

Melbourne-Tillman Water Control District



Board Agenda

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, JUNE 22, 2021

9:00 AM



Call to Order

Phil Weinberg, President

Pledge of Allegiance

Phil Weinberg, President

Roll Call

Lisa Blackett

Board Members:

Eric Blount (Brevard County September 30, 2022)

Joseph Hale (Palm Bay September 30, 2022)

Keith Jerdon, (West Melbourne September 30, 2021)

Don Jordan, (Palm Bay September 30, 2023)

Drew Powshok (Brevard County September 30, 2022)

Philip Weinberg, (Palm Bay September 30, 2021)

Jay Woltering (Brevard County September 30, 2022)

Staff & Support:

Debbie Leclair, District Manager

Lisa Blackett, Asst. Mgr. Admin., Secretary/Treasurer

Jim Beadle, Attorney

Leah Cooney, Court Reporter

Recognition of Guests and Support Staff

John Gergen, Assistant Manager/ Operations

Mike McCabe, District Engineer

Steve Beenan, Beemats Floating Wetlands

Announcements

Keith Jerdon and Phil Weinberg's terms will expire on September 30, 2021.

Public Comments

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, JUNE 22, 2021

9:00 AM

Presentations

Steve Beeman with Beemats Floating Wetlands will present to the Board his companies beemat products. Mr. Beeman is requesting approval to place some beemats in Canal C-1, at no cost to the District, for a pilot project he is doing. The District has had these mats in C-1 previously and there have been no issues.

Regular Business

- Approval of the April 27, 2021 minutes of the MTWCD Board of Director's Meeting. (Attachment 1)
- Approval of the Operating Statement through May 31, 2021. (Attachment 2)

New Business

- Revisions in District Policies:
 - District Policy P132, Inventory (Attachment 3)
 - District Policy P212, Equal Employment Opportunity (Attachment 4)
 - District Policy P311, Use of District Right-of-Ways (Attachment 5)
- Discussion regarding requests for temporary right-of-way use for maintenance on permitted structures within the District.

Old Business

- Follow up regarding the drainage concerns and certified letter from the District Attorney to Randy Fernatt, 2074 Garbett Avenue SW, Palm Bay (Attachment 6)

Staff Reports

- Manager's Report, Debbie Leclair
 - District's SOIRL project (Attachment 7)
 - Update on GovDeals
 - MS-1 Seawall Repair
- Engineer's Report, Mike McCabe
 - Permit application for traffic signal at Hollywood and Imagine Way
 - Brevard County's request to install an AquaFlex product in C-1
- Assistant Manager, Operations Report, John Gergen
 - Field Operations
- Attorney's Report, Jim Beadle
- Secretary/Treasurer's Report, Lisa Blackett
 - FEMA Update

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, JUNE 22, 2021

9:00 AM

Closing

- Meeting Schedule – The next Board Meeting is scheduled for Tuesday, August 24, 2021 at 9:00 am in the City of West Melbourne Council Chambers.

The meeting for approval of the District's User Fees for Fiscal Year 2021/2022 is scheduled for Tuesday, August 10, 2021 at 5:30 pm, and will be held at the Ted Whitlock Community Center, Fred Poppe Regional Park, 1951 Malabar Road NW, Palm Bay.

- Board Member Reports
 - Eric Blount
 - Joe Hale
 - Keith Jerdon
 - Don Jordan
 - Drew Powshok
 - Phillip Weinberg
 - Jay Woltering

- Adjourn

If a Board Member has a request for any agenda item you may raise it at any time or you may let staff know and it will be formally included in the agenda package distributed to the Board prior to each meeting. As usual, staff is available in person, by telephone, or by e-mail to discuss the agenda prior to each and every Board Meeting.

Attachment

1

MELBOURNE-TILLMAN WATER CONTROL DISTRICT

MINUTES

April 27, 2021

CALL TO ORDER

The regular scheduled meeting of the Melbourne-Tillman Water Control District (MTWCD) Board of Directors was called to order by Phil Weinberg, President on Tuesday, April 27, 2021 at 9:00 AM in the City of West Melbourne Council Chambers, Veterans Memorial Complex, 2285 Minton Road, West Melbourne, Florida.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited by all present.

ROLL CALL

The following Board Members were present:

Eric Blount
Joe Hale, Board Vice President
Keith Jerdon
Drew Powshok
Philip Weinberg, Board President
Jay Woltering

Also present:

Debbie Leclair, District Manager
Lisa Blackett, Assistant Manager/ Administration/Secretary/Treasurer
Jim Beadle, District Attorney
Leah Cooney, Court Reporter

RECOGNITION OF GUESTS/VISITORS/STAFF

John Gergen, Assistant Manager/Operations
Mike McCabe, District Engineer
Debbie Goode, Carr, Riggs & Ingram
Lindsay Aviles, Carr, Riggs & Ingram
Mike Haridopolos, MJH Consulting via Zoom

ANNOUNCEMENTS

The Manager announced the District is accepting employment applications for a facility maintenance worker due to the recent termination of an employee. The Manager advised the District's staff is currently at 19 employees.

PRESENTATIONS

Debbie Goode, Carr, Riggs & Ingram presented the 2019-2020 District's Financial Audit. Ms. Goode provided copies of audited financial statements and highlighted the findings. She stated the independent auditor's report is unmodified in accordance with accepted accounting principles and government auditing standards. Ms. Goode presented the comparative statement that shows the changes from the previous year, explained the changes in the FRS assumptions for the current year and stated the audit included tests of the checks and balances used by the District Manager and Assistant Manager/Administration to ensure they are in compliance with the segregation of duties. No reportable issues were found, the District followed local government investment policies and as such meets the auditor general's guidelines for a clean audit report. Ms. Goode presented the required communications letter stating there were no disagreements with management, no fraud or illegal acts were found and there were no other findings they needed to report. Ms. Goode introduced Lindsay Aviles, Senior Manager with Carr, Riggs & Ingram who was very involved in the field work for the District's audit. Jay Woltering **motioned** to accept the audit report. Joe Hale **seconded the motion**. The Board voted 6-0 **to approve the motion**.

Mike Haridopolos, MJH Consulting via Zoom, apologized for not attending in person and thanked the Board for time to present. Mr. Haridopolos highlighted the Florida State Legislatures' funded projects for water quality. He also indicated the Brevard delegation is very open to sponsoring a bill next year to protect the District's property rights. The District Engineer, asked Mr. Haridopolos about some House and Senate bills regarding sea level rise and resiliency. Mr. Haridopolos stated he would provide a detailed analysis of these Bills to the District Manager and District Engineer. In hopes of gaining support for the user fee structure changes, Mr. Haridopolos stated Representative Randy Fine would plan to visit the District soon. Mr. Haridopolos expressed the opportunity during next year's legislative session to ask for monetary support through a direct budget item.

The District Manager announced that Randy Fernatt, 2074 Garbett Avenue SW was requested to attend the meeting regarding the grading of his property after the pool construction; however Mr. Fernatt is not present. She stated that the District's right-of-way had been restored but the grading after the pool construction was the issue. The Engineer stated that a certified letter went to both Mr. Fernatt and the pool company regarding the violations. He explained that Mr. Fernatt had not responded and the pool company refused the letter. District Attorney stated if there is an issue with how they finished the improvement that would be considered a trespass. Joe Hale suggested and the consensus agreed the District Attorney compose a demand letter requesting immediate remediation.

The District Engineer reviewed a revised permit application from AT&T. The Engineer stated the original permit was for a directional bore on the west side of Babcock Street, under the C-1 Canal and as the permitting process moved forward, FDOT informed AT&T the bore must be moved 25-30 feet, into the canal right of way, parallel across canal and back to the existing right of way for Babcock Street, there a revised permit is necessary. The Board President asked the District Engineer if he had any concerns about the revisions to which the Engineer stated he did not. Joe Hale **motioned** to approve the revised permit application for AT&T. Eric Blount **seconded the motion**. The Board voted 6-0 to **approve the motion**.

REGULAR BUSINESS

Jay Woltering **motioned** to approve the minutes of the February 22, 2021 Board Meeting. Joe Hale **seconded the motion**. The Board voted 6-0 to **approve the motion**.

Eric Blount **motioned** to approve the Operating Statement through March 31, 2021. Jay Woltering **seconded the motion**. The Board voted 6-0 to **approve the motion**.

BUDGET

The District Manager requested a budget transfer of \$170,000 from personnel wages, \$20,000 from Retirement Contributions, \$15,000 from Health & Life Insurance and \$5,000 from FICA & Medicare to Capital Outlay for the purchase of a bulldozer to replace the 2003 Caterpillar bulldozer the District is currently using and in desperate need of repair with costs in excess of \$20,000. The Manager explained the surplus funds were personnel expenses not needed due to personnel changes **not expected**. The Board President stated he agreed the purchase of a new bulldozer instead of repairing old machine made sense. Jay Woltering asked about the availability of a new bulldozer to which the Manager answered John Gergen, Assistant Manager/Operations had researched the options and is confident the District could have a new machine in 3-6 months. Joe Hale **motioned** to approve the budget adjustment as stated. Eric Blount **seconded the motion**. The Board voted 6-0 to **approve the motion**.

The Manager requested approval to place the District's Berky Mechanical Trex Duke Dredge on the GovDeals website for auction. She explained that a designated reserve amount could be place and the proceeds used to purchase a new long-reach excavator. The Manager explained that the dredge is not being used as the District had originally thought and currently has less than 200 hours of service since 2017. She explained that with the District's need of equipment it makes sense to have the proper equipment that is used frequently. The proceeds from the sale would be used to replace older, unreliable equipment the District uses often. The Manager explained the dredge was part of the C-1 Rediversion agreement with St. Johns River Water Management District. The cost was \$466,000 with attachments adding another \$45,000. The Board President asked what the cost of the new long reach excavator would be and the Manager responded

approximately \$220-250,000. Joe Hale asked if there were any constraints within the agreement to prohibit the sale to which the Manager replied there were not. Jay Woltering **motioned** to post the dredge on the GovDeal site or any other viable option. Eric Blount **seconded the motion**. The Board voted 6-0 to **approve the motion**.

The Manager requested consideration to continue the 3% pay adjustment for the District employees for their FRS employee Contribution. Joe Hale stated he believed the request should be approved because of the wage competition within the construction industry. Joe Hale **motioned** to approve the pay adjustment to employees for the FRS contribution. Jay Woltering **seconded the motion**. The Board voted 6-0 to **approve the motion**.

The Manager presented the Board with two options for the 2021-2022 District Budget. She explained Option I would keep the user fee rates as they are currently, residential \$24.44 per acre or portion thereof; agricultural \$8.50, which is the legislative maximum and commercial at the \$47.35 per acre or portion thereof. The Manager stated that Option II included a 1.234 cost consumer price index increase which would raise the user fees to \$24.74 for residential, \$8.50 for agricultural and \$47.93 for commercial. The Manager added the staff has looked closely at previous years' expenses, and how the current year budget is progressing, to develop an accurate budget for 2021-2022. She stated despite efforts, the reserves will go down approximately 3.67% to \$1,698,144 and with the OPEB and net pension reserve categories' increases Debbie Goode outlined; she estimated \$40,000 available for emergency use. Joe Hale stated the current budget constraints were a result of the previous decade without user fee increases and he would choose option II. Jay Woltering asked how overtime pay necessary for a storm event would affect the budget. The Manager stated depending on the severity of the storm and the cleanup/repairs required that could be an issue. The Board President stated he agreed with Joe Hale and questioned the sensibility of cutting expenses to the core and put the District at possible risk. He continued with the expectation that Mike Haridopolos will bring the issue of user fee increase or direct contribution funding from the state legislature. The Manager stated the budget does not include realizing any of the FEMA PA Grant funds since there is not a valid date of compensation. Joe Hale **motioned** to select Option II as the Districts' budget. Drew Powshok **seconded the motion**. The Board voted 6-0 to **approve the motion**.

OLD BUSINESS

The Manager reported Blue Marlin Pools put sod on the right-of-way and the slope as requested. The District Engineer stated he was satisfied with the restoration.

The Board President indicated the Manager's Annual Review did not include a raise. He stated after reviewing the increase given as Acting Manager, there should have been an additional increase when Debbie was made permanent Manager. The Board President proposed to increase the Manager's salary by 10%. Joe Hale stated he would like to make the increase retro-active as well. The District Attorney stated he did not believe per state statute that the raise could be retro-active, but instead should be effective immediately. After discussion, Joe Hale **motioned** to increase the Manager's salary by 12% starting with the current pay period. Jay Woltering **seconded the motion**. The Board voted 6-0 to **approve the motion**.

MANAGER'S REPORT

The Manager announced she and the Board President met with the Valentino Perez and staff at the City of Palm Bay Building Department regarding the unauthorized use of the District's right of ways. The Manager reported Mr. Perez was very receptive and willing to cooperate with the District. Mr. Perez agreed to include the statement also used by the City of West Melbourne on their building permit application that advises applicants they must apply to the District for a permit if the applicant wants to use the District's right of way. At Mr. Perez's invitation, the Manager and the Engineer gave a brief presentation of the District's Permit Policy at the City's general contractor meeting. Joe Hale asked if there were pool contractors in attendance and if there was any pushback from the contractors. The Manager explained there were only general contractors at this meeting, but this was a start in the right direction.

The Manager stated the District has sold 19 items, consisting of vehicles and equipment, bringing in \$73,000 of revenue. These items were sold on the GovDeals online auction. The Manager

explained GovDeals has been very convenient as the District staff does not have to transport equipment to Tampa to Ritchie Brothers auction or pay commissions.

The Manager announced District staff attempted to remove a sandbar in C-1 upstream of the MS-1 structure. She explained that this was not able to be completed due to the ground is too soft for the heavy equipment to operate safely. The Manager stated that the District would need to look into getting estimates to remove the sandbar stating that it would be costly and has not been budgeted. Additionally, the Manager added the south bank seawall has some washouts that need to be repaired. The Board President added the extent of the noticeable damage to the seawall was unknown and once the determination the cost is to repair the seawall, it may be necessary to call a special meeting to approve repairs. Jay Woltering asked if a drag line could be used to remove the sand bar and if any proposals have been considered. The Assistant Manager/Operations stated he had contacted three companies to request cost proposals.

The Manager stated District staff, along with the District Attorney met with Suzanne Sherman and Fred Poppe of the City of Palm Bay regarding a bike path along the south right-of-way of C-1. The Brevard Mountain Bike Association are constructing some foot bridges in the Turkey Creek Trails and wanting to connect these trails to the Grapefruit Trail along the south right-of-way of C-1. The concern of activity along the lower bench of C-1 prompted the City of Palm Bay to pay for several signs to post along the right-of-way advising riders to stay off the lower bench and stay on course.

ENGINEER'S REPORT

The District Engineer updated the Board on the District SOIRL project stating that there were two scenarios to dispose of the spoils removed from the canals. He explained that the first would be to excavate, harvest the material, and leave it on the maintenance road to disk it at an estimated cost of \$300,000 and in order to meet the FDEP's requirement on how far from the water the material is disposed of, the second scenario would require three dump trucks to haul the harvested material to C-9R to dispose of it there at a cost of just under \$1,000,000. The District Engineer stated he will create a schedule to fit cleaning the 18 canals into a 24-month time line that will meet Brevard County's quarterly reimbursement schedule. The Board President asked if there had been any input from SOIRL as to which option they prefer. The District Engineer stated Brevard County's guideline was to meet FDEP's requirements which are unclear on how much distance from the water body is required for disposition.

ASSISTANT MANAGER/OPERATIONS REPORT

John Gergen, Assistant Manager/Operations stated the field crews were on schedule with the mowing crews working in the C-2, the aquatic group completed spraying the C-82 basin and have moved to the C-62 basin, to work North. The Heavy Equipment group completed repairs on the C-42 right of way and have moved to the C-8 right of way which has been heavily damaged by 4-wheelers. The Assistant Manager/Operations added the facilities group performed the annual maintenance of the MS-1 gates, electric motors and cable winders.

ATTORNEY'S REPORT

There was no Attorney Report.

SECRETARY/TREASURER REPORT

The Secretary/Treasurer announced the FEMA project has been obligated by FEMA for \$915,546.37 but the State's review is ongoing. She added the FEMA Category Z project for administrative costs was also obligated by FEMA for \$50,422.51 and the State's review will begin soon.

CLOSING

The Board President stated that the next Board meeting would be Tuesday, June 22, 2021 and the budget hearing is scheduled for August 10, 2021 tentatively at Fred Poppe Park.

DIRECTOR'S REPORTS

Eric Blount - None

Joe Hale – Thanked the Debbie for the work she is doing and that he is happy with the choice of naming her District Manager. Mr. Hale also thanked the staff as well for a job well done.

Keith Jerdon - None

Drew Powshok - None

Jay Woltering - None

Philip Weinberg - The Board President stated that he is also pleased with Debbie's work and the District is lucky to have her. The Board President continued that there is a meeting with St. John's River Water Management District on the levee regarding posting approximately 8 signs along the levee on the C-9R right of way to identify streets located in the compound area on the other side of the levee. SJRWMD would like anybody on the levee recreation area who may hear gunshots or other issues call the number on the sign and identify the street closest to their proximity.

ADJOURN

Phil Weinberg, President, adjourned the meeting at 10:35 am.

Respectfully,

Lisa Blackett
Secretary
Board of Directors

Attachment

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MELBOURNE-TILLMAN WATER CONTROL DISTRICT

Operating Statement through May 31, 2021

	Actual \$	FY2021	Approved Budget	FY2021	Over/Under	Percentage
	To Date	Approved Budget	Adjustments	Modified Budget	Budget	Budget
Revenue						
User Fees	\$ 2,060,591	\$ 2,286,305		\$ 2,286,305	\$ (225,714)	90%
Permits	\$ 88,160	\$ 15,000		\$ 15,000	\$ 73,160	588%
Miscellaneous Income	\$ 87,332	\$ 50,000		\$ 50,000	\$ 37,332	175%
Revenue	\$ 2,236,082	\$ 2,351,305		\$ 2,351,305	\$ (115,223)	95%
Balance Forward		\$ 1,942,412		\$ 1,942,412	\$ (1,942,412)	0%
TOTAL INCOME	\$ 2,236,082	\$ 4,293,717		\$ 4,293,717	\$ 2,627,383	52%
Expenses						
Salary & Benefits						
Salaries	\$ 591,948	\$ 1,067,838	\$ (130,000) ¹	\$ 937,838	\$ 345,890	63%
Health Insurance	\$ 164,153	\$ 264,583	\$ (15,000) ²	\$ 249,583	\$ 100,430	66%
Retirement	\$ 56,796	\$ 118,562	\$ (20,000) ³	\$ 98,562	\$ 61,766	58%
FICA/Medicare	\$ 43,438	\$ 81,690	\$ (5,000) ⁴	\$ 76,690	\$ 38,252	57%
Workers' Comp	\$ 26,757	\$ 33,000		\$ 33,000	\$ 6,243	81%
SALARY & BENEFITS	\$ 883,091	\$ 1,565,673		\$ 1,395,673	\$ 552,582	
Operations						
Professional Services	\$ 39,621	\$ 58,300		\$ 58,300	\$ 18,679	68% <i>Legal, Drug Testing, Accounting & Court Reporting, Engineering Testing, Misc. Prof Serv.</i>
Contract Services	\$ 4,915	\$ 7,500		\$ 7,500	\$ 2,585	66% <i>Uniforms, Garbage Service</i>
Travel	\$ -	\$ 2,000		\$ 2,000	\$ 2,000	0% <i>Travel</i>
Communications	\$ 8,196	\$ 11,050		\$ 11,050	\$ 2,854	74% <i>Postage, Telephone Service</i>
Utilities	\$ 4,167	\$ 7,550		\$ 7,550	\$ 3,383	55% <i>Utility, Solid Waste Assessment</i>
Rentals	\$ 4,827	\$ 11,450		\$ 11,450	\$ 6,623	42% <i>Rentals</i>
Liability Insurance	\$ 84,972	\$ 84,000		\$ 84,000	\$ (972)	101% <i>Insurance</i>
Repair & Maintenance	\$ 103,728	\$ 155,900		\$ 155,900	\$ 52,172	67% <i>Repair & Mnt Serv., Repair & Maintn. Sup, Auto & Equipm Parts, Maintn. Agrmts.</i>
Current Charges	\$ 46,036	\$ 48,361		\$ 48,361	\$ 2,325	95% <i>Tax Coll, Bnk Fees.,Pyrl. Exp, Lic & Permits, Advertising, Unemplm</i>
Office Supplies	\$ 2,816	\$ 6,000		\$ 6,000	\$ 3,184	47% <i>Office Supplies</i>
Operating Supplies	\$ 105,569	\$ 190,000		\$ 190,000	\$ 84,431	56% <i>Operating Supplies, Fuel,Gas & Oil, Aquatics</i>
Books & Training	\$ 3,601	\$ 6,650		\$ 6,650	\$ 3,049	54% <i>Books,Pubs.,Memberships, Training Costs</i>
Restricted Reserves	\$ -	\$ 1,762,883		\$ 1,762,883	\$ 1,762,883	<i>Reserves</i>
OPERATIONS	\$ 408,448	\$ 2,351,644		\$ 2,351,644	\$ 1,943,196	17%
Capital Outlay						
Improvements Other than Buildings	\$ 34,430	\$ 75,000		\$ 75,000	\$ 40,570	46%
Machinery	\$ 336,063	\$ 297,000	\$ 170,000 ⁵	\$ 467,000	\$ 130,937	72%
Computer Equipment	\$ 1,144	\$ 1,500		\$ 1,500	\$ 356	76%
Computer Software	\$ 3,159	\$ 2,900		\$ 2,900	\$ (259)	109%
CAPITAL OUTLAY	\$ 374,795	\$ 376,400		\$ 546,400	\$ 171,605	
TOTAL EXPENSE	\$ 1,666,334	\$ 4,293,717	\$ 170,000	\$ 4,293,717	\$ 2,627,383	39%

1 Approved April 27, 2021

\$130,000.00

From Personnel Wages to Machinery & Equipment

2 Approved April 27, 2021

\$15,000.00

From Health & Life Insurance to Machinery & Equipment

3 Approved April 27, 2021

\$20,000.00

From Retirement Contributions to Machinery & Equipment

4 Approved April 27, 2021

\$5,000.00

From FICA & Medicare to Machinery & Equipment

5 Approved April 27, 2021

\$170,000.00

To Machinery from Personnel Wages, Health & Life Insurance, Retirement Contributions, and FICA & Medicare

Attachment

3

MELBOURNE-TILLMAN WATER CONTROL DISTRICT

5990 Minton Road

Palm Bay, Florida 32907

Administration Policies: Controls

INVENTORY PROCEDURES

I. POLICY

It is the policy of the Melbourne-Tillman Water Control District to maintain property, aquatic herbicide, and as well as supply and material inventories for items purchased, donated, or otherwise received by the District.

II. PURPOSE

This policy establishes procedures to account for all property, herbicides, and supplies & materials, purchased, donated or otherwise acquired by the District.

III. DEFINITIONS

- A. PROPERTY – all non-expendable furnishings, equipment, tools, facilities and land, priced or valued in excess of \$100.00.
- B. HERBICIDES – all aquatic and upland plant management control application material.
- C. SUPPLIES & MATERIALS – all other property and expendable materials.
- D. MORGUE REPORT – A listing of property removed from the Inventory including disposition.
- E. DAILY WORK REPORTS – form filed by each District field employee detailing his/her daily work activities including account for equipment and herbicide utilized.

IV. PROCEDURES

A. Property:

- 1. A list of all property owned by the Melbourne-Tillman Water Control District priced or valued in excess of \$100.00 will be maintained and kept current at all times.

2. All property priced or valued at \$750.00 or greater shall be labeled with a permanent identification number – prefixed “AA.” – Permanent, non-movable, readily identifiable items (e.g. buildings, land, etc) do not require labeled identification.
 3. All other property, priced or valued greater than \$100.00 but less than \$750.00, shall be labeled with a permanent identification number – prefixed “MT”.
 4. Property to be removed from the inventory list shall be recorded on the inventory list in underlined italics, to include disposition status, when it is removed. It shall be removed from the inventory list after the completion of the physical inventory and added to the morgue report.
 5. A physical inventory will be taken in the first month of the fiscal year. Such inventory will be conducted by one of the Board of Directors or a person(s) appointed by the Board of Directors and accompanied by a staff representative. The inventory is conducted to:
 - a. Verify accountability
 - b. Provide accurate information for the annual audit
 - c. Comply with Florida Statutes §274
 6. A report will be presented to the Board of Directors, signed by ~~a member of the inventory team~~ the appointee of the Board of Directors conducting the physical inventory, stating that the inventory has been conducted and reporting any errors, omissions, shortages, or other comments. The Board of Directors may direct staff action or approve staff recommendations for action for any corrective measures required.
 7. A copy of the inventory list, and the physical inventory report, ~~and the morgue report~~ will be provided to the District’s auditor for their annual report.
- B. Herbicides:
1. A list of all herbicides purchased, stored, and used by the Melbourne-Tillman Water Control District will be maintained and kept current at all times.
 2. All herbicide usage shall be recorded on the ~~monthly~~ daily herbicide inventory list, as reported on the Operators Daily Report.
 3. An daily inventory will be conducted by the Aquatics Group Leader ~~taken daily~~ and balanced to the previous days’ inventory count. The Assistant Manager, or his/her representative, will conduct a monthly inventory count balancing to the previous days’ inventory count ~~such inventory~~. Any discrepancies shall be reported to the Manager.

4. A fiscal year-end inventory will be taken, verified by the Assistant Manager, and a report will be provided to the Auditor for the District's Financial Statements.
- C. Supplies & Materials:
1. A list of all ~~outfall~~ pipe, gates, seed, or hay purchased, stored, and used by the Melbourne-Tillman Water Control District will be maintained and kept current at all times.
 2. All ~~outfall~~ pipe, gates, seed, or hay usage shall be recorded as and when it occurs, and reported on the Operators Daily Report.
 3. An inventory count will be taken monthly by ~~District staff~~ the Assistant Manager, ~~with the results provided to the District's auditor for their annual report.~~
 4. A fiscal year-end inventory will be taken, verified by the Assistant Manager and a report will be provided to the Auditor for the District's Financial Statements.
 5. All other supplies & materials are not required to be listed.

V. EFFECTIVE DATE

Adopted by the Melbourne-Tillman Water Control District Board of Directors at the regular meeting of August 22, 2000, revised February 19, 2002, revised May 27, 2003. This policy supercedes and replaces Policy WCD-P-A-4 adopted by the Board of Directors on November 23, 1983, revised May 26, 1987, revised December 2, 2014, revised June 22, 2021.

VI. ANNUAL REVIEW

19 Feb 2002

02 Jun 2003

02 Dec 2014

22 June 2021 DJL

Attachment

4

**MELBOURNE-TILLMAN WATER CONTROL DISTRICT
5990 Minton Road
Palm Bay, Florida 32907**

Personnel Policies: General Terms and Conditions

EQUAL EMPLOYMENT OPPORTUNITY

I. POLICY

It is the policy of the Melbourne-Tillman Water Control District to recruit, hire and promote on merit principles for all established positions without regard to race, color, religion, ~~gender~~ sex (including pregnancy, gender identity, and sexual orientation), parental status, age, national origin, ~~ancestry,~~ genetic information (including family medial history), political affiliation, military service, marital status, or disability, or other non-merit based factors which does not preclude the performance of the essential functions of the job, with reasonable accommodations provided as necessary.

II. PURPOSE

This policy promotes the concepts of equal opportunity for all employees of and applicants for employment with the Melbourne-Tillman Water Control District: ensuring that all employees can perform their work free from unlawful discrimination, harassment, and retaliation.

III. PROCEDURE

This policy applies to all terms, conditions and privileges of employment including, but not limited to, hiring, training, placement and employee development, promotion, transfer, compensation, benefits, educational assistance, layoff and recall, employee facilities, termination and retirement.

IV. EFFECTIVE DATE

Adopted by the Melbourne-Tillman Water Control District Board of Directors at the regular meeting of March 27, 2001. This policy supercedes and replaces Policy WCD-P-B-06 adopted by the Board of Directors on October 26, 1982 ~~and~~ revised May 26, 1987, revised June 22, 2021.

V. ANNUAL REVIEW

22 Jan 2002

28 Jul 2003

22 July 2014

22 June 2021 DJL

Attachment

5

DATE: August 27, 2002

**MELBOURNE-TILLMAN WATER CONTROL DISTRICT
5990 Minton Road
Palm Bay, Florida 32907**

Operations Policies: District Rights-of-Way

USE OF CANAL SYSTEM and RIGHTS-OF-WAY

I. PURPOSE:

To establish a policy identifying unauthorized uses of the Melbourne-Tillman Water Control District (MTWCD) Canal System and Rights-of-Way.

II. DEFINITIONS:

A. Land Craft – as defined in Sections 316.003(21), 316.003(75), and 316.2074, Florida Statutes

MOTOR VEHICLE – any self-propelled vehicle not operated upon rails or guideway but not including any bicycle or moped.

VEHICLE – every device, in, upon or by which any person or persons or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

ALL TERRAIN VEHICLE – any motorized off-highway vehicle 50 inches (1270mm) or less in width, having a dry weight of 600 pounds (273 kg) or less, traveling on three or more low pressure tires designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator and having handlebars for steering control.

B. Water Craft

POWER CRAFT – Any boat, canoe, raft, etc, powered by an engine using gasoline, diesel, or any gaseous substance.

OTHER CRAFT – Any boat, canoe, raft, etc, powered by other sources.

C. *MTWCD CANAL SYSTEM & RIGHTS-OF-WAY* – The network of numbered canals and associated rights-of-way owned and operated by the MTWCD.

III. POLICY:

A. Prohibition

Except as expressly exempted in Section IV of this policy

- i. The MTWCD prohibits the use of any motor vehicle and any all terrain vehicle on any and all property and rights-of-way owned by the District.

- ii. The MTWCD prohibits the use of any power craft, as defined in this policy, including houseboats of any kind, on any and all canals and rights-of-way owned by the District.
- iii. The MTWCD prohibits the use of District owned property, the Canal System and Rights-of-Way for horseback riding.
- ~~iv.~~ ~~The MTWCD prohibits access, on the canals or canal rights of way, to Canal C-1 and all contiguous tributaries west of the posted 'No Trespass' signage on Canal C-1 at its junction with Canals C-8 and C-59.~~
- v.iv. The MTWCD prohibits the use of firearms, bows and arrows, traps, spears, and other similar items at any time within District owned property, the Canal System and Rights-of-Way.

B. Outdoor recreational activities are permitted on MTWCD Canals C-1 east of the St. Johns Heritage Parkway, C-37, C-10 north of Garvey Road, C-61. Recreational activities include bicycling, hiking, canoeing, or similar activities pursuant to District legislation.

B.C. Access and approach to the MS-1 Control Structure at the eastern end of canal C-1 beyond posted limits is strictly prohibited. Access within the MS-1 fenced compound is strictly prohibited unless otherwise authorized by the district.

E.D. Any and all use of the MTWCD Canal System and Rights-of-Way, whether in conjunction with this policy or in violation of this and/or other District policies, will be at the total risk of the individual(s) and limited to daylight hours only. They will be deemed to have assumed any risk of injury that may occur on the MTWCD Canal System and Rights-of-Way.

E.D. Other (water) craft operators will take necessary care to insure that no debris (bottles, containers, etc.) is discarded in the waterways or on the rights-of-way.

IV. EXEMPTIONS:

- A. *All Emergency Vehicles operating as specified in Florida Statutes, 316.072(5)(A).*
- B. *All District-owned motor vehicles, all public agency-owned motor vehicles, and any privately owned motor vehicles when used in operational functions as approved or directed by the District.*
- C. *Horseback riding when used in the course of District operational functions or when used in the normal course of and functions of an established agricultural business and/or entity, when said entity is recognized by the District.*

V. EFFECTIVE DATE:

Adopted by the Melbourne-Tillman Water Control District Board of Directors at the regular meeting of March 23, 1999, revised February 19, 2002, revised August 27, 2002. This policy supercedes and replaces Policy WCD-P-E-4 adopted by the Board of Directors on January 25, 1983, revised May 26, 1987 and June 1989, revised June 22, 2021.

Attachment

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Spira, Beadle & McGarrell, P.A.

Attorneys & Counselors at Law

5205 Babcock Street, N.E.

Palm Bay, Florida 32905

Jack B. Spira
James P. Beadle
Thomas P. McGarrell

Telephone: (321) 725-5000
Facsimile: (321) 724-6008

April 28, 2021

CERTIFIED MAIL, RETURN RECEIPT REQUESTED
and REGULAR U.S. MAIL

Mr. Randy Fernatt
2074 Garbett Avenue, SW
Palm Bay, FL 32908

Mr. Mark Douglass, Manager
Space Coast Pool Supplies, LLC
3210 S. Fiske Blvd., Ste. 104
Rockledge, FL 32955

Mr. Mark Douglass, Manager
Space Coast Pool Supplies, LLC
181 Greenbrier Ave., NW
Palm Bay, FL 32907

Re: Melbourne-Tillman Water Control District Canal C-14
2074 Garbett Avenue, SW, Palm Bay, Florida (Lot, 35, Block 1539, PMU 31)
Pool Construction

Dear Mr. Fernatt and Mr. Henderson:

This letter is being forwarded to you in my capacity as the attorney for Melbourne-Tillman Water Control District (MTWCD). The District provided me with information reflecting that during the construction of the swimming pool located on Mr. Fernatt's property at 2074 Garbett Avenue, SW, Palm Bay, Florida, Space Coast Pool Supplies, LLC (Space Coast Pool) and/or its subcontractors, trespassed on property owned by MTWCD, *i.e.*, Canal C-14 right-of-way, to access the rear yard of Mr. Fernatt's property for construction of the swimming pool. I was further advised that notwithstanding both Mr. Fernatt and representatives of Space Coast Pool being advised of this improper use of the C-14 right-of-way, Space Coast Pool continued to access Mr. Fernatt's property by continuing the trespass on the C-14 right-of-way until after the pool was completed.

Melbourne-Tillman Water Control District attempted to provide both of you notice to appear before the MTWCD Board of Directors to address this issue and to ensure the C-14 right-of-way was properly repaired due to the damage caused by Space Coast Pool's contractors/subcontractors. These certified notices were either refused or ignored. Although it appears that some action was taken to resolve the damages to the C-14 right-of-way, no one appeared before the Board, and the actions

taken failed to return the property to its condition pre-construction.

I was advised that as a result of the construction of the swimming pool, the stormwater drainage/sheetflow in the rear yard of Mr. Fernatt's property now drains to the rear of that property and into the C-14 right-of-way instead of to the front of the property. This condition was caused by the alteration to the topography of the rear yard during construction of the swimming pool. This alteration of topography causing drainage onto, and runoff damage to, MTWCD property constitutes a continuing trespass.

Demand is made for you to take all actions necessary to resolve this stormwater drainage issue with MTWCD by contacting and coordinating resolution of same with the District Engineer. If the District does not hear from you within twenty (20) days of the date of this letter, it will be assumed neither of you intend to resolve this issue you created and MTWCD will take all actions necessary, including, but not limited to, injunctive relief.

GOVERN YOURSELVES ACCORDINGLY.


James P. Beadle

Attachment

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**ATTACHMENT A
STATEMENT OF WORK**

PROJECT TITLE: *Mechanical Aquatic Vegetation Harvesting – Agreement #171*

PROJECT LOCATION: *Melbourne-Tillman Water Control District various canals within unincorporated Brevard County and the City of Palm Bay, Central IRL.*

PROJECT BACKGROUND: *Melbourne-Tillman Water Control District authorized as an independent district in 1922 for land reclamation for agricultural development was reorganized as a dependent district in 1986 and codified by legislature in 2001. MTWCD encompasses 102 square miles maintaining 163 miles of canals. The C-1 Rediversion project, with St. Johns River Water Management District as the lead agency, funded the replacement of radial and aml gates at the MS-1 structure to overshot gates prior to discharging to Turkey Creek and Indian River Lagoon. The overshot gates allow water levels in the primary canal, C-1, be maintained at elevation 10.00 NGVD 29. Excess water levels skim over the top of the gates during non-tropical storm events with pumping captured runoff in canals westward to the St. Johns River. Due to the retained runoff and minimal flows, submerged aquatic vegetation growth exploded in the canal system. Anticipated tropical cyclones allow the operation of the gates for flood control by lowering days prior to landfall for drawdown and storage. Large rainfall events create increase volume and flows within the canals transporting non-stormwater, i.e. organic matter downstream and through the MS-1 structure.*

PROJECT DESCRIPTION: *In order to reduce the potential release of aquatic vegetation during large rain events into the Indian River Lagoon, District staff proposes to harvest vegetation from the secondary canals by mechanical methods, in lieu of chemical application. Harvesting will be by means of long-reach excavator, with harvested material either trucked off-site or placed a sufficient distance from the edge of slope. Quantifying the material removed is done through photographs of the waterbody prior to work and after, as well as the stock pile of material removed. Sampling of material to verify the concentration of Total Nitrogen and Total Phosphorus in the dried vegetation will aid in the calculation of removal quantities.*

TASKS and DELIVERABLES:

Task #1: Design and Permitting

Task Description: *Determination of canals to be harvested by excavator is complete as well as the permit issued by the Florida Fish and Wildlife Conservation Commission (FFWCC).*

Task Deliverable: *See attached map of canal locations and FFWCC Aquatic Plant Control Permit IPM-13-01650B.*

Task #2 Construction of Project

Task Description: Each canal will have floating turbidity barrier installed at the downstream convergence with the primary canal prior to vegetation removal. Excavator is transported to site with work beginning at the upstream end working downstream. Removal of vegetation is placed in dump trucks for areas where the potential of vegetated material has the ability to re-enter the canal waters. Locations where the ground surface slopes away from the canal, removed vegetation will be stored on the ground for drying and later leveled by dozer into the soils. Prior to harvesting of vegetation, photographs of the canal and vegetation are taken as well as photographs of the removed vegetation, with reference for measurement, and of completed harvested canal.

Task Deliverable:

Task	Task Title	Task Start Date	Task End Date
1	Design & Permitting	Complete	Complete
2	Construction of Project	November 2021	November 2023

Estimated Reimbursement Schedule:

Project reimbursements will be requested quarterly.

Please provide a schedule of estimated amounts in the quarter (1st, 2nd, 3rd, 4th quarter 20xx) for each reimbursement that will be requested. Note that quarters go by the County fiscal year so 1st quarter is Oct.-Dec., 2nd quarter is Jan.-Mar., 3rd quarter is Apr.-Jun., 4th quarter is Jul.-Aug.) You do not need to include quarters that reimbursement is not requested. If project goes beyond the two years provided in the table below you may insert another table.

Task #	Quarter 1/FY21-22	Quarter 2/FY21-22	Quarter 3/FY21-22	Quarter 4/FY 21-22	Quarter 1/FY 22-23	Quarter 2/FY 22-23	Quarter 3/FY 22-23	Quarter 4/FY 22-23	Quarter 1/FY 23-24
1	0	0	0	0	0	0	0	0	0
2	\$77,622.85	\$131,413.48	\$159,972.14	\$109,710.19	\$95,062.24	\$160,910.03	\$74,653.67	\$85,318.48	\$74,653.67

Deliverables:

Quarterly and final reports including pictures of progress made, and/or dump tickets, if pictures are not available.

Project’s Status without Trust Funds (Adjust the highlighted section and delete the other options that do not apply):

This project is not included in the District’s FY 2021-2022 budget, therefore without the Save Our Indian River Lagoon Funding the project would not have been executed in the near future.

~~This project is included in the City’s FY 20XX 20XX budget and would have proceeded on the same schedule regardless of the Save Our Indian River Lagoon Funding. However, the funding~~

~~allows for additional projects to be completed, which are beneficial in the restoration of the Indian River Lagoon.~~

~~This project was scheduled to happen, but was accelerated by STATE AMOUNT OF TIME due to the Save Our Indian River Lagoon Funding.~~

~~This project is included in the City's FY 20XX-20XX budget and would have proceeded on the same schedule regardless of the Save Our Indian River Lagoon Funding.~~

Other: Acquisition of a special vegetation bucket allows for capturing vegetation exclusively, limiting the amount of detritus material included in the harvesting.

ATTACHMENT E

Recipient Name:	Melbourne-Tillman Water Control District
Project Name:	Mechanical Aquatic Vegetation Harvesting
Agreement Number:	#21-171

Estimated Project Cost-Share Table							
Task Number	Task Description	Task Cost	Grant 1 (319)	Grant 2 (FDEP)	Grant 3 (SJRWMD)	Eligible Lagoon Tax Cost Share, Adjusted	Local Match
1	Permitting	0				\$ -	\$ -
2	Engineering	0				\$ -	\$ -
3	Construction	\$ 1,011,976.00				\$ 1,011,976.00	\$ -
4	Monitoring	\$ 5,000.00					\$ 5,000.00
	Total	\$ 1,016,976.00	\$ -	\$ -	\$ -	\$ 1,011,976.00	\$ 5,000.00

Funding Eligibility Calculation	
Project Type	
BMP Type (If stormwater)	SW Trad BMP
Pounds of Nitrogen Reduction	16636
Eligible Cost Share per Pound	\$61
Eligible Tax Funding Cost Share	\$ 1,014,796.00
Reduction so Sum of Grants does not exceed Project Cost	\$ 2,820.00
Eligible Lagoon Tax Cost Share, Adjusted	\$ 1,011,976.00
Percent Cost Share to be contributed by the Lagoon Tax	100%

Melbourne-Tillman WCD Mechanical Harvesting Schedule for Save Our Indian River Lagoon work program

	2021													2022																							
Date (week)	11/1-11/4/21	11/8-11/10	11/15-11/18	11/22-11/24	11/29-12/2	12/6-12/9	12/13-12/16	12/20-12/23	12/27-12/30	1/3-1/6	1/10-1/13	1/18-1/20	1/24-1/27	1/31-2/3	2/7-2/10	2/14-2/17	2/22-2/24	2/28-3/3	3/7-3/10	3/14-3/17	3/21-3/24	3/28-3/31	4/4-4/7	4/11-4/14	4/18-4/21	4/25-4/28	5/2-5/5	5/9-5/12	5/16-5/19	5/23-5/26	5/31-6/2	6/6-6/9	6/13-6/16	6/20-6/23	6/27-6/30		
Work days/week	4	3	4	3	4	4	4	4	2	4	4	3	4	4	4	4	3	4	4	4	4	4	4	4	4	4	4	4	4	4	3	4	4	4	4		
Canal # (days required)	42 (16.5 days)																																				
	20 (10.6 days)																																				
	21 (11.3 days)																																				
	14 (13.2 days)																																				
	13(13.2 days)																																				
	12(13.2 days)																																				
	2022													2023																							
Date (week)	7/5-7/7	7/11-7/14	7/18-7/21	7/25-7/28	8/1-8/4	8/8-8/11	8/15-8/18	8/22-8/25	8/29-9/1	9/6-9/8	9/12-9/15	9/19-9/22	9/26-9/29	10/3-10/6	10/10-10/13	10/17-10/20	10/24-10/27	10/31-11/3	11/7-11/9	11/14-11/17	11/21-11/23	11/28-12/1	12/5-12/8	12/12-12/15	12/19-12/22	12/27-12/29	1/3-1/5	1/9-1/12	1/17-1/19	1/23-1/26	1/30-2/2	2/6-2/9	2/13-2/16	2/21-2/23	2/27-3/2		
Work days/week	3	4	4	4	4	4	4	4	4	3	4	4	4	4	4	4	4	4	3	4	3	4	4	4	4	3	3	4	3	4	4	4	4	4	3	4	
Canal # (days required)	11 (13.2 days)																																				
	17 (11.8 days)																																				
	18 (11.8 days)																																				
	19 (11.8 days)																																				
	6 (10.3 days)																																				
	7 (10.3 days)																																				
	2023																																				
Date (week)	3/6-3/9	3/13-3/16	3/20-3/23	3/27-3/30	4/3-4/6	4/10-4/13	4/17-4/20	4/24-4/27	5/1-5/4	5/8-5/11	5/15-5/18	5/22-5/25	5/30-6/1	6/5-6/8	6/12-6/15	6/19-6/22	6/26-6/29	7/3-7/6	7/10-7/13	7/17-7/20	7/24-7/27	7/31-8/3	8/7-8/10	8/14-8/17	8/21-8/24	8/28-8/31	9/5-9/7	9/11-9/14	9/18-9/21	9/25-9/28	10/2-10/5	10/9-10/12	10/16-10/19	10/23-10/26			
Work days/week	4	4	4	4	4	4	4	4	4	4	4	4	3	4	4	4	4	3	4	4	4	4	4	4	4	4	4	3	4	4	4	4	4	4	4		
Canal # (days required)	8 (10.5 days)																																				
	9 (7.9 days)																																				
	41 (15.8 days)																																				
	39 (15.8 days)																																				
	38 (18.5 days)																																				