

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Sheryl G. Wood, General Counsel

**DATE:** October 9, 2008

**SUBJECT: Action Required**

Authorization to file suit—

The Village at Boca Rio Homeowners' Association, Inc. and all other appropriate parties – Enforcement Action for a Portion of Property Located at Section 29, Township 47, Range 42, Boca Raton, Palm Beach County, Florida

**Background**

This is a request to resolve a violation for the use of water without a consumptive use permit. On February 20, 2008, District staff conducted an inspection of the property and observed surface water withdrawal facilities, specifically an intake valve and pump immediately adjacent to an on-site lake at the above-described property. On or about April 8, 2008, a Notice of Violation was issued. Despite discussions between District staff and legal counsel for The Village at Boca Rio Homeowners' Association, Inc. ("Village at Boca Rio"), Village at Boca Rio has not submitted an Application for Water Use Permit or received a Water Use Permit to withdraw water from the lakes on its property for irrigation purposes.

**How this helps meet the District's 10 year Strategic Plan**

This effort will help protect water supply for public health and safety by requiring compliance with Chapter 373, Florida Statutes.

**Funding Source**

This litigation will be handled by the District's Office of Counsel. Any costs associated with this litigation will be paid from budgeted ad valorem funds.

**This Board item impacts what areas of the District, both resource areas and geography?**

This item impacts water supply and environmental resources in Palm Beach County.

**What concerns could this Board item raise?**

If this matter is not resolved, the unauthorized withdrawal of water could continue. Office of Counsel desires a resolution that results in the issuance of a water use permit to Village at Boca Rio. However, if Village at Boca Rio refuses to obtain a water use permit in a timely manner, the District may have no other recourse than to seek an injunction from the Court.

**Why should the Governing Board approve this item?**

The Governing Board should approve this item to resolve violations of unauthorized water use without the required permit and take appropriate action against all responsible parties.

If you have any questions, please do not hesitate to call me at extension 6976.

SGW/JDB/lw