

# APPROVED

## MINUTES OF THE MEETING & WORKSHOP

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

APRIL 24, 2012

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met in workshop session at 9:00 a.m. on April 24, 2012, at the District's headquarters in Brooksville. The regular monthly meeting began at 1:00 p.m. The following persons were present:

#### Board Members Present

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

#### 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, Senior Administrative Asst.

#### Board Member(s) Absent

H. Paul Senft, Chair

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](http://www.WaterMatters.org)).

## WORKSHOP

The Board members and senior staff members met in workshop session in Conference Rooms A and B. Staff provided overviews of each of their divisions and bureaus to acquaint Board members with the District's current organizational structure and responsibilities. The workshop concluded at 12:10 p.m.

## PUBLIC HEARING (Video – 00:00)

### 1. Call to Order

Vice Chair Gramling called the meeting to order at 1:00 p.m. and opened the public hearing. Mr. Tharp noted a quorum was present.

### 2. Pledge of Allegiance and Invocation

Vice Chair Gramling led the Pledge of Allegiance to the Flag of the United States of America. Mr. Fritsch offered the invocation.

## Public Hearing

Vice Chair Gramling 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.

Vice Chair Gramling 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." Vice Chair Gramling 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 1 – 00:00/04:25)

3. **Additions/Deletions to Agenda**

Mr. Guillory noted that Consent Agenda Item 7 was deleted. (Track 1 – 04:25/04:45)

**CONSENT AGENDA**

**Resource Management Committee**

7. Authorize Submission of Preliminary Flood Insurance Rate Maps for the Gamble Creek Watershed in Manatee County to the Federal Emergency Management Agency

**Oath of Office for Reappointed Governing Board Members**

Vice Chair said Governor Scott reappointed the five Board members who were not confirmed during this legislative session and the Oath of Office will be administered to those present. Governor Scott reappointed Messrs. Babb, Joerger, Maggard, Senft and Tharp on April 23, 2012, to continue serving their current terms. Ms. Kavouras administered the Oath of Office to the four Board members who were present: Messrs. Babb, Joerger, Maggard and Tharp. (Track 1 – 04:45/05:50)

4. **Employee Recognition**

Staff members who achieved milestones of 20 years or greater for the period of January 1, 2012 to April 30, 2012, were recognized before the Board. (Track 1 – 05:50/10:40)

MILESTONE	EMPLOYEE NAME	TITLE	BUREAU	LOCATION
20 Years	Teri Hudson	Senior Administrative Assistant	Operations & Land Mgt	Brooksville
	Lucy Petruccelli	Risk Management Manager	Human Resources & Risk Mgt	Brooksville

At this time, the order of consideration was altered to consider the Finance and Administration Committee agenda items and Employee Recognition was continued later in the meeting. Vice Chair Gramling relinquished the gavel to Committee Chair Joerger who called the Committee meeting to order. (Track 1 – 10:40/10:55)

**FINANCE & ADMINISTRATION COMMITTEE** (Video – 10:30)

***Discussion Items***

40. **Consent Item(s) Moved for Discussion**

41. **Bartow Service Office Update**

Mr. Lloyd Roberts, Bureau Chief, General Services, provided an update regarding locating the appropriate lease space for the Bartow Regulation Division staff, preparing the Lake Hancock property to receive the Bartow Operations & Land Management Bureau field staff, and the progress of selling the Bartow Service Office. (Track 1 – 10:55/15:00)

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

42. **Workload and Staffing Analysis – North Highland Consulting Company – Implementation Update**

Mr. Fritsch provided an update on the North Highland Consulting Company workload and staffing analysis. He noted that, since the Board's selection and hiring of a new Executive

Director, effective in October 2011, the District has launched or identified five major activities that address the 77 recommendations offered by North Highland. Mr. Fritsch said the five major initiatives include a major reorganization, an extensive human resource effort, a performance metric initiative, an independent third-party technology review, and an internal communications strategy. He noted that nearly a third of the North Highland recommendations have been addressed. (Track 1 – 15:00/20:30)

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

43. **Fiscal Year 2012-13 Budget Development Update**

Mr. Fritsch provided an update on the development of the operating portion of the District's FY2012-13 budget which included salaries and benefits, operating expenses, operating capital outlay, and contracted services for operational support expenditure categories. He reviewed the draft budget which reflected reductions made by staff to date.

Mr. Fritsch responded to questions from the Board regarding training reimbursement, alignment with other districts, equipment surplus sales, equipment/fleet purchases, security services, and cooperative project funding. (Track 1 – 20:30/50:10)

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.

44. **Treasurer's Report, Payment Register and Contingency Funds Report**

45. **Monthly Financial Statement**

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

Finance and Administration Committee Chair Joerger recessed the Committee meeting and relinquished the gavel to Vice Chair Gramling. The order of consideration returned to the published agenda and consideration of Item 4 continued. (Track 1 – 50:10/50:20)

**PUBLIC HEARING** (Video – 50:15)

4. **Employee Recognition**

Staff members who achieved milestones of 20 years or greater for the period of January 1, 2012 to April 30, 2012, were recognized before the Board. (Track 2 – 00:00/12:03)

MILESTONE	EMPLOYEE NAME	TITLE	BUREAU	LOCATION
25 Years	Mike Hancock	Senior Professional Engineer	Water Resources	Brooksville
	Debby Weeks	Community & Leg Affairs Specialist	Public Affairs	Brooksville
	Jay Yingling	Senior Economist	Public Affairs	Brooksville
20 Years	Lucy Petruccelli	Risk Management Manager	Human Res & Risk Mgt	Brooksville

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

Vice Chair Gramling noted two speaker cards were submitted.

Ms. Elise Minkoff, resident of Gulfport, addressed the Board regarding Consent Agenda Items 11 and 12, Lakes Horse Raleigh, and Rogers Recovery Project (f/k/a Rocky Creek Lake Enhancement Project). She said many citizens have concerns and have scheduled a neighborhood meeting May 8 to discuss the project. She said the citizens welcome Board members and staff to attend the meeting. She requested these two items be removed from the Consent Agenda for open Board discussion and ultimately voted down to send a message to the citizens that their opinion matters. (Track 3 – 00:00/03:51)

Mr. Pat Lehman, Executive Director of the Peace River Manasota Regional Water Supply Authority, congratulated the District for 50 years of service. He invited Board members and staff to the barbecue and tours on April 27, 2012, in Arcadia. (Track 4 – 00:00/01:40)

### **CONSENT AGENDA** (Video – 67:35)

Item 7 was deleted from consideration. Items 11 and 12 were moved for discussion on the Resource Management Committee agenda.

#### **Regulation Committee**

6. **Individual Water Use Permits Referred to the Governing Board** - None

#### **Resource Management Committee**

7. **Authorize Submission of Preliminary Flood Insurance Rate Maps for the Gamble Creek Watershed in Manatee County to the Federal Emergency Management Agency** – This item was deleted from consideration.
8. **Facilitating Agricultural Resource Management Systems (FARMS)**
  - a. **CPM2, Inc. (H658), Pasco County**

Staff recommended to (1) approve the CPM2, Inc. project for a not-to-exceed project reimbursement of \$103,354 with \$103,354 provided by the Hillsborough River Basin Fund; (2) authorize the transfer of \$103,354 from fund 013 H017 Hillsborough River Basin FARMS funds to the H658 CPM2, Inc. project fund; and (3) authorize the Resource Management Division Director to execute the agreement.
  - b. **Five Star Family Growers, LLC (H664), Polk County**

Staff recommended the Board (1) approve the Five Star Family Growers, LLC project for a not-to-exceed project reimbursement of \$200,000 with \$200,000 provided by the Governing Board; (2) authorize the transfer of \$200,000 from fund 010 H017 Governing Board FARMS Funds to the H644 Five Star Family Growers, LLC project fund; and (3) authorize the Resource Management Division Director to execute the agreement.

#### **Outreach & Planning Committee**

9. **Advisory Committee Board Policies – Updates**

Staff requested the Board approve Board Policy updates for five of the Board's standing advisory committees: Agricultural, Public Supply, Industrial, Green Industry, and Environmental.

#### **Finance & Administration Committee**

10. **Budget Transfer Report**

Staff requested the Board approve the Budget Transfer Report covering all budget transfers for March 2012.
11. **Mutual Use Agreement with Hillsborough County for Lakes Horse Raleigh, and Rogers Recovery Project (f/k/a Rocky Creek Lake Enhancement Project)** – This item was moved to the Resource Management Committee agenda for discussion.
12. **Maintenance Agreement with Hillsborough County for Lakes Horse, Raleigh, and Rogers Recovery Project (f/k/a Rocky Creek Lake Enhancement Project)** – This item was moved to the Resource Management Committee agenda for discussion.

#### **General Counsel's Report**

13. **Interagency Agreement between SFWMD and SWFWMD for Designation of Regulatory Responsibility – New Destiny Assembly of God, Inc. – Polk County**

Staff recommended the Board approve the Interagency Agreement between the SFWMD and the SWFWMD for Designation of Regulatory Responsibility for New Destiny Assembly of God, Inc. in Polk County.
14. **Intervention – FDACS Binding Determination - Peter A. Geraci – Manatee County**

Staff recommended the Board authorize intervention in any proceeding initiated by Peter A. Geraci or any other appropriate parties against FDACS with respect to the March 22, 2012 binding determination.

15. **Intervention – FDACS Binding Determination - Ramaela of Clermont, LP – Sumter County**

Staff recommended the Board authorize intervention in any proceeding initiated by Ramaela of Clermont, LP or any other appropriate parties against FDACS with respect to the February 10, 2012 binding determination.

16. **Initiation of Rule Development to Amend the District's Water Use Permitting Rules in Accordance with the Florida Department of Environmental Protection's Statewide Effort to Improve Consistency between the Water Management Districts' Consumptive/Water Use Permitting Programs**

Staff recommended the Board initiate rulemaking to amend the District's Water Use Permitting Rules to improve consistency among the Water Management Districts' Consumptive/Water Use Permitting Programs.

17. **Initiation and Approval of Rulemaking to Amend Rule 40D-4.331, F.A.C., to Specify the Date from which an Extension of an Environmental Resource Permit (ERP) is Calculated and Clarify When the ERP Modification Short Form May be Used**

Staff recommended the Board initiate and approve rulemaking to amend Rule 40D-331, F.A.C., to specify the date from which an extension of an ERP is calculated, clarify when the "Environmental Resource Permit Modification Short Form" may be used, and to correct grammatical and organizational inconsistencies.

**Executive Director's Report**

18. **Approve Governing Board Minutes – March 27, 2012 Monthly Meeting**

Staff recommended approving the minutes as presented.

**Mr. Tharp moved, seconded by Ms. Closshey, to approve the Consent Agenda as amended. Motion carried unanimously. (Track 5 – 00:00/00:48)**

At this time, the order of consideration was altered. Vice Chair Gramling relinquished the gavel to Outreach and Planning Committee Chair Adams who called the Committee meeting to order. (Track 5 – 00:48/00:54)

**OUTREACH & PLANNING COMMITTEE (Video – 68:40)**

***Discussion Items***

36. **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.*

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

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

39. **Significant Activities**

- Ms. Kavouras said the District received a plaque from the Sumter County School Board for the District's Youth Education Program. She noted that Mr. Tharp attended the School Board meeting to receive the plaque which recognizes the partnership.

Outreach and Planning Committee Chair Adams adjourned the Committee meeting and relinquished the gavel to Regulation Committee Chair Beswick who called the Committee meeting to order. (Track 6 – 00:00/01:26)

## **REGULATION COMMITTEE** (Video – 70:10)

### ***Discussion Items***

19. **Consent Item(s) Moved for Discussion** – None
20. **Denials Referred to the Governing Board** – None

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

The following item was deleted from the agenda before publication:

21. Public Supply Report

### ***Routine Reports***

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

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

Resource Regulation Committee Chair Beswick adjourned the Committee meeting and relinquished the gavel to Operations & Land Management Committee Chair Babb who called the meeting to order. (Track 7 – 00:00/00:38)

## **OPERATIONS & LAND MANAGEMENT COMMITTEE** (Video – 70:55)

### ***Discussion Items***

27. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, noted that March, the sixth month of the eight-month dry season (October-May), was yet another very dry month throughout the District. Provisional rainfall totals for the month show accumulations in the below-normal to low-normal range in all regions of the District. Analysis of "partial" dry-season rainfall shows October through March totals to be below the historic mean in all regions of the District. Districtwide, the provisional 12-month rainfall deficit worsened during March, ending the month approximately 12.11 inches below the long-term historical average, while the 24-month deficit worsened to 16.29 inches below the long-term average. Streamflow on the District's major river systems remain at extremely low levels, limiting their use as water supply sources. Groundwater levels remain at below normal conditions in the northern and southern regions. Regional lake levels are below-normal in most regions and continue to decline. The risk of wildfire throughout the District is high.

Mr. Kinsman said, in summary, drought conditions are intensifying, record low levels are appearing, surface water supplies are showing some strain, and drought persistence forecast into early summer. (Track 8 – 00:00/11:10)

Ms. Más said, because conditions are deteriorating in the central part of the state, Tampa Bay Water activated Phase II of its local drought plan in early April and is expected to activate Phase III in early May. She said staff recommends the Board authorize the Executive Director to issue Modified Phase III restrictions on an emergency basis in Hillsborough, Pasco and Pinellas counties in case conditions continue to deteriorate.

**Mr. Combee moved, seconded by Ms. Closshey, to authorize the Executive Director to issue Modified Phase III restrictions on an emergency basis in Hillsborough, Pasco and Pinellas counties.** (Track 8 – 11:10/12:00)

In response to Ms. Closshey's question, Ms. Donaldson said the Board must concur after issuance of the emergency order to be in compliance with state law. At the Board's request, Ms. Lois Sorensen, Demand Management Program Manager, explained what Modified Phase III restrictions would entail.

**Motion carried unanimously.** (Track 8 – 12:00/14:13)

28. **Flying Eagle Youth Center Update**

Mr. Roy Mazur, Bureau Chief, Operations and Land Management, provided an update on the Flying Eagle Youth Center located within the Flying Eagle Preserve. At the Board's August 2011 meeting, the Board allocated \$150,000 in the FY2012 budget to be used for renovation of facilities for public safety or demolition, if required.

In February 2012, the Gulf Ridge Council of the Boy Scouts of America indicated they intend to terminate the lease and end operations on the property. District staff met with Florida Fish and Wildlife Conservation Commission staff in March to resolve outstanding issues, determine which facilities should be demolished, and determine if there was a framework for moving forward for development of the youth center.

The meeting materials state that staff recommends to demolish all structures except the shooting range, security residence, and the three storage buildings; terminate the April 2011 Memorandum of Understanding; and seek private maintenance entity. If there is any unused demolition budget, designate that funding for initial costs of preparing the security residence for habitation.

Mr. Mazur said staff is now revising its recommendation to postpone demolition activities for six months while staff investigates other options including the possibility of a private-public partnership to explore the recreational potential of the site and to provide for maintenance and security for the area. (Track 8 – 14:13/28:00)

**Ms. Closshey moved to postpone action at today's meeting so staff has time to explore additional options over the next six months. Mr. Combee seconded the motion.** (Track 8 – 28:00/28:50)

Discussion ensued regarding structures and security. Mr. Tharp requested staff be proactive over the next six months to resolve this matter, and provide monthly progress reports.

**Motion carried unanimously.** (Track 8 – 28:50/32:05)

***Submit & File Report***

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

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**

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 8 – 32:05/33:25)

## **RESOURCE MANAGEMENT COMMITTEE** (Video – 104:25)

### ***Discussion Items***

32. **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.

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

Resource Management Committee Chair Gramling adjourned the Committee meeting. (Track 9 – 00:00/00:17)

At this time, the order of consideration was altered to consider two items moved from the Consent Agenda to the Finance and Administration Committee agenda. Vice Chair Gramling relinquished the gavel to Finance & Administration Committee Vice Chair Tharp who reconvened the Committee meeting. (Track 9 – 00:17/00:55)

## **FINANCE & ADMINISTRATION COMMITTEE** (Video – 105:05)

### ***Discussion Items***

40. **Consent Item(s) Moved for Discussion**
11. **Mutual Use Agreement with Hillsborough County for Lakes Horse Raleigh, and Rogers Recovery Project (f/k/a Rocky Creek Lake Enhancement Project)**  
Staff recommended the Board approve and execute a Mutual Use Agreement with Hillsborough County to share the use of an easement located on Hillsborough County School Board property, SWF Parcel No.14-009-104P.
12. **Maintenance Agreement with Hillsborough County for Lakes Horse, Raleigh, and Rogers Recovery Project (f/k/a Rocky Creek Lake Enhancement Project)**  
Staff recommended the Board approve and execute a Maintenance Agreement with Hillsborough County for District use of a Hillsborough County drainage easement for the Lakes Horse, Raleigh, and Rogers Recovery Project.

In response to Mr. Pressman's inquiries, Mr. Steve Blaschka, Real Estate Services Manager, Finance Bureau, said these two agreements cannot proceed procedurally until Hillsborough County Commission and School Board provide their approvals. He said the agreements are required as part of the application for a permit from the Florida Department of Environmental Protection for the project. Ms. Closshey clarified that approval is needed for review and discussion to continue.



**Ms. Closshey moved, seconded by Mr. Gramling, to approve the staff recommendations for Consent Agenda Items 11 and 12 to allow staff to move forward with these two projects. Motion carried unanimously. (Track 9 – 00:55/04:24)**

Committee Vice Chair Tharp adjourned the Committee meeting and relinquished the gavel to Vice Chair Gramling. (Track 9 – 04:24/04:39)

## **GENERAL COUNSEL'S REPORT** (Video – 109:00)

### ***Discussion Items***

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

### ***Submit & File Reports***

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

48. **Environmental Resource Permit Penalties Greater than \$5,000**  
Ms. Donaldson briefly explained this report for the Board's information.

### ***Routine Reports***

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

43. **Litigation Report**  
44. **Rulemaking Update** (Track 10 – 00:00/01:27)

## **COMMITTEE/LIAISON REPORTS** (Video – 110:28)

The following reports were provided in a handout at each Board member's seat.

51. **Environmental Advisory Committee Meeting**  
52. **Well Drillers Advisory Committee Meeting**  
53. **Tampa Bay Regional Planning Council Meeting**  
Mr. Pressman briefly highlighted topics presented.  
54. **Other Liaison Reports** – None (Track 10 – 01:27/02:15)

## **EXECUTIVE DIRECTOR'S REPORT** (Video – 111:18)

55. **Executive Director's Report**
- Mr. Guillory thanked the Board for its participation in the workshop.
  - Mr. Guillory said District staff held a picnic at the Fort DeSoto Park in Pinellas County.
  - Mr. Guillory noted that a draft report has been received for staff review on the technology analysis. (Track 10 – 02:15/03:30)

## **CHAIR'S REPORT** (Video – 112:35)

### 56. **Chair's Report**

- Vice Chair Gramling said that last Friday was the dedication ceremony for completion of the Cockroach Bay Ecosystem Restoration Project. He noted that it is also the Surface Water Improvement and Management (SWIM) Program's twenty-fifth anniversary. He encouraged Board members to visit the site and thanked the staff involved in this project. (Track 10 – 03:30/05:00)

Mr. Tharp reiterated Board comments at this morning's workshop and expressed his appreciation. He said the workshop presentations show the culture change and team spirit under the District's new leadership.

There being no further business to come before the Board, Vice Chair Gramling recessed the public hearing and adjourned the meeting at 2:55 p.m. (Track 10 – 05:00/06:26, Video – 115:32)