

APPROVED

MINUTES OF THE MEETING

Governing Board Southwest Florida Water Management District

Brooksville, Florida

August 26, 2008

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met at 9:00 a.m. on August 26, 2008, at District Headquarters. The following persons were present:

Board Members Present

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

Staff Members Present

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

Recording Secretary

Annette D. Zielinski, Senior Admin. Assistant

Board Members Absent

Patricia M. Glass, Member
Sallie Parks, 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 Combee called the meeting to order and opened the public hearing. Ms. Closshey noted a quorum was present. (CD 1/Track 01 - 00:00/01:35)

2. Pledge of Allegiance and Invocation

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

Public Hearing

Chair Combee noted that this Governing Board meeting was being broadcast to the Bartow, Sarasota, and Tampa Service Offices. Public input was only taken during the meeting onsite. The Governing Board's meeting was recorded for broadcast on government access channels.

Chair Combee stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on one agenda item only during today's meeting. If additional time is needed or if the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment at the end of the meeting during "Public Input." Chair Combee stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be

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

3. **Additions/Deletions to Agenda**

According to Section 120.525(2), Florida Statutes, additions or deletions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Mr. Moore noted the following items were deleted from the agenda after publication of the regular agenda. (CD 1/Track 02 - 00:00/02:33)

Meeting and Public Hearing

The following item is deleted from consideration:

4. **Oath of Office for Newly Appointed Board Member**

Consent Agenda

The following item is added for consideration under the Resource Management Committee:

➤ **Appraisals and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-212**

4. **Oath of Office for Newly Appointed Board Member**

This item was deleted from the agenda.

5. **District Recognition**

a. **Land Resources Volunteer Program – Take Pride in America Volunteer Appreciation Awards**

Mr. Eric Sutton, Assistant Land Resources Director, Land Resources Department, recognized national awards given to the volunteers actively participating in the District's Land Resources Volunteer program.

The Take Pride in America Program is a national partnership established by the U.S. Department of the Interior that aims to engage, support and recognize volunteers who work to improve public lands. The program consists of federal, state, and local governments; conservation, youth and recreation groups; national corporations; and organizations and individuals dedicated to instilling a sense of volunteerism and good stewardship in all public land users. The District has been participating in this program and nominating volunteers for awards since October 2004. The award recognizes their dedication to volunteer service and signifies that they have served their community and country with distinction. The award consists of a congratulatory letter from President George Bush, a congratulatory letter from the President's Council on Service and Civic Participants, a formal award certificate and a commemorative pin. The award recipients were recognized at today's meeting: the Southcreek Equestrians Group Accomplishment, volunteered 1,243 hours; the Flatlanders Equestrians Group Accomplishment volunteered 890 hours; and Kyle DeVary, Youth Accomplishment, volunteered 80 hours.

This item was presented for the Board's information, and no action was required. (CD 1/Track 03 - 00:00/07:21)

b. **Florida Public Relations Association Image Awards**

Mr. David Rathke, Director, Community and Legislative Affairs Department, said each year the Florida Public Relations Association (FPRA) holds Image Award competitions on a local and statewide level. Three staff members from the Community and Legislative Affairs Department entered the state Golden Image Awards competition. Winners demonstrate the very best examples of innovation, planning and implementation of solid public relations programs. To qualify for judging, an entry must incorporate sound public relations research and planning. Entries also must meet the highest standard of production, execution and evaluation of results and provide a

budget. This year, the entries were judged by the Atlanta, Georgia chapter of the Public Relations Society of America.

The Community and Legislative Affairs Department recently won two awards at the Golden Image Award banquet, held each year at the FPRA Annual Conference. In the category of Public Relations Programs, Public Affairs, the District won a Judges' Award for the WRAP legislative initiative. This initiative included gathering community and legislative support and the inclusion of \$25 million in the Governor's Budget priorities. A Judges' Award is only given when the judges feel the project achieves the maximum results while using a minimum amount of fiscal resources.

The District also won an Award of Distinction for the WRAP booklet in the printed tools category. This booklet gave a comprehensive description of the projects included in the WRAP and was used to raise awareness and educate the community and legislators of our efforts.

Mr. Rathke said the following staff contributed to the winning entries: Karen Kobil, Colleen Thayer, Terri Behling, and Pati Twardosky.

This item was provided for the Board's information, and no action was required. (CD 1/Track 03 - 07:21/10:01)

c. **Annual Corporate Award from the Florida Section of the American Water Resources Association**

Mr. Richard S. Owen, AICP, Deputy Executive Director, Resource Regulation Division, said the District was awarded the annual corporate award from the Florida Section of the American Water Resources Association (AWRA) at its recent July meeting. This award is presented to the organization whose contributions exceeded expectations and significantly assisted in the promotion and advancement of AWRA. AWRA's mission is to promote water resources education through technical presentations at six meetings per year. It also provides grants to K-12 teachers for water resources education programs, in addition to providing grants and scholarships to graduate and undergraduate students in water resource related programs. This award was in recognition of the efforts of Carol Lynch (Regulation Performance Management) for her assistance with AWRA's newsletter for the past seven years, for Paul O'Neil (Regulation Performance Management), Kurt Fritsch (Office of Inspector General) and Jay Yingling (Planning) for the development and formulation of an auditing protocol to meet association requirements. In addition, Jay Yingling was also recognized for his service to AWRA as treasurer for the past two years. This is the second time the District was awarded the annual corporate award from AWRA.

This item was presented for the Board's information, and no action was required. (CD 1/Track 3 – 10:01/11:34)

6. **Employee Recognition**

Mr. Moore made presentations to the Board for the employees who had achieved milestones of 20 years or greater to specially acknowledge and commend the contributions of these individuals. The following individual celebrated a 20-year milestone: Ms. Lynn Dicks, Business Analyst, Information Resources Department. The following individual celebrated a 25-year milestone: Mr. Jim Marshall, Sr. Field Technician, Brooksville Regulation Department. The following individuals celebrated 30-year milestones: Mr. Dean Rusk, Visual Communications Manager, Communications Department, and Mr. Lonnie G. Taylor, Aquatic Plant Management Crew Leader, Operations Department. Mr. Timothy A. Bailey, Aquatic Plant Manager Crew Leader, Operations Department, celebrated a 35-year milestone.

The Governing Board and District staff congratulated Mr. Gary Russel, Field Maintenance Technician, Operations, who retired on July 11, 2008, after more than 35 years of service.

Mr. Moore said the Shining Star recognition program was developed by the Employee Committee, to acknowledge employees who go above and beyond their duties at the District by volunteering personal time or donating money to benefit their community. This recognition program is a way for the District to say thank you for their commitment and for making the community a brighter place. One Shining Star Award winner is chosen each quarter from nominations submitted by their co-workers. Winners receive a commemorative certificate, lapel pin, a \$15 gift certificate from Applebee's Restaurant, and are featured on the Employee Committees intranet Star Walk page.

The following staff members were Shining Star recipients for April – June and July – September 2008: Ms. Frances Sesler, Senior Administrative Assistant, Executive Department, and Ms. Donna Brooks, Senior Administrative Assistant, Information Resources Department, respectively.

This item was presented for the Board's information, and no action was required. (CD 1/Track 3 – 11:34/28:15)

7. **Public Input for Issues Not Listed on the Published Agenda**
No person(s) came forward to speak at this time.

Consent Agenda

Item 25 was moved to Discussion Items under the Regulation Committee. Item 46 was moved for consideration under Reports. An item was added for consideration on the Resource Management Committee: Appraisals and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-212. Mr. Owen noted that an exhibit for Item 31 was provided to the Board members at their seats.

Regulation Committee – Environmental Resource Permits

8. ERP No. 49032816.000 - Island Walk (fka DeSoto Plantation) – DeSoto County
9. ERP No. 49033510.001 - Hillsborough County – County Road 581 (Bruce B. Downs Boulevard) – Hillsborough County
10. ERP No. 49027399.012 - The Lake Club at Lakewood Ranch – Phases IV and V – Manatee County
11. ERP No. 49027399.014 - The Lake Club at Lakewood Ranch, Phase III – Manatee County
12. ERP No. 49023339.004 - Golden Ocala Conceptual Plan – Marion County
13. ERP No. 49023339.005 - Golden Ocala Individual Construction Plan – Marion County
14. ERP No. 43023968.008 - Suncoast Lakes Commercial – Pasco County
15. ERP No. 49027030.033 - Village Walk at Wiregrass – Phase 1A and 1B – Pasco County
16. ERP No. 49027030.034 - Wiregrass – Chancey Road – Ph 1 – Pasco County
17. ERP No. 49027030.035 - Wiregrass – Chancey Road – Ph 2 – Pasco County
18. ERP No. 44029305.001 - Sunshine Estates (*DENIAL*) – Pasco County
19. ERP No. 49004448.001 - Riverwalk Town Center – Polk County
20. ERP No. 49004448.002 - Riverwalk Town Center – Phase 1 – Polk County
21. ERP No. 49008331.019 - Providence Parcel N-27 – Polk County
22. ERP No. 43028277.003 - TerraLargo Phase 1 & 2 – Polk County
23. ERP No. 43033458.000 - Hammock Lake Mitigation Bank – Polk County
24. ERP No. 43018655.014 - Panacea Commercial Center – Phase 1 – Sarasota County
- ~~25. ERP No. 43031581.000 - Indian Palms Estates – Sarasota County -- Moved to Regulation~~

Regulation Committee – Water Use Permits

26. WUP No. 20005512.009 - G & D Farms, Inc./S.R. 62 South – Manatee County
27. WUP No. 20009360.004 - Windstream Utilities, Inc./Majestic Oaks Water System – Marion County
28. WUP No. 20006223.003 - Paradise Lakes Utility, LLC (*DENIAL*) – Pasco County

Regulation Committee – Other

29. **Approve Changes to Amendments to Revise the Small General Water Use Permit Category and Application Processing Requirements**

Staff recommended to approve the changes proposed to Rule 40D-2.041, F.A.C., as part of the authorized rulemaking to amend Rules 40D-1.607, 40D-1.659, 40D-2.021, 40D-2.041, 40D-2.091, 40D-2.501, and 40D-2.621, F.A.C., and the District's Water Use Permit Information Manual Part B, "Basis of Review" to revise the Small General water use permit category and the application processing and permit requirements for Small General water use permits.

30. **Approve Initiation of Rulemaking to Amend Rule 40D-4.091, Florida Administrative Code (F.A.C.), and Environmental Resource Permit Basis of Review Section 2.0 to Clarify that Sufficient Ownership and Control Can Be Demonstrated by Entities with the Power of Eminent Domain**

Staff recommended to approve the initiation of rulemaking to amend Rule 40D-4.091, F.A.C., and Section 2.0 of the Environmental Resource Permit Basis of Review to clarify that entities with the power of eminent domain can demonstrate sufficient ownership and control to undertake permitted activities.

31. **Electrical Power Plant Site Certification – SWFWMD Agency Report on Progress Energy Florida – Levy County Nuclear Units 1 & 2 Transmission Lines – Levy, Citrus, Marion, Sumter, Hernando, Pasco, Hillsborough, Pinellas and Polk Counties**

Staff recommended to approve the Agency Report and proposed conditions for Progress Energy Florida – Levy Nuclear Units 1 and 2 Transmission Lines, to be submitted to the Department of Environmental Protection.

32. **Interagency Agreement – Southwest Florida Water Management District and St. Johns River Water Management District – Designation of Regulatory Responsibility – County Road 466 – Lake County**

Staff recommended to approve the Interagency Agreement between the Southwest Florida Water Management District and the St. Johns River Water Management District for designation of the regulatory responsibility for the County Road 466 Project as described.

Resource Management Committee

33. **Resolution Supporting Hillsborough County's Referendum to Extend the Environmental Lands Acquisition and Protection Program**

Staff recommended to approve the resolution supporting Hillsborough County's referendum to extend its Environmental Lands Acquisition and Protection Program.

34. **Lake Coronado and Vicinity Storm Drainage Improvements – Second Amendment**

Staff recommended to approve the Second Amendment to the agreement with the City of St. Petersburg for the reduced scope of work with the \$4,786,000 total amount of the contract not being changed and the Basin's share not to exceed \$2,393,000; and authorize the Executive Director to execute the Amendment.

35. **Appraisal, Purchase/Sale Agreement and Resolution Requesting Funds – Green Swamp Wilderness Preserve, SWF Parcel No. 10-200-1005**

Staff recommended (1) acceptance of appraisal; (2) approval of purchase/sale agreement; (3) approval of resolution requesting funds; and (4) designation of SWF Parcel No. 10-200-1005 as having been acquired for conservation purposes.

36. **Appraisal, Purchase/Sale Agreement and Resolution Requesting Funds – Annatteliga Hammock Project, SWF Parcel No. 15-228-1296**

Staff recommended (1) acceptance of appraisal; (2) approval of purchase/sale agreement; (3) approval of resolution requesting funds; and (4) designation of SWF Parcel No. 15-228-1296 as having been acquired for conservation purposes.

37. **Appraisals and Purchase/Sale Agreements – Lake Hancock Project**

a. **SWF Parcel No. 20-503-145**

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

b. **SWF Parcel No. 20-503-165**

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

- c. **SWF Parcel No. 20-503-193**
Staff recommended to (1) accept the appraisal; and (2) approve the Purchase/Sale Agreement.
- d. **SWF Parcel No. 20-503-195**
Staff recommended to (1) accept the appraisal; and (2) approve the Purchase/Sale Agreement.

Add-On Item

Appraisals and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-5030212

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

38. **Facilitating Agricultural Resource Management Systems (FARMS) Program**

a. **Balaban Farms, LLC – Hillsborough County**

Staff recommended to (1) approve additional funding for the Balaban Farms, LLC FARMS Project for a not-to-exceed amount of \$547,500, an increase of \$235,000 from the original approved amount of \$312,500, with \$58,750 provided by the Governing Board, \$58,750 provided by the Hillsborough River Basin, and \$117,500 provided from 2008 State Appropriations; (2) authorize the transfer of \$58,750 from fund 013 H100 Hillsborough River Basin WSRD reserves, \$58,750 from fund 010 H017, Governing Board FARMS funds, and \$117,500 from the 2008 State Appropriations allocated to fund 010 H017 FARMS funds, to H559 Balaban Farms project fund; and (3) authorize the Executive Director to execute the agreement.

b. **Island Grove Agricultural Products Integrated Automated Irrigation – DeSoto County**

Staff recommended to (1) approve the Island Grove Agricultural Products Integrated Automated Irrigation FARMS Project for a not-to-exceed project reimbursement of \$48,000, with \$12,000 provided by the Peace River Basin Board, \$12,000 provided by the Governing Board, and \$24,000 provided from State Appropriations; (2) authorize the transfer of \$12,000 from fund 020 H017 Peace River Basin Board FARMS funds, \$12,000 from fund 010 H017 Governing Board FARMS funds, and \$24,000 from fund 020 H017 2007 State Appropriation FARMS funds to H560 Island Grove Agricultural Products Integrated Automated Irrigation FARMS project fund; and (3) authorize the Executive Director to execute the agreement.

c. **Strawberry Red Ranch, LLC – Hillsborough County**

Staff recommended to (1) approve the Strawberry Red Ranch FARMS Project for a not-to-exceed project reimbursement of \$167,500, with \$41,875 provided by the Alafia River Basin, \$41,875 provided by the Governing Board, and \$83,750 provided from State Appropriations; (2) authorize the transfer of \$41,875 from fund 011 H017 Alafia River Basin FARMS funds, \$41,875 from fund 010 H017 Governing Board FARMS funds, and \$83,750 from the 2005 and 2008 State Appropriations allocated to fund 010 H017 FARMS funds, to H561 Strawberry Red Ranch FARMS project fund; and (3) authorize the Executive Director to execute the agreement.

39. **Board Encumbrances**

a. **Algal-Based Biological Water Treatment Systems Pilot Study**

Staff recommended to approve the encumbrance of \$700,000 (remaining in FY2008 funds for the Algal-Based Biological Water Treatment Systems Pilot Study), without a contract for use in FY2009 to conduct an enhanced study of an existing treatment system, including \$400,000 for the vendor agreement and \$300,000 for consultant services.

b. **FARMS Program**

Staff recommended to approve encumbrance of up to \$972,777, or the remaining dollars available from the FY2008 budget, for future year FARMS projects.

c. **Hydrologic Assessments in the Central Florida Coordination Area**

Staff recommended to approve the Board encumbrance of \$67,000, without a contract, and authorize the use of these funds to be used in FY2009 to enter into an agreement with the USGS to expand an ongoing pilot study to analyze factors affecting water levels across the District's portion of the CFCA.

- d. **Judy Tract Hydrologic and Wetlands Restoration Project**
Staff recommended to approve the encumbrance of \$50,000, without a contract, for the Judy Tract Hydrologic and Wetlands Restoration project to be used in FY2009.
- e. **Lake Hancock Lake Level Modification Project**
Staff recommended to approve the encumbrance of \$2,329,624, without a contract, of which \$1,118,812 is from the Governing Board, to be used in FY2009 for implementation of the Lake Hancock Lake Level Modification Project.
- f. **Lake Hancock Outfall Treatment Project**
Staff recommended to approve the encumbrance of \$625,000, without an agreement, for the Lake Hancock Outfall Treatment project to be rolled into the FY2009 budget.
- g. **Northern Tampa Bay Phase II Investigation**
Staff recommended to approve the Board encumbrance of \$176,022, without a contract, and authorize the use of these funds to be used in FY2009 for as-needed technical support for the NTB recovery project.
- h. **Peace Creek Canal Watershed Management Project**
Staff recommended to approve the encumbrance of \$368,116.99, without an agreement, for the Peace Creek Watershed Management Plan Project to be used in FY2009 for canal restoration and maintenance, engineering design, and permitting.

Finance & Administration Committee

40. **Board Travel**
Staff recommended to approve Governing Board member travel to the 2008 Water Congress, in Orlando, on September 25-26, 2008, as designated in the information notebook.
41. **Budget Transfer Report**
Staff recommended approval of the Budget Transfer Report covering all budget transfers for July 2008.
42. **General Services Department Fiscal Year (FY) 2008 Encumbrances for Facilities**
Staff recommended the encumbrance of \$710,000 in the Capital Improvement Plan (CIP) FY2008 Facilities Fund budget for the Connection to the Hernando County Sewer System project (\$160,000) and the Parking Lot Repair and Resurfacing project, Brooksville Headquarters Phase 1, (\$550,000), for work to be completed during FY2009.
43. **Office of Inspector General FY2008 Encumbrance – FY2008 Board Authorized Quality Assessment Review**
Staff recommended to encumber FY2008 funds in an amount not to exceed \$38,750 remaining in the Consultant Services account for use in FY2009.

General Counsel's Report

44. **Consent Order – WUP Nos. 20001782.003/.004 - Spencer Farms, Inc. (Stephens Road Farm) – Hillsborough County**
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against Spencer Farms, Inc. to obtain compliance with the Consent Order.
45. **Consent Order – ERP No. 43026931.001 - Pasco 54 Ltd., Pasco 54, Inc., Pasco Ranch, Inc. (Cypress Creek Town Center Phase 1) – Pasco County**
Staff recommended approval of the proposed Consent Order and authorize the initiation of litigation against Pasco 54 Ltd., Pasco 54, Inc., and Pasco Ranch, Inc. to obtain compliance with the Consent Order.

Executive Director's Report

- ~~46. **Annual Calendar of Fiscal Year 2009 Meeting Dates** -- Moved to Reports~~
47. **Approve July 29, 2008 Governing Board Meeting Minutes**
Staff recommended approval of the minutes as presented.

Following consideration, **Mr. Gramling moved, seconded by Mr. Oakley, to approve the Consent Agenda as amended. Motion carried unanimously.** (Track 3 – 28:15/29:45)

Chair Combee relinquished the gavel to Resource Management Committee Chair Gramling.

Resource Management Committee

Discussion Items

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

49. **Hydrologic Conditions Status Report**

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the current month to comparable data from the historical record. Mr. Granville Kinsman, Manager, Hydrologic Data Section, presented the 12-month rainfall graphics and other hydrographs to brief the Board on the latest data. Overall hydrologic improvements have been documented throughout the District and most of the hydrologic indicators are moving into the normal range. Tropical Storm Fay skirted the District's boundaries but produced decent rainfall in the Withlacoochee and Peace River Basins. This item was provided for the Committee's information, and no action was required. (Track 4 – 00:00/10:48)

50. **Status Report on Potential Repairs to C.W. Bill Young Regional Reservoir Erosion Control System**

Mr. Jon Kennedy, Manager, Engineering and Projects, Tampa Bay Water, said this presentation was being provided as an update on the operations, maintenance and monitoring activities at the C.W. Bill Young Regional Reservoir.

Monitoring activities and investigations continue on the reservoir's flat-plate soil cement. Small cracking in the soil-cement was expected, however; larger than expected cracking has occurred. On August 5, 2008 Tampa Bay Water staff met with experts from the Florida Department of Environmental Protection and, in consultation with those experts, staff made a decision to limit the amount of water that will be stored in the reservoir this year. With a lower level, the agency can continue the investigation into the cause of unexpected cracking and work toward the development of a fix, as well as protect the areas of concern in the interior lining from potential wave erosion as we near the height of the hurricane season.

The reservoir remains safe, and staff has taken a cautious approach by filling the reservoir to only 105 feet, or approximately 6.4 billion gallons, so the region can continue to benefit from the use of the stored water. The stored water will continue to serve the region through the winter and spring dry season. With the forecast for normal rainfall, Tampa Bay Water staff anticipates meeting the 2008 wellfield pumping cutback.

This item was presented for the Committee's information, and no action was required. (Track 5 – 00:00/18:48)

51. **Approve Final Rule Language of New Rule 40D-26, F.A.C., to Adopt the Facilitating Agricultural Resource Management Systems (FARMS) Program and Amend Rule 40D-1.659, F.A.C., to include the New FARMS Program Application**

Mr. Eric C. DeHaven, P.G., Director, Resource Data and Restoration Department, said this item was to request approval of the final rule language for the Facilitating Agricultural Resource Management Systems (FARMS) Program and amendment of Rule 40D-1.659, Florida Administrative (F.A.C.), to include the new FARMS Program application.

The District's FARMS Program, developed by the District and Florida Department of Agriculture and Consumer Services (FDACS), is a public/private agricultural Best Management Practices (BMPs) cost-share reimbursement program. FARMS is intended to expedite the implementation of production-scale agricultural BMPs that provide water resource benefits. Resource benefits of the FARMS Program include reduced Upper Floridan aquifer withdrawals, water quality improvements (both from ground water and surface water sources) and/or conservation, restoration and augmentation of the area's water resources and ecology. The District's emphasis through the FARMS Program is on

reductions in Upper Floridan aquifer withdrawals that will improve ground water conditions as documented in the Southern Water Use Caution Area (SWUCA) recovery strategy. In addition, the District also provides funding for projects that improve water quality affected by the use of mineralized ground water as documented in the Shell and Prairie Creek Watershed Management Plan – Reasonable Assurance Documentation. The overall goal of the FARMS Program is to reduce groundwater use within the SWUCA by 40 million gallons per day (mgd) by 2025, implement projects to conserve or reduce groundwater use in the entire District, and improve water quality and natural systems impacted by agricultural groundwater withdrawals.

The FARMS Program operates under a Governing Board approved Procedure 13-9 which was last updated and approved in June 2007. The procedure defines the purpose of the program, the criteria for project approval and cost-share rates, and the application process. In July 2006, the Joint Administrative Procedures Committee (JAPC) of the Florida Legislature reviewed the program and rendered an opinion that the program and associated criteria constituted formal agency practice and therefore must be adopted by rule. Subsequently, JAPC requested that the District initiate rulemaking for the FARMS Program to define the program under rule. The Governing Board approved the initiation of rulemaking for the program at its October 2006 meeting. Staff, in coordination with FDACS, has subsequently developed a rule that incorporates the existing Board procedure and FARMS Program operating protocols but also will allow for:

- (1) Expansion of the program to include agricultural projects that conserve water from any source – not just groundwater;
- (2) Greater consideration for those agricultural projects doing solely natural system improvement projects in the Upper Myakka River Basin;
- (3) The ability to consider new agricultural operations (less than three years old) that reduce groundwater use; and
- (4) Better definition of the procedure to handle competing applications during periods of funding shortfalls.

The proposed rule language and related FARMS Program application were included as an exhibit in the Governing Board information notebook.

Staff recommended to approve the final rule language of new Rule 40D-26, F.A.C., to adopt the Facilitating Agricultural Resource Management Systems (FARMS) Program (H017) and amend Rule 40D-1.659, F.A.C., to include the new FARMS Program application. Following consideration, **Mr. Combee moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (Track 6 – 00:00/29:32)

Submit & File Reports – None

Routine Reports

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

52. **Florida Forever Funding Status Report**
53. **Minimum Flows and Levels Status Report**
54. **Structure Operations Status Report**
55. **Watershed Management Program and FEMA Map Modernization Status Report**
56. **Significant Water Supply and Resource Development Projects**

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

Regulation Committee

Discussion Items

57. **Consent Item(s) Moved for Discussion** – Item 25 moved from Consent to Discussion.

25. **ERP No. 43031581.000 - Indian Palms Estates – Sarasota County**

Mr. Dean Meads, representing the residents of the Sarasota Golf Club Colony, addressed the Governing Board today regarding this permit. He said a development is proposed to be built on an existing golf course that is located in their community. Residents are concerned there may be flooding and drainage issues once the golf course is replaced by homes. Mr. Meads said he and the residents hoped the Governing Board would postpone action today on this permit and look into protective measures for the water supply.

Mr. Ross Morton, Director, Sarasota Regulation, said District staff have been working with the Florida Department of Environmental Protection (FDEP), Sarasota County, and Mr. Meads on this project for quite some time. Mr. Morton said that the only issue he is aware of at this time is that a potential contaminate may exist outside of the project boundaries. The permit has been conditioned that if contaminants are found on site the permit will be modified. Mesdames Closshey and Rovira-Forino sought clarification from Mr. Morton that under the Specific Conditions section of the Permit Item 18 would cover an issue if contaminants were found in subsequent testing.

The permit meets all rule criteria; and staff recommended approval of the permit.

Mr. Pressman suggested that District staff postpone seeking approval of the permit and do some additional investigation. Mr. Owen said he would defer to General Counsel Bilenky; however, he thought that a decision was required at today's meeting. Mr. Bilenky said if the Governing Board does not take action the item may essentially be approved by time default. Mr. Bilenky said taking action today does not guarantee that this project moves forward because there are other permitting phases that will have to be successfully completed.

Staff checked the time clock regarding this permit; it was announced that if the Board decided to wait until the September Governing Board meeting to take action on this permit it could do so without a permit being issued by default. Mr. Joerger said he thought the Board should make a decision today and not hold up any further process. Mr. Pressman said he does not want to move ahead when the Board has received so many signatures on an issue. Ms. Closshey sought clarification regarding how other permitting agencies would be made aware of the District's concerns on this permit. Mr. Morton responded to Ms. Closshey and said he would send a letter to FDEP and Sarasota County regarding the discussion heard at today's Board meeting.

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

Mr. Gramling amended his motion, seconded by Mr. Joerger, to approve the staff recommendation and to direct staff to write a letter expressing the concerns that the Governing Board has identified be sent along with the application to FDEP and Sarasota County and provide citizens an opportunity to meet with staff regarding the Board's action within the next 30 days. Motion carried unanimously. (Track 7 – 00:00/29:57)

58. **Approve Final Amendments to 40D-2.091, F.A.C, and Part B and Part D, of the Water Use Permit Information Manual to Expand the Southern Water Use Caution Area Per Capita Requirements Districtwide**

Mr. Richard Owen, Deputy Executive Director, provided an overview and some historical information regarding the use of per capita requirements. He introduced Mr. Jay Yingling,

Senior Economist, Planning Department, who presented the details of the per capita requirements and the rule revisions.

Staff has drafted revisions to the proposed rules that addressed the concerns raised. The draft rule amendments include revisions to the formula used to calculate a permittee's per capita rate to allow deductions and adjustments that would lower the per capita rate to achieve greater equity among permittees. These deductions and adjustments include:

- Golf course irrigation within the permittee's service area where the irrigation quantities are included in the permitted quantities for the service area and reported as withdrawals;
- Stormwater use inside the permittee's service area, (other than for golf course irrigation above in A), and included in the permitted quantities for the service area and are reported as withdrawals;
- Fifty percent of the reclaimed water provided outside the permittee's service area;
- Fifty percent of the reclaimed water provided to a single-site use within the permittee's service area using more than 25,000 gpd. These quantities shall not be deducted if used for residential or common area irrigation or if the provision of the reclaimed water reduces existing demand on the provider's potable system.
- Allow a persons-per-household (pph) of 2.01 to be substituted for the actual service area pph in the calculation of the functional population when compliance with the 150 gpcd cannot be achieved by all allowable deductions and credits and the actual pph is less than 2.01. This addresses the concerns of utilities that have a high per capita water use, in part due to a low service area pph. (The 2.01 pph value has been developed based upon an analysis of service area persons-per-household from Census data.)

In addition, staff has formalized a calculation process in which projected allowable deductions are explicitly incorporated into the future permitted quantities. This will provide additional assurance that a permittee that is in compliance with the 150 gpcd compliance standard will not likely face an overpumpage compliance issue.

Finally, staff has addressed the issue of Southern District utilities having a long period over which to achieve their current per capita levels while the Northern District utilities will have only five years to comply with the 150 gpd per capita standard. Staff proposes that the 150 gpd standard be achieved over a 10-year period with a minimum of 50 percent of the progress to achieving the standard being made in the first five years after the effective date of the rule. This proposal will allow permittees and their customers 10 years over which to depreciate the value of previous investments in less efficient irrigation equipment and landscapes, the primary cause of high per capita water use. This will also allow further time to develop alternative sources of water for irrigation such as reclaimed water.

Staff recommended approval for adoption of the final amendments to 40D-2.091, F.A.C., and Part B, Basis of Review, of the Water Use Permit Manual to expand the Southern Water Use Caution Area per capita requirements Districtwide.

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

Committee Vice Chair Beswick heard public comment at this time.

Mr. Edward de la Parte, P.A., said he came to address the Governing Board today to represent his clients from Bay Laurel and On Top of the World Communities, subdivisions with mainly age restricted, single-family residences. These subdivisions are located in Marion County and are served through small local utilities. He said these communities run aggressive conservation programs and its citizens are concerned that their areas have the same "tools in the toolbox" as the southern part of the District to help meet the 150 per capita requirements. The small communities with low numbers of persons, per household, need to be taken into consideration when rule making.

Ms. Closshey said the concerns that Mr. de la Parte raised should send a message to all developers that moving forward these issues, in smaller community developments, need to be taken into consideration when planning for the future. Ms. Whitehead said she is convinced there will be statewide per capita rates in the near future; she said she wants all areas treated fairly and will do her best to help represent these smaller northern subdivisions.

Motion carried unanimously. (Track 8 – 00:00/61:27)

59. **Approve Memorandum of Agreement between the District and U. S. Environmental Protection Agency Concerning Groundwater Contamination at Selected Sites within the District and Initiation of Rulemaking to Amend Rule 40D-3.037, F.A.C., to Incorporate Agreement by Reference**

Ms. Marti Moore, Senior Attorney, Office of General Counsel, said U.S. Environmental Protection Agency (EPA) representatives and District staff have recently engaged in discussions concerning the use of District well construction and other regulations as potential institutional controls for selected Superfund sites. Institutional controls are mechanisms such as pollution prevention-related regulations, zoning restrictions and negotiated private covenants or deed restrictions that can be applied to a Superfund site to help further reduce the risk of contaminant exposure by regulating or prohibiting activities that could cause pollution to spread. Discussions have centered around the former Landia Chemical Company/Florida Favorite Fertilizer site located on Olive Street in Lakeland, Polk County. This site was placed on the Superfund list in 2000 due to pollution caused by long-term pesticide manufacture and storage. Surficial ground water contamination in and around the area involves pesticides, heavy metals, nitrates, sulfates, and volatile and semi-volatile organic compounds. Ground water in the area is not currently being used by the public as a source of drinking water, as the area is supplied water by the City of Lakeland. EPA has sought the District's cooperation to help minimize the risk of public exposure to contaminated ground water and ensure that the contamination plume does not migrate further from this site.

Mr. Tony Gilboy, Well Construction Manager, Regulation Performance Management Department, said there are presently within the District approximately 12 specific locations designated by the EPA as active Superfund sites. On-site remediation efforts are in place or proposed to remove contaminants from these sites. Some Superfund sites are located within geographic areas that have been delineated by the Department of Environmental Protection (DEP) as areas having known ground water contamination or are vulnerable to contamination pursuant to Rule 62-524, Florida Administrative Code. This rule establishes specific well construction requirements applicable within these DEP-delineated areas, but such requirements apply only to potable water wells. No specific requirements are applicable to nonpotable wells. Most of the current Superfund sites are not located within a delineated area and thus are not required to abide by any specific regulations for such areas.

District Rule 40D-3.505, F.A.C., requires water wells to be located in a manner that does not pose a threat of contamination to the water resource and is protective of the health, safety and welfare of the user. Permit applications to construct a water well may be denied if use of the well would increase the potential for harm to public health, safety and welfare, or if the proposed well would degrade ground water quality by causing pollutants to spread. To apply this rule in the context of the Landia site and potentially other Superfund sites, District and EPA staffs propose a Memorandum of Agreement (MOA) to outline a cooperative relationship between the agencies and a protocol for sharing information and implementing regulatory practices in a manner that best minimizes the potential effects of ground water contamination in areas that are or could be impacted by a Superfund site. As proposed in the MOA, EPA will advise the District of areas of ground water contamination impacted by a Superfund site. Based upon detailed site-specific ground water information to be supplied by EPA, staff from both agencies will jointly

determine an appropriate contamination zone and buffer zone for each site. Based upon this information, District staff will be able to implement well construction and other permitting regulations in a manner that helps to minimize public safety risks and prevent further contaminant plume migration. The District will also be able to incorporate a description of these areas into its geographic information system made available to the public. For sites selected for inclusion under the MOA, EPA will ensure that a well survey is conducted every five years by the entities conducting the site cleanups, so that any new wells that may have been constructed in the area (with or without permits) are identified, and will provide District staff with ground water monitoring and assessment reports prepared for the affected sites. When reviewing and approving permit applications for regulated activities occurring in the affected areas, District staff will be able to impose appropriate reasonable conditions as needed to prevent the spread of ground or surface water contamination. For well construction permits, such conditions may include prohibiting construction or use of a well for potable supply, requiring notice to well owners of potential ground water contamination or requiring specific construction methods and casing depths. The parties further agree to share related information on regulatory and permitting matters affecting the designated areas. Currently, only the Landia Chemical Site is proposed to be placed on the list of sites to come under the terms of the MOA, but it is anticipated that additional sites will be added upon mutual consent of the parties as other existing sites are evaluated or new sites are identified.

Staff recommended approval of the Memorandum of Agreement between the District and U.S. EPA concerning ground water contamination at selected Superfund sites within the District, authorize the Executive Director to execute the Memorandum of Agreement and any modifications to the list of affected sites, and approve the initiation of rulemaking to amend Rule 40D-3.037, F.A.C., to incorporate the Memorandum of Agreement by reference.

Following consideration, **Mr. Combee moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (Track 8 – 61:27/79:42)

Submit & File Reports – None

Routine Reports

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

60. **Southern Water Use Caution Area Quantities**
61. **Water Production Summary**
62. **Public Supply Benchmarks**
63. **Overpumpage Report**
64. **Resource Regulation Significant Initiatives Report**

Mr. Owen said the Peace River Manasota Regional Water Supply Authority will be on next month's agenda seeking concurrence with an Emergency Order allowing them permission to move around water due some power failures and repairs at their main facility.

Mr. Owen said supplemental information from the annual Optimized Regional Operations Plan (OROP) has been received from Tampa Bay Water and staff has approved the report.

Committee Vice Chair Beswick relinquished the gavel to Chair Combee. Chair Combee recessed the public hearing for a short lunch break.

Following the lunch break, Chair Combee relinquished the gavel to Finance and Administrative Committee Chair Oakley.

Finance and Administration Committee

Discussion Items

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

66. **Fiscal Year 2009 Budget Update**

Mr. Eugene Schiller, Deputy Executive Director, said staff will be seeking acceptance of the FY2009 Budget Update including proposed changes. He reviewed the FY2009 Budget Calendar Critical Dates. The Final Budget Hearing is scheduled for September 30, 2008. Mr. Schiller provided a brief update on the budget. The chart he used was also included under Item 66 in the Governing Board information notebook, and it shows the proposed budget changes since the Board's last meeting on July 29. The Districtwide budget as of this date was \$376.5 million (M), an increase of \$672 thousand (K) over July. This is primarily due to a change in funding for the Lake Hancock Outfall Treatment System. This is the wetland treatment portion of the larger Lake Hancock project that will benefit water quality in the upper Peace River and Charlotte Harbor. Beginning with FY2009, this water quality project will be moved over to the District's SWIM Program and will be eligible for 50 percent matching funds through the State Water Management Lands Trust Fund – this results in \$698K in additional state revenue. The General Fund budget reflects the reduction associated with moving the Lake Hancock Outfall Treatment water quality project to the SWIM Program.

All eight Basin Boards met earlier this month and adopted final millage rates and budgets for recommendation to the Governing Board. The Basin Boards adopted final millage rates equal to the rates adopted for FY2008 except for the Pinellas-Anclote River Basin Board. The Pinellas-Anclote River Basin Board lowered its millage rate from the proposed rate of 0.3701 (same rate as FY2008) to 0.3600. (*This is a rate decrease of 0.0101 mill or 2.7 percent.*) This resulted in a \$767K reduction in ad valorem revenue for this Basin, for a total reduction of \$3.4M (or 11 percent) from FY2008.

The Peace River Basin budget decreased by \$203K because \$246K of United States Environmental Protection Agency funding for the Lake Hancock Outfall Treatment project was moved to the SWIM Program. This was partially offset by an increase of \$43K for additional balance forward available for FY2009.

The SWIM Program budget increased by approximately \$1.9M for the Lake Hancock Outfall Treatment System, this project will be funded as follows: \$492K from the EPA, \$349K from the General Fund, \$349K from the Peace River Basin and \$698K of matching SWIM funds from the State Water Management Lands Trust Fund.

Overall, the budget is \$18.5M lower than FY2008. This is primarily due to the \$21.4M reduction in ad valorem revenue compared to FY2008.

The District's FY2009 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 16, 2008. The Governor's office 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 30, 2008.

Staff recommended acceptance of the FY2009 Budget Update, including proposed changes since the July 29, 2008 Board meeting. Following consideration, **Ms. Whitehead moved, seconded by Ms. Closshey, to approve the aforementioned staff recommendation. Motion carried unanimously.**

Ms. Rovira-Forino requested an update regarding the Water Management Information System (WMIS). Mr. Schiller said to the best of his knowledge the WMIS is on-time and

on-budget. The project remains a multi-year extensive effort that will continue through the year 2010. He said staff continues to work internally with one another and with our private partners to meet our collective needs. An internal staff report is due in October and the Governing Board will receive a project update at its November meeting. (Track 9 – 00:00/29:57)

Submit & File Report

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

67. **Office of Inspector General – Chemistry Laboratory Managerial Audit**
Committee Chair Oakley said the audit report indicates that the District has a very effective laboratory that meets national accreditation standards. The Governing Board extended their congratulations to staff for their outstanding work.
68. **July 2008 Interim Report on Workforce and Vendor Diversity**
Ms. Rovira-Forino said the District continues to make strides in their diversity initiatives both on the human resources side and the procurement aspects as well.

Routine Reports

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

69. **Treasurer's Report, Payment Register, and Contingency Reserves Report**
70. **Management Services Status Report**

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

Outreach and Planning Committee

Discussion Item

71. **Fiscal Year 2010 Strategic Plan Update**
Mr. Roy Mazur, P.E., Director, Planning Department, said the purpose of this agenda item was to inform the Governing Board on the progress of the Strategic Plan update process, and in particular, highlight the emphasis on refining the success indicators. Examples of discussion items derived from the Steering Committee and Strategic Team meetings were featured. In addition, the Governing Board received the production draft of the 2010 Strategic Plan and information on the project objectives on target to be achieved.

Ms. Closshey said she was very excited and pleased at the progress staff has made on this strategic initiative. She thanked the teams that worked very hard for the past two years on changing and fine tuning this important District document. Ms. Kavouras thanked Ms. Closshey for her leadership role and acting as the Board's liaison on this initiative. Committee Chair Rovira-Forino thanked Ms. Closshey for sharing her vision with the District and bringing this team together.

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

District staff conducted a cooperative funding seminar for government officials last week. Mr. Gramling said he attended and wanted to congratulate staff on a successful event. He said he hopes to see other information sharing events like this one in the future. Mr. Moore thanked Messrs. Rathke and Lair for their work in putting together this seminar.

Submit & File Reports – None

Routine Reports

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

72. **Comprehensive Plan Amendment and Related Reviews Report**
73. **Development of Regional Impact Activity Report**
74. **Speakers Bureau**
75. **Significant Activities Report**

Outreach and Planning Chair Rovira-Forino relinquished the gavel to Chair Combee. (Track 10 – 00:00/26:17)

General Counsel's Report

Discussion Items

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

77. **Settlement Agreement – SWFWMD v. Aloha Utilities, Inc. - Sixth Judicial Circuit Case No. 02-CA-2549 – Pasco County**

Mr. Jack Pepper, Deputy General Counsel, said in September 1992, the District issued water use permit (WUP) No. 20003182.002 (the .002 Permit) to Aloha Utilities, Inc. (Aloha) authorizing groundwater withdrawals of 2,040,000 gallons per day (gpd) on an annual average basis for public supply use. In April 1999, the District issued WUP No. 20003182.004 (the .004 Permit) to Aloha, which renewed the .002 Permit and authorized the same groundwater withdrawals of 2,040,000 gpd. Between November 1995 and February 2002, Aloha made groundwater withdrawals in excess of its permitted quantities.

As a result of Aloha's repeated withdrawal of groundwater in quantities exceeding those allocated under the .004 Permit, the District and Aloha entered into Consent Order No. SWF 02-15 on February 26, 2002. The Consent Order specified the means by which Aloha would remedy its excessive withdrawals pursuant to an agreed upon compliance plan including both demand side and supply side measures. Demand side measures required by the compliance plan included the use of customer billing inserts, customer conservation programs, implementation of conservation rates, wastewater reuse, and residential reuse. Supply side measures required by the compliance plan included the purchase of water from Pasco County in quantities sufficient to make up the difference between Aloha's permit limits and its demand, and the exploration of other alternative water sources including a 2,500,000 gpd reverse osmosis treatment plant. After Aloha failed to fully comply with the Consent Order, the District initiated litigation in Pasco County circuit court in September 2002 to enforce the terms of the Consent Order. As a defense to enforcement of the Consent Order, Aloha claimed impossibility of performance due to events beyond its control, including the approval of increased water rates by the Florida Public Service Commission (PSC) necessary to enable Aloha to purchase the necessary quantities of water from Pasco County.

On July 7, 2006, the District proposed to issue WUP No. 20003182.005 (.005 Permit) to Aloha, renewing the .004 Permit and requiring Aloha to meet specified deadlines aimed at bringing Aloha back into permit compliance. The proposed .005 Permit deadlines included filing a rate increase proceeding with the PSC on or before November 1, 2006, and beginning to purchase a minimum of 1,500,000 gpd of water from Pasco County on or before August 1, 2007. Aloha objected to the terms of the proposed .005 Permit, and timely filed a Petition for Formal Administrative Hearing, claiming inability to meet the required deadline for purchasing water because of actions or inaction by Pasco County beyond Aloha's control. The District referred the matter to the Division of Administrative Hearings (DOAH) on July 31, 2006. The parties ultimately resolved the DOAH proceeding by the District's issuance of a revised .005 Permit on November 26, 2007. The revised .005 Permit addressed Aloha's future permit compliance by further outlining the process by which Aloha would attain such compliance, including a revised timetable for purchasing water from Pasco County as soon as (1) the PSC approves final, unappealable rates sufficient to allow Aloha to pay for such water, and (2) the necessary infrastructure has been put in place by Aloha and Pasco County.

Following successful resolution of the DOAH proceeding, the District resumed its circuit court enforcement action regarding Aloha's past permit violations. During the discovery process, Aloha initiated settlement talks with the District. The parties reached a Settlement

Agreement (subject to Governing Board approval) in August 2008, whereby Aloha will pay the District \$175,000.00 to resolve Aloha's past enforcement issues spanning the time period of August 2002 (the effective date of the Consent Order) through execution of the Settlement Agreement.

Staff recommended to approve the proposed Settlement Agreement pursuant to which Aloha will pay the District \$175,000.00 in settlement of its past permit violations.

Following consideration, **Ms. Rovira-Forino moved, seconded by Ms. Whitehead, to approve staff recommendation and accept the proposed Settlement Agreement. Motion carried unanimously.**

Submit & File Reports – None

Routine Reports

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

78. **Litigation Report**

Mr. Bilenky said the District had received the September 2008 rent check from Weeki Wachee Springs on August 25, 2008. One more rent check is due October 1, 2008 before the attraction is turned over to Florida Department of Environmental Protection. (Track 11 – 00:00/10:18)

79. **Rulemaking Update**

Reports

80. **Executive Director's Report**

Mr. Moore discussed a letter received from Governor Crist regarding the Governor's encouragement to undertake any capital improvement projects that are budgeted in an effort to stimulate the economy. Mr. Moore said he has directed staff to expedite any projects that fall into this category.

The Water Congress is upcoming on September 25-26; there will be 120 delegates, and various staff members from all five of the water management districts. A day before the Water Congress, on September 24, the Chairs and Executive Directors of the five Water Management Districts and Secretary Sole will meet for their usual quarterly meeting.

Save the Date postcards have been mailed to the existing and former Governing Board and Basin Board members for the State of the Water Resources of West Central Florida Workshop, Friday, November 21, in the Westshore area. Ms. Rovira-Forino requested that the House of Representative members and local government officials be invited.

Mr. Moore turned the Board's attention to the Annual Calendar which was an item moved from the Consent Agenda so that the Board would have an opportunity to discuss some suggestions from staff before voting. Mr. Moore said staff would like to schedule a joint meeting with the Peace River/Manasota Regional Water Supply Authority (PR/MRWSA), Monday, October 27, 2008, at the Sarasota Service Office. The Governing Board would convene again at the Sarasota Service Office on Tuesday, October 28, 2008, for its regular meeting.

Mr. Moore said he would like the Governing Board to consider a change staff recommended which was to move the Governing Board ahead of schedule in November 2008 by moving the Governing Board meeting up a week earlier to November 18, 2008. He said the Board would meet at the Tampa Service Office that month. He said half of the Governing Board meetings are planned to be held at Brooksville headquarters and the other half at various locations.

The Board is scheduled to meet with Tampa Bay Water on Monday, January 26, 2009 at the Brooker Creek. Mr. Moore continued to review each month's schedule. In February the Board will meet at District headquarters. In March the Board would meet with the Withlacoochee River Regional Water Supply Authority in Wildwood. The May meeting would be held in Highlands County on Wednesday, May 20. The June meeting would be held on June 23. The July meeting would be in Polk County. The August and September meetings would be back at District headquarters.

46. **Annual Calendar of Fiscal Year 2009 Meeting Dates**

Staff recommended approval of the annual meeting calendar as amended above. Following consideration, **Ms. Closshey moved, seconded by Mr. Oakley, to approve staff recommendation. Motion carried unanimously.**

81. **Chair's Report**

Chair Combee reviewed, with General Counsel Bilenky, the proper course of action when staff has presented an action item according to *Robert's Rules of Order*. He said he wanted to make sure the public was being provided an opportunity to speak at the proper time.

Mr. Joerger announced that Watershed Awareness Week in Sarasota will be held October 13 – 19, 2008. He will share a list of planned activities surrounding the event.

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

The meeting was adjourned at 2:40 p.m. (CD 1/Track 12 - 00:00/19:48)

Attest:

Chairman