

APPROVED

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

MARCH 26, 2013

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:36 a.m. on March 26, 2013, at the District's headquarters in Brooksville. The following persons were present:

Board Members Present

H. Paul Senft, Chair
Douglas B. Tharp, Vice Chair
Jeffrey M. Adams, Treasurer
Michael A. Babb, Member
Carlos M. Beruff, Member
Bryan K. Beswick, Member
Thomas E. Bronson, Member
Jennifer E. Closshey, Member
Wendy Griffin, Member
Randall S. Maggard, Member
Todd Pressman, Member

Board Member(s) Teleconferencing

Albert G. Joerger, Secretary

Board Member(s) Absent

George W. Mann, Member

Staff Members

Blake C. Guillory, Executive Director
Kurt P. Fritsch, Inspector General
Robert R. Beltran, Assistant Executive Director
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, Board & Executive Services Manager
LuAnne Stout, Administrative Coordinator
Linda DeJonge, Senior Legal Assistant

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**

The Oath of Office was administered to Messrs. Beswick and Bronson who were appointed by Governor Scott on March 8, 2013 to serve until March 1, 2017. Mr. Beswick represents Hardee, DeSoto and Highlands counties; and resumes his seat following a break in service. Mr. Bronson is an at-large appointment to represent Hernando and Marion counties. (Track 2 – 05:30/06:15, Video – 06:01)

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:

REGULATION COMMITTEE

22. Consider Any Recommended Water Shortage Orders

Mr. Tharp moved, seconded by Mr. Beruff, to approve the amended agenda. Motion carried unanimously. (Track 1 – 00:00/06:55)

5. **Employee Recognition**

The following staff members achieved the milestone of 25 years for the period of January 1 to March 31, 2013, and were recognized before the Board. Mr. Holtkamp presented Messrs. Hudson, Garcia, Griner and Stover with their service plaques.

MILESTONE	EMPLOYEE NAME	TITLE	BUREAU	OFFICE LOCATION
Retirement	Rand Frahm	Planning Supervisor	Public Affairs	Brooksville
	Lou Kavouras	Board & Executive Services Bureau Chief	Public Affairs	Brooksville
35 Years	Kevin Stover	Field Technician Supervisor	Data Collection	Brooksville
25 Years	Axel Griner	Mapping & GIS Manager	Data Collection	Brooksville
	Raymond Garcia	Heavy Equipment Operator	Operations & Land Mgt	Brooksville
	Malcolm Hudson	Field Maintenance Technician	Operations & Land Mgt	Brooksville

Mr. Rathke presented Mr. Frahm with his retirement plaque recognizing 26 years of service. Mr. Pressman presented Ms. Kavouras with her retirement plaque recognizing 30 years of service. Both retirees addressed the Board. (Track 1 – 06:55/40:00)

6. **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 1 – 40:00/40:17)

CONSENT AGENDA (Video – 28:03)

Ms. Donaldson moved Item 16.b. for consideration under the General Counsel's Report.

Regulation Committee

7. Individual Water Use Permits (WUPs) Referred to the Governing Board

a. WUP No. 20012579.001 – Lee A & Beverly J Thomas Co, Trustees / Thomas Farm (Levy County)

Staff recommended the Board approve the proposed permit as included in the meeting materials.

Operations & Land Management Committee

8. Accept Easement Donation – ROMP TR CB-2 Well Site Project, SWF Parcel Nos. 11-020-038 and 11-020-039

Staff recommended the Board accept the easement donations and execute the Board of Trustees of the Internal Improvement Trust Fund of The State of Florida Easement Agreement.

9. Weekiwachee Preserve – Fourth Amendment to the Agreement with Hernando County School Board for the Construction, Operation and Maintenance of the Springs Coast Environmental Education Center, SWF Parcel No. 15-773-182X

Staff recommended the Board approve the Fourth Amendment to the Management Agreement with Hernando County School Board that authorizes an additional ten-year term and clarifies responsibilities of the parties for future management of the Springs Coast Environmental Education Center.

Resource Management Committee

10. Chassahowitzka Springs Restoration Project (B681/SA14) Budget Transfer, Citrus County

Staff recommended the Board (1) approve the transfer of \$359,713 in Water Management Lands Trust Funds from the Lake Hancock Stormwater Treatment System project to the Chassahowitzka Springs Sediment Removal Project; and (2) authorize Executive to execute the agreement with UESI for construction of the Chassahowitzka Springs Sediment Removal Project.

11. Facilitating Agricultural Resource Management Systems (FARMS) – San Juan Citrus, LLC -Amendment (H616), Polk County

Staff recommended the Board (1) approve the San Juan Citrus, LLC - Amendment project for a not-to-exceed project reimbursement of \$7,398 with \$7,398 provided by the Governing Board; (2) authorize the transfer of \$7,398 from fund 010 H017 Governing Board FARMS Funds to the H616 San Juan Citrus, LLC - Amendment project fund; 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 February 2013.

13. Fleet Services – Approve Surplus of Vehicles

Due to the recent organization restructuring and right sizing of the District's fleet, staff recommended the Board approve surplus of vehicles as listed in the meeting materials.

14. Water Conservation Month Proclamation

Staff recommended the Board approve and execute Resolution No. 13-04 declaring April 2013 as "Water Conservation Month."

General Counsel's Report

15. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval

a. Consent Order – Overpumpage - Water Use Permit No. 20010318.003 - Home Owners of Palm Hill, Inc. – Pinellas County

Staff recommended the Board approve the Consent Order, and authorize the initiation of litigation as necessary in order to obtain compliance with the Consent Order.

- b. **Final Order – ERP No. 44003983.009 - Highway 60 and 301 Center, Inc. v. Big Bend Center, LLC, Enterprise Holdings, Inc., & SWFWMD, DOAH Case No. 12-2021 – Hillsborough County**

Staff recommended the Board approve the proposed Final Order that (1) adopts the Recommended Order of Dismissal entered by the ALJ and dismisses Highway's petition for lack of standing; and (2) issues ERP No. 44003983.009 to Big Bend.

16. **Rulemaking**

- a. **Approve Revisions to the District's Environmental Resource Permit Applicant's Handbook Volume II as Part of Statewide Environmental Resource Permitting Rulemaking**

Staff recommends the Board (1) approve the District's Environmental Resource Permitting Applicant's Handbook Volume II, to be adopted in 40D-4.091, F.A.C., and in the proposed statewide Environmental Resource Permitting rules, and (2) authorize the continuation of rulemaking for adoption.

- b. **Approve Amendments to 40D-1.607, Florida Administrative Code, to Adopt Environmental Resource Permit Fee Categories as Part of Statewide Environmental Resource Permitting** – Moved for discussion during the General Counsel's Report.

Executive Director's Report

17. **Approve Second Amendment to Agreement between the SWFWMD and Blake C. Guillory**

Staff recommended the Board approve Second Amendment to Agreement between the District and Mr. Guillory for Personal Services of the Executive Director of the Southwest Florida Water Management District.

18. **Approve Governing Board Meeting Minutes**

- a. Regional Cooperative Funding Public Meeting – Northern Region – February 5, 2013
b. Regional Cooperative Funding Public Meeting – Southern Region – February 6, 2013
c. Regional Cooperative Funding Public Meeting – Tampa Bay Region – February 12, 2013
d. Regional Cooperative Funding Public Meeting – Heartland Region – February 13, 2013
e. Monthly Meeting – February 26, 2013

Staff recommended the Board approve the minutes as presented.

Mr. Adams moved, seconded by Ms. Closshey, to approve consideration of Item 16.b. on the General Counsel's Report. Motion carried unanimously. (Track 1 – 40:17/41:00)

Mr. Tharp moved, seconded by Ms. Closshey, to approve the Consent Agenda as amended. Motion carried unanimously. (Track 1 – 41:00/41:20)

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

REGULATION COMMITTEE (Video – 41:40)

Item 22 was deleted from consideration.

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

20. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, noted that February historically marks the fifth month of the eight-month dry season (October through May) and rainfall for the month was lower than expected in all regions of the District. Rainfall totals during February were regionally variable, associated with the passage of several weak cold front systems, and were not sufficient to improve hydrologic conditions in most areas. District-wide, a cumulative rainfall deficit of about 2.5 inches exists for the 12-month period ending with February, while the deficit for the 24-month time-period was approximately 8.6 inches

below the long-term average. Overall, hydrologic conditions are continuing to deteriorate and are expected to worsen until the onset of the rainy season, sometime in June. According to the US Drought Monitor (as of February 26, 2013), the majority of the District is now under "moderate drought" conditions, which are expected to persist or intensify through May 2013. Current NOAA climate forecasts predict below-normal rainfall conditions for the District during the three-month period of March through May, while above-normal temperatures are predicted for the District during this time period. (Track 1 – 41:20/48:28)

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

21. **Tampa Bay Water Reservoir Progress Update** (Video 48:46)
Ms. Amanda Rice, South Section Leader of Tampa Bay Water's Reservoir Renovation Project Management Team, provided an update on the reservoir's renovation and status of the desalination plant.

Chair Senft requested that periodic reports continue to be presented to the Board by Tampa Bay Water staff. (Track 1 – 48:28/58:10)

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

22. **Consider Any Recommended Water Shortage Orders**
This item was deleted from consideration.

23. **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.

24. **Southern Water Use Caution Area Quantities**
25. **Overpumpage Report**
26. **E-Permitting Metrics: Online vs. Paper Applications**
27. **Individual Permits Issued by District Staff**
28. **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 1 – 58:10/58:24)

OPERATIONS & LAND MANAGEMENT COMMITTEE (Video – 58:39)

Discussion Items

29. **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.

30. **Recreation Ad Hoc Committee Update** (Video 59:05)
Mr. Joe Quinn, Land Management Manager, Operations and Land Management Bureau, said staff is developing a schedule for the Recreation Ad Hoc Committee and related public information meetings to occur over the next few months. Committee Chair Tharp

said recommendations will be developed based on consideration of the Statewide Comprehensive Outdoor Recreation Plan. (Track 1 – 00:58:24/01:00:00)

Routine Reports

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

31. **Structure Operations**
32. **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 1 – 01:01:00/01:01:13)

FINANCE/OUTREACH & PLANNING COMMITTEE (Video – 61:20)

Discussion Items

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

34. **Legislative Update**

Ms. Colleen Thayer, Chief, Public Affairs Bureau, provided a brief update on the 2013 Legislative Session which began March 5, 2013. She highlighted several bills for the Board's information.

- Consumptive Use Permits (SB364/HB109) – authorizes permits for 30 years, ability for an additional seven years after permit issued if issuing bonds for project, and applicant must request permit extension which assists entities with long-term projects following construction completion.
- Minimum Flows and Levels (SB244/HB7) – promotes streamlining consistency and interagency coordination among districts and other entities where boundaries overlap; allows use of MFLs reservation, prevention or recovery strategy adopted by the Florida Department of Environmental Protection (FDEP) when evaluating impacts of a proposed withdrawal; and exempts cooperative funding programs from rulemaking.
- Stormwater Permits (SB934/HB183) – designed to promote urban redevelopment, and FDEP has incorporated the conceptual permit language used by the District for Plant City into the Statewide Environmental Resource Permitting (SWERP) process. A strike-all amendment was adopted last week that took the SWERP rulemaking language and put it into draft legislative language which allows the local government's master plan for urban redevelopment to be substituted for a conceptual permit.

Ms. Thayer said House and Senate committees received initial allocations last week and additional revenues are potentially available for water projects for local governments. The Governor's Office has developed a water project criteria list. She said staff is continuously reviewing bills for potential impacts, both substantive and fiscal, as the process moves forward. (Track 1 – 01:01:13/01:13:45)

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

35. **Fiscal Year 2011-12 Comprehensive Annual Financial Report** (Video 74:33)

Mr. Daryl Pokrana, Chief, Finance Bureau, introduced Ms. Lori Nissen, representing KPMG, who provided an overview of the Comprehensive Annual Financial Report, including the Single Audits pursuant to OMB Circular A-133 and Chapter 10.550, Rules of the Auditor General, and the Management Letter for fiscal year ended September 30, 2012. KPMG's report was distributed to Board members. She communicated to the Board certain matters related to the conduct of the audit as required by auditing standards. Mr. Pokrana and Ms. Nissen provided clarifying information in response to Board

members' questions.

Staff recommended the Board accept and place on file the District's Comprehensive Annual Financial Report, including the Single Audits pursuant to OMB Circular A-133 and Chapter 10.550, Rules of the Auditor General, and the Management Letter for fiscal year ended September 30, 2012.

Mr. Beruff moved, seconded by Chair Senft, to accept the staff recommendation. Motion carried unanimously. (Track 1 – 01:13:45/01:35:15)

Mr. Guillory commented that the District has reduced its operating expenses by approximately \$30 million a year. He said the District is able to fund this year's cooperative funding agreements without utilizing the unencumbered reserve account. Mr. Beruff noted the District receives a 1.94-percent return on its investments.

36. **Inactive Records In-Sourcing Project** (Video – 100:30)

Mr. Earl Rich, Document Services Manager, General Services, said staff developed a plan to in-source the storage of records into existing District facilities on the Brooksville campus. He said conceptual work on the project began in March 2012 and has recently culminated with the final shipment of records boxes from the previous records storage vendor. Mr. Rich reviewed project highlights and noted that there is no more off-site storage.

Chair Senft noted that the Board will be taking a tour prior to adjourning the meeting. Committee Chair Adams congratulated Mr. Rich and his staff for this accomplishment. (Track 1 – 01:35:15/01:51:08)

This item was submitted 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.

37. **Financial Investments Ad Hoc Committee Status**

Committee Chair Adams reported that the Financial Investments Ad Hoc Committee held its second meeting on March 25 at the Tampa Service Office. The discussion centered on the Invitation to Negotiate (ITN) and the evaluation process. The ITN will be issued on March 29, 2013. The evaluators' meeting is tentatively scheduled for May 8, 2013, at 1:00 p.m. at the Tampa Service Office. At that meeting, the evaluation scores will be completed and the Committee will discuss any future meetings such as oral presentations and negotiations. (Track 1 – 01:51:08/01:53:55)

Routine Reports

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

38. **Treasurer's Report and Payment Register**

39. **Monthly Financial Statement**

40. **Monthly Cash Balances by Fiscal Year**

41. **Comprehensive Plan Amendment and Related Reviews**

42. **Development of Regional Impact Activity Report**

43. **Significant Activities**

Finance/Outreach & Planning Committee Chair Adams adjourned the Committee meeting and relinquished the gavel to Resource Management Committee Chair Babb who called the Committee meeting to order. (Track 1 – 01:53:55/01:54:13)

RESOURCE MANAGEMENT COMMITTEE (Video – 114:29)

Discussion Items

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

45. **Facilitating Agricultural Resource Management Systems (FARMS) – Twenty-Twenty Groves, Inc. - Phase 2 (H696), Hardee County**

Mr. Hammond noted that this item is on the discussion agenda because two Board members have conflicts of interest with this project. Staff recommended the Board (1) approve the Twenty-Twenty Groves, Inc. - Phase 2 project for a not-to-exceed project reimbursement of \$1,615,823 with \$1,615,823 provided by the Governing Board; (2) authorize the transfer of \$1,615,823 from fund 010 H017 Governing Board FARMS Fund to the H696 Twenty-Twenty Groves, Inc. - Phase 2 project fund; and (3) authorize Executive to execute the agreement.

Ms. Closshey moved, seconded by Mr. Maggard, to approve the staff recommendation.

Ms. Donaldson requested the two Board members who filed Conflict of Interest Form 8B to disclose their conflict. Ms. Griffin said she will be abstaining from voting since her husband is involved as engineer of record. Mr. Beswick said he will be abstaining since Blue Goose Growers LLC is involved in construction and farming with Twenty-Twenty Groves. Ms. Donaldson noted that the Board will receive copies of the forms which will be formally read into the record at the next meeting as required by statute.

In response to Mr. Adams' questions regarding the process, Ms. Donaldson said Board members can just say they have a conflict and have filed the form. She said the form is explicit about stating reason for filing, but there is no requirement to disclose the reason prior to the vote.

Ms. Closshey requested the General Counsel provide a presentation on the process of abstaining from voting on an item due to a conflict.

The motion passed with Ms. Griffin and Mr. Beswick abstaining from voting.
(Track 1 – 01:54:13/02:01:38)

46. **Withlacochee Regional Water Supply Authority Update** (Video 122:47)

Committee Chair Babb recognized three distinguished guests: City of Brooksville Councilman Joe Johnston, City of Bushnell Councilman Dale Swain and Marion County Commissioner Stan McClain.

Mr. Richard Owen, Executive Director of the Withlacochee Regional Water Supply Authority, provided a status update of the Authority's water supplies, regional projects and vision for the future. He noted the Authority's emphasis is on water conservation meeting and surpassing the 150 per capita requirement; regional water supply planning incentives for regional water supply approaches, alternative water supplies and avoiding competition for limited groundwater supplies; and minimum flows and levels staying ahead of the curve with prevention strategies. (Track 1 – 02:01:38/02:28:33)

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.

47. **Minimum Flows and Levels**
48. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
49. **Significant Water Supply and Resource Development Projects**

Resource Management Committee Chair Babb adjourned the Committee meeting and relinquished the gavel to Chair Senft. (Track 1 – 02:28:33/02:28:44)

GENERAL COUNSEL'S REPORT (Video – 149:08)

Discussion Items

50. **Consent Item(s) Moved for Discussion** – Item 16.b.
 16. **Rulemaking**
 - b. **Approve Amendments to 40D-1.607, Florida Administrative Code, to Adopt Environmental Resource Permit Fee Categories as Part of Statewide Environmental Resource Permitting**

Ms. Donaldson explained that this item is deleted from consideration and deferred to the May meeting to allow staff to further research possible fee changes and whether a Statement of Estimated Regulatory Costs (SERC) is required.

Ms. Donaldson briefly mentioned two class suits that may involve the District: (1) Visa/Master Card for excessive fees and (2) trucks with 6.0L engines. She noted there was an accidental shooting on March 16 in the Flying Eagle Preserve that is under investigation.

Submit & File Reports – None

Routine Reports

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

51. **Litigation Report**
52. **Rulemaking Update** (Track 1 – 02:28:44/02:32:22)

COMMITTEE/LIAISON REPORTS

53. **Other Liaison Reports** – None

EXECUTIVE DIRECTOR'S REPORT (Video 152:46)

54. **Executive Director's Report**

Mr. Guillory said the Tampa Bay Regional Planning Council presented the District's Surface Water Improvement and Management (SWIM) Program with a first-place award in the Natural Resources and the Environment category for the Clam Bayou Ecosystem Restoration and Stormwater Treatment Project. The award was presented at the Council's 21st Annual Future of the Regional Awards, which recognizes outstanding achievements and contributions that benefit the regional community. Mr. Guillory thanked Mr. Brandt Henningsen, Chief Environmental Scientist; Ms. Jennette Seachrist, SWIM Program Manager; and Eric DeHaven, Chief, Natural Systems & Restoration.

Mr. Tharp requested a presentation from the Project Management Office regarding project spending measurements and the function of this new office. Mr. Hammond said staff will provide a report to the Board. (Track 1 – 02:32:22/02:36:30)

CHAIR'S REPORT (Video – 156:51)

55. **Chair's Report**

Chair Senft noted a number of favorable reports on seagrass mapping and referenced several news articles noting the health of Tampa Bay and the gain of 1,745 acres of seagrass between 2010 and 2012. He congratulated staff for these results. (Track 1 – 02:36:30/02:38:55)

Chair Senft recessed the public hearing. The public were invited to attend the tour. (Track 1 – 02:38:55/02:39:40)

Board members toured the records storage facility and returned to the Board meeting room.

There being no further business to come before the Board, **Ms. Closshey moved, seconded by Mr. Tharp, to adjourn the meeting. Motion carried unanimously.** (Video – 160:23, Track 2 – 00:00/01:06)

The meeting was adjourned at 12:37 p.m.