

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

SEPTEMBER 27, 2016

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 3:00 p.m. on September 27, 2016, at the District's Tampa Office. The following persons were present:

Board Members Present

Randall S. Maggard, Chair
Jeffrey M. Adams, Vice Chair
Bryan K. Beswick, Secretary
Ed Armstrong, Treasurer
H. Paul Senft, Member
Michael A. Babb, Member
George W. Mann, Member
Kelly S. Rice, Member
Michael A. Moran, Member
John Henslick, Member
Michelle Williamson, Member
Mark Taylor, Member

Staff Members

Brian J. Armstrong, Executive Director
David T. Rathke, Division Director
Karen E. West, General Counsel
Kurt P. Fritsch, Inspector General
John J. Campbell, Division Director
Ken L. 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 Maggard called the meeting to order and opened the public hearing. Secretary Bryan Beswick stated a quorum was present.

2. Invocation and Pledge of Allegiance

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

Chair Maggard 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 Maggard 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 Maggard 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. Employee Recognition

Chair Maggard recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: Karen Diez; Chris Tomlinson; Mark Luchte and Granville Kinsman.

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

4. 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. Brian Armstrong, Executive Director stated the following item is being deleted from the agenda:

22. Board Designated Encumbrance – Expert Testimony/Analysis and Administrative Law Judge Costs

Treasurer Armstrong requested the following item be moved from Consent to Discussion:

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

- d. Settlement Agreement Concerning Violation of Terms and Conditions of Perpetual Conservation Easement – C.W. Deen Family Farm, LLC, SWF Parcel No. 10-200-1173C

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

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

Chair Maggard stated he received four Request to Speak cards.

Mr. Jim Allen spoke regarding a reduction in cattle lease rates.

Mr. Thomas Hallam spoke regarding a reduction in cattle lease rates.

Chair Maggard directed Mr. Frink, Operations Lands & Resource Monitoring Director, to partner with General Counsel and review the lease provisions. Chair Maggard requested this item return to the October Governing Board.

Mr. David Geddes, Jr., spoke against government jurisdiction as related to water.

Mr. Chester Bradshaw spoke against the issuance of Water Use Permit (WUP) 20020576.000 and a request for public hearing.

Ms. Karen West, General Counsel, provided background information regarding WUP 20020576.000. She stated the permit has become final. Ms. West stated the opportunity to request a hearing has passed and there is no basis to revoke the permit.

CONSENT AGENDA

Chair Maggard 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.

Chair Maggard stated there is a correction to the date in the staff recommendation for the following item. The correction is indicated below:

13. Human Capital Management (HCM) Budget Transfer & Board Encumbrance

Staff recommended the Board transfer and encumber \$515,000 previously approved for FY2014-15 FY2015-16 fuel, utilities, photocopier rental and contractual services and authorize the purchase and implementation of the replacement HCM software in FY2016-17.

Chair Maggard 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 00:07:02)

Resource Management Committee

6. Five-Year Water Resource Development Work Program

Staff recommended the Board authorize staff to submit the proposed Five-Year Water Resource Development Work Program to the Florida Department of Environmental Protection for review.

7. MacDill Air Force Base Mangrove Restoration - Cooperator Change (W325)

Staff recommended the Board's approval to amend the current tri-party agreement to remove MacDill AFB as a cooperator and to move forward with Ecosphere as the sole cooperator with the District for this project.

8. Rainbow Springshed Stormwater Retrofits Project – Scope Change (WR04)

Staff recommends the Board:

- 1) Approve the revision to the drainage area treated by the project from 137 acres to 180 acres, which is the measurable benefit in the cooperative agreement.
- 2) Approve the revision to the resource benefit from 250 lbs/yr TN to 308 lbs/yr TN.

9. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Horse Lake in Hillsborough County (P256)

Staff recommended the Board:

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Horse Lake in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Horse Lake in Hillsborough County as shown in the Exhibit.

10. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Lake Juanita in Hillsborough County (P256)

Staff recommended the Board:

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Lake Juanita in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Lake Juanita in Hillsborough County as shown in the Exhibit.

11. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Rainbow and Little Moon Lake in Hillsborough County (P256)

Staff recommended the Board:

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Rainbow and Little Moon Lake in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Rainbow and Little Moon Lakes in Hillsborough County as shown in the Exhibit

12. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Lake Eva (Haines City) in Polk County (P256)

Staff recommended the Board:

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Lake Eva (Haines City) in Polk County, Florida".
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to include the proposed Minimum and Guidance Levels for Lake Eva in Polk County as shown in the Exhibit.

Finance/Outreach & Planning Committee

13. Human Capital Management (HCM) Budget Transfer & Board Encumbrance

Staff recommended the Board transfer and encumber \$515,000 previously approved for FY2014-15 FY2015-16 fuel, utilities, photocopier rental and contractual services and authorize the purchase and implementation of the replacement HCM software in FY2016-17.

14. Revise Board Policy 130-1, Disbursement of Funds

Staff recommended the Board approve the revisions to Board Policy 130-1, *Disbursements of Funds*.

15. Budget Transfer Report

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

Regulation Committee

16. Approve Release of Conservation Easement – Tanglewood - Environmental Resource Permit No. 43027257.004 (Application No. 726147) – Polk County

Staff recommended the Board approve the requested release of Conservation Easement No. 2006090639.

17. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20002798.003 - Village of Fenney / RP Fenney, LLC (Sumter County)

Staff recommended the Board approve the proposed permit attached as an exhibit and included in the Governing Board meeting materials.

Operations, Lands and Resource Monitoring Committee

18. Regional Observation Monitor-Well Program and Central Florida Water Initiative Well Construction Services Budget Transfer and Board Encumbrance

Staff recommended the Board:

1. Approve the transfer and encumbrance of \$321,121 in current year funds, to roll into FY2017 from CFWI contracted well construction (C007-3432) to ROMP contracted well construction

(C005-3432) for well construction at the ROMP 131.5 Morriston wellsite in Levy County and the Thornhill wellsite in Polk County.

2. Approve the encumbrance of \$139,578 in current year funds, to roll into FY2017 from the CFWI contracted well construction (C005-3432) for well construction services at yet to be acquired monitor well sites in Polk County for the CFWI.

19. Board Encumbrance for Thirteen-Mile Run Structure Replacement (B831)

Staff recommended the Board approve encumbrance of funds in an amount of \$250,000 for the Thirteen-Mile Run Structure System (B831), for work to be completed in FY2017

20. Accept Offer of Settlement and Approval of Stipulated Final Judgment, Permanent and Temporary Easements and Encroachment Agreement for a Natural Gas Pipeline to Cross District-Owned Lands in Citrus, Lake, and Marion Counties

Staff recommended the Board:

- Accept Sabal Trail's offer of settlement including full compensation for the easement interests conveyed, the encroachment agreement, coordination fee and value of timber harvested and approve the stipulated final judgment in the condemnation action; and
- Approve the terms and conditions of the temporary and permanent easements and encroachment agreements and authorize their execution.

21. Acceptance of Easement Donation – Central Florida Water Initiative (CFWI) Project, Lake Amoret, SWF Parcel No. 20-020-126

Staff recommended the Board accept the donation of a perpetual easement for the CFWI Project.

General Counsel's Report

22. Board Designated Encumbrance – Expert Testimony/Analysis and Administrative Law Judge Costs

Staff recommended the Board approve the encumbrance of up to \$32,216 of FY2015-16 funds to be added to prior year funds currently encumbered, providing a total of up to \$71,269 for use in FY2016-17 for expert testimony/analysis and administrative law judge costs.

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

- a. Interagency Agreement Between the SWFWMD and SJRWMD – Designation of Regulatory Responsibility – Wetland Restoration Project – S.Y. Hartt Ranch - Highlands County
Staff recommended the Board approve the Interagency Agreement between the South Florida Water Management District and the Southwest Florida Water Management District for Designation of Regulatory Responsibility for S.Y. Hartt Ranch Wetland Restoration Project.
- b. Interagency Agreement Between the SJRWMD and the SWFWMD -- Designation of Regulatory Responsibility – Water Use Permit No. 20010923.001 - Spruce Creek Golf, LLC – Sumter and Marion Counties
Staff recommended the Board approve the Interagency Agreement between the Southwest Florida Water Management District and the St. Johns River Water Management District for Designation of Regulatory Responsibility for a Water Use Permit for Spruce Creek Golf, LLC in Sumter and Marion Counties
- c. Approve the District's Annual Regulatory Plan for 2016-2017
Staff recommended the Board approve the District's Annual Regulatory Plan for 2016-2017 and execute the certification required by 120.74(1)(d), F.S.
- d. Settlement Agreement Concerning Violation of Terms and Conditions of Perpetual Conservation Easement – C.W. Deen Family Farm, LLC, SWF Parcel No. 10-200-1173C

~~Staff recommended the Board approve the terms of the proposed Settlement Agreement, and authorize the Executive Director to execute the final Settlement Agreement.~~

24. Rulemaking – None

Executive Director's Report

25. Approve Resolution No. 16-15, Commending Wendy Griffin for Her Service as a Member of the Southwest Florida Water Management District Governing Board

Staff recommended the Board approve as presented.

26. Approve Resolution No. 16-16, Commending Thomas E. Bronson for His Service as a Member of the Southwest Florida Water Management District Governing Board

Staff recommended the Board approve as presented.

27. Approve Governing Board Meeting Minutes - August 30, 2016

Staff recommended the Board approve as presented.

A motion was made and seconded to approve the Consent Agenda as amended. Motion carried unanimously. (Audio 00:21:23)

Chair Maggard relinquished the gavel to the Resource Management Committee Chair Babb who called the Committee meeting to order. (Audio 00:21:37)

Resource Management Committee

Discussion

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

29. Clearwater Groundwater Replenishment Project – Phase 3 (N665)

Mr. JP Marchand, Water Resource Bureau Chief, provided a presentation that included: a description of the project; a timeline associated with the project; third party review results; project costs; strategic goals associated with the project; and regional priorities associated with the project.

Mr. Marchand provided an overview of the third party review process. He stated six projects have completed the process and four of those projects had no changes between conceptual costs and third party review costs. He stated one project incurred a 15 percent increase. The project being presented today incurred a 14 percent increase from the conceptual cost. Mr. Marchand stated there are seven projects currently pending in the third party review process. Mr. Marchand outlined the factors considered: cost effectiveness metrics; original conceptual estimate; percentage change; and cooperator performance.

Mayor George Cretekos, City of Clearwater (City), thanked the District for the cooperation the City has received. He stated the City is committed to partnering with the District on this project.

Staff recommended the Board:

1. Approve the City's request to move forward with final design and construction of the Clearwater Groundwater Replenishment Project (N665).
2. Authorize staff to enter into an amendment for the project with a total project budget of \$32,716,000 with the District funding a total of \$16,358,000.
3. Authorize the amendment to be effective as of the date of the Board's approval of this request.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 00:53:46)

Submit & File Reports – None

Routine Reports

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

30. Minimum Flows and Levels Status Report

31. Significant Water Resource and Development Projects

Committee Chair Babb adjourned the meeting and relinquished the gavel to the Finance/Outreach & Planning Committee Chair Armstrong. (Audio 00:54:06)

Finance/Outreach & Planning Committee

Discussion

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

33. Florida Water Star Program Updates

Ms. Robin Grantham, Senior Communications Coordinator, provided a presentation regarding the Florida Water Star Program (Program).

Ms. Grantham stated the St. Johns River Water Management District (SJRWMD) initiated the Program in 2007. She explained this is a statewide program the District began administrating in 2008. Ms. Grantham explained the Program is a voluntary water conservation certification program for new residential and commercial developments that meet specific water-efficiency criteria. The Program partners directly with the builder or developer.

Ms. Gratham outlined the three criteria that must be met to receive the Program certification. This includes: landscape design; irrigation design and indoor appliances and fixtures. She explained the components associated with each of these criteria.

Ms. Gratham outlined the outreach involved with this Program. This involves building outreach, accreditation training and sales support. She stated there have been 2,843 homes certified state-wide which includes 1,255 within this District. She stated there have been 21 commercial and institutional certifications state-wide which includes 6 within this District. In addition, there is a community certification which requires every unit in a building to meet the Program certification. There have been 14 state-wide community certifications and 8 within this District.

Ms. Grantham outlined the costs, incentives, rebates and cooperative funding opportunities available for this Program.

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

Submit & File Reports

34. Update for Five-Year Strategic Plan

Mr. David Rathke, Employee and External Relations Director, addressed some updates and changes that he indicated will help clarify information in the Strategic Plan. He asked that any comments or edits be sent to Ms. Cara Martin by October 14.

35. Inspector General Annual Report

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

Routine Reports

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

36. Treasurer's Report and Payment Register

- 37. Monthly Financial Statement**
- 38. Monthly Cash Balances by Fiscal Year**
- 39. Comprehensive Plan Amendment and Related Reviews Report**

Committee Chair Armstrong adjourned the meeting and relinquished the gavel to the Regulation Committee Chair Senft who called the Committee meeting to order. (Audio 01:13:11)

Regulation Committee

Discussion

40. Consent Item(s) Moved for Discussion – None

41. Water Use Permitting Citrus Greening Update

Mr. Darrin Herbst, P.G., Water Use Permitting Bureau Chief, provided a presentation. This included: a history of occurrences in Florida; an overview regarding citrus greening (greening); a map outlining areas affected in Florida; information regarding overpumpage as related to permits claiming greening; outreach addressing greening; and results from outreach.

Mr. Herbst outlined some of the outreach efforts which include: the creation of the Greening Team; use of water conserving credits; holding stakeholder meetings; coordinating meetings with permittees with use of the Facilitating Agricultural Resource Management Systems (FARMS) team; Mobile Irrigation Lab (MIL) evaluation; meter accuracy evaluation; review of current permit status and co-funding of studies associated with the University of Florida Institute of Food and Sciences (UF/IFAS).

Mr. Herbst explained that as a result of some of the UF/IFAS studies it was determined that citrus trees infected with greening require 20 percent less water but more frequent irrigation applications due to the restricted ability to uptake water and nutrients. He also explained the outreach provided by staff has resulted in 16 MIL audits, 12 meetings with permittees, 20 permit overpumpage resolutions, five permits that were modified, two permits with irrigation/conservation improvements and one permit that remains in overpumpage status.

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

42. 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.

43. Overpumpage Report

44. Individual Permits Issued by District Staff

Committee Chair Senft adjourned the meeting and relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Beswick who called the Committee meeting to order. (Audio 01:30:05)

Operations, Lands and Resource Monitoring Committee

Discussion

45. Consent Item(s) Moved for Discussion – None

46. Hydrologic Conditions Report

Mr. Granville Kinsman, Hydrologic Data Manager, presented the hydrologic conditions report. He explained for the month of August, most regions experienced normal rainfall, with the exception of the southern region which had below normal conditions. Rainfall associated with Hurricane Hermine showed the greatest accumulation in the central counties. Groundwater levels in the northern counties are now well within the normal range. Groundwater levels in the central and southern counties are in the upper normal to high range. Lake levels in the northern region experienced a sharp rise in September and are at the bottom of the normal range. Tampa Bay lakes, Polk Upland lakes, and Lake Wales Ridge lakes all remain in the normal range. The Withlacoochee River is near the bottom of the normal range, while the Hillsborough, Alafia and Peace Rivers remain in the upper range of normal. The Bill Young Reservoir is full and Peace River Reservoir is now at a record high capacity. The Climate Prediction Center is forecasting normal rainfall for October through December. The La Niña forecast is neutral, which may lessen the impact of drier-than-normal conditions predicted for the winter and spring.

Mr. Kinsman stated September is the peak of hurricane season, but that the season extends until the end of November. He indicated there is a potential hurricane developing in the Atlantic.

This routine report provided 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 was presented for the Board's information, and no action was required.

Mr. Joseph Quinn, AICP, Emergency Coordinating Officer, provided a presentation regarding the District's response to Hurricane Hermine. The presentation included: the emergency operations role; the emergency operations organizational chart; background information on Hurricane Hermine; and the District's response to Hurricane Hermine.

This item was provided 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.

47. Structure Operations

48. Significant Activities

Committee Chair Beswick adjourned the meeting and relinquished the gavel. (01:44:13)

General Counsel's Report

Discussion

49. Consent Item(s) Moved for Discussion

23. Administrative, Enforcement and Litigation Activities that Require Governing Board

Approval

- d. Settlement Agreement Concerning Violation of Terms and Conditions of Perpetual Conservation Easement – C.W. Deen Family Farm, LLC, SWF Parcel No. 10-200-1173C
Staff recommended the Board approve the terms of the proposed Settlement Agreement, and authorize the Executive Director to execute the final Settlement Agreement.

Treasurer Armstrong asked how the District monitors compliance and ensures the terms of a conservation easement agreement are met.

Mr. Ken Frink, Operations Lands & Resource Monitoring Director explained this particular easement was purchased in 1999. This was one of the first easements the District acquired

and there was no established criteria for monitoring. Mr. Frink stated that written policies have now been established which require: easements be entered into the District's Geographic Information System (GIS); each conservation easement has a written profile; creation of a baseline inventory which outlines what the District purchased; and annual inspection for easements are required.

A motion was made and seconded to approve staff's recommendation. Motion carried unanimously. (Audio 01:47:49/1:49:12)

Submit & File Reports – None

Routine Reports

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

50. September 2016-Litigation Report

Ms. Karen West, General Counsel, updated the Board on several litigation issues.

Ms. West explained that a former employee filed an administrative challenge and will go in front of the Division of Administrative Hearings (DOAH) to rebut any stigmatizing information in their District personal file.

Ms. West explained an administrative petition has been filed challenging a District notice for a permanent agricultural exemption issued to Cargore Partners Seven Long Bar Point. This is being reviewed for efficiency and has not been referred to DOAH.

Ms. West explained a personal insurance claim has been filed by a driver and a passenger of a vehicle involved in an automobile accident involving a District vehicle in 2014.

Ms. West explained a Bert Harris Property Rights claim has been submitted by a property owner that claims on two separate occasions the District authorized two Emergency authorizations for pumping by Hillsborough County that impacted his ability to use, sell or market his property. He is requesting \$960,000 in compensation. The District has six months to respond.

51. September 2016- Rulemaking Update

Committee Liaison Reports

52. Joint Agricultural/Green Industry Advisory Committee

A written report was provided to the Board Members from the September 8, 2016 meeting.

53. Other Committee/Liaison Report

Executive Director's Report

54. Executive Director's Report

Mr. Armstrong reminded the Board there will be a reuse workshop that will be presented at the October Governing Board meeting.

Chair's Report

55. Chair's Report

The October 25 Board Meeting will be in Brooksville. The November 13 and December 15 Board meetings will be in the Tampa office.

56. Other

Ms. Cara Martin stated packets were distributed to Board Members that contain the annual performance evaluation for the Inspector General. Ms. Martin asked that these be completed and returned by October 14.

57. Employee Milestones

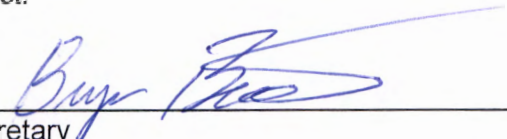
This item was presented for the Board's information, and no action was required.

The meeting was recessed at 4:54 p.m.



Chair

Attest:



Secretary