



**GOVERNING BOARD MEETING  
TUESDAY, JANUARY 26, 2021 – 9:00 A.M.  
7601 US-301, TAMPA, FLORIDA 33637**

**MINUTES**

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**Board Members Present**

Kelly Rice, Chair  
Joel Schleicher, Vice Chair  
Rebecca Smith, Ph.D., Secretary  
James G. Murphy, Treasurer\*  
Michelle Williamson, Member  
Ed Armstrong, Member\*  
Roger Germann, Member\*  
Jack Bispham, Member  
Seth Weightman, Member\*  
John Mitten, Member  
Ashley Bell Barnett

\*Attended Via Electronic Media

**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, Division Director  
Michael Molligan, Division Director  
Jennette Seachrist, Division Director  
Michelle Hopkins, Division Director

**Board Administrative Support**

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

**1. Convene Public Meeting**

**Due to the COVID-19 virus, this meeting was held through a combination of in-person attendance and electronic media to reduce public gatherings and practice social distancing.**

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on January 26, 2021, at the Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

Approved minutes from previous meetings can be found on the District's website ([www.WaterMatters.org](http://www.WaterMatters.org)).

**1.1 Call to Order**

Chair Rice called the meeting to order. He provided a telephone number to any member of the public wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda. Chair Rice 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.

**1.2 Oath of Office for Board Members**

Ms. Virginia Singer, Boards and Executive Services Manager, administered the Oath of Office to incoming Board Members Michelle Williamson and Ashley Bell Barnett.

**1.3 Invocation and Pledge of Allegiance**

Board Member Seth Weightman offered the invocation and led the Pledge of Allegiance.

Chair Rice introduced each member of the Governing Board (this served as roll call) and staff at the dais. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input was only taken during the meeting via telephone communication.

**1.4 Additions/Deletions to Agenda**

There were no additions or deletions to the agenda.

**1.5 Public Input for Issues Not Listed on the Published Agenda**

Mr. David Ballard Geddis spoke regarding constitutional concerns.

**2. Consent Agenda**

**2.1 Calendar Year 2021 Office of Inspector General Audit Plan**

Staff recommended the Board approve the Calendar Year 2021 Office of Inspector General Audit Plan.

**2.2 Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised High Minimum Lake Levels for Lakes Allen, Harvey, and Virginia in Hillsborough County (P256)**

Staff recommended the Board:

- A. Accept the report entitled, "Reevaluation of Lakes Allen, Harvey and Virginia High Minimum Lake Levels."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Authorize the initiation of rulemaking and approve the proposed rule language to amend Rule 40D-8.624, F.A.C., to replace the previously approved High Minimum Lake Levels with the proposed High Minimum Lake Levels for Lakes Allen, Harvey, and Virginia in Hillsborough County, as shown in the Exhibit.

**2.3 Pasco County Port Richey Alternative Outfall Project (N901) - Approve Reducing the Project Scope and Budget to Eliminate the Third-Party Review**

Staff recommended the Board authorize staff to amend the project Cooperative Funding Agreement to eliminate the third-party review and reduce the total project budget to \$400,000 (District Share of \$200,000).

**2.4 WUP No. 20020901.000 / Gibson Place Utility / Gibson Place Utility Company, LLC (Sumter County)**

Staff recommended the Board approve the proposed permit attached as an exhibit.

**2.5 Governing Board Concurrence - SWFWMD Emergency Order - Emergency Measures Made Necessary by COVID-19**

Staff recommended the Board approve the Sixth Amended and Restated Emergency Order No. SWF 20-054 and concur with the Executive Director's determinations regarding the state of emergency and the actions necessary to meet the emergency.

**2.6 Governing Board Concurrence - Authorization to Initiate Litigation Under Board Policy160-1**

Staff recommended the Board provide concurrence with the authorization of the Executive Director, the Governing Board Chair, and the General Counsel to initiate litigation against Cardno, Inc. on December 30, 2020, in accordance with Board Policy 160-1.

**2.7 Interagency Agreement between SFWMD and SWFWMD - Designation of Regulatory Responsibility - Environmental Resource Permit - SR 31 and CR 74 Roundabout - Charlotte County**

Staff recommended the Board approve the Interagency Agreement designating regulatory responsibility for the SR 31 at CR 74 roundabout in Charlotte County to the Southwest Florida Water Management District.

**2.8 Authorization to Issue Administrative Complaint and Order - Unauthorized Construction - Rahuge, LLC - CT No. 405388 - Charlotte County**

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to obtain compliance with District rules.
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Administrative Complaint and Order, including filing any appropriate actions in circuit court, if necessary.
3. Authorize District staff to initiate an action in circuit court to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.

**2.9 Approval of Consent Order Between SWFWMD and Charlotte County Industrial Development Authority - Permit Condition Violations - Water Use Permit No. 20020572.001 - CT No. 403151 - Charlotte County**

Staff recommended the Board:

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

**2.10 Approval of Consent Order Between SWFWMD, Shadow Woods Lots, LLC, and Sweetwater Estates Homeowners' Association, Inc. - Permit Condition Violations - Environmental Resource Permit No. 43042094.001 - CT No. 406746 - Hillsborough County**

Staff recommended the Board:

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

**2.11 Approve Governing Board Minutes - December 15, 2020**

Staff recommended the Board approve the minutes.

**A Motion was made and seconded to approve the Consent Agenda. (00:14:38). The motion passed unanimously.**

**3. Finance/Outreach & Planning Committee**

Committee Chair James Murphy called the Committee to order. (Audio - 00:16:15)

**3.1 Consent Item(s) Moved to Discussion - None**

**3.2 Investment Strategy Quarterly Update**

Mr. John Grady, Public Trust Advisors, provided a presentation that outlined the District's economic update/investment strategy review and the quarterly investment report for the period ending December 31, 2020.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended December 31, 2020.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio: 00:32:13)

**3.3 2021 Consolidated Annual Report**

Ms. Trisha Neasman, Planning Lead, provided an overview and status update regarding the 2021 Consolidated Annual Report (CAR). She highlighted the ten reports that are compiled in the CAR. Ms. Neasman outlined updates to the 2021-2025 Strategic Plan. She provided a timeline associated with finalizing the CAR.

This item was presented for information, and no action was required.

**3.4 Advisory Committee Outreach**

Mr. Michael Molligan, Employee and External Relations Division Director, provided a presentation outlining outreach that was provided to the District advisory committees. These committees included the Agricultural and Green Industry, Environmental, Industrial, and the Public Supply. Mr. Molligan provided an overview of the revisions to the Governing Board advisory committee policies. He outlined the outreach provided which included the results of a survey which was completed by advisory committee members. Mr. Molligan addressed the utilization of remote meetings due to COVID. He outlined steps that are being taken to encourage members engagement in their committees.

This item was presented for information, and no action was required.

**3.5 Budget Transfer Report**

This item was presented for information, and no action was required.

**3.6 Office of Inspector General Quarterly Update – October 1, 2020 to December 31, 2020**

This item was presented for information, no action was required.

**4. Resource Management Committee**

Committee Chair Seth Weightman called the Committee to order. (Audio - 01:00:25)

**4.1 Consent Item(s) Moved to Discussion - None**

**4.2 Five-Year Water Resource Development Work Program**

This item was presented for information, and no action was required.

**5. Operations, Lands and Resource Monitoring Committee**

Committee Chair Jack Bispham called the Committee to order. (01:02:03)

**5.1 Consent Item(s) Moved to Discussion – None**

**6. Regulation Committee**

Vice Chair Joel Schleicher called the Committee to order. (Audio - 01:02:38)

**6.1 Consent Item(s) Moved to Discussion – None**

**6.2 404 Assumption Update**

Ms. Michelle Hopkins, Regulation Division Director, provided an update regarding the State 404 Program Assumption. This presentation provided a history of the program, the benefits of using the assumption program, how it works, and the impact to the District.

Ms. Hopkins explained that assumed waters will be permitted by the Florida Department of Environmental Protection and retained waters will be permitted by the Army Corp of Engineers.

Ms. Hopkins responded to questions from Board Members.

This item was presented for information, and no action was required.

**6.3 Denials Referred to the Governing Board**

No denials were presented.

**7. General Counsel's Report**

**7.1 Consent Item(s) Moved to Discussion - None**

**7.2 Office of General Counsel Annual Update**

Mr. Chris Tumminia, Deputy General Counsel, provided a presentation that outlined an overview of in-house support provided to the District by the Office of General Counsel (OGC). He outlined enforcement metrics and data from 2018 through current. Mr. Tumminia reviewed the various enforcement processes which include informal resolutions, consent orders, administrative orders, and litigation processes.

This item was presented for information, and no action was required.

**8. Committee/Liaison Reports**

**8.1 Agricultural and Green Industry Advisory Committee**

Board Member Jack Bispham provided a summary of the December 1, 2020 meeting. A written summary was also provided.

**9. Executive Director's Report**

**9.1 Executive Director's Report**

Mr. Brian Armstrong, Executive Director, congratulated Governor DeSantis, and the Florida Department of Environmental Protection for obtaining the 404 Assumption. He informed the Board that Florida is only the third state to obtain it.

Mr. Armstrong informed the Board of the passing of previous Board Member John Henslick who served from 2015 through 2019. He also informed the Board of the passing of beloved staff member Della Haberle.

**10. Chair's Report**

**10.1 Chair's Report**

Chair Rice welcomed new Board Member Ashley Bell Barnett and welcomed back reappointed Board Member Michelle Williamson.

Chair Rice stated the next Board meeting will be held in the Brooksville Office on February 23 at 9:00 a.m.

Chair Rice stated the February Regional Cooperative Funding meetings will be held remotely via Zoom as follows: February 3, Northern Region; February 4, Southern Region, February 10, Heartland Region and February 11, Tampa Region.

**10.2 Employee Milestones**

Chair Rice recognized staff who have reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: Monte Ritter and Cynthia Taylor.

**Adjournment**

Chair Rice adjourned the meeting at 10:42 a.m.