

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

SEPTEMBER 22, 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 3:00 p.m., on September 22, 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

Kelly Rice, Chair  
Joel Schleicher, Vice Chair\*  
Rebecca Smith, Ph.D., Secretary\*  
James Murphy, Treasurer\*  
Roger Germann, Member\*  
Jack Bispham, Member\*  
Seth Weightman, Member\*

\*Attended via electronic media

#### 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](http://www.WaterMatters.org)).

### CONVENE PUBLIC HEARING AND MEETING

#### **1.1 Call to Order**

Chair Rice called the meeting to order and opened the public hearing.

Chair Rice 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 Rice 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 briefly recessed to allow for communication with any members of the public who were providing input via telephone.

Chair Rice reconvened the meeting.

#### **1.2 Invocation and Pledge of Allegiance**

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

Chair Rice introduced each member of the Governing Board (this served as roll call), 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.

**1.3 Additions/Deletions to Agenda**

Mr. Brian Armstrong, executive director, stated the following additions were made to the Agenda.

**Consent Agenda - General Counsel's Report**

**2.13 District's Fiscal Year 2020-2021 Annual Regulatory Plan**

**Discussion Agenda - Resource Management Committee**

**4.4 Weeki Wachee River Channel Restoration Project Funding**

Mr. Armstrong also stated that the Finance Committee was being moved to follow the Operations, Lands and Resource Monitoring Committee.

Vice Chair Joel Schleicher requested the following items be moved to Discussion:

**Resource Management Committee**

**2.6 FARMS – North Joshua Grove, LLC – Hog Island Grove (H788), DeSoto County**

**General Counsel's Report**

**2.8 Governing Board Concurrence - Emergency Order No. SWF 20-034 - Emergency Measures Made Necessary by COVID-19**

**1.4 Public Input for Issues Not Listed on the Published Agenda**

No requests were submitted.

Chair Rice stated there was good cause to amend the agenda as allowed by Section 120.525, Florida Statutes. (Audio – 00:6:45)

**Consent**

**Finance/Outreach and Planning Committee**

**2.1 Budget Transfer Report**

Staff requested approval of the Budget Transfer Report covering all budget transfers for August 2020.

**2.2 Board Encumbrance of the Sarasota Office Renovations**

Staff recommended the Governing Board approve the encumbrance of \$422,690.28 budgeted in FY2020 to carry forward into FY2021 to complete the renovations at the Sarasota service office via the Capital Improvements Plan.

**2.3 Board Encumbrance of the Capital Field Equipment Fund**

Staff recommended the Governing Board approve the encumbrance up to \$544,810, plus any additional savings achieved on purchases completed before September 30, 2020, in remaining FY2020 funds within the Capital Field Equipment Fund to carry forward into FY2021 for future years planned expenditures.

**Resource Management Committee**

**2.4 Approve Use of the Updated Alafia River Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Hillsborough County (N588)**

Staff requested the Board approve use of the updated Alafia River Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Hillsborough County.

**2.5 Five-Year Water Resource Development Work Program**

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

**~~2.6 FARMS – North Joshua Grove, LLC – Hog Island Grove (H788), DeSoto County~~**

~~Staff requested the Board:~~

- ~~1. Approve the North Joshua Grove, LLC project for a not to exceed project reimbursement of \$186,000 with \$186,000 provided by the Governing Board.~~
- ~~2. Authorize the transfer of \$186,000 from fund 010 H017 Governing Board FARMS Fund to the H788 North Joshua Grove, LLC project fund.~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

**Operations, Lands & Resource Monitoring Committee**

**2.7 FY2020 Board Designated Encumbrance for S-353 Spillway Repairs (B882)**

Staff requested the board approve the encumbrance of \$735,000 from FY2020 to carry forward into FY2021 for the spillway repair of the S-353 structure.

**General Counsel's Report**

**~~2.8 Governing Board Concurrence – Emergency Order No. SWF 20-034 – Emergency Measures Made Necessary by COVID-19~~**

~~Staff requested the Board approve the Fourth Amended and Reinstated Emergency Order No. SWF 20-034 and concur with the Executive Director's determinations regarding the State of emergency and the actions necessary to meet the emergency.~~

**2.9 Approval of Consent Order Between SWFWMD and DGNL, LLC – Permit Condition Violations - Environmental Resource Permit No. 43028559.003 – CT No. 407350 – Sarasota County**

Staff requested 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 Interagency Agreement between SJRWMD and SWFWMD - Designation of Regulatory Responsibility - Village Center Community Development District - Sumter County**

Approve the Interagency Agreement designating regulatory responsibility for Village Center Community Development District to the St. Johns River Water Management District.

**2.11 Authorization to Issue Administrative Complaint and Order – Well Construction Violations - William D. Going - License Number 1564 - CT No. 409525 - Pinellas County**

Staff requested the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to William D. Going to obtain compliance, recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.
2. Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

**Executive Director's Report**

**2.12 Approve Governing Board Minutes - August 25, 2020**

Staff requested the Board approve the minutes as presented.



**A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio - 00:07:28)**

**Chair Rice relinquished the gavel to the Resource Management Committee Chair Seth Weightman, who called the meeting to order. (Audio – 00:08:37)**

#### **Discussion**

#### **Resource Management Committee**

#### **4.1 Consent Item(s) Moved for Discussion**

#### **2.6 FARMS – North Joshua Grove, LLC – Hog Island Grove (H788), DeSoto County**

Vice Chair Schleicher asked that a vote be completed on this item.

Staff requested the Board:

3. Approve the North Joshua Grove, LLC project for a not-to-exceed project reimbursement of \$186,000 with \$186,000 provided by the Governing Board.
4. Authorize the transfer of \$186,000 from fund 010 H017 Governing Board FARMS Fund to the H788 North Joshua Grove, LLC 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 with six in favor and one opposed. Vice Chair Schleicher stated his opposition was due to his concerns regarding funding projects at the 75 percent cost share. (Audio: 00:10:04)**

#### **4.2 FARMS – Luna Berry Farms, LLC – Amendment (H671), Polk County**

Mr. Randy Smith, Natural Systems & Restorations Bureau chief, provided a presentation. Mr. Smith explained that the scope changes to Facilitating Agricultural Resource Management Systems (FARMS) projects are atypical. He presented information on the original project, the proposed scope changes, reasons for those changes and the associated cost reductions.

Staff asked the Board:

1. Approve the amendment to the Luna Berry Farms, LLC project for a reduction in the not-to-exceed project reimbursement to \$ 88,844.21.
2. Authorize the Division Director to sign the amendment.

**A motion was made and seconded to approve the staff's recommendation. The motion carried unanimously. (Audio - 00:17:42)**

#### **4.3 FARMS – Schwartz Farms, Inc. – Amendment (H672), Sarasota County**

Mr. Randy Smith provided a presentation. He presented information on the original project, the proposed scope changes, reasons for those changes and the associated cost reductions.

1. Approve the amendment to the Schwartz Farms, Inc. H762 project for a reduction in the not-to exceed project reimbursement to \$ 55,672.37.
2. Authorize the Division Director to sign the amendment.

**A motion was made and seconded to approve the staff's recommendation. The motion carried unanimously. (Audio - 00:23:30)**

#### **4.4 Weeki Wachee River Channel Restoration Project Funding**

Ms. Jennette Seachrist, Resource Management director, provided a presentation. She reminded the Board that state revenue for construction of this project was approved at the

August 2020 Board meeting. Ms. Seachrist stated the District is recommending approval of a cost share to make this project more competitive. She outlined the project objectives and the benefits associated with the project. Ms. Seachrist explained that the proposed cost share would be split 50/50 with the Florida Department of Environmental Protection (FDEP).

Vice Chair Schleicher asked if this project was vetted through the Cooperative Funding Initiative (CFI) process. Ms. Seachrist responded in the negative and stated the project was a District Initiative. Mr. Brian Armstrong, executive director, explained the Board previously approved design and permitting of project as a District Initiative with funding from a state grant. Vice Chair Schleicher expressed concern for the lateness of the request. Mr. Armstrong explained that staff found out that most of the other FDEP funding requests had a cooperator match and to be competitive staff are recommending providing a 50 percent match.

Vice Chair Schleicher inquired about the impact to the FY2021 budget. Mr. John Campbell, Management Services director, stated that the expenditure budget is not changing. The change is the source of funding for the 50 percent cost share of \$4.195 million state funding approved at the August Board meeting.

Staff recommended the Board approve the following changes to be incorporated into the FY2021 budget:

- a. Reduce FDEP funding for the Weeki Wachee River Channel Restoration Project from \$4,195,000 to \$2,097,500.
- b. Increase Balance from Prior Years by \$2,097,500 to fund the District's share of the project.

**A motion was made and seconded to approve staff's recommendation. The motion carried with six in favor and one opposed. Vice Chair Schleicher stated his opposition was due to his concerns regarding the lateness of this request for funding.** (Audio - 00:34:43)

**Committee Chair Weightman relinquished the gavel to the Operations, Lands & Resource Monitoring Committee Chair Jack Bispham, who called the Committee to order.** (Audio — 00:45:10)

#### **Operations, Lands & Resource Monitoring Committee**

##### **5.1 Consent Item(s) Moved for Discussion - None**

##### **5.2 Accept offer from the Florida Department of Transportation (FDOT) to purchase the District's Old Florida Plantation (OFP) property, Lake Hancock Project SWF Parcel No. 21-502-109S**

Ms. Ellen Morrison, Assistant Bureau chief, provided historical information regarding the acquisition of the property. She outlined the information related to the offer from the FDOT. Ms. Morrison explained the total acreage will be confirmed by a pending survey. She stated the District will retain easements for two data collection sites.

Ms. Morrison explained the Board previously approved the surplus or sale of portions of this property no longer necessary for District purposes. She explained the sale of this property will reduce the District's land management responsibilities and eliminate an existing cattle lease.

Vice Chair Schleicher expressed concern regarding the comparison of the District's purchase price per acre in 2003 and the current selling price per acre. Discussion ensued.



Staff requested the Board:

- Determine the property identified is no longer required for District purposes; and
- Approve the Purchase Agreement and authorize the Executive Director to sign on the behalf of the District; and
- 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; 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's recommendation. The motion carried unanimously. (Audio - 00:52:27)**

**Committee Chair Bispham relinquished the gavel to the Regulation Committee Chair Roger Germann, who called the Committee to order. (Audio - 00:56:13)**

#### **Regulation Committee**

**6.1 Consent Item(s) Moved for Discussion - None**

**6.2 Consider Water Shortage Order(s) as Necessary**  
None were presented.

**6.2 Denials Referred to the Governing Board**  
None were presented.

**Committee Chair Germann relinquished the gavel to the Finance/Outreach & Planning Committee Chair James Murphy who called the Committee to order. (Audio - 00:56:53)**

#### **Finance/Outreach & Planning Committee Discussion**

**3.1 Consent Item(s) Moved for Discussion – None**

**3.2 Fiscal Year (FY) 2022 Business Plan Update**

Mr. Kevin Wills, Cooperative Funding Initiative lead, provided a presentation regarding the Business Plan update for Fiscal Year (FY) 2022. Mr. Wills provided an overview that outlined the purpose, the development process, a summary of the FY2021 Business Plan, FY2022 drivers, multi-year performance metrics, staffing considerations, resource trends and the next steps going forward.

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

**3.3 Office of Inspector General 2020 Annual Report**

Mr. Brian Werthmiller, Inspector General, provided a presentation for the Office of Inspector General Fiscal Year (FY) 2020 annual report. Mr. Werthmiller explained this report is required pursuant to Florida Statute and Governing Board policy. He stated that this report summarizes the completed work products and other activities associated with the Inspector General office.

Mr. Werthmiller explained the Office of Inspector General works independently and reports directly to the Governing Board. He explained that audits are conducted in accordance with the Generally Accepted Government Auditing Standards, also known as the Yellow Book. He explained that investigations are conducted in accordance with the Principles and Standards for Offices of Inspector General, also known as the Green Book.

Mr. Werthmiller stated he requested an external peer review which was performed by the Association of Inspectors General (AIG) in January 2020. The District received the highest passing rating with unanimous conclusion that all professional standards were fully met.

Mr. Werthmiller outlined the functions performed by the Office of Inspector General, which includes audits, investigations, and reviews. He provided an overview of internal audits that were completed for FY2020.

Mr. Werthmiller provided an overview of the operational audit that was performed by the Auditor General. He stated the audit disclosed no findings and recommendations regarding District processes and administrative activities within the scope of their audit. He stated this is an extraordinary achievement.

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

**Chair Rice made a motion to accept the Auditor General's operational audit and place on file. The motion carried unanimously. (01:23:55)**

**Committee Chair Murphy relinquished the gavel to Chair Rice. (Audio – 01:25:10)**

## **General Counsel's Report**

### **7.1 Consent Item(s) Moved for Discussion**

### **2.8 Governing Board Concurrence - Emergency Order No. SWF 20-034 - Emergency Measures Made Necessary by COVID-19**

Mr. Chris Tumminia, deputy general counsel, responded to questions.

Staff requested the Board approve the Fourth Amended and Reinstated Emergency Order No. SWF 20-034 and concur with the Executive Director's determinations regarding the State of emergency and the actions necessary to meet the emergency.

**A motion was made and seconded to approve staff's recommendation. The motion Carried with six in favor and one opposed. Vice Chair Schleicher stated his opposition was due to the inability to return to pre-COVID conditions to conduct District business. (Audio - 00:43:27)**

## **Committee/Liaison Reports**

### **8.1 Industrial Advisory Committee**

A written summary of the August 11 meeting was provided.

### **8.2 Public Supply Advisory Committee**

A written summary of the August 11 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 the accomplishments. A written report was provided.

## Chair's Report

### 10.1 Chair's Report

Chair Rice outlined some of his expectations during his tenure as chair.

The next Board meeting is scheduled for October 20 at 8:00 a.m. and is scheduled to be held via virtual media.

### 10.2 Executive Director's and Inspector General's Annual Accomplishments and Evaluations

Chair Rice stated that performance evaluation packets were mailed to the Board and Board Members were asked to follow the instructions in the packets.

### 10.3 Employee Milestones

Chair Rice recognized staff who reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: Bob Brady, Kim Schwartz and Greg Johnston.

The meeting adjourned at 4:49 p.m.

Attest:

Secretary

  
Chair