

Melbourne-Tillman Water Control District



Board Agenda

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, FEBRUARY 23, 2021

9:00 AM



Call to Order

Phil Weinberg, President

Pledge of Allegiance

Phil Weinberg, President

Roll Call

Lisa Blackett

Board Members:

Eric Blount (Brevard County September 30, 2022)

Joseph Hale (Palm Bay September 30, 2022)

Keith Jerdon, (West Melbourne September 30, 2021)

Don Jordan, (Palm Bay September 30, 2023)

Drew Powshok (Brevard County September 30, 2022)

Philip Weinberg, (Palm Bay September 30, 2021)

Jay Woltering (Brevard County September 30, 2022)

Staff & Support:

Debbie Leclair, District Manager

Lisa Blackett, Asst. Mgr. Admin., Secretary/Treasurer

Jim Beadle, Attorney

Leah Cooney, Court Reporter

Recognition of Guests and Support Staff

John Gergen, Assistant Manager/ Operations

Mike McCabe, District Engineer

Michael Jackson, Blue Marlin Pools

Announcements

Elaine Robbins has been hired to fill the Administrative Assistant position her employment began on February 10, 2020.

The Brevard County Commissioners approved the Save Our Indian River Lagoon Project Plan 2021 on February 9, 2021. The District's application for Aquatic Harvesting was included in this plan and will now move on to drafting and execution of the contract.

Public Comments

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, FEBRUARY 23, 2021

9:00 AM

Presentations

- Randy Fernatt, resident at 2074 Garbett Avenue, Palm Bay, right-of-way violation on Canal C-14 for pool construction by Space Coast Pools, Inc. (Attachment 1)
- Brian S. and Stephanie Murphy, residents at 306 Bali Street, SE, Palm Bay, right-of-way violation on Canal C-48 for pool construction by Legacy Pools, LLC. (Attachment 2)
- Clyde and Daniele Blaylock, residents at 269 Breckenridge Circle, Palm Bay, right-of-way violation on Canal C-42R for pool construction by Intercoastal Pool and Spa Builders, Inc. (Attachment 3)

Regular Business

- Approval of the December 8, 2020 minutes of the MTWCD Board of Director's Meeting (Attachment 4)
- Approval of the Operating Statement through January 31, 2020 (Attachment 5)

New Business

- Revisions to the District's Permitting Policy (Attachment 6)
- Revisions to the District's Leave Policy P-232 (Attachment 7)

Old Business

- Family Medical Leave Act Policy, District's proposed Policy P-235 (Attachment 8)
Brevard County Family Medical Leave Policy (Attachment 9)
- Michael Jackson, Blue Marlin Pools, right-of-way violation on Canal C-41 for pool construction at 726 Old Country Road, Palm Bay. (Attachment 10)

Staff Reports

- Manager's Report, Debbie Leclair
 - District's equipment and vehicle sales through GovDeals
 - Holmes Regional Medical Center has requested that their eastern parcel of the hospital on Malabar Road be included into the District. (Attachment 11)
 - Florida Department of Environmental Projects is accepting applicants for a Cost-Reimbursement Grant for Greenwater Infrastructure Projects which staff is considering submitting a proposal. (Attachment 12)
- Engineer's Report, Mike McCabe
 - Update on MS-1
 - Minton Road Feasibility Study
 - Brevard County Resiliency Study

Melbourne-Tillman Water Control District

MEETING OF THE BOARD OF DIRECTORS

TUESDAY, FEBRUARY 23, 2021

9:00 AM

- Attorney's Report, Jim Beadle
- Secretary/Treasurer's Report, Lisa Blackett
 - FEMA Update

Closing

- Meeting Schedule – The next Board Meeting is scheduled for Tuesday, April 27, 2021 at 9:00 am in the City of West Melbourne Council Chambers.
- Board Member Reports
 - Eric Blount
 - Joe Hale
 - Keith Jerdon
 - Don Jordan
 - Drew Powshok
 - Phillip Weinberg
 - Jay Woltering
- Adjourn

If a Board Member has a request for any agenda item you may raise it at any time or you may let staff know and it will be formally included in the agenda package distributed to the Board prior to each meeting. As usual, staff is available in person, by telephone, or by e-mail to discuss the agenda prior to each and every Board Meeting.

Attachment 1

STATE OF FLORIDA

Melbourne-Tillman Water Control District



February 11, 2021

Randy Fernatt (via certified mail)
2074 Garbett Avenue
Palm Bay, FL 32908

Space Coast Pools (via certified mail)
3210 S. Fiske Boulevard, #104
Rockledge, FL 32955
ATTN: Mark Douglass

RE: Temporary Access of Canal C-14 without a permit for pool construction,
Parcel ID 29-36-24-JP-1539-35; Lot 35, Block 1539, Port Malabar Unit 31.

Dear Mr. Fernatt and Mr. Douglass,

I want to bring to your attention what appears to be access of the Melbourne-Tillman Water Control District Canal C-14 without a permit. The following photographs were taken January 21, 2021, February 3, 2021, and again on February 11, 2021.



Looking north from Gallash Street and C-14



Fresh concrete washout and dirt on maintenance road



Concrete washout on maintenance road of C-14



Dirt spoil and trash on maintenance road



Contractor's sign on front lawn



House number



Vehicles parked on right-of-way



Vehicles parked on right-of-way



Vehicles and equipment on maintenance road



Vehicles and structure on maintenance road.

It appears based upon the documented photographs, access from Gallash St. occurred for a distance of seventy five feet (75'), see following figure.



In accordance with the Permit Policy of the Melbourne-Tillman Water Control District, Temporary Access, an application must be submitted for processing the request, with a \$250 non-refundable fee, and identify the hardship as to the need to utilize the canal right-of-way for access. Staff reviews application and make recommendation to the Board of Directors for approval or denial. If the Board approves the request, a fee of \$30 per linear foot to traverse the right-of-way is required to be submitted prior to final permit approval. Upon completion of the work, an inspection of the right-of-way to determine if restoration is completed to existing conditions is documented and half of the fee, or \$15 per linear foot, is returned to the applicant.

Since the access was conducted without a permit and Mr. Fernatt was verbally informed on January 21, 2021 that access was not allowed, and a phone message was left for Space Coast Pools on February 3, 2021 that access to the canal was not allowed, your presence will be required at the upcoming Board of Directors meeting to explain why the canal right-of-way was continually accessed. The Board will make determination as to what actions are required to resolve this violation of policy. The next meeting of the Board of Directors is February 23, 2021 at 9:00 AM located at the City of West Melbourne Council Chambers, 2285 Minton Road, West Melbourne, Florida.

If there are any questions, you can contact me via email at mike@melbournetillman.org or (321) 723-7233.

Sincerely,



Michael E. McCabe, P.E.
District Engineer

Cc: Deborah J. LeClair, District Manager

Attachment 2

STATE OF FLORIDA
Melbourne-Tillman Water Control District



February 4, 2021

Brian S. and Stephanie Murphy (via Certified Mail)
306 Bali Street, SE
Palm Bay, FL 32909

Legacy Pools LLC (via Certified Mail)
727 North Drive, Ste L
Melbourne, FL 32934
ATTN: Charles Black

RE: Temporary Access of Canal C-48 without a permit for pool construction,
Parcel ID 29-37-06-GK-407-13; Lot 13, Block 407, Port Malabar Unit 10.

Dear Mr. and Mrs. Murphy and Mr. Black,

I want to bring to your attention what appears to be access of the Melbourne-Tillman Water Control District Canal C-48 without a permit. The following photographs were taken February 4, 2021.



NE Quadrant C-48 and Caballero Avenue.



Heading east along north side of canal.



Approximately 650' east of Caballero Ave.



Approximately 950' east of Caballero Ave.



Approximately 1100' east of Caballero Ave.



Approximately 1250' east of Caballero Ave.



Looking west towards the rear of 306 Bali Street.



Looking across Lot 14 to Lot 13 (306 Bali Street).



Looking north from canal to Lot 14.



Looking south from Bali Street across Lot 14.



Looking along lotline of Lots 13/14



Mailbox identifying house number.

It appears based upon the documented photographs, access from Caballero Avenue occurred due to the matted down vegetation for a distance of eleven hundred and sixty feet (1160'), see following figure.



In accordance with the Permit Policy of the Melbourne-Tillman Water Control District, Temporary Access, an application must be submitted for processing the request, with a \$250 non-refundable fee, and identify the hardship as to the need to utilize the canal right-of-way for access. Staff reviews application and make recommendation to the Board of Directors for approval or denial. If the Board approves the request, a fee of \$30 per linear foot to traverse the right-of-way is required to be submitted prior to final permit approval. Upon completion of the work, an inspection of the right-of-way to determine if restoration is completed to existing conditions is documented and half of the fee, or \$15 per linear foot, is returned to the applicant.

Since the access was conducted without a permit, your presence will be required at the upcoming Board of Directors meeting to explain why the canal right-of-way was accessed. The Board will make determination as to what actions are required to resolve this violation of policy. The next meeting of the Board of Directors is February 23, 2021 at 9:00 AM located at the City of West Melbourne Council Chambers, 2285 Minton Road, West Melbourne, Florida.

If there are any questions, you can contact me via email at mike@melbournetillman.org or (321) 723-7233.

Sincerely,

Michael E. McCabe, P.E.
District Engineer

Cc: Deborah J. LeClair, District Manager

Attachment

3

STATE OF FLORIDA

Melbourne-Tillman Water Control District



December 10, 2020

Clyde and Danielle Blaylock (via certified mail)
269 Breckenridge Circle
Palm Bay, FL 32909

Intercoastal Pool and Spa Builders, Inc. (via certified mail)
5105 Industry Drive, Bldg B, Ste 101
Melbourne, FL 32940-7115
ATTN: Thomas Arnault

RE: 269 Breckenridge Circle, Parcel ID 39-37-19-52-B-16
Illegal access and disposal of material during pool construction on canal right-of-way
Palm Bay Building Permit Application 20-6139

Dear Mr. and Ms. Blaylock,

On December 9, 2020, it was discovered that the construction of the pool at the above referenced property has accessed and disposed of material within the Melbourne-Tillman Water Control District's (MTWCD) Canal C-42R without a permit or authorization.

Below are photographs taken showing the gate off of Cogan Drive SW was open with chain and lock missing, as well as disturbed right-of-way maintenance road with vegetation destroyed and concrete spoil deposited on maintenance road as well as wash-out over the slope.

MTWCD allows temporary access, via permit, to access canals. Our records do not indicate a permit was applied for nor issued. Approval to access the canals require approval from the Board of Directors and therefore to continue work, whether for completion of the construction or restoration, will require your presence or a representative at the next scheduled meeting on February 23, 2021. In accordance with policy, a processing fee of Two-Hundred Fifty dollars (\$250.00) is required for staff to complete application for inclusion on the agenda at this meeting. Application and additional permit policy requirements can be found at www.melbournetillman.org under the Permitting Process tab.





If you have any questions or require assistance in preparing the application, you may contact me at mike@melbournetillman.org or (321) 723-7233.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael E. McCabe".

Michael E. McCabe, P.E.
District Engineer

Cc: Deborah LeClair, District Manager, Melbourne-Tillman Water Control District
Valentino Perez, Building Official, City of Palm Bay (via email
Valentino.Perez@palmbayflorida.org)

Attachment

4

MELBOURNE-TILLMAN WATER CONTROL DISTRICT

MINUTES

December 8, 2020

CALL TO ORDER

The regular scheduled meeting of the Melbourne-Tillman Water Control District (MTWCD) Board of Directors was called to order by Phil Weinberg, President on Tuesday, December 8, 2020 at 9:00 AM in the City of West Melbourne Council Chambers, Veterans Memorial Complex, 2285 Minton Road, West Melbourne, Florida.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited by all present.

ROLL CALL

The following Board Members were present:

Eric Blount
Joe Hale, Board Vice President
Don Jordan
Drew Powshok
Philip Weinberg, Board President

Absent: Keith Jerdon
Jay Woltering

Also present:

Debbie Leclair, District Manager
Lisa Blackett, Secretary/ Treasurer
Jim Beadle, District Attorney

RECOGNITION OF GUESTS/VISITORS/STAFF

John Gergen, Assistant Manager/Operations
Mike McCabe, District Engineer
Zach Wadzinski, Remora Robotics
Mike Hammer, Jr.
Tino Gonzalez, Attorney
Edgar Jones
Mike Hammer, Sr.
Michael Jackson, Blue Marlin Pools
Tom Murphy
Eric Flavell, Bowman Engineering
Leah Cooney, Veritext Court Reporting

ANNOUNCEMENTS

The Manager announced the District's application to the Brevard County Save Our Indian River Lagoon Project for the aquatic harvesting was submitted. On November 20th, 2020 the application was reviewed and recommended by the citizen oversight committee. The application will be reviewed at another citizen oversight meeting in January and then on the Brevard County Commission meeting for approval in February.

PRESENTATIONS

Zach Wadzinski of Remora Robotics, Huntsville, Alabama presented to the board a prototype autonomous drone boat that cleans waste from waterways. Mr. Wadzinski stated the boats are comparable to "Roomba" vacuums. Mr. Wadzinski said the drone boat is in the prototype stage and he would like to work with the District to clean the waterways at no charge to the District. Drew Powshok asked if he had reached out to the District Engineer with a plan to which Mr. Wadzinski

said he had not. Phil Weinberg suggested Mr. Wadzinski put a presentation together, meet with District staff and then come back to the Board with a formal presentation.

Mike Hammer, Jr stated he was speaking on behalf of his grandfather, Walter Platt who was concerned the District would no longer allow his cows to cross the canal C-84. Mr. Hammer, Jr. stated this will create a hardship for the cattle and the Platt Family. Mr. Tino Gonzalez, attorney for Walter Platt added the Platt family owned the property before the District came into existence and for at least 80 years the cattle crossed the canal from one pasture to the other. Mr. Gonzalez stated he believed Mr. Platt has a prescriptive easement to continue to allow the cattle to cross from one pasture to the other. The District Attorney stated the District does not have an issue with the Platt's cows crossing the canal but there needs to be a specific access point so the canal will not be damaged by the cattle crossing or cows will not be in the right-of-way impeding District maintenance operations. Mr. Gonzalez explained Mr. Platt owns the property to the south of the canal and leases the property to the north from a development company. Mr. Edgar Jones owner of the land to the north stated he felt his development group could install gates that would stop the cattle from meandering onto the District's right-of-way and further explained the issue will resolve itself as his group develops the property.

The District Attorney reiterated staff is prepared to work with the Platt family but a permit is required. The Board President asked the Manager to explain what the permit would entail. The Manager stated the permit would have \$750 permit fee for a crossing approved by the District Engineer. Mr. Hammer said this was not agreeable and felt the Platt family was being singled out. The Manager explained the issue was discovered when the District's staff were unable to do maintenance on the right-of-way because the cattle were grazing on the right-of-way. Mr. Hammer questioned the District's need to maintain the canal. The Manager stated due to development of land that was previously pasture to the east, the canal is more important to the District's function and as such the canal must be maintained. Mr. Hammer did not agree. The Board President stated the District owns the canal and right-of-way, is responsible to maintain it and if there is an intrusion into the right-of-way, a permit is required per District policy. Mr. Hammer did not agree.

Drew Powshok asked the District Engineer if there was fencing along the canal right of way. The District Engineer stated fencing had been recently installed along the south bank but on the north side, there is none. Mr. Powshok stated aerial photographs show the cattle can cross wherever they want to and since the District also has water quality mandates to follow it makes sense to have one access point of crossing.

Mr. Powshok **motioned** to allow the Platt family cattle ranch to continue operations as is, allowing the cattle to traverse to the north side to graze during the winter season and during that time, meet with the District Engineer on appropriate fencing measures to direct the cattle in a more primary path to be in effect by the end of August 2021. Don Jordan **seconded the motion**. The Board voted 5-0 to **approve the motion**.

Michael Jackson of Blue Marlin Pools stated he was instructed to appear before the Board after receiving a certified letter notifying him of accessing the District's right-of-way without a permit while building a pool. Mr. Weinberg asked the Manager to give an overview to the Board.

The Manager stated the District Engineer observed the canal C-41 right of way had been used without a permit to build a pool in violation of District policy. After research, Mr. McCabe found the pool company was Blue Marlin Pools. Mr. Jackson and the homeowner at 726 Old Country Road, Palm Bay, Florida 32909 were notified via certified letter to cease operations in the right-of-way immediately and advised a permit for accessing the right-of-way with Board approval was required.

Mr. Jackson admitted he used the right-of-way but insisted by the time the letters were received, he had completed the work and restored the area. Mr. Jackson said he should not be penalized for unpermitted use of the right-of-way since the right-of-way was not posted and he was unable to verify the property belonged to Melbourne Tillman. Mr. Jackson stated the permit to build the pool was approved by the City of Palm Bay with back access to the property shown on the plans

submitted. Mr. Jackson stated that once the violation was reported to the City of Palm Bay a stop work order was issued and released two hours later. Mr. Jackson said he did not feel he should have to pay to use the District's right-of-way since other vehicle traffic, four wheel bike, and dirt bikes utilize the right-of-way as well.

Joe Hale asked Mr. Jackson if he used a survey of the property when he installed a pool and if so, did the survey not show the access road on the right-of-way was an identified property which was not part of his client's property? Mr. Jackson maintained he did not know where the property line was and based on the fact the City of Palm Bay granted his permit where he showed rear access to the customer's property for construction. Mr. Jackson informed the Board if action were to be taken on the violation of the right-of-way, the homeowner, Mr. Kingston would like to address the Board. After discussion, Mr. Hale **motioned** this discussion for Blue Marlin Pools be continued until the February 23rd, 2021 meeting. Eric Blount **seconded** the motion. The Board voted 5-0 to **approve the motion**.

Tom Murphy, resident on C-71 stated he was renovating his backyard and utilized the District's right-of-way for access without knowing he was in violation of District Policy. Mr. Murphy said the District Engineer informed him he needed a permit, and must appear before the Board of Directors to obtain one. Mr. Murphy stated once notified, he immediately repaired the damaged areas with new sod that Mr. McCabe cited. Mr. Murphy also noted he has maintained the grass in the right-of-way for over 20 years and he would like consideration for that. The Board President stated it would be reasonable to charge the permit fee and to waive the additional linear costs. Mr. Hale asked Mr. Murphy if he offered the contractor use of this access or did the contractor ask to use the right-of-way for access. Mr. Murphy stated he purposely put a gate in for access to his back yard from the right-of-way and despite living there for 30 years, he was not aware he needed a permit to access the right-of-way. Joe Hale **motioned** that the applicant, Mr. Murphy be charged the permit fee and to waive the penalty fees as well as the linear charges. Don Jordan **seconded** the motion. The Board voted 5-0 to **approve the motion**.

Eric Flavell of Bowman Engineering stated he is the adjunct city engineer for the City of West Melbourne who designed a force main to be a parallel use installation in the C-84 right-of-way. The District Engineer confirmed the installation will be 3 feet off the right-of-way line per District policy but had some concern the air release valve would impede District maintenance operations. Mr. Powshok asked if once the District grants a parallel use agreement for infrastructure to be constructed within District right-of-way is there something in place that protects the District should the installation be damaged during District maintenance operations. Mr. McCabe advised there is language included in the permit to cover that issue. Drew Powshok **motioned** to approve the parallel use application for the force main as proposed. Joe Hale **seconded** the motion. The Board voted 5-0 to **approve the motion**.

REGULAR BUSINESS

Drew Powshok **motioned** to approve the minutes of the October 27, 2020 Board Meeting, including Joe Hale's abstention. Eric Blount **seconded the motion**. The Board voted 5-0 to **approve the motion**.

Drew Powshok **motioned** to approve the Operating Statement through October 31, 2020. Eric Blount **seconded the motion**. The Board voted 5-0 to **approve the motion**.

BUDGET

The Board President reported the District Manager has an update on a couple of budget items. The Manager reviewed the District's Capital Outlay budget for the current fiscal year that included allocations of \$100,000 to replace a road tractor, \$145,000 to replace a slope tractor mower, and \$52,000 to replace two pickup trucks. The Manager said the road tractor had been purchased under budget at \$82,458 but the quote to purchase the slope tractor mower was \$149,717 and the two pickup trucks were quoted to purchase at \$53,226. The Manager reported the Capital Outlay is under budget by \$11,599 and suggested to leave the surplus funds in Capital Outlay instead of a transfer since it is early in the fiscal year. The Manager advised the District's Compensation and

Benefits is expected to be under budget by \$110,000 due to personnel changes that occurred after the budget was submitted in April 2020. The Manager suggested these surplus funds could possibly be used towards equipment purchases necessary for the SOIRL Project that the District expects to be awarded. Joe Hale **motioned** to approve being over budget for the tractor slope mower and the pickup trucks as well as to leave the \$11,599 in capital outlay. Eric Blount **seconded** the motion. The Board voted 5-0 to **approve the motion**.

NEW BUSINESS

The Board President stated District Policy P-235, Family Medical Leave Act (FMLA) is presented for consideration. The Manager stated that the District has always allowed family medical leave, but the District does not an official policy. The Manager explained the Emergency Family Medical Leave Act (EFMLA) to expand FMLA was implemented by Congress in April 2020 and will expire December 31, 2020. In order to ensure the District was in compliance with FMLA and the expanded EFMLA Act, Debbie Leclair and Lisa Blackett conferenced with Shannon Kelly, Labor Attorney with Norton, Allen & Blue. Ms. Kelly advised that all public entities are required to have a FMLA policy and provided a very detailed sample policy which was used as the basis for the creation of Policy P-235. Drew Powshok asked the Manager if she had researched Brevard County's policy since the District tries to parallel their labor policies. The Manager stated the County's policy is quite a bit shorter in context and refers to the Federal Labor Law Poster for details. The Manager will bring District Policy P-235 back along with the County's FMLA policy for comparison to the February 23, 2021 meeting.

The Board President reported the District Manager's annual review is due. Mr. Hale stated that he is pleased Debbie Leclair accepted the position but since it is very early in her tenure he does not recommend any kind of increase at this time. Mr. Weinberg stated he agreed given Debbie was just promoted and received a salary bump at that time. The Board President asked for further comments, seeing none moved on to staff reports.

MANAGER'S REPORT

The Manager updated the District's Save Our Lagoon Project to harvest aquatic vegetation from District canals was submitted and has been recommended by the SORIL committee to move forward. The project if approved will be funded on a year to year basis with reimbursement costs based on the amount of Nitrogen and Phosphorous content removed from the waterway. If the project is approved the Manager said the District needs to purchase a new long reach excavator and two dump trucks to be dedicated to this project. The District Engineer added since the reimbursement amount is based on amount of nutrients removed, the District sent sample material recently removed from the canal for analysis and cost comparison and the project appeared financially feasible. The Board President stated the project has been included in the SOIRL proposed budget which will be presented to the Board of County Commissioners for approval in February. Mr. McCabe added the committee was very receptive to this project because of the reduction in the amount of chemical herbicides the District will use that reduced the possibility they could enter the Indian River Lagoon. Drew Powshok asked how many cubic yards are projected to be removed and Mr. McCabe replied 58,000 yards. Mr. Powshok asked if the District had a place to store the spoils to which the Manager stated possibly C-9. Mr. McCabe added potentially the easement at C-5. Mr. Powshok suggested considerations be made for what to do with the material on a long term basis.

ENGINEER'S REPORT

The District Engineer reported the District has held back water at MS-1 and was able to pump 50% to the West. He offered his appreciation to Eric Blount and the Palm Bay Public Works staff during a recent fuel spill from a tractor trailer truck on Malabar Road. The Engineer stated that Mr. Blount ensured DEP was notified promptly and efforts were made to ensure the spill was cleaned up properly kept the diesel fuel from entering the water.

ASSISTANT MANAGER/OPERATIONS REPORT

John Gergen, Assistant Manager/Operations reported District crews were working in the C-2 basin in the Northwest section and the aquatic crews were finishing up the C-61 basin and would be

moving to C-2 basin. The facilities crews have completed the painting and updating of site I doing a very nice job. Additional facilities crews trimmed pepper trees and repaired gates or fences as needed. Heavy equipment has completed repair of the washouts in C-84 and is currently repairing the access road to C-9R.

ATTORNEY'S REPORT

The District Attorney advised that based on the amount of right-of-way violations that have occurred recently, the District may want to consider sending certified letters to all the pool companies despite the fact business owners are responsible to know applicable laws that govern where their company conducts business. The Manager added the violations were not just from pool companies. She said West Melbourne added a statement on their permit application that a MTWCD permit may also be necessary and suggested Palm Bay and Brevard County should do that also. The District Engineer added that Palm Bay tagged certain permits in their data base that were located on a Melbourne Tillman canal. Due to this effort, Palm Bay put a hold on the permit for Mr. Jackson of Blue Marlin Pools after being notified by the District of the violation of the right-of-way. Drew Powshok suggested the District could have Senator Haridopolos work to procure this into the various local entities' permit applications.

SECRETARY/TREASURER REPORT

The Secretary/Treasurer announced the District's audit moved through field work and appeared to be going smoothly. The Florida Emergency Management requested additional information for review and staff complied with the request. The small projects moved to closed out, which is the final step. The Secretary/Treasurer expressed a vote of confidence and gratitude to Debbie Leclair for her continued help while she also performed the District Manager duties.

CLOSING

The Board President stated that the next Board meeting would be Tuesday, February 23, 2021. The Manager also announced due to COVID, the District will not hold the Christmas party this year.

DIRECTOR'S REPORTS

Eric Blount - None

Joe Hale – Expressed he would miss the holiday party this year and congratulated the Manager on doing a very good job.

Keith Jerdon – None

Don Jordan - None

Drew Powshok – Also reiterated to the Manager the Board thinks she is doing a great job and knows they made the right decision to promote her. Mr. Powshok inquired about the use of no trespassing signs and additional gates to address access issues. The Manager responded staff has worked to identify areas of concern and consulted on placement with the District Attorney. Mr. Powshok suggested new developments adjacent to Melbourne Tillman canals be required to install gates as part of the permit.

Jay Woltering - None

Philip Weinberg – Also agreed that Debbie has been doing a really good job, and thanked the entire staff for doing a great job. Mr. Weinberg stated the year has been very trying and hoped next year will be better. The Board President wished everyone safe and happy holidays.

ADJOURN

Phil Weinberg, President, adjourned the meeting at 10:55 am.

Respectfully,

Lisa Blackett
Secretary, Board of Directors

Attachment 5



MELBOURNE-TILLMAN WATER CONTROL DISTRICT

Operating Statement through January 31, 2021

	Actual \$	FY2021	Approved Budget	FY2021	Over/Under	Percentage
	To Date	Approved Budget	Adjustments	Modified Budget	Budget	Budget
Revenue						
User Fees	\$ 1,768,669	\$ 2,286,305		\$ 2,286,305	\$ (517,636)	77%
Permits	\$ 33,625	\$ 15,000		\$ 15,000	\$ 18,625	224%
Miscellaneous Income	\$ 9,798	\$ 50,000		\$ 50,000	\$ (40,202)	20%
Revenue	\$ 1,812,092	\$ 2,351,305		\$ 2,351,305	\$ (539,213)	77%
Balance Forward		\$ 1,942,412		\$ 1,942,412	\$ (1,942,412)	0%
TOTAL INCOME	\$ 1,812,092	\$ 4,293,717		\$ 4,293,717	\$ 3,444,106	42%
Expenses						
Salary & Benefits						
Salaries	\$ 307,853	\$ 1,067,838		\$ 1,067,838	\$ 759,985	29%
Health Insurance	\$ 77,974	\$ 264,583		\$ 264,583	\$ 186,609	29%
Retirement	\$ 25,434	\$ 118,562		\$ 118,562	\$ 93,128	21%
FICA/Medicare	\$ 22,596	\$ 81,690		\$ 81,690	\$ 59,094	28%
Workers' Comp	\$ 18,355	\$ 33,000		\$ 33,000	\$ 14,645	56%
SALARY & BENEFITS	\$ 452,213	\$ 1,565,673		\$ 1,565,673	\$ 1,113,460	
Operations						
Professional Services	\$ 26,275	\$ 58,300		\$ 58,300	\$ 32,025	45%
Contract Services	\$ 2,415	\$ 7,500		\$ 7,500	\$ 5,085	32%
Travel	\$ -	\$ 2,000		\$ 2,000	\$ 2,000	0%
Communications	\$ 3,849	\$ 11,050		\$ 11,050	\$ 7,201	35%
Utilities	\$ 2,453	\$ 7,550		\$ 7,550	\$ 5,097	32%
Rentals	\$ 4,469	\$ 11,450		\$ 11,450	\$ 6,981	39%
Liability Insurance	\$ 84,972	\$ 84,000		\$ 84,000	\$ (972)	101%
Repair & Maintenance	\$ 52,381	\$ 155,900		\$ 155,900	\$ 103,519	34%
Current Charges	\$ 18,354	\$ 48,361		\$ 48,361	\$ 30,007	38%
Office Supplies	\$ 1,486	\$ 6,000		\$ 6,000	\$ 4,514	25%
Operating Supplies	\$ 41,496	\$ 190,000		\$ 190,000	\$ 148,504	22%
Books & Training	\$ 1,630	\$ 6,650		\$ 6,650	\$ 5,020	25%
Restricted Reserves	\$ -	\$ 1,762,883		\$ 1,762,883	\$ 1,762,883	
OPERATIONS	\$ 239,779	\$ 2,351,644		\$ 2,351,644	\$ 2,111,865	10%
Capital Outlay						
Improvements Other than Buildings	\$ 23,860	\$ 75,000		\$ 75,000	\$ 51,140	32%
Machinery	\$ 133,760	\$ 297,000		\$ 297,000	\$ 163,240	45%
Computer Equipment	\$ -	\$ 1,500		\$ 1,500	\$ 1,500	0%
Computer Software	\$ -	\$ 2,900		\$ 2,900	\$ 2,900	0%
CAPITAL OUTLAY	\$ 157,620	\$ 376,400		\$ 376,400	\$ 218,780	
TOTAL EXPENSE	\$ 849,611	\$ 4,293,717	\$ -	\$ 4,293,717	\$ 3,444,106	20%

Legal, Drug Testing, Accounting & Court Reporting, Engineering Testing, Misc. Prof Serv.
 Uniforms, Garbage Service
 Travel
 Postage, Telephone Service
 Utility, Solid Waste Assessment
 Rentals
 Insurance
 Repair & Mnt Serv., Repair & Mainth. Sup, Auto & Equipm Parts, Mainth. Agrmts.
 Tax Coll, Bnk Fees., Pyrl. Exp, Lic & Permits, Advertising, Unemplm
 Office Supplies
 Operating Supplies, Fuel, Gas & Oil, Aquatics
 Books, Pubs., Memberships, Training Costs
 Reserves

Attachment

6



MELBOURNE-TILLMAN WATER CONTROL DISTRICT

Permitting Policy

June 26, 2018

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I.

OBJECTIVES

- 1) The purpose of this manual is to set forth the policies, procedures, and technical requirements associated with connecting to, placing structures in or across or otherwise making use of, the lands and/or facilities of the Melbourne-Tillman Water Control District (herein collectively referred to as the "District").
- 2) Any and all work involving the lands and/or drainage/water management facilities of the District shall not commence until prior approval of the District Board of Directors and/or the District Manager is received. The approval process consists of submitting an Application for Permit, (along with other requirements listed in the application) to the District. The District Manager and District Engineer shall review the application for conformance with the established policies and technical requirements contained in this manual. All permits involving parallel use or temporary access of the District rights-of-way, and all other proposed uses that the District Manager determines require approval from the Board of Directors shall only be issued following the approval of the application, and by the Board of Directors with appropriate limiting conditions and/or formal Agreements.
- 3) Use of Right-of-Way as Temporary Access – MTWCD does not permit right-of-way use not listed in the fee schedule shown in this Permit Policy manual. All requests for a variance to use MTWCD's right-of-way as temporary vehicular access will be considered on an individual basis. Board of Directors approval is required for uses of right-of-way.
 - a) Prior to using MTWCD's right-of-way as temporary access, the property owner must submit an application ~~for authorization of this use,~~ with applicable application fee (non-refundable), for staff review and consideration by the Board of Directors.
 - b) Applicants must demonstrate a substantial hardship or a public purpose and must provide assurances that ~~drainage works~~ infrastructure and maintenance functions will not be harmed.
 - c) If approved by the Board of Directors, applicable permit and right-of-way use fees will be applied and must be submitted prior to permit issuance.
 - d) The District's fee of \$30.00 per linear foot applies and upon completion of use and satisfactory restoration of right-of-way \$15.00 per linear foot will be returned to the applicant.
 - e) The applicant will indemnify and hold harmless MTWCD from any damages resulting from the use of the right-of-way. Proof of minimum of \$1,000,000.00 liability must be furnished to MTWCD with MTWCD listed as an additional interest.
 - f) ~~Upon completion~~ During the permit duration for temporary ~~of the use of right-of-way,~~ the permit may be terminated immediately at the sole discretion of the MTWCD District Manager or Board of Directors.
 - g) Right-of-Way Temporary Access permits shall not exceed 6 months duration from date of issuance. Extensions must be requested in writing, with submission

of a \$250.00 Administrative Review Fee.

- 4) The District's Water Management Facilities include, but are not limited to: drainage and associated water management facilities, weirs, canals, lakes, structures, or any such works. Hereafter, "works" is defined to include (but not limited to) all water management facilities, lakes, canals, outfall structures, culverts and District rights-of-way.
- 5) Issuance of a permit does not convey any property rights or privileges other than those specified in the permit. It does not authorize any injury to private rights, nor does it waive the governing requirements of any other agency or authority. It simply expresses the assent of the District insofar as concerns the public's interest and protection under the District's enabling legislation, Chapter 2001-336, as amended by 2003-334, Laws of Florida, to authorize the drainage, and reclamation of the lands in said District.

II. AUTHORITY

- 1) A copy of all laws relating to the operating of the District is available for public inspection at the District's office located at 5990 Minton Road, Palm Bay, Florida and on its website at the following link: <http://www.melbournetillman.org/special-district-information/>.
- 2) The Board of Directors of the Melbourne-Tillman Water Control District is authorized and empowered by Chapter 2001-336 House Bill No. 1115, Laws of Florida, to implement, finance and operate all existing surface water management system facilities and those to be constructed within the jurisdiction of the District, subject to being granted all permits required by the laws, rules, and regulations of federal, state, and regional regulatory agencies.
 - a) Consequently, ~~p~~Prior to approving MTWCD Permits for outfall connections, and subaqueous crossings, it is necessary for the applicant to demonstrate that he has acquired the necessary permits from the St. Johns River Water Management District (SJRWMD), the Florida Dept. of Environmental Protection (FDEP), the U. S. Corps of Engineers (USCOE), Brevard County, Florida Dept. of Transportation (FDOT), etc.

III. POLICY STATEMENT CONCERNING THE DISTRICT'S PERMITTING CRITERIA

- 1) It is the policy of the District to consider the use of the lands and/or drainage/water management facilities of the District for adjacent owners, private corporations and governmental entities. The use shall not adversely impact or interfere with the District's ability to utilize these lands in any manner it sees fit in furtherance of the District's missions.
- 2) No permits will be granted for any use that adversely affects, interferes with, or

imposes hardship upon the District's operations, maintenance or construction activities; or degrades the quality and quantity of the District waters, or is inconsistent with the water control plan of the District.

- 3) In order that the District can determine that a use of the rights-of-way will not interfere with the District's objectives, the District requires individuals or entities' wishing to use the District's rights-of-way to first obtain approval before any activity begins within the rights-of-way. Construction on, modifications, and/or use of the rights-of-way without obtaining prior District approval is unauthorized and in violation of Sections 22 and 23 of Chapter 2001-336, Laws of Florida. The District reserves the right to remedy violations to the full extent of the law. The Manager will report the scope of all unauthorized activity to the District's Board of Directors at the next scheduled meeting for consideration of remedial action necessary by the District to recover losses associated with any unauthorized activity.
- 4) The District reserves the right to change, regulate and limit discharges into or withdrawals from District facilities, amend or change any of its policies, practices, procedures or regulations. Such action shall not constitute any claim for damages nor become the basis for legal suit by any Permittee.

IV. GENERAL INFORMATION

- 1) A permit must be obtained by any person, company, corporation, association or governmental agency desiring to connect to, cross (under/over), place or replace structures upon/within, or otherwise make use of the lands and/or drainage/water management facilities of the District.
- 2) Issuance of a permit by the District is simply an acknowledgment that the specific use of Public Land, as requested by the Applicant, is proper and conforms to the requirements and standards of the District. Permits convey no property rights nor any other rights or privileges other than those specified in the permit.
- 3) A permit must be obtained for any new or improved (1) commercial (2) industrial (3) multi-family projects and any new or improved (4) single-family parcels that require any use within District rights-of-way. Permit applications may be obtained at the District office or on the District's website: www.melbournetillman.org
- 4) Ownership of any structure permitted by the District is conveyed to the current property owner and must follow original permit requirements, including proper transfer of a permit due to change of ownership. Application for Transfer of Permit can be obtained by contacting the District office.
- 5) Please note, Requests for Additional Information (RAI)/Expiration of Application: that aAfter MTWCD submits a Request for Additional Information (RAI) to the Applicant or his Agent, the Applicant or Agent will have six (6) months from the date of the RAI to respond. In the event the Applicant or Agent does not submit a response that specifically

addresses each concern expressed in the RAI, or in the case of a negative response citing specific Policies or portions of MTWCD's Enabling Legislation that are in conflict with the RAI, the Permit Application will be considered null and void and all fees will be forfeited. The Applicant would then need to provide all new fees in order to reactivate the Permitting Application Process for that Project.

V. OBLIGATIONS OF PERMITTEE

With the acceptance of an issued permit, the Permittee agrees to the following:

- 1) To abide by the terms and conditions of the issued permit and these policies.
- 2) To maintain any works or structures (~~title to~~ which remains with the Permittee until transfer is executed and approved.) located on District rights-of-way, in a good and safe condition.
- 3) To hold and save the District, its officials, employees, contract agents and its successors, harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance, or use of the permitted work or structure.
- 4) To allow inspection, at any time by the District, of any works or structures authorized by the permit. Failure to make any immediate changes, or repairs, as requested by the District to ensure the safe operation of the District waterways, could result in the District completing such repairs at Permittee's expense. *In order to insure that the works are being Operated and Maintained correctly, it may be necessary for the Permittee to have the works reviewed by a Professional Engineer on a periodic basis.*
- 5) To prevent the discharge of debris, sediment, and/or nuisance noxious aquatic plants harmful to drainage, water control, conservation or navigation into any District works.
- 6) To maintain the water quality of all waters discharging into District works.
- 7) To conform to any changes in the administrative or technical requirements upon which the original permit was issued as deemed necessary by the District.
- 8) To allow the District unimpeded access to construct, operate and maintain its drainage/water management facilities.
- 9) To ensure water quality standards, Permittee will be responsible to follow all "Best Management Practices" (BMP's) during construction. These include silt fences, filter fabric or any other apparatus needed to stabilize the District's right-of-way. Reference materials include *Florida Stormwater Erosion and Sedimentation Inspector's Manual* (2003), and *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (2013).

- 10) Upon completion of the construction specified in the PERMIT, the District requires the signed Notice of Completion, a set of "As-Built" plans, boring logs (if applicable), and electronic media for the project be submitted for final approval of the structure.
- 11) Permit transfers are the obligation of the original Permittee and MUST be transferred when the property ownership changes by following District policy for Transfer found herein this document (Section XIII).

VI. THE PERMITTING PROCESS—APPLICATION FOR PERMIT

- 1) The permitting process begins with the submittal of an Application for Permit. Required application forms can be obtained in person at the District office located at 5990 Minton Road, Palm Bay, Florida, 32907 or on the District's website, Permitting Process, or by telephone (321) 723-7233. A nominal fee may be charged for postage and handling if permit application materials must be mailed.
- 2) All sections of the Application for Permit must be completed, signed and notarized by the owner. In order for the owner to have a designated representative/agent, a notarized letter of authorization stating such is required. A corporation identified as owner shall provide documentation that the signatory is an officer, i.e Sunbiz, notarized letter.
- 3) All Applications for Permit shall be appropriately checked for type of work and accompanied by payment of the appropriate fee in accordance with the following fee schedule. Also, the District requires two sets of plans, 11" x 17" sheets preferred, two sets of calculations signed and sealed by a Florida registered engineer, electronic files on one (1) compact disc or memory drive of plans and calculations, and copies of all other Government Agency Permits necessary to construct all of the proposed drainage facilities shown in the plans, such as SJRWMD, FDEP, USCOE, FDOT, or Brevard County be included in the original submittal. MTWCD cannot review any set of plans without these outside Agency Permits having been issued prior to submittal to MTWCD. However, ~~MTWCD will provide a Substantial Compliance Review if the applicant wishes to check that their proposed use of MTWCD ROW substantially complies with MTWCD's Policies, in order to avoid the potential for changes during the formal MTWCD Permitting Review. Please refer to the Fee Schedule. Historically, all culverts, which include all structural conveyance systems that are installed within the canal i.e. crossings, parallel to the direction of flow, or a bridge, which spans the canal ROW perpendicular to the direction of flow, are exceptions to obtaining approval from other Government Agencies first. Since these structures have a direct impact on the potential maximum capacity of the MTWCD canal system, MTWCD must review and approve these structures prior to any other Agency review or approval.~~

VII. **CONDITIONS APPLICABLE TO ALL PERMITS:**

- 1) Permit Fees shall be doubled if improvements ~~work~~ are ~~is~~ started without a permit.
- 2) A forty-eight (48) hour notice shall be given prior to required inspections.
- 3) Improvements installed within MTWCD rights-of-way shall not be backfilled prior to inspection ~~or a re-inspection fee will be charged and~~ or the work will have to be excavated for inspection.
- 4) Record drawings are required to be submitted to MTWCD prior to MTWCD issuing the Notice of Completion. All stormwater outfalls must remain plugged until the Applicant/Owner receives an approved Notice of Completion from MTWCD.
- 5) The use of canal water for installing underground borings or any other construction activity is prohibited.
- 6) Government Agencies with a reciprocal agreement are exempt from paying any permitting fees.
- 7) Modifications to existing permits, **to include but limited to expansions, additions, replacements, etc.** shall be reviewed in the same manner and shall be subject to the same permit fee schedule as original permit application. **Minor repairs in conjunction with maintenance will not require a permit fee.**

VIII. **CONDITIONS APPLICABLE TO ALL OUTFALL PERMITS:**

- 1) Stormwater outflows are restricted to 0.08 cfs/acre for the 25yr-24hr storm event and 0.05 cfs/acre for the Mean Annual storm event. These rates are consistent with the average flow rates that were used in the original design for the MTWCD canal system.
- 2) The following pipe size chart must be adhered to for all projects submitting for an outfall or a drainage pipe connection to the MTWCD ROW:

Note: The slope is determined by the type of pipe material being used * Plastic or ** CMP

<u>Project Size (Acres)</u>	<u>Pipe Size/ Material</u>	<u>Maximum Pipe Slope</u>	
.100 - 35.0	12" Plastic* OR 15" CMP**	*= .5%	**= .5%
35.1 - 55.0	14" Plastic* OR 18" CMP**	*= .4%	**= .6%
55.1 - 65.0	16" Plastic* OR 24" CMP**	*= .3%	**= .2%
65.1 - 110.0	18" Plastic* OR 30" CMP**	*= .4%	**= .15%
110.1 - 250.0	24" Plastic* OR 36" CMP**	*= .5%	**= .35%

- 3) Sites above 250 acres will be sized by MTWCD Staff on a case by case basis. Please contact our Office (321-723-7233) for assistance prior to designing outfalls for projects that have a single outfall for drainage areas larger than 250 acres. Large sites exceeding 250 acres, which will have multiple outfalls, where each sub-drainage area is 250 acres or smaller, will use the above chart for each sub-drainage area's outfall.
- 4) All outfalls, new or replaced, at the Manager's discretion, must have an inlet structure installed at the canal right-of-way for collection of runoff from adjacent properties discharging onto the canal right-of-way. The inlet structure will act as a junction between the culvert from the properties to be drained to the canal and the last section of culvert under the maintenance road.

IX. CONDITIONS APPLICABLE TO ALL CULVERT/BRIDGE CROSSING PERMITS:

- 1) The District will allow only single barrel culverts, box culverts, or bridges for all new and replacement culvert installations running parallel with the District Canal Rights-of-Way. Multiple barrel culverts have historically clogged with excessive debris during rain events, and as these culverts deteriorate and need to be replaced, they are to be changed to single barrel installations. For all proposed structures, applicants shall have a pre-design meeting with the District before formally submitting any plans to other regulatory agencies, in order to receive design criteria with regards to flow capacity, elevations, and headwall design/materials from the most current ICPR model data for collector and lateral canals and the SWMM model for the C-1 Basin, survey data, and FDOT design standards, as updated or amended from time to time. All design criteria for flow capacity shall be based on the peak 25 year 24 hour storm event provided by the District for the location of the proposed structure as identified from the most current ICPR model results.
- 2) New structures, not a replacement, shall be capable of providing for the peak 25 year 24 hour storm event's flow capacity, based upon respective model data, identified above, with an upstream water elevation no greater than 0.10 ft. higher than the downstream water elevation. The applicant shall provide survey data to include the next immediate upstream and downstream culvert crossings, invert elevations, size of structures, and distance to proposed structure as well as a canal cross-section at the location of the new structure.
- 3) Replacement structures shall be capable of conveying a peak flow rate of the 25 year 24 hour storm event, as provided by the District, utilizing model data identified above. The applicant shall provide survey data to include the obsolete structure's invert elevations and size of structure, if still in place. The District shall determine the minimum size opening needed to address the peak 25 year 24 hour storm event's flow rate, from model data identified above, and compare that to the opening of the obsolete structure. The replacement

structure's peak flow area minimum size will be the average of the obsolete structure peak flow area and the minimum design peak flow area for the 25 year 24 hour storm event. The applicant may install a larger structure flow area than the determined average at their discretion.

- 4) New crossings, culverts and bridges, must include gates and fencing for preventing motorized vehicles from accessing the canal right-of-way (at the Manager's discretion). Gate widths will be a minimum of twelve feet (12') in width with sixteen feet (16') to include double gates of eight feet (8') in width. Location of gates and fencing must be placed in order to prevent by-passing by motor vehicles.

X.**PERMIT FEES****Culverts, Bridges, Roadways:****Fee Amount**

Culvert Installations	(0-120 L.F.)	\$ 750.00
Culvert Installations	(Over 120 L.F.)	\$ 800.00
Bridge new, re-designs or Box culverts	(0-120 L.F.)	\$1500.00
Bridge new, re-designs or Box culverts	(Over 120 L.F.)	\$2,000.00

Note: Bridges are defined as a horizontal opening 20' or greater.

Private Utility Lines:**Fee Amount**

(Water, Sewer, Re-use, Phone, Electric, Cable, Gas, etc.):

Utility Crossings under/over **existing culverts** or attached to bridges.

\$ 750.00 + \$15.00/LF
(LF of crossing in Rights-of-way)

For Sub Aqueous and Aerial Utility Crossing Canal

\$ 750.00 + \$15.00/LF
(LF of crossing in Rights-of-way)

Parallel Installations
*for each separate item inside MTWCD's Rights-of-way

\$ 750.00 + \$20.00/LF
(LF of crossing in Rights-of-way)

Stormwater Outfalls or Drainage Pipes:**Fee Amount***Piped outfalls within:*

Projects 10 acres or less	\$ 750.00 each
Projects above 10 acres and less than 40 acres	\$1,250.00 each
Projects 40 acres and above	\$1,750.00 each

Miscellaneous Fees:**Fee Amount**

Excavation within Rights-of-way	\$ 355.00 each
Required for any of the above permitted structures and to include the removal of <u>each</u> existing/ <u>obsolete</u> structures.	
Temporary Access Usage (<u>Non-refundable Administrative Review</u>)	\$ 250.00
Linear usage (additional)	\$ 30.00/LF (\$1,500 minimum)
Satisfactory right-of-way restoration	\$ 15.00/LF refund
Substantial Compliance Review:	
— Projects 10 acres or less	\$ 75.00
— Projects above 10 acres and less than 40 acres	\$ 125.00
— Projects 40 acres and above	\$ 175.00

Permit Inspection and Administrative Fees for:**Transfer of Permit:****Fee Amount**

Transfer fee	\$ 100.00
Inspection by District Engineer to determine reliability of structure.	

XI.

DURATION OF PERMITS

1. A permit may be issued for the life of the approved improvements, requested use. However, limiting conditions and/or special situations associated with the issuance of a particular permit may restrict its useful life span. **Construction shall commence within two (2) year of issuance of permit or permit expires. The construction period for Temporary Access Usage permits shall be six (6) months from the time of issuance.** The District reserves the right to rescind any permit at any time.

XII.

MODIFICATIONS TO AN EXISTING PERMIT

1. Any modifications to a previously permitted and currently existing use of District lands or drainage/water management facilities will not require a new permit, existing permit will be modified. Permits and fees shall be required.
2. The Permittee must submit a written request to the District to amend the permit. Such request shall include sufficient information detailing the modification desired and the reasons for the modification.
3. Requests to modify an existing permit shall be reviewed in the same manner and shall be subject to the same permit fee schedule as original permit applications.
4. The Permittee will be notified in writing by the District as to the status of the request to modify an existing permit.

XIII.

TRANSFER OF EXISTING PERMIT

1. The holder of a valid permit issued by the District may allow a third party the use of his/her permitted structure, provided that the Permittee notifies the District in writing of such intended changes. Permits are not assignable without the express written consent of the District. A valid permit **MUST** be transferred to a new Permittee only upon written request to the District, with the consent of the original Permittee as well as the new owner clearly indicated.
2. All permits that involve a transfer in ownership and have no other modifications associated with them, will be processed as a permit transfer.

XIV.

ILLICIT DISCHARGES

1. The National Pollutant Discharge Elimination System (NPDES) permitting process has determined Melbourne Tillman Water Control District (MTWCD) canals are waters of the State. Under Chapter 62-302 of Florida Administrative Code (FAC), most of the MTWCD canals are designated as Class III waters (Chapter 62-302.400(14)) with secondary and tertiary canals completely within agricultural areas classified as Class IV waters (Chapter 62-302.400(16) (a)). The Florida Department of Environmental Protection (FDEP) is charged with overseeing the "Surface Water Quality Standards" of Chapter 62-302 (FAC). Any flow(s) found to be in violation of the "Surface Water Quality Standards" of Chapter 62-302 (FAC) is deemed an illicit discharge. All alleged illicit discharges discovered by MTWCD will be referred to FDEP for further action afforded under Chapter 62-302 (FAC).
2. All applicants for a stormwater outfall connection into a MTWCD canal must provide documentation the stormwater discharge facility complies with or is exempt from "Regulation of Stormwater Discharge" (Chapter 62-25, FAC). The St. John's River Water Management District (SJRWMD) is the local Agency responsible for ensuring compliance therefore applicants must present a SJRWMD Environmental Resource Permit or provide documentation for exemption from SJRWMD permitting before MTWCD will issue a permit. Violations of "Regulation of Stormwater Discharge" (Chapter 62-25, FAC) will be referred to SJRWMD for further action. Concurrently, MTWCD will implement actions in accordance with "MTWCD Illicit Discharges Remedial Procedures" (See ~~Page 12 of this document~~ [Section XV](#)).
3. The use of reclaimed water is encouraged for irrigation provided such water does not compromise the water quality of the canals and adheres to the "Reuse of Reclaimed Water and Land Application" (Chapter 62-610, FAC). The setback distances between the wetted site area subject to land application and surface waters must be maintained. All land application systems must be designed to minimize adverse effects of aerosol drift and ground water flow into surface waters in accordance with Section 62-610.421 (1) (7) (8) FAC. The hydraulic loading rates for all slow rate application systems, which include individual residential sites, shall be consistent with the requirements of Section 62-610.423, FAC. The hydraulic loading rate shall not produce surface runoff or ponding of the applied reclaimed water. Violations of any portion of Chapter 62-610, FAC will be referred to the FDEP for further action and MTWCD will implement actions in accordance with "Illicit Discharges Remedial Procedures" Policy.
4. All discharges in the MTWCD Canal System are governed by "Surface Water Quality Standards" Chapter 62-302, FAC. "Surface Water Quality Standards" outlines standards expected for all MTWCD Canals, regardless of classification. Violations of

Chapter 62-302, FAC will be referred to FDEP for further action and MTWCD will also implement action in accordance with "Illicit Discharges Remedial Procedures" Policy.

5. *The following are Exceptions to Illicit Discharges:*

1. Flushing of potable waterlines, excluding discharges of hyper-chlorinated water with chlorine residual of 10 ppm or greater unless the hyper-chlorinated water is first de- chlorinated. The de-chlorination process cannot produce side-affects that adversely impact aquatic plants and wildlife.
2. Runoff from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, uncontaminated ground water, or other uncontaminated water sources such as surface water or stored rain water.
3. Diverted stream flows
4. Rising groundwater and springs
5. Foundation and footing drains
6. Uncontaminated, visibly clear, pumped ground water
7. Air conditioning condensation
8. Water from crawl space pumps
9. Individual residential vehicle washing
10. Flows from wetlands and riparian habitats
11. De-chlorinated swimming pool discharges
12. Discharges or flows from fire-fighting activities not including washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities.

XV.

MTWCD ILLICIT DISCHARGE REMEDIAL PROCEDURES

1. Illicit Discharge from existing works:

- a. Any violations that occur in residential, multi-family, commercial, industrial and all other non- residential uses (Community) which are subject to regulation under Chapter 718 F.S. (Condominiums), Chapter 719 F.S. (Cooperatives), Chapter 720 F.S. (Homeowners' Associations), Chapter 721 F.S. (Vacation and Timeshare Plans), and Chapter 723 F.S. (Mobile Home Park Lot Tenancies), will be addressed to the Governing Association of the Community and also, whenever possible, to the individual entity/entities within the Community responsible for the Illicit Discharge.
- b. The first offense by any individual entity/entities within the Community will result in the MTWCD providing written notification, with documentation, to both the entity/entities and the Governing Association of the offense(s). They will be given sixty (60) days to rectify the mechanical functioning of the system (s) and to provide the MTWCD with documentation that their Association Documents contain language that requires all systems using reuse water for irrigation to comply with Chapter 62-610 F.A.C. and the penalties associated with violations.
 - i) Failure to comply with the remedial actions, within the sixty (60) day time frame, will result in all previously issued MTWCD permits being revoked. Additionally, the Governing Association must obtain a MTWCD Corrective Action Permit; pay all fees associated with the Corrective Action Permit in accordance with the fee schedule established for the Corrective Action Permit. The Governing Association will be given sixty (60) days to provide the Corrective Action permit and fees to MTWCD and thirty (30) additional days to implement and complete the Corrective Action Plan.
 - ii) Failure to comply with the Corrective Action Permit procedures will result in MTWCD removing the Community's connections to the MTWCD system, at the Community's expense, until the Community complies with the Corrective Action Permit requirements.
 - iii) Additionally, the Community will be responsible for acquiring a Temporary Dewatering Permit from the MTWCD that would allow a maximum pumped discharge of .05cfs_(22.4 gpm) per acre based on the size of the Community. The discharge will only be allowed through a

filtered discharge system that limits particles to 5 microns or less. The Community will be responsible for procuring, operating, and maintaining all equipment needed to pump and filter the discharge. The Temporary Dewatering Permit will expire after thirty (30) days and will be renewable at the discretion of the District Manager. The fee for the original Temporary Dewatering Permit, and each subsequent renewal, will be based on the Fee Schedule established for Construction Dewatering Permits.

- iv) The District Manager has the authority to temporarily open the connections between the Community and the MTWCD canal system in preparation for Tropical Storm/Hurricane type events.
- v) The procedures outlined above will also apply to all properties and Communities that do not have associations established in accordance with the Florida Statutes and the Owner of the Property will be the entity responsible for conforming to requirements.

2. *Illicit Discharges Occurring During Construction Process:*

- a. Due to the fact that Construction Projects are transient in nature, all projects one (1) acre or larger must acquire an NPDES Construction Generic Permit (CGP) from the Florida Department of Environmental Protection that requires the use of Best Management Practices. MTWCD issues De-watering Permits that require specific procedures for de-watering and erosion control. The Contractor licensed to perform the site work in accordance with the use of Best Management Practices is in charge of the overall site work. The Permittee is responsible for scheduling the required pre-construction meeting with MTWCD staff to be held on the project site. During the pre-construction meeting, prohibition of illicit discharges and alternate solutions to protect the integrity of the MTWCD Canal will be discussed for the site specifically.
 - i. The construction site will be subject to inspection by MTWCD staff to ensure all construction activities in MTWCD Rights of Way comply with the terms of the issued permit, and to verify illicit discharges into MTWCD Canals are not occurring. Should an illicit discharge occur either by error or will, all construction activities within MTWCD rights of way, including de-watering must immediately cease.
 - ii. Any construction related illicit discharges will result in MTWCD revoking all permits issued for the project. The owner must obtain new permits for all works and pay all permit fees associated with such works, provide plans and calculations as necessary, and obtain a MTWCD Corrective

Action Permit, including the required permit fees for the Corrective Action Permit. No further construction or use of MTWCD rights of way will be allowed until all new permits and a Corrective Action Permit are obtained. Illicit discharges that involve de-watering violations will be processed in accordance with the MTWCD De-watering Policies.

- b. It is acknowledged that mechanical and human errors can happen. Consequently, the District Manager, at his discretion, can waive the requirement for a Corrective Action Permit on the first illicit discharge violation that occurred during construction, provided:
 - i. The Permittee immediately self corrects the issue(s) that caused the violation.
 - ii. The Permittee self-reports the violation to MTWCD.
 - iii. Further, within 24 hours of the initial illicit discharge violation, the Permittee must provide the District Manager a written report, certified to be true and accurate by the Project Engineer detailing what occurred, how it occurred and corrective actions taken to prevent any further violations, what corrective actions will be taken to correct any damage to MTWCD works. Permittee must include pictures, documentation, and construction records.
 - iv. Regardless of the circumstances of the illicit discharge, all MTWCD site permits issued to the Project will be rescinded and all activity must immediately cease as stated in the special conditions of the permit. Before any construction activities can resume, the permittee will be required to submit a new permit application, new plans to include all the corrective actions described in the Certified Written Report prepared by the Permittee and remit new permit fees, in accordance the MTWCD fee schedule.
 - v. Until the new MTWCD Permits is issued, there will be no use of the MTWCD ROW allowed.

FEES FOR CORRECTIVE ACTION PERMIT:

	<u>Fee Amount</u>
Ten (10) acres or less	\$ 2,500.00
Above ten (10) acres and less than forty (40) acres	\$ 5,000.00
Above forty (40) acres	\$10,000.00

FEES FOR TEMPORARY PUMPING PERMIT:

	<u>Fee Amount</u>
Ten (10) acres or less	\$ 250/month
Above ten (10) acres and less than forty (40) acres	\$ 500/month
Above forty (40) acres	\$1,000/month

XVI.

DE-WATERING POLICY

1. General Conditions:

- a. MTWCD's Right of Ways shall not be obstructed and shall be returned to the original condition or better at the termination of the de-watering operation. At no time during the de-watering operation shall MTWCD canal slopes be compromised.
 - i. All de-watering operations that require a direct discharge point into an MTWCD canal will require a Standard De-Watering Permit from MTWCD prior to being placed into service. This permit and fee are on a monthly basis to discourage prolonged dewatering operations and staff manpower to inspect and monitor the operation.
 - ii. In the event de-watering operations are commenced without a validly issued MTWCD Standard De-Watering Permit:
 - 1. MTWCD will require immediate cessation of all discharges into the MTWCD canal and the immediate removal of the source of the discharge from the MTWCD rights of way.
 - 2. The property owner will be required to obtain a Corrective Action De-Watering Permit and all work in the MTWCD, permitted or not, will not be allowed until the Corrective Action De-watering Permit is issued.
 - iii. All discharges into MTWCD facilities, whether direct or indirect, shall be visibly clear at all times and shall not disturb the bottom of the receiving body or cause shoaling, turbidity or erosion. Sedimentation basins, siltation basins, dewatering tanks, weir tanks and similar methods of sediment removal are considered inadequate for pre-treating discharge from standard de-watering operations and are not allowed to directly discharge into any MTWCD canal or facility.
 - iv. Gravity bag filters must be constructed on a hay bale base extending a minimum of five (5) feet beyond the gravity bag filter and:
 - 1. The hay bale base must have a hay bale barrier constructed around its perimeter. The hay bale barrier must have a silt fence constructed five (5) feet from the hay bale barrier around the perimeter of the hay bale barrier.
 - 2. Gravity bag filters and sock covered perforated pipe suction discharges can only be used as the final filter at sites that have a minimum grain size of fifty (50) microns (.05 mm) or greater.

3. For all sites that have any soils with a grain size of forty-nine (49) microns or less, the final discharge into MTWCD canal or facility must be filtered through a sand media particulate filter, a pressurized bag filter, a cartridge filter, or equal.
4. The use of de-silting trains, using several sediment removal methods in series is encouraged to insure that the discharge is visibly clear at all times.
- v. Well point systems are generally acceptable for direct discharge into MTWCD canals or facilities. However, it is the applicant/owner's responsibility to insure that all de-watering discharges comply with this section
- vi. MTWCD will require proof of a permit or written approval from St. John's River Water Management District and other all applicable government agencies to be furnished prior to commencement of the de-watering operations.
- vii. Prior to starting any de-watering operation, the applicant/owner shall provide documentation stating their site complies with the parameters outlined in the Florida Department of Environmental Protection (FDEP) document number 62-621.300(2), "Generic Permit for the Discharge of Produced Ground Water from any Non-Contaminated Site Activity."
- viii. MTWCD retains the right to stop all operations if warranted by adverse weather conditions.

FEES FOR STANDARD DE-WATERING PERMIT:

Fee Amount

Ten (10) acres or less	\$ 625.00/month
Above ten (10) acres and less than forty (40) acres	\$ 1,250.00/month
Above forty (40) acres	\$ 2,500.00/month

FEES FOR CORRECTIVE ACTION DE-WATERING PERMIT:

Fee Amount

Ten (10) acres or less	\$ 2,500.00
Above ten (10) acres and less than forty (40) acres	\$ 5,000.00
Above forty (40) acres	\$10,000.00

XVII.

PROCEDURES FOR PRIVATE UTILITY LINES

MTWCD Right of Way is intended for the exclusive use by the MTWCD to perform its water management functions. Consequently, the use of the MTWCD Right of Way for any other use is considered the option of last resort.

- 1) All Applicants for a MTWCD Permit must provide documentation that ALL other avenues have been exhausted. Copies of formal signed denials from all of the entities that control the other possible routes must be provided with the MTWCD Utility Permit Application. MTWCD will not process any application that does not contain this information.
 - a) All proposed water mains and services; sanitary sewer force mains, sanitary sewer gravity mains, sanitary sewer laterals, and all sanitary sewer service lines; re-use mains, laterals and services, must apply for a MTWCD Permit.
 - b) The MTWCD permit fee will be waived if the applicant listed on the Florida Department of Environmental Protection (FDEP) permit application is a government agency that has a reciprocal "No Fee" agreement with MTWCD. In addition to this, the utility project must be funded entirely with public funds and have been implemented in accordance with the standard procedures that the government agency follows in issuing contracts for all of its Capital Improvements Projects. Utilities such as gas, fiber optics, electric, cable, etc. are not eligible for a waiver of the fees.
 - c) In the event the FDEP Permit Applicant or Permittee is a Non-Government entity, the Non- Governmental entity will be required to pay all appropriate fees necessary to obtain a MTWCD Permit even if the project will eventually be turned over to a Government Agency with a reciprocal "No Fee" Agreement with MTWCD.
 - d) All proposed phone, electric, cable; gas, fiber optic and similar types of utilities must apply for and pay all appropriate fees prior to receiving a permit from MTWCD.
 - e) The lineal foot portion of the MTWCD Permit fee applies to all utility lines of any size or orientation (diagonal, perpendicular, parallel, meandering, etc.) placed within the MTWCD Right of Way. Only those Government Agencies that have a properly executed 'No-Fee' Agreement with MTWCD are exempt from the above criteria.
 - f) Orientation:
 - i) MTWCD reserves the right to direct the location and orientation of all proposed utility lines so that they conform to the needs of the MTWCD.
 - ii) All proposed utility lines that will run parallel to the MTWCD Right of Way must be:

- (1) Situated within the maintenance road of the canal right of way.
 - (2) Located no more than 3 feet from the canal right of way line.
 - (3) Have no above ground appurtenances.
 - (4) Have boxes with reinforced covers at appropriate intervals.
- iii) Proposed utility lines that will run perpendicular to the MTWCD Right of Way must be intersecting the canal right of way lines and running its entire length at a 90 degree angle with the canal right of way.
- iv) In the case of all existing or proposed cable/wire type aerial crossings, the minimum vertical clearance between the top of bank and the lowest portion of the aerial crossing must be:
- | | |
|-----------------------------------|---------|
| • Collector Canals | 45 feet |
| • Crossings Over All other Canals | 25 feet |
- g) The District Manager has the authority to reduce the vertical clearance requirements to a minimum of 18 feet at aerial crossings that are situated 50feet or less from a roadway canal crossing. MTWCD will systematically notify the appropriate utilities in regards to adjusting existing aerial crossings that do not comply with the preceding criteria. The utility will have 60 days from the date of the notification in which to comply. Failure to comply within the 60 day time frame will result in the utility having to remove the aerial crossing from the MTWCD ROW.
- h) Guy anchors are not allowed within the MTWCD ROW. MTWCD will systematically notify the appropriate utilities in regards to removing existing guy anchors from the MTWCD ROW. The utility will have 60 days, from the date of the notification, in which to comply. Failure to comply within the 60 day time frame will result in the utility having to remove the aerial crossing, which is supported by the guy anchor, from the MTWCD ROW.
- i) In the event it is necessary to alter the direction of a utility that is perpendicular to the canal right of way, then the change in direction must occur:
- (1) Within the maintenance road portion of the canal right of way.
 - (2) Must be no further than 3ft. from the canal right of way line.
 - (3) Must be made using an appropriate 90 degree bend fitting appropriate restraining joints, tie rods, or other acceptable mechanical restraint methods must be used, thrust blocks and similar non-mechanical methods are not allowed.
- 2) In general, meandering runs will not be permitted without proper justification. All meandering utilities must be presented to the Melbourne Tillman Water Control District Board of Directors for Board approval before a permit can be issued.

- ~~3) All proposed utilities that will run parallel to the MTWCD Right of Way, and are larger than 4" in diameter OR that will run more than 100 feet in length, must be presented to the Melbourne Tillman Water Control District Board of Directors for Board approval before a permit can be issued.~~

XVIII. SUBAQUEAOUS UTILITY AND TRANSMISSION LINES

- 1) MTWCD Right of Way is intended for the exclusive use by the MTWCD to perform its water management functions. Consequently, the placement of subaqueous utility and transmission lines should not only be the option of last resort, but these subaqueous installations need to be constructed in such a manner that their placement under the canals does not impede MTWCD's ability to excavate or dredge the canal banks and/or bottoms.
- 2) The ~~e~~Clearances under the Maintenance Road area will need to comply with the Federal, State, or Local Government standards that apply to the utility being constructed, but in no case less than 3' below the surface.
- 3) The ~~e~~Clearances in this policy will apply whether standard open cut construction, jack & bore, or directional bore methods are used. In the event there are existing features within a canal that prevent strict adherence to the clearances specified, the District Manager has the authority to modify the clearances, so long as a minimum clearance of three (3) feet is maintained between the surface elevation and the top of the conduit. In all cases where an open cut construction crossing is approved that involve the District Manager's need the applicant must to provide, at a minimum, a ten (10') foot wide, six (6") inch thick concrete pad, centered over the conduit. The following is a table of the required clearances for subaqueous utility and transmission lines:

<u>Canal Number</u>	<u>Clearance from Slope of Bank (min.)</u>	<u>Clearance from bottom of canal (min.)</u>
C-1	6 ft.	14 ft.
C-2R	6 ft.	14 ft.
C-9R	6 ft.	14 ft.
C-10	6 ft.	14 ft.
C-37	6 ft.	14 ft.
C-61	6 ft.	14 ft.
ALL OTHER CANALS	6 ft.	6 ft.

PROCEDURES FOR PERMITTING CULVERTS
RESIDENTIAL

- 1) The intent of this policy is to assist the individual owner of a lot or single parcel of land, zoned for single family residential use, in processing MTWCD culvert permits for the property. This policy shall not apply to residential property that is being platted or replatted. In general, most homeowners are not familiar with processing permits. In an effort to assist the public, the MTWCD District Engineer or designee can provide the basic required information, in a sketch format, necessary to construct a culvert in a lot or single parcel of land zoned for single family residential use. The District Engineer can provide assistance to the applicant in completing the application process.
- 2) The MTWCD District Engineer will not provide any sketches for any construction activity that is not related to the culvert including gas or electric utilities, water service, sewer service, cable, etc. The homeowner will be responsible for all non-culvert related work, and must provide MTWCD with all supporting documentation related to the utility portion of the project for permitting.

EFFECTIVE DATE

Adopted by the Melbourne-Tillman Water Control District Board of Directors at regular meeting of June 28, 2016. Amended December 6, 2016 regular meeting, Amended March 6, 2018, Amended June 26, 2018, Amended June 25, 2019, Amended August 27, 2019, Amended August 26, 2020, Amended February 23, 2021

Attachment

7

DATE: ~~December 2, 2014~~
February 23, 2021

MELBOURNE-TILLMAN WATER CONTROL DISTRICT
5990 Minton Road
Palm Bay, Florida 32907

Personnel Policies: Employment Plan

LEAVE

I. POLICY

It is the policy of the MTWCD to authorize absence from the Work Schedule for District employees.

II. PURPOSE

This policy establishes the accrual and utilization of leave time for District employees.

III. PROTOCOL

A. Accrued Leave

1. VACATION LEAVE

- a. All full time permanent Employees shall be entitled to earn vacation leave with pay.
- b. Vacation Leave shall be earned as follows:
 - i. Up to 5 Years of employment earns 8 hours per month, 3.70 hours per pay period
 - ii. 5 to 10 Years of employment earns 10 hours per month, 4.62 hours per pay period
 - iii. 10 to 15 Years of employment earns 12 hours per month, 5.54 hours per pay period
 - iv. 15 to 20 Years of employment earns 14 hours per month, 6.46 hours per pay period
 - v. 20 to 25 Years of employment earns 16 hours per month, 7.39 hours per pay period
 - vi. 25 Years or more of employment earns 20 hours per month, 9.24 hours per pay period
- c. Vacation accrual rate is based on an 80 hour pay period.
- d. Part time permanent employees will earn vacation leave on a prorated basis
- e. Earned vacation leave may be accumulated provided the leave balance at the end of the calendar year does not exceed 30 days (300 working hours). Any time earned in excess of this amount will automatically be forfeited at the end of the calendar year.
- f. New employees will not accrue vacation until the first full 80 hour pay period after hire date. ~~who begin work between the 1st and 15th of the month will begin earning leave as of the first of the month. Employees hired after the 15th of the month start earning leave at the first of the next calendar month.~~

- g. Employee's requesting vacation leave must complete MTWCD Form #47, and submit to ~~Vacation leave will be requested through the employee's supervisor and approved by the Manager.~~
- h. The manager must approve requests for more than one employee to be on leave during the same time frame. The request submitted the earliest would receive priority consideration.

2. SICK LEAVE

- a. ~~Sick Leave credit for fFull~~ time permanent employees shall earn sick leave ~~be earned as follows:~~
 - i. 1 to 10 Years of employment earns 8 hours per month, 3.70 hours per pay period
 - ii. 10 Years or more of employment earns 12 hours per month, 5.54 hours per pay period
 - iii. ~~Part-time employees will earn sick leave on a pro-rated basis~~
- b. Sick leave accrual rate is based on an 80 hour pay period.
- c. Part time permanent employees will earn sick leave on a pro-rated basis
- d. Sick ~~L~~leave may be accumulated up to 960 hours. Any time earned in excess of this amount will automatically be forfeited at the end of the calendar year. The employee shall have the responsibility of notifying his/her supervisor promptly of any illness that may require absence from work. Minimum charges against accrued balance will be in quarter hour units.
- e. New employees will not accrue vacation until the first full 80 hour pay period after hire date.
- f. Sick leave may be used for the following purposes:
 - i. Personal illness or injury not connected with work, including maternity.
 - ii. Verified employee illness while on vacation.
 - iii. Any illness or injury involving members of an employee's immediate family.
 - iv. To supplement workers compensation.
- g. Employee's requesting scheduled sick leave must complete MTWCD Form #47, and submit to employee's supervisor and approved by the Manager.
- h. Employees' supervisors are responsible for assuring that sick leave is not abused. ~~and that "sick" employees are too sick to work.~~ A doctor's statement as proof of illness may be required if absence extends beyond three (3) consecutive working days, and anytime the supervisor has reasonable cause to doubt the actual illness of an employee. Failure on the part of the employee to furnish such proof (when requested) will result in loss of pay for the entire period of absence.
- i. Abuse of sick time may be grounds for disciplinary action or dismissal. Employees failing to notify and report illness to their supervisors within two working days will be considered as having resigned

3. PAYMENT IN LIEU OF UTILIZATION

- a. Employees who resign or are separated in good standing will be paid for any unused vacation leave up to a maximum of 300 hours and for half of any unused sick leave up to a maximum of 480 hours. Employees who fail to give

reasonable notice (2 weeks) of termination or who are terminated for cause will forfeit their rights to accrued vacation and sick leave pay.

- b. Employees may trade earned vacation for payment. Trading for payment may be done once annually during the first two weeks of November, pending the availability of District funds. A minimum of eighty (80) hours must be retained by the employee and employee must have taken at least eighty (80) hours of vacation time within the last year.
- c. Employees may trade earned sick leave back for vacation leave and/or for payment up to a total of 320 hours annually (calendar year). Trading for vacation may be done once annually, the timing at the discretion of the employee. Trading for payment may also be done once annually, the timing at the discretion of the District; during the first two weeks of November, pending the availability of District funds. This leave may be traded at a rate of 2 for 1 for additional vacation and/or payment. A minimum of 80 hours earned sick leave must be retained by the employee for be eligible either trade back provision.

B. Non-Accrued Leave

1. WORKERS COMPENSATION LEAVE

- a. Employees who sustain a temporary disability as a result of and arising out of employment with the District shall receive workers compensation wage benefits beginning on the eighth day of disability. The first seven days are included in workers compensation wage benefits only if the disability extends beyond 21 calendar days.
- b. If an employee is not out of work for 21 calendar days, days one through seven of the disability may be taken as sick and/or vacation leave if accumulated leave is available. Sick and vacation leave time and seniority will continue to accumulate during the period of a workers compensation disability. If an employee brings litigation or administrative action under the workers compensation law while receiving workers compensation supplemented by the benefits herein provided, entitlement to such supplemental benefits shall immediately terminate.
- c. No employee will be entitled to job-connected disability leave with the herein described benefits where an injury has been determined to have been the result of intentional self-infliction or where the disability or illness continues as a result of the employee's failure to cooperate with the medical advice or corrective therapy.
- d. If a doctor verifies that an employee can perform light duty, light duty assignments (to the Extent possible) will be made available for employees until such time as they are able to assume the full responsibilities of their positions. Light duty will be considered a temporary assignment and will be without reduction in pay and must be approved by the manager. Temporary assignment shall be limited to not more than six months without further medical evaluation.

2. MATERNITY LEAVE

a. Pregnancy

- i. A pregnant employee who wishes to request maternity leave shall, within a reasonable time, usually thirty (30) days prior to her due

date, notify her supervisor whether a maternity leave is to be requested.

- ii. An employee nearing her expected delivery date or whose duties may be considered hazardous or which may cause her to become medically disabled during the pregnancy, may obtain her physician's recommendation in this regard for consideration by the District. Should the District have concerns, which are not addressed, the employee may be requested to submit to a medical examination, at the expense of the District, by a physician designated by the District.

b. Leave

- i. Disabilities arising out of pregnancy, childbirth, and recovery there from, shall be treated the same as other non-job-connected disabilities in terms of eligibility for sick leave or leave of absence.
- ii. An employee will be permitted to continue work unless her physician advises the District to the contrary. The employee must be able to perform the essential functions of her position.
- iii. An employee approved for maternity leave shall be eligible to return to work at any time during the leave of absence upon the presentation of medical certification, if applicable, indicating that she is able to satisfactorily perform her original duties.
- iv. An employee returning from an approved maternity leave shall resume her duties in the position held prior to the leave or a similar position with equal pay.
- v. An employee who fails to return from an approved maternity leave of absence shall be considered to have abandoned her position and shall be terminated.

3. ~~FAMILY MEDICAL LEAVE ACT (FMLA) LEAVE~~

~~*{NOTE: The FMLA of 1993 does not apply to organizations with less than 50 people. The District chooses to follow its guidelines voluntarily. As such, the legal parameters of the Act are not binding on the District}*~~

- a. ~~Under the Family and Medical Leave Act of 1993, eligible employees are entitled to twelve workweeks of unpaid family and medical leave per year for:~~
 - i. ~~The birth of the employee's son or daughter and care of the infant;~~
 - ii. ~~The placement of a son or daughter with the employee for adoption or foster care;~~
 - iii. ~~The care of a spouse, son, daughter or parent of the employee if the spouse, son daughter or parent has a serious health condition; or~~
 - iv. ~~The employee's own serious health condition, which makes the employee unable to perform the functions of his or her job.~~
- b. ~~To be eligible for family leave, an employee must first qualify by having been employed by the District for at least twelve (12) months (need not be concurrent) and must have worked at least 1,250 hours during the twelve months preceding the leave. Employees must request such leave by completing an Application for Leave (Form 47), citing a Family and Medical Leave request, at least thirty (30) days prior to the start of the leave, if the~~

~~leave is foreseeable. In cases where it is deemed to be necessary, the District may require medical substantiation.~~

- ~~e. Employees on FMLA Leave are required to use accrued leave, i.e., sick leave, vacation and/or compensatory time prior to being placed on leave without pay.~~
- ~~d. Employees utilizing FMLA Leave will not be subject to loss of health care benefits, however, after thirty (30) calendar days of unpaid leave, an employee on FMLA Leave will not accumulate additional sick leave or vacation time. A period of FMLA Leave (regardless of whether it is paid or unpaid) will be treated as continued service (i.e., no break in service) for purposes of vesting and eligibility to participate in the pension or retirement plan.~~

4. ADMINISTRATIVE LEAVE

a. Bereavement

- i. Employees may be granted, upon approval of the Manager, time off with pay not to exceed three (3) consecutive working days in the event of a death in the immediate family of the employee.
- ii. The employee's immediate family shall be defined as the employee's spouse, father, mother, child, stepchild or ward, brother, sister, father-in-law, mother-in-law, or paternal or maternal grandparents.
- iii. Bereavement leave shall not be charged to Vacation or Sick Leave except as provided below.
- iv. If an employee required additional time other than provided for (3 days) he/she may request additional time from the Manager, chargeable to Vacation or Sick Leave. Such approval should not be unreasonably withheld.

b. Jury Duty Leave

- i. A permanent employee who is called for Jury Duty on a regularly scheduled workday, shall be granted time off with pay upon the presentation of a summons. Any fees received for jury duty shall be retained by the employee. The employee shall not be eligible for reimbursement by the District for any meals, lodging, travel, or other expenses incurred while serving as a juror.

~~An employee who is called for Jury Duty shall be granted leave with pay upon representation of a summons or subpoena. Leave with pay for court appearances shall not be granted when the employee is the defendant. In this instance, the employee will be expected to take Vacation Leave if credited, if not he will be put on leave without pay.~~

- ii. A permanent employee, who is subpoenaed as a witness on a regularly schedule workday, not on behalf of the District and not involving the employee's personal litigation, shall be granted time off with pay and any witness fees awarded shall be retained by the employee. The employee shall not be eligible for reimbursement by the District for any meals, lodging, travel, or other expenses which may be incurred while serving as a witness.

~~Any Jury Duty pay, witness fees, or other expenses received for services performed in the line of duty, while the employee is on full pay status, shall be turned over to the District. Expenses for mileage shall be retained by the employee.~~

- iii. An employee subpoenaed as a witness or defendant in behalf of the District shall be considered to be on duty, paid accordingly, and be entitled to be paid per diem and/or travel expenses in accordance with the provision of the District's travel policy. Any fees awarded shall be returned to the District.
- iv. An employee who appears in Court or participates in a related activity as a witness, plaintiff or defendant due to personal litigation or criminal charges or whose appearance is voluntary shall be required to use annual leave or leave without pay for any such absence from work.
- c. Military Leave / Reserve and National Guard Training
 - i. A permanent employee who is a member of the United States Armed Forces Reserve or the National Guard and who is ordered to engage in annual training, or other temporary active duty, shall, upon presentation of a copy of his/her official orders, be granted leave with pay. Such leave will be in accordance with Florida Statutes § 115.07.
- d. Leave without pay may be granted by the manager provided it does not interfere with District operations. Leave without pay for the Manager may be granted by the President of the Board of Directors.
- e. Other Leave
 - i. All other requests for leave shall be at the discretion of the District and, if granted, are limited to four working days without pay. Exceptions to this shall be subject to the Approval of the Board of Directors.
- f. Unexcused absences will not be tolerated and will be subject to disciplinary action or termination.

IV. EFFECTIVE DATE

Adopted by the Melbourne-Tillman Water Control District Board of Directors at the regular meeting of April 24, 2001, revised April 22, 2003, revised June 24, 2004, revised November 1, 2005. This policy supercedes and replaces Policy WCD-P-B-3 adopted by the Board of Directors on October 26, 1982, revised May 26, 1987 AND Policy WCD-P-B-14 adopted by the Board of Directors on April 23, 1996, revised December 2, 2014, revised February 23, 2021

V. ANNUAL REVIEW

02 Dec 2014 *DRA*

23 Feb 2021 *DJL*

Attachment

8

DATE: February 23, 2021

MELBOURNE-TILLMAN WATER CONTROL DISTRICT
5990 Minton Road
Palm Bay, Florida 32907

Personnel Policies: Leave

FAMILY MEDICAL LEAVE

I. PURPOSE:

To establish a policy regarding the Family and Medical Leave Act ("FMLA") providing eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons.

II. DEFINITIONS:

A. FMLA – Family and Medical Leave Act

B. ELIGIBLE EMPLOYEE – An employee who has worked for the District for at least 12 months, *and* worked at least 1,250 hours for the District over the preceding 12 months.

C. JOB-PROTECTED LEAVE – Upon return from a family and medical leave of absence, the District will reinstate an employee to his/her prior position if available or, alternatively, a comparable position for which the employee is qualified.

D. CHILD – Anyone under 18 years who is an employee's biological, adopted, or foster child, stepchild, legal ward, or an adult legally dependent child. This may also include a child for whom the employee has day-to-day responsibility.

E. PARENT – A biological, foster or adoptive parent, stepparent, legal guardian, or someone who plays or has played the role of parent, but does not include parents-in-law.

F. SPOUSE – Anyone recognized as a spouse through a legal marital relationship.

G. SERIOUS HEALTH CONDITION – An illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or their daily activities. Subject to certain conditions, the continuing treatment requirement includes an incapacity of more than three full calendar days and two visits to a health care provider or one visit to a health care provider and a continuing regimen of care; an incapacity caused by pregnancy or prenatal visits, a chronic condition, or permanent

or long-term conditions; or absences due to multiple treatments. Other situations may meet the definition of continuing treatment.

III. POLICY:

- A. The maximum amount of leave that may be taken in a 12-month period for all reasons combined is 12 weeks, with one exception. For leave to care for a Covered Service Member, the maximum combined leave entitlement is 26 weeks, with leaves for all other reasons constituting no more than 12 of those 26 weeks. FMLA leave may be taken for the following reasons:
 1. Birth of a child, or to care for a newly-born child (up to 12 weeks):
 2. Placement of a child with the employee for adoption or foster care (up to 12 weeks):
 3. To care for an immediate family member (employee's spouse, child, or parent) with a serious health condition (up to 12 weeks):
 4. Because of the employee's serious health condition that makes the employee unable to perform the employee's job (up to 12 weeks):
 5. To care for a Covered Service member with a serious injury or illness related to certain types of military service (up to 26 weeks) (see Military-Related FMLA for more details).
- B. The District measures the 12-month period in which leave is taken by the "rolling" 12-month method, measured backward from the date of any FMLA leave with two exceptions. For leave to care for a covered service member, the District calculates the 12-month period beginning on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of birth or placement.
- C. Eligible employees may take FMLA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member, or in case of a covered service member, his or her injury or illness. Eligible employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies. Intermittent leave is not permitted for birth of a child, to care for newly-born child, or for placement of a child for adoption or foster care. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the District's operations.

- D. Accrued paid leave (sick and/or vacation time) will be used concurrently with any FMLA leave.
- E. No Accrual of leave benefits and/or seniority shall occur during any unpaid portion of FMLA leave.
- F. The District will maintain coverage for an employee under the group plan while the employee is on leave. Any share of health premiums normally paid by the employee must continue to be paid by the employee during the FML period. If an employee fails to return from leave, the District may recover the health insurance premium it paid for the employee during the FML, unless the failure to return to work is due to a serious health condition or other circumstances beyond the employee's control.

G. FMLA leave requests are required to provide the following:

1. Sufficient information for determining if the requested leave qualifies for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that you are unable to perform job functions, a family member is unable to perform daily activities, the need for hospitalization of continuing treatment by a health care provider, or circumstances supporting the need for military family leave. You must also inform the District if the requested leave is for a reason for which FMLA leave was previously taken or certified.

If the need for leave is foreseeable, this information must be provided 30 days in advance of the anticipated beginning date of the leave. If the need for leave is not foreseeable, this information must be provided as soon as is practicable and in compliance with the District's normal call-in procedures, absent unusual circumstances.

2. Medical certification supporting the need for leave due to a serious health condition affecting you or an immediate family member within 15 calendar days of the District's request to provide the certification (additional time may be permitted in some circumstances). Failure to do so may result in delay of the leave, in which case your leave of absence would be treated in accordance with our standard leave of absence and attendance policies, subject to discipline up to and including termination. Second or third medical opinions and periodic recertifications may also be required.
3. Periodic reports as deemed appropriate during the leave regarding your status and intent to return to work.
4. Medical certification of fitness for duty before returning to work, if the leave was due to your serious health condition. The District will require this certification to address whether you can perform the essential functions of your position.

Failure to comply with the foregoing requirements may result in delay or denial of leave, or disciplinary action, up to and including termination.

- H. To the extent required by law, the District will inform employees whether they are eligible under the FMLA. Should an employee be eligible for FMLA leave, the District will provide a notice that specifies any additional information required as well as the employee's rights and responsibilities. If an employee is not eligible, the District will provide reason for the ineligibility, the District will also inform the employee if leave will be designated as FMLA-protected and, to the extent possible, note the amount of leave counted against the employee's leave entitlement. If the District determines that the leave is not FMLA-protected, the District will notify the employee.
- I. Upon returning from FMLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.
- J. Any employee who fails to return to work as scheduled after FMLA leave or exceeds the 12-week FMLA entitlement (or in the case of military caregiver leave, the 26-week FMLA entitlement), will be subject to the District's standard leave of absence and attendance policies. This may result in termination if the employee has no other District provided leave available that applies to the continued absence. Likewise, following the conclusion of the FMLA leave, the District's obligation to maintain the employee's group health plan ends (subject to any applicable COBRA rights).
- K. Providing false or misleading information or omitting material information in connection with an FMLA leave will result in disciplinary action, up to and including immediate termination.
- L. FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA, or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

MILITARY RELATED FMLA LEAVE OF ABSENCE

I. PURPOSE:

FMLA Leave may also be available to eligible employees in connection with certain service-related medical and non-medical needs of family members. There are two forms of such leave, Military Caregiver Leave and Qualifying Exigency Leave.

II. DEFINITIONS:

- A. **COVERED SERVICE MEMBER** – A current service member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness incurred in the line of duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, *or* is

otherwise on the temporary disability retired list, or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

- B. COVERED VETERAN – An individual who was discharged under conditions other than dishonorable during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. The period between October 28, 2009 and March 8, 2013 is excluded in determining this five-year period.
- C. SERIOUS INJURY OR ILLNESS – For current service members this term means an injury or illness that was incurred by the member in the line of duty while on active duty in the Armed Forces or that existed before the beginning of active duty and was aggravated by such service, that may render them medically unfit to perform the duties of their office, grade, rank or rating.

For covered veterans this term means a serious injury or illness that was incurred in the line of duty while on active duty in the Armed Forces or that existed before the beginning of active duty and was aggravated by such service and manifested itself before or after the individual assumed veteran status, and is: (1) a continuation of a serious injury or illness that was incurred or aggravated when they were a member of the Armed Forces and rendered them unable to perform the duties of their office, grade, rank or rating; (2) a physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; (3) a physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would be so absent treatment; or (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

- D. QUALIFYING EXIGENCIES – Activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, parental care, and post-deployment debriefings.

III. POLICY

- A. Unpaid Military Caregiver Leave is designed to allow eligible employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. Military Caregiver Leave is a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period.
- B. To be eligible for Military Caregiver Leave, the employee must be a spouse, son, daughter, parent, or next of kin of the covered service member. "Next of kin" means the nearest blood relative of the service member, other than the service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody or the service member by court decree or

- statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the service member has specifically designated in writing another blood relative as his or hers nearest blood relative for purposes of Military Caregiver Leave. The employee must also meet all other eligibility standards as set forth within the FMLA Leave policy.
- C. An eligible employee may take up to 26 work weeks of Military Caregiver Leave to care for a covered service member in a single 12-month period. The single 12-month period begins on the first day leave is taken to care for a covered service member and ends 12 months thereafter, regardless of the method used to determine leave availability for other FMLA qualifying reasons. If an employee does not exhaust his or her 26 work weeks of Military Caregiver Leave during this single 12-month period, the remainder is forfeited.
 - D. Military Caregiver Leave applies on a per-injury basis for each service member. Consequently, an eligible employee may take separate periods of caregiver leave for each and every covered service member, and/or for each and every serious injury or illness of the same covered service member. A total of no more than 26 work weeks of Military Caregiver Leave, however, may be taken within any single 12-month period.
 - E. Within the single 12-month period described above, an eligible employee may take a combined total of 26 weeks of FMLA leave including up to 12 weeks of leave for any other FMLA-qualifying reason (i.e. birth or adoption of child, serious health condition of the employee or close family member, or a qualifying exigency). For example, during the single 12-month period, an eligible employee may take up to 16 weeks of FMLA leave to care for a covered service member when combined with up to 10 weeks of FMLA leave to care for a newborn child.
 - F. An employee seeking Military Caregiver Leave may be required to provide appropriate certification from the employee and/or covered service member and completed by an authorized health care provider within 15 days. Military Caregiver Leave is subject to the other provisions in this FMLA Leave Policy (requirements regarding employee eligibility, appropriate notice of the need for leave, use of accrued paid leave, etc.). Military Caregiver Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

Qualifying Exigency Leave

- A. Eligible employees may take unpaid "Qualifying Exigency Leave" to tend to certain "exigencies" arising out of the covered active duty or call to covered active duty status of a "military member" (i.e. the employee's spouse, son, daughter, or parent). Up to 12 weeks of Qualifying Exigency Leave is available in any 12-month period, as measured by the same method that governs measurement of other forms of FMLA leave within the FMLA policy (with the exception of Military Caregiver Leave, which is subject to a maximum of 26 weeks of leave in a single 12-month period). Although Qualifying Exigency Leave may be combined with leave for other FMLA-qualifying reasons, under no circumstances may the combined total exceed 12 weeks in any 12-month period (with the exception of Military Caregiver Leave as set forth

above). The employee must meet all other eligibility standards as set forth within the FMLA policy.

- B. Persons who can be ordered to active duty include active and retired members of the Regular Armed Forces, certain members of the retired Reserve, and various other Reserve members including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard, state military, Army Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve.

A call to active duty refers to a *federal* call to active duty, and *state* calls to active duty are not covered unless under order of the President of the United States pursuant to certain laws.

- C. Qualifying Exigency Leave is available under the following circumstances:

1. **Short-notice deployment.** To address any issue that arises out of short notice (within seven days or less) of an impending call or order to covered active duty.
2. **Military events and related activities.** To attend any official military ceremony, program, or event related to covered active duty of call to covered active duty status or to attend certain family support or assistance programs and informational briefings.
3. **Childcare and school activities.** To arrange for alternative childcare, to provide childcare on an urgent, immediate need basis, to enroll in or transfer to a new school or daycare facility, or to attend meetings with staff at a school or daycare facility.
4. **Financial and legal arrangements.** To make or update various financial or legal arrangements; or to act as the covered military member's representative before a federal, state, or local agency in connection with service benefits.
5. **Counseling.** To attend counseling (by someone other than a health care provider) for the employee, for the military member, or for a child or dependent when necessary as a result of duty under a call or order to covered active duty.
6. **Temporary rest and recuperation.** To spend time with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to 15 calendar days of leave for each instance of rest and recuperation.
7. **Post-deployment activities.** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to 90 days following termination of the military member's active duty status. This also encompasses leave to address issues that arise from the death of a military member while on active duty status.
8. **Parental care.** To care for the military member's parent who is incapable of self-care. The parent must be the military member's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age.
9. **Mutually agreed leave.** Other events that arise from the military member's duty under a call or order to active duty, provided that the District and the employee

agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

- D. An employee seeking Qualifying Exigency Leave may be required to submit appropriate supporting documentation in the form of a copy of the military member's active duty or rest and recuperation orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member, within 15 days. Qualifying Exigency Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and mothering within this policy should be construed to be inconsistent with those regulations.

Limited Nature of This Policy

This Policy should not be construed to confer any express or implied contractual relationship or rights to any employee not expressly provided for by FMLA. The District reserves the right to modify this or any other policy as necessary, in its sole discretion to the extent permitted by law. State or local leave laws may also apply.

III. EFFECTIVE DATE:

Adopted by the Melbourne-Tillman Water Control District Board of Directors at the regular meeting of February 23, 2021.

IV. ANNUAL REVIEW:

LEAVE POLICY (continued)

An employee shall not be eligible to accrue or use annual or sick leave while on leave of absence without pay. An employee on an approved leave of absence without pay may have paid whatever portion of the premium for group health insurance necessary to cover the first full month that starts during the first thirty (30) days of the leave of absence. However, the cost of premiums for optional coverage must be borne by the employee. Group health and optional coverage may be continued beyond the thirty (30) day period provided all premium payments are kept current by the employee, except in the case of an approved medical leave of absence during which the County will continue to pay premiums for the employee's health and life insurance (see IX.M of this Policy, Family & Medical Leave Act of 1993, for additional provisions). No leave of absence without pay shall exceed six (6) months unless a longer period of time or an extension has been authorized by the County Manager.

M. FLSA OVERTIME-EXEMPT EMPLOYEES

When accrued leave is not available, unpaid leave deductions may be made from exempt employees for partial day absences for personal reasons. Any leave granted under the Family Medical Leave Act may be unpaid leave.

N. FAMILY & MEDICAL LEAVE ACT OF 1993

1. DEFINITIONS

EMPLOYMENT BENEFITS -The term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

HEALTH CARE PROVIDER -The term "health care provider" means

- a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or
- any other person determined by the Secretary to be capable of providing health care services.

PARENT -The term "parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

SERIOUS HEALTH CONDITION - The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves

- inpatient care in a hospital, hospice, or residential medical care facility; or
- continuing treatment by a health care provider.

SON OR DAUGHTER - The term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is

- under 18 years of age; or
- 18 years of age or older and incapable of self-care because of a mental or physical disability.

SPOUSE - The term "spouse" means a husband or wife, as the case may be.

LEAVE POLICY (continued)

ACTIVE DUTY - The term "active duty" means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

CONTINGENCY OPERATION - The term "contingency operation" has the same meaning given such term in section 101(a)(13) of title 10, United States Code.

COVERED SERVICEMEMBER - The term "covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

COVERED VETERAN - The term "covered veteran" means a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the five (5) years preceding the date of treatment, recuperation or therapy.

OUTPATIENT STATUS - The term "outpatient status", with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to

- a military medical treatment facility as an outpatient; or
- a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

NEXT OF KIN - The term "next of kin", used with respect to an individual, means the nearest blood relative of that individual.

QUALIFYING EXIGENCY LEAVE – The term "qualifying exigency leave" means leaves for short-notice deployment, military events and related activities, financial and legal matters, child care and school activities, rest and recuperation, post-deployment activities and additional activities agreed upon by the employer and the employee.

SERIOUS INJURY OR ILLNESS - The term "serious injury or illness", in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

2. ENTITLEMENT TO LEAVE

- a. An eligible employee has been employed for at least 12 months by the Board of County Commissioners and has at least 1,250 hours of service during the previous 12-month period. An eligible employee is entitled to a total of 12 workweeks of leave during any 12-month period for one or more of the following:
 - The birth of a son or daughter of the employee in order to care for such son or daughter. The entitlement to leave for the birth of a son or daughter expires at the end of the 12-month period beginning on the date of birth. This leave may not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employer agree otherwise.
 - The placement of a son or daughter with the employee for adoption or foster care. The entitlement to leave for the placement of a son or daughter expires at the end of the 12-month period beginning on the date of placement. This leave will not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employer agree otherwise.

LEAVE POLICY (continued)

- In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition. Leave may be taken intermittently or on a reduced leave schedule when medically necessary, subject to proper certification.
 - A serious health condition that makes the employee unable to perform the functions of the position of such employee. Leave may be taken intermittently or on a reduced leave schedule when medically necessary, subject to proper certification.
 - Any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.
- b. Service Member Caregiver Leave - An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember or a covered veteran is entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph is only available during a single 12-month period. Leave may be taken intermittently or on a reduced leave schedule when medically necessary, subject to proper certification.
- c. Combined Leave Total - During the single 12-month period described in paragraph (b), an eligible employee is entitled to a combined total of 26 workweeks of leave under paragraphs (a) and (b). However, this does not limit the availability of leave under paragraph (a) during any other 12-month period.

3. SUBSTITUTION OF PAID LEAVE

An eligible employee may elect, or the employer may require the employee, to substitute any accrued annual leave or sick leave for any part of the 12-week or 26-week period of FMLA leave. The employer is not required to provide paid sick leave in any situation in which the employer would not normally provide any such paid leave.

4. REQUIREMENT OF NOTICE

When the necessity for leave is foreseeable based on an expected birth or placement, the employee will provide not less than 30 days' notice before the date the leave is to begin. If the date of the birth or placement requires leave to begin in less than 30 days, the employee will provide such notice as is practicable.

When the necessity for leave is foreseeable based on planned medical treatment, the employee will make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, as appropriate; and if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

When the necessity for leave is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

LEAVE POLICY (continued)

5. CONDITIONS AND LIMITATIONS

Employees who are eligible for paid leave may be required to utilize such paid benefits prior to taking leave without pay. Such paid benefits would be included in the calculation of twelve (12) work weeks leave within a twelve (12) month period.

No accrual of leave benefits and/or seniority, except as may be provided elsewhere in these policies, shall occur during any unpaid portion of such leave.

O. DOMESTIC VIOLENCE LEAVE

1. Definitions

Domestic Violence – means domestic violence as defined in Florida Statutes, Section 741.28, or any crime the underlying factual basis of which has been found by a court to include an act of domestic violence.

Victim - means an individual who has been subjected to domestic violence.

2. Eligibility

An employee shall be eligible for Domestic Violence Leave after three (3) months of employment and may request and take up to three (3) unpaid working days of leave from work in any twelve (12) month period if the employee or a family or household member of an employee is the victim of domestic violence. An employee may be required to utilize accumulated annual, compensatory or sick leave, if applicable, at the discretion of the appointing authority, prior to receiving domestic violence leave.

3. Conditions and Limitations

Except in cases of imminent danger to the health or safety of the employee, or to the health and safety of a family or household member, an employee seeking domestic violence leave from work must provide appropriate advance notice of the leave as well as reasonably sufficient documentation as required by the appointing authority to verify entitlement to this leave.

Requests for domestic violence leave must be approved and maintained by the appointing authority. Each appointing authority shall maintain personal identifying information that is contained in any records documenting an act of domestic violence including any use of domestic violence leave as confidential and exempt from disclosure to the extent authorized by statute.

The use of Domestic Violence Leave is limited to the following activities:

- (a) Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- (b) Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence;

Attachment 9

STATE OF FLORIDA
Melbourne-Tillman Water Control District



November 9, 2020

William E. and Angela Kate Kingston (via certified mail)
726 Old Country Road SE
Palm Bay, FL 32909

Blue Marlin Pools of Brevard, Inc. (via certified mail)
505 Barton Blvd.
Rockledge, FL 32955
Attn: Michael Jackson, President

RE: Access via Canal C-41 without proper authorization for pool construction (Palm Bay Building permit 20-6418)
726 Old Country Road SE, Parcel ID 29-37-29-WW-*-111

Dear Mr. and Mrs. Kingston,

On November 5, 2020, I observed the apparent use of Melbourne-Tillman Water Control District's Canal C-41 to access the above referenced property for construction of a pool. The use of Melbourne-Tillman Water Control District's (MTWCD's) canals requires application and approval for a permit in accordance to policy established by the Board of Directors.

I have not been notified nor received an application for such access by either yourselves or the contractor, therefore in violation of approved policies.

Below are photographs of the site and apparent access from the Florida Power and Light transmission easement.







Palm Bay Building Department was notified of the infraction and a hold has been placed on the permit, 20-6418, until resolution with MTWCD is completed.

A MTWCD application for permit is required to continue the process. Information for the application and policy can be found on the website, www.melbournetillman.org. Restoration of the canal right-of-way and presence before the Board of Director meeting on December 8, 2020 at 9:00 AM located at the City of West Melbourne Council Chambers is required.

The hold on the current Palm Bay Building Department permit will not be released until after this meeting.

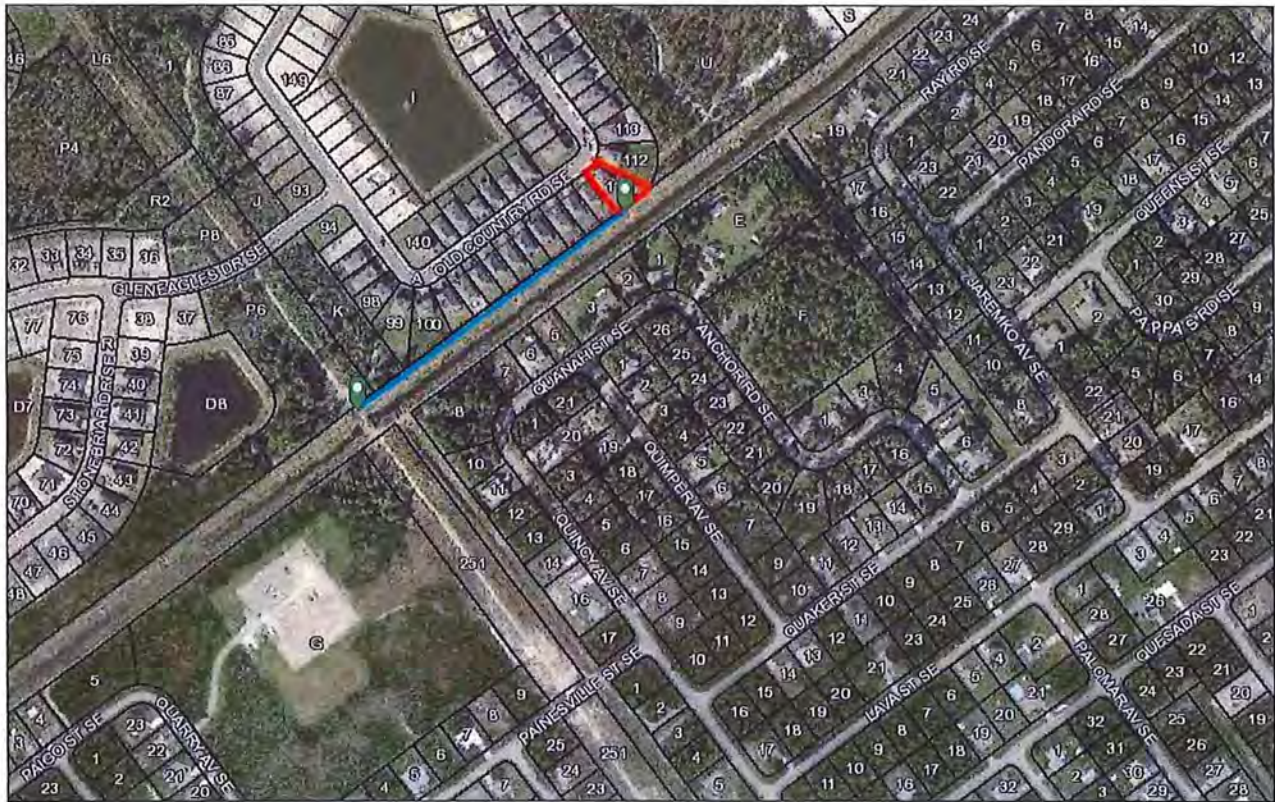
If there are any questions, please contact me at (321) 723-7233 or mike@melbournetillman.org.

Sincerely,

Michael E. McCabe, P.E., CSM
District Engineer

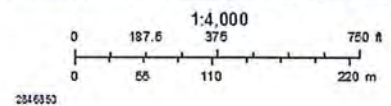
Cc: Deborah LeClair, District Manager, (via email djleclair@melbournetillman.org)
Joy Barnett, Administrative Services Manager, Palm Bay Building Department (via email Joy.Barnett@palmbayflorida.org)
Myron Taylor, Code Compliance Officer, Palm Bay Building Department (via email Myron.Taylor@palmbayflorida.org)

Brevard County Property Appraiser



December 3, 2020

Temporary usage of 876 feet access along Canal C-41 from FPL
transmission easement to 726 Old Country Road



For illustration only. Not a survey. Map layers may not precisely align.
© 2020 Brevard County

726 Old Country Road access to Canal C-41 for pool construction



726 Old Country Road access to Canal C-41 for pool construction



726 Old Country Road access to Canal C-41 for pool construction



Attachment 10



1575 NASA Blvd
Melbourne, FL 32901

February 11th, 2021

Mike McCabe
Melbourne - Tillman Water Control District
5990 Minton Road
Palm Bay, FL 32907

SUBJECT: Health First Palm Bay Hospital
Inclusion to Melbourne-Tilman Water Control District
Parking Expansion & Sidewalk addition

Mr. McCabe,

Holmes Regional Medical Center, Inc. respectfully requests that the property described as Parcel ID: 28-37-34-00-755, and known also as: The East ½ of Lot 3 of Florida Indian River Land Company's Subdivision, PB 1 Pg. 164, Except ORB 5809, Pg. 7968, also Except ST RD., be included within the Melbourne-Tillman Water Control District.

As you know, pre-construction is ongoing at this property to build additional parking on the east side of the existing Health First Palm Bay Hospital. The hospital was expanded in 2009 and extended the facility into the referenced parcel. We apologize that the request was not made at the time and hope to correct the situation now.

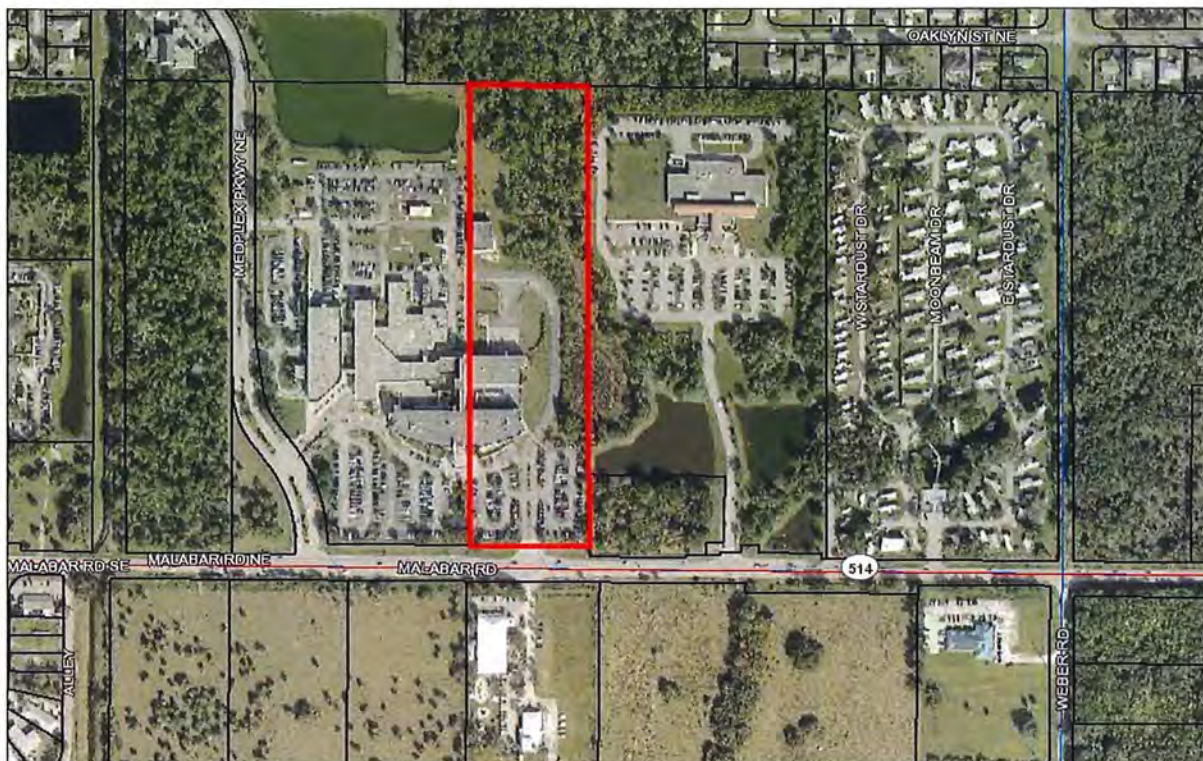
Thank you for your interest in this matter.

Sincerely,

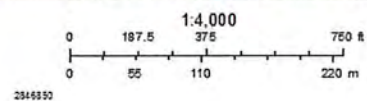
A handwritten signature in blue ink, appearing to read "Brett A. Esrock", with a stylized flourish at the end.

Brett A. Esrock
Senior Vice President, CEO Hospital Services
Health First, Inc.

Brevard County Property Appraiser



February 18, 2021



For illustration only. Not a survey. Map layers may not precisely align.
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Attachment 11

Funding Opportunity for Green Stormwater Infrastructure Projects

Subscribe to updates from Florida Department of Environmental Protection

Florida Department of Environmental Protection sent this bulletin at 02/10/2021 12:15 PM EST

Email Address

Subscribe



CALL TO ACTION:

DEP Announces Funding Opportunity for Green Stormwater Infrastructure Projects

~ Fiscal Year 2021-22 Project Proposals Are Being Accepted for Review ~

TALLAHASSEE, Fla. – The Florida Department of Environmental Protection's Nonpoint Source Management Program is seeking participants for Green Stormwater Infrastructure (GSI) projects. Green infrastructure reduces and treats stormwater at its source while delivering environmental, social and economic benefits. Examples of GSI projects include vegetated bioswales (more than conveyance grass swales), bioretention cells, tree boxes, pervious pavement, green walls and green roofs.

Grant amounts may vary on a case-by-case basis for planning, construction and coordination depending on project type or size. Please contact [Emily Brown](#) if you would like to discuss project size and/or cost prior to submitting a proposal.

To be eligible, project participants must:

- Have a suitable location for a GSI project.
- Be able to complete the construction of the project through a cost reimbursement grant.
- Be able to work with the department throughout the project (from design to monitoring) to ensure that meaningful data is collected as a representative Florida GSI case study.

The deadline to apply is **April 2, 2021**.

Learn more about [GSI projects and submission requirements](#).

About the Florida Department of Environmental Protection

The Florida Department of Environmental Protection is the state's principal environmental agency, created to protect, conserve and manage Florida's environment and natural resources. The department enforces federal and state environmental laws, protects Florida's air and water quality, cleans up pollution, regulates solid waste management, promotes pollution prevention and acquires environmentally sensitive lands for preservation. The agency also maintains a statewide system of parks, trails and aquatic preserves. Visit the department's website at [FloridaDEP.gov](https://www.floridadep.gov).

<https://content.govdelivery.com/accounts/FLDEP/bulletins/2bef0e2>



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Green Stormwater Infrastructure Case Study Project Proposal

Thank you for your interest in hosting a Green Stormwater Infrastructure (GSI) Case Study Project. The goal of this effort is to collect data to develop useful case studies on green stormwater infrastructure in Florida. The Florida Department of Environmental Protection is seeking project hosts that have a suitable location for a GSI project, are able to complete the construction of the project through a cost reimbursement grant, and are willing and able to work with the Department throughout the project (from design to monitoring) to ensure that meaningful data is collected.

Eligible Projects Include: Vegetated bioswales (more than conveyance grass swales), bioretention cells, tree boxes, pervious pavement, green walls and green roofs.

Benefits to Project Hosts:

Project hosts will be provided with the following at no cost*:

- Design
- Construction
- Monitoring for up to 3 years
- Maintenance plan

***Grant amounts may vary based on project size.**

Project Host Eligibility Requirements and Responsibilities:

- Eligible project hosts include local governments and state agencies.
- Projects must directly impact an impaired waterbody.
- Project hosts must have a Florida certified engineer to consult with during the design process.
- Project hosts are responsible for bidding, construction, and project management.
- Project hosts must be able to manage the construction portion of the project through a cost reimbursement grant.
- Property identified for the project must be located on public property owned or controlled by the Project Host.
- Project hosts must commit to maintain the project. At a minimum, hosts will maintain the project throughout the monitoring phase.
- Project hosts will be required to submit a detailed report on their experiences with the pilot project effort upon the completion of the monitoring phase.

Project Questionnaire Instructions:

Be sure to read the project host eligibility requirements and responsibilities information prior to filling out the project proposal information form. Complete the project proposal questionnaire to the best of your ability. Keep in mind some questions may not be applicable to your project. For instance, a completed design is not required to be considered to host a case study project. If your project is identified as a potential candidate for a case study, you will be contacted to provide additional information.

Project Proposals Due By: April 2, 2021 Expected Project Selection By: June 1, 2021

**Direct questions and completed questionnaires to Emily Brown at
Emily.Brown@FloridaDEP.gov**

Green Stormwater Infrastructure Project Questionnaire

Contact Name:

Contact Email:

Host Organization:

Project Name:

1. WBID ID(s) and impairment parameters of the impaired waterbody:

Project Location (Lat/Long):

Current Land Use:

Is this project a part of a larger project? Yes ☐ No ☐

If yes, describe:

2. Is the Project Geographically Located in a Basin Management Action Plan (BMAP) or Reasonable Assurance Plan (RAP) area? Yes ☐ No ☐

Name the BMAP or RAP:

Name of the project and project identification number, if the project is listed in the BMAP or RAP:

3. Project Type(s) (Select all the apply):

Bioswale/Bioretention Cell ☐ Tree Box ☐

Pervious Pavement ☐ Green Wall ☐ Green roof ☐

4. Project Description:

Project Design Status? Not Designed ☐ Conceptual ☐

Partially Designed ☐ Fully Designed ☐

Estimated Project Cost (if known). If possible, also break out estimated funding into design, construction, project management, monitoring, and reporting costs:

Can your organization contribute local funding to offset project costs? Yes ☐ No ☐

Contribution Amount:

5. Is the project located in a high traffic or otherwise visible area? Yes ☐ No ☐
Describe the project area:

6. Do you have staff/funding that will commit to maintain the project for a minimum of three years after construction? Yes ☐ No ☐
Explain:

7. Does your organization have prior experience with GSI? Yes ☐ No ☐
Explain:

8. Does the local community support GSI in this area? Yes ☐ No ☐ Unsure ☐
Explain:

9. Would you be interested in also pilot testing GSI public education? Yes ☐ No ☐