

# APPROVED

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

JUNE 25, 2013

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:02 a.m. on June 25, 2013, at the District's Tampa Service Office. The following persons were present:

#### Board Members Present

Carlos M. Beruff, Chair  
Michael A. Babb, Vice Chair  
Randall S. Maggard, Secretary  
Jeffrey M. Adams, Treasurer  
Bryan K. Beswick, Member  
Thomas E. Bronson, Member  
Jennifer E. Closshey, Member  
Wendy Griffin, Member  
George W. Mann, Member  
H. Paul Senft, Member

#### Board Member(s) Absent

Todd Pressman, Member

#### Staff Members

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

#### Board's Administrative Support

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

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** (Video – 00:00)

#### 1. **Call to Order**

Chair Beruff called the meeting to order and opened the public hearing. Mr. Maggard 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 Beruff 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 Beruff 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 Beruff 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 – 00:00/01:05)

3. **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. 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 there are two items deleted as follows:

CONSENT AGENDA – Operations & Land Management Committee

8. Cooperative Agreement between Florida Fish and Wildlife Conservation Commission and the District for Wildlife Management Areas on District-owned Lands in Green Swamp, Upper Hillsborough, Lake Panasoffkee, Flying Eagle, Potts Preserve, Lower Hillsborough, Weekiwachee and Chassahowitzka

CONSENT AGENDA – Finance/Outreach & Planning Committee

14. Facilities and Construction Services – Tampa Service Office Building 1 Carpet Replacement

Ms. Griffin requested Item 9 be moved and Mr. Maggard requested Item 6.b. be moved from the Consent Agenda for discussion on the appropriate committee agenda. Chair Beruff said Items 15.b. and 15.e. are requested for discussion during the General Counsel's Report.

**Ms. Griffin moved, seconded by Mr. Senft, to approve the amended agenda. Motion carried unanimously.** (Track 1 – 01:05/03:44)

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

Chair Beruff noted that two *Request to Speak* cards were submitted.

Mr. Charles Lee, representing Florida Audubon, said he can speak now or when Item 6.b. is considered. Chair Beruff asked that he speak during the committee discussion.

Mr. Dorsey Yauwn, resident of Hillsborough County, spoke regarding watering restrictions and demand numbers. He said his wife felt criminalized by receiving a violation and fine since they forgot to change date on the regulator following a change in days for watering.

Ms. Mas noted that staff will assist Mr. Yauwn with this matter. (Track 2 – 00:00/05:01)

**CONSENT AGENDA**

Items 8 and 14 were deleted from the Consent Agenda. Items 6.b., 9, 15.b. and 15.e. were moved from the Consent Agenda for discussion on the appropriate committee or report agenda.

**Regulation Committee**

5. **Individual Water Use Permits (WUPs) Referred to the Governing Board – WUP No. 20010671.006 - Mosaic Fertilizer, LLC / Mosaic Fertilizer, LLC – Pioneer Grove (Hardee County)**

Staff recommended the Board approve the proposed permit included in the Board's meeting materials as an exhibit.

**Operations & Land Management Committee**

6. **Declare Lands Surplus**
  - a. Chito Branch Project, SWF Parcel Nos. 11-709-146S and 11-709-145S
  - b. Upper Hillsborough Project, SWF Parcel No. 13-400-174S – MOVED TO COMMITTEE

- c. Flying Eagle Project, SWF Parcel No. 19-334-148S
- d. Lake Panasoffkee Project, SWF Parcel No. 19-441-110S  
Staff recommended the Board declare the parcels identified above: (1) are no longer needed for District purposes, (2) are no longer needed for conservation purposes, and (3) are surplus property. These properties have been previously presented to the public for comment and Board direction in accordance with guidelines provided by the Florida Department of Environmental Protection.

7. **Decline Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Drake Ranch, SWF Parcel No. 19-687-107C**

Staff recommended the Board authorize the Division Director of Operations Maintenance and Construction to decline the Right of First Refusal on SWF Parcel 19-687-107C.

~~8. **Cooperative Agreement between Florida Fish and Wildlife Conservation Commission and the District for Wildlife Management Areas on District-owned Lands in Green Swamp, Upper Hillsborough, Lake Panasoffkee, Flying Eagle, Potts Preserve, Lower Hillsborough, Weekiwachee and Chassahowitzka** – DELETION~~

**Resource Management Committee**

9. **Approve the Surface Water Improvement and Management (SWIM) Program Priority List** – MOVED TO COMMITTEE

10. **SWIM – Conservation Easement for Habitat Restoration Projects – NE 4th Avenue Alafia Wetland Restoration (W336), Polk County; and Bradenton Riverwalk Restoration (W338), Manatee County**

Staff recommended the Board accept the conservation easement for the NE 4th Avenue Alafia Wetlands Restoration Project and the Bradenton Riverwalk Restoration Project.

11. **Pier Aquarium Water Conservation and Environmental Stewardship Initiative – Project Cancellation (N038)**

Staff recommended the Board approve cancellation of Pier Aquarium Water Conservation and Environmental Stewardship Initiative Project (N038).

**Finance/Outreach & Planning Committee**

12. **Budget Transfer Report**

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

13. **Revise Board Policy 130-8, Budget Authority Transfer of Funds**

Section 373.536(4)(a), Florida Statutes, now requires water management district transfers of funds greater than \$1 million must be reviewed and approved by the Executive Office of the Governor (EOG). Staff recommended the Board approve the revisions to Board Policy 130-8, *Budget Authority Transfer of Funds*.

~~14. **Facilities and Construction Services – Tampa Service Office Building 1 Carpet Replacement** - DELETION~~

**General Counsel's Report**

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

a. **Approve District's Annual Regulatory Plan Required by Executive Order Number 11-211 and Subsection 120.74(3), Florida Statutes**

Staff recommended the Board approve the District's Annual Regulatory Plan for July 2013 – June 2014 and authorize staff to submit the Regulatory Plan to the Governor's Office of Fiscal Accountability and Regulatory Reform, President of the Senate, Speaker of the House, and Joint Administrative Procedures Commission.

b. **Final Order – ERP No. 44040881.000 – SRQUS, LLC v. City of Sarasota and SWFWMD, Respondents, and Sarasota County, Intervenor – DOAH Case No. 12-2161 – Sarasota County** – MOVED TO REPORT

c. **Correction to Conservation Easement – Boran Ranch Mitigation Bank Phase II – DeSoto County**

Staff recommended the Board approve, accept, and execute the Corrective Deed of Conservation Easement and Corrective Release of Prior Conservation Easement and Quit Claim for Phase II of the Boran Ranch Mitigation Bank as included in the Board's meeting materials.

- d. **Corrected and Restated Conservation Easement – Creekwood East Commercial Center – Manatee County**  
Staff recommended the Board approve and accept the Corrected and Restated Conservation Easement and Release of Prior Conservation Easement and Quit Claim.
- e. **Initiation of Litigation – Well Construction - License No. 2215 - Tony Holt – Hillsborough County** – MOVED TO REPORT
- f. **Surface Water Activity – Consent Order - C.M. Overstreet Revocable Trust - CT No. 195238 – Polk County**  
Staff recommended the Board approve the proposed Consent Order for C.M. Overstreet Revocable Trust and authorize the initiation of litigation against C.M. Overstreet Revocable Trust to obtain compliance with the Consent Order.

16. **Rulemaking** – None

**Executive Director’s Report**

17. **Approve Governing Board Meeting Minutes**

- a. Financial Investments Ad Hoc Committee – May 8, 2013
- b. Financial Investments Ad Hoc Committee – May 21, 2013
- c. Monthly Meeting – May 21, 2013

Staff recommended the Board approve the minutes as presented.

**Ms. Closshey moved, seconded by Mr. Adams, to approve the Consent Agenda as amended. Motion carried unanimously. (Track 3 – 00:00/00:49)**

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

**REGULATION COMMITTEE** (Video – 11:12)

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

19. **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.

20. **Southern Water Use Caution Area Quantities**

21. **Overpumpage Report**

Mr. Maggard requested an update on Country Club Utilities at the Board’s next meeting. Ms. Closshey asked that other utilities in overpumpage an equal amount of time also be presented.

22. **E-Permitting Metrics: Online vs. Paper Applications**

23. **Individual Permits Issued by District Staff**

24. **Resource Regulation Significant Initiatives**

Committee Chair Mann adjourned the Committee meeting (Track 4 – 00:00/01:13), and relinquished the gavel to Operations & Land Management Committee Chair Maggard who called the Committee meeting to order.

## **OPERATIONS & LAND MANAGEMENT COMMITTEE** (Video – 13:26)

### ***Discussion Items***

25. **Consent Item(s) Moved for Discussion** – Item 6.b.

6.b. **Declare Lands Surplus – Upper Hillsborough Project, SWF Parcel No. 13-400-174S**

Staff recommended the Board declare the parcel (1) is no longer needed for District purposes, (2) is no longer needed for conservation purposes, and (3) is surplus property.

Mr. Charles Lee, representing Florida Audubon, read into the record the Surplus Lands Ad Hoc Committee minutes of the August 22, 2012 meeting to ensure consistency with action taken by the Committee. He said he spoke in favor of declaring the lands surplus with those restrictions in place.

(Mr. Bronson entered the meeting at 9:16 a.m.)

**Mr. Senft moved, seconded by Ms. Closshey, to approve the staff recommendation and retaining a conservation easement over the surplus parcel. Motion carried unanimously.** (Track 5 – 00:00/03:10)

26. **Hydrologic Conditions Status Report** (Video – 16:19)

Mr. Steven DeSmith, Professional Geologist, Hydrologic Data Section, said May historically marks the last month of the eight-month dry season and rainfall totals for the month show accumulations within the normal range in all three regions of the District. Analysis of rainfall data for the “dry-season” shows District-wide totals to be about 14.8 inches, which is 7.0 inches below the long-term historic average of 21.8 inches. Rainfall during May was regionally variable and associated with seasonally transitional weather patterns (i.e., a mix of weak cold fronts, sea breeze and convective thunderstorm systems). The District-wide 12-month cumulative rainfall total shows a deficit of approximately 2.1 inches below the long-term average, while the 24-month cumulative total shows a deficit of 11.8 inches. NOAA climate forecasts are inconclusive regarding rainfall activity during the wet season (June through September), predicting equal chances for below-normal, normal or above-normal rainfall. Normal rainfall during the wet season will be needed to improve current aquifer levels and streamflow conditions, while above-normal rainfall will be needed to improve regional lake level conditions.

Mr. Warren Hogg, representing Tampa Bay Water, provided an update on Alafia River usage, desalination plant status, reservoir renovation, and wellfield pumpage. (Track 5 – 03:10/14:52)

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

27. **Quality of Water Improvement Program (B099)** (Video – 28:14)

Ms. Sandie Will, Manager, Geohydrologic Data Section, Data Collection Bureau, said that, pursuant to Chapter 373.206, Florida Statutes, any abandoned artesian well having a detrimental impact on the District's water resources or its use, must be properly plugged. In 1974, the District established the Quality of Water Improvement Program (QWIP) Funding Assistance Initiative to locate and properly plug abandoned artesian wells which adversely impact aquifer systems in the District. The District's QWIP allocates funds from the Funding Assistance Initiative to landowners so they can come into compliance with the statute.

Ms. Will said this initiative has increased landowner cooperation and the QWIP reimburses for the plugging of approximately 170 wells annually. To date, a total of 5,346 wells have been plugged at a total investment of approximately \$13 million for administration of the program and reimbursements to landowners. For FY2013, a total of \$350,000 was originally budgeted for QWIP well plugging reimbursement; due to the acceleration of requests, FY2013 funds are nearly depleted.

Staff recommended the Board approve the transfer of \$135,000 from the Hernando County Reclaimed Water Transmission and Distribution System Project to the QWIP to continue funding well plugging reimbursements for the remainder of FY2013.

**Ms. Closshey moved, seconded by Ms. Griffin, to approve the staff recommendation as presented. Motion carried unanimously. (Track 5 – 14:52/24:05)**

28. **Hurricane Preparedness** (Video – 37:23)

Mr. Holtkamp provided an overview of District emergency preparedness for the 2013 hurricane season. The presentation discussed the District's responsibility as a member of the State's Emergency Response Team (SERT) along with the actions taken to prepare District staff and infrastructure for the upcoming hurricane season. (Track 5 – 24:05/32:06)

This item was presented 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.

29. **Recreation Ad Hoc Committee Update** (Video – 45:25)

Mr. Joe Quinn, Land Management Manager, Operations and Land Management Bureau, noted the Committee met on May 30, 2013 in the Tampa Service Office with over 30 people in attendance representing a broad cross-section of recreational interests on District lands. He said that, subsequent to the Committee's approval to move forward with the process, staff initiated an analysis of the statewide comprehensive outdoor recreation plan data to compile for regional analyses. He said staff is working concurrently on a survey to be posted on the website to gauge recreational interests by stakeholders. Mr. Quinn said informational meetings will be held in regional areas later this summer or in the fall. In response to Mr. Bronson's question, Mr. Quinn said the budget is approximately \$200,000 for the 225,000 acres managed directly by the District.

***Routine Reports***

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

30. **Structure Operations**

31. **Significant Activities**

Operations & Land Management Committee Chair Maggard adjourned the Committee meeting (Track 5 – 32:06/34:29), and relinquished the gavel to Resource Management Committee Chair Babb who called the Committee meeting to order.

**RESOURCE MANAGEMENT COMMITTEE** (Video – 47:44)

***Discussion Items***

32. **Consent Item(s) Moved for Discussion** – Item 9

9. **Approve the Surface Water Improvement and Management (SWIM) Program Priority List**

Mr. Hammond noted that, in 1987, the Florida Legislature established the SWIM Act which requires the five water management districts to maintain a priority list of water

bodies of regional or statewide significance within their boundaries, and develop plans and programs for the improvement of those water bodies. To date, the District has identified, and the state has approved, plans for ten priority water bodies as follows:

- |                             |                                 |
|-----------------------------|---------------------------------|
| (1) Tampa Bay               | (6) Charlotte Harbor            |
| (2) Rainbow River           | (7) Lake Tarpon                 |
| (3) Banana Lake             | (8) Lake Thonotosassa           |
| (4) Crystal River/Kings Bay | (9) Winter Haven Chain of Lakes |
| (5) Lake Panasoffkee        | (10) Sarasota Bay               |

Staff recommended the Board approve the District's SWIM Program priority list with no changes of the existing ten priority water bodies.

Ms. Griffin noted that the state is no longer funding these projects which are now being funded by the District. She said all the wetlands on the list are important and worthy of consideration for approval at this time. She suggested the Board consider directing staff to look at this list and report back in the next year regarding legislative requirement changes, cost, timing, funding, etc. She said issues should sufficiently address whether some waterbodies could be deleted so Springs Initiative and Numeric Nutrient Criteria could perhaps be addressed. Mr. Hammond said, over the next year, staff can evaluate whether to remove and/or add to the list to better prioritize projects and funding. He said staff will report back next year with options and recommendations.

Ms. Closshey said she would like to see a correlation and alignment with the budget. Chair Beruff noted that the District has accomplished a number of projects that do not correlate with SWIM so there needs to be one list that reflects the total amount of restoration done by the District which should be part of the exercise. Mr. Hammond said staff may have a draft report prepared by the end of this year.

**Ms. Griffin moved to approve the SWIM Program priority list as recommended by staff and for staff to report back with recommended changes for the next year. Mr. Maggard seconded the motion and it carried unanimously. (Track 6 – 00:00/06:45)**

33. **Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Lakes Raleigh and Rogers in Hillsborough County and Accept Reports (P256)** (Video – 54:36)  
Mr. Hammond provided an update regarding Items 33 and 34.

Staff recommended the Board (1) accept the reports entitled, "Proposed Minimum and Guidance Levels for Lake Raleigh in Hillsborough County" and "Proposed Minimum and Guidance Levels for Lake Rogers in Hillsborough County," dated May 16, 2013 and May 10, 2013, respectively; (2) authorize staff to make any necessary minor clarifying edits to complete report finalization that may result from the rulemaking process; and (3) initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., and add guidance and minimum levels for Lake Raleigh and Lake Rogers in Hillsborough County.

**Chair Beruff moved to approve the staff recommendation without a presentation by staff. Mr. Maggard seconded the motion and it carried unanimously. (Track 6 - 06:45/08:58)**

34. **Lakes Horse, Raleigh and Rogers Recovery Project Contract (B027) and Project Property, SWF Parcel Nos. 14-009-113 and 14-009-114** (Video – 56:50)  
This item requests the Governing Board terminate the Cooperative Agreement between the District and Tampa Bay Water (TBW) for the Lakes Horse, Raleigh, and Rogers Recovery Project; and initiate surplus of District-owned project lands on Pretty Lake.

Tampa Bay Water's Board of Governors approved termination of said agreement at its June 17, 2013 Board meeting subject to the District Governing Board's approval of minimum and guidance levels for Lakes Raleigh and Rogers.

Staff recommended the Board (1) approve and authorize staff to execute Agreement to Terminate the Cooperative Agreement between the Southwest Florida Water Management District and Tampa Bay Water for the Lakes Horse, Raleigh, and Rogers Recovery Project (f/k/a the Rocky Creek Lake Enhancement Project). District funds in the amount of \$1,579,206 will revert back to the Hillsborough River Basin fund balance to be used for future projects; and (2) authorize staff to initiate the surplus process for the Project properties on Pretty Lake (SWF Parcel Nos. 14-009-113 and 14-009-114).

Committee Chair Babb said that three *Request to Speak* cards were submitted.

Mr. Paul Crowell, resident of Odessa, spoke in favor of District staff's findings and terminating the contract.

Ms. Barbara Aderhold, representing the Keystone Civic Association, spoke in favor of terminating the contract. In response to her questions regarding the surplus lands process, Mr. Hammond said staff will provide information.

Mr. Tom Aderhold, President of the Keystone Civic Association, said he commends staff from all the agencies involved and spoke in favor of terminating the cooperative agreement and surplus/sale of project properties. He noted that the community wants to continue to be able to facilitate and monitor information to safeguard the resources. He noted that the Association has also initiated an emergency response effort.

**Chair Beruff moved, seconded by Mr. Maggard, to approve the staff recommendation as presented. Motion carried unanimously.** (Track 6 - 08:58/15:35)

35. **Fiscal Year 2013-14 Cooperative Funding Program** (Video – 63:24)

Mr. Hammond said this item is for the Board to consider changes and funding for six cooperative funding projects discussed at the Cooperative Funding region subcommittee meetings in April 2013. The Northern and Heartland Region Subcommittees requested two projects be presented to the Board for further discussion; the two projects were not recommended for funding. The other four projects involve a cost increase, change in ranking, and Board Policy 130-4.

Mr. Hammond provided an overview of the projects and options for the Board to consider and funding as presented for six Cooperative Funding projects as follows:

- Clearwater Brackish RO Facility (N176) – fund as 1a priority; fund the FY2013-14 \$6,000,000 request from Pinellas-Anclote River Basin restricted funds; and designate \$4,392,855 of Pinellas-Anclote River Basin restricted funds for this project.
- Crystal River Reclaimed Water (N358) – fund as a high priority.
- Polk County Skyview Utilities Improvement (N510) – not recommended for funding.
- Citrus County Homosassa Springs Septic Tank Removal (N548) – not recommended for funding.
- Town of Belleair Groundwater Study (N563) – fund as a high priority.
- Marion County Withlacoochee River Watershed Management Plan Maintenance (N581) – low priority, not recommended for funding.

**Chair Beruff moved, seconded by Mr. Bronson, to approve staff's recommendation for the above six projects as presented.** (Track 6 - 15:35/32:40)

In response to Mr. Senft's inquiry, Mr. Gary Fries, representing Polk County, said funds are available for the improvement of the water/wastewater system. He said the



cooperative funding request was to enable connection to the City of Lakeland to provide reclaimed water.

Regarding the Citrus County Homosassa Springs Septic Tank Removal, Mr. Maggard said he likes the tangibility of the District being able to take action and see improvement but ensure a precedent is not set to remove the identified 91 septic tanks and additional new septic tanks installed. He said he would also like to know where Citrus County stands with this issue. He said he would like to have a discussion about springs since this will be a driving force in the future and the District should take the lead in this effort. Ms. Closshey said springs and water quality are important, and she wants staff to provide information about whether this is the best answer for springs scientifically and, in the big picture, how does the District best deal with the issue. Chair Beruff said Florida Department of Environmental Protection (FDEP) has initially funded large septic tank removal projects and it is more complicated than just funding removal. He said staff needs to talk with the County and show there is a plan. Ms. Griffin said she agrees with Mr. Maggard regarding springs and considering all alternatives but also has questions like Ms. Closshey to get the best deal for the money. She said the District's springs staff will be developing and prioritizing projects, and encouraged Citrus County to work closely with staff to develop alternatives. Mr. Guillory said the Board may want to consider staff present more information regarding number of septic tanks, acreage, size of spring shed, impacts, etc.; and coordinate with FDEP and Citrus County to help the Board craft a policy regarding funding criteria. Mr. Adams said he would like to recommend staff analysis that would include the effectiveness and efficiency of staff efforts, and to monitor and enforce afterwards so staff may provide options and information for the Board's consideration. Mr. Beltran said he appreciated the comments about the importance of springs, and noted staff has been meeting on different plans for spring sheds and informing the public about what is happening in the springs. He said staff is working on management plans for each of the five first magnitude springs in the District which will be presented to the Board for discussion. (Track 6 – 32:40/45:16)

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

Ms. Nan Bennett, City of Clearwater Assistant Utilities Director, said the City concurs with staff's recommendation for Clearwater Brackish RO Facility (N176) project.

**Committee Chair Babb called the question and the motion carried unanimously.**  
(Track 6 - 45:16/48:37)

**Mr. Maggard moved, seconded by Ms. Closshey, to approve direction for staff to report back on the springs initiative and options for presentation in a workshop session in a timeframe to allow entities to submit projects for the next round of cooperative funding. Motion carried unanimously.** (Track 6 - 48:37/50:34)

***Submit & File Reports*** – None

***Routine Reports***

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

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

Resource Management Committee Chair Babb adjourned the Committee meeting (Track 6 – 50:34/50:48), and relinquished the gavel to Finance/Outreach & Planning Committee Chair Adams who called the Committee meeting to order.

## **FINANCE/OUTREACH & PLANNING COMMITTEE** (Video – 98:27)

### ***Discussion Items***

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

40. **Fiscal Year 2013-14 Recommended Annual Service Budget**

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

Ms. B.J. Jarvis, representing the University of Florida Pasco County Cooperative Extension, spoke in favor of the Florida-Friendly Landscaping Program which has no funding in the District's budget. She reviewed water savings achieved through public education and progress has been documented showing that 20 to 25 million gallons a year will be saved. She requested the Board considering funding this program for one more year. (Track 7 – 00:00/02:35)

Mr. Rathke introduced the Finance Bureau Budget Section's current staff. He then provided an overview of the FY2013-14 recommended budget including a review of proposed revenues and expenditures. The recommended budget for FY2013-14 is \$169.9 million, an increase of \$10.5 million from the FY2012-13 budget of \$159.5 million. Of this increase, \$8.2 million is funded by increased state and local revenues. The recommended budget includes ad valorem revenue of \$101.5 million, an increase of \$1 million from \$100.5 million for FY2012-13, based on early estimates published by the Legislature's Office of Economic and Demographic Research, and no change in the millage rate. The June 1 estimates indicate property values may increase by as much as 2.3 percent which may result in additional ad valorem revenue. Ad valorem revenue will be adjusted based on the July 1 certification of taxable property values by the 16 county property appraisers.

Mr. Rathke said staff will be preparing the *Standard Format Tentative Budget Submission* for FY2013-14 based on the recommended annual service budget as presented, adjusted for any modifications made by the Governing Board on June 25, and changes in estimated ad valorem revenue based on the July 1 certifications of taxable value. (Track 7 – 02:35/18:55)

Chair Beruff said it is the Board's duty to review the millage rate in comparison to ad valorem funding projections. He said it is his opinion the Board should discuss reducing the millage rate nominally to keep the budget in balance so the amount of taxpayer's money collected is only what is required to operate and fund the District's initiatives. Mr. Maggard said he agreed with Chair Beruff that the District should be frugal with taxpayers' money, and the Board should have that discussion to lower the millage rate and be good stewards. Ms. Closshey said she agreed the Board is the policy body for the millage rate and requested staff provide general options available for consideration to start dialogue. Mr. Rathke briefly reviewed the options available and staff will provide more detail before the July Board meeting. Committee Chair Adams said he agreed with reducing the millage rate appropriately and requested information so Board members may discuss in July. Mr. Maggard requested before the July meeting that staff provide information showing all possible millage scenarios with projections so an informed decision can be considered for the future. (Track 7 – 18:55/35:16)

Committee Chair Adams requested staff respond to Ms. Jarvis' comments on Florida-Friendly Landscaping. Mr. Rathke noted the District does think it is appropriate to continue to provide funding local manpower when District staff can provide materials and education online and through social media. Mr. Mann noted that there are many master gardener volunteers who can provide assistance. (Track 7 – 35:16/38:20)

Mr. Senft said the Central Florida Water Initiative (CFWI) has taken five years to have the three water management districts come to agreement and a caveat may be needed to budget for opportunities to meet future priorities and demands. Ms. Closshey said staff does need to consider implications of state water quality issues for future funding. Mr. Guillory noted that CFWI efforts are more about water supply. (Track 7 – 38:20/43:10)

41. **Board Travel** (Video – 141:44)

Staff recommended the Board approve travel for Mr. Beruff, Ms. Griffin and Mr. Senft to attend the 27<sup>th</sup> Annual Environmental Permitting Summer School at Marco Island for July 16-19, 2013. Chair Beruff withdrew his name as he will be there on personal business and will pay his own expenses.

**Mr. Babb moved, seconded by Ms. Closshey, to approve travel outside the District's boundaries and to reimburse travel expenses for Ms. Griffin and Mr. Senft to attend the 2013 Permitting Summer School in Marco Island. Motion carried unanimously.**  
(Track 7 – 43:10/45:35)

***Submit & File Report***

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

- 42. **Legislative Update**
- 43. **Strategic Plan Draft Update**

***Routine Reports***

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

- 44. **Treasurer's Report and Payment Register**
- 45. **Monthly Financial Statement**
- 46. **Monthly Cash Balances by Fiscal Year**
- 47. **Comprehensive Plan Amendment and Related Reviews**
- 48. **Development of Regional Impact Activity Report**
- 49. **Significant Activities**

Mr. Rathke noted that each Board member received a copy of the good information being provided through newspaper media regarding springs.

Finance/Outreach & Planning Committee Chair Adams adjourned the Committee meeting (Track 7 – 45:35/47:50) and relinquished the gavel to Chair Beruff.

**GENERAL COUNSEL'S REPORT** (Video – 146:30)

***Discussion Items***

- 50. **Consent Item(s) Moved for Discussion** – Items 15.b. and 15.e.

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

- b. **Final Order – ERP No. 44040881.000 – SRQUS, LLC v. City of Sarasota and SWFWMD, Respondents, and Sarasota County, Intervenor – DOAH Case No. 12-2161 – Sarasota County**

Ms. Marti Moore, Assistant General Counsel, provided a brief background on the issues involved in this proceeding for the Board's information. Ms. Amy Brennan, Senior Attorney, outlined the Board's duties and responsibilities with respect to reviewing the findings of fact and conclusions of law in the Recommended Order issued by the administrative law judge and the exceptions filed thereto, and the legal parameters for issuing a Final Order. District staff proposes that the

Recommended Order be adopted with no change. A proposed Final Order was provided as an exhibit, to which is attached the Recommended Order, Exceptions, the County and the District's responses to the Exceptions, a proposed Ruling on Exceptions, and the Permit to be issued to the City and the County if District staff's recommendation is accepted.

**Ms. Closshey moved, seconded by Mr. Maggard, staff's recommendation to adopt the proposed Final Order that adopts the Recommended Order entered by ALJ, rejects SRQUS's exceptions, and issues ERP No. 44040881.000 to the City of Sarasota and Sarasota County. Motion carried unanimously. (Track 8 – 00:00/12:42)**

e. **Initiation of Litigation – Well Construction - License No. 2215 - Tony Holt – Hillsborough County**

Ms. Donaldson said Mr. Holt had informed staff that he wished to address the Board and then contacted staff this morning that he would not be attending and would be signing the consent order.

Staff recommended the Board authorize the initiation of litigation against Mr. Holt to take disciplinary action against his license, recover an administrative fine/civil penalty, and recover District enforcement costs, court costs and attorney's fees.

**Ms. Closshey moved, seconded by Mr. Senft, to approve staff's recommendation as presented. Motion carried unanimously. (Track 8 – 12:42/13:43)**

Ms. Donaldson said that, due to substantial Consumptive Use consistency changes (CUPcon) comments and their complexity, FDEP and the districts are scheduling additional workshops. She noted staff will present proposed changes to the Board in October.

51. **Declare Land Surplus and Approve Conveyance – Annutteliga Hammock Project, Hernando County – Thrasher Road Extension, SWF Parcel No. 15-228-1340S**

Mr. Steve Blaschka, Real Estate Services Manager, Operations and Land Management Bureau, said this item is to request the Governing Board declare SWF Parcel No. 15-228-1340S surplus and approve conveyance to Hernando County. Staff recommended the Board (1) declare the parcel identified (a) is no longer needed for District purposes, (b) is no longer needed for conservation purposes, and (c) is surplus property; (2) accept the appraisal dated April 29, 2013; and (3) authorize the Chairman to execute the Quit Claim Deed to Hernando County.

**Mr. Maggard moved, seconded by Ms. Closshey, to approve staff's recommendation as presented. Motion carried unanimously. (Track 8 – 13:43/19:18, Video – 162:48)**

**Submit & File Reports** – None

**Routine Reports**

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

52. **Litigation Report**

53. **Rulemaking Update**

## **COMMITTEE/LIAISON REPORTS**

The following items were provided in the Board's meeting materials or at the meeting.

54. **Joint Agricultural and Green Industry Advisory Committees Meeting**
55. **Other Liaison Reports** – None (Track 8 – 19:18/19:30)

## **EXECUTIVE DIRECTOR'S REPORT** (Video 165:55)

56. **Executive Director's Report**
  - Mr. Guillory thanked staff for their hard work on the budget. He noted that the budget has significantly increased and money is available for reserves, and there is a potential increase in revenue due to interest on reserves and growth. He said staff will provide options for the Board's guidance for these future funds. (Track 8 – 19:30/20:48)

## **CHAIR'S REPORT**

57. **Chair's Report**
  - Chair Beruff thanked the executive team for their tremendous work over the past 18 months that has put the District in the position to provide flexibility to benefit the District and taxpayers both. (Track 8 – 20:48/21:30)

Chair Beruff recessed the public hearing. He noted that the July meeting will be held at the Tampa Service Office and the October meeting will be held in The Villages.

There being no further business to come before the Board, Chair Beruff adjourned the meeting. (Track 8 – 21:30/22:11, Video – 168:37)

The meeting was adjourned at 11:55 a.m.