

**MINUTES OF THE REGULAR BOARD MEETING
of the
LAKE COUNTY WATER AUTHORITY
April 28, 2010**

The regular meeting of the Board of Trustees of the Lake County Water Authority was held at 3:30 p.m. on Wednesday, April 28, 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)
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 – March 24, 2010

On **page 2, 2nd paragraph, 1st sentence** the Recording Secretary listened to the tape and confirmed there was no mention of 400 lbs. only 200 ppb Total Phosphorus. A request was made to omit the last sentence on **page 4**, to change “Lake Beauclair’s” to NuRF’s on **page 9, 2nd paragraph** and change “opined” to stated on **page 17, 3rd paragraph, 2nd sentence**. **The minutes were approved as corrected.**

3. EXECUTIVE DIRECTOR REPORT

Mr. Perry reported the Harris Chain and Lake Apopka remain above regulatory schedule. The St. Johns River Water Management District (District) decided to leave the Chain at its current level in anticipation of possible wet weather in the next few months. Flow through the Nutrient Reduction Facility (NuRF) approached 300 cfs several times in March and now stands at 150 cfs. Currently, there is no flow through the Harris Bayou and the District may adjust the other structures as lake levels begin to respond to higher flows downstream. Lake Minnehaha has risen from 91.25’ to 94.25’ since last year but continues 1.5’ below regulatory range. The

Clermont Chain has begun to rise because of additional flow through the Green Swamp and Big Creek and Little Creek. Chairman Farnier arranged the use of the Sheriff's helicopter to fly Mr. Hart and Mr. Timbes, a South Lake County resident, over the Clermont Chain and they were unable to see any obvious blockages. Mr. Timbes e-mailed his appreciation of the aerial tour and noted that he is willing to participate in future discussions.

The Water Authority recently hosted sixty Advanced Placement (AP) students at the NuRF and they participated in hands-on activities and heard staff presentations. Ms. Sorensen, one of the chaperones, sent an e-mail with her suggestions on how the program might be improved. Mount Dora High School AP students and some Tavares Middle School AP students will participate in age appropriate activities in the next few weeks. A question was asked about whether the curriculums for the high school and middle school activities are part of the Naturalist's education program the Board discussed a few months ago. Mr. Perry said students are provided with educational hands-on experience but he is not sure it meets the criteria only that staff is helping students prepare for their upcoming Advanced Placement test. This is a joint effort between the Water Authority and the School District to ensure this program accomplishes the objectives.

The Florida Department of Environmental Protection (FDEP) notified staff the Lake Beauclair restoration permit application has been deemed complete. Staff expects to hear from the Florida Fish and Wildlife related to the U.S. Army Corps of Engineers permit shortly but has yet to hear from the State concerning archaeological issues. Time is critical to begin the project in order to meet the window of opportunity the District has expressed concern about.

Mr. Perry stated during high flows from March 2nd until today, NuRF has removed as much Total Phosphorus (TP) as it did during all of last year. Chairman Farnier said he understands staff is still tweaking the amount of alum being used but asked if that amount can be reduced. Mr. Perry advised NuRF seems less efficient during low flows so staff increased the dose to 13 mg Al/L but now with higher flow, the dose has been reduced down to 10 mg Al/L.

4. DISCUSSION ITEMS

a. City of Tavares Request to Replace Dora Canal RR Bridge

Mr. John Drury, Tavares City Administrator came forward and said Councilmember Kirby Smith was assigned to work with their Horizon Project Team and City staff to address railroad initiatives. A train platform has been constructed and is now in use for special events. The tracks will be able to accommodate economic development for freight and passenger service to Orlando but the tracks from Eustis, Mt. Dora, and Plymouth need to be upgraded. The railroad company hired a professional engineering firm to inspect the 1951 bridge and found it in need of repair at an estimated cost of \$1.3 million. The City successfully secured \$975,000 from the Florida Department of Transportation and \$100,000 from the Central Florida Railroad; however, an additional \$225,000 is needed. The bridge is made of creosote coated wooden pilings driven into the Dora Canal bed which impedes boat traffic as well as water flow. The City believes this project is consistent with two Water Authority's legislative purposes which are to foster and improve the tourist business and provide recreational facilities. Mr. Drury stated he is here to request that the Water Authority Board consider contributing \$225,000 needed for this project.

Mr. Perry explained no money has been set aside for this but there is money in the newly created alum reserve fund, \$107,000 in the identified Dora Canal project, and funds left over from stormwater projects not fully funded but beyond that he will have to find other money.

Ms. Fullerton emphasized the Board recently established an alum reserve fund and she personally believes water quality efforts are more important than replacing the Dora Canal railroad bridge. She understands something needs to be done to the bridge but in the past the Board has talked about removing stumps and navigational hazards and that fits the agency's purposes but she does not support the City's request for money for something she considers to be a "construction" project. Mr. Drury said the City understands these are tough economic times and everyone wants to participate in stimulating the economy but it is rare to bring \$1 million into Lake County. He stressed the grant money will go away June 30th if the City is unable to obtain the necessary \$225,000.

Vice Chair Dillon asked how much money Mount Dora will contribute and Mr. Drury noted they will contribute toward the upgrade of the tracks but not for the bridge replacement. He added the plans and specs will be delivered to Mr. Perry to be shared with the Board to ensure their comfort level concerning this project. Vice Chair Dillon stated she has boated for many years and going under the railroad bridge has always been hazardous so she favors fixing it but she is not pleased that Tavares is asking for \$225,000 from the Water Authority when Florida Central Railroad is only contributing \$100,000. Mr. Drury said Tavares was able to secure a grant and is trying to create a partnership and believes an opportunity has presented itself to resolve a navigational hazard. Mr. Harris agreed it would correct the problem but the Water Authority is nearing the end of their fiscal year and a request of this size will put pressure on projects the Board has agreed to do, so he does not want \$225,000 taken from any of the projects.

Mr. Clark asked how much Tavares will contribute and Mr. Drury stated his staff has worked with Tallahassee and the Florida Central Railroad and given an exorbitant amount of their time and at least \$250,000 toward the railroad depot. Mr. Clark mentioned the Water Authority Board has talked about improving the Dora Canal and he asked if large taxies will pass through the Dora Canal. Mr. Drury said the City has no intention of allowing the large water taxies through but they will connect Mount Dora and Tavares. Mr. Clark mentioned some of the tour boat operators have difficulty getting through and Mr. Perry explained it is mostly a problem of height and some owners have said an additional two inches, especially during high water, will make it easier to get through the area. Mr. Clark said improving navigation is one of the agency's purposes but if the City is unwilling to contribute money toward this project then he is unwilling to have the Water Authority contribute money. He said when we offer stormwater grant money, it is done with the understanding there will be matching funds so he sees no reason to make an exception.

Chairman Farner said during moderate flow it is tricky to navigate under the railroad bridge and even more so during high flow because the opening needs widening to facilitate increased flow and flood conveyance. He would like to see the bridge raised and see Tavares' plans because it sounds as though the Board favors this project as long as there are matching funds from other cities. Mr. Drury said if this Board is willing to contribute one-half of the \$225,000 subject to

approval of the plans and specifications, assuming the height concerns are addressed, he will work very hard to find partners to contribute the other \$112,500.

Mr. T. J. Fische, Executive Director of the Lake Sumter Metropolitan Planning Organization in Tavares came forward and said there is a federally approved water taxi route between Mount Dora and Tavares. He added Tavares is in a unique position because they have taken the lead. This is an enormous railroad project that will focus not only on freight but possibly at some point passenger rail service but it will require the replacement of the Dora Canal railroad bridge. He reported another grant for \$13.8 million requiring matching funds of \$4.6 million from Lake County, Orange County and Florida Central Railroad will be available after July 1st if the Legislature does not take the money out of the transportation fund. A question was asked about whether Eustis plans to contribute money and Mr. Fische responded Eustis will be meeting next week to decide if they are able to contribute up to \$384,000 as requested.

A question was asked if Florida Central Railroad's pledge of \$100,000 is firm or will they consider contributing more money. Mr. Drury responded the City has worked 18 months to get a \$975,000 grant and \$100,000 from the Florida Central Railroad. Chairman Farner said he would like to see the City partner with the Water Authority when trees come down and have to be removed from the Dora Canal. Mr. Drury reported the City bought a boat and wench to take care of downed trees in various canals and he is sure that has reduced calls to the Water Authority. Ms. Fullerton said her sympathies lay with the tour boat owners because it affects many people but boaters need to be aware of weather conditions and the rules because it is not the public's responsibility to provide a perfect bridge. She emphasized she would rather spend \$112,500 on stormwater retention ponds on the Clermont Chain to reduce pollution flowing into those lakes.

Mr. Harris suggested Mr. Perry see if he can find \$112,500 and bring the information to the May Board meeting. Mr. Perry again mentioned that he will look at the money set aside for the Dora Canal project, in the undesignated Reserve Funds, and money not expended on stormwater projects but he will really have to dig deep in this year's budget for \$225,000.

Ms. Fullerton made a motion **THE LAKE COUNTY WATER AUTHORITY CONTRIBUTE \$112,500 FOR THE REPLACEMENT OF THE EXISTING RAILROAD BRIDGE WITH THE FOLLOWING CONDITIONS THAT FUNDING WILL NOT BE TAKEN FROM ANY STORMWATER PROJECT FUNDING OR FROM THE ALUM RESERVE FUND.** Seconded by Chairman Farner, there was no vote at this time.

Mr. Clark said he understands the City of Tavares does not plan to contribute any money and even if they are able to get money elsewhere, it would be irrelevant, so he will vote against the motion. Mr. Drury reiterated the City secured \$975,000 from the Florida Department of Transportation and \$100,000 from Florida Central Railroad and if this motion passes, he will still have to find an additional \$112,500. He said that money may come from the City of Tavares or cities located in the Golden Triangle but he pledges to do his best to get additional funds. Mr. Clark was asked if he would vote for the motion if it contained a condition that City will contribute \$112,500. Mr. Clark pointed out that is not what Mr. Drury has said, he said he will look elsewhere for an additional \$112,500, therefore if the City is unwilling to spend their money, he is unwilling to spend Water Authority money.

Mr. Harris said the City has spent considerable time getting money for this project but he does not feel the Water Authority should contribute more than Florida Central Railroad. He said he will vote for the motion and does not care where the additional \$112,500 comes from but he would like to see Florida Central Railroad give more because they are really getting a “sweet deal”. He noted Lake County taxpayers want to see improvements to the waterways and the replacement of the railroad bridge would be a significant improvement. Chairman Farner stated he favors this request because it will help tourism and water conveyance through the Dora Canal. He said the City is spending a lot to do major projects so he favors the Water Authority helping with the railroad bridge project.

Coastguard Licensed Captain Merle Beebe came forward and said he has run tour boats through the Dora Canal for 15 years and has hit the railroad bridge a few times during that time. He asked if the review of the bridge stated that it must be replaced or could be repaired. Mr. Drury stated the report indicated there are significant problems with the structural posts so they will have to be removed, repairs done, and replaced so it is a bridge replacement. Once the engineers complete the design and bring plans to this Board, Tavares and the other partners will be able to answer whether the center span will be raised. Mr. Fische stated the Florida Department of Transportation will own the infrastructure because their funds are being used and CSX owns the real estate but the State retains ownership. Capt. Beebe said using different materials may elevate the center of the bridge enough so the tracks do not have to be raised since tour boat operators prefer the present height of the tracks. In December, a resolution passed accepting Central Florida Commuter Rail’s proposal, was approved by the County, Tavares, Eustis and Mount Dora and included such projects as the Dora Canal railroad bridge and the replacement of the tracks from Plymouth to Eustis.

(Ms. Fullerton made a motion THE LAKE COUNTY WATER AUTHORITY CONTRIBUTE \$112,500 FOR THE REPLACEMENT OF THE EXISTING RAILROAD BRIDGE WITH THE FOLLOWING CONDITIONS THAT FUNDING WILL NOT BE TAKEN FROM ANY STORMWATER PROJECT FUNDING OR FROM THE ALUM RESERVE FUND. Seconded by Chairman Farner).

The motion carried 5 – 0.

b. Gopher Tortoise Mitigation

Mr. Perry reported Ms. Burgos has been working with the Florida Fish and Wildlife Conservation Commission (FWC) in Tallahassee to obtain a complete list of gopher tortoise recipient sites in and around Lake County. He said he reported to the Board a couple of month ago that he knew of no recipient sites in Lake County but Trustee Bystrak said Secret Promise Ranch is accepting gopher tortoises. He clarified that this location is not on the present list of recipient sites.

Ms. Burgos stated the only recipient site in Lake County is Green Swamp Ranch located southwest of Lake Louisa State Park which can only accept 34 additional tortoises; however, within the next 30 days, a permit will be issued for a site in Sumter County that can accept 1,192 gopher tortoises. FWC is considering a Boy Scout Camp called La-No-Che, but their biologist

has indicated it does not have a good quality habitat but is still under consideration. The second site is Lake Louisa Green Swamp Mitigation site that is still under a Request for Additional Information. She said the Tallahassee office has been thinking about creating some public lands and Mr. Kinstry with FWC told her recently that a few years ago, the District was allowed to place gopher tortoises on their Lake Norris property as part of their overall restoration plan so wildlife can take refuge in the burrows during prescribed burns.

Ms. Fullerton asked why the Water Authority does not consider taking gopher tortoises on our preserves and Ms. Burgos explained when it was suggested, Lake County had some interest and she did not want possible assistance to go by without the Board being aware. She said FWC is always looking for mitigation sites but Water Authority staff has enough to do with prescribed fire introduction, recreation, and resident wildlife. However, if FWC does decide to create a public lands category, they are willing to assist small agencies like the Water Authority and then the Board can consider accepting tortoises on our preserves at that time. She reported during the height of the housing development, 14,000-16,000 permits were applied for each year and ten percent was for Lake County. Ten to fifteen years ago, FWC received a take permit fee of \$300 and owners received \$800-\$1,200 per gopher tortoise but now the price is \$850 each. The price depends on the recipient site because gopher tortoises cannot be relocated in excess of 100 miles north or south of their original location but there is no distance limitation east or west. A comment was made that the Board has a non-compete private sector policy and we do not want to compete with private companies. Ms. Burgos mentioned there is one private company in Sumter County known as Beville Ranch.

c. NuRF Water Chemistry Monitoring Equipment

Mr. Lumbard said the most expensive real-time equipment is used in remote locations by the Southwest Florida Water Management District but he believes the Water Authority can get the same data for less money by using a Hach UV/Vis spectrophotometer. A question was asked about the testing process and amount of staff time required and Mr. Lumbard explained it will take 30 minutes a day to prepare a sample for the spectrophotometer and obtain data on a variety of water quality parameters.

Mr. Clark said if there is higher base flow and 10 mg/L is added regardless of the phosphorus concentration level in NuRF's incoming stream, what is the advantage of knowing that level? Mr. Lumbard said the advantage is if staff knows the TP level, they can experiment with the alum dose and immediately see results when the concentration level varies. Mr. Clark asked how long it would take before staff would see a difference in the outgoing stream from the settling ponds. Mr. Lumbard said when the flow changes, staff knows the mass difference because samples are taken once a week but if the flow changes, the concentration level may also change and staff will not know what happened. Mr. Clark said the only advantage he sees in being able to measure TP instantaneously is staff can manipulate the amount of alum used and he believes this equipment would give them that ability. Mr. Lumbard pointed out that it will also give staff a reliable figure of exactly how much TP is being removed. Mr. Perry interjected that during the winter months, NuRF receives water from the flow-way and a few times the water approached the water quality target downstream and if staff had known that at that time they may

not have had to add alum. Chairman Farnier agreed that it would be good if staff is able to get faster data.

Vice Chair Dillon made a motion **TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXPEND UP TO \$15,000 TO IMPLEMENT OPTION 2 FOR WATER CHEMISTRY MONITORING AT THE NURF.** Seconded by Mr. Harris, the motion carried 5 – 0.

{Option 2 – Purchase an industry-standard tabletop Hach UV/Vis spectrophotometer; peripheral equipment (glassware and reactor block); minor upgrades to the centrifuge building control room; and various kits and reagents for each type of analysis.}

The meeting adjourned for a short recess at 5:05 pm and reconvened at 5:15 pm.

5. PUBLIC COMMENT

Mr. Rick Humphrey, President of the Lake Minnehaha Homeowners Association (HOA), came forward and said they have heard nothing about the Hooks Street project. At their HOA annual meeting, a couple of upset homeowners reported they were approached and told 4-5 homes will have to be removed for this project. He said the 130 homeowners in the HOA do not want retention ponds in their neighborhood and he is here to ask if there are other options. Chairman Farnier said the Water Authority is doing everything to keep runoff from ruining their lakes. Mr. Perry added this project has not been done because the Water Authority has waited months for the City of Clermont to select a general engineering contractor who can provide a preliminary design. Once the plans are done, Water Authority staff and City of Clermont staff can begin receiving input from the public. Mr. Humphrey said he called the County Commissioners who did not respond back and the City of Clermont told him the Hooks Street project is not theirs. Mr. Perry clarified the Water Authority contributed money toward the preparation of the plans and the City of Clermont will manage the construction of the project. Mr. Humphrey said he read about several options on a website and Mr. Perry noted the County is thinking about doing something with Hooks Street. Chairman Farnier invited Mr. Humphrey to comment later in the meeting when the status of this project is discussed.

Mr. John Futch, Director of Public Works for the City of Eustis thanked the Water Authority Board for the grant money to do several projects including the Cardinal base pond. He said in the past, he has self-performed many of the retention ponds but that the Water Authority staff had told him their Board was apprehensive about the City continuing to self-perform. He said the City understands times are tough but they are self-performing less than in the past. Two of their larger projects include a \$2 million streetscape for downtown as well as a \$7 million master stormwater pond project in the same area. He reported that he is a state-certified General Contractor and he has been involved in a number of retention ponds and most of the equipment the City owns was surplus from the military and the state. Many times the City purchases land as a 50-50 match but under the Water Authority rules, the City is unable to use the land as part of the match but they use their labor and equipment for the master stormwater pond project.

Mr. Perry stated Mr. Everly, Jr. mentioned at a previous meeting it might be possible to obtain more favorable bids now because of the downturn in the economy and that he, as a General Contractor is concerned that Eustis will build all of their projects in-house using their equipment and personnel without knowing how much less an outside contractor might be able to do the job. Mr. Futch reported the City has several bids out for retention ponds and has furnished property for a huge County project. A question was asked if it is usual or acceptable for the City to do their own construction and Mr. Futch pointed out the City has completed four or five projects in the past and began doing their own projects when contractor prices were so high. Chairman Farner said he believes Mr. Everly, Jr. just wants to ensure the Water Authority is able to contribute less money because the City has sought competitive bids. Mr. Futch suggested Eustis staff meet with Water Authority staff and Mr. Perry asked that Mr. Everly, Jr. be included.

Mr. Don Tracy, South Lake County resident mentioned several Board members and Messrs. Perry and Hart attended the March 30th meeting concerning low water levels in the Clermont Chain. He read a couple of e-mails from residents expressing their concern about the water levels and possible blockages. He read the following from his handout - (1) why doesn't the Water Authority keep the Cherry Lake lock closed until it reaches 97' and not let water out in anticipation of hurricane season; (2) charter a plane to fly over the Green Swamp and take pictures of possible obstructions; (3) study the possibility of a control structure on the Withlacoochee River on Hwy. 33 because it originates in the Green Swamp between Sand Mine Road and C.R. 474; (4) investigate sand mine operations and see if there are water flow obstructions; and (5) why has the water level in the Green Swamp Wildlife Management area dropped 8" and the Clermont Chain risen 10" since the end of March. He reminded the Board that South Lake County residents elected them; the Water Authority collects taxes from them and they are supposed to be doing something for that area.

Ms. Fullerton addressed Mr. Tracy and said he heard the answers to his concerns at the March 30th meeting and in talking with Mr. Hart but it does not seem that he likes what he is being told. She reported the USGS and the Southwest Florida Water Management District will do a hydrologic study on the effects of the sand mines so it will take time to get answers. Chairman Farner noted that one issue has already been addressed because staff and a South Lake County resident flew over the Clermont Chain and they did not see any blockages. He said the Water Authority will do what it can to help the residents but now because it is raining; the Green Swamp after years of drought has begun to fill and flow into the lake. Mr. Harris said residents are using more water but when it rains the Withlacoochee River rises and when it stops raining, the water level drops. Mr. Tracy emphasized that he believes there are blockages and the Board needs to continue to address his concerns. Chairman Farner ended by saying the staff will look at the sand mine, determine if water is flowing or whether there are obstructions, and the Board will decide what can be done. Mr. Tracy said the Water Authority can do a lot to help residents in that area and he suggested meetings be held at 7 p.m. so working folk can attend.

Attorney Barice stated the sand mines are operating under a permit from the District and the Water Authority does not have regulatory jurisdiction, the only thing that could be done would be for the Board to comment the next time a permit comes up for renewal.

Vice Chair Dillon stated her concern with this discussion is the Board is being told they are not doing anything but staff has taken day long trips, spoken at various meetings and viewed South Lake County from the air. She said the Board is giving Mr. Tracy answers but he does not want those answers. Ms. Fullerton announced there will be an Alliance to Protect Water Resources meeting Thursday, May 6 at 7 p.m. in Jenkins Auditorium in Clermont and Water Authority staff will speak about Clermont Chain water levels and the NuRF.

6. DISCUSSION ITEMS (Continued)

d. Hooks Street Stormwater Project Status

Mr. Perry stated the Board asked staff to find the worst outfalls in the Clermont area and Hooks Street was determined to be one of the worst. Staff sought partners and the County indicated they were interested in doing something with the road and would contribute money toward building a retention pond to remove the nutrients before they reach the Clermont Chain. The Board authorized staff to see if anyone was interested in selling their property and six homeowners advised they were and staff was given permission to get appraisals on those specific properties. Meetings were held, and staff talked with the City which indicated no interest in the project because the Water Authority had no idea how much the project would cost. Staff and the City continued working together resulting in the City finally agreeing to supply a consultant to do a preliminary design and arrive at a cost but that happened in December 2009. Nothing was heard from the City until the City Manager called this morning and reported Ms. Fullerton attended a recent Council meeting and scolded them for the time it has taken the City to do what they said they would do. Mr. Perry stated staff assumed, before this morning's call that the City did not want to participate so staff intended to speak to the Board about working with the County on a drain system on Hooks Street. During this morning's call, the City advised that they still want to participate in the project and the County believes strongly the City should be involved because this project is within their city limits. The recommendation is to allow Water Authority staff to continue working with the City on this project; however, since it is early in the conceptual process, staff does not have anything to tell the HOA homeowners.

Mr. Humphrey said it is his understanding that two of the homeowners agreed they wanted to sell their property two years ago but are now having second thoughts. Chairman Farnier emphasized the Water Authority is spending millions of dollars to restore the Harris Chain because of the massive pollution that occurred during the 1950s-1970s. He said the Water Authority has offered matching grants to retrofit some of the existing developments to eliminate runoff thus protecting South Lake County's beaches and quality of life.

Ms. Fullerton suggested that staff meet with Mr. Humphrey and HOA residents and tell them about available options to halt untreated stormwater from entering their lake. Mr. Harris stated the Clermont Chain has some of the best water but over the last few years it has been changing and is the reason for the Hooks Street project. There have been algal blooms for the past several summers and a recent invertebrate study showed water quality in Lake Louisa went from Good to Poor and it seems stormwater is the major contributor.

Mr. Perry emphasized the Water Authority is not about eminent domain or taking someone's home. He said six homeowners contacted this agency and indicated that they were interested in selling but if they are no longer willing to sell, then the Hooks Street project cannot move forward. Chairman Farner requested that Mr. Humphrey impress upon the homeowners the Water Authority is trying to do everything possible to protect their quality of life.

e. Extended Leave Policy

Vice Chair Dillon made a motion **TO ACCEPT THE APPROVED REVISED POLICY 28 INCLUDED IN THE LAKE COUNTY WATER AUTHORITY POLICIES AND PRACTICES EMPLOYEE MANUAL.** Seconded by Mr. Harris, there was no vote at this time.

Ms. Fullerton referenced her handout and said that "subject to the needs of the Water Authority" should be omitted because that is not the policy; it has to do with the employees and it should be rephrased. She stated item #14 addresses the issue in the old Family Medical Leave Act version which stated "the continuation of the policy will allow for the denial of extended leave if such leave would or could prove detrimental" and she believes it is the basis for "as determined by the Executive Director". She continued that there can be denial and she feels it is close to what Mr. Clark was saying when he talked about hiring someone to take the place of the employee who is requesting extended leave. She said the new thing to her is that the Executive Director has the power but Mr. Perry may not always work for the Water Authority so the Board needs to look at the term "Executive Director". She said that she does not see that it is just the Executive Director because the employees have the right of appeal to the Board if they are denied twelve weeks of extended leave. She pointed out the Water Authority has just been hit with Senate Bill 2080 where power was given to Mr. Kirby Green with the District and the Water Authority Board was cut out of the picture, but now they are working on the Bill. She reported she has not spoken to staff but if the Executive Director denies an employee extended leave, they have the right of appeal to the Board. She said she has a problem with the language in Mr. Clark's version since it introduces the idea of filling a job vacancy while the employee is on extended leave but it contains no language or protection for an employee. She emphasized the controlling language should be what it was in the original version, which was very simple, and stated an "eligible employee who takes leave in compliance of the Water Authority extended leave policy will be able to return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility and authority." She stressed that is the policy and what protects Water Authority staff.

Mr. Harris said the Board has placed the Executive Director in a difficult position for several months; therefore, he would like to see the policy put back in place and the Board can revise it at some point in the future if they wish. Mr. Clark commented he is on staff's side and wishes a revision was unnecessary but Mr. Perry has been put in the position where he will be held responsible for the efficiency of the Water Authority. Chairman Farner said he favors the motion and agrees a policy needs to be in place and if the Board at some point wants to amend it, the policy can be added to a future agenda.

Ms. Fullerton asked if there is any reaction to a right of appeal to the Board and Chairman Farner did not object. Vice Chair Dillon said a policy needs to be in place and the Board can comment in a future meeting. Ms. Fullerton advised she does not favor this motion.

(Vice Chair Dillon made a motion TO ACCEPT THE APPROVED REVISED POLICY 28 INCLUDED IN THE LAKE COUNTY WATER AUTHORITY POLICIES AND PRACTICES EMPLOYEE MANUAL. Seconded by Mr. Harris).

The motion carried 4 – 1 with Ms. Fullerton voting against.

7. LEGAL STAFF REPORT

Attorney Barice reported Environmental Research and Design has yet to file an answer even though outside counsel has granted numerous continuances and extensions. She called outside counsel and relayed to them that this needs to be brought to some sort of fruition by either making ERD file an answer or to go to mediation. Outside counsel told ERD they must file an answer but as of this date, ERD has not filed an answer but has said they are close to proposing a potential settlement offer. She said she hopes to have an answer at the May meeting.

8. BOARD MEMBER COMMENTS

Chairman Farner and Vice Chair Dillon had no Board member comments.

Mr. Clark mentioned in March he parked in the garage across the street and after the meeting, he found the gate locked and no way to retrieve his vehicle. He reported the sign says the garage will be locked at 8 p.m. or one hour after the end of a public meeting but that is not what happened. Mr. Perry stated staff is aware of this issue and contacted the County who assured staff the garage will not be locked until one hour after the end of a board meeting.

Mr. Harris thanked staff for making the NuRF field trips possible and reported he had positive feedback from his family and wished that he had been able to attend, as well. He mentioned he will attend The Alliance to Protect Water Resources meeting in May in order to answer any questions the residents may have about the NuRF.

Ms. Fullerton stated the APWR meeting will be Thursday, May 6th at 7 p.m. at Jenkins Auditorium in Clermont and there will be discussion about the Harris and Clermont Chains of Lakes. She apologized to the Board for being abrupt to Mr. Tracy. Vice Chair Dillon interjected that she does not like the Board being told they are doing nothing for those on the Clermont Chain because she believes the Board has bent over backwards to help the residents.

9. ACTION ITEMS

There were no Action Items.

10. BOARD MEMBER ITEMS FOR FUTURE AGENDA

Chairman Farner said the Board has requested information about the polymer that is being used at the NuRF because they want to make sure it is biodegradable and will not create a problem. He added Dr. Canfield took a sample of the processed material and asked someone at the University of Florida to determine if there is some use for the material. Mr. Lumbard said that is beyond his level of expertise and suggested a consultant or sales person respond to this concern. Mr. Clark said he does not believe the Board will be able to find out about the polymer because these are trade secrets and highly guarded but they may have some safety data. Chairman Farner stated he wants to make sure the Water Authority does not have to spend \$1 million cleaning up a pollution site. Mr. Lumbard said depending on the comfort level the Board is seeking, the manufacturer's sheet says the polymer irreversibly binds to the sediments and does not liberate into the environment.

11. INFORMATION ITEMS

a. Staff Report

No comments were made.

b. Monthly Financial Reports – March, 2010

No comments were made.

12. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS

- Board Meeting – Wednesday, May 26, 2010 (3:30 p.m.) BCC Chambers/Admin. Bldg.

13. ADJOURNMENT

The meeting adjourned at approx. 6:25 p.m.

Linda Gavin, Recording Secretary

Neil Kelly, Secretary-Treasurer

Keith Farner, Chairman