



**GOVERNING BOARD MEETING
TUESDAY, APRIL 25, 2023 – 9:00 A.M.
7601 US 301 NORTH, TAMPA, FL 33637
MINUTES**

Board Members Present

Joel Schleicher, Chair
Ed Armstrong, Vice Chair
Michelle Williamson, Secretary
John Mitten, Treasurer
Kelly Rice, Former Chair
Jack Bispham, Member
Ashley Bell Barnett, Member
John Hall, Member
James Holton, Member
Dustin Rowland, Member
Robert Stern, 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
Michael Molligan, Division Director
Brandon Baldwin, Division Director

Board Administrative Support

Virginia Singer, Board & Executive Services Manager
Lori Manuel, Lead 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 25, 2023, 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 Joel Schleicher 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 Schleicher 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. Chair Schleicher 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 Schleicher 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 James Holton offered the invocation and Pledge of Allegiance.

1.3 Employee Recognition

None were presented.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated that at the request of Chair Schleicher, the following item was being added for discussion and the General Counsel's Report would be discussed following the Consent Agenda.

General Counsel's Report

7.3 Unauthorized Access and Misuse of Confidential Public Records

Mr. Armstrong stated there was an edit to the March 28 draft Governing Board minutes. Item 2.6 should have been stricken as it was deleted from the March agenda.

Chair Schleicher 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 regarding constitutional concerns.

Consent Agenda

Finance/Outreach and Planning Committee

2.1 Water Reuse Week

Staff recommended the Board approve and execute Resolution No. 23-03 declaring May 14-20, 2023 as "Water Reuse Week."

2.2 Knowledge Management: Election of Governing Board Officers Policy

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

Resource Management Committee

2.3 Budget Transfer for Hurricane Ian Storm Debris Management on the Peace Creek Canal (B077)

Staff Recommendation:

1. Approve the request to proceed with the Peace Creek Canal Debris Management project (B077).
2. Authorize the transfer of \$2,395,719 from the following CFI projects to the Peace Creek Canal Debris Management project (B077):
 - \$1,242,718 from City of Bradenton – Aquifer Protection Recharge Well Cooperative Funding Initiative project (N842)
 - \$15,000 from Tarpon Springs – Water Conservation Program Phase IV (Q322)
 - \$564,000 from Manatee County – IA Buckeye Reclaimed Water Transmission (Q344)
 - \$517,383 from Tampa Bay Water Demand Management (Q087)
 - \$56,618 from Manatee County – Toilet Retrofit Phase 14 (Q168)
3. Authorize the Assistant Executive Director, or authorized designee to sign the revenue contract with the NRCS.

2.4 Budget Transfer for Hurricane Ian Storm Debris Management on Flint Creek (B016)

Staff recommended the Board:

1. Approve the request to proceed with the Flint Creek Debris Management project (B016).
2. Authorize the transfer of \$950,400 from a cancelled CFI project with the City of Bradenton – Aquifer Protection Recharge Well project (N842) to the Flint Creek Debris Management project (B016).
3. Authorize the Assistant Executive Director, or authorized designee, to sign the revenue contract with the NRCS.

2.5 Approve the Duck Pond Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Hillsborough County (N897)

Staff recommended the Board approve use of the Duck Pond Watershed Management Plan floodplain information for best information available by the District ERP program and to update Flood Insurance Rate Maps in Hillsborough County.

2.6 Recommend FY2024 Springs Projects for FDEP Funding Consideration

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

2.7 FARMS – FD Berries USA LLC (H804), Highlands County

Staff recommended the Board:

1. Approve the FD Berries USA LLC project for a not-to-exceed project reimbursement of \$112,611 provided by the Governing Board;
2. Authorize the transfer of \$112,611 from fund 010 H017 Governing Board FARMS Fund to the H804 FD Berries USA, LLC project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

Operations, Lands and Resource Monitoring Committee

2.8 Panasoffkee Outlet Cattle Lease Amendment, SWF Parcel No. 19-441-112X

Staff recommended the Board approve the First Amendment to Cattle Grazing Lease and authorize the Chair to execute the First Amendment to Cattle Grazing Lease on behalf of the District.

2.9 Easement Agreement - Hilochee Osprey Wildlife Management Area CFWI Well Site, SWF Parcel No. 20-020-185

Staff recommended the Board Approve the easement agreement and authorize the Executive Director to sign on behalf of the District.

2.10 Release and Relocation of Easement for ROMP TR 7-4, SWF Parcel No. 21-020-040

Staff recommended the Board approve the Amendment that provides for release and relocation of the existing easement.

General Counsel's Report

2.11 Interagency Agreement between SFWMD and SWFWMD - Designation of Regulatory Responsibility to SWFWMD for Environmental Resource Permit No. 850358 - Providence N27 - Polk County

Staff recommended the Board approve the Interagency Agreement Between the South Florida Water Management District and the Southwest Florida Water Management District for Designation of Regulatory Responsibility for an ERP for Applied Building Development Company for the above-described project.

2.12 Approval of Consent Order between SWFWMD and Ronald Neff – Unauthorized Construction – CT No. 418574 – Charlotte County

Staff recommended the Board:

1. Approve the Consent Order.
2. Authorize District staff to pursue compliance with the terms and conditions of the approved Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

2.13 Approve Governing Board Minutes - March 28, 2023

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 – 00:09:35)

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion - None

7.3 Unauthorized Access and Misuse of Confidential Public Records

Mr. Chris Tumminia, General Counsel, stated that a former District employee attended recent Governing Board meetings and provided public comments that referenced confidential information that may have been breached concerning a current District employee. Mr. Tumminia stated that an investigation has been opened. He indicated once the investigation is completed, a determination will be made if legal action is initiated. Chris Tumminia stated the Board would be updated once the investigation is completed.

Chair Schleicher stated that while comments related to District matters are appreciated, any matters related to Human Resource issues are not appropriate for these meetings and should be managed by staff.

Mr. Chris Tumminia explained that allegations were also alleged that a previous employee was discriminated against based on her sexual orientation. He stated that in 2018 the Office of General Counsel provided a thorough investigation regarding this allegation. A comprehensive report was completed which found no evidence supporting this claim. He stated this report is public record.

Mr. Brian Werthmiller, Inspector General, stated that procedures were performed regarding the allegations made by the former District employee referencing the current Human Resources Office Chief. They were found to be untrue.

Mr. Tumminia responded to questions from the Board.

Chair Schleicher proposed a motion that would allow the District to take legal action to protect the District, the Board, and District staff. Mr. Tumminia stated that General Counsel cannot file a lawsuit without the expressed consent of the Board. Chair Schleicher withdrew his motion.

Based on discussion, Chair Schleicher provided direction to staff to research solutions from other agencies with similar circumstances and suggestions be provided by staff regarding modifying the process that allows public comment. Mr. Tumminia responded in the affirmative.

This item was initially to be presented as an action item. However, no action was taken at this time.

7.2 Approval of Final Order - Feltquate v. SWFWMD and Venetian Community Development District - DOAH Case No. 22-2212 - Environmental Resource Permit Application No. 836578 - Sarasota County

Mr. Andrew Thornquest, Senior Attorney, presented historical information regarding the challenge to the proposed environmental resource permit submitted by the Venetian Community Development District. He provided an overview of the Recommended Order and the District's Final Order Authority.

Mr. Thornquest read into the record a statement from the Venetian Community Development District lawyer, Mr. Mark Hanson, in support of the Final Order.

Staff recommended the Board:

1. Adopt the Recommended Order as the District's Final Order.
2. Approve and sign the attached proposed Final Order that issues ERP Number 43021171.037 to Venetian Community Development District.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 00:33:08)

Finance/Outreach and Planning Committee

Treasurer John Mitten called the committee meeting to order. (Audio - 00:33:47)

3.1 Consent Item(s) Moved to Discussion - None

3.2 Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, presented an overview of the District's portfolio strategy for the last quarter (January 1, 2023 through March 31, 2023). He presented information regarding inflation, Gross Domestic Product, jobs growth, the housing market, banking system concerns, and interest rates. Mr. Grady addressed Federal funds rate hike expectations. Mr. Grady responded to questions.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended March 31, 2023.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:07:51)

3.3 Budget Transfer Report

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

3.4 Office of Inspector General Quarterly Update January 1 to March 31, 2023

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

Resource Management Committee

Board Member Ashley Bell Barnett called the committee to order. (Audio – 01:08:17)

4.1 Consent Item(s) Moved to Discussion – None

4.2 Fiscal Year 2024 Cooperative Funding Update

Mr. Kevin Wills, Cooperative Funding Initiative Lead, presented an update regarding the Fiscal Year (FY) 2024 Cooperative Funding Initiative (CFI) projects that staff is recommending for funding. He outlined the timeline associated with the CFI process. Mr. Wills presented a comparison table which outlined CFI applications received, funding requests and amounts funded from FY20 through FY24. He stated there were no changes to the FY24 funding. However, there were changes to the evaluation process. This included the update to the CFI Policy, approved at the March Board meeting, concerning the treatment of grant funding on projects. Additionally, all ongoing project evaluations will include the "initial board approved project amount" as requested by the Board. He stated that projects N850 and Q357 were updated to include funding matches by project cooperators.

Mr. Wills provided an overview of the eight large-scale Alternative Water Supply projects being recommended for funding. This included seven projects that are receiving grant funding.

Mr. Wills provided an overview of the fifteen 1A Priority projects being recommended for funding. In addition, he outlined updated changes to project N850.

Mr. Wills stated there is an evaluation for springs project, Old Homosassa Park Septic Conversion project. It is a third-party review project and will be presented to the Board once that review is completed.

Mr. Wills provided an overview of the six new projects that were being recommended for funding. He stated that project Q357 was updated and outlined the changes.

Mr. Wills provided an update regarding information that was requested at the February Board meeting concerning an update on any new data for the Brackish Lower Floridan Aquifer projects with the Polk Regional Water Cooperative.

Mr. Wills provided a breakdown of the Recommended Annual Service Budget amount of \$61,959,146.

Staff recommended the Board:

1. Approve budget transfer from H094 Polk Partnership for a total amount of \$30,534,500 to:
 - a. Q184 - Brackish - Polk Regional Water Cooperative Southeast Wellfield Implementation for \$9,100,000;
 - b. Q216 - Interconnects - Polk Regional Water Cooperative Regional Transmission Southeast for \$9,300,000;
 - c. Q308 - Brackish - Polk Regional Water Cooperative West Polk Wellfield for \$11,300,000
 - d. Q309 - Brackish - Polk Regional Water Cooperative Test Production Well #2 West Polk Wellfield for \$834,500
2. Approve staff recommendation to include the four remaining AWS, the sixteen 1A, and the six new CFI projects (Q373, Q371, Q387, Q391, Q357, and W024) in the District's FY2024 RASB in the amount of \$61,959,146.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:19:51)

4.3 FARMS – Bayside Sod (H813), Manatee County

Board Member Jack Bispham recused himself from voting on this item due to a family member's ownership of Bayside Sod.

Ms. Carole Estes, FARMS Program Manager, provided an overview of the project and outlined the costs and benefits associated with it.

Staff recommended the Board:

1. Approve the Bayside Sod project for a not-to-exceed project reimbursement of \$378,829 with \$378,829 provided by the Governing Board;
2. Authorize the transfer of \$378,829 from fund 010 H017 Governing Board FARMS Fund to the H813 Bayside Sod 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 unanimously. (Audio – 01:22:21)

4.4 Southern Water Use Caution Area Recovery Strategy – Five-Year Assessment for FY2017-2021

Mr. Randy Smith, Natural Systems & Restoration Bureau Chief, presented a historical timeline regarding the establishment of the Southern Water Use Caution Area (SWUCA) Recovery Strategy. Mr. Smith summarized the status of the four main goals and the six major elements necessary to accomplish them by 2025. He presented a graph outlining hydrologic conditions within the SWUCA since the adoption of the Recovery Strategy. Mr. Smith presented a graph which shows a decline in the ten-year moving average of groundwater withdrawals in the SWUCA. He stated there were several reasons for this which included the development of alternative water supplies, increased use of reclaimed water, significant conservation efforts, FARMS program projects, land use transitions and improved rainfall conditions.

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 – 01:55:24)

5.1 Consent Item(s) Moved to Discussion - None

5.2 Hydrologic Conditions Report

Ms. Tamera McBride, Hydrologic Data Manager, presented a rainfall distribution map for March, a 12-month rainfall map, a 12-month departure from mean graph, and map of average rainfall for April. Ms. McBride stated groundwater levels remained in the normal range but showed declines. Surface water levels were in the normal to below normal range. Water supply levels in the Hillsborough reservoir showed declines. Water supply levels remained sufficient for the dry season in the Bill Young Reservoir but showed declines. Ms. McBride stated that rivers remained in the normal to below normal range. Ms. McBride presented temperature and precipitation information for upcoming months.

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

5.3 Offer for Surplus Lands – Tampa Bypass Canal (TBC-10), SWF 13-001-744S

Items 5.3, 5.4 and 5.5 were presented in one presentation but voted on individually.

Ms. Ellen Morrison, Land Resources Bureau Chief, presented an overview of the Land Resources Bureau. She outlined the responsibilities of the Real Estate and Land Management sections.

Ms. Morrison provided an overview of the Tampa Bay Bypass Canal parcel (TBC-10). This included location maps, property information, and terms of the offer to purchase.

Staff recommended the Board:

- Accept the offer of \$630,000;
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;
- 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 the 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 – 02:09:47)

5.4 Offer for Surplus Lands – Lake Panasoffkee (LP-2), SWF Parcel No. 19-528-159S

Ms. Morrison provided an overview of the Lake Panasoffkee (LP-2). This included location maps, property information, and terms of the offer to purchase.

Staff recommended the Board:

- Accept the offer of \$276,000, subject to a conservation easement;
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;
- 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 the 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 - 02:12:10)

5.5 Offer for Surplus Lands – Green Swamp East (GSE-3), SWF Parcel No. 10-200-1282S

Ms. Morrison provided an overview of the Green Swamp East (GSE-3). This included location maps, property information, and terms of the offer to purchase.

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 – 02:14:07)

5.6 Purchase and Sale Agreement - Fredrick Ranch - Lower Peace River Corridor Project, SWF Parcel No. 20-695-118C

Ms. Morrison provided an overview of the Frederick Ranch. This included how this property meets the District's Areas of Responsibility (AOR), location maps, property information, and terms of the offer to acquire. The Board recognized Mr. Fredrick and expressed appreciation.

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 the behalf of the District;
- Designate SWF Parcel No. 20-265-118C 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;
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms; and
- Approval to encumber and roll the funds for payment in the following year, in the event the closing does not occur before the end of the current fiscal year

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 00:2:19:11)

Regulation Committee

Board Member John Hall called the committee to order. (Audio – 02:19:38)

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board

None were presented.

Committee/Liaison Reports

8.1 Agricultural and Green Industry Advisory Committee

A written summary of the March 14 meeting was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, recognized staff's efforts, and the Board's support regarding the SWUCA.

Chair's Report

10.1 Chair's Report

The next Governing Board meeting is on May 23 at 9:00 a.m., in the Tampa Office.

10.2 Employee Milestones

Adjournment

The meeting adjourned at 11:22 a.m.