



**GOVERNING BOARD MEETING
TUESDAY, DECEMBER 12, 2023 – 9:00 AM
7601 US 301 NORTH, TAMPA, FL 33637
(813) 985-7481**

MINUTES

Board Members Present

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

*Attended via electronic media

Staff Members

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

Board Administrative Support

Virginia Singer, Manager
Lori Manuel, Lead Administrative Coordinator

Convene Public Hearing

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., December 12, 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.

1.1 Call to Order

Chair Ed Armstrong 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 Armstrong 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 Armstrong 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 Armstrong 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

Secretary John Mitten offered the invocation and the Pledge of Allegiance.

1.3 Employee Recognition

None were presented.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated the following item was being deleted:

Discussion

Finance/Outreach and Planning

3.3 Knowledge Management: Annual Review of Governing Board Policy, Investments

There was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes. (Audio - 00:06:24)

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis, Jr., spoke regarding the Interlocal Cooperation Act of 1969.

Consent Agenda

Finance, Outreach and Planning Committee

2.1 Resolution to Request Disbursement of Funds from the Land Acquisition Trust Fund for Land Management

Staff recommended the Board approve Resolution 23-10, Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Land Acquisition Trust Fund for Land Management, as shown in the Exhibit.

Resource Management Committee

2.2 Approve the Jack Creek Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Highlands County (N856)

Staff recommended the Board approve use of the Jack Creek Watershed Management Plan floodplain information for best information available by the District ERP program and to update Flood Insurance Rate Maps in Highlands County.

Regulation Committee

2.3 Water Use Permit No. 20020949.002, Gibson Place Water Conservation Authority, Middleton Water Conservation Authority / GPWCA - MWCA (Lake, Sumter Counties)

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

2.4 Water Use Permit No. 20 021039.000, Blue Goose Water Conservation Authority, LLC/Blue Goose Water Conservation Authority (Sumter County)

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

2.5 Water Use Permit No. 20 005789.015, Hernando Co. BOCC, Wiscon Maintenance Compound / Hernando County Water System (Hernando County)

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

General Counsel's Report

2.6 Authorization to issue Administrative Complaint and Order – Unauthorized Construction – Pop Florida Properties, LLC – CT No. 422327 – Sumter County

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Pop Florida Properties, LLC, and any other necessary parties to obtain compliance, recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.
2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and 84 Order in Circuit Court, if necessary.

2.7 Delegation of Authority – Memorandum of Agreement with the Florida Department of Environmental Protection – Coordinated Review of Permit Applications for Indirect Potable Reuse Projects

Staff recommended the Board delegate to the Executive Director the authority to execute the Memorandum of Agreement between the Southwest Florida Water Management District and the Florida Department of Environmental Protection.

Executive Director's Report

2.8 Approve Governing Board Minutes – November 14, 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 –00:10:02)

Discussion

Finance/Outreach and Planning Committee

Treasurer Jack Bispham called the committee to order.

3.1 Consent Item(s) Moved to Discussion - None

3.2 Preliminary Budget for Fiscal Year 2025

Mr. Brandon Baldwin, Finance, and Information Technology Services Director, presented the Fiscal Year 2025 (FY25) Preliminary Budget. He presented an overview and timeline of the budget development cycle. Mr. Baldwin provided a comparison table of budget metrics from FY21-FY24 (adopted) through FY25 (preliminary).

Mr. Baldwin stated the FY25 preliminary budget totals \$213.7 million. This is a decrease of five percent from FY24. The projected ad valorem is an increase of \$4.4 million which is based on a rolled-back rate with an estimated 3.46 percent in new construction according to recent models. Mr. Baldwin stated the reduction indicated in the state, federal and local revenue funding is tentative, and appropriations will be provided by FDEP (Florida Department of Environmental Protection) following the approval of the FY25 state budget. Any adjustments will be made before the adoption of the budget. Mr. Baldwin provided an overview of revenue sources with a graphic comparison of sources for the adopted FY24 budget and the preliminary FY25 budget.

Mr. Baldwin provided an overview with a graphic comparison for expenditures by category, for the FY24 adopted budget and the FY25 preliminary budget. He provided an overview with a graphic comparison for expenditures by program and Areas of Responsibility (AOR), for the FY24 adopted budget and the FY25 preliminary budget.

Staff recommended the Board authorize staff to prepare the Preliminary Budget Submission for FY2025 based on the preliminary budget as presented, adjusted for any modifications made by the Governing Board on December 12, for submission to the Florida Legislature on or before January 15, 2024.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:26:32)

3.3 Knowledge Management: Annual Review of Governing Board Policy, Investments
~~This item was for information only. No action was required.~~

3.4 Budget Transfer Report

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

Resource Management Committee

Vice Chair Michelle Williamson called the committee to order.

4.1 Consent Item(s) Moved to Discussion - None

4.2 Fiscal Year 2025 Cooperative Funding Process

Mr. Kevin Wills, Cooperative Funding Initiative Lead, presented information regarding the FY25 Cooperative Funding Initiative (CFI) review process. He provided a schedule for reviewing and scoring funding requests and explained staff's recommendation to eliminate the CFI regional subcommittees for FY25.

Mr. Wills, provided a summary of the applicants received for FY25. This included the ranking, number of applications and funding amounts requested. He presented a comparison of funding requests for FY21 through FY25. Mr. Wills provided a proposed agenda for the CFI presentation at the February 2024 Board meeting.

Staff recommended the Board approve eliminating the Regional Subcommittee meetings for the FY25 CFI review process.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:34:17)

4.3 Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt Minimum Flows for Horse Creek and Charlie Creek and Accept the Final Draft Reports

Kristina Deak, PhD, Senior Environmental Scientist, provided a presentation which included an explanation regarding the purpose and process for establishing of Minimum Flows and Levels (MFLs) and information specific to the development and establishment of new MFLs for Horse Creek and Charlie Creek.

Dr. Deak provided an overview of Horse Creek and Charlie Creek which included a timeline of Relevant District activities and information regarding the development of the baseline flow record and flow-based blocks. She explained how the low flow thresholds for block one and the minimum flows for blocks two and three were established. Dr. Deak summarized the recommended minimum flows and responded to questions.

Staff recommended the Board:

1. Accept the report entitled, "Recommended Minimum Flows for Horse Creek, Final Draft, November 2023."
2. Accept the report entitled, "Recommended Minimum Flows for Charlie Creek, Final Draft, November 2023."
3. Authorize the initiation of rulemaking to amend Rule 40D-8.041, F.A.C., to establish minimum flows for Horse Creek.

4. Authorize the initiation of rulemaking to amend Rule 40D-8.041, F.A.C., to establish minimum flows for Charlie Creek.
5. Approve the proposed rule language to establish minimum flows for Horse Creek, which is contained in Exhibit A to this recap.
6. Approve the proposed rule language to establish minimum flows for Charlie Creek, which is contained in Exhibit B to this recap.
7. Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process for Horse Creek minimum flows.
8. Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process for Charlie Creek minimum flows.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:52:31)

4.4 Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt Minimum Flows for the Little Manatee River and Accept Final Draft Report

Ms. Kym Rouse Holzgart, MS, CSE, Lead Ecologist, provided a presentation that included an overview and history of the development of minimum flows for the Little Manatee River, including the significant outreach and stakeholder involvement. She explained the baseline flow record used for minimum flows development and the habitat-based methods and results used to develop minimum flows for both the upper, freshwater segment and the lower, estuarine segment of the Little Manatee River. Ms. Holzgart summarized the results of the recommended minimum flows for the flow-based blocks for both the Upper Little Manatee River and the Lower Little Manatee River.

Staff recommended the Board:

1. Accept the report entitled "Recommended Minimum Flows for the Little Manatee River, Final Draft, November 2023."
2. Authorize the initiation of rulemaking to amend Rule 40D-8.041, F.A.C., to establish minimum flows for the Upper Little Manatee River and the Lower Little Manatee River.
3. Approve the proposed rule language to establish minimum flows for the Upper Little Manatee River and Lower Little Manatee River, which is contained in Exhibit A to this recap.
4. Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:07:41)

Operations, Lands and Resource Monitoring Committee

Secretary John Mitten called the committee to order.

5.1 Consent Item(s) Moved to Discussion - None

5.2 Hydrologic Conditions Report

Ms. Tamera McBride, P.G., Hydrologic Data Manager, presented the hydrologic conditions update. She stated that although November rainfall was normal, 12-month total Districtwide rainfall remains below average. Ms. McBride provided information regarding rainfall, streamflow, groundwater levels, lake levels, public supply reservoirs, and climate forecasts. Ms. McBride stated extended climate forecasts predict a chance of above-normal precipitation into the spring.

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

5.3 Offer for Surplus Lands - Tampa Bypass Canal (TBC-16), SWF Parcel No. 13-001-741S

Mr. Mike Singer, Real Estate Services Manager, presented an overview of the Tampa Bypass Canal (TBC-16) and summarized the offer to purchase.

Staff recommended the Board:

- Accept the offer of \$78,000;
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals, and petroleum in or on or under the land upon the request of the buyer;
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:18:47)

Regulation Committee

Board Member Dustin Rowland called the committee to order.

6.1 Consent Item(s) Moved to Discussion - None

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 Affirm Governing Board Committee Actions

Mr. Chris Tumminia, General Counsel, stated at the November Board workshop the Board discussed the structure of the four committees. Based on that discussion, staff recommends the addition of a standing agenda item that will affirm actions taken by the committees. This agenda item will be added to the Finance/Outreach & Planning Committee.

Staff recommended the Board affirm the actions taken by the Governing Board Committees.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:20:11)

Committee/Liaison Reports

8.1 Industrial Advisory Committee

A written summary of the November 7 meeting was provided.

8.2 Public Supply Advisory Committee

A written summary of the November 7 meeting was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, commended staff for their efforts related to the minimum flows and levels approved at this meeting.

Mr. Armstrong stated the District received two awards for social media efforts. The Tampa Bay Chapter of the Public Relations Society of America presented the District with the PRestige Award and the Best of Show Award for Social Media. He recognized the communication team for all of their work.

Mr. Armstrong recognized Mr. Michael Molligan for his years of service with the District and wished him well during his retirement.

Chair's Report

10.1 Chair's Report

Chair Armstrong stated that he has assigned a select group of Governing Board members from the Operations, Lands, and Resource Monitoring Committee to evaluate potential surplus opportunities as discussed during the November Governing Board workshop. The members include Committee Chair John Hall, John Mitten, Kelly Rice, and Nancy Watkins. A summary of the meetings will be presented at monthly Board meetings.

Chair Armstrong stated the next meeting is scheduled for Tuesday, January 23 at 9:00 a.m., in the Tampa office.

10.2 Employee Milestones

A written summary was provided.

Adjournment

The meeting adjourned at 10:30 a.m.