



GOVERNING BOARD MEETING
TUESDAY, APRIL 23, 2024 – 9:00 AM
7601 US 301 NORTH, TAMPA, FL 33637
(813) 985-7481

MINUTES

Board Members Present

Ed Armstrong, Chair
Michelle Williamson, Vice Chair
John Mitten, Secretary
Jack Bispham, Treasurer
Joel Schleicher, Member
Kelly Rice, Member
Ashley Bell Barnett, Member
John Hall, Member
Dustin Rowland, Member
James Holton, Member
Robert Stern, Member
Nancy H. Watkins, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Chris Tumminia, General Counsel
Brian Werthmiller, Inspector General
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director
Brian Starford, Division Director
Brandon Baldwin, Division Director
Michelle Weaver, Division Director

Board Administrative Support

Virginia Singer, Manager
Lori Manuel, 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., April 23, 2024, 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 Ed Armstrong 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 Armstrong 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. He 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. Chair Armstrong also requested that several individuals wishing to speak on the same topic designate a spokesperson. He 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 Kelly Rice offered the invocation and the Pledge of Allegiance.

1.3 **Employee Recognition**

Chair Armstrong recognized the following staff for their service with the District: Robin Bailey, Andy Frazier, and Frank Gargano.

1.4 **Additions/Deletions to Agenda**

Mr. Brian Armstrong stated there were no additions or changes to the agenda.

Board Member Joel Schleicher requested the following items be moved to Discussion:

Resource Management Committee

2.1 Recommend FY2025 Springs Projects for FDEP Funding Consideration

Resource Management Committee

2.2 FARMS – Midway Farms, LLC Phase 2 (H822), Polk County

Three Request to Speak Cards were received for the following item:

General Counsel's Report

2.6 Authorization to Issue Administrative Complaint and Order – Environmental Resource Permitting: Unauthorized Activities – Lindiakos Properties, Inc. – CT No. 417472 – Pinellas

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**

Ms. Carmen Koubicek spoke regarding issues related to the Inverness Village VI project in Citrus County.

Mr. David Ballard Geddis, Jr., spoke regarding a Pinellas County Ordinance 95-286 IV (C-2).

Mr. Ray Westbrook provided an update regarding environmental concerns involving dewatering related to Florida Department of Transportation (FDOT) project in Venice, Florida. He commended the District for their assistance with helping to resolve this matter.

Consent Agenda

Resource Management Committee

2.1 – Recommend FY2025 Springs Projects for FDEP Funding Consideration

~~Staff recommended the Board approve the list of two springs projects for submittal to the Florida Department of Environmental Protection.~~

Resource Management Committee

2.2 – FARMS – Midway Farms, LLC Phase 2 (H822), Polk County

~~Staff recommended the Board:~~

- ~~1. Approve the Midway Farms, LLC Phase 2 project for a not to exceed project reimbursement of \$121,810 provided by the Governing Board;~~
- ~~2. Authorize the transfer of \$121,810 from fund 010 H017 Governing Board FARMS Fund to the H822 Midway Farms, LLC Phase 2 project fund;~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

Operations, Lands and Resource Monitoring Committee

2.3 Residential Security Lease for Flying Eagle Nature Center - SWF Parcel No. 19-334-153X

Staff recommended the Board:

- Approve the Resident Security Lease between the Southwest Florida Water Management District and Officer Jacob for the Flying Eagle Preserve; and

- Authorize the Governing Board Chair to execute the Lease on behalf of the District.

2.4 Management Agreement with Hillsborough County - Edward Medard Park and Reservoir-SWF Parcel No. 11-100-126X

Staff recommended the Board:

- Approve the Management Agreement Between the Southwest Florida Water Management District and Hillsborough County for Edward Medard Park and Reservoir; and
- Authorize the Governing Board Chair to execute the Management Agreement on behalf of the District; and
- Authorize staff to make minor changes or corrections to conform documents or correct scrivener's 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.

General Counsel's Report

2.5 Approval of Memorandum of Agreement with Sarasota County for Regional Offsite Mitigation Areas and Release of Conservation Easement for ERP No. 43027077.026 – Fox Creek ROMA Phase 2 – Sarasota

Staff recommended the Board:

1. Approve and execute the Memorandum of Agreement with Sarasota County for its Regional Offsite Mitigation Areas.
2. Approve, accept, and execute the attached Release of Conservation Easement and Quit Claim Deed for the Fox Creek ROMA.

~~**2.6 Authorization to Issue Administrative Complaint and Order – Environmental Resource Permitting: Unauthorized Activities – Lindiakos Properties, Inc. – CT No. 417472 – Pinellas**~~

~~Staff recommended the Board:~~

- ~~1. Authorize District staff to issue an Administrative Complaint and Order to Lindiakos Properties, Inc., and any other necessary party to obtain compliance with District rules.~~
- ~~2. Authorize District staff to initiate an action in Circuit Court against Lindiakos Properties, Inc., and any other necessary party to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorney's fees, if appropriate.~~
- ~~3. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.~~

2.7 Approval of Consent Order between SWFWMD and LFMSMITB LCC – Environmental Resource Permitting: Permit Condition Violations – CT No. 422916 – Hernando

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 against any necessary party, if necessary.

2.8 Approval of Partial Policy Release for Old Republic Title Insurance Claim 377291 – Deer Prairie Creek Preserve – Sarasota County

Staff recommended the Board approve and authorize the Chair to execute the Partial Policy Release.

Executive Director's Report

2.9 Approve Governing Board Minutes – March 15 and March 26, 2024

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio –00:08:01)

Finance/Outreach and Planning Committee

Treasurer Jack Bispham called the meeting to order.

3.1 Consent Item(s) Moved to Discussion - None

3.2 Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, presented information which included the economic forecast, federal funds rate expectations and implied rates, Gross Domestic Product, inflation/consumer price index, jobs, and unemployment rates. He addressed interest rates and provided an overview of the U.S. Treasury rates. Mr. Grady also presented an overview of the District's portfolio strategy for the last quarter (January 1, 2024 through March 31, 2024). He responded to questions.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended March 31, 2024.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:51:52)

3.3 Fiscal Year 2022-23 Annual Comprehensive Financial Report

Mr. James Halleran, CPA, James Moore & Company, provided an overview of the independent audit for the year ending September 30, 2023. He outlined the information in the Independent Auditor's Reports. Mr. Halleran stated that in addition to the District meeting its statutory requirements, it also provided additional information which makes it eligible to receive a Certification of Excellence in Financial Reporting from the Government Finance Officers Association. The District has received this for 36 years and is anticipated to receive it again.

Mr. Halleran explained the required standards the District is subject to and outlined the results of this audit. He stated the District remains in compliance. Mr. Halleran said the District received an unqualified opinion, the best opinion possible, for the fiscal year 2023 financial statements. He provided an overview of the financial statements provided by the District and the audit reports prepared by James Moore & Company. Mr. Halleran summarized any changes that occurred in the District's General Fund, Florida Forever Capital Project Fund and Capital Projects Fund. He provided a comparison table from FY2021 through FY2023 for specific fund balances. Mr. Halleran provided information concerning pensions and other post-employment benefits. He responded to questions.

Board Member Kelly Rice asked that more clarifying verbiage be used in the audit to assist in understanding. Board Member Nancy Watkins provided explanations of language that may be used in auditing reports.

Staff recommended the Board accept and place on file the District's Annual Comprehensive Financial Report pursuant to Chapter 10.550, Rules of the Auditor General. The report also includes the Management Letter and Independent Accountants' Report for fiscal year ended September 30, 2023.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:11:32)

3.4 Knowledge Management: Conduct of Board Meetings Policy

Ms. Robyn Felix, Communications and Board Services Bureau Chief, provided an overview of the current policy. She summarized the proposed changes and provided brief explanations for each. Ms. Felix asked that any written comments be received by April 29. Ms. Felix responded to questions.

Treasurer Jack Bispham expressed his concerns regarding requirements for a quorum. Ms. Felix stated that the Board has been operating under the required seven members for a quorum, but it was not stated in the policy.

Board Member Nancy Watkins asked if the required majority for a quorum was statutorily mandated. Mr. Chris Tumminia, General Counsel, responded that it was not. Board Member Watkins asked if the voting requirements pertain to sitting as a Board, not as separate committees. Mr. Tumminia agreed to review the language for better clarification.

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

3.5 Budget Transfer Report

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

3.6 Office of Inspector General Quarterly Update January 1 to March 31, 2024

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

Resource Management Committee

Committee Chair Ashley Bell Barnett called the meeting to order.

4.1 Consent Item(s) Moved to Discussion

2.1 Recommend FY2025 Springs Projects for FDEP Funding Consideration

Board Member Joel Schleicher asked for clarification regarding the approval for future funding.

Mr. Randy Smith, Natural Systems & Restoration Bureau Chief, stated the Florida Department of Environmental Protection (FDEP) requests the District to annually review the FDEP Springs funding applications. This item is for Board approval to send two projects to FDEP for FY25 FDEP Springs funding consideration only. The Board is not approving any District funding for these two projects. The applicants are required to provide potential future funding amounts and funding sources as part of their application. One of the projects does indicate that District funding for construction may be requested in the future. Any District funding requests will be reviewed and considered through the District's Cooperative Funding process. The Board's approval for this item does not commit the District to any funding and there will not be any contractual relationship for District funding. Board Member Schleicher asked what happens if the Board approves this project, but future District funding is not approved. Mr. Smith stated the local government would be responsible for the funding. Board Member Schleicher asked that this language be clarified. Mr. Brian Armstrong, Executive Director, clarified that the FDEP requested the District evaluate the applications before they are submitted to FDEP. He stated the approval requested today is for FDEP funding for feasibility and design requirements only. Board approval today does not commit any District funding.

Staff recommended the Board approve the list of two springs projects for submittal to the Florida Department of Environmental Protection.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:26:14)

2.2 FARMS – Midway Farms, LLC Phase 2 (H822), Polk County

Board Member Schleicher asked why the approval of the second phase of the project is required before there is operational data for the first phase.

Ms. Jennette Seachrist, Resource Management Director, explained that the District has a long history funding and extensive data on similar tailwater recovery projects. The grower is requesting the second phase approval now so that the project can be constructed and

operational in time for the strawberry crop establishment in the fall, which will benefit the resource. She explained this request is not in conflict with current Board Policy and does not set any precedence. Mr. Schleicher asked when the operational data will be available for the first phase. Ms. Seachrist responded that it will be available in the fall.

Secretary John Mitten asked that consideration be given in the future to providing empirical data on the first phase before the second phase is approved.

Staff recommended the Board:

1. Approve the Midway Farms, LLC Phase 2 project for a not-to-exceed project reimbursement of \$121,810 provided by the Governing Board;
2. Authorize the transfer of \$121,810 from fund 010 H017 Governing Board FARMS Fund to the H822 Midway Farms, LLC Phase 2 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 eleven in favor and one opposed. (Audio – 01:32:03)

4.2 Fiscal Year 2025 Cooperative Funding Initiative Update

Mr. Kevin Wills, Cooperative Funding Initiative Lead, presented an update regarding the Fiscal Year (FY) 2025 Cooperative Funding Initiative (CFI) projects that staff is recommending for funding. He outlined the timeline associated with the CFI process. He summarized the projects recommended for funding which included Alternative Water Supply (AWS), 1A (multi-phase), and new funding requests. He presented the projects that were not recommended for funding. Mr. Wills provided a breakdown of the Recommended Annual Service Budget amount of \$70,205,205.09 for CFI.

Secretary Mitten asked where the future funding monies are reserved for approved projects. Mr. Wills responded that the funds are budgeted and reimbursed to the cooperators when work is completed.

Treasurer Jack Bispham stated he would like to see more small-scale projects receive funding.

Staff recommended the Board:

1. Approve budget transfer from H094 - Polk Partnership of \$8,817,590.91 to Q216 - Interconnects Polk Regional Water Cooperative Regional Transmission Southeast Phase 1 to partially fund the FY2025 recommended amount of \$18,540,875.
2. Approve staff recommendation to include the FY2025 funding for the seven AWS projects, excluding the amount transferred from H094, for a total of \$66,030,156 in the District's FY2025 RASB.
3. Approve staff recommendation to include FY2025 and future funding of the six 1A projects in the amount of \$1,439,150 in the District's FY2025 RASB.
4. Approve staff recommendation to include FY2025 and future funding of five new CFI projects (Q405, Q398, Q394, W024, and Q397) in the amount of \$2,735,900 in the District's FY2025 RASB.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 001:42:00)

Operations, Lands and Resource Monitoring Committee

Committee Chair John Hall called the meeting to order.

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 update. She stated the 12-month total rainfall deficit has improved and the District is in the normal range. Ms. McBride stated the current El Niño conditions will transition to La Niña which will increase the chance of hurricanes. She stated an extremely active Atlantic hurricane season has been predicted. Ms. McBride provided information regarding rainfall, streamflow, groundwater levels, lake levels, public supply reservoirs, and climate forecasts. She indicated that stored water supplies are being used, which is expected during the dry season. Ms. McBride stated the extended forecast predicts a chance of above-normal precipitation into the fall.

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

5.3 Offer for Surplus Lands – Annutteliga Hammock (AH-2), SWF Parcel No. 15-228-1343S

Mr. Mike Singer, Real Estate Services Manager, presented information that included background, area map, and the offer amount.

Staff recommended the Board:

- Accept the offer and authorize the Executive Director to sign the Contract for Sale and Purchase; and
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed; and
- 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; 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 staff's recommendation. The motion passed unanimously. (Audio – 01:53:05)

Regulation Committee

Committee Chair Dustin Rowland called the meeting to order.

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

2.6 Authorization to Issue Administrative Complaint and Order – Environmental Resource Permitting: Unauthorized Activities – Lindiakos Properties, Inc. – CT No. 417472 – Pinellas

Ms. Taylor Greenan, Attorney, provided background information and a timeline of communications regarding this Environmental Resource Permit.

Three Request to speak cards were received for this item.

Mr. Manuel Lindiakos, property owner, presented information and spoke in opposition of the administrative complaint and order.

Mr. Richard Kelly, project engineer, presented information and spoke in opposition of the administrative complaint and order.

Mr. Martin Armstrong, environmental scientist, presented information and spoke in opposition of the administrative complaint and order.

Mr. Tumminia provided additional information and outlined a timeline and communications from the District to resolve this matter.

Board Member James Holton asked if an amicable resolution can still be negotiated once the administrative order is issued. Mr. Tumminia responded in the affirmative.

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Lindiakos Properties, Inc., and any other necessary party to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against Lindiakos Properties, Inc., and any other necessary party to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorney's fees, if appropriate.
3. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 02:09:21)

7.2 Affirm Governing Board Committee Actions

Staff recommended the Board affirm the actions taken by the Governing Board Committees.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 02:09:45)

Committee/Liaison Reports

8.1 Agricultural and Green Industry Advisory Committee

A written summary of the March 8 field trip was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, reminded the Board to provide their comments regarding Item 3.4 to Mr. Tumminia.

Mr. Armstrong provided additional clarification regarding Item 4.2. He stated all funds are maintained by the District and only reimbursed to the cooperators when their contractual obligations have been met.

Mr. Armstrong reiterated the request from the Board regarding Item 2.2 that any performance data associated with the first phase of a FARMS project be provided before requesting funding for the next phase. He stated that staff will take this into consideration.

Chair's Report

10.1 Chair's Report

Chair Armstrong stated the next meeting was scheduled for May 21 at 9:00 a.m., in the Brooksville Office.

10.2 Employee Milestones

A written summary was provided.

Adjournment

The meeting was adjourned at 11:11 a.m.