



**HOBE-ST. LUCIE
CONSERVANCY DISTRICT**

MARTIN COUNTY

**BOARD OF SUPERVISORS MEETING
SEPTEMBER 23, 2020
9:30 A.M.**

Special District Services, Inc.
The Oaks Center
2501A Burns Road
Palm Beach Gardens, FL 33410

www.hobestluciecd.org
561.630.4922 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
HOBE-ST. LUCIE CONSERVANCY DISTRICT
BOARD OF SUPERVISORS MEETING

Join by URL for VIDEO ACCESS at:
<https://us02web.zoom.us/j/86998058224>

Meeting ID: 869 9805 8224

Call In Number: 1 312 626 6799

September 23, 2020

9:30 a.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
 - 1. June 24, 2020 Board of Supervisors Board Meeting.....Page 2
 - 2. August 26, 2020 Board of Supervisors Board Meeting.....Page 9
- G. Old Business
 - 1. Update Regarding Martin County Litigation.....Page 14
 - 2. Update Regarding B-13 Outfall Bank Erosion
- H. New Business
 - 1. Discussion Regarding Lox River/Hobe Grove Ditch Tepidity DEP Investigation
- I. Administrative Matters
 - 1. Engineer’s Report
 - 2. Attorney’s Report
 - 3. Manager’s Report
 - 4. Field Operations Report
- J. Board Members Comments
- K. Adjourn

Stuart News

Sept. 15, 2020

Miscellaneous Notices

HOBE-ST. LUCIE CONSERVANCY DISTRICT NOTICE OF BOARD OF SUPERVISORS' MEETING NOTICE IS HEREBY GIVEN that the Hobe-St. Lucie Conservancy District (the "District") will hold a Board of Supervisors' (the "Board") meeting (the "Meeting") on September 23, 2020, at 9:30 a.m. to be conducted by telephonic and video conferencing communications media technology pursuant to Executive Orders 20-52, 20-69, 20-112, 20-179 and 20-193 issued by Governor DeSantis on March 9, 2020, March 20, 2020, April 29, 2020, July 29, 2020, and August 7, 2020, respectively, and pursuant to Section 120.54(5)(b)2, Florida Statutes. The Meeting is being held for the necessary purpose of considering any agenda items which may properly come before the Board. At such time the Board is so authorized and may consider any business that may properly come before it. While it is necessary to hold the Meeting utilizing communications media technology due to the current COVID-19 public health emergency, the District fully encourages public participation in a safe and efficient manner. Participants may attend the Meeting by accessing the District's website, www.hobestluciecd.org and clicking on the meeting link you will find on the homepage, or utilizing the following login information: Join by URL for VIDEO ACCESS at: <https://us02web.zoom.us/j/86998058224> Call In Number: 1 312 626 6799 Meeting ID: 869 9805 8224 A copy of the agenda for this Meeting may be obtained at the offices of the District Manager, c/o Special District Services, Inc., 2501A Burns Road, Palm Beach Gardens, Florida 33410, or by contacting the District Manager at 561-630-4922 and/or toll free number at 1-877-737-4922 during normal business hours. The Meeting is open to the public and will be conducted in accordance with the provisions of Florida law for special districts. The Meeting may be continued to ad date, time and place to be specified on the record at the Meeting. Any person requiring special accommodations in order to access and participate in the Meeting because of a disability or physical impairment should contact the District Manager's office at least forty-eight (48) hours prior to the Meeting. If you are hearing and speech impaired, please contact the Florida Relay Services by dialing 7-1-1, or 1-800-955-8771 (TTY)/1-800-955-8770 (Voice), for aid in contacting the District Manager's office. As indicated above, this Meeting will be conducted by media communications technology. Anyone requiring assistance in order to obtain access to the telephonic, video conferencing, or other communications media technology being utilized to conduct this Meeting should contact the District Manager's office at least forty-eight (48) hours prior to the Meeting. Similarly, any person requiring or that otherwise may need assistance accessing or participating in this meeting because of a disability or physical impairment is strongly encouraged to contact the District Manager's office at least forty-eight (48) hours in advance so that arrangements may be made. Each person who decides to appeal any decision made by the Board with respect to any matter considered at the Meeting is advised that person will need a verbatim records of proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be made. District Manger HOBE-ST. LUCIE CONSERVANCY DISTRICT www.hobestluciecd.org Pub Sep 15, 2020 TCN4367551

MINUTES OF THE BOARD OF SUPERVISORS
MEETING OF HOBE-ST. LUCIE CONSERVANCY DISTRICT
JUNE 24, 2020

Pursuant to the above Notice, the Board of Supervisors of Hobe-St. Lucie Conservancy District held its Board of Supervisors Meeting on June 24, 2020 at 9:30 A.M. District Manager Michael McElligott called the June 24, 2020, Regular Board Meeting of the Hobe-St. Lucie Conservancy District to order utilizing the Zoom Meeting Platform to Join the Meeting by URL for VIDEO ACCESS at: <https://us02web.zoom.us/j/83204148414> Meeting ID: 832 0414 8414 Call In Number: (929) 436- 2866 (EST).

Present were Rick Melchiori, Edward Weinberg and Robert Brown, Supervisors; Michael McElligott of Special District Services, Inc. as District Manager; Bob Higgins of Higgins Engineering as District Engineer; and Mary M. Viator, Attorney and Secretary. Also in attendance were Mr. Paul Whalen of Citrus Boulevard Stuart LLC, Ms. Michelle Beninda of Coventry Development, and Mr. Ray Spears of The Grassroots Corp.

CALL TO ORDER:

The Board of Supervisors Meeting was called to order by President Melchiori.

ESTABLISHMENT OF QUORUM:

The President announced a quorum was present and it was in order to transact any business to come before the Board.

ADMINISTER OATH OF OFFICE:

The Oath of Office was administered to Mr. Melchiori who took his seat on the Board.

ELECTION OF OFFICERS:

The District Manager announced it was in order to elect Officers. Thereupon, the following slate of officers was presented:

Rick Melchiori	President
Edward Weinberg	Vice President
Mary Viator	Secretary
Peter Pimentel	Treasurer
Michael McElligott	Treasurer
Robert Brown	Assistant Secretary
Jason Pierman	Assistant Secretary

A motion was made by Mr. Weinberg, seconded by Mr. Brown and unanimously passed approving the election of Officers as presented.

ADDITIONS OR DELETIONS TO AGENDA:

None.

COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA:

None.

APPROVAL OF MINUTES:

A motion was made by Mr. Weinberg, seconded by Mr. Brown and unanimously passed approving the Minutes of the February 26, 2020 Board of Supervisors Meeting.

OLD BUSINESS:

1. Update Regarding Martin County Litigation:

ANSWER AND DEFENSES FILED:

Attorney Mary Viator provided the Litigation Status of the Proceedings. On March 7, 2019, the Court denied the Motion for Summary Judgment filed by South Florida. It also denied the Districts' Motion to Dismiss Complaint, Motion to Abate Complaint, or, in the Alternative, Motion for More Definite Statement. The District's insurance counsel timely filed an Answer and Defenses to South Florida's Complaint. South Florida filed a Motion to Strike Affirmative Defenses in response to same.

A hearing was held on May 23, 2019 on the Motion to Strike Affirmative Defenses filed by South Florida concerning certain affirmative defenses raised by the District. The Judge

granted the Motion as to 4 or 5 of the defenses raised by the District with leave for the District to amend its defenses to provide additional specificity as to each defense. The District timely filed an Amended Answer and Defenses.

South Florida filed a Motion to Dispense with Mediation, to which insurance counsel filed an objection. A hearing was held on this matter on October 15, 2019, at which the Judge denied South Florida's Motion to Dispense with Mediation. The Judge ordered the parties to engage in "meaningful mediation" and expressly recommended a "compromise".

Mediation was held November 18, 2019. Details are confidential and the District Attorneys may request at some point an attorney-client executive session pursuant to Chapter 286, F.S. An impasse was reached with SFWMD, and also afterward with Martin County. The parties agreed to dispense with a second mediation unless otherwise required by the judge.

A hearing was held March 9, 2020 on the Districts' and the Plaintiffs' Motions for Summary Judgment. The Judge reserved his ruling.

2. Update Regarding FP&L Easement Request from Howe Holdings, Inc.:

The District Engineer reported that Howe Holdings, Inc. will receive electric from Seminole Pratt Whitney Road and an easement from the District was no longer needed.

3. Update on Proposed Special District Best Management Practices (BMPs) to Meet St. Lucie Basin Management Action Plan (BMAP) Requirements:

The District Engineer reported the Five-Year Update to the BMAP was adopted by FDEP. The Comments and suggested changes for Hobe-St. Lucie Conservancy District and Pal-Mar Water Control District were incorporated.

4. Discussion Regarding RG Mitigation Bank Connection:

The District Engineer commented on the RG Mitigation Bank Connection request for an Agreement relating to the outfall structure from the West into the Thomas Parcel. The landowner's consent was needed before bringing this request to the Board for consideration.

5. Discussion Regarding the Loxahatchee River Restoration Project PIR:

The District Engineer stated that comments had been submitted to the Corps. regarding the Loxahatchee River Restoration Project PIR. The District's request to postpone was rejected and the Project PIR was adopted. The effect is to take Pal-Mar Water Control District's water

eastward into Hobe-St. Lucie Conservancy District. The issue is whether the impacts on the private landowners have been properly addressed.

NEW BUSINESS:

1. Consider Resolution No. 2020-01 Adopting Fiscal Year 2020/2021 Budget:

Mr. Michael McElligott presented the Proposed Budget for Fiscal Year 2020/2021 for the Board's consideration which assumed no assessments would be paid on the SFWMD lands.

Mr. McElligott presented the proposed assessment breakdown for Fiscal Year 2020/2021. Based on the circumstances it was recommended the Board approve the Budget which assumed no payment on the SFWMD Lands which included contingencies to collect the outstanding unpaid assessments.

The Board discussed the general administrative budget as well as the maintenance expenses for the respective Units of Development. The Board also discussed the expenses associated with the operation and maintenance of the backbone of the District's system.

Mr. McElligott commented on the assessment rate for Unit No. 5. He indicated the remaining carry over funds to supplement expenses have been exhausted.

Mr. McElligott additionally addressed the cost associated with the backbone system and addressed the funds in the Balance of the District. He stated the District has had to cut back on canal aquatic weed control and mowing.

The Board addressed budgeting for contingencies relating to the nonpayment of assessments by South Florida Water Management District and Martin County.

Following discussion by the Board, a motion was made by Mr. Weinberg seconded by Mr. Brown and unanimously passed adopting Resolution No. 2020-01 approving the proposed Annual Budget for Fiscal Year 2020/2021 as discussed.

RESOLUTION NO. 2020-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
HOBE-ST. LUCIE CONSERVANCY DISTRICT APPROVING A
PROPOSED BUDGET FOR FISCAL YEAR 2020/2021

(Copy filed in District Records)

2. Consider Resolution No. 2020-02 Adopting a Fiscal Year 2020/2021 Meeting Schedule:

The District Manager presented the proposed Meeting Schedule for Fiscal Year 2020/2021.

Following discussion, a motion was made by Mr. Brown, seconded by Mr. Weinberg and unanimously passed adopting Resolution No. 2020-02, approving the proposed Fiscal Year 2020/2021 Meeting Schedule as presented:

RESOLUTION NO. 2020-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
HOBE ST. LUCIE CONSERVANCY DISTRICT,
ESTABLISHING A REGULAR MEETING SCHEDULE FOR
FISCAL YEAR 2020/2021 AND SETTING THE TIME AND
LOCATION OF SAID DISTRICT MEETINGS; AND
PROVIDING AN EFFECTIVE DATE.

(Copy filed in District Records)

3. Update on Conditions on the System Performance During the Recent Heavy Rains:

The District Engineer commented on the system performance during the recent heavy rains in Unit No. 1 at the NE Corner where the Berm has not been replaced. Water from State Lands come into Unit No. 1. Hobe Sound / Hobe Heights was hit very hard.

Mr. Melchiori indicated the System was being operated as a Golf Course and was two thirds under water. The Berm on the east side by the Park is to be replaced. There was a 4 foot drop in a day. The System was holding back 3-4 feet of water from the Park.

Historically at the end of the Bypass it was manipulated to hold water back.

Mr. Melchiori indicated Becker opened the System up and more water was flowing through it.

Mr. Higgins commented on the 30 inches of rain in 30 days. Mr. Spears indicated the need to clean out the canal at the northwest corner of Unit No. 1 (the bypass canal). Everything operated the way it was supposed to.

Mr. Spears stated the Pump and Motors are in good shape.

4. Discussion Regarding B-13 Outfall Bank Erosion:

The District Engineer reported the B-13 Outfall Bank Erosion (Unit No. 3) was in the Capital Improvement Plan. Funding for this repair needs to be in the budget.

5. Discussion Regarding FDOT Request for HSL Special Permit for Utilities Extension:

The District Engineer reported on the FDOT Request for lighting on the Turnpike. He informed the Board he administratively authorized the extension of the Permit to November 2021. He requested ratification of the FDOT Permit Extension.

A Motion was made by Mr. Weinberg seconded by Mr. Brown and unanimously passed ratifying the extension of the FDOT Permit for two (2) years. Mr. Higgins indicated he will send a letter notifying FDOT of the two (2) year extension.

ADMINISTRATIVE MATTERS:

1. DISTRICT ENGINEER'S REPORT: The District Engineer commented on matters as they appeared on the Agenda.

2. DISTRICT ATTORNEY'S REPORT: The Attorney reported on matters as they appeared on the Agenda. The Attorney further reminded the Supervisors of the need to comply with the deadline for filing Financial Disclosure forms due July 1st.

3. MANAGER'S REPORT: The District Manager reported on matters as they appeared on the Agenda.

4. FIELD OPERATIONS REPORT: Mr. Spears commented on the District's Operations.

Mr. Spears reported on the Nine Gem Fire which occurred on the FWC Lands which shut down I-95. Forestry was asking to do a controlled burn. Mr. Weinberg requested a Map for the next Agenda.

SUPERVISOR COMMENTS:

None.

NEXT MEETING:

The next Board of Supervisors' Meeting was tentatively scheduled for August 26, 2020.

ADJOURN:

There being no further business to come before the Board, the Meeting was adjourned.

President

Secretary

MINUTES OF THE BOARD OF SUPERVISORS
MEETING OF HOBE-ST. LUCIE CONSERVANCY DISTRICT
AUGUST 26, 2020

Pursuant to the above Notice, the Board of Supervisors of Hobe-St. Lucie Conservancy District held its Board of Supervisors Meeting on August 26, 2020 at 9:30 A.M. The August 26, 2020 Regular Board Meeting of the Hobe-St. Lucie Conservancy District was called to order utilizing the Zoom Meeting Platform to join the Meeting by URL for VIDEO ACCESS at: <https://us02web.zoom.us/j/89783215945> Meeting ID: 897 8321 5945 Call In Number: 1-312-626-6799 (EST).

Present were Rick Melchiori, Edward Weinberg and Robert Brown, Supervisors; Michael McElligott of Special District Services, Inc. as District Manager; Bob Higgins of Higgins Engineering as District Engineer; and Mary M. Viator, Attorney and Secretary. Also in attendance were Mr. Lyman Reynolds of Roberts & Reynolds; Mr. Warren Wilson and Ms. Michelle Beninda both of Coventry Development, and Mr. Ray Spears of The Grassroots Corp.

CALL TO ORDER:

The Board of Supervisors Meeting was called to order by President Melchiori.

ESTABLISHMENT OF QUORUM:

The President announced a quorum was present and it was in order to transact any business to come before the Board.

ADDITIONS OR DELETIONS TO AGENDA:

None.

COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA:

None.

APPROVAL OF MINUTES:

Approval of the Minutes of the June 24, 2020 Board of Supervisors Meeting were deferred.

OLD BUSINESS:

1. Update Regarding Martin County Litigation:

Attorney Mary Viator commented on the Litigation Status of the Martin County Proceedings. Ms. Viator introduced Mr. Lyman Reynolds, whose Firm represented the District in this Litigation, who was available to address any questions the Board may have.

Mr. Reynolds explained that on August 12, the Circuit Court entered two Final Judgments in the litigation. The Final Judgments essentially concluded that as a matter of law lands owned by both Martin County and South Florida Water Management District are immune from the levy of non ad valorem special assessments and that the Special Districts have no legal authority to levy such assessments on these lands. The Districts have thirty days to appeal the Circuit Court decision if they choose.

Mr. Reynolds addressed questions from the Board. Mr. Melchiori requested Mr. Reynolds explain the strength and weaknesses of the case. Mr. Reynolds recommended appealing the decision.

Mr. Weinberg questioned the justification. Mr. Reynolds indicated the justification is the special districts are authorized and created by the legislature to levy special assessments for construction and operating the works of the District. Although South Florida and Martin County may have sovereign immunity it should not be applicable to the Districts. It was his position that the rulings were not supported by the case law in its application to this case.

The Board requested Mr. Reynolds to explain the downside if the appeal fails. Mr. Reynolds responded that Martin County and South Florida would not pay past or future assessments. As to liability as to attorney fees Mr. Reynolds indicated the Martin County

judgement provides the parties are responsible for their own costs and attorney fees. As to the South Florida Water Management District judgment, the Court retained jurisdiction to address the issues, if any, of attorney fees and court costs. Mr. Reynolds opined that if the Districts are not successful on the appeal, they should not be subject to attorney fees because there is no statutory basis for the claim of attorney fees.

The Board discussed the need to get the Florida Association Special Districts (FASD) involved. It was explained that Pal-Mar Water Control District is waiting for Hobe St. Lucie Conservancy District to make a final decision as to whether to appeal the Court's ruling. Mr. Melchiori indicated that the District needs to appeal the judgment coupled with support from FASD and another Special Districts.

There was discussion with regards to the budget to pursue this appeal. The District Manager indicated that additional legal fees were included in the budget to address this matter. Mr. Reynolds indicated that the District has thirty (30) days to file its Notice of Appeal. He explained the time frames related to the appeals process.

Following discussion by the Board a motion was made by Mr. Brown seconded by Mr. Weinberg and unanimously passed authorizing the District to proceed with the subject appeal.

1. Update Regarding FP&L Easement Request from Howe Holdings, Inc.:

The District Engineer confirmed that Howe Holdings, Inc. plans to receive electric power from Seminole Pratt Whitney Road. Presently an easement from the District will still not be needed.

2. Discussion Regarding RG Mitigation Bank Connection:

The District Engineer commented on the RG Mitigation Bank Connection request for an Agreement relating to the Outfall Structure from the West into the Thomas Parcel. The District Engineer confirmed the landowner's consent was needed before bringing this request to the

Board for consideration. The landowners would need to agree to pay the District's per acre assessments similar to the lands in Unit No. 1.

3. Discussion Regarding B-13 Outfall Bank Erosion:

The District Engineer reported the B-13 Outfall Bank Erosion (Unit No. 3) was in the Capital Improvement Plan. Funding for this repair was needed for next year.

NEW BUSINESS:

2. Discussion Regarding I-95 Ditch Plug:

The District Engineer commented on the I-95 Ditch Plug and indicated that it is now back to normal.

3. Consider Appointment of Audit Committee and Approval of Evaluation Criteria:

The District Manager explained the District is required to Request Audit Proposals every five years. As part of the process an Auditor Selection Committee needs to be appointed. The District Manager recommended the Board appoint itself to serve as the Audit Selection Committee and approve the Auditor Selection Evaluation Criteria.

A motion was made by Mr. Weinberg, seconded by Mr. Brown and unanimously passed appointing the Board to serve as the Audit Selection Committee and approving the Auditor Selection Evaluation Criteria.

ADMINISTRATIVE MATTERS:

1. DISTRICT ENGINEER'S REPORT: The District Engineer commented on matters as they appeared on the Agenda.

2. DISTRICT ATTORNEY'S REPORT: The Attorney reported on matters as they appeared on the Agenda.

3. MANAGER'S REPORT: The District Manager reported on matters as they appeared on the Agenda.

4. FIELD OPERATIONS REPORT: Mr. Spears commented on the District's Operations and inquired as to the impacts of the Martin County/South Florida Water Management District Litigation on Operations.

SUPERVISOR COMMENTS:

None.

NEXT MEETING:

The next Board of Supervisors' Meeting was tentatively scheduled for September 23, 2020.

ADJOURN:

There being no further business to come before the Board, the Meeting was adjourned.

President

Secretary

**UPDATE REGARDING MARTIN
COUNTY LITIGATION**

**TO BE DISTRIBUTED
UNDER SEPARATE COVER**