

**COW SLOUGH WATER CONTROL DISTRICT**  
**BOARD OF SUPERVISORS**  
**ANNUAL LANDOWNERS' MEETING AND**  
**MONTHLY MEETING**  
**HELD ON MAY 25, 2017**

**BOARD OF SUPERVISORS**

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

**ADMINISTRATOR**

Dana Clement

**OTHERS PRESENT**

Ms. Sommer Foster, CSWCD engineer, Johnson-Prewitt & Associates, Inc.  
Mr. Bob Diffenderfer, CSWCD attorney, Lewis Longman & Walker, P.A., via telephone  
Mr. John Hoffman, representing Barron Collier Companies  
Mr. Jeff Kreiger, representing Consolidated Citrus and Turner Groves, Inc.  
Mr. Paul Fabry, representing Eagle Creek Southeast, LLC

1) **PRESIDENT CALLS MEETING TO ORDER**

Mr. Sherrod called the May 25, 2017, Cow Slough Water Control District Annual Landowners' Meeting to order at 3:00 p.m.

Mr. Sherrod announced all who were in attendance.

2) **MEETING ANNOUNCEMENT**

a) **SECRETARY READS NOTICE**

Ms. Clement said that the meeting notifications were noticed in The News-Press on May 9, 2017 and May 16, 2017, are posted on the District's website, and each landowner was sent written notification of the meetings along with a draft budget and a proxy.

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

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

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

Mr. Townsend made a motion nominating Mr. Diffenderfer to serve as Chairperson and Ms. Clement to serve as Secretary. Mr. Giddens seconded the motion. All present were in favor of the motion and the motion passed unanimously. Mr. Diffenderfer and Ms. Clement were elected by acclamation.

4) **CALL FOR PROXIES**

a) **TABULATE-ANNOUNCE RESULTS** - Mr. Diffenderfer called for proxies to be presented. Ms. Clement presented a proxy from Mr. Daniel Rosbough for Mr. Townsend to be his proxy with 4.21 acres. Mr. Diffenderfer said that the persons present at this meeting represent a quorum.

b) **CHAIRPERSON DECLARES A QUORUM** – Mr. Diffenderfer declared a quorum.

Mr. Diffenderfer stated that the only purpose of the landowners' meeting is to elect a replacement for the supervisor whose term is expiring and that is Mr. Dallas Townsend.

5) **ELECTION OF A SUPERVISOR**

a) **TERM EXPIRATION** - Mr. Dallas Townsend.

b) **ELECT ONE SUPERVISOR** – Mr. Diffenderfer opened the floor for nominations for a Supervisor to serve from the year 2017 to 2020.

Mr. Giddens nominated Mr. Townsend to serve as a supervisor from 2017-2020 and Mr. Hoffman seconded the motion. There being no other nominations, the floor was closed. All in favor, no opposed. Mr. Townsend was elected by acclamation.

c) **OATH OF OFFICE ADMINISTERED** – Mr. Townsend read the oath of office aloud and then executed the document.

6) **ADJOURN ANNUAL LANDOWNERS' MEETING**

Mr. Diffenderfer said that the election being held is the only business of the landowners' meeting; therefore, he adjourned the meeting at 3:06 p.m. and turned the meeting back over to the supervisors.

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

a) **MR. SHERROD CALLS THE MONTHLY MEETING TO ORDER** – Mr. Sherrod called the monthly meeting to order at 3:06 p.m.

b) **ELECTION OF A NEW PRESIDENT FOR 2017-2018 FISCAL YEAR** - Mr. Sherrod stated that the floor was open for nominations for a President of the Board of Supervisors to serve the 2017-2018 fiscal year.

Mr. Townsend nominated Mr. Sherrod to serve as President for the 2017-2018. Mr. Giddens seconded the motion. Mr. Sherrod asked if there were any other nominations, there being none, Mr. Townsend moved that nominations cease. Mr. Giddens seconded the motion. Mr. Sherrod was elected unanimously.

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

8) **ATTORNEY'S REPORT**

a) **CONSIDERATION OF LEWIS EASEMENT OFFER**

Mr. Diffenderfer stated that Mr. Kelly, Lewis' attorney, and Ms. Petrick, CSWCD attorney, have been trying to communicate with one another, however; they have not yet connected. Mr. Diffenderfer said that it is his understanding that there might be another way to handle the easement issue.

Mr. Townsend said that CSWCD has struggled to finish the works of the District for several years. The final project was to extend the Lateral 2-E Canal to the east from the southeast corner of the Kozack property, the northeast corner of the Giddens property, the southwest corner of the Townsend & et al property, and the northwest corner of the Lewis Family property.

The Plan of Reclamation was to gain an easement of 30 feet wide from the Townsend & et al and the Lewis Family, each for a distance of about 1,805 feet in order for the District to have a 60 foot wide easement for drainage and access that would serve the three small landowners that are situated on the west side of State Road 29, as well as, the Townsend & et al property and the Lewis Family property.

Mr. Townsend said, as everyone is aware, the Lewis family has refused to grant the easement planned on their property and has asked an extremely high price for the easement. Mr. Townsend said that after CSWCD's attorneys informed the District of the cost of taking the property through eminent domain, he made the decision to see if the drainage issue at a common corner, as described above, could be resolved another way.

Mr. Townsend said that he believes that he has solved the drainage issue at the intersection of the Kozak, Giddens, Lewis, and Townsend & et al, property. Mr. Townsend said that he has met with Mrs. Nicole Kozack and her husband, Manny, to discuss the issue, and they were both gracious and indicated that they are willing to cooperate with CSWCD.

Mr. Townsend said that after looking at the drainage needs of about 83.65 acres of land, not including the Lewis Family property, he believes that if Townsend & et al were to grant CSWCD a 40 foot easement, it will provide the District with enough space for a smaller ditch, as well as, an access road. The proposed easement from the Kozacks will be 40 feet wide, north to south, to match the easement that Townsend et al would grant, and would be 55 feet long, east to west.

Mr. Townsend said that the Kozacks have agreed to grant the easement free of charge to the District under the following conditions. 1) CSWCD will install the two culverts which the Kozacks have already purchased, to drain into the District's L-2 Canal. 2) CSWCD will construct and maintain fences with locked gates along the South and East boundaries of the parcel of land covered by the easement. 3) CSWCD will pay the Kozack's attorney fees for examining the proposed easement.

Mr. Townsend said that he has drafted a proposed easement, along with an aerial photo indicating an approximation of the easement layout.

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Mr. Diffenderfer said that the Board needs to take formal action to resend its offer to the Lewis. Mr. Diffenderfer said, assuming CSWCD goes this way, there will be prepared paperwork to be noticed for the District's next month's meeting.

Mr. Townsend said that he will get an easement prepared.

Mr. Diffenderfer said that Ms. Foster, District Engineer, needs to confirm in writing, that the dimensions of the easement, ditch, etc. will be sufficient.

Ms. Foster said that she will review the proposed easement and work up a drawing to make sure that the new ditch will be sufficient.

Mr. Townsend made a motion to resend the District's offer to the Lewis' and to cease all negotiations. Mr. Giddens seconded the motion. The motion passed unanimously.

Mr. Diffenderfer said that he will prepare a written Resolution for Board action at the next scheduled meeting. Mr. Diffenderfer said that CSWCD cannot take action at this time because it was not noticed.

Mr. Diffenderfer reiterated, that an easement needs to be drafted, the district engineer needs to make a judgement, and that a decision will be made at the June 22, 2017, meeting.

Mr. Sherrod asked Ms. Foster to follow-up with a survey to present at the next meeting. Mr. Diffenderfer asked that he receive a copy of the survey and easement, prior to the meeting.

9) **OLD BUSINESS**

a) **APPROVE THE MINUTES OF THE MONTHLY MEETING AND THE SPECIAL MEETING HELD ON APRIL 27, 2017** – Ms. Clement submitted the draft minutes for the monthly meeting and special meeting held on April 27, 2017, for the Board's approval.

Mr. Townsend made a motion to approve the minutes of the monthly and special meetings as presented. Mr. Giddens seconded the motion and the motion passed unanimously.

b) **STATUS ON THE KOZACK CULVERT**

Previously discussed.

10) **ADMINISTRATOR'S REPORT**

a) **APPROVE THE APRIL 28 2017 THROUGH MAY 25, 2017, FINANCIAL REPORTS** – Ms. Clement submitted the financial reports for the Board's approval.

Mr. Townsend made a motion to accept the financial reports as presented. Mr. Giddens seconded the motion and the motion passed unanimously.

b) **ADMINISTRATOR'S CONTRACT FOR 2017-2018** - Ms. Clement submitted the administrative contract to the Board for their acceptance or rejection.

Mr. Townsend made a motion to renew Ms. Clement's services for an additional year at a rate of \$1,250.00 per month. Mr. Giddens seconded the motion and the motion passed unanimously.

c) **NEXT SCHEDULED MEETING DATE** - Ms. Clement said that the next scheduled meeting is to be held on Thursday, June 22, 2017, at 3:00 p.m.

11) **ENGINEER'S REPORT**

a) **ENGINEER'S ANNUAL REPORT** - Ms. Foster verbally reviewed the Annual Engineer's Report for all present.

Mr. Townsend made a motion to approve the report as presented, and Mr. Giddens seconded the motion. The motion passed unanimously.

b) **UPDATE ON FYE POND**

Ms. Foster said that the Forestry Division has been busy, but when time permits, they will burn Fye Pond, and they also gave a rate for mowing the area.

Ms. Foster said that the District needs to have the Forestry Department burn the area, and to regularly apply herbicides.

Mr. Townsend said that CSWCD has been given approval by SFMWD to clean the road right-of-way swale, approximately 150 yards, and that needs to get done. Mr. Townsend said that he will contact Mr. Scott Rogers, and said that it is an easy job and will only take several hours. Mr. Townsend said that the project needs to happen before the rains come.

Mr. Sherrod said that he will phone Mr. Crivellaro to come and apply herbicides, right away. Then the area needs to be burned.

c) **STATUS ON WATER SAMPLING**

Mr. Sherrod said that he will contact Short Environmental and start the water sampling.

12) **BUDGET 2017-2018**

a) **2017-2018 ASSESSMENT RATE** - Mr. Sherrod said that a draft budget was prepared by the Board of Supervisors in a special meeting held on April 27, 2017, and added that a copy of the draft budget is available to all present to review. Ms. Clement said that the draft budget is also on line for anyone to review.

Mr. Sherrod stated that the Supervisors are recommending an assessment rate of \$7.00 per acre for fiscal year 2017-2018, a decrease from the current assessment rate of \$9.00 per acre.

Mr. Townsend made a motion to approve the CSWCD draft budget for fiscal year 2017-2018 with an assessment rate of \$7.00 per acre. Mr. Giddens seconded the motion and the motion passed unanimously.

b) **EXECUTE 2017-2018 ASSESSMENT RESOLUTION** – Mr. Townsend made a motion to accept \$7.00 per acre as the assessment rate for fiscal year 2017-2018 for all lands located within the Cow Slough Water Control District and to execute the Assessment Resolution. Mr. Giddens seconded the motion and the motion passed unanimously.

The supervisors executed the Resolution.

c) **EXECUTE THE 2017-2018, RESOLUTION TO EXECUTE AND LEVY NON-AD VALOREM TAXES** – Mr. Townsend made a motion to execute the Resolution for the Execution and Collection of Non-ad Valorem taxes for the 2017-2018 fiscal year. Mr. Giddens seconded the motion and the motion passed unanimously.

Mr. Sherrod executed the Resolution.

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

a) **APPOINT LEGAL, ENGINEERING, AND AUDITING SERVICES FOR THE 2017-2018 FISCAL YEAR** – Mr. Townsend made a motion to retain Lewis, Longman & Walker, P.A., as the legal firm representing the District, Johnson-Prewitt and Associates as the engineering firm representing the District, and to retain Boy, Miller, Kisker, & Perry, P.A., as the auditing firm representing the District for the 2017-2018 fiscal. Mr. Giddens seconded the motion and the motion passed unanimously.

Ms. Clement submitted an engagement letter for Boy, Miller, Kisker, & Perry, P.A., to perform the audit for fiscal year ending September 30, 2017, at a cost of \$3,600.00.

Mr. Sherrod executed the engagement letter.

b) **APPOINT A SECRETARY/TREASURER FOR 2017-2018 FISCAL YEAR** – Mr. Townsend made a motion to appoint Ms. Clement as the District's Secretary/Treasurer for the 2017-2018 fiscal year. Mr. Giddens seconded the motion and the motion passed unanimously.

c) **ESTABLISH MEETING DATES FOR FISCAL YEAR 2017-2018** – Mr. Townsend made a motion to hold the District meetings on the fourth Thursday of each month with the exceptions of July, November, and December in which no meetings are held. Meetings are to be held at 3:00 p.m. at the County Extension Offices in LaBelle, Florida, unless otherwise noticed. Mr. Giddens seconded the motion and the motion passed unanimously.

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

1) Mr. Fabry said that there were truck tires under the bridge on Church Road where the Townsend Canal crosses, and that the lock on their gate was cut, and items were stolen.

2) Mr. Kreiger said that he had phoned Ms. Foster regarding the collapsed, 24 or 36 inch culvert, right against the Duda fence, along the canal on the north boundary, which has collapsed. Mr. Kreiger said that he is asking permission for the culvert to not be replaced as it serves no function and they would like an open ditch. Ms. Foster said, to remove the culvert will not affect the works of the District.

Mr. Sherrod said it is fine to remove the culvert, and for Ms. Foster to remove it from the District's facilities chart. Ms. Foster said that she will take care of it.

14) **CALL FOR PUBLIC COMMENT**

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

Mr. Sherrod thanked all of the individuals present for their participation in attending the meetings.

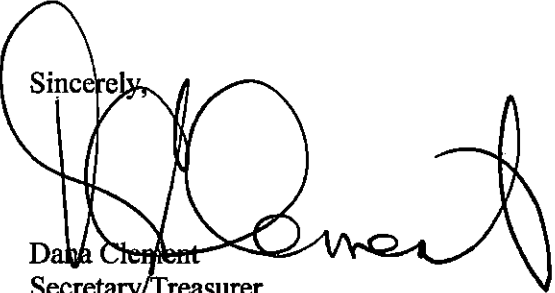
15) **PUBLIC NOTIFICATION**

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

16) **ADJOURNMENT**

At 3:41 p.m., Mr. Townsend made a motion to adjourn the meeting and Mr. Giddens seconded the motion. The motion passed unanimously.

Sincerely,



Dana Clement  
Secretary/Treasurer  
Cow Slough Water Control District