

Ref: #23-2011

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT
REGULAR MEETING - MINUTES
NOVEMBER 17, 2011

1. CALL TO ORDER

Chairman Boggie called the Regular Meeting of November 17, 2011 to order at 7:03 P.M.

2. ADMINISTRATIVE MATTERS

A. ROLL CALL

Chairman Boggie stated the Roll Call and the following Board Members were in attendance:

Mr. Rockoff
Mr. Boggie
Mr. Silverman
Dr. Rostock

Staff Members in attendance were Dr. Arrington, Mr. Yerkes, Ms. Williams, Mr. DiCarlo, Mr. Howard and Mr. Vaughn.

Consultants in attendance were Mr. Muniz from Hazen and Sawyer, Mr. Lardieri from Aecom, Mr. Shenkman from DeSantis, Gaskill, Ms. Mathews from Mathews Consulting, and Ms. Studley and Mr. Fleming from the Gehring Group.

Also present was Mr. Mathison, Mr. Weir and Mr. Hearing representing New Urban Dakota.

B. PREVIOUS MEETING MINUTES

The Minutes of the Public Hearing and Regular Meeting of October 20, 2011 were presented for approval and the following motion was made.

MOTION: Made by Mr. Rockoff, Seconded by Mr. Silverman,
Passed Unanimously.

"THAT THE GOVERNING BOARD approve the minutes of the October 20, 2011 Public Hearing and Regular Meeting as submitted."

C. ADDITIONS & DELETIONS TO THE AGENDA

No additions or deletions were made.

3. COMMENTS FROM THE PUBLIC

No comments were received.

4. STATUS UPDATES

A. LOXAHATCHEE WATERSHED STATUS

Mr. Howard reviewed his report on providing supplemental flows to the Loxahatchee River's Northwest Fork via a potential alternative pathway known as Flow-Way #2.

B. LOXAHATCHEE RIVER DISTRICT DASHBOARD

Dr. Arrington reviewed the District dashboard.

5. CONSENT AGENDA

MOTION: Made by Mr. Rockoff, Seconded by Mr. Silverman,
Passed unanimously.

"THAT THE GOVERNING BOARD approve the Consent Agenda of November 17, 2011 as presented."

The following motions were approved as a result of the Board's adoption of the Consent Agenda:

A. Our Robbies Road Pump Purchases

"THAT THE DISTRICT GOVERNING BOARD authorize the purchase of 14 low pressure grinder pump units from Southeastern Pumps in the amount of \$41,600.00 in accordance with their pricing and District specifications dated April 2, 2008."

B. Eagle's Nest Sewering

"THAT THE DISTRICT GOVERNING BOARD directs staff to plan for and implement the use of gravity sewers when providing sewer service to the Eagle's Nest neighborhood."

C. Abacoa IQ Pump Station Strainer Replacement

"THAT THE DISTRICT GOVERNING BOARD authorize purchase order #11-1338 to SFC Adams c/o Chem-Quip, Inc. in the amount of \$36,885.00."

D. Vehicle Purchases

"THAT THE DISTRICT GOVERNING BOARD authorize the purchase of Two (2) 2012, F-150 Supercab XL 4x4 pickup trucks from Alan Jay Ford & Lincoln each in the amount of \$25,588.00 in accordance with District specifications and their bid dated Oct. 26, 2011."

and

“THAT THE DISTRICT GOVERNING BOARD authorize the purchase of One (1) 2012, F-250, SuperDuty, Supercab XL 4x4 pickup in the amount of \$33,658.00 from Alan Jay Ford & Lincoln, in accordance with District specifications and their bid dated Oct. 26, 2011.”

and

“THAT THE DISTRICT GOVERNING BOARD authorize the purchase of One (1) 2012 F-550 Superduty Supercab XL 4x2 DRW cab & chassis in the amount of \$39,592.00 from Alan Jay Ford & Lincoln, in accordance with District specifications and their bid dated Oct. 26, 2011.”

and

“THAT THE DISTRICT GOVERNING BOARD authorize the purchase of one (1) crane body, Autocrane crane and storage unit in the amount of \$38,005.00 from Alan Jay Ford & Lincoln in accordance with District specifications and their bid dated Oct. 26, 2011.”

E. Change Orders to Current Contracts

No Change Orders were presented.

6. REGULAR AGENDA

A. Consent Items Pulled for Discussion

B. Employee Health Insurance

Dr. Arrington reviewed his memo and Ms. Studley explained the current rate quote.

MOTION: Made by Mr. Silverman, Seconded by Mr. Rockoff,
Passed unanimously.

"THAT THE DISTRICT GOVERNING BOARD authorize the Executive Director to enter into the following agreements, at the rates presented in the notebook, for employee benefits:

1. United Healthcare to provide health insurance based on the UHC 7EF plan
2. Guardian to provide PPO dental insurance
3. Lincoln Financial to provide Life Insurance, Accidental Death & Dismemberment Insurance, and Long Term Disability Insurance."

C. Redistricting

Dr. Arrington reviewed his memo.

MOTION: Made by Mr. Rockoff, Seconded by Mr. Silverman,
Passed unanimously.

"THAT THE DISTRICT GOVERNING BOARD accept the redistricting of Governing Board Areas 1 through 5 as submitted."

D. Standard Developer Agreement Amendment

Dr. Arrington reviewed his memo and the Board discussed the various options available to the District after hearing input from Mr. Hearing. Breaks were taken between 9:02 and 9:08 and between 9:58 and 10:00.

MOTION: Made by Dr. Rostock, Seconded by Mr. Silverman,
Failed 2-2 with Mr. Rockoff and Chairman Boggie voting against.

"THAT THE GOVERNING BOARD approve an amendment to the Standard Developer's Agreement, Form LRECD-102 (the "SDA"), as presented, to add a new Paragraph 5 (2) to allow for Reinstatement if:

- (a) sewer capacity exists,
- (b) missed quarterly service availability standby ("SAS") charge payments do not extend beyond the existing 12 months of prepaid SAS payments, and
- (c) the missed SAS payments are paid in full, and a reinstatement fee equal to three (3) times the missed SAS charges, and the Plant Connection Charge be paid in full before the expiration of said 12 months referenced in subparagraph 5(2)(b) of the SDA at the rate set forth in paragraph 4 of the SDA.

MOTION: Made by Mr. Rockoff, Seconded by Chairman Boggie,
Failed 2-2 with Mr. Silverman and Dr. Rostock voting against.

"THAT THE GOVERNING BOARD approve an amendment to the Standard Developer's Agreement, Form LRECD-102 (the "SDA"), as presented, to add a new Paragraph 5 (2) to allow for Reinstatement if:

- (a) sewer capacity exists,
- (b) missed quarterly service availability standby ("SAS") charge payments do not extend beyond the existing 12 months of prepaid SAS charges, and
- (c) the missed SAS payments are paid in full, and a reinstatement fee equal to one and one-half (1.5) times the missed SAS payments, and the Plant Connection Charge be paid in full before the expiration of said 12 months referenced in subparagraph 5(2)(b) of the SDA at the rate set forth in paragraph 4 of the SDA.

MOTION: Made by Dr. Rostock, Seconded by Mr. Boggie,
Passed 3-1 with Mr. Silverman voting against.

"THAT THE GOVERNING BOARD approve an amendment to the Standard Developer's Agreement, Form LRECD-102 (the "SDA"), as presented, to add a new Paragraph 5 (2) to allow for Reinstatement if:

(a) sewer capacity exists,

(b) missed quarterly service availability standby ("SAS") charge payments do not extend beyond the existing 12 months of prepaid SAS charges, and

(c) the missed SAS payments are paid in full, and a reinstatement fee equal to two and one-quarter (2.25) times the missed SAS payments, and the Plant Connection Charge be paid in full before the expiration of said 12 months referenced in subparagraph 5(2)(b) of the SDA at the rate set forth in paragraph 4 of the SDA.

The Board, staff, legal counsel, after hearing input from Mr. Hearing, discussed a standard Amendment to existing SDAs in good standing, and a non-standard Amendment to SDAs that went into default within the last 12 months plus the tolling period, to provide a reasonable period to arranging financing of the Plant Connection Charges if the delinquent SAS, the reinstatement fee, and continued SAS are paid within 30 days. The Board expressed the non-standard Amendment was not setting any kind of precedent, but a reasonable accommodation for financing. It was clarified the reinstatement fee would be calculated on 4 delinquent quarters of SAS, as the 5th quarter SAS came due during the tolling period and will be required to be paid current as well.

MOTION: Made by Mr. Rockoff, Seconded by Mr. Boggie,
Passed 3-1 with Mr. Silverman voting against.

"The Executive Director is authorized to enter into Amendments incorporating the reinstatement clause (i.e. Paragraph 5(2)) to existing SDAs that were in good standing as of October 20, 2010. Existing SDAs that defaulted between October 21, 2010 and December 19, 2010 to be reinstated must pay: the delinquent charges and the reinstatement fee as stated above in subparagraph 5(2)(c) by Monday, December 19, 2011, the Plant Connection Charges must be paid in full by Thursday May 17, 2012 and all SAS charges must be paid during this six (6) month period as and when due. "

7. REPORTS

The following reports stood as written.

A. SWA BIOSOLIDS PELLETIZATION FACILITY

B. NEIGHBORHOOD SEWERING

C. LEGAL COUNSEL'S REPORT

- D. ENGINEER'S REPORTS
- E. PUBLIC INFORMATION REPORT
- F. BUSCH WILDLIFE SANCTUARY
- G. FRIENDS OF THE LOXAHATCHEE RIVER
- H. DIRECTOR'S REPORT

8. FUTURE BUSINESS

Dr. Arrington reviewed the future business report. Chairman Boggie asked Dr. Arrington to submit a self-assessment by January.

MOTION: Made by Mr. Rockoff, Seconded by Mr. Silverman,
Passed 3-1 with Dr. Rostock against.

"THAT THE DISTRICT GOVERNING BOARD cancel the December regular meeting and reconvene in January."

9. COMMENTS FROM THE BOARD

Chairman Boggie thanked staff for their assistance with understanding the Standard Developer Agreement and complimented the operations personnel for their outstanding service and follow up.

10. ADJOURNMENT

MOTION: Made by Mr. Silverman, Seconded by Mr. Rockoff,
Passed Unanimously.

"That the Regular Meeting of November 17, 2011 adjourn at 10:40 P.M."


BOARD CHAIRMAN


BOARD SECRETARY


RECORDING SECRETARY