

**MINUTES OF THE MEETING**  
**GOVERNING BOARD**  
**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

TAMPA, FLORIDA

MAY 19, 2015

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:05 a.m. on May 19, 2015, at the District's Tampa Service Office. The following persons were present:

Board Members Present

Michael A. Babb, Chair  
Randall S. Maggard, Vice Chair  
Jeff Adams, Secretary  
David W. Dunbar, Treasurer  
H. Paul Senft, Member  
Bryan Beswick, Member  
Carlos Beruff, Member  
Tommy Bronson, Member  
George Mann, Member  
Wendy Griffin, Member  
Michael A. Moran, Member  
Ed Armstrong, Member

Staff Members

Robert R. Beltran, Executive Director  
Brian Armstrong, Assistant Executive Director  
David T. Rathke, Chief of Staff  
Karen West, Interim, General Counsel  
Kurt Fritsch, Inspector General  
John J. Campbell, Division Director  
Ken Frink, Division Director  
Mark A. Hammond, Division Director  
Alba E. Más, Division Director

Board's Administrative Support

Cara Martin, Board & Executive Services Manager  
Lori Manuel, Administrative 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](http://www.WaterMatters.org)).

**PUBLIC HEARING (Audio – 00:00)**

**1. Call to Order**

Chair Michael Babb called the meeting to order and opened the public hearing. Vice Chair Adams noted a quorum was present.

**2. Invocation and Pledge of Allegiance**

Chair Babb offered the invocation. Chair Babb led the Pledge of Allegiance to the Flag of the United States of America.

Chair Babb 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 Babb 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 Babb 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**

This item did not occur.

**4. Outgoing Chair's Transition Items**

Chair Babb outlined the items that have been accomplished during his leadership on the governing board which items included: development of a business plan; adoption of new land policies; developed new management tools; evaluated land assets to ensure they are meeting the core mission; engaged stakeholders in the Southern Water Use Caution Areas and the Central Florida Water Initiative to create new solutions; assisted in the development of a resolution to assist Polk County and their municipalities to create new water solutions; developing new science in protecting springs; and improving cooperative funding opportunities.

**5. Election of Governing Board Officers**

**Board Member Beruff moved to close nominations. The motion was seconded and carried unanimously. (Audio – 00:08:30)**

**Board Member Armstrong made a motion to retain the current slate of offices. The motion was seconded by Board Member Beruff. Motion carried unanimously. (Audio - 00:08:35)**

**6. Additions/Deletions to Agenda**

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown, as determined by the presiding officer.

Mr. Beltran, Executive Director, added following item for discussion to the agenda:

***General Counsel's Report***

**52. Approval of Riverside Heights Litigation Settlement Offer**

**Chair Babb said there is good cause to amend the published agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, as amended, which was seconded. The motion carried unanimously. (Audio 00:09:47)**

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

Chair Babb noted at this time, the public is given an opportunity to comment on any topic not listed on the agenda. There were no *Request to Speak* cards submitted.

**CONSENT AGENDA**

Chair Babb asked that before the Board considers action on the Consent Agenda whether there is anyone in the audience who wishes to address the Board regarding an item listed on the Consent Agenda.

Chair Babb stated he received no *Request to Speak* cards for any agenda items.

### Regulation Committee

#### 8. Individual Water Use Permits Referred to the Governing Board

- a. WUP No. 20013005.008 – Village Center Community Development District, North Sumter County Utility Dependent District, Central Sumter County Utility Company LLC, and Sumter Water Conservation Authority LLC/The Villages Combined Water Use Permit (Lake, Marion, Sumter counties)

Staff recommended the Board approve the proposed permit.

- b. WUP No. 20011008.003 – Waldrep Enterprises, LLLP/Twin Lakes (Levy County)

Staff recommended the Board approve the proposed permit.

### Operations, Lands and Resource Monitoring Committee

#### 9. Quality of Water Improvement Program (B099) – Budget Transfer

Staff recommended the Governing Board approve the transfer of \$200,000 from the Rainbow River Phosphate Mine Pit Feasibility Study and Implementation Project to the QWIP to continue funding well plugging reimbursements for the remainder of FY2015. This will increase the total FY2015 modified budget for the QWIP to \$732,495.37.

### Resource Management Committee

#### 10. Adoption of Resolution No. 15-05 for the Reallocation of Funds Appropriated by the State in Fiscal Year 2006 – Water Protection and Sustainability Trust Fund

Staff recommended the Board adopt Resolution No. 15-05, which reallocates \$18,840.37 in FY2006 Water Protection and Sustainability Trust Funds from the completed Bradenton ASR System Including Oxygen Removal Study (K114) to the City of North Port's Reclaimed Water Transmission Main project (N667); authorize staff to include the WPSTF in the agreement with the City of North Port to utilize those funds; and authorize the Executive Director to execute the agreement.

#### 11. Tampa Bay Estuary Program Amended and Restated Interlocal Agreement (W027)

Staff recommended the Board approve the Tampa Bay Estuary Program Amended and Restated Interlocal Agreement.

#### 12. Scope and Schedule Modification for the City of Bradenton's Potable Water ASR System (N435)

Staff recommended the Board approve the City's request to move forward with final design, permitting, and bidding of their Potable Water ASR System.

#### 13. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Starvation Lake in Hillsborough County (P256)

Staff recommended the Board:

- a. Accept the report entitled, "Proposed Minimum and Guidance Levels for Starvation Lake in Hillsborough County, Florida", dated March 19, 2015.
- b. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- c. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to delete the previously adopted guidance levels and add minimum and guidance levels for Starvation Lake in Hillsborough County as shown in the Exhibit.

### Finance/Outreach & Planning Committee

#### 14. Approval of Memorandum of Understanding Between Sarasota County Property Appraiser and Southwest Florida Water Management District

Staff recommended the Board approve the Memorandum of Understanding between Sarasota County Property Appraiser and the Southwest Florida Water Management District.

**15. Independent Auditing Services Contract**

Staff recommended the Board:

- 1) Approval to exercise the option to renew the Independent Auditing Services contract with KPMG for an additional year; and
- 2) Authorization of the Executive Director to enter into a contract with KPMG to perform the fiscal year 2014-15 auditing services.

**16. Water Reuse Week**

Staff recommended the Board approve and sign Resolution No. 15-08 declaring May 17-23, 2015 as "Water Reuse Week."

**17. Budget Transfer Report**

Staff recommended the Board approve the Budget Transfer report covering all budget transfers for April 2015.

**General Counsel's Report**

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

**a. Approve Amendment to Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County, Florida**

Staff recommended the Board approve the Amendment to Well Construction Permitting Agreement between the District and Sarasota County, Florida to extend the term of the agreement to June 1, 2016, unless a new agreement is negotiated and effective prior to June 1, 2016.

**b. Approve Amendment to Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Manatee County, Florida**

Staff recommended the Board approve the Amendment to Well Construction Permitting Agreement between the District and Manatee County, Florida to extend the term of the agreement to June 1, 2016, unless a new agreement is negotiated and effective prior to June 1, 2016.

**c. Interagency Agreement Between SWFWMD and SJRWMD – Designation of Regulatory Authority Regarding Year-Round Conservation Measures, Water Shortages and Water Shortage Emergencies Within Unincorporated Areas of Levy County**

Staff recommended the Board approve the Interagency Agreement Between the Southwest Florida Water Management District and the Suwannee River Water Management District Regarding Year-Round Conservation Measures, Water Shortages and Water Shortage Emergencies within All Unincorporated Areas of Levy County, Florida.

**19. Rulemaking**

**a. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302(1), F.A.C., to Repeal Reservations from Use of Morris Bridge Sink**

Staff recommended the Board authorize staff to initiate and complete rulemaking to amend Rule 40D-2.302, F.A.C., to repeal reservations from use of Morris Bridge Sink.

**20. Cooperative Funding Initiative Northern Region Meeting Minutes – April 8, 2015**

Staff recommended the Board approve the April 8, 2015 meeting minutes.

**21. Cooperative Funding Initiative Heartland Region Meeting Minutes – April 9, 2015**

Staff recommended the Board approve the April 9, 2015 meeting minutes.

**22. Cooperative Funding Initiative Southern Region Meeting Minutes – April 15, 2015**

Staff recommended the Board approve the April 15, 2015 meeting minutes.

**23. Cooperative Funding Initiative Tampa Region Meeting Minutes – April 16, 2015**

Staff recommended the Board approve the April 16, 2015 meeting minutes.

**24. Approve Governing Board Meeting Minutes – April 28, 2015**

Staff recommended the Board approve the April 28, 2015 meeting minutes.

**A motion was made and seconded to approve the Consent Agenda as amended. Motion carried unanimously.** (Audio 00:10:30)

Mr. Beltran recognized the efforts of staff concerning the sea grass restoration that has been done through the Surface Water Improvement Management (SWIM) program. He stated the District is above the thirty eight thousand acres of sea grass restoration accomplished in the Tampa Bay. Mr. Beltran stated \$150 million has been spent to clean up the Tampa Bay, with \$90 million from this District. He recognized Ms. Jennette Seachrist, Natural Systems and Restoration Bureau Chief and Kris Kaufman, Senior Environmental Scientist for hard work and dedication to the sea grass restoration program. Mr. Beltran also recognized Ms. Holly Greening from the Tampa Bay Estuary Program.

Chair Babb asked Finance Chair Dunbar that agenda item number 28 be presented at the beginning of the Finance Committee. Finance Chair Dunbar responded in the affirmative.

**Chair Babb relinquished the gavel to Finance Chair Dunbar who called the Committee meeting to order.** (Audio 00:15:21)

**Finance/Outreach & Planning Committee**

***Discussion***

**28. Business Plan Action Items**

Mr. David Rathke, Chief of Staff, presented recommendations as a result of the Business Plan that was presented at the April Governing Board meeting. It was recommended a purchase of an Inductively Coupled Plasma (ICP) analyzer be made for outdated laboratory equipment.

Staff recommended the Board approve the transfer of \$111,737 from recurring operating expenses to be used for the procurement of the replacement (ICP) needed in the Data Collection Bureau Chemistry Laboratory.

**A motion was made and seconded to approve the staff's recommendation. Motion carried unanimously.** (Audio – 00:18:45)

Mr. Rathke provided a presentation to support designation of the Tampa Service Office as the principal office for the District. Information in this presentation included: a location map of the District service offices; breakdown of the number of meetings that are currently held in the District offices; chart outlining population; comparison of education levels in Hernando and Hillsborough counties; and square footage of District service offices.

Mr. Rathke stated there is no proposal to move any additional staff to the Tampa Service Office. He assured the Board there will be no reduction in the quality of service the District provides. Mr. Rathke also stated there are no plans to close any of the District's other service offices.

Staff recommended the Board approved the designation of the Tampa Service Office as the headquarters for the District by approving Resolution 15-09.

Committee Chair Dunbar stated several "Request to Speak" cards were received.

Senator Wilson Simpson, representing Hernando County, spoke in opposition of the recommendation to designate the Tampa Service Office as the District headquarters. Senator Simpson asked for the Board to table the decision until further study can be completed.

County Commissioner Diane Rowden, representing Hernando County, spoke in opposition of the recommendation to designate the Tampa Service Office as the District headquarters. Commissioner Rowden expressed concern regarding the lack of communication provided to Hernando County regarding the business plan.

Mr. James Kimbrough, representing Hernando Progress, spoke in opposition of the recommendation to designate the Tampa Service Office as the District headquarters. He provided historical information that outlined how the selection of the current headquarters was determined. Mr. Kimbrough also expressed concern regarding the lack of communication provided regarding this recommendation.

Ms. Natalie Kahler, representing the Brooksville City Council, spoke in opposition of the recommendation to designate the Tampa Service Office as the District headquarters. Ms. Kahler read a letter from the City of Brooksville Mayor, Frankie Burnett. This letter expressed concern regarding the lack of the communication provided regarding this recommendation. The letter stated the Brooksville City Council voted unanimously to request the Board not take any action until an opportunity can be given to the public to provide input regarding this issue.

Secretary Adams expressed concern regarding lack of communication regarding this recommendation. He stated the ultimate decision has to be determined by what is best for the District.

Vice Chair Maggard expressed concern regarding the lack of communication regarding this recommendation. He stated he would like to see communication between the District and its partners regarding this recommendation before making a decision.

Board Member Tommy Bronson made a motion to adopt the business plan as recommended by staff, with the exception of moving the headquarters. He also requested a committee be established to review the recommendation.

Board Member Beruff expressed concern regarding the lack of communication regarding this recommendation. He spoke in opposition of delaying the vote regarding designating the Tampa Service Office as the District headquarters.

Board Member Senft expressed concern regarding the lack of communication regarding this recommendation. He spoke in favor of delaying the vote regarding designating the Tampa Service Office as the District headquarters

Board Chair Babb commended the staff's work as related to this recommendation. He spoke in favor of delaying the vote regarding designating the Tampa Service Office as the District headquarters.

**A motion was made to adopt the business plan as recommended by staff with the exception of the designation of the Tampa Service Office as the District's headquarters and establish a committee to review this and present a recommendation to the Board in sixty days. The**

**motion was seconded. Motion carried with eleven in favor and one dissenting vote (Audio 00:57:30).**

**25. Consent Item(s) Moved for Discussion - None**

**26. Investment Quarterly Update**

This item was presented with item 27.

**27. Investment Portfolio Options**

The District's financial investment advisors, Messrs. Richard Pengally and John Grady, provided a presentation on the Investment Quarterly Update which included: an executive summary; risk/return comparison benchmarks; combined portfolio characteristics as of 12/31/2014; portfolio characteristics; restructured recommendations of portfolio; information on Merrill Lynch indices performance as of 12/31/2014; monthly changes in yield and total return; yield curve shifts; monthly changes in yield and total return; expectations of fed rate increase;

Vice Chair Maggard asked about the long term strategy. Mr. Grady responded that the goal is to manage for the duration, not month to month, and to increase earnings over time. Discussion ensued.

Mr. John Grady, representing Public Trust Advisory (PTA), stated as of March 31, since inception earnings were \$4.4 million with net of fees of \$292 thousand, so inception net of fees earnings were approximately \$4.1 million.

Committee Chair Dunbar asked if the fee yields were net or gross. Mr. Grady responded net.

Mr. Grady stated the District's portfolio is well diversified with fifteen percent of assets in Florida Prime; forty percent in United States treasuries; twenty-six percent in corporate notes and two and half percent in commercial paper.

Mr. Richard Pengally, representing Public Financial Management (PFM) presented information that was requested at the February Governing Board meeting. He provided three scenarios for various investment options, with an overview of each scenario using information from 2014

Vice Chair Maggard asked what is considered long term. Mr. Pengally responded one to five years. Discussion ensued.

Board Member Beruff asked what the total value for the District's portfolio. Mr. Pengally responded approximately six hundred million.

Board Member Moran referenced a question that was asked at the February Governing Board meeting. It was asked by Board Member Beruff if the returns of fees were net or gross. Board Member Moran indicated the response at that meeting was gross of fees. He reiterated a question he asked at the January Governing Board meeting. The question was would the number always be net of fees. Mr. Pengally responded he doesn't recall the exact question. He stated the numbers presented today are gross. For the quarterly report, the numbers are net of fees. Board Member Moran asked that clarification always be made. Mr. Pengally responded in the affirmative.

**A motion was made to authorize the financial advisors to utilize scenario two as presented by PFM and PTA, which would allow \$50 million dollars of the District's assets in a current portfolio to be invested in a one to five year duration strategy. The motion was seconded. Motion carried with ten votes in favor and two dissenting votes. (Audio – 01:28:10)**

### **29. Long-Term Financial Model Discussion**

Mr. Kurt Fritsch, Auditor General, provided a presentation on the long term financial model which included: information on predicting new construction including business processes; population and employment; earning and income; statistical comparisons year-by-year changes; correlations over multiple periods; and long term funding scenarios.

Mr. John Campbell, Management Services Director, provided a presentation which included long term planning on: current project funding; tapered project funding; business plan; project funding levels and actual expenditures; long term funding plan scenarios; and assumptions for new construction and project funding with projected outcomes. Discussion ensued.

Vice Chair Maggard asked if there may be an opportunity for discussion on the amount of reserves that should be maintained to continue operating. Committee Chair Dunbar stated that would be at the will of the Board. Discussion ensued.

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

### **30. Legislative Update**

Ms. Colleen Thayer, Public Affairs Bureau Chief, provided information on the legislative session. She indicated the House and Senate were at an impasse and unable to finish the scheduled session. A special session has been called for June 1 through June 20.

The water policy legislation did not pass. However, the Senate did take up HB7003 which had passed during the first week of Session and substituted SB 918 for the bill and subsequently passed the bill. This bill included:

- Creation of a new Part VIII, the Florida Springs and Aquifer Protection Act -- creating Outstanding Florida Springs, and a new priority focus area for those springs;
- The Shared-Use Non-motorized Trail (SunTrail) network;
- Codification of the Central Florida Water Initiative (CFWI);
- Revisions to the Northern Everglades and Estuaries Protection Program (NEEPP);
- Creation of the Water Resources Advisory Council;
- Directs the Department of Environmental Protection (DEP) to promote access to conservation lands using an online database and mobile application;
- Changes to the Consolidated Water Management Annual Report;
- Uniform definition of the term "harmful to the water resources" for Outstanding Florida Springs;
- Authorization to use emergency rulemaking to adopt Outstanding Florida Springs MFLs no later than July 1, 2017, except the Northwest Florida Water Management District which has to adopt its MFLs by July 1, 2026;
- Creation of a pilot program for alternative water supply development in restricted allocation areas.

Senate sponsors have indicated that they will again bring forth this legislation next year. Next year's legislative session will have an earlier-than-normal start date of January 12, 2016.

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.*

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

**Committee Chair Dunbar adjourned the Committee meeting, and relinquished the gavel to the Resource Management Committee Chair Senft, who called the Committee meeting to order. (Audio – 2:09:08)**

At this time, Chair Babb recognized a "Request to Speak" card that was submitted for Consent Agenda Item number 19a. This was a rulemaking item that requested the Initiation and Approval of rulemaking to amend rule 40D-2.302(1), F.A.C., to repeal reservations from use of Morris Bridge Sink. Dr. Rich Brown indicated he would continue to monitor this situation.

**Regulation Management Committee**

**Discussion**

37. **Consent Item(s) Moved for Discussion - None**

38. **FARMS - Expansion in the SWUCA Most Impacted Area - Budget Transfer (H724)**

Mr. Eric DeHaven, Resource Management Assistant Director, provided a presentation that included the following information: historical information on the stakeholder recommendation and implementation; status of FARMS (Facilitating Agricultural Resource Management Systems) program; map of current and proposed FARMS projects; outlining use of requested funds; and services that will be offered by the proposed liaison position.

Board Member Beruff addressed concerns regarding the selection process of the consultant. He also asked if there has been consideration given to partnering with University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) county extension service offices.

Mr. DeHaven responded that staff has a positive relationship with coordination for the Florida Department and Agricultural Services (FDACS), but the District is focusing on a more directed approach toward individual farmers. He added the process of selection will be done through the General Engineering Services Agreement which has a pre-approved list of consultants. He indicated there are fifteen new projects proposed over two years. Board Member Beruff expressed concerns with not offering a bid process for this. Discussion ensued.

Board Member Mann asked if the District has coordinated with the Florida Fruit and Vegetable Association (FFVA), Florida Citrus Growers (FCG), Gulf Coast Citrus Growers, county agents, etc. Mr. DeHaven responded in the affirmative. Board Member Mann addressed concerns regarding the District funding a third party to act as a liaison. Discussion ensued.

Staff recommended the Board authorize the transfer of \$100,000 from fund 010 H017 Governing Board FARMS funds to the H724 FARMS Expansion in the Most Impacted Area fund.

**A motion was made and seconded to approve the staff's recommendation. Motion carried unanimously. (Audio – 00:02:29)**

**39. Minimum Flows and Levels Status Report**

Committee Chair Senft stated he received a "Request to Speak" card.

Mr. Ed Caplinger, resident of Lake Pretty, spoke regarding concerns for Lake Pretty water level and the impact to surrounding properties. He requested the District drop the control structure from forty three feet to forty feet. Karen West, Interim General Counsel stated the Board is unable to take action on this item as it is presented for information only. Mr. Mark Hammond provided historical information. He stated lake levels fluctuate in Florida, as a result minimum flows and levels (MFLs) have been established. Mr. Hammond also stated outreach has been provided to the community regarding Lake Pretty and the District will continue to provide necessary outreach.

Committee Chair Senft stated a report will be completed on this and provided to the Board. Mr. Caplinger asked to receive a copy of that report. Committee Chair Senft responded in the affirmative.

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

**40. Significant Water Resource and Development Projects**

This was provided for information only no action was required.

**Committee Chair Senft adjourned the Committee meeting, and relinquished the gavel to the Regulation Committee Chair Moran, who called the Committee meeting to order. (Audio 2:43:45)**

**Regulation Committee**

***Discussion Items***

**41. Consent Item(s) Moved for Discussion - None**

**42. 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.*

**43. Water Quality Treatment in Isolated Wetlands**

Ms. Alba Más, Regulation Director, provided a presentation on water quality treatment in isolated wetlands which included: historical background; Similarities between an isolated wetland treatment system and wet detention system; examples of an isolated wetland prior to and following development.

Ms. Más explained that staff recently met with the United States Army Corp of Engineers (ACOE) regarding an environmental resource permit that was issued. As a result, the ACOE became aware the Southwest Florida Water Management District (District) allows water quality treatment in isolated wetlands. The ACOE has issued a guideline that indicates if wetlands are used for water quality treatment, they are considered to be harmed and severed and would require mitigation. As a result, the District contacted other water management districts and determined that all water management districts have similar rules, however, this District uses isolated wetlands for water quality treatment more frequently. As a result, the District is continuing to allow water quality treatment in isolated wetlands, advising applicants of the ACOE's position and assessing past practices to determine refinement needs.

Board Member Beruff asked if the District scientist are in agreement of this permitting practice. Ms. Más, responded in the affirmative. Board Member Beruff asked if there is anything that precludes the District's past practice of isolated wetlands. Ms. Más responded the District is unaware of any issues and will be evaluating sites that have utilized isolated wetlands for water quality in the past. Discussion ensued.

Mr. Charles Lee, representing Audubon Florida spoke in support of the use of isolated wetlands for water quality treatment and provided historical information.

Ms. Karen West, Interim General Counsel, stated direction was provided in a memorandum that was issued by the Environmental Protection Agency (EPA) in 2004. In 2006, there was a Supreme Court decision in a case Rapanos vs. United States that dealt with the ACOE jurisdiction over isolated wetlands. The EPA has tried to promulgate rules that would define an isolated wetland but they have been withdrawn.

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

**44. Overpumpage Report - May 2015**

**45. Individual Permits Issued by District Staff – May 2015**

**Committee Chair Moran adjourned the Committee meeting, and relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Maggard, who called the Committee meeting to order. (Audio 0:02:59)**

**Operations, Lands & Resource Monitoring Committee**

***Discussion Items***

**46. Consent Item(s) Moved for Discussion - None**

**47. Hydrologic Conditions**

Mr. Granville Kinsman, Hydrologic Data Manager, provided a presentation on the hydrologic conditions status report. The 12-month rainfall conditions have declined as expected, due to below-normal rainfall this month. However, groundwater in the northern and southern counties is in the upper-normal range and above normal in the central counties.

Lake conditions in the District have displayed a slight decline. Lakes within the Tampa Bay and Polk Upland areas are within their normal ranges, while northern and Lake Wales Ridge lakes remain below-normal.

All four of the major river systems are still within their normal ranges, but declining. The Alafia River has declined. The Bill Young Reservoir is near capacity. The Peace River Water Supply Authority is at a normal level. Hurricane season begins on June 1. The conditions are considered favorable for an El Niño cycle which can diminish storms that may develop in the Atlantic. The three-month forecast indicates temperatures will be above normal, with above-normal rainfall expected.

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

**48. Surplus Lands Biennial Assessment**

Mr. Ken Frink, Operations, Land and Resource Monitoring Director, provided a presentation on surplus lands biennial assessment which included: historical and background information; public outreach; list of suggested lands to be surplus; and information on Annutteliga Hammock. Mr. Frink specifically addressed the Annutteliga Hammock property. Mr. Frink stressed any action taken by the Board at this meeting will not be considered final.

Board Member Griffin asked the definition of "transfer ownership". Mr. Frink responded it could involve a donation, trade or transfer with or without monetary compensation.

Committee Chair Maggard stated he had several "Request to Speak" cards.

Mr. Jerre Wilson, resident, spoke in opposition of staff's recommendation.

Ms. Lynn Ryder, resident, spoke in opposition of staff's recommendation, specifically addressing parcels ARC-1; ARC-4 and ARC-5 in the Alafia Corridor.

Mr. Charles Lee, Audubon, spoke in opposition of staff's recommendation. He specifically addressed the Alafia, Hillsborough and Pine Island tracts be transferred to Hillsborough County to manage. Mr. Lee addressed the Flying Eagle Property. He stated the property is comprised of wetlands and has no commercial value. He disagreed with the District's evaluation of this property as related to Chapter 373, Florida Statute. Mr. Lee also spoke about the District developing a more focused strategy regarding Annutteliga Hammock to ensure the corridor consolidation occurs. He disagreed with the proposal to consolidate large tracts for surplus. Mr. Lee also opposed the selling of smaller scattered lots to neighbors, which may be kept as a conservation easement or deed restriction until it the trade consolidation is completed.

Ms. Karen Turbeville, resident, spoke in opposition of staff's recommendation, specifically addressing parcel ARC-4 in the Alafia Corridor.

Ms. Renee Zegarski, resident, spoke in opposition of staff's recommendation, specifically addressing parcels ARC-1; ARC-4; and ARC-5 in the Alafia Corridor.

Mr. Charlie Hunsecker, resident, spoke in opposition of staff's recommendation.

Mr. Kurt Gremley, Director of Parks and Natural Resources for Hillsborough County, spoke in opposition of staff's recommendation, specifically addressing parcels ARC-1; ARC-4; and ARC-5 in the Alafia Corridor.

Ms. Arlene Flisik, resident, spoke in opposition of staff's recommendation, specifically addressing Pine Island.

Ms. Karen Ciemnieck, resident, spoke in opposition of staff's recommendation, specifically addressing Pine Island.

Ms. Mary Sheppard, resident, spoke in opposition of staff's recommendation, specifically addressing Pine Island.

Ms. Gail Parsons, resident, spoke in opposition of staff's recommendation.

Ms. Heidi McCree, President of Tampa Bay Conservancy, spoke in opposition of staff's recommendation.

Staff requested the Board approve recommendations for surplus of all parcels identified in Exhibit A.

**A motion was made to approve staff's recommendation, with the exception of Alafia tracts (ARC-1, ARC-4 and ARC-5) in Hillsborough County and Tampa Bay Estuarine tract ecosystem/Pine Island (TBE-2) in Manatee County. Also to authorize staff to negotiate other options with Hillsborough and Manatee Counties on those properties. The motion was seconded and received eight votes in favor and one dissenting (Audio – 00:04:06:00)**

Ms. West, Interim General Counsel advised that a two thirds vote was required for the motion to pass. This would require nine votes in favor as a result of three Board Members (Armstrong, Beruff, and Senft) absent during the vote. The motion failed.

**A motion was made to approve staff's recommendation, with the exception of Alafia tracts (ARC-1, ARC-4 and ARC-5) in Hillsborough County and Tampa Bay Estuarine tract ecosystem/Pine Island (TBE-2) in Manatee County. This motion authorizes staff to negotiate other options with Hillsborough and Manatee Counties on those properties. Staff will also provide a quarterly report on parcels identified as "Table A" which was presented by Board Member Griffin. The motion was seconded and passed unanimously (Audio – 04:13:00)**

#### **49. Hurricane Preparedness**

Mr. Jason Hopp, Operations & Land Management Bureau Chief, provided a presentation outlining the District's hurricane preparedness. Board Member Griffin asked if there is a contingency plan to allow staff to continue to serve the public. Mr. Hopp responded in the affirmative and stated there is a Comprehensive Emergency Management plan and an Emergency Operation Center (EOC) set up based on the Federal Emergency Management Agency's (FEMA) Incident Command System (ICS). Board Member Dunbar asked about the response time that may be associated with providing water and ice to staff who are assisting with emergency operations. Mr. Hopp responded the District has water and food stocked and prepared for immediate distribution in an emergency event.

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

***Submit and File Reports*** – None

#### ***Routine Reports***

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

#### **50. Structure Operations**

#### **51. Significant Activities**

Board Member Mann updated staff on a meeting that was held by Charlotte Harbor National Estuary on May 14. He stated an audit of the program was presented.

**Committee Chair Maggard adjourned the Committee meeting.** (Audio 04:17:40)

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

#### ***Discussion Items***

#### **52. Consent Item(s) Moved for Discussion**

Ms. Karen West provided an update on the proposed settlement on Riverside Heights. Three recommendations were provided. Ms. West stated the District's portion is \$96,612 out of a total settlement of \$258,234.

Staff recommended the Board approve the settlement and authorize the Executive Director to sign the settlement agreement.

**A motion was made and seconded to approve the staff's recommendation. Motion carried unanimously.** (Audio – 04:19:50)

***Submit & File Reports*** – None

#### ***Routine Reports***

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

#### **53. Litigation Report – May 2015**

#### **54. Rulemaking Update – May 2015**

#### **Committee/Liaison Reports**

#### **55. Joint Industrial & Public Supply Advisory Committee Report**

Board Member Senft provided the Board with a written summary of the May 12, 2015.

**56. Other Committee/Liaison Reports**

Board Member Moran provided an update regarding the Sarasota Bay Estuary Program (SBEP). He stated SBEP was unable to come to an agreement regarding the proposal of the motion that was made at the April Governing Board meeting.

**Executive Director's Report**

**57. Executive Director's Report**

Mr. Beltran stated the District received the "Top Ten Voluntary Workplace Award" for staff that have volunteered their time at regional charities. He also stated the District received an award for the 5K Springs Run that staff participated in.

Mr. Beltran recognized the passing of Mr. Dale Twachtmann, the first Executive Director for the Southwest Florida Water Management District.

**Chair's Report**

**58. Employee Milestones**

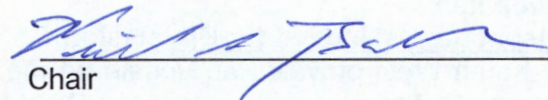
Chair Babb noted staff employees who have reached five-year increments in service to the District. He recognized staff members who have reached 25-year milestones, and thanked them for their service. This item was provided for the Board's information, and no action was required

The next Governing Board meeting is scheduled for June 23 in Brooksville. The meeting in July has been moved to July 28 and is in Tampa.

**59. Other**

There being no further business to come before the Board, a motion was made and seconded to adjourn the meeting. Motion carried.

The meeting adjourned at 1:28 p.m.

  
Chair

Attest:

  
Secretary