

**AGENDA**  
**BOARD OF SUPERVISORS' MEETING**  
**DEVIL'S GARDEN WATER CONTROL DISTRICT**  
**October 17, 2023 at 2:30 PM**

1. Call to Order
2. Approve Legal Notice of Meeting
3. Approve the following Minutes:
  - a. Board of Supervisors' Meeting of June 20, 2023
4. Agenda Additions
5. Treasurer's Report
6. Engineer's Report
  - a. FPL
  - b. Canal 1
7. Delinquent Assessments
8. District Operations
9. Ratification of Actions
10. Other Business
11. Adjourn

NOTICE OF MEETING OF THE BOARD OF SUPERVISORS  
OF DEVIL'S GARDEN WATER CONTROL DISTRICT

YOU ARE HEREBY NOTIFIED that the Meeting of the Board of Supervisors of DEVIL'S GARDEN WATER CONTROL DISTRICT will be held on **October 17, 2023** at **2:30 PM** at the offices of Barron Water Control District, 3293 Dellwood Terrace, LaBelle, FL 33975, for the purpose of:

The purpose of this meeting is to transact any and all business which may come before the Board.

If a person decides to appeal the decision of the Board of Supervisors with respect to any matter considered at the public meeting herein referred, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this proceeding should contact the District at (561) 655-0620 at least two (2) days prior to the date of the proceeding.

DEVIL'S GARDEN WATER CONTROL DISTRICT

PUBLISH: **Lake Okeechobee News**

**October 4, 2023**

**MINUTES OF  
DEVIL'S GARDEN WATER CONTROL DISTRICT  
BOARD OF SUPERVISORS MEETING  
JUNE 20, 2023**

The Meeting of the Board of Supervisors of Devil's Garden Water Control District was held at the Office of Barron Water Control District, 3293 Dellwood Terrace, LaBelle, FL 33975, at 2:30 P.M. on June 20, 2023.

Present were Daniel Sutton, Rusty Hyslope and Ray Hull, Supervisors; Mr. Tommy Perry, P.E. and Ms. Sommer Foster, P.E. of Johnson-Prewitt and Associates, Inc., District Engineer; Ms. Jayne Hildreth, Treasurer; Jeff Tuscan of Tuscan & Company, PA, Auditor for the District; and Ms. Mary M. Viator, Caldwell Pacetti Edwards Schoech & Viator LLP, Attorney and Secretary for the District were also present.

**CALL TO ORDER**

The Board of Supervisors Meeting was called to order.

**ADMINISTER OATH OF OFFICE**

The Oath of Office was administered to Mr. Daniel Sutton.

**ESTABLISHMENT OF QUORUM**

It was announced that a quorum was present and that it was in order to transact any business to come before the Board.

**APPROVAL OF MINUTES**

Board of Supervisors Meeting of July 11, 2022: A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed approving the Minutes of the Board of Supervisors' Meeting of July 11, 2022.

## **ELECTION OF OFFICERS**

The Attorney called for the election of officers for the District who were duly elected as follows:

President	Daniel Sutton
Secretary	Mary M. Viator
Treasurer	Jayne Hildreth

## **TREASURER'S REPORT AND AUDIT**

The Treasurer and Auditor presented the respective Treasurer's Report and Audit.

A motion was made by Mr. Sutton, seconded by Mr. Hyslope and unanimously passed, receiving and accepting the Treasurer's Report and General Purpose Financial Statements together with Reports of the Independent Auditors for the Fiscal Year ending September 30, 2022.

The Board accepted the following Reports which had been discussed in detail at the 2023 adjourned Landowners Meeting:

- A. Devil's Garden Water Control District Combined Balance Sheet dated April 30, 2022.
- B. Devil's Garden Water Control District Projected Cash Carry Forward.
- C. Devil's Garden Water Control District Projected Combined Statement of Revenues, Expenditures and Changes in Fund Balance – Actual and Budget – General Fund from October 1 through September 30.
- D. Devil's Garden Water Control District Statement of Revenues & Expenditures 2023/2024 Proposed Budget – General Fund.

### **Motion to Adopt Resolution Transferring Budget Allocations**

A motion to adopt a Resolution Transferring Budget Allocations was presented to the Board.

There was a discussion as to the Budget containing certain allocations and that in some instances the allocations will be insufficient to meet the District's needs. In other cases, the allocations provided will not be needed to meet the expenses as budgeted. The Treasurer requested the Board

pass the Resolution providing that any excess over originally budgeted items, as well as any budgeted contingencies, may be transferred between line items to offset insufficiently budgeted items as long as the overall budget was not exceeded.

A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed adopting the Resolution Transferring Budget Allocations as follows:

DEVIL'S GARDEN WATER CONTROL DISTRICT  
RESOLUTION TRANSFERRING BUDGET ALLOCATIONS

(Copy filed in District records.)

**Adopt Resolution Amending 2022/2023 Fiscal Year Budget**

A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed adopting the Resolution Amending the 2022/2023 FY Budget to include the Final Audited Fund Balance as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
DEVIL'S GARDEN WATER CONTROL DISTRICT ADOPTING A  
REVISED FISCAL YEAR 2021/2022 BUDGET

(Copy filed in District records.)

**Adopt 2023/2024 Budget and Resolution Adopting Budget and Non-Ad Valorem Assessment**

Following the review of the 2023/2024 Budget and expenditures, the Treasurer presented a proposed 2023/2024 Budget.

At the request of the Auditor, the Board amended the 2022 Cash Carry Forward to the Audited Fund Balance to \$611,027.00.

There followed discussion by the Board to direct the Property Appraiser to include the lands owned by the State and SFWMD on the District's Assessment Roll.

A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed approving the 2023/2024 Budget as discussed which reflects a \$7.00 per acre Maintenance Assessment against all assessable lands in the District.

**RESOLUTION LEVYING TAX FOR 2023/2024**

BE IT RESOLVED BY THE BOARD OF SUPERVISORS FOR DEVIL'S GARDEN WATER CONTROL DISTRICT:

There is hereby levied, for the taxable year 2023/2024, a Maintenance Assessment of Four Dollars and 00/100 (\$7.00) per acre against all assessable lands in Devil's Garden Water Control District.

A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed adopting the following Resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF DEVIL'S GARDEN WATER CONTROL DISTRICT ADOPTING THE DISTRICT BUDGET AND NON-AD VALOREM ASSESSMENT ROLL AS PROVIDED HEREIN AND THE LEVYING OF THE NON-AD VALOREM ASSESSMENTS FOR THE DISTRICT.

(Copy filed in District records.)

A motion was made by Mr. Hull, seconded by Mr. Hyslope and unanimously passed authorizing the District's assessments be included on the Non-Ad Valorem Assessment Roll and further authorizing the Hendry County Property Appraiser and Tax Collector to effectuate this matter.

**CONSIDER APPROVAL OF DEPOSITORY AND APPOINTMENT OF AUTHORIZED SIGNATORIES ON THE DISTRICT ACCOUNTS**

A motion was made by Mr. Hyslope, seconded by Mr. Hull and unanimously passed, authorizing the First Bank of Clewiston as the District's Depository and further designating the following signatories on the District accounts:

Daniel Sutton  
Ray Hull  
Rusty Hyslope

(Copy filed in District records.)

**DISTRICT ENGINEER REPORT**

The District Engineer reported during the past year, assistance to the Devil's Garden Water

Control District has consisted primarily of providing information as requested and responding to inquiries.

The District Engineer continues to monitor Hendry County's progress on the Airport-Sears MSBU status for the District under the 2008 agreement. It is noted the SFWMD application was withdrawn and a new application was submitted on November 12, 2021.

The District Engineer was contacted by the Florida Department of Environmental Protection (FDEP) in 2019 regarding the Basin Management Action Plan (BMAP) requirements for lands within the Caloosahatchee River and Estuary Basin. FDEP required all water control districts to submit a Best Management Practices (BMP's) plan to limit nutrients in the water control district's runoff. A plan for the District was submitted and accepted by FDEP in January 2020. An agenda item for Public Education and Outreach was added to the Landowners' Meetings as a part of the Districts BMP implementation. New landowners need to be enrolled.

As part of the FDEP BMAP BMP implementation for Barron, the District Engineer assists with Public Education and Outreach along with FDACS NOI coordination, when needed.

Section 403.9302, Florida Statutes, requires counties, municipalities and special districts to perform a 20-year needs analysis for wastewater and stormwater. The report is due to the County by June 30, 2022. The County is required to send the compiled reports to the Department of Environmental Protection and the Office of Economic and Demographic Research (EDR) by July 31, 2022. The EDR must publish statewide evaluation by January 1, 2023. Our office is in the process of preparing the analysis, using the template provided from the State, for a timely submittal to Hendry County.

The structures referred to as the Knowles Camp crossing and the KT Grove structure in Section 18 have been replaced.

The SFWMD ROW Staff contacted the District regarding a 60" culvert connecting to the

SFWMD L-2W Canal. ROW staff suggested the culvert needs to be replaced. The culvert is located in Section 1, Township 45 S, Range 34 E. The District Engineer is looking into the validity of this matter.

During September 2021, the District experienced heavy rainfall. The rainfall stressed the system and areas of weakness in the system were discovered. The District Engineer recommends the District continue implementing the maintenance program.

The FWC contacted the District Engineer regarding a failed 48" culvert crossing into their lands in Section 24, Township 44 S, Range 30 E. FWC is requesting this culvert be replaced.

It is noted the largest land owners continue to sell lands within the District. Research associated with a sale, revealed a constructed District works, known as the Tower Canal, was not covered by a District easement. Alico granted an easement to the District for this canal.

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## **ATTORNEY'S REPORT**

Financial Disclosures: The Attorney explained the Supervisors were required to file Financial



Disclosures by July 1<sup>st</sup> and informed the Supervisors of their obligations as elected officials to file certain financial disclosure forms with their respective Supervisor of Elections.

The Attorney explained the Legislation recently passed CS/HB 199 requiring elected local officials the ethics training of independent special districts to complete 4 hours of ethics training annually and provide that conduct considered a misuse of public position or violating the prohibition on disclosing information not otherwise available to the public for their own personal benefit is considered impermissible conflict of interest.

**DISTRICT OPERATIONS**

The Board discussed the Operations of the District. No further Projects were planned except for possible spraying.

**ADOPT SUPERVISORS' MEETING SCHEDULE**

Upon motion by Mr. Hyslope, and seconded by Mr. Hull, the Board unanimously approved, the Board of Supervisors Regular Meeting Schedule for the fourth Monday of each month at 2:00 P.M. at the Offices of Barron Water Control District, 3293 Dellwood Terrace, Labelle, Florida. In the event the fourth Monday of the month fell on a holiday, the Meeting would be held on the next business day.

**RATIFICATION OF ACTIONS**

A motion was made by Mr. Hull, seconded by Mr. Hyslope and unanimously passed, ratifying the actions of the District's Staff and Professionals taken since July 11, 2022.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

**DEVIL'S GARDEN WATER CONTROL DISTRICT  
STATEMENT OF REVENUES & EXPENDITURES  
2023/2024 FINAL BUDGET - GENERAL FUND**

<b>Revenues</b>	
Maintenance taxes (gross)	\$ 597,877
Less: Discounts	(17,936)
Maintenance taxes (net)	<u>579,941</u>
Uncollectible acres	(182,178)
Interest	1,200
Other	6,500
<b>Total Revenues</b>	<u><u>405,463</u></u>
<b>Expenditures</b>	
Current	
General government - administration	
Operating expenditures	
Fees- legal notices/banking/other	250
Accounting fees	10,000
Consulting	8,500
Tax collection fees	5,979
Engineering fees	12,000
Insurance	7,500
Membership fees	175
Legal fees	27,000
Miscellaneous	7,000
<b>Total Administrative Expenses</b>	<u><u>78,404</u></u>
Physical environment	
Field operations	
Operating expenditures	
Canal spraying	30,000
Canal usage and capital payments to CSWCD	94,442
Repairs and maintenance	100,000
<b>Total Field Operations</b>	<u><u>224,442</u></u>
Capital Outlay	150,000
Contingency	20,000
Reserve assigned	250,000
Reserve unassigned	-
	<u><u>420,000</u></u>
<b>Total Expenditures</b>	<u><u>722,846</u></u>
<b>Excess of Expenditures over Revenues</b>	<u><u>\$ (317,383)</u></u>
<b>Projected Fund Balance at September 30, 2023</b>	<u><u>\$ 598,731</u></u>
<b>Projected Fund Balance at September 30, 2024</b>	<u><u>\$ 281,348</u></u>

*The Board of Supervisors designated the use of any remaining unreserved fund balance*

**DEVIL'S GARDEN WATER CONTROL DISTRICT  
TAX ASSESSMENT FOR 2023-2024  
FINAL**

Net Taxable Acreage	85,411			
Collectible Acres	59,386			
<b>Uncollectible</b>	<u>26,025</u>			
Operating Funds Required:				
Expenditures & Capital needs	722,846			
Less: Projected cash carryforward	<u>(348,731)</u>			
Projected assessment needed	374,115			
<i>Calculated rate:</i>				
374,114.74		397,994.40	\$	6.70
		<b>Suggested rate:</b>	<u>\$</u>	<u>7.00</u>
85,411 Acres x \$7.00 rate			\$	597,877
Less: 4% Discount for Taxes Early Payment				(17,936)
Less: 1% Property Appraiser & Tax Collector fees				(5,979)
Uncollectible Acres 26,025 x \$7.00 rate				(182,178)
 <b>GRAND TOTAL:</b>			<u>\$</u>	<u>391,784</u>

*The balance of funding is to be provided by the use of unreserved undesignated funds.*