

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

SEPTEMBER 24, 2019

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 3:00 p.m., on September 24, 2019, at the District's Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida. The following persons were present:

Board Members Present

Mark Taylor, Chair
Michelle Williamson, Vice Chair
Joel Schleicher, Secretary
Kelly S. Rice, Treasurer
Rebecca Smith, Ph.D., Member
James G. Murphy, Member
Roger Germann, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
Brian Werthmiller, Inspector General
John J. Campbell, Division Director
Brian Starford, Acting Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director

Board Administrative Support

Caroline Browning, Board & Executive Services 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 (00:00)

1. Call to Order

Chair Mark Taylor called the meeting to order and opened the public hearing. Secretary Schleicher stated a quorum was present.

2. Invocation and Pledge of Allegiance

Secretary Schleicher offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

Chair Taylor 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 Taylor 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 Taylor 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 Taylor recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: Donald Kaskie, Dudley Black and Vaughn Boyer.

4. Additions/Deletions to Agenda

Mr. Brian Armstrong, executive director, stated the following item was deleted from the agenda:

Regulation Committee

17. Partial Release of Conservation Easement for Old Florida Mitigation Bank – ERP No. 43041425.001 – Pasco County

Secretary Schleicher requested the following items be moved to discussion:

Finance/Outreach & Planning Committee

6. Board Encumbrance of the Capital Field Equipment Fund

7. Board Encumbrance of Capital Improvements Plan Brooksville Generators

8. Board Encumbrance of Deposit for Sarasota Office Relocation

9. Board Encumbrance of the Tampa Space Utilization Renovations

Resource Management Committee

14. Pasco County River Ridge Golf Course and Waters Edge Residential Reclaimed Water Project – Scope of Work Change (N792)

Chair Taylor stated there was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

5. Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddes, Jr., spoke regarding the use of reclaimed water.

Ms. Dianne Silliman spoke regarding Walden Point/Johnson Point flooding.

Mr. Richard Diaz, Jr., Diaz Pearson & Engineering, Inc., representing Walden Point Homeowners Association, spoke regarding Johnson Point development. Ms. Michelle Hopkins, Regulation director stated the District is anticipating the receipt of the complete as-built submittal with the survey information. She stated that staff will review the submittal and respond to any deficiencies. Ms. Hopkins responded to questions from the Board. Ms. Karen West, general counsel, stated that staff should continue to communicate any concerns necessary to ensure permit compliance.

Mr. Chester Bradshaw spoke regarding concerns related to bridge overflow on Hillsborough River.

Board Member Smith asked what assistance can be provided to Mr. Bradshaw. Mr. Armstrong suggested that a presentation be provided to the Board regarding a study that was completed regarding this issue.

Consent Agenda

Finance/Outreach & Planning Committee

6. Board Encumbrance of the Capital Field Equipment Fund

Staff recommended the Governing Board approve the encumbrance up to \$484,810, plus any additional savings achieved on purchases completed before September 30, 2019, in remaining FY2019 funds within in the Capital Field Equipment Fund to carry forward into FY2020 for future years planned expenditures.

7. Board Encumbrance of Capital Improvements Plan Brooksville Generators

Staff recommended the Governing Board approve the encumbrance of \$750,000 budgeted in FY2019 to procure generators and installation to outfit Brooksville Buildings 4 and 5 in FY2020 via the Capital Improvements Plan.

8. Board Encumbrance of Deposit for Sarasota Office Relocation

Staff recommended the Governing Board approve the encumbrance of \$78,615 from FY2019 to carry forward into FY2020 for a refundable deposit and any ancillary due diligence costs to hold a property prior to Governing Board consideration of a lease or purchase and sale agreement.

9. Board Encumbrance of the Tampa Space Utilization Renovations

Staff recommended the Governing Board approve the encumbrance of \$1,450,000 to carry forward into FY2020 to implement alterations and renovations as recommended in the Staff Space Needs Study.

10. Knowledge Management: Performance Incentive Program Governing Board Policy

Staff recommended the Board approve the updating of the Performance Incentive Program Policy.

11. Knowledge Management: Risk Management and Safety Governing Board Policy

Staff recommended the Board approve the deletion of Governing Board Policy 120-1.

12. Vehicle Use Audit Follow-Up

Staff recommended the Board approve the Office of Inspector General Vehicle Use Follow-Up Audit.

13. Budget Transfer Report

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for August 2019.

Resource Management Committee

14. Pasco County River Ridge Golf Course and Waters Edge Residential Reclaimed Water Project – Scope of Work Change (N792)

Staff recommended the Board approve the revision to the project title and Cooperative Funding Agreement for the Pasco County River Ridge Golf Course and Waters Edge Residential Reclaimed Water Project to include:

1. Rename the project to the Pasco County River Ridge Country Club and Waters Edge Residential Reclaimed Water Project.
2. Replace all references to the River Ridge Golf Course in the Cooperative Funding Agreement with the River Ridge Country Club.

15. FARMS – Tamiami Citrus, LLC (H730), Hardee County – Scope Change Operations, Lands and Resource Monitoring Committee

Staff recommended the Board:

1. Approve amendment of the Tamiami Citrus, LLC project agreement for a not-to-exceed reimbursement of \$250,645;
2. Authorize the Assistant Executive Director to sign the amendment to the agreement.

Operations, Lands and Resource Monitoring Committee

16. Knowledge Management: Cooperative Land Management Agreements Governing Board Policy Regulation Committee

Staff recommended the Board approve the Cooperative Land Management Agreements Governing Board Policy as revised.

Regulation Committee

17. Partial Release of Conservation Easement for Old Florida Mitigation Bank – ERP No. 43041425.001 – Pasco County

~~Staff recommended the Board approve, accept, and execute the attached Partial Release of Conservation Easement and Quit Claim Deed for the Old Florida Mitigation Bank.~~

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

General Counsel's Report

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

a. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Carl Douglas, Jr. – License Number 9127 – CT No. 404782 – Charlotte County, Florida

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Carl Douglas, Jr. 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.

b. Approve the District's Annual Regulatory Plan for 2019-2020

Staff recommended the Board approve the District's Annual Regulatory Plan for 2019-2020 and execute the certification required by 120.74(1)(d), F.S.

20. Rulemaking – None

Executive Director's Report

21. Approve Governing Board Minutes – August 27, 2019

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 - 00:35:37)

Chair Taylor relinquished the gavel to the Finance/Outreach & Planning Committee Chair Rice, who called the meeting to order. (Audio - 00:35:57)

**Finance/Outreach & Planning Committee
Discussion**

22. Consent Item(s) Moved for Discussion

6. Board Encumbrance of the Capital Field Equipment Fund

Mr. John Campbell, Management Services director, provided a presentation that outlined the Board encumbrance request for the capital field equipment fund. He explained this fund allows for the acquisition, enhancement, replacement and reconditioning of District field equipment.

Secretary Schleicher expressed concerns regarding this encumbrance request.

Staff recommended the Governing Board approve the encumbrance up to \$484,810, plus any additional savings achieved on purchases completed before September 30, 2019, in remaining FY2019 funds within the Capital Field Equipment Fund to carry forward into FY2020 for future planned expenditures.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio - 00:45:02)

7. Board Encumbrance of Capital Improvements Plan Brooksville Generators

Ms. Michelle Maxey, General Services Bureau chief, provided a presentation regarding the request for board encumbrance for the purchase of generators for the Brooksville office. She provided an overview of existing backup systems, the associated costs related to lost staff time due to power outages and District equipment/systems that would require the use of a generator. Ms. Maxey outlined the requested equipment requirements and the areas of the District that would be serviced.

Secretary Schleicher expressed concerns regarding the purchase of equipment that may have limited use. Mr. John Campbell explained that line outage is more frequent and affects staff's ability to work. He stated the expense for the generators is justified based on the cost of lost staff time.

Staff recommended the Governing Board approve the encumbrance of \$750,000 budgeted in FY2019 to procure generators and installation to outfit Brooksville Buildings 4 and 5 in FY2020 via the Capital Improvements Plan.

A motion was made and seconded to approve staff's recommendation. The motion carried with six in favor and one opposed. (Audio - 00:51:47)

8. Board Encumbrance of Deposit for Sarasota Office Relocation

Mr. John Campbell, Management Services director, provided a presentation regarding the request for Board encumbrance for the Sarasota office relocation. This presentation outlined information related to the sale of the Sarasota office and the leasing of office space.

Secretary Schleicher expressed his concerns regarding this request. He stated his opposition is due to the carry-over of the funds.

Board Member Smith expressed her concerns regarding the sale of the Sarasota building.

Mr. Campbell responded to questions from the Board.

Staff recommended the Governing Board approve the encumbrance of \$78,615 from FY2019 to carry forward into FY2020 for a refundable deposit and any ancillary due diligence costs to hold a property prior to Governing Board consideration of a lease or purchase and sale agreement.

A motion was made and seconded to approve staff's recommendation. The motion carried with five in favor and two opposed. (Audio - 00:58:14)

9. Board Encumbrance of the Tampa Space Utilization Renovations

Ms. Michelle Maxey, General Services Bureau chief, provided a presentation regarding the Board encumbrance for the Tampa office renovations. She provided an overview of the results from the study that was completed in October 2018 to determine staff needs.

Secretary Schleicher expressed his concerns regarding use of the carry over encumbrance.

Staff recommended the Governing Board approve the encumbrance of \$1,450,000 to carry forward into FY2020 to implement alterations and renovations as recommended in the Staff Space Needs Study.

A motion was made and seconded to approve staff's recommendation. The motion carried with six in favor and one opposed. Secretary Schleicher opposed for reasons stated. (Audio - 01:01:02)

23. Office of Inspector General Fiscal Year Ending September 30, 2019 Annual Report

Mr. Brian Werthmiller, inspector general, provided a presentation for the Office of Inspector General Fiscal Year (FY) 2019 annual report. Mr. Werthmiller explained this report is required pursuant to Florida Statute. 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.

Mr. Werthmiller outlined functions that are performed by the Office of Inspector General, which includes audits, investigations and reviews. 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 explained that reviews are performed internally with the purpose of providing feedback or recommendations.

Mr. Werthmiller provided highlights of recommendations from the July 2018 Auditor General report and how they have been addressed.

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

24. Fiscal Year (FY) 2020 Budget Development

Mr. John Campbell, Management Services director, provided a presentation on the FY2020 budget Development update. This presentation included a timeline, overview of goals and outcomes, summary outlining expenditure budget changes, expenditures by categories and programs, summary of revenue budget changes and sources of revenue.

Mr. Campbell responded to questions from the Board.

Staff recommended the Board approve the proposed changes, if any, to the FY2020 budget for adoption at the final budget hearing scheduled to be held on September 24, 2019.

A motion was made and seconded to approve staff's recommendation. The motion carried with six in favor and one opposed. (Audio - 01:19:19)

Submit & File Reports - None

Routine Reports

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

25. Treasurer's Report and Payment Register

26. Monthly Financial Statement

27. Monthly Cash Balances by Fiscal Year

28. Comprehensive Plan Amendment and Related Reviews Report

Committee Chair Rice relinquished the gavel to the Resource Management Committee Chair Smith, who called the meeting to order. (Audio - 01:20:10)

Resource Management Committee

Discussion

29. Consent Item(s) Moved for Discussion

14. Pasco County River Ridge Golf Course and Waters Edge Residential Reclaimed Water Project – Scope of Work Change (N792)

Mr. Jay Hoecker, Water Supply Bureau manager, provided an overview regarding the scope change for project N792.

Secretary Schleicher expressed concerns regarding the process related to changes in scope of work for projects.

Mr. Hoecker explained the original project involved construction of the reclaimed water transmission main for the River Ridge Golf Course and Waters Edge residential community. He stated that project was completed, however, Pasco County (County) was unable to reach a utility service agreement with the golf course. The County was able to reach an agreement with the Water's Edge residential community. Mr. Hoecker explained it will be a different customer but a higher measurable benefit.

Mr. Hoecker responded to questions from the Board Members.

Staff recommended the Board approve the revision to the project title and Cooperative Funding Agreement for the Pasco County River Ridge Golf Course and Waters Edge Residential Reclaimed Water Project to include:

1. Rename the project to the Pasco County River Ridge Country Club and Waters Edge Residential Reclaimed Water Project.
2. Replace all references to the River Ridge Golf Course in the Cooperative Funding Agreement with the River Ridge Country Club.

A motion was made and seconded to approve staff's recommendation. The motion carried with six in favor and one opposed. Secretary Schleicher stated his opposition was due to the process. (Audio - 01:25:18)

30. Five-Year Water Resource Development Work Program

Mr. Hoecker provided a presentation regarding the Five-Year Water Resource Development Work Program. He explained this report is statutorily required and outlined its purpose. Mr. Hoecker stated this report requires that the District identify and describe an implementation strategy for projects identified in the Regional Water Supply Plan.

Mr. Hoecker outlined the three sections in the report and the costs associated with them. These included data collection and analysis activities, water resource development projects and water supply development assistance projects.

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.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio - 01:31:22)

31. Fiscal Year 2021 Business Plan Update

Mr. Kevin Wills, senior economist, provided a presentation regarding the Business Plan update for Fiscal Year (FY) 2021. Mr. Wills provided an overview that outlined the purpose, the development process, a summary of the FY2020 business plan, FY2021 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.

32. Polk Regional Water Cooperative (PRWC) Southeast Wellfield – Conceptual Design Third-Party Review (N905)

Mr. Eric DeHaven, Resource Management assistant director, provided an overview of the conceptual design third-party review as related to project N905. Mr. DeHaven explained the intent of the third-party review and the guidelines associated with it. He provided an overview of the Central Florida Water Initiative (CFWI) and outlined the purpose of project N905 and costs associated with it. Mr. DeHaven provided an overview of the findings from the third-party review.

Staff recommended the Board authorize staff to continue with the project preliminary design phase and a second third-party review in accordance with the Cooperative Funding agreement.

Chair Taylor recessed the Governing Board meeting to begin the scheduled FY2020 Final Budget hearing. (Audio - 01:59:23)

Chair Taylor reconvened the Governing Board meeting following the FY2020 Final Budget hearing. Chair Taylor relinquished the gavel to the Resource Management Committee Chair Smith who reconvened the committee meeting. (Audio - 02:10:41)

Secretary Schleicher asked why funds were being utilized from Ad Valorem rather than borrowing money to facilitate this project. Mr. DeHaven stated it has always been the District's position not to incur debt. He added if it is the Board's preference to consider debt alternatives, that can always be considered.

Mr. DeHaven responded to questions from the Board regarding the third-party review.

A motion was made and seconded to approve staff's recommendation. The motion carried with six in favor and one opposed. Secretary Schleicher stated his opposition was related to the magnitude of the project based upon information. (Audio - 02:25:30)

Submit & File Reports – None

Routine Reports

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

33. Minimum Flows and Levels Status Report

34. Significant Water Resource and Development Projects

Chair Smith relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Murphy. (Audio - 02:25:58)

**Operations, Lands and Resource Monitoring Committee
Discussion**

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

36. Hydrologic Conditions

Mr. Granville Kinsman, P.G., Hydrologic Data manager, provided a presentation on the hydrologic conditions. Mr. Kinsman stated that although rainfall for September remained very dry, the 12-month average rainfall was normal to above normal for most of the District. Groundwater levels throughout the District were considered in the normal range but showed declines. Lake levels remained in the normal range in the northern, Tampa Bay, Lake Wales Ridge and Polk Upland regions. Flows on the Withlacoochee and Peace rivers were in the above normal range. Flows on the Hillsborough and Alafia rivers remain above normal but are showing declines. The Bill Young reservoir is at capacity and the Peace River reservoir remains at a healthy level. Mr. Kinsman stated the forecast projects above normal rainfall for the next three months.

Mr. Kinsman stated the tropics are active and staff will continue to monitor.

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

37. Surplus Lands Assessment

Mr. Jerry Mallams, P.G., Operations, Lands & Resource Monitoring bureau chief, provided a presentation regarding surplus lands assessment. Mr. Mallams explained the District does routine assessment of District lands to identify properties that can be recommended for surplus in accordance with District policy. He stated that no lands are being recommended for surplus at this time. Mr. Mallams outlined criteria used by staff to guide the assessment of properties. He provided an overview of the assessment process. Mr. Mallams stated that proceeds from the sale of surplus lands are used to purchase additional lands to assist in meeting the District's mission.

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

38. Knowledge Management: Sale, Exchange or Conveyance of Interest in Land by the District Governing Board Policy Update

Mr. Mallams provide a presentation regarding the update to the Governing Board policy for the sale, exchange and conveyance of interest in land by the District. He outlined the proposed following changes: 1) change the interval for land assessments from two to five years; 2) allow for closing documents, that don't require Board approval, to be signed by the bureau chief or a delegate; and 3) allow staff to determine the methods for land sales.

Mr. Mallams responded to questions from the Board.

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

Submit & File Reports – None

Routine Reports

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

39. Surplus Lands Update

40. Structure Operations

41. Significant Activities

Committee Chair Murphy relinquished the gavel to the Regulation Committee Chair Schleicher, who called the meeting to order. (Audio - 02:54:01)

Regulation Committee

Discussion

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

43. Denials Referred to the Governing Board

No denials were presented.

Submit & File Reports – None

Routine Reports

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

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

45. Overpumpage Report

46. Individual Permits Issued by District Staff

Committee Chair Schleicher relinquished the gavel to Chair Taylor. (Audio - 02:54:35)

General Counsel's Report

Discussion

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

Ms. Karen West, general counsel, provided an update regarding the rule challenge for the Rainbow River Minimum Flows and Levels (MFLs). She stated the proposed final orders were filed and she will keep the Board apprised when the final ruling is made.

Ms. West provided an update regarding pending legal action concerning an employment discrimination case and will keep the Board apprised.

Submit & File Reports – None

Routine Reports

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

48. September 2019 Litigation Report

49. September 2019 Rulemaking Update

Committee/Liaison Reports

50. Agricultural and Green Industry Advisory Committee

A written summary for the September 5, 2019 meeting was provided.

51. Other Committee/Liaison Reports

Executive Director's Report

52. Executive Director's Report

Mr. Brian Armstrong, executive director, stated the October Board workshop has been rescheduled to December.

Mr. Armstrong informed the Board that the District received the 2019 Outstanding Landowner of the Year award from the Florida Forest Service and Florida State Forests. He stated the District was recognized for its partnership with Operation Outdoor Freedom.

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.

Chair's Report

53. Executive Director's and Inspector General's Annual Reports

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

54. Chair's Report

Chair Taylor stated that Board committee assignments have been completed and distributed to the Board.

Chair Taylor reiterated that the October Board workshop has been rescheduled to December with the anticipation of additional Board Members appointments.

Chair Taylor informed the Board that the Chassahowitzka/Homosassa Minimum Flows and Levels (MFLs) will be presented at the October meeting.

The next meetings scheduled are as follows: October 22 at 9:00 a.m., in the Brooksville office, November 12 at 9:00 a.m. in the Tampa office and December 10 at 9:00 a.m. in the Brooksville office.

55. Other

56. Employee Milestones

The meeting was adjourned at 6:08 p.m.

Chair



Attest:

Secretary

