

**MINUTES OF THE REGULAR BOARD MEETING**  
**of the**  
**LAKE COUNTY WATER AUTHORITY**  
**March 24, 2010**

The regular meeting of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, March 24, 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  
Ron Hart, Water Res. Prog. Mgr.  
Lance Lumbard, Water Res. Proj. Mgr.  
Patricia Burgos, Env. Program Mgr.  
Ben Garcia, GIS Manager  
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 – February 24, 2010

Changes - **page 5, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence** “accounting” to according; **page 7, last paragraph, 1<sup>st</sup> line** “thought” to asked; **page 8, 3<sup>rd</sup> paragraph, next to last sentence** “these programs” to 5<sup>th</sup> and 6<sup>th</sup> grade programs and second “these programs” to TLNC programs. **Page 9, 2<sup>nd</sup> paragraph, 1<sup>st</sup> line** insert backdoor before program; **page 10, 3<sup>rd</sup> paragraph Middle School is 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grade** and **next to last paragraph** add located in Polk County after dam; **page 11, 1<sup>st</sup> paragraph, last line** “ask them” to endorse it; **page 14, 4<sup>th</sup> paragraph SWFWMD** correct and not changed per Ms. Burgos; **page 15, last paragraph, 2<sup>nd</sup> line** add and governmental entity after city; **page 20, 2<sup>nd</sup> paragraph, last line** grants, however, Group 1 which we are in. **The minutes were approved as corrected.**

**3. EXECUTIVE DIRECTOR REPORT**

Mr. Perry reported Lake Apopka is at regulatory level. On March 12<sup>th</sup>, the St. Johns River Water Management District (District) opened the Apopka Beauclair dam and 50 cfs passed through the Nutrient Reduction Facility (NuRF) for a couple of days and then the flow was reduced to 28 cfs

on March 18. Lakes Eustis, Dora, Harris remain above regulatory and maximum desirable levels and the District released water through the Burrell dam at 850 cfs then increasing it to just over 1000 cfs. They also released water through the Harris Bayou beginning at 100 cfs up to 400 cfs on March 12<sup>th</sup>. Lake Griffin is at 59.25' or halfway between the regulatory and maximum desirable level. Flow through Moss Bluff dam reached 1870 cfs but was returned to base flow. The District will reduce regulatory schedules from now until June 1<sup>st</sup> and level off until the end of the summer. Staff received calls from Lake Eustis lakefront residents asking why, even though the lakes have risen and are above the regulatory schedule, structures remain closed. The District told staff because the lakes have been so low for so long, they want to keep the water level up and not release it as quickly. They will soon begin opening structures to slowly let the water level return to its regulatory schedule.

Chairman Farner stated when the District opened the Harris Bayou; a tremendous amount of phosphorus (200 ppb) was dumped in Lake Griffin and he requested that the District be invited to a future meeting to explain their plan for the structure and whether they intend to treat the excess phosphorus. He emphasized that particular structure was designed for flood conveyance during a major storm event and he thought Haynes Creek should have been kept open a few days longer so additional water flows through the system to help reduce the phosphorus level. A comment was made about the District's artificial manipulation of the flow and how it will affect the Minimum Flows and Levels. The Board concurred they wanted to hear from the District at the April meeting. Mr. Perry reported south Lake County lakes have responded to recent rains and Lake Minnehaha is 18" above the level it was this time last year but continues 30" below the bottom of the regulatory range.

Mr. Perry reported that staff received a letter from the U.S. Corps of Engineers related to the Beauclair restoration project which stated that we must provide a copy of the water quality certification in the form of a FDEP permit in addition to identifying and using precautionary measures to ensure that the public, fish and wildlife are not adversely affected by contaminated soil. The time frame to start this project should be fairly short since the certification is part of the permit.

Mr. Perry shared that his eldest son worked as a Senate page for Senator Baker and his youngest son worked as a House page in Tallahassee a few weeks ago.

#### **4. DISCUSSION ITEMS**

Chairman Farner stated the Palatlahaha River Blueway Request has been pulled from the agenda and he wondered if the Board wished to combine and vote on other items. Ms. Fullerton said she disapproves of a consent agenda decision because it does a disservice not only to staff but to the public that may have come to hear about a specific issue. Vice Chair Dillon said staff does a thorough job of providing sufficient information so many times there is no need for further discussion. She suggested the Board review their packet ahead of time and Chairman Farner agreed, adding there would be more time to discuss controversial issues. The Board agreed to continue with the present agenda.

a. Request to Hold Renaissance Faire at Hickory Point

Chairman Farner inquired if the Water Authority had problems last year with the Educational Foundation (EF) related to the Renaissance Faire. Mr. Perry advised everything worked very well and Ms. Carmen Cullen agreed, adding their organization did not experience any problems. She mentioned the Faire will be held November 5-7, 2010.

Vice Chair Dillon made a motion TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION. Seconded by Mr. Everly, Jr., there was no vote at this time.

A question was asked as to whether the Water Authority will increase EF's rental fee this year because it seems as if staff does not want to continue granting a discount. Mr. Perry said if the Board accepts his recommendation, he will negotiate an appropriate fee with Ms. Cullen but if the Board wants EF to pay the same fee as last year, the motion can be amended. It was explained the Executive Director negotiates a fee when an event results in 1,000 or more attendees but it was felt the rental fee should not exceed the cost to the Water Authority. Mr. Perry said he will work with Park staff and determine the true cost. The Board agreed EF should pay enough to cover the cost and the Water Authority should not make a profit. Chairman Farner stated he is sure Mr. Perry and Ms. Cullen can reach an amicable rental fee arrangement. Mr. Perry did not think that the fee would be much more than \$1500 since the County charged \$1500 dumpster fee last year.

Ms. Cullen thought that 2009 was the first year a tipping fee had been incurred since historically the fee has been waived. Mr. Perry explained the County charged a larger dumping fee last year because no recycling was collected and he felt EF should be able to negotiate a reduced fee with the County. She reported EF's committee visited other sites and agreed Hickory Point is the best place to hold the Faire. A comment was made that last year some vendors said they would have preferred if the Faire at been held at the Eustis Fairgrounds and that alcohol was to have been kept to a specific area. Ms. Cullen reported the Water Authority requires EF to pay for security and ensure no alcohol leaves the premises. She added beer trucks were not allowed to open until all the school buses left on the first day of the Faire.

Vice Chair Dillon withdrew her motion and Mr. Everly, Jr. withdrew his second to the motion.

Mr. Clark made a motion **TO ALLOW THE LAKE COUNTY EDUCATIONAL FOUNDATION TO HOLD A RENAISSANCE FAIRE AT HICKORY POINT FOR ONE WEEKEND IN NOVEMBER 2010 WITH THE FOLLOWING CONDITIONS: THE FEES FOR THE USE OF THE PARK SHALL BE AT COST TO THE WATER AUTHORITY; VENDORS AND PERFORMERS MUST CAMP AWAY FROM HICKORY POINT (THE ONLY EXCEPTION MAY BE THE JOUSTERS); THAT THE LAKE COUNTY EDUCATIONAL FOUNDATION AND THE LAKE COUNTY WATER AUTHORITY EXECUTE AN AGREEMENT WHICH CLEARLY IDENTIFIES THE RESPONSIBILITIES OF THE WATER AUTHORITY AND THE EDUCATIONAL FOUNDATION.** Seconded by Mr. Harris, the motion carried 7- 0.

b. Results of Field Visit to Big Creek

Mr. Hart stated in February the Board requested that he, Ms. Fullerton, and Mr. Don Tracy check out the conveyances to see if there were any obstructions preventing flow into Big Creek. He shared photos of the vegetation and said that normally impedes flow and water levels need to be quite high before water is pushed through the marshes, slews and swamps and discharge out of the Green Swamp. He showed photos of Big Creek near Lake Louisa State Park and also where it crosses Hwy. 474. He mentioned the Board requested that staff ask the County to clear the culverts and that was done but cypress trees, primrose willow and vegetation both upstream and downstream still reduce the flow. In 1979, Green Swamp Run's historical record indicating high flow periods near 200 cfs, no flow from 1998 to 2002, and high flow again in 2003 due to heavy rainfall and now there is little flow. The wetland area south in Polk County is starting to hydrate and has begun to move out where before there was lack of flow for a very long time. Recent history indicates after a wet May 2009, there was flow out of the Green Swamp and then during the summer and winter there was no flow. Over the past couple of weeks, there has been significant flow and will continue as long as it rains but the rain lessens the flow out of the Green Swamp will gradually decline. Historical data showed a big spike of almost 700 cfs out of Big Creek during the winter of 1960, it was very wet during the past three years and a 700 cfs flow is significant because it is higher than what can be discharged through the Cherry Lake dam. Little Creek's historic data shows something quite different because there were several wet years and fairly significant flows from 2004 to 2006, then a dry period until May 2009 when there was a gradual increase. Little Creek's flow tends to spike then drop quickly because it is a fairly small basin and receives flow from Hwy. 474 and Lake Louisa. Lake Minnehaha fluctuated for years, and during the 2002 drought, the level dropped way down because every time it rains this lake rises and then just flattens out since there is no flow coming in from Big and Little Creeks and what flow does enter is just enough to offset evaporation and pumpage from the lake.

Clermont Chain's rainfall data from 1893 to the present shows rainfall within 10" - 20" of the historic average and a few years it was near average. The winter of 1998 was very wet and was followed by four years of significant drought, the worst seen in 115 years, and then 84" fell the next year. Rain falling directly in the Clermont Chain or the Clermont area flows from Big and Little Creeks and determines the level of the Clermont Chain. Staff discovered rainfall in the Green Swamp was not nearly as much as what had been recorded by the Clermont gauge. Polk County's rainfall data for the Green Swamp in 2006 and 2007 was 39" a year, reaching almost 50" in 2008 and then dropping to 44" in 2009. Water Authority gauges in the Green Swamp recorded similar amounts of rainfall in Lake County but there are other impacts that occur but rainfall seems to be the biggest factor. A comment was made that when there is an inch of rain, Lake Minnehaha rises by that amount but it seems as if it would come up more because of the stormwater runoff. Mr. Hart said rainfall and rise in lake water is basically the same unless the Green Swamp is saturated and added that there is no flow through Cherry Lake dam, as yet.

Ms. Fullerton reported the trip was quite informative and reinforced her philosophy that it is a natural system. She said Clermont Chain lakefront property owners continue to ask why the water level is not higher since they believe others are causing low water and that Polk County is withdrawing water. She reported as part of the Clermont Yacht Club project, the developer will have to have a hydrologic study prepared.

Mr. Hart stated in the late 1990s, the County issued permits for construction and installed culverts from Lake Dixie to Lake Louisa State Park and wooden weirs held the flow back. The Park Ranger was unaware of what permits or studies had been done to determine the lake elevation before water can be discharged. The only way to find that information is to review the permit application made to the District.

Ms. Bystrak reported she recently kayaked Big and Little Creeks and was surprised to see huge flow and that the water was polluted with bad algae. Mr. Hart stated present flow is low compared to what it was in the past during a major rainfall.

Mr. Harris asked about the upcoming presentation on low levels in the Clermont Chain. Mr. Hart advised his presentation will be held at the Elks Club on March 30<sup>th</sup> and will be essentially the same information he has just shared with the Board. He said he will also talk about Lake Lowery's structure and how it operates because he wants the residents to understand that Polk County is not taking their water. He said the water in the wetlands north of Lake Lowery is held back by flapper valves to allow flow through the Green Swamp and once the water level reaches 131', Polk County is then able to send water on to the Peace River. There was discussion about whether the March 30<sup>th</sup> meeting should be advertised and Attorney Barice said there is no law that the Water Authority has to advertise because more than one board member may be present; however, board members are not to speak to each other about matters that may appear before this Board. Chairman Farner suggested Mr. Hart take the hydrologic study to the meeting and when residents say Clermont lakes are being pumped dry, Mr. Hart can explain that is not the case and that the Green Swamp has to fill up before those lakes can fill up.

Ms. Bystrak was concerned about all of the foam she saw when she was kayaking and asked that an agenda item be included in the future about whether bull rush or something else can be planted along the shoreline to reduce the foam. Chairman Farner said it is natural phosphorus and other board members added part of that area used to be a beach with little vegetation. Mr. Perry said the foam has nothing to do with nutrients but with the natural oils that are in the water during high flows. Mr. Hart reported that Lake Louisa is oligotrophic and highly acidic so there are cypress trees but little vegetation and when there is a significant drought and water levels drop, native grasses grow and survive until the water level rises to flood stage, so it is not suitable for bull rush plantings.

c. Fred Hunter Conservation Easement Letter of Support

Mr. Hunter came forward and stated he is impressed with work the Board does and he has enjoyed attending the meetings. He said the water cycle is very important and the public is not taking care of the subterranean water but should since it is a non-renewable resource. He mentioned the three lakes on his property remain unchanged due to the sandy condition of his property. He requested a staff gauge so he can keep track of what is occurring particularly on Scrub Jay Lake. He noted groundwater preservation is important and those living in coastal areas are noticing salt water intrusion. He ended by saying that he hopes everyone supports the Florida Forever program.

Ms. Fullerton made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION TO SEND THE BOARD-APPROVED LETTER OF SUPPORT TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE FRED HUNTER CONSERVATION EASEMENT AND DIRECT STAFF TO WORK WITH MR. HUNTER REGARDING THE STAFF GAUGE REQUEST.** Seconded by Mr. Harris, there was no vote at this time.

The Board recommended sending a copy of the support letter to Mr. Michael Sole, Director of FDEP, the Legislative Delegation, the Lake County Board of County Commissioners, and suggested that Mr. Hunter request a letter of support from the Lake County Soil and Conservation District. Ms. Fullerton mentioned she had a few grammatical changes to the letter and will give them to Mr. Perry. Vice Chair Dillon said it is awesome that Mr. Hunter wants to do something this big and she is glad to see the Board is writing a support letter. Ms. Bystrak referenced S.B. 1752 saying the jobs creation bill, which will be voted on tomorrow, states all state agencies including FDEP are to surplus and sell 10% of their land including conservation land and that the profits are to be used for economic development.

**The motion carried 7 – 0.**

*The meeting was recessed at 5:10 p.m. and reconvened at 5:25 p.m.*

d. Amend BCI Agreement for Beauclair Restoration to Provide Archeological Services

Mr. Lumbard said this item is related to a request from the Division of Historical Resources (DHR) for the Water Authority to engage the services of an archeologist to develop a protection plan for the archeological resources covering all of the Beauclair restoration project area. Staff is working with BCI Engineers who subcontracted with an archeologist to handle this project and authorized BCI to proceed with the preparation of the plan. DHR will review the plan and advise if they need additional information; however the archeological consultant is confident staff can accommodate this request for a cost of between \$8,000 and \$14,000.

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

A question was asked as to whether the Water Authority knew this action would be taken. Mr. Lumbard explained a cultural reconnaissance survey was done before NuRF began and involved an archeologist taking and processing soil samples to see if there were any relics or artifacts. DHR advised in their letter there may be something of cultural significance in the Beauclair area and the Water Authority must be careful because dugout canoes have been unearthed in the North Shore Restoration Area.

Chairman Farner favored the motion but said he would like staff to see if DHR will waive the archeologist requirement since all that will be done is maintenance dredging of Lake Beauclair and some smaller canals. Mr. Lumbard reported staff requested a waiver when the NuRF project first began but DHR refused to waive their requirement. Reference was made to Task 7 – Contractor Training and Monitoring for Archaeological Resources for \$6,000-\$12,000 and a

question asked as to why the Water Authority has to train a contractor. Mr. Lumbard explained the contract requires that the contractor be trained in protecting cultural resources and an archeologist monitor the site. Mr. Everly, Jr. added training includes all workers and it will pay the archeologist to develop a specific plan to protect endangered species and archeological finds.

Ms. Ann Wettstein-Griffin, past Board member came forward and referenced her handout titled Biological Assessment Depositing Lake Beauclair Dredge into West Marsh written by the District. She stated this study shows arsenic, lead and mercury registering higher in Lake Beauclair sediments than in the West Marsh F & G Cells where those sediments will be placed. The Cells are extremely polluted and it has been said that by placing sediment on top of the two Cells, it may help contain the pollutants. Genesis Fluid Systems came to her home and explained their process assuring her that they would decontaminate and truck away so the sediments can be used in construction or on pasture land. She read from her handout that depositing material into the water column in the F & G Cells may reduce dissolved oxygen content and cause stress to aquatic organisms. In addition, there is the potential to release nutrients that may cause fish kills because of suspension of fine-grained, organic sediments entering the water column. If dead fish or sick birds are observed, the dredging contractor must have a rapid response plan in place to collect and dispose of the dead fish the same day and the U.S. Fish and Wildlife Service will be contacted within 48 hours. She stressed the Water Authority will make mounds of pollution if they proceed with this project, birds and fish will die, and the Water Authority must decontaminate and truck the sediment to a proper landfill.

Ms. Fullerton stated some of the past Board members discussed this issue several times and the District said there is bad stuff in the sediment but did not say the Water Authority should not go ahead with the project. The question then becomes does the Board agree that this sediment will not become as toxic as to cause major problems or is there just the possibility of a risk. Mr. Lumbard answered the District spent an entire year doing an assessment and believes there are risks but there is more potential for gain and benefit. He clarified the possibility of fish kills is a function of the dredging and not the perceived sediment contaminants.

Mr. Clark said sediment exiting Lake Beauclair and many of the canals there contain 10 ppm arsenic. A previous Board voted to move ahead with dredging Lake Griffin canals even though one canal registered that same high level of arsenic; however, sediment was disposed of in a similar manner as to what is planned for the Beauclair project. He said he would like to see the sediments processed and removed but if the District believes they will be beneficial then they must know. Reference was made to the contingency plan which indicates that there is a risk for fish kills. Mr. Lumbard clarified that is a separate issue and would occur as a result of the dredging and not low dissolved oxygen levels or problems with arsenic. Mr. Perry mentioned there could be an alternative disposal site the Board may consider once the project is bid out.

Ms. Bystrak reported she also heard Genesis Fluid Systems speech and she did not hear them say they decontaminate sediments but that they just dewater the sediment and that is why she voted for the Beauclair restoration project. She stated there are high levels of arsenic in the side canals which must be removed but she does not want to send the arsenic laden sediments to someone else because it opens liability issues for the Water Authority. She felt the best place to put the sediment is back where it came from in the beginning. She mentioned the federal government

bought Times Beach because a company added dioxin to waste oil which was used to coat the dirt roads in that town. It was agreed the best place for contaminated sediment is elsewhere and that it is important to dredge so water is cleaner and flows more freely.

(Vice Chair Dillon made a motion TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION. Seconded by Ms. Fullerton).

**The motion carried 7 – 0.**

{Executive Director Recommendation: Authorize the Executive director to approve BCI's project scope for Task 6 – Archeological Permitting Support \$2,000 and Task 7 – Contractor Training and Monitoring for Archeological Resources \$6,000 – \$12,000 for a total amount not to exceed \$14,000.}

e. Review of First Year of NuRF Operation

Mr. Lumbard stated the Water Authority has reached an important milestone in its history because on March 2<sup>nd</sup> the NuRF finished its first year of operation. Staff and other agencies have collected water quality data and technical affects NuRF has had on the eco-systems and water entering the AB Canal. There has been over a ton of Total phosphorus (TP) removed, 6 billion gallons of water treated, \$858,918 spent on 1.2 million gallons of alum, \$21,816 spent on polymer, 7.5 million gallons of wet floc processed and 1,850 cubic yards of semi-dry residual moved. Every week, water samples are taken at NuRF's inflow and outflow and sent to the County's lab for processing and results are ready in 3 to 4 weeks. The chart displaying the inlet vs. outlet TP concentration levels indicated the level is quite close to Lake Beauclair's Total Maximum Daily Load (TMDL) and is very important because it receives 90% of its hydrologic budget from Lake Apopka through the AB Canal and at some point it should reach equilibrium. The lab analysis is used the entire week based on how much daily flow the District reports. It would certainly help staff if there were more frequent TP measurements but that requires a rapid turnaround and more expensive equipment. SWFWMD uses equipment in some of their restoration projects that indicates real time and whole phosphorus analysis and would save the Water Authority considerable alum money if available.

The stormwater retrofit projects have cost the Water Authority \$6.4 million and have removed 1,220 lbs. of TP but NuRF has removed 68% more than all retrofit projects with only minimum flow and NuRF is 50% less expensive per pound over a 20-year cycle. Operational criteria indicate alum concentration will normally be at 10 mg Al/L but staff has found over the past year that is a little too low since microfloc tends to form. By increasing the dose to 13 mg Al/L, it helps prevent microfloc from making its way downstream and transparency increases to 4.5 meters. Recently, a flow of 100 cfs has allowed staff to maintain fairly good visibility while using 10 mg Al/L concentration. Microfloc typically forms where there is too much turbulence in the water or when the dose is too low. It is affected by dissolved organics in the water but the pH level has to stay above 6.0. It continues to bind phosphorus and other suspended particles and most settles in the AB Canal with no elevation in total Al in Lake Beauclair. Microfloc can elevate TP and settles on plants reducing light penetration. He said that staff would like to know whether the Board wants to reduce the microfloc or leave it as it is.

There are no aluminum standards for surface waters and at 12 mg Al/L, total aluminum concentration is between 700-900 ppb but at 13 mg Al/L, the concentration level drops to 500 ppb or below; however, if it is at 10 mg Al/L, total aluminum concentration jumps to 1000 ppb. If the Board decides they want to go with a higher dose during low flow of 23 cfs, there will be a cost increase of \$145,552 when the dose is increased from 10 to 13 mg Al/L. NuRF's TP concentration level dropped by 1/3 and over the past year, inflow TP averaged 87 ppb while outflow TP averaged 32 ppb. When considering a specific time frame concerning eco-systems, lake management likes to talk about multiple years or decades with regard to restoring lake systems. There are three agencies taking water samples and the area the District is sampling is quite close to where dredging will take place on Lake Beauclair. Three charts titled Lake Beauclair TP, Chlorophyll-a, and Secchi depth point to the time when NuRF began operation and how Total phosphorus has declined near the Total Maximum Daily Load for that lake; however, that level will have to be sustained for many years before the TMDL is actually achieved. The Secchi depth is increasing and Chlorophyll-a is trending downward.

Mr. Clark stated a statistician would have to look at two data sub-sets before and after the NuRF or do a standard deviation calculation for each sub-set because there are few readings after NuRF came on line. The uncertainty would be quite high as to whether improvement is due to the NuRF but as more and more data becomes available, it will become much more meaningful. Vice Chair Dillon pointed out when levels were so low, there was little water above the muck line and Mr. Lumbard agreed the Secchi disc was influenced by lower water levels. He added there has been no field sampling program since NuRF began due to lack of resources but maybe LakeWatch could move their sampling site. Water going through the NuRF has gone through the flow-way which has removed 95% of the solid particulates and then NuRF has removed 68% of the dissolved phosphorus. Mr. Lumbard was asked what happens if dredging begins in September, spoils are coming down the AB Canal and into the NuRF and there is a hurricane. He responded the District has a maximum flow limitation where dredging must stop if they are releasing flood waters. He added that discharge from the dredging operation will be 2% of the capacity of the NuRF or about 10 cfs from the disposal area.

Mr. Lumbard quickly covered key expenses such as \$858,918 for alum and \$21,816 for polymer, electricity at \$2,000 a month, continual mowing, rip-rap repair, and elimination of exotic vegetation, loader lease at \$1,230 per month plus 20 to 60 man hours of operation per week. It was mentioned that the Board previously requested a presentation on various polymers and whether they are bio-degradable and the Board would also like to know the cost to purchase a track loader. A comment was made about outfitting the dredges with a computer control and whether it would make economic sense. Mr. Lumbard stated he will have to determine the exact cost but thought it would be approx. \$50,000 and that he would like to bring this issue to the Board at a later date. He explained the dredge constantly has to be directed back and forth across the settling pond and staff would like to set it to operate on its own while they maintain the centrifuge. He shared a number of photos of the settling ponds and said the facility could use an air curtain to move water more slowly to reduce turbulence and that it would be a relatively inexpensive. He stated the District has been great to work with over the past year and can adjust their gates remotely. The polymer being used works considerably better than the nearest competitor's and is efficient enough that the centrifuge can run at max flow. Water clarity is about 1/3 of a meter coming in and 2 meters leaving the facility and between March 12<sup>th</sup> and

March 20<sup>th</sup>, 793 lbs. of Total phosphorus was removed at average flow of 93 cfs, and 420 million gallons of water was treated. Staff needs to watch the wetland southeast of the NuRF as water levels continue to rise because the road may have to be elevated and a pop-off installed in the area. He said he expected to see much more degradation when numerous tanker trucks were delivering the alum but that road did not seem to have a problem. A 2003 photo was shown of the muddy water in the AB Canal and a photo taken in 2010 that showed clearer water and increased aquatic vegetation.

Ms. Fullerton referenced staff's memorandum that they are watching the rising water carefully because the ground surrounding the settling ponds is less than a foot above the top of the regulatory range of Lake Apopka and the water level may routinely approach within inches of the top of the inlet canal banks. She asked what staff plans to do to handle erosion or flooding problems and Mr. Lumbard explained the stop logs will help protect the area. He added operation of the NuRF may become secondary if the water flows over the top of the berms so staff may want to do a flood analysis and see what happens. He stated there was more freeboard than he thought when the lake reaches its controlled elevation but if it ever reaches its maximum desirable level, it may get a little more interesting, especially if a hurricane is approaching with wind and seiche into the NuRF. Mr. Harris thought that would be when the District would be letting water out through the dam.

Mr. Clark stated staff can more easily manage the NuRF if there is access to current data. The more alum used, the cleaner the water but the purpose of NuRF is to clean up Lake Beauclair, therefore, at some point the Board will have to decide if the 30% in additional cost is worth it. He said it is not too bad when the flow is at 23 cfs but when the flow increases, it will really cost the Water Authority. Mr. Lumbard clarified he is suggesting a higher dose used when the flow rate is low. Ms. Bystrak read in the memorandum that the District expressed interest in the material several years ago because of its ability to bind phosphorus in nutrient-rich soils and asked if that means the District is no longer interested. Mr. Lumbard said staff does not know because they have not approached the District. She thought that inquiry should have been made before the project began and Mr. Lumbard clarified that the District provided the Water Authority with a written statement that they want the material because extensive testing was done. He said he does not want to give the material away just yet because he would like to use it to stabilize the soils at NuRF so he has more area to dry the residual. The material will be piled no higher than the containment berm that surrounds the area. Vice Chair Dillon said she agrees the Board needs to know more about phosphorus monitoring equipment and would like to see this item discussed at the April Board meeting.

Mr. Perry felt the Board may want to consider other options in addition to increasing the alum so a motion may be premature. He said if the Board feels it is important to get water clarity back to 4.5 meters, a higher dosage of alum will be needed. Mr. Clark said water clarity improves and phosphorus concentration drops with the additional alum and the Board will have to determine the clarity they want and whether it is worth spending 30% more for alum. Chairman Farnier stated he really is not concerned about clarity at this time until the dredging is done in Lake Beauclair to take care of the resuspended sediment. Mr. Lumbard stated staff would like to know whether the Board wants the water to impress the public. The Board agreed this item needed to be tabled until they have more information and can make an informed decision.

f. Reinvestment Options for Maturing CDARs

Mr. Perry reported a Request for Quotes was put out and the results are before the Board. It is expected the \$6 million will be needed within the next 3-6 months to dredge Lake Beauclair.

Mr. Everly, Jr. made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION THAT ON OR AROUND MARCH 29, 2010, INVEST \$6,000,000 IN A 3-MONTH UNITED SOUTHERN BANK CERTIFICATE OF DEPOSIT AT .7% INTEREST.** Seconded by Vice Chair Dillon, the motion carried 7 – 0.

g. Assisting School Board with Travel Costs to NuRF & Hickory Point

Mr. Perry stated staff has determined there is approx. \$18,000 in uncommitted education and community mini-grant money left in the budget and they suggest \$3,000 be set aside to pay transportation costs for several educational trips to Hickory Point and NuRF.

Vice Chair Dillon made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION.** Seconded by Mr. Everly, Jr, there was no vote at this time.

Mr. Everly, Jr. reported he joined a kindergarten class mini-grant trip from Round Lake Elementary to Trout Lake Nature Center (TLNA) and every student and adult had to pay \$10 to cover the significant transportation cost increase.

Ms. Bystrak distributed a copy of an e-mail she received March 21 and said she wants to read the e-mail into the Minutes before any more money is appropriated for this program. She read “Below is the official mission statement of this group. I don’t see where creating a nature center and teaching school children falls into any of these categories, unless it is directly and solely, related to water and even then it would be a stretch. Also at a time when the county is cutting expenses on existing activities, how does the LCWA justify creating new expenses and jobs? Lake County Water Authority Purposes - The Lake County Water Authority was created in 1953. The Legislature directed that the Authority be created for the following purposes: (1) Controlling and conserving the freshwater resources of Lake County; (2) Fostering and improving the tourist business in the county by improvements to streams, lakes and canals in the county; (3) Providing recreational facilities for the tourists, citizens and taxpayers of the county by a more efficient use of the streams, lakes and canals in the county; (4) Improving the fish and aquatic wildlife of the county by improving the steams, lake and canals in the county; and (5) Protecting the freshwater resources of Lake County through assisting local governments in the treating of stormwater runoff by conserving freshwater to improve the streams, lakes and canals in the county.” She stated the individual that sent the e-mail wondered why all of a sudden the Water Authority is expanding its educational program, creating teaching facilities, and not just showing tourists around the properties. She requested comments from each Board member that she can send on to this individual.

Chairman Farner said by State Statute, the Water Authority is allowed to have educational programs, and under our codification, we can spend a specific amount with no stipulation as to what the programs include. Mr. Everly, Jr. reported when he visited TLNC, four volunteers were

present during the 3 hour tour and only 10 minutes devoted to water related issues. He said it was a good idea for the Water Authority to hire a Naturalist because he will focus on water education. Ms. Fullerton said the Water Authority has had an education and community mini-grant program for many years and she does not see any difference other than the locations have been expanded. Vice Chair Dillon suggested that Ms. Bystrak send a copy of the by-laws to the individual that sent the e-mail because it contains a section on education, noting the e-mail only summarized our purposes and does not list everything we do. She said educating children about water conservation and eco-systems is the best way to get their families involved, as well.

Mr. Harris felt the e-mail was more about other things vs. educating school children about water issues because of Trout Lake Nature Center, the Radio Show, and taxpayer funds used for education. He said he initiated this item because he did not want to see educational funds spent on other things or returned to the budget. He said when the funds were not spent, that was when he suggested helping the School District with their transportation costs so more school children can get outside and educated about water conservation and the environment. Chairman Farnier requested Mr. Perry answer the e-mail and include information as to when the State Statute changed concerning the percentage for educational programs. He noted a few years ago there were questions about whether the Water Authority could do educational programs, it went to the Legislature and they were very specific about the amount of money that could be spent. Ms. Bystrak asked if the Board could add something to our purposes and was told they would stay unchanged at this time.

(Vice Chair Dillon made a motion TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION. Seconded by Mr. Everly, Jr.).

**The motion carried 6 - 1 with Ms. Bystrak voting against.** Ms. Bystrak stated she is voting against the motion because education is not one of our purposes and not on our website.

{Executive Director Recommendation: Authorize the expenditure of \$3,000 for school bus transportation under Account 500-810 Aids to Government Agencies.}

h. Staff Review of Draft Extended Leave Policy

Mr. Perry gave a brief history of what has occurred since the Board decided to remove all reference to the Florida Medical Leave Act (FLMA) from the Employee Policies and Practices Manual. He reported the newest version has been reviewed by the Labor Attorney and Attorney Barice and when staff reviewed this version they felt it was revised to the benefit of the agency and detriment of the employees and voiced their concern about this section and Section 13.

Mr. Everly, Jr. made a motion TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION ON THE DRAFT OF THE EXTENDED LEAVE POLICY. Seconded by Mr. Harris, there was no vote at this time.

Mr. Clark stated this section deals with what occurs once an employee tries to return to work after taking extended leave and revolves around “will” being changed to “may”. He said “will” is a promise but “may” means the employee may or may not have a job when they return and that if they take extended leave, it is at their own peril. The Executive Director makes the final

decision if an employee can take extended leave, and while they are gone, he can force that individual to return to work anytime he feels it is appropriate. In addition, when the employee returns, the Executive Director decides whether the employee has a job which gives him excessive authority. Mr. Clark said he understands why staff has reservations about this section but felt the Water Authority is a professional agency and they want to retain experienced staff. He said if the Executive Director has absolute control, it cuts off the lines of communication but he is also in charge of efficiently running the agency and if a vacancy needs to be filled, he needs the ability to do so. Mr. Clark read his revision of Section 4 into the record. “The Water Authority may take action to fill a job vacancy resulting from the employee taking extended leave depending upon the needs and programs of the Water Authority as determined by the Executive Director. If the Water Authority, during the extended leave period, takes no action to permanently fill the position vacated by the employee taking extended leave, the Water Authority will return the employee to the vacated position upon termination of the extended leave. If this is not possible, the Water Authority will offer to the returning employee a job for which the employee is qualified and has equal status, pay, benefits and other employment terms as the original job, if such a position is available. If such a position is not available, the Water Authority will offer to the returning employee a job for which the employee is qualified but does not have equal status, pay, benefits, and other employment terms as the original job if such a position is available.”

Mr. Clark stated his version would give the Executive Director authority to fill the job if he deems it necessary for the operation of the agency; however, if he takes no action when the employee on extended leave returns, they get their job back. If there is a reassignment of duties, even though the Executive Director did not fill the job, the position may not be available and the agency offers the returning employee a job for which he is qualified that has equal status, pay, benefits, and other employment terms as the original job. If the original job has not been filled or is not available, the employee drops to the next level to a comparable job and pay for which the employee is qualified and if that job is not available, the employee drops to the third level and is offered any job the agency has for which the employee is qualified. He would like for the Board to consider his version because there have been instances when an employee has taken extended leave that has negatively impacted the Water Authority because the job was supposed to be done by an employee on extended leave but someone else had to do the job. He said it may not seem like that would cause permanent harm to the agency or its programs but it is inconvenient to the individual assigned the extra duties and considerably more inconvenient to the returning employee that finds he no longer has a job.

Mr. Harris said he believes that staff has a valid concern about Section 13. Mr. Perry explained this issue dealt with “fraudulently” being changed to “erroneously” but has been changed back to “fraudulently” which was acceptable to staff. Ms. Bystrak felt Mr. Clark had arrived at a fairly good compromise and was glad to hear “erroneously” had been changed to “fraudulently”. She emphasized the Board approved the motion to remove any reference to FMLA but now they are preparing to vote on another version so she will protest by voting “No” because of the process this entire issue has gone through. Vice Chair Dillon liked Mr. Clark’s version and Chairman Farner said if legal staff is okay with it then he is okay with this version. Mr. Clark informed the Board that Attorney Barice has just suggested a few minor changes in wording to him so he is requesting that Mr. Perry and Attorney Barice put Section 4 into legalese.

Ms. Fullerton said this is an exceedingly important document and she expressed surprise at Mr. Clark's version. She said she will have to think about how it would work with regard to any action taken to fill a job vacancy resulting from an employee taking extended leave. She stated the whole point of extended leave is to allay an employee's fear they will be fired if they or someone in their family becomes ill, therefore, the part about a job vacancy negates it for her. She said in the initial version, the Board voted to remove FMLA but was afraid an employee who took extended leave would not be protected, and the second version had numerous changes. She said the purpose of Section 4 is quite simple in that she felt it should only mention the agency and the employee that wants to take extended leave. She said she would like to remove any reference to the Executive Director making decisions or intervening because it is not necessary. She said this section should ensure an employee granted extended leave will not lose their job and the whole policy should show there is no job vacancy. She emphasized the version before the Board is extremely unfair and she hopes to convince the Board they need to eliminate FMLA and leave the balance of Section 4 unchanged.

Vice Chair Dillon responded the Board was told some months ago they could not eliminate FMLA and leave everything else the same because it would be so similar to the original policy that it could be interpreted as the same policy.

Attorney Barice said her advice and that of the Labor Counsel is that by removing FMLA and leaving everything else the same, the Water Authority will have the law applied because no difference has been made other than to play a word game. The purpose in the modification of the rule is to recognize the difference between an agency with 50 or more employees and one with 15 employees and the difficulties that arise when an employee takes extended leave. She stated changes were recommended by the Labor Counsel, she looked at them, and they both reviewed them carefully to deal with the Executive Director issue because employees answer to him and not the Board. She said the Executive Director is the one who determines the agency's needs in unique situations but she does remember the Board discussing the possibility that if someone has a problem, they can bring it to the Board but the day-to-day operations and decisions with respect to hiring, firing, and everything else is the responsibility of the Executive Director. She said the reason the distinction is made is if only the words are changed, it will not result in the intended affect because it will return to the agency if the situation arises.

Ms. Fullerton inquired about the type of increased responsibility added to the new version as it pertains to performance and decisions and whether something is important to the agency. She said all the employee wants is to take extended leave if a medical emergency arises and now the policy has evolved into a document with special exceptions.

Mr. Everly, Jr. mentioned that Mr. Clark's version is not in proper language so if a motion is made now it will have to include that this version will be corrected and agreed upon by the attorneys and Mr. Perry. Also, if the Board votes on the version before them, they will be voting on something they have not reviewed. Mr. Clark said he did what he could to save an employee's job but also give Mr. Perry freedom to hire someone before an employee on extended leave returns. He said he believes Attorney Barice understands what the Board wants and suggested she make the necessary corrections and then the Board can vote on the newest version next month. Mr. Harris withdrew his second to Mr. Everly, Jr.'s motion.

Ms. Fullerton said Mr. Clark's version contains a new concept that the Executive Director can fill a job vacancy of an employee on extended leave and the second part states what occurs if he takes no action to permanently fill that position. She said she believes that language to be unusual and very offensive. Attorney Barice advised it would give the Executive Director leeway to make decisions in the best interest of the agency but she can work on Mr. Clark's version to remove "permanently" or "possible". She said if the Board decides to go with Mr. Clark's version, the Executive Director will have flexibility to make necessary management decisions, and it will be shown to the Labor Attorney to see what they have to say since "job vacancy" set off an alarm with some of the Board.

Mr. Perry said from his perspective he is trying to be an advocate not only for staff but responsible to the Board to ensure that the policy does not tie their hands. The Board has had an opportunity to review Section 4 based primarily on the Labor Attorney's recommendations who has tried to strike a balance between protecting an employee that may need to take extended leave and being able to make immediate adjustments based on the needs of the agency. He felt Mr. Clark's version with alternative language was fine because it accomplishes the same thing and satisfies the Board's expectation. He referenced a Board member's comment that all that is needed is to remove any reference to FMLA but the Board made a motion to remove Section 28 and return with a revised policy and that is what staff has attempted. He said he is comfortable with Mr. Clark's version because it gives the Executive Director the needed ability and is not intended to get rid of employees because they need extended leave. He said if a staff person is dissatisfied with the Executive Director's decision they can always come to the Board.

Mr. Everly, Jr. reminded the Board there is no Extended Leave Policy (Section 28) at this time and that his motion is still on the floor. Chairman Farner asked if anyone wanted to second the motion, there was no second made and this item was tabled until the April meeting.

i. Request to Rescind Two Board Policies

Chairman Farner felt the Non-Competition with Private Section Policy (#002) and Alternative Attorney Policy should be discussed and voted on separately and the Board concurred. Mr. Everly, Jr. referenced Policy #002 and said if the Board feels they need an attorney other than Ms. Barice for a specific issue he would like them to have the ability to select another attorney.

Ms. Fullerton said Policy #002 was developed because Attorney Crawford was, and still is, a land use attorney and years ago the Water Authority was involved in the Jahna Sand Mine land use and the Board sent a Letter of Concern about the effect it would have on the Palatlahaha River. There were times when the Water Authority could not use Attorney Crawford and the Board agreed they needed an alternate attorney and developed this policy. She pointed out the Water Authority is not involved in land uses at this time and Attorney Barice is not a land use attorney but if a conflict arises she would be able to suggest someone to assist the agency and that is why there is a need for this policy.

Vice Chair Dillon said the Board has given Attorney Barice the ability to select attorneys when specialized assistance is needed so there is no reason to rescind the policy. She said if they did, another policy would have to be developed if they needed an alternate attorney. Ms. Bystrak

asked for Attorney Barice's opinion and Attorney Barice advised when she first came on board, she thought the policy was reasonable because there was no need for a specific attorney for each issue. She said when the Water Authority needed special assistance in certain areas, she has recommended an attorney that she believed to be the most qualified since she wanted to steer the Board in the perfect direction. Mr. Harris said after listening to what has been said, he does not see any reason to change the policy and Mr. Clark indicated he had no preference. Chairman Farner said when Attorney Barice was unable to attend a Board meeting, she sent someone from her office so he does not support rescinding the policy. Mr. Perry mentioned three alternate attorneys were considered a few years ago but two did not want the job and the agency drafted a statement with the third that said if they were needed, they would be called upon.

Ms. Fullerton made a motion THE LAKE COUNTY WATER AUTHORITY RESCINDS THE ALTERNATIVE ATTORNEY POLICY. There was no second or vote.

Ms. Fullerton referred to the policy entitled Non-Competition with the Private Sector and said she was not a Board member when this policy went into effect. She said some of the things this agency does such as waterway tree removal, prescribed fire burns, and mowing would compete with private contractors. She said at that time the Board was considering accepting gopher tortoises on our preserves but it would have competed with a local consultant doing the same service as part of his business. The Board thought the Water Authority might have an unfair competitive advantage because our assets are purchased and maintained by the taxpayers. She said the main argument is that the Water Authority does not follow the policy and cannot because staff continues to do small jobs and this Board needs to decide whether or not to compete with the private sector. She opined this policy was written to accommodate a Board member who was the consultant and wanted the relocated gopher tortoises moved to his property, which was a totally self-interest policy and rather a shame for us to have on our books.

Mr. Everly, Jr. stated this Board requested data on gopher tortoises so he does not believe it is a good time to rescind the policy and does not believe accepting gopher tortoise relocation money would make a big difference in our budget. Chairman Farner said he understands Ms. Fullerton's argument that the Water Authority cannot utilize 100% of their staff because the private sector mows and does other tasks but does not believe that would be a fair analogy. He said if he knew of someone making money relocating gopher tortoises on their property, he would never consider using Water Authority property for that purpose.

Ms. Fullerton asked if the Water Authority plans to work with the County and Mr. Perry said the agency has accepted grant money to improve gopher tortoise habitat on some of our properties since there are no gopher tortoise relocations in Lake County. Vice Chair Dillon stated she sees no reason to rescind this policy.

Ms. Bystrak said she considers TLNC part of the private sector and the Water Authority is competing with them by opening NuRF and Hickory Point as education facilities. She commented this policy directly affects the agency and if it is not rescinded, the Board will be violating their own policy. She reported there is a gopher tortoise relocation area called Secret Promise being built south of the turnpike that will include 5,000 homes. She said the Audubon

Society has talked them into being a gopher tortoise mitigation area. She added that the development will use the easement the Water Authority just gave the City of Leesburg.

Mr. Harris said as he reads this policy, it says the Water Authority will not intentionally become involved and he believes that to be a key word. He said if one is intentionally doing something such as getting involved in gopher tortoises, education, boat rides, or sail planes for profit we would then be violating our policy. He opined that if the Water Authority is following the State Statute to protect the water and give the gopher tortoises the best possible habitat, he does not see it as a violation even if the policy is not rescinded. Mr. Clark said the dividing line between government and private companies has become quite vague. He referenced public vs. private school systems and gave other examples and said he agrees with Ms. Fullerton.

Ms. Fullerton made a motion **THE LAKE COUNTY WATER AUTHORITY RESCIND THE NON-COMPETITION WITH PRIVATE SECTOR POLICY.** Seconded by Mr. Clark, the motion failed 2 - 5 with Chairman Farner, Vice Chair Dillon, Ms. Bystrak, and Messrs. Everly, Jr. and Harris voting against.

*Mr. Harris left the meeting at approx. 8:25 p.m.*

## 5. **PUBLIC COMMENT**

No one came forward.

## 6. **LEGAL STAFF REPORT**

Attorney Barice stated two days after the March Board meeting a lawsuit was filed against ERD. They had 20 days to respond but nothing has been received so it may shortly go to mediation.

## 7. **ACTION ITEMS**

- a. **Resolution to Amend Fiscal Year 2009-2010 Budget and Create an Alum Reserve**

Mr. Perry noted the Board took action last month to create and deposit \$1,706,351 in an alum reserve fund and the County requires Resolution 2010-02 because it creates that fund.

Ms. Fullerton made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION TO ADOPT RESOLUTION 2010-02 AMENDING THE FISCAL YEAR 2009-2010 BUDGET AND CREATING AN ALUM RESERVE ACCOUNT.**

Seconded by Vice Chair Dillon, there was no vote at this time.

Ms. Bystrak said she is a little upset that a shortfall came about and asked why the Board did not know sooner they needed \$4 million for alum. She added that she believes the agency is in a mess and wondered why it took a Board member to bring this shortfall to staff's attention.

Mr. Perry stated he does not believe the Water Authority is in a mess because when the Board first reviewed information about the NuRF, the expectation was there would be a certain amount

of money staff would propose as a dollar amount. It was certainly the Board's discretion at any time that if a point was reached when money was not available, NuRF would stop operating and that option was explored with the Board from the very beginning of the project design. He stated as of late, Mr. Clark, from his analysis, thought it would be appropriate for the Board to talk about having sufficient funds because they did not want to stop treating nutrients but instead they wanted to move forward and create a situation where sufficient funds would be available should there be excessive rainfall. He emphasized that he does not believe there was ever any intent not to provide sufficient funds to run NuRF, only to have a specific amount of money, and then when the funds ran out, treatment would stop.

Mr. Clark referred to Mr. Lumbard's estimate of \$1.5 million/yr. to operate the NuRF and said it is very close to his estimate of \$2 million and the difference was probably because they used two different data sets. He said he proposed an alum reserve so Mr. Perry would not have to make difficult decisions. He emphasized the agency is not going broke because the same amount of money is going to be spent either way. He said he believes Mr. Lumbard made a valid estimate of what it will cost to run NuRF and by having funds available, it just smoothes out the process of funding the operation.

Ms. Bystrak said the Water Authority is required to set aside \$800,000 to prepare the NuRF site once it closes and is part of the \$1.7 million. Mr. Perry stated the agency needs \$2 million in a closure fund and the \$800,000 is in a CD, and not part of the \$1.7 million. Ms. Bystrak stated the Board has thought all year that the agency was on a tight budget and why staff received no raise and the Marine Patrol boat was not funded and now there is a big surplus. Mr. Perry said initially \$800,000 was taken from Cash Carry Forward but according to the Auditor should have been left in thus making additional revenue available. In April, the Board will begin preparing next year's budget, will arrive at a final estimate in June or July, and has the potential to expend through September so if less money is spent than anticipated, additional funds are available.

Chairman Farner said he is grateful to Mr. Clark because he identified an issue before it became a problem and by having an alum fund, it will smooth things out. He said he does not want to have to re-adjust the budget because it would be embarrassing to take other funds to make up for the needed difference. A great deal of work was done by Mr. Clark, and the best thing the Board can do is to have alum money available because it will be needed at some point in the future.

Ms. Fullerton felt the agency had reached this point because past Boards have continually reduced the millage in order to look good to the taxpayers but it has also impoverished the agency. She suggested the Board raise the millage or ask other agencies for financial assistance.

(Ms. Fullerton made a motion TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION TO ADOPT RESOLUTION 2010-02 AMENDING THE FISCAL YEAR 2009-2010 BUDGET AND CREATING AN ALUM RESERVE ACCOUNT. Seconded by Vice Chair Dillon).

**The motion carried 6 – 0.**

**RESOLUTION 2010-02**  
**A RESOLUTION AMENDING THE BUDGET FOR THE**  
**LAKE COUNTY WATER AUTHORITY AND**  
**CREATION OF AN ALUM RESERVE ACCOUNT**  
**FOR FISCAL YEAR COMMENCING ON OCTOBER 1, 2009**  
**AND ENDING ON SEPTEMBER 30, 2010**

WHEREAS, the Board of Trustees is the governing body of the Lake County Water Authority pursuant to law, and

WHEREAS, the Board of Trustees has adopted a budget for Fiscal Year 2009-2010, and

WHEREAS, the governing body of a special district may at any time within a fiscal year amend their budget by resolution, and

WHEREAS, on February 24, 2010, the Board of Trustees of the Lake County Water Authority accepted the audit for the preceding fiscal year which finalized the Cash Carry Forward amount, and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees, the Fiscal Year 2009-2010 budget is being amended to increase Cash Carry Forward by \$1,706,351, which will be offset by the same amount on the expenditure side of the budget in a reserve account, to be used for alum expenditures during higher than average flows through the Nutrient Reduction Facility.

PASSED AND ADOPTED THIS 24th day of March, 2010.

b. Flat Island Preserve Archery SUA Renewal & Amendment

Mr. Everly, Jr. made a motion **TO AUTHORIZE THE EXECUTIVE DIRECTOR TO RENEW THE SPECIAL USE AUTHORIZATION FOR ARCHERY ACTIVITIES AT THE FLAT ISLAND PRESERVE AND INCLUDE THE ADDITIONAL ARCHERY AREA.** Seconded by Mr. Clark, the motion carried 6- 0.

c. Project Modification of City of Eustis Stormwater Project

Mr. Perry stated the City of Eustis proposed to enlarge the site to consolidate a number of smaller stormwater projects at no cost to the Water Authority. The City will pay for any expanded area and may be able to accommodate additional development that might occur. He said the Board can stay with what exists and pay for what we said we would pay for but he is not sure what advantage that would be since the City will have to be able to do a bigger design. Mr. Lumbarb mentioned the City will be going out to bid on this project. Chairman Farnier felt the City of Eustis had been a good partner to the Water Authority. Mr. Everly, Jr. said he wants to ensure the City bids this project out because they are known for doing a project themselves and spending much more than what a contractor would charge at today's price.

Ms. Fullerton read #23 of the original Stormwater Grant Program Agreement which states the Grantee agrees the project is not to be used to offset additional stormwater treatment requirements that may be imposed upon them as a result of future redevelopment of the historic Waterman Hospital property located within the treatment basin. She inquired if the City is meeting that requirement and Mr. Lumbarb said unless staff is instructed otherwise, #23 will

remain in the contract. He said the City cannot use stormwater ponds to offset redevelopment of the Waterman Hospital site, but by incorporating a larger design, they can combine areas that currently they have no exclusion for since the Water Authority did not want to pay for their ability to redevelop the Waterman Hospital site.

Ms. Bystrak requested staff ask the City why they have sandbags surrounding their stormwater drain between the grassy area of the parking lot and the lake at Crazy Gator restaurant. Mr. Hart explained the City has had a problem with stormwater backing up into the pipes and coming out the manholes so the sandbags are there to keep water out of the parking lot.

Mr. Everly, Jr. made a motion **TO AUTHORIZE THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE CITY OF EUSTIS TO INCORPORATE THE PROPOSED CHANGES.** Seconded by Vice chair Dillon, the motion carried 6 – 0.

## **8. BOARD MEMBER COMMENTS**

Mr. Clark had no Board member comments.

Mr. Everly, Jr. stated the Sheriff's Office has put together an inexpensive but good package that will include a Yamaha motor instead of the two-stroke Mercury racing engine for their Marine Patrol boat so he does not expect a problem when they present their proposal to the Board.

Ms. Fullerton said she received a phone call from Tavares City Council Smith about cleaning the Dora Canal and she thought this issue had been dropped. Chairman Farner remembered the Board took money that had been appropriated to make a plan and shifted it but it has nothing to do with Councilmember Smith's proposed plan. Mr. Perry said staff has expended no effort in doing anything as yet since the Board seemed lukewarm about changing the channel. He said if anything were to be done it would be to de-s snag and remove impediments to navigation so the money is still in the budget unencumbered and unobligated. Ms. Fullerton said she is still interested in having someone from the City come and talk about their waterfront plan. Mr. Perry informed the Board that someone will be at the April meeting to talk about the railroad bridge. Ms. Fullerton indicated that she is more interested in hearing about their waterfront plan because the Water Authority is spending a lot of money to clean Lake Dora and we want to ensure that the City is doing what is necessary especially on the south shore of that lake.

Chairman Farner said he spoke to Tavares Councilmember Smith after he saw several boats crash into the Dora Canal railroad bridge and believes a change is long overdue. He told him this falls within the agency's statutory parameters so he would like to hear from the City.

Vice Chair Dillon thanked staff and said she is very impressed with all of the presentations that staff does and the work that goes into putting the Board book together and doing the Minutes. She said she would like to caution a few of the Board about their uneducated assumptions and accusations. She stated in the past few meetings there has been numerous, unwarranted attacks on staff and she does not appreciate it and she is sure that staff does not appreciate it either. She suggested that when questions need to be asked, especially those that are controversial, they be asked before the meeting begins so they get their information straight.

Ms. Bystrak stated in the interest of time, she will pass.

**9. BOARD MEMBER ITEMS FOR FUTURE AGENDA**

No further items were mentioned.

**10. INFORMATION ITEMS**

a. Staff Report

No comments were made.

b. Monthly Financial Reports – February 2010

No comments were made.

**11. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS**

- NuRF Open House-Thursday – April 22, 2010 (9:00 am – 12:00 pm)
- Board Meeting-Wednesday, April 28, 2010 (3:30 pm) BCC Chambers/Admin. Bldg.

**12. ADJOURNMENT**

The meeting adjourned at approx. 8:55 pm

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Linda Gavin, Recording Secretary

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Neil Kelly, Secretary – Treasurer

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Keith Farner, Chairman