

# APPROVED

## MINUTES OF THE MEETING

### Governing Board Southwest Florida Water Management District

Brooksville, Florida

March 31, 2009

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:00 a.m. on March 31, 2009, at Brooksville Headquarters. The following persons were present:

#### Board Members Present

Neil Combee, Chair  
Todd Pressman, Vice Chair  
Jennifer E. Closshey, Secretary  
Ronald E. Oakley, Treasurer  
Bryan Beswick, Member  
Patricia M. Glass, Member  
Hugh Gramling, Member  
Maritza Rovira-Forino, Member  
H. Paul Senft, Member  
Douglas B. Tharp, Member  
Judith C. Whitehead, 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\*

Albert G. Joerger, Member  
Sallie Parks, Member

\*Mr. Joerger and Ms. Parks participated in the discussion and vote on Item 50 via telephone.

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 Combee called the meeting to order and opened the public hearing. Ms. Closshey noted a quorum was present.

### 2. Pledge of Allegiance and Invocation

Chair Combee led the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offered the invocation.

## Public Hearing

Chair Combee noted that the Governing Board's meeting was recorded for broadcast on government access channels. Public input was only taken during the meeting onsite.

Chair Combee 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 Combee 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**

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 following items that were added and/or deleted from the agenda after publication of the regular agenda. (CD 1/Track 01 - 00:00/04:53)

**Consent Agenda**

*The following items were deleted from consideration:*

**Regulation Committee -- Environmental Resource Permits**

12. ERP No. 44033237.000 - The Jono Center at Twin Oaks (**DENIAL**) – Hillsborough County

**Resource Management Committee**

29. Appraisals and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-204P

4. **Water Conservation Month Proclamation**

Mr. Michael Molligan, Director, Communications Department, said the purpose of this item is to request that the Governing Board sign a resolution declaring April 2009 as "Water Conservation Month." Declaring April as "Water Conservation Month" has historically been used by the District as a means to focus the attention of the public on the need for and benefits of water conservation and to highlight the resources available to help them.

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. The Florida Water Wise Council board encouraged its members to declare "Water Conservation Month" within their own agencies and worked with the Secretary of the Department of Agriculture to have the state make a similar declaration.

Staff recommended to approve and execute Resolution 09-05 declaring April 2009 as "Water Conservation Month." Following consideration, **Ms. Whitehead moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 02 - 00:00/11:29)

5. **Employee Recognition**

Mr. Moore made presentations to the Board for all employees who have achieved milestones of 20 years or greater and those retiring from the District, to specially acknowledge and commend the contributions of these individuals. The following individuals were celebrating their 20-year milestones: Mr. Ken Romie, Senior Hydrologist, Operations; and Mr. Warren Lick, Senior Help Desk Analyst, Information Resources Department. The following individual is celebrating her 30-year milestone: Ms. Sonja Grant, Accounting Technician, Finance Department. Ms. Debra Harper was honored with the Shining Star Award for her work with foster children and the Seminole Wars Foundation, Guardian Ad Litem, and Dade City Garden Club. Mr. Monte Ritter has been promoted to the Surface Water Regulation Manager, for Brooksville Regulation Department; he has been with the District for 13 years and has 25 years of experience in his field. Mr. David Crane is the newest member of management. He has been hired to fill the Structure Operations Manager position in the Operations Department.

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

Dr. Octavio Blanco addressed the Governing Board regarding the District's efforts to minimize damage to wetlands especially during this drought period. (CD 1/Track 03 - 00:00/03:33)

**Consent Agenda**

Items 12 and 29 were deleted from consideration; Items 27 and 33 were moved to their respective Committee's Discussion Agenda.

**Regulation Committee -- Environmental Resource Permits**

7. ERP No. 43034212.000 - San Casa Residential Development – Charlotte County
8. ERP No. 43033790.000 - Sunwoods Hardee Excavation – Hardee County
9. ERP No. 43021639.004 - FDOT State Road 93A (I75) from Fowler Avenue to Bruce B. Downs Boulevard – Hillsborough County
10. ERP No. 43023130.002 - Sheldon and Ehrlich Commercial – Hillsborough County
11. ERP No. 49026991.002 - Lake Hutto South – Hillsborough County
- ~~12. ERP No. 44033237.000 - The Jono Center at Twin Oaks (**DENIAL**) – Hillsborough County~~
13. ERP No. 43022520.003 - Watson Borrow Pit – Levy County
14. ERP No. 43023803.002 - FDOT - State Road 679 (Pinellas Bayway Structure E) from South of Madonna Boulevard to South of State Road 682 (FM 4107552) – Pinellas County
15. ERP No. 49000493.008 - Polk City Business Park, Phase I – Polk County
16. ERP No. 49015782.004 - Meadow Lakes, Phase I - Conceptual – Polk County
17. ERP No. 44021471.001 - Oasis Sun Resort (**DENIAL**) – Polk County
18. ERP No. 43030439.002 - Cabot Commerce Center – Polk County
19. ERP No. 43030911.001 - Laurel Road Townhomes – Sarasota County

**Regulation Committee -- Water Use Permits**

20. WUP No. 20004091.011 - Bentley-Brahman Ranch, Inc./Bentley-Brahman Ranch – Hardee County
21. WUP No. 20000966.003 - Hickory Hills, LLC and Two Rivers Ranch, Inc./Hickory Hill – Hernando County
22. WUP No. 20008481.004 - Marion Utilities, Inc. and Spruce Creek North, LLC/Marion Utilities Spruce Creek – Marion County
23. WUP No. 20010413.004 - Pasco Cogen, Ltd. and JDR Properties, Inc./Pasco Cogen, Ltd. and JDR Properties of Pasco – Pasco County

**Regulation Committee -- Other**

24. **Governing Board Concurrence with Executive Director's Issuance of Second Modification to Executive Director Order No. SWF 08-043 Relating to Use of Tampa Bypass Canal for Augmentation of the Hillsborough River Reservoir**  
Staff recommended Governing Board concurrence with issuance of the Second Modification to Executive Director Order SWF 08-043 for use of the Tampa Bypass Canal to augment of the Hillsborough River Reservoir.
25. **Governing Board Concurrence with Executive Director's Issuance of First Modification to Executive Director Order No. SWF 09-008, Relating to Tampa Bay Water's Use of the Tampa Bypass Canal Lower Pool**  
Staff recommended Governing Board concurrence with the issuance of the First Modification to Executive Director Order No. SWF 09-008, relating to use of the Tampa Bypass Canal Lower Pool.
26. **Approve Rulemaking to Adopt Revised Water Use Permit Application Forms for Water Management Information System (WMIS)**  
Staff recommended approval of the amendments proposed to Rules 40D-1.659, 40D-2.091, 40D-2.101, 40D-2.331, F.A.C., and related sections of the District's Water Use Permit Information Manual Part B, Basis of Review, to adopt and incorporate revised Water Use Permit Application Forms.

**Resource Management Committee**

27. **Amendment to Lease Agreement – Lake Hancock Project, SWF Parcel No. 20-503-103X – Moved to the Resource Management Committee Discussion Agenda**
28. **Appraisals and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-153**  
Staff recommended to:
  - (1) Accept the appraisals; and
  - (2) Approve the Purchase/Sale Agreement.
29. **Appraisals and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-204P**  
This item was deleted.
30. **Appraisals and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-218**  
Staff recommended to:
  - (1) Accept the appraisal; and
  - (2) Approve the Purchase/Sale Agreement.

**Finance & Administration Committee**

31. **Board Travel**  
No action was required at this time.
32. **Budget Transfer Report**  
Staff recommended approval of the Budget Transfer Report covering all budget transfers for February 2009.

**Outreach & Planning Committee**

33. **Audubon Society's Florida Coastal Islands Sanctuaries 75<sup>th</sup> Anniversary**  
This item was moved to the Outreach & Planning Committee for Discussion.

**General Counsel's Report**

34. **Initiation and Approval of Rulemaking to Amend 40D-1.139, Florida Administrative Code (F.A.C.), Americans With Disabilities Act and Discrimination in Federally Funded Programs Public Grievance Procedures**  
Staff recommended approval of the initiation and completion of rulemaking to amend Rule 40D-1.139, F.A.C., and the two incorporated public grievance procedures, designate the District's Human Resources Director as the ADA Compliance Coordinator, combine the two grievance procedures into one entitled, *Public Grievance Procedure: Americans With Disabilities Act and Discrimination in District Programs and Activities*, and update the District's contact and address information, including an email address and reference to ADA information on the District's Website.
35. **Initiation of Litigation – ERP No. 46012777.003 - Zerep Enterprises, Inc. (Dr. Perez Office) – Hillsborough County**  
Staff recommended to authorize the initiation of litigation against Zerep Enterprises, Inc., and any other appropriate parties to obtain compliance, to recover a civil penalty, and to recover District enforcement costs, court costs and attorney's fees.
36. **Initiation of Litigation – ERP No. 44000722.001 - Fatima Enterprises, LLC (MLK Plaza) – Hillsborough County**  
Staff recommended authorizing the initiation of litigation against Fatima Enterprises, LLC, and any other appropriate parties to obtain compliance, to recover a civil penalty, and to recover District enforcement costs, court costs and attorney's fees.
37. **Initiation of Litigation – Well Construction - License No. 9376 - Robert Barfield – Hillsborough County**  
Staff recommended authorizing the initiation of litigation against Robert Barfield to take disciplinary action against his license, recover an administrative fine/civil penalty, and recover District enforcement costs, court costs and attorney's fees.
38. **Settlement Agreement – SWFWMD v. Jessie Dean Sanders, et. al., 10<sup>th</sup> Judicial Circuit Court Case No. 09-CA-1794 (Lake Hancock Project, SWF Parcel No. 20-503-197) – Polk County**

Staff recommended approval of the settlement of Circuit Court Case No. 09-CA-1794 to acquire title to SWF Parcel No. 20-503-197 for a total sum of \$37,252.50.

39. **Final Order – Suggs vs. SWFWMD, DOAH Case No. 08-3530 – Sumter County**

Staff recommended approval of the proposed Final Order that adopts the Recommended Order entered by the Administrative Law Judge.

**Executive Director's Report**

40. **Approve February 24, 2009 Governing Board Meeting Minutes**

Staff recommended approval of the minutes as presented.

Following consideration, **Ms. Closshey moved, seconded by Mr. Gramling, to approve Consent Agenda as amended. Motion carried unanimously.** (CD 1/Track 4 – 00:00/01:21)

Chair Combee relinquished the gavel to Regulation Committee Vice Chair Beswick.

## Regulation Committee

### ***Discussion Items***

41. **Consent Item(s) Moved for Discussion** - None

42. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, 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. Overall, groundwater and surface water systems continue to decline and water resource conditions are expected to worsen through late spring. Longer-range forecasts are unclear at this point.

Regulation Committee Vice Chair Beswick heard public comment at this time.

Dr. Octavio Blanco addressed the Board concerning his thoughts about the low lake levels, especially in Pasco County, and encouraged Governing Board members to use the Hydrological Conditions Report for decision making guidance.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 5 – 00:00/10:39)

43. **Consideration of Water Shortage Orders**

Mr. Richard S. Owen, AICP, Deputy Executive Director, Resource Regulation Department, said the District began experiencing a rainfall deficit and related drought impacts over three years ago. The District first took regional action on January 9, 2007 by issuing Water Shortage Order No. SWF 07-02. This Order declared once-per-week lawn watering restrictions and other "Modified Phase II" (Severe Water Shortage) response measures for the District's entire sixteen county area. Based on hydrologic conditions and other pertinent considerations, the Governing Board has extended the terms of Water Shortage Order No. 07-02 on six occasions, most recently on February 24, 2009. The Order currently expires on June 30, 2009 and covers all water uses in nine counties as well as those water uses in the remaining seven counties that are not covered by a more stringent water shortage declaration.

On October 28, 2008, the Governing Board issued Water Shortage Order No. SWF 08-044. This additional Order declared more stringent "Modified Phase III" (Extreme Water Shortage) response measures for specific water uses in Hillsborough, Pasco and Pinellas Counties. This Order was modified on February 24, 2009, to add additional requirements. Also, on February 24, 2009, the Governing Board issued Water Shortage Order No. SWF 09-009 declaring a Modified Phase III (Extreme Water Shortage) for Charlotte, DeSoto, Manatee and Sarasota Counties. Both orders currently expire on June 30, 2009.

Many water shortage management actions have taken place since the February Governing Board Meeting. Media messaging has been greatly expanded. In addition to the District's Spring Drought Messaging Campaign, media coverage of the current water shortages is occurring on nearly a daily basis. Enforcement efforts have been expanded with St. Petersburg recently implementing around the clock enforcement activities, and Pasco County issued nearly 900 citations in the month of February alone. Several local governments have reduced system pressure where feasible. For example, Tampa has lowered pressure, while still meeting all regulatory requirements, by approximately ten percent, an effort that results in substantial water savings. Also, the Peace River/Manasota Regional Water Supply Authority and Tampa Bay Water have scheduled Conservation Summits for April 3 and May 5, respectively.

a. **Consideration of Implementing Phase IV Water Shortage Restrictions for the Service Areas of Tampa Bay Water, Including Wholesale Customers of its Member Governments**

During the past month, the water shortage has deepened. There has been little rainfall in March and forecasters continue to anticipate a drier than average spring. Also, on March 12 Tampa Bay Water shut down its surface water treatment plant due to lack of surface waters. At its meeting on February 24, 2009, the Governing Board directed staff to assess the economic impact of potential Modified Phase IV restrictions. These potential restrictions include: further limiting the hours allowed for lawn and landscape irrigation, limiting pressure washing to purposes of public health and safety, banning aesthetic fountains, and residential and charity car washing, and requiring buildings that use water cooling towers to air condition their buildings to place their settings at 78 degrees or above.

Staff presented its economic impact findings and recommendations for a Phase IV rule on banning pressure washing. Mr. Owen said this rule would have the greatest potential for negative economic impacts. Potentially 2,226 jobs could be lost and \$81 million in sales. Based on this information staff is recommending to allow commercial business to continue and ban only non-commercial pressure washing.

Implementing Phase IV Water Shortage Restrictions would affect customers of Tampa Bay Water's six member governments, including utility customers that receive water from the member governments. Also included is Aloha Utilities. Only customers on potable water systems served by these utilities are affected. Those on private wells continue under the Phase III restrictions.

The order is in effect from April 3, 2009 to June 30, 2009.

Modified Phase IV restrictions prohibit residential and charity car washes, residential pressure washing, and aesthetic fountains. Lawn and landscape irrigation remains at one day per week, but the allowable hours have been essentially reduced by half. In addition, public buildings that use cooling tower air conditioning units must keep temperatures at or above 78 degrees Fahrenheit. All phases of Water Shortage Restrictions are posted on the District's website.

Board members discussed surcharges and penalty charges.

Regulation Committee Vice Chair Beswick heard public comment at this time.

Ms. Jan McLean, City of Tampa, said the City supports the actions before the Governing Board today.

Mr. James Kotow, who owns A 1<sup>st</sup> Class Pressure Cleaning and Specialized Surfaces, said he was thankful that the staff is recommending allowing commercial pressure

washing to continue. He encouraged the Governing Board to direct staff to promote media coverage of this decision.

Mr. Alex Kalevitch, of Madeira Beach, addressed the Governing Board about the positive effects of installing individual and commercial cisterns.

Mr. Richard Curtis, owner of DPI Pressure Washing, said he was relieved after hearing the staff recommendation regarding commercial pressure washing. He said his industry is taking in about 40 percent less business due to the economic downturn. He offered the Governing Board statistics, provided by the equipment vendor Ameritech, on the water saving features of commercial pressure washers as compared to those designed for home use.

Mr. Kory Finley, owner of K & J Pressure Cleaning, echoed the comments made by his fellow business owners. He said he was willing to help save water while conducting business and to educate homeowners on efficient practices.

Mr. David Brown, resident of Sun City Center, said he believes the water restrictions are not tough enough. He does not support the suggestion by the Department of Environmental Protection to use expensive back flow valves. He encouraged the Governing Board to impose tougher water shortage restrictions.

Ms. Eileen Hart, of Odessa, Florida, said as predicted back in the 1990s when the next drought came around again we would have to go back to groundwater pumping. The lakes are very low and she encouraged the Governing Board to keep this in mind when decision making. She is in favor of building more drought proof facilities such as reservoirs and reuse systems.

Mr. Bob Donaghy, of Lutz, Florida, said he was a professional pressure washer. He agreed with the comments made by others who spoke before that are in the same business. He said their equipment and techniques are much more efficient than those of the average homeowner.

Ms. Michelle Smallwood, owner of Donald Duck Cleaning, said she concurred with all of the other comments made at today's meeting by the other professional pressure washers.

Mr. D. Russell, said he represented Donald Duck Power Washing, and asked the Governing Board if they had any questions for him regarding the business. Ms. Closshey said the Governing Board is very appreciative of all the professionals who came to share their thoughts with the Governing Board today.

Ms. Barbara Dowling, of Tampa, Florida, expressed her concerns regarding the need to pump more groundwater when the lakes are so low. She encouraged the Governing Board to impose stricter water restrictions and enforcement. She thinks green grass is a luxury of the past and is in favor of continued education of Florida-friendly landscape practices.

Mr. Steven Morris, Odessa, Florida, encouraged the Governing Board to take more radical and aggressive steps towards protecting Florida's natural resources; he said he does not believe in lawn irrigation at the expense of natural resources.

Mr. Moore said, in response to Mr. Morris' comments, that there has been well over a billion dollars spent in the last decade on water resource development and there is no other place on the globe where actual water use pumpage has been reduced from 160 mgd to below 90 mgd. The drought is unfortunate but this District is imposing the

most severe water restrictions in the state next to the City of Tampa's total ban on lawn irrigation.

Mr. Tom Aderhold, representing the Keystone Civic Association, said their area in Hillsborough County is known as the lakes region. The citizens have a vested interest in keeping their lakes healthy. The Keystone Civic Association encouraged the Governing Board to impose the strictest water restrictions possible, and Mr. Aderhold said the citizens are willing to help the District get out the message to save water.

Dr. Octavio Blanco said he does not want to hurt anyone economically. He believes the message heard ten years ago that the District is in a permanent water shortage should be the driving force behind all decisions.

Mr. Charles Lee, representing Audubon of Florida, said Florida needs to move systematically towards following the practices of Florida-friendly landscaping.

Following public comment, Board members thoroughly discussed emergency rate structures, pressure reductions at the utilities, stepped up enforcement, and member government participation in these efforts.

Mr. Pressman suggested that Mr. Moore attend County Commission meetings throughout the District to amplify the specific actions different cities and counties are taking throughout the region.

Staff recommended approval of the Water Shortage Order Modified Phase IV Tampa Bay Region as presented.

Following consideration, **Mr. Gramling moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation.**

Following discussion, **Mr. Gramling called the question on the motion. The Board members unanimously voted on calling the question.**

**The motion carried unanimously to approve the staff recommendation.**

Following consideration, **Ms. Closshey moved, seconded by Ms. Whitehead, to require all member governments to provide a report to the Governing Board next month regarding how close they are to achieving the 20 percent reduction called for in the Phase IV Water Shortage Restrictions.**

Following discussion, **Mr. Gramling called the question on the motion. The Board members unanimously voted on calling the question.**

**The motion carried unanimously to approve Ms. Closshey's recommendation.**  
(CD 1/Track 6 – 00:00/02:06:34)

Regulation Vice Chair Beswick relinquished the gavel to Chair Combee. Chair Combee said the Board will consider Item 50 next which had a time certain of 11:45 a.m. He then relinquished the gavel to Resource Management Committee Chair Gramling for that item.

## Resource Management Committee

### *Discussion Items*

50. **Appraisals and Exchange Agreement – Weekiwachee Preserve, SWF Parcel Nos. 15-773-202, 15-773-207S and 15-773-208**

Board Members Sallie Parks and Albert Joerger joined the meeting via telephone for this item.

Committee Chair Gramling reminded the audience that the Governing Board had decided, at its February meeting, when they knew this item would return to the March meeting, that they did not feel it would be necessary to hear repeated testimony. With that in mind, Chair Gramling asked the audience members who intended to come forward during the public comment section to only plan on addressing the Governing Board today if they had not spoken on this item previously or if they had new testimony to add.

Mr. Eric Sutton, Director, Land Resources Department, said the purpose of this item is to request the Governing Board approve an exchange and donation of property that has been negotiated with SunWest Acquisition Corporation (SunWest). The proposed transaction, which is contingent on the approval of the SunWest Harbourtowne Development of Regional Impact (DRI), involves an exchange of 89.96 acres (parcel 15-773-207S) of land owned by the District located at the southwest corner of U.S. Highway 19 and Aripeka Road for approximately 396 acres (parcel 15-773-202) of land owned by SunWest Acquisition Corporation that is located on the west side of Old Dixie Highway and accept a donation of approximately 849 acres (parcel 15-773-208), also owned by SunWest, located on the west side of Aripeka Road.

At the February 24, 2009 Governing Board meeting, the Board voted to delay decision on this item until its March meeting so that the Board would have additional time to review the materials that were provided and referenced as part of the record for the Public Hearing.

Staff supports the exchange as it offers environmental and land management benefits, as identified below.

There are several environmental benefits associated with the proposed exchange, most notably the water resource benefits associated with having larger, more contiguous tracts of coastal uplands and wetlands. Additionally, the SunWest property being offered as exchange and donation contains vital habitat for a number of endangered species including black rail, diamondback terrapin, Florida scrub-jay, Gulf Coast salt marsh snake, Marian's marsh wren, Scott's seaside sparrow, neotropical migratory birds and gopher tortoises. In addition to the environmental benefits, the proposed exchange would reduce District land management costs. The District parcel being proposed for exchange is separated from the nearest District property by Aripeka Road and if the SunWest property is developed, then it would be surrounded by development and in effect isolated and prone to costly security and maintenance.

In addition and independent of the proposed exchange, there are two other parcels that the District could receive in the future and at no cost that would add to the continuity of District-owned lands in this region. As part of the District offering an access point to the County's proposed park, the County has offered to convey the western portion of the County's property once the park is constructed. This transaction would be presented to the Board at a future date. As part of the exchange agreement upon DRI approval, SunWest Acquisition Corporation will convey to the District, title to approximately 849 acres of coastal marsh west of the development, at no cost. Collectively, these transactions reflect the best remaining chance to link ownerships to protect resources if the DRI is approved.

Pursuant to Section 373.089(4), Florida Statutes (F.S), and Article X, Section 18 of the Florida Constitution, the Governing Board may dispose of District-owned lands designated for natural resources conservation for other lands within the state upon a determination that the land to be exchanged is no longer needed for conservation purposes. The conservation objectives for which the District acquired SWF Parcel No. 15-773-207S are

exceeded by the parcel the District will receive in this exchange and therefore SWF Parcel No. 15-773-207S is no longer needed for conservation purposes.

Mr. Kipp Frohlich, Florida Fish and Wildlife Conservation Commission, said he has been involved in reviewing different proposals surrounding these properties for approximately one year now. He said all things considered it was his opinion that the Florida black bear would be best served by encouraging habitat and mitigation areas to be located north of Aripeka Road.

Mr. Joerger asked about a comparison of potential Development Units (DUs). Mr. Sutton said the SunWest property of 396 acres has a potential of 1,323 DUs as compared to SWFWMD's 91 acres with 718 DUs.

According to the Sutte appraisal report, the SunWest exchange property is valued at \$75,000 (two percent) more than the District exchange property. The Herr appraisal values the SunWest exchange property at \$620,000 (16 percent) more than the District exchange property.

Following consideration, **Mr. Combee moved, seconded by Mr. Oakley, to approve the staff recommendation to (1) accept the appraisals; (2) approve the exchange agreement and accept title to additional lands offered as donation or as part of Development Order from SunWest; (3) determine that SWF Parcel No. 15-773-207S is no longer needed for conservation purposes (two-thirds majority required) and convey the property to SunWest Acquisition Corporation, subject to the terms of the exchange agreement; and (4) designate the exchange property and any other lands received as a result of donation or Development Order by SunWest Acquisition Corporation, SWF Parcel No. 15-773-202 and 15-773-208, as having been acquired for conservation purposes.**

Committee Chair Gramling heard public comment at this time.

Mr. Charles Lee, representing Audubon of Florida, named a number of environmental agencies who disagree with the staff recommendation to approve the land exchange. Mr. Lee thought the Board's request to not hear repeat testimony at today's meeting was a procedural error. Mr. Lee confirmed that written and oral testimony at today's meeting would be public record.

Ms. Linda Prescott, a resident of Hernando Beach, said the property being exchanged is zoned commercial and residential. She wanted to make certain the Governing Board was aware that the developer could sell or develop the property immediately.

Mr. Victor Taglia, of Brooksville, Florida, said he was one of the owners of SunWest, he said the owners and District staff members have been working on this land exchange for over two years. He said Pasco County officials and District staff are in favor of this land exchange and he encouraged the Governing Board to vote in favor of the staff recommendation.

Ms. Laurie MacDonald, Defenders of Wildlife, asked the Governing Board not to undermine the integrity of the Florida Forever Program and to vote in opposition of the staff recommendation.

Mr. McMillan Davis, representing Gulf Coast Conservancy, said he had a few historical facts to present regarding the original purchase of the Wooley parcel. The mine was not crucial to the purchase of the Wooley parcel at the time of purchase. The land east of Old Dixie Highway was not owned by SunWest Development at the time, it was on the market.

Ms. Julie Wert, representing the Gulf Coast Conservancy, said they are here to request the Governing Board not proceed with the land exchange. She said the organization feels this land exchange would erode the Florida Forever program and future donation of lands to the District. The Gulf Coast Conservancy worked very hard to help acquire the Wooley parcel to protect black bear habitat.

Ms. Ann Paul, representing the Audubon Society of Florida, said they are very concerned about the precedent this land exchange would set with the Florida Forever Lands Program. They are opposed to the land exchange and are asking the Governing Board vote in opposition of the staff recommendation.

General Counsel Bilenky said when the District purchased the Wooley parcel it believed the adjoining properties were going to go into public ownership and that did not happen. Mr. Sutton said if the District had known that would happen the District would not have moved forward with the purchase. Even if you applied the statute to this case now we would meet the argument of the opposing environmental organizations. The Legislature revisited this statute in the year 2003 and again in the year 2008; they elected not to make changes that are being advocated by the various environmental organizations opposed to this land exchange. If it has been determined that the land is no longer needed for conservation purposes, then it meets the statute as it is drafted and as is the plain meaning of that statute.

Mr. Senft said he personally visited the site in question so he could see first-hand what was at issue and feels he has given this item its due diligence. Ms. Rovira-Forino said she reviewed all the documents presented from both sides while considering this decision and feels she also gave this item very careful consideration. Mr. Tharp said he also walked the property and echoed the comments made by his fellow Board members. Mr. Pressman concurred with the comments made by his fellow Board members and thanked staff for all of their hard work. Mr. Combee said the more information he gained on the land exchange the clearer it became to him that this was a practical decision based on what was best for the citizens the Board represents.

**The motion carried unanimously.** (CD 1/Track 7 – 00:00/56:10)

Chair Combee recessed the public hearing for a short lunch break. Following the lunch break, the Board resumed hearing items from the Regulation Committee Discussion Agenda. Ms. Glass did not attend the afternoon session.

Chair Combee relinquished the gavel to Regulation Committee Vice Chair Beswick to continue the public hearing with Item 43.b.

## **Regulation Committee**

### **43. Consideration of Water Shortage Orders**

#### **b. Tampa Bay Water Request to Continue Use of the Consolidated Wellfields Under Emergency Water Shortage Conditions**

Mr. Owen said the District received a request on March 5, 2009 from Tampa Bay Water (TBW) to authorize continued production under emergency water shortage conditions from the eleven Consolidated Wellfields. Staff has responded, on March 17, 2009, that such an emergency order is not supported and that TBW and its member governments need to take all appropriate actions to minimize the amount and duration of the permit exceedence. Additional correspondence from TBW dated March 24, 2009 was received and Mr. Jerry Seeber is present today to address the Governing Board regarding the request.

Staff recommended to seek Governing Board concurrence with the statements reflected in Mr. Moore's letter dated March 17, 2009 to TBW, which states the District will treat TBW similar to how we handle all overpumpage issues. Actions TBW and the member governments take to avoid, and minimize the amount and duration of overpumpage will be taken into account in terms of enforcement actions.

Following consideration, **Mr. Gramling moved, seconded by Mr. Pressman, to approve the staff recommendation.**

Regulation Committee Vice Chair Beswick heard public comment on this item before the vote was taken on the staff recommendation.

Mr. Jerry Seeber, General Manager, Tampa Bay Water, said he was here today to ask for the permission to pump from the 11 consolidated wellfields, in order to meet public demand, and to have the District set aside any enforcement action on the permit. They would also like the Governing Board to forgive the pumping that will occur from March 2009 through June 2009 that will cause TBW to exceed 90 mgd as is permitted. Mr. Seeber updated the Governing Board on the actions the member governments have recently taken to help conserve water during this drought.

Mr. Pressman said he feels one area that is lacking from the member governments is the use of drought shortage surcharges. Mr. Seeber said drought surcharges have been a topic of discussion at all meetings lately; he said however, he is not aware of any formal consideration by the member governments thus far. Mr. Seeber added that TBW does not have the ability to set water rates. Ms. Closshey asked Mr. Seeber if there is a 20 percent reduction in demand that is called for in the Modified Phase IV Water Restrictions, would that keep pumping below 90 mgd. Mr. Seeber responded to Ms. Closshey's inquiry by saying that it would help but he did not believe a 20 percent reduction in demand would keep pumping below 90 mgd at this point. Ms. Closshey also asked about progress of the Water Summit. Mr. Seeber said it is scheduled for May 5, 2009 at the Tampa Convention Center.

Dr. Octavio Blanco, Lutz, Florida, addressed the Governing Board regarding TBW overpumpage. He believes they have already caused irreversible harm to the environment and should overpumping be allowed to continue could cause catastrophic events in the future.

**Mr. Gramling called the question. The Board members unanimously voted to call the question.**

**The motion carried unanimously to approve the staff recommendation.**

Mr. Pressman led a lengthy discussion regarding drought surcharges.

Following consideration, **Mr. Pressman moved, seconded by Mr. Tharp, to issue an Emergency Order that directs the member governments of TBW to move forward with a drought surcharge on high users.**

Following discussion, **Mr. Senft offered a substitute motion to direct staff to develop a performance based standard, to be presented to the Governing Board at its April 2009 meeting, that will be used by this Board to implement an emergency drought surcharge requirement on the member governments of TBW and that this target is to be implemented by July 1, 2009.**

Mr. Pressman said he felt they would be losing another month.

Mr. Moore advised that even if the Governing Board issued an Emergency Order today there is a substantial procedure that must be followed; he anticipated it would take at least 90 days to enact a procedure and possibly longer.

**Mr. Senft's substitute motion failed for the lack of a second.**

General Counsel Bilenky advised the Governing Board on their various options. He advised that the District could put pressure on TBW, as directed by the Governing Board, to in turn influence its member governments to enact drought surcharges as a form of mitigation. General Counsel Bilenky thought this may be the quickest way to the desired result.

Mr. Combee inquired about the cost of imposed surcharges. General Counsel Bilenky stated that surcharges had to be set to bring about a meaningful conservation measure.

Mr. Moore said growth would have to be taken into consideration with water shortage emergency surcharges.

**Mr. Gramling offered an amendment to the motion on the floor. Mr. Gramling moved, seconded by Mr. Tharp, that the Governing Board issue an Emergency Order requiring a 20 percent cutback, from a pre-water shortage declaration of early January 2007, of water usage rates and dictate that the utilities use water shortage emergency surcharges as the primary goal to meet cutbacks; and, if they are unable to use a drought surcharge, they use any of the other methods brought up at the February meeting or today's meeting to achieve that 20 percent cut back.**

Mr. Owen advised that water reduction goals are just that – goals. He said he would find it hard to believe that all of the member governments could achieve a 20 percent reduction during this drought. Overall Mr. Owen said a 20 percent reduction would be a good stretch goal but too many variances exist among the utilities individually. Board members continued to discuss surcharges with Mr. Owen's comments in mind.

Mr. Pressman said he felt it was important for Mr. Moore to attend the elected bodies' public meetings to make the District's stance on emergency water shortage drought surcharges known.

Regulation Committee Vice Chair Beswick heard additional public comment at this time.

Mr. Rich McLean, Pinellas County Utilities, said the Governing Board and the District are making significant progress; the wellfields in today's discussion were originally permitted at 192 mgd, now they are at 90 mgd. Mr. McLean reviewed the history of how the reductions were made at the member governments. The member governments are working in partnership with the District and he encouraged the Governing Board members to keep this in mind.

**Mr. Gramling called the question on the amended motion. The Board members unanimously voted on calling the question.**

**Board members came to a consensus to vote the motion on the floor down. The motion carried unanimously. Staff was directed to come back to the April meeting with a recommendation on moving forward with emergency water shortage surcharges. (CD 1/Track 8 – 00:00/01:33:25)**

c. **Review of Modified Phase III Implementation by Pasco County and City of New Port Richey**

Mr. Owen said in recent months, the Governing Board has received overviews of local implementation efforts by the City of St. Petersburg, City of Tampa, Hillsborough County, and Pinellas County. This month, Pasco County has been asked to provide a similar presentation. Mr. Owen introduced Mr. Bruce Kennedy, Assistant County Administrator, Pasco County.

Mr. Kennedy said Pasco County has made great strides to increase its enforcement presence and level of interaction with high-use customers in response to the current water shortage declaration. Mr. Jeff Harris, Environmental Biologist, Pasco County Utilities, said the County's Water Shortage Measures included the following initiatives: Water System Management, Water Restriction Enforcement, Water Use Education and Community Outreach, and On-going Water Conservation Efforts.

Pasco County employs the direct citation method for water use violations. So far in March 2009 – 516 citations have been processed. Fines have just increased from \$30 to \$130. Customer education has been stepped up as well. The County has sent out over 900 letters to high water users. Water conservation themed billing inserts have been added to monthly utility bills since October 2008. Roadside message boards are strategically placed throughout the County. The Reclaimed Water System is dynamic and is constantly expanding. The County has the following programs in place: Low Flow Toilet Rebates, Meter Change Out, and Future Water Conservation Opportunities.

Regulation Committee Vice Chair Beswick heard public comment at this time.

Mr. Charles Lee, Audubon of Florida, said he was very encouraged by the presentation he just heard from Pasco County. Mr. Lee does not believe that inverted water use rate structures are very effective as water conservation tools. He does believe toilet rebate programs are important but he thinks they should be made mandatory. (CD 1/Track 9 – 00:00/25:50)

**Submit & File Reports** – None

***Routine Reports***

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

44. **Southern Water Use Caution Area Quantities**
45. **Water Production Summary**
46. **Public Supply Benchmarks**
47. **Overpumpage Report**
48. **Resource Regulation Significant Initiatives**

Regulation Committee Vice Chair Beswick relinquished the gavel to Resource Management Committee Chair Gramling.

**Resource Management Committee**

***Discussion Items***

49. **Consent Item(s) Moved for Discussion**

27. **Amendment to Lease Agreement – Lake Hancock Project, SWF Parcel No. 20-503-103X**

Mr. Wirth said a lease was signed for one year which the lessee wished to extend. The District made arrangements for a leaseback agreement. Ms. Closshey asked Mr. Sutton if the District has recently had leaseback provisions associated with other property on or

near Lake Hancock. Mr. Sutton said he did not know of any. Mr. Senft clarified whether or not the leaseback would prohibit any access to the property for the purpose of moving forward with the Lake Hancock project. Mr. Sutton said the leaseback would not inhibit any project advancement.

Resource Management Committee Chair Gramling heard public comment on this item. Mr. Billy Ready, said he was representing the Hamptons, who he said sold their home in lieu of eminent domain. The Hamptons are committed to building a certified green home. They are not trying to take advantage of the District; they have had difficulty in finding certified vendors.

Staff recommended to authorize the Executive Director to execute the existing lease agreement with the Hamptons to extend the existing terms and conditions for 90 days and to incorporate provisions for the additional 90 days.

Following consideration, **Mr. Tharp moved, seconded by Mr. Oakley, to approve the staff recommendation.**

**Mr. Senft proposed an amendment to the motion. Mr. Senft moved, seconded by Ms. Closshey, to change the terms of the request from 90 days to 45 days and waive the penalty; and the Hamptons pay \$3,000 per month. The amended motion failed.**

**The motion carried on the original staff recommendation with Mr. Senft voting in opposition.** (CD 1/Track 10 – 00:00/22:50)

51. **Approve Initiation of Rulemaking to Amend Rules 40D-8.031 and 40D-8.041, F.A.C., to Clarify Hillsborough River Segment References and Waterbodies for which Minimum Flows and Levels and Guidance Levels are Not Established and Approve a Board Directive Regarding Management Activities that will Help Maintain Water Levels in the Middle Hillsborough River as High as Practical**

Resource Management Committee Chair Gramling said he would allow public comment on this item before any staff presentation.

Mr. Ron Smith, Temple Terrace River Task Force, asked the Governing Board to allow the Task Force 120 days to continue to review the proposed amended rulemaking.

Ms. Jan McLean, City Attorney, City of Tampa, said the City requests that the Governing Board vote on proposed amended rulemaking or pull it from consideration. Ms. McLean said the rule speaks for itself; it would incorporate another reservoir without minimum flows and levels. She believes the City of Temple Terraces wishes to have this altered. The City of Tampa supports moving ahead with the rulemaking as proposed by the District or withdrawing it all together.

Mr. Wirth clarified that staff is asking for the initiation of rulemaking today. The District is not in rulemaking yet on this item. He believes the request for a delay is appropriate. Mr. Moore echoed Mr. Wirth's statements and said that historically when a government entity asks for an extension regarding rulemaking the District's Governing Board generally grants the request.

Dr. Marty Kelly, Program Director, Minimum Flows and Levels, said he did not have any issue with the City of Temple Terrace taking the additional 120 days to review the proposed language.

Following consideration, **Ms. Whitehead moved, seconded by Mr. Pressman, to not approve the staff recommendation as was presented in the Governing Board**

**Information Notebook and to allow the 120 day extension for the City of Temple Terrace to continue to review the proposed rulemaking. Motion carried with Ms. Rovira-Forino and Mr. Senft voting in opposition. (CD 1/Track 11 – 00:00/26:29)**

52. **Authorize Submission of the Preliminary Flood Insurance Rate Maps for the Toachodka Watershed to the Federal Emergency Management Agency**

Mr. Mark A. Hammond, P.E., Director, Resource Projects Department, said this is an action item to request the Board authorize staff to submit the preliminary Flood Insurance Rate Map (FIRM) panels for the Toachodka watershed in Hernando County to the Federal Emergency Management Agency (FEMA). The 100-year, 1-day and 5-day rainfall events were used, infiltration was accounted for, and the 2007 topographic information was utilized in the watershed. The watershed model and floodplain information have gone through the District's process including internal review and external peer review by experienced licensed professional engineers. The watershed was presented at two public workshops held in the District's Brooksville Headquarters for review and comment. The preliminary floodplain information is ready to be formatted to meet FEMA's mapping specifications and submitted to FEMA. Following submittal of the preliminary FIRM panels, FEMA will conduct their own technical review, take public input, and allow for a 90-day appeals period during the adoption process. Depending on public input, the FEMA process can take one to two years. This is the first watershed presented to the Board that utilizes a multi-day rainfall event to project the 100-year floodplain.

The floodplain information for this watershed was prepared by the District's consultants Jones, Edmunds & Associates and reviewed by District and County staff, and then reviewed by the District's independent peer review consultant Halcrow, Inc. Mr. Brett Cunningham, P.E. and Justin Gregory with Jones, Edmunds & Associates, and Mr. Chris Niforatos, P.E. with Harlow, Inc., presented this information to the Governing Board at today's meeting. The District's Environmental Resource Permitting (ERP) Advisory Group members (consultant and development community) were invited to attend the presentations of the floodplain information to the peer review consultant, and provided opportunities to review and comment on the watershed model and floodplain information. A public meeting was held on October 28, 2008, for the public to review and comment on the floodplain information for the Toachodka watershed. The floodplain maps were also made available through the District's website for the public to view. Approximately 338 affected property owners were notified of the meetings by mail, 10 attended the meetings, and 12 property owners contacted District staff by phone or email. An additional public workshop was held on February 17, 2009, to present the justification for using a multi-day rainfall event to project the 100-year floodplain. The ERP Advisory Group members were invited to attend the meeting and provide comments.

Staff recommended authorization to submit the preliminary FIRM panels for the Toachodka watershed in Hernando County to FEMA.

Following consideration, **Mr. Closshey moved, seconded by Mr. Combee, to approve the staff recommendation. Motion carried unanimously. (CD 1/Track 12 – 00:00/34:39)**

53. **Findings from the Study to Assess the Feasibility of Using Reclaimed Water for Direct and Indirect Aquifer Recharge in the Tampa Bay Area**

Mr. Mark D. Barcelo, Hydrologic Evaluation Program Director, Resource Projects Department, introduced Mr. Phil Waller, Vice President, MWH Americas, Inc., who presented the results of the Reclaimed Water Aquifer Recharge Feasibility Study that was conducted as part of the District's Regional Reclaimed Water Partnership Initiative Project (RRWPIP).

Findings from the study indicate that it is possible to develop direct and indirect aquifer recharge projects to improve Upper Floridan aquifer (UFA) water levels and provide opportunities for additional groundwater withdrawals in the area. Direct aquifer recharge was found to be most optimally located in coastal areas where the native aquifer water quality is poor and permitting requirements are less stringent than in more inland areas. Indirect aquifer recharge (i.e., RIBs) would be most beneficially located in areas such as along the Lake Wales Ridge where the surficial sands are thick and a good connection to the underlying UFA exists. Depending on location, potentially up to 90 percent of recharged quantities could be available for future additional groundwater withdrawals. Estimated costs developed for selected recharge/withdrawal combinations in the study are comparable to costs of other planned alternative water supply projects.

Results from this study will assist water suppliers in determining if these concepts are potentially viable for them and should be incorporated into their water supply planning efforts. The District anticipates providing technical and financial support to entities who propose to investigate these concepts further. This would include more focused technical efforts to address site specific conditions and implementation issues (such as the arsenic mobilization issue) by developing field scale pilot studies. As part of the fiscal year 2010 Cooperative Funding Initiative Program, the District received two requests for funding to initiate reclaimed water aquifer recharge studies next year.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 13 – 00:00/26:53)

54. **Structure S-353 Tie-Back Berm – Response to Chester Bradshaw Inquiry**

Mr. Bruce C. Wirth, P.E., Deputy Executive Director, responded to statements and inquiries made at the Governing Board's February 24, 2009, meeting by a citizen's advocate regarding the structural integrity and ownership of an earthen berm near District Structure S-353 in Citrus County (the subject berm).

At the February meeting, during open public comment, Mr. Chester Bradshaw made the following statements and requests. He indicated his purpose in addressing the Board was regarding a "leaking berm" located on the northeast edge of Hernando Pool of the Tsala Apopka Lake System in Citrus County. He stated concern over the stability of this berm in regard to its potential failure and impact to downstream landowners. He claimed the District has, through a 1960 easement, the responsibility to maintain said berm, which lies within the property boundary of Mr. Charles Strange. Executive Director Moore commented that staff has addressed this issue previously through the Withlacoochee River Basin Board and that recent discussions with the landowner have not provided a resolution.

The District operates and maintains Structure S-353 and the associated C-331 canal located at the northeast boundary of the Hernando Pool of the Tsala Apopka Lake System (the Lake system) in Citrus County. The facility provides water conservation and limited flood protection (10-year event) for the Hernando Pool and associated Lake system (Floral City Pool and Inverness Pool). The subject earthen berm lies adjacent to and due east of the canal embankment right-of-way for Structure S-353. The berm is located within the remaining portion of the primary historic outfall of the Lake system to the Withlacoochee River.

There is a long history associated with the subject berm and adjacent properties dating back to the early 1950s. The District staff has reviewed over 65+ years of historical photography, government minutes, agency records, citizen letters, and other sources. The most helpful sources included records from the District Governing and Withlacoochee River Basin Boards, Citrus County, Tsala Apopka Basin Recreation and Water Conservation and Control Authority (Authority), U.S. Army Corps of Engineers (Corps), and the State of Florida Trustees of the Internal Improvement Fund.

General Counsel Bilenky said he has done extensive legal research into the 1960 easement and subsequent land acquisitions and easements associated with the S-353 and C-331 facilities; and he has concluded that the District has no duties or maintenance responsibilities over the subject berm on Mr. Strange's property. The subject berm was intentionally abandoned as part of the Corps S-353 project, and its nonuse as a means to control flows out of the Lake system since completion of the project in 1968 further supports this finding. The Withlacoochee River Basin Board is the proper District venue for any consideration of this matter. The offer to consider the District taking over maintenance, including stated easements, still exists.

Resource Management Committee Chair Gramling heard public comment at this time.

Mr. Chester Bradshaw addressed the Governing Board to request a solution for a leaky berm. He believes the easement is a common law easement that has been in existence since the 1940s and is the District's responsibility. Mr. Bradshaw would like a District representative to work directly with Mr. Strange and suggested that Mr. Oakley, Withlacoochee River Basin Board Co-Chair Ex Officio, be the District's representative.

Mr. Al Grubman, representing TOOFAR, said he believes the Hernando Pool is vulnerable and the District is responsible for maintaining the water structure. He supports Mr. Bradshaw's request to have a District representative to work on this situation.

Following consideration, **Mr. Combee moved, seconded by Ms. Closshey, to appoint this matter to the Withlacoochee River Basin Board. Motion carried unanimously.** (CD 1/Track 14 – 00:00/36:23)

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

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

55. **Fiscal Year 2010 Water Supply and Water Resource Development Projects**

### ***Routine Reports***

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

56. **Florida Forever Funding**
57. **Minimum Flows and Levels**
58. **Structure Operations**
59. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
60. **Significant Water Supply and Resource Development Projects**

Resource Management Committee Gramling relinquished the gavel to Finance and Administration Committee Chair Ronald Oakley.

## **Finance and Administration Committee**

### ***Discussion Items***

61. **Consent Item(s) Moved for Discussion** - None

62. **Fiscal Year 2008 Comprehensive Annual Financial Report**

Mr. Daryl F. Pokrana, Director, Finance Department, thanked Ms. Melisa J. Lowe, Manager, Accounting and Financial Reporting, and other Finance Department staff members for their contributions and hard work in compiling this annual report. Mr. Pokrana introduced Ms. Lori Nissen, representing KPMG, who presented the District's fiscal year 2008 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, 2008, was distributed prior to the meeting. Ms. Lori Nissen, KPMG, said the District provided an excellent report with no violations. A brief presentation of the report and management letter was made by Ms. Nissen.

Staff recommended accepting and placing 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, 2008.

Following consideration, **Mr. Senft moved, seconded by Mr. Combee, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 15 – 00:00/15:19)

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

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

63. **Fiscal Year 2010 Budget Update**

Committee Chair Oakley said the District is planning for a 12 percent decrease in revenues while planning the Fiscal Year 2010 Budget.

### ***Routine Reports***

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

64. **Treasurer's Report, Payment Register, and Contingency Reserves**

65. **Management Services Significant Activities**

Finance and Administration Committee Chair Oakley relinquished the gavel to Outreach and Planning Committee Chair Rovira-Forino.

## **Outreach and Planning Committee**

### ***Discussion Items***

66. **Consent Item(s) Moved for Discussion**

33. **Audubon Society's Florida Coastal Islands Sanctuaries 75<sup>th</sup> Anniversary**

Committee Chair Rovira-Forino read Resolution No. 09-06 into the public record. Ms. Ann Paul with Audubon of Florida accepted the Resolution on behalf of the organization.

Staff recommended approval and execution of Resolution 09-06 recognizing the 75<sup>th</sup> anniversary of the Audubon Society's Florida Coastal Islands Sanctuaries. Following consideration, **Ms. Whitehead moved, seconded by Ms. Closshey, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 16 – 00:00/05:11)

67. **2011 - 2015 Strategic Plan Update**

Ms. Kavouras announced that in the interest of time today, staff will not present the 2011 – 2015 Strategic Plan Update, however it will be presented at each of the April Basin Board meetings.

68. **Florida Water Star<sup>SM</sup> Gold Certification**

This item was deferred to the April Board meeting.

69. **Legislative Update**

Mr. David Rathke, Director, Community and Legislative Affairs Department, provided a brief overview of significant items. Issues to watch include the budget, streamlining permitting, Sunset Review, and the West-Central Florida Water Restoration Action Plan. Federal Issues include the FY 2009 Omnibus Budget and Tax Credit Bonds. (CD 1/Track 17 – 00:00/07:20)

***Submit & File Reports***

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

70. **Florida-Friendly Landscaping Month Proclamation**

71. **Meteorologist Meetings on Hydrologic Conditions**

***Routine Reports***

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

72. **Comprehensive Plan Amendment and Related Reviews**

73. **Development of Regional Impact Reviews**

74. **Speakers Bureau**

75. **Significant Activities**

Committee Chair Rovira-Forino relinquished the gavel to Chair Combee.

## **General Counsel's Report**

***Discussion Items***

76. **Consent Item(s) Moved for Discussion** – None

***Submit & File Reports*** – None

***Routine Reports***

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

77. **Litigation Report**

78. **Rulemaking Update**

Mr. Gramling suggested the Governing Board consider limiting the number of times a speaker can address the Board on a given day. Discussion ensued. Mr. Moore said staff will look into some alternatives for the Board to consider.

## **Executive Director's Report**

79. **Executive Director's Report**

Mr. Moore said he did not have any new items at this time.

## **Committee/Liaison Reports**

80. **Green Industry Advisory Committee**

Mr. Senft said the Committee met on February 26, 2009; he was unable to attend. Mr. Gramling said he attended in Mr. Senft's place, and the key issues were water conservation and water restrictions.

81. **Agricultural Advisory Committee**

Mr. Gramling said the Committee met on February 26, 2009; and he reviewed the topics discussed.

82. **Environmental Advisory Committee**

Mr. Beswick said the Committee met on March 9, 2009; he was unable to attend. Ms. Kavouras provided a written report of highlights from the meeting.

83. **Joint Basin Board Education Committee/Land Resources Committee Meeting**

Ms. Rovira-Forino provided an overview of the joint meeting held on March 16, 2009, at the Polk's Nature Discovery Center at Circle B Bar Reserve in Lakeland. The agenda included reports on Land Resources Department's Recreation Amenities Plan, environmental and conservation education efforts, and the joint *Get Outside!* Campaign.

## Chairman's Report

84. **Chairman's Report**

Chair Combee called attention to the announcements at the end of the agenda for Board members to review.

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

The meeting was adjourned at 6:38 p.m. (CD 1/Track18 – 00:00/11:22)

Attest:

\_\_\_\_\_  
Chairman