

Ref: #1-2010

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT
REGULAR MEETING - MINUTES
JANUARY 21, 2010

1. CALL TO ORDER

Chairman Whalen called the Regular Meeting of January 21, 2010 to order at 7:00 P.M.

2. ADMINISTRATIVE MATTERS

A. ROLL CALL

Chairman Whalen called the roll and the following Board Members were in attendance:

Mr. Whalen
Mr. Boggie
Mr. Silverman
Mr. Thompson

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

Consultants in attendance were Mr. Muniz from Hazen and Sawyer, Mr. Shenkman from DeSantis, Gaskill, Ms. Mathews from Mathews Consulting, Mr. Lardieri from AECOM, Mr. Brobst from WGI, Ms. Krasker, and Mr. Daigle from Evergreen Solutions. Mr. Hitzig and Mr. O'Neill from BWS were also in attendance.

B. PREVIOUS MEETING MINUTES

The Minutes of the Public Hearing and Regular Meeting of December 17, 2009 were presented for approval and the following motion was made.

MOTION: Made by Mr. Thompson, Seconded by Mr. Boggie,
Passed Unanimously.

“ That the Governing Board approve the minutes of the December 17, 2009 Public Hearing and Regular Meeting as submitted. “

C. ADDITIONS & DELETIONS TO THE AGENDA

Chairman Whalen noted the addition of Item 7I to the agenda. Mr. Thompson requested Items 8G and 8H be moved before Item 8A. No objections were made. Chairman Whalen suggested treating Items 7A, 7B, 7C and 7E as consent agenda matters.

3. ELECTION OF GOVERNING BOARD OFFICERS

Chairman Whalen asked for nominations for Governing Board officers.

Mr. Thompson nominated Mr. Ellis. Dr. Arrington informed the Board that Mr. Ellis expressed his desire to hold the position of Assistant Secretary/Treasurer.

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

"THAT THE GOVERNING BOARD elect Mr. Whalen to serve as Chairman of the Governing Board of the Loxahatchee River Environmental Control District."

MOTION: Made by Mr. Boggie, Seconded by Mr. Thompson,
Motion failed 2-2 with Chairman Whalen and Mr. Silverman opposing.

"THAT THE GOVERNING BOARD elect
Mr. Silverman to serve as Vice Chairman,
Mr. Thompson to serve as Treasurer,
Mr. Ellis to serve as Assistant Secretary/Treasurer
of the Governing Board of the Loxahatchee River Environmental Control District."

MOTION: Made by Mr. Silverman, Seconded by Mr. Boggie,
Passed by a 3-1 vote with Mr. Thompson opposed.

"THAT THE GOVERNING BOARD elect
Mr. Boggie to serve as Vice Chairman,
Mr. Silverman to serve as Treasurer,
Mr. Thompson to serve as Secretary, and
Mr. Ellis to serve as Assistant Secretary/Treasurer
of the Governing Board of the Loxahatchee River Environmental Control District."

Chairman Whalen stated that the Board Treasurer would act as Trustee to the Administrative Committee for the District's Pension Plan.

4. COMMENTS FROM THE PUBLIC

No comments were received.

5. LOXAHATCHEE WATERSHED STATUS

Mr. Howard reviewed his analysis of the recently completed annual RiverKeeper water quality monitoring report. Mr. Silverman commended Mr. Howard on his initiative with the oyster restoration program.

6. OLD BUSINESS

A. BUSCH WILDLIFE SANCTUARY

Dr. Arrington reviewed his memo and invited Mr. Hitzig to address the Board. Mr. Hitzig reviewed his revised memorandum and he and Mr. O'Neill answered Board questions with respect to timelines, the removal of the gift shop and the acquisition of potable water from the Town of Jupiter.

Mr. Hitzig stated that he would have an answer as to using IQ water for the animals by the February 18, 2010 board meeting. Mr. Silverman asked that the potable water issue be addressed by the April 8, 2010 submission deadline. Mr. Hitzig agreed to have the potable water issue and Eco Center building issue addressed by the April 8, 2010 deadline. Mr. Hitzig further agreed to submit a proposed revised timeline to the Board by April 8, 2010.

Chairman Whalen asked Mr. O'Neill and Mr. Hitzig to formally rescind the plans submitted to the Board with the understanding that plans may be resubmitted at a later date. Mr. O'Neill and Mr. Hitzig agreed and verbally rescinded the plans.

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

“ THAT THE DISTRICT GOVERNING BOARD agree to a forbearance until April 15, 2010 board meeting to allow Busch Wildlife Sanctuary time to prepare a revised timeline and the Loxahatchee River District an opportunity to respond to the revised timeline. This forbearance is offered on the following condition:

- That the Busch Wildlife Sanctuary will provide their proposed revised timeline to the District by April 8, 2010. “

Chairman Whalen stated that the Board will have an opportunity to accept, deny or modify any conditions in the April 8, 2010 submission at the April 15, 2010 Board Meeting.

Mr. Hitzig stated that working with Dr. Arrington has been a pleasure and thanked the Board for their consideration.

B. MAILING TO JUPITER FARMS AND RANCH COLONY

Dr. Arrington reviewed his memo and agreed to bring all potential mailing materials to the Board for review prior to mailing.

7. NEW BUSINESS

Mr. Shenkman stated that routine business matters could be treated as consent agenda items and put forward the following motion:

MOTION: Made by Mr. Silverman, Seconded by Mr. Thompson,

Passed Unanimously.

“ That the Governing Board approve Agenda Item 7A-Resolution 2010-01, Item 7B-Resolution 2010-02, Item 7C-Resolution 2010-03 and Item 7E-Waterway Village Pump Purchase as consent agenda approved matters. “

A. AUTHORIZATION TO EXECUTE REPORTS (RESOLUTION 2010-01)

The following motion was approved as a result of the Board’s adoption of this as a consent agenda approved matter (refer to Item 2C).

“ THAT THE GOVERNING BOARD adopt Resolution 2010-01 regarding authorization for the execution of all forms and documents that are required by the State of Florida and local governments. “

B. DOVER ROAD-NOTICE OF INTENT TO ASSESS (RESOLUTION 2010-02)

The following motion was approved as a result of the Board’s adoption of this as a consent agenda approved matter (refer to Item 2C).

“ THAT THE GOVERNING BOARD approve Resolution 2010-02, the Notice of Intent to Assess, the Pending Lien Notice, and the Exhibits for the North Dover Road Assessment Area.“

C. PINETREE DR. PHASE II-NOTICE OF INTENT TO ASSESS (RESOLUTION 2010-03)

The following motion was approved as a result of the Board’s adoption of this as a consent agenda approved matter (refer to Item 2C).

“ THAT THE GOVERNING BOARD approve Resolution 2010-03, the Notice of Intent to Assess, the Pending Lien Notice, and the Exhibits for the Pinetree Drive Phase II Assessment Area.“

D. EMPLOYEE COMPENSATION AND BENEFIT SURVEY RESULTS

Mr. Daigle from Evergreen Solutions presented the results from the survey to the Board and explained the methodology of the study. Mr. Daigle reviewed the combined findings from outreach, compensation review and market analysis and Evergreen’s recommendations for potential changes.

The Board requested the Executive Director and management team propose an implementation strategy for consideration at the February 18, 2010 Board Meeting.

Chairman Whalen suggested a break between 9:05 pm and 9:16 pm. No objections were made.

E. WATERWAY VILLAGE PHASE 5 – PUMPS PURCHASE

The following motion was approved as a result of the Board's adoption of this as a consent agenda approved matter (refer to Item 2C).

“THAT THE DISTRICT GOVERNING BOARD authorize execution of Purchase Order #45642 to Southeastern Pumps in an amount not to exceed \$91,450.00 for 31 low pressure pump units in accordance with District specifications and pricing dated April 3, 2009.”

F. GOVERNING BOARD APPOINTMENTS AND LIAISONS

Chairman Whalen reviewed the proposed appointments and liaisons and suggested the county assignments being changed to coincide with the Board areas covered by each county and suggested Environmental Education be moved to Area 1.

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

“ THAT THE GOVERNING BOARD adopt the chart of Governing Board appointments and liaisons for the 2010 calendar year with the following changes: Martin County and Palm Beach County be switched between Areas 3 and 4 and Environmental Education be moved from Area 3 to Area 1. “

G. EMPLOYEE RETIREMENT PLAN: TRUSTEE DESIGNATION

The Board Treasurer, Mr. Silverman, was designated as Trustee (refer to Agenda Item 3)

H. CHANGE ORDERS TO CURRENT CONTRACTS

There were no change orders presented for Board consideration.

I. LIFT STATION #1 REHAB-SLUICE GATE PURCHASE

Dr. Arrington reviewed Mr. Yerkes memo.

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

“ THAT THE DISTRICT GOVERNING BOARD authorize the Executive Director to spend and amount up to \$50,000.00 for the purchase of a sluice gate for the Lift Station #1 Rehab project. “

8. REPORTS

H. DIRECTOR'S REPORTS

Dr. Arrington reviewed his dashboard figures. The remainder of the reports stood as written.

G. PUBLIC INFORMATION REPORT

Ms. Krasker stated her report stood as written and mentioned the 25th anniversary of the Loxahatchee River's "wild and scenic" designation as well as the District's 40th anniversary.

A. FAU - SCRIPPS UPDATE

The update stood as written

B. SWA BIOSOLIDS PELITIZATION FACILITY – STATUS UPDATE

The update stood as written.

C. NEIGHORHOOD SEWERING – STATUS UPDATE

The update stood as written.

D. BUSCH WILDLIFE SANCTUARY (BWS) – STATUS UPDATE

The BWS update was covered earlier under Old Business, Item 6A.

E. ENGINEER'S REPORTS

The Engineer's reports stood as written.

F. LEGAL COUNSEL'S REPORT

The report stood as written.

9. FUTURE BUSINESS

No future business was discussed.

10. FRIENDS OF THE LOXAHATCHEE RIVER

The Friends of the Loxahatchee River report stood as written.

11. COMMENTS FROM THE BOARD

Mr. Thompson relayed two issues brought up to him at the Intergovernmental Coordinating Council meeting for dissemination to other agencies: the preponderance of so-called “pain clinics” and ethics concerns which Mr. Thompson feels the District has already addressed.

12. ADJOURNMENT

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

" That the Regular Meeting of January 21, 2010 adjourn at 9:50 P.M.“

BOARD CHAIRMAN

BOARD SECRETARY

RECORDING SECRETARY

