



GOVERNING BOARD MEETING
TUESDAY, SEPTEMBER 24, 2024 – 3:00 P.M.
7601 U.S. HIGHWAY, 301 NORTH, TAMPA, FLORIDA 33637
(813) 985-7481

MINUTES

Board Members Present

Michelle Williamson, Chair*
John Mitten, Vice Chair (Acting 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
Josh Gamblin, 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 3:00 p.m., September 24, at the Tampa Office at 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

Vice Chair John Mitten 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 Mitten 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. He 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. Vice Chair Mitten also requested that several individuals wishing to speak on the same topic designate a spokesperson. He introduced each member of the Governing Board and staff present at the dais (this served as roll call). A quorum was confirmed.

1.2 Oath of Office

Ms. Virginia Singer, Board and Executive Services Manager, administered the Oath of Office to new Board Member Joshua Gamblin and reappointed Board Members John Mitten and Michelle Williamson.

1.3 Invocation and Pledge of Allegiance

Board Member James Holton offered the invocation, and the Pledge of Allegiance.

1.4 Employee Recognition

Vice Chair Mitten recognized Mr. Scott Hickerson for 35 years of service and Mr. Vaughn Boyer for 35 years of service.

1.5 Additions/Deletions to Agenda

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

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

Finance/Outreach & Planning Committee

2.1 Board Encumbrance of the Capital Field Equipment Fund

Resource Management Committee

2.5 FARMS – James Keen 62 (H821), Manatee County

2.6 FARMS – G & G Farms, LLC – North 40 (H828), Hillsborough County

2.7 South Hillsborough Aquifer Recharge Program (SHARP) Phase 2 (N855) – RW-4 IPE

Regulation Committee

2.10 Water Use Permit No. 20006736.007, HMTA Real Estate, LLC and Forestar (USA) Real Estate Group, Inc./HMTA Real Estate, LLC – Toledo Village (Sarasota County)

There was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

1.6 Public Input for Issues Not Listed on the Published Agenda

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

Mr. Don Balaban spoke regarding the costs associated with calibrating water meters on his water use permits and maintenance of the Flint Creek Canal.

Consent Agenda

Finance/Outreach and Planning Committee

2.1 Board Encumbrance of the Capital Field Equipment Fund

Staff recommended the Governing Board approve the encumbrance of up to \$942,210 in FY2024 fund balance within the Capital Field Equipment Fund to carry forward into FY2025 for planned expenditures as approved through the budgetary process.

2.2 Office of Inspector General Employee Reimbursements Audit

Staff recommended the Board approve the employee reimbursements audit.

2.3 Office of Inspector General Cybersecurity Audit

Staff recommended the Board approve the cybersecurity audit.

Resource Management Committee

2.4 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. Authorize staff to make minor changes to the report following FDEP conversations before finalizing within the CAR with no further Board action.

~~2.5 FARMS – James Keen 62 (H821), Manatee County~~

~~Staff recommended the Board:~~

- ~~1. Approve the James Keen 62 project for a not to exceed project reimbursement of \$380,400 provided by the Governing Board;~~
- ~~2. Authorize the transfer of \$380,400 from fund 010 H017 Governing Board FARMS Fund to the H821 James Keen 62 project fund;~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

~~2.6 FARMS – G & G Farms, LLC – North 40 (H828), Hillsborough County~~

~~Staff recommended the Board:~~

- ~~1. Approve the G & G Farms, LLC – North 40 project for a not to exceed project reimbursement of \$212,246 provided by the Governing Board;~~
- ~~2. Authorize the transfer of \$212,246 from fund 010 H017 Governing Board FARMS Fund to the H828 G & G Farms, LLC – North 40 project fund;~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

~~2.7 South Hillsborough Aquifer Recharge Program (SHARP) Phase 2 (N855) – RW-4 IPE~~

~~Staff recommended the Board:~~

- ~~1. Approve the IPE results for the SHARP Phase 2 RW-4 well site.~~
- ~~2. Approve the scope change to reduce the number of monitoring wells to two at each of the RW-2 and RW-4 well sites and reduce the District's funding share from \$4,800,000 to \$4,058,820.~~

Operations, Lands and Resource Monitoring Committee

2.8 Approval of Land Management Plan Updates for Green Swamp Wilderness Preserve and Weekiwachee Preserve

Staff recommended the Board approve the Plan Updates for Green Swamp Wilderness Preserve and Weekiwachee Preserve.

Regulation Committee

2.9 Water Use Permit No. 20021037.001, Sweet Life Acres, LLC/Sweet Life Acres (Hillsborough County)

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

~~2.10 Water Use Permit No. 20006736.007, HMTA Real Estate, LLC and Forestar (USA) Real Estate Group, Inc./HMTA Real Estate, LLC – Toledo Village (Sarasota County)~~

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

General Counsel's Report

2.11 Approval of the District's Annual Regulatory Plan for 2024-2025

Staff recommended the Board approve the District's Annual Regulatory Plan for 2024-2025 and execute the certification required by Section 120.74(1)(d), F.S.

2.12 Approval of First Amended and Restated Emergency Order No.SWF 24-020 – Emergency Measures for Tsala Apopka Golf Course Control Structure

Staff recommended the Board approve the First Amended and Restated Emergency Order No. SWF 24-020.

2.13 Approval of Interagency Agreement between South Florida Water Management District and Southwest Florida Water Management District – Designation of Regulatory Responsibility to South Florida Water Management District for an Environmental Resource Permit – Spanish Trail Ranch Reserve Easement – Charlotte County

Staff recommended the Board approve the Interagency Agreement between the South Florida Water Management District and the Southwest Florida Water Management District for the designation of regulatory responsibility for an Environmental Resource Permit for the above-described Project.

Executive Director's Report

2.14 Approve Governing Board Minutes – August 27, 2024

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:18:43)

Discussion

Finance/Outreach and Planning Committee

Treasurer Ashley Bell Barnett called the committee to order.

3.1 Consent Item(s) Moved to Discussion

2.1 Board Encumbrance of the Capital Field Equipment Fund

Board Member Schleicher requested this item be moved from Consent.

Board Member Schleicher asked about the status of the committed versus uncommitted funds. Ms. Michelle Weaver, Division Director, responded that \$281,000 will be carried over into the new fiscal year in uncommitted funds. She stated there is \$660,000 in committed funds for pending procurements. Board Member Schleicher stated his opposition to carrying over uncommitted funds.

Staff recommended the Governing Board approve the encumbrance of up to \$942,210 in FY2024 fund balance within the Capital Field Equipment Fund to carry forward into FY2025 for planned expenditures as approved through the budgetary process.

A motion was made and seconded to approve staff's recommendation. The motion carried with twelve in favor and one opposed. (Audio – 00:59:33)

3.2 Fiscal Year 2026 Business Plan Update

Ms. Mary Margaret Hull, Lead Project Manager, presented an update on the Fiscal Year (FY) 2026 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 (FY2026-FY2030). She 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 outlined drivers associated with five programmatic teams. These programs included population growth, sea level rise and resiliency, regulation and legislation, technology and aging infrastructure. Ms. Hull outlined staffing considerations for FY2026. She summarized improvements to the business planning process, performance metrics and staffing trends. She outlined the next steps associated with the Business Plan. Ms. Hull responded to questions.

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

3.3 Budget Update for Fiscal Year (FY) 2025

Mr. Brandon Baldwin, Business and IT Services Director, provided an update to the FY2025 budget. He stated the District was awarded a \$3.7 million grant from the National Oceanic and Atmospheric Administration for the Surface Water Improvement Management Program Cape Haze Ecosystem Restoration project. He stated the grant increases the state, local and federal funding from \$15.2 million to \$18.9 million and reduces the use of reserves by \$3.7 million to balance the budget. Mr. Baldwin stated there were no other changes to the proposed budget.

Staff recommended the Board approve the proposed changes to the FY2025 budget for adoption at the final budget hearing scheduled to be held on September 24, 2024 at 5:01 p.m.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:46:15)

3.4 Office of Inspector General Fiscal Year 2024 Annual Report

Mr. Brian Werthmiller, Inspector General, provided the FY2024 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 provided an overview of his required work functions. He provided a summary of the completed work products and other activities associated with the Inspector General office. He highlighted audits, investigations and reviews that were completed for FY2024. Mr. Werthmiller stated that 64 reviews were initiated and explained how reviews are received and the associated processes. Mr. Werthmiller responded to questions.

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

3.5 Budget Transfer Report

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

Operations, Lands and Resource Monitoring Committee

Board Member Robert Stern called the committee to order.

4.1 Consent Item(s) Moved to Discussion - None

Dr. Chris Anastasiou, Ph.D., Chief Water Quality Scientist, provided an update regarding Tropical Storm Helene. Staff responded to questions.

4.2 Purchase and Sale Contract and Joint Acquisition Agreement with Hillsborough County for Mattaniah Property; SWF Parcel No. 11-709-158

Ms. Ellen Morrison, Land Resources Bureau Chief, presented information that included background information, an area map, Areas of Responsibility associated with the parcel and the offer amount. She explained that the property creates a critical linkage to existing District owned property. Ms. Morrison stated that the property will be managed by Hillsborough County (County) pursuant to a cooperative property agreement. Board Member Schleicher asked if the County was interested in purchasing this property if the District didn't participate. Ms. Morrison responded that she was not made aware of that information. Board Member Schleicher expressed his dissent regarding the purchase of this property.

Staff recommended the Board:

- Accept the appraisals;
- Approve the Purchase and Sale Contract and authorize the Executive Director or designee to sign on the behalf of the District;
- Approve the Joint Acquisition Agreement and authorize the Chair or designee to sign on the behalf of the District;

- Designate SWF Parcel No. 11-709-158 as having been acquired for conservation purposes;
- Authorize staff to make minor changes or corrections to conform documents or correct errors; any substantive changes will be subject to Governing Board review and approval;
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms; and
- Approval to encumber and roll the funds for payment in the following year, in the event the closing does not occur before the end of the current fiscal year.

A motion was made and seconded to approve staff's recommendation. The motion carried with twelve in favor and one opposed. (Audio – 01:27:05)

4.3 Overview of the District's Data Collection and Monitoring Activities

Ms. Sandie Will, Data Collection Bureau Chief, provided an overview of the Data Collection Bureau (DCB) and its responsibilities. She explained the Areas of Responsibility the bureau supports, the types of data collected and quality analysis/quality control measures.

Ms. Will provided an overview of the Geohydrologic Data, Hydrologic Data, Water Quality Monitoring and Mapping & GIS sections. She outlined responsibilities associated with each section, data collected and various applications.

Secretary Jack Bispham asked about why some communities can withdrawal from the upper Floridan aquifer and others withdrawal from the Lower Floridan aquifer. He provided an example of The Villages Community and Polk County (County). Mr. Brian Armstrong stated that Polk County currently receives water from the Upper Floridan Aquifer. However, the County will be receiving water from the Lower Floridan Aquifer in the future. Discussion ensued.

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

4.4 Purchase and Sale Agreement for Perpetual Easement – Lake Annie, SWF Parcel No. 20-020-140

Ms. Ellen Morrison, Land Resources Bureau Chief, provided an overview of the Land Resources Bureau and responsibilities associated with Land Management and the Real Estate Service sections within the Bureau.

Ms. Morrison summarized property information and explained this easement is required as part of the Data Monitoring and Investigations Team (DMIT) for access and long-term monitoring of a proposed Upper Floridan Aquifer monitor well and a surficial aquifer monitor well at Lake Annie as part of the Central Florida Water Initiative (CFWI).

Secretary Jack Bispham expressed concerns regarding the purchase of this parcel. Ms. Morrison responded to questions. Secretary Bispham asked how often the monitor well would be accessed. Ms. Tamera McBride, Hydrologic Data Section Manager, summarized information and requirements associated with installation of the well, access needed and the monitoring equipment.

Discussion ensued.

Staff recommended the Board:

- Accept the appraisal; and Approve the Purchase and Sale Agreement and authorize the Executive Director or designee to sign on the behalf of the District; and

- Authorize staff to make minor changes or corrections to conform documents or correct errors; any substantive changes will be subject to Governing Board review and approval; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.
- Approval to encumber and roll the funds for payment in the following year, in the event the closing does not occur before the end of the current fiscal year.

A motion was made and seconded to approve staff's recommendation. The motion carried twelve in favor and one opposed. (Audio – 01:55:58/02:01:25)

Resource Management Committee

Board Member Dustin Rowland called the committee to order.

5.1 Consent Item(s) Moved to Discussion

2.5 FARMS – James Keen 62 (H821), Manatee County

Board Member Schleicher requested this item be moved from Consent.

Staff recommended the Board:

1. Approve the James Keen 62 project for a not-to-exceed project reimbursement of \$380,400 provided by the Governing Board;
2. Authorize the transfer of \$380,400 from fund 010 H017 Governing Board FARMS Fund to the H821 James Keen 62 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 twelve in favor and one opposed. (Audio – 02:24:31)

2.6 FARMS – G & G Farms, LLC – North 40 (H828), Hillsborough County

Board Member Schleicher requested this item be moved from Consent.

Staff recommended the Board:

1. Approve the G & G Farms, LLC - North 40 project for a not-to-exceed project reimbursement of \$212,246 provided by the Governing Board;
2. Authorize the transfer of \$212,246 from fund 010 H017 Governing Board FARMS Fund to the H828 G & G Farms, LLC - North 40 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 twelve in favor and one opposed. (Audio – 02:25:19)

2.7 South Hillsborough Aquifer Recharge Program (SHARP) Phase 2 (N855) – RW-4 IPE

Board Member Schleicher requested this item be moved from Consent.

Mr. Jay Hoecker, Resource Management Bureau Chief, provided an overview of the South Hillsborough Aquifer Program (SHARP) project and summarized the independent performance evaluation (IPE) of the RW-4 well site. He explained the change in the scope of work for the project. Mr. Hoecker stated there is a reduction in the costs associated with this project.

Board Member Schleicher stated that he has a concern regarding the injection of reclaimed water into the aquifer. He suggested there be more discussion in the future regarding use of reclaimed water for aquifer recharge programs. Staff responded to questions.

Staff recommended the Board:

1. Approve the IPE results for the SHARP Phase 2 RW-4 well site.
2. Approve the scope change to reduce the number of monitoring wells to two at each of the RW-2 and RW-4 well sites and reduce the District's funding share from \$4,800,000 to \$4,058,820.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 02:35:10)

5.2 Polk Regional Water Cooperative Projects Update

Mr. Jay Hoecker, Water Resources Bureau Chief, presented an overview of the history of the Polk Regional Water Cooperative which included the creation of the Central Florida Coordination Area, the Southeast Deep Exploratory Well Project (SE-DEW), the Polk County Comprehensive Water Supply Plan and the Lower Floridan Aquifer Hydrologic Investigation. He summarized projects and provided updates.

Board Member James Holton asked if there was a list of deep well drillers. Mr. Hoecker stated that it is a very specialized type of equipment. Ms. Mary Thomas, Carollo Engineering, responded that drilling has been challenging. She stated there are enough drillers to provide production wells. However, there is currently only one driller that has the proper equipment to complete deep well drilling.

This item 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

2.10 Water Use Permit No. 20006736.007, HMTA Real Estate, LLC and Forestar (USA) Real Estate Group, Inc./HMTA Real Estate, LLC – Toledo Village (Sarasota County)

Board Member Schleicher requested this item be moved from Consent.

Board Member Schleicher asked how much of the proposed increased quantities is allocated for the proposed golf course.

Ms. April Breton, Water Use Permitting Compliance Manager, stated the golf course will be allocated 32 percent of the total of permitted use. This allowable amount is 260,000 gallons out of 837,000 permitted quantities per day. The remainder of the permitted quantities will be for lawn and landscape irrigation. Ms. Breton stated repump water and surface water will be used prior to accessing groundwater.

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

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 02:40:11)

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 – 02:41:07)

Mr. Tumminia, General Counsel, provided an update to Board Member Schleicher's request regarding Item 7.3 from the August meeting. He stated the Attorney General's office acknowledged receipt of the request but did not provide a time frame for a response. Mr. Tumminia stated he will continue to keep the Board informed.

Mr. Tumminia provided an update regarding the discussions with Citrus County (County) regarding Chassahowitzka Campground litigation. He informed the Board that he met with the County Manager and County's outside counsel.. Tumminia stated the contract with the current vendor for the campsite will expire on November 30. The District will be extending that contract to December 31.

Committee/Liaison Reports

8.1 Public Supply Advisory Committee

A written summary of the August 6 meeting was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, provided highlights of his accomplishments for Fiscal Year 2024. A written summary was provided.

Chair's Report

10.1 Chair's Report

Vice Chair Mitten stated that in accordance with Board Policy 710-2, the executive director and inspector general will present their annual reports and accomplishments for the current fiscal year to the Governing Board. Packets were distributed to the Board Members to be completed. He explained that the Human Resources Office will compile and distribute a Performance Evaluation Summary for both the executive director and the inspector general. The Chair will recommend a final score for the executive director and the Treasurer will recommend a final score for the inspector general. The Board will vote on both recommendations.

Vice Chair Mitten stated the Final FY2025 Budget Hearing will begin at 6:00 p.m. today.

The next regularly scheduled Board meeting is on Tuesday, October 22 at 9:00 a.m., in the Brooksville office.

10.2 Employee Milestones

A written summary was provided.

Adjournment

The meeting adjourned at 5:48 p.m.