

APPROVED

MINUTES OF THE MEETING

Governing Board Southwest Florida Water Management District

Brooksville, Florida

June 23, 2009

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:00 a.m. on June 23, 2009, at District Headquarters. The following persons were present:

Board Members Present

Todd Pressman, Chair
Ronald E. Oakley, Vice Chair
Hugh Gramling, Secretary
Sallie Parks, Treasurer
Jennifer E. Closshey, Member
Albert G. Joerger, Member
Maritza Rovira-Forino, 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

Bryan Beswick, Member
Neil Combee, Member
Patricia M. Glass, Member
H. Paul Senft, 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 Pressman called the meeting to order and opened the public hearing. Mr. Gramling noted a quorum was present.

2. Pledge of Allegiance and Invocation

Chair Pressman led the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offered the invocation. (CD 1/Track 1 – 00:00/03:15)

Public Hearing

Chair Pressman 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 Pressman 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 Pressman stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be

granted by the Chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

3. **Additions/Deletions to Agenda**

According to Section 120.525(2), Florida Statutes, additions or deletions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Mr. Moore noted the following items that were added and/or deleted from the agenda after publication of the regular agenda. (CD 1/Track 2 – 00:00/01:30)

Consent Agenda

The following item was deleted from consideration:

11. ERP No. 44033938.000 - Gatewood Center (DENIAL) – Hillsborough County

The following item had a revised recommendation deleting three watersheds from today's action:

31. Authorize Submission of Preliminary Flood Insurance Rate Maps for the ~~Chassahowitzka River, McKethan, Weeki Wachee Prairie,~~ and Wiscon Watersheds to the Federal Emergency Management Agency

Resource Management Committee

The following item was deleted from consideration:

65. Water Supply Development within the Peace River/Manasota Regional Water Supply Authority Region and Its Impact on the Fiscal Year 2010 Budget

4. **District Recognition – 17th Annual Future of the Region Awards**

Mr. Eric C. DeHaven, Director, Resource Data and Restoration Department, said the District was recognized for two projects, one managed by the Surface Water Improvement and Management Section of the Resource Data and Restoration Department, and one managed by the Communications Department. These projects received awards at the 17th Annual Future of the Regions Awards hosted by the Tampa Bay Regional Planning Council on March 20, 2009. The Future of the Region Awards recognizes achievement in resource planning and management and encourages future vision and cooperation within the Tampa Bay area.

The District received first place in the Environmental category for the Robinson Preserve Environmental Restoration project. This project was implemented with Manatee County through the District's Cooperative Funding Initiative. The project restored and enhanced approximately 150 acres within the 482-acre Robinson Preserve and will provide significant benefits to habitat and water quality within Tampa Bay and Sarasota Bay.

The District received honorable mention for outreach provided by the Florida Yards and Neighborhoods (FYN) homeowners/community/condominium association programs. Two outreach coordinators provide education in Pasco, Pinellas, Hillsborough and Polk counties. In fiscal year 2008, the FYN coordinators conducted 147 site visits to associations to help them tackle common landscape problems including excessive watering and fertilizing, overpruning and improperly maintained irrigation systems. Millions of gallons of water have been saved by associations who implement best management practices for landscapes and irrigation.

This item was presented for the Board's information, and no action was required. (CD 1/Track 3 – 00:00/02:53)

5. **District Recognition – Best Places to Work[®] Award**

Chair Pressman announced that, for the third consecutive year in a row, the District has received the annual Best Places to Work[®] Award for large employers in Hernando County. Best Places to Work[®] is sponsored by the Pasco Hernando Jobs and Education Partnership, places a spotlight on local businesses who exhibit extraordinary focus on and investment in their employees. Florida's unemployment rate is hovering at 9.6 percent;

the demand for skilled talent still exists. This award will help set the District apart from other large employers and be a powerful recruitment tool to attract a diverse and highly-skilled workforce. Mr. Schiller congratulated Ms. Elaine Kuligofski, Director, Human Resources and Risk Management Department, Division of Management Services, and her staff for another great year.

This item was presented for the Board's information, and no action was required. (CD 1/Track 4 – 00:00/04:04)

6. **Employee Recognition**

Mr. Moore made presentations to the Board for all employees who have achieved milestones of 20 years or greater and those retiring from the District, to specially acknowledge and commend the contributions of these individuals. The following individuals were celebrating their 20-year milestones: Ms. Carol Hackney, Senior Administrative Assistant, Resource Data and Restoration; Mr. Richard Alt, Senior Professional Engineer, Tampa Regulation; and Ms. Robin McGill, Senior Professional Engineer, Tampa Regulation. The following individual is celebrating his 30-year milestone: Mr. Alan Saxton, Senior Heavy Equipment Operator, Operations Department. Mr. Alberto Martinez, Environmental Manager, Tampa Regulation Department, has been with the District since 1990 and has completed 30 years of service within the Florida Retirement System; he will be retiring on June 26, 2009. Mr. Roger Mulrooney, Aquatic Crew Leader, Operations Department, has been with the District since 1979 and is also retiring with 30 years at the end of this month. (CD 1/Track 5 – 00:00/09:34)

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

Mr. N. Andrew Schuele III, resident of Ocala, Florida, read a prepared statement for the record and submitted a copy of his statement for the permanent file of this public hearing. His statement urged the District to be more proactive to protect the rights of property owners when there have been permit violations. Chair Pressman encouraged staff to review this case and report their findings next month. (CD 1/Track 6 – 00:00/08:06)

Consent Agenda

Item 11 has been deleted from consideration. Item 16 was moved to the Discussion agenda of the Regulation Committee for clarification of information. Item 31 has a revised recommendation deleting three watersheds from today's action: Authorize Submission of Preliminary Flood Insurance Rate Maps for the ~~Chassahowitzka River, McKethan, Weeki Wachee Prairie, and Wiscon Watersheds~~ to the Federal Emergency Management Agency.

Regulation Committee -- Environmental Resource Permits

8. ERP No. 43008215.003 - Punta Gorda Crossing – Charlotte County
9. ERP No. 43002187.004 - Highlands County - Sheriff's Office Law Enforcement Facility – Highlands County
10. ERP No. 43027391.001 - The Reserve at Lake LeClaire – Hillsborough County
- ~~11. ERP No. 44033938.000 - Gatewood Center (**DENIAL**) – Hillsborough County~~
12. ERP No. 43028206.005 - The Villas at San Lorenzo – Manatee County
13. ERP No. 43007471.005 - Pinellas County - Bee Branch Drainage Improvements - Phase 2 – Pinellas County
14. ERP No. 43031033.001 - Peace Creek Plaza – Polk County
15. ERP No. 43032198.001 - Poley Creek Development Plan – Polk County

Regulation Committee -- Water Use Permits

16. WUP No. 20009648.007 - Thomas W. Beddard, Lady Moon Farms, Inc./Lady Moon Farms, Inc. – Charlotte County
17. WUP No. 20013339.000 - Marshall Tree Farm, Inc.; Green Tree Maintenance Services, Inc.; Green Tree Property Holdings, Inc./Marshall Tree Farm – Levy County
18. WUP No. 20000493.007 - Cutrale Citrus Juices USA, Inc./Auburndale Plant – Polk County

19. WUP No. 20003206.014 - The Villages Operating Company and The Villages Center Community Development District/The Villages Operating Company ... and The Villages Center Community Development District – Sumter County

Finance & Administration Committee

20. **Board Travel**
Staff recommended approval Governing Board travel as designated in the information notebook.
21. **Budget Transfer Report**
Staff recommended approval of the Budget Transfer Report covering all budget transfers for May 2009.
22. **Adoption of Resolutions to Identify New Slate of Officers for Financial Documents**
Staff recommended to adopt Resolution No. 09-14 authorizing the signatures of the newly elected officers of the Governing Board of the District and the use of facsimile or manual signatures on all warrants or checks of the District; and adopt the *SunTrust Deposit Account Resolution and Authorization for Business Entities* documents to identify the new slate of officers and authorized signers on existing accounts.

Resource Management Committee

23. **Convey Permanent Drainage Easement to Florida Department of Transportation – Lower Hillsborough Flood Detention Area, SWF Parcel No. 13-300-780X**
Staff recommended to accept appraisal; approve purchase/sale agreement; convey Permanent Drainage Easement to FDOT for its market value of \$174,000; and place the funds in the Governing Board's General Fund to be held for reinvestment in land within the Hillsborough River Basin Board.
24. **Memorandum of Agreement with Pasco County for the Exchange of Property – Weekiwachee Preserve, SWF Parcel Nos. 15-773-209S and 15-773-210**
Staff recommended to declare SWF Parcel 15-773-209S as being no longer needed for conservation purposes (two-thirds majority required); approve the MOA and exchange agreement and accept title; convey SWF Parcel No. 15-773-209S to Pasco County, subject to the terms of the exchange agreement; and designate the County exchange property, SWF Parcel No. 15-773-210, as having been acquired for conservation purposes.
25. **Agreement with Florida Fish and Wildlife Conservation Commission – Potts Preserve Wildlife Management Area, SWF Parcel No. 19-484-119X**
Staff recommended to approve the Agreement with the Florida Fish and Wildlife Conservation Commission for the Potts Preserve Wildlife Management Area, SWF Parcel No. 19-484-119X, and authorize the Executive Director to execute the Agreement.
26. **Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-194**
Staff recommended to accept the appraisals; and approve the Purchase/Sale Agreement.
27. **Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-200P**
Staff recommended to accept the appraisals; and approve the Purchase/Sale Agreement.
28. **Supplemental Utility Easement to Progress Energy Florida, Inc. for Additional Service to the Lake Marion Creek – Horseshoe Scrub Tract, SWF Parcel Number 20-597-105X**
Staff recommended to approve conveyance of a Supplemental Utility Easement to Progress Energy Florida, Inc. for SWF Parcel No. 20-597-105X subject to the terms and conditions stated herein.
29. **Lease Agreement between Florida Department of Environmental Protection, the District and Charlotte County for the Establishment of a Public Boat Ramp – Charlotte Harbor Preserve State Park, SWF Parcel Number 20-708-129X**
Staff recommended to approve the Lease Agreement for the Cattle Dock Point Boat Ramp, SWF Parcel No. 20-708-129X.

30. **Approve Resolution 09-11 for the Reallocation of Funds Appropriated by the State in Fiscal Year 2008 – Water Protection and Sustainability Trust Fund**
Staff recommended to adopt Resolution No. 09-11 which reallocates \$68,000 in FY2008 Water Protection and Sustainability Trust Funds from the cancelled Pasco County Design and Construction of the Odessa High Service Pump Expansion Project (L844) to the ongoing Clearwater Skycrest Reclaimed Water Project (L695).
31. **Authorize Submission of Preliminary Flood Insurance Rate Maps for the Chassahowitzka River, McKethan, Weeki Wachee Prairie, and Wiscon Watersheds to the Federal Emergency Management Agency**
Staff recommended authorizing staff to submit the preliminary FIRM panels for the Chassahowitzka River, McKethan, Weeki Wachee Prairie, and Wiscon watersheds in Hernando County to FEMA.
32. **Alligator Creek Implementation Projects, Phase II – Second Amendment**
Staff recommended to approve the Second Amendment with the City of Clearwater for \$1,462,098, with the Basin's share not to exceed \$731,049; and authorize the Executive Director to execute the Amendment.
33. **Lake Parker Southwest Basin Alternative Stormwater Best Management Practice – Construction**
Staff recommended to approve the Second Amendment to the Agreement with the City of Lakeland for \$3,640,550 with the Peace River Basin Board's share not to exceed \$995,219.50; and authorize the Executive Director to sign the agreement.
34. **Facilitating Agricultural Resource Management Systems (FARMS)**
 - a. **Keystone Grove, LLC - First Amendment – DeSoto and Hardee Counties**
Staff recommended to approve additional funding for the Keystone Grove, LLC FARMS project for a not-to-exceed project reimbursement of \$18,800, an increase of \$11,300 from the original approved amount of \$7,500, with \$2,825 provided by the Peace River Basin Board, \$2,825 provided by the Governing Board, and \$5,650 provided from 2009 State Appropriations; authorize the transfer of \$2,825 from fund 020 H017 Peace River Basin Board FARMS funds, \$2,825 from fund 010 H017 Governing Board FARMS funds, and \$5,650 from the 2009 State Appropriations allocated to fund 010 H017 FARMS funds, to the 010 H546 Keystone Grove, LLC project fund; and authorize the Executive Director to execute the agreement.
 - b. **Cornerstone Grove – Hardee County**
Staff recommended to approve the Cornerstone Grove, LLC project for a not-to-exceed project reimbursement of \$6,800, with \$1,700 provided by the Peace River Basin Board, \$1,700 provided by the Governing Board, and \$3,400 provided from State Appropriations; authorize the transfer of \$1,700 from fund 020 H017 Peace River Basin Board FARMS funds, \$1,700 from fund 010 H017 Governing Board FARMS funds, and \$3,400 from the 2009 State Appropriations allocated to fund 010 H017 FARMS funds, to the H580 Cornerstone Grove, LLC project fund; and authorize the Executive Director to execute the agreement.
 - c. **Schiller Investments – Charlotte County**
Staff recommended to approve the Schiller Investments, LLC FARMS project for a not-to-exceed project reimbursement of \$18,800, with \$4,700 provided by the Peace River Basin Board, \$4,700 provided by the Governing Board, and \$9,400 provided from 2009 State Appropriations; authorize the transfer of \$4,700 from fund 020 H017 Peace River Basin Board FARMS funds, \$4,700 from fund 010 H017 Governing Board FARMS funds, and \$9,400 from the 2009 State Appropriations allocated to fund 010 H017 FARMS funds, to 010 H581 Schiller Investments, LLC project fund; and authorize the Executive Director to execute the agreement.
 - d. **Charles Parsley – DeSoto County**
Staff recommended to approve the Charles Parsley Project for a not-to-exceed project reimbursement of \$110,000 with \$27,500 provided by the Peace River Basin, \$27,500 provided by the Governing Board, \$55,000 provided from 2009 State Appropriations to the Governing Board; authorize the transfer of \$27,500 from fund 020 H017 Peace River Basin Board FARMS funds, \$27,500 from fund 010 H017 Governing Board FARMS funds, \$55,000 from the 2009 State Appropriations allocated to fund 010 H017

FARMS funds, to 010 H582, Charles Parsley, project fund; and authorize the Executive Director to execute the agreement.

35. **Florida Department of Transportation Agreement for the FDOT North Dale Mabry Stormwater Retrofit and Wetland Restoration Project**

Staff recommended to approve the amended agreement with FDOT which adds the FDOT revenue and increases the project funding by \$300,000; and authorize the Executive Director to execute the agreement.

36. **Budget Transfer from the Saddlebag Lake Watershed Project to the Saddle Creek Watershed Project**

Staff recommended to approve the transfer of up to \$275,000 from the Implementation of BMPs – Saddlebag Lake Watershed (L674) project to the Implementation of BMPs – Saddle Creek Watershed (N122) project; and approve an amendment to increase the amount budgeted for the Implementation of BMPs – Saddle Creek Watershed (N122) project from \$540,000 to \$1,090,000 with the District's share not to exceed \$545,000.

General Counsel's Report

37. **Consent Order – Surface Water Activity - Michael and Arlene Brown – Highlands County**

Staff recommended approval of the proposed Consent Order and authorize the initiation of litigation against Michael and Arlene Brown if it becomes necessary to obtain compliance with the Consent Order.

38. **Interagency Agreement between SWFWMD and SFWMD for Designation of Regulatory Responsibility - Lake Marion Development Group, LLC – Polk County**

Staff recommended approval of the Interagency Agreement between the Southwest Florida Water Management District and the South Florida Water Management District for Designation of Regulatory Responsibility for the Lake Marion Project.

Executive Director's Report

39. **Approve May 20, 2009 Governing Board Meeting Minutes**

Staff recommended approval of the minutes as presented.

Following consideration, **Ms. Parks moved, seconded by Ms. Rovira-Forino, to approve the Consent Agenda, as amended. Motion carried unanimously.** (CD 1/Track 7 – 00:00/00:25)

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

Regulation Committee

Discussion Items

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

16. **WUP No. 20009648.007 - Thomas W. Beddard, Lady Moon Farms, Inc./Lady Moon Farms, Inc. – Charlotte County**

Mr. Owen said this is a renewal of an existing agricultural water use permit with an increase in permitted quantities for the irrigation of 520 acres of fall tomatoes and 300 acres of spring tomatoes. The permitted quantities for this renewal are a standard annual average of 1,491,000 gallons per day (gpd), a drought annual average of 1,491,000 gpd and a peak month of 2,981,000 gpd. Changes from the prior permit are the standard annual average quantity increases by 710,400 gpd, the drought annual average quantity increases by 710,400 gpd and the peak month quantity increases by 1,329,200 gpd. The changes in the permitted quantities were calculated from the District's agricultural water use calculation program, AGMOD, and are due to changes in the crop plan and the addition of serviced acreage. Another change was noted in the Permit Information Chart under Peak Month Surface Water the Requested Gallons Per Day and the Authorized Gallons Per Day should read 569,600.

Staff recommended the Governing Board approve the permit renewal with the noted changes. Following consideration, **Mr. Tharp moved, seconded by Mr. Gramling, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 7 – 00:25/02:27)

41. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, provided this routine report 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.

Provisional rainfall totals as of May 31 were above-normal in all three regions of the District. The northern region received an average of 10.70 inches of rainfall, equivalent to the 98th percentile. The central region received 9.34 inches of rainfall, equivalent to the 98th percentile. The southern region recorded an average of 8.58 inches of rain, equivalent to the 99th percentile. District-wide, the average rainfall was 9.54 inches, equivalent to the 98th percentile. May streamflow data indicate flow increased in all three regions of the District, compared to the previous month. Streamflow remained below-normal in the northern region of the District, while it was above-normal in the central and southern regions, based on regional index rivers.

Provisional groundwater data as of May 28 indicate levels in the Floridan/Intermediate aquifer increased in all three regions of the District. Regional groundwater levels were within the normal range of historic values in all three regions of the District, compared to the previous month.

Water-level data for May indicates average lake levels increased in all regions of the District; however, all regions ended the month below the base of the annual normal range. The abundant rainfall received throughout the District during the last two-weeks of May was associated with a stalled low pressure system off the Florida peninsula. Accumulations of over 18 inches were reported in some areas. District-wide, the cumulative rainfall deficit showed considerable improvement from this rainfall, with the current 12-, 24- and 36-month rainfall deficits diminishing to approximately 5, 11 and 22 inches, respectively.

The Keetch-Byram Fire Risk model indicates that the risks of wildfires have been diminished. The official precipitation forecast calls for above normal rainfall from July through September. Rainfall in May relieved the immediate water supply crisis but not the effects of the multi-year drought; full recovery will require continued above normal rainfall.

This item was provided for the Committee's information, and no action was required. (CD 1/Track 8 – 00:00/12:09)

42. **Consider Districtwide Phase II Water Shortage Order No. 07-02, as Modified; and a Temporary Order for Year-Round Conservation Measures**

Mr. Owen said the Modified Phase II water shortage restrictions are currently in effect for all water uses in eight counties (Citrus, Hardee, Highlands, Hernando, Lake, Levy, Polk and Sumter) and any water use not addressed in more stringent Phase III and Phase IV orders in seven other counties (Charlotte, DeSoto, Hillsborough, Manatee, Pasco, Pinellas and Sarasota). These Modified Phase II restrictions were declared in January 2007 and are currently scheduled to expire on June 30, 2009 unless the Governing Board takes further action.

Staff recommended that Water Shortage Order No. SWF 07-02 be extended through September 30, 2009. Following consideration, **Ms. Parks moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 9 – 00:00/06:09)

43. **Consider Phase III Water Shortage Order No. 08-044, as Modified, for Pinellas, Pasco and Hillsborough Counties**

Mr. Owen said the Modified Phase III water shortage restrictions are currently in effect for lawn irrigation and other select water uses in Pinellas, Pasco and Hillsborough counties. These restrictions were declared on October 28, 2008 and are currently scheduled to expire on June 30, 2009 unless the Governing Board takes further action. Additional (Modified Phase IV) water shortage restrictions are also in effect for select water uses involving potable water from certain suppliers in the same counties; the disposition of these additional restrictions will be addressed separately. Staff provided a summary of current conditions, including system status information reported by Tampa Bay Water's member governments.

Staff recommended extending the Water Shortage Order No. 08-044 through September 30, 2009; and to remove the reporting requirements for non-Members and reduce the reporting frequency for others to a monthly basis. Following consideration, **Mr. Gramling offered an alternative motion. Mr. Gramling moved, seconded by Mr. Oakley, to extend Water Shortage Order No. 08-044, as is for Pinellas, Pasco and Hillsborough counties, through July 31, 2009. Motion carried unanimously.** (CD 1/Track 09 – 06:09/14:19)

44. **Consider Phase III Water Shortage Order No. 09-009 for Charlotte, DeSoto, Sarasota and Manatee Counties**

Mr. Owen said the Modified Phase III water shortage restrictions are currently in effect for lawn irrigation and other select water uses in Charlotte, DeSoto, Manatee, and Sarasota counties. These restrictions were declared on February 24, 2009 and are currently scheduled to expire on June 30, 2009 unless the Governing Board takes further action. Staff provided a summary of current conditions, including system status information reported by key water utilities. Water Shortage Order No. SWF 09-009 for the Peace River/Manasota area was originally declared in February 2009. Restaurants were to serve water only on request, water utilities were required to take several actions and report water use on a monthly basis.

Staff recommended to extend the Order through September 30, 2009 and to remove reporting requirements for non-members. Following consideration, **Mr. Gramling offered an alternative motion. Mr. Gramling moved, seconded by Ms. Parks, to extend Water Shortage Order No. 09-009, as is, for Charlotte, DeSoto, Sarasota, and Manatee counties through July 31, 2009. Motion carried unanimously.** (CD 1/Track 09 – 14:19/18:38)

45. **Consider Phase IV Water Shortage Order No. 09-012 for Tampa Bay Water and Its Member Governments, their Wholesale Customers and Aloha Utilities**

Mr. Owen said the Modified Phase IV water shortage restrictions are currently in effect for lawn and landscape irrigation, fountain operation, car washing, pressure washing and water-based air conditioning systems when these water uses involve potable water provided directly or indirectly by Tampa Bay Water or Aloha Utilities. These restrictions were declared on February 24, 2009 and are currently scheduled to expire on June 30, 2009 unless the Governing Board takes further action. Staff has been monitoring hydrologic conditions and other pertinent factors in accordance with the District's Water Shortage Plan. The Phase IV Water Shortage Order No. 09-012 was written in part because of concerns regarding public supply storage and infrastructure. The Phase IV Order put further limits on potable water use for Tampa Bay Water's Members, and their wholesale customers and Aloha Utilities. Tampa Bay Water has asserted that the Phase IV Order should be extended until such time as the elevation of the C.W. Bill Young Reservoir improves to 100 feet NGVD.

Staff recommended to (1) extend the Order through September 30, 2009, (2) revert to Phase III provision for air conditioning, (3) revert to Phase III provision for vehicle washing, (4) revert to Phase III provision for pressure washing, and (5) revert to Phase III provision for fountain operation. Following consideration, **Mr. Gramling offered an alternative motion. Mr. Gramling moved, seconded by Mr. Oakley, to extend Phase IV Water Shortage Order No. 09-012, as is, for Tampa Bay Water and its member governments, wholesale customers and Aloha Utilities through July 31, 2009.**

Ms. Closshey requested staff to compile an analysis of whether or not recent water shortage orders have resulted in expected reductions. She feels this information would aid the Board in their future policy decision making.

Regulation Committee Vice Chair Rovira-Forino heard public comment at this time.

Ms. Janet Dougherty, resident of Riverview, Florida, former Governing Board member, addressed the Board and encouraged Governing Board members to continue to be "gatekeepers" of public money spent on water supply projects.

Motion carried unanimously. (CD 1/Track 09 – 18:38/34:02)

46. **Update on Rulemaking to Amend 40D-1.607, F.A.C., Permit Processing Fee; 40D 2.091, F.A.C., Publications Incorporated By Reference; 40D-2.301, F.A.C., Conditions for Issuance of Permits; 40D-2.321, F.A.C., Duration of Permits; and Sections 1.9 and 2.2, Part B, Basis of Review, of the Water Use Permit Information Manual; and Adoption of 40D-2.322, F.A.C., Compliance Reports, relating to Water Use Permit Durations, including 20-Year Permits and Projects Requiring Environmental Resource Permits and Water Use Permits**

Mr. Ken Weber, Water Use Program Director, Strategic Program Office, said over a year ago, the Governing Board initiated rulemaking to amend rules relating to permit duration and permitting requirements for projects that require both a Water Use Permit (WUP) and an Environmental Resource Permit (ERP). Numerous workshops and drafts have occurred since initiation of the rulemaking. District permitting rules currently allow permit durations of six years for new or significantly modified individual permits, ten years for new general permits or individual renewals, and 20 years for alternative water sources. However, there is also a provision allowing shorter or longer duration based on individual circumstances. Florida Statutes allow for 20-year permits under two circumstances: (1) for the development of alternative water supplies, and (2) where the applicant provides "sufficient data to provide reasonable assurance that Conditions for Issuance will be met for 20 years." The implication of this second circumstance is that a 20-year permit is appropriate where water resources are not stressed and water demands are relatively stable. Because of this, historically the District has generally not issued 20-year permits for traditional sources in stressed water resource areas such as the Southern Water Use Caution Area (WUCA) and the Northern Tampa Bay WUCA.

The District is currently in rulemaking to restructure the District's permit duration rule to be more consistent with the durations given by the St. Johns Water Management District and the South Florida Water Management District, and to provide incentives for applicants who undertake extraordinary water conservation and reclaimed water reuse efforts. Specifically, 20-year permits would be issued in the following instances provided that all conditions of issuance are met:

1. The permit is for development of alternative water supplies (AWS); or
2. Seventy-five percent or more of the water demand will be met by AWS within 10 years; or
3. For public supply permit applicants, a compliance per capita rate less than 110 gallons per day will be achieved within 10 years; or

4. For permit applicants that also generate reclaimed water, at least 75 percent of reclaimed water produced is reused and with an offset of at least 75 percent of other existing and planned water supplies within 10 years; or
5. The permit has an approved FARMS project that offsets a minimum of 50 percent of the applicant's current fresh or brackish water supply and will achieve improved downstream flows or water quality improvement.

In addition, it is proposed to issue 20-year permits for Small General Permits (those for less than 100,000 gpd annual average), as these permits have a minimal adverse impact on the water resources. Permits that do not qualify for 20-year duration are proposed to be issued for 10 years, however, the rule continues to allow for different permit durations based on individual circumstances.

For 20-year permits, five-year compliance reports will be required so that the permittee can provide continuing assurance that the Conditions for Issuance are met. Under existing rules, General and Individual Water Use Permits typically include submission of reports such as monthly pumpage, reclaimed water use, annual updates on per capita rates and water conservation activities. Standards for the proposed five year compliance report are included; however, these reports can be tailored to fit the unique needs of specific permits. The information to be reported at five-year intervals for Small General Permits will be limited to the confirmation of property ownership and water use activities consistent with the permit. For General and Individual Permits, the information required will, at a minimum, demonstrate that all Conditions for Issuance continue to be met. Other required information will vary by permit size, location, and use type, and will consider any specific impact-related items such as wetland assessments.

An important point is that the District may modify a permit based on the compliance review. For example, if the review indicates that the actual demand is shown to be significantly lower than the projected demand that the permit was based on, the permitted quantities may be reduced or the permit term may be modified. If unanticipated environmental impacts occurred due to withdrawals, groundwater modeling analysis and data analysis will be required to address compliance with the conditions of issuance. This may result in quantities being redistributed, reduced, or mitigation required. The proposed rule includes permit fees for the new duration permits, which are roughly proportional to existing permit fees.

Ms. Closshey asked for an analysis of the staffing capability resulting from a change in this rulemaking.

Mr. Moore said this is incentive based permitting and rulemaking that will make the District more consistent with other Water Management Districts.

This item was presented for the Committee's information, and no action was required.
(CD 1/Track 10 – 00:00/30:24)

Submit & File Reports – None

Routine Reports

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

47. **Southern Water Use Caution Area Quantities**
48. **Water Production Summary**
49. **Public Supply Benchmarks**
50. **Overpumpage Report**
51. **Resource Regulation Significant Initiatives**

Regulation Committee Vice Chair Rovira-Forino relinquished the gavel to Finance and Administration Committee Chair Parks.

Finance and Administration Committee

Discussion Items

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

53. **Fiscal Year 2010 Recommended Annual Service Budget**

Treasurer Parks spoke about the current economic crisis and how the District will meet its statutory requirements without incurring any debt or proposing any tax increases. The budget has been prepared with ad valorem revenue projections based on the assumption that the Governing and Basin Boards will maintain FY2010 millage rates at the rates adopted for FY2009, and with the initial June 1 estimates of taxable values from the 16-county property appraisers. Actual ad valorem revenue will be determined following receipt of the Certifications of Taxable Value due July 1, 2009.

Mr. Schiller provided the Governing Board an overview of the fiscal year (FY) 2010 Recommended Annual Service Budget. The FY2010 budget development process began in December 2008 with the Governing Board's acceptance of the budget development process memorandum, including the budget calendar, major budget strategic initiatives and general budget preparation assumptions. Staff has been preparing the FY2010 budgets since January 2009. The preliminary budgets were presented for the first time to the Basin Boards in April. On April 28, the Governing Board approved the Five-Year Technology Plan FY2010-FY2014 for inclusion in the Recommended Annual Service Budget. At their June meetings, the Basin Boards reviewed proposed budgets and adopted proposed FY2010 millage rates for recommendation to the Governing Board. The Basin Boards have adopted proposed FY2010 millage rates at the levels adopted for FY2009 to avoid any increase in the millage rates. The Pinellas-Anclote River Basin Board has indicated that it may consider a reduction in millage rate in August.

The District's FY2010 budget will be adopted in September following two public Truth in Millage budget hearings. The first hearing is scheduled for 5:01 p.m. at the Tampa Service Office on September 15, 2009. The Executive Office of the Governor will review and approve the budgets of all five water management districts before the second and final public hearing. The second and final hearing is scheduled for 5:01 p.m. at Brooksville Headquarters on September 29, 2009.

Mr. Schiller reviewed the FY2010 Budget Assumptions, which called for no changes in millage rates and no salary pool increases. The FY2010 Proposed Budget is \$294.3 million, which is a 21.8 percent or \$82.2 million decrease from the FY2009 Adopted Budget. The decrease is a result of a \$24.7 million reduction in ad valorem revenue, a \$32.8 million reduction in state funding, \$18.2 million reduction in other balances and revenue, and a \$6.5 million elimination of the SWIM interfund transfers. The District plans to stay the course and follow its long-standing policy of no bonded debt and to use pay-as-you-go to support the long-range funding plan through 2030.

Mr. Roy Mazur, Director, Planning Department, explained how the Program Budget supports the District's Strategic Initiatives. Mr. Mazur addressed the Significant Projects and Activities in each of the following program allocation categories: (1) Water Resources Planning and Monitoring, (2) Acquisition, Restoration, and Public Works, (3) Operation and Maintenance of Lands and Works, (4) Regulation, (5) Outreach, and (6) Mission Support. He presented a graphic showing the budget amounts associated with priorities and concluded that the District's budget is 97 percent allocated to priorities that are critical or significant to the fulfillment of the District's statutory mission.

Ms. Linda Pilcher, Assistant Director, Finance Department, discussed how the operating budget and corresponding millage rates have been impacted by declining taxable values in FY2009 and FY2010. Total Revenues for FY2010 are projected to be \$294.3 million, of

which \$43.9 million are intergovernmental revenue sources. She continued with a comprehensive review of the Five-Year Capital Improvements Plan through FY2014.

Mr. Brian Armstrong, Water Supply and Resource Development Manager, Resource Projects Department, presented the FY2010 Funding Requests for Water Supply and Water Resource Development (WSRD) projects totaling \$75.1 million. There are 30 WSRD projects in total, 21 ongoing and nine new projects. Mr. Armstrong used a bar chart to depict the WSRD projects funded by the District for FY2008, FY2009, and proposed for FY2010, including the sources of District project funding.

Ms. Rovira-Forino commended Mr. Schiller and the Finance Department for their hard work during the budget preparation cycle. She said she is concerned about the cooperators' ability to meet their commitments during these hard economic times. Ms. Rovira-Forino asked if the potential reduction in millage rates for the Pinellas-Anclote River Basin Board would impact the District. Mr. Wirth said historically that basin has had a high millage rate due to the funding of large projects that were built during the 1990s and many of those are now completed.

Ms. Closshey suggested, for a future meeting, that staff plan a presentation for the Governing Board regarding the current topics for each Basin Board.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 11 – 00:00/75:21)

Submit & File Report

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

54. **April 2009 Interim Report on Workforce and Vendor Diversity**

Routine Reports

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

55. **Treasurer's Report, Payment Register, and Contingency Reserves**
56. **Management Services Significant Activities**

Finance and Administration Committee Chair Parks relinquished the gavel to Chair Pressman. Chair Pressman recessed the public hearing for a short lunch break.

Following the lunch break, Mr. Pressman reconvened the meeting at 12:54 p.m., and relinquished the gavel to Outreach and Planning Committee Chair Tharp.

Outreach and Planning Committee

Discussion Items

57. **2010 Regional Water Supply Plan Update**

Mr. Roy Mazur P.E., Director, Planning Department, said Chapter 373 Florida Statutes requires each water management district to initiate a District-wide water supply assessment that describes water demands and identifies potential sources of water to meet demand over a 20-year planning horizon. If the assessment indicates available water supplies could not meet projected demands and sustain the related natural systems, a regional water supply plan shall be developed for that area. The District completed the first assessment in 1998 and associated Regional Water Supply Plan in 2001, a subsequent update was completed in 2005.

In the Northern Planning Area available supplies are expected to meet projected demands for at least the next 15 years; however, the picture is not as clear after 2025. The Northern Planning Area will be included in the Regional Water Supply Plan to create and present a plan to prevent a water use caution area, or similar situation, from ever

occurring. District staff is currently developing the 2010 updated plan and anticipates a draft Regional Water Supply Plan for public comment in April 2010. After stakeholder input through public workshops and the Advisory Committees, the Regional Water Supply Plan will be presented to the Governing Board for their consideration in late 2010.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 12 – 00:00/15:23)

58. **Northern County Utility Technical Assistance Project**

Mr. Gary Williams, CAE, Executive Director, Florida Rural Water Association, said the movement toward requiring the northern district utilities (Marion, Hernando, Citrus, Sumter and Levy counties) to adhere to more stringent water conservation standards and lowering of per capita water use, as well as, adding additional reporting requirements, the District partnered with the Florida Rural Water Association (FRWA), a non-profit, non-regulatory association of water and wastewater utilities (1,380 member utilities). The staff members of this organization are uniquely qualified to provide on-site technical assistance and training to ensure a smooth transition for these water use permit holders.

The FRWA in partnership with the Southwest Florida Water Management District (SWFWMD) has completed the first phase of a special project to reduce water usage, water loss, and increase water use efficiency at 12 public water systems in the northern part of the District. These 12 systems were selected in cooperation by FRWA and SWFWMD based upon current usage being over 150 gallons per capita per day.

FRWA completed a water audit that included a review of irrigation usage, water rates and other system related water uses. The final reports to the systems will include observations and recommendations on reducing water usage to below 150 gallons per day per capita. An appointment will be set up, upon approval by the District and finalization of the reports to review the systems report, recommendations, and conclusions with the water system. At that point, FRWA and SWFWMD will assist the systems to implement the recommendations to improve water efficiency and water conservation practices.

Examples of typical FRWA "Water Audit" activities and recommendations are provided below:

- Meet with water systems and review water system management, billing practices, and promote effective water rates to suggest conservation practices.
- Field test production and a representation sampling of billing meters, make recommendations for meter testing, calibrations and replacement to increase water efficiency.
- Review non-revenue uses of water. Make recommendations for identification of water uses for flushing, lubrication, leak repairs and fire hydrant testing, etc.
- Identify current irrigation practices and make recommendations for using readily available guidance materials for effective irrigation of turf and landscaping.
- Engage water system managers and operators in identifying inefficient water use procedures, assist systems by providing technical assistance and guidance materials to improve water operating practice.

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

Submit & File Reports – None

Routine Reports

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

59. **Comprehensive Plan Amendment and Related Reviews**
60. **Development of Regional Impact Reviews**
61. **Speakers Bureau**
62. **Significant Activities**

Committee Chair Tharp said Ms. Rovira-Forino had some project news to share with the Governing Board. Ms. Rovira-Forino said the District has installed media messaging signs at the terminals throughout the Tampa International and St. Petersburg Airports to acquaint and educate visitors with the area's water conservation message. Mr. Michael Molligan, Director, Communications Department, presented pictures of the various signs in place. (CD 1/Track 13 – 00:00/18:55)

Outreach and Planning Committee Chair Tharp relinquished the gavel to Resource Management Committee Chair Joerger.

Resource Management Committee

Discussion Items

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

64. **Approve Initiation of Rulemaking to Amend Chapter 40D-8, F.A.C., to Establish Minimum Flows for the Estuarine Reaches of the Lower Peace River**

Martin H. Kelly, Ph.D., Minimum Flows and Levels Program Director, Resource Projects Department, said this is an action item for initiation of rulemaking to establish minimum flows for the estuarine reaches of the lower Peace River. Staff has addressed peer review comments received on the initial draft of its minimum flow and levels technical report and those from other interested parties and has finalized the technical report on which its minimum flow recommendations are based.

The basic function of minimum flows establishment is to ensure that the hydrologic requirements of natural systems are met and not significantly harmed by excessive water withdrawals. Establishment of minimum flows is important for water supply planning and regulation, since they affect how much water from a water body is potentially available for water supply. Assessments of minimum flows for flowing water courses emphasize the maintenance of the natural flow regime, which includes seasonal variations of low, medium, and high flows that reflect the natural climatic and watershed characteristics of a particular stream or river system. Given that maintaining a river's flow regime is critical to protecting the biological communities associated with that system, the District has employed a percent-of-flow approach for determining minimum flows. The percent-of-flow approach determines percentage rates that flows can be reduced without causing significant harm. In both the evaluation and application of minimum flows, these percentage limits are applied to daily flow records at or very near the time of withdrawal. The management of streamflow must take into account the health of downstream estuaries, which are brackish tidal ecosystems that support abundant and valuable fish and wildlife resources. It has been repeatedly shown that the physical and chemical characteristics and biological structure and productivity of estuaries are closely linked to seasonal changes in timing and volume of freshwater inflow.

For development of minimum flows for the estuarine reaches of the lower Peace River, the District identified seasonal blocks corresponding to periods of low, medium, and high flow as has been done for several freshwater river systems. Minimum flow standards were developed for each seasonal period. Significant harm was defined as occurring when modeled withdrawals from the baseline or unaltered flow condition caused more than a 15 percent decline in any one of several ecologically based habitat metrics. Habitat availability was characterized based on several biologically relevant salinity zones: <2 ppt, <5 ppt, and <15 ppt. With the aid of hydrodynamic and empirical based salinity models, changes in the volume, bottom area of the river, or shoreline length of the river in each of these salinity zones was evaluated based on percent water withdrawals assessed in varying increments to determine the amount of water that could be withdrawn from the baseline before significant harm occurred. In addition to determination of an allowable percent flow reduction, a low flow threshold (LFT) has also been proposed. An LFT is

defined to be the flow that serves to prohibit withdrawals under very low flow conditions throughout the year. Staff anticipates bringing proposed rule amendments to the Governing Board for consideration at its July 2009 meeting.

Staff recommended to approve the initiation of rulemaking to amend Chapter 40D-8, Florida Administrative Code, to establish minimum flows for the estuarine reaches of the lower Peace River.

Following consideration, **Ms. Closshey moved, seconded by Mr. Tharp, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 14 – 00:00/12:09)

65. **Water Supply Development within the Peace River/Manasota Regional Water Supply Authority Region and Its Impact on the Fiscal Year 2010 Budget**

This item was deleted from consideration.

66. **Proposed Plan for Acquiring Access Rights Necessary for the Long-Term Maintenance of the Peace Creek Canal Watershed – Polk County**

Ms. Shelley N. Thornton, Staff Engineer, Resource Data and Restoration Department, said the purpose of this item is to request approval for a planned approach to secure permanent access rights for Peace Creek Canal maintenance activities.

Alterations in the Peace Creek Canal watershed have cumulatively resulted in significant changes to the watershed's hydrology and natural systems. The Peace Creek Canal is a privately owned canal (over 200 parcels) that was constructed in the early 1900s for agricultural drainage purposes. The Peace Creek Drainage District (special district established under Chapter 298, F.S.) was the entity originally charged with maintenance of the canal to ensure appropriate conveyance of water. However, following the significant rainfall of 2003 and 2004, it was recognized that a lack of appropriate, regular maintenance had made conveyance conditions within the canal unsatisfactory, leading to flood conditions over a significant portion of the watershed. As a result, the Peace Creek Watershed Coordinating Committee (Committee) was established in 2004. The Committee produced a report in March 2005 that contained a series of findings and recommendations for improving conditions within the Peace Creek Canal. The District's Governing Board accepted the Committee's recommendations at its March 2005 meeting and the Peace River Basin Board accepted these recommendations at its April 2005 meeting.

The District is committed to performing maintenance of the Peace Creek Canal and would like to obtain permanent access rights to perform necessary maintenance operations. Thus far, maintenance access has been accomplished through the use of temporary license agreements with private property owners. Of the 260 parcels (97 property owners) along the canal, the District has entered into temporary license agreements for aquatic weed control maintenance of over 184 parcels. The District has proactively addressed significant maintenance activities necessary within the canal system through this access mechanism. These maintenance activities have considerably improved conveyance in the canal. However, permanent access rights are desirable to accomplish maintenance activities more effectively and efficiently.

Staff recommended approval of the planned approach to secure permanent access rights for Peace Creek Canal maintenance activities by obtaining voluntary conveyance of easement rights from individual property owners and through local government development orders as land transitions occur (and subsequent assignment of those easements to the District).

Following consideration, **Ms. Rovira-Forino moved, seconded by Mr. Tharp, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 15 – 00:00/15:24)

Submit & File Report

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

67. **Conservation Easement Automation – Completion Notice**

Routine Reports

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

68. **Florida Forever Funding**
69. **Minimum Flows and Levels**
70. **Structure Operations**
71. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
72. **Significant Water Supply and Resource Development Projects**

Committee Chair Joerger relinquished the gavel to Chair Pressman. (At this time, Ms. Rovira-Forino left the meeting.)

General Counsel's Report

Discussion Items

73. **Consent Item(s) Moved for Discussion** - None
74. **Delegate Permitting to the Executor Director and Authorize Initiation of Rulemaking and Approval of Rule Amendments to Implement Senate Bill 2080 if it Becomes Law or in the Alternative, Authorization to Reinstigate Prior Delegation Rulemaking with Minor Changes**

Ms. Martha Moore, Senior Attorney, General Counsel Department, said the recently enacted Senate Bill 2080 would amend various provisions of Chapter 373, Florida Statutes (F.S.), and require that water management district governing boards delegate to the district executive directors authority to take final action on all permit applications under Part II (water use permits) and Part IV (environmental resource permits) of Chapter 373, F.S., and on all petitions for variances or waivers from such permitting requirements. Due to the fact that the District's delegation rulemaking approved by the Governing Board in January 2009 for certain Individual permits is inconsistent with this legislation, the District's rulemaking was withdrawn.

Senate Bill 2080 will become effective July 1, 2009 unless vetoed by the Governor. As of June 4, 2009, the bill awaits presentation to the Governor for action. Contingent upon the legislation becoming law, staff has prepared an order to accomplish the delegation requirements of the legislation as of its effective date, which was included in the Board package. The Order will not take effect if the legislation is vetoed. Should Senate Bill 2080 become law, some of the District's permit processing rules that refer to Governing Board action on permits will be inconsistent with the amended Chapter 373, F.S. Therefore, staff is proposing some minor rule amendments to address these inconsistencies, which were contained in the Board package. Basically, these amendments substitute the term "District" for "Governing Board" when certain permitting actions are described.

In the event that SB 2080 does not become law, staff seeks authorization to reinstate the rulemaking previously approved by the Governing Board in January 2009 to delegate certain Individual permits, with some minor changes for clarification purposes.

Staff recommended to:

- (1) Approve the Order Delegating to the Executive Director Authorization to Take Final Action on Permit Applications Under Part II and Part IV of Chapter 373, F.S., and on Petitions for Variance or Waiver of Permitting Requirements Under Part II and Part IV of Chapter 373, F.S., and authorize the initiation of rulemaking and approve amendments to District rules to conform the District's permit processing provisions to

Senate Bill 2080, as set forth in Exhibit B included in the Board package, contingent upon Senate Bill 2080 becoming law; and

- (2) Authorize the initiation of rulemaking and approve the amendments proposed to delegate authorization to the Executive Director for agency action on certain Individual permits and denials as set forth in Exhibit C included in the Board package, in the event that Senate Bill 2080 does not become law.

Following consideration, **Mr. Gramling moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 16 – 00:00/18:39)

75. **Public Participation in Board Meetings**

Ms. Lori A. Tetreault, Senior Attorney, General Counsel Department, said Board Policy 110-5, Conduct of Board Meetings, outlines the procedure the Governing Board currently follows regarding public participation in open, public meetings. The existing Policy provides that interested members of the public may comment on any topic of interest to them, whether listed on the Agenda or not, upon completion of a Speaker Card and recognition by the Chair. Comments are limited to three minutes, but may be extended by the Chair in his or her discretion. Designation of a single individual to represent the position of interested groups is recommended. The Chair reserves the right to rule out of order any member of the public who speaks out of turn, fails to address the Board from the designated area, or who is making abusive, profane, irrelevant or inflammatory comments. Public comment can be valuable and helpful in governmental decision-making, but irrelevant or repetitive comments can interfere with the orderly and efficient conduct of the Board meeting. In light of this, the Board has asked to discuss the possibility of revising Board Policy 110-5. Ms. Tetreault offered legal options for the Board to consider for discussion purposes. Revisions to Governing board Policy 110-5 may be made accordingly at the pleasure of the Board.

Following consideration, **Mr. Gramling moved, seconded by Mr. Oakley, to add the following language to Board Policy 110-5: On any administrative or managerial matter not coming before the vote of the Board, public comment will be limited and the Chair, at his or her discretion, can choose whether or not to accept comment(s). Messrs. Pressman, Joerger, and Tharp and Mesdames Whitehead, Closshey, and Parks voted in opposition. The motion failed.** (CD 1/Track 17 – 00:00/18:51)

Submit & File Reports – None

Routine Reports

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

76. **Litigation Report**

Mr. Jack Pepper, Deputy General Counsel, provided an update regarding an Environmental Resource Permit issued for T. Roe Price's administrative offices. The permit was challenged by Citizens for Sanity regarding a particular wetland that had had a previous agency action and could not be re-litigated. The Administrative Law Judge (ALJ) found that since the size of the wetland was less than half of an acre it did not require mitigation or compensation. The petitioners voluntarily dismissed their petition and the ALJ closed the file and the permit was issued.

A status of Clam Bayou was also provided which involves restoration of 24 acres of estuarine habitat and the construction of stormwater ponds on another 20 acres. Alfred and Cindy Davis challenged the District. On March 4, 2009 the ALJ issued an order finding that the District was entitled to the noticed general permit. On May 12, 2009 the ALJ issued another order finding there was no material issue of fact with respect to use of the sovereign and submerged lands. The ALJ retained jurisdiction and will hear on July 24, 2009 on whether or not the project can be authorized with a noticed general permit or whether an additional permit is required. A lawsuit in Federal Court was filed by Alfred

and Cindy Davis with seven counts; the first three counts were directed at the Environmental Protection Agency and four counts were directed at the District to dredge more areas than the project originally called for.

77. **Rulemaking Update**

Ms. Karen West, Deputy General Counsel, presented some 2008 changes to Chapter 120, regarding Statements of Estimated Regulatory Costs (SERC); agencies are now required to prepare these Estimates for any proposed rule that will impact small businesses. Staff has been reviewing how this will impact the District. It has been decided that the District will not prepare a Statement of Estimated Regulatory Costs for those proposed rules that have positive effects and will rather present those for review to the Joint Administrative Procedures Committee on a case-by-case basis. (CD 1/Track 17 – 18:51/27:49)

Executive Director's Report

78. **Executive Director's Report**

- Mr. Moore said the Lake Panasoffkee Dedication was held earlier this month, and approximately 200 people were on hand to celebrate this tremendous accomplishment. He commended Mr. With and his staff for an outstanding job.
- Meetings with Pinellas County Board of County Commissioners have concluded. Drought surcharges and rate structures are being reviewed for changes.
- National Trails Day gave the District an opportunity to showcase the many trails on District properties.
- The Englewood Water District 50th Anniversary celebration was a testimony to their successful efforts over time. Mr. Moore said their early use of an inverted rate structure really drove down customers' water use.
- The Marion County Board of County Commissioners Water Supply Planning Workshop went well. He believes a vision is coming together for the northern portion of the District. Mr. Moore thanked Mr. Owen for his presentation to the Commission.
- The C.W. "Bill" Young Reservoir Rehabilitation will be approximately a five-year effort. Mr. Moore said it will be important to monitor this situation as repairs progress.

Committee/Liaison Reports

79. **Green Industry Advisory Committee**

Mr. Gramling said the Committee met on May 28, 2009. A discussion was heard about drought surcharges being unfair to those homeowners with large yards. The Committee is supportive of the Water Supply Plan.

80. **Agricultural Advisory Committee**

Mr. Gramling said the Committee met on May 28, 2009. The Committee discussed scaling back on water restrictions as soon as rainfall permitted. Stakeholders meetings were held regarding District lands and the feedback was very positive.

81. **Environmental Advisory Committee**

Ms. Kavouras said the Committee met on June 8, 2009. Similar topics were discussed as heard at the Green Industry and Agricultural Advisory Committees. The Committee made a motion to carefully consider all aspects when discussions take place on lightening water restrictions so that no action is taken prematurely.

Chair's Report

82. **Chair's Report**

Chair Pressman thanked staff for being well prepared today. He said he took a look at how the other water management districts handled their committees and found their process to be similar to the District's. He also asked staff to look into streamlining the

meetings through the internet so people could easily monitor particular issues without attending an entire meeting.

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

The meeting was adjourned at 2:57 p.m. (CD 1/Track 18 – 00:00/16:15)

Attest:

Chairman