

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

JUNE 26, 2018

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on June 26, 2018, at the Brooksville Office. The following persons were present:

Board Members Present

Jeffrey M. Adams, Chair
Ed Armstrong, Vice Chair
Bryan Beswick, Secretary
Michelle Williamson, Treasurer
H. Paul Senft, Member
Randall S. Maggard, Member
Kelly S. Rice, Member
John Henslick, Member
Mark Taylor, Member
Joel Schleicher, Member
Rebecca Smith, Ph.D., Member
James G. Murphy, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
John J. Campbell, Division Director
Ken L. Frink, Division Director
Alba E. Más, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director

Board Administrative Support

Cara Martin, Gov and Community Office Chief
Lori Manuel, Administrative Assistant

Board Members Absent

Michael A. Babb, Member

A list of others in attendance, who signed the attendance roster, is filed in the permanent records of the District. This meeting was available for viewing through Internet streaming. Approved minutes from previous meetings can be found on the District's website (www.WaterMatters.org).

PUBLIC HEARING (Audio – 00:00)

1. Call to Order

Chair Adams called the meeting to order and opened the public hearing. Secretary Beswick stated a quorum was present.

2. Invocation and Pledge of Allegiance

Chair Adams offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

Chair Adams introduced each member of the Governing Board. He noted that the Board meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Adams 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 fill out and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Adams 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.

3. Employee Recognition

Chair Adams recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff members were recognized: Gene Altman, David Carr, Steve DeSmith, Don Ellison, Susie Holton, Tim Major, Jim Marshall and Jeff Whealton.

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

4. Additions/Deletions to Agenda

Mr. Brian Armstrong, executive director, stated there were no changes to the agenda.

Board Member Schleicher requested that the following items be moved to Discussion:

6. Pinellas County - McKay Creek Water Quality Improvements Near Hickory Lane - Scope Change (N828)

13. Budget Transfer Refundable Deposit for Relocation

Chair Adams said there is 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 00:08:55)

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

Chair Adams noted at this time, the public is given an opportunity to comment on any topic not listed on the agenda.

Ms. Judy Zellmer, Friends of Weekiwachee Preserve, spoke in opposition of the Weekiwachee Preserve potential land swap with Hernando County.

Mr. Caleb Marion, Friends of Weekiwachee Preserve, spoke in opposition of the potential Weekiwachee Preserve land swap with Hernando County.

Mr. David Ballard Geddis, Jr., spoke in opposition of the use of reclaimed water. He also addressed the District vehicles fire and the potential sale of the Sarasota office.

CONSENT AGENDA

Chair Adams asked that before the Board considers action on the Consent Agenda whether there was anyone in the audience who wished to address the Board regarding an item listed on the Consent Agenda.

Resource Management Committee

6. Pinellas County - McKay Creek Water Quality Improvements Near Hickory Lane - Scope Change (N828)

Staff recommended the Board approve the revision to decrease the pollutant removal estimates from 6,301 lbs./yr. TSS and 157 lbs./yr. TN to 5,560 lbs./yr. TSS and 131 lbs./yr. TN for the McKay Creek water quality improvements near Hickory Lane project, which is the resource benefit in the cooperative agreement.

7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Correct Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000, and Table 8-3 Guidance Water Levels Adopted Prior to August 7, 2000

Staff recommended the Board initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to include the proposed changes to Tables 8-2 and 8-3, as shown in the Exhibit.

8. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Lakes Dosson and Sunshine in Hillsborough County (P256) Minimum levels

Staff recommended the Board:

- A. Accept the report entitled, "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Dosson and Sunshine Lakes in Hillsborough County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to include the proposed Minimum and Guidance Levels for Dosson and Sunshine Lakes in Hillsborough County, as shown in the Exhibit.

Finance/Outreach & Planning Committee

9. Lakes Appreciation Month

Staff recommended the Board approve and execute Resolution No. 18-07 declaring July 2018 as "Lakes Appreciation Month."

10. Independent Auditing Services

Staff recommended the Board:

- (1) Exercise the first renewal option within the current contract to amend the agreement to engage JMCO to perform the fiscal year 2017-18 auditing services; and
- (2) Authorize the Executive Director to enter into a contract with JMCO to perform the fiscal year 2017-18 auditing services.

11. Adopt Resolutions to Identify New Slate of Officers for Financial Documents

Staff recommended the Board:

- (1) Authorize the new slate of officers to apply their signatures to the required financial documents and;
- (2) Adopt Resolution No. 18-08 authorizing the signatures of the newly elected officers of the Governing Board of the District and the use of facsimile or manual signatures on all warrants or checks of the District.
- (3) Adopt the SunTrust Deposit Account Resolution and Authorization for Business Entities document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's deposit accounts.
- (4) Adopt the SunTrust Corporate Resolution document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's custody accounts.

12. Governing Board Travel – Annual Environmental Permitting Summer School

Staff recommended the Board approve Governing Board travel as presented.

13. Budget Transfer Refundable Deposit for Relocation

~~Staff recommended the Board approve the transfer of \$115,000 from the Sarasota Skylight Replacements project for the purpose of funding a refundable deposit and any ancillary due diligence costs to hold a property prior to Governing Board consideration of a lease or purchase and sale agreement.~~

14. Budget Transfer Report

Staff recommended the Board's approval of the Budget Transfer Report covering all budget transfers for May 2018.

Operations, Lands and Resource Monitoring Committee

15. Purchase and Sale Agreement – Central Florida Water Initiative (CFWI) Project. Lake Venus.

SWF Parcel No. 20-020-131

Staff recommended the Board:

- Accept the valuation appraisal;
- Accept the Easement and any future Easements associated with right-of-way vacation;
- Approve the Purchase/Sale Agreement and authorize the Executive Director or Division Director to sign on behalf of the District;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

16. Purchase and Sale Agreement – Central Florida Water Initiative (CFWI) Project, Lake Aurora, SWF Parcel No. 20-020-129

Staff recommended the Board:

- Accept the valuation appraisal;
- Accept the easement;
- Approve the purchase/sale agreement and authorize the Executive Director or Division Director to sign on behalf of the District;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

17. Offer of Surplus Land – Weekiwachee Preserve (WW-6), SWF Parcel No. 15-773-233S

Staff recommended the Board:

- Accept the offer of \$57,000;
- Authorize the Executive Director to execute the Contract for Sale and Purchase on behalf of the District;
- Approve the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in, 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.

18. Panasoffkee Outlet Cattle Lease, SWF Parcel No. 19-441-112X, Award for the Request for Offers (RFO) 18-02

Staff recommended the Board approve the award of the Panasoffkee Outlet Cattle Lease to Daniel Moen and authorize the Chairman to execute the lease on behalf of the District.

Regulation Committee

19. Individual Water Use Permits Referred to the Governing Board – None

General Counsel's Report

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

a. Interagency Agreement between SWFWMD and SFWMN – Designation of Regulatory Responsibility – WUP – Grenelefe Golf and Tennis Club – Grenelefe Resort Utility, Inc. – Polk County

Staff recommended the Board approve the Interagency Agreement Between the Southwest Florida Water Management District and the South Florida Water Management District for Designation of Regulatory Responsibility for a WUP for Grenelefe Resort Utility, Inc. for the above-described Project.

b. Amendment to Conservation Easement for Hilochee Mitigation Bank – ERP No. 43042047.000 – Polk County

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

21. Rulemaking

a. Initiation and Approval of Rulemaking to Amend Rule 40D-3.037(5), F.A.C., to Revise

Form LEG-R.003.02, Application for a Water Well Contractor's License

Staff recommended the Board approve final rule language and authorize the initiation of rulemaking to amend Rule 40D-3.037(5), to revise section "C" of Form No. LEG-R.003.02 (9/14), The application for water well contractor's license, to make the application consistent with Section 373.323(3)(b)1, F.S., and authorize staff to make any necessary minor clarifying technical changes that may result from the rulemaking process.

Executive Director's Report

22. Approve Governing Board Meeting Minutes – May 22, 2018

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (Audio 00:18:00)

Chair Adams relinquished the gavel to the Resource Management Committee Chair Rice, who called the meeting to order. (Audio 00:18:32)

Resource Management Committee

Discussion

23. Consent Item(s) Moved for Discussion

6. Pinellas County - McKay Creek Water Quality Improvements Near Hickory Lane - Scope Change (N828)

Board Member Schleicher stated concern for modifications for the funding of projects that have been approved previously by the Board.

Ms. Jennette Seachrist, Resource Management director, stated when projects are approved for cooperative funding they are in a conceptual stage. She explained that additional geotechnical work was done on this project and it was determined the stormwater pond would have to be smaller than originally proposed. Ms. Seachrist stated that staff works with the cooperators based on the information that is available but as the project is implemented, changes can occur.

Ms. Seachrist explained the District has cost effectiveness metrics that are used in reviewing projects. There is no change in the ranking of this project because the new costs are still within the acceptable cost effectiveness range.

Staff recommended the Board approve the revision to decrease the pollutant removal estimates from 6,301 lbs./yr. TSS and 157 lbs./yr. TN to 5,560 lbs./yr. TSS and 131 lbs./yr. TN for the McKay Creek water quality improvements near Hickory Lane project, which is the resource benefit in the cooperative agreement.

A motion was made and seconded to approve the staff recommendation. The motion carried with 11 in favor and 1 opposed. (Audio 00:28:33)

24. Withlacoochee River Watershed Initiative

Dr. Mark Fulkerson, Ph.D., P.E., senior professional engineer, provided a presentation on the Withlacoochee River Watershed Initiative. Dr. Fulkerson provided information regarding the comprehensive modeling and analyses being conducted in response to decades of citizen concerns. He provided a history of the Withlacoochee River and watershed area. Dr. Fulkerson explained that the Withlacoochee River has historically experienced extreme high and low conditions. He explained because of these natural fluctuations, portions of the river and its surrounding watershed have been altered over the past 130 years in efforts to transform its natural function into one that benefited navigation, industry and private needs.

Dr. Fulkerson explained that staff has met with stakeholders and residents to listen to concerns and gather historical information. The District has historical reports and descriptions of the river

that date back to the mid-1800s. This includes the 1960s Four River Basins study and well as more recent working groups and initiatives in the 1990s and early 2000s.

Dr. Fulkerson outlined the information that was used to develop a comprehensive model for the Withlacoochee watershed. This included a baseline of existing conditions that could be directly compared to historical or future changes by adjusting the physical attributes of the model. Dr. Fulkerson stated that 22 model scenarios were simulated with the watershed model. He outlined the results associated with these model scenarios and improvements that have been made.

Committee Chair Rice stated he received four Request to Speak cards.

Mr. Richard Fraker stated he was unaware of the model that Dr. Fulkerson referenced. Dr. Fulkerson agreed to provide Mr. Fraker the appropriate information. Mr. Fraker expressed his concerns of the Withlacoochee watershed.

Mr. Bruce Cavall expressed concern for the Green Swamp/Withlacoochee River.

Mr. Kenneth Graham expressed concern for the Green Swamp/Withlacoochee River.

Mr. Chester Bradshaw spoke regarding the Withlacoochee watershed and provided a signed petition from the citizens of Hernando County.

This item was for the Board's information only, 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.

25. Minimum Flows and Levels Status Report

26. Significant Water Resource and Development Projects

Committee Chair Rice relinquished the gavel to the Finance/Outreach and Planning Committee Chair Williamson, who called the meeting to order. (Audio: 00:1:33:40)

Finance/Outreach and Planning Committee

Discussion

27. Consent Item(s) Moved for Discussion

13. Budget Transfer Refundable Deposit for Relocation

Board Member Schleicher spoke in opposition regarding the process of approving funds for a refundable deposit for a new Sarasota office location.

Ms. Amanda Rice, assistant executive director, explained the three options that were proposed. These options included leasing, building or buying an existing property. She explained staff examined 16 options to lease and 15 options to purchase. The budget transfer would allow for a refundable deposit on a sale or lease property. Ms. Rice explained the deposit would be used for a thorough inspection, appraisals and environmental analysis, if a property is identified.

Staff recommended the Board approve the transfer of \$115,000 from the Sarasota skylight replacements project for funding a refundable deposit and any ancillary due diligence costs to hold a property prior to Governing Board consideration of a lease or purchase and sale agreement.

A motion was made and seconded to approve the staff recommendation. The motion carried with ten in favor and two opposed. (Audio 01:40:13)

28. Fiscal Year (FY) 2019 Recommended Annual Service Budget

Mr. John Campbell, Management Services director, provided a presentation on the FY2019 Recommended Annual Service Budget (RASB). The presentation included a budget development calendar, expenditure goals and outcomes, a chart depicting the number of full time employees from 2010 through 2019 and a list of expenditures by category.

Ms. Seachrist, Resource Management director, provided an overview of the Resource Management Division proposed FY2019 budget. She stated the overall budget has decreased by 12 percent. Ms. Seachrist stated there are 97 budgeted positions in the Resource Management Division.

Mr. Ken Frink, Operations, Lands and Resource Monitoring director, provided an overview of the Operations, Lands and Resource Monitoring Division proposed FY2019 budget. He stated that although the budget has increased by nine percent, the operating expenses have decreased by two percent. Mr. Frink stated that a staff position is being transferred to Regulation and another staff position is being transferred to Management Services.

Ms. Alba Más, Regulation director, provided an overview of the Regulation Division proposed FY2019 budget. She stated the budget has increased by three percent. The increase is associated to the Dover/Plant City area meter reading devices and flow meters. She provided a chart that outlined permits received per review engineer for 2006 through 2017. Ms. Más explained that in 2017 the District issued more permits than at the peak of the 2006 economy with less than half the staff. She stated that two additional staff will be added to assist with management of the workload.

Mr. Michael Molligan, Employee and External Relations director, provided an overview of the Employee and External Relations Division proposed FY2019 budget. He stated the budget has decreased by six percent. Mr. Molligan stated a large portion of the savings in the budget is credited to the self-funded medical program.

Mr. Campbell provided an overview of the Management Services Division proposed FY2019 budget. He stated the budget has increased approximately ten percent. This is due to the e-Permitting project. However, this is offset by a reduction in security services due to enhanced security systems.

Mr. Campbell provided an overview of the budget allocation by program area and area of responsibility.

Board Member Schleicher expressed his opinion for District operating costs and the use of technology to offset some of these costs. He stated he would like the District to consider a zero-based budgeting approach. Board Member Schleicher expressed concern for the travel expense budget and District maintaining a cash reserve.

Board Member Taylor asked for a budget workshop to be scheduled. Committee Chair Williamson directed staff to plan for a budget workshop in September.

Staff recommended the Board authorize staff to prepare the standard format Tentative Budget Submission for FY2019 based on the recommended budget as presented, adjusted for any modifications made by the Governing Board on June 26, changes in estimated ad valorem revenue based on the July 1 certifications of taxable value and any additional funding provided by the state.

A motion was made and seconded to approve the staff recommendation. The motion carried with 11 in favor and one opposed. (Audio 02:38:30)

Submit & File Reports

- 29. Payroll (Overtime) Budgeting
- 30. Travel Procedure Review

Routine Reports

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

- 31. Treasurer's Report and Payment Register
- 32. Monthly Financial Statement
- 33. Monthly Cash Balances by Fiscal Year
- 34. Comprehensive Plan Amendment and Related Reviews Report
- 35. Development of Regional Impact Activity Report

Committee Chair Williamson relinquished the gavel to the Operations, Lands & Resource Monitoring Committee Chair Maggard, who called the meeting to order. (Audio: 02:39:05)

Operations, Lands & Resource Monitoring Committee

Discussion

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

Submit & File Reports

- 37. Hydrologic Conditions Report

Routine Reports

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

- 38. Surplus Lands Update
- 39. Structure Operations
- 40. Significant Activities

Committee Chair Maggard relinquished the gavel to the Regulation Committee Chair Taylor, who called the meeting to order. (Audio: 02:39:32)

Regulation Committee

Discussion

- 41. Consent Item(s) Moved for Discussion - None
- 42. 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.

- 43. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update
- 44. Overpumpage Report
- 45. Individual Permits Issued by District Staff

Committee Chair Taylor relinquished the gavel to the Chair Adams. (Audio 02:39:57)

General Counsel's Report

Discussion

- 46. Consent Item(s) Moved for Discussion – None

Ms. Karen West, General Counsel, provided an update on the seven petitions that were received regarding the modification of renewal of the Peace River Manasota Water Supply Authority (PRMWSA) water use permit. The petitions have been referred to the Division of Administrative Hearings (DOAH).

47. Revision to Board Policy 160-4, Legal – Delegation of Authority to General Counsel for Certain Administrative Hearing Matters

Ms. Karen West, general counsel, explained this is a proposed revision to the existing Board Policy 160-4 to request the Governing Board to delegate authority to general counsel for certain administrative hearing matters. Ms. West stated this would allow the general counsel to dismiss with prejudice certain petitions that cannot be cured when it is clear the petition cannot be rectified.

Staff recommended the Board approve the proposed revision to Board Policy 160-4, Legal – Delegation of Authority to General Counsel for Certain Administrative Hearing Matters authorizing the General Counsel to enter a final order dismissing a petition for administrative hearing with prejudice if it conclusively appears from the face of the petition that a defect cannot be cured.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio 02:41:16)

Submit & File Reports – None

Routine Reports

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

48. June 2018 – Litigation Report

49. June 2018 – Rulemaking Update

Committee/Liaison Reports

50. Agricultural and Green Industry Advisory Committees

Board Member Rice provided an update on the June 7 advisory committee meeting. He stated there was a recommendation for the Governing Board to continue to support funding for 75 percent of the costs for the Facilitating Agricultural Resource Management Systems (FARMS) projects. He indicated a letter would be presented to the Board in the coming weeks.

51. Committee/Liaison Reports

Executive Director's Report

52. Executive Director's Report

Mr. Brian Armstrong, executive director, commented on the petitions received for the PMRWSA. He stated the District is obligated to identify future water supplies for all citizens. He assured the Board that the District will continue to work cooperatively with all agencies to accomplish this.

Mr. Armstrong spoke to the board regarding the hiring of inspector general (IG) position. He provided the Board with the Board Policy and a timeline for the recruitment process. He outlined three options: 1) the Board could appoint a candidate; 2) the Board could participate in the hiring process, and 3) the Board could approve the executive director and staff to begin the process and present the final selection to the Board for approval.

Board Member Henslick made a motion to allow the executive director and staff to begin the recruitment process. Board Member Schleicher proposed a fourth option that would allow for the creation of a committee, with select board members, to be involved in the recruitment process. Board Member Williamson asked if that would require the recruitment process to be presented in the Sunshine. Ms. Karen West responded in the affirmative. Board Member Williamson commented that this may make some applicants uncomfortable.

Board Member Senft asked that the job description also include the appropriate documenting of reports done by this position. Mr. Armstrong responded there are two policies that dictate how, when and to whom reports are to be provided. He stated that he and Ms. West will be providing suggestions to the current policies to assist in clarification. Board Member Williamson asked that there be a presentation to the Board once these policies are finalized.

Board Member Smith stated that consideration should be given to the development of a committee that will allow the future IG to present information prior to presenting to the full Board. Chair Adams asked Ms. West to provide some historical and legal background regarding this suggestion from Board Member Smith.

A motion was made to allow the executive director and staff to begin the IG recruitment process and selection. The final candidate will be presented to the Board for final approval. The motion passed with ten in favor and one opposed. (Video: 02:45:26/2:53:18)

Mr. Armstrong reminded the Board they should have received a draft copy of the District's response to the Auditor General's findings. He asked for the Board's approval to finalize the letter for the Chair's signature. The Board voiced their unanimous approval. (Video: 02:53:53)

Mr. Armstrong recognized staff member Asmita Shukla, lead hydrologic data analyst, for being nationally recognized as one of 13 engineers by the American Society of Agricultural and Biological Engineers. In addition, she was presented the award for outstanding young engineer in the state of Florida.

Mr. Armstrong recognized Ms. Alba Más, Regulation director, and the Regulation Division for completing the Sterling/Baldrige Criteria Explorer Assessment.

Mr. Armstrong recognized Ms. Michelle Maxey, Regulatory Support Bureau chief, for receiving the Florida Sterling Council Examiner Excellence Award, which is given annually to one examiner who has demonstrated extraordinary service to the Florida Sterling Council and the Examiner Corps.

Chair's Report

53. Chair's Report

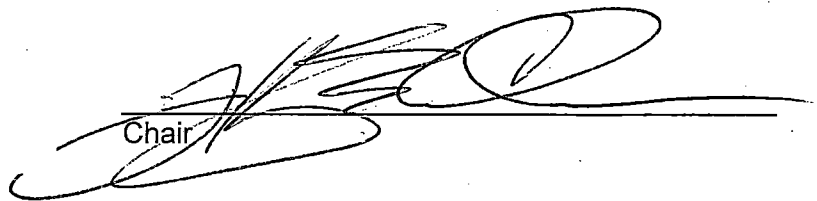
54. Other

55. Employee Milestones

The next Board meetings are scheduled for July 24 in Clearwater at Tampa Bay Water, August 28 and September 25 in the Tampa Office.

The meeting was adjourned at 12:03 p.m.

Attest:

Chair 


Secretary