

**ANNUAL LANDOWNERS MEETING
MAY 12, 2016 @10:00 A.M.**

The annual public meeting of the Landowners of the Fellsmere Water Control District was held at the office of the District 109 N. Willow Street, Fellsmere at 10:00 a.m., Thursday May 12, 2016, pursuant to public notice published in the Vero Beach Press Journal on April 25, 2016 and May 2, 2016. The meeting was called to order by the Secretary of the Board of Supervisors, Joyce Hertel.

She welcomed everyone to the 97th Annual Landowners Meeting.

Guest was Mark Mathis.

Others present were Jeff Bolling, Richard Carnell, Michael O'Haire, Marvin Carter, George Simons, Rodney Tillman and Joyce Hertel. Michael Monroe was elected temporary chairman and Joyce Hertel temporary secretary of the meeting, whereupon they assumed the duties of their offices.

Joyce reported representation of 17,565 acres present.

Upon motion duly made, seconded and carried, Chairman and Secretary Joyce Hertel were made permanent officers of the meeting.

Notice of Landowner's Meeting

Notice is hereby given to all it may concern that the Annual Meeting of the Landowners of the Fellsmere Water Control District will be held at the office of the District 109 N. Willow Street, Fellsmere, Florida Thursday May 12, 2016 at 10:00 a.m. At such meeting, one Supervisor will be elected. Each owner shall be entitled to one vote in person or by proxy in writing, duly signed for each acre of land owned by him in said District. The Department of Environmental Protection, at any such meeting, may represent the state, and shall have the right to vote for Supervisors or upon any matter to come before said meeting to the extent of acreage owned by the state in such District, provided such acreage is subject to assessment to water control district, which vote may be cast by any person designated by said Department.

Guardians may represent their wards, executors, administrators & personal representatives may represent estates or deceased persons and private corporations may be represented by their officers or duly authorized agents. The owners and proxy holders of District acreage who are present at a notice meeting shall constitute a quorum for the purpose holding such election. If a person decides to appeal any decision made by the Board, with respect to any matter considered at such meeting or hearing, her will need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs a special accommodation for this meeting may contact the District's office at

(772)571-0640 at least 48 hours in advance of meeting. There will be a meeting of the Board of Supervisors immediately following adjournment of the Landowners Meeting.

Board of Supervisors
Richard Carnell
Mike Monroe
Jeff Bolling

The Secretary stated that said call had been published according to law in the Vero Beach Press Journal and that she had received affidavit of publication, and the District Attorney Michael O'Haire reviewed the affidavit.

Upon motion duly made, seconded and unanimously carried, reading of the minutes of the previous Landowners Meeting of May 4, 2015 were waived as copies were circulated and adopted with no corrections noted. Joyce then read the roll call of the Landowners presented as follows:

Personal Acres

| | |
|------------------------------------|----------|
| Mark Mathis | 1 |
| Marvin Carter | 1 |
| Richard Carnell | 1 |
| Jeff Bolling | 2 |
| <u>Total individuals in person</u> | <u>5</u> |

Michael Monroe Proxy for:

| | |
|---------------------------|---------------|
| • Fellsmere Joint Venture | 15,551 |
| • Bernard Egan Groves | 2,008 |
| <u>TOTAL Corp. by</u> | <u>17,559</u> |

TOTAL Acres 17,565

The annual report of the Treasurer was given by Rodney Tillman. It was reported to the Landowners that the financial affairs of the District are in order. Mr. Tillman stated that according to the audit by Kmetz, Nuttall, Etwell, Graham and company CPA the District is in reporting compliance with Chapter 120.553.C of the rules of the Auditor General. Mr. Tillman brought to the Boards attention, the Statement of Revenue and Cash Disbursement" noting there was one posted on the Bulletin Board and in the District's master file and website. This report has been approved and sent to the proper agencies. The report was ordered filed and spread upon the minutes.

Attorney's Report:

No report at this time.

Engineers Report:

Marvin presented the written Engineer's Report and then turned the report over to George Simons who briefly explained several of the items covered.

The Annual report of Marvin Carter and George Simons CAI, by motion duly made, seconded and unanimously approved, as submitted was ordered filed and spread upon the minutes. The annual report of Board of Supervisors, was unanimously deferred to the report given by the Engineer, Chairman Richard Carnell then stated the meeting was now in order to proceed with the nomination and election of one Supervisor for a three year term, and called for nominations.

Richard Carnell was nominated for a three year term. There being no further nominations made, the Secretary was instructed on motion duly made, seconded and unanimously carried to cast the entire vote of 17,564 acres in behalf of Richard Carnell for a three (3) year term.

Oath of Supervisor

State of Florida

Indian River County

I, **Richard Carnell**, do hereby solemnly swear that I will honestly, faithfully and impartially perform the duties involving upon me in office as Supervisors of Fellsmere Water Control District to which office I have been elected, and that I will not neglect any of the duties imposed upon me, Chapter 6458 of laws of Florida (acts of 1913), and all amendments thereto.

Richard Carnell

Signature

Sworn to and subscribed before me this 12th day of May 2016.

Personally Known

Produced Identification

State of Florida

Notary Public

My commission expires

Statement of Net Assets

September 30, 2015

Assets

Cash collateralized

\$ 1,212,925

Capital Assets

111,626

Total assets

\$1,324,551

Deferred outflows of pension earnings

69,009

Liabilities

| | |
|----------------------------------|------------|
| Accounts Payable | 11,333 |
| Noncurrent net pension liability | 165,308 |
| Total Liabilities | \$ 176,641 |

| | |
|--------------------------------------|--------|
| Deferred inflows of pension earnings | 28,735 |
|--------------------------------------|--------|

NET position

| | |
|--------------------------------|----------------|
| Net Invested in capital assets | 111,626 |
| Unrestricted, reported in: | |
| Governmental Activities | 486,558 |
| Designated for contingencies | <u>590,000</u> |
| TOTAL Net Assets | \$ 1,188,184 |

**Statement of Revenues, Expenditures, and
Changes in Fund Balance-General Fund
Year Ended September 30, 2015
General Fund**

Revenues

| | |
|-------------------------|----------------|
| Taxes, net of discounts | \$ 268,838 |
| Interest | 1,110 |
| Other income | 5,479 |
| TOTAL REVENUE | <u>275,427</u> |

Expenditures

Current operating:

- Aquatic Weed Control 165,371
- Ditch Maintenance 89,145
- General Administrative 363,411

Capital outlay

| | |
|--------------------------------|------------------|
| Total Expenditures | 617,927 |
| Net Decrease in Fund Balance | (342,500) |
| Fund Balance beginning of year | <u>1,544,092</u> |
| Fund Balance end of year | \$ 1,201,592 |

**FELLSMERE WATER CONTROL DISTRICT
ANNUAL ENGINEER'S REPORT
MAY, 2016**

We are pleased to submit this annual engineer's report as a yearly summary of the engineering related activities involved in the operations and functions of the Fellsmere Water Control District (F.W.C.D.), as required under Chapter 298 of the Florida Statutes.

CLIMATOLOGICAL REVIEW

The 2015 Atlantic Hurricane Season was a slightly below average season featuring eleven named storms, in which four reached hurricane status. It officially began on June 1st and ended on November 30th. These dates historically describe the period each year when most tropical cyclones form in the Atlantic basin. However, the first named storm, Ana, developed nearly a month before the official start of the season, the first since 2012's Beryl and the earliest since 2003's Ana. The season ended with the dissipation of Kate eighteen days before the official end.

Overall, the Atlantic Hurricane Season produced eleven named storms, including four hurricanes (Danny, Fred, Joaquin and Kate), two of which, Danny and Joaquin, became major hurricanes. Although no hurricanes made landfall in the United States, this year, two tropical storms – Ana and Bill – struck the northeastern coast of South Carolina and Texas, respectively. Ana caused minor wind damage, beach erosion, major flooding in North and South Carolina and one direct death in North Carolina, and Bill produced heavy rain and flooding while it moved across eastern Texas and Oklahoma.

The National Oceanic and Atmospheric Administration (NOAA) scientists credit El Niño as the leading climate factor influencing both the Atlantic and Pacific seasons this year.

NOAA's early prediction of above normal precipitation and below normal temperatures for the 2015/2016 winter season has held true for precipitation but not for below normal temperatures. Substantial above average rainfall has occurred through the normal dry season. Water stages in wetland areas, ponds and soil moisture remain high through the "normal" dry season to date of this report.

Landowners within the F.W.C.D. have, gratefully, survived another hurricane and winter season without the ravages of a major tropical storm or freeze event.

Rainfall distribution and intensity across the limits of the District varies significantly during any given rainfall or storm event.

Total rainfall as measured at the F.W.C.D. office/shop complex for the Year 2015 totaled 63.79 inches, nearly 12 inches above the long term average annual rainfall. Rainfall recorded so far this year for January (10.17"), February (3.06"), March (3.06") and May (2.25"). Only within the last two weeks of May, have we begun to witness the effects of a normal dry season.

All being said, as reported above, weather-wise, the F.W.C.D. has had a very good year.

MAY 14, 2015 ANNUAL LANDOWNERS AND BOARD OF SUPERVISORS MEETING

At the May 14, 2015 annual landowners meeting, Michael Monroe was re-elected to the Board of Supervisors of the District for a three year term.

At the following Board of Supervisors organizational meeting the following officers were elected/appointed to serve for the following year.

| | |
|------------------|-----------------|
| President | Richard Carnell |
| Vice-President | Mike Monroe |
| Secretary | Joyce Hertel |
| Treasurer | Rodney Tillman |
| Deputy Secretary | Dawn Cosner |

F.W.C.D. ANNUAL PERMIT SUMMARY

Twelve (12) permit applications (Numbers 143-15 through 154-16) have been submitted since the prior annual engineer's report.

Six (6) permit applications have been submitted, reviewed, approved and issued since last year's Annual Engineer's Report.

The six permits issued to various landowners within the District include: Three (3) for outfall/discharge culverts connecting into District canals; two (2) permits issued for new driveway culvert crossings; and, one (1) permit issued for replacement of existing driveway culvert crossing.

Six (6) remaining permit applications have been submitted and remain under review pending receipt of requested additional information from the Permittee, or their Consultants, assuring compliance of proposed projects with District criteria and permit conditions. These six permit applications include: Two (2) from proposed NuTerra Organics Recycling Facility, including site plan approval; three (3) permit applications from Parabel Company for culvert crossing and site plan approval; and, one (1) from City of Fellsmere for proposed North Lake Stormwater Treatment Facility.

The permit application for the proposed Fountains of Fellsmere project remains open. The permit application originally included the North Regional Stormwater Lake, however the City of Fellsmere took ownership of the land on which the North Regional Lake is located and submitted a FWCD permit application as a stand-alone project. We expect that the Fountains of Fellsmere project will be resubmitted to FWCD sometime in 2016.

Another on-going permit process is for the modification of the proposed Florida Organic Aquaculture site plan. The original permit was issued in 2013 and work was started. The F.O.A. applicant/developer decided to revise the plan shortly after starting the work and submitted a permit modification request with plans and calculations prepared by a new Engineer, The Milcor Group, Inc. We have reviewed plans and issued "request for additional information" letters for multiple submittal revisions. The permit modification has not been issued. This is due to the lack of an adequate response to the FWCD concerns about the potential discharges into the FWCD system of the salt water used in the shrimp raceways and the developer's on-going redesign of the site plan. The project construction proceeds with monthly site inspections by the Milcor Group and status updates to Carter Associates. A perimeter berm, controlled discharge, and preservation of the flood plain storage are FWCD requirements that are emphasized to the applicant on a regular basis.

A permit application from the F.D.O.T. from 2012, pertaining to replacement of the I-95 Bridge over the Main Canal remains open pending resolution of disputed design and construction issues. The F.W.C.D. requires additional fill and rock rip rap slope stabilization treatment for the transition sections of the realigned F.W.C.D. maintenance road. This requirement is to maintain a safe maintenance road under the bridge for FWCD. The contractor has demobilized without constructing the required rip rap. Therefore the as-built condition is not acceptable and through the F.W.C.D. Attorney, the matter is being scheduled for trial.

CITY OF FELLSMERE (C.O.F.)

The City of Fellsmere continues to develop strategies and implement improvements to its street and drainage infrastructure, including additional paving and drainage grants and developing a city-wide drainage swale plan for driveway culverts. The City has established a Stormwater Utility to aid in funding the projects.

The C.O.F. Stormwater Management Utility Program primarily addresses the secondary drainage system within the City and water quality issues mandated by other jurisdictional agencies, but does not overlap or duplicate the responsibilities of the F.W.C.D. in the maintenance and operations of the District's primary drainage ditches, canals and flood protection functions.

The City of Fellsmere completed the Fellsmere Master Stormwater Plan in late 2012. Currently two of the Master Plan regional lake systems are in the design phase. The City of Fellsmere retained Carter Associates in the spring of 2015 to prepare construction plans and obtain the permits to construct the South Regional Lake. As noted above, the City of Fellsmere has retained the Milcor Group to design and permit the North Regional Lake.

The City of Fellsmere has also completed the design and permitting associated with the Fellsmere CDBG Phase 6 Project. This project includes the paving and drainage improvements along Wyoming and South Carolina Avenues and Hickory and Pine Streets. The CDBG Phase 6 project has been approved for Grant funding and construction is expected to start during the summer of 2016.

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (S.J.R.W.M.D.)

The construction of the new levee along the eastern boundary of S.J.R.W.M.D. property acquired from Fellsmere Joint Venture (FJV) is nearing completion. The levee is part of the "Fellsmere Water Management Area" which is about 95% completed. This levee will be the east levee of the newly created stormwater management area and will serve as the new western levee of the F.W.C.D.

The levee is reported to be constructed to U.S.A.C.O.E. standards, and as such, can be designated as a U.S.A.C.O.E. certified levee when the project is completed. The U.S.A.C.O.E. certification is important for F.E.M.A. flood zone mapping, as the levee will be recognized for flood protection and result in F.W.C.D. landowners receiving reduced flood insurance rates. The F.E.M.A. flood insurance rate maps will not be changed to recognize the benefits of a levee protected flood zone until a "certified levee system" is completed around the entire F.W.C.D. levee system. The balance of the perimeter levee system including the north, south and portion of the east boundary will have to be upgraded and certified to complete the F.E.M.A. certification process. At some point in the future, we anticipate this land will be developed and the benefits of the F.E.M.A. certification may justify the cost.

The S.J.R.W.M.D. Governing Board has budgeted monies for a pilot project within the FWCD. The land owner and the SJRWMD staff are currently in contract negotiations. If constructed the dispersed water storage project could provide significant reductions in the volume of water being discharged to the IR Lagoon.

WATER QUALITY IN MAIN CANAL

Representative Water Quality sampling for the F.W.C.D. are taken nearly quarterly (approximately every three months) at County Road 507 (Babcock Road) bridge from the Main Canal. Currently, and for some time now, the sampling, field analyses, and laboratory analyses are conducted by Pace Analytical Services, Inc. out of Pompano Beach, Florida. The discussion of Water Quality for this report is based on samples taken during: Early June 2015, Late August 2015, Early December 2015, and mid-February 2016.

Over the past year, the F.W.C.D. Water Quality results indicate some significant exceedances of the acceptable Florida Nutrient Numeric Threshold Limits. These exceedances occurred during the warmer months of the year when more runoff is experienced and the concentration of dissolved oxygen in the water is at its lowest of the year. The Nutrient Numeric Threshold Limit for dissolved oxygen (D.O.) saturation is a minimum of 38 % for

the Florida Peninsula (within which the District is included). For this year's reporting, the dissolved oxygen (D.O.) saturations were as follows:

- Early June = 46.9 % saturation, which was 23% above the minimum Limit
- Late August = 30.4% saturation, which was 20% below the minimum Limit
- Early December and mid-February were both above 70% saturation, well above the Limit

A significant increase and exceedance in Total Phosphorous was detected in all results which appear accurate. The Nutrient Numeric Threshold Limit for Total Phosphorous in the Florida Peninsula region is a maximum concentration of 0.12 mg/l. The June 2015 report for total phosphorous was 0.064 mg/l (I), with the (I) meaning below the Practical Quantitative Limit (PQL) of the lab test. It would be uncommon for a summer canal grab sample to be this low in phosphorous and therefore its accuracy is questionable. Total Phosphorous concentrations for the remaining samples were as follows:

- Late August = 0.33 mg/l = 275% above Threshold Limit
- Early December = 0.23 mg/l = 192% above Threshold Limit
- Mid-February = 0.18 mg/l = 150% above Threshold Limit

The Nutrient Numeric Threshold Limit for Total Nitrogen in the Florida Peninsula region is a maximum concentration of 1.54 mg/l. This past year, three of the quarterly samples were near the Threshold Limit, with the Late August sample exceeding the Threshold Limit by 15%.

As of now, the F.W.C.D. is considered a non-MS4 Facility, not subject to NPDES permitting. Neither is the District included within an FDEP "Water Body Identification Number" (WBID) for the study of impaired state waters. Also, the canals of the District do not meet the FDEP requirements of a "stream" for purposes of interpreting the Florida Nutrient Numeric Threshold Limits, the exclusion of which are defined as follows:

"Streams do not include: (a) **or** (b) ditches, canals and other conveyances, or segments of conveyances, that are man-made, or predominantly channelized or predominantly physically altered; **and** 1) are primarily used for water management purposes, such as flood protection, stormwater management, irrigation, or water supply; **and** 2) have marginal or poor stream habitat or habitat components, such as a lack of habitat or substrate that is biologically limited, because the conveyance has cross sections that are predominantly trapezoidal, has armored banks, or is maintained primarily for water conveyance."

However, the District is an identified Stakeholder in the FDEP 2013 "Central Indian River Lagoon B.M.A.P.", with projects indicating reductions of 82.5 lb/yr of Total Nitrogen and 24.8 lb/yr of Total Phosphorous. It is highly unlikely last year's nutrient readings would indicate even these modest levels of reduction stated in the B.M.A.P.

The following excerpt is from the FDEP B.M.A.P. and is applicable to the F.W.C.D. as a Non- MS4:

3.5.3 Non-MS4s

Paragraph 403.067(7)(b)2.f, F.S., prescribes the pollutant reduction actions required for Non-agricultural pollutant sources that are not subject to NPDES permitting. These "non-MS4 sources" must also implement the pollutant reduction requirements detailed in a BMAP and are subject to enforcement action by FDEP or a water management district if they fail to implement their

responsibilities under the BMAP. Load reductions, and the responsibility for meeting them, were assigned to the entity that governs the area generating these non-MS4 urban lands.

Failure to reduce these loadings can result in enforcement action by FDEP under Paragraph 403.067(7)(b)2(h), F.S. FDEP can seek to designate an entity as a regulated Phase II MS4 in accordance with Section 62-624.800, F.A.C. One of the primary designations applies when a TMDL is adopted. FDEP can designate an entity as a regulated Phase II MS4 if the discharges are determined to be a significant contributor of pollutants to surface waters of the state, which can occur when FDEP has adopted a TMDL for a waterbody or segment into which the Phase II MS4 discharges the pollutant(s) of concern. If an entity is designated as a regulated Phase II MS4, it will be subject to the conditions of the Phase II MS4 Generic Permit.

The F.W.C.D. should do everything reasonable to see that the B.M.A.P. reduction goals are met and do all possible to prevent the FDEP from labeling the District as a MS4 Facility.

ANNUAL ENGINEERING RELATED ACTIVITIES

Engineering time during this past year continues to be expended on the non-compliance design and construction issues of the F.D.O.T. Interstate 95 Bridge across the F.W.C.D. Main Canal. This matter currently remains unresolved and Carter Associates, Inc. continues to assist F.W.C.D. and legal counsel in on-going litigation.

Attendance at the public/stakeholders forums as scheduled and conducted by the FDEP to represent and assist the F.W.C.D. in addressing mandates to reduce the pollution currently being discharged into the Indian River Lagoon. During the last year the FDEP completed the process of developing pollution load allocations for each stakeholder. The FWCD allocation based on using the F.W.C.D. jurisdictional area of 1,420 acres was 6,079 pounds of Total Nitrogen, and 867 pounds of Total Phosphorus. The FWCD requested the FDEP to recalculate the allocations based on FWCD r-o-w maps. Carter Associates provided the r-o-w maps and FDEP recalculated the allocations. The revised allocation is now based on 214 acres resulting in 694 pounds of Total Nitrogen and 108 pounds of Total Phosphorus. The allocations will take effect in the adoption of the second five year phase of the Best Management Action Plan. FDEP has notified stakeholders that the pollution allocations will be necessary due to the less than desirable sea grass inventories obtained recently.

Permitting issues with the Florida Organic Aquaculture project continues to remain unresolved. Technical engineering review and assistance to F.W.C.D. on this matter continues.

Attended a pre-application meeting for the Fellsmere North Regional Lake project and provided FWCD drainage permit requirements to the applicant's engineer. The proposed project includes a Broadway Commercial strip component. The Broadway road drainage system will be re-configured to drain north to the North By-pass Ditch just upstream of the proposed lake. A portion of the adjacent commercial strip area will be connected to the Broadway drainage system and flow to the lake as well. The City of Fellsmere has requested that the SJRWMD allow some commercial re-development areas along Broadway to receive water quality treatment from the lake. This will allow development to occur in the Broadway area without a large percentage of area being dedicated to small stormwater management systems for individual parcels.

FWCD Board of Supervisors authorized Carter Associates to prepare a permit manual. The permit manual was prepared and the draft was reviewed by the Board. On November 12, 2015 the Board approved the permit manual after additions were made subject to approval by the Engineer, Attorney and President of the Board.

The final edits are still pending. When completed and adopted the manual will be posted on the FWCD website and will be available for land owners and developers to review.

On-going annual engineering activities include the following:

- 1) Attend all regularly scheduled meetings of the Board of Supervisors and maintain a District Engineering file.
- 2) Remain on daily call to provide technical assistance and information to District personnel, supervisors, landowners and other governmental and public agencies concerning the operations, functions and regulations of the District.
- 3) Continue to provide technical permit review assistance to Superintendent Rodney Tillman, and project consultants, in the submission and issuance of all permit applications to assure compliance with F.W.C.D. policies and requirements.
- 4) Attendance at pre-construction meetings for significant site plan or subdivision type projects in the FWCD. Also, provide limited construction inspection to check compliance with FWCD permit conditions and to minimize the discharge of turbidity from construction sites.
- 5) Review the County wide alternative water supply report.
- 6) Review the quarterly stormwater quality analysis from the District.
- 7) Monitor and review the actions and activities of other jurisdictional agencies and related organizations that may affect the operations and functions of the District.
- 8) Review records and files in preparation of the Annual Engineer's Report as required under Florida Statutes – Chapter 298.

Once again, we are pleased to report that Superintendent Rodney Tillman and his staff, under the direction, guidance and support of the District's Board of Supervisors, continues to maintain and protect the works of improvement of the District, and to provide the landowners within the District a cost-effective level of service for flood protection.

Respectively submitted,

CARTER ASSOCIATES, INC.

By: _____
George Simons, P.E.

Marvin E. Carter, Consultant

Annual Report of the Supervisors:

The Board deferred its' report to that information included in the Engineers Report filed above.

The Landowners meeting adjourned at 10:14 a.m. and proceeded into the Supervisors Meeting.

Annual Supervisors Meeting May 12, 2016

A public meeting of the Fellsmere Water Control District was held at the office of the District 109 N. Willow Street, Fellsmere, Florida at 10:00 a.m. Thursday May 14, 2015, pursuant to public notice published in the Vero Beach Press Journal.

Present were Supervisors: Richard Carnell and Jeff Bolling. Also present were Michael O'Haire, Marvin Carter, George Simons, Mark Mathis, Rodney Tillman and Joyce Hertel.

Motion was made by Marvin Carter and seconded by Mike Monroe that the Minutes of January 14, 2016 were approved as mailed.

The Election of Officers is as follows:

President Richard Carnell 3 year
Vice President Mike Monroe 2 year
Supervisor Jeff Bolling 1 year
Secretary Joyce Hertel
Treasurer Rodney Tillman
Deputy Secretary Dawn Cosner
Deputy Treasurer Judy Warga

The Appointment for the ensuing year was:

District Engineer will be George Simons Principle and his Engineer firm will be Carter Associates.

District Attorney will be Michael O'Haire, and his firm being Law Offices O'Haire, Quinn, Candler and Casalino Chartered.

Employment Agreement with Attorney

(Chapter 298.18 F.S.)

Mr. Michael O'Haire agrees to undertake representation of the Fellsmere Water Control District on an Annual Basis for a monthly retainer of \$450.00 and other services billed at the rate of \$500.00 per hour, must be pre approved. This retainer will cover attendance at meetings and will assure that no-conflicting employment is undertaken by Michael O'Haire, all services performed by his firm.

This agreement will be in affect from May 2016 - May 2017.

Accepted May 12, 2016

Accepted May 12, 2016

Richard Carnell, President

Michael O'Haire

Corporate Seal

Attest: _____ District Secretary

Joyce Hertel

Updated 5-12-16

Employment Agreement with Engineer rate schedule

(Chapter 298.20 F.S.)

George Simons of Carter Associates agrees to undertake representation of the Fellsmere Water Control District on an annual basis for a monthly retainer of \$400.00 other work at a rate of:

| | |
|------------------------------|---------------------------|
| Engineer * Principal | \$ 145.00 per hour |
| Engineer (consultant) | 140.00 |
| Engineer I registered | 135.00 per hour |
| Engineer II | 125.00 per hour |
| Engineer III | 100.00 per hour |
| Engineer Tech | 90.00 per hour |
| Surveyor I Principal | 145.00 per hour |
| Surveyor (Consultant) | 140.00 per hour |
| Surveyor I registered | 135.00 per hour |
| Surveyor II registered | 125.00 per hour |
| Survey Crew (4men) | 150.00 per hour |
| Survey Crew (3men) | 140.00 per hour |
| Survey Crew (2men) | 130.00 per hour |
| CADD technician | 85.00 per hour |
| Secretary/Word Processor | 45.00 per hour |
| Inspector | 62.50 per hour |
| Recording and permit fees | cost plus 10% |
| Materials | cost |
| Travel | Current standard IRS rate |
| Sub consultant | cost plus 10% |
| Reimbursable expenses: | |
| Postage long distance calls. | |
| Federal express | cost |
| Blue prints | .025 sf. |
| Mylar | 1.75 sf. |
| Photocopy 8.5x11 | .15 ea |
| Photocopy 8.5x14 | .25 ea |
| Photo copy 11x17 | .35 ea |

Note: Hourly rates are (2X) double the above rates for legal proceedings, ie Depositions, trials, hearings. Preparation time will be at standard rate.

All work authorizations not to exceed \$6,000 per year without approval of the Board of Supervisor's.

This retainer will cover attendance at meetings.

This agreement will be in affect from May 2016 to May 2017.

Accepted May 12, 2016

Accepted May 12, 2016

Richard Carnell /President

George Simons/Principle, Carter Associates

Corporate seal

Joyce Hertel
Secretary

The Repositories for the Funds of the District are Bank of America and P.N.C.

Engineer's Report:

Marvin and George presented the written annual report of the Engineer and went over important highlighted issues and said that there was a copy for the Board to review in their packets.

George updated the Board on the North Regional Lake CRA Permit. George said that the CRA has a lower standard when addressing stormwater. George further explained that there is not enough land area to meet the 2" requirement of the District max discharge of the cut and fill flood plain storage area. Therefore, credits would be created by the North Regional Lake. He explained that in this area the 2" limitation would not work because the computer model is showing 4.2". The area might have to be reduced in size to just the area between the alley ways to the east and west of Broadway. This area will have ½" retention on the site.

Richard Carnell explained that this permit review is a special accommodation to the City of Fellsmere since the District does not want to interfere with future development but the District must protect it paramount right to provide its' services and prevent flooding. Richard added that should this permitted area cause flooding of Broadway that the City of Fellsmere should be the responder to the complaints by Landowners and that Rodney will refer calls in that area to the City.

Richard asked how the credits would be accounted for the North Regional Lake. George replied by issuing permits, that's how the credits could be accounted for.

At this time, Mark Mathis said the City needs to build about 20 acres of stormwater lakes and that the north regional lake will be 4 acres in size. He added that all improvements to the Broadway project are subject to being done if the assisted living facility is built and creates the mandatory jobs for the grant. He added that the lake must be completed by September 30, 2016 and that is the reason the City is asking for a conceptual approval subject to engineering approval.

Richard asked who does Quality and Quantity. George replied Quality is by SJRWMD and Quantity is by the FWCD and the City.

Richard and the Board would like to see the final Preliminary Special Conditions before the permit is issued. George could send and contact each Board member regarding the Preliminary Special Conditions subject to guidelines of the code of ethics and sunshine law. To see a copy of the preliminary special conditions for The City of Fellsmere North Regional Lake contact the office of Fellsmere Water Control District.

Rodney advised George that he could make individual contacts with the Board members but could not convey any information received by a Supervisor.

Motion Made by Jeff and seconded by Richard that a conceptual approval be granted subject to maintenance agreement and pending final approval from District engineer.

Attorneys report:

Michael updated the Board on the Lawsuit with FDOT. FDOT is still replying and a date will be set in the future.

Treasurer's report:

Rodney reported that the affairs of the District are the same as reported in the Landowners meeting. Rodney recommends that Kmetz, Nuttall, Etwell, Graham (K.N.E.G.) CPA be appointed the auditors for the next years audit. Upon motion duly made and seconded KNEG, CPA are the auditors for the next years audit.

Rodney presented to the board a Budget reflecting a \$10.00 assessment rate for FY 2016-2017.

He stated that the budget reflects the chemical account going down and a number that was added for the Governmental Accounting Standards Board (GASB) and that this number might not be the right number, since our auditors do not know the number at this time; Since the Florida Retirement System has not provided it yet.

Motion duly made by Jeff Bolling and seconded by Richard Carnell that the non ad-valorem assessment rate will be \$10.00 per acre for the land located in Fellsmere Water Control District.

**Annual Budget: \$10.00 per acre
October 1, 2016—September 30, 2017**

Revenue

| | | | |
|--------------------------------|----|---------|-----------------------|
| 3100 taxes | \$ | 260,389 | |
| 3101 less tax discount | | | |
| 3200 interest income | | 30,731 | |
| 3601 appropriation/contingency | | 125,000 | |
| 3602 GASB | | 58,000 | |
| 3600 revenue | | 363,333 | |
| Total revenue | | | <u>837,453</u> |

Expense

| | | | |
|----------------------------------|--|--------|----------------------|
| 4002 aerial spraying | | 37,845 | |
| 4003 mech. /contract maintenance | | 37,322 | |
| 4005 Water Testing | | 1,210 | |
| Total Contract Services | | | <u>76,377</u> |

| | | | |
|----------------------------------|--|-------|---------------------|
| 4031 Equipment R & M | | 2,070 | |
| 4032 Supplies Services | | 880 | |
| 4033 Gas & Oil | | 2,000 | |
| 4036 Insurance | | 2,000 | |
| TOTAL Spray truck Control | | | <u>6,950</u> |

| | | | |
|------------------------|--|--------|----------------------|
| 4063 Rodeo | | 50,000 | |
| 4067 Invert Blend | | 4,400 | |
| 4068 Chemicals Misc. | | 9,776 | |
| TOTAL Chemicals | | | <u>64,176</u> |

| | | | |
|---------------------------------|--|--------|--|
| 4111 Labor - Equipment Operator | | 43,460 | |
|---------------------------------|--|--------|--|

| | | |
|--------------------------------|--------|----------------|
| 4121 Payroll Taxes | 3,350 | |
| 4122 State Retirement | 3,723 | |
| 4123 Workers Compensation | 1,900 | |
| 4124 Group Medical Life Ins. | 9,907 | |
| 4131 Equipment R & M | 50,000 | |
| 4132 Supplies & Services | 4,500 | |
| 4133 Diesel Gas & Oil | 12,000 | |
| 4136 Insurance | 7,200 | |
| 4137 Transportation | 4,000 | |
| TOTAL Ditch Maintenance | | 140,040 |

| | | |
|--------------------------------|-------|---------|
| 4502 appropriation/contingency | _____ | 125,000 |
| 4503 GASB | _____ | 58,000 |

| | | |
|-------------------------------------|---------|----------------|
| 5001 Salaries Administration | 132,000 | |
| 5006 Payroll Taxes | 11,000 | |
| 5007 State Retirement | 20,000 | |
| 5008 Workers Compensation | 6,100 | |
| 5009 Group Med, Life Ins. | 50,000 | |
| 5013 Legal & Professional | 55,000 | |
| 5014 Insurance | 20,000 | |
| 5037 Transportation | 21,000 | |
| 5053 Prop Appraiser Fees | 3,000 | |
| 5074 Property Taxes | 1,500 | |
| 5075 Sundry | 500 | |
| 5076 License, Permits | 1,500 | |
| 5077 Memberships | 6,500 | |
| 5078 Advertising | 500 | |
| 5082 Maintenance Build & Grounds | 19,500 | |
| 5083 Utilities | 2,500 | |
| 5086 Telephone | 7,350 | |
| 5090 Office Supplies | 8,960 | |
| TOTAL General Administration | | 366,910 |

TOTAL Expense _____ **\$ 837,453**

NON AD VALOREM RESOLUTION
WHEREAS, BE IT RESOLVED THAT
THE BOARD OF SUPERVISORS OF FELLSMERE WATER CONTROL DISTRICT;

There is hereby levied for the year 2016-2017, a Non-Ad Valorem Assessment of the rate of \$ 10.00 per acre against all land in the Fellsmere Water Control District, in order to maintain and preserve the ditches, drains and drainage works of this District, and to repair, and to restore the same whenever needed, as well as, for the purpose of defraying the current expenses of this District. The said non-ad Valorem shall be equal and uniform in amount upon each acre of land assessed, and the minimum Non-Ad Valorem Assessment shall be not less than one acre rate established above the minimum Maintenance tax shall apply to any one parcel separately assessed. And BE IT FURTHER RESOLVED, that when said Assessment is so levied or extended and assessment by the property appraiser of Indian River County, he shall certify the same to the Tax Collector of Indian River County Florida who is directed to demand and collect the Non-ad valorem Assessment as levied and to make return of such tax to this District, as provided by law, and,

BE IT FURTHER RESOLVED that, a certified copy of this Resolution shall be furnished to the Property Appraiser of Indian River County, Florida, and to the Tax Collector the Indian River County, Florida.

Resolution adopted at the Fellsmere Water Control District Board of Supervisor meeting May 12, 2016.

Richard Carnell

Mike Monroe

Jeff Bolling

Mr. Tillman presented and read the following resolutions and asked the board for their approval:

FIXED COMPENSATION RESOLUTION

Whereas, the Board of Supervisors of Fellsmere Water Control District are required by Chapter 298.20 F.S. to Fix Compensation for work and employees, therefore the supervisors adopt the following compensation schedule for work and employees to be in effect from the Supervisors meeting in May 2016 until the following Supervisors Meeting in May 2017, at which time it can be reviewed and updated:

NOW THEREFORE BE IT RESOLVED THAT:

- a. Supervisors are not compensated
- b. Treasurer is not compensated:

Be it further resolved that the bond amount of \$5,000 is set for the Treasurer and the Travelers Casualty and surety company of United States is hereby approved.

- c. Engineer Retainer \$400.00 per month, Senior Engineer 150.00 per hour, junior engineer 145.00 per hour, Secretary \$45.00 per hour, survey crew 143.00 per hour not to exceed 6,000 per year without approval from Board. A specific engineer rate schedule is in the file.

d. Attorney Retainer of \$450.00 per month, all other \$500.00 per hour. Legal Assistants range from \$85.00 to \$150.00 per hour: Reimbursement of the firm for all cost advanced and expenses incurred that are directly related to the performance of the legal services undertaken. There include the cost of investigations, filing, etc.

e. Auditor

Not to exceed \$9,200 per year without Board of Supervisors Approval.

f. Superintendent

Salary \$55,000 to 75,000 per year

g. Secretary/Bookkeeper

\$14.00 to \$30.00 per hour 40 hour week

h. Equipment Operator

1. \$15.55 to \$20.00 per hour 40 hour week

2. \$ 9.45 to \$13.00 per hour 40 hour week

i. Aquatic Applicator

\$10.00 to \$15.00 per hour 40 hour week

j. Labor Truck driver

\$10.00 to 15.00 per hour 40 hour week

BE IT FURTHER RESOLVED THAT ALL DISTRICT EMPLOYEE AND PAYROLL POLICIES ARE ADOPTED.

Signed: by the Secretary of the District this 12th Day of May 2016.

Joyce Hertel District Secretary

Fixed Compensation Resolution

Whereas, the Board of Supervisors must Fix Compensation for work and employees (Chapter 298.20 F.S.) Relating to Employee Benefits and Payroll policies.

Now therefore, be it resolved that the employee Benefit and Payroll policies as provided at date of hiring and as located in District employee Personnel file will emended for physical year 2016-2017.

May 12, 2016

Richard Carnell

Michael Monroe

Jeff Bolling

Treasurer Bond Resolution

Whereas, the Treasurer is required by (Chapter 298.16 and Chapter 298.17F.S.) to give bond in an amount fixed by the Board of Supervisors and the Supervisors are to approve the surety of the Treasurers bond.

Now therefore, be it resolved that, the Bond of the Treasurer of the District be fixed at the amount of \$5,000. The surety of the bond number 70089834 is with the CNA Insurance Company, Bond Term 5-20-15- 5-20-18 and remains in force until cancelled by either the principal (Jerry R. Tillman) the oblige (Fellsmere Water Control District).

May 12, 2016

Richard Carnell

Michael Monroe

Jeff Bolling

Mileage Resolution

Whereas, the Board of Supervisors of Fellsmere Water Control District under the General Provisions of Chapter 112 F.S. may grant the use of privately owned vehicles for official use in lieu of publicly owned vehicles or common carriers, and

Whereas, the Board of Supervisors under the General provision hereby fixes the mileage rate for privately owned vehicles at the federal standard mileage rate that is provided in Chapter 112 at the current rate of \$.55 cents per mile and such District shall increase the per mile rate as the federal rate does for official travel by District employees. This will take effect October 1, 2007.

Richard Carnell

Michael Monroe

Jeff Bolling

District Benefits and Payroll policies

Group Insurance:

Will be covered by the Blue Cross Blue Shield of Florida or similar such company as Board selects. The plan is a comprehensive major medical plan with \$250.00 deductible for single coverage. Eligibility is six months of full employment.

Employee contribution:

- A. employee coverage is \$2.00 per week
- B. Family is \$5.00 per week.

Aflac Insurance Policy:

Aflac coverage is voluntary by each individual contributions will be deducted by employee request bi-weekly.

Life insurance:

Vision Insurance:

Prescription Drug benefits:

Covered generic drugs are \$15.00 deductible, all other covered drugs \$20.00 and \$35.00 deductible.

Dental Insurance:

\$50.00 deductible provided subject to cost review each year.

FI Retirement System Employee Contribution:

1. 3% of gross PR before taxes

Vacation:

| | |
|------------------------------|-----------------|
| After 1 year of employment | 5 working days |
| After 2 years of employment | 10 working days |
| After 7 years of employment | 15 working days |
| After 12 years of employment | 20 working days |

Vacation time must be approved by management. After 12 years of employment, five (5) working days must be taken each quarter per year or is forfeited by employee unless extension is granted by the Board of Supervisors or Superintendent. For purposes of termination, retirement or resignation, vacation pay for unused days cannot exceed a total of 20 days in the year the employee leaves district employment.

Any vacation earned but not taken annual employment anniversary date is forfeited by the employee unless an extension is granted by the Board of Supervisors or Superintendent.

Holidays 12 days

Presidents Day

Good Friday

Memorial Day

Independence Day

Labor Day

Thanksgiving Day (2 days)

Christmas Eve and day

New Year's Day

Floating day at employees discretion six months after continuous employment) Employee must work the day prior to and the day subsequent to be paid for any holiday.

Approved vacation will count as a work day for the purpose of this policy.

Payroll period: fulltime

2 weeks Monday thru Sunday Payday every other Friday

Normal Hours 7:30 a.m. to 4 pm

Monday thru Friday

1 week part time

Overtime Policy

The District as a general policy will pay overtime. The following hours of labor shall be deemed to be overtime hours:

1) All hours over forty (40) per work week

2) All off schedule work

Overtime hours will be paid except as otherwise provided for herein at one and one half ($\frac{1}{2}$) times the regular straight time hourly rate.

Work on second rest day:

A) Nothing in this policy shall be construed as requiring the District to work an employee on both of the employee's rest days.

B) When an employee is required to work on any two (2) consecutive rest days, all hours worked on second rest day thereafter shall be paid for at double the straight-time hourly rate until, such time that the employee has either observed rest day off or works back into the employee's normal schedule

Call out prearranged overtime

When an employee is required to report for work at a time other than the employee's regular work schedule, it shall be considered:

A call out if the employee has less than twelve (12) hours notice, or

1) prearranged overtime if employee has twelve (12) hours or more notice

a. On call-out the employee shall be allowed actual time required for traveling from employees home to the job and the actual hours worked shall be allowed.

b. Any employee called out before the employee has had eight (8) consecutive hours office duty since the end of the employee's last scheduled work period will be paid at the overtime rate for all hours worked thereafter until the employee has had eight (8) consecutive hours off duty.

Work on Holidays

All hours worked on a holiday as observed by the District shall be paid for at double the straight time hourly rate.

Sick leave:

All employees, after one (1) year of continuous service shall be entitled to one and a quarter ($1\frac{1}{4}$) working days paid sick leave per month up to a maximum of fifteen (15) working days per year. All or any remaining portions of unused sick leave days shall be accumulated from year to year until a maximum of ninety (90) days has been reached. For the purpose of compensation at retirement, resignation or dismissal shall not be greater than ninety (90) days. The employee

shall advise the District office in writing or by phone before the end of the first day of such absence; otherwise he/she forfeits his/her right to paid sick leave unless it can be shown that it was not possible for him/her to give such notice or cause such notice to be given. Time spent by an employee during a period when he/she is served from the active payroll, due to termination, layoff or unauthorized leave of absence shall not constitute service for the purpose of acquiring or obtaining sick leave benefits. Sick pay will not be paid on holidays, Saturdays, or Sundays even if the employee was scheduled to work. In the application of this sick leave rule, the employer will require evidence of sickness being bonafide in the form of a written statement from a physician if from a physician if the sickness is over 3 days or 24 hours per week (Monday thru Friday). If there is not a physicians written statement the maximum sick leave paid per week will be 3 days.

Bereavement Leave:

All employees with six months of continuous service shall be entitled to paid leave of absence to attend funerals. Three (3) days will be granted for immediate family members. For the purpose of this policy, immediate family members will be defined as the employee's spouse, children, mother, father, sister, brother, mother-in-law, and father-in-law. The day of the funeral will be the last paid day of leave.

One (1) day will be granted for other family members. For the purpose of this policy other family will be defined as the employee's sister in law brother in law aunt, uncle or grandparents. The day of the funeral will be paid day of leave.

Salary review Annual in May each year, to take effect in October.

Richard Carnell

Michael Monroe

Jeff Bolling

Supervisor's Comments: no comments

Public Comments: No Comments

A motion was made and seconded to adjourn this meeting. Meeting adjourned at 11:20 A.M.

The Next Board meeting will be July 14, 2016 at 10:00 A.M.

Richard Carnell
President

Joyce Hertel
District Secretary