

Governing Board Meeting

Agenda and Meeting Information

August 27, 2019

9:00 AM

Brooksville Office

2379 Broad Street • Brooksville, Florida
(352) 796-7211

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



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Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

SWFWMD does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of SWFWMD'S functions, including access to and participation in SWFWMD'S programs and activities. SWFWMD designates the Human Resources Office Chief as the Americans with Disabilities Act (ADA) Compliance Coordinator. Anyone requiring reasonable accommodation as provided for in the ADA should contact SWFWMD'S Human Resources Office Chief, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone 352-796-7211, ext. 4701 or 1-800-423-1476 (FL only), ext. 4702; TDD 1-800-231-6103 (FL only); or email to ADACoordinator@WaterMatters.org.

Final Agenda GOVERNING BOARD MEETING

AUGUST 27, 2019

9:00 AM

Brooksville Office

2379 BROAD STREET, BROOKSVILLE, FL 34604
(352) 796-7211

All meetings are open to the public.

- Viewing of the Board meeting will be available at each of the District offices and through the District's website (www.WaterMatters.org) -- follow directions to use internet streaming.
- Public input will be taken only at the meeting location.
- Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

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.

The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer.

Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

Unless specifically stated, scheduled items will not be heard at a time certain.

The current Governing Board agenda and minutes of previous meetings are on the District's web site: www.WaterMatters.org

Bartow Office
170 Century Boulevard
Bartow, Florida 33830
(863) 534-1448 or 1-800-492-7862 (FL only)

Sarasota Office
6750 Fruitville Road
Sarasota, Florida 34240
(941) 377-3722 or 1-800-320-3503 (FL only)

Tampa Office
7601 Hwy 301 N (Fort King Highway)
Tampa, Florida 33637
(813) 985-7481 or 1-800-836-0797 (FL only)

MEETING NOTICE

9:00 A.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)

1. *Call to Order*
2. *Invocation and Pledge of Allegiance*
3. *Employee Recognition*
4. *Additions/Deletions to Agenda*
5. *Public Input for Issues Not Listed on the Published Agenda*

CONSENT AGENDA (TAB B)***Resource Management Committee***

6. FARMS – Jack Paul Properties, Inc. – Redwing Grove Phase 2 (H778), DeSoto County
7. FARMS – Lykes Bros., Inc. Lake Placid Grove Phase 2 (H779), Highlands County
8. Conservation Easements for Restoration Projects – Ungarelli Preserve Habitat Restoration (W603)
9. Knowledge Management: Cooperative Funding Initiative Governing Board Policy
10. Authorize Staff to Initiate the Process to Update the Surface Water Improvement and Management Program Priority List

Finance/Outreach & Planning Committee

11. Knowledge Management: Capital Assets Governing Board Policy
12. Knowledge Management: Office of Inspector General Charter Governing Board Policy
13. Budget Transfer Report

Operations, Lands and Resource Monitoring Committee

14. Renewal of Management Agreement with South Florida Water Management District – Lake Marion Creek – SWF Parcel Number 20-597-102X
15. Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement – R.P. Ranch – SWF Parcel No. 20-780-102C
16. Management Agreement with the City of Oldsmar – Lake Tarpon Outfall Canal Park – SWF Parcel No. 16-001-121X
17. Second Amendment – Management Agreement with Citrus County – Chassahowitzka River Campground – Chassahowitzka River and Coastal Swamps – SWF Parcel No. 15-347-105X

Regulation Committee

18. Individual Water Use Permits Referred to the Governing Board - None

General Counsel's Report

19. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Approval of Consent Order – Unauthorized Wetland and Floodplain Activities – Jak Rentals, LLC – CT No. 380009– Polk County, Florida
 - b. Approval of Consent Order – Unauthorized Construction – Steven B. Zink – CT No. 389961 – Sumter County
20. Rulemaking-None

Executive Director's Report

21. Annual Calendar for Fiscal Year 2019–2020 Meeting Dates
22. Approve Governing Board Minutes – July 23, 2019

RESOURCE MANAGEMENT COMMITTEE (TAB C)***Discussion***

23. Consent Item(s) Moved for Discussion

Submit & File Reports

24. Minimum Flows and Minimum Water Levels Priority List and Schedule Update
25. Lower Hillsborough River Recovery Strategy Implementation – Annual Update

Routine Reports

26. Minimum Flows and Levels Status Report
27. Significant Water Resource and Development Projects

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)**Discussion**

- 28. Consent Item(s) Moved for Discussion
- 29. Knowledge Management: Risk Management and Safety Governing Board Policy
- 30. Knowledge Management: Performance Incentive Program Governing Board Policy
- 31. Fiscal Year (FY) 2019 Board Designated Encumbrance Request

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

- 32. Treasurer's Report and Payment Register
- 33. Monthly Financial Statement
- 34. Monthly Cash Balances by Fiscal Year
- 35. Comprehensive Plan Amendment and Related Reviews Report

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE (TAB E)**Discussion**

- 36. Consent Item(s) Moved for Discussion
- 37. Knowledge Management: Cooperative Land Management Agreements Governing Board Policy

Submit & File Reports

- 38. Hydrologic Conditions Report

Routine Reports

- 39. Surplus Lands Update
- 40. Structure Operations
- 41. Significant Activities

REGULATION COMMITTEE (TAB F)**Discussion**

- 42. Consent Item(s) Moved for Discussion
- 43. Denials Referred to the Governing Board

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

- 44. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update
- 45. Overpumpage Report
- 46. Individual Permits Issued by District Staff

GENERAL COUNSEL'S REPORT (TAB G)**Discussion**

- 47. Consent Item(s) Moved for Discussion

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

- 48. August 2019 Litigation Report
- 49. August 2019 Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

- 50. Industrial Advisory Committee
- 51. Public Supply Advisory Committee
- 52. Other Committee/Liaison Reports

EXECUTIVE DIRECTOR'S REPORT (TAB I)

- 53. Executive Director's Report

CHAIR'S REPORT (TAB J)

- 54. Chair's Report
- 55. Other
- 56. Employee Milestones

★ ★ ★ RECESS PUBLIC HEARING ★ ★ ★

ADJOURNMENT

The Governing Board may take action on any matter on the printed agenda including such items listed as reports, discussions, or program presentations. The Governing Board may make changes to the printed agenda only for good cause as determined by the Chair, and stated in the record.

If a party decides to appeal any decision made by the Board with respect to any matter considered at a hearing or these meetings, that party will need a record of the proceedings, and for such purpose that party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you wish to address the Board concerning any item listed on the agenda or an issue that does not appear on the agenda, please fill out a speaker's card at the reception desk in the lobby and give it to the recording secretary. Your card will be provided to the Chair who will call on you at the appropriate time during the meeting. When addressing the Board, please step to the podium, adjust the microphone for your comfort, and state your name for the record. Comments will be limited to three minutes per speaker. In appropriate circumstances, the Chair may grant exceptions to the three-minute limit.

The Board will accept and consider written comments from any person if those comments are submitted to the District at Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899. The comments should identify the number of the item on the agenda and the date of the meeting. Any written comments received after the Board meeting will be retained in the file as a public record.

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective July 22, 2019

OFFICERS	
Chair	Mark Taylor
Vice Chair	Michelle Williamson
Secretary	Joel Schleicher
Treasurer	Kelly S. Rice

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
James G. Murphy, Chair

RESOURCE MANAGEMENT COMMITTEE
Rebecca Smith, Chair

REGULATION COMMITTEE
Joel Schleicher, Chair

FINANCE/OUTREACH AND PLANNING COMMITTEE
Kelly S. Rice, Chair

** Board policy requires the Governing Board Treasurer to chair the Finance Committee.*

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Michelle Williamson
Environmental Advisory Committee	
Industrial Advisory Committee	James G. Murphy
Public Supply Advisory Committee	H. Paul Senft
Well Drillers Advisory Committee	

OTHER LIAISONS	
Central Florida Water Initiative	H. Paul Senft
Spring Coast Steering Committee	Kelly S. Rice
Charlotte Harbor National Estuary Program Policy Board	
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Rebecca Smith
Tampa Bay Regional Planning Council	

Southwest Florida Water Management District Schedule of Meetings
Fiscal Year 2019
Updated 12/13/18

Governing Board Meeting

October 23, 2018 (9:00 a.m., Brooksville Office)
November 13, 2018 (9:00 a.m., Tampa Office)
December 11, 2018 (9:00 a.m., Brooksville Office)
January 22, 2019 (10:00 a.m., Sarasota Office)
February 26, 2019 (9:00 a.m., Tampa Office)
March 26, 2019 (9:00 a.m., Brooksville Office)
April 23, 2019 (10:00 a.m., Lake Eva Banquet Hall, Haines City)
May 21, 2019 (9:00 a.m., Tampa Office)
June 25, 2019 (9:00 a.m., Tampa Bay Water)
July 23, 2019 (9:00 a.m., Tampa Office)
August 27, 2019 (9:00 a.m., Brooksville Office)
September 24, 2019 (3:00 p.m., Tampa Office)

Governing Board Public Budget Hearings – 5:01 p.m., Tampa Office

2019 – September 10 & 24

Public Meeting for Pending Permit Applications – 9:00 a.m., Tampa Office

2018 – October 3; November 7; December 5

2019 – January 2; February 6; March 6; April 3; May 1; June 5; July 10; August 7; September 4

Environmental Resource Permitting Advisory Group – 10:00 a.m., and

Water Use Permitting Advisory Group – 2:00 p.m., Tampa Office

2018 – November 28

2019 – March 27; July 24

Agricultural & Green Industry Advisory Committee – 9:00 a.m., Tampa Office

2018 – December 6

2019 – March 7, June 6, September 5

Environmental Advisory Committee – 1:30 p.m., Tampa Office

2018 – October 2

2019 – January 8, April 9, July 9

Industrial Advisory Committee – 10:00 a.m., Tampa Office

2018 – November 6

2019 – February 19, May 14, August 13

Public Supply Advisory Committee – 1:00 p.m., Tampa Office

2018 – November 6

2019 – February 19, May 14, August 13

Well Drillers Advisory Committee – 1:30 p.m., Tampa Office

2018 – October 10

2019 – January 9; April 10; July 10;

Springs Coast Management Committee – 1:30 p.m., Brooksville Office

2018 – October 31, December 12

2019 – January 9, February 27, May 15, August 21

Springs Coast Steering Committee – 2:00 p.m., Brooksville Office

2019 – Jan 29; March 27; August 28

Cooperative Funding Initiatives – all meetings begin at 10:00 a.m.

2019 – February 6 - Northern Region, Brooksville Office

2019 – February 7 – Heartland Region, Bartow City Hall

2019 – February 13 – Southern Region, Sarasota Office

2019 – February 14 – Tampa Bay Region, Tampa Office

2019 – April 3 – Southern Region, Sarasota Office

2019 – April 4 – Heartland Region, Bartow City Hall

2019 – April 10 – Northern Region, Brooksville Office

2019 – April 11 – Tampa Bay Region, Tampa Office

Meeting Locations

Brooksville Office – 2379 Broad Street, Brooksville 34604-6899

Sarasota Office – 6750 Fruitville Road, Sarasota 34240-9711

Tampa Office – 7601 US Highway 301 North, Tampa 33637-6759

Lake Eva Banquet Hall – 799 Johns Avenue, Haines City 33844-5503

Bartow City Hall – 450 N. Wilson Avenue, Bartow 33830

Tampa Bay – 2575 Enterprise Road, Clearwater 33763

FDEP – 13051 N Telecom Parkway STE 101 Temple Terrace 33637

Executive Summary

GOVERNING BOARD MEETING

AUGUST 27, 2019

9:00 a.m.

CONVENE PUBLIC HEARING & MEETING (TAB A)

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Employee Recognition
4. Additions/Deletions to Agenda
5. Public Input for Issues Not Listed on the Published Agenda

CONSENT AGENDA (TAB B)

All matters listed under the Consent Agenda are considered routine and action will be taken by one motion, second of the motion and approval by the Board. If discussion is requested by a Board member, the item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

Resource Management Committee

6. **FARMS – Jack Paul Properties, Inc. – Redwing Grove Phase 2 (H778), DeSoto County**
To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Jack Paul Properties, Inc - Redwing Grove Phase 2 and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$295,500 (73 percent of total project costs - 100 percent of FARMS eligible costs). Of this amount, \$295,500 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$407,000.

The District received a project proposal from Jack Paul Properties, Inc. for their 2,909-acre ranch and citrus operation located in southeast DeSoto County, within the Southern Water Use Caution Area (SWUCA), and the Shell, Prairie, and Joshua Creek watersheds (SPJC). This project will involve the installation and operation of two surface water pump stations on an existing surface water reservoir to collect tailwater and surface water from the property and surrounding watershed to offset the use of groundwater from the Upper Floridan aquifer for supplemental irrigation of citrus. The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 1,477,900 gallons per day (gpd).

In June 2017, the Governing Board approved a Phase 1 FARMS project on this property to supply surface water from a 4-acre reservoir that was constructed to irrigate 437 acres of citrus. This project was completed in 2018 and consists of two surface water pump stations, filters, culverts and mainline necessary to connect to the irrigation system. Total project cost was \$708,496, with a District reimbursement of \$503,208. The reduction in groundwater use has exceeded the original estimates and has averaged 255,000 gpd.

The proposed Phase 2 project will involve supplemental irrigation of an additional 400 acres of citrus with surface water supplied from an existing 4-acre reservoir. FARMS project components consist of two surface water pump stations, filters, tailwater culverts and mainline necessary to connect to the irrigation system.

The proposed project involves both water quantity and water quality best management practices for supplemental irrigation and qualifies for up to a 75 percent cost-share reimbursement rate under the FARMS Program. The project is expected to reduce withdrawals from the Upper Floridan aquifer by 8 percent of the permitted quantities, or approximately 112,000 gpd, yielding a daily cost of \$2.17 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative water supplies and best management practices for citrus operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval, the Governing Board will have \$ 4,591,363 remaining in its FARMS Program budget.

Staff recommends the Board:

1. Approve the Jack Paul Properties, Inc. - Redwing Grove Phase 2 project for a not-to-exceed project reimbursement of \$295,500 with \$295,500 provided by the Governing Board;
 2. Authorize the transfer of \$295,500 from fund 010 H017 Governing Board FARMS Fund to the H778 Jack Paul Properties, Inc. - Redwing Grove Phase 2 project fund;
 3. Authorize the Assistant Executive Director to sign the agreement.
7. **FARMS – Lykes Bros., Inc. Lake Placid Grove Phase 2 (H779), Highlands County**
To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Lykes Bros. Inc. and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$137,112 (50 percent of total project costs.) Of this amount \$137,112 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$274,224.

The District received a project proposal from Lykes Bros. Inc., for their 1,843-acre citrus grove located three miles north of Lake Placid, in eastern Highlands County, within the Southern Water Use Caution Area (SWUCA) and the Kissimmee River watershed. This project will involve the installation and operation of a surface water pump station on an existing surface water feature to collect surface water from the property, and surrounding watershed to offset the use of groundwater from the Upper Floridan aquifer for supplemental irrigation of citrus. The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 2,483,300 gallons per day (gpd) to irrigate 1,577 acres of citrus.

In January 2005, the District approved a Phase 1 FARMS project on this property that involved automation of nine (9) groundwater pump stations and soil moisture sensors to conserve groundwater. This project was completed in 2007 with a total project cost of \$183,067 and a District reimbursement of \$91,532. The reduction in groundwater use from this phase has averaged 96,465 gpd.

The proposed Phase 2 project will involve supplemental irrigation of 155 acres of citrus with surface water supplied from an existing lake as an alternative water supply. FARMS project components consist of a surface water irrigation pump station, filtration, and the piping necessary to connect the lake to the existing irrigation system.

The proposed project involves water quantity BMPs for supplemental irrigation and qualifies for a 50 percent cost-share reimbursement rate under the FARMS Program. The project is expected to reduce withdrawals from the Upper Floridan aquifer by 3 percent of the permitted

quantities, or approximately 75,000 gpd, yielding a daily cost of \$2.18 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and best management practices for citrus operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$ 4,591,363, remaining in the FARMS Program budget.

Staff recommends the Board:

1. Approve the Lykes Bros., Inc. - Lake Placid Grove Phase 2 project for a not-to-exceed project reimbursement of \$137,112 with \$137,112 provided by the Governing Board.
 2. Authorize the transfer of \$137,112 from fund 010 H017 Governing Board FARMS funds to the H779 Lykes Bros., Inc. - Lake Placid Grove Phase 2 project fund;
 3. Authorize the Assistant Executive Director to sign the agreement.
8. **Conservation Easements for Restoration Projects - Ungarelli Preserve Habitat Restoration (W603)**

To request the Governing Board approve the form of the proposed conservation easements for the restoration projects funded by the District's Surface Water Improvement and Management (SWIM) Program.

In order to protect the District's investment in restoration projects on cooperators' properties, the cooperator is required to convey a conservation easement to the District to protect the property and project from alterations (e.g. pavement, buildings, etc.) that could reduce the restoration benefit. Accordingly, Manatee County has provided a proposed conservation easement over the Ungarelli Preserve Habitat Restoration project area. This proposed conservation easement is attached to this recap for the Governing Board's review and approval.

Cooperator	Restoration Project	Approx. Acres	SWF Parcel
Manatee County	Ungarelli Preserve Habitat Restoration	5	21-130-105C

Objectives for the project includes water quality improvements and wetland restoration. Encumbering the project area with a conservation easement ensures the property will remain in its restored condition and be protected from uses that may compromise the restoration efforts in perpetuity. The cooperator is responsible for the ongoing costs associated with maintaining the restored property. The District's responsibilities are limited to monitoring and enforcement of the terms of the contract and conservation easement.

Staff recommends the Board approve the form of the proposed conservation easement over the Ungarelli Preserve Habitat Restoration project area.

9. **Knowledge Management: Cooperative Funding Initiative Governing Board Policy**

The District's Knowledge Management initiative launched in FY2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. As part of this initiative, updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

Staff have proposed revisions to the Cooperative Funding Initiative (CFI) Policy 130-4. The specific changes to the policy are:

1. Change the policy format to match current format standards;
2. Correct several grammatical and format errors to improve readability;
3. Add an additional paragraph to describe the role of the Governing Board sub-committees in the selection of projects for District funding.
4. Add a sentence in the introduction to the guidelines for alternative water supply projects that states indirect and direct potable reuse (IPR/DPR) projects are alternative water supply projects and are subject to the guidelines within this policy.

Staff have developed these proposed revisions to the policy for Governing Board review (see exhibit). Staff presented this item to the Governing Board in July 2019 for input on the proposed revisions. Staff also presented this item to the Public Supply Advisory Committee on August 13, 2019. Several questions and comments were discussed at this meeting including concern that IPR/DPR projects are subject to the AWS guidelines (with preference for project funding to regional entities); however, no specific changes were proposed to the Policy.

Staff recommends the Board approve the changes to the Cooperative Funding Initiative Governing Board Policy as presented at the July 23, 2019 Governing Board meeting.

10. Authorize Staff to Initiate the Process to Update the Surface Water Improvement and Management Program Priority List

In 1987, the Florida Legislature established the Surface Water Improvement and Management (SWIM) Act having recognized that water quality and habitat in surface waters throughout the state have degraded or were in danger of being degraded. The Act requires the five water management districts to maintain a priority list of water bodies of regional or statewide significance within their boundaries and develop plans and programs for the improvement of those water bodies.

At the June 24, 2014 meeting, the Governing Board approved an update to the SWIM priority list which resulted in deletion of Banana Lake and addition of the three remaining first-magnitude spring groups and associated spring runs (rivers), Weeki Wachee River, Chassahowitzka River, and Homosassa River. The District's current SWIM priority list includes:

1. Tampa Bay,
2. Rainbow River,
3. Crystal River/Kings Bay,
4. Lake Panasoffkee,
5. Charlotte Harbor,
6. Lake Tarpon,
7. Lake Thonotosassa,
8. Winter Haven Chain of Lakes,
9. Sarasota Bay,
10. Weeki Wachee River,
11. Chassahowitzka River,
12. Homosassa River.

The District and the state have approved SWIM plans for the twelve priority waterbodies. The SWIM Plans for each water body identify the management issues, strategies and goals for the restoration and protection of water quality and natural systems for these water bodies. Currently, staff is in the process of updating several SWIM plans as new information becomes available and projects are implemented.

District staff will coordinate with the Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services, the Florida Department of Economic Opportunity, the Florida Fish and Wildlife Conservation Commission and local governments, as required per Florida Statutes (373.453). Staff will also coordinate with the appropriate District advisory committees. District staff anticipates requesting the Governing Board's final approval of the SWIM priority list at a future meeting.

Florida Statutes (373.453) require that the SWIM priority list be reviewed and updated every five years. Decisions to add or delete waterbodies from the list are generally based on the state of the water body and the availability of resources.

Staff recommends the Board authorize staff to initiate the process to update the District's Surface Water Improvement and Management (SWIM) Program priority list.

Finance/Outreach & Planning Committee

11. Knowledge Management: Capital Assets Governing Board Policy

The District's Knowledge Management initiative was launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus in FY2019 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

As discussed at the July 2019 Governing Board meeting, staff performed a review of Governing Board Policy District Tangible Personal Property (title revised to Capital Assets) and deemed it necessary to update the policy. The revised policy has been provided as an attachment. The modifications include changing the title to better reflect the Policy's content which includes both tangible and intangible assets, adding new language to include intangible assets, and to remove procedural language that is included in the District's Capital Assets Procedure.

Staff recommends the Board Approve the Capital Assets Governing Board Policy as revised.

12. Knowledge Management: Office of Inspector General Charter Governing Board Policy

The District's Knowledge Management initiative was launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus in FY2019 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

As discussed at the July 2019 Governing Board meeting, staff performed a review of the Governing Board Policies for the Inspector General Charter and the Inspector General - Roles and Responsibilities. Staff is proposing to merge these two Governing Board Policies into one and deemed it necessary to update the policy. The substantive modifications is to create new sections for Independence and Objectivity, Access, Audits, Investigations, Annual Report; eliminate the 18-month reporting requirement to the Auditor General; eliminate duplicative language; change the Annual Report preparation date from October 31 to September 30; and add language to require the audit plan to include a long-term component. Per discussion with the Governing Board at the July 2019 meeting, the Inspector General duties per Florida Statutes have been added back to the policy and the status of the follow-

up on the Auditor General findings shall be included in the IG's quarterly updates.

Staff recommends the Board approve the Office of Inspector General Charter Governing Board Policy as revised and the deletion of the Inspector General - Roles and Responsibilities Governing Board Policy.

13. Budget Transfer Report

In accordance with Board Policy, Budget Authority Transfer of Funds, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Staff recommends the Board approve the Budget Transfer Report covering all budget transfers for July 2019.

Operations, Lands and Resource Monitoring Committee

14. Renewal of Management Agreement with South Florida Water Management District – Lake Marion Creek – SWF Parcel Number 20-597-102X

Request the Board's approval to renew a management agreement with South Florida Water Management District (South District) for the continued management and maintenance of the Southwest Florida Water Management District's (Southwest District) Lake Marion Creek property (290 acres). The agreement is included as Exhibit 1 along with a general location map and site map included as Exhibits 2 and 3, respectively.

The Lake Marion Creek property consists of two parcels totaling 290 acres that were acquired in 1997 and 2003. The South District owns approximately 12,997 acres that are contiguous to the Southwest District's property.

In August 1998, the Southwest District entered into a management agreement with the South District to transfer management of the Lake Marion Creek property to the South District to be managed as part of their larger land tract. The management agreement was amended in 2003 to add additional Southwest District-owned property.

The management agreement expired in September 2018. A new management agreement updating the terms and conditions has been completed and reviewed by the South District. The new agreement includes but is not limited to the following terms and conditions:

- A 25-year term with an option to renew
- South District will adopt and update a ten-year management plan and obtain Southwest District's written approval
- South District will receive up to \$24.50 per acre reimbursement costs annually
- South District will fence, post signs and maintain public access on the property
- South District will pay any taxes assessed
- Southwest District retains the right to inspect and use the property
- Either party may terminate the agreement with 90-days' notice

The term has been changed from 20 to 25 years. South District previously received \$18.50 per acre reimbursement cost (\$5,365 annually) and requested an increase to \$24.50 (\$7,105 annually) based on their actual management expenses. Southwest District staff recommend continuing the management agreement as it provides a more efficient and cost-effective approach to managing these small tracts of conservation lands.

Staff recommends the Board:

- Approve renewal of Management Agreement with South Florida Water Management District for Lake Marion Creek, SWF Parcel Number 20-597-102X.
- Authorize the Governing Board Chairman to execute the agreement.

15. Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement - R.P. Ranch - SWF Parcel No. 20-780-102C

The purpose of this item is to recommend the Governing Board decline the right of first refusal to purchase the remainder fee interest over SWF Parcel No. 20-780-102C encumbered by a District conservation easement. The conservation easement consists of approximately 3,716 acres over the subject property and is in DeSoto County within the Bright Hour Watershed Project. A general location map is included as Exhibit 1.

The District identifies lands eligible for acquisition through the Board-approved Florida Forever Work Plan. In the Work Plan, lands are identified for acquisition as fee simple acquisition or acquisition of less than fee rights (conservation easement). Less than fee acquisitions consist of the purchase of certain rights, such as development rights, that are intended to ensure that natural systems and water resources are protected in their existing state in perpetuity. In a typical negotiation of a conservation easement acquisition, the District retains a "right of first refusal". The right of first refusal is perpetual, runs with the land, and will remain in effect regardless if the District declines a previous offering.

The District originally acquired a conservation easement over the R.P. Ranch property in 1999. The right of first refusal in the conservation easement requires notification of the Grantor's (owner's) intent to sell the property, or any portion thereof, and further requires that an offer be extended to sell the property to the District. The contract provided by the owner's representative is for the sale of the entire ranch consisting of 3,716 acres, with the price reported in the contract as \$5,388,562 or \$1,450 per gross acre.

District staff evaluated the opportunity to acquire the remainder fee interest and determined that the existing conservation easement is sufficient to meet our intended natural systems and water resource benefits.

The restrictions placed on the property by the existing conservation easement are adequate to protect the water resources of the property. The benefits of acquiring the remainder fee interest would be minimal.

Staff recommends the Board:

- Approve declining the right of first refusal to purchase the remainder fee interest over SWF Parcel No. 20-780-102C encumbered by a District conservation easement.
- Authorize the Executive Director to execute the necessary documents to decline the right of first refusal on SWF Parcel 20-780-102C.

16. Management Agreement with the City of Oldsmar – Lake Tarpon Outfall Canal Park - SWF Parcel No. 16-001-121X

Request Governing Board approval of a management agreement between the Southwest Florida Water Management District (District) and the City of Oldsmar (City) for the continued operation and maintenance of a portion of the Lake Tarpon Outfall Canal property associated with recreational opportunities in Canal Park. The agreement is included as Exhibit 1 along with a general location map and site map included as Exhibits 2 and 3, respectively.

In 1987 the District and the City entered into an agreement, for the construction, operation and maintenance of 120 acres for Canal Park (Park). The agreement directed the District to

convey 45 acres to the City for park development and grant a license to the City across the remaining 75 acres of adjoining District-owned lands for passive recreation use. In 1995 and 1996, the District authorized the City to construct a fishing pier in the canal and entered into an agreement for the construction of an approximate one-mile paved multi-use path along the canal to connect Canal Park with other City parks adjacent to the canal. The 1996 agreement expired in October 2016 and the District executed a temporary license with the City to develop a new management agreement to include all the recreation amenities on the canal and clarify future operation and maintenance responsibilities for the parties.

The District and the City have prepared a new management agreement that addresses both parties' responsibilities. City staff have reviewed the agreement and will present it to the Oldsmar City Council upon approval of the District Governing Board.

Benefits/Costs:

- The continued partnership between the District and the City will provide enhanced recreation opportunities that benefit the general public.
- There is no cost associated with this agreement and the City continues to assume all costs related to the security, operation, and maintenance of the property.

Staff recommends the Board:

- Approve the Management Agreement with the City of Oldsmar for a portion of the Lake Tarpon Outfall Canal property for a ten-year term with options to renew for two successive ten-year terms.
- Authorize the Governing Board Chairman to execute the agreement.
- Authorize the Executive Director to approve the options to renew for two successive ten-year terms.

17. Second Amendment - Management Agreement with Citrus County - Chassahowitzka River Campground – Chassahowitzka River & Coastal Swamps – SWF Parcel No. 15-347-105X

Request Governing Board approval of a no cost amendment to the management agreement between the Southwest Florida Water Management District (District) and Citrus County (County) executed November 2009 for the Chassahowitzka River Campground (Campground) to extend the expired term until November 16, 2022. A general location map is included as Exhibit 1 and the proposed amendment to the management agreement is included as Exhibit 2.

The Campground (40 acres) was acquired by the District in 1991 from the Lykes Development Corporation as part of a larger acquisition (3,623 acres). The Campground consisted of several recreation amenities including a public boat ramp, primitive campsites, and RV campsites. The District entered into a management agreement with Citrus County (County) on January 1991 to transfer management of the Campground to the County. The management agreement was updated and re-executed in November 2009.

The management agreement is scheduled to expire in November 2019. The District has been in discussions with Florida Forest Service (FFS) to transfer management of most of the District's ownership within the Chassahowitzka Project to FFS to be managed as part of the Withlacoochee State Forest. The FFS has agreed to assume management responsibilities over the campground and utilize the revenue to offset management costs for lands outside the campground. The District and County have agreed to extend the term of the management agreement until November 15, 2022 to provide the District time to negotiate and complete transfer of the campground management to FFS. The County has an agreement with a vendor for the operation of the campground facilities. November 15, 2022 corresponds with the

expiration date of the County's vendor agreement.

The amendment to the management agreement extends the term of the agreement until November 15, 2022 and all other terms and conditions remain in full force. When District staff complete its discussions with FFS, a request to approve the agreement between FFS and the District will be formally submitted to the Board for its review and approval.

Extending the expiration of the management agreement with Citrus County will benefit the District by providing time to negotiate a transfer to FFS at no cost to the District.

Staff recommends the Board:

- Approve the Second Amendment to the Management Agreement with Citrus County - SWF Parcel No. 15-347-105X.
- Authorize the Governing Board Chairman to execute the amendment.

Regulation Committee

18. Individual Water Use Permits Referred to the Governing Board - None

General Counsel's Report

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

a. Approval of Consent Order – Unauthorized Wetland and Floodplain Activities – Jak Rentals, LLC – CT No. 380009– Polk County, Florida

Jak Rentals, LLC (Owner) owns 14.89 acres of real property on County Road 542 in Polk County, Florida (Property). In August 2015, District staff observed unauthorized fill material within a wetland and floodplain on the Property. At that time, the Owner agreed to undertake corrective action to bring the Property into compliance. District staff corresponded with the Owner to identify the wetland and floodplain area, as well as the area impacted by the unauthorized fill material, and requested that the Owner undertake corrective action to restore the wetland and floodplain area by September 2015. No corrective action was completed.

District staff conducted a follow-up site inspection at the Property in January 2016. Although staff were able to observe the presence of the unauthorized fill material, they were unable to access the Property due to a physical barricade. Subsequent attempts at corresponding with the Property Owner were not successful. Additional compliance letters were sent to the Property Owner from January 2017 to June 2017, at which time the file was referred to the Office of General Counsel.

In July 2018, the Owner submitted an Environmental Resource Permit application to conduct the restoration activities that were necessary to bring the Property into compliance. However, the Owner withdrew the application in November 2018. In April 2019, the Owner retained an attorney and negotiations between the parties began in an effort to resolve this matter. The Owner has now signed a proposed Consent Order that provides for the following:

1. The Owner shall submit a restoration plan to the District within 60 days of approval of the Consent Order, which will require the removal of all deposited fill material in the wetland and floodplain areas. The Owner must also install a silt fence and allow the wetland areas from which fill is removed to naturally recruit native vegetation;
2. The Owner shall pay the assessed penalty of \$4,800 in full, in addition to District enforcement costs in the amount of \$2,000, for a total amount of \$6,800. This amount shall be payable in 2 equal installments of \$3,400 with the first payment due within 10 days of approval of the Consent Order and the second payment due

within 10 days of receiving written confirmation by the District staff that the corrective actions have been completed; and

3. The Owner shall not undertake any further construction activities, other than the removal of stockpiled fill, within 25 feet of any established wetland and/or floodplain area without first obtaining the necessary District authorizations and/or permits.

Staff recommends the Board:

1. Approve the proposed Consent Order
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the approved Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

b. **Approval of Consent Order – Unauthorized Construction – Steven B. Zink – CT No. 389961 – Sumter County**

Steven B. Zink is the owner of real property located at 5322 C-48, Bushnell, Florida (Property). On December 5, 2016, the District received a complaint that construction waste debris was being disposed into wetlands and covered with fill dirt at the Property. District staff investigated the complaint and determined that 17.56 acres of wetlands were either dredged or filled and require restoration. These impacts represent a wetland functional loss of 11.55 units according the Uniform Mitigation Assessment Method. The penalty for these impacts was calculated to be \$231,000.00 and \$2,000.00 in District enforcement costs, for a total of \$233,000.00.

This Governing Board authorized the issuance of an Administrative Complaint and Order (“ACO”) to Mr. Zink for this matter at its May 21, 2019 meeting. Prior to the staff request to issue the ACO, Mr. Zink had agreed to complete the restoration but had not agreed to pay a penalty. Mr. Zink has since agreed to a penalty.

The Consent Order requires Mr. Zink to restore the Property to its pre-disturbed condition. The ACO requires all earthwork to move the fill-material be completed within 365-days with extensions for good cause shown. District staff will conduct monthly site visits to ensure progress is being made. After the earthwork is complete, Mr. Zink will be subject to monitoring and maintenance requirements to ensure complete restoration, pursuant to the Success Criteria included in the Consent Order.

Mr. Zink agreed that total penalties and costs should be assessed at \$233,000.00. Mr. Zink will pay \$20,000.00 towards the assessed amount pursuant to a 24-month payment plan while the restoration work is completed. The balance will be waived by the District upon the successful restoration of the Property and complete and timely payments. Should Mr. Zink default on any of the Consent Order’s corrective actions, he has agreed to pay the assessed amount in full.

Staff recommends the Board:

1. Approve the proposed Consent Order.
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the approved Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

20. **Rulemaking – None**

Executive Director’s Report

21. **Annual Calendar for Fiscal Year 2019-2020 Meeting Dates**

Staff recommends the Board approve the meeting dates as presented.

22. **Approve Governing Board Minutes - July 23, 2019**
Staff recommends the Board approve the minutes as presented.

RESOURCE MANAGEMENT COMMITTEE (TAB C)

Discussion

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

Submit & File Reports

24. **Minimum Flows and Minimum Water Levels Priority List and Schedule Update**
25. **Lower Hillsborough River Recovery Strategy Implementation – Annual Update**

Routine Reports

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

26. **Minimum Flows and Levels Status Report**
27. **Significant Water Resource and Development Project**

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)

Discussion

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

29. **Knowledge Management: Risk Management and Safety Governing Board Policy**

The District's Knowledge Management initiative launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus in FY2019 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

Staff reviewed the Risk Management and Safety Policy, a copy of which is attached to this item. This Policy defines the elements of the District's Risk Management program, providing guidance on the day-to-day operations of the risk management and safety programs. Due to the nature of the content, this policy would be better suited as an Executive Director Procedure. If approved, the policy would be discontinued, and the information would be re-formatted as an Executive Director Procedure. This aligns the program with day-to-day operations. No other changes are proposed to the content.

This change will reduce unnecessary board policies and align guidance on risk management with other day-to-day operations direction as an Executive Director Procedure

This item is presented for the Board's information, and no action is requested. The request to remove the Risk Management and Safety Governing Board Policy will be included as a consent item in the September 2019 Board packet and approval of the change will be requested at that time.

30. **Knowledge Management: Performance Incentive Program Governing Board Policy**

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed by the respective divisions.

The District's Knowledge Management initiative launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus in FY2019 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

The Performance Incentive Plan Policy provides Staff a mechanism to provide bonuses for the top performers. Staff performed a review of the Performance Incentive Program Policy and determined it necessary to make minor changes. The policy has been provided as an attachment. The minor modifications include office name changes and formatting. The policy remains compliant with the Florida Statute. This policy is currently in effect but has not been used for several years.

This update allows the Governing Board Policy to be available as a tool for recognition for the top twenty percent of performers when appropriate and approved by the Board.

This item is presented for the Board's information and no action is requested. The attached revised Performance Incentive Program Governing Board Policy will be included as a consent item in the September 2019 Board packet and approval will be requested at that time.

31. Fiscal Year (FY) 2019 Board Designated Encumbrance Request

Request approval to encumber current year funds budgeted for salaries in an amount not to exceed \$1,140,000 to carry forward into FY2020 for recommended salary adjustments for positions identified in the 2019 Salary Survey and staff merit-based salary increases.

In FY2013, the District implemented a Performance Evaluation process which provides for the assessment of employee performance against core District competencies and individual performance goals. District employees will receive their annual performance evaluations under this process in September 2019 reflecting performance for FY2019.

The following is a thorough explanation of how merit increases are determined and last year's distribution of grades and pay increases, followed by an explanation of the results of the 2019 Salary Survey and the actions identified to make adjustments to compensation in areas determined to be below market.

Merit Increase Background

The District does not provide employees with cost-of-living increases, nor does it budget for merit increases. Annually, the District assesses savings from unspent salary dollars within the current fiscal year. When appropriate, staff requests Board approval to spend a determined amount of these funds on merit increases and/or cost of implementing strategies to address results of a salary survey conducted every third year, to be applied in the following year. This is accomplished with a request to the Board to encumber funds to be carried forward to the next fiscal year's budget. All salary increases are based on merit identified during the performance evaluation process. Also, while all employees take part in the evaluation process, only those employees hired before April 1, or who have not received a pay increase (promotion) after April 1, and who received an evaluation score of 3 or higher, are eligible for a merit increase.

Employee Evaluation Process

All employees receive a performance evaluation from their supervisors. Evaluations are based on performance related to goals and competencies. Goals and competencies are evaluated on a five-point scale:

- 5 = Consistent performance substantially exceeding normal expectations for total job
- 4 = Frequently exceeds normal performance expectation for key job tasks
- 3 = Meets normal job requirements in accordance with established standards and may exceed requirements for some job tasks
- 2 = Overall performance acceptable but improvement needed in one or more significant aspects of job
- 1 = Does not meet standards

Each employee is required to have three SMART goals (specific, measurable, achievable, results-focused and time-bound) developed in collaboration with their supervisor. Each goal may have multiple components. Objectives are clearly identified to determine a 3, 4 or 5 rating for each goal. The goal scores are averaged to provide one grade. The remaining scoring comes from an evaluation of how well the employee is meeting the District competencies:

- Service Excellence
- Teamwork and Collaboration
- Self-Management
- Professional Conduct
- Professional and Technical Excellence (non-management)
- Leadership and Management Excellence (management)

Each competency is further defined in the review document by a series of specific behaviors.

Since the 2019 performance evaluation cycle will not start until September, staff does not have the grade distributions for this year. However, the following table displays the results of the performance evaluation cycle for 2018.

FY2018 Distribution of Performance Scores

Scores	Count
2.00 - 2.49	3
2.50 - 2.99	11
3.00 - 3.49	140
3.50 - 3.99	236
4.00 - 4.49	106
4.50 - 4.99	21
5.00 - 5.00	1
Total	518

In August 2018, the Board approved funding for salary increases of \$1 million. The following chart shows the distribution of merit increases by percentage to employees based on their performance in FY2018.

FY2018 Distribution of Percent Merit Increase

Increase %	Count
0.00% - 0.00%	5
1.00% - 1.49%	0
1.50% - 1.99%	0
2.00% - 2.49%	6
2.50% - 2.99%	59
3.00% - 3.49%	215
3.50% - 3.99%	156
4.00% - 4.49%	29
4.50% - 4.99%	4
5.00% - 5.49%	1
Total	475

It's important to note how merit dollars are distributed within the organization. Recognizing that there may be slightly different approaches to performance grading amongst the bureaus, funds available for merit increases are divided proportionately by bureau. Each bureau receives its proportional allocation of available funds based on its combined salary dollars of eligible employees compared to salary dollars of all eligible employees districtwide. The following table shows the allocation among bureaus. The distribution of those funds is determined by each bureau chief with oversight by the appropriate division director.

As of 09/21/2018		Employees	Annualized Salaries	Merit Budget Impact	2018 Merit Pool
Regular Employees		534	32,433,147	3.1%	\$1,000,000
Merit Eligible		475	29,460,891	3.4%	
Merit Eligible					
Division / Bureau Pool	Eligible Employees	Annualized Salaries	Percent of Total	2018 Merit Pool	
Executive	14	\$1,563,411	5.3%	\$53,067	
Office of Executive	7	977,662	3.3%	33,185	
Office of General Counsel	7	585,749	2.0%	19,882	
Emp & External Relations	30	1,909,586	6.5%	64,817	
Communications Board Svc	16	907,171	3.1%	30,792	
Human Resources Office	7	413,421	1.4%	14,033	
Office of Gov Community	4	270,691	0.9%	9,188	
EER BC Pool ^	3	318,302	1.1%	10,804	
Management Services	97	5,901,771	20.0%	200,326	
Finance	22	1,265,805	4.3%	42,966	
General Services	32	1,435,637	4.9%	48,730	
Information Technology	40	2,894,736	9.8%	98,257	
MS BC Pool ^	3	305,594	1.0%	10,373	
Ops Land Res Monitoring	133	6,954,667	23.6%	236,065	
Data Collection	67	3,737,718	12.7%	126,871	
Operations and Land Mgmt	64	3,023,467	10.3%	102,627	
OPS BC Pool ^	2	193,482	0.7%	6,567	
Regulation	122	7,506,574	25.5%	254,798	
Environmental Res Permit	43	3,213,600	10.9%	109,080	
Regulatory Support	46	2,000,024	6.8%	67,887	
Water Use Permit	29	1,815,902	6.2%	61,638	
REG BC Pool ^	4	477,048	1.6%	16,193	
Resource Management	79	5,624,882	19.1%	190,927	
Natural Sys & Restoration	29	1,976,270	6.7%	67,081	
Project Management Office	6	394,805	1.3%	13,401	
Water Resources	40	2,817,838	9.6%	95,647	
RM BC Pool ^	4	435,968	1.5%	14,798	
Grand Total	475	\$29,460,891	100.0%	\$1,000,000	
Note:					
^ Assistant Division Directors, Ombudsman, and Bureau Chiefs salaries pooled within their respective division (listed last per division).					

2019 Salary Survey Results & Implementation Strategy

The District hired Evergreen Solutions, LLC to conduct a salary survey to determine the competitiveness of salaries offered at the District to help recruit and retain qualified and skilled employees. Evergreen performed the salary survey for all District job profiles within the labor market (Brooksville, Tampa, Sarasota and Lakeland) of competitive organizations.

Based on the data from the salary survey, the District is recommending the following changes:

- Increase the minimum by 2 percent for each pay level from grade 104 through 114 for all job profiles. A total of 363 employees fall within these grades; however, only 55 are currently at the minimum. Only those staff at the minimum would see an increase.

Cost: \$85,875

- Move several existing job profiles to higher pay grades, including Real Estate Land Use Professional, Government Affairs Professional, Finance Professional, Field Managers, Field Supervisors, and Administrative/Business Process Technicians. Only those employees who are below the minimum of the new pay grade would receive pay increases. A total of 65 employees fall within these profiles; however, only 11 would require increases to meet the new minimum.

Cost: \$21,510

- Reclassify those field technicians whose duties involve interacting with contractors and/or citizens in the field in an inspection role (such as for regulatory compliance) to a new job title and a higher pay grade to reflect the differences in responsibilities compared to other field technicians. As a result, 25 field technicians would be reclassified; however, only 17 would require increases to meet the new minimum.

Cost: \$32,414

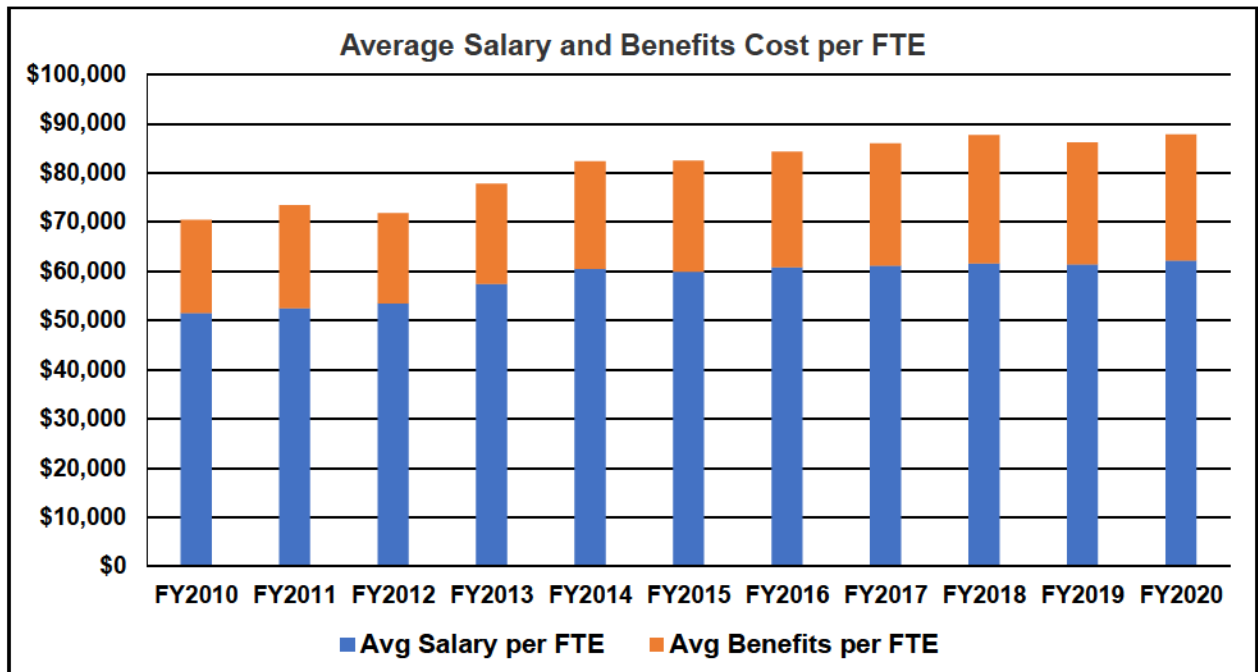
These changes in pay grades would affect approximately 60 percent of the District workforce, with changes in pay to nearly 10 percent of the workforce, mostly at the lower end of the pay grades.

Budgetary Impacts

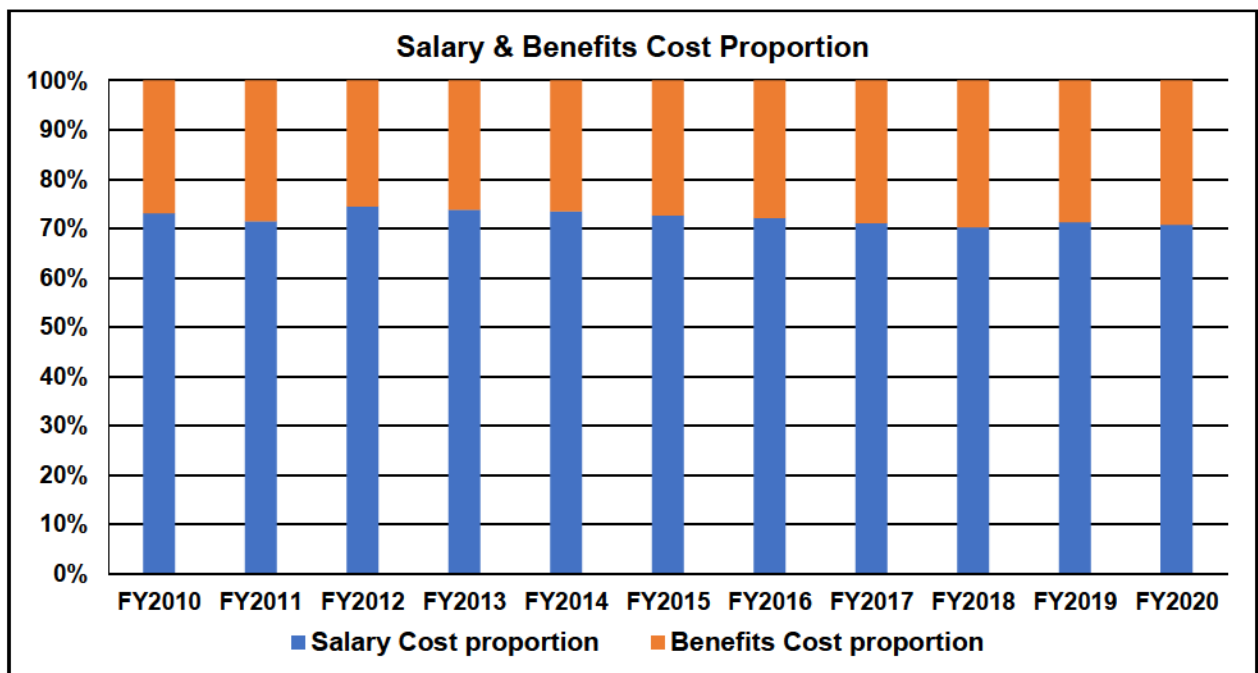
In August 2018, the Board approved an encumbrance of \$1 million for merit-based salary increases. The impact to the FY2019 budget is shown in the following table. The \$1 million encumbrance from FY2018 represents a 2.8 percent increase to the adopted salary budget for FY2019 resulting in a modified salary budget of \$36.2 million. Year to date expenditures plus projected expenditures through the end of FY2019 are estimated at \$34.6 million. The \$1.14 million in requested funds are available from the projected remaining salary budget of \$1.6 million for FY2019 as shown below.

FY2019 Adopted Salary Budget	\$35,257,347
FY2019 Budget Transfers In / (Out)	(19,372)
FY2019 Board Encumbrance from FY2018	1,000,000
FY2019 Modified Salary Budget	\$36,237,975
Actual Expenditures through 07/07/2019	\$26,595,073
Projected Expenditures from 07/08/2019 through 09/30/2019	8,038,652
Total Projected Expenditures for FY2019	\$34,633,725
Projected Remaining Salary Budget Available at Year-End	\$1,604,250

The District has begun to experience a slight increase in average total compensation (Salary and Benefits). For FY2020, the tentative budget for salaries is 1.23% higher than the adopted budget for FY2019. Similarly, the FY2020 tentative budget for benefits is 3.71% higher than the adopted FY2019 budget. The budgeted average compensation per FTE is depicted in the chart below.



In addition to slightly higher overall average total compensation, the cost proportions of salaries to benefits have shifted slightly over the most recent years with benefits consuming a relatively larger portion of total compensation dollars. This is depicted in the chart below.



Efficiencies within the District's workforce have resulted in an estimated \$1.6 million salary savings in FY2019. District management requests to utilize \$1.14 million of these savings for merit-based salary increases for staff based on their 2019 performance evaluation, as well as to fund the implementation strategies for the 2019 Salary Survey.

Of the \$1.14 million, District management requests up to \$1 million to reward high performing staff with a merit increase to be effective in FY2019. If approved, such an increase would appropriately reward annual performance and recognize the contributions District employees have made toward operational efficiencies and accomplishments the District has achieved in FY2019.

Staff recommends the Board approve the encumbrance of \$1,140,000 from the FY2019 Salary appropriation to carry forward into FY2020 for recommended salary adjustments for positions identified in the 2019 Salary Survey and staff merit-based salary increases.

Submit & File Reports – None

Routine Reports

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

- 32. **Treasurer's Report and Payment Register**
- 33. **Monthly Financial Statement**
- 34. **Monthly Cash Balances by Fiscal Year**
- 35. **Comprehensive Plan Amendment and Related Reviews Report**

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE (TAB E)

Discussion

- 36. **Consent Item(s) Moved for Discussion**

- 37. **Knowledge Management: Cooperative Land Management Agreements Governing Board Policy**

The District's Knowledge Management initiative was launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus in FY2019 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

Staff performed a review of the Cooperative Land Management Reimbursements Governing Board Policy (previously the Local Government Partnership Funding for District-Owned Lands Board Policy) and deemed it necessary to update the policy. The revised policy has been provided as an exhibit. The primary modification is to broaden the policy to set objectives and parameters for entering into cooperative land management agreements with both state and local governments for the management of District lands. The policy update is consistent with Chapter 373, Florida Statute which states "*Each water management district is authorized and encouraged to enter into cooperative land management agreements with state agencies or local governments to provide for the coordinated and cost-effective management of lands to which the water management districts*".

This item is presented for the Board's information and no action is requested. The attached revised Cooperative Land Management Agreements Board Policy will be included as a consent item in the September 2019 Board packet and approval will be requested at that time.

Submit & File Reports**38. Hydrologic Conditions Report****Routine Reports**

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

39. Surplus Lands Update**40. Structure Operations****41. Significant Activities**

REGULATION COMMITTEE (TAB F)

Discussion**42. Consent Item(s) Moved for Discussion****43. Denials Referred to the Governing Board**

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action.

Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

Submit & File Reports – None**Routine Reports**

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

44. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update**45. Overpumpage Report****46. Individual Permits Issued by District Staff**

GENERAL COUNSEL'S REPORT (TAB G)

Discussion**47. Consent Item(s) Moved for Discussion****Submit & File Reports – None****Routine Reports**

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

48. August 2019 Litigation Report**49. August 2019 Rulemaking Update**

COMMITTEE/LIAISON REPORTS (TAB H)

- 50. Industrial Advisory Committee
- 51. Public Supply Advisory Committee
- 52. Other Committee/Liaison Reports

EXECUTIVE DIRECTOR'S REPORT (TAB I)

- 53. Executive Director's Report

CHAIR'S REPORT (TAB J)

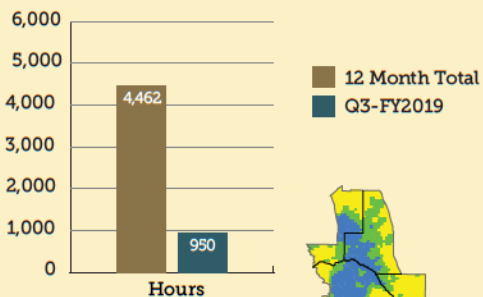
- 54. Chair's Report
- 55. Other
- 56. Employee Milestones

RECESS PUBLIC HEARING

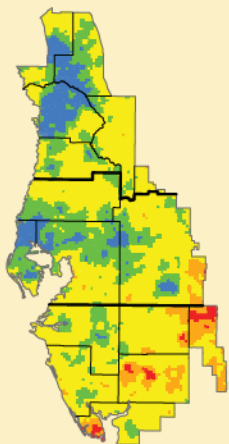
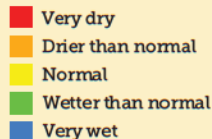
ADJOURNMENT

OPERATIONS, LANDS AND RESOURCE MONITORING

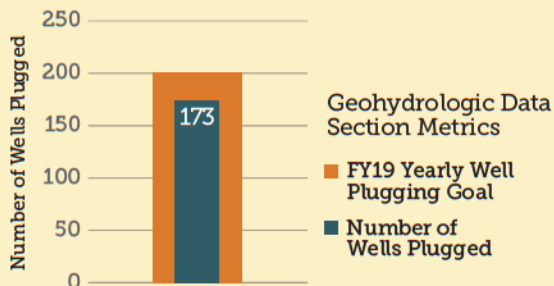
Volunteer Hours



RAINFALL DISTRIBUTION Aug 2018 – Jul 2019



QWIP Wells Plugged For Fiscal Year 2019



Geohydrologic Data Section Metrics

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Monthly Dashboard July 2019



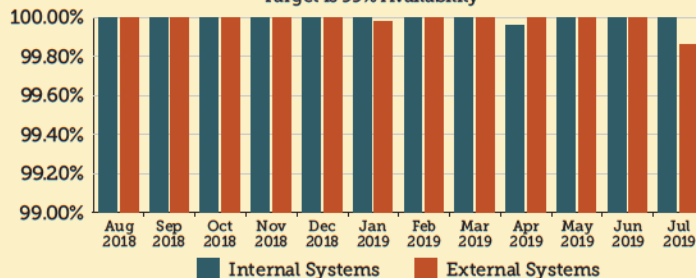
\$362.9 million
(current budget)

Days Without an At-Fault Accident 51
Days Without a Lost-Time Injury 972

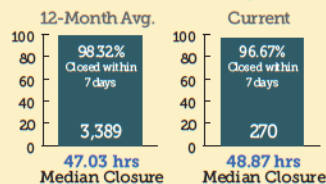
MANAGEMENT SERVICES

Availability of Systems

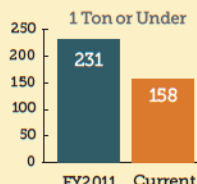
Target is 99% Availability



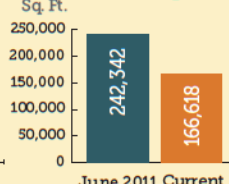
Public Records Requests



Fleet



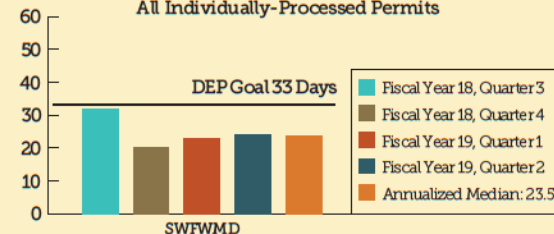
Office Space



REGULATION

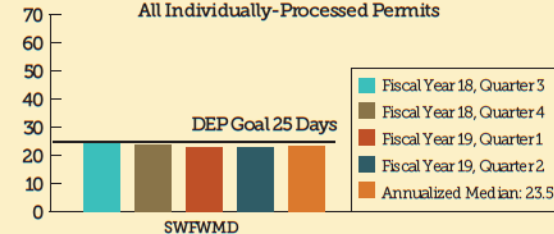
Consumptive Use Permitting

*Active Staff Processing Time,
All Individually-Processed Permits



Environmental Resource Permitting

*Active Staff Processing Time,
All Individually-Processed Permits

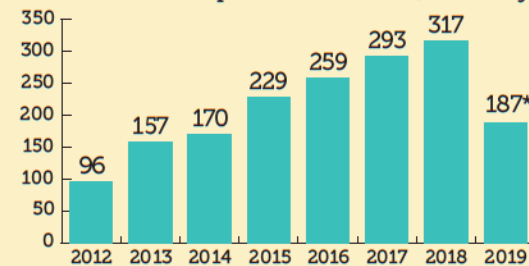


*Excludes time awaiting response from applicant, legal challenges, etc.

EXTERNAL & EMPLOYEE RELATIONS

Ombudsman

Number of Inquiries Received (Annually)

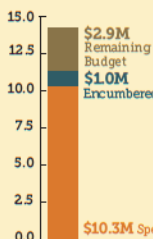


* As of 07/29/2019. Data based on a calendar year.

FINANCIAL SUMMARY

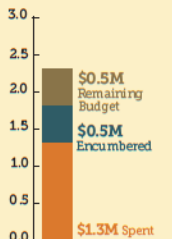
Regulation

Budget \$14.2M



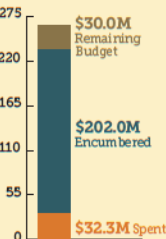
General Counsel

Budget \$2.3M



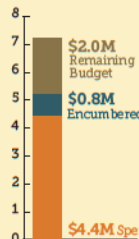
Resource Management

Budget \$264.3M



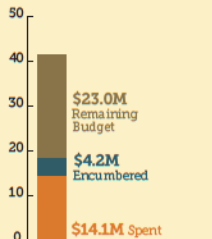
Emp. & Ext. Relations

Budget \$7.2M



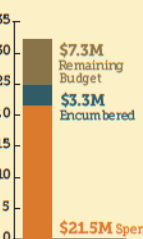
Operations, Lands & Resource Monitoring

Budget \$41.3M

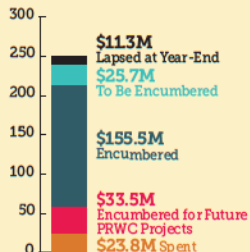


Management Services

Budget \$32.1M



Total Number of Projects: 378
Resource Management Project Budget: \$249.8M



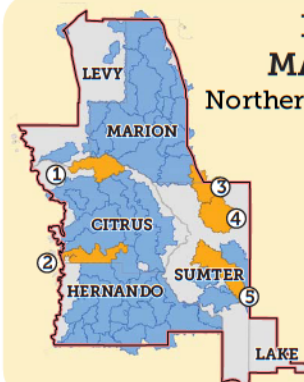
RESOURCE MANAGEMENT

Northern Region WMP Status

WMP Status

Ongoing (5)
Completed (51)

- ① North Citrus Withlacoochee River
- ② Chassahowitzka River
- ③ Nichols Pond
- ④ Little Jones Creek
- ⑤ Jumper Creek



**A. Public Hearing &
Meeting**

Governing Board

Meeting August 27, 2019

CONVENE MEETING OF THE GOVERNING BOARD AND PUBLIC HEARING

PUBLIC HEARING AND MEETING

1. **Call to Order**

The Board Chair calls the meeting to order. The Board Secretary confirms that a quorum is present. The Board Chair then opens the public hearing. 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. Comments will be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. Several individuals wishing to speak on the same issue/topic should designate a spokesperson.

2. **Invocation and Pledge of Allegiance**

An invocation is offered. The Board Chair conducts the Pledge of Allegiance to the Flag of the United States of America.

3. **Employee Recognition**

Staff that have reached 20 or more years of service at the District will be recognized.

- 20 years – Brian Armstrong, Executive Director
- 20 years – Jack Garvey, Senior Systems Administrator
- 30 years – Mark Hurst, Senior Environmental Scientist
- 30 years – Scott Hickerson, Lead Engineer
- 35 years – Deborah Ammendola, Field Services Supervisor
- 35 years – Dudley Black, Senior Application Systems Administrator

4. **Additions/Deletions to Agenda**

According to Section 120.525(2), Florida Statutes, additions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Based upon that authority, the Chair has determined that good cause exists to make certain changes to the agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed.

ADDITIONS: The items that have been added to the agenda were received by the District after publication of the regular agenda. The Board was provided with the information filed and the District staff's analyses of these matters. Staff has determined that action must be taken on these items prior to the next Board meeting. Therefore, it is the District staff's recommendation that good cause has been demonstrated and should be considered during the Governing Board's meeting.

Staff Recommendation:

Approve the recommended additions and deletions to the published agenda if necessary.

Presenter: Brian J. Armstrong, P.G., Executive Director

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

At this time, the Board will hear public input for issues not listed on the published agenda.

Presenter: Mark Taylor, Chair

B. Consent Agenda

Governing Board Meeting

August 27, 2019

CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine and action will be taken by one motion, second of the motion and approval by the Board. If discussion is requested by a Board member, that item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

Resource Management Committee

6. FARMS – Jack Paul Properties, Inc. – Redwing Grove Phase 2 (H778), DeSoto County 6
7. FARMS – Lykes Bros., Inc. Lake Placid Grove Phase 2 (H779), Highlands County..... 9
8. Conservation Easements for Restoration Projects – Ungarelli Preserve Habitat Restoration (W603) 12
9. Knowledge Management: Cooperative Funding Initiative Governing Board Policy 28
10. Authorize Staff to Initiate the Process to Update the Surface Water Improvement and Management Program Priority List..... 34

Finance/Outreach & Planning Committee

11. Knowledge Management: Capital Assets Governing Board Policy..... 36
12. Knowledge Management: Office of Inspector General Charter Governing Board Policy 40
13. Budget Transfer Report 49

Operations, Lands and Resource Monitoring Committee

14. Renewal of Management Agreement with South Florida Water Management District – Lake Marion Creek – SWF Parcel Number 20-597-102X..... 51
15. Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement – R.P. Ranch – SWF Parcel No. 20-780-102C 67
16. Management Agreement with the City of Oldsmar – Lake Tarpon Outfall Canal Park – SWF Parcel No. 16-001-121X 69
17. Second Amendment – Management Agreement with Citrus County – Chassahowitzka River Campground – Chassahowitzka River & Coastal Swamps – SWF Parcel No. 15-347-105X..... 91

Regulation Committee

18. Individual Water Use Permits Referred to the Governing Board - None

General Counsel's Report

19. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Approval of Consent Order – Unauthorized Wetland and Floodplain Activities – Jak Rentals, LLC – CT No. 380009 – Polk County, Florida 99
 - b. Approval of Consent Order – Unauthorized Construction – Steven B. Zink – CT No. 389961 – Sumter County, Florida 110
20. Rulemaking – None

Executive Director's Report

21. Annual Calendar for Fiscal Year 2019-20 Meeting Dates 124

22. Approve Governing Board Minutes – July 23, 2019 126

RESOURCE MANAGEMENT COMMITTEE

August 27, 2019

Consent Agenda

FARMS – Jack Paul Properties, Inc. – Redwing Grove Phase 2 (H778), DeSoto County

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Jack Paul Properties, Inc - Redwing Grove Phase 2 and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$295,500 (73 percent of total project costs - 100 percent of FARMS eligible costs). Of this amount, \$295,500 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$407,000.

Project Proposal

The District received a project proposal from Jack Paul Properties, Inc. for their 2,909-acre ranch and citrus operation located in southeast DeSoto County, within the Southern Water Use Caution Area (SWUCA), and the Shell, Prairie, and Joshua Creek watersheds (SPJC). This project will involve the installation and operation of two surface water pump stations on an existing surface water reservoir to collect tailwater and surface water from the property and surrounding watershed to offset the use of groundwater from the Upper Floridan aquifer for supplemental irrigation of citrus. The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 1,477,900 gallons per day (gpd).

In June 2017, the Governing Board approved a Phase 1 FARMS project on this property to supply surface water from a 4-acre reservoir that was constructed to irrigate 437 acres of citrus. This project was completed in 2018 and consists of two surface water pump stations, filters, culverts and mainline necessary to connect to the irrigation system. Total project cost was \$708,496, with a District reimbursement of \$503,208. The reduction in groundwater use has exceeded the original estimates and has averaged 255,000 gpd.

The proposed Phase 2 project will involve supplemental irrigation of an additional 400 acres of citrus with surface water supplied from an existing 4-acre reservoir. FARMS project components consist of two surface water pump stations, filters, tailwater culverts and mainline necessary to connect to the irrigation system.

Benefits/Costs

The proposed project involves both water quantity and water quality best management practices for supplemental irrigation and qualifies for up to a 75 percent cost-share reimbursement rate under the FARMS Program. The project is expected to reduce withdrawals from the Upper Floridan aquifer by 8 percent of the permitted quantities, or approximately 112,000 gpd, yielding a daily cost of \$2.17 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative water supplies and best management practices for citrus operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval, the Governing Board will have \$ 4,591,363 remaining in its FARMS Program budget.

Item 6

Staff Recommendation:

- 1) Approve the Jack Paul Properties, Inc. - Redwing Grove Phase 2 project for a not-to-exceed project reimbursement of \$295,500 with \$295,500 provided by the Governing Board;
- 2) Authorize the transfer of \$295,500 from fund 010 H017 Governing Board FARMS Fund to the H778 Jack Paul Properties, Inc. - Redwing Grove Phase 2 project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

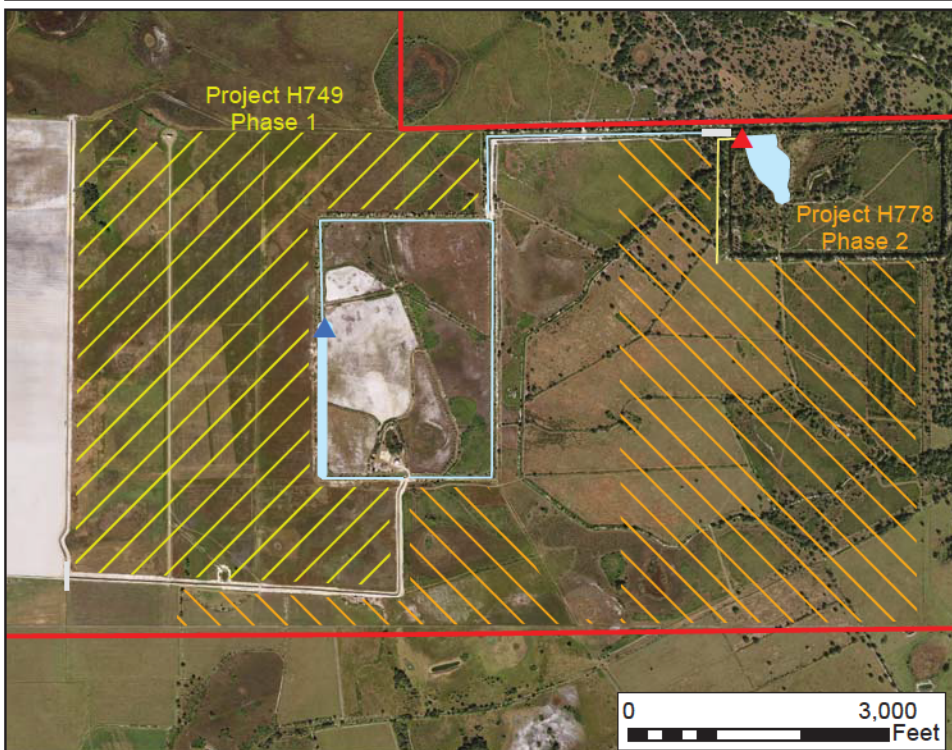
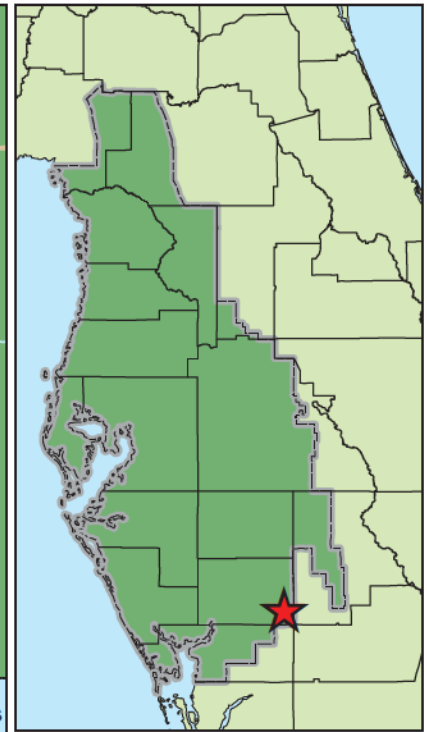
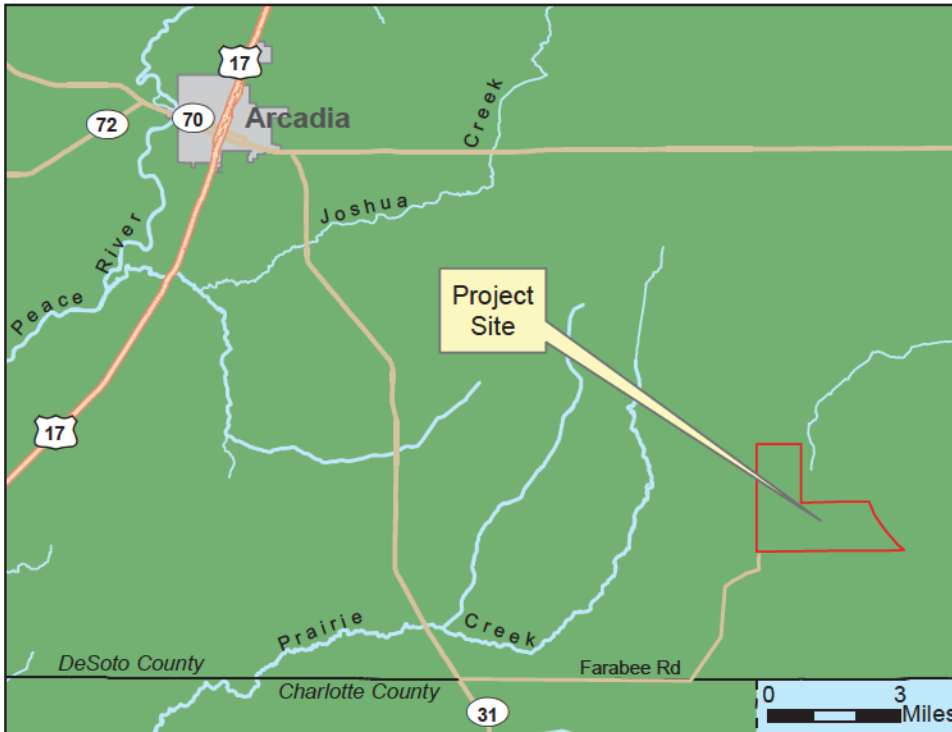
Presenter: Chris Zajac, FARMS Manager, Natural Systems and Restoration

Location Map

Jack Paul Properties, Inc.

Redwing Grove Phase 2

FARMS Project H778



Legend

- District Boundary
- Project Site Boundary - WUP 13370
- Existing Reservoir(s)
- Existing Surface Water Pump Station
- Proposed Surface Water Pump Station & Mainline

DeSoto County

Southwest Florida
Water Management District

DLB 7/2/19
2017 Aerial
2012 NAVTEQ

RESOURCE MANAGEMENT COMMITTEE

August 27, 2019

Consent Agenda

FARMS – Lykes Bros., Inc. Lake Placid Grove Phase 2 (H779), Highlands County

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Lykes Bros. Inc. and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$137,112 (50 percent of total project costs.) Of this amount \$137,112 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$274,224.

Project Proposal

The District received a project proposal from Lykes Bros. Inc., for their 1,843-acre citrus grove located three miles north of Lake Placid, in eastern Highlands County, within the Southern Water Use Caution Area (SWUCA) and the Kissimmee River watershed. This project will involve the installation and operation of a surface water pump station on an existing surface water feature to collect surface water from the property, and surrounding watershed to offset the use of groundwater from the Upper Floridan aquifer for supplemental irrigation of citrus. The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 2,483,300 gallons per day (gpd) to irrigate 1,577 acres of citrus.

In January 2005, the District approved a Phase 1 FARMS project on this property that involved automation of nine (9) groundwater pump stations and soil moisture sensors to conserve groundwater. This project was completed in 2007 with a total project cost of \$183,067 and a District reimbursement of \$91,532. The reduction in groundwater use from this phase has averaged 96,465 gpd.

The proposed Phase 2 project will involve supplemental irrigation of 155 acres of citrus with surface water supplied from an existing lake as an alternative water supply. FARMS project components consist of a surface water irrigation pump station, filtration, and the piping necessary to connect the lake to the existing irrigation system.

Benefits/Costs

The proposed project involves water quantity BMPs for supplemental irrigation and qualifies for a 50 percent cost-share reimbursement rate under the FARMS Program. The project is expected to reduce withdrawals from the Upper Floridan aquifer by 3 percent of the permitted quantities, or approximately 75,000 gpd, yielding a daily cost of \$2.18 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and best management practices for citrus operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of the projects presented at this meeting, the Governing Board will have \$ 4,591,363, remaining in the FARMS Program budget.

Item 7

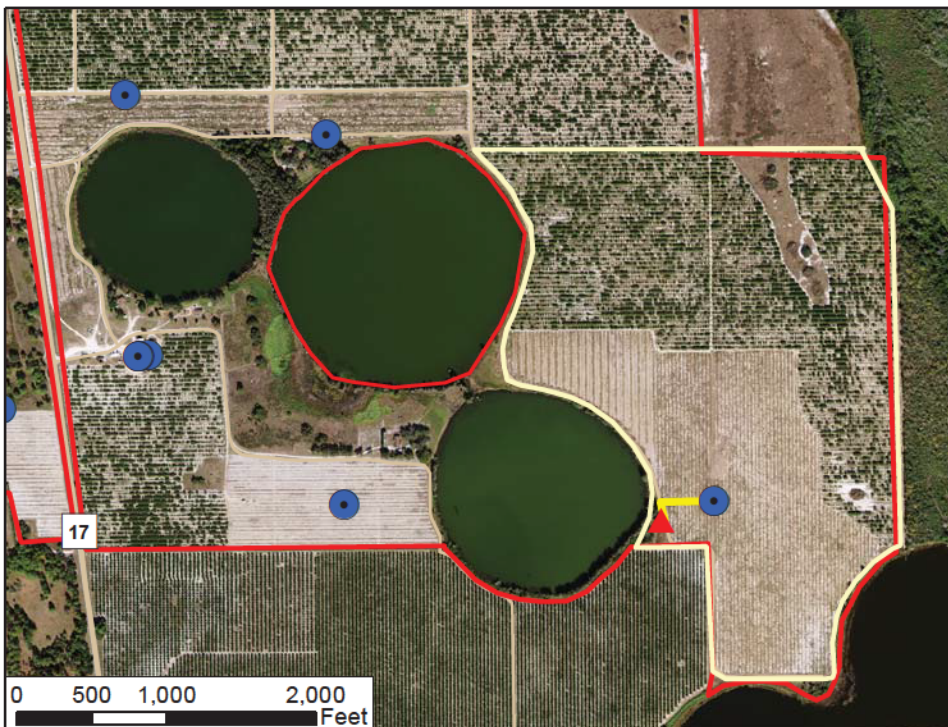
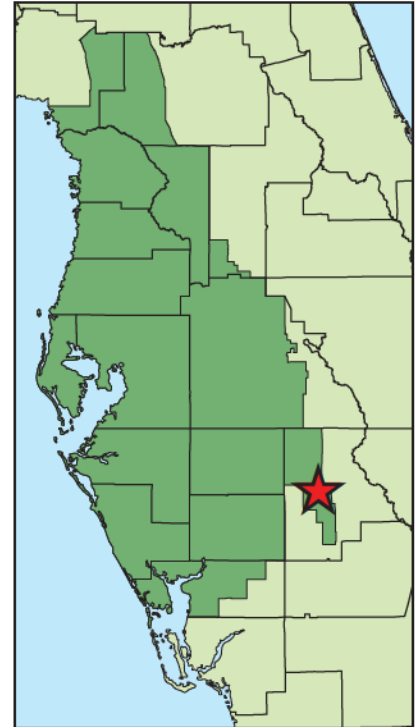
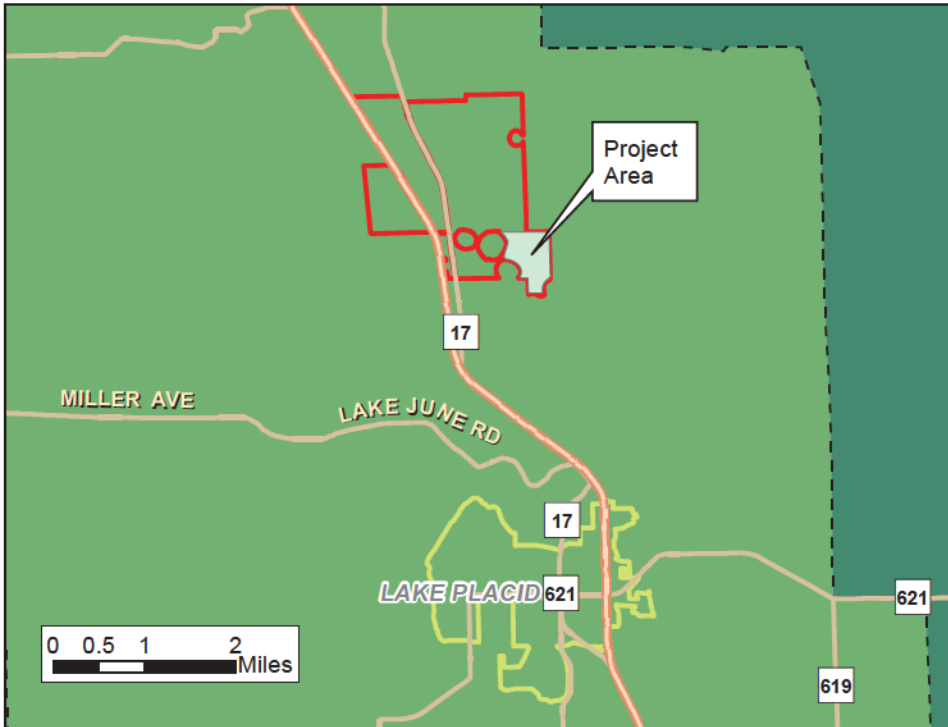
Staff Recommendation:

- 1) Approve the Lykes Bros., Inc. - Lake Placid Grove Phase 2 project for a not-to-exceed project reimbursement of \$137,112 with \$137,112 provided by the Governing Board.
- 2) Authorize the transfer of \$137,112 from fund 010 H017 Governing Board FARMS funds to the H779 Lykes Bros, Inc. - Lake Placid Grove Phase 2 project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

Presenter: Chris Zajac, FARMS Manager, Natural Systems and Restoration

Location Map

Lykes Bros. Inc. - Lake Placid Grove - Phase 2 FARMS Project - H779



Legend

- WUP Boundary 5676
- Existing Groundwater Wells
- Proposed Project Area
- ▲ Proposed Pump Station
- Proposed Mainline

Highlands County



Southwest Florida
Water Management District

CJE 7/16/2019
2017 Aerial
2012 NAVTEQ

RESOURCE MANAGEMENT COMMITTEE**August 27, 2019*****Consent Agenda*****Conservation Easements for Restoration Projects – Ungarelli Preserve Habitat Restoration (W603)*****Purpose***

To request the Governing Board approve the form of the proposed conservation easements for the restoration projects funded by the District's Surface Water Improvement and Management (SWIM) Program.

Background/History

In order to protect the District's investment in restoration projects on cooperators' properties, the cooperator is required to convey a conservation easement to the District to protect the property and project from alterations (e.g. pavement, buildings, etc.) that could reduce the restoration benefit. Accordingly, Manatee County has provided a proposed conservation easement over the Ungarelli Preserve Habitat Restoration project area. This proposed conservation easement is attached to this recap for the Governing Board's review and approval.

Cooperator	Restoration Project	Approx. Acres	SWF Parcel
Manatee County	Ungarelli Preserve Habitat Restoration	5	21-130-105C

Benefits/Costs

Objectives for the project includes water quality improvements and wetland restoration. Encumbering the project area with a conservation easement ensures the property will remain in its restored condition and be protected from uses that may compromise the restoration efforts in perpetuity. The cooperator is responsible for the ongoing costs associated with maintaining the restored property. The District's responsibilities are limited to monitoring and enforcement of the terms of the contract and conservation easement.

Staff Recommendation:

Approve the form of the proposed conservation easement over the Ungarelli Preserve Habitat Restoration project area.

Presenters: Randy Smith, PMP, Bureau Chief, Natural Systems and Restoration and
Chris Tumminia, Deputy General Counsel

Return recorded original to:
Office of General Counsel
Southwest Florida Water Management District
2379 Broad Street (U.S. Highway 41 South)
Brooksville, Florida 34604-6899

Prepared by:
Pamela J. D'Agostino, Assistant County Attorney
Office of the County Attorney
Manatee County Government
1112 Manatee Avenue West, Suite 969
Bradenton, Florida 34205

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is given this _____ day of _____, 2019, by MANATEE COUNTY, a political subdivision of the State of Florida (hereinafter Grantor), having a mailing address of 1112 Manatee Avenue West, Suite 920, Bradenton, Florida 34205, to the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation (hereinafter Grantee), having a mailing address of 2379 Broad Street (U.S. Highway 41 South), Brooksville, Florida 34604-6899.

WITNESSETH:

WHEREAS, Grantor is the sole owner in fee simple of certain real property situated in Manatee County, Florida, more specifically described in Paragraph 1 of this document (hereinafter Property); and

WHEREAS, the Grantor desires to implement a habitat restoration project known as UNGARELLI PRESERVE (hereinafter Project); and

WHEREAS, Grantee provided funding, planning and design services for implementation of the Project pursuant to the Cooperative Funding Agreement No. 10CS0000018, as amended, effective November 1, 2009; and

CONSERVATION EASEMENT

WHEREAS, Grantor, in consideration of the funding and services provided by Grantee agrees to grant and secure to the Grantee a perpetual conservation easement as defined in Section 704.06, Florida Statutes, over the Property.

NOW THEREFORE, in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the provisions of Section 704.06, Florida Statutes, Grantor hereby voluntarily grants and conveys to Grantee a perpetual conservation easement (hereinafter Conservation Easement) over the Property to the extent hereinafter set forth. Grantor fully warrants title to said Property, and will warrant and defend the same against the lawful claims of all persons whomsoever.

The scope, nature and character of this Conservation Easement shall be as follows:

1. Property. The Property that is the subject of this Conservation Easement is described in Exhibit A attached hereto and incorporated by this reference.
2. Purpose. The purpose of this Conservation Easement is to assure that the Property will be retained in its restored condition pursuant to the completed Project as shown on the sketch of the Property in Exhibit A, attached hereto and incorporated by this reference and to prevent any use of the Property that will impair or interfere with the environmental value of the Property.
3. Prohibited Uses. Any activity on or use of the Property inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:
 - a. Constructing or placing buildings, roads, billboards or other advertising, utilities or other structures on or above the ground, except that the Grantor shall have the right to install and maintain benches, open air pavilions, and educational signs within the Property that are not inconsistent with the purpose of this Conservation Easement and upon

CONSERVATION EASEMENT

the prior review and approval of the Grantee. Grantor agrees to promptly cause any or all of the installations permitted herein to be removed upon notice from the Grantee that they impair or interfere with the environmental value of the Property;

b. Dumping or placing soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials;

c. Removing, trimming or destroying trees, shrubs, or other vegetation, except for that associated with natural areas land management activities designed to improve habitat and/or ecological function;

d. Excavating, dredging or removing loam, peat, gravel, soil, rock or other material substances;

e. Surface use, except for purposes that permit the land or water area to remain predominantly in its natural condition;

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking, dredging and fencing;

g. Acts or uses detrimental to such retention or maintenance of land or water areas in a natural state; and

h. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

4. Reserved Rights. Grantor reserves unto itself, and its successors and assigns, all rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not prohibited herein and are not

CONSERVATION EASEMENT

inconsistent with the purpose of this Conservation Easement.

5. Rights of Grantee. To accomplish the purposes stated herein, Grantor conveys the following rights to Grantee:

a. To enter upon and inspect the Property in a reasonable manner and at reasonable times to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement; and

b. To proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and to require the restoration of areas or features of the Property that may be damaged by any activity inconsistent with the Conservation Easement.

6. Grantor's Property Maintenance. Grantor agrees to maintain the Property in the restored state and condition in which it exists as of the date of the execution of this Conservation Easement. Removal of nuisance or exotic plant or animal species is not prohibited by the Conservation Easement, if performed in accordance with a plan approved by Grantee, and the methods used do not impair the ecological integrity of the Conservation Easement. Grantor shall bear all costs related to the operation, upkeep or maintenance of the Property.

7. Taxes. Grantor shall pay, before delinquency, all taxes, assessments, fees and charges, of whatever description, levied on or assessed against the Property by competent authority, including any taxes imposed upon, or incurred as a result of this Conservation Easement (hereinafter collectively, Taxes) and shall furnish Grantee with satisfactory evidence of payment upon request.

8. Public Access. No right of access by the general public to any portion of the

CONSERVATION EASEMENT

Property is conveyed by this Conservation Easement.

9. Grantee's Discretion. Grantee may enforce the terms of this Conservation Easement at its discretion, but if Grantor breaches any term of this Conservation Easement and Grantee does not exercise its rights under this Conservation Easement, Grantee's forbearance shall not be construed to be a waiver by Grantee of such term, or of any subsequent breach of the same, or any other term of this Conservation Easement, or of any of the Grantee's rights under this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver. Grantee shall not be obligated to Grantor, or to any other person or entity, to enforce the provisions of this Conservation Easement.

10. Grantee's Liability. Grantor assumes all liability for any injury or damage to the person or property of third parties that may occur on the Property arising from Grantor's ownership of the Property. Neither Grantor, nor any person or entity claiming by or through Grantor, shall hold Grantee liable for any damage or injury to person or personal property that may occur on the Property.

11. Acts Beyond Grantor's Control. Nothing contained in this Conservation Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from natural causes beyond Grantor's control, including, without limitation, fire, flood, storm and earth movement, or from any necessary action taken by Grantor under emergency conditions to prevent, abate or mitigate significant injury to the Property resulting from such causes.

12. Recordation. Grantor shall record this Conservation Easement and any amendments hereto in a timely fashion in the Official Records of Manatee County, Florida, and

CONSERVATION EASEMENT

shall rerecord it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this Conservation Easement in the public records.

13. Successors. The covenants, terms, conditions and restrictions of this Conservation Easement and any subsequent amendments shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

14. Assignment. Grantee shall not assign its rights and obligations under this Conservation Easement except to another organization qualified to hold such interests under applicable state laws.

15. Modifications. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their respective personal representatives, heirs, successors, and assigns. Any such amendment, alteration, release or revocation shall be timely recorded in the Official Records of Manatee County, Florida.

16. Notices. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, and addressed to the appropriate party or successor.

17. Subsequent Conveyance. Grantor shall reference the terms and conditions of this Conservation Easement by Official Book and Page Number in any subsequent deed or other conveyance by which Grantor divests itself of any interest in the Property. Any future holder of the Grantor's interest in the Property must be notified of this Conservation Easement in writing by the Grantor. Grantor further agrees to provide Grantee written notice of any transfer of their interest in the Property at least thirty (30) days prior to such transfer. Grantor's failure to comply with any of the foregoing does not impair the validity of this Conservation Easement or Grantee's

CONSERVATION EASEMENT

ability to enforce its provisions in any way.

18. Severability. If any provision of this Conservation Easement is determined to be invalid, the remaining provisions shall remain in full force and effect.

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CONSERVATION EASEMENT

IN WITNESS WHEREOF, Grantor has executed this Conservation Easement on the day and year first above written.

Signed, sealed and delivered in our presence as witnesses:

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

Signature of Witness

By: _____
Chairperson

Printed/Typed Name

Signature of Witness

Printed/Typed Name

ATTEST: ANGELINA M. COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by _____, as Chairperson of the Board of County Commissioners of Manatee County, a political subdivision of the State of Florida, who _____ is personally known to me or _____ who has produced _____ as identification and who did not take an oath.

Affix seal below:

Notary Public, State of Florida

My Commission Expires: _____

Commission No.: _____

CONSERVATION EASEMENT

ACKNOWLEDGMENT

WHEREAS, Grantor, MANATEE COUNTY, a political subdivision of the State of Florida, has acquired Property, specifically Robinson Preserve, described in Exhibit A attached hereto, with funding from the Florida Communities Trust (hereinafter FCT), and the Property is subject to certain limitations provided in the Grant Award Agreement (as recorded in Official Records Book 2068, Pages 5918-5933, of the Public Records of Manatee County, Florida) (hereinafter Agreement); and

WHEREAS, as part and condition of the FCT funding, MANATEE COUNTY provided and FCT approved a Management Plan for the Project Site, and together with the Agreement, the terms of which are hereby incorporated herein by reference; and

WHEREAS, Grantor intends that the historic and natural resources, and recreational values of the Property be preserved and enhanced in accordance with the Management Plan, as it may be amended from time to time only after review and approval by FCT; and

WHEREAS, all activities by the Grantor and Grantee shall be consistent with the Agreement and Management Plan.

FLORIDA COMMUNITIES TRUST
Reviewed and Approved by:

Signature of Witness

By: _____
Rick Mercer, Director
Office of Operations/Land and Recreation

Printed/Typed Name

Date: _____

Signature of Witness

Printed/Typed Name

ACCEPTANCE

Accepted as to Legal Form and Sufficiency:

By: _____
West Gregory, Trust Counsel

Exhibit "A"

Description and Sketch

(NOT A SURVEY)

DESCRIPTION: Conservation Easement #1 – Ungarelli Preserve

A portion of that parcel recorded in Official Records Book 2269 Page 7073 of the Public Records of Manatee County Florida, being a portion of Section 6, Township 35 South, Range 17 East and being more specifically described as follows:

COMMENCE at the Southwest corner of said Section 6; thence N00°20'56"E, 15.54 feet along the westerly boundary line of the Southwest 1/4 of said Section 6; thence N89°25'44"W, 49.05 feet to the Southeast corner of said parcel; thence along the easterly boundary line of said parcel the following four (4) courses: (1) N01°13'01"E, 177.84 feet to the beginning of a curve concave to the East having a radius of 523.49 feet; (2) northerly 368.87 feet through a delta angle of 40°22'20" (chord bears N21°23'53"E, 361.28 feet); (3) N41°36'59"E, 196.01 feet; (4) N41°24'49"E, 829.16 feet to the POINT OF BEGINNING; thence N43°46'30"W, 28.83 feet; thence N57°05'28"W, 49.26 feet; thence N36°39'59"W, 42.70 feet; thence N18°31'29"W, 34.25 feet; thence N13°33'34"W, 42.80 feet; thence N46°03'37"W, 16.71 feet to the beginning of a curve concave to the Northeast having a radius of 20.00 feet; thence northerly 14.24 feet along the arc of said curve through a delta angle of 40°47'17" (chord bears N25°39'58"W, 13.94 feet); thence N05°16'20"W, 21.23 feet to the beginning of a curve concave to the East having a radius of 20.00 feet; thence northerly 10.51 feet along the arc of said curve through a delta angle of 30°06'57" (chord bears N09°47'09"E, 10.39 feet); thence N24°50'50"E, 47.14 feet; thence N26°11'26"E, 36.07 feet; thence N07°17'30"W, 41.23 feet; thence N06°36'40"W, 42.16 feet; thence N03°44'13"W, 54.00 feet; thence N06°25'04"E, 40.10 feet to the beginning of a curve concave to the Southeast having a radius of 20.00 feet; thence northeasterly 31.98 feet along the arc of said curve through a delta angle of 91°37'15" (chord bears N52°13'41"E, 28.68 feet); thence S81°57'41"E, 17.95 feet to the beginning of a curve concave to the Southwest having a radius of 20.00 feet; thence southeasterly 23.52 feet along the arc of said curve through a delta angle of 67°21'57" (chord bears S48°16'43"E, 22.18 feet); thence S14°35'45"E, 28.48 feet; thence S14°38'38"E, 44.62 feet; thence S11°48'11"E, 74.36 feet; thence S15°29'35"E, 56.54 feet; thence S05°03'36"E, 73.80 feet; thence S00°01'47"E, 46.85 feet; thence S18°29'29"E, 54.49 feet; thence S31°19'18"E, 27.97 feet; thence S64°25'03"E, 7.28 feet to the beginning of a non-tangent curve concave to the Southwest having a radius of 19.77 feet; thence southeasterly 5.63 feet along the arc of said curve through a delta angle of 16°19'29" (chord bears S56°18'11"E, 5.61 feet) to said easterly boundary line; thence S41°43'36"W, 31.90 feet; thence S41°24'49"W, 52.54 feet to the POINT OF BEGINNING.

Containing 46161 square feet, or 1.06 acres more or less

NOTES:

1. This Description and Sketch does not certify or warranty: title, zoning, easements, or freedom of encumbrances.
2. Subject to easements, dedications and restrictions of record not provided to the surveyor and mapper.
3. Not valid without the signature and original raised seal of a Florida licensed surveyor & mapper. This is not a survey.
4. The basis of bearings is the westerly boundary line of the Southwest 1/4 Section 6-35-17 which bears N00°20'56"E (assumed).
5. The Description on page 1 is incomplete without the Sketch on Page 2.
6. Prepared with the benefit of the boundary survey by ZNS Engineering, L.C. (job No. 00-41398, date 7/3/08) and CAD files from WilsonMiller, Inc (project #215500131 300 dated March 2011)
7. Revised per SWFWMD Comments – August 25, 2017



[Signature]
Todd E. Boyle, RSM
Florida Registered Surveyor & Mapper, 6047
Date: 10/18/2017

Drawing Path:
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_Ungarelli_conservaion Esme
D&S\Conservation ESMTs
D&S.dwg
Sheet: 1 OF 2
Section 6, Township 35
South, Range 17 East
Drawing Date:10/12/2016

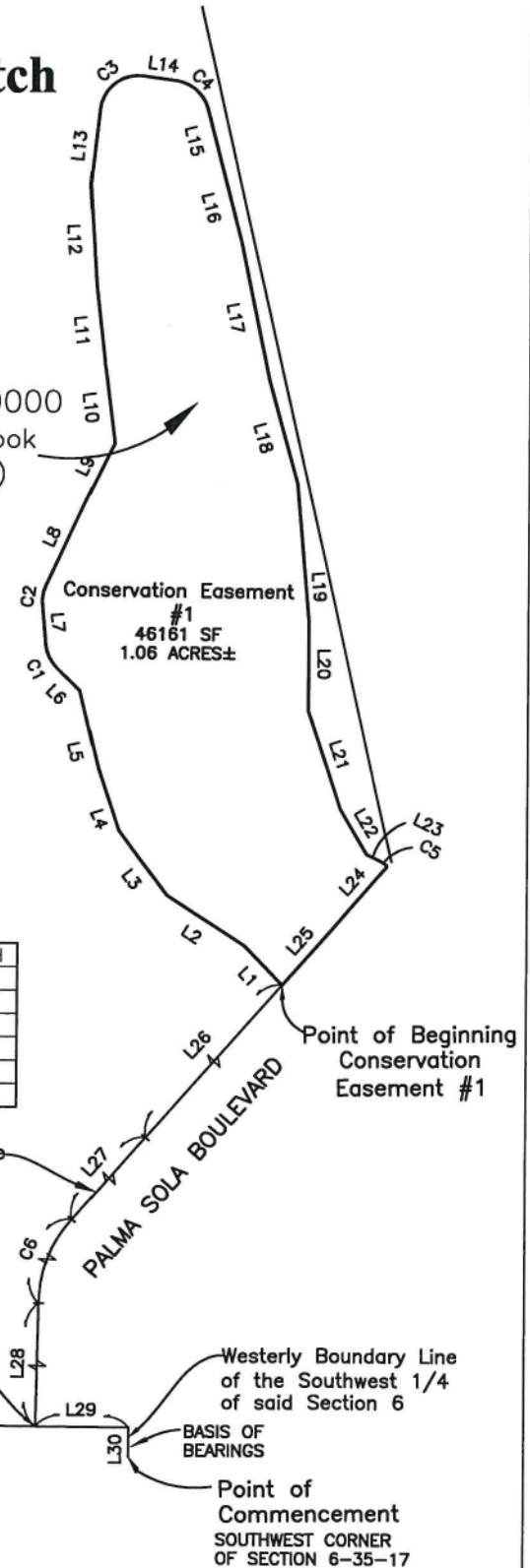
Exhibit "A"

Description and Sketch

(NOT A SURVEY)

LINE	BEARING	DISTANCE
L1	N 43°46'30" W	28.83'
L2	N 57°05'28" W	49.26'
L3	N 36°39'59" W	42.70'
L4	N 18°31'29" W	34.25'
L5	N 13°33'34" W	42.80'
L6	N 46°03'37" W	16.71'
L7	N 05°16'20" W	21.23'
L8	N 24°50'50" E	47.14'
L9	N 26°11'26" E	36.07'
L10	N 07°17'30" W	41.23'
L11	N 06°36'40" W	42.16'
L12	N 03°44'13" W	54.00'
L13	N 06°25'04" E	40.10'
L14	S 81°57'41" E	17.95'
L15	S 14°35'45" E	28.48'
L16	S 14°38'38" E	44.62'
L17	S 11°48'11" E	74.36'
L18	S 15°29'35" E	56.54'
L19	S 05°03'36" E	73.80'
L20	S 00°01'47" E	46.85'
L21	S 18°29'29" E	54.49'
L22	S 31°19'18" E	27.97'
L23	S 64°25'03" E	7.28'
L24	S 41°43'36" W	31.90'
L25	S 41°24'49" W	52.54'
L26	N 41°24'49" E	829.16'
L27	N 41°36'59" E	196.01'
L28	N 01°13'01" E	177.84'
L29	N 89°25'44" W	49.05'
L30	N 00°20'56" E	15.54'

Parcel ID 5157000000
(Official Records Book
2269 Page 7073)



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	20.00'	14.24'	40°47'17"	N 25°39'58" W	13.94'
C2	20.00'	10.51'	30°06'57"	N 09°47'09" E	10.39'
C3	20.00'	31.98'	91°37'15"	N 52°13'41" E	28.68'
C4	20.00'	23.52'	67°21'57"	S 48°16'43" E	22.18'
C5	19.77'	5.63'	16°19'29"	S 56°18'11" E	5.61'
C6	523.49'	368.87'	40°22'20"	N 21°23'53" E	361.28'



See Page 1 of 2 for Description,
Signature & Seal

DEP = DEPARTMENT OF ENVIRONMENTAL PROTECTION
ORB = OFFICIAL RECORDS BOOK
PC = POINT OF CURVATURE
PCC = POINT OF COMPOUND CURVATURE
PID = PARCEL IDENTIFICATION NUMBER
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
POT = SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
PRC = POINT OF REVERSE CURVATURE
PT = POINT OF TANGENCY
R/W = RIGHT-OF-WAY
SF = SQUARE FEET
± = MORE OR LESS

Drawing Path:
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D&S\Conservation ESMTs
D&S.dwg
Sheet: 2 OF 2
Section 6, Township 35
South, Range 17 East
Drawing Date: 10/12/2016

Exhibit "A"

Description and Sketch

(NOT A SURVEY)

DESCRIPTION: Conservation Easement #2 – Ungarelli Preserve

A portion of that parcel recorded in Official Records Book 2269 Page 7073 of the Public Records of Manatee County Florida, being a portion of Section 6, Township 35 South, Range 17 East and Section 1, Township 35 South, Range 16 East, and being more specifically described as follows:

COMMENCE at the Southwest corner of said Section 6; thence N00°20'56"E, 15.54 feet along the westerly boundary line of the Southwest 1/4 of said Section 6; thence N89°25'44"W, 49.05 feet to the Southeast corner of said parcel; thence along the easterly boundary line of said parcel the following four (4) courses: (1) N01°13'01"E, 177.84 feet to the beginning of a curve concave to the East having a radius of 523.49 feet; (2) northerly 368.87 feet through a delta angle of 40°22'20" (chord bears N21°23'53"E, 361.28 feet); (3) N41°36'59"E, 196.01 feet; (4) N41°24'49"E, 241.90 feet to the POINT OF BEGINNING; thence N52°12'30"W, 30.33 feet to the beginning of a curve concave to the Northeast having a radius of 20.00 feet; thence northerly 12.93 feet along the arc of said curve through a delta angle of 37°03'22" (chord bears N33°40'49"W, 12.71 feet); thence N15°09'09"W, 19.18 feet; thence N49°32'27"W, 28.49 feet to the beginning of a curve concave to the Northeast having a radius of 20.00 feet; thence northerly 13.25 feet along the arc of said curve through a delta angle of 37°56'49" (chord bears N30°34'02"W, 13.01 feet); thence N11°35'37"W, 34.93 feet; thence N27°10'02"W, 48.18 feet; thence N26°32'31"W, 34.99 feet; thence N55°40'56"W, 16.70 feet to the beginning of a curve concave to the Northeast having a radius of 20.00 feet; thence northerly 18.13 feet along the arc of said curve through a delta angle of 51°56'49" (chord bears N29°42'32"W, 17.52 feet); thence N16°17'30"W, 13.40 feet; thence N48°47'58"W, 63.47 feet; thence S42°55'44"W, 8.39 feet; thence S48°46'53"W, 29.18 feet to the beginning of a non-tangent curve concave to the West having a radius of 20.17 feet; thence southerly 16.45 feet along the arc of said curve through a delta angle of 46°43'25" (chord bears S03°26'15"W, 15.99 feet); thence S26°54'46"W, 32.95 feet; thence S50°07'48"W, 28.07 feet; thence S66°34'20"W, 55.80 feet to the beginning of a curve concave to the North having a radius of 20.00 feet; thence westerly 8.08 feet along the arc of said curve through a delta angle of 23°08'50" (chord bears S78°08'45"W, 8.03 feet); thence S89°43'11"W, 28.55 feet to the beginning of a curve concave to the Northeast having a radius of 20.00 feet; thence northwesterly 21.02 feet along the arc of said curve through a delta angle of 60°12'47" (chord bears N60°10'26"W, 20.06 feet); thence N30°04'02"W, 10.89 feet; thence N86°55'33"W, 2.94 feet; thence S50°29'33"W, 10.64 feet to the beginning of a curve concave to the North having a radius of 20.00 feet; thence westerly 37.66 feet along the arc of said curve through a delta angle of 107°52'55" (chord bears N75°34'00"W, 32.34 feet); thence N21°37'32"W, 22.11 feet; thence N34°24'22"W, 76.11 feet; thence N36°41'20"E, 87.05 feet; thence N88°34'15"E, 49.31 feet; thence N59°17'46"E, 39.13 feet; thence N53°03'02"E, 60.94 feet; thence N02°59'54"W, 16.80 feet; thence N55°43'40"E, 81.59 feet to the beginning of a non-tangent curve concave to the South having a radius of 24.97 feet; thence easterly 28.69 feet along the arc of said curve through a delta angle of 65°50'52" (chord bears S75°36'46"E, 27.14 feet); thence S42°29'45"E, 121.11 feet; thence S26°59'22"E, 84.67 feet; thence S28°06'33"E, 19.77 feet; thence S15°48'08"E, 17.42 feet; thence S11°59'56"E, 24.68 feet; thence S28°19'18"E, 48.33 feet; thence S59°14'54"E, 18.78 feet to the beginning of a curve concave to the Southwest having a radius of 20.00 feet; thence southeasterly 14.70 feet along the arc of said curve through a delta angle of 42°06'45" (chord bears S38°11'32"E, 14.37 feet); thence S77°32'20"E, 5.91 feet to the beginning of a curve concave to the Southwest having a radius of 20.00 feet; thence southeasterly 35.31 feet along the arc of said curve through a delta angle of 101°09'56" (chord bears S26°57'22"E, 30.90 feet); thence S23°37'36"W, 5.96 feet; thence S76°15'53"E, 14.17 feet to the beginning of a curve concave to the Southwest having a radius of 20.00 feet; thence southeasterly 32.16 feet along the arc of said curve through a delta angle of 92°07'54" (chord bears S30°11'56"E, 28.81 feet); thence S15°52'00"W, 10.66 feet; thence S62°09'32"E, 13.01 feet to the easterly boundary line of said parcel; thence S41°24'49"W, 99.73 feet along said easterly boundary line to the POINT OF BEGINNING.

Containing 86985 square feet, or 2.00 acres more or less

NOTES:

1. This Description and Sketch does not certify or warranty: title, zoning, easements, or freedom of encumbrances.
2. Subject to easements, dedications and restrictions of record not provided to the surveyor and mapper.
3. Not valid without the signature and original raised seal of a Florida licensed surveyor & mapper. This is not a survey.
4. The basis of bearings is the westerly boundary line of the Southwest 1/4 Section 6-35-17 which bears N00°20'56"E (assumed).
5. The Description on page 1 is incomplete without the Sketch on Page 2.
6. Prepared with the benefit of the boundary survey by ZNS Engineering, L.C. (job No. 00-41398, date 7/3/08) and CAD files from WilsonMiller, Inc (project #215500131 300 dated March 2011)
7. Revised per SWFWMD Comments – August 25, 2017



Todd E. Boye, RSM
Florida Registered Surveyor & Mapper, 6047

Date

Drawing Path:
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D&S\Conservation ESMTs
D&S.dwg
Sheet: 1 OF 2
Section 6, 35S, 17E &
Section 1, 35S, 16E
Drawing Date: 10/12/2016

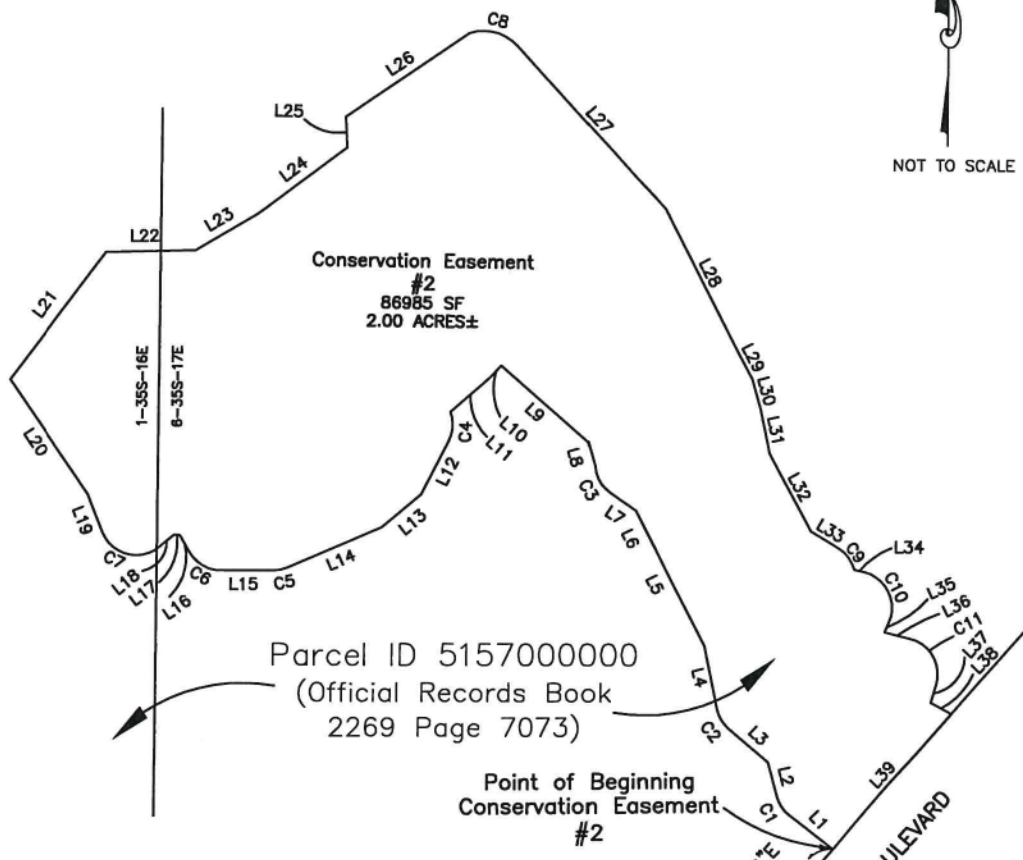
Exhibit "A"

Description and Sketch

(NOT A SURVEY)

NOT TO SCALE

LINE	BEARING	DISTANCE
L1	N 52°12'30" W	30.33'
L2	N 15°09'09" W	19.18'
L3	N 49°32'27" W	28.49'
L4	N 11°35'37" W	34.93'
L5	N 27°10'02" W	48.18'
L6	N 26°32'31" W	34.99'
L7	N 55°40'56" W	16.70'
L8	N 16°17'30" W	13.40'
L9	N 48°47'58" W	63.47'
L10	S 42°55'44" W	8.39'
L11	S 48°46'53" W	29.18'
L12	S 26°54'46" W	32.95'
L13	S 50°07'48" W	28.07'
L14	S 66°34'20" W	55.80'
L15	S 89°43'11" W	28.55'
L16	N 30°04'02" W	10.89'
L17	N 86°55'33" W	2.94'
L18	S 50°29'33" W	10.64'
L19	N 21°37'32" W	22.11'
L20	N 34°24'22" W	76.11'
L21	N 36°41'20" E	87.05'
L22	N 88°34'15" E	49.31'
L23	N 59°17'46" E	39.13'
L24	N 53°03'02" E	60.94'
L25	N 02°59'54" W	16.80'
L26	N 55°43'40" E	81.59'
L27	S 42°29'45" E	121.11'
L28	S 26°59'22" E	84.67'
L29	S 28°06'33" E	19.77'
L30	S 15°48'08" E	17.42'
L31	S 11°59'56" E	24.68'
L32	S 28°19'18" E	48.33'
L33	S 59°14'54" E	18.78'
L34	S 77°32'20" E	5.91'
L35	S 23°37'36" W	5.96'
L36	S 76°15'53" E	14.17'
L37	S 15°52'00" W	10.66'
L38	S 62°09'32" E	13.01'
L39	S 41°24'49" W	99.73'



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	20.00'	12.93'	37°03'22"	N 33°40'49" W	12.71'
C2	20.00'	13.25'	37°56'49"	N 30°34'02" W	13.01'
C3	20.00'	18.13'	51°56'49"	N 29°42'32" W	17.52'
C4	20.17'	16.45'	46°43'25"	S 03°26'15" W	15.99'
C5	20.00'	8.08'	23°08'50"	S 78°08'45" W	8.03'
C6	20.00'	21.02'	60°12'47"	N 60°10'26" W	20.06'
C7	20.00'	37.66'	107°52'55"	N 75°34'00" W	32.34'
C8	24.97'	28.69'	65°50'52"	S 75°36'46" E	27.14'
C9	20.00'	14.70'	42°06'45"	S 38°11'32" E	14.37'
C10	20.00'	35.31'	101°09'56"	S 26°57'22" E	30.90'
C11	20.00'	32.16'	92°07'54"	S 30°11'56" E	28.81'

Southeast corner of Official
Records Book 2269 Page 7073

Easterly
Boundary Line

N4°24'49"E
241.90'

N4°13'59"E
196.01'

R=523.49'
A=368.87'
DELTA=40°22'20"
CHORD=N21°23'53"E, 361.28'

N00°20'56"E 15.54'
(Basis of bearings)

Westerly Boundary Line
of the Southwest 1/4
of said Section 6

Point of
Commencement
SOUTHWEST CORNER
OF SECTION 6-35-17

MANATEE COUNTY
PROPERTY MANAGEMENT
SURVEY DIVISION



1112 MANATEE AVENUE WEST
BRADENTON, FLORIDA, 34205,
(941)748-4501

See Page 1 of 2 for Description,
Signature & Seal

DEP = DEPARTMENT OF ENVIRONMENTAL PROTECTION
ORB = OFFICIAL RECORDS BOOK
PC = POINT OF CURVATURE
PCC = POINT OF COMPOUND CURVATURE
PID = PARCEL IDENTIFICATION NUMBER
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
POT = SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
PRC = POINT OF REVERSE CURVATURE
PT = POINT OF TANGENCY
R/W = RIGHT-OF-WAY
SF = SQUARE FEET
± = MORE OR LESS

Drawing Path:
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_Ungarelli_Conservation Easme
D&S\Conservation ESMTs
D&S.dwg

Sheet: 2 OF 2

Section 6, 35S, 17E &
Section 1, 35S, 16E

Drawing Date: 10/12/2016

Exhibit "A"

Description and Sketch

(NOT A SURVEY)

DESCRIPTION: Conservation Easement #3 – Ungarelli Preserve

A portion of that parcel recorded in Official Records Book 2269 Page 7073 of the Public Records of Manatee County Florida, being a portion of Section 6, Township 35 South, Range 17 East and Section 1, Township 35 South, Range 16 East, and being more specifically described as follows:

COMMENCE at the Southwest corner of said Section 6; thence N00°20'56"E, 15.54 feet along the westerly boundary line of the Southwest 1/4 of said Section 6; thence N89°25'44"W, 49.05 feet the POINT OF BEGINNING; thence N89°25'44"W, 261.21 feet along the southerly boundary of said parcel; thence N00°20'56"E, 96.45 feet along the westerly boundary line of said parcel, thence N89°00'48"E, 32.67 feet; thence N27°47'56"E, 34.57 feet; thence N64°25'52"E, 5.44 feet; thence S59°22'28"E, 2.29 feet; thence N62°51'00"E, 52.82 feet; thence N62°51'00"E, 8.66 feet; thence N30°50'10"E, 28.33 feet; thence N27°12'48"E, 49.22 feet; thence N15°05'42"W, 68.95 feet; thence N79°03'44"E, 38.78 feet; thence N07°20'11"E, 55.10 feet; thence N23°41'50"E, 26.90 feet; thence N28°45'38"E, 36.59 feet; thence N19°53'37"E, 30.96 feet; thence N18°39'34"E, 26.04 feet; thence N26°10'38"E, 47.00 feet to the beginning of a non-tangent curve concave to the East having a radius of 20.00 feet; thence northerly 27.71 feet along the arc of said curve through a delta angle of 79°22'13" (chord bears N15°38'27"E, 25.54 feet); thence N55°19'33"E, 22.27 feet; thence N64°12'23"E, 23.71 feet; thence N82°01'42"E, 19.88 feet to the beginning of a non-tangent curve concave to the South having a radius of 19.89 feet; thence easterly 8.18 feet along the arc of said curve through a delta angle of 23°33'08" (chord bears S86°13'38"E, 8.12 feet); to the beginning of a curve concave to the Southeast having a radius of 19.98 feet; thence northeasterly 32.68 feet along the arc of said curve through a delta angle of 93°43'05" (chord bears N52°59'50"E, 29.16 feet); thence S80°10'13"E, 13.98 feet; thence N34°22'43"E, 19.48 feet; thence N59°24'54"E, 34.18 feet to the beginning of a curve concave to the South having a radius of 20.00 feet; thence easterly 13.30 feet along the arc of said curve through a delta angle of 38°06'41" (chord bears N78°28'12"E, 13.06 feet); to the beginning of a curve concave to the East having a radius of 19.54 feet; thence northerly 3.75 feet along the arc of said curve through a delta angle of 10°59'40" (chord bears N10°03'59"E, 3.74 feet); thence N15°30'49"E, 15.87 feet to the beginning of a curve concave to the Southeast having a radius of 20.00 feet; thence northeasterly 27.66 feet along the arc of said curve through a delta angle of 79°14'44" (chord bears N55°08'11"E, 25.51 feet); thence S85°14'27"E, 36.58 feet to the beginning of a non-tangent curve concave to the Southwest having a radius of 19.78 feet; thence southeasterly 33.35 feet along the arc of said curve through a delta angle of 96°37'06" (chord bears S37°38'07"E, 29.54 feet) to the easterly boundary line of said parcel; thence southerly along said easterly boundary line the following three (3) courses: (1) S41°36'58"W, 137.48 feet to the beginning of a non-tangent curve concave to the East having a radius of 523.49 feet; (2) southerly 368.87 feet along the arc of said curve through a delta angle of 40°22'20" (chord bears S21°23'53"W, 361.28 feet); (3) S01°13'01"W, 177.84 feet to the POINT OF BEGINNING.

Containing 98931 square feet, or 2.27 acres more or less

NOTES:

1. This Description and Sketch does not certify or warranty: title, zoning, easements, or freedom of encumbrances.
2. Subject to easements, dedications and restrictions of record not provided to the surveyor and mapper.
3. Not valid without the signature and original raised seal of a Florida licensed surveyor & mapper. This is not a survey.
4. The basis of bearings is the westerly boundary line of the Southwest 1/4 Section 6-35-17 which bears N00°20'56"E (assumed).
5. The Description on page 1 is incomplete without the Sketch on Page 2.
6. Prepared with the benefit of the boundary survey by ZNS Engineering, L.C. (job No. 00-41398, date 7/3/08) and CAD files from WilsonMiller, Inc (project #215500131 300 dated March 2011)
7. Revised per SWFWMD Comments – August 25, 2017.



Todd E. Boyle
Todd E. Boyle, RSM
Florida Registered Surveyor & Mapper, 6047
Date: 10/18/2017

Drawing Path:
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Sept2016\20160903
_Ungarelli_conserva Esme
D&S\Conservation ESMTs
D&S.dwg
Sheet: 1 OF 2
Section 6, 35S, 17E &
Section 1, 35S, 16E
Drawing Date: 10/12/2016

Exhibit "A"

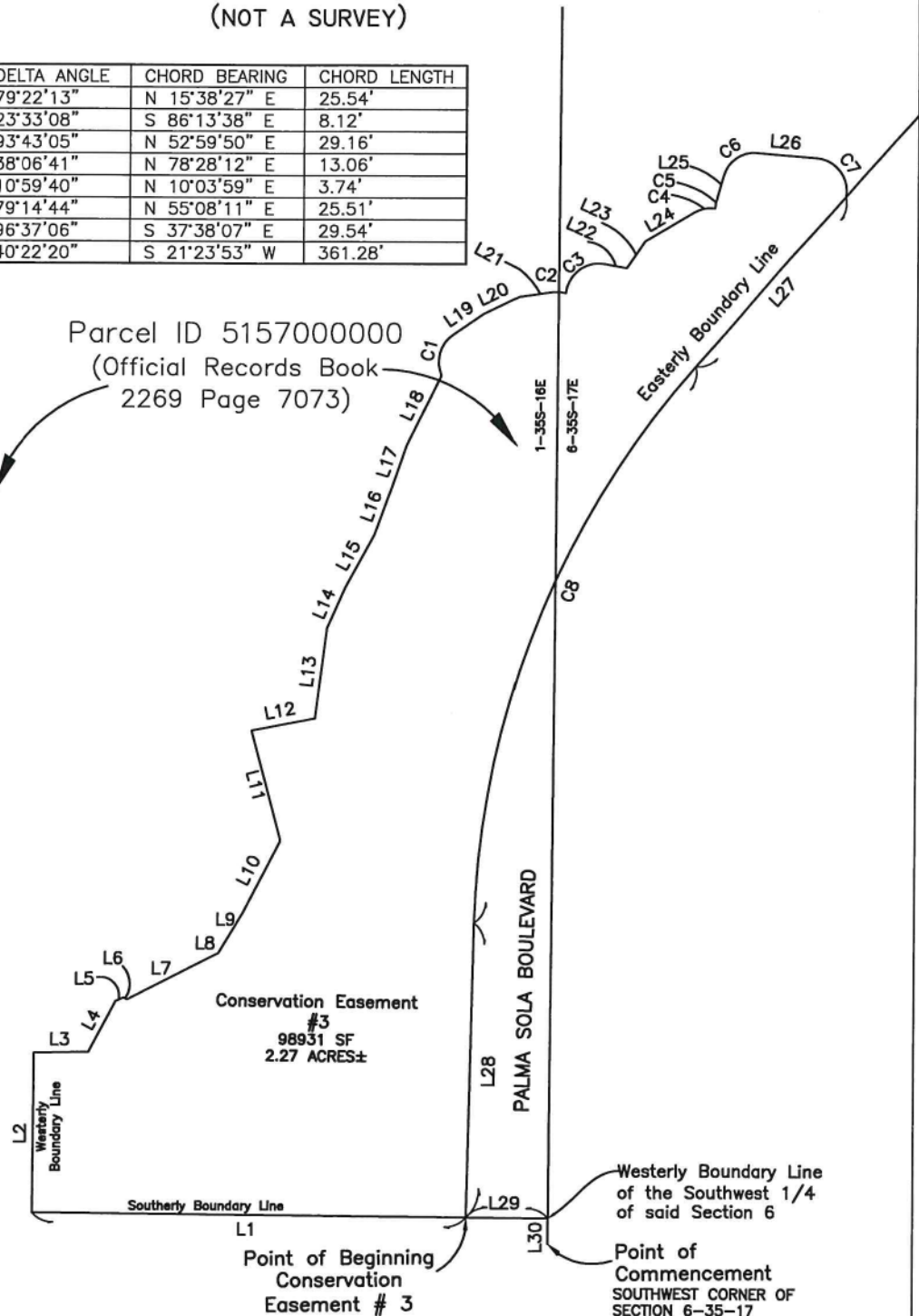
Description and Sketch

(NOT A SURVEY)

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	20.00'	27.71'	79°22'13"	N 15°38'27" E	25.54'
C2	19.89'	8.18'	23°33'08"	S 86°13'38" E	8.12'
C3	19.98'	32.68'	93°43'05"	N 52°59'50" E	29.16'
C4	20.00'	13.30'	38°06'41"	N 78°28'12" E	13.06'
C5	19.54'	3.75'	10°59'40"	N 10°03'59" E	3.74'
C6	20.00'	27.66'	79°14'44"	N 55°08'11" E	25.51'
C7	19.78'	33.35'	96°37'06"	S 37°38'07" E	29.54'
C8	523.49'	368.87'	40°22'20"	S 21°23'53" W	361.28'

LINE	BEARING	DISTANCE
L1	N 89°25'44" W	261.21'
L2	N 00°20'56" E	96.45'
L3	N 89°00'48" E	32.67'
L4	N 27°47'56" E	34.57'
L5	N 64°25'52" E	5.44'
L6	S 59°22'28" E	2.29'
L7	N 62°51'00" E	52.82'
L8	N 62°51'00" E	8.66'
L9	N 30°50'10" E	28.33'
L10	N 27°12'48" E	49.22'
L11	N 15°05'42" W	68.95'
L12	N 79°03'44" E	38.78'
L13	N 07°20'11" E	55.10'
L14	N 23°41'50" E	26.90'
L15	N 28°45'38" E	36.59'
L16	N 19°53'37" E	30.96'
L17	N 18°39'34" E	26.04'
L18	N 26°10'38" E	47.00'
L19	N 55°19'33" E	22.27'
L20	N 64°12'23" E	23.71'
L21	N 82°01'42" E	19.88'
L22	S 80°10'13" E	13.98'
L23	N 34°22'43" E	19.48'
L24	N 59°24'54" E	34.18'
L25	N 15°30'49" E	15.87'
L26	S 85°14'27" E	36.58'
L27	S 41°36'58" W	137.48'
L28	S 01°13'01" W	177.84'
L29	N 89°25'44" W	49.05'
L30	N 00°20'56" E	15.54'

Parcel ID 5157000000
(Official Records Book
2269 Page 7073)



NOT TO SCALE



See Page 1 of 2 for Description,
Signature & Seal

DEP = DEPARTMENT OF ENVIRONMENTAL PROTECTION
ORB = OFFICIAL RECORDS BOOK
PC = POINT OF CURVATURE
PCC = POINT OF COMPOUND CURVATURE
PID = PARCEL IDENTIFICATION NUMBER
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
POT = SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
PRC = POINT OF REVERSE CURVATURE
PT = POINT OF TANGENCY
R/W = RIGHT-OF-WAY
SF = SQUARE FEET
± = MORE OR LESS

Drawing Path:
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_Ungarelli_conservations Esme
D&S\Conservation ESMTs
D&S.dwg

Sheet: 2 OF 2

Section 6, 35S, 17E &
Section 1, 35S, 16E

Drawing Date: 10/12/2016

RESOURCE MANAGEMENT COMMITTEE

August 27, 2019

Consent Agenda

Knowledge Management: Cooperative Funding Initiative Governing Board Policy

Purpose

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed and updated as needed by the respective divisions.

Background/History

The District's Knowledge Management initiative launched in FY2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. As part of this initiative, updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

Staff have proposed revisions to the Cooperative Funding Initiative (CFI) Policy 130-4. The specific changes to the policy are:

- 1) Change the policy format to match current format standards;
- 2) Correct several grammatical and format errors to improve readability;
- 3) Add an additional paragraph to describe the role of the Governing Board sub-committees in the selection of projects for District funding.
- 4) Add a sentence in the introduction to the guidelines for alternative water supply projects that states indirect and direct potable reuse (IPR/DPR) projects are alternative water supply projects and are subject to the guidelines within this policy.

Staff have developed these proposed revisions to the policy for Governing Board review (see exhibit). Staff presented this item to the Governing Board in July 2019 for input on the proposed revisions. Staff also presented this item to the Public Supply Advisory Committee on August 13, 2019. Several questions and comments were discussed at this meeting including concern that IPR/DPR projects are subject to the AWS guidelines (with preference for project funding to regional entities); however, no specific changes were proposed to the Policy.

Staff Recommendation:

Approve the changes to the Cooperative Funding Initiative Governing Board Policy as presented at the July 23, 2019 Governing Board meeting.

Presenter: Eric DeHaven, Assistant Director, Resource Management

Governing Board Policy
Southwest Florida Water Management District

Title: Cooperative Funding Initiative

Document Owner: Jennette Seachrist, P.E., Resource
Management Division Director

Approved By: Mark Taylor, Chair

Effective Date: 08/27/2019

Supersedes: 06/27/2017

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PURPOSE

In accordance with Chapter 373, Florida Statutes, the Governing Board (Board) may participate and cooperate with county governments, municipalities, water supply authorities, and other interested entities in water management programs and projects of mutual benefit, provided such programs and projects are consistent with the District's statutory authority and will ensure proper development, utilization, and conservation of the water resources and ecology within the jurisdictional boundaries of the District. In addition, the Governing Board will implement the state's Water Protection and Sustainability Program through its Cooperative Funding Initiative if state funds are appropriated for this program.

SCOPE

This policy applies to projects submitted by cooperators as a part of the Cooperative Funding Initiative.

AUTHORITY

Chapter 373, Florida Statutes, (F.S.)

POLICY GUIDELINES:

The following guidelines apply to all projects. The Board may deviate from the guidelines for a specific project if it determines that such deviation would be appropriate.

1. The Board will give priority consideration to those projects designed to further the implementation of the District Strategic Plan, Water Management Plan, Comprehensive Watershed Management Plans, Surface Water Improvement and Management Plans, and Regional Water Supply Plan.

2. The District is committed to supplier diversity in the performance of all contracts associated with District Cooperative Funding projects. The District requires the second party to make good faith efforts to encourage the participation of minority and women-owned business enterprises, both as prime contractors and sub-contractors, in accordance with applicable laws. Applicants will be required to document all contractors and sub-contractors who perform work in association with the project, including the amount spent and, to the extent such information is known, whether each contractor or sub-contractor was a minority owned or small business enterprise. The applicant will be required to provide the District a report of this information upon completion of the project prior to final payment, or within 30 days of the execution of any amendment of an agreement that increases project funding and prior to disbursement of any additional funds by the District.
3. The Board will consider the applicant's efforts in developing, implementing, and enforcing best water management practices, including but not limited to, conservation-oriented water rate structures and irrigation, landscape and flood protection ordinances.
4. Funding may be provided to assist with the cost of data collection, research, feasibility studies, conservation and environmental education initiatives; ecosystem restoration, water resource investigation and plan development; and design, permitting and construction of capital projects. Funding is not available for operation and maintenance, payment of debtor submittal, and responses to required District permits.
5. Funding assistance will be contingent upon concurrent project action and commitment by the county, municipality, water supply authority, or other interested entity to ensure the project goals will be implemented.
6. The Board will consider funding based on the applicant's ability to demonstrate that such funding is necessary to make the project economically feasible.
7. The cooperating entity must demonstrate any matching funds have been appropriated, are contained within a Capital Improvement Plan, or otherwise committed to the project.
8. Any state or federal appropriations or grant monies received by a county government, a municipality, or a water supply authority for a specific project shall be first applied toward the total cost of the cooperator's proposed project. The District will typically fund up to 50 percent of the remaining project costs with a similar match from the cooperator.
9. Pursuant to the provisions of Section 288.06561, Florida Statutes, the Board may reduce or waive requirements for matching funds when requested by rural counties or municipalities, as defined by Subsection 288.0656(2), F.S.
10. All applications submitted for funding consideration by the Board must be signed by a single Senior Administrator acting as a coordinator for the Cooperative Funding Initiative for the county, municipality, water supply authority, or interested entity. If an entity submits multiple applications, an overall ranking of the projects is required. Final decisions regarding the funding of project proposals are the exclusive responsibility of the Board.

11. The Board will create four regional sub-committees that match the District's regional water supply planning areas. The subcommittees will consist of Governing Board members from those areas and Board members from other areas as needed to create a committee of at least three members who will be appointed by the Board Chair. The regional sub-committees will hold two public meetings to review project applications. The role of the sub-committees will be to:
- a. Review project information, project rankings, and funding recommendations;
 - b. Accept cooperator and general public comments on projects;
 - c. Identify any projects that need to be presented for full Board consideration;
 - d. Provide funding recommendations to the Board for all projects in that region.

The Board will provide final funding approval on all projects.

12. Construction projects estimated to cost more than \$5,000,000 will undergo a third-party review at the completion of the 30 percent design stage. This review is to confirm the project cost, schedule, and ability of the project to meet the proposed resource benefit. Additionally, projects that cost between \$1,000,000 and \$5,000,000 that staff has determined will benefit from a third-party review will also undergo such review at the completion of the 30-percent design stage. Results of the third-party review will be presented to the Board before the project can proceed to final design.

The following additional guidelines apply to potable alternative water supply projects:

It is the express intent of the Board to utilize its incentive based funding to encourage the development of fully integrated, robust, multijurisdictional water supply systems composed of diverse sources (i.e., groundwater, surface water, off-stream reservoirs, desalination, etc.), managed in a manner that takes full advantage of Florida's intense climatic cycles to ensure reliable, sustainable and drought resistant systems, which maximize the use of alternative supplies to the greatest extent practicable. Alternative water supplies include indirect and direct potable reuse (IPR/DPR) projects. Multijurisdictional means two or more water utilities or local governments that have been organized into a larger entity or have entered into an interlocal agreement or contract for the purpose of more efficiently pursuing water supply development or alternative water supply development projects pursuant to a regional water supply plan. The water supply systems of the multijurisdictional entity must be interconnected and must have a formalized operational management agreement that ensures the interconnected supplies are managed in a manner consistent with the Board's intent as described herein. All operational agreements between multijurisdictional entities will be evaluated by the District and must be deemed consistent with the Board's intent as described herein. Consistent with Section 373.707, Florida Statutes, the District shall prioritize funding for alternative water supply projects as follows:

- Highest priority - Alternative water supply projects owned, operated and controlled, or perpetually controlled by a Regional Water Supply Authority (RWSA) or a regional entity created by an interlocal agreement that establishes a separate legal entity, with sufficient authority to fund, own, construct, operate and maintain alternative potable water supply systems. The regional entity must be recognized by the Board through a commitment of funds that assist in the establishment of the entity.

- Medium priority - Alternative water supply projects that are not owned, operated and controlled, or perpetually controlled by a RWSA, but meet the definition of multijurisdictional.
 - Lowest priority - Projects that do not meet the multijurisdictional criteria.
13. If a member government of a RWSA proposes a potable water supply project, it must be submitted by the RWSA to be considered for District funding.
 14. Projects submitted by non-member governments within the service area of a RWSA will be considered for funding only if the non-member government has reviewed its plan with the RWSA to ensure the project is not inconsistent with the RWSA plan. The non-member government must submit an affirmative written statement from the RWSA indicating that the project is not inconsistent with RWSA plan.
 15. All potable alternative water supply projects will be required to identify the quantity of alternative water supply that will be made available upon completion of the project. It is the intent of the Board that the quantity made available will be used as "base supply". The base supply will be clearly defined by the cooperator on a project-by-project basis and will include, but not be limited to, the overall alternative water supply system capacity, typically expressed in million gallons per day, the expected annual average use for the life of the project, as well as the frequency and timing of use of the available alternative water supply quantities. The base supply defined by the cooperator will be reviewed and approved by the Board as a part of the Cooperative Funding Initiative project review and budgeting process. The cooperative funding agreement between the District and the cooperator will include the base supply requirements approved by the Board. The Board may consider adjustments to a project's base supply quantity and definition by amendment of the cooperative funding agreement.
 16. In determining whether, and how much funding will be provided by the District, the District will consider the project's total cost per 1,000 gallons and the cost per gallon of water supply produced. These costs shall exclude distribution system components and will be compared to, among other things:
 - a. The cost of other available potable water supply that could be purchased by the applicant from a supplier who can meet the demand.
 - b. The cost to develop other viable alternative water supplies.
 - c. The unitary rate or wholesale water cost of the RWSA in the area where the applicant is located. For applicants outside the area of a RWSA or within the service area of a RWSA that does not own, operate and control an alternative water supply project, cost information from other RWSAs with alternative water supplies can be used for comparison purposes.
 - d. The applicant's current cost of water supply and projected cost of water supply after the project is in operation.

All cost information must be certified and adjusted to reflect present values for the current fiscal year.

17. The District will consider the applicant's conservation-oriented water rate structure(s) and per capita water use as factors in its incentive-based funding. Where an applicant has not achieved the District per capita water use requirements as described in Chapter 40D-2,

Florida Administrative Code, or where they have not adopted an effective conservation rate structure, District funding may be limited to consideration of water conservation projects only.

DISTRIBUTION

This Policy will be stored in the Governing Board Policy Repository.

REFERENCES

Chapter 373, Florida Statutes

Chapter 40D-2, Florida Administrative Code

PERIODIC REVIEW

This Policy will be reviewed annually by staff. Any necessary changes will be brought to the Governing Board.

RESOURCE MANAGEMENT COMMITTEE

August 27, 2019

Consent Agenda

Authorize Staff to Initiate the Process to Update the Surface Water Improvement and Management Program Priority List

Purpose

To request Governing Board authorization for staff to initiate the process to review and update the District's Surface Water Improvement and Management (SWIM) Program priority list.

Background/History

In 1987, the Florida Legislature established the Surface Water Improvement and Management (SWIM) Act having recognized that water quality and habitat in surface waters throughout the state have degraded or were in danger of being degraded. The Act requires the five water management districts to maintain a priority list of water bodies of regional or statewide significance within their boundaries, and develop plans and programs for the improvement of those water bodies.

At the June 24, 2014 meeting, the Governing Board approved an update to the SWIM priority list which resulted in deletion of Banana Lake and addition of the three remaining first-magnitude spring groups and associated spring runs (rivers), Weeki Wachee River, Chassahowitzka River, and Homosassa River. The District's current SWIM priority list includes:

- 1) Tampa Bay,
- 2) Rainbow River,
- 3) Crystal River/Kings Bay,
- 4) Lake Panasoffkee,
- 5) Charlotte Harbor,
- 6) Lake Tarpon,
- 7) Lake Thonotosassa,
- 8) Winter Haven Chain of Lakes,
- 9) Sarasota Bay,
- 10) Weeki Wachee River,
- 11) Chassahowitzka River,
- 12) Homosassa River.

The District and the state have approved SWIM plans for the twelve priority waterbodies. The SWIM Plans for each water body identify the management issues, strategies and goals for the restoration and protection of water quality and natural systems for these water bodies. Currently, staff is in the process of updating several SWIM plans as new information becomes available and projects are implemented.

Process

District staff will coordinate with the Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services, the Florida Department of Economic Opportunity, the Florida Fish and Wildlife Conservation Commission and local governments, as required per Florida Statutes (373.453). Staff will also coordinate with the appropriate District

Item 10

advisory committees. District staff anticipates requesting the Governing Board's final approval of the SWIM priority list at a future meeting.

Benefits/Costs

Florida Statutes (373.453) require that the SWIM priority list be reviewed and updated every five years. Decisions to add or delete waterbodies from the list are generally based on the state of the water body and the availability of resources.

Staff Recommendation:

Authorize staff to initiate the process to update the District's Surface Water Improvement and Management (SWIM) Program priority list.

Presenter: Will VanGelder, SWIM Program Manager, Natural Systems & Restoration

FINANCE/OUTREACH & PLANNING COMMITTEE

August 27, 2019

Consent Agenda

Knowledge Management: Capital Assets Governing Board Policy

Purpose

Request approval of the revised Capital Assets Governing Board Policy

Background/History

The District's Knowledge Management initiative was launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus in FY2019 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

As discussed at the July 2019 Governing Board meeting, staff performed a review of Governing Board Policy District Tangible Personal Property (title revised to Capital Assets) and deemed it necessary to update the policy. The revised policy has been provided as an attachment. The modifications include changing the title to better reflect the Policy's content which includes both tangible and intangible assets, adding new language to include intangible assets, and to remove procedural language that is included in the District's Capital Assets Procedure.

Benefits

Updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

Staff Recommendation:

Approve the Capital Assets Governing Board Policy as revised.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Capital Assets

Document Owner: Brian Armstrong, Executive Director

Approved By: Mark Taylor; Chair

Effective Date: 08/27/2019

Supersedes: 05/01/2013

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PURPOSE

The Southwest Florida Water Management District recognizes its fiduciary responsibility to manage and safeguard the District's capital assets, both tangible and intangible in nature, in accordance with all applicable governmental accounting standards, Florida Statutes (F. S.) and the Florida Administrative Code (F.A.C.).

SCOPE

This policy applies to the District's capital assets, both tangible and intangible in nature.

AUTHORITY

Chapter 274, F.S., Tangible Personal Property Owned by Local Governments
 Rule Chapter 69I-73, Tangible Personal Property Owned by Local Governments, F.A.C.
 Governmental Accounting and Financial Reporting Standards

DEFINITIONS

Capital Assets – tangible and intangible assets acquired or constructed for use in operations that will benefit the District for more than a single fiscal period. Examples include land, land improvements, construction-in-progress, infrastructure, buildings, furniture, vehicles/equipment, and software.

Tangible Personal Property – Fixtures or other tangible personal property with a value or cost threshold as established by Rule 69I-73.002, F.A.C. (current threshold \$1,000), and a projected useful life of one year or more. This definition is expanded to include disposals of land-based renewable resources such as, timber and other silvicultural products and native seed.

GOVERNING BOARD POLICY

Title: Capital Assets

Effective Date: 08/27/2019

Page 2 of 3

Intangible assets – Assets with a projected useful life of one year or more that lack physical substance and that are neither financial in nature (neither a monetary asset nor a claim to a monetary asset) nor primarily held for the purpose of directly obtaining income or profit.

STANDARDS

All applicable Governmental Accounting and Financial Reporting Standards

Rule Chapter 69I-73, Tangible Personal Property Owned by Local Governments, F.A.C.

POLICY

The Governing Board authorizes the Executive Director or respective designees to develop and implement all practices and procedures necessary to effectively acquire, record, account for, mark, inventory and dispose of the District's capital assets. The District's practices and procedures will follow the applicable Governmental Accounting and Financial Reporting Standards, Chapter 274, F.S., Tangible Personal Property Owned by Local Governments, Rule Chapter 69I-73, Tangible Personal Property Owned by Local Governments, F.A.C., as applicable, and this Board Policy.

Land-Based Renewable Resources - The Governing Board authorizes the Executive Director or respective designees to solicit written quotes as a means of determining the current fair market value of land-based renewal resources such as timber, pine straw and native seed, and to dispose of the same by way of a work order or written agreement as part of the District's land management program. Land-based renewable resources will include, but not be limited to, timber, other silvicultural products and native seed.

The Governing Board authorizes execution of agreements for the sale of District-owned land-based renewable resources such as timber, pine straw, and native seed, by the Executive Director for agreements for sale of resources with a current market value of \$250,000 or less and by the Governing Board Chair for agreements with a current market value greater than \$250,000.

The District Governing Board authorizes the Executive Director or respective designees to declare tangible personal property as surplus property, and to dispose of any item with a current market value of \$25,000 or less, in compliance with Rule 69I-73.003, F.A.C. The Governing Board will approve the disposition of any surplus tangible property item with a current market value greater than \$25,000, with authorization recorded in the minutes of the meeting.

Disposal of real property is governed by Board Policy, Sale Exchange or Conveyance of Interests in Land by the District.

DISTRIBUTION

This Policy will be stored in the designated Governing Board Policy Repository. The Finance Bureau Chief will be notified if any changes to the Policy are necessary.

REFERENCES

Chapter 274, F.S., Tangible Personal Property Owned by Local Governments

Rule Chapter 69I-73, Tangible Personal Property Owned by Local Governments, F.A.C.

Governmental Accounting and Financial Reporting Standards

Board Policy, Sale Exchange or Conveyance of Interests in Land by the District

Board Policy, Procurement (in reference to Chapter 274.07)

GOVERNING BOARD POLICY

Title: Capital Assets

Effective Date: 08/27/2019

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REVIEW PERIOD

This Policy will be reviewed every five years.

DOCUMENT DETAILS

Document Name	Capital Assets
Formerly Known As	District Tangible Personal Property
Document Type	Policy
Author(s)	Melisa Lowe, Finance Bureau Chief
Reviewing Stakeholder(s)	Office of General Counsel, Senior staff, and Executive staff
Document Owner Name	Brian Armstrong
Document Owner Title	Executive Director
Review Period (in days)	1825
Span of Control	Governing Board
Supersedes Date	05/01/2013
Effective Date	08/27/2019

APPROVAL

Mark Taylor
Chair

Date

FINANCE/OUTREACH & PLANNING COMMITTEE

August 27, 2019

Consent Agenda

Knowledge Management: Office of Inspector General Charter Governing Board Policy

Purpose

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed by the respective divisions.

Background/History

The District's Knowledge Management initiative was launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus in FY2019 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

As discussed at the July 2019 Governing Board meeting, staff performed a review of the Governing Board Policies for the Inspector General Charter and the Inspector General - Roles and Responsibilities. Staff is proposing to merge these two Governing Board Policies into one and deemed it necessary to update the policy. The substantive modifications is to create new sections for Independence and Objectivity, Access, Audits, Investigations, Annual Report; eliminate the 18-month reporting requirement to the Auditor General; eliminate duplicative language; change the Annual Report preparation date from October 31 to September 30; and add language to require the audit plan to include a long-term component. Per discussion with the Governing Board at the July 2019 meeting, the Inspector General duties per Florida Statutes have been added back to the policy and the status of the follow-up on the Auditor General findings shall be included in the Inspector General's quarterly updates.

Benefits

Updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

Staff Recommendation:

Staff recommends the Board approve the Office of Inspector General Charter Governing Board Policy as revised and the deletion of the Inspector General - Roles and Responsibilities Governing Board Policy.

Presenter: Brian Werthmiller, Inspector General

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Office of Inspector General Charter

Document Owner: Brian Werthmiller, Inspector General

Approved By: Mark Taylor, Chair

Effective Date: 08/27/2019

Supersedes: 09/24/2003

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PURPOSE:

It is the express interest of the Governing Board of the Southwest Florida Water Management District and Executive Director to promote accountability, integrity, and efficiency in District operations. This policy establishes a District Office of Inspector General (OIG), which shall be considered an essential element in achieving the goals and objectives of the District.

It is the objective of the OIG to provide independent, objective assurance and consulting activities designed to add value and improve the District's operations. To this end, the Office will bring a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

AUTHORITY:

Section 373.079(4)(b) Florida Statutes, (F.S.) provides that the Governing Board of each water management District shall employ an Inspector General.

ORGANIZATION:

To promote independence, the Inspector General reports functionally to the Governing Board as the agency head. The OIG operates independently to provide appropriate policy, fiscal, and ethical recommendations to the Board. The Inspector General also reports administratively to the Executive Director and is expected to work in accordance with the operational policies, guidelines, and procedures set by the Executive Director for the proper conduct of the District's business.

The OIG will work cooperatively with management. As such, the OIG should seek input and keep management apprised of progress through meetings between the Executive Director or designee and the Inspector General to be held no less than monthly. During these meetings, the Inspector General should report, if appropriate, the following information to the Executive Director or designee:

- Status of audit plan.
- Actual results on the OIG's performance measures.

GOVERNING BOARD POLICY

Title: Office of Inspector General Charter

Effective Date: 08/27/2019

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- Significant control, efficiency, or other findings in recently completed audits.
- An overview of work planned for the upcoming month.
- Information to be covered at the next Finance/Outreach and Planning Committee meeting, if appropriate.

In certain circumstances, it may be appropriate for the Inspector General to cover certain matters directly with the Finance/Outreach and Planning Committee or Governing Board. The Inspector General expects those situations to be limited to situations involving fraud at a high level of management, unresolved limitations to the scope of work, or other similar issues to be determined through the Inspector General's professional judgment.

INDEPENDENCE AND OBJECTIVITY:

The OIG conducts its work free from actual or perceived impairments to independence and with objectivity. The Inspector General and the staff may review and provide recommendations for management's consideration; however, the OIG will not implement internal controls, develop and write policies or procedures, design or install systems, or engage in any other activity external to the OIG that may impair independence or objectivity. Thus, audit and review activities do not relieve District employees of the responsibilities assigned to them.

ACCESS:

The Inspector General and the staff shall have timely, unlimited, and unrestricted access to all facilities and assets owned, leased, or borrowed by the District and any records, data, and other information of the District deemed necessary to carry out their duties, including those exempt from the Public Records laws. The Inspector General is also authorized to request such information or assistance as may be necessary from the District, its employees and independent contractors hired by the District, or from any federal, state, or local government entity. In addition, the OIG shall have unrestricted access to the Governing Board.

INSPECTOR GENERAL:

The Inspector General must have the qualifications prescribed and perform the applicable duties as provided in Section 20.055 F.S.

Accordingly, the Inspector General shall:

- a) Advise in the development of performance measures, standards, and procedures for the evaluation of the District's programs.
- b) Assess the reliability and validity of the information provided by the District on performance measures and standards, and make recommendations for improvement, if necessary.
- c) Review the actions taken by the District to improve program performance and meet program standards and make recommendations for improvement, if necessary.
- d) Provide direction for, supervise, and coordinate audits, investigations, and management reviews relating to the programs and operations of the District.
- e) Conduct, supervise, or coordinate other activities carried out or financed by the District for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations.
- f) Keep the Governing Board informed concerning fraud, abuses, and deficiencies relating to programs and operations administered or financed by the District,

GOVERNING BOARD POLICY

Title: Office of Inspector General Charter

Effective Date: 08/27/2019

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- recommend corrective action concerning fraud, abuses, and deficiencies, and report on the progress made in implementing corrective action.
- g) Ensure effective coordination and cooperation between the external auditors, the Auditor General, federal auditors, and other governmental bodies with a view toward avoiding duplication.
- h) Review, as appropriate, rules, policies, and procedures relating to the programs and operations of the District and make recommendations concerning their impact.
- i) Ensure that an appropriate balance is maintained between audit, investigative, and other accountability activities.
- j) Comply with the General Principles and Standards for Offices of Inspector General as published and revised by the Association of Inspectors General.

AUDITS:

The Inspector General shall develop an annual and long-term audit plan based on the findings of periodic risk assessments. The plan shall be submitted annually to the Governing Board for approval. A copy of the approved plan shall be submitted to the Auditor General.

In carrying out the auditing duties and responsibilities of this policy, the OIG shall review and evaluate controls necessary to ensure the fiscal accountability of the District. The OIG shall conduct financial, compliance, information system, performance, and operational audits of the District and prepare audit reports of findings. The OIG shall determine the scope and assignment of the audits; however, the Governing Board may at any time direct the Inspector General to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the Inspector General.

Such audits shall be conducted in accordance with the current International Standards for the Professional Practice of Internal Auditing as published by the Institute of Internal Auditors, Inc., or, where appropriate, in accordance with generally accepted governmental auditing standards commonly referred to as the "Yellow Book". All audit reports issued by the OIG shall include a statement that the audit was conducted pursuant to the appropriate standards.

Audit work papers and reports shall be public records to the extent that they do not include information which has been made confidential and exempt from the provisions of Section 119.071, F.S.

At the conclusion of each audit, the Inspector General shall submit preliminary findings and recommendations to the person responsible for the supervision of the program function or operational unit who shall respond to any adverse findings within 20 working days after receipt of the tentative findings. A copy of the preliminary findings shall be delivered to the Executive Director. Such response and the Inspector General's rebuttal to the response shall be included in the final report.

The Inspector General shall submit the final report to the Executive Director and to the Finance/Outreach and Planning Committee, subject to final approval by the Governing Board. Upon final approval by the Governing Board, the Inspector General shall deliver copies of the final report to the Auditor General and independent public accountants.

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The Inspector General shall monitor the implementation of the District's response to any audit of the District conducted by the Inspector General, external auditors, federal auditors, Auditor General, or any other auditors. For any report issued by the Auditor General or the Office of Program Policy Analysis and Government Accountability, the Inspector General shall report to the Governing Board on the status of corrective actions taken no later than 6 months after the audit report is published and provide a copy of such to the Executive Director, Governing Board, and the Legislative Auditing Committee.

INVESTIGATIONS:

In carrying out the investigative duties and responsibilities specified in this Policy, the Inspector General shall initiate, conduct, supervise, and coordinate investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses committed by an employee or agent of the District, or an employee or agent of the federal, state, local government, or an independent contractor hired by the District, or working in partnership with the District in accordance with applicable standards. For these purposes, the District's OIG shall:

- a) Receive complaints and coordinate all activities of the District as required by the Whistle-blower's Act pursuant to Sections 112.3187-112.31895, F.S.
- b) Receive and consider the complaints that do not meet the criteria for an investigation under the Whistle-blower's Act and conduct, supervise, or coordinate such inquiries, investigations, or reviews as the Inspector General deems appropriate.
- c) Report expeditiously to the Department of Law Enforcement or other law enforcement agencies, as appropriate, whenever the Inspector General has reasonable grounds to believe there has been a violation of criminal law.
- d) Conduct investigations and other inquiries free of actual or perceived impairment to the independence of the OIG.
- e) Have freedom from any interference with investigations and timely access to records and other sources of information.
- f) Submit in a timely fashion final reports on investigations conducted by the OIG to the Executive Director and Governing Board, except for whistle-blower's investigations, which shall be conducted and reported pursuant to the District's Whistle-blower's procedure.
- g) Monitor the implementation of the District's response to any investigation conducted by the OIG.

ANNUAL REPORT:

The Inspector General shall, not later than September 30 of each year, prepare an annual report summarizing the activities of the office during the immediately preceding fiscal year. The final report shall be furnished to the Executive Director and Governing Board. Such report shall include, but need not be limited to:

- a) A summary of each audit and investigation completed during the reporting period.
- b) A description of significant abuses and deficiencies relating to the administration of programs and operations of the agency disclosed by investigations, audits, reviews, or other activities during the reporting period.
- c) A description of the recommendations for corrective action made by the Inspector General during the reporting period with respect to significant problems, abuses, or deficiencies identified.

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- d) The identification of each significant recommendation described in previous annual reports on which corrective action has not been completed.

The Governing Board when completing the annual performance evaluation of the Inspector General in accordance with the Employee Evaluations of the Executive Director and Inspector General Board Policy shall consider this report.

PROCESS FOR CONFLICT RESOLUTION:

In the normal course of providing services, conflict may be encountered between parties. It is necessary to ensure conflicts are resolved in a timely and fair manner for all parties involved. Following is the process for resolving conflict between an auditee, OIG, Management or any other District member as it relates to the duties and responsibilities of the OIG.

When a conflict arises, an attempt should first be made by the parties to resolve the conflict by listening to each party's point of view. If a resolution cannot be reached, the parties shall hold a meeting with the next level of management following the same process. The parties should attempt to schedule the meeting as quickly as possible, but if the meeting cannot be scheduled within 10 working days, the OIG or auditee may choose to approach the next level of management. If a resolution is not reached, the process should continue up through the Executive Director level. A written summary documenting the nature of the conflict, the alternatives presented, and the ultimate resolution with input from other parties involved, will be maintained by the OIG.

If the parties cannot agree even after the Executive Director is involved, the OIG should formally discuss the matter with the Finance/Outreach and Planning Committee, which will set forth a course of action on the issue.

Significant matters such as legal issues, scope limitations, critical control deficiencies, etc. may need to be brought to the attention of some or all of the following: management, Executive Director, General Counsel, Finance/Outreach and Planning Committee Chair or Governing Board Chair, as appropriate prior to or subsequent to final resolution. This may be necessary even when agreement has been reached regarding appropriate resolution. Discussion regarding such matter may include the nature of the issue and the solution agreed upon by the respective parties.

During this process, a degree of judgment by all parties will be necessary as to the appropriate time to notify another party.

GOVERNING BOARD:

The responsibility of the Governing Board is to provide assurance that the District is in compliance with pertinent laws and regulations relating to accounting and financial matters, is operating in accordance with sound business practices, is conducting its affairs ethically and is maintaining effective controls against employee conflict of interest, errors, and fraud. To accomplish this, the Finance/Outreach and Planning Committee, acting as the Board's audit committee will:

- 1) Ensure the OIG has direct access to the Governing Board.
- 2) As appropriate, review and recommend changes to the Board Policy regarding the OIG, subject to Governing Board approval

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- 3) Provide input to the Governing Board regarding the appointment of a new Inspector General in the event the position becomes vacant.
- 4) Recommend discharge of the Inspector General, subject to Governing Board approval.
- 5) Provide input to the Governing Board regarding the performance of the Inspector General.
- 6) Review plans and budgets of the District Office of Inspector General to determine that audit objectives and goals, staffing plans, financial budgets and audit schedules provide for adequate support of the Governing Board's responsibilities, subject to Governing Board approval.
- 7) Review and accept all audit reports and recommendations received from the independent public accountants, Inspector General, Auditor General, and other auditors, subject to Governing Board approval.
- 8) Meet with the independent public accountants at least annually and the District's Inspector General at least quarterly to discuss pertinent matters, including status of work, status of the follow-up on the Auditor General findings, quality of management, financial, accounting, and the District's Inspector General personnel, and to determine if any restrictions have been placed by management on the scope of their examination or if there are other matters that should be discussed with the Governing Board.
- 9) Assist the Governing Board to establish and update objective performance measures which can be used as a basis for the Inspector General's performance evaluation in accordance with the Employee Evaluations of the Executive Director and Inspector General Governing Board Policy.
- 10) Florida Statutes make it clear that the Executive Director is not the Inspector General's supervisor. Therefore, the Executive Director should take great care that input be based on objective criteria that is adequately supported. For example, input should report performance measure results compared to goals. Subjective comments in the evaluation should be supported through audit surveys of the Governing Board, auditees and/or management, and shall be discussed with the Inspector General prior to providing the comments to the Governing Board.
- 11) Request updates at least semi-annually on the status of OIG performance measures.
- 12) Provide for periodic quality assurance reviews to ensure that the OIG function is operating in accordance with applicable standards.
- 13) Request information on the results of the most recent peer review of the independent public accountants as it relates to the District and the nature of any needed corrective measures.
- 14) Review different aspects of the District on a planned basis to ensure that the Committee and Governing Board have a general understanding of the operations and functional areas of the organization.
- 15) Direct special investigations, subject to approval by the Governing Board, into significant matters brought to the Committee's attention within the scope of its duties.
- 16) Assure full cooperation of management in promoting the use of the OIG concept as an independent and constructive process.

DISTRIBUTION

This document will be uploaded to the Governing Document Repository.

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REFERENCES

Section 373.079(4)(b) F.S., Section 373.079(4)(b) F.S., Section 20.055, F.S., Section 119.071, F.S., Sections 112.3187-112.31895, F.S., Governing Board Policy – Employee Evaluations of the Executive Director and Inspector General

REVIEW PERIOD

This Policy will be reviewed annually.

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DOCUMENT DETAILS

Document Name	Office of Inspector General Charter
Formerly Known As	N/A
Document Type	Policy
Author(s)	Brian Werthmiller
Reviewing Stakeholder(s)	Senior Staff, Office of General Counsel
Document Owner Name	Brian Werthmiller
Document Owner Title	Inspector General
Review Period (in days)	365
Span of Control	Governing Board
Supersedes Date	09/24/2003
Effective Date	08/27/2019

APPROVAL

Mark Taylor
Chair

Date

FINANCE/OUTREACH & PLANNING COMMITTEE

August 27, 2019

Consent Agenda

Budget Transfer Report

Purpose

Request approval of the Budget Transfer Report covering all budget transfers made during the month of July 2019.

Background

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for July 2019.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
July 2019

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category			
<u>Executive Approved</u>					
1	General Services Printing and Reproduction Parts and Supplies	General Services Other Contractual Services	Transfer of funds originally budgeted for printing and reproduction, and parts and supplies for the Office Services section. Expenditures have been less than anticipated for outsourced print requests, and cost saving measures were implemented for the Inventory Center's parts and supplies. The funds are needed for the restoration of 81 boxes of water-damaged records due to an air handler malfunction.	\$	9,500.00
2	Office of General Counsel Other Contractual Services	Office of General Counsel Recording and Court Costs	Transfer of funds originally budgeted for services provided by Administrative Law Judges (ALJ) during times of litigation. Expenditures have been less than anticipated for ALJ services in relation to current litigation. The funds are needed for the above-normal recording and court costs incurred by depositions resulting from challenges to the proposed minimum flows and minimum water levels rule changes for Rainbow River.		33,000.00
Total Executive Approved					<u>\$ 42,500.00</u>
<u>Finance Bureau Chief Approved</u>					
1	Executive Travel - Training	Office of Inspector General Travel - Training	Transfer of funds originally budgeted for Executive staff offsite training. Expenditures have been less than anticipated. The funds are needed for offsite training required for the Inspector General to maintain a license as a Certified Public Accountant that was not anticipated when the budget was developed.	\$	1,000.00
Total Finance Bureau Chief Approved					<u>\$ 1,000.00</u>
Total Transfers for Governing Board Ratification					<u>\$ 43,500.00</u>

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director or designee or the Finance Bureau Chief consistent with Board Policy 130-8, and are presented for Governing Board approval for ratification on the Consent Agenda. Executive Director or designee approved transfers are made for a purpose other than the original budget intent, but are limited to individual transfer amounts greater than \$5,000 not to exceed \$50,000. Finance Bureau Chief approved transfers are up to \$5,000 or accounting reallocations consistent with original budget intent.

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 27, 2019

Consent Agenda

Renewal of Management Agreement with South Florida Water Management District – Lake Marion Creek – SWF Parcel Number 20-597-102X

Purpose:

Request the Board's approval to renew a management agreement with South Florida Water Management District (South District) for the continued management and maintenance of the Southwest Florida Water Management District's (Southwest District) Lake Marion Creek property (290 acres). The agreement is included as Exhibit 1 along with a general location map and site map included as Exhibits 2 and 3, respectively.

Background/History:

The Lake Marion Creek property consists of two parcels totaling 290 acres that were acquired in 1997 and 2003. The South District owns approximately 12,997 acres that are contiguous to the Southwest District's property.

In August 1998, the Southwest District entered into a management agreement with the South District to transfer management of the Lake Marion Creek property to the South District to be managed as part of their larger land tract. The management agreement was amended in 2003 to add additional Southwest District-owned property.

The management agreement expired in September 2018. A new management agreement updating the terms and conditions has been completed and reviewed by the South District. The new agreement includes but is not limited to the following terms and conditions:

- A 25-year term with an option to renew
- South District will adopt and update a ten-year management plan and obtain Southwest District's written approval
- South District will receive up to \$24.50 per acre reimbursement costs annually
- South District will fence, post signs and maintain public access on the property
- South District will pay any taxes assessed
- Southwest District retains the right to inspect and use the property
- Either party may terminate the agreement with 90-days' notice

The term has been changed from 20 to 25 years. South District previously received \$18.50 per acre reimbursement cost (\$5,365 annually) and requested an increase to \$24.50 (\$7,105 annually) based on their actual management expenses. Southwest District staff recommend continuing the management agreement as it provides a more efficient and cost-effective approach to managing these small tracts of conservation lands.

Benefits/Costs:

The partnership continues to provide a coordinated and cost-effective approach to management of Southwest District conservation lands.

Item 14

Staff Recommendation:

- Approve renewal of Management Agreement with South Florida Water Management District for Lake Marion Creek, SWF Parcel Number 20-597-102X.
- Authorize the Governing Board Chairman to execute the agreement.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

**MANAGEMENT AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AND THE SOUTH
FLORIDA WATER MANAGEMENT DISTRICT
FOR MANAGEMENT OF LAKE MARION CREEK**

This **MANAGEMENT AGREEMENT** (“Agreement”), effective as of the 27th day of September, 2018, (“Effective Date”), by and between the Southwest Florida Water Management District (“Southwest District”), a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34606-6899, and the South Florida Water Management District (“South District”), an agency of the State of Florida, having an address of 3301 Gun Club Road, West Palm Beach, Florida 33416-4680, collectively referred to as the “Parties.”

WHEREAS, the Southwest District is the owner in fee simple of certain real property located in Polk County, Florida known as the Lake Marion Creek, as shown in Exhibit “A” attached hereto and hereinafter referred to as the “Property”; and

WHEREAS, the Southwest District acquired the Property for the protection of water resources and to ensure the conservation, preservation and restoration of the Property’s natural systems; and

WHEREAS, the Southwest District and the South District entered into a Management Agreement dated August 26, 1998, which described the terms and conditions by which the South District manages lands mutually identified for preservation in Lake Marion Creek and the South District’s Lake Marion project; and

WHEREAS, the Southwest District and the South District amended the Management Agreement on December 17, 2003, to include additional property acquired by the Southwest District; and

WHEREAS, the Management Agreement dated August 26, 1998 expired on September 26, 2018; and

WHEREAS, the South District is responsible for the management of Lake Marion Creek and Reedy Creek Management Area, that adjoins the Property, more specifically described in Exhibit “B” attached hereto, that includes the conservation and protection of natural and historical resources, and resource based public outdoor recreation compatible with the conservation and protection of these public lands; and

WHEREAS, the Southwest District and the South District agree that management of

Exhibit 1

Renewal of Management Agreement with South Florida Water Management District – Lake
Marion Creek – SWF Parcel Number 20-597-102X

the Property for the purposes of environmental and water conservation and protection is consistent with management objectives pursued by the South District on adjoining public lands; and

WHEREAS, the Southwest District and the South District desire to enter into this Agreement to clarify the rights and responsibilities of each party from this point forward, and for the South District to incorporate the Property into its management plan for Lake Marion Creek.

NOW THEREFORE, the Parties, in consideration of the mutual terms, covenants and conditions set forth herein and other good and valuable consideration, agree as follows:

1. Purpose: The Parties enter into this Agreement to set forth their respective rights and responsibilities with respect to their joint use and management of the Property, more particularly described in Exhibit A, attached hereto and incorporated herein by this reference. The Property will be managed in conjunction with the South District's management plan for Lake Marion Creek and Reedy Creek Management Area, more specifically described in Exhibit B, and incorporated herein by this reference.

2. Term and Renewal: The term of this Agreement will be for a period of twenty-five (25) years from the Effective Date. The Parties may extend this Agreement beyond the initial 25-year term by written amendment to this Management Agreement or the execution of a new Management Agreement.

3. Operation, Management and Maintenance of the Property:

a. The South District has the right, during the term of this Agreement, to enter upon the Property for the purposes of operating, managing, and maintaining the Property under the terms set forth herein. The South District will maintain their own lock system in concert with Southwest District's locks.

b. The South District agrees to operate, manage, and maintain the Property in a good, clean, attractive, and safe condition, suitable for the use and enjoyment of the public. The South District agrees to operate, manage, and maintain the Property to further a balance between nature-based, recreational public use, and the restoration and protection of the Property's natural state and condition. The Parties agree that they will neither cause nor authorize the destruction or degradation of any natural systems or habitats on the Property.

c. The South District agrees to manage the Property consistent with the approved Lake Marion Creek and Reedy Creek Management Plan dated January 2016. The Management Plan will be updated every ten years in accordance with Sections

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253.034 and 373.1391, Florida Statutes. Updates will be prepared and submitted to the Southwest District for review and approval prior to the South District's formal approval. If the Southwest District does not provide the South District with comments within Sixty (60) days of receipt of the updated Management Plan, the Management Plan will be deemed approved by the Southwest District. The Management Plan will emphasize the original management concept for the Property approved by the Southwest District at the time of acquisition of the Property. The approved Management Plan will provide the basic guidance for all management activities. The Southwest District's approval of an updated Management Plan will not be unreasonably withheld, and the Southwest District will not impose financial or funding requirements that the South District, in the sole opinion of the South District, is not able to provide with the exception of essential site management. Essential site management shall be defined as security, resource protection, public access and recreational use, habitat management and enhancement, exotics control and removal and land use control.

d. The South District calculated the total per acre cost to manage lands in 2019 at \$24.50 per acre. This figure will be used by the South District as a guide to budget management funds for reimbursement purposes; provided, however that the actual expenditures for approved management activities incurred by the South District and reasonably documented, justified, and submitted to the Southwest District for reimbursement will be reimbursed by the Southwest District. The South District may request in writing an increase in the per acre amount based on actual management costs documented by the South District. Any written requests for increase received by the Southwest District from the South District will be subject to negotiation and will not be unreasonably denied and will not be retroactive.

e. The Southwest District's fiscal year is October 1, to September 30, of each year. During the term of this Agreement, no later than January 1st of every year, the South District will submit to the Southwest District annual work plans for the subsequent fiscal year that list the proposed management activities to be conducted on the Property including the estimated cost.

f. The South District will prepare annual invoices that document all monies expended for management activities conducted on the Property. The invoices must individually identify the total amounts expended for material and labor for security fences, posting, law enforcement patrols, exotic plant removal, habitat management, implementation of passive recreational use, prescribed fire application, plant and animal inventories and monitoring. Exhibit "C" attached hereto and incorporated herein by reference, provides the format in which invoices should be submitted to the Southwest District. The South District will forward all invoices for reimbursement to the Southwest District at the address shown in Paragraph 24.

g. Florida Single Audit Act: Funding for the management expenses to be

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reimbursed pursuant to this Agreement includes state financial assistance and is therefore subject to the Florida Single Audit Act (FSAA), Section 215.97, F.S. The South District is a subrecipient of state financial assistance under this Agreement and therefore may be subject to audits and monitoring as described in the Special Audit Requirements set forth in Exhibit "D." The South District must also use the Florida Single Audit Act Checklist for Non-State Organizations - Recipient/Subrecipient vs. Vendor Determination (Attachment 2 of Exhibit D), to evaluate the applicability of the FSAA to non-state organizations to which the South District provides State resources to assist in carrying out activities related to this Agreement.

h. At least 30 days prior to any construction of new improvements on the Property, the South District will notify the Southwest District in writing and will provide one set of draft construction plans to the Southwest District for review and approval. The Southwest District's review and approval of the draft construction plans applies only to the proposed location, use, aesthetics, and consistency with the overall management objectives of the Property of the proposed improvement, and does not constitute a representation or warranty that the Southwest District has verified the architectural, engineering, mechanical, electrical, or other components of the construction plans and documents, or that such plans and documents are in compliance with Southwest District rules and regulations or any other applicable rules, regulations, or laws.

i. The South District will be responsible for maintaining fences along the Property's boundaries and in coordination with the Southwest District may install new fencing as necessary and appropriate. The South District will post the Property's boundaries with signage consistent with other boundary signage posted throughout the Lake Marion Creek to discourage illegal dumping, degradation of natural habitats, and any other unauthorized use of the Property.

j. The South District will not store any equipment, supplies, or materials not directly related to the maintenance of the Property on the Property. The South District, through its agents and employees, will also prevent any use of the Property that is not in conformance with this Agreement.

k. The Southwest District and the South District will mutually agree in writing when to close all or part of the Property for any reason.

l. The Southwest District, as the landowner of the Property, will cooperate with the South District, if required, in any governmental approval process and in the execution of documents associated with any permit, funding or similar application; any grant funding application and agreement; and any request or approval necessary to conduct any activities set forth in the Management Plan and this Agreement.

4. Archaeological and Historical Sites: This Agreement does not affect either

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of the Parties' obligations pursuant to Chapter 267, F.S. The collection of artifacts or the disturbance of archaeological or historical sites on the Property is prohibited unless prior authorization has been obtained from the Division of Historical Resources of the Florida Department of State. The South District will implement all reasonable measures to locate, identify, protect, and preserve any known or discovered archaeological and historic sites on the Property.

5. Easements: All easements including, but not limited to, utility easements are expressly prohibited without the prior written approval of the Southwest District. Any easement not approved in writing by the Southwest District will be void and without legal effect.

6. Assignment: Neither party may assign any of its rights or delegate any of its obligations under this Agreement, in whole or in part, without the prior written approval of the other party. Any attempted assignment in violation of this provision is void.

7. Subleases: This Agreement is for the purpose specified herein and subleases of any nature are prohibited, without the prior written approval of the Southwest District. Any sublease not approved in writing by the Southwest District shall be void and without legal effect.

8. District's Right to Inspect and Use: The Southwest District will have the right to enter upon and travel through and across the Property at any time for inspection, construction, maintenance, use, or for any purpose pursuant to the Southwest District's ownership of the Property, which rights the Parties acknowledge are paramount and superior to the uses authorized by this Agreement. The Southwest District or its duly authorized agents will have the right always to inspect and audit the books and financial records of the South District and any of its agents as they pertain to the operation, maintenance, and management of the Property.

9. Resource Impacts: Any improvements made to the Property will be designed and implemented by the South District to minimize the impact on natural systems or water resources. The South District will obtain any permits required by law for any improvements made to the Property.

10. Property Damage: The South District will not do, or suffer to be done, in, on, or upon the Property or as affecting the Property, any act that may result in damage or depreciation in value of the Property or any part thereof. This includes but is not limited to generating, storing, producing, placing, treating, releasing, or discharging any contaminants, pollutants or pollution, including, but not limited to, hazardous or toxic substances, chemicals or other agents, on, into, or from the Property or any adjacent lands or waters in any manner not permitted by law. For the purposes of this Agreement, "hazardous substances" will mean and include those elements or compounds defined by the Comprehensive Environmental Resource Compensation and Liability Act, 42 U.S.C.

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§§ 9601 et. seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et. seq., or by any Florida Statute defining hazardous materials or which are contained in the list of hazardous substances adopted by the United States Environmental Protection Agency (“EPA”) and the list of toxic pollutants designated by the United States Congress or the EPA or defined by any other federal, state, or local statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic, or dangerous waste, substance, material, pollutant or contaminant. “Pollutants” and “pollution” will mean those products or substances defined in Chapters 376 and 403, F.S., and the rules promulgated there under, all as amended or updated from time to time. The South District will, at its sole cost and expense, promptly commence and diligently pursue any legally required closure, investigation, assessment, cleanup, decontamination, remediation, restoration and monitoring of (1) the Property, and (2) all off-site ground and surface waters and lands affected by the South District’s failure to comply, as may be necessary to bring the Property and affected off-site waters and lands into full compliance with all applicable federal, state or local statutes, laws, ordinances, codes, rules, regulations, orders and decrees, and to restore the damaged Property to the condition existing immediately prior to the occurrence which caused the damage. The South District to the extent allowed by law and subject to the provisions of Section 768.28, F.S., will indemnify and hold the Southwest District harmless for all claims, loss, damage and expense, including attorney fees and costs and attorney fees and costs on appeal, arising from any failure of the South District to comply with this paragraph. The South District’s obligations set forth in this paragraph will survive the expiration of this Agreement.

11. Public Entrances and Signage: Informational signage will be located at all public entrances to inform the public of the cooperation between the Parties and advise the public of all recreational opportunities available on the Property and the location of such opportunities. Additionally, the South District will post appropriate signage in the interior of the Property to mark and designate trails, parking areas, restrooms, if any, and all prohibited activities.

12. Unauthorized Use of the Property: The South District will, to the best of its ability, through its agents and employees, prevent the unauthorized use of the Property or any use of the Property not in conformance with this Agreement, including but not limited to the possession or consumption of any unlawful drugs or substances by anyone within or on the Property or the use of any alcoholic beverage without the appropriate authorization.

13. District Resource Management Activities: The Southwest District reserves the right to conduct or perform any resource management activity that, in its sole discretion, may be required to protect the integrity and conservation value of the Property, including but not limited to, controlled burns, wildfire suppression and exotics control. If

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the Southwest District plans to commence any of these activities, it will provide the South District with thirty (30) days written notice.

14. Taxes and Assessments: If any ad valorem taxes, intangible property taxes, personal property taxes, or other taxes or assessments of any kind are assessed or levied lawfully on the Property or any structures or improvements located thereon, as a result of the South District's use and management during the term of this Agreement, the South District will pay such taxes within thirty (30) days after receiving written notice thereof from the Southwest District. If the South District fails to pay any such taxes, assessments, or fees within thirty (30) days after receiving written notice thereof from the Southwest District, the Southwest District may, at its sole option, pay the taxes, assessments or fees subject to immediate reimbursement thereof in full by the South District, together with any interest thereon at the maximum rate allowed by law, and any administrative costs incurred by the Southwest District, including reasonable attorney's fees.

15. Fees and Revenue:

a. The South District may implement other revenue producing initiatives consistent with the Management Plan to offset the costs incurred by the South District to manage the Property. The South District will report revenue initiatives annually to the Southwest District as part of the reimbursement guidelines referenced in Paragraph 3 of this Agreement.

b. Nothing in this Agreement will prohibit the South District from seeking funding from federal agencies, state agencies, or other non-governmental organizations through grants or other sources to assist with its operation, maintenance, and management responsibilities herein.

16. Discrimination: The South District will not discriminate against any individual because of race, color, religion, gender, national origin, age, physical disability or marital status during the South District's use and management of the Property.

17. Unauthorized Uses: The South District, through its agents and employees, will not authorize any use of the Property that is not in conformance with this Agreement and the Management Plan.

18. Default and Termination:

a. Either party may terminate this Agreement at any time for convenience upon ninety (90) days prior written notice to the other party. Any such termination will be affected by delivery to the other party of a Notice of Termination specifying the extent to which performance of work under the Agreement is terminated, and the date upon which such

Exhibit 1

Renewal of Management Agreement with South Florida Water Management District – Lake
Marion Creek – SWF Parcel Number 20-597-102X

termination becomes effective.

b. Either party may terminate this Agreement upon the other party's failure to comply with any term or condition of this Agreement, as long as the terminating party is not also in default of any term or condition of this Agreement. To initiate termination, the terminating party must provide the defaulting party with a written "Notice of Termination" stating its intent to terminate and describing all terms and conditions with which the defaulting party has failed to comply. If the defaulting party has not remedied its default within ninety (90) days after receiving the Notice of Termination, this Agreement will automatically terminate. All equipment, buildings, facilities, or other permanent fixtures or structures present on the Property will become the property of the Southwest District upon termination unless otherwise agreed to by the Parties in writing. Upon termination of this Agreement, all obligations of the Parties under this Agreement will cease and the Parties will have no further obligations to each other pursuant to this Agreement unless otherwise stated. Should the Southwest District elect to terminate for default in accordance with this provision, the Southwest District will be entitled to any damages the Southwest District may have incurred as a result of default on the part of the South District, including attorneys' fees and costs, in addition to all other remedies at law or equity.

19. Recreational Immunity: The Parties agree that nothing contained herein will be construed or interpreted as a waiver of the limitations of liability provided in sections 375.251 and 373.1395, F. S. The South District will not take any action that would have the effect of abrogating the Southwest District's immunity under section 373.1395, F. S.

20. Liability: Each party hereto agrees to indemnify and hold the other harmless, to the extent allowed under Section 768.28, F.S., for all claims, loss, damage and expense, including attorneys' fees and costs and attorneys' fees and costs on appeal, arising from the negligent acts or omissions of its officers, employees, contractors and agents related to the performance under this Agreement. Should the South District choose to charge any fees pursuant to Paragraph 14 herein, the South District will bear the sole responsibility for all claims for personal injuries or property damage arising from, or incidental to, the use, occupation, or possession of the Property and any improvements or structures located thereon. This provision does not constitute a waiver of either the South District's or the Southwest District's sovereign immunity under or extend the limits of liability beyond the limits established in Section 768.28, F.S. This provision will survive the expiration or termination of this Agreement.

21. Documents: The following documents are attached and made a part of this Agreement: Exhibits A, B, C, and D. In the event of a conflict of contract terminology, priority will first be given to the language contained in the body of this Agreement.

Exhibit 1

Renewal of Management Agreement with South Florida Water Management District – Lake
Marion Creek – SWF Parcel Number 20-597-102X

22. Insurance: The South District is a public corporation/political subdivision of the State of Florida and is insured under the State Risk Management Trust Fund (“Fund”) for general liability, vehicle liability and workers' compensation pursuant to Chapter 284, F.S. Within ten (10) days of the effective date of this Agreement, the South District will submit to the Southwest District a copy of its certificate of insurance from the Fund.

23. Public Records: Each party will allow public access to all project documents and materials related to this Agreement in accordance with the provisions of Chapter 119, F. S. Should either Party assert an exemption to the requirements of Chapter 119, F. S., and related statutes, the burden of establishing such exemption, by way of injunctive or other relief as provided by law, will be upon the party asserting the exemption.

24. Notices: Any and all notices, requests or other communications relating to this Agreement or the performance of the Parties hereto will be deemed to have been duly given if in writing and if transmitted by hand delivery with receipt therefore, overnight delivery or by registered mail posted prior to the expiration date for such notice, return receipt requested and first-class postage prepaid. Such written notice will be addressed as follows:

To the Southwest District: Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604-6899
Attention: Land Resources Manager

To the South District: South Florida Water Management District
District Headquarters
301 Gun Club Road
West Palm Beach, Florida 33416-4680
Attention: Land Stewardship Section Administrator

25. Binding Effect: This Agreement will be binding and inure to the benefit of the Parties hereto, and their successors and assigns.

26. Amendment: This Agreement may be amended in writing by mutual consent of the Southwest District and the South District. Any amendment not in compliance with this provision will be void.

27. Law Compliance: Each party will comply with all applicable federal, state and local laws, rules, regulations and guidelines, related to performance under this Agreement.

Exhibit 1

Renewal of Management Agreement with South Florida Water Management District – Lake
Marion Creek – SWF Parcel Number 20-597-102X

28. Media Releases: The South District will notify the Southwest District in writing prior to initiating discussions with the public or news media regarding this Agreement or its performance under this Agreement. The South District will also notify the Southwest District before releasing information to the news media regarding activities occurring on the Property.

29. Waiver and Nonwaiver: No waiver of any of the provisions of this Agreement will be binding unless it is reduced to writing and signed by both Parties. The failure of either Party to insist on the strict enforcement of any provision of this Agreement will not constitute a waiver of any provision. No provision, term or condition of this Agreement will be construed as a waiver by the Parties of any rights provided for by any provision of law, including but not limited to Section 768.28, F.S.

30. Severability: If any term, covenant, or condition of this Agreement or the application thereof to any person or circumstances will, to any extent, be deemed lawfully invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, will not be effected thereby and each term, covenant, and condition of this Agreement will be valid and enforced to the fullest extent permitted by law.

31. Survivability: Any term, condition, or obligation that requires performance by either party subsequent to the termination of this Agreement will remain enforceable against such party subsequent to termination.

32. Headings: The headings used in this Agreement are for convenience only and are not intended to imply or restrict application.

33. Attorney's Fees: Relating to any dispute or any litigation arising out of, or relating to this Agreement, each Party will be responsible for its own legal and attorneys' fees, costs and expenses, including attorneys' fees, costs and expenses on appeal, except in accordance with Paragraphs 18 and 20 herein.

34. Availability of Funds: The obligations of the South District under this Agreement are subject to the availability of funds lawfully appropriated for such purposes by the Florida Legislature or the availability of funds through contract or grant programs. The Southwest District's performance and payment pursuant to this Agreement is contingent upon the Southwest District's Governing Board appropriating funds each fiscal year for this Agreement. In the event that such funds are not appropriated or are terminated during the term of this Agreement, the Southwest District or the South District will have the option of terminating this Agreement and all covenants and obligations hereunder by providing ninety (90) days written notice to the other party.

Exhibit 1

Renewal of Management Agreement with South Florida Water Management District – Lake
Marion Creek – SWF Parcel Number 20-597-102X

35. Surrender of Improvements: Upon termination or expiration of this Agreement, the South District will surrender the Property to the Southwest District. Upon termination or expiration of this Agreement, all improvements, including both physical structures and modifications to the Property deemed by the South District and the Southwest District as “permanent,” will become the property of the Southwest District. All improvements, including both physical structures and modifications to the Property deemed by the South District and the Southwest District to be “temporary,” will be removed at the discretion of the Southwest District and expense of the South District. The Southwest District will give written notice to the South District of its intent to remove such temporary improvements prior to the termination of this Agreement. The remaining improvements will become the property of the Southwest District, unless the Southwest District gives written notice to the South District to remove any or all such “temporary” improvements at the expense of the South District. Prior to surrender of all or any part of the Property, the Southwest District’s representatives will perform an onsite inspection and the keys to any buildings or gates on the Property will be turned over to the Southwest District. If the Property and improvements located thereon do not meet all conditions set forth in Paragraph 3.b. herein, the South District will pay all costs necessary to meet the prescribed conditions.

36. Entire Agreement: This Agreement and the attached exhibits constitute the entire agreement between the parties and, unless otherwise provided herein, may be amended only in writing, signed by all parties to this Agreement. In the event of a conflict of contract terminology between the attached exhibits and the body of this Agreement, priority will first be given to the language in the body of this Agreement.

37. Time is of the Essence: The Parties agree that time is of the essence in the performance of each obligation under this Agreement.

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Exhibit 1
Renewal of Management Agreement with South Florida Water Management District – Lake
Marion Creek – SWF Parcel Number 20-597-102X

IN WITNESS WHEREOF, the Parties hereto, or their lawful representatives, have executed this Agreement on the day and year set forth next to their signatures below.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By: _____
Teri Bates, Division Director,
Water Resources

Date: _____

Approved as to form and legality:

SFWMD Attorney

Approved by the Governing Board of the SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT this _____ day of _____, 2019.

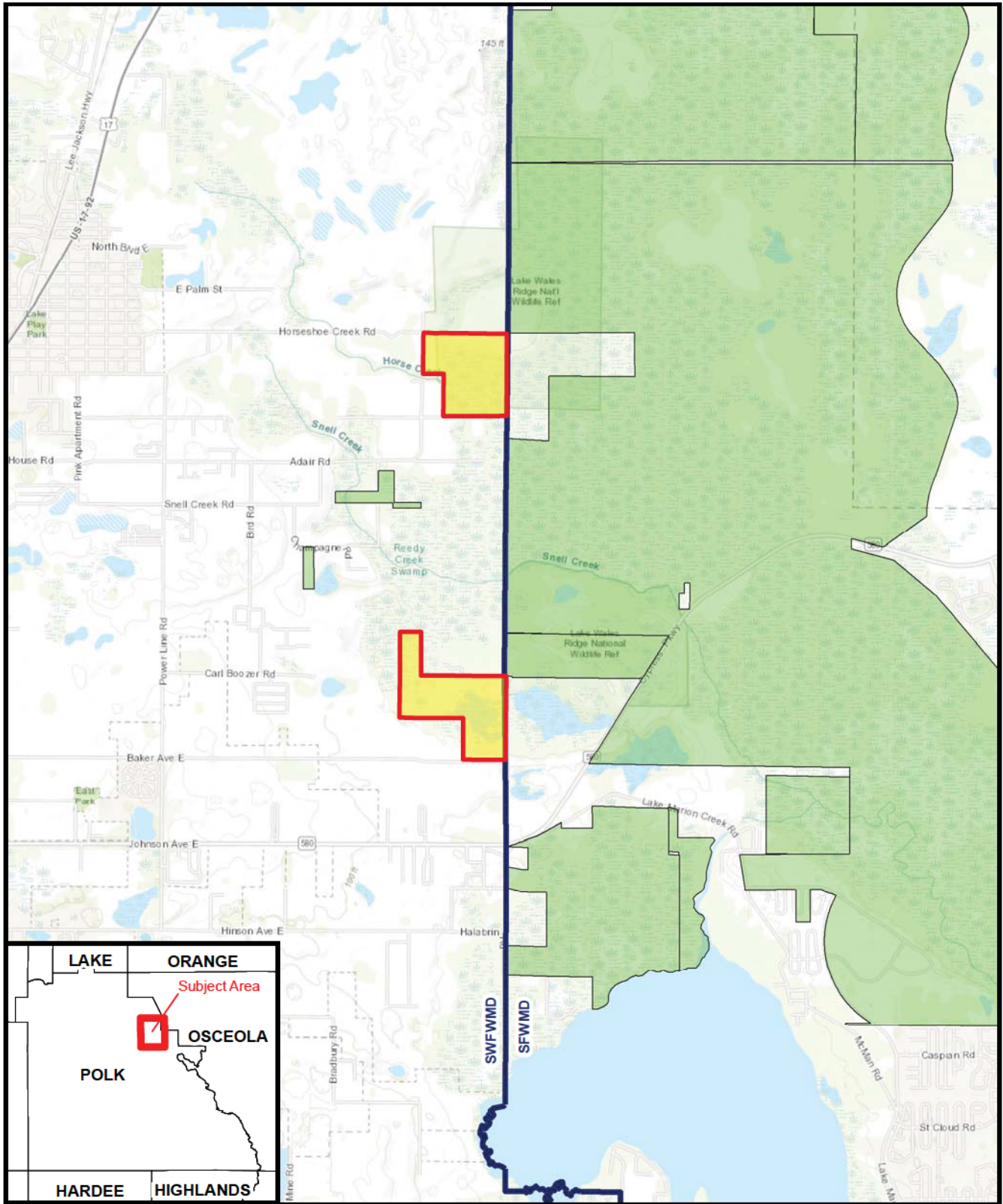
[Seal]

By: _____
Mark Taylor, Chair

By: _____
Joel Schleicher, Secretary

APPROVED BY:	INITIALS	DATE
Attorney	_____	_____
LND Manager	_____	_____
Bureau Chief	_____	_____
Division Director	_____	_____

Exhibit 2
Renewal of Management Agreement with South Florida Water Management
District – Lake Marion Creek – SWF Parcel Number 20-597-102X - Location Map



- Lake Marion Creek Management Agreement 20-597-102X
- SWFWMD Fee
- Other Conservation Lands

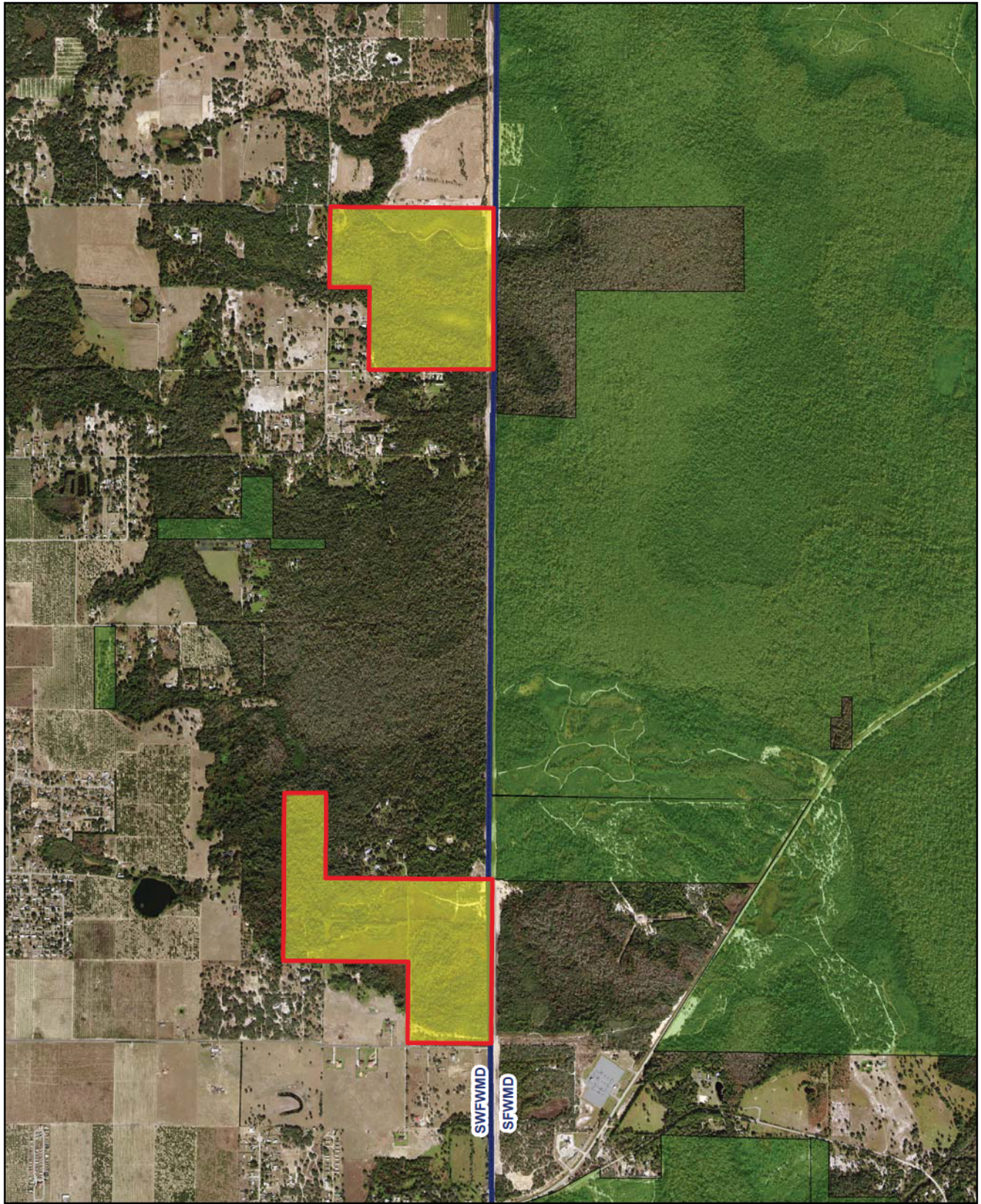
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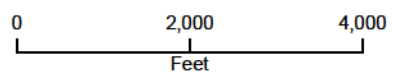
Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

Attachment: Lake Marion – SWF 20-597-102X MinTrac (4561 : Lake Marion Renewal Management Agreement SFWMD)

Exhibit 3
Renewal of Management Agreement with South Florida Water Management District –
Lake Marion Creek – SWF Parcel Number 20-597-102X - Site Map



- Lake Marion Creek Management Agreement 20-597-102X
- SWFWMD Fee
- Other Conservation Lands



Attachment: Lake Marion – SWF 20-597-102X MinTrac (4561 : Lake Marion Renewal Management Agreement SFWMD)

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 27, 2019

Consent Agenda

**Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement
– R.P. Ranch – SWF Parcel No. 20-780-102C**

Purpose

The purpose of this item is to recommend the Governing Board decline the right of first refusal to purchase the remainder fee interest over SWF Parcel No. 20-780-102C encumbered by a District conservation easement. The conservation easement consists of approximately 3,716 acres over the subject property and is in DeSoto County within the Bright Hour Watershed Project. A general location map is included as Exhibit 1.

Background and History

The District identifies lands eligible for acquisition through the Board-approved Florida Forever Work Plan. In the Work Plan, lands are identified for acquisition as fee simple acquisition or acquisition of less than fee rights (conservation easement). Less than fee acquisitions consist of the purchase of certain rights, such as development rights, that are intended to ensure that natural systems and water resources are protected in their existing state in perpetuity. In a typical negotiation of a conservation easement acquisition, the District retains a "right of first refusal". The right of first refusal is perpetual, runs with the land, and will remain in effect regardless if the District declines a previous offering.

The District originally acquired a conservation easement over the R.P. Ranch property in 1999. The right of first refusal in the conservation easement requires notification of the Grantor's (owner's) intent to sell the property, or any portion thereof, and further requires that an offer be extended to sell the property to the District. The contract provided by the owner's representative is for the sale of the entire ranch consisting of 3,716 acres, with the price reported in the contract as \$5,388,562 or \$1,450 per gross acre.

District staff evaluated the opportunity to acquire the remainder fee interest and determined that the existing conservation easement is sufficient to meet our intended natural systems and water resource benefits.

Benefit/Costs

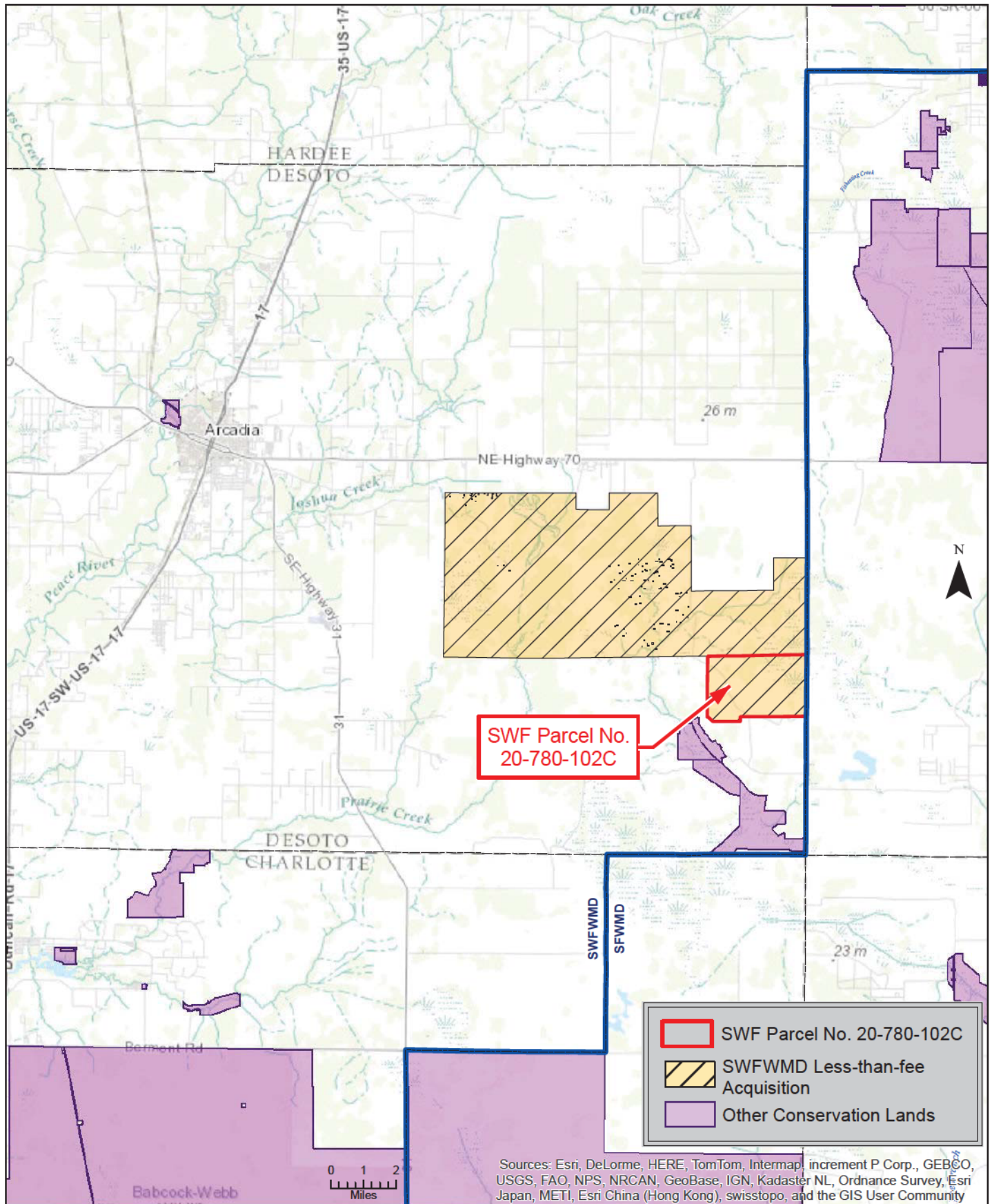
The restrictions placed on the property by the existing conservation easement are adequate to protect the water resources of the property. The benefits of acquiring the remainder fee interest would be minimal.

Staff Recommendation:

- Approve declining the right of first refusal to purchase the remainder fee interest over SWF Parcel No. 20-780-102C encumbered by a District conservation easement.
- Authorize the Executive Director to execute the necessary documents to decline the right of first refusal on SWF Parcel 20-780-102C.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Exhibit 1 Bright Hour Watershed



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 27, 2019

Consent Agenda

Management Agreement with the City of Oldsmar – Lake Tarpon Outfall Canal Park – SWF Parcel No. 16-001-121X

Purpose

Request Governing Board approval of a management agreement between the Southwest Florida Water Management District (District) and the City of Oldsmar (City) for the continued operation and maintenance of a portion of the Lake Tarpon Outfall Canal property associated with recreational opportunities in Canal Park. The agreement is included as Exhibit 1 along with a general location map and site map included as Exhibits 2 and 3, respectively.

Background/History:

In 1987 the District and the City entered into an agreement, for the construction, operation and maintenance of 120 acres for Canal Park (Park). The agreement directed the District to convey 45 acres to the City for park development and grant a license to the City across the remaining 75 acres of adjoining District-owned lands for passive recreation use. In 1995 and 1996, the District authorized the City to construct a fishing pier in the canal and entered into an agreement for the construction of an approximate one-mile paved multi-use path along the canal to connect Canal Park with other City parks adjacent to the canal. The 1996 agreement expired in October 2016 and the District executed a temporary license with the City to develop a new management agreement to include all the recreation amenities on the canal and clarify future operation and maintenance responsibilities for the parties.

The District and the City have prepared a new management agreement that addresses both parties' responsibilities. City staff have reviewed the agreement and will present it to the Oldsmar City Council upon approval of the District Governing Board.

Benefits/Costs:

- The continued partnership between the District and the City will provide enhanced recreation opportunities that benefit the general public.
- There is no cost associated with this agreement and the City continues to assume all costs related to the security, operation, and maintenance of the property.

Staff Recommendation:

- Approve the Management Agreement with the City of Oldsmar for a portion of the Lake Tarpon Outfall Canal property for a ten-year term with options to renew for two successive ten-year terms.
- Authorize the Governing Board Chairman to execute the agreement.
- Authorize the Executive Director to approve the options to renew for two successive ten-year terms.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Exhibit 1

MANAGEMENT AGREEMENT BETWEEN THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AND THE CITY OF OLDSMAR, FLORIDA FOR MANAGEMENT AND USE OF THE LAKE TARPON OUTFALL CANAL PROJECT

This Management Agreement is made and entered into between the Southwest Florida Water Management District (District), a public corporation having a mailing address of 2379 Broad Street, Brooksville, Florida 34604-6899, and the City of Oldsmar, Florida (City), a municipal corporation of the State of Florida having a mailing address of 100 State Street W, Oldsmar, Florida 34677 (collectively the Parties).

WHEREAS, the District is the owner in fee simple of certain lands situated in Pinellas County, Florida known as the Lake Tarpon Outfall Canal Project (Property); and

WHEREAS, the District and the City entered into an agreement dated August 18, 1987 (1987 Agreement), for the construction, operation and maintenance of a recreational park on a portion of the Property ("Canal Park"), as shown on Exhibit A, attached hereto; and

WHEREAS, the District and the City executed a letter of understanding, dated January 31, 1995 (Letter of Understanding), attached hereto as Exhibit B, authorizing the City to construct a floating fishing pier (the Pier) on a portion of the Property adjacent to the City's Harbor Palms Nature Park, as shown in Exhibit C, attached hereto; and

WHEREAS, the Parties replaced the 1987 Agreement with an agreement dated October 30, 1996 (1996 Agreement), which also authorized the City to construct a foot/bicycle path on the Property to connect Canal Park with other City parks as shown in Exhibit D, attached hereto; and

WHEREAS, as the 1996 Agreement was expiring, the District and the City executed a license agreement on October 27, 2016 (License Agreement), to allow the City's continued use of the Property while a new management agreement was negotiated;

WHEREAS, the License Agreement was subsequently extended for two years and will expire on October 17, 2019; and

WHEREAS, the District and the City desire to continue their partnership for the operation and maintenance of the Property and desire to clarify their responsibilities under one agreement.

NOW, THEREFORE, the District and the City, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, agree as follows:

Management Agreement – City of Oldsmar
SWF Parcel Number 16-001-121X
Page 1 of 11

1. Purpose: The purpose of this Management Agreement is to specify the District's and the City's rights and associated responsibilities regarding the operation and maintenance of the Property, as defined herein. The City will continue to use the Property for the enjoyment of the general public as a public park for passive public recreation and for no other purpose without the prior written consent of the District.

2. Term and Renewal: The term of this Management Agreement will be for a period of ten (10) years from the date of its execution by the last of the parties. The City may request to extend this Management Agreement for two (2) successive ten (10) year term(s), subject to the terms and conditions contained herein and provided that the City is not in default of this Management Agreement. Requests for extension of this Management Agreement must be in writing to the District at least one (1) year prior to the termination of the initial term or then-current renewal term. Upon the District's receipt of the request for extension, this Management Agreement will extend for an additional ten (10) year term, upon approval by the District's Executive Director in writing. This Management Agreement may not be extended for more than two (2) successive ten (10) year terms. Thereafter, the parties are required to execute a new Management Agreement.

3. Operation, Management and Maintenance of the Property:

a. The City has the right, during the term of this Management Agreement, to enter upon the Property for the purposes of managing, maintaining, and operating the Property under the terms set forth herein.

b. The City will be responsible for all costs and expenses associated with the operation, maintenance and security of facilities built for public recreational purposes on the property including, but not limited to, buildings, facilities, infrastructure, trails, and amenities, in a good, clean, attractive and safe condition, suitable for the use and enjoyment of the general public. The City will be responsible for the cost and expenses associated with any future facilities it elects to provide on the Property. Any work undertaken by the City to construct, maintain, refurbish or replace infrastructure or improvements located on the Property shall be performed in accordance with all applicable building and construction codes, and with materials, finishes and workmanship of a kind and quality equal to or better than that currently existing on the Property.

c. The City will operate the Property consistent with City ordinances and policies.

d. The City will coordinate with the District on any revisions that the City may propose to City ordinances to the extent that the revisions affect any of the Property. The District and the City will jointly evaluate whether the proposed revisions conflict with the intent of this Management

Agreement or the District's land use rules promulgated in Chapter 40D-9, Florida Administrative Code (F.A.C.). In the event that the District determines that the proposed revisions create such a conflict, the City agrees to exclude the Property from application of those ordinances.

e. The City may periodically grant permits or licenses for special events on the Property. Special events conducted on the Property must comply with District's Land Use Rules in Chapter 40D-9, F.A.C., as may be amended from time to time. The sale or use of alcoholic beverages on the Property must be consistent with Rule 40D-9.290, F.A.C., and any applicable City ordinances.

f. The District may use the Property at no charge, so long as the Property is available and the District reserves it at least thirty (30) days in advance.

g. The City will be solely responsible for security within the Property. The City will submit copies of any incident reports to the District within fourteen (14) days of any incident.

h. The City will require all patrons visiting the Property to enter at designated access points, unless otherwise agreed to in writing by the District.

i. The District will cooperate in the execution of any permit applications, funding applications, or other similar applications or documents that may be required in connection with any construction project that may be required on the Property.

j. The City will only store any equipment, supplies or materials directly related to the use and maintenance of the Property on the Property. The City, through its agents and employees, will also prevent any use of the Property that is not in conformance with this Management Agreement.

k. At least ninety (90) days prior to any construction of new improvements on the Property, the City will notify the District in writing of the proposed construction and will provide one set of draft construction plans to the District for review and approval to proceed with construction. The District's review and approval of the draft construction plans will only be regarding the proposed location, use, aesthetics, and consistency with the overall management objectives of the Property as stated herein, and does not constitute a representation or warranty that the District has verified the architectural, engineering, mechanical, electrical, or other components of the construction plans and documents, or that such plans and documents are in compliance with District rules and regulations or any other applicable rules, regulations, or laws.

l. The Pier shall be operated and maintained in accordance with the design, terms, and conditions provided in the Letter of Understanding (Exhibit D). Any proposed improvements to the Pier shall follow the notification and approval requirements set forth in this Management

Agreement.

4. Archaeological and Historical Sites: This Management Agreement does not affect either of the parties' obligations pursuant to Chapter 267, Florida Statutes (F.S.). The collection of artifacts or the disturbance of archaeological or historic sites on the Property is prohibited unless prior authorization has been obtained from the Division of Historical Resources of the Department of State. The City will implement all reasonable measures to locate, identify, protect and preserve any known or discovered archaeological and historic sites on the Property.

5. Assignment: Neither party may assign any of its rights or delegate any of its obligations under this Management Agreement, in whole or in part, without the prior written approval of the other party. The District agrees that the City may enter into a management agreement with a not-for-profit corporation for management assistance of the Property, and that this Management Agreement may be incorporated by reference into any such document upon written approval of the District. Any attempted assignment in violation of this provision is void.

6. Right to Inspect:

a. The District will have the right to enter upon and travel through and across the Property at any time for inspection, construction, maintenance, or for any purpose consistent with this Management Agreement or the District's ownership of the Property.

b. The District or its duly authorized agents will have the right, at any and all times, to inspect and audit the books and financial records of the City and any of its licensees as they pertain to the management of the Property.

7. Resource Impacts: The City will design and implement improvements to the Property in such a manner that will minimize the impact on natural systems or any water resources. No improvements shall be made to the Property without prior written consent of the District. The City will obtain any permits required by law for improvements on the Property.

8. Property Condition and Use Restrictions: The City of Oldsmar shall have use of the Property for the enjoyment of the general public as a public park for passive public recreation and for no other purpose without the prior written consent of the District. The District recognizes that the Property is mostly in a natural state which shall not be altered without prior written consent of the District, and that the City is only responsible for maintaining built facilities within the Property. The City's closure of the Property in excess of ten (10) days must be approved by the District in writing. If not approved in writing by the District, the City's closure of the Property in excess of ten (10) days will be subject to termination requirements of this Management Agreement unless the closure is necessitated by a manmade or natural disaster or to address

matters which concern public safety.

9. Destruction of the Property: If any buildings, facilities, infrastructure or amenities on the Property are totally destroyed or rendered unusable by a natural or manmade event, the District and the City each have the right to terminate this Management Agreement by giving written notice to the other, within ninety (90) days from the date of such destruction. If buildings, facilities, infrastructure or amenities on the Property are partially damaged by a natural or manmade event, or totally destroyed or rendered unusable but neither party elects to terminate this Management Agreement as provided herein, then the City agrees to restore the damaged or destroyed buildings, facilities, infrastructure or amenities to a condition suitable for use by the general public for recreational purposes at the City's sole cost and expense.

10. Property Damage: The City will not do, or suffer to be done, in, on, or upon the Property or as affecting the Property, any act that may result in damage or depreciation of value to the Property or any part thereof. This includes but is not limited to generating, storing, producing, placing, treating, releasing, or discharging any contaminants, pollutants or pollution, including, but not limited to, hazardous or toxic substances, chemicals or other agents, on, into, or from the Property or any adjacent lands or waters in any manner not permitted by law. For the purposes of this Management Agreement, "hazardous substances" will mean and include those elements or compounds defined by the Comprehensive Environmental Resource Compensation and Liability Act, 42 U.S.C. §§ 9601 et. seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et. seq., or by any Florida Statute defining hazardous materials or which are contained in the list of hazardous substances adopted by the United States Environmental Protection Agency (EPA) and the list of toxic pollutants designated by the United States Congress or the EPA or defined by any other federal, state, or local statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to, or imposing liability or standards of conduct concerning any hazardous, toxic, or dangerous waste, substance, material, pollutant or contaminant. "Pollutants" and "pollution" will mean those products or substances defined in Chapters 376 and 403, F.S., and the rules promulgated thereunder, all as amended or updated from time to time. The City will, at its sole cost and expense, promptly commence and diligently pursue any legally required closure, investigation, assessment, cleanup, decontamination, remediation, restoration and monitoring of (1) the Property, and (2) all off-site ground and surface waters and lands affected by the City's failure to comply. The City will, at its sole cost and expense, restore the damaged Property to the condition existing immediately prior to the occurrence which caused the damage. The City, to the extent allowed by law and subject to the provisions of Section 768.28, F.S., will indemnify and hold the District harmless for any and all claims, loss, damage and expense, including attorney fees and costs and attorney fees and costs on appeal, arising from any failure of the City to comply with this paragraph. The City's obligations set forth in this paragraph will survive the termination or expiration of this Management Agreement.

11. Unauthorized Use of the Property: The City will, to the best of its abilities, through its agents and employees, prevent the unauthorized use of the Property or any use thereof not in conformance with this Management Agreement, including but not limited to the possession, consumption of unlawful drugs or substances by anyone within or on the Property or use of any alcoholic beverage without the appropriate City-issued permit. All permits shall be issued in compliance with 40D-9.290 F.A.C.

12. Public Entrances: Informational signage will be located at all public entrances to inform the public of the cooperative project between the District and the City and advise the public of all recreational opportunities available on the Property and the location of such opportunities through an information map. Additionally, the City will post appropriate signage on fences along the Property boundaries, and in the interior of the Property to mark and designate trails, parking areas, restrooms, if any, and all prohibited activities.

13. District Resource Management Activities: The District reserves the right to conduct or perform any resource management activity that, in its sole discretion, may be required to protect and save the integrity of the Property, including but not limited to, controlled burns, wildfire suppression and exotics control. In the event the District plans to commence any of these activities, it will provide the City with ninety (90) days written notice.

14. Taxes and Assessments: If any ad valorem taxes, intangible property taxes, personal property taxes, or other taxes or assessments of any kind are assessed or levied lawfully on the Property or any structures or improvements located thereon, as a result of the City's use and occupancy during the term of this Management Agreement, the City will pay such taxes within thirty (30) days after receiving written notice thereof from the District. In the event the City fails to pay any such taxes, assessments, or fees within thirty (30) days after receiving written notice thereof from the District, the District may, at its sole option, pay the taxes, assessments or fees subject to immediate reimbursement thereof in full by the City, together with any interest thereon at the maximum rate allowed by law, and any administrative costs incurred by the District, including reasonable attorneys' fees.

15. Fees and Revenue:

a. The City may charge an entrance or user fee to the visitors and users of the Property. Any such fees charged by the City will be used for actual and budgeted expenses incurred or to be incurred by the City for the construction of facilities and the operation, maintenance and security of the Property.

b. The City may implement other revenue-producing initiatives that are compatible with

the purposes of this Management Agreement. Any revenue that is generated by the City by other revenue-producing initiatives will be applied toward the City's management and operating costs of the Property.

c. Nothing in this Management Agreement will prohibit the City from seeking funding from federal or state agencies through grants or other sources to assist with its management responsibilities.

16. Default and Termination: Either party may terminate this Management Agreement upon the other party's failure to comply with any term or condition of this Management Agreement, as long as the terminating party is not also in default of any term or condition of this Management Agreement. To initiate termination, the terminating party must provide the defaulting party with a written "Notice of Termination" stating its intent to terminate and describing all terms and conditions with which the defaulting party has failed to comply. If the defaulting party has not remedied its default within ninety (90) days after receiving the Notice of Termination, this Management Agreement will automatically terminate. All equipment, buildings, facilities or other permanent fixtures or structures present on the Property will become the property of the District upon termination unless otherwise agreed to by the parties in writing. Upon termination of this Management Agreement, all obligations of the parties under this Management Agreement will cease and the parties will have no further obligations to each other.

17. Liability: Each party hereto agrees to indemnify and hold the other harmless, to the extent allowed under Section 768.28, F.S., for all claims, loss, damage and expense, including attorneys' fees and costs and attorneys' fees and costs on appeal, arising from the negligent acts or omissions of its officers, employees, contractors and agents related to the performance under this Management Agreement. Should the City choose to charge a fee pursuant to Paragraph 15 herein, the City will bear the sole responsibility for any and all claims for personal injuries or property damage arising from, or incidental to, the use, occupation, or possession of the Property and any improvements or structures located thereon. This provision does not constitute a waiver of either the City's or the District's sovereign immunity under or extend the limits of liability beyond the limits established in Section 768.28, F.S. This provision will survive the expiration or termination of this Management Agreement.

18. Works of the District: The parties hereto expressly acknowledge and agree that the District reserves the right to operate, use and maintain the Property and the improvements thereon for the primary purposes of water management and flood control, which rights are paramount and superior to the uses authorized by this Management Agreement, and the parties hereto recognize that said Management Agreement uses are subordinate thereto.

19. Documents: The following documents are attached to and made a part of this Management Agreement – City of Oldsmar
SWF Parcel Number 16-001-121X
Page 7 of 11

Management Agreement by reference: Exhibits A, B, C, and D. In the event of a conflict of contract terminology, priority will first be given to the language in the body of this Management Agreement.

20. Notices: Any and all notices, requests or other communications relating to this Management Agreement or the performance of the parties hereto will be deemed to have been duly given if in writing and if transmitted by hand delivery with receipt therefore, overnight delivery or by registered mail posted prior to the expiration date for such notice, return receipt requested and first class postage prepaid. Such written notice will be addressed as follows:

To the City: Alan S. Braithwaite
 City Manager
 100 State Street W.
 Oldsmar, Florida 34677

To the District: Southwest Florida Water Management District
 2379 Broad Street
 Brooksville, Florida 34604-6899
 Attention: Manager, Land Resources Section

21. Effective Date: This Management Agreement will be effective upon the date of approval of both the Oldsmar City Council and the Governing Board of the Southwest Florida Water Management District, whichever is later.

22. Binding Effect: This Management Agreement will be binding upon and inure to the benefit of the parties hereto, and their successors, and assigns.

23. Law Compliance: Each party will comply with all applicable federal, state and local laws, rules, regulations and guidelines, related to performance under this Management Agreement.

24. Amendments: This Management Agreement may be amended in writing by mutual consent of the District and the City.

25. Availability of Funds: The obligations of the City under this Management Agreement are subject to the availability of funds lawfully appropriated for such purposes by the Oldsmar City Council or the availability of funds through contract or grant programs. In the event that such funds are not appropriated or are terminated during the term of this Management Agreement, the District or the City will have the option of terminating this Management Agreement and all covenants and obligations hereunder by providing thirty (30) days written notice to the other party.

26. Nonwaiver: No provision, term or condition of this Management Agreement will be construed as a waiver by the District, or the City of any rights provided for by any provision of law, including but not limited to Section 768.28, F.S.

27. Severability: If any term, covenant, or condition of this Management Agreement or the application thereof to any person or circumstances will, to any extent, be deemed lawfully invalid or unenforceable, the remainder of this Management Agreement, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, will not be affected thereby and each term, covenant, and condition of this Management Agreement will be valid and enforced to the fullest extent permitted by law.

28. Survivability: Any term, condition or obligation that requires performance by either party subsequent to the termination of this Management Agreement will remain enforceable against such party subsequent to termination.

29. Headings: The headings used in this Management Agreement are for convenience only and are not intended to imply or restrict application.

30. Surrender of Improvements: Upon termination or expiration of this Management Agreement, the City will surrender the Property to the District. Upon termination or expiration of this Management Agreement, all improvements, including both physical structures and modifications to the Property deemed by the City and the District as "permanent," will become the property of the District. All improvements, including both physical structures and modifications to the Property deemed by the City and the District to be "temporary," will be removed at the discretion of the District and expense of the City. The District will give written notice to the City of its intent to remove such temporary improvements prior to the termination of this Management Agreement. The remaining improvements will become the property of the District, unless the District gives written notice to the City to remove any or all such "temporary" improvements at the expense of the City. Prior to surrender of all or any part of the Property, the District's representatives will perform an onsite inspection and the keys to any buildings or gates on the Property will be turned over to the District. Upon inspection, the Property and all improvements shall be in a good, clean, attractive and safe condition, suitable for the immediate use and enjoyment of the general public. Improvements include, but are not limited to, buildings, facilities, infrastructure, trails, and amenities. The City will pay all costs necessary to meet the prescribed conditions.

31. Entire Agreement: This Management Agreement and the attached exhibits constitute the entire agreement between the parties and, unless otherwise provided herein, may be amended only in writing, signed by all parties to this Management Agreement. In the event of a

conflict of contract terminology between the attached exhibits and the body of this Management Agreement, priority will first be given to the language in the body of this Management Agreement.

[space intentionally left blank]

IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this Management Agreement on the day and year set forth next to their signatures below.

OLDSMAR CITY COUNCIL
OF OLDSMAR, FLORIDA

(SEAL)

Attest:

BY: _____
Ann E. Nixon, City Clerk

By: _____
Eric Seidel, Mayor

Date: _____

BY: _____
Thomas Trask, B.C.S., City Attorney

By: _____
Alan S. Braithwaite, City Manager

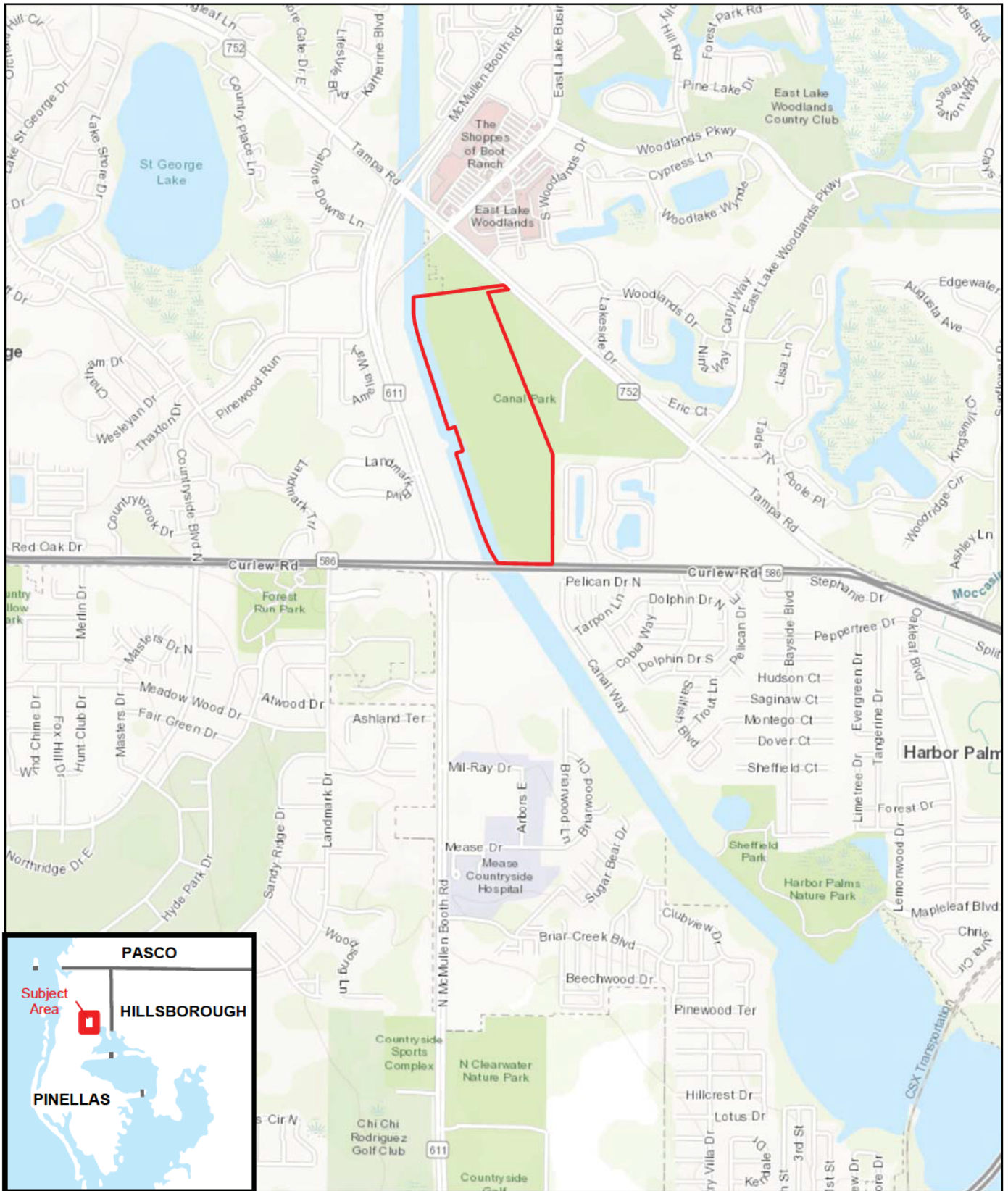
SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT


Mark Taylor, Chair

Joel Schleicher, Secretary

APPROVED BY:	INITIALS	DATE
Attorney	<u>ST</u>	<u>8-12-19</u>
LND Manager	_____	_____
Bureau Chief	_____	_____
Division Director	_____	_____

Exhibit A
Lake Tarpon Outfall Canal Park Property Management
Agreement 16-001-121X City of Oldsmar Project Map



 Canal Park Property

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Feet



Service Layer Credits: © OpenStreetMap (and) contributors, CC-BY-SA
 Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,
 FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri
 Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap

Attachment: LAKE TARPON OUTFALL CANAL MinTrac (4562 : Management Agreement City of Oldsmar – Lake Tarpon Outfall Canal Park)



An Equal Opportunity Employer

Southwest Florida Water Management District

2379 Broad Street • Brooksville, Florida 34609-6899 • 1-800-423-1476 (Florida Only) or
(904) 796-7211 • SUNCOM 628-4150 • T.D.D. Number Only (Florida Only): 1-800-231-6103

7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 SUNCOM 578-2070

170 Century Boulevard
Bartow, Florida 33830-7700
(813) 534-1448 SUNCOM 572-6200

111 Corporation Way
Venice, Florida 34292-3524
(813) 483-5970 SUNCOM 549-5970

2303 Highway 44 West
Inverness, Florida 34453-3809
(904) 637-1360

Joe L. Davis, Jr.
Chairman, Wauchula
Roy G. Harrell, Jr.
Vice Chairman, St. Petersburg
Sally Thompson
Secretary, Tampa
James E. Martin
Treasurer, St. Petersburg
Charles A. Black
Crystal River
Ramon F. Campo
Brandon
James L. Cox
Lakeland
Rebecca M. Eger
Sarasota
John T. Hamner
Bradenton
Curtis L. Law
Land O' Lakes

Peter G. Hubbell
Executive Director
Mark D. Farrell
Assistant Executive Director
Edward B. Helvenston
General Counsel

January 31, 1995

Mr. Nicholas Staszko, AICP
Community Development Director
Post Office Box 100
Oldsmar, Florida 34677-0100

Subject: Oldsmar Fishing Pier Request/Tarpon Outfall Canal
SWF Parcel No. 16-Land Use

Dear Mr. Staszko:

Reference is made to the District's Wetland Resource Permit Number 4112624.01. This Letter of Understanding will serve to fulfill Specific Condition No. 3 as addressed in the aforementioned permit. Additionally, the following stipulations must be mutually agreed and accepted:

1. The District grants to the City of Oldsmar the right to enter upon the real property located in Pinellas County, Florida, as shown on Attachment "A" for the following purpose:

*Authorize the City of Oldsmar, as part of
Harbor Palms Nature Park, to construct
and maintain a floating fishing pier within
the Tarpon Outfall Canal.*

2. The pier will be constructed according to the engineering drawing(s) as shown on Attachment "B". Within thirty (30) days of completed construction the City of Oldsmar will furnish to the District a legal description and sketch of the fishing pier site. The legal description and sketch shall be signed by a Professional Land Surveyor licensed to practice land surveying in the State of Florida.

3. The City of Oldsmar agrees that it shall not claim at any time any interest or estate of any kind in the described premises by this Letter of Understanding or by its occupancy or use of the lands described in Attachment "A".

4. Nothing in this Letter of Understanding shall be construed as giving consent or permission to the City of Oldsmar or its agents or personnel to destroy, injure, damage or move anything on the described premises without the prior written consent of the District.

Excellence
Through
Quality
Service

Mr. Nicholas Staszko
January 31, 1995
Page 2

5. The City of Oldsmar agrees to indemnify and save the District harmless from any and all liability, loss or damage, expense or claims arising out of any negligent or willful action of the City of Oldsmar in connection with this Letter of Understanding.

6. The interest granted by this letter shall not supersede any jurisdiction by the State of Florida based upon a claim of sovereignty lands. Any permit or document which may be required by the State must be obtained from the State.

7. The interest granted by this letter also shall not supersede any jurisdiction by the U.S. Army Corps of Engineers (Corps) based upon a claim of navigable water or based upon the Corps interest in the Four Rivers Basin Project. Any permit or document which may be required by the Corps must be obtained from the Corps.

If the above are agreed and accepted, please sign and return to us. If questions should arise, please contact Kenneth Kramer at SunCom 628-4464.

Sincerely,



Fritz H. Musselmann, Director
Land Resources Department

KRK/lac

c: Ronald Daniel
Colleen Kruk

Alba Evans
Kevin Love

Kenneth Kramer

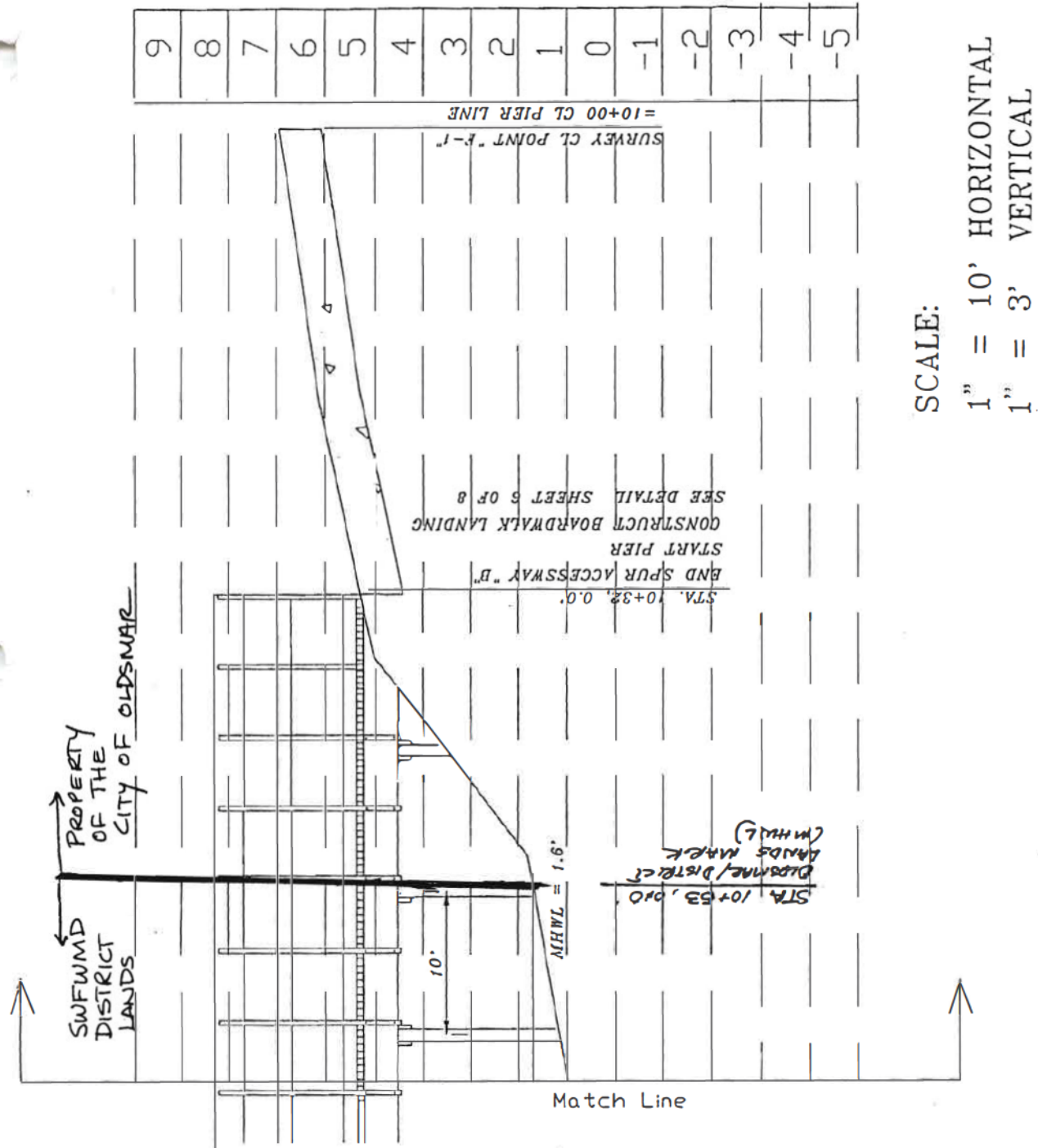
Witness Signature

Date

Type Name

Bruce T. Haddock, City Manager

EXHIBIT "B"



SCALE:

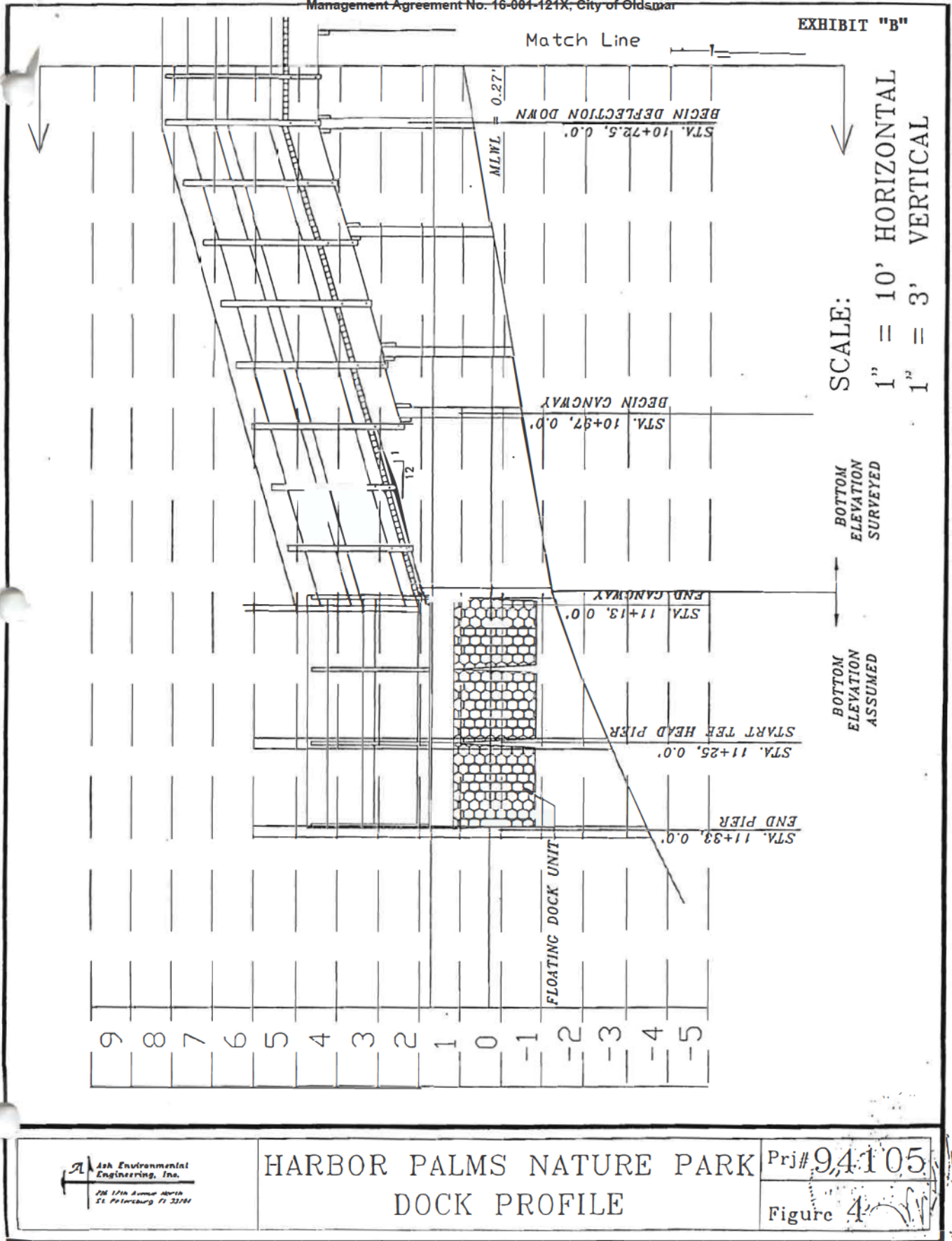
1" = 10' HORIZONTAL

1" = 3' VERTICAL

Applicant: City of Oldsmar
 Water Body: Lake Tarpon Outfall Canal
 County: Pinellas

Ash Environmental
 Engineering, Inc.
 116 12th Avenue North
 St. Petersburg, FL 33704

HARBOR PALMS NATURE PARK Prj# 94105
 DOCK PROFILE Figure 3



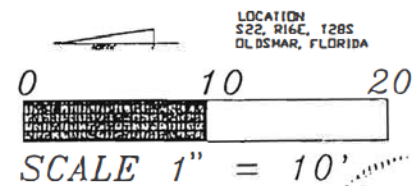
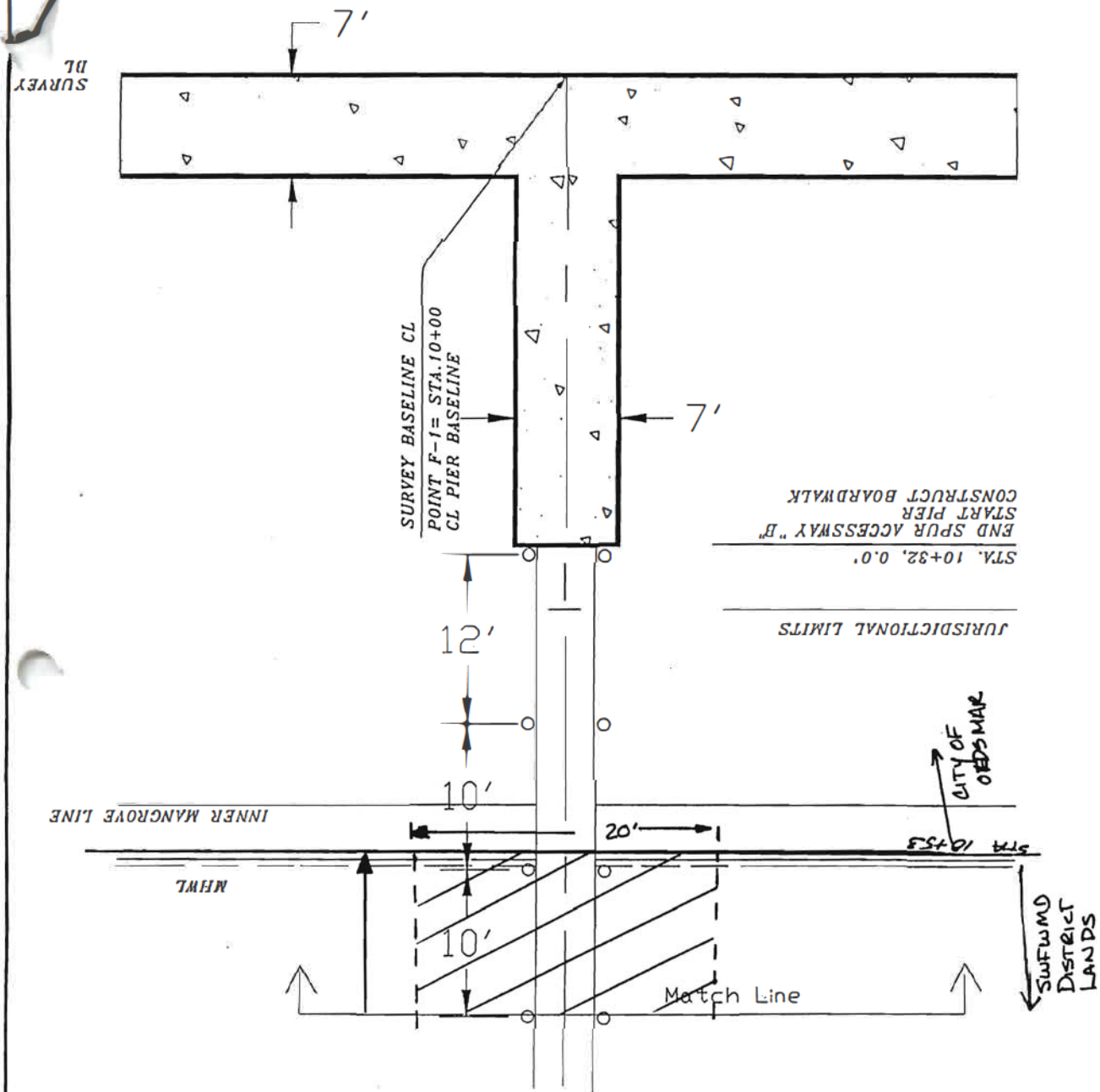
Ash Environmental
 Engineering, Inc.
 208 17th Avenue North
 St. Petersburg, FL 33704

HARBOR PALMS NATURE PARK DOCK PROFILE

Prj# 94105

Figure 4

EXHIBIT "B"



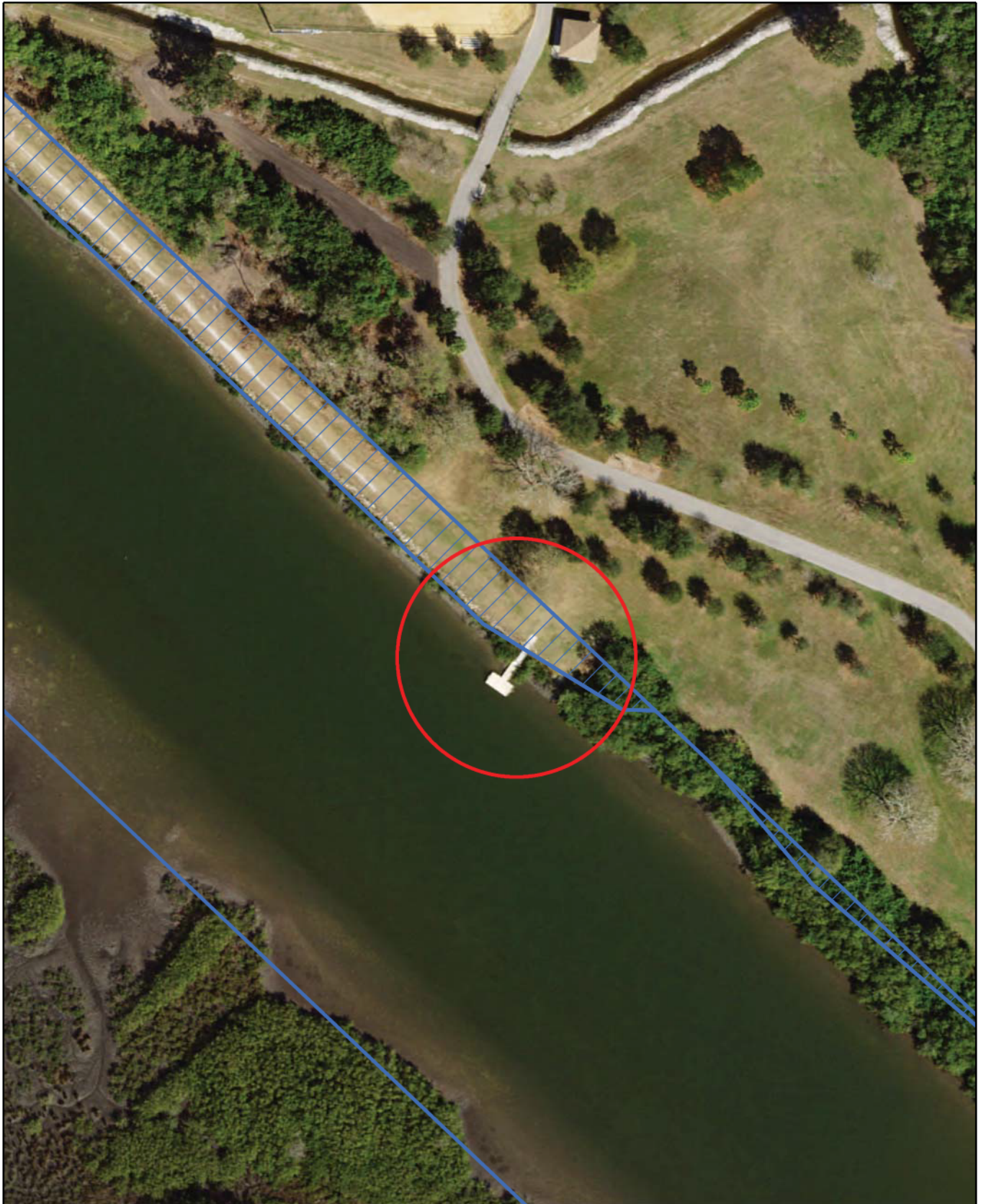
A Ash Environmental
Engineering, Inc.
216 17th Avenue North
St. Petersburg, FL 33781



HARBOR PALMS NATURE PARK DOCK PLAN

Prj#94105

Figure 5

Exhibit C
Lake Tarpon Outfall Canal Park Property Management
Agreement 16-001-121X City of Oldsmar Fishing Pier



-  SWFWMD Acquired Fee
-  SWFWMD Acquired Perpetual Easement

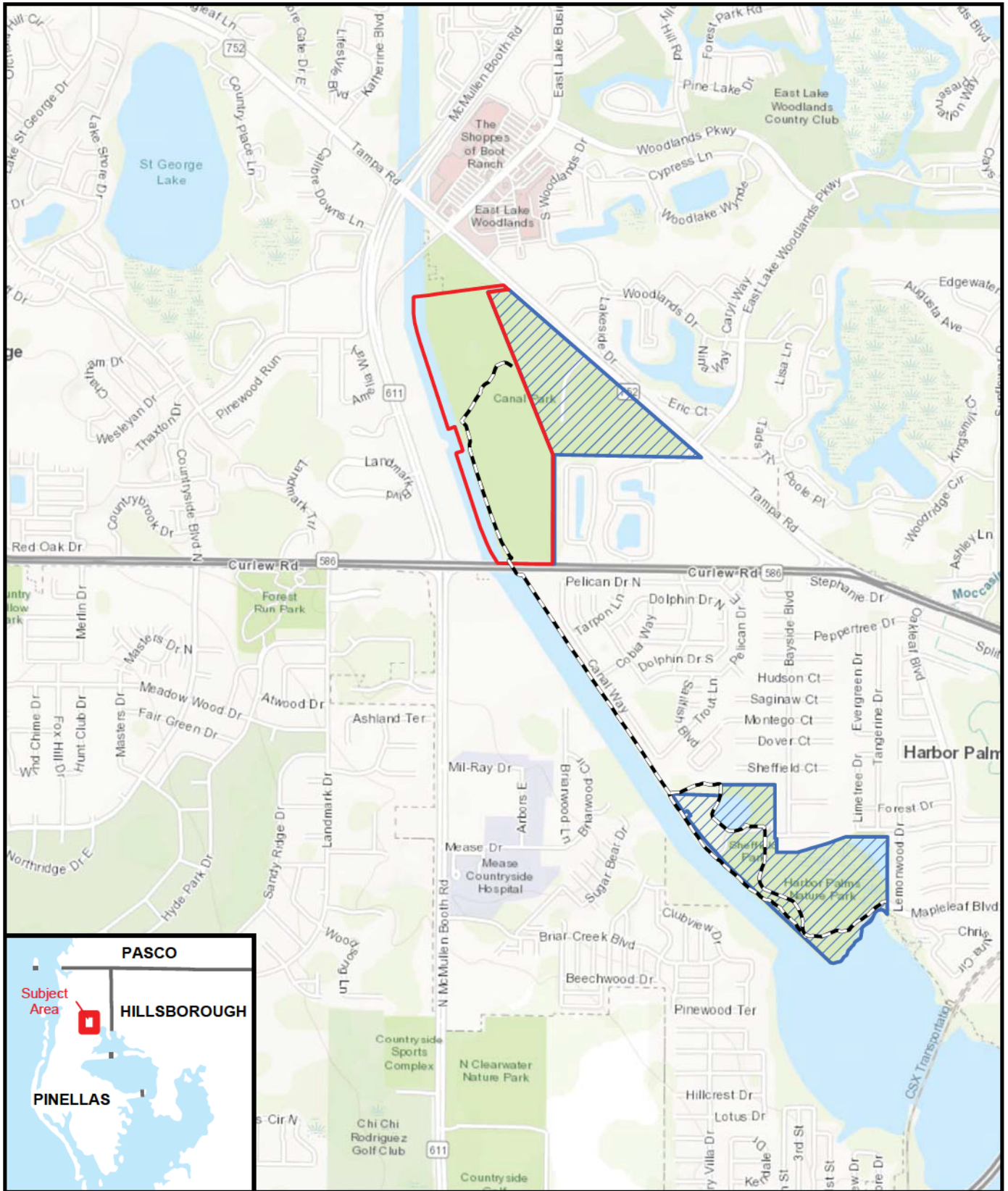
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Exhibit D
Lake Tarpon Outfall Canal Park Property Management
Agreement 16-001-121X City of Oldsmar Hiking Trail



Exhibit 2
Lake Tarpon Outfall Canal Park Property Management
Agreement 16-001-121X City of Oldsmar Location Map



-  Hiking Trail
-  Canal Park Property
-  City of Oldsmar Park Property


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 Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,
 FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri
 Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap

Exhibit 3
Lake Tarpon Outfall Canal Park Property Management
Agreement 16-001-121X City of Oldsmar Site Map



 Canal Park Property

0 500 1,000
Feet



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 27, 2019

Consent Agenda

Second Amendment – Management Agreement with Citrus County – Chassahowitzka River Campground – Chassahowitzka River and Coastal Swamps – SWF Parcel No. 15-347-105X

Purpose:

Request Governing Board approval of a no cost amendment to the management agreement between the Southwest Florida Water Management District (District) and Citrus County (County) executed November 2009 for the Chassahowitzka River Campground (Campground) to extend the expired term until November 16, 2022. A general location map is included as Exhibit 1 and the proposed amendment to the management agreement is included as Exhibit 2.

Background/History:

The Campground (40 acres) was acquired by the District in 1991 from the Lykes Development Corporation as part of a larger acquisition (3,623 acres). The Campground consisted of several recreation amenities including a public boat ramp, primitive campsites, and RV campsites. The District entered into a management agreement with Citrus County (County) on January 1991 to transfer management of the Campground to the County. The management agreement was updated and re-executed in November 2009.

The management agreement is scheduled to expire in November 2019. The District has been in discussions with Florida Forest Service (FFS) to transfer management of most of the District's ownership within the Chassahowitzka Project to FFS to be managed as part of the Withlacoochee State Forest. The FFS has agreed to assume management responsibilities over the campground and utilize the revenue to offset management costs for lands outside the campground. The District and County have agreed to extend the term of the management agreement until November 15, 2022 to provide the District time to negotiate and complete transfer of the campground management to FFS. The County has an agreement with a vendor for the operation of the campground facilities. November 15, 2022 corresponds with the expiration date of the County's vendor agreement.

The amendment to the management agreement extends the term of the agreement until November 15, 2022 and all other terms and conditions remain in full force. When District staff complete its discussions with FFS, a request to approve the agreement between FFS and the District will be formally submitted to the Board for its review and approval.

Benefits/Costs:

Extending the expiration of the management agreement with Citrus County will benefit the District by providing time to negotiate a transfer to FFS at no cost to the District.

Item 17

Staff Recommendation:

- Approve the Second Amendment to the Management Agreement with Citrus County - SWF Parcel No. 15-347-105X.
- Authorize the Governing Board Chairman to execute the amendment.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Chassahowitzka Campground Management Agreement
SWF Parcel No. 15-347-105X

SECOND AMENDMENT TO AGREEMENT FOR THE MANAGEMENT OF CHASSAHOWITZKA RIVER CAMPGROUND

This Amendment is made and entered into, this ____ day of _____, 2019, by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "District," and CITRUS COUNTY, a political subdivision of the State of Florida, having an address of 110 North Apopka Avenue, Inverness, Florida 34461, hereinafter referred to as the "County," collectively referred to as the "Parties."

WITNESSETH:

WHEREAS, the Parties entered into an Agreement for the Management of Chassahowitzka River Campground, dated November 17, 2009, hereinafter referred to as the "Management Agreement," to set forth their respective rights and responsibilities with respect to the management of certain real property owned by the District and located within Citrus County, hereinafter referred to as the "Property;" and

WHEREAS, the Management Agreement was amended on November 30, 2014, ("First Amendment"), to replace Exhibit C to the Management Agreement with the revised Capital Improvement Plan and list what authorities the Parties' respective project managers have thereto; and

WHEREAS, the Management Agreement is set to expire on or about November 17, 2019; and

WHEREAS, the County entered into a Services Agreement with Moore & Moore Realty, Inc., hereinafter referred to as the "Vendor", dated April 17, 2017, to set forth their rights and responsibilities with respect to specific services regarding the management of the Property; and

WHEREAS, the Services Agreement is set to expire on November 15, 2022, unless the Management Agreement is not extended, in which case the Services Agreement will expire concurrently with the Agreement on November 17, 2019; and

WHEREAS, the Parties now desire to modify and extend the Management Agreement, as amended by the First Amendment, as it pertains to the term and expiration of the Management Agreement so that the Management Agreement and Services Agreement will expire concurrently.

NOW THEREFORE, for and in consideration of the promises, terms, and mutual covenants contained herein, the District and the County hereby agree as follows:

Attachment: Chassahowitzka 15-347-105X MinTrac (4560 : Second Amendment - Management Agreement Chass)

Paragraph 2 of the Management Agreement is hereby amended to extend the term of the Management Agreement until November 15, 2022.

The terms, covenants, and conditions set forth in the original Management Agreement, dated November 17, 2009, that have not been specifically amended herein, shall continue in existence, and shall remain binding upon the Parties.

IN WITNESS WHEREOF, the Parties have executed this Amendment this _____ day of _____, 2019.

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: _____
Mark Taylor, Chairman

Attest: _____
Joel Schleicher, Secretary

Date: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by _____ of the Southwest Florida Water Management District, who has produced _____ as identification or who is personally known to me.

Notary Public

Print Name: _____

Commission Number: _____

Expiration Date: _____

APPROVED BY:	INITIALS	DATE
Attorney	_____	_____
Manager	_____	_____
Asst Bureau Chief	_____	_____
Bureau Chief	_____	_____
Director	_____	_____



CITRUS COUNTY

By:

Jeff Kinnard, D.C., Chairman

Attest:

Clerk

Date:

6/25/2019



STATE OF FLORIDA

COUNTY OF Citrus

The foregoing instrument was acknowledged before me this 26th day of June, 2019, by Jeff Kinnard, D.C., Chairman of the Citrus County Board of County Commissioners, who has produced _____ as identification or who is personally known to me.



Sally L. Parker
Notary Public

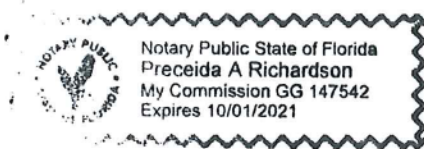
Print Name: Sally L. Parker
Commission Number: GG 271633
Expiration Date: 12/29/22

CONSENT AND JOINDER
OF MOORE & MOORE REALTY, INC.

MOORE & MOORE REALTY, INC., a Florida for profit corporation (the "Vendor"), having a mailing address of 9820 W. Yulee Drive, Homosassa, Florida 34448, hereby consents to and joins in the execution of the foregoing Second Amendment to Agreement for the Management of Chassahowitzka River Campground ("Second Amendment") for the purpose of acknowledging the term extension therein and the effect the term extension will have on the Services Agreement, as described in the Second Amendment, to which the Vendor is a party.

IN WITNESS WHEREOF, MOORE & MOORE REALTY, INC., has caused these presents to be duly executed in its name by its undersigned officer thereunto duly authorized as of the 24th day of May, 2019.

MOORE & MOORE REALTY, INC.



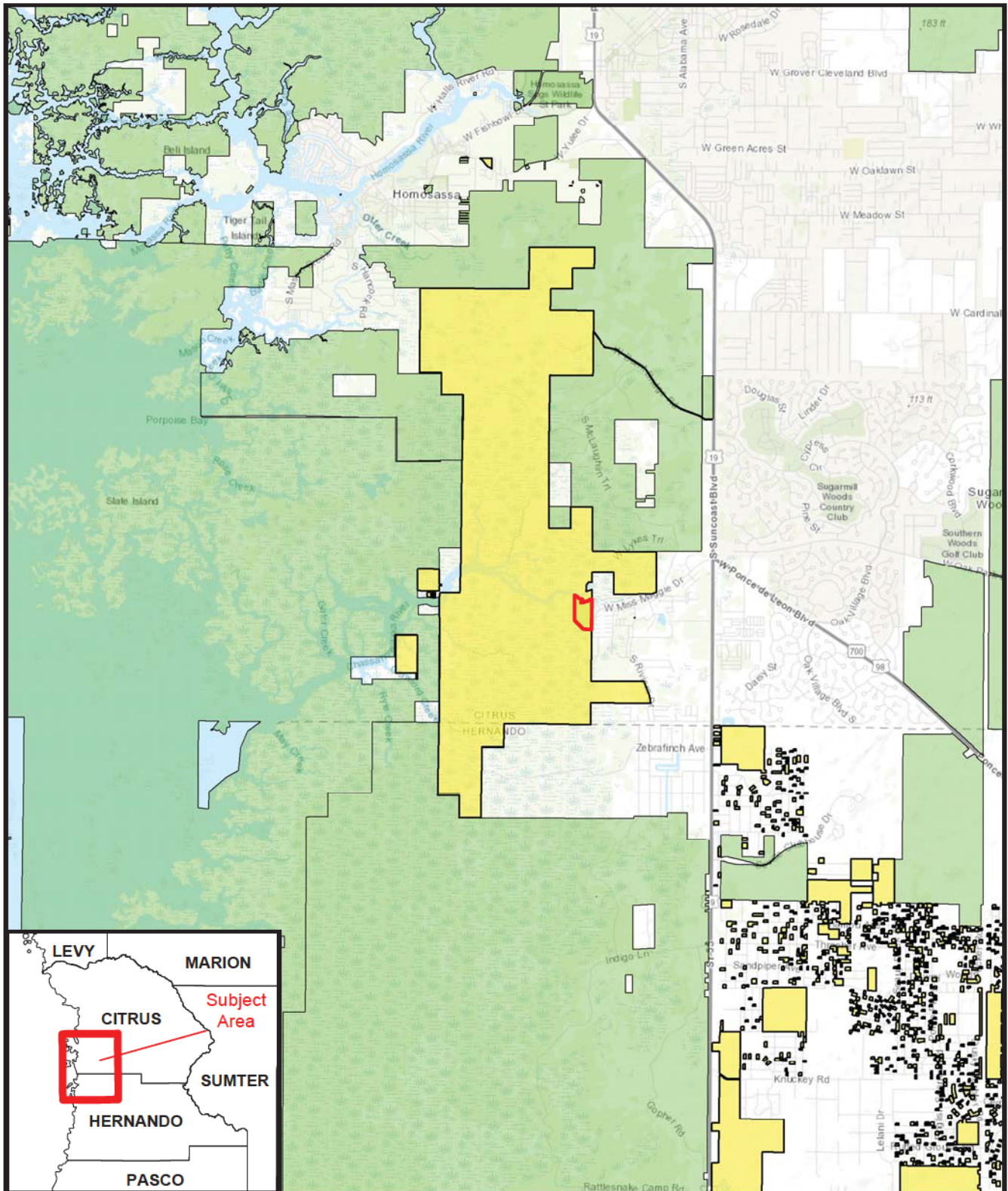
By: Elaine Moore, Pres.
Elaine Moore, President

Attest: [Signature]
(Signature)

Preceida A. Richardson
(Print Name)

Address: 9820 West Yulee Drive
Homosassa, Florida 34448

Exhibit 2
Second Amendment - Management Agreement with Citrus County
Chassahowitzka River Campground Chassahowitzka River & Coastal Swamps
SWF Parcel No. 15-347-105X Location Map



- SWF Parcel No. 15-347-105X
- SWFWMD Fee Acquisition
- Other Conservation Lands

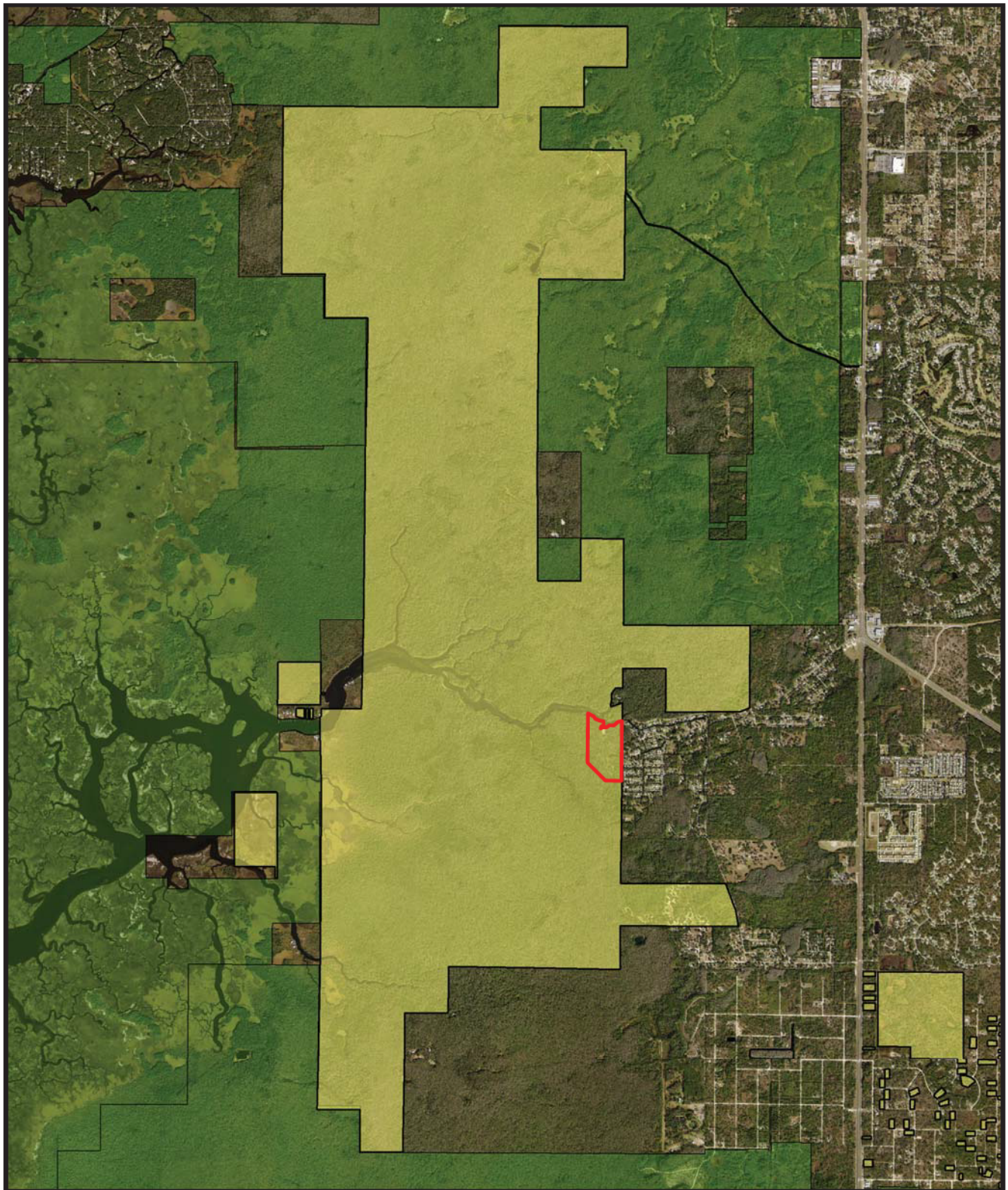
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Attachment: Chassahowitzka 15-347-105X MinTrac (4560 : Second Amendment - Management Agreement Chass)

Exhibit 3
Second Amendment - Management Agreement with Citrus County
Chassahowitzka River Campground Chassahowitzka River & Coastal Swamps
SWF Parcel No. 15-347-105X Site Map



- SWF Parcel No. 15-347-105X
- SWFWMD Fee Acquisition
- Other Conservation Lands

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GENERAL COUNSEL'S REPORT

August 27, 2019

Consent Agenda

Approval of Consent Order – Unauthorized Wetland and Floodplain Activities – Jak Rentals, LLC – CT No. 380009– Polk County, Florida

Jak Rentals, LLC (Owner) owns 14.89 acres of real property on County Road 542 in Polk County, Florida (Property). In August 2015, District staff observed unauthorized fill material within a wetland and floodplain on the Property. At that time, the Owner agreed to undertake corrective action to bring the Property into compliance. District staff corresponded with the Owner to identify the wetland and floodplain area, as well as the area impacted by the unauthorized fill material, and requested that the Owner undertake corrective action to restore the wetland and floodplain area by September 2015. No corrective action was completed.

District staff conducted a follow-up site inspection at the Property in January 2016. Although staff were able to observe the presence of the unauthorized fill material, they were unable to access the Property due to a physical barricade. Subsequent attempts at corresponding with the Property Owner were not successful. Additional compliance letters were sent to the Property Owner from January 2017 to June 2017, at which time the file was referred to the Office of General Counsel.

In July 2018, the Owner submitted an Environmental Resource Permit application to conduct the restoration activities that were necessary to bring the Property into compliance. However, the Owner withdrew the application in November 2018. In April 2019, the Owner retained an attorney and negotiations between the parties began in an effort to resolve this matter. The Owner has now signed a proposed Consent Order that provides for the following:

(1) The Owner shall submit a restoration plan to the District within 60 days of approval of the Consent Order, which will require the removal of all deposited fill material in the wetland and floodplain areas. The Owner must also install a silt fence and allow the wetland areas from which fill is removed to naturally recruit native vegetation;

(2) The Owner shall pay the assessed penalty of \$4,800 in full, in addition to District enforcement costs in the amount of \$2,000, for a total amount of \$6,800. This amount shall be payable in 2 equal installments of \$3,400 with the first payment due within 10 days of approval of the Consent Order and the second payment due within 10 days of receiving written confirmation by the District staff that the corrective actions have been completed; and

(3) The Owner shall not undertake any further construction activities, other than the removal of stockpiled fill, within 25 feet of any established wetland and/or floodplain area without first obtaining the necessary District authorizations and/or permits.

Staff Recommendation:

1. Approve the proposed Consent Order See Exhibit
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the approved Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

Presenter: Christopher A. Tumminia, Deputy General Counsel

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 19-

IN RE: JAK RENTALS, LLC
POLK COUNTY, FLORIDA
CT NO. 380009

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes (F.S.), this Consent Order is entered into between the Southwest Florida Water Management District (the "District") and J Rentals, LLC ("Owner") to settle certain matters at issue between the parties. The parties hereby voluntarily agree to the following findings of fact, conclusions of law and corrective actions.

FINDINGS OF FACT

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder as Chapters 40D-4 and 62-330, Florida Administrative Code ("F.A.C.").

2. Owner owns 14.89 acres of real property located on County Road 542, in Polk County, Florida, further described as follows: the east $\frac{3}{4}$ of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 25 Township 28 South, Range 26 East, Polk County, Florida, less road right of way ("Property").

3. On August 17, 2015, District staff observed unauthorized fill material within a wetland and floodplain on the Property.

4. On August 24, 2015, District staff visited the Property and observed the following: (1) fill placed within the same wetland and floodplain on the Property and (2) that vegetation and trees had been cleared within a wetland on the western portion of the

Property. Staff determined that there were approximately 0.12 acres of wetland impacts and 10,736 cubic yards of encroachment into the floodplain. At that time, Owner agreed to restore the wetland and floodplain on the Property within three (3) weeks.

5. By email dated August 26, 2015, District staff provided Owner with an aerial photograph that depicted the limits of the wetland and floodplain area as well as the limits of the impacted area to assist Owner in determining the area to be restored within the wetland and floodplain.

6. On August 27, 2015, the District sent a Site Visit Follow-Up letter to Owner confirming that Owner had agreed to restore the wetland and floodplain area within three (3) weeks and outlining the following corrective actions needed to restore the wetland and floodplain: (1) removal of all deposited fill material in the wetland and floodplain area; (2) installation of a silt fence; (3) that the western portion of the wetland, that was cleared in 2014, remain undisturbed and allowed to revegetate; and (4) that no further fill material be brought onto the Property. These corrective actions were not completed.

7. On October 14, 2015, the District sent Owner an Unauthorized Wetland Activity letter, requesting that Owner complete the corrective actions agreed to by Owner in paragraphs 4 and 6 herein within thirty (30) days of the date of the letter.

8. On May 9, 2017, the District sent Owner another Unauthorized Wetland Activity letter requesting that the corrective actions agreed to by Owner in paragraph 4 and 6 herein be completed by no later than June 10, 2017.

9. On June 9, 2017, District staff received a letter from Owner's attorney requesting a sixty (60) day extension of time to respond to the deadline of June 10, 2017.

10. On July 3, 2018, Owner submitted an application to the District for the purpose of obtaining an Environmental Resource Permit ("ERP") for the activities that occurred on the Property.

11. On October 17, 2018, the District approved an extension of time until November 15, 2018 so that Owner could collect additional environmental information for the application.

12. On November 21, 2018, Owner withdrew its ERP application.

13. To date, the violations described in paragraphs 3 and 4 herein have not been corrected and Owner has not obtained an ERP.

CONCLUSIONS OF LAW

14. The District has jurisdiction over this matter pursuant to Chapter 373, Part IV, F.S., and 62-330, F.A.C.

15. The activities described in paragraphs 3 and 4 herein constitute a violation of Rule 62-330.020(2), F.A.C., in that Owner has not obtained an ERP prior to filling a wetland on the Property.

16. The activities described in paragraphs 3 and 4 constitute a violation of Rule 62-330.020(2), F.A.C., in that Owner has not obtained an ERP prior to filling in the 100-year floodplain on the Property.

CORRECTIVE ACTIONS

17. In resolution of all disputed issues regarding the activities described in herein, the parties herein agree to the following corrective actions:

18. Within sixty (60) days of approval of this Consent Order by the District's Governing Board, Owner shall submit a restoration plan acceptable to the District which

provides for (1) the removal of all deposited fill material in the wetland and floodplain areas, as shown in Exhibit "A" (Wetlands figure) attached herein, (2) installation of a silt fence, and (3) natural revegetation of all wetland areas from which fill is removed. District staff will confirm the wetland and floodplain area from which all deposited fill material must be removed after a site visit and prior to approval of the restoration plan. The submitted restoration plan may include the temporary stockpiling of removed fill on the uplands located on the northeast corner of the parcel, as long as the stockpiling is outside the floodplain, as shown in Exhibit "B" (FEMA Floodplain Map dated April 2019) attached herein, and at least 25 feet from the final established wetland line. Owner shall complete any corrective action within one hundred eighty (180) days of approval of the restoration plan by the District.

19. Owner shall pay the District a penalty in the amount of Four Thousand Eight Hundred and 00/100 Dollars (\$4,800.00) plus District enforcement costs in the amount of Two Thousand and 00/100 Dollars (\$2,000.00) for a total amount of Six Thousand Eight Hundred and 00/100 Dollars \$6,800.00 by certified check or money order payable in two equal installments as follows: (a) Owner shall remit the first installment in the amount of \$3,400.00 within ten (10) days of approval of this Consent Order by the District's Governing Board; and (b) Owner shall remit the second and final installment in the amount of \$3,400.00 within ten (10) days of receiving written confirmation by District staff that the corrective actions have been completed to District's satisfaction or upon the expiration of the deadline to complete all corrective actions required herein, whichever is sooner. If mailed, the address for payment is:

Southwest Florida Water Management District
Finance Department

2379 Broad Street
Brooksville, Florida 34604-6899

20. Owner may apply in writing to the District for an extension of the time limits contained in this Consent Order no later than five (5) days prior to the expiration of such time limit. The District may grant an extension of time in writing for good cause shown.

21. Owner hereby waives any right to an administrative hearing or judicial review of the terms of this Consent Order.

22. This Consent Order is not a license or a permit. Owner may remove the stockpiled fill, referenced in paragraph 18, but shall not undertake any further construction activities within 25 feet of any established wetland and/or floodplain area without first obtaining the necessary District authorizations and/or permits.

23. Entry of this Consent Order shall not relieve Owner of the duty to comply with all applicable federal, state and local laws, regulations, and ordinances.

24. Owner shall allow authorized District representatives to access the Property at all reasonable times without prior notice for the purpose of determining compliance with this Consent Order, Chapter 373, F.S., District rules, and the terms of any permit or restoration plan.

25. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.083(1) and 373.129, F.S.

26. For and in consideration of the complete and timely performance by Owner of its obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violations described in this Consent Order. In the event that Owner fails to completely and timely perform its obligations under this Consent Order, the

Attachment: Signed CO dated 7-10-19 (4554 : Jak Rentals, LLC)

District retains its right to pursue civil or administrative action for any violations described herein.

27. The District expressly reserves and retains the right to initiate appropriate legal action against Owner to prevent or prohibit the future violation of any applicable statutes, rules, orders or permit conditions, except as specifically addressed in this Consent Order. Owner acknowledges by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of any permit (including such as may be modified) may subject Owner to administrative or civil suit in which penalties of up to Ten Thousand Dollars (\$10,000.00) per day per offense may be imposed, as provided in Section 373.129(5), F.S.

28. Owner hereby waives any right to an administrative hearing or judicial review of the terms of this Consent Order. Owner reserves the right to dispute any allegation of noncompliance with the Consent Order, or any permit or approval issued hereunder.

29. Any person who is not a party to this Consent Order whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address, any e-mail address and telephone number of the person requesting the hearing

and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (7) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, contain the same information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office: 7601 U.S. Highway 301 North, Tampa, Florida 33637; Phone: (813) 985-7481; Fax: (813) 367-9776 within twenty-one (21) days of receipt of this notice. If this Consent Order is mailed, receipt is deemed to be the fifth day after the date on which the Consent Order is deposited in the United States mail. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this Consent Order whose substantial interests will be affected by any such final action of the District has the right to request a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

30. The effectiveness of this Consent Order is subject to review and approval by the District Governing Board. In the event the District Governing Board shall not approve this Consent Order, this Consent Order shall be null, void and of no legal effect

31. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by all Parties.


Witness 


JAK RENTALS, LLC
By: Kevin Kitto, as its Manager
Date: 10 July 19

Approved by the Governing Board of the Southwest Florida Water Management District
this _____ day of _____ 2019.

Approved as to Legal Form and Content

Chris Tumminia, Esq.
Deputy General Counsel

By: _____
Mark Taylor, Chair

Attest: _____
Joel Schleicher, Secretary

Filed this _____ day of _____ (Seal)
_____ 2019.

Deputy Agency Clerk

CONSENT ORDER
JAK RENTALS, LLC
CT NO. 380009
Polk County, Florida

Attachment: Signed CO dated 7-10-19 (4554 : Jak Rentals, LLC)

SWFWMD / JAK RENTALS, LLC
Consent Order - Exhibit "A" (Wetlands Figure)

Legend

- Wetland Line per the SWFWMD Kitto Exhibits
- U/A Fill Line per Kitto Exhibits
- U/A Fill per Kitto Exhibits (0.14 ac)
- Parcel Boundary



Path (E:\Mapping\Kitto\Maps\Wetlands.mxd) By: AQ Date: 11/5/2018



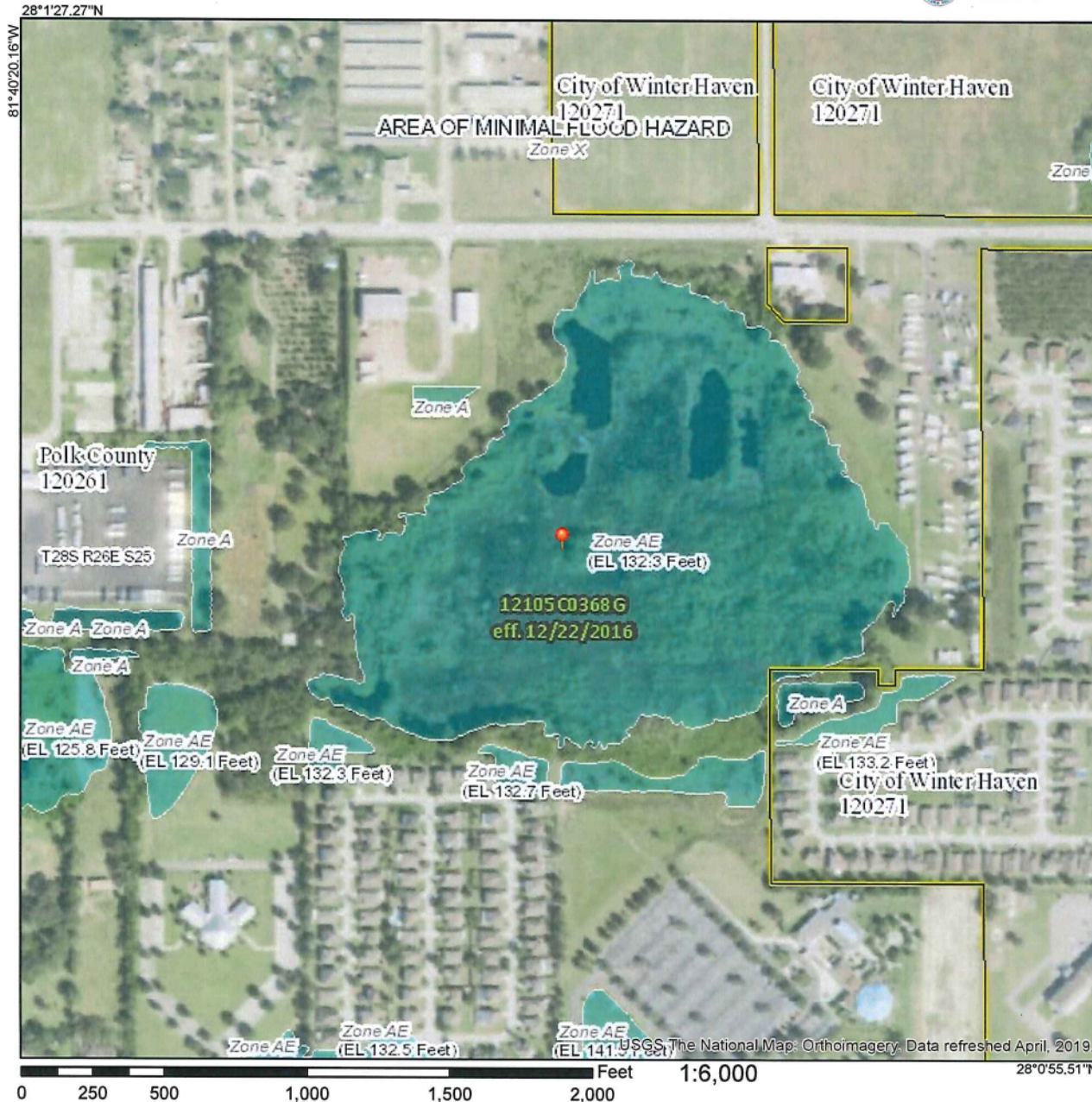
**Wetlands
 Kitto Site
 Polk County, Florida**



Attachment: Signed CO dated 7-10-19 (4554 : Jak Rentals, LLC)

SWFWMD / JAK RENTALS, LLC
Consent Order - Exhibit "B" (FEMA Floodplain Map: April 2019)

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes, Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/19/2019 at 3:42:54 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

GENERAL COUNSEL'S REPORT

August 27, 2019

Consent Agenda

Approval of Consent Order – Unauthorized Construction – Steven B. Zink – CT No. 389961 – Sumter County

Steven B. Zink is the owner of real property located at 5322 C-48, Bushnell, Florida (Property). On December 5, 2016, the District received a complaint that construction waste debris was being disposed into wetlands and covered with fill dirt at the Property. District staff investigated the complaint and determined that 17.56 acres of wetlands were either dredged or filled and require restoration. These impacts represent a wetland functional loss of 11.55 units according to the Uniform Mitigation Assessment Method. The penalty for these impacts was calculated to be \$231,000.00 and \$2,000.00 in District enforcement costs, for a total of \$233,000.00.

This Governing Board authorized the issuance of an Administrative Complaint and Order ("ACO") to Mr. Zink for this matter at its May 21, 2019 meeting. Prior to the staff request to issue the ACO, Mr. Zink had agreed to complete the restoration but had not agreed to pay a penalty. Mr. Zink has since agreed to a penalty.

The Consent Order requires Mr. Zink to restore the Property to its pre-disturbed condition. The ACO requires all earthwork to move the fill-material be completed within 365-days with extensions for good cause shown. District staff will conduct monthly site visits to ensure progress is being made. After the earthwork is complete, Mr. Zink will be subject to monitoring and maintenance requirements to ensure complete restoration, pursuant to the Success Criteria included in the Consent Order.

Mr. Zink agreed that total penalties and costs should be assessed at \$233,000.00. Mr. Zink will pay \$20,000.00 towards the assessed amount pursuant to a 24-month payment plan while the restoration work is completed. The balance will be waived by the District upon the successful restoration of the Property and complete and timely payments. Should Mr. Zink default on any of the Consent Order's corrective actions, he has agreed to pay the assessed amount in full.

Staff Recommendation:

- (1) Approve the proposed Consent Order.
- (2) Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the approved Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

Presenter: James B. Fussell, Jr., Staff Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 19-022

IN RE: STEVEN B. ZINK
5322 W C-48, BUSHNELL
CT NO.: 389961
SUMTER COUNTY, FLORIDA

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes ("F.S."), this Consent Order is entered into by and between the Southwest Florida Water Management District ("District") and Steven B. Zink ("Owner"), collectively referred to as "the Parties," to settle certain matters at issue between the Parties. The Parties hereby voluntarily agree to the following findings of fact, conclusions of law, and corrective actions:

FINDINGS OF FACT

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder as Chapter 62-330, Florida Administrative Code ("F.A.C.").
2. The Owner owns a parcel of real property at 5322 West C-48, Bushnell, Florida, located within Section 10, Township 21, Range 21, in Sumter County ("Property"). The Property is further identified by Parcel ID Number M10-006 by the Sumter County Property Appraiser.
3. On December 5, 2016, the District received a complaint stating that construction waste debris was being disposed onto wetlands and covered with fill dirt at the Property.
4. On December 14, 2016, District staff met with the Owner at the Property and observed that several acres appeared to be impacted. The complaint was referred to the Florida Department of Environmental Protection ("FDEP") on January 13, 2017, pursuant to the Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between Southwest Florida

Water Management District and Department of Environmental Protection ("Operating Agreement").

5. FDEP staff met with the Owner at the Property on February 20, 2017, and observed that a large wetland area had been filled or dredged without authorization. FDEP staff noted that, based on a comparison of 1984 and 2017 aerial imagery, a driveway at the southern portion of the Property and a berm at the northern end of the Property were in place prior to the Owner's purchase of the Property in 2004. The 1984 and 2017 aerial images are attached hereto and incorporated herein as Exhibits "A" and "B", respectively. The Owner admitted to FDEP staff that the fill was placed onto the wetland area with the intent to create upland pasture for cattle. Based on the Owner's statements that the fill was associated with agricultural activities and pursuant to the Operating Agreement, the complaint was referred back to the District on February 21, 2017.

6. The District issued a Notice of Unauthorized Agricultural Activities ("Notice") to the Owner on April 4, 2017, concerning the unauthorized activities discussed in paragraph five (5) herein. The Notice advised the Owner to conduct remedial activities within 90 days. A Final Notice of Unauthorized Activities was issued to the Owner on June 15, 2017.

7. On July 3, 2017, the Owner stated that the fill was placed to improve the land and admitted to adding more fill since the District's December 14, 2016, inspection.

8. District staff met with the Owner at the Property on April 24, 2019, and found that 16.98 acres of wetlands had been filled ("Filled Area") and 0.58 acres of wetlands had been dredged ("Dredged Area"). The Filled Area and Dredged Area are depicted in Exhibit "C" which is attached hereto and incorporated herein.

9. As of the date of this Consent Order, the violations referenced in paragraphs five, seven, and eight herein have not been corrected and the Property remains in non-compliance.

10. The Parties have agreed to resolve all disputed issues regarding the violations set forth above as described in this Consent Order.

CONCLUSIONS OF LAW

11. The District has jurisdiction over this matter pursuant to Chapter 373, Part IV, F.S., and Chapter 62-330, F.A.C.

12. Pursuant to Section 373.413, F.S., and Rule 62-330.020(2), F.A.C., an Environmental Resource Permit ("ERP") is required prior to the construction, alteration, operation, maintenance, removal, or abandonment of any regulated activity described in Chapter 373, F.S., or Chapter 62-330, F.A.C., that is not otherwise exempt from permitting requirements. It is a violation of Section 373.430, F.S., to fail to obtain any permit required by Chapter 373, Part IV, F.S., or by any rule promulgated thereunder.

13. The activities described in paragraphs five, seven, and eight herein constitute the construction or alteration of a surface water management system and the dredging and filling of wetlands, as defined in the ERP Applicant's Handbook Volume I, Sections 2.0(a)(18), (33), and (44), incorporated by reference in Rule 62-330.010(4), F.A.C.

14. The activities described in paragraphs five, seven, and eight herein are regulated activities that require an ERP pursuant to Rule 62-330.020(2), F.A.C., and are otherwise not exempt from permitting requirements.

15. The activities described in paragraphs five, seven, and eight herein constitute a violation of Sections 373.413 and 373.430(1)(b), F.S., and Rule 62-330.020(2), F.A.C.

CORRECTIVE ACTIONS

16. Except for the activities authorized herein, the Owner shall not dredge or fill any wetland or otherwise engage in any activity that constitutes the construction, alteration, operation, or abandonment of a surface water management system subject to regulation pursuant to Chapter 373, F.S., unless and until an ERP is obtained from the District. Any further activity shall be authorized by and conducted in accordance with an ERP.

17. Within thirty (30) days of this Consent Order's approval by the District's Governing Board, the Owner shall commence restoration of the Property to restore it to its pre-disturbed

condition, as depicted in Exhibit "A," by replacing clean fill back into the Dredged Area, removing added fill from the Filled Area, and installing water-conveyance features on all roads.

18. The Filled Area shall be excavated down to the appearance of black or near-black greasy soils which are indicative of hydric soils. The Owner shall coordinate to allow District staff to be present on the first day of construction activities to ensure that the wetland areas will not be over or under excavated. Thereafter, District staff shall inspect the Property monthly to ensure progress and compliance while construction is ongoing.

19. The material excavated from the Filled Area shall be removed from the Property, unless otherwise authorized by District staff. District staff may consider allowing some of the excavated material be placed in an upland location out of the flood zone as depicted in the 2014 Aerial with FEMA Effective DFIRM, attached hereto and incorporated herein as Exhibit "D." If authorized by District staff, any fill material placed in an upland area on the Property shall be at least two hundred (200) feet away from the Owner's Property line to allow for a vegetative buffer.

20. The historical access road and the roads existing along the northern and southern fence-line may remain but shall be equipped with adequate conveyance features, such as culverts or low-water crossings, to allow historical surface water flow patterns, discharge rates, and discharge elevations to be maintained. These roads shall not exceed twenty-eight (28) feet in width. Prior to their installation, the Owner shall discuss the size, type, and location of the planned conveyance features with District staff to ensure that the features have the capacity to allow an adequate amount of water to move through the Property.

21. The Owner shall complete all construction activities required herein within three hundred sixty-five (365) days of its commencement and shall inform the District once all construction activities have been completed. District staff will inspect the Property and determine if the construction activities are completed as required by this consent order. Owner shall complete any additional work required by District staff in an expeditious manner. After the construction activities have been deemed completed by the District, the Owner shall allow the

natural recruitment and development of the pre-impact vegetative community in the impacted wetlands. Wetland restoration shall be deemed successful once the restored wetland area reaches seventy-five percent (75%) coverage of native wetland vegetation. District staff will inspect the Property semi-annually to observe and evaluate the natural recruitment of the wetland vegetative species. If District staff determines that the wetland area is not trending towards success, the District may require the Owner to undertake additional restoration activities. These activities may include, but are not limited to, the installation of fences to prevent livestock from entering the area or the removal of nuisance and exotic vegetation.

22. In resolution of this matter, the Parties agree that the penalties payable to the District shall total Two Hundred Thirty-One Thousand Dollars (\$231,000.00), and that the enforcement costs payable to the District shall total Two Thousand Dollars (\$2,000.00). These penalties and enforcement costs are due and payable by the Owner to the District in the manner described in paragraphs 23 - 25 herein.

23. The Owner shall pay to the District Eighteen Thousand Dollars (\$18,000.00) of the agreed penalty amount and Two Thousand Dollars (\$2,000.00) in District enforcement costs, for a total of Twenty Thousand Dollars (\$20,000.00) according to a 24-month payment plan. The Owner shall make payments equal to Eight Hundred Fifty Dollars (\$850.00) due on the first day of each month beginning October 1, 2019. The final payment of Four Hundred Fifty Dollars (\$450.00) will be due on September 1, 2021. Payments may be made by check or money order payable to the Southwest Florida Water Management District. If mailed, the address for payment is:

Southwest Florida Water Management District
Finance Department
2379 Broad Street
Brooksville, FL 34604-6899

24. The balance of the agreed penalty, totaling Two Hundred Thirteen Thousand Dollars (\$213,000.00), shall be waived by the District upon the Owner's timely completion of the

corrective actions listed in paragraphs 16 – 21, and timely and complete payments pursuant to paragraph 22 and 23 herein.

25. If the Owner fails to complete any corrective action listed in paragraphs 16 – 21 within the time-frames described therein, fails to make any payment described in paragraph 23, or engages in the unauthorized construction or alteration of a surface water management system, at the Property or elsewhere, the unpaid balance of the total amount of Two Hundred Thirty-One Thousand Dollars in penalties and Two Thousand Dollars in District costs shall become immediately due to the District upon the District's written demand for such.

26. The Owner may apply in writing to the District for an extension of the time limits contained herein no later than five (5) days prior to the expiration of such time limit. The District may grant an extension of time in writing for good cause shown.

27. For each day of delay beyond any due date specified in this Consent Order, the Owner shall pay to the District an additional sum of Five Hundred Dollars (\$500.00) per day. This additional sum shall become immediately due to the District upon the District's written demand for such. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

28. The Owner hereby waives any right to an administrative hearing or judicial review of the terms of this Consent Order. The Owner reserves the right to dispute any allegation of noncompliance with the Consent Order, or any permit or approval issued hereunder.

29. For and in consideration of the complete and timely performance by the Owner of the obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violation described herein. If the Owner fails to completely and timely perform the obligations under this Consent Order, the District retains its right to pursue civil or administrative action for any violations described herein.

30. The District hereby expressly reserves and retains the right to initiate appropriate legal action against the Owner to prevent or prohibit the future violation of any applicable statutes,

rules, or orders, except as specifically addressed in this Consent Order. The Owner acknowledges by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of any permit (including such as may be modified) may subject the Owner to criminal prosecution, administrative action, or civil suit in which penalties of up to Ten Thousand Dollars (\$10,000.00) per day per offense may be imposed, as provided in Section 373.129(5), F.S.

31. This Consent Order is not a license or a permit. The Owner shall not undertake any further construction activities without necessary District authorizations.

32. Entry of this Consent Order shall not relieve the Owner of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

33. The Owner shall allow authorized District representatives to access the Property at all reasonable times without prior notice to determine compliance with this Consent Order, Chapter 373, F.S., and District rules.

34. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.083(1), and 373.129, F.S.

35. The effectiveness of this Consent Order is subject to review and approval by the District's Governing Board. In the event the District's Governing Board does not approve this Consent Order, this Consent Order shall be null, void, and of no legal effect.

36. No modifications of the terms of this Consent Order are effective unless reduced to writing and executed by all Parties.

37. Any person, who is not a party to this Consent Order, whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the

District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (7) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, contain the same information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776 or (813) 367-9772, within twenty-one (21) days of receipt of this notice. If this Consent Order is mailed, receipt is deemed to be the fifth day after the date on which the Consent Order is deposited in the United States mail. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this Consent Order whose substantial interests will be affected by any such final action of the District has the right to request a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

WITNESS:

STEVEN B. ZINK

Deborah Menzie
Signature

Deborah Menzie
Printed Name

7/29/19
Date

[Signature]
Signature

7-29-19
Date

Approved by the Governing Board of the Southwest Florida Water Management District
this ____ day of _____, 2019.

By: _____
Mark Taylor, Chair

Attest: _____
Joel Schleicher, Secretary

Approved as to Legal Form and Content
[Signature]
James B. Fussell, Jr., Staff Attorney

Filed this ____ day of _____, 2019.

Deputy Agency Clerk

CONSENT ORDER
5322 W C-48, BUSHNELL
CT NO.: 389961
SUMTER COUNTY, FLORIDA

CT 389961 - Zink Property
1984 Aerial with Approximate Wetland Line



0 140 280 560
Feet



Bureau: ERP
Date Created: 1-12-2018
Aerial Date: 1984

EXHIBIT "A"

CT 389961 - Zink Property
2017 Aerial
Approximate Wetland Line (green) and Wetland Impact Line (red)



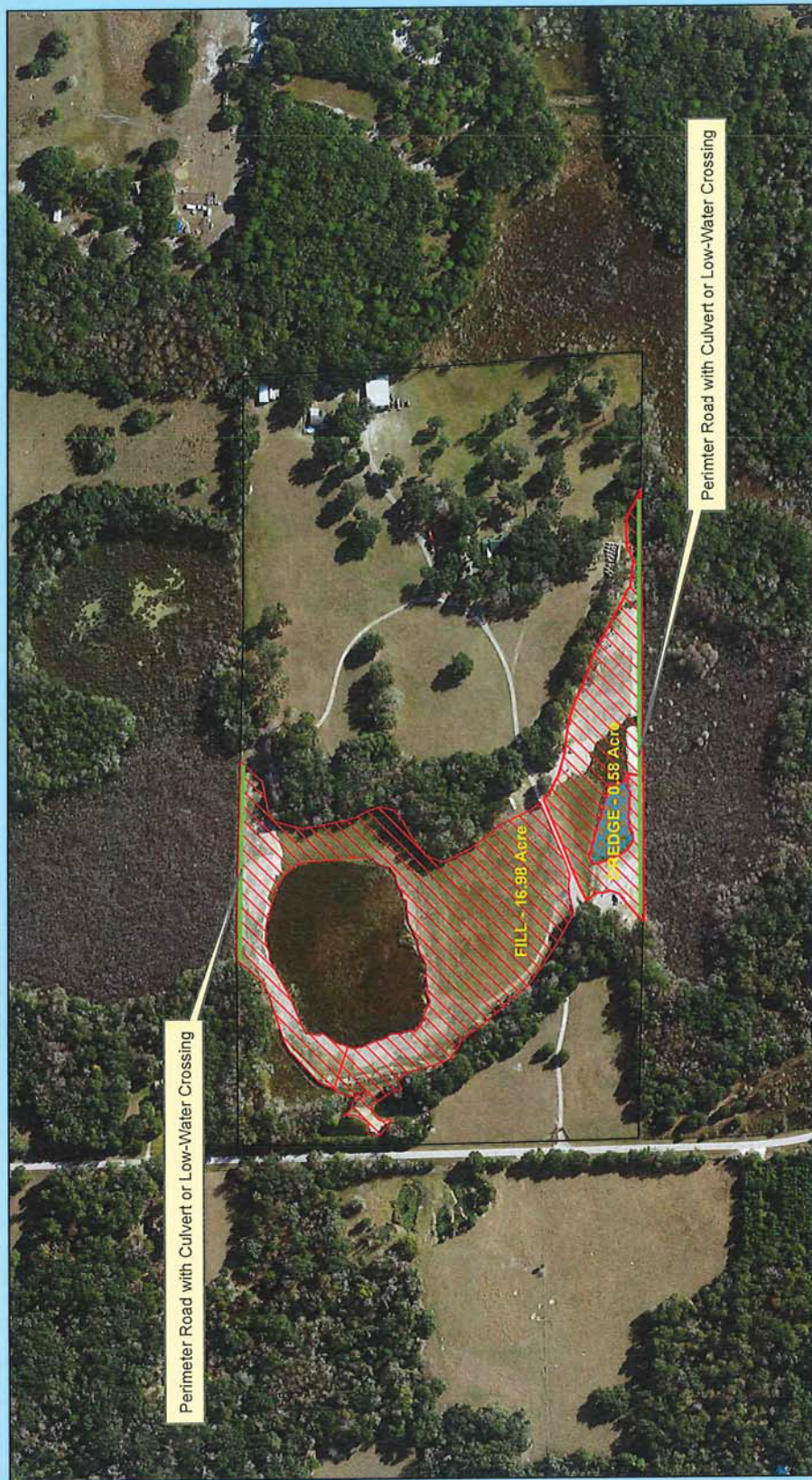
0 170 340 680
Feet



Bureau: ERP
Date Created: 1-12-2018
Aerial Date: 2017

EXHIBIT "B"

CT 389961 - Zink Property Wetland Impacts



Southwest Florida
Water Management District

BUREAU: ERP
DATE CREATED: 2-15-2018
AERIAL YEAR: 2017



0 287.5 575 1,150
Feet

EXHIBIT "C"

Exhibit "D"
 CT 389961 - Zink Property
 2014 Aerial with FEMA Effective DFIRM



EXHIBIT "D"

EXECUTIVE DIRECTOR'S REPORT

August 27, 2019

Consent Agenda

Annual Calendar for Fiscal Year 2019–2020 Meeting Dates

Please see attached.

Staff Recommendation:

Approve calendar as presented.

Presenter: Brian J. Armstrong, P.G., Executive Director

**Southwest Florida Water Management District Schedule of Meetings
Fiscal Year 2020**

Governing Board Meeting

October 22, 2019 – 9:00 a.m., Brooksville Office
November 12, 2019 – 9:00 a.m., Tampa Office
December 10, 2019 – 9:00 a.m., Brooksville Office
January 28, 2020 – 9:00 a.m., Tampa Office
February 25, 2020 – Time and Location TBD, Sarasota
March 24, 2020 – 9:00 a.m., Brooksville Office
April 28, 2020 – 10:00 a.m., Lake Eva Banquet Hall, Haines City
May 19, 2020 – 9:00 a.m., Tampa Office
June 23, 2020 – 9:00 a.m., Brooksville Office
July 21, 2020 – 9:00 a.m., Tampa Office
August 25, 2020 – 9:00 a.m., Brooksville Office
September 22, 2020 – 3:00 p.m., Tampa Office

Governing Board Public Budget Hearing – 5:01 p.m., Tampa Office

2020 – September 8 & 22

Agricultural & Green Industry Advisory Committee – 10:00 a.m., Tampa Office

2019 – December 3
2020 – March 10, June 9, September 15

Environmental Advisory Committee – 10:00 a.m., Tampa Office

2019 – October 8
2020 – January 14, April 14, July 14

Industrial Advisory Committee – 10:00 a.m., Tampa Office

2019 – November 5
2020 – February 11, May 12, August 11

Public Supply Advisory Committee – 1:00 p.m., Tampa Office

2019 – November 5
2020 – February 11, May 12, August 11

Well Drillers Advisory Committee – 1:30 p.m., Tampa Office

2019 – October 9
2020 – January 8, April 8, July 8

Cooperative Funding Initiative – all meetings begin at 10:00 a.m.

2020 – February 5 – Northern Region, Brooksville Office
2020 – February 6 – Southern Region, Location TBD
2020 – February 12 – Heartland Region, Bartow City Hall
2020 – February 13 – Tampa Bay Region, Tampa Office
2020 – April 1 – Northern Region, Brooksville Office
2020 – April 2 – Southern Region, Location TBD
2020 – April 8 – Tampa Bay Region, Tampa Office
2020 – April 9 – Heartland Region, Bartow City Hall

Public Meeting for Pending Permit Applications – 9:00 a.m., Tampa Office

2019 – October 2, November 6, December 4
2020 – January 8, February 5, March 4, April 1, May 6, June 3, July 1, August 5, September 2

Environmental Resource Permitting Advisory Group – 10:00 a.m., and

Water Use Permitting Advisory Group – 2:00 p.m., Tampa Office

2019 – October 30
2020 – April 29, July 22

Meeting Locations

Brooksville Office – 2379 Broad Street, Brooksville, FL 34604
Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637
Lake Eva Banquet Hall – 799 Johns Avenue, Haines City, FL 33844
Bartow City Hall – 450 N. Wilson Avenue, Bartow, FL 33830

EXECUTIVE DIRECTOR'S REPORT

August 27, 2019

Consent Agenda

Approve Governing Board Minutes – July 23, 2019

Staff Recommendation:

Approve Minutes as presented.

Presenter: Brian J. Armstrong, P.G., Executive Director

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

JULY 23, 2019

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on July 23, 2019, at the District's Brooksville Office, 2379 Broad Street Brooksville, Florida. The following persons were present:

Board Members Present

Mark Taylor, Chair
Michelle Williamson, Vice Chair
Joel Schleicher, Secretary
Kelly S. Rice, Treasurer*via phone
H. Paul Senft, Member
Rebecca Smith, Ph.D., Member*via phone
James G. Murphy, Member

Board Members Absent

John Henslick, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
Brian Werthmiller, Inspector General
John J. Campbell, Division Director
Brian Starford, Acting Division Director
Alba E. Más, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director

Board Administrative Support

Caroline Browning, Board & Executive Services Manager
Lori Manuel, Administrative Assistant

A list of others in attendance, 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 website (www.WaterMatters.org).

PUBLIC HEARING (00:00)

1. Call to Order

Chair Mark Taylor called the meeting to order and opened the public hearing. Secretary Schleicher stated a quorum was present.

2. Invocation and Pledge of Allegiance

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

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

Chair Taylor 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 "Request to Speak" 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 Taylor 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.

Attachment: GB-07232019- Draft (4527 : Approve Governing Board Minutes - July 23, 2019)

2a. Oath of Office for Appointed or Reappointed Board Members

Ms. Caroline Browning, Board and Executive Services manager, administered the Oath of Office for Secretary Joel Schleicher.

3. Employee Recognition

Chair Taylor recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: Butch DeVary, Shellie Ferreira-Lee, and James Beasley.

4. Additions/Deletions to Agenda

Chair Taylor stated the following item was added to the agenda:

2a. Oath of Office for Appointed or Reappointed Board Members

Mr. Brian Armstrong, executive director, stated there were no other changes to the agenda.

Board Member Schleicher asked that the following item be moved to discussion:

11. Individual Water Use Permits Referred to the Governing Board

c. WUP No. 20020376.002 - Bennett Road/Pebbledale Farms, Inc. (Hardee County)

Staff recommended the Board approve the proposed permit attached as an exhibit.

Chair Taylor stated there was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

5. Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddes spoke regarding concerns as related to government.

Board Member Paul Senft expressed his personal objection as to the characterization stated by Mr. Geddes. Chair Taylor reaffirmed this objection.

Ms. Taren Wadley spoke regarding unwanted fish harvesting. Ms. Jennette Seachrist provided an update regarding assistance staff has provided to Ms. Wadley.

Consent Agenda

Finance/Outreach & Planning Committee

6. Adopt Resolutions to Identify New Slate of Officers for Financial Documents

Staff recommended the Board:

1. Authorize the new slate of officers to apply their signatures to the required financial documents and;
2. Adopt Resolution No. 19-10 authorizing the signatures of the newly elected officers of the Governing Board of the District and the use of facsimile or manual signatures on all warrants or checks of the District.
3. Adopt the SunTrust Deposit Account Resolution and Authorization for Business Entities document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's deposit accounts.
4. Adopt the SunTrust Corporate Resolution document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's custody accounts.

7. Final Liquidation of the Network Storage Replacement Fund

Staff recommended the Board approve the transfer of \$280,715 from the Network Storage Replacement Fund to procure hardware, software, warranty and services associated with the replacement of the District's enterprise network hardware.

8. Knowledge Management: Legislative Coordination Governing Board Policy

Staff recommended the Board approve the Legislative Coordination Policy as presented.

9. Budget Transfer Report

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for June 2019.

Resource Management Committee – None

Operations, Lands and Resource Monitoring Committee

10. Knowledge Management: New Construction, Refurbishment or Replacement of District Flood Control and Water Conservation Structures Governing Board Policy

Staff recommended the Board approve the Policy for New Construction, Refurbishment or Replacement of District Flood Control and Water Conservation Structures as revised.

Regulation Committee

11. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20002164.011 - C. R. Melar Corporation/Debra and Thomas S. Watkins, Et Al (Hardee County)

Staff recommended the Board approve the proposed permit attached as an exhibit.

b. WUP No. 20009419.009 - South Patrick Grove/Alico, Inc. (Polk County)

Staff recommended the Board approve the proposed permit attached as an exhibit.

c. WUP No. 20020376.002 - Bennett Road/Pebbledale Farms, Inc. (Hardee County)

Staff recommended the Board approve the proposed permit attached as an exhibit.

General Counsel's Report

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

a. Authorization to Issue Administrative Complaint and Order – Violation of Permit Conditions for Construction – Farrell Homes, Inc. and Van Buren Land Holdings, Inc. – ERP No. 44033097.000 (EXPIRED) – CT No. 384019 – Pinellas County, Florida

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Farrell Homes, Inc. and Van Buren Land Holdings, Inc., and any other necessary parties, to obtain compliance with state law and District rules.
2. Authorize District staff to initiate an action in Circuit Court obtain compliance with the terms of the Administrative Complaint and Order, recover an administrative fine/civil penalty, and recover District enforcement costs, litigation costs, and attorneys' fees, if appropriate.

b. Interagency Agreement Between SWFWMD and SJRWMD – Designation of Regulatory Responsibility – The Villages of West Lake – Lake County

Staff recommended the Board approve the Interagency Agreement designating regulatory responsibility for The Villages of West Lake to the Southwest Florida Water Management District.

13. Rulemaking – None

Executive Director's Report

14. Approve Governing Board Minutes – June 25, 2019

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (00:19:45)

Chair Taylor asked the Finance/Outreach and Planning Committee Chair Rice, if he preferred that he chair the committee since he was attending by telephone. Committee Chair Rice responded in the affirmative. Chair Taylor called the meeting to order. (00:20:30)

Finance/Outreach & Planning Committee Discussion

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

16. Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, provided a presentation on the quarterly investment strategy from April 1, 2019 through June 30, 2019. This presentation provided an economic update and yield curve analysis. Mr. Grady stated housing prices have maintained a slow upward trend and unemployment is at an historic low at 3.7 percent. He provided a graph that displayed the federal funds rate hike current cycle and Federal Open Market Committee (FOMC) rate projections. Mr. Grady stated an interest rate cut is anticipated. Inflation remains slightly lower than the FOMC's 2.0 percent target.

Mr. Grady provided a comparison summary of all District short-term and long-term aggregate investment assets.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended June 30, 2019.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:35:54)

17. Fiscal Year 2020 Budget Development

Mr. John Campbell, Management Services director, provided a presentation that included: budget development calendar; expenditure goals and outcomes; expenditures by category; expenditures by program; summary of revenue budget changes since the Recommended Annual Service Budget (RASB); summary of Ad Valorem and millage rate; and revenues by source.

Mr. Campbell stated that Cooperative Funding Initiative (CFI) project N780 was approved at the June Board meeting. This increased the budget by \$2.2 million. The tentative FY2020 total budget is approximately \$198.7 million dollars. He stated the proposed millage rollback-back rate is 0.2801. Mr. Campbell stated the proposed Ad Valorem budget is \$113.54 million which uses an actual new construction growth rate of 2.54 percent.

Board Member Smith stated that because of population growth, she was concerned that the District will not be able to maintain zero impact Ad Valorem revenue. She suggested the Board address this concern. Chair Taylor responded in the affirmative and stated this could be addressed at the October Board meeting.

Board Member Schleicher suggested the District communicate with the Florida Department of Environmental Protection (FDEP) regarding their perspective on the District sustaining debt.

Staff recommended the Board:

- a) Approve the proposed budget changes that have been made since the June 25, 2019 Governing Board meeting.
- b) Approve Resolution No. 19-09, Adoption of Proposed Millage Rate for Fiscal Year 2020.
- c) Approve the August 1 submittal of the Standard Format Tentative Budget Submission report for FY2020, with the budget modifications approved by the Governing Board on July 23, 2019.

A motion was made and seconded to approve staff's recommendation. The motion carried with six in favor and one opposed. (00:48:40)

18. Knowledge Management: Capital Assets Governing Board Policy

Ms. Melisa Lowe, Finance Bureau chief, provided a presentation outlining information for the update to the capital assets Governing Board policy. Ms. Lowe provided background regarding the policy. She stated additional language was added to include intangible assets such as software and interest regarding land (easements). The title was revised to reflect this. In addition, duplicative language was removed.

This item was presented for the Board's information and no action was requested. The attached revised Capital Assets Policy will be included as a consent item in the August 2019 Board packet and approval will be requested at that time.

19. Knowledge Management: Office of Inspector General Charter Governing Board Policy

Mr. Brian Werthmiller, inspector general, provided a presentation outlining information for the update to Office of Inspector General Governing Board policy. He explained this policy combines two existing policies, Inspector General Charter and Inspector General Roles and Responsibilities. He explained the revised policy and outlined any changes.

Chair Taylor stated he would like to add language to the inspector general quarterly reports that would provide status updates on open items from the Auditor General's report. He also suggested the addition of language outlining the inspector general's responsibilities indicated in the Florida State Statute.

Mr. Werthmiller stated in addition to the language outlined from the Florida Statute, the Board may consider adding additional language that requires compliance with the Association of Inspector General's Green Book.

This item was presented for the Board's information and no action was requested. The Office of Inspector General Charter will be included as a consent item in the August 2019 Board packet and approval will be requested at that time.

Submit & File Reports

20. Inspector General Quarterly Update – April 1, 2019 to June 30, 2019

Routine Reports

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

21. Treasurer's Report and Payment Register

22. Monthly Financial Statement

23. Monthly Cash Balances by Fiscal Year

24. Comprehensive Plan Amendment and Related Reviews Report

Chair Taylor asked the Resource Management Committee Chair Smith, if she preferred that he chair her committee since she was attending by telephone. Committee Chair Smith responded in the affirmative. Chair Taylor called the meeting to order. (01:00:45)

Resource Management Committee

Discussion

25. Consent Item(s) Moved for Discussion – None

26. Knowledge Management: Cooperative Funding Initiative Governing Board Policy

Mr. Eric DeHaven, Resource Management assistant director, provided a presentation that outlined updates to the Cooperative Funding Initiative (CFI) Governing Board policy. Mr. DeHaven provided a history of the initial policy and outlined the updated language to the policy.

Ms. Jennette Seachrist, Resource Management director, clarified that a reference made to indirect and direct potable reuse projects in this presentation pertained to potable alternative water supply.

This item was presented for the Board's information and no action was requested.

Submit & File Reports – None

Routine Reports

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

27. Minimum Flows and Levels Status Report

28. Significant Water Resource and Development Project

Chair Taylor relinquished the gavel to Operations, Lands & Resource Monitoring Committee Chair Murphy, who called the meeting to order. (01:12:27)

Operations, Lands & Resource Monitoring Committee

Discussion

29. Consent Item(s) Moved for Discussion – None

30. Hydrologic Conditions Report

Mr. Granville Kinsman, P.G., Hydrologic Data manager, provided a presentation on the hydrologic conditions. Mr. Kinsman stated the District received above average rainfall in the northern and central counties. Groundwater levels throughout the District were considered in the normal to above normal range. Lake levels remained in the normal range in the northern, Tampa Bay and Polk Upland regions. Lake levels in the Lake Wales Ridge area were below the base of the annual normal range. Flows on the Withlacoochee, Hillsborough, Alafia and Peace rivers were in the above normal range. The Bill Young and the Peace River reservoirs remain at healthy levels.

Mr. Kinsman stated that the mild El Niño conditions are deteriorating. Forecasts project normal rainfall during through the upcoming winter and spring months.

This routine report provided information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and ground water levels for the current month to comparable dates from the historical record.

This item was presented for the Board's information and no action was requested.

Submit & File Reports – None

Routine Reports

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

31. Surplus Lands Update

32. Structure Operations

33. Significant Activities

Committee Chair Murphy relinquished the gavel to Regulation Committee Chair Schleicher, who called the meeting to order. (01:19:05)

Regulation Committee

Discussion

34. Consent Item(s) Moved for Discussion

11. Individual Water Use Permits Referred to the Governing Board

c. WUP No. 20020376.002 - Bennett Road/Pebbledale Farms, Inc. (Hardee County)

Mr. Darrin Herbst, Water Use Permit Bureau chief, provided a presentation that included background information regarding the permit and an overview of the request for quantity increases. Mr. Herbst stated the application meets the conditions for issuance.

Discussion ensued regarding the root zone depth evaluation and freeze protection. Chair Taylor suggested a presentation be provided to the Board at a future meeting to assist in educating Board Members on these types of topics.

Vice Chair Williamson asked about the Facilitating Agricultural Resource Management Systems (FARMS) project associated with this WUP. Mr. Chris Zajac, FARMS Program manager responded to questions.

Staff recommended the Board approve the proposed permit attached as an exhibit.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (01:30:24)

35. Denials Referred to the Governing Board

No denials were referred to the Board.

Submit & File Reports - None

Routine Reports

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

36. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update

37. Overpumpage Report

38. Individual Permits Issued by District Staff

Regulation Committee Chair Schleicher relinquished the gavel to Chair Taylor. (01:30:49)

General Counsel

Discussion

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

Submit & File Reports – None

Routine Reports

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

40. July 2019 Litigation Report

41. July 2019 Rulemaking Report

Committee/Liaison Reports

42. Environmental Advisory Committee

A written report for the July 9 meeting was provided.

43. Other Committee/Liaison Reports

A written report for the July 10 Well Construction meeting was provided.

Executive Director's Report

44. Executive Director's Report

Mr. Brian Armstrong, executive director, informed the Board the alternative water supply workshop planned for the August Board has been rescheduled to the October Board meeting due to pending Board member appointments.

Mr. Armstrong stated Board Member Beswick has resigned from the Board.

Mr. Armstrong reminded the Board this was the last Board meeting for Regulation Division director, Ms. Alba Más. Ms. Michelle Hopkins has been selected as her replacement.

Chair's Report

45. Chair's Report

Chair Taylor stated the Fiscal Year 2020 Board meeting calendar and liaison appointments will be finalized shortly.

Chair Taylor outlined his goals to be accomplished during his tenure as Governing Board Chair, these included: financial stewardship, staff empowerment, emphasis on customer service, problem solving and communication. He stated that it is the Board members responsibility to set policy, prioritize the budget to ensure funding is equitable and support staff. Chair Taylor stated he would like to see the District continue its role as a mediator when necessary and continue its representation for all citizens.

The next Board meeting is August 27 at 9:00 a.m., in the Brooksville Office.

46. Other

47. Employee Milestones

The meeting was adjourned at 10:53 a.m.

Attest:

Chair

Secretary

**Governing Board Meeting
August 27, 2019**

RESOURCE MANAGEMENT COMMITTEE

Discussion Items

23. Consent Item(s) Moved for Discussion	135
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Submit & File Reports

24. Minimum Flows and Minimum Water Levels Priority List and Schedule Update	136
25. Lower Hillsborough River Recovery Strategy Implementation – Annual Update	149

Routine Reports

26. Minimum Flows and Levels Status Report.....	158
27. Significant Water Resource and Development Projects.....	160

RESOURCE MANAGEMENT COMMITTEE

August 27, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Jennette M. Seachrist, P.E., Division Director, Resource Management

RESOURCE MANAGEMENT COMMITTEE**August 27, 2019*****Submit and File Report*****Minimum Flows and Minimum Water Levels Priority List and Schedule Update*****Purpose***

This submit and file report addresses the initial step for the statutorily-required update of the District's priority list and schedule (priority list) for the establishment of minimum flows and minimum water levels (MFLs). Following review of public input on the updated draft priority list included in this report, and any necessary revisions, the priority list will be brought to the Governing Board in October 2019 for final review and approval prior to submittal to the Florida Department of Environmental Protection (DEP).

Background/History

Pursuant to Sections 373.036(7) and 373.042(3), Florida Statutes, the District is required to annually update and submit its minimum flows and minimum water levels priority list to the Florida DEP by November 15th, for approval, and include the approved priority list in the District's Consolidated Annual Report by March 1st.

Attached is a draft "Southwest Florida Water Management District Proposed 2019 (2019-2020) Minimum Flows and Minimum Water Levels Priority List and Schedule and Reservations List and Schedule" that staff will preliminarily review with DEP. As indicated in the draft priority list, the District has established 210 MFLs, including MFLs for 23 river segments, 10 springs or spring groups, 127 lakes, 41 wetlands, 7 wells in the Northern Tampa Bay Water Use Caution Area, the Upper Floridan aquifer in the Most Impacted Area of the Southern Water Use Caution Area (SWUCA) and in the Dover/Plant City Water Use Caution Area. The established MFLs include 40 that have been reevaluated and revised, as needed. The District has also established a reservation for water from Morris Bridge Sink to support MFLs recovery for the lower Hillsborough River.

The draft priority list addresses all relevant statutory directives and guidance concerning minimum flow, minimum water level, and water reservation prioritization included in Rules 62-40.473, and 62-40.474 within the State Water Resource Implementation Rule (Chapter 62-40, Florida administrative Code (F.A.C.)). Formatting requirements from the DEP Office of Water Policy are also addressed.

Past Year Rule Adoption Updates

Since the last priority list and schedule update, MFLs rulemaking was completed for 7 lakes. The rulemaking included adoption of reevaluated MFLs for 6 Hillsborough County lakes (Allen, Brant, Dosson, Harvey, Sunshine, and Virginia) and 1 Pasco County lake (Pierce) that were scheduled for 2018.

In addition to the completed rulemaking, initiation of rulemaking was authorized by the Governing Board for new MFLs for the Rainbow River and Rainbow Spring Group. This rulemaking was initiated for replacement of the emergency rule established for the river/spring system in 2017 and is currently pending due to a rule challenge. Based on this rulemaking

status, the Rainbow River/Rainbow Spring Group continues to be scheduled for adoption in 2019 on the draft priority list.

Scheduling for Priority Water Bodies

The draft priority list does not include any newly-listed water bodies, but several previously unlisted reevaluations have been added. New reevaluations are scheduled for 5 Hillsborough County lakes (Barbara, Crenshaw, Ellen, Helen, and Mound) in 2021 to support ongoing recovery assessment efforts in the northern Tampa Bay area. New reevaluations are also scheduled for 2 rivers (Chassahowitzka and Homosassa), 1 spring (Blind) and 2 spring groups (Chassahowitzka and Homosassa).

A scheduling change is proposed for one waterbody. Reevaluation of MFLs for 1 Pasco County lake (Pasco) is rescheduled from 2019 to 2027 due to the need for additional hydrologic data collection.

Follow-Up Activities

Staff will post the draft priority list on the District web site and host a public workshop at the Tampa Service Office on August 28, 2019 to facilitate stakeholder input on the priority list update process. Staff will also participate in a joint public workshop with South Florida Water Management District and St. Johns River Water Management District staff on September 5, 2019 at the South Florida Water Management District's St. Cloud Field Station, within the Central Florida Water Initiative area.

Following these activities, staff will return to the Governing Board in October to request approval of the priority list to be submitted to DEP by November 15, 2019. Upon approval by DEP, the priority list will be incorporated into the 2020 Consolidated Annual Report that will be presented to the Board for consideration and approval in January and February 2020.

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter: Doug Leeper, MFLs Program Lead, Springs and Environmental Flows

SOUTHWEST FLORIDA WATER MANAGEMENT 2019 PRIORITY LIST AND SCHEDULE

Overview

Pursuant to Sections 373.036(7) and 373.042(3), Florida Statutes (F.S.), the Southwest Florida Water Management District is required to annually update its priority list and schedule for the establishment of minimum flows and minimum water levels, submit the updated list and schedule to the Florida Department of Environmental Protection (DEP) by November 15th for approval, and include the approved list and schedule in the District's Consolidated Annual Report by March 1st. Minimum flows and minimum water levels are rules established by the state water management districts or DEP that define the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. In addition to prioritized minimum flows and water levels, the priority list and schedule must include reservations proposed for establishment. Reservations are rules that reserve water from use by permit applications, as necessary for the protection of fish and wildlife or public health and safety.

The District prepared this 2019 priority list and schedule to address all relevant statutory directives, and guidance concerning minimum flow, minimum water level and water reservation prioritization included in Rules 62-40.473, and 62-40.474 within the State Water Resource Implementation Rule (Chapter 62-40, Florida administrative Code (F.A.C.)).

District water bodies with adopted and effective minimum flow, minimum water level or reservation rules are itemized in this 2019 priority list and schedule. These water bodies include all first magnitude springs and all second magnitude springs within the District that occur within state or federally owned lands purchased for conservation purposes. Water bodies with previously established minimum flows or water levels that have been reevaluated and revised as necessary are identified. Water bodies that may be affected by withdrawals occurring in water management districts adjacent to the Southwest Florida Water Management District are also identified to support coordination of regulatory activities among the districts and DEP. The listings provided in this document for established minimum flows, minimum water levels, and reservations do not supersede information incorporated into District Water Levels and Rates of Flow (Chapter 40D-8, F.A.C.) and Consumptive Use of Water (Chapter 40D-2, F.A.C.) rules.

Minimum flows, minimum water levels and reservations proposed for establishment and reevaluation through 2029 are provided in tabular form in this 2019 priority list and schedule. Designation of water body type (aquifer, estuary, lake, river, river-estuary, spring and as appropriate, spring magnitude, which is associated with the rate of spring discharge) are provided along with location information. Water bodies that are part of a larger system, e.g., a spring group associated with a river, are listed by water body name and system. The District's intent regarding completion of voluntary, independent, scientific peer review is identified for each water body. Voluntary scientific peer review is proposed for all prioritized spring and river segments identified for minimum flow establishment based on the expected level of complexity of the minimum flows, and the anticipated degree of public concern regarding their development. None of the prioritized lake minimum levels are expected to be subjected to voluntary scientific peer review, based on anticipated use of previously peer-reviewed methodologies for development of the minimum water levels. Prioritized water bodies that may be affected by withdrawals occurring in other water management districts, i.e., are potentially subject to cross-boundary impacts, are identified. The status of rulemaking for each prioritized water body is also provided. These listings are not intended as a request for the adoption of a minimum flow or level by the DEP.

Southwest Florida Water Management District Priority Water Bodies with Adopted and Effective Minimum Flow and Minimum Water Level Rules, Including Those That Have Been Reevaluated

- Alafia River (upper segment) ^a
- Alafia River (lower segment)/Lithia-Buckhorn Spring Group
- Anclote River (lower segment)
- Anclote River (upper segment)
- Braden River (upper segment)
- Chassahowitzka River/Chassahowitzka Spring Group (OFS) ^b and Blind Spring
- Citrus County Lakes – Ft. Cooper, Tsala Apopka – Floral City, Inverness and Hernando Pools
- Crystal River/Kings Bay Spring Group (OFS) ^b
- Crystal Springs
- Dona Bay/Shakett Creek System
- Dover/Plant City Water Use Caution Area Minimum Aquifer Level
- Gum Slough Spring Run ^a
- Hernando County Lakes – Hunters, Lindsey, Mountain, Neff, Spring, Tooke, Weekiwachee Prairie, Whitehurst
- Highland County Lakes – Angelo ^a, Anoka ^a, Damon ^a, Denton ^a, Jackson ^a (reevaluated), Little Lake Jackson ^a (reevaluated), June-in-Winter ^a, Letta ^a (reevaluated), Lotela ^a (reevaluated), Placid ^a, Tulane ^a, Verona ^a
- Hillsborough County Lakes – Alice (reevaluated), Allen (reevaluated), Barbara, Bird (reevaluated), Brant (reevaluated), Calm, Carroll, Charles, Church, Crenshaw, Crescent, Crystal (reevaluated), Cypress, Dan (reevaluated), Deer (reevaluated), Dosson (reevaluated), Echo, Ellen, Fairy [Maurine], Garden, Halfmoon, Hanna, Harvey (reevaluated), Helen, Hobbs (reevaluated), Hooker, Horse (reevaluated), Jackson, Juanita (reevaluated), Keene, Kell, Little Moon (reevaluated), Merrywater (reevaluated), Mound, Platt, Pretty, Rainbow (reevaluated), Raleigh, Reinheimer, Rogers, Round (reevaluated), Saddleback (reevaluated), Sapphire, Starvation, Stemper (reevaluated), Strawberry, Sunset (reevaluated), Sunshine (reevaluated), Taylor, Virginia (reevaluated), Wimauma
- Hillsborough County Wetland Sites – CBRWF #32, Cosme WF Wetland, CR1, CR2, CR3, CR4, CR5, CR6, EWWF NW-44, MBWF Clay Gully Cypress, MBWF Entry Dome, MBWF Unnamed, MBWF X-4, S21 WF NW-53 East
- Hillsborough River (lower segment) (reevaluated)
- Hillsborough River (upper segment)
- Homosassa River ^d /Homosassa Spring Group (OFS) ^b
- Levy County Lake – Marion
- Marion County Lakes – Bonable, Little Bonable, Tiger
- Myakka River (lower segment)
- Myakka River (upper segment)
- Northern Tampa Bay – 7 Wells – Upper Floridan aquifer/Saltwater Intrusion
- Pasco County Lakes – Bell, Big Fish (reevaluated), Bird, Buddy (reevaluated), Camp (reevaluated), Clear, Crews, Green, Hancock, Iola, Jessamine, King, King [East], Linda, Middle, Moon (reevaluated), Padgett (reevaluated), Parker aka Ann, Pasadena (reevaluated), Pasco, Pierce (reevaluated), Unnamed #22 aka Loyce
- Pasco County Wetland Sites – CBRWF Q-1, CBRWF Stop #7, CBRWF T-3, CBRWF TQ-1 West, CBRWF A, CBRWF #4, CBRWF #16, CBRWF #20, CBRWF #25, CC Site G, CCW-11, CCW-12, CCW-17, CC W-41, NPWF #3, NPWF #21, SPWF NW-49, SPWF NW-50, SPWF South Cypress, STWF Central Recorder, STWF Eastern Recorder, STWF D, STWF M, STWF N, STWF S-75, STWF Z
- Peace River (lower segment) (reevaluated)
- Peace River (middle segment)
- Peace River (three upper segments – "low" minimum flows)
- Pinellas County Wetland Site – EWWF Salls Property Wetland 10S/10D
- Pithlachascotee River (lower segment)

- Pithlachascotee River (upper segment)
- Polk County Lakes – Annie ^a, Aurora ^a, Bonnie ^a, Clinch ^a (reevaluated), Crooked ^a (reevaluated), Crystal ^a, Dinner ^a, Eagle ^a (reevaluated), Easy ^a, Eva ^a, Hancock, Lee ^a, Lowery ^a, Mabel ^a, McLeod ^a (reevaluated), North Lake Wales^a, Parker, Starr^a (reevaluated), Venus ^a, Wailes ^a (reevaluated)
- Rainbow River/Rainbow Spring Group (OFS) ^{a, b}
- Sulphur Springs
- Sumter County Lakes – Big Gant ^a, Black ^a, Deaton ^a, Miona ^a, Okahumpka ^a, Panasoffkee ^a
- Southern Water Use Caution Area – Upper Floridan aquifer ^a
- Tampa Bypass Canal
- Weeki Wachee River/Weeki Wachee Spring Group (OFS) ^b

Southwest Florida Water Management District Water Bodies with Adopted and Effective Reservation Rules

- Morris Bridge Sink (water reserved to contribute to achieving or maintaining minimum flows adopted for the lower Hillsborough River for the protection of fish and wildlife)

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2019

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
Reevaluation	Calm Lake	Calm Lake	Lake	Hillsborough	No	No	28.1425	-82.5823	N/A
Reevaluation	Charles, Lake	Charles, Lake	Lake	Hillsborough	No	No	28.1160	-82.4809	N/A
Reevaluation	Church Lake	Church Lake	Lake	Hillsborough	No	No	28.1034	-82.6004	N/A
Reevaluation	Echo Lake	Echo Lake	Lake	Hillsborough	No	No	28.1076	-82.6036	N/A
Reevaluation	Linda, Lake	Linda, Lake	Lake	Pasco	No	No	28.1890	-82.4787	N/A
Reevaluation	Sapphire, Lake	Sapphire, Lake	Lake	Hillsborough	No	No	28.1407	-82.4815	N/A
Reevaluation	Chassahowitzka River	Chassahowitzka River	River-Estuary	Citrus, Hernando	Yes ^e	No	28.7155	82.5773	N/A
Reevaluation	Chassahowitzka Spring Group (OFS) ^b	Chassahowitzka River	Spring-1 ^f	Citrus, Hernando	Yes ^e	No	28.7155	-82.5762	N/A
Reevaluation	Blind Spring	Chassahowitzka River	Spring-2 ^f	Citrus, Hernando	Yes ^e	No	28.6579	-82.6346	N/A
Reevaluation	Homosassa River	Homosassa River	River-Estuary	Citrus	Yes ^e	No	28.7973	-82.5889	N/A
Reevaluation	Homosassa Spring Group (OFS) ^b	Homosassa River	Spring-1 ^f	Citrus	Yes ^e	No	28.799624	-82.5889	N/A
New ^c	Rainbow River ^g	Rainbow River	River	Marion	Yes ^e	Yes	29.0492	-82.4478	Rule challenge pending
New ^c	Rainbow Spring Group (OFS) ^g	Rainbow River	Spring-1 ^f	Marion	Yes ^e	Yes	29.1025	-82.4478	Rule challenge pending
Reevaluation	STWF Central Recorder	STWF Central Recorder	Wetland	Pasco	No	No	28.2444	-82.5961	N/A
Reevaluation	STWF Z	STWF Z	Wetland	Pasco	No	No	28.2372	-82.5858	N/A
Reevaluation	STWF Eastern Recorder	STWF Eastern Recorder	Wetland	Pasco	No	No	28.2458	-82.5656	N/A
Reevaluation	MBWF Entry Dome	MBWF Entry Dome	Wetland	Hillsborough	No	No	28.1161	-82.3069	N/A
Reevaluation	MBWF X-4	MBWF X-4	Wetland	Hillsborough	No	No	28.1239	-82.3372	N/A
Reevaluation	MBWF Clay Gully Cypress	MBWF Clay Gully Cypress	Wetland	Hillsborough	No	No	28.1231	-82.3456	N/A
Reevaluation	MBWF Unnamed	MBWF Unnamed	Wetland	Hillsborough	No	No	28.1056	-82.3456	N/A
Reevaluation	EWWF NW-44	EWWF NW-44	Wetland	Hillsborough	No	No	28.1681	-82.6311	N/A

Reevaluation	EWWF Salls Property Wetland 10S/10D	EWWF Salls Property Wetland 10S/10D	Wetland	Pinellas	No	No	28.1672	-82.6828	N/A
Reevaluation	SPWF NW-49	SPWF NW-49	Wetland	Pasco	No	No	28.1836	-82.5075	N/A
Reevaluation	SPWF South Cypress	SPWF South Cypress	Wetland	Pasco	No	No	28.1814	-82.5081	N/A
Reevaluation	SPWF NW-50	SPWF NW-50	Wetland	Pasco	No	No	28.1883	-82.5078	N/A
Reevaluation	CBRWF #25	CBRWF #25	Wetland	Pasco	No	No	28.2350	-82.3589	N/A
Reevaluation	CBRWF #32	CBRWF #32	Wetland	Hillsborough	No	No	28.1681	-82.3672	N/A
Reevaluation	CBRWF #20	CBRWF #20	Wetland	Pasco	No	No	28.2039	-82.3553	N/A
Reevaluation	CR1	CR1	Wetland	Hillsborough	No	No	28.1325	-82.1211	N/A
Reevaluation	CR2	CR2	Wetland	Hillsborough	No	No	28.1206	-82.1197	N/A
Reevaluation	CR3	CR3	Wetland	Hillsborough	No	No	28.1108	-82.1206	N/A
Reevaluation	NPWF #3	NPWF #3	Wetland	Pasco	No	No	28.3161	-82.5750	N/A
Reevaluation	NPWF #21	NPWF #21	Wetland	Pasco	No	No	28.2897	-82.5750	N/A

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2020

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
Reevaluation	Cypress, Lake	Cypress, Lake	Lake	Hillsborough	No	No	28.125561	-82.564727	N/A
Reevaluation	Garden, Lake	Garden, Lake	Lake	Hillsborough	No	No	28.131751	-82.63094	N/A
Reevaluation	Halfmoon Lake	Halfmoon Lake	Lake	Hillsborough	No	No	28.097114	-82.548128	N/A
Reevaluation	Jackson, Lake	Jackson, Lake	Lake	Hillsborough	No	No	28.137542	-82.629974	N/A
Reevaluation	Strawberry (North Crystal) Lake	Strawberry (North Crystal) Lake	Lake	Hillsborough	No	No	28.139517	-82.474755	N/A
Reevaluation	Peace River (lower segment)	Peace River (lower segment)	River-Estuary	Hardee, DeSoto, Charlotte	Yes	Yes	27.2206	-81.8764	N/A
New	Shell Creek (lower segment)	Shell Creek (lower segment)	River-Estuary	Charlotte	Yes	Yes	26.9844	-81.9358	N/A
Reevaluation	CC W-41	CC W-41	Wetland	Pasco	No	No	28.3125	-82.3736	N/A
Reevaluation	CC W-11	CC W-11	Wetland	Pasco	No	No	28.2981	-82.3842	N/A
Reevaluation	CC W-12	CC W-12	Wetland	Pasco	No	No	28.2925	-82.3947	N/A
Reevaluation	CC W-17	CC W-17	Wetland	Pasco	No	No	28.2856	-82.3947	N/A
Reevaluation	CC Site G	CC Site G	Wetland	Pasco	No	No	28.2725	-82.4050	N/A
Reevaluation	STWF D	STWF D	Wetland	Pasco	No	No	28.2553	-82.6347	N/A
Reevaluation	STWF S-75	STWF S-75	Wetland	Pasco	No	No	28.2503	-82.5628	N/A
Reevaluation	STWF M	STWF M	Wetland	Pasco	No	No	28.2436	-82.5719	N/A

Reevaluation	STWF N	STWF N	Wetland	Pasco	No	No	28.2425	-82.5522	N/A
Reevaluation	S21 WF NW-53 East	S21 WF NW-53 East	Wetland	Hillsborough	No	No	28.1211	-82.5142	N/A
Reevaluation	Cosme WF Wetland	Cosme WF Wetland	Wetland	Hillsborough	No	No	28.1008	-82.5908	N/A
Reevaluation	CBRWF #16	CBRWF #16	Wetland	Pasco	No	No	28.2083	-82.3719	N/A
Reevaluation	CBRWF A	CBRWF A	Wetland	Pasco	No	No	28.2067	-82.3744	N/A
Reevaluation	CBRWF #4	CBRWF #4	Wetland	Pasco	No	No	28.2289	-82.3653	N/A
Reevaluation	CBARWF TQ-1 West	CBARWF TQ-1 West	Wetland	Pasco	No	No	28.3436	-82.4864	N/A
Reevaluation	CBARWF T-3	CBARWF T-3	Wetland	Pasco	No	No	28.3478	-82.4956	N/A
Reevaluation	CBARWF Stop #7	CBARWF Stop #7	Wetland	Pasco	No	No	28.3436	-82.4744	N/A
Reevaluation	CBARWF Q-1	CBARWF Q-1	Wetland	Pasco	No	No	28.3461	-82.4697	N/A
Reevaluation	CR4	CR4	Wetland	Hillsborough	No	No	28.1142	-82.0981	N/A
Reevaluation	CR5	CR5	Wetland	Hillsborough	No	No	28.0981	-82.0822	N/A
Reevaluation	CR6	CR6	Wetland	Hillsborough	No	No	28.1258	-82.0994	N/A

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2021

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
New	Braden River (lower segment)	Braden River (lower segment)	River-Estuary	Manatee	Yes	No	27.4411	-82.4878	N/A
New	Manatee River (lower segment)	Manatee River (lower segment)	River-Estuary	Manatee	Yes	No	27.5133	-82.3672	N/A
Reevaluation	Helen, Lake	Helen, Lake	Lake	Hillsborough	No	No	28.1219	-82.5388	N/A
Reevaluation	Ellen, Lake	Ellen, Lake	Lake	Hillsborough	No	No	28.1214	-82.5356	N/A
Reevaluation	Barbara, Lake	Barbara, Lake	Lake	Hillsborough	No	No	28.1197	-82.5359	N/A
Reevaluation	Crenshaw, Lake	Crenshaw, Lake	Lake	Hillsborough	No	No	28.126	-82.4960	N/A
Reevaluation	Mound Lake	Mound Lake	Lake	Hillsborough	No	No	28.1474	-82.4052	N/A

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2022

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
New	Little Manatee River (lower segment)	Little Manatee River (lower segment)	River-Estuary	Hillsborough	Yes	No	27.6708	-82.3528	N/A
New	Little Manatee River (upper segment)	Little Manatee River (upper segment)	River	Hillsborough, Manatee	Yes	No	27.6708	-82.3528	N/A

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2023

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
New	Charlie Creek	Charlie Creek	River	Hardee, Polk	Yes	No	27.3747	-81.7967	N/A
New	Horse Creek	Horse Creek	River	Hardee, DeSoto	Yes	No	27.1992	-81.9886	N/A
Reevaluation	Southern Water Use Caution Area Saltwater Intrusion Minimum Aquifer Level (SWIMAL)	Southern Water Use Caution Area Saltwater Intrusion Minimum Aquifer Level (SWIMAL)	Aquifer	Hillsborough, Manatee, Sarasota	Yes	Yes	27.5603	-82.4013	N/A

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2024

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
New	Withlacoochee River (lower segment)	Withlacoochee River (lower segment)	River-Estuary	Citrus, Levy	Yes	No	29.0208	-82.6381	N/A
New	Withlacoochee River (upper segment, U.S. Geological Survey Holder gage to U.S. Geological Survey Wysong gage)	Withlacoochee River (upper segment, U.S. Geological Survey Holder gage to U.S. Geological Survey Wysong gage)	River	Citrus, Marion, Sumter	Yes	Yes	28.9886	-82.3497	N/A
New	Withlacoochee River (upper segment, U.S. Geological Survey Wysong gage to U.S. Geological Survey Croom gage)	Withlacoochee River (upper segment, U.S. Geological Survey Wysong gage to U.S. Geological Survey Croom gage)	River	Citrus, Sumter, Hernando	Yes	Yes	28.8231	-82.1833	N/A
New	Withlacoochee River (upper segment, upstream of U.S. Geological Survey Croom gage)	Withlacoochee River (upper segment, upstream of U.S. Geological Survey Croom gage)	River	Hernando, Sumter, Pasco, Lake, Polk	Yes	Yes	28.5925	-82.2222	N/A

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2025

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
Reevaluation	Peace River (upper segment, U.S. Geological Survey Zolfo Springs gage to U.S. Geological Survey Ft. Meade gage)	Peace River (upper segment, U.S. Geological Survey Zolfo Springs gage to U.S. Geological Survey Ft. Meade gage)	River	Hardee, Polk	Yes	No	27.5042	-81.8011	N/A
Reevaluation	Peace River (upper segment, U.S. Geological Survey Ft. Meade gage to U.S. Geological Survey Bartow gage)	Peace River (upper segment, U.S. Geological Survey Ft. Meade gage to U.S. Geological Survey Bartow gage)	River	Polk	Yes	No	27.7511	-81.7822	N/A
Reevaluation	Peace River (upper segment, upstream of U.S. Geological Survey Bartow gage)	Peace River (upper segment, upstream of U.S. Geological Survey Bartow gage)	River	Polk	Yes	No	27.9019	-81.8175	N/A
New	Prairie Creek	Prairie Creek	River	Charlotte, DeSoto	Yes	No	26.9903	-81.8947	N/A
New	Shell Creek (upper segment)	Shell Creek (upper segment)	River	Charlotte	Yes	No	26.9750	26.9750	N/A

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2026

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
New	Cypress Creek	Cypress Creek	River	Hillsborough, Pasco	Yes	No	28.0889	-82.4092	N/A
Reevaluation	Gum Slough Spring Group	Gum Slough Spring Group	Spring-2 ^f	Sumter	Yes	Yes	28.9511	-82.2500	N/A

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2027

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
Reevaluation	Crystal River	Crystal River	River-Estuary	Citrus	Yes	Yes	28.9064	-82.6239	N/A
Reevaluation	Kings Bay Spring Group (OFS) ^b	Crystal River	Spring-1 ^f	Citrus	Yes	Yes	28.9064	-82.6239	N/A
New	North Prong Alafia River	North Prong Alafia River	River	Hillsborough, Polk	Yes	No	27.8836	-82.1003	N/A
Reevaluation	Pasco Lake	Pasco Lake	Lake	Pasco	No	No	28.3842	-82.4879	N/A
New	South Prong Alafia River	South Prong Alafia River	River	Hillsborough, Polk	Yes	No	27.7965	-82.1178	N/A
Reevaluation	Rainbow River	Rainbow River	River	Marion	Yes	Yes	29.0492	-82.4478	Notice of Rule Development Published
Reevaluation	Rainbow Spring Group (OFS) ^b	Rainbow River	Spring-1 ^f	Marion	Yes	Yes	29.1025	-82.4478	Notice of Rule Development Published

Southwest Florida Water Management District Minimum Flows and Levels to be Adopted in 2029

New or Re-Evaluation	Waterbody Name or Compliance Point	System Name ^c	Waterbody Type	County(s)	Voluntary Peer Review to be Completed?	Cross-Boundary Impacts from Adjacent WMD?	Latitude	Longitude	Rulemaking Status ^d
Reevaluation (second)	Chassahowitzka River	Chassahowitzka River	River-Estuary	Citrus, Hernando	Yes	No	28.7155	#REF!	N/A
Reevaluation (second)	Chassahowitzka Spring Group (OFS) ^b	Chassahowitzka River	Spring-1 ^f	Citrus, Hernando	Yes	No	28.7155	-82.5762	N/A
Reevaluation (second)	Blind Spring	Chassahowitzka River	Spring-2 ^f	Citrus, Hernando	Yes	No	28.6579	-82.6346	N/A
Reevaluation (second)	Homosassa River	Homosassa River	River-Estuary	Citrus	Yes	No	28.7973	-82.5889	N/A
Reevaluation (second)	Homosassa Spring Group (OFS) ^b	Homosassa River	Spring-1 ^f	Citrus	Yes	No	28.799624	-82.5889	N/A

Southwest Florida Water Management District Reservations Priority List

Waterbody Name	Waterbody Type	County(s)	Proposed Year for Reservation	Rulemaking Status ^d
Hancock, Lake/Peace River (upper segment)	Lake, River	Polk	2020	N/A

^a Water body may be affected by groundwater withdrawals in an adjacent water management district.

^b OFS = Outstanding Florida Spring.

^c System name identifies larger system that the water body is associated with for minimum flows rule development.

^d Last rulemaking action taken: Notice of Rule Development published; Notice of Proposed Rule published; Rule challenge pending; Rule adopted, Ratification not required; Rule adopted, Awaiting ratification; Rule adopted, Ratified. N/A indicates formal rulemaking has not been initiated.

^e Voluntary peer review completed.

^f Magnitude provided for springs and spring groups (Spring-1 = discharge \geq 100 cubic feet per second; Spring-2 = discharge \geq 10 to 100 cubic feet per second).

^g Emergency rule in 40DER17, F.A.C. for the Rainbow River/Rainbow Spring Group in effect until related rule proposed in rule 40D-8-041, F.A.C., becomes effective.

RESOURCE MANAGEMENT COMMITTEE**August 27, 2019*****Submit and File Report*****Lower Hillsborough River Recovery Strategy Implementation – Annual Update*****Purpose***

To provide an annual update to the Governing Board regarding implementation of projects outlined in the Hillsborough River Strategy that are needed to recover minimum flows adopted for the Lower Hillsborough River (LHR).

Background/History

As required by statute, if the actual flow of a water course is below the adopted minimum flow or is projected to fall below the minimum flow over the next 20 years, a recovery strategy is developed as part of the minimum flows establishment process. At its August 2007 meeting, the Governing Board approved rule amendments that incorporated revised minimum flows and a revised recovery strategy for the LHR into Rule Nos. 40D-8.041 and 40D-80.073, Florida Administrative Code (F.A.C.), respectively, and these rule amendments became effective on November 25, 2007. The Board also authorized a Joint Funding Agreement with the City of Tampa for implementation of recovery projects that was finalized in October 2007 and incorporated into the recovery strategy rule.

The currently adopted minimum flows for the LHR are 20 cubic feet per second (cfs) freshwater equivalent flow from July 1 through March 31, and 24 cfs freshwater equivalent flow from April 1 through June 30 at the base of the Hillsborough River Dam, as adjusted based on a proportionate amount that flow at the U.S. Geological Survey (USGS) Hillsborough River gauge near Zephyrhills, Florida, is below 58 cfs. For purposes of the minimum flows rule and its implementation, freshwater equivalent means water that has a salinity concentration of 0.0 ppt for modeling purposes.

The minimum flows for the LHR are based on extending a salinity range less than 5 ppt from the dam toward Sulphur Springs. The goals of the minimum flows are to effectively supply a total of 20 or 24 cfs of freshwater to the base of the Hillsborough River Dam during the two seasonal periods identified in the rule. However, when water from Sulphur Springs is used with freshwater sources for river recovery, it must be taken into account that combined-source flows of 20 or 24 cfs cannot extend the target salinity zone as far downstream as would occur with delivery of 20 or 24 cfs of freshwater to the base of the dam. This is because the portion of source-water diverted from Sulphur Springs is brackish (specific conductance $\geq 5,000 \mu\text{S}/\text{cm}$; ~ 3 ppt) (Scharping et al. 2018). Based on the hydrodynamic modeling used to evaluate flow-related salinity conditions and establish minimum flows for the LHR, it was determined that a freshwater equivalent factor needed to be incorporated into the minimum flow. Data analysis done at the time of rule development indicates that to provide the correct volume and flow rate of freshwater that needs to be delivered to the base of the dam, a value of 3 cfs is added to the mixed-source recovery flows of 20 or 24 cfs resulting in seasonal minimum flow rates of 23 and 27 cfs that correspond with, i.e., are equivalent to the required 20 and 24 cfs freshwater equivalent flows (SWFWMD 2006). Additional data collection and analysis is now being conducted to review the additional volume and flow rate necessary to achieve the objective of extending the low salinity habitat toward Sulphur Springs.

The LHR recovery strategy outlines six potential projects and a timeline for their implementation. Four projects are identified for joint-funding by the District and the City of Tampa (City) and two are to be implemented by the District. Implementation of specific projects is subject to applicable diagnostic/feasibility studies and contingent on obtaining any required permits. Projects to be jointly funded by the District and the City include the:

- 1) Sulphur Springs Project (Lower Weir Modifications and Sulphur Springs Pool Upper Weir and Pump Station Modifications);
- 2) Blue Sink Analysis and Project;
- 3) Transmission Pipeline Evaluation and Project; and the
- 4) Investigation of Storage or Additional Supply Options.

In addition, the District was required to initiate implementation of two projects, including the:

- 5) Tampa Bypass Canal (TBC) and Hillsborough River Reservoir Diversions; and the
- 6) Morris Bridge Sink Project.

The LHR recovery strategy specifies District initiation of the TBC and Hillsborough River Reservoir diversion projects and continued operation of pumping facilities on the TBC lower pool for diversion of water to the TBC middle pool at District Structure S-162, with the City assuming operation of pumping facilities on the TBC middle pool at District Structure S-161 for diversion of water to the reservoir, and at the Hillsborough River Dam for transfer of water to the lower river. District initiation and implementation of the Morris Bridge Sink project, which is to include diversion of water from the sink to the TBC and subsequent transfer of the diverted water through the reservoir to the LHR is also specified. Similarly, continued District implementation of diversions of water from the sink to the TBC and the City's responsibility for diversion of the water from the TBC through the reservoir to the LHR are specified in the recovery strategy. Ultimately, the strategy requires the City to have met the established minimum flows for the LHR by October 1, 2017.

The recovery strategy requires annual reporting to the Governing Board on progress in the implementation of the strategy. This current annual update to the Governing Board continues the series of comparable reporting efforts that first began in 2007.

The recovery strategy also requires that in 2013, and for each five-year period through 2023, the District shall evaluate the strategy regarding its effects on the hydrology, dissolved oxygen, salinity, temperature, pH, and biological characteristics of the LHR that have been achieved from minimum flows implementation. Information from the first five-year evaluation (SWFWMD 2015, SWFWMD and Atkins, North America, Inc. 2015) and preliminary information from the second five-year evaluation, which is currently under development, were used for preparation of this annual update report.

Discussion

Progress on the six projects specified in the LHR recovery strategy can be briefly summarized as follows.

- 1) Sulphur Springs Project - Lower Weir Modifications - The City and District entered into a cooperative agreement in October 2008 to perform modifications to the lower weir on Sulphur Springs Run. This Lower Weir project, which was completed in October 2011,

involved installation of an operable weir at the mouth of the spring run to: prevent incursions of higher-salinity water from the river during low-flow periods; allow for access to the run by manatees and other organisms during higher-flow periods when incursions of saline water were less of a concern; and enhance management flexibility for the City regarding use of spring water to meet minimum flow requirements for the LHR and Sulphur Springs Run. Data collection in the spring run has confirmed that the project effectively reduces salinity incursions from the river; and increases flexibility for using Sulphur Springs to provide minimum flows to the spring run and the LHR.

Sulphur Springs Pool Upper Weir and Pump Station Modifications -The project, which was completed in March 2012, involved: modification of the pump station at Sulphur Springs to increase reliability of and efficiently provide for variable pumping rates; replacement or modification of the Sulphur Springs upper weir and gates that control flow between Sulphur Springs Pool and Sulphur Springs Run; installation of provisions to control Sulphur Springs Pool pumping rates based on the temperature and salinity of adjacent monitoring stations; and modification and/or replacement of the Sulphur Springs pump station intake to allow for the range of anticipated water levels in Sulphur Springs Pool.

The modified Sulphur Springs facilities are currently operational and have proven to be effective for providing variable rates of flow to both the spring run and the LHR. Since spring 2012, the City has been able to route as much as 23 cfs to the base of the Hillsborough River Dam to provide minimum flows to the LHR while preventing salinity incursions into the spring run.

- 2) Blue Sink Analysis and Project - The City completed pipeline and pump station design for the Blue Sink Project, issued plans and specifications for the two project elements in March 2015, executed an agreement for construction management and a well mitigation program for the project in June 2015, and issued notices to proceed with pump station and pipeline construction in July and August 2015, respectively. Construction and construction restoration for the Blue Sink pipeline were completed in April and May 2016. In November 2017 the City began operation of the Blue Sink pumping facility, and it was officially brought online in March 2018.
- 3) Transmission Pipeline Evaluation and Project - As part of the LHR recovery strategy, the construction of a pipeline from the TBC middle pool at Structure S-161 to the base of the Hillsborough River Dam was considered to address potential water savings associated with use of a pipeline versus use of the reservoir for conveyance of water to be used for augmenting LHR flows. A peer review of this project was conducted and submitted to the District and City in September 2008 (Davis et al. 2008). The peer review panel concluded the only water loss to the system is through evaporation of the increased volume of water pumped for augmentation and that this loss is minor. The panel also noted "the projected water saving by transporting the augmentation water in a pipeline rather than through the reservoir is relatively small." Staff from both the District and City concurred with the findings of the peer review panel, and based on the review, the Transmission Pipeline project is no longer considered a viable project for recovery of the LHR (SWFWMD 2008).
- 4) Investigation of Storage or Additional Supply Options - Consistent with the recovery strategy, the City and the District entered into a joint funding agreement in July 2010 to investigate other storage and supply options to meet recovery plan objectives for the LHR.

The first components of the project, which involved review of the status of other recovery projects and identification of the need for additional storage or supply projects to meet the LHR minimum flow requirements, were completed in April 2011 (MHW Americas, Inc. 2011) and indicate that the identified sources of water in the recovery strategy may be sufficient for achieving minimum flow requirements in the LHR. A project completion report (Weber 2018) submitted to the District by the City in October 2018 also suggests that the City is positioned and committed to implementing and investigating projects that will ensure the LHR minimum flows are met. The report documents the development and implementation of the Hillsborough River Reservoir Dam Low Flow Control Gate for releases to the river for LHR recovery and highlights recent modelling completed as part of a feasibility assessment for the proposed Tampa Augmentation Project (TAP).

- 5) Tampa Bypass Canal and Hillsborough Reservoir Diversions - To implement minimum flows in the LHR as soon as practical, the current recovery strategy required the District, by January 1, 2008, to divert up to 7.1 mgd (equivalent to 11 cfs) of water from the middle pool of the TBC to the Hillsborough River Reservoir at Structure S-161 and then deliver seventy-five percent of this water to the LHR at the base of the Hillsborough River Dam. Using temporary pumping facilities, water has been supplied from the TBC to the LHR as needed since December 31, 2007. A consumptive water use permit (Permit No. 20020575.000) for these diversions was issued to the District by the Florida Department of Environmental Protection (DEP) on December 17, 2015.

Transfer of the District temporary pumping facilities to the City at the S-161 structure and at the dam occurred in late November 2017. Water Use Permit No. 20020802.000 for augmentation of the reservoir with water from the TBC, was issued to the City by the District on April 23, 2019. An agreement between the City and District for the Lower Hillsborough River Dam Control Gate Facilities (Project N492) to replace temporary pumping facilities at the dam was finalized in October 2017. Construction and operational tests for the gate were completed on July 20, 2018, and the City began using it for minimum flow augmentation on April 1, 2019.

Moving forward with implementation of this component of the LHR recovery strategy, necessary diversions from the TBC middle pool to the reservoir for delivery to the LHR for minimum flow needs will be conducted by the City. In accordance with the recovery strategy, however, the District will continue to own and operate the facilities necessary for transfer of water from the lower to the middle pool of the TBC at the S-162 structure.

- 6) Morris Bridge Sink Project - The LHR recovery strategy specifies that by October 1, 2012, or earlier, and upon completion of the project, provided that any permit that may be required is approved, the District will divert up to 3.9 mgd of water on any given day from Morris Bridge Sink to the TBC middle pool for the City to transfer to the reservoir and release to the base of the Hillsborough River Dam to help achieve minimum flows in the LHR.

On January 15, 2016, the DEP issued consumptive water use permit no. 20020574.000 to the District for withdrawals from Morris Bridge Sink. In February 2016, the District initiated a project for consultant services addressing design of a pump station at Morris Bridge Sink for diversion of water from the sink to the upper pool of the TBC, a pipeline, and a second pump station at District Structure S-159 for diversion of water from the upper to the middle pool of the TBC. Project design and permitting have been completed. The District can utilize

portable pumps and piping to commence withdrawals of Morris Bridge Sink when needed to meet the LHR minimum flow requirements. Completion of a dedicated pump station is contingent upon the City's proposed Tampa Augmentation Project.

The projects described in this annual report are intended to provide a sufficient flow of fresh and low-salinity water below the Hillsborough River Dam to restore low-salinity habitat within the LHR and achieve an oligohaline zone (salinity < 5 ppt) from the dam towards Sulphur Spring. On average, water did not flow over the dam for 156 days each year (range: 9 to 315 days, based on days from 1995 through 2018 when flows were less than 1 cfs; in 2018, no flow occurred 108 days out of 365 days). Without this flow, salinity below the dam is relatively high and no low salinity habitat exists for much of the year. Implementation of recovery strategy projects has helped mitigate this condition and address minimum flow requirements for the LHR.

As summarized in the first five-year recovery strategy assessment report provided to the Governing Board in March 2015 (SWFWMD 2015, SWFWMD and Atkins, North America 2015), improvements in water quality and ecological conditions in the river below the dam have occurred as a result of minimum flows implementation. Preliminary reporting from the second five-year recovery strategy assessment and additional data collected during the past year also indicate that salinity conditions have improved with continued minimum flows implementation (Figures 1 and 2). For example, salinities in the LHR near the dam in the vicinity of Rowlett Park were relatively high in 2000, when no water was supplied to the base of the dam for minimum flow purposes (Figure 2; MFL Period 1). Lower salinities were observed in subsequent years (Figure 2; MFL Periods 2, 3 and 4) as a consequence of rainfall conditions and diversion of increasing quantities of water to the base of the dam for minimum flows implementation. Completion of a hydrodynamic modeling project (Janicki Environmental, Inc. 2015) recommended in the first five-year recovery assessment report, has provided additional quantification of salinity responses in the LHR that have occurred as recovery strategy projects have become operational.

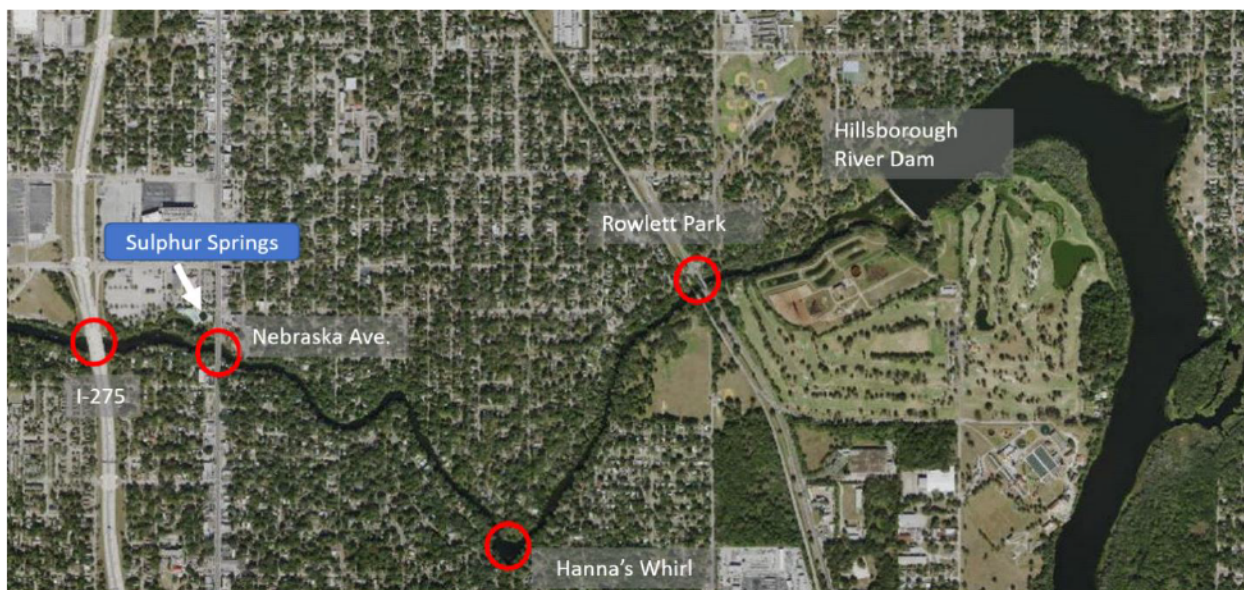


Figure 1. Water quality sampling sites (red circles) used for monitoring extension of an oligohaline zone from the Hillsborough River Dam towards Sulphur Springs. The sites are cooperatively operated and maintained by the U.S. Geological Survey, District, City of Tampa, and Hillsborough County Environmental Protection Commission.

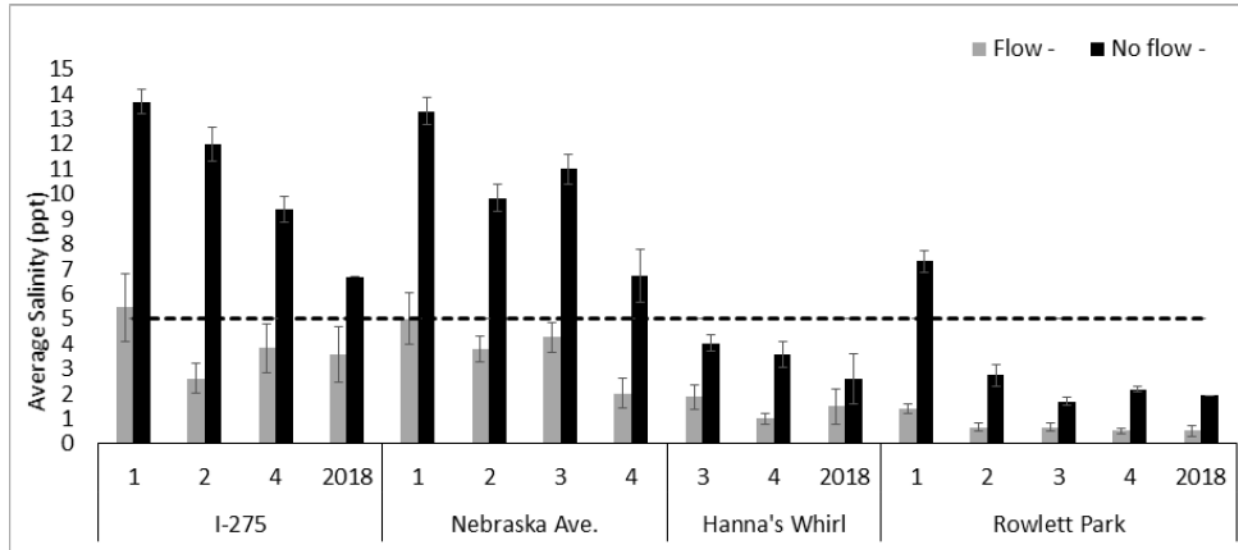


Figure 2. Average salinity for water quality sampling sites (refer to Figure 2) used to monitor the extension of an oligohaline zone from the Hillsborough River Dam towards Sulphur Springs during times when water was flowing (Flow) and not flowing (No Flow) at the dam. The I-275 sampling site is indicative of conditions immediately downstream of Sulphur Springs. On the x-axis, each number represents a minimum flow period and/or the most recent year. The periods are defined as the following: MFL Period 1 was when no minimum flow rule was in place, from October 1, 1979 to February 28, 2002; MFL Period 2 was when a 10 cfs (from Sulphur Springs) minimum flow was in place, from March 1, 2002 to December 31, 2007; MFL Period 3 was when seasonal 20 or 24 cfs freshwater equivalent (from Sulphur Springs and dam release) minimum flows were in place, from January 1, 2008 to September 30, 2012; MFL Period 4 was a second period when seasonal 20 or 24 cfs freshwater equivalent (from Sulphur Springs and dam release) minimum flows were in place, from October 1, 2012 to May 31, 2018. MFL Periods 3 and 4 correspond to the bracketed time periods during which two five-year assessments of the recovery strategy for the Lower Hillsborough River were conducted. The recent, 2018 data, from January 1 through December 31, 2018, are shown separately to characterize salinity conditions downstream of the dam during the previous year. The dashed line represents a value of 5 ppt. Note, data were not available after 2014 for the Nebraska Ave. sampling site in MFL Period 4.

Minimum flows implementation has generally been sufficient to meet minimum flow requirements on all days, with exceptions. For example, during the first few months in 2018,

miscommunication between the District and the City occurred as ownership of pumps at the Structure S-161 site and at the Hillsborough River Dam was being transferred from the District to the City. As a result of this communication issue, water diverted to the LHR was not sufficient to meet minimum flow requirements in early (January) 2018 (Figure 3, upper panel).

In addition, water needed to meet the overall salinity goal due to the use of brackish water from Sulphur Springs (freshwater equivalent) has not been provided to the lower river. Original analysis performed by the District indicated an additional 3 cfs needed to be added operationally to the 20 and 24 cfs to meet the salinity-habitat improvement goal of the minimum flows. Additional data collection and analysis is now being conducted to update the additional volume and flow necessary to achieve the goal of salinity-habitat improvement

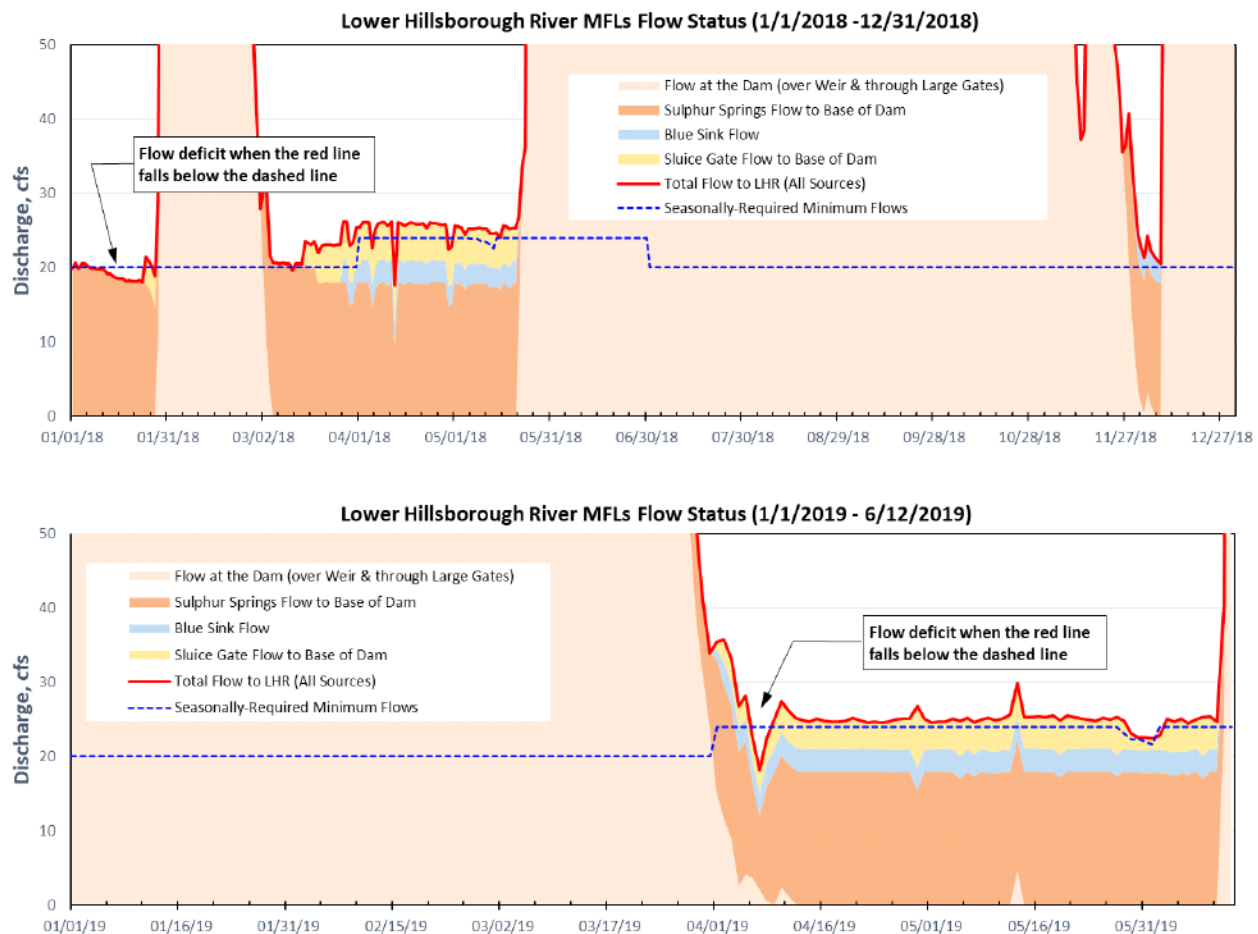


Figure 3. Minimum flows implementation for the Lower Hillsborough River (LHR) in 2018 (upper panel) and from January 1 through June 12, 2019 (lower panel). Minimum flow implementation is required when Flow at the Dam is less than 20 cfs (July 1 through March 31) or 24 cfs (April 1 through June 30), with incremental adjustments (reductions) made to these flow requirements based on low-flow conditions in the upper portion of the watershed as measured at the U.S. Geological Survey's Hillsborough River near Zephyrhills gage. The minimum flows required are depicted by the blue dashed line but do not include any flows required to meet the freshwater equivalent. Minimum flows implementation includes diversions to the base of the Hillsborough River Dam from Sulphur Springs and Blue Sink,

and water that is released from the reservoir (Sluice Gate Flow) after being diverted to the reservoir from the Tampa Bypass Canal. Note: information shown in the lower panel of this figure includes some provisional data.

The City is separately proceeding with investigations of reclaimed water recovery as a part of the Tampa Augmentation Project (TAP) (District Project Q028) that could increase available supplies to the Hillsborough River Reservoir. Completion of the TAP may also have implications for future Morris Bridge Sink Project activities, including the construction of the planned pump stations and transfer pipeline for diversion of water from the sink to the TBC. Development of the TAP may also defer or eliminate the need for new, permanent pumping facilities at the Structure S-161 site for transfer of water from the middle pool of the TBC to the Hillsborough River Reservoir for subsequent release to the LHR for minimum flows recovery.

In summary, all activities and projects proposed in the adopted recovery strategy are either underway, completed, or have been determined to not be viable. Acquisition of necessary permits and other unforeseen issues have delayed construction and full implementation of some recovery strategy projects. However, important components of the recovery strategy are currently in operation or available, including the use of Sulphur Springs, Blue Sink and the TBC as recovery flow sources, and results from recent years suggest that the desired goal of creating low-salinity habitat below the Hillsborough River Dam can be sustained through minimum flows implementation. Additional data collection and analysis is on-going to address the minimum flow freshwater equivalent component of the LHR Recovery Strategy.

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projects routine report to the Resource Management Committee. Governing Board meeting agenda and meeting information, November 18, 2008. Brooksville, Florida.

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Staff Recommendation:

This item is for the Board's information only; no action is required.

Presenter: Doug Leeper, MFLs Program Lead, Springs and Environmental Flows Section

RESOURCE MANAGEMENT COMMITTEE

August 27, 2019

Routine Report

Minimum Flows and Levels Status Report

Section 373.042 of the Florida Statutes requires the state water management districts or Department of Environmental Protection (DEP) to establish minimum flows and minimum water levels (MFLs) for aquifers, surface watercourses and other surface water bodies. MFLs are the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area and are used in District permitting programs and for water-supply planning.

Summary information concerning the status of five major tasks for water bodies scheduled for MFLs adoption by December 2019 is summarized below. Data collection and analyses for priority water bodies scheduled for MFLs adoption in 2020 through 2027 is also ongoing, but is not summarized in this current status report.

MFLs Development Tasks

- Draft MFLs reports are completed for stakeholder review, and in some cases are subjected to independent scientific peer review.
- Independent, scientific peer review is voluntarily initiated and completed for draft reports addressing river, spring and aquifer MFLs. Draft reports for lake and wetland MFLs are not typically subjected to voluntary peer review. The methods used to establish lake and wetland MFLs were, however, peer reviewed prior to those methods being adopted in rule. Voluntary peer review for individual lakes and wetlands may be conducted based on requests from affected stakeholders or by District decision.
- Public workshops are completed to provide opportunities for stakeholders to learn about and provide input on proposed MFLs.
- Final MFLs reports that incorporate peer review findings and stakeholder input are prepared for Governing Board approval.
- Rulemaking for proposed MFLs and any necessary MFLs prevention or recovery strategies is approved by the Governing Board, initiated through legal noticing of proposed rules, and completed with adoption and incorporation of effective MFLs and necessary strategies into District rules.

Status for Water Bodies Scheduled for MFLs Establishment by December 2019 (Recent Status Changes Highlighted)

Water Body	Draft MFLs Report	Independent , Scientific Peer Review	Public Workshop	Final MFLs Report	Rulemaking
Allen, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Brant Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Dosson, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Harvey, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed

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Sunshine, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Virginia, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Pierce, Lake ^a	Completed	Completed ^b	Completed	Approved	Completed
Calm Lake	Completed	Completed ^b	Completed		
Charles, Lake	Completed	Completed ^b	Completed		
Church Lake	Completed	Completed ^b	Completed		
Echo Lake	Completed	Completed ^b	Completed		
Water Body	Draft MFLs Report	Independent , Scientific Peer Review	Public Workshop	Final MFLs Report	Rulemaking
Linda, Lake	Completed	Completed ^b	Completed		
Pasco Lake		Completed ^b			
Sapphire, Lake		Completed ^b			
20 Northern Tampa Bay Wetlands		Completed ^b			
Chassahowitzka River	Completed	Completed	Completed		
Chassahowitzka Spring Group	Completed	Completed	Completed		
Blind Spring	Completed	Completed	Completed		
Homosassa River	Completed	Completed	Completed		
Homosassa Spring Group	Completed	Completed	Completed		
Rainbow River	Completed	Completed	Completed	Approved	Initiated
Rainbow Spring Group	Completed	Completed	Completed	Approved	Initiated

^a Scheduled for completion in 2018.

^b Peer review completed for lake and wetland MFLs methods.

Staff Recommendation:

This item is for the Board's information only; no action is required.

Presenter: Doug Leeper, MFLs Program Lead, Springs and Environmental Flows Section

RESOURCE MANAGEMENT COMMITTEE**August 27, 2019*****Routine Report*****Significant Water Resource and Development Projects**

This report provides information on significant Resource Management projects and programs in which the Governing Board is participating in funding. The report provides a brief description and status of significant activities associated with the project that have recently occurred or are about to happen.

SWUCA Recovery Project at Flatford Swamp and Hydrologic Restoration

The project investigates the feasibility of using excess water from Flatford Swamp recharged into the Upper Floridan Aquifer that would reduce the rate of saltwater intrusion inland and help restore hydroperiods. A water budget model comparing existing and historic conditions within Flatford Swamp was developed to determine the amount of excess water that could be captured for a beneficial use. Several preliminary scenarios for removal of excess water from the swamp have been evaluated such as a feasibility study to determine Mosaic's potential uses for excess water from Flatford Swamp. The Feasibility Study with Mosaic was finalized in March 2013 but determined unfeasible. Staff researched an injection option at Flatford for the excess water to recharge the aquifer and discussed the need for more information on the Avon Park formation at the swamp. A pre-application meeting with Florida Department of Environmental Protection (FDEP) was held on February 25, 2016. Draft Class V, Group 2 Injection Well permit application was issued by FDEP approximately a year later. The feasibility study memorandum is complete. Staff has presented to the Agricultural\Green Industry, Environmental, Well Drillers and Public Supply Advisory Committees. Also, staff had outreach presentations to the Manatee Chamber Environmental Committee, Myakka River Coordinating Council, and the Florida Groundwater Association Board. Governing Board approved at their April meeting to proceed with the test well project. The successful consultant from the Request for Proposal for the test well project was the Jones Edmunds & Associates (JEA) team. The successful bidder for the drilling RFB was Rowe Drilling. Both the consultant and driller agreements were executed, and kick-off meetings were held on February 22, 2018. Rowe Drilling requested and was approved to drill on a 24-hour, five days a week schedule to bring the drilling back on schedule. Rowe had to drill deeper than originally estimated to fully characterized the Upper Floridan Aquifer. The permit submittal for final recharge well casing depths has been approved by FDEP based on information from the completed Phase 1 tasks. The recharge well and monitor wells are complete. Rowe Drilling is demobilizing the site. Jones Edmunds and Associates (JEA) continues work on the design and permitting of the diversion infrastructure. Rowe has demobilized from the site. The drilling is complete. ***New Activities Since Last Meeting:*** JEA is coordinating with FDEP and US Army Corps of Engineers on permit review for the diversion infrastructure. Staff provided draft request for bid for construction of the diversion infrastructure to the Procurement section for approval. *Project Manager: Lisann Morris*

Lower Hillsborough River MFLs Recovery Strategy - Implementation

At its August 2007 meeting, the Governing Board established minimum flows and approved a recovery strategy for the lower Hillsborough River (LHR). The recovery strategy was adopted as required by statute, because flows in the LHR were below the established minimum flows. The recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flows. Projects planned or completed under the recovery strategy, funded through a Joint Funding Agreement with the City of Tampa (COT), include diversions of water from Sulphur Springs, Blue Sink, the Tampa Bypass Canal (TBC), and Morris Bridge Sink. All

projects are constructed and are operating except for the Morris Bridge Sink project. In October 2017, the District completed design for the Morris Bridge Pumping facility, but construction has not begun pending the outcome of analysis the COT is performing associated with the Tampa Augmentation Project (TAP). In addition, the COT, with District co-funding, has completed the LHR Dam Control Gate Facilities (N492) project which constructed a new sluice gate in the dam to allow the city to pass the full quantity of water needed to meet minimum flows. In December 2017 the COT began operation of the temporary pump stations at the District's S-161 site and at the Hillsborough River Dam site. The COT has received Water Use Permit (WUP) No. 20020802 from the District for the operation of these pump stations. In summary, all activities and projects proposed in the adopted recovery strategy are either underway, completed, or have been determined to not be viable. Important components of the recovery strategy are currently in operation, including the use of Sulphur Springs, Blue Sink, LHR Dam Control Gate Facilities, and the TBC as recovery flow sources, and results from recent years suggest that the desired goal of creating low salinity habitat below the dam can be sustained through minimum flows implementation. The District and the COT continue to work cooperatively to determine how the MFL will be impacted through the proposed COT TAP. The COT has met with District staff and is pursuing additional coordination regarding minimum flow requirements to support the updating of their minimum flow operating procedures. The biological and water quality sampling data collected in association with WUP No. 20020574 for MBS were submitted in June 2019. Vegetation and wildlife monitoring required for WUP No. 20020574 was conducted in June 2019. The annual LHR recovery strategy update will be provided to the Governing Board in August 2019. ***New Activities Since Last Meeting:*** The vegetation and wildlife monitoring report required for WUP No. 20020574 was submitted to the District in July 2019. The City of Tampa submitted the final quarterly status report in July 2019. District staff have initiated coordination with stakeholders for the draft five-year assessment report required by rule. *Project Managers: Danielle Rogers*

Aquifer Recharge Projects

City of Clearwater - Groundwater Replenishment Project - Phase 3

This ongoing project is temporarily on hold. Work was previously completed on an advanced water purification pilot plant test and one groundwater recharge injection site. Results from the water purification plant pilot tests and injection well testing demonstrated that this project would be successful in allowing the City to increase their reclaimed water utilization, reducing surface discharges; and improving groundwater levels in the Northern Tampa Bay Water Use Caution Area. Phase 3 of this project is the design, third-party review, permitting and construction of the full-scale water purification plant and the injection and monitor well systems to recharge the Upper Floridan aquifer with 2.4 mgd annual average of purified recycled water at Clearwater's Northeast Water Reclamation Facility. Public outreach is also a critical function throughout the design and construction of this project. The original CFI contract with the City for this project was executed in January 2016. An increase in the total project cost from \$28,680,000 to \$32,716,000, was requested at the District's September 27, 2016 Governing Board Meeting based on results of a 30 percent design and third-party review. The Board approved the City's request to move forward with final design and construction and authorized a contract amendment for the project (current budget of \$32,716,000 with the District funding a total of \$16,358,000). This contract amendment was executed on March 6, 2017. Of the District's contribution, \$1,554,000 was approved in FY2015, \$2,131,600 was approved in FY2016, and \$8,000,000 was approved in FY2018. The remaining \$4,672,400 is to be requested in future funding applications. The final design is complete. Three public meetings were conducted by the City between November 2016 and May 2017. The Florida Department of Environmental Protection (FDEP) permits for the advanced water purification plant and recharge and concentrate injection wells were issued on March 30, 2018 and August 17, 2018, respectively.

Site development permits, including the FDEP Environmental Resource Permit, Florida Department of Transportation permit, City and County permits are also complete and issued except for naming the chosen general construction contract engineer. This process can only be completed following completion of the project bidding procedures. The City requested a delay to complete a master water plan to assess their existing and potential future water system and supply. This analysis will provide options for improving treatment efficiencies and cost-effective measures to maintain future drinking-water supplies. To release the budgeted construction funds and to allow the City the necessary time to complete their master water plan evaluation, it was decided that the current CFI Agreement would need to be amended. On May 21, 2019, the Governing Board approved the District staff recommendation of reducing the project scope to only include 30 percent design, third-party review, final design, permitting and public outreach at a total project cost of \$2,989,819 and a District share of \$1,494,909 by deleting construction related tasks and associated funds. District staff are currently developing and executing the contract amendment. **New Activities Since Last Meeting:** No changes since last meeting. *Project Manager: Robert Peterson*

Pasco County - Reclaimed Water Natural Systems Treatment and Restoration Project

Pasco County, in partnership with the Southwest Florida Water Management District (District), has constructed a system of groundwater recharge wetlands on the 4G Ranch in central Pasco County to receive reclaimed water for groundwater recharge. The total project cost (N666), split equally between County and the District, was \$14,300,966. The facility consists of 175 acres of constructed wetlands divided into fifteen (15) cells planted with native wetland vegetation. Each cell is operated independently through a valve manifold that includes flow control valves and flow meters and operated based on water elevation setpoints. These water level setpoints should change monthly based on recommendations defined in the Operation and Maintenance Manual to achieve a wetland hydroperiod that mimics natural Florida wetlands, with high levels in the summer wet season and lower levels in the winter dry season. Furthermore, it is expected that the infiltration that can be achieved is a function of the water level in each cell which provides driving hydraulic head for infiltration into the groundwater. The need for recharge together with the need to maintain healthy wetland vegetative communities must be balanced and optimized to ensure project success and achieve the most benefit out of this facility.

A follow-up three-year project (N943), began in 2018 to compile and review available applicable operational data to evaluate impacts to the local groundwater system, optimize system performance, and estimate future operational trends. The total cost of this project is \$280,000, split equally between the County and the District. As part of this project, an operational groundwater model of the site will be developed using the information from the consultant combined with the data that County staff is currently collecting. This operational groundwater model will be used to estimate potential future system infiltration rates, impacts and benefits to the Upper Floridan aquifer, and future operational conditions. Consultant scientists will perform biannual vegetation surveys of the 15 cells constructed on the 4G Ranch to assess the performance of the wetlands against the setpoints. The surveys will be completed through photo-interpretation of low-altitude, high resolution photography obtained by the County to determine wetland vegetation cover of each cell. A technical memorandum that includes the results of both the hydrogeologic review and the vegetation hydroperiod review will be provided. This technical memorandum will include recommendations for changes to the monthly water elevation setpoints that will both maximize groundwater recharge while maintaining healthy wetland vegetative communities. The optimization effort (N943) is on schedule and moving forward. The annual progress technical memo for one year has been completed and received by the District. The completion letter for N666 was received by the District and the final payment was made. The optimization effort (N943) is ongoing in its second year. **New Activities Since Last Meeting:** No changes since last meeting. *Project Manager: Mike Hancock*

South Hillsborough County Aquifer Recharge Program (SHARP)

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the Hillsborough County's Big Bend facility near Apollo Beach in southern Hillsborough County (County). The goal of the project is to improve water levels within the Most Impacted Area of the Southern Water Use Caution Area and possibly slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County's consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses received in August 2012. Construction contract with the contractor (A.C. Schultes of Florida, Inc.) was approved by the County on April 3, 2013. The recharge well was completed in December 2013 with an open-hole diameter of 14.75 inches, 780 feet of casing, and a total depth of 1,100 feet. The County received a letter from FDEP on July 13, 2015 authorizing recharge operations to begin. ***New Activities Since Last Meeting:*** Recharge testing and monitoring continued during the months of June and July. The total injected volume for June was approximately 65 MG for the month. Estimated injection volume for July was not available at the time (July 28th) this update was prepared. Total recharge volume through June is approximately 2.99 billion gallons since the beginning of the project. *Project Manager: Don Ellison*

City of Tampa, Tampa Augmentation Project (TAP)

This project is a study that will explore the cost and feasibility of two options to beneficially use reclaimed water from the Howard F. Curren Advanced Wastewater Treatment Plant (HFCAWTP). The first alternative concept involves transmitting reclaimed water to the Lower Hillsborough Wilderness Preserve Area and delivering water through created wetlands and/or rapid infiltration basins (RIBs) to the Tampa Bypass Canal. This alternative was found infeasible and the project focus went to the second alternative. The second alternative concept evaluates a recharge/recovery system to store and recover reclaimed water (and possibly stormwater) in the aquifer for delivery to the Hillsborough River Reservoir and possibly in the future directly to the David L Tippen Water Treatment Plant. The City has developed their stakeholder outreach plan, completed their route and regulatory/institutional analysis memorandums. The City is currently testing the recharge/recovery concept at an existing aquifer storage and recovery site. A No Cost Time Extension amendment is being routed to allow for finalization of the more complex memoranda covering modeling and water quality treatment. A draft Florida Department of Environmental Protection Underground Injection Well permit application was prepared. Additional feasibility tasks have been identified as a result of this first phase and the City has submitted a revised Cooperative Funding Application to request funding for Fiscal Year 2019. No Cost Time Extension was executed extending the contract completion date to the end of August 2018. The City withdrew their underground injection control permit for the entire TAP project and will continue discussions with FDEP on permitting aspects of the overall project. In the interim, the City plans to move forward and develop a permit application for the Rome Avenue site for testing with potable water. The City decided to fund 30 percent design activities for some of the TAP infrastructure. The Phase 1 Feasibility Study is complete and closed. Phase 2 Feasibility Study kick-off meeting was held on January 30, 2019. The Memorandum of Understanding with Tampa Bay Water was tabled until June 2020 when the Phase 2 TAP Feasibility Study is anticipated to have additional answers. Meanwhile, the City initiated recovery at the TAP-1 well collecting water quality samples. The City is working through the Rome Avenue Underground Injection Control permit with Florida Department of Environmental Protection that will use potable water in the test. ***New Activities Since Last Meeting:*** A kick-off meeting was held on the Rome Avenue test well site on July 17, 2019. Testing will be done with

potable water with data inputting into the SEAWAT model to predict disposition of the reclaimed water injection. *Project Manager: Lisann Morris*

Water Incentives Supporting Efficiency (WISE) Program

This is a cost-share program that supports and promotes water conservation with non-agricultural water users. It will provide a streamlined project implementation/application process and reach cooperators that might not otherwise implement smaller conservation projects. The program was presented to the Governing Board on November 13, 2018 and officially launched December 1, 2018. Funds budgeted for FY2019 total \$50,000 and will allow for a minimum of three projects to receive funding. A communications plan has been developed to help promote the new program. Funds are still available and outreach is ongoing. ***New Activities Since Last Meeting:*** Two more applications have been approved for funding (now a total of three). The two new approved applications are with Ringling College in Sarasota for a cooling tower pre-treatment system, and Sarina-Asha Hotels in Lecanto for a toilet upgrade to 0.8 gal per flush fixtures. One application from Jubilee Hotels, LLC is routing and awaiting approval from management. Of the \$50,000 budgeted, \$45,114 have been committed to conservation projects and \$4,886 are currently available for additional projects for the remainder of FY2019. The proposed budget for WISE in FY2020 is \$100,000. Outreach is ongoing and includes a visit to Bartow golf course and a presentation to Building Owners and Managers association of Tampa Bay (BOMA). *Project Manager: Josh Madden*

Staff Recommendation:

This item is provided for the Committee's information, and no action is required.

Presenter: Jennette M. Seachrist, P.E., Division Director, Resource Management

**Governing Board Meeting
August 27, 2019**

FINANCE/OUTREACH & PLANNING COMMITTEE
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FINANCE/OUTREACH & PLANNING COMMITTEE

August 27, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Michael Molligan, Division Director, Employee and External Relations

FINANCE/OUTREACH & PLANNING COMMITTEE

August 27, 2019

Discussion Item

Knowledge Management: Risk Management and Safety Governing Board Policy

Purpose:

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed by the respective divisions.

Background/History:

The District's Knowledge Management initiative launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus in FY2019 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

Staff reviewed the Risk Management and Safety Policy, a copy of which is attached to this item. This Policy defines the elements of the District's Risk Management program, providing guidance on the day-to-day operations of the risk management and safety programs. Due to the nature of the content, this policy would be better suited as an Executive Director Procedure. If approved, the policy would be discontinued, and the information would be re-formatted as an Executive Director Procedure. This aligns the program with day-to-day operations. No other changes are proposed to the content.


Benefits:

This change will reduce unnecessary board policies and align guidance on risk management with other day-to-day operations direction as an Executive Director Procedure

Staff Recommendation:

This item is presented for the Board's information, and no action is requested. The request to remove the Risk Management and Safety Governing Board Policy will be included as a consent item in the September 2019 Board packet and approval of the change will be requested at that time.

Presenter: Kelley Rexroad, Office Chief, Human Resources

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: RISK MANAGEMENT AND SAFETY			
SECTION/DEPT.: HUMAN RESOURCES & RISK MANAGEMENT	NUMBER: 120-1	PAGE: 1 OF 1	
APPROVED BY: 	H. PAUL SENFT, JR., CHAIR	EFFECTIVE DATE: 05/21/13	SUPERSEDES: 09/27/88

STATEMENT

The Southwest Florida Water Management District (District) is committed to maintaining a risk management function for the purpose of developing and managing programs designed to protect the assets and preserve the operational continuity of the District from hazards, activities and events that may affect the District, its staff or members of the public, and provide for the protection against financial losses to tangible property, liability claims, revenues and human life capital.

PURPOSE

The purpose of this policy is to ensure that an effective risk management and safety program is maintained. At a minimum, the program must include the following elements:

- Identification and analysis of exposures to loss that have the potential for significant personnel or financial impact resulting from naturally occurring or human caused events.
- Examination of options to reduce the frequency and severity of identified exposures using an appropriate technique, or combination of techniques that may include:
 - Avoidance,
 - Loss prevention, and
 - Loss reduction.
- Determination of the most appropriate method for controlling the financial impact of potential losses using one or more of the following techniques:
 - Retain the risk of loss on a self-insured or uninsured basis,
 - Transfer the risk of loss to an insurer, and
 - Transfer the risk of loss to a third party through contractual transfer.
- Selection and implementation of the appropriate risk management technique(s) to address identified exposures to loss.
- Maintenance of a Continuation of Operations Plan (COOP) that communicates staff responsibilities prior to, during, and immediately after any naturally occurring or human caused event.
- Monitoring and reporting of program performance, at least annually, to the Governing Board regarding effectiveness and efficiency of the risk management and safety program and recommending continuation or changes to policy or procedures as appropriate.

RESPONSIBILITY FOR PROGRAM

The risk management and safety program will be carried out by the District's Risk Manager in accordance with procedures reviewed and approved by the Executive Director or, if delegated by the District's Executive Director, the Executive-level director responsible for the risk management and safety function.

Some enterprise risk exposures, although insurable, can be managed more cost effectively using alternate risk management techniques. As such, management over the following risks is not considered a part of this District policy:

- Information technology disaster recovery;
- Legal and regulatory;
- Governance and geopolitical; and
- Financial reporting, investment, and credit.

FINANCE/OUTREACH & PLANNING COMMITTEE

August 27, 2019

Discussion Item

Knowledge Management: Performance Incentive Program Governing Board Policy

Purpose:

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed by the respective divisions.

Background/History:

The District's Knowledge Management initiative launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus in FY2019 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

The Performance Incentive Plan Policy provides Staff a mechanism to provide bonuses for the top performers. Staff performed a review of the Performance Incentive Program Policy and determined it necessary to make minor changes. The policy has been provided as an attachment. The minor modifications include office name changes and formatting. The policy remains compliant with the Florida Statute. This policy is currently in effect but has not been used for several years.

Benefits:

This update allows the Governing Board Policy to be available as a tool for recognition for the top twenty percent of performers when appropriate and approved by the Board.

Staff Recommendation:

This item is presented for the Board's information and no action is requested. The attached revised Performance Incentive Program Governing Board Policy will be included as a consent item in the September 2019 Board packet and approval will be requested at that time.

Presenter: Kelley Rexroad, Office Chief, Human Resources

DRAFT

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Performance Incentive Program

Document Owner: Kelley Rexroad,
Human Resources Office Chief

Approved By: Mark Taylor; Chair

Effective Date: MM/DD/YYYY

Supersedes: 04/30/2013

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PURPOSE

In order for the District to have the ability to give incentive payments to employees, section 215.425 (3), Florida Statutes, has specified requirements that must be satisfied, which this Policy is intended to satisfy.

SCOPE

Successful District employees demonstrate the core District values of service excellence, teamwork, self-management, professional integrity, and professional/technical excellence. The Governing Board recognizes the need to encourage, incentivize and reward District employees for superior work performance that advances or makes significant, notable contributions to the District's mission objectives.

AUTHORITY

Section 215.425, Florida Statutes

DEFINITIONS

N/A

POLICY

The following guidelines apply to any bonus payment that the District elects to provide:

Performance Evaluation

1. The major factor in determining an employee's eligibility for payment under the Performance Incentive Program shall be the employee clearly and/or significantly

GOVERNING BOARD POLICY

Title: Performance Incentive Program

Effective Date: MM/DD/YYYY

Page 2 of 4

surpassing performance expectations and goals and is characterized by high achievement.

2. Payments to District employees under the Performance Incentive Program shall be determined by a thorough and complete review and analysis of the performance records of all District employees as documented in a written annual employee evaluation. The evaluation of each employee shall be a competency-based approach that uses core competencies that are developed and distributed to employees prior to the beginning of the evaluation period and shall include employee goals and at least one formal performance meeting with the employee during the evaluation period.
3. Notwithstanding paragraph 1, no more than 20% of the District's employees may receive a performance incentive for any one evaluation period unless the Governing Board waives this requirement during a Governing Board meeting upon a showing of exceptional circumstances.
- ~~4. For Fiscal Year 2012-2013, the evaluation period shall begin May 1, 2013 and end September 30, 2013. Subsequent evaluation periods shall begin on the first day of each fiscal year and end on the last day of that fiscal year.~~

Eligibility

1. All District employees are eligible to be considered for a performance incentive payment under the Performance Incentive Program.
2. To be eligible for consideration for a performance incentive payment for a specific evaluation period, an employee must:
 - a. be employed by the District in a full-time regular position;
 - b. have been employed prior to the start of the evaluation period that is used for that payment and have been continuously employed through the date of the performance incentive payments are distributed;
 - c. must not have been on leave without pay consecutively for more than six months during the evaluation period;
 - d. must have received no disciplinary action during the evaluation period through the date the performance incentive payments are distributed. Disciplinary actions include written reprimands, suspensions, dismissals, and involuntary or voluntary demotions that were associated with a disciplinary action; and
 - e. have received a written evaluation of performance during the evaluation period.

Implementation

1. The Governing Board hereby authorizes the Executive Director to implement the provisions of this Policy and the Executive Director is hereby delegated authority to take any and all actions otherwise necessary to administer the Performance Incentive Program; provided, however, that all provisions of the Performance Incentive Program, as implemented, must be consistent with the provisions of controlling Florida law and this Policy.
2. The Governing Board shall take all actions necessary to administer the Performance Incentive Program for the Executive Director and the Inspector General pursuant to this Policy and Policy 710-2; provided, however, that all actions must be consistent with the provisions of controlling Florida law, this Policy and Policy 710-2.
3. Any annual Performance Incentive Program implemented under the authority of this Policy must have budgetary approval by the Governing Board. Approval will be deemed granted if

GOVERNING BOARD POLICY

Title: Performance Incentive Program

Effective Date: MM/DD/YYYY

Page 3 of 4

dollars used to fund the payments have been previously budgeted and approved by the Governing Board for salaries.

Statutory Compliance

1. Any and all activities under the Performance Incentive Program implemented under the authority of this Policy must comply with the provisions of Section 215.425(3), Florida Statutes, every respect and, thus, must:
 - a. Base the award of a payment to a District employee on work performance.
 - b. Ensure that the performance standards and evaluation process by which a payment may be awarded be only as set forth in this Policy.
 - c. Ensure that all employees are notified of the provisions of this Policy prior to the beginning of each evaluation period relating to which a payment will be based.
 - d. Ensure that all District employees are considered for payment on an equal basis.
2. The District's Inspector General shall ensure that the compliance of the Performance Incentive Program with controlling State law is an element of each year's audit report as presented to the Governing Board.

DISTRIBUTION

This policy will be stored in the designated Governing Board repository.

REFERENCES

Section 215.425, Florida Statutes

PERIODIC REVIEW

This policy will be reviewed every three years.

GOVERNING BOARD POLICY

Title: Performance Incentive Program

Effective Date: MM/DD/YYYY

Page 4 of 4

DOCUMENT DETAILS

Document Name	Performance Incentive Program
Formerly Known As	N/A
Document Type	Policy
Author(s)	Kelley Rexroad, Human Resources Office Chief
Reviewing Stakeholder(s)	
Document Owner Name	Kelley Rexroad
Document Owner Title	Human Resources Office Chief
Review Period (in days)	1,095
Span of Control	Governing Board
Supersedes Date	04/30/13
Effective Date	

APPROVAL

Mark Taylor
Chair

Date

FINANCE/OUTREACH & PLANNING COMMITTEE

August 27, 2019

Discussion Item

Fiscal Year (FY) 2019 Board Designated Encumbrance Request

Please see attachment.

Staff Recommendation:

Approve the encumbrance of \$1,140,000 from the FY2019 Salary appropriation to carry forward into FY2020 for recommended salary adjustments for positions identified in the 2019 Salary Survey and staff merit-based salary increases.

Presenters: John J. Campbell, Division Director, Management Services and
Michael Molligan, Division Director, Employee and External Relations

Fiscal Year (FY) 2019 Board Designated Encumbrance Request

Purpose

Request approval to encumber current year funds budgeted for salaries in an amount not to exceed \$1,140,000 to carry forward into FY2020 for recommended salary adjustments for positions identified in the 2019 Salary Survey and staff merit-based salary increases.

Background

In FY2013, the District implemented a Performance Evaluation process which provides for the assessment of employee performance against core District competencies and individual performance goals. District employees will receive their annual performance evaluations under this process in September 2019 reflecting performance for FY2019.

The following is a thorough explanation of how merit increases are determined and last year's distribution of grades and pay increases, followed by an explanation of the results of the 2019 Salary Survey and the actions identified to make adjustments to compensation in areas determined to be below market.

Merit Increase Background

The District does not provide employees with cost-of-living increases, nor does it budget for merit increases. Annually, the District assesses savings from unspent salary dollars within the current fiscal year. When appropriate, staff requests Board approval to spend a determined amount of these funds on merit increases and/or cost of implementing strategies to address results of a salary survey conducted every third year, to be applied in the following year. This is accomplished with a request to the Board to encumber funds to be carried forward to the next fiscal year's budget. All salary increases are based on merit identified during the performance evaluation process. Also, while all employees take part in the evaluation process, only those employees hired before April 1, or who have not received a pay increase (promotion) after April 1, and who received an evaluation score of 3 or higher, are eligible for a merit increase.

Employee Evaluation Process

All employees receive a performance evaluation from their supervisors. Evaluations are based on performance related to goals and competencies. Goals and competencies are evaluated on a five-point scale:

- 5 = Consistent performance substantially exceeding normal expectations for total job
- 4 = Frequently exceeds normal performance expectation for key job tasks
- 3 = Meets normal job requirements in accordance with established standards and may exceed requirements for some job tasks
- 2 = Overall performance acceptable but improvement needed in one or more significant aspects of job
- 1 = Does not meet standards

Each employee is required to have three SMART goals (specific, measurable, achievable, results-focused and time-bound) developed in collaboration with their supervisor. Each goal may have multiple components. Objectives are clearly identified to determine a 3, 4 or 5 rating for each goal. The goal scores are averaged to provide one grade. The remaining scoring comes from an evaluation of how well the employee is meeting the District competencies:

- Service Excellence
- Teamwork and Collaboration
- Self-Management
- Professional Conduct
- Professional and Technical Excellence (non-management)
- Leadership and Management Excellence (management)

Each competency is further defined in the review document by a series of specific behaviors.

Since the 2019 performance evaluation cycle will not start until September, staff does not have the grade distributions for this year. However, the following table displays the results of the performance evaluation cycle for 2018.

FY2018 Distribution of Performance Scores

Scores	Count
2.00 - 2.49	3
2.50 - 2.99	11
3.00 - 3.49	140
3.50 - 3.99	236
4.00 - 4.49	106
4.50 - 4.99	21
5.00 - 5.00	1
Total	518

In August 2018, the Board approved funding for salary increases of \$1 million. The following chart shows the distribution of merit increases by percentage to employees based on their performance in FY2018.

FY2018 Distribution of Percent Merit Increase

Increase %	Count
0.00% - 0.00%	5
1.00% - 1.49%	0
1.50% - 1.99%	0
2.00% - 2.49%	6
2.50% - 2.99%	59
3.00% - 3.49%	215
3.50% - 3.99%	156
4.00% - 4.49%	29
4.50% - 4.99%	4
5.00% - 5.49%	1
Total	475

It's important to note how merit dollars are distributed within the organization. Recognizing that there may be slightly different approaches to performance grading amongst the bureaus, funds available for merit increases are divided proportionately by bureau. Each bureau receives its proportional allocation of available funds based on its combined salary dollars of eligible employees compared to salary dollars of all eligible employees districtwide. The following table shows the allocation among bureaus. The distribution of those funds is determined by each bureau chief with oversight by the appropriate division director.

As of 09/21/2018	Employees	Annualized Salaries	Merit Budget Impact	2018 Merit Pool
Regular Employees	534	32,433,147	3.1%	
Merit Eligible	475	29,460,891	3.4%	\$1,000,000
Merit Eligible				
Division / Bureau Pool	Eligible Employees	Annualized Salaries	Percent of Total	2018 Merit Pool
Executive	14	\$1,563,411	5.3%	\$53,067
Office of Executive	7	977,662	3.3%	33,185
Office of General Counsel	7	585,749	2.0%	19,882
Emp & External Relations	30	1,909,586	6.5%	64,817
Communications Board Svc	16	907,171	3.1%	30,792
Human Resources Office	7	413,421	1.4%	14,033
Office of Gov Community	4	270,691	0.9%	9,188
EER BC Pool ^	3	318,302	1.1%	10,804
Management Services	97	5,901,771	20.0%	200,326
Finance	22	1,265,805	4.3%	42,966
General Services	32	1,435,637	4.9%	48,730
Information Technology	40	2,894,736	9.8%	98,257
MS BC Pool ^	3	305,594	1.0%	10,373
Ops Land Res Monitoring	133	6,954,667	23.6%	236,065
Data Collection	67	3,737,718	12.7%	126,871
Operations and Land Mgmt	64	3,023,467	10.3%	102,627
OPS BC Pool ^	2	193,482	0.7%	6,567
Regulation	122	7,506,574	25.5%	254,798
Environmental Res Permit	43	3,213,600	10.9%	109,080
Regulatory Support	46	2,000,024	6.8%	67,887
Water Use Permit	29	1,815,902	6.2%	61,638
REG BC Pool ^	4	477,048	1.6%	16,193
Resource Management	79	5,624,882	19.1%	190,927
Natural Sys & Restoration	29	1,976,270	6.7%	67,081
Project Management Office	6	394,805	1.3%	13,401
Water Resources	40	2,817,838	9.6%	95,647
RM BC Pool ^	4	435,968	1.5%	14,798
Grand Total	475	\$29,460,891	100.0%	\$1,000,000
Note:				
^ Assistant Division Directors, Ombudsman, and Bureau Chiefs salaries pooled within their respective division (listed last per division).				

2019 Salary Survey Results & Implementation Strategy

The District hired Evergreen Solutions, LLC to conduct a salary survey to determine the competitiveness of salaries offered at the District to help recruit and retain qualified and skilled employees. Evergreen performed the salary survey for all District job profiles within the labor market (Brooksville, Tampa, Sarasota and Lakeland) of competitive organizations.

Based on the data from the salary survey, the District is recommending the following changes:

- Increase the minimum by 2 percent for each pay level from grade 104 through 114 for all job profiles. A total of 363 employees fall within these grades; however, only 55 are currently at the minimum. Only those staff at the minimum would see an increase.
Cost: \$85,875
- Move several existing job profiles to higher pay grades, including Real Estate Land Use Professional, Government Affairs Professional, Finance Professional, Field Managers, Field Supervisors, and Administrative/Business Process Technicians. Only those employees who are below the minimum of the new pay grade would receive pay increases. A total of 65 employees fall within these profiles; however, only 11 would require increases to meet the new minimum.
Cost: \$21,510
- Reclassify those field technicians whose duties involve interacting with contractors and/or citizens in the field in an inspection role (such as for regulatory compliance) to a new job title and a higher pay grade to reflect the differences in responsibilities compared to other field technicians. As a result, 25 field technicians would be reclassified; however, only 17 would require increases to meet the new minimum.
Cost: \$32,414

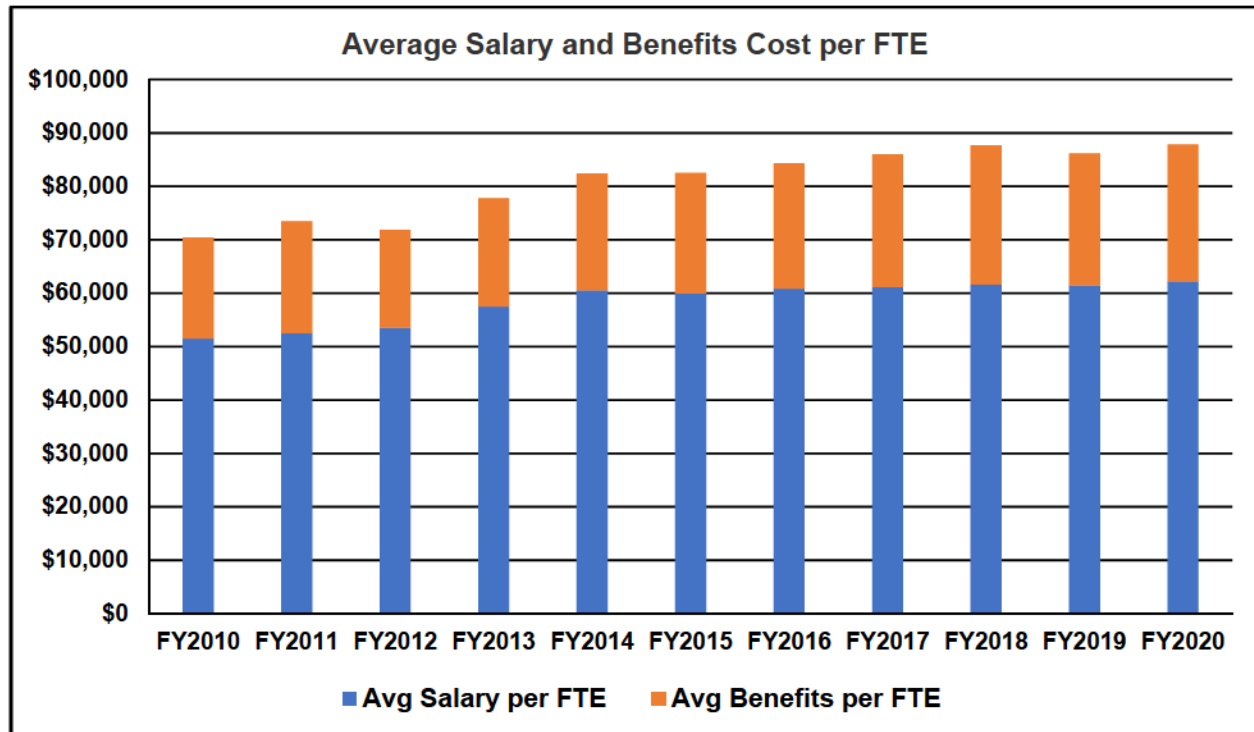
These changes in pay grades would affect approximately 60 percent of the District workforce, with changes in pay to nearly 10 percent of the workforce, mostly at the lower end of the pay grades.

Budgetary Impacts

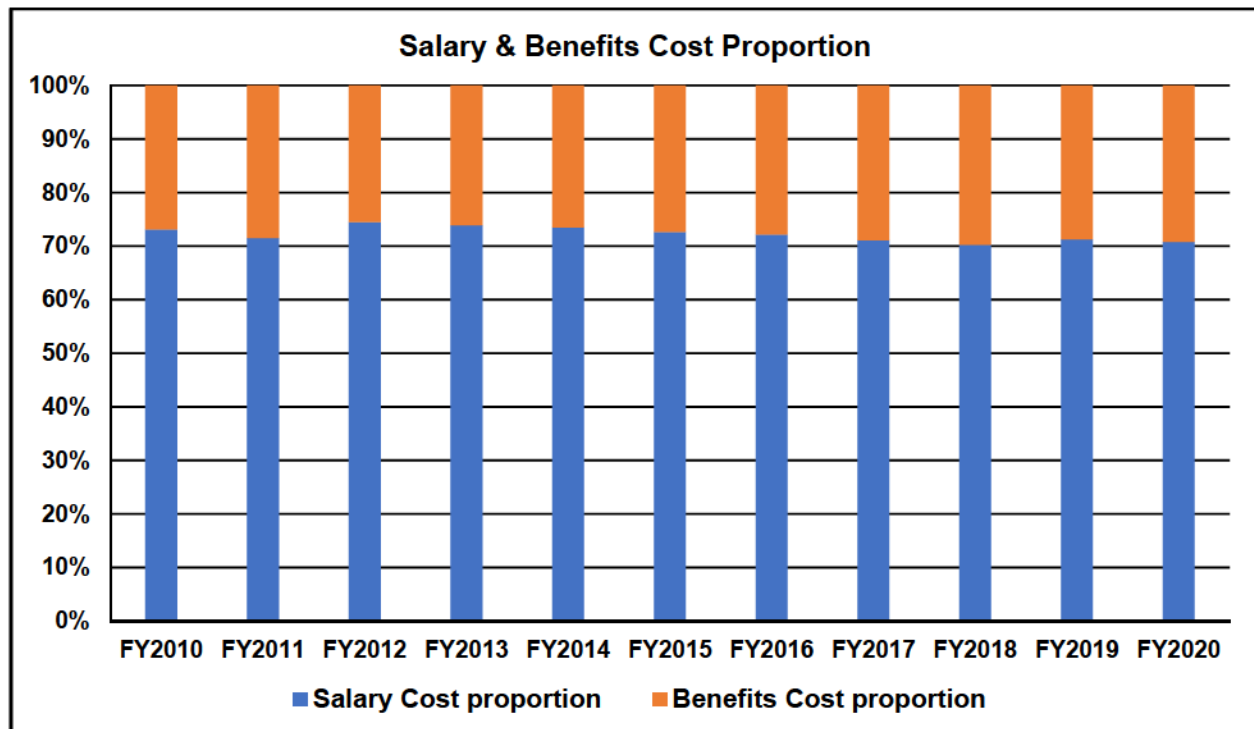
In August 2018, the Board approved an encumbrance of \$1 million for merit-based salary increases. The impact to the FY2019 budget is shown in the following table. The \$1 million encumbrance from FY2018 represents a 2.8 percent increase to the adopted salary budget for FY2019 resulting in a modified salary budget of \$36.2 million. Year to date expenditures plus projected expenditures through the end of FY2019 are estimated at \$34.6 million. The \$1.14 million in requested funds are available from the projected remaining salary budget of \$1.6 million for FY2019 as shown below.

FY2019 Adopted Salary Budget	\$35,257,347
FY2019 Budget Transfers In / (Out)	(19,372)
FY2019 Board Encumbrance from FY2018	1,000,000
FY2019 Modified Salary Budget	\$36,237,975
Actual Expenditures through 07/07/2019	\$26,595,073
Projected Expenditures from 07/08/2019 through 09/30/2019	8,038,652
Total Projected Expenditures for FY2019	\$34,633,725
Projected Remaining Salary Budget Available at Year-End	\$1,604,250

The District has begun to experience a slight increase in average total compensation (Salary and Benefits). For FY2020, the tentative budget for salaries is 1.23% higher than the adopted budget for FY2019. Similarly, the FY2020 tentative budget for benefits is 3.71% higher than the adopted FY2019 budget. The budgeted average compensation per FTE is depicted in the chart below.



In addition to slightly higher overall average total compensation, the cost proportions of salaries to benefits have shifted slightly over the most recent years with benefits consuming a relatively larger portion of total compensation dollars. This is depicted in the chart below.



Benefits/Costs

Efficiencies within the District's workforce have resulted in an estimated \$1.6 million salary savings in FY2019. District management requests to utilize \$1.14 million of these savings for merit-based salary increases for staff based on their 2019 performance evaluation, as well as to fund the implementation strategies for the 2019 Salary Survey.

Of the \$1.14 million, District management requests up to \$1 million to reward high performing staff with a merit increase to be effective in FY2019. If approved, such an increase would appropriately reward annual performance and recognize the contributions District employees have made toward operational efficiencies and accomplishments the District has achieved in FY2019.

FINANCE/OUTREACH & PLANNING COMMITTEE

August 27, 2019

Routine Report

Treasurer's Report and Payment Register

Purpose

Presentation of the Treasurer's Report and Payment Register.

Background

In accordance with Board Policy, *District Investment Policy*, a monthly report on investments shall be provided to the Governing Board. The Treasurer's Report as of July 31, 2019, reflects total cash and investments.

In accordance with Board Policy, *Disbursement of Funds*, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic fund transfers (EFTs).

Staff Recommendation:

These items are presented for the Committee's information, and no action is required.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2019

CUSTODIAN HELD INVESTMENTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	AMORTIZED COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
PUBLIC TRUST ADVISORS						
<u>SWFWMD-Enhanced Cash Portfolio</u>						
7951619	Investments	2.36	\$163,848,966	\$164,019,210	\$539,139	
7951619	Cash / Money Market Fund	2.20	80,785	80,785	0	
			Subtotal	\$163,929,751	\$164,099,995	\$539,139
7951619	Accounts Receivable-Trade date prior to 7/31/19, Settlement date after 7/31/19		1,183	1,183	0	
			Total	\$163,930,934	\$164,101,178	\$539,139
						32.96
<u>SWFWMD- 1-3 Year Portfolio</u>						
7951620	Investments	2.00	\$212,493,652	\$212,860,188	\$1,114,526	
7951620	Cash / Money Market Fund	2.20	122,681	122,681	0	
			Subtotal	\$212,616,333	\$212,982,869	\$1,114,526
7951620	Accounts Receivable-Trade date prior to 7/31/19, Settlement date after 7/31/19		584	584	0	
			Total	\$212,616,917	\$212,983,453	\$1,114,526
						42.75
TOTAL CUSTODIAN HELD INVESTMENTS			\$376,547,851	\$377,084,631	\$1,653,665	75.71

STATE BOARD OF ADMINISTRATION (SBA) INVESTMENT ACCOUNTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	PURCHASE COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
STATE BOARD OF ADMINISTRATION						
<u>Florida PRIME (Formerly Local Government Investment Pool)</u>						
271413	SBA General Investments	2.52	\$89,465,578	\$89,465,578		
271414	SBA Land Resources	2.52	17,240,224	17,240,224		
271415	SBA Advanced State Funding (Eco System Trust Fund)	2.52	392,885	392,885		
271416	SBA Advanced State Funding (FDOT)	2.52	13,450,457	13,450,457		
271417	SBA Advanced State Funding (WRAP)	2.52	9,752	9,752		
271418	SBA Advanced State Funding (WPSTF-AWS)	2.52	231,758	231,758		
	TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS		\$120,790,654	\$120,790,654		24.29
	TOTAL INVESTMENTS		\$497,338,505	\$497,875,285		100.00
	CASH, SUNTRUST DEMAND ACCOUNT		(2,411,511)	(2,411,511)		
	TOTAL CASH AND INVESTMENTS		\$494,926,994	\$495,463,774		

Weighted average yield on portfolio at July 31, 2019 is 2.24%.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2019

CUSTODIAN HELD INVESTMENTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	AMORTIZED COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
PUBLIC TRUST ADVISORS						
<u>SWFWMD-Enhanced Cash Portfolio</u>						
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			Subtotal	\$163,929,751	\$164,099,995	\$539,139
7951619	Accounts Receivable-Trade date prior to 7/31/19, Settlement date after 7/31/19		1,183	1,183	0	
			Total	\$163,930,934	\$164,101,178	\$539,139
						32.96
<u>SWFWMD- 1-3 Year Portfolio</u>						
7951620	Investments	2.00	\$212,493,652	\$212,860,188	\$1,114,526	
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			Total	\$212,616,917	\$212,983,453	\$1,114,526
						42.75
TOTAL CUSTODIAN HELD INVESTMENTS			\$376,547,851	\$377,084,631	\$1,653,665	75.71

STATE BOARD OF ADMINISTRATION (SBA) INVESTMENT ACCOUNTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	PURCHASE COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
STATE BOARD OF ADMINISTRATION						
<u>Florida PRIME (Formerly Local Government Investment Pool)</u>						
271413	SBA General Investments	2.52	\$89,465,578	\$89,465,578		
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	TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS		\$120,790,654	\$120,790,654		24.29
	TOTAL INVESTMENTS		\$497,338,505	\$497,875,285		100.00
	CASH, SUNTRUST DEMAND ACCOUNT		(2,411,511)	(2,411,511)		
	TOTAL CASH AND INVESTMENTS		\$494,926,994	\$495,463,774		

Weighted average yield on portfolio at July 31, 2019 is 2.24%.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2019

EQUITY - CASH AND INVESTMENTS

DISTRICT AND BASINS

District General Fund	\$434,201,454	87.74%
Restricted for Alafia River Basin	588,434	0.12%
Restricted for Hillsborough River Basin	15,363,835	3.10%
Restricted for Coastal Rivers Basin	321,093	0.06%
Restricted for Pinellas-Anclote River Basin	13,279,515	2.68%
Restricted for Withlacoochee River Basin	1,135,382	0.23%
Restricted for Peace River Basin	1,611,316	0.33%
Restricted for Manasota Basin	3,427,123	0.69%
Total District General Fund	<u>\$469,928,152</u>	<u>94.95%</u>
 FDOT Mitigation Program	 13,003,240	 2.63%
Florida Forever Program	11,995,602	2.42%
 <i>TOTAL EQUITY IN CASH AND INVESTMENTS</i>	 <u><u>\$494,926,994</u></u>	 <u><u>100.00%</u></u>

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2019

CUSTODIAN HELD INVESTMENTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	AMORTIZED COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
PUBLIC TRUST ADVISORS						
<u>SWFWMD-Enhanced Cash Portfolio</u>						
7951619	Investments	2.36	\$163,848,966	\$164,019,210	\$539,139	
7951619	Cash / Money Market Fund	2.20	80,785	80,785	0	
			Subtotal	\$163,929,751	\$164,099,995	\$539,139
7951619	Accounts Receivable-Trade date prior to 7/31/19, Settlement date after 7/31/19		1,183	1,183	0	
			Total	\$163,930,934	\$164,101,178	\$539,139
						32.96
<u>SWFWMD- 1-3 Year Portfolio</u>						
7951620	Investments	2.00	\$212,493,652	\$212,860,188	\$1,114,526	
7951620	Cash / Money Market Fund	2.20	122,681	122,681	0	
			Subtotal	\$212,616,333	\$212,982,869	\$1,114,526
7951620	Accounts Receivable-Trade date prior to 7/31/19, Settlement date after 7/31/19		584	584	0	
			Total	\$212,616,917	\$212,983,453	\$1,114,526
						42.75
TOTAL CUSTODIAN HELD INVESTMENTS			\$376,547,851	\$377,084,631	\$1,653,665	75.71

STATE BOARD OF ADMINISTRATION (SBA) INVESTMENT ACCOUNTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	PURCHASE COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
STATE BOARD OF ADMINISTRATION						
<u>Florida PRIME (Formerly Local Government Investment Pool)</u>						
271413	SBA General Investments	2.52	\$89,465,578	\$89,465,578		
271414	SBA Land Resources	2.52	17,240,224	17,240,224		
271415	SBA Advanced State Funding (Eco System Trust Fund)	2.52	392,885	392,885		
271416	SBA Advanced State Funding (FDOT)	2.52	13,450,457	13,450,457		
271417	SBA Advanced State Funding (WRAP)	2.52	9,752	9,752		
271418	SBA Advanced State Funding (WPSTF-AWS)	2.52	231,758	231,758		
	TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS		\$120,790,654	\$120,790,654		24.29
	TOTAL INVESTMENTS		\$497,338,505	\$497,875,285		100.00
	CASH, SUNTRUST DEMAND ACCOUNT		(2,411,511)	(2,411,511)		
	TOTAL CASH AND INVESTMENTS		\$494,926,994	\$495,463,774		

Weighted average yield on portfolio at July 31, 2019 is 2.24%.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2019

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SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2019

EQUITY - CASH AND INVESTMENTS

DISTRICT AND BASINS

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TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2019

EQUITY - CASH AND INVESTMENTS

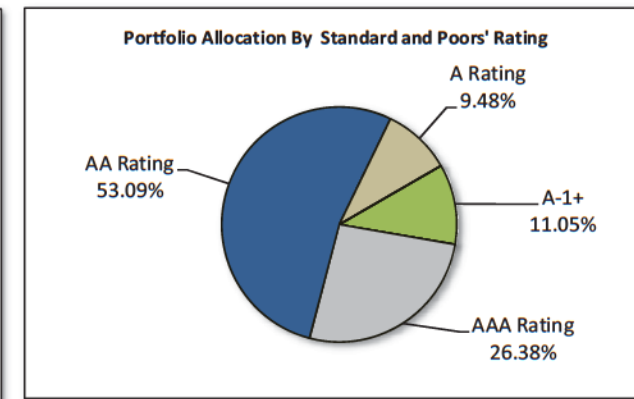
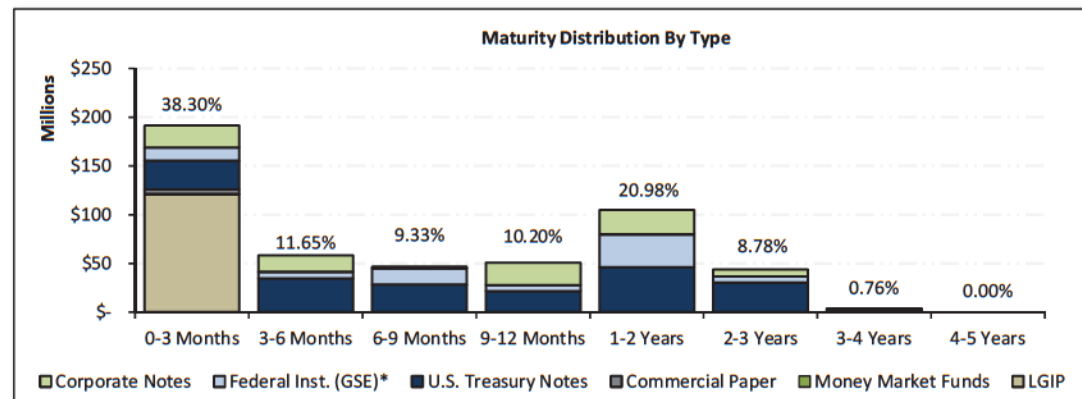
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Southwest Florida Water Management District All Assets Summary Comparison for the period July 1, 2019 to July 31, 2019

Southwest Florida Water Management District All Assets Portfolio	July 1, 2019 Beginning Balance	July 31, 2019 Ending Balance	Portfolio Characteristic	July 1, 2019 Beginning Balance	July 31, 2019 Ending Balance
Book Value Plus Accrued	\$ 495,825,662	\$ 498,990,403	Weighted Book Yield	2.26%	2.24%
Net Unrealized Gain/Loss	908,169	536,780	Weighted Duration	0.68 Years	0.71 Years
Net Pending Transactions	10,237,612	1,767			
Market Value Plus Accrued Net	\$ 506,971,443	\$ 499,528,950			

Individual Portfolio Characteristics	July 1, 2019 Beginning Balance	July 31, 2019 Ending Balance	July 31, 2019 Monthly Earnings	July 31, 2019 YTD Earnings
Liquid Portfolio (SBA-Florida Prime)	\$ 128,542,693	\$ 120,790,654	\$ 266,661	\$ 2,658,251
Enhanced Cash	164,382,836	164,640,317	327,242	3,016,204
Short Term 1-3 Year	214,045,914	214,097,979	353,692	3,277,160
Market Value Plus Accrued Net	\$ 506,971,443	\$ 499,528,950	\$ 947,595	\$ 8,951,615
			Less Advisory Fees:	
			\$ (9,828)	\$ (96,766)
			Total Earnings Net of Fees	
			\$ 937,767	\$ 8,854,849
			Blended Basis Fee (Annualized)	
			0.02363%	0.02327%



See additional disclosures for footnotes.



Additional Disclosure

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Beginning and Ending Balances based on Market Value plus Accrued Interest on a Trade Date basis.

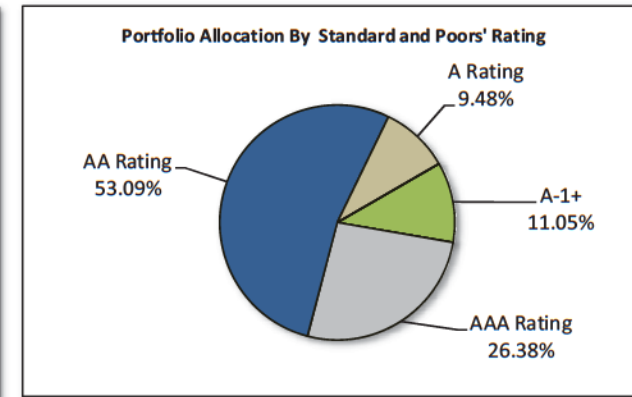
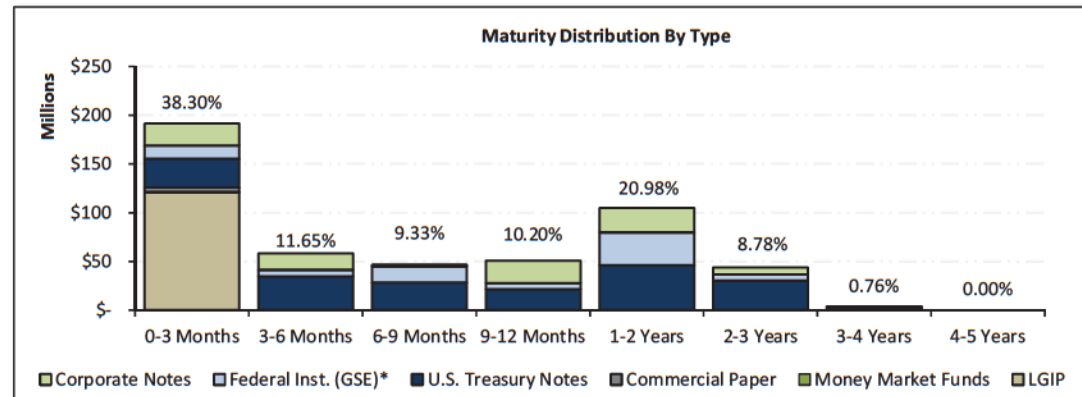
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Denver, CO 80202

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Public Trust Advisors
717 17th Street, Suite 1850
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Monthly Investment Report for Period Ended July 31, 2019

Southwest Florida
Water Management District



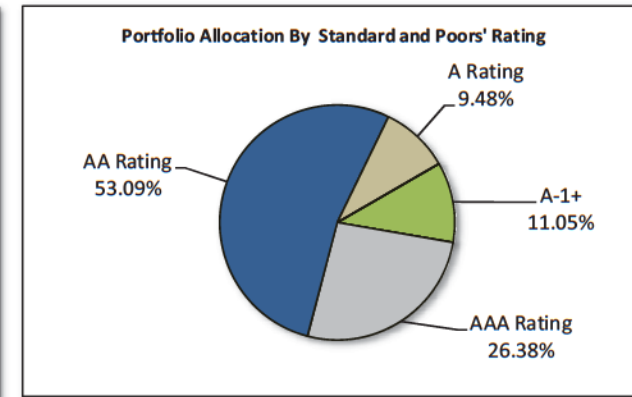
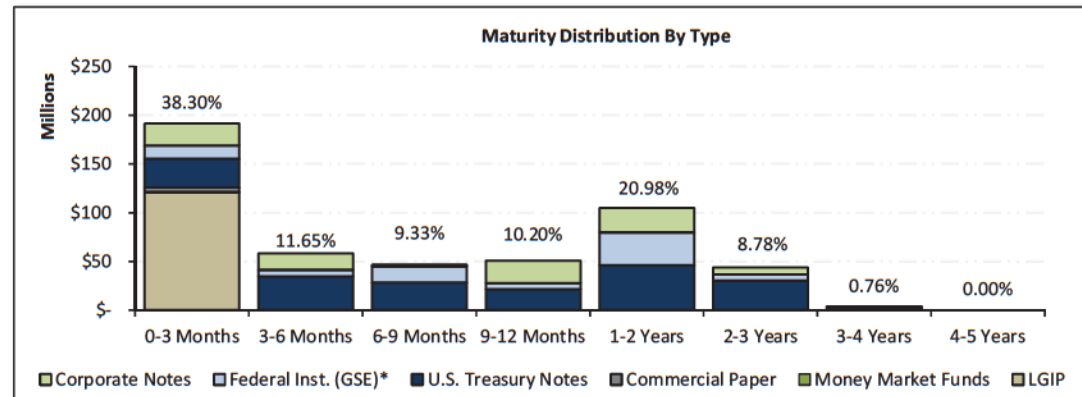
Southwest Florida Water Management District Investment Program Review
2379 Broad Street
Brooksville, FL 34604-6899

Public Trust Advisors LLC
201 E. Pine Street, Suite 750
Orlando, Florida 32801

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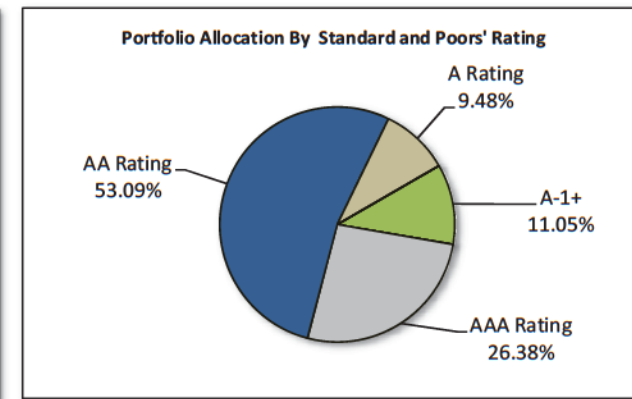
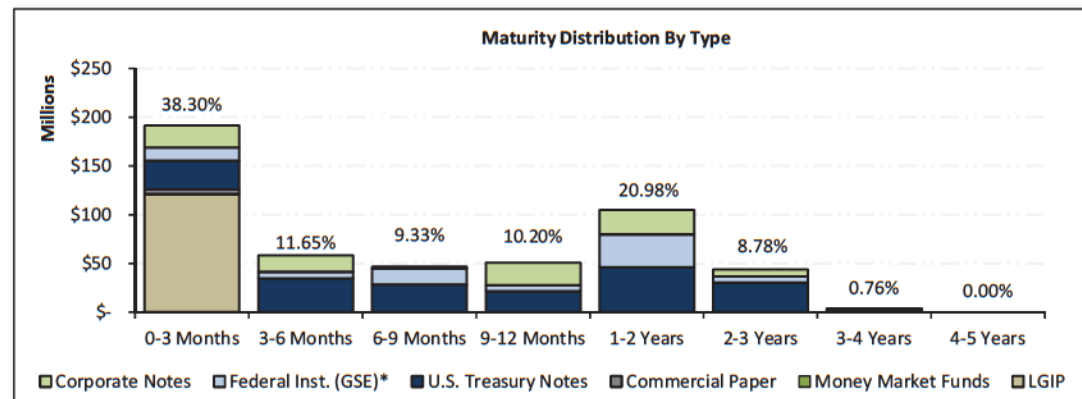
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SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2019

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Total District General Fund	<u>\$469,928,152</u>	<u>94.95%</u>
 FDOT Mitigation Program	 13,003,240	 2.63%
Florida Forever Program	11,995,602	2.42%
 <i>TOTAL EQUITY IN CASH AND INVESTMENTS</i>	 <u><u>\$494,926,994</u></u>	 <u><u>100.00%</u></u>

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2019

CUSTODIAN HELD INVESTMENTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	AMORTIZED COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
PUBLIC TRUST ADVISORS						
<u>SWFWMD-Enhanced Cash Portfolio</u>						
7951619	Investments	2.36	\$163,848,966	\$164,019,210	\$539,139	
7951619	Cash / Money Market Fund	2.20	80,785	80,785	0	
			Subtotal	\$163,929,751	\$164,099,995	\$539,139
7951619	Accounts Receivable-Trade date prior to 7/31/19, Settlement date after 7/31/19		1,183	1,183	0	
			Total	\$163,930,934	\$164,101,178	\$539,139
						32.96
<u>SWFWMD- 1-3 Year Portfolio</u>						
7951620	Investments	2.00	\$212,493,652	\$212,860,188	\$1,114,526	
7951620	Cash / Money Market Fund	2.20	122,681	122,681	0	
			Subtotal	\$212,616,333	\$212,982,869	\$1,114,526
7951620	Accounts Receivable-Trade date prior to 7/31/19, Settlement date after 7/31/19		584	584	0	
			Total	\$212,616,917	\$212,983,453	\$1,114,526
						42.75
TOTAL CUSTODIAN HELD INVESTMENTS			\$376,547,851	\$377,084,631	\$1,653,665	75.71

STATE BOARD OF ADMINISTRATION (SBA) INVESTMENT ACCOUNTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	PURCHASE COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
STATE BOARD OF ADMINISTRATION						
<u>Florida PRIME (Formerly Local Government Investment Pool)</u>						
271413	SBA General Investments	2.52	\$89,465,578	\$89,465,578		
271414	SBA Land Resources	2.52	17,240,224	17,240,224		
271415	SBA Advanced State Funding (Eco System Trust Fund)	2.52	392,885	392,885		
271416	SBA Advanced State Funding (FDOT)	2.52	13,450,457	13,450,457		
271417	SBA Advanced State Funding (WRAP)	2.52	9,752	9,752		
271418	SBA Advanced State Funding (WPSTF-AWS)	2.52	231,758	231,758		
	TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS		\$120,790,654	\$120,790,654		24.29
	TOTAL INVESTMENTS		\$497,338,505	\$497,875,285		100.00
	CASH, SUNTRUST DEMAND ACCOUNT		(2,411,511)	(2,411,511)		
	TOTAL CASH AND INVESTMENTS		\$494,926,994	\$495,463,774		

Weighted average yield on portfolio at July 31, 2019 is 2.24%.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2019

CUSTODIAN HELD INVESTMENTS

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SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2019

EQUITY - CASH AND INVESTMENTS

DISTRICT AND BASINS

District General Fund	\$434,201,454	87.74%
Restricted for Alafia River Basin	588,434	0.12%
Restricted for Hillsborough River Basin	15,363,835	3.10%
Restricted for Coastal Rivers Basin	321,093	0.06%
Restricted for Pinellas-Anclote River Basin	13,279,515	2.68%
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July 31, 2019

EQUITY - CASH AND INVESTMENTS

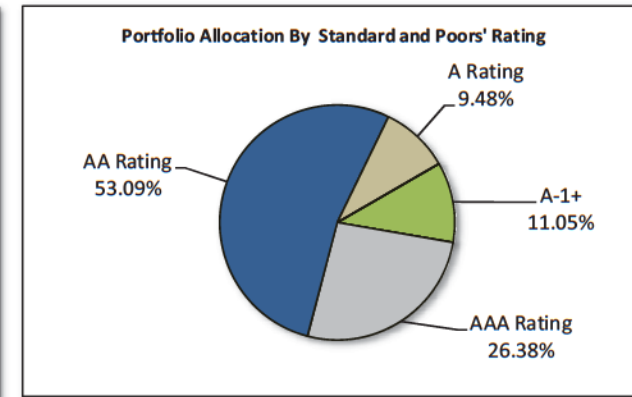
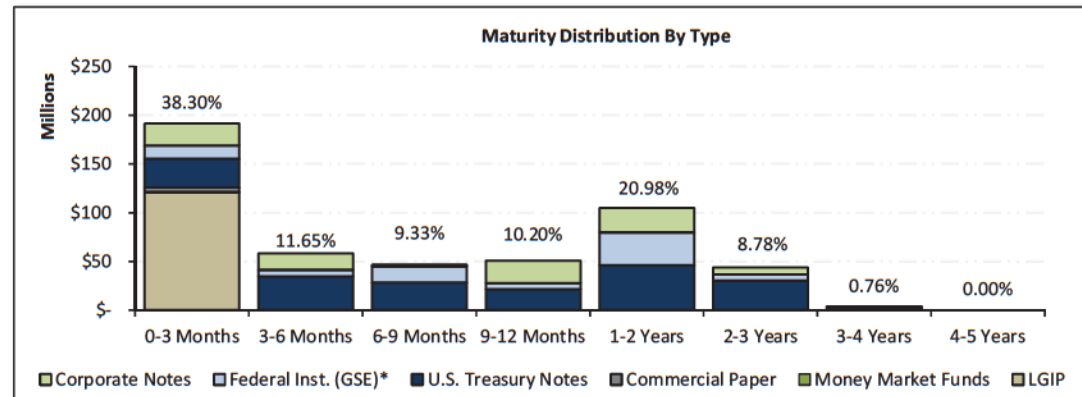
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Southwest Florida Water Management District All Assets Summary Comparison for the period July 1, 2019 to July 31, 2019

Southwest Florida Water Management District All Assets Portfolio	July 1, 2019 Beginning Balance	July 31, 2019 Ending Balance	Portfolio Characteristic	July 1, 2019 Beginning Balance	July 31, 2019 Ending Balance
Book Value Plus Accrued	\$ 495,825,662	\$ 498,990,403	Weighted Book Yield	2.26%	2.24%
Net Unrealized Gain/Loss	908,169	536,780	Weighted Duration	0.68 Years	0.71 Years
Net Pending Transactions	10,237,612	1,767			
Market Value Plus Accrued Net	\$ 506,971,443	\$ 499,528,950			

Individual Portfolio Characteristics	July 1, 2019 Beginning Balance	July 31, 2019 Ending Balance	July 31, 2019 Monthly Earnings	July 31, 2019 YTD Earnings
Liquid Portfolio (SBA-Florida Prime)	\$ 128,542,693	\$ 120,790,654	\$ 266,661	\$ 2,658,251
Enhanced Cash	164,382,836	164,640,317	327,242	3,016,204
Short Term 1-3 Year	214,045,914	214,097,979	353,692	3,277,160
Market Value Plus Accrued Net	\$ 506,971,443	\$ 499,528,950	\$ 947,595	\$ 8,951,615
			Less Advisory Fees:	
			\$ (9,828)	\$ (96,766)
			Total Earnings Net of Fees	
			\$ 937,767	\$ 8,854,849
			Blended Basis Fee (Annualized)	
			0.02363%	0.02327%



See additional disclosures for footnotes.



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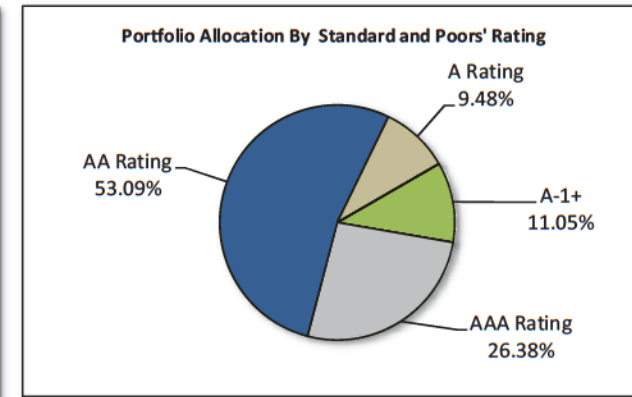
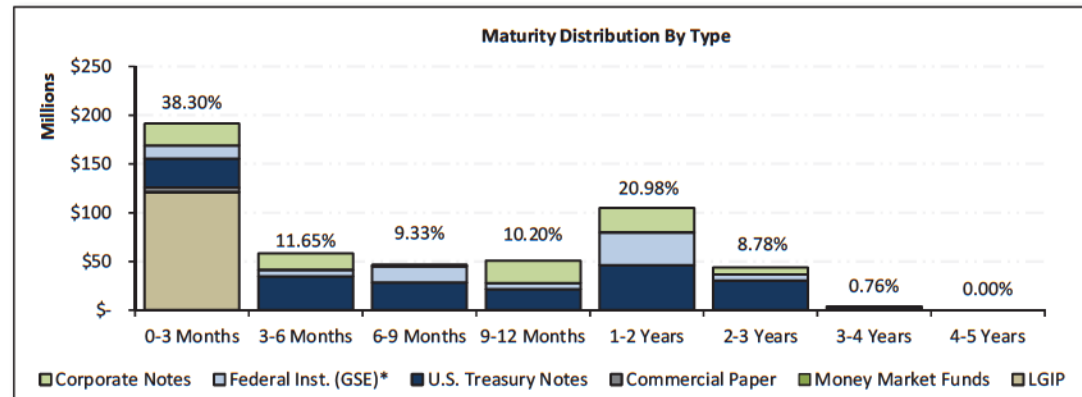
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Public Trust Advisors
717 17th Street, Suite 1850
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Monthly Investment Report for Period Ended July 31, 2019

Southwest Florida
Water Management District



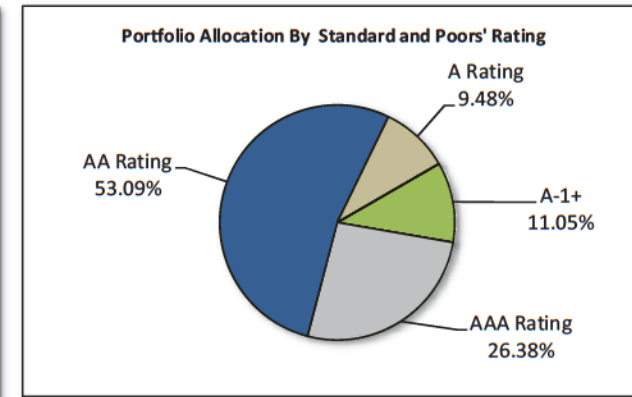
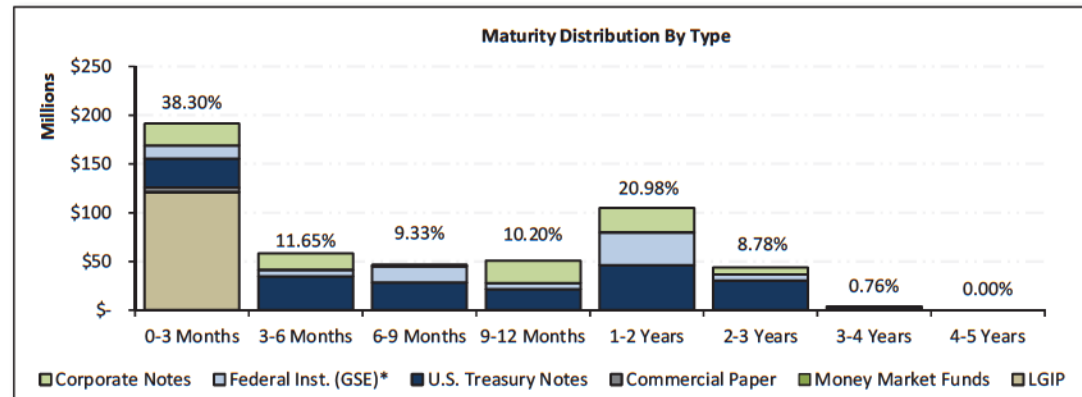
Southwest Florida Water Management District Investment Program Review
2379 Broad Street
Brooksville, FL 34604-6899

Public Trust Advisors LLC
201 E. Pine Street, Suite 750
Orlando, Florida 32801

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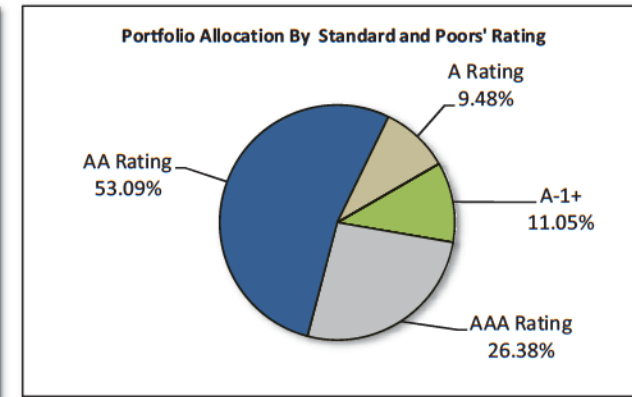
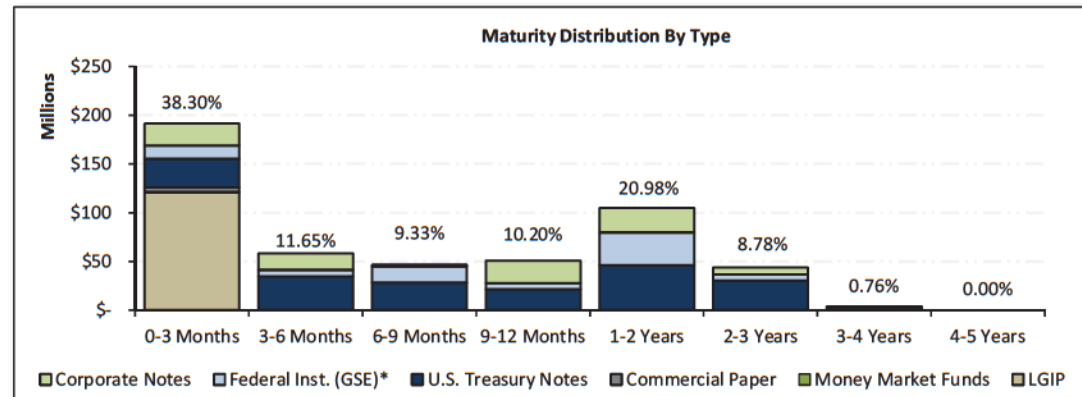
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TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2019

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TREASURER'S REPORT TO THE GOVERNING BOARD
July 31, 2019

EQUITY - CASH AND INVESTMENTS

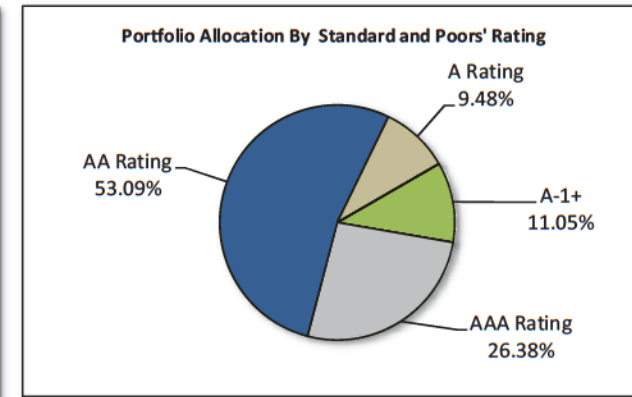
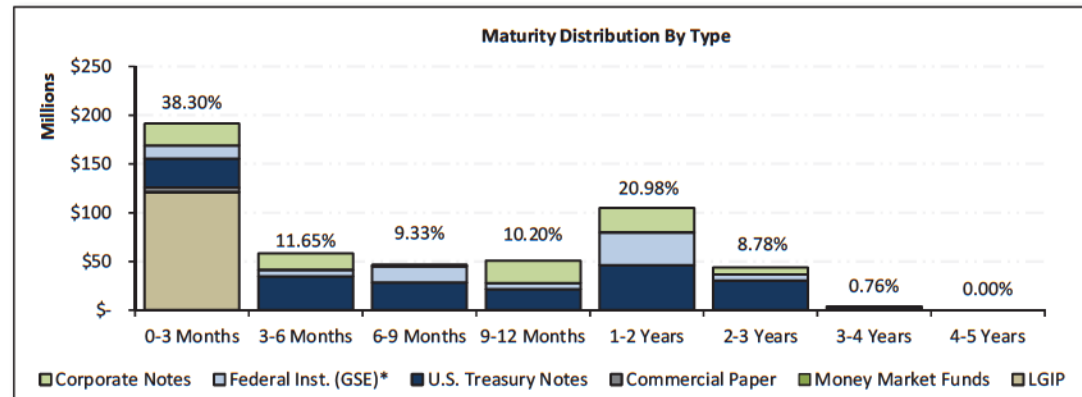
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Restricted for Coastal Rivers Basin	321,093	0.06%
Restricted for Pinellas-Anclote River Basin	13,279,515	2.68%
Restricted for Withlacoochee River Basin	1,135,382	0.23%
Restricted for Peace River Basin	1,611,316	0.33%
Restricted for Manasota Basin	3,427,123	0.69%
Total District General Fund	<u>\$469,928,152</u>	<u>94.95%</u>
 FDOT Mitigation Program	 13,003,240	 2.63%
Florida Forever Program	11,995,602	2.42%
 <i>TOTAL EQUITY IN CASH AND INVESTMENTS</i>	 <u><u>\$494,926,994</u></u>	 <u><u>100.00%</u></u>

Southwest Florida Water Management District All Assets Summary Comparison for the period July 1, 2019 to July 31, 2019

Southwest Florida Water Management District All Assets Portfolio	July 1, 2019 Beginning Balance	July 31, 2019 Ending Balance	Portfolio Characteristic	July 1, 2019 Beginning Balance	July 31, 2019 Ending Balance
Book Value Plus Accrued	\$ 495,825,662	\$ 498,990,403	Weighted Book Yield	2.26%	2.24%
Net Unrealized Gain/Loss	908,169	536,780	Weighted Duration	0.68 Years	0.71 Years
Net Pending Transactions	10,237,612	1,767			
Market Value Plus Accrued Net	\$ 506,971,443	\$ 499,528,950			

Individual Portfolio Characteristics	July 1, 2019 Beginning Balance	July 31, 2019 Ending Balance	July 31, 2019 Monthly Earnings	July 31, 2019 YTD Earnings
Liquid Portfolio (SBA-Florida Prime)	\$ 128,542,693	\$ 120,790,654	\$ 266,661	\$ 2,658,251
Enhanced Cash	164,382,836	164,640,317	327,242	3,016,204
Short Term 1-3 Year	214,045,914	214,097,979	353,692	3,277,160
Market Value Plus Accrued Net	\$ 506,971,443	\$ 499,528,950	\$ 947,595	\$ 8,951,615
			Less Advisory Fees:	
			\$ (9,828)	\$ (96,766)
			Total Earnings Net of Fees	
			\$ 937,767	\$ 8,854,849
			Blended Basis Fee (Annualized)	
			0.02363%	0.02327%



See additional disclosures for footnotes.



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Beginning and Ending Balances based on Market Value plus Accrued Interest on a Trade Date basis.

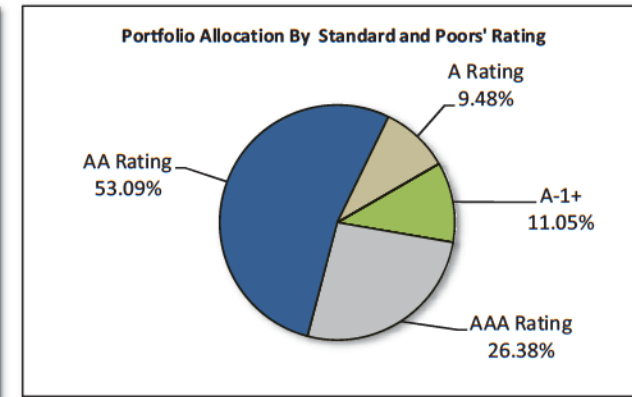
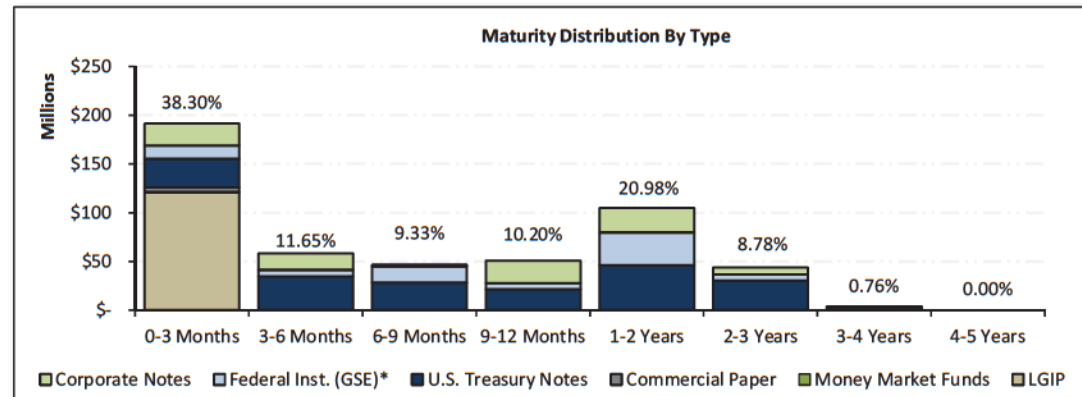
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Public Trust Advisors
717 17th Street, Suite 1850
Denver, CO 80202

Monthly Investment Report for Period Ended July 31, 2019

Southwest Florida
Water Management District



Southwest Florida Water Management District Investment Program Review
2379 Broad Street
Brooksville, FL 34604-6899

Public Trust Advisors LLC
201 E. Pine Street, Suite 750
Orlando, Florida 32801

Monthly Investment Report for Period Ended July 31, 2019

Southwest Florida
Water Management District



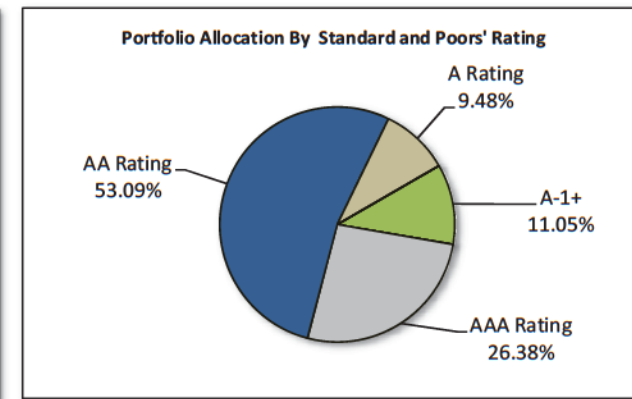
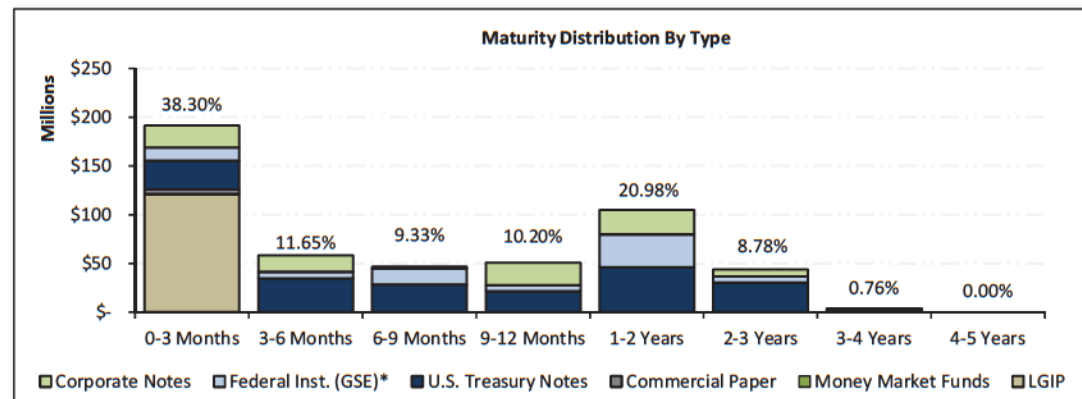
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Public Trust Advisors LLC
201 E. Pine Street, Suite 750
Orlando, Florida 32801

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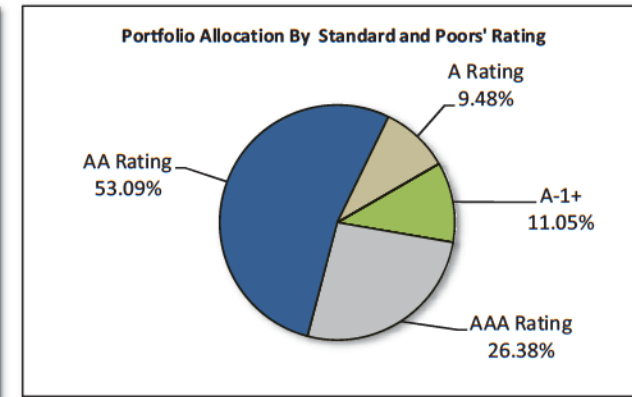
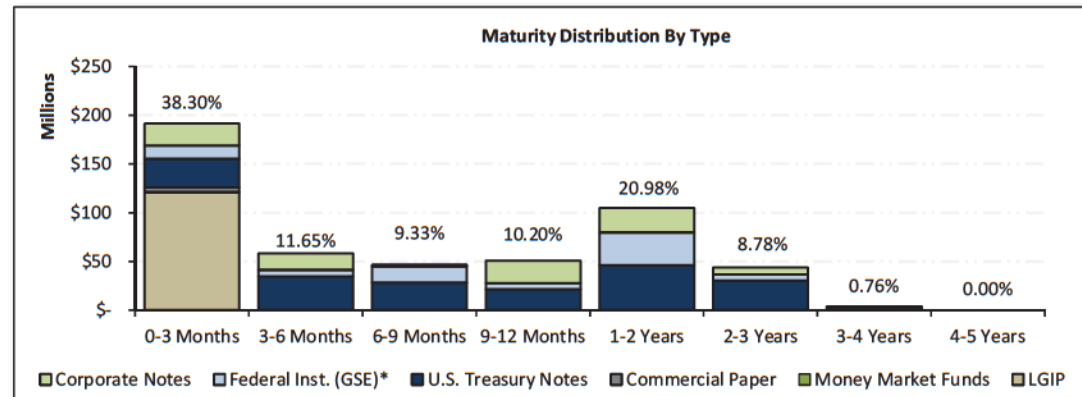
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FINANCE/OUTREACH & PLANNING COMMITTEE

August 27, 2019

Routine Report

Monthly Financial Statement

Purpose

Presentation of the July 31, 2019, monthly financial statement.

Background

In accordance with Sections 373.536(4)(e) and 215.985(11), Florida Statutes, relating to state financial information with certain financial transparency requirements, the District is submitting a "Statement of Sources and Uses of Funds for the Tenth Month Ended July 31, 2019."

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

Statement of Sources and Uses of Funds For the Ten Months Ended July 31, 2019

The attached "Statement of Sources and Uses of Funds" statement is provided for your review. This financial statement provides summary-level revenues (i.e., sources) and expenditures by program (i.e., uses). **This unaudited financial statement is provided as of July 31, 2019, with 83.3 percent of the fiscal year completed.**

This financial statement compares revenues recognized and encumbrances/expenditures made against the District's FY2018-19 available budget of \$362.9 million. Encumbrances represent orders for goods and services which have not yet been received.

Revenues (Sources) Status:

- Overall, as of July 31, 2019, 91 percent of the District's budgeted revenues/balances have been recognized.
- As of July 31, 2019, the District has received \$111,118,035 of ad valorem tax revenue representing 100 percent of the budget. This is in-line with the ten-months prior year collection rates of 101 percent for FY2017-18 and 101 percent for FY2016-17. The budget represents 96 percent of estimated proceeds based on the taxable property values as certified by the District's sixteen counties multiplied by the Governing Board approved millage rate. Projections are based on historical collections.
- Intergovernmental Revenues are recognized as soon as they are both measurable and available. Revenues are considered available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For FY2018-19, \$4,251,351 revenues have been recognized, representing 11 percent of the budget. From year to year, the budgeted amount of intergovernmental revenue compared to the recognized amount can fluctuate for various reasons; projects can be in the planning stages and have not incurred a significant amount of expenditures, or anticipated projects may be canceled (e.g., cooperative funding projects).
- The FY2018-19 interest earnings budget was based on a 1.90 percent expected rate of return. The District's investment portfolio at July 31, 2019 is earning a weighted average yield of 2.24 percent. For the ten months ended July 31, 2019, the District has earned 2.09 percent yield on its investments. Interest earnings on invested funds in the amount of \$8,949,900 have been recognized representing 101 percent of the budgeted amount.
- License and Permit Fees consist of revenue from water use permits, environmental resource permits, water well construction permits, and water well construction licenses. Revenue recognized represents 83 percent of the budgeted amount as of July 31, 2019.
- As of July 31, 2019, other revenue earned is 380 percent of budget. Each year, items that fall within the "Other" revenue category are budgeted conservatively due to the uncertainty of the amounts to be collected. For example, revenues from timber sales, hog hunts, insurance recoveries and the sale of capital assets can vary significantly from year to year. The majority of the increase is due to a refund from a cooperator in the amount of \$522,443 for deliverables not being satisfied and sales of capital assets in the amount of \$524,542.

- Fund Balance consists of balance from prior years (budgeted for the current year) plus fund balance associated with the ad valorem funded encumbrances that rolled into the current year.

Expenditures (Uses) Status:

Overall, as of July 31, 2019, the District had obligated 82 percent of its total budget.

Summary of Expenditures by Program

This financial statement illustrates the effort to date for each of the District's six statutory program areas (Section 373.536(5)(e)4, Florida Statutes). A discussion of the expenditures by program follows.

- The **Water Resource Planning and Monitoring Program** includes all water management planning, including water supply planning, development of minimum flows and levels, and other water resource planning; research, data collection, analysis, and monitoring; and technical assistance (including local and regional plan and program review). Of the \$42.0 million budgeted for this program, the District has obligated 78 percent of the budget (45 percent expended, and 33 percent encumbered).
- The **Land Acquisition, Restoration and Public Works Program** includes the development and construction of all capital projects (except for those contained in the Operation and Maintenance of Works and Lands Program), including water resource development projects/water supply development assistance, water control projects, and support and administrative facilities construction, land acquisition (i.e., Florida Forever program), and the restoration of lands and water bodies. Of the \$258.5 million budgeted for this program, the District has obligated 83 percent of the budget (10 percent expended, and 73 percent encumbered).
- The **Operation and Maintenance of Works and Lands Program** includes all operation and maintenance of facilities, flood control and water conservation structures, lands, and other works authorized by Chapter 373, Florida Statutes. Of the \$24.9 million budgeted for this program, the District has obligated 78 percent of the budget (57 percent expended, and 21 percent encumbered).
- The **Regulation Program** includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration, compliance and enforcement, and any delegated regulatory program. Of the \$22.2 million budgeted for this program, the District has obligated 77 percent of the budget (68 percent expended, and 9 percent encumbered).
- The **Outreach Program** includes all environmental education activities, such as water conservation campaigns and water resources education; public information activities; all lobbying activities relating to local, regional, state, and federal governmental affairs; and all public relations activities and advertising in any media. Of the \$2.8 million budgeted for this program, the District has obligated 67 percent of the budget (48 percent expended, and 19 percent encumbered).

- The **Management and Administration Program** includes executive management, executive support, governing board support, ombudsman, general counsel, inspector general, administrative support (general), procurement, finance, human resources, and risk management. Of the \$12.5 million budgeted for this program, the District has obligated 87 percent of the budget (79 percent expended, and 8 percent encumbered).

Based on the financial activities for the ten months ended July 31, 2019, the financial condition of the District is positive and budget variances are generally favorable. There are no reported or identified major trends, conditions or variances that warrant additional management attention.

Southwest Florida Water Management District
Statement of Sources and Uses of Funds
For the Ten Months Ended July 31, 2019
(Unaudited)

	Current Budget	Actuals Through 7/31/2019	Variance (under)/Over Budget	Actuals As A % of Budget (rounded)
Sources				
Ad Valorem Property Taxes	\$ 110,599,432	\$ 111,118,035	\$ 518,603	100%
Intergovernmental Revenues	37,350,115	4,251,351	(33,098,764)	11%
Interest on Invested Funds	8,900,000	8,949,900	49,900	101%
License and Permit Fees	1,989,800	1,641,633	(348,167)	83%
Other	457,800	1,741,739	1,283,939	380%
Fund Balance	203,645,703	203,645,703	-	100%
Total Sources	\$ 362,942,850	\$ 331,348,361	\$ (31,594,489)	91%

	Current Budget	Expenditures	Encumbrances ¹	Available Budget	% Expended (rounded)	% Obligated ² (rounded)
Uses						
Water Resource Planning and Monitoring	\$ 41,999,100	\$ 18,888,776	\$ 14,009,054	\$ 9,101,270	45%	78%
Land Acquisition, Restoration and Public Works	258,487,602	25,718,579	188,950,051	43,818,972	10%	83%
Operation and Maintenance of Works and Lands	24,925,831	14,206,605	5,322,882	5,396,344	57%	78%
Regulation	22,222,031	15,194,241	1,902,168	5,125,622	68%	77%
Outreach	2,808,598	1,338,372	542,741	927,485	48%	67%
Management and Administration	12,499,688	9,852,073	1,021,396	1,626,219	79%	87%
Total Uses	\$ 362,942,850	\$ 85,198,646	\$ 211,748,292	\$ 65,995,912	23%	82%

¹ Encumbrances represent unexpended balances of open purchase orders and contracts.

² Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited preliminary financial statement is prepared as of July 31, 2019, and covers the interim period since the most recent audited financial statements.

FINANCE/OUTREACH & PLANNING COMMITTEE

August 27, 2019

Routine Report

Monthly Cash Balances by Fiscal Year

Purpose

To provide a schedule of monthly cash balances by fiscal year, updated to reflect the cash balance as of July 31, 2019.

Background

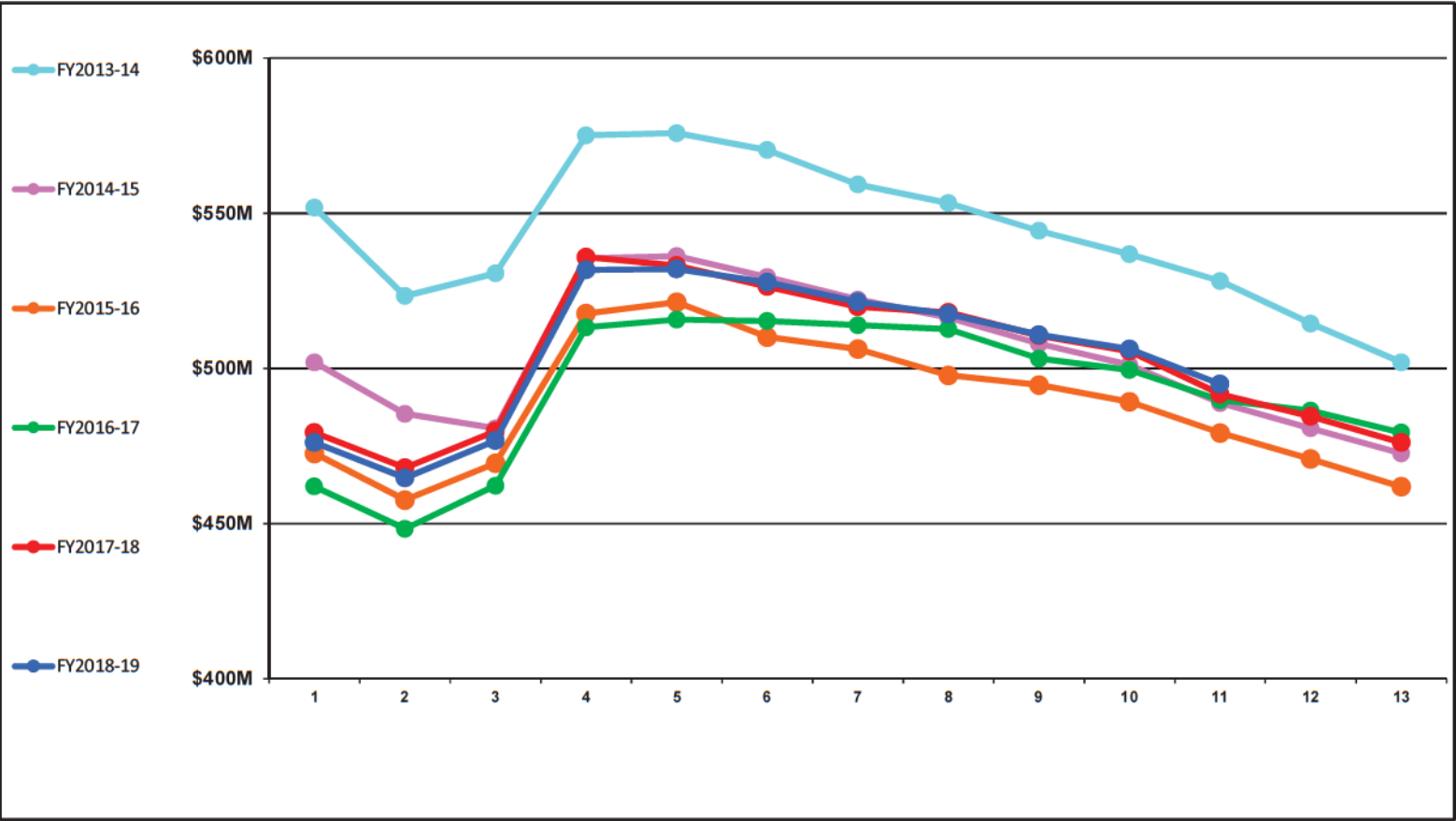
This routine report has been developed to allow the Governing Board to easily monitor the District's cash balances at each month-end and in comparison with monthly cash balances for the last five fiscal years. This trend information will become more important as the District's budget declines and reserves are utilized for projects.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

Southwest Florida Water Management District
Monthly Cash Balances by Fiscal Year
(FY2013-14 - FY2017-18 and FY2018-19 To-Date)



FINANCE/OUTREACH & PLANNING COMMITTEE

August 27, 2019

Routine Report

Comprehensive Plan Amendment and Related Reviews Report

Purpose

This report is provided for the Committee's information and shows District activity in the review of Local Government Comprehensive Plans and Amendments. Staff updates the report monthly.

Background/History

The water management districts provide technical and policy information on water resources and water resource management to local governments as they prepare amendments to their local government comprehensive plans. This information encompasses various areas of water resource management, including water supply, flood protection and water quality, and is intended to support sound land use decisions. Statutory directives for this assistance include Section 373.711, Florida Statutes (F.S.), Technical Assistance to Local Governments, and Section 163.3184, F.S., Process for Adoption of Comprehensive Plan or Plan Amendments. Under Section 163, F.S., substantially revised in 2011, if important state resources and facilities are to be adversely impacted, the water management districts and other state reviewing agencies must state with specificity how the plan amendment will adversely impact the resource or facility and must include measures that the local government may take to eliminate, reduce, or mitigate the impacts. Any plan amendment comments provided by a water management district and/or other state agencies that are not resolved may be challenged by the Department of Economic Opportunity (DEO).

Benefits/Costs

The benefits of the District's local government technical assistance program are to ensure local government elected officials have sound water resource technical and policy information as they amend their local government comprehensive plans. This helps to ensure local plans are compatible with the District's plans, programs and statutory direction. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

Staff Recommendation:

This item is provided for the Committee's information and no action is required.

Presenter: Cara Martin, Government and Community Affairs Office Chief

Local Government Comprehensive Plan Amendment and Related Reviews Report

As of August 08, 2019

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Auburndale 19-2	ESR	5/24/2019	6/21/2019	Comments addressed existing wells and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Auburndale 19-3	ESR	7/19/2019		Map amendment.	<input type="checkbox"/>
Bradenton Beach 19-1ER	EAR-based	7/12/2019	8/2/2019	Advised that District staff is available to provide technical assistance for overdue 10-Year Water Supply Facilities Work Plan update.	<input type="checkbox"/>
Citrus 19-2	ESR	6/11/2019	7/12/2019	Comments addressed need for water supply availability analysis.	<input type="checkbox"/>
Citrus 19-3	ESR	7/16/2019		Map amendment.	<input type="checkbox"/>
Coleman 19-1	ESR	7/12/2019		Text amendment.	<input type="checkbox"/>
Eagle Lake 19-1	ESR	7/23/2019		Map amendment.	<input type="checkbox"/>
Hernando 19-1	ESR	5/16/2019	6/20/2019	No substantive comments.	<input type="checkbox"/>
Highland Park 19-1	ESR	5/6/2019	5/23/2019	Advised that District staff is available to provide technical assistance for overdue 10-Year Water Supply Facilities Work Plan update.	<input type="checkbox"/>
Lake 19-2	ESR	7/8/2019	8/2/2019	Advised amendment within SJRWMD	<input type="checkbox"/>
Lake 19-3ACSC	Regular	7/8/2019	8/2/2019	No substantive comments.	<input type="checkbox"/>
Lake 19-4ACSC	Regular	7/8/2019	8/2/2019	Advised amendment within SJRWMD.	<input type="checkbox"/>
Lakeland 19-1ACSC	ESR	7/26/2019		Map amendment.	<input type="checkbox"/>
Levy 19-1	ESR	5/9/2019	6/3/2019	Water Supply Facilities Work Plan. No substantive comments.	<input checked="" type="checkbox"/>
Longboat Key 19-1	ESR	6/7/2019	7/8/2019	No substantive comments.	<input type="checkbox"/>
North Port 19-1	ESR	5/7/2019	5/30/2019	Comments addressed the statutory requirement to provide a potable water analysis, conservation, an existing WUP and continuing coordination with ERP staff.	<input type="checkbox"/>
Pasco 19-10	ESR	5/24/2019	6/27/2019	Comments addressed water supply availability, water conservation and encouraged continued cooperation with regulatory staff for issuance of the ERP.	<input type="checkbox"/>

Attachment: CPARR August (4578 : Comprehensive Plan Amendment and Related Reviews Report)

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Pasco 19-11	ESR	5/27/2019	6/28/2019	Comments addressed water supply availability, water conservation, flood prone areas, wetlands and encouraged scheduling a preapplication meeting for issuance of the ERP.	<input type="checkbox"/>
Pasco 19-12	ESR	6/11/2019	7/12/2019	No substantive comments.	<input type="checkbox"/>
Plant City 19-2	ESR	7/26/2019		Map amendments.	<input type="checkbox"/>
Polk 19-4ACSC	Regular	5/6/2019	5/23/2019	No substantive comments.	<input type="checkbox"/>
Polk 19-5	ESR	5/6/2019	5/30/2019	Comments addressed confirmation of available potable water capacity from other utility providers, conservation, reuse, floodplains, wetlands, existing wells and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
St Pete 19-2	ESR	6/7/2019	7/9/2019	No substantive comments.	<input type="checkbox"/>
Sumter 19-1	ESR	5/17/2019	6/21/2019	Comments addressed water conservation, proper abandonment of wells, use of LID strategies to avoid/minimize encroachment to floodplains and wetlands and encouraged continued coordination with regulatory for issuance of the ERP.	<input type="checkbox"/>
Sumter 19-2	ESR	5/31/2019	7/3/2019	No substantive comments.	<input type="checkbox"/>
Sumter 19-3	ESR	5/31/2019	7/3/2019	No substantive comments.	<input type="checkbox"/>
Venice 19-1	ESR	7/15/2019	8/8/2019	Comments addressed water supply availability, water conservation for SWUCA, avoidance of wetlands and encouraged coordination with regulatory on well abandonment and for ERP issuance.	<input type="checkbox"/>
Venice 19-2	ESR	7/15/2019	8/7/2019	No substantive comments.	<input type="checkbox"/>

Abbreviations:

ACSC Area of Critical State Concern
ER Evaluation/ Appraisal Report
ESR Expedited State Review

**E. Operations,
Lands & Resource
Monitoring**

**Governing Board Meeting
August 27, 2019**

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE
--

Discussion Items

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OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

August 27, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Brian S. Starford, P.G., Acting Division Director, Operations, Lands, and Resource Monitoring

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 27, 2019

Discussion Item

Knowledge Management: Cooperative Land Management Agreements Governing Board Policy

Purpose

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed by the respective divisions.

Background/History

The District's Knowledge Management initiative was launched in Fiscal Year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus in FY2019 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

Staff performed a review of the Cooperative Land Management Reimbursements Governing Board Policy (previously the Local Government Partnership Funding for District-Owned Lands Board Policy) and deemed it necessary to update the policy. The revised policy has been provided as an exhibit. The primary modification is to broaden the policy to set objectives and parameters for entering into cooperative land management agreements with both state and local governments for the management of District lands. The policy update is consistent with Chapter 373, Florida Statute which states "*Each water management district is authorized and encouraged to enter into cooperative land management agreements with state agencies or local governments to provide for the coordinated and cost-effective management of lands to which the water management districts*".

Benefits

Updating existing Governing Board Policies ensures efficient land management activities.

Staff Recommendation:

This item is presented for the Board's information and no action is requested. The attached revised Cooperative Land Management Agreements Board Policy will be included as a consent item in the September 2019 Board packet and approval will be requested at that time.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Cooperative Land Management Agreements

Document Jerry Mallams, P.G., Operations and

Owner: Land Management Bureau Chief

Approved By: Mark Taylor, Chairman

Effective Date:

Supersedes: 08/30/2000

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PURPOSE

~~The District acquires lands for water quality and supply protection, flood protection, and preservation and conservation of natural systems. These lands are also made available for general public natural resource-based recreational purposes. In accordance with State of Florida statutory directives, governmental agencies responsible for public land acquisition should work together to purchase and manage lands that are ecologically significant. In response to this direction, the District enters into agreements with local governments that have the capability and resources to purchase and manage ecologically sensitive lands. Under these agreements, the District may transfer all or portions of the management of a project to a local government when mutually beneficial. Under these partnership arrangements, when the District has a title interest, and when funding is available from the Water Management Lands Trust Fund, the District may elect to reimburse up to 50 percent of the management costs for a project to assist governmental agencies in meeting the District's management objectives when the local government has demonstrated their eligibility for such funds.~~

The purpose of the Cooperative Land Management Reimbursement Policy (hereinafter "Policy") is to set forth the objectives and parameters for reimbursing annual expenditures under land management agreements with state agencies and local governments for the management of District-owned lands.

SCOPE

This Policy applies to all lands where the District holds title.

GOVERNING BOARD POLICY

Title: Cooperative Land Management Reimbursement

Effective Date:

Page 2 of 4

AUTHORITY

This Policy is governed by the Governing Board and Sections 373.1391 and 373.1401, Florida Statutes (F.S.)

DEFINITIONS

N/A

STANDARDS

The following are the standards for cooperative land management reimbursement:

- ~~1. Eligible applicants shall only include those local governments that have entered into interlocal agreements with the District to acquire and manage lands.~~
1. The District's performance and payment pursuant to any partnership funding is contingent upon the District Governing Board appropriation of funds each fiscal year. Each partner seeking reimbursement will be required to have a partnership agreement stating the limits of the reimbursement.
2. The cooperative land management agreement must result in a business efficiency improvement for the District.
3. Cooperative land management reimbursement arrangements may only be agreed to with governmental entities who can demonstrate that they can fulfill the District's management objectives on District-owned lands.
4. Reimbursement of expenditures related to a land management agreement will be subject to the Florida Single Audit Act, Chapter 215.97 F.S.

POLICY

~~Intended Benefits of Program: The District recognizes that local governments have technical expertise and staff resources that can contribute to the stewardship of District lands. These combined resources can also achieve management objectives that may be beyond each parties independent capabilities. Some of the benefits could include:~~

- ~~• Complement District resources~~
- ~~• Consolidate staff and funding resources~~
- ~~• Utilize local management expertise~~
- ~~• Knowledge of local issues~~
- ~~• Provide specialized services and amenities~~
- ~~• Utilize local governmental services~~
- ~~• More cost effective management~~
- ~~• Realize management objectives sooner~~

~~It is the District's intent to provide reimbursement of management costs to those local governments that demonstrate a commitment and ability to meet the District's and local government's management goals.~~

GOVERNING BOARD POLICY

Title: Cooperative Land Management Reimbursement

Effective Date:

Page 3 of 4

Chapter 373 of the F.S. states each Water Management District (WMD) is authorized and encouraged to enter into agreements with state agencies or local governments to provide for the coordinated and cost-effective management of lands to which the WMDs hold title. Additionally, WMDs are authorized to expend funds made available for land management on any such lands included in an agreement.

The District Governing Board may elect to acquire land with a partner when mutually beneficial. When such a situation arises the terms of a land management agreement, including reimbursement rate, will be negotiated. The land management reimbursement rate to the District's state or local government partner will be limited to the District's percent contribution in the acquisition of the property. Therefore, if the District contributed 50 percent of the acquisition funding, the reimbursement for land management must not exceed 50 percent of those costs associated with the management activities supporting the District's conservation objectives.

District staff will evaluate the cost to manage its conservation lands and determine if the lands can be managed more cost-effectively through a land management agreement with a state agency or local government. When a more cost-effective partnership is available, District staff may negotiate a land management agreement. The cooperative land management agreement, including the negotiated reimbursement, will be presented to the Governing Board for review and approval.

DISTRIBUTION

This Policy will be stored in the Governing Board's Policy repository.

REFERENCES

Sections 373.1391 and 373.1401, F.S.

REVIEW PERIOD

This Policy will be reviewed every five years by the Operations and Land Management Bureau Chief or delegate.

GOVERNING BOARD POLICY

Title: Cooperative Land Management Reimbursement

Effective Date:

Page 4 of 4

DOCUMENT DETAILS

Document Name	Cooperative Land Management Agreements
Formerly Known As	Local Government Partnership Funding for District-Owned Land
Document Type	Policy
Author(s)	Jerry Mallams, P.G.
Reviewing Stakeholder(s)	
Document Owner Name	Jerry Mallams, P.G.
Document Owner Title	Operations and Land Management Bureau Chief
Review Period (in days)	
Span of Control	Governing Board
Supersedes Date	08/30/2000
Effective Date	

APPROVAL

Mark Taylor
Chairman

Date

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 27, 2019

Submit and File Report

Hydrologic Conditions Report

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the month under review, which is July, with comparable data from the historical record. The data shown are typically considered final, fully verified monthly values, but occasionally, due to timing of publication, some data are identified as "provisional," meaning that the values shown are best estimates based on incomplete data.

The information presented below is a summary of data presented in more detail in the monthly Hydrologic Conditions Report published the week before the Governing Board meeting, which also includes an updated provisional summary of hydrologic conditions as of the date of publication. It is available at

<https://www.swfwmd.state.fl.us/resources/weather-hydrology/hydrologic-conditions-reports>

Rainfall

Rainfall totals for the month of July indicate rainfall was above normal in the northern and central regions of the District, while it was in the upper end of the normal range in the southern region. The normal range is defined as rainfall totals that fall on or between the 25th to 75th percentiles derived from the historical data for each month.

- Northern region rainfall averaged 10.81 inches, equivalent to the 91st percentile
- Central region rainfall averaged 10.87 inches, equivalent to the 89th percentile.
- Southern region rainfall averaged 9.02 inches, equivalent to the 68th percentile.
- District-wide, average rainfall was 10.21 inches, equivalent to the 87th percentile.

Streamflow

Streamflow data for July indicate that flow increased in all three regions of the District, compared to the previous month. Based on the three regional index rivers indicated below, streamflow conditions ended the month in the upper end of the normal range in the northern and southern regions of the District, while flows were above normal in the central region. Normal streamflow is defined as flow that falls on or between the 25th and 75th percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 72nd percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 84th percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 62nd percentile.

Groundwater Levels

Groundwater data for July indicates that levels in the Floridan/Intermediate aquifer increased in all three regions of the District, compared to last month. Groundwater levels ended the month at above-normal levels in the northern and central regions, while levels were within the normal range in the southern region. Normal groundwater levels are defined as those falling on or

between the 25th and 75th percentiles.

- The average groundwater level in the northern region was in the 83rd percentile.
- The average groundwater level in the central region was in the 77th percentile.
- The average groundwater level in the southern region was in the 56th percentile.

Lake Levels

Water level data for July indicates that regional lake levels increased in all four lake regions within the District, compared to the previous month. The northern, Tampa Bay and Polk Uplands regions ended the month with levels above the base of the annual normal range, while levels in the Lake Wales Ridge region ended the month below the annual normal range. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average levels in the northern region increased 0.39 foot and were 0.32 foot above the base of the annual normal range.
- Average lake levels in the Tampa Bay region increased 0.60 foot and were 1.55 feet above the base of the annual normal range.
- Average lake levels in the Polk Uplands region increased 0.31 foot and were 1.96 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region increased 0.16 foot and were 0.55 foot below the base of the annual normal range.

Issues of Significance

July completes the second month of the four-month annual wet season (June through September) and rainfall totals for the month were above normal in the northern and central regions, while they were in the upper end of the normal range in the southern region. Rainfall during July was scattered, regionally variable and associated with several different weather phenomena that included minor effects from Tropical Storm Barry, typical summertime sea breeze/convective (afternoon/evening) rain showers, and a “reverse summer wind flow pattern” wherein Gulf moisture moved across the Florida peninsula in a west to east flow direction bring in daily rainstorms. The District-wide 12- and 24-month cumulative rainfall totals improved, ending the month at a surplus of approximately 3.0 and 11.8 inches, respectively, above their long-term historic averages.

All major hydrologic indicators saw increases in July. Regional groundwater levels and streamflow conditions remained at normal to above-normal levels in all regions. Regional lake levels saw improvements, with the northern, Tampa Bay and Polk Uplands regions ending the month within their normal range, while the Lake Wales Ridge region lagged and remained at below-normal levels.

NOAA climate forecasts indicate “equal chances” for below-normal, normal or above-normal rainfall in all three regions of the District during the composite three-month periods from August 2019 through August 2020. NOAA forecasts are based on expectations that the Pacific Ocean will transition from current mild El Niño conditions into ENSO-neutral conditions within the next several months.

Updated weather forecasts will be available in mid-August. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data.

Item 38

Staff Recommendation:

This item is provided for the Board's information only, and no action is required.

Presenter: Granville Kinsman, Hydrologic Data Manager

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 27, 2019

Routine Report

Surplus Lands Update

Staff Recommendation:

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Surplus Lands Update

Purpose

This report provides a monthly status on the District's surplus lands program. Information is through July 9, 2019.

Background

In 2011, at the direction of the Governing Board (Board), the District began a regular surplus lands assessment. The table below shows the status of the parcels identified through the previous surplus lands assessments since 2011.

Status	Acres	Parcels	Compensation
Sold, exchanged or transferred	1665	46	\$8,616,527
Closing pending Includes Annutteliga Hammock (AH)	37	7	\$67,681
Listed with broker with approved minimum sale price	809	11	
Listed with broker without minimum sale price	192	4	
AH Project	547	996	
AH lots offered to adjacent owners	34	42	
Agency request	599	8	
Non-marketable	20	4	
On hold	1,098	13	
Total	5,001	1,131	\$8,684,208

Annutteliga Hammock Small Lot (valued less than \$25,000) Sales

At the September 2018 Board Meeting, the Board approved setting a minimum price for the sales of surplus lots within the Annutteliga Hammock Project that are valued less than \$25,000. Below is the status of the surplus sales process for this Project. Currently there are six offers signed by the Governing Board Chair and closing is pending.

Activity from 6/13/2019 to 7/9/2019				
SWF Parcel No.	Date Closed	Acres	Contract Price	Appraised Value
15-228-1798S	6/14/19	0.48	\$4,500.00	\$4,300.00
15-228-1708S	6/20/19	0.48	\$5,000.00	\$4,100.00
Total		0.96	\$9,500.00	\$8,400.00

	Previous Month Activity Summary Report (9/25/2018 to 6/12/2019)	Activity Summary Report (9/25/2018 to 7/9/2019)
Parcels	15	17
Acreage	11.0 acres	12 acres
Appraised Values	\$86,300.00	\$94,700.00
	\$7,845 per acre	\$7,892 per acre
Contract Values	\$109,542.00 total sales	\$119,042.00 total sales
	\$9,958 per acre	\$9,920 per acre
Basis Values (Average of all parcels)	\$58,773 total purchase price	\$64,116 total purchase price
	\$5,343 per acre	\$5,343 per acre

Staff Recommendation:

This item is provided for the Board's information and no action is required.

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 27, 2019

Routine Report

Structure Operations

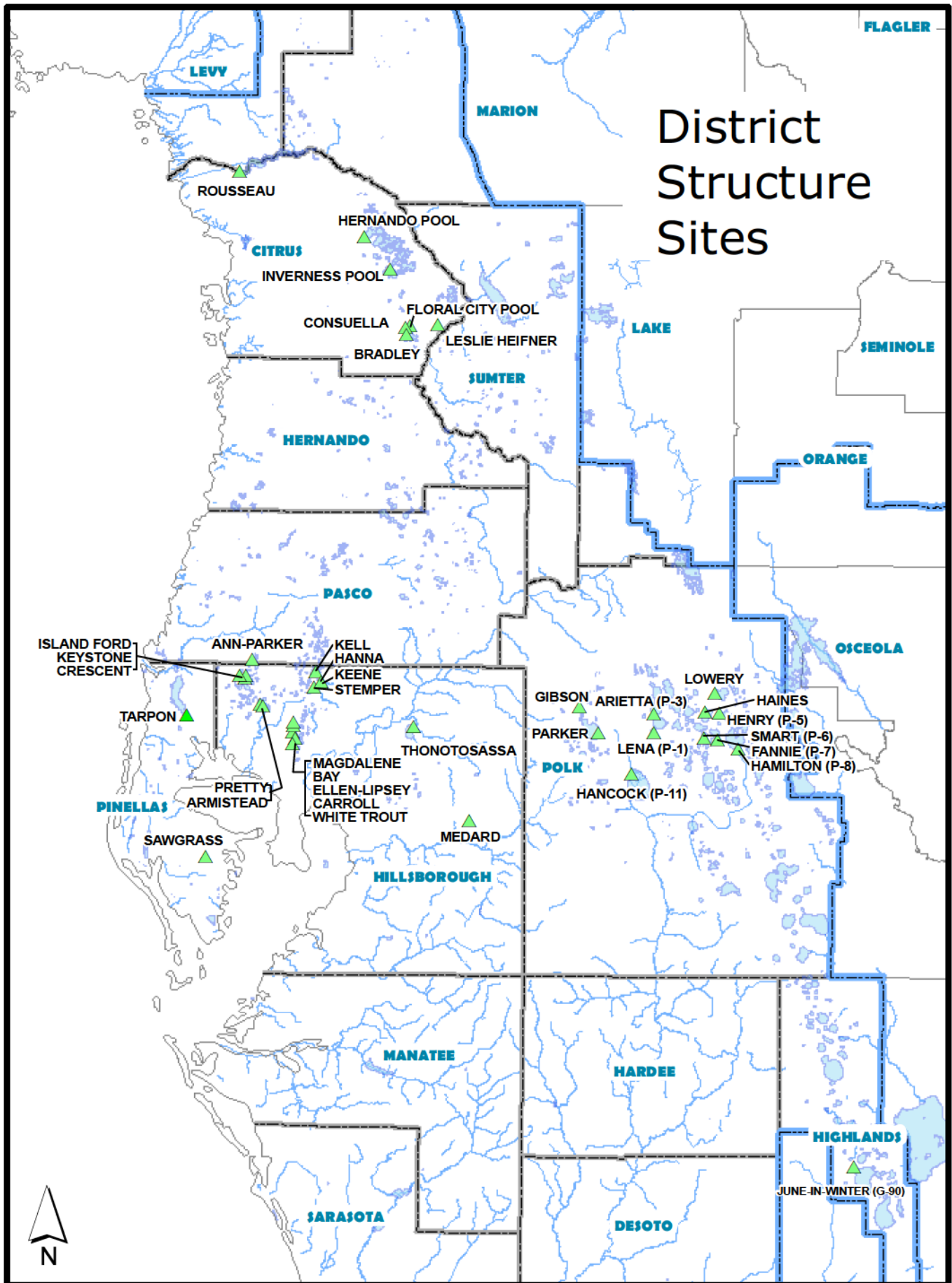
Summary of the operations made from June 13 through July 23, 2019. Refer to Exhibit A for District Structure Sites Location Map.

- Inglis Water Control Structures: The Inglis Bypass Spillway and Inglis Main were operated to provide flow to the lower Withlacoochee River while maintaining Lake Rousseau's water level. Lake Rousseau's monthly average elevation was 27.50 feet National Geodetic Vertical Datum (NGVD). The recommended maintenance level for the lake is 27.50 feet NGVD.
- Withlacoochee River Watershed: Water control structures in the Tsala Apopka Chain of Lakes were operated to maintain water levels. The Wysong-Coogler Water Conservation main and the low flow gate were operated to aid in the regulation of the Lake Panasoffkee water level while providing flow to the Withlacoochee River downstream of the structure. The monthly average water level for Lake Panasoffkee was 40.64 feet NGVD.
- Alafia River Watershed: The Medard Reservoir structure was operated to maintain the water level. The monthly average water level for the Medard Reservoir was 58.66 feet NGVD, compared to the recommended maintenance level of 59.0 feet NGVD.
- Hillsborough River Watershed: The Thirteen Mile Run system and Flint Creek (Thonotosassa discharge) structure was operated to maintain water levels. The average monthly water level for Lake Thonotosassa was 36.27 feet NGVD, compared to the recommended maintenance level of 36.50 feet NGVD.
- Tampa Bay/Anclote Watershed: Structures in Rocky Creek and Sweetwater Creek were operated to maintain water levels. The Brooker Creek system was operated to maintain lake levels. Lake Tarpon is the outfall of the Brooker Creek system. Lake Tarpon's water control structure was operated to maintain the lake level. Lake Tarpon's monthly average water level for the month was 3.15 feet NGVD, compared to the recommended maintenance level of 3.20 feet NGVD.
- Peace River Watershed: Lake Hancock structure was operated to maintain the water level. The average monthly water level for Lake Hancock was 99.56 feet NGVD, compared to the recommended maintenance level of 100.10 feet NGVD.
- Lake Wales Ridge Watershed: Structure G-90 was operated to maintain the water level in Lake June-in-Winter. The average monthly water level for Lake June-in-Winter was 74.49 feet NGVD, compared to the recommended level of 74.50 feet NGVD.

Staff Recommendation:

This item is provided for the Board's information only, and no action is required.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

August 27, 2019

Routine Report

Significant Activities

Staff Recommendation:

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Operations, Lands and Resource Monitoring Committee

Significant Activities

This report provides monthly information through July 23, 2019 on significant Operations and Land Management projects and programs. The report provides a brief description and status of significant activities associated with the projects that have recently occurred or are about to happen.

Land Management

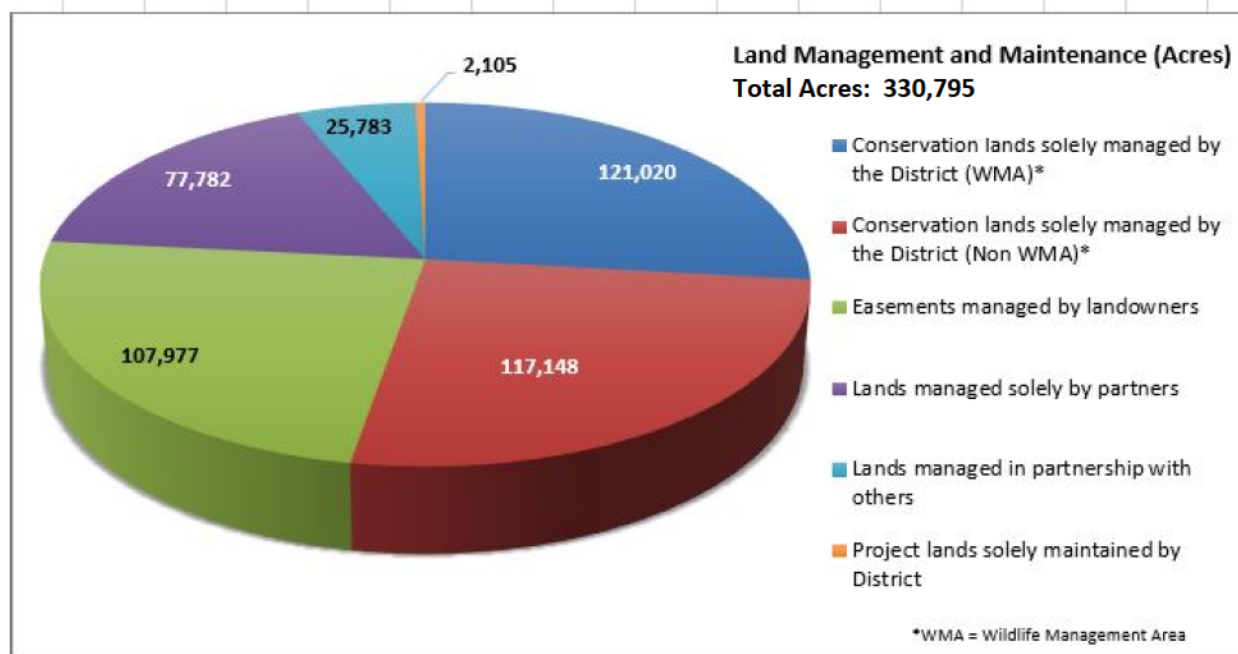
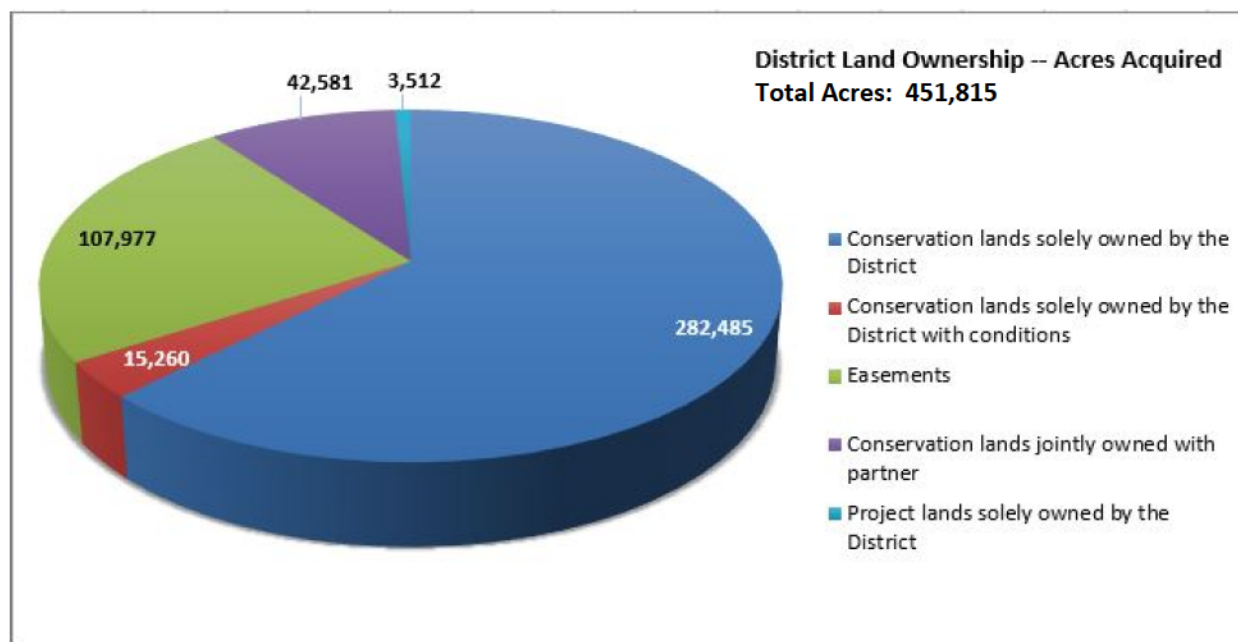
- Staff have applied prescribed fire to 13,101 acres of conservation lands during FY2019.
- Staff continue to trap and conduct phased feral hog management hunts on District lands. There have been 830 feral hogs removed from District lands during FY2019.
- Vegetation Management staff have treated invasive exotic vegetation on 21,527 acres on District lands during FY2019.
- Land resource-based revenue to date this fiscal year is \$150,345.

Land Resources/Land Use and Protection

- Division Director approved the second two-year renewal of an apiary license agreement with Gillie's Apiary at the Green Swap-Hampton Tract location, SWF Parcel No. 10-200-1270X.
- Division Director approved an apiary license agreement with John O'Brien at Weekiwachee Preserve location, SWF Parcel No. 15-773-231X.
- Division Director approved the final five-year renewal for the Gilley Creek cattle grazing/haying lease, SWF Parcel No. 21-601-110X with Jim and Renee Strickland.
- Issued a trespass and encroachment notice to Adamo 78, LLC for chain-link fence place on District property along the Tampa Bypass Canal near Adamo and North 78th Street.

Issued Special Use Authorization to the following:

- Florida Fish and Wildlife Conservation Commission to temporarily mark captured gopher tortoises within the Halpata Tastanaki Preserve as part of a repatriation program.
- FWC for vehicle/boat access to Lake Hancock to conduct alligator egg monitoring.
- Volunteers provided 197 hours of service at a value of approximately \$4,641.32 to the District's conservation/recreation lands. Volunteer services included campground maintenance, trash removal, fence repair, and tree trimming.
- Processed 358 camping requests for a total of 1,093 campers on District lands.
- The following is a breakdown of District land interests:



Staff Recommendation:

This item is presented for the Board's information only, no action is required.

**Governing Board Meeting
August 27, 2019**

REGULATION COMMITTEE

Discussion Items

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Submit & File Reports – None

Routine Reports

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REGULATION COMMITTEE

August 27, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Michelle Hopkins, Division Director, Regulation

REGULATION COMMITTEE

August 27, 2019

Discussion Item

Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action.

Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

Staff Recommendation:

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

Presenter: Michelle Hopkins, Division Director, Regulation

REGULATION COMMITTEE**August 27, 2019*****Routine Report*****Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update**

At their December 2010 meeting, the Governing Board adopted a minimum aquifer level in the Dover/Plant City Water Use Caution Area (DPCWUCA); Rule 40D-8.626, Florida Administrative Code (F.A.C.), as well as a recovery strategy (Rule 40D-80.075, F.A.C.) that incorporated flow meters and automatic meter reading (AMR) equipment installations to monitor and reduce resource impacts from future frost/freeze pumping events. Meter information in the Dover/Plant City area will be used by the District to: (1) improve the allocation of well mitigation responsibilities among permit holders, (2) allow District staff to better identify permit compliance issues resulting from pumping during frost/freeze events, (3) improve the modeling of impacts resulting from pumping during frost/freeze events, (4) allow the monitoring of performance and track the progress of management actions implemented, and (5) provide for the overall assessment of the recovery strategy goal of reducing frost/freeze protection quantities by 20 percent in ten years. It was originally estimated as of June 16, 2011 that there were 626 flow meters and 961 AMR devices needing installation within the 256-square mile DPCWUCA. As of December 1, 2016 it was estimated that 573 flow meters and 954 AMR devices will need to be installed, currently, a revised assessment completed of May 1, 2019 estimated a program total of 540 flow meters and 870 AMR devices. This revised assessment is due to expired permits, use change, deletion of withdrawals not required to be metered and have AMR devices and the completion of the Flow Meter Reimbursement Program. Total costs of the program were estimated to be \$5.5 million for flow meter and AMR equipment installation with approximately \$316,000 required annually to support the program. On August 7, 2013, the AMR equipment installation and operation component of this project under RFP 004-13 was awarded to Locher Environmental Technology, LLC, partnered with AMEC Environmental and Infrastructure, Inc., and Hydrogage, Inc. The current contract was executed on November 14, 2013 and will be completed September 30, 2019. An extension was made to the current contract to include replacement of 495 modems that will no longer be supported by Verizon by December 31, 2019. The modem replacements are to be completed by September 30, 2019. The second phase of work for ongoing maintenance and limited AMR installations will begin on October 1, 2019.

New Activities Since Last Meeting: As of August 1, 2019, a total of 539 flow meters have been installed (100 percent complete and ending the meter reimbursement program) and 849 AMR units have been installed (97 percent complete). As of June 1, 2019, a total of 456 modems are required to be replaced by September 30, 2019. As of July 31, 2019, 262 modems have been replaced (57 percent complete). *Project Manager: Talia M. Paolillo*

Staff Recommendation:

This item is provided for the Committee's information, and no action is required.

Presenter: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

REGULATION COMMITTEE

August 27, 2019

Routine Report

Overpumpage Report

Please see the attached report.

Staff Recommendation:

This item is provided for the Committee's information and no action is required.

Presenter: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

Overpumpage Report June 2019

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

Permit No.	Permit Holder	Use Type	Permitted Quantity (gpd)	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<i>New From Previous Report</i>						
3654.005	Imperial Polk Properties, Inc. ¹	Agriculture – Citrus	39,300	4/1/2019 50,348 gpd 28.1%	06/01/2019 55,983 gpd 42.4%	Bartow
10923.001	Spruce Creek Golf, LLC. ¹	Recreation – Golf Course	163,600	4/1/2019 513,085 gpd 215.7%	06/01/2019 545,077 gpd 233.2%	Brooksville

(1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

Overpumpage Report June 2019

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

Permit No.	Permit Holder	Use Type	Permitted Quantity	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<i>Continuing From Previous Report</i>						
10646.003	Safety Harbor Resort and Spa ¹	Industrial/Commercial - Boiler Feed & Miscellaneous	40,000	10/01/2018 51,504 gpd 28.8%	06/01/2019 53,449 gpd 33.6%	Tampa
1854.008	Panther Trails CDD ¹	Recreation - Lawn/Landscaping	4,600	02/01/2019 11,573 gpd 151.6%	06/01/2019 11,641 gpd 153.1%	Tampa
3219.007	Gardinier Florida Citrus, Inc. ¹	Agriculture – Citrus	322,600	11/01/2018 376,121 gpd 16.6%	06/01/2019 435,773 gpd 35.1%	Bartow
12900.002	Minto Bradenton LLC. (Perico Island Development) ¹	Recreation - Lawn/Landscaping	130,500	11/01/2017 196,759 gpd 50.8%	06/01/2019 163,504 gpd 25.3%	Sarasota
696.006	Gardinier Florida Citrus, Inc. ¹	Agriculture – Citrus	210,600	05/01/2017 293,762 gpd 39.5%	06/01/2019 294,233 gpd 39.7%	Bartow
1156.012	Bay Laurel Center Public Water Supply System ³	Public Supply	2,555,000	09/01/2016 2,696,799 gpd 5.6%	06/01/2019 3,254,784 gpd 27.4%	Brooksville
2588.010	Kelly Family Holdings, LLC. (Kelly Farms) ³	Agriculture – Potatoes and Pasture	1,043,600	11/01/2016 851,054 gpd 20.8%	06/01/2019 1,298,525 gpd 24.4%	Sarasota
7002.004	MHC FR Utility Systems, LLC. ³	Public Supply	97,100	04/01/2015 104,929 gpd 8.1%	06/01/2019 161,028 gpd 65.8%	Tampa

(1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC)

Attachment: Aug19 Routine Reports - Overpumpage Report June_FINAL (4570 : Overpumpage Report)

REGULATION COMMITTEE

August 27, 2019

Routine Report

Individual Permits Issued by District Staff

Please see the attached report.

Staff Recommendation:

This item is provided for the Committee's information and no action is required.

Presenter: Michelle Hopkins, Division Director, Regulation

INDIVIDUAL PERMITS ISSUED: ERPS – AUGUST 2019

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
43018792.006	Ridge Road Phase I & II Suncoast Parkway Int Phase 2	Pasco	Modification of Ridge Road Extension from Moon Lake Road to US 41 to provide additional bridges over wetlands that reduce wetland and flood plain impacts	384.00	64.55	59.70	0.00
43008965.005	Torrey Trails RV	Hardee	Development of a 364-unit RV park and associated infrastructure	101.80	33.65	3.56	0.00

Wetland Mitigation Acres may be zero or less than Wetland Acres Impacted for a variety of reasons. Some of those reasons are: impacted wetlands require no mitigation by rule (e.g., upland cut manmade ditches, etc.); quality of the impacted wetlands is less than the quality of proposed mitigation; or mitigation is provided through a different permit or a mitigation bank.

INDIVIDUAL PERMITS ISSUED: WUPs – AUGUST 2019

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
2000450.011	City of Temple Terrace Public Supply	Hillsborough	Located in HRGWB and NTB; quantities remain unchanged	Public Supply	5,150,000	5,150,000	20
2004606.010	Emerald Island	Charlotte / DeSoto	Renewal of quantities for sod and cattle	Agricultural	3,402,200	3,279,500	20
2005251.009	Grenelefe Resort & Tennis Club	Polk	Renewal for continued water use requirements of two golf courses, lawn/landscape irrigation, and potable supply consumption	Public Supply	1,234,500	963,100	10

**Governing Board Meeting
August 27, 2019**

GENERAL COUNSEL'S REPORT

Discussion Items

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Submit & File Reports – None

Routine Reports

48. August 2019 Litigation Report	221
49. August 2019 Rulemaking Update	232

GENERAL COUNSEL'S REPORT

August 27, 2019

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Karen E. West, General Counsel

GENERAL COUNSEL'S REPORT

August 27, 2019

Routine Report

August 2019 Litigation Report

Staff Recommendation:

Presenter: Karen E. West, General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT

August 2019

(Most recent activity in each case is in **boldface** type)

DELEGATED ADMINISTRATIVE HEARING MATTERS

3 Cases as of August 1, 2019

OPEN ENFORCEMENT CASES

65 Cases as of August 8, 2019

ENFORCEMENT CASES IN ACTIVE LITIGATION

1 Cases as of August 1, 2019

(Including Administrative Complaints)

PERMIT/AGENCY ACTION CHALLENGES

3 Cases as of August 1, 2019

STYLE: Long Bar Pointe, LLLP v. Lake Flores I, LLC, & SWFWMD
COURT/CASE NO.: Division of Administrative Hearings, Case No. 17-005609
ATTORNEY: C. Tumminia/J. Fussell
ACTION: Administrative petition challenging Environmental Resource Permit No. 49042599.001

DESCRIPTION: On July 28, 2017, the District issued Environmental Resource Permit ("ERP") No. 49042599.001 ("Permit") conceptually approving the future construction of a stormwater management system to serve a 1,274-acre mixed-use project in Manatee County. On August 18, 2017, and September 18, 2017, the District granted two requests by Long Bar Pointe, LLLP ("Petitioner"), for an extension of time to file a petition requesting an administrative hearing on the issuance of the Permit. On September 29, 2017, the District received a timely request for administrative hearing ("Petition") from the Petitioner. The deadline for granting or denying the Petition is October 14, 2017. On October 13, 2017, the District referred the Petition to the Division of Administrative Hearings ("DOAH"). The case was assigned to an Administrative Law Judge, who entered an Initial Order on October 19, 2017. The final hearing has been scheduled to occur in Tampa from January 24, 2017 to January 26, 2017. As of November 9, 2017, all parties have exchanged preliminary written discovery. On December 21, 2017, the parties agreed to and filed a Joint Motion for Continuance due to ongoing settlement negotiations. The ALJ entered an Order on December 21, 2017, rescheduling the final hearing to occur on February 27, 2017. On January 18, 2018, the parties agreed to and filed a Joint Motion for Continuance due to ongoing settlement negotiations. The ALJ entered an Order on January 18, 2018, rescheduling the final hearing to occur on March 27, 2017. On February 20, 2018, representatives from SWFWMD and the Applicant met to discuss the potential for settlement of this matter. On March 5, 2018, the Parties agreed to and filed a Joint Motion for Continuance as a result of the ongoing settlement negotiations. On March 6, 2018, the ALJ entered an Order rescheduling the final hearing to occur on May 7,

2018. On April 4, 2018, the Applicant and the Petitioner agreed to and filed a Joint Motion for Continuance as a result of the ongoing settlement negotiations. The District did not join, nor object, to the motion. On April 5, 2018, the ALJ entered an Order rescheduling the final hearing to occur on June 25, 2018. On August 10, 2018, the Parties agreed to and filed a Joint Motion for Continuance because of the ongoing settlement negotiations. On August 10, 2018, the ALJ entered an Order rescheduling the final hearing to occur on October 30, 2018. On October 1, 2018, the Parties agreed to and filed a Joint Motion for Continuance because of the ongoing settlement negotiations and the recent heart-attack of lead counsel for the Applicant. The final hearing has been continued until the final week in February 2019. As of the date of this Litigation Report, the Applicant and the Petitioner are still engaged in Settlement negotiations.

On January 30, 2019, counsel for the Applicant indicated that the Parties are close to formalizing a written settlement agreement regarding this matter; as such, the Parties will begin drafting a joint motion requesting the Administrative Law Judge cancel the scheduled hearing and place the case in abeyance until the settlement agreement is finally executed. On February 8, 2019, the Parties filed a Joint Motion to relinquish jurisdiction back to the District with the Administrative Law Judge and requested that the file at DOAH be closed. The Administrative Law Judge granted the Motion on February 12, 2019, closing the file at DOAH and sending the matter back to the District for the purpose of issuing the Permit and closing the case. The Parties currently intend to finalize the settlement agreement within 90 days of the ALJ's Order close closing the case. The file will remain open but in abeyance at the District until the Parties finalize the settlement agreement.

STYLE:
COURT/CASE NO:
ATTORNEY:
ACTION:

SWFWMD v. FUFLUNS Holdings, LLC
SWFWMD
J. Fussell/ M. Bray
Administrative hearing requested pursuant to an Administrative Complaint and Order issued by SWFWMD

DESCRIPTION:

The District issued an Administrative Complaint and Order ("ACO") on April 26, 2019, to FUFLUNS Holdings, LLC ("Respondent"), for wetland dredge and fill activities undertaken by the Respondent for the purpose of providing waterway access to the Halls River from the Respondent's place of business, Greenhouse Bistro. The Respondent filed a Request for Hearing with the District on May 10, 2019, to challenge the ACO; the District referred the Request for Hearing to the Division for Administrative Hearings ("DOAH") on May 24, 2019. An Administrative Law Judge ("ALJ") was assigned and an initial order was entered on May 30, 2019. On June 7, Respondent filed a Crossclaim seeking to add Gary Bartell, Jr., as an additional party. The District filed its Response in Opposition on June 14, and ALJ entered an order dismissing the crossclaim and denying Respondent's motion on June 17, 2019. The Final Hearing is scheduled for August 7 – 9, 2019, at the Homosassa Civics Club in Homosassa, Florida. **In July 2019, the Parties agreed in principle to settle this case and cancel the scheduled final hearing. The ALJ entered an order placing the case in abeyance pending finalization and execution of a settlement agreement. The Parties must provide an update to the ALJ on or before September 16, 2019.**

STYLE: Rainbow River Conservation, Inc., Michelle Blasingame, Gretchen Martin, Senator Dennis Jones, Gordon Hart, and William Vibbert v. SWFWMD

COURT/CASE NO: Division of Administrative Hearings, Case No. 19-2517RP

ATTORNEY: A. Vining/ C. Tumminia/ M. Bray

ACTION: Administrative hearing challenging proposed amendment to Rule 40D-8.041, F.A.C. (MFL-Rainbow River System)

DESCRIPTION: On May 14, 2019, Rainbow River Conservation, Inc., Michelle Blasingame, Gretchen Martin, Senator Dennis Jones, Gordon Hart, and William Vibbert ("Petitioners") filed a Petition at the Division of Administrative Hearings ("DOAH") challenging the District's proposed adoption of a rule establishing a minimum flow ("MFL") for the Rainbow River System. On May 17, 2019, the DOAH Administrative Law Judge ("ALJ") issued a Notice of Hearing scheduling the hearing in the matter for June 10-12, 2019, at the District's Brooksville Headquarters. The same day the ALJ issued an Order of Pre-Hearing Instructions detailing how the case will be managed. The ALJ later issued an Amended Order of Pre-Hearing Instructions on May 20, 2019, correcting the deadline by which deposition exhibits must be provided. Subsequent to the filing of the petition, written discovery has been served and answered, and multiple depositions have been taken by both the Petitioners and the District. On May 20, 2019, Petitioners filed an Amended Petition. On May 24, 2019, Petitioners filed a Motion for View requesting that the ALJ take a glass-bottom boat ride on the Rainbow River to view the river. The District filed a response in opposition to the Motion for View on May 28, 2019. On June 3, 2019, the ALJ denied the Motion for View.

On June 6, 2019, the District filed motions to dismiss the Petition as well as motions to limit testimony or exclude the Petitioners' witnesses from testifying at the final hearing. Additionally, other factual and legal issues remaining for disposition were identified in the Parties' June 7, 2019 Joint Pre-hearing Stipulation. Argument on these motions was heard at the beginning of the formal administrative hearing, which took place in Brooksville from June 10-12, 2019. The hearing transcript of the final hearing was filed at DOAH on July 9, 2019 and the Parties have until August 8, 2019 to submit Proposed Final Orders. The ALJ's Final Order must be entered on or before September 11, 2019.

In July 2019, the District filed an emergency motion to address numerous errors in the hearing transcript. The ALJ extended the timeframe for the filing of Proposed Final Orders in order to allow the court reporters to produce an amended hearing transcript. The Proposed Final Orders must be submitted to DOAH two weeks after the amended hearing transcript is filed at DOAH.

MISCELLANEOUS
8 Cases as of August 1, 2019

STYLE: Uranowski, Christina v. SWFWMD
COURT/CASE NO.: Fifth Judicial Circuit/Hernando County, Case No. 2016-CA-976
ATTORNEY: T. Gonzalez
ACTION: Complaint under the Florida Civil Rights Act alleging Retaliation, Handicap Discrimination, Gender Discrimination, and Age Discrimination.

DESCRIPTION: On September 17, 2015, the District issued a Notice of Discharge ("Notice") to Christina Uranowski ("Plaintiff"), discharging her from her at-will employment from the District effective at 5:00 p.m. that day. In September 2015, Plaintiff filed a Complaint with the U.S. Equal Employment Opportunity Commission ("EEOC Complaint") alleging that the District discriminated against her on the basis of her gender, age, and disability as well as that the District had retaliated against her based on prior protected activity. The District responded to the EEOC charge on November 4, 2015. The EEOC has not yet rendered a determination relative to the EEOC Complaint.

On September 30, 2016, the District was served with a Complaint filed in Circuit Court for Hernando County alleging violations of the Florida Civil Rights Act including retaliation, handicap discrimination, gender discrimination, and age discrimination related to Plaintiff's discharge from District employment. The matter has related to Plaintiff's discharge from District employment. The matter has been referred to the District's outside employment counsel who entered his appearance in the case on October 2, 2016. On October 20, 2016 the District filed its Answer and defenses to the Complaint. The Plaintiff filed its first Request for Production of Documents to Defendants on August 14, 2017. The District filed its response to the Plaintiff's request on September 18, 2017.

On June 12, 2019, the District received Plaintiff's Second Request for Production of Documents to Defendants. The District filed its response by the July 12, 2019 deadline.

STYLE: Lance Thomas v. North Port Gateway East Association, Inc. and SFWMD
COURT/CASE NO.: Twentieth Judicial Circuit/Charlotte County; Case No. 16-1505-CA
ATTORNEY: V. Arenas-Battles
ACTION: Action for Negligence related to a traffic accident where Plaintiff, Lance Thomas, claims that a condition in a District permit prohibited trimming of brush which contributed to obstruction of view resulting in a traffic accident.

DESCRIPTION: On February 16, 2018, Plaintiff served the District with an Amended Complaint. On March 8, 2018, the District filed its Answer and Affirmative Defenses, First Request to Produce to Plaintiff, and First Set of Interrogatories to Plaintiff. On March 2, 2018, the Plaintiff filed a Motion for Leave to Amend Complaint.

On March 8, 2018, the District filed an Answer and Affirmative Defenses, a First Request to Produce to Plaintiff, and a First Set of Interrogatories to Plaintiff. On April 25, 2018, the District filed a Motion to Dismiss Plaintiff's Amended Complaint. The District's Motion to Dismiss is scheduled for hearing on August 17, 2018.

On August 17, 2018, the District's Motion to Dismiss Plaintiff's Second Amended Complaint was denied, but The District's Ore Tenus Motion to Strike was granted.

On September 14, 2018, the District served a Proposal for Settlement on the Plaintiff. The Proposal for Settlement was not accepted by the Plaintiff and is therefore, rejected as a matter of law.

On January 22, 2019, Plaintiffs served Answers to the District's Interrogatories and First Request to Produce. The Plaintiff's deposition is scheduled for June 26, 2019.

On June 26, 2019, Plaintiff's deposition was taken. Based on the outcome of the deposition, the District's counsel intends to file a motion for summary judgment.

STYLE: Janet Denlinger and Harry Denlinger v. SWFWMD and Brian Armstrong, in his Capacity as the SWFWMD Executive Director, et al.

COURT/CASE NO.: Sixth Judicial Circuit/Pasco County; Case No. 2018-CA-001241

ATTORNEY: V. Arenas-Battles/ J. Fussell

ACTION: Action for Writ of Mandamus, Inverse Condemnation and Negligence arising out the District issuance of an ERP in 2006.

DESCRIPTION: On May 18, 2018, the District and Mr. Armstrong were served with a Complaint seeking a Writ of Mandamus and damages for Inverse Condemnation and Negligence. Other parties sued include the City of Dade City and Michael Sherman, in his Capacity as Dade City Community Development Director and Douglas J. Weiland, Elizabeth C. Sirna and Summit View, LLC (collectively, the owners of the property). On May 29, 2018, the District was served with a Verified Amended Complaint, which added Keene Services, Inc. as a Defendant in the case. A mediation was held on May 24, 2018, which was unilaterally scheduled by the Plaintiffs, and which was not attended by any of the Defendants in the case. A mediation report was filed with the Court on May 30, 2018. A response to the Verified Amended Complaint is due on June 18, 2018. The District intends to file a Motion to Dismiss the Verified Amended Complaint by no later than June 18, 2018.

On June 30, 2018, Roberto Valdez, an adjacent property owner, filed his Motion to Intervene and

Consolidate as Additional Plaintiff. On June 1, 2018, Plaintiffs filed Notices of Filing Acceptance of Service for Defendants, Douglas J. Weiland, Summit View, LLC, JES, Properties, Inc., CWES III, LLC, Brian Armstrong and the District. On June 1, 2018, Plaintiffs also filed an Affidavit of Service for Michael Sherman. On June 5, 2018, Plaintiffs filed an Emergency Motion for Temporary Injunction and Notice of Hearing against Defendant, Summit View, LLC. On June 6, 2018, Defendants, Summit View, LLC, Douglas J. Weiland, JES Properties, Inc., CWES III, LLC filed Motions to Dismiss the Amended Complaint. On June 7, 2018, the District and Brian Armstrong filed their Motion to Dismiss the Amended Complaint. On June 8, 2018, the City of Dade City filed its Motion to Dismiss the Amended Complaint. On June 14, 2018, the District and Brian Armstrong filed a Response in Opposition to Valdez' Amended Motion to Intervene and Consolidate an Additional Plaintiff. On June 20, 2018, Defendants Summit View, LLC, Douglas J. Weiland, JES Properties, Inc., and CWES III, LLC filed their Memorandum in Opposition to Plaintiff's Emergency Motion for Temporary Injunction. A hearing has been scheduled for July 17, 2018 on the Emergency Motion for Temporary Injunction. A hearing will be scheduled soon on the Motions to Dismiss.

On June 29, 2018, a Notice of Unavailability was filed by the City of Dade City. On June 29, 2018, an Order Granting Defendants' Motion to Reschedule July 9, 2018 Hearing was entered by the Court. On July 12, 2018, a Notice of Filing Abatement Agreement was entered, which abated the litigation for 30 days, and Notice of Cancellation of July 17, 2018 Hearing was filed. On July 13, 2018, a Motion to Strike Claim for Attorney's Fees as to Counts I, II, and III, with Supporting Memorandum of Law and Motion to Dismiss Amended Complaint was filed by Defendant Keene Services, Inc.

On September 5, 2018, Defendants Douglas J. Weiland, JES Properties, Inc. and CWES, III, LLC filed a Motion for Sanctions Against Plaintiffs. On September 10, 2018, the City of Dade City filed a Motion to Dismiss the Inverse Condemnation Claim. On September 13, 2018, Defendants City of Dade City and Michael Sherman filed Motions for Sanctions as to Plaintiffs' Claims for Negligence, Inverse Condemnation, Attorneys' Fees and Claim of Writ of Mandamus. The hearing on all the motions to dismiss is for November 6, 2018.

On November 6, 2018, the Court dismissed the Plaintiff's Verified Amended Complaint with leave to amend. The Court's order was rendered on November 26, 2018, from which Plaintiffs have 20 days to file their Second Amended Complaint.

On December 17, 2018, the District was served with the Plaintiffs' Second Amended Complaint. The District Intends to file a Motion to Dismiss this Complaint by on or before January 7, 2019.

On January 4, 2019, the District and Brian Armstrong served their Motion to Dismiss Plaintiff's Second Amended Complaint or, in the Alternative, Motion for More Definite Statement. Similar Motions to Dismiss Were served by Defendants, Keene Services, Inc. and the City of Dade City and Keene Services, Inc. on January 8, 2019 and January 22, 2019, respectively. On March 1, 2019, the Plaintiff filed its Motion for Leave to File Third Amended Complaint, and 2 of its 4 attorneys filed Motions to Withdraw as counsel for

Plaintiff. The District's Motion to Dismiss is scheduled for hearing on June 14, 2019.

A hearing is scheduled for May 9, 2019 on the Plaintiffs' Motion for Leave to File Third Amended Complaint. The District has filed a Response and Objection to Plaintiffs' Motion for Leave to File Third Amended Complaint.

On May 9, 2019, the Court held a hearing on the District's Response and Objection to Plaintiff's Motion for Leave to File Third Amended Complaint and held the matter in abeyance until the District's Motion to Dismiss is heard on June 14, 2019.

On June 14, 2019, the Court heard the District's Motion to Dismiss and dismissed the Negligence and Writ of Mandamus claims against the District with prejudice, dismissed the Writ of Mandamus against Brian Armstrong with prejudice, and dismissed the Inverse Condemnation claim against the District without prejudice to refile. The Plaintiff has 45 days to amend its Complaint in this matter. **In July 2019, proposed orders on the Motions to Dismiss were furnished to the Court. The time for filing the amended Complaint will begin when the Court enters an Order on the Motions to Dismiss.**

STYLE: Roberto Valdez v. SWFWMD and Brian Armstrong, in his capacity as the SWFWMD Executive Director, et. al.
COURT/CASE NO.: Sixth Judicial Circuit/Pasco County; Case No. 2018-CA-001241
ATTORNEY: V. Arenas-Battles/ J. Fussell
ACTION: Action for Writ of Mandamus, Inverse Condemnation and Negligence arising out the District issuance Of an ERP in 2006.

DESCRIPTION: On January 30, 2019, the District and Mr. Armstrong were served with a Complaint seeking a Writ of Mandamus and damages for Inverse Condemnation and Negligence. Other parties sued include the City of Dade City and Michael Sherman, in his Capacity as Dade City Community Development Director and Douglas J. Weiland, Elizabeth C. Sirna and Summit View, LLC collectively, the owners of the property). The District will file its answer or motion to dismiss by no later than March 1, 2019.

On March 1, 2019, the District and Brian Armstrong served their Motion to Dismiss Plaintiff's Verified Complaint or, in the Alternative, Motion for More Definite Statement. The District's Motion to Dismiss is Scheduled for June 20, 2019.

Following the Motions to Dismiss in the Denlinger case on June 14, 2019, the Plaintiff agreed to the same ruling in this case. Therefore, the Court dismissed the Negligence and Writ of Mandamus claims against the District with prejudice, dismissed the Writ of Mandamus against Brian Armstrong with prejudice, and dismissed the Inverse Condemnation claim against the District without prejudice to refile. The Plaintiff has 45 days to amend its Complaint in this matter. **In July 2019, proposed orders on the Motions to Dismiss**

were furnished to the Court. The time for filing the amended Complaint will begin when the Court enters an Order on the Motions to Dismiss.

STYLE: Heritage Lake Part Community Development District v. Heritage Lake Partners, LLC; Charlotte County; Charlotte County School District; Charlotte County Tax Collector; SWFWMD, et al.
COURT/CASE NO.: Twentieth Judicial Circuit/Charlotte County; Case No. 2018-CA-001191
ATTORNEY: C. Tumminia
ACTION: Action to Foreclose Liens for Delinquent Special Assessments.

DESCRIPTION: On December 21, 2018, the District was served with a Complaint seeking to foreclose liens on certain Properties in Charlotte County resulting from the property owners' failure to pay special tax assessments levied by Heritage Lake Park Community Development District ("Heritage Lake CDD"). The District is named as a Defendant in this case because the properties at issue also have delinquent ad valorem tax payments owed to the District. Pursuant to Chapter 173, F.S., the District and Heritage Lake CDD's tax liens are coequal and subject to satisfaction determined by the Charlotte County Tax Collector. The District filed an Answer and Affirmative Defenses on January 14, 2019, to ensure that the District receives the appropriate Amounts of proceeds following the foreclosure and sale of the properties. On June 13, 2019, the Court entered an Order cancelling the mandatory case management conference as a result of the Parties' stipulation to proceed to trial on September 30, 2019.

STYLE: In re: Cecil Daughtrey; Joseph Gilberti v. United States Trustee; United States Trustee Receiver; MUFG Union Bank, N.A.; SWFWMD
COURT/CASE NO.: U.S. Bankruptcy Court/Middle District of Florida; Case No. 9:19-ap-00104-FMD
ATTORNEY: S. Stichter/C. Tumminia
ACTION: Adversary Complaint in Chapter 7 Bankruptcy Proceeding

DESCRIPTION: On February 28, 2019, the District was served with a Summons and Adversary Complaint in United States Bankruptcy Court for the Middle District of Florida relating to an ongoing Chapter 7 bankruptcy proceeding. The Plaintiff in this case has alleged in the Complaint that the Southwest Florida Water Management District is a participant in a large- scale racketeering conspiracy designed to conceal an underground "fountain of youth." The Plaintiff has argued similar allegations in other civil complaints filed in various state and federal judicial tribunals. The matter has been referred to the District's outside counsel, and on April 4, 2019, the District's Motion to Dismiss the Adversary Complaint was filed. **On July 8, 2019, the Court entered an Order granting the District's Motion to Dismiss with Prejudice. This matter will be closed pending the timely filing of an appeal.**

STYLE: Cow Hammock LLC v. Suggs, et al.
COURT/CASE NO.: Fifth Judicial Circuit/Sumter County; Case No. 19-CA-000142
ATTORNEY: C. Tumminia

ACTION: **Action to Quiet Title**
DESCRIPTION: On April 22, 2019, the District was served with a Summons and Complaint seeking to quiet title on property located in Sumter County, Florida ("Property"). The Plaintiff purchased a tax deed and obtained title to the Property on September 13, 2018. The District is named as a Defendant in this case because the Property was previously the subject of an enforcement action initiated by the District against the prior Property owner. On July 9, 2009, the District obtained a judgment in circuit court against the prior Property owner and subsequently recorded a Notice of Sheriff's Levy over the Property in an attempt to collect on the judgment. The District and the prior Property owner entered into a settlement agreement in February 2015, but the recorded Notice of Sheriff's Levy remains a cloud on the Plaintiff's title. The District's Answer and Affirmative Defenses to the Complaint was filed on May 13, 2019.

STYLE: **Joseph D. Gilberti v. Ron DeSantis, SWFWMD, et al.**
COURT/CASE NO.: **Middle District of Florida; Case No. 2:19-cv-282-FtM – 38 MRM**
ATTORNEY: **E. Fernandez / C. Tumminia**
ACTION: **R.I.C.O.**
DESCRIPTION: On May 28, 2019, the District was served with a Summons and Complaint in Middle District of Florida. The Plaintiff in this case has alleged in the Complaint that the Southwest Florida Water Management District is a participant in a large-scale racketeering conspiracy designed to conceal an underground "fountain of youth." The Plaintiff has argued similar allegations in other civil complaints filed in various state and federal judicial tribunals. The District's deadline to appear and respond is June 18, 2019. On June 17, 2019 the District filed a Motion to Stay the proceedings pending the outcome of the appeal in the case pending before the Court in the District of Columbia. The District filed a Motion to Dismiss on June 19, 2019. The Middle District Judge granted the Motion to Stay on June 20, 2019 and all proceedings are stayed pending the outcome of the appeal. Notice to be provided to the Court 7 days after the appeal is resolved.

APPEALS

1 Cases as of July 1, 2019

STYLE: **Joseph D. Gilberti v. Federal Reserve System, SWFWMD, et al.**
COURT/CASE NO.: **US Court of Appeals, Federal Circuit; Case No. 1:19-cv-00738**
ATTORNEY: **C. Tumminia / A. Vining**
ACTION: **R.I.C.O.**
DESCRIPTION: On May 28, 2019, the District was served with a Summons and Complaint for a case in the US District Court in the District of Columbia. The Plaintiff in this case has alleged in the Complaint that the Southwest Florida Water Management District is a participant in a large-scale racketeering conspiracy designed to conceal an underground "fountain of youth." The Plaintiff has argued similar allegations in other civil complaints filed in various state and federal judicial tribunals. At this time, the District Court has issued a Memorandum of

Opinion in which it stated that the “claims are patently insubstantial.” The District Court entered an Order on April 29, 2019 stating the Plaintiff’s Complaint was dismissed without prejudice.

In May 2019, the Plaintiff filed a Notice of Appeal in the United States Court of Appeals for the Federal Circuit. The appellate court issued a Notice to Show Cause on July 15, 2019, as it appears that the Federal Circuit does not have jurisdiction over the case. The parties have until August 15, 2019, to file a memorandum with the court explaining why the case should either be dismissed or transferred to the appropriate court.

DELEGATED CONSENT ORDERS

0 Cases as of July 1, 2019

GENERAL COUNSEL'S REPORT

August 27, 2019

Routine Report

August 2019 Rulemaking Update

Staff Recommendation:

Presenter: Karen E. West, General Counsel

RULEMAKING UPDATE
AUGUST 2019
PROPOSED RULES & AMENDMENTS

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
1. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302(1), F.A.C. to Repeal Reservations from Use of Morris Bridge Sink	May 2015	TBD	May 2015
2. Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Rainbow River System	June 2017	Effective Approx. October 2019	June 2017
3. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lakes Church and Echo in Hillsborough County	September 2019	Effective Approx. December 2019	September 2019
4. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Charles in Hillsborough County	September 2019	Effective Approx. December 2019	September 2019
5. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Calm in Hillsborough County	September 2019	Effective Approx. December 2019	September 2019
6. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Linda in Pasco County	August 2019	Effective Approx. November 2019	August 2019
7. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Sapphire Lake in Hillsborough County	September 2019	Effective Approx. December 2020	September 2019

Attachment: 8-2019 General Counsel -Rulemaking Update (for August 2019 GB-Meeting) (4559 : August 2019 Rulemaking Update)

COMMITTEE/LIAISON REPORTS

August 27, 2019

Discussion Item

Industrial Advisory Committee

Staff Recommendation:

Presenter: James G. Murphy, Board Member

COMMITTEE/LIAISON REPORTS

August 27, 2019

Discussion Item

Public Supply Advisory Committee

Staff Recommendation:

Presenter: H. Paul Senft, Board Member

COMMITTEE/LIAISON REPORTS

August 27, 2019

Discussion Item

Other Committee/Liaison Reports

Staff Recommendation:

Presenter: Board Members

EXECUTIVE DIRECTOR'S REPORT

August 27, 2019

Discussion Item

Executive Director's Report

Staff Recommendation:

Presenter: Brian J. Armstrong, P.G., Executive Director

CHAIR'S REPORT

August 27, 2019

Discussion Item

Chair's Report

Staff Recommendation:

Presenter: Mark Taylor, Chair

CHAIR'S REPORT

August 27, 2019

Discussion Item

Other

Staff Recommendation:

Presenter: Mark Taylor, Chair

CHAIR'S REPORT

August 27, 2019

Routine Report

Employee Milestones

Staff Recommendation:

Presenter: Mark Taylor, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Bureau	Office Location
5	08/04/2014	Lisa Bowers	Environmental Scientist	Environmental Resource Permit	Tampa
5	08/18/2014	Krista McKean	Regulatory Field Technician III	Regulatory Support	Brooksville
5	08/18/2014	Yonas Ghile	Environmental Scientist, Senior	Natural Systems & Restoration	Brooksville
5	08/25/2014	Brad Rutter	Fleet Maintenance Technician 3	General Services	Brooksville
5	08/25/2014	Nicole Hewitt	Staff GIS Analyst	Data Collection	Brooksville
15	08/09/2004	Michele Musto	Senior Infrastructure Administrator	Information Technology	Brooksville
15	08/16/2004	Robert Noland	Hydrologic Data Collection Field Technician	Data Collection	Brooksville
15	08/30/2004	Greg Taylor	Lead Field Coordinator	Operations and Land Management	Bartow
20	08/25/1999	Brian Armstrong	Executive Director	Office of Executive	Brooksville
20	08/30/1999	Jack Garvey	Senior Systems Administrator	Information Technology	Brooksville
30	08/07/1989	Mark Hurst	Senior Environmental Scientist	Water Resources	Brooksville
30	08/23/1989	Scott Hickerson	Lead Engineer	Environmental Resource Permit	Tampa
35	08/01/1984	Deborah Ammendola	Field Services Supervisor	Regulatory Support	Brooksville
35	08/02/1984	Dudley Black	Senior Application Systems Administrator	Information Technology	Tampa