



**GOVERNING BOARD MEETING
TUESDAY, JANUARY 24, 2023 – 9:00 A.M.
7601 US 301 NORTH, TAMPA, FL 33637
(813) 985-7481**

MINUTES

Board Members Present

Joel Schleicher, Chair
Ed Armstrong, Vice Chair*
Michelle Williamson, Secretary
John Mitten, Treasurer
Kelly Rice, Former Chair
Jack Bispham, Member
John Hall, Member
Ashley Bell Barnett, Member

*Attended via Electronic Media

Staff Members

Brian J. Armstrong, Executive Director
Chris Tumminia, General Counsel
Brian Werthmiller, Inspector General
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director
Brian Starford, Division Director
Michael Molligan, Division Director*
Brandon Baldwin, Division Director

Board Administrative Support

Virginia Singer, Board & Executive Services Manager
Lori Manuel, Administrative Coordinator

1. Convene Public Meeting

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., January 24, 2023, at the Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

This meeting was available for live viewing through Internet streaming. An attendance roster is archived in the District's permanent records. Approved minutes from meetings can be found on the District's website at WaterMatters.org.

1.1 Call to Order

Chair Joel Schleicher called the meeting to order. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Chair Schleicher 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 complete and submit a "Request to Speak" card. Chair Schleicher 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 topic designate a spokesperson.

Chair Schleicher introduced each member of the Governing Board and staff present at the dais (this served as roll call). A quorum was confirmed.

1.2 Invocation and Pledge of Allegiance

Board Member Ashely Bell Barnett offered the invocation and Pledge of Allegiance.

1.3 Employee Recognition

Chair Schleicher recognized staff that reached at least 20 years of service. Mr. Ted Gates was recognized.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated there were no additions or deletions to the agenda. However, the following items were being moved to Discussion:

Resource Management Committee

2.3 Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code to Remove Minimum Wetland Levels Methodology

2.5 Peace River Manasota Regional Water Supply Authority – Regional Acquisition of the Project Prairie Pumping and Storage Facilities (Q248) Project, Cost Increase

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis spoke regarding established rights of citizens.

CONSENT AGENDA

Finance/Outreach & Planning Committee

2.1 Office of Inspector General Calendar Year 2023 Audit Plan

Staff recommended the Board approve the Office of Inspector General Calendar Year 2023 Audit Plan.

Resource Management Committee

2.2 FARMS – H806 Sandhill Native Growers, DeSoto County

Staff recommended the Board:

1. Approve the Sandhill Native Growers, Inc. project for a not-to-exceed project reimbursement of \$303,507 with \$303,507 provided by the Governing Board.
2. Authorize the transfer of \$303,507 from fund 010 H017 Governing Board FARMS Fund to the H806 Sandhill Native Growers, Inc. project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

2.3 ~~Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code to Remove Minimum Wetland Levels Methodology~~

~~Staff recommended the Board:~~

- ~~A. Authorize the initiation of rulemaking and approve the proposed rule language to amend Rule 40D-8.623, F.A.C., to delete the Minimum Wetland Level methodology and associated language for certain wetlands and clarify Minimum Wetland Level location information in Table 8-1 within the rule, as shown in the Exhibit.~~
- ~~B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.~~

2.4 Approve the Davenport Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in the City of Davenport (N962)

Staff recommended the Board approve use of the Davenport Watershed Management Plan floodplain information for best information available by the District ERP program and to update Flood Insurance Rate Maps in the City of Davenport.

2.5 ~~Peace River Manasota Regional Water Supply Authority – Regional Acquisition of the Project Prairie Pumping and Storage Facilities (Q248) Project, Cost Increase~~

~~Staff recommended the Board authorize staff to amend the Regional Acquisition of the Project Prairie Pumping and Storage Facilities Project (Q248) agreement to increase the total project cost to \$2,030,032, with \$837,500 of state and federal funding, and the District's share not to exceed \$596,266.~~

Operations, Lands and Resource Monitoring Committee

2.6 Sale and Conveyance of a Permanent Easement to the Florida Department of Transportation (FDOT) within the District's Marshall Hampton Reserve property to replace a portion of and extend an existing easement displaced by the Central Polk Parkway, SWF Parcel No. 20-503-254X

Staff recommended the Board:

- Approve the Purchase Agreement and authorize the Executive Director to execute the Agreement on behalf of the District; and
- Authorize the Chairman and Secretary of the Governing Board to execute the amended Perpetual Easement; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

2.7 Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Watkins Pump & Well, LLC – Unlicensed Well Contractor – CT No. 419434 Hillsborough County

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Watkins Pump & Well, LLC, to obtain compliance, recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.
2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

2.8 Approval of Consent Order between the District and Gregory J. Dana Revocable Trust – Permit Condition Violations – Environmental Resource Permit No. 43043617.001 – CT Nos. 418450 & 402420 – Hillsborough County

Staff recommended the Board:

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

2.9 Approve Governing Board Minutes - December 13, 2022

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (00:09:15)

Finance/Outreach & Planning Committee

Treasurer John Mitten called the committee to order.

3.1 Consent Item(s) Moved to Discussion - None

3.2 Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, presented an overview of the District's portfolio strategy for the last quarter (October 1, 2022 thru December 31, 2022). He discussed current issues with the debt ceiling and provided information regarding the U.S. Gross Domestic Product, inflation, jobs growth and interest rates.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended December 31, 2022. Mr. Grady responded to questions.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (00:31:15)

3.3 Status of the 2023 Consolidated Annual Report

Mr. Patrick Doty, Senior Planner, presented an overview and status update regarding the 2023 Consolidated Annual Report (CAR). He explained that water management districts are statutorily mandated to provide this report. Mr. Doty stated the CAR is composed of ten reporting documents and outlined the reports. He outlined provided highlights from the reports, gave updates to the 2023-2027 Strategic Plan, and provided a timeline associated with finalizing the CAR. Mr. Doty stated the only significant update to this year's Strategic Plan is the removal of the Flood Protection regional priority for the Tampa Bay Planning Region.

This item was presented for information only. No action was required.

3.4 Budget Transfer Report

This was for information only. No action was required.

3.5 Office of Inspector General October 1, 2022 to December 31, 2022 Quarterly Update

This was for information only. No action was required.

Resource Management Committee

Board Member Ashley Bell Barnett called the committee to order.

4.1 Consent Item(s) Moved to Discussion

2.3 Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code to Remove Minimum Wetland Levels Methodology

A Request to Speak card was received for this item.

Mr. Don Ellison expressed concern regarding the initiation of rulemaking. He suggested that the minimum wetland methods currently in the rule not be removed and that newly developed minimum wetland methods be added to the rule. In addition, he requested that more time be provided for review before initiating rule making.

Mr. Doug Leeper, Minimum Flows and Levels (MFL) Program Lead, provided an overview of the history of the minimum wetland levels methodology. He presented information in support of the proposed changes and initiation of rulemaking. Mr. Leeper responded to questions.

Staff recommended the Board:

- A. Authorize the initiation of rulemaking and approve the proposed rule language to amend Rule 40D-8.623, F.A.C., to delete the Minimum Wetland Level methodology and associated language for certain wetlands and clarify Minimum Wetland Level location information in Table 8-1 within the rule, as shown in the Exhibit.
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (00:53:18)

2.5 Peace River Manasota Regional Water Supply Authority – Regional Acquisition of the Project Prairie Pumping and Storage Facilities (Q248) Project, Cost Increase

Messrs. Mike Knowles and Chris Kuzler, representing the Peace River Manasota Regional Water Supply Authority (PRMRWSA), provided information regarding cost increases associated with project Q248.

Chair Schleicher asked if the proposed staff recommendation is consistent with the current District policy. Mr. Brian Armstrong, Executive Director, stated that it was not and that staff would be presenting proposed changes to the CFI policy later in the meeting. He explained that approval of this project cost increase is being requested before the Board approves changes to the CFI policy due to time constraints with the federal funding awarded to the project.

Mr. Chris Tumminia, General Counsel, reminded the Board that it has the ability to approve policy changes at any time. Staff responded to questions.

Staff recommended the Board authorize staff to amend the Regional Acquisition of the Project Prairie Pumping and Storage Facilities Project (Q248) agreement to increase the total project cost to \$2,030,032, with \$837,500 of state and federal funding, and the District's share not to exceed \$596,266.

A motion was made and seconded to approve staff's recommendation. The motion passed with seven in favor and one opposed. (00:54:24/01:05:40)

4.2 FARMS – Spanish Trails Farming & Land Company, LLC (H812) - Phase 2 – DeSoto County

Ms. Carole Estes, Facilitating Agricultural Resource Management Systems (FARMS) Program Manager, provided a presentation that included an overview of the project, project costs, and benefits. She stated that although the project is eligible for 75 percent funding, District policy limits reimbursement to 70 percent of eligible material project costs.

Staff recommended the Board:

1. Approve the Spanish Trails Farming and Land Company, LLC - Phase 2 project for a not-to-exceed project reimbursement of \$529,000 with \$529,000 provided by the Governing Board;
2. Authorize the transfer of \$529,000 from fund 010 H017 Governing Board FARMS Fund to the H812 Spanish Trails Farming and Land Company, LLC – Phase 2 project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (01:08:57)

4.3 Knowledge Management: Cooperative Funding Initiative Governing Board Policy

Mr. Kevin Wills, Cooperative Funding Initiative (CFI) Project Lead, presented information outlining the current CFI policy, proposed revisions, and examples of how the proposed policy changes may impact funding. Mr. Wills explained that any funding matches cannot include state or federal appropriations or grant monies. However, because the National Estuary Programs are funded primarily with federal funds they are excluded. He also proposed that local appropriations received by a cooperator may be used towards the cooperator's funding match. The proposed change also would allow the cooperator to use state or federal appropriations or grant monies to cover project costs increases.

Discussion ensued regarding the proposed policy language. It was agreed that the defined language needs to be clarified. It was also discussed that definitions could be created to assist in a better understanding of the proposed policy. Staff responded to questions.

This item was presented for information only. No action was required.

Operations, Lands & Resource Monitoring Committee

Board Member Jack Bispham called the committee to order.

5.1 Consent Item(s) Moved to Discussion - None

Regulation Committee

Board Member John Hall called the committee to order.

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board

None were presented.

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion - None

Mr. Chris Tumminia, General Counsel, provided an update regarding the Inverness Village 4 project that was discussed at the November Board meeting. He stated the Citrus County Board of County Commissioners (County) voted to proceed with a Municipal Service Benefit Unit. In addition, the County is preparing an estimate of engineering costs for surface water management systems associated with this project. This may take approximately six to nine months. Per the County's request, the District will continue to assist with resolving issues associated with this project.

Committee/Liaison Reports

8.1 Agricultural and Green Industry Advisory Committee

Mr. Brian Armstrong, Executive Director, stated that on December 16 the Committee and District staff toured the Council Growers Sod Farm and the University of Florida/Institute of Food and Agricultural Sciences Gulf Coast Research and Education Center in Wimauma, Florida. The participants learned how the District's agricultural cost-share reimbursement program has helped growers improve water quality and natural systems while reducing groundwater withdrawals from the Upper Floridan aquifer through conservation and alternative water supply best management practices. A written summary was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Armstrong stated that he took note of the comments during the discussion of Item 2.5. He stated that going forward staff will make certain to provide better clarification of what the Board is being asked to approve regarding exceptions to the existing Board policy. In addition, if the Board needs additional time to review the proposed revisions to the CFI policy, this item can be tabled for the March meeting if necessary.

Mr. Armstrong provided an overview of the District's Employee Committee benevolent accomplishments for 2022.

Chair's Report

10.1 Chair's Report

Chair Schleicher stated the next meeting is scheduled for Tuesday, February 28 at 9:00 a.m., in the Brooksville Office.

10.2 Employee Milestones

A written summary was included in the packet.

Adjournment

The meeting adjourned at 10:47 a.m.