Workshop. He recommended approval.

A **motion** was made by Secretary Altwein, seconded by Vice Chairman Child approving the declaration of surplus equipment, as presented in item DM-1. Upon being put to a vote, the **motion** carried 5 to 0.

DM 2 - Consider Resolution No. 2013-16 – Adopting an Amended Budget for Fiscal Year 2012/2013

Mr. Pickle presented Resolution No. 2013-16, entitled:

RESOLUTION NO. 2013-16

**A RESOLUTION OF THE ST. LUCIE WEST SERVICES DISTRICT
ADOPTING AN AMENDED FISCAL YEAR 2012/2013 BUDGET; AND
PROVIDING AN EFFECTIVE DATE.**

Mr. Pickle explained that the adoption of an amended budget is required by Florida Statute within 60 days of the end of the fiscal year and he recommended approval.

A **motion** was made by Vice Chairman Child, seconded by Supervisor D'Amico approving the First Amendment to Utility SCADA System Service Agreement, as presented. The **motion** carried 5 to 0.

DM 3 - Consider Approval of SW075 Wastewater Treatment Plant Expansion Project

Mr. Pickle presented the item, noting that the matter had been discussed at yesterday's Workshop. He re-read the conditions, as outlined in the abstract and recommended approval.

A **motion** was then made by Vice Chairman Child, seconded by Secretary Altwein approving SW075 Wastewater Treatment Plant Expansion Project and the following conditions: (a) conditionally accept the Wharton-Smith, Inc. base bid together with Alternate Bid Items #6, 7, 8, 9, 12, 13, 14, 15, 16 and 17, for a total project cost not to exceed \$10,830,500, subject to the Contractor and the District negotiating additional deductions mutually acceptable to the parties; (b) delegate to the District Manager

authority to negotiate such additional deductions on behalf of the District; and (c) direct that District staff either (1) issue an Notice of Award and request that Performance and Payment Bonds be submitted for contract preparation, if and when the Contractor and the District Manager reach agreement upon acceptable scope reductions and final project cost, or (2) if the parties do not reach agreement on scope reductions and final project cost, reject all bids received and proceed to rebid the project.

Under discussion, Supervisor D'Amico asked about Item #18, Landscaping & Grassing, if it was included in condition (a) or deleted. Mr. Pickle indicated it was included and will require permitting from the City.

Vice Chairman Child's **motion** was reiterated, seconded by Secretary Altwein approving SW075 Wastewater Treatment Plant Expansion, as outlined in conditions (a), (b) and (c) in agenda item DM-3. Upon being put to a vote, the **motion** carried 5 to 0.

Supervisor D'Amico left the meeting at this time.

DM 4 - Approval of SW071 Change Order #1 for the Reverse Osmosis Water Treatment Plant Expansion Project

Mr. Pickle presented the item noting that it had been thoroughly discussed at yesterday's Workshop. He recommended approval.

A **motion** was made by Secretary Altwein, seconded by Vice Chairman Child accepting SW071, the Wharton-Smith, Inc. Change Order #1 for the Reverse Osmosis Water Treatment Plant Expansion Project for an amount not to exceed \$18,058, as presented. This project is being funded out of the Water Connection Fee Fund for the current fiscal year; the Water Connection Fee Fund Balance before the Project: \$986,040; This Project: \$18,058; leaving a Water Connection Fee Fund Balance after Project: \$967,982. Upon being put to a vote, the **motion** carried 4 to 0.

Mr. Pickle then distributed the FASD information to the Board.

Ms. Rottinghaus brought back the committee appointment by Chairman Cutler and noted that under the Rules of Parliamentary Procedure committees must be appointed on a motion. Chairman Cutler withdrew his request for a committee appointment for the moment.

Please note – This portion of the meeting was transcribed verbatim.

Mr. Pickle: The only other thing that we handed out yesterday, if you want Mr. Hayden to go back through it again is the...uh...Fertilizer Program. I guess what we need is direction from staff...or from the Board is do you want us to prepare a formal presentation for the Board...this is a rough draft, it is not the final version...uhh...but we'll be glad to go over it today. There are a few more members in the audience...or

we can get prepared to do a Power Point presentation at a later Board Meeting if you would like.

Chairman Cutler: I think it's fairly, pretty self-explanatory, particularly with the...uh...diagram that you presented with it. The important thing is to get it out to the homeowners' associations...and um...how you want to go about doing that...you know whether through the Presidents' Council or with a direct...with a...with a...mail to each homeowners' association or what...or if the Board may have any suggestions as to how to do that...but, it's important it gets out to the HOAs.

Secretary Altwein: Mr. Chairman?

Chairman Cutler: Mr. Altwein.

Secretary Altwein: Thank you. I think it is important to get out to the HOAs. I think it's also important to get out to the landscapers...

Chairman Cutler: Yes.

Secretary Altwein: ...the landscapers...but I just got the feeling that they...they're just gonna look at it, yawn and do as they damn well please anyhow. I've seen it happen time and time again. Do we have any policing powers or any capabilities of imposing some kind of sanctions against these people that we find in violation? It just seems like we're spinning our wheels if we just tell them this is the way you should do it and then they just go ahead and do it their own way anyhow.

Mr. Hayden: Mr. Chairman, Mr. Altwein...I think our only option with that is if we have multiple...um...times where this is happening and we're...they're creating algae constantly, we can defer our costs that we...for, for cleaning the mess up each time and move those on to the HOA.

Secretary Altwein: Okay. Has...have we ever done that before?

Mr. Hayden: Not yet, no.

Secretary Altwein: Will we do it more...

Mr. Hayden: If we see that we're getting multiple algae growths in the lake, you know, from fertilizer, from, from you know, mowers blowing grass clippings into the lake, yeah, we can do that.

Secretary Altwein: Can, can we legally establish that?

Mr. Pickle: What, what, what I was gonna say is this is gonna come back to the Board as a change in the policy already in 2014/2015 as part of your study...

Mr. Hayden: I think this is in the policy for 04/05 already.

Mr. Pickle: There is a policy in...

Mr. Hayden: Each, each HOA has already got a copy of their own specific fertilization program, okay. It's from (inaudible) 2004/2005. The issues that we're having is every time they get a new HOA Board in there, we have to re-present this program to them because they end up losing it, or...or something like that. So, we basically...we sent it to all the HOAs (inaudible) the individual one...we're gonna update this in 2014/2015 where we're gonna actually go in, redo soil samples, check the...the nutrients in the soil, see what they specifically need...each HOA is gonna need and then we'll go from there. This is basically to take to an HOA and...and...and...and do a presentation to the HOA or to the Presidents' Council...

Secretary Altwein: Okay. So, it would be then we...we would be holding the HOAs responsible?

Mr. Hayden: Correct.

Secretary Altwein: They, in turn, will be holding the landscapers responsible.

Mr. Hayden: ...the landscapers responsible. Right.

Secretary Altwein: Okay. As long as we can make them think that this is more...more...they have to pay more attention to it than just...oh that's just something they want you to do.

Mr. Pickle: We believe right now there is a way to recuperate the costs, recoup the costs of the clean ups in the current policy, but we will research that and get back to you. If not, we'll come back as part of the next recommendation for this policy to capture those costs.

Secretary Altwein: Okay. And they're gonna be made aware of that?

Mr. Hayden: Uh huh.

Secretary Altwein: That if there's a problem, they're gonna have to pay?

Mr. Hayden: It's...yeah, yeah.

Secretary Altwein: Okay, thank you.

Please note – This ends the verbatim transcription of this portion of the minutes.

Ms. Archer then advised the Board of her research on the possibility of the District publishing legal advertisements in *Your Voice*. She noted that although it is a newspaper of general circulation, it does not have the capability of providing legal advertising. However, the *Veterans' Voice*, also a newspaper of general circulation which covers 5 counties (Okeechobee, Martin, St. Lucie, Brevard and Indian River)

is hoping to be able to publish legal ads in the next 4 to 6 months. Ms. Archer indicated she would follow up in the coming months.

Mr. Pickle indicated he had nothing further.

J. Supervisors' Requests

Secretary Altwein asked for clarification of Ms. Leighton from BenefitAbility, asking if she was trying to sell us a policy. Mr. Pickle stated that Ms. Leighton was here to answer questions about the Affordable Care Act, that she is currently the District's health insurance broker and has done a very good job for us.

Supervisor Mancuso suggested a 5 minute break for Supervisor D'Amico to return.

Chairman Cutler called for a 5 minute recess at approximately 10:38 a.m.

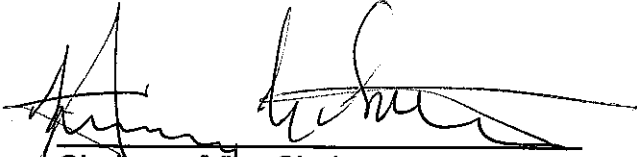
Chairman Cutler called the meeting back to order at approximately 10:47 a.m.

There were no further comments.

K. Adjournment

There being no further business to come before the Board, a **motion** was made by Supervisor Mancuso, seconded by Secretary Altwein to adjourn at the meeting at 10:48 a.m. There were no objections.

Regular Board Meeting Minutes Signature Page



Chairman/Vice Chairman



Secretary/Assistant Secretary

Date Approved 12/03/13