

COW SLOUGH WATER CONTROL DISTRICT
MEETING AGENDA FOR
AUGUST 27, 2020, AT 3:00 P.M.
MEETING HELD IN THE COUNTY EXTENSION OFFICES
225 PRATT BOULEVARD, LABELLE, FLORIDA
MEETING IS OPEN TO THE PUBLIC

District's website: districtsapecial.org/cswcd

BOARD OF SUPERVISORS

Mr. Phillip Sherrod, President
Mr. Dallas Townsend, Supervisor
Mr. John Giddens, Supervisor

- 1) **PRESIDENT CALLS MEETING TO ORDER**
- 2) **OLD BUSINESS**
 - a) Approve the draft minutes of the May 28, 2020, annual/quarterly meetings.
 - b) Update on the management transition.
 - c) RFP's for mowing the District.
 - d) Mr. Townsend secure an equipment operator for the cleaning of canals.
 - e) Other.
- 3) **ADMINISTRATOR'S REPORT**
 - a) Approve the financial report for May 29, 2020 through August 27, 2020.
 - b) Next meeting is October 22, 2020.
 - c) Other.
- 4) **ATTORNEY'S REPORT**
 - a) Other.
- 5) **ENGINEER'S REPORT**
 - a) Consolidated Citrus, RE: Vegetation in canal.
 - b) Other.
- 6) **NEW BUSINESS**
 - a) Appoint a new Secretary/Treasurer and Record's Management Liaison Officer (RMLO).
- 7) CALL FOR PUBLIC COMMENTS
- 8) ADJOURNMENT

COW SLOUGH WATER CONTROL DISTRICT
BOARD OF SUPERVISORS
ANNUAL LANDOWNERS’/QUARTERLY MEETINGS
HELD ON MAY 28, 2020

BOARD OF SUPERVISORS

Mr. Phil Sherrod, President
Mr. Dallas Townsend, Supervisor
Mr. John Giddens, Supervisor

ADMINISTRATOR

Ms. Dana Clement

OTHERS PRESENT

Ms. Sommer Foster, CSWCD engineer, Johnson-Prewitt & Associates, Inc.
Mr. Bob Diffenderfer, CSWCD attorney, Lewis Longman Walker, via phone conference
Mr. Chris Soud, LaBelle CPA
Mr. Tommy Perry, CSWCD engineer, Johnson-Prewitt & Associates, Inc.
Mr. Joby Sherrod, landowner

1) PRESIDENT CALLS MEETING TO ORDER

Mr. Sherrod called the May 28, 2020, Cow Slough Water Control District Annual Landowners’ Meeting to order at 3:00 p.m.

Mr. Sherrod announced all who were in attendance.

2) MEETING ANNOUNCEMENT

a) SECRETARY READS NOTICE

Ms. Clement announced that the meeting notifications were noticed in The News-Press on May 8, 2020 and May 18, 2020 in accordance with Florida Statutes, is posted on the District’s website, and each landowner was sent written notification of the meetings along with a draft budget for 2020/2021, and a proxy.

Mr. Townsend motioned to waive the reading of the affidavit of publication and Mr. Giddens seconded the motion. The motion passed unanimously.

3) ELECTION OF A CHAIRPERSON & SECRETARY WHO CONDUCT THE MEETING

a) LANDOWNERS ELECT A CHAIRPERSON AND SECRETARY – Mr. Sherrod asked for nominations to appoint a Chairperson and a Secretary to conduct the annual meeting.

Mr. Townsend motioned to nominate Mr. Diffenderfer to serve as Chairperson and Ms. Clement as Secretary. Mr. Giddens seconded. Motion passed.

4) CALL FOR PROXIES

a) TABULATE-ANNOUNCE RESULTS – Mr. Diffenderfer called for proxies to be presented. Ms. Clement stated she had received one proxy from Ms. Jane S. Wood, trustee of the Janes S.

Wood Revocable Trust, and the proxy appointed Mr. Phillip Sherrod to represent her. Mr. Diffenderfer said that the persons present at this meeting represent a quorum.

b) **CHAIRPERSON DECLARES A QUORUM** – Mr. Diffenderfer declared a quorum. Mr. Diffenderfer announced that Mr. Dallas Townsend's term has expired. Mr. Diffenderfer said that there is only one item of business in the annual landowners' meeting and that is to elect a supervisor.

5) **ELECTION OF A SUPERVISOR**

a) **TERM EXPIRATION** - Mr. Dallas Townsend, 2017-2020.

b) **ELECT ONE SUPERVISOR** – Mr. Diffenderfer opened the floor for nominations for a Supervisor to serve from the year 2020 to 2023.

Mr. Giddens nominated Mr. Townsend. Mr. Sherrod motioned to cease nominations. There being no other nominations, the floor was closed. All in favor, none opposed. Mr. Townsend was elected by acclamation.

c) **OATH OF OFFICE ADMINISTERED** – Ms. Clement administered the oath of office to Mr. Townsend, after which, Mr. Townsend executed the oath.

6) **ADJOURN ANNUAL LANDOWNERS' MEETING**

Mr. Diffenderfer adjourned the annual meeting at 3:05 p.m. and turned the meeting over to the Mr. Sherrod.

7) **PRESIDENT CALLS THE QUARTERLY MEETING TO ORDER**

a) **MR. SHERROD CALLS THE QUARTERLY MEETING TO ORDER** – Mr. Sherrod called the quarterly meeting to order at 3:05 p.m.

b) **ELECTION OF A NEW PRESIDENT FOR 2020-2021 FISCAL YEAR** - Mr. Sherrod stated that the floor was open for nominations for a President of the Board of Supervisors to serve the 2020-2021 fiscal year.

Mr. Townsend nominated Mr. Sherrod to serve as President for the 2020-2021. Mr. Giddens seconded. Mr. Townsend motion that nominations cease. Mr. Giddens seconded.

c) **COMMENTS BY NEW PRESIDENT** – Mr. Sherrod said, "thank you."

8) **OLD BUSINESS**

a) **APPROVE THE MINUTES OF THE JANUARY 23, 2020 QUARTERLY MEETING** – Ms. Clement submitted the draft minutes for the quarterly meeting held on January 23, 2020, for the supervisor's approval.

Mr. Giddens motioned to approve the minutes of the quarterly meeting held on January 23, 2020. Mr. Townsend seconded. Motion passed.

b) **RATIFY CANCELLATION OF THE APRIL 23, 2020 QUARTERLY MEETING** – Ms. Clement said that due to Covid-19, the April 23, 2020 meeting was cancelled.

Mr. Giddens motioned to ratify the cancellation of the meeting. Mr. Townsend seconded. Motion passed.

c) **RATIFY THE PURCHASE OF A 42" x 40' CULVERT** – Ms. Clement said that Mr. Townsend requested a 42" x 40' aluminum culvert to be ordered and then to be installed in a drainage district around Mr. Joe Taylor's property. Mr. Townsend said that Mr. Taylor has installed the culvert. Ms. Clement said that the culvert was purchased from Metal Culverts, cost \$2,530.00.

Mr. Townsend made a motion to ratify the purchase of the 42" x 40' culvert, \$2,530.00. Mr. Giddens seconded. Motion passed.

d) **LAY OUT A PLAN FOR THE TRANSITION OF MANAGEMENT OF THE DISTRICT** – Ms. Clement said that there are many issues which need to be discussed so that the management transition to LaBelle CPA will go smoothly.

1) Mr. Diffenderfer said that the supervisors have agreed upon LaBelle CPA, Incorporated for assuming the management role when Ms. Clement retires, which will occur at the August 27, 2020, meeting. Mr. Diffenderfer said that in the meantime, himself, Ms. Clement and the new manager, Mr. Chris Soud, need to discuss management functions, and the attorney's role within the District so that continuity can remain. Mr. Diffenderfer said, prior to the August 27, 2020 meeting, there should be a meeting between these individuals so that there will be no questions at the August meeting and the transition will go smoothly.

2) Mr. Diffenderfer said that there needs to be a contract between Cow Slough Water Control District and LaBelle CPA, Inc. to spell out the work load that he, Mr. Soud, and the supervisors, need to review the document before the August meeting where it should be executed. Mr. Diffenderfer said that if there is something in the contract that causes concern, it should be addressed before the meeting. The Board instructed Ms. Clement to get a contract from LaBelle CPA and to send it to the supervisors and Mr. Diffenderfer for their review.

3) Mr. Diffenderfer said that Ms. Clement can be renewed as the Secretary/Treasurer at this meeting for the balance of her employment, and at the August meeting, it can be changed. The same holds true for the Records Management Liaison's (RMLLO) position.

4) Ms. Clement said that the funds from both accounts being held in Seacoast National Bank in Arcadia, Florida, must be transferred to a new bank account of the Boards' choosing.

Mr. Townsend made a motion to move the funds from the Seacoast National Bank, Arcadia, Florida to the First Bank of Clewiston. Mr. Giddens seconded. Motion passed.

It was agreed that Mr. Soud should set up the account at First Bank of Clewiston, and the funds could be transferred via wire transfer.

5) Mr. Diffenderfer said that there should be a receipt of the transfer of documents from Ms. Clement to LaBelle CPA in writing, indicating a description of the records being transferred.

e) **OTHER** – Mr. Townsend said that the Board had made a motion at the January 2020 meeting, giving him the authorization to secure a firm to clean the Lateral 2E canal, in an amount up to, but no more than \$10,000.00. Mr. Townsend said that he contacted two contractors who were not interested in the job and was unable to locate one willing to perform the job, so he cleaned the canal and mowed. Mr. Townsend said that the District now needs to approach the landowners adjacent to the area to see if they are willing to mow the area, which the District would reimburse them for doing. Mr. Townsend said that if the landowners are not willing to mow, CSWCD will need to hire someone because as it is now, the supervisors are mowing for free.

Ms. Clement asked if Mr. Townsend can be reimbursed for his efforts/time. Mr. Townsend said that he was reluctant to submit an invoice to the District for the cleaning, as he is a supervisor. Mr. Diffenderfer said that this is a sensitive area for supervisors to submit invoices, but do to the fact that Mr. Townsend could not locate anyone to perform the work, and that two contractors were approached and were not interested in or were not able to perform the work, to that extent, Mr. Diffenderfer said that Mr. Townsend could submit an invoice for reimbursement, in the amount of funds which is equivalent to the out of pocket costs, which can be reimbursed. Mr. Diffenderfer asked if this is a one-time issue or does the district have options. Mr. Townsend said that CSWCD can approach the landowners to see if they are willing to do the mowing.

Mr. Joby Sherrod said that the Board can prepare a Request for Proposal (RFP) for mowing, four times per year, and he feels that he can find someone/a firm to bid on the project. Mr. J. Sherrod said that he can share the RFP with several contractors who do want to work. The supervisors said that an RFP can be written up indicating the number of acres to be mowed, etc. and that this was a great idea and will be pursued.

9) **ADMINISTRATOR'S REPORT**

a) **APPROVE THE FINANCIAL REPORT FROM JANUARY 24, 2020 THROUGH MAY 28, 2020** – Ms. Clement submitted the financial reports for the Boards' approval.

Mr. Giddens motioned to accept the financial reports. Mr. Townsend seconded. Motion passed.

b) **NEXT SCHEDULED MEETING DATE** - Ms. Clement said that the next scheduled meeting is to be held on Thursday, August 27, 2020, at 3:00 p.m.

10) **ENGINEER'S REPORT**

a) **ENGINEER'S ANNUAL REPORT** – Ms. Foster verbally reviewed the Annual Engineer's Report for all present. There was a discussion, no action to be taken on any issues.

Mr. Giddens motioned to approve the engineer's report. Mr. Townsend seconded. Motion passed.

b) **CORRESPONDENCE WITH MR. KREIGER, CONSOLIDATED CITRUS, RE: VEGETATION**

Ms. Foster said that Consolidated Citrus had removed a culvert from the canal which caused floating vegetation and it has been clogging up the canal since the removal. Ms. Foster said that she did email Mr. Kreiger regarding the issue, but had not received a response. Mr. Sherrod asked Ms. Foster to

please remind Mr. Kreiger that this is Consolidated Citrus' responsibility to keep up with cleaning the weeds out of the canal, as they removed the culvert.

c) **OTHER**

11) **ATTORNEY'S REPORT**

a) **LEGISLATIVE**

Mr. Diffenderfer said that there are several issues which occurred in the legislative session this year which affect the District.

- 1) Senate Bill 1466, revises the list of documents required to be posted on the District's website. Extends current exemption of one acre, one vote. Simplifies record keeping.
- 2) House Bill 101, deals with procurement.
- 3) House Bill 279, requires that a local government utilizing its own services for a project to be accountable to provide costs for what services the district performed.
- 4) House Bill 441, increases the maximum limit for continuing contracts from 2 million to 4 million.

12) **BUDGET 2020-2021**

a) **APPROVE THE 2020-2021 ASSESSMENT RATE AND DRAFT BUDGET** – Mr. Sherrod said that a draft budget has been prepared for 2020-2021.

Mr. Sherrod said that the Supervisors are recommending an assessment rate of \$6.00 per acre for fiscal year 2020-2021, which is the same assessment as 2019-2020.

Mr. Townsend motioned to approve the draft budget for fiscal year 2020-2021 with an assessment rate of \$6.00 per acre. Mr. Giddens seconded. Motion passed.

b) **EXECUTE 2020-2021 ASSESSMENT RESOLUTION** – Mr. Townsend motioned to execute the Assessment Resolution for fiscal year 2020-2021, indicating an assessment rate of \$6.00 per acre. Mr. Giddens seconded. Motion passed and the Assessment Resolution was executed.

c) **EXECUTE THE 2020-2021 RESOLUTION TO EXECUTE AND LEVY NON-AD VALOREM TAXES** – Mr. Townsend motioned to execute the Resolution for the Execution and Collection of Non-ad Valorem taxes for the 2020-2021 fiscal year. Mr. Giddens seconded. Motion passed and the Non-Ad Valorem Resolution was executed.

13) **CALL FOR NEW OR OTHER BUSINESS**

a) **BEST MANAGEMENT AND PRACTICES (BMAP) PUBLIC EDUCATION AND OUTREACH** – Ms. Foster said that the District is responsible for educating the public and the CSWCD landowners regarding such issues as not throwing grass in canals, reminding landowners to perform best management practices at all times, and to make sure that all of the landowners within the District, sign-up for the BMAP.

b) **APPOINT LEGAL, ENGINEERING, AND AUDITING SERVICES FOR THE 2020-2021 FISCAL YEAR** – Mr. Townsend motioned to retain Lewis Longman & Walker, P.A., as its legal firm. Mr. Giddens seconds. Motion passed.

c) Mr. Townsend motioned to retain Johnson-Prewitt and Associates as its engineering firm. Mr. Giddens seconds. Motion passed.

d) Mr. Townsend motioned to retain, Boy, Miller, & Swindle, P.A. as the District's auditing firm. Mr. Giddens seconds. Motion passed.

e) **APPOINT A SECRETARY/TREASURER FOR 2020-2021 FISCAL YEAR** – Mr. Townsend made a motion to elect Ms. Clement as its Secretary/Treasurer. Mr. Giddens seconds. Motion passed.

e) **APPOINT A RECORDS MANAGEMENT LIAISON OFFICER (RMLO)** – Ms. Clement said that she is the current custodian of the records, however; due to her departure, someone else will need to be appointed. As discussed in (3) (d), it was determined that a Secretary/Treasurer and RMLO will be appointed at the August 27, 2020 meeting.

f) **ESTABLISH MEETING DATES FOR FISCAL YEAR 2020-2021** – Mr. Townsend motioned to hold the District meetings for the 2020-2021 year, on the following dates: October 22, 2020, January 28, 2021, April 22, 2021, May 27, 2021, and August 26, 2021. Meetings are to be held at 3:00 p.m. in the County Extension Offices in LaBelle, Florida, unless otherwise noticed. Mr. Giddens seconds. The motion passed.

Ms. Clement checked with a representation of the County Extension offices and they approved that CSWCD can continue to utilize the extension office conference room for its 2020-2021 meetings.

g) **NEW BUSINESS – BOARD OF SUPERVISORS**

1) Mr. Giddens said that some of the canals need to be cleaned. Mr. Townsend agreed and said that there are large areas of vegetation on the edge of the Townsend Canal which must be removed, and in addition, parts of Lateral E-1 are also full of vegetation. Mr. Townsend said that this work will require a back-hoe.

After a discussion, it was determined that the canals cleaning and mowing need to begin prior to the August 27, 2020 meeting, due to the rainy season.

Mr. Sherrod made a motion authorizing Mr. Townsend to secure a quote for the project, hire an equipment operator, and to proceed with having the work completed. The project is not to exceed \$8,000.00. Mr. Giddens seconded. Motion passed.

The Board determined that a regular maintenance schedule for both canals cleaning and mowing, needs to be established and adhered to.

14) **CALL FOR PUBLIC COMMENT**

Mr. Sherrod asked if there were any comments from the public. There were none.

15) PUBLIC NOTIFICATION

“Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the District with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.”

16) ADJOURNMENT

At 4:05 p.m., Mr. Townsend motioned to adjourn the meeting. Mr. Giddens seconded. Motion passed.

Respectfully,

Dana Clement
Secretary/Treasurer
Cow Slough Water Control District