

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

FEBRUARY 26, 2019

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on February 26, 2019, at the Tampa Office. The following persons were present:

#### Board Members Present

Jeffrey M. Adams, Chair  
Ed Armstrong, Vice Chair  
Bryan Beswick, Secretary  
Michelle Williamson, Treasurer  
H. Paul Senft, Member  
Randall S. Maggard, Member  
John Henslick, Member  
Kelly S. Rice, Member  
Mark Taylor, Member  
Rebecca Smith, Ph.D., Member  
James G. Murphy, Member \*via phone  
Scott Wiggins, 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  
Ken L. Frink, 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

#### Board Members Absent

Joel Schleicher, Member

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](http://www.WaterMatters.org)).

#### **PUBLIC HEARING (Video – 00:00)**

##### **1. Call to Order**

Chair Adams called the meeting to order and opened the public hearing. Secretary Beswick stated a quorum was present.

##### **2. Invocation and Pledge of Allegiance**

Board Member Henslick offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

Chair Adams 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 Adams 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 Adams 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 Adams 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: Dan Wolthuis and Alba Más.

**4. Additions/Deletions to Agenda**

Mr. Brian Armstrong, executive director, stated the following item has been deleted:

**25. Approval of Purchase and Sale Agreement - Sarasota Service Office**

Board Member Wiggins requested the following item be moved to Discussion:

**6. FARMS - Family Dynamics, Inc. (H776), Manatee County**

Chair Adams requested the following items be moved to Discussion:

**10. Approval of the 2019 Consolidated Annual Report**

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

- a. Consideration of Final Order – Polk Regional Water Cooperative, Polk County, City of Bartow, City of Fort Meade, City of Lakeland, City of Wauchula, and City of Winter Haven V. Peace River Manasota Regional Water Supply Authority and Southwest Florida Water Management District – DOAH Case Nos. 18-3276, 18-3278, 18-3280, 18-3282, 18-3283, 18-3288, 18-3289 – WUP No. 20010420.010 – DeSoto County

Chair Adams said there is good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, which was seconded. The motion carried unanimously. (Audio 00:08:35)

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

Mr. David Ballard Geddis, Jr., spoke against water district taxation.

**Consent Agenda**

**Resource Management Committee**

**6. FARMS - Family Dynamics, Inc. (H776), Manatee County**

Staff recommended the Board:

- 1) Approve the Family Dynamics, Inc. project for a not-to-exceed project reimbursement of \$189,525 with \$189,525 provided by the Governing Board;
- 2) Authorize the transfer of \$189,525 from fund 010 H017 Governing Board FARMS Fund to the H776 Family Dynamics, Inc. project fund;
- 3) Authorize Assistant Executive Director to sign the agreement.

**7. Delegation of Authority – Haines City Water Control District Water Control Plan Amendment**

Staff recommended the Board delegate the authority to review the Haines City Water Control District's water control plan amendment to the Director of the Resource Management Division.

**8. 2019 Florida Department of Transportation Mitigation Program Plan**

Staff recommended the Board approve the District's 2019 Florida Department of Transportation Mitigation Plan.

**Finance/Outreach & Planning Committee**

**9. Knowledge Management: Governing Board Policy Deletions**

Staff recommended the Board approve the deletions of Governing Board policies 110-4 Basin Boards Functions and Duties, 170-7 Basin Board Education Committee, 170-8 Basin Board Land Resources Committee and 110-9 Plain Language Initiative.

**10. Approval of the 2019 Consolidated Annual Report**

Staff recommended the Board approve the 2019 Consolidated Annual Report and its transmittal.

**11. Office of Inspector General (OIG) Performance Measures**

Staff recommended the Board approve OIG performance measures as presented.

**12. Budget Transfer Report**

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for December 2018.

**Operations, Lands and Resource Monitoring Committee**

**13. Approval of Consent and Joinder to Conservation Easement Amendment No. 1 Between the Florida Fish and Wildlife Conservation Commission and Longino Ranch, Inc. Over SWF Parcels 21-599-102C and 21-599-106C Myakkahatchee Conservation Area Regulation Committee**

Staff recommended the Board approval of the Consent and Joinder and authorize the Chairman and Secretary to sign on behalf of the District.

**14. Approve Conservation Easement Release and Exchange for Toscana Isles Phases 5 & 6 – ERP Application No. 777002 – Sarasota County**

Staff recommended the Board approve Conservation Easement Release and Exchange for Toscana Isles Phases 5 & 6 – ERP Application No. 777002 – Sarasota County

**15. Amendment to Conservation Easement – Johnson Park (Aka Four Corners Subdivision) – ERP No. 44028634.003 – Polk County**

Staff recommended the Board approve and execute the Amendment to Conservation Easement for ERP No. 44028634.003.

**16. Individual Water Use Permits Referred to the Governing Board – None**

**General Counsel's Report**

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

**a. Consideration of Final Order – Polk Regional Water Cooperative, Polk County, City of Bartow, City of Fort Meade, City of Lakeland, City of Wauchula, and City of Winter Haven V. Peace River Manasota Regional Water Supply Authority and Southwest Florida Water Management District – DOAH Case Nos. 18-3276, 18-3278, 18-3280, 18-3282, 18-3283, 18-3288, 18-3289 – WUP No. 20010420.010 – DeSoto County**

Staff recommended the Board approve and enter the Final Order issuing Water Use Permit No. 200210420.010 and dismissing the Petitioners' Petitions for Administrative Hearing.

**18. Rulemaking-None**

**Executive Director's Report**

**19. Approve Governing Board Minutes - January 22, 2019**

**A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously.** (Audio 00:12:47)

**Chair Adams relinquished the gavel to the Resource Management Committee Chair Rice, who called the meeting to order.** (00:13:31)

## **Resource Management District**

### **Discussion**

#### **20. Consent Item(s) Moved for Discussion**

##### **6. FARMS - Family Dynamics, Inc. (H776), Manatee County**

Board Member Wiggins stated he requested this item be moved to allow for a vote.

Staff recommended the Board:

- 1) Approve the Family Dynamics, Inc. project for a not-to-exceed project reimbursement of \$189,525 with \$189,525 provided by the Governing Board;
- 2) Authorize the transfer of \$189,525 from fund 010 H017 Governing Board FARMS Fund to the H776 Family Dynamics, Inc. project fund;
- 3) Authorize Assistant Executive Director to sign the agreement.

**A motion was made and seconded to approve the staff recommendation. The motion carried with eleven in favor and one opposed.** (00:14:20)

##### **21. Lake Hancock Water Quality Update**

Mr. Smith Randy Smith, Natural Systems & Restoration Bureau chief, provided a presentation regarding Lake Hancock water quality. He reminded the Board that this presentation was in response to information provided by Captain Taren Wadley at the December 2018 Governing Board meeting.

Mr. Smith stated that Captain Wadley spoke regarding rough fish in Lake Hancock and the possible effect on water quality. Mr. Smith provided historical information regarding the Lake Hancock watershed, water quality conditions and the effect on water quality due to rough fish harvesting.

Mr. Smith outlined efforts by the District to address water quality issues in Lake Hancock. These efforts include studies, stormwater retrofits, wetland restoration and lake level modification.

Ms. Ashley Ransom provided a presentation regarding rough fish and water quality in Lake Hancock. Funding aid is being requested to assist in removal of rough fish from Lake Hancock to improve water quality. Board Member John Henslick suggested submitting a cooperative funding request for a possible study to determine if any assistance would be feasible.

Board Member Smith discussed the possibility of cooperating with a municipality to have a collection container placed along the shore line for disposal of the rough fish that are harvested. She stated she does not support a study but would like to see costs associated with harvesting and disposal of the rough fish.

Mr. Brian Armstrong, executive director, clarified the request for cooperative funding associated with a study versus a literature search for additional data.

Mr. Smith discussed the lack of financial benefit regarding assistance of removal of rough fish.

Ms. Jennette Seachrist, Resource Management director, stated that staff will continue to assist Captain Wadley regarding this issue.

This item was for the Board'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.

**22. Minimum Flows and Levels Status Report**

**23. Significant Water Resource and Development Projects**

**Committee Chair Rice relinquished the gavel to the Finance/Outreach & Planning Committee Chair Williamson, who called the meeting to order. (01:19:43)**

**Finance/Outreach & Planning Committee**

**Discussion**

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

**10. Approval of the 2019 Consolidated Annual Report (CAR)**

Ms. Jennette Seachrist, Resource Management director, stated that there were four springs projects that were inadvertently omitted from the Minimum Flows and Levels (MFLs) Priority list within the CAR that was presented at the January 2019 Board meeting.

Staff recommended the Board approve the 2019 Consolidated Annual Report and its transmittal.

**A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (01:21:07)**

**25. Approval of Purchase and Sale Agreement – Sarasota Service Office**

Staff recommended the Board approve the following items:

- Accept the offer;
- Approve the purchase and sale agreement and authorize the Chairman to sign on the behalf of the District;
- Upon the request of the Buyer, authorize the conveyance of the District's interest in all phosphate, minerals, metals, and petroleum in or on or under the land;
- Authorize the Executive Director to execute any governmental entity documents or applications associated with, but not limited to, the Buyer's rezoning, land use plan changes, and site permitting.
- Accept the exclusive easement; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**26. 2019 Legislative Preview**

Ms. Cara Martin, Government and Community Affairs Office chief, provided a presentation regarding the 2019 legislative session. Ms. Martin stated that the Governor's total budget is \$91.3 billion. She outlined the environmental priorities, which included \$360 million for Everglades restoration, \$150 million for targeted water quality improvements, \$50 million for springs restoration, \$40 million for alternative water supply, and \$25 million for blue-green algae and red tide.

Ms. Martin stated that a total of 1,164 bills have been filed, 1,561 are total appropriation bills and 57 appropriation bills are within our District. Ms. Martin provided examples of some of the bills that have been filed.

Board Member Henslick asked about the status of the delegation of Chapter 404 from the Army Corps of Engineers. Ms. Martin responded that legislation was passed last session and a declaration bill has been filed in the House. She stated that she will address this with the Florida Department of Environmental Protection (FDEP).

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

**27. Knowledge Management: Advisory Committee Governing Board Policies**

Mr. Michael Molligan, Employee and External Relations Division director, provided a presentation that regarding the advisory committee Governing Board policies. This presentation outlined the advisory committees affected, the value of these advisory committees and outreach that is done regarding advisory committees. Mr. Molligan outlined the proposed recommendations being made to improve the advisory committees.

Staff recommended the Board approve updated policies as identified in attachments with "track changes."

**A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (01:37:43)**

**28. Knowledge Management: Construction Plans and Specifications Governing Board Policy**

Mr. Earl Rich, General Services Bureau chief, provided a presentation regarding the construction plans and specifications Governing Board policy. Mr. Rich provided background regarding the knowledge management process. He stated that Board policy 401-001 regarding construction plans and specifications is no longer required, and staff is requesting the policy be deleted. Mr. Rich stated that this policy will be archived to allow retrieval of information, if necessary. This item will be presented at the March Governing Board Meeting for approval.

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.

**29. Treasurer's Report and Payment Register**

**30. Monthly Financial Statement**

**31. Monthly Cash Balances by Fiscal Year**

**32. Comprehensive Plan Amendment and Related Reviews Report**

**Committee Chair Williamson relinquished the gavel to Operations, Lands & Resource Monitoring Committee Chair Maggard, who called the meeting to order. (01:40:31)**

**Operations, Lands and Resource Monitoring Committee**

**Discussion**

**33. Consent Item(s) Moved for Discussion - None**

**34. Purchase and Sale Agreement, First Amendment to a Perpetual Conservation Easement, and Resolution Requesting Funds from the Florida Forever Trust Fund – Beville Ranch, Lake Panasoffkee Project, SWF Parcel No. 19-528-156C**

Mr. Jerry Mallams, P.G., Operations & Land Management Bureau chief, provided a presentation that included background of the District's land acquisition program, the conservation land acquisition process and examples of recent acquisitions. He provided information regarding the Florida Forever program. Mr. Mallams explained conservation easements and laws overseeing them.

Mr. Mallams provided an overview of the Beville Ranch proposed conservation easement and that the proposed acquisition is in the District's Florida Forever Work Plan, meets all the interest/priorities in the Land Acquisition Board Policy, and meets the District's purchase price goals.

Staff recommended the Board:

- Accept the appraisals;
- Approve the Purchase and Sale Agreement and authorize the Executive Director or designee to sign on the behalf of the District;
- Authorize the Chairman and Secretary to execute the First Amendment to Perpetual Conservation Easement;
- Approve Resolution 19-03 requesting funds from the Florida Forever Trust Fund for SWF Parcel No. 19-528-156C;
- Designate SWF Parcel No. 19-528-156C as having been acquired for conservation purposes;
- Authorize staff to make minor changes or corrections to conform documents or correct errors; any substantive changes will be subject to Governing Board review and approval; and
- 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 the staff recommendation. The motion carried unanimously. (01:54:58)**

## **Submit & File Reports**

### **35. Hydrologic Conditions Report**

#### **Routine Reports**

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

#### **36. Surplus Lands Update**

#### **37. Structure Operations**

#### **38. Significant Activities**

**Committee Chair Maggard relinquished the gavel to Regulation Committee Chair Taylor, who called the meeting to order. (01:55:21)**

## **Regulation Committee**

### **Discussion**

#### **39. Consent Item(s) Moved for Discussion**

#### **40. SWFWMD Citrus Task Force**

Mr. Ross Morton, ombudsman, provided a presentation regarding the Citrus Task Force. He outlined the purpose of the task force, outreach that was done in establishing the task force, how consensus items were determined and how they are being addressed.

Mr. Morton addressed the consensus and non-consensus items that were indicated in the feedback from the stakeholders. These included: the cost of meter testing; monthly pumpage reporting costs; updates to the data entry system: updating the Agricultural Modeling program (AGMOD); evaluation of factors used in evaluating overpumpage; non-mulched credit accumulation related to 20-year permits; combining of non-metered Water Use Permits (WUPs); Facilitating Agricultural Resource Management Systems (FARMS) Program; preserving agriculture expertise and customer service; use of innovative stormwater water designs to improve water quality and save water; improving attendance of staff facilitated WUP Advisory meetings; and assistance with agriculture permitted surface water recertifications.

This item was for Board's information only, no action was required.

#### **41. Denials Referred to the Governing Board**

##### **Submit & File Reports - None**

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

##### **Routine Reports**

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

Committee Chair Taylor relinquished the gavel to Chair Adams. (02:26:24)

##### **General Counsel's Report**

##### **Discussion**

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

#### **17. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval**

Ms. Karen West, general counsel, stated that the February Board packet had an incorrect version of the permit to be issued to the Peace River Manasota Regional Water Supply Authority (PRMWSA). A corrected version was provided to the Board Members.

- b. Consideration of Final Order – Polk Regional Water Cooperative, Polk County, City of Bartow, City of Fort Meade, City of Lakeland, City of Wauchula, and City of Winter Haven V. Peace River Manasota Regional Water Supply Authority and Southwest Florida Water Management District – DOAH Case Nos. 18-3276, 18-3278, 18-3280, 18-3282, 18-3283, 18-3288, 18-3289 – WUP No. 20010420.010 – DeSoto County**

Staff recommended the Board approve and enter the Final Order issuing Water Use Permit No. 200210420.010 and dismissing the Petitioners' Petitions for Administrative Hearing.

**A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (02:27:30)**

##### **Submit & File Reports - None**

##### **Routine Reports**

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

- 46. February 2019 Litigation Report**
- 47. February 2019 Rulemaking Update**

##### **Committee/Liaison Reports**

#### **48. Industrial Advisory Committee**

Board Member Smith provided an update of the February 19 meeting. She stated that the Committee toured the Central Pasco County Beneficial Water Reuse facility. Board Member Smith stated this facility is the largest man-made wetland recharge facility in the world.

#### **49. Public Supply Advisory Committee**

Board Member Senft provided an update of the February 19 meeting. He stated that the Central Pasco County Beneficial Water Reuse facility has received several awards in recognition of its environmental excellence.



**50. Other Committee/Liaison Reports**

**Executive Director's Report**

**51. Executive Director's Report**

Mr. Brian Armstrong, executive director, stated the final rule for the Rainbow River Minimum Flows and Levels (MFLs) has been withdrawn and will be presented to the Board at the March Governing Board meeting.

**Chair's Report**

**52. Chair's Report**

Chair Adams stated the next Governing Board meeting will be on March 26 at 9:00 a.m. in the District's Brooksville office.

Treasurer Williamson asked that that the Cooperative Funding Initiative projects be categorized according to the Governor's Executive Orders 19-11 and 19-12 for water management district implementation. Ms. Seachrist responded in the affirmative.

**53. Other**

**54. Employee Milestones**

The meeting was adjourned at 12:34 p.m.

Attest:

  
\_\_\_\_\_  
Chair  
\_\_\_\_\_  
Secretary