

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

AUGUST 28, 2018

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on August 28, 2018, at the Tampa Office. The following persons were present:

Board Members Present

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

Board Members Absent

Michelle Williamson, Treasurer
John Henslick, 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

Caroline McKnight, Board & Service Manager
Lori Manuel, Administrative Assistant

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 (Video – 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

Board Member Smith 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 member was recognized: Lynn Dicks

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 additions or deletions to the agenda.

Board Member Schleicher asked that the following items be moved from Consent to Discussion:

Resource Management Committee

8. FARMS – Pebbledale Farms, Inc. (H7773), Hardee County

Finance/Outreach & Planning Committee

12. Fiscal Year 2018 Board Designated Encumbrance Request

Board Member Taylor asked that the following item be moved from Consent to Discussion:

Finance/Outreach & Planning Committee

10. Revised Board Policy, Procurement

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 00:05:19)

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.

Mr. Richard Diaz, Jr., spoke in favor of the District rescinding Environmental Resource Permit (ERP) 30817.009, Summit View.

Ms. Karen West, general counsel, explained because this ERP is in active litigation discussion should to be limited to staff responding to the status of the permit or permitting history.

Mr. Steve Boggs, Denlingere/Valdez, spoke in favor of the District rescinding Environmental Resource Permit (ERP) 30817.009, Summit View.

Mr. Jacob Cremer, Stearns Weaver Miller Weissler Alhadeff & Sitterson, PA, representing Summit View, provided historical information and the status regarding the project.

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

CONSENT AGENDA

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

Resource Management Committee

6. City of Madeira Beach – 137th Avenue Circle BMPs – Scope Change (W216)

Approved the scope revision for the 137th Avenue Circle BMPs project (W216) to increase the pollutant removal resource benefit estimates for TSS to 2,100 lbs/yr and for TN to 34.8 lbs/yr and decrease the drainage area treated from 6.73 acres to 5.7 acres, which is the measurable benefit in the cooperative agreement.

7. Approve Use of the Peck Sink Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Hernando County (P324)

Approved use of the Peck Sink Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Hernando County.

8. FARMS – Pebbledale Farms, Inc. (H7773), Hardee County

Staff recommended the Board Approve:

- 1) Approve the Pebbledale Farms, Inc. project for a not to exceed project reimbursement of \$553,799 with \$553,799 provided by the Governing Board;
- 2) Authorize the transfer of \$553,799 from fund 010 H017 Governing Board FARMS Fund to the H773 Pebbledale Farms, Inc. project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

Finance/Outreach & Planning Committee

9. Resolution No. 18-10, Commending Michael A. Babb for His Service as a Member of the Southwest Florida Water Management District Governing Board

Staff recommended the Board approve Resolution No. 18-10, Commending Michael Babb for His Service as a Member and Chair of the Southwest Florida Water Management District Governing Board.

10. Revised Board Policy, Procurement

Staff recommended the Board approve the revisions to Board Policy, Procurement.

11. District Equipment Replacement – Marsh Master Amphibious Track Vehicle

Staff recommended the Board's authorization to purchase a replacement Marsh Master MM-2CE-LX, or equivalent, for \$92,800 utilizing the Field Equipment Replacement Fund and to approve the trade-in/disposition of the existing Marsh Master amphibious track vehicle (Unit #2093) from Coast Machinery for \$51,000.

12. Fiscal Year 2018 Board Designated Encumbrance Request

Staff recommended the Board approve the encumbrance of \$1 million from FY2018 Salary and Benefits appropriation to carry forward into FY2019 for merit-based salary increases.

13. Budget Transfer Report

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

Operations, Lands and Resource Monitoring Committee

14. Encumbrance of Funds for the Flying Eagle Nature Center Facilities

Staff recommended the Board approve the encumbrance of \$150,000 from FY2018 to carry forward into FY2019 for the demolition of the previously approved structures at the FENC.

15. Lake Panasoffkee Cattle Lease, SWF Parcel No. 19-528-157X, Award for the Request for Offers (RFO) 18-03

Staff recommended the Board approve the award of the Lake Panasoffkee Cattle Lease to DM7 Cattle Company, Dodd McDowell and authorize the Chairman to execute the lease on behalf of the District.

16. Approval of Non-Exclusive Utility Easement to the Withlacoochee River Electric Cooperative – Upper Hillsborough Preserve – SWF Parcel No. 13-400-176X

Staff recommended the Board approve the award of the Lake Panasoffkee Cattle Lease to DM7 Cattle Company, Dodd McDowell and authorize the Chairman to execute the lease on behalf of the District.

Regulation Committee

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

General Counsel's Report

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

a. Initiation of Litigation – As-Built Deviations – Myakka Family Worship Center – ERP No. 46025082.001 – CT No. 376024 – Manatee County

Staff recommended the Board authorize the initiation of litigation against Myakka Family Worship Center, and any other necessary parties, to obtain compliance, recover an administrative fine/civil penalty, and to recover District enforcement costs, litigation costs, and attorneys' fees.

19. Rulemaking – None

Executive Director's Report

20. Annual Calendar for Fiscal Year 2018-2019 Meeting Dates

Staff recommended the Board approve the calendar as presented.

21. Approve Governing Board Meeting Minutes – July 24, 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: 00:19:02)

Resource Management Committee

Discussion

22. Consent Item(s) Moved for Discussion

8. FARMS – Pebbledale Farms, Inc. (H7773), Hardee County

Board Member stated he requested this be moved to provide the opportunity to vote separately on this item.

Staff recommended the Board Approve:

- 1) Approve the Pebbledale Farms, Inc. project for a not-to-exceed project reimbursement of \$553,799 with \$553,799 provided by the Governing Board;
- 2) Authorize the transfer of \$553,799 from fund 010 H017 Governing Board FARMS Fund to the H773 Pebbledale Farms, Inc. project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve the staff recommendation. The motion carried with ten votes in favor and one opposed. (Audio: 00:19:45)

Submit & File Reports

23. 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.

24. Minimum Flows and Levels Status Report

25. Significant Water Resource and Development Projects

Committee Chair Rice relinquished the gavel to the Finance/Outreach and Planning Committee Vice Chair Ed Armstrong, who called the meeting to order. (Audio: 00:20:14)

Finance/Outreach & Planning Committee

Discussion

26. Consent Item(s) Moved for Discussion

10. Revised Board Policy, Procurement

Mr. Steve Stewart, Procurement manager, provided a presentation that outlined the Procurement Board Policy 150-1. He stated the last revision to this policy was done in 2004. Mr. Stewart outlined the proposed updates, which addressed incorporation of applicable Federal and State Regulations, such as: 2 C.F.R. 200.318-200.326 (Federal Standards); 255.20, Florida Statute (F.S.), addresses construction and electrical services; 112.08, F.S., addresses group insurance; 218.391, F.S., addresses auditor services; and 287.055, F.S., addresses professional services.

Mr. Stewart outlined exemptions to the policy, which included: legal services including attorney, paralegal and arbitration services; rental of rooms or facilities for events such as trainings, meetings and workshops; licenses, usage fees, maintenance and services relating to existing software/hardware; services or products from a correction work program pursuant to Sec. 946.515, F.S. (PRIDE) or from the blind or handicapped, pursuant to Sec. 413.036, F.S.

Mr. Stewart explained that the proposed procurement policy will provide the Executive Director with the authority to authorize the purchase of approved commodities, goods and services up to the approved budgeted amount, or as increased, in accordance with the Budget Transfer Policy. The proposed policy will also allow the Executive Director to authorize the amendment threshold increase from \$25,000 to \$50,000 in accordance with the Budget Transfer Policy and approve emergency procurements. Mr. Stewart stated that emergency procurements exceeding \$100,000 shall be reported to the Governing Board. He stated the policy will be reviewed every two years and any changes will require Board approval.

Board Member Smith asked for the Board to consider routinely adding this item to the Board agenda every two years, even if no changes are proposed. Committee Chair Armstrong responded in the affirmative.

Staff recommended the Board approve the revisions to Board Policy, Procurement.

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio: 00:30:17)

12. Fiscal Year 2018 (FY2018) Board Designated Encumbrance Request

Mr. John Campbell, Management Services director, stated there is a projection of approximately 2.5 million dollars in FY2018 lapse funds and it is requested that one million

dollars of those funds be approved for staff merit increases. He explained how merit increases benefit the District by helping to recruit and retain well qualified and talented staff.

Mr. Campbell explained that the surplus is primarily due to position vacancies. He stated that the requested funds are approximately 40 percent of the surplus remaining from FY2018. All merit increases will be based on employee performance.

Board Member Schleicher explained that although he supports staff, his concern is for the transparency of this item. He stated he would like more information to assist him in making the appropriate decision.

Board Member Schleicher asked for the ranking of the staff that will be receiving the proposed merit increases. Mr. Campbell responded that information will not be available until after January 2019, but he could provide historical information.

Board Member Adams asked how the merit program is implemented. Mr. Campbell responded with historical information. He stated that in 2016 and 2017, the average merit percentages were 2.4 and 2.6 percent.

Mr. Molligan explained the performance appraisal process and outlined the five-point ranking system that is utilized.

Board Member Taylor asked if the funding dollar amount requested is consistent with previous amounts. Mr. Campbell responded in the affirmative.

Board Member Wiggins asked if this item could be deferred to the September 25 budget workshop. Mr. Campbell responded that this is a time sensitive item.

Staff recommended the Board approve the encumbrance of 1 million dollars from FY2018 Salary and Benefits appropriation to carry forward into FY2019 for merit-based salary increases.

A motion was made and seconded to approve the staff recommendation. The motion carried with ten votes in favor and one opposed. (Audio: 01:00:04/01:04:08)

Submit & File Reports - None

Routine Reports

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

27. Treasurer's Report and Payment Register

28. Monthly Financial Statement

29. Monthly Cash Balances by Fiscal Year

30. Comprehensive Plan Amendment and Related Reviews Report

Committee Vice Chair Armstrong relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Maggard, who called the meeting to order. (Audio: 01:04:27)

Operations, Lands & Resource Monitoring Committee

Discussion

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

32. Offer for Surplus Lands – Annutteliga Hammock (AH-2), SWF Parcel No. 15-228-1568S

Please note that agenda items 32 and 33 were discussed collectively were but voted on separately.

33. Offer for Surplus Lands – Annutteliga Hammock (AH-2), SWF Parcel No. 15-228-1922S

Ms. Carmen Sanders, Operations, Lands and Resource Monitoring assistant bureau chief, provided a presentation which included historical information and location maps regarding the surplus of the Annutteliga Hammock parcels. She explained that five lots were offered for surplus. Ms. Sanders stated that the properties are subject to deed restrictions that prevent the installation of septic or effluent treatment systems.

Ms. Sanders explained the process that was approved by the Legislature to allow a streamlined-method to sell District-surplus properties valued under \$25,000. She stated that these five parcels are the first to be offered for sale under the direction of that new legislation.

Ms. Sanders stated that SWF Parcel No. 15-228-1568S is a 0.67-acre lot and SWF Parcel No. 15-228-1922S is a 0.71-acre lot.

Board Member Wiggins asked if a streamlined process could be developed to allow Board approval of properties that meet or exceed minimum price criteria. Ms. Sanders responded there is a Board policy that would allow for this. Committee Chair Maggard added that these types of purchases could be placed on the Consent Agenda, at the Board's discretion.

For SWF Parcel No. 15-228-1568S, staff recommended the Board:

- Accept the offer of \$6,000;
- Authorize the Executive Director or Assistant Executive Director to execute the Contract for Sale and Purchase on the behalf of the District;
- Approve the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or 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.

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio: 01:11:02)

For SWF Parcel No. 15-228-1922S, staff recommended the Board:

- Accept the offer of \$8,000;
- Authorize the Executive Director or Assistant Executive Director to execute the Contract for Sale and Purchase on the behalf of the District;
- Approve the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or 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.

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio: 01:12:13)

Submit & File Reports

34. Hydrologic Conditions Report

Routine Reports

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

35. Surplus Lands Update

36. Structure Operations

37. Significant Activities

Committee Chair Maggard relinquished the gavel to the Regulation Committee Chair Taylor, who called the meeting to order. (Audio: 01:13:28)

Regulation Committee

Discussion

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

39. Denials Referred to the Governing Board - None

Submit & File Reports - None

Routine Reports

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

40. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading Equipment Implementation Program Update

41. Overpumpage Report

42. Individual Permits Issued by District Staff

Committee Chair Taylor relinquished the gavel to Chair Adams. (Audio: 01:14:02)

General Counsel's Report

Discussion

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

44. Overview of the Inspector General's Roles and Responsibilities

Ms. Karen West, general counsel, provided a presentation that outlined the Inspector General's roles and responsibilities. She explained that responsibilities include, but are not limited to: providing independent, objective assurance and consulting activities; conducting financial, compliance, information system, performance and operational audits; development of annual audit plans for Governing Board approval; submittal of approved annual audit plans to the Auditor General; submittal of final audit reports to the Executive Director and the Governing Board; conducting investigations to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct and other abuses; and ensure the timely submittal of final reports on investigations to the Executive Director and the Governing Board.

Ms. West summarized Board policies 140-1, Inspector General Charter and 140-3, Inspector General Roles and Responsibilities. The responsibilities of this position include seeking input from management and the Governing Board on relevant issues; keeping the Executive Director, Governing Board and management informed on issues and audit progress; assisting auditees to develop solutions; immediately informing the Executive Director and the Governing Board of significant accountability, controls or performance issues; and preparing an annual report and submitting the final report to the Executive Director and the Governing Board.

Ms. West explained that although the Inspector General reports administratively to the Executive Director, the Inspector General reports functionally to the Governing Board as the agency head.

The Governing Board, through the Finance/Outreach and Planning Committee, has been delegated oversight of the Inspector General function.

This item was presented for the Governing Board's information only.

Submit & File Reports – None

Routine Reports

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

45. August 2018 – Litigation Report

46. August 2018 – Rulemaking Update

Committee/Liaison Reports

47. Industrial Advisory Committee

A written report was provided for the August 14 meeting.

48. Public Supply Advisory Committee

A written report was provided for the August 14 meeting.

49. Other Committee/Liaison Reports

Executive Director Report

50. Executive Director's Report

Mr. Armstrong, executive director, informed the Board the District's Communications and Government Affairs Bureau was awarded seven statewide awards from the Public Relations Society of America (PRSA) and the Florida Public Relations Association (FPRA).

Mr. Armstrong stated the District was awarded the highest PRSA Radiance award for the 2017 campaign "My Home My Springs" and the Polk Regional Water Initiative and the Crystal River Kings Bay Minimum Flows Outreach. He stated the District received the PRSA Best of Sunshine Award for the 2017 social media campaign "My Home My Springs".

Mr. Armstrong announced the District also received the FPRA State Golden Image Awards for the 2017 "My Home My Springs", and the Crystal River Kings Bay Minimum Flows Outreach. In addition, the 2017 "My Home My Springs" video series won Awards of Distinction.

Mr. Armstrong announced the District's Information Technology Bureau received an award from the Florida Local Government Information Systems Association (FLGISA). He explained this is a Technology Achievement Award presented by FLGISA to recognize significant achievement in technology leadership. This award emphasizes the significant contributions made by Florida's public technology organizations to the efficiency and effectiveness of the jurisdictions they serve and the public at large.

Mr. Armstrong stated the Florida Department of Environmental Protection (FDEP) has recommended four of the District's FY2019 Cooperative Funding Initiative (CFI) projects for springs funding. He stated that they are all septic to sewer programs. Two are for Citrus County and two are for the City of Crystal River. He stated the proposed funding is 11.75 million dollars and is subject to legislative approval. Mr. Armstrong explained that FDEP will be providing 50 percent of the funding, the District and the cooperators will provide 25 percent each.

Mr. Armstrong stated that twenty applications were received for the Inspector General position, 17 of those applications met the qualifications. He provided a timeline for the interview process.

Mr. Armstrong informed the Board of a charity drive organized by the District Employee Committee. The Employee Committee held the "Starting Off on the Right Foot Sneaker Drive

Challenge.” They collected 646 pairs of shoes for two Title I elementary schools, Moton Elementary in Brooksville and Gocio Elementary in Sarasota.

Chair’s Report

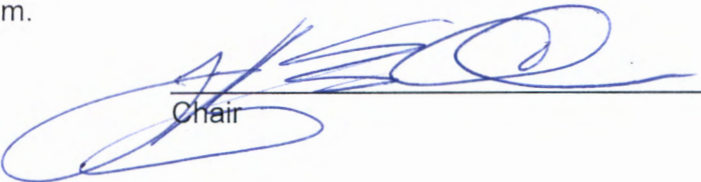
51. Chair’s Report

The first Public Hearing for the Tentative FY2019 Millage Rate and Annual Service Budget is scheduled for September 11 in the Tampa office at 5:01 p.m. On September 25, in the Tampa office, there will be a FY2019 Budget Workshop at 1:00 p.m., the Governing Board meeting at 3:00 p.m. and the Public Hearing for the Final FY2019 Millage Rate and Annual Service Budget at 5:01 p.m.

52. Other

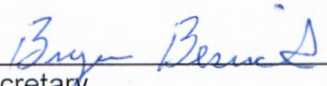
53. Employee Milestones

The meeting was adjourned at 10:39 a.m.



Chair

Attest:



Secretary