

APPROVED

MINUTES OF THE MEETING

GOVERNING BOARD  
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

JANUARY 26, 2010

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:01 a.m. on January 26, 2010, at the District's headquarters in Brooksville. The following persons were present:

Board Members Present

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

Staff Members

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

Board's Recording Secretary

LuAnne Stout, Administrative Coordinator  
Tahla Paige, Senior Administrative Assistant

Board Member(s) Absent

Carlos Beruff, Member  
H. Paul Senft, Member

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

## Public Hearing

1. Call to Order

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

2. Pledge of Allegiance and Invocation

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

## Public Hearing

Chair Pressman introduced each member of the Governing Board. He noted that the Board's meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Pressman stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on one agenda item only during today's meeting. If additional time is needed or if the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment at the end of

the meeting during "Public Input." Chair Pressman stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson. (CD 1/Track 1 – 00:00/04:45)

3. **Additions/Deletions to Agenda**

Mr. Moore said there were no additions or deletions. He noted that the following two items will be considered as noted below:

**Public Hearing and Meeting**

*The following item was to be presented at a time certain of 1:00 p.m.:*

4. Employee Recognition

**Executive Director's Report**

*The following item was moved from the Regulation Committee Discussion Items to the Executive Director's Report for discussion immediately following the Consent Agenda:*

35. Frost/Freeze Protection Status Report

Chair Pressman said that, hearing no objection, he accepted the changes to the meeting agenda.

Chair Pressman congratulated Ms. Parks for being recognized on January 7, 2010, as the week's Governor's Point of Light. He noted Governor Crist commended her generous efforts to make Pinellas County a better place to live, work and play, as well as her philanthropy and involvement in the community.

4. **Employee Recognition**

This item was postponed to a time certain of 1:00 p.m.

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

Mr. Ronald Hubbs, representing the Beacon Woods Civic Association as a member of the Board of Directors, said he is addressing the District's proposed public supply water conservation requirements (Rule 40D-002.091) under the Office of General Counsel (OGC 2007-047, Enhanced Water Conservation Requirements). He said some of the Board's concerns were provided in a letter on November 13, 2009 during the comment period following issuance of the proposed rule. He said the Board's concerns are related to its ability as a homeowners' association to maintain registered deed restrictions and to ensure that the Board has means to enforce landscape maintenance requirements. Mr. Hubbs said the Board is in full support of the Florida-friendly landscape principles and their positive direct impact on water conservation issues. He said his Board finds that the proposed rule substantially hinders the Board's enforcement ability and could have a negative effect on property values in Beacon Woods. Specifically, his Board has issues with Section 5F, Water Conservation and Irrigation Practices, and Mr. Hubbs provided comments on three of the four areas of concern and submitted a written summary for the record. (CD 1/Track 1 – 04:45/10:40)

## Consent Agenda

### Regulation Committee

6. **Governing Board Concurrence with Executive Director's Issuance of Fourth Modification to Executive Director Order No. SWF 08-024 Regarding Use by Tampa Bay Water of the Alafia River Project**  
Staff recommended to concur with issuance of the Fourth Modification to Executive Director Order SWF 08-024 for diversion from the Alafia River to be used in Tampa Bay Water's regional surface water treatment plant.
7. **Approve Withdrawing Proposed Lower Alafia Recovery Strategy Rules**  
Staff recommended to approve withdrawing proposed rule 40D-80.075, Recovery Strategy for the Lower Alafia River System, from rulemaking; completing rule adoption for 40D-8.041, Minimum Flows for the Lower Alafia River System; and including the Lower Alafia Recovery Strategy in the next update to the regional water supply plan.
8. **Draft Florida Department of Transportation (FDOT) Mitigation Plan**  
Staff recommended to approve the FDOT Mitigation Plan.

### Resource Management Committee

9. **Initiate and Approve Rulemaking to Amend 40D-9.170, Florida Administrative Code (F.A.C.), to Revise Hunting Provisions**  
Staff recommended to approve amendment to 40D-9.170, F.A.C., and authorize staff to complete rulemaking.
10. **Lake Hancock Conservation and Recreation Management Plan**  
Staff recommended to approve the Lake Hancock Conservation and Recreation Management Plan.
11. **Appraisals, Purchase/Sale Agreements and Resolution Requesting Funds – Anutteliga Hammock Project, SWF Parcel Nos. 15-228-1331 and 1332**  
Staff recommended to (1) accept appraisals; (2) approve purchase/sale agreements; (3) approve resolution requesting funds in the amount of \$60,520; and (4) designate SWF Parcel Nos. 15-228-1331 and 1332 as having been acquired for conservation purposes.
12. **Appraisal and Purchase/Sale Agreement – Lake Hancock Project, SWF Parcel No. 20-503-205P**  
Staff recommended to (1) accept the appraisal; and (2) approve the Purchase/Sale Agreement.
13. **Approve Resolution No. 09-25 Requesting the Encumbrance of Fiscal Year 2010 Budgeted Funds from the Water Management Lands Trust Fund (WMLTF) for Preacquisition; Management, Maintenance and Capital Improvements; and Payments in Lieu of Taxes**  
Staff recommended to approve Resolution No. 09-25 requesting the encumbrance of the District's FY2010 budget for preacquisition; land management, maintenance and capital improvements; and payments in lieu of taxes within the WMLTF, and authorize staff to request quarterly reimbursements for FY2010 costs not to exceed \$24,256,614.
14. **Approve Resolution No. 10-01 Requesting Encumbrance of Fiscal Year 2010 Budgeted Funds from the Water Management Lands Trust Fund (WMLTF) for Surface Water Improvement and Management (SWIM) Activities**  
Staff recommended to approve Resolution No. 10-01 requesting the Florida Department of Environmental Protection to encumber the District's FY2010 budget requirements for SWIM Activities within the WMLTF, and authorize staff to request reimbursements for FY2010 costs not to exceed \$14,496,067.
15. **Authorize Submission of Preliminary Flood Insurance Rate Maps (FIRM) for the Bystre Lake and Weeki Wachee Prairie Watersheds in Hernando County to the Federal Emergency Management Agency (FEMA)**  
Staff recommended to authorize staff to submit the preliminary FIRM panels for the Bystre Lake and Weeki Wachee Prairie watersheds in Hernando County to FEMA.

16. **Mapping and Geographic Information Systems (GIS) Section Fiscal Year 2010 Budget Transfer – Contractor Support for Resource Regulation GIS Permit Data Entry**

Staff recommended to authorize transfer of \$90,317 from the CF Industries Aquifer Recharge and Recovery Project (H062) to the Mapping and GIS Section for one contract employee.

**Finance & Administration Committee**

17. **Board Travel**

Staff recommended to approve Governing Board travel for Ms. Closshey and Mr. Gramling to attend the University of Florida Water Institute 2010 Symposium "Sustainable Water Resources: Complex Challenges, Integrated Solutions" on February 24-25, 2010, at the Hilton University of Florida Conference Center in Gainesville.

18. **Budget Transfer Report**

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

19. **Information Resources Department (IRD) Fiscal Year 2010 Sinking Fund Transfer – Planned Storage Growth and Business Continuity**

Staff recommended to authorize transfer of \$390,000 from the Computer Sinking Fund to the IRD for the planned purchase of data storage replication hardware and associated software.

**General Counsel's Report**

20. **Consent Order – WUP No. 20000590.006 - Mad Hatter Utility, Inc. (South Central Pasco Service Area) – Pasco County**

Staff recommended to approve the proposed Consent Order and authorize the initiation of litigation against Mad Hatter Utility, Inc., to obtain compliance with the Consent Order.

21. **Settlement Agreement – Surface Water Activity - David and Sherry Swartz and Brownsburg Golf Course, Inc. – Sarasota County**

Staff recommended to approve the proposed settlement agreement regarding the Owners' bankruptcy proceeding.

22. **Final Order of Dismissal With Prejudice – Petition for Administrative Hearing - Mariner Properties Development, Inc. and Little Pine Island Wetlands Mitigation Bank, Ltd. v. SWFWMD**

Staff recommended entry of a Final Order of Dismissal with Prejudice dismissing the Petition for administrative hearing filed by Mariner Properties Development, Inc. and Little Pine Island Wetlands Mitigation Bank, Ltd.

**Executive Director's Report**

23. **Approve Governing Board Minutes**

a. **December 15, 2009 Joint Governing and Basin Boards Workshop**

b. **December 15, 2009 Regular Monthly Meeting**

Staff recommended to approve the minutes.

Following consideration, **Ms. Parks moved, seconded by Ms. Rovira-Forino, to approve the Consent Agenda as presented. Motion carried unanimously.** (CD 1/Track 1 – 10:40/11:00)

Chair Pressman recognized the following local elected officials and thanked them for attending today's meeting: State Representative Rich Glorioso, Hillsborough County Commissioner Al Higginbotham, Tampa Councilwoman Linda Saul-Sena, and Mr. Chuck Aller, representing the Florida Department of Agriculture and Consumer Services.

Chair Pressman said he wanted the Board and public to know that the District's staff has worked in an extraordinary fashion over the last month in regards to the public emergency over dry wells. When it became apparent that the issue was escalating, Chair Pressman said he requested that one public information officer handle the issue to which Mr. Moore replied that he

would assume that role. He noted that he and Mr. Moore have been in constant contact over the past week and a half. Chair Pressman commended Mr. Moore and his entire staff for working long hours to address the needs of the community. Chair Pressman said the staff was reorganized and assigned to phone canvas every complaint to track the issue and its status. Staff revamped communication so that public calls went directly to a citizen response center and added heightened communication on the District's website. Also, a special assistance desk in the lobby is available to directly assist citizens. Chair Pressman said today the Board will consider additional funding to assist citizens with issues that have been emerging. Along with requests from Messrs. Glorioso and Higginbotham, staff is ready to move forward with public meetings and workshops to address more in-depth, long-term technical issues at the heart of what has emerged in eastern Hillsborough County. Chair Pressman stated that the Board has full confidence in staff to address this matter. (CD 1/Track 1 – 11:00/14:27)

## **Executive Director's Report**

### **35. Frost/Freeze Protection Status Report**

Mr. Moore said everyone appreciates the fact that this area of Florida just experienced an unprecedented climatological event. He said staff will provide a summary of events, water levels and well complaints. He said staff will recommend Board concurrence to hold a series of public workshops to evaluate current strategies in light of the unprecedented event to understand what revisions are needed and what recommendations to have in place by next winter. Mr. Moore said the District's goal is to reach out to the community for involvement from citizens, the agricultural community, state agency experts and others.

Mr. Owen provided a presentation explaining the event which occurred. The Dover area of Hillsborough County, located west of Plant City, is a predominantly agricultural area of the county that has been experiencing suburban sprawl which has resulted in residential areas being in close proximity to agricultural operations. Farmers in the Dover area have historically protected their crops during frost/freeze events through the use of overhead irrigation systems. The January 2010 cold event was unprecedented in nature and duration, encompassing eleven days with temperatures below 34 degrees. During this event the cumulative impact of hundreds of large wells operating at full capacity for freeze protection resulted in an extended short-term drawdown centered on the Dover and Plant City area. This drawdown resulted in a substantially larger number of dry well complaints than had historically occurred. Although the function of many of the affected wells has returned due to water levels rebounding as well as remediation activities, approximately 60 well users remain without a functioning well.

Mr. Owen said the District's Well Complaint Response Process includes staff collecting pertinent information from well owner, explaining response process, encouraging well owner to get potable water if they do not have and keep receipts, sharing fire station location information for free potable water provided by Hillsborough County, determining which permit holder is responsible, and sending a letter to permit holder within 24 hours. The permit holder must contact well owner within 48 hours of receiving District letter, provide potable water to well owner within 72 hours of receiving District letter, and must address well owner complaint within 15 days of receiving District letter. Mr. Owen noted that the responsible permit holder is determined by who is the most recently issued or renewed permit.

Mr. Owen noted that approximately 60 individuals still remain with non-functioning wells due to this unprecedented cold event. In the event the Executive Director declares an emergency to provide immediate relief for water users affected by the recent frost/freeze pumpage in the Dover area in Hillsborough County, the District will make funds available

to aid in the restoration of water supply for individuals with non-functioning wells. Mr. Bilenky said the District's process is to seek restitution from an identifiable permittee through the consent order process like any other permit condition violation in the event that a responsible permittee can be identified. The District issues a consent order which the permittee can either concur or challenge the order through an administrative hearing. Mr. Bilenky said the District has general statutory authority to declare an emergency when public health, safety and welfare are involved. He said there is also a state Attorney General's opinion that public funds may be used for private purposes in cases of public health, safety and welfare. He noted that the District may be able to recoup funds through Federal Emergency Management Agency order.

Staff recommended to (1) authorize a transfer from General Fund FY2010 Contingency Reserves to the Division of Resource Regulation, Well Construction Section, in the amount of \$250,000; (2) concur, in the event the Executive Director finds it necessary to declare an emergency requiring immediate action to protect the public health, safety or welfare, authorizing private well remediation necessitated by agricultural freeze-related pumping that will not or cannot otherwise be expeditiously remediated by a responsible permittee; and (3) direct that the District seek restitution or reimbursement from responsible permittees, where applicable, and pursue such other emergency funds as may be available from local, state, federal or other sources.

Following consideration, **Mr. Gramling moved, seconded by Mr. Oakley, to approve the staff recommendation as presented.** (CD 1/Track 2 – 00:00/52:18)

Discussion ensued regarding recovery of funds, District liability for well repairs, area's economic stability, not wanting to cause permittee(s) to declare bankruptcy, and encourage compliance of older wells to prevent future events causing problems. The Board consensus was to provide assistance to the approximately 60 individuals as soon as possible.

Chair Pressman requested the Board hear from the elected officials in attendance today. (CD 1/Track 2 – 52:18/01:10:10)

The Honorable Rich Glorioso, Florida House of Representatives, said he agrees with Mr. Gramling about creating a pool through the strawberry growers so no one loses their business. He expressed his concern for those individuals outside of the mitigation area. Regarding sinkholes in Plant City, five homes have been condemned and the City is facing \$2 million in damages to roads and a water tower. Mr. Glorioso said this is an emergency for the City because it does not have the funds for these repairs. He said this is a natural disaster that turned into a manmade natural disaster because of water pumpage. He noted that his office received complaints that strawberry growers are sprinkling their fields at 11:00 a.m. when it is 40 degrees. Mr. Glorioso requested that the team for the workshops include experts in water management but also citizens who lost a well, lost a home due to a sinkhole, etc., to ensure all the interests are there to reach agreement on preventing these problems in the future. He said his office is available at anytime to provide assistance. (CD 1/Track 2 – 01:10:10/01:16:55)

The Honorable Al Higginbotham, Board of County Commissioners for Hillsborough County, said we all know the value of water which is why this Board spends money to find the best science and best practices. He said there are several things that government can do and one is declaring an emergency as Hillsborough County did. Mr. Higginbotham said this is a historic weather event so the question of overreacting is not important when citizens are without water. He said farmers he spoke with are concerned about being

good neighbors. He said we need to work to find solutions, especially the reverse 911 call and where the triggering mechanism is to initiate the calls. Mr. Higginbotham said Hillsborough County land development code addresses the process of wells and depth of the pump. He said agencies need to ensure that proper inspections occur so that wells meet code. He said another issue is development and the stress created on resources. (CD 1/Track 3 – 00:00/:04:00)

Chair Pressman said that the workshop dates and agenda will be posted to the District's website calendar. He said the District will be asking each of the local officials' offices to appoint a citizen to the team.

The Honorable Linda Saul-Sena, City of Tampa Council, said she thanks Mr. Moore and staff for immediately putting efforts into action to meet the citizens' demands. She noted that she serves on the Tampa Bay Estuary Program and Hillsborough River Board. She requested the District investigate the (1) long-term potential for subsurface geological changes resulting from aquifer drawdown that could impact surface structures; (2) short-term and long-term impacts of dramatic drawdown on surface water resources such as wetlands; and (3) will drawdowns cause or allow surface contaminants to more easily enter the Floridan Aquifer. (CD 1/Track 3 – 00:00/:06:50)

Mr. Chuck Aller, Florida Department of Agriculture and Consumer Services in Tallahassee, acknowledged two staff members in the audience—Mr. Rick Budell from Tallahassee and Ms. Jessica Stempien located in the District's Tampa office. He said Commissioner Bronson has received daily information on events. He said this is a difficult and unprecedented circumstance that citizens and farmers have faced. He said one of the things that stands out is the organized and commendable way this District has met this issue head on. He said the Governing Board is moving in a way that will continue that process and the Department is supportive of these efforts. He said the Department has a long-term relationship with all the water management districts through FAWN and FARMS, as well as other agriculture programs. Mr. Aller said Mr. Budell is assigned as a technical resource, as well as Ms. Stempien. He said the Department will bring other resources to bear as needed and are fully committed as partners to reach a long-term satisfactory outcome. (CD 1/Track 3 – 06:50/10:07)

Mr. Carl Wood, representing Florida Ground Water Association, said the presentation was very informative. He said the Association was created in 1935 and membership is composed of water well contractors; manufacturers of pumps, motors and controls for the water industry; scientists, etc. He said the Association is offering its expertise and assistance. (CD 1/Track 3 – 10:07/12:40)

Mr. David Brown, resident of Sun City Center, requested a copy of the presentation and provided a handout for the Board. He said his area did not have dry wells but 15 tons of dead fish in local lakes. He said he sees three solutions: (1) let the aquifer continue to be overpumped until it becomes salty, (2) construct a massive water conveyance canal down the center of Florida, or (3) do everything possible to ensure conservation. Mr. Brown noted that 50 percent of Floridan aquifer water is used for irrigation. He said the Florida Department of Environmental Protection is drafting the model ordinance that would require homeowners to have rain sensors to shut down irrigation when it rains, but the state plumbing code requires the homeowner to get a permit for that rain sensor. He said in Hillsborough County the permit will cost \$77 for a \$20 device. Mr. Brown said this is a simple step to encourage conservation. (CD 1/Track 3 – 12:40/16:46)

Chair Pressman said the staff recommendation has been moved and seconded. He asked if there was further discussion.

Mr. Combee said he appreciates how hard staff have worked. He said he has never seen this in his lifetime and hopes we do not see it again. He expressed his concern for the economic impact to the industry by this unprecedented event and the effect on the region and state. Ms. Closshey said she especially thanks Ms. Alba Más and her Tampa office staff for being able to handle hundreds of phone calls. She said she received comments from people about the friendliness and the fact they felt they were heard. Mr. Gramling said the strawberry industry farm value is about \$350 million in eastern Hillsborough County. Ms. Parks said Board members all sit on District committees that are implicated and involved in establishing responsibilities and solutions. Chair Pressman said the Board has to be careful to find a balance, but he is convinced this is a once in a lifetime event of unintended consequences. He stated this is the time for the District to step in and do more than is called for us to do.

Chairman Pressman called the question and reiterated the motion: (1) authorize a transfer from General Fund FY2010 Contingency Reserves to the Division of Resource Regulation, Well Construction Section, in the amount of \$250,000; (2) concur, in the event the Executive Director finds it necessary to declare an emergency requiring immediate action to protect the public health, safety or welfare, authorizing private well remediation necessitated by agricultural freeze-related pumping that will not or cannot otherwise be expeditiously remediated by a responsible permittee; and (3) direct that the District seek restitution or reimbursement from responsible permittees, where applicable, and pursue such other emergency funds as may be available from local, state, federal or other sources. **Motion carried unanimously.** (CD 1/Track 3 – 16:46/25:33)

Mr. Owen said the proposed public workshops will be scheduled to receive community input from all interested parties, and will review what happened and consider what changes are needed. He said staff envisions a minimum of three workshops in or near the Dover/Plant City area, with the first meeting held as soon as possible with adherence to public noticing requirements—most likely during the week of February 15 or 22. Mr. Owen noted the goal is to have any necessary revisions in place before next winter. He reviewed a list of interested parties and potential topics for discussion. Mr. Gramling said he has received confirmation that the City of Plant City will sponsor the first workshop and provide the Trinkle Center at no cost. (CD 1/Track 3 – 25:33/34:47)

At this time, the meeting recessed to provide a five-minute break and then reconvened.

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

## **Resource Management Committee**

### ***Discussion Items***

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

25. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said December historically marks the third month of the eight-month dry season and provisional rainfall totals for the month were at high-normal to above-normal amounts for all regions of the District. Rainfall during December was regionally variable and associated with the passage of several cold front systems moving across the Florida peninsula. The provisional 12-month District-wide rainfall deficit improved during December, ending the month approximately 3.0 inches



below the long-term average. The 24-month and 36-month cumulative rainfall deficits improved and are approximately 7.4 and 19.1 inches, respectively. All hydrologic indicators throughout the District improved during December. The dry season runs from October through May, and further declines are expected through the remainder of this period if only normal amounts of rainfall are received. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data. (CD 1/Track 4 – 00:00/08:06)

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

26. **District Overview of Hydrogeology and Aquifer Recharge**

Mr. Ron Basso, Senior Professional Geologist, Hydrologic Evaluation Section, Resource Projects Department, noted at the September 2009 Governing Board workshop, during discussion of the geology of the Southern Water Use Caution Area, a request was made to discuss the concept of recharge and how it varies across the District. Mr. Basso provided an overview of the hydrogeology of the District with emphasis on recharge and discussed how differences in geologic settings affect the response of the aquifer to hydrologic stress. (CD 1/Track 5 – 00:00/27:10)

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

27. **Recreation Strategy for District Lands**

Messrs. Eric Sutton, Director, and Will Miller, Land Use Manager, Land Resources Department, provided an overview of the District's recreation strategy, including goals, objectives and implementation. In cooperation with the Office of the Inspector General, the Land Resources Department conducted an assessment to assist in identifying risks relative to the District's land use and management program. This exercise revealed that the land management activities (e.g., prescribed fire, road and bridge maintenance, etc.) were well-managed with good risk controls. The assessment identified that a more strategic approach to recreation was needed to manage the risks largely attributed to the interface District lands have with the public. A multi-departmental team identified an overarching goal of promoting watershed stewardship and sustainability through recreation on conservation lands. In order to achieve the goal, the team identified several challenges: perceptions that District lands are not open, diversity does not reflect demographics, more use could compromise ecosystems, lack of consistency of infrastructure/being user-friendly, and increasing public awareness and use. A number of opportunities were identified for each challenge that include specific activities, new programs, adjustments to existing programs, media campaigns, etc. This recreation strategy is not a static document, rather it is a continuous process that aligns actions to challenges and goals, and is adaptable as new information is obtained, further input is received and new initiatives are identified. This design has allowed for continued improvement and refinement through presentations to the Basin Board Land Resources and Education Committees, and the recently formed Land Use Stakeholders Group. The strategy will continue to be refined as new issues are identified and evaluated.

Mr. Moore noted that over 2,000 Recreation Guides were distributed at a travel expo held at The Villages. Mr. Tharp said that the event was well received and publicized with standing room only the majority of the day. (CD 1/Track 6 – 00:00/20:12)

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

**Submit & File Report – None**

**Routine Reports**

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

- 28. **Florida Forever Funding**
- 29. **Minimum Flows and Levels**

- 30. **Structure Operations**
- 31. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
- 32. **Significant Water Supply and Resource Development Projects**

- Mr. Wirth provided an update on the Sawgrass Lake restoration project, noting the site preparation will begin in the next two months.
- Mr. Wirth said the Medard Reservoir drawdown is significant and several groups are harvesting the fish to donate to local food banks. The Florida Fish and Wildlife Commission is coordinating this effort, and the cost to process the tilapia is being paid by the Safari Club and the Hunters & Farmers Feeding the Hungry. The processed fish was turned over to the Second Harvest members of the National Feeding American Food Bank and served ten counties in west-central Florida. On January 6, 2,100 pounds of fish were harvested and 800 pounds of fillets delivered to Second Harvest. On January 13, 1,200 pounds were harvested and 300 pounds of fillets delivered. More harvests will occur once there is more drawdown. Other species of fish have been relocated to water bodies east of the reservoir. (CD 1/Track 6 – 20:12/25:02)

At this time, the meeting recessed to provide a lunch break and reconvened at 1:00 p.m.

4. **Employee Recognition**

Mr. Moore presented to the Board employees who have achieved milestones of 20 years or greater. He specially acknowledged and commended the contributions of the following individuals who chose to be recognized before the Board: (CD 1/Track 7 – 00:00/14:14)

| Milestone | Employee       | Title                            | Department            | Location    |
|-----------|----------------|----------------------------------|-----------------------|-------------|
| 30 Years  | Tim Ward       | Stores Coordinator               | Finance               | Brooksville |
| 25 Years  | Sid Flannery   | Senior Environmental Scientist   | Resource Projects     | Brooksville |
|           | George Smith   | Senior Heavy Equipment Operator  | Operations            | Brooksville |
|           | Bill Wood      | Senior Field Technician          | Bartow Regulation     | Bartow      |
| 20 Years  | Tacey Bartlett | Customer Liaison                 | Information Resources | Brooksville |
|           | Dom Commiso    | Staff Business Analyst           | Information Resources | Tampa       |
|           | Randy Emberg   | Video Prod Specialist Supervisor | Information Resources | Brooksville |
|           | Keith Kolasa   | Senior Environmental Scientist   | Resource Projects     | Brooksville |
|           | Pam Lowe       | Senior Human Res Generalist      | Human Res & Risk Mgt  | Brooksville |
|           | George Prine   | Senior Field Technician          | Operations            | Sarasota    |

Resource Management Committee Chair Joerger relinquished the gavel to Regulation Committee Vice Chair Rovira-Forino.

**Regulation Committee**

***Discussion Items***

- 33. **Consent Item(s) Moved for Discussion** – None
- 34. **Approve Changes to 20-Year Water Use Permit Rule Amendments**

Mr. Bilenky noted that, in July 2009, the Governing Board approved for adoption rule amendments to restructure the District’s permit duration rule to be more consistent with the 20-year permit compliance reporting used by the St. Johns River and South Florida Water Management Districts (WMDs), and to provide incentives for applicants who undertake extraordinary water conservation and reclaimed water reuse efforts. On November 25, 2009, the City of Tampa filed a petition with the Division of Administrative Hearings (DOAH) challenging the reporting requirement in proposed rule 40D-2.322(2).

In light of recent discussions with staff from the Florida Department of Environmental Protection, South Florida and St. Johns River WMDs, and this District’s desire to achieve interdistrict consistency on issues such as this, District staff requests the Board approve removing from rulemaking the proposed rule provision set forth above. Removing the

provision from rulemaking will not preclude other reporting requirements from being included in permits. Removing the provision from rulemaking will also result in rendering moot the petition filed by the City of Tampa with DOAH.

All sections of the 20-year permit rules as approved by the Board were included in the meeting information exhibit. Rule 40D-2.332 with the change to remove subsection 40D-2.322(2) is shown beginning on the third page of the exhibit. If the change is approved, a notice of the change will be published in the Florida Administrative Weekly. If there are no requests for hearings or substantive comments or changes proposed, staff expects the Administrative Law Judge in the DOAH case will enter an order dismissing the case. Pursuant to the Joint Administrative Procedures Committee's (JAPC's) rule, its review of the proposed rules is on hold pending final resolution of the DOAH case. Staff anticipates returning to the Board in February to address JAPC comments on the remaining rules.

Staff recommended to approve the change to proposed rule 40D-2.322 as shown in the exhibit provided in the Committee's meeting information. Following consideration, **Ms. Closshey moved, seconded by Mr. Joerger, to approve the staff recommendation as presented. Motion carried unanimously.** (CD 1/Track 8 – 00:00/04:36)

35. **Frost/Freeze Protection Status Report**

This item was heard earlier in the meeting.

36. **Denials Referred to the Governing Board**

There were no requests for applications or petitions to be referred to the Governing Board for final action.

***Submit & File Report***

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

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

***Routine Reports***

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

38. **Southern Water Use Caution Area Quantities**

39. **Overpumpage Report**

40. **Resource Regulation Significant Initiatives**

- Mr. Owen said the Environmental Protection Agency rule regarding numeric nutrient standards has been published and the public comment ends approximately March 14, 2010. District staff will be commenting on the rule and coordinating with the other water management districts and the Florida Department of Environmental Protection. He noted that there are implications to the District and State of Florida. Ms. Closshey requested that the public meeting dates be provided to the advisory committees. (CD 1/Track 8 – 04:36/06:46)

Resource Management Committee Vice Chair Rovira-Forino relinquished the gavel to Outreach and Planning Committee Chair Tharp.

## **Outreach and Planning Committee**

***Discussion Items***

41. **Service Mark for Water CHAMP and Water PRO**

Ms. Kavouras said the Water Conservation Hotel and Motel Program (Water CHAMP) was created by the District in 2002 as a water conservation education outreach effort to hotels and motels. The District provides printed materials to all participating properties and assists owners/managers in determining ways to save water through their properties'

operational processes including, but not limited to, a towel and linen reuse program. There are currently more than 450 hotels and motels participating in the program. In a recent five-year audit of the program, participants saved an average of 17 gallons of water per occupied room per day. To build on the success of Water CHAMP, the District created the Water Program for Restaurant Outreach (Water PRO) to promote water conservation in restaurants. This program provides table tents, activity placemats, low-flow spray nozzles and educational materials for staff and management. More than 250 restaurants are currently participating throughout the District.

Ms. Kavouras said these two programs are gaining in popularity, not only in this District but in other portions of the state. In recent years, District cooperators have used the Water CHAMP and Water PRO logos and information in their own communication efforts. In addition, District staff shared the programs and their successes with other water management districts. Northwest Florida Water Management District implements a limited program and recently the South Florida Water Management District has begun piloting the Water CHAMP program in the Keys. As the programs gain in popularity, acquiring service marks from the State of Florida will ensure the integrity and quality of the logos and names.

Ms. Kavouras stated a preliminary search has indicated that there are no other service marks currently pending for either program name. The cost to service mark both programs is approximately \$350. According to Florida Statutes, the five water management districts are granted the authority to hold patents, copyrights and trademarks. St. Johns River Water Management District currently owns multiple trademarks. Most recently, they have service marked the Florida Water Star<sup>SM</sup> program, a water conservation certification program for new homes. The service mark protects the integrity of the program as well as the quality of the logo and name.

Staff recommended to delegate authority to the executive director to seek and approve service mark status for both Water CHAMP and Water PRO. Following consideration, **Mr. Gramling moved, seconded by Ms. Closshey, to approve the staff recommendation as presented. Motion carried unanimously.** (CD 1/Track 9 – 00:00/02:54)

42. **Legislative Update**

Mr. David Rathke, Director, Community and Legislative Affairs Department, provided an update on state legislative issues. He briefly reviewed the following issues: Basin Board cleanup, water conservation, urban development, electronic notification, online permitting and Peace Creek. He noted three groups are pursuing legislation that may impact the District: American Water Resources Association Florida Section, Small Business Regulatory Advisory Committee and the Senate Selection Committee on Inland Waters. He discussed issues associated with the current state budget including projections for the coming year and legislation that could have potential impacts to the District. (CD 1/Track 9 – 02:54/11:35)

This item was provided 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.

43. **Consolidated Annual Report**

Ms. Kavouras said this is a significant report for the District. This is the fifth year to compile this report as required by statute for submission to the Florida Department of Environmental Protection, Governor, President of the Senate, Speaker of the House and any committee which has jurisdiction over water management district operations. Ms. Kavouras recognized Ms. Miki Renner who is the project manager and Ms. Paula McCleery who provides administrative support to compile the report. Ms. Kavouras

requested the Board members to review the report for approval at the February meeting.  
(CD 1/Track 9 – 11:35/12:50)

### ***Routine Reports***

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

44. **Comprehensive Plan Amendment and Related Reviews**
45. **Development of Regional Impact Reviews**
46. **Speakers Bureau**
47. **Significant Activities**
  - Ms. Kavouras said the 2010 update for the Regional Water Supply Plan first draft has been received for review and by April the draft plan should be ready for review by the District's interested parties.
  - Ms. Kavouras said 12,000 Recreation Guides have been distributed since the District began increased outreach. She noted the next "Get Outside!" event is February 27.
  - Ms. Kavouras said that the District's Facebook has now exceeded 1,200 fans. Committee Chair Tharp encouraged Board members to visit the District's Facebook page. (CD 1/Track 9 – 12:50/16:02)

Outreach and Planning Committee Chair Tharp relinquished the gavel to Finance and Administration Committee Chair Parks.

## **Finance and Administration Committee**

### ***Discussion Items***

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

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

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

49. **Fiscal Year 2010 First Quarter Financial Report**
  - Mr. Schiller provided an update on the District's tax collection revenue which is at 78 percent--higher than the prior two years for the same time period. He said that, at the moment, there are no budget issues for Fiscal Year 2010.
  - Mr. Schiller said the State Board of Administration has continued paying down Fund B. He noted the last monthly payment to the District was \$723,000 and \$9.6 million remains in Fund B.

### ***Routine Reports***

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

50. **Treasurer's Report, Payment Register, and Contingency Reserves**
  - Mr. Schiller said future reports will include ad valorem tax collection information.
51. **Management Services Significant Activities**
  - Mr. Schiller said staff continues to move forward with moving systems off the IBM mainframe by the end of February. He noted that a brief update will be provided at the March meeting.
  - Mr. Schiller said permitting for hook up to the Hernando County sewer system has been completed and work will begin shortly.
  - Mr. Schiller said the District's employee turnover continues to be favorable at a projected amount of 6.4 percent for this year.
  - Mr. Schiller said staff is working closely with cooperators to expedite projects. He noted that funds will not be reserved for projects that are delayed or not being constructed as planned. (CD 1/Track 10 – 00:00/07:36)

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

## General Counsel's Report

### ***Discussion Items***

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

Mr. Bilenky noted that the Sawgrass Lake restoration project is a complicated and a significant \$21 million project. He commended Mr. Eric DeHaven, Ms. Jeannette Seachrist, Mr. Manny Lopez and other staff who have worked on this project after it had been in litigation for four years. He said District staff is creating a wetland treatment area, moving an existing canal, relocating a water main for the City of St. Petersburg, and working with an active gun club to build a shot screen to stop further contamination. He said this process has taken eight years and been done in an efficient manner without any complaints coming before the Governing Board. Mr. Bilenky said he has personally been incredibly impressed with the job staff has done. The Board thanked all those involved. Ms. Parks noted that the Pinellas-Anclote River Basin Board members received regular updates and it is an amazing project.

***Submit & File Reports*** – None

### ***Routine Reports***

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

53. **Litigation Report**

54. **Rulemaking Update**

(CD 1/Track 11 – 00:00/03:18)

## Committee/Liaison Reports

56. **Joint Industrial and Public Supply Advisory Committees Meeting**

Ms. Closshey and Mr. Senft attended the meeting held on January 12, 2010. Ms. Closshey said the meeting included presentations on hydrologic conditions/drought update and water shortage restrictions, water shortage plan update, rulemaking update including the rulemaking process overview, regional reclaimed water partnership update, TECO power plan update, FEMA map modernization, legislative preview, and water quality component. She said discussion ensued about water shortage conservation being more flexible, a way for suppliers to avoid water restrictions if supplies are available over a number of years, messaging to be enforced in a positive way and not punitive, and messaging consistent across the entire District.

57. **Well Drillers Advisory Committee Meeting**

Mr. Oakley attended the meeting held on January 13, 2010, and there was not a quorum due to well drillers being in the field during the frost/freeze event. Mr. Oakley said Mr. Moore attended the meeting to provide an update on the number of calls received regarding wells which showed the District was being proactive. He said Mr. Moore's leadership and the District's proactive efforts are reflected today since the number of public expected did not come because issues are being addressed. Mr. Oakley said the Committee meeting included presentations on the hydrologic conditions/drought update and water shortage restrictions, WMIS update for well construction permitting process, FEMA map modernization, and Inland Protection Trust Fund status report. The next meeting is scheduled for April 21, 2010 in the District's Tampa Service Office. (CD 1/Track 11 – 03:18/08:00)

## Chair's Report

58. **Chair's Report**

- Chair Pressman said he and Mr. Moore met with Mr. Mark Sharpe, Tampa Bay Water Board of Directors Chair, and Mr. Steve Daignault, City of Tampa Administrator of Public Works and Utility Services. He said they discussed the best way to use Howard F.

Curren Water Treatment Plant water, and options such as aquifer recharge to act as a saltwater barrier. The discussion was positive for future consideration due to the expense during this time of no growth.

- Ms. Closshey requested an update on the arsenic issue at the Board's next meeting.
- Chair Pressman noted that he, Ms. Parks, Mr. Gramling and Mr. Oakley attended the Sawgrass Lake Tour. He said the park is beautiful with a magnificent boardwalk. (CD 1/Track 11 – 08:00/16:40)

a. **Board Travel – Reimbursement of Incidental Travel Expenses**

Ms. Parks said she and Mr. Senft were tasked with reviewing the Board's travel policy. She noted that Ms. Kavouras met with each of them individually. She said Ms. Kavouras provided information on the travel policies of the other water management districts. Ms. Parks said the District's policy is driven by Florida Statutes. She said the Board is cognizant that the District does not have lavish money to spend on anything. At a recent meeting between the Department of Environmental Protection (DEP) and WMD chairs and executive directors, Secretary Sole requested each district to curtail travel when possible, especially out-of-state which is restricted to the deputy level and above at DEP. She said she would like to move the Board Travel approval item from the Consent Agenda to the Finance and Administration Discussion Items so Board members are more aware of travel requiring approval.

Since Mr. Senft was unable to attend today, Ms. Kavouras said Mr. Senft does not feel that the current policy and procedure are flawed or needed changing. She said Mr. Senft also suggested moving the approval process for individual requests for non-routine travel. Mr. Senft suggested that any travel must be directly related to water management responsibilities and all agendas for conferences are water related. He also suggested that the Board not consider too restrictive a policy to restrict Board members from attending a meeting or conference of extreme importance.

Ms. Parks said she and Ms. Kavouras discussed a number of different options. At Ms. Parks' request, Ms. Kavouras explained that routine travel covers regular Governing Board and Basin Board meeting attendance, and travel within the District dealing with water management priorities. She said non-routine travel includes conferences, conventions and other events. Ms. Whitehead said she is assuming then that the Board as a whole will make those decisions as to what is considered water related and whether it is appropriate. Ms. Parks agreed with Ms. Whitehead. Ms. Kavouras said the District's current practice is to obtain Governing Board approval, via the monthly meeting consent agenda, for scheduled travel outside the District or to attend conferences or conventions. She said if there is not time to place on the consent agenda then non-scheduled travel outside the District, or to attend any conference or convention, requires prior approval of the Governing Board Chair or, in his absence, the Vice Chair.

Following discussion, **Mr. Gramling moved, seconded by Mr. Tharp, to maintain the status quo regarding Board travel.**

Mr. Gramling said he agrees that approval needs to be in the public view and the chair has the prerogative to exercise that. He said he does not think it is necessary to bind future boards with a policy change by the Governing Board at this time. He said it is important for Board members to review travel prior to approval. In response to Chair Pressman's request for clarification, Mr. Gramling said board travel authorization should be a regular agenda item and no longer a consent item, but that it remain the prerogative of the chair for placement on the agenda.

**Motion carried with Chair Pressman voting against.** (CD 1/Track 11 – 16:40/30:42)

Ms. Parks said all need to be aware that this is public money and should be used properly and justifiably.

b. **Other** – None

Mr. Moore noted the frost/freeze event public workshop is scheduled for February 17, 2010, at the Hillsborough Community College Trinkle Center in Plant City at 6 p.m.

There being no further business to come before the Board, Chair Pressman adjourned the meeting. (CD 1/Track 11 – 30:42/31:43)

The meeting was adjourned at 2:17 p.m.