

APPROVED

MINUTES OF THE MEETING

Governing Board Southwest Florida Water Management District

Brooksville, Florida

April 28, 2009

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:00 a.m. on April 28, 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
Hugh Gramling, Member
Albert G. Joerger, Member
Sallie Parks, 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

Patricia M. Glass, Member

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).

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.

Consent Agenda

The following item was deleted from consideration:

35. Executive Director's Report - Amend June 24, 2008 Governing Board Meeting Minutes

Regulation Committee

The following item had a correction to the Florida Administrative Code (F.A.C.) reference:

41. Approve Initiation of Rulemaking to Amend Rules 40D-80.073, and 40D-2.801(52)F.A.C., and Basis of Review for Water Use Permit Applications Sections 4.3.A and 7.3.8 to Implement the Northern Tampa Bay Recovery Strategy

4. **Oath of Office for Reappointed Board Member**

Ms. Kavouras administered the Oath of Office to Ms. Jennifer Closshey who was reappointed for another term. On behalf of the Governing Board, Chair Combee congratulated Ms. Closshey on her reappointment. (CD 1/Track 01 - 00:00/03:49)

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 present to celebrate their 20-year milestones: Ms. Eileen Burns-Wilson, Senior Project Manager, Information Resources Department, and Ms. Kim Cash, Resource Architect, Information Resources Department.

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

No person(s) came forward to speak.

Consent Agenda

Item 35 was deleted from consideration.

Regulation Committee -- Environmental Resource Permits

7. ERP No. 43028579.004 - Key West Landings Dock and Dredge – Hillsborough County
8. ERP No. 43033020.002 - FDOT - I-75 (SR), South of I-75/I-275 Interchange to South of SR 56 (SR 56 Northbound Exit Ramp) FD ID 421831-1-52-01 – Hillsborough County
9. ERP No. 43034467.000 - FDOT - State Road 39 (Alexander Street) from North of I-4 to North of Knights-Griffin Road – Hillsborough County
10. ERP No. 43034286.000 - Darby Oaks Borrow Pits – Pasco County
11. ERP No. 43022707.002 - Cannon Pit – Polk County

Regulation Committee -- Water Use Permits

12. WUP No. 20010722.005 - Orange-Co, LP/Section 7 Grove – DeSoto County
13. WUP No. 20001912.006 - V & W Farms, Inc. of Delray Beach/V & W Farms, Inc. – Hardee County

Regulation Committee -- Other

14. **Governing Board Concurrence with Executive Director's Issuance of First Modification to Executive Director Order No. SWF 09-01, Regarding Production from the Peace River/Manasota Regional Water Supply Authority's Aquifer Storage and Recovery (ASR) Wellfields**

Staff recommended concurrence with the issuance of the First Modification to Executive

Director Order No. SWF 09-01 Relating to the Peace River/Manasota Regional Water Supply Authority and Production from its Aquifer Storage and Recovery Wellfields.

15. **Governing Board Concurrence with Executive Director's Issuance of Executive Director Order No. SWF 09-011 Relating to Use of Morris Bridge Sink for Augmentation of the Hillsborough River Reservoir**

Staff recommended concurrence with issuance of Executive Director Order SWF 09-011 for use of the Morris Bridge Sink for augmentation of the Hillsborough River Reservoir.

16. **Initiate and Approve Rulemaking to Incorporate District Forms into Applicable Rules**

Staff recommended to authorize and approve rulemaking to amend District rules to incorporate District forms into the applicable rules and revise District forms to identify the new rule citations where appropriate.

Resource Management Committee

17. **Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-204P**

Staff recommended to (1) accept the appraisal; and (2) approve the Purchase/Sale Agreement.

18. **Appraisals, Purchase/Sale Agreement and Resolution Requesting Funds – Bowlegs Creek/Crooked Lake Project, SWF Parcel No. 20-697-124**

Staff recommended to (1) accept the appraisals; (2) approve the purchase and sale agreement; (3) approve the resolution requesting funds; and (4) designate the parcel as having been acquired for conservation purposes.

19. **Appraisals, Exchange/Purchase Agreement and Resolution Requesting Funds – Upper Hillsborough Project, SWF Parcel Nos. 10-400-167 and 10-400-168S**

Staff recommend to (1) accept the appraisals; (2) approve the Exchange/Purchase Agreement; (3) approve the resolution requesting funds for SWF Parcel No. 10-400-167; (4) declare SWF Parcel No. 10-400-168S as surplus and no longer needed for conservation purposes (two-thirds majority required) and convey the property to Paul D. and Judith Schaper subject to the terms of the Exchange/Purchase Agreement; and (5) designate SWF Parcel No. 10-400-167 as having been acquired for conservation purposes.

20. **Lease Agreement with Polk County for the Dredging of Lake Hancock – SWF Parcel No. 20-503-239X**

Staff recommended to approve a no-cost lease agreement with Polk County for the use of District-owned property for activities associated with the Dredge Project, SWF Parcel No. 20-503-239X.

21. **Perpetual and Temporary Easements to City of St. Petersburg to Relocate a 36-inch Water Transmission Pipeline – Sawgrass Lake Project, SWF Parcel No. 16-560-138X**

Staff recommended conveying Temporary and Perpetual Easements to the City of St. Petersburg for SWF Parcel No. 16-560-138X subject to the terms and conditions stated herein.

22. **Authorize Submission of Preliminary Flood Insurance Rate Maps for the Spring Hill Lakes/Aripeka Watershed to the Federal Emergency Management Agency**

Staff recommended authorizing staff to submit the preliminary FIRM panels for the Spring Hill Lakes/Aripeka watershed in Hernando County to FEMA.

23. **Facilitating Agricultural Resource Management Systems (FARMS)**

a. **T.J. Chastain Neal Road Grove – Charlotte County**

Staff recommended to (1) approve the T. J. Chastain Neal Road Grove project for a not-to-exceed reimbursement of \$37,500, with \$7,588 provided by the Peace River Basin, \$7,588 provided by the Governing Board, and \$22,324 provided from State Appropriations; (2) authorize the transfer of \$7,588 from fund 020 H017 Peace River Basin FARMS funds, \$7,588 from fund 010 H017 Governing Board FARMS funds, \$7,147 from the 2003 State Appropriations, \$12,045 from the 2006 State Appropriations and \$2,297 from the 2007 State Appropriations allocated to fund 020 H017 FARMS funds; and \$835 from the 2009 State Appropriations allocated to fund 010 H017 FARMS funds, to 010 H573, T.J. Chastain Neal Road Grove project fund; and (3) authorize the Executive Director to execute the agreement.

- b. **WCB Properties, LLC – Manatee County**
Staff recommended to (1) approve the WCB Properties, LLC FARMS project for a not-to-exceed project reimbursement of \$3,000 provided from State Appropriations; (2) authorize the transfer of \$3,000 from the 2003 State Appropriations allocated to fund 021 H017 FARMS funds, to the H576 WCB Properties, LLC FARMS project fund; and (3) authorize the Executive Director to execute the agreement.
 - c. **Gemstone Grove, LLC – Manatee County**
Staff recommended to (1) approve the Gemstone Grove, LLC FARMS project for a not-to-exceed project reimbursement of \$12,740 provided from State Appropriations; (2) authorize the transfer of \$12,740 from the 2003 State Appropriations allocated to fund 021 H017 FARMS funds, to the H577 Gemstone Grove, LLC FARMS project fund; and (3) authorize the Executive Director to execute the agreement.
 - d. **Lakeshore Knolls, LLC – Manatee County**
Staff recommended to (1) approve the Lakeshore Knolls, LLC FARMS project for a not-to-exceed project reimbursement of \$6,492, with \$1,623 provided by the Manasota Basin Board, \$1,623 provided by the Governing Board, and \$3,246 provided from State Appropriations; (2) authorize the transfer of \$1,623 from fund 021 H017 Manasota Basin Board FARMS funds, \$1,623 from fund 010 H017 Governing Board FARMS funds, and \$3,246 from the 2005 State Appropriations allocated to fund 021 H017 FARMS funds, to the H578 Lakeshore Knolls, LLC FARMS project fund; and (3) authorize the Executive Director to execute the agreement.
24. **Surface Water Improvement and Management (SWIM) Program**
- a. **Florida Department of Transportation Agreement for the Robles Park Water Quality Improvement Project**
Staff recommended to (1) approve the agreement with the FDOT for the Robles Park Water Quality Improvement Project, contingent upon approval by the Hillsborough River Basin Board at their June 4, 2009 meeting; and (2) authorize the Executive Director to execute the agreement.
 - b. **Charlotte County Fourth-Grade Field Trip Program**
Staff recommended to (1) authorize the transfer of \$15,949 from W507, Peace River Watershed Education, and \$9,000 from W547, Water Quality in the Peace and Myakka Basins, Charlotte Harbor, and Lemon Bay, to W513, Charlotte County Fourth-Grade Field Trip Program; and (2) authorize the Executive Director to approve and execute an agreement with CHEC for the Charlotte County Fourth-Grade Field Trip Program (W513) for the 2009-2010 school year.

Finance & Administration Committee

25. **Board Travel**
No action was required at this time.
26. **Budget Transfer Report**
Staff recommended approval of the Budget Transfer Report covering all budget transfers for March 2009.
27. **Second Fiscal Year 2009 Budget Amendment**
Staff recommended to:
- (1) Approve Resolution No. 09-07, Second Amendment of the Fiscal Year 2009 Annual Service Budget to increase the District's combined FY2009 budget by \$92,500 from \$383,989,390 to \$384,081,890. The individual amendments by Fund are as follows:
 - a. General Fund – increase budget by \$247,937 from \$187,506,896 to \$187,754,833;
 - b. Alafia River Basin – increase budget by \$42,500 from \$8,705,445 to \$8,747,945;
 - c. Hillsborough River Basin – increase budget by \$455,000 from \$20,343,824 to \$20,798,824;
 - d. Pinellas-Anclote River Basin – increase budget by \$2,568,563 from \$46,629,429 to \$49,197,992;
 - e. Withlacoochee River Basin – decrease budget by \$1,900,000 from \$12,642,261 to \$10,742,261;
 - f. Peace River Basin – increase budget by \$324,344 from \$17,310,392 to \$17,634,736; and

- g. Manasota Basin – decrease budget by \$1,645,844 from \$23,973,594 to \$22,327,750.
 - (2) Approve Resolution No. 09-08, Resolution Requesting the Release of \$3,752,063 of Encumbered Fiscal Year 2009 Budgeted Funds from the Water Management Lands Trust Fund for Management, Maintenance, and Capital Improvements.
 - (3) Approve Resolution No. 09-09, Resolution Requesting Encumbrance of \$3,752,063 of Fiscal Year 2009 Budgeted Funds from the Water Management Lands Trust Fund to Carry Out Surface Water Improvement and Management (SWIM) Activities.
28. **Water Management Information System (WMIS) Flow Meter Installation Project**
Staff recommended approval of the transfer of \$144,625 from the NTBWUCA Flow Meter Reimbursement Project to the Performance Management Office for the WMIS Flow Meter Installation Project.
29. **Office of Inspector General**
- a. **Semiannual Performance Report on District Audit Services**
In accordance with Board Policy 140-3, staff requested the Board accept the following *Audit Plan – Planned to Actual*, and the *Office of Inspector General Performance Measures* reports.
 - b. **Fiscal Year 2009 Audit Plan Amendment**
In accordance with Board Policies 140-1 and 140-3, staff requested the Board approve the proposed amended Fiscal Year 2009 Audit Plan.
- Outreach & Planning Committee**
30. **Updates to Standing Advisory Committee Board Policies**
Staff recommended to approve updates to Board Policies 170-1, 170-2, 170-3, 170-4, 170-5, 170-7, 170-8, and 225-017 as presented.
- General Counsel's Report**
31. **Consent Order – ERP No. 44025018.000 - Rocky Creek Retirement Properties, Inc. (Rocky Creek - New Assisted Living Facility) – Hillsborough County**
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against Rocky Creek Retirement Properties, Inc. to obtain compliance with the Consent Order.
32. **Consent Order – WUP No. 20005814.002 - I-4 Land Holding Limited Company – Hillsborough County**
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against I-4 Land Holding Limited Company to obtain compliance with the Consent Order.
33. **Consent Order – Surface Water Activity – Safari Wild, LLC – Polk County**
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against Safari Wild, LLC, to obtain compliance with the Consent Order.
34. **Final Order – SWFWMD vs. William Going, DOAH Case No. 08-5528 – Pinellas County**
Staff recommended approval of the proposed Final Order that adopts the Recommended Order entered by the Administrative Law Judge imposing a penalty of \$500 and 5 points against Mr. Going's Water Well Contractor License.
- Executive Director's Report**
35. **Amend June 24, 2008 Governing Board Meeting Minutes**
This item was deleted from consideration.
36. **Approve March 31, 2009 Governing Board Meeting Minutes**
Staff recommended to approve the minutes as presented.

Following consideration, **Ms. Rovira-Forino moved, seconded by Mr. Oakley, to approve Consent Agenda as amended. Motion carried unanimously.** (CD 1/Track 02 - 00:00/04:51)

Chair Combee relinquished the gavel to Regulation Committee Chair Parks.

Regulation Committee

Discussion Items

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

38. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said this routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the current month to comparable data from the historical record.

March was yet another very dry month throughout the District. The only rainfall received during the month was associated with the passage of cold fronts on March 2 and March 29-30. The current 12-month cumulative rainfall deficit is now about 11 inches, while the deficit for the 24-month and 36-month time-period is approximately 18 inches and 30 inches, respectively.

Streamflow on the District's riverine systems remains at critically low levels, limiting their use as water supply sources, and regional groundwater and lake levels remain well below normal. The risk of wildfire throughout the District is high.

NOAA climate models and forecasts predict below-normal rainfall for the central and southern regions of the District from April through June 2009. The forecast for the northern region of the District for this period is inconclusive (i.e., equal chances for normal, above-normal or below-normal conditions). The US Drought Monitor classifies all areas of the District as experiencing moderate to severe drought conditions. Improvements to hydrologic conditions are not expected until the onset of the rainy season, sometime in June.

Mr. Warren Hogg, Tampa Bay Water (TBW), at the suggestion of Ms. Closshey, provided the Governing Board with an update on the C.W. Bill Young Reservoir. The reservoir is currently undergoing what is being called a temporary fix during the spring dry season. The temporary fix involves a grout injection program and is for filling the cracks in the lining of the reservoir for erosion protection and is not associated with a structural or stability problem. The reservoir is safe. The repairs also include the use of ground penetrating radar to detect any voids below the surface that may benefit from some filling. Tampa Bay Water is working with the Florida Department of Environmental Protection to get permission to fill the reservoir this summer with as much water as they can collect.

This item was presented for the Governing Board's information, and no action was required. (CD 1/Track 03 - 00:00/14:16)

39. **Regional Water Shortage Update**

Mr. Owen said the District began experiencing a rainfall deficit in 2005. In response to drought-related impacts, 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 16-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 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.

In response to deteriorating conditions and how these conditions affected public supply availability, the District has taken more stringent actions in the greater Tampa Bay area. Emergency authorizations have been used to temporarily boost local supplies. Additional demand management steps have also been taken. On October 28, 2008, the Governing

Board issued Water Shortage Order No. SWF 08-044, declaring "Modified Phase III" (Extreme Water Shortage) measures for specific water uses in Hillsborough, Pasco and Pinellas counties. This Order has been twice modified, most recently on February 24, 2009, including a new requirement for restaurants to serve water only on request and supplemental requirements for Tampa Bay Water's Member Governments to enhance the effectiveness of local conservation efforts. Further focusing on impacts to public supply, the Governing Board took additional action on March 31, 2009, issuing Water Shortage Order No. SWF 09-012. This additional order declared "Modified Phase IV" (Critical Water Shortage) measures for customers of the affected potable water utilities, not people using irrigation wells and other less impacted water sources. These measures include reduced lawn and landscape watering hours as well as targeted bans on fountains, car washing and pressure washing.

The four counties served by the Peace River/Manasota Regional Water Supply Authority have also experienced deteriorating conditions affecting public supply availability. Emergency authorizations have been used to temporarily boost local supplies; for status information, please refer to the Routine Reports section of the Regulation Committee's agenda. Additional demand management is also in effect. Specifically, in response to a request from the Authority, the Governing Board issued Water Shortage Order No. SWF 09-009 on February 24, 2009. This Order declared "Modified Phase III" response measures for specific water uses in Charlotte, DeSoto, Manatee and Sarasota counties, similar to those previously declared and modified in the greater Tampa Bay area.

All active non-emergency water shortage orders currently expire on June 30, 2009.

Staff continues to coordinate with Tampa Bay Water, the Peace River/Manasota Regional Water Supply Authority and local water utilities affected by the water shortage orders. Coordination efforts include analyzing system status reports and interacting with the water utilities through e-mail, personal contact and discussions at such forums as special meetings with utility directors regarding practical implementation details. Additionally, the Peace River/Manasota Regional Water Supply Authority held a Conservation Summit on April 3, emphasizing long-term and immediate conservation measures. Tampa Bay Water has scheduled a Drought Summit for May 5. The District's Executive Director has presented to the Commissions and Councils of Tampa Bay Water's six member governments this past month to stress the importance of conservation efforts, especially consideration of emergency water shortage surcharges. Staff continues to measure the reduction in water use associated with Phase IV restrictions; Mr. Owen presented several hydrographs to illustrate the improvements in the region. The City of Tampa's daily demands were down dramatically from its local ban on irrigation system use. All six member governments have seen reductions in demand. St. Petersburg is a good example of how water conservation and reclaimed water availability can reduce water use over time; from October 1997 to October 2008, its demand decreased by 22 percent. And Pinellas County overall has seen about a 12 percent decline in water use from October 1997 to October 2008. Mr. Owen said New Port Richey has seen dramatic drops in demand since the Phase 3 and now Phase 4 water shortage orders have been in effect; the City is actively enforcing the restrictions and updating its education efforts.

Representatives of Tampa Bay Water and its six member governments have been asked to attend today's meeting to respond to Board questions. This includes a presentation by the City of New Port Richey, which was scheduled to present at the March Board meeting but was unable to attend.

Mr. Owen reviewed the Key Water Shortage Actions. Some of these included: water conservation education and outreach, water shortage restriction enforcement, reduce system pressure where practical, target high-use residential customers to significantly reduce their use, consider implementing a drought surcharge for high-use customers,

consider implementing a reclaimed water availability fee for customers electing to not hook up to the reclaimed water system, and hold a drought summit.

Following a lengthy discussion about reclaimed water sources, Ms. Closshey requested a future presentation regarding reclaimed water contracts that are scheduled to expire soon. She wondered how these contracts would impact permittees who have been relying on a reclaimed water supply.

Mr. Moore said it was amazing what the West Coast of Florida has been able to accomplish in the way of conservation.

Mr. Sherman Applegate, Public Works Director, City of New Port Richey, said the City has 10,438 retail customers and 9,998 residential customers. Thirty-nine percent of all of the City's residential customers are located outside City limits, Mr. Applegate said this forces the City to rely on Pasco County for enforcement of those customers outside City limits. The current water treatment plant produces an average daily flow of 2.83 mgd, of which the City-owned well produces 450,000 gpd. The average daily flow of reclaimed water to City residents is 0.831 mgd and average daily flow of reclaimed water to Pasco County's system is 4.359 mgd. The City of New Port Richey has stepped up its enforcement efforts and has authorized overtime for Water Violation Enforcement. Since then citations are up from two citations in December 2008 to 65 citations issued in April 2009. The City has had a successful conservation kit program in place for some time now; 42 conservation kits were distributed in March 2009. Other conservation efforts include: water conservation utility billing rate structure, conservation materials made available throughout City offices and facilities, an adopted ordinance prohibiting the use of Potable Water for purposes of irrigation where reclaimed water service is available, the use of variable message boards and reduced system operating pressure by 2 psi.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 04 - 00:00/75:51)

40. **Modification of Water Shortage Order No. SWF 07-02 and Approve Revised Interagency Agreement with St. Johns River Water Management District Regarding Year-Round Water Conservation Measures and Water Shortage Orders in Marion County**

Mr. Owen said water management district boundaries are based on river basins and other hydrologic features, not political boundaries. Unincorporated Marion County and the City of Ocala are both located partially in the District and partially in the St. Johns River Water Management District (St. Johns). Florida Statutes allow water management districts to enter into an interagency agreement to designate one of the districts as the district to have regulatory responsibilities within the entire area of a local government that is divided by two or more districts.

This District and St. Johns already have an Interagency Agreement that provides a consistent lawn and landscape irrigation schedule for unincorporated Marion County. Both agencies recently received a request from Marion County to change the terms of the Agreement. The requested changes would require all of unincorporated Marion County to follow the recently updated version of year-round water conservation measures adopted by St. Johns and also any future water shortage orders declared by St. Johns, instead of declarations by this District. The City of Ocala has expressed an interest in becoming a party to the Agreement, with the same proposed terms.

Staff concurs with the requested changes, including the addition of the City of Ocala. The updated year-round water conservation measures only allow once-per-week irrigation in the winter months, which would be more restrictive than this District's year-round measures and would also be appropriate for normal climate conditions in the County and the City. Following any future St. Johns water shortage declarations would also be

appropriate, since most public supply water use is in the eastern (St. Johns) parts of both the County and the City. In addition, most County and City residents rely on news media outlets based in St. Johns, so they are exposed to St. Johns water conservation messaging and are not routinely exposed to this District's messaging.

To effectuate the requested changes, two actions are necessary. First, the two agencies have developed a revised Interagency Agreement regarding lawn and landscape irrigation schedules in Marion County and the City of Ocala. Second, as of April 8, staff is developing the Seventh Modification to Water Shortage Order No. SWF 07-02 to remove unincorporated Marion County and the western portion of the City of Ocala from this District's current water shortage declaration.

Staff recommended to (1) approve the Revised Interagency Agreement with SJRWMD regarding Year-Round Water Conservation Measures and Water Shortage Orders in unincorporated Marion County and the City of Ocala; and (2) approve the Seventh Modification to Water Shortage Order No. SWF 07-02, as presented at the Governing Board meeting.

Following consideration, **Mr. Senft moved, seconded by Mr. Gramling, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 05 - 00:00/04:48)

41. **Approve Initiation of Rulemaking to Amend Rules 40D-80.073, and 40D-2.801, F.A.C., and Basis of Review for Water Use Permit Applications Sections 4.3.A and 7.3.8 to Implement the Northern Tampa Bay Recovery Strategy**

Mr. Ken Weber, Water Use Program Director, Strategic Program Office, said adverse effects of excessive public supply wellfield pumpage on environmental features in the Northern Tampa Bay area in the mid-late 1990's led to a determination that reduction in wellfield pumpage was necessary. This reduction was accomplished through a comprehensive and ground-breaking Recovery Strategy that includes multiple elements, including the Partnership Agreement, the Consolidated Permit, and several rule amendments. This Strategy culminated in the reduction of pumpage by the wellfields from 158 MGD in 1998 to 90 MGD by 2009. Preliminary analysis in 1998 indicated that a reduction to 90 MGD would significantly reduce the environmental impacts of wellfield withdrawals, but that some impacts would remain. Therefore, it was anticipated that a second phase of Recovery would be undertaken to follow the initial efforts, all elements of the existing Recovery Strategy sunset on December 31, 2010.

The reduction in wellfield pumpage to 90 MGD has been accomplished through the development of alternative water supplies by Tampa Bay Water with the assistance of substantial District co-funding. As discussed at the January, 2009 District Governing Board -Tampa Bay Water Joint Workshop, significant environmental recovery resulted from the wellfield pumpage reductions. However, since the reduction of the wellfields to 90 MGD has only recently been accomplished there are insufficient data to evaluate the ultimate impact reduction at that level of pumpage, and to determine what additional measures will be needed to achieve the goals of full recovery and mitigation of adverse environmental impacts. It is planned that the second phase of recovery will encompass 10 years and will accomplish these goals.

Completing the rulemaking process within this timeframe will provide clarity and certainty to Tampa Bay Water as it applies to the renewal of the Consolidated Permit, which is anticipated in early 2010.

Staff recommended to approve the initiation of rulemaking to amend Rules 40D-80.073, and 40D-2.801, F.A.C., and the Basis of Review for Water Use Permit Applications Sections 4.3.A and 7.3.8, to implement the second phase of the Northern Tampa Bay Recovery Strategy.

Following consideration, **Ms. Rovira-Forino moved, seconded by Mr. Tharp, to approve the staff recommendation. Before the Board voted Mr. Owen suggested removing the subsection referenced in the parentheses on the title and recap for clarification purposes, especially since a correction was noted in the additions and deletions that was not reflected in the recap. He said if 40D-2.801, F.A.C. is used that should clear up any confusion. Motion carried unanimously.** (CD 1/Track 06 - 00:00/20:19)

Submit & File Reports – None

Routine Reports

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

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

Regulation Committee Chair Parks relinquished the gavel to Resource Management Committee Chair Gramling.

Resource Management Committee

Discussion Items

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

Submit & File Report

48. **Lower Hillsborough River Recovery Strategy Implementation – Annual Update**

Martin H. Kelly, Ph.D., Minimum Flows and Levels Program Director, Resource Projects Department, provided an annual update to the Board regarding the implementation of the various projects outlined in the recovery strategy needed to meet the adopted minimum flow for the Lower Hillsborough River (LHR). This report reviews progress on individual projects, outlines the various phases that have been implemented to date, and summarizes progress on various elements currently underway. Some of the proposed projects include Sulphur Springs, Blue Sink Project, Transmission Pipeline Project, Tampa Bypass Canal Diversion, and Morris Bridge Sink Project.

The purpose of the proposed projects is to provide a sufficient flow of fresh and low salinity water below the City of Tampa's dam to restore a zone of low salinity habitat to the LHR. The current drought aside, water does not flow over the City of Tampa's dam for an average of 200 days each year. Without this flow, the salinity below the dam is high and no desirable low salinity habitat exists for much of the year. In 2000, no water was supplied to the base of the dam to meet a minimum flow in the LHR. In 2007, 10 cfs of low salinity water from Sulphur Springs was routed to the base of the dam to help provide low salinity habitat immediately below the dam. Beginning in 2008, water from the TBC was routed to the Hillsborough River to help meet the newly adopted MFL for the LHR. Once in the river above the dam, 8.25 cfs of water was delivered to the base of the dam. Using 8.25 cfs from the TBC and 10 cfs of water from Sulphur Springs, a total of 18.25 cfs of water was delivered to the base of dam in 2008 whenever flow over the dam was not sufficient to meet minimum flow requirements.

In summary, all activities and projects proposed in the adopted recovery strategy have been conducted consistent with the timeline established in the rule, and preliminary results suggest that the desired goal of creating low salinity habitat below the dam can be sustained even under drought conditions.

This item was submitted for the Committee's information, and no action was required.
(CD 1/Track 07 - 00:00/11:42)

Routine Reports

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

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

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

Finance and Administration Committee

Discussion Items

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

55. **Annual Employment and Vendor Diversity Report**

Ms. Rovira-Forino said during these times of economic hardships it is easy to lose focus on diversity but not at the District; she said she was proud for the Governing Board to hear the positive messages in this report. Ms. Elaine M. Kuligofski, Director, Human Resources and Risk Management, said this annual report to the Governing Board reflects the District's vendor and employment diversity management philosophy and provides a progress report on the key activities and statistics from calendar year 2008.

Since the District's first Diversity Management Plan was approved in 1995, the District has implemented and maintained aggressive outreach efforts to recruit diverse applicants for employment as well as diverse vendors to provide goods and services to the District. Our goals and strategies have been developed with the enthusiastic input, guidance, cooperation and support of past and current Governing Board members, outside consultants and reviewers and staff.

The District's approach to diversity is consistent with applicable law and state expectations, which maximizes outreach and opportunity for participation by all. District staff members are continuously working on promoting the diversity efforts, including student internship programs, minority vendor and cooperative funding partner outreach activities. To ensure that vendor diversity goals are met the District's procurement process provides equal access and opportunity to the widest possible vendor market; \$16.38 million in competitive dollars awarded to small and minority businesses in 2008. Overall the District's workforce is 9.4 percent minority and 41.3 percent female.

Staff recommended acceptance of the Annual Report on Employment and Vendor Diversity at the District.

Following consideration, **Ms. Closshey moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 08 - 00:00/11:30)

56. **Review Draft Information Resources Five-Year Technology Plan and Computer Sinking Fund Strategy**

Mr. Terry Redman, Director, Information Resources Department, reviewed the five-year technology plan. This plan shows how the District's Information Technology (IT) strategies and resources (hardware, software, and networks) align with the District's strategic priorities as approved by the Governing Board. The process includes an

analysis of IT requirements based on the District's Strategic Plan and a zero-based review of all related projects and funding requirements. These activities are followed by an updated technology plan and budget development. The budget portion of the plan consists of the operating budget for the current Fiscal Year (FY) 2010, a five-year analysis of strategic project investment requirements and the FY2010 Computer Renewal and Replacement Sinking Fund. The Sinking Fund supports the long-term hardware and network needs of the District as outlined in the IRD Five-Year Technology Plan. This approach allows for a more uniform millage impact by providing for multi-year budgeting profiles and a more predictable expenditure pattern. Once approved by the Governing Board, the IRD Five-Year Technology Plan, FY2010 to FY2014, and the associated budget documentation are used to guide IRD in its software development and technology acquisition activities.

Ms. Maureen McNiff, Customer Relationship Manager, IRD, provided the Governing Board with a live demonstration of the Water Management Information System E-Permitting Portal.

Staff recommended approval for budget planning purposes the FY2010 through FY2014 Information Resources Five-Year Technology Plan forecasts and Computer Renewal and Replacement Sinking Fund investment and expenditure schedule, subject to FY2010 budget approval.

Following consideration, **Ms. Rovira-Forino moved, seconded by Ms. Closshey, to approve the staff recommendation. Motion carried unanimously.**

Submit & File Report

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

57. **Fiscal Year 2010 Budget Update**

Mr. Eugene Schiller, Deputy Executive Director, was asked what he thought would happen with next year's budget. He responded by saying that as expected revenues will be down. He said the District will be in line with the state's budget-tightening directives and still be able to meet its highest priorities. He also said the District is planning on taking a very conservative position through fiscal years 2011 and 2012. (CD 1/Track 09 - 00:00/39:03)

58. **Fiscal Year 2009 Second Quarter Financial Report**

Routine Reports

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

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

60. **Management Services Significant Activities**

Finance and Administration Committee Chair Oakley relinquished the gavel to Chair Combee who recessed the public hearing for a lunch break.

Following the lunch break, Chair Combee relinquished the gavel to Outreach and Planning Committee Chair Rovira-Forino.

Outreach and Planning Committee

Discussion Items

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

62. **Florida Water StarSM Gold Certification**

Ms. Beth Putnam said Ms. Sylvia Durell, Senior Communications Coordinator, Communications Department, is the project manager for this program and that she was instrumental in getting the program started at the District. Ms. Putnam introduced

Ms. Susan Douglas, Contractor, Communications Department, who coordinates the Florida Water StarSM (FWSG) Gold Certification program here at the District.

The update included an overview of the program's first certifiers training held January 14 – 16 and a review of the official kickoff that was held March 25 at Glencairn Cottages in Dunedin. In addition, the first certified FWSG model homes will be showcased.

FWSG, a voluntary certification program for builders, encourages water efficiency in household appliances, plumbing fixtures, irrigation systems and landscapes, as well as water quality benefits from best management practices in landscapes. FWSG is based on Florida Water StarSM (FWS), which was originally developed by the St. Johns River Water Management District (SJRWMD). When approached by SJRWMD staff about implementing the program within this District, staff developed advanced criteria to ensure consistency with landscaping and water conservation practices promoted by this District since FY2001 through its partnership with the UF/IFAS Florida Yards & Neighborhoods program. This upper tier is called Florida Water Star Gold Certification. Having participated in the development of the gold certification, SJRWMD is now promoting both the Florida Water Star Silver and Gold certification programs. For both levels, a three-tier certification process involves inspection by independent certifiers, project monitoring by quality assurance providers and oversight by water management districts.

Based on SJRWMD's estimates, in the average new home, the small initial investment on the indoor fixtures included in the FWS criteria could save up to 20,000 gallons of water every year per home. FWS landscape and irrigation system design and proper implementation could reduce annual outdoor water use by as much as 40 percent. To measure efficiency, the SJRWMD is engaged in a study with the U.S. Environmental Protection Agency to compare water-efficient homes in 20 communities throughout the country.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 10 - 00:00/20:16)

63. **Legislative Update**

Mr. David Rathke, Director, Community and Legislative Affairs Department, said the budget deficit still dominates discussion at the state level and will likely be the focus of the session this year. As mentioned previously, the legislature is still looking at ways to further reduce the budget and, in addition, there likely will be discussion about how to generate new revenue. A number of bills have been filed and currently the District is already tracking more than 150 bills related to everything from expedited permitting, to springs protection, to removing the sales tax exemption on bottled water, to conservation and growth management. There are a number of options being floated to further streamline the permitting process between various state agencies and local governments. Expanded use of e-permitting and further delegation of permitting to staff in certain circumstances are just two examples, both of which we are doing.

Both House and Senate substantive committees will be looking at the water management districts this year as part of the sunset review process. The House bill creates a Governing Board nominating council, no longer changes our fiscal year, delegates all permit issuance to the Executive Director, and limits use of Certificates of Participation. The Senate bill is similar to the House bill but includes some extra provisions, including the creation of a reclaimed water taskforce, and allowing the Governing Board, Basin Boards and advisory committees to meet using electronic means.

The District is moving forward with the WRAP program again this year. It is anticipated that an appropriation will be made in the Governor's recommended budget.

Following a discussion and consideration on the issue of setting no Minimum Flows and Levels on reservoirs, **Mr. Combee moved, seconded by Mr. Oakley, to add to the May Governing Board agenda an item to withdraw rulemaking regarding Minimum Flows and Levels on reservoirs. Motion carried unanimously.** (CD 1/Track 11 - 00:00/10:28)

Submit & File Reports – None

Routine Reports

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

64. **Comprehensive Plan Amendment and Related Reviews**
65. **Development of Regional Impact Reviews**
66. **Speakers Bureau**
67. **Significant Activities**

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

General Counsel's Report

Discussion Items

68. **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.

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

Executive Director's Report

71. **Executive Director's Report**

Mr. Moore thanked Mr. Tharp for hosting the Governing Board members on a tour of The Villages. He said there were no challenges filed on the Board's action regarding SunWest Harbortowne. The City of Lakeland and TECO have all of their paperwork in place to move forward with the reclaimed water project. The District is evaluating a counter offer for the Clear Springs Mine property. The Polk County Water Supply Plan should be going to their Commission within the next 30 to 60 days. Staff will be attending an Aquifer Storage and Recovery Expert Meeting in conjunction with the Environmental Protection Agency, to be held in Chicago, on May 5 and 6 regarding ASR wells and arsenic. Mr. Moore said staff has been working on qualifications for 20-year permits; he said the Board can anticipate a full presentation on the topic at its May or June Board meeting.

Committee/Liaison Reports

72. **Industrial Advisory Committee**

Ms. Closshey said the Committee met on April 14, 2009 and that the meeting was well attended. They heard presentations on the facilities of TBW, Hydrologic Conditions and Drought Update, 20-Year Permits, Lake Hancock, 2009 Industrial Water Supply Demands and the 2010 Regional Water Supply Plan Update. Ms. Closshey said if any of her fellow Governing Board members wishes to recommend any specific companies join the Industrial Advisory Committee they are open to suggestions.

73. **Public Supply Advisory Committee**

Mr. Pressman said the Public Supply Advisory Committee met on April 14, 2009. They had a presentation on the Drought Update and the Modified Phase IV Water Shortage Order. Ways to ensure further compliance were presented and discussed.

74. **Well Drillers Advisory Committee**

Mr. Oakley said the Well Drillers Advisory Committee met on April 22, 2009. Presentations were heard on the Hydrologic Conditions and Drought Update, well problems strawberry growers had this past season, contamination sites, and DEP rule revisions regarding well construction.

Chairman's Report

75. **Chairman's Report**

Chair Combee said he did not have anything new to add. Mr. Pressman said he attended the Tampa Bay Regional Planning Council on April 13. The Council plans to have the ONE BAY report out to the public this summer.

Chair Combee called attention to the announcements at the end of the agenda for Board members to review. Ms. Kavouras reminded the Board that its next meeting is on Wednesday, May 20, at the Highlands County Commission Chambers, in Sebring.

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 1:49 p.m. (CD 1/Track12 – 00:00/22:25)

Attest:

Chairman