



**GOVERNING BOARD MEETING
TUESDAY, MAY 24, 2022 – 9:00 AM
7601 US 301 NORTH, TAMPA, FL 33637
(813) 985-7481**

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., May 24, 2022, 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 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

Board Member Ashley Bell Barnett led the invocation and the Pledge of Allegiance.

1.3 Election of Governing Board Officers

Chair Rice provided an overview of his tenure as Chair including recent successes, ongoing activities, and future challenges.

Mr. Chris Tumminia, General Counsel, outlined the process for the election of officers.

Board Member Seth Weightman made a motion to nominate a slate of officers as follows: Chair, Joel Schleicher; Vice Chair, Ed Armstrong; Secretary, Michelle Williamson; and Treasurer, John Mitten. The motion was seconded and passed with nine in favor and one opposed.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated the following item was being removed and will be rescheduled. Ms. Rebecca Smith was unable to attend.

3.1 Recognition of Former Governing Board Member Rebecca Smith

Vice Chair Schleicher recognized PRMRWSA for their fiscal conservativeness related to Item 2.1.

Vice Chair Schleicher recognized staff for their prudence related to the review of cooperative funding items. He referenced Item 2.4

Vice Chair Schleicher requested the following items be moved to Discussion:

2.2 FARMS - Spanish Trails Farming and Land Company, LLC (H803), DeSoto County

2.9 Water Use Permit No. 20009492.007 - Bay Grove / T & T Environmental, LLC and Kimworth Investments, LLC (DeSoto County)

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis spoke regarding his concerns related to beach erosion at Honeymoon Island.

Consent Agenda

Finance/Outreach and Planning Committee

2.1 Hammock Creek Watershed Management Plan (Q013) - Budget Transfer

Staff recommended the Board approve the budget transfer of \$398,021.32 from PRMRWSA Regional Loop System – Phase 1 Interconnect Design and Construction (N416) CFI project to the Hammock Creek Watershed Management Plan (Q013) District-led CFI project.

Resource Management Committee

~~**2.2 FARMS - Spanish Trails Farming and Land Company, LLC (H803), DeSoto County**~~

~~Staff recommended the Board:~~

- ~~1. Approve the Spanish Trails Farming and Land Company, LLC project for a not-to-exceed project reimbursement of \$529,000 with \$529,000 provided by the~~

~~Governing Board:~~

- ~~2. Authorize the transfer of \$529,000 from fund 010 H017 Governing Board FARMS Fund to the H803 Spanish Trails Farming and Land Company, LLC project fund.~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

2.3 Approve the Haines City Watershed Management Plan Floodplain Information for Regulatory Use and to Update Flood Insurance Rate Maps in Polk County (N813)

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

2.4 Pasco County PHSC Berm/Boggy Creek Flood Protection Implementation Project (Q042)

Staff recommended the Board authorize staff to amend the project Cooperative Funding Agreement to eliminate the third-party review and reduce the total project budget to \$210,000 (District Share of \$105,000).

Operations, Lands and Resource Monitoring Committee

2.5 Assignment of Easement to the District, Green Swamp (GSE-3), SWF Parcel No. 10-200-1307P

Staff recommended the Board:

- Accept the donation of an Assignment of Easement.
- Authorize the Chairman of the Governing Board to execute the Assignment of Easement.
 - Authorize the Division Director or his assignee to acknowledge and sign the donation through use of IRS Form 8283.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

2.6 Sale of Easement to Pasco County at Cypress Creek Preserve for CR 54 Widening Project, SWF Parcel No. 13-500-404S

Staff recommended the Board:

- Accept the offer of \$39,950.00.
- Approve the Purchase/Sale Agreement and authorize the Executive Director to execute on behalf of the District
- Approve the Non-Exclusive Perpetual Easement and authorize the Chair and Secretary to execute on behalf of the District.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

2.7 Easement and Access for ROMP 34 Data Collection Site – SWF Parcel No. 21-020-024

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

2.8 Donation of Right of Way to Polk County - Marshall Hampton Reserve, SWF Parcel No. 20-503-265S

Staff recommended the Board:

- Approve the donation of right-of-way and authorize the Chair and Secretary to execute the Quit Claim Deed on behalf of the District.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Regulation Committee

- ~~2.9 Water Use Permit No. 20009492.007 – Bay Grove / T & T Environmental, LLC and Kimworth Investments, LLC (DeSoto County)~~
Staff recommended the Board approve the proposed permit attached as an exhibit.

General Counsel's Report

- 2.10 Approval of Settlement Agreement between SWFWMD and Holloway Park Foundation, Inc. - Unauthorized Construction Activities - CT No. 376309 - Polk 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.

- 2.11 Amended Corrected Deed of Conservation Easement for Horse Creek Mitigation Bank - ERP No. 43041539.000 - DeSoto County**

Staff recommended the Board approve, accept, and execute the attached Amended Corrected Deed of Conservation Easement for the Horse Creek Mitigation Bank.

- 2.12 Approval of Settlement Agreement Between SWFWMD and Arthur L. Schaer Revocable Trust - Unauthorized Construction - CT No. 383658 - 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.

Executive Director's Report

- 2.13 Approve Governing Board Minutes - April 26, 2022**

Staff recommended the Board approve minutes as presented.

Recognition of Former Governing Board Member

- ~~3.1 Recognition of Former Governing Board Member Rebecca Smith~~

~~Former Board Member Rebecca Smith was recognized for her service on the Governing Board.~~

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (00:23:33)

Finance/Outreach and Planning Committee

Treasurer Ed Armstrong called the Committee to order. (Audio – 00:24:22)

- 4.1 Consent Item(s) Moved to Discussion - None**

- 4.2 Fiscal Year 2020-21 Annual Comprehensive Financial Report**

Ms. Jane Lastinger, James Moore & Company, provided an overview of the annual independent audit for Fiscal Year 2020-21. She outlined the information in the Independent Auditor's Reports. Ms. Lastinger stated that a "pass" rating was received for her firm's latest peer review report. This is the highest rating that can be obtained. She summarized any changes that occurred in the District's General Fund, Florida Forever Capital Fund and Capital Project Fund. Ms. Lastinger provided a comparison table from FY2019 through FY2021 for specific fund balances. She provided information regarding the pensions and other post-employment benefits. Overall, the results were an unmodified opinion, a determination of no material weaknesses in controls and no recommendations for improvement.

Staff recommended the Board accept and place on file the District's Annual Comprehensive Financial Report, including a Single Audit pursuant to Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Examination Report for fiscal year-ending September 30, 2021.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:30:21)

4.3 Overview of Independent Auditing Services Selection Process

Ms. Amanda Rice, Assistant Executive Director, provided an overview of the ongoing Independent Auditing Services Selection process. This included the Florida Statute requirements, the selection committee obligations, the evaluation criteria, and ranking process for the Request for Proposal (RFP), negotiation methods and the timeline associated with the selection process.

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

4.4 Budget Transfer Report

Resource Management Committee

Board Member Seth Weightman called the meeting to order. (Audio – 00:35:47)

5.1 Consent Item(s) Moved to Discussion

2.2 FARMS - Spanish Trails Farming and Land Company, LLC (H803), DeSoto County

Vice Chair Joel Schleicher asked for Board Member Jack Bispham to provide his expertise to assist in discussion of this item.

Board Member Bispham explained that water consumption for sod farms is greater than farms that grow fruits or vegetables due to evapotranspiration.

Staff recommended the Board:

1. Approve the Spanish Trails Farming and Land Company, LLC project for a not-to-exceed project reimbursement of \$529,000 with \$529,000 provided by the Governing Board.
2. Authorize the transfer of \$529,000 from fund 010 H017 Governing Board FARMS Fund to the H803 Spanish Trails Farming and Land Company, LLC 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 – 00:38:15)

5.2 Fiscal Year 2023 Cooperative Funding Update

Mr. Scott Letasi, P.E., PMP, Engineering and Project Management Bureau Chief, provided an update of the FY2023 Cooperative Funding Initiative.

Mr. Jay Hoecker, PMP, Water Resources Bureau Chief, provided presentations for the Polk Regional Water Cooperative (PRWC) projects Q184, Q216, Q308 and Q309. He also provided a presentation for Tampa Bay Water project Q241.

Mr. Letasi provided presented information for flood protection projects Q190 and Q327. He stated that Q327 is a new CFI request. Mr. Letasi outlined the changes since the April subcommittee meetings. He stated that updated information has been provided to the Board Members.

Staff recommended the Board:

1. Approve budget transfer from H094 Polk Partnership for a total amount of \$8,090,782 to:
 - a. Q184 - Brackish - Polk Regional Water Cooperative Southeast Wellfield Implementation for \$2,359,987, and
 - b. Q216 - Interconnects - Polk Regional Water Cooperative Regional Transmission Southeast Phase 1 for \$3,438,487.
 - c. Q308 - Brackish - Polk Regional Water Cooperative West Polk Wellfield for \$1,064,308. d. Q309 - Brackish - Polk Regional Water Cooperative Test Production Well #2 West Polk Wellfield for \$1,228,000.
2. Approve staff recommendation to remove from funding consideration flood protection projects Q321, Q327, and Q328.
3. Approve staff recommendation to include AWS, 1A, and CFI ranked projects in the District's FY2023 RASB in the amount of \$43,953,559.
4. Approve staff recommendation to eliminate all Not Recommended projects from further funding consideration.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:59:29)

- 5.3 Existing Validated and New Proposed Wetland-Based Criteria for Minimum Wetland and Lake Level Development and an Update on the Ongoing Peer Review of the Criteria**
This item was for information. No action was required.

Operations, Lands and Resource Monitoring Committee

Board Member Jack Bispham called the Committee to order. (Audio – 1:01:18)

- 6.1 Consent Item(s) Moved to Discussion** - None

6.2 2022 Hurricane Preparedness

Mr. Tim Fallon, Emergency Coordinating Officer, presented the 2022 Hurricane Preparedness. He explained the role of District's Emergency Coordinating Officer and alternates. Mr. Fallon provided the 2022 Atlantic Basin Hurricane Forecast. The projections included 19 named storms, 9 hurricanes and 4 major hurricanes. He provided a recap of the 2021 storm season. Mr. Fallon outlined the primary responsibilities of the District during emergency operations. He stated the District is a member of the State Emergency Response Team (SERT). Mr. Fallon outlined the activities the District practices for emergency preparedness. Mr. Fallon informed the Board that the District is prepared for the hurricane season.

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

Regulation Committee

Vice Chair Joel Schleicher called the Committee to order. (Audio – 01:14:10)

- 7.1 Consent Item(s) Moved to Discussion**

2.9 Water Use Permit No. 20009492.007 - Bay Grove / T & T Environmental, LLC and Kimworth Investments, LLC (DeSoto County)

Vice Chair Joel Schleicher asked for Board Member Jack Bispham to provide his expertise to assist in discussion of this item.

Board Member Bispham reiterated that water consumption for sod farms is greater than farms that grow fruits or vegetables due to evapotranspiration.

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

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:16:17)

7.2 Denials Referred to the Governing Board

No denials were presented.

7.3 Spruce Creek Golf, LLC (WUP No. 20010923.002) Water Use Permit

Ms. April Breton, Water Use Permit Manager, presented information regarding overpumpage associated with the Spruce Creek Golf Course. She explained the process when identifying an overpumpage violation and the steps the District takes to work with the permit holder to resolve the issue. Ms. Breton outlined a timeline and the steps that have been and are currently being taken to assist Spruce Creek Golf Course to come into compliance.

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

7.4 Water Use Permit No. 20008836.015 - Sarasota County Utilities Consolidated Permit/Sarasota County BOCC (Sarasota and Manatee Counties)

Ms. April Breton, stated this is a modification of an existing water use permit for public supply. She stated this permit is partially located in the most impacted area of the Southern Water Use Caution Area (SWUCA) and outlined the special conditions associated with the permit.

Board Member Bispham asked if the minimum flows had been set for the Manatee River. Ms. Jennette Seachrist responded in the affirmative. And stated it is currently being met. This was incorrectly responded to and clarified under the Executive Director's Report. (See Item 10.1)

Vice Chair Schleicher asked what the water capacity is for the Carlton Water Treatment facility.

Mr. Mike Mylett, Sarasota County Utilities, responded that once the Carlton Water Treatment facility has completed rehabilitation the treatment capacity will be approximately 15 million gallons per day. He stated that it currently pumps between three and six million gallons as a peaking facility to offset supply from Manatee County and the Peace River Manasota Regional Water Supply Authority. Mr. Mylett responded to questions. He reassured the Board that Sarasota County will not have a deficit of drinking water if this permit is approved.

Staff recommended the Board approve the proposed permit as presented.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:28:58)

General Counsel's Report

8.1 Consent Item(s) Moved to Discussion - None

Committee/Liaison Reports

9.1 Environmental Advisory Committee

Board Member John Mitten provided a summary of the April 12 meeting. A written summary of the meeting was also provided.

9.2 Well Drillers Advisory Committee

Board Member Seth Weightman provided a summary of the April 6 meeting. A written summary of the meeting was also provided.

Executive Director's Report

10.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, clarified a response for item 7.4. He stated that Ms. Seachrist's response erroneously referenced the Myakka River not the Manatee River. The District has not set minimum flows and levels for the Manatee River.

Mr. Armstrong informed the Board that Colonel James Booth from the United States Army Corp of Engineers (ACOE) toured the Four River Basins projects. Commander Booth presented Lead Structure Controls Analyst Patrick Casey with a Commander's coin. This was done in recognition of the District's efforts for flood protection.

Mr. Armstrong thanked Chair Rice for his mentorship as Chair and his service to the Board.

Vice Chair Schleicher thanked the Board for electing him to serve as the next Chair. He thanked Chair Rice for his service.

Chair's Report

11.1 Chair's Report

Chair Rice expressed his appreciation for serving as Chair.

The next Board meeting is scheduled for June 21 at 9:00 a.m., in the Brooksville Office.

11.2 Employee Milestones

Chair Rice recognized staff members Gary Flood and Kelly Keck for their service to the District.

Adjournment

The meeting adjourned at 10:49 a.m.