



Members Present:

Dave Browning, Mayor
Marge Herzog, Vice-Mayor
Dave Autrey, Council Member
Dennis C. Lipp, Council Member
Dr. J. William Louda, Council Member

Members Absent:

None

Others Attending:

Dr. Irv Rosenbaum, Interim Town Manager (NCS)
Matthew Lippman, Interim Town Clerk (NCS)
Michelle Kantor, Interim Assistant Town Clerk (NCS)
David Tolces, Esq., Town Attorney
Members of the Public

1. – 4. Call to Order/Roll Call/Pledge of Allegiance/Invocation

Mayor Browning called the meeting to order at 7:05 p.m. He then requested the roll call by Town Clerk Lippman. Upon completion of the roll, Mayor Browning requested everyone stand for the Pledge of Allegiance and Invocation.

5. Approval of Agenda

Vice-Mayor Herzog MOTIONED to approve the Agenda, SECONDED by Councilman Louda and the MOTION passed unanimously 5-0.

REGULAR AGENDA:

Town Clerk Lippman went over the Agenda and introduced John Petty and Janice Larned from District Offices Management, the firm chosen to do the Consolidation Study. He explained you do not need to fill out a comment card for the question part of the Agenda but you will for the comments part of the Agenda. He asked for all comment cards to be given to him and he said he would give them to the Mayor. He said if you don't want to speak but want your comments heard then the Mayor or I will read them into the record. He asked to keep the comments to 3 minutes because we have a lot of people in the room who wish to speak.

establish among other things, special taxing districts. He said we all went and listened to the Erdman Anthony Study that came back October 9, 2006 which helped establish the various road segments within the Town. He said the LGWCD established a process where people could petition their road segment to be stabilized, and all this was done before incorporation. He said what it is all about is dirt roads and you either love them or hate them. He asked what is there to love about a dirt road, is it the 1 ton of dust that 1 car going 35mph on 1 mile of dirt road puts on the road annually. He said I cannot speak for others but I do have a sense of political reality, and former Speaker of the House Tim O'Neil put the nail on the head when he said all politics are local and it doesn't get any more local than the street where you live. He said the LGWCD gave the residents of the Groves the democratic right to petition the LGWCD for OGEM stabilization and the LGWCD is now in the process of establishing costs and a referendum process. He said now the Town is perceived as wanting to take away someone's rights and that is not popular. He said it all seems to boil down to OGEM and the right to choose. He said we just heard it is not about OGEM it is about planning. He said the Transportation Element of the Comprehensive Plan we just sent off to Tallahassee in Section 2-11 it says (the future roadway network -no new roadways are planned for the Town,) and now we are spending \$60,000 plus on the MREG study, which sounds like a good idea, but what if the MREG comes back and says roads with trips over 400 per day should apply to the American Association State Highway Transportation Officials Recommendation which says 400 trips a day on a dirt road it is best to pave it.

Councilman Lipp then read Councilman Louda's quote from a story written today in the Palm Beach Post, by Mitra Malek. "Councilman Louda said he is still convinced that the best financial decision is for the LGWCD to become a branch of the Town rather than remain an independent agency with its own elected board."

Councilman Lipp continued let's go back to April of this year; this is when I think it all really got started. He said a couple members of the Town Council went to the Town Clerk and asked that he start a dialogue with the manager of the LGWCD on holding off additional paving projects until the Comprehensive Plan was adopted. He said this letter was posted April 13, 2008. He said this was done without the consent of the Council and the result of that was the beginning of the undoing of the Charter of the Town. He said lets go back and look at the Charter. He said it was signed into law by Governor Bush and in October, 825 of us got out and voted and 458 were for and 370 were against and 43% of the registered voters voted and that is a difference of 88 or 4.6% so it was not an overwhelming referendum for incorporation. He said Article 7 of that Charter that we all swore to reads like this "this Charter may be amended in accordance with the provisions for Charter amendments as specified in General Law or as may otherwise be provided by General Law the form, content, and certification to amend shall be established by Ordinance and well the governing law in this is Florida Statute 166.031 called Charter Amendments and to get that done we would have to go back and redo Section 6 of the Charter which deals with having the LGWCD as an independent district. He said the next step would be we would have to have a local bill of incorporation. He said I spoke with both people who could be taking Shelley Vana's spot and Joe Abruzzo said without 100% buy in it is not going to happen and he wouldn't sponsor it and Howard Coates told me essentially the same thing. He asked so what if there was another solution that wasn't OGEM. He said what if we could make our roads safe, make our roads not dusty, make our roads not washed out over the summer. He said I want to thank Councilman Louda for looking up this company for Gorilla Snot. He said the state of Pennsylvania was looking at using pavement to memorialize a road when they came across the soil tech product Gorilla Snot. He said so my question would be why not look at this as a solution for Loxahatchee Groves. He said the roads would still look the same just not dirt

He said we all need to work together and I think our best alternative as we work through this is alternative #4 to work together and I am certain we could do that.

Mayor Browning said I put a lot of stock in my campaign promises and I am the only one up here that has sat on both groups, the LGWCD Board and the Town Council. He said I think the LGWCD does a great job with our tax dollars and spend it wisely. He said every decision is scrutinized very closely. He said I think they did things very efficiently and still so. He said I read the study and it agrees with what I think and there is no duplication in costs. He said I do not see a place where we are going to save the people a lot of money. He said each one has to do their own audits, have their own lawyers, and do their own engineering and I do not see a place where we could save money. He said the LGWCD has the advantage of giving a say, the vote to people who own land here but don't live here and that is very important to me. He said Taxation without Representation bothered our forefathers and it bothers me. He said now on the other side of it, we have got to get along. He said we all represent the people of Loxahatchee Groves and there is a lot of frustration. He said one side is very frustrated because over the years they felt they didn't have as much say as a person with as much acreage. He said now it has kind of swung the other way. He said I agree with the study that there is really no detriment to having 2 separate entities represent the people of Loxahatchee Groves. He said I was not for the study but I am pleased with the results and I feel we need to listen to them and work our problems out. He said we are all family and we are all trying to help the people of Loxahatchee Groves. He said I believe in small government and keeping it simple.

7. Presentation: John Petty, District Offices (Author of the Independent Consolidation Study)

John Petty, District Offices Management- introduced himself and his company. He said my experience in this matter is I have spent 20 plus years working with Special Taxing Districts. He said I have worked with the City of Weston which copied the Wellington model. He said I have worked with Districts that were taken over in a hostile style and am aware of these types of battles. He said my partner Janice is the financial part of our operation. He said she has worked mostly in the private sector and with municipalities. He said we got this project from the Town of Loxahatchee a little over a month ago and there was not enough time to go over all the history and you do have quite a history. He said I am going to be real careful tonight because as you can tell, the Board as well as the audience has different views on this topic and I try to stay in the middle. He said I try to keep myself out of my typical representation which is to defend the Districts. He said the reason I have that is because the State of Florida has a long history of Special Taxing Districts and these Districts do come under fire by local government. He said but in fact every study ever done on Special Districts shows them to be extremely efficient machines. He said they function around one or two special purposes, whether, it be drainage, roads, or utilities. He said they function under those responsibilities only and with such tight focus, accountability is high and efficiency typically follows. He said in your incorporation the material I had to go over the Town of Loxahatchee looked to maximize the efficiency of that District with the capability of protecting your borders from the urban sprawl. He said the concern that was expressed in the Charter was that you wish to preserve the historic character, the quality of life, the large lots, the rural agriculture economy and these are the things the Town has a primary responsibility in protecting but that doesn't lead to a growth report or a 10 year plan. He said the report called for a 10 year plan but we didn't include that. He said what you have today is what you will have for the next 10 years. He said service levels is what you all are willing to pay for and it is not our scope to tell you what service levels will be. He said all of the

other evaluations you are doing will be far more practical in telling you what the future may or may not hold.

He said I'll get to the 4 alternatives now:

Alternative 1

-MAKING THE LOXAHATCHEE GROVES WATER CONTROL DISTRICT A DEPENDENT DISTRICT OF THE TOWN

Mr. Petty said this would be problematic and very difficult to do. He said it has been attempted by quite a few large governments particularly in Broward County and they haven't been able to convince the Legislature yet that it adds much value to the residents. He said you will need a mandate from those residences to take to Tallahassee. He said in Tallahassee you will meet other legislative bodies who might be trying to protect Special Districts. He said so even if you have the will of the people it is possible you will meet with great political resistance because of these bodies. He said if we were to put a Special Bill together right off the bat we would drop \$120,000 for a lobbyist because you would need the best lobbyist in the State. He said the special education which you would do with the residents would be meetings like this where you would go over again and again the problems with the residents so you could get feedback to where you could tell the Legislature, yes our residents are behind this and this is what they want. He said that takes time and money as well.

Councilman Louda said the number I was talking about was not the cost to put the Bill through but the comparison numbers between the Town and the LGWCD.

Mr. Petty said our firm thinks whether or not you'd be successful our firm thinks would be dependent on what lobbyist and attorney you get. He said the LGWCD here in Loxahatchee Groves does not have a trigger in the enabling legislation that I could find. He concluded by saying Option 1 would be problematic at best, costly, will take well over a year to implement, and would need a mandate from the people before it could even be thought of being successful.

Alternative 2

-LIMITING THE ROLE OF THE LGWCD TO ITS ORIGINAL WATER MANAGEMENT AND DRAINAGE FUNCTIONS UNDER CHAPTER 298 AND HAVE IT REMAIN AN INDEPENDENT DISTRICT

Mr. Petty explained this would be stripping the LGWCD of their road authorities and leave it as a simple drainage district. He said it is my experience that 298 Districts cannot exist without roads leading to their canals. He said roads have always been included because you have to be able to get to the ditch. He said to remove that power for the District to not have the ability to maintain roads essential to the maintenance of its drainage facility could be a problem because it would be difficult for the District to give up that responsibility. He said now there may be definitions there as to what is a maintenance road and what is a public road but that has not been defined in the data I reviewed. He concluded by saying we see Alternative 2 as being very closely associated with Alternative 1. He said it would be very difficult, very costly, and would

take a long time to implement, and efficiency that may be possible would be even less than that shown with Alternative 1.

Vice-Mayor Herzog said I believe when they asked about the return to the 298 they meant to eliminate the 2006 legislation that was passed, not take away the road maintenance.

Mr. Petty responded that is a very good comment and the ability for the District to do special assessments on roadways that were not connected to their water management facility or did not give them access to the water management facilities would require expansion of powers of the 298 and I believe that is what the District has done. He said I think it was after years of residents coming to them looking for them to help.

Alternative 3

-NOT MAKE ANY CHANGES IN THE RESPECTIVE AUTHORITY OF THE TOWN OF LOXAHATCHEE GROVES AND THE LGWCD-DO NOTHING-DON'T CHANGE IT-LEAVE IT THE WAY IT IS

Mr. Petty said we looked at this and we saw that the District from the best we can tell from the data, news articles, and history we were getting from the people we were speaking to, the District has been very efficient and has been doing what has been required of them. He said the Town, newly organized, has captured the New Local Gas Tax. He said they seem to be doing a great job capturing those funds and you pay taxes everyday and you have never been able to have access to them till the Town incorporated. He said it appears the District is doing their job and the Town Council is doing their job and the difficulty appears to be in trying to make the two systems work together openly so that the residents understand whatever compromises need to be between these two entities to try and bring efficiencies to you. He said in doing nothing, we looked at it as it is better than spending money. He said if there was value in options 1 or 2 we would recommend to you to hold. He said we don't recommend you spend a great deal of money. He said what it doesn't resolve is the possibility of what efficiencies we could gain if we do work together. He said it is possible the LGWCD could be able to keep its assessments down to current levels for a longer period of time. He said it is difficult; both of these entities have very strong willed people. He said there are some legislation issues here because the District is very strictly controlled by 298 and the Town has a little more leeway but still has to follow the law. He said so Option 3 basically says leave it as it but it doesn't address working together.

Alternative 4

-WAS LEFT OPEN BY THE TOWN (WE CAME UP WITH....)
-LOCKING AN ADMINISTRATOR FROM THE TOWN AND AN ADMINISTRATOR FROM THE DISTRICT AND A COUNCIL MEMBER FROM THE TOWN AND A BOARD MEMBER FORM THE DISTRICT IN A ROOM AND NOT LETTING THEM OUT UNTIL THEY COME UP WITH AN ANSWER OF WHAT BENEFITS THE RESIDENTS

-ESTABLISH A COMMITTEE COMPRISED OF ONE BOARD MEMBER AND ONE ADMINISTRATOR FROM BOTH THE TOWN AND DISTRICT TO STAND IN SERVICE TO MEET THE CHARTER INTENT IN DEVELOPING SERVICE DELIVERY

Mr. Petty said I did not study the roads and this is not about roads; this is about how to bring the residents this efficiency that you designed when you considered incorporation and how do you bring to those residents the efficiency they hoped for when they voted yes. He said this is about how to show them what is best for this unique community. He said you all know how unique you are.

He said I will now answer any questions you might have.

a. Questions by Town Council Members

Councilman Louda said I wish Alternative 4 would work but when you say take a member of each Board and Staff member, I personally don't think there would be a Board Member here that could go unbiased. He said I don't like to admit it but I think I would put my bias before the compromise. He said you say the expense of going forward with a Bill and asked, would there be a way to get a Bill started with the provision the Bill is formulated and doesn't go anywhere till after the referendum because I for one wouldn't want to do this without Loxahatchee populous but I am also looking at the time it would take to do the referendum. He said I am just thinking of a way to jump start the process.

Mr. Petty responded yes is the short answer and the long answer is similar to your incorporation process when you submitted a Bill and it was approved subject to the majority vote through a referendum and the same thing applies for an annexation. He said typically the Legislature says they will listen to the voice of the people, so a vote is typically required for something of this character. He said you would still look for approval from surrounding communities and the impact of stakeholders. He said typically with the referendum the Legislature will look for those Community issues to be resolved before they approve such legislation so if there is someone who would go up to Tallahassee to speak against the Bill, it is probable it wouldn't even be considered.

Councilman Louda said that happened in incorporation.

Mr. Petty said I think yes you could start the Bill but I don't know if you would save much funding because you would have to still get a strong Public opinion behind you and you would have to show the issues were truly discussed.

Vice-Mayor Herzog said I wanted to hear from Staff some examples of lack of cooperation if I could.

Town Clerk Lippman said keep the questions just to Mr. Petty and I will answer any of the Council questions after.

Mr. Petty said we looked at that same issue and we looked at what procedures would be at risk trying to bring these 2 entities together. He said you have a fiduciary responsibility and you can't just give \$200,000 to the LGWCD and walk away. He said you have to have a fixed asset or a definitive service contract in place for that money otherwise you are at risk. He said the LGWCD Administrator has to follow his elected rules, policies, and procedures and he cannot

arbitrarily take direction from another governmental entity. He said you do have issues that must be melded together and we think that is very possible.

Vice-Mayor Herzog said my biggest concern is the lack of cooperation that seems to exist because there doesn't seem to be any clear cut direction or definite plan.

Mr. Petty said this is why we brought up Alternative 4 and we asked for an administrator and an elected official. He said we know the administrators are going to sit across the table and their desire is to win. He said the elected official is supposed to sit there and say we can give a little so that the administrator can back down, otherwise the administrator will never back down.

Vice-Mayor Herzog said another issue is the expense for lobbyists right now and we are having the same issue with attorney fees because of all the conflict going on. She said we need to have a way where we can have the cooperation.

Mr. Petty said there is definitely some efficiencies that can be gained through cooperation and I would probably define what you are currently going through now as growing pains and it is not dissimilar from other newly incorporated entities. He said there is almost always a Special District in place. He said you have to get in there and roll up your sleeves and I think Loxahatchee has a character to get through this.

Vice-Mayor Herzog asked about the Village of Wellington when they went from independent to dependent.

Mr. Petty responded it was different because it was the Acme Improvement District and it was an evolution of district. He said this is evolving the Community.

Councilman Autrey said in your study it appears to me you didn't really weigh our responsibility to manage the Town with respect to the Comprehensive Plan. He said we've got responsibilities and we can't do it unless we get cooperation and let me give you an example. He said I talked to one of our planners about the roads and earlier Councilman Lipp brought up that Town Clerk Lippman asked the LGWCD to momentarily suspend OGEM. He said the challenge is when you pave a road with OGEM, the road becomes more desirable thus increasing the traffic. He said when you put speed humps down; the road becomes less desirable thus decreasing traffic and shifting it to adjacent roads. He said Clete has stated many times that the traffic on South F Road has decreased dramatically since the road was paved with OGEM and speed humps were installed. He said that traffic had to go somewhere-it didn't just disappear. He said while the data is being compiled and analyzed there needs to be a constant baseline. He said the major part of the analysis is determining the levels of cut through traffic and road performance. He said if the OGEM is placed down then the analysis is adversely impacted. He said this may also result in an incorrect determination that a road may have a deficiency in the level of service. He said without a comprehensive approach and Plan relating to the entire roadway system in the Town it will result in the following: (1) the conclusions derived from the data and analysis in the MREG will be flawed. The levels of service standards that are determined for the roads will not be representative of the actual LOS if OGEM is placed on them in a random manner. It's the trigger effect. It will set the rest of the traffic patterns off-balance and will make the rest of the assumptions on the roads within the Town inaccurate as well. (2) Traffic will be compressed and forced on other roads that may not be able to handle the additional traffic volume. (3) The ever-changing road lottery will increase the cost to the Town due to having to re-invent the wheel every time the district resurfaces a road that may not be incorporated into the MREG

Plan. (4) It will be different at best to demonstrate compliance with the goals, policies, and objectives of the Comprehensive Plan. He said we are required by the State to do a Comprehensive Plan so my frustration here is that we simply asked for a momentary time out while we put this Plan together and then we can work forward together with the Plan. He said we also have something here you didn't address and what I feel is an imbalance, which is a historical feature, of District and Non-District roads. He said we are collecting gas tax monies on 50 miles of roads and if we take the District's posture we are going to give away half that money and I don't want to do that. He said that isn't addressed in your study so while you talk about cooperation I don't see any acknowledgement that we have certain things we need to do and I would like to get your comment on that.

Mr. Petty said the Comprehensive Plan is a complex tool the State uses and it has evolved over the last 23 years into a monster of a Plan. He said what is key to the Comprehensive Plan is probably best described by looking at the State of Florida's Comprehensive Plan and looking at what the State is holding itself to in terms of service level standards. He said in your Comprehensive Plan I am not aware of any data that requires you to build any roads and I have not found that.

Town Attorney Tolces said the Plan has only just been transmitted.

Councilman Autrey said our planners came and told us that they would like to call a time out so they could do a study for the Comprehensive Plan and do an analysis on the roads. He said and as Councilman Lipp talked about earlier, the LGWCD has been moving forward and doing a petition process to put OGEM down, which doesn't change the traffic patterns, and that was met with not a lot of support from the District. He said so we have this moving target and we're developing a Plan and the purpose of the Plan is moving forward and if you do certain road segments and not others, there is an effect to that a cause and effect and if you look at the well what is going to happen to North B Road and if you don't understand that than how can you go forward responsibly as an elected official when you represent everybody. He said we have a responsibility here to understand how it will affect everybody. He said each individual road isn't its own world, it is not an island. He said what I am trying to get there is we have a responsibility to put this Plan together. He said it is impossible to do it in the current environment.

Mr. Petty said it is not impossible and it is normal and almost every other Community has to do a traffic study while new roads and sub divisions are being built. He said there is a set amount of traffic for Loxahatchee and if there is any pass through traffic, I can't imagine it because I barely found my way out. He said I don't think the pass through traffic will be a very material number. He said but you are right and I will agree with you that working together with the LGWCD, so that you are not duplicating any services or pushing back any studies is definitely beneficial to the residents of Loxahatchee Groves. He said I didn't address it because I was only looking for those 4 alternatives, and none of those 4 alternatives said anything about dirt road vs. paved roads or Comprehensive Plans vs. no Comprehensive Plans. He said the issue here was if you wanted to make an independent district dependent or to alternate with this responsibility.

Councilman Autrey said to me it is our responsibility coupled with our authority and asked how do you make decisions in that process when there is an unwillingness to acknowledge at least what we are trying to do on our end.

Mr. Petty said at the end of the day the mandate is with this Council and you must respond with what is in your best judgment for the residents and that mandate is clear.

Councilman Lipp said I enjoyed reading your study and I like alternative 4. He said I think there might be one other element that might work better that I got off of a post from Howard Voren. He said and that is a 5th member be appointed.

Mr. Petty said the idea was you would only have one elected member of each entity and it should be more of a working group where you talk openly. He said you want your Administrators to be able to talk openly about this. He said it was coming up with a working group that you felt would be in the best interest of Loxahatchee.

Councilman Lipp said I don't necessarily want to disagree with Counsel.

Town Attorney Tolces said if the respected Boards are going to delegate certain authority for certain members to attend such a working meeting then that delegation creates a certain authority and this group as described here would be governed by the Sunshine Law.

Councilman Lipp said I guess we could always look into that further if you don't mind. He said another point is would you envision the results of Alternative 4 come back to the final boards for absolute approval.

going to handle it just like the County did on a project specific ILA and we really thought we had hammered out the basics for being able to get the gas tax money for the residents of Loxahatchee Groves on all of our roads. He said I like your idea of Alternative 4 and I think it will work and the key is going to be that group won't be making decisions but will come back to the Council or Board with the recommendation and hopefully we can get it together. He said we all answer to you guys and you keep us in check.

Vice-Mayor Herzog said I would like to make a comment that even though you guys cooperated with each other we still wound up with the attorneys fighting with letters. She said even though you agreed to agree you didn't agree.

Mayor Browning responded immediately after that was when this study came up.

Councilman Louda asked Ms. Larned, how come I saw no math or no numbers to specific things, like an estimate of how the Town and District could operate if the District were dependent and we looked at it as a single entity; what would the cost be to have one attorney and one audit and one location for all offices. He said the incorporation of Non-District roads which are Town roads into District roads which would now be all roads so you don't have to think of special projects we could just do them all. He said the Town roads are those that have been put in to generate gas tax money.

Ms. Larned said we looked at was the data and information and we saw whether there were 2 entities or 1 the work was going to be the same work. She said over time you may see some of those efficiencies but that is going to come as a result of a competitive process. She said in the initial stages it will stay relatively the same because of all the work that has to be done.

Councilman Louda said that was one of my points. He said a few years down the road because right now we are in the middle of the Comprehensive Plan and spending a lot of money on that and we managed to keep the millage the same but hopefully next year as we get rid of some of these beginning costs we can lower it if the other taxes keep coming back to us. He said in a cost benefit analysis I really don't care about today-we need to think about tomorrow.

Ms. Larned said you will see whether you are one entity or two entities as you continue experiencing and working through some of these issues than those costs are going to be for both entities, so I would not anticipate you will see an extraordinary amount of savings because of consolidation.

Mr. Petty said I do believe it would be less cumbersome for the decision process because you would have less people to take things too but we couldn't find a dollar amount.

Councilman Autrey said given what Mr. Petty just said, the issue we have which is a clear issue, is different interpretations with respect to ownership of roads and asked that issue is going to continue to exist, correct. He said how do we resolve this issue realistically when it is in clear conflict with everything we are trying to accomplish. He said this is saying let's get together and get along, yet we just got a copy of the letter the LGWCD sent to the DCA saying that the Town doesn't own the roads and if you take that out than the Town doesn't qualify for the gas tax. He asked Town Attorney Tolces with that how he sees this working.

Town Attorney Tolces said it would require some type of ILA to be entered into with the LGWCD in order to establish the Board, the mechanisms, and how it would operate and that would

require some sort of cooperation which my office has not seen for the 1.5 year we have been the Town's attorneys. He said I am the Town's attorney so I have a certain bias towards what I think is best for the Town, and I'm not saying Alternative #4 can't work but it will require a certain level of cooperation that my office hasn't seen since we the Town first met back here in March 2007.

Councilman Autrey asked is the issue with the ILA the language with road ownership.

Town Attorney Tolces said that was one of the issues that arose as we tried to negotiate that agreement.

Councilman Autrey says it seems that is the crux of the problem, who owns the roads.

Town Attorney Tolces said there was concern raised by the PBC League of Cities that the language contained in the original ILA between the Town and the LGWCD might discontinue the Town from collecting the gas tax revenue. He said as Mr. Petty stated, for the Town to transfer funds to the LGWCD it is necessary to have an agreement in place and everybody knows the story but we ended up not having any agreement in place. He said I am certainly comfortable entering into some type of agreement without any language of roads in there but the LGWCD wasn't.

Councilman Autrey said it seems to be at the heart of this, if the LGWCD was to back off that then I think we could work something out, but if they aren't going to, then I don't see any other solution other than to file legislation and to clear it up through the Legislature. He said or do we just kiss away the ability of being able to work. He said I don't see how the Staff is going to be able to process Development Applications when we don't have any jurisdiction on any of the roads. He asked did the County do that when projects came through.

Town Attorney Tolces said I don't know in respect to roads. He said in reviewing Development Applications we would be looking at whatever impact the project had on the roads.

Councilman Autrey said so we are now essentially doing what the County used to do. He asked did the LGWCD send the County a letter saying we own the roads. He said we have to work through that and these are my concerns, and if we can't function than I don't really see a solution other than to clear it up through the Legislature.

Councilman Lipp asked Town Attorney Tolces if he had the Memo dated July 1, 2008 saying the Town's right to claim road miles even though the LGWCD maintains the roads. He said the appropriate points had to do with the Attorney General's opinion and Flagler Water Control District and this basically came up with the notion that exclusivity isn't there.

Town Attorney Tolces read the Memo. He said with respect to the Town's authority to maintain roads, the Town has the original jurisdiction to maintain Public Roads within the Town of Loxahatchee Groves and this power arises not only from the Florida Constitution but also from relevant Statutes. He said in addition the Attorney General has issued an opinion on whether or not a Special District has any right to maintain roads and whether their right is exclusive within their boundaries. He said the exclusion Councilman Lipp was referring to had to do with the Flagler Water Control District which the Attorney General found that while the District does have the right to maintain the roads within its boundaries, it does not have the exclusive authority to maintain the roads within its boundaries. He said what we are dealing with here is the fact that

the Town of Loxahatchee Groves has certain constitutional and statutory rights to maintain all Public roads within the Town and it doesn't need to differentiate what is a District Road or a

I did return your phone calls and we just didn't connect. He said I didn't receive any follow up emails.

b. Questions by Members of the Public (*this is limited to questions for John Petty; public comments will be permitted with agenda item #8*)

Mayor Browning asked for questions and comments for Mr. Petty from the Public.

Ken Johnson, 15409 Collecting Canal Road- asked in your analyzing of what was going on did you speak to any residents.

Mr. Petty responded no sir we did no Public polls whatsoever.

Mr. Johnson asked did you ever receive an email back from Mr. Saunier.

Mr. Petty responded no.

Mr. Johnson asked why did you suggest in Item 4 that the entire group get a professional negotiator or arbitrator, because as a tax payer of Loxahatchee Groves I feel our attorneys are doing an excellent job on behalf of each one of the two entities, but to sit on the letter writing campaign, how much did that cost us. He said as I understood it cost us approximately \$40,000 and that is tax money all of us are paying and with that cost to us we need to lock them in a room and get this thing resolved.

Darlene Crawford, 3057 E Road- said if we proceed with any kind of merging together it is one person per vote for Town Council and one vote per acre for LGWCD. She asked how does that come together because it seems kind of like a messy issue.

Mr. Petty said that is a very astute observation. He said local governments have a social responsibility. He said the Town has the ability to do special assessments identical to what the LGWCD does. He said if you make it a dependent district you could also make it subject to those types of votes.

Town Attorney Tolces said if you can make it dependent in the form where the Town Council is also the governing body of the LGWCD then essentially it is one person one vote.

Ms. Crawford asked if this has to go to a referendum would it be a one person one vote referendum or would it be one vote per acre.

Mr. Petty said it is unknown and it would be subject to who sent the referendum out. He said if the LGWCD did, it would be on a per acreage vote and if the Town did it would be on a one vote per person.

Town Clerk Lippman said if there was legislation filed with a binding referendum included then that election would be one person one vote.

Town Attorney Tolces said it depends upon what is on the Bill and how it is drafted. He said for some reason the Legislature might say we want both the Town and the LGWCD.

Ms. Crawford said I thought after this study we were going to have a referendum to see if we even wanted to do the legislation, but now I am hearing we do the legislation first like the incorporation and then a referendum.

Mr. Petty said when the project was described to me and I said in Public Meetings that I have proof and there was no way we were going to have a chance without the people of Loxahatchee having their say; we weren't that silly.

Town Attorney Tolces said this study is a tool the Town Council is using to determine whether or not they want to proceed with a local Bill that contains a referendum or if they want to have a straw ballot to see if it makes sense to follow a local Bill.

Howard Voren, 1538 E Road- referred to Page 21 the last paragraph under Alternative 3 (see below)

“Rather than seeking consensus between the Town and the District, the Town would assume a superior position for roadway related improvements while trying to recognize the District's drainage needs and any associated roadway service responsibilities.”

Mr. Voren said if you know anything about the Town that is a major change within of itself due to the District's refusal to relinquish authority. He asked so when you say make no changes, aren't you presupposing that they will give in on issues like that.

Mr. Petty no sir, I am presupposing that the question must be answered at some point in time and that if you decide to do nothing by choosing Alternative 3, the Town is still left with a problem. He said they have \$392,000 they are obligated to give their fiduciary responsibility to and none of these people can avoid that responsibility they must address the question. He said what that particular sentence is implying is if you take no action it is probably that your Town will have to develop in house answers. He said unless the Town gives up the revenue sharing capabilities, which is one part of the benefits of incorporation, and then they really have an obligation that they cannot avoid.

Mr. Voren said you mentioned the same number of legal hours would be required for both entities to function even though all the work would be done by the same law firm. He asked did you take into consideration if all the work is done by the same law firm then the attorneys don't spend \$40,000 fighting over a document.

Mr. Petty said we didn't take into consideration conflict because we were hopeful the conflict could be resolved under these alternatives. He said what we did take into account as far as would there be a material savings is after you accomplish this should you make this a dependent district what would be the savings. He said we didn't calculate any savings from legal fees although you have a point, you can't stay at a point of conflict for very long without spending money. He said the issues are here and there are real issues here. He said if you can't resolve them and you stay in conflict you may be looking at legislation action in the future. He said we saw that there was possibility for options still to be discussed so we threw in Alternative 4 as our suggestion. He said we think you do have things you can still talk about and things to consider before it gets so bad that you can't talk anymore.

Mr. Voren said the wording in the document uses the word mandate and asked what is meant by that word. He said you chose not to use the terminology simple majority.

Mr. Petty responded I tried to avoid that to minimize my own personal risk. He said I don't think simple majority would pass the Legislature. He said the Legislature has always shied away from local problems. He said if you need a number for that I would say 70% plus before submitting a Bill that would be the number I'd be looking for

Doreen Baxter, 13402 North Road- said I think Alternative 4 is the best one in the proposal and asked do you have any references to other municipalities who are functioning as you are describing in Alternative 4 with having representatives meeting.

Mr. Petty responded there are currently 400 municipalities or counties that are working with a Special Taxing District to a mutual benefit. He said I can't tell you it is to equal benefits because the local governments typically have more of a benefit. He said Special Districts usually get crushed a little bit and that is too bad because it is the residents that pay. He said you have a unique opportunity to make both work together for equal benefit.

Ms. Baxter asked are there any specific municipalities that could be called to see how they function so that if our Council decides that is what they want to do they would have some type of format that could be successful.

Mr. Petty said Loxahatchee may be unique but learning from their experiences could not hurt.

Ms. Baxter asked do they have lawyers sit in or are they usually not included.

Mr. Petty responded it is usually done on a working group style format. He said for these Special Taxing Districts to be established they must be established by Ordinance by the local government. He said so most of these came to that working relationship before they were even granted independent status. He said so that usually happened before their establishments and in your case it is coming after. He said that might be somewhat unique.

Cindy Corum, 2452 C Road- said I read the study and you were very objective and I think it turned out beautifully. She said when I read it through it seemed you carefully considered all the options and were very objective. She said I was very impressed and publically I said this cannot be an objective study since the Town was funding it but I apologize and actually wrote a letter saying that.

Councilman Louda said a quick follow up on Ms. Baxter's point which was very good is do you know of any Districts and Towns that have the identical borders that are working together.

Mr. Petty responded off the top of my head I don't know that I could bring one that has identical borders. He said I would have to give that some special thought to come up with the appropriate model.

Town Attorney Tolces said I am aware of some Special Districts that are located within municipalities that don't necessarily have the responsibilities the LGWCD has here. He said typically they will have their drainage responsibilities and cities have typically tried to take away those responsibilities because they wanted to maintain that. He said there are models out there that can be used but I will go back to the cooperation issue as being something that is still outstanding.

Councilman Lipp said I thought I heard Mr. Petty mention Coral Springs.

Town Attorney Tolces said in the City of Coral Springs there are several special districts that operate mainly for drainage. He said the City of Coral Springs pretty much governs the maintenance of roads within their boundaries.

Mayor Browning thanked Mr. Petty and Ms. Larned for their effort and work.

- 8. Public Comments:** Anyone from the public wishing to address the Town Council must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. Please remember that there is a **three (3) minute time limit** on all public comment.

Town Clerk Lippman read the comments from the cards of those who didn't wish to speak publically but wanted their comments read into the record.

Arlene White, 2457 C Road-I oppose making LGWCD a dependent District. No! Landowners need representation for taxes paid.

Ilene Rindom, 14285 Collecting Canal Road- LGWCD is the good old boys and they are NOT going to give up any perceived control. 2 lawyers, 2 boards is NOT cost efficient. 2 governing bodies is not efficient. How many contracts like Mr. Saunier's can this Town afford. There has been no cooperation to this point, so why should there be any in the future.

Nancy Handweg, 14878 19th Street North- The study is flawed as it assumes the LGWCD will be cooperative in its dealing with the Town. To date, they have done everything they can to thwart the Town's progress on the Comprehensive Plan. I support making the District dependent. Furthermore, it assumes the District is fiscally responsible. Review of the Administrator's contract lays that fact to doubt. Move forward on making the District dependent as soon as possible.

Carla Young, 15200 Sallys Alley- leave the District alone-separate from the Town.

Robert Miller, 12791 Kazee Road- I am opposed to changing the status of the Water Control District.

Ronnie Eubanks, 14799 24th Circle North- I oppose change in WCD. Changing or Dissolving the WCD would not be cost effective for the residents of Lox Groves.

Gail Warner, 14768 24th Road North- I oppose changing the status of WCD. Please keep things the same (alternative 3) for Water Control District.

Steve A Warner, 14768 24th Road North- I oppose changing the status of the WCD.

Ron Richardson, 3701 C Road- Option 4 is needed-everyone needs to work together!

Rita Blalock, 2486 Thomas Court- I oppose changing status of WCD. Changing or dissolving the WCD would not be beneficial or cost effective to the residents of Lox Groves.

Stephen Warner JR., 14768 24th Road North- I oppose changing the status of WCD.

Kelli Fort- 14768 24th Road North- I oppose any change of status of Water Control District- keep it "as is".

W. Grsell, 2926 C Road- Please leave the district alone. Try Option IV, please work together.

Brett Davis, 13184 Okeechobee Road-Leave LGWCD as is!

Cheryl Miller, 12791 Kazee Road- I am opposed to changing the status of the Water Control District.

William Eubanks, 14799 24th Circle North- I oppose changing WCD. Change WCD would not be cost effective for tax payers of Lox Groves.

Sundar & Linda Heeraman, 1059 B Road- Leave the District alone separate from the Town.

Carmen Quinn, 2141 C Road- Leave the Loxahatchee Water Control District as is. They are doing a great job. The Town Council doesn't need to involve themselves with the road maint when they are having trouble just handling their own issues.

Timothy Blalock, 2486 Thomas Court- I oppose changing LGWCD.

Donald Shouicki, 2486 Thomas Court- I oppose changing the WCD.

Mark Friedrich, 12797 22nc Court North- Do not change the status of the district.

David Eubanks, 14799 24th Circle North- I oppose change WCD.

Lawrence Corning, 2834 E Road- From a planning perspective, it is far more effective to have one governing and powerful agency shaping the future of a Town. A well planned Town is a better Town. The core problem is that the competing visions for the Town were not extracted and debated properly. The competing visions of this small land area need to be resolved and these two agencies can move forward together or apart in harmony.

Bill Buxton, 2770 E Road- LGWCD should be dependent upon the City of Lox immediately.

Judy Pettegrove, 4345 161st Terrace North- (she checked I request that my question/comment below be read into the record) (it is blank)

Richard C. Michaud, 15030 Timber Lane- I support. I request that the Water Mgnt District be dependent on the City Council; to establish an aire of cooperation and interaction.

Diane VonGrote, 14916 Gruber Lane- I request the Water Control be dependent to the Town Council because they are delaying things by being uncooperative.

Claus VonGrote, 14916 Gruber Lane- I find the District to be totally uncooperative and support them being made dependent to the Town Council.

Joe Slonin, 1104 E Road- Water Control District must be made dependent ASAP.

Gary Morello, 15222 Roberts Way- We need to make the LGWCDE dependent as soon as possible.

Todd McClendon, 3481 D Road- Please make LGWCD dependent of the Town.

Kathleen Voren, 1472 E Road- The LGWCD must be made dependent to the Town ASAP.

Nina Corning, 2834 E Road- (see attached letter) LETTER=

As I have previously stated, it is my opinion that a town cannot function well with two entities governing this town. Who has ever herd of a town without control over its roads. Attending Town Council Meetings, I have listened to a considerable amount of conflicts led by the Water Control District. These control issues and the prolonging of a resolution is not only harmful to an effective leadership by the Town Council, but is also prohibiting cost-effective use of our resources. The recent study by Giordano did not take the monetary damage or the ineffective and wasteful workload created by these battles into account. I hope you will proceed in achieving the ability to run this town as you were elected to do. Thank you.

Brianna Julius , 14865 Thomas Court- I oppose changing the Water Control District.

Philomena Liang, North Road- I support Alternative #4.

Lung, Chiu, 3270 B Road- I support #4 Alternative.

Peter Liang, North Road- I support #4 Alternative.

Bradley Pettegrove, no address listed- Please have Loxahatchee same as is.

Steve Pentek, 1301 C Road- I want the District to become dependent to the Town.

Connie Pentek, 1301 C Road- I want the District to become dependent to the Town.

Ellie Jensen, 1032 C Road- The district should be dependent to the Town!

Town Clerk Lippman said he had 3 emails opposing the District that he wasn't going to read aloud but was submitting into the record.

(These emails are available at the Town Office for review).

Mayor Browning then called up those Members of the Public who wished to comment on the issue.

Ron Jarriel, 2800 161st Terrace North- said all I have been hearing tonight from some Council Members is that we are uncooperative. He said we just pulled something off on 24th Circle North, actually two streets over there, and with approximately \$5000 we solved a situation where these people couldn't even get to the homes. He said that was an agreement made between the Loxahatchee Town Council and the LGWCD in a short period of time and these people are very happy about that. He said I personally like Option 3 with an amendment of Option 4 because I do believe we can work together especially if we keep the lawyers out of the

business. He said this company talked about the gas tax money and stuff, after we spent 1000's of dollars to me we came to a conclusion that we didn't need an ILA and to me the lawyers should have come to that conclusion right off the bat but that wouldn't have been beneficial to them in terms of the cost. He said some of the problems we had in the past were unnecessary and I personally think that we can work together. He said the other thing is it is obvious to me tonight there are 3 Council Members that would probably do everything in their power to take this Bill in front of Legislation to try and get a referendum to vote to see if we stay as is. He said I would like to see a show of hands of those who would like to see the LGWCD stay as is.

Laurie Goddard, 14702 A Road- said I am here tonight to request you make the LGWCD dependent and do it ASAP.

Deborah L. Marshall, 3422 161st Terrace North- said I am kind of speechless. She said a lot of you heard this story before and the basic problem here comes down to OGEM that precedes the master plan and the LGWCD steam rolling over our needs. She said my particular needs are I am a horse person in the Community and I feel I am getting stabbed in the back by LGWCD. She said when I first moved in to the Community called Clatsop Community and all

Ruth Menor, 13095 Bryan Road- said first I would like to thank all the Council Members and all of the LGWCD Board for serving our Community and they put a lot of time into our Community and it is not an easy job. She said I know we incorporated our Community because we needed to protect our Community and to have the service of our Town Council at our best interest and what is happening right now with the LGWCD much of it is not in our best interest at this point. She said a lot of us spent a lot of time on a Visioning process for our Community this summer to help develop this Comprehensive Plan. She said we have asked for any further road development to wait until we get this Plan back so we can incorporate some of these greenway trails into this development. She said I am trying to find out why there is such a rush to go ahead to pave roads and improve roads before we get our Comprehensive Plan back and I would just ask both these Boards to work together for the good of the Community. She said I think they both have the Community at heart. She said I think both of these Boards could work together to make this a Community that is respectful of everybody's needs. She said particularly as an equestrian, the road improvement without trails to me devalues our properties and in this Community our best value of our property is going to be as an equestrian property and if that is going to be our future of this Community we certainly need to take into consideration the needs of the equestrians. She said it wouldn't just be for us, it would be to keep people safely off the roadway. She said if you have ever been on F Road two cars cannot pass where the speed bumps are and there is certainly no safe road for pedestrians. She said all I am asking is that the Comprehensive Plan is taken into consideration and that somehow we figure out how to get the LGWCD to hold up until we get that Plan back.

Donald Borovy, 14270 Tripp Road- said I have been an operating engineer for 65 years and have run machinery all over and have a lot of road experience. He said I have great respect with Clete Saunier as a good Administrator but as far as his ability to maintain roads, it is completely lacking. He said I would like to give Clete a nickname, let's call him Stonewall Saunier. He said I don't think he will cooperate with the local government unless he is forced to and I hope this is not true, but this is how I see it.

Cindy Corum, 2452 C Road- said according to your own \$5000 study changing the status of the LGWCD would be costly to implement and does not currently present a material gain in efficiency or a reduction of costs. She said the study says legislative approval is difficult under the best conditions when all parties agree. I think it would be a lengthy battle, costing the residents of tons of tax money, create a lot of angst in the community, and in the end it doesn't save us a dime. I think the only ones who stand to benefit from this are lawyers, lobbyists, and consultants, not the people of the Groves.

Elise Ryan, 3508 A Road- said the reality is that most of the voters in Loxahatchee Groves pay taxes to both the LGWCD and the Town and if the two entities are fighting instead of working together, everybody loses. She said we should deal with each other as neighbors and not political enemies. She said we all live here and we could benefit our Community if we work together. She said given the results of this study which clearly spell out an ambush of consequences of taking unilateral action against the District, I would encourage you not to do so without trying one more time to gain and compromise on some of the key issues that exist today. She said I believe a joint meeting was previously established by the Town and the LGWCD similar to the Alternative 4 recommendation and was working well at one time. She said from what I have heard, the principal complaint on the part of the Town Council is that the LGWCD is proceeding with OGEM stabilization prior to the adoption of the Comprehensive Plan. She said well we adopted the Plan, and there isn't any OGEM on the roads. She said now the Town Council is now saying the LGWCD should wait until the roadway study is

completed before anymore OGEM stabilization and it looks to me like the process underway in the District will take many months to put into completion, so it is not actually correct to say the OGEM is going to go down before we have an opportunity to do our Plan. She said talk to the LGWCD to get these timelines straight. She said if you have a day for adoption let us know. She said if it is going to be years that would be one thing and we don't know how long it will take for the Plan to go through all of the process. I would encourage the Town Council Members who have not been attending the LGWCD meetings to begin doing and especially to attend the Public Hearings for the residents of each road from which an OGEM survey was sent out to discuss the impacts on them. She said please keep an open mind and keep it simple and I agree with whoever said to keep the attorneys out of it. She said I agree with everything Ken Johnson said earlier, except lock them in the room but let them have the beer.

Doreen Baxter, 13402 North Road- said I want to spell out how I see Option 4 working. She said I see Dave Browning, Dr. Irv Rosenbaum, Clete Saunier and Dave DeMoris sitting together as the committee. She said Clete and Irv would provide a needs list that would include roadway projects that are not funded in the current LGWCD Budget and they would discuss and select which projects would be funded by the current gas tax revenues the committee would meet once a month and the meeting would be recorded and open to the Public. She said no attorneys are to be paid and no other support staff would be necessary. She said it would all be recorded so that could be turned over to the secretaries later. She said once they decide what projects they want to fund, Clete would provide a cost for the project and it would be presented to the Town Council and the LGWCD Board for approval. She said that's the way I understood and my interpretation of #4 working. She said also I think there might have been a cost benefit if they do combine the offices. She said there might be enough room on the LGWCD property to expand that building and add some offices and maybe if they were on the same property they could work better together.

MAYOR BROWNING SAID WE HAVE TO BE OUT BY 10PM.

John Ryan, 3508 A Road- said I think Alternative 4 ought to be given a chance. He said my suggestion on that is we rotate Town Council and LGWCD Members every couple of months at those meetings instead of just having one representative from the Town Council and one from the LGWCD. He said I think we did come to a conclusion that the Town could operate like the County did on a project expenditure basis that would cover both District and Non-District road projects. He said I think we are making a mountain out of a mole hill saying that it is necessary for the LGWCD to wait to do anything on the roads before the Comprehensive Plan is adopted and I think whatever planning goes into the Comprehensive Plan can certainly adjust to what we are doing on the roads which is really a process that began 3 years ago. He said we have had an awful lot of residents saying we have taken 2 or 3 surveys and told you what we want and we want you to proceed. He said we have dust, we've got traffic volume, and we've had 2 deaths within the last 12 months on A Road. He said the experiment we had on F Road has worked in terms of being a better stabilized surface and a safer road. He said I think that the horse trails and greenway project will happen. He said and with regard to the shift in traffic I don't think any resident has the right to condemn another resident to a situation that has become intolerable and we have a great deal of difference in terms of the traffic on the roads and we need to make some adjustments.

Morley Scholoss, 14125 North Road- said one of the problems we are dealing with here is the LGWCD doesn't have one person one vote. He said early in the history of the USA the Courts ruled that property couldn't be the basis for votes and that is what I think we need to come back

to in this area. He said I would also like to second Councilman Autrey's comments which I think were very crucial and when we look at the roads we need to look at the effect of the Town as a whole. He said a good planning process means we look at the whole picture and the effect of decisions on the whole Town. He said I think it is crucial that the one person one vote organization, the power we chose, even if the LGWCD continues to take care of the road that there be no power in terms of decisions. He said I think the Planners who spoke earlier didn't even realize the effect of pass through traffic. He said finally, I'd like to say that unlike the District, I find the Town to be 100% completely responsive and when I needed a change in the Comprehensive Plan because there was something left out, it happened overnight with Town Clerk Lippman's cooperation and on the contrary when I dealt with the District who took 1/3 of the road in front of our property and they said you can put the dirt back in, but we will move it out again as soon as you do. He said Councilman Louda actually listened when we offered making our third of the road that we own a horse trail and have the other road back to the way it was very effective for years. He said thank you Council Members for listening and caring and accepting good ideas which is contrary to what we have gotten from the District.

Bill Gurney, 1453 E Road- said I thought the study didn't really answer any questions. He said the opportunity to save money between our two governments certainly is important but by no means the only way to save money. He said over the last 10 years or so the LGWCD and its Board has demonstrated an inability to make the proper decisions both operationally and administratively so I beg to differ with the Mayor here on the efficiency of the LGWCD. He said number one, the Administrator's Contract is way out of line and it allows for a \$300,000 golden parachute. He asked how are we going to pay this if we want to terminate the Administrator of the District and this was passed in 2003 at that time and there are other things in his contract that are overboard as well. He said my concern is the canal situation and we spent a lot of money having our canals done but at the same time our canal bases are now sliding back into the canals because they weren't properly done. He said we paid for that and asked isn't anyone complaining. He said I am. He said using District funds for Private Non-District Roads is a problem for me. I would like to know how we got our roads paved all the way from Okeechobee to Mr. DeMarios's house. He said our recent drought showed numerous deficiencies. He said I found out that the Folsom Road weir system was broken for 2 months and the whole time they were waiting to get it repaired, our water was disappearing. He said that is uncalled for. He said the proxy system where-by we vote by proxy with the LGWCD, we have a few people here that are actually proxy brokers and they have a whole bunch of proxies stuffed in their pockets and they frighten a lot of people in this Community. He said at one time the LGWCD gave away a 100 foot right of way that ran through the whole Community and was a riding trail and the Community lost a really great opportunity there. He said if you want to say the LGWCD has done a good job through the past years, I am a past LGWCD Supervisor and it has done a crappy job.

Eric Marple, 1471 F Road- said I was just wondering right now what each of you think of the four alternatives. He said one of the things I wanted to go over is Councilman Louda had sent a letter where he recommended that a change would only be acknowledged if 1-the study shows that governmental process become streamlined or 2-there is a substantial cost benefit that equals lower taxes and assessments for the landowners. He said if you go to the study it says "alternative 1 does not currently present any material gain in efficiency or reduction in costs." "Legislative approval is difficult under the best of conditions when both parties agree." He said I obviously feel 3 or 4 is best. He said I don't like taxation without representation. He said many governments don't get along but they don't simply just eliminate the other government, they work it out. He said and that is how I feel.

Howard Voren, 1538 E Road- said to the best of my recollection I believe it was the Town Attorney that suggested we didn't need an ILA to share monies with the LGWCD and it was the LGWCD that wished it and that is when the battle ensued. He said the bottom line as far as I'm concerned is United we stand-divided we fall. He said Americans have been uttering that phrase since Jonathan Dickinson used it in a revolutionary war song back in 1768. He said it has consistently been used as a motto by those that wish to break away from antiquated governing bodies and call for government of the people by the people and for the people. He said this is the issue before you today. He said unite us under one banner. He said untie us under the one government that was voted for by the people's popular choice. He said regardless of intent, the act of soliciting cooperation by letting a citizen know that you're the one responsible for saving their life if they were in a fire and serve on the Board that will keep their property from flooding-is by its very nature-coercive. He said it should be noted that there were several residents who I contacted prior to this meeting in order to ask for their participation that refused out of fear of reprisals for speaking words-that the all powerful brotherhood of firefighters and flood controllers do not want to hear. He said their orchestrated attacks on this Town's freedom of self determination have not ceased since the day we were given the right to govern ourselves and you need to protect us from that. He said they have continually escalated their shameless game with the hope of eliminating our incorporation or denying us the funds we have the right to from gasoline taxes and you need to protect us that. He said their actions will result in the theft of dollars from every resident's pocket and you need to protect us from that. He said their claim to owning the roads is nothing but a move to slander this Town and deny it the funds to make a better more affordable for its residents and you need to protect us from that. He said do not allow them to prevail. He said making the Control District dependent must be done now before the vandals create further destruction.

William Parker, 15565 Collecting Canal Road- said they paved F Road at no cost of the people and now they tell me there are petitions on B road to pave and I have surveyed all my neighbors and no one is in favor of them paving our road at our cost. He said the biggest problem at B Road is we have a truck problem and traffic and that is why we have so much dust

Judy Pettegrove, 4345 161st Terrace North- said F Road is not wide enough, it is only 12 feet wide. She said if you have a Ford truck, you won't have any mirrors left. She asked at the time we all received bills for our taxes if you consider the garbage pickup and you got the lowest bidder and asked where all the excess money goes. She said we all receive a bill that we have to pay for pick-up and if you got the lowest bid where do the excess funds go.

Mayor Browning responded it goes in our Budget.

Town Attorney Tolces said there is no excess.

Ms. Pettegrove said you can't just use it for extra stuff in Loxahatchee.

Councilman Louda explained that the waste bill is a pass through. He said you give it to us and we give it to them and there is no extra-just negative.

Lisa Hyslop, 3828 B Road- said I think the basic issue here is the perception that the LGWCD has been so closely associated with the County Commission and its former shenanigans that there is a basic mistrust here of anyone who supported incorporation to try to get behind

anything the LGWCD promises. She said I wanted to let everyone know for our equestrian foundation we are trying to form we are going to have a meeting in November and anyone interested please contact me.

9. Town Clerk Comments

Town Clerk Lippman said I want to go through some of the points brought up tonight. He said the MREG study will be done in 4 months, not 2 years. He said in regards to the lobbyist comments we have research on cost. He said we have a great attorney ready who does specialize in Special Districts. He said the issue with the gas tax revenue one of the original intents when we started the meetings was to either have the agreement that was placed in front of them or to have no agreement at all. He said they chose to have no agreement at all since the item was already in the Budget. He said it was presented and it was turned down. He said our Staff is not pro legislation or pro alternative 1-4, we are for cooperation and how will we get to that is up to these 5 Council members. He said I can assure you I just want to do what is best for all of you through these 5 Council members but I can't stand up here and say that our Town Staff has had cooperation. He said all I am asking for is to talk the talk and walk the walk and saying cooperation and actually doing it are two different things, so I invite it, I ask for it, but I have not gotten up to this point and I look forward to it. Thank you.

10. Town Attorney Comments

Town Attorney Tolces said I want to assure you all the work we've done for the Town has been for the concern of the residents of the Town with direction from the Town Council. He said we were involved with the incorporation and the costs that were incurred I don't think ever approached the numbers that Mr. Petty was referring to this evening. He said we were able to prepare a Bill and take it to Tallahassee and it provided for a referendum. He said and we are here as a result of that referendum. He said while it is not easy to get anything passed in Tallahassee, is not impossible and it is not outside of the realm of your current Budget if you choose to do so in my opinion. He said there was a comment made by Mr. Petty that the Town Representative would go to a meeting for winning and we are not in this for winning. He said we are in this for serving the Town, the Town Council and the residents. He said unless we get the cooperation from the other party, we are not going to be able to get there. He said in my experience in dealing with municipal governments I'm not sure you could get cooperation unless you had some sort carrot hanging out there that will make someone else cooperate. He said from a legal perspective, you as the Town Council don't have any legal mechanism to force the LGWCD to cooperate and the only thing you can do is ask. He said if legislation is passed that provides for a referendum that would establish them as a dependent district in any form then you as the Town Council would have the authority, but as of right now you don't have any legal authority to make them cooperate with you. He said however you choose to go we are happy to assist you, the LGWCD, and the residents in whatever decision you make.

11. Closing Council Member Comments

Councilman Louda said that the comment that 3 of us up here tonight would do anything to make the District dependent is not really true. He said the cooperation is the key. He said

whatever we do, I would like to see a referendum later down the road, but the time line for putting the referendum first and the Bill later puts the timeline real long. He said with the OGEM the process they came up with is a good Plan, but putting it off for a while until our Plan is together is the way to go. He said the District has a good process for having residents pay with a super majority but it is not a Plan. He said tonight is the first I heard of the road not being wide enough for two vehicles to pass. He said OGEM at Sunsport and I threw that out there and put ASAP in front of it for Planning. He said I still think in 5 years there would be a cost savings of putting the two together with an Advisory Board to oversee the roads so the Town doesn't have to do everything. He said this is not a power struggle from my point of view because in March 2010 I am not going to be on the Council. He said I am not looking for long term for me but I want to see the Town work smoothly and function on decisions to be made. He said right now the way I feel is there have been other things and the Chair of the Board says the Town is illegal in collecting the gas tax monies and they sent letters to the DCA saying that our Comprehensive Plan is wrong and shouldn't be passed. He said that is the LGWCD Board working against the Town's Comprehensive Plan and they want cooperation from me, I mean come on, you do the cooperation in family, you don't just go to DCA. He said I would really like to see Alternative 4 work but I just don't see it working.

Vice-Mayor Herzog said I'm just glad I saw so many people whether they were for dependent or against dependent saying we need to cooperate and, we need to cooperate.

Councilman Autrey said we have heard Mr. Petty say what echoed what I said and that is that we have a fiduciary responsibility to spend the money in a correct manner. He said it was very frustrating for me, I am not a guy who likes to pay a lot of taxes I like to look for savings. He said we have had some significance tax money to give us all a break and I think a lot of us would like

goes out and hires a lawyer. He said all of a sudden the tone is set. He said it just sets a tone that doesn't help either one. He said I think we have got to work it out and I disagree with Councilman Autrey, the lawyers are not bias, well I think they are but in a good way. He said David does a good job protecting the Town, but at the same time the lawyers for the LGWCD do the same for them. He said so what happened when the Town said lets hold off on any OGEM until we get a Comprehensive Plan and the first thing their lawyer said is wait a minute I don't think you can do that legally. He said so all of a sudden is each one is determined by a different rule. He said I agree with everybody and we have got to cooperate and get together for the benefit of the residents. He said the one thing that costs us all money guaranteed is when our lawyer is fighting their lawyer. He said thank you all for coming.

12. Adjournment

Vice-Mayor Herzog MOTIONED to adjourn the meeting, SECONDED by Councilman Lipp and the Motion passed unanimously 5-0.

There being no further discussion and no additional public comment the meeting was adjourned at 9:58 p.m.



MAYOR DAVE BROWNING

ATTEST:



Matthew Lippman, Town Clerk

11-18-08

Date Approved