



**GOVERNING BOARD MEETING
TUESDAY, AUGUST 27, 2024 – 9:00 AM
2379 BROAD STREET, BROOKSVILLE, FL 34604-6899
(352) 796-7211**

MINUTES

Board Members Present

Michelle Williamson, Chair
John Mitten, Vice Chair
Jack Bispham, Secretary
Ashley Bell Barnett, Treasurer
Ed Armstrong, Member
Kelly Rice, Member
Joel Schleicher, Member
John Hall, Member
Dustin Rowland, Member
James Holton, Member
Robert Stern, Member
Nancy H. Watkins, 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
Brandon Baldwin, Division Director
Michelle Weaver, Division Director

Board Administrative Support

Virginia Singer, Manager
Lori Manuel, 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., August 27, at the Brooksville Office at 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

Chair Michelle Williamson called the meeting to order. She noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Chair Williamson 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. She 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. Chair Williamson also requested that several individuals wishing to speak on the same topic designate a spokesperson. She 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 Robert Stern offered the invocation and the Pledge of Allegiance.

1.3 Employee Recognition

Chair Williamson recognized Ms. Deborah Ammendola for 40 years of service, Mr. Brian Armstrong for 25 years of service and Carole Estes for 20 years of service.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated that Governing Board Member Joel Schleicher requested the following item be added to Discussion:

Discussion

General Counsel's Report

7.3 Governance

Mr. Armstrong state there was a change to the exhibit for Item 2.10 on the Consent agenda. The November 19 Governing Board workshop in Tampa was changed to December 17.

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

Resource Management Committee

2.3 FARMS – Berry Red Farms, LLC (H825), Manatee County

2.4 FARMS – FD Berries USA LLC – Twitty Road South (H826), Highlands County

2.5 FARMS – Cameron Dakin – Dairy Heifer Farm (H827) Manatee County

Secretary Jack Bispham requested the following item be moved to Discussion:

Regulation Committee

2.7 Modification of Emergency Order No. SWF 24-002 – Tampa Bay Water – Alafia River Withdrawal Facility

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.

Ms. Aja Moore spoke regarding the dredge project and protecting the Weeki Wachee River. Ms. Jennette Seachrist, Resource Management Director, provided an update regarding the Weeki Wachee dredge project.

Consent Agenda

Finance/Outreach and Planning Committee

2.1 Knowledge Management: Governing Board Policy, Capital Assets

Staff recommended the Board approve the Capital Assets Governing Board Policy as revised.

2.2 Authorization to Dispose of Equipment

Staff recommended the Board approve the disposition of one John Deere 7130 tractor with slope mower attachment (Unit 2114) through the auction process.

Resource Management Committee

~~2.3 FARMS – Berry Red Farms, LLC (H825), Manatee County~~

~~Staff recommended the Board:~~

- ~~1. Approve the Berry Red Farms, LLC project for a not to exceed project reimbursement of \$164,640 provided by the Governing Board;~~

- ~~2. Authorize the transfer of \$164,640 from fund 010 H017 Governing Board FARMS Fund to the H825 Berry Red Farms, LLC project fund;~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

2.4 FARMS – FD Berries USA LLC – Twitty Road South (H826), Highlands County

Staff recommended the Board:

- ~~1. Approve the FD Berries USA, LLC project for a not-to-exceed project reimbursement of \$119,129 provided by the Governing Board;~~
- ~~2. Authorize the transfer of \$119,129 from fund 010 H017 Governing Board FARMS Fund to the H826 FD Berries USA, LLC project fund;~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

2.5 FARMS – Cameron Dakin – Dairy Heifer Farm (H827) Manatee County

Staff recommended the Board:

- ~~1. Approve the Cameron Dakin – Dairy Heifer Farm project for a not-to-exceed project reimbursement of \$736,000 provided by the Governing Board;~~
- ~~2. Authorize the transfer of \$736,000 from fund 010 H017 Governing Board FARMS Fund to the H827 Cameron Dakin – Dairy Heifer Farm project fund;~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

Regulation Committee

2.6 Consider Modification of Water Shortage Order(s) as Necessary

Staff recommended the Board approve the third Modification to Water Shortage Order No. SWF 23-041.

2.7 Modification of Emergency Order No. SWF 24-002 – Tampa Bay Water – Alafia River Withdrawal Facility

Staff recommended the Board approve Modification to Emergency Order No. SWF 24-002 attached as an exhibit.

General Counsel's Report

2.8 Approval of Consent Order – Environmental Resource Violations; Unauthorized Construction and Permit Condition Violations – S&S Money Auto Repair, Inc. – Environmental Resource Permit Number 31357.002 – Charlotte 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 appropriate actions in circuit court against any necessary party, if necessary.

2.9 Approval of Emergency Order No. SWF 24-022 – Emergency Measures Due to Tropical Depression Four

Staff recommended the Board approve Emergency Order No. SWF 24-022.

Executive Director's Report

2.10 Approve Calendar for Fiscal Year 2025 Meeting Dates

Staff recommended the Board approve Fiscal Year 2025 meeting dates as presented.

2.11 Approve Governing Board Minutes – July 23, 2024

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:16:38)

Discussion

Finance/Outreach and Planning Committee

Chair Michelle Williamson called the committee to order.

3.1 Consent Item(s) Moved to Discussion – None

3.2 Budget Transfer Report

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

Resource Management Committee

Board Member Dustin Rowland called the committee to order.

4.1 Consent Item(s) Moved to Discussion

2.3 FARMS – Berry Red Farms, LLC (H825), Manatee County

Board Member Schleicher expressed opposition to the Facilitating Agricultural Resource Management Systems (FARMS) reimbursement of 75 percent.

Staff recommended the Board:

1. Approve the Berry Red Farms, LLC project for a not-to-exceed project reimbursement of \$164,640 provided by the Governing Board;
2. Authorize the transfer of \$164,640 from fund 010 H017 Governing Board FARMS Fund to the H825 Berry Red Farms, 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 carried with eleven in favor and one opposed. (Audio – 00:18:05)

2.4 FARMS – FD Berries USA LLC – Twitty Road South (H826), Highlands County

Board Member Schleicher expressed opposition to the FARMS reimbursement of 75 percent.

Staff recommended the Board:

1. Approve the FD Berries USA, LLC project for a not-to-exceed project reimbursement of \$119,129 provided by the Governing Board;
2. Authorize the transfer of \$119,129 from fund 010 H017 Governing Board FARMS Fund to the H826 FD Berries USA, 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 carried with eleven in favor and one opposed. (Audio – 00:18:25)

2.5 FARMS – Cameron Dakin – Dairy Heifer Farm (H827) Manatee County

Board Member Schleicher expressed opposition to the FARMS reimbursement of 75 percent.

Staff recommended the Board:

1. Approve the Cameron Dakin – Dairy Heifer Farm project for a not-to-exceed project reimbursement of \$736,000 provided by the Governing Board;
2. Authorize the transfer of \$736,000 from fund 010 H017 Governing Board FARMS Fund to the H827 Cameron Dakin – Dairy Heifer Farm 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 carried with eleven in favor and one opposed. (Audio – 00:18:50)

4.2 Tampa Bay Water – Southern Hillsborough County Transmission Expansion – Third-Party Review (Q241)

Mr. Jay Hoecker, Water Resource Bureau Chief, presented the results of the Third-Party Review (TPR) for the Tampa Bay Water (TBW) Southern Hillsborough County Transmission Expansion project. Mr. Hoecker presented an overview of the project, benefits associated and an estimate of costs. He explained the increased costs associated with this project.

Board Member Schleicher expressed his dissatisfaction with the increase in costs associated with this project.

Board Member Ed Armstrong asked when the initial cost of the project was presented to the Board and if a construction cost baseline index was included. Mr. Hoecker responded the project was presented in 2018. Ms. Maribel Medina, Tampa Bay Water, stated the conceptual costs presented in 2018 did not account for the higher inflation. She stated that a baseline of cost estimates can be provided to the Board.

Vice Chair John Mitten asked if the TPR reviews the initial projection costs. Mr. Hoecker responded in the negative.

Board Member Nancy Watkins asked if the 50 percent increase is also associated with other industries. She questioned the accuracy of the data in determining the project costs.

Board Member James Holton asked if the transmission expansion will address water pressure concerns that have been expressed by residents in Hillsborough County. Mr. Hoecker referenced TBW's construction of the Southern Hillsborough Booster Pump Station (Pump Station).

Mr. Warren Hogg, Tampa Bay Water, stated Hillsborough County and TBW are developing projects that will address the water pressure concerns and explained that the transmission expansion project and the pump station will work in tandem to alleviate the water pressure issues.

Board Member Dustin Rowland asked what the largest cost increase was associated with this project. Mr. Hogg responded materials and construction methods.

Board Member John Hall asked about the length of timelines associated with these type projects.

Mr. Armstrong, Executive Director, stated the project timeline for this type of project is approximately ten years. He explained the evolution of the cooperative funding process.

Discussion ensued.

Staff recommended the Board authorize continuation of the project to proceed with final design, permitting, and construction and approve amending the Cooperative Funding Agreement with TBW to include a project total cost of \$438,709,630 with the District's share not to exceed \$145,054,000 for the Southern Hillsborough County Transmission Expansion Project (Q241).

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:51:52)

4.3 Kracker Avenue Restoration – Project Lead Change (W368)

Mr. Randy Smith, Natural Systems and Restoration Bureau Chief, presented an overview that included a location map, historical information, restoration plan, funding information, and project benefits.

Mr. Smith explained the background and agreement requirements associated with the request to authorize Hillsborough County to become the project lead. He responded to questions.

Staff recommended the Board authorize staff to enter into an agreement with Hillsborough County for the Kracker Avenue Restoration Project (W368) with the County as the lead for design, permitting and construction and the District's total funding not to exceed \$1.5 million, inclusive of \$250,000 grant funding from the Tampa Bay Environmental Restoration Fund.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:02:38)

4.4 Lower Hillsborough River Recovery Strategy Implementation – Annual Update

This was for information only. No action was required.

4.5 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 Robert Stern called the committee to order.

5.1 Consent Item(s) Moved to Discussion - None

5.2 Hydrologic Conditions Report

Ms. Tamera McBride, P.G., Hydrologic Data Manager, presented the hydrologic conditions update. She stated the 12-month rainfall total was below average. Ms. McBride stated the El Niño/Southern Oscillation (ENSO) is in the neutral phase and La Niña is predicted to start in late summer or early fall. She addressed the high rainfall amounts that occurred in Hillsborough, Manatee and Sarasota counties as a result of Hurricane Debby.

Ms. McBride provided information regarding rainfall, streamflow, groundwater levels, lake levels, public supply reservoirs and climate forecasts. She stated the near-term climate forecast indicates above normal temperatures and precipitation.

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

5.3 Overview of Land Management Plan Updates

Board Member Robert Stern stated there were six Request to Speak cards.

Ms. Jilan Crowley, Sierra Club Adventure Coast, spoke in favor of the Weekiwachee Preserve management plan update and commended the District for its cooperation with public input.

Mr. Tom Sinclair, Hernando Audubon, spoke in favor of the Weekiwachee Preserve management plan update and commended the District for its cooperation with public input.

Ms. DeeVon Quirolo spoke in favor of the Weekiwachee Preserve management plan update and commended the District for its cooperation with public input.

Ms. Sheila Barr spoke in opposition of the Weekiwachee Preserve management plan update.

Mr. Eugene Kelly, Florida Native Plant Society, spoke in favor of the Weekiwachee Preserve management plan update and commended the District for its cooperation with public input. He asked that the spring protection zone designation and monitoring be incorporated into the management plan.

Mr. Joe Murphy spoke in favor of the Weekiwachee Preserve management plan update and commended the District for its cooperation with public input.

Mr. Chris Reed, Land Management Manager, summarized the process for development and implementation of land management plans. He provided an overview of the updated land management plans for the Green Swamp Wilderness and the Weekiwachee Preserves. Mr. Reed explained the outreach done and the input that was received.

This was for information only. No action was required.

Regulation Committee

Board Member James Holton called the committee to order.

6.1 Consent Item(s) Moved to Discussion

2.7 Modification of Emergency Order No. SWF 24-002 – Tampa Bay Water – Alafia River Withdrawal Facility

Secretary Jack Bispham requested this item be moved to Discussion.

Mr. Darrin Herbst, Water Use Bureau Chief, presented a chart showing the water level for the C.W. Bill Young Regional Reservoir from 2005 through 2025. He provided historical information and explained the need for the emergency order. Mr. Herbst stated the Minimum Flows and Levels (MFL) for the Alafia River was established at 19 percent but Tampa Bay Water's water use permit allows 10 percent to be captured. He explained that the emergency order allows an increase in that quantity without causing adverse impacts.

Secretary Bispham asked how the 19 percent MFL was established. Mr. Randy Smith summarized the process. Secretary Bispham suggested investing in pumps to assist with flood stage.

Staff recommended the Board approve Modification to Emergency Order No. SWF 24-002 attached as an exhibit.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:49:42)

6.2 Denials Referred to the Governing Board

No denials were presented.

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion

7.2 Affirm Governing Board Committee Actions

Staff recommended the Board Affirm the actions taken by the Governing Board Committees.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:50:23)

7.3 Governance

Board Member Schleicher expressed his opposition regarding the passing of a Knowledge Management policy concerning the Conduct of Board Meetings that was presented at the July meeting. He specifically contested the changing of quorum requirements. Board Member Schleicher stated he requested the General Counsel obtain an ethical and legal opinion from the Attorney General regarding the quorum requirements that were passed.

Mr. Chris Tumminia, General Counsel, stated that he spoke with the Attorney General's office and was provided the process to request a legal opinion. He explained it requires a majority vote from the governing body to make a request to the Attorney General's office.

Board Member Nancy Watkins reiterated her previous suggestion that a voting requirement be established once a quorum is determined to conduct business.

Discussion ensued.

Chair Williamson asked if there were any existing legal opinions to support the Board's approval of Item 3.6. Mr. Tumminia provided an overview of a legal opinion from 1985 that supported the Board's action.

Board Member James Holton requested that the Chair give consideration to adding an agenda item to draft policy regarding quorum and voting requirements

Board Member Armstrong asked if General Counsel could also request an advisory opinion from the Commission of Ethics. Mr. Tumminia stated he would research if the Commission of Ethics would accept a request. Board Member Schleicher stated he did not believe any Board Member acted unethically. Board Member Armstrong withdrew his request.

Board Member Schleicher made a motion to rescind the approval of the July 23 agenda Item 3.6 Knowledge Management - Conduct of Board Meetings Policy. The motion was seconded. The motion did not pass with three voting in favor and nine against. (Audio: 01:58:17/2:15:08)

Board Member Armstrong made a motion to request General Counsel seek the opinion of the State Attorney General's office regarding this issue. The motion was seconded and passed unanimously. (Audio: 2:18:25)

Committee/Liaison Reports

8.1 Environmental Advisory Committee

A written summary of the July 9 was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, provided an update regarding the Tsala Apopka Structure repairs and presented a video.

Mr. Armstrong stated the Communications & Board Services and Governmental Affairs staff received the inaugural Pinnacle Gold Award for Government Team of the Year from the Florida Public Relations Association (FPRA). The District also received an FPRA Award of Distinction and Judge's Award for Creativity for the Media Pitch for the Three Sisters Canal Stabilization project.

Mr. Armstrong stated the District was awarded a \$3.7 million funding grant from the National Oceanic and Atmospheric Administration. This grant will assist with a \$4.9 million CSWIM District Initiative project, Cape Haze Ecosystem Restoration. This project is expected to beneficial 410 acres of coastal habitat.

Mr. Armstrong commended Brian Starford, Ellen Morrison and Chris Reed for updating all 17 land management plans.

The meeting was recessed at 11:32 a.m., for a closed-door session.

11. Time Certain Closed-Door Attorney-Client Session

Pursuant to Section 286.011(8), Florida Statutes a closed-door attorney-client session was held for pending litigation in SWFWMD v. Citrus County, Case No. 2023-CA-000135, 5th Judicial Circuit, Citrus County.

The Governing Board meeting reconvened at 12:55 p.m.

Chair's Report

10.1 Chair's Report

Chair Williamson stated the FY2025 Tentative Budget hearing is scheduled for Tuesday, September 10 at 5:01 p.m., in the Tampa Office. The next regularly scheduled Board meeting is on Tuesday, September 24 at 3:00 p.m. in the Tampa office. And the FY2025 Final Budget hearing will follow at 5:01 pm.

10.2 Employee Milestones

A Written summary was provided.

Adjournment

The meeting adjourned at 1:00 p.m.