

MINUTES OF THE REGULAR BOARD MEETING
of the
LAKE COUNTY WATER AUTHORITY
July 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, July 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)
Linda Bystrak (#5)
Larry Everly, Jr. (#4)

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 – June 23, 2010

Page 2, 2nd paragraph change “earlier” to later; **page 3, 3rd line from the bottom**, insert that if after “public” and change “clearer” to cleaner than; and **Page 4, 1st paragraph**, clarify where Mr. Clark wanted samples taken in the AB Canal. **Page 5, 4th paragraph, 2nd sentence** add not before “intend”; **page 6, 2nd paragraph**, clarify what Ms. Fullerton said about one of her priorities. **Page 8, 2nd paragraph** change “lateral” to littoral; and **Page 13, 5th paragraph, last sentence** add not after “they are”. Ms. Bystrak referenced Mr. Everly, Jr.’s comment on **page 9, 7th paragraph** saying she thought the Water Authority could raise the millage rate as long as it does not exceed the original millage rate. Mr. Perry explained it cannot be increased to .5000 mills but can incrementally be increased if certain criteria are followed. **The Minutes were approved as corrected.**

- Budget Meeting – July 14, 2010

Ms. Fullerton commented at this meeting she requested the Board consider raising the millage rate to a figure that would bring in the same amount of money as what was received last year.

She added that she will make her request again as the Board discusses the F/Y 2010-2011 budget. **The Minutes were approved as presented.**

3. EXECUTIVE DIRECTOR REPORT

Mr. Perry reported an Administrative Hearing Petition has been filed related to the Department of Environmental Protection (DEP) permit; therefore, Tab 9 - Consideration of Lake Beauclair Restoration Project bids will be removed from this agenda until the Petition is resolved or there is a better feel for the timing of its resolution. Staff is recommending that this item be tabled until a future Board meeting. Chairman Farner offered his apology to anyone in the audience that came to hear about the bid results. Mr. Perry stated he included copies of the Petition and our response in the Board packet. The Administrative Hearing is to be August 9th through August 11th at the Judicial Building in Tavares. He said it is best that the Board not discuss the Petition in a public setting and that if they require further details they can call him directly. A question arose as to whether Board members can attend the Administrative Hearing and Mr. Perry said they can but only as an observer. Chairman Farner and Ms. Bystrak requested the Hearing be appropriately advertised.

Mr. Perry reported the Harris Chain is staying at regulatory schedule. The St. Johns River Water Management District (District) discharged 250 cfs for about 3 weeks through the Apopka Lock and Dam but has now reduced it back to minimum flow. The Clermont Chain had continued to respond to the rains but is now reacting to drier weather.

Mr. Perry mentioned the Recording Secretary will be retiring at the end of September. If the Board knows of someone that would like to apply for this position, they should ensure the individual is qualified and has experience preparing meeting minutes.

4. DISCUSSION ITEMS

- a. Review of Attorney General Opinion Regarding LCWA Funding LCSO Marine Unit Deputies

Mr. Clark said in June he shared an excerpt from the Attorney General's (AG) response to Attorney Crawford, which said "...in the absence of specific information regarding the actual duties the Marine Patrol is performing on behalf of the Authority, this office cannot definitively comment on the validity of funding the Marine Patrol". Mr. Clark said to him "performing on behalf of the Authority" means the Marine Patrol does things for the Water Authority that we could do or could elect to farm out but that the Marine Patrol will not do it without a contract. He continued Attorney Crawford wrote a letter to the AG requesting an Opinion on funding the Marine Patrol and several other issues and the above statement is how the AG responded to Attorney Crawford. Mr. Clark stated that he thought it would be a simple matter to get an AG Opinion because the only thing the Board needed to do was send a copy of the Sheriff's Office contract and a few monthly reports.

Mr. Clark referenced the minutes from the May 23, 2007 Board meeting in which Ms. Fullerton asked if the AG ever gives a second Opinion. Attorney Crawford responded that it would be

very unusual and he did not look at the AG's response concerning LCSO's contract as a request for more information only that the Board should investigate how the LCSO spends the money they receive from the Water Authority to ensure it supports our purposes. Chairman Everly had said LCSO's contract totaled \$148,647 a year and Attorney Crawford felt the Attorney General wanted to know if the money spent was in accordance with our purposes. He also requested that staff report how the money was spent at the next Board meeting. Ms. Griffin made a motion, which passed 5 – 1, that the Water Authority send a copy of the LCSO contract and the last 12 Marine Patrol monthly reports to the Attorney General. Mr. Clark said this is exactly what he planned to propose today because he does not remember that ever being done.

Mr. Clark said during the August 23, 2007 Board meeting Attorney Barice indicated Mr. Perry had let her know the Board voted in favor of forwarding the Soccer League contract and the LCSO contract and to request that the Attorney General revisit his Opinion and possibly provide further direction to the Board. Mr. Clark said he does not believe the AG issued an Opinion on the LCSO contract because his office said they were not allowed to revisit their Opinion. He said he believes the AG said that the Water Authority attorney should advise its Board as to what they should do. Attorney Barice also stated at that meeting that she did not believe the Attorney General would render a second Opinion and it was within the Board's discretion to decide how to proceed. Mr. Clark said if this was the case then there was no reason to send anything more to the AG. He said in his opinion a copy of the contract and the monthly reports should have been sent May 2007 meeting but apparently that was not sent since he can find no record of it. He said that leaves it up to this Board to decide what to do because the AG will not issue a second Opinion. The Board will have to decide what they want to do because there are two issues. The first issue is does the Sheriff's department do things for the Water Authority that we are authorized to do or have someone do for us and the second issue is whether these duties are worth nearly \$200,000 a year or can that money be better spent elsewhere.

Mr. Clark read an excerpt from the State Attorney's office to Attorney Crawford which says the "Water Authority was created for the purpose of controlling and conserving the freshwater resources of Lake County. Accordingly, the phrase 'controlling and conserving the county's freshwater resources' must be considered in context of the duties imposed upon, and the powers granted to, the Water Authority." Mr. Clark stated the Legislature in 1957 amended Section 9 of the Water Authority's enacting legislation to permit the Water Authority to, "...among other things, police all navigable waterways in Lake County and to establish speed limits and other rules and regulations for the protection of life and limb of persons using the waterways of Lake County and for the protection of fish and wildlife along the waterways." However, in 1963, the Legislature amended that section and the Water Authority apparently lost the ability to police these waterways. He said now the Water Authority is being told to "control all streams for the protection of the natural water reservoirs and the adjacent and neighboring areas". In other words the Water Authority is no longer protecting people or wildlife, but is charged with protecting water reservoirs which means we can no longer regulate or police people's behavior.

Mr. Clark commented that Item 7 of the Interlocal Agreement between the Water Authority and the LCSO says "One deputy shall have as his/her primary duty the patrolling of the waters of Lake County for the purpose of enforcing the laws of the State of Florida". He said that ability was taken away in 1963 so the Water Authority no longer has any duty, obligation, or even the

right to enforce the laws of Florida. The Marine Patrol polices the waterways for the purpose of enforcing the laws of the State of Florida and Lake County; it is not being done for the Water Authority because we are no longer supposed to do it. Therefore, since the Water Authority has no law enforcement power, is it proper for us to do law enforcement by proxy and can we hire someone to do something we are not allowed to do ourselves? He questioned if it is proper because 85% of the obligation under the LCSO contract is that the Marine Patrol police the waters for the purpose of enforcing the law. They also promote and teach boating safety and does that pertain to our purposes? The LCSO contract says “the other deputy shall limit to no more than 15% of his/her duty time to the presentation of educational programs”. Mr. Clark commented that he has never seen a contract written that specifies a person cannot do more than what they have to do and that they cannot spend more than 15% of their time. He said he does not believe the Water Authority should teach water safety and if it continues, it will be something that will have to be researched since maybe the Marine Patrol does not have to teach at all. Mr. Clark said he wonders why the LCSO contract does not contain a minimum time the deputy will spend but just indicates a maximum amount of time and is it still permissible to teach under this contract.

Mr. Clark said the Marine Patrol does a great job and one that is necessary but that is not the issue. He said the issue is whether the Marine Patrol does this for the Water Authority and should we pay? The contract says member(s) of the Marine Patrol are to attend Board meetings and report on their activities, the status of law enforcement, and boating safety in Lake County but in the last two years there have been no Marine Patrol presentation. Mr. Clark referenced the Marine Patrol Ticket Summary Report that lists offenses such as wake zone violations, careless operation, etc and asked if these fall within our purposes. He said he is not proposing the Board do anything at this time other than give serious thought about this because the contract will come up for renewal in September. Mr. Clark stated the Water Authority is low on money so the Board will have to decide if this is the best way to spend nearly \$200,000 or should that money be used for stormwater retention ponds and related items.

Ms. Bystrak mentioned numerous tasks done by the Marine Patrol for the Water Authority and that is why she supports the LCSO contract. She said they participated in the Illicit Discharge Training program and call the County and Florida Fish and Wildlife Conservation Commission (FWC) when they see a problem. They remove navigational hazards, use sonar to find sunken logs, and issue speeding tickets in No Wake zones which is especially important in the Dora Canal because it is not only a safety but also an erosion issue. Most of all, the Marine Patrol gives the Water Authority a face to those that live on the Clermont Chain who never see benefits from the Water Authority millage.

Vice Chair Dillon noted that she made her feelings known at a previous meeting. Mr. Harris asked how long the LCSO contract had been in existence and was told 20 years.

Ms. Fullerton said the first issue is whether the Board wants to do business with the Sheriff’s department and does the Marine Patrol do a service for the Water Authority and the second issue has to do with the legality and/or history. She said her understanding is the Attorney General blew off fishing tournaments and the Soccer League and did not say the Marine Patrol was illegal. The AG told this Board that they must be able to prove that the Marine Patrol lives up to

our policies and to answer that this Board may have to request a second Opinion as to whether the LCSO contract meets our purposes. She said she plans to vote to keep the Marine Patrol because she believes they are needed but she also needs help deciding whether the Board should ask for a second Opinion. She said the attorneys have said the Water Authority is okay and to let it go but if the public says something we need to be able to show it meets our purposes.

Ms. Fullerton asked the meaning of “any reasonable doubt as to the existence that such power must be resolved against the exercise thereof”. Attorney Barice explained it goes back to before 1968 when the Florida Constitution said cities and counties only had such authority as was granted specifically by the Legislature. In 1968, the Legislature granted them home rule authority which said unless the Legislature preempts it, they are okay. With Special Districts and several other entities they do not have that freedom unless it is preempted so they can do what they want. The Legislature tells you what powers you have so you look at those powers to determine your authority but you do not have unlimited power unless the Legislature specifically says so. In the Water Authority’s enabling legislature, there are a number of different paragraphs that say the Legislature has given the Water Authority the ability to do whatever they deem necessary to implement its powers. Often in an AG’s Opinion, it will say an agency cannot exercise an additional substantive power that has not been given to them. As the Water Authority looks at its enabling power which is to control and conserve the freshwater resources and improve the streams, etc. it also says we can do whatever we deem necessary to implement those powers. Now, the Board is getting into the area of policy because it is a policy decision as to whether the Water Authority wants to do it and whether we believe it will further our intent, our goals, and our policies.

Ms. Fullerton again questioned “exercise thereof” and whether it meant just “doing it”. Attorney Barice referred back to the substantive powers and said if the Board decides they are going to interpret the language “and you also have the authority to do whatever you feel is necessary and appropriate to carry out your powers” the Board cannot construe that so broadly as to give the Water Authority a new substantive power. She referenced Section 9(g) HB #987, Chapter 2005-314 and quoted the following. “The board may grant licenses or permits for the construction and excavation of canals and ditches connecting navigable waters; may establish, adopt, and administer rules governing the construction and excavation of the canals and ditches with authority to prohibit any construction deemed by the board to be detrimental to the best interests of the public or purposes for which the authority was established; may do any and all things hereinafter authorized or required to be done; and may do any and all things, whether or not included in the powers enumerated in this act, necessary to accomplish the purposes of this act.” Attorney Barice stated that is the type of language that really places it on the Board to make a policy decision.

Mr. Everly, Jr. said he would like to review the changes that have been made to the Water Authority’s 1963 legislation more thoroughly. Mr. Clark stated the crux of the matter is what did the Legislature mean and why did they change the Water Authority’s legislation.

Chairman Farner said he values the relationship the Water Authority has with the Sheriff’s department and believes it goes further than just paying two Marine Deputies to patrol the waterways. He mentioned that a gentleman from South Lake County claimed water was being

diverted from the Clermont Chain and with one phone call; the Water Authority had access to the Sheriff department's helicopter, pilot, and a spotter that made aerial surveying possible. Another individual came before the Harris Chain Restoration Council and the Water Authority insisting abundant cattails were redirecting the water and washing his property away. The Sheriff's department offered a couple of deputies and a work squad that removed the cattails. He said the Board will have to address the issue of supporting the Marine Patrol in the future.

Vice Chair Dillon said Mr. Clark has mentioned more than once the Board voted that staff send copies of the Marine Patrol monthly reports and LCSO contract to the Attorney General and she asked if it was done. Mr. Perry reported staff searched Attorney Crawford's files but found no indication the requested material was sent. She said many times Board members have asked why the Water Authority finances a portion of the Sheriff's budget. She said the Board could explain in writing why the Water Authority pays the Sheriff's department and list activities the Marine Patrol does for us that may not be known and then maybe this would not have to be discussed every time there is a new Board member. She said this Board needs to be proactive and provide information to Lake County residents as to why we pay for the Marine Patrol.

Mr. Harris mentioned that the Marine Patrol also patrols Water Authority properties. He said he personally would like to look through the office records before the Board votes on the LCSO contract and determine the catalyst that started this issue in the first place.

b. FY 2010-11 Budget – Set Proposed Tentative Millage Rate

Changes to the F/Y 2010-11 Budget include a drop in the Property Appraiser and Tax Collector based on 2130 mills and identification of \$200,000 that has not been spent which increased Cash Carry Forward.

Areas were identified at the budget meeting that the Board wished to discuss more thoroughly:

- a. Freight & Postage – Acct. 100-420 & Acct. 700-420: \$.02 increase in postage rates effective January 2011; and
- b. Education Acct. 500: The Board agreed they wanted to discuss this now.

Ms. Bystrak stated last year Education and Community mini-grant money was combined but this budget shows money throughout so she would like a total figure at the August meeting. Mr. Perry explained the Water Authority is instructed by County Finance as to where mini-grant money is to be placed and said he will have a total next month. She said she remembers \$5,000 for a cistern in Aid to Private Entities Acct. 500-820 and that this item is also spread throughout the budget. Mr. Perry noted County Finance said this was to be shown in Acct. 700-820 and that he would have a total figure for this as well next month. Ms. Bystrak said the Board needs to review the entire Education section in August because they will have to decide whether they want to spend money for such things as a professional NuRF video.

Ms. Fullerton made a motion that **THE WATER AUTHORITY INCREASE THEIR PROPOSED TENTATIVE MILLAGE RATE SO IT GIVES THEM THE SAME FUNDS AS THEY RECEIVED LAST YEAR.** Seconded by Mr. Everly, Jr., there was no vote. Ms.

Fullerton said Mr. Perry told her earlier .2386 mills or .2389 mills would produce the same amount as the Water Authority received last year.

Mr. Everly, Jr. stated taxes may not increase but the millage will change. He said in 2000, when they became an elected Board the millage stood at .5000 mills but they continued to drop it to where it is now. However, the Water Authority has reached a point where it may only be able to operate the NuRF and not even that for an entire year.

Mr. Clark said he will not vote for this motion because he believes there are better ways to find \$200,000. Mr. Harris felt the increase had been adequately explained. Ms. Bystrak said since there is nearly \$500,000 difference between last year and this year so she plans to vote for the motion, noting the rate has been cut nearly 60% since 2000. Chairman Farner agreed there are areas in the budget that could be cut but the Water Authority needs to retain stormwater grants which will make other items optional. Ms. Fullerton noted the millage rate can be reduced in August and at the Tentative Budget Hearing but it does not preclude discussing ideas as to where the F/Y 2010-11 Budget can be cut.

Mr. Perry explained that taxes are collected based on assessed home value less applicable exemptions. However, if the value drops, there is less money but if a home has not been reassessed, additional taxes have to be paid. The calculated value the County provided staff is not what he used as the rolled-back rate, he used .2405 mills.

Ms. Bystrak reported Senate Bill 2550 which recently passed included a provision allowing county governments to issue a stormwater referendum so technically the Water Authority can raise its millage rate. Mr. Clark noted the appraised value of many homeowners in Lake County is much different than assessed value and if the Water Authority increases its millage, it raises taxes for many of the residents that use the “Save Our Homes” program.

(Ms. Fullerton made a motion that THE WATER AUTHORITY INCREASE THEIR PROPOSED TENTATIVE MILLAGE RATE SO IT GIVES THEM THE SAME FUNDS AS THEY RECEIVED LAST YEAR. Seconded by Mr. Everly, Jr.).

Chairman Farner stated the PROPOSED MILLAGE RATE IS .2405 MILLS.

The motion carried 4 – 3 with Chairman Farner, Vice Chair Dillon and Mr. Clark voting against.

Vice Chair Dillon made a motion to SET THE TENTATIVE BUDGET HEARING FOR WEDNESDAY, SEPTEMBER 8, 2010 AT 5:05 P.M. IN THE BCC CHAMBERS/ ADMINISTRATION BUILDING, 315 WEST MAIN STREET, TAVARES, FL. Seconded by Chairman Farner. The motion carried 7- 0.

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

Mr. Perry reported the Central Florida Sports Commission has held a rugby tournament on the Hickory Point soccer fields for the last two to three years; however, the only difference this year

is they must submit proof of insurance one month prior to the event. Chairman Farner asked if the Water Authority had a problem in the past and Mr. Perry noted last time staff received a copy of their insurance the day of the event.

Mr. John Baran with the Commission came forward and said they had a problem two years ago with their insurance company and last year there wasn't enough money to buy insurance so they held the event without having alcohol.

Vice Chair Dillon made a motion **TO AUTHORIZE THE LAKE COUNTY SOCCER LEAGUE AND THE CENTRAL FLORIDA SPORTS COMMISSION TO PROVIDE BEER FOLLOWING THE RUGBY TOURNAMENT ONLY IF THE BEER CONSUMED IS LIMITED TO A DESIGNATED AND CONTROLLED ACCESS AREA, SECURITY GUARDS ARE PROVIDED AND THAT THE APPROPRIATE LEVEL OF INSURANCE IS OBTAINED AND PROVIDED TO THE WATER AUTHORITY NO LATER THAN ONE MONTH IN ADVANCE OF THE EVENT AND ALL OTHER RULES RELATED TO HICKORY POINT AND THE SOCCER FIELDS ARE COMPLIED WITH.** Seconded by Mr. Clark. Ms. Bystrak asked if they should be charged an extra dumpster fee and Mr. Perry said they will be charged if it is necessary. **The motion carried 7 – 0.**

d. City of Tavares Protection of Lake Dora

Mr. Neron, Economic Development Director for the City of Tavares introduced Mr. Rob Burn with BESH Engineering and Mr. Steve Adams with LPG Environmental and said they were instrumental in preparing the DEP permit and assisting the engineers. He reported that based on the City's plan, water quality in Lake Dora is better than before and the marina was designed using DEP's Clean Marina Act standards. The City has yet to receive the honor but if they do it will be the first marina in Lake County to receive that distinction. He noted it will include a pump-out station and no overnight mooring will be allowed.

Mr. Rob Burn said approx. ten years ago, the City of Tavares added boat ramps and a parking lot to Wooten Park. In addition, stormwater runoff discharged directly into Lake Dora with no prior treatment but now added retention areas have been created throughout the Park to handle the runoff. The City met all DEP pre-post volumetric requirements for essential requirements as well as all nutrient removal conditions. DEP requested they use a conservative model to determine nutrient removal and they found what they planned to do would provide seven times the quantity of removal required under DEP regulations. The City installed baffle boxes thanks to grants from the Water Authority and partnering with the District and they will have additional treatment sites downtown to collect stormwater runoff. The City is seeking \$11 million for their stormwater project which would take care of everything upstream of Wooten Park.

Ms. Steve Adams said LPG Engineering handled the environmental portion of the permit. The first part consisted of updating the boat ramp as well as Park facilities and resulted in 1.68 acres of wetland and sub-surface water impacts. Mitigation covered 2.8 acres of enhancement at Tavares Nature Park as well as .2 acre of plantings for shoreline enhancement for erosion control and nutrient uptake. The second part consisted of approx. 14,500 sq. ft. of over the water surface

area of construction and 2.8 acres of enhancement at Squibb Park with the removal of cattails and the planting of desirable aquatic vegetation.

Ms. Fullerton felt this was a wonderful project but she had concerns about continuing protection of the Harris Chain. She pointed out that the Water Authority has spent millions of dollars building a Nutrient Reduction Facility so we want to protect our investment. She wondered if it is possible to ask the other cities located on the Harris Chain if they can contribute some money or band together to develop a cooperative plan that will help keep the water clean.

Mr. Adams said some of the biggest issues he has seen are the old stormwater infrastructures many cities have which discharge directly into the lakes; however, the City has installed underground vaults and retention ponds to treat their stormwater runoff. He said maybe the Water Authority can take a leadership role and collectively work with various cities and unincorporated areas to do something about this problem because the City is doing what they can to control their runoff. He said there is always concern when there are multiple boat slips because of the increased boat traffic but most of the City's special events will be where boats come and go for a short time and then less activity in the Park. He said the City has reduced pollutant loading by incorporating waterfront improvements and that there will be a state-of-the-art double walled fueling system and an attendant to oversee fueling of a vessel.

Ms. Bystrak complimented the City on Wooten Park's improvements including the berms, swales, irrigation system, and native plants but said she would like to see signs telling the public how they can employ some of the same techniques at home. She reported while attending the Dragon Boat Festival she noticed *Microcystis* from the shoreline to where participants were getting in and out of their boats. She took photos that day and has returned several times and noticed the bloom is less but has not totally dissipated. She felt the problem stems from three discharge pipes in the Park and said the City needs to focus on shutting down the nutrient loading into Lake Dora. Mr. Adams mentioned that the City is looking at a stormwater system that will remove nutrient loading but there are many other cities and a number of unincorporated areas and without someone taking the lead, the City of Tavares can only do so much. Ms. Bystrak suggested they consider passing a fertilizer ordinance if they are unable to solve their stormwater problems because it is much less expensive way to achieve their end goal. Mr. Adams said that he will pass her suggestion on to the City of Tavares.

Chairman Farner said he grew up in this area and remembers the way Wooten Park looked then and how it looks now and he is quite impressed. He agreed most cities have old stormwater systems and retrofitting is very expensive so he is grateful for what the City of Tavares has accomplished.

Ms. Fullerton asked about the amphitheater. Mr. Neron commented that recently the Tavares City Council authorized moving forward with a referendum on the November 2nd ballot to acquire 3.7 acres of additional property to expand Wooten Park to include a 3,200 seat outdoor amphitheater. He said seaplanes have been more popular than expected so now there is a conflict between the seaplanes and boats at the current boat ramp. The City is proposing to build a second boat ramp at the end of Sinclair but this project depends on the voters' response.

The meeting adjourned for a short recess at 5:00 p.m. and reconvened at 5:15 p.m.

5. PUBLIC COMMENT

Ms. Lavon Silvernell, Trout Lake Nature Center Naturalist thanked the Water Authority on behalf of TLNC, the teachers, and the students for their support over the years. She shared a letter from a 5th grade student who expressed his thoughts about his great visit to TLNC. She said this financial support has allowed them to develop a fully functioning nature center and Water Authority staff has supplied facts about the natural system.

Mr. Everly, Jr. reported he visited TLNC twice, once with a kindergarten class and once with a fifth grade class and each time no paid staff were present, only volunteers, and he asked if that is standard protocol. Ms. Silvernell said a responsible person is always on duty and volunteers are told they must cover the curriculum as well as ensure the children have fun and are safe.

Ms. Bystrak remarked last year the Water Authority paid transportation costs for six buses to visit TLNC but this year we have to make some cuts to the budget. She asked if schools will have transportation money next year. Ms. Silvernell said teachers have said they are not allowed to ask parents for money so some children may not be able to come. Ms. Bystrak inquired if the depressed economy it is having an impact and Ms. Silvernell said is having an effect.

Mr. Harris said he appreciates Ms. Silvernell sharing a letter from a 5th grader that had visited TLNC because that lets the Board know that Water Authority funding does makes a difference.

6. DICUSSION ITEMS (Continued)

e. Results of the Lakes Beauclair, Carlton, and Dora Creel Survey

Mr. John Benton with FWC stated their creel survey for November 2009 through April 2010 indicates it was a very high user year for Black Crappie but not as good for Bass in spite of the 10,800 large-mouth bass that were stocked in the lakes by the University of Florida. A few fishermen caught large-mouth bass but that does not translate into increased angler effort.

Mr. Clark said their survey states the University of Florida stocked fish in the spring of 2010 and FWC's electro-fishing samples totaled 25% of the 472 fish collected in Lake Dora so instead of catching five bass, they would have caught four if stocking had not been done. Mr. Benton said in comparing 10" or longer bass, it would be closer to 40%. Mr. Clark asked about the cost of the stocking program and Mr. Benton said Dr. Canfield could answer that but he knows it was not an inexpensive program. Mr. Clark said he thought the purpose of the stocking program was to stimulate bass fishing. Mr. Benton said the University of Florida wanted to stimulate interest in fishing but according to FWC data, the program did not work.

Ms. Fullerton remarked the stocking program provides recreational activities or improves fish and aquatic wildlife and that is one of the Water Authority's purposes. A comment was made that it is also a way to measure water quality and whether fisheries are successful. Mr. Benton reported Lake Dora is now part of a broader long-term monitoring initiative and FWC will

continue with the survey regardless of whether the Water Authority continues funding the survey. He said FWC values their association with the Water Authority. He noted that when they first began the creel survey, the shad study had just begun and FWC did not have a mechanism to fund their survey so the Water Authority contributed money toward it.

Mr. Everly, Jr. said one thing that cannot be measured is that Bass that were stocked were over 10” in length so it will be interesting to see what happens in the next five years. Mr. Clark said the lack of additional Bass in the lakes is not related to breeding size but more to habitat. He said he has never favored the Bass stocking program and without this creel survey, no one would know whether or not this program should continue.

Chairman Farner stated as a HCRC member he voted in favor of the Bass stocking program but it had nothing to do with increasing the number of fishermen, it had to do with the predatory sized large-mouth Bass that ate the shad. He said instead of using gill nets, predatory fish should be introduced so they can take care of the shad, adding he also agrees habitat is very important.

7. ACTION ITEMS

The Board agreed on a consent agenda for Tabs 13, 14, 15, and 16. Mr. Perry said rather than amend the contract for the prescribed fire services (Tab 13); Attorney Barice thought it should be assigned to PBS&J’s existing contract.

- a. Approval to Issue Task Order with PBS&J for Prescribed Fire Services for 2010-2011 – Tab 13

{Executive Director Recommendation: Authorize staff to assign the PBS&J Engineering Contract to include prescribed fire services and to issue a new task order for PBS&J for Fiscal Year 2010-11.}

- b. Increasing Amounts and Purchase Orders for Polymer for NuRF – Tab 14

{Executive Director Recommendation: Authorize addition of \$13,000 to the existing purchase order with Nalco for polymer purchase and authorize up to \$4,000 for an alternative if identified.}

- c. Approval to Transfer Funds for Land Management Projects into Appropriate Accounts – Tab – 15

{Executive Director Recommendation: Authorize staff to transfer \$15,000 for Account 700-340 Other Contractual Services to 700-310 Professional Services.}

- d. Approval of New Site Resident at the M-5 Structure – Tab 16

{Executive Director Recommendation: Authorize the Executive Director to execute a M-5 site resident lease agreement with Deputy Hanks.}

8. DISCUSSION ITEMS (Continued)

f. Final Determination of Releases for Beauclair Restoration Project Bid

Mr. Lumbard reported three owners indicated they will not sign with one saying that he does not want to give up his right to sue the Water Authority. Two additional owners have been contacted numerous times but have not responded.

Mr. Everly, Jr. said he does not see a problem dredging without a signed release. Vice Chair Dillon mentioned two owners told their neighbors they don't plan to sign so she said if dredging is done, what's the point of sending a release in the first place. Ms. Fullerton said if a parcel is not dredged would it cause a problem and Mr. Lumbard said skipping over one would probably only result in sediment sloughing off and eventually disappearing. Vice Chair Dillon referred to the two owners near the mouth of the Venetian Village canal who refuse to sign and said if those two parcels are not done, every property past that point will have trouble getting out. Chairman Farner said he would like a definitive answer from those that have not signed a release.

Ms. Bystrak reported DEP issued a ruling that kayak groups who want to disembark at a spring may do so even if it is commercially owned as long as they do not touch the shoreline because the bottom of the water belongs to the State.

Mr. Everly, Jr. made a motion TO ADVISE STAFF TO CONTINUE THE DREDGING PROJECT REGARDLESS OF WHAT RELEASES THE WATER AUTHORITY GETS OR DOES NOT GET AND NOT MODIFY THE PROJECT. Seconded by Mr. Harris, there was no vote at this time.

Mr. Clark said there are numerous canals throughout Lake County that need dredging and at some point that issue will have to be addressed by this Board. Ms. Fullerton asked about the risk if a property is dredged without a signed release. Attorney Barice said it is a Board policy decision as to whether the Water Authority has to have a signed release because it does not prevent someone from filing a lawsuit but it is a good defense if one is filed. Ms. Bystrak commented the opposite side of the Venetian Village canal belongs to Audubon of Florida so one-half the width of that canal can be dredged because belongs to the State or Audubon of Florida. Mr. Harris said if a current homeowners sells his property, is there a need for a new signed release. Attorney Barice said it depends upon whether the release said it covers their successors and assigns. Mr. Clark noted he and staff looked at this particular canal a while back and it gets progressively shallower toward the end so if we do not dredge the two parcels at the mouth of the canal, those living further away from the mouth of the canal will not be able to get over the non-dredged area. Mr. Lumbard said it is soft sediment and once boats go in and out a few times it should no longer be a problem.

Vice Chair Dillon pointed out that what the Board decides today will set a precedent and she does not think they should stop talking about this until all valid questions are answered. She said it is ridiculous to prepare a release and still dredge without a signed release.

Mr. Everly, Jr. rescinded his motion, adding he is considering making a motion the Water Authority not dredge any of the canals. Chairman Farner noted the Board has faced this issue before when the Lake Griffin canals were done without a few signed releases. Vice Chair Dillon said a signed release takes the liability off the Water Authority but it does not take it off the contractor so someone is still liable if a dock or seawall is damaged. After further discussion, Mr. Harris retracted his second to Mr. Everly, Jr.'s motion.

Ms. Fullerton made a motion **TO ACCEPT THE EXECUTIVE DIRECTOR RECOMMENDATION TO AVOID DREDGING THE PROPERTIES THAT HAVE NOT RETURNED RELEASES OR HAVE NOT INDICATED PROOF OF OWNERSHIP.**

Seconded by Vice Chair Dillon, the motion carried 5 – 2 with Messrs. Everly, Jr. and one other Board member voting against.

g. Consideration of lake Beauclair Restoration Project Bid

This item will be on a future agenda.

h. Approval to Negotiate Contract for Lake Beauclair Restoration Project Construction Management

Mr. Perry said it is appropriate for the Board to discuss this item even though the bid discussion has been tabled. He said they are selecting a construction management company and allowing staff to negotiate a contract which will be presented at a future Board meeting.

Vice Chair Dillon made a motion **TO AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE A CONTRACT WITH BCI ENGINEERS & SCIENTISTS, INC. FOR LAKE BEAUCLAIR AQUATIC ENHANCEMENT CONSTRUCTION MANAGEMENT.**

Seconded by Mr. Harris, the motion carried 6 – 1 with Mr. Everly, Jr. voting against.

i. Lake Joanna and Lake Saunders SR 441 FDOT Structure

Mr. Hart stated Lake Joanna's visibility used to be 18' but due to its degradation, the visibility has dropped to 7'. Staff took samples and found higher than expected levels of *Microcystis*. The residents were told and they contacted LAKEWATCH and the Water Authority because they felt Lakes of Mount Dora was discharging runoff into Lake Joanna. LAKEWATCH took water samples at the KB Homes and Loch Leven outfalls and found nutrients entering that lake. Senator Baker contacted the Water Authority, the District, and LAKEWATCH requesting a meeting and he requested someone check the Loch Leven outfall. Mr. Hart reported he and Chairman Farner checked that one as well as the Wolf Branch Sink outfall and discovered the outfall at the Sink was blocked with sediment. Mr. Hart mentioned he will shoot the elevation of the Loch Leven ditch next week to see if it is blocked and even if isn't it may be because water is not flowing out that way. The County has collected water samples and the Water Authority has paid for the analysis to see if a high nutrient source is discharging from Loch Leven and KB's outfalls. Mr. Hart mentioned one of Loch Leven's retention ponds is quite green so something is definitely happening but with only partial results from the first sample he will have to wait for further information. WAV and the County have agreed to speak to Loch Leven residents to

explain what negatively impacts Lake Joanna and staff will meet with Senator Baker in two weeks to report their findings.

Vice Chair Dillon inquired if something had changed to make the wetlands less effective. Mr. Hart said it remains intact but the watershed that was once a wet prairie now contains homes so the difference is what used to be a wetland contained low phosphorus discharge but with new homes and because the flow has increased, there is a higher phosphorous impact to the wetland.

Ms. Fullerton said the lake's degradation is caused by new home development and the Water Authority needs to do whatever possible to fix the problem. Mr. Hart stated the developments are following District rules and as long as they do they are allowed to discharge excess water and it may not be possible to force them to do anything more. The District will verify correct procedures are followed and hopefully they come to a decision before Senator Baker's meeting.

Chairman Farner stated we want to identify the problem because it has been argued Lake Joanna is going through a natural degradation and the samples will indicate whether a problem exists. He reported he heard the District say there are legal remedies if stormwater ponds are not designed correctly. He said it may be that Wolf Branch Creek has an obstruction so he requested this issue included on the August agenda. Ms. Bystrak and Mr. Harris stated they would like to attend the meeting with Senator Baker and asked to be informed of its date and time.

Mr. Hart reported the Department of Transportation (DOT) planned to have a representative or consultant speak to the Board this evening about Lake Saunders but no one was able to attend. His understanding is when DOT permitted the widening of Hwy. 441 through the District it was difficult to acquire enough property to build a retention pond on site because most of the property already contained buildings. In order to avoid paying a lot to buy land and demolish a building or a couple of houses, DOT's consultant recommended they install an exfiltration trench. They replaced the 18" pipe with a 24" slotted pipe so during wet weather events a greater volume of runoff enters the lake. They were able to mitigate because some water stays in the trench but the problem is that none of the water is pretreated so it quickly plugs up with sediment; and in as little as seven years, the 24" pipe could be completely clogged allowing water to discharge directly into Lake Saunders. Since the Water Authority will be unable to do anything to stop it, staff recommended to DOT that they use a more effective method.

Chairman Farner said he noticed water backing up in the 24" pipe and since there has been little rain or runoff it is probably groundwater seepage. Mr. Hart remarked he has seen that occur with an exfiltration trench because they are not installed in areas where the pipe is two feet or more above the groundwater table. Water perks up through the exfiltration trench and contributes excess nitrogen causing additional nutrients to flow into a lake. Lake Woodward's pumping system, operated by the County discharges excess runoff when the lake level gets too high which flows through the wetlands across Old 441 and into Lake Dora. Lake Saunders has had exceptional water quality but no samples have been taken by a LAKEWATCH volunteer since 2006. It was mentioned that there are a couple of sewage treatment plants, one between Lakes Saunders and Dora and another nearer Lake Dora.

j. NuRF Video and Authorization to Release Bid

Ms. Burgos said the video entitled “Below the Surface” is the only video the Water Authority has and it is at least 11 years old. She felt it would be a good time to consider how information about major projects such as the NuRF can be provided to the public. She said she would like to have a 9-10 min. video professionally prepared for teachers, students, community groups, and the public. She requested ideas from the Board and that Ms. Bystrak said to her that she would like information included about Lake Apopka. The amount shown in next year’s budget is \$15,300, which is \$15,000 for the video and \$300 for DVD copies.

Ms. Fullerton said she proposed at the July Budget meeting the Board consider eliminating the video money even though it is a wonderful idea and she understands the reason for it. She added small companies can produce a video for much less and right now she believes the Board should support water quality. She again appealed to the Board to eliminate this item.

Mr. Everly, Jr. felt that staff spends three days preparing and then tearing down after the NuRF Open House which probably costs \$15,000 so why not do a video and free up staff time.

Chairman Farner said he will vote against a new video but favors advertising an open day at NuRF where staff can show the public around the NuRF.

Vice Chair Dillon asked how much it would cost to put a bid out and Ms. Burgos said the only cost is her time.

Ms. Bystrak reported she took an Avid software course in 2000 and made a 10 minute video with sound affects which was easy and a lot of fun and is being used by some State of Iowa schools on how to prepare a prairie in a school yard. Staff can take Mr. Lumbard’s Power Point presentation, and a few pictures, and Ms. Burgos could write the text and make the video in-house for less than \$500 so Ms. Bystrak stated she would not support spending \$15,000.

Mr. Harris said he would like to know the exact cost since the Board does not have to move on it until they see the bids. Some 5013C companies would charge 25%-50% less than a regular production company and an updated video is not something the Water Authority would do year after year.

Mr. Clark said when he looks at the request to bid out the video he remembers someone saying the Water Authority needs an enhanced presence so this may be the same thing but he does not believe that it is but believes a new video would be worthwhile since it would help everyone, including children, become familiar with the NuRF.

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

Chairman Farner indicated he has changed his mind and will vote for the motion because he wants to know how much it will cost. Ms. Fullerton asked how difficult it is to prepare the bid. Ms. Burgos explained staff has numerous basic templates they could use and then all they have

to do is add a page or two of content. Ms. Bystrak said in 1990 she had a 10 minutes video make at a cost of \$10,000. Mr. Perry interjected professional videos usually cost \$1,000 - \$1,500 per minute. Chairman Farner said he will keep in mind what Ms. Bystrak said about the cost to do an in-house video. He said he would like to see her video and see exactly what she did.

The motion carried 5- 2 with Ms. Fullerton and Ms. Bystrak voted against.

{Executive Director Recommendation: Authorize staff to release the NuRF Information Video Bid and return to the September Board with bid results.}

9. LEGAL STAFF REPORT

Attorney Barice reported the mediation meeting with Environmental Research and Design is set for September 7th and the Board already has the information about the Administrative Hearing. The only thing she requests is if a Board member has the ability to encourage DEP to expedite its Final Order entry to give the Water Authority the possibility of moving forward, it would be wonderful. She is sure Mr. Perry will be talking to the Board about this issue.

10. BOARD MEMBER COMMENTS

Mr. Harris stated last year the Board originally proposed a cost of living and merit increase for staff. Staff does a great job but it looks as though a staff increase is off the table this year. He said he would not feel right if he sits on this Board for four years and staff never gets a merit increase. He stated he heard a Wall Street Journal program a few days ago say that most companies are now giving a 2.5% raise and that it is not based on their performance.

Ms. Bystrak mentioned thousands of hours have been invested in keeping the Water Atlas up to date and that it is an excellent resource. Now that Mr. Walter Wood has left the County they plan to drop the Water Atlas completely so she felt the Water Authority should find enough money to pick up the slack and keep it on the Website without too many changes. She understands all that is needed is an additional \$8,000 to maintain it and since the Water Authority already has included \$17,000 budget maybe we can take it over. Chairman Farner suggested this be included as an agenda item and Mr. Perry said staff will supply as much detail as possible at the next meeting.

Mr. Everly, Jr. stated he and Chairman Farner have been on the Board for four years and will be here four more and Ms. Fullerton has been a Board member for the past eight years. He said this Board does not have to set a precedent with every policy, action or vote they take because their time is short compared to the time the Water Authority Board has been in existence.

Chairman Farner, Vice Chair Dillon, Mr. Clark and Ms. Fullerton had no Board member comments.

11. BOARD MEMBER ITEMS FOR FUTURE AGENDA

No further items were mentioned.

12. INFORMATION ITEMS

a. Staff Report

No comments were made.

b. Monthly Financial Reports – June 2010

No comments were made.

13. ANNOUNCEMENT OF UPCOMING MEETINGS AND EVENTS

- Board Meeting – Wednesday, August 25, 2010 (3:30 p.m.) BCC Chambers/
Admin. Building
- Tentative Budget Hearing – Wednesday, September 8, 2010 (5:05 p.m.) BCC
Chambers/Admin. Building

14. ADJOURNMENT

The meeting adjourned at approx. 7:00 p.m.

Respectfully submitted,

Linda Gavin, Recording Secretary

Neil Kelly, Secretary-Treasurer

Keith Farner, Chairman