MINUTES OF THE MEETING

GOVERNING BOARD
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA MAY 21, 2019

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on May 21, 2019, at the District’s Tampa Office. The following persons were present:

Board Members Present
Bryan Beswick, Chair
Michelle Williamson, Secretary
H. Paul Senft, Member
Randall S. Maggard, Member
John Henslick, Member
Kelly S. Rice, Member
Mark Taylor, Member
Joel Schleicher, Member
Rebecca Smith, Ph.D., Member
James G. Murphy, 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
Alba E. Más, Division Director
Michael Molligan, Division Director
Jennette Seachrist, 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 Beswick called the meeting to order and opened the public hearing. Secretary Williamson stated a quorum was present.

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

Chair Beswick 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 Beswick 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 Beswick 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 Beswick 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: Ann Kenny, Janie Hagberg, Mark Pike, Edouard Kouadio, George Gleaton and Robin McGill.

4. **Election of Governing Board Officers**
   Chair Beswick made a motion to delay the election of officers until the June meeting. The motion was seconded and carried unanimously. (00:06:22)

5. **Additions/Deletions to Agenda**
   Mr. Brian Armstrong, executive director, stated there were no additions or deletions to the agenda.

   Board Member Taylor asked for the following item to be moved to discussion:

   9. **Clearwater Groundwater Replenishment Project (N665) – Scope Change and Proposed Contract Amendment**

      Chair Beswick said there is good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, which was seconded. The motion carried unanimously. (00:07:42)

6. **Public Input for Issues Not Listed on the Published Agenda**
   Mr. David Ballard Geddes spoke regarding Florida Statutes as related to the Book of Common Rebellion.

7. **Approve Use of the East Citrus Withlacoochee River Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Citrus County (N090)**
   Staff recommended the Board approve use of the East Citrus Withlacoochee River Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Citrus County.

8. **Approve Use of the Jumper Creek Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Sumter County (N487)**
   Staff recommended the Board approve use of the Jumper Creek Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Sumter County.

9. **Clearwater Groundwater Replenishment Project (N665) — Scope Change and Proposed Contract Amendment**
   Staff recommended the Board approve reducing the project scope to only include 30 percent design, third-party review, final design, permitting, and public outreach at a total project cost of $2,989,819 and a District share of $1,494,909 by deleting construction related tasks and associated funds, and to authorize the Executive Director or his designee to execute an amended agreement for the City of Clearwater Groundwater Replenishment Project (N665).

10. **Citrus County Water Sense Labeled Irrigation Controller Installation Phase 2 (N958) — Scope Change**
    Staff recommended the Board approve the scope change for the Citrus County Water Sense Labeled Irrigation Controller Installation Phase 2 (N958) to make available approximately 95 Water Sense Labeled Irrigation Controllers increasing the project benefit to an estimated 21,101 gpd of water conserved with no change in total project cost. Approve additional installations if further efficiencies are realized at no additional cost.
11. Water Reuse Week
Staff recommended the Board approve and execute Resolution No. 19-07 declaring May 19 through May 25, 2019 as "Water Reuse Week."

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

Operations, Lands and Resource Monitoring Committee
13. First Amendment to Non-Exclusive Perpetual Easement with City of St. Petersburg – Clam Bayou – SWF Parcel No. 16-728-129X
Staff recommended the Board approve the First Amendment to the Original Non-Exclusive Perpetual Easement for Clam Bayou - SWF Parcel No. 16-728-129X and authorize the Governing Board Chairman and Secretary to execute the Amendment on behalf of the District.

Regulation Committee
14. Individual Water Use Permits Referred to the Governing Board
   a. WUP No. 20012523.004 – IFAS Research Center (Balm) / UF Institute of Food and Agricultural Sciences (Hillsborough County)
      Staff recommended the Board approve the proposed permit attached as an exhibit.

General Counsel’s Report
15. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
   a. Authorization to Issue Administrative Complaint and Order – Overpumpage – Kelly Family Holdings, LLC – WUP No. 20002588.010 – CT No. 390610 – Charlotte County
      Staff recommended the Board:
      1. Authorize District staff to issue an Administrative Complaint and Order to the Permittee, and any other necessary parties, to obtain compliance with the terms and conditions of the Permit Modification.
      2. Authorize District staff to temporarily revoke Water Use Permit No. 20002588.012 until the Permittee complies with the Administrative Complaint and Order for the Permittee’s willful violation of the conditions of the Permit Modification.
      3. Authorize District staff to initiate an action in Circuit Court to enforce the permit revocation and terms of the Administrative Complaint and Order, recover an administrative fine/civil penalty, and recover District enforcement costs, litigation costs, and attorneys’ fees, if appropriate.

   b. Authorization to Issue Administrative Complaint and Order – Unauthorized Activities – Seagrass Resort – CT No. 395970 – Citrus County, Florida
      Staff recommended the Board:
      1. Authorize District staff to issue an Administrative Complaint and Order to the Resort, and any other necessary parties, to obtain compliance with the terms and conditions of the Second Exemption.
      2. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, recover an administrative fine/civil penalty, and recover District enforcement costs, litigation costs, and attorneys’ fees, if appropriate.

16. Rulemaking – None

Executive Director’s Report
17. Approve Governing Board Minutes – April 23, 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. (00:12:27)

Chair Beswick relinquished the gavel to the Resource Management Committee Chair Rice, who called the meeting to order. (00:12:48)

Resource Management Committee
Discussion
18. Consent Item(s) Moved for Discussion

Board Member Taylor stated he requested this item be moved to consent to allow for discussion as to how this project compares to other cooperative funding projects.

Mr. JP Marchand explained the City of Clearwater wastewater treatment facilities currently treat to Advanced Wastewater Treatment (AWT) standards. This project will allow for treatment beyond AWT standards, exceeding drinking water standards. Mr. Marchand responded to questions from the Board.

Staff recommended the Board approve reducing the project scope to only include 30 percent design, third-party review, final design, permitting, and public outreach at a total project cost of $2,989,819 and a District share of $1,494,909 by deleting construction related tasks and associated funds, and to authorize the Executive Director or his designee to execute an amended agreement for the City of Clearwater Groundwater Replenishment Project (N665).

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:21:40)

19. Fiscal Year (FY) 2019-2020 Cooperative Funding Update
Ms. Vivianna Bendixson, project manager, provided a presentation updating the Board on FY19-20 cooperative funding. Ms. Bendixson outlined the timeline, subcommittee structure planning regions, comparison of funding requests for 2016-2020, funding requests by regions, a map outlining the recommended projects, funding breakdown by areas of responsibilities and summaries of regional subcommittees.

Ms. Bendixson addressed low ranked project Q071. She stated this project ranking will change to high when Tampa Bay Water and Hillsborough County execute an agreement.

Ms. Bendixson addressed low ranked project Q107. She stated this project was postponed by the Tampa Bay Water Board of Directors (TBW) until June 2020. In addition, TBW has agreed to fund fifty percent since state appropriations were not received for this project.

Ms. Bendixson stated that project Q080 was withdrawn.

Ms. Bendixson addressed medium ranked project Q096. She explained staff’s recommendation not to fund this project. Ms. Bendixson responded to questions from the Board.

Staff recommended the Board Consider the Tampa Bay Regional Subcommittee request to not fund Q096 - Conservation - St. Petersburg Clothes Washer Rebate Phase 2.

A motion was made and seconded to approve staff’s recommendation. The motion carried unanimously. (00:30:54)
Mr. Jay Hoecker, Water Supply Section manager, provided a presentation regarding low ranked project Q065. He provided an overview of the project description and staff evaluation. Mr. Hoecker outlined staff’s decision regarding ranking the project low.

Mr. Gordon Onderdonk, representing Hernando County, spoke in favor of funding project Q065. Mr. Onderdonk responded to questions from the Board.

Board Member Taylor suggested the District consider reviewing the guidelines regarding project rankings when a project is meeting strategic goals.

Mr. Brian Armstrong, executive director, stated that setting precedence should be considered when approving funding.

Board Member Murphy asked why the project was ranked low. Ms. Jennette Seachrist explained the Governing Board’s policy is not to fund projects required by rule. She stated this project is required by the Florida Department of Environmental Protection (FDEP) Basin Management Action Plan (BMAP). Ms. Seachrist also explained there is a policy that states that the Board will consider funding based upon the applicant’s ability to demonstrate that funding is necessary to make the project economically feasible. Mr. Onderdonk stated this project will proceed with or without District funding.

Board Member Maggard suggested this topic be a discussion item for the August Board workshop.

Mr. Armstrong reminded the Board that the decision was made to lower reserves within 20 years to 30 million dollars. He cautioned the Board against a decision that could have long lasting financial implications.

Staff recommended the Board approve staff recommendation to not fund Q065 - Hernando County - Springs - Airport Wastewater Treatment Plant Advanced Wastewater Treatment.

A motion was made and seconded to approve staff’s recommendation. The motion carried with nine in favor and one opposed. (01:21:00)

Staff recommended the Board:
- Approve staff recommendation to include 1A, High and Medium ranked projects in the District’s recommended annual service budget for Fiscal Year 2019-20.
- Approve staff recommendation to eliminate all Low ranked projects from further funding consideration.

A motion was made and seconded to approve staff’s recommendation. The motion carried unanimously. (01:21:10)

20. Lake Hancock Outfall Treatment Project (H014)
Ms. Janie Hagberg, chief professional engineer, provided a presentation that updated the Board on the Lake Hancock Outfall treatment project. This presentation included an overview of Lake Hancock, project goals, historical information, key objectives, the results of flux study and phosphate management costs.

Ms. Hagberg provided information on the use of Phoslock for a pilot scale project. She provided an overview of Phoslock. Ms. Hagberg responded to questions from the Board Members.

Board Members addressed concerns regarding expenses associated with this project and the assurance of future projects not incurring similar circumstances. Ms. Seachrist stated that since this project was implemented, a third-party independent review of project designs has become a requirement for to cooperative funding projects over five million dollars.
This item was provided for the Board’s information; 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.
22. Significant Water Resource and Development Projects

Committee Chair Rice relinquished the gavel to the Finance/Outreach & Planning Committee Chair Williamson, who called the meeting to order. (01:54:15)

Finance/Outreach & Planning Committee Discussion
23. Consent Item(s) Moved for Discussion - None

24. Fiscal Year (FY) 2020 Ad Valorem New Growth Projections
Mr. John Campbell, Management Services director, provided a presentation regarding FY2020 ad valorem new growth projections. Mr. Campbell provided a graph that depicted new growth projections from 2001 through 2019. He explained that the average growth rate for new construction for 2001 through 2019 was 2.46 percent. He stated the growth rate for the last eleven years has been 1.71 percent. Mr. Campbell explained graphs depicting correlation analysis for construction earnings versus new construction rate and unemployment rate versus new construction. He provided a graph depicting new construction rate forecast through FY24.

Staff recommended the Board approve the ad valorem tax revenue assumption based on the updated new unit construction projection for development of the FY2020 Recommended Annual Service Budget.

A motion was made and seconded to approve staff’s recommendation. The motion carried unanimously. (01:59:58)

25. Knowledge Management: Travel Governing Board Policy
Ms. Melissa Lowe, Finance Bureau chief, provided a presentation outlining updates for the travel Governing Board policy. Ms. Lowe provided background regarding the policy. She stated additional language was added to the policy to clarify that the Executive Director is authorized to delegate the authorization and approval of staff travel. In addition, the policy was modified to remove procedural language that was included in the District’s travel procedure.

This item was presented for the Board’s information and no action was requested. The attached revised Travel Policy will be included as a consent item in the June 2019 Board packet and approval will be requested at that time.

This item was provided for the Board’s information; no action was required.

26. Legislative Update
Ms. Cara Martin, Government and Community Affairs Office chief, provided a presentation that updated the Board on the 2019 Legislative Session. She stated the legislature passed a 91.1 billion dollar budget. Ms. Martin stated there were 3,491 bills filed, 2,997 amendments filed and 197 bills that passed. She provided an overview of some bills that passed this session.

Ms. Martin provided information regarding the 2020 legislative session.

This item was provided for the Board’s information; 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.
27. Treasurer’s Report and Payment Register
28. Monthly Financial Statement
29. Monthly Cash Balances by Fiscal Year
30. Comprehensive Plan Amendment and Related Reviews Report
31. Development of Regional Impact Activity Report

Committee Chair Williamson relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Maggard, who called the meeting to order. (02:10:53)

Operations, Lands and Resource Monitoring Committee Discussion
32. Consent Item(s) Moved for Discussion - None

33. Hydrologic Conditions Report
Mr. Granville Kinsman, P.G., Hydrologic Data manager, provided a presentation on the hydrologic conditions. Mr. Kinsman stated conditions are healthy at the end of the eight-month dry season. The District received above-average rainfall in the northern and central counties during this dry season as a result of a mild El Niño event. Groundwater levels throughout the District were considered in the normal to above normal range. Lake levels are declining in all areas, but remain in the normal range in the northern, Tampa Bay and Polk Upland regions. Lake levels in the Lake Wales Ridge area are declining and have fallen below the base of the annual normal range. Flows on the Withlacoochee River, Hillsborough, Alafia and Peace rivers were in the above normal range. The Bill Young and the Peace River reservoirs remain at healthy levels.

Mr. Kinsman stated that there is a transition toward summer weather patterns. Forecasts project normal rainfall during the rainy season. He stated the hurricane season forecast predicts 13 named storms, 5 hurricanes and 2 major hurricanes. He stated the first named subtropical system has already developed. Mild El Niño conditions are expected for the remainder of the year.

This routine report provided information on the general state of the District’s hydrologic conditions, by comparing rainfall, surface water, and ground water levels for the current month to comparable dates from the historical record.

Mr. Brian Starford, Operations, Lands and Resource Monitoring acting director, updated the Board on the District’s hurricane preparedness. He stated a presentation will be provided at the June meeting.

This item was provided for the Board's information; 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.
34. Surplus Lands Update
35. Structure Operations
36. Significant Activities

Committee Chair Maggard relinquished the gavel to the Regulation Committee Chair Taylor, who called the meeting to order. (02:19:21)
Regulation Committee
Discussion
37. Consent Item(s) Moved for Discussion - None
38. 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.
39. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR)
    Equipment Implementation Program
40. Overpumpage Report
41. Individual Permits Issued by District Staff

Committee Chair Taylor relinquished the gavel to Chair Beswick. (02:19:44)

General Counsel's Report
Discussion
42. Consent Item(s) Moved for Discussion

43. Authorization to Issue Administrative Complaint and Order – Steven B. Zink – Unauthorized
    Construction at 5322 C-48, Bushnell – Sumter County, Florida
Mr. Jamie Fussell, staff attorney, provided a presentation regarding an administrative complaint for
Steven B. Zink. Mr. Fussell provided an overview of the property, detailed the unauthorized
activities that have occurred and the corrective actions that are required. Mr. Fussell explained that
Mr. Fussell stated that Mr. Zink has agreed to take corrective action, but he has not agreed to pay
a penalty. Mr. Fussell stated that due to the inability to come to an agreement, an administrative
complaint and order is being requested. Mr. Steven Zink addressed the Board and responded to
questions.

Staff recommended the Board:
1. Authorize District staff to issue an Administrative Complaint and Order to the Owner
   and any other necessary parties to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against the Owner 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.

A motion was made and seconded to approve staff’s recommendation. The motion carried
unanimously. (02:41:52)

44. Approval of Consent Order – Failure to Comply with Permit Conditions – MGM of West
    Florida, LLC – ERP No. 44030586.000 – CT No. 370033 – Manatee County, Florida
Ms. Elizabeth Fernandez, staff attorney, provided a presentation that included historical
information and corrective actions required for remediation.

Mr. Darrin Parks, representing MGM West Florida, addressed the Board and responded to
questions.

Board Member Henslick asked why penalties were being waived. Ms. Karen West, General
Counsel, responded the District’s objective is to achieve compliance and restoration activities in a
timely manner. She explained that once penalties are justified and assessed, they are only waived
if the violator complies with the terms of the consent order and successfully completes the remediation in a reasonable amount of time. Ms. West stated that not all penalties have been waived in this case.

Staff recommended the Board:
1. Approve the proposed Consent Order.
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms of the approved Consent Order, including proceeding to Circuit Court, if necessary.

A motion was made and seconded to approve staff’s recommendation. The motion carried unanimously. (02:51:47)

Ms. West stated there has been a challenge filed by the Rainbow River Group for the Rainbow River Minimum Flows and Levels (MFLs). The Department of Administrative Hearing (DOAH) hearing will be conducting a hearing at the District’s Brooksville Office starting June 10 through June 12.

Submit & File Reports - None

Routine Reports
The following items were provided for the Committee’s information, and no action was required.
45. May 2019 Litigation Report
46. May 2019 Rulemaking Update

Committee/Liaison Reports
47. Public Supply Advisory Committee
Board Member Senft stated there was a request from the PSAC to review the District’s Cooperative Funding Initiative policies relative to the “beneficial” reuse or recharge benefits of wastewater projects within the District’s Northern Planning Region.

A written summary was provided for the May 14 meeting.

48. Industrial Advisory Committee (IAC)
Board Member Smith stated there was discussion regarding expanding membership opportunities.

A written summary was provided for the May 14 meeting.

49. Other Committee/Liaison Reports

Executive Director’s Report
50. Executive Director's Report
Mr. Armstrong, executive director, stated that all members of the Withlacoochee Regional Water Supply Authority have agreed to remain in the authority and the Authority will maintain ownership of the Charles A. Black Wellfield.

Chair’s Report
51. Chair’s Report
Chair Beswick stated the next meeting is scheduled for June 25 in Clearwater at Tampa Bay Water.
52. Other
53. Employee Milestones

The meeting was adjourned at 11:56 a.m.

[Signature]
Chair

Attest:

[Signature]
Secretary