

# APPROVED

## MINUTES OF THE MEETING

### Governing Board Southwest Florida Water Management District

Brooksville, Florida

March 25, 2008

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met at 9:07 a.m. on March 25, 2008, at Brooksville headquarters. The following persons were present:

#### Board Members Present

Judith C. Whitehead, Chair  
Neil Combee, Vice Chair  
Todd Pressman, Secretary  
Jennifer E. Closshey, Treasurer  
Thomas G. Dabney, Member  
Patricia M. Glass, Member  
Albert G. Joerger, Member  
Ronald E. Oakley, Member  
Sallie Parks, Member  
Maritza Rovira-Forino, Member  
Paul Senft, Member  
Patsy C. Symons, Member  
Heidi B. McCree, Member

#### Staff Members Present

David L. Moore, Executive Director  
William S. Bilenky, General Counsel  
Lou Kavouras, Deputy Executive Director  
Richard S. Owen, Deputy Executive Director  
Eugene A. Schiller, Deputy Executive Director  
Bruce C. Wirth, Deputy Executive Director

#### Recording Secretary

Annette D. Zielinski, Senior Admin. Assistant

#### Board Members Absent

None

A list of others present who signed the attendance roster is filed in the permanent files of the District. Approved minutes from previous meetings can be found on the District's Web site ([www.WaterMatters.org](http://www.WaterMatters.org)).

## Public Hearing

### 1. Call to Order

Chair Whitehead called the meeting to order and opened the public hearing. Mr. Pressman noted a quorum was present. (CD 1/Track 01 – 00:00/00:02)

### 2. Pledge of Allegiance and Invocation

Chair Whitehead led the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offered the invocation. (CD 1/Track 02 – 00:00/01:09)

## Public Hearing

Chair Whitehead noted that this Governing Board meeting was not being broadcast. Public input was only taken during the meeting onsite. The Governing Board's meeting was recorded for broadcast on government access channels.

Chair Whitehead 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 speaker's 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 one agenda item only during today's meeting. If additional time is needed or 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 at the end of the meeting during "Public Input." Chair Whitehead 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. She also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

3. **Additions/Deletions to Agenda**

According to Section 120.525(2), Florida Statutes, additions or deletions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Mr. Moore noted the items deleted from the agenda were deleted after publication of the regular agenda. (CD 1/Track 03 – 00:00/01:10)

**Consent Agenda**

*The following item was deleted from consideration:*

15. WUP No. 20002688.003 - Hallmark Land Trust (*DENIAL*) – Hernando County

**Reports**

*Since the Committee meeting was canceled, this item was deleted:*

73. Basin Board Land Resources Committee Meeting Report

4. **Oath of Office for Newly Appointed and/or Reappointed Board Member(s)**

Ms. Kavouras administered the Oath of Office to newly appointed Governing Board member Mr. Paul Senft. Chair Whitehead welcomed Mr. Senft on behalf of the Governing Board and District staff. Additionally, Mr. Senft will serve as the Co-Chair Ex Officio of the Peace River Basin Board and as the Second Vice Chair of the Regulation Committee. (CD 1/Track 04 – 00:00/00:52)

5. **Employee Recognition**

Mr. Moore made presentations to the Board for the employees who had achieved milestones of 20 years or greater to specially acknowledge and commend the contributions of these individuals. The following individuals celebrated 20-year milestones: Sal DeStefano, Senior Automation and Controls Technician, Operations, Rita Harrod, Senior Administrative Assistant, Resource Data and Restoration, Paul O'Neil, Regulation Performance Management Director, Regulation Performance Management; and David Otto, Buyer 2, Finance.

The following individuals celebrated 25 years of service: Joe Lang, Tradesworker, Operations; and David Moore, Executive Director.

Kevin Stover, Field Technician Supervisor, Resource Data and Restoration, celebrated his 30-year milestone.

Ms. McCree noted that Mr. Moore is also celebrating his five-year anniversary as the District's Executive Director. (CD 1/Track 05 - 00:00/11:23)

6. **Public Input for Issues Not Listed on the Published Agenda**

Mr. Pick Talley, Director, Pinellas County Utilities, presented data and provided a packet of information to the Governing Board members regarding the County's water use and conservation efforts. The positive news he shared was well received and Board members encouraged Pinellas County Utility to share this information with other utilities. Board members congratulated Mr. Talley on his successful career, at Pinellas County Utilities, and wished him in his upcoming retirement. (CD 1/Track 06 – 00:00/17:36)

**Consent Agenda**

Item 15 was deleted from consideration. Mr. Dabney declared a conflict of interest for Item 18 and it was considered for a separate vote.

**Regulation Committee -- Environmental Resource Permits**

7. ERP No. 43032820.001 - Residences at Burnt Store East – Charlotte County

8. ERP No. 43031858.002 - Channel Club Condominium Multi-Family Docks – Pinellas County
9. ERP No. 43032758.000 - Majestic Point Docking Facility – Pinellas County
10. ERP No. 43033143.000 - Hidden Creek – Sarasota County
11. ERP No. 43013740.004 - Bexley Ranch - Ph 1 – Pasco County
12. ERP No. 43017575.029 - Longleaf Neighborhood Four – Pasco County
13. ERP No. 49024788.005 - Ashley Glen – Pasco County
14. ERP No. 43029843.001 - Longwood Subdivision – Pasco County

**Regulation Committee -- Water Use Permits**

- ~~15. WUP No. 20002688.003 - Hallmark Land Trust (**DENIAL**) – Hernando County~~
16. WUP No. 20008605.003 - Fatemah Corporation (**DENIAL**) – Hillsborough County
17. WUP No. 20012452.003 - Goodson Farms/Goodson Farms, Inc. et al. – Hillsborough County

**Regulation Committee -- Other**

18. **Electrical Transmission Line Site Certification – SWFWMD Supplemental Agency Report on Alternate Corridors for Florida Power and Light Company's Bobwhite – Manatee 230 kV Transmission Line Project**  
Staff recommended to approve the proposed Agency Report and Conditions of Certification to be submitted to the Department of Environmental Protection for Florida Power & Light Company's proposed Bobwhite – Manatee 230 k-V Transmission Line.

**Resource Management Committee – None**

**Outreach & Planning Committee – None**

**Finance & Administration Committee**

19. **Board Travel**  
No action was required at this time.
20. **Budget Transfer Report**  
Staff recommended to approve the Budget Transfer Report covering all budget transfers for February 2008.

**General Counsel's Report**

21. **Consent Order – Surface Water Activity – JM Paz Lakeland, LLC (Godwin Pumps) – Polk County**  
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against JM Paz Lakeland, LLC and any other appropriate parties to obtain compliance with the Consent Order.
22. **Consent Order – Surface Water Activity – Margaret A. Auger, as Trustee of the Margaret A. Auger Revocable Living Trust Agreement and Sherman M. Auger – Polk County**  
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against Margaret A. Auger as Trustee of the Margaret A. Auger Revocable Living Trust Agreement and Sherman M. Auger to obtain compliance with the Consent Order.
23. **Consent Order – Surface Water Activity – Macklin Transport Company – Highlands County**  
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against Macklin Transport Company to obtain compliance with the Consent Order.
24. **Initiation of Litigation – ERP No. 44005168.003 – The Kell Group, Ltd. (Lakes of Wellington – Phase 2) – Hillsborough County**  
Staff recommended to authorize the initiation of litigation against The Kell Group, Ltd., and any other appropriate parties to obtain compliance, and to obtain a monetary penalty and recovery of District enforcement costs, attorney's fees and court costs.

25. **Initiation of Litigation – ERP No. 44002209.002 – Shant Hotels, LLC (Quality Inn and Suites) – Polk County**  
Staff recommended to authorize the initiation of litigation against Shant Hotels, LLC and any other appropriate parties to obtain compliance, to recover an administrative fine/civil penalty for operation without a permit and permit condition violation, and to recover District enforcement costs, court costs and attorney's fees.
26. **Initiation of Litigation – Well Construction – License No. 1564 – William Going – Pinellas County**  
Staff recommended to authorize the initiation of litigation against Mr. Going to take disciplinary action against his license, recover an administrative fine/civil penalty, and recover District enforcement costs, court costs and attorney's fees.
27. **Initiation of Litigation – Well Construction – Santos Maldonado, Sr. – Hardee County**  
Staff recommended to authorize the initiation of litigation against Santos Maldonado, Sr. to recover an administrative fine/civil penalty, and recover District enforcement costs, court costs and attorney's fees.

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

28. **Approve January 29, 2008 Governing Board Meeting Minutes**  
Staff recommended to approve the January 29, 2008 Governing Board Meeting Minutes as presented.
29. **Approve February 26, 2008 Governing Board Meeting Minutes**  
Staff recommended to approve the February 26, 2008 Governing Board Meeting Minutes as presented.

Following consideration, **Mr. Dabney moved, seconded by Mr. Combee, to approve the Consent Agenda as amended. Motion carried unanimously.** (CD 1/Track 07 – 00:00/00:37)

Following consideration, **Mr. Combee moved, seconded by Ms. Parks, to approve the Consent Agenda Item 18. Motion carried; Mr. Dabney recused himself from voting.** (CD 1/Track 07– 00:37/00:52)

Chair Whitehead relinquished the gavel to Regulation Committee Chair Rovira-Forino.

## **Regulation Committee**

#### ***Discussion Items***

30. **Consent Item(s) Moved for Discussion** - None
31. **Hydrologic Conditions Status Report**  
Mr. Granville Kinsman, Manager, Hydrologic Data Section, summarized the information found in the monthly Hydrologic Conditions Status Report. Using hydrographs he explained how recent rainfall had provided some improvement, especially in the northern region of the District. The Peace River Basin, however, remains highly impacted by this drought. Rivers and reservoirs in the northern and central portions of the District have all seen improvement with the recent rainfall events. The District is now six months into the 8-month dry season. The 12-month District-wide rainfall deficit improved, providing some regional improvement. Overall drought and precipitation indicators predict conditions to remain dry and possibly decline again.

This item was provided for the Committee's information, and no action was required. (CD 1/Track 08 – 00:00/09:59)

32. **Annual Declaration of April as Water Conservation Month**  
Ms. Lois A. Sorensen, Demand Management Coordinator, Regulation Performance Management Department, said since 1998, the state of Florida, its water management districts, local governments and other water-related organizations have declared April as "Water Conservation Month." April is an annual "teaching moment" because it is

traditionally Florida's driest month and because it typically starts the peak demand season for many public suppliers as the general public becomes interested in spring gardening. The concept of "Water Conservation Month" was developed by the Florida Water Wise Council, which has since evolved into the Water Efficiency Division of the Florida Section of the American Water Works Association. Last year, the District was one of 183 organizations that signed such a declaration.

Staff recommended approval and execution of Resolution No. SWF 08-02, declaring April 2008 as "Water Conservation Month." Following consideration, **Ms. Whitehead moved, seconded by Ms. Glass, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 09 – 00:00/02:18)

33. **Governing Board Concurrence with Executive Director's Issuance of Executive Director Order No. SWF 08-003, regarding Use of the Peace River/Manasota Regional Water Supply Authority's Aquifer Storage and Recovery (ASR) Wellfields**

Mr. Ross Morton, Director, Sarasota Regulation Department, said the District began providing drought assistance to the Peace River/Manasota Regional Water Supply Authority in August 2007 by issuing Executive Director Order No. SWF 07-045 (an emergency authorization to temporarily increase withdrawals from the Peace River). Additional assistance was provided when the District issued Executive Director Order No. SWF 08-002 (an emergency authorization to temporary allow the Englewood Water District to deliver water to Charlotte County Utilities). In addition to implementing existing emergency authorizations, the District, the Authority and local utilities have continued to pursue other short-term water supply options.

The Authority has determined that the two earlier emergency authorizations, while helpful and still in effect, will not provide sufficient relief during the remaining months of the current dry season. As of March 3, 2008, the total amount of water in storage in the Authority's reservoir and two Aquifer Storage and Recovery (ASR) wellfields is approximately 565 million gallons, compared to a total capacity of about 8 billion gallons. In particular, the Authority is concerned that there is only 56 million gallons left in its ASR wellfields, compared to an ASR storage capacity of 7.4 billion gallons. Demand for water from the Authority's supplies averaged 11.5 million gallons during the week ending March 2, 2008.

As drafted, this emergency authorization would temporarily modify the Authority's Permit (20010420.004) to allow existing ASR wells to be utilized in order to withdraw groundwater. The draft order allows groundwater withdrawal of up to 17.0 mgd for up to 120 days from commencement; however, this withdrawal can only commence after remaining ASR storage has been exhausted. In order to minimize the need for such withdrawals, the draft order requires maximized utilization of all available quantities under the "GAP" permit (WUP No. 20012926.000) and Executive Director Order Nos. SWF 07-045 and SWF 08-002.

The draft emergency authorization also contains additional environmental protection features. Specifically, the Authority must continue to aggressively promote water conservation efforts among its member governments, immediately investigate withdrawal-related well complaints, maintain compliance with the facility's current monitoring requirements and Florida Department of Environmental Protection permit, and submit a weekly report detailing the amount of groundwater being withdrawn. As written, the draft order would expire on July 1, 2008, unless rescinded or further extended by the Governing Board or Executive Director.

Staff recommended Concurrence with the issuance of Executive Director Order No. 08-003 for groundwater production from existing ASR wells. Following consideration, **Ms. Glass moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 10 – 00:00/13:17)

### ***Submit & File Report***

The following item was submitted for the Committee's information, and no action was required.

34. **Enhanced Water Conservation Measures for Water Use Permitting**

### ***Routine Reports***

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

35. **Demand Management – Water Shortage Actions**  
36. **Overpumpage Report**  
37. **Southern Water Use Caution Area Quantities**  
38. **Water Production Supply Summary**

Mr. Owen said staff has been working over the past several months to incrementally improve this report, concentrating their efforts on providing the most current data. This report acts as a tool for comparing production from various sources to permitted quantities. He called the Board's attention to a new graphic, included in this month's Governing Board information notebook. This information is specific to Tampa Bay Water's (TBW) Consolidated Wellfield Permit; it can be used to track their progress towards getting its water use down to 90 mgd (on an annual average basis) by the end of this calendar year as the permit and partnership plan calls for. Mr. Moore discussed the methodologies the District has in place to monitor TBW's progress in meeting this important target. (CD 1/Track 11 - 00:00/13:05)

39. **Public Supply Benchmarks**  
40. **Resource Regulation Significant Initiatives Report**

Regulation Committee Chair Rovira-Forino relinquished the gavel to Resource Management Committee Chair Pressman.

## **Resource Management Committee**

### ***Discussion Items***

41. **Accept Appraisals, and Approve Purchase/Sale Agreement and Resolution Requesting Funds – Lake Hancock Project, SWF Parcel No. 20-503-103**

Mr. Fritz H. Musselmann, Director, Land Resources Department, said the purpose of this item was to request the Governing Board approve the purchase of approximately 1,177 acres which has been negotiated with the owners, Leigh and Lynn Hampton and LSL Hampton Family Ltd. Partnership, LLP, as part of the District's Lake Hancock project. To date, the District has acquired a fee simple interest in approximately 5,803 acres, and less than fee interests in an additional 718 acres within the project. A general location map of the parcel in relation to the project and a detailed map of the parcel were included in the board packet as exhibits to this item.

On September 25, 2007, the Governing Board authorized the implementation of the Lake Hancock Lake Level Modification Project including acquisition of lands (initially on a voluntary basis) necessary for the project. The Board also approved the use of eminent domain, if necessary, to complete the acquisition process. The District is required by state law (Section 373.042, Florida Statutes (F.S.)) to develop minimum flows and levels (MFL) on priority water bodies and aquifers. The purpose of the MFL is to ensure that adequate flows or levels are maintained to protect the state's water resources. The District has set minimum flows for the upper Peace River including 17 cubic feet per second (cfs) at Bartow, 27 cfs at Fort Meade, and 45 cfs at Zolfo Springs.

Mr. Musselmann said there has been a long and complicated relationship with the current owners for the acquisition of this parcel. The District began negotiations with the current owners in January 2000. This period also coincided with an unprecedented appreciation of the real estate market, and as such, the District's offers were unable to meet the expectations of the owners. In March 2005, the owners filed an inverse condemnation suit against the District, which claimed that the District had manipulated the lake levels, and in turn, had affected their property rights. Although the lawsuit was ultimately dismissed, it resulted in a significant investment of District resources and took over a year to resolve. Once the lawsuit was dismissed, the District made another offer based on the previous appraisals, and the offer was rejected. In November 2007, the District ordered new appraisals for the basis of the offer and settlement contemplated herein. Considering the protracted negotiations with the owners, the purchase/sale agreement offered for the Board's consideration represents a major milestone towards completing the land needs associated with the Lake Hancock Lake Level Modification Project.

This parcel will substantially complete the Lake Hancock section of the Upper Peace River Greenway Corridor, provide additional public recreation partnership opportunities by providing the missing link to Polk County's proposed "Lake Hancock Loop" of the Fort Frazier Trail, and provide additional restoration/mitigation opportunities. Upon completion of this acquisition, the District will own approximately eight out of the total eleven miles of affected lakefront properties on Lake Hancock. The property is located southwest of the intersection of Thornhill Road and Winter Lake Road (State Road 540), south of the Polk Parkway and on the northeastern shore of Lake Hancock. The property has approximately two miles frontage on Winter Lake Road and one mile frontage on Thornhill Road. Located about one-half mile from the Polk Parkway/Winter Lake Road interchange, the property has approximately one and one-half miles of frontage along the northeastern shoreline of Lake Hancock. The property consists of approximately 78 percent uplands and 22 percent wetlands. Improvements to the property include three residences. Two of the residences are included in a ten-acre compound and have a total of 6,387 square feet. Also included within the ten acres is an enclosed in-ground pool, 200-square foot pool house and a 3,600-square foot stable. There is also a 2,068-square foot residence, which is located in a heavily wooded area separate from the residential compound. Although water and sewer are available for future development, the current residences are on private well and septic systems.

The highest and best use, as determined by the appraisers, based on the physically possible, legally permissible and financially feasible uses for this property, would be for residential subdivision development at the highest density that would be approved by Polk County or future mixed use development with residential and commercial components. The District's appraisers concluded that the subject site could support up to 1,592 single family units, which reflects an overall development density of 1.35 units per gross acre.

The total settlement price of \$39,239,000 includes \$2,064,000 for costs incurred by the sellers, including fees for their attorney, accountant, appraiser, land planner and environmental engineer.

Voluntary acquisition avoids the significant expense and investment of staff time that is required when eminent domain proceedings are initiated. In the eminent domain process, the District can incur substantial costs in the form of attorney's fees and expert witness fees. Moreover, the District is not only responsible for the costs of its attorneys and experts, but also those costs incurred by the landowner in the condemnation suit.

Mr. Musselmann reviewed the following list of special conditions in the agreement:

- The sellers agreed to deliver marketable title free of all encumbrances objectionable to the District.
- An environmental site assessment will be completed prior to closing.
- The District acknowledged that the sellers intend to claim a form of a charitable donation

associated with this transaction.

- The purchase agreement includes a provision to lease back the approximate ten-acre residential compound and access thereto to the sellers until April 30, 2009 at a rate of \$3,000 per month, or any portion thereof, with the following provision:
- An escrow agreement will require the District to place \$100,000 in escrow for up to two years after closing for contribution to the cost of construction of a fence, wall or other visual buffer along Thornhill Road. Any and all costs exceeding District's \$100,000 contribution will be the sole responsibility of the sellers. If the funds are not used within two years of the closing, they will revert to the District.
- Given the sellers' family's long-term ownership of the property, the District will designate the property as the "Marshall Hampton Reserve" or a similar name.

Funds are available from Florida Forever Trust Fund for the purchase of this parcel (land cost). Funds are available from the Water Management Lands Trust Fund for land acquisition ancillary fees and costs, as outlined above. If not funded, the Lake Hancock Lake Level Modification Project cannot be implemented.

Staff recommended to (1) accept the appraisals; (2) approve the purchase/sale agreement; and (3) approve the resolution requesting funds. Following consideration, **Ms. McCree moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation. Motion carried 12 to 0; Ms. Closshey was not present for the vote.**

Mr. Dabney encouraged staff to move forward with disposing of surplus lands associated with the Old Florida Plantation land acquisition purchase. Mr. Senft suggested that staff continue to educate the residents and neighbors of the Lake Hancock project area about eminent domain procedures. He was concerned about clearing up any confusion citizens may have regarding the project.

42. **Approve Resolution 08-01, Amendment of the Fiscal Year 2008 Annual Service Budget, to include Additional Revenue from Florida Forever Trust Fund**

Mr. Musselmann requested an amendment to the District's Fiscal Year (FY) 2008 total budget to include \$45,000,000 of additional revenue from the Florida Forever Trust Fund for planned land acquisitions during FY2008, including lands to be acquired for the Lake Hancock project.

Staff recommended approval of Resolution 08-01, Amendment of the Fiscal Year 2008 Annual Service Budget, to increase the District's total budget by \$45,000,000 from \$395,001,505 to \$440,001,505. Following consideration, **Mr. Dabney moved, seconded by Ms. Glass, to approve the staff recommendation. Motion carried 12 to 0; Ms. Closshey was not present for the vote.** (CD 1/Track 12 - 00:00/29:25)

43. **District's Watershed Management Program and Federal Emergency Management Agency Map Modernization**

Mr. Mark A. Hammond, Director, Resource Projects Department, provided the Board with an update on the status of the District's Watershed Management Program and associated Federal Emergency Management Agency (FEMA) Map Modernization, including the District's role in the FEMA process, and requested the Board transfer one million dollars from the General Fund Reserves for Contingencies to be used for the peer review associated with these efforts. The presentation will provide a status report on activities to address issues identified by the public and through the District's coordination with the development community consultants in 2007 and discussed at the August and October 2007 Governing Board meetings. Staff will continue to update the Board monthly either through the routine reports or as a committee discussion item.

The District initiated a partnership with the FEMA to modernize Flood Insurance Rate Maps (FIRMs) as part of our Watershed Management Program (WMP). Flood protection



and floodplain information has been a priority at the District since the inception of the organization and that priority was renewed following the El Niño weather event in 1997-1998. In addition to studies conducted by the District (primarily through the Basin Boards) and others, information on floodplains (elevations) is available through the FEMA FIRMs. However, many of the existing maps do not accurately represent the flood prone areas either because the initial studies were technically limited or the maps are outdated due to significant land use changes since completion. To improve the floodplain information and improve local government's understanding of their flood protection level of service the District reached out to local governments, and initiated the WMP in the late nineties.

The District recognized a potential funding partner in FEMA as they had mutual goals to improve the existing FIRMs to better identify risks of flooding within the District. The District and the FEMA executed a Cooperating Technical Partners (CTP) Memorandum of Agreement on September 14, 2001 to formalize the relationship. As a CTP, the District is eligible for federal funds to act as FEMA's partner in modernization of the FIRMs. FEMA's funds are primarily used for watershed modeling and floodplain analysis tasks and to prepare the FIRMs as not all elements of the District's WMP are eligible for funding under FEMA's mapping support. The District is implementing the map modernization program through the WMP and the federal funds have allowed the District and local governments to accomplish significantly more than would otherwise been possible. To date, the District has received approximately \$11.2 million in federal funds from FEMA for countywide map modernization projects for Pasco, Sarasota, Hernando, Marion, Polk, Hardee, Desoto, Citrus, Sumter, Levy, and Highlands Counties. An additional \$0.9 million is expected in future fiscal years for countywide map modernization projects for Manatee County. The Map Modernization program also includes federal funding for management support. For fiscal year (FY) 2004 through FY2007 the District received \$713,240 and could receive an additional \$500,000 through FY2012.

District staff has been involved with several interested parties regarding the Watershed Management Program and FEMA Map Modernization since January 2007 as a result of preliminary floodplain maps developed for Hernando, Pasco, and Sarasota Counties. Several issues were identified focusing on technical methodologies, quality control and public input. In October 2007, staff provided a status report to the Governing Board along with staff's approach to address the issues. The issues were grouped into the following categories: Rainfall Duration, Quality Control/Peer Review, Outreach, and Schedule. Included in the Board's packet was an exhibit that provides a status report on the District's Watershed Management Program and FEMA Map Modernization as of March 2008 including an update on the progress and activities associated with these issues.

Mr. Hammond's presentation highlighted the key areas in the status report regarding Rainfall Duration, Quality Control/Peer Review, Outreach, and Schedule. District staff presented the approach to address the Rainfall Duration issue to the District's Environmental Resource Permit (ERP) Advisory Groups in November 2007. The ERP Advisory Groups supported the need to have the technical methodologies, including rainfall event, used in the watershed modeling for FEMA maps, be consistent with the District's ERP requirements. District staff introduced a strategy to implement the results of the watershed studies in the District's ERP Program to the ERP Advisory Groups in February and March 2008. District staff anticipates further discussions with the ERP Advisory Groups before presenting recommendations to the Governing Board regarding any necessary changes in the District's ERP requirements.

The October 2007 Status Report to the Governing Board included a staff proposal to utilize "Peer Review" similar to the District's Minimum Flows and Levels process using independent, qualified engineers to review and verify the quality of watershed models where (a) modeled floodplains result in a significant change (increase) from the existing FEMA 100-year floodplains (b) the rainfall event utilized is different than the one-day, and (c) the engineer of record or District does not agree with comments from the public. The

District issued a Request for Qualifications (RFQ) on January 11, 2008 to obtain the services of qualified peer review consultants for the watershed models and received 25 responses to the RFQ on February 12, 2008. There are up to 40 watershed models that potentially may need to be reviewed in Hernando, Pasco, and Sarasota Counties before the end of the fiscal year (September 2008). District staff estimates that each peer review could cost approximately \$25,000, per watershed, for a total cost of up to \$1,000,000. Funds were not budgeted in FY2008 for this activity as it was proposed too late in the budget process and recommended to the Governing Board after the beginning of the fiscal year. Therefore, staff is recommending the Governing Board transfer \$1,000,000 from the General Fund Reserves for Contingencies to be used for the Watershed Management Program to support the peer review efforts.

Governing Board members engaged staff in a series of questions regarding several related issues in their areas of representation. Some of those topics included: the use of 5-day and 10-day rainfall duration events; the economic impact of the new floodplain maps on developers; analysis that would compare actual inundated areas, documented with aerial photography, to models, the Peace Creek model and floodplain maps for Polk County being completed by December 2009; how quickly will updates to floodplain maps be handled after an area has completed significant capital improvements; and whether or not peer review of modeling will include surveying. Chair Whitehead noted that through the flood insurance process an individual homeowner has the right to obtain their own elevation survey. Board members concluded their remarks by agreeing that this work is necessary, although costly on the outset, but will benefit everyone in the long-run.

Mr. Hammond also provided the Board with information regarding the outreach efforts and schedule for updating the watershed models and preliminary FIRMs. The tentative schedule specific to Hernando and Pasco counties is as follows: watershed models - May 2008, public meetings - June/August 2008, Governing Board - September/October 2008, and submittal of preliminary Digital Flood Insurance Rate Maps (DFIRMs) to FEMA November 2008.

Staff recommended approving the transfer of \$1,000,000 from the General Fund Reserves for Contingencies to support the District's Watershed Management Program and FEMA Map Modernization efforts. Following consideration, **Mr. Oakley moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 13 – 00:00/50:04)

44. **Fiscal Year 2009 Water Supply and Resource Development Projects**

Mr. Wirth said this is an information item to provide an overview of FY2009 funding requests for water supply and water resource development (WS&WRD) projects that involve Governing Board funding. At its February 27, 2007 meeting, the Governing Board accepted the Finance and Administration Committee's recommendation to revise its annual budget calendar to include a process for periodically updating the WS&WRD Funding Plan. As part of that process, WS&WRD projects submitted for funding consideration in FY2009 will be presented to the Governing Board. Staff is assessing the implications of the FY2009 funding requests to the WS&WRD Funding Plan based on the information submitted by the cooperators.

Exhibit 1, included in the Governing Board information notebook, included a list of 21 WS&WRD projects currently in house for evaluation for Governing Board and Basin Board funding in FY2009. Three of the projects are new and 18 are ongoing; meaning they are multi-year projects that were approved for funding in prior years and require Board approval of FY2009 funding. Of the 21 projects, 14 are potentially eligible to receive FY2009 SB 444 funds. A total of \$96 million is being requested from the District.

Mr. Wirth called the Board's attention to some of the most significant projects. Regarding the System Configuration II, 25 mgd are being developed and staff is working with TBW to

fund an additional \$11 million needed to keep pace with construction. The South Pasco Wellfield Drainage Modification project will provide flood protection, water quality and natural system benefits. The FY2009 funding request is \$125,000. The Peace River Manasota Regional Water Supply Authority (PRMRWSA) has a 24 mgd surface water treatment plant expansion and a 6 billion gallon reservoir currently under construction, scheduled for completion in 2009. The FY2009 funding request is \$20 million. The District has already met its contractual funding requirements for these projects, however, the costs have rose an additional \$40 million. In addition, the PRMRWSA Regional Resource Development Phase 1 is requesting \$5 million for development of future sources. The Southwest Polk County Regional Reclaimed Water Reservoir would capture wet weather flows into a 1 billion gallon capacity basin. The FY2009 funding request is \$685,000 and would provide a 158,000 gpd offset.

Mr. Wirth presented the distribution of SB 444 funds that the District received, \$25 million, \$15 million, and \$13 million, respectively, in FY2006, FY2007 and FY2008, all of which is currently allocated to a total of 45 projects. Of these funds, 45 percent were allocated to the Northern Tampa Bay Planning Area, 53 percent to the Southern Water Use Caution Area Planning Area, and 2 percent to the Northern Planning Area. The amount of SB 444 funds to be provided to the District for allocation to water supply projects for FY2009 has not yet been determined by the Legislature. However, the District is proceeding under the assumption that the amount will be \$13 million.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 13 – 50:04/65:16)

45. **Consumer Fertilizer Task Force Report**

Ms. Veronica Craw, Manager, Resource Projects Department, provided the Board with a brief overview of the work of the Florida Consumer Fertilizer Task Force and a summary of its final report to the 2008 Florida Legislature.

The Florida Consumer Fertilizer Task Force was created within the Department of Agriculture and Consumer Services (DACS) by the Florida Legislature on July 1, 2007 to review and provide recommendations on the state's policies and programs addressing consumer fertilizers. The Task Force strove to assist local governments to comply with state and federal water quality standards, and to provide uniformity while accounting for geographic diversity and variations within Florida.

It was recommended that the Limited Commercial Landscape Maintenance certification be expanded to include fertilizer best management practices. In addition, a model ordinance concerning the use of nonagricultural fertilizer was developed for use by local governments who chose to adopt it. The Task Force supported public education regarding fertilizer use based on the University of Florida Institute of Food and Agricultural Sciences' six best practices for lawn care and they supported the continued support of ongoing research projects on fertilizer management. Finally, the Task Force recommended a dedicated funding source be provided for education and training by authorizing DACS to increase their tonnage fee on the sale of nitrogen and phosphorus. The Final Report was adopted unanimously by the Task Force at its January 11, 2008 meeting and DACS was authorized to transmit the document to the Legislature on January 15, 2008. The Task Force was abolished upon submittal of the Final Report.

This item was for the Board's information only; no action was required. (CD 1/Track 14 – 00:00/10:22)

46. **Public Hearing Requested by Tampa Bay Water on Proposed Minimum Flows for the Fresh Water Segment of the Alafia River**

Marty Kelly, Ph.D., Minimum Flows and Levels Program Director, Resource Projects Department, said in 2006, TBW timely filed a request for a public hearing before the Board

on the proposed minimum flows for the freshwater segment pursuant to paragraph 120.54(3)(d), Florida Statutes. TBW was willing to postpone the public hearing until the minimum flows for the estuarine portion of the Alafia River and the peer review report were presented to the Board. The proposed minimum flows for the estuarine portion of the River have now been presented to the Board and have been supported by the peer review panel. Upon review by TBW of the technical information and the peer review report, they advise that it is no longer necessary to address their concerns before the Board in a public hearing and have withdrawn the request.

Though TBW no longer needs to address the Board, the public hearing for the freshwater segment was noticed in the Florida Administrative Weekly to be held at the March Governing Board meeting. In order to avoid restarting the rulemaking and in order to complete the rule adoption process for the minimum flow for the fresh water segment of the Alafia River, the public hearing will need to be opened, allow any public comment, and then closed.

Staff recommended opening the public hearing on this item, taking any public comment and then closing the public hearing. Following consideration, **Ms. Whitehead moved, seconded by Mr. Oakley, to approve the staff recommendation and open the public hearing. Motion carried unanimously.**

No one from the public came forward to address this item.

Following consideration, **Mr. Dabney moved, seconded by Ms. Glass, to approve the staff recommendation and close the public hearing. Motion carried unanimously.**  
(CD 1/Track 15 – 00:00/02:47)

### ***Submit & File Reports***

The following items were submitted for the Committee's information, and no action was required.

47. **Staff Response to the Peer Review of "The Determination of Minimum Flows for the Lower Alafia River Estuary"**
48. **Fourth Annual Report of Natural Systems Restoration on District Lands**

### ***Routine Reports***

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

49. **Significant Water Supply and Resource Development Projects**
50. **Watershed Management Program and Federal Emergency Management Agency Map Modernization Status Report**
51. **Florida Forever Funding Status Report**
52. **Minimum Flows and Levels Status Report**
53. **Structure Operations Status Report**

Resource Management Committee Chair Pressman relinquished the gavel to Chair Whitehead. Chair Whitehead relinquished the gavel to Finance and Administrative Committee Chair Closshey who said that Item 60 from the Finance and Administrative Committee agenda would be heard out of order today to accommodate the consultant's schedule.

## **Finance and Administration Committee**

### ***Discussion Item***

60. **Fiscal Year 2007 Comprehensive Annual Financial Report**

Mr. Daryl F. Pokrana, Director, Finance Department, introduced Ms. Lori Nissen, Partner, KPMG, who presented the audit of the District's Fiscal Year (FY) 2007 Comprehensive Annual Financial Report. The District is required by section 218.39, Florida Statutes, to have an annual financial audit of its accounts and records performed by an independent certified public accountant, licensed in the State of Florida, and made in accordance with

generally accepted auditing standards, Florida Statutes, and Rules of the Auditor General promulgated pursuant to section 11.45.

The Comprehensive Annual Financial Report, including the Single Audits pursuant to OMB Circular A-133 and Chapter 10.550, Rules of the Auditor General, and the Management Letter for fiscal year ended September 30, 2007, were distributed prior to the meeting. The conclusion of the audit report was there were no recommendations for improvement this year.

Staff recommended to accept and place on file the District's Comprehensive Annual Financial Report, including the Single Audits pursuant to OMB Circular A-133 and Chapter 10.550, Rules of the Auditor General, and the Management Letter for fiscal year ended September 30, 2007. Following consideration, **Ms. Parks moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 16 – 00:00/12:35)

Treasurer Closshey relinquished the gavel to Chair Whitehead.

Chair Whitehead recessed the public hearing for a short lunch break. (CD 1/Track 17 – 00:00/00:08)

Following the lunch break, Chair Whitehead relinquished the gavel to Outreach and Planning Committee Chair Combee.

## **Outreach and Planning Committee**

### ***Discussion Item***

#### **54. Legislative Update**

Mr. David Rathke, Director, Community and Legislative Affairs Department, reviewed the following Federal Legislative issues: the 2008 State and Tribal Assistance Grants Request and the Farm Bill.

Mr. Rathke provided brief updates on several State Legislative Issues, some of which included: the District's West-Central Florida Water Restoration Action Plan; the Legislative Sunset Review Committee; Expedited Permitting Bill; and the 373 Rewrite.

Ms. Rovira-Forino was provided assurance that Polk County did not submit a bill requesting state funds to develop their water supply plan. This ensued in a lengthier discussion regarding past funding assistance Polk County has received from the District.

Mr. Combee said Polk County does need assistance at this time. Ms. Symons said it is Polk County's turn and the District should focus its efforts on helping those that need water. Ms. Closshey said she hopes to rely on staff to provide an overview of Polk County's situation. Mr. Senft said Polk County is enjoying a better working relationship with the District than it has had in years and hopes it can continue in this positive manner. He believes that Polk County is not asking for anything extraordinary and that their situation is unique. Mr. Pressman said he believes staff does an excellent job in keeping the Governing Board up-to-date. Mr. Dabney said he is totally satisfied with the allocation of District funding and that he does not think there is anything at debate here to further discuss.

Ms. McCree commended staff on their hard work regarding federal funding for the estuary programs which are at risk due to spending cuts. (CD 1/Track 18 – 00:00/31:46)

***Submit & File Reports*** – None

***Routine Reports***

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

55. **Significant Activities Report**
56. **Speakers Bureau**
57. **Comprehensive Plan Amendment and Related Reviews Report**
58. **Review of Developments of Regional Impact**

Outreach and Planning Committee Chair Combee relinquished the gavel to Finance and Administration Committee Treasurer Closshey.

**Finance and Administration Committee**

Item 60 was heard earlier in the meeting.

***Discussion Items***

59. **Consent Item(s) Moved for Discussion** - None
  
61. **Approve Board Policy 110-10, District Commitment to Superior Environmental Stewardship**

Ms. Elaine Kuligofski, Director, Human Resources and Risk Management Department, said staff is seeking approval of proposed Governing Board Policy 110-10, District Commitment to Superior Environmental Stewardship, in support of the State of Florida's Climate Change Initiative.

The Southwest Florida Water Management District supports and applauds Governor Crist's efforts to move toward more environmentally sustainable governance practices. The District has already taken significant steps toward incorporating principles of superior environmental stewardship into its daily operations. A Governing Board Policy setting forth the District's commitment in this regard will make an official statement to the public as well as provide authority for further staff activities toward improving the District's environmental efforts and achieving the carbon emissions reduction and other environmental goals set forth by Governor Crist for government agencies in the state of Florida.

Ms. Parks asked for the amount of dollars saved overall with the implementation of these changes. Ms. Kuligofski said staff is calculating those savings and will they will be presented to the Governing Bard as soon as they are ready.

Mr. Dabney said he felt this policy needed to state that the Governing Board is still efficient with the taxpayers' dollars. Mr. Schiller said staff will provide reports showing return on investment as to dollars and return on investment as to efficiency. Language will be added to policy regarding return on investment. Mr. Joerger suggested the District look at its whole carbon footprint and possibly think in terms of creating energy where opportunities permit.

Staff will return for approval of Board Policy 110-10, District Commitment to Superior Environmental Stewardship after Board members' suggestions have been implemented into the policy language.

Committee Chair Combee heard public comment at this time.

Dr. Octavio Blanco, a resident of Lutz, said he wholeheartedly supports the preservation of wetlands so that those soils are not changed into carbon after destruction. (CD 1/Track 19 – 00:00/14:46)

***Submit & File Reports***

The following items were submitted for the Committee's information, and no action was required.

62. **District Climate Change Initiative**
63. **Fiscal Year 2009 Budget Update**
64. **Treasurer's Report, Payment Register, and Contingency Reserves Report**

### ***Routine Report***

The following item was provided for the Committee's information, and no action was required.

65. **Management Services Status Report**

Finance and Administration Committee Treasurer Closshey relinquished the gavel to Chair Whitehead.

## **General Counsel's Report**

### ***Discussion Items***

66. **Consent Item(s) Moved for Discussion** – None
67. **Final Order – WUP No. 20004912.006 – City of Lakeland v. SWFWMD, DOAH Case No. 07-0564 – Polk County**

General Counsel Bilenky stated the procedural guidelines regarding DOAH cases for the benefit of the Board's newest members. Mr. Jack Pepper, Deputy General Counsel, said on December 29, 2006, the District issued a notice of proposed agency action (PAA) for renewal and issuance of Water Use Permit (WUP) No. 20004912.006 to be issued to the City of Lakeland, Florida (City) authorizing groundwater withdrawals from the City's Northwest (NWWF), Northeast (NEWF), and Combee wellfields located in Polk County.

Although the City's application as modified requested a WUP having a duration of 15-years and authorizing a total withdrawal of 36.8 mgd annual average (28.03 mgd from NWWF and 8.77 mgd from NEWF), the District's PAA called for issuance of a 6-year permit with a total withdrawal of 33.03 mgd (28.03 mgd from NWWF, 1.5 mgd from NEWF, and 3.5 mgd from Combee). The PAA also included a phasing schedule that would allow increased withdrawals up to 35.03 mgd total (including 4.0 mgd from NEWF).

On January 23, 2007, the City filed a timely petition for formal administrative hearing with the District. The District referred the petition to the Division of Administrative Hearings (DOAH) for the conduct of formal administrative proceedings, and a final hearing was held over the course of ten days in August 2007.

In October 2007, the parties filed with DOAH their proposed recommended orders (PRO). On January 4, 2008, the assigned Administrative Law Judge (ALJ) issued his recommended order. The ALJ recommends that the District issue a final order issuing a 6-year permit authorizing a total withdrawal of 29.5 mgd, with up to 4.0 mgd coming from the NEWF. The recommended order requires the implementation of an environmental monitoring and management plan to ensure that the permitted groundwater withdrawals do not cause unacceptable adverse impacts. The recommended order likewise requires implementation of a Wetland Improvement Plan to mitigate impacts on the NEWF wetlands. The recommended order also requires that a special condition be included in the permit encouraging the City to pursue a WUP for the Combee site for the City's future water needs and/or for additional mitigation of the impacts of pumping at the NEWF.

The City filed a written exception to the ALJ's recommended order. The City contends that competent substantial evidence exists in the record to support modification of the ALJ's Conclusion of Law No. 188. By its exception, the City seeks a modification of the 29.5 million gallons per day permit allocation recommended by the ALJ to include 665,931 gallons per day constituting the City's export water sales, as well as 38,350 gallons per day consisting of 0.13 percent water treatment losses. The resulting allocation total of 30.2 mgd falls within the range of 28.7 to 30.9 mgd deemed reasonable by the ALJ for the

year 2014 in Finding of Fact No. 120. The City's exception, filed on March 14, 2008, was provided to the Governing Board as an exhibit to this item.

Staff recommended to approve the proposed final order that adopts the recommended order entered by the ALJ and issues WUP No. 20004912.006, but accepts the City's exception and modifies Conclusion of Law No. 188 in accordance with the proposed ruling on the exception.

Mr. Segundo Fernandez, representing the City of Lakeland, said they support the staff recommendation and thanked District staff for working with the City to bring this to a conclusion.

Following consideration, **Ms. McCree moved, seconded by Mr. Pressman, to approve the staff recommendation and adopt Final Order – WUP No. 20004912.006 – City of Lakeland v. SWFWMD, DOAH Case No. 07-0564 – Polk County. Motion carried unanimously.** (CD 1/Track 20 – 00:00/14:14)

68. **Final Order – ERP No. 43024788.004 – Blanco v. Win-Suncoast, Ltd. and SWFWMD, DOAH Case No. 07-3945 – Pasco County**

Mr. Jack Pepper, Deputy General Counsel, said on July 27, 2007 the District issued a notice of proposed agency action for approval of Environmental Resource Permit (ERP) Application No. 43024788.004, submitted by Win-Suncoast, Ltd. (Win-Suncoast). The application is for authorization to construct a surface water management system to serve 36.7-acre commercial development (the Project). The Project is located in Pasco County, northeast of the intersection of the Suncoast Parkway and State Road 54.

On August 22, 2007, Dr. Octavio Blanco (Blanco) filed a timely petition for formal administrative hearing with the District. The petition was then referred to the Division of Administrative Hearings for administrative proceedings. A formal Administrative Hearing was held on January 15, 16, and 17, 2008, in Tampa. Win-Suncoast, the District and Blanco presented a total of fifteen witnesses and thirty four exhibits were admitted into evidence.

On February 14, 2008, the Administrative Law Judge (ALJ) issued a recommended order. The ALJ recommends approval of Win-Suncoast's ERP subject to two conditions: (1) Win-Suncoast must receive legal authorization, in recordable form, granting Win-Suncoast such rights that are necessary to construct, maintain, and operate the portion of the surface water management system on the Department of Transportation's Property; and (2) the permit must specify that the purchase of the conservation easement over the Marr Parcel is required to offset the impacts to Wetland C-12. The recommended order, the transcript of the hearing, and the exhibits admitted into evidence were available to the Governing Board.

On February 29, 2008, Blanco filed exceptions to the recommended order with the District, taking issue with several of the ALJ's findings of fact and conclusions of law and otherwise arguing against the ALJ's recommendation. On the same day, Win-Suncoast filed exceptions to the recommended order with the District. Win-Suncoast takes issue with the ALJ's recommendation that the permit be conditioned to require Win-Suncoast to obtain a "legal instrument in recordable form" from the Department of Transportation. On March 10, 2008, Win-Suncoast submitted a timely response to Blanco's exceptions. The exceptions from Blanco and Win-Suncoast and Win-Suncoast's response to Blanco's exceptions were made available to the Governing Board.

Staff recommended to approve the proposed final order that adopts the recommended order entered by the ALJ, rejects the exceptions filed by Blanco and Win-Suncoast and issues ERP No. 43024788.04.



Dr. Blanco said historically the property had flooding issues due to a previous owner's mining operation. The sandy branch is a part of the Anclote Riverine system and should be treated thusly. The project calls for destruction of wetlands due to economics. Dr. Blanco said he took the plans to other engineers who said there were other ways to complete the project.

Ms. Margaret Craig, Attorney, representing Win-Suncoast, said its engineers found there were no changes to water quality from flows leaving the property and the project would not impact wellfields. This project is projected to improve flooding conditions downstream. Ms. Craig said that Win-Suncoast concurs with the staff recommendation and the ALJ's Final Order except with the limited area described in their exceptions. Ms. Craig made her argument suggesting the Governing Board override the ALJ's Final Order; allowing her client, Win-Suncoast, to commence construction immediately before a permit from Florida Department of Transportation is received. Governing Board members engaged Ms. Craig and District staff in a question and answer session to gain clarity before voting on this final order.

Following consideration, **Mr. Combee moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation the proposed final order that adopts the recommended order entered by the ALJ, rejects the exceptions filed by Blanco and Win-Suncoast and issues ERP No. 43024788.04. Motion carried unanimously.**  
(CD 1/Track 20 – 14:14/53:44)

**Submit & File Reports** – None

#### ***Routine Reports***

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

69. **Litigation Report**
70. **Rulemaking Update**

## **Reports**

71. **Environmental Advisory Committee Liaison Report**  
Mr. Pressman said the Committee met on March 10, 2008. A drought update and the long-term outlook were discussed. The Reclaimed Water Task Force recommendations were presented. Land acquisition updates were presented by Mr. Eric Sutton, Assistant Land Resources Director, Land Resources Department.
72. **Basin Board Education Committee Meeting Report**  
Ms. Rovira-Forino said the Reclaimed Water Task Force suggested the Governing Board send a letter to Secretary Sole in support of creating a license plate with an environmental theme. Mr. Moore said this idea could be presented at the next quarterly meeting with Secretary Sole.
73. **Basin Board Land Resources Committee Meeting Report**  
The Committee meeting scheduled for March 20, 2008 was canceled.
74. **Executive Director's Report**  
Mr. Moore said he had an excellent meeting with Mr. Gerald Seeber who is the new General Manager of Tampa Bay Water (TBW). Mr. Moore said the reservoir will be undergoing some maintenance and TBW will be drawing down the reservoir so that repairs can be made. Mr. Moore said the District's engineers and regulatory managers are comfortable with the associated risks during this repair period. Mr. Warren Hogg, Tampa Bay Water, said the reservoir will be drawn down during the dry spring months to repair cracks as a normal part of maintenance. Summer rains should refill the reservoir in three months beginning in mid-June.

Mr. Moore said the Water Management Districts are moving collectively to two-day per week water restrictions. This may include reclaimed water as well; Mr. Moore said he will keep the Board informed as this develops.

Hillsborough County is continuing to work with the City of Tampa and TECO on the reclaimed water project for Mosaic. This is a complicated negotiation between the various parties; staff will update the Board at its April meeting.

Ms. Closshey requested an update regarding the use of reclaimed water in the production of cement batches. Ms. Kavouras said this was a Federal regulation that Mr. Anthony Andrade, Senior Water Conservation Analyst, reported on to the Industrial Advisory Committee; this information will be forwarded to Ms. Closshey. Ms. Closshey also requested an update regarding the per capita recommendations. Mr. Owen said staff is working on various options on how compliance would be calculated throughout the District. Ms. Closshey said she would like to see The Villages included in future meetings with the Withlacoochee Regional Water Supply Authority.

75. **Chair's Report**

Chair Whitehead said Governing Board officer elections will be held in May 2008. She asked Board members to think about the process and whether or not they would like to make any changes to the process. In addition, Chair Whitehead asked members to think about which Committees and Advisory Committees they may like to serve on. Ms. Closshey suggested the Board be provided with a document of which Board members have served as officers and for how long. Ms. Parks suggested a form be created for the Board members to use regarding what officer positions they may be willing to serve. Ms. Kavouras will coordinate this effort for Board members.

There being no further business to come before the Board, **Ms. McCree moved, seconded by Mr. Combee, to adjourn the meeting. Motion carried unanimously.**

The meeting was adjourned at 3:38 p.m. (CD 1/Track 20 - 53:44/01:42:02)

Attest:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
*The Southwest Florida Water Management District does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the District's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation, as provided for in the Americans with Disabilities Act, should contact the Executive Department, telephone 1-800-423-1476 (Florida only), extension 4610; TDD ONLY 1-800-231-6108 (Florida only); FAX 352-754-6874.*