



**GOVERNING BOARD MEETING
TUESDAY, APRIL 26, 2022 - 9:00 AM
2379 BROAD STREET, BROOKSVILLE, FLORIDA 34604
(352) 796-7211**

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
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director
Brian Starford, Division Director
Michael Molligan, Division Director

Board Administrative Support

Virginia Singer, Board & Executive Services Manager
Lauren Vossler, 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 26, 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.

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

Vice Chair Joel Schleicher 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. Nam Nguyen and Steve Clardy were recognized.

1.4 Additions/Deletions to Agenda

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

Vice Chair Schleicher requested the following item be moved from Consent to Discussion:

Finance/Outreach and Planning Committee

2.4 FY2022 Budget Amendment – State Appropriations for Springs Restoration

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddes, spoke regarding aquifer concerns related to algae in Wall Springs.

Mr. Dan Hilliard, Withlacoochee Aquatic Restoration President, spoke regarding the possible remediation of the Withlacoochee River.

Consent Agenda

Finance/Outreach and Planning Committee

2.1 Springs Protection Awareness Month Resolution

Staff recommended the Board approve and execute Resolution No. 22-07 declaring April 2022 as "Springs Protection Awareness Month."

2.2 Water Reuse Week Resolution

Staff recommended the Board approve and execute Resolution No. 22-09 declaring May 15-21, 2022, as "Water Reuse Week."

2.3 Resolution No. 22-03, Commending Rebecca Smith for Her Service as a Member of the Southwest Florida Water Management District Governing Board

Staff recommended the Board approve Resolution No. 22-03 commending Rebecca Smith for her service as a member of the Southwest Florida Water Management District Governing Board.

~~2.4 FY2022 Budget Amendment – State Appropriations for Springs Restoration~~

~~Staff recommended the Board:~~

- ~~a. Approve to apply 2018 and 2021 state appropriations from the LATF for Springs Restoration to projects W432, WH06, and WR11.~~
- ~~b. Approve Resolution No. 22-08 First Amendment of the Fiscal Year 2022 Annual Service Budget for the inclusion of 2018 and 2021 state appropriations, as well as District fund balance, for the selected projects in the amount of \$4,034,697.~~

2.5 District Tractor Replacement

Staff recommended the Board:

- Approve cancelation of the purchase for replacements of units 2100 and 2077, allowing the units to be budgeted for replacement in FY2024.
- Approve repurposing funds for units 2100 and 2077 to replace unit 2092 at a cost not to exceed \$120,000.

Resource Management Committee

2.6 Recommend FY2023 Springs Projects for FDEP Funding Consideration

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

2.7 Approve the Nichols Pond Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Sumter County (P283)

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

2.8 FARMS – Budget Transfer for the Mini-FARMS Program (H529)

Staff recommended the Board authorize the transfer of \$150,000 from fund 010 H017 Governing Board FARMS Fund to the H529 Mini-FARMS Program fund.

Operations, Lands and Resource Monitoring Committee

2.9 Acceptance of Access Easement from Heron’s Cove HOA for Access to ROMP-10 Well, SWF Parcel No. 20-020-178

Staff recommended the Board approve, accept, and authorize the Executive Director to sign the HOA Easement on behalf of the District.

2.10 Donation of Utility Easement to TECO – Tampa Bypass Canal, SWF Parcel No. 13-001-752X

Staff recommended the Board approve, accept, and authorize the Executive Director to sign the Easement on the behalf of the District.

Regulation Committee

2.11 Water Use Permit No. 20007670.008 - 734 LMC Groves / 734 LMC Groves, LLC. - Polk County

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

General Counsel's Report

2.12 Knowledge Management: Governing Board Policy Update - District Legal Services

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

2.13 Authorization to Issue Administrative Complaint and Order - Well Construction Violations - Derek Langley, Langley Well Drilling and Pump Service, LLC - Unlicensed - CT Number 418074 - Citrus County

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Derek Langley to obtain compliance, recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.
2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

2.14 Memorandum of Agreement Between the Southwest Florida Water Management District, the St. Johns River Water Management District, and the South Florida Water Management District - Coordinated Review of Permits Within Central Florida Water Initiative Area

Staff recommended the Board approve the MOA providing for coordinated review of permits within the CFWI Area.

2.15 Interagency Agreement Between SJRWMD and SWFWMD - Designation of Regulatory Responsibility to Southwest Florida Water Management District - The Villages - Sumter and Lake Counties

Staff recommended the Board approve the Interagency Agreement designating regulatory responsibility for the Property to the Southwest Florida Water Management District.

2.16 Governing Board Concurrence - Authorization to Intervene in Rule Challenge Administrative Hearing - Jacaranda at Central Park Master Association, Inc. v. South Florida Water Management District - Division of Administrative Hearings Case No. 22-0849RX

Staff recommended the Board concur with the approval to intervene in DOAH Case No. 22-0849RX and authorize the Office of General Counsel to defend the District's interests as needed.

Executive Director's Report

2.17 Approve Governing Board Minutes - March 22, 2022

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (00:14:27)

Finance/Outreach and Planning Committee

Treasurer Ed Armstrong called the Committee to order. (Audio - 00:15:02)

3.1 Consent Item(s) Moved to Discussion

2.4 FY2022 Budget Amendment – State Appropriations for Springs Restoration

Mr. Jay Hoecker, Water Resources Bureau Chief, presented information regarding the budget amendment to include projects that were selected by the Florida Department of Protection to receive FY2022 Springs funding. He outlined the financial information and provided an overview of projects that were being requested for funding.

Staff recommended the Board:

1. Approve to apply 2018 and 2021 state appropriations from the LATF for Springs Restoration to projects W432, WH06, and WR11.
2. Approve Resolution No. 22-08 First Amendment of the Fiscal Year 2022 Annual Service Budget for the inclusion of 2018 and 2021 state appropriations, as well as District fund balance, for the selected projects in the amount of \$4,034,697.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:24:16)

3.2 Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, presented current information that included Gross Domestic Product (GDP), inflation, the housing market, and interest rates. Mr. Grady provided an overview of the District's portfolio strategy for the last quarter (January 1- March 31, 2022). 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, 2022.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:45:16)

3.3 Salary Requests to Address Inflation, Staff Recruitment and Retention

Mr. Michael Molligan, Employee, Outreach and General Services Division Director, stated the State Legislature recently approved a budget which included non-performance related salary increases of 5.8 percent to state employees. While District staff are not directly affected by this legislation because they are not state workers, they are similarly impacted by the effects of this inflation. Mr. Molligan outlined information in support of this request to provide a 5.38 percent inflation adjustment for District staff. He explained the proposed increase is consistent with the proposed state inflation adjustment. Mr. Molligan outlined the benefits associated with this request. He stated the inflation adjustment requested by the Legislature still requires approval from the Governor before it can go into effect for the state budget year beginning on July 1. This proposed salary adjustment for District staff would be contingent on the Governor's approval for state staff.

Mr. Molligan stated that in addition to an inflation adjustment, staff is also proposing a change to how merit-based increases are budgeted starting in FY2023. He provided information in support of this request and an overview of the proposed changes.

Ms. Andrea Shamblin, Budget Manager, clarified that the identified costs associated with the proposed 5.38 percent increase does include the Florida Retirement System and federal income taxes.

Staff recommended the Board:

1. Contingent on the Governor's approval of the Legislature's budget, approve the use of available FY2022 salary dollars to provide a 5.38 percent increase for every District employee.
2. Change the amount budgeted for merit increases in the FY2023 budget from a fixed amount of \$1 million to 3 percent of the total salary budget.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:03:45)

3.4 Budget Transfer Report

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

3.5 Office of Inspector General – January 1, 2022, to March 31, 2022, Quarterly Update

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

Resource Management Committee

Board Member Jack Bispham called the Committee to order. (Audio – 01:05:00)

4.1 Consent Item(s) Moved to Discussion - None

4.2 Polk Regional Water Cooperative Southeast Wellfield Project – Third Party Review of Preliminary Design (N905)

Mr. Jay Hoecker, Water Resources Bureau Chief, presented an overview of project N905 and the results of the third-party review. Mr. Hoecker provided background information related to the Polk Regional Water Cooperative (PRWC).

Mr. Chris Tumminia, General Counsel, updated the Board regarding concerns the District had with the PRWC implementation agreements. He explained the agreements were revised and addressed the District's concerns. He provided an overview of these changes.

Staff recommended the Board:

1. Authorize continuation of the final design, permitting, and construction of the Southeast Wellfield LFA Water Production Facility (Q184) project with a total project cost of \$228,630,000 and the District's share up to \$110,940,000.
2. Authorize continuation of the final design, permitting, and construction of the Southeast Regional Transmission System (Q216) project with a total project cost of \$156,976,000 and the District's share up to \$76,013,000.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:33:25)

4.3 Polk Regional Water Cooperative West Polk Wellfield Project – Third Party Review of Preliminary Design (N882)

Mr. Hoecker, Water Resources Bureau Chief, presented an overview of project M882 and the results of the third-party review.

Discussion from Item 4.2 included information related to this item.

Staff recommended the Board authorize continuation of the final design, permitting, and construction of the West Polk Wellfield Facility (Q308) project with a total project cost of \$214,104,000 and the District's share up to \$107,052,000.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:38:12)

4.4 Dona Bay Surface Water Storage Facility Phase 2 - Third Party Review (N786)

Mr. Randy Smith, PMP., Natural Systems & Restoration Bureau Chief, presented an overview of project N786, results of the third-party review, resource benefits, costs associated and staff evaluation information. He provided some history on the construction of Cow Pen Slough Canal in the late 1960s and how that has had negative impacts on Donna Bay by increasing the Donna Bay watershed by more than 37,000 acres. He stated that this has increased nutrient loads, sedimentation and freshwater volumes to Donna Bay which has negatively affected water quality and the natural salinity regimes in the estuary. He explained how this project and the previous phase are addressing these issues. He provided information on the cost increase since the

project was originally approved by the Governing Board and that the County was not seeking any additional funding from the District to cover the cost increase.

Staff recommended the Board authorize continuation of the project and approve amending the Cooperative Funding Agreement to include a total project cost of \$11,828,568, which includes the current construction low bid and the cost of the TPR, with the District's share to remain \$4,000,000 for the TPR and construction of the Dona Bay Surface Water Storage Facility Phase 2 Project (N786).

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:47.46)

Operations, Lands and Resource Monitoring Committee

Board Member Jack Bispham called the Committee to order. (Audio – 01:48:32)

5.1 Consent Item(s) Moved to Discussion - None

5.2 Hydrologic Conditions Report

Ms. Tamera McBride, P.G., Hydrologic Data Manager, presented an overview of the current hydrologic conditions. She stated that most of the District experienced normal to above normal rainfall for the months of March and April. Drier conditions occurred in the southern parts of the District. Groundwater levels remained above normal for northern counties and in the normal range for central and southern counties. Lake levels remained above normal for the northern lakes, normal for Tampa Bay and Polk Upland Lakes, and below normal for the Lake Wales Ridge Lakes. The Withlacoochee, Hillsborough, Alafia, and Peace rivers all reported normal conditions. The Hillsborough Reservoir remains full. The Bill Young Reservoir and the Peace River Reservoirs remain at healthy levels and should provide adequate resources for the dry season. La Niña conditions are predicted to continue through fall.

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

5.3 Sale of Property to City of Dunedin – Jerry Lake, SWF Parcel 16-296-107S

Ms. Ellen Morrison, Land Resources Bureau Chief, presented information that included location maps, property acquisition information, and terms of the offer to purchase. The Dunedin City Commission has approved the proposed purchase.

Staff recommended the Board:

- Accept the offer of \$495,000.
- Approve the Contract for Sale and Purchase of Jerry Lake Parcel No. 16-296-107S 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 – 02:05:50)

Regulation Committee

Vice Chair Joel Schleicher called the Committee to order. (Audio – 02:06:35)

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

Mr. Chris Tumminia, General Counsel, provided information regarding Item 2.16 that was approved under the Consent Agenda. He stated that the Board has authorized staff to intervene in an on-going rule challenge to side slopes on wet or dry stormwater ponds. He explained that the outcome of the Administrative Hearing, Jacaranda at Central Park Master Association, Inc. v. South Florida Water Management District, will impact this District's Environmental Resource Permitting rules, as well as standard operating procedures for processing permits. Mr. Tumminia stated he will keep the Board apprised.

Committee/Liaison Reports

8.1 Agricultural and Green Industry Advisory Committee

Secretary Michelle Williamson provide an updated for the March 8 meeting. Secretary Williamson stated that Dr. Mary Lusk, from the University of Florida Institute of Food and Agricultural Sciences, provided a presentation on nutrient reduction associated with urban landscapes. A written summary was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, thanked the State Legislature and the Governor for the \$3.3 million dollars in funding that was provided for the springs.

Mr. Armstrong thanked the Board for the approval of the 5.38 percent funding to address inflation for staff.

Mr. Armstrong recognized the Board for its willingness to avoid a litigious approach to ensure the preservation of resources while making sure that alternative water sources are available to support future economic growth.

Chair's Report

10.1 Chair's Report

Chair Rice stated the next meeting is scheduled for Tuesday, May 24 at 9:00 a.m., in the Tampa office.

10.2 Employee Milestones

Chair Rice recognized the following employee for their milestones: Ms. Leigh Rogers and Mr. Keith Hilburn.

Adjournment

The meeting adjourned at 11:15 a.m.