

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

OCTOBER 22, 2019

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on October 22, 2019, at the District's Brooksville Office, 2379 Broad Street, Brooksville, 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*Via Phone
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, 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

Board Member Murphy 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: Carol Daleo, Amy Poxson, Jim Catarouch and Tacey Bartlett.

4. Additions/Deletions to Agenda

Mr. Brian Armstrong, executive director, stated there were no additions or deletions to the agenda.

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 spoke against the use of reclaimed water.

Ms. Dianne Silliman spoke regarding flooding issues associated with Johnson Point subdivision.

Mr. Richard Diaz spoke regarding flooding issues associated with Johnson Point subdivision.

Ms. Michelle Hopkins, Regulation director, provided an update to the Board and addressed staff concerns.

Consent Agenda

Resource Management Committee

6. Approve Use of the Lower Coastal Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Pasco County (L842)

Staff recommended the Governing Board approve use of the Lower Coastal Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Pasco County.

7. Minimum Flows and Minimum Water Levels Priority List and Schedule Update

Staff recommended the Governing Board approve the Southwest Florida Water Management District 2019 Priority List and Schedule for submission to DEP for review and approval as required by Chapter 373, F.S.

8. Channel 1A2 Stormwater Quality Improvements - Scope Change (W300)

Staff recommended the Governing Board:

1. Approve the scope revision to increase the drainage area treated from 20 acres to 23.3 acres, which is the measurable benefit in the cooperative funding agreement.
2. Approve the scope revision to increase the TSS removal from 8,126 lbs./yr. to 9,300 lbs./yr. and reduce the TN removed from 223 lbs./yr. to 89 lbs./yr., which are the resource benefits in the cooperative funding agreement.
3. Approve the increase in project cost from \$808,800 to \$846,000, with the District share remaining \$403,900 and the PPWMD's share increasing from \$403,900 to \$442,100.

Finance/Outreach & Planning Committee

9. Budget Transfer Report

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

10. Cigna Employee Wellness Program Budget Transfer

Staff recommended the Governing Board approve the budget transfer of \$165,000 in FY2019 funds from District Lake and Wetland MFLs Criteria Review consultant services (P084) to the fully reimbursable Employee Wellness Program (Z078) provided by Cigna.

11. Inspector General Performance Measures

Staff recommended the Governing Board approve the Office of Inspector General performance measures.

Operations, Lands & Resource Monitoring Committee - None

Regulation Committee

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

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

13. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20020687.00 - Southeast Wildwood Water Conservation Authority (Sumter County)

Staff recommended the Governing Board approve the proposed permit.

General Counsel's Report

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

a. Initiation of Litigation – Breach of Contract – Jacobs Engineering Group, Inc. – Weeki Wachee State Park Canoe Launch Improvements

Staff recommended the Board provide concurrence with the authorization of the Executive Director, the Governing Board Chair and the General Counsel to file a lawsuit against Jacobs Engineering Group, Inc. on September 27, 2019, in accordance with Board Policy 160-1.

15. Rulemaking - None

Executive Director's Report

16. Approve Fiscal Year 2020 Final Budget Hearing Minutes – September 24, 2019

Staff recommended the Board approve the minutes as presented.

17. Approve Governing Board Minutes - September 24, 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. (Video - 00:19:40)

Chair Taylor asked the Resource Management Committee Chair Smith, if she preferred that he chair her committee since she was attending by telephone. Committee Chair Smith responded in the affirmative. Chair Taylor called the meeting to order. (Video – 00:19:58)

Resource Management Committee

Discussion

18. Consent Item(s) Moved for Discussion – None

19. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt Minimum Flows for the Chassahowitzka and Homosassa River Systems and Accept Reports

Ms. Jennette Seachrist, Resource Management director, provided an information that outlined the support of setting Minimum Flows and Levels (MFLs) for protection of the natural systems and waterbodies.

Dr. Gabe Herrick, Ph.D., lead environmental scientist, provided a presentation. He defined MFLs and outlined statutory requirements. Dr. Herrick reviewed the timeline that requires re-evaluation of the MFLs, and the outreach associated with it. He outlined District tools that are utilized to protect springs.

Dr. Herrick explained that the re-evaluation assessment consists of six years of additional data in addition to the original data. He outlined the various methods and surveys that the District utilized to obtain data. Dr. Herrick provided an overview of the models that interpret that data. He stated that the District also partners with the United States Geological Survey (USGS) and the Florida Fish and Wildlife Conservation Commission (FFWCC) for additional data.

Mr. Ron Basso, chief hydrogeologist, provided a presentation that outlined the groundwater withdrawal impacts to the Chassahowitzka and Homosassa spring systems. He explained that once MFLs are set, staff must determine if MFLs are being met with the current withdrawals and predict future impacts. Mr. Basso stated that the geology and relatively low groundwater use have led to small flow changes of one to two percent. He stated that the current groundwater use trend has been flat for the last eight to ten years due to conservation, increased use of reclaimed water and slower population growth. Mr. Basso outlined the impact that rainfall has on the flows of the springs. He provided graphs outlining the rainfall trends and groundwater withdrawals associated with these systems.

Mr. Basso provided an overview of the Northern District Model that was used to interpret data and explained the model is also utilized by St. Johns River Water Management District (SJRWMD), Marion county and the Withlacoochee River Water Supply Authority (WRWSA). He also stated this model has been peer reviewed by outside experts. Mr. Basso provided an overview of the flow change and groundwater withdrawals for both springs systems from 2010 through 2040.

Dr. Herrick and Mr. Basso responded to questions from the Board.

Chair Taylor stated Request to Speak cards were received.

Ms. Katherine Spratt spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Don Clark spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Dennis Dutcher spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Ben Berauer spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Jessica Bibza spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Brad Rimbey spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems. He also provided a presentation.

Mr. Frank Kapocsi spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Harriet Heywood spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Maxine Conner spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Natalie Sheaffer Zinsser spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. DeeVon Quirolo spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Katie Johnson spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Jere Hooker spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Richard Owen spoke in support of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Captain Jodi Spalding spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Keith Rogers spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Dan Hilliard spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Lesia Bennett spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Mark Bohler spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Theresa Waldron spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Art Jones spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Mr. Ed Jones spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Shellie Mitchell spoke in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems.

Ms. Tessie Gourlie completed a Request to Speak card to speak in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems but declined to speak.

Ms. Shellie Mitchell completed a Request to Speak card to speak in opposition of adopting the MFLs for the Chassahowitzka and Homosassa springs systems but declined to speak.

Staff recommended the Board:

1. Accept the reports entitled "Reevaluation of Minimum Flows for the Chassahowitzka River System, Final Draft" and "Reevaluation of Minimum Flows for the Homosassa River System, Final Draft"

2. Authorize the initiation of rulemaking and approve the proposed rule language for the adoption of amendments to Rule 40D-8.041, Florida Administrative Code, to establish a minimum flow for the Chassahowitzka River and Homosassa River Systems.
3. Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Video – 02:21:53)

20. Project Schedule Adjustments Associated with Governing Board Resolution 18-06 (Amended) – Polk Regional Water Cooperative

Mr. Eric DeHaven, Resource Management Division assistant director, provided a presentation requesting the Board excuse two project schedule milestone exceedances for the Polk Regional Water Cooperative (PRWC).

Mr. DeHaven provided an overview of the PRWC resolution, amendments and milestones required. He outlined the West Polk Lower Floridan Aquifer project (N882) and Peace River/Land Use Transition Treatment Facility and Reservoir (Q133) and the reasons associated with the delays in milestones for these projects. Mr. DeHaven requested the Board to excuse an anticipated schedule milestone exceedance for conducting third-party reviews for projects by April 30, 2020, as identified in Governing Board Resolution 18-06.

Mr. DeHaven responded to questions from the Board.

Staff recommended the Board:

1. Excuse the schedule delay in the cooperative funding agreement project plan task 2.2 - Well Construction and task 2.3 Aquifer Performance Testing for the West Polk Lower Floridan Aquifer Deep Wells Project (N882);
2. Excuse the schedule delay for the completion of third-party reviews associated with three cooperative funding projects (N882, N928, Q133).

A motion was made and seconded to approve staff's recommendation. The motion carried with six in favor and one opposed. (Video – 02:36:16)

Submit & File Reports – None

Routine Reports

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

21. Minimum Flows and Levels Status Report

22. Significant Water Resource and Development Projects

Chair Taylor relinquished the gavel to the Finance/Outreach & Planning Committee Chair Rice, who called the meeting to order. (Video - 02:36:51)

**Finance/Outreach & Planning Committee
Discussion**

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

24. Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, provided a presentation on the quarterly investment strategy from July 1, 2019 through September 30, 2019. This presentation provided information on the United States Gross Domestic Product, federal interest rate information, an economic update and yield curve analysis. He provided a graph that displayed the federal funds rate hike current cycle and Federal Open Market Committee (FOMC) rate projections. Mr. Grady stated the Districts aggregate portfolio weighted average book yield has remained at a fairly consistent level at 2.08

percent. Mr. Grady stated the District aggregate portfolios duration increased approximately 43 percent to 1.14 years since Fiscal Year (FY) 2018.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended September 30, 2019.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Video - 02:44:45)

25. Annual Review and Approval of the District's Investment Policy

Mr. John Campbell, Management Services director, provided a presentation. He stated that policy requires a review of the District's Investment Policy within sixty (60) days following the end of each fiscal year and approval of any modifications made.

Mr. Campbell stated the purpose of the District's Investment Policy is to set forth the investment objectives and parameters for the management of District funds. He explained that the policy is designed to ensure the prudent management of public funds, the availability of operating and capital funds when needed, and an investment return competitive with comparable funds and financial market indices.

Staff recommended the Board approve and accept the recommendation for no modifications to Board Policy, Investments.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Video – 02:47:14)

26. Development of Preliminary Budget for Fiscal Year 2021

Mr. John Campbell, Management Services director, provided a presentation. Mr. Campbell stated that pursuant to Section 373.535, Florida Statutes, the water management districts are required to submit a preliminary budget for the next fiscal year (FY) to the Florida Legislature for review by January 15. Mr. Campbell provided a schedule for the FY2021 budget development, budget metrics, preliminary operating budget assumptions and revenue budget assumptions.

Staff recommended the Board approve the general budget assumptions as outlined in the October 22, 2019 budget presentation for the development of the preliminary budget for FY2021.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Video - 02:56:03)

Submit & File Reports

27. Inspector General Quarterly Update – July 1, 2019 to September 30, 2019

Routine Reports

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

28. Treasurer's Report and Payment Register

29. Monthly Financial Statement

30. Monthly Cash Balances by Fiscal Year

31. Comprehensive Plan Amendment and Related Reviews Report

Committee Chair Rice relinquished the gavel to the Operations, Lands & Resource Monitoring Committee Chair Murphy, who called the meeting to order. (Video - 02:56:23)

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

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

33. Agreement with the City of Temple Terrace for Voluntary Annexation of Portions of District Property – Tampa Bypass Canal – SWF Parcel No. 13-004-318X

Mr. Jerry Mallams, Operations & Land Management bureau chief, provided a presentation. He stated the City of Temple Terrace has requested to annex portions of District-owned property within the Tampa Bypass Canal into the municipal boundaries of the City of Temple Terrace. Mr. Mallams provided background information and outlined the benefits associated with this proposed annexation.

Mr. Amir Anisi, representing the City of Temple Terrace, was in attendance to respond to any questions from the Board.

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

Submit & File Reports

34. Hydrologic Conditions Report

35. Exchange Agreement with Tampa Port Authority for the Expansion of Railroad Lines for Port Services – Schulz Preserve - SWF Parcel Numbers 11-709-154 and 11-709-155S

Routine Reports

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

36. Surplus Lands Update

37. Structure Operations

38. Significant Activities

Committee Chair Murphy relinquished the gavel to the Regulation Committee Chair Schleicher, who called the meeting to order. (Video - 03:03:42)

Regulation Committee

Discussion

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

40. 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.

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

42. Overpumpage Report

43. Individual Permits Issued by District Staff

Committee Chair Schleicher relinquished the gavel to Chair Taylor. (Video - 03:04:10)

General Counsel's Report

Discussion

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

Submit & File Reports – None

Routine Reports

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

45. October 2019 Litigation Report

46. October 2019 Rulemaking Update

Committee/Liaison Reports

47. Environmental Advisory Committee

Board Member Germann stated that the Committee passed a motion that the District provide support for the Blue-Green algae Task Force that has been set up by Governor DeSantis.

A written summary of the October 8, 2019 meeting was provided.

48. Other Committee/Liaison Reports

A written summary of the October 9, 2019 Well Driller Advisory meeting was provided.

Executive Director's Report

49. Executive Director's Report

Mr. Brian Armstrong, executive director, provided the Board with a copy of his goals for FY2020.

Chair's Report

50. 2019 Employee Evaluation and 2020 Performance Goals for the Executive Director and Inspector General

Chair Taylor stated that the Board Members were provided with the 2019 employee evaluation and FY2020 goals for the executive director and the inspector general. He stated that final recommended scores were provided based upon the individual scores received from Board.

A motion was made to approve the recommended merit increases for the Executive Director and the Inspector General. The motion was seconded and carried unanimously.
(Video - 03:10:31)

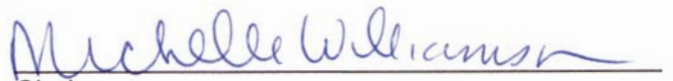
51. Chair's Report

Chair Taylor thanked the Board and staff for the attention that was provided to the discussion regarding item 19 during the Board meeting.

52. Other

53. Employee Milestones

The meeting was adjourned at 12:15 p.m.


Chair

Attest:


Secretary