

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

APRIL 28, 2020

Due to the COVID-19 virus, this meeting was held through electronic media to reduce public gatherings and practice social distancing.

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 10:00 a.m., on April 28, 2020, at its Brooksville Office, 2379 Broad Street, Brooksville, Florida. The following persons were present:

Board Members Present

Mark Taylor, Chair
Michelle Williamson, Vice Chair *via Phone
Joel Schleicher, Secretary *via Phone
Kelly S. Rice, Treasurer*via Phone
James G. Murphy, Member *via Phone
Jack Bispham, Member *via Phone
Seth Weightman, Member*via phone

Board Members Absent

Rebecca Smith, Ph.D., Member
Roger Germann, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
John J. Campbell, Division Director
Brian Starford, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director

Board Administrative Support

Lori Manuel, Administrative Coordinator

Approved minutes from previous meetings can be found on the District's website (www.WaterMatters.org).

PUBLIC HEARING (00:00)

1. Call to Order

Chair Mark Taylor called the meeting to order and opened the public hearing.

Chair Taylor provided a telephone number to any member of the public wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda. Chair Taylor 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.

At this time, the meeting was recessed to allow for communication with any members of the public who were providing input via telephone. (Audio - 00:04:41)

Chair: Taylor reconvened the meeting at 10:15.

2. Invocation and Pledge of Allegiance

Chair Taylor offered the invocation and led the Pledge of Allegiance.

Chair Taylor introduced each member of the Governing Board, who attended remotely. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input was only taken during the meeting via telephone communication.

Due to physical constraints imposed, Chair Taylor chaired all committees.

3. Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated the following item was deleted from the agenda:

Finance/Outreach & Planning Committee

7. District Boat Replacement

Mr. Armstrong stated the following item was moved to Discussion:

Regulation Committee

40. Hydrologic Conditions Report and Consider Water Shortage Orders as Necessary

Mr. Armstrong stated that the Chair's Report will follow the Consent Agenda for this meeting.

Secretary Schleicher asked that the following items be moved to Discussion:

Resource Management Committee

10. FARMS – Dover Land, LLC Phase 2 – Haynes Road, LLC (H782), Hillsborough County

General Counsel's Report

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

b. Governing Board Resolution – Temporary Delegation of Authority to the Executive Director

4. Public Input for Issues Not Listed on the Published Agenda

No requests were submitted.

Chair Taylor stated there was 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 - 00:09:55)

Consent Agenda

Finance/Outreach & Planning Committee

5. Water Conservation Month

Staff recommended the Board approve and execute Resolution No. 20-03 declaring April 2020 as "Water Conservation Month."

6. Information Technology – Access Privileges Follow-Up Audit by the Office of Inspector General

Staff recommended the Board approve the Office of Inspector General IT Access Privileges Follow-Up Audit.

7. District Boat Replacement

Staff recommended the Board:

- Approve the purchase of a 24-foot landing craft boat for \$149,597 utilizing the CFEF.
- Approve the surplus disposition of existing boats 3101 and 3316.

8. Budget Transfer Report

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for March 2020.

Resource Management Committee

9. Recommend FY2021 Springs Projects for FDEP Funding Consideration

Staff recommended the Board approve the list of 12 springs projects for submittal to the Florida Department of Environmental Protection (FDEP).

10. FARMS – Dover Land, LLC Phase 2 – Haynes Road, LLC (H782), Hillsborough County

Staff recommended the Board:

- 1) Approve the Dover Land, LLC Phase 2 – Haynes Road, LLC project for a not-to-exceed project reimbursement of \$656,250 with \$656,250 provided by the Governing Board.
- 2) Authorize the transfer of \$656,250 from fund 010-H017 Governing Board FARMS Fund to the H782 Dover Land, LLC Phase 2 – Haynes Road LLC project fund.
- 3) Authorize Assistant Executive Director to sign the agreement.

11. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Lake Marion in Levy County (P256)

Staff recommended the Board:

- A. Accept the report entitled Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Lake Marion in Levy County, Florida.
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.

Operations, Lands and Resource Monitoring Committee

12. Joint Conveyance by the District and the City of Crystal River of an Easement to Duke Energy Florida, LLC, Chassahowitzka River – Three Sisters Springs SWF Parcel No. 15-347-128P

Staff recommended the Board:

- Approve conveyance of a utility easement to Duke Energy.
- Authorize the Governing Board Chair and Secretary to execute the easement; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

13. Conveyance of Fee Interest for the Ridge Road Right-Of-Way, Pasco County, FL, SWF Parcel Numbers 15-705-107S and 15-705-108P

Staff recommended the Board:

- Approve the conveyance of the Ridge Road right-of-way to Pasco County for the Ridge Road Extension and execution of the Access and Maintenance Agreement.
- Authorize the Governing Board Chair and Secretary to execute the Quit Claim Deed.
- Authorize the Executive Director to execute the Access and Maintenance Agreement outlining access and other related responsibilities resulting from the transfer of the right-of-way.
- Accept perpetual access easements from Pasco County.
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

14. Non-Exclusive Utility Easement to Duke Energy Florida, LLC for the Sawgrass Lake Water Control Structure – SWF Parcel No. 16-560-144X

Staff recommended the Board:

- Approve the conveyance of a Non-Exclusive Perpetual Easement to Duke Energy Florida, LLC; and
- Authorize the Governing Board Chair and Secretary to execute the utility easement.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

15. Amendment of Perpetual Easement with Tampa Electric Company for the Tampa Bypass Canal - SWF Parcel Numbers 13-001-326

Staff recommended the Board:

- Approve the Amendment to the Perpetual Easement; and
- Authorize the Governing Board Chair and Secretary to execute the Amendment
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Regulation Committee

16. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 2005789.013 – Wiscon Maintenance Compound / Hernando County Water System / Hernando County BOCC (Hernando County)

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

b. WUP No. 20020883.000 – Sarasota National Community Development District/WCI Communities, LLC (Sarasota County)

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

c. WUP No. 20003872.020 – West Villages Improvement District/The Ranch Land Operations, LLC, West Villages Improvement District (Sarasota County)

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

General Counsel's Report

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

a. Governing Board Concurrence – Emergency Order No. SWF 20-014 – Emergency Measures Made Necessary by COVID-19

Staff recommended the Board approve Emergency Order No. SWF 20-014 and concur with the Executive Director's determinations regarding the state of emergency and the actions necessary to meet the emergency

b. Governing Board Resolution – Temporary Delegation of Authority to the Executive Director

Staff recommended the Board approve Governing Board Resolution No. SWF 20-05.

c. Approval of Consent Order Between SWFWMD and Panther Trails, CDD – Overpumpage – WUP No. 20001854.008 – CT No. 400313 – Hillsborough County

Staff recommended:

- 1) Approve the Consent Order
- 2) Authorize the 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, if necessary.

18. Rulemaking - None

Executive Director's Report

19. Approve Governing Board Minutes – March 24, 2020

45. Chair's Report

Chair Taylor thanked everyone for their efforts and patience during this time. He acknowledged Secretary Schleicher for raising some questions regarding potential impacts from COVID-19 and how it affects the way business is conducted. He specifically referenced Cooperative Funding Initiative (CFI) projects. Chair Taylor reminded the Board that Fiscal Year (FY) 2021 CFI projects are scheduled to be approved at the May Governing Board meeting. Chair Taylor stated that it was important to address concerns that have been raised by Secretary Schleicher prior to the May

Governing Board meeting. He also stated that engaging in the discussion now will allow staff the opportunity to prepare if changes need to be made.

Chair Taylor provided Secretary Schleicher an opportunity to address his concerns and then opened the discussion to other Board Members in accordance with the Sunshine Law.

Secretary Schleicher asked that his April 6, 2020 letter be submitted into the record. He addressed his concerns regarding the negative impact on Florida's economy and how he believed the District should address the funding shortfall that will occur as a result. Secretary Schleicher stated that growth assumptions should be recalibrated. He also stated that although he thinks any new CFI projects, and third-party reviews should be paused, any CFI projects that are currently under construction should not be affected.

Secretary Schleicher stated that a review should be required regarding the financial capacity of cooperators that partner with the District to ensure they can fund their portion per their agreement.

Secretary Schleicher stated that he does not support raising millage rates. This was affirmed by other Board Members.

Treasurer Rice suggested that staff run economic models in preparation of future circumstances.

Chair Taylor also reminded the Board that FY2021 funds will not be expended until after the approval of the FY2021 budget at the final budget hearing in September.

A motion was made and seconded to assure the FY2021 CFI projects are presented at the May Board meeting. The motion passed unanimously. (Audio - 00:26:29)

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:33:05)

Chair Taylor called the Resource Management Committee to order. (Audio - 00:33:57)

Due to technical difficulties, the order of the committees changed.

**Resource Management Committee
Discussion**

28. Consent Item(s) Moved for Discussion

10. FARMS – Dover Land, LLC Phase 2 – Haynes Road, LLC (H782), Hillsborough County

Secretary Schleicher asked that a vote be completed on this item.

Staff recommended the Board:

- 1) Approve the Dover Land, LLC Phase 2 - Haynes Road, LLC project for a not-to-exceed project reimbursement of \$656,250 with \$656,250 provided by the Governing Board.
- 2) Authorize the transfer of \$656,250 from fund 010 H017 Governing Board FARMS fund to the H782 Dover Land, LLC Phase 2 - Haynes Road LLC project fund.
- 3) Authorize Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve staff's recommendation. The motion carried with six in favor and one opposed.

29. 2020 Regional Water Supply Plan (RWSP) Update

Mr. Joseph Quinn, Senior Project Manager, provided a presentation. Mr. Quinn outlined regional water supply planning, the District's four planning regions, resource protection criteria, water demand projections by water use category, and demand growth by planning region. Mr. Quinn also reviewed an evaluation of water sources, a graph of potential available sources, a list and graph of water supply and resource development projects, provided an overview of funding mechanisms, and noted the timeline regarding finalization of the RWSP.

This item was presented for the Committee'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.

30. Minimum Flows and Levels Status Report

31. Significant Water Resource and Development Project

Chair Taylor adjourned the Committee and called the Finance/Outreach & Planning Committee to order.

Finance/Outreach & Planning Committee

Discussion

20. Consent Item(s) Moved for Discussion - None

21. Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, provided a presentation (remotely). He provided growth projections for the world economic outlook from the International Monetary Fund. Mr. Grady provided a comparison chart for Gross Domestic Product growth for 2020 versus 2009. He provided a quarterly timeline comparison chart of the Federal Reserve balance sheet from 2008 through current. Mr. Grady provided a graph of jobless claims from 1966 through current. He provided a graph that outlined federal interest rates during the end of February 2020 through March 2020 and federal funds futures information. Mr. Grady provided a comparative historical yield curve for United States treasury yields with three- to five-month maturity and a forward yield curve graph.

Mr. Grady provided an overview of District all assets portfolio for the period of January 1, 2020 through March 31, 2020.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ending March 31, 2020.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:11:00)

Submit & File Reports

22. Office of Inspector General Quarterly Update – January 1, 2020 to March 31, 2020:

23. Self-Funded Health Insurance Plan - 2019 Annual Update

Routine Reports

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

24. Treasurer's Report and Payment Register

25. Monthly Financial Statement

26. Monthly Cash Balances by Fiscal Year

27. Comprehensive Plan Amendment and Related Reviews Report

Chair Taylor adjourned the Committee and called the Operations, Lands & Resource Monitoring Committee to order. (Audio - 01:12:10)

**Operations, Lands & Resource Monitoring Committee
Discussion**

32. Consent Item(s) Moved for Discussion - None

Submit & File Reports – None

Routine Reports

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

33. Significant Activities

34. Structure Operations

35. Surplus Lands Update

Chair Taylor adjourned the Committee and called the Regulation Committee to order. (01:12:30)

Regulation Committee

Discussion

36. Consent Item(s) Moved for Discussion - None

37. Hydrologic Conditions Report and Consider Water Shortage Order(s) as Necessary

Mr. Granville Kinsman, P.G., Hydrologic Data Manager, provided a presentation regarding the hydrologic conditions. Mr. Kinsman stated that hydrologic conditions have declined since January due to predominantly hot and dry weather. Some areas of the District are developing into mild/moderate drought conditions. Groundwater levels throughout the District are considered in the normal range but are showing declines. Lake levels have fallen below normal in the northern and Lake Wales Ridge regions, and lakes in all regions are at the lowest levels in two years and still showing declines. The flow on the Withlacoochee, Hillsborough and Peace Rivers remain in the normal range but all are showing declines, with the Peace River at the bottom of the normal range. The Alafia River has shown a sharp decline and has fallen into the severely impacted category. The water supplies for the Bill Young Reservoir and the Peace River Reservoir systems have shown significant declines due to sharp rises in demand.

Mr. Kinsman stated the climate forecast shows above-normal rainfall until the end of summer, however that forecast is not certain. He stated a potential La Niña cycle is expected at the end of the year resulting in drier conditions.

This item was provided for the Committee's information, and no action was required.

Mr. Darrin Herbst, Water Use Permit Bureau chief, provided a presentation that explained the water shortage plan and the rules associated with it. He also provided an overview of the phases in the plan. Mr. Herbst stated the drought indicator for the central region (Hillsborough, Pinellas and Pasco counties) was a severely abnormal seven-day flow on the Alafia River at Lithia. He stated the drought indicators for the southern region (Manatee, Sarasota, DeSoto, Charlotte, Hardee and Highlands counties) were a moderately abnormal seven-day Peace River flow at Arcadia and a severely abnormal 12-month rainfall. Based on these hydrologic indicators, normal aquifer levels, and the drought resiliency of the public supply systems in these areas, a Phase 1 Water Shortage was recommended.

Staff recommended the Board consider Water Shortage Order No. SWF 20-017.

Declare a Phase I Water Shortage for Hillsborough, Pasco, Pinellas, Manatee, Sarasota, Charlotte, DeSoto, Hardee, and Highlands counties

Consider the budget transfer of \$9,600 from the canceled Zephyr Creek Drainage Improvement Project (N990) for advertising requirements associated with this recommended Water Shortage Order.

Board Member Bispham asked to receive current flow data for the Alafia and Peace rivers. Mr. Kinsman responded in the affirmative.

A motion was made and seconded to approve staff's recommendation. The motion carried with six in favor and one opposed. (Audio – 01:28:50)

38. Denials Referred to the Governing Board

Submit & File Reports – None

Routine Reports

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

39. Overpumpage Report

40. Individual Permits Issued by District Staff

40. Hydrologic Conditions Report and Consider Water Shortage Order(s) as Necessary

Chair Taylor adjourned the Regulation Committee. (Audio – 01:34:08)

General Counsel's Report

Discussion

41. Consent Item(s) Moved for Discussion

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

b. Governing Board Resolution – Temporary Delegation of Authority to the Executive Director

Secretary Schleicher addressed his concerns regarding the delegation of authority.

Ms. Karen West, General Counsel, explained that the purpose of the delegation is to allow the Executive Director the authority to take timely action on items if the Board is unable to convene via any means, i.e., in person, by phone or virtually. She stated that the Executive Director will be required to coordinate with the Chair prior to any actions. Ms. West stated that the St. John's River Water Management District and the Suwannee River Water Management District have both approved similar delegations.

Staff recommended the Board approve Governing Board Resolution No. SWF 20-05.

An amended motion was made and seconded to approve staff's recommendation with the revision that the delegation will sunset after two months. (Audio – 01:42:38)

Ms. West stated the Florida Department of Business and Professional Regulation has declared the COVID-19 a natural emergency under Chapter 252.363 Florida Statutes. This provision provides for the tolling and extension of certain permitting actions.

Ms. West stated that the administrative hearing for Walden Point and Johnson Point has been put in abeyance.

Ms. West stated that staff has responded to concerns expressed by Mr. Robert Cameron at the March Governing Board meeting.

Ms. West stated that Senior Attorney Jamie Fussell and Staff Attorney Elizabeth Fernandez were successful in having litigation dismissed regarding a mining permit in Pasco County.

Submit & File Reports - None

Routine Reports

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

42. April 2020 Litigation Report

43. April 2020 Rulemaking Update

Executive Director's Report

44. Executive Director's Report

Mr. Brian Armstrong, Executive Director, recommended postponing the election of officers, regularly scheduled for the May Board meeting, until Board Members can meet in person. He also recommended that the current Chair set the calendar for FY2021 to allow Board Members the opportunity to schedule accordingly.

A motion was made and seconded to both recommendations made by the Executive Director. (Audio - 01:53:15)

Mr. Armstrong informed the Board that staff will present the additional information for the forecasted financial scenarios requested by the Board at the May Board meeting. He stated that the District has contacted current cooperators to confirm their ability to continue with CFI projects as contracted with the District. Mr. Armstrong stated that only one cooperator has expressed the inability to continue. He stated that the District is currently developing a spend-down plan to ensure the cooperators are utilizing the resources that have been provided.

Chair's Report

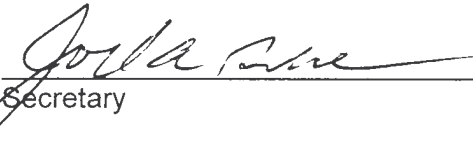
45. Chair's Report

46. Employee Milestones

The meeting was adjourned at 12:05.

Attest:

Chair



Secretary