



**DELTA FARMS
WATER CONTROL DISTRICT**

INDIAN RIVER COUNTY

**LANDOWNERS' MEETING &
REGULAR BOARD MEETING
DECEMBER 19, 2023
9:00 A.M.**

Special District Services, Inc.
The Oaks Center
2501A Burns Road
Palm Beach Gardens, FL 33410

www.deltafarmswcd.org
561.630.4922 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
DELTA FARMS WATER CONTROL DISTRICT
Offices of Collins Brown Barkett, Chartered
756 Beachland Boulevard
Vero Beach, Florida 32963
LANDOWNERS' MEETING
December 19, 2023
9:00 a.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Consider Adoption of Election Procedures.....Page 2
- E. Election of Chair for Landowners Meeting
- F. Election of Secretary for Landowners' Meeting
- G. Approval of Minutes
 - 1. December 20, 2022 Landowners' Meeting Minutes.....Page 4
- H. Election of Supervisors
 - 1. Determine Number of Voting Units Represented or Assigned by Proxy.....Page 7
 - 2. Nomination of Supervisors
 - 3. Casting of Ballots.....Page 8
 - 4. Ballot Tabulation and Result
- I. Other Business
 - 1. Receive Treasurer's Report.....Page 9
 - 2. Receive Engineer's Report.....Page 10
- J. Landowners' Comments
- K. Adjourn



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

PROOF OF PUBLICATION

__ Laura Archer
Delta Farms WCD
2501 Burns RD # A
Palm Beach Gardens FL 33410-5207

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Indian River Press Journal/St Lucie News Tribune/Stuart News, newspapers published in Indian River/St Lucie/Martin Counties, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible websites of Indian River/St Lucie/Martin Counties, Florida, or in a newspaper by print in the issues of, on:

10/06/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/06/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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KAITLYN FELTY
Notary Public
State of Wisconsin

DELTA FARMS WATER
CONTROL DISTRICT
FISCAL YEAR 2023/2024
REGULAR MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the Board of Supervisors (the "Board") of the Delta Farms Water Control District (the "District") will hold Regular Board Meetings (the "Meeting" or "Meetings") at the offices of Carter Associates located at 1709 21st Street, Vero Beach, Florida 32960 at 8:00 a.m. (**unless otherwise noted**) on the following dates:

- October 17, 2023
- November 21, 2023
- **December 19, 2023**
- January 16, 2024
- February 20, 2024
- March 19, 2024
- April 16, 2024
- May 21, 2024
- June 18, 2024
- July 16, 2024
- August 20, 2024
- September 17, 2024

The December 19, 2023, Annual Landowners' Meeting will be held at the offices of Collins Brown Borkett, Chartered, located at 756 Beachland Boulevard, Vero Beach, Florida 32963 at 9:00 a.m. The Regular Board Meeting will immediately follow the Annual Landowners' Meeting at the same location.

The purpose of the meetings is to conduct any business coming before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agendas for any of the meetings may be obtained from the District's website www.deltafarmwcd.org or by contacting the District Manager at 772-345-5119 or by email of info@deltafarmwcd.org and/or toll free at 1-877-337-4922 prior to the date of the particular meeting. The Meetings are open to the public and will be conducted in accordance with the provisions of Florida law for special districts. The Meetings may be continued to a date, time and place to be specified on the record at the Meeting.

From time to time a Supervisor may participate by telephone; therefore, a speaker telephone may be present at the meeting location so that Supervisor may be fully informed of the discussions taking place. Said meeting(s) may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made of his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at 772-345-5119 and/or toll free at 1-877-337-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

DELTA FARMS WATER
CONTROL DISTRICT
www.deltafarmwcd.org
PUBLISH: INDIAN RIVER
PRESS JOURNAL 10/06/23
TCR926716



DELTA FARMS WATER CONTROL DISTRICT ELECTION PROCEDURES

1. Landowners' Meeting

In accordance with the provisions of Laws of Florida, and applicable provisions of Chapter 298, it is required that an annual meeting of the Landowners of the District be held each year for the purpose of electing a supervisor to take the place of the retiring supervisor and hearing reports of the board of supervisors. The assembled Landowners shall organize by electing a Chairperson, who shall preside over the meeting; and a Secretary shall also be elected for recording purposes.

2. Establishment of Quorum

Any Landowner(s) present or voting by proxy shall constitute a quorum at the meeting of the Landowners.

3. Nomination of Candidates

At the meeting, the Chairperson shall call for nominations from the floor for Candidates for the Board of Supervisors. When there are no further nominations, the Chairperson shall close the floor for nominations. The names of each Candidate and the spelling of their names shall be announced. Nominees need not be present to be nominated.

4. Voting

Each Landowner shall be entitled to cast one vote for each acre (or lot parcel), or any fraction thereof, of land owned by him or her in the District, for each open position on the Board. (For example, if there are three positions open, an owner of one acre or less (or one lot parcel) may cast one vote for each of the three positions. An owner of two acres (or two lot parcels) may cast two votes for each of the three positions.) Each Landowner shall be entitled to vote either in person or by a representative present with a lawful written proxy.

5. Registration for Casting Ballots

The registration process for the casting of ballots by Landowners or their representatives holding their proxies shall be as follows:

- a) At the Landowners' Meeting and prior to the commencement of the first casting of ballots for a Board of Supervisor position, each Landowner, or their representative if proxies are being submitted in lieu thereof, shall be directed to register their attendance and the total number of votes by acreage (or lot parcels) to which each claims to be entitled, with the elected Secretary of the meeting or the District's Manager.
- b) At such registration, each Landowner, or their representative with a lawful proxy, shall be provided a numbered ballot for the Board of Supervisor position(s) open for election. A District representative will mark on the ballot the number of votes that such Landowner, or their representative, is registered to cast for each Board of Supervisor position open for election.

- c) All Landowner proxies shall be collected at the time of registration and retained with the Official Records of the District for subsequent certification or verification, if required.

6. Casting of Ballots

Registration and the issuance of ballots shall cease once the Chairperson calls for the commencement of the casting of ballots for the election of a Board of Supervisor and thereafter no additional ballots shall be issued.

The Chairperson will declare that the Landowners, or their representatives, be requested to cast their ballots for the Board of Supervisor(s). Once the ballots have been cast, the Chairperson will call for a collection of the ballots.

7. Counting of Ballots

Following the collection of ballots, the Secretary or District Manager shall be responsible for the tabulation of ballots in order to determine the total number of votes cast for each candidate that is seeking election.

The board of supervisors shall consist of three persons who, except as herein otherwise provided, shall hold office for a term of 3 years and until their successors are duly elected and qualified.

8. Contesting of Election Results

Following the election and announcement of the votes, the Chairperson shall ask the Landowners present, or those representatives holding proxies for Landowners, whether they wish to contest the election results. If no contests are received, said election results shall thereupon be certified.

If there is a contest, the contest must be addressed to the Chairperson and thereupon the individual casting a ballot that is being contested will be required to provide proof of ownership of the acreage for which they voted at the election within five (5) business days of the Landowners' Meeting. The proof of ownership shall be submitted to the District Manager who will thereupon consult with the District's General Counsel and together they will review the material provided and will determine the legality of the contested ballot(s). Once the contests are resolved, the Chairperson shall reconvene the Landowners' Meeting and thereupon certify the election results.

9. Recessing of Annual Landowners' Meeting

In the event there is a contest of a ballot or of the election, the Landowners' Meeting shall be recessed to a future time, date and location, at which time the election findings on the contest shall be reported in accordance with the procedure above and the newly elected Supervisor(s) shall thereupon take their Oath of Office.

10. Miscellaneous Provisions

- a) Each Landowner shall only be entitled to vote in person or by means of a representative attending in person and holding a lawful written proxy in order to cast said Landowner's votes.
- b) Proxies will not require that proof of acreage (or lot parcel) ownership be attached. Rather, proof of ownership must be provided timely by the holder of the proxy, if the proxy is contested in accordance with the procedure above.

**DELTA FARMS WATER CONTROL DISTRICT
LANDOWNERS' MEETING MINUTES
DECEMBER 20, 2022**

A. CALL TO ORDER

District Manager Frank Sakuma called the December 20, 2022, Landowners' Meeting of the Delta Farms Water Control District (the "District") to order at 9:26 a.m. in the Offices of Collins Brown Barkett, Chartered located at 756 Beachland Boulevard, Vero Beach, Florida 32963.

B. PROOF OF PUBLICATION

Mr. Sakuma presented proof of publication that notice of the Landowners' Meeting had been published in the *Indian River Press Journal* on November 22, 2022, and November 29, 2022, as required by law.

C. ESTABLISH QUORUM

Mr. Sakuma stated that the attendance of Cynthia Colella, a landowner in the District, constituted a quorum and it was in order for the meeting to continue. Also in attendance were proxy holders for Gator ECP LLC, Riverbridge Farms LLC and J & J Produce Inc.

D. CONSIDER ADOPTION OF ELECTION PROCEDURES

The election procedures were adopted, as presented, without objection.

E. ELECTION OF CHAIR FOR LANDOWNERS' MEETING

Mr. Clayton Amestoy was elected as the Chair for the Landowners' Meeting.

F. ELECTION OF SECRETARY FOR LANDOWNERS' MEETING

Mr. Frank Sakuma was elected as the Secretary for the Landowners' Meeting.

G. ELECTION OF SUPERVISORS

1. Determine Number of Voting Units Represented or Assigned by Proxy

There were 1,579 voting units represented.

2. Nomination of Candidates

Mr. Amestoy was nominated to remain in his same seat, which is expiring. No other nominations were offered.

3. Casting of Ballots

Mr. Amestoy received 1,579 votes.

4. Ballot Tabulation & Result

Based on the votes cast, it was determined that Mr. Amestoy would receive a 3-year term, expiring in December, 2025.

5. Certification of the Results

There were no objections to the ballots. Mr. Amestoy, as Chairman, certified the results.

H. OTHER BUSINESS

1. Treasurer's Report

Mr. Sakuma advised that the Treasurer's Report was included in the Board package. He noted financial information about the District was available, at any time, to Supervisors and landowners. Also, the most recent financial audit was posted on the District's website.

2. Engineer's Report

Mr. Tyler Spencer provided the Board with a hard copy handout of the 2022 Engineer's Report and went over highlights of the report.

3. Minutes of the Annual Landowner's Meeting of December 21, 2021

The December 21, 2021, Annual Landowner's Meeting minutes were approved on a **motion** made by Mr. Tim Dooley, seconded by Mr. Amestoy and the **motion** passed unanimously.

4. Consultants for the year 2022-2023 (Auditor – Engineer – Attorney)

Mr. Sakuma asked for the landowners to allow the selection of Financial Auditor to occur during the Regular Board Meeting.

The engineering firm of Carter Associates was retained as the District Engineer on a **motion** made by Mr. Dooley, seconded by Mr. Amestoy and the **motion** passed unanimously.

The law firm of Collins Brown Barkett, Chartered was retained as the District Attorney on a **motion** made by Mr. Dooley, seconded by Mr. Amestoy and the **motion** passed unanimously.

I. LANDOWNERS' COMMENTS

There were no comments from the landowners.

J. ADJOURNMENT

The Landowners' Meeting was adjourned at 9:43 a.m. There were no objections.

Secretary

Chairman

**LANDOWNER PROXY
DELTA FARMS
WATER CONTROL DISTRICT
LANDOWNERS' MEETING**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, the fee simple owner of the lands described herein, hereby constitutes and appoints _____ (“Proxy Holder”) for and on behalf of the undersigned, to vote as proxy at the meeting of the landowners of the Delta Farms Water Control District to be held on December 19, 2023 at 9:00 a.m. at the Offices of Collins Brown Barkett, Chartered located at 756 Beachland Boulevard, Vero Beach, Florida 32963 and at any adjournments thereof, according to the number of acres of unplatted land and/or platted lots owned by the undersigned landowner which the undersigned would be entitled to vote if then personally present, upon any question, proposition, or resolution or any other matter or thing which may be considered at said meeting including, but not limited to the Board of Supervisors. Said Proxy Holder may vote in accordance with their discretion on all matters not known or determined at the time of solicitation of this proxy, which may be legally considered at said meeting.

This proxy is to continue in full force and effect from the hereof until the conclusion of the above noted landowners’ meeting and any adjournment or adjournments thereof, but may be revoked at any time by written notice of such revocation presented at the annual meeting prior to the Proxy Holder exercising the voting rights conferred herein.

Printed Name of Legal Owner

Signature of Legal Owner

Date

Parcel Description*

of Acres

* Insert in the space above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel. [If more space is needed, identification of Parcels owned may be incorporated by reference to an attachment hereto.]

Pursuant to section 298 Florida Statutes (2023), a fraction of an acre is treated as one (1) acre entitling the landowner to one vote with respect thereto.

TOTAL NUMBER OF AUTHORIZED VOTES: _____

Please note that each eligible acre of land or fraction thereof is entitled to only one vote, for example, a husband and wife are together entitled to only one vote per their residence if it is located on one acre or less of real property.

If the Legal Owner is not an individual, and is instead a corporation, limited liability company, limited partnership or other entity, evidence that the individual signing on behalf of the entity has the authority to do so should be attached hereto. (e.g. bylaws, corporate resolution, etc.)

BALLOT

BALLOT # _____

**DELTA FARMS
WATER CONTROL DISTRICT
LANDOWNERS' MEETING**

ELECTION OF BOARD SUPERVISORS

DECEMBER 19, 2023

The undersigned certifies that he/she is the owner (____) or duly authorized **representative of lawful proxy of an owner** (____) of land in the **Delta Farms Water Control District**, constituting _____ acre(s) and hereby casts up to the corresponding number of his/her vote(s) for the following candidate/candidates to hold the above-named open position:

Name of Candidate

Number of Votes

Signature: _____

Printed Name: _____

Street Address or Tax Parcel Id Number for your Real Property:

December 19, 2023

Delta Farms Water Control District Treasurer's Report For Annual Landowners Meeting

The fund balance for the Delta Farms Water Control District at the close of Fiscal Year 2021/2022 (September 30, 2022) was \$879,926.

The fund balance for the Delta Farms Water Control District at the close of Fiscal Year 2022/2023 (September 30, 2023) was \$866,400.

The following table illustrates Fiscal Year 2022/2023 revenues and expenditures budgeted versus actuals:

	Budgeted	Actual	Percentage
Revenue	\$198,011	\$214,333	108%
Expenditures	\$198,011	\$227,859	115%
Excess/(Shortfall)	\$0.00	(\$13,526)	

Note that the Fiscal Year 2022/2023 amounts are unaudited.

Special District Services, Inc.

RECEIVE ENGINEER'S REPORT

**TO BE DISTRIBUTED
UNDER SEPARATE COVER**

AGENDA
DELTA FARMS
WATER CONTROL DISTRICT
1708 21st Street
Vero Beach, Florida 32960
REGULAR BOARD MEETING
December 19, 2023
8:00 A.M.

- A. Call to Order
- B. Proof of Publication.....Page 12
- C. Seat New Board Members
- D. Administer Oath of Office & Review Board Member Responsibilities and Duties
- E. Establish Quorum
- F. Election of Officers
 - Chairman
 - Vice Chairman
 - Secretary/Treasurer
 - Assistant Secretaries
- G. Additions or Deletions to Agenda
- H. Comments from the Public
- I. Approval of Minutes
 - 1. November 28, 2023 Special Board Meeting Minutes.....Page 13
- J. Reports
 - 1. Treasurer’s Report.....Page 16
 - 2. Engineer
 - Status Report
 - 3. Attorney
 - 4. Chairman
- K. Old Business
- L. New Business
 - 1. Discussion Regarding Reply to DFWCD Board of Supervisors Request for Legal Easement Access Agreement & Legal Cost Payment Expectation Question, and a Modified FPL Proposal Offering to Clarify our Position in this Matter.....Page 21
- M. Administrative Matters
- N. Board Members Comments
- O. Adjourn



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

PROOF OF PUBLICATION

__ Laura Archer
Delta Farms WCD
2501 Burns RD # A
Palm Beach Gardens FL 33410-5207

STATE OF WISCONSIN, COUNTY OF BROWN

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10/06/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 10/06/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$207.76
Order No: 9376716 # of Copies:
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KAITLYN FELTY
Notary Public
State of Wisconsin

DELTA FARMS WATER
CONTROL DISTRICT
FISCAL YEAR 2023/2024
REGULAR MEETING SCHEDULE

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Meetings may be cancelled from time to time without advertised notice.

DELTA FARMS WATER
CONTROL DISTRICT
www.deltafarmwcd.org
PUBLISH: INDIAN RIVER
PRESS JOURNAL 10/06/23
TCR926716

**DELTA FARMS WATER CONTROL DISTRICT
SPECIAL BOARD MEETING MINUTES
NOVEMBER 28, 2023**

A. CALL TO ORDER

The Special Board Meeting of November 28, 2023, of the Delta Farms Water Control District (“District”), was called to order at 8:05 a.m. in the offices of Carter Associates located at 1708 21st Street, Vero Beach, Florida 32960.

B. PROOF OF PUBLICATION

Proof of publication was presented that showed notice of the Special Board Meeting had been published in the *Indian River Press Journal* on November 20, 2023, as legally required.

C. ESTABLISH A QUORUM

Mr. Sakuma stated that the attendance of Supervisors Rusty Banack, Tim Dooley and Brian Randolph (via phone) constituted a quorum, and it was in order for the meeting to proceed.

Also in attendance were: District Manager Frank Sakuma and Associate District Manager Stephanie Brown of Special District Services, Inc. and District Engineer Tyler Spencer of Carter Associates, Inc.

D. ADDITIONS OR DELETIONS TO AGENDA

There were no additions or deletions to the agenda.

E. COMMENTS FROM THE PUBLIC

There were no comments from the public.

F. APPROVAL OF MINUTES

1. October 17, 2023, Regular Board Meeting and Public Hearing

The October 17, 2023, Regular Board Meeting and Public Hearing minutes were approved on a **motion** made by Mr. Banack, seconded by Mr. Dooley and the **motion** passed unanimously.

G. REPORTS

1. Treasurer

Mr. Banack went over the financial data provided in the Board package. Staff confirmed for Mr. Dooley that the invoice for aquatic maintenance was for the internal canals. The November 28th Treasurer’s Report was approved on a **motion** made by Mr. Dooley, seconded by Mr. Banack, and the **motion** passed unanimously.

2. Engineer

Mr. Specer advised the Board that there had been an issue gaining access to Lateral U at the west bank of the levy and that it would need to be mowed. He also provided proposal information for the installation of three weather stations that would be located within the District. After further discussion, the installation of three weather stations was approved in the amount of \$3,300 on a **motion** made by Mr. Dooley, seconded by Mr. Banack and the **motion** passed unanimously. Also, Board consensus was to receive the Engineer's Report digitally (on projected screen) for future meetings.

3. Attorney

There was no Attorney Report at this time.

4. Chairman

There was no Chairman Report at this time.

H. OLD BUSINESS

1. Status of Kromhout Conveyance

Mr. Luethje provided an update on communications between Mr. Kromhout, Ms. Colella and FPL. He advised the Board that there was currently no final resolution regarding the conveyance and provided the Board with options on how to best move forward. After further discussion, a **motion** was made by Mr. Banack, seconded by Mr. Dooley instructing District attorney Steve Henderson to draft an agreement between the District and Mr. Kromhout for review, detailing the terms and conditions for the conveyance of District property to Mr. Kromhout. The **motion** passed unanimously.

I. NEW BUSINESS

1. Discussion Regarding Compliance Issue on Property East of Canal B

The lessee (Mike Kelly, Palm City Sod) on property east of Canal B was found to be flood irrigating and was informed that it was against regulation. The Board asked Mr. Spencer questions about water usage reporting and monitoring. Mr. Spencer stated that water usage would be monitored more closely with data recording being provided. Board consensus was that the current issue would rectify itself as this would be the only instance of flood irrigation. The lessee acknowledged they would implement a different process moving forward or would no longer be permitted to farm.

J. ADMINISTRATIVE MATTERS

There were no further Administrative Matters.

K. BOARD MEMBER COMMENTS

Mr. Banack advised the pump station maintenance (sandblasting and painting) was ongoing.

L. ADJOURNMENT

There being no further business to come before the Board, Mr. Dooley adjourned the meeting at 9:07 a.m. There were no objections.

Secretary/Assistant Secretary

President/Vice-President

Delta Farms
Water Control District

**Financial Report For
November 2023**

**DELTA FARMS WATER CONTROL DISTRICT
MONTHLY FINANCIAL REPORT
NOVEMBER 2023**

	Annual Budget 10/1/23 - 9/30/24	Actual Nov-23	Year To Date Actual 10/1/23 - 11/30/23
REVENUES			
O & M ASSESSMENTS	220,685	10,486	10,486
OTHER REVENUES	0	0	0
INTEREST INCOME - MONEY MARKET	240	0	3,157
INTEREST INCOME - PRIME	0	0	0
NET FMIT INTEREST INCOME	0	0	0
LOSS ON FMIT FUNDS	0	0	-2,246
TOTAL REVENUES	\$ 220,925	\$ 10,486	\$ 11,397
EXPENDITURES			
MAINTENANCE EXPENDITURES			
AQUATIC WEED CONTROL	28,500	0	2,730
CANAL MAINTENANCE	5,000	0	0
FUEL	62,500	15,715	15,715
REPAIRS	20,000	2,185	9,341
R/W MAINTENANCE	25,000	0	0
SUPPLIES	1,000	96	533
WATER QUALITY TESTING	1,250	0	0
TOTAL MAINTENANCE EXPENDITURES	\$ 143,250	\$ 17,996	\$ 28,319
ADMINISTRATIVE EXPENDITURES			
AUDIT	6,100	0	0
ENGINEERING	18,000	0	598
INSURANCE	13,200	0	15,213
LEGAL	3,500	0	0
LEGAL ADVERTISING	1,500	292	499
MANAGEMENT	24,000	2,000	4,000
MISCELLANEOUS	2,000	20	20
DUES & SUBSCRIPTIONS	0	0	175
OFFICE SUPPLIES	250	45	47
RESERVES	13,434	0	0
BANK SERVICE CHARGES	0	0	10
POSTAGE	250	23	22
TOTAL ADMINISTRATIVE EXPENDITURES	\$ 82,234	\$ 2,380	\$ 20,584
TOTAL EXPENDITURES	\$ 225,484	\$ 20,376	\$ 48,903
REVENUES LESS EXPENDITURES	\$ (4,559)	\$ (9,890)	\$ (37,506)
DEBT PAYMENTS	0	0	0
BALANCE	\$ (4,559)	\$ (9,890)	\$ (37,506)
COUNTY APPRAISER & TAX COLLECTOR FEES	(4,414)	(201)	(2,001)
DISCOUNTS FOR EARLY PAYMENTS	(8,827)	(419)	(419)
EXCESS/ (SHORTFALL)	\$ (17,800)	\$ (10,510)	\$ (39,926)
CARRYOVER FROM PRIOR YEAR	17,800	0	0
NET EXCESS/ (SHORTFALL)	\$ -	\$ (10,510)	\$ (39,926)

Bank Balance As Of 11/30/23	\$ 841,753.26	Bank Account Balances	
Accounts Payable As Of 11/30/23	\$ 30,480.05	FMIT HQ:	\$ 292,956.12
Accounts Receivable As Of 11/30/23	\$ 200.00	Marine Bank (Checking):	\$ 36,342.27
Other Current Assets As Of 11/30/23	\$ -	Marine Bank (MMA):	\$ 505,386.59
Other Assets As Of 11/30/23	\$ 15,000.00	SBA:	\$ 7,068.28
Available Funds As Of 11/30/23	\$ 826,473.21	TOTAL:	\$ 841,753.26

DELTA FARMS WATER CONTROL DISTRICT
Expenditures
October through November 2023

	<u>Date</u>	<u>Invoice #</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
EXPENDITURES					
ADMINISTRATIVE EXPENDITURES					
01-1301 · ENGINEERING					
	10/27/2023	202329003	CARTER ASSOCIATES, INC.	engineering thru 10/27/2023	597.50
Total 01-1301 · ENGINEERING					<u>597.50</u>
01-1302 · INSURANCE					
	10/01/2023	19975	Egis Insurance Advisors	policy # 100123947 (10/01/2023 - 10/01/2024)	15,213.00
Total 01-1302 · INSURANCE					<u>15,213.00</u>
01-1304 · Legal Advertisement					
	10/06/2023	0005988033	Gannett Florida LocalIQ	FY 23/24 Mtg Schedule	207.76
	11/30/2023	2023-1664	Special District Services	Treasure Coast news legal ad	291.63
Total 01-1304 · Legal Advertisement					<u>499.39</u>
01-1305 · MANAGEMENT FEES					
	10/31/2023	2023-1326	Special District Services	management fee October 2023	2,000.00
	11/30/2023	2023-1664	Special District Services	management fee November 2023	2,000.00
Total 01-1305 · MANAGEMENT FEES					<u>4,000.00</u>
01-1306 · MISCELLANEOUS					
	11/30/2023	2023-1664	Special District Services	travel	20.30
Total 01-1306 · MISCELLANEOUS					<u>20.30</u>
01-1307 · dues, subscriptions					
	10/02/2023	87903	Florida Department of Economic Opportunit	Special district fee 2023/2024	175.00
Total 01-1307 · dues, subscriptions					<u>175.00</u>
01-1308 · OFFICE					
	10/31/2023	2023-1326	Special District Services	copier charges - September 2023	1.65
	11/30/2023	2023-1664	Special District Services	copier charges	21.15
	11/30/2023	2023-1664	Special District Services	meeting books	24.00
Total 01-1308 · OFFICE					<u>46.80</u>
01-1310 · BANK SERVICE CHARGES					
	10/31/2023			Service Charge	10.00
Total 01-1310 · BANK SERVICE CHARGES					<u>10.00</u>
01-1319 · POSTAGE					
	11/30/2023	2023-1664	Special District Services	FedEx	13.90
	11/30/2023	2023-1664	Special District Services	postage	8.53
Total 01-1319 · POSTAGE					<u>22.43</u>
Total ADMINISTRATIVE EXPENSES					<u>20,584.42</u>

DELTA FARMS WATER CONTROL DISTRICT
Expenditures
October through November 2023

	<u>Date</u>	<u>Invoice #</u>	<u>Vendor</u>	<u>Memo</u>	<u>Amount</u>
MAINTENANCE EXPENSES					
01-1311 · AQUATIC WEED CONTROL					
	10/27/2023	80923	Future Horizons Inc	aquatic weed control	2,730.00
Total 01-1311 · AQUATIC WEED CONTROL					<u>2,730.00</u>
01-1313 · FUEL					
	11/14/2023	2096041	Palmdale Oil Company, Inc.	fuel	11,772.41
	11/17/2023	2098638	Palmdale Oil Company, Inc.	fuel	3,942.88
Total 01-1313 · FUEL					<u>15,715.29</u>
01-1314 · REPAIRS					
	10/10/2023	483643	Sports Welding	station A pump 2; station B pump 4	1,235.00
	10/30/2023	INV-00002	Treasure Coast Mobile Sandblasting LLC	sandblasting and painting	4,280.80
	10/31/2023	9785	R&S METALWORKS	gravity gate inspection and repairs	1,640.00
	11/08/2023	683654	Sports Welding	Station B pump 4 (repaired wiring), pump 3 (replaced starter)	2,185.00
Total 01-1314 · REPAIRS					<u>9,340.80</u>
01-1316 · SUPPLIES					
	10/11/2023	334953	NAPA AUTO PARTS	reman/starter, core deposit	436.97
	11/08/2023	338416	NAPA AUTO PARTS	tie and wires	95.89
Total 01-1316 · SUPPLIES					<u>532.86</u>
Total MAINTENANCE EXPENSES					<u>28,318.95</u>
TOTAL EXPENDITURES					<u>48,903.37</u>

**DELTA FARMS WATER CONTROL DISTRICT
TAX COLLECTIONS
2023-2024**

#	ID#	PAYMENT FROM	DATE	FOR	Tax Collect Receipts	Interest Received	Commissions Paid	Discount	Net From Tax Collector	O&M Assessment Income (Before Discounts & Fees)	Debt Assessment Income (Before Discounts & Fees)	O&M Assessment Income (After Discounts & Fees)	Debt Assessment Income (After Discounts & Fees)
				GROSS *					\$220,685	\$220,685	\$0	\$220,685	\$0
				NET **					\$207,444	\$207,444	\$0	\$207,444	\$0
1		Indian River County Prop Appraiser	10/02/23	Fees			\$ (1,800.00)		\$ (1,800.00)			\$ (1,800.00)	
2	1	Indian River County Tax Collector	11/03/23	NAV Taxes	\$ 10,486.00		\$ (201.33)	\$ (419.44)	\$ 9,865.23	\$ 10,486.00		\$ 9,865.23	
3	2	Indian River County Tax Collector	12/08/23	NAV Taxes	\$ 90,062.00		\$ (1,298.67)	\$ (3,602.48)	\$ 85,160.85	\$ 90,062.00		\$ 85,160.85	
4									\$ -				
5									\$ -				
6									\$ -				
7									\$ -				
8									\$ -				
9									\$ -				
10									\$ -				
11									\$ -				
12									\$ -				
13									\$ -				
14									\$ -				
15									\$ -				
16								\$ -	\$ -				
					\$ 100,548.00	\$ -	\$ (3,300.00)	\$ (4,021.92)	\$ 93,226.08	\$ 100,548.00	\$ -	\$ 93,226.08	\$ -

Note: \$220,685 is 2023/2024 Budgeted assessments before discounts and fees.
\$207,444 is 2023/2024 Budgeted assessments after discounts and fees.

\$ 100,548.00	
\$ -	\$ 93,226.08
\$ (100,548.00)	\$ (93,226.08)
\$ -	\$ -
\$ -	\$ -
\$ -	\$ -

To: Delta Farms Water Control District Board of Supervisors

November 30, 2023

C/O Attention: Franck B. Sakuma, Jr., CDM, District Manager

Special District Services, Inc.

Email Address: bsakuma@sdsinc.org

Copied: David Luethije, PSM,

Copied: Cynthia Colella, DFWCD Landowner

Carter and Associates, Inc., an LJA Company

Email Address: cynthiacolella@gmail.com

Email Address: dluethije@carterassoc.com

Ref: Reply to DFWCD Board of Supervisors request for Legal Easement access agreement & Legal cost payment expectation question, and a modified FPL proposal offering to clarify our position in this matter.

Gentlemen,

On Tuesday, November 28, when we stopped by Carter and Associate's office to inquire about the progress of the survey work relating to both the boundary line changes and the proposed new FPL underground easement, we were advised by David Luethije that the Delta Farms Water Control District (DFWCD) Board of Supervisors had met that morning and that he was asked to ask us to prepare an agreement with DFWCD's attorney, at our expense, to ensure that others within DFWCD could also access the newly proposed underground easement. We advised him that the very reason why we placed the proposed new easement to touch next to the boundary line between the two properties was to afford all adjoining DFWCD landowners to attach to it subject to certain conditions addressed further below herein. We went on to state that we would be willing to also sign a statement with the provisions it includes certain conditional items addressed below. However, to expect us to pay and be responsible for the legal cost of DFWCD attorney to prepare said agreement document, we would not agree to doing that.

Considering DFWCD was agreeable and gracious enough to deed back to us the land that was taken and that we have been in open and hostile possession of ever since we purchased it back in 1950 on our west side near our west access gate, we elected to use our land to enable FPL to put their new underground powerline easement under it so as to expeditiously expedite things. The boundary taking had resulted from an age-old survey error caused by the Loyd and Associates survey firm, however the matter of the parties of possession issue had not been addressed formally until now. Once the boundaries of both parcels (Kromhout & DFWCD), are adjusted for this issue, we will be able to fully put the new FPL easement directly next to the new DFWCD's boundary to able their landowners to access electric power directly from FPL's distribution service line.

This could be accomplished effectively once DFWCD agreed to adjust our west boundary line back to the land area that we had and were in open and hostile possession of for over 70 plus years. The only reason we all were able to get this new underground powerline was because we caught FPL installing an illegally placed above ground powerline on our property back in 1974. Without that 1974 temporary powerline easement agreement with FPL, this powerline movement would have cost everyone considerably to reestablish the half mile long remaining above ground powerline to an underground one.

It has taken us months to locate the proper people within the FPL's organization to finally get FPL's legal department to address the issue related to this 1974 agreement. **After considerable negotiations, FPL has finally acknowledged that they were responsible to follow through to get this temporary powerline moved to**

a new location at their (FPL) expense as called for in the 1974 agreement. Only now has an underground powerline discussion become possible with FPL subject only to our offering to provide an alternative and acceptable easement location, which we were able to conditionally offer, again subject to DFWCD adjustment of the boundary line and parties of possession issue getting resolved. Until then, we had to stand our ground to make things happen, which we did. In the end, FLP reluctantly finally talked about removing the temporary powerline and moving it to a new location at their expense. Again, without our 1974 agreement, none of this would have been possible, and willingness to relocate an alternative easement location with an underground powerline would not have happened.

Now that we (Kromhout, and not DFWCD) have worked out what should be a reasonable solution for all concerned and it being all on our land, the future use of our related land will be restricted to the easement being under it, only, not DFWCD property. **Therefore, in my opinion, the Board had some nerve to ask David to do their dirty work by asking him to request an access agreement to be developed for their landowners using their attorney to draw it up, and at our expense.** After David presented that question to us, we asked why such an agreement was even necessary since the easement touched DFWCD's property line and we were willing to sign an acceptable recordable agreement to allow all east side landowners within DFWCD to gain access (subject to the conditions detailed further below) to ensure that they can connect to this new underground powerline? And, **why would you expect for us to pay for that transaction?**

We have asked for no compensation for the untold hours we have spent trying to work things out with FPL in this process, and our land being encumbered with this new easement proposed without compensation. Since all parties will save money in accomplishing this task, and getting what they want, why then are we expected to pay legal costs on top of everything else we have done? All of this again was only possible because of our 1974 temporary easement agreement that we were able to leverage against FPL to get all this done to this point. **(DFWCD, and its Supervisors, could not do what we were able to do to get to this point.)** We have already gone above and beyond to help get this underground easement to where it is proposed to help DFWCD and its landowners out as neighbors. We have even proposed to agree to allow DFWCD landowners to gain access to the power they need subject to only our noted below conditions. Also, we even are willing to allow the Colella property to access and temporarily connect to our existing above ground powerline with FPL, until such time the connection can be transferred over to the new underground powerline, once completed, subject to that connection being made within 6 months, and FPL formally noticing and confirming to all of us that they will actually live up to doing their share in writing within the noted time frame.

Conditions to attaching to the new powerline easement proposed: Our only conditions to be imposed with the new underground powerline granting connections are to require anyone attaching to that line from DFWCD side:

1. keep all connecting DFWCD related powerlines coming from the new underground powerline easement underground, until said new DFWCD lines are on the west side of the existing DFWCD's drainage canal, which is located just to the west of the new proposed underground powerline easement,
2. **Accept no transformers or any other above ground related equipment from being placed or installed within the new easement or between it and the DFWCD canal to the west of the new easement.** Once past that point, and the new line attaching surfaces on the west side of the canal, DFWCD can impose any further conditions they may wish to add or eliminate, such as poles, no poles, and transformer placement, etc. within DFWCD properties.

If this above counter proposal is considered to be unacceptable to DFWCD as a district, and to its associated impacted landowners collectively, then one of our previous emailed options noted in our August email is to

simply place the new easement on 5 feet of each side of our common boundary lines, to provide FPL with a collective 10-foot-wide underground easement, needed to make things happen. This option would require Carter and Associates to draw up a new revised survey requiring more time, money and delay, but that would eliminate the question of access and would also impose the same limitations of future land usage associated with the granting of an easement to FPL to both parties involved. If this option is preferred, then we (Kromhout) will not agree to share in the new survey's cost.

As it was originally proposed with the easement being entirely on our lands but adjoining DFWCD property's boundary line, we bare the loss of the use of our land by the granting of the new easement. And because of this fact alone, that is the main reason why we should not have to bear any added expense associated with helping to get power to DFWCD landowners wanting to gain electrical service, not to mention what it took to get to this point, as noted above. This includes, us not having to pay for both the proposed added legal work proposed, and now, paying for the survey costs associated with placing the new underground easement on our land exclusively, and not on DFWCD land (\$1,850.00 is what CA, Inc. has estimated & quoted the survey cost as originally proposed). Those two costs items should be absorbed only by DFWCD, and/or it's wanting to access electrical service landowners, or by FPL – per our 1974 temporary easement agreement terms and conditions, and not us (Kromhout). How those costs are to be paid, should not be of a concern for us to have to deal with all things taken into consideration that we have accomplished for your benefit to get to this point in a reasonably timely manner. After all, we were not asked to get involved until late April of this year

In conclusion, all of this is subject to DFWCD following through with the granting of certain lands on which we are currently encroaching on DFWCD land as a result of their survey and construction drainage improvement activities work on lands that we were and still are in open and hostile possession of since 1950, which impacts our roadway access from SR#60 to Section one's NW corner point. If that is not agreed to, and that transfer does not take place as offered, or FPL rejects any part of these proposals, and reneges on its responsibilities associated with our 1974 temporary easement agreement, as they have stated to us that they would comply with, then we are all back to square one to resolve these boundary and powerline issues.

Please advise as to your acceptance or rejection to modify our original proposal, or alternative option offer made herein. We expect a reply no later than the close of business on December 8th. After that date, we make no promises as to what we will, or will not do.

Sincerely,

Alexander Kromhout,

Trustee for the Kromhout Rev. Trust and Manager for The Hammock Ranch Preserve, LLC

Email address: verobeachlex@hotmail.com

Phone No. 772.473.2758

File: Delta Farms Water Control District Board of Supervisors 11.30.23