

**MINUTES OF THE REGULAR BOARD MEETING
of the
LAKE COUNTY WATER AUTHORITY
January 27, 2010**

The regular meeting of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, January 27, 2010 in the Lake County Board of County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

Members Present-District #

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

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 Farner 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 – December 16, 2009

Page 3, 1st paragraph, 2nd line change “Lake Beauclair” to a portion of Lake Beauclair, and **2nd paragraph, 3rd line** delete “They were also told that a gallon of alum at \$.71 could treat up to 600 cfs” and begin the sentence with he said. **Page 5, 3rd paragraph, 10th line** delete “through the Legislature” and **Page 7, 7th paragraph** add Ms. Fullerton agreed that she does not like the closeness of the office to SR 19 and asked why it could not be moved further away since there is an entry road to the west. She asked if moving the office would hinder access to the building and Mr. Hart said the existing overflow parking area would have to be made smaller and the curve in the road eliminated. **Page 11, 1st paragraph, 1st line** change “Green Swamp” to Clermont Chain and **line 5** delete sensitive species productivity” (per Mr. Hart). **Page 15, 5th paragraph, 2nd line** change sentence to Ms. Burgos explained the history of Bugg Springs and the Navy’s involvement. Ms. Burgos further clarified the adjacent property is where Branham’s home is located. **The Minutes were accepted as corrected.**

3. EXECUTIVE DIRECTOR REPORT

Mr. Perry reported that Lake Apopka is above minimum desirable level but continues below regulatory level and Lake Griffin is slightly below regulatory level. Lakes Eustis, Dora and Harris rose above regulatory level this week and the St. Johns River Water Management District (District) opened Burrell dam and discharged approx. 135 cubic feet per second (cfs) for a day or two, which brought the lakes down into the regulatory range. Lake Minnehaha is approx. 4/10" higher than it was last year at this time but continues three feet below the bottom of the regulatory range.

Mr. Perry mentioned that Clermont staff is working to obtain quotes from their consultants to begin work on the Hooks Street Project. As soon as Water Authority staff receives the information, we will know the cost of that project.

Mr. Perry stated Mr. Robert Kaiser, a prominent member of the Water Authority family, passed away last week. Mr. Kaiser volunteered and spent a lot of time assisting and shared his technical expertise and knowledge of water issues with staff from an engineering perspective. Mr. Perry reported that he had spoken to several board members and they felt it would be appropriate to send the resolution to Mr. Kaiser's family. Mr. Perry read the resolution into the minutes.

**RESOLUTION 2010-01
RECOGNIZING ROBERT L. KAISER**

WHEREAS, Robert L. Kaiser graciously volunteered his time and valuable technical skills to assist the Board of Trustees and staff of the Lake County Water Authority on stormwater projects and a multitude of water related issues; and

WHEREAS, Robert L. Kaiser passed away on Wednesday, January 20, 2010; and

WHEREAS, The Board of Trustees of the Lake County Water Authority on behalf of itself, and the general public, wishes to express its condolences and extend its sincere appreciation to the family of Robert L. Kaiser for the time and effort he so selflessly gave to the citizens of Lake County; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Lake County Water Authority that this resolution of condolence and appreciation be delivered to the family of Robert L. Kaiser, and that a copy of this resolution be spread upon the minutes of the Lake County Water Authority to serve as a permanent reminder of the appreciation for the life and contributions of Robert L. Kaiser.

DONE AND RESOLVED this 27th day of January, 2010.

**Lake County Water Authority
Keith A. Farner, Chairman**

Mr. Perry stated the Resolution will be framed and include our seal, logo, and a picture of Mr. Kaiser receiving a 2004 Ambassador Recognition plaque from Chairman Everly, Sr. Ms. Fullerton said this Resolution is a well-deserved acknowledgement of Mr. Kaiser's contributions to the Water Authority. Chairman Farner added Mr. Kaiser was a member of the Harris Chain Restoration Council (HCRC) for many years and he even participated when he was not a member. He said Mr. Kaiser was special and will be greatly missed.

Mr. Perry said one advantage of the Board is to recognize the previous chairman who has served so well over the past year and he requested that Ms. Fullerton and Chairman Farner join him. Mr. Perry stated Ms. Fullerton has always prided herself on ensuring there is sufficient opportunity for Board participation and discussion on any issue. In addition, she was not willing to limit anyone's chance to say something about a particular topic or limit the discussion regardless of the length of the meeting. He said it was important to Ms. Fullerton to ensure that all issues were thoroughly discussed and she was and continues to be a staunch supporter of such South Lake County's issues as the Hooks Street stormwater project. He stated that she was, as Chairman and as a Board member, always ensuring there is focus on South Lake County issues. She also is a strong believer in allowing Board members to participate in leadership opportunities, which is one reason she withdrew her name from consideration for the Chairman position.

Chairman Farner presented a plaque inscribed "Presented to Nancy H. Fullerton in recognition of dedicated service as Chairman, November 2008 through December 2009, Lake County Water Authority Board of Trustees". Mr. Perry stated the Board wanted to give Ms. Fullerton something more personal and he presented a framed photograph of her and Mr. Lumbard floating in Gourd Neck Spring in Lake Apopka. Photos were taken of Ms. Fullerton, Chairman Farner, and Messrs. Perry and Lumbard.

Chairman Farner asked about the Lake Beauclair project permit. Mr. Perry reported the U.S. Army Corps. of Engineers permit is in the mail but the Department of Environmental Protection (DEP) permit will take a while longer since they may ask for another Request for Additional Information (RAI).

4. DISCUSSION ITEMS

Chairman Farner noted that Discussion Items will be presented in a different order than shown on the agenda.

a. Status of New Office Building Location

Chairman Farner stated there was discussion at the December meeting about the closeness of the new office to SR 19 and that the Board had requested staff return with alternative sites.

Mr. Hart said what was proposed in December was to move the building further back from SR 19 and the handicap parking and a few 15-minute parking spaces nearer the

front entrance. He said if the office is moved into the soccer field overflow area, the existing parking could be moved nearer the front; however, a better option might be to set the building at a 45° angle so as visitors drive in the entrance, they are driving toward the front of the building. The present soccer field parking would be impacted somewhat especially during tournament-type events and would require some asphalt and curbing removal which will add to the site development cost. If the building is turned 90°, the entrance will then face the existing parking lot and reduce the overflow parking, but there will be sufficient room to move some of the parking to the front of the office. In addition, the side and back of the building will be visible from SR 19, so the Board may want to put something, such as stonework, on the side and back to make it more aesthetically pleasing. He said he will talk about the bid package, stonework, and the consultant's recommendation later.

Mr. Harris said last month the Board talked about moving the building back and rotating it, but he also remembers someone saying the office would be less energy efficient. He said he would prefer to see the building turned 90° so it looks good from the highway and he said it is very important to move the handicap parking closer to the front.

Ms. Bystrak said she likes the idea of turning the building 90°, and while visiting the site recently, she heard the noise of numerous trash trucks going to and from the Astatula Landfill. She referred to the small driveway near the entrance and said if someone wants to avoid the gate, they can go around it as she did when she was there. Mr. Hart stated the intent was for the Soccer League to have after-hours access without having to pay and the past Board asked staff to design an alternate entrance. He explained there will be a metal rod gate across the road so the Soccer League will be able to open the lock and gate for a soccer game and then close and lock the gate so no one can enter the area at night. There will also be a metal rod gate across the office parking area to protect it after hours.

Vice Chair Dillon was concerned about the angle of the building because if it is moved further from SR 19, how do vehicles turn around on the concrete pad by the garage? Mr. Hart answered that is an issue and will require another way to gain access to the back of the building. He said driving and turning 4-wheel drive vehicles will tear up the sod if the area is used frequently. He said there may be a need to move the concrete pad from the back to the side of the building in order to get the work vehicles in and out of the garage. Vice Chair Dillon suggested moving the building further back, straightening the angled parking area, and have 5-6 parking spaces (two handicapped and two to three 15-minute parking spaces) in front of the office which would result in getting a visitor far enough off of the road and not interfere as much with the parking area. She said the turn-around pad needs to be moved out a little so staff can get into the garage and she was concerned about the amount of parking that would have to be removed so staff can get into the garage. Mr. Hart said he will check with the architect and see what the code requires to have a lane of traffic and 4-5 parking spaces in front plus an egress road. He said he needs to know how close a vehicle can come to the property line and Mr. Joe Morgan with KZF Design informed him the office has to be 45' from SR 19 in order to be able to park in the front of the office.

Mr. Hart stated the Supervisory Park Ranger recommended the Soccer League parking lot be kept separate from the office parking because she felt vandalism could occur if the roads are combined. Vice Chair Dillon asked if the Water Authority plans to fence around the office and Mr. Hart said he would prefer not to but would rather add a landscape buffer to eliminate the threat of cars damaging the landscaping, irrigation system, and parking area. He said he really does not want 6 x 6 poles along the border between the soccer field and the office because it would be quite unattractive. She asked what keeps children from damaging the office if it is 45' further from SR 19. Mr. Hart said it would make a difference if the office is placed in the middle where children wait for their parents instead of in a separate lot.

Chairman Farner wanted to know when the Soccer League agreement expires and was told it concludes at the end of 2010. He said the Board has not decided if they want to extend the agreement or whether the Soccer League will be at Hickory Point in the future. He said he visited the office site and it seems that it would be the same distance from SR 19 as the sub-division's wall that is located across the highway and he is concerned about noise. He said he does not want to make a mistake and look back and say the office should have been placed back 100' and he also does not want the Soccer League parking dictating where the office will be located because we do not know whether there will be a Soccer League agreement then next year. He said he would like to move the office further from SR 19 but realizes that Mr. Perry and some of the Board may like the idea of the office being closer so it can be seen by the public. Mr. Hart stated he does not believe staff has a strong preference and feels they are open to anything the Board may suggest.

Mr. Perry stated an advantage of turning the office 90° is the portion of the office that faces SR 19 would be the Break Room and a couple of overflow offices so the noise should not affect the staff as much.

Ms. Fullerton asked how many parking spaces are needed for staff and visitors. Mr. Hart stated the architect just mentioned to him the drawing shows more parking spaces than needed or required by code. She stated as one drives around Lake County they notice all of the growth along Hwy. 441 and Hwy. 50 in Clermont and she would hate for the Board to regret that they chose a site too close to SR 19. She said she believes the Board should err on the side of not making that mistake because it never hurts to have landscaping in front as a noise barrier. She said the Water Authority owns a lot of land there and if we sacrifice one row of parking it is not a big deal but if the office is built too close to SR 19 then it is too late. Ms. Fullerton asked how many feet are gained by moving the office back and Mr. Hart thought it was about 20'-25' from the first location. Mr. Hart commented the site was bare when some of the Board looked at the site. He said trees and intermediate sized scrubs could be planted along the side of the property to reduce highway noise and we can also install the Water Authority sign with water conservation messages and things of that nature on highway frontage. He said there will be no impact to the soccer overflow parking area. Ms. Fullerton asked if the point of not moving the office further back had to do with that parking issue. Mr. Hart said until this Board votes to take some action, he continues with the past Board's vote which was to allow the Soccer League to use the Park. Mr. Hart clarified the Soccer League needs

additional parking to accommodate their large tournament events and the Renaissance Faire also uses the overflow parking area.

Mr. Perry stated the overflow parking area probably should be the least of the Board's concern related to the Renaissance Faire because the Soccer League makes money parking cars on their field during that event.

Mr. Everly, Jr. stated he is involved in development and continues to work on subdivisions and commercial sites across Florida and until now he has yet to see a design where the back of a building faces the street. The new office could be redesigned to include a façade on the back so as not to end up with an ugly looking office. He said the Board needs to keep in mind they visit the present office once or twice a month, but staff is there every day and that staff should have some input. He said Board members are the stewards of taxpayers' money and staff can probably put together a decent looking office where they can do their work. He said he would not mind moving the new office further back and using some of the soccer field or parking area but he is uncomfortable with turning the back of the office toward SR 19. He said he believes the architect is working within the confines of not disturbing the overflow parking area but if he has free reign to use a portion of that parking area, the architect's ideas could be a lot more open.

Mr. Joe Morgan, Executive Vice President of KZF Design, LLD stated the rationale their staff used was that they did not want to intrude into the existing parking area since they felt they did not have that flexibility when they began designing the office. They tried to take advantage of the berm at the entrance and place the office parking behind it so the office would be visible from SR 19. They also wanted to give visitors an opportunity to take a special walk from the parking area through a grove and natural vegetation to reach the front of the office. He said from what he has heard this evening, the garage doors could be rotated to face the parking lot and a landscaped screened area could be created allowing them to pull the building back and move some of the parking more toward the front without the parking going completely across the front of the building. Mr. Everly, Jr. said there could be double garage doors which would allow a complete pass through into a courtyard. Mr. Morgan said there could also be some type of sub-division wall to screen the area.

Chairman Farner said he never had a problem with the position of the office but just did not like it so close to SR 19. He pointed out the Water Authority does not know whether the Soccer League contract will be extended so he does not want that issue to be the primary consideration for where the office is placed. Mr. Morgan stated making that change would pull the office back approx. 45'; however, the building would still face SR 19, which is what the Board wants and it would allow handicap parking closer to the designated employee entrance so a handicapped person could ring a doorbell and an employee can open the door for them.

Chairman Farner asked if the Board is comfortable with the office being moved back 45' and Ms. Fullerton said she would like to go to the site, measure it and see but did think that it would work. Mr. Hart stated the garage doors will be moved to the side to allow

staff to pull directly in the garage and then there will be no need for a concrete pad. Ms. Bystrak asked about airboats placement and Mr. Hart said they would be located near the Sheriff's small office nearer the lake.

Vice Chair Dillon mentioned she is very concerned about having parking in front but now that the side of the office is nearer to the parking area, she can see how the architect could make it a little easier. She said she is trying to image someone with a cane going that far to reach the entrance. Mr. Morgan responded they can move a few spaces toward the front and Vice Chair Dillon thought it will be good to have a few handicap and 15-minute parking spaces in front.

Mr. Harris said what he wants to do is to move forward with building the office and Mr. Clark concurred. Mr. Everly, Jr. suggested planting native vegetation since it would enforce our water conservation message. Mr. Harris said the low impact native vegetation garden should be drought tolerant and require little upkeep but still look nice. Mr. Hart reported that he spoke to the architect and Ms. Teresa Watkins could design the office landscaping. Ms. Bystrak asked where the cistern will go and Mr. Hart said the Board directed staff to put a cistern on the new office and the design includes connection of a cistern on the outside of the conference room wall. He stated staff will return at some point with a contract for someone to install the cistern.

Mr. Hart stated the architect recommended staff include stonework as an option in the bid and when they receive the bids they will be able to determine the actual cost and then the Board can award the bid with or without stonework. Chairman Farner reminded them that they had voted against stonework but said he is comfortable with proceeding that way. The Board concurred that they wanted stonework included as an option in the bid package. Mr. Hart stated he checked on the two different types of windows and both types of windows are rated the same but the six over six window costs \$85/ea. more (total of \$2,380) over the single hung windows. Ms. Bystrak asked about window sound-proofing and was told both styles are the same. Mr. Hart stated the architect is ready to prepare construction documents specifying what is to be included in the office. The Board discussed the two types of windows and agreed they wanted larger pane windows. A question was asked if the windows will open and Mr. Hart noted that has not been discussed but most likely they will be sealed windows.

b. Flow Rates and Alum Use of NuRF

Mr. Perry said this item is in response to Mr. Clark's December question related to the flow rate, amount of alum needed in the future, and potential associated operating costs. He stated Mr. Lumbard determined how much to budget for alum and the historic and normal flow rates and that is shown in his memorandum.

Mr. Lumbard said staff found that 300 cfs would be the optimal design spec to give maximum treatment without spending a lot to enlarge the Nutrient Reduction Facility (NuRF). Staff and Environmental Research and Design (ERD) reviewed a scenario and found if the discharge flow from Lake Apopka into Apopka-Beauclair Canal (AB Canal)

reaches 600 cfs, NuRF would have to double in size. At 300 cfs, 90% of the flow is treated depending on the scenario that is used but if the flow is kept at less than 300 cfs, NuRF can treat all of the flow. Mr. Lumbard said there have been times and events when the flow rate has exceeded 300 cfs for a period of time and he said he will explain the logic behind the rationale used to forecast how much flow, alum, and concentrate will be needed by the NuRF.

Mr. Lumbard stated staff and ERD looked at two different scenarios and used a certain period of record and also considered changes in management from the District's perspective. The first scenario is the period of record from 1959 through 2000 and the second is more recent history involving the number of dry and wet years. At first, that data is what the consultant received but after discussions with the consultant and the District, staff decided a whole range of data should be reviewed to determine where the range would be in any given year, thus giving them a range to strive for during normal rainfall years. The range was quite often either above or below 300 cfs but that does not mean that rate is what is received at any given point. He referenced Figure #1- Average Daily cfs Discharge at Apopka Dam and said the two green lines indicate the average flow range during a given year but there were numerous years when the flow was below 300 cfs and a few years when it was above 300 cfs. In the past several years, the flow rate have been well below NuRF's average operating capacity but there will be years in the future when the flow is well above 300 cfs so staff would like direction from the Board on what they should do when the flow rate is above average.

Ms. Fullerton felt it is important to know the number of high flow occurrences in a year because NuRF will have to treat it at that rate. Mr. Lumbard said the maximum flow rate is 300 cfs, and ERD's analysis shows 90% of time the flow rate is 300 cfs out of Lake Apopka through the AB Canal and he said that amount can be treated. Chairman Farner asked if any excess flow would pass through the spillway and Mr. Lumbard said that it will and when that occurs we can try and catch the excess flow but NuRF has not been tested at velocities over 300 cfs. He said there may be an opportunity to do so depending upon the volume of flow.

Ms. Bystrak asked if flow could be sent through the NuRF to catch sediment without it being treated and Mr. Lumbard said that is another possible scenario. The design criteria of 300 cfs is based on floc particulate settling out in about six hours and certain hydraulic constraints because only a certain amount of water can pass through the culverts. He clarified the jumbled "y" axis descriptions on Figure #2 is Average Flow Rate in Millions of Gallons, Figure #3 is Million Dollars and Normal Operating Range, and Figure #4 is Average Flow Rate in Cubic Feet per Second. Ms. Bystrak inquired about operating costs such as electricity, etc. and Mr. Lumbard reported \$40,000 has been budgeted for utilities and is minimal compared to the cost of alum.

Mr. Clark reported he reviewed the flow rates for the past 25 years and found 600 cfs was reached one time, which is rare, and the Board knows NuRF's maximum benefit depends on flow coming down the AB Canal, the more flow the better. In addition, the cost of alum is directly proportional to the amount of the flow rate up to 300 cfs, so we want to

maximize the benefit by having money available. He said yesterday he asked Mr. Perry what he would do if he had to find \$1 million and he requested that Mr. Perry tell the Board his response.

Mr. Perry said \$1 million in stormwater projects would not be done because we would need \$500,000, plus \$250,000 from the Clermont projects, in addition to \$150,000 for the Dora Canal project; or he would have to use a portion of the Lake Beauclair restoration money. Mr. Clark stated once the Lake Beauclair project is complete, that money will be gone so then what happens if he needs \$2 million the same year or \$1 million a year for several consecutive years. Mr. Perry told him it would definitely limit the projects the Water Authority is able to do.

Mr. Clark said what he needs to talk about now is the necessity of having a reserve account, which was also mentioned in Mr. Lumbard's memorandum to the Board. Mr. Clark stated he calculated the amount of flow that would have had to have been treated over the past 25 consecutive years (over 9,000 data points) and any data point over 300 cfs he dropped to 300 cfs because he wanted to know what it would have cost to operate the NuRF during that time. He said everything is driven by rainfall and that cannot be predicted now or in future years but by looking at the past 25 years, it gives a fairly good indication of what the Water Authority should be prepared for. He explained his formula of arriving at the total average flow rate for the past 25 years and he said even though he did not want to know that, he was able to determine the cost. He said Mr. Lumbard has given information which says at approx. 25 cfs for an entire year at \$.71/gal., and 10 mg per liter dose, the alum would cost \$1 million, at 50 cfs it would cost \$2 million, and at 75 cfs it would cost \$3 million. Mr. Clark stated this data is shown in the bar graph he distributed to the Board, noting it looks simple once the flow rate per day for 25 years is added together and divided by 25 but the question is how much money should be allocated each year and then the formula does not work because the highest discharge occurred in 1994 and the alum cost would have been nearly \$ 5 million, and the lowest discharge in 2002, and the alum would have cost \$400,000, so the average is \$1.81 million. He said one would think that if the Water Authority budgeted \$1.81 million each year it would be correct but it is not because the next data set shows \$1 million/yr. budgeted for alum means 75% of the time Mr. Perry has to find up to \$ 3 million, if \$2 million is budgeted that same amount has to be found 50% of the time and if \$3 million is budgeted, we need \$1 million one year out of every four. Mr. Clark stated that is why NuRF needs its own savings account and hopefully the low flow rate will continue for the next few years. He said if \$2 million is in a reserve account, and the cost of alum exceeds what has been budgeted, some reserve fund money can be drawn out to pay for the alum and then Mr. Perry would not have to devastate other accounts. He said if there is another high flow year like 1994, we may not be able to pay for all of the alum that is needed and then some of the flow will have to go through without being treated. He stated when it is time to discuss the budget, a separate NuRF account should be set up so the Board can begin budgeting \$2 million per year or they can start out with nothing in the account and immediately deposit money for wet years.

Chairman Farner asked Mr. Clark if he determined a maximum amount for the reserve account. Mr. Clark explained the Board can develop any scenario but if \$2 million is put in the reserve account and \$500,000 is added each year to a maximum of \$ 5 million it would be enough to handle any emergency that might have occurred over the past 25 years. To get the maximum benefit from the NuRF, a lot of water is needed which means a lot of money is needed, as well and since \$7.2 million was invested in the NuRF, we cannot hope that we do not receive enough flow to run facility. He said from some of the information he has received and given to Mr. Perry, he believes the Water Authority will begin to see cooperation from the District as they try to average the flow to keep it below 300 cfs. He said if that occurs, NuRF will treat a little more flow and the money that we have set aside may not be enough. Chairman Farner asked what \$ 2 million would cover and Mr. Clark said if the Board elected to budget \$ 1.81 million that would just cover average flow rates and would leave no excess funds.

Ms. Bystrak said she understands there is a proposal to build a reservoir on the north shore of Lake Apopka and when water levels are high, the excess will go into the reservoir and then the City of Apopka can draw from it. She said if that occurs there will be less water exiting Lake Apopka and going through the NuRF. Mr. Clark said he assumes the reservoir will be filled before the flow reaches 400 cfs to 500 cfs and comes down the AB Canal but NuRF cannot treat water in excess of 300 cfs. Chairman Farner stated the District's agreement with the Water Authority states they will not take water from Lake Apopka to supplement the North Shore Restoration Area. Mr. Clark said that's true but when there is direct rainfall; the excess will not be pumped into Lake Apopka and stops under this scenario. He said we do not know what the District plans to do and we have no control so all we can do is prepare for what has happened in the past.

Ms. Fullerton said it is counterproductive to say if only we had done this or that over the past four or five years. She added she strongly takes it to heart that during the budget process, or as long as she has been on the Board and followed what the County has done, the Board has tried to make a good impression on the taxpayers by impoverishing the Water Authority. She said Past Board Member Hill said it is easy to cut taxes but how do you ever build that money back up again. She agrees with Mr. Clark that the Water Authority needs to budget a specific amount and should be started immediately since we must protect our investment but we also have to have money to cover emergencies of keeping the flow rate rather than saying we are going to let the lakes fill with dirty water again. She wondered if there is a way to raise money, have another Special District, or go to the taxpayers and other governmental agencies and ask for money.

Mr. Perry stated there are several ways to start a reserve fund and the least desirable is to increase the millage rate but that is an option. He said as the budget develops with the existing millage, another option would be to build up a reserve fund over time and when the Lake Beauclair restoration project is complete, if the total is less than what was budgeted, the remaining money could be put into the alum reserve fund. The Water Authority has always been a pay-as-you-go entity and saves money over several years to do projects. He said another option is the Board has the ability within the law to bond up to \$ 5 million and put that money in a reserve account so if there are rainy seasons or

extensive tropical activity, the Water Authority can service that debt within the annual budget and not increase the millage rate for years. Ms. Fullerton asked if the Water Authority is limited to what they can bond and Mr. Perry said he does not remember.

Mr. Everly, Jr. said Mr. Clark made a point that seems to have been forgotten and that is when there is minimum flow, there is high concentration of total phosphorus due to algal blooms, resuspension, low water levels, etc. but during huge rainfall years, the springs flow, groundwater seeps in, and direct runoff is very low. He said all of the North Shore area runoff will be captured and will not enter Lake Apopka. During times of heavy flow, 300 cfs to 600 cfs, dissolved total phosphorus could potentially be quite diluted and require less alum. Mr. Lumbard said historic data indicates dilution during heavy rain events and total phosphorus concentration does drop but the Water Authority has never historically seen it anywhere near the target number. Mr. Everly, Jr. stated the alum formula may be better in a couple of years and allow us to use less.

Attorney Barice referenced the Water Authority's legislative authorization under Section 14 - Borrowing Funds Bond Issuance which states "The Board can borrow money at such times as it deems necessary to carry out the purposes of the Act and to execute and deliver its promissory note forbearing interest that is fixed by the Board; however, the Board shall not borrow any sum of money or give its promissory note for a period of time longer than one year and the total of the money borrowed and outstanding may not exceed \$35,000 at any one time." She read an excerpt from Revenue Bonds section that said "The Board may issue Bonds payable solely from revenues of the Authority. The value of all such Bonds outstanding at any one time may not exceed the amount equal to one-third of the Authority's anticipated revenues for the period for which the Bonds are outstanding. Revenue Bonds may not be issued unless their issuance has been approved by a majority of those electorates of the Authority voting in a referendum in which the ballot statement describes in detail the purpose for which the Bonds will be issued." She stated the Board would have to hold an election but one-third of anticipated revenues for which the Bonds are outstanding could be substantial over a 20 year period.

Chairman Farner said the Board knows Revenue Bonds are an option and believes the Board should direct staff to develop scenarios on what can be done. He agrees with Mr. Clark that a reserve fund needs to be addressed soon and the Water Authority could also approach DEP, the District, the Lake County Commission, and even cities to make them aware of the issue and maybe an agreement could be written explaining the importance of having sufficient money to treat high flows. He said we can only rely on ourselves and we need to prepare to budget for future heavy rain occurrences.

Ms. Bystrak stated she recently received an e-mail from DEP stating their 313 Grants are coming up in May and she thought possibly the Water Authority could apply for one. Mr. Lumbard said he has been informed by DEP they do not cover operational expenses but he will gladly talk with them and other agencies, as well. Chairman Farner stated staff can tell DEP about our situation and maybe they will assist because they were a big partner in this project and they want NuRF to succeed as much as we do.

Ms. Fullerton stated that she would like to see staff work out an estimate of how much the Water Authority would need to raise the millage rate to earn the amount of money needed for alum. She said it might only have to be raised a small amount and she wondered if residents living on the Harris Chain could pay a little more.

Mr. Clark said if the Board budgets \$2 million next year, the Water Authority stands a 50/50 chance of not having sufficient money for alum so if the Board plans to do this, they need to establish a reserve fund as soon as possible.

Mr. Harris said he realizes the cost of alum has increased and he asked about price stability. Mr. Lumbard noted it has increased approx. 50% over the past year and recently increased from \$.67/gal. to \$.72/gal. Ms. Bystrak asked what it would cost to run Lake Beauclair's spoils through the NuRF and Mr. Lumbard stated that will be accounted for in the dredging project.

c. Approval to Distribute Beauclair Liability Waiver Releases

Mr. Perry stated this release is the same or similar to the Lake Griffin dredging project release format and it has been reviewed by Attorney Barice.

Vice Chair Dillon said one resident asked her if they would be told the names of those refusing to sign and whether they could help persuade them. Mr. Perry said during preparation of the Lake Griffin dredging project, staff reported to the Board the names of those that had not or refused to sign and since it was public record, a spreadsheet was prepared and available to the public. Vice Chair Dillon said another resident asked her if they have to sign a release if they do not live on a canal scheduled to be dredged but near one that will be dredged and Mr. Lumbard advised they will not receive a release form.

Ms. Fullerton asked if the Lake Beauclair letter is similar to Lake Griffin's final release letter. Mr. Lumbard stated one thing changed and that has to do with Policy #004 because the original Authorization and Release letter required a homeowner to release the Water Authority from any and all liability and Policy #004 releases the contractor from any and all liability. He said the Lake Beauclair Authorization and Release holds to the original policy so there probably is no need to adopt a new policy and he stated he will remove "Policy XXX" from the release letter.

Ms. Fullerton made a motion **TO AUTHORIZE THE EXECUTIVE DIRECTOR TO PROCEED WITH MAILING THE RELEASE AUTHORIZATIONS FOR THE PROPERTIES ADJACENT TO THE FOUR CANALS CURRENTLY INCLUDED IN THE PLANS FOR THE LAKE BEAUCLAIR RESTORATION PROJECT.**

Seconded by Mr. Everly, Jr., the motion carried 7 – 0.

5. **PUBLIC COMMENT**

No one came forward at this time.

The meeting adjourned for a short recess at 5:10 p.m. and reconvened at 5:25 p.m.

6. DISCUSSION ITEMS (Continued)

d. City of Leesburg Request Near Flat Island Preserve

Ms. Burgos stated that staff is recommending a quit claim deed or donation of this property for purposes of recreation to the City of Leesburg. She said the language in the easement as currently recorded states “The provided real property shall be used by grantee for multi-use recreation trail public purposes and only restricted so as to minimize impacts to adjacent wetlands on either side of said real property and the property may not be sold. The wetlands on either side belong to the Water Authority.” She said the way the language is written and understood is that it does not restrict or allow potential utilities and Mr. Ray Sharp, Director of Environmental Services with the City of Leesburg has reviewed the City’s needs and requested the Water Authority consider allowing the City to run their utility lines within the railroad corridor.

Mr. Everly, Jr. made a motion **TO APPROVE THE CITY OF LEESBURG’S REQUEST TO MODIFY CONDITIONS OF THE DEED CONVEYING 19± ACRES TO ALLOW UNDERGROUND UTILITIES WITHIN THE RAILROAD CORRIDOR.** Seconded by Ms. Fullerton, there was no vote at this time.

Ms. Bystrak stated her concern is initially when the Water Authority transferred the easement to the City, the Board thought the land would be used strictly for recreational purposes and not a utility easement. She said since the Water Authority is desperate for money to keep the NuRF going, and utility easements are worth considerable money, the Water Authority might have been able to get some money because it would cost the City a lot if they had to run their utility lines a different route versus using the 19± acres. She said that money could have been used by us and she sees it as a funding opportunity the Board is missing. She said she is not sure the Water Authority should give up so easily on what is thought to be a railroad corridor and now is a valuable utility easement.

Mr. Harris stated he has concerns, as well, and did not know about the utility plan but sees the City as a partner on this project. He inquired if the Preserve will be closed while the City runs utility lines or used as a trail. Ms. Burgos said she cannot speak for the City but thinks because of cost constraints it will be many years before the City is able to prepare the trail. Mr. Harris asked if the corridor would help and whether there would be rest areas along the trail. Ms. Burgos said according to the e-mail Mr. Sharp sent her, one benefit other than the potential for allowing utilities within the railroad corridor is the City will not have to build another water treatment plant; and railroad ties probably treated with creosol, will be removed which environmentally benefits the wetlands.

Mr. Ray Sharp came forward and thanked the Board for allowing him to come and speak about the City’s long-term Trails Master Plan adopted in 2004. He said in that Plan, the City envisioned using the railroad corridor as part of the Trails system, winding it through their turnpike property on the south side of Lake Denham and connecting on the

north side of that lake. He said utility lines are likely to be installed long before the City has funds to do the trail and railroad rights-of-way tend to be contaminated with pesticides, etc. so the utility company will have to do an environmental investigation and a clean up which will benefit the trail system and the environment. He said the City anticipates installing the water line in five years depending on the City's ability to pump the water.

Mr. Harris wanted assurance the City is still committed to putting in a trail. Mr. Sharp answered all of the utilities in this corridor or any of their other corridors will be underground. He mentioned Magnolia Trail has underground reclaimed water lines and Fountain Lake Trail will have underground water and stormwater lines when completed. He said the City's intent for many years has been to connect Flat Island Preserve to the Master Trails system.

Ms. Fullerton asked whether the corridor will stay the same if water lines and trail is not installed for five years and Mr. Sharp assured her that the corridor will stay the same. Mr. Everly, Jr. emphasized nothing can be done until the area is environmentally clean. Mr. Sharp said before the City began work on a ¾ mile segment of another trail, they ended up spending \$70,000.

Ms. Bystrak thought the first deed the City received said the property would be used as a hiking trail and creosol soaked railroad ties would be removed. Mr. Sharp stated it would work better if the utility company removes the railroad ties because they have access to revenue funds otherwise trails are constructed with grants and ad valorem money which makes it more difficult. Ms. Bystrak asked Ms. Burgos if the Water Authority would be setting a precedent if we allowed utilities on our conservation land and whether the Water Authority had done this before. Ms. Burgos said in the past, the Board has not donated property that they knew would have utilities but part of Bourlay Nature Park contained a portion of someone's driveway and the Board considered making it into a public easement for the City because we did not want to own asphalt. She said the Water Authority has not done it before but the Board at some point may decide that even though they worked with the City in 2010, they do not want to in the future so she does not see it as a negative precedent.

Ms. Bystrak stated before a vote is taken she would like in the official record that she will be voting "No" because this would be setting a precedent of putting public utilities on conservation land and she wants the conservation community to know she made that statement.

(Mr. Everly, Jr. made a motion TO APPROVE THE CITY OF LEESBURG'S REQUEST TO MODIFY CONDITIONS OF THE DEED CONVEYING 19± ACRES TO ALLOW UNDERGROUND UTILITIES WITHIN THE RAILROAD CORRIDOR. Seconded by Ms. Fullerton).

The motion carried 6 – 1 with Ms. Bystrak voting against.

Attorney Barice asked for clarification because she said she will be working with the City's attorney and what they will probably do is a deed modification to one paragraph to make it clearer. She asked if it should read "City underground utilities" or "underground utilities" and Chairman Farner and Mr. Everly, Jr. agreed "underground utilities". She said potentially that could include a power company and Ms. Bystrak asked about cable TV and everything else. Mr. Everly, Jr. explained cable companies do not run their lines through the same corridor as the utility companies. Attorney Barice said it opens it up to whether it will be governmental vs. non-governmental utilities and she needs to know how clear it should be. Mr. Everly, Jr. pointed out that it will be on City property and if they can figure out a way for AT&T to run a cable through the area and make a beautiful paved area that would be great.

Vice Chair Dillon made a motion **TO COMBINE TAB 5 [UNDER DISCUSSION ITEMS] AND TAB 12 [UNDER ACTION ITEMS] TOGETHER.** Seconded by Mr. Everly, Jr., the motion carried 7 – 0.

e. Approval to Accept Gopher Tortoise Grant – Tab 5

{Executive Director Recommendation: (1) Approval to accept the Florida Fish and Wildlife Conservation Commission Habitat Management Assistance Grant for Sabal Bluff Preserve. (2) Approval to accept the Florida Fish and Wildlife Conservation Commission Habitat Management Assistance Grant for Flowing Waters Preserve and to grant a conservation easement to FWC for 10 years.}

7. **ACTION ITEMS**

a. Budget Transfer to Provide Funds to Trout Lake Nature Center – Tab 12

{Executive Director Recommendation: Authorize staff to move \$5,000 from Account 500-340 Contractual Services to Account 500-820 Aids to Private Entities to allow payment to Trout Lake Nature Center.}

8. **DISCUSSION ITEMS (Continued)**

f. Link on the Water Atlas for Reporting Algae Blooms

Mr. Perry stated Ms. Bystrak requested this item on the agenda because she would like a link on the Water Atlas and the Water Authority's website where citizens can report algae blooms.

Vice Chair Dillon made a motion **TO APPROVE THE EXECUTIVE DIRECTOR RECOMMENDATION TO DIRECT STAFF TO ADD A LINK TO THE LAKE COUNTY WATER ATLAS FOR REPORTING ALGAE BLOOMS.** Seconded by Mr. Everly, Jr., there was no vote at this time.

Ms. Bystrak referenced her handout from the District showing that phosphorus has increased 103% on Lake Yale, which she said is very alarming and one of the reasons for algae blooms. She said she is not sure the Board needs to vote on this because if the County has a link on the Water Atlas why should the Water Authority? She said her original request to Mr. Perry was the Water Authority link it to our website in addition to the Lake County Water Atlas and the present motion is not worded that way. She said it does not have to be on both sites but it would be good for the public to know the Water Authority cares when they see the link on our website. She said if the Board wants a link just on the Lake County Water Atlas that is fine, as well.

Chairman Farner asked about the cost and Vice Chair Dillon said it doesn't take long to make a link but it does have to be monitored to ensure it is not broken. Mr. Perry stated Mr. Garcia, GIS Manager will take care of the links.

Vice Chair Dillon amended her motion **TO DIRECT STAFF TO ADD A LINK TO THE LAKE COUNTY WATER ATLAS AND THE WATER AUTHORITY WEBSITE FOR REPORTING ALGAE BLOOMS.** Seconded by Mr. Everly, Jr., the motion carried 7 – 0.

g. Approval to Award Naturalist Contractor

Mr. Perry stated three individuals were interviewed for the Naturalist position and Ms. Burgos was extremely impressed with Mr. Marc Crail. He comes to the Water Authority with a background in schools (teacher and Superintendent), is semi-retired, and works part time as a tour guide at Disney's Animal Kingdom. Staff is comfortable with his knowledge of environmental issues, ability to communicate with people, develop partnerships, and staff feels that he will be able to plan events they want him to do.

Mr. Everly, Jr. made a motion **TO APPROVE AWARD OF THE NATURALIST CONTRACT TO MR. MARC CRAIL.** Seconded by Vice Chair Dillon, there was no vote at this time.

Ms. Fullerton asked if Mr. Crail is a new applicant. Ms. Burgos reported several people were interested in the position and one woman working part-time at Trout Lake Nature Center was interested but then moved out of state. Ms. Fullerton questioned if Mr. Crail, as a contractor, can employ other people. Ms. Burgos explained the Naturalist contract was based on the Watershed Action Volunteer Coordinator contract and was reviewed by Attorney Barice who can speak to the type of language that is the contract.

Attorney Barice stated the contract language is similar to the District's agreement but certain modifications were made such as indemnification and a few other things to protect the Water Authority. The contract states if Mr. Crail hires someone, that individual is his employee and the Water Authority has the right to disapprove of that individual. Attorney Barice said she does not believe he plans to hire anyone. Ms. Fullerton asked if the Water Authority could get into an obligatory position if we did not hire someone but Mr. Crail did hire that individual. Ms. Burgos said the contract is

similar to the prescribed burn contract which says the individual has to list the employees and they have to have \$ 1 million liability coverage just like the contractor and that individual must first be approved by the Executive Director. She said staff will approve any activities; however, she believes Mr. Crail will be the only individual. She said anything can be stricken from the contract and some Water Authority contracts contain sub-contractor language.

Ms. Fullerton said in a legal contract, she does not think one should count on someone not doing something. Attorney Barice said if Mr. Crail is unavailable for a particular event, and he has appropriate insurance, he may get someone else but there is also a provision that if the individual is unacceptable to the Water Authority, they can let Mr. Crail know. Chairman Farner said if staff wants Mr. Crail at a specific event and he is unavailable, staff could also go in his place.

Ms. Fullerton said she would like a review or to hear something about the Lake Adventure program. Ms. Burgos stated staff developed a Scope of Service for the Naturalist but had to amend it because the contract will run from February 1 through September 30 and he may not be able to do as many tours as they would like. She reported that she and Mr. Crail met with Ms. Claudia Rowe, K-12 Program Specialist. At the February Board meeting, staff intended to provide the Board with an outline of what staff hopes Mr. Crail will do, how the School Board wants to use the NuRF, how the School Board and school children want to use Hickory Point and the Lake Adventure Tour program. She said staff should have a firm price from boat operators so they can determine if the \$5,000 that has been set aside is enough. The Board will get a full menu of things to direct Mr. Crail and staff; and Ms. Claudia Rowe will be at the meeting to hear the Board's objectives for the Lake Adventure program.

Ms. Bystrak said it looks as though the pay is \$25/hr. for 600 hours and Ms. Burgos said that is what Mr. Perry and Mr. Crail discussed. Ms. Bystrak said she was surprised only three applicants applied because Trout Lake Nature Center advertised in the Orlando Sentinel for a part time Naturalist and over 30 naturalists applied. Ms. Burgos reported the Orlando Sentinel was too expensive so the Naturalist position was advertised in the Daily Commercial based on the number of applications received for the NuRF operator position. She said the three applicants included an environmental activist from Mt. Dora, a retired professor from Lake Sumter Community College, and Mr. Crail.

Mr. Harris said this is a unique position and more than just going out and talking to school children and teachers, it also requires setting up events and working with the School Board. He said he is very impressed with Mr. Crail's credentials and even though he has not met him, Mr. Crail works at Disney and usually tour guides are very good with children and the public. He said he believes the Water Authority is very fortunate to have Mr. Crail as the Naturalist. Ms. Fullerton asked if Mr. Crail will continue working at Disney and Ms. Burgos said that he will because there is flexibility in his schedule to accommodate Water Authority activities.

(Mr. Everly, Jr. made a motion TO APPROVE AWARD OF THE NATURALIST CONTRACT TO MR. MARC CRAIL. Seconded by Vice Chair Dillon).

The motion carried 7 – 0.

Ms. Burgos read a note from Mr. Crail that said he is excited about joining the Water Authority team and apologized for being unable to attend the January Board meeting due to a family matter but that he will meet the Board at the February meeting.

h. Approval of MOU with Lake County for Use of Canoes/kayaks

Vice Chair Dillon made a motion TO APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) WITH LAKE COUNTY FOR THE USE OF CANOES AND KAYAKS. Seconded by Mr. Everly, Jr., there was no vote at this time.

Ms. Bystrak asked about trip leaders and whether they will be covered by the Water Authority's liability insurance. Ms. Burgos listed the staff trip leaders as herself, Mr. Crail, Mr. Gugliotti, Mr. Quigley and Ms. Poag, County Park Rangers and said staff will be covered by their own entity and the contractor has his own insurance.

Ms. Fullerton said she would like more detail in the motion because it seems rather vague. She referenced Section 5(f) in the MOU which says we will "Maintain liability insurance to cover personal injury or property damage while on LCWA property and/or LCWA sponsored activities" and she thought that was already a Water Authority responsibility. Mr. Perry explained because it is a joint agreement between the Water Authority and the County, the County wants to see the same language in the MOU. Ms. Fullerton said one has to take it as a given that the Water Authority will maintain liability insurance while people are on our property and ensure that the County agrees to maintain liability insurance to cover personal injury or property damage while people are on County property and/or County sponsored events.

Attorney Barice noted the wording is just a "feel good" provision which acknowledges that Water Authority insurance covers their property and events and the County's does the same. Vice Chair Dillon said the Water Authority will not be liable for people on County property but just liable for people on our property. Ms. Fullerton stated quite often the Water Authority requires liability insurance for someone using the Hickory Point facility. Ms. Burgos gave an example of someone in a group tripping over a root on County property and said under a joint hosted planned trip, that individual will first appeal to the County and if it occurs on Water Authority property, it is reversed. She said the County wants to know that the Water Authority is willing to accept liability, as well. She continued that Ms. Marino worked tirelessly with the insurance agent to ensure that under Section 7(d) - LCWA & County Responsibilities both the Water Authority and the County maintain liability insurance to cover personal injury or property damage while on jointly sponsored activities. She said if it happens on Water Authority property or one of our sponsored activities, we have insurance but if it is on County property or is one of

their sponsored activities, the County has insurance. If the sponsored activity is on both properties, both the Water Authority and the County cover the liability.

Ms. Bystrak indicated there is a sign up sheet on most of the paddling trips she does and everyone signs it which releases the participating entity from liability. Ms. Burgos reported they plan to provide a waiver form on each trip and the County would like to retain the forms. Attorney Barice reported the waiver release has already been prepared.

Mr. Harris inquired if this activity will diminish the public's use of Water Authority canoes and kayaks or does staff plan to take as many kayaks and canoes as needed for those that have signed up for a trip. Ms. Burgos stated staff has not decided but if a trip is very popular such as the Crooked River trip, it is possible that staff may have all of the canoes and kayaks at that one site. She said in that case, anyone calling ahead to use the equipment would be told the equipment is not available on certain days. Mr. Harris thought it would be a good idea to post the unavailable dates on the website.

Mr. Perry explained some commercial establishments do the same type of tours to make money so he does not believe these events will be often enough to infringe on their business. Chairman Farner stated this is probably something the Board will have to be addressed in the future.

(Vice Chair Dillon made a motion TO APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) WITH LAKE COUNTY FOR THE USE OF CANOES AND KAYAKS. Seconded by Mr. Everly, Jr.).

The motion carried 7 – 0.

Attorney Barice said this will come before the Lake County Board of County Commissioners the second meeting in February and staff is recommending approval. She said, however, County staff cannot guarantee what the Commissioners will do but they do believe that it will be approved.

h. Approval to Use MACTEC for NuRF Monitoring

Mr. Perry said monitoring is required as part of our funding agreement and DEP will pay half the expense. He noted MACTEC is one of the engineering firms under our General Engineering Services agreement and is well qualified to handle this task.

Vice Chair Dillon made a motion TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A MACTEC TASK ORDER UP TO \$32,630 FOR A 12-MONTH SAMPLING PROGRAM AT THE NURF. Seconded by Mr. Everly, Jr., there was no vote at this time.

Vice Chair Dillon mentioned she and Mr. Perry talked about NuRF monitoring and Mr. Perry said that it will be discussed at the February meeting when the Board is talking about NuRF funding. He said staff has determine that when total phosphorus monitoring

tests are done, the results are not available for a month, then adjustments are made and sometimes they find that phosphorus levels were non-detectable. An optimum way needs to be found to get real time or near real time phosphorus data so the NuRF can be managed a little better. The Board requested this item on the February agenda.

The motion carried 7 – 0.

i. Draft Extended Leave Policy

Mr. Perry stated with Board's approval, Section 28 – Extended Leave Policy was deleted from the Policies and Procedures Employee Manual and staff drafted a replacement policy. Initially, the task was to delete any reference related to the Family Medical Leave Act (FMLA). Then, Attorney Barice reviewed the policy and added a couple of things and a final review was done by an outside Labor Counsel and the highlighted draft is in front of the Board. He said this can be done one of two ways since several Board members took the original draft and went line by line looking at the changes or he can point out the changes in the Board book version vs. the Labor Attorney's changes. He said the Labor Attorney gave staff recommendations on how to tighten the language to more effectively accomplish what the Board is looking for while giving the employees the opportunity to have extended leave. He said to some degree it also gives the Board and the Executive Director the ability to limit the extended leave if it is required by the agency. He said the Labor Attorney also has made some small modifications.

Vice Chair Dillon asked if there was anything in the policy that bothers Mr. Perry and he said there was not. He felt everything the Labor Attorney added benefited the Water Authority but not to the detriment of the employee. He said it gives the agency the ability to say that it is not a guarantee that an employee will get extended leave but if there is no problem within the agency as far as activities or programs, there is no reason why the agency should not accommodate that individual. Attorney Barice said she thinks the way the policy has been changed is good.

Vice Chair Dillon made a motion **TO APPROVE THE REVISED POLICY SECTION 28 AND INCLUDE IT IN THE LAKE COUNTY WATER AUTHORITY POLICIES AND PRACTICES EMPLOYEE MANUAL.** Seconded by Mr. Everly, Jr., there was no vote at this time.

Mr. Clark stated one change looks like a major one and he referred to #4 – Employee Status After Leave. He said originally the policy said “an eligible employee who takes leave would be put back in a job with equivalent pay, benefits, and terms”. However, now that has been changed to “an eligible employee who takes leave may be returned to the same or similar job, or to a different position which does not have equivalent pay, benefits” and he said that is a huge change and he asked why that was changed.

Mr. Perry said language clarification made by the Labor Attorney was “The agency would bring the employee back and try to get them into the same or similar job but if the job is not available, they would try and place the employee somewhere”. Mr. Clark said

what bothers him is “equivalent pay”. Attorney Barice said the focus is the Water Authority will do their best but the agency does not have to return the employee to the same pay. She added the employee needs to know the Water Authority may not return them to the same position or similar pay. She said the draft policy clearly states that rather than for the employee to expect that it will happen and when it does not, sue the agency because they did not get equivalent pay. Mr. Clark said when the original policy was written they must have thought the employee would return to an equivalent paying job. Attorney Barice clarified the Water Authority has a policy that they will attempt to accommodate the employee but there are certain caveats and because the agency is not under Federal law, the employee is not entitled to the same job and same pay and that it also depends upon the Executive Director’s discretion and that is stated in the revised policy. Vice Chair Dillon pointed out it also depends on whether there are any positions available, as well.

Chairman Farner stated the draft policy states an employee will be returned to work but not necessarily to the same job or pay which is different from Federal law and Mr. Clark asked why. Mr. Perry explained FMLA was more related to employers that employ 50 or more people where it is more likely there will be the ability to place an employee in a similar job and pay range. He said the Water Authority has 15½ employees and he gave the example of a NuRF operator out on extended leave. He said the agency may need someone but may not need a second operator when the employee returns and may have to find somewhere else for that individual to work. He said he believes the expectation is to try and accommodate the employee, the agency always has, and he also intends to do so.

Ms. Bystrak stated that she thought that when the Board voted, there would only be minor changes to get the agency off the hook that it is a Federal law but now she sees numerous changes. She said “may” was changed to must and “may” changed to “will” in some places and she asked about the implications since little things like that can have a big impact. She inquired if the Labor Attorney that looked at the policy was an attorney for employers or employees. Vice Chair Dillon felt the revised policy protected the agency better. Mr. Everly, Jr. commented when someone is on the same side as the Board, they are the employer. Attorney Barice stated the Labor Attorney represents local governments and does have that perspective. Ms. Bystrak said the Board is protecting the Water Authority but not necessarily helping the employees. She said months before the Board talked about giving employees a raise because they were highly valued and now the Board is talking about taking away some of the employee benefits in terms of a word or two in various places. Vice Chair Dillon emphasized the revised policy does not remove any benefits and Ms. Bystrak interjected she wants to make sure it does not.

Mr. Harris said he has reviewed the draft policy and works for a company with a strict policy. He said there is a lot on the good side in the revised policy and he added he does not know of many companies where work schedules can be reduced, there is nothing like that in his company’s policy, it is all management decisions. He said as he reads the draft, it says the Water Authority will do the best possible for the employee, the employee is usually treated right, and if not, then there will be Board members that say the employee is not being treated right. He said he believes the draft policy is a good one

because it gets the Water Authority off the hook for a lot of things but still gives the employees a lot.

Ms. Bystrak stated the employee took the job with the old policy and now it is being changed. Vice Chair Dillon stated this is a policy, policies change and sometimes a business has to change a policy in order to grow.

Chairman Farnier stated he is okay with the draft policy. He said the idea of someone having to go out on extended leave is not desirable but he believes the employees and the Water Authority are protected.

Mr. Perry stated staff was instructed by the Board to return immediately with a draft policy. He has not had an opportunity to review the draft in detail with staff so he would like to recommend that he be allowed to review it with staff and if they have huge issues he will bring their concerns to the Board.

Ms. Fullerton said she feels the ones to ask if this is a good document are staff members. Vice Chair Dillon said she was in an employee management position for about 20 years, policies are created on what is best for everyone. She said she does not have a problem with employees saying they have a problem with certain things, but the Board has to remember they are employers and sometimes have to make difficult decisions to protect the agency. Ms. Bystrak stated that she really would like to hear from staff.

(Vice Chair Dillon made a motion TO APPROVE THE REVISED POLICY SECTION 28 AND INCLUDE IT IN THE LAKE COUNTY WATER AUTHORITY POLICIES AND PRACTICES EMPLOYEE MANUAL. Seconded by Mr. Everly, Jr.,).

The motion carried 6 – 1 with Ms. Bystrak voting against.

9. LEGAL STAFF REPORT

Attorney Barice reported they have had a few discussions with the attorneys for ERD on the NuRF and have requested the attorneys return with a dollar figure but she has not heard anything. She said they drafted a Complaint but did not want to file it before they heard a dollar figure and ERD's attorneys are talking about trying to go to mediation.

10. BOARD MEMBER COMMENTS

Mr. Everly, Jr. had no Board member comments.

Ms. Fullerton:

(1) Invited the Board to attend the Alliance to Protect Water Resources meeting February 4th at 7 pm at Jenkins Auditorium in Clermont. Mr. Greg Pittman from the St. Petersburg Times, an award winning investigative reporter will focus his presentation on his book entitled Paving Paradise – Florida's Vanishing Wetlands and the Failure of No Net Loss.

(2) Voiced concern about development around Lake Dora and mentioned a Notice of Public Hearing a few weeks ago. She said this is not meant to stop development but we are going into potential debt with the NuRF so the Water Authority needs to monitor what is occurring on the south shore of Lake Dora. Also, staff needs to talk to the Tavares City Manager and Council letting them know we are interested in impacts to Lake Dora such as boating, sea planes, etc. She said the property is up for annexation. Mr. Everly, Jr. reported he knows the owner and all the owner wants to do is continue his blueberry farm. Ms. Fullerton requested the agency not ignore big annexations into Tavares and to keep an eye on cumulative water quality impacts.

(3) The Water Authority also needs to watch City of Groveland's big land acquisition program between Hwy. 50 and Cherry Lake Road and a tract of land north of Simon Brown Road which will impact the Palatlahaha wetlands.

(4) She thanked the Board for the honor of being recognized as Chairman from November 2008 through December 2009 and the receipt of a plaque and framed photo.

Chairman Farner commented that he felt it was a good meeting.

Vice Chair Dillon:

(1) Reported she will be attending Lake County Days in Tallahassee and asked if other Board members plan to attend. She added that if there are issues the Board wants her to discuss with the Legislature, they can let Mr. Perry know and he will pass them on to her. Chairman Farner stated if anyone wants to go they are welcome to do so and represent the Water Authority but he will not be able to attend.

(2) She mentioned Mr. Kaiser's Memorial will be held on January 29 and that she plans to attend and will gladly take anyone that may want to go.

Ms. Bystrak:

(1) She said she spent time with Senator Carey Baker yesterday on water issue so she does not plan to go to Tallahassee.

(2) She thanked staff for their condolence card and appreciated the sentiment.

(3) She attended a Springs Protection Meeting in Ocala last week and apparently the Comp Plan for Marion County is under way and they are seriously considering a 5-year septic tank pumping ordinance, which Orange County already has and may be in Lake County's future someday.

(4) She distributed several pages from the District Water Supply Plan 2010 Technical Methodology Workshop held July 9, 2009 and referred to Projected Unacceptable Impacts to Lakes indicates numerous lakes in South Lake County will drop 15% because of over-pumping of the Floridan aquifer between now and 2030. Lakes with Levels Projected to Fall Below Established MFLs shows the Clermont Chain will drop 15% between now and 2030 (some lakes do not have gauging stations); and the Harris Chain is not shown because MFLs have not been established. Impacts to Springs with Established MFLs - Blue Spring and Rock Springs, and other springs are projected to decrease 15% in flow between now and 2030. Impacts to Springs - 15% reduction in Flow indicates that most of the springs in Lake County are on the shoreline of Lake Harris and the ones that have gauges were listed and shows Bugg Springs and Holiday Springs. Summary of Projected Impacts of Future Demands lists the impacts expected to

occur due to the decline in the Florida aquifer such as water levels. The surficial aquifer will decline resulting in unacceptable impacts to wetlands and lakes; discharges of 5 non-MFL springs will fall below a 15% flow reduction; discharges of 5 springs and 31 lakes will fall below established MFLs; and chloride concentrations will increase to unacceptable levels in 9 public supply well fields in 5 counties including Orange County. The Floridan aquifer has a fresh water bubble, and under that fresh water, is ancient saltwater. Orange County has gone so deep that they have hit saltwater. She attended Hawthorne's Water Expo and presented this information.

(5) She said she attended a meeting with Cooperative Species Management Area (CISMA) and a number of other agencies that try to find ways to attack invasive species and exotic plants. CISMA's main goal is they are seeking funding and she told them the Water Authority may be able to assist with the aquatic invasives. She informed them about DEP's meeting a couple of years ago when they talked about Florida Friendly Cities and Florida Friendly Neighborhoods and said DEP is still waiting for the Water Authority to do that program. She requested time with Water Authority staff to put something together and asked that this item be included on the February agenda.

Mr. Harris:

(1) He mentioned Mr. Kaiser and said it is rare to have someone that cares so much about something that they attend almost every meeting. He said he appreciates everything that Mr. Kaiser did and feels that he set a great example.

(2) He reported a couple of weeks ago he and Mr. Lumbard met with the Curriculum people and they are excited about school tours of the NuRF site. He said he has talked about using some of the leftover mini grant money for transportation and he would like to organize a partnership with the School District to help them with their first year transportation costs for this program as well as the Lake Adventure program. Chairman Farner suggested that it be an agenda item.

Mr. Clark:

(1) Stated Mr. Goerner with the Harris Chain Restoration Council came before the Board and gave each of them a copy of HCRC's 2009 Report to the Legislature. Mr. Clark stated he spoke to Mr. Perry and asked him to give the Board members a copy of the District's response as well as The Friends of Lake Apopka's response and that was done by e-mail. Mr. Clark said if the Board reads HCRC's report to the Legislature, ask for a hard copy from Mr. Perry and read the responses and do not look at just one side of the issue. He said a lot of these issues will come before the Water Authority Board and they need to be aware of both sides of the controversy. He said the District is upset that HCRC's 2009 Report is basically the same as their 2008 Report to the Legislature.

11. BOARD MEMBER ITEMS FOR FUTURE AGENDA

No further items were mentioned.

12. INFORMATION ITEMS

a. Staff Report

No comments were made.

b. Monthly Financial Reports – December 2009

No comments were made.

13. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS

- Lake County Days – February 16-17, 2010 in Tallahassee
- Board Meeting – Wednesday, February 24, 2010 (3:30 pm) BCC Chambers/Admin. Building

14. ADJOURNMENT

The meeting was adjourned at approx. 6:50 pm

Linda Gavin, Recording Secretary

Neil Kelly, Secretary-Treasurer

Keith Farner, Chairman