

AGENDA
FELLSMERE WATER CONTROL DISTRICT
REGULAR BOARD MEETING

July 8, 2025 at 5:30 P.M.

LOCATION: 22 S. ORANGE STREET, FELLSMERE, FLORIDA

- A. Call to Order
- B. Proof of Publication
- C. Swear in New Supervisor Timothy Dooley
- D. Appoint and Swear in new Supervisor for retiring Supervisor Kurtz
- E. Establish Quorum
- F. Additions or Deletions to Agenda
- G. Approval of Minutes
 - 1. May 22, 2025 Regular Board Meeting Page 3
 - 2. Draft May 22, 2025 Landowner Meeting (no action required) Page 11
- H. Engineer's Matters
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- I. Attorney's Matters
- J. Manager's Matters
 - 1. Financials [April 2025] Page 15
 - 2. Manager's Report [April & May 2025] Page 17
 - 3. Status of Sublateral Inspections/Cleaning Page 19
 - 4. CDBG DR Grant Opportunity
- K. Consent Agenda
 - 1. Resolution 2024/2025-08 Approval of iThink as second depository Page 21
 - 2. Resolution 2024/2025-15 Designating Registered Agent and Office Page 22
 - 3. Rail Trail Right-of-Way Use Provisions/Permit Conditions Page 23
- L. Old Business
 - 1. Amend Lease Agreement for Additional Machine Hours Page 25
 - 2. Amend Contract for Tree Removal Page 30
 - 3. Approve Contracts for Continuing Engineers (contract pending) Page 33
- M. New Business
 - 1. Draft Amended Fiscal Year 2024/2025 Budget for Aquatic Maintenance Page 34
 - 2. Resolution 2024/2025-7 Approval of District Fee Schedule Page 36

3. Resolution 2024/2025-9 Amend Application Form & District Policies	Page 39
4. Resolution 2024/2025-10 Adopting Vehicle Reimbursement Policy	Page 42
5. Resolution 2024/2025-11 Fix Compensation for Work and Employees	Page 45
6. Review of Separation of Duties	Page 47
7. Review of City of Fellsmere Water Line Permit Conditions	Page 55
8. Review of Demand Letters	Page 60
9. Draft Final FY2025/2026 Budget	Page 62
10. Contract to remove Overhanging Limbs (placeholder)	Page 66
11. Interlocal Agreement with SJRWMD (placeholder)	Page 67
N. Comments from the Public	
O. Board Member Comments	
P. Adjourn	

Board of Supervisors Regular Meeting

May 22, 2025

MINUTES

A. Call to Order

President Nelson called the meeting to order at approximately 7:30pm. A member of the public indicated that lack of microphones is a violation of ADA. DM indicated that assisted listening services is required when you have amplified sound.

B. Proof of Publication

President acknowledged notice of meeting and DM indicated it was advertised on May 1st and May 8th.

C. Board Re-Organization & Review Board Member Responsibilities and Duties

President then proceeded to Board organization. Mr. Kurtz motioned for approval of the following slate:

President – Supervisor Nelson.

Vice-President – Supervisor Dooley

Deputy Secretary – Supervisor Dooley

Deputy Treasurer – Supervisor Kurtz.

District Engineer shall be Mr. George Simons until he retires and new engineer is selected in July or until later in agenda if Board assigns this role to Mr. Mathes.

Motion seconded by President Nelson and approved unanimously.

Current District Attorney resigned and the new firm will be Lewis Longman and Walker via Seth Behn who specializes in special districts. President Nelson moved approval of Seth Baine as District Attorney and seconded by Supervisor Kurtz.

Supervisor Kurtz then moved to approval the current auditor be retained for another year. Second by President Nelson and approved unanimously.

Landowners requested the Board speak loud and out as they are having difficulty hearing.

D. Establish Quorum

President Nelson noted that with two members present, a quorum exists.

E. Additions or Deletions to Agenda

DM requested an addition of Item I.5 to discuss adding workshops to the annual meeting list. Added by unanimous consent. Public had requested via written public comment that the order of the agenda be revised. The Board elected not to amend the agenda based on the written public request.

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May 22, 2025

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F. Approval of Minutes

1. January 9, 2025 Regular Board Meeting

Supervisor Kurtz moved approval of the January 9, 2025 minutes. Seconded by President Nelson approved unanimously.

2. March 18, 2025 cancelled due to website issues – no minutes

G. Engineer's Matters

Under Engineer's matters, the District Engineer (DE) provided a summary of his Annual Engineer's Report and indicated that he is retiring and will not continue to serve as District Engineer after the Board decides on his replacement.

Supervisor Kurtz asked about Marian Estates. DE indicated that he has not heard from applicant. DM indicated that he spoke with applicant and they will be reaching out soon as the City is expected to approve soon. Supervisor Kurtz asked when they may start construction. DM did not know.

John Savage asked if St. Johns River Water Management District (SJ) opened the gates that connect C54 to the Main Canal during the November 2023 storm as well as an update of the Water Farm. DE indicated that the Water Farm permit has not been closed and provided details on the design. As to C54, DM asked if the Public had reached out to SJ since these connections are owned by SJ. DE indicated that he is not believe the gates were opened. De was only aware of the connections being opened as part of the Main Canal maintenance to raise the elevation to allow ease of maintenance. John Savage commented on increase in assessment over the past seven years and felt if other board members were making decisions, different decisions would be made.

H. Attorney's Matters

Attorney matters allowed Seth Behn to introduce himself and his experience. No other report provided as Mr. Behn is attending his first meeting.

I. Manager's Matters

1. Financials [January 2025 & February 2025 & March 2025]

DM noted asked for any questions or comments on the financials and noted that financial matters will be adjusted to better align with allocation of expenses to proper categories.

Board of Supervisors Regular Meeting

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2. Manager's Report [January & February & March 2025]

DM noted his activities for the past three months are summarized in the report. No comments or questions.

3. Status of Sublateral Inspections/Cleaning/Mowing

Ditch maintenance was limited in March due to absences of the operator. DM expressed his continued belief that the worst of the worst should be done by end of fiscal year and that maintenance would then convert to scheduled maintenance and not all sublaterals will be touched each year. Spraying is hoped to commence prior to end of fiscal year as well.

Supervisor Kurtz noted that once maintenance is back on schedule, the sublateral maintenance will be reduced and the operator should be able to proceed more quickly since the ditch will be in better condition by the spray operations.

Public member asked if the muck in the sublaterals will be removed as her driveway pipe has half-filled with dirt. DM indicated that the sublateral surveys will allow a special project to bring the profile back to the desired line. Public member is not sure about whether the landowner is required to maintain the ditch due to requirement to maintain exotics from migrating onto district land. DM indicated that if the plants were purposefully planted, they are the requirement of the landowner. Oaks and pines are not the issue.

John Savage indicated that the operator took 19 days to clean Sublateral U-6.

Grant Danskin indicated that he ran into operator on 85th and asked about what he was doing. Mr. Danskin indicated that porto johns are not being provided and defecating in woods is against the law. Mr. Danskin indicated that DM was informed of the contractor on the canals were also doing this.

Public member indicated that she inspected all cleaned sublaterals from January through today and wondered why it took so long to do Sublateral U-6. Felt DM is not managing operator appropriately. Public member noted that some cleaned sublaterals still have portions that are uncleanded. Example, ditch maintenance map shows U-20 as all blue but the end was not cleaned.

Public member commented that the time to clean sublaterals is taking too long and that one sublateral at Ditch 23 was cleaned to support the farm. President Nelson indicated that flow from west of Lateral U goes into Headwaters Lake, not Lateral U.

Public Member indicated that farm does flow into Lateral U because there is a video showing it. President Nelson indicated that was a unique maintenance item which required that for two days water go into Lateral U and then back into the water farm due to the maintenance project.

Grant Danskin indicated that when public became aware and informed DM, that DM was not aware. Mr. Danskin felt that coordination and notification and records should have been made.

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President Nelson acknowledged. Mr. Danskin noted that he asked DM for records of the past five years, and DM indicated that he did not know but SDS, former manager, said they gave them to DM.

Josh Miller asked how do assessments work. He feels that everyone should pay the same as we are part of the same system and thought that the change to units was supposed to be supported by an engineer's report and brought to the public. President Nelson indicated that it all relates to the benefits received from the service provided or used by the property. The farm does not use the gravity system and therefore does not benefit from the maintenance of the gravity system. Mr. Miller thought that everyone should pay the same unless some legal action has been taken.

Public member asked when will the public hear that things are moving. President Nelson agreed to ride with DM to see how the system is maintained.

Grant Danskin commented on cost of DM compared to prior SDS management. What has public got for increased cost of DM beyond Rob focusing on ditches. Mr. Danskin commented on failure of Rob to maintain and Supervisor asked if DM was notified in real time. Mr. Danskin said he had not.

Public member asked why are fees going up if you plan on assessing the state park. President Nelson indicated that they are indeed trying to assess the state park but they have objected. Felt they were paying and getting nothing for it.

4. State Park Stormwater Runoff

President Nelson moved to next manager's item – State Park. DM summarized coordination/actions to date with SJ and the next steps. Next steps are resurrecting the project to reduce flow and come to terms on interpretation of the Interlocal Agreement and assessments. Additional meeting will be held in June and July to further this issue. President Nelson indicated that the new Attorney will review the historic documents before commenting.

Attorney indicated that this same issue is occurring across many drainage districts and he will work toward their future assessment.

5. Workshop Series

DM requested that any action be postponed and addressed with item J.2.

J. **Consent Agenda**

1. Fiscal Year 2024/2025 Audit

Consent agenda was approved as presented regarding the audit, and the meeting list was pulled to discuss adding the workshops.

Board of Supervisors Regular Meeting

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2. Resolution 2024/2025-16 Annual Meeting Schedule

RESOLUTION NO. 2024/2025-16

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FELLSMERE WATER CONTROL DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FROM MAY 2025 THROUGH MAY 2026 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

Resolution 2024/2025-16 was amended to add workshops and revise meeting in November to the third Tuesday due to Veteran's Day. Workshops set for August, December and April on second Tuesday. Motion by Supervisor Kurtz to approved Res. 2024/2025-16 as amended. Second by President Nelson and approved unanimously.

K. Old Business - NONE

L. New Business

1. Health Insurance Renewal

DM summarized proposed revisions to health insurance renewal that will save about \$20k per year through various changes (reduced insures and moving to high deductible savings account with district seeding Health Savings Account to result in same deductible under current plan. Public member asked how many people are being insured. Dm answered two employees with one having a spouse. Motion by Supervisor Kurtz to approve new health insurance plan. Seconded by President Nelson and approved unanimously.

2. Proposals for Continuing Engineering/Surveying Services

DM summarized Request for Proposals (RFP) that was issued in case the Board wishes to appoint the District Manager to also serve as District Engineer and why he is recommending he be assigned this role – primarily to save money. Supervisor Kurtz motion to approve for discussion. Supervisor Kurtz does not see any conflict of interest and sees this as a way to add value to his position. Josh Miller felt there was violation of Consultant Competitive Negotiations Act as DM is ranking firms that compete against him. DM tried to clarify that the RFP is not competing with DM in seeking to be District Engineer as the RFP is not to select a district engineer but to assist him in being the District Engineer. Second by President Nelson, and approved unanimously. Public member asked if salary is going up as a result of this, and the DM answer was no. President Nelson clarified that cost of living will still be offered.

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M. Public Hearings

1. Resolution 2024/2025-13 Fiscal Year 2025/2026

RESOLUTION NO. 2024/2025-13

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FELLSMERE WATER
CONTROL DISTRICT APPROVING A PROPOSED PRELIMINARY BUDGET FOR FISCAL
YEAR 2025/2026 AND PROVIDING AN EFFECTIVE DATE.**

Moving to budget hearing, DM first summarized a requested change in the budget approval process to adopt a maximum assessment and preliminary budget at the May meeting to meet the June 1st deadline in statute to inform the Property appraiser. Then the district would adopt a final budget and assessment level in September. At that time the assessment can only go down – not up. This allows more time to refine budget for cost savings and continue conversation with SJ. Also, allows the trim notice to inform residents of cost to them directly and notify the public of the September hearing date. DM asked Attorney on process of amending the budget process, and Attorney indicated that notice will likely be reissued so tabling is not required. Board agreed to proceed in this new direction and directed DM to present the preliminary budget at this time.

DM summarized budget changes including a 3% increase on the administrative side, which was kept low with changes to insurance. Some expenditures included are increases to Legal due to numerous issues that exist and water control plan to review potential system constraints. Supervisor Kurtz noted that new development control their discharge such that releases do not coincide with peak rain but are held back and released over time. DM agreed and noted there are ample opportunities for growth in ranchette development. DM then summarized changes in operational costs. Increases were to returning district to normal spraying and other services at two sprays per year and providing tree care given tree care needs of the district. Tree care to be a multiple year initiative given the backlog in three area overhanging limbs, maintenance side trees and blocked access due to overgrowth of maintenance path. Finally, there are the invasive species to be removed as well. Savings are expected from this category of expenses as cost estimates are still coming in. Canal tree maintenance is to bush-hog Park Lateral to allow for access and mow on regular basis afterwards. Alternatively, the canal can be let to regrow and then be cleared when next major canal cleaning is performed.

DM indicated that a buy-out discussion with Operator occurred and he was not interested. Supervisor Kurtz expressed reminded DM of public concerns with operator performance, and DM indicated his commitment to spot check more frequently.

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DM indicated that he did not believe we needed to create reserves from new assessments since he expects \$500k balance at end of year. Year over year balances can build this further as desired.

DM indicated that the Conversion Consultant was to discuss the districts formation leading to a potential request for amendment at the Legislature. President Nelson indicated that this was his request and that he is removing it now. Supervisor Kurtz concurred.

DM indicated that he will add \$100,000 in reserves funded by cash on hand balance instead of new assessments. Discussion at Board about how placing this in budget will reduce administrative difficulty to amend budget. You cannot allocate cash on hand to the budget if not in the budget without going through a much higher level amendment.

Josh Miller asked if the machine budget resulted in more hours for the machine. DM responded that 3,000 more hours over life of lease was obtained. Mr. Miller also felt that \$23/hour was too low and the budget should be higher.

Grant Danskin asked about whether the buyout discussion included a number. DM indicated no. Mr. Danskin also thought we may be discriminating by age with the assumption of a 42 year operator. President Nelso indicated it was just a budget assumption. John Savage asked if removing the budget line for conversion consultant meant that the action is not being sought. President Nelso said yes.

Supervisor Kurtz motion approval of the Preliminary Budget. President Nelson asked if all changes are understood, and DM asked for rate of pay for assumption of the budget. President Nelson recommended this be increased to \$27/hour. Second by President Nelson and approved unanimously.

2. Resolution 2024/2025-14 Levying Non-Ad Valorem Assessments

RESOLUTION 2024/2025-14

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FELLSMERE WATER
CONTROL DISTRICT LEVYING NON-AD VALOREM ASSESSMENTS FOR THE
FELLSMERE WATER CONTROL DISTRICT FOR THE FISCAL YEAR BEGINNING
OCTOBER 1, 2025, AND ENDING SEPTEMBER 30, 2026.**

Moving to assessment, President Nelson indicated that the Board should look at the higher preliminary assessment in the resolution on page 99 due to the uncertainty with SJ. Supervisor Kurtz agreed.

Public member asked Board to work hard to lower rate since she does not see ditches getting cleaned.

Motion by Supervisor Kurtz. Second by President Nelson and approved unanimously.

Board of Supervisors Regular Meeting

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N. Comments from the Public

Public Member – Asked Attorney if it is legal to change published voting procedures at a landowner meeting. Attorney indicated that this is public comment, and questions are not answered at this time. Public Member indicated that Mr. Danskin was the only nominee who met the original voting procedures and that Mr. Danskin should be the new Supervisor. Public Member felt there was a bait and switch. Public Member asked DM about position descriptions for operator and manager. Dm indicated that he did find the position description from the original application that Rob had responded. As for DM, the job description is out of statute. John Savage asked if I operate under a contract. DM answered no – just an employee of the board. Public Member went on record that the has a medically diagnosed hearing loss and we need to have assistance at next meeting.

Josh Miller informed board that the East Landowners group is moving forward with a petition to have a referendum to get away from the one-acre, one-vote rule. He lives on 83rd Park Lateral and has cabbage palms in bottom of his ditch.

O. Board Member Comments - None.

P. Adjourn at approximately 9:00pm.

Secretary/Assistant Secretary

President/Vice-President

May 22, 2025

MINUTES

- A. Call to Order** occurred at approximately 6:15pm due to delays in registering landowners.

District Manager (DM) opened Landowners' meeting and provided overview of meeting purpose – to elect one member to vacancy on the Board and to report on the business of the District. DM also noted that the reports are located on the table along with the voting procedures. DM noted that the reports on the business of the District include the Manager's Report, the Engineer's Report and the Financial Report.

- B. Proof of Publication** *Indian River Press Journal* was noted by District Manager (DM) to have occurred on 5/1/2024 & 5/8/2024 and the affidavit is in his office.

C. Adoption of Election Procedures

DM requested a motion from the floor to approve the voting procedures that are on the table and asked if everyone had an opportunity to review them and that extra copies are available. DM went over general outline of voting procedures and requested a motion from the floor to approve the voting procedures. A motion and second was provided by landowners present. All present voted yes. DM reminded landowners that it was the voting procedures on the table that were approved.

D. Designation of Chair for Landowners Meeting

DM then requested a motion from the floor to approve the DM as Chair of the meeting. A motion and second was provided by landowners present. All present voted yes.

E. Designation of Secretary for Landowners' Meeting

DM then indicated that he would also serve as the Secretary of the meeting and requested if there was any opposition to this assignment. Hearing none, DM was appointed as Secretary of the landowners' meeting.

F. Designation of District Attorney as Election Teller

DM noted that with Attorney not present, two Landowners would serve as the tellers.

G. Appointment of Two Additional Election Tellers

DM requested a motion to approve to members of the landowners present to serve as tellers assisting in the DM count the ballot. Donna McCall and Carol Moore were nominated as tellers. A motion and second was provided by landowners present. All present voted yes.

H. Approval of Minutes

1. May 11, 2024 Landowners' Meeting Minutes

DM requested a motion to approve last year's landowners' minutes. A motion and second was provided by landowners present. All present voted yes.

DM then noted that for the purpose of the minutes for this meeting, names of those who made and seconded motions would not be in minutes if names are not provided. If names are desired, they should be stated at the time.

Question raised as to when will the new Supervisor be sworn in since the Attorney was not present. DM indicated that it would be at the next Board of Supervisor meeting.

I. Election of Supervisors

1. Tellers Determine Number of Voting Units Present or Assigned by Proxy

DM determined the number of voting shares present which serves as the tellers report. A total of 19,252 voting shares are present in-person and by proxy. Proxies will be verified after the meeting. After some landowners indicate that their proxies are not noted on the sign in form that was used to tally the voting shares, the DM allowed the landowners to adjust their sign-in shares and a new voting total was reported as 19,725. DM then requested a motion to approve the revised teller's report. A motion and second was provided by landowners present. All present voted yes.

2. Nomination of Supervisors

DM then summarized what has occurred to this point and indicated that it is now time to nominate landowners and further indicated that any landowner can be nominated whether present or not. Grant Danskin was nominated from the floor. A landowner requested a point of order believing the voting procedures required the nominee to be present. DM indicated the the voting procedures were revised since the restriction for nominee to be present was not required by law. Tim Dooley was nominated from the floor. Hearing no other nominations, the nominations were closed.

3. Casting of Ballots

DM requested the votes be cast by placing the ballots in the box face down. Votes were cast and then counted by the tellers.

4. Ballot Tabulation by Tellers

DM announced unofficial results as 18,103 votes cast from Tim Dooley and 1,445 votes cast for Grant Danskin. The next Supervisor will be Tim Dooley.

5. Certification of Results

Various questions from landowners were asked about the election results and voting method (one-acre, one-vote) and the qualifications of Tim Dooley. Other landowners expressed concerns regarding outside employment of the DM. Another landowner indicated that the landowner meeting notice sent to the landowners should have also been in Spanish given the large Spanish speaking

population in Fellsmere. Landowners expressed displeasure over the voting procedure rule change that did not require nominee to be present.

Some comments and questions were not recorded due to sensitivity of microphone.

A Landowner asked when voting procedures were amended. DM indicated the week of the meeting. Another landowner spoke that continued conversations on this matter were fruitless and that private motions are in process to amend the voting process by petition through the legislature regarding the one-acre, one-vote.

Hearing no formal objection to the vote, Tim Dooley was announced as the next Supervisor of the district.

J. Other Business

DM then noted that the reports listed below of the business of the district were on the table and welcomed all to take a copy.

1. Receive Treasurer's Report
2. Receive Engineer's Report
3. Receive District Manager's Report

K. Landowners' Comments

The DM asked if there were any other business of the landowners. Being none, the meeting was adjourned.

L. Adjourn

Meeting was adjourned at around 7:15pm.

Secretary/Assistant Secretary

Chairman/Vice Chairman

FELLSMERE WATER CONTROL DISTRICT
REGULAR BOARD MEETING
July 8, 2025, at 5:30 P.M.
LOCATION: 22 S. ORANGE STREET, FELLSMERE, FLORIDA

Agenda Item No. H.1: Open Permits

Background: With retirement of George Simons as District Engineer, all files in his possession have been forward to the District Manager electronically. As part of these files are approved and pending permits for work in the district rights-of-way. This item provides an overview of the open permits at this time. Standard permits will be issued directly by the District Manager. The development-related permits will be reassigned to one of the Continuing Engineers (to be approved under separate item on this agenda). All recently closed permits are being reviewed for cost to ensure any overage of the original retainer are billed to applicant. Many times, applicant fails to call for final inspection. When this occurs, FWCD will inspect once construction is deemed complete and a request for as-built will be sent to Applicant.

Open Standard

- 13820 97th St. Connection – pending receipt of application fee.
- 13890 85th St. Connection – waiting for completion of construction to perform final inspection.
- 13150 81st St. FPL - waiting for completion of construction to perform final inspection.
- 13055 83rd St. Culvert - waiting for completion of construction to perform final inspection.
- 12750 79th St. Culvert - waiting for completion of construction to perform final inspection.

Open Development

- Surf Park (P-15) – redevelopment of portion of Mesa Park pending receipt of application fee/retainer and then to be assigned to continuing engineer.
- Marian Estates (P-17/18) – new residential subdivision pending response to request for additional information. Requested City to require easement along P-17 for maintenance. Land being dedicated for P-18.
- Kentucky Stormwater Greenway (P-16) – expansion of sublaterals area to provide flood mitigation pending receipt of application fee and then to be assigned to continuing engineer.
- Rail Trail (P-13A) – construction of new trail segment from Broadway to State Park. Permit issued. Waiting for construction to commence.
- State Street Reservoir (P-13) – expansion of stormwater flood mitigation lake. Permit issued. Waiting for construction to commence.
- 12201 CR512 Brown & Sons (East Boundary Ditch) – new storage yard for land clearing business. Waiting for construction to commence.
- FJV Water Farm (Lat. U) – new connection and withdraw for stormwater treatment area. Waiting for completion of construction to perform final inspection.
- Indian Summer Estates (P-8/9) – new 5-acre subdivision. Waiting for completion of construction to perform final inspection. Negotiating removal of invasive species.
- NY Ditch Improvements (P14) – reprofile and replace culverts. Waiting for completion of construction to perform final inspection.
- Florida Organic Aquaculture (U-23/24) – new commercial entity. Issues with salt water containment and separation from freshwater sublaterals. Long-term issue requiring resolution.
- Parabel (U-23/24) - new commercial entity. Issues with construction contrary to permit. Long-term issue requiring resolution.
- O'Reilly Auto Parts (P15) - new commercial entity. Waiting for completion to perform final inspection.

Request: None, information only.

Fellsmere Water Control District
Monthly Financial Report - April 2025

	Annual Budget 10/1/24 - 9/30/25	Year to Date Actual 10/1/24 - 4/30/25	
REVENUES			Actual Apr - 25
Money Market Transfers	NA	350,000.00	0.00
Tax Revenue	713,055	716,879.54	31,177.65
Revenue Other	12,500	9,538.58	0.00
Interest Income	1,800	390.61	155.63
Direct Bill	56,139	58,956.48	0.00
Tax Collector Fee	(10,597)	-1,501.52	0.00
Discounts For Early Payments	(21,194)	-24,990.70	0.00
Total Revenues	\$ 751,703	\$ 1,109,273	\$ 31,333.28
ADMINISTRATIVE EXPENDITURES			
5002 · Website management	2,200	\$ 7,608.33	\$ 2,616.29
5003 · Miscellaneous	2,500	\$ 1,779.97	\$ -
5013 · Legal & Professional	16,000	\$ 11,797.50	\$ 3,455.00
5014 · Insurance (Gen Liability)	18,000	\$ 17,223.00	\$ -
5015 · Engineering	20,000	\$ 39,746.37	\$ 2,223.50
5016 · Audit Fee	12,200	\$ 12,200.00	\$ 6,700.00
5017 · Management Fee	2,000	\$ 8,424.81	\$ -
5018 · Bank Service Charges	250	\$ 483.29	\$ 39.54
5019 · Conversion Consultant	0	\$ -	\$ -
5037 - Transportaton	2,500	\$ 1,116.17	\$ 324.10
5053 · Prop Appraiser Fees	1,800	\$ -	\$ -
5054 · Tax Collector Fees	500	\$ 1,800.00	\$ -
5074 · Property Taxes	950	\$ 935.82	\$ -
5076 · Licenses, Permits	675	\$ 224.00	\$ -
5077 - Memberships	2,000	\$ 2,000.00	\$ -
5078 · Advertising	1,500	\$ 724.16	\$ -
5079 · Postage	750	\$ 59.35	\$ -
5082 - Maintenance Bldg. & grounds	4,800	\$ 15,087.52	\$ 12,874.52
5083 · Utilities	4,200	\$ 581.56	\$ 37.01
5086 · Telephone	4,200	\$ 1,205.90	\$ 188.33
5090 · Office Supplies	2,000	\$ 1,904.33	\$ 307.70
5091 · Payroll processing fee	1,400	\$ 817.48	\$ 101.64
5111 Labor-District Manager	100,000	\$ 62,837.98	\$ 10,607.20
5121 Payroll Taxes	7,500	\$ 4,707.70	\$ 588.45
5122 State Retirement	37,520	\$ 20,202.98	\$ 4,329.22
5123 Workers Comp	2,000	\$ 4,068.98	\$ -
5124 Group Med, Life Ins.	38,600	\$ 25,541.51	\$ 5,148.63
Total Administrative Expenditures	\$ 286,045	\$ 243,078.71	\$ 49,541.13

Fellsmere Water Control District
Monthly Financial Report - April 2025

	Annual Budget 10/1/24 - 9/30/25	Year to Date Actual 10/1/24 - 4/30/25	Actual Apr - 25
MAINTENANCE EXPENDITURES			
4002 Aerial Spraying	0	\$ -	\$ -
4003 Contract/Mechanical	70,150	\$ 2,348.42	\$ -
4004 Truck Spraying	0	\$ -	\$ -
4006 · Canal/Ditch Mowing	21,000	\$ 20,250.00	\$ -
4005 Water Testing	2,200	\$ -	\$ -
4040 - Canal/Ditch Maintenance	380,073	\$ 433,641.92	\$ -
4111 Labor-Equip Oper	58,560	\$ 35,576.88	\$ 5,583.66
4121 Payroll Taxes	5,000	\$ 2,732.01	\$ 334.60
4122 State Retirement	20,000	\$ 5,091.69	\$ 1,091.06
4123 Workers Comp	2,000	\$ -	\$ -
4124 Group Med, Life Ins.	19,800	\$ 3,716.92	\$ 110.92
4131 Equipment R & M	2,000	\$ 5,171.89	\$ -
4132 Supplies & Services	2,500	\$ 2,424.29	\$ 116.48
4133 Gas & Oil	4,500	\$ 2,258.44	\$ -
4136 Insurance	0	\$ 560.55	\$ -
4137 Transportation	3,700	\$ 2,990.25	\$ 183.40
Total Maintenance Expenditures	591,483	516,763	7,420
Total Expenditures	\$ 877,528	\$ 759,842	\$ 56,961
EXCESS/ (SHORTFALL)		\$ 117,686	
Debt Payments	\$ -	\$ -	\$ -

Available Funds As Of 9/30/24
Money Market Transfers
Revenue (less Commission & Discounts
Expenses
Uncleared Transactions
Available Funds (Checking)
Available Funds (Money Market)

\$ 75,657.34	as of 9/30/24
\$ 350,000.00	as of 4/30/25
\$ 759,272.99	as of 4/30/25
\$ 759,841.97	as of 4/30/25
\$ 444.59	as of 4/30/25
\$ 425,532.95	as of 4/30/25
\$ 282,705.36	as of 4/30/25

Monthly Manager's Report
Fellsmere Water Control District
April 2025

Administration – Website was successfully migrated but emails were dropped by GoDaddy. Attempting to retrieve lost emails through additional coordination with GoDaddy and backups with prior host. Lack of website in March and early April resulted in need to reschedule Landowner Meeting to May 22nd. The business on the cancelled March meeting was carried forward to May and July Board meetings. Began preparation of Landowner agenda, proxy, ballot, and other supporting documents. Released ad for Landowner meeting. Coordinated with District Attorney for final version of landowner meeting and budget hearing ad and letter. Prepared Annual Financial Report and reviewed Engineer's Report. Continued review of historic and current files. Continued meeting with existing organized community group. Refined draft 5-year plan (July 2025 Board meeting item) based on feedback from aquatic control experts and interview with adjacent water control districts. Began research piggyback contracts for aquatic weed control. Issued Request for Proposals for Continuing Engineering Services in support of the District Engineer. Maintained financial tracking spreadsheet. Continued revisions to Standard Operating Procedures (combining old District Manager's Guide and Employee Handbook). Received public records requests. Met with SJRWMD on required project to reduce flow and potential assessment.

Issues encountered – Loss of emails (from September 9th through March 24th). May be partially or wholly retrievable – still working on resolution.

Direction Desired – None.

Operation/Maintenance - Rob worked on sublaterals U-20 and P-20 and U-6. Work was slowed at request of District Manager to address juvenile palms and saplings on maintenance side of sublaterals. Considerable time spent on U-6 clearing maintenance path and removing palms. Goal is still to have first flush of all bad sublaterals complete by end of fiscal year.

Issues Encountered – Machine Operator continues to remove saplings and juvenile palms on maintenance side slope and bottom ditch when possible as well as tamping down maintenance berms after muck placement to ensure ease of future mowing.

Direction Desired – None.

Operation/Capital

No capital projects or capital purchase this month.

Next Month

Administration: Continue research for piggyback contracts for aquatic weed control.
Initial meeting with City for partnership opportunities – hold for CM to become permanent.
Prepare for annual Landowner's meeting.

Operation Maintenance: Continue to clean sublaterals under priority set by District Manager
Continue sublateral inspections
Release Demand Letters for Australian Pine locations, if approved.

Operation Capital – no anticipated actions.

Monthly Manager's Report
Fellsmere Water Control District
May 2025

Administration – Release letter to GoDaddy legal department regarding dropped emails. Continuing to attempt to retrieve lost emails through additional coordination with GoDaddy and backups with prior host. Finalized Annual Financial Report and Engineer's Report. Continue to prepare for and conduct Landowner Meeting. Began preparation for July Board meetings. Coordinated with new District Attorney on carry forward of tasks from prior Attorney. Continued review of historic and current files. Continued research piggyback contracts for aquatic weed control and heavy forestry mulching. Ranked proposals for Continuing Engineering Services in support of the District Engineer. Maintained financial tracking spreadsheet. Continued revisions to Standard Operating Procedures (combining old District Manager's Guide and Employee Handbook). Worked on public records request. Met with SJRWMD on required project to reduce flow and potential assessment.

Issues encountered – Loss of emails partially retrieved – still working on resolution.

Direction Desired – None.

Operation/Maintenance - Rob worked on sublaterals U-6, U-18, U-1 and P-1. Work was slowed at request of District Manager to address juvenile palms and saplings on maintenance side of sublaterals. Considerable time spent on U-6 clearing maintenance path and removing palms. Goal is still to have first flush of all bad sublaterals complete by end of fiscal year.

Issues Encountered – Machine Operator continues to remove saplings and juvenile palms on maintenance side slope and bottom ditch when possible as well as tamping down maintenance berms after muck placement to ensure ease of future mowing.

Direction Desired – None.

Operation/Capital

No capital projects or capital purchase this month.

Next Month

Administration: Continue research for piggyback contracts for aquatic weed control and forestry mulching.
Initial meeting with City for partnership opportunities – hold for CM to become permanent.
Prepare for July Board meeting.
Monitor machine operator.
Release Demand Letters for Australian Pine locations, if approved.

Operation Maintenance: Continue to clean sublaterals under priority set by District Manager.
Continue sublateral inspections.

Operation Capital – no anticipated actions.

1075.5

DITCH - use FWCD ditch #

use PLW for west of Babcock

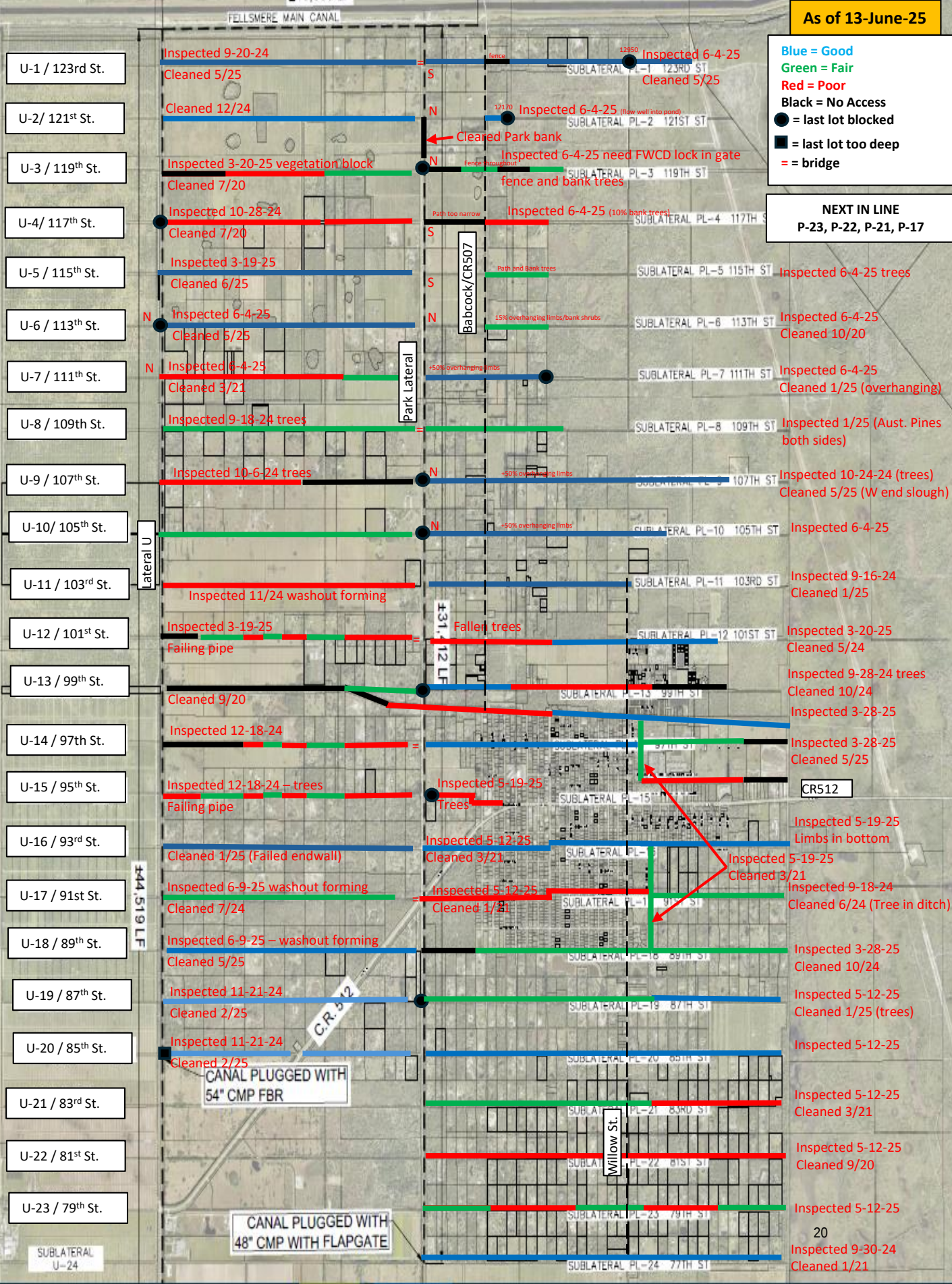
use PLE for east of Babcock

WORK DESCRIPTION - use
washout, bolckage, cleaning, or
some other description

As of 13-June-25

Blue = Good
Green = Fair
Red = Poor
Black = No Access
● = last lot blocked
■ = last lot too deep
= = bridge

NEXT IN LINE
P-23, P-22, P-21, P-17



RESOLUTION NO. 2024/2025-08

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FELLSMERE WATER CONTROL DISTRICT, DESIGNATING A QUALIFIED PUBLIC DEPOSITORY, PURSUANT TO CHAPTER 280, *FLORIDA STATUTES*; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary for the Fellsmere Water Control District (the "District") to establish accounts with qualified depositories for the purpose of the deposits and subsequent expenditure of public funds of the District; and

WHEREAS, the Fellsmere Water Control District (the "District") desires to establish accounts with a second qualified depository; and

WHEREAS, the Board of Supervisors of the District has selected iThink Financial to serve as a depository of public funds for the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FELLSMERE WATER CONTROL DISTRICT, AS FOLLOWS:

Section 1. The above recitals are hereby adopted.

Section 2. That the District Manager is hereby authorized to establish an account(s) with iThink Financial, located at 52 N. Broadway, Fellsmere, Florida, to serve as a depository of public funds pursuant to public law and regulations under Section 280.17, *Florida Statutes*.

PASSED, ADOPTED and EFFECTIVE this _____ day of _____, 2025.

ATTEST:

**FELLSMERE WATER
CONTROL DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
President/Vice President

RESOLUTION 2024/2025-15

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
FELLSMERE WATER CONTROL DISTRICT DESIGNATING A
REGISTERED AGENT AND REGISTERED OFFICE OF THE DISTRICT,
AND PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE.**

WHEREAS, the Fellsmere Water Control District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 298, *Florida Statutes*, being situated entirely within Indian River County, Florida; and

WHEREAS, the District is statutorily required to designate a registered agent and a registered office location for the purposes of accepting any process, notice, or demand required or permitted by law to be served upon the District in accordance with Section 189.014(1), *Florida Statutes*.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
SUPERVISORS OF THE FELLSMERE WATER CONTROL DISTRICT:**

SECTION 1. Seth C. Behn is hereby designated as the Registered Agent for the Fellsmere Water Control District.

SECTION 2. The District’s Registered Office shall be located at the office of Lewis, Longman, Walker, 360 South Rosemary Avenue, Suite 1100, West Palm Beach, FL 33401, Phone: 561-640-0820, Email: sbehn@llw.com

SECTION 3. In accordance with Section 189.014, *Florida Statutes*, the District’s Secretary is hereby directed to file certified copies of this Resolution with Indian River County and the Florida Department of Economic Opportunity.

SECTION 3. All prior Resolutions, parts of Resolutions, or other policy statements of the District in conflict herewith are hereby repealed.

SECTION 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2025.

ATTEST:

FELLSMERE WATER CONTROL DISTRICT

Secretary/Assistant Secretary

President/Vice-President

FELLSMERE WATER CONTROL DISTRICT
REGULAR BOARD MEETING
July 8, 2025, at 5:30 P.M.
LOCATION: 22 S. ORANGE STREET, FELLSMERE, FLORIDA

Agenda Item No. K.3: Rail Trail Permit Conditions

Background: The City of Fellsmere is proceeding on a project to pave a 12' wide trail from Broadway to the State Park. The grant funding agency, Florida Department of Transportation (FDOT), requested the attached Consent due to the more complex arrangement of ownership and easement rights that are involved in the project. This consent has been executed by the District Manager upon the advice of the District Attorney. Certain permit conditions have been provided to ensure the FWCD does not bear any cost for damage to facilities placed within its reserved 25' maintenance easement. The City is also aware of the FWCD hold-harmless position regarding all improvements within the 25' maintenance easement reserved to the FWCD. Since the easement precludes improvements that would impede maintenance, the FWCD should NOT be liable for any damage to facilities constructed therein. A copy of the Special Conditions for the required FWCD permit are also attached.

Request: Since this permit was required to be issued to ensure the City was able to meet their internal grant requirements, this item is information only.

FELLSMERE WATER CONTROL DISTRICT SPECIAL CONDITIONS

PERMIT #2025-RR-1

PROJECT: CITY OF FELLSMERE

RAIL TRAIL

1. This permit is issued based on the plans dated, signed, and sealed by Stefan K. Matthes PE on November 18, 2024.
2. Existing drainage must be maintained during construction.
3. The applicant's engineer shall notify FWCD personnel prior to work in the FWCD ROW.
4. Applicant shall request a final inspection upon completion of construction but prior to completion of the required as-built survey.
5. Provide signed and sealed as-built plans prepared by a Florida registered surveyor within 30 days of the completion of the project.
6. Applicant shall maintain all improvements constructed by the Applicant within the Railroad ROW in perpetuity.
7. The Fellsmere Water Control District shall not be liable for damage to any improvements constructed by the Applicant within the Railroad ROW caused by maintenance or construction of drainage facilities within its facilities.
8. This permit shall expire on September 25, 2025 unless construction has commenced. Upon commencement of construction, the Applicant shall have one-year to complete construction. An extension may be requested in writing subject to cause.
9. All requests, questions or other communications in relation to this permit shall be made to Mark Mathes, District Manager, at 772-571-0640 or mmathes@fellsmerewatercontroldistrict.org.

FELLSMERE WATER CONTROL DISTRICT
REGULAR BOARD MEETING
July 8, 2025, at 5:30 P.M.
LOCATION: 22 S. ORANGE STREET, FELLSMERE, FLORIDA

Agenda Item No. L.1: Machine Lease Amendment

Background: The current lease contains a limit of 500 hours per year. Use data reflects an average of greater than 1,000 hours per year. An amendment to the lease agreement is required to ensure that the district does not exceed the allotted miles in case the machine is returned to Caterpillar after the term of the lease. If the district were to purchase the machine at the end of the lease period, a lease amendment is not required.

The lease amendment increases the final lease payment from \$70,149.25 to \$93,190.27 for an increase of \$23,041.02 or about \$7,680 per year. The cost of the current machine when new was \$320,775. The lease payments over current the three year term is \$233,488.97. To purchase the machine at the end of the three years would cost another \$121,485.00 for a total cost of ownership of \$354,973.97. Staff does not recommend purchasing current machine given its maintenance history.

Upon return of the current machine in January 2027, all guidance seems to point toward ownership when a machine is highly used over a long term basis. However, as the sublaterals are returned to a regular maintenance regime of mowing, spraying, tree care and mechanical cleaning, the frequency of mechanical cleaning may be reduced. A full time operator may not be required unless other duties are added to the operator's regime. Many machines offer multiple head arrangements such that the one machine can perform multiple tasks such as ditch maintenance, tree grinding, and even mowing to some degree. If full-time in-house machine operator is desired, the operator and machine should be able to perform multiple duties to maximize machine utilization and reduce cost to district by avoiding the need to hire contractors for tree removal services.

Request: 1) Approve lease amendment and 2) Direct staff, prior to expiration of current machine lease, to research in-house operator versus contract operator to inform decision as to lease versus ownership for replacement machine and in-house operator versus contract services.

Agreement to Increase Rent

This Agreement to Increase Rent ("Agreement") is by and between Caterpillar Financial Services Corporation ("Lessor") and the Lessee identified below (the "Lessee" and, together with the Lessor, the "Parties").

1. PARTIES

LESSOR:

CATERPILLAR FINANCIAL SERVICES CORPORATION
2120 West End Avenue
Nashville, TN 37203

LESSEE:

FELLSMERE WATER CONTROL DISTRICT
109 NORTH WILLOW ST
FELLSMERE, FL 32948

2. BACKGROUND

- a. The Parties are party to that certain Operating Lease 001-70125528, dated as of 1/31/2024 (the "Lease"), pursuant to which Lessee is leasing the following Unit (the "Unit"):

M320-07 Wheeled Excavator	SN: KE420155
---------------------------	--------------

- b. As a result of an inspection conducted on N/A or as a result of information disclosed by Lessee to Lessor, Lessor has determined Lessee's use and/or maintenance and repair of the Unit has not been in conformity with the representations made by Lessee in the Lease Return Conditions Agreement (also called an Application Survey) (the "Return Agreement") executed by Lessee or as required by the Lease. Lessee's actual usage and/or maintenance and repair of the Unit has been inconsistent with Lessee's intended usage as represented in Return Agreement, or the required maintenance and repair, in the following respects (**check applicable boxes**):

- ☐ The Unit has been used in a more severe application than that specified by Lessee in the Return Agreement.
- ☐ The Unit has not been maintained in accordance with the operator's guide, service manual, and/or lubrication and maintenance guide for the Unit.
- ☒ The average hourly usage for the Unit each month has exceeded the monthly hourly usage specified in the Return Agreement by **\$83.33** hours.

- c. Lessee acknowledges and agrees that the usage and/or inadequate maintenance and repair of the Unit, as described above, has resulted, and will continue to result, in excessive wear and tear on the Unit.

3. TERMS AND CONDITIONS

- a. In consideration of such usage and/or maintenance and repair, and such continued usage, Lessee agrees to pay Lessor modified Monthly Rent for the Unit, commencing with the payment due on **01-30-2026** and continuing for the remaining term of the Lease, in the amount of **\$93,190.27**
- b. In connection with the foregoing adjustments, the "Cat Value Option" as stated in the Lease is modified to **N/A**.
- c. Except as specifically modified hereby, the Lease shall remain in full force and effect.

SIGNATURES

LESSOR **CATERPILLAR FINANCIAL SERVICES CORPORATION**

Signature _____

Name (print) _____

Title _____

Date _____

LESSEE **FELLSMERE WATER CONTROL DISTRICT**

Signature _____

Name (print) _____

Title _____

Date _____

Lease Return Conditions

(Not for use with On-Highway Vehicles, Drills, Draglines, Electric Rope Shovels, Highwall Miners and Underground Equipment)

This Lease Return Conditions agreement (this "Return Agreement"), which may also be referred to as an "Application Survey," is part of and incorporated into that certain Finance Lease Transaction No. (the "Lease") entered into between the Lessee and the Lessor named in the Lease. Capitalized terms used in this Return Agreement but not defined shall have the meaning ascribed to them in the Lease.

1. EQUIPMENT DESCRIPTION

Make: CATERPILLAR Model: M320-07 Serial No.: KE420155

Unit Configuration and Attachments: Pemberton 72' Aquatic Bucket, Pemberton Hydraulic Thumb // Air Conditioning, Cab, Tires

Standard Environment - Ag-Crop, Ag Non-Manure, Airport, Clay, Coal, Commercial, Crushed & Screened Aggregate, Dams & Bridges, Frac Sand, Landfill-Site Prep Only, Landscaping, Moving Mulch, Pipeline, Residential, Road Building, Site Development, Snow, Utilities

Unit Usage & Primary Operating Environment: Moving Mulch, Pipeline, Residential, Road Building, Site Development, Snow, Utilities

If there are any changes to your Unit usage or operating environment, please communicate this change to Caterpillar Financial immediately.

2. RETURN OF UNIT / EXCESS USAGE

Lessee will notify Lessor of its intention to return the Unit at least sixty (60) days before the end of the Lease Term, and will return the Unit to the Lessor in accordance with the terms in the Lease. Lessee will be responsible for performing any loading, unloading, disassembly, reassembly, testing, inspecting, and transportation of the Unit (including all leased attachments), and will do so in a manner consistent with the manufacturer's recommendations and practices.

Annual Allowed Unit Hours: 1500 Current Hours: 0 Total Allowable Unit Hours: 4,500

If any Unit is returned with hours of use exceeding the Total Allowable Unit Hours (the "Excess Hours"), Lessee will pay Lessor additional rent in an amount equal the Excess Hours multiplied by \$ 1,851.94. The hours of use for the Unit shall be determined, at Lessor's option, by the hour meter attached to the Unit, the engine Electronic Control Module (ECM), or Cat® Product Link (if available).

3. RETURN CONDITIONS

A. General Condition

i. Lessee shall return the Unit in the same configuration and with all the components, accessories and attachments that were included on the Unit at the beginning of the Lease Term (including any items stated on the invoice to Lessor) regardless of operating condition, and shall not modify a Unit from its original configuration without written approval by Lessor.

ii. Lessee shall use only the manufacturer's genuine or specifically recommended replacement parts for all maintenance, repairs and overhauls. Will fit, off brand, and parts that have not been specifically recommended by the manufacturer are NOT acceptable, and Lessee will be assessed for the full cost of replacing such parts (including labor).

iii. Lessee shall operate the Unit in accordance with the manufacturer's published operation, application, loading, lubrication, and maintenance guidelines and policies; ensure all repairs, maintenance, and overhauls are performed at recommended intervals and in a manner consistent with the manufacturer's recommendations and practices; and make all warranty repairs and manufacturer recommended product updates prior to the return of the Unit.

iv. Cooling, hydraulic, power generation, power train, power transmission, air, heating, fuel, and lubrication systems may not have any damage, system leaks or be contaminated. All internal fluids and reservoirs, such as coolant, lube oil, grease, and hydraulic fluids must be filled at operating levels, all filler caps must be secured with no leaks, all filters must be new and meet or exceed manufacturer standards. Lessee must enroll Unit in a Caterpillar dealer Scheduled Oil Sampling (or comparable) program.

B. **Cleaning.** Each Unit must be cleaned to a commercially acceptable appearance and all rust and corrosion properly removed or treated. All foreign and/or hazardous material (e.g. waste, dirt, non-OEM decals, refuse, coal, rock, limestone, cement, phosphate, concrete, asphalt, gypsum, etc.) on or adhered to the Unit must be properly removed and disposed of in accordance with all applicable federal, state and local laws and regulations.

C. **Undercarriage/Tires and GET.** The wear surface in use of each individual GET item and track component (e.g., belts, links, pads, sprockets, idlers, undercarriage pins & bushings) shall be no more than 50% worn according to the manufacturer's wear specifications and guidelines. Recapped tires are not acceptable. All tires shall be the same size, type and brand (or similar quality brand if the original brand is no longer available) as the tires on the Unit when it was first delivered to Lessee. Lessee shall be charged for wear on tires, undercarriage, and GET based on the following payment schedule:

Wear %	Charge to Lessee
0 - 50%	→ No charge
50 - 90%	→ Charge will be between 0% to 100% of estimated replacement cost depending on where the wear % falls within this range (e.g., 60% wear would result in a charge equal to 25% of the estimated replacement cost).
90 - 100%	→ 100% of estimated replacement cost

If any tire, undercarriage component, or GET component is inoperable, broken, missing, damaged, bent, leaking, cracked, includes section repairs or rated Poor, Lessee will be responsible for 100% of the estimated replacement cost regardless of its wear percentage.

D. **Electrical System.** The alternator/generator, starter, electric motors, drives, and electronic control units must operate as intended. All electrical harnesses and connections must be in functional condition and properly secured with no sectional repairs. All electronic functions and accessories, controls, monitoring systems, touch screens, gauges, cameras, internal & external lighting, senders, and switches must be fully readable and functional as originally intended. All batteries must be fully operational without any dead cells or cracked cases.

E. **Engine.** All engine components, as well as engine retarder brakes and emissions aftertreatment devices, must meet or exceed the manufacturer's minimum recommended specifications while operated under full load. This determination will be made by subjecting the engine to standard industry testing and will be conducted by an inspection agent approved by Lessor (normally the local Cat dealer).

F. **Mechanical & Hydrostatic Drive Train.** All drive train components (e.g., drive train controls, accessories, transmissions, hydrostatic drive systems, power transfer gearboxes, differentials, planetaries, swing gear boxes, and torque convertors) shall operate as intended at full load with no overheating, leaks, or excessive vibrations or noise.

G. **Brakes.** All parts of the brake system (e.g., the brake controls, service brakes, parking or emergency brake, swing brake, planetary and wet brake systems) shall function as intended and operate without leaks, noise, or vibrations.

H. **Hydraulic Equipment.** All hydraulic equipment (e.g., hydraulic controls, accessories, pumps, motors, cylinders, valves, pipe/tubing and hoses) must be properly secured and operate as intended with no leaks, vibration, noise, drift, bent or damaged cylinders, excessive motor case drain, or linkage bushings/pins worn past service limits. Hydraulic cycle times must meet the manufacturer's minimum performance specifications.

I. **Air Conditioning & Heating Systems.** All air conditioning systems and components (e.g., controls, compressors, evaporators, condensers, motors, valves, lines, fittings, louvers, ducting, recirculation components and filters) must operate as intended and without leaks, noise, or vibrations.

J. **Structures, Parts, & Components.** All of the Unit's components (e.g., welds, plates, frames, tanks, beds, winches, drums, booms, sticks, buckets, blades, hitches, trunnions, articulation/oscillation joints, as well as rotating, reciprocating, pumping, compression, temperature control, reservoir, conveyance, supporting, lifting and positioning machinery) must be operating as intended and be structurally sound, without deformities, cracks, corrosion, leaks, or damage.

K. **ROPS/FOPS and Safety Items.** The cab, Roll Over Protective Structure ("ROPS"), and Falling Object Protective Structure ("FOPS") shall not be damaged or require any repair. ROPS/FOPS certification and integrity must be maintained throughout the Lease Term and must be certified upon return. All safety items (e.g., restraint devices, steps, stairways, safety rails, grab irons, walkways, catwalks, fire suppression systems, warning alarms, decals, placards, signage) shall be complete, unexpired and in working order.

L. **Sheet Metal & Plastic Surfaces.** All sheet metal and plastic surfaces shall operate as intended; be without holes, breaks, bends, abrasions, corrosion; and be in the same configuration as they were at the beginning of the Lease Term.

M. **Paint, Decals & Operator's Compartment.** The paint and decals shall not have any peeling, bubbling, mismatched shades, or otherwise be in a poor condition relative to the original paint. Non-OEM paint color, decals, or markings are not acceptable. The operator's compartment shall be free of any interior soiling, odors, trash, or debris, and the interior (e.g., dash, seats, floor covers, headliners and upholstery) shall not have any holes, tears or burns. All window glass and mirrors shall be clear and free from damage. All window frames, doors, and weather stripping shall be complete.

N. **Documents and Records.** The Unit must have all appropriate licensing and inspection certificates, permits and any other certifications necessary to operate the Unit. Lessee shall maintain complete records (including dates and hour meter readings) of all maintenance, repairs, overhauls, part purchases, fluid sample analysis reports, and service-related agreements or programs relating to the Unit. Lessee shall make such records available to Lessor for verification and review at any time during Lessee's normal business hours. Copies of these documents and records shall be made available to Lessor upon return of the Unit.

4. CONDITION ASSESSMENT & CHARGES

If, in the sole judgment of Lessor, any Unit does not meet the standards set forth in this Return Agreement, or if Lessee fails to perform its obligations set forth above, Lessee shall pay to Lessor the estimated cost to return a Unit to the condition specified in the Lease and this Return Agreement ("Condition Charge"). The Condition Charge shall be due and payable to Lessor regardless of whether the repairs and service are completed. All repair and service charges will be based upon a Caterpillar dealer's retail estimated repair costs, and will include the cost of parts and labor. All amounts owed to Lessor pursuant to the Lease and this Return Agreement (including Excess Use Charges and Condition Charges) shall be due and payable upon demand.

MINIMUM CHARGE THRESHOLD: Lessee shall not be responsible for any charges incurred in connection with this Return Agreement if the total amount of the charges does not exceed Five Hundred Dollars (\$500.00). Please note, however, that if the total amount of the charges exceeds \$500, Lessee will be responsible for the entire amount.

SIGNATURES (By signing below, you certify that you have read this Return Agreement.)

Lessee: FELLSMERE WATER CONTROL DISTRICT

Signature:

Name (print):

Title:

Date:

**Caterpillar Financial Services Corporation
Casualty Value Schedule**

Exhibit 2 to the Cat Value Option Agreement
Dated _____

Between Caterpillar Financial Services Corporation
and
FELLSMERE WATER CONTROL DISTRICT - 001-70125528

Description of Unit: 1 NEW Caterpillar M320-07 serial # KE420155

The Casualty Value of each unit shall be an amount equal to the amount set forth opposite the number of the next payment due. If the casualty occurrence takes place after the last rental payment date, the Casualty Value shall be an amount equal to the amount set forth opposite such last rental payment number.

In addition, the total amount due Caterpillar Financial Services Corporation upon a casualty occurrence will be the casualty value plus any rental payments then due, taxes, late charges and any other amount then due and owing.

Date	Payment Number	Rental Payment	Casualty Value
Jan-30-24	1	70,149.35	251,404.31
Jan-30-25	2	70,149.35	195,921.16
Jan-30-26	3	93,190.27	117,700.78
Jan-30-27	4	0.00	121,485.00

Accepted by _____

date _____

FELLSMERE WATER CONTROL DISTRICT
REGULAR BOARD MEETING
July 8, 2025, at 5:30 P.M.
LOCATION: 22 S. ORANGE STREET, FELLSMERE, FLORIDA

Agenda Item No. L.2: Amend Contract for Tree Removal

Background: The original contract for tree removal contained two elements related to removal of Australian Pines from the district's right-of-way (ROW). At the request of the Board President, the District Manager researched the origins of the Australian Pines and confirmed that the pines had been planted within adjacent private property some many years ago and have not been maintained by the property owner resulting in the invasive introduction of this species into the ROW of the district.

Florida Statute provides as follows:

298.66 Obstruction of public drainage canals, etc., prohibited; damages; penalties. –

*(1) A person may not willfully, **or otherwise**, obstruct any public canal, drain, ditch or watercourse or damage or destroy any public drainage works constructed in or maintained by any district.*

(2) Any person who willfully obstructs any public canal, drain, ditch or watercourse or damage or destroys any public drainage works constructed in or maintained by any district shall be liable to any person injured thereby for the full amount of the injury occasioned to any land or crops or other property by reason of such misconduct and shall be liable to the district constructing the drainage work for double the cost of removing such obstruction or repairing such damage.

*(3) Any person who willfully, **or otherwise**, obstructs any public canal, drain, ditch, or watercourse, impedes or obstructs the flow of water therein, or damages or destroys any public drainage works constructed in or maintained by any district, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. History. – s. 5, ch. 6190, 1922; s. 52, ch. 6458, 1913; RGS 5293, 5294; ss.1-3, ch. 10110, 1925; CGL 1518, 1519, 7413-7415; s. 163, ch. 71-136; s. 28, ch 79-5; s. 48, ch. 2010-205.*

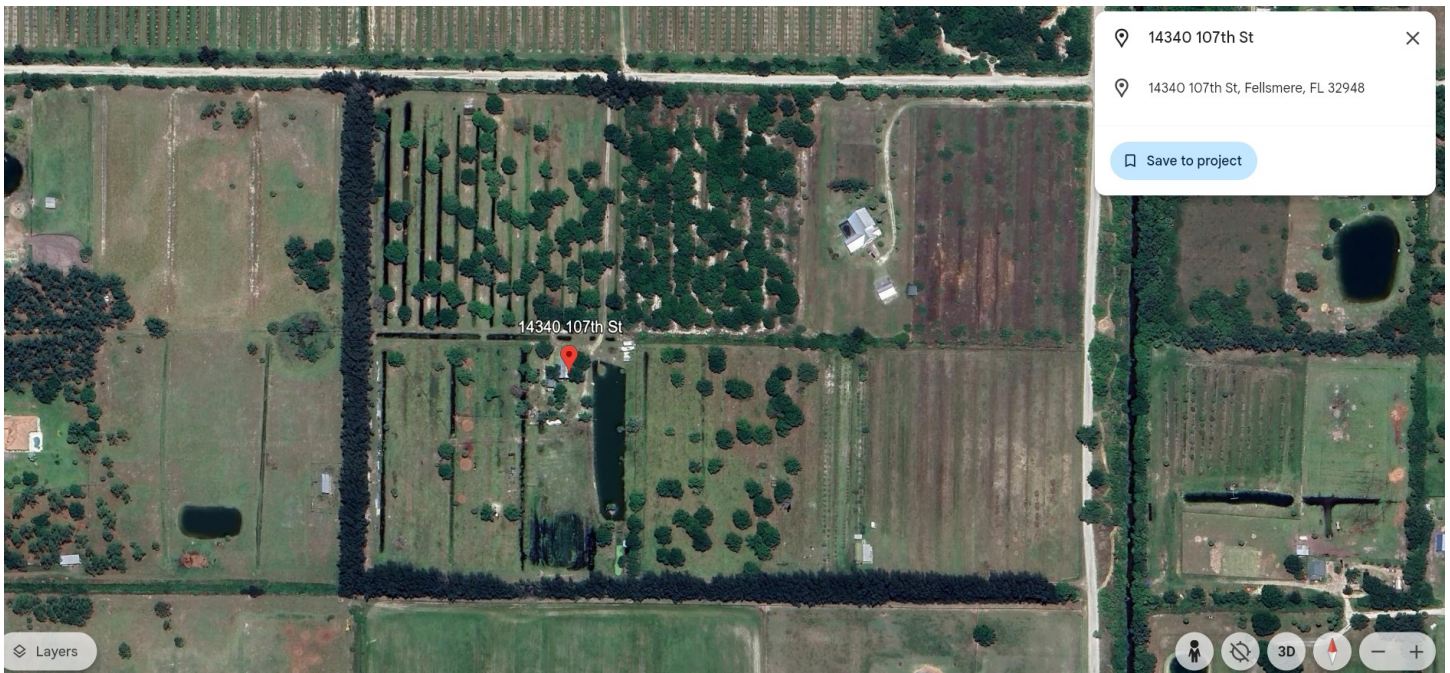
The District Attorney has opined that if the trees would be obstructing the ROW, then the District has the authority to remove them based on statutory language, and by extension could condition a permit on their removal as well. Based on the above, removal of the Australian Pines has not been authorized under the current tree removal contract. All other services of this contract are completed

In addition to the two locations within the current tree removal contract, there are similar instances of Australian Pine encroachment into the district ROW as shown below.

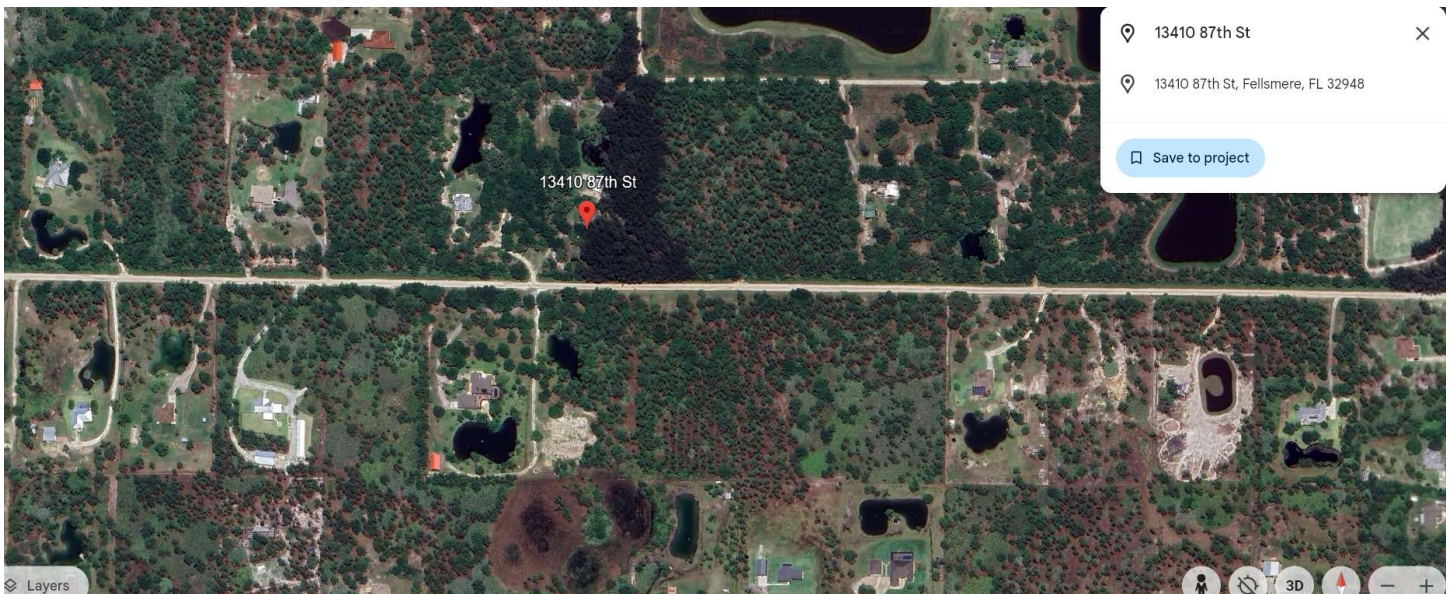
1111 138 th Street	8705 130 th Street	10775 141 st Avenue
13560 109 th Street	13410 87 th Street	9535 141 st Avenue
14340 107 th Street	13181 83 rd Street	14150 87 th Street
10725 141 st Avenue	8330 130 th Street	Banack raw land between 107 th
13825 98 th Street	14455 119 th Street	and 109 th adjacent to CR507
1009 Lincoln	14340 107 th Street	

Agenda Item No. L.2: Tree Removal Amendment - continued

An example of one such location of Australian Pines is shown below for 14340 107th Street. The District Manager investigated historic aerial photographs that show this line of trees having been planted many years ago as a wind break for the small grove operation that was in place at the time.



Some properties listed are not as certain as to the origin of the invasive Australian Pines as shown below for 13410 87th St.



Recommendation: Authorize the release of Demand Letters to require property owners to remove invasive species that they have allowed to grow into the FWCD ROWs. Resolution of the demand letters can be addressed on a case by case basis. In some cases, obtaining an easement for maintenance purposes may be traded for relief of the tree removal requirement if such trade is beneficial to the district and landowner.

Agenda Item No. L.2: Tree Removal Amendment - continued

Request: The Board of Supervisors is requested to:

- 1) approve the amended scope of work in the tree removal contract to place Australian Pine removal as a Phase 2 work with NO notice to proceed effectively closing contract; and
- 2) approve the release of Demand Letters to property owners who have allowed their Australian Pines to invade the district ROW with authorization to District Manager to address each instance on a case by case basis.

EXHIBIT A – Revised Scope

Scope of Services

Phase 1 – Immediate Notice to Proceed

107TH STREET WEST OF COMMUNITY ROAD – LEANING OAK

An Oak Tree is leaning across the ditch/canal along the north side of 107th Street west of Community Road and is touching a residential service power line. Contractor is to remove the entire tree cut flush with ground. Removal of debris shall be to a legal site not on Fellsmere Water Control District owned lands.

109 NORTH WILLOW STREET – PRUNE ALL SITE TREES AND REMOVE DEAD OR DANGEROUS TREES

General tree care at the District Office/Shop to include

1. removal of 9 oak trees, 4 sabal palms, and 1 pine tree, each flush cut with the ground;
2. pruning/lifting of 12 oak trees and 13 sabal palms;
3. removal of all exotic vegetation growing on site; and
4. clear shrubs and overgrowth along fence lines.

Phase 2 – Separate Notice to Proceed Required (do no work until receipt of Notice to Proceed)

107TH STREET WEST OF 141ST AVENUE – AUSTRALIAN PINES

An approximate ¼-mile long bank of Australian Pines exists along the ditch/canal along the north side of 107th Street west of 141st Avenue. Contractor is to 1) remove all trees from within the ditch up to the top of bank by cutting all trees flush with ground. Removal of debris shall be to a legal site not on Fellsmere Water Control District owned lands.

107TH STREET WEST OF COMMUNITY ROAD – FALLEN AUSTRALIAN PINES

A bank of Australian Pines has fallen across the ditch/canal along the north side of 107th Street west of Community Road. Contractor is to 1) remove all fallen trees and 2) cut all remaining broken trees flush with ground and remove. Any large exposed stumps from fallen trees may remain if such stump is located outside of ditch slopes (on top of bank). Removal of debris shall be to a legal site not on Fellsmere Water Control District owned lands.

FELLSMERE WATER CONTROL DISTRICT
REGULAR BOARD MEETING
July 8, 2025, at 5:30 P.M.
LOCATION: 22 S. ORANGE STREET, FELLSMERE, FLORIDA

Agenda Item No. L.3: Continuing Engineering Contracts

Background: At the May 2025 Board of Supervisor meeting, the Board assigned the District Manager to also serve as District Engineer and selected three firms who responded to the Request for Proposals (RFP) for Continuing Engineering Services to assist the District Manager/Engineer in performance of his duties. The new regime will become effective upon completion of contracting with the three selected firms.

This item presents the proposed contract for the three Continuing Engineering firms. All tasks will be authorized by task orders with specific cost, deliverables and schedule. These firms will assist the district in complex or time consuming duties that the District Manager/Engineer would not be able to perform. Such duties would be review of development permits, development of capital and major maintenance project plans, and modeling of the district system in support of planning initiatives, to name a few. The District Manager/Engineer would perform all standard permit reviews and inspections, all capital and major project inspections, and annual Engineer's Report, among other tasks.

Request: The Board of Supervisors is requested to approve the contract for use with each firm. Contract is currently being developed by the District Attorney and will be provided as a supplement to this agenda.

AMENDED BUDGET
FELLSMERE WATER CONTROL DISTRICT
FISCAL YEAR 2024/2025
OCTOBER 1, 2024 - SEPTEMBER 30, 2025
Amendment #2

	FISCAL YEAR 2024/2025 Current Budget	FISCAL YEAR 2024/2025 Amended Budget	
REVENUES			COMMENTS
Tax Revenue	713,054	713,054	Expenditures Less Interest, Direct Bill & Carryover
Revenue Other	0	0	
Direct Bill	56,139	56,139	Direct Bill 1,600 East Acres
Interest Income	1,800	3,600	Interest Projected At \$150.00 Per Month
Carry forward from reserves	149,318	237,548	Interest Projected At \$150.00 Per Month
TOTAL REVENUES	920,311	1,010,341	
ADMINISTRATIVE EXPENDITURES			
Conversion Consultant	0	0	
Legal and Professional	16,000	24,000	Increase to reflect use
Management Fees	2,000	2,000	Reduce to reflect actual charges
Audit Fees	12,200	12,400	Increase to reflect actual charges
Engineering	20,000	43,520	Increase to reflect use
Website Management	2,200	7,500	Increase to reflect migration and new website charges
Office Supplies	2,000	1,000	No Change
Miscellaneous	2,500	250	No Change
Postage	750	250	No Change
Insurance - Admin	18,000	18,500	Slight Change
Transportation - Admin	2,500	3,600	Increase to reflect new in-house manager.
Licenses/Permits	675	600	Decrease to reflect actual charges
Memberships	2,000	2,790	Increase to reflect actual charges
Legal Advertising	1,500	1,800	Increase to reflect actual charges
Maintenance Buildings & Grounds	4,800	2,300	Decrease to reflect actual charges
Bank Service Charge	250	1,000	Increase to reflect actual charges
Utilities	4,200	4,000	Decrease to reflect actual charges
Telephone	4,200	4,500	Increase to reflect actual charges
Payroll Processing Fee	1,400	1,500	Increase to reflect actual charges
Property Taxes	950	850	No Change
Property Appraiser Fees	1,800	1,800	No Change
Annual Assessment Roll	500	500	Moved from Property Appraiser Fee
Labor/Equipment Administration	100,000	100,000	Increase to reflect new in-house manager.
Payroll Taxes - Maint.	7,500	7,500	Increase to reflect new in-house manager.
State Retirement - Maint.	37,520	37,000	Increase to reflect new in-house manager.
Workers Comp - Maint.	2,000	2,100	Increase to reflect new in-house manager.
Group Med/Life Insurance - Maint.	38,600	43,200	Increase to reflect new in-house manager.
Reserve	0	0	
TOTAL ADMINISTRATIVE EXPENDITURES	286,045	324,460	
TOTAL MAINTENANCE EXPENDITURES	591,483	643,098	
TOTAL EXPENDITURES	877,528	967,558	
BALANCE	42,783	42,783	
Tax Collector Fee	(14,261)	(14,261)	Two Percent Of Total Assessment Roll
Discounts For Early Payments	(28,522)	(28,522)	Four Percent Of Total Assessment Roll
NET EXCESS/ (SHORTFALL)	0	0	

AMENDED MAINTENANCE BUDGET
FELLSMERE WATER CONTROL DISTRICT
FISCAL YEAR 2024/2025
OCTOBER 1, 2024 - SEPTEMBER 30, 2025
Amendment #2

	FISCAL YEAR 2024/2025 Amended 1/9/25 Budget	FISCAL YEAR 2024/2025 Amended Budget	COMMENTS
<u>MAINTENANCE EXPENDITURES</u>			
Contract Services			
Canal Aerial Spraying (East)	0	20,000	Increase to one service (gravity only)
Contract/Mechanical - Lease	70,150	93,190	Per Revised Lease
Canal/Ditch Spraying (East)	0	60,000	Increase to one service
Canal/Ditch Mowing (East)	21,000	70,000	Increase to two services (Park, U, Main & Sublaterals)
Canal/Ditch Tree Care (East)	0	35,000	Overhaning limbs to support spraying
Sublateral Maintenance	35,000	0	
Water Testing	2,200	2,200	No Change
<u>Contract Services Subtotal</u>	128,350	280,390	
<u>Ditch Maintenance</u>			
Equipment R & M	2,000	7,500	Additional machine maintenance
Supplies/Services	2,500	2,500	No Change
Gas & Oil - Maint.	4,500	7,500	Additional fuel needs
Insurance - Maint.	0	600	Machine insurance
Transportation - Maint.	3,700	3,700	No Change
Contingency	0	0	Contingency
<u>Ditch Maintenance Subtotal</u>	12,700	21,800	
<u>Ditch Maintenance-Personnel</u>			
Labor/Equipment Operations	58,560	58,560	No Change
Payroll Taxes - Maint.	5,000	5,000	No Change
State Retirement - Maint.	20,000	17,000	Reduce to actual charges
Workers Comp - Maint.	2,000	4,000	Increase to actual charges
Group Med/Life Insurance - Maint.	19,800	19,800	No Change
<u>Ditch Maintenance-Personnel Subtotal</u>	105,360	104,360	
<u>Canal Maintenance-Special Projects</u>			
Main Canal Project - Prince Land	75,603	81,102	final payment
Park Lateral Project - Clear Zone	197,231	84,437	final payment
Laterla U Project - Blue Goose	72,239	71,009	final payment
<u>Canal Maintenance-Special Project Subtotal</u>	345,073	236,548	
TOTAL MAINTENANCE EXPENDITURES	591,483	643,098	

RESOLUTION NO. 2024/2025-7

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FELLSMERE WATER CONTROL DISTRICT, AMENDING FEE SCHEDULE; FURTHER PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Fellsmere Water Control District (the "District") is authorized by Florida Statutes 298.22(9) to assess and collect reasonable fees for the connection to and use of the works of the district; and

WHEREAS, the Board of Supervisors of Fellsmere Water Control District has set a fee schedule for the connection to and use of the works of the district; and

WHEREAS, the purpose of this Resolution is to amend certain fees and charges associated with the connection to and use of the works of the district; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FELLSMERE WATER CONTROL DISTRICT, AS FOLLOWS:

Section 1. The above recitals are hereby adopted.

Section 2. The fee schedule of the Fellsmere Water Control District shall be as set forth in Appendix "A" and made a part hereof.

Section 3. All prior Resolutions, parts of Resolutions, or other policy statements of the District in conflict herewith are hereby repealed.

Section 4. This resolution shall become effective on date of passage.

PASSED, ADOPTED and EFFECTIVE this _____ day of _____, 2025.

ATTEST:

FELLSMERE WATER CONTROL DISTRICT

By: _____
Secretary/Assistant Secretary

By: _____
President/Vice President

Appendix “A” to Resolution 2024/2025-7

PERMIT CHARGE

	Replacement	New
Culvert Crossing of Sublateral (Replacement)	\$250.00	\$1,500.00
Culvert Drain into Sublateral (New)	\$250.00	\$1,500.00
Riser/Control Structure (Replacement)	\$250.00	\$1,500.00
Water Withdrawal/Pump Installation	\$250.00	\$1,500.00
Utilities (all)	\$250.00	\$1,500.00

After the fact permit fee shall be double the standard permit fee. After the fact permits are required for work performed prior to issuance of required permit.

REVIEW CHARGE

All permits that require review by a licensed professional engineer shall be required to deposit a \$1,500.00 retainer with the District in addition to the Permit Charge at time of submitting permit application. The Applicant shall pay the full cost of review plus a 15% surcharge regardless of whether a permit is approved. Projects that require engineering review include all new developments (individual single-family/rural ranchette excluded) and all complex Riser, Pump or Utility permit requests.

PUBLIC RECORDS REQUEST

All public record requests that exceed 15 minutes of time to respond shall be required to pay, in advance, the estimated cost of responding. If actual expense, exceeds the estimate, the Applicant shall be required to pay the balance due prior to receipt of public records.

LINEAR FACILITY RESERVATION

All permanent facilities placed on FWCD lands, either above or below ground, running generally parallel to the FWCD sublaterals or canals, shall pay an annual fee in the amount of \$2,000.00 per mile for reservation of the permanent use of FWCD lands.

DEMAND LETTER

Failure to Repair/Replace = Cost of Repair/Demand + 15% surcharge

Failure to pay shall result in a lien being placed on the property and eventual foreclosure if remained unpaid beyond 90 days.

Reasons by which a Landowner may receive a demand letter include, but are not limited to, the following:

1. erosion to or shoaling in the District's canal or levee due to Permittee's work;
2. discharge of hyacinths or aquatic growth into the District's canal through the permitted connection;
3. plant trees or shrubs, allow trees or shrubs to grow, or erect any structure that will prohibit or limit the existing access of District equipment or vehicles or function of district facilities;
4. clean-up on District right-of-way or property not completed by permittee within ten days after completion of construction of installation;
5. discharge of pollutants, contaminants or deleterious materials into waters or structures owned or maintained by, or subject to the jurisdiction of district;
6. obstruct the flow of water;
7. unpaid costs of review, inspection, testing or expenses to District associated with or arising from Permittee's use of District facilities; or
8. failure to submit an as-built/location certification of all culverts/structure installation.

In no event shall the District be liable for any Damages done or caused by the District to the public, to Permittee or any other person using the right-of-way or property subject to this permit; and permittee shall save the District, its officers, agents, supervisors and employees harmless from any costs, charge or expense of claim or demand of any person against the District arising from or pertaining to any use made of the property of right-of-way subject to this permit. Permittee shall, at any time upon request of District, provide to District evidence, satisfactory to District, of liability insurance

Appendix “A” to Resolution 2024/2025-7

coverage, in amounts and with companies as may be required by District, protecting the interests of District and naming District as an additional insured.

FELLSMERE WATER CONTROL DISTRICT
REGULAR BOARD MEETING
July 8, 2025, at 5:30 P.M.
LOCATION: 22 S. ORANGE STREET, FELLSMERE, FLORIDA

Agenda Item No. M.3

: Amend Application Form & District Policies

Background: The Fellsmere Water Control District (FWCD) permit application requires revisions due to the district management change. While adjusting the permit form, the District Manager also reviewed the Standard Provisos and Permit Policies that are part of the permit application form. Various revisions to the Standard Provisos and Permit Policies are proposed as summarized below.

Application Certification

As Applicant, I represent and agree that ~~as a permit condition,~~ the use of or construction within the right-of-way of the Fellsmere Water Control District will be in accordance with the ~~details of the approved sketch and/or permit conditions shown hereupon, supporting this Application;~~ Standard Provisos contained herein, District standards, the details and special conditions supporting the approved permit, and ~~if any changes are required~~ all changes are required to be approved by the District ~~cleared with the District and additional hourly rate charge will apply to changes as well as violations~~ and will be subject to additional charges. Applicant understands that the lands to be benefited by this request may be subject to flooding during periods of high water due to heavy rains or other acts of God, which is recognized not to be within the control of the District.

~~Permission, when granted, will be subject to the standard provisos set forth on the reverse hereof which may also include additional hourly rate charges. Application subject to other permitting agencies approval.~~

Standard Provisos

14. This permit is valid for six months from the date of approval. An inspection must be requested within this timeframe or the permit will expire and become null and void. All permit fees will be forfeited.
15. Application subject to all other permitting agencies approval, if applicable. Applicant is responsible for obtaining any other outside agency permits that may be required.
17. The District will not be liable for damage to drains or other facilities that enter District facilities if the owner of such drain or other facility fails to install, in accordance with the District's Standard Conditions, a top of bank object marker and rip-rap, if so required, at the location that the drains or other facilities enter District facilities.

Permit Policies

3. Permittee will neither plant trees or shrubs nor allow trees or shrubs to grow nor erect any structure that will prohibit or limit the existing access of District equipment or vehicles without securing proper authorization thereof.
4. All new culvert installations and/or replacement culverts within (roadway/driveway crossings) or drainage system requires a permit from the District. The installation of such culverts shall be in accordance with the replacements and conditions of the permit (i.e. size, grade, and treatments grading, compaction and stabilization) to maintain compliance with the District's policies to keep and maintain the existing capacity and function of the District's facilities. The end (outfall) section of all drainage discharge pipes into the canal system shall ~~be corrugated metal pipe~~ extending through the bank of the District's canal to the toe of the slope of said canal to minimize erosion of the canal bank. No flap gates or back flow preventers are permitted on outfall discharge pipe or structures. An as

FELLSMERE WATER CONTROL DISTRICT

Application for Connection to District or Use of Facilities

built/location certification of all culvert/structure installations within the District's canals/right-of-way shall be performed by a Florida Registered Professional Surveyor or Mapper on form provided by the District, and submitted

Agenda Item No. M.4: Amend Application Form & District Policies - continued

to the District within thirty (30) days following completion of installation. If as-built certification is not received within thirty (30) day of installation, the District will either have certification completed at owner's/ applicant's expense or order removal of the installation.

5. The design, layout and construction of new or replacement projects along (abutting) and adjacent to any existing District sub-lateral canal shall provide a minimum clear maintenance path width of twenty-five (25) feet, along the side of the sub-lateral canal containing the historical maintenance path, as measured landward from the adjacent top of the said canal. An easement or fee simple dedication of the maintenance path shall be provided in favor of the District where applicable prior to release of any permit.
6. On projects requiring professional review ~~for approval by the Board of Supervisors of the Fellsmere Water Control District (FWCD)~~ a ~~\$1,000~~ \$1,500.00 deposit is required on submission whether or not an application is made for construction. Any amount of the project review deposit not expended for professional services on the District's behalf in the review process will be refunded, ~~following review to the party submitting any excess expended for professional services in review over \$1,000.00.~~ Any costs in excess of the deposit for review will be payable by the permittee prior to release of the permit.

Request: The Board of Supervisors is requested to approve Resolution 2024/2025-09 containing by reference the amended permit form, Standard Provisos and Permit Policies and to authorize District Manager to amend form from time to time to provide current list of local surveyors and contractors that may be able to assist landowners in permitted projects.

RESOLUTION NO. 2024/2025-09

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FELLSMERE
WATER CONTROL DISTRICT, AMENDING PERMIT POLICIES AND FORMS;
AND PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.**

WHEREAS, the Board of Supervisors of Fellsmere Water Control District, under the General Provisions of Chapter 298, Florida Statutes, has full power and authority to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the Water Control Plan, and

WHEREAS, the Board of Supervisors of Fellsmere Water Control District, under the General Provisions of Chapter 298.22, may adopt resolutions and policies to implement the purposes of Chapter 298, Florida Statutes, and

WHEREAS, the Board of Supervisors of Fellsmere Water Control District may change such resolutions and policies at any time, and

WHEREAS, the Board of Supervisors of Fellsmere Water Control District desires to update the permit form and policies for connection to and use of district facilities.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FELLSMERE
WATER CONTROL DISTRICT, AS FOLLOWS:**

Section 1. The above recitals are hereby adopted.

Section 2. The Application for Connection to District or Use of Facilities and Standard Provisos and Permit Policies are hereby amended as set forth in Exhibit “A” attached hereto.

Section 3. All prior Resolutions, parts of Resolutions, or other policy statements of the District in conflict herewith are hereby repealed.

Section 4. This resolution shall become effective on date of passage.

PASSED, ADOPTED and EFFECTIVE this _____ day of _____, 2025.

ATTEST:

FELLSMERE WATER CONTROL DISTRICT

By: _____

By: _____

Secretary/Assistant Secretary

President/Vice President

FELLSMERE WATER CONTROL DISTRICT
REGULAR BOARD MEETING
July 8, 2025, at 5:30 P.M.
LOCATION: 22 S. ORANGE STREET, FELLSMERE, FLORIDA

Agenda Item No. M.4: Discussion of Vehicle Reimbursement Policy

Background: The Fellsmere Water Control District (FWCD) currently reimburses employees for work-related travel on a mileage basis using the federal rate of \$0.70 per mile. Many years ago, the district also granted a monthly subsidy for those who utilized a four-wheel vehicle since at times such a vehicle would be necessary to navigate certain district rights-of-ways. When receiving this subsidy, the employee would not receive any mileage reimbursement but would get gas reimbursement based on receipts submitted. At this time, no current employee owns a four-wheel drive vehicle.

To encourage employees to utilize a four-wheel vehicle, a return to this policy may allow such employees to own a four-wheel vehicle. Based on prior mileage expenses, this policy is relatively cost neutral but does provide certainty as to reimbursement if expenses are incurred by an employee to own a four-wheel drive vehicle. See prior resolution for information purposes.

An alternative approach is to have the district own a four-wheel vehicle for employee use when needed. This option is not recommended as its cost to the district would far exceed a monthly subsidy program set at a reasonable level.

Recommendation: Return to this policy and maintain federal reimbursement rate. Alternatively, the Board may use the State reimbursement rate, which tends to be substantially lower (currently \$0.48 per mile) and/or forgoe the four-wheel vehicle policy.

Request: Approve Resolution 2024/2025-10 returning to a four-wheel vehicle subsidy at a monthly rate of \$300.00 plus work-related gas receipts and use of the federal rate for other travel reimbursement.

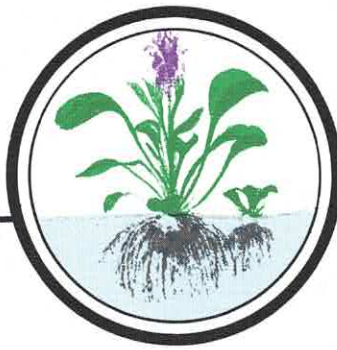
FELLSMERE WATER

CONTROL DISTRICT

P. O. Box 438

FELLSMERE, FLORIDA 32948

(407) 571-0640



BOARD OF SUPERVISORS

RAYMOND E. JOHNS

PATRICK D. LEARY

CLIFFORD D. TYSON

R E S O L U T I O N

WHEREAS, the Board of Supervisors of FELLSMERE WATER CONTROL DISTRICT under the General Provisions of Chapter 112, F.S. 1987 may grant monthly vehicle allowances in fixed amounts for the use of privately owned vehicles on official business in lieu of the mileage rate provided in paragraph (d) of F.S. 1987 Chapter 112, and

WHEREAS, allowances granted pursuant to this paragraph shall be reasonable taking into account the customary use of the vehicle and the roads customarily traveled, and

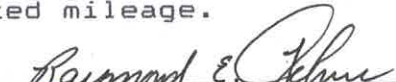
WHEREAS, such allowances may be changed at any time, and shall be made on the basis of a signed statement of the traveler, filed before the allowance is granted or changed, and at least annually thereafter, and

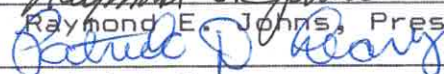
WHEREAS, taking into consideration that to perform the job of Superintendent, the Superintendent must have a four wheel drive vehicle to travel the roads and right-of-ways to check on operators and maintenance of District facilities. To transport such other agencies officials and landowners as necessary, and

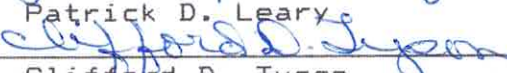
WHEREAS, it would cost the FELLSMERE WATER CONTROL DISTRICT to own, maintain insure and operate and amount far exceeding the amount of \$200.00 per month for such a vehicle based on an average typical months travel. The District hereby sets the monthly vehicle allowance of \$200.00 per month for Superintendent to provide a four wheel drive vehicle as a work vehicle.

THEREFORE, BE IT RESOLVED that the Superintendent is required to provide a four wheel drive vehicle and will receive a monthly vehicle allowance of \$200.00 per month, plus gas and oil for business related mileage.

Dated May 14, 1992



Raymond E. Johns, President


Patrick D. Leary


Clifford D. Tyson

RESOLUTION NO. 2024/2025-10

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FELLSMERE WATER CONTROL DISTRICT, GRANTING MONTHLY VEHICLE ALLOWANCE FOR USE OF PRIVATE VEHICLES USED FOR PUBLIC BUSINESS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of Fellsmere Water Control District under the General Provisions of Chapter 112.061(7)(f), may grant monthly vehicle allowances in fixed amounts for the use of privately owned vehicles on official business in lieu of the mileage rate provided in F.S. Chapter 112, and

WHEREAS, allowances granted pursuant to this paragraph shall be reasonable taking into account the customary use of the vehicle and the roads customarily traveled, and

WHEREAS, such allowances may be changed at any time, and shall be made on the basis of a signed statement of the traveler, filed before the allowance is granted or changed, and at least annually thereafter, and

WHEREAS, taking into consideration that to perform the job of Superintendent and the Operator, the Superintendent and the Operator must have a four wheel drive vehicle to travel the roads and right-of-ways to check on operators and maintenance of District facilities. To transport such other agencies officials and landowners as necessary, and

WHEREAS, it would cost the Fellsmere Water Control District to own, maintain, insure, and operate an amount far exceeding the amount for such a vehicle based on an average typical months travel.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FELLSMERE WATER CONTROL DISTRICT, AS FOLLOWS:

Section 1. The above recitals are hereby adopted.

Section 2. The Superintendent and Operator, when using a personal four wheel drive vehicle for work purposes, will receive a monthly vehicle allowance of \$300.00 per month, plus gas for business related mileage. Failure to provide a four-wheel vehicle will result in all travel using such vehicle to be reimbursed on mileage basis using the federal rate of reimbursement in effect.

Section 3. This resolution shall become effective on adoption.

PASSED and ADOPTED this _____ day of _____, 2025.

ATTEST:

FELLSMERE WATER CONTROL DISTRICT

By: _____

By: _____

Secretary/Assistant Secretary

President/Vice President

RESOLUTION 2024/2025-11

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FELLSMERE WATER CONTROL DISTRICT, TO FIX COMPENSATION AND BENEFITS FOR WORK AND EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.

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 for Fiscal Year 2025/2026, at which time it can be reviewed and updated:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FELLSMERE WATER CONTROL DISTRICT THAT:

Section 1. Compensation for work and employees shall be as follows:

- a. Supervisors are not compensated
- b. Engineer
Compensated via Superintendent/District Manager who shall serve this position with No Retainer.
Engineering services in support of the District Engineer to be performed by General Engineering Consultants via competitive selection pursuant Florida Statutes 287.055.
- c. Attorney
Continue representation by Lewis Longman Walker pursuant to Retention and Fee Agreement dated May 21, 2025 attached hereto as Exhibit "A".
- d. District Manager / Superintendent of Plant and Operations
Salary \$104,000 per year + benefits.
- e. Secretary / Bookkeeper
Compensated via Superintendent/District Manager who shall serve this position with No Retainer.
- f. Treasurer is not compensated:
Compensated via Superintendent/District Manager who shall service this position with No Retainer.
Bond amount of \$5,000 is set for the Treasurer.
- g. Equipment Operator
Pay Rate maximum of \$27.00.00 per hour+ benefits with a 40-hour week.
- h. Auditor
Continue services from Grau & Associates pursuant to the Proposal to Provide Financial Auditing Services dated October 18, 2023 excerpt attached hereto as Exhibit "B".

Section 2. All current employee and payroll policies remain in effect.

Section 3. All prior Resolutions, parts of Resolutions, or other policy statements of the District in conflict herewith are hereby repealed.

Section 4. This Resolution shall become effective on October 1, 2025.

PASSED, ADOPTED and EFFECTIVE this _____ day of _____, 2025.

ATTEST:

FELLSMERE WATER CONTROL DISTRICT

By: _____
Secretary/Assistant Secretary

By: _____
President/Vice-President

FELLSMERE WATER CONTROL DISTRICT
REGULAR BOARD MEETING
July 8, 2025, at 5:30 P.M.
LOCATION: 22 S. ORANGE STREET, FELLSMERE, FLORIDA

Agenda Item No. M.6: Review of Separation of Duties

Background: The Fellsmere Water Control District (FWCD) received an audit finding in 2013 and again in 2017 related to separation of duties regarding financial transactions. At that time, the FWCD committed to dual signatures on all checks – one from the Superintendent and one of a Board Supervisor with a cover warrant. The prior district management discontinued this process and replaced it with formal approval of all checks prior to release for payment with no cover warrant. Options to proceed to ensure proper financial oversight include the following.

1. Provide a cover warrant and use dual signatures on all payments prior to release.

This is the method used by the district for decades prior to onset of digital payments and is most consistent with State Statute as to use of Warrants. The year in which dual signatures was no longer used has not been researched. The use of autopay for regular monthly expenses does not allow for dual signatures nor provide a cover warrant prior to payment. Dual approval can be mitigated through a Board Supervisor approval of enrollment in auto pay. There is no means to provide cover warrants for auto pay unless done after the fact. Regular hard copy checks and one-time ACH payments are the only payment types that can meet this standard. These types of payments make up less than half of all transactions.

2. Provide a cover warrant and Board Supervisor review on all payments prior to release.

This method was used by the district for some time after digital payments were feasible as the district did not use such payment methods. Although this method addressed State Statutes in regards to Warrants, it failed to provide enough separation of duties per prior audit findings. The difference with Option #1 is that checks have only one signature. The use of autopay for regular monthly expenses again does not allow for a Board Supervisor review nor provide a cover warrant prior to payment. Board Supervisor review and even approval can be mitigated through a Board Supervisor approval of enrollment in auto pay. There is no means to provide cover warrants for auto pay unless done after the fact. Regular hard copy checks and one-time ACH payments are the only payment types that can meet this standard. These types of payments make up less than half of all transactions. This method can be further enhanced by use of a Board Supervisor to review and signoff on each monthly bank reconciliation.

3. Provide Board Supervisor review on all payments prior to release – current method.

Since the district began use of contract management services, this method has been in use. It does not provide for compliance with State Statute in regards to Warrants and also is not consistent with prior commitments to auditors when the separation of duties was noted. The use of autopay for regular monthly expenses again does not allow for a Board Supervisor review. Review by a Board Supervisor, and even approval, can still be mitigated through a Board Supervisor approval of enrollment in auto pay. There is no means to provide cover warrants for auto pay unless done after the fact. Regular hard copy checks and one-time ACH payments are the only payment types that can meet this standard. These types of payments make up less than half of all transactions. Use of warrants is being addressed through maintaining the required information of a warrant in the financial database of the district. See the following page for warrant requirements of state statutes and options related thereto. Although this method can also be enhanced with a Board Supervisor review and signoff on each monthly bank reconciliation, it fails to address state statute requirement for use of warrants.

Agenda Item No. M.6: Review of Separation of Duties - continued

Recommendation: The District Manager recommends a version of Option #2. For those payments made by check or one-time ACH, a cover warrant can easily be drafted. For those paid via auto pay, a cover warrant can be drafted as the District Manager enters the payment into the district's financial database. Prior review of all payments by a Board Supervisor should address the concerns of future audits. Board Supervisor review and signoff of bank reconciliations is part of this recommend approach. Records should be kept demonstrating the coordination of these reviews to demonstrate proper separation of duties. A copy of the Warrant used by the Indian River Farms WCD is attached for reference. An excerpt of State Statute related to Warrants follows.

298.17 Appointment and duties of treasurer of district; appointment of deputies; bond of treasurer; audit of books; disbursements by warrant; form of warrant. (EXCERPT)

The treasurer of the district shall pay out funds of the district only on warrants issued by the district, said warrants to be signed by the president of the board of supervisors and attested by the signature of the secretary. All warrants shall be in the following form:

\$ _____ Fund _____ No. of Warrant _____

Treasurer of Fellsmere Water Control District, State of Florida.

Pay to _____ Dollars out of the money in _____ fund of Fellsmere Water Control District.

For _____

By order of Board of Supervisors of Fellsmere Water Control District, Florida.

As an alternative to providing a separate Warrant to cover each transaction, the above statute can be replicated in the financial database of the district with the following table that can be signed on a recurring basis. As stated earlier, with most payments being autopay, the signatures would be after the fact on many transactions. Frequency of payment can be monthly given the Assistant Treasurer, a member of the Board of Supervisors, approves all expenditures (less auto pay) prior to release. The only nuance of statute is that it states the Board President shall sign warrant.

By order of Board of Supervisors of Fellsmere Water Control District, Florida.

Warrant #	Amount (\$)	Fund	Pay To	For
1	\$50,00	X7417	City of Fellsmere	Water – January 2025

President

Treasurer

Date _____

Date _____

Request: The Board of Supervisors is requested to provide direction as to the method of ensuring proper oversight of the financial transactions of the district. The District Manager recommends Option #2 as presented above.

Today at 2:21 PM

Patrick Graham <pgraham@knegcpa.com>

To 'fwcd@bellsouth.net'

This is the same request for a response to an auditor finding as the District had to do a couple of years ago. We were told back then that they might ask in a another 2-3 years. And here we are. In this case, nothing has changed because it is still not financially possible for the District to hire enough staff in order to mitigate the segregation of duties finding. So you'll need to respond back to them basically saying that nothing has changed because of cost vs benefit (limited funds).

Let me know if you need anything more from me on this.

Sincerely,

Patrick

Patrick K. Graham, CPA, MA, Partner
Kmetz, Nuttall, Elwell, Graham, PLLC
2800 Ocean Drive · Vero Beach, Florida 32963
T: 772.231.6902 F: 772.231.4099
pgraham@knegcpa.com
www.knegcpa.com

JOE NEGRON
President of the Senate



Senator Dennis Baxley
Senator Audrey Gibson
Senator Kathleen Passidomo
Senator Perry E. Thurston, Jr.

THE FLORIDA LEGISLATURE
JOINT LEGISLATIVE AUDITING COMMITTEE

Senator Debbie Mayfield, Chair
Representative Daniel D. Raulerson, Vice Chair

RICHARD CORCORAN
Speaker of the House



Representative Tracie Davis
Representative Randy Fine
Representative Joe Gruters
Representative Roy Hardemon
Representative Cyndi Stevenson

March 20, 2017

Jerry R. Tillman, Registered Agent
Fellsmere Water Control District
P. O. Box 438
Fellsmere, FL 32948

Dear Mr. Tillman:

Section 218.39(8), *Florida Statutes*, requires the Auditor General to notify the Joint Legislative Auditing Committee (Committee) when a special district has failed to correct an audit finding that has been reported in three successive audit reports. The Committee may then require the special district to provide a written explanation of the status of corrective action that has been taken. If the explanation is either not provided or determined to be not sufficient, the Committee may require the chair of the governing body of the special district to appear before the Committee.

On February 23, 2017, the Committee adopted a motion to direct the Fellsmere Water Control District (District) to provide a written statement to the Committee explaining why full corrective action has not been taken or, if the governing body intends to take full corrective action, describing the corrective action to be taken and when it will occur, for an audit finding that was reported in the FY 2014-15 fiscal year audit report and also in the two preceding audit reports. See enclosure for the audit finding that requires a response.

You may access this audit report from the Auditor General's website (www.myflorida.com/audgen) under the heading 'Reports Filed with the Auditor General.' Hover over 'Filed Reports,' select 'Special Districts,' and then select 'Fellsmere Water Control District' and the report for the 'FY 2014-15 Fiscal Year.'

This audit finding relates to an area that may never be fully resolved due to limited staff and resources of a small entity. In prior years, the Committee approved to waive a written response for this finding because

the District previously provided a detailed response relating to the finding. This year the Committee is requesting that the District provide an updated response to this finding.

The following guidance is provided to assist you in your response:

- If the finding has been corrected and was not included in the audit report for the FY 2015-16 fiscal year, please indicate such in the required statement.
- If the finding has not been corrected and relates to an area that may never be fully resolved due to limited staff and resources of a small entity, please explain such in the written statement and briefly describe any procedures that may have been implemented to help address the issue. One example is a separation of duties finding. While it is understood and acknowledged that there are many small governmental entities in this state with limited resources, there are always compensating controls that can be implemented to help mitigate some of the inherent risk that exists when one individual at such an entity has access to both physical assets and the related accounting records, or to all phases of a transaction. Another example is a finding related to the auditors assisting in the preparation of the District's financial statements and related note disclosures.
- If the finding has not been corrected and the previous bullet is not applicable, please explain the corrective action(s) being taken to resolve the audit finding. While we understand that the audit report referenced in this letter contained a written response to the finding(s) included in the audit report, we are requesting an updated status of the corrective action(s) being taken. Please do not provide just a copy of the written response from your audit report, unless it includes details and was provided to the auditor within the past month.

Please provide the written statement by June 1, 2017. You may address it to The Honorable Debbie Mayfield, Chair, Joint Legislative Auditing Committee, and send it to the Committee's office using one of the following methods:

E-mail: jlac@leg.state.fl.us

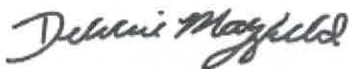
Fax: 850-922-5667

Mail: 111 W. Madison St., Rm. 876; Tallahassee, FL 32399-1400

Please note that your response will be posted on the Committee's website.

Thank you for your cooperation.

Best regards,



Debbie Mayfield
Chair



Daniel Raulerson
Vice Chair

Enclosure

Fellsmere Water Control District

CPA Firm Audit	
Fiscal Year Audit Report	Finding Number/Finding Description/PDF Page Number(s)
FY 2014-15	2015-1 - Separation of Duties: The limited size of the District's staff does not allow for proper separation of duties in each phase of operations, which is not unusual in an organization of this size. The high degree of involvement by the Board of Supervisors in the financial process provides a degree of compensating control for this weakness. (See PDF Page 38)

Fellsmere Water Control District

P.O. Box 438 • Fellsmere, Florida 32948
772-571-0640 • 772-571-0203 fax
fwcd@bellsouth.net



Independent Auditors Management Letter

Management Response to Findings

Action taken by the Board of Supervisors of Fellsmere Water Control District a Chapter 298 Special District encompassing 34,998 acres is as follows;

In response to the Independent Auditors Report prepared by Kmetz, Nuttall, Elwell, Graham, PLLC regarding Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards.

The District has an office staff consisting of two (2) persons.

The limited size of the staff does not allow for segregation of duties in each phase of operations. After this finding by the Auditors, the Boards actions have been a higher degree of participation in the financial process because of the limited number of employees. The Board requires one signature of a Supervisor on all checks as well as the Superintendent and as required by Chapter 298 the District pays all expenses through a warrant system signed by the President of the Board.

Fellsmere Water Control District operates on a very limited budget making it impossible to reorganize the accounting functions to separate incompatible tasks by hiring at least one (1) more F/T accounting person. In order to hire someone the District would need to have sustainable resources available to afford the expense of an additional employee. The Board understands the need to consider this as a prudent expense given all of the circumstances, but at this time does not feel it can justify the raising of assessments to achieve this goal.

CENTER STATE BANK

Indian River Farms Water Control District

INDIAN RIVER FARMS WATER CONTROL DISTRICT

Warrant

General Fund

Warrant No. _____

Date: _____

Treasurer of Indian River Farms Water Control District, Vero Beach, Florida

Pay to: _____ \$ _____

Ck# _____

monies from the General Fund, Indian River Farms Water Control District for:

By order of the Board of Supervisors, Indian River County Farms Water Control District, Vero Beach, Florida.

President of the Board

Attest:

Secretary

FELLSMERE WATER CONTROL DISTRICT
REGULAR BOARD MEETING
July 8, 2025, at 5:30 P.M.
LOCATION: 22 S. ORANGE STREET, FELLSMERE, FLORIDA

Agenda Item No. M.7: Review of City of Fellsmere Water Line Permit Conditions

Background: The Fellsmere Water Control District (FWCD) issued a permit to the City of Fellsmere for placement of a water line parallel and within the district right-of-way (ROW) along 97th Street. The FWCD waived the \$1,200/mile annual payment to the district in exchange for the city maintaining Ditch 14 as an in-kind service fee. Since approval in 1994, the City has failed to maintain the ditch. Total distance is 0.3 miles through 2007 and 1.3 miles since that time.

The City of Fellsmere has developed plans to pave a portion of the 97th Street and construct a new rock/dirt road for the balance of the street including turning south at the district's East Boundary to tie into CR512. A draft interlocal agreement to implement the anticipated permit for 97th Street improvements is attached. Unfortunately, the City has decided to forego this project at this time; so, no action on the interlocal agreement is required. When the City chooses to return to this project, the interlocal agreement and a permit will be required from the district.

Since the project has been put on hold, a decision is required as to enforcement of the 1994 water line permit to maintain the ditch in lieu of payment of the linear use fee and whether the city owes the district for the past twenty years of payments since no maintenance has ever been done. The Board of Supervisors is requested to provide direction as to enforcement of the 1994 water line permit to maintain the ditch in lieu of payment of the linear use fee and whether the city owes the district for the past twenty years of payments since no maintenance has ever been done.

Recommendation: Options are provided below. Staff recommends Option #1 - returning to an annual payment (including payment of back fees).

1. Instate annual fee pursuant to fee schedule for the linear use of the district ROW going forward and invoice City for cost to clean sublateral to address failure of city to maintain in past. If payment had been required in lieu of city maintenance since original installation, the payments would have been as follows:

1994-2007	8 year	0.3 miles	\$2,880.00
2007-2025	18 years	1.3 miles	\$28,080.00
TOTAL			\$30,960.00

FWCD to use contract labor to clean sublateral and invoice city for such work. If cost is for less than owed, balance will be forgiven. If costs are more, FWCD to cover overage.

2. City to maintain ditch as in-kind service in lieu of annual payment. This option would require an Interlocal Agreement to ensure proper protection of the district and clear responsibilities of the city. As stated earlier, this option is not feasible with city-owned machinery and staff since the city does not own a suitable machine for such work. Contracting such work would require approximately 40 hours of machine/operator time at least once per five-year cycle and regular ditch top and bank mowing. The city would not be responsible for routine aquatic spraying.

Request: Require payment at rate in effect during lack of maintenance and convert permit to annual payment going forward at new rate.

FELLSMERE WATER CONTROL DISTRICT

P.O. Box 438

FELLSMERE, FLORIDA 32948

(305) 571-0640

APPLICATION FORM

FELLSMERE WATER CONTROL DISTRICT

PERMIT FOR CONSTRUCTION IN DISTRICT RIGHTS OF WAY

DATE January 17, 1994

APPLICANT (Name) City of Fellsmere Water System
(Address) 13 South Cypress St P.O. Box 38
(Phone No.) (407) 571-1616

CONTRACTOR (Name) _____
(Address) _____
(Phone No.) _____

LOCATION OF WORK _____
Street Address
1450 thru 1454 Ditch 14 31/37
Tract No. Section Township/Range

TYPE PERMIT	TYPE UTILITY CONSTRUCTION
☐ Culvert	☒ XX Underground Water
☐ Fence	☐ Overhead
☐ Other	

- NOTE: 1. Detailed drawing shall be submitted with each application ☒ Yes ☐ No.
2. This permit is issued subject to all conditions on reverse side of this application.
3. A signature by the contractor shall be construed as making the contractor personally liable for all permit conditions unless contractor attaches written proof of authorization to act on behalf of the applicant.
4. Franchise fee of \$1200.00 per mile.

Renee Herrera
Applicant/Contractor

APPROVED: ☒ YES ☐ NO

1. The foregoing permit approved for installation of ~~covered~~ pipe of the following size and type, to-wit: 16" Water Main

2. The foregoing permit approved for installation of a fence on District right-of-way, to-wit: _____

THIS PERMIT IS NOT VALID UNTIL COUNTER-SIGNED
BY THE SUPERINTENDENT OF DISTRICT

Counter Signed this 17th Day of JANUARY, 19 94

Roberto T. Tellez
Superintendent, Fellsmere Water Control District

CITY OF FELLSMERE WATER PROJECT:

Michael Delaney, from Mastellor, Moler & Reed Engineering, gave a presentation of where the 16" water main would be located on the north R.O.W. of Sub-Lateral 14, from the water plant to Willow Street. Mr. Delaney stated that the reason for wanting to use the north side is that there is little or no r.o.w. left on the south side. Mr. Delaney advised he is aware of the large oaks and pines on the north r.o.w. of Sub-Lateral 14 and that the contractor took this into consideration when bidding the project. Mr. Delaney stated that the District gave conceptual approval for the project in a previous meeting and he wanted approval from the District to clear, remove the trees along the r.o.w. on Sub-lateral 14.

Mr. Carter again reiterated that the District should consider a annual lease agreement per year/per mile. After much discussion a motion, made, and seconded and unanimously carried to approve the 16" Main water line along the North r.o.w. of Sub-Lateral 14 and to clear and install the waterline with understanding that the District reserves the right to charge a lease agreement of \$1,200.00 per year /per mile. The Board, after discussion determined that since this one case only deals with 1/2 mile of r.o.w., that will take intensive clearing and resloping to prevent erosion, will deal with it as a unique case on a year to year basis. The Board will waive the per mile fee if the city will maintain the sub-lateral 14 r.o.w. involved in this project as a in kind service fee. If the City fails to maintain the r.o.w. the Board reserves the right to re-instate the fee. All future water, sewer or other utilities line that request to use the r.o.w's of the District are subject to the \$1,200.00 per year/per mile fee and must apply to the District for the appropriate permits.

FELLSMERE WATER



BOARD OF SUPERVISORS

CONTROL DISTRICT

P. O. Box 438

FELLSMERE, FLORIDA 32948

(407) 571-0640

April 7, 1994

RAYMOND E. JOHNS

PATRICK D. LEARY

CLIFFORD D. TYSON

City of Fellsmere
Renee' Herrera Mayor
P.O. Box 39
Fellsmere, FL 32948

RE: Application/Permit

Dear Renee':

Enclosed please find a extraction from the January 13, 1994 Minutes of F.W.C.D. This should answer your question from the March 29, 1994 letter you sent me.

Because of the adoption of Chapter 556 of Florida Statutes by the Legislature in 1993, entitled Underground Facility Damage Prevention and Safety Act, the District has implemented the \$1,200.00 annual lease agreement per year/per mile. This lease is to discourage use of the District's right-of-ways.

Section 556.106 is the penalty section, and provides that in the event any person (which includes the District under the definitional section) violates the notification provision of the statute and performs an excavation which damages an underground facility of a member (various utitliies), it is presumed that such person was negligent and will be liable for the total sum of all losses. This does not apply only to members of the system, but to any person, including any governmental unit doing excavation. There is no provision for waiver and the only exception is for single family residential properties in Section 556.108. There are penalties, in addition to liability for damages.

Therefore, you can see why the District took this action since the act does have full application to the District, whether operating on its own property or not.

If you have any further question please advise.

Sincerely,

Rodney Tillman
Superintendent

RT/jh
cc: C.O.F. file

City of Fellsmere

Renee' Herrera, Mayor
Deborah Krages, City Clerk
Phone (407)571-0116

P.O. Box 39
Fellsmere, FL 32948-0039
Fax (407)571-1901

March 29, 1994

Fellsmere Water Control District
Mr. Rodney Tillman
Post Office Box 438
Fellsmere, FL 43948-0438

RE: Application/Permit
January 17, 1994

Dear Rodney:

Please be advised that we are in receipt of a copy of the above referenced application/permit with the district.

It is our understanding that the required \$1,200.00 franchise fee per mile was dropped in exchange for some clearing during the construction activity.

I would appreciate your advising me if this is factual or not. Should this not be the case the municipal water department will need to budget anticipated franchise fee payments to you.

Thanking you in advance for your prompt attention to this pending matter.

Very truly yours,



Renee' Herrera
Mayor
RH/dck
CC: FWCD File

FELLSMERE WATER CONTROL DISTRICT
REGULAR BOARD MEETING
July 8, 2025, at 5:30 P.M.
LOCATION: 22 S. ORANGE STREET, FELLSMERE, FLORIDA

Agenda Item No. M.8: Demand Letters

Background: Upon transition of the district to in-house management, there were 30 outstanding demand letters in the system. These are just now being reviewed to determine if permits have been obtained to rectify the violations. A future agenda item will be brought forward to address those remaining to be resolved. Since September 2024, two additional demand letters have been issued, of which, one has been properly resolved. The other, a removal of an outfall structure at Mesa Park, is being addressed as a code enforcement action of the City of Fellsmere.

In addition to the above, staff has determined that invasive Australian Pine trees planted by landowners many years ago have grown into FWCD rights-of-way and are beginning to cause maintenance and flow concerns. Failure of the private property to maintain this invasive species has resulted in the invasive introduction of this species into the ROW of the district. This concern was more fully summarized in Item J.3 earlier in this Board of Supervisor meeting.

Request: The Board of Supervisors is requested to:

- 1) Approve the release of Demand Letters to property owners who have allowed their Australian Pines to invade the district ROW with authorization to District Manager to address each instance on a case by case basis. In some cases, obtaining an easement for maintenance purposes may be traded for relief of the tree removal requirement if such trade is beneficial to the district and landowner.
- 2) Approve tolling Mesa Park violation pending completion of City of Fellsmere code enforcement case. Alternatively, the Board may authorize the District Manager to perform the repairs and bill the owner with any unpaid portion becoming a lien on the property after 60 days of nonpayment.

FELLSMERE WATER CONTROL DISTRICT

109 N. Willow Street
Fellsmere, FL 32948

January 3, 2025

To: Mesa Motocross Park Inc
9550 Mesa Park East
Fellsmere, FL 32948

RE: Removed Outfall into Ditch PL-14 at northeastern outlet

Dear Sir:

Please accept this letter as a formal request to replace the removed outfall structure that was located at the northeastern outfall into Ditch PL-14. As the owner of this outfall structure and pursuant to the standard condition of the District permit, you are responsible for the structure's maintenance, repair, and replacement. An inspection in December 2024 has determined that the structure has been removed and other modifications to the approved drainage system have been made. Please replace the outfall structure to the permitted condition and repair the overall drainage system to the permitted conditions within 60 days of the date of this notice. Please also obtain a permit prior to commencing work. A permit may be obtained from the District Office at 109 N. Willow Street, Fellsmere, Florida or downloaded from the District website at <https://fellsmerewatercontroldistrict.org/links/>.

Failure to restore the drainage system within 60 days will result in such work being performed by the Fellsmere Water Control District and all costs of such repair plus a 15% administrative charge placed as a lien against the property unless paid in full within 60 days of receipt of invoice from the District.

Thank you in advance for your prompt attention to this matter. Feel free to reach out with questions or concerns.

Respectfully,



Mark D. Mathes, Manager/Superintendent
772-834-3422 – Cell
772-571-0640 – Work
mmathes@fellsmerewatercontroldistrict.org

DRAFT
Final Budget
Fiscal Year 2025-2026
October 1, 2025 - September 30, 2026

	FISCAL YEAR 2024/2025 AMENDED BUDGET	FISCAL YEAR 2025/2026 FINAL BUDGET	NOTES
REVENUES			
1002 Tax Revenue	713,054	814,070	Includes State Park
5015 Revenue Other	-	14,000	Permits, Interest, & miscellaneous revenue
1002 Direct Bill	56,139	59,435	
1003 Interest Income	1,800		
2001 Tax Collector Fee (Rev. Adjustment)	(14,261)	(15,360)	Two Percent Of Total Assessment Roll
2002 Discounts Early Pay (Rev. Adjustment)	(28,522)	(30,720)	Four Percent Of Total Assessment Roll
2951 Carry Forward from Reserves	233,249	100,000	From Cash on hand
TOTAL REVENUES	961,458	941,425	
ADMINISTRATIVE EXPENDITURES (all Units)			
5002 Website Management	7,500	1,500	Firewall/UTS (website - 27/28 next payment)
5003 Miscellaneous	250	1,000	Adjust to actual averages
5013 Legal and Professional	24,000	30,000	Increased trend, land easements, State Park, etc.
5014 Insurance - Admin	18,500	17,500	Upsate covered items resulting in decrease
5015 Engineering	43,520	24,000	WCP & Nonresimbursables
5016 Audit Fees	12,400	12,400	Per Contract
5017 Management Fees	2,000	-	Transition complete
5018 Bank Service Charge	1,000	720	Money Market Fee
5019 Conversion Consultant	-	-	Analysis of District Organization
5037 Transportation	3,600	3,600	Adjust to actual averages
5053 Property Appraiser Fees	1,800	1,800	
5092 Assessment Roll	500	-	Prior SDS charge
5074 Property Taxes	850	965	Solid Waste Fee/ Property Taxes
5076 Licenses/Permits	600	175	FDEP
5077 Memberships	2,790	2,000	FASD fee
5078 Legal Advertising	1,800	1,200	LO, Annual Mtg, Annual Mtg. List, Other mtgs.
5079 Postage	250	2,400	Adjust to actual averages + Annula LO letter
5082 Maintenance Buildings & Grounds	2,300	5,700	LA, Pest, Security, A/C + Deferred maint. at Office/Shop
5083 Utilities	4,000	3,400	Adjust to actual averages
5086 Telephone	4,500	2,300	Adjust to actual averages
5090 Office Supplies	1,000	500	Adjust to actual averages
5091 Payroll Processing Fee	1,500	624	Reduce for actual contract
5111 Labor/District Manager	100,000	104,000	
5121 Payroll Taxes	7,500	7,956	
5122 State Retirement	37,000	35,901	
5123 Workers Comp	2,100	2,100	
5124 Group Med/Life Insurance	43,200	28,632	Employee and Spouse
TOTAL ADMINISTRATIVE EXPENDITURES	324,460	290,373	

DRAFT
Final Budget
Fiscal Year 2025-2026
October 1, 2025 - September 30, 2026

	FISCAL YEAR 2024/2025 AMENDED BUDGET	FISCAL YEAR 2025/2026 FINAL BUDGET	NOTES
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5014 Insurance - Admin	18,500	17,500	Update covered items resulting in decrease
5015 Engineering	43,520	24,000	WCP & Nonresimbursables
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5018 Bank Service Charge	1,000	720	Money Market Fee
5019 Conversion Consultant	-	-	Analysis of District Organization
5037 Transportation	3,600	3,600	Adjust to actual averages
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5092 Assessment Roll	500	-	Prior SDS charge
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TOTAL ADMINISTRATIVE EXPENDITURES	324,460	290,373	

DRAFT
Final Budget
Fiscal Year 2025-2026
October 1, 2025 - September 30, 2026

FY2025/2026 Proposed Assessment

	Expenses	Fees & Discounts	Assessment
West	\$ 103,501.18	\$ 6,098.89	10.09
East	\$ 372,425.20	\$ 21,945.46	39.34
South	\$ 222,881.20	\$ 13,133.46	39.34
Direct Bill	\$ 59,434.99		37.15
State Park	\$ 83,182.61	\$ 4,901.60	39.34
	\$ 841,425.17	\$ 46,079.41	
		\$ 46,079.41	ck cell E62+E63

	Admin	Maint	TOTAL	
Expenses	\$ 272,788.80	\$ 495,201.39	\$ 767,990.18	from budget sheets less direct bill
Early Payments (4%)	\$ 10,911.55	\$ 19,808.06	\$ 30,719.61	applied to expenses less direct bill
Collections Fees (2%)	\$ 5,455.78	\$ 9,904.03	\$ 15,359.80	applied to expenses less direct bill
TOTAL ASSESSMENTS	\$ 289,156.12	\$ 524,913.47	\$ 814,069.59	Total Assessment ck w/ budget
Other Fees*	\$ 4,831.35	\$ 9,168.65	\$ 14,000.00	split from below
Direct Bill	\$ 15,252.65	\$ 44,182.33	\$ 59,434.99	
	\$ 309,240.13	\$ 578,264.45	\$ 887,504.58	TOTAL
	\$ 292,872.80	\$ 548,552.37	\$ 841,425.17	ck cell J88
	ck cell J41 + J51	ck cell J82 less J51	\$ 841,425.17	cells C68+D68
			\$ 46,079.41	Early Pay + Discount
			\$ 887,504.58	TOTAL ck

DISCOUNTS

* Assessments Include the Following :
 4% Discount for Early Payments
 1% County Tax Collector Fee
 1% County Property Appraiser Fee

***Other Revenue Allocation based on total obligation - built into equations**

Admin	\$ 290,372.80	34.5%		
Maint	\$ 551,052.37	65.5%	\$ 14,000	permit fees
			\$ -	interest income
		100.0%	\$ 14,000	TOTAL

FY2025/2026 Proposed Assessment - W/O State Park

	Expenses	Fees & Discounts	Assessment
West	\$ 111,638.28	\$ 6,577.32	\$ 10.89
East	\$ 415,112.03	\$ 24,456.90	\$ 43.84
South	\$ 248,427.52	\$ 14,636.45	\$ 43.84
Direct Bill	\$ 66,247.34		\$ 41.40
State Park	\$ -	\$ -	#DIV/0!

DRAFT
Final Budget
Fiscal Year 2025-2026
October 1, 2025 - September 30, 2026

Cost Center/Cost	Applicable Units	Acreage	Percentage	UNIT Cost
Administration \$ 292,872.80	West	10,857.25	35.3%	\$ 103,501.18
	East	10,025.75	32.6%	\$ 95,574.56
	South	6,000.00	19.5%	\$ 57,197.46
	Direct Bill	1,600.00	5.2%	\$ 15,252.65
	State Park	2,239.29	7.3%	\$ 21,346.95
Canal Spraying \$ 50,000.00	West		0.0%	\$ -
	East	10,025.75	50.5%	\$ 25,234.66
	South	6,000.00	30.2%	\$ 15,101.91
	Direct Bill	1,600.00	8.1%	\$ 4,027.18
	State Park	2,239.29	11.3%	\$ 5,636.26
Canal Mowing \$ 20,000.00	West		0.0%	\$ -
	East	10,025.75	50.5%	\$ 10,093.86
	South	6,000.00	30.2%	\$ 6,040.76
	Direct Bill	1,600.00	8.1%	\$ 1,610.87
	State Park	2,239.29	11.3%	\$ 2,254.50
Canal Tree Removal \$ 25,000.00	West		0.0%	\$ -
	East	10,025.75	50.5%	\$ 12,617.33
	South	6,000.00	30.2%	\$ 7,550.95
	Direct Bill	1,600.00	8.1%	\$ 2,013.59
	State Park	2,239.29	11.3%	\$ 2,818.13
Canal Mechanical \$ -	West		0.0%	\$ -
	East	10,025.75	50.5%	\$ -
	South	6,000.00	30.2%	\$ -
	Direct Bill	1,600.00	8.1%	\$ -
	State Park	2,239.29	11.3%	\$ -
Sublateral Spraying \$ 100,000.00	West		0.0%	\$ -
	East	10,025.75	50.5%	\$ 50,469.32
	South	6,000.00	30.2%	\$ 30,203.82
	Direct Bill	1,600.00	8.1%	\$ 8,054.35
	State Park	2,239.29	11.3%	\$ 11,272.52
Sublateral Mowing \$ 120,000.00	West		0.0%	\$ -
	East	10,025.75	50.5%	\$ 60,563.18
	South	6,000.00	30.2%	\$ 36,244.58
	Direct Bill	1,600.00	8.1%	\$ 9,665.22
	State Park	2,239.29	11.3%	\$ 13,527.02
Sublateral Tree Removal \$ 35,000.00	West		0.0%	\$ -
	East	10,025.75	50.5%	\$ 17,664.26
	South	6,000.00	30.2%	\$ 10,571.34
	Direct Bill	1,600.00	8.1%	\$ 2,819.02
	State Park	2,239.29	11.3%	\$ 3,945.38
Sublateral Mechanical \$ 198,552.37	West		0.0%	\$ -
	East	10,025.75	50.5%	\$ 100,208.02
	South	6,000.00	30.2%	\$ 59,970.39
	Direct Bill	1,600.00	8.1%	\$ 15,992.10
	State Park	2,239.29	11.3%	\$ 22,381.85

FELLSMERE WATER CONTROL DISTRICT
REGULAR BOARD MEETING
July 8, 2025, at 5:30 P.M.
LOCATION: 22 S. ORANGE STREET, FELLSMERE, FLORIDA

Agenda Item No. M.10: Overhanging Limb Contract

Background: In preparation for an aquatic spray in September, overhanging limbs should be cut back to allow for access to the water's surface. A total of five vendors were contacted and inspected the work to be done. All were unable to provide a fixed price due to the varying nature of the work. As such, each provided machine hourly rate sheets along with references and experience.

A budget of \$35,000 has been set aside for this fiscal year and another \$35,000 for the next fiscal year that begins on October 1st. The proposed contract is for a three-year term to allow all sublaterals to be addresses over time.

Based on review of the experience and references, as well as ability to complete the work by end of August, staff recommends that this contract be let to _____. An insurance certificate naming the district as additional insured will be required prior to commencement of work. The district Attorney has prepared a standard cover contract with the vendor's proposal as attachment.

Management of the contract will required periodic review of work completed to ensure proper removal of overhanging limbs, fallen trees, sapplings and other potential obstruction to ditch flow or spray access. The District Manager will spot check at least twice per week and provide direction as needed to the vendor. The District Manager will also direct the vendor to priority sublaterals based on percent of overhanging limbs along the sublateral.

Request: The Board of Supervisors is requested to approve the three-year contract for services to _____ subject to receipt of insurance certificate naming the district as additional insured. Due to the time sensitive nature of the work, the contract and proposals will be provided as an addition to the agenda.

AGENDA SUMMARY

FELLSMERE WATER CONTROL DISTRICT

REGULAR BOARD MEETING

July 8, 2025, at 5:30 P.M.

LOCATION: 22 S. ORANGE STREET, FELLSMERE, FLORIDA

Agenda Item No. M.11: State Park Stormwater Runoff

BACKGROUND: The Fellsmere Water Control District (FWCD) and the St. Johns River Water Management District (SJRWMD) entered into an interlocal agreement (ILA) in November 1999 related to the purchase of the Carson Platt estate as part of the State Park. The ILA set forth a six-year period in which SJRWMD would be required to present a project to reduce flow by at least 10%.

A water management plan for the former Carson Platt estate (now part of the State Park), the SJRWMD owned lands – also owned in part by Florida TIF managed by FDEP – was submitted within the timeframe of the ILA. For unknown reasons, the project fell by the wayside. Records indicate that FWCD reached out to SJRWMD on a number of occasions up through 2010 but no SJRWMD response is located within FWCD files. The FWCD did not accept the plan due to the reasons set forth below

- Proposed ditch blocks are too far east leaving sheet flow to accumulate coming off the ridge and overwhelming landowners to the west;
- Required biological analysis and consultation with USFWS and FDEP had not been performed;
- Consideration of back-to-back storms with elevated water table to ensure no impact to adjacent land owners;
- Preference to include continuous low level dike (to be co-used as fire road) with bleed-down structures as plugs in each sublateral 1-8; and
- Repair of levee south of Sublateral 8 to CR512 and wrap levee east and parallel to CR512 to ensure water does not enter the FWCD system.

The portion of the State Park contained within the District boundary amounts to approximately 2,365 acres (comprised of 2,239 base acres and 126 FWCD ROW acres). Assessments have not been paid since the land was purchased in 1999. With or without the implementation of a reduced flow plan, the State Park is draining water into the FWCD system. No Water Control Plan amendment was ever requested by SJRWMD or performed by the FWCD to create this area as a separate unit that would allow for differing assessment level. As such, continued assessment is required by law. The State Park via St. Johns and FDEP as manager of the State TIF were notified in the same manner as all landowners.

On May 21, 2025, FWCD received an official objection to the levy of an assessment on SJRWMD lands. The collection of a challenged non-ad valorem assessment is tolled while the issue is resolved. The SJRWMD primary defense is that the Interlocal Agreement entered into on November 10, 1999 was meant to replace future assessments with the payments set forth in the ILA upon failure of the SJRWMD to deliver a water management plan within six years. Their further claim is that upon implementation of the project to reduce flow, future assessments would not be levied. Historic research of FWCD records reveals that the ILA was indeed expected to serve as the replacement for future assessments - at least for the initial six-year

AGENDA SUMMARY

period. Records are not as clear after this initial six-year grace period. The ILA unfortunately is silent on this issue.

A revision to the ILA is required to clarify the vague nature of the Ila as it relates to future assessments.

REQUEST: This agenda item is a place holder to discuss the need for revisions and provide direction to staff.