

**ANNUAL LANDOWNERS MEETING
MAY 8, 2014 @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 8, 2014, pursuant to public notice published in the Vero Beach Press Journal on April 21, 2014 and April 28, 2014. The meeting was called to order by the Secretary of the Board of Supervisors, Joyce Hertel.

She welcomed everyone to the 95th Annual Landowners Meeting.

Others present were Jeff Bolling, Richard Carnell, Mike Monroe, 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 17,564 acres present.

Upon motion duly made, seconded and carried, Chairman Mike Monroe 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 8, 2014 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 9, 2013 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

Mike Monroe	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		17,564

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.

The Annual report of Marvin Carter, Chief Engineer, 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 Mike Monroe 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. Jeff Bolling 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 Jeff Bolling for a three (3) year term.

Oath of Supervisor
State of Florida
Indian River County

I, Jeff Bolling, 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.

Jeff Bolling
Signature

Sworn to and subscribed before me this 8th day of May 2014.

Personally Known
Produced Identification
State of Florida

Notary Public

My commission expires

Statement of Net Assets
September 30, 2013

Assets

Cash collateralized	\$ 2,009,579
Capital Assets	136,903
Total assets	\$ 2,146,482

Liabilities

Accounts Payable	<u>56,577</u>
Total Liabilities	\$ 56,577

NET Assets

Invested in capital assets	136,903
Unrestricted, reported in:	
Governmental Activities	1,453,002
Designated for contingencies	<u>500,000</u>
TOTAL Net Assets	\$2,089,905

**Statement of Revenues, Expenditures, and
Changes in Fund Balance-General Fund
Year Ended September 30, 2013**

General Fund

Revenues

Taxes, net of discounts	\$ 269,798
Interest	3,463
Other income	6,268
TOTAL REVENUE	<u>279,529</u>

Expenditures

Aquatic Weed Control	182,133
Ditch Maintenance	78,811
General Administrative	406,835
Capital outlay	40,410
Total Expenditures	708,189

Net Decrease in Fund Balance	(428,660)
Fund Balance beginning of year	<u>2,381,662</u>
Fund Balance end of year	\$ 1,953,002

**ANNUAL ENGINEER'S REPORT
MAY 8, 2014**

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

As reported by the National Oceanic and Atmospheric Administration in their 2013 Atlantic Hurricane Summary, the 2013 Atlantic Hurricane Season ended on November 30, 2013 with the fewest number of hurricanes since 1982, primarily due to persistent, unfavorable atmospheric conditions over the Gulf of Mexico, Caribbean Sea and Tropical Atlantic Ocean.

This unexpectedly low activity is linked to an unpredictable atmospheric pattern that prevented the growth of storms by producing exceptionally dry, sinking air and strong vertical wind shear in much of the main hurricane formation regions.

Thirteen named storms formed in the Atlantic region this year. Two, Ingrid and Humberto, became hurricanes, neither became major hurricanes. Although, the number of named storms was above the average of twelve, the number of hurricanes and major hurricanes were well below their average of six and three respectively. Major hurricanes are categories three and above.

Tropical Storm Andrea, the first of the season, was the only named storm to make landfall in the United States this year. Andrea (June 5th through June 7th) formed in the southern Gulf of Mexico on June 3rd, upgraded to tropical storm status on June 5th moving northwesterly, making landfall near Steinhatchee, Florida and accelerated Northeast tracking across Georgia and South Carolina. Andrea brought tornadoes, heavy rainfall and minor flooding to portions of Florida, Eastern Georgia and Eastern South Carolina, causing one fatality.

Only two other tropical storms threatened Florida. Tropical Storm Dorian (July 23rd - August 3rd) emerged off the African Coast on July 22nd and passed through the Florida Straits, between Florida and the Bahamas on August 3rd, degenerating into a remnant low.

Tropical Storm Karen (October 3rd - October 6th) formed near the Yucatan Peninsula, moved North and stalled off the Coast of Mississippi, weakened to a tropical depression and eventually moved easterly out of the Gulf of Mexico across the northern Florida Peninsula.

So far this winter season, with only a couple of frosty mornings, no significant freeze events have occurred. Several high temperature record days have been recorded for the season, and unlike most of the lower forty-eight states, the Peninsula of Florida has enjoyed another mild winter.

Total rainfall; as measured and recorded at the F.W.C.D. office/shop complex for Year 2013, totaled 54.62 inches with above normal rainfall in January 2014, (4.84"), February (2.01"), March (1.41"), and April (1.34"). Soil moisture and water stage conditions remain good thus far during the normal dry season of the year.

MAY 9, 2013 ANNUAL LANDOWNERS AND BOARD OF SUPERVISORS MEETING

At the May 9, 2013 annual landowners meeting, Richard Carnell was 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 years:

President	Richard Carnell
Vice-President	Michael Monroe
Secretary	Joyce Hertel
Treasurer	Rodney Tillman
Deputy Secretary	Dawn Cosner
Deputy Treasurer	Judy Warga

CLIFFORD TYSON

Long time resident of Fellsmere (since 1953), retired as Ranch Manger of Sun Ag in 1993; was Honorary Director of the Florida Cattleman's Association, and served on the Board of Supervisors of the F.W.C.D. for the past 21 years, died on November 6, 2013, at the age of 86. His dedication and service to the F.W.C.D. and community of Fellsmere is gratefully appreciated and will be missed and remembered for many years to come.

As required under Chapter 298 of the Florida Statutes, Jeff Bolling, Chief Operations Officer of the National Elephant Center, was appointed to fill the unexpired term of Cliff Tyson until the F.W.C.D.'s annual landowners meeting on May 8, 2014.

F.W.C.D. ANNUAL PERMIT SUMMARY

Twelve (12) permits have been issued by F.W.C.D. since last year's annual report.

Two (2) utility permits were issued. The first utility permit was issued to AGL Resources for extension of P.E. Gas Main from previous terminal along County Road 512 at Orange Avenue, southwesterly along County Road 512 right-of-way to, and across Lateral "U" to service both Florida Organic Aquaculture (F.O.A.) and Sun Ag, Inc. The second utility permit was issued to Florida Organic Aquaculture to provide electrical service to its project site.

Nine (9) driveway/roadway culvert installation permits were issued to various landowners, and one (1) outfall/discharge culvert connection was issued to a landowner.

A considerable amount of engineering review time has been expended over the past year regarding the F.D.O.T./I-95 bridge replacement across the Main Canal (now in litigation), and the Florida Organic Aquaculture project. Neither of these projects has received appropriate permits from F.W.C.D. for construction currently underway.

A permit for the proposed Florida Organic Aquaculture site plan was issued last year and work was started. The F.O.A. applicant/developer decided to revise the plan and submitted a permit modification request with plans and calculations prepared by a new Engineer. We have reviewed plans and issued "request for additional information" for four different submittal revisions. The failure of the plans and calculations to meet the permit

criteria is due in part to the developer's on-going redesign of the site plan and lack of conformance with the submittal plans. The process has been frustrating for all and policy guidelines to prevent developers from building before permit modifications are approved are being pursued with the City of Fellsmere Planning Department.

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. The matter was taken to a hearing in front of a Judge and the Judge issued a court finding that the F.D.O.T. would submit plans (including the requested rip rap) for approval by the F.W.C.D. The F.D.O.T. has ignored the Judge's ruling and proceeded in the construction of the bridge and relocated maintenance road without the requested rip rap. The F.D.O.T. excuse continues to be that the rock rip rap was not included in their project scope and therefore funds were not budgeted for it. 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.

During 2012, the C.O.F. adopted a Flood Plain Management and Stormwater Utility Ordinance (Ordinance Number 2012-19), entitled, "Stormwater Management Program" for the purpose of delivering to that area exclusive stormwater services, and exercising within that area the powers provided for by law. The stormwater reserve area contains all the lands lying within the corporate limits of the City.

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 F.W.C.D. entered into an agreement with the City of Fellsmere to participate in the funding of an update to the F.W.C.D. East Master Drainage Plan and Stormwater Hydrologic Analysis of the Gravity Drainage System in late 2012. The update was then used in the development of the City of Fellsmere Master Stormwater Plan.

The F.W.C.D. update was completed as of May 2014, and is scheduled for adoption by the F.W.C.D. Board of Supervisors to replace the current model at the May meeting.

The model update improvements include the conversion of the study to the NAVD datum, the use of recent Lidar topographic information, and the update of culvert pipe replacement data. The Lidar survey method of estimating the existing ground elevations is a significant improvement over the aerial photography method used in the original model and has improved the accuracy of the model results.

The work on the Fellsmere Master Drainage Plan was completed at the end of 2013. The F.W.C.D. updated model was used as the basis for the Master Plan. Storm event scenarios were modeled with impervious area build out conditions and various regional stormwater lake improvements. The City of Fellsmere is currently pursuing Grant opportunities to help fund the construction of the north and south regional lakes.

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 City re-applied for Grant funding during the recent CDBG Grant Application Cycle with a modified project scope in an effort to gain success in obtaining funds.

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 most recently acquired from Fellsmere Joint Venture (FJV) is nearing completion. The construction of the "Fellsmere Water Management Area" is scheduled for completion some time in 2015. 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, designated as a U.S.A.C.O.E. certified levee, may be possible 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 will justify the cost.

The proposed construction of roadway access along Ditch 24 east of Willow Street to and southerly along the "east boundary levee" alignment, to the Sand Lake Conservation Area still remains held in abeyance. Apparently, departmental issues between F.D.E.P. and S.J.R.W.M.D. have delayed permitting and construction of this project.

ANNUAL ENGINEERING RELATED ACTIVITIES

By far, the single most engineering time consuming activity during this past year has been expended on the non-compliance design and construction issues of the F.D.O.T. Interstate 95 Bridge under construction across the F.W.C.D. Main Canal. As described above, this matter currently remains unresolved and Carter Associates, Inc. continues to assist F.W.C.D. and legal council in on-going litigation.

Permitting issues with the Florida Organic Aquaculture project continues to remain unresolved. As described above, modifications to the original permitted site plans have not met or provided the required F.W.C.D. permit criteria for such projects. Technical engineering review and assistance to F.W.C.D. on this matter continues to be time consuming.

Carter Associates, Inc. provided the F.W.C.D. design/construction criteria and permitting assistance to the consulting engineers and contractors for the design and installation of gas main extension, from existing terminal in downtown Fellsmere, southwesterly along CR-512, across Park Lateral, Lateral "U", and intervening Sub-lateral Canals to provide service to F.O.A. and Sun Ag sites.

We performed a topographic survey and hydraulic modeling analysis of Sub-lateral Canals U-22 and U-23 (not previously included in the F.W.C.D. East Master Drainage Plan) to determine proper size and grade of culverts for City of Fellsmere roadways being constructed to the F.O.A. site.

As stated above, Carter Associates, Inc. has recently completed an update revision of the F.W.C.D. East Master Drainage Plan for adoption by the Board of Supervisors at their May 2014 Board Meeting.

The City of Fellsmere is applying for a "Rails to Trails" Grant to construct a pedestrian/equestrian trail along the former Fellsmere railroad alignment. The City requested, and was granted, a perpetual easement (and temporary construction easement) for a pedestrian bridge across Park Lateral Canal from the F.W.C.D. Carter Associates, Inc. has prepared the legal description and required exhibits of these easements for the City of Fellsmere.

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. Review and monitor the quarterly stormwater quality analysis from the District.
5. Monitor and review the actions and activities of other jurisdictional agencies and related organizations that may affect the operations and functions of the District.
6. 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, P.S.M.

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 10:20 a.m. proceeded into the Supervisors Meeting.

[Annual Supervisors Meeting May 8, 2014](#)

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 8, 2014, pursuant to public notice published in the Vero Beach Press Journal.

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

Motion was made by Marvin Carter and seconded by Mike Monroe that the Minutes of March 13, 2014 were approved as mailed.

The Election of Officers is as follows:

President Richard Carnell 2 year

Vice President Mike Monroe 1 year

Supervisor Jeff Bolling 3 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 Marvin Carter 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.

Updated May 8, 2014
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 2014 - May 2015.

Accepted May 8, 2014

Accepted May 8, 2014

Michael Monroe, President

Michael O'Haire

Corporate Seal

Attest: _____ District Secretary
Joyce Hertel

Updated 5-8-14

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	.56/mile
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

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 2014 to May 2015.

Accepted May 8, 2014

Accepted May 8, 2014

Michael Monroe /President

George Simons/Carter Associates

Corporate seal

Joyce Hertel
Secretary

The Repositories for the Funds of the District are:

Bank of America, P.N.C., and Wells Fargo Bank

Engineers report:

Marvin Carter presented the written **Engineer Report** stating that he was not going to read it verbatim but went over all the major topics of the report.

Marvin stated that we need to update the water test. Analytical results of the water test had been reviewed. And that:

1. The nutrient levels are low and would have met the EPA's proposed maximum levels in every instance.

Fecal Coliform levels do not show any significant spiking and are all acceptable.

- 2 Dissolved oxygen (DO) levels are close, but all are below the old standard minimum level of 5.0 mg/l. DO measurements by the laboratory need to be changed to percent saturation.
- 3 The specific conductance and chloride levels are often significant, but not alarming, which indicates deep well discharge into the watershed.

In summary, the analytical results indicate good, healthy water. Once the DO measurements are changed to percent saturation, there may not be an issue with the DO. Marvin advised that Rodney had already contacted Pace Laboratories regarding changing the reading to % saturation.

George updated the Board on the **Florida Organic Aquaculture (FOA)** and that they are slowly coming into compliance with the last information submitted by their engineer. Various aspects of the project were discussed, as to location of portable teaching facilities and other structures to be built in the future.

George will provide Supervisor Carnell with any information he has so that it can be presented at the Monday meeting between Landowner and FOA.

The Board determined that the Drop dead date for compliance of the permit will be July 10, 2014.

George presented the **new model** for the **North/East Master Drainage Plan** explaining it to the Board and the impacts that it could have in certain areas, because of the FEMA flood plain

change. He said it is a good model and it is updated from the 1929 NGVD, to the 1988 NAVD elevation. After discussion, a motion was made by Richard and Seconded by Jeff that the model be accepted as presented.

George then explained the **Fountains of Fellsmere** project that will be located North of the Rail road ditch (S.L. 13 $\frac{1}{2}$). It was determined that if the stormwater project is completed as contemplated the City of Fellsmere would be responsible for the maintenance of that system and the area of the Rail Road Canal (S.L. 13 $\frac{1}{2}$) that would be included in the project. If the City fails to maintain the system properly the District maintains the right to perform the work or have it done and charge the City.

George explained that he Joyce and Rodney attended a meeting of the County Commission on Tuesday May 6, 2014 regarding the **Regional Jurisdictional Water Supply Plan Attenuation System**. The purpose of this plan is the reconnection of the two water management districts and the consolidation of the local water control districts so that the end results will be a system that allows the flexibility for agriculture users, residents, landowners and visitors to use and preserve the ecologically important resources which we all rely on while simultaneously balancing the economic needs of the area. The reason for the project is to keep the water in Indian River County for its use and not send it to other areas unless there is a surplus that can be sold.

Attorneys report:

Michael O'Haire updated the Board on the **FDOT (I-95)** matters and that he is scheduling another hearing with the Judge prior to going to trial if FDOT does not correct the problems created by them. Michael advised that Vincent Benson an appraiser in Brevard County had been retained him and that Mr. Benson had quoted a figure of one point eight million dollars. This was discussed at length by the Attorney and Board.

Richard asked Michael to give Jeff Bolling a short seminar regarding the I-95 lawsuit. Michael gave his short version of the I-95 litigation to Jeff to get him up to speed regarding that matter.

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 advised the Board to look at line item 5013 legal and professional and that the Budget for 2013-14 reflects a budget number of \$55,000 and as of April that number is \$70,526.38 for an over budget difference of \$15,526.38. He explained that this is a result of the

Legislative process, I-95 Litigation. As a result of this the Board may have to amend the 2013-14 budget at the July 10, 2014 Supervisors meeting.

Rodney presented to the board two budgets, one reflecting a \$10.00 assessment rate and one reflecting a \$10.50 assessment rate for FY 2014-2015. The budgets reflected a 3% cost of living raise.

Motion duly made by Mike Monroe 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 for third year.

Annual Budget: \$10.00 per acre
October 1, 2014—September 30, 2015

Revenue	
3100 taxes	\$ 273,910
3101 less tax discount	- 1,600
3601 appropriation	125,000
3600 revenue	466,535
<u>Total revenue</u>	<u>591,535</u>
<u>Total Revenue Other</u>	<u>\$ 867,045</u>

Expense	
4002 aerial spraying	40,000
4003 mech. /contract maintenance	50,000
4005 Water Testing	1,250
<u>Total Contract Services</u>	<u>91,250</u>
4031 Equipment R & M	2,070
4032 Supplies Services	880
4033 Gas & Oil	6,000
4036 Insurance	5,200
<u>TOTAL Chemical Control</u>	<u>14,150</u>
4063 Rodeo	110,000
4067 Invert Blend	4,400
4068 Chemicals Misc.	9,776
<u>TOTAL Chemicals</u>	<u>124,176</u>

4111 Labor - Equipment Operator	41,140
4121 Payroll Taxes	3,600
4122 State Retirement	3,000
4123 Workers Compensation	2,600
4124 Group Medical Life Ins.	9,683
4131 Equipment R & M	50,100
4132 Supplies & Services	4,345
4133 Diesel Gas & Oil	15,936
4136 Insurance	6,025
4137 Transportation	4,000
<u>TOTAL Ditch Maintenance</u>	<u>140,429</u>
4502 Contingency	125,000

5001 Salaries Administration	122,000
5006 Payroll Taxes	14,700
5007 State Retirement	17,914
5008 Workers Compensation	5,000
5009 Group Med, Life Ins.	50,000
5013 Legal & Professional	55,000
5014 Insurance	26,293
5037 Transportation	23,800
5053 Prop Appraiser Fees	3,050
5074 Property Taxes	1,500
5075 Sundry	500
5076 License, Permits	6,783
5077 Memberships	6,000
5078 Advertising	500
5082 Maintenance Build & Grounds	18,000
5083 Utilities	3,500
5086 Telephone	7,500
5090 Office Supplies	10,000
<u>TOTAL General Administration</u>	<u>372,040</u>

TOTAL Expense \$ 867,045

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 2014-2015, 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 8, 2014.

Michael Monroe

Richard Carnell

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 2014 until the following Supervisors Meeting in May 2015, 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 8th Day of May 2014.

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 2014-2015.

May 8, 2014

Michael Monroe

Richard Carnell

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 5-20-12- 5-20-15 and remains in force until cancelled by either the principal (Jerry R. Tillman) the oblige (Fellsmere Water Control District).

May 8, 2014

Michael Monroe

Richard Carnell

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.

Michael Monroe

Richard Carnell

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 entitles 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.

Michael Monroe

Richard Carnell

Jeff Bolling

Supervisor's 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 10, 2014 at 10:00 A.M.

Michael Monroe
President

Joyce Hertel
District Secretary