

APPROVED

MINUTES OF THE MEETING

Governing Board Southwest Florida Water Management District

Brooksville, Florida

April 29, 2008

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met at 9:00 a.m. on April 29, 2008, at the Tampa Service Office. The following persons were present:

Board Members Present

Judith C. Whitehead, Chair
Neil Combee, Vice Chair
Todd Pressman, Secretary
Jennifer E. Closshey, Treasurer
Bryan Beswick, Member
Patricia M. Glass, Member
Hugh Gramling, Member
Albert G. Joerger, Member
Ronald E. Oakley, Member
Sallie Parks, Member
Maritza Rovira-Forino, Member
Paul Senft, Member

Staff Members Present

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

Recording Secretary

Annette D. Zielinski, Senior Admin. Assistant

Board Members Absent

None

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

Public Hearing

1. Call to Order

Chair Whitehead called the meeting to order and opened the public hearing. Mr. Pressman noted a quorum was present.

2. Pledge of Allegiance and Invocation

Chair Whitehead led the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offered the invocation. (CD 1/Track 01 – 00:00/00:43)

Public Hearing

Chair Whitehead noted that this Governing Board meeting was being broadcasted to the Bartow, Brooksville and Sarasota Service Offices using the video conferencing system for the purpose of viewing the Board meeting only. Public input was only taken during the meeting onsite. The Governing Board's meeting was recorded for broadcast on government access channels.

Chair Whitehead stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on one agenda item only during today's meeting. If additional time is needed or if the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment at the end of

the meeting during "Public Input." Chair Whitehead stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. She also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

3. **Additions/Deletions to Agenda**

According to Section 120.525(2), Florida Statutes, additions or deletions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Mr. Moore noted the items deleted from the agenda were deleted after publication of the regular agenda. (CD 1/Track 02 – 00:00/02:03)

Chair's Report

The following item was added for consideration:

- Consideration of Executive Director's Reappointment

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

Ms. Kavouras administered the Oath of Office to newly appointed Governing Board members Messrs. Bryan Beswick and Hugh Gramling. Chair Whitehead also accepted the Oath of Office as she was appointed to a new seat on the Governing Board. Chair Whitehead welcomed the new members on behalf of the Governing Board and District staff. Additionally, Mr. Beswick will serve as the Co-Chair Ex Officio of the Peace River Basin Board. Mr. Gramling has been a member of the Hillsborough River Basin Board and will now serve as its Chair Ex Officio. (CD 1/Track 03 – 00:00/01:20)

5. **District Recognition**

a. **16th Annual Future of the Region Awards**

Mr. Michael Molligan, Director, Communications Department, said two District projects managed by the Communications Department received awards at the 16th Annual Future of the Region Awards hosted by the Tampa Bay Regional Planning Council on March 28 in Tampa. The Future of the Region Awards recognizes achievements in resource planning and management and encourages future vision and cooperation within the Tampa Bay area.

The District received second place in the Public Education category for its Hillsborough River Watershed Awareness Week project. Hillsborough River Watershed Awareness Week occurred October 20-27, 2007, and included activities and events to teach residents about watershed protection. District staff coordinated with ten local governments within the watershed to join the Hillsborough River Basin Board in declaring October 20-27 as Hillsborough River Watershed Awareness Week. Mr. Molligan recognized Ms. Kendra Antoine, Senior Communications Coordinator, for her outstanding contribution as the Project Manager. Some of the events during this week included the annual Temple Terrace Riverfest event, an in-school special performance, a cleanup on the Hillsborough River, a Water-Wise workshop and the culminating event, "A River Runs Through It." More than 2,000 residents learned about the Hillsborough River watershed during the events.

The District received second place in the Community Service category for the Bring Back the Bayou project. Mr. Molligan recognized Ms. Virginia Sternberger, Community Education Grant Coordinator, for her outstanding work on this project. With funding from an FY2007 Community Education Grant, Mr. Kurt Zuelsdorf, Kayak Nature Adventures, coordinated a series of cleanups for the surface waters of Clam Bayou Nature Preserve. The grant provided kayaks, trash bags and equipment volunteers needed to collect the trash. The project educated the public about the damage that household waste does to an estuary and the importance of preserving the area. More than 800 volunteers participated and collected approximately 10,000 pounds of trash over an eight-week period. In addition, substantial television and newspaper exposure

broadened the audience with nearly five million media impressions. This project reinforced the District's efforts to educate the public about watershed protection. In addition, Kayak Nature Adventures won *Coastal Living Magazine's* tourism award. Each year *Coastal Living* recognizes outstanding Stewards of the Shore.

Mr. Molligan said Manatee County had received a first place award for the Manatee Agriculture Reuse Supply infrastructure project. The Governing Board and the Manasota Basin Board contributed approximately \$12 million towards the project.

This item was presented for the Board's information, and no action was required.
(CD 1/Track 03 – 01:20/05:45)

b. **Community Design Awards**

Mr. Eric C. DeHaven, Director, Resource Data and Restoration Department, said two District projects managed by the Surface Water Improvement and Management (SWIM) Program received awards at the 26th Annual Community Design Awards hosted by the Hillsborough County Planning Commission on April 3, 2008. The Community Design Awards recognize projects that contribute to the quality of life in Hillsborough County.

The District and the City of Tampa received an Award of Excellence in the Environmental category for the Epps Park Stormwater Sediment Removal Pilot project. This project consists of the installation of eight sediment traps, which provide water quality treatment of stormwater runoff from approximately 68 acres of watershed in Tampa. The reduction in sediment loading improves water quality within the Hillsborough River and, ultimately, Tampa Bay.

The District and its partners received an Award of Excellence in the Environmental category for the Newman Branch Creek Habitat Restoration project. This project was implemented through a unique partnership between Tampa Electric Company (TECO), the non-profit PEER (Protecting the Environment through Ecological Research), and the District. This project restored 12 acres of fisheries habitat in Newman Branch Creek, a tributary to Tampa Bay. The restoration involved the removal of non-native plant species and the restoration of a variety of native estuarine habitats that provide a salinity gradient for marine species. Mr. Thomas Ries, President, PEER, and Mr. Stanley Crow, TECO, thanked the Governing Board and District staff for their partnership efforts in this important restoration project.

This item was presented for the Board's information, and no action was required.
(CD 1/Track 04 – 05:45/06:57)

6. **Employee Recognition**

Mr. Moore made presentations to the Board for the employees who had achieved milestones of 20 years or greater to specially acknowledge and commend the contributions of these individuals.

Celebrating their 20-year milestones were Ms. Marti Turner, Senior Administrative Assistant, Sarasota Regulation; and Dr. Brandt Henningsen, Chief Environmental Scientist, Resource Data and Restoration.

After serving 35 years, Ms. Donna Parkin-Welz, Senior Human Resources Generalist, Human Resources Department, retired.

The first District employee to reach 40 years of service was Sam Singletary, Survey Party Chief, Land Resources Department.

The Shining Star recognition program, a new program recently developed by the Employee Committee, acknowledges employees who go above and beyond their duties at the District by volunteering personal time or donating money to benefit their community. This recognition program is a way for the District to say thank you for their commitment and for making the community a brighter place. The following staff members are Shining Star recipients: Jack Pepper, Deputy General Counsel in the Office of General Counsel; Kurt Durham and Mitch Malone from the Sarasota Service Office; and Tasha Bowers, also of the Sarasota Service Office.

Mr. Moore led the room in applause to honor all of these special achievements. (CD 1/Track 05 - 00:00/09:09)

To celebrate Mr. Moore's 25 years of service, Chair Whitehead honored him with a review of his accomplishments and a slide show. (CD 1/Track 06 - 00:00/07:56)

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

Ms. Janey Baldwin, Withlacoochee River Basin Board member, addressed the Governing Board regarding her opinion about how they should proceed in the likelihood that Mr. Moore will not receive Senate confirmation this Legislative session. Ms. Baldwin said she was disappointed to learn that the Governing Board would be considering the reappointment of Mr. Moore as the Executive Director at today's meeting. She said she felt the decision was premature and perhaps the Board should postpone action until time has been allotted to consider all of their options.

Mr. Combee said it was his understanding that the Senate did not have job performance issues with Mr. Moore but they were concerned about a particular project. He said he did not see any reason why the Governing Board should not go ahead and vote on the reappointment today, because he does not know of a single Governing Board member who is dissatisfied with the job Mr. Moore is doing. (CD 1/Track 07 – 00:00/05:55)

Consent Agenda

Regulation Committee -- Environmental Resource Permits

8. ERP No. 43006829.005 - Neal Road South Farm – Charlotte County
9. ERP No. 43027078.001 - Aqui Esta – Charlotte County
10. ERP No. 43026742.002 - Manchester on the River – DeSoto County
11. ERP No. 49013881.044 - Hernando County Airport - Southwest Airport Industrial Park – Hernando County
12. ERP No. 44028468.001 - West Boulevard - Roadway and Drainage Improvements for Northwood Road Subdivision (**DENIAL**) – Highland County
13. ERP No. 49002629.040 - Oak Creek – Falkenberg Expansion – Hillsborough County
14. ERP No. 46010903.002 - Gandy Animal Hospital - Addition (**DENIAL**) – Hillsborough County
15. ERP No. 43014347.003 - Woodbrook Floodplain Compensation Area – Manatee County
16. ERP No. 43033224.000 - Curiosity Creek - Phases 1A, 1B, and 2 – Manatee County
17. ERP No. 43023534.014 - Connerton Village 2 - Ph 3A – Pasco County
18. ERP No. 43033034.000 - Pasco County - Perrine Ranch Road Intersections – Pasco County
19. ERP No. 46032342.000 - Platinum Estates Subdivision (**DENIAL**) – Pinellas County
20. ERP No. 43029933.001 - Victoria Bay, Inc. - Docks – Sarasota County

Regulation Committee -- Water Use Permits

21. WUP No. 20001118.004 - Floral City Water Association – Citrus County
22. WUP No. 20010604.005 - Auburndale Power Plant/Auburndale Power Partners, Limited – Polk County
23. WUP No. 20013156.000 - Madruga Property/Ramon & Castula Irene Madruga (**DENIAL**) Polk County

24. WUP No. 20008675.004 - Florida National Cemetery/USA Veterans Administration –
Sumter County

Regulation Committee – Other

25. **Governing Board Concurrence with Executive Director's Issuance of Third Modification to Executive Director Order No. SWF 07-045, regarding Use of Peace River Diversions**

Staff recommended concurrence with issuance of Third Modification to Executive Director Order SWF 07-045, for ongoing diversion from the Peace River to augment the Peace River/Manasota Regional Water Supply Authority's reservoir, two ASR wellfields, and regional water transmission system.

26. **Approve Initiation of Rulemaking to Amend 40D-1.659 and 40D-2.091, Florida Administrative Code (F.A.C.), to Incorporate Changes to Chapters 5 and 6 of the Basis of Review to Adopt Flow Meter Accuracy Verification Reporting and Form Requirements**

Staff recommended to approve the Initiation of Rulemaking to Amend 40D-1.659, F.A.C., and 40D-2.091, F.A.C., to Incorporate Changes to Chapters 5 and 6 of the Basis of Review to Adopt Flow Meter Accuracy Verification Reporting and Form Requirements.

27. **Approve Amendments to Rules 40D-1.603, 40D-1.1010, 40D-1.1024, 40D-2.101, 40D-2.091, 40D-4.041, 40D-4.101, 40D-40.040, 40D-40.112, F.A.C., and Water Use Permit Information Manual Part B, Basis of Review, to Revise Procedures for Notification of Permit Applications and Agency Actions**

Staff recommended to authorize the initiation of rulemaking to amend Rules 40D-1.603, 40D-1.1010, 40D-1.1024, 40D-2.091, 40D-2.101, 40D-4.041, 40D-4.101, 40D-40.040, and 40D-40.112, F.A.C., and Section 1.7 of the District's Water Use Permitting Information Manual Part B, Basis of Review, to revise District permit application and agency action noticing procedures.

Resource Management Committee

28. **Declaration and Conveyance of Surplus Lands, SWF Parcel No. 15-704-105S, and Access Easement, SWF Parcel No. 15-704-106X, to Florida Department of Transportation – Conner Preserve**

Staff recommended to (1) declare SWF Parcel No. 15-704-105S surplus and approve conveyance the property to FDOT; (2) approve conveyance of access easement over SWF Parcel No. 15-704-106X to FDOT; and (3) accept the appraised value of \$33,000 for fee title to SWF Parcel No. 15-704-105S and the appraised value of \$1,600 for a permanent easement to SWF Parcel No. 15-704-106X.

29. **Second Amendment to License Agreement with Tampa Bay Water – Starkey Wilderness Preserve, SWF Parcel Nos. 15-010-053X, 16-010-028X and 16-010-037X**

Staff recommended approval of the second amendment to the license agreement with Tampa Bay Water, SWF Parcel Nos. 15-010-053X, 16-010-028X and 16-010-037X.

30. **Quality of Water Improvement Program Funds Transfer**

Staff recommended the Hillsborough River Basin Board approve the transfer of \$20,000 (\$10,000 from the Hillsborough River Basin's WSRD reserves and \$10,000 from the Governing Board WSRD reserves) to the Geohydrologic Data Section's QWIP Program to continue funding well plugging reimbursements for the remainder of the 2008 fiscal year.

31. **Sulphur Springs Weir Modifications**

Staff recommended to (1) approve the modification to the agreement and related scope of work for the Sulphur Springs weir modification project to include a feasibility study of using water from Blue Sink to help provide minimum flows to the LHR; (2) approve the agreement with the City of Tampa for \$300,000, with the District's share not to exceed \$150,000; and (3) authorize the Executive Director to execute the agreement.

32. **Facilitating Agricultural Resource Management Systems (FARMS) – I.M.G. Enterprises, Inc. – Polk County**

Staff recommended to (1) approve the I.M.G. Enterprises, Inc. project for a not-to-exceed project reimbursement of \$15,000 with \$3,750 provided by the Peace River Basin Board, \$3,750 provided by the Governing Board, and \$7,500 provided from 2008 State Appropriations to the Governing Board; (2) authorize the transfer of \$3,750 from fund 020 H017 Peace River Basin Board FARMS funds, \$3,750 from fund 010 H017 Governing

Board FARMS funds, and \$7,500 from the 2008 State Appropriations allocated to fund 010 H017 FARMS funds, to H551, I.M.G. Enterprises, Inc. project fund; and (3) authorize the Executive Director to execute the agreement.

33. **FARMS – The Groves of Peace River, Inc. – Hardee County**

Staff recommended to (1) approve The Groves of Peace River, Inc. FARMS project for a not-to-exceed project reimbursement of \$12,500 with \$3,125 provided by the Peace River Basin Board, \$3,125 provided by the Governing Board, and \$6,250 provided from 2008 State Appropriations; (2) authorize the transfer of \$3,125 from fund 020 H017 Peace River Basin Board FARMS funds, \$3,125 from fund 010 H017 Governing Board FARMS funds, and \$6,250 from the 2008 State Appropriations allocated to fund 010 H017 FARMS funds to H552, The Groves of Peace River, Inc. FARMS project fund; and (3) authorize the Executive Director to execute the agreement.

34. **FARMS – Las Lomas Holdings, Inc. – Hardee County**

Staff recommended to (1) approve the Las Lomas Holdings, Inc. project for a not-to-exceed project reimbursement of \$20,000 with \$5,000 provided by the Peace River Basin Board, \$5,000 provided by the Governing Board, and \$10,000 provided from 2008 State Appropriations to the Governing Board; (2) authorize the transfer of \$5,000 from fund 020 H017 Peace River Basin Board FARMS funds, \$5,000 from fund 010 H017 Governing Board FARMS funds, and \$10,000 from the 2008 State Appropriations allocated to fund 010 H017 FARMS funds to H553, Las Lomas Holdings, Inc. project fund; and (3) authorize the Executive Director to execute the agreement.

35. **FARMS – Running W Citrus, Limited Partnership – Highlands County**

Staff recommended to (1) approve the Running W Citrus, Limited Partnership project for a not-to-exceed project reimbursement of \$40,000 with \$10,000 provided by the Peace River Basin Board, \$10,000 provided by the Governing Board, and \$20,000 provided from 2008 State Appropriations to the Governing Board; (2) authorize the transfer of \$10,000 from fund 020 H017 Peace River Basin Board FARMS funds, \$10,000 from fund 010 H017 Governing Board FARMS funds, and \$20,000 from the 2008 State Appropriations allocated to fund 010 H017 FARMS funds to H554, Running W Citrus, Limited Partnership project fund; and (3) authorize the Executive Director to execute the agreement.

Finance & Administration Committee

36. **Board Travel**

No action was required at this time.

37. **Budget Transfer Report**

Staff recommended approval of the Budget Transfer Report covering all budget transfers for March 2008.

38. **Approve Board Policy 110-10, District Commitment to Superior Environmental Stewardship**

Staff recommended approval of Board Policy 110-10, District Commitment to Superior Environmental Stewardship.

General Counsel's Report

39. **Consent Order – ERP No. 44025778.000 – LMC Winterset, LLC (High Pointe Business Center) – Polk County**

Staff recommended approval of the proposed Consent Order and authorize the initiation of litigation against LMC Winterset, LLC to obtain compliance with the Consent Order.

40. **Release of Conservation Easement – ERP No. 49025110.001 – Stoneybrook at Venice**

Staff recommended approval and execution of the Conservation Easement and Release of Prior Conservation Easement in order to correct the improper legal description contained in the original Conservation Easement.

41. **Release of Conservation Easement – ERP No. 44016817.003 – Cotee River Townhomes**

Staff recommended approval and execution of Mutual Termination and Release of Easement.

Executive Director's Report

42. **Approve March 24, 2008 Governing Board and Withlacoochee Regional Water Supply Authority Joint Workshop Minutes**
Staff recommended approval of the minutes as presented.
43. **Approve March 25, 2008 Governing Board Meeting Minutes**
Staff recommended approval of the minutes as presented.
44. **Resolution No. 08-04, Commending Thomas G. Dabney for His Service as a Member and Chair of the Southwest Florida Water Management District Governing Board**
Staff recommended approval of Resolution No. 08-04, Commending Thomas G. Dabney for His Service as a Member and Chair of the Southwest Florida Water Management District Governing Board.
45. **Resolution No. 08-05, Commending Heidi B. McCree for Her Service as a Member and Chair of the Southwest Florida Water Management District Governing Board**
Staff recommended approval of Resolution No. 08-05, Commending Heidi B. McCree for Her Service as a Member and Chair of the Southwest Florida Water Management District Governing Board.
46. **Resolution No. 08-06, Commending Patsy C. Symons for Her Service as a Member of the Southwest Florida Water Management District Governing Board**
Staff recommended approval of Resolution No. 08-06, Commending Patsy C. Symons for Her Service as a Member of the Southwest Florida Water Management District Governing Board.

Chair Whitehead called the Board's attention to Items 44 through 46, saying these were the resolutions commending the services of Thomas G. Dabney, Heidi B. McCree, and Patsy C. Symons, respectively. The former members will return in the future for a ceremonial farewell.

Following consideration, **Ms. Parks moved, seconded by Ms. Closshey, to approve the Consent Agenda. Motion carried unanimously.** (CD 1/Track 08 – 00:00/01:16)

Mr. Moore said the District is contemplating the idea of having a water banquet to honor those who have served on the Governing Board and Basin Boards. (CD 1/Track 09 – 00:00/01:36)

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

Regulation Committee

Discussion Items

47. **Consent Item(s) Moved for Discussion** - None
48. **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. Mr. Kinsman used hydrographs to show how overall the month of April had improved conditions. Some improvement in the Peace River basin was recorded as well. The District remains cautious due to the approach of drier months ahead of what will hopefully be the wet weather season.

This item was provided for the Committee's information, and no action was required. (CD 1/Track 010 – 00:00/08:59)
49. **Approve Initiation of Rulemaking to Amend 40D-22, Florida Administrative Code (F.A.C.), Year - Round Water Conservation Measures, in Accordance With Statewide Consistency Initiative**
Mr. Owen said the current adopted version of the District's Year-Round Water Conservation Measures rule went into effect in September 2003. This version was the culmination of a two-year rule development effort that included extensive advisory

committee and public input. It also addressed recommendations of the Florida Department of Environmental Protection's statewide "Water Conservation Initiative" report, which was produced in response to the 1999-2001 drought and contained several ideas intended to mitigate the effect of future droughts.

District staff has drafted rule amendments which address all but the efficient use of reclaimed water. Staff will seek input, especially from the Public Supply Advisory Committee, prior to formulating draft rule language related to the reclaimed water options under consideration. Staff will also engage in rule development activities, including applicable advisory committee discussions and public workshops. Mr. Owen reviewed year-round water conservation measures, proposed consistency measures, proposed consistency for Reclaimed Water, and the SWFWMD Rulemaking Timeline. The current goal is for staff to bring final proposed rule amendments back to the Governing Board for approval by June 2008.

Staff recommended approval of the initiation of rulemaking to amend Chapter 40D-22, F.A.C., Year-Round Water Conservation Measures, for greater consistency of year-round conservation measures among water management districts. Following consideration, **Mr. Senft moved, seconded by Mr. Gramling, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 11 – 00:00/13:47)

50. **Approve Initiation of Rulemaking to Expand Delegation of Authority to the Executive Director for Issuance of Environmental Resource and Water Use Permits**

Mr. Kurt Fritsch, Inspector General, said the purpose of this item was to discuss potential revisions to the delegation thresholds in Environmental Resource Permit (ERP) and Water Use Permit (WUP) rules. ERP and WUP rules contain thresholds which determine those projects which must be approved by the Governing Board versus those which may be issued by the Executive Director or his designee. Currently, the Governing Board acts on Individual ERPs and WUPs, lake augmentation WUPS, and ERPs which have been determined to be of Heightened Public Concern due to activities on Sovereign Submerged Lands. In addition, permits recommended for denial are acted upon by the Board, consistent with statutory provisions. The processing and approval of permits requiring Governing Board action entails greater staff effort and longer processing time frames compared to those issued by staff.

Staff will recommend revisions to the delegation thresholds for ERPs and WUPs that could be expected to reduce staff workload and improve application evaluation timeframes by 30-45 days for affected permits.

Mr. Owen said Mr. Fritsch analyzed a lot of data for this initiative and he commended him for all his hard work and contributions towards the betterment of the District.

Staff recommended approval to initiate rulemaking to expand delegation of authority to the Executive Director for issuance of Environmental Resource and Water Use Permits. Following consideration, **Ms. Closshey moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 12 – 00:00/26:51)

Submit & File Reports – None

Routine Reports

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

51. **Southern Water Use Caution Area Quantities**
52. **Water Production Summary**
53. **Public Supply Benchmarks**
54. **Overpumpage Report**
55. **Resource Regulation Significant Initiatives Report**

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

Resource Management Committee

Discussion Items

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

57. **Cooperative Funding Initiative Projects**

The purpose of this presentation was to provide the Governing Board with an update regarding five proposed FY2009 Cooperative Funding Initiative projects, including three that were submitted requesting funds from the Green Swamp Basin. Two projects, Hillsborough/TECO Reclaimed Water and Hillsborough/Mosaic Hopewell Reclaimed Water Recharge, are significant in scope, budget and cooperative agreement complexity. A third project, Dona Bay Watershed Implementation, appears to be a viable alternative water supply project; however, the project as submitted by Sarasota County, does not meet the District's Cooperative Funding Policy guidelines because it was not submitted by the Peace River/Manasota Regional Water Supply Authority. And finally, an update on two projects submitted for funding from the Green Swamp Basin is being made because the Governing Board serves as the Green Swamp Basin.

a. **Hillsborough/TECO Reclaimed Water Project and Hillsborough/Mosaic Hopewell Reclaimed Water Recharge Project**

Mr. Moore said Water Partners, Inc. (WPI), a not-for-profit corporation, submitted a FY2009 Cooperative Funding request for a multi-year, multi-basin reclaimed water project. Based on a preliminary evaluation of the submittal, staff separated the project into two distinct projects, each of which has at least two phases. One project is the Hillsborough/TECO Reclaimed Water Project which consists of the design, permitting and construction of reclaimed water pumping facilities, transmission pipelines, and improvements to an abandoned Mosaic Fertilizer impoundment to be used for in-line storage to serve Tampa Electric Company's (TECO's) southeast Polk power plant. Phase 1 of this project will transport reclaimed water from Hillsborough County's Valrico Waste Water Treatment Plant (WWTP), located in east/central Hillsborough County (Alafia River Basin) to TECO's southeast power plant, located in southwest Polk County (Peace River Basin) to be used for TECO's proposed power plant expansion by 2013. This project's second phase will utilize reclaimed water from the City of Tampa's Howard F. Curren Advanced Wastewater Treatment Plant (HFCAWTP) for TECO's subsequent power plant expansion by 2015. Additional pumping and transmission pipelines will be necessary to transport reclaimed water from HFCAWTP to TECO for the second expansion (phase 2). The estimated cost for phase 1 is \$74.8 million and for phase 2, \$92 million, for a total cost of \$166.8 million.

The second project is the Hillsborough/Mosaic Hopewell Reclaimed Water Recharge Project. The cooperator has requested funds in FY2009 to evaluate the feasibility of sending reclaimed water to Mosaic's Hopewell mine and the old Sydney mine near the Valrico WWTP for groundwater recharge. WPI is proposing to first conduct a study/demonstration project to use a small volume of reclaimed water (from the Valrico to TECO transmission line) to provide the field data to support that the reclaimed water can be further treated through a wetland treatment system to meet the state's water quality standards required for aquifer recharge. If it proves successful, a full-scale recharge project would be implemented by FY2012. WPI has estimated the cost of the study/demonstration project at approximately \$1 million and design and construction costs, if feasible, are estimated to cost approximately \$19 million for a total cost of \$20 million.

Mr. Moore said staff is working with WPI and its public/private partners to address several issues regarding these projects. The primary issues associated with the

Hillsborough/TECO Reclaimed Water Project are related to the water resource benefits, District and local government funding, and public/private partnership structure. First, staff is evaluating the amount of potable water that is proposed to be offset by this project. Currently, the primary reclaimed water user for the project is TECO and their proposed use is for a plant expansion at their Polk power plant, and, therefore, would not be offsetting an existing potable water use. Second, the cooperator has requested the District fund 50 percent of the cost, or \$83.4 million with the match being provided by WPI through bonds which would be paid back through the sale of the reclaimed water to TECO. Hillsborough County significantly benefits from this project with respect to their wastewater treatment plant discharge permit limitations; however, to date, the County is not providing a cash match to the facilities that the District is being requested to fund. Third, staff is working to better understand the public/private partnership to ensure the public purpose and the District's investments would be fully utilized and secured.

The primary issues associated with the Hillsborough/Mosaic Hopewell Reclaimed Water Recharge Project involve the objectives of the study/demonstration element as well as the issues mentioned above regarding benefits, funding, and public/private partnership. The cooperator has proposed to spend \$1 million on the study/demonstration to demonstrate that the reclaimed water can be treated to meet the state's water quality standards required for aquifer recharge into a potable zone. Other issues such as permissibility, quantity of water that could reasonably be expected to be developed from the project, and developing a mechanism to receive a credit for making water available are equally important issues that have not been addressed. Staff is evaluating whether these issues need to be addressed before investing in the study/demonstration element.

The estimated cost of the Hillsborough TECO Reclaimed Water project is \$166.8 million, and the District is being asked to fund \$83.4 million, including \$16.45 million in FY2009.

Chair Whitehead asked for clarification regarding who comprised WPI. Mr. Moore responded that Hillsborough County, Mosaic, and TECO, are the public/private partners that comprise WPI. Mr. Senft said a regional project of this nature will have widespread recharge potential and could benefit a large area. Ms. Rovira-Forino had several questions/concerns, some of which included: whether or not the District looked at other potential options, the feasibility study should be done first before any other steps are considered, and the affected Basin Boards need to be involved. Mr. Moore responded to Ms. Rovira-Forino. He said a pilot project is necessary and will be completed before any other work. Mr. Moore said the Basin Boards, as well as all of the potentially affected entities will be included in future discussions as this process continues. Mr. Moore said this project is the fourth major option that has been considered for large-scale alternative supplies; he provided a brief synopsis of other considerations that have been ruled out. Mr. Combee said the biggest hurdle for this project will be governance of all of the entities. Ms. Glass said the Water Supply Authorities should be involved in this process, she said it would open up a whole other perspective. Mr. Joerger was concerned about arsenic issues in the potential recharge area and whether or not individual landowners will be stakeholders. Mr. Moore said that arsenic issues can always be an issue when recharging in an area with many different landowners and private wells and that the District will be taking those factors into consideration. A brief discussion took place regarding emerging Memorandums of Understanding between the different entities; Mr. Moore said the District will obtain and keep copies of those as they become available. Ms. Rovira-Forino asked who developed the project budget; Mr. Moore said the project economics were developed in the same manner as most cooperatively funded projects. In this case, project engineers would develop cost estimates based on the length of the pipe. Ms. Rovira-Forino encouraged the promotion of diversity and the

employ of minority contractors. Ms. Closshey asked which Basin Boards would be financially involved in this project. Mr. Moore said the obvious two would be the Alafia River and Peace River Basin Boards. There have been discussions regarding the inclusion of other basin boards because pollutant removal will occur all over the bay. Ms. Closshey asked if Tampa Bay Water has been formally contacted to participate in this project. Mr. Moore said they have not been contacted formally but he has spoken to their staff informally. Committee Chair Pressman thanked Mr. Moore for the detailed presentation and said he is confident that he can keep this project moving in a positive direction. (CD 1/Track 13 – 00:00/57:21)

b. **Dona Bay Watershed Implementation Project**

Ms. Lisann C. Morris, Senior Professional Engineer, Resource Projects Department, said in FY2006 and FY2007, Sarasota County and the Manasota Basin cooperatively funded the Dona Bay Watershed Management Plan. The Dona Bay Watershed Plan addresses several objectives: evaluate opportunities for a more natural freshwater/saltwater flow regime pattern in the Dona Bay watershed, including the tidal portions of Dona Bay by a reduction in freshwater flows from the watershed; maintain and/or improve existing natural systems and water quality; evaluate flood related issues and develop alternatives to minimize flood damage; and develop potential alternative surface water supply options that are consistent with, and support other plan objectives. Alterations in the watershed have resulted in more fresh water flows discharging to Dona Bay than historically occurred which has impacted water quality and natural systems in Dona Bay. The Dona Bay Watershed Plan was completed in June 2007 and outlined an implementation plan for a 15 mgd alternative potable water supply project that would also provide benefits to water quality, natural systems, and flood protection in the Dona Bay watershed.

The implementation plan identified three phases of a project that would result in the construction of a series of transmission, storage, and treatment related facilities for an alternative potable water supply project that helps restore natural systems and water quality in the Dona Bay watershed. The facilities include a diversion structure on Cow Pen Slough, pumping and transmission related facilities (canals and transmission lines), storage facilities (reservoirs), a surface water treatment facility, and wetland restoration. The reservoirs, including the Albritton site (3.7 billion gallons (BG) at build out) and Venice Minerals site (1.8 BG at build out) would be used to store water during periods of excess freshwater flows. The pumping and transmission related facilities would be used to transport the water from Cow Pen Slough to the reservoirs and then to the County's Carlton wellfield facility. A new surface water treatment facility would be constructed on the Carlton site to treat the water to potable water standards. The project benefits identified in the implementation plan include up to 15 mgd for an alternative potable water supply, reduction of 40 percent of the excess freshwater flows to Dona Bay, a 57 percent reduction in nitrogen loadings to Dona Bay, wetland restoration of approximately 280 acres, and improvement in the oyster habitat in Dona Bay by stabilizing the salinity fluctuations. The estimated total cost of the components identified in the Dona Bay watershed implementation plan is \$175.4 million.

Staff believes the alternative potable water supply project identified in the Dona Bay Watershed Plan has the potential to be a good alternative water supply project; however, the County's FY2009 Cooperative Funding application as submitted, does not meet the District's Cooperative Funding Policy guidelines. Sarasota County is a member of the Peace River/Manasota Regional Water Supply Authority (Authority), so in accordance with Board Policy 130-4, this water supply project must be submitted through the Authority. The County identifies other water resource benefits in the area of flood protection, natural systems and water quality, but overall each of them are modest by themselves or collectively would not rank above a low ranking from staff as the associated benefits are not justified by the cost of the total project. Additionally, the project as proposed by the County in the FY2009 application lacks a commitment

to the critical elements necessary to realize a viable alternative water supply project such as the removal of water from the Venice Minerals storage facility and the new surface water treatment plant.

Committee Chair Pressman heard public comment on this item.

Mr. Jack Merriam, Environmental Manager, Sarasota County, said the County has aligned its projects into categories of responsibilities similar to the District's Areas of Responsibilities (AORs) and this project integrates well into their priorities. If the volume of water let into the estuary is reduced the pollutant load will be reduced, this is an overall positive impact for water quality.

Following consideration, **Ms. Parks moved, seconded by Ms. Rovira-Forino, to deny this project without prejudice. Motion carried unanimously.** (CD 1/Track 14 – 00:00/21:50)

c. **Green Swamp Basin Projects**

Ms. Lisann C. Morris, Senior Professional Engineer, Resource Projects, said the Polk County Watershed Management Plan is a multi-year funded project to perform the topographic information, watershed evaluation, and watershed management plan elements of the District's Watershed Management Program. The District (Green Swamp, Alafia River, Hillsborough River, and Peace River Basins) has budgeted funds in FY2007 and FY2008 for this project that has an estimated cost of approximately \$2.5 million, of which the District has been requested to fund half and the County is contributing half. For FY2009, the County is requesting the District fund \$297,000 and the County will contribute \$297,000. The District's FY2009 funding share is split between the Green Swamp (\$74,250), Alafia River (\$74,250), Hillsborough River (\$74,250), and Peace River (\$74,250) Basins based on the expected work in each Basin.

The Pasco County Duck Lake Watershed Implementation of BMPs involves the design and construction of one or more projects to address flooding issues in the Duck Lake Watershed. The watershed covers an area of approximately 42 square miles and is located in eastern Pasco County, and includes Dade City and the surrounding area. Several alternatives to address the flooding are currently being evaluated as part of a separate project. The total budget amount for this multi-year project is \$9,000,000, of which the District's share is \$4,500,000 and the County will contribute \$4,500,000. The District's share is split among Hillsborough River (\$225,000), the Green Swamp (\$405,000), and the Withlacoochee River (\$3,870,000) Basins based on the project area within each Basin. For FY2009 the District's contribution is \$350,000 with the Green Swamp contributing \$31,500, the Hillsborough River contributing \$17,500 and the Withlacoochee River contributing \$301,000. Pasco County is contributing \$350,000.

These projects are being considered for funding by the various Basin Boards during their FY2009 budget process. Funds requested from the Green Swamp Basin are included in the Governing Board's General Fund for consideration during the Governing Board's FY2009 budget process.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 15 – 00:00/01:56)

58. **Polk County Water Supply Initiatives Update**

Mr. Wirth introduced Messrs. Jeff Spence, Director, Polk County Natural Resources, and Gary Fries, Director, Polk County Utilities, who provided the Board with an update on the Polk County Comprehensive Water Supply Plan and other significant water supply initiatives within the County. The update included the County's Comprehensive Water

Supply Plan, the groundwater investigation in southeast Polk County with the South Florida Water Management District, their cooperative efforts with several local governments regarding the Kissimmee River Water Supply Feasibility, the Central Florida Coordination Area (CFCA), and other related water supply activities.

Based on the recent results from the Kissimmee River Water Supply Feasibility Study and limitations on future water sources from outside its boundaries, Polk County requested the District participate in a more detailed analysis of available ground water and alternative water supplies within the County. Their request was approved by the Governing Board in January and the Alafia River and Peace River Basin Boards in February.

The Polk County Comprehensive Water Supply Plan will identify viable potable water supply sources and conservation to meet the future potable and non-potable water demands of various public utility systems within Polk County. This process will include investigation of multiple water resources including conservation, reclaimed water, storm water, surface water and ground water. The Plan will address the technical, economic, environmental, jurisdictional and regulatory factors associated with development of these potential new sources. The water supply planning effort will first include identification, quantification and confirmation of the types and amounts of new water supply that can be developed, and then address aligning the sources with prospective water supply partners. Most importantly, the Plan will set forth immediate projects and strategies which materially provide new water supplies for targeted public utilities. The Plan will outline a set of real, attainable, affordable and significant water supply projects, regional in nature, to begin the transition of water supplies from traditional ground water to alternative sources. Recommendations will include project definitions, specific actions, production rates, schedules, project costs and unit water costs (operation, maintenance and debt service). South Florida Water Management District (SFWMD) has agreed to participate in the project, providing 10 percent of the total project cost and the funding agreement between the three parties has been approved in principle and is being routed for signatures.

The County is involved in several initiatives to investigate water supply options. One option the County is evaluating is the potential for additional groundwater in southeast Polk County. The County and SFWMD are coordinating to investigate this potential source as any withdrawals would be located within the SFWMD. The County is also coordinating with St. Cloud, Tohopekaliga Water Authority, Orange County, Osceola County, and Reedy Creek Improvement District along with SFWMD regarding the potential for water supply from the Kissimmee River. The County's consultant for the Comprehensive Water Supply Plan will be evaluating the opportunity for water supply from the upper Peace River. For another option, the County is coordinating with Tampa Bay Water to determine if there is an opportunity for water supply associated with the Alafia River.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 16 – 00:00/31:49)

Chair Whitehead recessed the public hearing for a short lunch break.

Following the lunch break, Chair Whitehead reconvened the Resource Management Committee. Mr. Pressman had a scheduling conflict and was unable to attend the afternoon portion of the Governing Board meeting.

59. **Proposed Minimum Flow Updates Prior to Submission for Scientific Peer Review for the Weeki Wachee River System**

Mr. Mike Heyl, Chief Environmental Scientist, Resource Projects Department, said this item was to present the recommended minimum flows for the Weeki Wachee River System and to summarize the methodologies used to develop the recommendation. The purpose of the minimum flow is to maintain sufficient freshwater flow to the lower river to

prevent significant harm to estuarine resources. The District identified the West Indies manatee, juvenile and larval fish, sea grass, and the benthic community (organisms that live in the sediments) as valuable ecological resources that utilize the Weeki Wachee estuary for all, or part of their life cycles. The freshwater portion of the Weeki Wachee was evaluated using the Physical Habitat Simulation ecological model.

In recognition of seasonal variations in rainfall and streamflow, historically the District's Minimum Flows and Levels (MFLs) have been developed independently for each seasonal "block." However, unlike most rivers evaluated to date, the Weeki Wachee system is dominated by springflow and not rainfall-induced runoff resulting in considerably less seasonal variation in streamflow. As a result, the MFL for the dry season is very similar to the MFL for the wet season and a single annual value is recommended. The percentage is based on the rate of streamflow at the time of withdrawal. This permits water users to take more water during high flows and less water during low flows which is an effective means to protect the natural variations of streamflow to which the river's ecology has adapted. The average loss of springflow estimated by these techniques is 10.8 mgd (16.7 cfs).

The District evaluated the potential effects of a range of percent flow reductions on the ecology of the lower river. Using both statistical and computer models, the District simulated the effects of flow reductions on the abundance and distribution of fish and shellfish species, the maintenance of salinity zones for the benthic community, the distribution of salt-sensitive plant communities, and the use of the river as a thermal refuge by manatee. The fish, sea grass and manatee evaluation results limited their defensibility as an MFL criteria, and the final MFL recommendation is based on the average results of the remaining 16 criteria for high flow and low conditions (a total of 32 evaluations). The recommended minimum flow for the Weeki Wachee system is a ten percent reduction of daily flow from historic baseline conditions.

The minimum flows recommended by the analysis are to assure that the natural resources associated with the Weeki Wachee system are protected from significant harm from consumptive water use. There are currently no direct withdrawals from the river, although groundwater withdrawals from the contributing springshed will impact the spring discharge. The indirect impact should be considered when permitting future groundwater withdrawals.

The next step toward establishing the minimum flow is a peer review of the proposed minimum flows by an independent scientific panel. The panel will conduct their review and report to the Governing Board at a future meeting. Following a favorable peer review report, staff will return to the Board with rule language to establish the minimum flow.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 17 – 00:00/15:38)

60. **Interlocal Agreement with Polk County, Appraisals, Purchase/Sale Agreement and Resolution Requesting Funds for Acquisition of SWF Parcel No. 20-697-101 – Bowlegs Creek**

Mr. Eric Sutton, Assistant Director, Land Resources Department, said the Bowlegs Creek/Crooked Lake study area, as identified in the District's Florida Forever Work Plan, is an area encompassing 15,329 acres, representing opportunities to protect important water resource ecosystems in the east central region of the District. Crooked Lake is one of the largest lakes within the Ridge and is the only one designated as an Outstanding Florida Water (OFW) in Polk County.

In order to facilitate the partnership with Polk County, an interlocal agreement between the District and Polk County is offered for the Board's consideration. The Polk County Board of County Commissioners approved the agreement on March 19, 2008, along with the

purchase and sale agreement for the Stuart tract. The specifics of the interlocal agreement for the Stuart and Britt tracts were provided in the Governing Board information notebook.

Staff recommended to (1) amend the Florida Forever Work Plan to designate the Bowlegs Creek study area as "proposed fee acquisition;" (2) authorize the Land Resources Director to execute an interlocal agreement with Polk County to define the parameters of an acquisition partnership for SWF parcels 20-697-101 (Stuart Tract) and 20-697-124 (Britt Tract); (3) accept the appraisals; (4) approve the purchase and sale agreement for the remainder fee for 3,509.5 acres for SWF Parcel 20-697-101; (5) authorize the Land Resources Director to execute a management agreement with Polk County; (6) approve the resolution requesting funds; and (7) designate the parcel as having been acquired for conservation purposes. Following consideration, **Ms. Closshey moved, seconded by Ms. Parks, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 18 – 00:00/06:10)

61. **Aquifer Storage and Recovery Arsenic Issue Update**

Mr. Don Ellison, Sr. Professional Geologist, Resource Projects Department, provided an update and status of Aquifer Storage and Recovery (ASR) projects in the District and discussed regulatory issues affecting the long-term use of ASR and staff's ongoing efforts to work with the Florida Department of Environmental Protection (FDEP) and other water management districts to resolve these issues.

Over the past ten years, the mobilization of naturally occurring arsenic in the aquifer during ASR operations has become the major issue affecting the success of this technology. This issue became especially critical when the EPA lowered the drinking water standards (DWS) for arsenic in 2006, from 50 micrograms per liter (ug/l) to 10 ug/l. Recently, the FDEP implemented a process to issue consent orders or administrative orders for facilities that exceed the arsenic DWS in the aquifer. This process will be required for almost all sites in the District and become a major impediment to the future expansion of ASR. The current practice of the FDEP is to ensure that all ASR facilities are in full compliance with the arsenic DWS at all times.

Because of the District's involvement with ASR over the past ten years, the District has become a leader in the advancement of both ASR technology and research. The Governing Board's commitment to funding this research has helped scientists to better determine the source, identify the mechanisms causing the release, identify potential options for minimizing the release, and determine the lateral extent of arsenic in the aquifer. In particular, District staff is now able to show that the lateral extent of arsenic in the aquifer is limited and can be controlled through proper operation of ASR systems.

Ms. Rovira-Forino was provided clarification regarding the revised recap. Mr. Ellison explained that the District is comfortable with the available funding that was allotted this project; the revised recap withdrew the financial request and negated the need for Board action.

Chair Whitehead heard public comment on this item.

Ms. Cat Shrier, representing the Managed Underground Storage Coalition for Leadership and Education (MUSCLE), addressed the Governing Board promoting the use of underground banking as an essential tool for water users across the United States. Ms. Shrier said the District is a leader in ASR technology and she encouraged the Governing Board to continue to support this work.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 19 – 00:00/28:18)

62. **Approve Surface Water Improvement and Management Program Priority List**

Ms. Jennette M. Seachrist, SWIM Program Manager, Resource Data and Restoration Department, said staff was seeking Governing Board approval of the District's Surface Water Improvement and Management (SWIM) Program priority list with no changes of the existing ten priority water bodies.

To date, the Southwest Florida Water Management District has identified, and the state has approved, plans for ten priority water bodies. They are Tampa Bay, Rainbow River, Banana Lake, Crystal River/Kings Bay, Lake Panasoffkee, Charlotte Harbor, Lake Tarpon, Lake Thonotosassa, Winter Haven Chain of Lakes, and Sarasota Bay. The SWIM Plans for each water body identify the management issues, strategies and goals for the restoration and protection of water quality and natural systems for these water bodies. Several plans have been updated one or more times as new information became available and projects are implemented. The SWIM Program has completed over 240 projects for its 10 priority water bodies, which have resulted in over 3,000 acres of restored habitat and water quality treatment of over 47,000 acres of watershed.

In accordance with the SWIM Act, staff reviewed the priority list of water bodies and the goals and funding required to implement programs and projects for each water body. The goals identified in the SWIM Plans will take several years to accomplish. The SWIM five-year funding plan is updated annually and estimates the necessary funding required to implement the identified programs and projects. This plan indicates that approximately \$50 million, or \$10 million per year, is necessary to continue the SWIM plan implementation. SWIM projects are eligible for state matching funds with the state funding 50 percent of the project costs and the District funding the remaining 50 percent. Essential to carrying out the District's SWIM Program is the cooperation of local governments and agencies in developing and implementing effective SWIM Plans.

Staff recommended approval of the District's SWIM Program priority list with no changes of the existing ten priority water bodies.

Following consideration, **Ms. Rovira-Forino moved, seconded by Mr. Combee, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 20 – 00:00/08:40/Track 21 – 00:00/01:47)

Submit & File Reports – None

Routine Reports

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

- 63. **Florida Forever Funding Status Report**
- 64. **Minimum Flows and Levels Status Report**
- 65. **Structure Operations Status Report**
- 66. **Watershed Management Program and Federal Emergency Management Agency Map Modernization Status Report**
- 67. **Significant Water Supply and Resource Development Projects**

Chair Whitehead relinquished the gavel to Finance and Administrative Committee Chair Closshey.

Finance and Administration Committee

Discussion Items

- 68. **Consent Item(s) Moved for Discussion** - None
- 69. **Inspector General's Report – Semiannual Performance Report on District Audit Services**

Ms. Closshey said in accordance with Board Policy 140-3, the *Audit Plan – Planned to Actual* and the *Office of Inspector General Performance Measures* were submitted semi-

annually to the Finance and Administration Committee to inform the District's Governing Board and Executive Management about audit activities and progress. The Finance and Administration Committee, acting as the Audit Committee, approved the reports' formats and information requirements. The Governing Board did not require a presentation of this item.

Staff recommended, in accordance with Board Policy 140-3, the Governing Board accept the *Audit Plan – Planned to Actual* and the *Office of Inspector General Performance Measures* report. Following consideration, **Ms. Glass moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 22 – 00:00/05:00)

70. **Inspector General's Report – Fiscal Year 2008 Audit Plan Amendment**

Ms. Closshey said in accordance with Board Policies 140-1 and 140-3, staff submitted a request to amend the Annual Audit Plan for Fiscal Year 2008. The audit plan shows the Office of Inspector General's proposed work schedule, identifies the categories of services the office provides to help the District achieve its goals and objectives, and presents specific cost estimates for the provision of the services. The amendment effectively shifts available staff hours assigned to certain projects, but does not change the District's Office of Inspector General financial budget. The Governing Board did not require a presentation of this item.

Staff recommended, in accordance with Board Policies 140-1 and 140-3, the Governing Board approve the proposed amended Fiscal Year 2008 Audit Plan. Following consideration, **Ms. Whitehead moved, seconded by Ms. Parks, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 22– 05:00/05:52)

71. **Annual Workforce and Vendor Diversity Report**

Ms. Closshey praised Ms. Elaine M. Kuligofski, Director, Human Resources and Risk Management Department and her staff. She said this annual report to the Governing Board reflects the District's hard work to promote its vendor and workforce diversity management philosophy. Ms. Rovira-Forino commended the staff for maintaining its aggressive outreach efforts to recruit diverse applicants for employment as well as diverse vendors to provide goods and services to the District.

Staff recommended acceptance of the Annual Report on Workforce and Vendor Diversity at the District. Following consideration, **Ms. Rovira-Forino moved, seconded by Mr. Senft, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 22 – 05:52/09:20)

Submit & File Reports

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

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

73. **Fiscal Year 2008 Second Quarter Financial Report**

Routine Reports

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

74. **Fiscal Year 2009 Budget Update**

75. **Management Services Status Report**

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

Outreach and Planning Committee

Discussion Items

76. Legislative Update

Ms. Colleen Thayer, Legislative Affairs Representative, Community and Legislative Affairs Department, said this item was intended to update the Governing Board regarding legislative activities. This year's budget was extremely tight and there have been cuts across the board. The Alternative Water Supplies trust fund will be funded with \$7.7 million statewide; the District's share of that trust fund is approximately \$1.925 million. The Legislature line-itemed certain dollar amounts for specific projects. One such project that affected the District was for \$500,000 to be utilized for a Haines City project. The budget included full funding for Florida Forever and the Water Management Lands Trust Fund. Two projects for Community Budget Issue Requests made it in the budget, the Tampa Bay Restoration and the Myakka River Watershed Initiative. Ms. Thayer explained that the budget does not move forward for voting for another 72 hours.

The West-Central Florida Water Restoration Action Plan was budgeted for \$15 million. Mr. Moore commended the Legislative Affairs staff for helping to secure this funding; he said it was a major accomplishment especially in a tight budget year.

Staff continues to track the following bills of interest: Expedited Permitting, Florida Forever, Desalination Technology, and Sunset Review. Ms. Thayer said a final report will be provided once the session closes.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 23 – 00:00/10:41)

77. Tampa Bay Estuary Program Update

This item was deferred to the May Governing Board meeting.

78. Florida Aquarium Tank Filling – Water Conservation

Ms. Lou Kavouras, Deputy Executive Director, Outreach, Planning and Board Services, said the Florida Aquarium uses about two million gallons of saltwater a year, losing it mostly to evaporation from its open-air tanks. Through a special partnership with Mosaic Fertilizer, the Aquarium saves water and money by utilizing barge ballast water to replenish its tanks. Mosaic's barges transport raw materials from Texas across the Gulf of Mexico to Tampa, and on the way pure saltwater is taken into the bilge compartments of the barges for ballast. The barges off load their ballast of saltwater for use at the Aquarium. The Aquarium saves about \$400,000 and a lot of fresh water by not having to make its own saltwater. Local media outlets including The Tampa Tribune, St. Petersburg Times and Channel 10 aired the story on April 10. Ms. Closshey requested this short video documentary be played for the Committee's information.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 24 – 00:00/05:03)

Submit & File Reports – None

Routine Reports

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

79. Comprehensive Plan Amendment and Related Reviews Report

80. Review of Developments of Regional Impact

81. Speakers Bureau

82. Significant Activities Report

Outreach and Planning Committee Chair Combee relinquished the gavel to Chair Whitehead.

General Counsel's Report

Discussion Items

83. **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.

84. **Litigation Report**
85. **Rulemaking Update**

Reports

86. **Industrial Advisory Committee Liaison Report**

Ms. Closshey said the Industrial Advisory Committee met on April 8, 2008, in the Tampa Service Office. The Committee heard a report on the drought and draft rulemaking that is underway. Mr. Roy Mazur, Director, Planning Department, provided the Committee with an update on the Strategic Plan. Mr. Eric Shaw, Department of Environmental Protection, presented the information on the reclassification process for the Alafia River and the Tampa Bypass Canal.

87. **Public Supply Advisory Committee Liaison Report**

Ms. Kavouras handed out committee reports; she said the Public Supply Advisory Committee met on April 8, 2008 and heard many of the same presentations discussed at the Industrial Advisory Committee. In addition, Mr. Ken Weber, Regulation Program Director, Regulation Performance Management Department, presented the 20-year water use permits. Mr. Jay Yingling, Senior Economist, Planning Department, presented information regarding the Southern Water Use Caution Area Per Capita Expansion Rule.

88. **Well Drillers Advisory Committee Liaison Report**

Mr. Owen said the Well Drillers Advisory Committee heard presentations regarding the following topics: Marion County Ordinance, Water Management Information System Update, Contractor Training Schedule, and Chapter 64E-8, Department of Health Rule Change Summary.

89. **Executive Director's Report**

Mr. Moore said he will be bringing the conservation license plate concept to the next quarterly meeting of the Water Management Districts with Secretary Sole.

Mr. Moore said the Executive Committee of the ONE BAY initiative continues to synthesize the input they have gathered so they can share this information with local governments and help them with their future planning needs.

90. **Chair's Report**

Chair Whitehead said that it was likely that the Executive Director, David Moore, will not be confirmed by the Senate during this year's legislative session. In the event that he is not confirmed, the Executive Director position will be vacated on the last day of this session, which is on Friday. As prescribed by Florida law, Mr. Moore may continue to serve in the Executive Director role for 45 days thereafter or until June 16, 2008.

Chair Whitehead explained that the Governing Board has four possible courses of action:

- (1) Reappoint the Executive Director during today's meeting for a term of one year, under his current contract conditions, to allow the Senate to consider confirmation during the next session;

- (2) Reappoint the Executive Director during the May 27, 2008, Governing Board meeting for a term of one year, under his current contract conditions, following the end of the legislative session;
- (3) Reappoint the Executive Director (either in April or May) for an indeterminate term and initiate a recruitment process for his reappointment or replacement; or
- (4) Take no action, letting the Executive Director's employment terminate on June 16, 2008, at the end of the 45-day grace period.

Based on Mr. Moore's performance and leadership, Chair Whitehead recommended the first course of action to reappoint Mr. Moore during today's meeting for a term of one year. His current contract conditions will continue during this period and the Senate will have the opportunity to consider his confirmation during the 2009 legislative session.

Ms. Closshey led a discussion regarding the timeframe and that clarification needs to be incorporated into the motion that the Governing Board's intention is to reappoint and keep Mr. Moore in the Executive Director position until the end of next Legislative Session. Mr. Bilenky said there is language in the contract allowing for this and giving him the opportunity to be confirmed by the end of the 2009 legislative session.

Ms. Rovira-Forino asked for clarification on legal procedures; her concern was the Board was taking action before the end of the 2008 legislative session. Chair Whitehead reassured Ms. Rovira-Forino that the Board's action today is contingent upon the legislative session closing this year without a confirmation for Mr. Moore. If the Legislature confirms Mr. Moore before closing this year this action would be moot. Mr. Bilenky concurred with the comments Chair Whitehead made and said this action is conditional.

Following consideration, **Mr. Oakley moved, seconded by Mr. Senft, to approve the first recommendation and reappoint the Executive Director during today's meeting for a term of one year, under his current contract conditions, to allow the Senate to consider confirmation during the next session. This action is conditioned upon the Legislature not confirming Mr. Moore this year. If Mr. Moore is confirmed this legislative session, this action would have no forcefulness. Motion carried unanimously.** (CD 1/Track 25 – 00:00/19:06)

Chair Whitehead said for the benefit of the newest Governing Board members she wanted to remind the Board that their role is one of policy maker and reliance should be placed on staff to conduct the day-to-day business of the organization. Board members briefly discussed officer positions they may be willing to serve in for the upcoming year. Board officer elections will held during the May 2008 meeting.

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

The meeting was adjourned at 3:13 p.m. (CD 1/Track 25 - 19:06/26:39)

Attest:

Chairman

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