



**GOVERNING BOARD MEETING**  
**TUESDAY, DECEMBER 14, 2021 – 9:00 A.M.**  
**2379 BROAD STREET, BROOKSVILLE, FL 34604**  
**(352) 796-7211**

**MINUTES**

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Board Members Present

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

\*attended via electronic media

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 9:00 a.m., December 14, 2021, at the Brooksville Office, 2379 Broad Street, Brooksville, FL 34604.

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 at [WaterMatters.org](http://WaterMatters.org).

**1.1 Call to Order**

Chair Rice called the meeting to order. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Chair Rice 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, members 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." 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 topic designate a spokesperson.

Chair Rice 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 Seth Weightman led the invocation and the Pledge of Allegiance.

**1.3 Employee Recognition**

Chair Rice recognized employees that have reached at least 20 years of service. The following staff members were recognized: Donna Wever and Jason LaRoche.

**1.4 Additions/Deletions to Agenda**

Mr. Brian Armstrong, Executive Director, stated the following item was deleted from Consent:

**General Counsel's Report**

**2.7 Corrected Deed of Conservation Easement for Horse Creek Mitigation Bank – Environmental Resource Permit No. 43041539.000 - DeSoto County**

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

**Resource Management Committee**

**2.2 FARMS – P BAR R Sod Company, LLC (H798), Hardee County**

**2.3 FARMS – Bethel Farms, LLLP – Phase 4 (H797), DeSoto**

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

Mr. David Ballard Geddes spoke against the use of reclaimed water.

**CONSENT AGENDA**

**Finance Committee**

**2.1 Resolution to Request Disbursement of Funds from the Land Acquisition Trust Fund for Land Management**

Staff recommended the Board approve Resolution 21-15, Request to the Florida Department of Environmental Protection for Disbursement of Funds from the Land Acquisition Trust Fund for Land Management, as shown in the Exhibit.

**Resource Management Committee**

~~**2.2 FARMS – P BAR R Sod Company, LLC (H798), Hardee County**~~

~~Staff recommended the Board:~~

- ~~1. Approve the P BAR R Sod Company, LLC project for a not to exceed project reimbursement of \$293,187 with \$293,187 provided by the Governing Board.~~
- ~~2. Authorize the transfer of \$293,187 from fund 010 H017 Governing Board FARMS Fund to the H798 P BAR R Sod Company, LLC project fund.~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

~~**2.3 FARMS – Bethel Farms, LLLP – Phase 4 (H797), DeSoto**~~

~~Staff recommended the Board:~~

- ~~1. Approve the Bethel Farms, LLLP – Phase 4 project for a not to exceed project reimbursement of \$250,219 with \$250,219 provided by the Governing Board.~~

- ~~2. Authorize the transfer of \$250,219 from fund 010 H017 Governing Board FARMS Fund to the H797 Bethel Farms, LLLP Phase 4 project fund.~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

**2.4 Approve Use of the Updated Pemberton/Baker Canal Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Hillsborough County (N713)**

Staff recommended the Board approve use of the updated Pemberton/Baker Canal Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Hillsborough County.

**Operations, Lands & Resource Monitoring Committee**

**2.5 Management and Use Agreement with Hillsborough County for the Tampa Bypass Canal-Harney Park – SWF Parcel No. 13-136-144X**

Staff recommended the Board:

- Approve the Management Agreement between the Board of County Commissioners of Hillsborough County and the Southwest Florida Water Management District for the Management and Use of the Tampa Bypass Canal/Harney Park.
- Authorize the Governing Board Chair and Secretary to execute the Management Agreement.

**Regulation Committee**

**2.6 Water Use Permit No. 20020999.000 – Hudson Land / Hudson Land & Cattle, LLC – Charlotte County**

Staff recommended the Board approve the proposed permit attached as an exhibit.

**General Counsel's Report**

~~**2.7 Corrected Deed of Conservation Easement for Horse Creek Mitigation Bank – Environmental Resource Permit No. 43041539.000 – DeSoto County**~~

~~Staff recommended the Board approve, accept, and execute the attached Corrected Deed of Conservation Easement for the Horse Creek Mitigation Bank.~~

**Executive Director's Report**

**2.8 Approved Governing Board Minutes – November 16, 2021**

Staff recommended the Board approve minutes as presented.

**A motion was made and seconded to approve the amended Consent Agenda. The motion passed unanimously. (Audio - 00:10:20)**

**Finance/Outreach and Planning Committee**

Treasurer Ed Armstrong called the Committee meeting to order. (Audio - 00:10:50)

**3.1 Consent Item(s) Moved to Discussion - None**

**3.2 2022 Legislative Update**

Ms. Cara Martin, Government and Community Affairs Office Chief, provided a preview of the 2022 Legislative session. She stated the session is scheduled to begin on January 11 and end on March 11. Ms. Martin provided an overview of the bills that were filed. She will be monitoring legislation with potential policy or fiscal impacts to the District. Ms. Martin stated that Governor DeSantis announced his budget proposal totaling \$99.7 billion which includes \$980 million for the Everglades and statewide protection of water resources. She provided an

overview of the legislative leadership, key Senate and House chairmanships. Three Governing Board members are scheduled for Senate confirmation during this session.

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

### **3.3 Preliminary Budget for Fiscal Year 2023**

Mr. John Campbell, Management Services Division Director, presented information for the Fiscal Year 2023 (FY23) preliminary budget. This included a timeline, five-year budget metrics, expenditures by category, expenditures by program, expenditures by areas of responsibility, and revenues by source.

Staff recommended the Board authorize staff to prepare the Standard Format Preliminary Budget Submission for FY2023 based on the preliminary budget as presented, adjusted for any modifications made by the Governing Board on December 14, for submission to the Florida Legislature on or before January 15, 2022.

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

### **3.4 Budget Transfer Report**

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

## **Resource Management Committee**

Board Member Seth Weightman called the Committee to order. (Audio – 00:31:31)

### **4.1 Consent item(s) Moved to Discussion**

### **2.2 FARMS – P BAR R Sod Company, LLC (H798), Hardee County**

Vice Chair Schleicher requested this item be moved to Discussion. He expressed his support for the project but stated his opposition was regarding the 75 percent cost share guidelines associated with the FARMS project.

Staff recommended the Board:

1. Approve the P BAR R Sod Company, LLC project for a not-to-exceed project reimbursement of \$293,187 with \$293,187 provided by the Governing Board.
2. Authorize the transfer of \$293,187 from fund 010 H017 Governing Board FARMS Fund to the H798 P BAR R Sod Company, 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 passed nine in favor and one opposed. Vice Chair Schleicher voted in opposition due to the 75 percent cost share associated with this project.** (Audio – 00:32:15)

### **2.3 FARMS – Bethel Farms, LLLP – Phase 4 (H797), DeSoto**

Vice Chair Schleicher requested this item be moved to Discussion. He expressed his support for the project but stated his opposition was regarding the 75 percent cost share guidelines associated with the FARMS project.

Staff recommended the Board:

1. Approve the Bethel Farms, LLLP – Phase 4 project for a not-to-exceed project reimbursement of \$250,219 with \$250,219 provided by the Governing Board.

2. Authorize the transfer of \$250,219 from fund 010 H017 Governing Board FARMS Fund to the H797 Bethel Farms, LLLP – Phase 4 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 passed nine in favor and one opposed. Vice Chair Schleicher voted in opposition due to the 75 percent cost share associated with this project. (Audio – 00:33:04)**

#### **4.2 Fiscal Year 2023 Cooperative Funding Process**

Mr. Scott Letasi, P.E., Project Management Office Chief, provided a presentation that updated the Board regarding the FY23 Cooperative Funding Initiative (CFI) process. He provided a summary of the CFI schedule and scoring requests. Mr. Letasi stated that 94 applications were received totaling a request for \$93 million. He presented an overview of applications by region and indicated new or prior funding requests. Mr. Letasi provided a comparison of fiscal year funding requests, regional subcommittee assignments, and the proposed committee meeting schedules. Mr. Letasi outlined the process that was utilized to develop the updated CFI scoring system. He provided an overview of the scoring system and prioritization of funding recommendations. Mr. Letasi outlined the types of projects that will not be recommended for funding. Discussion included the process related to septic-to-sewer funding received from the Florida Department of Environmental Protection (DEP).

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

#### **4.3 Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt Minimum Flows for Lower Shell Creek and Accept Final Draft Report**

Mr. Yonas Ghile, PhD., Lead Hydrologist, provided a presentation that defined Minimum Flows and Levels (MFLs) and determined how they are applied. He provided an historical overview of the Lower Shell Creek MFLs. Mr. Ghile explained that the Lower Shell Creek MFLs were initially developed in 2010 but not set at that time. He outlined the outreach the District provided and the peer review that was accomplished. Mr. Ghile explained the definition of percent-of-flow reduction and the District standard of significant harm associated with MFLs. He stated the recommended MFLs for Lower Shell Creek (and the Lower Peace River) are based on maintaining 85% of the most sensitive criteria. Mr. Ghile stated that no recovery strategy is required based on the MFLs currently being met, due in part to the use of the District cooperatively funded City of Punta Gorda reverse osmosis system. The City of Punta Gorda's water use permit has been modified, and a prevention strategy is not required. He stated the recommended MFLs do not adversely impact existing legal users.

Staff recommend the Board:

1. Accept the report entitled "Recommended Minimum Flows for the Lower Peace and Lower Shell Creek, Final Draft, November 30, 2021."
2. Authorize the initiation of rulemaking to amend Rule 40D-8.041, F.A.C., to establish minimum flows for Lower Shell Creek.
3. Approve the proposed rule language to establish minimum flows for Lower Shell Creek, which is contained in Exhibit A to this recap.
4. 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 passed unanimously. (Audio – 01:22:04)**

**4.4 Citrus County Old Homosassa West Septic to Sewer – Third-Party Review (WH04)**

Mr. Jay Hoecker, Water Supply Section Manager, presented the results from the third-party review for project WH04. This presentation included a project location map, description, and outlined benefits. Mr. Hoecker provided an overview of the third-party review. He explained the cost differences between the original estimate and the proposed amount. He stated the cost increases will be funded by Citrus County

Board Member Weightman stated a Request to Speak card was received.

Ms. Becky Ayech, Environmental Confederation of Southwest Florida, spoke regarding ensuring wastewater treatment plants provide advanced wastewater treatment (AWT) before septic-to-sewer projects are approved for funding.

Ms. Jennette Seachrist, Resource Management Division Director, stated the DEP has requirements in the springshed basin management action plans that wastewater treatment plants are upgraded to AWT.

Board Member Jack Bispham asked how Citrus County will obtain the funding to cover the increased project costs. Ms. Christina Malmberg, Citrus County Director, stated DEP has agreed to fund the additional costs.

Staff recommended the Board authorize continuation of the project to move forward with final design, bidding, permitting, and construction and approve modification of the Cooperative Funding Agreement for the Citrus County Old Homosassa West Septic to Sewer Project (WH04) to increase the total project cost from \$6,000,000 to \$10,333,000, with the District's share to remain \$1,382,200.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio - 01:33:07)**

**4.5 Aquifer Recharge at Flatford Swamp for Southern Water Use Caution Area Recovery and Natural System Enhancement – Scope and Cost Change**

Mr. J.P. Marchand, P.E., Water Resources Bureau Chief, provided a presentation that included historical information, improvement objectives, benefits associated, and the current status of the project. He explained that direction from DEP and the Environmental Protection Agency (EPA) in May 2021, stated additional treatment of the Flatford Swamp water is required prior to recharge. Mr. Marchand explained that primary drinking water standards must be met prior to injection. He explained that to meet those standards, chemical disinfection must be added. The District did not anticipate this requirement in the initial project description, which was approved by the Board in April 2017. Mr. Marchand outlined the increased costs.

Board Member Weightman stated three Request to Speak cards were received.

Mr. Jono Miller spoke in support of the District's initiative of improving Flatford Swamp.

Ms. Becky Ayech, Environmental Confederation of Southwest Florida, expressed concern regarding the use of tax funding to mitigate damage from agricultural use. She also spoke against water withdrawal during the rainy seasons. She provided a handout to the Board.

Mr. David Ballard Geddis, Jr., spoke against this project. He expressed concern regarding studies to support this type of project.

Vice Chair Schleicher expressed concerns regarding the injection of treated water into the aquifer. He asked what studies were available to support this type of project. Ms. Seachrist stated studies have been done world-wide, nationally, and locally in support of aquifer injection wells. She stated information would be provided to the Board.

Mr. Brian Armstrong, Executive Director, stated there are numerous aquifer storage and recovery wells in this District that have been operating successfully for decades.

Staff recommended the Board:

1. Approve change of scope for the Most Impacted Area Recharge Saltwater Intrusion Minimum Aquifer Level Recovery at Flatford Swamp (H089) project to include a disinfection system.
2. Authorize staff to execute a budget transfer in the amount of \$450,000 from the UIC Study Project (P228) to the Most Impacted Area Recharge Saltwater Intrusion Minimum Aquifer Level Recovery at Flatford Swamp (H089) project to complete the construction and testing of the additional chemical disinfection as required by FDEP to meet primary drinking water standards.

**A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.** (Audio - 01:59:32)

#### **4.6 Annual Status of the Southern Water Use Caution Area Recovery Strategy**

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 – 02:00:50)

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

#### **5.2 Action Item: Offer for Surplus Lands – Lake Panasoffkee (LP-1), SWF Parcel No. 19-528-154S**

Ms. Ellen Morrison, Land Resources Bureau Chief, presented historical information regarding the acquisition of this property. She provided an overview of the purchase offer.

Board Member John Mitten asked for clarification regarding the policy associated with the timeline for appraisals. Ms. Morrison responded that Florida Statutes and District policy require that appraisals be conducted every twelve months.

Staff recommended the Board:

- Accept the offer of \$1,500,000.
- 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, 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 – 02:08:05)

**5.3 Purchase of Southworth Property, Weeki Wachee Preserve Project, SWF Parcel 15-773-203**

Ms. Ellen Morrison, Land Resources Bureau Chief, provided a presentation that included location and property information, benefits associated with this property and the estimated purchase price. She explained how the property relates to the District's Areas of Responsibilities, the contribution to the Florida Forever Work Plan, and the critical relationship to the Florida Wildlife Corridor. She presented an overview of the Governing Board Acquisition policy and how it relates to this proposed purchase.

Vice Chair Schleicher asked what the proposed use is for this property. Ms. Morrison responded the District is still evaluating options.

Staff recommended the Board:

- Accept the appraisals.
- Approve the Purchase and Sale Agreement and authorize the Executive Director or designee to sign on the behalf of the District.
- Designate SWF Parcel No. 15-773-203 as having been acquired for conservation purposes.
- Authorize staff to make minor changes or corrections to conform documents or correct errors; any substantive changes will be subject to Governing Board review and approval; 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 staff's recommendation. The motion passed with nine in favor and one opposed.** (Audio – 02:15:24)

**5.4 Hydrologic Conditions Report**

Ms. Tamera McBride, Hydrologic Data Manager, presented the hydrologic conditions report. She stated that rainfall for November was considered normal for the majority of the District with some areas experiencing wetter to very wet conditions. December rainfall is currently considered very dry. Groundwater levels were above average for the northern counties and normal for central and southern counties. The Northern, Tampa Bay, Polk Upland and Lake Wales Ridge lakes were in the normal range. The Withlacoochee and Alafia rivers were in the above normal range. The Hillsborough and Peace rivers were in the normal range. Public water supplies remain at healthy levels. Continuing La Niña conditions suggest a drier-than-normal winter and spring.

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

**Regulation Committee**

Vice Chair Schleicher called the Committee meeting to order. (Audio – 2:23:39)

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

**6.2 Tampa Bay Water South Central Hillsborough Supply and Demand**

Mr. Darrin Herbst, P.G., Water Use Permit Bureau Chief, provided an update regarding concerns associated with the water use demand for the Tampa Bay Water (TBW) area of South-Central Hillsborough County. He explained that because of extreme population growth, Hillsborough County is adding approximately 500 new utility accounts a month. Mr. Herbst stated there are infrastructure constraints related to this unanticipated growth that is limiting the availability of regional water supply. This is causing the additional demand to be met from



the TBW South-Central Wellfield and the anticipation of the wellfield meeting its authorized limit of permitted quantities. Mr. Herbst provided short-term and long-term options that have been implemented and proposed to address these on-going issues.

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

**6.3 Denials Referred to the Governing Board**

No denials 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 Ashley Bell-Barnett provided a recap of the November 9 meeting. A written summary of the meeting was also provided.

**8.2 Public Supply Advisory Committee**

Treasurer Ed Armstrong provided a recap of the November 9 meeting. A written summary of the meeting was also provided.

**Executive Director's Report**

**9.1 Executive Director's Report**

Mr. Brian Armstrong, Executive Director, expressed appreciation for the staff development and Board approval of the preliminary FY23 budget. Mr. Armstrong recognized the staff and the Employee Committee for participation in benevolent activities during this year.

**Chair's Report**

**10.1 Chair's Report**

Chair Kelly Rice stated the next meeting is scheduled for January 25 at 9:00 a.m., in the Tampa Service Office. A Governing Board workshop will also be held that day.

**10.2 Milestones**

The meeting adjourned at 11:35 a.m.