



**GOVERNING BOARD MEETING  
TUESDAY, MAY 23, 2023 – 9:00 AM  
7601 US 301 NORTH, TAMPA, FL 33637  
(813) 985-7481**

**MINUTES**

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Board Members Present

Joel Schleicher, Chair  
Ed Armstrong, Vice Chair  
Michelle Williamson, Secretary  
John Mitten, Treasurer  
Kelly Rice, Member  
Jack Bispham, Member  
Ashley Bell Barnett, Member  
John Hall, Member  
James Holton, Member  
Dustin Rowland, Member  
Robert Stern, Member

Staff Members

Brian J. Armstrong, Executive Director  
Amanda Rice, Assistant Executive Director  
Chris Tumminia, General Counsel  
Brian Werthmiller, Inspector General  
Jennette Seachrist, Division Director  
Michelle Hopkins, Division Director  
Brian Starford, Division Director  
Michael Molligan, Division Director  
Brandon Baldwin, Division Director

Board Administrative Support

Virginia Singer, Board & Executive Services Manager  
Lori Manuel, Lead Administrative Coordinator

**1. Convene Public Meeting**

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., May 23, 2023, at the Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

This meeting was available for live viewing through Internet streaming. An attendance roster is archived in the District's permanent records. Approved minutes from meetings can be found on the District's website at [WaterMatters.org](http://WaterMatters.org).

**1.1 Call to Order**

Chair Joel Schleicher called the meeting to order. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Chair Schleicher stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should complete and submit a "Request to Speak" card. Chair Schleicher stated that comments would be limited to three minutes per speaker, and when appropriate, exceptions to the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same topic designate a spokesperson. Chair Schleicher

introduced each member of the Governing Board and staff present at the dais (this served as roll call). A quorum was confirmed.

**1.2 Invocation and Pledge of Allegiance**

Board Member Robert Stern offered the invocation and led the Pledge of Allegiance.

**1.3 Election of Governing Board Officers**

Chair Schleicher provided an overview of his tenure as Chair including recent successes, ongoing activities, and future challenges.

Mr. Chris Tumminia, General Counsel, outlined the process for the election of officers.

**Board Member Dustin Rowland made a motion to nominate a slate of officers as follows: Chair, Ed Armstrong; Vice Chair, Michelle Williamson; Secretary, John Mitten; and Treasurer, Jack Bispham. The motion was seconded and passed unanimously.**

**1.4 Employee Recognition**

Chair Schleicher recognized Mr. Lynn Nipper for 30 years of service.

**1.5 Additions/Deletions to Agenda**

Mr. Brian Armstrong, Executive Director, stated there were no additions or deletions to the agenda.

A Request to Speak card was submitted for the following item. This item was moved from Consent to Discussion.

**Regulation Committee**

**2.4 Water Use Permit No. 20 011400.033, Mosaic Fertilizer, LLC / Integrated Water Use Permit (DeSoto, Hardee, Hillsborough, Manatee, Polk, Sarasota Counties)**

**Chair Schleicher stated there was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.**

**1.6 Public Input for Issues Not Listed on the Published Agenda**

Mr. Tim Richey expressed his concerns regarding clean drinking water and public safety.

Mr. David Ballard Geddis provided his opinion regarding Walt Disney as related to water resources.

**Consent Agenda**

**Resource Management Committee**

**2.1 Hillsborough County SCADA System (Q213) – Scope and Cost Revision**

Staff recommended the Board Authorize staff to amend the (Q213) Hillsborough County SCADA Project CFA to:

1. Revise the number of real-time monitoring systems defined in the Measurable Benefit from approximately 250 to approximately 180.
2. Reduce the District's funding from \$900,000 to \$648,000.

**2.2 Braden River Utilities Taylor Road Area Transmission – Third-Party Review (Q268)**

Staff recommended the Board authorize continuation of the project and approve modification of the Cooperative Funding Agreement to include a total project cost of \$7,356,405 for third-

party review and construction, with the District's share to remain \$3,550,000 for the Braden River Utilities Taylor Road Area Transmission Project (Q268).

### **Operations, Lands and Resource Monitoring Committee**

#### **2.3 Amended and Restated Site Agreement for Land – Cell Phone Tower, SWF Parcel No. 20-503-257X**

Staff recommended the Board:

- Approve the Amended and Restated Site Agreement for Land with T-Mobile USA Tower LLC for the operation and maintenance of a cell phone tower on District lands, SWF Parcel 20-503-257X.
- Authorize the Chairman and Secretary of the Governing Board to sign the Amended and Restated Site Agreement for Land, SWF Parcel 20-503-257X.

### **Regulation Committee**

#### **2.4 Water Use Permit No. 20 011400-033, Mosaic Fertilizer, LLC / Integrated Water Use Permit (DeSoto, Hardee, Hillsborough, Manatee, Polk, Sarasota Counties)**

Staff recommended the Board approve the proposed permit attached as an exhibit.

### **General Counsel's Report**

#### **2.5 Partial Release of Conservation Easement — EPR Application No. 865400 — Braden River Mitigation Bank — Manatee County**

Staff recommended the Board approve, accept, and execute the attached Partial Release of Conservation Easement and Quit Claim Deed for the Braden River Mitigation Bank.

#### **2.6 Authorization to Issue Administrative Complaint and Order — Unauthorized Construction — John Rudnianyn, as Trustee for International Property Services Corp. — CT No. 409683 — Marion County**

Staff recommended the Board:

- Authorize District staff to issue an Administrative Complaint and Order to Permittee and any necessary parties to obtain compliance with District rules.
- Authorize District staff to initiate an action in Circuit Court against Permittee and any necessary party to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.
- Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

#### **2.7 Approval of Settlement Agreement between Warm Mineral Springs Inc., Sarasota County, and SWFWMD – Quiet Title – Case No. 2022-CA-003 – Sarasota County**

Staff recommended the Board:

1. Approve the Settlement Agreement.
2. Authorize District staff to pursue compliance with the terms and conditions of the approved Settlement Agreement, including filing any appropriate actions in Circuit Court, if necessary.

### **Executive Director's Report**

#### **2.8 Approve Governing Board Minutes - April 25, 2023**

Staff recommended the Board approve minutes as presented.

**A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:25:10)**

### **Finance/Outreach and Planning Committee**

Treasurer John Mitten called the committee meeting to order. (Audio – 00:25:23)

#### **3.1 Consent Item(s) Moved to Discussion - None**

#### **3.2 2023 Legislative Update**

Ms. Cara Martin, Government and Community Affairs Office Chief, provided an overview of the 2023 Legislative Session. She provided a summary of the session and outlined the \$117 billion budget for Fiscal Year 2023-2024. She reminded the Board that the state fiscal year begins July 1. She highlighted the major budget items which included an overview of the funding allocated for the Florida Department of Environmental Protection. This portion of the budget totaled \$4.9 billion.

Ms. Martin specifically addressed funding projects that will benefit the District. She provided an overview of District related bills that passed and failed to pass. Ms. Martin congratulated the Governing Board Members who were successfully confirmed by the Senate. She thanked the Governor and the Legislature for their support of the environmental budget. Ms. Martin provided a timeline of the upcoming committee weeks and the 2024 legislative session.

This item was for information only. No action was required.

#### **3.3 Budget Transfer Report**

This item was for information only. No action was required.

### **Resource Management Committee**

Board Member Ashley Bell Barnett called the committee meeting to order. (Audio - 00:36:24)

#### **4.1 Consent Item(s) Moved to Discussion - None**

#### **4.2 Polk Regional Water Cooperative – Peace Creek Integrated Water Supply Plan (N928) Reduction of Scope and Budget to Eliminate Third-Party Review and Subsequent Tasks**

Mr. Jay Hoecker, Water Resources Bureau Chief, provided an overview of the project, background information and costs associated. He stated that due to preliminary evaluation of surface water availability it is recommended that the requirement for third-party review be eliminated, in addition to subsequent tasks. This will provide a reduction in total project costs from \$1,980,250 to \$1,214,113 resulting in a savings of \$383,068.26 in District funds. Staff responded to questions.

Staff recommended the Board:

1. Authorize staff to amend the Peace Creek Integrated Water Supply Plan Project (N928) cooperative funding agreement to eliminate the third-party review, preliminary water rate analysis, easements & permitting report, and integrated water supply plan tasks; change the Measurable Benefit to the completion of a preliminary design of a water supply option from the Peace Creek in Polk County; and reduce the total project budget to \$1,214,113.48;
2. Approve a budget transfer from the Peace Creek Integrated Water Supply Plan (N928) to the Polk Partnership Fund (H094) in the amount of \$383,068.26.

**A motion was made and seconded to approve staff's recommendation. The motion passed with ten in favor and one opposed.** (Audio – 00:45:13)

**4.3 Polk Regional Water Cooperative – Peace River/Land Use Transition (Q133) Project, Reduction of Scope and Budget to Eliminate Third-Party Review and Subsequent Tasks**

Mr. Jay Hoecker, Water Resources Bureau Chief, provided an overview of the project, background information and costs associated. He stated that due to a preliminary evaluation of surface water availability it is recommended that the requirement for third-party review be eliminated, in addition to subsequent tasks. This will provide a reduction in total project costs from \$961,100 to \$885,800 resulting in a savings of \$37,650 in District funds.

Staff recommended the Board:

1. Authorize staff to amend the Peace River/Land Use Transitions Project (Q133) cooperative funding agreement to eliminate the third-party review, preliminary water rate analysis, and conceptual environmental resource permit application; and reduce the total project budget to \$885,800;
2. Approve a budget transfer from the Peace River/Land Use Transitions Project (Q133) to the Polk Partnership Fund (H094) in the amount of \$37,650.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio – 00:48:30)

**Operations, Lands and Resource Monitoring Committee**

Board Member Jack Bispham called the Committee meeting to order. (Audio - 00:48:50)

**5.1 Consent Item(s) Moved to Discussion - None**

**5.2 2023 Hurricane Preparedness**

Mr. Tim Fallon, Emergency Coordinating Officer, presented the 2023 Hurricane Preparedness. He explained the role of District's Emergency Coordinating Officer and alternates. Mr. Fallon provided the 2023 Atlantic Basin Hurricane Forecast. The projections included 13 named storms, 6 hurricanes and 2 major hurricanes. He provided a recap of the 2022 storm season. Mr. Fallon outlined the primary responsibilities of the District during emergency operations. He stated the District is a member of the State Emergency Response Team (SERT). Mr. Fallon outlined the activities the District practices for emergency preparedness. Mr. Fallon informed the Board that the District is prepared for the hurricane season. Staff responded to questions.

This was for information only. No action was required.

**Regulation Committee**

Board Member John Hall called the committee meeting to order. (Audio – 01:02:32)

**6.1 Consent Item(s) Moved to Discussion**

**2.4 Water Use Permit No. 20 011400.033, Mosaic Fertilizer, LLC / Integrated Water Use Permit (DeSoto, Hardee, Hillsborough, Manatee, Polk, Sarasota Counties)**

A Request to Speak card was submitted for this item.

Mr. Tim Richey spoke in opposition to the modification of this permit.

Staff recommended the Board approve the proposed permit attached as an exhibit.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio – 01:06:47)

## **6.2 Denials Referred to the Governing Board**

None were presented.

### **General Counsel's Report**

#### **7.1 Consent Item(s) Moved to Discussion - None**

#### **7.2 Approval of Final Order — MHC Cortez Village, LLC v. Cortez Road Investments and Finance, Inc., and SWFWMD — DOAH Case No. 21-2491 — Environmental Resource Permit Application No. 821245 — Manatee County**

A Request to Speak card was submitted for this item by attorney Matthew Chait, who presented oral argument in the matter on behalf of MHC Cortez Village, LLC.

Mr. Chris Tumminia, General Counsel, explained that pursuant to Sunshine Law 286.0114, no public comment is allowed on this item. He stated the Board can only consider information that is included in the official record of this case. Mr. Tumminia explained the presentation will be provided by staff counsel who are independent of any litigation associated with this case. It is the discretion of the Chair to decide if any oral arguments are provided. He reminded the Board that any oral arguments or discussions should be limited to those issues presented in the exceptions and responses filed in this case.

Ms. Jennifer Soberal, Senior Attorney, provided an overview and background information of the project and the final order approving the modification to the permit. Ms. Soberal outlined the five exceptions filed by the petitioner, MHC Cortez Village, LLC., and the proposed rulings associated with each exception.

Chair Schleicher granted oral arguments.

Ms. Susan Martin, Nason, Yeager, Gerson, Harris & Fumero, P.A., spoke on behalf of Cortez Road Investments and Finance, Inc. She spoke in support of the final order.

Mr. Matthew Chait, Shutts and Bowen, spoke on behalf of MHC Cortez Village, LLC. He spoke in opposition to the final order.

Staff recommended the Board:

1. Adopt the ALJ's Recommended Order as the District's Final Order, with one sentence in Paragraph 42 having been stricken.
2. Approve and sign the attached proposed Final Order that issues Environmental Resource Individual Construction Major Modification Permit No. 43032468.003 to Cortez Road Investments and Finance, Inc.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio – 01:35:28)

### **Committee/Liaison Reports**

#### **8.1 Environmental Advisory Committee**

Secretary Michelle Williamson stated the committee heard presentations regarding the SWUCA five-year assessment, Lake Hancock water quality and storm debris assessments for the Peace Creek Canal and Flint Creek. A written summary of the April 11 meeting was also provided.

## **Executive Director's Report**

### **9.1 Executive Director's Report**

Mr. Brian Armstrong, Executive Director, congratulated the Tampa Bay Estuary Program for winning the Future of the Region Award in the Natural Resources and Environment category given by the Tampa Bay Regional Planning Council. He explained this award is for the Little Manatee River Wild And Scenic Designation and Conceptual Restoration Plan. He explained the District is a partner in this project, which involves the restoration of the Little Manatee River watershed. This restoration project will return portions of the watershed to more natural habitats that will help protect the river.

Mr. Armstrong thanked the Governor and the Florida Legislature for the funding from this session.

Mr. Armstrong thanked the outgoing Chair for his support during his tenure.

## **Chair's Report**

### **10.1 Chair's Report**

Chair Schleicher thanked the Board and staff for their assistance during his tenure.

The next meeting is scheduled for June 27 at 9:00 a.m., in the Brooksville office.

### **10.2 Employee Milestones**

A written summary was provided.

## **Adjournment**

The meeting adjourned at 10:41 a.m.