

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

SARASOTA, FLORIDA

FEBRUARY 23, 2016

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m. on February 23, 2016, at the District's Sarasota Service Office. The following persons were present:

Board Members Present

Michael A. Babb, Chair
Randall S. Maggard, Vice Chair
David W. Dunbar, Treasurer
H. Paul Senft, Member
George Mann, Member
Wendy Griffin, Member
Bryan Beswick, Member
Michael A. Moran, Member
Ed Armstrong, Member
Kelly Rice, Member
John Henslick, Member

Board Members Absent

Jeff Adams, Secretary
Tommy Bronson, Member

Staff Members

Robert R. Beltran, Executive Director
Brian Armstrong, Assistant Executive Director
David T. Rathke, Chief of Staff
Karen West, General Counsel
Kurt Fritsch, Inspector General
John J. Campbell, Division Director
Ken Frink, Division Director
Mark A. Hammond, Division Director
Alba E. Más, Division Director

Board's Administrative Support

Cara Martin, Board & Executive Services Manager
Lori Manuel, Administrative Assistant

A list of others present who signed the attendance roster is filed in the permanent records of the District. This meeting was available for viewing through Internet streaming. Approved minutes from previous meetings can be found on the District's Web site (www.WaterMatters.org).

PUBLIC HEARING (Audio – 00:00)

1. Call to Order

Chair Michael Babb called the meeting to order and opened the public hearing. Treasurer Dunbar stated a quorum was present.

2. Invocation and Pledge of Allegiance

Board Member Moran offered the invocation. Chair Babb led the Pledge of Allegiance to the Flag of the United States of America.

Chair Babb introduced each member of the Governing Board. He noted that the Board meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Babb 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 fill out and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Babb 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 issue/topic designate a spokesperson.

3. Additions/Deletions to Agenda

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown, as determined by the presiding officer.

Mr. Robert Beltran, Executive Director stated the following changes were made to the agenda:

Resource Management was moved to the first committee

The following item was added to the Consent Agenda:

General Counsel's Report

11c. Concur with Executive Director's Authorization to Voluntarily Dismiss without Prejudice the Lawsuit against Skyway Trap and Skeet Club

Chair Babb said there is good cause to amend the published agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, as amended, which was seconded. The motion carried unanimously. (Audio 00:04:02)

4. Public Input for Issues Not Listed on the Published Agenda

Chair Babb noted at this time, the public is given an opportunity to comment on any topic not listed on the agenda.

Chair Babb stated he had one Request to Speak card.

Ms. Becky Ayech, representing Miakka Community Club, welcomed the Governing Board.

CONSENT AGENDA

Chair Babb asked that before the Board considers action on the Consent Agenda whether there is anyone in the audience who wishes to address the Board regarding an item listed on the Consent Agenda.

Regulation Committee

5. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20002486.008 - Circle G Farm & Ranch/Circle G Farm & Ranch, LLC
(Hillsborough County)

Staff recommended the Board approve the proposed permit.

Operations, Lands and Resource Monitoring Committee

6. Approve Sale of Surplus Lands – Green Swamp Wilderness Preserve, East Tract (GSE-1), SWF Parcel No. 10-200-1226S

Staff recommended the Board:

- Accept the offer.
- Approve the Contract for Sale and Purchase.
- Approve release of all mineral interests.
- Authorize execution of the instruments necessary to convey the property.

Resource Management Committee

7. Lakewood Ranch Stewardship District Reclaimed Water Transmission Line Project – Scope and Cooperator Change (N711)

Staff recommended the Board approve of the revised project scope and the change of cooperator name from Lakewood Ranch Stewardship District to Braden River Utilities.

8. FARMS – Ben Hill Griffin, Inc. BH Griffin - C & S Grove - Phase 2(H735), Charlotte County

Staff recommended the Board:

- 1) Approve the Ben Hill Griffin, Inc. - C & S GROVE - Phase 2 project for a not-to-exceed project reimbursement of \$617,390 provided by the Governing Board.
- 2) Authorize the transfer of \$617,390 from fund 010 H017 Governing Board FARMS Funds, to the H735 Ben Hill Griffin, Inc. - C&S Grove - Phase 2 project fund;
- 3) Authorize Executive Director to sign the agreement.

Finance/Outreach & Planning Committee

9. Approval of the 2016 Consolidated Annual Report

Staff recommended the Board approves the 2016 Consolidated Annual Report and its transmittal.

10. Budget Transfer Report

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for January 2016.

General Counsel's Report

11. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval

- a. Mediation Settlement Agreement – SWFWMD v. Parsons Water & Infrastructure, Inc. (13th Judicial Circuit, Case No. 14-CA-001631)

Staff recommended the Board approve the mediation settlement agreement.

- b. Consent Order – Unauthorized Construction – LWR Sports, LLC and Schroeder-Manatee Ranch, Inc. – Manatee County

Staff recommended the Board approve the proposed Consent Order and authorize the initiation of litigation against LWR Sports, LLC and Schroeder-Manatee Ranch, Inc., and any other necessary parties in order to obtain compliance with the Consent Order.

- c. Concur with Executive Director's Authorization to Voluntarily Dismiss without Prejudice the Lawsuit against Skyway Trap and Skeet Club

Staff recommended the Board concur with the Executive Director's authorization for the District's outside counsel to file a Notice of Voluntary Dismissal without Prejudice of the District's action in the above referenced matter.

12. Rulemaking - None

Executive Director's Report

13. Approve Governing Board Meeting Minutes - January 19, 2016

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. Motion carried unanimously. (Audio 00:05:13)

Chair Babb relinquished the gavel to the Resource Management Committee Chair Senft who called the Committee meeting to order. (Audio 00:05:20)

Resource Management Committee

Discussion

24. Consent Item(s) Moved for Discussion - None

25. Regional Water Supply Entity Status Update

Mr. Brian Armstrong, Assistant Executive Director, provided background information on the development of a Regional Water Supply Authority/Cooperative in Polk County. He stated the governance agreement will be presented at the April Governing Board meeting.

Commissioner George Lindsey, Chairman of the Polk Regional Water Cooperative Formation Committee (PRWC), stated he represented the following: Polk County; City of Auburndale; City of Bartow, City of Davenport; City of Eagle Lake; City of Fort Meade; City of Frost Proof; Haines City; City of Lakeland; Village of Highland Park; City of Lake Alfred; City of Lake Wales, City of Mulberry, Polk City; City of Winter Haven Town of Dundee; and the Town of Lake Hamilton. He acknowledged the positive collaboration of the partners that have worked to complete the governance agreement. He stated the agreement has been approved to by the PRWC Formation Committee

This item was for the Board's information only, and no action was required.

Submit & File Reports - None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

26. Minimum Flows and Levels Report

27. Significant Water Resource and Development Projects

Committee Chair Senft adjourned the meeting and relinquished the gavel to the Finance Committee Chair Dunbar who called the Finance Committee meeting to order. (Audio 00:14:38)

Finance/Outreach & Planning Committee

Discussion

14. Consent Item(s) Moved for Discussion - None

15. Investment Strategy Quarterly Update

Mr. Richard Pengally, representing PFM, provided an investment strategy quarterly update as of December 31, 2015. He stated that each of the portfolios generally outperformed their benchmarks. Mr. Pengally stated the "since the inception" returns net of fees for the short term portfolio has outperformed its benchmark by 20 basis points; the middle portfolio has outperformed by one basis point and the new portfolio has overcome the returns from the previous quarter.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended December 31, 2015.

16. Operations and Compliance Audit of the Sarasota Bay Estuary Program

Mr. Kurt Fritsch, Inspector General, presented an overview of the operations and compliance audit that was performed on the Sarasota Bay Estuary Program (SBEP). He explained the Board acceptance of this report does not reflect concurrence of the report, but rather acknowledgement that the report has been received and is on file.

Mr. Fritsch stated the report was issued on January 20. It has been reviewed and concurred by the SBEP Management Board. The SBEP Management Board recommended the SBEP Policy Board accept the recommended changes. The SBEP Policy Board has accepted most of the recommendations.

Mr. Fritsch commended SBEP for their cooperation with this audit. He recognized Mr. Jon Iglehart, Co-Chair of the SBEP Policy Board.

Board Member Moran provided historical information. He outlined the difference in time served by members on the SBEP Policy Board versus the SBEP Management Board. The SBEP Management Board members have served with greater longevity.

Mr. Iglehart, representing the SBEP Policy Board, stated the SBEP Policy Committee has embraced and accepted this audit.

Board Member Griffin asked if the SBEP Policy Board has addressed the following issue: providing a detailed strategic plan for the next five years and the high turnover rate.

Mr. Iglehart responded in the affirmative. In addition, he stated the SBEP Policy Board is conducting a desk audit for the outreach position, which they acknowledge is a critical position.

Board Member Moran stated he would like to present at the March Governing Board meeting the recommendation to re-establish funding for the SBEP.

Vice Chair Maggard asked if there was a time line for completion of the recommendation changes. Board Member Moran stated some of the changes will involve long term timelines with checks and balances.

Staff recommended the Board accept the Operations and Compliance Audit of the Sarasota Bay Estuary Program Report as issued and place on file.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 00:30:22/34:22)

17. Legislative Update

Ms. Colleen Thayer, Public Affairs Bureau Chief, provided a legislative update. She congratulated the Board Members and the Executive Director on their confirmations. Ms. Thayer stated the session is scheduled to end on March 11. She stated the House and the Senate have passed budgets. The House's budget contains over nearly a billion dollars in tax cuts and the Senate's budget has an economic development package.

Ms. Thayer stated the House has adopted a spring's protection resolution. The Senate is scheduled to adopt one. She stated that April is Springs Protection Awareness Month.

This item was provided for the Committee's information and no action was required.

Committee Chair Dunbar reminded the Board that copies of the 2016 Consolidated Annual Report were provided to them. He also stated an adjusted update of the Strategic Plan was also distributed and will be included in the 2016 Consolidated Report.

Submit & File Reports - None

Routine Reports

The following items are provided for the Committee's information, and no action is required.

18. Treasurer's Report and Payment Register

19. Monthly Financial Statement

20. Monthly Cash Balances by Fiscal Year

21. Comprehensive Plan Amendment and Related Reviews Report

22. Development of Regional Impact Activity Report

23. Significant Activities Report

Committee Chair Dunbar adjourned the meeting and relinquished the gavel to the Regulation Committee Chair Moran who called the Regulation Committee meeting to order. (Audio 00:37:43)

Regulation Committee

Discussion

28. Consent Item(s) Moved for Discussion - None

29. Denials Referred to the Governing Board

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

***Submit & File Reports* - None**

Routine Reports

The following items are provided for the Committee's information, and no action is required.

30. Overpumpage Report

31. Individual Permits Issued by District Staff

Regulation Committee Chair Moran relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Maggard who called the Committee meeting to order. (Audio 00:38:14)

Operations, Lands and Resource Monitoring Committee

Discussion

32. Consent Item(s) Moved for Discussion - None

33. Hydrologic Conditions Report

Mr. Granville Kinsman, Hydrologic Data Manager, provided a presentation on the current state of hydrologic conditions. Rainfall for the month of January was considered above normal. A record rainfall occurred in the southern counties. Groundwater levels in northern, central and southern counties is considered normal to above normal. Lake levels in the District are considered to be in the normal range. The reservoirs in the District are considered full. Mr. Kinsman stated the climate forecast may be changing. He explained that weather patterns can transition back and forth between El Niño and La Niña. La Niña can create drought conditions. He stated this may be occurring.

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the current month to comparable data from the historical record.

This item is presented for the Board's information, and no action is required.

***Submit & File Reports* - None**

Routine Reports

The following items are provided for the Committee's information, and no action is required.

34. Structure Operations

35. Significant Activities

Committee Chair Maggard adjourned the Committee meeting. (Audio 00:44:57)

General Counsel's Report

Discussion

36. Consent Item(s) Moved for Discussion - None

Submit & File Reports - None

Routine Reports

37. February 2016 - Litigation Report

38. February 2016 - Rulemaking Update

Committee/Liaison Reports

39. Committee/Liaison Reports

Board Member Griffin stated Pasco County was inducted in the Tampa Bay Estuary Program Policy Board. Commissioner Mariano will be representing Pasco County.

Board Member Griffin also stated the funds from the RESTORE Act will be received soon and will be used for the Palm River Restoration Phase 2 East McKay Bay project which is a Surface Water Improvement Management Program project (SWIM).

Executive Director's Report

40. Executive Director's Report

Mr. Robert Beltran, Executive Director, addressed how the long term vision from the Board Members is reflected in the District's Strategic and Business Plans. He also commented how the District must continue to work through the budget processes to compliment these operational processes.

Chair's Report

41. Chair's Report

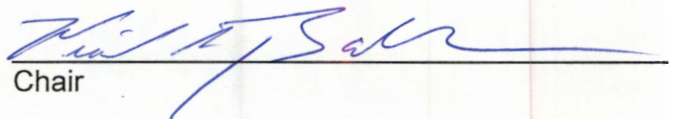
42. Other

The March 29 meeting will be in the Brooksville Office, the April 26 meeting will be in Haines City at the Lake Eva Banquet Hall and the May 24 meeting will be in the Tampa Office.

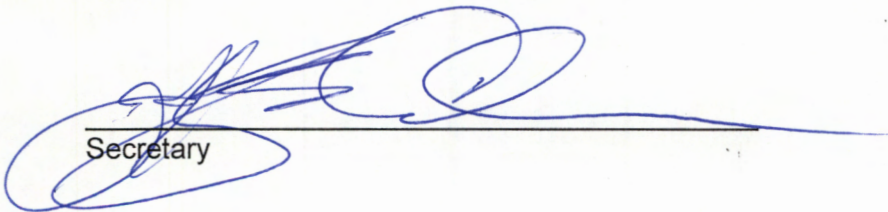
43. Employee Milestones

This item was presented for the Board's information, and no action was required.

The meeting was adjourned at 10:49 a.m.


Chair

Attest:


Secretary