

APPROVED

MINUTES OF THE MEETING

GOVERNING BOARD  
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

WAUCHULA, FLORIDA

AUGUST 24, 2010

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:37 a.m. on August 24, 2010, at the Hardee County Agri-Civic Center in Wauchula. The following persons were present:

Board Members Present

Ronald E. Oakley, Chair  
Hugh Gramling, Vice Chair  
H. Paul Senft, Secretary  
Douglas B. Tharp, Treasurer  
Jeffrey M. Adams, Member  
Carlos Beruff, Member  
Bryan K. Beswick, Member  
Jennifer E. Closshey, Member  
Neil Combee, Member  
Albert G. Joerger, Member  
Todd Pressman, Member  
Judith C. Whitehead, Member

Staff Members

David L. Moore, Executive Director  
William S. Bilenky, General Counsel  
Lou Kavouras, Deputy Executive Director  
Richard S. Owen, Deputy Executive Director  
Eugene A. Schiller, Deputy Executive Director  
Bruce C. Wirth, Deputy Executive Director

Board's Administrative Support

LuAnne Stout, Administrative Coordinator

Board Member(s) Absent

Maritza Rovira-Forino, Member

A list of others present who signed the attendance roster is filed in the permanent records of the District. This meeting was available for viewing through internet streaming. Approved minutes from previous meetings can be found on the District's Web site ([www.WaterMatters.org](http://www.WaterMatters.org)).

## Public Hearing

1. Call to Order

Chair Oakley called the meeting to order and opened the public hearing. Mr. Senft noted a quorum was present.

2. Pledge of Allegiance and Invocation

Chair Oakley led the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offered the invocation.

## Public Hearing

Chair Oakley 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 Oakley 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 Oakley 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. **Additions/Deletions to Agenda**

Chair Oakley noted for the record that there are no changes to the agenda. He said that the order of consideration has been changed to consider the General Counsel's Report following the Consent Agenda and then the Finance and Administration Committee. (Track 1 – 00:00/05:30)

4. **District Recognition – INROADS Awards**

Ms. Elaine Kuligofski, Director, Human Resources & Risk Management Department (HRD), said at this year's INROADS banquet, the District was a nominee for the Corporate Plus Award relating to companies with four to six interns. Mr. Jan Burke, Bartow Surface Water Regulation Manager, was named Supervisor of the Year. Mr. Eric Ho, a second year, summer INROADS intern in Bartow Regulation, recommended Mr. Burke as Supervisor of the Year. Academic achievement awards were presented to District interns Messrs. German Plazas and Lucio Martinez for their exceptional college-level GPA scores. Mr. Martinez was awarded the Senior of the Year Award recognizing outstanding achievements in academics, work performance, and support of their role in the INROADS partnership. Ms. Brenda Kerrick, HRD, was one of four nominees for the Business Coordinator of the Year Corporate Award. (Track 1 – 05:30/09:10)

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

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

Chair Oakley noted that no requests to speak were submitted. (Track 1 – 09:10/09:20)

## Consent Agenda

Items 16 and 21 were moved from the Consent Agenda to the appropriate committee or report for discussion.

## Resource Management Committee

6. **Non-Exclusive License Agreement to Pasco County for a 30-inch Sanitary Sewer Pipeline – Starkey Wilderness Preserve/Serenova Tract – SWF Parcel Number No. 15-010-059X**

Staff recommended to approve the license agreement between the District and Pasco County for SWF Parcel No. 15-010-059X, and authorize the Land Resources Director to execute the license agreement.

7. **Appraisals, Purchase/Sale Agreements and Resolution Requesting Funds – Anutteliga Hammock Project – SWF Parcel Nos. 15-228-1334, 1335 and 1336**

Staff recommended to (1) accept the appraisals; (2) approve the purchase/sale agreements; (3) approve the resolution requesting funds in the amount of \$68,000; and (4) designate SWF Parcel Nos. 15-228-1334, 1335 and 1336 as having been acquired for conservation purposes.

8. **Third Amendment to Agreement with Pasco County and the Pasco County School Board – Starkey Wilderness Preserve, SWF Parcel No. 16-010-031X**

Staff recommended to (1) approve the Third Amendment to Agreement with Pasco County and the Pasco County School Board for SWF Parcel No. 16-010-031X; and (2) authorize the Land Resources Director to execute the Amendment.

9. **Appraisal and Purchase/Sale Agreement – Regional Observation and Monitor Well Program (ROMP), SWF Parcel No. 19-020-071**  
Staff recommended to accept the appraisal and approve Purchase/Sale Agreement.
10. **Appraisal and Purchase/Sale Agreement – Regional Observation and Monitor Well Program (ROMP), SWF Parcel No. 20-020-107**  
Staff recommended to accept the appraisal; and approve Purchase/Sale Agreement.
11. **Appraisal and Purchase/Sale Agreement – Lake Hancock Outfall Treatment Project, SWF Parcel No. 20-503-109P**  
Staff recommended to accept the appraisal, and approve the acquisition subject to the property owners' acceptance of a District Purchase/Sale Agreement.
12. **Authorize Submission of Preliminary Flood Insurance Rate Maps (FIRMs) for the Crystal River Watershed in Citrus County to the Federal Emergency Management Agency (FEMA)**  
Staff recommended to authorize staff to submit the preliminary FIRMs for the Crystal River Watershed in Citrus County to FEMA.
13. **Approve Resolution 10-12, Reallocation of Funds Appropriated by the State in Fiscal Years (FY) 2006 and 2008 – Water Protection and Sustainability Trust Fund (WPSTF)**  
Staff recommended to adopt Resolution No. 10-12 which reallocates \$1,580,462 in FY2006 and FY2008 state WPSTF from cancelled and/or projects completed under budget: reallocated from South Tampa Area Reclaimed Water Expansion II (K655) - \$1,126,000, CF Industries Aquifer Recharge and Recovery (H062) - \$193,814, Town of Dundee Reuse (L553) - \$136,867, and City of Winter Haven Northern Reuse Service Area Reclaimed Main Extension (N075) - \$120,328, and Zephyrhills Reclaimed Water Extension (L824) - \$3,453; and reallocated to Lake Hancock Outfall Structure P-11 Replacement (H009) - \$1 million, City of Haines City Southern Area Reuse Transmission Extension (N065) - \$248,400, Peace River Manasota Regional Water Supply Authority (PRMRWSA) Regional Integrated Loop System Phase 2 Interconnect (H051) - \$166,031, and PRMRWSA Regional Integrated Loop System Phase 3A Interconnect (H052) - \$166,031.
14. **Budget Transfers and Board Encumbrances for Lake Hancock Projects**  
Staff recommended to (1) authorize the transfer of \$2,250,000 of state West-Central Florida Water Restoration Action Plan funds from the Lake Hancock Outfall Structure P-11 Replacement (H009) to the Lake Hancock Lake Level Modification (H008) and Lake Hancock Outfall Treatment System (H014) as presented, and encumber the funds; and (2) authorize the transfer of \$1.5 million of General Fund and Basin funds from the Lake Hancock Lake Level Modification (H008) to the Lake Hancock Outfall Structure P-11 Replacement (H009) as presented, and encumber the funds.
15. **Board Encumbrances**
  - a. **Acquisition of Monitor Well Sites**  
Staff recommended to approve the encumbrance of up to \$320,000 in remaining Fiscal Year 2010 funds for ongoing acquisition and use in obtaining necessary due diligence (e.g., title work, surveys, environmental site assessments, etc.) necessary to acquire monitor well sites.
  - b. **Facilitating Agricultural Resource Management Systems**  
Staff recommended to approve the encumbrance up to \$681,194, or the remaining dollars available, from the Fiscal Year 2010 budget for future year FARMS projects.
  - c. **Flatford Swamp Hydrologic Restoration/Implementation Project**  
Staff recommended to approve the encumbrance of \$950,000 (of which \$475,000 is from the General Fund, and \$475,000 is from the Manasota Basin Board), without a contract, to be used in Fiscal Year 2011 for implementation of the Flatford Swamp Hydrologic Restoration/Implementation Project.

- d. **Lake Hancock Lake Level Modification Project**  
Staff recommended to approve the encumbrance of \$2,977,370 (of which \$1,488,685 is from the General Fund, \$372,171.25 is from the Alafia River Basin, \$744,342.50 is from the Peace River Basin, and \$372,171.25 is from the Manasota Basin), without a contract, to be used in Fiscal Year 2011 for implementation of the Lake Hancock Lake Level Modification project.
- e. **Lake Hancock Outfall Treatment Project**  
Staff recommended to approve the encumbrance of \$1,529,430, without a contract, for the Lake Hancock Outfall Treatment Project to be used in Fiscal Year 2011.
- f. **Well Construction Funds – Hydrologic Characterization of Lake Tsala Apopka**  
Staff recommended to approve the encumbrance of up to \$38,736, or the remaining dollars available, from Fiscal Year 2010 funds for completing the installation of the monitor wells associated with the Hydrologic Characterization of Lake Tsala Apopka.
- g. **Well Construction Funds Associated with the Wetlands Monitoring Network Expansion Project**  
Staff recommended to approve the encumbrance of up to \$52,356, or the remaining dollars available, from Fiscal Year 2010 funds for completing the installation of the monitor wells associated with the Wetlands Monitoring Network Expansion Project.

#### Regulation Committee

- 16. **Florida Department of Transportation (FDOT) Mitigation Plan – Amendment I-75 (SR 93) – Tuckers Grade to North Jones Loop Road (ERP Application No. 43035560.000)** – This item was moved for discussion.

#### Finance & Administration Committee

- 17. **Budget Transfer Report**  
Staff recommended to approve the Budget Transfer Report covering all budget transfers for July 2010.
- 18. **General Services Department Fiscal Year (FY) 2010 Encumbrances – Facilities**  
Staff recommended to authorize the encumbrance of \$550,000 in the FY2010 Capital Improvement Program Facilities Fund budget for the Bartow Building 1 for work to be completed during FY2011.
- 19. **Information Resources Department FY2010 Encumbrances – Multi-Year Funded Projects**  
Staff recommended to encumber funds in an amount not to exceed \$1,963,060 in FY2010 for the purchase of multi-year funded systems to be implemented in FY2011.
- 20. **Information Resources Department FY2011 Sinking Fund Transfers**
  - a. **Planned Replacement of Personal Computers**  
Staff recommended to transfer FY2011 funds from the Computer Renewal and Replacement Sinking Fund account to the FY2011 IRD operational accounts for execution of the planned supplemental purchase of replacement personal computers and related software at a cost not to exceed \$100,000 contingent on final Board approval of the FY2011 Annual Service Budget.
  - b. **Planned Upgrade and Expansion of Network Servers**  
Staff recommended to transfer FY2011 funds from the Computer Renewal and Replacement Sinking Fund account to IRD operational accounts for the planned FY2011 purchase of network upgrades and expansion equipment from the State of Florida Contract at a cost not to exceed \$225,000 contingent on final Board approval of the FY2011 Annual Service Budget.

#### General Counsel's Report

- 21. **Initiation of Litigation – Surface Water Activity - McGrady Road Nursery, LLC – Hillsborough County** – This item was moved for discussion.

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

Staff recommended to 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.

23. **Initiation of Litigation – Well Construction - License No. 9247 - Waylon Howard, Jr. – Hillsborough County**

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

**Executive Director's Report**

24. **Annual Calendar of FY2011 Meeting Dates**

Staff recommended to approve the Fiscal Year 2011 annual meeting calendar as presented.

25. **Approve Governing Board July 27, 2010 Meeting Minutes**

Staff recommended approval of the minutes as presented.

Following consideration, **Mr. Gramling moved, seconded by Ms. Closshey, to approve the Consent Agenda as amended. Motion carried unanimously.** (Track 1 – 09:20/10:20)

**General Counsel's Report**

Consent Agenda Item 21 was moved to General Counsel's Report Discussion Items. Mr. Pressman noted that he will file a conflict of interest for Item 21.

***Discussion Items***

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

21. **Initiation of Litigation – Surface Water Activity - McGrady Road Nursery, LLC – Hillsborough County**

Mr. Jack Pepper, Deputy General Counsel, said in February 2009 the District received a complaint regarding the placement of fill material on property owned by McGrady Road Nursery, LLC (McGrady or Owner). After a review of aerial images of the site, District staff issued a Notice of Unauthorized Construction on March 3, 2009, indicating that a large amount of fill had been placed on the property without the required Environmental Resource Permit (ERP). Mr. Pepper then provided an overview of activities and communications which have occurred with the Owner. Because the Owner did not provide any response to District staff's March 19, 2010 letter, a Notice of Violation and proposed Consent Order was issued on May 12, 2010, to address the unauthorized construction activities. The proposed Consent Order required Owner to either submit an ERP application or a proposed Restoration Plan and assessed penalties and costs totaling \$19,899.

Chair Oakley noted that two speaker cards had been submitted.

Mr. Paul Savich, representing the Owner, said the March 19, 2010 letter was not received. He said he met with the Office of General Counsel last week and now understands what is required. He said he has contacted several engineering firms to acquire services to fulfill the requirements. He requested a 90-day extension to come to agreement with the District.

Mr. Ernest Haefele, resident of Riverview, said he was with Mr. Savich who has aptly stated the facts. He said they are working on a solution to this situation and are making progress. (Track 1 – 10:20/16:55)

Ms. Alba Más, Director, Tampa Regulation Department, said staff has requested the Owner to submit a permit or exemption to demonstrate that there is no floodplain encroachment, no impact to wetlands, etc.

Mr. Pepper said staff's recommendation is to authorize the initiation of litigation against McGrady Road Nursery, LLC, and any other appropriate parties to obtain compliance, a monetary penalty, and recovery of District enforcement costs, court costs, and attorney's fees. He said if the Owner hires an engineer and submits a proposal, staff will consider that information before filing a lawsuit.

Following consideration, **Mr. Gramling moved to approve the staff recommendation and allow 90 days to ensure that staff does not have to return to the Board for additional approval. Ms. Closshey seconded the motion.**

Discussion ensued regarding clarification of the 90-day time period. Mr. Bilenky said the motion authorizes staff to file litigation and to cooperatively work with the Owner for up to 90 days as long as the permittee cooperates.

**Chair Oakley called the question and the motion carried unanimously. Mr. Pressman abstained from voting.** (Track 1 – 16:55/23:45)

**Submit & File Reports** – None

**Routine Reports**

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

55. **Litigation Report**

56. **Rulemaking Update**

(Track 1 – 23:45/24:07)

Chair Oakley relinquished the gavel to Regulation Committee Chair Beruff.

**Regulation Committee**

Consent Agenda Item 16 was to Regulation Committee Discussion Items.

**Discussion Items**

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

16. **Florida Department of Transportation (FDOT) Mitigation Plan – Amendment I-75 (SR 93) – Tuckers Grade to North Jones Loop Road (ERP Application No. 43035560.000)**

Committee Chair Beruff said one speaker card has been submitted.

Mr. Don Ross, representing EarthBalance Corporation who are mitigation bankers, said he is supporting this item. He said this translates into the District buying a credit from a mitigation bank to satisfy FDOT's mitigation needs. He explained why it is a good program and why it is good to buy credits. (Track 1 – 24:07/28:20)

Mr. Moore said there are significant policy issues in terms of mitigation banks, and encouraging the growth of mitigation banks as opposed to how they relate to District lands and the FDOT program. He suggested this issue be a discussion item before the Board in coming months.

Mr. Owen said staff's recommendation is to approve the Little Pine Island Mitigation Bank to provide appropriate mitigation for the proposed 1.1 acres of wetland impacts associated with the construction of the referenced I-75 segment.

Following consideration, **Mr. Senft moved, seconded by Mr. Joerger, to approve the staff recommendation. Motion carried unanimously.** (Track 1 – 28:20/29:30)

38. **Denials Referred to the Governing Board**

There were no requests for applications or petitions referred to the Governing Board for final action.

***Submit & File Report***

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

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

***Routine Reports***

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

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

41. **Overpumpage Report**

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

43. **Resource Regulation Significant Initiatives**

Mr. Owen noted that, at the Board's last meeting, Ms. Closshey requested a status report on the desalination plant. Mr. Moore provided a status update and said staff is working to ensure the settlement agreement is being met. Discussion ensued regarding Tampa Bay Water's Optimized Regional Operations Plan (OROP); violation of a legal agreement; staff report to Board about a plan, strategy and structure to understand the future and serve the public's interest; not using plant due to costs but it should not sit idle; successful partnership story to provide a sustainable water supply for the region; continue to work with Tampa Bay Water as a partner; communicate business reason; difference of perspective; balance relationships throughout the entire District to be fair, equitable and using resources wisely; presentation to the Board next month by staff and Tampa Bay Water to understand the situation in terms of the agreement and how to move forward; and what is the amount of water needed to sustain the region and take care of the environment. Board members requested a formal report from staff within a week and also apprised on a daily basis, as well as discussion at the next Board meeting. In response to questions regarding the production report, Mr. Gramling said he recommended deleting the routine report due to its length and is now requesting that the report return to the Board meeting materials. Board members voiced their concern that they rely on staff and need assurance they are kept informed on issues. The Board suggested a monthly report on major utilities and then a quarterly update on the entire report. (Track 1 – 00:29:30/01:02:20)

Regulation Committee Chair Beruff relinquished the gavel to Finance and Administration Committee Chair Tharp.

## Finance and Administration Committee

### *Discussion Items*

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

50. **Fiscal Year 2011 Budget Update**

Committee Chair Tharp said the Board will be provided updates as follows: Executive Director overview and outlook, Long-Range Funding Plan FY2011-2030, Regulation Division work plan and staffing analyses, Watershed Management Program/Federal Emergency Management Agency Floodplain Mapping and associated staffing, and budget since the July Governing Board. He said the objective is to achieve consensus by the Board on several issues related to the budget in preparation for the first budget hearing. The District's FY2011 budget will be adopted in September following two public Truth in Millage budget hearings. The first hearing is scheduled for 5:01 p.m. at the Tampa Service Office on September 14, 2010. The Executive Office of the Governor will review and approve the budgets of all five water management districts before the second and final public hearing. The second and final hearing is scheduled for 5:01 p.m. at District headquarters in Brooksville on September 28, 2010, following the monthly Governing Board meeting. (Track 1 – 01:02:20/01:04:36)

Mr. Moore provided an overview of the District's portfolio of active projects and initiatives. This also included a review of the ten-year history of cash and fund balance, projected through September 30, 2010, and the ten-year history of revenues and expenditures also projected through the end of FY2010 or September 30, 2010, with proposed revenues for FY2011 and projected for FY2012 and FY2013. Mr. Moore reported the proposed FY2011 budget includes \$206 million in new revenues and \$74 million in balances from prior years (not revenue in current year). New revenues for FY2012 and FY2013 are based on the assumption that taxable property values will decline by five percent in FY2012 and remain steady for FY2013, with the existing millage rate (0.3866) for the Governing Board and the recommended millage rates adopted by the Basins in August. Expenditure categories include salaries and benefits; operating expenses; operating capital outlay; fixed capital outlay (land acquisitions and related costs); and projects and initiatives, including the District's Cooperative Funding Initiative, Basin Initiatives, data collection and monitoring and other contracted services. For the first time in recent history, expenditures exceeded revenues in FY2009 and this is projected to occur again in FY2010. Encumbrances for major water supply and other water management projects initiated in the mid-2000s are beginning to be completed and funds reimbursed to cooperators. The Governing Board can expect to see the level of cash, encumbrances and fund balance declining over the next few years as projects are completed and the budget profile is reduced. (Track 1 – 01:04:36/01:16:55)

Following discussion, Board members were in agreement that the Board needs to be more involved and should set priorities on a policy level regarding projects, how determined and alternatives available. Board members suggested a workshop for the Board to work together to set priorities and plan for the future. Following Board member discussion regarding the General Fund millage rate, Mr. Combee said he wanted the record to reflect he recommends reducing the millage rate. (Track 1 – 01:16:55/01:31:37)

Mr. Schiller provided an overview of the ten-year history of revenues and expenditures, the budget for FY2011, and projections for the next few years to show how this fits into the District's long-term planning process. This analysis is highly sensitive in that the various assumptions yield significantly different projected results, impacting decision making



today. There are three major categories of revenues: ad valorem revenue; balance forward funds budgeted in one year, but not spent that year; and state, federal and local funding, which in recent past years has been substantial. Other sources of revenue include interest earnings, permit fees and miscellaneous revenue. Total revenues appear to be returning to the levels seen earlier this decade, at the current millage. Governing Board ad valorem revenue in the early 2000s was in the \$60 million to \$70 million range. In FY2007 and FY2008, ad valorem revenue rose to almost \$150 million. For FY2011, at the current millage rate of 0.3866, ad valorem revenue is projected to be \$107 million. If the millage, for illustrative purposes, was reduced to 0.3700 mill, ad valorem would be 4.3 percent or \$4.6 million lower, and the impact of the reduction would continue in FY2012 and beyond. Key to the financial projections is what property values (projected annual 3.0 percent growth from FY2014-2030) will do over the next few years and assumptions used in the financial model. Discussion ensued regarding funds encumbered and designated for projects, as well as funds available for operating expenses. (Track 1 – 01:31:37/02:15:33)

Committee Chair Tharp said one speaker card had been submitted.

Mr. Jim Freeman, Polk County Deputy Manager, said he was here today to provide a local government perspective. He commented on broad budget policies, the Southern Water Use Caution Area Recovery Strategy's associated expenses, and other regional project costs in today's financial climate. (Track 1 – 02:15:33/02:20:54)

At this time, the meeting recessed to provide a half-hour lunch break.

Chair Oakley recognized Mayor David Royal of the City of Wauchula and thanked the Peace River Valley Citrus Growers Association for providing orange juice for today's meeting. (Track 1 – 02:20:54/02:21:46)

The public hearing and meeting reconvened at 12:32 p.m.

Mr. Wirth reviewed the implications to meet District priorities regarding water supply and resource development through 2030 at reduced funding levels. He noted the first set of alternative projects are about to conclude putting the backbone in place to support the revised planning horizon projections which have changed significantly due to the economy and demand. He reviewed trends for the Long-Range Funding Plan for FY2011-2030 with and without expenses for the Regional Aquifer Recharge Project. Discussion ensued regarding funding implications, trends and demands. Ms. Closshey requested this same information be provided broken down by Basin. (Track 2 – 00:00/54:10)

Mr. Owen provided an overview of the Regulation Division work plan and staffing analyses, and how the District is responding to changing workloads and priorities. He reviewed the tool used for the past 10 years to assist in the management of regulatory staff requirements, results, and implications for today and future scenarios. Total workload is more than permit applications received and includes compliance, enforcement and other essential services. Regulation staff has been assigned also to support mission-critical areas, including the FEMA/Watershed initiative. Other priority activities include water use permitting, elimination of compliance backlog, and field inspections/verifications of permittee data and reports. Ms. Closshey requested information on how each division has determined staffing requirements. (Track 2 – 00:54:10/01:43:00)

(Messrs. Pressman and Beruff left the meeting.)

Mr. Mark Hammond, Director, Resource Projects Department, provided an overview of the Watershed Management Program/Federal Emergency Management Agency (FEMA) Floodplain Mapping, workload analyses and associated staffing. In 2001, the District entered into agreement with FEMA as a Cooperating Technical Partner and has received approximately \$13.8 million for updating maps in Pasco, Sarasota, Hernando, Marion, Polk, Hardee, DeSoto, Citrus, Levy, Sumter and Highlands Counties. Florida has about 40 percent of the nation's flood insurance policies. (Track 2 – 01:43:00/02:01:20)

Mr. Moore said the District has held the line on regular staff positions at 736 since the 1990s. Responsibilities increased in early to the mid-2000s, and temporary employee and contractual positions were added on durational basis to address additional workloads. The temporary employee staffing has been reduced by eliminating 17 temporary employee positions and 24 temporary contractual positions for a total of 41 positions in FY2010 and proposed for FY2011. Review of positions for additional reductions is ongoing, and the goal over the next couple of years is to reduce temporary and contractual positions to under 100. (Track 2 – 02:01:20/02:05:47)

Mr. Schiller reviewed the FY2011 Budget Summary Comparison of All Funds expenditures and changes from July 27, 2010 to August 18, 2010. Staff recommended to accept the August Budget Update. (Track 2 – 02:05:47/02:08:00)

Following consideration, **Mr. Gramling moved to accept the budget update and set the millage at 0.3770. Mr. Adams seconded the motion. The motion carried with Ms. Closshey, Mr. Joerger, Mr. Senft and Ms. Whitehead voting in opposition.** (Track 2 – 02:08:00/02:10:35)

Committee Chair Tharp thanked staff for the details and analyses provided today. He said the District is in good hands but a lot of work is yet to be accomplished relating to Tampa Bay Water and the desalination plant, use of surplus funds, and more importantly the need for setting priorities and further project analysis for the future. He thanked the Board for their depth of questions and interest in managing the valuable resources of the District. (Track 2 – 02:10:35/02:11:40)

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

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

51. **July 2010 Interim Report on Workforce and Vendor Diversity**

### ***Routine Reports***

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

52. **Treasurer's Report, Payment Register, and Contingency Reserves**
53. **Management Services Significant Activities**

Committee Chair Tharp relinquished the gavel to Resource Management Committee Chair Joerger.

Following discussion, the Board agreed to hold a workshop on September 28, 2010, following the monthly meeting and before the final budget hearing. (Track 2 – 02:11:40/02:14:50)

(Ms. Whitehead left the meeting.)

## Resource Management Committee

### *Discussion Items*

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

27. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said rainfall totals for July, the second month of the four-month annual wet season, were less than expected, with half of the monthly total occurring during the first week of July. Rainfall for the month was below-normal in the northern and southern regions of the District and below the historic mean in the central region. Rainfall was scattered, regionally variable, and associated with sea breeze and convective rainstorm activity that tended to be stationary, delivering considerable amounts of rainfall in a short period of time in localized areas. The provisional District-wide 12-month rainfall accumulation shows a deficit of approximately 1.3 inches below the long-term average. The 24- and 36-month cumulative rainfall deficits increased during July, ending the month approximately 7.6 and 10.3 inches, respectively, below the historic average. Changes to hydrologic indicators were mixed throughout the month of July. Regional streamflow conditions showed improvement early in the month, and then general declines through the end of the month. Groundwater levels showed declines in the northern region, while they rose in the central and southern regions. Regional lake levels saw improvement, ending the month at the low-end of the annual normal range in the Tampa Bay region, while remaining at below-normal levels in the Northern, Polk Uplands and Lake Wales Ridge regions. (Track 2 – 02:14:50/02:22:00)

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

28. **Southern Water Use Caution Area Recovery Strategy Status Report**

Ms. Jill A. Hood, P.G., Senior Professional Geologist, Hydrologic Evaluation Section, Resource Projects Department, provided the Board with the annual update and status of the District's efforts to monitor the recovery of water levels and flows in the Southern Water Use Caution Area (SWUCA). The purpose of the SWUCA Recovery Strategy is to provide a plan for reducing the rate of saltwater intrusion and restore low flows to the upper Peace River and lake levels by 2025, while ensuring sufficient water supplies and protecting the investments of existing water use permittees. The strategy has six basic elements: regional water supply planning, use of existing rules, enhancements to existing rules, alternative water supply development, resource recovery projects, and resource monitoring and reporting. The success of the SWUCA Recovery Strategy will be determined through continued monitoring of the resource. The District uses an extensive monitoring network to assess actual versus anticipated trends in water levels, flows and saltwater intrusion. Additionally, the District conducts an assessment of the cumulative impacts of the factors affecting recovery. (Track 2 – 02:22:00/02:54:00)

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

29. **Initiate and Approve Rulemaking to Amend Rule 40D-26, Florida Administrative Code (F.A.C.), Facilitating Agricultural Resource Management Systems (FARMS) Program, and Adopt Revised FARMS Application Form**

Mr. Eric C. DeHaven, P.G., Director, Resource Data and Restoration Department, noted that these revisions will allow funding assistance for projects that reduce frost/freezing protection withdrawals and to request initiation and approval of rulemaking to adopt the updated application form and the publication setting forth the most recent Model FARMS economic comparison figures. If the initiation of rulemaking to amend the rules as

proposed is approved, staff will proceed with rulemaking without further Governing Board action unless substantive comments are received or changes are proposed by the public during the rulemaking process, in which case this matter will be brought back to the Board for further action.

Staff recommended to approve revisions to the FARMS Program Funding Application Form to be numbered as District Form No. LEG-R.22.02 (8/10) and authorize rulemaking to (1) incorporate the form by reference in Rule 40D-26.201, F.A.C.; (2) list the form in Rule 40D-1.659, F.A.C.; (3) replace references to the District's 2001 Model FARMS Cost publication with the Model FARMS Economic Update, effective June 2009, in Rules 40D-26.021 and 40D-26.091, F.A.C.; (4) modify eligibility requirements in Rule 40D-26.101, F.A.C., to allow FARMS Program funding assistance for projects that reduce frost/freeze protection withdrawals; and (5) modify Rule 40D-26.401, F.A.C., to provide 75 percent cost-share rate for projects that reduce frost/freeze quantities in the Dover/Plant City area. Following consideration, **Ms. Closshey moved, seconded by Mr. Senft, to approve the staff recommendation as presented. Motion carried unanimously.** (Track 2 – 02:54:00/02:55:00)

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

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

30. **Scientific Peer Review Report for Chassahowitzka River System and Staff Response**
31. **Proposed Minimum Flows Update for the Lower Myakka River Prior to Independent Scientific Peer Review**

### ***Routine Reports***

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

32. **Florida Forever Funding**
33. **Minimum Flows and Levels**
34. **Structure Operations**
35. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
36. **Significant Water Supply and Resource Development Projects**  
(Track 2 – 02:55:00/02:55:30)

Resource Management Committee Chair Joerger relinquished the gavel to Outreach and Planning Committee Chair Beswick.

## **Outreach and Planning Committee**

***Discussion Items*** – None

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

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

44. **2012 Strategic Plan Update**

### ***Routine Reports***

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

45. **Comprehensive Plan Amendment and Related Reviews**
46. **Development of Regional Impact Reviews**
47. **Speakers Bureau**

48. **Significant Activities**

- Ms. Kavouras said that, every seven years, the Department of Community Affairs requires cities and counties to provide an Evaluation and Appraisal Report (EAR) to evaluate how successful the major community issues have been addressed. The DCA is holding workshops around the state and since water resource planning is becoming a major focus of comprehensive plans and EARs, the District's Planning staff has been invited to attend and give presentations on regional water supply planning and other types of issues. She said it is a great partnership and staff appreciates the opportunity to work with DCA.
- Ms. Kavouras said the Communications Department received two Awards of Distinction at the Florida Public Relations State Public Image Awards for the 2010 *Skip-a-Week* Service Advertising Campaign and the *Get Outside!* Campaign.
- Ms. Kavouras said the District now has its first commercial Florida Water Star<sup>SM</sup> property, Kyro InfoTech, Inc. in Lakeland. This is the first property certified in the commercial and institutional category. The indoor water savings is about 30 percent, and 100 percent of water used within the building is treated and used for irrigation outdoors.
- Ms. Kavouras noted that the fourth *Get Outside!* event is scheduled for October 23, 2010, at Potts Preserve in Citrus County.

(Track 2 – 02:55:30/02:59:48)

Outreach and Planning Committee Chair Beswick relinquished the gavel to Chair Oakley.

## **Executive Director's Report**

57. **Executive Director's Report**

- Mr. Moore said presentations on the Plant City/Dover issue have been provided to the Plant City Council, Plant City Kiwanis and AgriTech Conference laying out the strategy as it was developed for attendees' information. He noted that it was well received and now staff is working toward rulemaking which will come back to the Board in the October/November timeframe. (Track 2 – 02:59:48/03:01:05)

## **Chair's Report**

58. **Chair's Report**

- Chair Oakley thanked District staff members for preparing the financial review and staffing report. Mr. Tharp thanked staff involved in setting up for today's meeting.
- Chair Oakley noted the tentative budget hearing at 5:01 p.m. in the Tampa Service Office on September 14, 2010, followed by the 2010 freeze event workshop in Plant City at 6:30 p.m.
- Chair Oakley said the September 28, 2010 monthly meeting will be followed by a workshop before the 5:01 p.m. final budget hearing in Brooksville. The Board's direction for the workshop includes:
  - Mr. Gramling said the Board needs to review major areas within the current budget, then set future priorities and guidance.
  - Mr. Joerger said the Board should look at its charge and review the areas where investments are being made (i.e., water supply, environment, agriculture), then look at the needs and economic resource base to ensure equitable allocation as it relates to water.
  - Ms. Closshey said Mr. Combee suggested Board members provide feedback over the next couple of days. Chair Oakley asked Board members to provide their workshop suggestions to Ms. Kavouras by Friday of this week. Mr. Senft requested that Ms. Kavouras send an email reminder to Board members.

- Ms. Closshey said Board members should identify key policy positions the Board has taken and evaluate whether still on track.
- Mr. Adams said Board members need to review the Board's goals and policies, evaluate the current status, and look toward the future to revise if needed.
- Ms. Closshey said Board members should discuss what decisions lie at the Board level and what decisions lie at the staff level.
- Ms. Closshey said Board members should review the Board's decision-making process to ensure an understanding of how particular outcomes are reached.

There being no further business to come before the Board, Chair Oakley requested a motion to adjourn the meeting until the next regularly scheduled meeting. **Mr. Joerger moved, seconded by Mr. Combee, to adjourn. Motion carried unanimously.** (Track 2 – 03:01:05/03:06:43)

The meeting was adjourned at 3:43 p.m.