

**MINUTES  
NORTH PALM BEACH HEIGHTS  
WATER CONTROL DISTRICT**

**June 25, 2013 at 7:00 p.m.**

**Jupiter Library  
705 Military Trail  
Jupiter, FL 33458**

The June 2013 Annual Budget Meeting of the North Palm Beach Heights Water Control District (“District”), having been duly advertised and posted, was held on June 25, 2013 at the Jupiter Library, 705 Military Trail, Jupiter, FL 33458. The meeting was called to order at 7:01 p.m., the Pledge of Alliance was recited and roll call was taken:

**Present**

Jeff Iravani  
Brett Carpenter  
Wally Baldwin  
Lee Hintemeyer  
Lynn McCullough

**Chairman’s Opening Comments:**

The purpose of this meeting is to ratify the budget for the new fiscal year starting October 1, 2013 running through September 30, 2014. All of the Supervisors previously reviewed the budget.

**Budget for 2013/2014 Fiscal Year**

The budget for the new year will total \$246,075.00:

<b><u>Revenues:</u></b>	\$228,850.00
Interest:	\$ 2,225.00
Miscellaneous:	\$ 15,000.00
<b><u>Total Revenue:</u></b>	<b>\$246,075.00</b>

**Expenses:**

Maintenance of the Interior	
Canal Cleaning:	\$ 85,000.00
Engineering Supervision Fees	<u>\$ 50,000.00</u>
<b>Total</b>	<b>\$135,000.00</b>

**Administration:**

Office Rent & Expenses	\$ 16,000.00
Insurance	\$ 5,500.00
Telephone & Electric	\$ 4,500.00
Supervisor Fees	\$ 12,125.00
Engineering	\$ 10,000.00
Secretary Fees	\$ 7,325.00
Payroll Taxes	\$ 1,625.00
Attorney's Fees & Legal	
Advertising Fees	\$ 40,000.00
Fiscal Audit Fees	<u>\$ 14,000.00</u>
<b>Total</b>	<b>\$111,075.00</b>

**Tax Roll Preparation:**

Collections	\$ 10,000.00
Contingency	\$ 0
<b>Total</b>	<b>\$ 10,000.00</b>

**Total Budget:** **\$246,075.00**

A motion was made to accept the budget for 2013-2014 as written and read into the meetings and the motion carries.

The assessment is reduced to \$164.05 per lot. This is due to the fact that the bonds were paid off in the Fall of last year so the debt portion of the assessment has gone away , which reduced everybody to the \$164.05. The maintenance portion was always the same for everybody. The only debt assessment that was different were the homes in the south end of the Heights, but that is all taken care of.

**Report by Mr. Baldwin, District Attorney:**

1. Executed statements of financial interest were submitted to the Palm Beach County Supervisor of Election for all District Board members.

2. The proposed tax role has been provided by Palm Beach County Tax Collector's Office for review. District lots will be reflected by actual acreage as opposed to the previous years where they showed a general lot size. Now with GPS they can have a much more accurate read per lot.
3. Mr. Baldwin and Mr. McCullough attended the Florida Association of Special District Conference.
4. There is a new Senate bill that is pending approval by the Florida Governor. Mr. Baldwin provided a summary of the proposed bill to the other supervisors. Currently, the Florida Constitution North Florida Sunshine Law specifies that members of the public have the right to speak at public meetings. The District already complies with that but they are trying to enact a law that provides the right. The Bill creates a new section that requires members of the public to be given a reasonable opportunity to be heard on a proposition considered by the Board. The Bill authorizes the Board to adopt rules or policies governing how the meetings are run and the opportunity for members of the public to speak. If it is approved by the Governor, it will take effect October 1, 2013. Mr. Baldwin reiterated that the District already complies with it.
5. Mr. Baldwin advised that Chairman McCullough is currently listed as the Registered Agent for the District. The legal purpose of a registered agent is to receive any type of service in a legal action. The District is not incorporated but created via a Court Order in the 1950s, but it is still registered with the State of Florida. Mr. Baldwin suggested that the Board should pass a resolution at the next meeting formally adopting Mr. McCullough as the Registered Agent and putting it on the District's website.
6. The new Senate bill that is coming out provides for any governmental entity can pass rules governing how the public speaks at meetings. Mr. Baldwin recommended adopting By-Laws. They can be very simple and can set out how the meetings are run, a division of duties amongst Board members, clarifying who is the Chairman, Secretary, etc. They can also establish any procedure for the public to speak at meetings. Some Boards have the public fill out cards with their names and addresses so they know who was speaking.

**Report by Jeff Iravani, District Engineer:**

1. The third canal cleaning is underway.
2. The vegetation behind Egrets Landing still hasn't been ground and is scheduled to be ground this week and then the fence can be relocated and then that project will be done.
3. Repairs and washouts were done on NC-5.

4. Several canal restorations were done behind individual lots on NC-3.
5. Mr. Iravani did not bring the paperwork for Palm Beach County Local Mitigation Strategy so perhaps the Board can make a decision at the next meeting to adopt it.
6. NRCS informed us that now they have funds for Sandy and the District is asking for some additional funds and reallocate some funds so the NC-5 can be restored from Marion Street to Heights and they agreed to do it. Hopefully they funds will be available in January so the entire NC-5 will be restored to the design section.

**Items by the Board Members:**

**Miscellaneous Items by the Chairman:**

1. Mr. McCullough advised that typically it would be the attorney as registered agent. If the District were ever involved in a legal action, it would keep them from serving Mr. McCullough directly. Mr. Baldwin will be appointed as the Registered Agent.
2. Mr. McCullough is unsure of what to put in the By-Laws since the District is so small. If Mr. Baldwin could draft something appropriate for the District, then the Board will review it at the September meeting.
3. Mr. McCullough asked about the Water Control Plan. Mr. Baldwin advised they have the Plan of Reclamation that was filed in the 1970s. He is still in the process of determining when it is formally enacted. The original thought was to go ahead and adopt the Plan of Reclamation as the Water Control Plan. The District Engineer has prepared a good Water Control Plan, which can be adopted. There are a lot of procedural requirements for adopting the Water Control Plan so if we can just reaffirm the Plan of Reclamation, he would rather do it. However, it has been difficult because court files from the 1970s have been destroyed and Mr. Baldwin is trying to locate the final approved plan. Mr. Baldwin suggested just adopting the new one if he cannot locate the original one. Mr. Baldwin advised it will be cleared up for the September meeting.
4. Mr. Baldwin stated the Board needs to execute a Resolution adopting the Budget and there is also a certification sheet that needs Board signatures.

The Chairman has Resolution No.   1   of the Board of Supervisors of the North Palm Beach Heights Water Control District, adopting a budget for the Fiscal Year October 1, 2013 through September 30, 2014, both inclusive for North Palm Beach Heights Water

Control District, providing that the annual assessment known as the maintenance tax shall be certified in writing by the Board of Supervisors to the Palm Beach County Property Appraiser and Palm Beach County Tax Collector and providing for an effective date:

- I. Be it Resolved by the Board of Supervisors of the North Palm Beach Heights Water Control District that for the fiscal year ending September 30, 2014, the revenues, expenses and debt service are anticipated as set forth on Exhibit A, attached hereto and made a part thereof.
- II. Upon passage of this Resolution, the Board of Supervisors shall certify in writing to the Palm Beach County Property Appraiser and the Palm Beach County Tax Collector the annual assessment known as the maintenance tax as set forth for each lot within North Palm Beach Heights Water Control District.
- III. This Resolution shall take effect immediately upon its adoption and passed and adopted this 25th day of June, 2013.

Signed by Lynn McCullough, Supervisor and Chairman, attested to by Lee Hintemeyer, Supervisor, and attested to Brett Carpenter, Supervisor.

5. Mr. McCullough asked Mr. Iravani to obtain an updated quote to do NC-5 from Marion west. It may be more economically feasible than for the District to do the entire thing done in one shot. Perhaps they will give a better price to do the second half of the canal bank. Mr. McCullough explained that they are talking about the beginning of NC-5 at the west end of Leslie all the way down to the curve. This would restore and reshape both south end and canal bank. Mr. Iravani confirmed that this includes dredging the bottom as well, not just the bank. It will be a little wider. They are going to maximize the section. They are going to have turf enforcement mats to keep the erosion down. They are also going to have rip rap on the bottom. Mr. McCullough stated that they had spoken about putting some concrete matting, about 300 feet, west of the curve and then maybe 200 feet heading north or something. Mr. McCullough asked Mr. Iravani if he believes that is still advisable. Mr. Iravani advised that there is some sand cement rip rap. The bottom was too high so they excavated that. Mr. Iravani suggested that after they complete the canal, they can take a look at that and see if any improvement is needed. The slopes are protected but the bottom needs to be checked for the appropriate elevation.
6. Mr. McCullough inquired about the water control testing. Mr. Iravani has a pretty good system. It is still being tested on a quarterly basis and the numbers have been good.

**Items by the Public:**

Everybody gets three minutes to say what they have to say or ask questions. All the District asks is that you state your name and address for the record.

Tobin Mann  
6164 Barbara Street

Mr. Mann asked where the interest came from. Mr. McCullough advised it is miscellaneous money the District made for its fees, such as the discharge fees paid by Wal-Mart. He also explained work permit and pool permit money goes to the District, as well.

Part of my property is my property and not your easement. I have a concern about the pool. (Something about irrigation) Plugged in a hole and found a hole the next day. He can't use his sprinkler. Mr. Iravani explained that the District has to go through their house to restore the back of the canal. The canal was restored for Mr. Mann's benefits. The District does keep the easements and the rights, but the District goes through people's yards to fix them. Every one of the residence where it was done, the residents were happy to have it done because it fixed the slope of the canal. As far as if irrigation is torn up, if the contractor caused any damage, he will fix it. The District can get things fixed by the contractor such as the irrigation and sod.

Mr. Mann asked something about the adjacent property. Mr. McCullough asked him to walk the property with Mr. Iravani to show what needs repair. They will make an appointment.

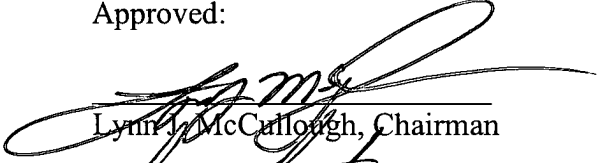
Mr. McCullough explained how the easement agreement works to a member of the public who is concerned about her pool as she purchased her home with the pool already there. She will receive a document, variance, acknowledging pool is in their easement. She had question about the fence and she argued she didn't put it in either. Mr. Iravani explained the difference between Jupiter permits and the District permits. Mr. Baldwin explained the legal process from when house is purchased and surveyed and recorded in the public records. The canal easements were not recorded but the plats were so if you look at the plats, it has the easement on it.

Tom  
64 \_\_\_ Street

Mr. Iravani will look at Tom's property because they are talking about the right-of-way, which is owned by the District, not in the easement. The trees had to be removed in the right-of-way. Sometimes they block the canals.

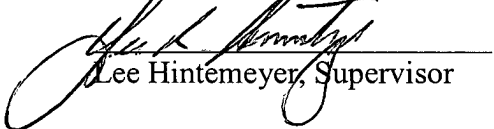
A motion was made to adjourn the meeting at 7:46 p.m. and it carried unanimously.

Approved:



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Lynn J. McCullough, Chairman



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Lee Hintemeyer, Supervisor

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Brett Carpenter, Supervisor