



**GOVERNING BOARD MEETING
TUESDAY, MARCH 22, 2022 - 9:00 AM
7601 US 301 NORTH, TAMPA, FLORIDA 33637
(813) 985-7481**

MINUTES

Board Members Present

Kelly Rice, Chair
Joel Schleicher, Vice Chair*
Ed Armstrong, Treasurer
Michelle Williamson, Secretary
Jack Bispham, Member
Seth Weightman, Member*
John Mitten, Member
Ashley Bell Barnett, Member*
William Hogarth, Member*
John E. Hall, 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., March 22, 2022, 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 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

Secretary Michelle Williamson 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. Brian S. Starford, Katherine L. Garcia, and Clifford J. Ondercin were recognized.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated there were no additions or deletions, but item 3.1 was amended to recognize only Mr. Roger Germann. Mr. James Murphy regrets that he is unable to attend. His recognition will be presented at a future meeting.

Chair Rice stated there was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddes spoke against the use of reclaimed water.

Consent Agenda

Finance/Outreach and Planning Committee

2.1 Water Conservation Month

Staff recommended the Board approve and execute Resolution No. 22-05 declaring April 2022 as "Water Conservation Month."

Operations, Lands and Resource Monitoring Committee

**2.2 Sale of Easement to Duke Energy, Lake Henry Canal, SWF Parcel No. 20-005-117X
Operations, Lands and Resource Monitoring Committee**

Staff recommended the Board:

- Approve the conveyance of a no-cost, non-exclusive utility easement to Duke Energy.
- Authorize the Governing Board Chair and Secretary to execute the non-exclusive utility easement.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Regulation Committee

**2.3 WUP No. 20006068.008 – Rolling Meadow / Rolling Meadow Ranch, Inc. (Polk County)
Regulation Committee**

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

General Counsel's Report

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

Staff recommended the Board approve the proposed changes to the policy.

Executive Director's Report

2.5 Approve Governing Board Minutes - February 22, 2022

Staff recommended the Board approve minutes as presented.

Recognition of Former Governing Board Members

3.1.1 Recognition of Former Governing Board Members James G. Murphy and Roger Germann

Former Board Member Roger Germann was recognized for his service on the Governing Board.

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (00:16:55)

Finance/Outreach and Planning Committee

Treasurer Ed Armstrong called the Committee to order. (Audio - 00:17:56)

4.1 Consent Item(s) Moved to Discussion - None

4.2 Legislative Update

Ms. Cara Martin, Government and Community Affairs Office Chief, provided a summary of the 2022 Legislative Session. She outlined the \$112.1 billion budget for Fiscal Year 2022-2023 that was passed by the legislature. Ms. Martin stated this was the largest budget in the state's history due to higher-than-expected state tax collection and funds received from the federal government. She reminded the Board that the Governor has 15 days to take action on the budget once he receives it. She highlighted the major budget items which included an overview of the funding allocated for the Florida Department of Environmental Protection. This portion of the budget totaled \$4.2 billion. Ms. Martin specifically addressed funding projects that will benefit the District. She addressed bills that both passed and failed to pass that were being monitored by the District.

Ms. Martin stated three Governing Board Members were successfully confirmed by the Senate

This was for information only. No action was required.

4.3 Budget Transfer Report

Resource Management Committee

Board Member Jack Bispham called the Committee to order. (Audio – (00:27:36)

5.1 Consent Item(s) Moved to Discussion - None

5.2 South Hillsborough Aquifer Recharge Program (SHARP) Phase 2 (N855) - Scope and Cost Change

Ms. Jennette Seachrist, Resource Management Director, provided information regarding the SHARP project scope and cost changes. She stated the total project cost is not changed but the District's share has been reduced. Ms. Seachrist provided historical information and provided an overview of the SHARP project outlining the phases of the project and the associated benefits. She stated the original proposed District funding has changed from \$4.85 million to \$4.8 million.

She stated the third-party review (TPR) is being removed because the recharge wells

have been constructed. Ms. Seachrist recommended that the District perform an Independent Performance Evaluation (IPE) for both wells. The County has agreed to assume 100 percent of the costs associated with this District-led IPE. The District will be responsible for selecting and hiring the consultant and leading the review process for each well site. Critical information will be gleaned for furthering the science of aquifer recharge and, potentially, indirect potable reuse within the area. With this recommendation, the Board would not be obligated to fund design, permitting, construction or testing. Following the IPE, staff would present the results and a funding recommendation to the Board. Ms. Seachrist stated that an agreement for Phase 3 has not been executed. Hillsborough County said it intends to move forward with construction on Phase 3 prior to an executed agreement with the District. Ms. Seachrist said she informed Hillsborough County that District staff would not recommend funding for any Phase 3 construction done prior to an executed agreement with the District. Staff recommended the Board approve the changes for the South Hillsborough Aquifer Recharge Program (SHARP) Phase 2 project (N855) to include:

1. Removing all references to third-party reviews.
2. Adding the IPEs of all available design, water use permitting impact evaluations, permitting, construction, and testing for each well site to be led by the District with the County responsible for 100% of the cost.
3. Decrease the total District share of the project cost from \$4,850,000 to \$4,800,000.

Board Member John Hall expressed concerns regarding approving the project prior to the IPEs for the wells being completed.

Board Member Ed Armstrong expressed support for the staff recommendation.

Secretary Michelle Williamson made a motion to approve staff's recommendation with the addition of putting Phase 3 on hold until the requirements for Phase 2 have been completed. (Audio – 00:37:57)

Board Member Hall requested clarification as to whether the motion included approval to fund Phase 2 prior to the IPEs for both wells being completed.

Secretary Williamson clarified her motion is to approve staff's recommendation, with the addition of the following: (4) requiring Board approval of the IPEs for both Phase 2 wells prior to moving forward with funding for Phase 2, and (5) requiring Board approval of the IPEs for both Phase 2 wells prior to moving forward with funding for Phase 3. (Audio 00:39:55)

Secretary Williamson's motion was seconded by Board Member Hall. (Audio - 00:39:58)

Ms. Seachrist clarified that staff's recommendation does not include obligation of any funding for design, permitting, construction, or testing. She stated that staff would likely bring back the IPE on RW-2 during the summer of 2022 along with a funding recommendation based on those results. She also stated that the IPE for the second well is not anticipated to be completed until the summer of 2023, and a recommendation for further funding would be brought back to the Board in the fall.

Mr. Tumminia clarified Ms. Williamson's motion.

Board Member Bispham asked a question regarding Phase 1 of the project. Ms. Seachrist stated that Phase 1 has been completed. She stated that \$4.85 million for Phase 2 is included in the District's budget. She also stated that funding for Phase 3 has been included in the District's budget and the County has requested additional funding for FY 23.

Mr. Weightman asked for clarification.

Ms. Williamson clarified her motion is to approve staff's recommendation, with the addition of the following: (4) requiring Board approval of the IPEs for both Phase 2 wells prior to reimbursing the County for costs associated with Phase 2, and (5) requiring Board approval of the IPEs for both Phase 2 wells prior to moving forward with funding for Phase 3. (Audio – 00:45:05)

Board Member John Mitten restated his understanding of Secretary Williamson's motion. Ms. Seachrist responded affirmatively.

Board Member Bispham asked about the timeline associated with the TPR communication between the District and the County. Ms. Seachrist responded that the District made it clear to the County that a TPR was required.

Board Member Joel Schleicher expressed concern about how Hillsborough County handled the project but expressed support for Secretary Williamson's motion.

Board Member Ashley Bell-Barnett supported the concerns expressed by the Board.

Board Member Mitten asked to hear from the County. Mr. George Cassidy, assistant county administrator for public utilities, representing Hillsborough County, stated the County project manager dropped the ball and accepted responsibility for the oversight. He invited the District to audit what was done and stated that if savings are found they can be deducted from the funding.

Board Member Mitten asked whether the County would ask for the same type of arrangement for Phase 3 and move forward with construction and IPEs prior to requesting reimbursement for Phase 3 costs.

Mr. Cassidy supported the request for IPEs on Phase 3.

Mr. Hall withdrew his second of the motion (Audio - 00:59:00)

Secretary Williamson made a motion to approve staff's recommendation with the addition of the following: (4) requiring Board approval of the IPEs for both Phase 2 wells prior to reimbursing the County for costs associated with Phase 2, and (5) requiring Board approval of the IPEs for both Phase 2 wells prior to including funding for Phase 3 in the District's FY 23 budget. (Audio – 00:59:41)

Mr. Brian Armstrong, Executive Director, assisted with verbiage to support the motion.

Treasurer Armstrong seconded the motion. (Audio 1:03:44)

Chair Rice asked Secretary Williamson if she concurred with the verbiage for the motion. Secretary Williamson responded in the affirmative.

Board Member Hall asked the County a question regarding the timeline for the project. Mr. Cassidy responded that the IPEs for Phase 2 could be completed in a few months and that the Phase 3 program is currently moving forward. Ms. Seachrist stated that Phase 3 has a third-party review requirement, and the County will likely proceed with construction of the Phase 3 well prior to completing a third-party review.

Chair Rice restated Secretary Williamson's motion. Ms. Seachrist clarified that the District will be leading the IPEs, and the IPE for the first well could be completed in two to three months. Ms. Seachrist stated that IPE for the second well would not be brought back to the Board for approval until next year.

Board Member Mitten concurred with Ms. Seachrist's remarks.

Board Member Bispham expressed that he would not support the motion and requested a vote on the motion.

The motion passed with eight in favor and two opposed. (Audio – 01:15:50)

5.3 Cooperative Funding Initiative Options

Mr. Scott Letasi, Engineering and Project Management Bureau Chief, provided historical information on the Cooperative Funding Initiatives (CFI). He outlined the three main challenges associated with the CFI process. Mr. Letasi stated the challenges included cooperator applications, third-party reviews and costs increases and provided an overview of each. He outlined the proposed recommendations that will affect applications for the upcoming FY24 cycle. This included eliminating District led Third-Party Reviews (TPRs), requiring cooperators to submit at least preliminary level design for all construction projects, requiring a cooperator led TPR for construction projects greater than \$5M, allowing design and TPR costs up to 10% of total project cost (after construction commences) to be used as cooperator match, and lastly eliminating budgeting or reimbursement for project cost increases. The intent of these recommendations is to gain consistency and provide better cost assurances. Mr. Letasi stated that with these changes, there will be better project certainty, more accountability for cooperators, and processes that reduce project delays.

Mr. Letasi stated that these recommendations will require CFI guideline updates and likely a CFI Policy update prior to the initiation of the FY24 funding cycle. Staff will continue to evaluate cost effectiveness metrics for the different project types, adjust the CFI scoring system and update the CFI overview document to explain the evaluation process and evaluation forms. Staff will be conducting outreach with cooperators to discuss these proposed changes for FY24.

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

Operations, Lands and Resource Monitoring Committee

Board Member Jack Bispham called the Committee to order. (Audio – 01:33:36)

6.1 Consent Item(s) Moved to Discussion – None

6.2 Purchase of Conservation Easement, Lake Panasoffkee Project, Hamilton Ranch, SWF Parcel No. 19-528-158C

Ms. Ellen Morrison, Land Resources Bureau Chief, provided information explaining the request to purchase the conservation easement. This included location maps, the areas of responsibility associated with the Governing Board land acquisition policy, an overview of the property and details of the proposed purchase costs. Ms. Morrison responded to questions.

Staff recommended the Board:

- Accept the appraisals for the conservation easement.
- Approve the Purchase and Sale Agreement and authorize the Executive Director or Designee to sign on behalf of the District.
- Approve and adopt resolution 22-06 requesting funds from the Florida Forever Trust Fund.
- Authorize the Chair and Secretary to execute the conservation easement on behalf of the District.
- Designate SWF Parcel No. 19-528-158C as having been acquired for conservation purposes.
- Authorize staff to make minor changes or corrections that conform documents to correct scrivener errors in accordance with the approved terms; any substantive changes will be subject to Governing Board review and approval.
- 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 – 01:40:55)

Regulation Committee

Chair Kelly Rice called the Committee to order. (Audio – 01:43:48)

7.1 Consent Item(s) Moved to Discussion - None

7.2 Denials Referred to the Governing Board

No denials were presented.

General Counsel's Report

8.1 Consent Item(s) Moved to Discussion - None

Mr. Chris Tumminia, General Counsel, informed the Board of a Petition for Administrative Hearing received on February 28 from the Lakes Region Lakes Management District in Polk County. The petition referenced the denial of exemption request for the Juanita Restoration project. The petition has been referred to the Division of Administrative Hearings for formal administrative proceedings.

Committee/Liaison Reports

9.1 Industrial Advisory Committee

A written summary of the February 4 field trip was provided.

9.2 Public Supply Advisory Committee

A written summary of the February 11 field trip was provided.

Executive Director's Report

10.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, informed the Board that the Polk Regional Water Cooperative (PRWC) revised implementation agreements were approved at the PRWC Board meeting. He outlined the ten additional project partners that have signed on to the agreement which totals 93 percent of the public water supply demand in the Polk County. Mr. Armstrong stated that the revised implementation agreements also addressed the remaining issues with which the District had concerns.

Chair's Report

11.1 Chair's Report

Chair Rice stated the next meeting is scheduled for April 26 in the Brooksville office. He also provided the dates for the upcoming Cooperative Funding Initiative meetings in April.

11.2 Employee Milestones

Chair Rice recognized staff member Scott Kinel for his milestone with the District.

Adjournment

The meeting adjourned at 10:50 a.m.