

# APPROVED

## MINUTES OF THE MEETING

### Governing Board Southwest Florida Water Management District

Tampa, Florida

November 18, 2008

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met at 9:00 a.m. on November 18, 2008, at the Tampa Service Office. 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  
Patricia M. Glass, Member  
Hugh Gramling, Member  
Albert G. Joerger, Member  
Sallie Parks, Member  
Maritza Rovira-Forino, Member  
H. Paul Senft, Member  
Douglas B. Tharp, Member  
Judith C. Whitehead, Member

#### Staff Members Present

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

#### Recording Secretary

Annette D. Zielinski, Senior Admin. Assistant

#### Board Members Absent

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

Vice Chair Pressman called the meeting to order and opened the public hearing for Chair Combee who was detained in traffic at the start of the meeting. Ms. Closshey noted a quorum was present.

### 2. Pledge of Allegiance and Invocation

Vice Chair Pressman led the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offered the invocation. (CD 1/Track 01 - 00:00/01:08)

## Public Hearing

Vice Chair Pressman noted that this Governing Board meeting was being broadcasted to the Bartow, Brooksville and Sarasota Service Offices using the video conferencing system for the purpose of viewing the Board meeting only. Public input will only be taken at the Tampa office. The Governing Board's meeting was also recorded for broadcast on government access channels.

Vice 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." Vice 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 were deleted from the agenda after publication of the regular agenda. (CD 1/Track 02 - 00:00/03:19)

**Consent Agenda**

*The following items were deleted from consideration:*

- 15. ERP No. 49019100.003 - Orange State Residential (*DENIAL*) – Pasco County
- 20. ERP No. 44033419.000 - Kirnes Webster Property (*DENIAL*) – Sumter County
- 22. WUP No. 20005160.004 - Sandlin Farms – Levy County
- 28. Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-170P
- 32. Settlement Agreement – Lance H. Ham et al. v. City of Plant City, Hillsborough County, and SWFWMD, 13th Judicial Circuit Case No. 05-CA-9419 – Hillsborough County

4. **District Recognition – Tampa Bay Partnership Chairman's Cup for Excellence in Regionalism**

Mr. Roy McGraw and Ms. Elisa DeGregorio, Tampa Bay Partnership, presented the Chairman's Cup for Excellence in Regionalism to Mr. David Moore who was honored for his work as a member of the Executive Committee of One Bay. This partnership program has been fundamental to regional success and in particular to formalizing and working toward a cohesive regional vision. One Bay has included extensive public outreach and serves as one of the best examples of public-private collaboration in recent years.

This item was presented for the Board's information, and no action was required. (CD 1/Track 03 - 00:00/04:29)

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

No person(s) came forward to speak at this time.

**Consent Agenda**

Items 15, 20, 22, 28, and 32 were deleted from consideration. Item 24 was moved from Consent to Regulation Committee Discussion Items.

**Regulation Committee -- Environmental Resource Permits**

- 6. ERP No. 43000164.043 - Charlotte County Airport - Piper Road Airport Drainage Plan – Charlotte County
- 7. ERP No. 43008323.003 - McGrath Point Estates, Reeves, 4370 Point Court (*DENIAL*) – Charlotte County
- 8. ERP No. 43033205.000 - The Great Loop – Charlotte County
- 9. ERP No. 43033914.000 - Centralia Acres Subdivision – Hernando County
- 10. ERP No. 43018888.019 - Waterset, Phase 2A – Hillsborough County
- 11. ERP No. 43033020.004 - FDOT - I-75 (State Road 93A) North of Bruce B. Downs to State Road 56 (Mainline Widening) – Hillsborough/Pasco Counties
- 12. ERP No. 49028320.002 - Newport Isles Development – Manatee County
- 13. ERP No. 49002364.142 - Trinity Communities - Foxwood – Pasco County

14. ERP No. 43006666.013 - Watergrass - Parcels B5, B6, D, E, F, G and H – Pasco County
- ~~15. ERP No. 49019100.003 - Orange State Residential (**DENIAL**) – Pasco County~~
16. ERP No. 43023781.026 - Sunlake Apartments Phase 1 – Pasco County
17. ERP No. 43027329.011 - Traditions - Lake Ruby Pier Modification – Polk County
18. ERP No. 46033269.000 - Perfect Temp, Inc. - Addition (**DENIAL**) – Polk County
19. ERP No. 43034013.000 - Lanius Warehouse (**DENIAL**) – Polk County
- ~~20. ERP No. 44033419.000 - Kirnes Webster Property (**DENIAL**) – Sumter County~~

**Regulation Committee -- Water Use Permits**

21. WUP No. 20006841.010 - DeSoto County Utilities, DeSoto Correctional Institute Florida Civil Commitment Center – DeSoto County
- ~~22. WUP No. 20005160.004 - Sandlin Farms – Levy County~~
23. WUP No. 20012867.005 - Clear Springs Enterprises, LLC/Clear Springs Blueberries I – Polk County

**Regulation Committee -- Other**

24. **Approve Additional Revisions to Proposed Amendments to Chapters 4 and 7 of the Environmental Resource Permitting Basis of Review Regarding Water Quantity Criteria**

This item was pulled from the Consent Agenda and moved to Regulation Committee Discussion Items.

25. **Approve for Adoption Final Changes to Amendments to 40D-2.091, Florida Administrative Code, and Part B, Basis of Review, of the Water Use Permit Information Manual to Expand the Southern Water Use Caution Area Per Capita Requirements Districtwide in Response to the Joint Administrative Procedures Committee; and Submittal of the Statement of Estimated Regulatory Costs**

Staff recommended to approve for adoption final changes to Amendments to 40D-2.091, Florida Administrative Code, and Part B, Basis of Review, of the Water Use Permit Information Manual to Expand the Southern Water Use Caution Area Per Capita Requirements Districtwide in Response to the Joint Administrative Procedures Committee; and Submittal of the Statement of Estimated Regulatory Costs.

**Resource Management Committee**

26. **Resolution Requesting Encumbrance of Fiscal Year 2009 Budgeted Funds from the Water Management Lands Trust Fund for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes**

Staff recommended to approve Resolution Requesting Encumbrance of Fiscal Year 2009 Budgeted Funds from the Water Management Lands Trust Fund for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes in the amount of \$28,177,847 and authorize staff to request quarterly reimbursements for the fiscal year not to exceed \$28,177,847.

27. **Resolution 08-29 to Request Encumbrance of Funds from the Water Management Lands Trust Fund for the Lake Hancock South Saddle Creek Restoration and Water Quality Treatment Project**

Staff recommended to approve Resolution 08-29 to Request Encumbrance of Funds from the Water Management Lands Trust Fund for the Lake Hancock South Saddle Creek Restoration and Water Quality Treatment Project in the amount of \$7.5 million.

28. **Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-170P**

This item was deleted from consideration.

29. **Approve Transfer of Funds for the Urban Lake Rescue Project**

Staff recommended to (1) authorize the transfer of \$136,916 in the SWIM Fund from the 49th Street Outfall Project (W228) to the Urban Lake Rescue Project (W268), with the project to be funded as follows: \$68,458 (50 percent) by State SWIM Funds (Water Management Lands Trust Fund), \$20,978 (15 percent) by Hillsborough River Basin, and \$47,480 (35 percent) by Northwest Hillsborough Basin; and (2) authorize the Executive Director to execute an amendment to the agreement.

### **Finance & Administration Committee**

30. **Board Travel**

The following travel outside the geographic boundaries of the District was recommended for approval: Albert Joerger, Maritza Rovira-Forino, Paul Senft and Judy Whitehead to attend the December 3-5, 2008 Public Lands Acquisition and Management Conference in Jacksonville.

31. **Budget Transfer Report**

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

### **General Counsel's Report**

32. **Settlement Agreement – Lance H. Ham et al. v. City of Plant City, Hillsborough County, and SWFWMD, 13th Judicial Circuit Case No. 05-CA-9419 – Hillsborough County**

This item was deleted from consideration.

33. **Initiation of Litigation – Surface Water Activity – Batista Madonia, Sr. and Evelyn Madonia – Polk County**

Staff recommended the initiation of litigation against Batista Madonia, Sr. and Evelyn Madonia and any other appropriate parties to obtain compliance, to recover an administrative fine/civil penalty for construction without a permit, and to recover District enforcement costs, court costs and attorney's fees.

34. **Initiation of Litigation – Surface Water Activity – Russell D. Adams, Stephanie R. Adams, Daniel L. Barco and Cynthia D. Barco – Hardee County**

Staff recommended the initiation of litigation against Russell D. Adams, Stephanie R. Adams, Daniel L. Barco and Cynthia D. Barco and any other appropriate parties to obtain compliance, to recover an administrative fine/civil penalty for construction without a permit, and to recover District enforcement costs, court costs and attorney's fees.

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

35. **Approval of Minutes – October 28, 2008 Governing Board Meeting**

Staff recommended approval of the minutes as presented.

Following consideration, **Ms. Parks moved, seconded by Mr. Oakley, to approve the Consent Agenda as amended. Motion carried unanimously.** (CD 1/Track 3 – 04:29/05:29)

Vice Chair Pressman relinquished the gavel to Resource Management Committee Chair Gramling.

### **Resource Management Committee**

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

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

37. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, presented the 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 regional rainfall totals for the month (as of October 30) were normal in all regions of the District. Provisional streamflow (as of October 27) decreased in all three regions of the District compared to the previous month. Provisional groundwater data (as of October 27) indicate levels in the Floridan/Intermediate aquifer decreased in all three regions of the District compared to the previous month.

Lake levels decreased in the Northern, Tampa Bay and Polk Uplands regions of the District during the month, while they increased in the Lake Wales Ridge region. Average lake levels were below the base of the annual normal range in all regions of the District. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

October, the first month of the eight-month dry season, ended with normal precipitation conditions throughout the District. Rainfall during the four-month wet season (June through September) was lower than expected. The 12-month District-wide rainfall deficit increased during October, ending the month approximately 4.7 inches below the long-term average. Most hydrologic indicators throughout the District declined during October, with regional lake levels remaining at below-normal conditions, flow on the District's major rivers at near record low levels for this time of the year, and groundwater conditions ranging at below-normal to low-normal conditions. The dry season runs from October through May, and further declines are expected through this period.

The US Drought Monitor (as of October 28) indicates that abnormally dry conditions throughout west-central Florida are expanding and intensifying. National weather forecasts from November through April indicate an area of below-normal rainfall developing to the north of the District and expanding south to encompass the entire District by late winter and early spring.

In summary, the rainfall deficit continues to expand with steady declines in hydrologic indicators. The forecast favors drier-than-normal conditions and seasonal declines are expected to be greater than normal.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 4 – 00:00/12:17)

(Chair Combee entered the meeting at 9:15 a.m.)

38. **Authorize Submission of the Preliminary Flood Insurance Rate Map for the Lizzie Hart Watershed to the Federal Emergency Management Agency**

Mr. Mark A. Hammond, P.E., Director, Resource Projects Department, said this was an action item to request the Board authorize staff to submit the preliminary Flood Insurance Rate Map (FIRM) for the Lizzie Hart watershed in Hernando County to the Federal Emergency Management Agency (FEMA). The Lizzie Hart watershed model and floodplain information have gone through the District's process including internal and external peer review by experienced licensed professional engineers. This watershed was also presented at public workshops held in the District's Brooksville Headquarters for review and comment. The preliminary floodplain information is ready to be formatted to meet FEMA's mapping specifications and submitted to FEMA. Following submittal of the preliminary FIRM to FEMA, they will conduct their own technical review, take public input, and allow for a 90-day appeals period during the adoption process. Depending on public input, the FEMA process can take one to two years.

Mr. Mark Ellard, P.E., Associate Principal, Inwood Consulting Engineers, reviewed the firm's qualifications and experience in watershed management and stormwater engineering. Mr. Ellard presented the existing FEMA Floodplain which he said was a limited analysis whereby flood zones delineated only included Hernando County and not north into Citrus County. He also presented overhead maps of terrain, land use, and overview soils for the Lizzie Hart Sink. The 2008 Modeled Floodplain was created after Inwood's extensive desktop review, field review, floodplain comparison, model network analysis, and model validation. In conclusion, Mr. Ellard said the preliminary floodplains appear reasonable based on the available data and based on the methodology utilized.

Mr. Jeff Glenn, P.E., Reynolds, Smith, and Hills (RS&H), reviewed the firm's qualifications and experience in water resources. He introduced Mr. Justin Dewey, P.E., who overviewed the five key steps to the peer review process. In conclusion, RS&H said Inwood Consulting Engineers used the best available data; that they used appropriate engineering care and practice to produce reasonable floodplain results; and that model

results of Hurricane Frances data matched well with eyewitness accounts provided in the public meeting.

Staff recommended authorization to submit the preliminary FIRM for the Lizzie Hart watershed in Hernando County to the FEMA.

Board members engaged staff in further discussion of the modeling parameters before voting on the staff recommendation. Mr. Moore reminded the Board the FIRM will be further evaluated and public input will be taken through the FEMA process.

Following consideration, **Ms. Whitehead moved, seconded by Ms. Rovira-Forino, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 5 – 00:00/77:06)

Resource Management Committee Chair Gramling relinquished the gavel to Regulation Committee Chair Parks to hear Item 24 which was pulled from the Consent Agenda for discussion under the Regulation Committee Discussion Items. This item was heard out-of-order to accommodate audience members.

## Regulation Committee

### *Discussion Items*

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

24. **Approve Additional Revisions to Proposed Amendments to Chapters 4 and 7 of the Environmental Resource Permitting Basis of Review Regarding Water Quantity Criteria**

Mr. Owen said he just learned that there are some concerns with the proposed draft rules changes. He recommended that action be postponed so that staff can meet with the concerned parties and return to the Governing Board for approval at a later date.

Regulation Committee Chair Parks heard public comment at this time.

Ms. Judy James, representing Tampa Bay Builders Association, said they would like an opportunity to work with District staff before this item was approved.

Mr. Scott Coulembe, Polk County Builders Association, said they too would like an opportunity to work with District staff on some language clarification before this item is voted on.

Following consideration, **Ms. Closshey moved, seconded by Mr. Senft, to approve a continuance on this item allowing staff to work with the public on language clarification. Motion carried unanimously.** (CD 1/Track 6 – 00:00/07:08)

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

39. **Regional Reclaimed Water Partnership Initiative – Phase 1**

Mr. Moore introduced this item and said the Board will hear a presentation regarding the Regional Reclaimed Water Partnership Initiative – Phase 1. The Phase 2 Initiative would probably involve Hillsborough County and Tampa Electric Company (TECO), but could be delayed one or more years. Ms. Alison P. Ramoy, Senior Water Conservation Analyst, Resource Projects Department, said the Governing Board received a revised agreement this morning. She said most of the changes were very minor; she did point out that Exhibit 3.5 stipulates that TECO will maximize the use of reclaimed water to offset groundwater use from existing facilities as well as for their future power generating units

Phase I includes the design and construction of approximately 15 miles of 20-inch to 30-inch reclaimed water transmission main from Lakeland's wastewater effluent wetland treatment system south to TECO's Polk Power Station. This phase also includes the additional treatment and disposal necessary for TECO to use the water for cooling and other operational uses. The additional treatment is expected to consist of filtering and possible reverse osmosis. Disposal will consist of two deep injection wells for concentrate disposal. The District will only participate in the funding of one well, as the other one is for backup purposes. Phase I is expected to commence with design beginning by March 15, 2009 and construction completed in 2013.

As reflected in the agreement, the implementation of Phase I will maximize the use of available reclaimed water and eliminate an estimated 5.0 to 6.0 million gallons per day of future potable groundwater withdrawal for the planned power generation expansion. The estimated cost of Phase I of the Regional Reclaimed Water Partnership Initiative is \$65,686,800, and the District is being asked to fund \$32,843,400. The funding approved in FY2009, includes \$8,354,642 from the Governing Board, \$1,040,354 from the Alafia River Basin Board, and \$521,640 from the Peace River Basin Board. Though the Manasota Basin Board approved \$31,250 in FY2009 funding, it will be returned to the Basin Board's budget due to a refinement of the project scope and resulting water resource benefits. An additional \$337,500 from the Water Protection and Sustainability Trust Fund and \$2,500,000 from the Water Restoration Action Plan Fund has been allocated to this project in FY2009, for a total of \$12,754,136 in FY2009 funding.

Staff recommended the Governing Board approve the agreement with the Tampa Electric Company for Phase I of the Regional Reclaimed Water Partnership Initiative for \$65,686,800, with the District's share not to exceed \$32,843,400; and authorize the Executive Director to execute the agreement.

Following consideration, **Mr. Combee moved, seconded by Mr. Senft, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 7 – 00:00/19:42)

Mr. Wirth updated the Board regarding an aquifer recovery project that CF Industries is undertaking using a sand tailings filter basin. He said the District supported CF Industries' petition to ask the Florida Department of Environmental Protection to waive the mandatory reclamation requiring that the land be put back to its original condition; CF Industries has received the requested waiver. (CD 1/Track 8 – 00:00/02:07)

Ms. Closshey requested an update regarding Tampa Bay Water's desalination facility and the reservoir. Mr. Warren Hogg, Tampa Bay Water, said the reservoir is still in operation and they are still evaluating the reservoir for repairs. The desalination plant is producing 25 mgd currently. (CD 1/Track 9 – 00:00/02:09)

**Submit & File Reports – None**

**Routine Reports**

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

40. **Florida Forever Funding**
41. **Minimum Flows and Levels**
42. **Structure Operations**
43. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
44. **Significant Water Supply and Resource Development Projects**

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

Chair Combee said the Outreach and Planning and Regulation Committees would be heard before the Finance and Administration Committee. Chair Combee relinquished the gavel to Outreach and Planning Committee Chair Rovira-Forino.

## Outreach and Planning Committee

### *Discussion Items*

51. **Consider Merging of the Northwest Hillsborough and Hillsborough River Basin Boards**

Ms. Kavouras said the concept to merge Basin Boards is reviewed from time-to-time. Today, staff is asking the Governing Board to consider merging the Northwest Hillsborough and the Hillsborough River Basins Boards.

The District's Governing Board has the authority to change the boundaries of Basins or create new Basins by resolution Subsection 373.0693(1)(a), Florida Statutes. For over two decades, management studies of the District concluded that the Governing Board should periodically review its Basin Board boundaries to ensure the operations and responsibilities of the District are being discharged in an efficient and effective manner. This past year, both the Senate Committee on Environmental Preservation and Conservation report "Agency Sunset Review of the Water Management Districts" and OPPAGA's Sunset Memorandum on "Governance of Florida's Water Management Districts: Options for Legislative Consideration," suggested that the District's Governing Board consider merging Basin Boards where appropriate. In response to these recommendations, the District undertook a thorough evaluation of opportunities for such mergers and concluded that combining the Northwest Hillsborough and the Hillsborough River Basins should be considered by the Governing Board. While additional consolidation of Basin Boards might be feasible in the future, at this time staff is only suggesting consideration of combining the Northwest Hillsborough and Hillsborough River Basins.

The existing millage rate of the Northwest Hillsborough Basin is 0.2421, and the Hillsborough River Basin millage rate is 0.2547. Staff recommends applying the lower of the two millage rates if the two Basins are combined. The millage rate would take effect Fiscal Year 2010, which begins October 1, 2009, upon adoption by the Board. When combined, all existing projects/programs and their associated budgets will remain as is. Based on current property values, consolidation of the two Basins would result in an anticipated reduction of nearly \$600,000 in tax assessments for the nearly 800,000 residents of the existing Hillsborough River Basin. Additionally, merging the two Basins would save money and eliminate duplication of work. At least two thirds of the projects funded by the Northwest Hillsborough Basin Board are co-funded by the Hillsborough River Basin Board. Eliminating this duplication should save about \$50,000 annually in staff resources. Staff resources and travel for the administrative aspects of Board support would also be reduced.

Current Basin Board membership on the Northwest Hillsborough Basin Board consists of five positions. Of the five positions, one seat is vacant and two members are serving in expired seats. At a minimum, the two remaining members are recommended to join the current Hillsborough River Basin Board members on the newly combined Basin Board.

Chapter 40D-1, Florida Administrative Code (F.A.C.) contains the legal descriptions for the current Basin boundaries. Rulemaking will need to be initiated to make the necessary adjustments to the boundary legal descriptions upon the Governing Board's decision to merge the two Basins.



Staff requested conceptual approval to merge the Northwest Hillsborough and the Hillsborough River Basins, with the following terms: (1) millage rate of 0.2421 is recommended; (2) currently seated Board members will retain membership; (3) current projects and programs will remain in place; (4) Governing Board approval of a resolution to merge the two Basins will be requested on December 16, 2008; and (5) effective date will be January 1, 2009.

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

Mr. Marlin Anderson, representing Sunset Park Homeowners Association, said he was concerned that their taxes will be used to pay for projects that are not located in their area but will benefit those in the Hillsborough River Basin boundary. He said, if this merger moves forward, he hopes that there will be representation from their area.

Ms. Eleanor Montague, representing Sunset Park Homeowners Association, said she thinks the merger is unfair to their citizens and that they need representation to help maintain funds for stormwater projects and protection of estuaries that are located within their area.

Mr. Joe Robinson, Vice Chair, Northwest Hillsborough Basin Board, said he recently learned of this proposed merger. He has asked staff to change today's recommendation to seek conceptual approval so that the community will have ample time to comment on the proposed merger. The Northwest Hillsborough Basin encompasses 72 lakes, coastline, and a portion of the City of Tampa. Mr. Robinson said he believes there are a large number of taxpayers who will demand representation. He said the Basins have different goals that have to be synthesized. Mr. Robinson also wondered what would happen with Board officer positions and reappointments.

Following consideration, **Mr. Senft moved, seconded by Mr. Gramling, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 10 – 00:00/32:07)

**Submit & File Reports** – None

### ***Routine Reports***

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

52. **Comprehensive Plan Amendment and Related Reviews**
53. **Development of Regional Impact Activities**
54. **Speakers Bureau**
55. **Significant Activities**

Outreach and Planning Committee Chair Rovira-Forino relinquished the gavel to Regulation Committee Chair Parks.

## **Regulation Committee**

### ***Discussion Items***

57. **Implement Water Shortage Order No. SWF 08-044 – Modified Phase III Extreme Water Shortage Declaration**

Mr. Owen said this is an informational item to inform the Board about what staff is doing to address the water shortage and water supply situation within the Tampa Bay region. The District has provided drought assistance to Tampa Bay Water in the form of several emergency authorizations to augment its regional supplies. Two of these emergency orders are currently in effect. Executive Director Order No. 08-024, as modified, allows additional withdrawals from the Alafia River when sufficient flows are available. Executive Director Order No. 08-043 allows additional withdrawals from the Tampa Bypass Canal in

order to augment the City of Tampa's Hillsborough River Reservoir, postponing the City's need to purchase potable water from Tampa Bay Water.

District staff has also been coordinating extensively with Tampa Bay Water and its six Member Governments regarding other drought response mechanisms. Based on declining hydrologic conditions and concerns about low storage for public supply in the area, the Governing Board decided to issue Modified Phase III restrictions and other response mechanisms for select water uses in all incorporated and unincorporated portions of Hillsborough, Pasco and Pinellas counties. Water Shortage Order No. SWF 08-044 essentially modifies the existing water shortage restrictions in those counties, tightening the provisions for fountains and certain lawn and landscape irrigation practices. This Order also requires public suppliers to take additional action. Including increased restriction enforcement; responding to citizen complaints; go directly to issuing citations; and consider waiving enforcement of local codes where in conflict with conservation.

This item was provided for the Committee's information, and no action was required. (CD 1/Track 11 – 00:00/20:38)

**Submit & File Reports – None**

**Routine Reports**

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

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

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**

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

46. **Office of Inspector General Role and Responsibilities Update**

Mr. Kurt P. Fritsch, Inspector General, said during the October Governing Board Meeting, the Board approved the Office of Inspector General's (OIG's) FY2009 audit plan and accepted the office's FY2008 annual report. Mr. Fritsch delivered a presentation at today's meeting that explained the audit committee's responsibilities; discussed the Inspector General's role and responsibilities; illustrated Inspector General products, services, and standards; and demonstrated linkage of the approved plan to District strategy.

This item was presented for the Committee's information, and no action was required. (Track 12 – 00:00/48:42)

47. **Strategic Systems and Water Management Information System (WMIS) Initiative Semi-Annual Update**

This item was deferred to the December 16, 2008 Governing Board meeting.

**Submit & File Report**

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

48. **October 2008 Interim Report on Workforce and Vendor Diversity**

Mr. Rovira-Forino commended staff on their hard work and diligent efforts to promote vendor diversity. She said the District surpassed its goal and continued to support small and diverse businesses even during these tough economic times. (Track 13 – 00:00/02:02)

### ***Routine Reports***

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

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

Finance and Administration Chair Oakley relinquished the gavel to Chair Combee.

## **General Counsel's Report**

### ***Discussion Items***

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

***Submit & File Reports*** – None

### ***Routine Reports***

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

64. **Litigation Report**  
Mr. Bilenky said the District sought dismissal of the Crowley Nature Center lawsuit at the trial level on five grounds. The circuit court dismissed the case with prejudice on one of the five grounds. The District was not comfortable with the way the case was dismissed and it went up on appeal. The appellate court reversed the circuit court decision and remanded the case back to the circuit court. Technical staff members are working to try to resolve the matter out of the court system. (Track 14 – 00:00/02:56)
65. **Rulemaking Update**

## **Reports**

66. **Basin Board Education Committee Liaison Report**  
Ms. Rovira-Forino said the Board has been provided with a written report regarding the Basin Board Education Committee. She said she attended the Suncoast Earth Force art exhibit on November 13. The event featured student artwork and presentations about Earth Force projects, which benefit the environment. Ms. Rovira-Forino recognized the 11 schools who participated.
67. **Executive Director's Report**
  - Mr. Moore said that he and Mr. Combee attended the October 31, 2008 dedication of the fifth of 16 environmental education centers at the Circle B Bar Ranch in Polk County.
  - Mr. Moore said staff is anticipating 200 attendees to the State of Water Resources this Friday, November 21, 2008.
68. **Chair's Report**
  - Chair Combee said the dedication of the environmental education at Circle B Bar Ranch was a huge success.
  - Ms. Parks said the Tampa Bay Estuary Program met last week and they passed a model ordinance for residential fertilizing.

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 1:40 p.m.

Attest:

\_\_\_\_\_  
Chairman

\_\_\_\_\_

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