

APPROVED

MINUTES OF THE MEETING

Governing Board Southwest Florida Water Management District

Brooksville, Florida

December 18, 2007

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met at 9:07 a.m. on December 18, 2007, at Brooksville headquarters. 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
Patricia M. Glass, Member
Patsy C. Symons, Member
Heidi B. McCree, Member
Ronald E. Oakley, Member
Sallie Parks, 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

Maritza Rovira-Forino, 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 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. (CD 1/Track 01 – 00:00/01:36)

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 02 – 00:00/02:28)

Outreach and Planning Committee

The following item was deleted from consideration:

72. Florida Department of Environmental Protection Surface Water Quality Classification System

4. **District Recognition – Award from North American Lake Management Society for Research Related to Minimum Flows and Levels**

Martin H. Kelly, Ph.D., Interim Director, Resource Conservation and Development Department, said the North American Lake Management Society (NALMS) recognized the St. Johns River and the Southwest Florida Water Management Districts by awarding them a Technical Merit Award for Research related to the development of minimum flows and levels. The award was presented at the NALMS Annual Conference which was held in Orlando this year. This item was presented for the Board's information, and no action was required. (CD 1/Track 03 – 00:00/03:36)

5. **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 individuals celebrated 20-year milestones: Mr. Ramzi Chehaib, Senior Professional Engineer, Tampa Regulation; Mr. Dave Dunnett, Senior Field Technician, Operations; Martin H. Kelly, Ph.D., Interim Director, Resource Conservation and Development; Mr. Jim Lewis, Enterprise Infrastructure Manager, Information Resources; Mr. Will Miller, Land Use and Protection Manager, Land Resources; Mr. Phillip Rhinesmith, Senior Environmental Scientist, Resource Projects Department, and Mr. Steve Dicks, Mapping and GIS Manager, Resource Management.

The following individual celebrated her 30-year milestone: Ms. Charlotte Davis, Administrative Supervisor, Brooksville Regulation.

Mr. Dan Dewitt, Surveyor Coordinator, Land Resources Department, will be retiring December 27, 2007, with an amazing 39 years of experience.

Mr. Paul Williams was recognized for his promotion to the position of Water Use Regulation Manager, Brooksville Regulation. (CD 1/Track 03 – 00:00/17:18)

6. **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 water shortages. There never has been record lows for some of the lakes in the months of November, December, or January, until now. This indicates to him that more lakes will reach record lows as the dry season approaches and he hopes the Governing Board will enact tougher watering restrictions. Dr. Blanco also said he received a letter from his homeowners association encouraging him to water and/or replace his browning lawn. He encouraged the District to work with the Legislature on tougher enforcement of conservation measures during drought periods. (CD 1/Track 04 – 00:00/04:10)

Consent Agenda

Items 25 and 38 were moved to the respective committees for discussion purposes.

Regulation Committee -- Environmental Resource Permits

7. ERP No. 43032695.000 - The Preserve at Charlotte Harbor – Charlotte County
8. ERP No. 43033161.000 - Jack's Branch Subdivision – Charlotte County
9. ERP No. 46031947.000 - Drew Park Townhomes (**DENIAL**) – Hillsborough County
10. ERP No. 43030040.000 - Estuary Golf Estates – Manatee County
11. ERP No. 43023781.018 - Concord Station Sunlake Boulevard North of Mentmore – Pasco County
12. ERP No. 43023781.022 - Concord Station Sunlake Boulevard from SR 54 to Mentmore Boulevard – Pasco County
13. ERP No. 43028022.001 - Legacy Hills – Pasco County
14. ERP No. 43029915.002 - McAlpin Excavation – Pinellas County
15. ERP No. 49000887.089 - Trammell Crow Residential at Lakeside Village – Polk County
16. ERP No. 43027132.001 - Hunterfield Wetland Mitigation Relocation – Polk County
17. ERP No. 49028690.001 - Lakeland Central Park - Conceptual – Polk County
18. ERP No. 49028690.002 - Lakeland Central Park – Polk County
19. ERP No. 49029630.002 - The Meadows – Polk County
20. ERP No. 43030664.000 - Loughman Crossing at County Road 54 – Polk County
21. ERP No. 43031157.000 - Waterside East – Sarasota County
22. ERP No. 43032133.001 - Cocoplum Village Shops – Sarasota County

Regulation Committee -- Water Use Permits

23. WUP No. 20000985.007 - Balm Farm/Diehl Family Limited Partnership and Belmont, LLC – Hillsborough County
24. WUP No. 20001415.009 - Plant City Phosphate Complex/C.F. Industries, Inc. – Hillsborough County
25. WUP No. 20007345.005 - Mosaic Fertilizer, LLC and Manatee County – Manatee County (moved to Regulation Committee Discussion Items)
26. WUP No. 20011440.002 - Bear Bay East/John Falkner – Manatee County

Regulation Committee -- Other

27. **Final Approval of Changes to the Proposed 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 to approve the changes shown in the exhibit to the proposed 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.
28. **Electrical Power Plant Site Certification – SWFWMD Agency Report on Progress Energy Florida's Crystal River Nuclear Unit 3 Uprating – Citrus County**
Staff recommended to approve the Agency Report and proposed conditions of certification to be submitted to the Department of Environmental Protection for Progress Energy Florida's Crystal River Nuclear Unit 3 Uprating.
29. **Electrical Transmission Line Certification – SWFWMD Agency Report on Tampa Electric Company's Willow Oak-Wheeler-Davis Transmission Line – Hillsborough and Polk Counties**
Staff recommended to approve the Agency Report and proposed conditions of certification to be submitted to the Department of Environmental Protection for Tampa Electric Company's Willow Oak – Wheeler – Davis Transmission Line.

Resource Management and Development Committee

30. **Five-Year Water Resource Development Work Program**
Staff recommended to approve the proposed revisions to the Work Program to be included in the 2008 Consolidated Report.

31. **Resolution Requesting Encumbrance of Funds within the Water Management Lands Trust Fund for Lake Hancock Preacquisition Costs**
Staff recommended to approve the resolution requesting the encumbrance of \$16,465,610 within the Water Management Lands Trust Fund for Lake Hancock preacquisition costs.
32. **Interlocal Agreement with Pasco County, Appraisals, Purchase/Sale Agreement and Resolution Requesting Funds – Weekiwachee Preserve, SWF Parcel No. 15-773-143**
Staff recommended to (1) authorize execution of an Interlocal Agreement with Pasco County; (2) accept the appraisals; (3) reimburse Pasco County 50 percent of the land cost and 50 percent of the direct land acquisition costs; (4) authorize the Land Resources Director to execute a management agreement with Pasco County and any amendments thereto; (5) approve the resolution requesting funds; and (6) designate the parcel as having been acquired for conservation purposes.
33. **Utility Easement to the DeSoto County Utilities Department – RV Griffin Reserve, SWF Parcel No. 20-223-127X**
Staff recommended to approve conveyance of a permanent utility easement and a temporary construction easement to DeSoto County, SWF Parcel No. 20-223-127X.
34. **Facilitating Agricultural Resource Management Systems (FARMS) Program**
 - a. **Citrus Creek Grove, LLC – Charlotte County**
Staff recommended to (1) approve the Citrus Creek Grove, LLC FARMS Project for a not-to-exceed project reimbursement of \$8,936, with \$2,234 provided by the Peace River Basin, \$2,234 provided by the Governing Board, and \$4,468 provided from State Appropriations; (2) authorize the transfer of \$2,234 from fund 010 H017 Peace River Basin FARMS funds, \$2,234 from fund 010 H017 Governing Board FARMS funds, and \$4,468 from the 2007 State Appropriations allocated to fund 20 H017 FARMS funds, to the H548 Citrus Creek Grove, LLC FARMS project fund; and (3) authorize the Executive Director to execute the agreement.
 - b. **Walters Grove – Charlotte County**
Staff recommended to (1) approve the Walters Grove FARMS Project for a not-to-exceed project reimbursement of \$2,000 with \$500 provided by the Peace River Basin, \$500 provided by the Governing Board, and \$1,000 provided from State Appropriations; (2) authorize the transfer of \$500 from fund 020 H017 Peace River Basin FARMS funds, \$500 from fund 010 H017 Governing Board FARMS funds, and \$1,000 from the 2007 State Appropriations allocated to fund 020 H017 Peace River Basin State Appropriations, to H547 Walters Grove FARMS project fund; and (3) authorize the Executive Director to execute the agreement.
 - c. **Keystone Groves, LLC – DeSoto County**
Staff recommended to (1) approve the Keystone Groves, LLC FARMS Project for a not-to-exceed project reimbursement of \$7,500 with \$1,875 provided by the Peace River Basin, \$1,875 provided by the Governing Board, and \$3,750 provided from State Appropriations; (2) authorize the transfer of \$1,875 from fund 020 H017 Peace River Basin FARMS funds, \$1,875 from fund 010 H017 Governing Board FARMS funds, and \$3,750 from the 2007 State Appropriations allocated to fund 020 H017 Peace River Basin State Appropriations, to H546 Keystone Groves, LLC FARMS project fund; and (3) authorize the Executive Director to execute the agreement.
 - d. **Twenty-Twenty Groves, Inc. – Hardee County**
Staff recommended to (1) approve the Twenty-Twenty Groves, Inc. FARMS Project for a not-to-exceed project reimbursement of \$5,000 with \$1,250 provided by the Peace River Basin, \$1,250 provided by the Governing Board, and \$2,500 provided from State Appropriations; (2) authorize the transfer of \$1,250 from fund 020 H017 Peace River Basin FARMS funds, \$1,250 from fund 010 H017 Governing Board FARMS funds, and \$2,500 from the 2007 State Appropriations allocated to fund 020 H017 Peace River Basin State Appropriations, to H543 Twenty-Twenty Groves, Inc. FARMS project fund; and (3) authorize the Executive Director to execute the agreement.
 - e. **Hopewell Business Center, LLC – Hillsborough County**
Staff recommended to (1) approve the Hopewell Business Center, LLC FARMS Project for a not-to-exceed project reimbursement of \$112,500, with \$28,125 provided by the Alafia River Basin, \$28,125 provided by the Governing Board, and \$56,250

- provided from State Appropriations; (2) authorize the transfer of \$28,125 from fund 011 H017 Alafia River Basin FARMS funds, \$28,125 from fund 010 H017 Governing Board FARMS funds, and \$56,250 from the 2005 State Appropriations allocated to fund 010 H017 FARMS funds, to H541 Hopewell Business Center, LLC FARMS project fund; and (3) authorize the Executive Director to execute the agreement.
- f. **Spring Valley Tree Farm, Inc. – Hillsborough County**
Staff recommended to (1) approve the Spring Valley Tree Farm, Inc. FARMS Project for a not-to-exceed project reimbursement of \$46,250 with \$11,563 provided by the Hillsborough River Basin, \$11,563 provided by the Governing Board, and \$23,125 provided from State Appropriations; (2) authorize the transfer of \$11,563 from fund 013 H017 Hillsborough River Basin FARMS funds, \$11,563 from fund 010 H017 Governing Board FARMS funds, and \$23,125 from the 2005 and 2008 State Appropriations allocated to fund 010 H017 Governing Board State Appropriations, to H544 Spring Valley Tree Farm, Inc. FARMS project fund; and (3) authorize the Executive Director to execute the agreement.
- g. **McClure Properties, LTD – Manatee County**
Staff recommended to (1) approve the McClure Properties, LTD FARMS Project funding amendment for a not-to-exceed project reimbursement of \$36,133, provided from State Appropriations; (2) authorize the transfer of \$36,133 from the 2003 State Appropriations allocated to fund 021 H017 Manasota Basin State Appropriations to H503 McClure Properties, LTD FARMS project fund; and (3) authorize the Executive Director to execute the agreement.
35. **Peace River Regional Reservoir Expansion and Peace River Facility Expansion**
Staff recommended to approve the second amendment to agreements with the Authority to (1) approve the transfer of \$3,703,704 in FY2008 out-of-cycle funding from the WSRD Reserves for the Peace River Regional Reservoir Expansion (F032) project with the Governing Board's share being \$1,851,852; (2) approve changes to both project budgets to reflect approval of the out-of-cycle funding, additional FY2008 WPSTF dollars and the increased project costs to be paid by the Authority; (3) extend the substantial completion date for both expansion projects from October 31, 2008 to October 31, 2009, and the final completion date for both projects from March 31, 2009 to March 31, 2010; and (4) authorize the Executive Director to execute the amendments.
36. **Approve Initiation of Rulemaking to Amend Rules 40D-8.041, F.A.C., to Establish Minimum Flows for the Upper Hillsborough River and Crystal Springs**
Staff recommended to (1) accept the MFL report entitled, "Proposed Minimum Flows and Levels for the Upper Segment of the Hillsborough River, from Crystal Springs to Morris Bridge, and Crystal Springs," dated December 2007; (2) approve Initiation of Rulemaking to Amend Rules 40D-8.041, F.A.C., to Establish Minimum Flows for the Upper Hillsborough River; (3) approve Initiation of Rulemaking to Amend Rules 40D-8.041, F.A.C., to Establish Minimum Flows for Crystal Springs.
37. **Approve Initiation of Rulemaking to Amend Rules 40D-8.041, F.A.C., to Establish Minimum Flows for the Braden River**
Staff recommended to (1) accept the MFL report entitled, "Proposed Minimum Flows and Levels for the Upper Segment of the Braden River, from Linger Lodge to Lorraine Road," dated December 2007; and (2) approve Initiation of Rulemaking to Amend Rules 40D-8.041, F.A.C. to Establish Minimum Flows for the Braden River.
38. **Initiate Rulemaking to Amend 40D-8.624, F.A.C., to Add Minimum and Guidance Levels for Lakes Angelo, Denton, Placid, Tulane, and Verona in Highlands County; Lakes King, King-East, and Linda in Pasco County; and Crooked Lake in Polk County** - This item was moved to the Committee Discussion Items agenda.
39. **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 January 2008 Governing Board meeting.

Finance and Administration Committee

40. **Board Travel**
No action was required at this time.
41. **Budget Transfer Report**
Staff requested approval of the Budget Transfer Report covering all budget transfers for November 2007.

General Counsel's Report

42. **Consent Order – ERP No. 44025778.003 – Cameron-Wingate Development, LLC**
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against Cameron-Wingate Development, LLC to obtain compliance with the Consent Order.
43. **Consent Order – Surface Water Activity - David R. Spiker, Pamela J. Spiker and AAA Top Quality Asphalt, L.L.C. – Polk County**
Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against David R. Spiker, Pamela J. Spiker, AAA Top Quality Asphalt, L.L.C. and any other appropriate parties to obtain compliance with the Consent Order.

Executive Director's Report

44. **Approval of Minutes – November 26, 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 05 – 00:00/01:04)

Chair Whitehead relinquished the gavel to Regulation Committee Vice Chair Dabney.

Regulation Committee

Discussion Items

45. **Consent Item(s) Moved for Discussion**
 25. **WUP No. 20007345.005 - Mosaic Fertilizer, LLC and Manatee County – Manatee County**
This item was removed from the Consent Agenda for discussion. Ms. Closshey requested an overview of this permit. Mr. Ross Morton, Director, Sarasota Regulation, said this permit is a straight renewal that is not tied to any future plans of the power industry.

Staff recommended approving the permit as presented. Following consideration, **Ms. Closshey moved, seconded by Mr. Combee, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 06 – 00:00/02:25)

46. **Enhanced Public Supply Water Conservation**
Mr. Bobby Lue, P.E., Director, Brooksville Regulation Department, provided the Regulation Committee with a status report of the ongoing activities to develop rules to enhance public supply water conservation in the District. Topics covered included: Conservation achieved through regulation and non-regulatory initiatives; Enhanced public supply water conservation and Northern District strategies; and SWUCA public supply conservation requirements. Staff will continue to develop draft rules, conduct workshops, seek input from advisory committees and seek Board action in the spring of 2008. This item was presented for the Committee's information, and no action was required. (CD 1/Track 06 – 02:25/16:31)
47. **Water Conserving Rate Structure Requirements, Programs and Implementation**
Mr. Greg Boettcher, Utilities Director, Polk County, presented the following topics to update the Governing Board on the County's programs to promote conservation: Water Resource Trends Over Time, Cost Drivers for Rate Changes, New Water Service Rates, and Rate Design that Promotes Conservation. Polk County will focus its efforts in the future on the following programs: residential Florida-Friendly landscaping, more efficient

irrigation systems, incentive rewards for customers who are conserving, and promote compliance at all levels of use. This item was presented for the Committee's information, and no action was required. (CD 1/Track 07 – 00:00/25:31)

48. **Water Shortage Rule – Variance Provisions for Local Plans**

Mr. Owen said this topic was raised during the November 26, 2007 joint workshop with Tampa Bay Water's Board of Directors. The Governing Board requested staff to provide a summary for its December meeting.

The current version of the District's Water Shortage Plan (Rule 40D-21, F.A.C.) was a product of a multi-year, multi-rule revision process, including extensive public input, which concluded with the Board's approval of an updated plan in April 2006. The Plan includes a new Water Shortage Mitigation Plan (WSMP) mechanism that allows a regional water supply authority or local water supplier, under certain specified criteria, to request a variance or waiver from the District from provisions of the Plan in order to tailor water shortage responses to the authority's or local supplier's system's needs and characteristics. The District's intent in offering this WSMP provision (40D-21.441, F.A.C.) was to encourage local participation in the planning and implementation of appropriate water shortage responses. The rule provisions allow for a regional authority or local supplier to request such a variance to approve its WSMP in advance of any District-declared water shortage restrictions.

On September 25, 2007, the Governing Board approved staff's recommendation to authorize initiation of rulemaking to amend the WSMP and WSMP-related provisions of the Water Shortage Plan. The proposed amendments specifically include language to clarify that it is the District's intent to proactively authorize customized local action for future circumstances in which local action is appropriate through a WSMP, yet retain the right to impose District restrictions when needed, which may include modifying the actions otherwise specified in the WSMP.

This item was presented for the Committee's information, and no action was required. (CD 1/Track 07 – 25:31/49:18)

49. **Water Shortage Actions – Peace River/Manasota Regional Water Supply Authority and the Potential Need for Additional Conservation Actions**

Mr. Owen said ongoing drought conditions have resulted in critically low water storage levels for the Authority. The Governing Board approved the third modification to Water Shortage Order No. SWF 07-02, which extends water restrictions through June 30, 2008; in addition, staff has been pursuing activities to refine the drought communication plan.

Mr. Michael Molligan, Director, Communications Department, played coverage, which originally aired on Channel 8, regarding the drought. He said this was an excellent example of the type coverage the District seeks to properly educate the public. The coverage also promoted the "Skip A Week" campaign. The drought campaign update was reviewed and copies were handed out at the meeting. Ms. Symons stressed that in DeSoto County, where Channel 8 is not broadcast; she does not think residents are as aware as they should be about the drought. She asked that staff keep this in mind when reaching out to the public.

Mr. Molligan reported back to the Board regarding the possibility of purchasing signs that would advise the public about the severity of the current drought conditions and asking them to please conserve. He said he tried to gather information about signage use, like ones recently observed in Atlanta, Georgia, and found them to have been perceived with mixed reviews. Overall the feasibility of duplicating a similar effort within our District would be at nominal expense and effort. The purchase of 1,000 signs costs \$3,000, and the Community and Legislative Affairs Department could help distribute the signs. Ms. Closshey suggested using the signs with an end in mind, for example, they could be

used to saturate a neighborhood for a week and collected to pass on to another homeowner association.

Regulation Committee Vice Chair Dabney heard public comment at this time.

Mr. Steve Lawrence, representing Charlotte County, reported on the conservation efforts underway since 2001. He said they have conservation tier water rates in place to increase the cost of water during drought periods. The County has hired a conservation coordinator to administer programs, a conservation guide program is being completed, they are expanding their reuse lines to add more customers, offering a toilet retrofit rebate program in conjunction with the District, distributing conservation water saving tips to 55,000 customers, targeting 1,700 customers whose average water use was 20,000 gallons per month or higher, leak detection program, rewriting stricter landscape ordinances, toughening their enforcement process, and so on. Charlotte County's efforts are paying off; they are not in favor of additional water restrictions from the Water Management District.

Mr. David Cash, General Manager of Operations, Sarasota County, said the County has had a long history of conservation. They have had conservation rate structures in place since 1992, several ordinances, and recently implemented the very successful Florida Yards and Neighborhoods Program. Sarasota County has recently tightened their enforcement practices and lowered their rates for reclaimed customers. They are posting their top 25 water users on the County's web site to encourage those users to conserve.

Mr. John Zimmerman, Manatee County Utilities, said the County has been practicing water conservation since 1984. Rebates are being offered to those water users who are using alternative sources or switching to water conserving landscapes. These programs are being offered in conjunction with the District. Manatee County is helping to promote the District's "Skip a Week" program.

Mr. Owen said in conclusion, hydrologic conditions have not improved over the last month. Staff will continue its discussions with utilities and help them in any way possible. The challenge will be not to rely on groundwater.

Mr. Pat Lehman, Executive Director, Peace River/Manasota Regional Water Supply Authority, said he wanted to thank all of their members for their efforts and it has been paying off.

Staff recommended to authorize the Executive Director to take additional action prior to the Board's January meeting if needed; Continue to meet with Authority and Alliance; make sure all local actions are being taken; consider Phase IV measures in January; take into account utility profiles, efforts; and tie additional demand management to future supply actions (such as overdraft of ASR). Following consideration, **Ms. Glass moved, seconded by Mr. Combee, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 07 – 49:18/01:44:22)

Submit & File Reports– None

Routine Reports

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

50. **Demand Management**

Mr. Pressman encouraged staff to continue working towards bringing out of compliance users back into compliance in the most expeditious manner possible. He also suggested staff may seek additional enforcement authority during the upcoming legislative session. Mr. Moore was directed to come back to the Governing Board with a recommendation in this area. (CD 1/Track 07 – 01:44:22/01:53:12)

51. **Overpumpage Report**
52. **Southern Water Use Caution Area Quantities**
53. **Water Production Supply Summary**
54. **Public Supply Benchmarks**
55. **Resource Regulation Significant Initiatives Report**

Regulation Committee Vice Chair Dabney relinquished the gavel to Resource Management and Development Committee Chair Pressman.

Resource Management & Development Committee

Discussion Items

56. **Consent Item(s) Moved for Discussion**
38. **Initiate Rulemaking to Amend 40D-8.624, F.A.C., to Add Minimum and Guidance Levels for Lakes Angelo, Denton, Placid, Tulane, and Verona in Highlands County; Lakes King, King-East, and Linda in Pasco County; and Crooked Lake in Polk County**

Mr. Doug Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, gave a brief overview of this item. Staff recommended to approve initiation of rulemaking to amend Rule 40D-8.624, Florida Administrative Code (F.A.C.), to delete previously adopted guidance level and add new guidance and minimum levels as shown in the Exhibit provided in the Governing Board packet.

Resource Management and Development Committee Chair Pressman heard public comment at this time.

Mr. Barny Shick, a resident on Crooked Lake, said he believes the lake level being set should be higher than what is proposed. He also thinks the consumptive use permits that have been granted in his community will continue to be issued and that lake level maintenance will not be enforced, therefore the level should be set higher. He hopes the District will give Crooked Lake the special attention it deserves.

Mr. Jim Dazet, a resident on Crooked Lake, said this lake is designated as an Outstanding Florida Waterbody and he believes the lake level should be set higher. He thinks the previous hurricanes have skewed the numbers. He also believes the issuance of consumptive use permits should be curtailed.

Mr. Roger Beasley, a resident on Crooked Lake, said he is new to the area. Mr. Beasley said he and his family moved to this area because of the pristine lake. He encouraged the Governing Board to give this lake the special attention it deserves.

Resource Management and Development Committee Chair Pressman asked staff to respond to the concerns raised by the citizens. Mr. Leeper explained that lake levels are set using historic data over long periods and this approach evens out the effects of unusual events. The lake level depicts the lowest level allowed before significant harm would occur. Mr. Leeper said staff has held public workshops over the past four years while this lake has been studied and in total he estimated 250 attended those meetings. Mr. Moore said there are sinkholes in the bottom of this lake and this makes it difficult to set levels; however, he is confident that the District is moving forward with the best scientific data that is available at this time. In response to Ms. Parks' question, Mr. Moore said the lake is monitored monthly and the Board can expect to receive this data on a monthly basis in the near future as well as a comprehensive annual report.

Following consideration, **Ms. Parks moved, seconded by Mr. Dabney, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 08-00:00/30:27)

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

Mr. Wirth said the purpose of this item was to adopt recommended changes to Cooperative Funding Initiative (CFI) Policy 130-4. A copy of the proposed changes was included in the Governing Board packet. During its November meeting, the Board directed staff to incorporate additional language into the draft. These additions were:

1. Guideline 2. This guideline references the District's commitment to diversity. Added language requires that applicants entering into an agreement with the District will be required to document and report to the District the amount spent and, to the extent such information is known, all contractors and sub-contractors utilized for the project that are minority owned or small business enterprises.
2. Guideline 12. The Board requested additional language be incorporated into the definition of multijurisdictional that requires the utilities to be physically interconnected and that some form of agreement on conjunctive use of supplies be established.
3. Guideline 13. The Board requested that the term perpetual and the word "or" be added to the language on ownership and control by the respective Regional Water Supply Authority.
4. Guideline 14. The Board requested that similar language on perpetual ownership and control, including the addition of "or" be added to this guideline.
5. Guideline 17. The Board requested the language on conservation water rate structures be included. The District will consider the applicant's conservation oriented water rate structure(s) and per capita water use as factors in its incentive based funding. Where an applicant has not achieved the District per capita water use requirements as described in Chapter 40 D-2, F.A. C., or where they have not adopted an effective conservation rate structure, District funding may be limited to consideration of water conservation projects only.

Staff recommended the Governing Board adopt the changes to the Board's Cooperative Funding Initiative Policy 130-4 as presented.

Resource Management and Development Committee Chair Pressman heard public comment at this time.

Mayor Beverly Billiris, City of Tarpon Springs, said on behalf of her staff and Mr. Jake Varn, she would like to thank the Governing Board and District staff for their consideration and hard work in the revisions to this policy.

Ms. Theresa Connor, Water Resources General Manager, Sarasota County, said the County is interested in working with the Peace River/Manasota Regional Water Supply Authority on the Dona Bay Watershed Initiative. This is a complex project that will need future policy flexibility at various levels and organizations. Ms. Connor said the County had sent a letter to the District and would like to see the following change to Item 13. The highest priority is alternative water supply projects or capacity owned, operated, or perpetually controlled pursuant to a water supply contract or agreement by a regional water supply authority.

Mr. Wirth said staff has concerns about using the term "capacity." He said the Board has prioritized its central based funding with the budget and the term "capacity" could divide up projects. Staff wants to remain with projects and not fund portions of projects and essentially lose control.

Following consideration, **Mr. Dabney moved, seconded by Ms. McCree, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 09 – 00:00/26:34)

Resource Management and Development Committee Chair Pressman recessed the public meeting for a Closed Attorney-Client Session which was followed by a lunch break. The meeting reconvened at 2:04 p.m.

58. **Tampa Bay Estuary Program**

Ms. Jennette Seachrist, SWIM Manager, Resource Management Department, introduced Mr. Dick Eckenrod, Executive Director, Tampa Bay Estuary Program (TBEP). Mr. Eckenrod provided an overview of the TBEP and updated the projects that have been completed as well as the projects that are proposed in the coming years. Some of the programs Mr. Eckenrod reviewed included: Seagrass Restoration, Nitrate Management, and Water Quality Goals. This item was provided for the Committee's information, and no Board action was required. (CD 1/Track 10 – 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.

59. **Significant Water Supply and Resource Development Projects**

60. **Watershed Management Program and Federal Emergency Management Agency Map Modernization Status Report**

61. **Florida Forever Funding Status Report**

62. **Minimum Flows and Levels Status Report**

63. **Hydrologic Conditions Status Report**

64. **Structure Operations Status Report**

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

Finance & Administration Committee

Discussion Items

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

66. **Financial and Budget Update**

Staff provided an update on the SBA Local Government Investment Pool (SBA Pool) status. Board members did not require a full presentation of this item, but they had a few inquiries. Mr. Dabney asked about the at risk portion of Fund B and how losses would be overcome. Mr. Daryl F. Pokrana, Finance Director, said that interest earnings of the SBA will minimize any potential loss that Fund B might experience. General Counsel Bilenky reassured the Governing Board that the reliability of these funds is being reviewed by the Auditor General and that the Legislature will be taking a very active role in re-instilling the confidence in these funds. Mr. Pokrana said staff will continue to monitor SBA funds held within the Pool and report back at a future meeting.

Staff requested acceptance of the fiscal year (FY) 2009 Budget Development Process establishing budget strategic priorities and general preparation assumptions, and the planned FY2009 Budget Development Process as described in the memorandum and attachments provided in the packet. Following consideration, **Ms. Glass moved, seconded by Mr. Combee, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 12 - 00:00/15:35)

67. **District Climate Change Initiative Status Report**

Ms. Elaine M. Kuligofski, Director, Human Resources and Risk Management Department, said this was an informational item to update the Governing Board on the status of the District's Climate Change Initiative. On July 13, 2007, Governor Crist signed three Executive Orders (07-126, 127 and 128) initiating Florida's energy policy. In these orders, Governor Crist called for all State Agencies to implement plans to reduce emissions of

greenhouse gases through a wide variety of means, including use of alternative fuel sources such as solar and biodiesel fuels, as well as by implementing smart building and operational practices to reduce the carbon footprint of government in Florida. Governor Crist further called upon other Florida Governments to voluntarily support the efforts of the state.

The Southwest Florida Water Management supports and applauds Governor Crist's efforts to move toward more environmentally sustainable governance practices. The goal is to meet or exceed Governor Crist's expectations for reduction in greenhouse gas emissions but, more importantly, to serve as an example of the use of smart, efficient and environmentally wise practices in District operations.

The District's Project Team has assembled a list of potential action items for review to establish a baseline for what the District has already achieved through its past practices as well as to initiate projects for further enhancements. The Team has finalized an initial, overall project plan, with individual projects assigned to appropriate subteams for feasibility evaluation, cost assessment and, where appropriate, prioritization of projects for implementation.

The District has become a member of the United States Green Business Council (USGBC). Several staff and Board Treasurer, Jennifer Closshey, have attended Leadership in Energy and Environmental Design (LEED) training to become familiarized with the LEED construction standards for new and existing building. Staff is also evaluating the possibility of participation in other nationally recognized programs, such as the Environmental Protection Agency's EnergyStar program. Mr. Michael Molligan, Communications Director, and his staff in the Communications Department are working to establish messaging both for internal staff and for the public to provide a consistent "look and feel" for the District's Climate Change Initiative.

Quarterly and annual reports on progress will be provided to the District's Executive staff and to the Governing Board. Additionally, the Team will continue to provide required reports to DEP and the Governor's Office

This item was presented for the Committee's information, and no action was required. (CD 1/Track 13 - 00:00/10:32)

68. **Strategic Systems and Water Management Information System Initiative Semi-Annual Update**

Mr. Terry Redman, Director, Information Resources Department, said the purpose of this item was to provide the Governing Board with a semi-annual update on the Information Resources Department's Five-Year Technology Plan, Fiscal Years 2008-2012, execution and a demonstration of the current Water Management Information System (WMIS) initiative, a key component of this plan.

Ms. Sommer Mercer, Records and Data Manager, Regulation Performance Management Department and Ms. Margit Crowell, Senior Hydrologist, Hydrologic Data Section, provided demonstrations of the latest WMIS functionality, Water Use Permit Renewals and Resource Data Demonstration, respectively.

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

Submit & File Report

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

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

Routine Report

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

70. **Management Services Status Report**

Mr. Schiller announced that the renovations to the Tampa Data Center have been completed on time and within budget; staff members have returned to their refurbished areas. Mr. Schiller also noted the electronic updates that have been completed to the Brooksville Governing Board room. He thanked Information Resources Department and General Services Department staff members who participated in these upgrades. (CD 1/Track 14 - 00:00/28:56)

Finance and Administration Committee Chair Closshey relinquished the gavel to Outreach and Planning Committee Chair Combee.

Outreach & Planning Committee

Discussion Items

71. **Consent Item(s) Moved for Discussion** - None

72. **Florida Department of Environmental Protection Surface Water Quality Classification System**

Outreach and Planning Committee Chair Combee said this item was deleted from consideration. (CD 1/Track 15 - 00:00/00:39)

Submit & File Report

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

73. **Legislative Update**

Routine Reports

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

74. **Significant Activities Report**

75. **Speakers Bureau**

76. **Comprehensive Plan Amendment and Related Reviews Report**

77. **Review of Developments of Regional Impact**

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

General Counsel's Report

Discussion Items

78. **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.

79. **Litigation Summary and Report**

80. **Rulemaking Update**

Reports

81. **Basin Board Land Resources Committee**

Ms. McCree said the Basin Board Land Resources Committee met on December 7, 2007, in Sarasota, at the conclusion of the Public Lands and Management conference, which was hosted by the District. Ms. McCree said the meeting focused on topics the Basin Board Land Resources Committee plans to address this coming year.

82. **Executive Director's Report**

Mr. Moore said two issues around the State are being discussed at every venue, first the drought and secondly long-term water supply. Staff has been working with Polk County on their water supply issues. Mr. Moore said he believes that Polk County understands how important water conservation will be for them moving forward, as well as the creation of alternative water supplies.

Mr. Moore said he was provided an opportunity to address the Century Commission regarding the District's future direction for conservation and long-term water supply initiatives. He believes sharing and movement of water that runs east and west versus among three or four counties may be more effective and efficient moving forward rather than north and south. Mr. Moore plans to continue to share this vision statewide.

Mr. Moore announced that the next quarterly meeting of the Department of Environmental Protection and the Water Management Districts is scheduled for January 16, 2008. (CD 1/Track 16 - 00:00/19:40)

83. **Chair's Report – Performance Evaluations of the Executive Director and Inspector General**

Ms. Elaine M. Kuligofski, Director, Human Resources and Risk Management, said copies of the final performance evaluations were distributed to the Governing Board at today's meeting. Staff recommended to (1) approve the 2007 performance appraisals of the Executive Director and Inspector General and authorize them to be finalized; (2) authorize the Governing Board Chairman to sign the final, approved appraisals and deliver them to the employees on behalf of the Governing Board; and (3) approve the 2008 Goals and Objectives for the Executive Director and Inspector General. Following consideration, **Ms. Parks moved, seconded by Mr. Dabney, to approve the staff recommendation. Motion carried unanimously.** (CD 1/Track 17 - 00:00/01:03)

Mr. Dabney said he recently attended a seminar regarding the health of our bays and came away with the conclusion that the District does not do enough celebrating regarding our successes. He believes it would be beneficial for the public to be reminded that their taxes and support has led to great programs and accomplishments. Mr. Dabney's fellow Board members concurred with his observation and discussed some suggestions for spreading these success stories, and providing the Communications Department with directions for a new public relations campaign.

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 4:06 p.m. (CD 1/Track 17 - 01:03/15:52)

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.