

Governing Board Meeting

Agenda and Meeting Information

January 26, 2021

9:00 a.m.

Tampa Office

7601 US-301 • Tampa, Florida
(813) 985-7481 • 1-800-423-1476

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



2379 Broad Street, Brooksville, Florida 34604
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

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The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs, services and activities. Anyone requiring reasonable accommodation, or who would like information as to the existence and location of accessible services, activities, and facilities, as provided for in the Americans with Disabilities Act, should contact the Human Resources Office Chief, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only), ext. 4747; or email ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). If requested, appropriate auxiliary aids and services will be provided at any public meeting, forum, or event of the District. In the event of a complaint, please follow the grievance procedure located at WaterMatters.org/ADA.

Final Agenda GOVERNING BOARD MEETING

**JANUARY 26, 2021
9:00 AM**

**7601 US-301, Tampa, FL 33637
(813) 985-7481**

All meetings are open to the public

- › Viewing of the Board meeting will be available through the District's website at WaterMatters.org. All or part of this meeting may be conducted by means of communications media technology.
- › Public input for issues not listed on the published agenda will be heard shortly after the meeting begins.

Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer.

Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

Unless specifically stated, scheduled items will not be heard at a time certain.

The current Governing Board agenda and minutes of previous meetings are available at WaterMatters.org.

Bartow Office
170 Century Boulevard
Bartow, Florida 33830
(863) 534-1448 or 1-800-492-7862 (FL only)

Sarasota Office
78 Sarasota Center Boulevard
Sarasota, Florida 34240
(941) 377-3722 or 1-800-320-3503 (FL only)

Tampa Office
7601 Hwy 301 N (Fort King Highway)
Tampa, Florida 33637
(813) 985-7481 or 1-800-836-0797 (FL only)

MEETING NOTICE

1. CONVENE PUBLIC MEETING

- 1.1 Call to Order
- 1.2 Oath of Office for Board Members
- 1.3 Invocation and Pledge of Allegiance
- 1.4 Additions/Deletions to Agenda
- 1.5 Public Input for Issues Not Listed on the Published Agenda

2. CONSENT AGENDA

- 2.1 **Finance/Outreach and Planning Committee:** Calendar Year 2021 Office of Inspector General Audit Plan
- 2.2 **Resource Management Committee:** Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised High Minimum Lake Levels for Lakes Allen, Harvey, and Virginia in Hillsborough County (P256)
- 2.3 **Resource Management Committee:** Pasco County Port Richey Alternative Outfall Project (N901) - Approve Reducing the Project Scope and Budget to Eliminate the Third-Party Review
- 2.4 **Regulation Committee:** WUP No. 20020901.000 / Gibson Place Utility / Gibson Place Utility Company, LLC (Sumter County)
- 2.5 **General Counsel's Report:** Governing Board Concurrence - SWFWMD Emergency Order - Emergency Measures Made Necessary by COVID-19
- 2.6 **General Counsel's Report:** Governing Board Concurrence - Authorization to Initiate Litigation Under Board Policy 160-1
- 2.7 **General Counsel's Report:** Interagency Agreement between SFWMD and SWFWMD - Designation of Regulatory Responsibility - Environmental Resource Permit - SR 31 and CR 74 Roundabout - Charlotte County
- 2.8 **General Counsel's Report:** Authorization to Issue Administrative Complaint and Order - Unauthorized Construction - Rahuge, LLC - CT No. 405388 - Charlotte County
- 2.9 **General Counsel's Report:** Approval of Consent Order Between SWFWMD and Charlotte County Industrial Development Authority - Permit Condition Violations - Water Use Permit No. 20020572.001 - CT No. 403151 - Charlotte County
- 2.10 **General Counsel's Report:** Approval of Consent Order Between SWFWMD, Shadow Woods Lots, LLC, and Sweetwater Estates Homeowners' Association, Inc. - Permit Condition Violations - Environmental Resource Permit No. 43042094.001 - CT No. 406746 - Hillsborough County
- 2.11 **Executive Director's Report:** Approve Governing Board Minutes - December 15, 2020

3. FINANCE/OUTREACH & PLANNING COMMITTEE

- 3.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion
- 3.2 **Discussion:** Action: Investment Strategy Quarterly Update
- 3.3 **Discussion:** Information Only: 2021 Consolidated Annual Report

- 3.4 **Discussion:** Information Only: Advisory Committee Outreach
- 3.5 **Submit & File:** Information Only: Budget Transfer Report
- 3.6 **Submit & File:** Information Only: Office of Inspector General Quarterly Update – October 1, 2020 to December 31, 2020

4. RESOURCE MANAGEMENT COMMITTEE

- 4.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion
- 4.2 **Submit & File:** Information Only: Five-Year Water Resource Development Work Program

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

- 5.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion

6. REGULATION COMMITTEE

- 6.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion
- 6.2 **Discussion:** Information Only: 404 Assumption Update
- 6.3 **Discussion:** Action Item: Denials Referred to the Governing Board

7. GENERAL COUNSEL'S REPORT

- 7.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion
- 7.2 **Discussion:** Information Only: Office of General Counsel Annual Update

8. COMMITTEE/LIAISON REPORTS

- 8.1 **Discussion:** Information Only: Agricultural and Green Industry Advisory Committee

9. EXECUTIVE DIRECTOR'S REPORT

- 9.1 **Discussion:** Information Only: Executive Director's Report

10. CHAIR'S REPORT

- 10.1 **Discussion:** Information Only: Chair's Report
- 10.2 **Discussion:** Information Only: Employee Milestones

ADJOURNMENT

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective January 12, 2021

OFFICERS	
Chair	Kelly S. Rice
Vice Chair	Joel Schleicher
Secretary	Rebecca Smith
Treasurer	James Murphy

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
Jack Bispham
Seth Weightman
John Mitten

RESOURCE MANAGEMENT COMMITTEE
Seth Weightman
Jack Bispham
Ed Armstrong
Michelle Williamson

REGULATION COMMITTEE
Roger Germann
Joel Schleicher
Rebecca Smith

FINANCE/OUTREACH AND PLANNING COMMITTEE
James Murphy
Rebecca Smith
Ed Armstrong
Ashley Bell Barnett

** Board policy requires the Governing Board Treasurer to chair the Finance Committee.*

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Michelle Williamson
Environmental Advisory Committee	John Mitten
Industrial Advisory Committee	Ashley Bell Barnett
Public Supply Advisory Committee	Ed Armstrong
Well Drillers Advisory Committee	Seth Weightman

OTHER LIAISONS	
Central Florida Water Initiative	James Murphy
Spring Coast Steering Committee	John Mitten
Coastal & Heartland National Estuary Partnership Policy Committee	Jack Bispham
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Rebecca Smith
Tampa Bay Regional Planning Council	Roger Germann

Southwest Florida Water Management District Schedule of Meetings

Fiscal Year 2021

01/14/2021

Governing Board Meeting

October 20, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
November 17, 2020 – 9:00 a.m., Tampa Office (Audio Visual Communication)
December 15, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
January 26, 2021 – 9:00 a.m., Tampa Office (Audio Visual Communication)
February 23, 2021 – 10 a.m., Brooksville Office
March 23, 2021 – 9:00 a.m., Brooksville Office
April 27, 2021 – 10:00 a.m., Lake Eva Banquet Hall
May 25, 2021 – 9:00 a.m., Tampa Office
June 22, 2021 – 9:00 a.m., Brooksville Office
July 27, 2021 – 9:00 a.m., Tampa Office
August 24, 2021 – 9:00 a.m., Brooksville Office
September 28, 2021 – 3:00 p.m., Tampa Office

Governing Board Public Budget Hearing – 5:01 p.m., Tampa Office

2021 – September 14 & 28

Agricultural & Green Industry Advisory Committee – 10:00 a.m., Brooksville Office/Audio Visual Communication

2020 – December 1

2021 – March 9, June 8, September 14

Environmental Advisory Committee – 10:00 a.m., Brooksville Office/Audio Visual Communication

2020 – October 13

2021 – January 12, April 13, July 13

Industrial Advisory Committee – 10:00 a.m., Brooksville Office/Audio Visual Communication

2020 – November 10

2021 – February 9, May 11, August 10

Public Supply Advisory Committee – 1:00 p.m., Brooksville Office/Audio Visual Communication

2020 – November 10

2021 – February 9, May 11, August 10

Springs Coast Management Committee – 1:30 p.m., Brooksville Office

2020 – October 21 (Audio Visual Communication), December 9 (Audio Visual Communication)

2021 – January 6 (canceled), February 24, May 26, July 14

Springs Coast Steering Committee – 2:00 p.m., Brooksville Office

2020 – November 4 (Audio Visual Communication)

2021 – January 27, March 10, July 28

Well Drillers Advisory Committee – 1:30 p.m., Tampa Office

2020 – October 7 (canceled)

2021 – January 6 (canceled), April 7, July 7

Cooperative Funding Initiative – all meetings begin at 10:00 a.m.

2021 – February 3 – Northern Region, Brooksville Office/Zoom

2021 – February 4 – Southern Region, Tampa Office/Zoom

2021 – February 10 – Heartland Region, Brooksville Office/Zoom

2021 – February 11 – Tampa Bay Region, Brooksville Office/Zoom

2021 – April 7 – Northern Region, Brooksville Office

2021 – April 8 – Southern Region, Bradenton Area Convention Center

2021 – April 14 – Heartland Region, Bartow City Hall

2021 – April 15 – Tampa Bay Region, Tampa Office

Environmental Resource Permitting Advisory Group – 10:00 a.m., and

Water Use Permitting Advisory Group – 2:00 p.m., Tampa Office

2020 – November 18 (canceled)

2021 – March 31, July 28

Meeting Locations

Brooksville Office – 2379 Broad Street, Brooksville, FL 34604

Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637

Lake Eva Banquet Hall – 799 Johns Avenue, Haines City, FL 33844

Bartow City Hall – 450 N. Wilson Avenue, Bartow, FL 33830

Bradenton Area Convention Center – 1 Haben Blvd, Palmetto, FL 34221

1. Public Meeting

Governing Board Meeting
January 26, 2021

1. CONVENE PUBLIC MEETING

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CONVENE PUBLIC MEETING

January 26, 2021

Call to Order

The Board Chair calls the meeting to order. The Board Secretary confirms that a quorum is present. The Board Chair then opens the public meeting. 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 speaker's card. Comments will be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. Several individuals wishing to speak on the same issue/topic should designate a spokesperson.

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

January 26, 2021

Oath of Office for Board Members

Conduct the Oath of Office for reappointed Board Member Michelle Williamson and newly appointed Board Member Ashley Bell Barnett. Williamson represents Hillsborough County and Barnett represents Polk County.

Presenter:

Virginia Singer, Board and Executive Services Manager

CONVENE PUBLIC MEETING

January 26, 2021

Invocation and Pledge of Allegiance

An invocation is offered. The Board Chair conducts the Pledge of Allegiance to the Flag of the United States of America.

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

January 26, 2021

Additions/Deletions to Agenda

According to Section 120.525(2), Florida Statutes, additions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Based upon that authority, the Chair has determined that good cause exists to make certain changes to the agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed.

ADDITIONS: The items that have been added to the agenda were received by the District after publication of the regular agenda. The Board was provided with the information filed and the District staff's analyses of these matters. Staff has determined that action must be taken on these items prior to the next Board meeting. Therefore, it is the District staff's recommendation that good cause has been demonstrated and should be considered during the Governing Board's meeting.

Staff Recommendation:

Approve the recommended additions and deletions to the published agenda if necessary.

Presenter:

Brian J. Armstrong, P.G., Executive Director

CONVENE PUBLIC MEETING

January 26, 2021

Public Input for Issues Not Listed on the Published Agenda

At this time, the Board will hear public input for issues not listed on the published agenda.

Presenter:

Kelly S. Rice, Chair

2. Consent Agenda

Governing Board Meeting

January 26, 2021

2. CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine and action will be taken by one motion, second of the motion and approval by the Board. If discussion is requested by a Board member, that item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

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2.3	Resource Management Committee: Pasco County Port Richey Alternative Outfall Project (N901) - Approve reducing the project scope and budget to eliminate the Third-Party Review	21
2.4	Regulation Committee: WUP No. 20020901.000 / Gibson Place Utility / Gibson Place Utility Company, LLC (Sumter County)	23
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2.11	Executive Director's Report: Approve Governing Board Minutes - December 15, 2020	75

CONSENT AGENDA

January 26, 2021

Finance/Outreach and Planning Committee: Calendar Year 2021 Office of Inspector General Audit Plan

Background and Purpose

In accordance with the Office of Inspector General Charter Governing Board Policy and Section 20.055(6)(i), Florida Statutes, the inspector general shall submit an audit plan to the District Governing Board that shows the individual audits and related resources to be devoted to the respective audits during the year. In addition, the audit plan shall also include a long-term projection. This plan is submitted to the Governing Board for approval and a copy of the approved plan will be submitted to the Auditor General.

The audit plan is the result of a District-wide risk assessment and reflects individual audits planned over the next 12 months and long-term. Findings from other audits and meetings with Board members, District management, and District staff was also included as part of the risk assessment for input into the development of the audit plan. The categorization of these audits into short-term and long-term is based on resources that will be allocated to auditing activities. The audit plan ensures that resources are available for additional functions of the inspector general such as special request, investigative, other accountability, and administrative activities.

Per the Office of Inspector General Charter Governing Board Policy and Section 20.055(6), Florida Statutes, the Governing Board may at any time request the inspector general to perform an audit of a special program, function, or organizational unit.

Staff Recommendation:

Approve the Calendar Year 2021 Office of Inspector General Audit Plan.

Presenter:

Brian Werthmiller, Inspector General

OFFICE OF
INSPECTOR
GENERAL

Audit Plan

Short-Term and Long-Term



Governing Board
January 26, 2021

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INTRODUCTION

In accordance with the Office of Inspector General Charter Governing Board Policy, and Section 20.055(6)(i), Florida Statutes, the inspector general shall submit an audit plan to the District Governing Board that shows the individual audits and related resources to be devoted to the respective audits during the year. In addition, the audit plan shall also include a long-term projection. This plan is submitted to the Governing Board for approval and a copy of the approved plan will be submitted to the Auditor General.

The audit plan is the result of a District-wide risk assessment and reflects individual audits planned over the next 12 months and long-term. A risk assessment takes into consideration factors that might influence the operational success of a component or activity within an organization. To ensure the audit plan included the priorities of the Governing Board and the District, meetings with the Governing Board, District management, and District staff was also included as part of the risk assessment to solicit their views on risk facing the District. In addition, District strategies, objectives and priorities, prior audits, budgets, and associated risks were considered in developing the audit plan. The audit plan ensures that resources are available for additional functions of the inspector general such as special request, investigative, review, other accountability, and administrative activities.

The audit plan is subject to revision based upon the ongoing assessment of risk impacting District operations and management concerns. Per the Office of Inspector General Charter Governing Board Policy and 20.055(6), Florida Statutes, the Governing Board may at any time request the inspector general to perform an audit of a special program, function, or organizational unit.

AUDITS

Table 1
Resources Devoted to Audit Topics by Year

Calendar Year	Number of	
	Staff	Hours
2021	1	850
2022	1	850
2023	1	850
2024	1	850
2025	1	850
2026	1	850

Table 2
Resources Devoted to Audit Topics in 2021

Audit Topic	Hours
Risk Assessment and Audit Plan	150
DMV Follow-Up	200
District Performance Measures	250
Remote Work	250

Table 3
Tabulation of Short-Term and Long-Term Audit Topics

Audit Topics	Completion	
	12 Months	Long-Term
Audit Plan and Risk Assessment	✓	
Depart. of Motor Vehicles (DMV) File Security Follow-Up	✓	
District Performance Measures	✓	
Remote Work	✓	
Budget		✓
Commercial Insurance		✓
Cost Share Projects		✓
Expenditures		✓
Employee Reimbursements		✓
Fund Balances		✓
FRS Workers' Compensation Adjustments Follow-Up		✓
Health Insurance		✓
Investments		✓
IT Access Controls		✓
IT Security		✓
Land		✓
Other Revenues		✓
Overtime - Payroll		✓
P-Cards		✓
Permits		✓
Procurement		✓
Property		✓
Receivables		✓
Safety Programs		✓
SOC Reports		✓
Vehicle Usage		✓

As part of all audits, an understanding of the policies, procedures, and internal controls will be gained for the specific topic. A brief summary of the planned audit work includes, but is not limited to:

- ◆ **Budget** – Review the District’s procedure for monitoring the budget including budget transfers are in accordance with policies and procedures.
- ◆ **Commercial Insurance** – For selected commercial insurance, evaluate methods used to acquire the insurance.
- ◆ **Cost Share Projects** – For selected cost share projects, ensure the application selection process, contracts, reimbursements, third party reviews, and monitoring are in accordance with the agreement, policies, and procedures.
- ◆ **District Performance Measures** – For selected District performance measures, test metrics reported by the District for reasonableness and report on the status of the performance measure goal.
- ◆ **DMV File Security Follow-Up** – Determine if the District has taken corrective action in regards to the recommendations made by the OIG in February 2020.
- ◆ **Expenditures** – For selected general expenditures such as District initiated projects, professional services, etc., obtain documentation to determine the expenditure is for the correct amount, adequately documented, made in accordance with applicable laws, rules, and contract terms, and properly authorized and approved.
- ◆ **Employee Reimbursements** – For selected employee reimbursements such as for travel, education, etc., obtain documentation to determine if the reimbursement is for the correct amount, adequately documented, made in accordance with applicable laws, rules, and contract terms, and properly authorized and approved.
- ◆ **Fund Balances** – For selected fund balances, test classifications for propriety including encumbrances from ongoing projects.
- ◆ **FRS Workers’ Compensation Adjustments Follow-up** – For employees who received workers’ compensation indemnity payments for lost wages and meet the FRS eligibility requirements, determine whether the District made and reported the necessary adjustments for retirement purposes.
- ◆ **Health Insurance** – For selected employees, retirees, and dependents, obtain documentation to ensure coverage is provided to only eligible individuals. Determine if District monitors the cost of being self-insured and performs a cost-benefit analysis to remain self-insured.
- ◆ **Investments** – Determine whether investments were reconciled and if the types of investments are in accordance with State law and District policy. Test the accuracy of selected investment income.
- ◆ **IT Access Privileges** – Determine if access privileges are within the assigned job duties, as they relate to the financial and HR applications, to assigned users. Review the monitoring of access privileges.
- ◆ **IT Security** – Review authentication controls, security of mobile devices, and monitoring of system activity.

- ◆ **Land** – For selected transactions, review dispositions and purchases including monitoring of conservation easements and lease terms.
- ◆ **Other Revenues** – Other revenues include sales from timber, hog hunts, alligator eggs, etc. For selected transactions, ensure proper accountability.
- ◆ **Overtime - Payroll** – For selected overtime transactions, determine if the overtime was documented, supported by the approved pay rate, reviewed and approved by the appropriate supervisor, and in compliance with District policies and procedures.
- ◆ **P-Cards** – Review the issuance, assignment, and credit limits of purchasing cards. For selected p-card transactions, determine if the transaction was documented, reviewed and approved, and for a public-purpose.
- ◆ **Permits** – Review the controls over processing and fee collection of permits, monitoring of permit compliance, and mitigation banks.
- ◆ **Procurement** – Determine if the District complied with its procurement guidelines.
- ◆ **Property** – Review subsidiary records of tangible personal property and for selected property from the field and property from the subsidiary record, determine if the item exists and is included in District records. Review procedures in place for protection of high-risk assets or inventory like aquatic chemicals. Review procedures in place for the purchase and sale of assets.
- ◆ **Remote Work** – Determine if the District complied with applicable Governing Documents.
- ◆ **Receivables** – For selected transactions, test the completeness of the receivable and subsequent collection.
- ◆ **Safety Program** – For areas involving safety such as driving District vehicles, first aid, operating equipment, etc., test trainings were completed and documented in accordance with policies and procedures.
- ◆ **SOC 1 Reports** – Obtain documentation of the monitoring of SOC 1 reports for the health-insurance and workers' compensation programs and any action, if necessary, that was taken as a result of the monitoring.
- ◆ **Vehicle Usage** – Determine if use of District vehicles is in accordance with Governing Documents.

Respectfully Submitted By:  Date: January 26, 2021
 Brian Werthmiller

CONTACT INFORMATION

Brian Werthmiller, CPA, CIG
Inspector General

2379 Broad Street Brooksville, Florida 34604-6899

Phone: (352) 796-7211 X4100 ♦ Fraud and Compliance Hotline (352) 754-3482

CONSENT AGENDA**January 26, 2021****Resource Management Committee: Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised High Minimum Lake Levels for Lakes Allen, Harvey, and Virginia in Hillsborough County (P256)***Purpose*

To request the Board initiate rulemaking and approve proposed rule language to amend Rule 40D-8.624, Florida Administrative Code (F.A.C.), to adopt revised High Minimum Lake Levels for Lakes Allen, Harvey and Virginia in Hillsborough County, and accept the report entitled: "Reevaluation of Lakes Allen, Harvey and Virginia High Minimum Lake Levels" dated November 16, 2020.

Background/History

Minimum levels are water levels at which further withdrawals would be significantly harmful to the water resources of the area. Minimum levels for Lakes Allen, Harvey and Virginia were adopted in September 2018. Section 373.0421(5), Florida Statutes, requires that minimum flows and levels shall be reevaluated periodically and revised as needed.

During an annual assessment of the lakes' minimum levels, staff observed that further review was needed for the High Minimum Lake Levels for Lakes Allen, Harvey and Virginia. Using updated analyses and methodologies that better reflect hydrologic conditions at Lakes Allen, Harvey and Virginia, staff determined that revisions are needed for these lakes' currently-adopted High Minimum Lake Levels. Based on this reevaluation, and as shown in the attached Exhibit (Table 8-2), the High Minimum Lake Level is proposed to decrease by 0.5 feet. Lakes Allen, Harvey and Virginia are connected by dredged canals that allow their water levels to equalize, so all three lakes share the same minimum and guidance levels.

The technical report outlining the development of the newly-proposed High Minimum Lake Levels for Lakes Allen, Harvey and Virginia was posted on the District's website on November 30, 2020. In order to maintain a process of receiving valuable feedback from stakeholders on the proposed minimum and guidance levels, while also ensuring the health, safety, and wellbeing of all, stakeholders were notified and directed to a District webpage. The webpage included information about how lake minimum and guidance levels are developed; the draft report; and an electronic comment card for public comment on the proposed levels. Staff contact details were also provided for stakeholders to request personal assistance. The District received comments from three residents regarding proposed changes to the High Minimum Lake Level. The questions and comments, to date, were resolved by staff through information provided to the stakeholders and did not result in changes to the proposed High Minimum Lake Level. A summary of the comments received is available upon request.

The proposed Minimum Levels are protective of all relevant environmental values identified for consideration in the Water Resource Implementation Rule, Chapter 62-40, F.A.C., when establishing minimum flows and levels.

An updated status assessment of the lakes' levels was performed, and Lakes Allen, Harvey and Virginia's water levels were determined to be above the Minimum Lake Level and above the proposed High Minimum Lake Level. The District plans to continue regular monitoring of water levels in Lakes Allen, Harvey and Virginia and will also routinely evaluate the status of the water levels with respect to

adopted minimum levels for the lakes included in Chapter 40D-8, F.A.C.

Benefits/Costs

Adoption of Minimum Levels for Lakes Allen, Harvey and Virginia will support the District's water supply planning, Water Use Permitting, and Environmental Resource Permitting programs. Adoption of Guidance Levels will provide advisory information for the construction of lakeshore development, water-dependent structures, and operation of water management structures. A Statement of Estimated Regulatory Costs is not required for Lakes Allen, Harvey and Virginia as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

Upon Governing Board approval of the proposed levels, staff will proceed with formal rulemaking without further Governing Board action. If substantive changes are necessary as the result of comments received from the public or from reviewing entities such as the Governor's Office of Fiscal Accountability and Regulatory Reform or the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff Recommendation:

- A. Accept the report entitled, "Reevaluation of Lakes Allen, Harvey and Virginia High 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. Authorize the initiation of rulemaking and approve the proposed rule language to amend Rule 40D-8.624, F.A.C., to replace the previously approved High Minimum Lake Levels with the proposed High Minimum Lake Levels for Lakes Allen, Harvey and Virginia in Hillsborough County, as shown in the Exhibit.

Presenter:

Cortney Cameron, Staff Hydrogeologist, Water Resource Bureau

EXHIBIT

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (11) No change.

(12) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b), above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(13), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.					
Location by County and Basin	Name of Lake and Section, Township and Range Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (k) No change.					
(l) In Hillsborough County Within the Northwest Hillsborough Basin	Alice, Lake S-16, T-27S, R-17E	41.4'	40.7' (CAT 3)	38.9' (CAT 3)	37.6'
	Allen, Lake S-10, T-27S, R-18E	62.3'	61.6' 62.4' (CAT 1)	60.7' (CAT 1)	60.5'
	Barbara, Lake S-19, T-27S, R-18E through Halfmoon, Lake S-31, T-27S, R-18E No change.	53.15'	53.15' (CAT 3)	52.15' (CAT 3)	51.05'
	Harvey, Lake S-3, T-27S, R-18E	62.3'	61.6' 62.4' (CAT 1)	60.7' (CAT 1)	60.5'
	Helen, Lake S-19, T-27S, R-18E through Taylor, Lake S-16, T-27S, R-17E No change.	53.15'	53.15' (CAT 3)	52.15' (CAT 3)	51.05'
	Virginia, Lake S-3, T-27S, R-18E	62.3'	61.6' 62.4' (CAT 1)	60.7' (CAT 1)	60.5'
(m) through (dd) No change.					

(13) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.086, 373.709 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11, 3-12-12, 11-25-12, 2-21-13 (12)(f), 2-21-13 (12)-(13), 9-3-13, 1-7-15, 7-1-15, 9-21-15, 11-30-16, 12-28-16, 2-12-17 (12)(s), 2-12-17 (12)(z), 2-12-17 (12)(z), 2-19-17 (12)(l), 2-19-17 (12)(q), 3-2-17 (12)(l), 3-2-17 (12)(z), 3-22-17, 4-2-17 (12)(q), 4-2-17 (12)(z), 4-20-17 (12)(i), 4-20-17 (12)(i), 2-5-18, 3-20-18, 5-30-18, 1-23-19, 2-11-19, 3-20-19, 4-28-19, 7-17-19, 5-27-20, 8-9-20,_____.

CONSENT AGENDA**January 26, 2021****Resource Management Committee: Pasco County Port Richey Alternative Outfall Project (N901) -
Approve Reducing the Project Scope and Budget to Eliminate the Third-Party Review***Purpose*

The purpose of this item is to present the results of the 30% design of the Port Richey Alternative Outfall Project N901 and to request Governing Board approval of staff's recommendation to authorize amending the Cooperative Funding Agreement (CFA) to eliminate the third-party review task with a corresponding decrease in funding. With this proposed change, the District's funding for this project would conclude at the 30% design stage.

Background/History

The project proposed the design and construction of an alternative outfall for the Port Richey Slough system. Currently, stormwater flows from the Magnolia Valley area through a slough system which eventually discharges north under Ridge Road and then west under US 19 to the Gulf of Mexico. Street and structure flooding occurs in the area as the wetland slough narrows into a channel. An alternative outfall was proposed to connect the slough system to an existing outfall to the Gulf, just south of Ridge Road, to reduce flooding during the 100-year, 24-hour storm event.

This project was originally co-funded in FY2018 as Cooperative Funding Agreement 18CF0000923 with a third-party review recommended due to the complex design and land acquisition elements. Funding for the conceptual design, 30% design, and third-party review was approved for \$450,000 with Pasco County and the District each funding \$225,000. The project measurable benefit is the completion of the conceptual design and 30% design package to construct an alternative outfall for the Port Richey Slough. The County has completed the conceptual design and 30% design package.

When the Alternative Outfall (N901) project concept was initially submitted, the project was anticipated to address much of the street and structure flooding in the area and the benefit/cost ratio was estimated to be 1.03. Based on this, the project was initially given a high cost effectiveness ranking. Total project cost was estimated at \$3,250,000.

While this Alternative Outfall project 30% design was being conducted, the County developed, in cooperation with a mobile home park that had been repeatedly flooded, a new project to the north. The new project, Q156-Port Richey Northern Outfall, addressed the same area flooding problems and became the County's priority project for this area.

In the FY2021 funding cycle, the County requested cooperative funding for both projects, the original N901 project and this new Q156 project. Most of the area flooding problems were being addressed by the new Q156 project, and hence it was recommended for funding. With the anticipated implementation of the new Q156 project, the original N901 project was estimated to achieve only minor additional flood relief benefits and was not recommended for funding beyond the already approved 30% design and third-party review. Both projects were presented to the Tampa Bay Region CFI Subcommittee in April 2020. The Subcommittee approved the staff recommendation to include funding for the Q156 Port Richey Northern Outfall Project in the FY2021 Recommended Annual Service Budget (RASB). The Subcommittee also approved the staff recommendation to not include funding for the N901 Port Richey Alternative Outfall Project in the FY2021 RASB.

Benefits/Costs

Both the Conceptual Design and the 30% Design Package for the N901 project were provided by the County to the District. The Design Package included calculations demonstrating an extremely low benefit/cost ratio of 0.17. This confirmed the minimal additional flood relief benefits achieved by the N901 project. By the District's Cooperative Funding Evaluation guidelines, the measure of cost effectiveness for flood protection projects is given a "low" ranking if the benefit/cost ratio is less than 0.7 and the overall project is also usually ranked "low" and not recommended for funding if the benefit/cost ratio is less than 0.5. This project's benefit/cost ratio is considerably below 0.5 and therefore would be ranked low overall.

District staff recommends not moving forward with the N901 project due to the low benefit/cost ratio. Additionally, staff does not consider it necessary to conduct the project third-party review and recommends eliminating the third-party review task from the Cooperative Funding Agreement with the County. Pasco County concurs with eliminating the third-party review task as it would not yield any additional information. Elimination of the third-party review task will reduce the Cooperative Funding Agreement budget by \$50,000, saving both the County and the District up to \$25,000 each.

Staff Recommendation:

Authorize staff to amend the project Cooperative Funding Agreement to eliminate the third-party review and reduce the total project budget to \$400,000 (District Share of \$200,000).

Presenter:

Terese Power, P.E., CFM, Engineering and Watershed Management Section Manager

CONSENT AGENDA

January 26, 2021

Regulation Committee: WUP No. 20020901.000 / Gibson Place Utility / Gibson Place Utility Company, LLC (Sumter County)

This is a new Water Use Permit for public supply use. The authorized quantities are 3,543,000 gallons per day (gpd) on an annual average basis and 5,500,000 gpd on a peak month basis. Quantities are based on a projected 2040 population of 35,360 and a per capita water use rate of 93 gallons per person per day. This permit authorizes indoor water use only. Outdoor water demands within the service area will be met through as separate permit. This permit is not located in a water use caution area.

Special conditions include those that require the Permittee to record and report monthly meter readings from all withdrawal points, submit annual public supply reports, update Environmental Resource Permits applied for and issued, adhere to the per capita requirements of this permit, and implement the conservation plan that was submitted with the application.

The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 020901.000**

PERMIT ISSUE DATE: January 26, 2021

EXPIRATION DATE: January 26, 2041

The Permittee is responsible for submitting an application to renew this permit no sooner than one year prior to the expiration date, and no later than the end of the last business day before the expiration date, whether or not the Permittee receives prior notification by mail. Failure to submit a renewal application prior to the expiration date and continuing to withdraw water after the expiration date is a violation of Chapter 373, Florida Statutes, and Chapter 40D-2, Florida Administrative Code, and may result in a monetary penalty and/or loss of the right to use the water. Issuance of a renewal of this permit is contingent upon District approval.

TYPE OF APPLICATION: New

GRANTED TO: Gibson Place Utility Company, LLC
3619 Kiessel Road
The Villages, FL 32613

PROJECT NAME: Gibson Place Utility

WATER USE CAUTION AREA(S): Not in a WUCA

COUNTY: Lake, Sumter

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)

ANNUAL AVERAGE	3,543,000 gpd
PEAK MONTH ¹	5,500,000 gpd

¹ Peak Month: Average daily use during the highest water use month.

ABSTRACT:

This is a new Water Use Permit for public supply use. The authorized quantities are 3,543,000 gallons per day (gpd) on an annual average basis and 5,500,000 gpd on a peak month basis. Quantities are based on a projected 2040 population of 35,360 and a per capita water use rate of 93 gallons per person per day. This permit authorizes indoor water use only. Outdoor water demands within the service area will be met through a separate permit. This permit is not located in a water use caution area.

Special conditions include those that require the Permittee to record and report monthly meter readings from all withdrawal points, submit annual public supply reports, update Environmental Resource Permits applied for and issued, adhere to the per capita requirements of this permit, and implement the conservation plan that was submitted with the application.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>
Public Supply	3,543,300	5,500,000

USE TYPE

Commercial/Industrial

Fire Fighting/Testing

General Recreation

Aesthetic

Line Flushing

Residential Single Family

Significant Use

Treatment Losses
(Backflushing)**PUBLIC SUPPLY:**

Population Served: 35,360

Per Capita Rate: 93 gpd/person

WITHDRAWAL POINT QUANTITY TABLE

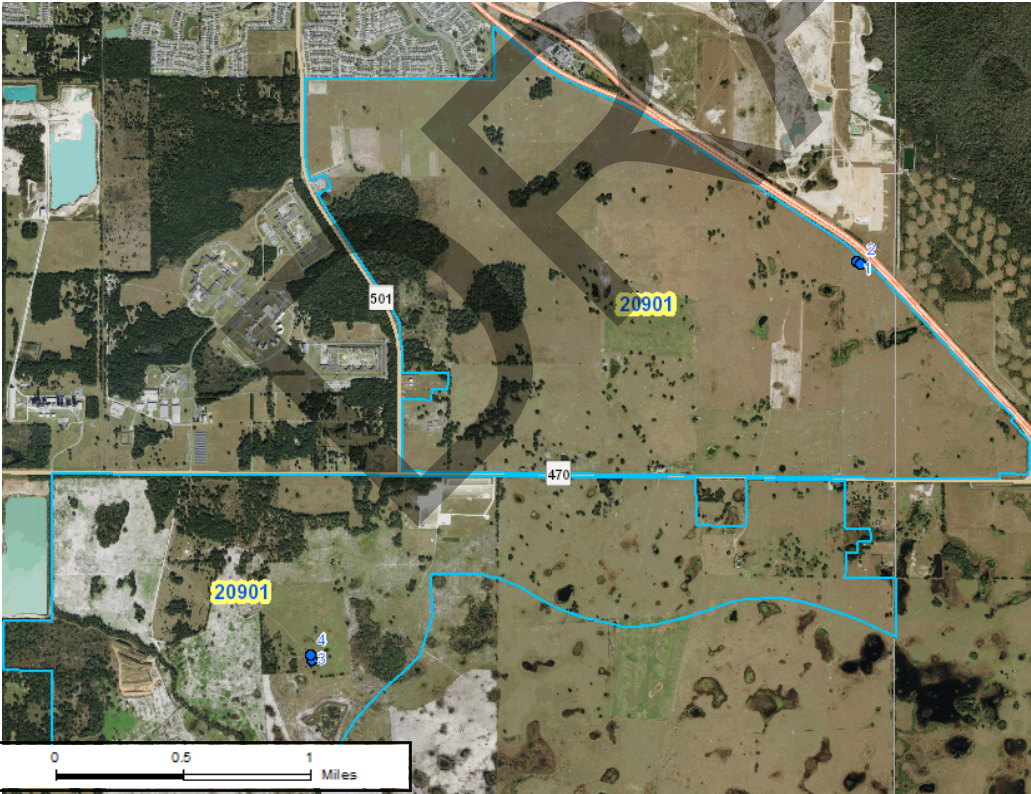
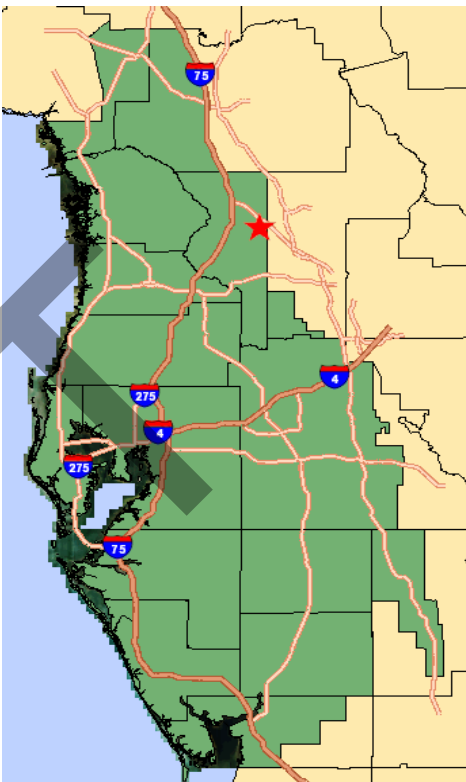
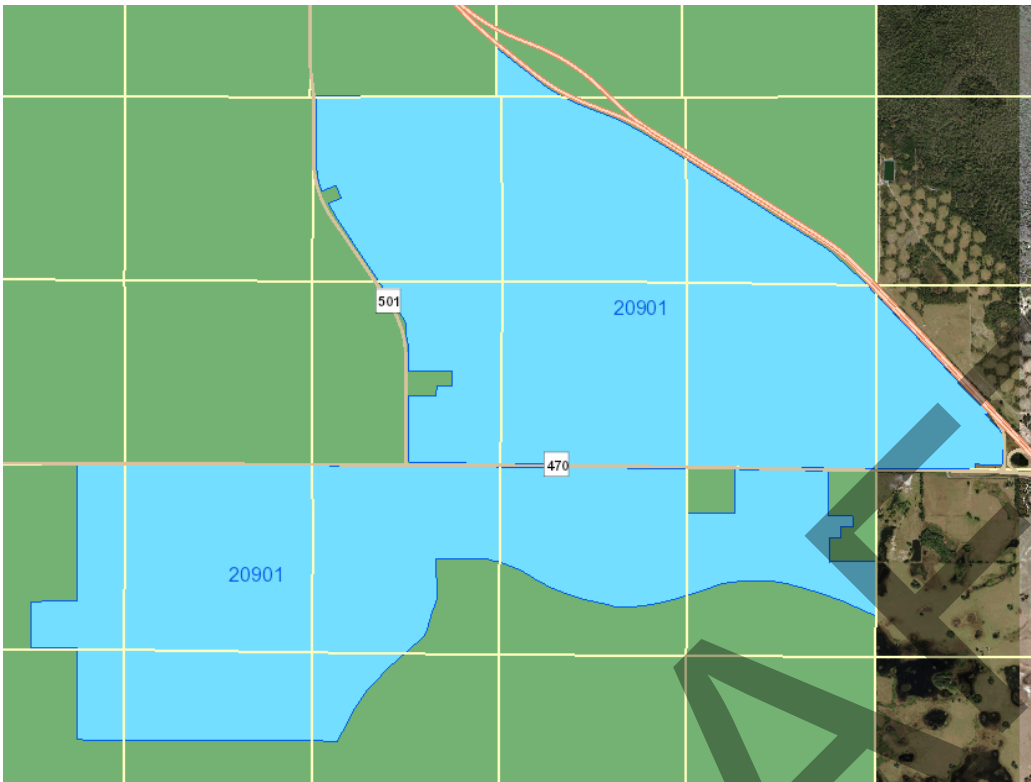
Water use from these withdrawal points are restricted to the quantities given below :

<u>I.D. NO.</u> <u>PERMITTEE/</u> <u>DISTRICT</u>	<u>DIAM</u> <u>(in.)</u>	<u>DEPTH</u> <u>TTL./CSD.FT.</u> <u>(feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE</u> <u>(gpd)</u>	<u>PEAK</u> <u>MONTH</u> <u>(gpd)</u>
GPU-PS-1(V SO-1) / 1	16	900 / 656	Public Supply	885,800	1,375,000
GPU-PS-2(V SO-2) / 2	16	1,100 / 600	Public Supply	885,800	1,375,000
GPU-PS-3 / 3	16	1,100 / 600	Public Supply	885,700	1,375,000
GPU-PS-4 / 4	16	1,100 / 600	Public Supply	885,700	1,375,000

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	28° 46' 17.39"/81° 57' 25.91"
2	28° 46' 16.50"/81° 57' 24.67"
3	28° 44' 31.27"/82° 00' 11.85"
4	28° 44' 32.82"/82° 00' 12.13"

Location Map
Gibson Place Utility Company, LLC/Attn: Marty Dzuro
WUP No. 20 020901.000



Legend

- DIDs
- WUP Boundary
- Natural Color Imagery

LAKE, SUMTER COUNTY

Southwest Florida
Water Management District

STANDARD CONDITIONS:

The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit A and made a part hereof.

SPECIAL CONDITIONS:

1. All reports and data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the condition specifies that a District-supplied form is to be used, the Permittee should use that form in order for their submission to be acknowledged in a timely manner. The only alternative to this requirement is to use the District Permit Information Center (www.swfwmd.state.fl.us/permits/epermitting/) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

Southwest Florida Water Management District
Tampa Service Office, Water Use Permit Bureau
7601 U.S. Hwy. 301 North
Tampa, Florida 33637-6759

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is required for data submittals such as crop report forms, meter readings and/or pumpage, rainfall, water level, evapotranspiration, or water quality data.
(499)

2. The quantities included in the permit are based on an average per capita rate of 93. By rule, the per capita rate in any given year shall not exceed 150 gpd. However, failure to maintain, on average, the per capita rate on which the permitted quantity is based could result in noncompliance with the terms of the permit. The per capita rate will be monitored via the Annual Report and the Reclaimed Water Supplier Report that are required to be submitted by April 1 of each year for the term of the permit.(67)
3. This permit shall be modified if an additional source of water is provided for public supply use from a separate entity. This includes additional Alternative Water Supply quantities and irrigation water for lawn/landscape and common areas. The Permittee shall notify the District of the additional water source and submit an application to modify the permit to acknowledge receipt.(68)
4. The annual average daily, peak month, and crop protection/maximum, if applicable, quantities for District ID Nos. 1, 2, 3, and 4, Permittee ID Nos. GPU-PS-1(VSO-1), GPU-PS-2(VSO-2), GPU-PS-3, and GPU-PS-4, shown in the withdrawal point quantity table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit. In all cases, the total annual average daily withdrawal, the total peak month daily withdrawal, and the total crop protection withdrawal are limited to the quantities set forth above.(221)
5. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
6. The Permittee shall immediately implement the District-approved water conservation plan that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation practices

indicated as proposed in the plan as well as achievements in water savings that have been realized from each water conservation practice shall be submitted by March 1, 2031.(449)

7. Public supply Permittees shall have a per capita rate of no greater than 150 gallons per day whether it is calculated as an unadjusted gross per capita, an adjusted gross per capita, or a compliance per capita as provided in Chapter 2 of the Water Use Permit Applicant's Handbook. A phased reduction in per capita shall be implemented by Permittees that do not achieve the compliance per capita rate of no greater than 150 gallons per day. Compliance with the per capita rate shall be monitored via the Annual Report and the Reclaimed Water Supplier Report that are required to be submitted by April 1 of each year for Individual and General Water Use Permits.(516)
 8. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
 9. The Permittee shall acquire an Environmental Resource Permit (ERP) for construction in each development area prior to commencement of increased incremental groundwater withdrawal. The permittee shall submit an annual report detailing all submitted, completed, or issued ERPs. This report shall include details of the ERP application or permits such as ERP number, proposed changes, expected water use increase, and estimated construction schedule. This report shall be due June 1 of each year.(571)
 10. Beginning January 1, 2012, the Permittee shall comply with the following requirements:
 - A. Customer billing period usage shall be placed on each utility-metered, customer's bill.
 - B. Meters shall be read and customers shall be billed no less frequently than bi-monthly.
 - C. The following information, as applicable to the customer, shall be provided at least once each calendar year and a summary of the provisions shall be provided to the District annually as described in Section D, below. The information shall be provided by postal mailings, bill inserts, online notices, on the bill or by other means. If billing units are not in gallons, a means to convert the units to gallons must be provided.
 1. To each utility-metered customer in each customer class - Information describing the rate structure and shall include any applicable:
 - a. Fixed and variable charges,
 - b. Minimum charges and the quantity of water covered by such charges,
 - c. Price block quantity thresholds and prices,
 - d. Seasonal rate information and the months to which they apply, and
 - e. Usage surcharges
 2. To each utility-metered single-family residential customer - Information that the customer can use to compare its water use relative to other single-family customers or to estimate an efficient use and that shall include one or more of the following:
 - a. The average or median single-family residential customer billing period water use calculated over the most recent three year period, or the most recent two year period if a three year period is not available to the utility. Data by billing period is preferred but not required.
 - b. A means to calculate an efficient billing period use based on the customer's characteristics, or
 - c. A means to calculate an efficient billing period use based on the service area's characteristics.
 - D. Annual Report: The following information shall be submitted to the District annually by October 1 of each year of the permit term to demonstrate compliance with the requirements above. The information shall be current as of the October 1 submittal date.
 1. Description of the current water rate structure (rate ordinance or tariff sheet) for potable and non-potable water.
 2. Description of the current customer billing and meter reading practices and any proposed changes to these practices (including a copy of a bill per A above).
 3. Description of the means the permittee uses to make their metered customers aware of rate structures, and how the permittee provides information their metered single-family residential customers can use to compare their water use relative to other single-family customers or estimate an efficient use (see C 1 & 2 above).
- (592)
11. The Permittee shall maintain a water conserving rate structure for the duration of the permit term. Any changes to the water conserving rate structure described in the application shall be described in detail as a component of the next Annual Report on Water Rate, Billing and Meter Reading Practices of the

year following the change.(659)

12. The Permittee shall submit a "Public Supply Annual Report" to the District by April 1 of each year on their water use during the preceding calendar year using the form, "Public Supply Water Use Annual Report Form" (Form No. LEG-R.103.00 (05/14)), referred to in this condition as "the Form," and all required attachments and documentation. The Permittee shall adhere to the "Annual Report Submittal Instructions" attached to and made part of this condition in Exhibit B. The Form addresses the following components in separate sections.

Per Capita Use Rate

A per capita rate for the previous calendar year will be calculated as provided in Part A of the Form using Part C of the Form to determine Significant Use deduction that may apply. Permittees that cannot achieve a per capita rate of 150 gpd according to the time frames included in the "Instructions for Completion of the Water Use Annual Report," shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance.

Residential Use

Residential use shall be reported in the categories specified in Part B of the Form, and the methodology used to determine the number of dwelling units by type and their quantities used shall be documented in an attachment.

Non-Residential Use

Non-residential use quantities provided for use in a community but that are not directly associated with places of residence, as well as the total water losses that occur between the point of output of the treatment plant and accountable end users, shall be reported in Part B of the Form.

Water Conservation

In an attachment to the Form, the Permittee shall describe the following:

1. Description of any ongoing audit program of the water treatment plant and distribution systems to address reductions in water losses.
2. An update of the water conservation plan that describes and quantifies the effectiveness of measures currently in practice, any additional measures proposed to be implemented, the scheduled implementation dates, and an estimate of anticipated water savings for each additional measure.
3. A description of the Permittees implementation of water-efficient landscape and irrigation codes or ordinances, public information and education programs, water conservation incentive programs, identification of which measures and programs, if any, were derived from the Conserve Florida Water Conservation Guide, and provide the projected costs of the measures and programs and the projected water savings.

Water Audit

If the current water loss rate is greater than 10% of the total distribution quantities, a water audit as described in the "Instructions for Completion of the Water Use Annual Report" shall be conducted and completed by the following July 1, with the results submitted by the following October 1. Indicate on Part A of the Form whether the water audit was done, will be done, or is not applicable.

Alternative Water Supplied Other Than Reclaimed Water

If the Permittee provides Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) to customers, the information required on Part D of the Form shall be submitted along with an attached map depicting the areas of current Alternative Water Use service and areas that are projected to be added within the next year.

Suppliers of Reclaimed Water

1. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd:

The Permittee shall submit the "SWFWMD Annual Reclaimed Water Supplier Report" on quantities of reclaimed water that was provided to customers during the previous fiscal year (October 1 to September 30). The report shall be submitted in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09), that will be provided annually to them by the District. A map depicting the area of reclaimed water service that includes any areas projected to be added within the next year, shall be

submitted with this report.

2. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd:

a. The Permittee has the option to submit the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above, or

b. Provide information on reclaimed water supplied to customers on Part E of the Form as described in the "Instructions for Completion of the Water Use Annual Report".

Updated Service Area Map

If there have been changes to the service area since the previous reporting period, the Permittee shall update the service area using the map that is maintained in the District's Mapping and GIS system. (660)

13. The Permittee shall catalog development of sinkholes or changes to existing sinkholes which occur within 500 feet of any of the Permittee's production wells included in this permit. The report shall include descriptions of the investigation and any mitigation actions undertaken by the permittee or a note that the county conducted the sinkhole investigation. The report shall be sent to the District within 30 days of the Permittee's discovery of the sinkhole.(677)
14. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID Nos. 1, 2, 3, and 4, Permittee ID Nos. GPU-PS-1(VSO-1), GPU-PS-2(VSO-2), GPU-PS-3, and GPU-PS-4. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(718)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

1. With advance notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, collect samples, take measurements, observe permitted and related facilities and collect and document any information deemed necessary to determine compliance with the approved plans, specifications and conditions of this permit. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.
2. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
3. A District identification tag shall be prominently displayed at each withdrawal point that is required by the District to be metered or for which withdrawal quantities are required to be reported to the District, by permanently affixing the tag to the withdrawal facility.
4. The Permittee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Examples of adverse impacts include the following:
 - A. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - B. Damage to crops and other vegetation causing financial harm to the owner; and
 - C. Damage to the habitat of endangered or threatened species.
5. The Permittee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District may require the Permittee to mitigate the impacts. Adverse impacts include:
 - A. A reduction in water levels which impairs the ability of a well to produce water;
 - B. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - C. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of an aquifer or water body.
6. Permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the Project and / or related facilities from which the permitted consumptive use is made. Where Permittee's control of the land subject to the permit was demonstrated through a lease, the Permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system / project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of Rule 40D-1.6105, F.A.C. Alternatively, the Permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.
7. All withdrawals authorized by this WUP shall be implemented as conditioned by this permit, including any documents submitted as part of the permit application incorporated by reference in a permit condition. This permit is subject to review and modification, enforcement action, or revocation, in whole or in part, pursuant to Section 373.136 or 373.243, F.S.
8. This permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.
9. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below the applicable minimum water level established in Chapter 40D-8, F.A.C., or rates of flow in streams fall below the minimum levels established in Chapter 40D-8, F.A.C.
10. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.

11. A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications.
12. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.
13. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
14. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
15. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that a statement in the application and in the supporting data are found to be untrue and inaccurate, the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing, pursuant to sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. All permits are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.

Exhibit B
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month for monthly reporting frequencies. For bi-annual reporting, the data shall be recorded on a monthly basis and reported on or before the tenth day of the month following the sixth month of recorded data. The Permittee shall submit meter readings online using the Permit Information Center at www.swfwmd.state.fl.us/permits/epermitting/ or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

1. The meter(s) shall be non-resettable, totalizing flow meter(s) that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Water Use Permit Bureau Chief.
2. The Permittee shall report non-use on all metered standby withdrawal facilities on the scanning form or approved alternative reporting method.
3. If a metered withdrawal facility is not used during any given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.
4. The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.
5. Meter accuracy testing requirements:
 - A. For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.
 - B. The meter shall be tested for accuracy on-site, as installed according to the Flow Meter Accuracy Test Instructions in this Exhibit B, every five years in the assigned month for the county, beginning from the date of its installation for new meters or from the date of initial issuance of this permit containing the metering condition with an accuracy test requirement for existing meters.
 - C. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.
 - D. The test will be accepted by the District only if performed by a person knowledgeable in the testing equipment used.
 - E. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days, the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.
6. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line.
7. Broken or malfunctioning meter:
 - A. If the meter or other flow measuring device malfunctions or breaks, the Permittee shall notify the District within 15 days of discovering the malfunction or breakage.
 - B. The meter must be replaced with a repaired or new meter, subject to the same specifications given above, within 30 days of the discovery.
 - C. If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.
8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted

by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

9. In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

FLOW METER ACCURACY TEST INSTRUCTIONS

1. **Accuracy Test Due Date** - The Permittee is to schedule their accuracy test according to the following schedule:
 - A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.
 - B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.
 - C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.
 - D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.
 - E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

January	Hillsborough
February	Manatee, Pasco
March	Polk (for odd numbered permits)*
April	Polk (for even numbered permits)*
May	Highlands
June	Hardee, Charlotte
July	None or Special Request
August	None or Special Request
September	Desoto, Sarasota
October	Citrus, Levy, Lake
November	Hernando, Sumter, Marion
December	Pinellas

* The permittee may request their multiple permits be tested in the same month.

2. **Accuracy Test Requirements:** The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:
 - A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.
 - B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.
 - C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.
 - D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.
3. **Accuracy Test Report:** The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:
 - A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.101.00 (5/14) for each flow meter tested. This form can be obtained from the District's website (www.watermatters.org) under "ePermitting and Rules" for Water Use Permits.

- B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;
- C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;
- D. The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.
- E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.
- F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

ANNUAL REPORT SUBMITTAL INSTRUCTIONS

The "Public Supply Water Use Annual Report Form" (Form No. LEG-R.023.00 (01/09)), is designed to assist the Permittee with the annual report requirements, but the final authority for what must be included in the Water Use Annual Report is in this condition and in these instructions. Two identical copies of the "Public Supply Water Use Annual Report Form" and two identical copies of all required supporting documentation shall be included if submitted in hard copy. "Identical copy" in this instance means that if the original is in color, then all copies shall also be printed in color. If submitted electronically, only one submittal is required; however, any part of the document that is in color shall be scanned in color.

1. **Per Capita Use Rate** - A per capita rate for the previous calendar year will be progressively calculated until a rate of 150 gpd per person or less is determined whether it is the unadjusted per capita, adjusted per capita, or compliance per capita. The calculations shall be performed as shown in Part A of the Form. The Permittee shall refer to and use the definitions and instructions for all components as provided on the Form and in the Water Use Permit Applicant's Handbook Part B. Permittees that have interconnected service areas and receive an annual average quantity of 100,000 gpd or more from another permittee are to include these quantities as imported quantities. Permittees in the Southern Water Use Caution Area (SWUCA) or the Northern Tampa Bay Water Use Caution Area (NTBWUCA), as it existed prior to October 1, 2007, shall achieve a per capita of 150 gpd or less, and those in these areas that cannot achieve a compliance per capita rate of 150 gpd or less shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance. Permittees not in a Water Use Caution Area that cannot achieve a compliance per capita rate of 150 gpd or less by December 31, 2019 shall submit this same report in the Annual Report due April 1, 2020.
2. **Residential Use** - Residential water use consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes), including irrigation uses, whether separately metered or not. The Permittee shall document the methodology used to determine the number of dwelling units by type and the quantities used. Estimates of water use based upon meter size will not be accepted. If mobile homes are included in the Permittees multi-family unit category, the information for them does not have to be separated. The information for each category shall include:
 - A. Number of dwelling units per category,
 - B. Number of domestic metered connections per category,
 - C. Number of metered irrigation connections,
 - D. Annual average quantities in gallons per day provided to each category, and
 - E. Percentage of the total residential water use provided apportioned to each category.
3. **Non-Residential Use** - Non-residential use consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided and percent of total non-residential use quantities provided. For each category 1 through 6 below, the number of metered connections shall be provided. These non-residential use categories are:
 - A. Industrial/commercial uses, including associated lawn and landscape irrigation use,
 - B. Agricultural uses (e.g., irrigation of a nursery),
 - C. Recreation/Aesthetic, for example irrigation (excluding golf courses) of Common Areas, stadiums and school yards,
 - D. Golf course irrigation,
 - E. Fire fighting, system testing and other accounted uses,-

- F. K-through-12 schools that do not serve any of the service area population, and
 - G. Water Loss as defined as the difference between the output from the treatment plant and accounted residential water use (B above) and the listed non-residential uses in this section.
4. **Water Audit** - The water audit report that is done because water losses are greater than 10% of the total distribution quantities shall include the following items:
- A. Evaluation of:
 - 1) leakage associated with transmission and distribution mains,
 - 2) overflow and leakage from storage tanks,
 - 3) leakage near service connections,
 - 4) illegal connections,
 - 5) description and explanations for excessive distribution line flushing (greater than 1% of the treated water volume delivered to the distribution system) for potability,
 - 6) fire suppression,
 - 7) un-metered system testing,
 - 8) under-registration of meters, and
 - 9) other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts used for residential and non-residential uses specified in Parts B and C above, and
 - B. A schedule for a remedial action-plan to reduce the water losses to below 10%.
5. **Alternative Water Supplied other than Reclaimed Water** - Permittees that provide Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following on Part D of the Form:
- A. Description of the type of Alternative Water Supply provided,
 - B. County where service is provided,
 - C. Customer name and contact information,
 - D. Customer's Water Use Permit number (if any),
 - E. Customer's meter location latitude and longitude,
 - F. Meter ownership information,
 - G. General customer use category,
 - H. Proposed and actual flows in annual average gallons per day (gpd) per customer,
 - I. Customer cost per 1,000 gallons or flat rate information,
 - J. Delivery mode (e.g., pressurized or non-pressurized),
 - K. Interruptible Service Agreement (Y/N),
 - L. Month/year service began, and
 - M. Totals of monthly quantities supplied.
6. **Suppliers of Reclaimed Water** - Depending upon the treatment capacity of the Permittees wastewater treatment plant, the Permittee shall submit information on reclaimed water supplied as follows:
- A. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd shall utilize the "SWFWMD Annual Reclaimed Water Supplier Report" in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09). The "SWFWMD Annual Reclaimed Water Supplier Report" is described in Section 3.1 of Chapter 3, under the subheading "Reclaimed Water Supplier Report" and is described in detail in the Water Use Permit Applicant's Handbook Part B.
 - B. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd can either utilize the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above or provide the following information on Part E of the Form:
 - 1) Bulk customer information:
 - a) Name, address, telephone number,
 - b) WUP number (if any),
 - c) General use category (residential, commercial, recreational, agricultural irrigation, mining),
 - d) Month/year first served,
 - e) Line size,
 - f) Meter information, including the ownership and latitude and longitude location,

- g) Delivery mode (pressurized, non-pressurized).
- 2) Monthly flow in gallons per bulk customer.
- 3) Total gallons per day (gpd) provided for metered residential irrigation.
- 4) Disposal information:
 - a) Site name and location (latitude and longitude or as a reference to the service area map),
 - b) Contact name and telephone,
 - c) Disposal method, and
 - d) Annual average gpd disposed.

Authorized Signature
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

CONSENT AGENDA**January 26, 2021****General Counsel's Report: Governing Board Concurrence - SWFWMD Emergency Order - Emergency Measures Made Necessary by COVID-19**

On November 9, 2020, the District's Executive Director issued the Fifth Amended and Restated Emergency Order No. SWF 20-046 in accordance with the Governor's Executive Order No. 20-52 (and subsequent amendments) declaring a state of emergency throughout Florida due to the Novel Coronavirus Disease 2019 (COVID-19). The Fifth Amended and Restated Emergency Order extended the duration of Emergency Order No. SWF 20-034 through January 2, 2021, and provided for the following narrowly tailored measures to assist the immediate need for action:

- Extension of permitting deadlines.
- Provision for conducting safe public meetings.

The Governor's Executive Orders and Section 373.119, Florida Statutes, authorize local agencies and governments to take actions necessary to meet a public health emergency. Such actions may include, among others, waiving the procedures and formalities otherwise required to perform public work as necessary to ensure the health, safety, and welfare of the community. On November 17, 2020, the District's Governing Board concurred with the Executive Director's findings and approved the Fifth Amended and Restated Emergency Order.

On December 29, 2020, the Governor issued Executive Order No. 20-316 to extend the declaration of emergency due to COVID-19 through February 27, 2021. The District's Executive Director and staff have similarly found that an extension of the District's Emergency Order is necessary to meet the ongoing public health emergency. As a result, the Executive Director issued the Sixth Amended and Restated Emergency Order No. SWF 20-054 on December 30, 2020 to extend the duration of the District's Emergency Order through February 27, 2021. The expiration date is consistent with the expiration date of both the Governor's Executive Orders and the Department of Environmental Protection's Sixth Amended and Restated Emergency Order No. 20-0239. Furthermore, Emergency Order 20-054 provides that the District may conduct in-person public meetings or hearings in accordance with CDC guidelines during the term of the Order to encourage public engagement while protecting public health. If approved, Emergency Order 20-054 would remain in effect until February 27, 2021, unless terminated or extended by further order.

Staff Recommendation:

Approve the Sixth Amended and Restated Emergency Order No. SWF 20-054 and concur with the Executive Director's determinations regarding the state of emergency and the actions necessary to meet the emergency.

Presenter:

Christopher A. Tumminia, Deputy General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE:

EMERGENCY ORDER DUE TO
THE EFFECTS OF COVID-19

SIXTH AMENDED AND RESTATED EMERGENCY ORDER NO. SWF 20-054

Under the authority of Sections 120.569(2)(n), 252.36, 252.46, and 373.119(2), Florida Statutes (F.S.), and upon consideration of State of Florida Executive Order Nos. 20-52, 20-114, 20-166, 20-213, 20-276, and 20-316, the Florida Department of Environmental Protection's Sixth Amended and Restated Emergency Final Order No. 20-0239, and the following findings of fact, the Southwest Florida Water Management District (District) enters this Sixth Amended and Restated Emergency Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent or immediate danger to the public health, safety, and welfare of the citizens residing within the District caused by the Novel Coronavirus Disease 2019 (COVID-19). This Sixth Amended and Restated Emergency Order amends and extends the provisions of the Fifth Amended and Restated Emergency Order No. SWF 20-046, entered on November 5, 2020:

FINDINGS OF FACT

1. The District is a public corporation charged with the responsibility to conserve, protect, manage, and control the water resources within the 16 counties designated within its geographic boundaries (Emergency Area), and to administer and enforce Chapter 373, F.S. The District issues authorizations for use of sovereign submerged lands pursuant to Chapters 253 and 373, F.S., and permits in accordance with the various procedures and deadlines set forth in Chapters 120, 373, and 403, F.S.,

and rules promulgated thereunder in Chapters 18-20, 18-21, 28, 40D, and 62-330, Florida Administrative Code.

2. COVID-19 is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.

3. In late 2019, a new and significant outbreak of COVID-19 emerged in China. Since the initial outbreak, COVID-19 has now been detected in more than 100 locations internationally, including the United States. As a result, the World Health Organization has declared COVID-19 a pandemic.

4. Positive cases of COVID-19 have been detected in the state of Florida. On March 1, 2020, pursuant to the Governor's Executive Order No. 20-51, the State of Florida's Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19. The Governor also directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 1 to provide a coordinated response to the COVID-19 emergency.

5. By State of Florida Executive Order Nos. 20-52, 20-114, 20-166, 20-213, 20-276, and 20-316 (Executive Orders), the Governor declared that a state of emergency exists throughout the state of Florida. Subsequently, the Florida Department of Environmental Protection issued and extended Emergency Final Order No. 20-0239 providing certain measures to be taken to implement the Governor's Executive Order and meet the exigencies of the public health emergency.

6. The District's Executive Director finds that the effects of COVID-19 create an ongoing state of emergency threatening the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action is necessary.

7. In accordance with recommendations from the Centers for Disease Control and Prevention (CDC) and other health organizations, many employees of companies and government entities are working remotely to minimize the risk of spreading COVID-19. On March 16, 2020, President Trump and the CDC issued the 15 days to Slow the Spread guidance advising individuals to adopt far reaching social distancing measures such as working from home and avoiding gatherings of more than 10 people.

8. COVID-19 may cause disruption in supply chains and the labor force, thereby impacting the ability of many regulated entities to meet certain regulatory deadlines. Therefore, the District's Executive Director finds that it is appropriate to extend certain regulatory deadlines by 30 days to accommodate disruptions. This Order does not provide relief from any other regulatory requirements, including those of other federal, state, or local agencies. This Order likewise does not provide relief from the District's compliance and enforcement activities. The District will continue to carry out all inspections, testing, data and file reviews, and other compliance verification activities to ensure full compliance with regulatory requirements. In the event of noncompliance with any such requirements, the District will continue to fully execute its compliance and enforcement duties to the extent required by law.

9. The District's Executive Director finds that in-person public meetings and hearings pose a potential risk to the health and safety of employees and the public unless

appropriate safety protocols are implemented. Accordingly, public meetings and hearings may be held in-person in accordance with CDC guidelines to minimize the risk of spreading COVID-19. The District will continue to provide access to public meetings and hearings by electronic means to encourage public engagement while protecting public health.

10. Section 373.119(2), F.S., provides that whenever the executive director, with the concurrence and advice of the governing board, finds that an emergency exists requiring immediate action to protect the public health, safety, or welfare of the citizens of the state of Florida, the executive director may, without prior notice, issue an order reciting the existence of such an emergency and require that such action be taken as the executive director deems necessary to meet the emergency.

11. The District's Executive Director finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay necessary action in coping with the emergency, and that the actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally appropriate under the circumstances.

CONCLUSIONS OF LAW

12. Based on the findings recited above, it is hereby concluded that the emergency caused by COVID-19 poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the District.

13. This Order is issued to carry out the directives in the Executive Orders, which were issued under the authority of article IV, section 1(a) of the Florida Constitution, and in concert with the Florida Department of Environmental Protection's Sixth Amended

and Restated Emergency Final Order No. 20-0239. Additionally, under the Executive Orders and Sections 120.569(2)(n), 252.36, 252.46, and 373.119(2), F.S., the District's Executive Director is authorized to issue this Order.

14. Suspension of statutes and rules as noted within this Order is required so as not to prevent, hinder, or delay necessary action in coping with the emergency. However, this Order is limited to the items specified below and does not provide relief from the District's compliance and enforcement activities. The District will continue to carry out all inspections, testing, data and file reviews, and other compliance verification activities to ensure full compliance with regulatory requirements. In the event of noncompliance with any such requirements, the District will continue to fully execute its compliance and enforcement duties.

THEREFORE, it is hereby **ORDERED**:

Within the Emergency Area, the requirements and effects of statutes, rules, agreements, or District orders which conflict with the provisions of this Order are suspended to the extent necessary to implement this Order.

15. **Extension of Time to Comply with Specified Deadlines**. For facilities and activities regulated by the District within the Emergency Area, this Order extends by 30 days the time to comply with the following specified deadlines that occur between the date of issuance of this Order and the expiration of this Order (a.-e. below). However, as specified above, this Order does not provide relief from any other regulatory requirements including those of other federal, state, or local agencies. This Order likewise does not provide relief from the District's compliance and enforcement activities. The District will continue to carry out all inspections, testing, data and file reviews, and other compliance

verification activities to ensure full compliance with regulatory requirements. In the event of noncompliance with any such requirements, the District will continue to fully execute its compliance and enforcement duties to the extent required by law.

a. The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization under Chapters 161, 253, 258, 373, 376, or 403, F.S., and rules adopted thereunder.

b. The time deadlines to file an application for an extension of permit duration or renewal of an existing permit, lease, easement, consent of use, letter of consent, or other authorization under Chapters 161, 253, 258, 373, 376, or 403, F.S., and rules adopted thereunder.

c. The time deadlines to file an application for an operation permit under Chapters 161, 253, 258, 373, 376 or 403, F.S., and rules adopted thereunder.

d. The expiration date for an existing permit, lease, consent of use, or other authorization under Chapters 161, 253, 258, 373, 376 or 403, F.S., and rules adopted thereunder.

e. The time deadlines to obtain a permit for and commence construction of the initial phase of a system for which a conceptual permit was issued pursuant to Part IV of Chapter 373, F.S., and rules adopted thereunder.

16. **Public Meetings and Hearings.** The District may conduct in-person public meetings or hearings in accordance with CDC guidelines and the District's Personal Hygiene and Contact Tracing Guideline, dated September 24, 2020, during the term of this

Order to minimize the risk of spreading COVID-19. The District will continue to provide access to public meetings and hearings by electronic means, including, without limitation, the use of webinar or telephone to encourage public engagement while protecting public health.

17. **Expiration Date.** This Order shall take effect immediately upon execution by the Executive Director or his designee, and shall expire on February 27, 2021, unless modified or extended by further order.

DONE AND ORDERED in Hillsborough County, Florida, on this 30th day of December, 2020.

Approved as to legal form and content



Chris Tumminia, Deputy General Counsel

**SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT**

By: 

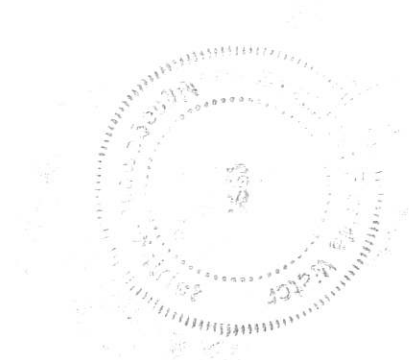
Brian Armstrong, Executive Director

Filed this 4th day of
January 2021.



Deputy Agency Clerk

[SEAL]



NOTICE OF RIGHTS

Pursuant to Section 120.569(2)(n), Florida Statutes, any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review under Section 120.68, Florida Statutes. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the District at 7601 U.S. Highway 301 North, Tampa, Florida 33637-6759, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the District.

CONSENT AGENDA**January 26, 2021****General Counsel's Report: Governing Board Concurrence - Authorization to Initiate Litigation Under Board Policy 160-1***Purpose*

The purpose of this item is to request the Governing Board's concurrence with the authorization of the Executive Director, the Governing Board Chair and the General Counsel to initiate litigation against Cardno, Inc. on December 30, 2020. Board Policy 160-1, District Legal Services, allows the Executive Director, with the written concurrence of the General Counsel and the Governing Board Chair to cause a lawsuit to be filed in advance of Governing Board approval if the Chair and the Executive Director determine it is necessary and in the best interest of the District to file suit prior to advising the Governing Board. The lawsuit filed against Cardno was necessary to preserve the District's claims against Cardno before the expiration of the statute of limitations on December 31, 2020. Under such circumstances, the General Counsel must advise the Governing Board and seek its concurrence no later than the next regularly scheduled Governing Board meeting.

Background/History

In November 2014, the District entered into an agreement with Cardno, a professional engineering firm, to design the Weeki Wachee State Park Canoe Launch Improvements project. The purpose of the project was to address water quality issues and improve the access road within the canoe launch area of the Weeki Wachee Springs State Park. Cardno specified a pervious pavement product known as Perma-Drive, manufactured by K.B. Industries, Inc. (KBI), for a portion of the access road that would be used to maneuver vans transporting canoes and kayaks to the boat ramp. The technical specifications did not require installation of curbing around the perimeter of the improved access road.

In August 2016, the District entered into an agreement with Cardno to provide pre-bid support for the project including reviewing and editing the technical specifications, previously prepared by Cardno, as needed prior to advertising the construction solicitation; review shop drawings; and attend the substantial completion and final inspections, and provide any comments to Jacobs Engineering Group, Inc. (Jacobs), the District's construction engineer. Cardno's signed and sealed design drawings and technical specifications, that included the Perma-Drive specification, were incorporated into the District's construction solicitation. Pave-Rite, Inc. was awarded the construction contract for the lump sum amount of \$224,897, which included \$20,000 in contingency funds. Pave-Rite subcontracted the pavement component of the project to KBI. Construction was completed in April 2017 and pavement deficiencies were observed shortly thereafter. Specifically, the edges of the pavement were breaking off and other areas of the pavement showed loss of stone.

In August 2017, the District entered into an agreement with Cardno to provide Engineer of Record (EOR) services to assist the District with resolving the pavement deficiencies with Pave-Rite. In December 2017, Pave-Rite provided the District with a summary of the proposed pavement repair work, which was scheduled to begin in January 2018. Also, in December 2017, the District issued a purchase order to EXP U.S. Services, Inc. to provide construction management support and field inspection coverage in connection with the repair work. The repair work was completed in February 2018, and within months the pavement showed signs of failure.

In January 2019, the District provided a notice of claim to the performance bond surety. The surety

disputed the claim based upon Pave-Rite's contention that the Perma-Drive product was not suitable for use in the project. The District contracted with PRI Asphalt, Inc. (PRI), a material tester, to test the installed pavement materials to determine the cause of the failure. PRI's report concluded that Pave-Rite failed to manufacture and install the materials properly and recommended all pavement material be removed and replaced with new material. The primary cause of the failure was insufficient polyurethane content to bind the aggregate, coupled with the lack of curbing. In November 2019, Pave-Rite advised the District that due to design errors, the KBI product would fail even if the existing pavement was removed and replaced with new material as recommended by PRI.

In May 2020, the District entered into an agreement with Cardno to provide EOR support to assist the District in reaching a resolution with Pave-Rite by attending site meetings and providing technical review of corrective actions proposed by Pave-Rite. In May 2020, the District entered into a contract with PRI for consulting services.

On November 25, 2020, the District and Pave-Rite entered into a Remedial Action Plan, whereby Pave-Rite agreed to remove all pavement material and replace with new material, and perform all work in accordance with the original construction contract's specifications. In December 2020, the District entered into an agreement with Cardno to provide EOR and construction oversight services in connection with the remedial work. Pave-Rite completed the remedial work on or about December 30, 2020. The District expects to receive the test results of the pavement samples taken during construction from PRI in mid-January 2021. These results will indicate whether the minimum durability/strength specifications of the pavement material are met.

The statute of limitations applicable to the District's claims against Cardo for design errors, and Jacobs for construction oversight deficiencies, was to expire in early May 2019. Jacob's agreed to toll the limitations period to June 28, 2019 in the original agreement, to August 30, 2019 in the first amendment, and to September 30, 2019 in the second amendment. Jacobs indicated it would not agree to an extension beyond September 30, 2019. On September 27, 2019, the District filed suit against Jacobs for breach of contract and professional negligence for failing to perform construction engineering and inspection services in accordance with the requisite standard of care and the terms and conditions of its professional services agreement with the District.

Cardno agreed to toll the limitations period to December 31, 2019 in the original agreement, to June 30, 2020 in the first amendment, and to December 31, 2020 in the second amendment. On December 23, 2020, Cardno indicated it would not agree to an extension beyond December 31, 2020. On December 30, 2020, the District filed suit against Cardno for breach of contract and professional negligence for failing to design the project with the requisite standard of care and the terms and conditions of its professional services agreement with the District.

Staff Recommendation:

Provide concurrence with the authorization of the Executive Director, the Governing Board Chair and the General Counsel to initiate litigation against Cardno, Inc. on December 30, 2020, in accordance with Board Policy 160-1.

Presenter:

Mary Beth McNeil, Assistant General Counsel

CONSENT AGENDA

January 26, 2021

General Counsel's Report: Interagency Agreement between SFWMD and SWFWMD - Designation of Regulatory Responsibility - Environmental Resource Permit - SR 31 and CR 74 Roundabout - Charlotte County

The Florida Department of Transportation (FDOT) seeks an environmental resource permit (ERP) for a proposed safety improvement project to convert the intersection of State Road 31 and County Road 74 in Charlotte County into a roundabout (the Project). This intersection is located at the jurisdictional boundary between the Southwest Florida Water Management District (SWFWMD) and the South Florida Water Management District (SFWMD). The Project proposes to locate the roundabout within the northwestern quadrant of the intersection, resulting in the majority of the project improvements being located within the jurisdiction of SWFWMD. The scope of work includes roadway reconstruction, maintenance of traffic, signing and pavement marking, lighting, utility relocation, wetland impacts, and stormwater design, which includes improvements to existing cross-drains and roadside ditches as well as providing for floodplain compensation. There are no existing permitted stormwater management facilities at this intersection.

Section 373.046(6), Florida Statutes, authorizes water management districts to enter into interagency agreements to designate regulatory responsibility to another water management district for a project that crosses the jurisdictional boundaries of both districts. Water management districts typically consider regulatory efficiency and prior permitting history in determining which water management district is most appropriate to permit such projects. The interagency agreement designates the responsibility to receive, process, and take final agency action on all water use permit applications, and to take any compliance and enforcement action regarding a designated permit.

Because a majority of the Project boundary lies within the SWFWMD, both Districts agree that regulatory responsibility should be assumed by SWFWMD for the entirety of the Project. An interagency agreement approved by both districts is necessary to authorize SWFWMD to issue an ERP for the entire Project.

Staff Recommendation:

Approve the Interagency Agreement designating regulatory responsibility for the SR 31 at CR 74 roundabout in Charlotte County to the Southwest Florida Water Management District.

Presenter:

Michael R. Bray, Assistant General Counsel

**INTERAGENCY AGREEMENT BETWEEN THE SOUTH FLORIDA WATER
MANAGEMENT DISTRICT AND THE SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT FOR DESIGNATION OF REGULATORY
RESPONSIBILITY FOR ENVIRONMENTAL RESOURCE PERMITS FOR THE
STATE ROAD 31 AT COUNTY ROAD 74 ROUNDABOUT IN CHARLOTTE
COUNTY, FLORIDA**

THIS INTERAGENCY AGREEMENT ("Agreement") is made and entered into as of _____, 2020, by and between the SOUTH FLORIDA WATER MANAGEMENT DISTRICT ("SFWMD") and the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ("SWFWMD") (collectively referred to as the "Parties").

WITNESSETH:

WHEREAS, on July 1, 2020, during a pre-application meeting, the Florida Department of Transportation requested the SWFWMD to process all environmental resource permits for the future activities related to the intersection improvements of State Road 31 and County Road 74 in Charlotte County, as depicted on the map attached hereto as Exhibit A (the "Project"); and

WHEREAS, the Project crosses the jurisdictional boundaries of the SWFWMD and the SFWMD, and the majority of the project is located within the jurisdictional boundary of the SWFWMD in Charlotte County; and

WHEREAS, Subsection 373.046(6), Florida Statute (F.S.), authorizes a water management district to designate, via an interagency agreement, regulatory responsibility to another water management district when the geographic area of the project or local government crosses the jurisdictional boundaries of another water management district; and

WHEREAS, the designation of SWFWMD as the water management district with regulatory responsibility for the Project would allow for more efficient processing of permit applications under Part IV, Chapter 373, F.S., as the majority of the Project is located within the jurisdictional boundaries of the SWFWMD; and


WHEREAS, the SFWMD and the SWFWMD desire to designate the SWFWMD as the water management district with Part IV, Chapter 373, F.S., regulatory responsibility for the Project area located within the jurisdictional boundaries of SFWMD in Charlotte County, more specifically identified in Exhibit A.

NOW THEREFORE, the SFWMD and the SWFWMD, under the authority of Subsection 373.046(6), F.S., hereby agree as follows:

1. The SWFWMD is designated as the water management district that will have regulatory responsibilities under Part IV of Chapter 373, F.S., for those Project activities located in the area shown in Exhibit A, which is incorporated by reference herein. Such regulatory responsibilities shall include receiving, processing, and taking final agency action on environmental resource permit applications or modifications thereof, located in the Project area shown in Exhibit A, and taking any compliance and enforcement action with regard to such permit(s).
2. This Agreement will commence upon execution by all Parties and will remain in effect until either party terminates such Agreement for its convenience upon ninety (90) days written notice to the other party.

IN WITNESS WHEREOF, each party, or its lawful representative, has executed this Agreement on the date set forth next to their signature below.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By: 
for Jill Creech
Division Director, Regulation

Attest: _____

Date: 12/18/2020 _____

(Seal)

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____

Kelly S. Rice

Chair

Attest: _____

Rebecca Smith

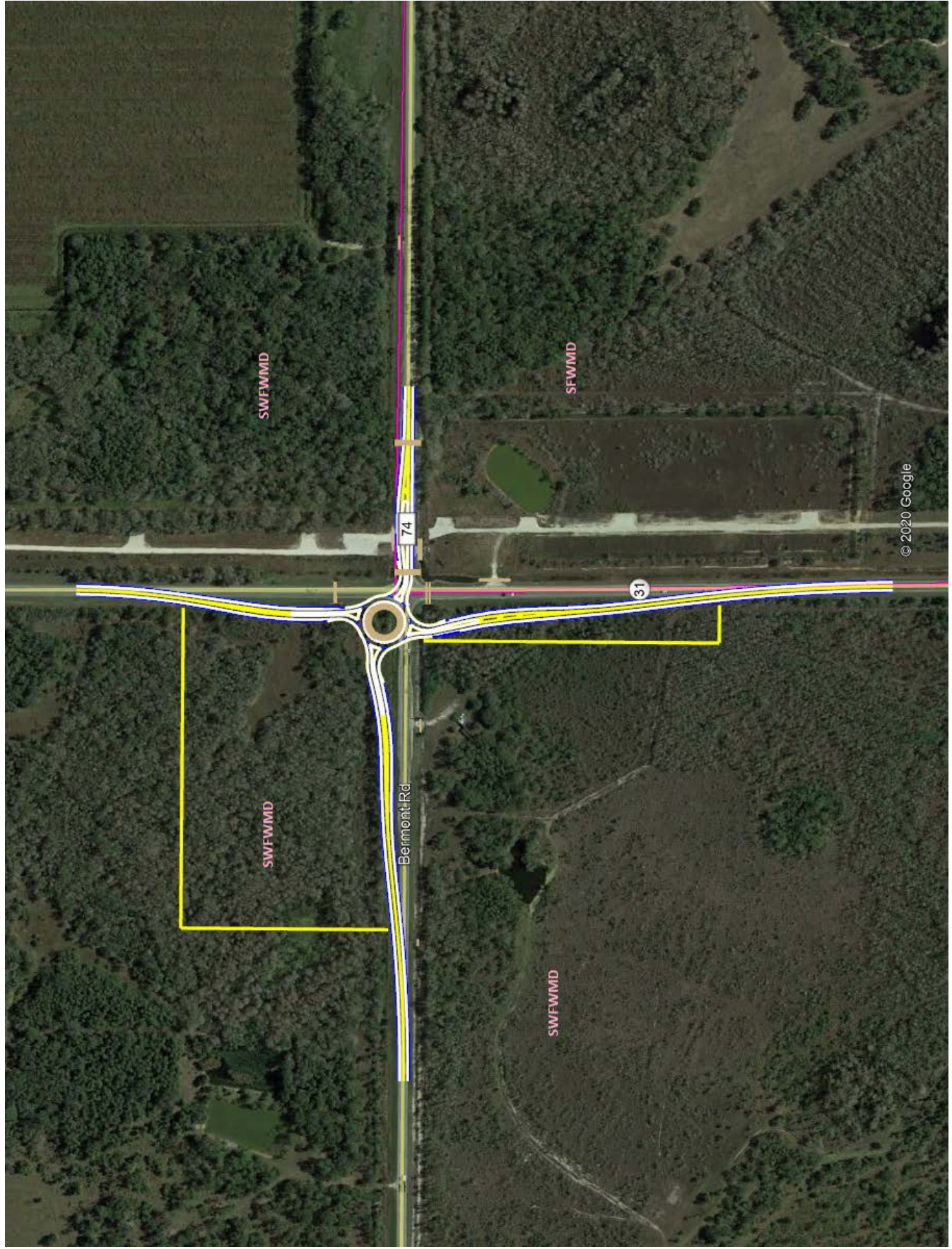
Secretary

Date: _____

Date: _____

(Seal)

Exhibit A



CONSENT AGENDA

January 26, 2021

General Counsel's Report: Authorization to Issue Administrative Complaint and Order - Unauthorized Construction - Rahuge, LLC - CT No. 405388 - Charlotte County

Rahuge, LLC, owns real property located at 4498, 4480, 4472 & 4462 Duncan Road, Punta Gorda, FL 33982 (Property). On July 12, 2019, the District received a complaint that unauthorized construction activities had occurred on the Property. District staff visited the Property on July 15, 2019 and observed that impervious and semi-impervious material had been placed on the property without authorization. District staff determined that approximately 8 acres have been impacted.

The District issued a Notice of Unauthorized Activities to Rahuge, LLC, on July 24, 2019, regarding the unauthorized activities. However, no ERP application was submitted, and the issue was not otherwise resolved at that time. The District then issued a final Notice of Unauthorized Activities on March 23, 2020. Thereafter, in June 2020, the matter was referred to the District's Office of General Counsel. A Notice of Violation and proposed Consent Order was issued on August 14, 2020. The proposed Consent Order provided that Rahuge, LLC, must obtain an Environmental Resource Permit for the above-described activities. The Consent Order also provided for a penalty of \$72,499 and enforcement costs of \$2,000.00.

In response to the proposed Consent Order, a consultant for Rahuge, LLC, initially indicated that his client was willing to take steps to remedy the situation. However, a resolution was not reached within a reasonable time, and to date, no permit or authorization has been issued by the District concerning the above-described unauthorized activities. Accordingly, District staff is requesting authorization to issue an Administrative Complaint and Order to address this matter.

Staff Recommendation:

1. Authorize District staff to issue an Administrative Complaint and Order to obtain compliance with District rules.
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Administrative Complaint and Order, including filing any appropriate actions in circuit court, if necessary.
3. Authorize District staff to initiate an action in circuit court to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.

Presenter:

Michael R. Bray, Assistant General Counsel

CONSENT AGENDA**January 26, 2021****General Counsel's Report: Approval of Consent Order Between SWFWMD and Charlotte County Industrial Development Authority - Permit Condition Violations - Water Use Permit No. 20020572.001 - CT No. 403151 - Charlotte County**

On March 15, 2016, the District issued Water Use Permit No. 20020572.001 (WUP) to the Charlotte County Industrial Development Authority (Permittee) authorizing groundwater withdrawals in the amount of 13,200 gallons per day (gpd) on an annual average basis for mining and dewatering of as a part of a 23-acre expansion of an existing stormwater pond. In May 2018, District Staff conducted a site visit and found the wetland to the west of the project area had been impacted. Staff conducted an additional site visit in November 2019 and determined that a recharge ditch on east side of the property was constructed but never used, and a recharge ditch on the west side of the property had built up sedimentation that needed to be removed. Additionally, several water-level gages had not been constructed and a pipe appeared to be discharging water offsite. At that time, the wetland still appeared to be impacted.

On February 5, 2020, the District issued a Notice of Violation to the Permittee that requested submission of a proposed Corrective Action Plan prepared by an environmental consultant to bring the Project into compliance. On February 28, 2020, Permittee attempted to comply with the Notice of Violation and submitted a Corrective Action Plan for review by District staff. The Permittee agreed to reconstruct the eastern recharge ditch, remove sedimentation from the western recharge ditch, install the required water-level gages, and remove the discharge pipe from the property. While the District and the Permittee subsequently agreed that reconstructing the recharge ditch is not feasible and that a revised Corrective Action Plan would be resubmitted to the District for approval, the District has not received a Corrective Action Plan that is sufficient to provide reasonable assurance that water resource impacts will not continue to occur. Specifically, the Corrective Action Plan must include a post-mining monitoring plan to ensure water levels in the wetland have been restored.

On November 30, 2020, the District sent a proposed Consent Order to the Permittee. The Permittee agreed to the proposed Consent Order, which requires implementation of a District approved Corrective Action Plan and Post-Mining Monitoring Plan within 60 days of approval of the Consent Order. The Consent Order includes a total payment of \$2,500.00 in District enforcement costs and waives the penalty of \$11,000.00 upon completion of the corrective actions. If the Permittee fails to timely comply with the Consent Order, the unpaid balance of \$11,000.00 will immediately become due, and a daily late penalty will accrue until the corrective actions are completed.

Staff Recommendation:

1. Approve the Consent Order.
2. Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

Presenter:

Allison Dhand, Staff Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 20-

IN RE: CHARLOTTE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY
WUP NO. 20020572.001
CT NO. 403151
CHARLOTTE COUNTY, FLORIDA

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes (F.S.), this Consent Order is entered into by and between the Southwest Florida Water Management District (District) and Charlotte County Industrial Development Authority (Permittee), collectively referred to as "the Parties," to settle certain matters at issue between the Parties. The Parties hereby voluntarily agree to the following findings of fact, conclusions of law, and corrective actions.

FINDINGS OF FACT

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries, and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder as Chapter 40D-2, Florida Administrative Code (F.A.C.).

2. On March 15, 2016, the District issued Water Use Permit No. 20020572.001 (WUP) to Permittee authorizing groundwater withdrawals in the amount of 13,200 gallons per day (gpd) on an annual average basis for mining and dewatering of as a part of a 23-acre expansion of an existing stormwater pond.

3. On November 15, 2019, the District issued Environmental Resource Permit No. 43011939.017 (ERP) in conjunction with the WUP to service the mining site operated by Permittee (Property). The plans for both the ERP and WUP included water modeling,

construction plans, and monitoring requirements to provide reasonable assurance that the authorized mining/dewatering activities would not cause harm to the water resources of the area.

4. In May 2018, District Staff conducted a site visit and found the wetland to the west of the project area had been impacted. Staff conducted an additional site visit in November 2019 and found the wetland to be still be impacted (Impacted Area). Since WUP issuance, water levels in the monitoring locations have dropped approximately 8 feet and a cattle pond located on a farm to the North of the mine has been impacted.

5. On May 31, 2018 the District issued its first Notice to the Permittee that it had failed to comply with the requirements in the WUP to mitigate for any off-site impacts as a result of withdrawals. Subsequent letters were sent on June 29, 2018, July 21, 2018, May 9, 2019, and November 1, 2019.

6. The Permittee submitted an application for a proposed modification of the WUP on August 6, 2018 but later withdrew the application.

7. On November 1, 2019, the District issued a Notice of Violation to the Permittee. The Notice of Violation required the Permittee submit to the District a proposed Corrective Action Plan prepared by an environmental consultant to restore the Impacted Area to its pre-impact condition. The Corrective Action Plan was to include:

- a. A plan for the reconstruction of the hydraulic barrier ditches per the approved Environmental Resource Permit and submit as supporting documentation for the WUP.
- b. A Post Mining Monitoring Plan specifying that wetland condition monitoring activities will be performed at a minimum on a semi-annual basis for three (3) years

from the implementation of the Corrective Action Plan. This monitoring plan would be submitted in order to evaluate if wetland conditions have recovered once dewatering has ceased.

c. Ensure that all un-impacted wetland areas on the Property remain undisturbed during all restoration activities. If any unimpacted wetland areas on the Property are disturbed while implementing the Corrective Action Plan, the Permittee shall restore such areas to their pre-impact condition.

8. On February 28, 2020, Permittee submitted the Corrective Action Plan for review by District staff. On March 2, 2020, April 4, 2020, August 19, 2020, Permittee was issued Request for Additional Information letters by the District.

9. District staff have reviewed the Permittee's submittals and determined they do not give reasonable assurance the water resource impacts will be mitigated.

10. Pursuant to Standard Condition No. 4 of the WUP, the Permittee shall mitigate to the satisfaction of the District any adverse impact to environmental features or off-site land uses as a result of withdrawals. Staff has observed the recharge ditches located at the site were not constructed to the District approved plans. Additionally, the water levels in the wetland to the west of the mining area has been reduced. While the District agreed reconstruction of the ditches was not feasible, the improperly constructed ditches may have caused the adverse impacts to water resource features.

11. As of the date of this Consent Order, the Permittee continues to be in non-compliance with the WUP because Permittee has failed to bring the WUP into compliance in the requested Corrective Action Plan.

12. The Parties herein have agreed to resolve all disputed issues regarding the violations set forth above, as described in this Consent Order.

CONCLUSIONS OF LAW

13. The District has jurisdiction over this matter pursuant to Chapter 373 Part IV of the Florida Statutes (F.S.), and 40D-2, F.A.C.

14. The actions and omissions in paragraph 10 above constitute a violation of Condition No. 4 of the Permit. Condition No. 4 of the Permit provides that the Permittee shall mitigate to the satisfaction of the District any adverse impact to environmental features or off-site land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. The condition provides that adverse impacts include, among other things, significant reduction in levels or flow in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses. Failure to correct this violation constitutes a violation of Standard Condition No. 4 of the Permit.

CORRECTIVE ACTIONS

15. The Permittee will implement a District approved Corrective Action Plan and Post Mining Monitoring Plan within Sixty (60) days of the approval of this Consent Order.

16. In resolution of this matter, the Parties agree that the penalties payable to the District shall total Eleven Thousand Dollars (\$11,000.00) and District enforcement costs of Two Thousand Five Hundred Dollars (\$2,500.00) for a total of Thirteen Thousand Five Hundred Dollars (\$13,500.00.)

17. The agreed penalty, which totals Eleven Thousand Dollars (\$11,000.00) shall be waived by the District upon the Respondents' timely completion of the corrective action listed in paragraph 15.

18. The Respondent shall pay District enforcement costs of Two Thousand Five Hundred Dollars (\$2,500.00) within Thirty (30) days of the approval of this Consent Order. If the Respondent fails to complete any corrective action described in paragraph 15 within the time-frames described herein, the unpaid balance of Eleven Thousand Dollars (\$11,000.00), shall become immediately due to the District upon the District's written demand for such. The Respondent may apply in writing to the District for an extension of the time limits contained herein no later than five (5) days prior to the expiration of such time limit. The District may grant an extension of time in writing for good cause shown to be paid within thirty (30) days of approval of this Consent Order by the District's Executive Director. If mailed, the address for payment is:

Southwest Florida Water Management District
Finance Department
2379 Broad Street
Brooksville, FL 34604-6899

19. For each day of delay beyond any due date specified in this Consent Order, the Permittees shall pay to the District an additional sum of One Hundred Dollars (\$100.00) per day. This additional sum shall be paid by the Permittee upon the District's mailing to the Permittee a demand letter for payment. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

20. Entry of this Consent Order shall not relieve the Permittee of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

21. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.083(1), and 373.129, F.S.

22. The Permittee hereby waives any right to an administrative hearing or judicial review of the terms of this Consent Order.

23. The District hereby expressly reserves and retains the right to initiate appropriate legal action against the Permittee to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Consent Order.

24. For and in consideration of the complete and timely performance by the Permittee of the obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violations described in this Consent Order. In the event that the Permittee fails to completely and timely perform the obligations under this Consent Order, the District retains the right to pursue civil or administrative action for any violations described herein.

25. The Permittee agrees to henceforth fully comply with all the terms and conditions of the WUP, including any modifications or renewals thereof. The Permittee acknowledges by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of the WUP, including any modifications or renewals thereof, may necessitate administrative action or civil suit in which civil penalties of up to Ten Thousand Dollars (\$10,000.00) per day, per offense, may be imposed.

26. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by all the Parties.

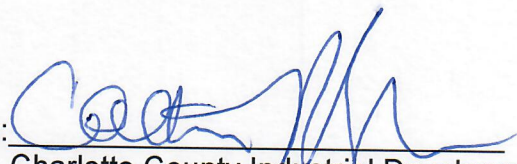
27. Any person, who is not a party to this Consent Order, whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (8) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, contain the same information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776 or (813) 367-9778, within twenty-one (21) days of receipt of this notice. If this Consent Order is mailed, receipt is deemed to be the fifth day

after the date on which the Consent Order is deposited in the United States mail. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this Consent Order whose substantial interests will be affected by any such final action of the District has the right to request a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

28. The effectiveness of this Consent Order is subject to review and approval by the District's Executive Director. In the event the District's Executive Director does not approve this Consent Order, this Consent Order shall be null, void and of no legal effect. After this Consent Order has been executed by the Respondent, the Respondent may not withdraw his approval of or terminate this Consent Order under any circumstances, unless the District's Executive Director fails to approve this Consent Order.

29. In accordance with the Electronic Signature Act of 1996, electronic signatures, including facsimile transmissions, may be used and shall have the same force and effect as a written signature. Each person signing this Consent Order warrants that he or she is duly authorized to do so and to bind the respective party to the Consent Order.

By:



Charlotte County Industrial Development
Authority

Approved by the Governing Board of the Southwest Florida Water Management District
this _____ day of _____ 2020.

Approved as to Legal Form and Content

Allison Dhand, Esq. Office of General Counsel

By: _____
Kelly S. Rice, Chair

Attest: _____
Rebecca Smith, Secretary

Filed this _____ day of _____
_____ 2020.
(Seal)

Deputy Agency Clerk

CHARLOTTE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY
WUP NO. 20020572.001
CT NO. 403151
CHARLOTTE COUNTY, FLORIDA

CONSENT AGENDA**January 26, 2021****General Counsel's Report: Approval of Consent Order Between SWFWMD, Shadow Woods Lots, LLC, and Sweetwater Estates Homeowners' Association, Inc. - Permit Condition Violations - Environmental Resource Permit No. 43042094.001 - CT No. 406746 - Hillsborough County**

This enforcement matter involves Environmental Resource Permit 43042094.000 (Permit) authorizing construction of a stormwater management system designed to serve a 3.83-acre residential subdivision (Sweetwater Estates). The District received flooding complaints from neighboring properties during and after construction of the residences at Sweetwater Estates. An investigation conducted by District staff indicated that the stormwater management system had been modified from the permitted plans, and the deviations contributed to off-site adverse impacts. To remedy the deviations and off-site impacts, District staff seek approval of a Consent Order requiring the parties to comply with corrective construction and maintenance, as well as requiring a payment of penalties and costs for the investigation.

On September 1, 2015, the Permit was issued to Bayfair Properties, LLC to construct the system for Sweetwater Estates (formerly, Huntcliff Subdivision). On December 16, 2016, a modification transferred the Permit to a new entity, Shadow Woods Lots, LLC (Shadow Woods). Shadow Woods constructed the system and transferred it to the operation and maintenance phase. After transfer, Sweetwater Estates Homeowners Association, Inc., (HOA) was charged with the ultimate obligation to operate and maintain the stormwater management system, although Shadow Woods maintained ownership of elements of the stormwater management system, and controlled the HOA, until approximately October 23, 2020.

On January 23, 2019, after the construction of the stormwater management system was completed, the District began receiving complaints from neighboring properties related to flooding and standing water caused by the construction of the new homes and lots. Initial flooding complaints were addressed, but the District again received complaints beginning in October 2019. District staff investigated the complaints and determined that corrective actions were necessary to bring the Permit into compliance. On September 15, 2020, District staff sent Shadow Woods and the HOA a Notice of Violation and proposed Consent Order identifying the necessary corrective actions and requiring the payment of penalties and District costs. The Parties have agreed to complete the necessary corrective actions to remedy the off-site impacts. Further, Shadow Woods agreed that they have incurred \$8,000.00 in penalties and \$2,750 in costs, for a total of \$10,750.00. The Consent Order requires an initial payment covering the District costs in the amount of \$2,750.00 as well as a payment of \$4,000.00 in penalties. The remaining \$4,000.00 in penalties will be waived upon the timely completion of the necessary corrective actions.

Staff Recommendation:

1. Approve the Consent Order
2. Authorize the District staff to pursue additional measures to obtain compliance with the terms and conditions of the Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

Presenter:

Elizabeth Fernandez, Senior Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 20-

IN RE: HUNTCLIFF SUBDIVISION
SHADOW WOODS LOTS, LLC AND
SWEETWATER ESTATES HOMEOWNERS ASSOCIATION, INC.
PERMIT NO. 43042094.001
HILLSBOROUGH COUNTY
CT NO. 406746

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes (F.S.), this Consent Order is entered into between the Southwest Florida Water Management District (District) and Shadow Woods Lots, LLC (Shadow Woods) and Sweetwater Estates Homeowners Association, Inc., (Sweetwater HOA). The Parties to this Consent Order hereby voluntarily agree as follows:

FINDINGS OF FACT

1. The District is the administrative agency of the State of Florida charged with the responsibility to conserve, protect, manage, and control water resources within its boundaries and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder in Chapter 62-330, Florida Administrative Code ("F.A.C.").

2. On September 1, 2015, Environmental Resource Permit ("ERP") 43042094.000 was issued to Bayfair Properties, LLC to construct a stormwater management system to serve a 3.83-acre residential subdivision project identified as the "Huntcliff Subdivision" ("Project").

3. On December 16, 2016, a modification (ERP 430342094.001 (the "Permit")) was issued to a new entity, Shadow Woods Lots, LLC.

4. On August 9, 2018, the Permit was transferred from the construction phase of the permit to the operation and maintenance phase of the permit. After transfer, assuming the system had no adverse impacts on adjacent property owners, the system would only need to be maintained in accordance with the terms of the Permit.

5. On September 2, 2020, the operation and maintenance responsibility was formally changed on the Permit to include Sweetwater Estates Homeowners Association, Inc., although

Shadow Woods maintained ownership of elements of the stormwater management system, and controlled the HOA.

6. Although the entity responsible for operation and maintenance entity changed ERP No. 43042094.003, all other terms and conditions of the Permit remained the same.

7. The Project is located in a historic stormwater storage area. (See ERP 43042094.000 Section II). As such, stormwater which historically flowed into the Huntcliff Subdivision was designed to be routed through the subdivision via a pipe and inlet system.

8. After the stormwater management system was completed, construction of the residences continued. In January 2019, while construction of the residences was ongoing, the District received complaints from neighbors related to flooding on their properties.

9. Initial complaints were addressed, but the District again received complaints beginning in October 2019. These new complaints indicated that the stormwater management system failed to prevent off-site adverse impacts.

10. The Permit contains General Condition 1.q., which states "This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective measures to resolve the adverse impacts."

11. Additionally, according to the Declaration of Covenants, Conditions, Restrictions and Easements of Sweetwater Estates, in Article XV, Section 4: "It shall be the responsibility of each property Owner within the subdivision at the time of construction of a building, residence, or structure, to comply with the construction plans for the surface water management system..."

12. The District's staff sent two Notices of Violation, the first on November 1, 2019 and the second on March 23, 2020.

13. On July 16, 2020, the District sent a Final Notice of Permit Condition Violations identifying a failure of the stormwater management system.

14. The District's Notice required Shadow Woods to complete an investigation and submit Form 62-330.311(1) "Operation and Maintenance Inspection Certification", and further to take remedial actions as necessary to correct the cause of the off-site impacts.

15. Instead of completing an investigation as required by the District's rules, on August 12, 2020, in an email to the District, Shadow Woods stated "We are not satisfied that any "off-site flooding" has actually or substantively occurred since the completion of Development Service's investigation".

16. The District conducted its own investigation and documented conditions contributing to off-site adverse impacts and deviations from the permitted construction plans.

17. As of the date of this Consent Order, Shadow Woods have failed to conduct the required investigation, and has taken no action to remedy the off-site impacts, or the deviations from the permitted plans, and the project is not in compliance with the Permit.

CONCLUSIONS OF LAW

18. The District has jurisdiction over this matter pursuant to Chapter 373, Part IV, Florida Statutes (F.S.), and 62-330, Florida Administrative Code ("F.A.C.")

19. The activities described herein in paragraph 2 - 15 constitute a violation of Section 373.430(1)(b), F.S., as well as 62-330, F.A.C., for the failure to comply with the Permit's conditions regarding adverse impacts, and for the failure to investigate and remediate for those impacts.

CORRECTIVE ACTIONS

20. In resolution of all disputed issues regarding the activities described herein, Shadow Woods and Sweetwater HOA agree that the following corrective actions shall be completed:

- a. On Lot 8, the mulch piled up along the fence line below the planted bamboo trees appears to be blocking offsite flow and contributing to adverse impacts. This area should be clear and free of debris to ensure offsite contributing flow from the east may reach the bypass system of inlets and pipes.

- b. On lots 5-10, the fence line must be raised to create sufficient clearance under the fence to allow the offsite flow to reach the bypass system of inlets and pipes.
- c. The conveyance to yard inlet Y1 (as designated on the permitted plans) needs to be improved by the removal of surrounding gravel and earthen material that is blocking offsite flow.
- d. On lots 5 – 10, rear yard swales should be re-installed and re-verified by a licensed professional.

21. Shadow Woods and Sweetwater HOA shall complete corrective actions a – c within 30 days of approval of this Consent Order by the District's Governing Board. Shadow Woods shall complete corrective action d within 60 days of approval of this Consent Order by the District's Governing Board, and shall provide the District with the signed and sealed verification from a licensed professional confirming that the swale has been re-installed in substantial conformance with the permitted construction plans. The permitted construction plans received by the District on November 22, 2016, which may be found in the District's file of record, are hereby incorporated by reference. Further, immediately upon completion of any of the corrective actions, the Shadow Woods and Sweetwater HOA shall obtain access to allow District staff to observe the modifications made to the stormwater management system and the aforementioned obstructions.

22. Sweetwater HOA shall cooperate as needed to allow Shadow Woods to bring the project into compliance.

23. Shadow Woods shall owe the District a penalty in the amount of \$8,000.00, District investigative enforcement costs of \$2,000.00, and District attorney fees of \$750.00, for a total amount of \$10,750.00. Shadow Woods shall pay half of the incurred penalties, \$4,000.00, in addition to the investigative enforcement costs \$2,000.00 and attorney fees of \$750.00 for a total of \$6750.00 by certified check or money order within ten (10) days of approval of this Consent Order by the District's Governing Board. If mailed, the address for payment is:

Southwest Florida Water Management District
Finance Department

2379 Broad Street
 Brooksville, Florida 34604-6899

24. The remaining \$4,000.00 in assessed penalties shall be waived upon the timely completion of the Corrective Actions and compliance with the obligations under this Consent Order. If Shadow Woods fails to meet the deadlines established for the corrective actions the remaining \$4,000.00, shall become due immediately upon the District's written demand for such. Shadow Woods may apply in writing to the District for an extension of the time limits contained in this Consent Order no later than five (5) days prior to the expiration of such time limit. The District may grant an extension of time in writing for good cause shown.

25. For each day of delay beyond any due date specified in this Consent Order, Shadow Woods shall, if determined by the District, pay to the District an additional sum of two hundred fifty and 00/100 dollars (\$250.00) per day. This additional sum shall be paid by Shadow Woods upon the District's mailing of a demand letter to Shadow Woods for payment. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

26. This Consent Order is not a license or a permit. Parties shall not undertake any further construction activities without the necessary District and/or State authorizations.

27. Entry of this Consent Order shall not relieve Parties of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

28. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit..

29. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.083(1) and 373.129, F.S.

30. For and in consideration of the complete and timely performance by Parties of their obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violations described in this Consent Order. In the event Parties fail to completely

and timely perform their obligations under this Consent Order, the District retains its right to pursue civil or administrative action for any violations described herein.

31. The District expressly reserves and retains the right to initiate appropriate legal action against Parties to prevent or prohibit the future violation of any applicable statutes, rules, orders or permit conditions, except as specifically addressed in this Consent Order. Parties acknowledge by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of any permit (including such as may be modified) may subject Parties to administrative or civil suit in which penalties of up to Ten Thousand and 00/100 Dollars (\$10,000.00) per day per offense may be imposed, as provided in Section 373.129(5), F.S.

32. Parties hereby waive any right to an administrative hearing or judicial review of the terms of this Consent Order. Parties reserve the right to dispute any allegation of noncompliance with the Consent Order, or any permit or approval issued hereunder.

33. Any person who is not a party to this Consent Order whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address, any e-mail address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (7) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, contain the

same information set forth above (except for item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office: 7601 U.S. Highway 301 North, Tampa, Florida 33637; Phone: (813) 985-7481; Fax: (813) 367-9776 within twenty-one (21) days of receipt of this notice. If this Consent Order is mailed, receipt is deemed to be the fifth day after the date on which the Consent Order is deposited in the United States mail. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this Consent Order whose substantial interests will be affected by any such final action of the District has the right to request a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

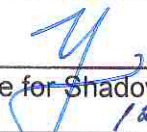
34. The effectiveness of this Consent Order is subject to review and approval by the District Governing Board. In the event the District Governing Board shall not approve this Consent Order, this Consent Order shall be null, void and of no legal effect.

35. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by all Parties.



Witness

Shadow Woods Lots, LLC

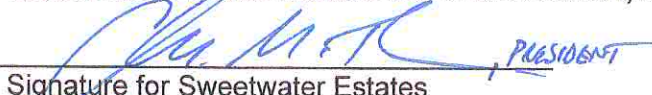


Signature for Shadow Woods Lots, LLC
Date: 12-22-2020



Witness

Sweetwater Estates Homeowners Association, Inc



Signature for Sweetwater Estates
Homeowners Association, Inc.
Date: 12/17/20

Approved by the Governing Board of the Southwest Florida Water Management District this
 _____ day of _____ 2020.

By: _____
 Kelly S. Rice, Chair

Approved as to Legal Form and
 Content

Attest: _____
 Rebecca Smith, Secretary

 Elizabeth M. Fernandez, Esq.
 Office of General Counsel

Filed this _____ day of _____ (Seal)
 _____ 2020.

 Deputy Agency Clerk

CONSENT ORDER
 HUNTCLIFF
 SHADOW WOODS LOTS, LLC
 SWEETWATER ESTATES
 HILLSBOROUGH COUNTY
 CT NO. 406746

CONSENT AGENDA

January 26, 2021

Executive Director's Report: Approve Governing Board Minutes - December 15, 2020

Staff Recommendation:

Approve Minutes as presented.

Presenter:

Brian J. Armstrong, P.G., Executive Director



**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.

7. GENERAL COUNSEL'S REPORT

7.1 Consent Item(s) Moved to Discussion - None

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3. Finance/Outreach & Planning

Governing Board Meeting

January 26, 2021

3. FINANCE/OUTREACH & PLANNING COMMITTEE

3.1	Discussion: Information Only: Consent Item(s) Moved to Discussion	82
3.2	Discussion: Action: Investment Strategy Quarterly Update	83
3.3	Discussion: Information Only: 2021 Consolidated Annual Report	97
3.4	Discussion: Information Only: Advisory Committee Outreach	99
3.5	Submit & File: Information Only: Budget Transfer Report.....	100
3.6	Submit & File: Information Only: Office of Inspector General Quarterly Update – October 1, 2020 to December 31, 2020	102

FINANCE/OUTREACH & PLANNING COMMITTEE

January 26, 2021

Discussion: Information Only: Consent Item(s) Moved to Discussion

Presenter:

Michael Molligan, Division Director, Employee and External Relations

FINANCE/OUTREACH & PLANNING COMMITTEE

January 26, 2021

Discussion: Action: Investment Strategy Quarterly Update

Purpose

Provide quarterly update of the investment portfolio.

Background

In accordance with Board Policy, District Investment Policy, a quarterly investment report shall include the following:

1. A listing of individual securities by class and type held at the end of the reporting period.
2. Percentage of available funds represented by each investment type.
3. Coupon, discount, or earning rate.
4. Average life or duration and final maturity of all investments.
5. Par value and market value.
6. In addition to the standard gross-of-fee-performance reporting that is presented, net-of-fee performance will be provided by the Investment Manager.
7. A summary of District's investment strategy.
8. The year-end quarterly report ended December 31st will show performance on both a book value and total rate of return basis and will compare the results to the portfolio's performance benchmarks. All investments shall be reported at fair value per GASB standards. Investment reports shall be available to the public.

Staff Recommendation:

Accept and place on file the District's Quarterly Investment Reports for the quarter ended December 31, 2020.

Presenter:

John F. Grady III, Managing Director, Public Trust Advisors, LLC

Quarterly Investment Report for Period Ended December 31, 2020



Southwest Florida Water Management District Investment Program Review

2379 Broad Street
Brooksville, FL 34604-6899

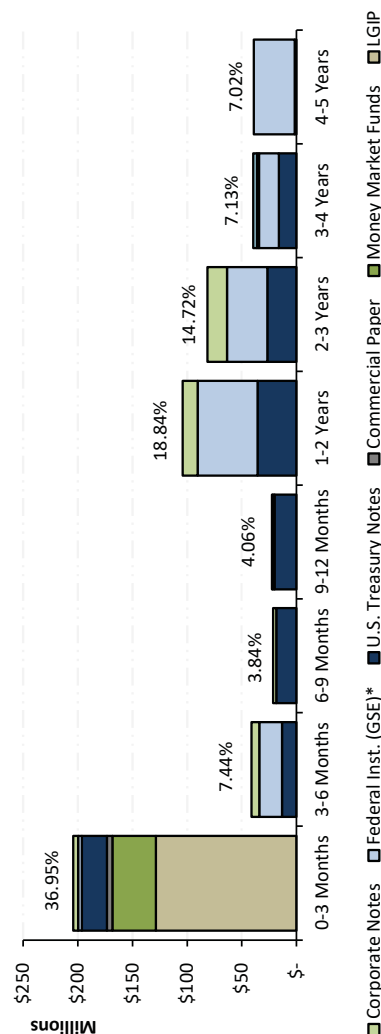
Public Trust Advisors LLC
201 E. Pine Street, Suite 750
Orlando, Florida 32801

Southwest Florida Water Management District All Assets Summary Comparison for the period October 1, 2020 to December 31, 2020

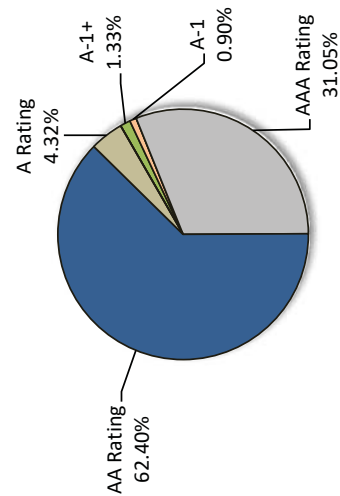
Southwest Florida Water Management District All Assets Portfolio	October 1, 2020 Beginning Balance	December 31, 2020 Ending Balance	Portfolio Characteristic Weighted Book Yield	October 1, 2020 Beginning Balance	December 31, 2020 Ending Balance
Book Value Plus Accrued	\$ 479,754,076	\$ 546,902,750	1.27%		
Net Unrealized Gain/Loss	6,459,785	5,544,883	1.46 Years		
Net Pending Transactions	58	224	0.94%		
Market Value Plus Accrued Net	\$ 486,213,919	\$ 552,447,857	1.21 Years		

Individual Portfolio Characteristics	October 1, 2020 Beginning Balance	December 31, 2020 Ending Balance	December 31, 2020 Monthly Earnings	December 31, 2020 Quarterly Earnings	December 31, 2020 YTD Earnings
Liquid Portfolio (SBA-Florida Prime)	\$ 52,636,606	\$ 128,645,691	\$ 15,343	\$ 39,185	\$ 39,185
Enhanced Cash	169,205,608	159,005,723	136,665	501,512	501,512
Short Term 1-3 Year	264,371,705	264,796,443	292,197	913,924	913,924
Market Value Plus Accrued Net	\$ 486,213,919	\$ 552,447,857	\$ 444,205	\$ 1,454,621	\$ 1,454,621
Less Advisory Fees:		\$ (10,563)	\$ (31,404)	\$ (31,404)	\$ (31,404)
Total Earnings Net of Fees		\$ 433,642	\$ 433,642	\$ 1,423,217	\$ 1,423,217
Blended Basis Fee (Annualized)		0.02318%	0.02297%	0.02297%	0.02297%

Maturity Distribution By Type



Portfolio Allocation By Standard and Poors' Rating



See additional disclosures for footnotes.

Additional Disclosure

This statement is for general information purposes only and is not intended to provide specific advice or recommendations. Please review the contents of this statement carefully. Should you have any questions regarding the information presented, calculation methodology, investment portfolio or security detail, or any other facet of your statement, please feel free to contact us.

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Past performance is not an indication of future performance.

Beginning and Ending Balances based on Market Value plus Accrued Interest on a Trade Date basis.

Public Trust Advisors is an investment advisor registered with the Securities and Exchange Commission, and is required to maintain a written disclosure statement of our background and business experience. If you would like to receive a copy of our current disclosure statement, privacy policy, or code of ethics please contact Service Operations at the address below.

Public Trust Advisors
717 17th Street, Suite 1850
Denver, CO 80202

Portfolio Holdings

12/01/2020 to 12/31/2020

Description Identifier Coupon	Effective Maturity Final Maturity Duration	Maturity Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized % of Market Gain/Loss	Value	Callable Next Call Date	Book Yield YTM	S&P Moody's YTC
CASH											
Receivable CCYUSD 0.00%	12/31/20 12/31/20 0.00	-- --	223.97	\$223.97 \$223.97	\$223.97 1.00	\$223.97 \$0.00	\$0.00	0.00%	N --	0.00% --	AAA Aaa
CASH TOTAL	12/31/20 12/31/20 0.00	-- --	223.97	\$223.97 \$223.97	\$223.97 1.00	\$223.97 \$0.00	\$0.00	0.00%	N --	0.00% --	AAA Aaa
MMFUND											
FEDERATED HRMS GV O INST 60934NI04 0.01%	12/31/20 12/31/20 0.00	-- --	39,750,221.59	\$39,750,221.59 \$39,750,221.59	\$39,750,221.59 1.00	\$39,750,221.59 \$0.00	(\$0.00)	9.38%	N --	0.01% --	AAAm Aaa
MMFUND TOTAL	12/31/20 12/31/20 0.00	-- --	39,750,221.59	\$39,750,221.59 \$39,750,221.59	\$39,750,221.59 1.00	\$39,750,221.59 \$0.00	(\$0.00)	9.38%	N --	0.01% --	AAAm Aaa
US GOV											
UNITED STATES TREASURY 9128283X6 2.25%	02/15/21 02/15/21 0.12	04/17/18 04/19/18	4,125,000.00	\$4,095,512.69 \$4,123,689.64	\$4,134,879.38 100.24	\$4,169,936.27 \$35,056.90	\$11,189.73	0.98%	N --	2.51% 0.33%	AA+ Aaa
UNITED STATES TREASURY 912796XE4 0.00%	02/25/21 02/25/21 0.15	06/22/20 06/23/20	7,350,000.00	7,341,427.03 7,348,091.04	7,349,279.70 99.99	7,349,279.70 0.00	1,188.66	1.73%	N --	0.17% 0.06%	A-1+ P-1
UNITED STATES TREASURY 912828B90 2.00%	02/28/21 02/28/21 0.16	-- --	1,130,000.00	1,164,408.92 1,131,185.43	1,133,174.17 100.28	1,140,853.18 7,679.01	1,988.74	0.27%	N --	1.34% 0.27%	AA+ Aaa
UNITED STATES TREASURY 9128284B3 2.38%	03/15/21 03/15/21 0.20	03/21/18 03/23/18	3,655,000.00	3,643,007.03 3,654,163.64	3,670,855.39 100.43	3,696,753.39 25,898.00	16,691.75	0.87%	N --	2.49% 0.25%	AA+ Aaa
UNITED STATES TREASURY 912828Q37 1.25%	03/31/21 03/31/21 0.25	08/15/19 08/16/19	6,550,000.00	6,519,552.72 6,545,377.80	6,567,318.20 100.26	6,588,236.81 20,918.61	21,940.40	1.55%	N --	1.54% 0.18%	AA+ Aaa
UNITED STATES TREASURY 9128284G2 2.38%	04/15/21 04/15/21 0.29	04/17/18 04/19/18	4,150,000.00	4,132,167.99 4,148,242.49	4,176,584.90 100.64	4,197,705.44 21,120.54	28,342.41	0.99%	N --	2.53% 0.15%	AA+ Aaa
UNITED STATES TREASURY 912828WG1 2.25%	04/30/21 04/30/21 0.33	08/17/16 08/22/16	1,000,000.00	1,050,039.06 1,003,593.12	1,006,914.00 100.69	1,010,767.59 3,853.59	3,320.88	0.24%	N --	1.15% 0.16%	AA+ Aaa
UNITED STATES TREASURY 912828R77 1.38%	05/31/21 05/31/21 0.41	09/12/19 09/13/19	7,750,000.00	7,695,810.53 7,736,837.65	7,789,959.00 100.52	7,799,327.13 9,368.13	53,121.35	1.84%	N --	1.79% 0.13%	AA+ Aaa

Portfolio Holdings

12/01/2020 to 12/31/2020

Description Identifier Coupon	Effective Maturity	Trade Date	Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized % of Market Gain/Loss	Value	Callable Next Call Date	Book Yield YTM	S&P Moody's
UNITED STATES TREASURY 912828VVR7 2.12%	06/30/21 06/30/21 0.50	08/17/16 08/22/16		1,000,000.00	1,045,156.25 1,004,742.88	1,009,922.00 100.99	1,009,980.70 58.70	5,179.12	0.24%	N	1.17% 0.14% --	AA+ Aaa
UNITED STATES TREASURY 912828S27 1.12%	06/30/21 06/30/21 0.50	08/17/16 08/22/16		525,000.00	524,077.14 524,903.50	527,625.00 100.50	527,641.32 16.32	2,721.50	0.12%	N	1.16% 0.12% --	AA+ Aaa
UNITED STATES TREASURY 912828Y20 2.62%	07/15/21 07/15/21 0.53	07/26/18 07/30/18		1,250,000.00	1,244,921.88 1,249,047.94	1,266,601.25 101.33	1,281,759.20 15,157.95	17,553.31	0.30%	N	2.77% 0.17% --	AA+ Aaa
UNITED STATES TREASURY 912828WY2 2.25%	07/31/21 07/31/21 0.58	09/27/19 09/30/19		6,200,000.00	6,262,483.60 6,220,029.70	6,276,049.20 101.23	6,334,426.92 58,377.72	56,019.50	1.49%	N	1.69% 0.15% --	AA+ Aaa
UNITED STATES TREASURY 912828RC6 2.12%	08/15/21 08/15/21 0.62	09/24/18 09/26/18		2,975,000.00	2,911,781.25 2,960,944.58	3,011,955.45 101.24	3,035,834.27 23,878.82	51,010.87	0.72%	N	2.90% 0.14% --	AA+ Aaa
UNITED STATES TREASURY 912828ZF6 1.12%	08/31/21 08/31/21 0.66	10/08/19 10/09/19		3,475,000.00	3,452,602.54 3,467,126.15	3,498,619.58 100.68	3,511,902.81 13,283.24	31,493.42	0.83%	N	1.47% 0.10% --	AA+ Aaa
UNITED STATES TREASURY 912828D72 2.00%	08/31/21 08/31/21 0.66	10/07/16 10/11/16		2,500,000.00	2,581,250.00 2,511,280.30	2,531,250.00 101.25	2,548,238.95 16,988.95	19,969.70	0.60%	N	1.31% 0.11% --	AA+ Aaa
UNITED STATES TREASURY 912828T34 1.12%	09/30/21 09/30/21 0.74	11/04/19 11/05/19		3,200,000.00	3,170,249.60 3,188,255.90	3,224,124.80 100.75	3,233,322.60 9,197.80	35,868.90	0.76%	N	1.62% 0.12% --	AA+ Aaa
UNITED STATES TREASURY 912828F21 2.12%	09/30/21 09/30/21 0.74	12/17/18 12/20/18		5,250,000.00	5,171,455.07 5,228,420.74	5,328,340.50 101.49	5,356,844.11 28,503.61	99,919.76	1.26%	N	2.69% 0.13% --	AA+ Aaa
UNITED STATES TREASURY 9128285F3 2.88%	10/15/21 10/15/21 0.78	01/14/20 01/15/20		2,150,000.00	2,197,367.19 2,171,446.73	2,196,274.45 102.15	2,209,519.99 13,245.54	24,827.72	0.52%	N	1.59% 0.14% --	AA+ Aaa
UNITED STATES TREASURY 9128285L0 2.88%	11/15/21 11/15/21 0.87	12/17/18 12/20/18		6,500,000.00	6,531,738.28 6,509,795.79	6,654,375.00 102.38	6,678,637.78 24,262.78	144,579.21	1.58%	N	2.70% 0.15% --	AA+ Aaa
UNITED STATES TREASURY 912828U65 1.75%	11/30/21 11/30/21 0.91	07/11/17 07/13/17		1,520,000.00	1,512,696.87 1,518,437.81	1,542,444.32 101.48	1,544,782.78 2,338.46	24,006.51	0.36%	N	1.86% 0.13% --	AA+ Aaa
UNITED STATES TREASURY 912828U81 2.00%	12/31/21 12/31/21 0.99	01/25/17 01/26/17		1,000,000.00	1,000,507.81 1,000,110.18	1,018,672.00 101.87	1,018,727.25 55.25	18,561.82	0.24%	N	1.99% 0.13% --	AA+ Aaa

Portfolio Holdings

12/01/2020 to 12/31/2020

Description Identifier Coupon	Effective Maturity	Duration	Maturity Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized % of Market Gain/Loss	Value	Callable Next Call Date	Book Yield YTM	S&P Moody's YTC
UNITED STATES TREASURY 912828V72 1.88%	01/31/22 01/31/22	1.07	12/30/19 12/31/19	8,000,000.00	8,043,437.50 8,022,737.31	8,151,248.00 101.89	8,214,019.74 62,771.74	128,510.69	1.94%	N --	1.61% 0.13%	AA+ Aaa
UNITED STATES TREASURY 912828SF8 2.00%	02/15/22 02/15/22	1.11	06/27/17 06/30/17	1,000,000.00	1,010,585.94 1,002,649.03	1,020,977.00 102.10	1,028,531.35 7,554.35	18,327.97	0.24%	N --	1.76% 0.13%	AA+ Aaa
UNITED STATES TREASURY 912828J43 1.75%	02/28/22 02/28/22	1.15	09/20/17 09/22/17	1,015,000.00	1,011,352.34 1,014,021.43	1,034,189.59 101.89	1,040,224.91 6,035.32	20,168.16	0.25%	N --	1.83% 0.12%	AA+ Aaa
UNITED STATES TREASURY 912828W89 1.88%	03/31/22 03/31/22	1.23	04/17/18 04/19/18	2,000,000.00	1,944,140.62 1,981,794.18	2,043,750.00 102.19	2,053,331.04 9,581.04	61,955.82	0.48%	N --	2.62% 0.12%	AA+ Aaa
UNITED STATES TREASURY 912828ZM5 0.12%	04/30/22 04/30/22	1.33	07/16/20 07/17/20	2,300,000.00	2,299,011.71 2,299,265.45	2,300,538.20 100.02	2,301,030.60 492.40	1,272.75	0.54%	N --	0.15% 0.11%	AA+ Aaa
UNITED STATES TREASURY 912828X47 1.88%	04/30/22 04/30/22	1.32	05/09/17 05/11/17	135,000.00	134,620.31 134,895.61	138,142.94 102.33	138,576.46 433.53	3,247.32	0.03%	N --	1.93% 0.12%	AA+ Aaa
UNITED STATES TREASURY 912828SV3 1.75%	05/15/22 05/15/22	1.36	06/27/17 06/30/17	1,000,000.00	997,695.31 999,337.75	1,022,266.00 102.23	1,024,538.10 2,272.10	22,928.25	0.24%	N --	1.80% 0.13%	AA+ Aaa
UNITED STATES TREASURY 912828XR6 1.75%	05/31/22 05/31/22	1.40	07/26/19 07/31/19	2,800,000.00	2,792,890.63 2,796,424.07	2,864,422.40 102.30	2,868,730.09 4,307.69	67,998.33	0.68%	N --	1.84% 0.12%	AA+ Aaa
UNITED STATES TREASURY 912828XW5 1.75%	06/30/22 06/30/22	1.49	07/11/17 07/13/17	1,275,000.00	1,263,345.71 1,271,371.19	1,306,028.40 102.43	1,306,090.04 61.64	34,657.21	0.31%	N --	1.94% 0.13%	AA+ Aaa
UNITED STATES TREASURY 912828XG0 2.12%	06/30/22 06/30/22	1.48	10/02/17 10/04/17	1,200,000.00	1,211,484.37 1,203,748.80	1,235,906.40 102.99	1,235,976.84 70.44	32,157.60	0.29%	N --	1.91% 0.13%	AA+ Aaa
UNITED STATES TREASURY 912828TJ9 1.62%	08/15/22 08/15/22	1.60	01/17/20 01/21/20	1,500,000.00	1,502,636.72 1,501,681.08	1,536,445.50 102.43	1,545,652.36 9,206.86	34,764.42	0.36%	N --	1.55% 0.13%	AA+ Aaa
UNITED STATES TREASURY 912828L24 1.88%	08/31/22 08/31/22	1.63	09/15/17 09/19/17	1,000,000.00	1,002,500.00 1,000,867.52	1,028,984.00 102.90	1,035,354.86 6,370.86	28,116.48	0.24%	N --	1.82% 0.13%	AA+ Aaa
UNITED STATES TREASURY 912828ZW9 1.88%	09/30/22 09/30/22	1.72	12/11/17 12/13/17	1,000,000.00	987,578.12 995,345.98	1,030,352.00 103.04	1,035,142.52 4,790.52	35,006.02	0.24%	N --	2.15% 0.14%	AA+ Aaa

Portfolio Holdings

12/01/2020 to 12/31/2020

Description Identifier Coupon	Effective Maturity Duration	Maturity Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized % of Market Gain/Loss	Callable Next Call Date	Book Yield YTM	S&P Moody's YTC
UNITED STATES TREASURY 912828M49 1.88%	10/31/22 10/31/22 1.80	10/01/19 10/02/19	4,075,000.00	4,120,843.75 4,102,489.01	4,205,208.48 103.20	4,218,294.63 13,086.15	102,719.47 1.00%	N --	1.50% 0.13% --	AA+ Aaa
UNITED STATES TREASURY 91282CAR2 0.12%	10/31/22 10/31/22 1.83	11/18/20 11/19/20	2,800,000.00	2,797,265.63 2,797,432.20	2,800,436.80 100.02	2,801,036.25 599.45	3,004.60 0.66%	N --	0.18% 0.12% --	AA+ Aaa
UNITED STATES TREASURY 912828M80 2.00%	11/30/22 11/30/22 1.88	-- --	3,500,000.00	3,572,978.51 3,574,988.68	3,625,370.00 103.58	3,631,523.85 6,153.85	50,381.32 0.86%	N --	0.86% 0.13% --	AA+ Aaa
UNITED STATES TREASURY 912828P38 1.75%	01/31/23 01/31/23 2.04	09/09/19 09/12/19	5,000,000.00	5,039,062.50 5,024,284.15	5,168,360.00 103.37	5,204,976.85 36,616.85	144,075.85 1.23%	N --	1.51% 0.13% --	AA+ Aaa
UNITED STATES TREASURY 912828R28 1.62%	04/30/23 04/30/23 2.29	09/10/19 09/12/19	5,000,000.00	5,015,234.40 5,009,879.97	5,172,460.00 103.45	5,186,375.75 13,915.75	162,580.03 1.22%	N --	1.54% 0.14% --	AA+ Aaa
UNITED STATES TREASURY 912828S35 1.38%	06/30/23 06/30/23 2.46	09/09/19 09/12/19	5,000,000.00	4,975,000.00 4,983,426.32	5,153,125.00 103.06	5,153,314.92 189.92	169,698.68 1.22%	N --	1.51% 0.15% --	AA+ Aaa
UNITED STATES TREASURY 912828T26 1.38%	09/30/23 09/30/23 2.70	03/02/20 03/04/20	5,500,000.00	5,594,531.25 5,572,862.03	5,684,981.50 103.36	5,704,303.27 19,321.77	112,119.47 1.35%	N --	0.89% 0.15% --	AA+ Aaa
UNITED STATES TREASURY 912828T91 1.62%	10/31/23 10/31/23 2.77	09/10/19 09/12/19	5,000,000.00	5,018,750.00 5,012,978.64	5,208,790.00 104.18	5,222,705.75 13,915.75	195,811.36 1.23%	N --	1.53% 0.15% --	AA+ Aaa
UNITED STATES TREASURY 912828V80 2.25%	01/31/24 01/31/24 2.97	09/10/19 09/12/19	5,000,000.00	5,152,734.40 5,108,454.29	5,319,530.00 106.39	5,366,608.80 47,078.80	211,075.71 1.27%	N --	1.53% 0.17% --	AA+ Aaa
UNITED STATES TREASURY 912828X70 2.00%	04/30/24 04/30/24 3.23	-- --	6,650,000.00	6,785,884.79 6,749,925.48	7,048,481.30 105.99	7,071,260.31 22,779.01	298,555.82 1.67%	N --	1.54% 0.19% --	AA+ Aaa
UNITED STATES TREASURY 912828YM6 1.50%	10/31/24 10/31/24 3.73	12/02/19 12/03/19	3,500,000.00	3,472,519.54 3,478,392.86	3,668,301.00 104.81	3,677,292.71 8,991.71	189,908.14 0.87%	N --	1.67% 0.24% --	AA+ Aaa
UNITED STATES TREASURY 912828YY0 1.75%	12/31/24 12/31/24 3.88	11/13/20 11/16/20	1,550,000.00	1,640,699.23 1,637,967.40	1,641,970.80 105.93	1,642,045.73 74.93	4,003.40 0.39%	N --	0.32% 0.26% --	AA+ Aaa
US GOV TOTAL	05/26/22 05/26/22 1.38	-- --	150,055,000.00	\$150,634,996.74 \$150,522,943.43	\$153,325,483.58 102.21	\$153,951,415.90 \$625,932.32	\$2,802,540.15 36.33%	N --	1.63% 0.15% --	AA+ Aaa
GSE										

Portfolio Holdings

12/01/2020 to 12/31/2020

Description Identifier Coupon	Effective Maturity Final Maturity Duration	Maturity Trade Date Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized % of Market Gain/Loss	Callable Next Call Date	Book Yield YTM YTC	S&P Moody's
FEDERAL FARM CREDIT BANKS FUNDING CORP 3133EJC7 2.35%	02/12/21 02/12/21 0.11	04/17/18 04/19/18	1,400,000.00	\$1,390,158.00 \$1,399,590.06	\$1,403,352.78 100.24	\$1,416,055.83 \$12,703.06	\$3,762.72 0.33%	N --	2.61% 0.24% --	AA+ Aaa
FEDERAL HOME LOAN MORTGAGE CORP 3137EAE19 2.38%	02/16/21 02/16/21 0.12	07/26/18 07/30/18	1,250,000.00	1,236,562.50 1,249,321.95	1,253,347.45 100.27	1,264,480.26 11,132.81	4,025.50 0.30%	N --	2.82% 0.23% --	AA+ Aaa
FEDERAL NATIONAL MORTGAGE ASSOCIATION 3135GOU27 2.50%	04/13/21 04/13/21 0.28	07/26/18 07/30/18	4,100,000.00	4,065,970.00 4,096,371.39	4,127,191.94 100.66	4,149,400.27 22,208.33	30,820.55 0.98%	N --	2.82% 0.16% --	AA+ Aaa
FEDERAL FARM CREDIT BANKS FUNDING CORP 3133EKP2 2.40%	04/29/21 04/29/21 0.33	07/11/19 07/12/19	5,250,000.00	5,291,055.00 5,257,512.47	5,289,365.24 100.75	5,311,065.24 21,700.00	31,852.76 1.25%	N --	1.95% 0.11% --	AA+ Aaa
FEDERAL NATIONAL MORTGAGE ASSOCIATION 3135GOK69 1.25%	05/06/21 05/06/21 0.35	06/27/16 06/29/16	1,000,000.00	1,005,000.00 1,000,365.33	1,003,898.03 100.39	1,005,807.75 1,909.72	3,532.70 0.24%	N --	1.14% 0.13% --	AA+ Aaa
FEDERAL HOME LOAN BANKS 3130A1W95 2.25%	06/11/21 06/11/21 0.44	07/01/19 07/02/19	10,250,000.00	10,316,112.50 10,265,280.26	10,343,561.28 100.91	10,356,373.78 12,812.50	78,281.02 2.44%	N --	1.91% 0.19% --	AA+ Aaa
FEDERAL HOME LOAN BANKS 3130AF5B9 3.00%	10/12/21 10/12/21 0.77	10/11/18 10/12/18	1,250,000.00	1,249,187.50 1,249,782.62	1,277,725.08 102.22	1,285,954.24 8,229.17	27,942.45 0.30%	N --	3.02% 0.16% --	AA+ Aaa
FEDERAL HOME LOAN MORTGAGE CORP 3137EADB2 2.38%	01/13/22 01/13/22 1.02	-- --	10,750,000.00	11,014,240.00 10,898,403.11	10,998,540.00 102.31	11,117,685.83 119,145.83	100,136.89 2.62%	N --	1.03% 0.14% --	AA+ Aaa
FEDERAL FARM CREDIT BANKS FUNDING CORP 3133ELTN4 0.53%	01/18/22 01/18/22 1.04	03/10/20 03/18/20	7,000,000.00	6,990,900.00 6,994,791.57	7,030,666.86 100.44	7,047,464.92 16,798.06	35,875.29 1.66%	N --	0.60% 0.11% --	AA+ Aaa
FEDERAL FARM CREDIT BANKS FUNDING CORP 3133ELWD2 0.38%	04/08/22 04/08/22 1.27	04/03/20 04/08/20	7,000,000.00	6,989,640.00 6,993,429.54	7,022,968.40 100.33	7,029,020.48 6,052.08	29,538.86 1.66%	N --	0.45% 0.12% --	AA+ Aaa
FEDERAL FARM CREDIT BANKS FUNDING CORP 3133ELZN7 0.16%	05/18/22 05/18/22 1.38	05/21/20 05/22/20	5,250,000.00	5,240,602.50 5,243,482.15	5,252,496.22 100.05	5,253,499.55 1,003.33	9,014.07 1.24%	N --	0.25% 0.13% --	AA+ Aaa

Portfolio Holdings

12/01/2020 to 12/31/2020

Description Identifier Coupon	Effective Final Maturity Duration	Maturity Trade Date Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized % of Market Gain/Loss	Callable Next Call Date	Book Yield YTM	S&P Moody's
FEDERAL HOME LOAN BANKS 3130AJPU7 0.25%	06/03/22 06/03/22 1.42	06/15/20 06/16/20	2,000,000.00	1,999,380.00 1,999,551.26	2,004,410.06 100.22	2,004,798.95 388.89	4,858.80 0.47%	N --	0.27% 0.09%	AA+ Aaa
FEDERAL HOME LOAN MORTGAGE CORP 3134GVJ66 0.25%	06/08/22 06/08/22 1.43	-- --	5,400,000.00	5,396,944.00 5,397,802.12	5,415,820.87 100.29	5,416,683.37 862.50	18,018.74 1.28%	N --	0.28% 0.05%	AA+ Aaa
FEDERAL HOME LOAN BANKS 313379Q69 2.12%	06/10/22 06/10/22 1.43	06/20/19 06/21/19	4,700,000.00	4,746,107.00 4,722,658.62	4,835,652.39 102.89	4,841,478.43 5,826.04	112,993.77 1.14%	N --	1.78% 0.12%	AA+ Aaa
FEDERAL HOME LOAN MORTGAGE CORP 3137EAET2 0.12%	07/25/22 07/25/22 1.56	-- --	4,755,000.00	4,746,281.70 4,748,084.79	4,756,288.18 100.03	4,758,896.82 2,608.65	8,203.39 1.12%	N --	0.22% 0.11%	AA+ Aaa
FEDERAL NATIONAL MORTGAGE ASSOCIATION 3135GOW33 1.38%	09/06/22 09/06/22 1.66	04/03/20 04/03/20	6,750,000.00	6,910,920.00 6,861,427.29	6,893,634.26 102.13	6,923,282.70 29,648.44	32,206.98 1.63%	N --	0.39% 0.11%	AA+ Aaa
FEDERAL HOME LOAN BANKS 3130AJTE3 1.38%	02/17/23 02/17/23 2.09	04/21/20 04/23/20	7,500,000.00	7,707,825.00 7,657,200.22	7,694,225.92 102.59	7,732,611.34 38,385.42	37,025.70 1.82%	N --	0.38% 0.16%	AA+ Aaa
FEDERAL FARM CREDIT BANKS FUNDING CORP 3133ELNW0 1.45%	02/21/23 02/21/23 2.10	02/14/20 02/21/20	2,250,000.00	2,250,202.50 2,250,145.22	2,310,929.75 102.71	2,322,711.00 11,781.25	60,784.53 0.55%	N --	1.45% 0.18%	AA+ Aaa
FEDERAL HOME LOAN BANKS 313382AX1 2.12%	03/10/23 03/10/23 2.14	03/02/20 03/04/20	6,250,000.00	6,459,375.00 6,402,456.73	6,520,193.31 104.32	6,561,143.83 40,950.52	117,736.59 1.55%	N --	0.99% 0.15%	AA+ Aaa
FEDERAL HOME LOAN MORTGAGE CORP 3137EAES4 0.25%	06/26/23 06/26/23 2.48	06/24/20 06/26/20	3,645,000.00	3,634,356.60 3,636,181.13	3,652,924.23 100.22	3,653,050.79 126.56	16,743.10 0.86%	N --	0.35% 0.16%	AA+ Aaa
FEDERAL NATIONAL MORTGAGE ASSOCIATION 3135G05G4 0.25%	07/10/23 07/10/23 2.51	07/08/20 07/10/20	4,645,000.00	4,635,013.25 4,636,589.93	4,656,092.12 100.24	4,661,608.06 5,515.94	19,502.19 1.10%	N --	0.32% 0.16%	AA+ Aaa
FEDERAL HOME LOAN BANKS 3130A3DL5 2.38%	09/08/23 09/08/23 2.60	09/09/19 09/12/19	5,000,000.00	5,153,450.00 5,104,229.00	5,292,230.35 105.84	5,329,504.66 37,274.31	188,001.35 1.26%	N --	1.58% 0.19%	AA+ Aaa

Portfolio Holdings

12/01/2020 to 12/31/2020

Description Identifier Coupon	Effective Maturity Final Maturity Duration	Trade Date Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized % of Market Gain/Loss	Callable Next Call Date	Book Yield YTM	S&P Moody's
FEDERAL HOME LOAN BANKS 12/08/23	12/08/23	04/21/20	5,290,000.00	5,629,618.00	5,608,972.88	5,616,577.25	43,645.18	N	0.46%	AA+
3130A3VC5 2.25%	2.85	04/23/20		5,565,327.69	106.03	7,604.38	1.33%	--	0.19%	Aaa
FEDERAL FARM CREDIT BANKS FUNDING CORP 12/20/23	12/20/23	03/05/20	900,000.00	993,447.00	986,387.08	987,349.58	12,991.12	N	0.72%	AA+
3133EDBU5 3.50%	2.85	03/06/20		973,395.96	109.60	962.50	0.23%	--	0.25%	Aaa
FEDERAL NATIONAL MORTGAGE ASSOCIATION 02/05/24	02/05/24	11/15/19	4,500,000.00	4,648,905.00	4,819,787.10	4,865,412.10	209,364.94	N	1.68%	AA+
3135GOV34 2.50%	2.97	11/18/19		4,610,422.16	107.11	45,625.00	1.15%	--	0.20%	Aaa
FEDERAL HOME LOAN BANKS 06/14/24	06/14/24	09/10/19	3,750,000.00	3,968,737.50	4,093,391.36	4,098,482.51	183,011.12	N	1.60%	AA+
3130A1XJ2 2.88%	3.31	09/12/19		3,910,380.24	109.16	5,091.15	0.97%	--	0.21%	Aaa
FEDERAL FARM CREDIT BANKS FUNDING CORP 07/26/24	07/26/24	09/09/19	5,000,000.00	5,069,850.00	5,279,819.80	5,319,646.19	228,134.27	N	1.55%	AA+
3133EKWV4 1.85%	3.44	09/12/19		5,051,685.53	105.60	39,826.39	1.26%	--	0.27%	Aaa
FEDERAL HOME LOAN BANKS 08/28/24	08/28/24	09/14/20	2,000,000.00	2,012,280.00	2,018,373.06	2,021,379.73	7,014.50	N	0.28%	AA+
3130AJM22 0.44%	3.62	09/15/20		2,011,358.56	100.92	3,006.67	0.48%	--	0.19%	Aaa
FEDERAL FARM CREDIT BANKS FUNDING CORP 11/01/24	11/01/24	05/01/20	1,700,000.00	1,780,155.00	1,786,725.57	1,791,400.57	18,222.76	N	0.58%	AA+
3133EK4Y9 1.65%	3.72	05/04/20		1,768,502.81	105.10	4,675.00	0.42%	--	0.31%	Aaa
FEDERAL NATIONAL MORTGAGE ASSOCIATION 01/07/25	01/07/25	--	11,250,000.00	11,833,764.00	11,854,892.81	11,943,252.19	51,891.61	N	0.39%	AA+
3135GOX24 1.62%	3.87	--		11,803,001.21	105.38	88,359.37	2.82%	--	0.28%	Aaa
FEDERAL HOME LOAN MORTGAGE CORP 02/12/25	02/12/25	--	11,750,000.00	12,298,502.50	12,326,073.60	12,394,125.68	89,484.72	N	0.48%	AA+
3137EAE90 1.50%	3.98	--		12,236,588.88	104.90	68,052.08	2.92%	--	0.30%	Aaa
FEDERAL HOME LOAN BANKS 06/13/25	06/13/25	06/15/20	3,000,000.00	2,998,380.00	3,018,199.23	3,018,949.23	19,641.02	N	0.51%	AA+
3130AKW8 0.50%	4.40	06/16/20		2,998,558.21	100.61	750.00	0.71%	--	0.36%	Aaa
FEDERAL HOME LOAN MORTGAGE CORP 07/21/25	07/21/25	07/21/20	3,285,000.00	3,268,640.70	3,286,733.66	3,292,140.22	16,666.82	N	0.48%	AA+
3137EAEU9 0.38%	4.51	07/23/20		3,270,066.84	100.05	5,406.56	0.78%	--	0.36%	Aaa

Portfolio Holdings

12/01/2020 to 12/31/2020

Description Identifier Coupon	Effective Maturity	Final Maturity	Duration	Trade Date	Settle Date	Par Value	Original Cost	Book Value	Market Value	Market Price	Accrued Balance	MV + Accrued	Net Unrealized % of Market	Gain/Loss	Value	Callable	Next Call Date	Book Yield	YTM	S&P	Moody's
FEDERAL NATIONAL MORTGAGE ASSOCIATION 3135G05X7 0.38%	08/25/25	08/25/25	4.60	08/25/20	08/27/20	4,865,000.00	4,842,231.80	4,843,788.03	4,863,933.79	99.98	4,870,217.74	6,283.96	20,145.75	1.15%	1.15%	N	--	0.47%	0.38%	AA+	Aaa
FEDERAL NATIONAL MORTGAGE ASSOCIATION 3135G06G3 0.50%	11/07/25	11/07/25	4.78	11/09/20	11/12/20	1,595,000.00	1,589,289.90	1,589,445.98	1,601,671.69	100.42	1,602,757.18	1,085.49	12,225.71	0.38%	0.38%	N	--	0.57%	0.41%	AA+	Aaa
GSE TOTAL	04/15/23	04/15/23	2.24	--	--	166,280,000.00	\$169,363,084.44	\$168,697,178.87	\$170,580,476.33	102.65	\$171,264,268.28	\$683,791.94	\$1,883,297.47	40.41%	40.41%	N	--	0.92%	0.19%	AA+	Aaa
GSE MBS																					
FHMS K-013 A2 3137AA4WV0 3.97%	01/01/21	01/25/21	0.07	03/04/19	03/07/19	587,217.46	\$598,319.54	\$587,217.46	\$587,069.48	99.97	\$589,014.15	\$1,944.67	(\$147.98)	0.14%	0.14%	Y	--	(0.04%)	--	AA+	Aaa
FHMS K-030 A1 3137B3N95 2.78%	11/02/21	09/25/22	0.83	06/14/18	06/19/18	176,790.80	175,672.03	176,132.80	180,010.19	101.82	180,419.61	409.42	3,877.39	0.04%	0.04%	Y	--	3.02%	--	AA+	Aaa
FHMS K-026 A2 3137B1BS0 2.51%	10/15/22	11/25/22	1.75	05/21/19	05/24/19	500,000.00	500,214.85	499,730.36	516,313.95	103.26	517,359.78	1,045.83	16,583.59	0.12%	0.12%	Y	--	2.46%	--	AA+	Aaa
GSE MBS TOTAL	11/02/21	01/14/22	0.85	--	--	1,264,008.26	\$1,274,206.42	\$1,263,080.61	\$1,283,393.62	101.56	\$1,286,793.54	\$3,399.92	\$20,313.01	0.30%	0.30%	Y	--	1.37%	--	AA+	Aaa
MUNI																					
ARIZONA ST TRANSN BRD HWY REV 040654XU4 1.96%	07/01/24	07/01/24	3.36	01/10/20	02/12/20	3,100,000.00	\$3,100,000.00	\$3,100,000.00	\$3,237,299.00	104.43	\$3,267,648.00	\$30,349.00	\$137,299.00	0.77%	0.77%	N	--	1.96%	0.68%	AA+	Aa1
MUNI TOTAL	07/01/24	07/01/24	3.36	01/10/20	02/12/20	3,100,000.00	\$3,100,000.00	\$3,100,000.00	\$3,237,299.00	104.43	\$3,267,648.00	\$30,349.00	\$137,299.00	0.77%	0.77%	N	--	1.96%	0.68%	AA+	Aa1
CP																					
Collateralized Commercial Paper V Co. LLC 19424HNB2 0.00%	01/11/21	01/11/21	0.03	07/15/20	07/16/20	5,000,000.00	\$4,992,790.00	\$4,999,597.21	\$4,999,670.00	99.99	\$4,999,670.00	\$0.00	\$72.79	1.18%	1.18%	N	--	0.29%	0.22%	A-I	P-I
CP TOTAL	01/11/21	01/11/21	0.03	07/15/20	07/16/20	5,000,000.00	\$4,992,790.00	\$4,999,597.21	\$4,999,670.00	99.99	\$4,999,670.00	\$0.00	\$72.79	1.18%	1.18%	N	--	0.29%	0.22%	A-I	P-I

Portfolio Holdings

12/01/2020 to 12/31/2020

Description Identifier Coupon	Effective Final Maturity Duration	Maturity Trade Date Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized % of Market Gain/Loss	Callable Next Call Date	Book Yield YTM	S&P Moody's YTC
CORP										
JOHN DEERE CAPITAL CORP 24422ET6 2.55%	01/08/21 01/08/21 0.02	05/03/19 05/07/19	3,000,000.00	\$2,996,670.00 \$2,999,962.12	\$3,000,534.15 100.02	\$3,037,296.65 \$36,762.50	\$572.03 0.72%	N --	2.62% 1.61% --	A A2
CISCO SYSTEMS INC 17275RBD3 2.20%	02/28/21 02/28/21 0.16	06/04/19 06/06/19	1,500,000.00	1,497,975.00 1,499,822.83	1,504,664.80 100.31	1,515,939.80 11,275.00	4,841.97 0.36%	N --	2.28% 0.23% --	AA- A1
TOYOTA MOTOR CREDIT CORP 89236TEU5 2.95%	04/13/21 04/13/21 0.28	04/10/18 04/13/18	2,595,000.00	2,593,962.00 2,594,901.23	2,614,181.20 100.74	2,630,767.58 16,586.38	19,279.97 0.62%	N --	2.96% 0.34% --	A+ A1
APPLE INC 037833ARI 2.85%	05/06/21 05/06/21 0.35	11/15/19 11/19/19	4,400,000.00	4,469,740.00 4,416,592.89	4,435,762.89 100.81	4,454,921.23 19,158.33	19,170.00 1.05%	N --	1.75% 0.50% --	AA+ Aa1
STATE STREET CORP 85747TAV5 1.95%	05/19/21 05/19/21 0.38	05/19/16 05/24/16	180,000.00	179,319.60 179,946.06	181,198.70 100.67	181,608.20 409.50	1,252.64 0.04%	N --	2.03% 0.21% --	A A1
TOYOTA MOTOR CREDIT CORP 89236TGS8 0.35%	08/13/21 08/13/21 0.13	02/10/20 02/13/20	3,000,000.00	3,000,000.00 3,000,000.00	3,001,363.05 100.05	3,002,774.37 1,411.32	1,363.05 0.71%	N --	0.35% 0.32% --	A+ A1
CATERPILLAR FINANCIAL SERVICES CORP 14913Q3D9 0.41%	11/12/21 11/12/21 0.12	01/09/20 01/13/20	920,000.00	920,000.00 920,000.00	921,272.76 100.14	921,801.29 528.53	1,272.76 0.22%	N --	0.42% 0.26% --	A A3
JOHN DEERE CAPITAL CORP 24422EUQ0 3.20%	01/10/22 01/10/22 1.00	01/08/20 01/10/20	3,975,000.00	4,081,768.50 4,030,169.08	4,094,096.01 103.00	4,154,516.01 60,420.00	63,926.93 0.98%	N --	1.83% 0.27% --	A A2
APPLE INC 037833AY6 2.15%	02/09/22 02/09/22 1.09	11/12/19 11/14/19	4,000,000.00	4,028,240.00 4,014,130.47	4,082,921.68 102.07	4,116,843.90 33,922.22	68,791.21 0.97%	N --	1.83% 0.27% --	AA+ Aa1
CHEVRON CORP 166764AT7 2.41%	01/03/22 03/03/22 0.99	04/23/19 04/25/19	1,900,000.00	1,887,042.00 1,894,595.42	1,941,130.99 102.16	1,956,146.16 15,015.17	46,535.57 0.46%	Y 01/03/22	2.66% 0.56% 0.25%	AA Aa2
ORACLE CORP 68389XBB0 2.50%	03/15/22 05/15/22 1.19	07/26/19 07/31/19	2,017,000.00	2,031,724.10 2,023,892.56	2,070,925.68 102.67	2,077,368.88 6,443.19	47,033.12 0.49%	Y 03/15/22	2.21% 0.54% 0.28%	A A3
EXXON MOBIL CORP 30231GBB7 1.90%	08/16/22 08/16/22 1.60	08/13/19 08/16/19	1,275,000.00	1,275,000.00 1,275,000.00	1,311,682.92 102.88	1,320,776.86 9,093.94	36,682.92 0.31%	N --	1.90% 0.13% --	AA Aa1

Portfolio Holdings

12/01/2020 to 12/31/2020

Description Identifier Coupon	Effective Maturity Final Maturity Duration	Trade Date Settle Date	Par Value	Original Cost Book Value	Market Value Market Price	MV + Accrued Accrued Balance	Net Unrealized % of Market Gain/Loss	Callable Next Call Date	Book Yield YTM YTC	S&P Moody's
TOYOTA MOTOR CREDIT CORP 89233P7F7 2.62%	01/10/23 01/10/23 1.96	01/16/20 01/21/20	5,000,000.00	5,116,100.00 5,079,834.92	5,237,074.80 104.74	5,299,418.55 62,343.75	157,239.88 1.25%	N --	1.82% 0.28% --	A+ A1
APPLE INC 037833DE7 2.40%	12/13/22 01/13/23 1.90	05/11/20 05/13/20	3,000,000.00	3,132,210.00 3,099,982.96	3,127,715.58 104.26	3,161,315.58 33,600.00	27,732.62 0.75%	Y 12/13/22	0.68% 0.30% 0.21%	AA+ Aa1
JOHNSON & JOHNSON 478160BT0 2.05%	01/01/23 03/01/23 1.96	09/10/19 09/12/19	2,000,000.00	2,016,360.00 2,010,012.40	2,071,801.66 103.59	2,085,468.33 13,666.67	61,789.26 0.49%	Y 01/01/23	1.79% 0.38% 0.25%	AAA Aaa
APPLE INC 037833DV9 0.75%	05/11/23 05/11/23 2.34	05/05/20 05/11/20	1,700,000.00	1,695,376.00 1,696,354.37	1,720,280.32 101.19	1,722,051.15 1,770.83	23,925.95 0.41%	N --	0.84% 0.24% --	AA+ Aa1
CHEVRON CORP 166764AH3 3.19%	03/24/23 06/24/23 2.16	09/10/19 09/12/19	2,000,000.00	2,087,900.00 2,056,143.79	2,127,126.72 106.36	2,128,367.66 1,240.94	70,982.93 0.50%	Y 03/24/23	1.90% 0.61% 0.33%	AA Aa2
MICROSOFT CORP 594918BQ6 2.00%	06/08/23 08/08/23 2.37	04/28/20 04/30/20	1,000,000.00	1,044,020.00 1,034,604.95	1,043,097.40 104.31	1,051,041.84 7,944.44	8,492.45 0.25%	Y 06/08/23	0.57% 0.34% 0.23%	AAA Aaa
PEPSICO INC 713448FB9 0.40%	10/07/23 10/07/23 2.75	10/06/20 10/07/20	2,530,000.00	2,528,557.90 2,528,670.88	2,543,929.35 100.55	2,546,290.68 2,361.33	15,258.47 0.60%	N --	0.42% 0.20% --	A+ A1
WALMART INC 931142EL3 2.85%	06/08/24 07/08/24 3.26	05/07/20 05/11/20	1,750,000.00	1,889,597.50 1,868,025.43	1,893,241.88 108.19	1,917,209.58 23,967.71	25,216.44 0.45%	Y 06/08/24	0.85% 0.50% 0.45%	AA Aa2
CORP TOTAL	05/10/22 05/26/22 1.28	-- --	47,742,000.00	\$48,471,562.61 \$48,222,642.38	\$48,924,002.55 102.52	\$49,281,924.31 \$357,921.76	\$701,360.17 11.63%	--	1.63% 0.43% 0.28%	AA- A1
PORTFOLIO TOTAL	08/15/22 08/17/22 1.58	-- --	413,191,453.82	\$417,587,085.77 \$416,555,888.05	\$422,100,770.65 92.92	\$423,802,165.59 \$1,701,394.95	\$5,544,882.59 100.00%	--	1.17% 0.21% 0.28%	AA+ Aa1

FINANCE/OUTREACH & PLANNING COMMITTEE

January 26, 2021

Discussion: Information Only: 2021 Consolidated Annual Report

Purpose

To provide the Board with information on the preparation of the District's Consolidated Annual Report and to solicit input prior to the February 23 Board meeting.

Background/History

Section 373.036, Florida Statutes (F.S.) requires the water management districts to prepare a "Consolidated Water Management District Annual Report." The agency formerly produced these components individually and submitted them to the Governing Board for approval at various times of the year. The Consolidated Annual Report aims to streamline these required reporting documents so that they now come forward in one package.

The 10 chapters that make up the report are substantially complete and are provided under separate cover. Staff will finalize all required document components in February. The finished report will be provided at the February meeting. The report includes the following components:

The Water Management District Performance Measures Annual Report

The Minimum Flows and Levels Annual Priority List and Schedule

The Minimum Flows and Levels/Water Quality Grade for Projects Report

The Annual Five-Year Capital Improvements Plan

The Alternative Water Supplies Report

The Five-Year Water Resource Development Work Program

The Polk Regional Water Cooperative Status Report

The Florida Forever Work Plan

The Mitigation Donation Annual Report

The Strategic Plan 2021-2025 (updated February 2021), and the Annual Work Plan Report

This consolidated report is a significant communication tool for the District. The statute requires the report be submitted by March 1 of each year to the Governor, Department of Environmental Protection, President of the Senate, and Speaker of the House of Representatives. In addition, copies must be provided to chairs of all legislative committees having substantive or fiscal jurisdiction over the districts and the governing body of each county in the district having jurisdiction or deriving any funds for operations of the district. Copies of the consolidated annual report must be made available to the public, either in printed or electronic format.

Report Highlights:

- The Water Management District Performance Annual Report states growth in the amount of domestic wastewater reused has been relatively stable. Usage increased from 104 mgd in 1995 to 219 mgd in 2019. In addition, there has been continued decline in the uniform residential per capita water use from 76 gpcd, when first measured in 2008, to 69 gpcd in 2019.
- The Minimum Flows and Levels Annual Priority List and Schedule has been reviewed by DEP, with no substantive comments, and approved. As of FY2020, 205 MFLs, including 91 that have been reevaluated and revised or repealed and those for all five Outstanding Florida Springs and

two water reservations, have been adopted.

- The Polk Regional Water Cooperative Status Report identifies a prioritized list of three cooperative and 17 local member government projects that are being submitted for FY2021-22 funding consideration by the Florida Legislature.
- The Alternative Water Supplies Annual Report states the District has funded 387 reclaimed water projects that are anticipated to make available more than 182 mgd of capacity.
- The Strategic Plan provides the strategic priorities for the period 2021 through 2025. Plan updates for this year include clarifying the language for the evaluation of land acquisition opportunities and the surplus process. Data and project information were also updated. Examples of this include revisions to water use per capita and wastewater flow utilization data and the addition of information for the Dover/Plant City Water Use Caution Area preliminary assessment completed in 2020. There were also new images added to highlight the District.
- The Strategic Plan Annual Work Plan notes the completion of several springs initiatives, including the completion of mapping and the evaluation of submerged aquatic vegetation for the Weeki Wachee, Chassahowitzka and Homosassa river systems. An evaluation of District projects (i.e., completed or funded for June 2018 through FY2020) that achieve a nitrogen reduction in the five first-magnitude springs' Basin Management Action Plan (BMAP) boundaries revealed 11 funded projects are expected to reduce nitrogen loadings by 41,383 pounds per year. For regions within the Southern Water Use Caution Area (SWUCA) (i.e., Heartland, Southern and Tampa Bay regions), the District has offset approximately 28 mgd of groundwater in the SWUCA through Facilitating Agricultural Resource Management Systems' projects that are operational, under construction and/or have contracts pending. For the Heartland region, to date the region's average compliance per capita has declined eight percent to 97 gpcd in 2019. In addition, the Governing Board approved the 2020 Central Florida Water Initiative Regional Water Supply Plan in November. Finally, in the Southern region, there are no utilities above 150 gpcd and the regional average compliance per capita has declined by nine percent since 2011 to 79 gpcd in 2019.

Staff Recommendation:

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

Presenter:

Trisha Neasman, Planning Lead

FINANCE/OUTREACH & PLANNING COMMITTEE

January 26, 2021

Discussion: Information Only: Advisory Committee Outreach

Purpose

To provide an update to the Governing Board on the Advisory Committee outreach efforts that have taken place over the last two years.

Background/History

The Governing Board created the Advisory Committees to give professional and technical input into District programs and activities. In addition, representatives of member organizations who serve on the committees function as liaisons with the District and also act as an education extension of the District by helping to disseminate information.

The Advisory Committee Governing Board policies were revised in February 2019 as part of the District's Knowledge Management effort. During the Board's discussion, staff recognized the value of the Advisory Committees would be enhanced if participation by stakeholders in the meetings increased. Staff committed to conduct a targeted outreach effort to better communicate the value of the Advisory Committees to stakeholders, to solicit feedback on how the District can improve the meetings to increase participation, and to clearly communicate District expectations regarding attendance to member organizations and member representatives.

The presentation will cover staff's outreach efforts to the member organizations and the results of a survey to the member representatives as well as the impact COVID-19 has had on the Advisory Committees and next steps moving forward.

Benefits

The Advisory Committees provide great value to the District by providing critical feedback, serving as a two-way communication between the District and their respective industries, and assisting the District in managing relationships with key stakeholders.

Staff Recommendation:

This item is presented for the Board's information, and no action is requested.

Presenter:

Michael Molligan, Division Director, Employee and External Relations

FINANCE/OUTREACH & PLANNING COMMITTEE

January 26, 2021

Submit & File: Information Only: Budget Transfer Report

Purpose

Provide the Budget Transfer Report covering all budget transfers made during the month of December 2020.

Background

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are presented to the Finance/Outreach & Planning Committee of the Governing Board as a Submit and File Report at the next regular scheduled meeting. The exhibit for this item reflects all such transfers executed during the month of December 2020.

Staff Recommendation:

Present the Budget Transfer Report for the Board's information. No action required.

Presenter:

Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
December 2020

Item No.	--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount
	Bureau /	Expenditure Category	Bureau /	Expenditure Category		
<u>Consistent with Original Budget Intent</u>						
1	Data Collection	Equipment - Outside	Data Collection	Equipment - Non-Capital Outlay	Funds are needed for the original purpose budgeted for replacement data collection equipment, such as pressure transducers and couplers. The funds are being transferred due to the capitalization threshold for District property increasing from \$1,000 per item to \$5,000 as of October 1, 2020.	11,154.71
Total Consistent with Original Budget Intent						\$ 11,154.71
Total Transfers for Governing Board Ratification						\$ 11,154.71

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director, or designee, or the Finance Bureau Chief consistent with Budget Authority Transfer of Funds Board Policy, and are presented to the Governing Board as a Submit and File Report. This Board Policy limits transfers made for a purpose other than the original budget intent to \$75,000. However, transfers made for accounting reallocation purposes consistent with original budget intent are not limited.

FINANCE/OUTREACH & PLANNING COMMITTEE

January 26, 2021

Submit & File: Information Only: Office of Inspector General Quarterly Update – October 1, 2020 to December 31, 2020

Background and Purpose:

In accordance with the Office of Inspector General Charter Governing Board Policy, the Inspector General is required, on a quarterly basis, to update the Committee regarding work and other matters.

Staff Recommendation:

This item is for the Board's information; no action is needed.

Presenter:

Brian Werthmiller, Inspector General



An Equal
Opportunity
Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

WaterMatters.org

Bartow Office

170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Office

78 Sarasota Center Boulevard
Sarasota, Florida 34240-9770
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Office

7601 U.S. 301 North (Fort King Highway)
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

Kelly S. Rice

Chair, Citrus, Lake, Levy, Sumter

Joel Schleicher

Vice Chair, Charlotte, Sarasota

Rebecca Smith

Secretary, Hillsborough, Pinellas

James G. Murphy

Treasurer, Polk

Ed Armstrong

Pinellas

Ashley Bell Barnett

Polk

Jack Bispham

Manatee

Roger Germann

Hillsborough

John Mitten

Hernando, Marion

Seth Weightman

Pasco

Michelle Williamson

Hillsborough

Brian J. Armstrong, P.G.

Executive Director

January 26, 2021

MEMORANDUM

TO: Finance/Outreach & Planning Committee
Remaining Governing Board members

FROM: Brian Werthmiller, CPA, Inspector General

SUBJECT: Office of Inspector General Quarterly Update October 1 to December 31, 2020

The purpose of this memo is to satisfy the Office of Inspector General (OIG) Charter Governing Board Policy regarding updates with the Finance/Outreach and Planning Committee.

I am pleased to provide you the most recent quarterly update. During the quarter ending December 31, 2020:

- The IG quarterly update for the quarter ending September 30, 2020 was submitted to the Governing Board on October 20, 2020.
- In accordance with the OIG Charter Governing Board Policy, the OIG shall have performance measures defined by the Finance/Outreach & Planning Committee and approved by the Governing Board. These were submitted and approved by the Governing Board on October 20, 2020.
- A whistle-blower retaliation complaint was received. The information provided was reviewed and it was determined that the complaint did not demonstrate reasonable cause to suspect that an employee or agent of an agency or independent contractor has violated any federal, state, or local law, rule or regulation thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty as required under the Whistle-blower's Act and was, therefore, not within the purview of this Office. Due to the nature of the allegation, the matter was referred to the Office of General Counsel. This information was reported to the Governing Board on October 5, 2020.
- On June 3, 2020, the results of an investigation were reported to the Board and a recommendation was made that the District should enhance procedures to ensure that Families First Coronavirus Relief Act (FFCRA) leave is in accordance with District procedures. The OIG followed-up to determine whether the District took corrective action. From the population of 10 employees who used 291.25 hours of FFCRA leave during the period of 10/1/20 – 12/8/20, the OIG examined 4 employees who used 163 hours of FFCRA leave to determine whether the FFCRA leave was in accordance with District procedures. Based upon the test work performed, the District has taken corrective action and no further work is considered necessary.
- One investigation is in progress.
- Participated in a townhall District-wide presentation on remote work to answer questions from an audit perspective.

- The District-wide risk assessment was underway and is performed to formulate the audit plan. A risk assessment takes into consideration factors that might influence the operational success of a component or activity within the District. To ensure the audit plan included the priorities of the Governing Board and the District, meetings with the Governing Board, District management, and District staff was also included as part of the risk assessment to solicit their views on risk facing the District. In addition, District strategies, objectives and priorities, prior audits, budgets, and associated risks were considered in developing the audit plan.
- The OIG performed 29 reviews per the requests of management and the Governing Board.
- The Department of Management Services (DMS) released their audit of the District's participation in the Florida Retirement System (FRS) on December 11, 2020. The audit period was July 2005 to February 2020 with additional limited procedures that included March 2020. The audit found that wages were underreported for the months of November 2009 to January 2010 for two employees who had workers' compensation claims. When certain conditions are met, an employer who participates in the FRS is required to make retirement adjustments if the employee's earnings during this period were reported at less than his/her regular pay rate. The District made corrections for these 2 employees and also has enhanced procedures between HR and Payroll. The OIG will perform a follow-up audit at a later date to determine if corrective action has been taken.
- Individual meetings with two Governing Board members were completed to go over the functions the OIG performs and how the office can be of service to them.
- My CPA license with the State of Florida was successfully renewed through December 31, 2022.

Office of Inspector General Performance Measures			
Performance Measure	Frequency	Goal	Status Through 12/31/2020
Audit Plan	Annual	Submit to the Board January 2021	Open
Appropriate Time Allocated to Efforts Resulting in Reporting to the Board	N/A	75% of Chargeable Hours by September 2021	86%
Inspector General Annual Report	Annual	Submit to the Board September 2021	Open
Updates to the Finance/Outreach & Planning Committee including IG Performance Measures	Quarterly	All quarters in FY	25% Complete
Complete follow-up on two investigative recommendations from FY 2020	Quarterly	Complete by September 2021	1 follow-up completed
Complete follow-up to the Department of Highway Safety and Motor Vehicles audit recommendations from FY 2020	Monthly	Complete by September 2021	Open

Governing Board Meeting
January 26, 2021

4. RESOURCE MANAGEMENT COMMITTEE

- 4.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion..... 105
- 4.2 **Submit & File:** Information Only: Five-Year Water Resource Development Work Program 106

RESOURCE MANAGEMENT COMMITTEE

January 26, 2021

Discussion: Information Only: Consent Item(s) Moved to Discussion

Presenter:

Jennette M. Seachrist, P.E., Division Director, Resource Management

RESOURCE MANAGEMENT COMMITTEE

January 26, 2021

Submit & File: Information Only: Five-Year Water Resource Development Work Program

Purpose

To provide an update of the District's 2021 Five-Year Water Resource Development Work Program (Work Program) and its approval by the Florida Department of Environmental Protection (DEP).

Background/History

The District is required by Florida Statutes (Subsection 373.536(6)) to prepare a Work Program each year. This Work Program describes the District's implementation strategy for the water resource and water supply development components of the approved Regional Water Supply Plan (RWSP). The current Work Program covers the period from fiscal year (FY) 2021 through FY2025 and is a comprehensive discussion of the District's projects and activities intended to assist in making water resources available to meet demands. A draft of the Work Program must be submitted to DEP and specified state and local government officials within 30 days after adoption of the District's final budget. The Governing Board authorized the submittal of the draft Work Program at the September 22, 2020 meeting. District staff submitted the draft on October 21, 2020.

The DEP reviewed the draft Work Program and responded to the District in a letter received November 20, 2020. The letter states the DEP's approval of the proposed expenditures for water resource and water supply development, and the Work Program's consistency with the District RWSP and the Central Florida Watershed Initiative RWSP. No revisions to the Work Program were requested. The DEP is required to prepare a final evaluation report of its review of water management district Work Programs and submit a copy of the report to the Governor, President of the Senate, and Speaker of the House of Representatives. The District's final Work Program will be resubmitted as part of the 2021 Consolidated Annual Report as required by Florida Statutes (Subsection 373.036(7)).

Staff Recommendation:

This item is for the Board's information only, and no action is required.

Presenter:

Jennette M. Seachrist, P.E., Division Director, Resource Management

Governing Board Meeting
January 26, 2021

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

5.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion..... 107

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE
January 26, 2021

Discussion: Information Only: Consent Item(s) Moved to Discussion

Presenter:

Brian S. Starford, P.G., Division Director, Operations, Lands and Resource Monitoring

Governing Board Meeting

January 26, 2021

6. REGULATION COMMITTEE

6.1	Discussion: Information Only: Consent Item(s) Moved to Discussion	108
6.2	Discussion: Information Only: 404 Assumption Update	109
6.3	Discussion: Action Item: Denials Referred to the Governing Board.....	111

REGULATION COMMITTEE

January 26, 2021

Discussion: Information Only: Consent Item(s) Moved to Discussion

Presenter:

Michelle Hopkins, P.E., Division Director, Regulation

REGULATION COMMITTEE**January 26, 2021****Discussion: Information Only: 404 Assumption Update**

On December 17, 2020, the U.S. Environmental Protection Agency (EPA) approved Florida's assumption of the Section 404 program of the Clean Water Act (404 program), which is the federal permitting program to regulate the discharge of dredged or filled material into wetlands and other waters of the United States. Generally, the U.S. Army Corps of Engineers (ACOE) reviews all requests for authorization pursuant to the 404 program absent a state's assumption of the program. Even with Florida's assumption of the 404 program, the ACOE will continue to review 404 program permits for retained waters. Retained waters are those waters that are used or can be used for interstate commerce shoreward to their ordinary high water mark, as well as wetlands adjacent to those waters. Florida will now review all requests for 404 authorization in assumed waters, which are those waters outside of a 300-foot buffer adjacent to retained waters. In order to provide guidance to the regulated community and permit reviewers, the ACOE and DEP collaborated to develop a GIS tool that delineates retained waters. The assumption of the 404 program allows the state to issue both the state and federal permits for certain dredge and fill activities in the assumed waters. Florida is only the third state to assume the 404 program.

The process for Florida to assume the 404 program began in 2018 when the Florida Legislature passed legislation that authorized the Florida Department of Environmental Protection (DEP) to initiate rulemaking required to assume the 404 program, as well as for DEP to submit a request to EPA to assume the 404 program. State assumption utilizes the local expertise of DEP's environmental experts to further protect Florida's natural resources. These experts are already responsible for managing the Environmental Resource Permit (ERP) program and will use that same expertise in the implementation of the State 404 program. State ERP staff reviewing both ERPs and 404 authorizations will provide increased consistency and efficiency to its stakeholders through the elimination of duplicative permitting processes.

After passage of the 2018 legislation, rulemaking was initiated by DEP to add Chapter 62-331, Florida Administrative Code (F.A.C.), and to amend Chapter 62-330, F.A.C. (statewide ERP rules), in order to add regulations required for assumption of the 404 program. These regulations refine the process for documentation of wetland delineations and provide a mechanism to align permitting time frames for the ERP and 404 programs. DEP completed this rulemaking in July 2020, and in August 2020 DEP submitted the package requesting assumption of the 404 program to EPA for its review. During its review of Florida's 404 assumption package, EPA received thousands of public comments and conducted a series of public hearings to solicit further public commentary. EPA ultimately approved the assumption of the 404 program on December 17, 2020, as described above, and DEP took over all pending 404 permit applications the first week of January 2021.

The 404 program will initially be administered by DEP with each respective WMD continuing to handle the related ERP applications that fall under WMD responsibility. DEP and WMDs will coordinate closely on each ERP application that includes a corresponding 404 review. There is the potential for further delegation of the 404 program to the WMDs from DEP with the approval of the EPA. WMD staff have participated in training for these new processes along with DEP staff to help facilitate the 404 reviews, and in case a further delegation of the program occurs.

The documentation process for wetland delineation for the 404 program is more complicated and time consuming than the state's current process. ERP wetland delineations and verifications will now also require joint site visits between the DEP and WMD staff, with an auditing process that will be implemented to ensure compliance with federal 404 standards. There will also be extensive coordination between DEP and WMD staff on reviewer comments, the issuance of permits, agricultural exemption considerations, and compliance matters. The District has also implemented new ePermitting system requirements and external user experience improvements associated with the 404 assumption and are planning for future required system needs. Additional training will be required long-term for District staff as implementation of the 404 assumption continues and is refined.

Staff Recommendation:

This item is provided for the Governing Board's information only, and no action is required.

Presenter:

Cliff Ondercin, P.W.S., Environmental Manager, Environmental Resource Permit Bureau

REGULATION COMMITTEE

January 26, 2021

Discussion: Action Item: Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action.

Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

Staff Recommendation:

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

Presenter:

Michelle Hopkins, P.E., Division Director, Regulation

7. General Counsel's Report

Governing Board Meeting

January 26, 2021

7. GENERAL COUNSEL' REPORT

- 7.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion.....112
- 7.2 **Discussion:** Information Only: Office of General Counsel Annual Update113

GENERAL COUNSEL'S REPORT

January 26, 2021

Discussion: Information Only: Consent Item(s) Moved to Discussion

Presenter:

Karen West, General Counsel

GENERAL COUNSEL'S REPORT

January 26, 2021

Discussion: Information Only: Office of General Counsel Annual Update

The Office of General Counsel provides legal advice, representation, and administrative assistance to the District's Governing Board, Executive Director, and component divisions. Our attorneys execute this general directive through five main areas of professional services: Enforcement and Litigation, General Administration, Contracts and Procurement, Land Management, and Human Resources. The issues that arise within these practice areas affect all aspects of the District's operation, from routine regulatory permitting questions to complex regional water supply planning and development efforts. The Office functions as a full-service law firm that operates within the District's organizational structure to advance our Mission, Vision, and Values in the most effective and efficient manner.

This presentation will provide the Governing Board an update on Fiscal Year 2020 efficiencies and accomplishments, with a particular emphasis on the Enforcement and Litigation professional services area.

Staff Recommendation:

This item is presented for informational purposes only. No action is required.

Presenter:

Christopher A. Tumminia, Deputy General Counsel

**8. Committee/Liaison
Reports**

COMMITTEE/LIAISON REPORTS

January 26, 2021

Discussion: Information Only: Agricultural and Green Industry Advisory Committee

Presenter:

Jack Bispham, Board Member

EXECUTIVE DIRECTOR'S REPORT

January 26, 2021

Discussion: Information Only: Executive Director's Report

Presenter:

Brian J. Armstrong, P.G., Executive Director

CHAIR'S REPORT

January 26, 2021

Discussion: Information Only: Chair's Report

Presenter:

Kelly S. Rice, Chair

CHAIR'S REPORT

January 26, 2021

Discussion: Information Only: Employee Milestones

Presenter:

Kelly S. Rice, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	01/11/2016	Ray Herbst	Compliance Inspector 2	Tampa	Regulatory Support	2021	01/11/2021
10	01/10/2011	Don Weaver	Webmaster	Brooksville	Communications and Board Services	2021	01/10/2021
20	01/02/2001	Kim Dymond	Senior Environmental Scientist	Brooksville	Environmental Resource Permit	2021	01/02/2021
25	01/22/1996	Monte Ritter	Chief Professional Engineer	Brooksville	Environmental Resource Permit	2021	01/22/2021
35	01/12/1986	Cynthia Taylor	Assistant Resource Specialist	Brooksville	Information Technology	2021	01/12/2021

