

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

JANUARY 28, 2020

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on January 28, 2020, at the District's Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida. The following persons were present:

Board Members Present

Mark Taylor, Chair
Michelle Williamson, Vice Chair
Joel Schleicher, Secretary**via Phone*
Kelly S. Rice, Treasurer
Rebecca Smith, Ph.D., Member
James G. Murphy, Member**via Phone*
Jack Bispham, Member
Seth Weightman, Member

Board Members Absent

Roger Germann, 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, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director

Board Administrative Support

Robyn Felix, Communications & Bd Svc Bureau Chief
Lori Manuel, Administrative Coordinator

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. Treasurer Kelly Rice stated a quorum was present.

2. Invocation and Pledge of Allegiance

Board Member Seth Weightman 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.

3. Employee Recognition

Chair Taylor recognized employees who have reached at least 20 years of service with the District and thanked them. The following staff were recognized: Violet Woodard, Dave Kramer, Randy Emberg and Bill Wood.

4. Additions/Deletions to Agenda

Mr. Brian Armstrong, executive director, stated the following item was being deleted from the agenda:

General Counsel's

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

d. Authorization to Initiate Litigation – Unauthorized Water Use – Watermelon Pit, LLC, and JDI Farms, Inc. – Water Use Permit No. 8322.004 – CT No. 404443 – Charlotte County

Secretary Joel Schleicher requested the following item be moved to Discussion:

Resource Management Committee

9. Springs - Crystal River Southern Septic to Sewer Project (W434) - Scope of Work and Cost Reduction

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, Jr., spoke regarding Pinellas County Ordinances.

Mr. Tom Palmer, representing the Sierra Club, spoke regarding the Marshall Hampton Reserve access.

Ms. Marian Ryan, representing Friends of the Polk County Parks Foundation, spoke regarding the Marshall Hampton Reserve access.

Mr. Brian Starford, Operations Lands & Resource Monitoring director, stated the District has been coordinating with Polk County and the Florida Department of Transportation regarding the Marshall Hampton Reserve access. He stated that a presentation will be provided to the Board at a future meeting.

Consent Agenda

Finance/Outreach & Planning Committee

6. Knowledge Management: Governing Board Policy Deletion

Staff recommended the Board approve the deletion of Governing Board Policy 101-002 Governing and Basin Board Records.

7. Budget Transfer Report

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for December 2019.

8. Calendar Year 2020 Office of Inspector General Audit Plan

Staff recommended the Board approve the Calendar Year 2020 Office of Inspector General Audit Plan.

Resource Management Committee

9. Springs – Crystal River Southern Septic to Sewer Project (W434) – Scope of Work and Cost Reduction

Staff recommended the Board approve the scope and cost reduction for the Springs-Crystal River Southern Septic to Sewer Project (W434) to include:

1. Decrease the number of septic tanks connected to 276 septic tanks.
2. Decrease the total project cost to \$4,843,750 and reduce the District's 25-percent share to \$1,210,937.50.

Operations, Lands and Resource Monitoring Committee

10. Easement Donation from Citrus County – Tsala Apopka Golf Course Water Control Structure Modification – SWF Parcel No. 19-009-101

Staff recommended the Board accept the easement donation from Citrus County.

11. Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101C

Staff recommended the Board:

- Approve declining the right of first refusal to purchase the remainder fee interest over SWF Parcel No. 20-780-101C 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 20-780-101C.

Regulation Committee

12. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20005423.017 - Manatee Plant - Florida Power & Light Company (Manatee County)

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

b. WUP No. 20020721.001 - South Sumter Utility Company/South Sumter Utility Company (Sumter County)

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

c. WUP No. 20012392.004 - PH Citrus LLC/PH Citrus LLC (Polk County)

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

General Counsel's Report

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

a. Approval of Settlement Agreement Between SWFWMD and FUFLUNS Holdings, LLC – CT No. 394688 – Citrus County

Staff recommended the Board:

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

b. Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – 8791 Ulmerton Road – Linda R. Freeland & Paver House, LLC – CT No. 401932 – Pinellas County

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to the Owner, Lessee, and any other necessary party to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against the Owner, Lessee, and any other necessary parties to recover a civil penalty/administrative

- fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.
3. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

c. Approval of Consent Order Between SWFWMD and AAMW Enterprises, LLC – CT No. 401716 – Sumter 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

d. Authorization to Initiate Litigation – Unauthorized Water Use – Watermelon Pit, LLC, and JDI Farms, Inc. – Water Use Permit No. 8322.004 – CT No. 404443 – Charlotte County

Staff recommended the Board authorize District staff to initiate an action in Circuit Court against Watermelon Pit, LLC, JDI Farms, Inc., and any other necessary parties to obtain equitable relief, recover an administrative fine/civil penalty, enforcement costs, litigation costs, and attorneys' fees, if appropriate.

14. Rulemaking - None

Executive Director's Report

15. Approve Governing Board Minutes – December 10, 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. (00:16:10)

Chair Taylor relinquished the gavel to the Finance/Outreach & Planning Committee Chair Kelly Rice, who called the meeting to order. (00:16:27)

Finance/Outreach & Planning Committee

Discussion

16. Consent Item(s) Moved for Discussion – None

17. Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, provided a presentation on the quarterly investment strategy from October 1, 2019 through December 31, 2019. This presentation provided information regarding the United States Gross Domestic Product, labor market, inflation, federal interest rate, an economic update and yield curve analysis. He provided a graph that displayed the federal funds rate hike current cycle and Federal Open Market Committee (FOMC) rate projections. Mr. Grady provided an overview of the District's all assets summary comparison for October 1, 2019 to December 31, 2019.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended December 31, 2019.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:28:16)

18. Legislative Update

Mr. Michael Molligan, Employee and External Relations director, provided a monthly legislative update. He stated that Committee meetings are occurring at present and the legislative session began January 14, 2020 and is scheduled to complete on March 13.

Mr. Molligan stated that a total of 3,438 bills were filed, of which 593 were environmental bills. A total of 1,634 appropriation bills were filed, of which 458 were associated with environmental and natural resources.

Mr. Molligan stated that the five Governing Board member confirmations are expected to begin Senate committee hearings soon.

Mr. Molligan provided an overview for several bills. These included water quality improvement (Clean Waterway Act), reclaimed water bill, land acquisition trust fund, aquatic preserve, Citrus/Hernando Waterways Restoration Council, and water management district boundaries related to Levy County.

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

19. Strategic Plan Updates

Mr. Michael Molligan, Employee and External Relations director, provided a presentation regarding the Strategic Plan. He provided an overview of the Strategic Plan and outlined the proposed changes.

Discussion ensued regarding the maintenance and operation of District structures and the prioritization of Capital Improvement Plans (CIP) for those structures.

Chair Taylor clarified the use of the word "assist" as related to future alternative water supplies referenced for Tampa Bay Water (TBW) and the Peace River Manasota Regional Water Supply Authority (PRMRWSA). He stated that assistance provided by the District does not include a commitment to funding.

Staff recommended the Board approve the proposed changes to the Strategic Plan, including:

- Expanding support for potable reuse to all four planning regions
- Adding assistance to TBW to develop 20 mgd of alternative water supplies to the Tampa Bay Region Priorities
- Adding assistance to PRMRWSA to develop 21 mgd of alternative water supplies to the Southern Region Priorities
- Adding MFL implementation to the Northern Region Springs Priority
- Adding the development and implementation of a capital improvement plan for District flood control and water conservation structures and associated facilities as a strategy under the Maintenance and Improvement Strategic Initiative for Flood Protection.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:44:43)

20. 2020 Consolidated Annual Report

Ms. Trisha Neasman, Planning lead, provided a presentation regarding the status of the 2020 Consolidated Annual Report (CAR). She stated the Board will be asked to approve the final report at the February Board meeting. Ms. Neasman also provided an overview of the report, which included highlights of specific items in the report and outlined important dates.

This item was submitted for the Board's information; no action was required.

Submit & File Reports

21. Office of Inspector General Quarterly Update – October 1, 2019 to December 31, 2019

Routine Reports

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

22. Treasurer's Report and Payment Register

23. Monthly Financial Statement

24. Monthly Cash Balances by Fiscal Year

25. Comprehensive Plan Amendment and Related Reviews Report

Committee Chair Rice relinquished the gavel to the Resource Management Committee Chair Rebecca Smith, who called the meeting to order. (00:51:10)

Resource Management

Discussion

26. Consent Item(s) Moved for Discussion

9. Springs - Crystal River Southern Septic to Sewer Project (W434) - Scope of Work and Cost Reduction

Secretary Schleicher questioned the need for a third-party review for this project. Ms. Jennette Seachrist, Resource Management director, responded that staff is recommending a third-party review based on complex sub-surface conditions related to this project. She stated that there has been success with third-party review projects that have identified design improvements and cost savings.

Staff recommended the Board approve the scope and cost reduction for the Springs-Crystal River Southern Septic to Sewer Project (W434) to include:

1. Decrease the number of septic tanks connected to 276 septic tanks.
2. Decrease the total project cost to \$4,843,750 and reduce the District's 25 percent share to \$1,210,937.50.

A motion was made and seconded to approve staff's recommendation. The motion carried with seven in favor and one opposed. Secretary Schleicher stated his opposition was due to the request for a third-party review. (00:55:54)

27. SWIM - Approve the Recommended Surface Water Improvement and Management Program Priority List

Mr. Will VanGelder, SWIM Program manager, provided a presentation regarding the SWIM Program priority list. He provided an overview of the SWIM Program.

Mr. VanGelder stated that 448 SWIM projects have been completed, 84 are ongoing, 13,000 acres of natural systems have been restored and 219,000 acres of watershed has been treated. He provided examples of some of the accomplishments and the improvements they provided.

Mr. VanGelder provided a scorecard indicating water quality improvement in Tampa bay over a 39-year period and stated according to the Tampa Bay Nitrogen Management Consortium that a 60 percent reduction in nitrogen in Tampa Bay Area occurred during this period. He also provided a graph outlining mapped seagrass recovery within the Tampa Bay. Mr. VanGelder outlined the SWIM Priority waterbody list and provided a history.

Staff recommended the Board approve the District's SWIM priority list with no changes to the existing twelve priority water bodies.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (01:06:32)

Ms. Seachrist notified the Board that a Cooperative Funding Initiative (CFI) process overview was provided to them along with their appropriate subcommittee application book.

Submit & File Reports

28. Annual Status of the Southern Water Use Caution Area Recovery Strategy

29. Five-Year Water Resource Development Work Program

Routine Reports

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

30. Minimum Flows and Levels Status Report

31. Significant Water Resource and Development Projects

Committee Chair Smith relinquished the gavel to the Operations, Lands & Resource Monitoring Committee Vice Chair Jack Bispham, who called the meeting to order. (01:08:17)

**Operations, Lands & Resource Monitoring Committee
Discussion**

32. Consent Item(s) Moved for Discussion - None

33. Hydrologic Conditions Report

Mr. Granville Kinsman, P.G., Hydrologic Data manager, provided a presentation regarding the hydrologic conditions. Mr. Kinsman stated that rainfall for December was above normal and hydrologic conditions remain healthy throughout the District. He stated the 12-month average rainfall was normal to above normal for most of the District, but the southern part of the District remained drier. Groundwater levels throughout the District were considered in the normal to above-normal range. Lake levels remained in the normal range in all regions but showed declines. The flow on the Withlacoochee, Hillsborough, Alafia and Peace rivers remained in the normal to above normal range. The water supply for the City of Tampa remained at a healthy level. The Bill Young reservoir was near capacity and the Peace River reservoir system remained healthy.

Mr. Kinsman stated the climate forecast changed due to being in neutral conditions. The forecast projects above normal rainfall for the next three months.

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

Submit & File Reports – None

Routine Reports

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

34. Surplus Lands Update

35. Structure Operations

36. Significant Activities

Committee Vice Chair Bispham relinquished the gavel to the Vice Chair Michelle Williamson, who called the meeting to order. (01:14:43)

**Regulation Committee
Discussion**

37. Consent Item(s) Moved for Discussion - None

38. 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.

39. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program

40. Overpumpage Report

41. Individual Permits Issued by District Staff

Vice Chair Williamson relinquished the gavel to Chair Taylor. (01:15:41)

General Counsel's Report

Discussion

42. 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.

43. January 2020 Litigation Report

44. January 2020 Rulemaking Update

Committee/Liaison Reports

45. Environmental Advisory Committee

This item will be presented at the February Board meeting.

46. Well Driller's Advisory Committee

A written summary of the January 8, 2020 was provided.

Executive Director's Report

47. Executive Director's Report

Mr. Armstrong, Executive director, discussed concerns that were addressed at a Polk Regional Water Cooperative (PRWC) meeting regarding water use permitting. He stated that a presentation will be provided at the February Board meeting regarding CFWI Water Supply Plan.

Chair's Report

48. Chair's Report

Chair Taylor reminded the Board that the Cooperative Funding Initiative (CFI) meetings are scheduled for February and to be prepared for their appropriate committees.

The next Governing Board meeting is scheduled for February 25 at the Brooksville Office.

49. Employee Milestones

The meeting was adjourned at 10:24 a.m.

Attest:



Treasurer

Chair

