

APPROVED

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

DECEMBER 18, 2012

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:06 a.m. on December 18, 2012, at the District's Tampa Service Office. The following persons were present:

Board Members Present

H. Paul Senft, Chair
Douglas B. Tharp, Vice Chair
Michael A. Babb, Member
Carlos M. Beruff, Member
Jennifer E. Closshey, Member
Wendy Griffin, Member
Randall S. Maggard, Member
George W. Mann, Member
Todd Pressman, Member

Board Member(s) Teleconferencing

Jeffrey M. Adams, Treasurer

Board Member(s) Absent

Albert G. Joerger, Secretary

Staff Members

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

Board's Administrative Support

Lou Kavouras, Boards & Executive Section
Bureau Chief
LuAnne Stout, Administrative Coordinator

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

PUBLIC HEARING (Video – 00:00)

1. Call to Order

Chair Senft called the meeting to order and opened the public hearing. He 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. Babb 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. **Oath of Office for Newly Appointed or Reappointed Board Members**

No appointments or reappointments occurred so this item was deferred.

4. **Additions/Deletions to Agenda** (Video – 05:00)

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. Mr. Guillory noted one item is deleted and one item is moved as follows:

CONSENT AGENDA

General Counsel's Report

The following item is deleted from consideration:

- 13.b. Approve Revisions to the District's Environmental Resource Permit Applicant's Handbook Volume II as Part of Statewide Environmental Resource Permitting (SWERP) Rulemaking

OPERATIONS & LAND MANAGEMENT COMMITTEE

The following item is moved to the Regulation Committee:

23. Hydrologic Conditions Status Report

GENERAL COUNSEL'S REPORT

Ms. Donaldson noted that there will be an item added for the Board's consideration during the General Counsel's Report of a request for a minimum flows and levels public hearing

Mr. Tharp moved, seconded by Mr. Beruff, to approve the amended agenda. Motion carried unanimously. (Track 1 – 00:00/03:40)

5. **Reading of Memorandum of Voting Conflict for County, Municipal and other Local Public Officers (Form 8B) as required by Section 112.3143, Florida Statutes**

Section 112.3143, Florida Statutes, requires that the filed memorandum be provided to the members of the Governing Board. The General Counsel is required to read the memorandum into the record at the next meeting after the form is filed. Ms. Donaldson read the document into the record as required. (Track 1 – 03:40/05:08)

6. **Ceremony to Honor Hugh M. Gramling for His Service on the Governing Board**

Chair Senft presented Mr. Gramling with plaques and a framed resolution to honor his service from April 2008 to August 2012. Mr. Gramling said he enjoyed serving on the Governing Board and Hillsborough River Basin Board to protect the water resources. He expressed his appreciation to past and present staff for always listening and doing what is right for the resource. (Track 2 – 00:00/08:02)

7. **Employee Recognition**

The following staff members achieved the milestone of 25 years for the period of October 1, 2012 to December 31, 2012, and were recognized before the Board. (Track 3 – 00:00/04:02)

MILESTONE	EMPLOYEE NAME	TITLE	BUREAU	LOCATION
25 Years	Ramzi Chehaib	Senior Professional Engineer	Environmental Res Permit	Tampa
	David Sauskojus	Senior Environmental Scientist	Environmental Res Permit	Tampa

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

Chair Senft noted one *Request to Speak* card had been submitted.

Mr. Mike Britt, representing the City of Winter Haven, thanked the District for hosting the educational public meetings regarding Identification of Flood Risks in the Peace Creek Watershed in Polk County. He said staff did an amazing job to educate the public. Mr. Britt said it was a significant public relations effort that had the public engaged and happy.

In response to Mr. Pressman's inquiry, Mr. Hammond said the meetings were hosted by Water Resources Bureau staff, along with Regulation Division staff at the Bartow Service Office. (Track 4 – 00:00/02:27)

CONSENT AGENDA (Video – 24:30)

Item 13.b. was deleted from consideration. Ms. Closshey noted that Item 11 was prepared using the same budget assumptions and the same budget amounts presented to the Governing Board on November 27, 2012, for a total budget of \$169.6 million. She said the preliminary budget was presented to the Florida Department of Environmental Protection for review and no comments were received.

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

a. **WUP No. 20004600.007 – Sweetwater Preserve, LLC / Sweetwater Preserve, LLC (Hardee County)**

This is a modification of an existing water use permit for agricultural use. Staff recommended the Board approve the proposed permit as included in the Board's meeting materials.

b. **WUP No. 20008054.007 – Polk County BOCC Utility Division / East Regional Utility Service Area (Polk County)**

This is a renewal with modification of an existing water use permit for public supply use with a duration of 20 years. Staff recommended the Board approve the proposed permit as included in the Board's meeting materials.

c. **WUP No. 20020244.001 – Barbara Lasley, et al / Bethel Farms (Sumter County)**

This is a modification of an existing water use permit for agricultural use. Staff recommended the Board approve the proposed permit as included in the Board's meeting materials.

Finance/Outreach & Planning Committee

10. **Budget Transfer Report**

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

11. **Preliminary Fiscal Year 2013-14 Budget**

Staff recommended the Board approve the District's preliminary budget for FY2013-14 for submission to the Florida Legislature by January 15, 2013.

General Counsel's Report

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

a. **Interagency Agreement between the SWFWMD and the SJRWMD - Designation of Regulatory Responsibility – Marion County Utilities - Pilot Truck Stop – Marion County**

Staff recommended the Board approve the Interagency Agreement between the SWFWMD and the SJRWMD for designation of regulatory responsibility for the issuance of a water use permit to Marion County Utilities to include the Pilot Truck Stop.

b. **Initiation of Litigation – Failure to Submit Statement of Inspection – S & I Properties - ERP No. 46030011.000 – Polk County**

Staff recommended the Board authorize the initiation of litigation against S & I Properties 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.

13. **Rulemaking**

a. **Initiation and Approval of Rulemaking to Adopt New Rule 40D-3.492, Florida Administrative Code (F.A.C.), and to Amend Rule 40D-3.411, F.A.C., to Provide a List of Actions that are Considered Violations of Chapter 40D-3, F.A.C., and to Change the Timeframe for Submittal of Well Completion Reports**

Staff recommended the Board initiate and approve rulemaking to adopt new Rule 40D-3.492, F.A.C., and to amend Rule 40D 3.411, F.A.C., to provide a list of actions that are considered violations of Chapter 40D-3, F.A.C., and to change the timeframe for submittal of Well Completion Reports and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process.

b. **Approve Revisions to the District's Environmental Resource Permit Applicant's Handbook Volume II as Part of Statewide Environmental Resource Permitting (SWERP) Rulemaking** – This item was deleted from consideration.

Executive Director's Report

14. **Approve Governing Board Monthly Meeting Minutes – November 27, 2012**

Staff recommended approving the minutes as presented.

Mr. Maggard moved, seconded by Ms. Closshey, to approve the Consent Agenda as amended. Motion carried unanimously. (Track 5 – 00:00/01:23)

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

REGULATION COMMITTEE (Video – 25:00)

Item 23 was moved from the Resource Management Committee for consideration prior to Item 16.

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

23. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, noted that the District is now two months into the eight-month dry season (October through May). Provisional rainfall from November 1-30 was significantly below normal in all regions of the District and most hydrologic indicators declined during the month. The provisional 12-month District-wide rainfall deficit increased during November, ending the month approximately 3.8 inches below the long-term average. The 24-month and 36-month cumulative rainfall deficits were approximately 6.2 and 6.6 inches below their respective long-term averages. Most hydrologic indicators throughout the District saw declines during November, although streamflow and groundwater levels continued to remain within normal limits. Lake levels in the Northern, Polk Uplands and Lake Wales Ridge regions of the District remained at below-normal levels; while levels in the Tampa Bay region remained in the normal range. (Track 6 – 00:00/07:15)

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

At Ms. Closshey's request, Mr. Warren Hogg, representing Tampa Bay Water, provided an update on the reservoir's renovation. Mr. Hogg responded to Mr. Beruff's questions regarding the desalination plant's production. (Track 6 – 07:15/12:20)

16. **Consider Any Recommended Water Shortage Orders**

Ms. Lois Sorensen, Demand Management Program Manager, noted that the Water Shortage Order No. SWF 2010-22 is scheduled to expire on December 31, 2012 unless the Governing Board takes additional action. The Order was first approved by the Governing Board during its November 16, 2010 meeting and has been extended four times. In accordance with Phase I of the District's Water Shortage Plan (Chapter 40D-21, F.A.C.), this Order maintained a twice-per-week maximum lawn watering schedule and other provisions in the District's Year-Round Water Conservation Measures (Chapter 40D-22, F.A.C.). The Order also sends an alert-type message that conditions may get worse and requires public suppliers to provide monthly enforcement information to the District.

Ms. Sorensen said staff contacted public suppliers in the central and southern counties to determine if there are any current or projected public supply concerns that would be aggravated by recent below-normal rainfall. She said no immediate concerns were noted.

Staff recommended the Board approve order modifying Water Shortage Order No. SWF 2010-022 to extend the Order's expiration date to July 31, 2013.

Ms. Closshey moved, seconded by Chair Senft, to approve the staff recommendation as presented. Motion carried unanimously. (Track 6 – 12:20/14:30)

17. **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.

18. **Southern Water Use Caution Area Quantities**
19. **Overpumpage Report**
20. **E-Permitting Metrics: Online vs. Paper Applications**
21. **Individual Permits Issued by District Staff**
22. **Resource Regulation Significant Initiatives**

Committee Chair Beruff adjourned the Committee meeting, and relinquished the gavel to Operations & Land Management Committee Chair Tharp who called the Committee meeting to order. (Track 6 – 14:30/15:48)

OPERATIONS & LAND MANAGEMENT COMMITTEE (Video – 40:50)

Discussion Items

23. **Hydrologic Conditions Status Report** – Considered during the Regulation Committee meeting.

24. **Northwest Hillsborough County Lake Level Management**

Mr. Roy Mazur, Bureau Chief, Operations and Land Management, noted that, at the July 31, 2012 Governing Board meeting, staff was requested to facilitate a presentation on the factors influencing the water surface elevations in the northwest Hillsborough County lake systems over the past several years. He provided an overview of the environmental conditions and water control structure operations which influence the water surface elevations in northwest Hillsborough County lakes and, specifically, the Lake Pretty chain. Mr. Mazur discussed the effects of rainfall events, reduced pumping and water control structure operation upon the water surface elevation of the lakes. (Track 7 – 00:00/20:40)

The Board encouraged staff to hold public meetings to educate the local residents about the science, options and implications. The Board suggested development of an informational web page.

Committee Chair Tharp said that one *Request to Speak* had been submitted.

Mr. Andress Mamontoff said he is a resident of Odessa along the northern shore of Rock Lake. He said that, due to Tropical Storm Debby, the water level reached his house, and neighbors had septic failures and docks float away. He suggested lowering the lake level from 45.5 feet to 44.5 feet to provide safety during the rainy season. He noted that there is a hyacinth issue. (Track 7 – 20:40/24:00)

This item was presented 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.

25. **Surplus Lands Assessment Update**

26. **Flying Eagle Nature Center Update**

Committee Chair Tharp said the proposals have been sent to the evaluation team, and questions are due by January 4, 2013; oral presentations are scheduled for January 18, 2013. He requested an electronic copy of the evaluation scoring form be provided to the team members.

Routine Reports

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

27. **Structure Operations**

28. **Significant Activities**

Operations & Land Management Committee Chair Tharp adjourned the Committee meeting and relinquished the gavel to Resource Management Committee Chair Babb who called the Committee meeting to order. (Track 7 – 24:00/25:43)

RESOURCE MANAGEMENT COMMITTEE (Video – 66:34)

Discussion Items

29. **Cooperative Funding Initiative Board Policy**

Mr. Hammond said that, in review of the District's processes associated with the Cooperative Funding Initiative over the last year, staff has identified options for revisions to the policy for the Board to consider. He provided an overview of the Cooperative Funding Initiative Policy; and options to enhance the prioritization, ranking, funding and whether to

apply changes this year or next to the projects. He also reviewed evaluation criteria, and links to the Strategic Plan and the four Areas of Responsibilities.

Mr. Hammond noted that staff will bring the policy back to the Board at its January 2013 meeting to finalize any changes to the policy in time for the February and April 2013 Cooperative Funding regional sub-committee meetings. (Track 8 – 00:00/34:10)

Mr. Guillory noted that 143 projects were submitted and reviewed by staff. He said moving the submittal date to October has allowed staff more time to evaluate each project. With the elimination of the Basin Boards, staff realizes that those boards helped set the priorities for their specific regions. Staff has discussed creating a strategic five-year work plan for each of the four planning regions. He said staff is looking for guidance and priorities from the Board.

Discussion ensued regarding quantification of return on investments including reclaimed/reuse measurements, considering possible options, forming community partnerships and input, meeting each region's unique needs, consistency for meaningful conservation, scheduling a Board workshop, involving partners for feedback, considering prioritization of alternative water resource projects, funding policy, ensuring projects accomplish their purposes with measurements and a continuing report card, and including a water-savings metric on the District dashboard. (Track 8 – 34:10/53:50)

Chair Senft noted one *Request to Speak* card had been submitted.

Mr. Mike Britt, representing the City of Winter Haven, said the City adopted a sustainable water management plan about five years ago that mirrors the Board's discussion today. He said this is the time to move forward to achieve results instead of maintaining minimum standards. He noted that measuring results is a difficult job but is necessary to ensure future benefits. (Track 8 – 53:50/56:40)

Mr. Guillory said staff will return to the Board in January with specific recommendations for the Cooperative Funding policy. He noted the Board may contact him or Mr. Hammond regarding the Cooperative Funding Initiative. He noted that Mr. Rathke will be leading the Strategic Plan update and staff will schedule a future Board workshop to consider specific strategic objectives for each region. (Track 8 – 56:40/60:21)

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

Submit & File Report

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

30. Status of the Southern Water Use Caution Area Recovery Strategy

Mr. Hammond said staff is preparing the annual report for the Board's consideration in April or May 2013. Committee Chair Babb noted one *Request to Speak* card had been submitted.

Mr. Mike Britt, representing the City of Winter Haven, requested the City be involved as the updated plan is prepared.

Chair Senft noted that the Polk Water Alliance was formed in the last five years and should be involved as well. (Track 9 – 00:00/02:11)

Routine Reports

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

31. **Minimum Flows and Levels**
32. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
33. **Significant Water Supply and Resource Development Projects**

Resource Management Committee Chair Babb adjourned the Committee meeting (Track 9 – 00:00/02:11), and relinquished the gavel to Finance/Outreach & Planning Committee Vice Chair Closshey. Committee Chair Adams called the Committee meeting to order (via teleconference).

FINANCE/OUTREACH & PLANNING COMMITTEE (Video – 130:12)

Discussion Items

34. **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.

35. **Legislative Update**
Mr. Rathke said this is the first update for the coming session and the Board will be provided monthly updates.

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 Amendment and Related Reviews**
40. **Development of Regional Impact Activity Report**
41. **Significant Activities**

Finance/Outreach & Planning Committee Chair Adams adjourned the Committee meeting and Committee Vice Chair Closshey relinquished the gavel to Chair Senft. (Track 10 – 00:00/02:17)

GENERAL COUNSEL'S REPORT (Video – 131:20)

Discussion Items

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

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

Ms. Donaldson said the District received a request for public hearing regarding the Chassahowitzka and Homosassa River Systems Minimum Flows and Levels. Chair Senft requested Mr. Tharp serve as the presiding officer. Mr. Tharp accepted. Ms. Donaldson said staff will schedule a date in January 2013 that meets noticing requirements. She noted that the hearing will be at the Brooksville office.

Submit & File Reports – None

Routine Reports

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

43. **Litigation Report**

Ms. Donaldson said the number of enforcement cases will probably be at a constant of about 80 cases so it may not need to be reported monthly on the dashboard.

44. **Rulemaking Update** (Track 11 – 00:00/03:18)

COMMITTEE/LIAISON REPORTS (Video – 134:30)

The following reports were provided for the Board's information.

45. **Joint Agricultural and Green Industry Advisory Committees Meeting and FARMS Workgroup**

46. **Tampa Bay Regional Planning Council Meeting**

47. **Other Liaison Reports** – None (Track 12 – 00:00/01:44)

EXECUTIVE DIRECTOR'S REPORT (Video – 136:35)

48. **Executive Director's Report**

Mr. Guillory said that, over the past year, the districts have worked with Florida Department of Environmental Protection in establishing a set of metrics to measure various items requested by the Governor.

Mr. Beltran provided an overview of the water management districts' performance metrics received from the Governor's Office for the past year. He noted that staff is very proud of these metrics which includes consumptive use and environmental resource permitting, water supply, minimum flows and levels priorities, natural systems, and mission support and administrative costs.

The Board expressed its appreciation of the outstanding efforts of Mr. Guillory and his management team. Mr. Guillory noted that the District did not change any rules but focus on improving processes to be better every day. (Track 13 – 00:00/11:38)

CHAIR'S REPORT (Video – 148:10)

49. **Chair's Report**

a. **Executive Director Performance Evaluation**

Chair Senft said the Board members have reviewed the draft performance evaluation reflecting the 2012 performance of the Executive Director, and asked if there are any changes the Board may wish to make to them. He requested the Board authorize him to sign the final, approved performance evaluation and deliver it to the Executive Director on behalf of the Governing Board.

Ms. Donaldson provided a document outlining suggested amendments to the October 4, 2011 Agreement for Personal Services of the Executive Director: Section 6, Termination of Agreement; Section 7, Severance; and Section 8, Compensation and Benefits.

Mr. Beruff moved for the Board to adopt and approve the 2012 Performance Evaluation with the aforementioned amendments to the October 4, 2011 Agreement for Personal Services of the Executive Director. Ms. Closshey seconded the motion and it carried unanimously. (Track 14 – 00:00/09:28, Track 15 – 00:00/00:03)

Ms. Closshey moved, seconded by Mr. Babb, for the Board to adopt and approve the 2013 Goals and Objectives for District Executive Director Blake Guillory. The motion carried unanimously. (Track 16 – 00:00/00:54)

b. Other – None

(Mr. Beruff left the meeting.)

There being no further business to come before the Board, Chair Senft recessed the public hearing and adjourned the meeting at 11:46 a.m. (Video – 158:53, Track 16 – 00:00/0:54)