

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

MAY 19, 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 9:00 a.m., on May 19, 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
Rebecca Smith, Ph.D., Member*via Phone
James G. Murphy, Member*via Phone
Roger Germann, Member*via Phone
Jack Bispham, Member*via Phone
Seth Weightman, Member*via phone

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

Virginia Singer, Board & Executive Services Manager
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 - 00:04:21)

Chair Taylor reconvened the meeting at 10:07.

Roll was called and a quorum was confirmed.

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 and staff at the Dias. 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, Chair Taylor chaired all committees.

3. Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive director, stated the following item was added to the agenda:

Consent Agenda

Executive Director's Report

22a. Governing Board Concurrence – Emergency Order No. 20-020 – Emergency Orders Made Necessary by COVID-19.

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

Resource Management Committee

10. FARMS - William Kip Keene – Trapnell Road Farm (H783), Hillsborough County

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

No requests were submitted.

Chair Taylor stated there was good cause to amend the agenda as allowed by Section 120.525, Florida Statutes. (Audio – 00:12:11)

Consent Agenda

Finance/Outreach & Planning Committee

5. Resolution No. 20-06, Commending Bryan Beswick for His Service as a Member of the Southwest Florida Water Management District Governing Board

Staff recommended the Board approve Resolution No. 20-06, Commending Bryan Beswick for His Service as a Member of the Southwest Florida Water Management District Governing Board.

6. Office of Inspector General: Self-Insurance Programs Follow-Up Audit

Staff recommended the Board approve the Office of Inspector General Self-Insurance Programs Follow-Up Audit.

7. Water Reuse Week

Staff recommended the Board approve and execute Resolution No. 20-04 declaring May 17-23, 2020 as "Water Reuse Week."

8. Budget Transfer Request for Property and Casualty Premiums and Insurance Broker Services

Staff recommended the Board approve the budget transfer of \$60,200 from the Zephyr Creek Drainage Improvements: Units 1 and 2 CFI Project (N836) for Property and Casualty Premiums and Insurance Broker Services.

9. Budget Transfer Report

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

Resource Management Committee

10. FARMS – William Kip Keene – Trapnell Road Farm (H783), Hillsborough County

Staff recommended the Board:

- 1) Approve the William Kip Keene – Trapnell Rd Farms project for a not to exceed project reimbursement of \$87,854 with \$87,854 provided by the Governing Board.
- 2) Authorize the transfer of \$87,854 from fund 010 H017 Governing Board FARMS Fund to the H783 William Kip Keene – Trapnell Rd Farm project fund.
- 3) Authorize Division Director to sign the agreement.

Operations, Lands and Resource Monitoring Committee

11. Second Amendment to Agreement for Release of Conservation Easement – Sarasota Interstate Park of Commerce (SIPOC) – Sarasota County SWF Parcel No. 21-118-248

Staff recommended:

- Approve the Second Amendment to the Agreement for Release of Conservation Easement and authorize the Governing Board Chair and Secretary to execute the document on behalf of the District; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

12. Donation of Property – Cypress Creek Preserve, SWF Parcel No. 13-500-397

Staff recommended:

- 1) Amend the District's Florida Forever Work Plan to add the Property proposed for the Donation.
- 2) Approve the Donation Agreement and authorize the Executive Director to sign on behalf of the Governing Board.
- 3) Designate the Property as having been acquired for conservation purposes.
- 4) Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

13. Monitor Well Purchase – South Hillsborough Aquifer Recharge Project - Phase II Sun City Well, Hillsborough County - Regional Observation Monitor-Well (ROMP) TR9-5 [20-065] SWF Parcel No. 11-020-040

Staff recommended:

- Approve the bill of sale for the well components and authorize the Executive Director to sign on behalf of the Governing Board.
- Accept the amended force main perpetual easement.
- Accept the assignment of the perpetual utility easement for the well location.
- Accept the perpetual easement for the purge water.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Regulation Committee

14. Authorization for Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, F.A.C., to Amend WUP Applicant's Handbook Part B, and to Amend the Public Supply Annual Report Part A

Staff recommended the Board authorize the initiation of rulemaking and approve the proposed revisions to Rule 40D-2.091(1)(a) F.A.C., Applicant's Handbook Section 2.4.8.4.1.3, and the Public Supply Annual Report Part A, and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process.

15. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20004352.008 - South Central Hillsborough Regional Wellfield / Tampa Bay Water (Hillsborough County)

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

- b. **WUP No. 20020703.001 / Optimum Ranch / Optimum Ranch Florida, LLC (Desoto County)**
Staff recommended the Board approve the proposed permit attached as an exhibit.
- c. **WUP No. 20020808.000 / City of Cape Coral Supplemental Irrigation Water Supply / City of Cape Coral (Charlotte County)**
Staff recommended the Board approve the proposed permit attached as an exhibit.

General Counsel's Report

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

- a. **Consideration of Final Order - Petition for Declaratory Statement - Shannon R. Turbeville - Hernando County**
Staff recommended the Board approve the Final Order denying the Petition for Declaratory Statement filed by Shannon R. Turbeville.
- b. **Approval of Consent Order Between SWFWMD and McLeod Family Holdings, LLC and Automotive Fleet Enterprises, Inc. – ERP Violations – CT No. 396747 – Pasco County**
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, if necessary.
- c. **Approval of Settlement Agreement Between SWFWMD and the Links at River Ridge, LLC - Unauthorized Water Use - CT No. 400298 - Pasco County**
Staff recommended the Board:
 - 1) Approve the Settlement Agreement.
 - 2) Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Settlement Agreement, including filing any appropriate actions in circuit court, if necessary.

17. Rulemaking - None

Executive Director's Report

18. Approve CFI Northern Region Meeting Minutes – April 1, 2020

Staff recommended the Board approve minutes as presented.

19. Approve CFI Southern Region Meeting Minutes – April 2, 2020

Staff recommended the Board approve minutes as presented.

20. Approve CFI Tampa Bay Region Meeting Minutes – April 8, 2020

Staff recommended the Board approve minutes as presented.

21. Approve CFI Heartland Region Meeting Minutes – April 9, 2020

Staff recommended the Board approve minutes as presented.

22. Approve Governing Board Minutes – April 28, 2020

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:12:57)

Chair Taylor called the Finance/Outreach & Planning Committee to order. (Audio – 00:13:50)

Finance/Outreach & Planning Committee

Discussion

23. Consent Item(s) Moved for Discussion – None

24. Knowledge Management: Comprehensive Fraud Governing Board Policy

No presentation was provided.

This item was for the Board's information and no action was requested. The Comprehensive Fraud Governing Board Policy will be included as a consent item at the next Governing Board meeting and approval will be requested at that time.

25. Fiscal Health Update

Mr. John Campbell, Management Services director, provided a presentation that outlined information as related to the COVID-19 impacts for the current Fiscal Year (FY) 2020 budget to the District and its cooperative partners. Mr. Campbell provided a breakdown of the FY2020 adopted \$203 million budget, which included \$79 million for operating expenses and \$124 million for projects. He outlined the revenue sources, which included Ad Valorem, income from state, federal and local governments, permitting and license fees, interest income, prior year funds, District reserves and other miscellaneous income. Mr. Campbell outlined revenues that will be impacted in FY2021. He stated the current millage rate is 0.2801 (Rolled-back rate), which was a 5.2 percent reduction from FY19. Mr. Campbell stated that roll-back millage rates have been used since FY2011.

Mr. Neil Waud, representing Public Trust Advisors, provided a presentation that outlined an economic update on the global economy.

Secretary Schleicher asked about the impacts to Florida relative to travel and the growth demographics over the last 10 years.

Mr. John Grady, representing Public Trust Advisors, responded that the data regarding this is being collected and will be provided when it becomes available.

Mr. John Emerson, representing the Hernando County Property Appraiser, provided a presentation outlining the impacts property assessment process related to Ad Valorem tax revenue source.

Mr. Campbell presented financial strategies the District has adopted.

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

Submit & File Reports – None

Routine Reports

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

26. Treasurer's Report and Payment Register

27. Monthly Financial Statement

28. Monthly Cash Balances by Fiscal Year

29. Comprehensive Plan Amendment and Related Reviews Report

Chair Taylor called the Resource Management Committee to order. (Audio – 00:58:45)

Resource Management Committee

Discussion

30. Consent Item(s) Moved for Discussion

10. FARMS - William Kip Keene – Trapnell Road Farm (H783), Hillsborough County

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

Staff recommended the Board:

- 1) Approve the William Kip Keene - Trapnell Rd Farms project for a not-to-exceed project reimbursement of \$87,854 with \$87,854 provided by the Governing Board.
- 2) Authorize the transfer of \$87,854 from fund 010 H017 Governing Board FARMS Fund to the H783 William Kip Keene - Trapnell Rd Farm project fund.
- 3) Authorize Division Director to sign the agreement.

A motion was made and seconded to approve staff's recommendation. The motion carried with eight in favor and one opposed. (Audio – 59:25)

31. FY2020-21 Cooperative Funding Update

Mr. Scott Letasi, Project Management Office Chief, provided a presentation. He outlined the timeline, subcommittee structure planning regions, comparison of funding requests for 2017-2021, funding requests by regions, a map outlining the recommended projects, funding breakdown by areas of responsibilities and summaries of regional subcommittees.

Mr. Letasi outlined changes that occurred following the April Board meeting. He stated that project Q164, Crooked Lake/Sunset Trail Stormwater Retrofit, was withdrawn by Polk County.

Mr. Letasi stated the project name was changed for high ranked project Q193, Crystal River Conservation Phase 1, and the evaluation was revised to include updated water savings and cost effectiveness.

Mr. Eric DeHaven, Resource Management Assistant Director, provided a presentation for high ranked project Q184, Polk Regional Water Cooperative Southeast Wellfield Implementation and high ranked project Q216, Polk Regional Water Cooperative Regional Transmission Southeast Phase 1.

Mr. Jay Hoecker, Water Supply Manager, provided a presentation for high ranked project Q145, Longboat Key Club Advanced Irrigation System. He provided an overview of the project, project benefits and project evaluations. Mr. Hoecker provided an overview of District partnerships with private and public entities.

Vice Chair Williamson addressed the cost effectiveness medium ranking for project Q145. She asked what the cost per thousand gallons is for the project. Mr. Hoecker responded \$3.29. The high cost effectiveness metric is \$3 or less per thousand gallons saved. She asked if the cooperator would be willing to cover the 29 cents per 1000 gallons.

Mr. John Riley, Longboat Key Club agronomist, responded in the affirmative.

Ms. Jennette Seachrist, Resource Management Director, stated if the Board approves funding the project at \$3 per thousand gallons, staff will recalculate the District's share and present a revised evaluation for Board approval at the June Board meeting.

A motion was made to fund project Q145 at a cost of \$3.00 per thousand gallons and have staff prepare a revised evaluation for the Board's approval at the June meeting. The motion passed unanimously. (Audio – 01:29:30)

Secretary Schleicher expressed concerns regarding funding new projects and requested that a long-term plan be provided.

Staff recommended the Board:

- 1) Approve budget transfer from H094 Polk Partnership for a total amount of \$11,700,000 to:
 - a. Q184 - Brackish - Polk Regional Water Cooperative Southeast Wellfield Implementation for \$6,750,000, and
 - b. Q216 - Interconnects - Polk Regional Water Cooperative Regional Transmission Southeast Phase 1 for \$4,950,000.
- 2) Approve staff recommendation to include 1A, High and Medium ranked projects in the District's FY2021 RASB in the amount of \$52,640,747.
- 3) Approve staff recommendation to eliminate all Low ranked and Not Recommended projects from further funding consideration.

A motion was made and seconded to approve staff's recommendation. The motion carried with eight in favor and one opposed. Secretary Schleicher stated his opposition was due to his concerns regarding funding new projects during this time. (Audio – 01: 37:21)

Submit & File Reports

32. Lower Hillsborough River Recovery Strategy – Second Five-Year Assessment

Routine Reports

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

33. Minimum Flows and Levels and Reservations Status Report

34. Significant Water Resource and Development Projects

Chair Taylor adjourned the Committee and called the Operations, Lands and Resource Monitoring Committee to order. (Audio – 01:41:58)

Operations, Lands and Resource Monitoring Committee

Discussion

35. Consent Item(s) Moved for Discussion – None

Submit & File Reports

36. Hydrologic Conditions Report

Routine Reports

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

37. Significant Activities

38. Structure Operations

39. Surplus Lands

Chair Taylor adjourned the Committee and called the Regulation Committee to order. (Audio – 01:42:30)

Regulation Committee

Discussion

40. Consent Item(s) Moved for Discussion – None

41. Consider Water Shortage Order(s) as Necessary

None were presented

42. Denials Referred to the Governing Board

None were presented

Submit & File Reports – None

Routine Reports

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

43. Overpumpage Report

44. Individual Permits Issued by District Staff

Chair Taylor adjourned the Committee. (Audio – 01:42:57)

General Counsel's Report

Discussion

45. Consent Item(s) Moved for Discussion – None

Ms. Karen West, General Counsel, informed the Board that the District agreed to settle a lawsuit with USSI, a previous janitorial service. The settlement was for the full amount that was requested by the District.

Submit & File Reports – None

Routine Reports

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

46. May 2020 Litigation Report

47. May 2020 Rulemaking Update

Executive Director's Report

48. Executive Director's Report

Mr. Brian Armstrong, thanked the Board for continuing to fund the Polk Regional Water Cooperative. He stated there is continued cooperation to address the concerns in that region.

Chair's Report

49. Chair's Report

50. Employee Milestones

The meeting was adjourned at 10:46.

Chair



Attest:

Secretary

