

**MINUTES OF MEETING  
SUNSHINE WATER CONTROL DISTRICT**

A Regular Meeting of the Sunshine Water Control District's Board of Supervisors was held on Wednesday, July 11, 2018, at 6:30 p.m., at Sartory Hall, located in Mullins Park, 10150 NW 29 St. (Ben Geiger Drive), Coral Springs, Florida 33065.

**Present at the meeting were:**

Joe Morera	President
Daniel Prudhomme	Vice President
John Tornincasa	Secretary

**Also present were:**

Cindy Cerbone	District Manager
Al Malefatto	District Counsel
Orlando Rubio	District Engineer
Jim Maguire	Craig A. Smith & Associates, Inc.
Cory Selchan	Field Superintendent
John McKune	McKune & Associates

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Morera called the meeting to order at 6:33 p.m.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Ms. Cerbone called the roll. All Supervisors were present, in person.

**THIRD ORDER OF BUSINESS**

**Pledge of Allegiance**

All present recited the Pledge of Allegiance.

**FOURTH ORDER OF BUSINESS**

**Public Comments [3-Minute Time Limit]**  
*(Comments should be made from the microphone to ensure recording. Please state your name prior to speaking.)*

There being no public comments, the next item followed.

**FIFTH ORDER OF BUSINESS**

**Continued Discussion: Fiscal Year 2019  
Proposed Budget**

Ms. Cerbone recalled that the proposed Fiscal Year 2019 budget was discussed at the last meeting, the changes that transpired from that meeting were reflected in this version. In making the changes, the use of fund balance was adjusted so that all of the additional expenses were not passed through to the assessments; by doing this, assessments would only increase by approximately 3% . There was also discussion at the last meeting regarding whether to keep the Fiscal Year 2019 assessment increase the same as or less than the Fiscal Year 2018 increase, either of which could be done without using much more fund balance. She presented the following per unit assessment amount based on the following increase percentage amounts:

2.87% increase	\$242.35 per unit
2.73% increase	\$242.02 per unit
2.60% increase	\$241.73 per unit

Mr. Prudhomme favored a 3% increase, as the economy was better and that it would be better to have a gradual increase than to delay, which could eventually lead to a very large increase in the future. He felt that the funds are being spent wisely. Mr. Morera and Mr. Tornincasa also supported a 3% assessment increase. Ms. Cerbone would make the necessary adjustments to achieve a 3% assessment increase, which would increase assessments from \$235.60 in Fiscal Year 2018 to \$242.67 per unit in Fiscal Year 2019.

Mr. Maguire noted that the Coral Springs Improvement District (CSID) is imposing a \$300 or \$350 per unit assessment to raise \$10 million over the next two years. Ms. Cerbone stated that Sunshine also received the assessment notice that Mr. Maguire referenced and District Counsel is reviewing it. CSID is also imposing this assessment on Sunshine.

**SIXTH ORDER OF BUSINESS**

**Update: West Outfall Canal (WOFC)  
Project**

Mr. Maguire reported the following:

- The project was still going smoothly.
- Installation of the previously approved temporary fence was completed; \$1,800 was approved but the cost was \$850.
- The Request for Proposals (RFP) went out, bids are expected in August and a recommendation should be presented at the September meeting.

Mr. Morera was contacted by a City Commissioner regarding a resident inquiry about whether the District would re-landscape behind the resident’s home and he advised the City Commissioner that it depended upon whether the resident signed the appropriate agreement related to the landscape buffer and the approved landscaping; if the resident did not, then landscaping in the buffer would not be allowed.

**SEVENTH ORDER OF BUSINESS**

**Continued Discussion: Hurricane Irma  
Debris Removal**

**A. Correspondence to Jason Strenth, P.E., State Conservation Engineer, Regarding  
Funding Grant Opportunity NR184209XXXXC024**

Mr. Selchan stated that the hurricane debris removal work was completed; all debris was removed and all restoration was completed. He and Ms. Cerbone met today with the Federal Emergency Management Agency (FEMA) and Rostan Solutions (Rostan) representatives to review the final documents, expectations, etc. The FEMA representative advised them not to expect a response soon, as FEMA had many claims to process. Ms. Cerbone stated that, once submitted, the claim would be reviewed by the FEMA representative, then the FEMA CRC team and then the State before funds are disbursed. Mr. Selchan stated that Rostan believed that, once the claim makes it through FEMA’s two levels of review, the State’s review would be cursory review and would not be the “obstacle” to receiving reimbursement. Ms. Cerbone indicated that, by way of a letter, the National Resource Conservation Service (NRCS) funding offer was declined.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-06,  
Adopting the Annual Meeting Schedule  
for Fiscal Year 2019**

Ms. Cerbone presented Resolution 2018-06. The following change was made:

Line 3: Change “Tuesday” to “Wednesday”

**On MOTION by Mr. Prudhomme and seconded by Mr. Tornincasa, with all in favor, Resolution 2018-06, Adopting the Annual Meeting Schedule for Fiscal Year 2019, as amended, was adopted.**

**NINTH ORDER OF BUSINESS**

**Approval of Unaudited Financial Statements as of May 31, 2018**

Ms. Cerbone presented the Unaudited Financial Statements as of May 31, 2018. Assessment revenue collections were at 96%. Mr. Morera referred to the "Cost recovery" line item, on Page 2, and asked why it was still at 0%, as he thought there should have been some cost recovery booked. Ms. Cerbone stated that, even if cost recovery was collected for a permit application project, the cost recovery funds cannot be booked until the entire project is closed out and the District Engineer has nothing else to do on the project; however, cost recovery expenses are book as incurred.

**On MOTION by Mr. Tornincasa and seconded by Mr. Prudhomme, with all in favor, the Unaudited Financial Statements as of May 31, 2018, were approved.**

**TENTH ORDER OF BUSINESS**

**Approval of June 13, 2018 Regular Meeting Minutes**

Ms. Cerbone presented the June 13, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections. The changes provided by the District Engineer and District Counsel would be made.

**On MOTION by Mr. Prudhomme and seconded by Mr. Tornincasa, with all in favor, the June 13, 2018 Regular Meeting Minutes, as amended to include the edits previously submitted to Management by the District Engineer and District Counsel, were approved.**

**ELEVENTH ORDER OF BUSINESS**

**Supervisors' Communications**

Mr. Prudhomme hoped everyone had a nice Fourth of July.

Mr. Morera stated that the Fourth of July was enjoyable. The International Dinner Dance would be held on September 15, 2018.

**TWELFTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *Lewis, Longman & Walker, P.A***

Mr. Malefatto reported the following:

- **Update on Coral Springs Christian Academy/Canal L ROW**

Mr. Malefatto reviewed the aerial photo of Coral Springs Christian Academy (CSCA) and the Canal L right-of-way (ROW) and noted that the area outlined in red is owned by the District. CSCA is being sold to Pines Boulevard School Development Company (PBSDC). The possibility of selling the property to PBSDC was discussed at the last meeting. A title search revealed that the property was acquired by the District in 1980 and there was no prohibition on selling it; however, it stated that “by acceptance of this deed, the grantee agrees that the property conveyed shall be used for drainage and drainage maintenance purposes only and for no other use”. Currently, it is being used for drainage purposes but is also a parking lot, as well. The PBSDC has considered various options and would formally request an easement to continue using it, provide an indemnification that would protect the District and continue maintaining the property. Mr. Malefatto felt this was the best option and expected to present an easement at the next meeting.

Mr. Prudhomme questioned if, after a certain time, the District essentially gives up ownership of the property by allowing another entity to use it. Mr. Malefatto stated that the easement recognizes the District’s ownership of the property. Mr. Selchan noted that, although there is a parking lot, the District’s culvert is under it.

➤ IBI Group (IBI) Litigation: Discovery continues, depositions are scheduled for this month and next month and an associate of Mr. Wilson would meet with the District’s Engineers next week. Mediation dates were being discussed and mediation would likely be in September.

➤ Claim by Cineus/Cambroune Update: A lawsuit has not been brought against the District. As reported last month, the landlord of the home was dismissed in the lawsuit so Sample Road Investments (SRI) is the only remaining defendant. The District’s attorney felt it was possible that the District could be joined into the lawsuit but whether it would was not known.

**B. District Engineer: *Craig A. Smith & Associates***

**i. Monthly Engineer’s Report**

Mr. Rubio reported the following:

➤ WOFC Phase 1B (Canal reconstruction): On schedule; bids due by August 3, 2018 at 2:00 p.m.

➤ Permits: Numerous Letters of No Objection (LONO) were issued. Many of them are matters that the City could have handled on its own, without the District’s input, such as for work being performed inside a building, not tied into any District ROW or easement, etc.

Ms. Cerbone noted that this type of requirement, by the City, is creating a bottle-neck for everyone involved. The City's efforts to treat all entities the same has led to the City requiring certain documents related to matters that previously would not have involved the District. This creates a cycle where the District must communicate with the District Engineer and the permit applicants, etc., on matters that are of no value to the District, applicant or the City. Without exception, these recent situations have resulted in a LONO. She, Mr. Selchan and the District Engineer will discuss how to approach the City to alleviate this type of "non-value" added work for the District, City, contractors and applicants. Mr. Morera suggested providing the City with a list of items that do not need to come to the District. Mr. Selchan stated that the City is trying to avoid making those types of decisions and, instead, requiring the District to sign off on anything that passes through a District. Other water control districts are more impacted by some matters, as they are involved with sewers, etc.

➤ **Broward County 100-year Flood Elevation Map Update:** Broward County is preparing to update its 100-year Flood Elevation Map and holding meetings with the stakeholders. This should not apply to the District because it has a Master Permit from the South Florida Water Management District (SFWMD) and the development requirements were already established. Also, the County has little or no stormwater regulatory authority over 298 Districts. The District should provide the most updated data as possible so that the area can be properly represented in the County's analysis. Discussion ensued regarding the purpose of the update, future improvements, how the information might impact the District, etc.

**C. District Engineering Consultant: *John McKune***

There being no report, the next item followed.

**D. District Field Supervisor: *Cory Selchan***

Mr. Selchan stated that the District received approximately 4.5" of rain prior to the rain this afternoon, which was significant. The District was operating as usual; there was nothing new to report.

**E. District Manager: *Wrathell, Hunt & Associates, LLC***

**i. Consideration of ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit**

Ms. Cerbone stated that as approximately over 80 CDDs and Special Districts were sued by the same individual because their websites were not compliant with the Americans with Disabilities Act (ADA) with regard to accessibility to documents by the blind. The complaints were sent to the insurance carrier, who hired the law firm Roper & Roper to represent

Management's CDDs and Special Districts. ADA website accessibility is not a law, it is only a guideline. A Motion to Dismiss would be filed; however, in an effort to be proactive, Management contracted with an IT company, ADA Site Compliance (ADASC), which specializes in ADA compliance, to commence the ADA compliance remediation to bring the websites into ADA compliance, for a fee of \$200 per District. Management's staff is training with the IT company and webmaster to learn the requirements and how to make the websites ADA compliant. Management entered into an agreement, on behalf of all of Management's Districts, to bring each CDD's website into ADA compliance, at an annual rate of \$200 per CDD. An "ADA Site Compliance Accessibility Policy" seal was placed on the websites, which states that ADA accessibility issues are being remediated and those with questions or requiring assistance should call or email ADASC, etc.

Ms. Cerbone noted that Management Staff will perform much of the website work, including removing documents that are not required to be retained on the website, removing documents that, based on the time span, no longer need to be on the website, posting ADA compliant documents going forward, etc.

In response to Mr. Malefatto's question, Ms. Cerbone confirmed that, to her knowledge, this District had not been sued.

**On MOTION by Mr. Prudhomme and seconded by Mr. Tornincasa, with all in favor, the ADA Site Compliance Agreement, at an annual rate of \$200, for services related to bringing the website into ADA compliance, was ratified.**

**ii. NEXT MEETING DATE: August 8, 2018 at 6:30 P.M.**

The next meeting will be held on Wednesday, August 8, 2018 at 6:30 p.m., at this location.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business to discuss, the meeting adjourned at 7:39 p.m.

*Cindy Carbone*  
Secretary/Assistant Secretary

*Joe & Marie*  
President/Vice President