

APPROVED

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

SARASOTA, FLORIDA

FEBRUARY 26, 2013

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 10:03 a.m. on February 26, 2013, at the District's Sarasota Service Office. The following persons were present:

Board Members Present

H. Paul Senft, Chair
Douglas B. Tharp, Vice Chair
Albert G. Joerger, Secretary
Jeffrey M. Adams, Treasurer
Michael A. Babb, Member
Carlos M. Beruff, Member
Wendy Griffin, Member
Randall S. Maggard, Member
George W. Mann, Member
Todd Pressman, Member

Staff Members

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

Board's Administrative Support

Cara Martin, Boards & Executive Services Manager
LuAnne Stout, Administrative Coordinator

Board Member(s) Teleconferencing

Jennifer E. Closshey, Member

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. He noted a quorum was present.

2. Pledge of Allegiance and Invocation

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

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.

3. **Oath of Office for Newly Appointed or Reappointed Board Members**
No appointments or reappointments occurred so this item was deferred.

4. **Additions/Deletions to Agenda** (Video – 05:54)
Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown, as determined by the presiding officer. Based upon that authority, the Chair has determined that good cause exists to make certain changes to the agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed.

Mr. Guillory noted one item has been deleted as follows:

CONSENT AGENDA – Resource Management Committee

11. Facilitating Agricultural Resource Management Systems (FARMS)
a. Revenue Agreement with the Florida Department of Agriculture and Consumer Services (FDACS) for the FARMS Program

Mr. Maggard moved, seconded by Mr. Tharp, to approve the amended agenda. Motion carried unanimously. (Track 1 – 00:00/04:15)

5. **Public Input for Issues Not Listed on the Published Agenda** (Video – 11:33)
Chair Senft noted that no *Request to Speak* cards were submitted. (Track 2 – 00:00/00:10)

CONSENT AGENDA (Video – 28:03)
Item 11.a. was deleted from consideration.

Regulation Committee

6. **Revised Board Policy 225-017, Well Drillers Advisory Committee**
Staff recommended the Board approve revised Policy 225-017, Well Drillers Advisory Committee, to remove reference to Basin Boards.

7. **Individual Water Use Permits (WUPs) Referred to the Governing Board** – None

Resource Management Committee

8. **2013 Florida Department of Transportation Mitigation Program Plan**
Staff recommended the Board approve the District's 2013 Florida Department of Transportation Mitigation Plan.

9. **Peace River Manasota Regional Water Supply Authority – Regional Integrated Loop System Phase 3A Project – Budget Transfer**
Staff recommended the Board approve the transfer of \$67,697 from the Regional Integrated Loop System Phase 2 project to the Regional Integrated Loop System Phase 3A project.

10. **Authorize Submission of Preliminary Flood Insurance Rate Maps for the Peace Creek Watershed in Polk County to the Federal Emergency Management Agency**
Staff recommended the Board authorize submission of preliminary Flood Insurance Rate Maps (FIRMs) for the Peace Creek watershed in Polk County to the Federal Emergency Management Agency (FEMA).

11. **Facilitating Agricultural Resource Management Systems (FARMS)**
a. **Revenue Agreement with the Florida Department of Agriculture and Consumer Services (FDACS) for the FARMS Program** – This item was deleted from consideration.
b. **Revenue Agreement with the FDACS for Mini-FARMS Program**
Staff recommended the Board (1) authorize the transfer of \$200,000 from FARMS Program funds (H017) to the Mini-FARMS Program (H529); (2) approve the

District/FDACS revenue agreement for \$200,000 for the Mini-FARMS Program; and
(3) authorize Executive to execute the agreement.

Finance/Outreach & Planning Committee

12. **Budget Transfer Report**

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for January 2013.

13. **Approve 2013 Consolidated Annual Report**

Staff recommended the Board approve the 2013 Consolidated Annual Report and its transmittal.

General Counsel's Report

14. **Administrative, Enforcement and Litigation Activities that Require Governing Board Approval** – None

15. **Rulemaking**

a. **Initiation and Approval of Rulemaking to Amend Rule 40D-2.331, F.A.C., and Water Use Permit Letter Modification Short Form (Form Mo. LEG-R.035.00 (3/09) to Allow the Use of the Form to Modify Permits Associated with FARMS Projects and to Clarify the District's Ability to Reduce Standby Quantities**

Staff recommended the Board initiate and approve rulemaking to amend Rule 40D-.331, F.A.C., and Water Use Permit Letter Modification Short Form (Form Mo. LEG-R.035.00 (3/09) to allow the use of the form to modify permits associated with FARMS projects, to clarify the District's ability to reduce standby quantities, and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process.

Executive Director's Report

16. **Approve Governing Board Meeting Minutes**

a. **Flying Eagle Evaluation Team Meeting – January 18, 2013**

b. **Financial Investments Ad Hoc Committee Meeting – January 28, 2013**

c. **Monthly Meeting – January 29, 2013**

Staff recommended approving the minutes as presented.

Mr. Tharp moved, seconded by Mr. Maggard, to approve the Consent Agenda as amended. Motion carried unanimously. (Track 2 – 00:10/00:42)

Chair Senft relinquished the gavel to Regulation Committee Chair Beruff who called the Committee meeting to order.

REGULATION COMMITTEE (Video – 34:30)

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

18. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, noted that January historically marks the fourth month of the annual dry season and rainfall for the month was well below normal in all regions of the District. Rainfall totals during January were regionally variable, associated with the passage of several weak cold front systems moving across the District, and were not sufficient to improve hydrologic conditions in most areas. The District-wide provisional 12-month and 24-month rainfall deficits worsened during January, ending the month approximately 2.2 and 8.9 inches, respectively, below their long-term average. In response to the low rainfall totals during January, most hydrologic indicators declined. Streamflow conditions in regional index rivers declined, ending the month at low-normal or below-normal levels. Groundwater levels declined, but remained within the normal range of historic values. Regional lake levels declined, ending the month within the annual normal range in the Tampa Bay region, while remaining at below-normal levels in the Northern, Polk Uplands and Lake Wales Ridge regions. Current NOAA climate

forecasts predict below-normal rainfall conditions for the District during February, while they predict equal chances for below-normal, normal or above-normal rainfall for March through May 2013. Additionally, NOAA forecasts for El Niño/Southern Oscillation (ENSO) indicate that neutral conditions persist in the Pacific Ocean and will likely continue into the spring. As the dry season runs from October through May, further declines in hydrologic conditions are likely if below-normal rainfall conditions occur during this period, increasing chances for resource-related impacts. (Track 3 – 00:00/07:00)

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

Committee Chair Beruff said that one *Request to Speak* card was submitted.

Mr. Warren Hogg, representing Tampa Bay Water, provided an update on Alafia River usage, desalination plant status, reservoir renovation, and wellfield pumpage. (Track 3 – 07:00/11:10)

19. **Consider Any Recommended Water Shortage Orders**

Ms. Lois Sorensen, Demand Management Program Manager, noted that only one Water Shortage Order is currently in effect. Water Shortage Order No. SWF 2010-022 was most recently extended by the Governing Board on December 18, 2012. This Districtwide Order, currently scheduled to expire on July 31, 2013, is a Phase I declaration in accordance with the District's Water Shortage Plan (Chapter 40D-21, F.A.C.).

Due to concerns for the Tampa Bay area, Ms. Sorensen said staff recommends the Board declare Phase III for select water uses in Hillsborough, Pasco and Pinellas counties to be effective March 13, 2013 - July 31, 2013. She then briefly reviewed the restrictions for Phase III.

Mr. Tharp noted that conditions are declining Districtwide and requested the Board be briefed again at its next meeting.

Mr. Tharp moved, seconded by Chair Senft, to approve the staff recommendation as presented. Motion carried unanimously. (Track 3 – 11:10/15:23)

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

Submit & File Reports – None

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**

Committee Chair Beruff adjourned the Committee meeting, and relinquished the gavel to Operations & Land Management Committee Chair Tharp who called the Committee meeting to order. (Track 3 – 15:23/15:39)

OPERATIONS & LAND MANAGEMENT COMMITTEE (Video – 47:50)

Discussion Items – None

Submit & File Reports – None

Routine Reports

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

26. **Structure Operations**
27. **Significant Activities**

Operations & Land Management Committee Chair Tharp adjourned the Committee meeting and relinquished the gavel to Finance/Outreach & Planning Committee Chair Adams who called the Committee meeting to order. (Track 4 – 00:00/00:17)

FINANCE/OUTREACH & PLANNING COMMITTEE (Video – 48:21)

Discussion Items

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

Submit & File Reports

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

29. **Legislative Update**

Routine Reports

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

30. **Treasurer's Report and Payment Register**
31. **Monthly Financial Statement**
32. **Monthly Cash Balances by Fiscal Year**
33. **Comprehensive Plan Amendment and Related Reviews**
34. **Development of Regional Impact Activity Report**
35. **Significant Activities**

Finance/Outreach & Planning Committee Chair Adams adjourned the Committee meeting and relinquished the gavel to Resource Management Committee Chair Babb. (Track 5 – 00:00/00:26)

Chair Senft noted that the state auditors are beginning an audit of the District this week.

RESOURCE MANAGEMENT COMMITTEE (Video – 93:55)

Discussion Items

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

37. **Peace River Manasota Regional Water Supply Authority Update**

Mr. Pat Lehman, Executive Director of the Peace River Manasota Regional Water Supply Authority provided a status report on the Authority's water supplies, regional pipeline interconnection projects and vision for the future. (Track 6 – 00:00/23:41)

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

Committee Chair Babb said staff has opportunity for the Board to consider an item not listed on the published agenda.

Temple Terrace Northeast Hillsborough Reclaimed Water Master Plan

Mr. Hammond said this is a project which was submitted last year through the cooperative funding program and it is in the budget. He said staff is proposing a change in the typical contract provision based on the way the project was submitted and the Board approved it. He said the change would allow Temple Terrace to utilize City of Tampa, Hillsborough County and Plant City funding as part of its match. Mr. Hammond noted that, had the project been submitted and approved this way, staff would have automatically made the change in the contract and implemented it. He said this is not inconsistent with the Board policy.

Mr. Beruff moved, seconded by Mr. Joerger, for staff to utilize matching funds as presented. Motion carried unanimously. (Track 6 – 23:41/25:40)

Submit & File Reports – None

Routine Reports

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

38. **Minimum Flows and Levels**
39. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
40. **Significant Water Supply and Resource Development Projects**
(Track 6 – 25:40/26:12)

At this time, Mr. Maggard said he had a comment to make regarding an issue. He said this is his opinion concerning the Chassahowitzka and Homosassa minimum flows and levels decision made by the Board. He said it has bothered him that the Board did not follow staff's science-based recommendation. Mr. Maggard said it should be a science-based decision and either the Board trusts staff or it doesn't. He noted there will be similar decisions coming in the future. (Track 6 – 26:12/28:56)

Chair Senft noted that Ms. Closshey has been listening on the phone.

Discussion ensued regarding decisions based on science, policy, staff costs and time (five years) to reach a proposed solution, public emotion, credibility with the public, concern with concept of putting Hernando County in the position to find alternative sources, science is not exact but the Board takes the weight of whether or not special consideration should be given, finding a middle ground that supports staff but only take science to a point along with other circumstances, the public is part of the equation, public concerns should be considered but may be communicated from a different viewpoint, science changes as it is refined, values change so output of models is influenced, and individual values are often interjected along with public opinion in the decision process. (Track 6 – 28:56/44:55)

Ms. Donaldson noted that this issue may be coming back as a hearing based on a statute in Chapter 373. She said the homeowners associations and environmental groups will be submitting a request to the Florida Department of Environmental Protection. She said staff is waiting for a pleading to be filed and the District has a right to appeal. (Track 6 – 44:55/47:05)

Mr. Joerger noted he was recently swimming in a spring that was not in the best shape. Mr. Guillory said there has been discussion in Tallahassee regarding a statewide springs initiative. He noted that the District has established an internal springs team for a plan of action to address District springs.

Resource Management Committee Chair Babb adjourned the Committee meeting and relinquished the gavel to Chair Senft. (Track 6 – 47:05/51:06)

GENERAL COUNSEL'S REPORT (Video – 181:48)

Discussion Items

41. **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.

42. **Litigation Report**
43. **Rulemaking Update** (Track 7 – 00:00/00:10)

COMMITTEE/LIAISON REPORTS

The following reports were provided for the Board's information.

44. **FARMS Workgroup/Agricultural/Green Industry Advisory Committees Meeting**
45. **Industrial/Public Supply Advisory Committees Meeting**
46. **Other Liaison Reports** – None (Track 7 – 00:10/00:54)

EXECUTIVE DIRECTOR'S REPORT

47. **Executive Director's Report**

Mr. Guillory said staff presented the District's budget to legislators, and Senator Albritton voiced his thanks to staff for its work on the FARMS program and with the agricultural community, and possibly building the program statewide. (Track 7 – 00:54/02:06)

CHAIR'S REPORT (Video – 195:58)

48. **Chair's Report**

- Chair Senft noted that last week there was a meeting between the Florida Department of Environmental Protection and water management districts. He said the Board would be proud that the District has contributed \$2.4 billion toward projects compared to what the other districts have done. He noted that, when a program or initiative is discussed, the other districts all ask what is the Southwest District doing.
- Chair Senft said there is an issue from July 2012 regarding the Lake Region Lakes Management District's request to transfer structures for the drainage area of Peace River. He said a bill has been filed to transfer the structures to the recreation district with the District still responsible for flood control. Chair Senft suggested the District draft an agreement with the City of Winter Haven who is a permittee to create a partnership. He asked whether this concept is acceptable to the Board before legal staff becomes involved. **Mr. Joerger moved, seconded by Ms. Griffin, to approve the concept. Following Ms. Donaldson's counsel, the motion and second were withdrawn.** Discussion ensued about delegating one of the District's core values to another agency, proposed concept for legal to review for the Board's consideration, and clause for certain ramifications should emergency situations occur such as hurricanes. Ms. Donaldson said this will come back before the Board once an agreement is drafted. Mr. Mann

noted there may be opposition by the landowners. Chair Senft said the City of Winter Haven is willing to cooperate. (Track 7 – 02:06/12:50)

Mr. Joerger noted that Senate Bill 584 deals with restricting public entities in purchasing and selling lands.

In response to Mr. Pressman's comment, Chair Senft said that the other districts are leaning more toward cooperative funding but may be hindered due to their debt.

Chair Senft recessed the public hearing.

There being no further business to come before the Board, **Mr. Joerger moved, seconded by Mr. Maggard, to adjourn the meeting. Motion carried unanimously.** (Video – 204:15, Track 7 – 12:50/15:39)

The meeting was adjourned at 11:32 a.m.