

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

DECEMBER 16, 2014

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:05 a.m. on December 16, 2014, at the District's Tampa Service Office. The following persons were present:

#### Board Members Present

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

#### Staff Members

Robert R. Beltran, Executive Director  
Brian Armstrong, Assistant Executive Director  
David T. Rathke, Chief of Staff  
Kurt P. Fritsch, Inspector General  
Laura J. Donaldson, General Counsel  
John J. Campbell, Division Director  
Ken Frink, Division Director  
Mark A. Hammond, Division Director  
Alba E. Más, Division Director  
Jason Hopp, Bureau Chief

#### Board Members Absent

Michael A. Moran, Member

#### Board's Administrative Support

Cara Martin, Board & Executive Services Manager  
Lori Manuel, Administrative Assistant

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

#### **PUBLIC HEARING (Audio – 00:00)**

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

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

##### 2. **Pledge of Allegiance and Invocation**

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

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

Chair Babb stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Babb stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted

by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

3. **Additions/Deletions to Agenda**

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

Mr. Beltran, executive director, noted the following changes requested to the agenda.

The following item was deleted from discussion:

***Resource Management Committee***

17. **TECO Regional Reclaimed Water Partnership Initiative - Phase 1 Interconnect to Lakeland/Polk County/Mulberry (H076A) - Out-of-Cycle Funding Request**

Chair Babb said there is good cause to amend the published agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, as amended, which was seconded. The motion carried unanimously. (Audio – 4:40)

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

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

**CONSENT AGENDA** (Audio – 5:00)

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

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

***Regulation Committee***

5. **Individual Water Use Permits Referred to the Governing Board** – None

***Operations, Lands and Resource Monitoring***

6. **Decline Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Pony Creek Farm, LLC, SWF Parcel No. 10-200-1173C**

Staff recommended the Board authorize the Division Director of Operations, Lands and Resource Monitoring to decline the Right of First Refusal on SWF Parcel 10-200-1173C.

***Resource Management Committee***

7. **Approval to Change Agreement Type on Four Cooperative Funding Agreements**

Staff recommended the Board approve the change on the four CFI projects to use Type 2 Agreements.

8. **Springs Initiative - FY2014-2015 Florida Department of Environmental Protection Revenue Agreements**

Staff recommended the Board approve the revenue agreements and authorize the Executive Director or Designee to sign the revenue agreements with the FDEP.

***Finance/Outreach & Planning Committee***

9. **Budget Transfer Report**

Staff recommended the Board approve the Budget Transfer report covering all budget transfers for November 2014.

**10. FY2014-15 Budget Amendment - Springs Initiative Additional Revenue**

Staff recommended the Board approve Resolution No. 14-17, Amendment of the Fiscal Year 2014-15 Annual Service Budget to increase the District's FY2014-15 budget for the General Fund by \$360,000 from \$161,510,414 to \$161,870,414, and increase the FY2014-15 total budget from \$166,338,619 to \$166,698,619.

**11. Authorization to Replace District Equipment**

Governing Board issued authorization to staff to purchase a replacement New Holland (or equivalent) agricultural tractor at a final purchase price of \$58,500 from current funds budgeted in operating capital outlay category for replacement vehicles.

**12. Approval of Amendment to Agreement for Personal Services of the Executive Director of the Southwest Florida Water Management District**

Staff recommended the Board approve the Amendment to Agreement for Personal Services of the Executive Director of the Southwest Florida Water Management District between the Southwest Florida Water Management District and Robert Beltran.

***General Counsel's Report***

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

**Approval**

- a. Initiation of Litigation – Permit Condition Violations – H & H Properties, LLC – ERP No. 44032424.001 – Polk County

Staff recommended the authorization of the initiation of litigation against H & H Properties, and any other appropriate parties, to obtain compliance, to recover an administrative fine/civil penalty for any violations, and to recover District enforcement costs, court costs and attorney fees.

- b. Interagency Agreement Between the SWFWMD and SJRWMD – Designation of Regulatory Responsibility – Water Use Permit 20007380.003, Hanley Grove – Lake and Sumter Counties

Staff recommended the Board approve the Interagency Agreement between the Southwest Florida Water Management District and the St. Johns River Water Management District for Designation of Regulatory Responsibility for Water Use Permit No. 20007380.003 for Hanley Grove in Sumter and Lake Counties.

- c. Authorization to Initiate Litigation – Unauthorized Construction Activities – Lake Charlotte Ranch, LLC – Highlands County

Staff recommended the Board authorize the initiation of litigation against Lake Charlotte Ranch, LLC and any other appropriate parties to obtain compliance, to recover an administrative fine/civil penalty, and to recover District enforcement costs, litigation costs and attorney's fees.

**14. Rulemaking**

- a. Approve Revised Rule Language in Response to Comments by the Joint Administrative Procedures Committee Regarding Chapter 40D-1, F.A.C., to Make District Procedural Rules Consistent with Statewide Environmental Resource Permitting Procedural Rules in Chapter 62-330, F.A.C.

Staff recommended approval of final rule language and authorize the completion of rulemaking to amend Chapter 40D-1, F.A.C., to make the District's procedural rules consistent with the Statewide Environmental Resource Permitting rules.

- b. Approval of Amendments to Chapter 40D-3, F.A.C., to Incorporate Changes in DEP Rules for Water Well Contractors and Construction of Water Wells and Adopt New Rule for Environmental Monitoring Wells

Staff recommended approval of the proposed amendments to Chapter 40D-3, F.A.C. to incorporate changes in DEP rules for water well contractors and construction of water wells, establish a general permit for certain environmental monitoring wells, make other updates and corrections to Chapter 40D-3, F.A.C., and incorporate revised forms.

***Executive Director's Report***

15. Approve Governing Board Meeting Minutes - November 18, 2014

**A motion was made, seconded to approve the Consent Agenda as amended. Motion carried unanimously.** (Audio - 5:29)

**Chair Babb relinquished the gavel to Resource Management Committee Chair Senft, who called the Committee meeting to order.**

**Resource Management Committee**

***Discussion***

16. Consent Item(s) Moved for Discussion - None

17. TECO Regional Reclaimed Water Partnership Initiative - Phase 1 Interconnect to Lakeland/Polk County/Mulberry (H076A) - Out-of-Cycle Funding Request

This item was deleted from discussion.

18. Kings Bay Lyngbya Removal Project, (N468), Citrus County

Staff recommended approval of the out-of-cycle funding request for \$60,000 for the Kings Bay Lyngbya Removal Project; Authorize the transfer of \$60,000 from the Egan Park Best Management Practices Project (W294) to the Kings Bay Lyngbya Removal project (N468); and Authorize the Executive Director or Designee to sign the agreement with City of Crystal River for \$60,000.

**A motion was made, seconded to approve the staff's recommendation. Motion carried unanimously.** (Audio - 6:27)

19. Fiscal Year 2015-16 Cooperative Funding Process

Mr. Randy Smith, project manager, presented information on the FY2015-16 Cooperative Funding Process. This information included: schedule for reviewing and ranking requests; comparison of cooperative funding requests; preliminary funding requests by regions; subcommittee structure; proposed February public meeting schedule; proposed April meeting schedule; topics for February meeting; projected balances and reserves by planning region; and Number of FY16 projects by Area of Responsibility (AOR).

Staff recommended approval of the proposed February and April subcommittee meeting schedule and agenda topics staff has proposed for the February regional subcommittee meetings.

Chair Babb asked if there had been any requests for cost increases from previously funded projects. Mr. Smith responded none.

**A motion was made, seconded to approve the staff's recommendation. Motion carried unanimously.** (Audio - 12:19)

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

#### **20. Status of the Southern Water Use Caution (SWUCA) Area Recovery Strategy**

Mr. Mark Hammond, director of resource management division, provided an annual report of the SWUCA. He indicated staff will be presenting a five-year update at a future Board meeting which will include the Most Impacted Area and the Ridge Lakes. He stated the stakeholder meetings have been completed.

#### **21. Reevaluation of Minimum and Guidance Levels for Lake Stemper in Hillsborough County**

Mr. Hammond stated this is a re-evaluation of the Hillsborough area. The analysis concluded there was no need to change the Minimum Flows and Levels (MFL). Staff will continue with evaluations in the next two years to reaffirm the data.

### ***Routine Reports***

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

#### **22. Minimum Flows and Levels Status Report**

#### **23. Water Resource Development Projects**

**Committee Chair Senft adjourned the Resource Management Committee meeting, and relinquished the gavel to the Regulation Committee Vice Chair Beruff, who called the Committee meeting to order. (Audio – 14:06)**

### **Regulation Committee**

#### ***Discussion***

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

#### **25. Denials Referred to the Governing Board - WUP No. 20020477**

Ms. Alba Más, P.E., director of regulation division, introduced permit holder Mr. Steve Kingery, who addressed the Board regarding denial of his permit.

Ms. Más, stated staff's recommendation is for denial of this permit according to Chapters 40D-2 and 62-40, Florida Administrative Code and Part II of Chapter 373, Florida Statute.

**A motion was made, seconded to approve the staff's recommendation. Motion carried unanimously. (Audio – 16:36)**

### ***Submit & File Reports - None***

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

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

#### **26. Overpumpage Report - December 2014**

#### **27. Individual Permits Issued by District Staff - December 2014 – None**

**Committee Vice Chair Beruff adjourned the Regulation Committee meeting, and relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Maggard, who called the Committee meeting to order. (Audio – 16:54)**

### **Operations, Lands and Resource Monitoring**

#### ***Discussion***

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

#### **29. Hydrologic Conditions Status Report**

Mr. Granville Kinsman, hydrologic data manager, presented the Hydrologic Conditions Report. He indicated there has been improvement throughout the District. A large portion of the District is in the 90<sup>th</sup> percentile for rainfall. The 12 month trend shows a 3.3 inch surplus. Rainfall to date is showing a 2.2 inch surplus over the 12 month mean. Groundwater is showing a marked increase

above normal in the northern and central region and above normal in the southern regions. The climate forecast includes above normal rainfall with cooler than normal temperatures. The remainder of the dry season is expected to be tempered by El Niño.

**30. District Lands and Operations Overview**

Mr. Ken Frink, director of operations, lands & resource monitoring division and Mr. Jason Hopp, Bureau Chief of Operations and Land Management, provided a presentation on District Lands Ownership and Management Overview. This presentation included: why the District purchases land; what the District does with the land it owns; total land ownership of all water management districts; total municipality ownership within the SWFWMD; conservation lands and ownership associated; lands available for public access/recreation; water management district's acres owned, management & costs; FY14 land management expenditures; and land based revenue.

Mr. Frink also provided a demonstration of the District Lands Profile Viewer. This is a new web based application in-house tool. The purpose is to store existing land information and provide environmental value information. Information that the system will house will include: the cost of a land purchase; cost to manage the property; a summary of why the land was purchased; property utilization; partnership information; and correlation of Areas of Responsibility (AOR) to the property.

***Submit & File Reports***

***Routine Reports***

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

**31. Structure Operations**

**32. Significant Activities**

**Committee Chair Maggard adjourned the Operations, Lands and Resource Monitoring Committee meeting, and relinquished the gavel to the Finance/Outreach Committee Chair Dunbar, who called the Committee meeting to order. (Audio – 36:40)**

**Finance/Outreach & Planning Committee**

***Discussion***

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

**34. Preliminary Fiscal Year 2015-16 Budget**

Mr. John Campbell, director of management services, presented an overview of the Preliminary Fiscal Year 2015-16 Budget. Information presented included: recurring budget costs and actual expenditures; expenditure goals & outcomes; expenditure budget by category; total work force from previous to current fiscal years; expenditure budget by program; revenue budget; projected available revenue; long-term funding plan; and historical trend information.

Board Member Beruff asked about costs related to outsourcing. Mr. Campbell responded that information is being compiled and would be presented at another meeting. Discussion ensued. Board Member Beruff clarified that he is interested in long term and consulting contracts.

Board Member Senft asked when to expect a more accurate ad valorem estimate. Mr. Campbell responded that information will not be available until July 2015. Board Member Maggard asked about the decrease of 12 percent related to permit costs. Mr. Campbell responded this is based on FY2014 budget review, however, this will be subject to review.

Board Member Dunbar reviewed some information that was discussed for clarification.

Board Member Beruff asked if emergency funds have been budgeted. Mr. Campbell responded an economic stabilization fund, for two months or 6.7%, is included in the \$86 million; emergency

that funds are not budgeted separately. Board Member Beruff asked if the budget includes anticipated growth projected for new units in the budget. Mr. Campbell responded affirmatively, he explained that it is an estimate of two percent for fiscal years 2016 and 2017 and three percent for future fiscal years. A Board Member asked if the projects that are currently funded by the District are being monitored to ensure those funds are being spent by the cooperators. Mr. Campbell responded affirmatively.

Chair Babb directed attention to the importance of the Long-Term Funding Plan slide. Discussion ensued.

Mr. Hammond provided more information on the process of ensuring cooperators are utilizing the funds that have been provided by the District. Discussion ensued.

Staff recommended approval of the January 15 submittal of the FY2015-16 Preliminary Budget Submission report to the Florida Legislature.

**A motion was made, seconded to approve the staff's recommendation. Motion carried unanimously. (Audio – 59:03)**

**35. Strategic Plan Performance Metrics: Water Supply and Related MFL Recovery**

**Objectives**

Mr. Kurt Fritsch, inspector general, provided a presentation on Strategic Plan Performance Metrics. Information presented, included: type of metrics; monitoring the types of water use permits; comparison of conservation as related to gallons per day/gross per capita in all water management districts; districtwide outcome per capita metric; regional (Northern, Heartland, Tampa Bay & Southern) outcome per capita metric; activity per capita metric with utilities in northern region; activity metric related to water loss in northern region; outcome per capita, not including utilities; reuse; districtwide reuse outcome; districtwide reuse activity; regional reuse activity; and FARMS estimated offset by 2025.

Chair Babb asked what the District is doing to encourage reuse. Mr. Hammond responded the District has been working closely with local governments and continuing partnerships to find efficient uses for reclaimed water.

Board Member Mann asked about the growth of reuse and the relationship to growing infrastructure. Mr. Fritsch responded the growth by 2035 is approximately 65 percent. However, this is something staff will continue to analysis.

Board Member Beruff asked if there is an audit process to ensure FARMS projected million gallons per day (MGD) is continually being saved on an annual based from previous projects to current. Mr. Ed Craig, FARMS Program Manager, responded in the affirmative.

Board Member Maggard asked if it is determined the goal should be reached by 2030, will that reflect in the rankings of cooperative funding projects. Mr. Hammond responded that it could. He stated the board would decide when they do their project rankings. Discussion ensued.

Mr. Richard McLean, Pinellas County Utilities, spoke in support of reclaimed water.

***Submit & File Reports - None***

***Routine Reports***

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

36. **Treasurer's Report and Payment Register**
37. **Monthly Financial Statement**
38. **Monthly Cash Balances by Fiscal Year**
39. **Comprehensive Plan Amendments and Related Reports**
40. **Development of Regional Impact Activity Report**
41. **Significant Activities**

**General Counsel's Report**

***Discussion***

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

***Submit & File Reports – None***

***Routine Reports***

43. **Litigation Report - December 2014**

Ms. Laura Donaldson, general counsel, updated the Governing Board on two upcoming closed session meetings that will occur in January 2015. The first closed session relates to the lawsuit against Parsons Water as related to the Lake Hancock Project and the second closed relates to a lawsuit brought against the District in 2013 by Riverside Heights.

Ms. Donaldson updated the Board on an Order of Consistency that was received related to approved MFL rules for Homosassa and Chassahowitzka. There was a request for DEP review of the rules as related to consistency with State Water Resource Implementation rule. However there is a 30 day appeal process that ends December 26, the board will be briefed following the closing of the appeal process.

44. **Rulemaking Update - December 2014** - None

**Committee/Liaison Reports**

45. **Agricultural & Green Industry Advisory Committee Report**

Board Member Mann provided a copy of the December 4 meeting summary to the board members. He stated there was a presentation given from IFAS on citrus irrigation scheduling to address citrus greening management. Mr. Mann suggested this presentation be given to the full Board. Chair Babb agreed this would be a beneficial presentation.

46. **Other Committee/Liaison Reports**

Board Member Griffin stated the next Environmental Advisory Committee is scheduled for January 2015. She provided an update on the meeting October 21. Board Member Griffin also provided an update on the National Estuary meeting which occurred in November. Information from this meeting included the Restore Council set up for the British Petroleum oil spill. She stated the Restore Act Council is looking for shovel ready projects involving habitat restoration or water quality improvement that can be accomplished in five years. Only state and federal agencies and submit projects. DEP will be submitting projects from the District.

**Executive Director's Report**

47. **Executive Director's Report**

Mr. Beltran expressed his appreciation to the staff for their work in 2014.

Mr. David Rathke, chief of staff, updated the Board on a regional Emmy award the District received for production of a video showing the District's Springs Team. He indicated the Public



Affairs Bureau worked with Mr. Alex Gazio to produce a video that was submitted to the National Academy Arts and Sciences.

Mr. Beltran provided an update to the Board on the purchase of Boat Springs. He also informed staff of future challenges which included, but not limited to: SWUCA, budgeting process, amendment one funding, springs funding, and Restore Act Funding.

### **Chair's Report**

#### **48. Employee Milestones**

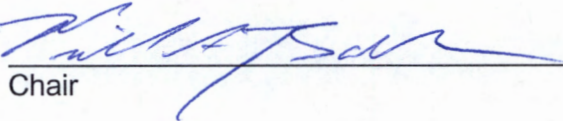
Chair Babb noted staff employees who have reached five-year increments in service to the District. He recognized staff members who have reached 25-year milestones, and thanked them for their service. This item was provided for the Board's information, and no action was required.

#### **49. Other**

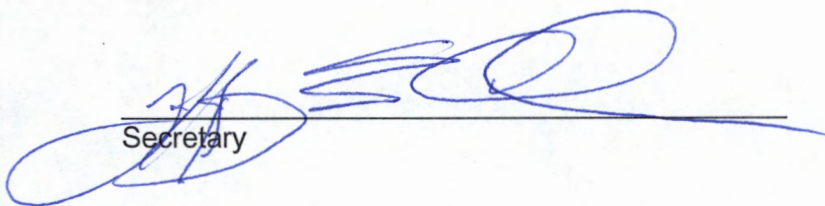
The next Governing Board meeting is scheduled for January 27 in the Tampa Service Office. February 24 will be in the Sarasota Service Office and the March 24 meeting will be in the Brooksville Service Office.

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

The meeting adjourned at 10:42 a.m.

  
Chair

Attest:

  
Secretary