

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

AUGUST 25, 2020

Due to the COVID-19 virus, this meeting was held through electronic media to reduce public gatherings and practice social distancing.

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on August 25, 2020, at its Brooksville Office, 2379 Broad Street, Brooksville, Florida. The following persons were in attendance either in person or via electronic media:

Board Members Present

Mark Taylor, Chair
Michelle Williamson, Vice Chair*via Zoom
Joel Schleicher, Secretary*via Zoom
Kelly S. Rice, Treasurer*via Zoom
Rebecca Smith, Ph.D., Member*via Zoom
James G. Murphy, Member*via Zoom
Roger Germann, Member*via Zoom
Jack Bispham, Member*via Zoom
Seth Weightman, Member*via Zoom

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
John J. Campbell, Division Director
Brian Starford, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director

Board Administrative Support

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

Approved minutes from previous meetings can be found on the District's website (www.WaterMatters.org).

PUBLIC HEARING

1. Call to Order

Chair Mark Taylor called the meeting to order and opened the public hearing.

Chair Taylor provided a telephone number to any member of the public wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda. Chair Taylor stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

At this time, the meeting was recessed to allow for communication with any members of the public who were providing input via telephone. (Audio – 00:04:30)

Chair Taylor reconvened the meeting. (Audio – 00:06:14)

2. Invocation and Pledge of Allegiance

Chair Taylor offered the invocation and led the Pledge of Allegiance.

Chair Taylor introduced each member of the Governing Board (this served as roll call), who attended remotely and staff at the dais. He noted that the Board meeting was being recorded for broadcast on

government access channels, and public input was only taken during the meeting via telephone communication.

3. Election of Governing Board Officers

Ms. Karen West, General Counsel, provided an overview of the process for the election of officers.

Board Member Weightman made a motion to nominate a slate of officers as followed: Chair, Kelly Rice; Vice Chair, Joel Schleicher; Secretary, Rebecca Smith; and Treasurer, James Murphy. The motion was seconded and carried unanimously. (00:12:10)

4. Additions/Deletions to Agenda

Mr. Brian Armstrong, executive director, stated there were no additions or deletions.

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

Ms. Taren Wadley spoke regarding fish removal at Lake Hancock. Ms. Jennette Seachrist, Resource Management Division director, stated that staff has encouraged Ms. Wadley to work with potential funding cooperators that could submit a CFI funding request.

Ms. Becky Ayech, representing ECOSWF, spoke regarding information that was discussed at the Environmental Advisory Committee. Mr. Michael Molligan, Employee and External Relations Division director and Ms. Seachrist responded.

Mr. Gene Lollis completed a Request to Speak card but did not speak.

Mr. Michael Haymans submitted a Request to Speak card but declined to speak.

Consent Agenda

Finance/Outreach & Planning Committee

6. Budget Transfer Report

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

7. 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. 20-10 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

8. Knowledge Management: Budget Authority Transfer of Funds Governing Board Policy

Staff recommended the Board approve the Budget Authority Transfer of Funds Governing Board Policy as revised.

Resource Management Committee

9. FARMS – Symons Grove, LLC (H787), DeSoto County

Staff recommended the Board:

- 1) Approve the Symons Grove, LLC project for a not-to-exceed project reimbursement of \$495,668 with \$495,668 provided by the Governing Board
- 2) Authorize the transfer of \$495,668 from fund 010 H017 Governing Board FARMS Fund to the H787 Symons Grove, LLC fund
- 3) Authorize the Assistant Executive Director to sign the agreement.

Operations, Lands and Resource Monitoring Committee

10. Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101

Staff recommended the Board:

- Approve declining to exercise the right of first refusal to purchase the remainder fee simple interest over SWF Parcel No. 20-780-101C encumbered by a District conservation easement.
- Authorize the Executive Director to execute the necessary documents to exercise declining the right of first refusal on SWF Parcel 20-780-101C.

Regulation Committee

11. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20011982.004 / Bethel Farms / Bethel Farms LLLP (Charlotte County)

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

General Counsel's Report

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

a. Approval of Settlement Agreement Between SWFWMD and Kelly Family Holdings, LLC - Overpumpage - Water Use Permit No. 20002588.012 - CT No. 390610 - Charlotte County

Staff recommended the Board:

- 1) Approve the Settlement Agreement.
- 2) Authorize District Staff to pursue additional measures to obtain compliance with the terms and conditions of the Settlement Agreement, including filing any appropriate actions in circuit court, if necessary.

13. Rulemaking – None

Executive Director's Report

14. Approve Governing Board Minutes – July 28, 2020

Staff recommended the Board approve the minutes as presented.

15. Approve Calendar for Fiscal Year 2020-2021 Meeting Dates

Staff recommended the Board approve the dates as presented

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:18:10)

Chair Taylor relinquished the gavel to the Finance/Outreach and Planning Committee Chair Kelly Rice, who called the meeting to order. (00:19:35)

**Finance/Outreach & Planning Committee
Discussion**

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

17. Fiscal Year (FY) 2020 Board Designated Encumbrance Request

Mr. Molligan provided a presentation regarding the FY2020 Board designated encumbrance request. Mr. Molligan provided an overview of the FY2020 modified budget, projected expenditures, and the remaining salary budget. Mr. Molligan stated the District is requesting the utilization of \$1 million for staff performance-based increases. He provided an overview of this request and the evaluation process.

Staff recommended the Board approve the encumbrance of \$1.0 million from the FY2020 Salary appropriation to carry forward into FY2021 for staff performance-based salary increases.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:25:15)

18. ePermitting Modernization Services Budget Transfer and Encumbrance

Mr. Tom Hughes, Information Technology Bureau chief, provided a presentation that outlined the request for ePermitting modernization services budget request and encumbrance. He provided an overview of the Water Information Management System (WMIS). Mr. Hughes stated the original application of WMIS began in 2003 and cost approximately \$20 million. He stated the cost estimates for redevelopment before services were procured began at \$9.5 million. Mr. Hughes stated the estimate after procuring services is \$4.2 million. Mr. Hughes explained the current system is incompatible with new technologies and security requirements are an on-going concern.

Mr. Hughes provided an overview of the vendor and services selection process. He provided information regarding the project status, a timeline and impacts that have occurred to the project.

Chair Taylor commended staff for securing this project for \$5.3 million under budget.

Staff recommended the Board:

- 1) Approve the transfer of \$250,000 from the withdrawn Zephyr Creek Drainage Improvements: Units 3 and 4 CFI project (N990) to the ePermitting Modernization Project (P455) for the procurement of consulting services.
- 2) Approve the Board designated encumbrance and carry forward of funds remaining at the end of FY2020 into FY2021 to continue the implementation of the new ePermitting system.

A motion was made and seconded to approve the staff's recommendation. The motion carried unanimously. (Audio – 00:33:49)

Submit and File Reports – None

Routine Reports

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

19. Treasurer's Report and Payment Register

20. Monthly Financial Statement

21. Monthly Cash Balances by Fiscal Year

22. Comprehensive Plan Amendment and Related Reviews Report

Committee Chair Rice relinquished the gavel to the Resource Management Committee Chair Rebecca Smith who called the Committee to order. (Audio –00:37:15)

Resource Management Committee

Discussion

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

24. Polk Regional Water Cooperative West Polk Wellfield Project - Third Party Review of Conceptual Design (N882)

Mr. Jay Hoecker, Water Supply Section manager, presented an overview of the West Polk Lower Floridan Aquifer Wellfield which included a history, project description and third-party review information. He explained there are two major project elements associated with this project, the wellfield, and the water treatment facility. Mr. Hoecker provided information regarding the third-party review process and the project cost estimate.

Discussion ensued regarding population demand projections.

Secretary Schleicher asked how the District can guarantee the cooperator will have adequate funding to complete the projects. Mr. Brian Armstrong stated the cooperator requests a bond which is issued in advance to assist with the funding. Secretary Schleicher asked that the District confirm Polk County has been issued a bond to ensure their portion of the funding for this project before District funds are spent. Mr. Armstrong responded in the affirmative.

Staff recommended the Board authorize staff to continue with the project preliminary design phase and a second third-party review in accordance with the cooperative funding agreement.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:55:00)

25. Status of the Polk Regional Water Cooperative (PRWC) Projects and Schedule Adjustments to Governing Board Resolution 18-06 (Amended)

Mr. Jay Hoecker, Water Supply Section manager, presented an overview of amended resolution 18-06. He provided background information on the original resolution and previous amendments.

Mr. Hoecker provided a status report on the four Polk Regional Water Cooperative (PRWC) alternative water supply projects. These projects included the Southeast wellfield, West Polk wellfield, Peace Creek Integrated Water supply and the Peace River/Land Use Transitions.

Mr. Hoecker explained the request to excuse six scheduled milestones for the Peace River/Land Use Transitions Water Supply and the Peace Creek Integrated Water Supply projects.

Staff recommended the Board:

- 1) Excuse the schedule delay in the cooperative funding agreement project plans to Tasks 4, 5 and 7 associated with the Peace Creek Integrated Water Supply Plan (N928) and to Tasks 3, 5 and 6 associated with the Peace River/Land Use Transition Treatment Facility and Reservoir project (Q133).
- 2) Reaffirm the excusal associated with the schedule delay for the completion of third-party Reviews associated with two surface water cooperative funding projects (N928, Q133).

A motion was made and seconded to approve the staff's recommendation. The motion carried unanimously. (Audio – 01:03:28)

26. Hernando County Culbreath Road Area Flood Relief Project (N981) – Third-Party Review of 30 Percent Design and Associated Scope Change

Ms. Terese Power, Engineering and Watershed Management Section manager, provided a presentation that outlined project N981 and the results of the third-party review. Ms. Power explained this was a Fiscal Year (FY) 2019 cooperative funding project that will reduce road flooding. She stated the estimated costs for this project are underbudget and remaining funds will be returned to the District's general fund.

Staff recommended the Board authorize continuation of the project and approve amending the CFA to include final design, permitting, and construction of the eligible project components with a total project budget of \$586,860 and the District share of \$293,430.

A motion was made and seconded to approve the staff's recommendation. The motion carried unanimously. (Audio – 01:15:18)

27. Peace River Manasota Regional Water Supply (PRMWSA) Authority Loop System Phase 1 Interconnect (N416) - Scope of Work Change

Mr. J.P. Marchand, Water Resources Bureau chief, provided a presentation regarding the PRMWSA request to amend an existing Cooperative Funding Agreement (CFA). He provided an overview of the Regional Loop system, information regarding the Phase 1 Interconnect project N416 and information regarding the Project Prairie Pump Station project. Mr. Marchand explained the benefits of the project. He stated there is a savings of \$1.2 million associated with this project. The PRMWSA requested using these savings for the acquisition of the Project Prairie Pump Station.

Chair Taylor and Treasurer Rice expressed future support for the Project Prairie Pump Station acquisition, however, they requested the project be vetted through the cooperative funding process. Discussion ensued.

Staff recommended the Board authorize staff to amend the cooperative funding agreement with the Authority for the Regional Loop System Phase 1 Interconnect Project N416 to include the acquisition of the Project Prairie Pump Station project with no change in the \$12,000,000 agreement cost.

A motion was made to approve staff's recommendation. No second was made to the motion. The motion failed. (Audio - 01:41:58)

A motion was made to oppose staff's recommendation and continue with the current contract. The motion was seconded. The motion passed with five in favor and four opposed. (Audio – 01:42:13)

28. FARMS – Creekside Nursery, Inc. (H780), Pasco County

Mr. Randy Smith, Natural Systems and Restoration Bureau chief, provided a presentation for the Facilitating Agricultural Resource Management Systems (FARMS) Program project Creekside Nursery, Incorporated (Inc.). He explained the project will implement water conservation and nutrient reduction best management practices at an 85-acre sod operation located in the northern Pasco County. The project is in the Northern Tampa Bay Water Use Caution Area, Weeki Wachee springshed, and the Weeki Wachee Basin Management Action Plan boundary. Mr. Smith stated this project is consistent with the Governor's Executive Order 19-12 which directs the District to prioritize funding to focus on projects that maximize nutrient reductions. The project is also

consistent with the District's Weeki Wachee Surface Water Improvement Management (SWIM) Plan. Mr. Smith provided an overview of the project benefits and costs.

Staff recommended the Board:

- 1) Approve the Creekside Nursery, Inc. project for a not-to-exceed project reimbursement of \$161,500 with \$161,500 provided by the Governing Board.
- 2) Authorize the transfer of \$161,500 from fund 010 H017 Governing Board FARMS Fund to the H780 Creekside Nursery, Inc. project fund.
- 2) Authorize the Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve the staff's recommendation. The motion carried with eight in favor and one opposed. Secretary Schleicher stated his opposition was due to the reimbursement of the project at 75 percent cost share. (Audio – 01:53:10)

29. Fiscal Year (FY) 2021 Project Funding Update

Ms. Seachrist provided a FY2021 project funding update. Her presentation included an overview of the three main funding requests, which included: state appropriation from the Water Protection Sustainability Program Trust Fund (WPSPTF); the Florida Department of Environmental Protection (FDEP) grant that the District has applied; and a specific request from the FDEP to consider funding seven springs projects that are not part of the recommended cooperative funding for FY2021.

Ms. Seachrist stated the first funding request was for \$450,000 of state appropriation funds from the WPSPTF. These funds were requested to be allocated to a new project Q158, Pasco County River Landing reclaimed water transmission. She provided an overview of the project.

Staff recommended the Board:

- a. Approve including \$450,000 of WPSPTF state appropriation in the FY2021 budget and applying those funds to the Pasco County River Landing Reclaimed Water Transmission CFI project (Q158) equally reducing the District's and cooperator's share of the total project cost.

A motion was made and seconded to not consider the request from the FDEP. The motion carried unanimously. (Audio – 01:58:34)

Ms. Seachrist stated the District submitted a grant application to the FDEP requesting \$4.195 million for construction of the Weeki Wachee River Channel restoration project and is recommending adding the grant funding to the FY2021 budget. She provided an overview of the project and detailed state funding previously provided.

Ms. Seachrist stated the Weeki Wachee River has been altered and channelized over the past 50 years, which has resulted in excess sedimentation in the river. She stated the ancillary benefits from removing the accumulated sediments include restoring the river bottom habitats, increasing submerged aquatic vegetation coverage, and ensuring adequate depth for manatee passage.

Staff recommended the Board:

- b. Approve including \$4,195,000 of grant funding for the Weeki Wachee River Restoration project in the FY2021 budget.

A motion was made and seconded to approve the staff's recommendation. The motion carried unanimously. (Audio – 02:04:55)

Ms. Seachrist stated the third request was from FDEP for consideration to use ad valorem funding for seven springs projects that were recommended by the Springs Coast Steering Committee. She explained these were not included in the Cooperative Funding Initiative (CFI) funding projects and do not meet current CFI guidelines. Ms. Seachrist provided an individual overview of each of the seven projects.

Staff recommended the Board:

- c. Consider the request by the FDEP to include additional ad valorem funding in the FY2021 budget for the seven springs projects as presented.

A motion was made to oppose staff's recommendation to approve the funding request. The motion was seconded. The motion carried unanimously. (Audio – 02:21:31)

Submit & File Reports

- 30. Lower Hillsborough River Recovery Strategy Implementation – Annual Update**
- 31. Minimum Flows and Minimum Water Levels Priority List and Schedule Update**

Routine Reports

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

- 32. Minimum Flows and Levels and Reservations Status Report**
- 33. Significant Water Resource and Development Projects**

Committee Chair Smith relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair James Murphy, who called the Committee to order. (Audio – 02:23:08)

Operations, Lands and Resource Monitoring Committee Discussion

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

35. Hydrologic Conditions Report

Mr. Granville Kinsman, P.G., Hydrologic Data manager, provided a presentation regarding the hydrologic conditions. Mr. Kinsman stated the anticipated summer rainfall has been inconsistent and has not produced the rainfall required to improve the deficit the District has been experiencing. The District-wide 12-month cumulative rainfall totals show widespread drying trend, and a growing rainfall deficit. Mr. Kinsman stated that because of the rainfall deficits groundwater levels declined in the northern, central, and southern counties but remained in the normal range. Lakes are rising slowly. The northern lakes remained below normal, Tampa Bay and Polk Upland Lakes remained in the normal range while the Lake Wales Ridge Lakes rose to the base of the normal range. The Withlacoochee, Hillsborough and Peace Rivers remained in the normal range but showed declines, while flow on the Alafia River was below normal. Mr. Kinsman stated the Bill Young and Peace River reservoir systems were now being filled, after delays from less than normal rainfall. The climate forecast shows above normal rainfall for the next three months with an active tropical storm season.

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

Submit and File Reports – None

Routine Reports

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

- 36. Significant Activities**

37. Structure Operations

Committee Chair Murphy relinquished the gavel to the Regulation Committee Chair Joel Schleicher who called the Committee to order. (Audio – 02:33:00)

Regulation Committee

Discussion

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

39. 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.

40. Overpumpage Report

41. Individual Permits Issued by District Staff

Committee Chair Schleicher relinquished the gavel to Chair Taylor. (Audio – 02:33:41)

General Counsel's Report

Discussion

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

43. Central Florida Water Initiative (CFWI) Rulemaking Update

Mr. Chris Tumminia, Deputy General Counsel, provided an update on the CFWI rulemaking. This presentation included a historical overview of the CFWI area and a summary of guiding principles that were adopted in 2015. Mr. Tumminia provided information regarding the Florida Statute that regulates the CFWI Regional Water Supply Plan. Mr. Tumminia outlined resource concerns that charted water use and population projections through 2040. He also discussed potential environmental concerns regarding the inability to meet minimum flows and levels through 2040.

Mr. Tumminia stated the Florida Legislature directed the Florida Department of Environmental Protection (FDEP) to develop a cooperative process for developing uniform rules and provided an overview. He explained that the uniform rules involve two categories, permitting consistency and enhanced resource protection measures. Mr. Tumminia provided an overview of this information. He stated that the proposed rules encourage the use of alternative water supplies and conservation. Mr. Tumminia outlined permitting changes that will impact permit holders. He stated that staff will continue public outreach to ensure an easy transition.

This item was provided 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.

44. August 2020 Litigation Report

45. August 2020 Rulemaking Update

Executive Director's Report

46. Executive Director's Report

Mr. Brian Armstrong recognized employees who have reached at least 20 years of service with the District and thanked them. Ms. Tamara McBride was recognized.

Mr. Armstrong thanked the Board for recognizing staff's hard work and approving the performance-based salary increases.

Mr. Armstrong commended Chair Taylor and Vice Chair Williamson for their leadership and guidance during their tenure.

Mr. Armstrong addressed the FDEP request for funding related to Item 29a.

Chair's Report

47. Chair's Report

Vice Chair Williamson thanked the Board and staff during her tenure.

Chair Taylor thanked the Board and staff during his tenure. He addressed concerns regarding potential quorum issues. He cautioned the Board against delegation of authority and policy changes related to quorum requirements.

48. Employee Milestones

The meeting was adjourned at 12:20 p.m.

Attest:

Secretary


Chair