



**GOVERNING BOARD MEETING  
TUESDAY, FEBRUARY 22, 2022 – 9:00 A.M.  
2379 BROAD STREET, BROOKSVILLE, FL 34601  
(352) 796-7211**

**MINUTES**

Board Members Present

Kelly Rice, Chair  
Joel Schleicher, Vice Chair  
Ed Armstrong, Treasurer  
Michelle Williamson, Secretary  
Jack Bispham, Member  
John Mitten, Member  
Ashley Bell Barnett, Member\*  
John E. Hall, Member  
William Hogarth, Member

Board Members Absent

Seth Weightman, Member

\*attended via electronic media

Staff Members

Brian J. Armstrong, Executive Director  
Amanda Rice, Assistant Executive Director  
Chris Tumminia, General Counsel  
Brian Werthmiller, Inspector General  
John Campbell, Division Director  
Michelle Hopkins, Division Director  
Brian Starford, Division Director  
Michael Molligan, Division Director  
Jennette Seachrist, Division Director

Board Administrative Support

Virginia Singer, Board & Executive Services Manager  
Barbara Matrone, 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., February 22, 2022, at the Brooksville Office, 2379 Broad Street, Brooksville Florida 34604.

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](http://WaterMatters.org).

**1.1 Call to Order**

Chair Rice 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 Rice 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. To assure that all participants have an opportunity to speak, members of the public may submit a Request to Speak card to comment on agenda items only during the meeting. If someone wishes to address the Board on an issue not on the agenda, a Request to Speak card may be submitted for comment during "Public Input." 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 topic designate a spokesperson.

Chair Rice 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 John Hall led the invocation and the Pledge of Allegiance.

**1.3 Employee Recognition**

Chair Rice recognized staff who have reached at least 20 years of service. Ms. Teri Hudson was recognized.

**1.4 Additions/Deletions to Agenda**

Mr. Brian Armstrong, Executive Director, stated there were no additions or deletions to the agenda.

Vice Chair Joel Schleicher requested that the following items be moved to Discussion:

**Resource Management Committee**

**2.2 FARMS – Farm Road Port Charlotte FL, LLC (H801), Charlotte County**

**2.3 FARMS – Berry Patch Ridge, LLC (H802), Polk County**

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

Mr. David Ballard Geddis, spoke against House Bill 841 and Senate Bill 840.

**CONSENT AGENDA**

**Finance/Outreach and Planning Committee**

**2.1 Consolidated Annual Report**

Staff recommended the Board approve the 2022 Consolidated Annual Report and its transmittal.

**Resource Management Committee**

**2.2 FARMS – Farm Road Port Charlotte FL, LLC (H801), Charlotte County**

Staff recommended the Board:

1. Approve the Farm Road Port Charlotte FL, LLC project for a not-to-exceed project Reimbursement of \$832,000 with \$832,000 provided by the Governing Board.
2. Authorize the transfer of \$832,000 from fund 010 H017 Governing Board FARMS Fund to the H801 Farm Road Port Charlotte FL, LLC project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

**2.3 FARMS – Berry Patch Ridge, LLC (H802), Polk County**

Staff recommended the Board:

1. Approve the Berry Patch Ridge, LLC project for a not-to-exceed project reimbursement of \$241,572 with \$241,572 provided by the Governing Board.
2. Authorize the transfer of \$241,572 from fund 010 H017 Governing Board FARMS Fund to the H802 Berry Patch Ridge, LLC project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

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

**2.4 Rainbow Springs State Park Unit Management Plan - SWF Parcel No. 19-593-108X**

Staff recommended the Board approve the Rainbow Springs State Park Unit Management Plan in accordance with the Lease Agreement with Florida Department of Environmental Protection, Division of Recreation and Parks, SWF Parcel No. 19-593-108X.

**2.5 Weeki Wachee Springs State Park Unit Management Plan SWF Parcel No. 15-773-211X**

Staff recommended the Board approve the Weeki Wachee Springs State Park Unit Management Plan in accordance with the Lease Agreement with Florida Department of Environmental Protection, Division of Recreation and Parks, SWF Parcel No. 15-773-211X.

**General Counsel's Report**

**2.6 Approval of Settlement Agreement between SWFWMD and Seagrass Resort, LLC - Unauthorized Construction Activities - CT No.'s 370860 and 395970 - Citrus County**

Staff recommended the Board:

1. Approve the Settlement Agreement.
2. Authorize District staff to seek dismissal of the Petition for Enforcement and Complaint for Civil Remedies in the Fifth Judicial Circuit, Citrus County, Case No. 2021-CA-000198.
3. Authorize the District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Settlement Agreement, including filing any appropriate actions in circuit court, if necessary.

**Executive Director's Report**

**2.7 Approve Governing Board Minutes - January 25, 2022**

Staff recommended the Board approve minutes as presented.

**A motion was made and seconded to approve the Consent Agenda. The motion passed unanimously. (Audio - 00:09:57)**

**Finance/Outreach and Planning Committee**

Treasurer Ed Armstrong called the Committee meeting to order. (Audio - 00:10:18)

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

**3.2 Budget Transfer Report**

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

**Resource Management Committee**

Board Member Jack Bispham called the Committee to order. (Audio – 00:10:50)

**4.1 Consent Item(s) Moved to Discussion**

**2.2 FARMS – Farm Road Port Charlotte FL, LLC (H801), Charlotte County**

Vice Chair Schleicher asked for historical information regarding the District's experience with the operator.

Ms. Carole Estes, FARMS Program Manager, responded there was no historical experience with Farm Road Port Charlotte FL, LLC.

Staff recommended the Board:

1. Approve the Farm Road Port Charlotte FL, LLC project for a not-to-exceed project Reimbursement of \$832,000 with \$832,000 provided by the Governing Board.
2. Authorize the transfer of \$832,000 from fund 010 H017 Governing Board FARMS Fund to the H801 Farm Road Port Charlotte FL, LLC 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 with eight in favor and one opposed. Vice Chair Schleicher voted in opposition due to the District's share associated with this project exceeding 50 percent.** (Audio - 00:13:00)

### **2.3 FARMS – Berry Patch Ridge, LLC (H802), Polk County**

Vice Chair Schleicher requested this item be moved to consent to facilitate a vote.

Staff recommended the Board:

1. Approve the Berry Patch Ridge, LLC project for a not-to-exceed project reimbursement of \$241,572 with \$241,572 provided by the Governing Board.
2. Authorize the transfer of \$241,572 from fund 010 H017 Governing Board FARMS Fund to the H802 Berry Patch Ridge, LLC 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 with eight in favor and one opposed. Vice Chair Schleicher voted in opposition due to the District's share associated with this project exceeding 50 percent.** (Audio – 00:14:10)

### **4.2 Citrus County Old Homosassa East Septic to Sewer – Third-Party Review (Q134)**

Mr. Jay Hoecker, Water Resources Bureau Chief, presented information that included project location, description, resource benefits, and the results of the third-party review.

Mr. Hoecker provided a comparison table that outlined the changes associated with the original project. He stated that the Florida Department of Environmental Protection (FDEP) is anticipated to provide the funds associated with the cost increase. However, if FDEP is unable, Citrus County is prepared to provide the funding. He stated that the project remains at a medium ranking due to the strategic importance to the water quality of the Homosassa River and the Governor's priority on water quality improvement.

Board Member Bispham asked about enforcement of the septic to sewer program.

Mr. Troy Hays, Jones Edmunds Engineering and Consulting, stated that public meetings have been held informing residents of the requirements. Legal action may be an option for residents choosing not to adhere to the requirements. Board Member Bispham asked what the cost is associated with the connection to sewer. Mr. Hayes responded \$2,745.

Ms. Tina Malmberg, representing Citrus County, explained the process of notifying residents of the requirement of conversion from septic to sewer. Discussion ensued regarding financial assistance options for residents.

Staff recommended the Board authorize continuation of the project to move forward with final design, bidding, permitting, and construction and approve modification of the Cooperative

Funding Agreement for the Citrus County Old Homosassa East Septic to Sewer Project (Q134) to increase the total project cost from \$15,000,000 to \$16,190,000, with the District's share to remain \$3,750,000.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio - 00:38:40)

### **Operations, Lands and Resource Monitoring Committee**

Board Member Jack Bispham called the Committee to order. (Audio – 00:39:40)

#### **5.1 Consent Item(s) Moved to Discussion - None**

#### **5.2 Hydrologic Conditions Report**

Ms. Tamera McBride, P.G., Hydrologic Data Manager, presented the hydrologic conditions report. She stated that in January the District experienced normal to drier than normal rainfall that resulted in a District-wide rainfall deficit. Groundwater levels were in the normal range for the northern, central, and southern counties. Ms. McBride presented information for the Dover Plant City Water Use Caution Area that experienced two freeze events during the month of January. The Northern, Tampa Bay, Polk Upland lakes were in the normal range. The Lake Wales Ridge lakes were just below normal conditions. The Withlacoochee, Alafia, Hillsborough, and Peace rivers were within the normal range. Public water supplies remain at healthy levels. Continuing La Niña conditions suggest a drier-than-normal spring.

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

#### **5.3 Offer for Surplus Lands – Annutteliga (AH-4), SWF Parcel No. 15-228-2061S**

Information for Items 5.3, 5.4, 5.5, 5.6 and 5.7 was provided in one presentation.

Ms. Ellen Morrison, Land Resources Bureau Chief, presented an overview of the surplus land sales process. She outlined individual information for each parcel. This information included a map, description, cost per acre and purchase price, appraised value and additional information pertaining to each parcel.

Vice Chair Schleicher expressed concern regarding the deed restriction of no septic tanks associated with parcel SWF 15-228-1352S. He asked if septic will be allowed on the other parcels. Ms. Morrison explained because of conservation easements on the other parcels development is limited.

Staff recommended the Board:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase.
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed.
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals, and petroleum in or on or under the land upon request of the buyer.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio – 01:00:00)

**5.4 Offer for Surplus Lands – Annutteliga (AH-4), SWF Parcel No. 15-228-2062S**

Information for Items 5.3, 5.4, 5.5, 5.6 and 5.7 was provided in one presentation.

Staff recommended the Board:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase.
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed.
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon request of the buyer.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio – 01:01:42)

**5.5 Offer for Surplus Lands – Annutteliga (AH-4), SWF Parcel No. 15-228-2065S**

Information for Items 5.3, 5.4, 5.5, 5.6 and 5.7 was provided in one presentation.

Staff recommended the Board:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase.
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed.
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon request of the buyer.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio – 01:02:14)

**5.6 Offer for Surplus Lands – Annutteliga (AH-2), SWF Parcel No. 15-228-1352S**

Information for Items 5.3, 5.4, 5.5, 5.6 and 5.7 was provided in one presentation.

Staff recommended the Board:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase.
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed.
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon request of the buyer.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio – 01:02:45)

**5.7 Offer for Surplus Lands – Green Swamp (GSE-7), SWF Parcel No. 10-200-1286S**

Information for Items 5.3, 5.4, 5.5, 5.6 and 5.7 were provided in one presentation.

Staff recommended the Board:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase.
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon request of the buyer.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio – 01:03:16)

**5.8 Budget Transfer for Edward Medard Reservoir Toe-drain Rehabilitation**

Mr. Jerry Mallams, Bureau Chief, presented information that included historical information, location map, overview of the rehabilitation, timeline, and summary of funding costs.

Staff recommended the Board approve the budget transfer of \$2,155,000 to the Medard Reservoir Toe-Drain Rehabilitation project (B837) with \$655,000 from the Hidden Lake/Yellow Lake Flood Protection CFI project (N967), and \$1,500,000 from the Dale Mabry Henderson Trunkline – Upper Peninsula Watershed Drainage Improvements CFI project (N748).

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio - 01:15:56)

**Regulation Committee**

Vice Chair Schleicher called the Committee meeting to order. (Audio – 01:16:38)

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

**6.2 Denials Referred to the Governing Board**

No denials were presented.

**General Counsel's Report**

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

**7.2 Knowledge Management: Governing Board Policy Update - Defense of Civil Suits and Indemnification**

Ms. Megan Albrecht, Senior Attorney, presented information that outlined the purpose of the proposed policy, explained the revisions to the existing policy, and summarized the Florida Statute that provides authority.

Ms. Albrecht stated this policy will be presented at the March Board meeting for approval.

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

## **Committee/Liaison Reports**

### **8.1 Environmental Advisory Committee**

Board Member John Mitten provided a summary for the January 11 meeting. A written copy was provided.

### **8.2 Well Drillers Advisory Committee**

A written summary was provided for the January 12 meeting.

## **Executive Director's Report**

### **9.1 Executive Director's Report**

Mr. Brian Armstrong, Executive Director, informed the Board of a letter of appreciation that was received from the Northwest Florida Water Management District (NFWFMD) Governing Board Chair. District staff was able to provide piping to assist with mitigating flooding issues within hours of a request from NFWFMD.

Mr. Armstrong stated that for the third year in a row, the District received a certificate of excellence for financial reporting.

Mr. Armstrong provided a summary of the February 16 Polk Regional Water Cooperative (PRWC) Board of Directors special meeting. He stated the PRWC Board approved the revised implementation agreement that will be sent to their municipalities and be presented at the March PRWC Board meeting. The District will continue to monitor the situation.

## **Chair's Report**

### **10.1 Chair's Report**

Chair Rice stated the next Governing Board meeting is scheduled for March 22 at 9:00 a.m., in the Tampa Service Office.

### **10.2 Employee Milestones**

Chair Rice recognized the following staff for their employee milestones: Cliff Ondercin and Mike Hancock.

## **Adjournment**

The meeting adjourned at 10:30 a.m.