

# **APPROVED**

## Minutes of the Meeting

### **NORTHWEST HILLSBOROUGH BASIN BOARD** Southwest Florida Water Management District

Tampa Service Office

December 9, 2008

The Northwest Hillsborough Basin Board of the Southwest Florida Water Management District convened for a regular meeting at 1:05 p.m., December 9, 2008, at the Tampa Service Office.

#### **Board Members Present**

Maritza Rovira-Forino, Chair Ex Officio  
Joseph W. J. Robinson, Vice Chair  
Susan Welsh, Secretary  
Mercy DiMaio, Member  
Frank "Lester" Adams, Member

#### **Staff Members**

Bruce C. Wirth	Roy Mazur
Lou Kavouras	Beth Putnam
Eric Sutton	Marty Kelly
Sid Flannery	Miki Renner
Linda Pilcher	Maya Burke
Eric DeHaven	Randy Emberg
Cori Cuttler	
Karen Kobil	

#### **Recording Secretary**

M. Frances Sesler

A list of others who attended and signed the attendance roster is filed in the permanent files of the Basin. Compact discs of the audio and copies of materials and handouts, as set forth in full herein, are also filed in the permanent files of the District.

*The numbers preceding the items listed below correspond with the published agenda.*

#### **1. Call to Order and Roll Call**

Chair Rovira-Forino called the meeting to order at 1:05 p.m. Ms. Sesler, the Board's administrative support, called the roll and noted a quorum was present. (CD 1/Track 1)

#### **2. Pledge of Allegiance**

The Pledge of Allegiance to the American Flag was led by Chair Rovira-Forino.

#### **3. Additions and Deletions to Agenda**

Ms. Lou Kavouras, Deputy Executive Director Outreach, Planning and Board Services said there were no additions or deletions to the agenda.

#### **4. Consent Items:**

##### **a. Minutes of the August 7, 2008, Meeting**

Approve the August minutes as presented.

##### **b. Funding Agreement Between the City of Tampa for the Recovery of the Lower Hillsborough River – Sulphur Springs Pool Upper Weir & Gates and Sulphur Springs Pumping Station Project (H400)**

Recommend the Governing Board approve the agreement effective October 1, 2009, with the City of Tampa for \$2,480,000, with the District's share not to exceed \$1,240,000 and the Northwest Hillsborough Basin Board's share not to exceed \$155,000; and authorize the Executive Director to sign the agreement.

c. **Fiscal Year 2009 Final Budget Adjustment for Ratification**

Ratify the Governing Board's action to redirect \$8,914 of budgeted dollars that had been allocated for proposed merit increases for District staff to the Tampa Bay Water – System Configuration II Project for \$8,896 and to the Save Our Rivers Brooker Creek project for \$18.

Following consideration, **Ms. Welsh moved, seconded by Mr. Robinson, to approve Consent Items 5a, b and c as presented.** Motion carried unanimously. (CD 1/ Track 1)

5. **Discussion Items:**

a. **Anticipated Merger of the Northwest Hillsborough and Hillsborough River Basins**

Ms. Kavouras explained the rationale behind the proposed merger and offered a detailed discussion regarding the mechanics of combining the two Basin Boards and their respective budgets.

Ms. Kavouras said the District's Governing Board creates Basins and designates their boundaries under subsection 373.0693(1)(a), Florida Statutes. For over two decades, management studies of the District concluded the Governing Board should periodically review its Basin Board boundaries to ensure the operations and responsibilities of the District are being discharged in an efficient and effective manner. This past year, both the Senate Committee on Environmental Preservation and Conservation report "Agency Sunset Review of the Water Management Districts" and OPPAGA's Sunset Memorandum on "Governance of Florida's Water Management Districts: Options for Legislative Consideration," suggested that the District's Governing Board consider merging Basin Boards where appropriate. In response to these recommendations, the District undertook a thorough evaluation of opportunities for such mergers and concluded that combining the Northwest Hillsborough and the Hillsborough River Basins should be considered by the Governing Board. While additional consolidation of Basin Boards might be feasible in the future, at this time staff is only suggesting consideration of combining the Northwest Hillsborough and Hillsborough River Basins.

The existing millage rate of the Northwest Hillsborough Basin is 0.2421, and the Hillsborough River Basin millage rate is 0.2547. Staff recommends applying the lower of the two millage rates effective Fiscal Year 2010, which begins October 1, 2009, upon adoption by the Board. When combined, all existing projects/programs and their associated budgets will remain as is. Based on current property values, consolidation of the two Basins would result in an anticipated reduction of nearly \$600,000 in tax assessments for the nearly 800,000 residents of the existing Hillsborough River Basin. Additionally, merging the two Basins would save money and eliminate duplication of work. At least two-thirds of the projects funded by the Northwest Hillsborough Basin Board are co-funded by the Hillsborough River Basin Board. Eliminating this duplication should save about \$50,000 annually in staff resources and travel. Staff administrative aspects of Board support would also be reduced.

Ms. Kavouras said current Basin Board membership on the Northwest Hillsborough Basin Board consists of five positions. Of the five positions, one seat is vacant and two members are serving in expired seats. All currently seated members of both Boards will transfer to the merged Basin. No existing seated members will lose their seats. Additionally, all Basin Initiatives, Cooperative Funding Projects and Reserves in each Basin will remain intact. The Northwest Hillsborough Stormwater Implementation reserves will be earmarked for Tampa.

Rulemaking will need to be initiated to make the necessary adjustments to the boundary legal descriptions upon the Governing Board's decision to merge the two Basins.

Chapter 40D-1, Florida Administrative Code (F.A.C.) contains the legal descriptions for the current Basin boundaries. The merger would take effect after the first of the year, and the first meeting of the merged Basin Board would occur in February.

Mr. Robinson expressed concern that the \$6.4 million dollars in the Northwest Hillsborough Basin Board's Water Supply and Resource Development Reserves (WSRD) were not addressed. He felt that a portion of those reserve funds should be earmarked exclusively for Tampa and that a decision about the use of the funds should be made before a merger of the two boards would occur.

Several citizens and former board members also spoke about the proposed merger. Mr. Marlin Anderson, president of the Sunset Park Area Homeowners Association, felt that the merger was all about minimizing the loss of tax revenues to the District. He believes that government agencies should reduce millage where possible and that the merger should consist of Pinellas-Anclote River, Alafia River, Northwest Hillsborough, and Hillsborough River Basins. He thanked the Board for funding projects like the Urban Lakes Rescue. He said if this merger moves forward, he hopes that there will be representation from their area. He does not want to see tax dollars leave the area.

Ms. Eleanor Montague, representing Sunset Park Homeowners Association, said she thinks the south Tampa area has been overlooked and suffers because of a lack of knowledge and history. She expressed concerns about boating access for citizens residing near Dundee River and Lake Dundee and a desire for help addressing stormwater sedimentation and related water quality issues in south Tampa. Mr. Hung Mai former Basin Board member urged the Northwest Hillsborough Basin Board members to support the proposed merger based upon several issues: 1. shared resources and hydrology, 2. saves money, time, labor and materials, 3. eliminates the duplication of projects, and 4. saves taxpayers money by reducing the millage. Ms. Higginbotham suggested that if a merged Basin Board budget contains dollars that are earmarked for the City of Tampa some money should be set aside for the Hillsborough River municipalities as well. Ms. Gwen Tillotson, former Northwest Hillsborough Basin Board member, noted that her initial reaction to the merger was adverse; however, after hearing the presentation, she gained a level of comfort with the idea. Her main concern was to retain representation from someone in the northwest lakes area.

Chair Rovira-Forino reminded everyone that many of the sunset reports called for the elimination of Basin Boards altogether or for the posts to be elected rather than appointed; both options she felt were less agreeable than the proposed merger. She also praised the Governing Board for delaying action on the item for one month. She said change is coming whether we want it or not, and this approach is the right thing to do.

Mr. Robinson raised several issues in addition to his concern about the WSRD reserves. He noted that reappointment is not guaranteed and expressed concern at the Governor's timeliness and attention to diversity in his appointments. He stated his belief is that the Governor would be likely to constitute a merged board with the statutory minimum of three members (only one from Hillsborough County). Mr. Robinson said the Hillsborough Basin Board is different from the Northwest Hillsborough Basin Board with respect to coastal issues, groundwater pumping issues, sinkhole issues, rural issues, and attention to alternative sources. He said a merger would result in diluted attention to the area. Mr. Robinson questioned why the Hillsborough River Basin Board was not being treated the same way or going through the same process. He stated that the merger was being treated as if the Northwest Hillsborough Basin was becoming part of the Hillsborough River Basin instead of coming together as equals. Ms. Welsh urged the Board to avoid an "us vs. them" mentality. Mr. Robinson and Ms. DiMaio both indicated that they were for regionalism, as long as the City of Tampa's interests

were protected and that they were supportive of a merger, if it included more than just two Basin Boards. Mr. Robinson said that Basin Board members are unpaid citizens, volunteers, appointed by the Governor and confirmed by the Senate and they serve three year terms. Each of the Basin Boards includes one person from each county within the basin. There must be at least three members on each Board. As a result, the Boards do not need five members.

Although this item was presented for information purposes only, the Board decided to vote on the merger. Mr. Robinson moved, seconded by Ms. DiMaio, not to merge the two Boards. Mr. Robinson and Ms. DiMaio voted in favor of the motion not to merge; Ms. Welsh and Mr. Adams voted against. Because of a tie vote, the Chair Ex Officio voted against the motion; therefore, the motion failed. A motion to reallocate 50 percent of WSRD reserve funds for the City of Tampa passed with Mr. Robinson and Ms. DiMaio voting for, Mr. Adams voting against, and Ms. Welsh abstaining. Mr. Robinson said he was not against the merging of all Boards, just the merger of Northwest and Hillsborough only. Mr. Hugh Gramling, Governing Board member and Chair Ex Officio of the Hillsborough River Basin Board, made several concluding remarks reminding Board members that water management is not a parochial issue, that regionalism cannot be attained by protecting the City of Tampa alone, and that an assessment of the Board's reserves indicates a lack of funding requests for beneficial projects. (CD 1/Track 1)

b. **Establishment of FY2010 Strategic Budget Priorities**

A written summary of the Basin Board's major accomplishments over the past year was provided to the Board. Ms. Maya Burke, Basin Planner, provided the Board with an abbreviated analysis of resource trends in the area and proposed a new set of strategic budget priorities for FY2010. The Board came to consensus around the following priorities: Maintenance and Recovery of Established Minimum Flows and Levels (MFLs), Reclaimed Water, Urban Stormwater Retrofits, and Conservation Education.

**Following consideration, Mr. Robinson moved, seconded by Ms. Welsh, to approve the proposed priorities for FY2010.** Motion carried unanimously. (CD 1/Track 2)

6. **Reports:**

a. **Basin Board Education Committee**

Ms. Beth Putnam, Communications Manager, provided an overview of the Basin Board Education Committee meeting held on November 4, 2008, at the Tampa Service Office. A report was submitted highlighting FY2008 accomplishments. Ms. Putnam said staff has completed a Districtwide study confirming the Water Conservation Hotel and Motel Program's (Water CHAMP) effectiveness at maintaining water savings. Based on these audit findings, the cost benefit for the project, using the total cost amortized over five years, is \$0.47 per thousand gallons of water. Staff is well pleased with the accomplishments. The next Basin Board Education Committee meeting will be held jointly with the Basin Board Land Resources Committee on March 16, 2008, rather than March 19, as originally planned, at 9:30 a.m., in Polk's Nature Discovery Center at the Circle B Bar Reserve. This item was presented for the Board's information; no action was required.

b. **Basin Board Land Resources Committee**

Mr. Eric Sutton, Assistant Land Resource Director, provided an overview of the Basin Board Land Resources Committee meeting held Wednesday, December 3, 2008, in conjunction with the Public Land Acquisition and Management Partnership Conference in Jacksonville. Mr. Sutton said the Board discussed the accomplishments and

strategies, which is typical for this time of year. Mr. Sutton presented a business approach to addressing what the priorities would be for the coming year based on an enterprise risk management model. The Basin Board Land Resources Committee got the endorsement to workshop with a cross section of stakeholders including agencies, representatives, user groups, agricultural communities, and business communities, as a first step to a better "feed back loop" for the constituents within the sixteen-county area. Mr. Sutton noted that the next meeting will focus on an outreach campaign designed to increase public use of District land.

c. **Governing Board Activities**

Ms. Kavouras said during the November meeting the FEMA map modernization was discussed. The major topic of discussion was the merger of the Basin Boards.

7. **Adjournment:**

When there was no further business to come before the Board; Chair Rovira-Forino adjourned the meeting at 2:55 p.m. (CD 1/Track 2)

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\*\*\*\*Information Items\*\*\*\*

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The item(s) listed below are for the Board's information, intended to keep the Board apprised of completed projects, cancelled projects, and projects that have executed contracts and are ready to begin. The item(s) do not require Board action at this time.

1. **Lake Carroll Stormwater Management Plan (W273) - Execution Notice**

This fiscal year 2008 Cooperative Funding project with Hillsborough County is to develop a stormwater management plan that will identify sources of pollution and provide recommendations for best management practices to reduce or eliminate pollution discharging to the lake and ultimately to Tampa Bay. The effective date of the contract is September 9, 2008, and will remain in effect through December 31, 2009. The total project cost is \$250,000 with the District contributing \$100,000, of which 50 percent (\$50,000) is from the State Surface Water Improvement and Management funds and 50 percent (\$50,000) is from the Northwest Hillsborough River Basin Board. Please refer to the write-up in the Projects section of this notebook for detailed information. The Executive Director signed this agreement, and copies of the executed agreement and scope of work are available upon request

2. **Rocky Creek Lake Enhancement Project First Amendment (B027) - Execution Notice**

This fiscal year 2008 Cooperative Funding project with MACTEC, Inc., is for the design and construction of a system of pumps and pipelines to transmit water during wet periods from Pretty Lake to Lakes Horse, Raleigh, and Rogers. The effective date of the contract is April 18, 2007, and will remain in effect through November 30, 2010. The total project cost is \$2,584,630 with the Basin Board contributing \$1,292,315. This notice is for execution of the first amendment to the MACTEC contract, which increased the budget by \$16,000 (\$8,000 of which will be reimbursed by Tampa Bay Water). These funds will be used to install electric rather than diesel-powered pumps. Please refer to the write-up in the Projects section of this notebook for detailed information. The Executive Director signed this amendment, and copies of the executed agreement and scope of work are available upon request.