

LAKE COUNTY WATER AUTHORITY
(352) 324-6141
REGULAR MEETING ANNOUNCEMENT AND AGENDA

November 18, 2020

3:30 pm

Lake County Administration Building

2nd Floor - County Commission Chambers
315 West Main Street, Tavares, FL 32778

The Regular Hearing of the Board of Trustees of the Lake County Water Authority was held at 3:30 pm Wednesday, November 18, 2020 in the Lake County Administration Building, County Commissioners Chambers at 315 West Main Street, Tavares, Florida.

Members Present-District #

Amy Stone, Chairman (#5)
Carolyn Maimone, Vice Chair (#3)
Trampis BonJorn (#2)
Keith Farner, Chairman (At-Large)
Butch Hendrick (#4)
Courtney Stokes, Vice Chair (At-Large))
Peggy Cox (#1)
Tyler Brandeburg (#3)
Rick Donohue (#5)
Marty Proctor (#1)

Staff Present

Ron Hart, Executive Director
Dr. Jason Danaher, Water Resources Director
Steve Crawford, Water Res. Project Manager
Biago Gugliotti, Land Resources Director
Ben Garcia, Office/IT Manager
Tracey Percoco, Financial Analyst
Anna Ely, Recording Secretary
Kevin Stone, Attorney

A list of others present at the meeting is part filed in the permanent files of the Water Authority.

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

The meeting was called to order at 3:30 p.m. and everyone stood for the Pledge of Allegiance.

2. NEW MEMBER INVESTITURE

Gary Cooney, Clerk of the Courts, and Leslie Campione, Commissioner, Lake County Board of County Commissioners were present for the investiture of the new Board members.

Keith Farner was sworn for a second term as a Trustee of the Board of the Lake County Water Authority and Tyler Brandeburg, and Marty Proctor were sworn in as Trustees of the Board of the Lake County Water Authority by Gary Cooney, Clerk of the Courts.

Rick Donohue was sworn in by Leslie Campione, Commissioner, Lake County Board of County Commissioners.

3. RECOGNITION OF DEPARTING BOARD MEMBERS

Chairman Stone turned the gavel over to Ms. Stokes to take over the meeting until the new Chairman and Vice Chair were elected.

Mr. Hart stated that the Agency would like to recognize outgoing Board members Carolyn Maimone, Amy Stone and Peggy Cox for their service to the Lake County Water Authority and spoke of some of the many accomplishments of the Board during their terms of office.

4. ELECTION OF OFFICERS

Mr. BonJorn nominated Courtney Stokes for Board Chairman and Mr. Hendrick nominated Keith Farner.

Mr. Hendrick, Mr. Farner, Mr. Donohue and Mr. Proctor voted for Keith Farner. Mr. BonJorn, Mr. Brandeburg and Ms. Stokes voted for Courtney Stokes.

Keith Farner was elected Chairman of the Board of Trustees for the Lake County Water Authority 4 to 3.

Mr. BonJorn nominated Courtney Stokes for Vice Chairman. There were no other nominations.

Courtney Stokes was elected Vice Chairman of the Board of Trustees for the Lake County Water Authority by unanimous vote.

The gavel was passed to Mr. Farner, who took over the meeting as Chairman.

Tab 1 5. **APPROVAL OF MINUTES** - October 28 - Regular Meeting

MS. STOKES MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY MEETING OF OCTOBER 28, 2020 – REGULAR MEETING AS WRITTEN. Mr. BonJorn seconded the motion.

Motion approved 7-0.

6. **PUBLIC COMMENT**

None

7. **EXECUTIVE DIRECTOR REPORT**

Mr. Hart updated the Board regarding the water levels in Lake County. He stated that this past month (October) rainfall has been slightly less than average, and so far, Lake County is about 5 inches below the average total rainfall for the year. He noted that so far in November there has been at least one significant rainfall event with over 3 1/2 inches of rain; and for the first time in a long time, November will actually show a big spike in rainfall for the month, as the average monthly rainfall is 1 1/2 inches.

He stated that Lake Minnehaha is at approximately 97.25 feet in elevation which is three inches below the maximum level for the Clermont Chain. He stated that currently the dams are discharging at approximately 130 cubic feet per second. He stated that as rainfall amounts are due to lessen over the next week and staff will likely be cutting back on flows before the end of the week.

He noted that the recent tropical storm also caused water levels on Lake Apopka to spike and as a result the lake exceeded maximum desirable. He stated that due to the high water level on Lake Apopka the District started discharging water out of the spillway at approximately 225-250 cfs in addition to the maximum flow that can be handled through the NuRF at this time of 75 cfs. He also noted that all the other lakes in the Harris Chain are currently within the regulatory range.

Mr. Hart stated that he would like to recognize Tracy Hauserman as the Agency's Employee of the Month. He noted that in addition to her position as a Land Ranger, Tracy handles recognition of employee birthdays and anniversaries with the Agency. He also stated that she also organizes, promotes and obtains sponsors for an Annual Kids Fishing Clinic at Hickory Point.

Mr. Hart also informed the Board that he has been asked to be a Member of the Board for the Florida Limnological Center. The Board was agreeable to that as long as he wasn't representing the Water Authority and there wasn't a conflict of interest.

8. **CONSENT ITEMS**

MR. BONJORN MADE A MOTION TO APPROVE THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY MEETING OF OCTOBER 28, 2020 – REGULAR MEETING. Ms. Stokes seconded the motion.

Motion approved 7-0.

Tab 2 a. New M-5 Site Resident Lease

Jason Danaher

APPROVE THE EXECUTIVE DIRECTOR TO ENTER INTO A SITE RESIDENT LEASE AGREEMENT WITH BRADLEY LINKS FOR THE M-5 SITE. THE LEASE WILL EXPIRE ON SEPTEMBER 30, 2021.

Tab 3 b. New Bourlay Site Resident Lease

Ben Gugliotti

APPROVE THE EXECUTIVE DIRECTOR TO ENTER INTO A SITE RESIDENT LEASE AGREEMENT WITH JEFFERY “MICHAEL” SEMENTO FOR THE BOURLAY HISTORIC NATURE PARK.

9. DISCUSSION ITEMS

Tab 4 a. Resolutions Recognizing Outgoing Board Members

Ron Hart

Mr. Hart read the resolutions into the record.

ADOPT RESOLUTION 2021-02 RECOGNIZING THE SERVICE OF PEGGY COX AND SPREAD COPIES OF THIS RESOLUTION UPON THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY.

ADOPT RESOLUTION 2021-01 RECOGNIZING THE SERVICE OF CAROLYN MAIMONE AND SPREAD COPIES OF THIS RESOLUTION UPON THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY.

ADOPT RESOLUTION 2021-03 RECOGNIZING THE SERVICE OF AMY STONE AND SPREAD COPIES OF THIS RESOLUTION UPON THE MINUTES OF THE LAKE COUNTY WATER AUTHORITY.

MS. STOKES MADE A MOTION TO ADOPT RESOLUTIONS 2021-01, 2021-02 AND 2021-03. Mr. Hendrick seconded the motion.

Motion approved 7-0.

Tab 5 b. Lake Joanna Water Quality Study

Jason Danaher

Dr. Danaher stated that citizens in the area had noted that the water quality in Lake Joanna has been degrading over time and the County had wanted to investigate what may be causing those issues. He stated that as part of the Agency’s Stormwater Grant Program, the Water Authority had participated in a cost share with Lake County for a 12-month study of Lake Joanna’s water quality.

He explained that during the study the County monitored surface water quality as well as seepage meters were installed to measure groundwater in-flow and nutrients coming into the lake. They also collected core samples, etc. to find what may be contributing to the nutrients to that water body.

Jeff Earhart, Engineering Manager for the Lake County Public Works Department, addressed the Board and showed a PowerPoint Presentation (*included in the backup documentation*) detailing the results of the study.

He stated that Lake Joanna is just east of Lake Eustis and has some drainage coming from the City of Eustis and from Mt. Dora. He explained that it is bounded by 441 and 44 and the lake itself is about 335 acres and it has a relatively small basin of approximately 520 acres.

He noted that Loch Leven also drains into that area and the lake itself is approximately 185 acres with about 615 acres of land draining into the lake. He stated that almost all of that area was built to Stormwater Management regulations and has stormwater ponds that treat some of the water. He noted that water from Loch Leven does flow north, through a 30” culvert and other mechanisms, and into lake Joanna.

He spoke about the historical water quality of the lake and noted that both phosphorous and nitrogen levels in the lake have doubled over the last 27 years with a spike in levels during 2009-2010. He noted that the clarity of the lake has also decreased over this time period.

Mr. Earhart explained that as part of the study, the County took samples during five separate storm events, along with taking core samples in different parts of the lake.

He stated that 55% of the water coming into the lake is directly related to rainfall on the lake, while 22% can be attributed to the ditch draining into the lake. He noted that the seepage meters indicated that groundwater seepage amounts to about 13%.

He explained that when it comes to phosphorous loading the groundwater seepage and septic tanks are the least concern as they only contribute approximately 1% of the nutrients coming into the lake. He stated that rain contributes 18% of the nutrient loading, with 15% being attributed to direct runoff from the neighborhoods around the lake, and approximately 26% coming from the ditch. He noted that 30% of the nutrient loading is attributed to internal recycling and coming from settlement of muck in the bottom of the lake.

He noted that while the water quality of Lake Joanna has declined, its quality is better than neighboring lakes.

Mr. Earhart explained a few of the options available to help improve the lake, including installing a Bubbler which infuses air into the lake and costs between \$125,000 and \$190,000. He noted that homeowners and HOAs could also put swales in their yards along the lake to catch fertilizer runoff and yard clippings, so they don't reach the lake. He explained that it would be recommended that some type of bio-activated media in the bottom of the swales such as Bold and Gold which would have up to a 90% efficiency.

He stated that one of the first options they are looking at is to install a Baffle Box on the Russell Canal with Bold and Gold (bio-activated media) in the box, which has a 79% efficiency in removing total phosphorous.

Mr. Proctor stated that a baffle box was an interesting thing to put in someone's yard and asked how much maintenance of the baffle box would be needed. Mr. Earhart stated that the baffle box would need to be vacuumed out every 6 months to a year.

Mr. Proctor asked about how long the Bold and Gold would last before it needed replacement and Mr. Earhart stated that the Bold and Gold would need to be replaced every 10 to 15 years. It was noted that it would also be best to replace the Bold and Gold in the swales every 10 to 15 years.

Mr. Hendrick asked Mr. Earhart if they have talked to residents yet and Mr. Earhart stated that they hadn't yet, as they wanted to update the Board on the results of the study first.

Mr. Hart explained that historically any flow from Loch Leven would have gone to Lake Joanna. He stated there used to be a ditch that created an unnatural connection to Wolf Branch, but ditch is filled in and water hasn't flowed toward Wolf Branch for last 25 years.

Mr. Farner stated that the condition of the lake is degrading rapidly and requested that the history of the water flow to Lake Joanna be put on a future agenda.

Several homeowners in the area were present to speak to the Board. Ross Bennett , Jerry Brown and Mike Reichmann spoke to the Board regarding the condition of the lake.

Wes Borack addressed the Board and stated that he lives in Lake Joanna Estates and has met with Mr. Hart and Mr. McCray several times over the last two years regarding the quality of the lake. He stated that he has read the report and both the work performed and the people conducting the study have been very professional. He stated that this report is a lot more thorough than the previous study.

He asked about the capacity of the baffle box and how efficient it would be during times of high flow and Mr. Earhart explained that during a significant rainfall event, the first flush of water which normally has the most significant amounts of nutrients, is usually captured within the baffle box and later water runoff is usually cleaner.

Mr. Farner suggested that the residents form a Homeowners Group to work with the County and Water Authority staff. He stated that the Water Authority is willing to help but they need to get together and come to the Board with solutions that the Agency can help fund.

Mr. Hendrick asked if Lake Joanna was in the county or within a city limit and it was noted that it is in unincorporated Lake County.

Mr. Hart stated that Lake County is the lead Agency on this project and stated that the Water Authority should allow them to take the lead.

Robin Green, John Pace and Bebo Stewart also addressed the Board to express their concerns about the lake.

Tab 6 c. Marsh Park Stormwater Project

Jason Danaher

Nick McCray, Lake County Stormwater Project Manager gave a PowerPoint Presentation (*included in the backup documentation*) and report on the completion of The Lake Yale Marsh Park Stormwater Enhancement Project which was jointly funded by the Water Authority. He thanked the Board for partnering with the County on the project.

He explained that there was a culvert crossing under 452 that during high-water conditions connected directly to Lake Yale. He noted that the project involved converting a remnant canal from the old boat ramp into a linear stormwater pond to treat the runoff from the approximately 66-acre basin.

He stated that the pond is functioning the way it should, and they have been monitoring the discharges and the water quality is very good.

Mr. Farner stated the County did a great job with weir structure.

Mr. Hart noted that this was funded as part of funding approved by the Board for Lake Yale. He stated that before the project's completion, phosphorus levels coming in from the culvert underneath Highway 452 were exceeding 5,000 parts per billion.

Tab 7 d. New Board Member Orientation

Ron Hart

Mr. Hart spoke to the Board regarding their responsibilities and limitations. He explained that Water Authority's Enabling Legislature outlines what the Water Authority is charged with doing.

- a) controlling and conserving the freshwater resources of Lake County;
- b) fostering improvements to streams, lakes, and canals in the county;
- c) improving the fish and aquatic wildlife of the county by improving the streams, lakes, and canals in the county; and
- d) protecting the freshwater resources of Lake County through assisting local governments in treating of stormwater runoff.

He explained that there are other things the Board can do, and it does have some flexibility when expending its money as long as what is being done meets those purposes.

He stated that the key thing is to remember the Water Authority doesn't have "Home Rule" as the County and City's do, which means that they can only approve projects that meet that legislation. He explained that the Agency needs to be careful that they do not take action beyond what is permitted. He noted that funding recreation is one of the things that is not within the Water Authority's purview.

Mr. Hart stated that there are also certain things that the Board Members need to be aware of, such as there are certain things the Board is responsible for and certain thing that staff is responsible for. He stated that staff has a very small role in that they can make suggestions as to what policies and missions may benefit residents to the best benefit; but the decisions ultimately up to Board Members to make the decision.

He explained that once the Board has made their decision, it is up to the staff to implement the what the Board has approved. He stated that Board Members need to be mindful not to get individually involved in the day to day management of projects and not going through proper Board Member policies to keep the roles of Board and staff separate. He explained that their job is to focus on the big picture and not to get involved in things that staff should be handling on a day-to-day basis.

He explained that the primary focus of the Board is determining and establishing the mission and the policies that the Agency should be implementing.

Mr. Hart showed a chart outlining the types of duties that Board Members, Administration and Staff perform and showing the division of responsibilities. He stated that no one Board Member should take a role in telling the Administration and staff how they should be doing their jobs, without the having the whole Board weighing in on those decisions.

Kevin Stone, Attorney, welcomed the new Board Members and stated that their position gives them a unique opportunity to make a difference in a lot of way and a unique opportunity to go to jail in a lot of ways if they don't do what they are supposed to do under the Florida Statutes.

He explained that it is important to know when to ask questions when they are in doubt. He stated that they can always come to him or Mr. Hart if they aren't sure. He stated that to do otherwise could mean paying fines, getting kicked off the Board or going to jail.

He stated that he was going to explain some important things that they need to know about the Public Records Law, the Sunshine Law (Public Meetings) and the Code of Ethics.

Public Records Law

Attorney Stone explained that every record they have that has anything to do with the Lake County Water Board is a public record and that anybody who wants to see or copy it, no matter how they ask, is probably allowed to see it or copy it. He stated that anything and everything whether it is an email, voicemail, audio recording, video recording, text message or comment on Facebook having to do with the Lake County Water Authority is public record.

He stated that they should assume that it is public record until he or Mr. Hart tell them that it is not. He stated that any record in their possession should be open to request to see and/or copy. He explained that it can be a first-degree misdemeanor if they fail to provide them when requested, and they could be sent to jail for up to one year.

He explained that Board Members don't have to keep the records themselves; that can give them to staff and staff will take care of it and dispose of what can disposed of and keep what must be kept.

Sunshine Law (Public Meetings)

Attorney Stone explained that the Sunshine Law pertains anytime a meeting takes place. He stated that all meetings must be noticed to the public a reasonable time before the meeting and the public must to be able to attend and participate, and minutes must be kept. He stated that it is very easy to get caught off guard and hold a meeting without intending to.

He explained that the Courts and the Commission on Ethics have stated that any time two Board Members are discussing or debating a matter that might come back before the Board or something having to do with the Board, you are having a meeting. He stated that a meeting can occur in person, over the phone or exchange of letters. He noted that a meeting can also occur even if you are not having direct communication with each other and are using an intermediary to relay questions or opinions.

He also explained that two or more members can attend a meeting of another Board such a County Commissioners meeting and it would not be a meeting, as long as their behavior at that Board doesn't become a discussion of a matter that could come back to the Water Authority.

He gave different examples of what could constitute a public meeting and advised Board members to be careful not to become engaged in conversations with each other.

Attorney Stone also noted that getting involved in the day-to-day operations of the Agency could also run into problems, especially if they make final decisions and direct staff's actions on something that should come back to the Board in the Sunshine.

He also spoke about Meetings in the Shade and gave some examples of what kind of meetings or discussions could be held in the Shade. He explained that even meetings that are held in the Shade still have to be recorded or transcribed by a court reporter and your attorney is going to there to make sure that nothing is discussed outside of the scope of what can be discussed in the Shade.

He stated that they should just assume that there is no circumstance for which a Shade meeting is allowed and if there should be a need, he would be having a long discussion with them beforehand.

Attorney Stone also explained that no one Board Member could bind the Board to a decision or agreement with another party unless they have been given specific power by the Board to do so. He reiterated what Mr. Hart had explained earlier regarding the roles of the Board and staff.

Code of Ethics

Attorney Stone stated that there are a lot of Ethics Rules that apply to public officers with one of the bigger rules being that you cannot engage in conflict transaction and cannot vote on anything or participate in the decisions of the Board, if that decision would have an outcome that inures to you or one of your family member's private economic gain or loss.

He explained that when you are abstaining from a vote you must announce that you are abstaining and explain why you are abstaining. He stated that you must also fill out a form that goes to the Supervisor of Elections explaining that you sat out of a vote due to a conflict of interest.

He also stated that they cannot enter into contracts with their own agency or work for an employer or contractor, either directly or indirectly as a contractor, who does business with or is regulated by your Agency. He explained that this issue is not one that can be resolved by simply abstaining from a vote. He stated that if any Board Member or their family member works for a company that does business with the Water Authority, they need to come speak with him.

Attorney Stone stated that Board Members cannot accept any gifts from anyone, if it is being given to you to influence your decision making on this Board. He stated that if they break that rule, they could end up going to jail. He stated that it doesn't matter if it is worth one dollar or a million dollars, they cannot accept it. He explained that this includes food and lodging.

He noted that a Lobbyist is a person who is being compensated to influence legislation and whether or not you have solicited a gift from such person, or it is being given to you to influence you, it is illegal if it is worth more than a one hundred dollars. He explained that even if it is less than one hundred dollars you must report any gift from a lobbyist or vendor/contractor to the government and fill out a form stating that you have received a gift, even if it is just a \$32 steak dinner. He stated that it is just not worth it, and they really shouldn't do it. He stated they might as well get used to paying for their own lunch. He stated that the gift law is easy as long as they spend all their time trying to figure out if they can accept something, and just say "no".

Attorney Stone stated that the "big catch all" is the misuse of a public position which is "*you may not corruptly use or attempt to use your official position or any property or resource within your trust to do your official duties, to secure any special privilege or exemption for yourself or anyone else*".

He summarized by stating: **Records** - Keep them and everyone can see them or don't make records you don't want anybody to see. **Meetings** – Don't have them or accidentally have them. **Ethics** – Do what's right, don't accept gifts. He stated that if they think there might be a conflict of any kind to come ask.

Mr. Hart addressed the Board and informed them that the Florida League of Cities holds a yearly workshop on the Sunshine Law and Code of Ethics, and he would send them the information as soon as it was posted. He noted that if more than one Board Member wishes to attend, the Agency would need to notice the meeting.

10. LEGAL COUNSEL REPORT

Kevin Stone

Attorney Stone had nothing else to add.

11. BOARD MEMBER COMMENTS AND ITEMS FOR FUTURE AGENDA

Mr. Hendrick asked for an update on NuRF dredging project and Mr. Crawford stated that the contractor is about halfway done with the west pond. He explained that the dredged material/slurry is a lot looser than what they had hoped, making it hard to stack in the

containment area. He stated that the contractor will be able to finish the west pond, but he doesn't know if they will be able to get to the east pond.

Mr. Hendrick asked if there was any way to salvage the project and if staff could come up with other possible solutions to the problem and bring them back to the Board for discussion and Mr. Farner asked that Mr. Hart make that an agenda item.

Mr. Farner informed the Board that while all Board Members have access to the attorney, they should go through Mr. Hart first to find out if their questions have already been answered. He stated that they should also go through Mr. Hart to make any arrangement to see any Water Authority properties or facilities.

He asked Board Members to be professional and courteous with each other and reminded them that when talking to constituents, it is well and good to personally support something, but ultimately all decisions are a decision of the Board.

Mr. Brandeburg asked about the hydrilla near Venetian Gardens on Lake Harris. He noted that it doesn't seem as bad and wondered if FWC had already applied herbicide in that area. Mr. Hart stated that he would get with Nathalie Visscher at FWC and find out.

Mr. Hendrick asked if staff had an update regarding the transfer of NuRF and Mr. Hart stated that there should be something from the District by the end of the month, for the December Board meeting.

12. INFORMATION ITEMS

- Tab 8 a. Staff Report
- Tab 9 b. Monthly Financial Reports – October 2020

13. Announcement of Upcoming Meetings and Events

Regular Board Meeting – Wednesday, December 16, 2020 (3:30 pm)
BCC Chambers/Admin. Building

14. Adjournment

Meeting was adjourned at 6:03 pm.

Anna Ely, Recording Secretary

Gary Cooney, Secretary-Treasurer

Keith Farner, Chairman