



**GOVERNING BOARD MEETING
TUESDAY, SEPTEMBER 28, 2021 – 3:00 PM
7601 US-301, TAMPA, FL 33637
(813) 985-7481**

MINUTES

Board Members Present

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

*Attended via electronic media

Board Members Absent

John E. Hall, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Chris Tumminia, General Counsel
Brian Werthmiller, Inspector General
John 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

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 28, 2021, at the Tampa Office, 7601 U.S. Highway 301 North, Tampa, FL 33637-6759.

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 (www.WaterMatters.org).

1.1 Call to Order

Acting 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. Acting 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. To assure that all participants have an opportunity to speak, a member of the public may submit a Request to Speak card to comment on agenda items only during the meeting. If someone wishes to address the Board on an issue not on the agenda, a Request to Speak card may

be submitted for comment during "Public Input." Acting Chair Williamson 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. She also requested that several individuals wishing to speak on the same topic designate a spokesperson.

Acting Chair Williamson 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 William Hogarth offered the invocation and led the Pledge of Allegiance.

1.3 Employee Recognition

Acting Chair Williamson recognized employees that have reached at least 20 years of service. The following staff was recognized: James Desruisseaux, David Testerman and Granville Kinsman.

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 Geddes, Jr., spoke against the use of reclaimed water.

CONSENT AGENDA

Finance/Outreach & Planning Committee

2.1 Board Encumbrance of the Capital Field Equipment Fund

Staff recommended the Board approve the encumbrance up to \$439,219, plus any additional savings achieved on purchases completed before September 30, 2021, in remaining FY2021 funds within the Capital Field Equipment Fund to carry forward into FY2022 for future years planned expenditures.

2.2 Knowledge Management: Governing Board Procurement Policy

As part of the District's Knowledge Management business process, the suggested Procurement Policy revisions and benefits were presented to the Board at the August meeting. No additional changes or recommendations were made at that time; therefore, staff recommended the Board replace the Governing Board Procurement Policy approved in October of 2018 with the new Governing Board Procurement Policy.

Resource Management Committee

2.3 FARMS – Bethel Farms, LLLP - Ryals Property (H796), Charlotte County

Staff recommended the Board:

1. Approve the Bethel Farms, LLLP - Ryals Property project for a not-to-exceed project reimbursement of \$279,520 with \$279,520 provided by the Governing Board.
2. Authorize the transfer of \$279,520 from fund 010 H017 Governing Board FARMS Fund to the H796 Bethel Farms, LLLP - Ryals Property project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

2.4 FARMS – Boyz Properties, LLC (H794), Manatee County

Staff recommended the Board:

1. Approve the Boyz Properties, LLC project for a not-to-exceed project reimbursement of \$631,000 with \$631,000 provided by the Governing Board. Authorize the transfer of \$631,000 from fund 010 H017 Governing Board FARMS Fund to the H794 Boyz Properties, LLC project fund.

2. Authorize the Assistant Executive Director to sign the agreement.

2.5 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

2.6 Operations, Lands and Resource Monitoring Committee: Second Amendment to Jay B. Starkey Wilderness Park Management Agreement with Pasco County, SWF Parcel No. 16-010-017X-2

Staff recommended the Board:

- Approve the Second Amendment to the Jay B. Starkey Wilderness Park Management Agreement with Pasco County, SWF Parcel No. 16-010-017X-2.
- Authorize the Governing Board Chair to execute the Second Amendment on behalf of the District.

2.7 Approval of Management Plans for Starkey Wilderness Preserve, Lower Hillsborough Wilderness Preserve, Upper Hillsborough Preserve, Halpata Tastanaki Preserve, Lake Panasoffkee Preserve, and Cypress Creek Preserve

Staff recommended the Board approve the Plan Updates for Cypress Creek Preserve, Halpata Tastanaki Preserve, Lake Panasoffkee Preserve, Lower Hillsborough Wilderness Preserve, Starkey Wilderness Preserve, and Upper Hillsborough Preserve.

2.8 Ridge Road Extension/Serenova Tract SWF Parcel No. 15-705-109X; Transfer of Suncoast Parkway Interchange Area to Florida Department of Transportation

Staff recommended the Board:

- Approve the conveyance of the Interchange Property to FDOT.
- Authorize the Governing Board Chair and Secretary to execute the quit claim deed attached hereto as Exhibit 1; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

General Counsel's Report

2.9 Approval of Consent Order between SWFWMD and JDI Farms, Inc. - Mining Activities Conducted without Water Use Permit - Watermelon Pit, LLC and JDI Farms, Inc. - CT No. 404443 - 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 any appropriate actions in circuit court, if necessary.

2.10 Approval of Consent Order between SWFWMD and Hall Family Ranch, LLC and Alligator Alley Aggregate and Asphalt, Inc. - Permit Condition Violations - Water Use Permit No. 10218.009 - CT No. 406254 - 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 any appropriate actions in circuit court, if necessary.

2.11 Approval of Consent Order between SWFWMD and Southern Aggregates, LLC - Unauthorized Activities - CT No. 406210 - Sumter 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 any appropriate actions in circuit court, if necessary.

2.12 Approval of the District's Annual Regulatory Plan for 2021-2022

Staff recommended the Board approve the District's Annual Regulatory Plan for 2021-2022 and execute the certification required by Section 120.74(1)(d), F.S.

Executive Director's Report

2.13 Approve Governing Board Minutes - August 24, 2021

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion passed unanimously. (Audio - 00:10:50)

Finance/Outreach and Planning Committee

Board Member Ashley Bell Barnett called the Committee meeting to order. (Audio – 00:11:58)

3. Consent Item(s) Moved to Discussion - None

3.2 Fiscal Year 2023 Business Plan Update

Ms. Mary Margaret Hull, Lead Project Manager, provided a presentation regarding the Business Plan update for Fiscal Year (FY) 2023. She explained the purpose and development process of the Business Plan. Ms. Hull summarized recommendations from the previous year Business Plan that were incorporated. She provided an overview that outlined drivers, SWOT analysis, changing workforce, multi-year performance metrics, staffing considerations, resource trends and the next steps going forward.

This item was for information only. No action was required

3.3 Fiscal Year (FY) 2022 Budget Development

Mr. John Campbell, Management Services Director, presented changes that were submitted to the FY2022 Budget since the September 14 Tentative Budget Hearing. He stated that \$6,825,000 in funding was added to the Water Supply and Water Resource Development Grant Program (H103). He explained this funding is provided to assist in developing viable regional water resources and water supplies through various sources to develop alternative water supplies. Mr. Campbell stated the FY2022 budget total will be \$198,049,447.

Mr. Campbell provided a two-year comparison of the expenditure budget by category and program, a summary of revenue budget changes by source, and FY2022 expenditures and outcomes.

Staff recommended the Board approve the proposed changes, if any, to the FY2022 budget for adoption at the final budget hearing scheduled to be held on September 28, 2021.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 00:33:19)

3.4 Office of Inspector General Fiscal Year 2021 Annual Report

Mr. Brian Werthmiller, Inspector General, provided the FY2021 Annual report for the Office of Inspector General (OIG). Mr. Werthmiller explained this report is required pursuant to Florida Statute and Governing Board policy. He stated the report summarizes the completed work products and other activities associated with the Inspector General office.

Mr. Werthmiller highlighted audits and other work products that were completed. These included the Risk Assessment and Audit Plan, the Department of Highway Safety and Motor Vehicles follow-up audit, the Use of Families First Coronavirus Relief Act Leave follow-up and the completion of the follow-up for the use of District vehicles. Mr. Werthmiller stated that 14 complaints were closed including two that resulted in reports to the Board.

Mr. Werthmiller stated that 96 reviews were initiated. He explained how reviews are received and the process associated. Mr. Werthmiller stated that investigations are conducted in accordance with the Principles and Standards for Offices of Inspector General and audits are conducted in accordance with Generally Accepted Government Auditing Standards (“Yellow Book”). For FY2021, the OIG is compliant with the peer review Yellow Book requirement.

Mr. Werthmiller stated the District has an in-house risk assessment and audit programs that provide a savings of approximately \$29,000.

Mr. Werthmiller stated he completed the FY21 performance measures that were set by the Board. He completed the necessary continuing professional education courses to continue his Certified Public Accountant certification (CPA), Inspector General certification (CIG) and he passed the Certified Fraud Examiner (CFE) exam

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

Resource Management Committee

Acting Chair Michelle Williamson called the Committee meeting to order. (Audio – 00:42:43)

4. Consent Item(s) Moved to Discussion - None

4.2 City of Venice Reclaimed Water Aquifer Storage and Recovery (ASR) – Third-Party Review (Q050)

Mr. JP Marchand, P.E., Water Resources Bureau Chief, provided an overview of the project, explained the purpose, outlined the benefits, provided a cost estimate, and outlined the conclusions from the third-party review. Mr. Marchand stated a re-evaluation was done and the project retained a high ranking. He stated the project benefit for the recovery volume increased from 25 to 60 million gallons per year.

Staff recommended the Board authorize continuation of the project and approve amending the Cooperative Funding Agreement to include a total project cost of \$5,489,752, with a DISTRICT share of \$2,744,876 for design, third-party review, permitting, construction, testing, and Independent Performance Evaluation of the reclaimed water ASR facility.

A motion was made and seconded to approve staff’s recommendation. The motion passed unanimously. (Audio - 00:52:19)

4.3 FARMS - Model Farms Economic Study, 2021 Updated Study

Ms. Carole Estes, P.G., FARMS Program Manager, presented an overview of the Model Facilitating Agricultural Resource Management Systems (FARMS) 2021 Economic Study. She explained this study provides updated cost benchmarks to evaluate growers proposed projects.

Ms. Estes outlined the benchmarks for the four most-commonly funded commodities and the evaluation process

Staff recommended the Board approve the updated Model Farms Economic Study 2021.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 00:59:10)

4.4 Knowledge Management: FARMS Program Governing Board Policy Revision

Ms. Carole Estes, P.G., FARMS Program Manager, outlined proposed revisions to the FARMS Program policy. She explained the purposes and benefits for the proposed changes. Ms. Estes stated the revised Knowledge Management document will be presented at the October Board meeting for approval.

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

4.5 Springs - Crystal River Indian Waters Septic to Sewer Phase 2 Project (W430) - Scope and Cost Change

Mr. Jay Hoecker, Water Supply Manager, presented the scope benefit and cost changes associated with project W430. He defined changes from the original scope of work, revised nutrient calculations, and changes in construction costs. Mr. Hoecker explained that City of Crystal River (City) will be able to utilize over 9,000 feet of existing sewer mains which will result in a decreased project cost of \$475,686. Mr. Hoecker responded to questions from the Board.

Board Member Bispham reminded the Board of the importance of continuing to protect the springs and to anticipate increased costs associated septic to sewer projects.

Vice Chair Schleicher asked why based on the information presented, the cost savings from the project are not more substantial. He also asked for additional information regarding the 60 septic tanks not referenced in the original proposal. Mr. Ken Frink, City Manager of Crystal River, explained that the original cost estimate was done in approximately 2017 and did not account for the unpredictable increase in current construction costs. He stated that 60 homes were initially thought to have septic tanks but do not. They are part of the service area for the package plant.

Mr. Frink stated the package plant will be decommissioned and flows sent to the City's treatment plant. The collection system for those homes will require rehabbing. In addition, because of the reduction in the quantity of connections, the technology shifted from a vacuum sewer to a gravity type system which is more expensive. Mr. Alan Garri, P.E., Kimley Horn, provided additional information and responded to questions from the Board.

Staff recommended the Board approve the changes for the Springs-Crystal River Indian Waters Septic to Sewer Phase 2 Project (W430) to include:

1. Decrease the Measurable Benefit from 178 septic tanks and one package plant to 118 septic tanks and one package plant.
2. Decrease the Project Benefit from 2,860 lbs/yr TN removed to 1,170 lbs/yr TN removed.

3. Decrease the total project cost from \$4,500,000 to \$4,024,314 and reduce the District's 25 percent share from \$1,125,000 to \$1,006,078.50.

A motion was made and seconded to approve staff's recommendation. The motion passed with 8 in favor and one opposed. Vice Chair Schleicher explained his opposition was due to the financial increase from the change in scope. (Audio – 01:22:27)

4.6 Proposed Minimum Flows for Little Manatee River Prior to Independent Scientific Peer Review

A written report was provided to the Board.

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

Operations, Lands and Resource Monitoring Committee

Board Member Jack Bispham called the Committee to order. (Audio – 01:24:03)

5.1 Consent Item(s) Moved to Discussion - None

5.2 Exchange of Property Interests, SWF Parcel No. 20-780-101C-1, Blackbird Ranch

Ms. Ellen Morrison, Land Resources Bureau Chief, presented information that included background, property location and benefits to the District. She explained the proposal is to release from restrictions, 80 acres that are located within a conservation easement in exchange for adding 180 acres of land that are currently not within the existing conservation easement. The 180 acres meet all four of the District's areas of responsibility. District areas of responsibility include water supply, water quality, flood control and natural systems. Ms. Morrison stated the acreage provides additional hydrologic benefits which include 23 acres of wetlands and 1.6 miles of stream channel that flows into Tiger Bay Slough. She emphasized the 80 acres being released does not include any wetlands or sensitive habitat. In addition, the net dollar increase will benefit the District by \$160,000.

Staff recommended the Board:

- Adjust the District's Florida Forever Work Plan boundary to include the exchange property for SWF Parcel No. 20-780-101C-1.
- Approve the Exchange of property through the amendment of the legal description for SWF Parcel No. 20-780-101C to add 180-acres and to release the existing conservation easement over 80-acres, subject to obtaining a boundary survey of the exchange properties acceptable to the District.
- Authorize the Chairman and Secretary of the Governing Board to execute a Conservation Easement Release.
- Determine that the 80-acres to be released is no longer needed for conservation purposes and designate that the 180-acres to be encumbered, SWF Parcel No. 20-780-101C-1, as having been acquired for conservation purposes.
- Authorize the Executive Director to execute the necessary documents to amend the legal description to include SWF Parcel No. 20-780-101C-1 and release the conservation easement over an 80-acre portion of SWF Parcel No. 20-780-101C.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:30:15)

5.3 Offer for Surplus Lands – Lake Panasoffkee (LP-1), SWF Parcel No. 19- 528-154S

Ms. Ellen Morrison, Land Resources Bureau Chief, presented information that included historical information of the property. She explained this property was declared surplus in

2015 and has been marketed since 2018. The Board originally approved a contracted sale of \$1,500,000 with Werner Trucking in March 2021. However, the contract was duly terminated due to Werner Trucking's inability to meet a due diligence contingency in the contract that involved approval from the Florida Department of Transportation to obtain a traffic light at the parcel entrance.

Ms. Morrison outlined the benefits of accepting the offer from World Investment Network of \$1,550,000.

Staff recommended the Board:

- Accept the offer of \$1,550,000, subject to confirmation by survey of total acreage.
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District.
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed.
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals, and petroleum in or on or under the land upon the request of the buyer.
- 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 staff's recommendation. The motion passed unanimously. (Audio – 01:34:53)

5.4 Offer from Florida Department of Transportation to purchase Right of Way, Lake Hancock - Marshall Hampton Reserve, SWF Parcel Nos. 20-503-261S, 20-503-262S and 20-503-263X

Mr. Doug Koop, Real Estate Services Manager, presented information regarding the sale of right-of-way (ROW) to the Florida Department of Transportation (FDOT). He explained this property will continue the extension of the Central Polk Parkway. Mr. Koop explained this property is part of the Marshall Hampton Reserve (MHR) which the District acquired in April 2008 and is part of the Lake Hancock project. He provided an overview of the offer from FDOT, and the associated benefits. Mr. Koop responded to questions from the Board.

Staff recommended the Board:

- Determine the MHR ROW Property identified as 21-503-261S, is no longer required for District purposes.
- Approve the Purchase Agreement and authorize the Executive Director to sign on behalf of the District for SWF Parcel No, 21-503-261S (ROW) and 21-503-263X (drainage easement).
- Authorize the Chairman and Secretary of the Governing Board to execute the Deed.
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals, and petroleum in or on or under the land upon the request of the buyer.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.
- Determine that SWF Parcel No. 21-503-262S, a 19.222 acre severed remainder property located at the southwest corner of Thornhill and Winter Lake Roads is no longer needed for District or conservation purposes and upon close of the purchase of the MHR ROW Property be declared surplus.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:42:00)

Regulation Committee

Acting Chair Williamson called the Committee meeting to order. (Audio – 01:45:05)

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board

None were presented

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion - None

Committee/Liaison Reports

8.1 Industrial Advisory Committee

Board Member Barnett stated that Mr. Mitch Gurr, Standard Sand and Silica, was elected Chair and Ms. Iliia Balcom, Duke Energy of Florida, was elected Vice Chair. Updates were provided regarding the Department of Protection (DEP) 404 program and coordination with the District. A written summary of the August 10 meeting was provided.

8.2 Public Supply Advisory Committee

Treasurer Ed Armstrong stated the District provided a cybersecurity presentation. A written summary of the August 10 meeting was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Armstrong reminded the Board Members it was time for the annual review of the Executive Director and the Inspector General. He provided an overview of his accomplishments. A written document was provided.

Chair's Report

10.1 Chair's Report

Chair Rice thanked Board Member Williamson for chairing this month's Board meeting.

10.2 Milestones

10.3 Executive Director's and Inspector General's Annual Accomplishments and Evaluations

Acting Chair Williamson stated that in accordance with Board Policy 710-2, performance evaluation packets were mailed to the Board Members. She asked that the Board complete their evaluation and submit their input by October 5. If assistance is required, please contact Ms. Teresa Jepma, Human Resources Office Chief.

The October 19 Governing Board meeting is scheduled at 9:00 a.m., in the Brooksville Office and the November 16 meeting is scheduled for 9:00 a.m., in the Tampa office.

Adjournment

The meeting adjourned at 5:00 p.m.