

**MINUTES OF THE MEETING**

**Governing Board  
Southwest Florida Water Management District**

Bartow, Florida

July 28, 2009

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:00 a.m. on July 28, 2009, at the Polk County Administration Building in Bartow, Florida. The following persons were present:

Board Members Present

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

Staff Members Present

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

Recording Secretary

Annette D. Zielinski, Senior Admin. Assistant

Board Members Absent

None

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

**Public Hearing**

1. Call to Order

Chair 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 – 00:00/01:20)

**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 1 – 01:20/05:30)

**Public Hearing and Meeting**

*The following item was added to the agenda:*

- Oath of Office for Reappointed Board Member

**Consent Agenda**

*The following item was deleted from consideration:*

- 22. Initiation of Litigation – WUP No. 20003806.004 – John S. Langford, Trustee of the Laura V. Riche Trust – Polk County

**Regulation Committee**

*The following item was deleted from consideration:*

- 26. Consider Districtwide Phase II Water Shortage Order No. SWF 07-02 as Modified

**Resource Management Committee**

*The following item was deleted from consideration:*

- 43. Aquifer Storage and Recovery Arsenic Issue Update

The following item was added to the published agenda.

**Oath of Office for Reappointed Board Member**

Ms. Kavouras administered the Oath of Office to Mr. Combee who was reappointed for a second term.

4. **District Recognition – Florida’s Heartland Rural Economic Development Initiative**

Mr. Roy Mazur, P.E., Director, Planning Department, introduced Ms. Lynn Topel, Executive Director of the Florida’s Heartland Rural Economic Development Initiative (FHREDI), who presented an award to the Governing Board in appreciation for its support in creating economic stability in the FHREDI region. Within FHREDI, the District works in partnership with the Rural Economic Development Initiative in the Governor’s Office of Tourism, Trade and Economic Development, other State and Federal agencies, local regional entities, county and municipal governments, as well as the South Florida Water Management District. The mission is to develop sustainable regional approaches to economic development in the region. The counties of DeSoto, Hardee and Highlands are FHREDI partners within the District; Glades, Hendry and Okeechobee counties, along with the cities of Pahokee, Immokalee, Belle Glade and South Bay, are FHREDI partners in the South Florida Water Management District

This item was presented for the Board’s information, and no action was required. (CD 1/Track 1 – 05:30/9:43)

5. **District Recognition – Florida Stormwater Association Excellence Award**

Mr. Mark A. Hammond, P.E., Director, Resource Projects Department, said the District received the Excellence Award in the Project category for the Weeki Wachee Springs Stormwater, Sediment Removal and Revegetation Project. The award was presented at the Florida Stormwater Association Annual Conference on June 19, 2009. The District (through the Coastal Rivers Basin Board) began stormwater restoration efforts at Weeki Wachee Springs in 2007. The project consisted of improving treatment of stormwater runoff from Highway 19; removing excess sediment, debris and algae; and replanting native aquatic vegetation.

This item was presented for the Board’s information, and no action was required. (CD 1/Track 1 – 09:43/11:23)

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 individual celebrated their 20-year milestone: Judith M. Passmore, Senior Regulation Processing Specialist, Bartow Service Office.

Mr. Moore introduced and welcomed Ms. Cara Martin who was hired to fill the position of Community Affairs Program Manager, in the Community and Legislative Affairs Department, replacing Jimmy Brooks who will retire in September. Mr. John Emery, Environmental Manager, Tampa Regulation, was promoted to this position on July 6, 2009; he has been with the District since 1990.

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

Ms. Lisa Fussell, a resident of Winter Haven, Florida, said she came to address the Governing Board regarding a well drilling ordinance in the City of Polk City which prohibits wells. Mr. Moore said the District is looking into this ordinance and staff will report back to the Governing Board at the appropriate time. In the interim, Mr. Moore said Ms. Fussell should contact Mr. Bilenky if she has any questions.

## Consent Agenda

Item 22 was deleted from consideration.

## Regulation Committee

8. **Governing Board Concurrence with Executive Director's Issuance of Sixth Modification to Executive Director Order No. SWF 07-045 Regarding Use of Peace River Diversions**

Staff recommended concurrence with the issuance of the Sixth Modification to Executive Director Order No. SWF 07-045, to continue diversions; and to authorize a temporary increase in diversions to augment the Peace River/Manasota Regional Water Supply Authority's reservoirs, two ASR wellfields, and regional water transmission system.

9. **Initiate and Approve Rulemaking to Amend Rule 40D-3.037, Florida Administrative Code (F.A.C.), to Incorporate by Reference Modified Appendix Adding Alaric, Stauffer Chemical Company and Helena Chemical Company Sites to Memorandum of Agreement with the Environmental Protection Agency**

Staff recommended to (1) approve the addition of the Alaric Area Groundwater Plume, Helena Chemical Company and Stauffer Chemical Company combined Superfund site to the Appendix for the Memorandum of Agreement Between the EPA and the District; and (2) authorize and approve the amendment of Rule 40D-3.037, F.A.C., to incorporate the revised Appendix for the Memorandum of Agreement by reference.

## Resource Management Committee

10. **Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-127P**

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

11. **Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-179**

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

12. **Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-202**

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

13. **Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-203P**

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

## Finance & Administration Committee

### 14. Board Travel

Ms. Closshey and Mr. Gramling attended the Environmental Permitting Summer School in Marco Island, Florida from July 22 – 24, 2009. Staff recommended to approve Governing Board travel.

### 15. Budget Transfer Report

Staff recommended to approve the Budget Transfer Report covering all budget transfers for June 2009.

### 16. Office of Inspector General Fiscal Year (FY) 2009 Encumbrance - FY2009 Board Authorized Network Security Audit

Staff recommended to encumber FY2009 funds in an amount not to exceed \$90,000 remaining in the Consultant Services account for use in FY2010.

## General Counsel's Report

### 17. Approve Rulemaking to Repeal 40D-1.139, F.A.C., Americans with Disabilities Act and Discrimination in Federally Funded Programs Public Grievance Procedures

Staff recommended to approve the initiation of rulemaking to repeal Rule 40D-1.139, F.A.C., and authorize the inclusion of updated contact information and the revised *Public Grievance Procedure: Americans With Disabilities Act and Discrimination in District Programs and Activities* in the District's *Statement of Agency Organization and Operation* for appropriate publication.

### 18. Settlement Agreement – Alfred and Cindy Davis v. FDEP & SWFWMD, DOAH Case No. 09-0322 – Pinellas County

Staff recommended approval of the proposed Settlement Agreement.

### 19. Initiation of Litigation – WUP No. 20008605.002 - Fatemah Corporation – Hillsborough County

Staff recommended to authorize initiation of litigation against Fatemah Corporation and any other appropriate parties to obtain compliance, a monetary penalty, and recovery of District enforcement costs, court costs, and attorney's fees.

### 20. Initiation of Litigation – Well Construction - License No. 9247 - Waylon Howard, Jr. – Hillsborough County

Staff recommended to authorize initiation of litigation against Mr. Howard to take disciplinary action against his license, recover an administrative fine/civil penalty, and recover District enforcement costs, court costs and attorney's fees.

### 21. Initiation of Litigation – Well Construction - Sean Atwood – Pinellas County

Staff recommended to authorize initiation of litigation against Mr. Atwood to obtain an administrative fine/civil penalty, and recover District enforcement costs, court costs and attorney's fees.

### 22. Initiation of Litigation – WUP No. 20003806.004 - John S. Langford, Trustee of the Laura V. Riche Trust – Polk County – This item was deleted from consideration.

## Executive Director's Report

### 23. Approve June 23, 2009 Governing Board Meeting Minutes

Staff recommended to approve the minutes as presented.

Following consideration, **Ms. Rovira-Forino moved, seconded by Mr. Tharp, to approve the Consent Agenda as amended. Motion carried unanimously.** (CD 1/Track 1 – 11:23/20:23)

Chair Pressman relinquished the gavel to Regulation Committee Chair Senft.

## Regulation Committee

### Discussion Items

### 24. Consent Item(s) Moved for Discussion - None

### 25. 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.

Provisional rainfall totals as of June 28 were on the low end of the normal range in all three regions of the District. Provisional June streamflow data indicate flow increased on most of the District's riverine systems compared to the previous month. Notable exceptions to the increases include both the Hillsborough and Alafia Rivers which exhibited lower flow in June. 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 June 29 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. Provisional water-level data for June indicate average lake levels decreased in three of the four regions of the District and all regions ended the month below the base of the annual normal range.

Changes to hydrologic indicators were mixed throughout the month of June. Most of the District's riverine systems, primed by the heavy rains in May, continued to show overall higher flows in June, although the drier-than-normal conditions in the early part of the month resulted in statistically declining trends throughout the month. Regional groundwater levels showed improvement early in the month, and then general declines through the end of the month. Lake levels also showed general declines.

In summary, Mr. Kinsman noted that summer rainfall has been inconsistent, but near-normal. Moderate improvement in the overall hydrologic indicators has taken place; however, full recovery from multi-year drought will require above-normal rainfall.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 1 – 20:23/35:53)

26. **Consider Districtwide Phase II Water Shortage Order No. SWF 07-02 as Modified**  
This item was deleted from consideration.

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

Mr. Owen said modified Phase III water shortage restrictions are currently in effect for lawn irrigation and other select water uses in Hillsborough, Pasco and Pinellas counties. These restrictions are currently scheduled to expire on July 31, 2009, unless the Governing Board takes further action.

Staff recommended that the Order be extended through September 30, 2009. To remove the reporting requirements for non-Members and exempt small fountains and others with little water use.

Following consideration, **Mr. Combee moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 2 – 00:00/04:00)

At this time, the order of consideration was altered slightly.

29. **Consider Phase IV Water Shortage Order No. 09-012 for Tampa Bay Water and Its Member Governments, their Wholesale Customers and Florida Government Utilities Authority (Seven Springs) (f/k/a Aloha Utilities)**

Mr. Owen said 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 Florida Government Utilities Authority. These restrictions were originally declared on February 24, 2009 and are currently scheduled to expire on July 31, 2009, unless the Governing Board takes further action.

Staff recommended that the Order be extended through August 31, 2009, to remove the 78 °F limit on water-based air conditioning, remove the bans on car washing, pressure washing, and fountains, and to revert to Phase III provisions for those water uses.

Following consideration, **Mr. Combee moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 2 – 04:00/11:00)

28. **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 July 31, 2009, unless the Governing Board takes further action.

Staff recommended that the Order be extended through September 30, 2009, to remove the reporting requirements for non-Members, to reduce reporting requirements to monthly frequency, and exempt small fountains and others with little water use.

Following consideration, **Mr. Combee moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 2 – 11:00/15:15)

30. **Approve Rule Adoption 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; 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 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 where requested by the applicant:

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 application that offsets a minimum of 50 percent of the applicant's current fresh or brackish water supply and improvements to water quality and to natural systems.

In addition, where requested by an applicant, 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 General and Individual 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. Based on last month's discussion, the rule has been clarified that only in the case where the District takes action to modify a permit would notice and opportunity for third-party intervention occur. Also based on last month's discussion, the requirement for

five-year Compliance Reports for Small General permits has been deleted, and a provision has been added in a different rule section that allows for permittees to provide updated ownership information where needed based on their specific permit conditions.

At the June Board discussion it was asked what the staffing implications would be of these new provisions. Although a detailed analysis of this aspect is not possible in the timeframe between Board meetings, generally it is expected that there will be some additional work required to review compliance reports but that this will be offset by the reduced number of permit renewals. Additionally, it is anticipated that the efficiencies gained by the Water Management Information System (WMIS) will increase staff efficiency both in review of permit-required reports as well as review of permit applications.

Another item discussed at the June meeting was how to address changing technologies and water conservation opportunities that would be expected to occur through the lifetime of a 20-year permit. The Enhanced Water Conservation rules that are scheduled to be approved in August contain provisions that will require new and renewal applicants to submit conservation plans that include a schedule of implementation of feasible conservation measures. These plans are updated annually for public supply permits. Additionally, as new conservation opportunities develop over time, the District has the option of going into rulemaking to impose new standards that reflect use of water saving measures and technologies.

Additionally, based on last month's discussion, the rules regarding long-term leases have been clarified such that permits based on leases less than 10 years will have an allowance for the property owner to maintain the permit if a lease expires, provided another lease or water use activity is activated within the following two year period. Permits based on non-renewable leases greater than 10 years or on a renewable lease will have a duration based on the permit duration criteria set forth in the proposed rules.

The proposed rule includes permit fees for the new duration permits, which have been simplified since the last draft such that permits for up to and including 10 years would pay the 10-year permit fee, and permits for 11-20 years would pay the 20-year fee.

In addition to the permit duration rules, this rulemaking also addresses environmental resource permitting requirements for issuance of a water use permit for multi-phase projects that require both a water use permit and an environmental resource permit. The proposed rule allows a Conceptual ERP to fulfill the requirement that a completed ERP is precedent to issuance of the WUP and specifies that phosphate mining is not subject to this requirement due to the large scale of land and time associated with those activities.

Staff recommended approval of the proposed rule revisions and authorization for staff to complete the rulemaking process.

Following consideration, **Mr. Gramling moved, seconded by Mr. Tharp, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 2 – 15:15/49:55)

31. **Approve Revisions to Proposed Water Quantity Criteria in Chapters 4 and 7 of the Environmental Resource Permitting Basis of Review**

Mr. H. Clark Hull, Jr., ERP Program Director, Resource Regulation, said the Governing Board previously approved initiation of rulemaking for amendments to water quantity criteria in Chapters 4 and 7 of the Environmental Resource Permitting (ERP) Basis of Review. Those amendments are intended to provide greater clarity as to the frequency and duration of storm events to be used by applicants to provide reasonable assurance of compliance with the conditions of issuance and prevent adverse impacts. Additionally, the proposed amendments to the Basis of Review are intended to be consistent with the methods used to establish the 100 year flood elevations in the updated floodplain maps developed for FEMA by the District.

The Governing Board approved the initiation of rulemaking in September 2008 based on proposed language presented at that time with the understanding that any additional, substantive changes to that language would be brought back to the Governing Board for approval. Since then, the proposed rule language has been discussed at several ERP Advisory Group meetings and at a noticed Rule Development Public Workshop held on January 9, 2009. These discussions, in addition to discussions with staff engineers, have resulted in additional proposed amendments.

Staff recommended approval of the revisions to proposed water quantity criteria in Chapters 4 and 7 of the Environmental Resource Permitting Basis of Review regarding water quantity criteria and authorize staff to complete the rulemaking process.

Following consideration, **Ms. Rovira-Forino moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 3 – 00:00/19:28)

32. **Approve Revised Environmental Resource Permit Application Fees and Authorization to Complete Rulemaking to Adopt Revised Fees**

Mr. Hull said legislation enacted in 2008 that amended Section 373.109, Florida Statutes (F.S.), required the Department of Environmental Protection (Department) to initiate rulemaking to adjust application fees related to environmental resource permitting and to provide for the periodic adjustment of those fees. The legislation specifically required the Department to “increase each application fee authorized under Part IV” (the Environmental Resource Permitting part of Chapter 373, Florida Statutes) and to “ensure that such fees reflect, at a minimum, any upward adjustment in the Consumer Price Index compiled by the United States Department of Labor, or similar inflation indicator, since the original fee was established or most recently revised.” The legislation also required a minimum fee of \$250 for a Noticed General Permit or Individual permit, a fee of at least \$100 for verifying that an activity is exempt from regulation and a fee of at least \$100 for informal wetland determinations.

While it was determined that portions of the new law applied directly to both the Department and the water management districts, full implementation of the new provisions would require delegation of the Department’s authority under the new provisions to the water management districts. The provision in the law pertaining to minimum fees for exemption verifications was determined to directly apply to both the Department and the water management districts. Accordingly no action by the Governing Board was required to begin collection of these new fees after the July 1, 2008 effective date of the amendments.

The Department published its Notice of Proposed Rule to delegate its authority under 373.109, F.S., on September 19, 2008 and its Notice of Proposed Rule revising its fees on January 16, 2009. Both of the Department’s rule amendments became effective April 21, 2009.

Staff has revised each of the application fees for activities regulated under Part IV of Chapter 373, F.S., using the Consumer Price Index for All Urban Consumers (CPI-U), all items, compiled by the United States Department of Labor based on the date each of the fees were originally established or last amended.

Staff has discussed the legislation with the Public Supply and Industrial Advisory Committees, and made presentations regarding the proposed rule language to the Environmental Resource Permitting Advisory Groups. A Statement of Estimated Regulatory Costs was prepared and included in the Governing Board information notebook.

Staff recommended approval of the revised fees and proposed rule revisions and authorize staff to complete the rulemaking process.



Following consideration, **Mr. Gramling moved, seconded by Mr. Oakley, to approve the staff recommendation. Ms. Parks called the question. The Governing Board members unanimously voted in favor of calling the question. The original motion carried unanimously.**

Following further discussion, **Mr. Tharp moved, seconded by Mr. Gramling, to have staff review the proposal to potentially do annual cost adjustments to permit fees.** Mr. Pressman said he did not believe it was the right economic climate to be increasing fees and further hamper the building industry. Mr. Joerger said he does not want to do harm to any industry; however, he would be interested in learning how the District compares to other Water Management Districts and the Florida Department of Environmental Protection. Mr. Tharp said he was certainly in favor of economic development for the state of Florida, but he believed it would be important for the Governing Board to investigate the pros and cons of this issue and open the possibility up for further discussion. Mr. Combee said he would like to go on record to say that he supports the comments Mr. Pressman made and he does not think an increase in permit fees would be a wise move at this time. Ms. Rovira-Forino echoed the comments made by Messrs. Pressman and Combee. Ms. Closshey asked if the information to evaluate the pros and cons was readily available or would this be a cumbersome task. Mr. Owen suggested that staff could bring this issue up at the next inter-district coordination meeting with the Board's direction. **Mr. Pressman called the question. The Governing Board unanimously voted to call the question. The original motion failed with only one supporting vote.** (CD 1/Track 4 – 00:00/58:06)

33. **Implementation of Senate Bill 2080 Related to Delegation of Permit Approvals**

Mr. Owen said Senate Bill 2080 was signed into law by Governor Crist and took effect July 1, 2009. One component of this Bill was the delegation of permitting to the Executive Director. The Governing Board approved at its June Board meeting an Order and associated rule changes effectuating this delegation, contingent upon the Bill becoming law. In addition, in his transmittal letter, the Governor included a request for "the governing boards and executive directors to continue to include surface water and consumptive use permits on all board meeting agendas or other public meetings for discussion and transparency purposes." In order to comply with both the new law and the Governor's request, a report will be included in the monthly Governing Board packet, in the Regulation Committee's agenda, under the Submit and File Reports, describing all permits that have been issued by staff that previously would have been issued by the Governing Board.

In addition, as a part of the Delegation Order approved in June, the Governing Board authorized a process for referring any denial of permit applications and petitions for variance or waiver to the Board for final action. If the Executive Director intends to deny a permit application or petition, the applicant or petitioner will be advised that he or she may elect to refer the matter to the Governing Board for final action. Upon such election and provided the election is made in sufficient time to allow agency action within the time required as set forth in section 120.60, F.S., the application or petition will be referred to the Governing Board for final action. These referrals will be placed under a new agenda item on the Regulation Committee's Discussion Agenda entitled "Denials Referred to the Governing Board for Final Action."

Public input has always been an important part of the permitting process. The District is ensuring that there continue to be opportunities for public input, and District staff will meet monthly beginning on Wednesday, August 5, 2009, to take input from the public regarding individual applications deemed complete.

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

34. **Permit Denials Referred to the Governing Board**

Mr. Owen said Chapter 2009-243, Laws of Florida (Senate Bill 2080), which amends Chapter 373, Florida Statutes, to require, among other things, delegation of all water use and environmental resource permitting to the District Executive Director, is now effective.

In anticipation of the need to implement the delegation provisions of the new law, the Governing Board approved at its June 23, 2009 meeting Southwest Florida Water Management District Order No. SWF 09-022. Pursuant to the Order, if the Executive Director or designated staff proposes to deny a permit application or a petition for variance or waiver of permitting requirements, the applicant or petitioner will be advised of the opportunity to request referral to the Governing Board for final action.

In addition, pending amendments to District Rule 40D-1.6051, Florida Administrative Code, provide that if District staff intends to deny a permit application for incompleteness, the applicant will be advised of the opportunity to request referral to the Governing Board for final action. It is anticipated that this amendment will become effective in August 2009.

Under these circumstances, if an application or petition requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Board meeting date.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 5 – 00:00/23:48)

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

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

35. **Individual Permits Issued by District Staff**

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

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

36. **Southern Water Use Caution Area Quantities**
37. **Water Production Summary**
38. **Overpumpage Report**
39. **Resource Regulation Significant Initiatives**

Regulation Committee Chair Senft relinquished the gavel to Chair Pressman who recessed the public meeting for a lunch break.

Following the lunch break, Chair Pressman relinquished the gavel to Resource Management Committee Chair Joerger.

### **Resource Management Committee**

The order of consideration was altered slightly so that Item 42 was heard first, and Item 43 was deleted from consideration.

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

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

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

Mr. Brian Armstrong, Manager, Water Supply and Resource Development, introduced Mr. Gary Fries, P.E., Utilities Capital Projects Director, Polk County, who along with Mr. Gary ReVoir, P.E., Reiss Engineering, presented this information item. Polk County provided the Board an update on their water supply activities including the finalized Comprehensive Water Supply Plan, the groundwater investigation in southeast Polk County with the South Florida Water Management District (SWFWMD), cooperative efforts with local governments and potential project partners from outside the County, and other related water supply activities.

In 2008, the SWFWMD and SWFWMD's Governing Board, Alafia River and Peace River Basin Boards approved funding for the Polk County Comprehensive Water Supply Plan (Plan) at the request of Polk County to identify and evaluate future water sources.

The Plan identifies viable water supply sources and conservation to meet the future demands of public utility systems within Polk County. This Plan included investigation of multiple water resources including conservation, reclaimed water, stormwater, surface water, seawater, brackish water, and fresh ground water. The Plan also addresses the technical, economic, environmental, jurisdictional, and regulatory factors associated with the development of these potential new sources and creating multijurisdictional partnerships. Most importantly, the Plan sets forth immediate projects and strategies to provide new water supplies for targeted public utilities; and outlines a set of real, attainable, affordable, and significant water supply projects, both local and regional in nature. Recommendations include project definitions, specific actions, production rates, schedules, project costs, and unit water costs (operation, maintenance, and debt service).

Since the last Governing Board update in January 2009, the Plan was finalized and the results were presented to the Polk County Board of County Commissioners on July 22, 2009. The County continues coordination with the STOPR Group (St. Cloud, Tohopekaliga Water Authority, Orange County, Polk County, Reedy Creek Improvement District) and Tampa Bay Water to jointly investigate water supply projects.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 6 – 00:00/48:13)

41. **Southern Water Use Caution Area Recovery Strategy Status**

Mr. Wirth made the introductory comments for this information item explaining the importance of the SWUCA Recovery Strategy in guiding the District. Ms. Jill Hood, Professional Geologist, Resource Projects Department, provided the Board with the annual update and status of the District's efforts to monitor the recovery of water levels and flows in the Southern Water Use Caution Area (SWUCA). Mr. Mark A. Hammond, Director, Resource Projects Department, provided an update on a major component of the SWUCA Recovery Strategy to implement a series of water resource development projects to restore minimum flows to the upper Peace River, as requested by the Board at the June 2008 meeting. (CD 1/Track 7 – 00:00/07:07)

In March 2006, the Governing Board adopted minimum "low" flows for the upper Peace River and minimum levels for eight lakes along the Lake Wales Ridge in Polk and Highlands counties and the Upper Floridan aquifer in the "Most Impacted Area" of the SWUCA to slow the rate of saltwater intrusion. Since most, if not all, of these minimum flows and levels were not meeting their adopted levels and flows, the Board adopted a Recovery Strategy and changes to its water use permitting rules to implement the strategy. The purpose of the Recovery Strategy is to provide a plan for reducing the rate of saltwater intrusion and restore low flows to the upper Peace River and lake levels by 2025, while ensuring sufficient water supplies and protecting the investments of existing water use permittees. The strategy has six basic components: conservation, alternative water supply development, resource recovery projects, land use transitions, permitting, and monitoring and reporting. Promoting conservation and alternative supply development are a continuation of longstanding District programs that, along with the District's permitting program, have contributed to a stabilization of groundwater withdrawals in the region over the past 30 years. Resource recovery projects, like the project to raise the levels of Lake Hancock for release to the upper Peace River during the dry season, are actively being pursued. Whereas, coastal areas will generally meet their future demands through development of alternative supplies, some new uses in inland areas will be met with groundwater from displaced non-residential uses (i.e., land use transitions).

The success of the Recovery Strategy will be determined through continued monitoring of the resource. The District uses an extensive monitoring network to assess actual versus anticipated trends in water levels, flows, and saltwater intrusion. Additionally, the District conducts an assessment of the cumulative impacts of the factors affecting recovery. Information developed as part of this monitoring effort is provided to the Governing Board on an annual basis. (CD 1/Track 8 – 00:00/22:50)

Mr. Hammond said a major component to the SWUCA Recovery Strategy is the implementation of a series of water resource development projects to restore minimum flows to the upper Peace River. The projects identified in the SWUCA Recovery Strategy include the Lake Hancock Lake Level Modification, upper Peace River Resource Development, Peace Creek Watershed, and Streamflow Losses through Karst Features in the upper Peace River.

The goal of the Lake Level Modification project is to store water by raising the control elevation of the existing outflow structure on Lake Hancock and to slowly release the water during the dry season to help meet the minimum flow requirements in the upper Peace River between Bartow and Zolfo Springs. The Lake Level Modification project will provide approximately 50 percent of the minimum flow requirements for the upper Peace River. The District received the Conceptual Environmental Resource Permit for the project from the Florida Department of Environmental Protection in June 2007. In September 2007, the Governing Board authorized staff to implement the project. The replacement outflow structure and mitigation projects around the lake are in the design and permitting phase. Of the 73 parcels necessary for the project, 47 parcels (8,103 acres including 30 homes), have been acquired without initiation of formal litigation proceedings. The remaining acquisitions include a total of 26 parcels (357 acres).

The upper Peace River Resource Development project is anticipated to provide the remaining minimum flow requirements. The project involves evaluating mined lands between Bartow and Zolfo Springs that can be utilized as a reservoir to store water to be released during the dry season to help meet the minimum flows.

The Peace Creek Watershed and Streamflow Losses through Karst Features in the upper Peace River projects are identified in the SWUCA Recovery Strategy. The District began maintenance activities in the Peace Creek Canal in 2005. The Peace River Basin and Governing Board approved the approach to secure permanent access rights for the Peace Creek Canal maintenance activities in June 2009. The U.S. Department of Agriculture has acquired three easements on approximately 2,454 acres along the canal through their NRCS Wetlands Reserve Program.

The first objective of the Streamflow Losses through Karst Features project was to assess the hydraulic connection between the river and underlying aquifers, characterize and map karst features within or adjacent to the riverbed, and determine the amount of flow loss to the karst openings along the upper Peace River. The District cooperatively funded this study with the USGS which was completed in 2008. The next objective is to evaluate the feasibility of constructing low flow berms around the karst features in the upper Peace River to maintain dry season flows in the river channel. This study is underway and is anticipated to be complete in 2010.

Mr. Gramling suggested the Board receive a presentation in the near future regarding costs of these various projects to assist the Governing Board in evaluation of the whole picture moving forward. Ms. Closshey said she believed the Governing Board would benefit greatly from a return to the details of this project. Mr. Wirth said staff could schedule a workshop to provide a comprehensive overview of the project. Resource Management Committee Chair Joerger said staff should plan a workshop within the next four months for the Governing Board to revisit the Lake Hancock project and other projects associated with the upper Peace River.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 8 – 22:50/74:03)

43. **Aquifer Storage and Recovery Arsenic Issue Update**  
This item was deleted from consideration.

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

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

44. **Response to Peer Review Panel Report of the Proposed Minimum Flows and Levels for the Dona Bay/Shakett Creek System Below Cow Pen Slough**
45. **Proposed Minimum Flow Updates Prior to Submission for Scientific Peer Review for the Anclote River**

### ***Routine Reports***

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

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

Resource Management Committee Chair Joerger relinquished the gavel to Chair Pressman.

Chair Pressman relinquished the gavel to Finance and Administration Committee Chair Parks.

## **Finance and Administration Committee**

### ***Discussion Items***

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

52. **Office of Inspector General's Report – Purchase Card Procedure Compliance Audit**

Mr. Kurt P. Fritsch, Inspector General, said the Governing Board authorized the Office of Inspector General to conduct the *Purchase Card Procedure Compliance Audit* as part of the Fiscal Year 2009 Audit Plan. He said in accordance with board policy and the audit plan, we are submitting an audit report for the District Governing Board's acceptance. The full report was included in the Governing Board information notebook.

In summary the purchase card program has grown in use, but the Governing Board retains strong oversight on 98 percent of District disbursements. The number of annual purchase card transactions has doubled since 2005 and now is the method used to accomplish nearly 50 percent of all purchase transactions; still, total disbursements through purchase cards remain less than two percent of total dollars disbursed. Staff compliance with District purchase card procedures and guidelines has improved since 2006 and is within an acceptable risk tolerance.

Under District Governing Board Policy 140-1, the Office of Inspector General will conduct a follow-up audit to determine whether the new guidelines have been implemented and the recommendations have been addressed. The office will deliver a six-month progress report to the Governing Board in February 2010.

Staff recommended acceptance of the audit report as presented.

Following consideration, **Mr. Gramling moved, seconded by Ms. Closshey, to accept the audit report and approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 9 – 00:00/10:47)

53. **Streaming Video Technology**

Mr. Terry Redman, Director, Information Resources Department, provided a presentation on Streaming Video (SV) technology via the District's web site to further public access, on an immediate basis, to District public meetings at multiple locations. In addition, this technology would be used to provide content for internal training and external education. This project would require a transfer of \$57,700 from General Fund Contingency Reserves for the implementation of the SV project during FY2009, and the addition of \$26,200 to the General Fund proposed Fiscal Year (FY) 2010 budget for annual operating costs for the SV project.

Staff recommended to authorize the transfer of \$57,700 from General Fund FY2009 Contingency Reserves to implement streaming video technology, and increase the proposed FY2010 budget to include \$26,200 for annual operating costs associated with the Streaming Video Project.

Following consideration, **Mr. Oakley moved, seconded by Mr. Tharp, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 9 – 10:47/20:12)

54. **Fiscal Year 2010 Budget Update and Adoption of Proposed District and Basin Millage Rates**

Ms. Linda R. Pilcher, Assistant Director, Finance Department, provided the Governing Board an update on the fiscal year (FY) 2010 budget development process, and recommend approval of the required resolution for the adoption of proposed millage rates for FY2010.

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 members indicated that they may consider a reduction in millage rate in August.

On June 23, the FY2010 Recommended Annual Service Budget was presented to the Governing Board, including the Five-Year Capital Improvements Plan FY2010-FY2014. The budget will be updated monthly through September.

Staff recommended the Governing Board adopt proposed FY2010 millage rates for the Districtwide General Fund and the seven Watershed Basins, equal to the rates adopted for FY2009. The proposed millage rate for the newly merged Hillsborough River Basin reflects the lower of the two FY2009 millage rates for the two Basins that were merged effective January 1, 2009, the Hillsborough River Basin and the Northwest Hillsborough Basin. The Governing Board has been provided, as an exhibit for this item, the 2009 Certifications of Taxable Value (FY2010 levy), the proposed FY2010 Districtwide General Fund and Watershed Basin millage rates, in compliance with Section 200.065, Florida Statutes, and the proposed changes that have been made to the budget since June 23.

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 the Tampa Service Office on September 29, 2009.

Staff recommended approval of Resolution No. 09-13, Adoption of Proposed District and Watershed Basin Millage Rates for Fiscal Year 2010.

Following consideration, **Mr. Combee moved, seconded by Mr. Tharp, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 10 – 00:00/12:04)

***Submit & File Report***

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

55. **Fiscal Year 2009 Third Quarter Financial Report**

***Routine Reports***

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

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

57. **Management Services Significant Activities**

Finance and Administration Committee Chair Parks relinquished the gavel to Chair Pressman.

Chair Pressman relinquished the gavel to Outreach and Planning Committee Chair Tharp.

## **Outreach and Planning Committee**

### ***Discussion Items***

#### **58. Media Messaging Research Overview**

Ms. Beth Putnam, Manager, Communications Department, reported results of the spring public awareness campaign, which sought to raise public awareness about the current drought conditions and to encourage water conservation in the District.

Media messaging, or advertising, is one initiative the District uses to promote water resources awareness and conservation practices. While the District's media messaging focused on promoting Florida-friendly landscaping in FY2006–2007, drought conditions caused the District to change that focus to water conservation in FY2008. As conditions worsened in FY2009, the District focused on raising awareness of the drought and watering restrictions and on promoting water conservation.

The FY2009 spring campaign, which ran March through April, included primarily television and radio. Three television ads were aired. The first promoted protecting the environment as a basis for practicing water conservation behaviors. The second ad called attention to the three-year drought and emphasized the importance of following watering restrictions. The third ad featured a little girl dragging a step ladder to a sink to shut off a running faucet. In response to concerns expressed by a member of the public about potential injury to a child mimicking the action, this ad was removed after one month. Three radio ads were also included in the campaign — English and Spanish versions of the drought ad and a message reminding people that wasting water wastes money. All advertising directed residents to the District's web site for additional water conservation tips.

During the March–April campaign, 4,669 television spots ran on broadcast and cable channels and 7,448 radio spots ran on a diverse array of stations to capture all demographics. Supplemental cable and newspaper advertising augmented coverage in areas outside the 10-county Tampa/St. Petersburg/Sarasota television market. Charlotte and DeSoto counties fall within the Fort Myers market and the District buys cable in those areas since most of the Fort Myers market falls outside District boundaries. Newspaper ads in Charlotte and Sumter counties also extended coverage of those regions.

As an added value to the media buy, the District sponsored and provided copy and graphics for the WTSP-TV CH 10 daily drought updates throughout March and April during the station's morning and 4 p.m. "Life Around the Bay" shows.

The success of the campaign is traditionally measured in reach, which is the number of people exposed to the messages, and frequency, which accounts for the number of times each person is exposed to the message. The goal of the District's media campaign is a reach of 80 and a frequency of 12. This year's spring campaign successfully passed that goal, achieving a 98 reach and 26 frequency in the ten-county Tampa/St. Petersburg/Sarasota market. An 81 reach, 30 frequency was achieved by the cable buy in Charlotte and DeSoto counties. Prior to the campaign, a survey was conducted to measure District residents' attitudes, behaviors and level of awareness about water resource conditions and conservation practices. Perhaps the most significant indicator of success for the campaign and associated communications efforts is the 69 percent increase from the pretest to the posttest in the number of respondents identifying current conditions of water resources as "in a drought."

The total FY2009 media messaging budget was approved for \$902,010, which includes \$377,010 in Basin contributions and \$525,000 from the General Fund. In February, the Governing Board allocated an additional \$200,000 to supplement funds used in an emergency fall buy.

Of the total FY2009 media messaging budget, the spring advertising campaign buy cost \$552,395, with the following breakdown: television, \$276,998; radio, \$249,527; print, \$17,157; and online streaming, \$8,713. All advertising was created by District staff, which substantially reduced development and production costs to less than \$20,000.

After the March–April campaign, approximately \$150,000 remained in the budget for an emergency drought media buy, which was placed throughout the District from mid-May through mid-June. The results of the May–June media buy will be reported when available.

The media research plan's FY2009 budget was \$99,500. This included two Districtwide surveys, an Internet panel message pretesting session, four focus groups, data analysis, campaign suggestions and associated reports.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 10 – 12:04/29:25)

59. **Media Relations and the Drought**

Ms. Beth Putnam, Manager, Communications Department, reported results of the spring media messaging campaign. Media messaging, or advertising, is one initiative the District uses to promote water resources awareness and conservation practices. In response to extended and worsening drought in FY2009, the District's spring campaign focused on raising awareness of the drought and watering restrictions and on promoting water conservation.

The FY2009 spring campaign, which ran March through April, included primarily television and radio. Three television ads were aired. The first promoted protecting the environment as a basis for practicing water conservation behaviors. The second ad called attention to the three-year drought and emphasized the importance of following watering restrictions. The third ad reminded people that water conservation is so easy a child can do it. Three radio ads were also included in the campaign — English and Spanish versions of the drought ad and a message reminding people that wasting water wastes money. All advertising directed residents to the District's web site for additional water conservation tips.

During the March–April campaign, 4,669 television spots ran on broadcast and cable channels and 7,448 radio spots ran on a diverse array of stations to capture all demographics. Supplemental cable and newspaper advertising augmented coverage in areas outside the 10-county Tampa/St. Petersburg/Sarasota television market. Charlotte and DeSoto counties fall within the Fort Myers market and the District buys cable in those areas since most of the Fort Myers market falls outside District boundaries. Newspaper ads in Charlotte and Sumter counties also extended coverage of those regions.

As an added value to the media buy, the District sponsored and provided copy and graphics for the WTSP-TV CH 10 daily drought updates throughout March and April during the station's morning and 4 p.m. "Life Around the Bay" shows.

The success of the campaign is traditionally measured in reach, which is the number of people exposed to the messages, and frequency, which accounts for the number of times each person is exposed to the message. The goal of the District's media campaign is a reach of 80 and a frequency of 12. This year's spring campaign successfully passed that goal, achieving a 98 reach and 26 frequency in the ten-county Tampa/St. Petersburg/Sarasota market. An 81 reach, 30 frequency was achieved by the cable buy in Charlotte and DeSoto counties.

In FY2009, a comprehensive research plan measured District residents' attitudes, behaviors and level of awareness about water resource conditions and conservation practices before and after the media messaging campaign. Perhaps the most significant indicator of success for the campaign and associated communications efforts is the 69% increase from the pretest to the posttest in the number of respondents identifying current conditions of water resources as "in a drought." In general, those exposed to District



messages were more likely to report knowledge, attitudes and behavior resulting in water conservation and support for District actions.

The total FY2009 media messaging budget was approved for \$902,010, which includes \$377,010 in Basin contributions and \$525,000 from the General Fund. In February, the Governing Board allocated an additional \$200,000 to supplement funds used in an emergency fall buy.

Of the total FY2009 media messaging budget, the spring advertising campaign buy cost \$552,395, with the following breakdown: television, \$276,998; radio, \$249,527; print, \$17,157; and online streaming, \$8,713. All advertising was created by District staff, which substantially reduced development and production costs to less than \$20,000.

There were four media buys in FY2009. After the March–April campaign, approximately \$150,000 remained in the budget for an emergency drought media buy, which was placed throughout the District from mid-May through mid-June. The results of the May–June media buy will be reported when available.

The media research plan's FY2009 budget was \$99,500. This included two Districtwide surveys, an Internet panel message pretesting session, four focus groups, data analysis, campaign suggestions and associated reports.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 10 – 12:04/29:25)

### ***Submit & File Reports – None***

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

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

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

Outreach and Planning Committee Chair Tharp relinquished the gavel to Chair Pressman.

## **General Counsel's Report**

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

64. **Consent Item(s) Moved for Discussion** - None
65. **Consent Order – Surface Water Activity - Southern Property Management, LLC (Rearing Horse Estates) – Marion County**

Ms. Carrie N. Felice, Staff Attorney, said on March 2, 2007, the District received a complaint concerning unauthorized construction of a subdivision off of Northwest 35<sup>th</sup> Street in Marion County (the "Property"). District staff investigation revealed a paved roadway had been constructed on the Property which is owned by Southern Property Management, LLC (Owner). No Environmental Resource Permit (ERP) had been issued to authorize the construction activities. On or about March 19, 2007, staff sent Owner a Notice of Unauthorized Construction letter advising them that the construction activities were occurring without authorization through an ERP. On April 3, 2007, the District received a letter from Owner indicating their intention to hire an engineer and resolve the compliance issue. On May 16, 2007 and October 9, 2007, District staff held pre-application meetings with Owner's engineer to discuss permit requirements. On December 14, 2007, the District received ERP Application number 46033717.000 to authorize the construction of a surface water management system on the Property. On March 24, 2009, ERP Application number 46033717.000 was withdrawn, because despite lengthy negotiations, the Owner was unable to acquire ownership or control over property necessary to make the application complete.

On March 31, 2009, a Notice of Violation and proposed consent order were issued. The consent order assessed penalties and costs totaling \$7,100.

Staff have received a signed Consent Order from the owner. Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against Southern Property Management, LLC, to obtain compliance with the Consent Order.

Following consideration, **Mr. Combee moved, seconded by Ms. Parks, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 10 – 41:45/45:38)

**Submit & File Reports** – None

### **Routine Reports**

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

- 66. **Litigation Report**
- 67. **Rulemaking Update**

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

#### 68. **Executive Director's Report**

Mr. Moore said the District's Web Site is one of top Google search engine results when looking at water conservation and reclaimed water which he noted is quite a privilege. The DEP/WMD Quarterly meeting that he and Mr. Pressman attended in July was held in Marco Island. He said DEP held a workshop on numeric standards for nutrients.

### **Committee/Liaison Reports**

#### 69. **Basin Board Education Committee**

Ms. Rovira-Forino said the Basin Board Education Committee met on July 7, 2009. The report was included in the Governing Information Notebook.

#### 70. **Basin Board Land Resources Committee**

Ms. Kavouras said the Basin Board Land Resources Committee Report was included in the Governing Board Information Notebook. She said Messrs. Joerger and Gramling were in attendance at that meeting.

#### 71. **Industrial Advisory Committee**

Ms. Kavouras said Ms. Closshey did attend the July 14, 2009 Industrial Advisory Committee meeting. She said the meeting was productive and well attended.

#### 72. **Public Supply Advisory Committee**

Mr. Senft said the City of Tampa Master Water Plan was reviewed. Other topics presented included: Rulemaking, Hydrologic Conditions, Water Restrictions, and Well Reporting.

### **Chair's Report**

#### 73. **Chair's Report**

Chair Pressman reported that he thought the most significant topic discussed at the Executive Directors meeting was the numeric standards for nutrients. OneBay reported that water is the number one concern of citizens. Chair Pressman said he appreciated everyone's attention and hard work that went in today's 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 4:50 p.m. (CD 1/Track 10 – 45:38/56:47)