

APPROVED

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

OCTOBER 25, 2011

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:00 a.m. on October 25, 2011, at the District's Tampa Service Office. The following persons were present:

Board Members Present

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

Staff Members

Blake C. Guillory, Executive Director
Jack Pepper, Interim General Counsel
David T. Rathke, Chief of Staff
Mark A. Hammond, Division Director
Michael L. Holtkamp, Division Director
Kurt P. Fritsch, Acting Division Director

Board's Administrative Support

LuAnne Stout, Administrative Coordinator
Linda De Jonge, Senior Administrative Assistant

Board Member(s) Absent

Jeffrey M. Adams, 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).

PUBLIC HEARING (Video A – 00:00)

1. **Call to Order**

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

2. **Pledge of Allegiance and Invocation**

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

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.

3. **Additions/Deletions to Agenda**

Mr. Guillory said for the record that there are amendments to today's agenda.

PUBLIC HEARING AND MEETING

The following item is added:

- Oath of Office for Newly Appointed Board Member

CONSENT AGENDA

The following item is deleted from consideration:

- 7. Initiation and Approval of Amendments to Extend Interval for Submittal of Statements of Inspection Required for Environmental Resource Permits

The following item moved for consideration as a discussion item for the Resource Management Committee:

- 10. Initiation and Approval of Amendments to Rule 40D-2.302, Florida Administrative Code, to Reserve Water in Lake Pretty for Use in Restoring Water Levels in Lakes Horse, Raleigh and Rogers for the Protection of Fish and Wildlife

Chair Senft called for a motion to approve the amended agenda. **Mr. Gramling moved, seconded by Mr. Tharp, to approve the amended Consent Agenda. Motion carried unanimously.** (Track 1 – 00:00/06:30)

Oath of Office for Newly Appointed Board Member

Ms. Kavouras administered the Oath of Office to newly appointed Board Member Randall S. Maggard who was appointed by Governor Scott to a term beginning October 19, 2011 and ending March 1, 2015. At Chair Senft's request, Mr. Maggard provided a brief biographical history, noting he is a former Coastal Rivers Basin Board member. (Track 1 – 06:30/08:20)

4. **Employee Recognition**

MILESTONE	EMPLOYEE NAME	TITLE	DEPARTMENT	OFFICE LOCATION
35 Years	Kevin Love	Land Management Manager	Land Resources	Brooksville
30 Years	Chuck Tucker	Survey Technician 2	Land Resources	Brooksville
20 Years	Barbara Matrone	Senior Administrative Assistant	Resource Projects	Brooksville

Mr. Hammond recognized Ms. Matrone for her 20 years of service. Mr. Holtkamp recognized Mr. Tucker for his 30 years of service and Mr. Love for his 35 years of service. (Track 1 – 08:20/22:50)

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

CONSENT AGENDA (Video 31:30)

Item 7 was deleted from consideration. Item 10 was moved for discussion on the Resource Management Committee agenda.

Finance & Administration Committee

6. **Budget Transfer Report**

Staff recommended to approve the Budget Transfer Report covering all budget transfers for September 2011.

Regulation Committee

7. **Initiation and Approval of Amendments to Extend Interval for Submittal of Statements of Inspection Required for Environmental Resource Permits** – This item was deleted from consideration.

8. **Initiation and Approval of Amendments to Rule 40D-40.302, Florida Administrative Code, to Clarify Threshold for General Environmental Resource Permits Involving Impacts to Surface Waters**

Staff recommended to approve the proposed amendments and authorize staff to proceed with rulemaking to amend Rule 40D-40.302, F.A.C., to clarify the threshold for general Environmental Resource Permits involving impacts to surface waters.

9. **Individual Water Use Permits**

- a. **WUP No. 20008522.009 – City of Haines City (Polk County)**

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

- b. **WUP No. 20010420.007 – Peace River Manasota Regional Water Supply Authority (DeSoto County)**

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

Resource Management Committee

10. **Initiation and Approval of Amendments to Rule 40D-2.302, Florida Administrative Code, to Reserve Water in Lake Pretty for Use in Restoring Water Levels in Lakes Horse, Raleigh and Rogers for the Protection of Fish and Wildlife** – This item was moved for discussion.

11. **Minimum Flows and Levels Priority List and Schedule Update**

Staff recommended to approve the Minimum Flows and Levels Priority List and Schedule for submission to DEP for review and approval as required by Chapter 373, F.S.

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

Staff recommended to approve the proposed Five-Year Water Resource Development Work Program for submittal to the Florida Department of Environmental Protection for review.

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

- a. **Marion County Watersheds – Flemington, Hog Prairie, NW Ocala, Gum Swamp and Big Jones Creek**

Staff recommended to authorize staff to submit the preliminary FIRMs for the Flemington, Hog Prairie, Northwest Ocala, Gum Swamp, and Big Jones Creek watersheds in Marion County to FEMA.

- b. **Sarasota County Watersheds – Whitaker Bayou and Alligator Creek**

Staff recommended to authorize staff to submit the preliminary FIRMs for the Whitaker Bayou and Alligator Creek watersheds in Sarasota County to FEMA.

- c. **Sumter County**

Staff recommended to authorize staff to submit the preliminary Sumter County FIRMs to FEMA.

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

- a. **American Citrus Products Corporation (H639) – Charlotte County**

Staff recommended to (1) approve the American Citrus Products Corporation project for a not-to-exceed project reimbursement of \$319,048 with \$159,524 provided by the Peace River Basin and \$159,524 provided by the Governing Board; (2) authorize the transfer of \$159,524 from Fund 020 H017 Peace River Basin funds and \$159,524 from Fund 010 H017 Governing Board FARMS funds to the H639 American Citrus Products Corporation project fund; and (3) authorize the Executive Director to execute the agreement.

- b. **JWCD - Dr. Waters Grove - Amendment (H608) – DeSoto County**

Staff recommended to (1) approve the JWCD - Dr. Waters Grove project amendment for a not-to-exceed project reimbursement increase of \$10,832 (\$88,162 to \$98,994) with \$2,708 provided by the Peace River Basin \$2,708 provided by the Governing Board, and \$5,406 from State Appropriations allocated to fund 010 H017 FARMS funds; (2) authorize the transfer of \$2,708 from Fund 020 H017 Peace River Basin

FARMS funds, \$2,708 from Fund 010 H017 Governing Board FARMS funds, and \$5,406 from State Appropriations to the H608 JWCD - Dr. Waters Grove project fund; and (3) authorize the Executive Director to execute the agreement.

c. **Peace Valley Groves, Inc. (H648) – DeSoto County**

Staff recommended to (1) approve the Peace Valley Groves, Inc. project for a not-to-exceed project reimbursement of \$243,330 with \$97,600 provided by Peace River Basin, \$97,600 provided by the Governing Board and \$48,130 provided from State Appropriations; (2) authorize the transfer of \$97,600 from Fund 020 H017 Peace River Basin FARMS funds, \$97,600 from Fund 010 H017 Governing Board FARMS funds, and \$48,130 from State Appropriations allocated to Fund 010 H017 FARMS funds to the H648 Peace Valley Groves, Inc. project fund; and (3) authorize the Executive Director to execute the agreement.

d. **Brookdale Farms, LLC - Amendment (H625) – Hillsborough County**

Staff recommended to (1) approve the Brookdale Farms LLC - Amendment project for a not-to-exceed project reimbursement increase of \$6,484 (\$158,162 to \$164,646) with \$3,242 provided by the General Fund – Alafia River Funds and \$3,242 provided by the Governing Board; (2) authorize the transfer of \$3,242 from Fund 111 H017 General Fund – Alafia River Funds FARMS funds and \$3,242 from Fund 010 H017 Governing Board FARMS funds to the H625 project fund; and (3) authorize the Executive Director to execute the agreement.

e. **Loop Farms, LLC - Flowers Road (H647) – Hillsborough County**

Staff recommended to (1) approve the Loop Farms, LLC - Flowers Road project for a not-to-exceed project reimbursement of \$381,850 with \$187,404 provided by the General Fund – Alafia River Funds, \$187,403 provided by the Governing Board, \$4,993 provided from the 2005 State Appropriations and \$2,050 provided from the 2009 State Appropriations; (2) authorize the transfer of \$187,404 from Fund 111 H017 General Fund – Alafia River FARMS funds, \$187,403 from Fund 010 H017 Governing Board FARMS funds, and \$7,043 from State Appropriations allocated to Fund 010 H017 FARMS funds to the H647 Loop Farms, LLC - Flowers Rd project fund; and (3) authorize the Executive Director to execute the agreement.

f. **GDK Land Trust (H652) – Hillsborough County**

Staff recommended to (1) approve the GDK Land Trust project for a not-to-exceed project reimbursement of \$155,798 with \$77,899 provided by Hillsborough River Basin and \$77,899 provided by the Governing Board; (2) authorize the transfer of \$77,899 from Fund 013 H017 Hillsborough River Basin FARMS funds and \$77,899 from Fund 010 H017 Governing Board FARMS funds to the H652 GDK Land Trust project fund; and (3) authorize the Executive Director to execute the agreement.

g. **Circle G Farm and Ranch - Phase 2 (H653) – Hillsborough County**

Staff recommended to (1) approve the Circle G Farm and Ranch - Phase 2 project for a not-to-exceed project reimbursement of \$150,130 with \$75,065 provided by the Hillsborough River Basin and \$75,065 provided by the Governing Board; (2) authorize the transfer of \$75,065 from Fund 013 H017 Hillsborough River Basin FARMS funds and \$75,065 from Fund 010 H017 Governing Board FARMS funds to the H653 Circle G Farm and Ranch - Phase 2 project fund; and (3) authorize the Executive Director to execute the agreement.

h. **Castillo Farms, LLC - Stafford Road (H654) – Hillsborough County**

Staff recommended to (1) approve the Castillo Farms, LLC - Stafford Road project for a not-to-exceed project reimbursement of \$24,980 with \$12,490 provided by Hillsborough River Basin and \$12,490 provided by the Governing Board; (2) authorize the transfer of \$12,490 from Fund 013 H017 Hillsborough River Basin FARMS funds and \$12,490 from Fund 010 H017 Governing Board FARMS funds to the H654 project fund; and (3) authorize the Executive Director to execute the agreement.

i. **FLM, Inc. - Blossom Grove Phase 3 (H615) – Manatee County**

Staff recommended to (1) approve the FLM, Inc. - Blossom Grove - Phase 3 project for a not-to-exceed contractual project reimbursement of \$312,825, using \$1,544 from State Appropriations allocated to the Manasota Basin, \$155,641 provided by the Manasota Basin, and \$155,640 provided by the Governing Board; (2) authorize the

transfer of \$155,641 from Fund 021 - H017 Manasota Basin FARMS funds, \$155,640 from Fund 010 H017 Governing Board FARMS funds, and \$1,544 from State Appropriations from Fund 021 – H017 Manasota Basin to the H615 FLM, Inc. project fund; and (3) authorize the Executive Director to execute the agreement.

j. **Evans Ranch, LLC (H646) – Polk County**

Staff recommended to (1) approve the Evans Ranch, LLC project for a not-to-exceed project reimbursement of \$90,174 provided by the Governing Board; (2) authorize the transfer of \$90,174 from Fund 010 H017 Governing Board FARMS funds to the H646 Evans Ranch, LLC, project fund; and (3) authorize the Executive Director to execute the agreement.

k. **Jeremy Scott Blueberries (H650) – Polk County**

Staff recommended to (1) approve the Jeremy Scott Blueberries project for a not-to-exceed project reimbursement of \$34,611 with \$34,611 provided by the Governing Board; (2) authorize the transfer of \$34,611 from Fund 010 H017 Governing Board FARMS Funds to the H650 Jeremy Scott Blueberries project fund; and (3) authorize the Executive Director to execute the agreement.

Executive Director's Report

15. **Approve Governing Board Minutes**

a. **September 13, 2011 Tentative Budget Hearing**

b. **September 27, 2011 Monthly Meeting**

c. **September 27, 2011 Final Budget Hearing**

Staff recommended to approve the minutes as presented.

Chair Senft noted the amended Consent Agenda was approved earlier and relinquished the gavel to Resource Management Committee Chair Gramling who called the Committee meeting to order. (Track 1 – 22:50/23:40)

RESOURCE MANAGEMENT COMMITTEE (Video 53:45)

Discussion Items

10. **Initiation and Approval of Amendments to Rule 40D-2.302, Florida Administrative Code, to Reserve Water in Lake Pretty for Use in Restoring Water Levels in Lakes Horse, Raleigh and Rogers for the Protection of Fish and Wildlife**

Ms. Tamera McBride, P.G., Project Manager, Resource Projects Bureau, said the purpose of this presentation is for the Board to consider initiation of rulemaking to establish a reservation of water within the Rocky Creek watershed to help achieve the minimum levels established for Horse Lake as set forth in Chapter 40D-8, Florida Administrative Code (F.A.C.), and to enhance water levels in lakes Raleigh and Rogers, which are stressed and on the Minimum Flows and Levels Priority List and Schedule for establishment of minimum levels in 2012.

Ms. McBride noted that a rule workshop was held on October 6, 2011, for residents of lakes Pretty, Armistead, Horse, Raleigh, and Rogers and other interested parties to discuss implications of the proposed reservation. The proposed rule amendments presented at the workshop are presented for consideration and were included in the Board's meeting materials.

Staff recommended to approve the proposed amendments and authorize staff to proceed with rulemaking to amend Rule 40D-2.302, F.A.C., to reserve water from the Rocky Creek watershed to work toward recovery of the minimum level for Horse Lake and stressed lakes Raleigh and Rogers for the protection of fish and wildlife. (Track 2 – 00:00/11:55)

Committee Chair Gramling said there are requests to speak.

Ms. Lisa Taylor, resident of Odessa, voiced her concerns regarding the project and impacts to their land. She requested extra time for an engineer hired by the residents to review the project.

Mr. Scott Taylor, resident of Odessa, said he has concerns about the negative impacts and asked the Board to postpone action on this item.

Ms. Elise Minkoff, resident of Gulfport, said she has owned land on Lake Pretty for 35 years and her discomfort is with the way presentations were done. She said citizens are confused regarding this project and whether it is replenishment or restoration. She also asked the Board to postpone action.

Mr. Paul Crowell, resident of Odessa, expressed concerns about the project and asked the Board to consider the residents as partners in this project.

Ms. Mary Ann Crowell, resident of Odessa, said she has been a property owner for 26 years and is opposed to the project. She stated her concerns and asked for a time extension so an engineer may review the project. (Track 2 – 11:55/35:14)

Staff addressed clarifying questions asked by the Board. Discussion ensued regarding the project, pumpage sounds, replacement structure, staff project activities and design work, long-term effects, and enhancement/restoration/replenishment differences.

Committee Chair Gramling called for a motion. **Ms. Closshey moved to direct staff to continue with public meetings and with design, and defer action to either December 2011 or January 2012 depending on staff's progress. Mr. Pressman seconded the motion.** (Track 2 – 35:14/57:14)

Mr. Pressman said he would like to be personally involved on behalf of the Board in meetings and communications with staff. Ms. Closshey said she would like Tampa Bay Water involved in the next presentation and included on the agenda.

Mr. Warren Hogg, representing Tampa Bay Water (TBW), said TBW is in full support of this project. He noted that the Board of Directors approved an amendment to the cooperative funding agreement last Monday to continue this project through design, permitting and construction. He said TBW too wants to work with area residents to ensure they have the information they want.

Motion carried unanimously. (Track 2 – 57:14/59:55)

Mr. Tharp thanked the residents for their involvement and input.

Resource Management Committee Chair Gramling temporarily recessed the Committee meeting and relinquished the gavel to Finance and Administration Committee Chair Joerger who called the Committee meeting to order. (Track 2 – 59:55/60:30)

FINANCE AND ADMINISTRATION COMMITTEE (Video 01:54:15)

Discussion Items

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

Submit & File Report

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

17. **Office of Inspector General – Chemistry Laboratory Managerial Audit**

Routine Reports

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

18. **Treasurer's Report, Payment Register and Contingency Reserves**
19. **Monthly Financial Statement**
20. **Management Services Significant Activities**

Finance and Administration Committee Chair Joerger adjourned the Committee meeting. Since Ms. Closshey was out of the room at this time, the Outreach and Planning Committee meeting was postponed to later in the monthly meeting. (Track 3 – 00:00/01:02)

The gavel was relinquished to Regulation Committee Chair Beswick who called the Committee meeting to order. (Track 4 – 00:00/00:20)

REGULATION COMMITTEE (Video 36:45)

Discussion Items

26. **Consent Item(s) Moved for Discussion** – None (Track 4 – 00:20/00:52)

27. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said September historically marks the last month of the rainy season and this year's September rainfall totals were less than expected and at the lower-end of the normal range. Rainfall during the month was scattered, regionally variable, and associated with tropical moisture from the Gulf or Atlantic Ocean moving over the Florida peninsula interacting with lessening convective (afternoon/evening) rain showers. Rainfall during the 2011 rainy season (June through September) was disappointing, falling within the low-normal to normal range, and did not bring the above-normal rainfall conditions that national weather forecasts had predicted. Although falling within the normal range, the District-wide rainy season totals were approximately 3.5 inches below the long-term mean. District-wide, the provisional 12-month rainfall deficit is 6.4 inches, while the 24-month and 36-month cumulative rainfall deficits are approximately 6.0 and 11.2 inches, respectively. NOAA climate forecasts indicate uncertainty (i.e., equal chances for normal, above-normal or below-normal) for rainfall in October, while they predict below-normal rainfall conditions for the remaining fall and coming winter/spring months, due to existing and projected La Niña conditions in the Pacific Ocean. Extended drier-than-normal rainfall conditions during the fall/winter/spring months would worsen already lagging hydrologic conditions. (Track 5 – 00:00/12:20)

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

28. **Water Shortage Order No. SWF 2010-022 – Consider Current and Projected Conditions**

Mr. Gramling moved, seconded by Ms. Closshey, to waive the staff presentation and approve the Second Modification to Water Shortage Order No. SWF 2010-2022 to extend the current Modified Phase I restrictions through February 29, 2012. Motion carried unanimously. (Track 5 – 12:20/13:06)

29. **Approve Revisions to Previously-Approved Amendments to 40D-21, Florida Administrative Code, Water Shortage Plan, to Reduce Regulatory Costs**

Ms. Lois Sorensen, Demand Management Program Manager, noted that the Governing Board approved proposed rule amendments on October 26, 2010 which incorporated recent experience with exercising various part of the District's Water Shortage Plan. However, publication for adoption and other final rulemaking steps needed to formally implement the Board-approved amendments were subsequently postponed to provide staff additional time to update the corresponding Statement of Estimated Regulatory Costs (SERC) in accordance with new provisions of Section 120.541(1), F.S., which was enacted as a result of HB 1565 from the Florida Legislature's 2010 session.

As a result of these updates, staff identified regulatory costs which were disproportionate to the likely benefit. Staff prepared revised amendments to address these concerns and solicited input from the District's advisory committees, resulting in the version shown in the Governing Board's information notebook. Ms. Sorensen stated that, if the Governing Board approves the revised amendment language, staff would proceed with the additional rulemaking steps needed to fully implement the amendments, including publication for adoption in Florida Administrative Weekly. If feedback from this publication, review by the Joint Administrative Procedures Commission or supplemental review by the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) results in any substantive changes, the changes would be brought back to the Governing Board for consideration prior to filing final language with the Department of State.

Staff recommended to (1) approve revisions to previously-approved amendments to 40D-21, F.A.C., Water Shortage Plan, to reduce regulatory costs, as presented; and (2) authorize staff to proceed with all remaining rulemaking steps, subject to substantive changes requiring Governing Board consideration.

Mr. Gramling moved, seconded by Ms. Closshey, to approve the staff recommendation. Motion carried unanimously. (Track 6 – 00:00/04:00)

30. **Denials Referred to the Governing Board** – None

Submit & File Reports

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

31. **Permits with Five-Year Compliance Reports**
32. **Dover/Plant City Water Use Caution Area Update**

Routine Reports

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

33. **Public Supply Report**
34. **Southern Water Use Caution Area Quantities**
35. **Overpumpage Report**
36. **E-Permitting Metrics: Online vs. Paper Applications**
37. **Individual Permits Issued by District Staff**
38. **Resource Regulation Significant Initiatives**

Resource Regulation Committee Chair Beswick adjourned the Committee meeting and relinquished the gavel to Outreach and Planning Committee Vice Chair Closshey who called the Committee meeting to order. (Track 5 – 04:00/04:54)

OUTREACH AND PLANNING COMMITTEE (Video 33:30)

Discussion Items

21. **Legislative Preview**
Ms. Colleen Thayer, Bureau Chief, Community and Legislative Affairs Bureau, said that, in preparation for the 2012 Legislative Session, staff has been meeting with legislators and staff to provide information on the District's programs and priorities, as well as the budget. She provided a preview on the 2012 Legislative Session and highlighted issues in the forefront. Committee meetings are underway and thus far the District has presented its 2011-2012 adopted budget to the House Agriculture and Natural Resources Appropriations Subcommittee and the Senate Environmental Preservation and Conservation Committee. The District, in coordination with the Governor's Office of Policy and Budget, Department of Environmental Protection, and the other water management

districts, has begun discussion regarding the 2013 budget development process. Ms. Thayer noted bills already filed and briefly outlined the confirmation process. (Track 7 – 00:00/17:23)

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

22. **Fiscal Year 2013 Cooperative Funding Initiative Update**

Ms. Terri Behling, Senior Community Affairs Program Manager, Community and Legislative Affairs Bureau, noted the District has started accepting applications for the Fiscal Year 2013 Cooperative Funding Initiative (CFI). Applicants can apply for funding via the District's online application program available on the CFI page of the website: www.watmatters.org/cfi. The application deadline is Friday, December 2, at 5:00 p.m.

Ms. Behling said staff will host a Cooperative Funding Workshop on October 26 in the Tampa Service Office. If a cooperator is unable to make the meeting, they will have an opportunity to participate with a live webinar or watch a live stream of the meeting from the District's website. The workshop will also be recorded and available for future viewing from the CFI webpage. During the workshop, staff will answer questions about the CFI process and project managers will be available to answer project specific questions from their respective departments. (Track 8 – 00:00/02:00)

Mr. Rathke reviewed suggestions for the Governing Board in this process. For this year, staff will present the Governing Board procedural and funding options in November. He noted the Board will need to take action no later than January 2012. Mr. Tharp recommended that former Basin Board members and others who have shown interest in the past be included to ensure local input and involvement. (Track 8 – 02:00/04:25)

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.

23. **Comprehensive Plan Amendment and Related Reviews**
24. **Development of Regional Impact Reviews**
25. **Significant Activities**

Outreach and Planning Committee Vice Chair Closshey adjourned the Committee meeting and relinquished the gavel to Resource Management Committee Chair Gramling who reconvened the Committee meeting. (Track 8 – 04:25/04:45)

RESOURCE MANAGEMENT COMMITTEE (Video 53:45)

Discussion Items

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

40. **Development of Numeric Water Quality Standards for Nutrients in Florida**

Ms. Veronica Crow, Environmental Section Manager, Resource Projects Bureau, presented a summary of the Florida Department of Environmental Protection's (DEP) efforts to develop site specific interpretations of the narrative nutrient criteria in Chapters 62-302 and 62-303, Florida Administrative Code (F.A.C.). The DEP intends to publish a Notice of Proposed Rulemaking by November 4, 2011, in order to bring the draft rules to the Environmental Regulation Commission (ERC) on December 1, 2011. The DEP rules will be implemented only upon ERC adoption, legislative ratification and EPA approval. (Track 9 – 00:00/11:45)

Ms. Amy Wells Brennan, Staff Attorney, Office of General Counsel, provided an overview of ongoing legal proceedings. On September 30, 2011, the district court denied EPA's motion to dismiss, holding that the 2009 necessity determination was final agency action. The court will now hear those arguments challenging the validity of the 2009 necessity determination. (Track 9 – 11:45/15:00)

In response to Ms. Closshey's questions, Ms. Craw provided clarification. (Track 9 – 15:00/19:55)

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

41. **Southern Water Use Caution Area Recovery Strategy – Annual Status Report**

Ms. Jill A. Hood, P.G., Senior Professional Geologist, Hydrologic Evaluation Section, Resource Projects Bureau, 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. (Track 10 – 00:00/13:46)

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

42. **Surplus Lands Assessment Program Update**

Mr. Joerger said the initial meeting of the Board's Surplus Lands Subcommittee is November 3 in the Tampa Service Office. He said he has been working with staff who are developing a sound process to evaluate lands. Mr. Joerger noted there will be four public information meetings: December 13 – Lecanto Government Building, December 14 – Bartow Service Office, January 10 – Tampa Service Office and January 11 – Sarasota Service Office. He said the surplus lands web page is online, and will feature project information, agendas and documentation of materials developed for the Subcommittee. (Track 11 – 00:00/02:10)

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

Submit & File Reports – None

Routine Reports

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

43. **Minimum Flows and Levels** (Track 11 – 02:10/02:23)

44. **Structure Operations**

Committee Chair Gramling said that a speaker card was submitted for this item.

Mr. Chet Bradshaw, a resident of Bushnell, provided a handout to the Board. He voiced his concerns regarding the Arrowhead subdivision, operations of structures and construction of a tie-back levy. He requested the Board evaluate the operation of structures, lakes and putting water offstream. Mr. Bradshaw said that the Citrus County Commission has requested DEP for a complete evaluation of this permit. He said he is asking the Board to review past, present and future processes for transparency. (Track 12 – 00:00/03:43)

In response to Mr. Pressman's question, Mr. Holtkamp provided clarification. He said staff continues to communicate with TOO FAR and other interested parties. Mr. Holtkamp said it is his understanding that the Citrus County Commission voted to send DEP a letter requesting an inspection of the private berm on Mr. Strange's property. In response to Chair Senft's inquiry, Mr. Holtkamp said DEP's local staff and person in charge of dams in Tallahassee have reviewed the permit application and deemed it should be issued. Discussion ensued regarding the project's history and petitions for hearing. Ms. Closshey requested staff forward information to Board members of the chronology of events. She noted the time spent by staff may be out of proportion and the Board should come to a consensus to help everyone. Mr. Pressman stated that a public meeting appears to be

warranted. Mr. Tharp noted that, when he was the Withlacoochee River Basin Board Chair, this topic was presented on numerous occasions. Discussion ensued and concluded by noting that the process is being followed.

45. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
46. **Significant Water Supply and Resource Development Projects**

Resource Management Committee Chair Gramling adjourned the Committee meeting and relinquished the gavel to Chair Senft. (Track 13 – 00:00/13:55)

GENERAL COUNSEL'S REPORT (Video 01:55:40)

Discussion Items

47. **Supplement to Resolution Authorizing Proceedings in Eminent Domain for Acquisition of Certain Interests in Land Necessary for the Lake Hancock Lake Level Modification Project**

Mr. Pepper provided a brief historical overview of the project. The purpose of this item is to request the Governing Board approve Resolution 11-20 which supplements the earlier resolution that authorizes proceedings in eminent domain for acquisition of certain interests in land necessary for the Lake Hancock Lake Level Modification Project. This supplemental resolution clarifies the language previously authorized and approved for the taking of easements to more fully explain the effect of establishing the Lake Hancock Outfall Control Structure at elevation 100 NGVD. To date, 68 of the 73 parcels necessary for the Project have been acquired. The acquired lands or interests in land total 8,337 acres or 99 percent of the total needed. All of the five remaining parcels are easements, containing approximately 126 acres and encumbering only a portion of the subject properties. The District has sufficient funds available for acquiring the remaining parcels.

Mr. Richard V. Neill, Special Eminent Domain Counsel, addressed the Board and said this Resolution is designed to confirm these basic facts, confirm that the easement language is within the authority previously granted, and, if deemed necessary by the Court, to authorize the easement language being used by counsel and to otherwise ratify the prior findings, conclusions and authorizations of the Board.

Staff recommended to adopt Resolution 11-20 which supplements Resolution 08-27 to confirm or approve the easement language being used by counsel.

Mr. Combee moved, seconded by Ms. Closshey, to approve the staff recommendation. (Track 14 – 00:00/05:30)

Chair Senft said there are two requests to speak.

Mr. Don Steadman, Jr., resident of Lakeland, expressed his concerns with movement of the location of the flood zone and growth of weeds on vacated properties. He said the neighborhood setting is gone since the properties were purchased. He noted that some of the requested information has not been received.

Discussion ensued regarding floodplain changes related to the Federal Emergency Management Agency (FEMA) maps and property maintenance. (Track 14 – 05:30/12:45)

Ms. Debra Spence, resident of Lakeland, said she had to contact the Governor's Office to get the property mowed. She noted that her livelihood is being affected because her tenants are moving out due to conditions. She said the properties beside, behind and in

front of her property have been fenced and those areas looks bad. (Track 14 – 12:45/16:40)

Motion carried unanimously. (Track 14 – 16:40/17:10)

Mr. Combee said these conditions need to be monitored and impacts to the citizens should be respected. Mr. Joerger clarified that any flooding has not occurred due to the District since activities have not begun but just existing conditions. Ms. Closshey expressed her concern that this is a result of FEMA actions and the District should not set a precedent. Chair Senft requested a general update on the conditions in this area. Mr. Tharp noted that the District has a responsibility to maintain the lands acquired. (Track 14 – 17:10/23:58)

Submit & File Report

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

48. **Receipt of Formal Opinion of the Attorney General – Competitive Negotiation for Public Construction Projects**

- In response to Ms. Closshey's question, Mr. Beruff said the Purchasing Manager from Collier County has forwarded a bill to modify the CCNA requirement to add a mechanism to rate not only the qualifications of the engineers but also include price as a component in the qualification process. Chair Senft said there is a general consensus for staff to investigate options to improve use of the public's dollars. (Track 15 – 00:00/03:10)

Routine Reports

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

49. **Litigation Report**

50. **Rulemaking Update** (Track 15 – 03:10/03:56)

The meeting recessed at 12:30 p.m. to provide a lunch break and reconvened at 1:20 p.m.

COMMITTEE/LIAISON REPORTS (Video 01:57:12)

It was noted that reports were provided to each Board member.

51. **Well Drillers Advisory Committee Meeting**

- Mr. Combee provided a highlight of each topic discussed.

52. **Other Liaison Reports** (Track 16 – 00:00/02:32)

EXECUTIVE DIRECTOR'S REPORT (Video 01:57:12)

53. **Executive Director's Report**

- Mr. Guillory updated the Board on the Central Florida Water Initiative (CFWI), its goals and progress occurring. He noted that CFWI is technically oriented and myRegion.org is development oriented. Chair Senft said water experts from around the world have been involved, as well as local regional experts and DEP. (Track 17 – 00:00/06:25)
- Mr. Guillory provided an update on the progress with Brooksville Building 4 Board Room and noted it will be ready for the January Board meeting. Mr. Joerger suggested using the Tampa Service Office Board Room for meetings since it is a central location. There was Board interest in rotating meetings for public involvement. (Track 17 – 06:25/09:15)
- Mr. Guillory noted that the Board has discussed the District information technology issues. He said he has met with staff and the issues are more fundamental than whether it is working right now. He requested direction from the Board whether to pursue a request for proposal (RFP) for an outside consultant to review the system architecture. Discussion ensued. **Mr. Beruff moved, seconded by Mr. Joerger, to approve a RFP for an outside consultant to review the District's information technology system.** Discussion ensued regarding RFP time schedule and proposal requirements. Mr. Guillory said the goal is to have the recommendations for

presentation to the Board in February 2012. At the Board's request, Mr. Babb will serve as the Board's liaison. **Mr. Beruff amended his motion to include Mr. Babb as the Board's liaison and issue the RFP without the Board's approval. Mr. Joerger seconded the amended motion and it carried unanimously.** (Track 17 – 09:15/18:41)

- Mr. Guillory said the Bartow Service Office building issues were recently discussed by the Board. He suggested the Board set up a subcommittee to work with staff to review the many options available. **Ms. Whitehead moved, seconded by Mr. Tharp, for Messrs. Senft, Beruff and Combee to serve as a subcommittee to review options for the Bartow Service Office. There being no objections, the motion carried.** (Track 18 – 00:00/00:01, Track 19 – 00:00/04:17)
- Mr. Guillory noted that the Executive Leadership Team has been discussing goals, strategies and metrics for measurement going into Fiscal Year 2013 which leads to core mission. He suggested staff continue development of issues for constructive discussion at a Board work session to consider the District's core mission. Discussion ensued regarding timing and priorities. The Board consensus was to hold a work session in association with a regular Governing Board meeting early next year. (Track 20 – 00:00/05:50)
- Mr. Guillory said the District has a budget issue that is based on a \$30 million deficit made up by reserves. He said the District can continue through October 2013 before losing the ability to fund Surface Water Improvement and Management and Cooperative Funding projects at the same level as funding today. He noted that no land acquisition activities are being funded.
 - Mr. Guillory said his current Executive Leadership Team consists of Messrs. Hammond, Holtkamp, Fritsch, Rathke and Pepper. He advised that he is interviewing for the Assistant Executive Director, Regulation Division Director and General Counsel. He said these positions should be filled by the next Board meeting. He noted that, other than organizing the Chief of Staff Office, no other restructuring has occurred. (Track 20 – 05:50/09:50)
 - Mr. Guillory said he challenged the Team in its first meeting to develop a conceptual restructuring plan to address budget issues and management challenges as well as looking to the organization's future and considering all new ideas. He said he is proud of the Team which has spent the past weeks working on a conceptual plan. He noted that some programs do not need changes but some do to provide synergism such as creating the Natural Systems and Ecosystems Restoration Bureau. Mr. Guillory stated the District has more staff than it needs. He noted there are 20 vacant positions that can be eliminated and approximately 20 contractors who will complete their assignments by year end. He said elimination of approximately 100 to 110 District positions could be done as part of the restructuring. Mr. Guillory suggested providing a voluntary separation similar to what has occurred at the other districts. He asked for direction from the Board on how much involvement it wants in the staffing restructuring and moving forward with a voluntary separation package, and then in January proceeding with additional staff reductions. (Track 20 – 09:50/21:55)
 - **Ms. Closshey moved to provide the Board's support to the Executive Director as he develops his staff structure and moving forward with the voluntary separation to the extent allowed by law. Motion seconded by Mr. Combee.** Discussion ensued regarding the Executive Director communicating with Board members individually, District's level of service continuing and maintaining core responsibilities, personnel matters are the responsibility of the Executive Director, concern that this major of a change come back to the Board due to the stature of the decision, reductions occurring before completion of the information technology review, Board's legal counsel, Board committees will need reorganizing to match District organization, provide layout of organization below bureau level, let the Executive Director do his job and not come back to Board, accountability should assure standard of service is achieved, and District's human resources staff set up a team to assist staff in seeking other employment. **Motion carried with Mr. Pressman voting against.** (Track 20 – 21:55/35:45)

CHAIR'S REPORT (Video 01:58:00)

54. **Chair's Report**

- Chair Senft said he is requesting Mr. Adams to research the subject of the need for a legal counsel on retainer for the Board and then report to the Board his findings about duties and range of retainer costs. He noted it is common practice with the other districts. Discussion ensued regarding the Board having its own attorney attend meetings, and concern for the expense of retaining an attorney in view of staff terminations. (Track 20 – 35:45/36:05, Track 21 – 00:00/03:50)

Chair Senft recessed the public hearing and adjourned the meeting at 2:25 p.m. (Track 21 – 25:00/03:50), Video 02:20:38)