



**GOVERNING BOARD MEETING
TUESDAY, SEPTEMBER 20, 2022 – 3:00 PM
7601 US 301 NORTH, TAMPA, FL 33637
(813) 985-7481**

MINUTES

Board Members Present

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

*attended via electronic media

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

1. Convene Public Hearing

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., September 20, 2022, at the Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

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 Joel Schleicher 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. Chair Schleicher 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. Chair Schleicher 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.

Chair Schleicher 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 Jack Bispham offered the invocation and led the Pledge of Allegiance.

1.3 Employee Recognition

None were presented.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated there were no additions or deletions to the agenda.

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis spoke against the expansion of a Tampa Bay Water main.

CONSENT AGENDA

Finance/Outreach & Planning Committee

2.1 Board Encumbrance of the Capital Field Equipment Fund

Staff recommended the Board approve the encumbrance of \$610,947 in FY22 fund balance within the Capital Field Equipment Fund to carry forward into FY23 for planned expenditures as approved through the budgetary process.

2.2 Florida Retirement System Workers' Compensation Reporting Audit

Staff recommended the Board approve the Florida Retirement System Workers' Compensation Reporting Audit.

Resource Management Committee

2.3 Five-Year Water Resource Development Work Program

Staff recommended the Board authorize staff to submit the proposed Five-Year Water Resource Development Work Program to the Florida Department of Environmental Protection for review.

Operations, Lands and Resource Monitoring Committee

2.4 Approval of Land Management Plan Updates for Chito Branch Reserve, Deep Creek Preserve, Edward Chance Reserve, Little Manatee River Southfork Tract, and Potts Preserve

Staff recommended the Board approve the plan updates for Chito Branch Reserve, Deep Creek Preserve, Edward Chance Reserve, Little Manatee River Southfork Tract, and Potts Preserve.

2.5 Renewal of Lease Agreement with Clear Channel Outdoor, LLC. for Operation and Maintenance of a Billboard on District Lands, SWF Parcel No. 15-228-134X

Staff recommended the Board approve the lease agreement with Clear Channel Outdoor, LLC for the operation and maintenance of a billboard on District lands, SWF Parcel 15-228-1341X.

Regulation Committee

2.6 Water Use Permit No. 20 020745.001, Stillwater Preserve Development, LLC/Streamsong WUP (Polk County)

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

General Counsel's Report

2.7 Authorization to Issue Administrative Complaint and Order – Permit Violations – Chicken Dinner, LLC – ERP No. 43043526.000 – CT No. 417150 – Hillsborough County

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Permittee and any necessary parties to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against Permittee and any necessary party to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.
3. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

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

Staff recommended the Board approve the proposed changes to the policy.

2.9 Governing Board Concurrence – Emergency Order No. SWF 22-008– Emergency Measures Due to High-Water Conditions

Staff recommended the Board concur with the Executive Director's findings in Emergency Order No. SWF 20-008.

2.10 Approval of the District's Annual Regulatory Plan for 2022-2023

Staff recommended the Board approve the District's Annual Regulatory Plan for 2022-2023 and execute the certification required by Section 120.74(1)(d), F.S.

Executive Director's Report

2.11 Approve Governing Board Minutes - August 23, 2022

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 - 00:08:59)

Finance/Outreach & Planning Committee

Treasurer John Mitten called the committee to order. (Audio – 09:27:00)

3.1 Consent Item(s) Moved to Discussion - None

3.2 Fiscal Year 2024 Business Plan Update

Ms. Mary Margaret Hull, Lead Project Manager, presented an update on the Fiscal Year (FY) 2024 Business Plan. She explained the purpose of the Business Plan and how it integrates with the budget process and the District's Strategic Plan. Ms. Hull summarized the plan development that assisted in identifying the resource needs over a five-year period (FY24-FY28). She outlined the drivers that were gleaned from management interviews. This information included population growth, changing workforce, performance metrics, resource needs and resource trends. Ms. Hull stated that a Strength, Weakness, Opportunity, and Threat (SWOT) Analysis was performed to determine the overall strategic position of the organization within its current environment. She explained the next steps associated with the business plan. Staff responded to questions.

Board Member John Hall asked that staffing salaries as they relate to Governing Board metrics be added to the agenda for the Governing Board Workshop in November. Mr. Brian Armstrong, Executive Director, responded in the affirmative.

This was for information only. No action was required.

3.3 District's Areas of Responsibility Projections

Mr. Ryan Pearson, Staff Economist, presented information that provided a macro view of the District's mission and the Areas of Responsibility (AOR) which includes water supply, water quality, natural systems, and flood protection. He provided background and outlined the components involved in determining future impacts to the AORs. Mr. Pearson explained that subject matter experts were assembled, outlined the key drivers that were identified and the associated impacts to the AORs. Staff responded to questions.

Mr. Pearson outlined an overview of recently passed legislation and regulations and stated this may provide some indication of future impacts to water supply and water quality.

This was for information only. No action was required.

3.4 Office of Inspector General Fiscal Year 2022 Annual Report

Mr. Brian Werthmiller, Inspector General, provided the FY22 Annual report for the Office of Inspector General (OIG). He explained this report is required pursuant to Florida Statute and Governing Board policy. Mr. Werthmiller stated the report summarizes the completed work products and other activities associated with the Inspector General office. He highlighted audits, investigations and reviews that were completed for FY22. Mr. Werthmiller stated that 105 reviews were initiated and explained how reviews are received and the process associated.

Mr. Werthmiller reminded the Board that the District has an in-house risk assessment and audit program that provides a savings of approximately \$29,000.

Mr. Werthmiller stated he has completed the FY22 performance measures that were set by the Board.

This was for information only. No action was required.

3.5 Budget Transfer Report

This was for information only. No action was required.

Resource Management Committee

Board Member Ashley Bell Barnett called the committee to order. (Audio – 01:02:15)

4.1 Consent Item(s) Moved to Discussion - None

Operations, Lands & Resource Monitoring Committee

Board Member Jack Bispham called the committee to order. (Audio – 01:02:35)

5.1 Consent Item(s) Moved to Discussion - None

5.2 Budget Transfer for the Tsala Apopka Outfall Canal Structure 353 Spillway Repair (B882)

Ms. Mary Spence, P.E., Structure Operations Manager, provided a presentation that included historical background, operational description, project timeline and recommended repairs.

Staff recommended the Board approve the transfer of \$198,382.71 from the Hernando County Septic to Sewer project (WW10) to the Tsala Apopka Outfall Canal Structure 353 Spillway Repair project (B882)

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:08:15)

5.3 Summary of FY2022 Interagency Land Management Review

This was for information only. No action was required.

Regulation Committee

Board Member Ashley Bell Barnett called the committee to order. (Audio – 01:09:18)

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board

No Denials were presented.

6.3 Knowledge Management: Well Drilling Advisory Committee

Mr. David Arnold, P.G., Well Construction Manager, provided an overview of the Well Driller Advisory Committee (WDAC). He explained the history and focus of the committee, the associated Governing Board policy and the Continuing Education Credits offered. Mr. Arnold explained the benefits of changing the WDAC to an advisory group. He stated the Board will vote on this request to retire the WDAC Governing Board Policy at the October Board meeting and asked that the Board Members provide any comments by October 10.

This was for information only. No action was required.

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion - None

Mr. Chris Tumminia, General Counsel, updated the Board regarding Administrative Rule Challenge Case No. 22-0849RX, involving the South Florida Water Management District (SWFWMD). He reminded the Board this challenge was associated with the SWFWMD's Environmental Resource Permitting Applicant's Handbook. The outcome of this challenge could have impacted all Water Management Districts. With the Board's approval, the District joined the litigation. Mr. Tumminia stated the Administrative Law Judge dismissed the case.

7.2 Outside Legal Services Update

This was for information only. No action was required.

Committee/Liaison Reports

8.1 Industrial Advisory Committee

A written summary of the August 9 meeting was provided.

8.2 Public Supply Advisory Committee

A written summary of the August 9 meeting was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, provided a summary of his FY22 District accomplishments. A written summary was provided.

Mr. Brian Starford, Operations Lands and Resource Monitoring Director, provided a presentation regarding high water concerns within the District and actions being taken to address them. He stated that Polk County received above average rainfall for September, impacting the North Winter Haven Chain of Lakes. This prompted the District to issue an

Emergency Order. He also addressed the actions that were taken to alleviate high water concerns in Hillsborough and Pinellas Counties. Mr. Starford recognized the dedication and extraordinary efforts performed by staff associated with operating District structures during the rainy season.

Chair's Report

10.1 Chair's Report

Chair Schleicher stated that in accordance with Board Policy 710-2, each Board Member has received a performance evaluation packet, for the Executive Director and the Inspector General to independently complete. He stated that completed evaluations must be returned by October 4. If assistance is required, please contact Ms. Teresa Jepma, Human Resources Office Chief. Chair Schleicher stated that he will recommend a final score for the Executive Director and the Treasurer will recommend a final score for the Inspector General. The full Board will vote on both the recommendations.

The next Governing Board meeting is scheduled for Tuesday, October 18 at the Tampa Office.

10.2 Employee Milestones

Chair Schleicher recognized the following staff: Maria Chapman, Miguel Gonzalez Cruz, Julie Zydek and Georgia Hudson.

The meeting adjourned at 4:38 p.m.