

# APPROVED

## MINUTES OF THE MEETING

### Governing Board Southwest Florida Water Management District

Tampa, Florida

November 26, 2007

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met at 9:00 a.m. on November 26, 2007, at the Quorum Hotel Westshore, in Tampa. The following persons were present:

#### Board Members Present

Judith C. Whitehead, Chair  
Neil Combee, Vice Chair  
Todd Pressman, Secretary  
Jennifer E. Closshey, Treasurer  
Thomas G. Dabney, Member  
Heidi B. McCree, Member  
Ronald E. Oakley, Member  
Sallie Parks, Member  
Maritza Rovira-Forino, 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  
Patsy C. Symons, 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](http://www.WaterMatters.org)).

## Public Hearing

### 1. Call to Order

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

### 2. Pledge of Allegiance and Invocation

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

## Public Hearing

Chair Whitehead noted that this Governing Board meeting was not being broadcast. Public input was only taken during the meeting onsite. The Governing Board's meeting was recorded for broadcast on government access channels.

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

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

3. **Additions/Deletions to Agenda**

According to Section 120.525(2), Florida Statutes, additions or deletions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Mr. Moore noted the items deleted from the agenda were deleted after publication of the regular agenda. (CD 1/Track 1 – 00:00/04:19)

**Consent Agenda**

*The following item is deleted from consideration:*

49. Consent Order – WUP No. 20009400.008 – Russ Putnal – Manatee County

*The following item is added for consideration:*

- Resource Management and Development Committee - Appraisal and Purchase/Sale Agreement, Lake Hancock Project, SWF Parcel No. 20-503-158

4. **District Recognition**

a. **Land Resources Volunteer Program – District Volunteer of the Year Award**

Mr. Fritz Musselmann, Director, Land Resources Department, said the purpose of this item was to recognize the outstanding contribution of Ms. Marilyn Samaha, an individual who was significantly instrumental in expanding and enhancing rowing training and racing opportunities for local high school and college students on the Tampa Bypass Canal (TBC). The District nominated Ms. Samaha, the President of the Tampa Bypass Canal Rowing Council (TBCRC), as the first "Volunteer of the Year." She donated countless hours and made a tremendous contribution towards the development of a recreation partnership among TBCRC, the District and Hillsborough County to preserve, manage and enhance the rowing venue and opportunities on the TBC.

The Governing Board congratulated and recognized Ms. Samaha as the District's Volunteer of the Year. (CD 1/Track 1 – 04:19/13:40)

b. **Florida Audubon Society "Florida Special Places" Award to Fritz H. Musselmann**

Mr. Moore said on November 2, 2007, Land Resources Director Fritz Musselmann, was presented with Florida Audubon's Special Places Award for saving the land that protects our springs, lakes, rivers, swamps and estuaries. Audubon's Special Places award recognizes an individual who has made an extraordinary contribution to saving the places that make Florida special. Mr. Moore said even in the face of decades of explosive growth, Mr. Musselmann negotiated every dime and partnership available to make sure water resources are protected for this and future generations.

This item was presented for the Board's information, and no action was required. (CD 1/Track 1 – 13:40/20:00)

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

Dr. Octavio Blanco, resident of Lutz, Florida, addressed the Governing Board regarding his concerns about the disappearance of wetlands. He believes developers should not be allowed to destroy wetlands. Developers should only be allowed to build on uplands and build vertical whenever possible. (CD 1/Track 1 – 20:00/23:42)

**Consent Agenda**

Item 49 was deleted from consideration. Ms. Parks requested that Item 15 for be moved for discussion; this item was considered separately. The following item was added to the Resource Management and Development Committee: Appraisal and Purchase/Sale Agreement, Lake Hancock Project, SWF Parcel No. 20-503-158.

**Regulation Committee -- Environmental Resource Permits**

6. ERP No. 43008452.001 - Duncan Road Development – Charlotte County
7. ERP No. 49032732.000 - Village at Lemon Bay – Charlotte County
8. ERP No. 43032356.000 - DeSoto Park – DeSoto County
9. ERP No. 46031193.000 - Mantanzas Avenue Townhomes (**DENIAL**) – Hillsborough County
10. ERP No. 46031730.000 - Cedar Ridge Subdivision (**DENIAL**) – Hillsborough County
11. ERP No. 43030391.001 - Willow Trail – Manatee County
12. ERP No. 49031880.004 - River Club Park of Commerce - Phase 7 – Manatee County
13. ERP No. 43032397.000 - Woodland Hammock – Manatee County
14. ERP No. 43031654.000 - Barber Sand Mine – Marion County
- ~~15. ERP No. 43032697.000 - Preserve at Blue Run – Marion County – Moved to Discussion~~
16. ERP No. 46031508.000 - Romanzo Condominium (**DENIAL**) – Pinellas County
17. ERP No. 43030448.001 - Winter Haven Commercenter - Phase 1 – Polk County
18. ERP No. 43032726.000 - Braddock Preserve – Polk County

**Regulation Committee -- Water Use Permits**

19. WUP No. 20004695.004 - Crystal River South Power Plant/Florida Power Corporation, Progress Energy FL, Inc., and Crystal River South Unit 1, 2 and 3 – Citrus County
20. WUP No. 20005270.009 - Town of Lake Placid – Highlands County
21. WUP No. 20013099.000 - Sun' n Lake Improvement District/Sun' n Lake of Sebring – Highlands County
22. WUP No. 20003417.009 - Balm Road Farms/Ag-Mart Produce, Inc. – Hillsborough County
23. WUP No. 20004352.006 - South Central Hillsborough County Regional Wellfield/ Tampa Bay Water – Hillsborough County
24. WUP No. 20007724.007 - Blossom Grove/FLM, Inc. – Manatee County
25. WUP No. 20003182.005 - Aloha Utilities Seven Springs Service Area/Aloha Utilities, Inc. Pasco County
26. WUP No. 20013041.000 - Lucerne Commercial/Lucerne Commercial, LLC (**DENIAL**) – Polk County

**Regulation Committee -- Other**

27. **Governing Board's Concurrence with Executive Director's Issuance of Second Modification to Executive Director Order No. 07-045 (PR/MRWSA – Peace River Diversions)**  
Staff recommended concurrence with issuance of Second Modification to Executive Director Order SWF 07-045, for increased diversion from the Peace River to augment the Peace River/Manasota Regional Water Supply Authority's reservoir and two aquifer storage and recovery wellfields.
28. **Continue Rulemaking Public Hearing for the Final Approval of Amendments to 40D-2.091, 40D-2.321 and 40D-2.801(3)(c), Florida Administrative Code (F.A.C.), and Part B, Basis of Review, of the Water Use Permit Information Manual to Establish the Central Florida Coordination Area and to Provide Regulations for the Area**  
Staff recommended continuing the rulemaking public hearing until December 2007, on the amendments to 40D-2.091, 40D-2.321 and 40D-2.801(3)(c), Florida Administrative Code, and Part B, Basis of Review, of the Water Use Permit Information Manual to establish the Central Florida Coordination Area and to provide regulations for the Area until the November 2007 Governing Board meeting.
29. **Approve Initiation of Rulemaking to Amend Rules 40D-4.331, 40D-40.331, 40D-1.607, and 40D-1.659, F.A.C., to Adopt Application Form for Minor Environmental Resource Permit Modifications and Allow Extension of Permit Duration without Fee**  
Staff recommended to approve the initiation of rulemaking to amend Rules 40D-4.331, 40D-40.331, 40D-1.607 and 40D-1.659, F.A.C., to adopt a Modification Short Form application form and to allow extension of the duration of an Environmental Resource Permit to be made without a fee.
30. **Approve Initiation Rulemaking to Amend Rule 40D-1.659, F.A.C., to Incorporate Supplemental Environmental Resource Permit Application Forms Addressing Home Owner/Property Owner Association Documentation Requirements Pursuant to Section 2.6.2 of the Basis of Review for Environmental Resource Permitting**

Staff recommended initiation of rulemaking to amend Rule 40D-1.659, F.A.C. and Section 2.6.2 Basis of Review to incorporate the revised forms relating to association documents into the District's rules.

31. **Approve Initiation of Rulemaking to Amend Rule 40D-4.091, F.A.C. to Incorporate by Reference "Operating Agreement between the U.S. Army Corps of Engineers (ACOE) and the Southwest Florida Water Management District (SWFWMD) Located within the Geographical Limits of the SWFWMD in Florida, Pursuant to Programmatic General Permit (PGP) PGP-SAJ-95"**

Staff recommended approval of the Operating Agreement with the ACOE, delegate authority to the Executive Director to sign the agreement on behalf of the District, approve the proposed rule language and authorize staff to complete the rulemaking process.

32. **Approve the Proposed Electronic Transaction Agreement and Approve Initiation of Rulemaking to Amend Rule 40D-1.659, F.A.C., to Adopt the Electronic Transaction Agreement by Reference**

Staff recommended approval of the proposed Electronic Transaction Agreement and the initiation of rulemaking to amend Rule 40D-1.659, F.A.C., to incorporate the Electronic Transaction Agreement by reference.

33. **Approve Initiation of Rulemaking to Repeal Section 1.14, Permit Compliance, of the Water Use Permit Information Manual Part B, Basis of Review**

Staff recommended approval of the initiation of rulemaking to repeal Section 1.14 of the District's Water Use Information Manual Part B, Basis of Review, and amend 40D-2.091, F.A.C., to incorporate by reference the revised Water Use Information Manual Part B, Basis of Review.

34. **Approval to Initiate Rulemaking to Amend Rules 40D-1.659 and 40D-2.091, F.A.C., to Incorporate by Reference Revised Information Submittal Requirements for Small General Water Use Permit Renewal and Modification Applications**

Staff recommended to approve the initiation of rulemaking to amend Rules 40D-1.659 and 40D-2.091, F.A.C., to incorporate by reference revised sections 1.4.1, 2.1, 3.0 and 4.0 of the Water Use Information Manual Part B, Basis of Review and a revised Southern Water Use Caution Area Supplemental Form, to modify information submittal requirements for small general water use permit renewal and modification applications.

35. **Approve Initiation of Rulemaking to Amend Rule 40D-2.801, F.A.C., to Correct the Legal Description of the Northern Tampa Bay Water Use Caution Area (NTBWUCA) and Amend Water Use Permit Information Manual Part B, Basis of Review Section 7.3, Which Describes the NTBWUCA**

Staff recommended to approve the initiation of rulemaking to amend Rule 40D-2.801, F.A.C., to correct the legal description of the Northern Tampa Bay Water Use Caution Area (NTBWUCA) and to amend Water Use Permit Information Manual Part B, Basis of Review Section 7.3 which describes the NTBWUCA.

36. **Approval to Initiate Rulemaking to Amend Rules 40D-1.603, 40D-2.361 and 40D-2.091, F.A.C., and Section 1.11 of the Water Use Permit Information Manual Part B, Basis of Review, to Clarify Timeliness of Renewal Applications**

Staff recommended approval of the initiation of rulemaking to amend Rules 40D-1.603, 40D-2.361 and 40D-2.091, F.A.C., and Section 1.11 of the Water Use Permit Information Manual Part B, Basis of Review, to clarify timeliness of renewal applications.

#### **Finance & Administration Committee**

37. **Board Travel**

As of November 14, 2007, no travel was planned for outside the geographic boundaries of the District; no action was required at this time.

38. **Budget Transfer Report**

Staff requested approval of the Budget Transfer Report covering all budget transfers for October 2007.

#### **Resource Management & Development Committee**

39. **Appraisal and Purchase/Sale Agreement, Lake Hancock Project, SWF Parcel No. 20-503 154**

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

The following item was added for consideration:

**Appraisal and Purchase/Sale Agreement, Lake Hancock Project, SWF Parcel No. 20-503-158**

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

40. **Appraisal and Purchase/Sale Agreement, Lake Hancock Project, SWF Parcel No. 20-503-201**

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

41. **Appraisal and Purchase/Sale Agreement, Lake Hancock Project, SWF Parcel No. 20-503-216**

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

42. **Construction of New Reservoir – RV Griffin Reserve, SWF Parcel Nos. 20-223-124X, 20-223-125X, 20-223-129X, 20-223-130X and 20-223-104X**

Staff recommended to:

- (1) Approve the conveyance of the perpetual exclusive easement to the Authority, SWF Parcel No. 20-223-124X;
- (2) Approve the conveyance of the perpetual nonexclusive easement to the Authority, SWF Parcel No. 20-223-125X;
- (3) Approve the conveyance of the conservation easement to FDEP, SWF Parcel No. 20-223-129X;
- (4) Approve the Reservoir Easement Agreement between the District and the Authority, SWF Parcel No. 20-223-130X;
- (5) Grant authorization to the District's Director of Land Resources to execute the Management Agreement; and
- (6) Approve the termination of the existing License Agreement between the District and the Authority, SWF Parcel No. 20-223-104X, upon the execution of the Management Agreement.

43. **Resolution Requesting Encumbrance of Fiscal Year 2008 Budgeted Funds from the Water Management Lands Trust Fund for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes**

Staff recommended approval of the Resolution Requesting Encumbrance of Fiscal Year 2008 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 \$26,439,051 and authorize staff to request quarterly reimbursements for the fiscal year not to exceed \$26,439,051.

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

a. **Lykes Brothers – Lake Placid Grove Phase 1A, Highlands County**

Staff recommended to:

- (1) Approve the Lykes Brothers, Inc – Lake Placid Grove Phase 1A FARMS Contract Amendment for a not-to-exceed project reimbursement of \$3,100, with \$1,550 provided by the Peace River Basin, \$775 provided by the Governing Board, and \$775 provided from State Appropriations;
- (2) Authorize the transfer of \$775 from fund 020 H017 Peace River Basin FARMS Funds, \$775 from fund 010 H017 Governing Board FARMS funds, and \$1,550 from the 2007 State Appropriations allocated to fund 020 H017 Peace River Basin State Appropriations to H521 Lykes Brothers, Inc. – Lake Placid Grove Phase 1a FARMS project fund; and
- (3) Authorize the Executive Director to execute the agreement.

b. **Lykes Brothers – Camp Mack Grove, Polk County**

Staff recommended to:

- (1) Approve the Lykes Brothers, Inc – Camp Mack Grove FARMS Project for a not-to-exceed project reimbursement of \$50,000, with \$12,500 provided by the

- Peace River Basin, \$12,500 provided by the Governing Board, and \$25,000 provided from State Appropriations;
- (2) Authorize the transfer of \$12,500 from fund 020 H017 Peace River Basin FARMS Funds, \$12,500 from fund 010 H017 Governing Board FARMS funds, and \$25,000 from the 2007 State Appropriations allocated to fund 020 H017 Peace River Basin State Appropriations to H525 Lykes Brothers, Inc. – Camp Mack Grove FARMS project fund; and
- (3) Authorize the Executive Director to execute the agreement.
- c. **LallyMix Farms, LLP, Hardee County**  
Staff recommended to:
- (1) Approve additional funding for the LallyMix Farms, LLP FARMS Project for a not-to-exceed amount of \$225,000, an increase of \$75,000 over the originally approved amount of \$150,000, with \$18,750 provided by the Governing Board, \$18,750 provided by the Peace River Basin Board, and \$37,500 provided from State Appropriations;
- (2) Authorize the transfer of \$18,750 from fund 020 H017 Peace River Basin FARMS Funds, \$18,750 from fund 010 H017, Governing Board FARMS funds, and \$37,500 from the 2007 State Appropriations allocated to fund 020 H017 Peace River Basin State Appropriations, to H509 LallyMix Farms LLP FARMS project fund; and
- (3) Authorize the Executive Director to execute the agreement.
- d. **Sun Grown Citrus, LP, Polk County**  
Staff recommended to:
- (1) Approve the Sun Grown Citrus, LP Block 23 Grove FARMS Project for a not-to-exceed project reimbursement of \$1,750, with \$438 provided by the Peace River Basin, \$438 provided by the Governing Board, and \$875 provided from State Appropriations;
- (2) Authorize the transfer of \$438 from fund 020 H017 Peace River Basin FARMS Funds, \$438 from fund 010 H017 Governing Board FARMS funds, and \$875 from the 2007 State Appropriations allocated to fund 020 H017 Peace River Basin State Appropriations to H531 Sun Grown Citrus, LP Block 23 Grove FARMS project fund; and
- (3) Authorize the Executive Director to execute the agreement.
- e. **Berry Bay Farms at Jay Mar, Inc., Hillsborough County**  
Staff recommended to:
- (1) Approve the Berry Bay Farms at Jay Mar, Inc. FARMS Project for a not-to-exceed project reimbursement of \$33,300, with \$8,325 provided by the Alafia River Basin, \$8,325 provided by the Governing Board, and \$16,650 provided from State Appropriations;
- (2) Authorize the transfer of \$8,325 from fund 011 H017 Alafia River Basin FARMS funds, \$8,325 from fund 010 H017 Governing Board FARMS funds, and \$16,650 from the 2005 State Appropriations allocated to fund 010 H017 FARMS funds, to 010 H542 Berry Bay Farms at Jay Mar, Inc. FARMS project fund; and
- (3) Authorize the Executive Director to sign the agreement.
45. **Continue Public Hearing Requested by James P. Gills, Trustee, on Proposed Minimum and Guidance Levels for Crews Lake in Pasco County**  
Staff recommended to continue the public hearing requested by James P. Gills, Trustee, on the proposed Minimum and Guidance Levels for Crews Lake in Pasco County until the December 2007 Governing Board meeting.

#### General Counsel's Report

46. **Consent Order – Surface Water Activity – Sebring Retail Associates, LLC (Shops at Shelby Crossing) – Highlands County**  
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation in the event that Sebring Retail Associates, LLC fails to comply with the Consent Order.
47. **Consent Order – Surface Water Activity – Riviera Dunes Retail Partners, LLC – Manatee County**

Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation in the event that Riviera Dunes Retail Partners, LLC fails to comply with the Consent Order.

48. **Consent Order – Surface Water Activity – Nancy Allman and James M. O’Leary – DeSoto County**

Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation in the event that either Nancy Allman or James M. O’Leary fails to comply with the Consent Order.

49. **Consent Order – WUP No. 20009400.008 – Russ Putnal – Manatee County** – Deleted

**Executive Director’s Report**

50. **Approval of Minutes – October 30, 2007 Governing Board Meeting**

Staff recommended approval of the minutes as presented.

Following consideration, **Mr. Dabney moved, seconded by Mr. Oakley, to approve the Consent Agenda as modified. Motion carried unanimously.** (CD 1/Track 02 – 00:00/01:03)

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

**Regulation Committee**

***Discussion Items***

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

15. **ERP No.43032697.000 - Preserve at Blue Run – Marion County**

Mr. Bobby Lue, Director, Brooksville Regulation, said this permit is for a proposed subdivision. It is a typical large-lot subdivision and it meets rule criteria. Staff recommended approval. Following consideration, **Ms. Parks moved, seconded by Mr. Pressman, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 03 – 00:00/09:00)

52. **Approve Modification to Water Shortage Restrictions**

a. **Overview of Districtwide Hydrologic Conditions**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, Operations Department, said rainfall during the four-month wet season (June through September), although statistically within the normal range in the northern and central regions, was below-normal in the southern region and was insufficient to significantly improve hydrologic conditions. As a result, hydrologic indicators at the end of the rainy season were much lower than desired in most areas of the District. Rainfall received during October, the first month of the eight-month dry season (October through May), was significantly above-normal, allowing surface water and ground water conditions to generally remain stable or slightly improve. The 12-month District-wide rainfall deficit remains about 9.7 inches below the long-term average and has remained below-average for 18 consecutive months.

As of October 30, the US Drought Monitor indicates parts of Highlands County are still experiencing "severe drought" conditions, while the remainder of the District continues to experience "abnormally dry" or "moderate drought" conditions. NOAA climate forecasts predict below-normal rainfall for the period of December 2007 through May 2008, due to strengthening of La Niña conditions in the Pacific Ocean. This would worsen overall hydrologic conditions. Drier-than-normal weather conditions would accelerate deterioration of already depressed hydrologic indicators and increase the probability of resource-related impacts until the onset of the rainy season, which historically begins in June.

This item was presented for the Committee's information, and no action was required.  
(CD 1/Track 03 – 09:00/21:47)

b. **Third Modification to Water Shortage Order No. SWF 07-02 (Water Shortage Restrictions)**

Mr. Ken Weber, Water Use Program Director, said District staff has continued to monitor rainfall, ground water levels, stream flow and other drought indicators specified in the District's Water Shortage Plan. Staff has also maintained education, enforcement and interagency coordination services in support of regional restrictions and related local ordinances. The Governing Board has twice taken additional action to extend the regional restrictions. At its July 31, 2007 meeting, the Governing Board extended the expiration date for Water Shortage Order No. 07-02 to September 30, 2007. At its September 25, 2007 meeting, the Governing Board further extended the Order to November 30, 2007.

As part of its discussion about further extending the regional restrictions, the Governing Board directed staff to solicit input from the District's advisory committees about additional future actions. New potential opportunities, such as a voluntary or mandatory schedule based on the Fall 2007 "skip a week" water conservation messaging, were discussed in addition to the two remaining levels of response specified in the Water Shortage Plan. Modified "Phase III" (Extreme Water Shortage) restrictions would include: once-per-week watering on the same days but fewer hours than the current measures, limitations on the current exemptions (such as new plant establishment), and additional restrictions for other water users (including those that currently only need to stay within their permitted withdrawal quantity). Full "Phase IV" (Critical Water Shortage) restrictions would include: stricter watering hours than Phase III, time-of-day and day-of-week limitations on microirrigation, and the ability to ban lawn watering or any water use not essential to immediate public health and safety.

Mr. Pat Lehman, Executive Director, Peace River/Manasota Regional Water Supply Authority, addressed the Governing Board and updated members regarding the severe effects their region continues to experience from the drought conditions. Mr. Lehman said he appreciated the District's support.

**Mr. Dabney moved, seconded by Ms. McCree, to direct Mr. Moore to attend the Sarasota and Manatee County Commission meetings and encourage those Boards to declare Water Shortage Emergency Orders and move water from Manatee County into Sarasota County. Motion carried unanimously.**

Staff recommended that the existing water shortage restrictions be extended through June 30, 2008; continue communication plan, including the "Skip a Week" message; and take additional water shortage action in December/January, if necessary. Following consideration, **Mr. Dabney moved, seconded by Ms. McCree, to approve the staff recommendation and to further direct Mr. Moore to attend the Sarasota and Manatee County Commission meetings to carry the message from the District Governing Board regarding this serious drought and the current situation in Polk County.**

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

Mr. Hugh Gramling, Executive Director, Tampa Bay Wholesale Growers, and representing the Florida Nursery Growers and Landscape Association, encouraged the Governing Board to pass the motion that was on the floor.

Mr. Chip Thomas, Tampa area resident, spoke in favor of an outdoor irrigation ban.



Dr. Octavio Blanco concurred with comments made by Mr. Thomas. He said he hopes Florida will learn from the drought and water shortage that Atlanta, Georgia, is experiencing.

**Motion carried unanimously.** (CD 1/Track 04 – 00:00/40:09)

c. **Fiscal Year 2008 Drought Communications Plan**

Mr. Michael O. Molligan, Director, Communications Department, explained the Department's efforts to ensure consistent messaging to multiple audiences about the current hydrologic conditions, anticipated conditions, District actions to address long-term water supply demands and short-term drought demands, and what the audiences can do to conserve water and promote conservation.

The District will be employing a more grassroots outreach approach to communicate conservation messages. District staff will expand and coordinate existing programs such as the Speakers Bureau and Media Placement. The District will use its existing database of organizations and will solicit District employees, Board members and advisory committee members for suggestions on potential speaking engagements. A conservation PowerPoint presentation and handouts have been developed to ensure that all Speakers Bureau engagements will provide a consistent focus on conservation. The Intermediate Phase will sound a warning of a potential record-breaking drought and encourage residents to prepare for the driest months ahead by training their landscaping to need less frequent irrigation. Messages will be consistent with any demand management actions taken by the Governing Board. Media Placements will be aggressively pursued through news releases, editorial board meetings, guest columns, meetings with meteorologists, and public affairs programs. The media outreach effort will also include providing content for newsletters for organizations, such as homeowners associations and churches, and reaching out to retail organizations for in-store signage, brochures and/or circular opportunities. The District will also provide information and document templates to local governments and utilities that can be mass-produced for their constituents and customers. District staff is developing a web page that will contain drought-related information including links to hydrologic conditions information, newsletter article templates, tip cards and brochures. February will be a transitional period that may include some advertising opportunities.

Mr. Combee suggested staff look into purchasing signs to be used on local roads and in neighborhoods advertising the severity of this drought situation. Staff will report back on the feasibility of implementing a signage program.

The Peak Dry Season Phase covers March–June. District staff plans a concentrated \$500,000 advertising buy in February–April. The remaining \$250,000 will be available for May and June. The skip-a-week message is only appropriate for the December–February period. Message content will be developed appropriate to the hydrologic conditions. If the District is experiencing an extreme or record drought, the messaging will include the District's executive director urging residents to conserve. District staff is also exploring the possibilities of utilizing local celebrities in advertising. If the hydrologic situation is less severe, then messaging will promote basic conservation behaviors. The District's Drought Communications Plan is also being coordinated with the Department of Environmental Protection and the other water management districts to achieve greater statewide and regional consistency.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 05 – 00:00/20:44)

**Submit & File Reports** – None

### ***Routine Reports***

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

53. **Demand Management Activities**
54. **Overpumpage Report**
55. **Southern Water Use Caution Area Quantities**
56. **Water Production Supply Summary**
57. **Public Supply Benchmarks**
58. **Resource Regulation Significant Initiatives Report**

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

## **Finance & Administration Committee**

### ***Discussion Items*** - None

59. **Consent Item(s) Moved for Discussion** - None
60. **Fiscal Year 2008 Budget Update**

Ms. Linda R. Pilcher, Assistant Director, Finance Department, provided the Governing Board members with an update as to how the State's budget reductions changed the District's fiscal year (FY) 2008 budget. These budget reductions include changes to the Water Protection and Sustainability Trust Fund, which require Governing Board approval of the revised project list and associated funding. Status reports were also provided on FY2009 property tax reform and for the planned distribution, by planning area, of the Governing Board's funding for regional water supply and resource development through 2025.

Staff recommended approval of Resolution No. 07-36 which reflects the revised slate of projects to receive assistance from the State's FY2008 \$13 million appropriation for the Water Protection and Sustainability Trust Fund. Following consideration, **Ms. Rovira-Forino moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 06 – 00:00/13:47)

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

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

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

### ***Routine Reports***

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

62. **Management Services Status Report**
63. **October 2007 Interim Report on Workforce and Vendor Diversity (Ripples)**

Finance & Administration Committee Chair Closshey relinquished the gavel to Resource Management and Development Committee Chair Pressman.

## **Resource Management & Development Committee**

### ***Discussion Items***

64. **Consent Item(s) Moved for Discussion** - None
65. **Appraisals, Purchase/Sale Agreement and Resolution Requesting Funds, Myakkahatchee Creek, SWF Parcel Nos. 21-694-102 and 21-694-103C**

Mr. Eric Sutton, Assistant Director, Land Resources Department, said the purpose of this item was to obtain Governing Board approval of the purchase/sales agreement and conservation easement of both 4,746 acres in fee and a perpetual conservation easement on approximately 7,630 acres owned by Mabry Carlton Ranch, Inc., as part of the District's Myakkahatchee Creek project. Sarasota County has also identified the parcels for acquisition through their Environmentally Sensitive Lands Program, and has expressed an interest in partnering with the District to purchase the parcels. The staff recommendation

also requests the Board accept the appraisals, authorize the merging interests between the District and County, approval of a resolution requesting funds from the Florida Forever program and the designation of these parcels as having been acquired for conservation purposes. Mr. Sutton provided highlights from the following topics as it related to this agreement: Background/History, Property Description, Summary of Appraisals and Value Comparisons, and Purchase Agreement. Staff recommended to:

- (1) Accept the appraisals;
- (2) Approve the Purchase/Sale Agreement and Conservation Easement;
- (3) Authorize any other instruments necessary to clear title (merge title) to SWF Parcel No. 21-694-102 and 21-694-103C with respect to Sarasota County;
- (4) Approve resolution requesting funds; and
- (5) Designate SWF Parcel Nos. 21-694-102 and 21-694-103C as having been acquired for conservation purposes.

Following consideration, **Mr. Combee moved, seconded by Mr. Oakley, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 07 – 00:00/11:20)

66. **Recommended Changes to Governing Board Policy 130-4, Cooperative Funding Initiative**

Mr. Wirth said the purpose of this item was to review the current status of recommended changes to Cooperative Funding Initiative (CFI) Policy 130-4. These changes incorporate the Board's direction to staff that was provided during discussion of this issue at the Board's meeting on October 30, 2007. The changes were prepared at the request of the Board and initiated last summer principally to address the Board's long-standing position to not fund the construction of brackish groundwater supply facilities and to strengthen the District's commitment to regional water supply authorities. During its October meeting, the Board indicated that it is committed to taking a regional approach toward funding water supply and resource development projects. After much discussion, the Board directed staff to incorporate the following five recommendations into the policy:

1. The policy format should be organized so that the criteria that applies to water supply projects appear together in a single section;
2. The proposed policy changes enable the Board to prioritize its funding for water supply projects based on three tiers of water suppliers. These tiers need to be defined in the policy;
3. A definition for what constitutes a regional system is needed;
4. Comparison of a cooperator's recent per capita use rates to a minimum threshold value should be used as a limiting criterion when determining whether to provide funding for their water supply project. Though the Board might not consider funding water supply projects for entities not achieving per capita targets, they would consider funding conservation projects with them; and
5. The policy should provide the Board with the flexibility to consider different levels of ownership, operation and control of projects pursued by members of Regional Water Supply Authorities as long as the project advances the goals of the Authority.

In order to more clearly show the recommended final changes to the existing Policy, staff has only shown the final changes as strikethrough of existing language (deleted or moved) or underlined (new or moved). This information was included in the Governing Board information notebook.

Mr. Dabney suggested that language be added stating that meaningful conservation rate structures be added as part of the criteria for approving alternative water supply projects. Mr. Moore suggested adding this language under item 17. Mr. Dabney also suggested that "regional system" needs to be better defined showing that the entities are interconnected. Mr. Moore said staff will rework that language. Mr. Dabney led a discussion regarding the language used to describe the flexibility to consider different levels of ownership and control; he did not feel the language was as clearly written as it

should be. Ms. Closshey debated the proposed language. Mr. Moore said due to the time constraints at today's meeting, staff will add the words perpetual and the phrase and/or as it relates to ownership and control and bring this policy back before the Governing Board with those changes. Ms. Rovira-Forino said she would like to see language stating that a report regarding minority participation in all cooperative funding projects will be provided.

This item was presented for discussion purposes only. Staff plans to ask the Governing Board to approve the recommended changes to the Board's Cooperative Funding Initiative Policy 130-4 at its December meeting. (CD 1/Track 08 – 00:00/31:20)

67. **Tampa Bay Estuary Program**

This item was deferred to the December Governing Board meeting. (CD 1/Track 09 – 00:00/02:19)

**Submit & File Reports** – None

**Routine Reports**

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

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

Resource Management and Development Committee Chair Pressman relinquished the gavel to Outreach and Planning Committee Chair Combee.

## Outreach & Planning Committee

**Discussion Items**

74. **Consent Item(s) Moved for Discussion** - None
75. **Fiscal Years 2009 - 2013 Strategic Plan Approval**

Mr. Roy Mazur P.E., Director, Planning Department, said the purpose of this agenda topic was to present the final FY 2009 – 2013 Strategic Plan document to the Governing Board for approval. Staff recommended the Governing Board formally approve the FY 2009 – 2013 Strategic Plan thereby facilitating its publication and distribution.

Following consideration, **Ms. McCree moved, seconded by Ms. Parks, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 10 – 00:00/01:56)

**Submit & File Report**

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

76. **Legislative Update**

**Routine Reports**

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

77. **Significant Activities Report**
78. **Speakers Bureau**
79. **Comprehensive Plan Amendment and Related Reviews Report**
80. **Review of Developments of Regional Impact**

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

## General Counsel's Report

### ***Discussion Items***

81. **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.

82. **Litigation Report**

General Counsel Bilenky provided the Governing Board with the latest information regarding the mediation process with Weeki Wachee. The mediator has stated that if a resolution is not reached by mid-December there is a date certain for when an impasse will be declared.

83. **Rulemaking Update**

## Reports

84. **Basin Board Education Committee**

Ms. Rovira-Forino is the Board's liaison to the Basin Board Education Committee and said, in the interest of time, she would forgo reviewing the written report that was provided. She did encourage her fellow Board members to participate in the Committee's events and also asked them to do the same at the Basin Board level.

Mr. Dabney said a Celebration of Life will be held mid-December to honor former Governing Board Member Rebecca Eger. He said she was an outstanding community leader who inspired many fellow citizens, himself included.

85. **Executive Director's Report**

Mr. Moore said staff met with Withlacoochee Water Supply Authority and Progress Energy representatives regarding long-term regional water supply needs. The discussion included the possibility of locating a seawater desalination plant with Progress Energy in Citrus County.

Mr. Moore said Polk County and its municipalities will be meeting this Thursday to discuss what can be done to improve their water resources issues. Staff and Mr. Combee will be in attendance at that meeting.

Statewide water shortage rules are being reviewed by the five Water Management District Executive Directors and potential rulemaking is being discussed.

86. **Chair's Report**

Chair Whitehead said she appreciates all of the functions and outreach efforts the Governing Board members have done this past month.

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

The meeting was adjourned at 12:03 p.m.

Attest:

\_\_\_\_\_  
Chairman

\_\_\_\_\_

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