

MINUTES OF THE REGULAR BOARD MEETING
of the
LAKE COUNTY WATER AUTHORITY
September 23, 2009

The regular meeting of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, September 23, 2009 in the Lake County Board of County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

Members Present-District #

Charles Clark (#1)
Nancy Fullerton, Chair (#2)
Carolyn Dillon (#3)
Larry Everly, Jr. (#4)
Linda Bystrak (#5)
Keith Farner, Vice Chair (At Large)
John Harris (At Large)

Staff Present

Michael J. Perry, Executive Director
Patricia Burgos, Environ. Prog. Mgr.
Ben Garcia, GIS Manager
Ron Hart, Water Res. Prog. Mgr.
Lance Lumbard, Water Res. Proj. Mgr.
Carole Barice, LCWA Attorney
Linda Marino, Administrative Assistant
Linda Gavin, Recording Secretary

A list of others present that signed the attendance roster is filed in the permanent files of the Water Authority.

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chairman Fullerton called the meeting to order at 3:30 p.m. and everyone stood for a moment of silent meditation and then recited the Pledge of Allegiance.

2. APPROVAL OF MINUTES

- Regular Board Meeting Minutes – August 26, 2009

Ms. Bystrak requested “be” removed from **page 8, 5th paragraph, last sentence**, “not” changed to no and “sewers” to sewage on **page 15, 1st paragraph**. She stated Mr. Lumbard “could help calculate the numbers” and added Dr. Fulton with the St. Johns River Water Management District (District) will redo the numbers. There being no further corrections, the Minutes were approved as corrected.

- Tentative Budget Hearing – September 9, 2009

There being no corrections, the Minutes were approved as submitted.

3. EXECUTIVE DIRECTOR REPORT

Mr. Perry reported the District released water through the Burrell structure the first week of September at a peak flow of 560 cfs and then reduced it to 32 cfs. Lake levels in the Harris Chain have stabilized, the District opened Moss Bluff for a short time when Lake

Griffin neared its regulatory schedule, and the Clermont Chain remains 3' below the regulatory range. Vice Chair Farnier indicated that he would like to hear an explanation of the District's regulatory schedule and Mr. Perry advised the District is considering changing the schedule and he will invite them to speak at a future Board meeting.

Mr. Perry stated the Nutrient Reduction Facility (NuRF) Grand Opening will be Wednesday, October 14 from 10 a.m. to 2 p.m. with ribbon-cutting at 10 a.m. Over 300 invitations have been sent; staff called legislators, constitutional officers, and elected officials, and will ask the newspapers to write about this event. Chairman Fullerton requested a Water Authority shirt for each Board member to wear at the Grand Opening.

Mr. Perry reported the Daily Commercial's Editorial was related to the Water Alliance and said perhaps the Water Authority should be the entity that carries the duties and responsibilities instead of the Water Alliance. He spoke with Mr. Wallace, publisher of the newspaper and Mr. Wallace stated the public voiced their concern about the progress and future of the Water Alliance in its present form. Mr. Perry stated it is the Daily Commercial's opinion it would be advantageous to have an existing entity accomplish the tasks of the Water Alliance. Mr. Wallace said he is aware it would result in a big change in what the Water Authority does and he understands it may never happen because it would require a legislative change. Mr. Perry stated the newspaper stands by their opinion and Mr. Wallace indicated the newspaper did not write the editorial based on discussions with Board members or the Executive Director.

Chairman Fullerton said she would like the Board to discuss what the Water Authority should do and whether we need to respond or investigate it further at a future meeting. She stated at this point she does not believe there is much to react to; however, it was a big issue a couple of years ago and why Mr. Perry was part of the Water Alliance Technical Committee. She reported last evening she attended a Clermont Council meeting in which they discussed if they wanted to continue being a part of the Water Alliance but decided they did not since they thought they would be unable to talk to each other due to the Sunshine Law. She said the Council indicated that public utilities should serve on the Water Alliance board. She stated that she does not see how Lake County could not have some type of water alliance because if we do not, the Water Authority will pay the consequences of having things done to us rather than having a say in our fate.

Mr. Perry reported staff hand delivered the Lake Beauclair permit application to the Florida Department of Environmental Protection (FDEP) this week. He met with Mr. Kirby Green, Executive Director and Mr. David Fisk of the District and they indicated they will contact the FDEP and voice their support of our permit application and maybe that will help speed up the process because they understand the benefit of this project. The FDEP has 120 days from the permit application date to make a decision on the permit application or request additional information.

Mr. Perry said it is time for his annual review and Ms. Marino has placed an evaluation form at their place. He requested the Board complete and return it in a sealed envelop by

October 9th so that he and Chairman Fullerton can review them and have them at the October Board meeting.

4. DISCUSSION ITEMS

- a. Authorize Alcohol (Beer) Following Rugby Match at Hickory Point Soccer Fields

Ms. Dillon made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION.** Seconded by Mr. Clark, there was no vote at this time.

Ms. Bystrak wanted to ensure that alcohol is sold only to adults. Mr. Perry responded it will be the responsibility of the Central Florida Sports Commission to make sure the purchaser is of legal drinking age.

{Executive Director Recommendation: Authorize the Lake County Soccer League and the Central Florida Sports Commission to provide beer following the rugby tournament only if the beer consumed is limited to a designated and controlled access area, security guards are provided and the appropriate level of insurance is obtained in advance of the event and all other rules related to Hickory Point and the soccer fields are complied with. }

The motion carried 7 – 0.

- b. Flat Island Railroad Right of Way Conveyance

Ms. Burgos stated the right of way conveyance process began in 2007 with Board permission and staff spoke to the City of Leesburg about designating a portion of Flat Island Preserve as a trail corridor.

Ms. Bystrak asked about the trail and Ms. Burgos said it is not an official trail but a railroad corridor that begins north of Owens Road, goes along the edge of Flat Island Preserve, past the CEMEX plant, and ends further north. Ms. Bystrak asked whether it will be a bike trail at some point. Ms. Burgos responded the City of Leesburg has indicated it will have a multipurpose use and because the City has a trails master plan, hopefully the City will acquire the corridor further to the north.

Mr. Everly, Jr. made a motion **TO APPROVE THE RESOLUTION AND QUIT-CLAIM DEED TO CONVEY THE 19± ACRE FLAT ISLAND RAILROAD CORRIDOR TO THE CITY OF LEESBURG FOR PUBLIC CONSERVATION AND RECREATION PURPOSES.** Seconded by Vice Chair Farner with no vote.

Mr. Bill Chrisman, Chief of Police with the City of Leesburg came forward and said the City would very much like it if the Water Authority Board would consider conveying the 19± acres to the City. He said they have been working on several possible trails and have completed the Tav-Lee and Wild-Lee trails that connect Leesburg to Wildwood and

Tavares. He reported that he enjoys exercising at Flat Island Preserve and this conveyance will allow the City to continue building trails; however, it will not occur right away because of the downturn in the economy.

Vice Chair Farner wanted staff to make sure the City of Leesburg pays all surveying costs. Ms. Burgos stated staff used a City surveyor to assist in the corridor description and Attorney Barice added minor changes will be made to ensure accuracy.

(Mr. Everly, Jr. made a motion TO APPROVE THE RESOLUTION AND QUIT-CLAIM DEED TO CONVEY THE 19± ACRE FLAT ISLAND RAILROAD CORRIDOR TO THE CITY OF LEESBURG FOR PUBLIC CONSERVATION AND RECREATION PURPOSES. Seconded by Vice Chair Farner).

The motion carried 7 – 0.

c. Request to Waive Fees for Toys for Tots Event at Hickory Point

Mr. Perry stated Mr. Kline's intent is to hold the Toys for Tots event in the dock area and use the pavilion in case of inclement weather. Mr. Perry said that since many charities request a fee waiver; it is hard to compare one to another but if we waive the fee for this group, we will have to do it for other charities, as well.

Mr. Kline came forward and said this is the U. S. Marine Corps Reserve's third year at Hickory Point and the rental fee has been waived the past two years. He reported the public last year dropped off 2,500 lbs. of toys and \$1,470 in cash. The event will begin at 10 a.m. and end around noon so he is requesting the Water Authority Board waive the rental fee again this year so the money that is collected can be used to buy toys.

Mr. Perry stated in the past, the fee was waived because the Sheriff's Department made the request but the policy has changed and now the Sheriff receives free use of the pavilion during the week but not on the weekend. He mentioned the Board took action on this since the Water Authority frequently is asked to waive the fee. Chairman Fullerton emphasized the Water Authority needs a different charitable organization fee schedule to help the Board decide when they should waive a fee.

Vice Chair Farner asked when Mr. Kline became aware that his organization had to pay a rental fee and Mr. Kline said they were told 60 days ago and the event was booked last December. Vice Chair Farner suggested the Board waive the fee this year but not in the future. Mr. Everly, Jr. asked how many will attend and why they need the pavilion. Mr. Kline said last year 100 people dropped off toys and some used the pavilion because of the cold weather. Vice Chair Farner stated he likes the policy of not waiving fees for charitable events because money is used to refurbish the pavilion but Toys for Tots has a problem since they did not expect to pay a fee this year.

Ms. Bystrak asked the number of charitable events held at Hickory Point each year. Mr. Perry replied he is not sure but he knows Ms. Hodge, Park Manager, tries to locate a

place in the park a charitable event that can be used without having to rent the pavilion. Ms. Bystrak stated Toys for Tots should never be charged a fee since they use the pavilion a short time and that it is good public relations for Hickory Point and the Water Authority to be among the sponsors of this event. Mr. Kline stated the U. S. Marine Corps Reserve would welcome the Water Authority's participation in this event since it is for the children that live in Lake County. He added there were enough toys last year to give some children living in Orange County toys, as well.

Ms. Dillon said the Board cannot look at just one event but must look at others to see how they should be handled and she asked when the policy changed. Mr. Perry replied he does not remember exactly but that Mr. Kline told him they planned to hold the event this year so they probably found out about the fee when they spoke with Ms. Hodge.

Chairman Fullerton felt there was insufficient information about previous Board action to decide on this request. Ms. Bystrak reiterated she would like to know the exact number of charitable events because the only ones she can think of are the bass tournaments and the Renaissance Faire, and they have to pay a fee. She questioned if this issue could wait until next month's Board meeting when they know the exact number of charitable events.

Mr. Everly, Jr. asked the number of anticipated participants and the length of time the pavilion will be used since that should determine the rental fee. Mr. Kline responded in the past they have had as many as 100 people and sometimes they drop off the toys and leave but this year it may be more competitive because each group will weigh their toys.

Vice Chair Farner made a motion TO WAIVE THE FEES FOR THE TOYS FOR TOTS EVENT THIS YEAR AT HICKORY POINT AND IN THE FUTURE THEY ARE AWARE THE WATER AUTHORITY WILL FOLLOW THE POLICY OF NOT WAIVING THE FEES SHOULD THEY CHOSE TO HAVE THE EVENT AT HICKORY POINT. Seconded by Mr. Harris, there was no vote at this time.

Vice Chair Farner stated since the Water Authority has a policy of not waiving a rental fee for a charitable event, he revised his motion to THE WATER AUTHORITY WILL WAIVE THE FEE FOR THE TOYS FOR TOTS EVENT SCHEDULED AT HICKORY POINT FOR THIS YEAR. Seconded by Mr. Clark, with no vote.

Mr. Clark mentioned to the Board that when the Renaissance Faire was at Hickory Point, he stated his position quite clearly. He said he believes the Water Authority should waive the fee for the Toys for Tots event and for other charitable organizations that wish to use Hickory Point because it is good public relations and the Water Authority can afford it.

The motion carried 5 – 2 with Ms. Dillon and Mr. Everly, Jr. voting against.

Mr. Perry stated Mr. Kline operates Sea Tow, an organization that assists boaters when they are unable to reach shore under their own power or have a medical emergency while on the water. He said Mr. Kline is requesting the Board consider waiving the access card

fee but it is staff's recommendation that because Sea Tow is a for-profit industry, Mr. Kline should pay for an access card.

Mr. Clark made a motion TO GIVE MR. KLINE AN ACCESS CARD BUT NOT WAIVE THE FEE. Seconded by Ms. Dillon, there was no vote at this time.

Mr. Kline stated his company is the first to respond and backs up the Sheriff's Department when the Marine unit is unavailable. He said when access at Hickory Point is needed after hours, it is because there is an emergency on the water and many times Sea Tow does not charge a fee.

Capt. Tom Luce with the Sheriff's Office came forward and said it is advantageous for the Sheriff's Office to be able to call Sea Tow late at night and he believes it is a great way to assist boaters in distress.

Ms. Bystrak asked about Sea Tow's membership fee and if they rescue boaters even if they are not a member. Mr. Kline responded the membership fee is \$149/yr. and they do rescue anyone needing assistance even if they are not a member.

Mr. Everly, Jr. said an access card is the cost of doing business and Mr. Harris felt Sea Tow would respond anyway even if they had to pay \$24 for a card. Chairman Fullerton stated Toys for Tots does not have to pay a fee because it is a non-profit event; however, Sea Tow is a for-profit agency so she does not approve of this request. Mr. Kline withdrew his request.

d. Creel Survey Report

Mr. John Benton with the Florida Fish and Wildlife Conservation Commission (FWC) came forward and said he is requesting that the Board approval payment for the next creel survey beginning November 6, 2009 and ending May 6, 2010.

Vice Chair Farner made a motion **TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDED PURCHASE ORDER AS RECOMMENDED BY STAFF WITH THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CREEL SURVEY ON LAKES BEAUCLAIR, DORA, AND CARLTON FOR AN AMOUNT NOT TO EXCEED \$6,000.** Seconded by Mr. Everly, Jr. with no vote. Mr. Everly, Jr. added he does not know how the Board could deny money to the FWC with what Mr. Benton has brought to the Water Authority.

Mr. Benton stated the creel study should capture 90% of the Black Crappie effort and most of the Largemouth Bass effort. Vice Chair Farner said it would give the Water Authority a good estimate of the Largemouth Bass population and it is important to see the numbers because they were stocked in Lakes Griffin and Dora. Mr. Harris asked when the report would be ready and Mr. Benton indicated June of 2010.

Ms. Bystrak asked how many surveys are returned and Mr. Benton said it is a roving creel survey, a creel clerk makes a circuit of the lakes 10 days out of every 28, counts the anglers, how long they have been fishing, and what fish they have caught.

Chairman Fullerton asked if part of the \$6,000 is used for the creel clerk's salary. Mr. Benton responded that it is but that it also pays for gasoline, boat repairs, and when they have to fill in for the creel clerk. Chairman Fullerton stated she read a survey is a way of measuring the impact to the Largemouth Bass stocking program combined with gradual improvements expected from the NuRF. Mr. Benton said indirectly it is a measure of meeting Total Maximum Daily Load goals because if they see water clarity improvements in Lake Beauclair, they also expect to see improved aquatic vegetation and what they measure now will be the baseline to measure improvements against in the future.

(Vice Chair Farner made a motion to AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDED PURCHASE ORDER AS RECOMMENDED BY STAFF WITH THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CREEL SURVEY ON LAKES BEAUCLAIR, DORA, AND CARLTON FOR AN AMOUNT NOT TO EXCEED \$6,000. Seconded by Mr. Everly, Jr.).

The motion carried 7 – 0.

e. Settlement for NuRF Contractor Additional Fees Request

Mr. Perry stated staff briefed the Board in June on the status of the NuRF project and one issue was related to claims made by the contractor for additional work they felt exceeded the requirement of changes to things not appropriately designed. At that time, the Board directed Attorney Horan with Foley and Lardner of Orlando to negotiate with Gibbs and Register on the charges and their request for money for additional work and that effort has been accomplished. Mr. Perry mentioned that he missed one item related to a septic system totaling \$6,400 that would result in a payment to Gibbs and Register of \$69,074, should the Board decide to approve it. The first option is the Board can reject any claim for additional compensation. It is staff's opinion that any changes made in the field were adequately addressed through the engineer's adjustments and the contractor was more than adequately compensated. However, the contractor does not agree with the engineer's assessment or the evaluation of the value of other improvements, and this is the reason the Water Authority is at this point. The second option is to concur with the findings of Attorney Horan and the negotiations he reached with Gibbs and Register and that is that the Board is ready to authorize staff to pay \$69,074 to the contractor for additional fees as a result of design changes and issues in the field.

Attorney Barice said negotiations have been in process since June 2009 and she agrees with staff's recommendation. She said there is a difference between a change order and a claim and she explained a change order is something staff directed the contractor to do but that no change order occurred. She said a claim is when the contractor has to do something because of design defects and the Water Authority still has an issue with the design.

Chairman Fullerton asked if Attorney Barice had talked with Gibbs and Register to see if they would accept a claim payment and Attorney Barice said she has not. Mr. Perry stated Attorney Horan indicated that Gibbs and Register's negotiated amount is \$69,074 and if that amount is approved by the Board, everyone will be satisfied. Vice Chair Farner requested Mr. Everly, Jr.'s thoughts on this claim payment because he is in that type of business. Mr. Everly, Jr. responded that he believes a mistake was made, the paperwork was not in place, and the Water Authority will have to pay \$69,074.

Ms. Dillon made a motion **TO CONCUR WITH THE FINDINGS OF ATTORNEYS BARICE AND HORAN AND APPROVE A SETTLEMENT WITH GIBBS AND REGISTER, INC. FOR \$69,074 FOR CLAIMS OF ADDITIONAL WORK ON THE NURF PROJECT.** Seconded by Vice Chair Farner, the motion carried 7 – 0.

Mr. Perry stated \$69,074 will be included in the claim we make against the design engineer's insurance company and Attorney Barice mentioned that negotiations have already begun with the insurance company's attorney. She said positions have been exchanged and they are waiting on some numbers but they realize the cost of litigation is high, and it makes more sense to resolve this issue. Mr. Everly, Jr. pointed out the amount could be more than the \$69,074 because the Water Authority's request is more. Mr. Perry stated there may be a need for Board authorization to do a budget transfer.

Mr. Everly, Jr. made a motion **TO AUTHORIZE STAFF TO MAKE A BUDGET TRANSFER OF \$69,074, IF NECESSARY.** Seconded by Ms. Dillon, the motion carried 7 – 0.

f. Authorization to Purchase CDARS

Ms. Marino reported that staff sent out thirty-three requests for quotes and United Southern Bank was a Certificate of Deposit Account Registry Services (CDARS) and the other responses were Certificates of Deposit (CDs). Staff is recommending investing \$6,000,000 with BB&T in a CD for six months at an interest rate of 1% with another \$6,000,000 invested in a CDARS at United Southern Bank at an interest rate of 1.75% for one year. She stated she spoke to Ms. Barbara Lehman, Lake County Chief Deputy Clerk and that Ms. Lehman believes BB&T to be a sound institution.

Vice Chair Farner asked if Lake Beauclair's restoration project permitting process will take a year. Mr. Perry stated staff thought about this but did not want to tie up the money just to get a better rate and then not be able to start the project should the permit arrive sooner. Vice Chair Farner asked if the Water Authority will have to pay a substantial amount of money up front, once we get the permit and Mr. Perry explained that nothing is paid up front, it is all done through reimbursement. He said if the contractor begins in 6 months and finishes in 4-5 months, then most of the money will have to be paid to the contractor. Vice Chair Farner asked if the request for quotes was advertised and Ms. Marino explained she did not advertise but used a list of banks Ms. Lehman uses when she sends out quotes for the County.

Ms. Bystrak stated a lot of banks are doing what is called “hybrids” which is the rate increases in six months if the interest rate rises and then there is no penalty. Ms. Marino explained the Water Authority’s CDs are collateralized and we receive a lower rate if the bank has to back up the CDs since they are institutional or negotiable rates, which is the rate the public receives.

Chairman Fullerton referenced a staff memorandum which states “approximately \$12,000,000 in excess operating funds” and asked if they are really excess funds or is the money encumbered for different projects. Mr. Perry explained the funds have not encumbered and will not be until the project is bid.

Mr. Everly, Jr. made a motion **TO EXECUTE THE EXECUTIVE DIRECTOR RECOMMENDATION TO INVEST \$6,000,000 IN A 6-MONTH CD WITH BB&T AT A 1% ANNUAL PERCENTAGE RATE AND \$6,000,000 IN A 12-MONTH CDARS WITH UNITED SOUTHERN BANK AT AN INTEREST RATE OF 1.75%.** Seconded by Ms. Dillon, the motion carried 7 – 0.

Meeting adjourned at 4:50 p.m. for a short recess, the Final Budget Hearing began at 5:05 p.m., ended at 5:15 p.m., and the Regular Board Meeting immediately reconvened.

5. PUBLIC COMMENT

Mr. Sean Parks (past Board member) stated he is the Consulting Planner for the Town of Montverde and they requested that he come before the Board and thank them for the grant money that was used for an aeration system in Lake Florence. The system began operation in April 2009 and the Town noticed a marked improvement in water clarity and a cooler surface temperature.

Mr. Parks referenced the Town’s fertilizer ordinance that he distributed to the Board. He said the Board had said they would give a grant if the system was part of a comprehensive approach to the clean up of that lake and the protection of Lake Apopka. The Town has enacted their new fertilizer ordinance with the help of Water Authority staff; and it is stricter than the State’s because it requires a 25’ setback from the waterline, jurisdictional wetland limits, a two-month black out when fertilizer cannot be applied, a slow-release nitrogen requirement, and limits on phosphorus and nitrogen usage. Mr. Parks stated Florida has passed legislation saying if a municipality passes an ordinance; it has to be stricter than the State’s model. He said they had to consult with the Institute of Food and Agricultural Services, the FDEP, the Agriculture Commission, and they are awaiting comments on their new fertilizer ordinance. He said the Mayor would like to come and relay the Council’s thoughts on this ordinance at a future Board meeting.

Chairman Fullerton asked how the fertilizer ordinance compares with the County ordinance. Mr. Parks said the County is still working on their ordinance and that they have reviewed several other fertilizer ordinances, as well. He stated the Town Council unanimously passed this ordinance and believes it is the right and reasonable approach.

Mr. Everly, Jr. commented the Water Authority cannot enforce a fertilizer ordinance and he felt it would be a waste of time to do anything other than help local entities get an ordinance in place. Mr. Parks stated the Town will not ask for money, they just appreciate Water Authority staff's assistance.

Ms. Bystrak wanted to hear a presentation from the Town and she said if nothing else the Board could write an endorsement letter to anyone wanting to develop a fertilizer ordinance. Vice Chair Farner said he is delighted the Town has an ordinance and he thanked Mr. Parks for taking the lead. He said he would like staff to review it, make any recommendations, and send it on to the County since they are working on their landscape ordinance. Chairman Fullerton said she would like to see this as an agenda item and maybe Mr. Parks can compare the Town's fertilizer ordinance to the County's ordinance. Ms. Dillon stated the Town did exactly what the Board asked because we wanted to make sure that not only the Town completed their aeration system but took other precautions and she said she is encouraged the Town is so far ahead.

Mr. Everly, Jr. said the biggest violators are companies applying fertilizer and Mr. Parks noted when a homeowner buys fertilizer, it is in line with Montverde's ordinance so long as they do not apply it to wetlands or near the shoreline. He stated the State is also trying to make sure that company employees are licensed and trained in fertilizer application.

6. DISCUSSION ITEMS (Continued)

g. Board Meeting Decorum and Role of the Chairman

Chairman Fullerton requested this item moved to the October agenda.

h. Review of Annual Report and Five Year Plan

Ms. Bystrak stated she will be voting against the Five Year Plan because she is against including \$500,000 this year and \$500,000 next year in the Plan for the Dora Canal dredging project. Mr. Perry explained the money is not cumulative but re-budgeted each year. She said what bothers her is the project title because it means the Water Authority will dredge the Dora Canal but we do not know if we will snag it, dredge it, or leave it alone since we have not received a report about what actually should be done. She said she would not mind it as much if the project had a different title.

Mr. Perry suggested Dora Canal Access Improvements and the Board proposed Dora Canal restoration, navigational improvements, or navigational enhancements. Vice Chair Farner said the Board has yet to decide if this project will be done and they discussed spending \$120,000 on a somewhat controversial engineering study so he believes there will be an in-depth discussion about the Dora Canal dredging project when it arises.

Ms. Bystrak made a motion **TO CHANGE THE NAME OF THE DORA CANAL DREDGING PROJECT TO THE DORA CANAL NAVIGATIONAL**

IMPROVEMENT PROJECT. Seconded by Ms. Dillon, motion carried 6 – 1 with Mr. Everly, Jr. voting against.

Ms. Dillon made a motion to **DIRECT THE EXECUTIVE DIRECTOR TO TRANSMIT THE ANNUAL REPORT AND FIVE YEAR PLAN TO THE SENATE PRESIDENT, SPEAKER OF THE HOUSE, THE LEGISLATIVE DELEGATION AND LOCAL ELECTED OFFICIALS IN ACCORDANCE WITH THE GUIDING LEGISLATION.** Seconded by Vice Chair Farner, the motion carried 7 – 0.

i. Items for Discussion at Delegation Meeting

Mr. Perry mentioned the Board voiced their concern about not having a chance to review the information before it is presented to the delegation. He said the September 30th report will summarize Board action supporting the Five Year Plan and update what projects staff has undertaken especially those that have received legislative funds.

Ms. Bystrak read from 2004 and 2005 and 2006 through 2009, Largemouth Bass were stocked in Lake Griffin but she felt that it should have also mentioned Lake Dora. Mr. Perry agreed and said he will make that clarification. Ms. Bystrak asked if Largemouth Bass could be stocked in other lakes and Mr. Perry said it is a complicated process. He added Lake Griffin began the Largemouth Bass population recovery; however, Lake Dora is not as fishy as the FWC would like. Vice Chair Farner noted fish stocked in Lake Griffin have appeared throughout the county and in different parts of Florida.

Mr. Goerner, Vice Chair of the Harris Chain Restoration Council (HCRC) said anglers fish throughout the Harris Chain but the fish population was so low in Lakes Griffin and Dora, the FWC tried to restore not only Largemouth Bass but the predator – prey relationship since it was out of balance. Vice Chair Farner stated at their last meeting, HCRC talked about requesting funds to augment the Lake Beauclair restoration project. Mr. Goerner said HCRC plans to ask for \$6,000,000 for this project and will look into accessing trust fund money. Ms. Bystrak requested a copy of HCRC's yearly report and Mr. Goerner assured her each Board member will receive a copy.

Chairman Fullerton asked if the Board had any further items they want Mr. Perry to report on and Ms. Dillon said Mr. Perry has her comments. Chairman Fullerton mentioned that Mr. Perry usually writes a script for her.

j. Approval of Beauclair Restoration Land Use Agreement

Mr. Lumbard stated this is the predecessor to a very important agreement the Water Authority will have with the District. There are several items staff will talk with District staff about so they can accommodate the requirements that have been placed on the Water Authority by the District. He referenced (6)t in the agreement which discusses a Letter of Credit or alternative form of financial assurance and he said that he is working to determine exactly what that is but staff will indicate that they do not like that particular

term. He said he wants to be sure the Board feels the same and if they have any comments or would like staff to address other issues within the agreement to let him know and he will work with District staff. He stated the District and the Water Authority have worked together for many years and he believes the agreement will include everything necessary and take the guesswork out when the project is finally implemented.

Vice Chair Farner made a motion **TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE ATTACHED DREDGE DISPOSAL PROJECT AT THE WEST MARSH, LAKE APOPKA RESTORATION AREA INTERGOVERNMENTAL AGREEMENT.** Seconded by Ms. Dillon, there was no vote at this time.

Vice Chair Farner asked if staff will continue to discuss (6)t and Mr. Lumbard said he will because there are items that need to be resolved. He added that District staff can still make minor adjustments without having to go back to their Governing Board but if they cannot come to some resolution, staff will bring this agreement to the Board.

Mr. John Harris left the meeting at 5:55 p.m.

The motion carried 6 – 0.

7. LEGAL STAFF REPORT

Attorney Barice stated the agreement with Ms. Adragna included the provision that she must keep her livestock on her property and it has been executed and recorded.

8. ACTION ITEMS

Ms. Dillon made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION ON TABS 14, 15, 17, 18, AND 19.** Seconded by Vice Chair Farner, the motion carried 6 – 0.

- a. Approval of site Resident Leases – Tab 14

{Executive Director's Recommendation: Approve the leases with the LCWA site residents and authorize the Executive Director to execute the agreements.}

- b. Approval of Agreement with USGS for Water Level Monitoring – Tab 15

{Executive Director's Recommendation: Pending the approval of the FY2009/2010 budget, authorize the Executive Director to execute the Joint Funding Agreement between the Lake County Water Authority and the USGS for an amount not to exceed \$128,700.}

c. Approval of LAKEWATCH Funding Agreement – Tab 17

{Executive Director’s Recommendation: Authorize the Executive Director to provide a purchase order to the University of Florida to support LAKEWATCH efforts in Lake County for an amount not to exceed \$110,000.}

d. Approval of Purchase Order for Alum – Tab 18

{Executive Director’s Recommendation: Authorize the Executive Director to generate a purchase order in the amount of \$1,500,000 for purchase of liquid aluminum sulfate from General Chemical Performance Products LLC during the 2009/2010 fiscal year.}

e. Authorization to Amend and Continue Second Year of Fencing and Prescribed Fire Contracts – Tab 19

{Executive Director’s Recommendation: (1) Authorize staff to extend/renew the contracts for Fence Installation and Prescribed Fire Services for FY 2009/2010. (2) Authorize staff to amend the Fence Contract for the addition of a chain link fence line item. (3) Authorize staff to amend the Prescribed Fire Services Contract to include a water tanker line item.}

f. Approval of Agreement with Sheriff’s Office for Marine Deputies Tab 13

Ms. Dillon made a motion **UPON FINAL BUDGET APPROVAL, AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE INTERLOCAL AGREEMENT BETWEEN THE WATER AUTHORITY AND THE LAKE COUNTY SHERIFF TO PROVIDE FOR TWO DEPUTIES FOR AN AMOUNT NOT TO EXCEED \$163,511.** Seconded by Mr. Everly, Jr., there was no vote at this time.

Mr. Clark requested the Deputies come forward and he asked about education, work experience, and certification necessary to be in the Marine unit. Sgt. Hornsby stated he oversees the day-to-day operations and they only accept seasoned officers with at least five years road experience, knowledge of boating, and they must have a U.S. Coast Guard Captain’s License. He said the Water Authority pays for two Marine Deputies; however, when help is needed, other deputies can also assist.

Mr. Clark asked about education, work experience, and certification necessary to become a Deputy Sheriff. Captain Todd Luce reported an individual must have a high school diploma or GED equivalent, 890 hours at the academy, and submit to a thorough background check. Mr. Clark questioned if they are required to take public speaking or education courses. Capt. Luce said they are required to qualify in firearms twice a year, attend professional traffic stop training to teach them how to properly address and converse with one another, and they are currently involved in incident command training. He said he has been in law enforcement for 23 years and in the last ten years, training

requirements have increased tremendously. Mr. Clark asked the number of boats in the Marine unit and was told fifteen including airboats, jet skis, 14' john boat, and other watercraft.

Mr. Clark requested the Marine Patrol Ticket Summary shown on the overhead and pointed to the Marine unit's total number of hours on the water. Sgt. Hornsby stated at a previous Board meeting, he suggested the Board receive the backup information on what the Marine unit does for the Water Authority. Mr. Clark referenced "Type of Offense" and said the Marine Patrol regulates people's behavior by enforcing the law which fits nicely with the description their primary duty is to patrol the waterways and enforce county and State laws. He referenced the 2005 Legislature Florida HR Bill 987 that states the Sheriff's Office is to regulate the public through law enforcement and the Water Authority is to regulate the water by what we do to the dams, streams, lakes. He read from the Sheriff's Office Interlocal Agreement that one deputy will primarily do educational programs and he pointed out the Board recently allocated \$15,000 for a Naturalist and wondered if that individual could do the educational programs. He stated the Water Authority plans to spend \$163,511 on something that does not coincide with the purposes of this agency as per HR Bill 987. Mr. Clark asked if the Water Authority could buy a Menzi muck remover for \$163,511 and Mr. Goerner responded that it would be enough money to buy a used unit but not a new one. Mr. Clark said there are lots of canals needing to be dredged and he believes the Water Authority could better use that money for that purpose.

Mr. Everly, Jr. pointed out the Water Authority used to support bass tournaments but ended up having to request an Opinion from the Attorney General and Auditor General to see if this activity was outside our legislative purposes. He said there is nothing in HR Bill 987 that says the Water Authority is to patrol the water or keep boaters from breaking the law.

Vice Chair Farner said when the HCRC needed help cleaning cattail away from the Burrell structure, it was the Sheriff's Department that helped and he thought maybe the Water Authority had not utilized the department as much as we should have. He said the Water Authority will do habitat restoration projects in the near future and maybe because we have a good relationship with the Sheriff's Department, they can help us.

Chairman Fullerton reported the Water Authority's relationship with the Sheriff's Department was addressed by the Attorney General and it was not a problem. Attorney Barice added she remembers reading the Attorney General did not question the relationship with the Sheriff's Department. However, Mr. Everly, Jr. said this agency did not ask specific questions about its relationship with the Sheriff's Department. Mr. Perry clarified the Attorney General told the Water Authority that we are not to fund fishing tournaments or soccer but is supposed to use their best judgment on how to meet the agency's needs.

Ms. Dillon recalled she and her husband were on the water recently and noticed a Marine Deputy working quite hard to remove two large trees that had fallen across the canal.

They asked why he did not call the Water Authority so that staff could take care of the downed trees and he said there was no reason to call them out on the weekend to take care of something that he can do. She said it is a good example of the things the Marine unit does for the Water Authority. Sgt. Hornsby mentioned that he personally has pulled a dozen trees to the shoreline this year.

Ms. Bystrak reported that she attended the B-Map meeting last week in which Ms. McGuire with the Lake County Water Lab reported while she was on Haynes Creek doing water monitoring in the Sheriff's boat, they came to a site that was discharging illicit water. Ms. McGuire took a water sample, had it analyzed and it contained 16,000 colonies of E.Coli per ml. She notified Code Enforcement and several other agencies. It was discovered the owner recently bought the property, the lift station failed and the owner used a sump pump to pump sewage from the property and the wetland directly into Haynes Creek. Ms. Bystrak stated the Sheriff's Department assisted in shutting down this illicit discharge. She mentioned Ms. McGuire and Ms. Krisovitch at an Adopt-A-Lake workshop instructed new Watershed Action Volunteers on how to monitor the lakes and also taught an Illicit Discharge Workshop in which she participated. She said the volunteers are trained to look for discharge pipes or hoses and then call the Water Lab so the Lab can collect samples. She e-mailed a County Commissioner requesting they contact Sheriff Borders and request we train the Marine unit in how to identify illicit discharges. She emphasized the Water Authority needs the Marine unit to find more illicit discharges.

Chairman Fullerton stated this Board has tried to understand and make our purposes fit or make sense and she has repeatedly said they have been changed, manipulated, and are almost unworkable; however, we do have an Attorney General's Opinion. The Opinion did the Water Authority a favor because we questioned the role of the Sheriff's Department and this agency. She said she does not blame Mr. Clark for trying to justify what this agency does but the phrase that might save the Water Authority is "providing recreational facilities for tourists, citizens and taxpayers in the county by a more efficient use of the streams, lakes and canals". She said efficiency certainly could be a word that encompasses the work of the Sheriff's Department. She said she does not hear Mr. Clark bashing that department, she just hears him questioning the legitimacy of what the Water Authority does in terms of our purposes. She added that is how the Board has always behaved and voted and they have felt the Water Authority needed the Sheriff's Department because they are cooperative and can do great things.

Mr. Clark stated he is not saying the Marine unit doesn't do a good job, they certainly fulfill a need but he questions whether it is the best use of taxpayer money in a time of economic downturn considering the projects that could be done with that money. He said the Marine unit is highly trained and he does not want them to remove the logs because he believes their time could be better spent doing other things and he thanked the Marine unit for their assistance. Ms. Dillon pointed out Messrs. Hart and Lumbard are highly educated and she stated it takes time to reach the water but if the Marine unit is at the site, they can quickly remove a downed tree.

Mr. Bud Anthony came forward and said he has been a Marine Deputy for about eight years and they all carry chain saws on their boats. He said they have worked out a deal with Mr. Perry that if they notice a problem on the waterway, they will take care of it; however, if the tree is too big, they are to call Water Authority staff for help. He mentioned he does the educational programs and even though he is a Deputy Sheriff and works for the Sheriff's Office, the Water Authority funds his position so he feels he works for two separate agencies but he is fine with that. He said the Marine unit does not mind taking care of a downed tree or patrolling Water Authority properties.

Mr. Goerner stated the question is who should pay and in his opinion, this service would not be available from the Sheriff's Department if the Water Authority did not fund the two Marine Patrol positions. He recalled an event where one of his park residents drowned in Lake Griffin and he was the first at the scene and Mr. Anthony was the second. He stated the Menzi muck remover is very important and would be beneficial but not at the expense of not funding the Sheriff's Department. He indicated the HCRC will include the value of the Menzi muck remover in their report to the legislature and hopefully they can acquire the equipment through trust fund money.

(Ms. Dillon made a motion UPON FINAL BUDGET APPROVAL, AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE INTERLOCAL AGREEMENT BETWEEN THE WATER AUTHORITY AND THE LAKE COUNTY SHERIFF TO PROVIDE FOR TWO DEPUTIES FOR AN AMOUNT NOT TO EXCEED \$163,511. Seconded by Mr. Everly, Jr.).

The motion carried 4 – 2 with Mr. Clark and Mr. Everly, Jr. voting against.

- g. Approval of Purchase Order with SJRWMD for Harris Chain of Lakes Restoration Council – Tab 16

Mr. Perry stated a purchase order with the SJRWMD encumbers funds budgeted for the HCRC, there is no advance payment, and reimbursement is done every 3 months or so.

Ms. Dillon made a motion to ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION THAT UPON FINAL BUDGET APPROVAL, AUTHORIZE THE EXECUTIVE DIRECTOR TO PROVIDE A PURCHASE ORDER TO THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT TO MAKE \$40,000 AVAILABLE FOR THE HARRIS CHAIN RESTORATION COUNCIL. Seconded by Mr. Clark, with no vote at this time. Ms. Bystrak said she believes the Board is aware of how she feels about this. **The motion carried 5–1 with Ms. Bystrak voting against.**

9. BOARD MEMBER COMMENTS

Vice Chair Farner had no Board Member comment.

Ms. Dillon reported as part of Leadership Lake, she shadowed Lake County Commission Chairman Cadwell and found the Zoning Meeting to be enlightening and educational.

Mr. Clark distributed a copy of an Editorial published recently in the Orlando Sentinel dealing with the future source of water and the Water Authority may get into the Water Alliance at some point. He referenced Account #500 showing 15% for the Sheriff-Marine Patrol under Other Contractual Services and said if the Deputy presents educational programs, why isn't it shown under Education and Mr. Perry said his memo needed updating to be consistent with the Budget. He reported staff verified with Mr. Anthony that he spends 15% of his time on educational presentations and the rest of his time patrolling the water.

Mr. Bystrak inquired why the Water Authority would be considered to lead the Water Alliance instead of Lake County Soil and Water Conservation which already exists. Mr. Perry said it could be because the Water Authority can levy millage, fund long term water supply projects, and has the legislative authority to manage and conserve freshwater resources. Ms. Bystrak stated she cannot decide if Mr. Clark is for or against the Water Alliance. Mr. Clark said the Editorial talked about whether or not water distribution should be determined on a local level or a much broader view and in his comment, the only source of water is the ocean and will take a central authority to coordinate the effort which he believes it is far beyond the capability of Lake County because it would take a regional approach and more money than we have. He said if each county is represented and a board is formed to determine who gets the water, we may not get any since Lake County is a small county. He said the Editorial questioned what role the District would play and he believes what is being discussed is whether it needs to be decided by one agency or decided locally and he does not see how an issue this big and important can be determined by small entities.

Ms. Bystrak stated the District has an alternative water supply division known as the Water Conservation Group that meets monthly to discuss water conservation, experts talk about specific areas, and water utility personnel attend from throughout Lake County. She stated Leesburg and two other cities were selected to study water use and she was surprised at the things Leesburg is doing to conserve water.

Mr. Everly, Jr. said he is not against the Sheriff's Marine Patrol unit and felt they should not have to come to this board and ask for money, Sheriff Borders should already have money in his budget to take care of the deputies.

Chairman Fullerton said this Board will have to discuss the Water Alliance at some future meeting because she is hearing several approaches and they really do not know the situation that will probably arise. She invited the Board to attend the Alliance to Protect Water Resources' program October 1st at 7 p.m. at Jenkins Auditorium and said Mr. Burden; Chief of Operations will talk about Orange County's Water Conserve II water reuse plan. She said Lake County has been a semi-recipient of that water but Orange County has decided they need the water so there is a lot of conflict going on.

10. BOARD MEMBER ITEMS FOR FUTURE AGENDA

There were no further items mentioned at this time.

11. INFORMATION ITEMS

a. Staff Report

No comments were made.

b. Monthly Financial Reports – August 2009

No comments were made.

12. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS

- Legislative Delegation Meeting–Wednesday, September 30, 2009 (1 pm)
Lake Sumter Community College, Paul P. Williams Auditorium
- NuRF Grand Opening–Wednesday, October, 14, 2009 (10 am) NuRF Site
- Board Meeting–Wednesday, October 28, 2009 (3:30 pm) BCC
Chambers/Admin. Building

13. ADJOURNMENT

The meeting was adjourned at approx. 6:50 p.m.

Linda Gavin, Recording Secretary

Neil Kelly, Secretary Treasurer

Nancy H. Fullerton, Chairman