

APPROVED

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

SEPTEMBER 25, 2012

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 4:00 p.m. on September 25, 2012, at the District's Tampa Service Office. The following persons were present:

Board Members Present

H. Paul Senft, Chair
Douglas B. Tharp, Secretary
Albert G. Joerger, Treasurer
Jeffrey M. Adams, Member
Michael A. Babb, Member
Wendy Griffin, Member
Randall S. Maggard, Member
Todd Pressman, Member

Board Member(s) Teleconferencing

Jennifer E. Closshey, Member

Board Member(s) Absent

Carlos M. Beruff, Member

Staff Members

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

Board's Administrative Support

Lori Manuel, Administrative Coordinator
Randy Emberg, Video Production Engineer

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

PUBLIC HEARING (Video – 00:00)

1. Call to Order

Chair Senft called the meeting to order at 4:00 p.m. and opened the public hearing. Mr. Tharp noted a quorum was present.

Public Hearing

Chair Senft introduced each member of the Governing Board. He noted that the Board's meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Senft stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Senft stated that comments would be limited to three minutes per speaker and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson. (00:00/03:38)

3. **Oath of Office for Newly Appointed or Reappointed Governing Board Members**

Ms. Lou Kavouras, Bureau Chief, Board and Executive Services, administered the Oath of Office to Ms. Wendy Griffin who was appointed by Governor Scott on September 6, 2012 to represent Hillsborough County on the District's Governing Board and serve until March 1, 2016. (03:38/04:35, Video – 04:02)

4. **Discussion of Vice Chair Vacancy** (Video – 04:51)

Ms. Donaldson noted that, according to Board Policy 110-7, Election of Governing Board Officers, a vacancy in any office shall be filled at the next meeting after the vacancy occurs unless delayed to a date certain by action of the Board. The office of the Vice Chair is currently vacant, and the Board may discuss its options for filling the vacancy or delaying action. Discussion ensued with clarifying comments by Ms. Donaldson.

Mr. Maggard moved for the Board to select a non-officer member as Vice Chair to serve until May 21, 2013. Mr. Babb seconded the motion. (04:35/11:15)

Discussion ensued to consider moving the current officers up to the next officer position and elect a new Treasurer, delaying selection to next month, and the purpose of having an officer succession plan.

Chair Senft called the question and the motion failed. (11:15/21:45)

Mr. Pressman nominated Mr. Tharp as Vice Chair based on succession. Ms. Closshey nominated Mr. Babb as Vice Chair. **Mr. Joerger moved to close nominations, and Mr. Adams seconded the motion. The Board voted unanimously to close nominations and cast their ballots.** Ms. Donaldson collected the ballots and tallied the results. **Chair Senft announced Mr. Tharp's election as Vice Chair.**

Mr. Pressman nominated Mr. Joerger as Secretary based on the Board's officer structure. **Mr. Tharp moved to close nominations. Chair Senft called the question to close nominations and elect Mr. Joerger as Secretary by acclamation. Mr. Pressman moved to elect Mr. Joerger by acclamation. Chair Senft called the question and the motion carried. Chair Senft announced Mr. Joerger's election as Secretary.**

Mr. Joerger nominated Mr. Adams as Treasurer. **Mr. Tharp moved to close nominations. Chair Senft called the question to close nominations and elect Mr. Adams as Treasurer by acclamation. Mr. Joerger moved to elect Mr. Adams by acclamation. Chair Senft called the question and the motion carried. Chair Senft announced Mr. Adams' election as Treasurer. (21:45/30:05)**

5. **Additions/Deletions to Agenda**

Mr. Guillory noted there is one deletion and one item moved for discussion purposes:

CONSENT AGENDA

General Counsel's Report

The following item was moved from the Consent Agenda to the General Counsel's Report for discussion:

18.b. Approve Amendments to Rule 40D-2.321, F.A.C., to comply with Section 373.236, Florida Statutes (F.S.), Regarding Duration of Permits and to be More Consistent with the Other Water Management Districts

The following item was deleted:

18.c. Approve Amendments to Rule 40D-2.322, F.A.C., to Incorporate Changes Necessitated by the Florida Department of Environmental Protection's Guidance for Consumptive Use Permit Compliance Reporting Requirements and Review Memorandum

There being no objection, Chair Senft accepted the amended agenda. (30:05/32:10)

7. **Public Input for Issues Not Listed on the Published Agenda** – None

CONSENT AGENDA (Video – 31:28)

Item 18.b. was moved to the General Counsel's Report for discussion. Item 18.c. was deleted from consideration.

Regulation Committee

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

a. **WUP No. 20009687.010 – Williams Farm Partnership / Williams Farm Partnership (Charlotte County)**

Staff recommended the Board approve the proposed permit provided in the Board's meeting materials.

b. **WUP No. 20013343.000 – Manatee County BOCC / Manatee County Utilities Consolidated Permit (Manatee County)**

Staff recommended the Board approve the proposed permit provided in the Board meeting materials.

Operations & Land Management Committee

9. **Progress Energy – Zephyrhills North 230 kV Transmission Line Project – Perpetual Easement**

Staff recommended the Board accept the value proposed by Progress Energy for the Perpetual Utility Easements and approve the Perpetual Utility Easements and authorize the Chairman and Secretary to execute the instruments.

10. **Lease Agreement with Clear Channel Communications for Operation and Maintenance of a Billboard on District Lands, SWF Parcel No. 15-228-134X**

Staff recommended the Board approve the lease agreement with Clear Channel Communications for Operation and Maintenance of a Billboard on District Lands, SWF Parcel No.15-228-134X.

Resource Management Committee

11. **Five-Year Water Resource Development Work Program**

Staff recommended the Board authorize staff to submit the proposed Five-Year Water Resource Development Work Program to the Florida Department of Environmental Protection for review.

12. **Withlacoochee Regional Water Supply Authority Irrigation Evaluation – First Amendment**

Staff recommended the Board approve the first amendment to the existing agreement with WRWSA to change the Project Manager for the District and WRWSA; modify the scope of work to decrease the number of follow-up evaluations from 100 percent to 50 percent of the total evaluations performed; extend the task deadlines; reduce the total cost of the project from \$200,000 to \$156,250, thereby reducing WRWSA's funding obligation from \$100,000 to \$78,125; and authorize the Division Director to execute the amendment.

13. **Authorize Submission of Preliminary Flood Insurance Rate Maps to the Federal Emergency Management Agency**

a. **Citrus County – Cardinal Lane Watershed**

Staff recommended the Board authorize staff to submit the preliminary FIRMs for the Cardinal Lane watershed in Citrus County to FEMA.

b. **Polk County – Polk City Watershed**

Staff recommended the Board authorize staff to submit the preliminary FIRMs for the Polk City watershed in Polk County to FEMA.

14. **Facilitating Agricultural Resource Management Systems (FARMS)**

a. **M & V, LLC (H682), DeSoto County**

Staff recommended to (1) approve the M & V, LLC project for a not-to-exceed project reimbursement of \$131,625 with \$131,625 provided by the Governing Board;

- (2) authorize the transfer of \$131,625 from fund 010 H017 Governing Board FARMS Fund to the H682 M & V, LLC project fund; and (3) authorize the Resource Management Division Director to execute the agreement.
- b. **Sydney Farms, Inc. (H679), Hillsborough County**
Staff recommended to (1) approve the Sydney Farms, Inc., project for a not-to-exceed project reimbursement of \$45,000 with \$45,000 provided by the Governing Board Basin Fund; (2) authorize the transfer of \$45,000 from fund 013 H017 Governing Board Basin FARMS funds to the H679 Sydney Farms, Inc., project fund; and (3) authorize the Resource Management Division Director to execute the agreement.
- c. **Three Star Farms, Inc. (H680), Hillsborough County**
Staff recommended to (1) approve the Three Star Farms, Inc., project for a not-to-exceed project reimbursement of \$45,000 with \$45,000 provided by the Hillsborough River Basin Fund; (2) authorize the transfer of \$45,000 from fund 013 H017 Hillsborough River Basin FARMS funds to the H680 Three Star Farms, Inc., project fund; and (3) authorize the Resource Management Division Director to execute the agreement.
- d. **Strawberry Ranch, Inc. (H681), Hillsborough County**
Staff recommended to (1) approve the Strawberry Ranch, Inc. project for a not-to-exceed project reimbursement of \$45,000 with \$45,000 provided by the Governing Board Basin Fund; (2) authorize the transfer of \$45,000 from fund 010 H017 Governing Board Basin FARMS funds to the H681 Strawberry Ranch, Inc. project fund; and (3) authorize the Resource Management Division Director to execute the agreement.
- e. **Winfred & Sue Harrell Investments, LLLP (H687), Hillsborough County**
Staff recommended to (1) approve the Winfred & Sue Harrell Investments, LLLP, project for a not-to-exceed project reimbursement of \$69,330 with \$69,330 provided by the Governing Board; (2) authorize the transfer of \$69,330 from fund 010 H017 Governing Board FARMS Funds to the H687 Winfred & Sue Harrell Investments, LLLP, project fund; (3) authorize the Resource Management Division Director to execute the agreement.
- f. **Gillman Farms, Inc. (H685), Hillsborough County**
Staff recommended to (1) approve the Gillman Farms, Inc. project for a not-to-exceed project reimbursement of \$12,750 with \$12,750 provided by the Hillsborough River Basin Fund; (2) authorize the transfer of \$12,750 from fund 013 H017 Hillsborough River Basin FARMS funds to the 013 H685 Gillman Farms, Inc. project fund; and (3) authorize the Resource Management Division Director to execute the agreement.
- g. **Walter-William Investment Company (H684), Polk County**
Staff recommended to (1) approve the Walter-William Investment Company project for a not-to-exceed project reimbursement of \$62,500 with \$62,500 provided by the Governing Board; (2) authorize the transfer of \$62,500 from fund 010 H017 Governing Board FARMS funds to the H684 Walter-William Investment Company project fund; and (3) authorize the Resource Management Division Director to execute the agreement.
- h. **Bethel Farms, LLLP – Phase 2 (H686), Sumter County**
Staff recommended to (1) approve the Bethel Farms, LLLP – Phase 2 project for a not-to-exceed project reimbursement of \$198,500 with \$47,867 provided by Withlacoochee River Basin Fund and \$150,633 provided by the Governing Board; (2) authorize the transfer of \$47,867 from fund 019 H017 Withlacoochee River Basin FARMS Fund and \$150,633 from fund 010 H017 Governing Board FARMS Fund to the H686 Bethel Farms, LLLP – Phase 2 project fund; and (3) authorize the Resource Management Division Director to execute the agreement.

Finance & Administration Committee

15. **Budget Transfer Report**

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for August 2012.

16. **Board Designated Encumbrances**

a. **Office of Inspector General – Fiscal Year (FY) 2011-12 Encumbrance Request**

Staff recommended the Board approve encumbering funds in an amount not to exceed \$85,000 remaining in the Consultant Services account for use in FY2013.

b. **Information Technology Bureau – FY2011-12 Encumbrance – Residual FY2011-12 Computer Sinking Fund**

Staff recommended the Board approve encumbering funds in an amount not to exceed \$505,000 remaining in the Computer Renewal and Replacement Sinking Fund reserve account for use in FY2013.

General Counsel's Report

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

a. **Settlement – Lake Hancock Lake Level Modification Project – Settlement of SWF Parcel No. 20-503-183-P Via Exchange of Property Interests**

Staff recommended the Board approve the settlement agreement whereby the District will acquire Parcel 20-503-183-P necessary for implementation of the Project.

b. **Initiation of Litigation – Overpumpage - Country Club Utilities, Inc. – Highlands County**

Staff recommended the Board authorize the initiation of litigation against Country Club Utilities, Inc. and any other appropriate parties to obtain compliance, to recover an administrative fine/civil penalty for the violations, and to recover District enforcement costs, court costs and attorney's fees.

18. **Rulemaking**

a. **Initiation and Approve of Rulemaking to Amend Rules 40D-1.659 and 40D-2.091, F.A.C., and Section 7.4 of the Water Use Permitting Basis of Review to Extend the Timeframe for the Submittal of Mitigation Reports and to Incorporate and Require the Submittal of Flow Meter Installation Forms for Permittees in the Dover/Plant City WUCA**

Staff recommended the Board initiate and approve rulemaking to amend Rules 40D-1.659 and 40D-2.091, F.A.C., and Section 7.4 of the Water Use Permitting Basis of Review to Extend the Timeframe for the Submittal of Mitigation Reports and to Incorporate and Require the Submittal of Flow Meter Installation Forms for Permittees in the Dover/Plant City WUCA and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process.

b. **Approve Amendments to Rule 40D-2.321, F.A.C., to comply with Section 373.236, Florida Statutes (F.S.), Regarding Duration of Permits and to be More Consistent with the Other Water Management Districts** – This item was moved for discussion purposes.

c. ~~**Approve Amendments to Rule 40D-2.322, F.A.C., to Incorporate Changes Necessitated by the Florida Department of Environmental Protection's Guidance for Consumptive Use Permit Compliance Reporting Requirements and Review Memorandum**~~ – This item was deleted.

d. **Approve Applicant's Handbook Volume II and Amendments to 40D-4.091, F.A.C., to Incorporate the Applicant's Handbook Volume II by Reference as Part of the Statewide Environmental Resource Permitting Program**

Staff recommended the Board approve the District's Environmental Resource Permitting Applicant's Handbook Volume II and amendments to 40D-4.091, F.A.C., to incorporate Applicant's Handbook Volume II by reference.

Executive Director's Report

19. **Approve Governing Board Minutes – August 28, 2012 Monthly Meeting**

Staff recommends approving the minutes as presented.

Mr. Joerger moved, seconded by Mr. Tharp, to approve the Consent Agenda as amended. Motion carried unanimously. (32:10/33:18)

The order of consideration was altered at this time.

6. **Employee Recognition** (Video – 34:12)

The following staff members who achieved milestones of 20 years or greater for the period of June 1, 2012 to September 30, 2012, were recognized before the Board.

MILESTONE	EMPLOYEE NAME	TITLE	BUREAU	LOCATION
30 Years	Laura Howe	Senior Field Technician	Regulatory Support	Bartow
25 Years	Mike Ames	Field Operations Supervisor	Operations & Land Mgt	Tampa
	Michael Balser	Senior Professional Geologist	Water Use Permit	Tampa

2. **Pledge of Allegiance and Invocation**

Mr. Rathke offered the invocation. Chair Senft led the Pledge of Allegiance to the Flag of the United States of America.

The order of consideration returned to the published agenda. Chair Senft relinquished the gavel to Regulation Committee Vice Chair Pressman who called the Committee meeting to order. (33:18/42:15)

REGULATION COMMITTEE (Video – 42:28)

Discussion Items

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

21. **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.

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

23. **Overpumpage Report**

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

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

26. **Resource Regulation Significant Initiatives**

Regulation Committee Vice Chair Pressman adjourned the Committee meeting and relinquished the gavel to Operations & Land Management Committee Chair Babb who called the meeting to order. (42:15/42:48)

OPERATIONS & LAND MANAGEMENT COMMITTEE (Video – 43:02)

Discussion Items

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

28. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, Data Collection Bureau, said August completes the third month of the four-month annual wet season (June through September) and provisional rainfall totals for the month were normal to above-normal in all regions. Rainfall during the month was scattered, regionally variable, and associated with several weather phenomena that included dissipating tropical waves interacting with

convective (afternoon/evening) rain showers, a frontal boundary, and rainfall from Tropical Storm Isaac on August 26-29. Analysis of provisional rainfall data for the first three months of the wet-season shows District-wide totals to be about 7.5 inches above the long-term historic average. The 12-month and 24-month cumulative rainfall deficits, District-wide, are approximately 0.7 inch and 7.8 inches, respectively. Most hydrologic indicators showed improvement during August. Streamflow conditions in regional index rivers remained at normal to above-normal levels that enhanced their use as public supply sources, while groundwater and regional lake levels saw improvements to levels as well. (42:48/50:20)

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

Submit & File Reports

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

29. **Surplus Lands Assessment Update**

30. **Flying Eagle Nature Center Update**

In response to Mr. Tharp's question, Mr. Roy Mazur, Bureau Chief, Operations & Land Management, said proposals are due October 11, 2012, and nine organizations have taken the mandatory site tour. He noted the website has received a tremendous amount of traffic due to advertising efforts.

Routine Reports

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

31. **Structure Operations**

32. **Significant Activities**

Operations and Land Management Committee Chair Babb adjourned the Committee meeting and relinquished the gavel to Outreach and Planning Committee Chair Adams who called the Committee meeting to order. (50:20/52:00)

OUTREACH & PLANNING COMMITTEE (Video – 52:18)

Discussion Items – None

Submit & File Reports – None

Routine Reports

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

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

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

35. **Significant Activities**

Outreach and Planning Committee Chair Adams adjourned the Committee meeting and relinquished the gavel to Resource Management Committee Vice Chair Babb who convened the Committee meeting. (52:00/52:48)

RESOURCE MANAGEMENT COMMITTEE (Video – 52:58)

Discussion Items

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

37. **Funding Request – Pasco County - Implementation of Best Management Practices (BMPs) in the Duck Slough Watershed (N502)**

Mr. Ken Herd, Bureau Chief, Water Resources, said the District received an out-of-cycle funding request from the County dated September 4, 2012 to address flood protection in Trinity Oaks, Thousand Oaks and nearby residential developments. Mr. Herd noted that the Board has copies of letters of support for the request from State Representative Richard Corcoran and State Senator Mike Fasano. He said three residents of the Thousand Oaks and Trinity Oaks community are present and one has submitted a *Request to Speak* card. Mr. Herd said Mr. Bippin Parikh, Assistant Pasco County Administrator, and other County staff are also present.

Mr. Herd provided a brief overview of the project in southwest Pasco County. From 2004 to 2009, the District provided \$1.3 million of cooperative funding to the County to support the County's development of a Duck Slough watershed model and the implementation of BMPs. Constructed BMPs consisted of retrofitting existing structures with additional culverts or additional weir length, and installation of adjustable gates to maintain water levels during dry conditions. After the BMPs were constructed, the area has continued to experience flooding during major storms as experienced with Tropical Storm Debby. It is evident that significant storm water conveyance improvements may be necessary in order to provide the desired flood protection measures needed for this area. Implementing additional BMPs will lower flood levels and reduce the duration of flooding for the Trinity, Thousand Oaks, and other residential developments between Little Road and the Anclote River.

Mr. Herd said the estimated cost to automate structures, update the model, evaluate alternatives, and design and permit BMPs is \$1,750,000, with the County contributing 50 percent (\$875,000) and requesting the District fund the remaining 50 percent (\$875,000). Cooperative funding for construction of BMPs is anticipated to be requested by the County during the FY2013-2014 District budget cycle. Since this project is located within the boundaries of the former Pinellas-Anclote River Basin, funding is recommended from the Surface Water Improvement and Management (SWIM) projects within this basin that were completed under budget.

Mr. Pressman moved to approve the request by Pasco County for out-of-cycle funding of \$875,000 and authorize the Division Director to execute the agreement; approve the transfer of \$875,000 for this project from available funds in the FY2011-2012 budget restricted for projects within the Pinellas-Anclote River Basin; and the Board encumber the funds as of this date to be carried forward for expenditure in FY2012-2013 as amended.

Mr. Pressman commended the outstanding efforts of the multi-jurisdictional entities.

Mr. Maggard seconded the motion. (00:52:48/01:01:07)

Committee Vice Chair Babb opened the floor for requests to speak.

Mr. Vincent Aiello, resident of Trinity in Pasco County, said he supports the request to solve the issue. He said he agreed with Mr. Pressman's comments.

Mr. Mike Garrett, Pasco County Public Works Director, briefly addressed the Board to provide a project timeline.

Discussion ensued regarding project implementation and costs, and emergency actions should another storm impact the area.

The motion carried unanimously. (01:01:07/01:12:20)

38. **Minimum Flows and Levels Priority List and Schedule Update** (Video – 73:14)

Mr. Doug Leeper, Chief Environmental Scientist, Water Resources Bureau, noted that pursuant to Sections 373.036(7) and 373.042(2), Florida Statutes, the District is required to annually update its priority list and schedule for the establishment of minimum flows and levels (MFLs), submit the approved list to the Florida Department of Environmental Protection (DEP) for approval, and include the approved list in the District's Consolidated Annual Report.

Mr. Leeper said the draft "Proposed Southwest Florida Water Management District Fiscal Year 2013 (October 2012 – September 2013) Minimum Flows and Levels Priority List and Schedule" indicates the District has established MFLs addressing 17 river segments; 9 springs; 108 lakes; 41 wetlands; and 7 Upper Floridan aquifer wells in the Northern Tampa Bay area, and wells associated with the Upper Floridan aquifer in the Most Impacted Area of the Southern Water Use Caution Area and in the Dover/Plant City Area. The draft Priority List differs from previous priority lists in that it identifies adoption of MFLs on a fiscal rather than a calendar year basis to promote consistency with performance metrics compiled by DEP.

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

Submit & File Reports – None

Routine Reports

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

39. **Minimum Flows and Levels**
40. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
41. **Significant Water Supply and Resource Development Projects**

Resource Management Committee Vice Chair Babb adjourned the Committee meeting and relinquished the gavel to Finance and Administration Committee Chair Joerger who called the Committee meeting to order. (01:12:20/01:20:23)

FINANCE & ADMINISTRATION COMMITTEE (Video – 80:36)

Discussion Items

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

Submit & File Reports – None

Routine Reports

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

43. **Treasurer's Report, Payment Register and Contingency Funds Report**
44. **Monthly Financial Statement**
45. **Monthly Cash Balances by Fiscal Year**

At this time, an item not appearing on the agenda was considered.

Independent Audit Services

Committee Chair Joerger noted that the Board voted on the independent audit services proposal at the meeting held on September 11, 2012, and awarded the contract to KPMG. He wanted to clarify that KPMG is a Swiss company, and the Board may want to consider an American and/or Florida firm.

Ms. Closshey moved for staff to investigate this issue and provide a report at the Board's next meeting. Chair Senft seconded the motion.

Committee Chair Joerger noted that staff has not contracted with the firm as yet. Chair Senft suggested staff review the District's policy regarding international and national firms.

Mr. Pokrana, Finance Bureau Chief, said staff has not posted this award, but KPMG was notified that discussion may occur at today's meeting. He noted that time is an issue due to audit scheduling plans. Mr. Pokrana clarified the contract is for a one-year term and can be renewed or rebid.

Ms. Closshey withdrew her motion and Chair Senft withdrew his second.

Finance and Administration Committee Chair Joerger adjourned the Committee meeting and relinquished the gavel to Chair Senft. (01:20:23/01:32:25)

GENERAL COUNSEL'S REPORT (Video – 92:56)

Consent Agenda Item 18.b. was moved for discussion.

Discussion Items

46. **Consent Item(s) Moved for Discussion** – Item 18.b.

18.b. **Rulemaking – Approve Amendments to Rule 40D-2.321, F.A.C., to comply with Section 373.236, Florida Statutes (F.S.), Regarding Duration of Permits and to be More Consistent with the Other Water Management Districts**

Ms. Donaldson said the Florida Department of Environmental Protection (DEP) is leading CUPcon, a statewide effort to improve consistency in the Consumptive/Water Use Permitting Programs implemented by the water management districts (WMDs). The individual WMD consumptive use permitting rules, while all developed under the authority of Chapter 373, F.S., are inconsistent among the WMDs. While some of the differences may be based on differing physical and natural characteristics, others are the result of development of separate rules and procedures developed over time. The goals of CUPcon include (1) making the consumptive use permitting program less confusing for applicants, (2) treating applicants equitably statewide, (3) providing consistent protection of the environment, (4) streamlining the process, and (5) providing incentives for behavior that protects water resources, including conservation. A copy of the proposed amendments to Rule 40D-2.321, F.A.C., was included in the Board meeting materials.

Ms. Donaldson said staff recommends the Board approve Amendments to Rule 40D-2.321, F.A.C., to comply with Section 373.236, Florida Statutes, regarding duration of permits and to be more consistent with the other water management districts.

Chair Senft opened the floor for requests to speak.

Mr. Gary Kuhl, representing the Florida Conservation Coalition, said the Coalition's request is that Items 18.b. and 18.c. go through the DEP CUPCon process. He said the Coalition is actively involved in the process and noted that this District does have some different issues that need consideration.

Ms. Donaldson clarified the CUPCon process and consistency with Florida Statutes.

Mr. Maggard moved, seconded by Mr. Babb, to approve Amendments to Rule 40D-2.321, F.A.C., to comply with Section 373.236, Florida Statutes, regarding duration of permits and to be more consistent with the other water management districts. (01:32:25/01:41:40)

Discussion ensued regarding legal compliance and consistencies such as 20-year permit issuance.

Motion carried unanimously. (01:41:40/01:47:08)

Submit & File Reports – None

Routine Reports

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

- 47. **Litigation Report**
- 48. **Rulemaking Update** (01:47:08/01:47:41)

COMMITTEE/LIAISON REPORTS (Video – 107:53)

The following reports were provided in the Board's meeting materials.

- 49. **Agricultural and Green Industry Advisory Committees Meeting**
Mr. Tharp noted that the chairs of these two committees have sent a letter regarding the FARMS program and contracts. He said no action is required at this time and staff is working on re-wording the contracts.
- 50. **Tampa Bay Regional Planning Council Meeting**
Mr. Pressman provided a brief overview of the meeting.
- 51. **Other Liaison Reports** – None (01:47:41/01:49:58)

EXECUTIVE DIRECTOR'S REPORT (Video – 110:16)

- 52. **Executive Director's Report**
Mr. Guillory reminded the Board that, since the August and September Board meetings were relatively short, the October meeting will be longer due to several items deferred to that meeting. Chair Senft commended staff for the dashboard as he is finding the information helpful. (01:49:58/01:51:22)

CHAIR'S REPORT (Video – 111:32)

53. **Approve Resolution 12-14 Commending Judith C. Whitehead for Her Service on the Board**

Chair Senft recommended the Board approve Resolution 12-14 for presentation to Ms. Whitehead at a future meeting. Board members expressed their appreciation of her leadership and service.

Mr. Joerger moved, seconded by Mr. Adams, to approve Resolution 12-14 as presented. Motion carried unanimously. (01:51:22/01:52:55)

54. **Chair's Report** – None

There being no further business to come before the Board, Chair Senft recessed the public hearing and adjourned the meeting at 5:53 p.m. (01:52:55/01:53:20, Video – 127:27)