

APPROVED

MINUTES OF THE MEETING

GOVERNING BOARD
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

JANUARY 31, 2012

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:00 a.m. on January 31, 2012, at the District's Tampa Service Office. The following persons were present:

Board Members Present

H. Paul Senft, Chair
Hugh Gramling, Vice Chair
Douglas B. Tharp, Secretary
Albert G. Joerger, Treasurer
Jeffrey M. Adams, Member
Michael A. Babb, Member
Carlos Beruff, Member
Bryan K. Beswick, Member
Jennifer E. Closshey, Member
Neil Combee, Member
Randall S. Maggard, Member
Todd Pressman, Member
Judith C. Whitehead, Member

Board Member(s) Absent – None

Staff Members

Blake C. Guillory, Executive Director
Laura J. Donaldson, General Counsel
David T. Rathke, Chief of Staff
Kurt P. Fritsch, Division Director
Mark A. Hammond, Division Director
Michael L. Holtkamp, Division Director
Alba E. Más, Division Director

Board's Administrative Support

LuAnne Stout, Administrative Coordinator
Linda De Jonge, Sr. Administrative Asst.

A list of others present who signed the attendance roster is filed in the permanent records 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).

PUBLIC HEARING (Video – 00:00)

1. Call to Order

Chair Senft called the meeting to order and opened the public hearing. Mr. Tharp noted a quorum was present. (Track 1 – 00:00/00:12, Track 2 – 00:00/21, Track 3- 00:00/00:17)

2. Pledge of Allegiance and Invocation

Chair Senft led the Pledge of Allegiance to the Flag of the United States of America. Mr. Rathke offered the invocation.

Public Hearing

Chair Senft 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 Senft 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 agenda items only during today's meeting. 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 during "Public Input." Chair Senft 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. (Track 3 – 00:17/04:13)

3. **Additions/Deletions to Agenda**

Mr. Guillory noted for the record that two items are requested for deletion to the meeting's agenda.

OPERATIONS & LAND MANAGEMENT COMMITTEE

The following item is deleted from consideration:

6. Management Agreement between Sarasota County and the District – Myakka Conservation Area, Carlton Ranch Tract, SWF Parcel No. 21-694-104X

FINANCE & ADMINISTRATION COMMITTEE

The following item is deleted from consideration:

45. Bartow Service Office Options

Mr. Adams moved, seconded by Ms. Closshey, to approve the amended agenda. Motion carried unanimously. (Track 3 – 04:13/05:02)

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

Chair Senft noted that two speaker cards were submitted.

M. Katherine Roberts, resident of Safety Harbor, addressed the Board regarding hunting opportunities in preserves, and the peril to habitats and native plants.

Ms. Wendy Martinez, resident of Dade City, addressed a residential driveway violation requiring District and Florida Department of Environmental Protection permits and provided a history of events. Messrs. Pressman and Maggard requested the Board be apprised of this matter following staff meeting with Ms. Martinez. (Track 3 – 05:02/14:45)

CONSENT AGENDA (Video – 16:00)

Item 6 was deleted from consideration.

Regulation Committee

5. **Individual Water Use Permits** (WUPs)

- a. **WUP No. 20002588.010 - Kelly Family Holdings, LLC / Kelly Farms – Charlotte County**

Staff recommended approving the proposed permit which is for renewal of an existing water use permit for agricultural use.

- b. **WUP No. 20012964.003 - Alafia Preserve LLC, Eagle Ridge LLC, and Donaldson Knoll LLC – Polk County**

Staff recommended approving the proposed permit which is a renewal with modification of an existing public supply water use permit for a planned residential development within the City of Mulberry.

Operations & Land Management Committee

6. **Management Agreement between Sarasota County and the District – Myakka Conservation Area, Carlton Ranch Tract, SWF Parcel No. 21-694-104X**

This item was deleted from consideration.

7. **Resolutions Requesting the Encumbrance of Fiscal Year 2012 Budgeted Funds from the Water Management Lands Trust Fund for Preacquisition, Management, Maintenance and Capital Improvements and Payments in Lieu of Taxes; and Surface Water Improvement and Management Program**

Staff recommended approving Resolutions Numbers 12-01 and 12-02 requesting the encumbrance of the District's FY2011-12 budgets for preacquisition; land management, maintenance and capital improvements; and payments in lieu of taxes; and Surface Water Improvement and Management Program within the WMLTF, and authorize staff to request periodic reimbursements for FY2011-12 costs not to exceed \$16,180,796 and \$7,214,441, respectively.

8. **Budget Transfer and Execution Notice – Pasco County – NAVD88 Vertical Control Densification (N374)**

Staff recommended approving a \$100,000 budget transfer from Mapping & GIS (MGIS) surveying services (B134) to the MGIS contractual services (N374). The funds will be used for the Pasco County – NAVD88 Vertical Control Densification Project (N374). The total project cost is \$200,000 of which \$100,000 was not budgeted as revenue during the FY2012 budget process. The \$100,000 revenue will be returned to the District by Pasco County upon completion of the project in September 2012.

Resource Management Committee

9. **Five-Year Water Resource Development Work Program**

Staff recommended approving revisions to the District's 2012 Five-Year Water Resource Development Work Program (Work Program) as requested by the Florida Department of Environmental Protection (DEP). The proposed revisions to the Five-Year Water Resource Development Work Program will be included in the 2012 Consolidated Annual Report.

10. **City of Bradenton Water Supply – Request to Credit Reimbursed Funds from Cancelled Project 580 MG Offstream Reservoir Expansion (H059) to a Future Aquifer Storage and Recovery Project**

Staff recommended approving the request by the City of Bradenton to credit funds totaling \$202,553 from the cancelled offstream reservoir expansion toward the District's share for the Surface Water ASR Feasibility Study if approved in the FY2013 cooperative funding process.

11. **North Sarasota County Reclaimed Water Aquifer Storage and Recovery Project – Second Amendment (K269)**

Staff recommended approving the second amendment to the existing agreement with Sarasota County for the North Sarasota County Reclaimed Water Aquifer Storage and Recovery to modify the project by reducing the number of reclaimed water ASR wells in the scope of work from three to one; reduce the total cost of the project from \$6,443,546 to \$3,207,900 and reduce the District's funding obligation from \$3,221,773 to \$1,686,382; adjust the milestone schedule; extend the contract termination date from December 31, 2012 to December 31, 2015; and authorize the Resource Management Division Director to execute the amendment.

12. **Authorize Submission of Preliminary Flood Insurance Rate Maps to the Federal Emergency Management Agency for Highlands County**

Staff recommended authorization to submit the preliminary Highlands County Flood Insurance Rate Maps (FIRMs) to the Federal Emergency Management Agency (FEMA). Following submittal of the preliminary FIRMs, FEMA will conduct their own technical review, take public input, and allow for a 90-day appeals period during the adoption process. Depending on public input, the FEMA process can take one to two years.

13. **FARMS – Classic Caladiums, LLC – Amendment (H540), Hardee County**

Staff recommended (1) approving the Classic Caladiums, LLC project for a change of scope with no additional funding requested; and (2) authorizing the Resource Management Division Director to execute the amendment to the agreement.

Finance & Administration Committee

14. **Budget Transfer Report**

Staff recommended approving the Budget Transfer Report covering all budget transfers for December 2011.

General Counsel's Report

15. **Settlement Agreement – WUP No. 20010392.005 - Milmack, Inc. (Oakwood Golf Club) – Polk County**

Staff recommended approving the Settlement Agreement, and authorizing the initiation of litigation if necessary to obtain compliance with the Settlement Agreement.

Executive Director's Report

16. **Approve Governing Board Minutes – December 20, 2011 Monthly Meeting**

Staff recommended approving the minutes as presented.

Mr. Tharp moved, seconded by Mr. Adams, to approve the Consent Agenda as amended. Motion carried unanimously. (Track 3 – 15:45/15:40)

Chair Senft relinquished the gavel to Regulation Committee Chair Beswick who called the Committee meeting to order. (Track 3 – 15:40/15:56)

REGULATION COMMITTEE (Video – 16:42)

Discussion Items

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

18. **Individual Water Use Permit No. 20009791.008 – Citrus County Water Resources/Sugarmill Woods**

Mr. Bobby Lue, Chief, Brooksville Regulation Department, noted the Board requested this item be brought back for further discussion at today's meeting. He said that staff has been working with Citrus County staff to develop a plan and a representative for the applicant is present to answer questions. This is a modification of an existing water use permit for public supply in Citrus County. The Annual Average quantity is 2,211,000 gallons per day (gpd) and the Peak Month quantity is 2,985,000 gpd. The Annual Average quantity increases by 147,000 gpd (from 2,064,000 to 2,211,000 gpd) and the Peak Month quantity decreases by 111,000 gpd (from 3,096,000 to 2,985,000 gpd). The authorized quantities are based on the District's modeled population projection and the five-year average per capita. The permit expires on February 24, 2015.

Mr. Ken Herd, Chief, Water Resources Bureau, reviewed the water use per capita information as requested by the Board and how per capita varies throughout the District.

Ms. Debra Burden, Citrus County Utilities, provided information about the County's water conservation and enforcement efforts.

Board members complimented Ms. Burden's report and the County's efforts. Discussion ensued regarding rate structures and per capita progress. Mr. Herd addressed The Villages' per capita consumption which is trending down.

Staff recommended approving the proposed permit.

Mr. Gramling moved, seconded by Mr. Beruff, to approve the staff recommendation as presented. (Track 4 – 00:00/23:45)

Ms. Closshey thanked Ms. Burden for her presentation. In response to Ms. Closshey's question, Mr. Herd explained the difference between the northern area and southern areas has been the application of cooperative funding to the water use caution areas. Discussion continued regarding per capita; type of households, land use and populations; and District staff working with agencies that address land use to provide reinforcement for different types of modeling to achieve reductions.

Motion carried unanimously. (Track 4 – 23:45/30:10)

19. **Denials Referred to the Governing Board** – None

Submit & File Report

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

20. **Public Supply Report**

Routine Reports

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

21. **Southern Water Use Caution Area Quantities**
22. **Overpumpage Report**
23. **E-Permitting Metrics: Online vs. Paper Applications**
24. **Individual Permits Issued by District Staff**
25. **Resource Regulation Significant Initiatives**

Resource Regulation Committee Chair Beswick adjourned the Committee meeting and relinquished the gavel. (Track 4 – 30:10/30:19, Track 5 – 00:00/00:22)

Ms. Closshey noted that the regional conservation summit held in 2007 was beneficial and important. She suggested to revisit the opportunity for scheduling summits on a regular basis to keep the lines of communication open. (Track 6 – 00:00/01:08)

Operations & Land Management Committee Chair Babb called the Committee meeting to order.

OPERATIONS & LAND MANAGEMENT COMMITTEE (Video – 48:40)

At the Committee Chair's request, Mr. Holtkamp provided a brief overview of the Operations, Maintenance and Construction Division, which consists of the Operations & Land Management Bureau and the Data Collection Bureau. (Track 6 – 01:08/03:06)

Discussion Items

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

27. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said December historically marks the third month of the eight-month (October through May) dry season and provisional rainfall totals for the month were below-normal in all regions of the District. Rainfall received during the month was light, scattered and associated with cold front systems moving through the District. Analysis of partial dry-season (October-December) rainfall indicates totals were below the historic mean in all regions of the District. The District-wide provisional 12-month rainfall deficit worsened and was approximately 3.5 inches below the long-term historical average, while the 24-month and 36-month

deficits worsened to 6.7 and 9.1 inches, respectively, below the long-term averages. Extended drier-than-normal rainfall conditions during the winter/spring months would worsen overall hydrologic conditions. (Track 7 – 00:00/07:22)

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

Submit & File Reports

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

28. **Pasco County – Topographic Mapping (N267) – Completion Notice**
29. **Surplus Lands Assessment Update**

Routine Reports

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

30. **Structure Operations**
31. **Significant Activities**
 - In response to Mr. Tharp's query, Mr. Roy Mazur, Director, Operations & Land Management Bureau, provided an update on the Flying Eagle Preserve. (Track 7 – 07:22/10:35)

Resource Regulation Committee Chair Babb adjourned the Committee meeting and relinquished the gavel to Resource Management Committee Chair Gramling who called the Committee meeting to order. (Track 7 – 10:35/11:44)

RESOURCE MANAGEMENT COMMITTEE (Video – 62:00)

Discussion Items

32. **Consent Item(s) Moved for Discussion** – None
33. **Rocky Creek Lake Enhancement Project Update**

Mr. Hammond provided introductory remarks, noting that a water use permit is being pursued and the public meeting was held on January 18, 2012 using a presentation-style format, as requested. Ms. Tamera McBride, Project Manager, Water Resources Bureau, provided an update on the Rocky Creek Lake Enhancement project that will help achieve the minimum levels established for Horse Lake; and to enhance water levels in lakes Raleigh and Rogers, which are on the Priority List for establishment of minimum levels. (Track 8 – 00:00/12:00)

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

Submit & File Reports – None

Routine Reports

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

34. **Minimum Flows and Levels**
35. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
36. **Significant Water Supply and Resource Development Projects**

Resource Management Committee Chair Gramling adjourned the Committee meeting and relinquished the gavel to Outreach and Planning Committee Chair Adams who called the Committee meeting to order. (Track 8 – 12:00/12:11)

OUTREACH & PLANNING COMMITTEE (Video – 74:25)

Discussion Items – None

Submit & File Reports

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

37. **Legislative Update**
38. **2012 Consolidated Annual Report Status**
39. **Fiscal Year 2012-13 Cooperative Funding Process Update**
 - Ms. Lou Kavouras, Bureau Chief, Board & Executive Services, reviewed the process and dates/times for upcoming meetings.

Routine Reports

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

40. **Comprehensive Plan Amendment and Related Reviews**
41. **Development of Regional Impact Activity Report**
42. **Significant Activities**

Outreach and Planning Committee Chair Adams adjourned the Committee meeting and relinquished the gavel to Finance and Administration Committee Chair Joerger who called the Committee meeting to order. (Track 9 – 00:00/05:34)

FINANCE & ADMINISTRATION COMMITTEE (Video – 79:40)

Item 45 was deleted from consideration.

Discussion Items

43. **Consent Item(s) Moved for Discussion** – None
44. **Fiscal Year 2012-13 Budget Development Process – Acceptance of Assumptions**

Mr. Fritsch noted that the purpose of this presentation is to request approval of general budget preparation assumptions for fiscal year (FY) 2012-13 budget development. He provided an overview of revenue and expenditure assumptions, budget calendar, operating expenses, contracted services for support and maintenance, monthly cash balances by fiscal year (FY2007-08 to present), and cash balance analysis and encumbrance review.

In response to Board members' questions, Mr. Fritsch provided clarifying information. Mr. Beruff requested an aging schedule involving Board-approved projects.

Chair Senft moved, seconded by Ms. Closshey, to approve the general budget preparation assumptions for FY2012-13 budget development. Motion carried unanimously. (Track 10 – 00:00/21:50)

45. **Bartow Service Office Options**

This item was deleted from consideration.

Submit & File Reports – None

Routine Report

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

46. **Treasurer's Report, Payment Register and Contingency Funds Report**
47. **Monthly Financial Statement**

Finance and Administration Committee Chair Joerger adjourned the Committee meeting and relinquished the gavel to Chair Senft. (Track 10 – 21:50/22:02)

GENERAL COUNSEL'S REPORT (Video – 102:25)

Ms. Donaldson noted she has investigated the issue of the District charging a user fee for use of lands and the District's liability would be increased. Following discussion, the Board consensus was to not charge a user fee. (Track 11 – 00:00/03:45)

Discussion Items

48. **Consent Item(s) Moved for Discussion** – None
49. **Annual Sunshine Law Refresher**

Ms. Donaldson noted that an orientation and other training concerning compliance with these laws, including this Annual Sunshine Law Refresher, will be provided in January of each year. Ms. Mary Beth McNeil, Senior Attorney, apprised current and newly-appointed Governing Board members of new issues which arise from time to time concerning Florida's open-government laws, which include the expanding use of Information Technology and Communications Media Technology in the daily conduct of District business, and how open-government laws operate to shape how these technologies are used. (Track 11 – 03:45/12:20)

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

Submit & File Reports – None

Routine Reports

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

50. **Litigation Report**
51. **Rulemaking Update** (Track 11 – 12:20/12:56)

COMMITTEE/LIAISON REPORTS (Video – 114:55)

The following reports were provided to the Board members at the meeting.

52. **Environmental Advisory Committee Meeting**
53. **Well Drillers Advisory Committee**
54. **Other Liaison Reports** (Track 12 – 00:00/02:30)

CONSENT AGENDA (Video – 117:40)

Chair Senft noted that the expiration date was incorrect for Consent Agenda Item 5.a.

Regulation Committee

5. **Individual Water Use Permits** (WUPs)

a. **WUP No. 20002588.010 - Kelly Family Holdings, LLC / Kelly Farms – Charlotte County**

Chair Senft moved, seconded by Mr. Gramling, to approve Item 5.a. with the correct expiration date of December 31, 2022. There being no objection, the motion carried.
(Track 12 – 02:30/03:35)

EXECUTIVE DIRECTOR'S REPORT (Video – 118:30)

55. **Executive Director's Report**

- Mr. Guillory provided an update on the progress occurring in Brooksville Building 4.
- Mr. Guillory noted that the information technology services proposals presentation is scheduled for February 1, 2012.
- Mr. Guillory said the Legislature required a large budget cut which required a change in the way business is done. He said the District has restructured staff to improve effectiveness and efficiencies. He noted that regulation departments have been consolidated as well as many other smaller changes, but no major functions were cut.
- Mr. Guillory informed the Board that more than 100 employees accepted the Voluntary Employee Separation Program agreement. He noted that staff is continuing to look for additional efficiencies.
- Mr. Guillory suggested the Board schedule a half-day workshop for each bureau to present its activities and how its core mission is being addressed. Following consideration, the Board consensus was to hold the workshop in conjunction with the April Board meeting. (Track 13 – 00:00/14:27)

CHAIR'S REPORT (Video – 133:00)

56. **Chair's Report**

- Chair Senft requested Mr. Rathke to provide a legislative update. Mr. Rathke said proposed House Bill 639 changes how reclaimed water will be regulated in the state to ensure greater use and efficiency of use of that resource. He noted the bill removes reclaimed water from the definition of "waters of the state" and removes the districts and DEP from regulating reclaimed water. He said the District can still consider whether reclaimed water is available for water use permits and to contractually obligate municipalities, and the state will still have oversight. Mr. Rathke informed the Board that confirmations of Messrs. Maggard and Guillory are scheduled for this legislative session. He noted that the water management district budgets are under negotiation, and there is a bill to extend the permit duration for alternative water supplies to 37 years. (Track 13 – 14:27/21:00)
- Chair Senft said, in recognition of three former senior-level employees, a breakfast is being considered prior to the February Board meeting.

Mr. Gramling encouraged Board members to attend the February 9 agriculture tour to view projects funded by the District.

There being no further business to come before the Board, Chair Senft recessed the public hearing and adjourned the meeting at 11:23 a.m. (Track 13 – 22:40/23:59, Video – 142:44)

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352) 796-7211, ext. 4702, or 1-800-423-1476 (FL only), ext. 4702; TDD (FL only) 1-800-231-6103; or email to ADACoordinator@swfwmd.state.fl.us.