



**GOVERNING BOARD MEETING GOVERNING BOARD MEETING
TUESDAY, DECEMBER 15, 2020 – 9:00 AM
2379 BROAD STREET, BROOKSVILLE, FL 34604
(352) 796-7211**

MINUTES

Board Members Present

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

*Attended Via Electronic Media

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

Virginia Singer, Board & Executive Services Manager
Lori Manuel, Administrative Coordinator

1. Convene Public Hearing

Due to the COVID-19 virus, this meeting was held through a combination of in-person attendance and electronic media to reduce public gatherings and practice social distancing.

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on December 15, 2020, at the Brooksville Office, 2379 Broad Street, Brooksville, Florida 34604-6899.

Approved minutes from previous meetings can be found on the District's website (www.WaterMatters.org).

1.1 Call to Order

Chair Rice called the meeting to order. He provided a telephone number to any member of the public wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda. Chair Rice stated that comments would be limited to three minutes per speaker, and when appropriate, exceptions to the three-minute limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

1.2 Invocation and Pledge of Allegiance

Vice Chair Schleicher offered the invocation and led the Pledge of Allegiance.

Chair Rice introduced each member of the Governing Board (this served as roll call), and staff at the dais. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input was only taken during the meeting via telephone communication.

1.3 Recognition of Former Governing Board Member Randall S. Maggard

Previous Board Member, Mr. Randall S. Maggard, was recognized for his term as a Governing Board member. District staff presented Resolution No. 20-07 and a plaque to commemorate his service. Mr. Maggard was appointed by Governor Rick Scott in October 2011 and served until July 2019.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, executive director, stated there were no changes to the agenda.

1.5 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard-Geddis, Jr., spoke regarding opposition to the use of reclaimed water.

2. CONSENT AGENDA

2.1 Approval of Resolution Requesting Disbursement of Funds from the Water Protection and Sustainability Trust Fund

Staff recommended the Board approve Resolution 20-18, 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).

2.2 Approval of Resolution Requesting Disbursement of Funds from the Land Acquisition Trust Fund for Land Management

Staff recommended the Board approve Resolution 20-17, Request to the Florida Department of Environmental Protection for Disbursement of Funds from the LATF for Land Management.

2.3 Authorization to Dispose of Equipment

Staff recommended the Governing Board approve the disposition of one Mac dump truck (2094), one JCB off-road dump truck (2060), and one Kaiser excavator (2076) through the auction process.

2.4 Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Remove Minimum and Guidance Levels for Pasco Lake in Pasco County (P256)

Staff recommended the Board:

- A. Accept the Technical Memorandum entitled, "Recommendations for Pasco Lake Minimum Lake Levels."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate rulemaking and approve proposed rule language to amend Rule 40D-8.624, F.A.C., to remove Minimum and Guidance Levels for Pasco Lake, as shown in the Exhibit.

2.5 Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code, to Remove Minimum Wetland Level for Cypress Bridge A in Pasco County

Staff recommended the Board:

- A. Initiate rulemaking and approve the proposed rule language to amend Rule 40D-8.623,

F.A.C., to remove the Cypress Bridge A minimum level, as shown in the Exhibit.

- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process.

2.6 FARMS – The Eugene H. Turner Family Partnership, LTD (H786), DeSoto County

Staff Recommended the Board:

1. Approve the Eugene H. Turner Family Partnership, LTD project for a not-to-exceed project reimbursement of \$326,000 with \$326,000 provided by the Governing Board.
2. Authorize the transfer of \$326,000 from fund 010 H017 Governing Board FARMS Fund to the H786 the Eugene H. Turner Family Partnership, LTD project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

2.7 WUP No. 20020899.000, CEMEX Brooksville South Cement Plant, CEMEX Construction Materials Florida, LLC (Hernando County)

Staff recommended the Board approve the proposed permit.

2.8 Initiation of Rulemaking to Amend Rule 40D-1.660, Florida Administrative Code and Applicant's Handbook Volume II

Staff recommended the Board authorize the initiation of rulemaking to amend Rule 40D-1.660, F.A.C., and the District's Environmental Resource Permitting Applicant's Handbook Volume II, to update stormwater design and operation regulations as required by Section 5 of Chapter 2020-150, Laws of Florida.

2.9 Authorization to Issue Administrative Complaint and Order - Travel Imagination, LLC – Unauthorized Construction - CT Number 403929 - Manatee County

Staff recommended the Board:

1. Authorize District staff to issue an Administrative Complaint and Order to Travel Imagination, LLC to obtain compliance with District rules.
2. Authorize District staff to initiate an action in circuit court against Travel Imagination, LLC, 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.

2.10 Approve Governing Board Minutes - November 17, 2020

Staff recommended the Board approve the minutes from November 17, 2020.

A motion was made and seconded to approve the Consent Agenda. The motion passed unanimously. (Audio - 00:19:47)

3. FINANCE/OUTREACH & PLANNING COMMITTEE

Committee Chair James Murphy called the committee meeting to order.

3.1 Consent Item(s) Moved to Discussion – None

3.2 Preliminary Budget for Fiscal Year 2022

Mr. John Campbell, Management Services Division director, presented information regarding the proposed Preliminary Fiscal Year (FY) 2022 budget. This included a budget development calendar; expenditure goals and outcomes; 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 FY2022 based on the preliminary budget as presented, adjusted for any modifications made by the Governing Board on December 15, for submission to the Florida Legislature on or before January 15, 2021.

A motion was made and seconded to approve staff recommendation. The motion passed with eight in favor and one opposed. Vice Chair Schleicher explained he was voting in opposition as he would like to see additional reductions to the millage rate. (00:33:00)

3.3 Budget Transfer Report

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

4. RESOURCE MANAGEMENT COMMITTEE

Committee Chair Seth Weightman called the committee meeting to order.

4.1 Consent Item(s) Moved to Discussion - None

4.2 Fiscal Year 2022 Cooperative Funding Process

Mr. Kevin Wills, Cooperative Funding Initiative lead, provided a presentation that included an overview of the CFI timeline, a comparison of fiscal year funding requests, preliminary funding requests by region, regional subcommittee assignments, and proposed meeting schedules and agendas.

This item was for the Board's information only and 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 the Lower Peace River and Accept Final Draft Report

Mr. Doug Leeper, Minimum Flows and Levels Program lead, defined Minimum Flows and Levels (MFLs) and provided background information. He provided an overview of the Lower Peace River. Mr. Leeper outlined the outreach that was completed by the District. He provided an overview of the peer review panel findings. Mr. Leeper explained the District's approach to minimum flows development involves evaluation of how flows can be reduced on a percentage basis without resulting in significant harm. He explained the technical process of assigning baseline flows, the flow-based block approach, and the use of the enhanced hydrodynamic modeling for development of recommended minimum flows for the Lower Peace River. Mr. Leeper noted that staff plans to return to the Governing Board in 2021 to request initiation and approval of rulemaking for adoption of minimum flows for Lower Shell Creek.

Staff Recommended the Board:

1. Accept the report entitled "Recommended Minimum Flows for the Lower Peace River and Proposed Minimum Flows for Lower Shell Creek, Final Draft, November 30, 2020."
2. Authorize the initiation of rulemaking and approve the proposed rule language for the adoption of an amendment to Rule 40D-8.041, Florida Administrative Code, to update minimum flows for the Lower Peace River.
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 recommendation. The motion passed unanimously. (Audio – 01:14:12)

4.4 Annual Status of the Southern Water Use Caution Area Recovery Strategy

This was for information only. No action was required.

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

Committee Chair Jack Bispham called the committee meeting to order.

5.1 Consent Item(s) Moved to Discussion - None

5.2 Hydrologic Conditions Report

Ms. Asmita Shukla, lead Hydrologic Data analyst, presented the hydrologic conditions update. She provided rainfall distribution for the month of November and December 2020 (December 1 to 13) and a 12-month moving total for December 2019 through November 2020. Ms. Shukla stated that tropical storm Eta offset the rainfall deficit. Groundwater levels were in the normal range for the northern and central areas and above normal range in the southern region. Flows in the Withlacoochee, Hillsborough, Alafia, and Peace rivers were in the above normal range. However, normal seasonal declines are to be expected as we go through the dry season (October – May). Public water supply systems are healthy. She stated that winter and spring are expected to be dry due to La Niña conditions, but the chances are that we will return to above normal precipitation in the summer

5.3 Approval of Rulemaking to Amend Chapter 40D-9, Florida Administrative Code, to Adopt Proposed Revisions to Land Use Rules

Mr. Chris Reed, Land Management manager, provided an overview of the proposed rule amendments. He outlined the outreach that was conducted by the District. Mr. Reed explained why the rules are being updated. He provided an overview of the changes to the rule, benefits, and associated costs. These proposed rule changes will require approval by the Legislature.

A request to speak card was received from Mr. Shannon Turberville.

Mr. Turberville spoke in favor of the proposed rule amendments and commended District staff.

A request to speak card was received for Ms. Joanne Morrissey. She had a question about jurisdiction related to under water commercial welders. Ms. Morrissey 's concerns were not related to this topic or issues related the District. Staff agreed to contact Ms. Morrissey to help assist her to the best of their abilities.

Staff recommended the Board approve the proposed rule language for the adoption of amendment to Chapter 40D-9, Florida Administrative Code, to update District Land Use Rules. 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 recommendation. The motion passed unanimously. (Audio: 01:44:59)

6. REGULATION COMMITTEE

Board Member Roger Germann called the committee meeting to order.

6.1 Consent Item(s) Moved to Discussion – None

6.2 Denials Referred to the Governing Board

No denials were presented.

7. GENERAL COUNSEL'S REPORT

7.1 Consent Item(s) Moved to Discussion - None

Ms. Karen West, general counsel, stated the Florida Department of Environmental Protection (DEP) published proposed rules on November 19 and held a rulemaking workshop. The public has an opportunity to submit lower cost regulatory alternatives. Four have been received on behalf of nine public water supply utilities. These will be reviewed by (DEP) and the District and determine if changes will be made to the rules. Ms. West will keep the Board updated.

8. COMMITTEE/LIAISON REPORTS

8.1 Industrial Advisory Committee

A written summary was provided for the November 10 meeting.

8.2 Public Supply Advisory Committee

A written summary was provided for the November 10 meeting.

9. EXECUTIVE DIRECTOR'S REPORT

9.1 Executive Director's Report

Mr. Brian Armstrong, executive director, recognized the role of the District and how its partnerships not only help protect the resource through developing alternative water supply but also create reliability. He cited the recent incident with the broken water main that occurred with the City of Tampa.

Mr. Armstrong also informed the Board of several awards the District received. The District earned the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting for its 2019 Annual Financial Report. Ms. Asmita Shukla received the A. Ivan Johnson Award for young professionals from the National American Water Resources Association. The District received 13 public relations awards from the Public Relations Society of America and the Florida Public Relations Associations for three District projects. The 2019 Save Our Waters Week Kayak Tour earned six local and state awards which included a Best of Show award. The Weeki Wachee Carrying Capacity Public Outreach earned three local and state awards and the District's 2019 Q&A series earned four local state awards.

10. CHAIR'S REPORT

10.1 Chair's Report

Chair Kelly Rice stated the next meeting is scheduled for January 26 at 9:00 a.m., in the Tampa Service office. He reminded the Board there was a public workshop following today's meeting at 11:30 a.m.

10.2 Employee Milestones

Chair Rice recognized staff who reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: Junior Beatty and Gwen Brown.

ADJOURNMENT

The meeting adjourned at 10:58 a.m.