

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

NOVEMBER 19, 2019

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on November 19, 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* *via Telephone*
Michelle Williamson, Vice Chair
Joel Schleicher, Secretary
Kelly S. Rice, Treasurer* *via phone*
Rebecca Smith, Ph.D., Member
James G. Murphy, Member
Roger Germann, Member
Jack Bispham, Member
Seth Weightman, 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

Vice Chair Michelle Williamson called the meeting to order and opened the public hearing. Secretary Joel Schleicher stated a quorum was present.

2. Invocation and Pledge of Allegiance

Board Member Smith offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

2a. Oath of Office for New Board Members

Ms. Caroline Browning, Board and Executive Services manager, administered the Oath of Office for new Board Members Jack Bispham and Seth Weightman.

Vice Chair Williamson introduced each member of the Governing Board. She noted that the Board meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Vice 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 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." Vice 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 issue/topic designate a spokesperson.

3. Employee Recognition

Vice Chair Williamson 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: Michelle Maxey, Aileen Houck and Michael Terry.

4. Additions/Deletions to Agenda

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

15. b. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Earl W. Pruitt

Secretary Schleicher requested the following item be moved to Discussion:

Finance/Outreach & Planning Committee

8. Water Supply and Water Resource Development Grant Program Budget Transfer

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

Mr. David Ballard Geddes, Jr., spoke regarding taxation without representation.

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

Consent Agenda

Resource Management Committee

6. Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code, to Adopt Revised Minimum Wetland Levels in Hillsborough, Pasco, and Pinellas Counties

Staff recommended the Board:

- A. Accept the report entitled, "DRAFT report for Revised Minimum Levels Based on Reevaluation of Levels Adopted for 41 Southwest Florida Water Management District Wetlands."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.623, F.A.C., to replace the previously approved Minimum Levels and wetlands with the proposed Minimum Levels and wetlands in Hillsborough, Pasco, and Pinellas Counties, as shown in the Exhibit.

Finance/Outreach & Planning Committee

7. Budget Transfer Report

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

8. Water Supply and Water Resource Development Grant Program Budget Transfer

Staff recommended the Board approve the transfer of funds between projects as follows:

- a) \$2,674,000 in state appropriations from Water Supply and Water Resource Development Grant Program (H103) to:
 - PRWC – West Polk County Lower Aquifer Deep Wells (N882) in the amount of \$1,000,000;
 - PRWC – Southeast Wellfield (N905) in the amount of \$1,424,000; and

- ~~a. Statewide Potable Reuse Outreach Program (P265) in the amount of \$250,000.~~
 - ~~b. \$500,000 in ad valorem from PRWC – West Polk County Lower Aquifer Deep Wells (N882) to the Polk Partnership (H094).~~
 - ~~c. \$712,000 in ad valorem from PRWC – Southeast Wellfield (N905) to the Polk Partnership (H094).~~
- 9. **Post-Closing Occupancy Agreement Budget Transfer**
Staff recommended the Board approve the budget transfer in the amount of \$98,400 from the cancelled CFI project N990 Zephyr Creek Drainage Improvements to provide funding for the Post-Closing Occupancy Agreement that provides for a stay in place lease-back of a portion of the District's former Sarasota Office that was sold November 1, 2019.
- 10. **Resolution to Request Disbursement of Funds from the Land Acquisition Trust Fund for Land Management**
Staff recommended the Board approve Resolution 19-15, Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Land Acquisition Trust Fund for Land Management.
- 11. **Resolution to Request Disbursement of Funds from the Water Protection Sustainability Program Trust Fund for the Citrus County Sugarmill Woods Golf Course Reuse Project**
Staff recommended the Board approve Resolution 19-16, Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Water Protection and Sustainability Program Trust Fund for Selected Project(s).
- 12. **Self-Funded Health Insurance Plan Year-To-Date Financial Update and Resolution to Amend the FY2019 Budget**
Staff recommended the Board approve Resolution 19-17, First Amendment of the Fiscal Year 2019 Annual Service Budget, for self-funded health insurance.

Operations, Lands and Resource Monitoring Committee – None

Regulation Committee

13. **Authorize Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, Florida Administrative Code, to Amend WUP Applicant's Handbook Part B**

Staff recommended the Board authorize the initiation of rulemaking and approve the proposed revisions to Rule 40D-2.091(1)(a) F.A.C., and Applicant's Handbook Section 3.9.2.4.2 and Section 4.1.1.2., and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process.

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

General Counsel's Report

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

a. **Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Dustin Tyler – CT No. 400751 and 400841 – Polk County, Florida**

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to the Well Contractor to obtain compliance with District rules, and seek assessment of civil penalties, including applicable fines, including the full amount of the penalty described above, as well as taxable costs and attorney's fees.
2. Authorize District staff to initiate litigation against the Well Contractor to enforce the terms of the Administrative Complaint and Order, if necessary.

b. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Earl W. Pruitt – License No. 2214 – CT No. 405351 – Pinellas County

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and order to Earl W. Pruitt and any other necessary party to obtain compliance, recover an

c. Authorization to Issue Administrative Complaint and Order – Unauthorized Construction

– Bruce Straubel – CT No. 395688 – Polk County, Florida

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Straubel and any other necessary party to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against Straubel and any other necessary parties to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.
3. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

16. Rulemaking – None

Executive Director's Report

17. Approve Governing Board Minutes - October 22, 2019

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (00:11:21)

Vice Chair Williamson relinquished the gavel to the Resource Management Committee Chair Rebecca Smith, who called the meeting to order. (00:11:40)

Resource Management Committee

Discussion

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

19. Facilitating Agricultural Resource Management Systems (FARMS) Program Governing Board Policy

Mr. Chris Zajac, FARMS Program manager, provided a presentation. Mr. Zajac explained that FARMS is a cost-share reimbursement program for agricultural producers to promote water conservation and alternative water supply Best Management Practices (BMPs). He explained that the program was created in 2003 and operates under Chapter 40D-26, F.A.C. Mr. Zajac provided a timeline with a map outlining District priority areas associated with the FARMS program and rule revisions expanding the program.

Mr. Zajac stated that staff is seeking Governing Board input on the staff proposal to repeal the existing FARMS Program rule and replace it with a Governing Board Policy as provided in the attached exhibit. Staff will bring this item back to the Governing Board for any additional review and final approval at a future Governing Board meeting.

Mr. Zajac responded to questions from the Board. Vice Chair Williamson requested that nutrient reduction BMPs be added as an eligible expense in areas with established Total Maximum Daily Loads (TMDLs) or Basin Management Action Plans (BMAPs) for the purpose of water quality improvement. Secretary Schleicher asked that the District consider implementing water quality BMPs on a District-wide basis.

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

Submit & File Reports

20. Proposed Reservations for Lake Hancock/Saddle Creek Prior to Independent Scientific Peer Review

Ms. Jennette Seachrist, Resource Management Division director, explained the information Provided to the Board.

21. Withlacoochee River Watershed Initiative

Ms. Seachrist stated that Mr. Chester Bradshaw provided some information at the September 24 Governing Board meeting. She explained that Dr. Mark Fulkerson has reviewed the information and determined it to be information the District has already received and considered.

Committee Chair Smith stated a Request to Speak Card was received for this item. Mr. Chester Bradshaw requested a Peer Review be done for overflow on the Withlacoochee/Hillsborough River.

Routine Reports

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

22. Minimum Flows and Levels Status Report

23. Significant Water Resource and Development Projects

Committee Chair Smith relinquished the gavel to the Finance/Outreach and Planning Committee. Committee Chair Kelly Rice asked Vice Chair Williamson to Chair the Committee. Vice Chair Williamson called the meeting to order. (00:31:00)

Finance/Outreach & Planning Committee

Discussion

24. Consent Item(s) Moved for Discussion

8. Water Supply and Water Resource Development Grant Program Budget Transfer

Secretary Schleicher stated he requested this be moved to Discussion to allow for a vote.

Staff recommended the Board approve the transfer of funds between projects as follows:

- a) \$2,674,000 in state appropriations from Water Supply and Water Resource Development Grant Program (H103) to:
 - PRWC - West Polk County Lower Aquifer Deep Wells (N882) in the amount of \$1,000,000;
 - PRWC - Southeast Wellfield (N905) in the amount of \$1,424,000; and
 - Statewide Potable Reuse Outreach Program (P265) in the amount of \$250,000.
- b) \$500,000 in ad valorem from PRWC - West Polk County Lower Aquifer Deep Wells (N882) to the Polk Partnership (H094).
- c) \$712,000 in ad valorem from PRWC - Southeast Wellfield (N905) to the Polk Partnership (H094).

A motion was made and seconded to approve staff's recommendation. The motion carried with eight in favor and one opposed. (00:31:32)

25. 2020 Legislative Preview

Mr. Michael Molligan, Employee and External Relations director, provided a monthly legislative update. He stated that Committee meetings are occurring at present and the legislative session will begin January 14, 2020 and the last day is March 13.

Mr. Molligan provided an overview of key Senate and House Chairpersons. He noted that to date there had been 742 policy bills filed of which 63 were environmental and 763 appropriations bills filed of which 228 were associated with environmental and natural resources. He reminded the Board that any bill that is going to require funding must have a separate appropriation bill.

Mr. Molligan stated the District is tracking Senate Bill (SB) 388 and House Bill (HB) 6027. This bill requests the repeal of the Citrus/Hernando Waterways Restoration Council. Mr. Molligan explained this council has not met for several years and the Springs Coast Steering Committee, which includes stakeholders from all the major stakeholders, are essentially doing the same functions for the waterways in Citrus and Hernando counties.

Mr. Molligan specifically addressed the following bills that have been filed in the Senate but do not have companion bills in the House: SB 386, revises the boundaries of the Suwannee River Water Management District (SRWMD) and the SWFWMD to include all of Levy County within the SRWMD, and SB 332, that requires \$100 million to be appropriated annually to the Florida Forever Trust Fund.

Mr. Molligan also stated that Senate confirmations are pending for the Executive Director and five Governing Board Members.

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.

26. Treasurer's Report and Payment Register

27. Monthly Financial Statement

28. Monthly Cash Balances by Fiscal Year

29. Comprehensive Plan Amendment and Related Reviews Report

Vice Chair Williamson relinquished the gavel to the Operations, Lands & Resource Monitoring Committee Chair James Murphy, who called the meeting to order. (00:37:15)

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

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

31. Hydrologic Conditions Report

Mr. Granville Kinsman, P.G., Hydrologic Data manager, provided a presentation on the hydrologic conditions. Mr. Kinsman stated that rainfall for October was wetter than normal. The 12-month average rainfall was normal to above normal for most of the District. He stated that the southern part of the District remains drier. Groundwater levels throughout the District were considered in the normal to above-normal range. Lake levels remained in the normal range in all regions but are showing declines. The flow on the Withlacoochee, Hillsborough, Alafia and Peace rivers have all shown declines, but remain in the normal range. The water supply for the City of Tampa remains at a healthy level. The Bill Young reservoir is near capacity and the Peace River reservoir system is full.

Mr. Kinsman stated the climate forecast has changed due to being in ENSO neutral conditions. The forecast projects normal rainfall for the next three months.

Mr. Kinsman stated the tropics are still showing activity, but no impact to Florida is expected.

Mr. Kinsman presented a United States drought monitor and explained the caveats associated with it.

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.

32. Surplus Lands Update

33. Structure Operations

34. Significant Activities

Committee Chair Murphy relinquished the gavel to the Regulation Committee Chair Joel Schleicher, who called the meeting to order. (00:47:55)

Regulation Committee

Discussion

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

36. Denials Referred to the Governing Board

No denials were presented.

37. Consider Water Shortage Order(s) as Needed

None were presented.

38. Water Use Permit Allocations

Mr. Darrin Herbst, Water Use Permit Bureau chief, provided a presentation. Mr. Herbst provided an overview of the program, outlining the statute, rules and guidelines associated with it. He explained the conditions of issuance and how permitted withdrawal quantities are determined. Mr. Herbst provided an overview of the seven water use permit types and how allocations are determined.

Mr. Herbst provided an overview of the District's AGMOD software that is used for determining agricultural, landscape and recreation allocations.

Mr. Herbst explained the overpumpage report that is provided in the monthly Board packet.

Mr. Herbst responded to questions from the Board. Discussion ensued.

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. Dover/Plant City Water Use Caution Area Flow Meter Automatic Meter Reading Implementation Program Update

40. Overpumpage Report

41. Individual Permits Issued by District Staff

Committee Chair Schleicher relinquished the gavel to Vice Chair Williamson. (01:22:04)

General Counsel's Report

Discussion

42. 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.

43. November 2019 Litigation Report

44. November 2019 Rulemaking Update

Committee/Liaison Reports

45. Public Supply Advisory Committee

A written report of the November 5 meeting was provided.

46. Other Committee/Liaison Reports

None were presented.

Executive Director's Report

47. Executive Director's Report

Mr. Brian Armstrong stated the District earned 13 local and state awards from the Florida Public Relations Association and the Public Relations Society of America. These awards honored the 2018 Mission Campaign to help District staff better connect with the District's mission, the 2018 Starting Off on the Right Foot Sneaker Challenge and the 2018 Northern Winter Haven Chain of Lakes Outreach.

Chair's Report

48. Chair's Report

49. Other

50. Employee Milestones

The meeting was adjourned at 10:24 a.m.

Attest:



Treasurer

Chair

