

MINUTES OF THE REGULAR BOARD MEETING
of the
LAKE COUNTY WATER AUTHORITY
November 18, 2009

The regular meeting of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, November 18, 2009 in the Lake County Board of County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

Members Present-District #

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

Staff Present

Michael J. Perry, Executive Director
Ben Garcia, GIS Manager
Ron Hart, Water Res. Prog. Mgr.
Lance Lumbard, Water Res. Proj. Mgr.
Patricia Burgos, Env. Program 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 Meeting Minutes – October 28, 2009

Page 6, 2nd paragraph, add “about” between information and police and “is” between station and just; **Page 7, 2nd paragraph**, delete “going into Lake Griffin and Moss Bluff Lock” and change the last sentence to read “to 67¼ ft. from 67¾ ft.”; **Page 8, last paragraph**, strike the last sentence; **Page 11, 2nd paragraph, 1st sentence** change “but” to and; **Page 14, 3rd paragraph**, change “pertained” to included; **4th paragraph** change “mediation” to remediation and add “CUP” after City of Apopka; **Page 16, 1st paragraph, 7th line**, strike not; **3rd paragraph** change “plan” to plant and “samplings” to saplings. A request was made to change “natural settings” to different settings on **page 16, 3rd paragraph**; however, after checking the tape, it was verified that staff said natural settings. **The Minutes were approved as corrected.**

3. EXECUTIVE DIRECTOR REPORT

Mr. Perry reported lake levels continue to drop due to lack of rainfall. Lake Apopka is one foot below regulatory level and 1.4’ below minimum desired, Lakes Eustis, Dora and

Harris are 6” below regulatory schedule and .7’ above minimum desired, and Lake Griffin is 6” below regulatory schedule and .3’ above minimum desired level. Lake Minnehaha remains 3½’ below regulatory level and 6” lower than last year at this time.

Mr. Perry communicated that staff and BCI continue to work on responding to the Department of Environmental Protection’s (DEP) Request for Additional Information (RAI) which should be ready in 60-90 days and the U.S. Corps of Engineers’ to be completed within the next couple of weeks. The Board will receive a copy of each RAI response and staff expects the Lake Beauclair dredging permit will be released within the next 60 days. Mr. Johnson with the Florida Fish and Wildlife Conservation Commission (FWC) called to say that he is impressed with the water clarity, increased vegetation and fish in Lake Beauclair and is looking forward to increased flow through the system. A board member inquired if the Secchi depth out of the Nutrient Reduction Facility (NuRF) had improved and Mr. Perry stated that it has increased to 2.5 meters because of cooler weather and reduced algal growth. It was asked if FWC is taking Secchi depth readings near Lake Beauclair’s opening to the AB Canal and Mr. Perry responded their regular monitoring measures nutrients and water clarify. A question was asked if the high pH level of 11 in October of 2008 had dropped and Mr. Perry reported that it is now at 6.

Mr. Perry mentioned staff met recently with the County to review the Clermont Hooks Street project and that they have the necessary property appraisals. The County continues to want to partner with the Water Authority but requested that our staff verify that Clermont still intends to have some project ownership. Water Authority staff met with the City of Clermont to determine their level of involvement but there has been little progress so Chairman Fullerton has offered to put pressure on their elected officials.

Mr. Perry stated last month he mentioned Minneola’s Consumptive Use Permit (CUP) request to withdraw water from Lake Apopka. He said apparently the Water Authority’s letter of concern made an impression on the St. Johns River Water Management District (District) because Mr. Walker with the District called to say that Mr. Hollingshead, who oversees CUP permit requests has said that Minneola no longer plans to take water from Lake Apopka but to just look at groundwater withdrawal. Vice Chair Farner said he would like to receive a written confirmation from the District that that is the case. Mr. Perry advised that he has an e-mail from Mr. Hollingshead to that affect but he will also request a confirmation letter from the District. Chairman Fullerton stated Minneola has three new council members and she believes it would help if Mr. Perry and staff met with City officials about the problems the Clermont Chain is experiencing.

Mr. Perry stated at the last meeting, the Board expressed concern about SunTrust Bank’s financial stability. Staff contacted the Clerk’s Finance office and they in turn contacted the State of Florida and found out that SunTrust’s most recent Certified Public Depository Rating is above average so the Clerk’s Finance office is not concerned about its financial stability. Staff was able to secure a two-year Certificate of Deposit at 1.4%.

4. DISCUSSION ITEMS

a. Montverde Fertilizer Ordinance

Mr. Sean Parks, former Board member, introduced Mayor Troy Bennett and Councilmember Jim Pierce with the Town of Montverde. Mr. Parks stated they want to publically thank the Water Authority for the financial assistance the Town has received for the new aeration system on Lake Florence. A copy of Montverde's Fertilizer Ordinance was placed before the Board and Mr. Parks reported it was ratified and approved this past spring. He reported the Town continues to receive comments from the State and DEP and their staff will meet with the Institute of Food and Agricultural Services (IFAS) within the next several weeks since there seems to be some disagreement as to how wide the no-fertilizer zone should be and what months it should be applied. The State model recommends application no closer than 3' to a waterbody but the Town's ordinance says no closer than 25' so the Town may have to modify their ordinance. He stated the Town is seeking suggestions from this Board and an indication if the Water Authority supports the ordinance.

Chairman Fullerton asked how it would affect small property owners. Mr. Parks stated the homeowner is in compliance if they follow the bag's directions, remember not to fertilize during the months of July and August and do not spread it nearer than 25' of a wetland or waterbody. The Town plans to disseminate information through their newsletter and offer waterfront owner assistance shortly.

Councilmember Pierce said the impact to the individual homeowner will be small compared to the District's current water restrictions. He mentioned that when he was last before the Water Authority Board, they told him that it was important for the Town to develop a fertilizer ordinance, and that has been accomplished, and he said it has had a positive affect. Vice Chair Farner remarked if the Town is educated in the protection of their lakes, and that it is in their best interest to follow the rules, he is sure the residents will do what is necessary. Councilmember Pierce reported the ordinance was implemented this past spring but they are still working to resolve runoff issues.

Mr. Parks stated most residential lots around Lake Florence, Franklin Pond, and Lake Apopka are 1+ acres and the 25' setback affects homeowners living 200' from the ordinary high water line. The State requires a 25' setback but Environmental Resource Permitting criteria says if development will impact a wetland, the setback can be from 15' to 25'. He said the Town's fertilizer ordinance is part of their Comp Plan to clean up and protect Lake Florence and do what they can for Lake Apopka and Franklin Pond.

Mr. Clark noted he has a very large garden and asked if that was factored into their ordinance. Councilmember Pierce said it depends on its location, adding this ordinance really has to do with waterfront property protection.

Mayor Bennett reported the \$63,000 for the Lake Florence aeration project was paid in part by a \$26,000 grant from the Water Authority, \$10,000 from Montverde Academy

and the balance from Town residents. He mentioned when they were last here, the Board voiced concern about the Town's road runoff, the need for a fertilizer ordinance, and Montverde Academy's septic tank problem which they are currently working to resolve.

Mr. Clark said he also has a large orchid house with hundreds of orchids that require phosphorus application. Mayor Bennett stated he has been in the produce business for over 35 years and has 140,000 acres of fresh produce so he understands but he also remembers how Zellwood Farms' runoff deteriorated Lake Apopka to what it is now. Mr. Clark inquired if he would be able to use water soluble fertilizer under the Town's new ordinance. Mr. Parks said this ordinance does not apply to turf and/or landscape plant fertilization but perhaps something should be included to their fertilizer ordinance.

Mayor Bennett stated Montverde's topography is unique and he shared photos of Lake Florence with its 10%-15% incline surrounded by residential homes. He stated some residents believe the Town's 25' setback rule is too restrictive because State Statute says a 3' setback but the Town believes a 3' setback is insufficient. He shared a photo of green areas along a swale and said the slope of the land and the swale are nearly the same and why the Town believes their ordinance should be more specific to their needs. A question was asked as to whether their ordinance requires berms and swales and Mayor Bennett stated it does not but that may be included at some point. Mr. Parks mentioned they also have drafted a very thorough soil erosion ordinance, as well.

Ms. Bystrak said she is proud of Montverde and believes their fertilizer ordinance is a good one. She is also impressed they established July and August as rainy months when fertilizer cannot be applied and she inquired if the commercial applicators accepted that rule. She mentioned she lived in the Chesapeake Bay area for many years and they had a 1000' critical area where nothing could be placed. She also noted that Atrazine, an insecticide used on St. Augustine grass, requires a 15' setback, and the further away it is spread from the waterline, the better because it causes problems. She said a recent newspaper article stated a judge ruled the State will have to improve their fertilizer laws and work to resolve animal waste problems. She thought the County's landscape ordinance was scheduled to go before the County Commissioners December 1st so she said she would like to see the County use the Town's ordinance instead of theirs because she believes it is a much better ordinance. She said December 1st does not leave much time for the Board to endorse the Town's ordinance and asked that the County switch to the Town's ordinance. It was mentioned the Town recently passed an ordinance prohibiting new homes from using St. Augustine grass and Mr. Parks stated the Town updated their 2005 ordinance to include the State's Florida Friendly recommendations. He said their Council did not want to ban St. Augustine grass for new construction but if a homeowner goes above 50% replacement, drought tolerant grass must be used.

Ms. Carolyn Dillon arrived at 4:20 p.m.

Mr. Parks stated restricted application periods vary in Florida and certain counties have fertilizer ordinances that stipulate one cannot fertilize during a specific five month period. He said the Town included the two month period in their ordinance because they felt July

and August had the highest rain probability but they also did not want to cause growers economic hardship. They found some slow release fertilizers can last two months when applied prior to and just after the restricted time. Ms. Bystrak said the idea is not to fertilize during the rainy season because it just washes away. Mr. Parks stated if it is felt the ordinance requires further clarification with regard to gardens and hot houses, the Town can add that plus other modifications the Town may receive from the State.

Vice Chair Farner made a motion that **THE LAKE COUNTY WATER AUTHORITY SUPPORTS MONTVERDE'S ORDINANCE REGARDING FERTILIZING WITHIN THEIR CITY LIMITS AND WE ARE VERY MUCH SUPPORTIVE AND RECOMMEND THIS ORDINANCE BE FORWARDED TO THE COUNTY AND USED AS ONE OF THE ABSOLUTE MODELS THE COUNTY CONSIDERS.** Seconded by Ms. Dillon, the motion carried 6 – 0.

b. Restoration of Fish Habitat at Hickory Point

Mr. Perry stated the Harris Chain Restoration Council (HCRC) is reviewing a proposal from the University of Florida. He mentioned that Dr. Canfield heads up the Technical Advisory Committee (TAC) for the HCRC and they want to enhance fishery habitat in the Harris Chain. One idea was to provide a lake bottom structure that could act as a fish attractor and after reviewing several public access areas such as Venetian Gardens and Singletary Park, they decided to begin with Hickory Point.

Dr. Canfield stated TAC's job is to find new and modified approaches to restore the integrity of the system and one reason they are considering habitat structures. They developed a plan to use rock or limestone, trees and brush, and to reestablish floating-leaved spatterdock. He stated to encourage plant growth, it requires bottom stabilization and TAC believes Hickory Point can be modified to enhance fish habitat even more and also allow bank fishing. Participants in this project will be the Florida Fish and Wildlife Conservation Commission (FWC) and Florida LAKEWATCH; and TAC has identified 50 sites and is currently deciding which locations will work. He noted at one time, Hickory Point had PVC pipe fishing attractors but that has fallen into disrepair. He added the fish attractor will not interfere with pier maintenance but helps direct fish into deeper water.

Mr. Larry Everly, Jr. arrived at 4:25 p.m.

Dr. Canfield explained FWC's permit requires the structure to be 3' below the established low water mark and he noted a line could be attached from the west end of one pier to the other and marked with a buoy to indicate structure location. A question was asked if there is need for signage to keep boaters out of the area but Dr. Canfield explained boaters will not damage planted vegetation as long as the water level is high enough. The Board discussed the time necessary to establish the vegetation and how quickly the structure would begin attracting fish. Dr. Canfield said the plants are experimental and he cannot guarantee them, but the fish will appear the day after the rock is put in place. He stated Dura-Stress and a couple of other cement companies have broken concrete that

could be used and possibly delivered free of charge and the aquatic plant harvester could move it into place. TAC is considering about 50 sites both public and private. A question was asked as to whether the list of 50 sites includes the Lake Griffin State Park dock since they hold a fishing tournament each year specifically for children. Dr. Canfield said he believes that all major sites are on the list but he will ensure FWC knows about the tournament.

Mr. Harris made a motion TO ACCEPT PLACEMENT OF ARTIFICIAL REEFS AND PLANTING OF SPATTERDOCK IN SPECIFIC AREAS AROUND THE PIERS AT HICKORY POINT TO ENHANCE FISHING OPPORTUNITIES FROM THE PIERS. Seconded by Vice Chair Farner with no vote at this time.

Mr. Clark said he went to Hickory Point before the meeting to check out where the fish attractor would be placed and it caused him great concern because he thought it would have been placed near the boat slips but now he understands it will be placed on the west side of the pier between the two square platforms. He stated the boat slips are attached to floating docks which would be quite dangerous to fish off of but the wooden part of the west pier is fastened to posts and would be a much safer place to fish. He stated he would like the motion to indicate that the structure will be placed on the west side of the main walkway.

Mr. Harris amended his motion TO AUTHORIZE PLACEMENT OF ARTIFICIAL REEFS WEST OF THE MAIN DOCK AND PLANTING OF SPATTERDOCK IN SPECIFIC AREAS ON THE WEST SIDE OF THE PIERS AT HICKORY POINT TO ENHANCE FISHING OPPORTUNITIES FROM THE PIERS. The motion was seconded by Vice Chair Farner with no vote at this time.

Mr. Perry stated the Finance Department wants to see dollar amounts included in a motion but at this time the Board does not know the cost so this will have to come back to the Board in the future. He noted the Water Authority manages HCRC funds so the Board will need to authorize up to \$185,000 for the entire program of which Hickory Point is a part. It was suggested the Board wait until there is an exact cost but it was explained the structure would not cost the Water Authority anything because HCRC money will be used and they decide how to spend their money. Mr. Everly, Jr. asked if HCRC wants the motion to include a “not to exceed” figure and Mr. Goerner responded in the affirmative.

Attorney Barice was asked if she had any comment and she said she is waiting to hear from Dr. Canfield but she does not have a problem if a “not to exceed” figure of \$185,000 is included in the motion. Mr. Everly, Jr. and Mr. Clark stated the Council should be allowed to spend their money as they see fit. Ms. Dillon asked why the Board is being asked for a “not to exceed” figure. Mr. Perry explained he was reminded the Finance Department wants a dollar amount in a motion so they know there is a dollar limit. Mr. Goerner said the Council has already authorized the use of up to \$185,000 for this project.

Mr. Harris amended his motion **ON BEHALF OF THE HARRIS CHAIN RESTORATION COUNCIL, AUTHORIZE THE PLACEMENT OF ARTIFICIAL REEFS AND PLANTING OF SPATTERDOCK ON THE WEST SIDE OF THE PIER AT HICKORY POINT TO ENHANCE FISHING OPPORTUNITIES AT A COST NOT TO EXCEED \$185,000.** Seconded by Vice Chair Farnier, the motion carried 7 – 0.

A question was asked as to whether structures have been built elsewhere and if it resulted in increased fishing. Dr. Canfield stated there are structures throughout the Midwest and that brush piles have been used across the country but spatterdock only works in smaller lakes. Reference was made to the “Restoration of Fish Habitat in the Harris Chain of Lakes” estimated project budget and why it indicates a Senior Fisheries Biologist working ½ time for two years and two graduate students each working one year. Dr. Canfield explained the entire project will take two years and the graduate students will work one year and then seek employment elsewhere but the Senior Fisheries Biologist will work on this and other projects for two years. He said he hopes that structures will be placed at 50 separate sites and wants to start with Hickory Point because it has the best potential. FWC will place the structures further out in the lakes, maps will be drawn to indicate the location of each site, and they will handle permitting and liability issues. Dr. Canfield stated it will take a couple of weeks before a purchase order is cut for the University of Florida and then FWC can begin moving rock/cement into place.

5. PUBLIC COMMENT

Mr. Skip Goerner stated he is requested that HCRC be given oversight of the \$40,000 for administrative costs held by the Water Authority. He said in the past, the District each year has contributed \$10,000 but that figure has been reduced to \$7,500. He said of the \$40,000, more than \$25,000/yr. is paid to the contractor to prepare meeting minutes and gather data for their Annual Report to the Legislature. He mentioned that HCRC is unique in that they are required by Florida Statute to report directly to the Legislature; however, the statute also says the District “shall provide staff and money to assist the Council in carrying out the provisions of the Act”. He reported the current contract will soon expire and that the new contractor could cost as much as \$35,000/yr. and with the District’s reduced contribution, the balance will fall on the Water Authority and that is not fair, it is the District’s responsibility. HCRC’s administrative costs per year average \$15,000 - \$16,000 so they are asking that they be allowed to approve their own invoices. He said one bothersome thing is the new contractor will not assist with the meetings or setting of the agenda yet there will be added cost to the Water Authority. He reiterated that the statute says the District will provide staff but all they will be providing in the future is a small portion of HCRC’s administrative costs.

Mr. Perry stated the Board has responsibility and authority over HCRC money but that they have been left out of the approval process. He said they do not have much opportunity to receive input because of the bid structure and no input into the selection of their contractor. He said he agrees the District is responsible for supporting HCRC and that the Water Authority is to provide funds to ensure they have what they need, noting

there has been a financial return because of this as well. He stated that he does not want the District to place additional funding responsibility on the Water Authority for HCRC staff, and although he has not seen what is proposed or how the position will be structured, he believes it is an important for this Board to see that component. He said possibly at next month's meeting, the Board could be more definitive in what they want to expend on behalf of HCRC as it relates to their administrative service agreement otherwise the Water Authority may end up writing a big check we should have not had to write. Mr. Goerner stated in the past HCRC has demonstrated fiscal responsibility.

Chairman Fullerton inquired if Mr. Goerner is requesting an immediate decision and Mr. Perry said the Board needs to know HCRC's anticipated administrative expenditures and once they are comfortable with that, they can give HCRC authority to approve their invoices. Mr. Perry stated he has difficulty releasing Water Authority money to another entity and would rather move more slowly and give HCRC authority to approve their expenditures.

Ms. Dillon pointed out that the Water Authority pays HCRC's bills without them knowing their invoices have come in or been paid. She said it is not that Mr. Goerner will approve the invoices so we can pay them because that is already being done; it is that HCRC wants to be aware of the bills as they arrive and decide if the District or Water Authority pays.

Chairman Fullerton wanted this request discussed further at the December meeting. Ms. Bystrak requested Attorney Barice look into the legalities and the Board concurred.

The meeting recessed at 5:20 p.m. and reconvened at 5:40 p.m.

6. DISCUSSION ITEMS (Continued)

c. Board Meeting Decorum and Role of the Chairman

Chairman Fullerton requested this section shown in greater detail.

Chairman Fullerton stated the Board will be discussing the role of the Chairman, meeting decorum and that the discussion may flow into the Executive Director's performance appraisal. She said the performance review could be a general discussion about helping Mr. Perry help them and that it may include some changes. She said she truly has been concerned for the past six to seven years about the chairmanship role and is speaking primarily as a Board of Trustee member since 2002, and the only one left of the previous board since Mr. Everett Kelly decided not to run in 2008. She said in the past, the Board has been quite political, and often quite personal, and she believes the present Board has an opportunity to make some adjustments if they want. She suggested they read Robert's Rules of Order and the Merriam Webster's Rules of Order because the rules have been simplified and are based entirely on Robert's Rules. She said 99% of the time she believes the Board is well-mannered and considerate of each other.

Chairman Fullerton stated she believes the chairman has no greater power than any other board member and that it is the job of the chairman to run the meetings, attend events, talk to Water Authority staff, and be the Board's spokesperson and she hopes she has operated that way. She stated this Board has had a fair say in issues and has decided what they will do and she does not want them to revert to the past. She referenced a newspaper article entitled "Orange School Board keeps Cadle at Helm" that had a very good analysis of how they previously chose their chairman. She noted the School Board and BCC approach the chairmanship as a shared responsibility, not a political office, and they have had discussions that encompass the vice chairman's role, as well. She said if she were unable to continue, would Vice Chair Farner take over or is it just assumed that he would, because that is how she believes it should be. On some boards, it is assumed the vice chairman will succeed the chairman in the coming year and she personally would like to see the chairman's position rotate each year. She stated that HCRC members have a two-year term, go off and can then return to the Council and she thought that might work for the Water Authority Board since it has seven members each with a four-year term. She inquired which Board members would like to be chairman and Ms. Dillon and Messrs. Farner, Harris and Everly, Jr. indicated they were interested. She read from the Water Authority's legislation that states "At the first meeting in December of each year or during a year in which there is a general election, at a meeting held no later than 30 days after the General Election, if the meeting and the Election of Officers have been advertised properly, the Board shall select one of their number as chairman and one as vice chairman of the Board." She said one method of selection would be to hold an election or put four names in a hat and pull the name of the next chairman or let Vice Chair Farner succeed to chairman next year. She advised she will not seek another term even though she has loved being Chairman and believes the Board would be better off if that position rotated. She said she and the Board talk to staff so it is not like they would have to learn a new job, they would just talk to Mr. Perry to find out what the job entails.

Mr. Clark stated the Board needs to decide if they would be better off without Chairman Fullerton rather than her stating that she will not run again. Chairman Fullerton stated BCC Chairman Cadwell has been in the same position for three years and stayed on when crises arose. She continued reading the newspaper article which said "The Orange School Board said they reelected their chairman because three of their board members had said they had found the current process of nominating and voting mystifying and wanted more information. The seven board members elect a leader from among themselves largely on a rotating basis and that boards statewide choose new leaders each November according to State law. The chairman usually serves for one year, although the board recently began extending the terms to preserve continuity amid public criticism that the board lacked leadership and accountability." Chairman Fullerton said the School Board extended the chairmanship a couple of years but she felt that if it happens on this Board, it should be by unanimous or two-thirds vote. She said there are four Water Authority Board members that have indicated they want to be chairman, but the four responded that she had not asked them when they wanted to be chairman, only that they wanted to be considered for that position. Vice Chair Farner said it does not mean they are after Chairman Fullerton's job.

Mr. Harris said experience should be a factor, and he realizes that things have been done a certain way in the past, but when he nominates someone for chairman he looks at their experience as the leader of a group. Chairman Fullerton stated it is nothing personal but she wants to totally avoid a four-year or six-year chairmanship because it is wrong and difficult things happen. Mr. Everly, Jr. inquired if Chairman Fullerton was bothered that his father was chairman for six years and she said she was not and that her comment was nothing personal. Mr. Everly, Jr. stated many people believe that his father did a good job running the meetings. He said because there was a seven member Board, they were able to decide which projects to do and that shows the chairman alone cannot decide anything. Chairman Fullerton stated she takes exception to that and wishes Mr. Everly, Jr. had not made that comment.

Vice Chair Farner said he remembers Mr. Everly, Sr. telling the Board that they could select a new chairman if they had a problem. Vice Chair Farner stated this Board is not bound by anyone to complete a term and if they have a problem with the behavior or direction they feel the chairman is taking them then they can make a motion and vote. He said that is why he reviewed the Water Authority's legislation because it might not necessarily be true; however, that is what he has always been led to believe. He said the Board must have confidence in their chairman and in the job they do and if they believe the chairman is doing a good job in leading the meeting but if the chairman no longer wants the position, he can appreciate that, as well. He said an individual should not be chairman if they do not want to be chairman because they are doing a disservice to the Board. Chairman Fullerton reiterated that she believes there should be a term limit.

Ms. Dillon said in the past the Board nominated Mr. Everly, Sr. and voted for him as chairman, if they had wanted someone else as chairman, then they would have nominated and voted for someone else. She said she does not believe a Board member should say there should be term limits or that someone should not hold a particular position more than once because if that individual is the best person for the job they should hold that office for as long as they are the best person for that job.

Chairman Fullerton stated she twice nominated Mr. Everly, Sr. for chairman and that she really does not want to explain the dynamics, personalities, intrigue, or whatever of the Board from 2000 to 2008 because it would be counterproductive but primarily good things were done. She said one can get too powerful of a leader in the opinion of the Board or in the relationship with staff and that is why she believes it is much better to rotate and get new leadership types of behavior for those that want to be chairman. She believes the best way is to rotate the position every year so more people have an opportunity otherwise it results in two people holding that position in four years.

Mr. Everly, Jr. said it sounds as if she is trying to create a chairperson policy and Chairman Fullerton responded that she is. He said the previous chairman in the last few months of his term tried to put forth a lot of policies and the Board did not want that so they did not vote for the policies. He asked if a consensus could be taken as to whether the Board wants a chairperson policy or do they want to vote on a chairman each time. Chairman Fullerton said this is why she had wanted this issue on the agenda and why she

is introducing it. Mr. Everly, Jr. said the chairman has no more power than any other Board member so he asked what happens if they do not want a policy. Chairman Fullerton responded the Board will decide and she believes the questions or options that need to be considered include: (1) keep things status quo and hold an election by ballot each year; (2) limit the chairman's term to two years with no limit on the number of times that individual can be chairman (six years is too long but maybe other Board members do not think so and it may be necessary); (3) talk about the vice chairman's role and whether they should succeed; or (4) the Board has to make the decision because the chairman has no more power than any other Board member. She said in the past, the chairman made decisions that did not help things at the Water Authority.

Vice Chair Farner stated he is not against change but disagrees with some of Chairman Fullerton's statements. He said if one looks back before Chairman Everly, Sr.'s tenure, the Water Authority did study after study. He said he does not give him all the credit of stopping it but restoration efforts began while he was chairman and ranged from dredging Lake Griffin canals to the NuRF project and now the Lake Beauclair dredging project is under consideration. He said he is not saying change is not a good thing, he is saying it should not be mandatory or a requirement if the Board has lost confidence in someone's leadership. He said the Board should be able to have that option and not make a policy just for the sake of making a policy. He said if Chairman Fullerton is not comfortable with being chairman, she does not have to be, and he can appreciate that because there are extra duties involved. He said he does believe the chairman has an influential position on any Board and to be critical of the Water Authority's previous chairman is not necessarily a good thing. He said what Mr. Everly, Sr. accomplished under his tenure was good but Vice Chair Farner said he is not willing to give him all of the credit because he had the entire Board with him. It may well have happened without Chairman Everly, Sr., he does not know and will never know, but he does not necessarily see it as a benefit that this Board make it mandatory to change leadership because this Board needs to think about disruption to staff. Chairman Fullerton said she asked Mr. Perry if it is a disruption to staff and he did not seem to think it was a problem; and Vice Chair Farner asked her what did she expect staff to say. He said staff is fantastic, very accommodating, and forthright and any time a Board member requests information, they are available but if the chairman changes often, he can see that it would be disruptive to staff. Ms. Dillon added especially if it is mandatory and Chairman Fullerton stated staff has never said that it would be disruptive.

Chairman Fullerton asked Vice Chair Farner his view on the role or job of the vice chairman and he said that individual takes over when the chairman is absent. She asked if he had any feeling that this is an indication of succession and Vice Chair Farner stated he would not but thought the vice chairman would probably receive some consideration. He said, however, if that individual is a crummy vice chairman then he does not believe they would make a great chairman.

Ms. Dillon said how much can a vice chairman do if he never has an opportunity to step in for the chairman? She said the Board knows Vice Chair Farner, and she is not using him as an example, but is because the Board does not know his leadership skills since he

has not had to fill in for Chairman Fullerton. She said if he had filled in for the chairman, it would not automatically make him the next chairman unless he has proven he can do the job. Mr. Harris said maybe the vice chairman could lead one meeting each year.

Ms. Bystrak said this Board has to think of public perception of what is going on and if they have the same person year after year, public perception may be different than how the Board sees it so she agrees the chairmanship should rotate.

Mr. Clark said he nominated Ms. Fullerton for chairman based on what he knew of her and he seconded the nomination for Mr. Farner to be vice chairman. He said that Mr. Farner is on the HCRC and Mr. Clark noted that he was on the Council in the past so he knows how Mr. Farner feels about certain issues. He said now a year has passed, all of the Board has voted on various issues and he may have changed his mind concerning Vice Chair Farner or Chairman Fullerton or any other Board member based upon how they voted. He said just because he wanted Mr. Farner as vice chairman this year does not mean that he wants him as chairman next year. He said if Vice Chair Farner casts votes he very much disagrees with, he would not want Vice Chair Farner automatically becoming chairman. He said most organizations have officer term limits and there is a reason why and that is why he does not think the vice chairman should necessarily step into the role of chairman but he has learned how Vice Chair Farner thinks on certain issues this past year. He said Vice Chair Farner is probably surprised at some votes he has cast but if personality issues are omitted, and the Board feels everyone is equally qualified to be chairman, then drawing a name out of a hat would be the way to go but he does not feel that way.

Chairman Fullerton said she believes that each Board member would make a good chairman but four have said they are interested so she could select a chairman just with discussion. She stated she is not saying the perfect solution is to go with the vice chairman but it was a question that was asked so she could eliminate the idea of rotating the vice chairman into the chairman's position. She said she has heard three Board members say they believe there should be term limits and she asked if there is a fourth Board member; however, no one else spoke up.

Mr. Harris stated he is open to the idea of term limits but does not know whether it is the way to proceed with this large of a Board. He said if one chairman does not work out, someone else can step in so he believes the Board should take a consensus and move on.

Chairman Fullerton restated that she will not seek another term and Ms. Bystrak asked when her term would end. Mr. Perry explained that Chairman Fullerton will call the December Board meeting to order and a vote will then be taken to name a new chairman.

Ms. Bystrak made a motion TO HAVE ONE-YEAR TERM LIMITS. Seconded by Chairman Fullerton, there was no vote at this time.

Mr. Everly, Jr. said he learned a lot sitting next to past Board member, Mr. Everett Kelly, because he was quite knowledgeable in the way boards are run, the way things are done,

and that he was also a House Representative for 22 years. Mr. Kelly told him because they were freshmen, they did not get anything done the first five years but had to wait until they had been seated a while and got to know how things worked. Mr. Everly, Jr. stated this Board does not know what next year's board personality will be, they may have a great leader who could steer them for eight good years so why would this Board want to limit that possibility.

Mr. Harris felt the motion as stated was vague and asked if the one-term limit is for life or consecutive years. Ms. Bystrak suggested they do one thing at a time, noting a person could be nominated for one year and then re-nominated but it would require time between terms before that person could serve again.

Mr. Clark stated he does not like compound motions and asked if the Board wants term limits and it limited to one year. He said as the motion stands now, he will be forced to vote against it even though he favors term limits since he believes the two issues need to be separated. Chairman Fullerton said one motion could be a one year term limit, the second motion could be the length of the term, and a third motion could be whether an individual has to go off and then come back as chairman, similar to what HCRC does.

Ms. Bystrak withdrew her motion and Chairman Fullerton withdrew her second to the motion.

Mr. Clark made a motion **THE WATER AUTHORITY BOARD HAS TERM LIMITS FOR BOTH THE CHAIRMAN AND VICE CHAIRMAN.** Seconded by Ms. Bystrak, the motion failed 3 – 4 with Ms. Dillon, Vice Chair Farner and Messrs. Harris and Everly, Jr. voting against.

d. Executive Director Performance Appraisals

Mr. Perry explained that he took the answers to a question, averaged them, and selected anything 3.5 or below. He stated there were two areas under Section 2 and two under Section 3 that fell into that category.

Chairman Fullerton advised she and Mr. Perry discussed the lowest score in Section 3 because she has heard grumbling that possibly one Board member was receiving more attention or carrying more power than another. She said that was the problem she had with a past chairman who held that position for six years. It seems as though it almost has to occur when there is a long relationship and one reason why she wants term limits. She asked Mr. Perry how he would tell a Board member if they were taking too much of his time and he explained to her that it is his job to listen. She felt Mr. Perry should not carry out one individual's request over another and felt it should be a Board decision but that has not always occurred. She stated the Board has squabbled about how they decide how much time a Board member receives and she asked that Mr. Perry respond to this.

Mr. Perry said as he recalls their conversation, he said that it is staff's responsibility to do whatever they can for each Board member and that it is not his decision to limit Board

access. If staff receives multiple requests for assistance, it does not matter because the Board members are elected officials and staff provides for them. He believes Chairman Fullerton's question was how does staff deal with requests that go overboard and he said he can go to the chairman and express a concern that staff is being directed or requested to do something that will take away from something else they need to accomplish or he can go to the individual Board member that made the request and ask if they can wait until staff finishes their task. He hopes it has not happened to the point where staff cannot respond since it sometimes takes a while to find information and relay it to that Board member. His concern has to do with the carrying out of directives from the Board as a whole rather than an individual member and as a staff person; he would look to the point person who he believes is the chairman. He said he would like to know if the Board has some concerns so there are no problems.

Chairman Fullerton said she asked Mr. Perry how staff decides the length of time a Board member can use since each has different needs. She emphasized that she has never felt impatience on the part of staff and believes they are wonderful in terms of taking time to answer her questions. She said sometimes Mr. Perry reminds the Board to be careful of staff time and she also remembers a past board member telling her she could do her own research. She remarked when she evaluated Mr. Perry, she included examples to prove a point and said each board member needs to make sure their requests and questions go through Mr. Perry.

Mr. Perry said there have been times when information has been inadvertently omitted from a board packet or has taken considerable time to gather and he realizes, based on the scores that it is something that needs to be resolved to the Board's satisfaction. He said an issue could be addressed with the entire Board, individually, or maybe a head count versus a consensus could be taken but he believes his daily contact should be with the chairman and if there are other issues they can then go to the Board.

Mr. Harris stated it is difficult without specific information as to why one person gave a low score because he believes the overall scores look good. He said there must have been an issue but he cannot imagine what it was because he believes Mr. Perry does a great job. He said when he is passionate about an issue and believes it will make a difference in his community, he has received assistance and information.

Ms. Dillon announced she scored "carries out directives of the board" low because she believes there are a few Board members with specific agendas and that they take a lot of staff time compiling information and bringing it to a meeting only to have it discussed and then the Board finds out it has already been done or is not feasible to do and it ends up wasting staff time. She explained the score she gave Mr. Perry is really not for him but for the Board because they are not doing what they should be doing as a Board. They should first discuss things as a Board and then decide whether they want staff to spend hours on a project. She said it probably was not right for her to give Mr. Perry a low score but when she read the evaluation checklist that is how this question came across to her. She said this issue has occurred several times over the past few months and she feels the Board should not be directing staff to do labor intensive work without at least

discussing it first and then going to Mr. Perry so he can determine whether it should be an agenda item or not.

Vice Chair Farner said sometimes a Board member will receive a citizen complaint or an inquiry and call staff directly requesting assistance or they will call Mr. Perry who he believes does a good job solving the problem. He stated he has never seen staff receive direction from a Board member to do something requiring their action but sometimes requests get out of hand and if that occurs, he believes Mr. Perry would say the item needs to go on an agenda.

Ms. Dillon emphasized the Water Authority has a small staff. She said when an item comes to nothing or the Board decides not to pursue it, they could have prevented a lot of work being done in the first place if they had just suggested going to a website, reading a study, etc. She said it bothers her when certain Board members go around the entire Board and ask for information that takes hours to compile.

Mr. Everly, Jr. said when issues arise; he does not want to tie staff's hands or a single Board member's hands because it is not necessary. He gave the example of the Dead River stormwater project he was preparing for his company saying he noticed two storm drains designed to dump into a canal. He went to the Water Authority office with his concern, talked with Mr. Hart and was advised that issue had been addressed. He said he has always felt that use of Messrs. Garcia and Hart's time is expensive and wasteful. He pointed out the Board decides if Mr. Perry will stay or leave the agency so he tries to appease the Board should have the power to say no when necessary and feel comfortable with his decision.

Ms. Bystrak reported she could not complete Section 6 entitled Staff Management because she believes that only staff can answer. She suggested removing that section next year or letting staff do an evaluation of Mr. Perry next year. She inquired about the checklist and Mr. Perry explained it was used by the BCC and was used by the agency before he came. She asked the purpose of this form if there is no total score and when should contract renegotiation take place. Mr. Perry thought the Board may want to discuss and revise this form at some later date.

Vice Chair Farner stated a Board member can make a motion anytime if they are dissatisfied with Mr. Perry's performance; however, he said that he would never advocate that because he believes Mr. Perry is a wonderful Executive Director.

Mr. Clark stated Board members have a maximum of one week before they know whether an issue will be on the agenda and that is not enough time to ask and receive information from Mr. Perry or to process it and get it ready for discussion and/or vote. He reiterated each Board member must be free to submit their information request if they feel it will pertain to an upcoming issue. He reminded Mr. Perry that he has been waiting a couple of months for some data and Mr. Perry responded that he is still unable to locate the data. Mr. Clark said he does not see how a Board member can require another member to first get permission to look for data the same night they may vote on it.

Mr. Everly, Jr. and Ms. Dillon clarified that they are talking about items that are not on the agenda. Mr. Clark said Board members do not know whether an item will be on the agenda until one week before they vote but Ms. Dillon emphasized that is not what she is talking about. Mr. Clark stated he told Dr. Canfield there might be discussion between the two of them if he comes seeking funds but he will not know if Dr. Canfield is coming to the meeting until one week before so it is unrealistic to think he can go to Mr. Perry, get the information and have it ready. He stated each Board member has to be free to go to Mr. Perry if they feel that it will pertain to an issue that is coming up in the near future.

Ms. Dillon reiterated she was talking about items not on the agenda because there have been times one Board member wanted to do a project and asked staff to spend time researching it only for the entire Board to decide even without the research that they did not want to do the project. She said that is when it is a waste of staff time. Vice Chair Farner stated an agenda item can be delayed to the next meeting to ensure everyone has the necessary data.

Chairman Fullerton asked how one decides the amount of staff time a Board member can use. She said it is not the Board's decision but usurps a Board member's right to pursue his boardmanship the way constituents or his interest on the Board directs him. She said it is up to staff to say they are unable to do it now and the Board needs to appeal to each other to be considerate and realize staff time is valuable. She said it is her business if she wants to ask for data she wants to bring to the Board.

e. Use of LCWA Property for Gopher Tortoise Relocation

Ms. Burgos expressed her appreciation to the Board for allowing her to submit a \$20,000 gopher tortoise assistance grant to FWC to help in management of our preserves. She reported she has only one estimate from a consultant that has dealt with certification of property for gopher tortoise mitigation through the FWC. The Water Authority has a policy to not compete with the private sector and is why she is bringing this to the Board to see if staff should research this. She reported that the FWC considers the size of the property, soil, and vegetation density and can take months to complete their study. She reported Orange County has considered 13 of their properties as potential mitigation sites but reduced their list to two or three because properties must be managed a certain way before the FWC will consider them.

Chairman Fullerton said she believes the Board should rescind Policy #002 - Non-Competition with Private Sector established in 2002. She reported that she spoke with Mr. Hansen with the County and he said the Water Authority should consider as many properties as they can get and that the County would not have a problem if Water Authority properties are certified for gopher tortoise relocation. She stated if the Board truly follows Policy #002, they would not allow fencing, tree cutting, prescribed burns, or maintenance of the preserves. She inquired of Attorney Barice how the Board would rescind this policy and was told it would require a motion and vote.

Mr. Harris asked if this issue was raised when the Board considered allowing a private entity to use Crooked River. Vice Chair Farner thought the gopher tortoise mitigation issue would be moot if the Board does not rescind the policy. Mr. Perry stated the previous Board set the policy but this Board can do what they wish because even though Policy #002 exists, they can direct staff to do something else.

Ms. Burgos said the Water Authority would have to go through a process to have a site certified because property can no longer be taken for gopher tortoise mitigation. She noted these tortoises are now relocated to the Panhandle, but it is hoped they can be kept in Lake County. She said the County began looking at this issue two or three years ago and the FWC contacted her and asked if the Water Authority was interested in applying for the grant. She stated she does not want the Water Authority being left behind but does need the Board's guidance on this issue.

Mr. Everly, Jr. mentioned a few months ago, a gentleman came and requested a letter of support for his new wildlife policy' however, he felt using Water Authority property would be exactly opposite of what the Board supported at that time. He said that gentleman did not plan to move or bank the gopher tortoises but purchase property so contractors do not have to move them out of Lake County. Chairman Fullerton felt Mr. Everly, Jr.'s comment was vague and he explained he had insufficient time for further research. Ms. Burgos thought it had to do with the Florida Communities Trust grant and said she can bring information to the next Board meeting.

Chairman Fullerton said in April 2002, there was concern about accepting gopher tortoises on Crooked River Preserve and competing with private mitigation banks. She said if we use our preserves for gopher tortoise relocation, the Board in a sense is still competing with the private sector so she thought it would make sense to rescind the policy. Mr. Everly, Jr. pointed out the Board does not have to rescind the policy to do what Ms. Burgos is requesting. Chairman Fullerton thought it would be much safer otherwise the Board would be saying they will allow certification of portions of our preserves and that could interfere with someone's private mitigation bank. She added the Board has said that we will not compete or place the agency in direct competition with private sector businesses.

Mr. Harris stated the environment is different now than a few years ago because the State has indicated they need additional mitigation sites and it seems our properties have good gopher tortoise populations and is one thing that the FWC will consider. Ms. Burgos stated some properties are appropriate such as Sabal Bluff and Flowing Waters, which is overgrown. Twenty-nine percent of our properties consist of uplands and potential mitigation sites but are not in the best shape and the FWC is trying to locate pockets of potential land that might work. She said the Water Authority would benefit because we would receive money that could be used to maintain the properties.

Vice Chair Farner stated he likes the policy of not competing with the private sector and believes that it is good government. He requested an explanation of what happens when a developer finds gopher tortoises on the property. Mr. Everly, Jr. explained a private

landowner opens a bank to gopher tortoise relocation, a permit is obtained and a developer is charged from \$300 - \$1,200 each or whatever the market will stand to move gopher tortoises to a particular mitigation site. Vice Chair Farner inquired how gopher tortoises are moved and it was explained it requires qualified movers and is quite expensive. Vice Chair Farner said if Water Authority has certified properties then we will be competing with the private sector. Ms. Burgos clarified the private sector can apply for a FWC grant, just as the Water Authority does against other governmental entities. Vice Chair Farner asked how many “turtle parking lots” are in the private sector of Lake County because he needs that information before voting and Ms. Burgos advised she will check and let the Board know next month.

Chairman Fullerton said with the policy in place, can the Water Authority proceed with using our preserves for gopher tortoise mitigation sites. Mr. Harris said he believes staff can investigate the feasibility of certifying our property but Chairman Fullerton noted that is not what she asked. Ms. Bystrak pointed out the recommendation says “investigate the feasibility”. Mr. Harris said he does not see an issue with the policy because the Board can rescind the policy at a later date if they decide it is in their best interest or they can abide by it and say it is a conflict of interest.

Mr. Harris made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION THAT AUTHORIZES STAFF TO INVESTIGATE THE FEASIBILITY OF CERTIFYING A PORTION OF THE WATER AUTHORITY PRESERVES AS GOPHER TORTOISE RELOCATION SITES AND RETURN TO A FUTURE BOARD FOR FURTHER DIRECTION.** Seconded by Ms. Dillon, there was no vote at this time.

Vice Chair Farner pointed out that he is not saying that he favors or does not favor this and cannot vote to spend \$1,800 per preserve when the Board is requesting additional information as to whether there are relocation sites and are private businesses doing this in Lake County. He said if there are no relocation sites in Lake County, he will be 100% in favor of it but he is not ready to vote at this time. Ms. Burgos mentioned the county spent \$1,800 to get each of their sites certified and that she will research how much it would cost to certify our properties, including the permit fee, and bring it back for their consideration. Vice Chair Farner said he wanted to amend his comment. He said if Ms. Burgos includes what the private sector is doing in Lake County as part of her feasibility study then he will be in favor of using our properties as mitigation sites.

Ms. Dillon stated the problem, and why Ms. Burgos and the County want to do it is there are not enough sites in Lake County which results in gopher tortoises being relocated outside of Lake County. Mr. Everly, Jr. stated this would be for in-house road projects and construction projects.

The motion carried 6 – 1 with Mr. Everly, Jr. voting against.

f. Approval to Award FY 2009-2010 Mini-Grants

Ms. Burgos thanked Ms. Bystrak, Ms. Dillon and Mr. Harris for being part of the mini-grant committee and reported 32 grants were received and ranged from field trips to equipment requests. She stated last year, the grants were divided into consumable and equipment based on Board direction but this year it was divided into education and community grants.

Mr. Everly, Jr. made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION TO APPROVE THE GRANT RECIPIENTS AND DISBURSEMENT OF THE FUNDS TO THE WINNERS OF THE FY 2009-2010 EDUCATION AND COMMUNITY “DROP-BY-DROP: YOU MAKE A DIFFERENCE!” MINI-GRANT PROGRAM.** Seconded by Mr. Harris with no vote.

Chairman Fullerton left the room and Vice Chair Farner presided over the meeting.

Ms. Bystrak referenced the table shown on page 4 and said one category was short while another was over and asked if a motion was needed to combine the two. Mr. Perry stated that the amount awarded for both the education grants and the community grants were less than the amount requested.

The motion carried 6 – 0 with Chairman Fullerton out of the room.

Chairman Fullerton returned and again presided over the meeting.

Ms. Dillon made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION ON TAB 7 [UNDER DISCUSSION ITEMS], AND TAB 10 [UNDER ACTION ITEMS].** Seconded by Mr. Everly, Jr. with no vote at this time.

g. Approval of Purchase Order for Polymer for NuRF – Tab 7

The Board discussed whether the use of this polymer would cause possible environmental damage and whether it is bio-degradable. Mr. Lombard assured the Board that he will investigate if the product is bio-degradable and noted the District has agreed to take 16,000 tons to use on their North Shore Restoration Area. Chairman Fullerton inquired if there will be any added expense if the purchase order is revised to accommodate a more appropriate polymer. Mr. Lombard said if he finds one that will work better or has to be purchased through a different company, he will prepare a similar memorandum listing the cost and advantages so the Board can decide whether to use a different polymer.

{Executive Director Recommendation: Authorize the Executive Director to generate a purchase order in the amount of \$50,000 for purchase of polymer 71321 from Nalco Company during FY 2009-2010.}

7. **ACTION ITEMS**

b. No-cost Time Extension for City of Leesburg Lake Lucerne
Restoration Project – Tab 10

{Executive Director Recommendation: Authorize Executive Director to execute a 120-day no-cost time extension for the Lake Lucerne Restoration Project.}

The motion carried 7- 0.

8. DISCUSSION ITEMS (Continued)

h. LCWA Tag Lines

Mr. Perry stated staff has tried to develop a way to tag Water Authority messages or add a catch phrase or tag line and would like to know if the Board wants them to continue or have an idea of what they would like. Chairman Fullerton stated Ms. McGuire with the County had some concerns because of the similarity between Adopt-a-Lake and other tags so she would prefer they delay this item until next month's meeting. She suggested that the Board submit their ideas to Ms. Burgos.

Ms. Dillon inquired if middle school students could be asked for their ideas after showing them what cannot be used or used elsewhere, and an award given for the selected tag line or catch phrase. She said Lake Sumter Community College marketing classes might be a possible source, as well. The other Board members indicated they are interested in submitting ideas and Mr. Perry noted this item may not return in December but staff will continue to work on it.

9. ACTION ITEMS (Continued)

a. Authorization to Release Bid for Naturalist

Vice Chair Farner made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION TO AUTHORIZE STAFF TO ADVERTISE FOR THE WATER AUTHORITY NATURALIST CONTRACT POSITION.** Seconded by Ms. Dillon, there was no vote at this time. Chairman Fullerton stated one duty the Naturalist will have is the Lake Adventures program and she asked about its status. Mr. Perry said this could be included on a future agenda to allow staff sufficient time to get information about insurance costs and liability issues. Ms. Burgos noted staff plans to ask Mr. Perry to include this on the December agenda. Vice Chair Farner said during the budget meetings he recalls staff favoring the Naturalist position at \$15,000 but not funding the District contractor but he is glad they decided to fund both, adding the District contractor does a phenomenal job. **The motion carried 7 – 0.**

10. LEGAL STAFF REPORT

Attorney Barice had no report.

Vice Chair Farner referenced his previous comment about Minneola's CUP request and reiterated that she wants something in writing from the District that states the City of Minneola has removed their request to withdraw surface water.

11. BOARD MEMBER COMMENTS

Ms. Bystrak stated the City of Mt. Dora received grant money from the Water Authority to purchase things like toilet tank leak detecting dye tablets. She distributed the tablets and said the City also gave them out at the recent Green Fair and that the Earth Justice article that she handed out is reading material and speaks for itself.

Mr. Everly, Jr. said he did an in-depth survey of the Renaissance Faire vendors and they told him they would much rather have the Faire at the Eustis Fair Grounds because Hickory Point was hot and sandy and they prefer shadier areas.

Mr. Clark stated at the last meeting, he understands a question was asked about the total amount of water used by those living directly on lakes and canals and how it compares to the 440,000 gallons per day (gpd) the City of Minneola wanted to withdraw. He said if one assumes there are 3,000 waterfront homeowners that water twice per week, they would pump 500 gpd but more realistically probably 50% of the people have St. Augustine grass and they would pump 1,000 gpd. At this time of year, they can only water once a week and would have to pump 2,000 gpd to equal what the Water Authority thought the City of Minneola wanted to withdraw. He said to put this in perspective, the Harbor Hills golf course is allowed to withdraw 300,000 gpd from Lake Griffin but Mr. Goerner thought it was closer to 700,000 gpd. Mr. Clark stated one golf course uses more water than all of the homeowners in Lake County. Ms. Bystrak added that she counted 24 golf courses in Lake County.

Ms. Dillon thanked Ms. Burgos, Ms. Bystrak, and Messrs. Perry and Harris for the educational experience of reviewing the mini-grants; she said it was a good dynamic and she believes they helped each other with ideas and that it was a good learning process. Chairman Fullerton asked when the mini-grants ceremony is to be held. Ms. Burgos advised the Water Authority has not held a ceremony in the past couple of years in order to save money but if the Board would like, something could be arranged. She said the teachers' schedule is tight so it would have to be held in January 2010.

Ms. Bystrak asked if there would be a Christmas party and Mr. Perry stated staff gathers for a luncheon.

Chairman Fullerton had no Board member comments.

Vice Chair Farner said he is sorry that Chairman Fullerton does not want to be chairman again but the Board may elect her anyway.

Mr. Harris said at the last meeting he spoke about arranging field trips for high school students to visit the NuRF. He has spoken to Mr. Larry Metz with the School Board and

Mr. Metz has spoken to the School Superintendent, and she is very positive. He has also spoken to several teachers and is trying to determine the cost to use outside vs. School District buses. He said one of the biggest problems is getting transportation so he is requesting the Board consider using leftover mini-grant program money to pay for transportation for both the NuRF tours and the Lake Adventures program. He said maybe the Water Authority could partner with the School District and come up with money for the buses. Mr. Perry mentioned there is \$5,000-\$10,000 left from the mini-grant program and that money stays in the budget until the Board decides whether they want to use it for that purpose. Ms. Bystrak requested this item included on next month's agenda and asked for an exact figure of what is left in the mini-grant program. Mr. Harris stated he wants to move quickly on this because most of the science classes that would be interested in visiting the NuRF will end in January. He is working to set up a meeting with Mr. Lombard and some of the interested teachers so they can talk about the different chemistry and water tests done at the NuRF. Mr. Perry stated aside from the funding issue, staff must also look at the logistics and potential safety issues, noting it would be less of a concern for high school students than it would be for younger students. Mr. Harris stated Mr. Metz with the School Board said he would like to visit the NuRF with some of the School District officials and look at the possible safety concerns.

12. BOARD MEMBER ITEMS FOR FUTURE AGENDA

No other items were mentioned.

13. INFORMATION ITEMS

- a. Staff Report

No comments were made.

- b. Monthly Financial Reports – October 2009

No comments were made.

14. ADJOURNMENT

The meeting was adjourned at approx. 7:55 p.m.

Linda Gavin, Recording Secretary

Neil Kelly, Secretary-Treasurer

Nancy H. Fullerton, Chairman