

A P P R O V E D

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

HAINES CITY, FLORIDA

DECEMBER 20, 2011

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:00 a.m. on December 20, 2011, at the Lake Eva Community Center (Banquet Hall) located in downtown Haines City, Florida. The following persons were present:

Board Members Present

H. Paul Senft, Chair
Hugh Gramling, Vice Chair
Douglas B. Tharp, Secretary
Albert G. Joerger, Treasurer
Jeffrey M. Adams, Member
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 (*via teleconference*)
Judith C. Whitehead, Member

Staff Members

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

Board's Administrative Support

LuAnne Stout, Administrative Coordinator
Linda De Jonge, Sr. Administrative Asst.

Board Member(s) Absent – None

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. He thanked Mr. Ken Sauer, City of Haines City Manager, and his staff for their assistance in holding the Board's meeting in this area. He noted that Mr. Ron Tyler, Haines City's Mayor, will be in attendance later in the morning.

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 and 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 noted for the record one deletion to the meeting's agenda.

FINANCE & ADMINISTRATION COMMITTEE

The following item is deleted from consideration:

42. District Fleet Reduction

Mr. Joerger moved, seconded by Mr. Beswick, to approve the amended agenda. Motion carried unanimously. (Track 1 – 00:00/07:35)

The agenda's order of consideration was altered slightly at this time.

CONSENT AGENDA (Video A – 08:26)

Mr. Beswick declared a conflict of interest for Item 11.c. Mr. Tharp requested Item 9 be moved for Resource Management Committee discussion.

Regulation Committee

5. **Initiation and Approval of Amendments to Rule 40D-1.1010, Florida Administrative Code (F.A.C.), to Delete Requirement for Permittees to Publish Notices of Agency Action**

Staff recommended to approve the proposed amendment and authorize staff to proceed with rulemaking to amend Rule 40D-1.1010, F.A.C., to delete the requirement for permittees to publish notices of agency action on permit applications.

6. **Individual Water Use Permits**

a. **WUP No. 20002983.011 – Hernando County Utilities – West Hernando County Service Area (Hernando County)**

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

b. **WUP No. 2000939.012 – West Florida Agro Limited – West Florida Agro Farm 2 (Manatee County)**

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

Resource Management Committee

7. **Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Minimum and Guidance Levels for Lake Carroll in Hillsborough County**

Staff recommended to initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to delete the previously adopted guidance level and add new guidance and minimum levels for Lake Carroll in Hillsborough County as included in the Board's meeting materials.

8. **Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, F.A.C., to Adopt Minimum Flows (MFLs) for Lower Myakka River and Accept Report**

Staff recommended to initiate and approve rulemaking to amend Rule 40D-8.041, Florida Administrative Code, to adopt minimum flows for the Lower Myakka River; and accept the Minimum Flows report entitled, "The Determination of Minimum Flows for the Lower Myakka River" dated December 2011.

9. **Land Use and Management Plans for the Flying Eagle Preserve and Potts Preserve**

This item was moved for discussion during the Resource Management Committee portion of the agenda.

10. **Authorize Submission of Preliminary Flood Insurance Rate Maps (FIRMs) to the Federal Emergency Management Agency (FEMA)**
 - a. **Highlands County – Highlands Lakes Watershed**

Staff recommended to authorize submission of the preliminary FIRMs for the Highlands Lakes watershed in Highlands County to the FEMA. Preliminary floodplain information was presented for review and comment during a public workshop held October 27, 2011.
 - b. **Citrus County – Tsala Apopka Watershed**

Staff recommended to authorize submission of the preliminary FIRMs for the Tsala Apopka watershed, including portions of Tsala Apopka Outlet, Inverness, Floral City and Lake Bradley planning units, in Citrus County to the FEMA. Preliminary floodplain information was presented for review and comment during a public workshop held September 1, 2011.
11. **Facilitating Agricultural Resource Management Systems (FARMS)**
 - a. **Orange-Co, LP - Bermont Grove - Amendment (H593) – Charlotte County**
 - b. **J.R. Paul Properties, Inc. (H656) – DeSoto County**
 - c. **DeSoto Land Investment, LLC (H657) – DeSoto County**
 - d. **John Crum Lake McLeod Blueberries (H655) – Polk County**

This item was moved for consideration during the Resource Management Committee portion of the agenda.

Finance & Administration Committee

12. **Budget Transfer Report**

Staff recommended to approve the Budget Transfer Report covering all budget transfers for November 2011.
13. **Facilitating Agricultural Resource Management Systems (FARMS) Program (H017) – Budget Transfer**

Staff recommended to approve the transfer of \$2,500,000 from the cancelled City of Punta Gorda's Brackish Groundwater RO project (H087) budgeted in Governing Board funds to the FARMS Program (H017) for future funding of agricultural BMP's consistent with FARMS Rule 40D-26, F.A.C.
14. **Information Resources Bureau**
 - a. **Water Management Information System Development – Supplemental Contractual Services**

Staff recommended to authorize a transfer of \$227,000 in FY2012 funds from existing Information Resources Bureau operational accounts for a capital lease payment and \$120,000 of prior year contractual services funds for Lotus Notes/Domino decommissioning to Water Management Information System (WMIS) contractual services accounts with the intent to acquire additional contractual services to support the WMIS development.
 - b. **Information Technology Analysis and Review – Request for Funding**

Staff recommended to (1) authorize the transfer of up to \$200,000 from General Fund FY2012 Contingency Reserves to fund the Information Technology Analysis; and (2) authorize staff to enter into an agreement with the most qualified vendor responding to Request for Quotes 12-1202, Information Technology and Analysis in an amount not to exceed \$200,000.

Executive Director's Report

15. **Approve Governing Board Minutes – November 29, 2011 Monthly Meeting**

Staff recommended to approve the minutes as presented.

Mr. Combee moved, seconded by Mr. Beruff, to remove Items 9 and 11, and approve the amended Consent Agenda. Motion carried unanimously. (Track 1 – 07:35/09:00)

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

REGULATION COMMITTEE (Video A – 09:52)

Discussion Items

16. **Consent Item(s) Moved for Discussion** – None
17. **Denials Referred to the Governing Board** – None

Submit & File Reports – None

Routine Reports

The following items were provided for the Committee's information.

18. **Southern Water Use Caution Area Quantities**
19. **Overpumpage Report**
20. **E-Permitting Metrics: Online vs. Paper Applications**
 - Ms. Más noted that usage of on-line submittals has increased seven percent this month.
21. **Individual Permits Issued by District Staff**
22. **Resource Regulation Significant Initiatives**

Resource Regulation Committee Chair Beswick adjourned the Committee meeting and relinquished the gavel to Chair Senft for consideration of Item 4. (Track 1 – 09:00/10:10)

4. **Public Input for Issues Not Listed on the Published Agenda**
Chair Senft noted that one speaker card was submitted.

Mr. David Gore, resident of Davenport, addressed his concerns for local water resources, deterioration of water quality and reduction of aquifer pressure. (Track 1 – 10:10/15:30)

Chair Senft relinquished the gavel to Resource Management Committee Chair Gramling who called the Committee meeting to order.

RESOURCE MANAGEMENT COMMITTEE (Video A – 16:38)

Discussion Items

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

9. **Land Use and Management Plans for the Flying Eagle Preserve and Potts Preserve**

In response to Mr. Tharp's queries, Mr. Will Miller, Land Use Manager, Operations Bureau, said \$155,000 is budgeted for public safety and to protect the District's assets with the understanding that staff is exploring partnerships for the Boy Scouts. He said the Boy Scouts have informed the District that it cannot meet the financial responsibilities of the lease. Mr. Miller said meetings have been held with the Florida Fish and Wildlife Conservation Commission (FWC) and the Boy Scouts. He said the FWC would like to partner with the Boy Scouts and the issue is what interest in the property FWC would have to acquire to expend funds. Mr. Miller said a decision is needed in February relative to the partnerships or reconfiguring the property.

Mr. Chris Winn, FWC Southwest Regional Director, said the Commission is interested in partnering with the District and the Boy Scouts to pursue the vision for Flying Eagle Preserve. He said the Commission is determining what type of instrument would allow a partnership and expend funds on the property. In response to Mr. Tharp's question, Mr. Winn indicated he may have a determination by the end of February.

Mr. Tharp requested this item be placed on the Board's February agenda.

Mr. Maggard requested the estimated costs associated with the stated goals for land management plans be provided for the plans' 10-year planning horizon. Mr. Miller said staff can include that information in future plans.

Staff recommended to approve the Executive Summaries and updated Land Use and Management Plans for the Flying Eagle Preserve and Potts Preserve.

Mr. Tharp moved, seconded by Mr. Beruff, to approve Consent Agenda Item 9, Land Use and Management Plans for the Flying Eagle Preserve and Potts Preserve, as presented. Motion carried unanimously. (Track 1 – 15:30/27:21)

11. Facilitating Agricultural Resource Management Systems (FARMS)

a. Orange-Co, LP - Bermont Grove - Amendment (H593) – Charlotte County

This project is for the construction and operation of a 5.0-acre tailwater recovery reservoir. Staff recommended to (1) approve the Orange-Co, LP – Bermont Grove project amendment for a not-to-exceed project reimbursement increase of \$96,464 (\$73,961 to \$170,425) with \$48,232 provided by the Peace River Basin, \$48,232 provided by the Governing Board; (2) authorize the transfer of \$48,232 from fund 020 H017 Peace River Basin FARMS funds, and \$48,232 from fund 010 H017 Governing Board FARMS funds to the H593 Orange-Co, LP – Bermont Grove project fund; and (3) authorize the Resource Management Division Director to execute the agreement.

b. J.R. Paul Properties, Inc. (H656) – DeSoto County

This project is for the construction and operation of a 5.15-acre tailwater recovery reservoir. Staff recommended to (1) approve the J.R. Paul Properties, Inc. project for a not-to-exceed reimbursement of \$128,000 with \$64,000 provided by the Peace River Basin and \$64,000 provided by the Governing Board; (2) authorize the transfer of \$64,000 from fund 020 H017 Peace River Basin FARMS funds, and \$64,000 from fund 010 H017 Governing Board FARMS funds to the H656 J.R. Paul Properties, Inc. project fund; and (3) authorize the Resource Management Division Director to execute the agreement.

c. DeSoto Land Investment, LLC (H657) – DeSoto County

This project is for the construction and operation of a 5.0-acre tailwater recovery reservoir. Staff recommended to (1) approve the DeSoto Land Investment, LLC project for a not-to-exceed project reimbursement of \$548,900 with \$96,337 provided by the Peace River Basin and \$452,563 provided by the Governing Board; (2) authorize the transfer of \$96,337 from fund 020 H017 Peace River Basin FARMS funds, and \$452,563 from fund 010 H017 Governing Board FARMS funds to the H657 DeSoto Land Investment, LLC project fund; and (3) authorize the Resource Management Division Director to execute the agreement.

d. John Crum Lake McLeod Blueberries (H655) – Polk County

This project is for the construction and operation of a 0.8-acre tailwater recovery reservoir. Staff recommended to (1) approve the John Crum project for a not-to-exceed project reimbursement of \$41,810 with \$20,905 provided by the Peace River Basin Funds and \$20,905 provided by the Governing Board; (2) authorize the transfer of \$20,905 from fund 020 H017 Peace River Basin FARMS funds and \$20,905 from fund 010 H017 Governing Board FARMS funds to the H655 John Crum project fund; and (3) authorize the Resource Management Division Director to execute the agreement.

Mr. Combee moved, seconded by Ms. Closshey, to approve Consent Agenda Items 11.a., 11.b., 11.c. and 11.d., as presented. The motion carried with Mr. Beswick abstaining from the vote. (Track 1 – 27:21/28:18)

24. **Hydrologic Conditions Status Report** (Video A – 29:08)

Mr. Granville Kinsman, Manager, Hydrologic Evaluation Section, said the District is now two months into the eight-month dry season (October through May) and rainfall totals during November were significantly below-normal in all regions of the District. Rainfall received during the month was light, scattered and associated with several weak cold front systems that moved through the District. The District-wide provisional 12-month rainfall deficit worsened and was approximately 2.9 inches below the long-term historical average, while the 24-month deficit worsened to 3.0 inches below-average and the 36-month deficit improved to 8.3 inches below-average. (Track 1 – 28:18/32:51)

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

At this time, Mr. Pressman joined the meeting via teleconference. (Video A – 33:36)

25. **Hunting Opportunities on the Green Swamp West Non-Wildlife Management Area (WMA), Green Swamp East Non-WMA, Green Swamp East Hampton Tract, Lower Hillsborough Wilderness Preserve and Cypress Creek Preserve**

Mr. Will Miller, Land Use Manager, Operations Bureau, said staff received approximately 1,000 comments through various venues including email, letter and various public meetings. Staff, in collaboration with Florida Fish and Wildlife Conservation Commission (FWC), developed draft final proposals for the subject five properties, which were presented at a public meeting on December 5, 2011 in Plant City. Mr. Miller reviewed the proposed recommendations for the five properties.

Mr. Chris Winn, FWC Southwest Regional Director, said the FWC has been working for the past two years as a partner to support the District in determining possible recreational use expansions when appropriate. He said the FWC recognizes there are concerns and differences of opinion about how to share these resources. (Track 2 – 00:00/16:10)

Responding to Board member questions, Dr. Jen Williams, PHA Biologist, Northeast Region, said none of these areas are over populated with wildlife and briefly reviewed guidelines. (Track 2 – 16:10/22:35)

Committee Chair Gramling said a number of requests to speak have been submitted. He opened the floor for public comments and limited each person to two minutes. (Track 2 – 22:35/23:40, Video A – 56:20)

Mr. John Sparks, resident of Summerfield, voiced his concerns regarding passive recreational users' safety not being conducive with hunting. (Track 2 – 23:40/26:45)

Ms. Sandra Switzer, resident of Lakeland, expressed her concerns for hunting on recreational use lands. She said passive users have been on the increase and expect to be able to use public lands without worry. Mr. Combee asked Ms. Switzer if she thinks the public would support a fee for passive uses like bird watching, hiking, horseback riding, etc., to offset costs for maintenance. Ms. Switzer replied affirmatively. (Track 3 – 00:00/03:28)

Mr. Joe Richards, representing the Pasco County Attorney's Office, said he was here on behalf of the Board of County Commissioners of Pasco County to speak in opposition to the hunting proposal for Cypress Creek Preserve because of extensive passive recreational use and nearby residential subdivisions and schools. (Track 4 – 00:00/01:53)

Ms. Katy Roberts, resident of Safety Harbor, thanked District staff for the hard work they do. She expressed her concerns for protecting lands, Florida's unique habitats, and recreational use. She noted that past land management plans show that these lands were designated non-hunting for good reasons. (Track 5 – 00:00/02:13)

Ms. Candace Arnold, resident of St. Petersburg, voiced her concerns since the previous site evaluations have shown that hunting is not appropriate for a number of reasons. (Track 6 – 00:00/02:32)

Mr. Shaun Beinstein, resident of Lutz, said he opposes hunting on the Cypress Creek Preserve because of the proximity to his neighborhood and safety for local families. (Track 7 – 00:00/00:33)

Mr. Brad Spacone, resident of Land O'Lakes, said he opposes hunting on the Cypress Creek Preserve due to the location and liability to schools, neighborhoods and the Tampa Bay Water infrastructure. (Track 8 – 00:00/02:25)

Mr. Andy Scaglione, resident of Tampa, said he opposes hunting on the Cypress Creek Preserve because of the proximity to schools and neighborhoods. He provided photographs of the area for the Board's information. (Track 8 – 02:25/05:27)

Mr. Dan Aprile, resident of Temple Terrace and representing several neighbors whose property is next to the Cypress Creek Preserve, voiced their opposition to the proposed hunting scenario. (Track 9 – 00:00/00:37)

Mr. Russell J. Watrous, resident of Land O'Lakes, spoke in opposition to the proposed hunting for the Cypress Creek Preserve. He provided photographs of the area for the Board's information. (Track 10 – 00:00/02:15)

Ms. Maureen George, resident of Lakeland, spoke in opposition to the proposed hunting for the Cypress Creek Preserve. (Track 11 – 00/02:14)

Mr. Warren Hogg, representing Tampa Bay Water, said he speaks on behalf of the TBW Board of Directors which voted on Monday to request the Governing Board to not allow hunting on the Cypress Creek Preserve to avoid the potential for conflicts between passive recreationists and hunters. (Track 12 – 00:00/00:43)

Mr. Dennis Dutcher, representing the United Water Fowlers of Florida, expressed support for the extension of hunting. (Track 13 – 00:00/02:38)

Mr. Truman Prevatt, resident of Brooksville and a Board member of the Back Country Horsemen of America, relayed an incident of an altercation with a hunter and voiced opposition to the extension of hunting. (Track 14 – 00:00/03:26)

Mr. Eugene Kelly, representing the Florida Native Plant Society (FNPS), said the FNPS submitted a letter to the Governing Board for the record. He noted that the FNPS is not anti-hunting but is for land management of the natural resources. He expressed concern that resources will be redirected away from land management and access reduced for non-hunting users. (Track 15 – 00:00/02:30, Video A – 90:50)

Board members discussed the proposed hunting scenarios. Messrs. Miller and Winn responded to questions and provided clarification. (Track 15 – 02:30/10:05)

Mr. Gregg Eason, FWC Law Enforcement Captain, answered questions regarding laws and local ordinances. He said officers are proactive in new areas and where complaints occur. He noted that officers are not necessarily assigned to a hunt because there are hundreds of hunts occurring simultaneously. (Track 15 – 10:05/13:00)

Mr. Warren Hogg said, for the record, since July 2011 TBW staff has discussed this proposal with District staff to address TBW staff's concerns but has never approved or disapproved of the proposal. He said, from a policy basis, the TBW Board of Directors says this agency does not support hunting because of the potential interaction and conflict

between hunting and passive recreation; it is a public safety issue. He said the TBW Board of Directors has respectfully requested that the Governing Board consider its concerns and not allow hunting on the Cypress Creek property. (Track 15 – 13:00/14:38)

Board members continued asking questions for clarification by the appropriate District or FWC staff member. Ms. Closshey suggested significant signage be posted to give warning. Chair Senft asked whether there was policy which would prohibit signage. Mr. Miller said signage can be posted at an expense. (Track 15 – 14:38/28:34)

Mr. Miller presented each staff recommendation for the Board's consideration.

Staff recommended to (1) authorize staff to amend the Land Use and Management Plan for the Lower Hillsborough Flood Detention Area (FDA) to allow hunting, (2) authorize staff to enter into agreement with FWC to manage hunting on this tract, and (3) authorize the Bureau Chief to execute the agreement with FWC.

Mr. Combee moved, seconded by Mr. Beruff, to approve the staff recommendation for the Lower Hillsborough Flood Detention Area, as presented. Motion carried unanimously. (Track 15 – 28:34/29:11)

Staff recommended to (1) authorize staff to amend the Land Use and Management Plan for the Green Swamp West non-WMA lands to allow hunting, (2) authorize staff to enter into agreement with an entity to manage hunting on this tract, and (3) authorize the Bureau Chief to execute that agreement.

Mr. Combee moved, seconded by Ms. Closshey, to approve the staff recommendation for the Green Swamp West non-Wildlife Management Area properties, as presented. Motion carried unanimously. (Track 15 – 29:11/29:44)

Staff recommended to approve not increasing hunting opportunities on the Green Swamp East non-WMA lands.

Mr. Tharp moved, seconded by Mr. Combee, to approve not increasing hunting opportunities on the Green Swamp East non-Wildlife Management Area lands. Discussion ensued regarding budgetary concerns, fees for all users, and maintenance costs. **Motion carried unanimously.** (Track 15 – 29:44/35:52)

Staff recommended to approve not increasing hunting opportunities on the Green Swamp East Hampton Tract.

Mr. Tharp moved, seconded by Mr. Beruff, to approve not increasing hunting opportunities on the Green Swamp East Hampton Tract. Motion carried unanimously. (Track 15 – 35:52/36:34)

Staff recommended to (1) authorize staff to amend the Land Use and Management Plan for the Cypress Creek to allow hunting, (2) authorize staff to enter into agreement with FWC to manage hunting on this tract, and (3) authorize the Bureau Chief to execute the agreement with FWC.

Ms. Closshey moved, seconded by Mr. Pressman, to not accept the staff recommendation and to deny amending the Land Use and Management Plan for the Cypress Creek Preserve to allow hunting. Discussion ensued regarding TBW staff activities on the property, proximity to residents and schools, and reduction of days or trial period to see level of interest. **The motion carried with Messrs. Combee and Tharp voting in opposition.** (Track 15 – 36:34/56:45)

Mr. Tharp moved to accept the staff recommendation for the Land Use and Management Plan for the Cypress Creek Preserve to allow hunting, to reduce the number of hunt days to six; and, during that period of time, District staff are on-site to warn the general public that these are hunt days and they enter at their own risk. Chair Senft seconded the motion. In response to the question whether staff time was budgeted to cover the expense, Mr. Miller said these activities will occur in FY2012-13 so can be budgeted. **The motion failed with two voting in favor (Messrs. Tharp and Senft) and eleven voting in opposition.** (Track 15 – 56:45/61:23)

Mr. Pressman ended participation via teleconference. (Video A – 149:45)

26. **Sustainable Water Resources Management Plan for the Peace Creek Watershed**

Mr. Mike Britt, Natural Resources Division Director for the City of Winter Haven, provided a presentation on the Peace Creek Watershed and the plan adopted by the City. The presentation included (1) the unique attributes of the Peace Creek Watershed, (2) the historical flow of water within the watershed, (3) the current condition of water resources within the watershed, and (4) recommendations within the Sustainable Water Resource Management Plan, including local objectives for water resources and the use of incentives and partnerships for future restoration. (Track 16 – 00:00/18:25)

Chair Senft complimented Mr. Britt and staff for the work being done. Ms. Closshey requested District staff review the plan for policy implications for presentation at a future meeting. Mr. Combee expressed his appreciation. (Track 16 – 18:25/27:23)

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

27. **Lake Eva Water Quality Improvement Project** (Video A – 177:10)

Mr. Keith Kolasa, Senior Environmental Scientist, Resource Projects Bureau, provided an overview of the Lake Eva project and an opportunity for the Board to tour the project site as it was located within walking distance of the Board's meeting location. (Track 17 – 00:00/10:23)

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

Committee Chair Gramling recessed the Committee meeting at 12:08 p.m. to provide a lunch break. (Track 17 – 00:00/10:23, Video A – 187:28). The site tour began at 12:45 p.m.

The meeting reconvened at 1:08 p.m. (Video B – 00:00)

28. **Facilitating Agricultural Resource Management Systems (FARMS) Program Update**

Mr. Eric DeHaven, Chief, Natural Systems and Restoration Bureau, reviewed the District's FARMS Program and progress the Program has made towards its five main goals:

- (1) Improvement of water quality affected by the use of mineralized groundwater for agricultural practices as documented in the Shell and Prairie Creek (SPJC) Watershed Management Plan – Reasonable Assurance Documentation;
- (2) Improvement in natural systems in the Upper Myakka River Watershed (UMRW) – Flatford Swamp impacted by agricultural practices;
- (3) Reductions in Upper Floridan aquifer agricultural withdrawals that will improve groundwater conditions as documented in the Southern Water Use Caution Area;
- (4) Maintaining groundwater use for agricultural needs at sustainable levels within the Northern District region; and
- (5) Reduction of agricultural frost/freeze groundwater pumping within the Dover/Plant City Water Use Caution Area as documented in the management plan for this region.

(Track 18 – 00:00/13:27)

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

Committee Chair Gramling requested staff provide a report on land use fees at a future meeting.

Submit & File Reports

The following items were submitted for the Committee's information.

29. **Update on Proposed Minimum Flows for the Freshwater Portion of the Little Manatee River Prior to Independent Scientific Peer Review** (B181)
30. **Surplus Lands Assessment Update**

Routine Reports

The following items were provided for the Committee's information.

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

Resource Management Committee Chair Gramling adjourned the Committee meeting and relinquished the gavel to Outreach and Planning Committee Chair Adams who called the Committee meeting to order. (Track 19 – 00:00/02:09)

OUTREACH & PLANNING COMMITTEE (Video B – 15:45)

Discussion Item

35. **Fiscal Year 2013 Cooperative Funding Policies, Procedures and Budget**
Ms. Lou Kavouras, Chief, Board & Executive Services and Ombudsman Bureau, summarized the cooperative funding applications received by region, reviewed the schedule for project evaluation and ranking, and described elements of the planned outreach efforts. The Cooperative Funding Public Meetings are proposed as follows:

Northern Region – February 7, 9 a.m. – District Headquarters
Tampa Bay Region – February 9, 9 a.m. – Tampa Service Office
Heartland Region – February 13, 1 p.m. – Bartow Service Office
Southern Region – February 15, 1 p.m. – Sarasota Service Office

Ms. Kavouras said the Board adopted Board Policy 130-4 for the purpose of implementing the District's Cooperative Funding Initiative and was last updated in December 2007. She noted the Policy also establishes Board policy and priorities, outlines types of projects to be considered, and provides specific direction for consideration of alternative water supply projects. Ms. Kavouras briefly reviewed suggested administrative amendments to Board Policy 130-4 reflecting the District's recent organizational changes.

Mr. Beruff moved, seconded by Mr. Maggard, to approve the amended Board Policy 130-4, Cooperative Funding Initiative, as presented. (Track 20 – 00:00/12:22)

In response to Ms. Closshey's concerns, Ms. Kavouras said there is wording in the procedure that, if the District is funding the planned development of a project, it is not eligible for reimbursement until actual construction of the project has occurred. Mr. Hammond noted that it is covered in contracts.

Motion carried unanimously. (Track 20 – 12:22/15:40)

Submit & File Report

The following item was submitted for the Committee's information.

36. **Legislative Update**

Routine Reports

The following items were provided for the Committee's information.

37. **Comprehensive Plan Amendment and Related Reviews**
38. **Development of Regional Impact Activity Report**
39. **Significant Activities**

Outreach and Planning Committee Chair Adams adjourned the Committee meeting and relinquished the gavel to Finance and Administration Committee Chair Joerger. (Track 20 – 15:40/16:00)

FINANCE & ADMINISTRATION COMMITTEE (Video B – 32:15)

Discussion Items

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

41. **Preliminary Fiscal Year 2012-13 Budget**

Mr. Fritsch provided an overview of the preliminary budget for FY2012-13 prepared for submission to the Legislature. He said the Florida Department of Environmental Protection (FDEP) requested water management districts submit budgets to the Legislature prior to the start of session for an ad valorem cap-setting exercise. Mr. Fritsch said the budget has been prepared consistent with the Board's November 29, 2011 direction. He noted that, on December 5, District staff submitted a draft preliminary budget to FDEP for review and comment. (Track 20 – 16:00/26:46)

Discussion ensued regarding basin reserve funds and District reserves.

Staff recommended authorization to submit the preliminary budget for FY2012-13, as presented to the Board on December 20, 2011, to the Florida Legislature prior to the start of the session on January 10, 2012.

Ms. Closshey moved, seconded by Mr. Gramling, to authorize submission of the preliminary budget as presented for FY2012-13 to the Florida Legislature. Motion carried unanimously. (Track 20 – 26:46/33:25)

42. **District Fleet Reduction**

This item was deleted from consideration.

Submit & File Report

The following item was submitted for the Committee's information.

43. **Office of Inspector General – Annual Report for Fiscal Year 2011**

Routine Reports

The following items were provided for the Committee's information.

44. **Treasurer's Report, Payment Register and Contingency Funds Report**
45. **Monthly Financial Statement**
46. **Management Services Significant Activities**

Finance and Administration Committee Chair Joerger adjourned the Committee meeting and relinquished the gavel to Chair Senft. (Track 20 – 33:25/34:12)

GENERAL COUNSEL'S REPORT (Video B – 50:20)

Ms. Donaldson noted that she will schedule individual meetings with Board members to introduce herself. She briefly discussed a change being made in her office regarding how Division of Administrative Hearings will be handled.

Discussion Items – None

Submit & File Reports – None

Routine Reports

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

47. **Litigation Report**
48. **Rulemaking Update**
(Track 21 – 00:00/01:57)

COMMITTEE/LIAISON REPORTS (Video B – 52:17)

49. **Liaison Reports**
 - Chair Senft noted that a copy of the December Tampa Bay Regional Planning Council meeting report was provided to each Board member. (Track 22 – 00:00/00:17)

EXECUTIVE DIRECTOR'S REPORT (Video B – 00:00)

50. **Executive Director's Report**
 - Mr. Guillory noted that staff is continuing to work toward a paperless Board packet in the near future. (Track 23 – 00:00/01:00)

CHAIR'S REPORT (Video B – 53:27)

51. **Chair's Report**
 - In response to Chair Senft's request, Mr. Adams provided his analysis of retaining a Board legal counsel. He concluded that the Board does not need to establish a retainer arrangement for outside counsel and suggested addressing the need as it arises. **Ms. Closshey moved, seconded by Mr. Tharp, to accept Mr. Adam's report and recommendation. Motion carried unanimously.** (Track 23 – 01:00/13:55)
 - Chair Senft said, since staff duties have changed, he proposes establishing the Operations and Land Management Committee through the end of his term as Chair (May 2012). **Mr. Maggard moved, seconded by Mr. Beruff, to form the Operations and Land Management Committee. Motion carried unanimously.** Chair Senft requested Board members contact Ms. Kavouras if interested in serving on the Committee. (Track 23 – 13:44/14:08, Track 24 – 00:00/02:05, Video B – 66:30)

There being no further business to come before the Board, Chair Senft recessed the public hearing and adjourned the meeting at 2:15 p.m. (Track 24 – 02:05/02:27, Video – 69:20)