

MINUTES OF MEETING VIERA STEWARDSHIP DISTRICT

The regular meeting of the Board of Supervisors of the Viera Stewardship District was held Wednesday, June 6, 2014, at 1:00 p.m. at 7380 Murrell Road, Suite 201, Viera, Florida 32940.

Present and constituting a quorum were:

Jay A. Decator, III	Chairman
Ann M. Gainey	Vice Chairman and Secretary
Tiffani Bissett	Supervisor
Chris Leffler	Supervisor
David Tomczak	Supervisor

Also present were:

Gary L. Moyer	Manager: Moyer Management Group
Jonathan Johnson (<i>by phone</i>)	Attorney: Hopping, Green & Sams
Clay Archey	Community Manager
Bill Lites (<i>by phone</i>)	AECOM
Paul Martell	Treasurer
Residents and Members of the Public	

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

Mr. Decator called the meeting to order at 1:13 p.m.

Mr. Decator called the roll and stated a quorum was present for the meeting.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. Moyer stated this item is now at the beginning of the agenda pursuant to a law the Legislature passed, requiring that the audience be given the opportunity to comment on any agenda item before the Board takes formal action on that agenda item. For that purpose, it will now be the first item on your agenda for each future meeting. This is the time for members of the audience to make comments or ask questions on any agenda item or anything they desire the Board to consider.

Mr. Decator asked can these comments be about anything, or must the comments pertain to the listed agenda items?

Mr. Moyer stated they can be any comments.

Mr. Johnson stated the State policy indicates that to the extent the comments are irrelevant or unrelated to District operations, you have the ability to move on to the next speaker.

Mr. Archey stated we have residents who have moved into Strom Park and are residing within the District. The Community Association Manager who is covering that area is Fairway Management. They manage other areas in Viera. We are looking forward to addressing maintenance issues as they come forward from residents. The District will become more active as more people move in.

Mr. Decator stated it seems to me that I heard something about a tree in one of the habitat areas being maintained by the District that may require attention.

Mr. Leffler stated it was brought to my attention from Viera Builders that there was a tree in one of the conservation areas that is looking very stressed. We tried to look at it today, and it continues to look stressed. It is a very mature pine tree. The builder thought it should be taken down, but at this point, we should continue to monitor it.

Mr. Decator stated we can continue to monitor it, but as a reminder, certain areas within Strom Park are protected cover-type areas, which are under the maintenance and control of the District. Those are preservation areas, and there can be no work in there unless that work is performed by the District or with the District's approval. Caution Viera Builders not to take matters into their own hands and to keep the District advised if it needs to be trimmed or needs other attention. If you could identify the location of that tree, we will work with District staff to confirm if it is within one of those areas under our jurisdiction.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the September 25, 2013, Regular Meeting

Mr. Moyer reviewed the minutes as presented and requested any additions, corrections or deletions.

On MOTION by Ms. Gainey, seconded by Mr. Tomczak, with all in favor, unanimous approval was given to accept the minutes of the September 25, 2013, regular meeting.

FOURTH ORDER OF BUSINESS

Presentation of the Fiscal Year 2015 Budget

A. Fiscal Year 2015 Budget

Mr. Moyer stated we are beginning a process to adopt the fiscal year 2015 budget. The Board is being asked to briefly review what has been presented by staff as the work program and related costs for that program for the fiscal year that begins October 1, 2014, and concludes September 30, 2015. The budget is in similar form to what you are used to

seeing in the past. Mr. Decator mentioned to me that he wants to consider increasing the Wetland/Habitat Maintenance line item, from \$32,200 to \$35,000.

Mr. Decator stated that is correct. The District may be required to fence certain conservation areas or easement areas within Stage 1. These are easements held by the St. Johns River Water Management District (SJRWMD). They raised an issue about the accessibility of those areas by cattle. I believe they are going to request a fence. If they do, I would like to have some extra money in that budget line item to accommodate that.

Mr. Moyer stated I suggest that the offsetting decrease to equal the increase for that line item, so that we do not change the total budget, come from Professional Services – Management. We will reduce that line item by the same amount as the increase to Wetland/Habitat Maintenance.

Mr. Decator stated this is a luxury we have today to be able to do that. At some point in the future, we will not have a surplus of funds to work with. We might have to increase the budget. What would be the process to do that? If we wanted to do that today, what would this Board need to do?

Mr. Johnson stated if an increase in the budget results in an increase to the assessment, then you have to go back through a public hearing process similar to what you did last year when you imposed the assessments for the first time. Presuming you keep your budget level this year, then Resolution 2014-02 will not be necessary. If the assessments do increase, that requires direct mailed notice to all landowners and newspaper publication to hold a public hearing, at which point you would adopt the increased assessments.

Mr. Decator stated that public hearing can occur simultaneously with the budget hearing. We can do them both in one meeting if we have to.

Mr. Moyer stated that is correct.

Mr. Decator asked that would require direct mailed notice to each resident?

Mr. Johnson stated to each landowner.

Mr. Decator stated we will do our best to keep the budget constant, but at some point, it is going to increase.

Mr. Leffler asked in regard to the fencing, is there any downside to installing the fence, such as sod or maintenance of the fence?

Mr. Decator stated there have been internal discussions about that, but they have been unpersuasive with SJRWMD. We are not finished with that issue yet, but if we do have to install some fencing, we should have money in the budget.

B. Consideration of Resolution 2014-01, Approving the Budget and Setting the Public Hearing Thereon

Mr. Moyer read Resolution 2014-01 into the record by title.

On MOTION by Mr. Leffler, seconded by Ms. Bissett, with all in favor, unanimous approval was given to Resolution 2014-01 approving the budget for fiscal year 2015 and setting the public hearing for Wednesday, August 13, 2014, at 1:00 p.m. at the Viera Discovery Center.

C. Consideration of Resolution 2014-02, Setting a Public Hearing on Special Assessments and Authorizing Staff to Notice Same

The assessments are not proposed to increase; therefore, this Resolution is not necessary.

D. Ratification of Agreement with Brevard County Tax Collector

Mr. Moyer stated this agreement outlines the procedures we need to follow to extend our non-ad valorem assessments onto the real estate tax bill. This will be a continuing agreement and will be dated for the tax year 2015. The agreement automatically renews annually until terminated by the District.

Mr. Decator asked who prepared the agreement?

Mr. Moyer stated this came from the tax collector.

Mr. Decator asked has Mr. Johnson reviewed this agreement?

Mr. Johnson stated yes, unfortunately these are standard forms among the tax collectors, so there is not a lot of room for negotiation. This is typical of the agreements that Districts in Brevard County and other counties enter into. My recommendation is for the Board to ratify this agreement as presented.

Mr. Moyer stated it appears that we are in their system now, so they know, in fact, that the notices that we sent them and the Resolution we sent them to put them on notice about using their services were received, and they acknowledge that they will provide that service for us.

Mr. Martell stated there is a 4% fee.

Mr. Moyer stated yes, they are entitled to that fee, and that is in total. I believe it is 2% for the tax collector and 2% for the property appraiser.

Mr. Martell asked is there a 4% fee in the budget to collect sufficient funds to meet the expenses? Or do we need to include a 4% gross-up?

Mr. Moyer stated they will need to be grossed up since this is the first year we are going on the tax roll. We will need to provide for that, and we also have to provide for discounts that are permitted.

Mr. Decator asked if we have to gross up the budget, will that increase the assessment?

Mr. Moyer stated I do not think the cost of collection pursuant to State law is probably not reflective of the assessment.

Mr. Johnson stated when we went through the process last year of them being assessed for the first time, it was noted in the notices that the assessments were exclusive of the cost of collections. By grossing up for those costs, it will not violate the cap.

Mr. Martell stated we do not have the specific line for the expense in the budget.

Mr. Moyer stated we will have that included in the budget at the budget hearing so that everyone will know that we are paying for those services.

On MOTION by Ms. Bissett, seconded by Ms. Gainey, with all in favor, unanimous approval was given to ratify the agreement with the Brevard County tax collector.

FIFTH ORDER OF BUSINESS

Staff Reports

A. Manager

i. Financial Statements

Mr. Moyer reviewed the financial statements, which are included in the agenda package and available in the District Office for public review during normal business hours.

Mr. Moyer stated when we put the budget together last year, we knew that we would probably be well under the amount budgeted, and that, in fact, is the case. Through May 31, we have expended \$20,283. As part of our budget discussions last year, we have collected \$89,063.79, so we have a positive fund balance as shown on the balance sheet.

Mr. Decator asked when the District runs a positive fund balance, is it rolled forward so that it essentially becomes surplus money?

Mr. Moyer stated that is correct. There are a couple things you can do with a fund balance of that nature. You can start considering whether you want to establish reserves

with that fund balance, or you can apply that fund balance as a credit to the future year assessment.

Mr. Decator asked would it be poor business for a District to continue to run surpluses and build up a larger and larger surplus balance?

Mr. Moyer stated yes, although in my opinion, equally questionable would be to have zero. You need some surplus.

Mr. Decator stated I understand. It depends on the assets of the District and its maintenance responsibilities. It might be appropriate to have those reserves, or it might not be. That is something we will pay attention to in the coming year.

Mr. Moyer stated one of the fund balances you need to encumber is enough to carry you through the first three months of the fiscal year because we probably will not be collecting any revenue during that period of time.

Mr. Martell stated the budget does not include that surplus that we anticipate carrying for the 4% fees we discussed and for the first three months of the fiscal year.

ii. Check Register and Invoice Summary

Mr. Moyer reviewed the check register and invoice summary, which are included in the agenda package and available in the District Office for public review during normal business hours.

On MOTION by Mr. Leffler, seconded by Mr. Tomczak, with all in favor, unanimous approval was given to the check register and invoice summary as presented.

iii. Acceptance of the Audited Financial Statements for Fiscal Year 2013

Mr. Moyer stated this was provided to the Board under separate cover. The audit was performed by Carr, Riggs & Ingram. They did give us a clean audit opinion, which means that the financial records that the District presented to the auditor through September 30, 2013, did fairly represent our financial position as of that date. There are various reports that they make. In the back of the audit are items that are required either by the Auditor General or Florida Statutes. One is a report on internal control over financial reporting. They looked at that and determined that they had no comments or findings of sufficiency on internal controls. There is also a section dealing with compliance with ordinances, laws, rules, contracts, bond covenants and things of that nature. They found that there were no issues and that we did not violate any such contracts. The final report is the Management Letter. They highlight that we are not in a state of financial emergency

pursuant to the provisions of Section 218.503(1), Florida Statutes. They had no recommendations relative to the audit for the way we are conducting ourselves for the financial reporting of the District. It was a clean audit with no recommendations from the auditor.

On MOTION by Ms. Gainey, seconded by Mr. Tomczak, with all in favor, unanimous approval was given to accept the audited financial statements for fiscal year 2013 and to authorize staff to file it with the appropriate State agencies.

iv. Number of Registered Voters – 14

Mr. Moyer stated I need to enter into the public record the number of registered voters we received from the Supervisor of Elections. We currently have 14 registered voters within the District. We monitor this each year as required under the enabling legislation for the District and enter it into the record. Ultimately it deals with the conversion process in the District. The next major threshold comes in 2016.

v. Announcement of Landowners Election

Mr. Moyer stated we will have a landowners election in 2014. Our enabling legislation provides that we need to announce that landowners election at a public meeting at least 90 days before the election. I am doing that at this meeting rather than the August meeting because we would not have sufficient time then. The date of the election is on the general election date in November, which is November 4, 2014, and it will be at 1:00 p.m. in this location. I have available for anyone interested information on the landowners election. One is the instructions related to the landowners meeting, which tells people what it is and what we are going to be doing on November 4. I have a form of landowners proxy that can be used pursuant to the Florida Statutes for landowners to vote by proxy. I also have the official ballot that we will use at that election.

Mr. Decator stated I do not recall which seats are up for election.

Mr. Moyer stated Mr. Decator's seat is up for election. Ms. Gainey's seat expires in 2016. Ms. Bissett's seat expires in 2016. Mr. Leffler's seat is up for election in November. Mr. Tomczak's seat is up for election in November. So there are three seats up for election this November.

Mr. Leffler stated it might be good to point out that regardless of who is up for election, there is paperwork that needs to be filled out in order to qualify for election.

Mr. Moyer stated Ms. Bissett had to do that because she now occupies a qualified elector seat on the Board. The rest of the Board is still elected by landowners. You do not have to qualify. But you are absolutely right that if it was a general election, you would have to qualify between June 16 and 20.

vi. Ratification of Proposal from Tropic-Care of Florida, Inc. for Erosion Repair for the Community Canal

Mr. Moyer reviewed the proposal from Tropic-Care of Florida, Inc. for erosion repair for the community canal in the amount of \$1,832.25.

Mr. Decator stated among the maintenance responsibilities of the District is the community canal that runs along the east boundary of the District adjacent to I-95 and terminates at a very sizeable structure south of Strom Park. It came to my attention that there was some serious erosion at several points due to washouts along the canal's course. If you do not repair those washouts, they get bigger and bigger and can create serious issues, especially if one of them was around a structure. I obtained this proposal where they agreed to make the repairs and install sod to stabilize the repairs. After discussion with Mr. Moyer, I authorized this work, which has been completed. I personally inspected the work, and it was completed satisfactorily. Based on the manager's recommendation, I am bringing this back to the Board for ratification.

Mr. Tomczak asked were they stabilized in a manner that will keep them from reoccurring?

Mr. Decator stated in all areas, they were filled in, regraded, and sodded. It appeared that would be sufficient because of the converging elevations of the surrounding land. An ad hoc drainage structure consisting of a pipe and a drainage inlet was installed in the service road adjacent to the canal. As that water pools there, it will drain through this pipe system into the canal, rather than filling up and spilling over and running down the bank of the canal. It will require monitoring and probably additional work in the future, but we have money in the budget for that.

On MOTION by Mr. Leffler, seconded by Mr. Tomczak, with all in favor, unanimous approval was given to ratify the proposal from Tropic-Care of Florida, Inc. for erosion repair for the community canal in the amount of \$1,832.25, as discussed.

vii. Ratification of Proposal from ECOR Industries for Aquatic Weed/Invasives Control for the Community Canal

Mr. Moyer stated reviewed the proposal from ECOR Industries for aquatic weed/invasives control for the community canal in the amount of \$2,400.

Mr. Decator stated this is something that we were not paying very much attention to since this canal is brand new and we are in the process of getting it transferred to the District. In the interim, the aquatic weeds within the canal became a problem. When this was pointed out, I obtained a proposal from ECOR Industries that calls for four quarterly applications for aquatic weed control within the canal for the entire length of the canal. The amount is \$600 per quarter, which is well below what we budgeted for aquatic weed control for that canal. This budget line item for aquatic weed control is a placeholder for any sort of work that might be needed to stabilize the canal, mow the canal banks, and things of that nature. The price of \$2,400 for chemical application for aquatic weed control is well within our budget.

<p>On MOTION by Mr. Tomczak, seconded by Mr. Leffler, with all in favor, unanimous approval was given to ratify the proposal from ECOR Industries for aquatic weed/invasives control for the community canal in the amount of \$2,400, as discussed.</p>

B. Attorney

Mr. Decator asked are there any comments on the recent legislative session and how it might affect the District?

Mr. Johnson stated most notable is what did not pass as opposed to what did pass. Some of the things that were proposed involving Districts that would have affected us probably will be back in some form again next year. A number of things affecting Chapter 190, Florida Statutes, which did not directly affect this District, did not pass, as well. There were changes to Chapter 189, F.S., which is the governing framework for special Districts, such as ours, including malfeasance which I am certain we will not have a problem with in this District. There are some changes that will affect the budget next fiscal year. For example, you will be required to have a website with certain mandatory things that you will be required to have on it. We will have a summary memorandum out to explain that, but none of that will go into effect until 2015. That will impact next year's budget, not the one you are considering this summer.

C. Engineer

There being nothing to report, the next item followed.

D. Environmental Professional

i. Ratification of Work Authorization #2

Mr. Moyer reviewed work authorization #2 for AECOM to review the Habitat Management Plan (HMP), for fiscal year 2015 in an estimated amount of \$7,000 plus \$200 for expenses.

Mr. Lites stated included in this work authorization is my attendance at up to four Board meetings and consulting as needed to be sure the District is in compliance with the environmental issues of the HMP, the Development Order, and other environmental permits.

Mr. Decator stated I already signed this in order to get AECOM started on this work.

On MOTION by Ms. Gainey, seconded by Mr. Tomczak, with all in favor, unanimous approval was given to ratify work authorization #2 for AECOM to review the Habitat Management Plan for fiscal year 2015 in the estimated amount of \$7,200.

ii. Approval of Annual Utilization Plan for Fiscal Year 2015

Mr. Decator distributed color copies to the Board of the Annual Utilization Plan (AUP) for fiscal year 2015.

Mr. Lites stated we have pursued managing Stage 1, most significantly in the Conservation District, which is the southern half and the western third. We are managing exotic species this year. We did it last year, also, but it was mechanical and then went to managing with herbicides. We took the report from A. Duda & Sons (ADS) that Mr. Pete Coultas drafted last year in August that included 11 recommendations.

Mr. Decator stated that was the action report, summarizing the environmental work that they performed in accordance with the proposal. They did a very good job of explaining that work and documenting it with photography. At the conclusion, they added recommendations, which were reviewed during the AUP process. Mr. Lites will tell us to what extent those recommendations made their way into the AUP this year.

Mr. Lites stated all of the recommendations except the one for hydrologic enhancements have been incorporated into the AUP. They focused on different methods of exotic species control, some fire lane access road improvements, and re-fencing. We have incorporated that into the AUP for fiscal year 2015. They have performed the prescribed burn in Stage 1. They have spot sprayed Brazilian pepper around all forested areas. They started spraying for cogongrass, which is very aggressive, which is stage 2.

We were trying to get rid of the Brazilian pepper first and then go in and take care of the cogongrass. They are having limited success with that, and we want to wait a few more weeks to see how that turns out. They are doing some fencing on the north edge along the two-mile canal. On page 1 of the AUP, we have already granted the easement for the first 15-acre area in the Conservation District. We are going to record the other conservation easements soon.

Mr. Decator stated notwithstanding the fact that this is within the jurisdiction of the District and we have an environmental mission as established in our charter and granted by the Legislature, St. Johns River Water Management District (SJRWMD) has determined that it still wants its own separate conservation easements from ADS and from the District to SJRWMD to protect upland habitat areas and wetland areas in the Conservation District. The first easement had to do with mitigating impacts to a wetland in the Town Center District north of Wickham Road, which is 15 acres. The next one is for 55 acres, plus or minus, to mitigate wetlands that will occur in Village 1 in connection with Strom Park development as Strom Park proceeds south. That has not been granted yet, but we expect it to be granted. When we talk about granting easements, we mean granting easements to SJRWMD. The AUP we are discussing is for fiscal year 2015, which begins October 1, 2014.

Mr. Lites stated page 2 of the AUP shows there will be no prescribed burn anticipated in fiscal year 2015 since we just burned the whole Viera Wilderness Park (VWP) Stage 1 in this current fiscal year. Section 4.3 for vegetation management, we will continue to apply herbicides in the fall and the spring. They will continue to conduct roller chopping, aerating, and anything mechanical needed to stay on top of the exotic species in the fall and spring.

Mr. Decator stated the purpose of the AUP is to plan activities in advance that will occur in the VWP so that the District knows those activities are consistent with the HMP. The District is the gatekeeper of activities occurring within Stage 1. On the chart, yellow indicates District/VSD activity, and blue indicates ADS activity. Is that activity that ADS is doing on its own in the context of its own agricultural operations? That is not being paid for by the District?

Mr. Lites stated that is correct.

Mr. Decator stated that is the way it should be. Once we know what ADS is doing, then the yellow indicates what the District needs to do to stay on track with our environmental goals and objectives.

Mr. Lites stated that is correct.

Mr. Decator stated the yellow is probably something that we will contract with ADS to do or any provider. There is no guarantee that ADS will always get this work, but they are onsite and right now, they are the most cost-effective and best provider of these services.

Mr. Lites stated that is correct. Section 4.5 of the AUP for cattle grazing, ADS is doing continued cattle grazing in the VWP Stage 1 rural area and the Conservation District for SJRWMD. This occurs all year long with the rotation of cattle. Section 4.6 for monitoring, the HMP requires a photograph be taking of burn monitoring stations, which is the responsibility of the District. Regarding the caracara, ADS continues to comply with the Duda Ranch caracara procedures referenced in the HMP. Section 4.7 includes fencing that will occur September/October which is the end of this fiscal year and the beginning of next fiscal year. The responsibility of that is split. One recommendation from the ADS report was that they would get rid of Brazilian pepper adjacent to the District near Bethel Slough so that it would not continue to provide a food source into the District. We are anticipating the District will pay for the spraying of the Brazilian pepper, and they will replace the fence along the west side. We have not worked out the exact details, but that is the anticipation.

Mr. Decator stated the fencing issue is in progress and is a discussion among four parties: The Viera Company, A. Duda & Sons, St. Johns River Water Management District, and the Viera Stewardship District.

Mr. Lites stated there are two fencing issues. One is fencing of the conservation areas that are going to be placed under easement to SJRWMD, which is what Mr. Decator referenced where we are trying to define the next area that is going to be added to that. Then ADS will fence off an area that is just a little larger than what is needed so that we can accommodate the Artesia permits. That is among the four parties. The other fencing is on the west side of Bethel Slough where once they take out the adjacent exotic seed source, then they need to replace that fence to keep the exotics out of that area.

Mr. Decator asked is that fencing at Bethel Slough something that ADS would do in the normal course of its agricultural operation? Or is that something we are asking it to do to keep those seeds out of Stage 1?

Mr. Lites stated we are going to spray the exotics, and ADS is going to replace the fence. We are cost sharing that activity. They need to get rid of the exotics around there to keep the seed source in, and they need to tear up the fence in order to get to those exotics, so they will pay for the fence, as I understand.

Mr. Leffler stated Mr. Lites has probably seen the case where today's solutions cause tomorrow's problems. Where are you with the SJRWMD conversation? Are they absolutely wanting the fence to go around the wetland? Is that still in flux? If they want us to move forward in that direction, is there a possibility where one wetland is left out of that plan for a comparison? One of my concerns is maintenance. We have seen this before when fencing ends up undermining the goal.

Mr. Lites stated when we were negotiating that permit, we talked a lot about the fact that removing cattle was one of the things that got us the list in the wetland mitigation areas. The wetland resource mitigation area continues to degrade the wetlands, and we need to send the cattle out of the mitigation areas for wetland impacts. We had a lot of discussion about that, even with the higher levels at SJRWMD. The conservation easement went through their review, and there is no language that specifically says to keep the cattle out. We went back and forth about that, and we have not approached SJRWMD again to indicate that it is not written anywhere. Are you suggesting we go ahead and do it?

Mr. Leffler stated I would like your personal and professional opinion on the matter, regardless of SJRWMD's viewpoint. What is your opinion on that in what you have witnessed over the years with cattle damaging the quality of the wetland?

Mr. Lites stated personally and professionally, I do not think they will make that much difference being in there, especially range cattle. I do not think there will be any impacts to the forested areas. I feel like we committed to it with SJRWMD, which is the other part of what I think you are asking.

Mr. Leffler stated thank you for clarifying. I was just curious.

Mr. Lites stated the last thing on the list is wildlife management for nuisance animals. ADS continues to run an exotic species control program. This is the AUP for next year.

There are some notes at the end. One little thing came up. When they eradicate the exotic species in the rural area, they are going to reseed with Bahia so that it provides better forage for the cattle. When they destroy the exotics in the Conservation District, they really need to reseed with a native species. So we are going to help them get some seed stock to do that. For the most part, the District is achieving its goals in Stage 1, which is to provide mitigation for several permits, and it is being very well managed to this point. I think we are right on track.

Mr. Decator stated I noticed that the AUP is set up from September through August, and I thought that was an error. The more I think about it, that is to reflect ADS's fiscal year. Our budget year runs from October through September. Some of this work may occur in the last month of the preceding fiscal year. Will that cause us any problems from a budget perspective?

Mr. Martell stated it could.

Mr. Decator stated that is something Mr. Lites will need to work with staff. To the extent that work is proposed to be done in September, that is the end of the District's fiscal year. Those dollars should typically be available.

Mr. Moyer stated as long as you stay with that schedule, then every year, there will be monies that will be carried over that will pick that up.

Mr. Martell stated I would think we would want this report to sync up with the fiscal year for the District since the District is not going away.

Mr. Decator stated I can discuss with this ADS. The two fiscal years are just a month off from each other. It would be nice if we were in sync, but ADS probably likes the AUP running September through August. I will explore that in the weeks and months ahead. Mr. Lites is working on the certification for the bi-annual report being prepared by The Viera Company on environmental compliance with the Development Order and the HMP. At the last meeting, we had a discussion that I would anticipate that to be an expense of The Viera Company. That is still my position.

Mr. Lites stated that is correct.

Mr. Decator asked have we signed a work authorization with The Viera Company for that? I know it is underway. That is work I would expect to be authorized by The Viera Company.

Mr. Lites stated we do have a contract to do the bi-annual report on the environmental issues in the HMP and the Development Order. From the perspective of the environmental professional, it is really representative of the District. I would think that even though I am contracted with The Viera Company to provide the bi-annual report, if it meets the criteria for the HMP and the Development Order, I would think at one point the environmental professional would need to write a short narrative certification that says the District is in compliance with the HMP on behalf of the District, not The Viera Company.

Mr. Decator stated I do not disagree. All I am suggesting is you send that bill to The Viera Company. This certification is in the capacity as the environmental professional to the District. I am always mindful of the bottom line of the District, and I think that is an expense that needs to be paid by The Viera Company.

Mr. Moyer stated I agree but let us think it through.

Mr. Decator stated I will discuss this further with Mr. Moyer and Mr. Johnson to see who should be paying for that. The District is not a party to the Development Order, yet the Development Order which is issued by Brevard County for entitling The Viera Company to develop, says that The Viera Company is going to get the environmental professional of the District to certify that the District is doing everything it needs to be doing and is supposed to be doing in accordance with The Viera Company's Development Order.

Mr. Moyer stated we just need to track who is under all these various Development Orders and permits, who is the entity that is ultimately responsible. You are right that if it is a Development Order requirement, then it is the responsibility of The Viera Company. If, within the Development Order, it passes the obligation of the certification onto the District, then it is possibly and probably should be an expense of the District.

Mr. Decator stated that may well be the case. I will send a copy of that condition to Mr. Moyer and Mr. Johnson. We can figure out going forward where this should lie in terms of payment. Having heard the summary of the AUP, I will ask for the Board to approve it and authorize me to sign it.

<p>On MOTION by Mr. Leffler, seconded by Ms. Bissett, with all in favor, unanimous approval was given to the Annual Utilization Plan for fiscal year 2015, authorizing the Chairman to sign it.</p>

SIXTH ORDER OF BUSINESS

Other Business

There being none, the next order of business followed.

SEVENTH ORDER OF BUSINESS

Supervisor Requests and Comments

There being none, the next order of business followed.

EIGHTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Tomczak, seconded by Mr. Leffler, with all in favor, the meeting adjourned at 2:20 p.m.

Ann M. Gainey, Secretary

Jay A. Decator, III, Chairman