



**GOVERNING BOARD MEETING
TUESDAY, AUGUST 23, 2022 – 9:00 AM
2379 BROAD STREET, BROOKSVILLE, FLORIDA 34601
(352) 796-7211**

MINUTES

Board Members Present

Joel Schleicher, Chair*
Ed Armstrong, Vice Chair
Michelle Williamson, Secretary*
John Mitten, Treasurer
Kelly Rice, Former Chair
Jack Bispham, Member
Ashley Bell Barnett, Member
William Hogarth, Member*
John E. Hall, Member

Board Members Absent

Seth Weightman, Member

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
Brandon Baldwin, Division Director

Board Administrative Support

Virginia Singer, Board & Executive Services Manager
Lori Manuel, Administrative Coordinator

*attended via electronic media

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., August 23, 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

Vice Chair Ed Armstrong 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. Vice Chair Armstrong 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. Vice Chair Armstrong 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.

Vice Chair Armstrong 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

Treasurer John Mitten offered the invocation and led the Pledge of Allegiance.

1.3 Employee Recognition

Vice Chair Armstrong recognized staff who have reached at least 20 years of service. The following staff were recognized: Mike Ames, Melisa Lowe, and Catherine Wolden.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated there were not additions or deletions to the agenda.

Chair Joel Schleicher requested the following items be moved from Consent to Discussion:

Resource Management Committee

2.4 FARMS – Sizemore Group Automation (H807), Hillsborough County

2.5 FARMS – Varner Group (H810), DeSoto County

2.6 FARMS – Hernandez Farm, LLC (H811), Hillsborough County

Vice Chair Armstrong stated there was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis spoke against the use of reclaimed water.

CONSENT AGENDA

Finance/Outreach and Planning Committee

2.1 Authorization to Dispose of Equipment

Staff recommended the Board approve the disposition of the Challenger MT545B tractor (unit 2092) and New Holland TS6.125 tractor (unit 2119) through the auction process.

2.2 Building Access System Budget Transfer

Staff recommended the Board approve the budget transfer of \$161,004.97 from lapsed projects funds for the Tampa Space Utilization (C392) project to the Building Access System replacement project (C221).

2.3 Fuels and Lubricants Budget Transfer

Staff recommended the Board approve the budget transfer of \$125,000 from Facility Services Maintenance and Repair of Buildings (4602) to Fleet Services Fuels and Lubricants (5212).

Resource Management Committee

~~2.4 FARMS – Sizemore Group Automation (H807), Hillsborough County~~

~~Staff recommended the Board:~~

- ~~1. Approve the Sizemore Group Automation project for a not-to-exceed project reimbursement of \$182,857 with \$182,857 provided by the Governing Board.~~
- ~~2. Authorize the transfer of \$182,857 from fund 010 H017 Governing Board FARMS Fund to the H807 Sizemore Group Automation project fund.~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

2.5 FARMS – Varner Group (H810), DeSoto County

Staff recommended the Board:

- ~~1. Approve the Varner Group project for a not-to-exceed project reimbursement of \$212,000 with \$212,000 provided by the Governing Board.~~
- ~~2. Authorize the transfer of \$212,000 from fund 010 H017 Governing Board FARMS Fund to the H810 Varner Group project fund.~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

2.6 FARMS – Hernandez Farm, LLC (H811), Hillsborough County

Staff recommended the Board:

- ~~1. Approve the Hernandez Farm, LLC project for a not-to-exceed project reimbursement of \$203,343 with \$203,343 provided by the Governing Board.~~
- ~~2. Authorize the transfer of \$203,343 from fund 010 H017 Governing Board FARMS Fund to the H811 Hernandez Farm, LLC project fund.~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

2.7 City of Bradenton Aquifer Protection Recharge Well – Third-Party Review (N842)

Staff recommended the Board authorize staff to terminate the agreement without further payment obligation beyond the TPR task and approve a not-to-exceed District funding amount of \$141,695.50.

2.8 Board Encumbrance of the Wysong Water Control Structure Refurbishment (C677) Construction Funds

Staff recommended the Board approve the encumbrance of \$4,000,000 of FY2022 funds for the Wysong Water Control Structure Refurbishment (C677) project to carry forward into FY2023 for future year planned expenditures.

2.9 First Right of Refusal - Costine Conservation Easement SWF Parcel No. 10-200-1224C

Staff recommended the Board:

1. Approve declining the right of first refusal to purchase the remainder fee simple interest for SWF Parcel No. 10-200-1224C that is subject to a District conservation easement; and
2. Authorize the Executive Director to execute the necessary documents to decline the first right of refusal on SWF Parcel 10-200-1224C.

2.10 Purchase and Sale to FDOT for widening of SR93A (I-75) over the Tampa Bypass Canal SWF Parcel No. 13-004-320

Staff recommended the Board:

1. Determine the property identified is no longer required for District purposes.
2. Approve the Purchase Agreement and authorize the Executive Director to sign on the behalf of the District.
3. Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed.
4. Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

2.11 Modification of Easement for Deer Prairie Creek SWF Parcel No. 21-708-137P

Staff recommended the Board:

1. Approve and accept the Sovereignty Submerged Lands Easement Modification from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.
2. Authorize the Governing Board Chair to execute the Easement on behalf of the District.

2.12 Hampton Tract Resident Security Lease SWF Parcel No. 10-200-1309X

Staff recommended the Board approve, accept, and authorize the Governing Board Chair to sign the Lease Agreement for Green Swamp – Hampton Tract – SWF Parcel No. 10-200-1309X on behalf of the District.

2.13 Partial Release of Conservation Easement – Application No. 835260 – Avalon Park Boulevard Extension – Pasco County

Staff recommended the Board approve, accept, and execute the attached Partial Release of Conservation Easement and Quit Claim Deed for the Avalon Park Boulevard Expansion project.

2.14 Approve Calendar for Fiscal Year 2023 Meeting Dates

Staff recommended the Board approve Fiscal Year 2023 meeting dates as presented.

2.15 Approve Governing Board Minutes - July 26, 2022

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (00:11:53)

Finance/Outreach and Planning Committee

Treasurer John Mitten called the committee to order. (Audio – 00:12:40)

3.1 Consent Item(s) Moved to Discussion - None

3.2 Selection of Independent Auditing Services Firm

Ms. Amanda Rice, Assistant Executive Director, presented information for the Independent Auditing Services Committee recommendation for selection. She explained the committee's selection process. Ms. Rice outlined the qualification-based ranking and best and final offers received from the three top-ranked firms.

Vice Chair Armstrong stated that the District is required to select a firm using a method where compensation is not the sole or predominant factor, and where the agreed-upon compensation is reasonable to satisfy the statutory requirements for these independent audits. He stated that James Moore & Company was selected because they were the top-ranked firm based on qualifications, their proposal includes the highest number of proposed service hours, and their price proposal represents a good value for the District.

Ms. Rice stated that based on the terms and conditions in the Request for Proposals, the contract will have a term of one year with four renewal options that can be exercised by the Board. Board policy limits the continuous period that a firm can provide these services to ten years. James Moore & Company has provided these services for the last five years, so they are eligible to continue in this role through the contract term and all potential renewal years but will not be eligible during our next selection process.

Staff recommended the Board:

1. Select James Moore & Co. to provide independent auditing services as recommended by Vice-Chair Armstrong.
2. Authorize staff to execute a contract and a letter of engagement consistent with the terms and conditions of the Request for Proposals and the presented costs and level of effort.
3. Dissolve the Ad Hoc Audit Committee.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:15:26)

3.3 Budget Transfer Report

Resource Management Committee

Board Member Ashley Bell Barnett called the Committee to order. (Audio – 00:17:37)

4.1 Consent Item(s) Moved to Discussion

2.4 FARMS – Sizemore Group Automation (H807), Hillsborough County

Chair Schleicher requested this item be moved to consent to facilitate a vote.

Staff recommended the Board:

1. Approve the Sizemore Group Automation project for a not-to-exceed project reimbursement of \$182,857 with \$182,857 provided by the Governing Board.'
2. Authorize the transfer of \$182,857 from fund 010 H017 Governing Board FARMS Fund to the H807 Sizemore Group Automation 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 with eight in favor and one opposed. Chair Schleicher voted in opposition due to the District's 75 percent cost share associated with this project percent. (Audio - 00:18:20)

2.5 FARMS – Varner Group (H810), DeSoto County

Chair Schleicher requested this item be moved to consent to facilitate a vote.

Staff recommended the Board:

1. Approve the Varner Group project for a not-to-exceed project reimbursement of \$212,000 with \$212,000 provided by the Governing Board.
2. Authorize the transfer of \$212,000 from fund 010 H017 Governing Board FARMS Fund to the H810 Varner Group 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 with eight in favor and one opposed. Chair Schleicher voted in opposition due to the District's 72 percent cost share associated with this project percent. (Audio - 00:18:20)

2.6 FARMS – Hernandez Farm, LLC (H811), Hillsborough County

Chair Schleicher requested this item be moved to consent to facilitate a vote.

Staff recommended the Board:

1. Approve the Hernandez Farm, LLC project for a not-to-exceed project reimbursement of

\$203,343 with \$203,343 provided by the Governing Board.

2. Authorize the transfer of \$203,343 from fund 010 H017 Governing Board FARMS Fund to the H811 Hernandez Farm, 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 with eight in favor and one opposed. Chair Schleicher voted in opposition due to the District's 75 percent cost share associated with this project percent. (Audio - 00:18:20)

4.2 South Hillsborough Aquifer Recharge Program (SHARP) Phase 2 (N855) – RW-2 IPE

Mr. Jay Hoecker, Water Resources Bureau Chief, presented an overview of the Independent Performance Evaluation (IPE) for Phase 2 of the SHARP. He explained the benefits of this program and explained Phase 2 is to expand the use of reclaimed water to recharge non-potable portions of the Upper Floridan aquifer, which will improve aquifer water level conditions in the Most Impacted Area of the Southern Water Use Caution Area (SWUCA). Mr. Hoecker provided historical information associated with this program and a summary of each of the three phases.

Mr. Hoecker reminded that Board that as stated in the March meeting minutes "Hillsborough County said it intends to move forward with construction on Phase 3 prior to an executed agreement with the District. Ms. Seachrist had informed Hillsborough County that District staff would not recommend funding for any Phase 3 construction done prior to an executed agreement with the District". He stated that funds for Phase 3 are currently included in the tentative FY2023 budget that have been submitted to the Florida Department of environmental Protection (FDEP).

Treasurer Schleicher asked if Hillsborough County had begun Phase 3. Mr. Jeff Greenwell, Hillsborough County, responded in the affirmative. He stated that due to statute mandates and supply chain concerns the County decided to proceed. Mr. Greenwell outlined the County's justification for not following the outlined Cooperative Funding Initiative process.

Mr. Chris Tumminia explained the statute mandates Mr. Greenwell referenced are associated with Senate Bill (SB) 64. The statute requires the utility to eliminate non-beneficial reclaimed water discharge and must come into compliance by January 1, 2032.

Mr. Brian Armstrong, Executive Director, explained the repayment provision to the District if cooperators are unable to provide a measurable benefit from a cooperative funded project.

Chair Schleicher asked if Hillsborough County plans to proceed with Phase 3 if cooperative funding is not approved. Mr. Greenwell responded in the affirmative.

Treasurer Mitten suggested that it might be beneficial for staff evaluate the CFI process as related to potential impacts from SB64.

Secretary Michelle Williamson asked if there were any permitting constraints from the Florida Department of Environmental Protection that may have impacted this project. Mr. Greenwell responded that SB64 was the primary driver. Ms. Jennette Seachrist, Resource Management Division Director, provided historical information regarding the phases.

Staff recommended the Board:

1. Approve the IPE results for the SHARP Phase 2 RW-2 well site and authorize staff to proceed with leading the IPE on the RW-4 well site that will include an evaluation of the need for additional monitoring wells for SHARP Phase 2 with the County responsible for 100% of the cost.
2. Approve including the SHARP Phase 3 (Q088) funding (\$1,250,000) in the FY2023 budget.

A motion was made and seconded to 1) Approve the IPE results for the SHARP Phase 2 RW-2 well site and authorize staff to proceed with leading the IPE on the RW-4 well site that will include an evaluation of the need for additional monitoring wells for SHARP Phase 2 with the County responsible for 100% of the cost. 2) Remove FY2023 funding and prior funding from the District's budget for SHARP Phase 3 (Q088) funding (\$1,250,000). The motion passed with seven in favor and two opposed. (Audio – 01:03:00)

4.3 Pasco County Sea Pines Neighborhood Flood Abatement – Third-Party Review (N850)

Mr. Scott Letasi, Engineering and Project Management Bureau Chief, presented information that included a summary of the Third-Party Review (TPR) process and an overview of the Sea Pines flood abatement project. He also outlined the benefits associated with this project, the conclusion of the TPR and the changes that have occurred with this project.

Staff recommended the Board authorize continuation of the project and approve amending the Cooperative Funding Agreement to include a total project cost of \$7,040,318 with the District's share of \$1,650,000 for TPR, design, permitting and construction of the Sea Pines Neighborhood Flood Abatement project (N850).

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:18:35)

4.4 Lower Peninsula Stormwater Improvements - Third-Party Review (Q190)

Mr. Scott Letasi, Engineering and Project Management Bureau Chief, presented an overview of the Lower Peninsula stormwater improvements project. He also outlined the benefits associated with this project, the conclusion of the TPR and the changes that have occurred with this project.

Board Member Kelly Rice asked if the proposed changes to the FY2024 Cooperative Funding Initiative (CFI) Process regarding cost increases should be implemented for ongoing projects. Ms. Jennette Seachrist responded that it could be addressed in the Executive Director CFI procedure. Mr. Armstrong further clarified that moving forward staff will not recommend sharing in any cost increases associated with ongoing CFI projects. This will be included in the Executive Director CFI procedure. The cooperator will always have the opportunity to fill out a blue card if they would like to address the board regarding a project.

Staff recommended the Board authorize continuation of the project and approve amending the Cooperative Funding Agreement to include a total project cost of \$46,144,634 with the District's share of \$12,500,000 for third-party review, design, permitting and construction of the Lower Peninsula Stormwater Improvements project (Q190).

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:29:02)

4.5 Lower Hillsborough River Recovery Strategy Implementation – Annual Update

This was for information only. No action was required.

4.6 Minimum Flows and Minimum Water Levels Priority List and Schedule Update

This was for information only. No action was required.

Operations, Lands and Resource Monitoring Committee

Board Member Jack Bispham called the Committee to order. (Audio – 01:29:57)

5.1 Consent Item(s) Moved to Discussion - None

5.2 Overview of Land Management Plan Updates

Mr. Chris Reed, Land Management Manager, presented an overview of land management plan updates. He stated the District owns 454,000 acres of conservation land and manages approximately 263,000 of those acres. Mr. Reed outlined the statute and District policy that governs the management of conservation properties. He explained District management plans and the update process for them. Mr. Reed provided a five-year schedule of management plan updates. He outlined five management plans that will be presented at the September Board meeting.

This was for information only. No action was required.

5.3 Hydrologic Conditions Report

Ms. Tamera McBride, Hydrologic Data Manager, presented the hydrologic conditions report. She stated that July was a very dry month for many parts of the District. This was as a result of the Saharan air layer. Ms. McBride stated that the average temperature for the month of July was the hottest month on record since 1890. She stated that groundwater levels throughout the District have declined. Tampa Bay and Polk Upland Lakes remain in the normal range but the Northern and Lake Wales Ridge Lakes continue to remain in the below normal range. Ms. McBride stated that while the Withlacoochee River remains in the normal range, the Hillsborough, Alafia, and Peace Rivers have dropped into the below normal range. She stated that public supply storage within the District remains at substantial levels. Ms. McBride presented the near-term and extended climate forecasts.

This was for information only. No action was required.

Regulation Committee

Board Member John Hall called the Committee to order. (Audio – 01:47:50)

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 – None

7.2 Knowledge Management: Governing Board Policy Update – Legal Counsel Roles, Responsibilities, and Reporting Authority

Mr. Chris Tumminia, Esq., General Counsel, presented a summary of the Governing Board Policy outlining Legal Counsel Roles, Responsibilities, and Reporting Authority policy and outlined proposed changes to the policy.

This was for information only. No action was required.

Committee/Liaison Reports

8.1 Environmental Advisory Committee

A written summary of the July 12 meeting was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, stated the Communications and Government & Community Affairs staff earned two state awards from the Florida Public Relations Association this month for the District's Florida Water Star outreach efforts and the Weeki Wachee campaign. In total, 13 awards have been received this year for the Weeki Wachee campaign and Florida Water Star outreach efforts.

Mr. Armstrong recognized Mr. Chris Tumminia for becoming Board Certified in State and Federal Administrative Law by the Florida Bar.

Mr. Armstrong reminded the Board of the Horse Creek Ranch conservation easement that was approved at the July Board meeting. He stated that the Florida Cabinet approved the purchase of the remaining 12,000 acres of that conservation easement. This conservation easement will cover approximately 16,000 acres within the Horse Creek Ranch Florida Forever Project.

Chair's Report

10.1 Chair's Report

Vice Chair Armstrong stated the FY2023 Tentative Budget hearing is scheduled for 5:01 p.m., on Tuesday, September 6 at the Tampa Service Office. The next regular Governing Board meeting is scheduled for 3:00 p.m., on Tuesday, September 20 at the Tampa Service Office. And the Final FY2024 Budget Hearing is scheduled for 5:01 p.m., on Tuesday, September 20 at the Tampa Service Office.

10.2 Employee Milestones

ADJOURNMENT

The meeting adjourned at 10:56 a.m.