

# Governing Board Meeting

## *Agenda and Meeting Information*

*July 28, 2020*

*9:00 AM*

*Brooksville Office*

2379 Broad Street • Brooksville, Florida  
(352) 796-7211

Southwest Florida  
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



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# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604

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

WaterMatters.org

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## Final Agenda

### GOVERNING BOARD MEETING

JULY 28, 2020

9:00 AM

#### Brooksville Office

2379 Broad Street, Brooksville, FL 34604

(352) 796-7211

*All meetings are open to the public.*

- Viewing of the Board meeting will be available through the District's website at [www.WaterMatters.org](http://www.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 on the District's web site: [www.WaterMatters.org](http://www.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



**9:00 A.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)**

1. *Call to Order*
2. *Invocation and Pledge of Allegiance*
3. *Additions/Deletions to Agenda*
4. *Public Input for Issues Not Listed on the Published Agenda*

**CONSENT AGENDA (TAB B)*****Finance/Outreach & Planning Committee***

5. Knowledge Management: Governing Board Committee Responsibilities and 110-1 Policies and Procedures Governing Board Policies
6. Budget Transfer Report

***Resource Management Committee***

7. FARMS – Bickett Holdings, LLC (H785), Charlotte County

***Regulation Committee***

8. Individual Water Use Permits Referred to the Governing Board
  - a. Water Use Permit No. 20012659.001 / Grassy Lake / Robert Sons, Carl Sons and Patty Sons (Polk County)

***Operations, Lands and Resource Monitoring Committee***

9. Green Swamp East Rock Ridge Road Cattle Lease Agreement, SWF Parcel No. 10-200-1280X
10. Purchase and Sale Agreement, Perpetual Conservation Easement, and Resolution Requesting Funds from the Florida Forever Trust Fund – Rocking Seven Ranch and Farms LLC, Upper Myakka Watershed (Flatford Swamp) Project, SWF Parcel No. 21-598-104C

***General Counsel's Report***

11. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
  - a. Authorization to Issue Administrative Complaint and Order – Travel Imagination, LLC – Unauthorized Construction – CT No. 403929 – Manatee County
  - b. Approval of Settlement Agreement Between SWFWMD and Minto Bradenton, LLC – Overpumpage – Water Use Permit No. 20012900.002 - CT No. 386256 - Manatee County
  - c. Governing Board Concurrence – Emergency Order No. SWF 20-027 – Emergency Measures Made Necessary by COVID-19
12. Rulemaking - None

***Executive Director's Report***

13. Approve Governing Board Minutes – June 23, 2020

**FINANCE/OUTREACH & PLANNING COMMITTEE (TAB C)*****Discussion***

14. Consent Item(s) Moved for Discussion
15. Investment Strategy Quarterly Update
16. Legislative Update
17. Fiscal Year 2021 Budget Development
18. Knowledge Management: Budget Authority Transfer of Funds Governing Board Policy

***Submit & File Reports***

19. Office of Inspector General Quarterly Update – April 1, 2020 to June 30, 2020

***Routine Reports***

20. Treasurer's Report and Payment Register
21. Monthly Financial Statement
22. Monthly Cash Balances by Fiscal Year
23. Comprehensive Plan Amendment and Related Reviews Report

**RESOURCE MANAGEMENT COMMITTEE (TAB D)*****Discussion***

24. Consent Item(s) Moved for Discussion

- 25. Cooperative Funding Initiative Update
- 26. Polk Regional Water Cooperative West Polk Wellfield - Conceptual Design Third Party Review (N882)

***Submit & File Reports - None******Routine Reports***

- 27. Minimum Flows and Levels and Reservations Status Report
- 28. Significant Water Resource and Development Projects

**OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE (TAB E)*****Discussion***

- 29. Consent Item(s) Moved for Discussion
- 30. Acquisition of Mineral Interests and Closing of Escrow Account – Myakkahatchee Creek, SWF Parcel Nos. 21-694-102 and 21-694-103C

***Submit & File Reports***

- 31. Hydrologic Conditions Report

***Routine Reports***

- 32. Surplus Lands
- 33. Structure Operations
- 34. Significant Activities

**REGULATION COMMITTEE (TAB F)*****Discussion***

- 35. Consent Item(s) Moved for Discussion
- 36. Denials Referred to the Governing Board

***Submit & File Reports - None******Routine Reports***

- 37. Individual Permits Issued by District Staff
- 38. Overpumpage Report

**GENERAL COUNSEL'S REPORT (TAB G)*****Discussion***

- 39. Consent Item(s) Moved for Discussion

***Submit & File Reports - None******Routine Reports***

- 40. July 2020 Litigation Report
- 41. July 2020 Rulemaking Update

**COMMITTEE/LIAISON REPORTS (TAB H)**

- 42. Environmental Advisory Committee

**EXECUTIVE DIRECTOR'S REPORT (TAB I)**

- 43. Executive Director's Report

**CHAIR'S REPORT (TAB J)**

- 44. Chair's Report
- 45. Employee Milestones

\*\*\* **RECESS PUBLIC HEARING** \*\*\*

## ADJOURNMENT

The Governing Board may take action on any matter on the printed agenda including such items listed as reports, discussions, or program presentations. The Governing Board may make changes to the printed agenda only for good cause as determined by the Chair, and stated in the record.

If a party decides to appeal any decision made by the Board with respect to any matter considered at a hearing or these meetings, that party will need a record of the proceedings, and for such purpose that party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you wish to address the Board concerning any item listed on the agenda or an issue that does not appear on the agenda, please fill out a speaker's card at the reception desk in the lobby and give it to the recording secretary. Your card will be provided to the Chair who will call on you at the appropriate time during the meeting. When addressing the Board, please step to the podium, adjust the microphone for your comfort, and state your name for the record. Comments will be limited to three minutes per speaker. In appropriate circumstances, the Chair may grant exceptions to the three-minute limit.

The Board will accept and consider written comments from any person if those comments are submitted to the District at Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899. The comments should identify the number of the item on the agenda and the date of the meeting. Any written comments received after the Board meeting will be retained in the file as a public record.

# GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective November 26, 2019

OFFICERS	
Chair	Mark Taylor
Vice Chair	Michelle Williamson
Secretary	Joel Schleicher
Treasurer	Kelly S. Rice

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
James G. Murphy, Chair
Jack Bispham

RESOURCE MANAGEMENT COMMITTEE
Rebecca Smith, Chair
Roger Germann

REGULATION COMMITTEE
Joel Schleicher, Chair
Michelle Williamson

FINANCE/OUTREACH AND PLANNING COMMITTEE
Kelly S. Rice, Chair
Seth Weightman

*\* 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	Roger Germann
Industrial Advisory Committee	James G. Murphy
Public Supply Advisory Committee	Kelly S. Rice (Temporary)
Well Drillers Advisory Committee	Seth Weightman

OTHER LIAISONS	
Central Florida Water Initiative	James Murphy
Springs Coast Steering Committee	Kelly S. Rice
Charlotte Harbor National Estuary Program Policy Board	Jack Bispham
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Roger Germann
Tampa Bay Regional Planning Council	Rebecca Smith

**Southwest Florida Water Management District Schedule of Meetings  
Fiscal Year 2020**

Updated 6/8/2020

**Governing Board Meeting**

October 22, 2019 – 9:00 a.m., Brooksville Office  
November 19, 2019 – 9:00 a.m., Tampa Office  
December 10, 2019 – 11:00 a.m., Brooksville Office  
January 28, 2020 – 9:00 a.m., Tampa Office  
February 25, 2020 – 9:00 a.m., Brooksville Office  
March 24, 2020 – 10:00 a.m., Brooksville Office (Audio Visual Communication)  
April 28, 2020 – 10:00 a.m., Brooksville Office (Audio Visual Communication)  
May 19, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)  
June 23, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)  
July 28, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)  
August 25, 2020 – 9:00 a.m., Brooksville Office  
September 22, 2020 – 3:00 p.m., Tampa Office

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

2020 – September 8 & 22

**Agricultural & Green Industry Advisory Committee – 10:00 a.m., Tampa Office**

2019 – December 3  
2020 – March 10 (canceled), June 9 (canceled), September 15

**Environmental Advisory Committee – 10:00 a.m., Tampa Office**

2019 – October 8  
2020 – January 14, April 14 (canceled), July 14 Brooksville Office (Audio Visual Communication)

**Industrial Advisory Committee – 10:00 a.m., Tampa Office**

2019 – November 5  
2020 – February 11, May 12 (canceled), August 11

**Public Supply Advisory Committee – 1:00 p.m., Tampa Office**

2019 – November 5  
2020 – February 11, May 12 (canceled), August 11

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

2019 – October 9  
2020 – January 8, April 8 (canceled), July 8

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

2020 – February 5 – Northern Region, Brooksville Office  
2020 – February 6 – Southern Region, Sarasota County Commission Chamber  
2020 – February 12 – Heartland Region, Bartow City Hall  
2020 – February 13 – Tampa Bay Region, Tampa Office  
2020 – April 1 – Northern Region, Brooksville Office (Audio Visual Communication)  
2020 – April 2 – Southern Region, Brooksville Office (Audio Visual Communication)  
2020 – April 8 – Tampa Bay Region, Brooksville Office (Audio Visual Communication)  
2020 – April 9 – Heartland Region, Brooksville Office (Audio Visual Communication)

**Public Meeting for Pending Permit Applications – 9:00 a.m., Tampa Office**

2019 – October 2, November 6, December 4  
2020 – January 8, February 5, March 4, April 1 (canceled), May 6 (canceled), June 3 (canceled), July 1, August 5, September 2

**Environmental Resource Permitting Advisory Group – 10:00 a.m., and  
Water Use Permitting Advisory Group – 2:00 p.m., Tampa Office**

2019 – October 30  
2020 – April 29 (canceled), July 22

**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  
Sarasota County Commission Chamber – 1660 Ringling Blvd. Sarasota, FL 34236  
Sarasota County Operations Center – 1001 Sarasota Center Blvd. Sarasota, FL 34240



# **Executive Summary**

## **GOVERNING BOARD MEETING**

**JULY 28, 2020**  
**9:00 a.m.**

### **CONVENE PUBLIC MEETING (TAB A)**

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **Additions/Deletions to Agenda**
4. **Public Input for Issues Not Listed on the Published Agenda**

### **CONSENT AGENDA (TAB B)**

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, the item(s) will be deleted from the Consent Agenda and moved to the appropriate Committee or Report for consideration.

#### **Finance/Outreach & Planning Committee**

5. **Knowledge Management: Governing Board Committee Responsibilities and 110-1 Policies and Procedures Governing Board Policies**

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed by the respective divisions.

The District's Knowledge Management initiative was launched in FY2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus since FY2018 has been on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

#### **Governing Board Committee Responsibilities Governing Board Policy**

The Governing Board Committee Responsibilities Governing Board Policy combines the following five Governing Board policies into one policy:

- 110-3 Governing Board Committee Responsibilities
- 110-3A Governing Board Committee Responsibilities Finance/Outreach & Planning Committee
- 110-3B Governing Board Committee Responsibilities - Regulation Committee
- 110-3C Governing Board Committee Responsibilities - Operations, Lands & Resource Monitoring Committee
- 110-3E Governing Board Committee Responsibilities - Resource Management Committee



The new policy identifies the overall tasks, or topics, over which each Committee has oversight. Some of the major changes to the new policy include having only one Statement of Policy at the beginning of the document, deleting the unnecessary bulleted lists of District policies over which each Committee has oversight and streamlining the Committees' tasks. Policies are assigned to Committees based on which topics the Committees cover.

#### 110-1 Policies and Procedures Governing Board Policy

As part of the District's Knowledge Management review process, the 110-1 Policies and Procedures Governing Board Policy was reviewed by the District's General Counsel and Inspector General. It was determined there was no legal need for the policy because the Board is already statutorily authorized to create policies. Staff determined that since there was no legal need for the policy and it does not provide any substantive policy direction, the policy is unnecessary and is being recommended for deletion.

Updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

#### Staff Recommendation:

- Staff recommends the Board replace Governing Board policies 110-3, 110-3A, 110-3B, 110-3C and 110-3E with the new Governing Board Committee Responsibilities Governing Board Policy.
- Staff recommends the Board delete the 110-1 Policies and Procedures Governing Board Policy.

#### **6. Budget Transfer Report**

Request approval of the Budget Transfer Report covering all budget transfers made during the month of June 2020.

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 regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

#### Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for June 2020.

#### **Resource Management Committee**

##### **7. FARMS – Bickett Holdings, LLC (H785), Charlotte County**

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Bickett Holdings, LLC and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$663,000 (72 percent of total project costs). Of this amount, \$663,000 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$915,000.

The District received a project proposal from Bickett Holdings, LLC for their 3,189-acre cattle and citrus operation located 16 miles east of Punta Gorda, in eastern Charlotte County, within the Southern Water Use Caution Area (SWUCA) and Shell, Prairie, and Joshua Creek watersheds (SPJC). This project will involve construction and operation of a four-acre surface water reservoir to collect tailwater and surface water from the farm property and surrounding watershed to offset Upper Floridan aquifer groundwater used in supplemental irrigation of 250 acres of citrus. The Water Use Permit (WUP) authorizes an annual average withdrawal of 2,316,000 gallons per day (gpd) to irrigate 2,205 acres of citrus, melon and feed crops.

FARMS project components consist of a surface water irrigation pump station with two pumps, filtration systems, valves, tailwater culverts and the piping necessary to connect the existing irrigation system.

The proposed project involves water quantity and water quality best management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated six percent savings of permitted quantities for daily irrigation, or 140,000 gpd, yields a daily cost of \$3.90 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and improved irrigation techniques for citrus grove operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of this project, the Governing Board will have \$4,358,021 remaining in its FARMS Program budget.

Staff Recommendation:

- 1) Approve the Bickett Holdings, LLC project for a not-to-exceed project reimbursement of \$663,000 with \$663,000 provided by the Governing Board;
- 2) Authorize the transfer of \$663,000 from fund 010 H017 Governing Board FARMS Fund to the H785 Bickett Holdings, LLC project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

**Regulation Committee**

**8. Individual Water Use Permits Referred to the Governing Board**

**a) Water Use Permit No. 20012659.001 / Grassy Lake / Robert Sons, Carl Sons and Patty Sons (Polk County)**

This is a renewal with modification of an existing water use permit for agricultural use. The modification combines 13 existing adjacent water use permits previously issued for irrigation of 348 acres of citrus and adds new irrigation quantities for 171 acres of historically existing unpermitted groves. The combined Annual Average increases from 558,229 gallons per day (gpd) to 814,800 gpd, the Peak Month increases from 2,732,892 gpd to 3,611,300 gpd, and the Crop Protection increases from 3,580,000 gpd to 23,583,700 gpd. The water use quantities are based on the District's agricultural irrigation demand model AGMOD for irrigation of 519 acres of citrus using low volume spray irrigation. The Permittee does not use Alternative Water Sources as none are currently available to the permit site. This permit is in the Central Florida Water Initiative (CFWI) Area.

Other Special Conditions include those that require the Permittee to record and report monthly meter readings from all withdrawal points and have all meters calibrated every 5 years, record and report freeze protection events, investigate feasibility of using reclaimed water if directed by the District, cap wells not in use, conduct geophysical logging of certain wells if the pumps are removed for maintenance, implement water conservation and best management practices, submit a mid-term report regarding progress with water conservation, modify the permit to reflect incorporation of any new alternative sources of water and be subject to the CFWI. The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

**Operations, Lands, and Resource Monitoring Committee****9. Green Swamp East Rock Ridge Road Cattle Lease Agreement, SWF Parcel No. 10-200-1280X**

Request the Governing Board approve the award of the Green Swamp East Rock Ridge Road Cattle Lease Request for Offers 20-04 (RFO), which covers approximately 450 acres in northeastern Polk County in the vicinity of Rock Ridge Road (the Property) to Lewis Jenkins, D.B.A. Jenkins Cattle LLC.(Lessee), and execute the resulting lease (Lease) on behalf of the District.

On May 22, 2020, the District advertised the RFO regarding the Property. The Property is comprised of approximately 143± acres of grazable Bahia grass pasture and is currently managed as a cow-calf operation. The other plant communities on the Property consist of approximately 307± acres of mesic hardwood hammock and South Florida flatwoods habitat. A general location map is included as Exhibit 1. The Property will be leased for cattle grazing (cow-calf) and haying purposes only.

The maximum stocking rate for the property is 37 Animal Units (an Animal Unit is one bull or one cow with or without one un-weaned calf). The Lessee may stock any number of Animal Units on the Property at or below the maximum without adjustment to the annual rent payment.

The term of the Lease is five years, with an option for the Lessee to request renewal for an additional term of five years. A copy of the Lease is included as Exhibit 2.

On June 2, 2020, a voluntary site visit was held with thirteen individuals attending. On June 11, 2020 eleven responses were received for RFO 20-04, with the highest offer being submitted by Lessee in the amount of \$23 per acre, for an annual lease amount of \$10,350. The Solicitation Recap Report is included as Exhibit 3.

The Lease will provide the District with income in the amount of \$10,350, while also requiring Lessee to perform certain land management functions. The Lessee is responsible for maintaining tropical soda apple control during the duration of the Lease, for fertilizing and otherwise maintaining the pasture areas, for maintaining fencing, and otherwise managing certain aspects of the Property. The Lease contains an indemnification clause by Lessee in favor of the District, and requires the Lessee to pay any ad valorem taxes assessed on the Property during the duration of the Lease

**Staff Recommendation:**

Approve the award of the Green Swamp East Rock Ridge Road Cattle Lease to Lewis Jenkins, D.B.A. Jenkins Cattle LLC., and execute the lease on behalf of the District.

**10. Purchase and Sale Agreement, Perpetual Conservation Easement, and Resolution Requesting Funds from the Florida Forever Trust Fund – Rocking Seven Ranch and Farms LLC, Upper Myakka Watershed (Flatford Swamp) Project, SWF Parcel No. 21-598-104C**

Request Governing Board approval of the Purchase and Sale Agreement for the acquisition of a conservation easement (Conservation Easement) over 1,158 acres of the Rocking Seven Ranch & Farms, L.L.C. (Rocking Seven) at a negotiated price of \$2,500,000, and the Governing Board Resolution requesting funds from the Florida Forever Trust Fund for the purchase. Maps of the proposed Conservation Easement are included as Exhibits 1 and 2 to this item. The Purchase and Sale Agreement and Conservation Easement will be provided at or prior to the Governing Board meeting.

The Flatford Swamp, which is owned by the District, is an important surface water feature for

the headwaters of the Myakka River corridor. There are several tributaries that flow into Flatford Swamp and then out into Myakka River, which then flows into Charlotte Harbor. The Flatford Swamp has been adversely impacted by hydrologic alterations and excess agricultural runoff from groundwater irrigation in the watershed. The District has been evaluating options to restore Flatford Swamp to a more natural hydroperiod and utilize the excess water that has impacted it for beneficial use in the Southern Water Use Caution Area also known as the SWUCA.

The eastern boundary of the Conservation Easement abuts the District's Flatford Swamp ownership and Ogleby Creek, a main tributary of the Myakka River, runs through it. The purchase of the Conservation Easement will create a linkage of conservation areas between State and the District lands. The property will protect and buffer the Flatford Swamp from additional encroachments and benefits the Myakka River by further protecting Ogleby Creek and its associated floodplain.

Rocking Seven has been identified in the District's Florida Forever Work Plan and meets all four of the District's Areas of Responsibility. The property is a critical link within a regional wildlife corridor connecting conservation lands along the Myakka River and its tributaries, with conservation lands in the Manatee River and Little Manatee River watersheds. The property has a high diversity of quality natural communities. The Conservation Easement would help protect and maintain the quality and natural functions of land, water, and wetlands systems of the State.

The entire Rocking Seven property consists of approximately 1,158 gross acres of which 74 percent, or 858 acres, are uplands and 26 percent, or 300 acres, are wetlands. Ten acres of the property are being reserved as a home site and this area has not been included in the purchase price. The property is zoned A (General Agriculture District) by Manatee County with a Land Use designation of AG-R (Agricultural Rural). The property has been in the same ownership since 1999. The property is currently used for cattle ranching and has an agricultural tax exemption. The Manatee County Property Appraiser has a total Just Value for the property of \$1,444,412, or \$1,247 per gross acre, and the current assessed value is \$253,074, or \$219 per gross acre.

For the valuation of the property, the District obtained two independent appraisals along with an independent review of each. The appraisals were prepared by Ron Sparks, MAI, dated July 30, 2019, and Joseph String, MAI, also dated July 30, 2019. Both appraisals were reviewed by Herr Valuation Advisors, Inc. to assure that they are factually sound, meet District and industry standards, and that the assumptions used to make the value determinations are reasonable. Each of the appraisal reports are available upon request.

	Fee Value	Easement Value	Easement % of Fee Value
<b>String Appraisal</b>	\$4,820,000	\$2,685,000	56%
	\$4,180/acre	\$2,329/acre	
<b>Sparks Appraisal</b>	\$4,700,000	\$2,515,000	54%
	\$4,076/acre	\$2,181/acre	
<b>Average Price</b>	\$4,760,000	\$2,600,000	55%
	\$4,128/acre	\$2,255/acre	
<b>Negotiated Price</b>	N/A	\$2,500,000	53%
		\$2,168/acre	

Rocking Seven declined the District's initial offer of \$2,306,000 dated February 26, 2020 for a conservation easement and countered at \$2,750,000. After further consideration, the District made a second offer of \$2,500,000 on May 6, 2020, which was verbally accepted by Rocking Seven. The final purchase price will be adjusted based on the total acreage determined by a boundary survey. The Conservation Easement terms also include the ability for the District to implement a water diversion project to restore the hydroperiod of the Flatford Swamp and improvement of groundwater levels in the Southern Water Use Caution Area. The negotiated price is 53 percent of the fee simple value and 96 percent of the average appraised value. The price per acre for the easement in relation to the fee simple value of the property is within the range typically negotiated.

The following is a summary of the terms negotiated in the Purchase and Sale Agreement between the District and Rocking Seven:

- Rocking Seven agrees to deliver a conservation easement free of all encumbrances objectionable to the District.
- The District will obtain a Phase I Environmental Site Assessment report prior to closing.
- The District will obtain a Baseline Natural Resources Inventory report and Range Management Plan for the encumbered property before closing.
- Rocking Seven will obtain a Boundary Survey prepared to District requirements, the cost of which will be reimbursed to Rocking Seven by the District at closing.
- Rocking Seven is responsible for all tax assessments prorated through the date of closing.

The Conservation Easement over 1,158 acres will protect the existing condition of the property, and will allow continued agricultural use compatible with conservation values to be protected. A Baseline Natural Resources Inventory Report together with a Range Management Plan will be obtained to document the current conditions of the property at the time of closing. The terms of the Conservation Easement will also allow the District to

implement a project to improve the hydroperiods of the Flatford Swamp and use the excess water to benefit the SWUCA.

This acquisition meets all the requirements within the Governing Board Policy for Land Acquisition. This acquisition benefits water resources and enhances the District's previous investment made to acquire the Flatford Swamp, which adjoins this property. The purchase of this Conservation Easement will protect property that contributes significantly to water supply, flood protection, water quality and natural systems. The Conservation Easement will allow the existing agriculture operations to continue and the property will remain on the County tax rolls. The District will incur a minor increase in operational costs associated with monitoring compliance with the terms of the Conservation Easement but not those associated with ongoing management of the property.

Funds for this acquisition are available from prior year allocations held by the State of Florida in the Florida Forever Trust Fund and are budgeted in the District's FY20 budget. To receive the appropriated funds, the Governing Board must adopt a resolution requesting payment of District expenditures from the Land Acquisition Trust Fund. Accordingly, a resolution has been prepared requesting the Florida Department of Environmental Protection release the appropriated funds, attached as Exhibit 3 (Resolution Number 20-08).

Staff Recommendation:

- Accept the appraisals for the Conservation Easement;
- Approve the Purchase and Sale Agreement and authorize the Executive Director or designee to sign on the behalf of the District;
- Approve and adopt Resolution 20-08 requesting funds from the Florida Forever Trust Fund for the acquisition of the Conservation Easement (SWF Parcel No. 21-598-104C);
- Authorize the Chairman and Secretary to execute the Conservation Easement on behalf of the District;
- Designate SWF Parcel No. 21-598-104C as having been acquired for conservation purposes;
- Authorize staff to make minor changes or corrections to conform documents or correct scrivener errors; any substantive changes will be subject to Governing Board review and approval; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**General Counsel's Report**

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

**a. Authorization to Issue Administrative Complaint and Order – Travel Imagination, LLC – Unauthorized Construction – CT No. 403929 – Manatee County**

Travel Imagination, LLC (Property Owner) owns property located at 5517 Lorraine Road Bradenton, Florida, 34211 (Property). Frederick Jackson (Jackson) owns real property located at 5427 Lorraine Road Bradenton, Florida 34211 (Jackson Property). On April 18, 2019, the District received a complaint that unauthorized construction activities were occurring on both Properties. District staff conducted a site inspection to determine whether activities requiring District authorization had occurred. During the site inspection, District staff observed that construction of a recreational and boat parking facility had occurred on both Properties that included the placement of fill, land clearing, earthwork, and the addition of impervious and semi impervious surfaces. Additionally, fill was placed

within the 100-year floodplain (FEMA floodplain). District staff determined that the Property Owner was responsible for the unauthorized construction activities, and they identified actions necessary to remediate the unauthorized impacts.

On May 17, 2019 and November 25, 2019, District staff issued a Notice of Unauthorized Activities to the Property Owner that identified the violations and the necessary corrective actions. A proposed Consent Order addressing the compliance issues was sent to the Property Owner on May 15, 2020. The Property Owner subsequently met with District staff to discuss options whereby the unauthorized impacts could be corrected. To date, the Property Owner has not agreed to correct the violations. As a result, District staff now seeks authorization issue an Administrative Complaint and Order to address the unauthorized construction violations.

Staff Recommendation:

- 1) Authorize District staff to issue an Administrative Complaint and Order to Travel Imagination, LLC to obtain compliance with state law and 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 against Travel Imagination, LLC to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.

**b. Approval of Settlement Agreement Between SWFWMD and Minto Bradenton, LLC – Overpumpage – Water Use Permit No. 20012900.002 - CT No. 386256 - Manatee County**

Minto Bradenton, LLC (“Minto”), is the developer of a residential community in Manatee County known as Perico Island Development, or Harbour Isle (Development). Minto holds Water Use Permit (WUP) No. 20012900.002, that authorizes groundwater withdrawals at the Development of 130,500 gallons per day (gpd) on an annual average basis, 150,100 gpd on a drought annual average basis, and 416,000 gpd on a peak month basis. The Development uses those groundwater quantities for the irrigation of approximately 45 acres of lawn and 18 acres of sports playing fields, for a total of 63 acres.

On December 21, 2017, and February 12, 2018, District staff issued Minto a Notice of Non-Compliance advising that its annual average pumped quantities exceeded the permitted annual average quantity. On March 12, 2018, Minto agreed to submit and follow a corrective action plan aimed at bringing its pumping into compliance with the WUP. The corrective action plan was submitted on July 9, 2018. Minto followed the corrective action plan and reduced quantities utilized onsite until nearly in compliance on November 29, 2018, when Minto notified District staff that some resodding and plant replacement was needed and to anticipate additional pumpage over the next several months. However, even with that additional pumpage subtracted as a one-time use, Minto continued to exceed its permitted quantities and in February 2020, the matter was referred to the District’s Office of General Counsel.

The District issued Minto a Notice of Violation and proposed Consent Order, that included penalties and enforcement costs totaling \$11,060.78, and required Minto to submit and follow a plan to bring its pumping back into compliance. Thereafter, Minto and the District engaged in discussions aimed at resolving this matter without additional enforcement action or litigation. During the pendency of those negotiations, Minto’s May 2020 pumpage data indicated that Minto was no longer overpumping. Minto has agreed to a Settlement



Agreement that requires Minto to pay to the District \$11,060.78 in penalties and enforcement costs. In return, the District will not pursue further enforcement action related to the overpumpage described above.

Staff Recommendation:

- 1) Approve the Settlement Agreement.
- 2) Authorize District staff to pursue additional measures to obtain compliance with the terms and conditions of the Settlement Agreement, including filing any appropriate actions in circuit court, if necessary.

**c. Governing Board Concurrence – Emergency Order No. SWF 20-027 – Emergency Measures Made Necessary by COVID-19**

On June 1, 2020, the District's Executive Director issued the Second Amended and Restated Emergency Order No. SWF 20-023 (Second Amended and Restated Emergency Order) in accordance with the Governor's Executive Order Nos. 20-52 and 20-114 declaring a state of emergency throughout Florida due to the Novel Coronavirus Disease 2019 (COVID-19). The Second Amended and Restated Emergency Order extended the duration of Emergency Order No. SWF 20-020 through July 7, 2020, and provided for the following narrowly tailored measures to assist the immediate need for action:

- Extension of permitting deadlines.
- Temporary closure of public buildings and facilities.
- Provision for conducting public meetings exclusively through audio/visual technology.

The Governor's Executive Orders and Section 373.119, Florida Statutes, authorize local agencies and governments to take actions necessary to meet the 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 June 23, 2020, the District's Governing Board concurred with the Executive Director's findings and approved the Second Amended and Restated Emergency Order.

On July 7, 2020, the Governor issued Executive Order No. 20-166 to extend the declaration of emergency due to COVID-19 through September 5, 2020. The District's Executive Director and staff have similarly found that an extension of the District's Second Amended and Restated Emergency Order is necessary to meet the ongoing public health emergency. As a result, the Executive Director issued the Third Amended and Restated Emergency Order No. SWF 20-027 (Emergency Order 20-027) on July 7, 2020 to extend the duration of the Second Amended and Restated Emergency Order through September 5, 2020. The September 5, 2020 expiration date is consistent with the expiration date of both the Governor's Executive Orders and the Department of Environmental Protection's Third Amended and Restated Emergency Order No. 20-0239.

Section 373.119 also requires the District's Governing Board to concur with the findings and conclusions in Emergency Order 20-027. If approved, Emergency Order 20-027 would remain in effect until September 5, 2020, unless terminated or extended by further order.

Staff Recommendation:

Approve the Third Amended and Reinstated Emergency Order No. SWF 20-027 and concur with the Executive Director's determinations regarding the state of emergency and the actions necessary to meet the emergency.

**12. Rulemaking – None****Executive Director's Report****13. Approve Governing Board Minutes – June 23, 2020**

Staff Recommendation:

Approve minutes as presented.

**FINANCE/OUTREACH & PLANNING COMMITTEE (TAB C)****Discussion****14. Consent Item(s) Moved for Discussion****15. Investment Strategy Quarterly Update**

Provide quarterly update of the investment portfolio.

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 September 30th 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 June 30, 2020.

**16. Legislative Update**

On June 29, 2020, Governor Ron DeSantis signed the Fiscal Year 2020-2021 state budget. The budget totals \$92.2 billion and includes more than \$1 billion in vetoed spending.

Within the state budget, funding allocated to the District includes \$2,250,000 for land management from the Land Acquisition Trust Fund, a portion of \$40,000,000 for Alternative Water Supply projects and a portion of \$50,000,000 for Springs projects. The presentation will highlight funding that the District receives from the state and how that impacts the District's Fiscal Year 2020-2021 budget.

In addition to the state budget, District staff track proposed legislation that could impact the water resources or District activities.

Staff will provide information on this year's successful legislation and its impact to the District.

Staff Recommendation:

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

**17. Fiscal Year 2021 Budget Development**

- a. FY2021 Budget Update
  - b. Adoption of Proposed District Millage Rate for FY2021
  - c. Approval of August 1 Standard Format Tentative Budget Submission
- 
- a. Provide an update on budget changes that have been made since the FY2021 Recommended Annual Service Budget (RASB).
  - b. Report the results of the July 1 certifications of taxable value from the District's 16 county property appraisers and recommend adoption of a proposed FY2021 millage rate.
  - c. Request approval to submit the District's Tentative Budget to the Executive Office of the Governor (EOG), Department of Environmental Protection (DEP), Florida Legislature and other parties, as required by statute, for delivery by August 1, 2020.

In June, staff submitted the FY2021 RASB to the Governing Board for consideration. The RASB document included underlying revenue and expenditure tables, variance analysis, and detailed project descriptions for all District projects. On June 23, staff provided an overview of the RASB to the Governing Board including revenues and expenditures by category, program area, and area of responsibility. Following discussion of the budget, the Governing Board took action to authorize staff to (1) prepare the Standard Format Tentative Budget Submission for FY2021 based on the RASB as presented, adjusted for Governing Board actions at the meeting; (2) reflect the final estimated ad valorem revenue based on the July 1 certifications of taxable value, and (3) add any additional funding provided by the state.

On July 28, staff will provide a budget update to the Governing Board including the certifications of taxable value and the proposed FY2021 millage rate for adoption, which must be certified to the county property appraisers by August 4. The proposed millage rate is the rate that will be used for Truth in Millage (TRIM) Notices of Proposed Property Taxes. Prior to the July 28 Governing Board meeting, staff will provide Board members with a draft of the August 1 Standard Format Tentative Budget Submission for FY2021 for consideration to approve for submission by August 1 pursuant to s. 373.536 Florida Statutes (F.S.).

The District's FY2021 budget will be adopted in September following two public TRIM hearings. The first hearing is scheduled for September 8, 2020 at 5:01 p.m. at the Tampa Office. Written disapproval of any portion of the budget must be received from the EOG or the Legislative Budget Commission at least five business days prior to the final budget adoption hearing. The second and final hearing is scheduled for September 22, 2020 at 5:01 p.m., also at the Tampa Office.

**a. FY2021 Budget Update**

Staff will review budget changes approved at the June 23, 2020 Governing Board meeting Packet and proposed budget changes that have occurred since June 23. If approved, the proposed budget changes presented at the July 28, 2020 Governing Board meeting will be incorporated in the August 1 Standard Format Tentative Budget Submission.

Budget changes since the FY2021 RASB reducing the proposed budget by \$42,177 from \$179,117,046 to \$179,074,869:

***Expenditure Budget:***

- Cooperative Funding decreased by \$42,177 for the District's share of the Polk Regional Water Cooperative - Demand Management Implementation project (Q187). On June 23, the Governing Board approved utilizing \$84,355 in state appropriation dollars, offsetting both the District's and PRWC's share equally for the \$168,710 project.

*Revenue Budget:*

- Ad valorem tax revenue increased by \$24,721 based on July 1 certifications of taxable value from the 16 county property appraisers and adjustment of the millage rate to the rolled-back rate of 0.2669 mill.
- Balance from Prior Years decreased by \$66,898 to balance the budget.

**b. Adoption of Proposed District Millage Rate for FY2021**

Staff will present the certifications of taxable value and the proposed FY2021 District millage rate, in compliance with s. 373.503, F.S., and s. 200.065, F.S. Overall taxable property values in the District increased by 7.55 percent. Of the increase, 4.87 percent is related to existing property values and 2.68 percent is related to new construction. The rolled-back millage rate, based on s. 200.065, F.S., equates to 0.2669, which is 4.7 percent less than the rate of 0.2801 adopted for FY2020. Based on the July 1 certifications of taxable value and the rolled-back millage rate, staff has increased ad valorem revenue by \$24,721 to \$115,957,364. Staff will recommend the Governing Board adopt Resolution No. 20-09, Adoption of Proposed Millage Rate for Fiscal Year 2021. A copy of the draft resolution is attached as an exhibit to this Item.

**c. Approval of August 1 Standard Format Tentative Budget Submission**

Staff requests approval to submit the Standard Format Tentative Budget Submission for FY2021 to the EOG, DEP, Florida Legislature, and other parties, as required by statute, for delivery by August 1, 2020. The draft report reflects the FY2021 RASB, adjusted for the changes discussed in item a. above for a total budget of \$179,074,869.

Exhibit of the draft *Standard Format Tentative Budget Submission* will be provided separately.

**Staff Recommendation:**

- Approve the budget changes presented at the July 28, 2020 Governing Board meeting.
- Approve Resolution No. 20-09, Adoption of Proposed Millage Rate for Fiscal Year 2021.
- Approve the August 1 submittal of the Standard Format Tentative Budget Submission for FY2021.

**18. Knowledge Management: Budget Authority Transfer of Funds Governing Board Policy**

As part of the District's Knowledge Management initiative, all the District's Governing Board policies are being reviewed by their respective divisions.

The District's Knowledge Management initiative was launched in fiscal year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing, and leveraging the organization's data, information, and processes. The focus in FY2020 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

Staff performed a review of the Budget Authority Transfer of Funds Governing Board Policy and deemed it necessary to update. The following are the proposed modifications to the existing policy:

- 1.) Transfer of funds requiring prior board approval that changes the original intent increased from greater than \$50,000 to greater than \$75,000.

- 2.) Transfer of funds not requiring prior board approval, previously reported on the Consent Agenda will be reported as Submit and File.

Updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

Staff Recommendation:

This item is presented for the Board's information and no action is requested. The attached revised Budget Authority Transfer of Funds Policy will be included as a consent item in the August 2020 Board packet and approval will be requested at that time.

**Submit & File Reports**

**19. Office of Inspector General Quarterly Update – April 1, 2020 to June 30, 2020**

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.

**Routine Reports**

*The following items are provided for the Committee's information, and no action is required.*

**20. Treasurer's Report and Payment Register**

**21. Monthly Financial Statement**

**22. Monthly Cash Balances by Fiscal Year**

**23. Comprehensive Plan Amendment and Related Reviews Report**

<b>RESOURCE MANAGEMENT COMMITTEE (TAB D)</b>
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**Discussion**

**24. Consent Item(s) Moved for Discussion**

**25. Cooperative Funding Initiative Update**

The purpose is to provide an update on the status of the fiscal year (FY) 2022 Cooperative Funding process and an overview of third-party review, cost increases and contingency.

The Cooperative Funding Initiative (CFI) application deadline for FY2022 is Friday, October 2, 2020. District staff will host a workshop on Thursday, August 6, 2020 from 10:00 to 11:30 a.m. At the workshop, District staff will review the application process, discuss program updates, and answer specific project-related questions.

Several updates have been made for the FY2022 funding cycle to include CFI application system changes, electronic signature consent, revised Cooperative Funding Agreements (CFAs), application guidelines and staff evaluation guidelines. The CFI application system will be replaced with a new system to improve web browser compatibility and streamline data transfer from the application system to the existing project management information system. The CFA templates have been updated and streamlined to ease development and review of CFAs. Additionally, electronic signatures on CFAs will be implemented through DocuSign. Lastly, the CFI application guidelines and evaluation guidelines have been updated to reflect necessary changes identified during the prior funding cycle.

In accordance with the Cooperative Funding Initiative Policy 130-4, third-party reviews (TPR) are conducted on construction projects estimated to cost over \$5,000,000. The TPR is to

confirm the project cost, schedule, and ability to meet the proposed resource benefit. Staff may also recommend a TPR for complex projects that are estimated to cost between \$1,000,000 and \$5,000,000. Typically, a project that is subject to a TPR is initially approved by the Governing Board for funding through 30 percent design and the TPR. There is no commitment for funding beyond the 30 percent design and TPR. When the 30 percent design and TPR are completed, staff will complete a new CFI project evaluation. The evaluation criteria include project resource benefits, cost estimates, cost effectiveness, cooperator performance, and project readiness. The results and a staff recommendation are presented to the Governing Board for consideration as to whether to continue to fund the project or not. Governing Board approval is required before the project can proceed to final design or construction.

Outside of the TPR process, when a cooperator requests additional funding beyond the board approved budget, cost increase guidelines for CFI projects are used. Staff will give a brief overview of the guidelines.

For most cooperators, it is standard practice to include a contingency line item in their construction contract with their project contractor. Prior to recommending reimbursement for the use of contingency funds, District staff conduct a detailed review to assess the need for the contingency item and the reasonableness of the cost. District staff plan to update the CFI guidelines for FY2022 to include a maximum allowable contingency for CFI projects. There is currently no limit, but generally contingency has been 10 percent or less on CFI projects. Benefits of establishing a threshold on contingency for CFI projects include better cost control and potentially improved designs, specifications and requests for bid. District staff have been discussing a five percent threshold with cooperators, along with improvements to the process for submitting and reviewing contingency items.

Staff Recommendation:

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

**26. Polk Regional Water Cooperative West Polk Wellfield - Conceptual Design Third Party Review (N882)**

The purpose of this item is to provide the results of the project's first third-party review (TPR) on the brackish well feasibility study and conceptual design of a reverse osmosis (RO) facility and regional transmission system, and to request Governing Board approval to continue executing the cooperative funding agreement (CFA) for preliminary design and a second TPR.

Polk County and the municipal utilities within Polk County primarily utilize traditional groundwater supplies to meet their water supply demand. Polk County lies within the Southern Water Use Caution Area (SWUCA) and the Central Florida Water Initiative (CFWI) where traditional water sources are nearing their sustainable limits and alternative water sources need to be developed to meet the projected demands. As a result, Polk County and the municipalities within Polk County, with the District's encouragement, have created a regional water supply entity, the Polk Regional Water Cooperative (PRWC), to develop future alternative water supplies (AWS). The West Polk Wellfield project is one of four PRWC projects that are utilizing funds from District Resolution 15-07 for the feasibility and design of new AWS sources.

The West Polk Wellfield Project is being designed to provide 5.0 million gallons per day (mgd) of AWS in its initial phase, with five incremental expansions up to a total of 15 mgd, and transmission systems to deliver AWS to multiple PRWC member utility systems. The District Governing Board discussed the project and approved initial funding at its April 2017 meeting.

The current Cooperative Funding Agreement (CFA) project phase consists of the design, permitting, and construction of a Lower Floridan aquifer test/production well study; the conceptual design, pilot testing, and preliminary design of a water treatment facility; and conceptual and preliminary design of a regional transmission system. The CFA requires two District third-party reviews (TPRs) at the conceptual design (feasibility) and preliminary design (30 percent) stages, and Governing Board authorization is required to proceed with the project following each TPR. The conceptual design (feasibility) TPR was conducted in May/June 2020 and reviewed the PRWC's formal drafts of the Test Well Completion Report, Injection Wells Conceptual Design Memo, Projected Water Quality Modeling Memo, Water Production Facility Conceptual Design Report, and Transmission Conceptual Routing Analysis. The documents and findings of the TPR are discussed below. The PRWC is incorporating TPR suggestions in the final copies of the reports.

The West Polk Wellfield Test Well Completion Report describes the drilling and testing study that was conducted at a 14-acre property adjacent to the City of Lakeland's T.B. Williams Water Production Facility and was completed in January 2020. Objectives of the study were to determine productivity, groundwater quality, hydraulic properties, evaluate confinement between the Upper Floridan and Lower Floridan aquifers; and evaluate the potential injection zone below the production zone for RO concentrate disposal. The TPR found the testing study to be thorough and accomplished the stated goals.

The Injection Wells Conceptual Design Memo reviews the confinement for the deep injection zone below the Lower Floridan Confining Unit (LFCU), Underground Injection Control (UIC) permitting rules and guidelines with the FDEP and identified potential issues. The TPR found the study to be thorough and recommended further testing to evaluate the confidence related to confinement for the injected water.

The Projected Water Quality Modeling Memo describes the groundwater modeling tools and scenarios used to determine the raw water quality expected at startup and in the future from planned withdrawals at the West Polk Wellfield to support the design of the water treatment facility. The TPR reviewed both the report and the parameters of the groundwater simulation model. The TPR found the methods to be a reasonable approach for the current stage of the design process. The Modeling Memo summarized results of 26 modeling runs and predicted a raw water Total Dissolved Solids (TDS) of 3,200 to 4,700 mg/l after 30 years of full-capacity use. The TPR suggested two additional scenarios that the PRWC team tested. The additional scenarios did not impact the report conclusions. The additional scenarios and other suggested edits will be included in the final Modeling Memo.

The Water Production Facility Conceptual Design Report was reviewed for its assumptions of brackish raw water chemistry, RO treatment system methods, finished water quality and posttreatment systems, and pipelines for raw water intake and concentrate disposal. The TPR evaluated the anticipated pH, corrosion control, and chloride and sulfate levels to predict compatibility with customer utility systems and provided recommendations for the future stages of design. The TPR found the methods of design to be appropriate for the conceptual stage. The PRWC concurred with multiple suggestions (including additional water quality blending analysis) which will be incorporated during preliminary design.

The Transmission Conceptual Routing Analysis Report developed options for regional water delivery to PRWC member customers. Several transmission routes were evaluated with a nine-criteria ranking system. The recommended transmission system would provide direct supply from the West Polk Wellfield to the City of Lakeland with water wheeling to Auburndale,



Polk City and Polk County's northwestern utility service area. The TPR suggested additional considerations regarding surge analysis, assurance of blending compatibility with local water systems, easement acquisitions, and materials. The PRWC concurred with suggestions and will consider them during preliminary design. The TPR found the techniques used were appropriate for the current level of design.

Detailed construction schedules were not required or included with the conceptual design reports for the water production facility or transmission systems; however, the reports stated a goal of having the AWS available by 2027 achievable. The TPR noted this goal was reasonable and provided additional considerations to help meet this goal.

The TPR evaluated the conceptual cost opinions provided for the Water Production Facility and Transmission System. Most direct cost items were determined to be reasonable assumptions or based on market prices. The conceptual cost estimations utilize multiple percentage markups for non-direct items like contingency, general conditions, site work, etc. The TPR recommended using a consistent contingency of 30 percent of direct costs at this conceptual stage of design. The PRWC has updated the conceptual cost opinions and the revised estimates are shown in Table 1 based on 2019 dollars. The cost opinions will continue to evolve and will become more focused in the preliminary and later design phases.

TABLE 1. West Polk Wellfield - Conceptual Cost Opinion at initial and full phases.

Project Component	Initial 5.0 mgd capacity	Future 15.0 mgd capacity (Cumulative Total)
Water Production Facility	\$75,997,000	\$147,298,000
Regional Transmission System	\$14,380,000	\$24,417,000
Combined Capital Cost	\$90,377,000	\$171,715,000

The TPR engineering team reviewed the project design for consistency with industry standards and feasibility to meet its intended purpose. The TPR report concludes that the conceptual design is feasible and consistent with the parameters of similar systems. The continuation of the project will provide the PRWC with preliminary design reports for the water production facility and regional transmission system including more refined opinions of cost, a second TPR to support future cooperative funding applications for final design and construction phases, as well as a preliminary water rate analysis for PRWC member customers. The current CFA total cost is \$8,940,734, with the District share \$4,470,367. The District share was fully budgeted in FY2018 through a transfer of Resolution 15-07 funds.

**Staff Recommendation:**

**Authorize staff to continue with the project preliminary design phase and a second third-party review in accordance with the cooperative funding agreement.**

**Submit & File Reports – None**

**Routine Reports**

- 27. Minimum Flows and Levels and Reservations Status Report
- 28. Significant Water Resource and Development Projects

**OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE (TAB E)****Discussion****29. Consent Item(s) Moved for Discussion****30. Acquisition of Mineral Interests and Closing of Escrow Account – Myakkahatchee Creek, SWF Parcel Nos. 21-694-102 and 21-694-103C**

Request acceptance by the Governing Board of certain outstanding mineral interests from the Mabry Carlton Ranch (Carlton Ranch) and approval of the joint acquisition by the District, Sarasota County (County) and Carlton Ranch of a small portion of remaining outstanding mineral interests. These actions would resolve and close the escrow account established at the time of the original acquisition and provide the District and County clear title for Carlton Ranch.

Certain property (Property) was acquired in December 2007 through a partnership with the County including fee simple interest in 4,746 acres and a conservation easement over an additional 7,630 acres owned by the Carlton Ranch (Exhibit 1). At the time of closing on the Property, there were outstanding mineral interests owned by third parties which encumbered the entire 4,746 acres acquired in fee simple and 4,838 acres of the conservation easement. Due to the outstanding mineral interests and several other contractual conditions, an escrow agreement (Escrow Agreement) was entered into by the parties at the time of closing to ensure, among other things, that the outstanding mineral interests on the Property would be acquired by Carlton Ranch after closing and delivered to the District and County.

The Escrow Agreement was amended and extended six times since the closing on the Property, and that sixth amendment expired on December 12, 2018 (Exhibit 2) with no provision therein for automatic renewal or extension. At present, \$2,500,000 remains in escrow pursuant to the expired Escrow Agreement. Carlton Ranch has obtained the majority of the outstanding mineral interests and is in the process of conveying those interests to the District and the County. However, 2.604 percent of the mineral interests pertaining to the Property remain outstanding.

The outstanding mineral interests are held by two owners, Patricia M. Kranzlein (2.083 percent) and SC Property Tax Ventures (0.521 percent). Subject to Governing Board approval, through negotiations required prior to institution of eminent domain proceedings, Patricia M. Kranzlein has agreed to accept the sum of \$40,000 for her 2.083 percent interest, and SC Property Tax Ventures has agreed to accept the sum of \$12,000 for their 0.521 percent interest, for a total purchase price of \$52,000.

The outstanding mineral interests pertaining to the Property have been severed from the Property meaning they have independent value and they are currently not listed for sale by the owners. They are not tied to specific acreage and do not comprise a controlling interest, and this valuation reflects those conditions. Purchases of mineral interests are infrequent and often involve considerations that are atypical to market value, have terms negotiated on a confidential basis, and often reflect the desire or need on the part of a buyer to purchase the specific interests or the necessity to clear title for a subsequent sale, so prices paid may or may not be reflective of their market value.

The sales and values of mineral interests for properties that can be tracked have been relatively stable for many years in the \$200 to \$400 per acre range. The most comparable of the transactions range from \$139.66 to \$214.13 per acre with the average for these transactions at \$184.78 per acre. The total purchase price for the mineral interests of \$52,000 equates to \$173.33 per acre.

The total purchase price for the mineral interests of \$52,000 includes the entire 4,746 acres acquired in fee simple and 4,838 acres of the conservation easement plus 1,936 acres owned by Carlton Ranch and not acquired by the District and County. Carlton Ranch has made an offer of \$32,000, including \$7,000 towards the value of the mineral interests and \$25,000 to offset any administrative expenses, to resolve the issue. The negotiated purchase price of \$52,000 for the outstanding mineral interests leaves a balance of \$20,000 outstanding. The County has indicated in writing (Exhibit 3), a willingness to contribute the sum of \$10,000 towards the remaining balance of \$20,000, with an expectation that the District would also contribute \$10,000. Approval of the purchase pursuant to these terms requires approval by both the District Governing Board and the Sarasota County Board of County Commissioners.

Acquisition of the outstanding mineral interests eliminates the possibility of future claims on the Property by owners of those interests. The Escrow Agreement provides that the funds specified therein would be held for reimbursement to the District and Sarasota County for acquisition of the remaining mineral interests through eminent domain should Carlton Ranch fail to do so, however, exercising this right will take considerable time and staff effort. The payment of \$10,000 each by the District and Sarasota County would quickly and efficiently provide the District and County clear title and resolve the Escrow Agreement. The District and the County could opt to take no action and accept the mineral interest exceptions in the title to the property; however, the intention of the District and County at the time of acquisition was to obtain clear title on the Carlton Ranch. Additionally, accepting the mineral interest exceptions is not the recommended option due to current opportunity to acquire the remaining interests utilizing, in part, the escrowed funds. It is unlikely that further negotiations or proceeding with eminent domain to acquire the remaining interests could be completed at less cost than the current Staff Recommendation.

Staff Recommendation:

- Accept the 97.396 percent mineral interests held by Carlton Ranch for SWF Parcels 21-694-102 and 21-694-103C.
- Authorize settlement of the Escrow Account as outlined above, accept Carlton Ranch's total contribution towards settlement of \$32,000, Sarasota County's contribution towards settlement of \$10,000, and a contribution to the same by the District of \$10,000 from Florida Forever funds to purchase the outstanding mineral interests.
- Authorize the Executive Director to enter into a purchase and sale contract between Carlton Ranch, Sarasota County, and the District as buyers, and Patricia M. Kranzlein as seller, for the amount of \$40,000 for her outstanding mineral interests in Carlton Ranch.
- Authorize the Executive Director to enter into a purchase and sale contract between Carlton Ranch, Sarasota County, and the District as buyers, and SC Property Tax Ventures as sellers, for the amount of \$12,000 for their outstanding mineral interests in Carlton Ranch.
- Authorize release of the remaining escrowed funds to Carlton Ranch after closing on the outstanding mineral interests as set forth in the Escrow Agreement.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**Submit & File Reports****31. Hydrologic Conditions Report**

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and ground water levels for the current month to comparable dates from the historical record. May historically marks the last month of the eight-month dry season (October through May) and monthly rainfall totals were within the normal range in all three regions of the District.

- June historically marks the first month of the four-month wet season (June through September) and monthly rainfall totals were within the normal range in all three regions of the District.
- **Rainfall:** June totals were within the normal range in all three regions of the District. The District-wide 12-month cumulative rainfall totals declined in June, ending the month at a deficit of 1.79 inch below the long-term historical average. The rainfall deficit remains greatest in the southern counties at 3.56 inches below the mean.
- **Streamflow:** Monthly data indicates flow increased at all 12 monitoring stations, compared to last month. Seven stations ended the month within the "above-normal" range of historical values, while five were "normal". Regional streamflow, based on three index rivers, was considered "normal" in the northern and central regions of the District, while slightly "above-normal" in the southern region.
- **Groundwater:** Monthly aquifer level data indicates that regional levels increased in all three regions of the District, compared to last month. The northern and central regions ended the month in the "normal" range, while the southern region was at "above-normal" levels.
- **Lake Levels:** Water level data indicates that regional lake levels increased in all four lake regions of the District, compared to last month. The Tampa Bay and Polk Uplands regions ended the month with levels within the "normal" range, while the Northern and Lake Wales Ridge regions ended the month with "below-normal" levels.
- **Overall:** Normal rainfall conditions in June resulted in overall improvements in hydrologic conditions throughout the District.

Staff Recommendation:

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

**Routine Reports**

*The following items are provided for the Committee's information, and no action is required.*

**32. Surplus Lands****33. Structure Operations****34. Significant Activities**

<b>REGULATION COMMITTEE (TAB F)</b>
-------------------------------------

**Discussion****35. Consent Item(s) Moved for Discussion****36. 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.

**Submit & File Reports – None**

**Routine Reports**

*The following items are provided for the Committee's information, and no action is required.*

37. Individual Permits Issued by District Staff

38. Overpumpage Report

<b>GENERAL COUNSEL'S REPORT (TAB G)</b>
---

**Discussion**

39. Consent Item(s) Moved for Discussion

**Submit & File Reports – None**

**Routine Reports**

*The following items are provided for the Committee's information, and no action is required.*

40. July 2020 Litigation Report

41. July 2020 Rulemaking Update

<b>COMMITTEE/LIAISON REPORTS (TAB H)</b>
--

42. Environmental Advisory Committee

<b>EXECUTIVE DIRECTOR'S REPORT (TAB I)</b>
--

43. Executive Director's Report

<b>CHAIR'S REPORT (TAB J)</b>
-------------------------------

44. Chair's Report

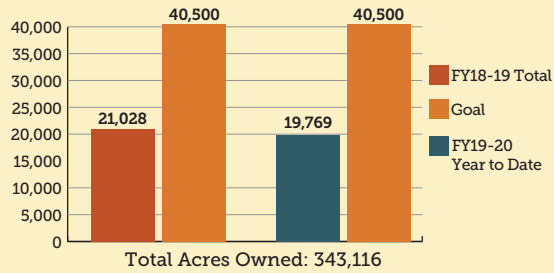
45. Employee Milestones

<b>ADJOURN PUBLIC MEETING</b>
-------------------------------

**ADJOURNMENT**

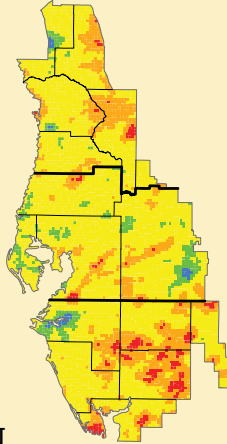
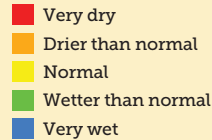
## OPERATIONS, LANDS AND RESOURCE MONITORING

### Prescribed Fire Acres Burned



## RAINFALL DISTRIBUTION

Jul 2019 – Jun 2020



## DATA COLLECTION

Hydrologic Data Quality Assurance Metric  
Assessment of inherent good quality of raw hydrologic data measurements relative to need for correction

FY	Quarter	Total Measured Points
2020	3	3,529,663

### Goal

Per Quarter, greater than 90% of measured points are good  
Per Quarter, less than 5% are validated and  
Per Quarter, less than 5% are missing

Good Data	Validated Data	Missing Data
98.78%	0.68%	0.54%

## SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

## Monthly Dashboard

### June 2020



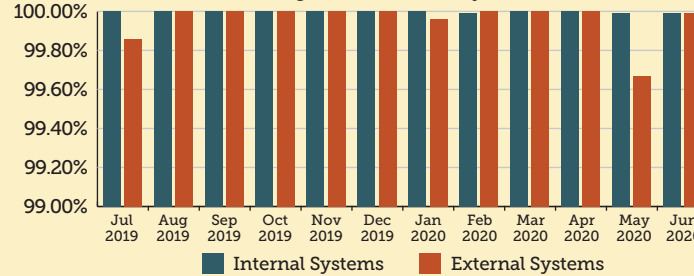
\$365.1 million  
(current budget)

Days Without a Lost-Time Injury: 238  
Days Without an At-Fault Accident: 211

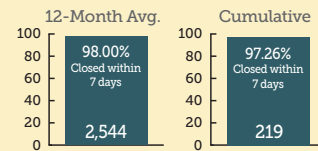
## MANAGEMENT SERVICES

### Availability of Systems

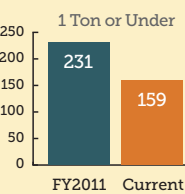
Target is 99% Availability



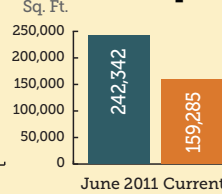
### Public Records Requests



### Fleet



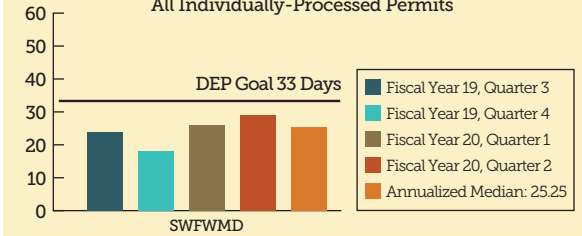
### Office Space



## REGULATION

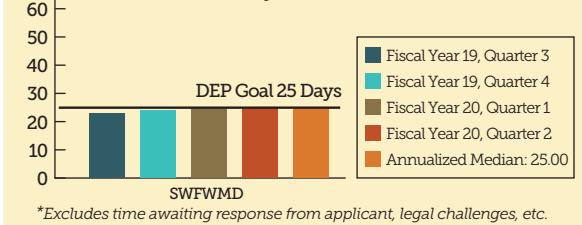
### Consumptive Use Permitting

\*Active Staff Processing Time,  
All Individually-Processed Permits



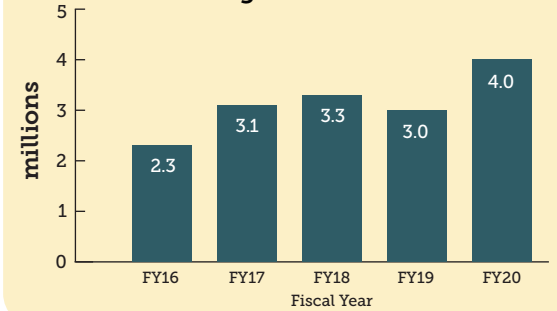
### Environmental Resource Permitting

\*Active Staff Processing Time,  
All Individually-Processed Permits



## EMPLOYEE & EXTERNAL RELATIONS

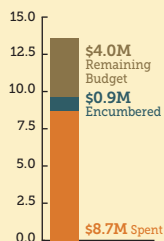
### Digital Reach



## FINANCIAL SUMMARY

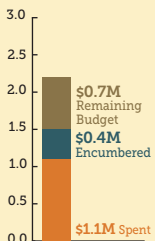
### Regulation

Budget \$13.6M



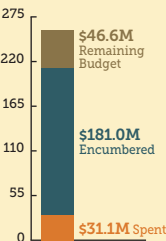
### General Counsel

Budget \$2.2M



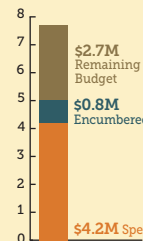
### Resource Management

Budget \$258.7M



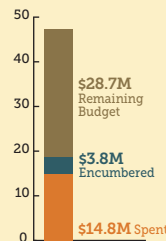
### Emp. & Ext. Relations

Budget \$7.7M



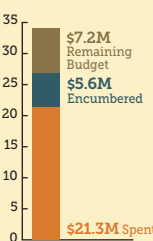
### Operations, Lands & Resource Monitoring

Budget \$47.3M



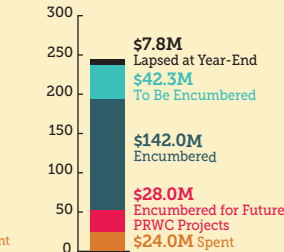
### Management Services

Budget \$34.1M



### Total Number of Projects: 346

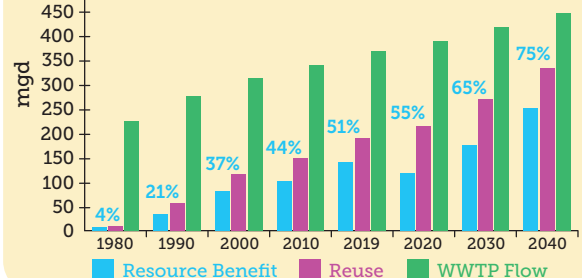
Resource Management Project Budget: \$244.1M



## RESOURCE MANAGEMENT

### Domestic Wastewater Reused in the District

Goal: 75% utilization & efficiency by 2040







## Governing Board Meeting

July 28, 2020

### CONVENE MEETING OF THE GOVERNING BOARD

#### PUBLIC MEETING

1. **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.

2. **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.

3. **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

4. **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: Mark Taylor, Chair



# Governing Board Meeting July 28, 2020

## 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.

### ***Finance/Outreach & Planning Committee***

- 5. Knowledge Management: Governing Board Committee Responsibilities and 110-1 Policies and Procedures Governing Board Policies ..... 6
- 6. Budget Transfer .....25

### ***Resource Management Committee***

- 7. FARMS – Bickett Holdings, LLC (H785), Charlotte County ..... 27

### ***Regulation Committee***

- 8. Individual Water Use Permits Referred to the Governing Board
  - a. Water Use Permit No. 20012659.001 / Grassy Lake / Robert Sons, Carl Sons and Patty Sons, (Polk County) ..... 29

### ***Operations, Lands and Resource Monitoring Committee***

- 9. Green Swamp East Rock Ridge Road Cattle Lease Agreement, SWF Parcel No. 10-200-1280X..... 42
- 10. Purchase and Sale Agreement, Perpetual Conservation Easement, and Resolution Requesting Funds from the Florida Forever Trust Fund – Rocking Seven Ranch and Farms LLC, Upper Myakka Watershed (Flatford Swamp) Project, SWF Parcel No. 21-598-104C ..... 59

### ***General Counsel's Report***

- 11. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
  - a. Authorization to Issue Administrative Complaint and Order – Travel Imagination, LLC – Unauthorized Construction – CT No. 403929 – Manatee County .....70
  - b. Approval of Settlement Agreement Between SWFWMD and Minto Bradenton, LLC – Overpumpage – Water Use Permit No. 20012900.002 - CT No. 386256 - Manatee County.....71
  - c. Governing Board Concurrence – Emergency Order No. SWF 20-027 – Emergency Measures Made Necessary by COVID-19 .....81
- 12. Rulemaking – None

### ***Executive Director's Report***

- 13. Approve Governing Board Minutes – July 23, 2020 .....89

## FINANCE/OUTREACH & PLANNING COMMITTEE

July 28, 2020

### *Consent Agenda*

#### **Knowledge Management: Governing Board Committee Responsibilities and 110-1 Policies and Procedures Governing Board Policies**

##### *Purpose*

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed by the respective divisions.

##### *Background/History*

The District's Knowledge Management initiative was launched in FY2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus since FY2018 has been on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

##### **Governing Board Committee Responsibilities Governing Board Policy**

The Governing Board Committee Responsibilities Governing Board Policy combines the following five Governing Board policies into one policy:

- 110-3 Governing Board Committee Responsibilities
- 110-3A Governing Board Committee Responsibilities Finance/Outreach & Planning Committee
- 110-3B Governing Board Committee Responsibilities - Regulation Committee
- 110-3C Governing Board Committee Responsibilities - Operations, Lands & Resource Monitoring Committee
- 110-3E Governing Board Committee Responsibilities - Resource Management Committee

The new policy identifies the overall tasks, or topics, over which each Committee has oversight. Some of the major changes to the new policy include having only one Statement of Policy at the beginning of the document, deleting the unnecessary bulleted lists of District policies over which each Committee has oversight and streamlining the Committees' tasks. Policies are assigned to Committees based on which topics the Committees cover.

##### **110-1 Policies and Procedures Governing Board Policy**

As part of the District's Knowledge Management review process, the 110-1 Policies and Procedures Governing Board Policy was reviewed by the District's General Counsel and Inspector General. It was determined there was no legal need for the policy because the Board is already statutorily authorized to create policies. Staff determined that since there was no legal need for the policy and it does not provide any substantive policy direction, the policy is unnecessary and is being recommended for deletion.

## Item 5

### *Benefits*

Updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

### Staff Recommendation:

- Staff recommends the Board replace Governing Board policies 110-3, 110-3A, 110-3B, 110-3C and 110-3E with the new Governing Board Committee Responsibilities Governing Board Policy.
- Staff recommends the Board delete the 110-1 Policies and Procedures Governing Board Policy.

Presenter: Robyn Felix, Communications & Board Services Bureau Chief

# DRAFT

## GOVERNING BOARD POLICY

Southwest Florida Water Management District

**Title: Governing Board Committee Responsibilities**

**Document Owner:** Robyn Felix; CBS Bureau Chief

**Approved By:** Mark Taylor; Chair

**Effective Date:** MM/DD/YYYY

**Supersedes:** 09/30/2014

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### PURPOSE

The purpose of this Policy is to outline the Governing Board's committee approach that is used to conduct much of the District's business.

### SCOPE

This Policy applies to the Governing Board.

### AUTHORITY

Chapter 373, Florida Statutes (F.S.)

### DEFINITIONS

N/A

### POLICY

To effectively review the many issues to be considered by the Governing Board, the Governing Board has approved a committee as the appropriate forum to conduct much of the business of the District. The committees are: Finance/Outreach & Planning Committee; Operations, Lands & Resource Monitoring Committee; Regulation Committee; and the Resource Management Committee.

Each committee is a committee of the whole with all Governing Board members serving as committee members. The Governing Board chair will appoint each committee a chair and vice chair, except that the treasurer shall be the chair of the Finance/Outreach & Planning Committee.

## **GOVERNING BOARD POLICY**

**Title: Governing Board Committee Responsibilities**

**Effective Date: MM/DD/YYYY**

**Page 2 of 4**

Staff shall develop committee agendas with the Governing Board chair approving the final committee agendas. Committee agendas will be designated based on the following guidelines:

- 1) Review of ongoing initiatives in the realm of the Committee's responsibilities.
- 2) Consideration of new projects and programs in the realm of the Committee's responsibilities.

The following section outlines the responsibilities of each committee:

### **Finance/Outreach & Planning Committee**

The Finance/Outreach & Planning Committee will provide leadership for the District's financial, outreach, planning and diversity activities. The Committee will review all financial and administration activities of the District; ensure adequate internal controls exist to safeguard the assets of the District; assist District management in developing strategies to enhance the workforce and vendor diversity of the District; and provide leadership for the District's strategic and long-range planning activities, community and legislative affairs initiatives and communication programs. The Committee also acts as the District's Audit Committee unless the Governing Board Chair appoints an Ad Hoc Audit Committee.

Specific Committee tasks related to Finance include accounting, administration and financial matters of the District; annual budget and millage levy rates; staffing levels; financial plans to address water resource development initiatives; oversight for the District's Office of Inspector General; and any and all other finance and administration related issues that require Committee review.

Specific Committee tasks related to Outreach & Planning include development and updating of the Strategic Plan or other plans; providing guidance and oversight of the District's standing Advisory Committees, the Agricultural and Green Industry, Environmental, Industrial and Public Supply committees; providing guidance for strategic communications and public messaging; and any and all other outreach and planning related issues that require Committee review.

Specific Committee tasks related to Diversity include promoting a diverse workforce and encouraging a diversity of qualified contractors, including woman-owned and minority-owned businesses, to participate in the District's procurement process without discrimination.

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

The Operations, Lands & Resource Monitoring Committee will provide leadership for the District's operations, land resource management and development activities, and monitoring of water resources and conditions, thereby ensuring appropriate resource management.

Specific Committee tasks related to Operations include operation and maintenance of the District's water control structures, including the Structures Capital Improvement Plan. Specific Committee tasks related to Lands include development of the Florida Forever Work Plan; consideration of lands identified for acquisition or surplus ; strategies for land management and

## **GOVERNING BOARD POLICY**

**Title: Governing Board Committee Responsibilities**

**Effective Date: MM/DD/YYYY**

**Page 3 of 4**

public use; contracts, leases, and maintenance agreements relating to land ownership and land use; and land use and management plans.

Specific Committee tasks related to Resource Monitoring include the District's hydrologic and geohydrologic conditions; water quality monitoring; Mapping and Geographic Information System programs; and projects and data collection/analysis efforts to support regulatory and rulemaking activities and water resource projects.

### **Regulation Committee**

The Regulation Committee will provide leadership for the District's regulatory and enforcement programs, thereby ensuring appropriate resource management. The Committee will review the District's permitting rules, procedures and support needs relating to various categories of water use, well construction, environmental resource, and other regulatory programs, permit fees, and areas determined to be of special hydrologic concern.

Specific Committee tasks related to Regulation include monitoring, reviewing and refining permitting procedures and practices as well as enforcement procedures and practices in compliance with Chapters 40D and 62, F.A.C., and Chapter 373, Florida Statutes; reviewing and updating the permit fee structure and penalty matrices and recommending actions pertaining to Water Shortage Orders.

### **Resource Management Committee**

The Resource Management Committee will provide leadership for the District's water resource management and development activities, thereby ensuring appropriate resource management.

Specific Committee tasks related to Resource Management include reviewing District initiatives and programs, including Water Use Caution Areas, the Surface Water Improvement and Management (SWIM) Program, Springs initiatives, Minimum Flows and Levels, the Facilitating Agricultural Resource Management Systems Program, the Watershed Management Program and the Cooperative Funding Initiative; and development of the District's Regional Water Supply Plan and SWIM plans.

### **DISTRIBUTION**

This Policy will be stored in the Governing Board Policy Repository.

### **REFERENCES**

Chapters 40D and 62, Florida Administrative Code (F.A.C.)

Chapter 373, F.S.

### **REVIEW PERIOD**

This policy will be reviewed every three (3) years by the Document Owner or designee and updated for Governing Board approval if needed to implement policy revisions.



## GOVERNING BOARD POLICY

Title: Governing Board Committee Responsibilities

Effective Date: MM/DD/YYYY

Page 4 of 4


### DOCUMENT DETAILS

Document Name	Governing Board Committee Responsibilities
Formerly Known As	Governing Board Committee Responsibilities
Document Type	Policy
Author(s)	Robyn Felix
Reviewing Stakeholder(s)	Division Directors; General Counsel
Document Owner Name	Robyn Felix
Document Owner Title	CBS Bureau Chief
Review Period (in days)	1,095
Span of Control	Governing Board
Supersedes Date	09/30/2014
Effective Date	

### APPROVAL

\_\_\_\_\_  
Insert Governing Board Chair's Name  
Chair

\_\_\_\_\_  
Date

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: <b>GOVERNING BOARD COMMITTEE RESPONSIBILITIES</b>			
SECTION/ BUREAU: <b>EXECUTIVE</b>	NUMBER: <b>110-3</b>	PAGE: <b>1 of 1</b>	
APPROVED BY: 	MICHAEL A. BABB, CHAIR	EFFECTIVE DATE: <b>9/30//2014</b>	SUPERSEDES: <b>2/21/2006</b>

**STATEMENT OF POLICY:**

In order to effectively review the many issues to be considered by the Governing Board, the Governing Board has approved a committee approach as the appropriate forum to conduct much of the business of the water management district. The committees are: Finance/Outreach & Planning Committee; Operations, Lands & Resource Monitoring Committee; Regulation Committee; and Resource Management Committee.

Each committee is a committee of the whole with all Governing Board members serving as committee members. The Governing Board Chair will appoint each committee a chair and vice chair, except that the Treasurer shall be the chair of the Finance/Outreach & Planning Committee.


Staff shall develop committee agendas with the Governing Board Chair approving the final committee agendas. Committee agendas will be designated based on the following guidelines:

Review of ongoing initiatives in the realm of Committee responsibility.

Consideration of new projects and programs in the Committee realm of responsibilities.

**REFERENCE:** Chapter 40D, Florida Administrative Code  
Chapter 62-40, Florida Administrative Code  
Chapter 373, Florida Statutes

**SUPERSEDES:** Board Policy 110-3, Governing Board Committee Responsibilities  
(eff. 2/21/2006)

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
<b>TITLE: GOVERNING BOARD COMMITTEE RESPONSIBILITIES FINANCE/OUTREACH &amp; PLANNING COMMITTEE</b>			
SECTION/ BUREAU:	EXECUTIVE	NUMBER:	110-3A
		PAGE:	1 of 5
APPROVED BY:		EFFECTIVE DATE:	9/30/2014
MICHAEL A. BABB, CHAIR		SUPERSEDES:	7/27/2004 & 12/14/2004

## STATEMENT OF POLICY:

In order to effectively review the many issues to be considered by the Governing Board, the Governing Board has approved a committee approach as the appropriate forum to conduct much of the business of the water management district.

The Committee is a committee of the whole with all Governing Board members serving as committee members. The Committee chair shall be the Treasurer and the Governing Board Chair will appoint a vice chair.

Staff shall develop Committee agendas with the Governing Board Chair approving the final Committee agendas. Committee agendas will be designated based on the following guidelines:

Review of ongoing initiatives in the realm of Committee responsibility.

Consideration of new projects and programs in the Committee realm of responsibilities.

## FINANCE/OUTREACH & PLANNING COMMITTEE

The Finance/Outreach & Planning Committee will provide leadership for the District's financial, outreach, planning and diversity activities. The Committee will review all financial and administration activities of the District; ensure adequate internal controls exist to safeguard the assets of the District; assist District management in developing strategies to enhance the workforce and vendor diversity of the District; and provide leadership for the District's strategic and long-range planning activities, community and legislative affairs initiatives and communication programs. The Committee also acts as the District's Audit Committee unless the Governing Board Chair has appointed an Ad Hoc Audit Committee.

Specific Committee tasks related to Finance include:

- Responsible to formulate, amend and recommend to the Governing Board, policies related to the accounting, administration and financial matters of the District.
- Review and recommend the annual budget and millage levy rates.
- Review and recommend personnel guidelines and staffing levels.



<b>BOARD POLICY</b>			
<b>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</b>			
<b>TITLE: GOVERNING BOARD COMMITTEE RESPONSIBILITIES FINANCE/OUTREACH &amp; PLANNING COMMITTEE</b>			
SECTION/ BUREAU:	EXECUTIVE	NUMBER:	110-3A
		PAGE:	2 of 5
APPROVED BY:		EFFECTIVE DATE:	9/30/2014
	MICHAEL A. BABB, CHAIR	SUPERSEDES:	7/27/2004 & 12/14/2004

- Review or develop and recommend financial plans to address the immediate and long-term water resource development initiatives.
- Provide oversight for the District's Office of Inspector General.
- Any and all other finance and administration related issues that require Committee review.

Specific Committee tasks related to Outreach & Planning include:

- Provide input on the development and updating of the Strategic Plan, District Water Management Plan or other plans, including annual progress reports as required by Chapter 62-40, Florida Administrative Code (F.A.C.), the Water Resource Implementation Rule.
- Assist in development of the annual budget through the planning process, including consideration of trends associated with statewide Budget Performance Measures.
- Review and analysis of existing District programs to evaluate both efficiency and effectiveness in the context of goals and objectives established in the Strategic Plan, District Water Management Plan or other plans, concurrent with statewide Water Management Performance Measures.
- Oversight of coordination activities with other state, regional and local units of government to promote consistency between the water resource planning and management activities of the District and the land use planning and management activities of these other organizations.
- Oversight of the District's efforts to solicit input from affected parties and the general public in long-range planning initiatives. This includes providing guidance and oversight of the District's standing advisory committees, including the Agricultural, Environmental, Green industry, Industrial and Public Supply committees.
- Develop recommendations to the Governing Board for coordination efforts with other water management districts, the Department of Environmental Protection, the State land planning agency and other appropriate agencies.
- Provide guidance for strategic communications and public messaging.
- Any and all other outreach and planning related issues that require Committee review.

<b>BOARD POLICY</b>			
<b>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</b>			
<b>TITLE: GOVERNING BOARD COMMITTEE RESPONSIBILITIES FINANCE/OUTREACH &amp; PLANNING COMMITTEE</b>			
<b>SECTION/ BUREAU:</b>	<b>EXECUTIVE</b>	<b>NUMBER:</b>	<b>110-3A</b>
		<b>PAGE:</b>	<b>3 of 5</b>
<b>APPROVED BY:</b>	<b>MICHAEL A. BABB, CHAIR</b>	<b>EFFECTIVE DATE:</b>	<b>9/30/2014</b>
		<b>SUPERSEDES:</b>	<b>7/27/2004 &amp; 12/14/2004</b>

Specific Committee tasks related to Diversity include:

- Articulate the importance and benefits of a diverse workforce and vendor base at the District.
- Elevate the importance of diversity awareness through the Governing Board's strategic planning process.
- Promote a diverse workforce at the District.
- Promote use of diverse vendors to provide goods and services to the District.
- Suggest ideas to increase the pool of diverse applicants and vendors.
- Propose ideas and initiatives to improve and enhance the District's efforts to have a diverse workforce, reflective of the labor market.
- Network with academic, business, professional and civic organizations to identify various approaches to workforce and vendor diversity.
- Develop methods to make the community aware of the District's desire and efforts to increase its multicultural composition; for example, through participation in speaking engagements, meetings and cultural events.
- Promote training for management staff to increase the understanding of the value that diversity brings to the District's workforce and the vendor base.
- Continually monitor the multicultural composition of the District's work force.
- Encourage retention and promotion of diverse employees.
- Improve methods of identifying and tracking diverse applicants and vendors.
- Work with District staff by providing guidance for recruiting and retaining diverse staff and outreach to and utilization of diverse vendors.
- Establish networks for recruiting applicants and vendors from organizations known for their contacts with the multicultural community.
- Recommend and encourage programs and establishes networks to recruit student interns from educational institutions connected with the multicultural community.
- Recommend advertising enhancements to disseminate information concerning the District's interests in strengthening its diverse workforce and vendor base and to inform diverse applicants and vendors of opportunities with the District.
- Participate in events and opportunities with other water management districts in marketing the District as an employer of choice for employees with diverse backgrounds.



<b>BOARD POLICY</b>			
<b>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</b>			
<b>TITLE: GOVERNING BOARD COMMITTEE RESPONSIBILITIES FINANCE/OUTREACH &amp; PLANNING COMMITTEE</b>			
SECTION/ BUREAU:	EXECUTIVE	NUMBER:	110-3A
		PAGE:	4 of 5
APPROVED BY:		EFFECTIVE DATE:	9/30/2014
	MICHAEL A. BABB, CHAIR	SUPERSEDES:	7/27/2004 & 12/14/2004

- Any and all other diversity related issues that require Committee review.

The Committee has oversight of the following established District Policies:

- Governing Board Committee Responsibilities (110-3A)
- Risk Management and Safety (120-1)
- Disbursement of Funds (130-1)
- Administrative Fees (130-2)
- Regulatory Fees (130-2A)
- District Investment Policy (130-3)
- Travel (130-5)
- Budget Authority Transfer of Funds (130-8)
- Fund Balance (130-9)
- Inspector General Charter (140-1)
- Comprehensive Fraud (140-2)
- Office of Inspector General Roles and Responsibilities (140-3)
- Procurement (150-1)
- District Fixed Asset Accountability (150-2)
- Records Management (190-1)
- Information Security (190-2)
- Construction Plans and Specifications (401-001)
- Recruitment Selection and Compensation of the Executive Director and Inspector General (710-1)
- Performance Evaluations of the Executive Director, General Counsel and Inspector General (710-2)
- Performance Incentive Program (710-3)
- Policies and Procedures (110-1)
- Legislative Coordination (110-2)
- Governing Board Committee Responsibilities (110-3E3A)
- Plain Language Initiative (110-9)
- Agricultural Advisory Committee (170-1)
- Public Supply Advisory Committee (170-2)
- Industrial Advisory Committee (170-3)
- Green Industry Advisory Committee (170-4)

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
<b>TITLE: GOVERNING BOARD COMMITTEE RESPONSIBILITIES FINANCE/OUTREACH &amp; PLANNING COMMITTEE</b>			
SECTION/ BUREAU:	EXECUTIVE	NUMBER: 110-3A	PAGE: 5 of 5
APPROVED BY:		EFFECTIVE DATE: 9/30/2014	7/27/2004 & SUPERSEDES: 12/14/2004
MICHAEL A. BABB, CHAIR			

- Environmental Advisory Committee (170-5)

**REFERENCE:** Chapter 40D, Florida Administrative Code  
Chapter 62-40, Florida Administrative Code  
Chapter 373, Florida Statutes

**SUPERSEDES:** Board Policy 110-3A, Governing Board Committee Responsibilities  
- Finance and Administration (eff. 7/27/2004)  
Board Policy 110-3D, Governing Board Committee Responsibilities  
- Diversity (eff. 6/28/2005)  
Board Policy 110-3E, Governing Board Committee Responsibilities  
- Outreach and Planning Committee (eff. 12/14/2004)



<b>BOARD POLICY</b> <b>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</b>			
<b>Governing Board Committee Responsibilities –</b> <b>TITLE: Operations, Lands &amp; Resource Monitoring Committee</b>			
<b>SECTION/DEPT.: Executive</b>	<b>NUMBER: 110-3C</b>	<b>PAGE: 1 OF 2</b>	
<b>APPROVED BY:</b>  <b>MICHAEL A. BABB, CHAIR</b> <b>EFFECTIVE DATE: 9/30/2014</b> <b>SUPERSEDES: 7/26/2005</b>			

## STATEMENT OF POLICY:

In order to effectively review the many issues to be considered by the Governing Board, the Governing Board has approved a committee approach as the appropriate forum to conduct much of the business of the water management district.

The Committee is a committee of the whole with all Governing Board members serving as committee members. The Governing Board Chair will appoint the Committee a chair and vice chair.

Staff shall develop Committee agendas with the Governing Board Chair approving the final Committee agendas. Committee agendas will be designated based on the following guidelines:

Review of ongoing initiatives in the realm of Committee responsibility.

Consideration of new projects and programs in the Committee realm of responsibilities.

## OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE

The Operations, Lands & Resource Monitoring is to provide leadership for the District's operations, land resource management and development activities, and monitoring of water resources and conditions, thereby ensuring appropriate resource management. Specific Committee tasks include:

- Lead in the development of the Florida Forever Work Plan.
- Make recommendations to the Governing Board concerning resource evaluations of lands identified for acquisition.
- Make recommendations to the Governing Board concerning land acquisition activities.
- Identify joint cooperative funding opportunities for land management and acquisition through public/private agreements, as well as through local and state programs.
- Develop strategies for long-term land management and public use.
- Make recommendations to the Governing Board concerning contracts, leases, licenses, and maintenance agreements relating to land ownership and land use.
- Make recommendations to the Governing Board concerning land use and management plans.
- Develop initiatives for inclusion in the Strategic Plan.
- Monitor the District's hydrologic and geohydrologic conditions.
- Facilitate projects and data collection/analysis efforts to support regulatory and rulemaking activities and water resource projects.
- Responsible to formulate, amend and recommend to the Governing Board policies relative to the Committee.
- Review, develop and provide direction on the operation of District water control structures.
- Any and all other resource management and development related issues that require Committee review.




<b>BOARD POLICY</b> <b>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</b>			
<b>Governing Board Committee Responsibilities –</b> <b>TITLE: Operations, Lands &amp; Resource Monitoring Committee</b>			
SECTION/DEPT.:	<b>Executive</b>	NUMBER:	<b>110-3C</b>
		PAGE:	<b>2 OF 2</b>
APPROVED BY:	<b>MICHAEL A. BABB, CHAIR</b>	EFFECTIVE DATE:	<b>9/30/2014</b>
		SUPERSEDES:	<b>7/26/2005</b>

The Committee has oversight of the following established District Policies:

- Governing Board Committee Responsibilities (110-3C)
- Land Acquisition (610-1)
- Land Use and Management (610-3)
- Sale, Exchange or Conveyance of Interests in Land By The District (610-4)
- Guidelines for Funding and Construction of Water Control Structures (610-6)
- Local Government Partnership Funding for District Lands (610-011)

**REFERENCE:** Chapter 40D, Florida Administrative Code  
Chapter 62-40, Florida Administrative Code  
Chapter 373, Florida Statutes

**SUPERSEDES:** Board Policy 110-3C, Governing Board Committee Responsibilities – Resource Management and Development Committee (eff. 7/26/2005)

<b>BOARD POLICY</b>		
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT		
<b>TITLE: GOVERNING BOARD COMMITTEE RESPONSIBILITIES – REGULATION COMMITTEE</b>		
SECTION/DEPT.: EXECUTIVE	NUMBER: 110-3B	PAGE: 1 of 2
APPROVED BY:  MICHAEL A. BABB, CHAIR	EFFECTIVE DATE: 9/30/2014	SUPERSEDES: 7/27/2004

#### STATEMENT OF POLICY:

In order to effectively review the many issues to be considered by the Governing Board, the Governing Board has approved a committee approach as the appropriate forum to conduct much of the business of the water management district.

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Staff shall develop Committee agendas with the Governing Board Chair approving the final Committee agendas. Committee agendas will be designated based on the following guidelines:

Review of ongoing initiatives in the realm of Committee responsibility.

Consideration of new projects and programs in the Committee realm of responsibilities.

#### REGULATION COMMITTEE

The Regulation Committee will provide leadership for the District's regulatory and enforcement programs, thereby ensuring appropriate resource management. The Committee will review the District's permitting rules, procedures and support needs relating to various categories of water use, well construction, environmental resource, and other regulatory programs, permit fees, and areas determined to be of special hydrologic concern. Specific Committee tasks include:

- Monitor, review and refine permitting procedures and practices in compliance with Chapters 40D and 62, F.A.C., and Chapter 373, Florida Statutes.
- Monitor, review and refine the enforcement procedures and practices including the delivery methods employed to accomplish the requirement of Chapters 40D and 62, F.A.C.
- Monitor the resource for promotion of long-term sustainability, protection from harm, establish procedures and responses that prevent undue hardship, and ensure equitable distribution of available water resources to accomplish the requirements of Chapters 40D, F.A.C.
- Review and recommend actions to improve existing, as well as new, regulatory programs.
- Develop an overall understanding of the laws, rules and implementation process, which apply to the District's regulatory program.
- Review other agencies' regulatory practices and any proposed delegating of permitting responsibilities to the District to assess its impact on the District.
- Identify areas for review and possible action. This can include new programs assigned by the Legislature or delegated by the Department of Environmental Protection; or deficiencies in existing programs.
- Develop specific actions to implement improvements.
- Develop initiatives for inclusion in the Strategic Plan.



<b>BOARD POLICY</b>			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
<b>TITLE: GOVERNING BOARD COMMITTEE RESPONSIBILITIES – REGULATION COMMITTEE</b>			
SECTION/DEPT.: EXECUTIVE	NUMBER: 110-3B	PAGE: 2 of 2	
APPROVED BY: MICHAEL A. BABB, CHAIR	EFFECTIVE DATE: 9/30/2014	SUPERSEDES: 7/27/2004	

- Identify improvements in efficiencies and consistency within the regulatory program.
- Review and update permit fee structure.
- Recommend actions pertaining to Water Shortage Orders.
- Review and update of penalty matrices.
- Any and all other regulation related issues that require Committee review.

The Committee has oversight of the following established District Policies:

- Governing Board Committee Responsibilities (110-3B)
- Regulatory Fees (130-2A)
- Well Drilling Advisory Committee (225-017)

**AUTHORITY:** Chapter 40D, Florida Administrative Code  
Chapter 62-40, Florida Administrative Code  
Chapter 373, Florida Statutes

**SUPERSEDES:** Board Policy 110-3B, Governing Board Committee Responsibilities  
Regulation Committee Finance and Administration (eff. 7/27/2004)



<b>BOARD POLICY</b> <b>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</b>			
<b>Governing Board Committee Responsibilities –</b> <b>TITLE: Resource Management Committee</b>			
<b>SECTION/DEPT.:</b> Executive	<b>NUMBER:</b> 110-3E	<b>PAGE:</b> 1 OF 2	
<b>APPROVED BY:</b>  <b>MICHAEL A. BABB</b> <b>EFFECTIVE DATE:</b> 9/30/2014 <b>SUPERSEDES:</b> 7/26/2005			

### STATEMENT OF POLICY:

In order to effectively review the many issues to be considered by the Governing Board, the Governing Board has approved a committee approach as the appropriate forum to conduct much of the business of the water management district.

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Review of ongoing initiatives in the realm of Committee responsibility.

Consideration of new projects and programs in the Committee realm of responsibilities.

### RESOURCE MANAGEMENT COMMITTEE

The Resource Management Committee is to provide leadership for the District's water resource management and development activities, thereby ensuring appropriate resource management. Specific Committee tasks include:

- Review resource management issues associated with Water Supply, Flood Protection, Water Quality, and Natural Systems.
- Review District initiatives and programs including Water Use Caution Areas, Surface Water Improvement and Management (SWIM) Program, Springs Initiatives, minimum flows and levels (MFLs), Facilitating Agricultural Resource Management Systems (FARMS), watershed management program.
- Review resource management projects to ensure efficiency, effectiveness and conformity to objectives identified by the District Strategic Plan, Regional Water Supply Plan, and Water Management Plan.
- Develop initiatives for inclusion in the Strategic Plan.
- Identify and evaluate potential alternatives to existing programs affecting resource management issues.
- Responsible to formulate, amend and recommend to the Governing Board policies relative to the Committee.

The Committee has oversight of the following established District Policies:

- Cooperative Funding Initiative (130-4)
- Governing Board Committee Responsibilities (110-3E)

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
Governing Board Committee Responsibilities –			
TITLE: Resource Management Committee			
SECTION/DEPT.:	Executive	NUMBER:	110-3E
		PAGE:	2 OF 2
APPROVED BY:	MICHAEL A. BABB	EFFECTIVE DATE:	9/30/2014
		SUPERSEDES:	7/26/2005

**REFERENCE:** Chapter 40D, Florida Administrative Code  
Chapter 62-40, Florida Administrative Code  
Chapter 373, Florida Statutes

**SUPERSEDES:** Board Policy 110-3E, Governing Board Committee Responsibilities  
– Outreach and Planning Committee (eff. 7/26/2005)

Obsolete

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: Policies and Procedures			
SECTION/DEPT: Executive	NUMBER: 110-1	PAGE: 1 OF 1	
APPROVED BY: <i>Thomas G. Dabney</i>	THOMAS G. DABNEY, CHAIR	EFFECTIVE DATE: 06/24/03	SUPERSEDES: 09/01/92

It is the intent of the Governing Board to adopt policies addressing significant operational matters and management issues of the District in order to provide overall guidance to accomplish the District and Basin functions. The Chairman may assign Board policies to appropriate Board committees for review and updating.

As a companion to Board Policies, the Executive Director will develop specific procedures to implement Board policies. Procedures will be reviewed and updated in conjunction with the review and updating of Board policies.

These documents will state simply and concisely the policies and procedures of the District. All policies and procedures will be published in a consistent format, as approved by the Executive Director. A central repository will be maintained for all Policies and Procedures. A copy of all adopted Board policies will be provided to each newly appointed Governing and Basin Board member as part of their orientation.

The Executive Director, unless prohibited by Board Policy, may delegate his authority to other staff members in implementing policies and procedures.



**FINANCE/OUTREACH & PLANNING COMMITTEE**

**July 28, 2020**

***Consent Agenda***

**Budget Transfer Report**

*Purpose*

Request approval of the Budget Transfer Report covering all budget transfers made during the month of June 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 regularly presented to the Finance/Outreach & Planning Committee for approval on the Consent Agenda at the next scheduled meeting. The exhibit for this item reflects all such transfers executed since the date of the last report for the Committee's approval.

Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for June 2020.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**Budget Transfer Report**  
**June 2020**

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category			
<b><u>Change from Original Budget Intent</u></b>					
1	Water Resources Grant - Financial Assistance	Human Resources & Risk Mgmt Tuition Reimbursement	Transfer of funds originally budgeted for the Zephyr Creek Drainage Improvements: Units 1 and 2 Cooperative Funding Initiative (CFI) project with Pasco County. The project has been cancelled by the cooperator due to it no longer meeting the benefits originally intended in the approved CFI application. The funds are needed for the District's Education Reimbursement Program due to an increase in the number of participants this fiscal year. The program provides reimbursement to regular employees for post-secondary education that is deemed related to the District fulfilling its mission as defined in the personnel guideline. These funds are needed to cover reimbursements for classes completed through the summer session that received approval prior to enrollment.	\$	37,500.00
2	General Services Parts and Supplies	General Services Equipment - Outside	Transfer of funds originally budgeted for parts and supplies associated with the maintenance of the District's fleet. Expenditures are projected to be less than anticipated. The funds are needed for the replacement of a 15 year-old air conditioning refrigerant recovery machine that is no longer functional and has been scrapped.		2,965.00
<b>Total Change from Original Budget Intent</b>				<b>\$</b>	<b>40,465.00</b>
<b>Total Transfers for Governing Board Ratification</b>				<b>\$</b>	<b>40,465.00</b>

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 for Governing Board ratification on the Consent Agenda. This Board Policy limits transfers made for a purpose other than the original budget intent to \$50,000. However, transfers made for accounting reallocation purposes consistent with original budget intent are not limited.



## RESOURCE MANAGEMENT COMMITTEE

July 28, 2020

### *Consent Agenda*

#### **FARMS – Bickett Holdings, LLC (H785), Charlotte County**

##### *Purpose*

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Bickett Holdings, LLC and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$663,000 (72 percent of total project costs). Of this amount, \$663,000 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$915,000.

##### *Project Proposal*

The District received a project proposal from Bickett Holdings, LLC for their 3,189-acre cattle and citrus operation located 16 miles east of Punta Gorda, in eastern Charlotte County, within the Southern Water Use Caution Area (SWUCA) and Shell, Prairie, and Joshua Creek watersheds (SPJC). This project will involve construction and operation of a four-acre surface water reservoir to collect tailwater and surface water from the farm property and surrounding watershed to offset Upper Floridan aquifer groundwater used in supplemental irrigation of 250 acres of citrus. The Water Use Permit (WUP) authorizes an annual average withdrawal of 2,316,000 gallons per day (gpd) to irrigate 2,205 acres of citrus, melon and feed crops. FARMS project components consist of a surface water irrigation pump station with two pumps, filtration systems, valves, tailwater culverts and the piping necessary to connect the existing irrigation system.

##### *Benefits/Costs*

The proposed project involves water quantity and water quality best management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated six percent savings of permitted quantities for daily irrigation, or 140,000 gpd, yields a daily cost of \$3.90 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and improved irrigation techniques for citrus grove operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of this project, the Governing Board will have \$4,358,021 remaining in its FARMS Program budget.

##### **Staff Recommendation:**

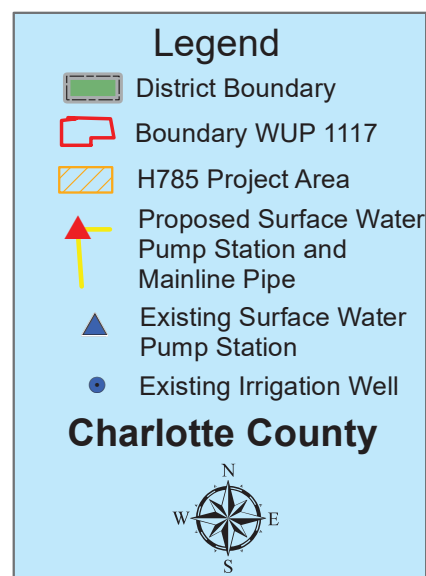
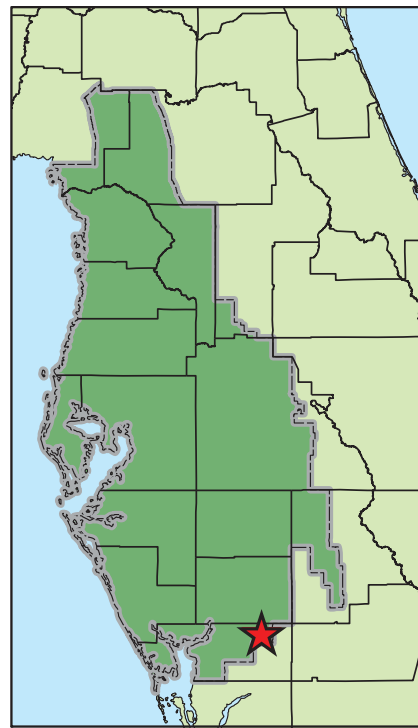
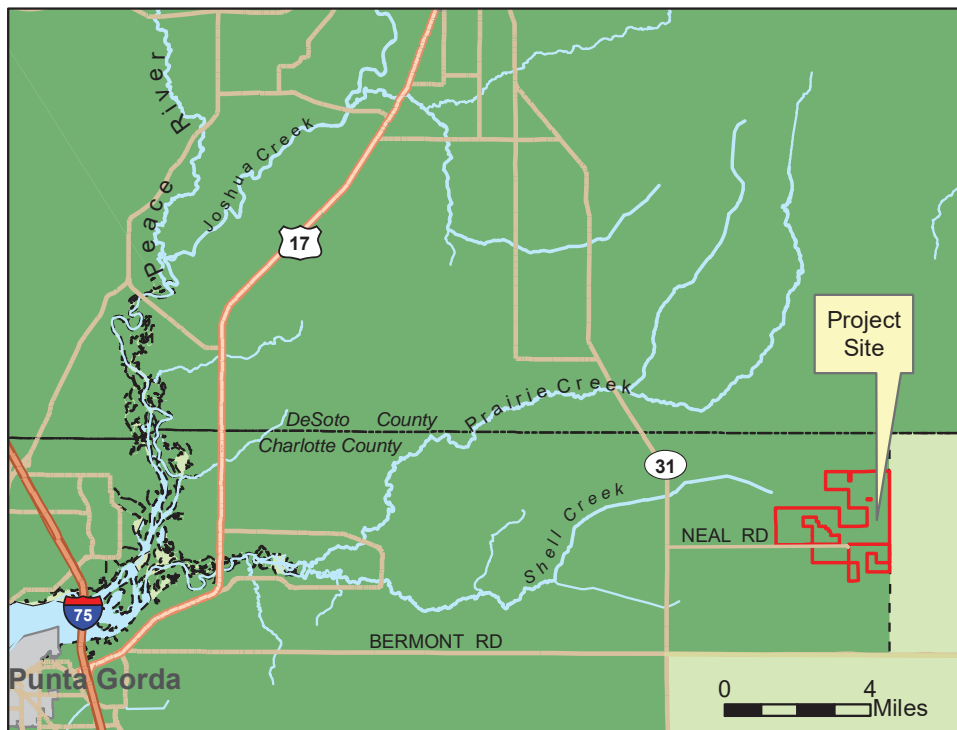
- 1) Approve the Bickett Holdings, LLC project for a not-to-exceed project reimbursement of \$663,000 with \$663,000 provided by the Governing Board;
- 2) Authorize the transfer of \$663,000 from fund 010 H017 Governing Board FARMS Fund to the H785 Bickett Holdings, LLC project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

**Presenter:** Randy Smith, Bureau Chief, Natural Systems and Restoration

# Location Map

## Bickett Holdings, LLC

### FARMS Project H785



## REGULATION COMMITTEE

July 28, 2020

### *Consent Agenda*

#### **Water Use Permit No. 20012659.001 / Grassy Lake / Robert Sons, Carl Sons and Patty Sons (Polk County)**

This is a renewal with modification of an existing water use permit for agricultural use. The modification combines 13 existing adjacent water use permits previously issued for irrigation of 348 acres of citrus and adds new irrigation quantities for 171 acres of historically existing unpermitted groves. The combined Annual Average increases from 558,229 gallons per day (gpd) to 814,800 gpd, the Peak Month increases from 2,732,892 gpd to 3,611,300 gpd, and the Crop Protection increases from 3,580,000 gpd to 23,583,700 gpd. The water use quantities are based on the District's agricultural irrigation demand model AGMOD for irrigation of 519 acres of citrus using low volume spray irrigation. The Permittee does not use Alternative Water Sources as none are currently available to the permit site. This permit is in the Central Florida Water Initiative (CFWI) Area.

Other Special Conditions include those that require the Permittee to record and report monthly meter readings from all withdrawal points and have all meters calibrated every 5 years, record and report freeze protection events, investigate feasibility of using reclaimed water if directed by the District, cap wells not in use, conduct geophysical logging of certain wells if the pumps are removed for maintenance, implement water conservation and best management practices, submit a mid-term report regarding progress with water conservation, modify the permit to reflect incorporation of any new alternative sources of water and be subject to the CFWI.

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 012659.001**

**PERMIT ISSUE DATE:** July 28, 2020

**EXPIRATION DATE:** July 28, 2040

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:** Renewal

**GRANTED TO:** Robert Sons, Carl Sons and Patty Sons  
Post Office Box 321  
Haines City, FL 33845

**PROJECT NAME:** Grassy Lake

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

**COUNTY:** Polk

<b>TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)</b>	
ANNUAL AVERAGE	814,800 gpd
PEAK MONTH <sup>1</sup>	3,611,300 gpd
CROP PROTECTION/MAXIMUM <sup>2</sup>	23,583,700 gpd

<sup>1</sup> Peak Month: Average daily use during the highest water use month.

<sup>2</sup> Crop Protection/Maximum: Frost and Freeze protection of crops/Maximum use allowed any 24-hour period.

**ABSTRACT:**

This is a renewal with modification of an existing water use permit for agricultural use. The modification combines 13 existing adjacent water use permits previously issued for irrigation of 348 acres of citrus and adds new irrigation quantities for 171 acres of historically existing unpermitted groves. The combined Annual Average increases from 558,229 gallons per day (gpd) to 814,800 gpd, the Peak Month increases from 2,732,892 gpd to 3,611,300 gpd, and the Crop Protection increases from 3,580,000 gpd to 23,583,700 gpd. The water use quantities are based on the District's agricultural irrigation demand model AGMOD for irrigation of 519 acres of citrus using low volume spray irrigation. The Permittee does not use Alternative Water Sources as none are currently available to the permit site. This permit is in the Central Florida Water Initiative (CFWI) Area.

This application satisfies existing conditions for permit issuance because reasonable assurances have been approved that demonstrate that water resources, existing legal users, offsite land uses, and surface water and groundwater quality will not be adversely impacted. Additionally, documentation has been provided that demonstrates the request is necessary to fulfill a reasonable demand, conservation measures will be incorporated, and an evaluation of alternative water has been provided. The recommended permit duration is commensurate with the applicant's ability to satisfy conditions of permit issuance.

Attachment: 20012659.001 Recap Permit (5160 : WUP No. 20012659.001 - Grassy Lake)

The CFWI is a collaborative regional water supply endeavor to protect, conserve, and restore water resources in the area by working to accomplish the goals presented in the Central Florida Water Initiative Guidance Document. These goals include crafting long-term water supply solutions for the Central Florida region. The CFWI effort may also result in specific regulatory requirements. While the scope and content of these regulatory requirements are unknown at this time, it is possible they may include requirements that are related to the Permittee's relative contribution to the water resource impact being addressed, the timing of permit issuance compared to other existing legal users, and/or include other considerations identified by the CFWI Solutions Planning and Regulatory Teams. Therefore, this permit includes Special Conditions that provide specific notification that the permit may be modified during the term of the permit to address unanticipated harm or impacts to existing legal users that is occurring or is projected to occur from the Permittee's authorized withdrawal over the permit duration. Since this application is located within the CFWI area, it is necessary for the applicant to consider implementing the heightened water conservation requirements defined in the Special Conditions. The applicant is advised to carefully consider its infrastructure investments in light of the on-going Central Florida Water Initiative.

Other Special Conditions include those that require the Permittee to record and report monthly meter readings from all withdrawal points and have all meters calibrated every 5 years, record and report freeze protection events, investigate feasibility of using reclaimed water if directed by the District, cap wells not in use, conduct geophysical logging of certain wells if the pumps are removed for maintenance, implement water conservation and best management practices, submit a mid-term report regarding progress with water conservation, modify the permit to reflect incorporation of any new alternative sources of water and be subject to the CFWI.

#### WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>	<u>CROP PROTECTION /MAXIMUM</u>
Agricultural	814,800	3,611,300	23,583,700

#### USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>
Citrus	172.52	Low Volume Spray	22.40"/yr.
Citrus	38.90	Low Volume Spray	16.80"/yr.
Citrus	307.68	Low Volume Spray	20.90"/yr.

**WITHDRAWAL POINT QUANTITY TABLE**

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

<b><u>I.D. NO.</u></b> <b><u>PERMITTEE/</u></b> <b><u>DISTRICT</u></b>	<b><u>DIAM</u></b> <b><u>(in.)</u></b>	<b><u>DEPTH</u></b> <b><u>TTL./CSD.FT.</u></b> <b><u>(feet bls)</u></b>	<b><u>USE DESCRIPTION</u></b>	<b><u>AVERAGE</u></b> <b><u>(gpd)</u></b>	<b><u>PEAK</u></b> <b><u>MONTH</u></b> <b><u>(gpd)</u></b>	<b><u>CROP</u></b> <b><u>PROTECTION</u></b> <b><u>(gpd)</u></b>
453 / 1	6	350 / UNK	Irrigation	26,000	116,300	450,700
565 / 2	12	UNK / UNK	Irrigation	38,600	172,900	1,790,200
575 / 3	12	460 / 178	Irrigation	99,500	445,600	2,818,100
31 / 4	12	521 / 330	Irrigation	83,200	372,600	2,818,100
521 / 5	6	UNK / UNK	Irrigation	16,300	72,900	450,700
Grove 10 / 6	12	550 / 140	Irrigation	57,500	257,400	2,664,500
Little 10 / 7	6	UNK / UNK	Irrigation	42,600	190,600	450,700
411 / 8	8	450 / 125	Irrigation	37,900	169,700	1,015,200
418 / 9	8	450 / 125	Irrigation	38,700	173,400	1,015,200
546 / 10	6	385 / 110	Irrigation	14,400	64,300	450,700
400 / 11	8	450 / 140	Irrigation	23,400	104,800	1,015,200
35 / 12	8	240 / 126	Irrigation	13,500	56,400	583,300
Lanier 1 / 13	10	550 / 100	Irrigation	55,000	229,400	1,804,300
Lanier 2 / 14	8	UNK / UNK	Irrigation	54,600	227,500	1,015,200
Grove 32 / 15	6	330 / 90	Irrigation	15,800	66,000	450,700
Grove 520 / 16	8	UNK / UNK	Irrigation	23,500	97,700	450,700
Range 26-2 / 17	12	361 / 96	Irrigation	125,500	523,200	2,818,100
Range 26-1 / 18	12	393 / 104	Irrigation	48,800	270,600	1,522,100

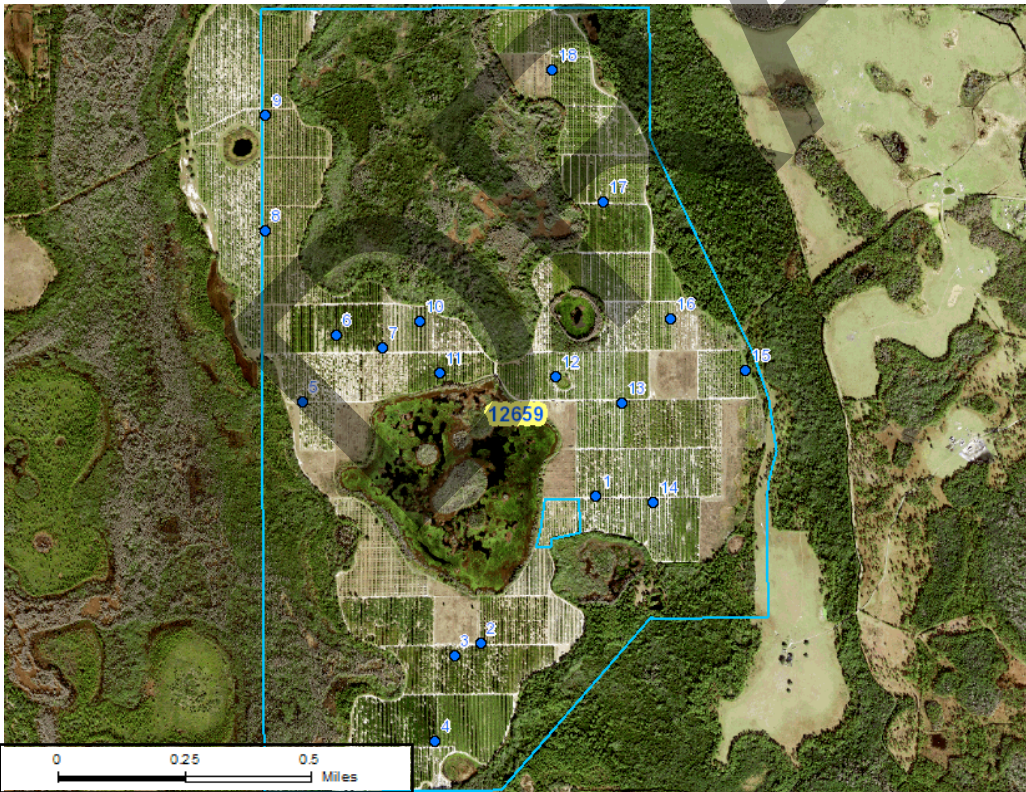
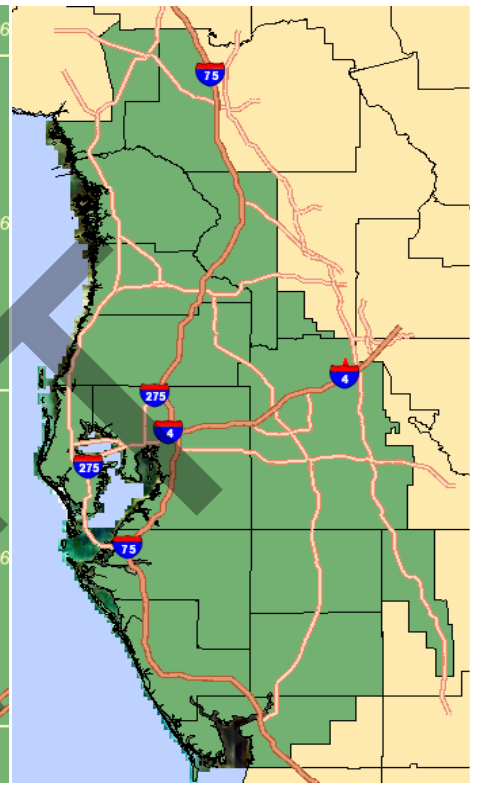
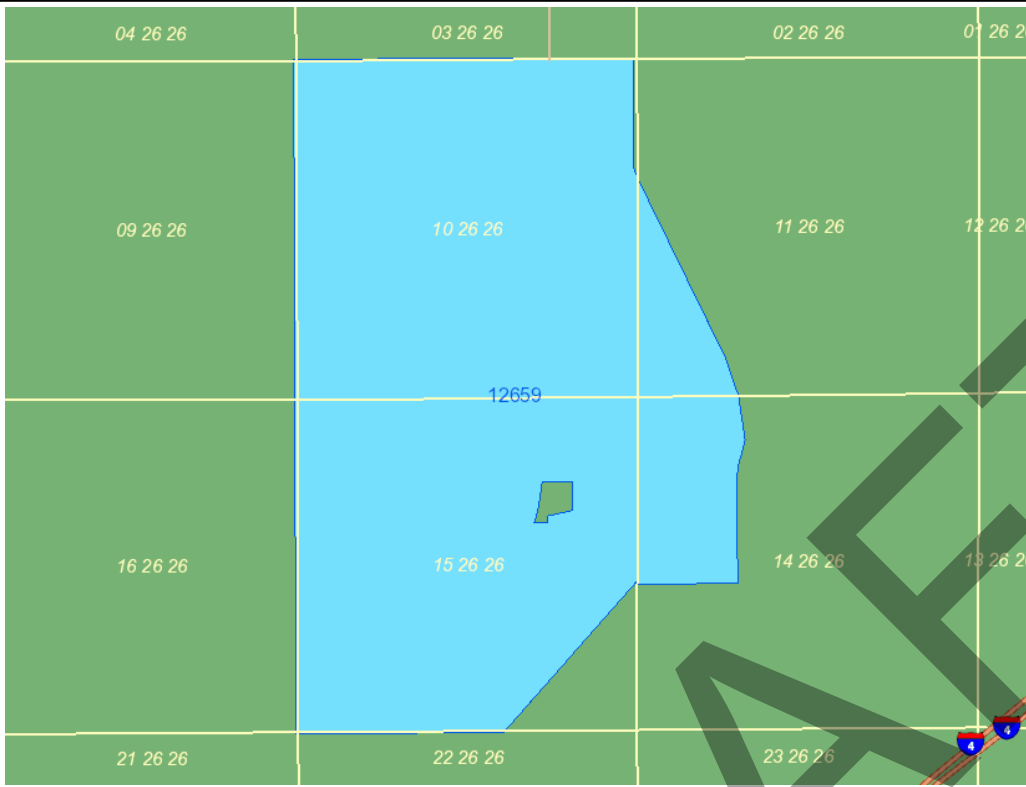
**WITHDRAWAL POINT LOCATION TABLE**

<b><u>DISTRICT I.D. NO.</u></b>	<b><u>LATITUDE/LONGITUDE</u></b>
1	28° 13' 35.30"/81° 41' 32.40"
2	28° 13' 15.68"/81° 41' 49.94"
3	28° 13' 14.00"/81° 41' 54.00"
4	28° 13' 02.70"/81° 41' 57.00"
5	28° 13' 48.00"/81° 42' 17.00"
6	28° 13' 57.02"/81° 42' 11.95"
7	28° 13' 55.20"/81° 42' 04.90"
8	28° 14' 11.00"/81° 42' 22.70"
9	28° 14' 26.30"/81° 42' 22.50"
10	28° 13' 58.80"/81° 41' 59.23"
11	28° 13' 51.81"/81° 41' 56.19"
12	28° 13' 51.30"/81° 41' 38.50"
13	28° 13' 47.80"/81° 41' 28.48"
14	28° 13' 34.47"/81° 41' 23.68"
15	28° 13' 52.10"/81° 41' 09.60"
16	28° 13' 59.00"/81° 41' 21.00"
17	28° 14' 14.71"/81° 41' 31.25"
18	28° 14' 32.30"/81° 41' 38.90"

Attachment: 20012659.001 Recap Permit (5160 : WUP No. 20012659.001 - Grassy Lake)



**Location Map**  
**Robert Sons, Carl Sons and Patty Sons**  
**WUP No. 20 012659.001**



**Legend**

- DIDs
- WUP Boundary

2017 Natural Color Imagery

**POLK COUNTY**

**Southwest Florida**  
 Water Management District

Attachment: 20012659.001 Recap Permit (5160 : WUP No. 20012659.001 - Grassy Lake)

**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/](http://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 Permittee shall document and report on District forms, the beginning and ending hours and dates of operation of each withdrawal point used for the protection of crops from frost, freeze or heat damage. The report shall include the gallons per day pumped from each withdrawal point based on irrigation system capacity, or if available, totalizing flow meter readings. This report shall be submitted by the 10th day of the month following irrigation for crop protection. The crop protection daily quantities specified in this permit are solely for the purpose of crop protection, and do not apply to routine irrigation practices. Irrigation for crop protection shall not exceed the crop protection daily quantity listed on the permit and shall not cause water to go to waste.  
(1)
3. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)
4. 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)
5. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)
6. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices.  
(331)
7. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to plac



equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)

8. The Permittee shall geophysically (caliper) or video log District ID Nos. 1, 2, 5, 7, 14 and 16, Permittee ID Nos. 453, 565, 521, Little 10, Lanier 2 and Grove 520, if the pump assembly is removed for maintenance or replacement within the term of this permit. If the Permittee does not have to remove the pump assembly during the term of this permit, he or she shall notify the District in writing upon submittal of their application to renew their water use permit (WUP). Such notification will not prejudice the Permittee's application. The District does not require the Permittee to remove the well assembly for the single purpose of logging the well.

The geophysical or video log must clearly show the diameter and total depth of each well, and the casing depth and casing continuity in each well. If a video log is made of the well, it shall clearly show the WUP number, Permittee name, and well identification number on the tape itself. One copy of the log shall be submitted to the District within 30 days of the logging event. Upon sufficient notice (approximately two to three weeks), the District can caliper log the well(s) at no cost to the Permittee; however, the Permittee shall remove the pump assembly at their own cost and prior to the arrival of the District logging vehicle on location.

Until such time as the logging is performed, the District shall continue to assess withdrawal impacts, and credit existing use per aquifer based on the assumption that multiple aquifers are open in the well bore. If an analysis of the log with respect to geology or hydrogeology is made, the report must be signed and sealed by a Professional Geologist who is registered and in good standing with the Florida Department of Business and Professional Regulation.  
(408)

9. The Permittee shall immediately implement the District-approved water conservation plan 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 July 1, 2030.(449)
10. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water.  
(458)
11. 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)
12. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.(651)
13. The following existing, but previously un-metered withdrawal facilities shall be metered pursuant to th

District approved schedule submitted June 16, 2020: District ID Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, Permittee ID Nos. 453, 565, 575, 31, 521, Grove 10, Little 10, 411, 418, 546, 400, 35, Lanier 1, Lanier 2, Grove 32, Grove 520, Range 26-2 and Range 26-1. 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.(720)

14. This project is located in the Central Florida Water Initiative (CFWI) area, an area with on-going impacts to water resources which are being addressed by the CFWI. If the District determines that adverse impacts to water resources or existing legal users are occurring or are projected to occur because of the Permittee's authorized withdrawals over the permit duration, the District, upon reasonable notice to the Permittee and including a statement of facts upon which the District based its determination, may modify quantities permitted or other conditions of the permit, as appropriate, to address the impact, but only after an opportunity for the Permittee to resolve or mitigate the impact or to request a hearing. Such modification, if any, will consider such factors as the Permittee's relative contribution to the water resource impact being addressed due to groundwater withdrawals, the timing of this permit issuance compared to presently existing legal use of water, and other considerations identified by the CFWI Solutions Planning and Regulatory Teams. Modifications may include mitigation of impacts and / or reconsideration of allocations or requirements to timely implement required actions that are consistent with the long-term, regional water supply solutions as implemented by rules. Such actions may include the development of alternative water supplies, the implementation of water resource and / or water supply development projects, the application of impact offsets or substitution credits, operating plans, heightened water conservation or other appropriate actions. Nothing in this condition is intended to abrogate the rights of the Governing Board or of any other person under Section 373.233, Florida Statute.(1025)
15. The Central Florida Water Initiative documented existing water resource environmental impacts within its boundaries. This Initiative remains underway and is, in part, crafting long-term water supply solutions for the region. As a component of immediate, interim measures the Permittee is encouraged to participate in the District's on-going, heightened water conservation public education program. Given the Permittee's use class, opportunities may include such activities as participation in water conservation public service announcements, demonstrations of irrigation efficiency at community gardens, posting water conservation information or links on the Permittee's website. Please contact the Water Use Permit Bureau Chief at 813 985-7481, to discuss opportunities for participation in this important District effort.(1026)

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/](http://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 sub

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](http://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.

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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.

Attachment: 20012659.001 Recap Permit (5160 : WUP No. 20012659.001 - Grassy Lake)

## OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

July 28, 2020

### *Consent Agenda*

#### **Green Swamp East Rock Ridge Road Cattle Lease Agreement, SWF Parcel No. 10-200-1280X**

##### *Purpose*

Request the Governing Board approve the award of the Green Swamp East Rock Ridge Road Cattle Lease Request for Offers 20-04 (RFO), which covers approximately 450 acres in northeastern Polk County in the vicinity of Rock Ridge Road (the Property) to Lewis Jenkins, D.B.A. Jenkins Cattle LLC.(Lessee), and execute the resulting lease (Lease) on behalf of the District.

##### *Background/History*

On May 22, 2020, the District advertised the RFO regarding the Property. The Property is comprised of approximately 143± acres of grazable Bahia grass pasture and is currently managed as a cow-calf operation. The other plant communities on the Property consist of approximately 307± acres of mesic hardwood hammock and South Florida flatwoods habitat. A general location map is included as Exhibit 1. The Property will be leased for cattle grazing (cow-calf) and haying purposes only.

The maximum stocking rate for the property is 37 Animal Units (an Animal Unit is one bull or one cow with or without one un-weaned calf). The Lessee may stock any number of Animal Units on the Property at or below the maximum without adjustment to the annual rent payment.

The term of the Lease is five years, with an option for the Lessee to request renewal for an additional term of five years. A copy of the Lease is included as Exhibit 2.

On June 2, 2020, a voluntary site visit was held with thirteen individuals attending. On June 11, 2020 eleven responses were received for RFO 20-04, with the highest offer being submitted by Lessee in the amount of \$23 per acre, for an annual lease amount of \$10,350. The Solicitation Recap Report is included as Exhibit 3.

##### *Benefits/Costs*

The Lease will provide the District with income in the amount of \$10,350, while also requiring Lessee to perform certain land management functions. The Lessee is responsible for maintaining tropical soda apple control during the duration of the Lease, for fertilizing and otherwise maintaining the pasture areas, for maintaining fencing, and otherwise managing certain aspects of the Property. The Lease contains an indemnification clause by Lessee in favor of the District, and requires the Lessee to pay any ad valorem taxes assessed on the Property during the duration of the Lease



## Item 9

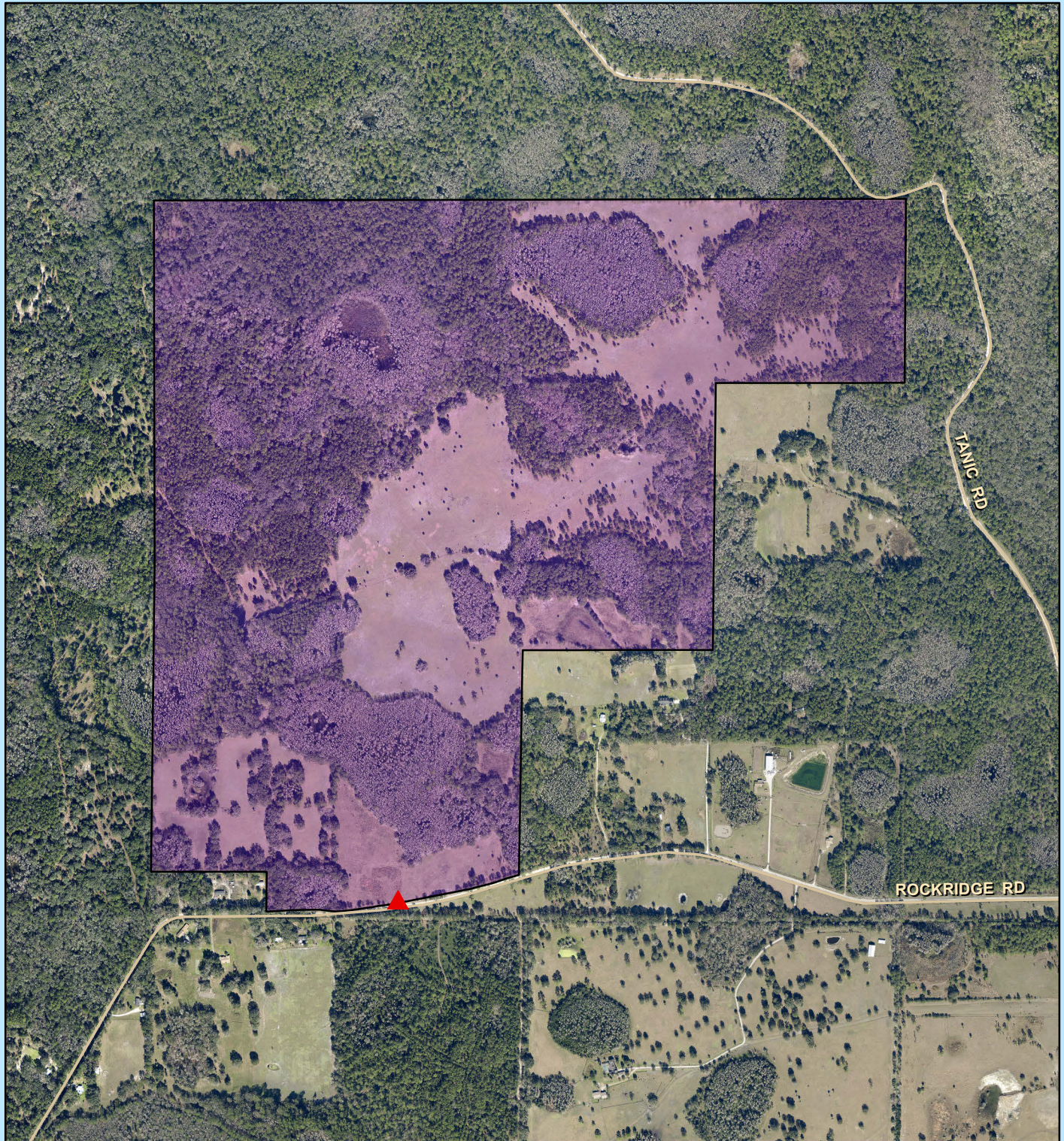
Staff Recommendation:

Approve the award of the Green Swamp East Rock Ridge Road Cattle Lease to Lewis Jenkins, D.B.A. Jenkins Cattle LLC., and execute the lease on behalf of the District.

Presenters: Jerry Mallams, P.G., Operations and Land Management Bureau Chief and  
Ellen Morrison, Operations and Land Management Assistant Bureau Chief



Green Swamp Rock Ridge Road Cattle Lease (10-200-1280X)  
 Polk County, Florida  
 Section 17, Township 25S, Range 24E Exhibit 1



Southwest Florida  
 Water Management District

▲ Gate  
 ■ Lease Area

0 0.075 0.15 0.3  
 Miles

Aerial Year - 2017





### CATTLE GRAZING LEASE AGREEMENT

THIS LEASE, made this 28th day of July, 2020, by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter called the "LESSOR", and LEWIS JENKINS, D.B.A. JENKINS CATTLE LLC., having an address of 2979 Phipps Road, Auburndale, Florida 33823, hereinafter called the "LESSEE."

#### WITNESSETH:

The LESSOR, for and in consideration of the rents, covenants and agreements hereinafter contained, does hereby lease to the LESSEE, all that certain property located in Polk County Florida, hereinafter referred to as the "PROPERTY", depicted in Exhibit "A", and described in Exhibit "B" attached hereto, subject to the following terms and conditions:

1. RENT: The LESSEE agrees to pay the LESSOR an annual rental amount of Ten Thousand, Three-Hundred Fifty Dollars (\$10,350.00) for 450 acres per year, or at the rate of \$23.00 per acre per year. The first payment is due upon the Commencement Date of this Lease and subsequent payments will be due annually on the anniversary of the Commencement Date of this Lease (Anniversary Date).

2. TERM: This Lease will be for a term of five (5) years commencing on July 28<sup>th</sup>, 2020 (Commencement Date), unless otherwise renewed by the LESSOR pursuant to the terms and conditions set forth in Paragraph 21. If this Lease is renewed, then the term will commence on the date of execution by the LESSOR.

3. USE: The LESSEE may use the PROPERTY for cattle grazing and haying purposes only.

4. STOCKING RATE: An Animal Unit is one (1) bull or one (1) cow with or without one (1) un-weaned calf. The maximum Stocking Rate for the PROPERTY is 37 Animal Units. The LESSEE may stock any number of Animal Units at or below the maximum stocking rate stated without an adjustment to the annual rent payment. Upon written request from the LESSEE, the stocking rate may be increased upon a favorable evaluation and written approval by the LESSOR. The LESSOR reserves the right to inspect the condition of the PROPERTY at any time during this Lease and adjust the Stocking Rate due to the PROPERTY being overgrazed based on this inspection and/or forage production analysis. The amount of rent due will be increased or decreased by an amount equal to the percentage change in the number of Animal Units approved by the LESSOR. The change in the Stocking Rate will be effective on the next date rent is due to the LESSOR following the LESSOR'S approval of the increase.

5. ASSIGNMENT: The LESSEE may not assign this Lease, or any interest herein, without the prior written approval of the LESSOR. Neither this Lease nor any interest of the LESSEE herein is assignable or transferable in proceedings by or against the LESSEE in execution, bankruptcy, or insolvency, or in any other manner by operation of law. Any assignment or change of control made either in whole or in part without the prior written approval of the LESSOR shall be void and without legal effect. Any purported assignment or change of control in violation of this Paragraph will constitute a material breach of this Lease for which the LESSOR may immediately terminate this Lease.

6. SUBLEASES: The LESSEE will not sublease the PROPERTY, unless the LESSEE obtains prior written approval of the terms and conditions of the sublease from the LESSOR. Any sublease not approved in writing by the LESSOR will be void and without legal effect. Any purported sublease in violation of this Paragraph will constitute a material breach of this Lease for which the LESSOR may immediately terminate this Lease. The LESSOR'S approval of a particular sublease does not constitute a waiver of the right to withhold approval of subsequent subleases.

7. PRESCRIBED BURNS:

- (a) The LESSEE will be responsible for planning and conducting prescribed burns on the PROPERTY. All burning on the PROPERTY must be conducted in accordance with Section 590.125, Florida Statutes (F.S.). As required by subsection 590.125(3)(b), F.S., a certified prescribed burn manager must be on site with a copy of the prescription from the time of ignition until the burn is completed. Prescribed burns conducted on the PROPERTY by the LESSEE that are not in compliance with the conditions described herein, will be considered a material breach of this Lease for which the LESSOR may immediately terminate this Lease.
- (b) The LESSEE may not conduct a prescribed burn on the PROPERTY or any part thereof without first submitting a written burn plan to the LESSOR that contains all pertinent information, i.e., area to be burned, season of burn, frequency of burns, etc., in a format approved by the LESSOR, for review and approval by October 1 of each year of this Lease. The LESSEE must obtain authorization from the Florida Forest Service of the Department of Agriculture and Consumer Services and the County, if applicable, prior to conducting a prescribed burn on the PROPERTY. The LESSEE'S responsibility to conduct prescribed burns on the PROPERTY will not prevent the LESSOR from conducting prescribed burns on the PROPERTY when necessary for other land management purposes.
- (c) The LESSEE agrees to indemnify, defend and hold harmless the LESSOR, its officers, agents and employees from any and all damage or injury that may be caused by fire or smoke resulting from burning conducted on the PROPERTY by the LESSEE. Pursuant to subsection 590.125(3)(c), F.S., no property owner or his or her agent is liable pursuant to Section 590.13, F.S., for damage or injury caused by the fire or resulting smoke for burns conducted in accordance with subsection 590.125(3)(b), F.S., unless gross negligence is proven. Any and all damages to the PROPERTY or improvements to the PROPERTY caused by fire or smoke resulting from burning conducted on the PROPERTY by the LESSEE must be repaired by the LESSEE at its sole expense. This Paragraph shall survive the expiration or termination of this Lease.
- (d) The LESSEE will disc the existing firelanes identified on Exhibit "C," at least annually and more frequently if necessary, to protect the PROPERTY from damage or destruction by wildfires and to ensure that prescribed burns are conducted safely. Discing must be completed between December and March of each year of this Lease. Firelanes will be maintained at a maximum width of twelve (12) feet. The LESSEE may not create any new firelanes without the prior written approval of the LESSOR.

Rock Ridge Road Cattle Site  
SWF Parcel No. 10-200-1280X

8. FENCING AND IMPROVEMENTS:

- (a) Unless another type of fencing is approved by the District, new fences will be constructed of four (4) strands of barbed wire, attached to pressure treated or iron fence posts. Post spacing will not exceed twenty (20) feet. All fences remain the property of the LESSOR.
- (b) The LESSEE will maintain all fences and gates in good condition during the term of this Lease. In the event an existing fence on the PROPERTY is damaged or inadequate, the LESSEE will take immediate action to repair it. Fences that must be repaired or replaced will be constructed in the same manner as new fences.
- (c) The LESSEE must obtain prior written approval from the LESSOR before constructing any additional interior fences upon the PROPERTY. The LESSEE will maintain in good repair, any existing improvements upon the PROPERTY, e.g. troughs, sheds, and other structures, or any improvements that may be placed upon the PROPERTY during the term of this Lease. The LESSEE may not make improvements to the PROPERTY without the prior written approval of the LESSOR. All permanent improvements will remain the property of the LESSOR, e.g. well(s) for cattle watering purposes.
- (d) The LESSEE must use portable cattle pens or construct pens. The LESSEE is solely responsible for expenses incurred for use or construction of cattle pens.
- (e) The LESSEE will be responsible for establishing a dependable water source on the PROPERTY if needed by the LESSEE. The LESSEE must obtain all necessary permits and authorizations prior to establishing any water source on the PROPERTY. The LESSEE is solely responsible for expenses incurred for establishing water sources.

9. IDENTIFICATION: All cattle must bear identification, e.g., ear tags, tattoos, brands, etc., readily traceable to the LESSEE before their release on the PROPERTY.

10. HUNTING: With the exception of the activities allowed pursuant to paragraph 12 (c), hunting on the leased property is prohibited.

11. PUBLIC USE: The LESSOR reserves the right to use the PROPERTY, in whole or part, for activities, including but not limited to passive recreation.

12. GENERAL OPERATION AND MANAGEMENT: The LESSEE will take appropriate measures to prevent overgrazing, pasture degradation and other environmental impacts to the PROPERTY. Such measures will include but are not limited to the following:

- (a) The LESSEE will conduct all activities in accordance with all applicable rules and regulations. The LESSEE further agrees, when practicable, to conduct all activities in accordance with the most recent Water Quality Best Management Practices (BMPs), established by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy (FDACS-OAWP). The FDACS-QAWP

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Water Quality/Quantity Best Management Practices Manual is available from The FDACS-OWAP at:

[http://freshfromflorida.s3.amazonaws.com/Bmp\\_FloridaCowCalf2008.pdf](http://freshfromflorida.s3.amazonaws.com/Bmp_FloridaCowCalf2008.pdf)

or:

FDACS-OWAP  
1203 Governor's Sq. Blvd.  
Suite 200  
Tallahassee, FL 32301

Prior to conducting activities on the PROPERTY, the LESSEE will demonstrate its intent to implement practicable BMPs by signing the following FDACS-QAWP Notice of Intent to Implement Water Quality BMPs for Florida Cow/Calf Operations form, found within the FDACS-QAWP Water Quality/Quantity Best Management Practices Manual, and submitting them to FDACS-OWAP, with copies to the LESSOR.

- (b) The LESSOR is required to manage invasive plant species on the PROPERTY consistent with Florida Statutes. The LESSEE shall not impede the LESSOR'S efforts to control invasive species on the PROPERTY. The LESSEE shall be solely responsible for maintaining effective control of tropical soda apple (TSA) using the Best Management Practices described in the University of Florida, Institute of Food and Agricultural Sciences Publication Number SS-AGR-77, and updates thereto at:

<http://edis.ifas.ufl.edu/uw097>

The LESSOR will ensure that there is less than 5% coverage of TSA on the PROPERTY at the time this Lease is executed. The LESSOR and the LESSEE will conduct an inspection of the PROPERTY following execution of this Lease, to document that TSA is under satisfactory control. The LESSEE'S failure to maintain acceptable control of TSA will constitute a material breach of this Lease for which the LESSOR may either immediately terminate this Lease or treat the PROPERTY. If the LESSOR chooses to treat the PROPERTY, the LESSEE is solely responsible for the cost of such treatment by the LESSOR and agrees to reimburse the LESSOR the full amount of the cost upon the LESSOR'S written request. The LESSEE'S failure to reimburse the LESSOR within 5 days of receipt of LESSOR'S written request will constitute a material breach of this Lease for which the LESSOR may immediately terminate this Lease. If the LESSEE uses fertilizer, hay, seed or other planting materials on the PROPERTY that originated off-site, the LESSEE must make every practicable effort to ensure that such materials are free of invasive plant seeds and other propagules before using.

- (c) The LESSEE shall trap or shoot feral hogs on the PROPERTY and maintain a record of all feral hog control activities conducted by the LESSEE. All hogs trapped on the PROPERTY must be euthanized in a humane manner and may not be



relocated or released. The LESSEE will submit the record of all feral hog control activities to the LESSOR by October 1 of each year of this lease.

13. PASTURE CONDITIONS: The LESSEE will take appropriate measures to prevent overgrazing and pasture degradation that include, but are not limited to the following:

- (a) The maintenance of existing improved pastures by rotating, fertilizing, mowing, discing, dragging, and removing invasive plant species.
- (b) Fertilizing and liming the improved pastures when practicable, in accordance with the recommendations of the Natural Resource Conservation Service (NRCS).
- (c) The indirect rotation of cattle through the strategic placement and periodic movement of feed troughs, mineral blocks, water troughs, and molasses tanks. The LESSEE must use a rotational grazing system that will prevent overgrazing of any one pasture.
- (d) To ensure that the quality of the improved pasture is maintained or enhanced, the LESSEE agrees to mow, disc, or drag the pastures at least once a year, or more frequently if required.

14. HAYING: Haying is allowed on the PROPERTY. The LESSEE will conduct haying activities in a manner that will not damage or strip the pasture(s) of desirable grasses. During haying operations, the LESSEE will maintain a two-inch stubble height. If the LESSEE purchases hay, seed or other planting materials off-site, the LESSEE agrees to make every practicable effort to ensure that such materials are free of invasive plant seeds and other propagules.

15. QUARANTINE: The LESSEE must quarantine all cattle for seven (7) days prior to releasing them on the PROPERTY. The LESSEE must ensure that all cattle are free of invasive plant seeds and other propagules prior to releasing them on the PROPERTY.

16. WORKS OF THE DISTRICT: The LESSOR reserves the right to enter upon the PROPERTY, at such times and places as the LESSOR may deem necessary, for the purposes of inspecting the PROPERTY, or constructing roads, canals or ditches, infrastructure and amenities related to public recreation, or other projects, and for any matter pertaining to water management or land management activities.

17. SALE OF PROPERTY: If the LESSOR sells the PROPERTY during the term of this Lease, the LESSOR, in its sole discretion, may either assign this Lease in whole to the new owner without the LESSEE'S consent, or terminate this Lease upon six (6) months prior written notice to the LESSEE.

18. PERSONNEL AND VEHICLES: Only personnel and vehicles utilized or authorized by the LESSEE for use in its cattle grazing and haying operations are allowed on the PROPERTY.

19. PROTECTION: The LESSEE will regularly inspect the PROPERTY to detect and prevent wildfires, trespasses and vandalism on the PROPERTY. Additionally, the LESSEE will

Rock Ridge Road Cattle Site  
SWF Parcel No. 10-200-1280X

regularly inspect the PROPERTY for downed or damaged fence, open gates and cattle that may have strayed from the PROPERTY. The LESSEE must immediately notify the appropriate governmental agencies and the LESSOR upon the discovery of any wildfire, trespass, or vandalism. The LESSEE is responsible for repairing damaged fences, and taking appropriate measures to immediately return stray cattle to the PROPERTY.

20. INDEMNIFICATION: The LESSEE agrees to indemnify and hold harmless the LESSOR and all the LESSOR'S agents, employees and officers from and against all liabilities, claims, damages, expenses or actions, either at law or in equity, including attorneys' fees and costs and attorneys' fees and costs on appeal, caused or incurred, in whole or in part, as a result of any act or omission by the LESSEE, its agents, employees, subcontractors, assigns, heirs or anyone for whose acts or omissions any of these persons or entities may be liable during the LESSEE'S use of the PROPERTY and performance under this Lease. This Paragraph will survive the expiration or termination of this Lease.

21. LESSOR'S OPTION TO RENEW:

- (a) The LESSOR, at its sole discretion, may offer to renew this Lease for one additional five-year term under such terms and conditions as may be established by the LESSOR. The LESSOR will notify the LESSEE if it intends to offer to renew this Lease in accordance with this Paragraph prior to soliciting offers on the PROPERTY. If the LESSOR does not notify the LESSEE of its intent to offer to renew this Lease, then this Lease will expire at the end of the term.
- (b) Approximately six months prior to the expiration of this Lease, the LESSOR may request competitive offers on the PROPERTY. If the LESSOR requests offers under this subparagraph, this Lease may be renewed for one additional five year term under such terms and conditions as may be established by the LESSOR, if the LESSEE meets the following conditions:
  - The LESSEE submits a responsive offer;
  - If the LESSEE'S offer is not the highest offer received, the LESSEE agrees to exceed the highest offer received during the offer process by five percent (5%);
  - The LESSEE has successfully performed under this Lease;
  - The LESSEE agrees to any modifications to the lease terms and conditions as determined by the LESSOR;
  - The LESSEE accepts the renewal terms and conditions within ten (10) business days from receipt of the LESSOR'S offer to renew by delivering notice of the LESSEE'S acceptance to the LESSOR by hand delivery or certified mail. If by certified mail, date of delivery shall be the date the notice is placed in mail.
  - The LESSEE'S failure to deliver written acceptance of the LESSOR'S offer to renew within the time specified will be deemed a rejection of the terms by the LESSEE.

Upon receipt of the LESSEE'S timely written acceptance of the LESSOR'S offer to renew, the LESSOR and the LESSEE will execute a written amendment to this Lease to record the renewal and conditions thereto, if any.

22. **INSURANCE:** The LESSEE must maintain during the full term of this Lease, and at its sole expense, insurance in the following kinds and amounts or limits with a company or companies authorized to do business in the State of Florida. This Lease will not be effective until the LESSOR has received an acceptable certificate of insurance showing evidence of such coverage. Certificates of insurance must reference this Lease.

- (a) Liability insurance on forms no more restrictive than the latest edition of the Commercial General Liability Policy (GC 00 01) of the Insurance Services Office without restrictive endorsements, or equivalent, with the following minimum limits and coverage:

Minimum Limits \$1,000,000 per occurrence

- (b) Vehicle liability insurance, including owner, non-owned and hired autos with the following minimum limits and coverage:

Bodily Injury Liability Per Person \$100,000

Bodily Injury Liability Per Occurrence \$300,000

Property Damage Liability \$100,000

-or-

Combined Single Limit \$500,000

- (c) The LESSOR and its employees, agents, and officers must be named as additional insured on the general liability policy to the extent of the LESSOR'S interests arising from this Lease.
- (d) The LESSEE must obtain certificates of insurance from any subcontractor otherwise the LESSEE must provide evidence satisfactory to the LESSOR that coverage is afforded to the subcontractor by the LESSEE'S insurance policies.
- (e) The LESSEE must notify the LESSOR in writing of the cancellation or material change to any insurance coverage required by this Paragraph. Such notification must be provided to the LESSOR within five (5) business days of the LESSEE'S notice of such cancellation or change from its insurance carrier.

23. **TAXES:** If any ad valorem taxes, intangible property taxes, personal property taxes, or other liens or taxes of any kind are assessed or levied lawfully on the PROPERTY, based on the LESSEE'S use of the PROPERTY during the term of this Lease, the LESSEE agrees to pay all such taxes, assessments or liens, within thirty (30) days after receiving written notice from the LESSOR. In the event the LESSEE fails to pay all such taxes assessed or levied on the PROPERTY within thirty (30) days after receiving written notice, the LESSOR may, at its sole option, pay such taxes, liens, or assessments, subject to immediate reimbursement thereof together with any interest, calculated at the maximum rate allowed by law, and any administrative costs incurred by the LESSOR. Failure of the LESSEE to pay any taxes or assessments pursuant to this paragraph will constitute a material breach of this Lease for which the LESSOR may immediately terminate this Lease.

24. **MATERIAL BREACH:** Each of the following events will constitute a material breach of this Lease by the LESSEE for which the LESSOR may immediately terminate this Lease:

Rock Ridge Road Cattle Site  
SWF Parcel No. 10-200-1280X

- (a) If the LESSEE transfers this Lease or any of its rights or obligations under this Lease to any other person or entity, except as may be specifically authorized by the terms of this Lease.
- (b) If the LESSEE vacates or abandons the PROPERTY.
- (c) If the LESSEE fails to obtain and carry the required amount of general liability or vehicle insurance or if such insurance should lapse during the term of this Lease.
- (d) If the LESSEE fails to pay the rent.
- (e) If the LESSEE fails to pay any ad valorem taxes, intangible property taxes, personal property taxes, or other liens or taxes of any kind which are assessed or levied lawfully on the PROPERTY within thirty (30) days after receiving written notice.
- (f) If the LESSEE fails to reimburse the LESSOR for costs associated with the LESSOR'S treatment of the PROPERTY for TSA pursuant to subparagraph 12(b).
- (g) If the LESSEE is in noncompliance with any other condition of this Lease and LESSEE fails to remedy such non-compliance within (5) days after actual notice by the LESSOR, or within ten (10) days of written notice mailed to the LESSEE at the address stated in the introductory paragraph of this Lease.

25. UTILITIES: The LESSEE agrees to pay all deposits and monthly charges for all utility services supplied to the PROPERTY for the benefit of the LESSEE and all costs to repair, replace, clean and maintain connections and service to the PROPERTY.

26. WAIVER: Waiver by the LESSOR of any breach of any term, covenant or condition herein contained will not be deemed to be a future waiver of such term, covenant, or condition, or of any subsequent breach of the same or any other term, covenant, or condition contained herein.

27. TERMINATION: Upon the expiration or termination of this Lease, the LESSEE will vacate the PROPERTY and leave the PROPERTY in the same condition as when the LESSEE took possession.

28. NOTICES: All notices which might be given to the LESSOR or the LESSEE under this Lease will be in writing and by certified mail, to the respective addresses as stated in the introductory Paragraph of this Lease, unless specifically provided otherwise herein.

29. MODIFICATION: This Lease may not be amended except by a formal written amendment signed by the parties. IN WITNESS WHEREOF, the parties hereto have executed this Lease on the day and year first above written.

**Southwest Florida Water Management District,  
LESSOR**

(seal)

Southwest Florida Water Management District,  
a public corporation of the State of Florida

BY: \_\_\_\_\_  
Mark Taylor, Chairman

**ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by MARK TAYLOR, as Chairman, of the GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, who is personally known to me.

(Notary Seal)

\_\_\_\_\_  
Notary Public  
Print: \_\_\_\_\_  
Commission No: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_  
Joel Schleicher, Secretary

**ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by JOEL SCHLEICHER, as Secretary, of the GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, who is personally known to me.

(Notary Seal)

\_\_\_\_\_  
Notary Public  
Print: \_\_\_\_\_  
Commission No: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Approved as to Form

\_\_\_\_\_  
Karen West, General Counsel

Rock Ridge Road Cattle Site  
SWF Parcel No. 10-200-1280X

**Lewis Jenkins, D.B.A. Jenkins Cattle LLC  
LESSEE**

Attest: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
(Print Name of Witness)

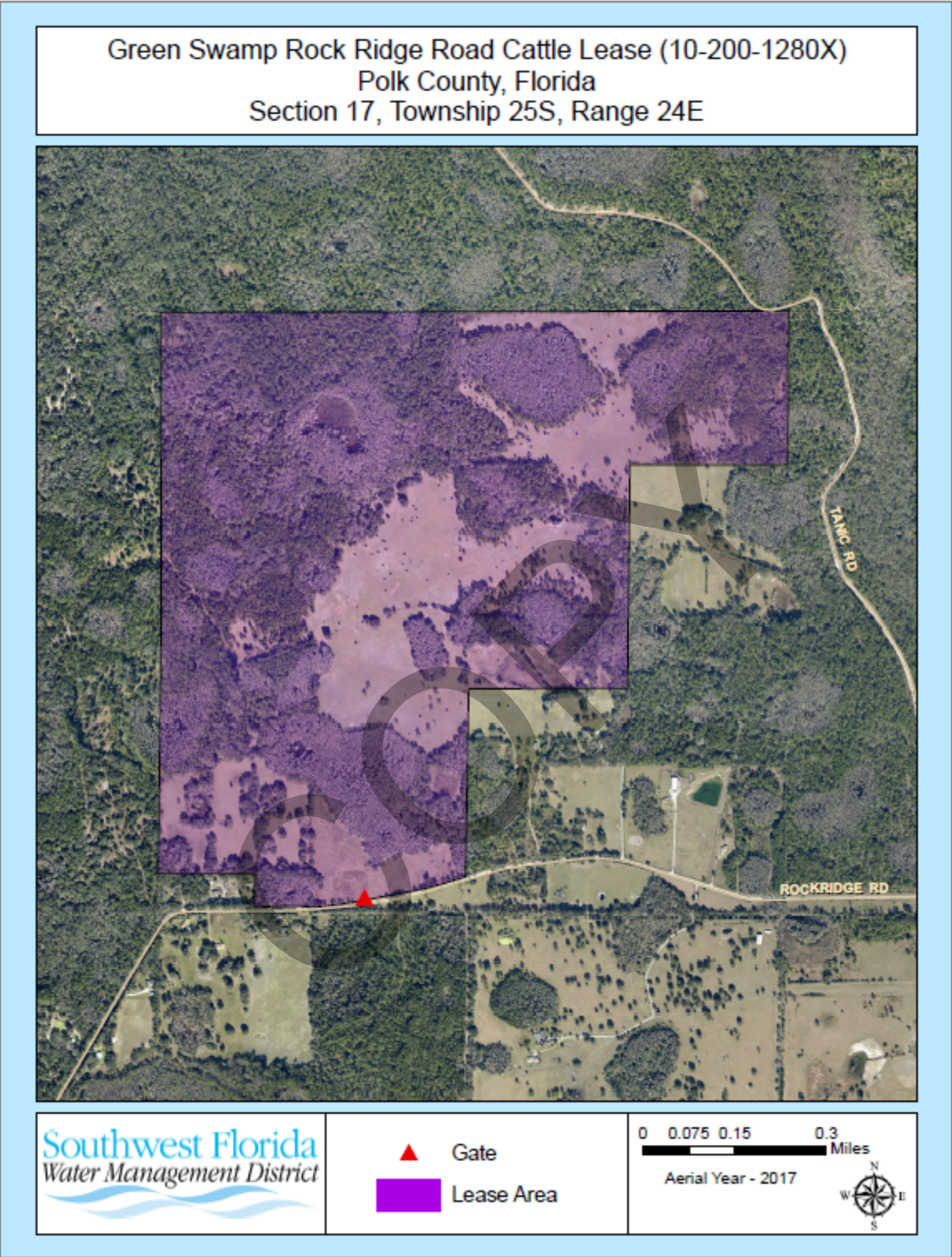
\_\_\_\_\_  
Lewis Jenkins

COPY

Rock Ridge Road Cattle Site  
SWF Parcel No. 10-200-1280X



Exhibit "A"



## Exhibit "B"

Description 10-200-1280X

A portion of those certain parcels of land as described in Official Records Book 1330 Pages 321-322 and Book 1659 Pages 1562-1566 of the Public Records of Polk County, Florida and all of those certain parcels of land as described in Official Records Book 1770 Page 2010, Book 1659 Pages 1570-1574, Book 1659 Pages 1725-1729 and Book 1746 Page 1356 of the Public Records of Polk County, Florida and being more particularly described as follows:

That part of Official Records Book 1330 Pages 321-322, being described as follows:

The NE1/4 of the NW1/4; the NW1/4 of the NW1/4; the SW1/4 of the NW1/4; the NW1/4 of the SW1/4; the North 3/4 of the SW1/4 of the SW1/4; and the East 3 5/9 acres of the South 1/4 of the SW1/4 of the SW1/4, of Section 17, Township 25 South, Range 24 East, Polk County, Florida, less any existing road right of way.

That part of Official Records Book 1659 Pages 1562-1566, being described as follows:

That part of the West 1/2 of the West 1/2 of the Southeast 1/4, lying North of Rock Ridge Road, in Section 17, Township 25 South, Range 24 East, Polk County, Florida described as follows:

Part (1)

The North 600.00 feet of the West 1/2 of the Northwest 1/4 of the Southeast 1/4.

All of Official Records Book 1770 Page 2010, being described as follows:

The North 600 feet of the East 1/2 of the NW 1/4 of the SE 1/4 of Section 17, Township 25 South, Range 24 East, Polk County, Florida.

All of Official Records Book 1659 Pages 1570-1574, being described as follows:

That portion of the East 1/4 of the SE1/4 of the SW1/4 of Section 17, Township 25 South, Range 24 East, Polk County, Florida, that lies north of Rock Ridge Road.

All of Official Records Book 1659 Pages 1725-1729, being described as follows:

That portion of the W 3/4 of the SE1/4 of the SW1/4 of Section 17, Township 25 South, Range 24 East, Polk County, Florida, lying north of the Rock Ridge Road.

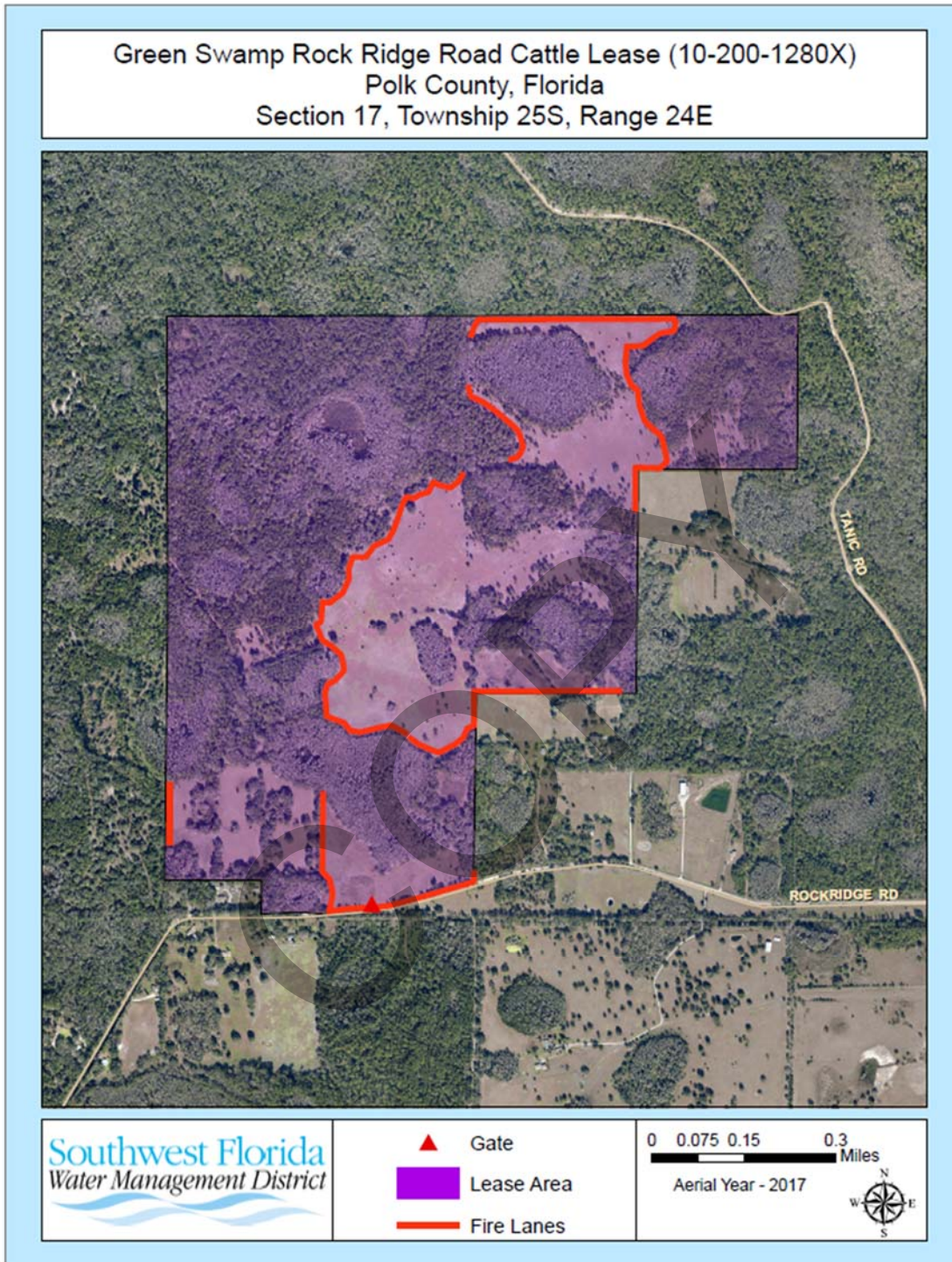
All of Official Records Book 1746 Page 1356, being described as follows:

The NE 1/4 of the NE 1/4; the West 1/2 of the NE 1/4; the SE 1/4 of the NW 1/4; and the NE 1/4 of the SW 1/4 of Section 17, Township 25 South, Range 24 East, Polk County, Florida.

Approved for use by the Survey Section 03-31-2015, W.O. 15-096.



**Exhibit "C"**



# Exhibit 3

## Solicitation Recap Report

### RFO 20-04 Green Swamp East Rock Ridge Road Cattle Lease

SWF Parcel No. 10-200-1280X

Acres=450

Offer Responses, June 10, 2020

Respondant	Offer Amount Per Acre	Total Offer Amount
Victor Sykes	\$10.00	\$4,500.00
Orangedale Herford Novis Ranch LLC	\$15.00	\$6,750.00
C-Ranch Cattle Company & Holp Holdings LLC	\$13.50	\$6,075.00
John H. Rio	\$20.06	\$9,027.00
Mike Facente	\$7.00	\$3,150.00
Kirby Graham & David Kelly	\$7.75	\$3,487.50
Paul LeClair	\$10.26	\$ 4,617.00
2JMCK LLC	\$10.25	\$4,612.50
Brian Hamilton	\$5.00	\$2,250.00
Jenkins Cattle	\$23.00	\$10,350.00
Crooked Creek Cattle Company	\$ 16.00	\$ 7,200.00

Opened by: Adriana Gonzalez

Read by: Chad Hughes

Recorded by: Teri Hudson

**OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE****July 28, 2020*****Consent Agenda*****Purchase and Sale Agreement, Perpetual Conservation Easement, and Resolution Requesting Funds from the Florida Forever Trust Fund – Rocking Seven Ranch and Farms LLC, Upper Myakka Watershed (Flatford Swamp) Project, SWF Parcel No. 21-598-104C*****Purpose***

Request Governing Board approval of the Purchase and Sale Agreement for the acquisition of a conservation easement (Conservation Easement) over 1,158 acres of the Rocking Seven Ranch & Farms, L.L.C. (Rocking Seven) at a negotiated price of \$2,500,000, and the Governing Board Resolution requesting funds from the Florida Forever Trust Fund for the purchase. Maps of the proposed Conservation Easement are included as Exhibits 1 and 2 to this item. The Purchase and Sale Agreement and Conservation Easement will be provided at or prior to the Governing Board meeting.

***Background and History***

The Flatford Swamp, which is owned by the District, is an important surface water feature for the headwaters of the Myakka River corridor. There are several tributaries that flow into Flatford Swamp and then out into Myakka River, which then flows into Charlotte Harbor. The Flatford Swamp has been adversely impacted by hydrologic alterations and excess agricultural runoff from groundwater irrigation in the watershed. The District has been evaluating options to restore Flatford Swamp to a more natural hydroperiod and utilize the excess water that has impacted it for beneficial use in the Southern Water Use Caution Area also known as the SWUCA.

The eastern boundary of the Conservation Easement abuts the District's Flatford Swamp ownership and Ogleby Creek, a main tributary of the Myakka River, runs through it. The purchase of the Conservation Easement will create a linkage of conservation areas between State and the District lands. The property will protect and buffer the Flatford Swamp from additional encroachments and benefits the Myakka River by further protecting Ogleby Creek and its associated floodplain.

Rocking Seven has been identified in the District's Florida Forever Work Plan and meets all four of the District's Areas of Responsibility. The property is a critical link within a regional wildlife corridor connecting conservation lands along the Myakka River and its tributaries, with conservation lands in the Manatee River and Little Manatee River watersheds. The property has a high diversity of quality natural communities. The Conservation Easement would help protect and maintain the quality and natural functions of land, water, and wetlands systems of the State.

***Property Description***

The entire Rocking Seven property consists of approximately 1,158 gross acres of which 74 percent, or 858 acres, are uplands and 26 percent, or 300 acres, are wetlands. Ten acres of the property are being reserved as a home site and this area has not been included in the purchase price. The property is zoned A (General Agriculture District) by Manatee County with a Land Use designation of AG-R (Agricultural Rural). The property has been in the same ownership since 1999. The property is currently used for cattle ranching and has an agricultural tax exemption. The

## Item 10

Manatee County Property Appraiser has a total Just Value for the property of \$1,444,412, or \$1,247 per gross acre, and the current assessed value is \$253,074, or \$219 per gross acre.

### *Appraisal and Valuation Summary*

For the valuation of the property, the District obtained two independent appraisals along with an independent review of each. The appraisals were prepared by Ron Sparks, MAI, dated July 30, 2019, and Joseph String, MAI, also dated July 30, 2019. Both appraisals were reviewed by Herr Valuation Advisors, Inc. to assure that they are factually sound, meet District and industry standards, and that the assumptions used to make the value determinations are reasonable. Each of the appraisal reports are available upon request.

	<b>Fee Value</b>	<b>Easement Value</b>	<b>Easement % of Fee Value</b>
<b>String Appraisal</b>	\$4,820,000	\$2,685,000	56%
	\$4,180/acre	\$2,329/acre	
<b>Sparks Appraisal</b>	\$4,700,000	\$2,515,000	54%
	\$4,076/acre	\$2,181/acre	
<b>Average Price</b>	\$4,760,000	\$2,600,000	55%
	\$4,128/acre	\$2,255/acre	
<b>Negotiated Price</b>	N/A	\$2,500,000	53%
		\$2,168/acre	

### *Negotiated Price*

Rocking Seven declined the District's initial offer of \$2,306,000 dated February 26, 2020 for a conservation easement and countered at \$2,750,000. After further consideration, the District made a second offer of \$2,500,000 on May 6, 2020, which was verbally accepted by Rocking Seven. The final purchase price will be adjusted based on the total acreage determined by a boundary survey. The Conservation Easement terms also include the ability for the District to implement a water diversion project to restore the hydroperiod of the Flatford Swamp and improvement of groundwater levels in the Southern Water Use Caution Area. The negotiated price is 53 percent of the fee simple value and 96 percent of the average appraised value. The price per acre for the easement in relation to the fee simple value of the property is within the range typically negotiated.

### *Negotiated Purchase Terms*

The following is a summary of the terms negotiated in the Purchase and Sale Agreement between the District and Rocking Seven:



## Item 10

- Rocking Seven agrees to deliver a conservation easement free of all encumbrances objectionable to the District.
- The District will obtain a Phase I Environmental Site Assessment report prior to closing.
- The District will obtain a Baseline Natural Resources Inventory report and Range Management Plan for the encumbered property before closing.
- Rocking Seven will obtain a Boundary Survey prepared to District requirements, the cost of which will be reimbursed to Rocking Seven by the District at closing.
- Rocking Seven is responsible for all tax assessments prorated through the date of closing.

### *Conservation Easement Terms*

The Conservation Easement over 1,158 acres will protect the existing condition of the property, and will allow continued agricultural use compatible with conservation values to be protected. A Baseline Natural Resources Inventory Report together with a Range Management Plan will be obtained to document the current conditions of the property at the time of closing. The terms of the Conservation Easement will also allow the District to implement a project to improve the hydroperiods of the Flatford Swamp and use the excess water to benefit the SWUCA.

### *Benefits/Costs*

This acquisition meets all the requirements within the Governing Board Policy for Land Acquisition. This acquisition benefits water resources and enhances the District's previous investment made to acquire the Flatford Swamp, which adjoins this property. The purchase of this Conservation Easement will protect property that contributes significantly to water supply, flood protection, water quality and natural systems. The Conservation Easement will allow the existing agriculture operations to continue and the property will remain on the County tax rolls. The District will incur a minor increase in operational costs associated with monitoring compliance with the terms of the Conservation Easement but not those associated with ongoing management of the property.

### *Funding*

Funds for this acquisition are available from prior year allocations held by the State of Florida in the Florida Forever Trust Fund and are budgeted in the District's FY20 budget. To receive the appropriated funds, the Governing Board must adopt a resolution requesting payment of District expenditures from the Land Acquisition Trust Fund. Accordingly, a resolution has been prepared requesting the Florida Department of Environmental Protection release the appropriated funds, attached as Exhibit 3 (Resolution Number 20-08).

### Staff Recommendation:

- Accept the appraisals for the Conservation Easement;
- Approve the Purchase and Sale Agreement and authorize the Executive Director or designee to sign on the behalf of the District;
- Approve and adopt Resolution 20-08 requesting funds from the Florida Forever Trust Fund for the acquisition of the Conservation Easement (SWF Parcel No. 21-598-104C);
- Authorize the Chairman and Secretary to execute the Conservation Easement on behalf of the District;
- Designate SWF Parcel No. 21-598-104C as having been acquired for conservation purposes;
- Authorize staff to make minor changes or corrections to conform documents or correct

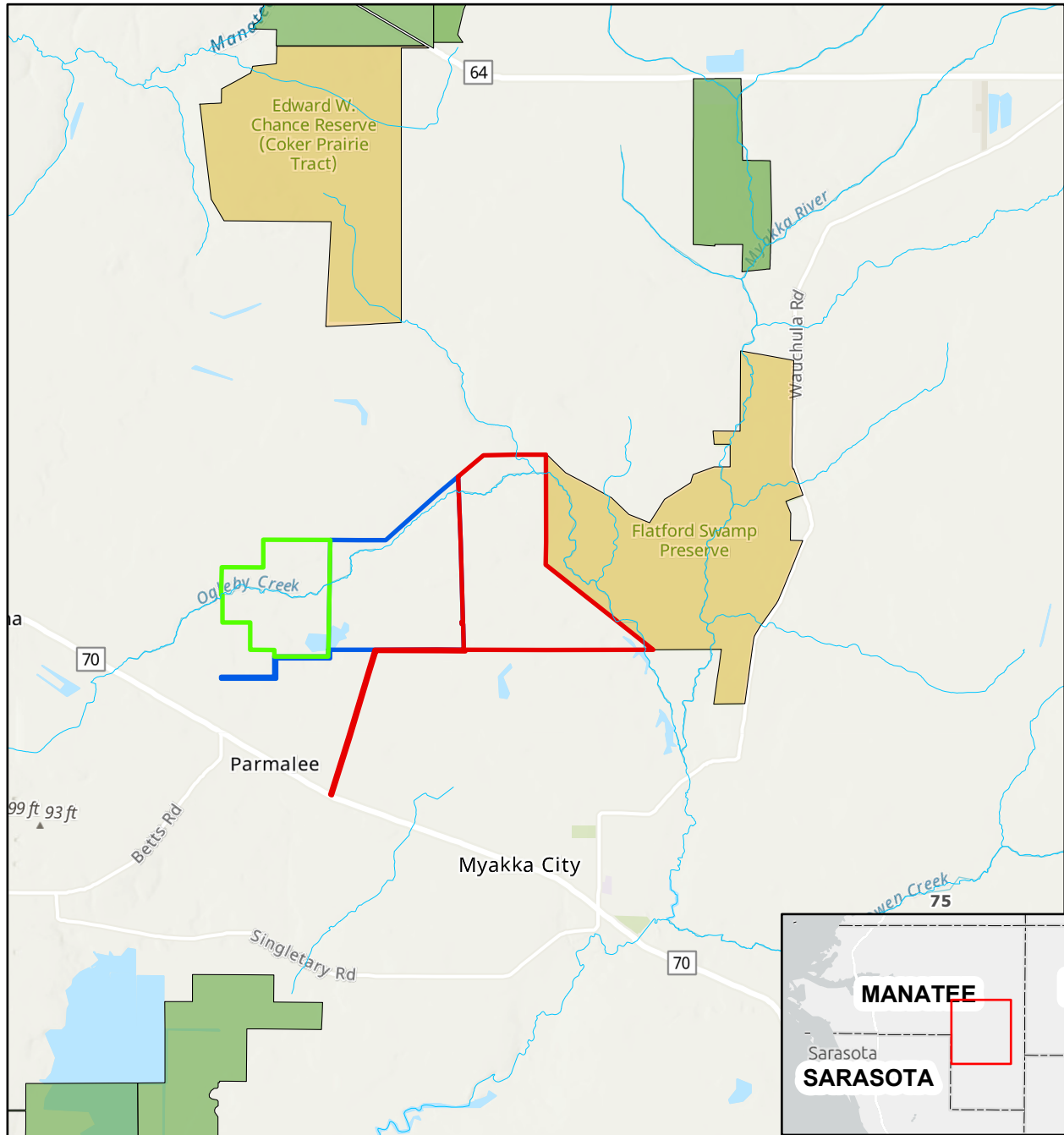
## Item 10

scrivener errors; any substantive changes will be subject to Governing Board review and approval; and

- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

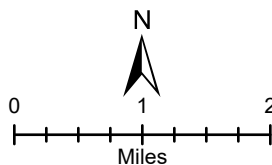
Presenters: Jerry Mallams, P.G., Operations and Land Management Bureau Chief and  
Ellen Morrison, Operations and Land Management Assistant Bureau Chief

# Exhibit 1 Rocking Seven Ranch and Farms LLC - Location Map



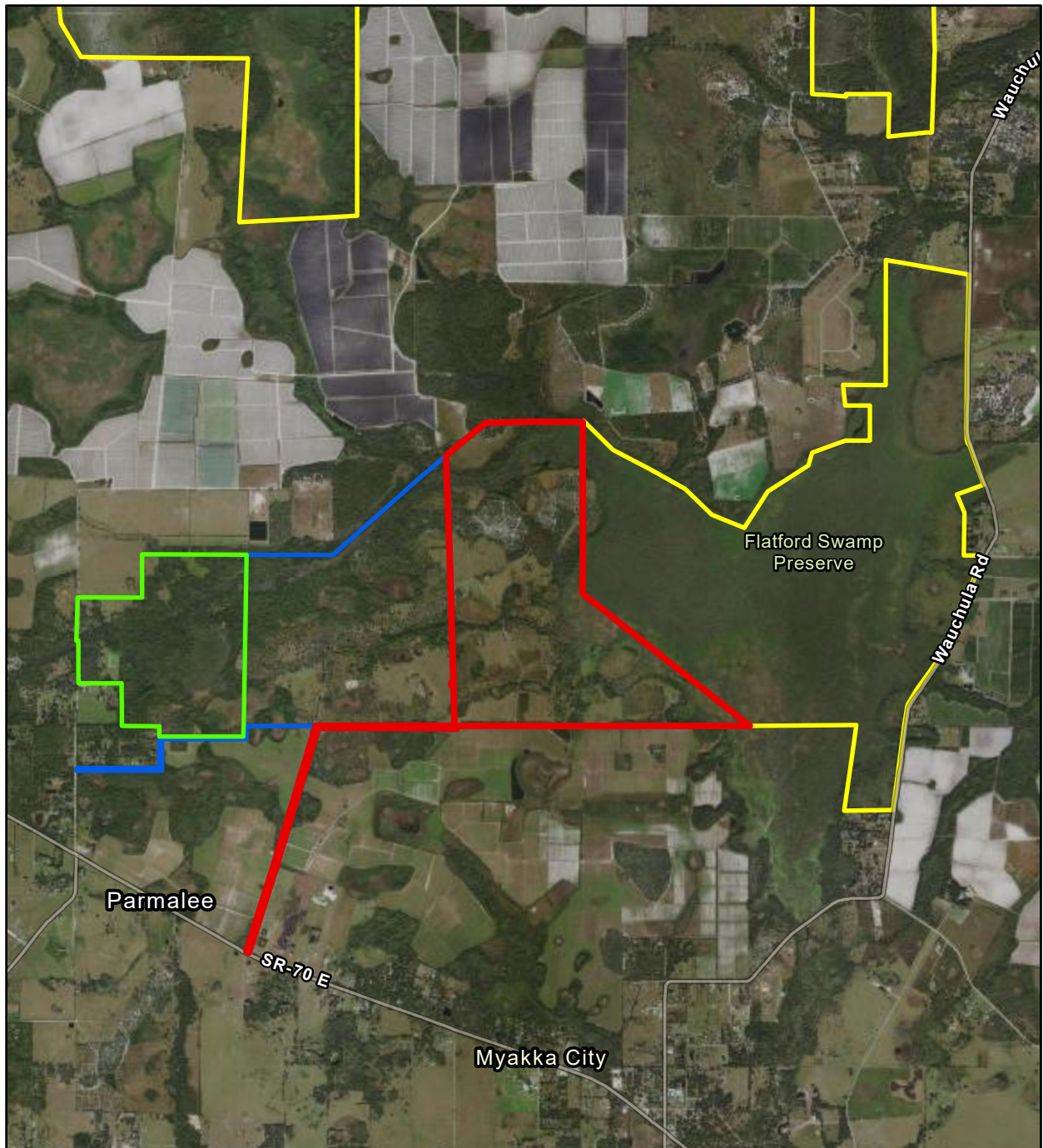
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

- Fee Simple
- Other Conservation Lands
- Rocking Seven Ranch and Farms LLC
- Howze - NRCS Conservation Easement
- Pallardy - FDEP Conservation Easement



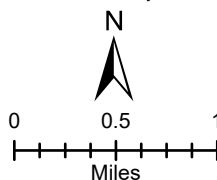
Southwest Florida  
Water Management District

## Exhibit 2 Rocking Seven Ranch and Farms LLC - Site Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

- ▬ Rocking Seven Ranch and Farms LLC
- ▬ Pallardy - FDEP Conservation Easement
- ▬ Howze - NRCS Conservation Easement
- ▬ District Owned Fee Simple



**Southwest Florida**  
Water Management District

EXHIBIT 3 – SWF 21-598-104C

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
RESOLUTION NO. 20-08  
REQUESTING FUNDS FROM THE  
FLORIDA FOREVER TRUST FUND  
FOR ACQUISITION OF SWF PARCEL NO. 21-598-104C  
MANATEE COUNTY, FLORIDA

WHEREAS, the Southwest Florida Water Management District has agreed to purchase SWF Parcel No. 21-598-104C pursuant to a purchase and sale agreement attached hereto as Exhibit “A”, which is comprised of a perpetual conservation easement that will encumber approximately 1,158 acres of real property in Manatee County, Florida, for a total purchase price to the District of two million five hundred thousand dollars (\$2,500,000); and

WHEREAS, the general location and boundary of the parcel is shown on the maps attached hereto as Exhibits “B-1” and “B-2”; and

WHEREAS, the parcel will become a part of the District's Myakka River project, this acquisition is consistent with the District's Florida Forever Work Plan filed with the Legislature of Florida and with the Florida Department of Environmental Protection, and this acquisition is consistent with the Florida Forever Act, Section 259.105, Florida Statutes (F.S.); and

WHEREAS, the parcel meets the criteria for land acquisition as prescribed in subsections 259.105(4)(a)(b)(c)(d), F.S.; and

WHEREAS, the trust funds hereinafter requested will be used only for the costs and fees of acquisition of the parcel; and

WHEREAS, the District is hereby authorized to request the reimbursement of the District's expenses associated with acquisition of the parcel identified in the Resolution from the Florida Forever Trust Fund; and

WHEREAS, the parcel will be managed and maintained, to the extent practicable, in such a way as to restore and protect its natural state and condition; and

WHEREAS, the parcel being acquired has been reviewed for the presence of sovereign submerged lands and the District has taken reasonable measures to avoid paying for sovereign lands; and

WHEREAS, an environmental assessment has been performed for all lands, and the District will notify the Department of Environmental Protection and specify what measures will be taken to remove or remediate any hazardous constituents in accordance with Department-approved procedures as set forth in Chapters 62-520, 62-730 and 62-780, Florida Administrative Code; and

WHEREAS, if the District subsequently disposes of its interest in the parcel, all revenues derived therefrom will be used solely to acquire other lands for flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes or for payment of debt service on revenue bonds or notes issued under Section 373.584, F.S.; and



WHEREAS, the parcel has been appraised by two independent real estate appraisers in accordance with District policy, and the purchase price is below the appraised values; and

WHEREAS, funds are currently available in the Florida Forever Trust Fund to the credit of the District for use in payment of the costs and fees of acquisition of the parcel.

THEREFORE, BE IT RESOLVED that the foregoing is hereby declared to be true and correct, and that the acquisition of the parcel is hereby certified to be consistent with the District's current Florida Forever Work Plan and the Florida Forever Act; and

BE IT FURTHER RESOLVED that the Governing Board of the Southwest Florida Water Management District hereby requests the Secretary of the Florida Department of Environmental Protection to release from the Florida Forever Trust Fund the sum of two million five hundred thousand dollars (\$2,500,000) to be used to acquire SWF Parcel No. 21-598-104C, and furthermore to provide such additional funds to reimburse the District's cost and fees associated with the acquisition of the parcel as may be requested by the District from the Florida Forever Trust Fund; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Secretary of the Department of Environmental Protection forthwith; and

BE IT FURTHER RESOLVED that the Chair and Secretary of the Governing Board are hereby authorized to affix their signatures to this Resolution on behalf of the Board.

PASSED AND ADOPTED in Brooksville, Hernando County, Florida on the 23rd day of June 2020.

(seal)

Southwest Florida Water Management District,  
a public corporation of the State of Florida

BY: \_\_\_\_\_  
Mark Taylor, Chairman

#### ACKNOWLEDGMENT

STATE OF FLORIDA  
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by MARK TAYLOR, as Chairman, of the GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, who is personally known to me.

(Notary Seal)

\_\_\_\_\_  
Notary Public  
Print: \_\_\_\_\_  
Commission No: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

#### ATTEST:

By: \_\_\_\_\_  
Joel Schleicher, Secretary



## ACKNOWLEDGMENT

STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by JOEL SCHLEICHER, as Secretary, of the GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, who is personally known to me.

(Notary Seal)

\_\_\_\_\_  
Notary Public  
Print: \_\_\_\_\_  
Commission No: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Approved as to Form

\_\_\_\_\_  
Karen West, General Counsel

COPY

CERTIFICATE AS TO RESOLUTION NO. 20-08

STATE OF FLORIDA  
COUNTY OF HERNANDO

We, the undersigned, hereby certify that we are, Chair and Secretary, respectively, of the Southwest Florida Water Management District, organized and existing under and by virtue of the Laws of the State of Florida, and having its office and place of business at 2379 Broad Street, Brooksville, Hernando County, Florida, and that, on the 23rd day of June 2020, at a duly called and properly held meeting of the Governing Board of the Southwest Florida Water Management District, at Brooksville, Hernando County, Florida, at which meeting a majority of the members of the Governing Board were present, the resolution, which is attached hereto and which this certificate is a part thereof, was adopted and incorporated in the minutes of that meeting.

Dated at Brooksville, Florida, this 23rd day of June 2020.

(seal)

Southwest Florida Water Management District,  
a public corporation of the State of Florida

BY: \_\_\_\_\_  
Mark Taylor, Chairman

**ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by MARK TAYLOR, as Chairman, of the GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, who is personally known to me.

(Notary Seal)

\_\_\_\_\_  
Notary Public  
Print: \_\_\_\_\_  
Commission No: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_  
Joel Schleicher, Secretary

**ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by JOEL SCHLEICHER, as Secretary, of the GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, who is personally known to me.

(Notary Seal)

\_\_\_\_\_  
Notary Public

Print: \_\_\_\_\_

Commission No: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Approved as to Form

\_\_\_\_\_  
Karen West, General Counsel

COPY

## GENERAL COUNSEL'S REPORT

July 28, 2020

### *Consent Agenda*

#### **Authorization to Issue Administrative Complaint and Order – Travel Imagination, LLC – Unauthorized Construction – CT No. 403929 – Manatee County**

Travel Imagination, LLC (Property Owner) owns property located at 5517 Lorraine Road Bradenton, Florida, 34211 (Property). Frederick Jackson (Jackson) owns real property located at 5427 Lorraine Road Bradenton, Florida 34211 (Jackson Property). On April 18, 2019, the District received a complaint that unauthorized construction activities were occurring on both Properties. District staff conducted a site inspection to determine whether activities requiring District authorization had occurred. During the site inspection, District staff observed that construction of a recreational and boat parking facility had occurred on both Properties that included the placement of fill, land clearing, earthwork, and the addition of impervious and semi-impervious surfaces. Additionally, fill was placed within the 100-year floodplain (FEMA floodplain). District staff determined that the Property Owner was responsible for the unauthorized construction activities, and they identified actions necessary to remediate the unauthorized impacts.

On May 17, 2019 and November 25, 2019, District staff issued a Notice of Unauthorized Activities to the Property Owner that identified the violations and the necessary corrective actions. A proposed Consent Order addressing the compliance issues was sent to the Property Owner on May 15, 2020. The Property Owner subsequently met with District staff to discuss options whereby the unauthorized impacts could be corrected. To date, the Property Owner has not agreed to correct the violations. As a result, District staff now seeks authorization issue an Administrative Complaint and Order to address the unauthorized construction violations.

#### **Staff Recommendation:**

1. Authorize District staff to issue an Administrative Complaint and Order to Travel Imagination, LLC to obtain compliance with state law and 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 against Travel Imagination, LLC to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.

**Presenter:** Allison Dhand, Staff Attorney

## GENERAL COUNSEL'S REPORT

July 28, 2020

### *Consent Agenda*

#### **Approval of Settlement Agreement Between SWFWMD and Minto Bradenton, LLC – Overpumpage – Water Use Permit No. 20012900.002 - CT No. 386256 - Manatee County**

Minto Bradenton, LLC (“Minto”), is the developer of a residential community in Manatee County known as Perico Island Development, or Harbour Isle (Development). Minto holds Water Use Permit (WUP) No. 20012900.002, that authorizes groundwater withdrawals at the Development of 130,500 gallons per day (gpd) on an annual average basis, 150,100 gpd on a drought annual average basis, and 416,000 gpd on a peak month basis. The Development uses those groundwater quantities for the irrigation of approximately 45 acres of lawn and 18 acres of sports playing fields, for a total of 63 acres.

On December 21, 2017, and February 12, 2018, District staff issued Minto a Notice of Non-Compliance advising that its annual average pumped quantities exceeded the permitted annual average quantity. On March 12, 2018, Minto agreed to submit and follow a corrective action plan aimed at bringing its pumping into compliance with the WUP. The corrective action plan was submitted on July 9, 2018. Minto followed the corrective action plan and reduced quantities utilized onsite until nearly in compliance on November 29, 2018, when Minto notified District staff that some resodding and plant replacement was needed and to anticipate additional pumpage over the next several months. However, even with that additional pumpage subtracted as a one-time use, Minto continued to exceed its permitted quantities and in February 2020, the matter was referred to the District’s Office of General Counsel.

The District issued Minto a Notice of Violation and proposed Consent Order, that included penalties and enforcement costs totaling \$11,060.78, and required Minto to submit and follow a plan to bring its pumping back into compliance. Thereafter, Minto and the District engaged in discussions aimed at resolving this matter without additional enforcement action or litigation. During the pendency of those negotiations, Minto’s May 2020 pumpage data indicated that Minto was no longer overpumping. Minto has agreed to a Settlement Agreement that requires Minto to pay to the District \$11,060.78 in penalties and enforcement costs. In return, the District will not pursue further enforcement action related to the overpumpage described above.

#### **Staff Recommendation:**

1. Approve the Settlement Agreement.
2. Authorize District staff to pursue additional measures to obtain compliance with the terms and conditions of the Settlement Agreement, including filing any appropriate actions in circuit court, if necessary.

**Presenter:** Michael R. Bray, Assistant General Counsel



## **SETTLEMENT AGREEMENT**

THIS SETTLEMENT AGREEMENT (“Settlement Agreement” or “Agreement”) is made and entered into by and between the Southwest Florida Water Management District (“District”) and Minto Bradenton, LLC (“Minto”) to settle certain matters at issue between the parties. The District and Minto may be referred to herein individually as “Party” and collectively as the “Parties.”

### **RECITALS**

This settlement agreement is made with reference to the following facts:

1. The District is the regulatory agency created by the State of Florida to preserve, protect, manage, and control the water resources within its jurisdictional boundaries pursuant to the Florida Water Resources Act of 1972 as codified in Chapter 373, Florida Statutes (Fla. Stat.), and the rules promulgated thereunder as Chapter 40D, Florida Administrative Code (F.A.C.).
2. Minto is a Florida limited liability company in existence since 2009. Minto’s principal mailing address is 4400 W Sample Rd, Ste. 200 Coconut Creek, FL 33073-3473.
3. Minto is the developer of a residential community in Sections 22 and 27, Township 34, Range 16, in Manatee County known as Perico Island Development, or Harbour Isle (the “Development”). The Development uses groundwater quantities for the irrigation of approximately 45 acres of lawn and 18 acres of sports playing fields, for a total of 63 acres.
4. On July 21, 2016, the District issued the renewal of Water Use Permit (the “WUP”) No. 20012900.002 to Minto, authorizing total groundwater withdrawals of 130,500 gallons per day (“gpd”) on an annual average basis, 150,100 gpd on a drought annual

average basis, and 416,000 gpd on a peak month basis. The permitted quantities are for lawn and landscape irrigation at 27.50" per year, and 28.80" per year for the sports playing fields.

5. On July 23, 2016, District staff issued Minto a Notice of Non-Compliance advising the permittee that while they were pumping quantities over the permitted allotment, the conservation credit balance associated with the WUP was sufficient to bring the permit into compliance.

6. On January 27, 2017, District staff had a discussion with Minto involving its conservation credit balance and conservation strategies to reduce water use onsite, potential line leak deductions, and a recommendation for a site-specific evaluation.

7. Conservation credits continued to draw down while allowing the permit to remain in compliance until November 2017, when the conservation credits were fully utilized.

8. By letters dated December 21, 2017, and February 12, 2018, District staff issued a Notice of Non-Compliance notifying Minto that its annual average pumped quantities exceeded its permitted annual average quantity. However, the permit was not brought into compliance.

9. On March 12, 2018, District staff conducted a meeting with Minto and its consultants to address the overpumpage and Minto agreed to submit and follow a corrective action plan to decrease the quantities of groundwater utilized onsite and bring the permit into compliance.

10. The corrective action plan was submitted on July 9, 2018. Minto followed the corrective action plan and reduced quantities utilized onsite until the permit was nearly

in compliance until November 29, 2018, when Minto notified District staff that some resodding and plant replacement was needed and to anticipate additional pumpage over the next several months. However, even with that additional pumpage subtracted as a one-time use, Minto continued to exceed its permitted quantities of water pumpage after November 2018 until June 2020, when Minto's May 2020 pumpage data indicated the permit was no longer in overpumpage.

11. The Parties deem it in their best interests and in the public interest to enter into this Settlement Agreement, which is intended to memorialize the terms of their compromise and reach a resolution of this matter pursuant to the terms set forth below.

#### **TERMS OF SETTLEMENT AGREEMENT**

NOW, THEREFORE, in consideration of the undertakings contained in this Settlement Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

12. The foregoing preamble and recitals are true and correct and, along with the attached exhibits, are integral parts of this Settlement Agreement.

13. This Settlement Agreement shall be effective on the date last executed by the Parties.

14. After this Settlement Agreement has been executed by Minto and the District, this Settlement Agreement is a legal, valid and binding obligation of Minto and the District, enforceable in accordance with the respective terms, conditions and obligations contained herein.



15. Minto shall pay to the District the amount of \$11,060.78, by certified check or money order within ten (10) days of execution of this Agreement by the District Governing Board. If mailed, the address for payment is:

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

16. Minto may request in writing an extension of the time limits contained in this Agreement no later than five (5) days prior to the expiration of such time limit. The District may, in its sole discretion, grant an extension of time in writing for good cause shown.

17. For each day of delay beyond any due date specified in this Agreement, Minto shall pay to the District an additional sum of One Hundred dollars (\$100.00) per day. This additional sum shall be paid by Minto upon the District's mailing to Minto of 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.

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

19. The District hereby expressly reserves and retains the right to initiate appropriate legal action against Minto to prevent or prohibit the future violation of any

applicable statutes, rules, or orders, except as specifically addressed in this Settlement Agreement.

20. Execution of this Settlement Agreement shall not relieve Minto of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

21. Minto hereby waives any right to an administrative hearing or judicial review of the terms of this Settlement Agreement.

22. This Settlement Agreement may be enforced by the Parties in any manner authorized by law and does not preclude either Party from seeking judicial remedies for violation of the terms or conditions of this Settlement Agreement.

23. Venue for any action arising out of or related to this Settlement Agreement as between the District and Minto and/or its representatives and/or agents shall be in the Thirteenth Judicial Circuit Court in and for Hillsborough County, Florida.

24. This Settlement Agreement has been negotiated and exchanged in the State of Florida. As such, this Settlement Agreement and all matters relating thereto shall be governed by the laws of the State of Florida without regard to its principles of conflicts of law.

25. Should either Party employ an attorney or attorneys to enforce any of the provisions of this Agreement, or to protect its interest in any matter arising under this Agreement, or to recover damages for the breach of this Agreement, the Party prevailing is entitled to receive from the other Party all reasonable costs, charges and expenses, including attorneys' fees, expert witness fees, fees and costs on appeal, and the cost of paraprofessionals working under the supervision of an attorney, expended or incurred in connection therewith, whether resolved by out-of-court settlement, arbitration, pre-trial



settlement, trial or appellate proceedings, to the extent permitted under Section 768.28, Fla. Stat. This provision does not constitute a waiver of the District's sovereign immunity or extend the District's liability beyond the limits established in Section 768.28, Fla. Stat. This provision shall survive the expiration or termination of this Agreement.

26. This Settlement Agreement represents the entire agreement and understanding between the Parties and supersedes any and all prior negotiations and previous agreements between the Parties relating to its subject matter, whether written or oral.

27. Each Party hereby acknowledges and confirms that it has not relied upon or been induced to enter into this Settlement Agreement by a representation, warranty, assurance, covenant, agreement, understanding or commitment which is not expressly set out in this Settlement Agreement.

28. The terms of this Settlement Agreement are contractual and are the result of negotiation among the Parties. Each Party has cooperated in the drafting and preparation of this Settlement Agreement. Hence, in any construction to be made of this Settlement Agreement, the role of the Party in drafting and preparation of the Settlement Agreement shall not be referred to in order to construe the Settlement Agreement against that Party, and the canon of contractual interpretation shall not be applied.

29. The consideration received in connection with this Settlement Agreement is fair, adequate and substantial and consists only of the terms set forth in this Settlement Agreement.

30. This Settlement Agreement may not be amended, canceled, revoked or otherwise modified except by written agreement signed by all of the Parties.

31. Except as otherwise set forth in this Settlement Agreement, each of the Parties shall pay its own fees, costs and expenses, including attorney's fees, incurred in connection with the negotiation, preparation, execution and delivery of this Settlement Agreement and each other agreement, document, and instrument contemplated by this Settlement Agreement.

32. In the event any provision of this Settlement Agreement shall be held to be void, voidable or unenforceable, the remaining provisions shall remain in full force and effect.

33. Each Party specifically represents and warrants that no signatures other than those made on this Settlement Agreement are necessary to bind the Parties to all of the obligations imposed by the Settlement Agreement.

34. This Settlement Agreement shall be binding upon and inure to the benefit of the Parties hereto, and their respective heirs, personal representatives, successors and assigns.

35. In the event that any date specified in this Settlement Agreement shall be on a Saturday, Sunday, or a nationally declared holiday, then the date so specified shall be deemed to be the next business day following such date, and compliance by such business day hereunder shall not be deemed a default by either of the Parties under this Settlement Agreement.

36. Any notices, consents or other communications required or permitted to be sent by any of the Parties shall in every case be in writing to the Parties at the addresses set forth below or at such other address as may be furnished in writing:

If to the District:

Southwest Florida Water Management District  
c/o Office of General Counsel  
7601 U.S. Highway 301 North  
Tampa, FL 33637

If to Minto:

Minto Bradenton, LLC  
Attn: Brian Cale  
4400 W. Sample Rd.  
Suite 200  
Coconut Creek, FL 33073

**IN WITNESS WHEREOF**, the Southwest Florida Water Management District and  
Minto Bradenton, LLC, have executed this Settlement Agreement on the day and year  
set forth with their signatures below.

**MINTO BRADENTON, LLC**



\_\_\_\_\_  
Brian Cale  
Vice President of Land Development

JUNE 19, 2020  
Date

Approved by the Governing Board of the Southwest Florida Water Management District  
this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mark Taylor,  
Chair

Approved as to Legal Form and Content

\_\_\_\_\_  
Attorney

Filed this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020.

\_\_\_\_\_  
Deputy Agency Clerk

## GENERAL COUNSEL'S REPORT

July 28, 2020

### *Consent Agenda*

#### **Governing Board Concurrence – Emergency Order No. SWF 20-027 – Emergency Measures Made Necessary by COVID-19**

On June 1, 2020, the District's Executive Director issued the Second Amended and Restated Emergency Order No. SWF 20-023 (Second Amended and Restated Emergency Order) in accordance with the Governor's Executive Order Nos. 20-52 and 20-114 declaring a state of emergency throughout Florida due to the Novel Coronavirus Disease 2019 (COVID-19). The Second Amended and Restated Emergency Order extended the duration of Emergency Order No. SWF 20-020 through July 7, 2020, and provided for the following narrowly tailored measures to assist the immediate need for action:

- Extension of permitting deadlines.
- Temporary closure of public buildings and facilities.
- Provision for conducting public meetings exclusively through audio/visual technology.

The Governor's Executive Orders and Section 373.119, Florida Statutes, authorize local agencies and governments to take actions necessary to meet the 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 June 23, 2020, the District's Governing Board concurred with the Executive Director's findings and approved the Second Amended and Restated Emergency Order.

On July 7, 2020, the Governor issued Executive Order No. 20-166 to extend the declaration of emergency due to COVID-19 through September 5, 2020. The District's Executive Director and staff have similarly found that an extension of the District's Second Amended and Restated Emergency Order is necessary to meet the ongoing public health emergency. As a result, the Executive Director issued the Third Amended and Restated Emergency Order No. SWF 20-027 (Emergency Order 20-027) on July 7, 2020 to extend the duration of the Second Amended and Restated Emergency Order through September 5, 2020. The September 5, 2020 expiration date is consistent with the expiration date of both the Governor's Executive Orders and the Department of Environmental Protection's Third Amended and Restated Emergency Order No. 20-0239.

Section 373.119 also requires the District's Governing Board to concur with the findings and conclusions in Emergency Order 20-027. If approved, Emergency Order 20-027 would remain in effect until September 5, 2020, unless terminated or extended by further order.

#### **Staff Recommendation:**

Approve the Third Amended and Reinstated Emergency Order No. SWF 20-027 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

**THIRD AMENDED AND RESTATED EMERGENCY ORDER NO. SWF 20-027**

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, and 20-166, the Florida Department of Environmental Protection's Third Amended and Restated Emergency Final Order No. 20-0239, and the following findings of fact, the Southwest Florida Water Management District (District) enters this Third 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 Third Amended and Restated Emergency Order amends and extends the provisions of the Second Amended and Restated Emergency Order No. SWF 20-023, entered on June 1, 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, and 20-166 (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 and should not be held during the term of this Order.

Instead, public meetings and hearings held by electronic means is a safe method 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 Third 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 shall conduct all public meetings or hearings during the term of this Order only by electronic means, including, but not limited to, the use of webinar or telephone to encourage public engagement while protecting public health. The District shall not hold any in-person public meetings or hearings during the term of this Order. This Order waives the policy and procedural requirements in District Policy 110-5, entitled Conduct of Board Meetings, as necessary. The District will adopt interim

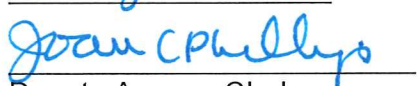
policies to continue to provide remote public access to meetings while continuing to fulfill the duties of the District.

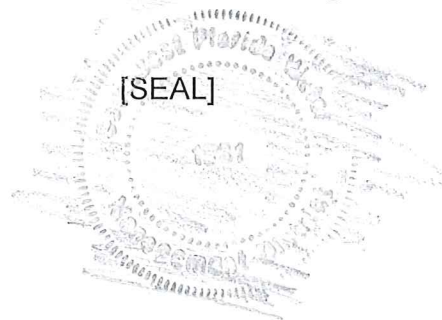
17. **Expiration Date.** This Order shall take effect immediately upon execution by the Executive Director or his designee, and shall expire on September 5, 2020, unless modified or extended by further order.

DONE AND ORDERED in Hillsborough County, Florida, on this 7<sup>th</sup> day of July, 2020.

**SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT**

By:   
Brian Armstrong, Executive Director

Filed this 8<sup>th</sup> day of  
July, 2020.  
  
Deputy Agency Clerk



**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.

**EXECUTIVE DIRECTOR'S REPORT**

**July 28, 2020**

***Consent Agenda***

**Approve Governing Board Minutes – June 23, 2020**

**Staff Recommendation:**

Staff recommends the Board approve the minutes as presented.

**Presenter:** Brian J. Armstrong, P.G., Executive Director

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

JUNE 23, 2020

**Due to the COVID-19 virus, this meeting was held through 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 June 23, 2020, at its Brooksville Office, 2379 Broad Street, Brooksville, Florida. The following persons were present:

#### Board Members Present

Mark Taylor, Chair  
Michelle Williamson, Vice Chair\*via Phone  
Joel Schleicher, Secretary\*via Phone  
Kelly S. Rice, Treasurer\*via Phone  
Rebecca Smith, Ph.D., Member\*via Phone  
James G. Murphy, Member\*via Phone  
Roger Germann, Member\*via Phone  
Jack Bispham, Member\*via Phone  
Seth Weightman, Member\*via phone

#### Staff Members

Brian J. Armstrong, Executive Director  
Amanda Rice, Assistant Executive Director  
Karen E. West, General Counsel  
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

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

#### **PUBLIC HEARING**

##### **1. Call to Order**

Chair Mark Taylor called the meeting to order and opened the public hearing.

Chair Taylor 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 Taylor 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.

At this time, the meeting was recessed to allow for communication with any members of the public who were providing input via telephone. (Audio – 00:04:27)

Chair Taylor reconvened the meeting. (Audio – 00:06:25)

Roll was called and a quorum was confirmed.

##### **2. Invocation and Pledge of Allegiance**

Chair Taylor offered the invocation and led the Pledge of Allegiance.

Attachment: GB 06232020 - Draft (5136 : Approve Governing Board Minutes – July 23, 2020)

Chair Taylor introduced each member of the Governing Board, who attended remotely and staff at the dias. 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.

Due to physical constraints, Chair Taylor chaired all committees.

**3. Additions/Deletions to Agenda**

Mr. Brian Armstrong, executive director, stated the following item has been pulled from the agenda:

**Consent**

**Operations, Lands and Resource Monitoring Committee**

**15. Non-Exclusive Perpetual Easement for Lake Arietta Access–SWF Parcel No. 10-201-115P**

Mr. Armstrong stated there was an update to the following recap that was provided to the Board:

**11. Central Florida Water Initiative Water Conservation Cost Share Program**

Secretary Schleicher requested the following items be moved to Discussion:

**Resource Management Committee**

**10. FARMS – Bermont Properties, LLC – Section 34 (H784), Charlotte County**

**11. Central Florida Water Initiative Water Conservation Cost Share Program**

**Regulation Committee**

**16. Individual Water Use Permits Referred to the Governing Board**

**a. WUP No. 20012159.002 / AgrotecHemp / AgrotecHemp Corporation (Marion County)**

**General Counsel's Report**

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

**g. Governing Board Concurrence – Emergency Order No. SWF 20-023 – Emergency Measures Made Necessary by COVID-19**

**4. Public Input for Issues Not Listed on the Published Agenda**

No requests were submitted.

Chair Taylor stated there was good cause to amend the agenda as allowed by Section 120.525, Florida Statutes. (Audio - 00:12:38)

**Consent Agenda**

**Finance/Outreach & Planning Committee**

**5. Resolution No. 20-07, Commending Randall S. Maggard for His Service as a Member of the Southwest Florida Water Management District Governing Board**

Staff recommended the Board approve Resolution No. 20-07, Commending Randall S. Maggard for his service as a member of the Southwest Florida Water Management District Governing Board.

**6. Independent Auditing Services Contract**

Staff recommended the Board:

- 1) Exercise the renewal option within the current contract and approve the third amendment to the agreement engaging JMCO to perform the fiscal year 2019-20 auditing services; and



- 2) Authorize the Executive Director to execute the third amendment to the current contract with JMCO to perform the fiscal year 2019-20 auditing services.

**7. Governing Board Travel - Annual Environmental Permitting Summer School**

Staff recommended the Approval of Governing Board travel as presented.

**8. Knowledge Management - Comprehensive Fraud Governing Board Policy**

Staff recommended the Board approve the Comprehensive Fraud Governing Board Policy as revised.

**9. Budget Transfer Report**

Staff recommended the approval of the Budget Transfer Report covering all budget transfers for May 2020.

**Resource Management Committee**

**10. FARMS – Bermont Properties, LLC – Section 34 (H784), Charlotte County**

Staff recommended the Board:

- 1) Approve the Bermont Properties, LLC – Section 34 project for a not-to-exceed project reimbursement of \$ 166,500 with \$ 166,500 provided by the Governing Board.
- 2) Authorize the transfer of \$ 166,500 from fund 010 H017 Governing Board FARMS Fund to the H784 Bermont Properties, LLC – Section 34 project fund.
- 3) Authorize the Assistant Executive Director to sign the agreement.

**11. Central Florida Water Initiative Water Conservation Cost Share Program**

Staff recommended the Board:

1. Approve the two selected projects within the District's boundaries.
2. Approve a budget transfer of \$151,758 in state appropriations from Water Supply and Resource Development Grant Program (H103) to:
  - PRWC – Demand Management Implementation (Q187) in the amount of \$84,355; and
  - Ray Bob Grove – Ag Irrigation System Improvements (P928) in the amount of \$67,403.
3. Approve the reduction of \$42,177 from the \$84,355 currently in the FY2021 proposed budget for the PRWC – Demand Management Implementation project (Q187).

**12. Initiation and Approval of Rulemaking to Amend Rule 40D-8.623, Florida Administrative Code, to Remove Minimum Wetland Level for Cross Bar Q-25 (Stop #7) in Pasco County**

Staff recommended:

- A. Accept the report entitled, "Revised Minimum Levels Based on Reevaluation of Levels Adopted for 41 Southwest Florida Water Management District Wetlands."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate rulemaking and approve the proposed rule language to amend Rule 40D-8.623, F.A.C., to remove the Cross Bar Q-25 (Stop #7) minimum level, as shown in the Exhibit.

**Operations, Lands and Resource Monitoring Committee**

**13. Knowledge Management: Sale, Exchange or Conveyance of Interests in Land by the District**

Staff recommended the Board approve the Policy for the Sale, Exchange or Conveyance of Interests in Land by the District as revised.

**14. Non-Exclusive Utility Easement to Tampa Electric Company (TECO) on the Brooker Creek Headwaters Nature Preserve for the Zambito Property – SWF Parcel No. 14-074-160X**

Staff recommended:

- Approve the conveyance of a no cost, non-exclusive utility easement to TECO.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

**15. Non-Exclusive Perpetual Easement for Lake Arietta Access – SWF Parcel No. 10-201-115P**

Staff recommended:

- ~~Approve the acceptance of a Non-Exclusive Perpetual Easement; and~~
- ~~Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.~~

**Regulation Committee**

**16. Individual Water Use Permits Referred to the Governing Board**

**a. WUP No. 20012159.002 / AgrotecHemp / AgrotecHemp Corporation (Marion County)**

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

**General Counsel's Report**

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

**a. Approval of Consent Order Between SWFWMD and Farrell Homes, Inc., and Van Buren Land Holdings, Inc. – Violation of Permit Conditions for Construction – ERP No.**

Staff recommended:

- 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.
- 3) Authorize District staff to initiate an action in circuit court to recover penalties, costs, and attorneys' fees for the violations stated in the Consent Order.

**b. Approval of Consent Order Between SWFWMD and Emerson Gibbs – Unauthorized Construction – CT No. 403478 – Charlotte County**

Staff recommended:

- 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.

**c. Approval of Consent Order Between SWFWMD and Etcetera, Etc., Inc. – Operation Without a Permit – ERP No. 404221.01 – CT No. 380718 – DeSoto County**

Staff recommended:

- 1) ~~Approve the Settlement Agreement.~~
- 2) ~~Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Settlement Agreement, including filing any appropriate actions in circuit court, if necessary.~~

**d. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Carl Douglas, Jr. – License Number 9127 – CT No. 409162 – Highlands, Polk, and Hardee Counties**

Staff recommended:

- 1) Authorize District staff to issue an Administrative Complaint and Order to Carl Douglas, Jr. to recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.
- 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.

**e. Authorization to Issue Administrative Complaint and Order – Unauthorized Construction – Abdeljalil and Cindy Lou Bekkach – CT No. 380586 – Polk County**

Staff recommended:

- 1) Authorize District staff to issue an Administrative Complaint and Order to the Owners 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 against the Owners to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys' fees, if appropriate.

**f. Approval of Declaration of Restrictive Covenant – Tampa Bypass Canal Land Fill Site – SWF Parcel Nos. 114 (13-001), 125 (13-001), and 126 (13-001) – Hillsborough County**

Staff recommended the Board approve the Declaration of Restrictive Covenants for the Property and authorize the Chairman and Secretary to execute the Declaration of Restrictive Covenants on the District's behalf.

**g. ~~Governing Board Concurrence – Emergency Order No. SWF 20-023 – Emergency Measures Made Necessary by COVID-19~~**

~~Staff recommended the Board approve Second Amended and Restated Emergency Order No. SWF 20-023 and concur with the Executive Director's determinations regarding the state of emergency and the actions necessary to meet the emergency.~~

**18. Rulemaking – None**

**Executive Director's Report**

**19. Approve Governing Board Minutes – May 19, 2020**

Staff recommended the Board approve minutes as presented.

**A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:13:10)**

**Chair Taylor called the Finance/Outreach & Planning Committee to order. (Audio – 00:14:16)**

**Finance/Outreach & Planning Committee**

**Discussion**

**20. Consent Item(s) Moved for Discussion - None**

**21. Knowledge Management: Governing Board Committee Responsibilities and 110-1 Policies and Procedures Governing Board Policies**

Ms. Robyn Felix, Communications and Board Services Bureau chief, provided an overview of the District's Knowledge Management initiative.

Ms. Felix explained the new Governing Board Committee Responsibilities policy combines five policies into one. The new policy identifies the overall tasks of the committees and their oversight. Changes include one statement of policy, deletion of unnecessary bulleted lists of District policies for committee oversight and streamlining of committee tasks.

Ms. Felix stated that Governing Board policy 110-1 Policies and Procedures, is a policy on policies. As part of our Knowledge Management review process, the policy was reviewed by the District's General Counsel and Inspector General. It was determined there was no legal need for the policy because the Board is already statutorily authorized to create policies. Staff determined that since there was no legal need for the policy and it does not provide any substantive policy direction, the policy is unnecessary and is being recommended for deletion.

This item was presented for the Board's information and no action was requested. The Governing Board Committee Responsibilities and 110-1 Policies and Procedures Governing Board policies will be included as a consent item at the next Governing Board meeting and approval will be requested at that time.

## **22. Fiscal Year 2021 Recommended Annual Service Budget**

Mr. John Campbell, Resource Management director, provided a presentation outlining the FY2021 Recommended Annual Service Budget (RASB). The presentation included a budget development calendar, expenditure goals and outcomes, expenditures by category, expenditures by program, expenditures by areas of responsibility and revenues by source. Mr. Campbell explained that considerable efforts were made because of the COVID-19 pandemic and the uncertainties associated with impacts to the economy to make reductions to the operating budget. This resulted in a savings of approximately two million dollars.

Ms. Seachrist, Resource Management director, provided an overview of the Resource Management Division proposed FY2021 budget. She stated the overall budget has decreased by approximately 22.4 percent and outlined the reasons for the decrease.

Mr. Brian Starford, Operations, Lands and Resource Monitoring acting director, provided an overview of the Operations, Lands and Resource Monitoring Division proposed FY2021 budget. He stated there is an increase of approximately \$15,842 in the overall budget. Mr. Starford outlined the reason for the increase.

Ms. Michelle Hopkins, Regulation director, provided an overview of the Regulation Division proposed FY2021 budget. She stated the budget has increased by approximately 4.8 percent and outlined the reasons for the increase.

Mr. Michael Molligan, Employee and External Relations director, provided an overview of the Employee and External Relations Division proposed FY2021 budget. He stated the budget has increased by approximately 3.5 percent and outlined the reasons for the increase.

Mr. Campbell provided an overview of the Management Services Division proposed FY2021 budget. He stated the budget has increased by approximately 2.4 percent and outlined the reasons for the increase.

Staff recommended the Board authorize staff to prepare the Standard Format Tentative Budget Submission for FY2021 based on the recommended budget as presented, adjusted for any modifications made by the Governing Board on June 23, changes in estimated ad valorem revenue based on the July 1 certifications of taxable value and any additional funding provided by the state.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously.** (Audio – 00:57:47)

## **23. District Boat Replacement**

Ms. Michelle Maxey, General Services Bureau chief, provided an overview of the existing equipment, equipment functions, description of proposed replacement and processes followed when replacing equipment.

Ms. Maxey explained that exhaustive research was completed to ensure the appropriate vehicle was selected.

Staff recommended the Board:

- Approve the purchase of a 24-foot landing craft boat for \$149,597 utilizing the CFEF.
- Approve the surplus disposition of existing boats 3101 and 3316.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:16:30)**

**Submit & File Reports – None**

**Routine Reports**

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

**24. Treasurer's Report and Payment Register**

**25. Monthly Financial Statement**

**26. Monthly Cash Balances by Fiscal Year**

**27. Comprehensive Plan Amendment and Related Reviews Report**

**Chair Taylor called the Resource Management Committee to order. (Audio – 01:07:52)**

**Resource Management Committee**

**Discussion**

**28. Consent Item(s) Moved for Discussion**

**10. FARMS – Bermont Properties, LLC – Section 34 (H784), Charlotte County**

Secretary Schleicher expressed his opposition to the 75 percent cost share funding guidelines associated with the Facilitating Agricultural Resource Management Systems (FARMS).

Secretary Schleicher requested additional information on projects that are funded at both 50 and 75 percent.

Vice Chair Williamson requested additional information explaining the total project cost, noting that there are additional costs borne by the cooperators that are not included in the cost-share split.

Staff recommended the Board:

- 1) Approve the Bermont Properties, LLC - Section 34 project for a not-to-exceed project reimbursement of \$ 166,500 with \$ 166,500 provided by the Governing Board.
- 2) Authorize the transfer of \$ 166,500 from fund 010 H017 Governing Board FARMS Fund to the H784 Bermont Properties, LLC - Section 34 project fund.
- 4) Authorize the Assistant Executive Director to sign the agreement.

**A motion was made and seconded to approve staff's recommendation. The motion carried with eight in favor and one opposed. Secretary Schleicher stated his opposition was due to his concerns regarding funding projects at the 75 percent cost share. (Audio – 00:17:30)**

**11. Central Florida Water Initiative Water Conservation Cost Share Program**

Secretary Schleicher stated he had concerns regarding funding project P927 involving High Efficiency Toilet (HET) and Irrigation Controller Rebates submitted by the Polk Regional Water Cooperative (PRWC).

Staff recommended the Board:

1. Approve the two selected projects within the District's boundaries.
2. Approve a budget transfer of \$151,758 in state appropriations from Water Supply and Resource Development Grant Program (H103) to:
  - PRWC - Demand Management Implementation (Q187) in the amount of \$84,355; and
  - Ray Bob Grove - Ag Irrigation System Improvements (P928) in the amount of \$67,403.
3. Approve the reduction of \$42,177 from the \$84,355 currently in the FY2021 proposed budget for the PRWC - Demand Management Implementation project (Q187).



**A motion was made and seconded to approve staff's recommendation. The motion carried with eight in favor and one opposed. Secretary Schleicher stated his opposition was due to his concerns regarding funding associated project P927. (Audio – 01:09:26)**

**29. Draft Charlotte Harbor Surface Water Improvement and Management (SWIM) Plan (W501)**

Ms. Lizanne Garcia, lead project manager, provided an overview of the SWIM Act, District SWIM priority list, Charlotte Harbor history, development of Charlotte Harbor Swim plan, outline of Charlotte Harbor watershed boundaries, information regarding pollutant loading, water quality goals, hydrologic restoration goals, and natural systems.

Staff recommended the Board authorize staff to submit the draft Charlotte Harbor SWIM Plan to the agencies and appropriate local governments in accordance with Section 373.453, F.S.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:23:08)**

**Submit & File Reports – None**

**Routine Reports**

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

**30. Minimum Flows and Levels and Reservations Status Report**

**31. Significant Water Resource and Development Projects**

**Chair Taylor adjourned the Committee and called the Operations, Lands and Resource Monitoring Committee to order. (Audio – 01:24:26)**

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

**32. Consent Item(s) Moved for Discussion - None**

**33. 2020 Hurricane Preparedness**

Mr. Kawika Bailey, emergency coordinating officer, provided a presentation. This included a review of the 2019 hurricane season, 2020 hurricane forecast, overview of the District's responsibilities as related to State Management Response Team, the District's primary responsibilities, and preparedness coordination

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

**34. Hydrologic Conditions Report**

Mr. Granville Kinsman, P.G., Hydrologic Data manager, provided a presentation regarding the hydrologic conditions. The District-wide 12-month cumulative rainfall totals improved in May, ending drought conditions. The rainfall deficit remained greatest in the southern counties. Groundwater levels declined in the northern and central regions of the District but increased in the southern region. Lake levels declined in all four lake regions. The Tampa Bay and Polk Uplands regions were within the normal range, while the northern and Lake Wales Ridge regions were below-normal levels. The climate forecast shows above normal rainfall for the next three months.

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

**Submit & File Reports - None**

**Routine Reports**

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

**35. Significant Activities**

**36. Structure Operations**

### **37. Surplus Lands Update**

Chair Taylor adjourned the Committee and called the Regulation Committee to order. (Audio – 01:41:20)

#### **Regulation Committee**

#### **Discussion**

### **38. Consent Item(s) Moved for Discussion**

### **16. Individual Water Use Permits Referred to the Governing Board**

#### **a. WUP No. 20012159.002 / AgrotecHemp / AgrotecHemp Corporation (Marion County)**

Mr. Darrin Herbst, Water Use Permit Bureau chief, explained the renewal modification request. He stated the request for increases in the authorized annual average and peak month quantities are due to a change in crop type from 240 acres of peanuts to 381 acres of hemp and to the increase from one planting season per year to two planting seasons per year. Quantities are based on the District's allocation program Agricultural Modeling (AGMOD) and information provided by the applicant.

Secretary Schleicher expressed his concerns regarding the increase of quantities as related to this permit.

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

**A motion was made and seconded to approve staff's recommendation. The motion carried with seven in favor and one opposed. Secretary Schleicher stated his opposition was due to concerns regarding the increase in quantities.** (Audio – 01:46:39)

### **39. Consider Water Shortage Order(s) as Necessary**

Chair Taylor stated that the Phase One Water Shortage Order will expire July 1.

### **40. Denials Referred to the Governing Board**

**Submit & File Reports – None**

#### **Routine Reports**

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

#### **41. Individual Permits Issued by District Staff**

#### **42. Overpumpage Report**

Chair Taylor adjourned the Committee. (Audio – 01:48:10)

#### **General Counsel's Report**

#### **Discussion**

### **43. Consent Item(s) Moved for Discussion**

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

#### **c. Approval of Consent Order Between SWFWMD and Etcetera, Etc., Inc. – Operation Without a Permit – ERP No. 404221.01 – CT No. 380718 – DeSoto County**

Ms. Sarah Castro, representing the Pembroke Property Owners Association, stated she would like to see, in the agreement, the corrective action pertaining to three collapsed structures that was verbally agreed. Mr. Chris Tumminia, deputy general counsel, explained the District was not aware of the three additional structures until recently. He stated the settlement agreement involved known issues and does not preclude the District from pursuing additional action.

Staff recommended:

- 1) Approve the Settlement Agreement.
- 2) Authorize District staff to pursue additional enforcement measures to obtain compliance with the terms and conditions of the Settlement Agreement, including filing any appropriate actions in circuit court, if necessary.

**This item was called up for consideration because a Request to Speak Card was received after the Consent Agenda was approved. The Board had approved the item as part of the Consent Agenda. The Board did not move to reconsider the action, so the vote approving this item in the Consent Agenda stands.**

**g. Governing Board Concurrence – Emergency Order No. SWF 20-023 – Emergency Measures Made Necessary by COVID-19**

Ms. Karen West, general counsel, explained this order will expire on July 7.

Mr. Brian Armstrong, executive director, stated the District will continue to follow the Governor's Executive Order and the Emergency Order from the Florida Department of Environmental Protection.

Staff recommended the Board approve Second Amended and Restated Emergency Order No. SWF 20-023 and concur with the Executive Director's determinations regarding the state of emergency and the actions necessary to meet the emergency.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 02:13:53)**

**Submit & File Reports – None**

**Routine Reports**

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

**44. June 2020 Litigation Report**

**45. June 2020 Rulemaking Update**

**Executive Director's Report**

**46. Executive Director's Report**

Mr. Brian Armstrong, executive director, commended the Board and staff for their patience during these meetings.

**Chair's Report**

**47. Chair's Report**

The next meeting is scheduled for the Tampa office on July 28 at 9:00 a.m.

**48. Employee Milestones**

The meeting was adjourned at 11:18 a.m.

\_\_\_\_\_  
Chair

Attest:

\_\_\_\_\_  
Secretary



**Governing Board Meeting  
July 28, 2020**

<b>FINANCE/OUTREACH &amp; PLANNING COMMITTEE</b>
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***Discussion Items***

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***Submit and File***

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**FINANCE/OUTREACH & PLANNING COMMITTEE**

**July 28, 2020**

***Discussion Item***

**Consent Item(s) Moved for Discussion**

Staff Recommendation:

Presenter: Michael Molligan, Division Director, Employee and External Relations

## FINANCE/OUTREACH & PLANNING COMMITTEE

July 28, 2020

### *Discussion Item*

#### **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 September 30th 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 June 30, 2020.

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

## Quarterly Investment Report for Period Ended June 30, 2020

Southwest Florida  
*Water Management District*



### 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 April 1, 2020 to June 30, 2020

Southwest Florida Water Management District All Assets Portfolio	April 1, 2020 Beginning Balance	June 30, 2020 Ending Balance	Portfolio Characteristic	April 1, 2020 Beginning Balance	June 30, 2020 Ending Balance
Book Value Plus Accrued	\$ 528,390,884	\$ 508,220,728	Weighted Book Yield	1.79%	1.38%
Net Unrealized Gain/Loss	6,467,135	7,200,692	Weighted Duration	1.14 Years	1.37 Years
Net Pending Transactions	1,857	85			
<b>Market Value Plus Accrued Net</b>	<b>\$ 534,859,876</b>	<b>\$ 515,421,505</b>			

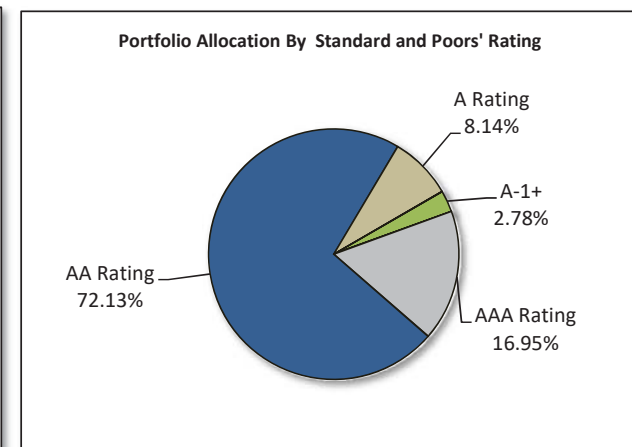
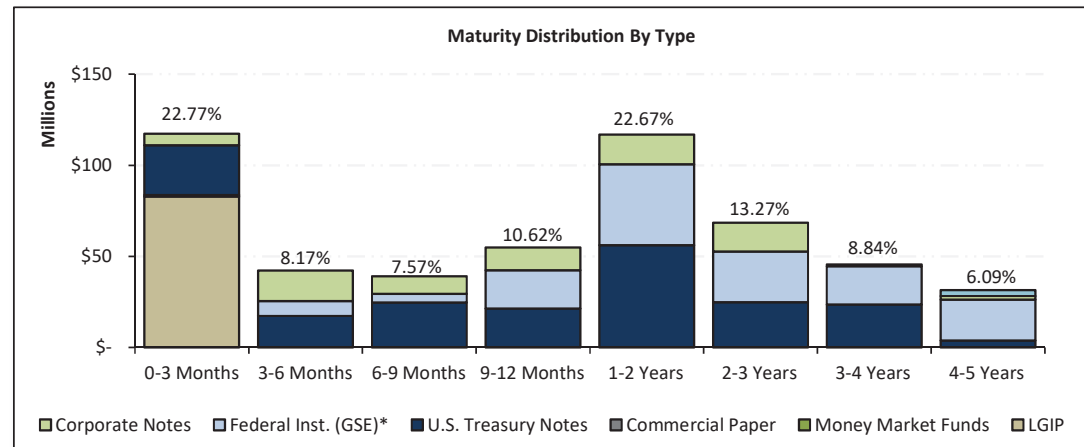
Individual Portfolio Characteristics	April 1, 2020 Beginning Balance	June 30, 2020 Ending Balance	June 30, 2020 Monthly Earnings	June 30, 2020 Quarterly Earnings	June 30, 2020 YTD Earnings
Liquid Portfolio (SBA-Florida Prime)	\$ 104,693,174	\$ 82,666,057	\$ 39,565	\$ 179,583	\$ 950,659
Enhanced Cash	168,075,801	169,001,964	222,139	715,278	2,379,933
Short Term 1-3 Year	262,090,901	263,753,484	354,056	1,139,911	3,603,925
<b>Market Value Plus Accrued Net</b>	<b>\$ 534,859,876</b>	<b>\$ 515,421,505</b>	<b>\$ 615,760</b>	<b>\$ 2,034,772</b>	<b>\$ 6,934,517</b>

Less Advisory Fees:	\$ (10,367)	\$ (31,414)	\$ (93,878)
<b>Total Earnings Net of Fees</b>	<b>\$ 605,393</b>	<b>\$ 2,003,358</b>	<b>\$ 6,840,639</b>

Blended Basis Fee (Annualized)	0.02448%	0.02472%	0.02463%
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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.

Public Trust Advisor's monthly statement is intended to detail our investment advisory activity as well as the activity of any accounts held by clients in pools that are managed by Public Trust Advisors. The custodian bank maintains the control of assets and executes and settles all investments transactions. The custodian statement is the official record of security and cash holdings transactions. Public Trust Advisors recognizes that clients may use these reports to facilitate record keeping; therefore the custodian bank statement and the Public Trust Advisors statement should be reconciled and differences resolved. Many custodians use a settlement date basis which may result in the need to reconcile due to a timing difference. Please contact your relationship manager or our toll free number 855-395-3954 with questions regarding your account.

Public Trust Advisors does not have the authority to withdraw funds from or deposit funds to the custodian. Our clients retain responsibility for their internal accounting policies; implementing and enforcing internal controls and generating ledger entries or otherwise recording transactions.

Pricing sources from our reporting platform are provided by Clearwater reporting platform and are established by Clearwater's internal pricing procedures. Clearwater utilizes a hierarchical pricing model which starts with one of the industry's pricing sources, S&P Capital IQ. Securities with short maturities and infrequent secondary market trades are typically priced via mathematical calculations. The Securities in this investment portfolio, including shares of mutual funds, are not guaranteed or otherwise protected by Public trust Advisors, the FDIC (except for certain non-negotiable certificates of deposit) or any government agency, unless otherwise specifically stated. Investment in fixed income securities involves risks, including the possible loss of the amount invested.

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



# Security Type GASB 40 Trade Date

As of 06/30/2020

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SWFWMD Agg (70823)

Dated: 07/07/2020

Security Type

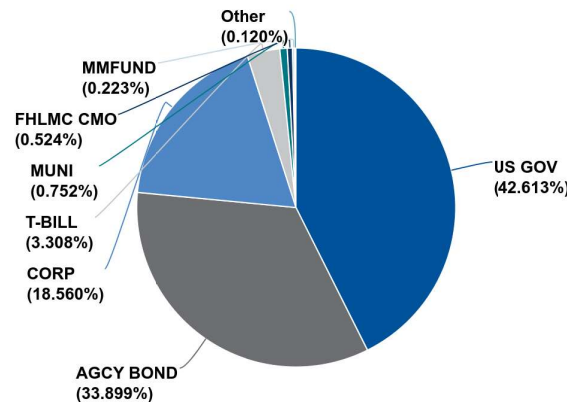


Chart calculated by: Ending Market Value + Accrued

## AGCY BOND

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
3137EAEK1 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	1.865%	Fixed	N	0.380	AA+ Aaa	8,000,000.00	11/17/2020 11/17/2020	2.011 0.183	18,333.33	7,969,040.00	7,995,936.49 8,014,269.83	8,051,463.20 8,069,796.53
3133EJCE7 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	0.331%	Fixed	N	0.610	AA+ Aaa	1,400,000.00	02/12/2021 02/12/2021	2.610 0.236	12,703.06	1,390,158.00	1,397,794.95 1,410,498.01	1,418,228.71 1,430,931.77
3137EAEI9 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	0.295%	Fixed	N	0.621	AA+ Aaa	1,250,000.00	02/16/2021 02/16/2021	2.815 0.238	11,132.81	1,236,562.50	1,246,611.79 1,257,744.61	1,266,745.45 1,277,878.26
3135G0U27 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	0.970%	Fixed	N	0.779	AA+ Aaa	4,100,000.00	04/13/2021 04/13/2021	2.820 0.173	22,208.33	4,065,970.00	4,089,897.04 4,112,105.38	4,174,909.34 4,197,117.67
3133EKJP2 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	1.239%	Fixed	N	0.823	AA+ Aaa	5,250,000.00	04/29/2021 04/29/2021	1.954 0.324	21,700.00	5,291,055.00	5,269,111.57 5,290,811.57	5,340,326.72 5,362,026.72
3135G0K69 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	0.234%	Fixed	N	0.846	AA+ Aaa	1,000,000.00	05/06/2021 05/06/2021	1.144 0.190	1,909.72	1,005,000.00	1,000,894.90 1,002,804.62	1,009,001.02 1,010,910.74
3130A1W95 FEDERAL HOME LOAN BANKS AGCY BOND	2.416%	Fixed	N	0.940	AA+ Aaa	10,250,000.00	06/11/2021 06/11/2021	1.910 0.263	12,812.50	10,316,112.50	10,282,513.37 10,295,325.87	10,442,555.99 10,455,368.49

# Security Type GASB 40 Trade Date

SWFWMD Agg (70823)

As of 06/30/2020

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Dated: 07/07/2020

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
3130AF5B9 FEDERAL HOME LOAN BANKS AGCY BOND	0.301%	Fixed	N	1.261	AA+ Aaa	1,250,000.00	10/12/2021 10/12/2021	3.023 0.190	8,229.17	1,249,187.50	1,249,644.23 1,257,873.40	1,294,999.24 1,303,228.40
3137EADB2 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	1.388%	Fixed	N	1.501	AA+ Aaa	5,750,000.00	01/13/2022 01/13/2022	1.647 0.200	63,729.17	5,838,090.00	5,813,083.36 5,876,812.53	5,941,688.15 6,005,417.32
3137EADB2 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	1.207%	Fixed	N	1.501	AA+ Aaa	5,000,000.00	01/13/2022 01/13/2022	0.322 0.200	55,416.67	5,176,150.00	5,156,843.66 5,212,260.33	5,166,685.35 5,222,102.02
3133ELTN4 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	0.581%	Fixed	N	1.542	AA+ Aaa	2,500,000.00	01/18/2022 01/18/2022	0.601 0.213	3,790.97	2,496,750.00	2,497,254.73 2,501,045.70	2,512,243.02 2,516,034.00
3133ELTN4 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	1.047%	Fixed	N	1.542	AA+ Aaa	4,500,000.00	01/18/2022 01/18/2022	0.601 0.213	6,823.75	4,494,150.00	4,495,058.51 4,501,882.26	4,522,037.45 4,528,861.20
3133ELWD2 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	1.623%	Fixed	N	1.765	AA+ Aaa	7,000,000.00	04/08/2022 04/08/2022	0.449 0.223	6,052.08	6,989,640.00	6,990,824.85 6,996,876.94	7,018,815.79 7,024,867.87
3133ELZN7 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	1.211%	Fixed	N	1.879	AA+ Aaa	5,250,000.00	05/18/2022 05/18/2022	0.250 0.250	1,003.33	5,240,602.50	5,241,114.88 5,242,118.21	5,241,086.71 5,242,090.04
3130AJPU7 FEDERAL HOME LOAN BANKS AGCY BOND	0.462%	Fixed	N	1.919	AA+ Aaa	2,000,000.00	06/03/2022 06/03/2022	0.266 0.232	263.89	1,999,380.00	1,999,392.89 1,999,656.78	2,000,674.12 2,000,938.01
3134GVJ66 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	0.635%	Fixed	N	1.932	AA+ Aaa	2,750,000.00	06/08/2022 06/08/2022	0.294 0.301	439.24	2,747,580.00	2,747,652.67 2,748,091.90	2,747,268.29 2,747,707.52
3134GVJ66 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	0.612%	Fixed	N	1.932	AA+ Aaa	2,650,000.00	06/08/2022 06/08/2022	0.262 0.301	423.26	2,649,364.00	2,649,380.57 2,649,803.83	2,647,367.62 2,647,790.89
313379Q69 FEDERAL HOME LOAN BANKS AGCY BOND	1.126%	Fixed	N	1.911	AA+ Aaa	4,700,000.00	06/10/2022 06/10/2022	1.784 0.271	5,826.04	4,746,107.00	4,730,442.62 4,736,268.67	4,868,863.62 4,874,689.66
3135G0W33 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	1.605%	Fixed	N	2.147	AA+ Aaa	6,750,000.00	09/06/2022 09/06/2022	0.386 0.234	29,648.44	6,910,920.00	6,894,894.85 6,924,543.29	6,917,662.84 6,947,311.28
3130AJTE3 FEDERAL HOME LOAN BANKS AGCY BOND	1.793%	Fixed	N	2.578	AA+ Aaa	7,500,000.00	02/17/2023 02/17/2023	0.385 0.252	37,239.58	7,707,825.00	7,693,998.94 7,731,238.52	7,720,643.78 7,757,883.36
3133ELNW0 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	0.538%	Fixed	N	2.585	AA+ Aaa	2,250,000.00	02/21/2023 02/21/2023	1.447 0.295	11,781.25	2,250,202.50	2,250,178.64 2,261,959.89	2,318,308.56 2,330,089.81
313382AX1 FEDERAL HOME LOAN BANKS AGCY BOND	1.524%	Fixed	N	2.615	AA+ Aaa	6,250,000.00	03/10/2023 03/10/2023	0.995 0.317	40,950.52	6,459,375.00	6,437,189.72 6,478,140.24	6,552,891.88 6,593,842.40
3137EAE54 FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	0.841%	Fixed	N	2.975	AA+ Aaa	3,645,000.00	06/26/2023 06/26/2023	0.348 0.302	126.56	3,634,356.60	3,634,404.86 3,634,531.42	3,639,326.56 3,639,453.12
3130A3DL5 FEDERAL HOME LOAN BANKS AGCY BOND	1.237%	Fixed	N	3.067	AA+ Aaa	5,000,000.00	09/08/2023 09/08/2023	1.578 0.386	37,274.31	5,153,450.00	5,123,375.24 5,160,649.54	5,314,885.65 5,352,159.96
3130A3VC5 FEDERAL HOME LOAN BANKS AGCY BOND	1.302%	Fixed	N	3.322	AA+ Aaa	5,290,000.00	12/08/2023 12/08/2023	0.462 0.387	7,604.38	5,629,618.00	5,612,165.08 5,619,769.46	5,626,313.34 5,633,917.71
3133EDBU5 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	0.231%	Fixed	N	3.302	AA+ Aaa	900,000.00	12/20/2023 12/20/2023	0.717 0.340	962.50	993,447.00	985,683.15 986,645.65	998,100.32 999,062.82

# Security Type GASB 40 Trade Date

As of 06/30/2020

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SWFWMD Agg (70823)

Dated: 07/07/2020

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Ending Market Value, Market Value + Accrued
3135G0V34 FEDERAL NATIONAL MORTGAGE ASSOCIATION AGCY BOND	1.132%	Fixed	N	3.432	AA+ Aaa	4,500,000.00	02/05/2024 02/05/2024	1.683 0.303	45,625.00	4,648,905.00	4,627,766.85 4,673,391.85	4,853,485.59 4,899,090.59
3130A1XJ2 FEDERAL HOME LOAN BANKS AGCY BOND	0.952%	Fixed	N	3.766	AA+ Aaa	3,750,000.00	06/14/2024 06/14/2024	1.586 0.398	5,091.15	3,968,737.50	3,933,035.16 3,938,126.31	4,114,219.35 4,119,310.50
3133EKVV4 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	1.233%	Fixed	N	3.909	AA+ Aaa	5,000,000.00	07/26/2024 07/26/2024	1.551 0.389	39,826.39	5,069,850.00	5,058,714.50 5,098,540.89	5,294,905.75 5,334,732.14
3133EK4Y9 FEDERAL FARM CREDIT BANKS FUNDING CORP AGCY BOND	0.415%	Fixed	N	4.188	AA+ Aaa	1,700,000.00	11/01/2024 11/01/2024	0.585 0.419	4,675.00	1,780,155.00	1,777,376.29 1,782,051.29	1,789,806.50 1,794,481.50
3137EAEPO FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	1.095%	Fixed	N	4.448	AA+ Aaa	4,500,000.00	02/12/2025 02/12/2025	0.481 0.452	25,687.50	4,710,870.00	4,709,037.96 4,734,725.46	4,715,140.09 4,740,827.59
3137EAEPO FEDERAL HOME LOAN MORTGAGE CORP AGCY BOND	1.765%	Fixed	N	4.448	AA+ Aaa	7,250,000.00	02/12/2025 02/12/2025	0.483 0.452	41,385.42	7,587,632.50	7,586,065.61 7,627,451.02	7,596,614.60 7,638,000.01
3130AJKW8 FEDERAL HOME LOAN BANKS AGCY BOND	0.694%	Fixed	N	4.883	AA+ Aaa	3,000,000.00	06/13/2025 06/13/2025	0.511 0.491	2,333.33	2,998,380.00	2,998,393.46 3,000,726.79	3,001,345.86 3,003,679.19
--- AGCY BOND	33.899%	Fixed	N	2.291	AA+ Aaa	141,885,000.00	11/06/2022 11/06/2022	1.099 0.292	583,008.65	144,404,623.09	144,175,733.40 144,758,742.04	146,118,590.46 146,701,599.10

## CORP

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Ending Market Value, Market Value + Accrued
375558BB8 GILEAD SCIENCES INC CORP	1.169%	Fixed	N	0.169	A A3	5,000,000.00	09/01/2020 09/01/2020	2.725 0.414	42,500.00	4,989,050.00	4,998,549.05 5,041,049.05	5,018,051.30 5,060,551.30
02665WAZ4 AMERICAN HONDA FINANCE CORP CORP	0.292%	Fixed	N	0.233	A- A3	1,250,000.00	09/24/2020 09/24/2020	2.435 0.605	8,251.74	1,250,812.50	1,250,043.54 1,258,295.28	1,255,360.86 1,263,612.60
46625HNY2 JPMORGAN CHASE & CO CORP	1.163%	Floating	Y	0.081	A- A2	5,000,000.00	09/29/2020 10/29/2020	1.124 0.657	17,900.31	5,071,950.00	5,011,752.27 5,029,652.58	5,013,580.30 5,031,480.61
084664BZ3 BERKSHIRE HATHAWAY FINANCE CORP CORP	1.640%	Fixed	N	0.291	AA Aa2	7,000,000.00	10/15/2020 10/15/2020	1.721 0.261	42,855.56	7,062,720.00	7,023,702.91 7,066,558.46	7,053,799.55 7,096,655.11
06051GFT1 BANK OF AMERICA CORP CORP	0.935%	Fixed	N	0.302	A- A2	4,000,000.00	10/19/2020 10/19/2020	2.745 0.376	21,000.00	3,993,064.00	3,998,580.37 4,019,580.37	4,027,187.00 4,048,187.00
478160CH5 JOHNSON & JOHNSON CORP	0.103%	Fixed	N	0.361	AAA Aaa	440,000.00	11/10/2020 11/10/2020	1.987 0.243	1,215.50	439,529.20	439,941.51 441,157.01	442,709.31 443,924.81
478160CH5 JOHNSON & JOHNSON CORP	0.033%	Fixed	N	0.361	AAA Aaa	140,000.00	11/10/2020 11/10/2020	1.986 0.243	386.75	139,850.20	139,981.67 140,368.42	140,862.05 141,248.80
91159HHL7 U.S. BANCORP CORP	0.353%	Fixed	Y	0.301	A+ A1	1,500,000.00	12/29/2020 01/29/2021	2.317 0.422	14,883.33	1,500,739.92	1,500,240.92 1,515,124.25	1,514,352.87 1,529,236.20
91159HHL7 U.S. BANCORP CORP	0.825%	Fixed	Y	0.301	A+ A1	3,500,000.00	12/29/2020 01/29/2021	1.723 0.422	34,727.78	3,526,355.00	3,510,744.58 3,545,472.36	3,533,490.03 3,568,217.81

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24422ETF6 JOHN DEERE CAPITAL CORP CORP	0.710%	Fixed	N	0.515	A A2	3,000,000.00	01/08/2021 01/08/2021	2.617 0.396	36,762.50	2,996,670.00	2,998,966.61 3,035,729.11	3,033,671.79 3,070,434.29
17275RBD3 CISCO SYSTEMS INC CORP	0.353%	Fixed	N	0.655	AA- A1	1,500,000.00	02/28/2021 02/28/2021	2.276 0.350	11,275.00	1,497,975.00	1,499,260.85 1,510,535.85	1,518,303.87 1,529,578.87
89236TEU5 TOYOTA MOTOR CREDIT CORP CORP	0.465%	Fixed	N	0.777	A+ A1	1,960,000.00	04/13/2021 04/13/2021	2.964 0.480	12,527.67	1,959,216.00	1,959,788.59 1,972,316.26	1,997,938.25 2,010,465.92
89236TEU5 TOYOTA MOTOR CREDIT CORP CORP	0.151%	Fixed	N	0.777	A+ A1	635,000.00	04/13/2021 04/13/2021	2.963 0.480	4,058.71	634,746.00	634,936.48 638,995.18	647,291.22 651,349.93
037833AR1 APPLE INC CORP	1.043%	Fixed	N	0.842	AA+ Aa1	4,400,000.00	05/06/2021 05/06/2021	1.748 0.280	19,158.33	4,469,740.00	4,440,595.75 4,459,754.09	4,495,918.06 4,515,076.40
857477AV5 STATE STREET CORP CORP	0.042%	Fixed	N	0.880	A A1	180,000.00	05/19/2021 05/19/2021	2.029 0.326	409.50	179,319.60	179,875.58 180,285.08	182,583.71 182,993.21
717081DX8 PFIZER INC CORP	1.175%	Fixed	N	0.919	AA- A1	5,000,000.00	06/03/2021 06/03/2021	1.851 0.253	7,583.33	5,007,850.00	5,004,498.22 5,012,081.55	5,078,337.35 5,085,920.68
89236TGS8 TOYOTA MOTOR CREDIT CORP CORP	0.693%	Floating	N	0.122	A+ A1	3,000,000.00	08/13/2021 08/13/2021	0.567 0.586	2,280.54	3,000,000.00	3,000,000.00 3,002,280.54	2,995,629.99 2,997,910.53
14913Q3D9 CATERPILLAR FINANCIAL SERVICES CORP CORP	0.213%	Floating	N	0.119	A A3	920,000.00	11/12/2021 11/12/2021	0.645 0.668	810.92	920,000.00	920,000.00 920,810.92	919,714.80 920,525.72
166764AT7 CHEVRON CORP CORP	0.455%	Fixed	Y	0.898	AA Aa2	1,900,000.00	01/03/2022 03/03/2022	2.660 0.446	15,015.17	1,887,042.00	1,892,307.62 1,907,322.79	1,956,058.13 1,971,073.30
24422EUQ0 JOHN DEERE CAPITAL CORP CORP	0.972%	Fixed	N	1.480	A A2	3,975,000.00	01/10/2022 01/10/2022	1.826 0.392	60,420.00	4,081,768.50	4,056,741.19 4,117,161.19	4,144,865.11 4,205,285.11
037833AY6 APPLE INC CORP	0.959%	Fixed	N	1.575	AA+ Aa1	4,000,000.00	02/09/2022 02/09/2022	1.826 0.348	33,922.22	4,028,240.00	4,020,442.79 4,054,365.02	4,115,495.92 4,149,418.14
68389XB0 ORACLE CORP CORP	0.483%	Fixed	Y	1.012	A A3	2,017,000.00	03/15/2022 05/15/2022	2.212 0.500	6,443.19	2,031,724.10	2,026,703.38 2,033,146.58	2,085,535.12 2,091,978.31
30231GBB7 EXXON MOBIL CORP CORP	0.306%	Fixed	N	2.078	AA Aa1	1,275,000.00	08/16/2022 08/16/2022	1.902 0.429	9,093.94	1,275,000.00	1,275,000.00 1,284,093.94	1,314,740.46 1,323,834.40
037833DE7 APPLE INC CORP	0.737%	Fixed	Y	1.444	AA+ Aa1	3,000,000.00	12/13/2022 01/13/2023	0.676 0.272	33,600.00	3,132,210.00	3,125,424.62 3,159,024.62	3,155,935.08 3,189,535.08
478160BT0 JOHNSON & JOHNSON CORP	0.484%	Fixed	Y	1.485	AAA Aaa	2,000,000.00	01/01/2023 03/01/2023	1.794 0.383	13,666.67	2,016,360.00	2,012,487.08 2,026,153.74	2,082,953.00 2,096,619.67
89233P7F7 TOYOTA MOTOR CREDIT CORP CORP	1.224%	Fixed	N	2.426	A+ A1	5,000,000.00	01/10/2023 01/10/2023	1.818 0.740	62,343.75	5,116,100.00	5,099,116.17 5,161,459.92	5,235,643.35 5,297,987.10
166764AH3 CHEVRON CORP CORP	0.495%	Fixed	Y	1.612	AA Aa2	2,000,000.00	03/24/2023 06/24/2023	1.899 0.552	1,240.94	2,087,900.00	2,068,484.01 2,069,724.96	2,142,990.02 2,144,230.96
037833DV9 APPLE INC CORP	0.397%	Fixed	N	2.831	AA+ Aa1	1,700,000.00	05/11/2023 05/11/2023	0.842 0.380	1,770.83	1,695,376.00	1,695,587.37 1,697,358.20	1,717,909.82 1,719,680.66
594918BQ6 MICROSOFT CORP CORP	0.244%	Fixed	Y	1.750	AAA Aaa	1,000,000.00	06/08/2023 08/08/2023	0.568 0.401	7,944.44	1,044,020.00	1,041,648.98 1,049,593.42	1,046,660.38 1,054,604.82
931142EL3 WALMART INC CORP	0.446%	Fixed	Y	2.469	AA Aa2	1,750,000.00	06/08/2024 07/08/2024	0.854 0.581	23,967.71	1,889,597.50	1,884,917.23 1,908,864.94	1,904,435.50 1,928,403.21

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--- CORP	18.560%	---	---	0.937	A+ A1	78,042,000.00	09/14/2021 09/28/2021	1.829 0.428	548,016.34	78,924,925.53	78,710,319.34 79,258,335.68	79,772,004.21 80,320,020.55

## FHLMC

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
3137B1BS0 FHMS K-026 A2 FHLMC	0.120%	Fixed	Y	2.223	AA+ Aaa	500,000.00	10/15/2022 11/25/2022	2.458 0.677	1,045.83	500,214.85	499,883.97 500,929.81	520,007.60 521,053.43
3137B1BS0 FHMS K-026 A2 FHLMC	0.120%	Fixed	Y	2.223	AA+ Aaa	500,000.00	10/15/2022 11/25/2022	2.458 0.677	1,045.83	500,214.85	499,883.97 500,929.81	520,007.60 521,053.43

## FHLMC CMO

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
3137AA4W0 FHMS K-013 A2 FHLMC CMO	0.468%	Variable	Y	0.488	AA+ Aaa	1,998,315.70	12/29/2020 01/25/2021	2.380 1.267	6,617.76	2,036,096.36	2,008,753.60 2,015,371.35	2,019,746.64 2,026,364.39
3137B3N95 FHMS K-030 A1 FHLMC CMO	0.055%	Fixed	Y	1.095	AA+ Aaa	233,651.04	08/08/2021 09/25/2022	3.014 0.489	541.10	232,172.46	232,653.92 233,195.02	239,138.50 239,679.60
--- FHLMC CMO	0.524%	---	Y	0.552	AA+ Aaa	2,231,966.74	01/21/2021 03/30/2021	2.446 1.185	7,158.85	2,268,268.81	2,241,407.52 2,248,566.37	2,258,885.13 2,266,043.99

## MMFUND

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
60934N104 FEDERATED HRMS GV O INST MMFUND	0.027%	Fixed	N	0.000	AAAm Aaa	118,881.77	06/30/2020 06/30/2020	0.070 0.070	0.00	118,881.77	118,881.77 118,881.77	118,881.77 118,881.77
60934N104 FEDERATED HRMS GV O INST MMFUND	0.196%	Fixed	N	0.000	AAAm Aaa	846,288.84	06/30/2020 06/30/2020	0.070 0.070	0.00	846,288.84	846,288.84 846,288.84	846,288.84 846,288.84
60934N104 FEDERATED HRMS GV O INST MMFUND	0.223%	Fixed	N	0.000	AAAm Aaa	965,170.61	06/30/2020 06/30/2020	0.070 0.070	0.00	965,170.61	965,170.61 965,170.61	965,170.61 965,170.61

## MUNI

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
040654XU4 ARIZONA ST TRANSN BRD HWY REV MUNI	0.752%	Fixed	N	3.828	AA+ Aa1	3,100,000.00	07/01/2024 07/01/2024	1.958 0.873	23,436.17	3,100,000.00	3,100,000.00 3,123,436.17	3,232,029.00 3,255,465.17



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040654XU4 ARIZONA ST TRANSN BRD HWY REV MUNI	0.752%	Fixed	N	3.828	AA+ Aa1	3,100,000.00	07/01/2024 07/01/2024	1.958 0.873	23,436.17	3,100,000.00	3,100,000.00 3,123,436.17	3,232,029.00 3,255,465.17

## T-BILL

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
912796SZ3 UNITED STATES TREASURY T-BILL	1.612%	Zero Coupon	N	0.044	A-1+ P-1	6,975,000.00	07/16/2020 07/16/2020	1.955 0.121	0.00	6,841,355.09	6,969,492.65 6,969,492.65	6,974,630.33 6,974,630.33
912796XE4 UNITED STATES TREASURY T-BILL	1.697%	Zero Coupon	N	0.655	A-1+ P-1	7,350,000.00	02/25/2021 02/25/2021	0.173 0.162	0.00	7,341,427.03	7,341,704.70 7,341,704.70	7,342,194.30 7,342,194.30
--- UNITED STATES TREASURY T-BILL	3.308%	Zero Coupon	N	0.357	A-1+ P-1	14,325,000.00	11/08/2020 11/08/2020	1.041 0.142	0.00	14,182,782.12	14,311,197.35 14,311,197.35	14,316,824.63 14,316,824.63

## US GOV

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
912828VP2 UNITED STATES TREASURY US GOV	0.411%	Fixed	N	0.085	AA+ Aaa	1,760,000.00	07/31/2020 07/31/2020	1.582 0.228	14,698.90	1,792,862.50	1,760,601.19 1,775,300.09	1,762,652.32 1,777,351.22
912828VP2 UNITED STATES TREASURY US GOV	0.412%	Fixed	N	0.085	AA+ Aaa	1,765,000.00	07/31/2020 07/31/2020	1.713 0.228	14,740.66	1,787,269.36	1,765,414.62 1,780,155.28	1,767,659.85 1,782,400.51
912828VP2 UNITED STATES TREASURY US GOV	0.223%	Fixed	N	0.085	AA+ Aaa	955,000.00	07/31/2020 07/31/2020	1.304 0.228	7,975.82	983,911.13	955,544.42 963,520.24	956,439.19 964,415.01
912828Q2 UNITED STATES TREASURY US GOV	1.047%	Fixed	N	0.126	AA+ Aaa	4,500,000.00	08/15/2020 08/15/2020	2.015 0.209	25,405.22	4,473,281.25	4,497,164.93 4,522,570.15	4,507,335.00 4,532,740.22
912828Q2 UNITED STATES TREASURY US GOV	1.106%	Fixed	N	0.126	AA+ Aaa	4,750,000.00	08/15/2020 08/15/2020	1.492 0.209	26,816.62	4,751,113.31	4,750,049.05 4,776,865.67	4,757,742.50 4,784,559.12
912828VV9 UNITED STATES TREASURY US GOV	0.700%	Fixed	N	0.168	AA+ Aaa	3,000,000.00	08/31/2020 08/31/2020	1.551 0.211	21,307.74	3,053,085.93	3,002,833.89 3,024,141.63	3,009,663.00 3,030,970.74
912828V1 UNITED STATES TREASURY US GOV	0.814%	Fixed	N	0.209	AA+ Aaa	3,500,000.00	09/15/2020 09/15/2020	1.528 0.195	14,123.64	3,484,414.08	3,498,902.73 3,513,026.37	3,508,631.00 3,522,754.64
912828VZ0 UNITED STATES TREASURY US GOV	0.467%	Fixed	N	0.251	AA+ Aaa	2,000,000.00	09/30/2020 09/30/2020	1.916 0.200	10,054.64	2,004,531.26	2,000,411.38 2,010,466.03	2,009,042.00 2,019,096.64
912828PC8 UNITED STATES TREASURY US GOV	1.053%	Fixed	N	0.375	AA+ Aaa	4,500,000.00	11/15/2020 11/15/2020	2.732 0.226	15,086.62	4,489,277.36	4,498,233.03 4,513,319.64	4,540,428.00 4,555,514.62
912828M98 UNITED STATES TREASURY US GOV	1.978%	Fixed	N	0.418	AA+ Aaa	8,500,000.00	11/30/2020 11/30/2020	1.670 0.222	11,699.11	8,495,019.53	8,498,433.69 8,510,132.80	8,549,801.50 8,561,500.61
912828A42 UNITED STATES TREASURY US GOV	0.210%	Fixed	N	0.418	AA+ Aaa	900,000.00	11/30/2020 11/30/2020	1.367 0.241	1,524.59	926,063.63	902,351.43 903,876.02	906,609.60 908,134.19
912828A42 UNITED STATES TREASURY US GOV	0.284%	Fixed	N	0.418	AA+ Aaa	1,220,000.00	11/30/2020 11/30/2020	1.218 0.241	2,066.67	1,262,271.09	1,223,939.75 1,226,006.41	1,228,959.68 1,231,026.35

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912828N48 UNITED STATES TREASURY US GOV	1.886%	Fixed	N	0.499	AA+ Aaa	8,100,000.00	12/31/2020 12/31/2020	1.667 0.202	385.19	8,109,175.78	8,103,315.19 8,103,700.38	8,162,645.40 8,163,030.59
9128283X6 UNITED STATES TREASURY US GOV	0.974%	Fixed	N	0.620	AA+ Aaa	4,125,000.00	02/15/2021 02/15/2021	2.513 0.190	34,932.18	4,095,512.69	4,118,333.77 4,153,265.94	4,178,175.38 4,213,107.55
912828B90 UNITED STATES TREASURY US GOV	0.057%	Fixed	N	0.663	AA+ Aaa	243,725.49	02/28/2021 02/28/2021	1.312 0.210	1,629.25	251,684.66	244,833.49 246,462.74	246,638.74 248,267.99
912828B90 UNITED STATES TREASURY US GOV	0.209%	Fixed	N	0.663	AA+ Aaa	886,274.51	02/28/2021 02/28/2021	1.349 0.210	5,924.55	912,724.26	890,084.12 896,008.67	896,868.15 902,792.70
9128284B3 UNITED STATES TREASURY US GOV	0.864%	Fixed	N	0.703	AA+ Aaa	3,655,000.00	03/15/2021 03/15/2021	2.490 0.197	25,475.75	3,643,007.03	3,652,080.27 3,677,556.02	3,711,396.65 3,736,872.40
912828Q37 UNITED STATES TREASURY US GOV	1.530%	Fixed	N	0.748	AA+ Aaa	6,550,000.00	03/31/2021 03/31/2021	1.541 0.178	20,580.60	6,519,552.72	6,535,883.56 6,556,464.16	6,602,707.85 6,623,288.45
9128284G2 UNITED STATES TREASURY US GOV	0.980%	Fixed	N	0.786	AA+ Aaa	4,150,000.00	04/15/2021 04/15/2021	2.525 0.193	20,735.83	4,132,167.99	4,145,165.04 4,165,900.86	4,221,653.90 4,242,389.73
912828WG1 UNITED STATES TREASURY US GOV	0.236%	Fixed	N	0.828	AA+ Aaa	1,000,000.00	04/30/2021 04/30/2021	1.151 0.187	3,790.76	1,050,039.06	1,009,068.08 1,012,858.84	1,017,188.00 1,020,978.76
912828R77 UNITED STATES TREASURY US GOV	1.813%	Fixed	N	0.914	AA+ Aaa	7,750,000.00	05/31/2021 05/31/2021	1.791 0.182	9,025.79	7,695,810.53	7,720,882.43 7,729,908.22	7,834,769.50 7,843,795.29
912828WR7 UNITED STATES TREASURY US GOV	0.236%	Fixed	N	0.994	AA+ Aaa	1,000,000.00	06/30/2021 06/30/2021	1.166 0.189	57.74	1,045,156.25	1,009,485.05 1,009,542.80	1,019,336.00 1,019,393.74
912828S27 UNITED STATES TREASURY US GOV	0.122%	Fixed	N	0.996	AA+ Aaa	525,000.00	06/30/2021 06/30/2021	1.162 0.182	16.05	524,077.14	524,807.02 524,823.07	529,942.35 529,958.40
912828Y20 UNITED STATES TREASURY US GOV	0.300%	Fixed	N	1.021	AA+ Aaa	1,250,000.00	07/15/2021 07/15/2021	2.769 0.187	15,144.23	1,244,921.88	1,248,174.61 1,263,318.84	1,281,690.00 1,296,834.23
912828WY2 UNITED STATES TREASURY US GOV	1.478%	Fixed	N	1.068	AA+ Aaa	6,200,000.00	07/31/2021 07/31/2021	1.689 0.195	58,252.75	6,262,483.60	6,237,134.38 6,295,387.13	6,338,049.20 6,396,301.95
912828RC6 UNITED STATES TREASURY US GOV	0.708%	Fixed	N	1.110	AA+ Aaa	2,975,000.00	08/15/2021 08/15/2021	2.897 0.194	23,793.87	2,911,781.25	2,949,790.49 2,973,584.36	3,039,614.02 3,063,407.90
912828F6 UNITED STATES TREASURY US GOV	0.815%	Fixed	N	1.159	AA+ Aaa	3,475,000.00	08/31/2021 08/31/2021	1.471 0.187	13,066.66	3,452,602.54	3,461,144.81 3,474,211.47	3,513,009.55 3,526,076.21
912828D72 UNITED STATES TREASURY US GOV	0.594%	Fixed	N	1.153	AA+ Aaa	2,500,000.00	08/31/2021 08/31/2021	1.311 0.182	16,711.96	2,581,250.00	2,519,856.75 2,536,568.70	2,553,027.50 2,569,739.46
912828T34 UNITED STATES TREASURY US GOV	0.750%	Fixed	N	1.242	AA+ Aaa	3,200,000.00	09/30/2021 09/30/2021	1.623 0.175	9,049.18	3,170,249.60	3,180,378.11 3,189,427.29	3,238,000.00 3,247,049.18
912828F21 UNITED STATES TREASURY US GOV	1.249%	Fixed	N	1.235	AA+ Aaa	5,250,000.00	09/30/2021 09/30/2021	2.687 0.186	28,043.03	5,171,455.07	5,214,034.08 5,242,077.11	5,377,149.75 5,405,192.78
912828F53 UNITED STATES TREASURY US GOV	0.517%	Fixed	N	1.270	AA+ Aaa	2,150,000.00	10/15/2021 10/15/2021	1.592 0.183	13,004.27	2,197,367.19	2,185,069.78 2,198,074.05	2,224,663.05 2,237,667.32
9128285L0 UNITED STATES TREASURY US GOV	1.563%	Fixed	N	1.353	AA+ Aaa	6,500,000.00	11/15/2021 11/15/2021	2.698 0.186	23,867.19	6,531,738.28	6,515,349.46 6,539,216.65	6,739,941.00 6,763,808.19
912828U85 UNITED STATES TREASURY US GOV	0.360%	Fixed	N	1.404	AA+ Aaa	1,520,000.00	11/30/2021 11/30/2021	1.864 0.174	2,253.01	1,512,696.87	1,517,586.84 1,519,839.85	1,553,903.60 1,556,156.61

# Security Type GASB 40 Trade Date

SWFWMD Agg (70823)

As of 06/30/2020

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Dated: 07/07/2020

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
912828U81 UNITED STATES TREASURY US GOV	0.237%	Fixed	N	1.484	AA+ Aaa	1,000,000.00	12/31/2021 12/31/2021	1.989 0.179	54.35	1,000,507.81	1,000,164.62 1,000,218.97	1,027,266.00 1,027,320.35
912828V72 UNITED STATES TREASURY US GOV	1.913%	Fixed	N	1.557	AA+ Aaa	8,000,000.00	01/31/2022 01/31/2022	1.609 0.184	62,637.36	8,043,437.50	8,033,137.70 8,095,775.06	8,214,064.00 8,276,701.36
912828SF8 UNITED STATES TREASURY US GOV	0.240%	Fixed	N	1.596	AA+ Aaa	1,000,000.00	02/15/2022 02/15/2022	1.760 0.181	7,527.47	1,010,585.94	1,003,816.08 1,011,343.56	1,029,531.00 1,037,058.47
912828J43 UNITED STATES TREASURY US GOV	0.242%	Fixed	N	1.642	AA+ Aaa	1,015,000.00	02/28/2022 02/28/2022	1.834 0.185	5,936.92	1,011,352.34	1,013,601.31 1,019,538.23	1,041,445.82 1,047,382.75
912828W89 UNITED STATES TREASURY US GOV	0.478%	Fixed	N	1.723	AA+ Aaa	2,000,000.00	03/31/2022 03/31/2022	2.624 0.179	9,426.23	1,944,140.62	1,974,580.96 1,984,007.19	2,059,296.00 2,068,722.23
912828X47 UNITED STATES TREASURY US GOV	0.032%	Fixed	N	1.805	AA+ Aaa	135,000.00	04/30/2022 04/30/2022	1.934 0.178	426.46	134,620.31	134,856.79 135,283.25	139,192.42 139,618.89
912828SV3 UNITED STATES TREASURY US GOV	0.238%	Fixed	N	1.848	AA+ Aaa	1,000,000.00	05/15/2022 05/15/2022	1.799 0.172	2,235.05	997,695.31	999,099.02 1,001,334.07	1,029,531.00 1,031,766.05
912828XR6 UNITED STATES TREASURY US GOV	0.667%	Fixed	N	1.891	AA+ Aaa	2,800,000.00	05/31/2022 05/31/2022	1.842 0.176	4,150.27	2,792,890.63	2,795,171.63 2,799,321.90	2,884,327.60 2,888,477.87
912828XG0 UNITED STATES TREASURY US GOV	0.288%	Fixed	N	1.968	AA+ Aaa	1,200,000.00	06/30/2022 06/30/2022	1.912 0.168	69.29	1,211,484.37	1,204,977.22 1,205,046.51	1,246,874.40 1,246,943.69
912828XW5 UNITED STATES TREASURY US GOV	0.304%	Fixed	N	1.973	AA+ Aaa	1,275,000.00	06/30/2022 06/30/2022	1.944 0.172	60.63	1,263,345.71	1,270,182.46 1,270,243.09	1,315,142.10 1,315,202.73
912828TJ9 UNITED STATES TREASURY US GOV	0.359%	Fixed	N	2.085	AA+ Aaa	1,500,000.00	08/15/2022 08/15/2022	1.555 0.170	9,174.11	1,502,636.72	1,502,192.22 1,511,366.32	1,546,288.50 1,555,462.61
912828L24 UNITED STATES TREASURY US GOV	0.241%	Fixed	N	2.122	AA+ Aaa	1,000,000.00	08/31/2022 08/31/2022	1.822 0.172	6,266.98	1,002,500.00	1,001,126.61 1,007,393.59	1,036,836.00 1,043,102.98
912828W9 UNITED STATES TREASURY US GOV	0.241%	Fixed	N	2.205	AA+ Aaa	1,000,000.00	09/30/2022 09/30/2022	2.148 0.171	4,713.11	987,578.12	994,032.55 998,745.66	1,038,281.00 1,042,994.11
912828M49 UNITED STATES TREASURY US GOV	0.982%	Fixed	N	2.287	AA+ Aaa	4,075,000.00	10/31/2022 10/31/2022	1.500 0.172	12,872.79	4,120,843.75	4,109,917.94 4,122,790.93	4,236,565.60 4,249,438.39
912828M80 UNITED STATES TREASURY US GOV	0.302%	Fixed	N	2.368	AA+ Aaa	1,250,000.00	11/30/2022 11/30/2022	2.152 0.175	2,117.49	1,241,064.45	1,245,545.90 1,247,663.39	1,305,028.75 1,307,146.24
912828P38 UNITED STATES TREASURY US GOV	1.211%	Fixed	N	2.520	AA+ Aaa	5,000,000.00	01/31/2023 01/31/2023	1.512 0.182	36,538.46	5,039,062.50	5,030,015.78 5,066,554.24	5,202,150.00 5,238,688.46
912828R28 UNITED STATES TREASURY US GOV	1.206%	Fixed	N	2.773	AA+ Aaa	5,000,000.00	04/30/2023 04/30/2023	1.538 0.182	13,688.86	5,015,234.40	5,011,967.66 5,025,656.52	5,203,905.00 5,217,593.86
912828S35 UNITED STATES TREASURY US GOV	1.197%	Fixed	N	2.948	AA+ Aaa	5,000,000.00	06/30/2023 06/30/2023	1.511 0.179	186.82	4,975,000.00	4,980,181.81 4,980,368.63	5,178,905.00 5,179,091.82
912828T26 UNITED STATES TREASURY US GOV	1.324%	Fixed	N	3.179	AA+ Aaa	5,500,000.00	09/30/2023 09/30/2023	0.885 0.183	19,009.56	5,594,531.25	5,586,056.16 5,605,065.72	5,712,481.50 5,731,491.06
912828T91 UNITED STATES TREASURY US GOV	1.214%	Fixed	N	3.250	AA+ Aaa	5,000,000.00	10/31/2023 10/31/2023	1.531 0.189	13,688.86	5,018,750.00	5,015,227.86 5,028,916.71	5,238,475.00 5,252,163.86
912828V80 UNITED STATES TREASURY US GOV	1.251%	Fixed	N	3.437	AA+ Aaa	5,000,000.00	01/31/2024 01/31/2024	1.527 0.202	46,978.02	5,152,734.40	5,125,609.44 5,172,587.46	5,365,625.00 5,412,603.02

## Security Type GASB 40 Trade Date

As of 06/30/2020

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SWFWMD Agg (70823)

Dated: 07/07/2020

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
912828X70 UNITED STATES TREASURY US GOV	1.238%	Fixed	N	3.700	AA+ Aaa	5,000,000.00	04/30/2024 04/30/2024	1.501 0.215	16,847.83	5,111,328.15	5,092,634.14 5,109,481.96	5,340,625.00 5,357,472.83
912828X70 UNITED STATES TREASURY US GOV	0.409%	Fixed	N	3.700	AA+ Aaa	1,650,000.00	04/30/2024 04/30/2024	1.640 0.215	5,559.78	1,674,556.64	1,671,951.62 1,677,511.40	1,762,406.25 1,767,966.03
912828YM6 UNITED STATES TREASURY US GOV	0.855%	Fixed	N	4.202	AA+ Aaa	3,500,000.00	10/31/2024 10/31/2024	1.667 0.244	8,845.11	3,472,519.54	3,475,655.69 3,484,500.80	3,689,357.00 3,698,202.11
--- UNITED STATES TREASURY US GOV	42.613%	Fixed	N	1.487	AA+ Aaa	179,255,000.00	01/06/2022 01/06/2022	1.795 0.194	780,251.90	179,836,955.29	179,608,040.58 180,388,292.48	183,628,933.18 184,409,185.08

### Summary

Identifier, Description, Security Type	% of Market Value + Accrued	Coupon Type	Callab le	Duration	S&P Rating, Moody's Rating	Ending Current Units	Ending Effective Maturity, Final Maturity	Book Yield, Yield	Ending Accrued Balance	Original Cost	Ending Book Value, Book Value + Accrued	Market Value, Ending Market Value + Accrued
---	100.000%	---	---	1.631	AA Aa1	420,304,137.35	03/19/2022 03/22/2022	1.541 0.280	1,942,917.75	424,182,940.31	423,611,752.77 425,554,670.52	430,812,444.82 432,755,362.56

\* Grouped by: Security Type. \* Groups Sorted by: Security Type. \* Filtered By: Description ≠ "Payable" and Description ≠ "Receivable". \* Weighted by: Ending Market Value + Accrued, except Book Yield by Base Book Value + Accrued.

**July 28, 2020**

***Discussion Item***

**Legislative Update**

On June 29, 2020, Governor Ron DeSantis signed the Fiscal Year 2020-2021 state budget. The budget totals \$92.2 billion and includes more than \$1 billion in vetoed spending.

Within the state budget, funding allocated to the District includes \$2,250,000 for land management from the Land Acquisition Trust Fund, a portion of \$40,000,000 for Alternative Water Supply projects and a portion of \$50,000,000 for Springs projects.

The presentation will highlight funding that the District receives from the state and how that impacts the District's Fiscal Year 2020-2021 budget.

In addition to the state budget, District staff track proposed legislation that could impact the water resources or District activities.

Staff will provide information on this year's successful legislation and its impact to the District.

**Staff Recommendation:**

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

**Presenter:** Cara Martin, Government and Community Affairs Office Chief



## FINANCE/OUTREACH & PLANNING COMMITTEE

July 28, 2020

### *Discussion Item*

#### Fiscal Year 2021 Budget Development

- a. **FY2021 Budget Update**
- b. **Adoption of Proposed District Millage Rate for FY2021**
- c. **Approval of August 1 *Standard Format Tentative Budget Submission***

#### *Purpose*

- a. Provide an update on budget changes that have been made since the FY2021 Recommended Annual Service Budget (RASB).
- b. Report the results of the July 1 certifications of taxable value from the District's 16 county property appraisers and recommend adoption of a proposed FY2021 millage rate.
- c. Request approval to submit the District's Tentative Budget to the Executive Office of the Governor (EOG), Department of Environmental Protection (DEP), Florida Legislature and other parties, as required by statute, for delivery by August 1, 2020.

#### *Background*

In June, staff submitted the FY2021 RASB to the Governing Board for consideration. The RASB document included underlying revenue and expenditure tables, variance analysis, and detailed project descriptions for all District projects. On June 23, staff provided an overview of the RASB to the Governing Board including revenues and expenditures by category, program area, and area of responsibility. Following discussion of the budget, the Governing Board took action to authorize staff to (1) prepare the *Standard Format Tentative Budget Submission* for FY2021 based on the RASB as presented, adjusted for Governing Board actions at the meeting; (2) reflect the final estimated ad valorem revenue based on the July 1 certifications of taxable value, and (3) add any additional funding provided by the state.

On July 28, staff will provide a budget update to the Governing Board including the certifications of taxable value and the proposed FY2021 millage rate for adoption, which must be certified to the county property appraisers by August 4. The proposed millage rate is the rate that will be used for Truth in Millage (TRIM) *Notices of Proposed Property Taxes*. Prior to the July 28 Governing Board meeting, staff will provide Board members with a draft of the August 1 *Standard Format Tentative Budget Submission* for FY2021 for consideration to approve for submission by August 1 pursuant to s. 373.536 Florida Statutes (F.S.).

The District's FY2021 budget will be adopted in September following two public TRIM hearings. The first hearing is scheduled for September 8, 2020 at 5:01 p.m. at the Tampa Office. Written disapproval of any portion of the budget must be received from the EOG or the Legislative Budget Commission at least five business days prior to the final budget adoption hearing. The second and final hearing is scheduled for September 22, 2020 at 5:01 p.m., also at the Tampa Office.

## Discussion

### a. **FY2021 Budget Update**

Staff will review budget changes approved at the June 23, 2020 Governing Board meeting and proposed budget changes that have occurred since June 23. If approved, the proposed budget changes presented at the July 28, 2020 Governing Board meeting will be incorporated in the August 1 *Standard Format Tentative Budget Submission*.

Budget changes since the FY2021 RASB reducing the proposed budget by \$42,177 from \$179,117,046 to \$179,074,869:

#### ***Expenditure Budget:***

- Cooperative Funding decreased by \$42,177 for the District's share of the Polk Regional Water Cooperative - Demand Management Implementation project (Q187). On June 23, the Governing Board approved utilizing \$84,355 in state appropriation dollars, offsetting both the District's and PRWC's share equally for the \$168,710 project.

#### ***Revenue Budget:***

- Ad valorem tax revenue increased by \$24,721 based on July 1 certifications of taxable value from the 16 county property appraisers and adjustment of the millage rate to the rolled-back rate of 0.2669 mill.
- Balance from Prior Years decreased by \$66,898 to balance the budget.

### b. **Adoption of Proposed District Millage Rate for FY2021**

Staff will present the certifications of taxable value and the proposed FY2021 District millage rate, in compliance with s. 373.503, F.S., and s. 200.065, F.S. Overall taxable property values in the District increased by 7.55 percent. Of the increase, 4.87 percent is related to existing property values and 2.68 percent is related to new construction. The rolled-back millage rate, based on s. 200.065, F.S., equates to 0.2669, which is 4.7 percent less than the rate of 0.2801 adopted for FY2020. Based on the July 1 certifications of taxable value and the rolled-back millage rate, staff has increased ad valorem revenue by \$24,721 to \$115,957,364. Staff will recommend the Governing Board adopt Resolution No. 20-09, *Adoption of Proposed Millage Rate for Fiscal Year 2021*. A copy of the draft resolution is attached as an exhibit to this Item.

### c. **Approval of August 1 Standard Format Tentative Budget Submission**

Staff requests approval to submit the *Standard Format Tentative Budget Submission* for FY2021 to the EOG, DEP, Florida Legislature, and other parties, as required by statute, for delivery by August 1, 2020. The draft report reflects the FY2021 RASB, adjusted for the changes discussed in item a. above for a total budget of \$179,074,869.

Exhibit of the draft *Standard Format Tentative Budget Submission* will be provided separately.

## Item 17

Staff Recommendation:

- a. Approve the budget changes presented at the July 28, 2020 Governing Board meeting.
- b. Approve Resolution No. 20-09, *Adoption of Proposed Millage Rate for Fiscal Year 2021*.
- c. Approve the August 1 submittal of the *Standard Format Tentative Budget Submission* for FY2021.

Presenter: John J. Campbell, Division Director, Management Services

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

**RESOLUTION NO. 20-09**

**ADOPTION OF PROPOSED MILLAGE RATE FOR FISCAL YEAR 2021**

**WHEREAS**, the Governing Board of the Southwest Florida Water Management District (District), by authority of Article VII, Section 9(b) of the Florida Constitution, and Chapters 200 and 373, Florida Statutes, is authorized to levy ad valorem taxes on taxable property within the District; and

**WHEREAS**, the Governing Board of the District must advise the county property appraisers of its proposed millage rate to be levied upon all taxable property in the District subject to county taxes to be applied on the tax rolls for the year 2020, for the purpose of preparing the notice of proposed property taxes; and

**WHEREAS**, the Governing Board of the District must provide the county property appraisers preliminary disclosure of the maximum millage levy calculation and certify the appropriate vote was taken by the Governing Board for the proposed millage rate adopted in compliance with Section 200.065, Florida Statutes.

**THEREFORE, BE IT RESOLVED**, by the Governing Board of the Southwest Florida Water Management District by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ against and \_\_\_\_\_ not present:

That there is adopted a proposed District millage rate, as provided for in Sections 373.503(3) and 373.536, Florida Statutes, and in compliance with the maximum millage rate established by Section 200.065, Florida Statutes, for fiscal year 2021, to be assessed on the tax rolls for the year 2020, for the purpose of levying a uniform ad valorem tax on all taxable property in the counties within the District as certified by the county property appraisers pursuant to Section 200.065, Florida Statutes, excluding lands held by the Trustees of the Internal Improvement Trust Fund to the extent specified in Section 373.543, Florida Statutes, as follows:

<u>District</u>	<u>Rolled-back Rate</u>	<u>Proposed Millage Rate</u>	<u>Percent Over Rolled-back Rate</u>	<u>Counties Applied To</u>
Districtwide	0.2669	0.2669	0.00%	Charlotte, Citrus, DeSoto, Hardee, Hernando, Highlands, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, Sumter

**APPROVED AND ADOPTED** this twenty-eighth day of July 2020 by the Governing Board of the Southwest Florida Water Management District.

SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT

Attest:

By: \_\_\_\_\_  
Mark Taylor, Chair

\_\_\_\_\_  
Joel Schleicher, Secretary

**CERTIFICATE AS TO RESOLUTION NO. 20-09**

STATE OF FLORIDA  
COUNTY OF HERNANDO

We, the undersigned, hereby certify that we are, Chair and Secretary, respectively, of the Southwest Florida Water Management District, organized and existing under and by virtue of the Laws of the State of Florida, and having its office and place of business at 2379 Broad Street, Brooksville, Hernando County, Florida, and that, on the twenty-eighth day of July 2020, at a duly called and properly held meeting of the Governing Board of the Southwest Florida Water Management District, at 2379 Broad Street, Brooksville, Hernando County, Florida, at which meeting a majority of the members of the Governing Board were present, the resolution, which is attached hereto and which this certificate is a part thereof, was adopted and incorporated in the minutes of that meeting.

Dated at Brooksville, Florida, this twenty-eighth day of July 2020.

SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT

By: \_\_\_\_\_  
Mark Taylor, Chair

Attest:

\_\_\_\_\_  
Joel Schleicher, Secretary

**ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this twenty-eighth day of July 2020, by Mark Taylor and Joel Schleicher, Chair and Secretary, respectively, of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the corporation. They are personally known to me.

WITNESS my hand and official seal on this twenty-eighth day of July 2020.

\_\_\_\_\_  
Notary Public  
State of Florida at Large  
My Commission Expires:

## FINANCE/OUTREACH & PLANNING COMMITTEE

July 28, 2020

### *Discussion Item*

#### **Knowledge Management: Budget Authority Transfer of Funds Governing Board Policy**

##### *Purpose*

As part of the District's Knowledge Management initiative, all the District's Governing Board policies are being reviewed by their respective divisions.

##### *Background/History*

The District's Knowledge Management initiative was launched in fiscal year (FY) 2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing, and leveraging the organization's data, information, and processes. The focus in FY2020 is on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

Staff performed a review of the Budget Authority Transfer of Funds Governing Board Policy and deemed it necessary to update. The following are the proposed modifications to the existing policy:

- 1.) Transfer of funds requiring prior board approval that changes the original intent increased from greater than \$50,000 to greater than \$75,000.
- 2.) Transfer of funds not requiring prior board approval, previously reported on the Consent Agenda, will be reported as Submit and File.

##### *Benefits*

Updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

##### **Staff Recommendation:**

This item is presented for the Board's information and no action is requested. The attached revised Budget Authority Transfer of Funds Policy will be included as a consent item in the August 2020 Board packet and approval will be requested at that time.

**Presenter:** John Campbell, Division Director, Management Services



# DRAFT

## GOVERNING BOARD POLICY

Southwest Florida Water Management District

**Title: Budget Authority Transfer of Funds**

**Document Owner:** Finance Bureau Chief

**Approved By:** Board Chair

**Effective Date:** 10/01/2020

**Supersedes:** 06/25/2013

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### PURPOSE

The purpose of this Budget Authority Transfer of Funds Policy (hereinafter "Policy") is to establish criteria for transfers of funds within the Annual Budget in accordance with Section 373.536(4), Florida Statutes

### SCOPE

This Policy shall apply to all personnel with the authority to expend District funds.

### AUTHORITY

This Policy is governed by the Governing Board and Section 373,536(4), Florida Statutes.

### DEFINITIONS

**Annual Budget.** The revenues and expenditures adopted each fiscal year by the Governing Board through a resolution in compliance with applicable Florida Statutes.

**Transfer of Funds.** Reallocation of funds that modifies the Annual Budget without increasing or decreasing the Annual Budget in total.

**Original Intent.** How the funds were approved by the Governing Board through the budget development process or by transfers of funds in accordance with this Policy.

## **GOVERNING BOARD POLICY**

**Title: Budget Authority Transfer of Funds**

**Effective Date: 10/01/2020**

**Page 2 of 3**

### **STANDARDS**

All transfer of funds must comply with the District's Signature Authority Procedure.

### **POLICY**

The Southwest Florida Water Management District (hereinafter "District") adopts an Annual Budget in accordance with applicable Florida Statutes. The Governing Board recognizes that transfers of funds may be necessary from time to time to accomplish the goals set forth in the Annual Budget. It is the policy of the Governing Board to allow transfers modifying the Annual Budget as set forth below.

- 1) All transfers of funds greater than \$75,000, that change the original intent of an appropriation, will require prior Governing Board approval.
- 2) The Governing Board delegates authority to the Executive Director or his/her designees to execute transfers of funds not to exceed \$75,000, that change the original intent of an appropriation. These delegated transfers will be presented to the Governing Board as a Submit and File Report at the next regular scheduled meeting.
- 3) The Governing Board delegates authority to the Finance Bureau Chief to execute transfers of funds for the express purpose of proper accounting of budget and related financial transactions within the District's financial system. These delegated transfers, which do not change the original intent of an appropriation, are measured as accounting transfers and will be presented to the Governing Board as a Submit and File Report at the next regular scheduled meeting.

The Budget Section of the Finance Bureau will maintain records of all transfers of funds, including accounting transfers.

### **DISTRIBUTION**

This Policy will be stored in the designated Governing Board Policy Repository.

### **REFERENCES**

Section 373,536(4), Florida Statutes; Signature Authority District Procedure

### **REVIEW PERIOD**

The Policy shall be reviewed every three (3) years by the Executive Director or his/her designee and updated for Governing Board approval if needed to implement policy revisions. The Policy will be reviewed by the Governing Board every six (6) years.

**GOVERNING BOARD POLICY****Title: Budget Authority Transfer of Funds****Effective Date: 10/01/2020****Page 3 of 3****DOCUMENT DETAILS**

Document Name	Budget Authority Transfer of Funds
Formerly Known As	N/A
Document Type	Policy
Author(s)	Budget Manager
Reviewing Stakeholder(s)	Office of General Counsel, Executive staff, and Finance Bureau Chief
Document Owner Name	Melisa Lowe
Document Owner Title	Finance Bureau Chief
Review Period (in days)	1095
Span of Control	Governing Board
Supersedes Date	06/25/2013
Effective Date	10/01/2020

**APPROVAL**

\_\_\_\_\_  
Mark Taylor  
Chair

\_\_\_\_\_  
Date

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**July 28, 2020**

***Submit and File Report***

**Office of Inspector General Quarterly Update – April 1, 2020 to June 30, 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

6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(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)

### Mark Taylor

Chair, Hernando, Marion

### Michelle Williamson

Vice Chair, Hillsborough

### Joel Schleicher

Secretary, Charlotte, Sarasota

### Kelly S. Rice

Treasurer, Citrus, Lake, Levy,  
Sumter

### Jack Bispham

Manatee

### Roger Germann

Hillsborough

### James G. Murphy

Polk

### Rebecca Smith

Hillsborough, Pinellas

### Seth Weightman

Pasco

### Brian J. Armstrong, P.G.

Executive Director

July 28, 2020

## MEMORANDUM

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

FROM: Brian Werthmiller, CPA, CIG, Inspector General

SUBJECT: Office of Inspector General Quarterly Update – April 1, 2020 to June 30, 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 June 30, 2020:

- The OIG quarterly update for the quarter ending March 31, 2020 was submitted to the Governing Board on April 28, 2020.
- The Information Technology Access-Privileges Follow-Up Audit was completed in accordance with *Generally Accepted Government Auditing Standards* and submitted to the Governing Board on April 28, 2020. The audit report noted that management had taken corrective actions as recommended by the Auditor General.
- The Self-Insurance Programs Follow-Up Audit was completed in accordance with *Generally Accepted Government Auditing Standards* and submitted to the Governing Board on May 19, 2020. The audit report noted that management had taken corrective actions as recommended by the Auditor General.
- With the completion of the two audits noted above, follow-up work on the Auditor General findings has been completed by the OIG. In addition, corrective actions have been taken regarding the Auditor General's OIG finding as follows:
  - The preparation and maintenance of records demonstrating the effective utilization of the OIG has been implemented.
  - The OIG has completed and passed its peer review.
  - The OIG's audit plan contains a long-term component. In addition, the OIG Charter Governing Board Policy has been updated to require this.
  - The OIG's performance measures are approved by the Board and reported at least semi-annually.
  - District-wide performance measures have been developed and submitted to the Board.

Attachment: Memo - 4.1.20 to 6.30.20 - OIG Quarterly Update (5163 : Office of Inspector General Quarterly Update – April 1, 2020 to June 30,

- The OIG is coordinating efforts between the District and the Florida Department of Management Services on their audit of the District's participation in the Florida Retirement System. This audit is in progress.
- The OIG is coordinating efforts between the District and the Auditor General's Office for their operational audit of the District during the period October 1, 2018 to December 31, 2019. This audit is in progress.
- A whistle-blower complaint was made regarding an alleged fraudulent use of Families First Coronavirus Relief Act (FFCRA) leave involving a District employee. The complaint did not meet the requirements for whistle-blower. Absent the whistle-blower designation, the OIG performed an investigation in accordance with the Quality Standards for Investigations found within the *Principles and Standards for Offices of Inspector General*. In communication to the Governing Board on June 3, 2020, the OIG concluded the complaint was unsubstantiated and no further investigation was considered necessary.
- The OIG has two other investigations in progress.
- The OIG receives requests from the District to review reports, contracts, policies, procedures, and other information. The OIG will provide recommendations for the requestor's consideration. Reviews can also include external requests from another government agency such as the Office of the Chief Inspector General, coordinating external audits, and OIG projects that do not require a formal report to the Governing Board. During the quarter end June 30, 2020, the OIG had 24 reviews initiated.
- On June 26, 2020, the OIG partnered with the Office of Ombudsman to do a presentation to the Regulation Division on what our offices do and how we can be of service to them.
- The Office of Inspector General Charter is required to be reviewed annually. No significant changes were determined necessary at this time.
- The progress of OIG performance measures are as follows:

<b>Office of Inspector General</b>			
<b>Performance Measure</b>	<b>Frequency</b>	<b>Goal</b>	<b>Status Through 6/30/20</b>
Audit Plan	Annual	Submit to the Board January 2020	Submitted January 2020
Appropriate Time Allocated to Board Reporting	N/A	75% of Chargeable Hours by September 2020	82%
OIG Annual Report	Annual	Submit to the Board September 2020	Open
Advise Board of District Performance Measures	N/A	Submit to the Board February 2020	Submitted February 2020
Updates to the Finance/Outreach & Planning Committee including IG Performance Measures	Quarterly	All quarters in FY	75% Complete
Meet with the Executive Director	Monthly	Every month in FY	75% Complete
External Peer Review	Once Every 3 Years	September 2020	Submitted February 2020



Continuing Professional Education for CPA license and professional standards	80 Hours Every Two Years	Completion of 80 hours by June 30, 2020	Completed 80 Hours
Attain Certified Fraud Examiner (CFE) or Certified Inspector General <u>Investigator</u> (CIGI)	N/A	September 2020	Open
Review OIG Charter Governing Board Policy	Annual	August 2020	Complete

## FINANCE/OUTREACH & PLANNING COMMITTEE

July 28, 2020

### *Routine Report*

#### Treasurer's Report and Payment Register

##### *Purpose*

Presentation of the Treasurer's Report and Payment Register.

##### *Background*

In accordance with Board Policy, *District Investment Policy*, a monthly report on investments shall be provided to the Governing Board. The Treasurer's Report as of June 30, 2020, reflects total cash and investments.

In accordance with Board Policy, *Disbursement of Funds*, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic fund transfers (EFTs).

##### Staff Recommendation:

These items are presented for the Committee's information, and no action is required.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
TREASURER'S REPORT TO THE GOVERNING BOARD  
June 30, 2020

CUSTODIAN HELD INVESTMENTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	AMORTIZED COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
<b>PUBLIC TRUST ADVISORS</b>						
<u><b>SWFWMD-Enhanced Cash Portfolio</b></u>						
7951619	Investments	1.51	\$166,629,236	\$168,158,963	\$724,068	
7951619	Cash / Money Market Fund	0.07	118,882	118,882	0	
			<b>Subtotal</b>	<b>\$166,748,118</b>	<b>\$724,068</b>	
7951619	Accounts Receivable-Trade date prior to 6/30/20, Settlement date after 6/30/20		51	51	0	
			<b>Total</b>	<b>\$166,748,169</b>	<b>\$724,068</b>	<b>32.94</b>
<u><b>SWFWMD- 1-3 Year Portfolio</b></u>						
7951620	Investments	1.57	\$256,017,345	\$261,688,311	\$1,218,850	
7951620	Cash / Money Market Fund	0.07	846,289	846,289	0	
			<b>Subtotal</b>	<b>\$256,863,634</b>	<b>\$1,218,850</b>	
7951620	Accounts Receivable-Trade date prior to 6/30/20, Settlement date after 6/30/20		34	34	0	
			<b>Total</b>	<b>\$256,863,668</b>	<b>\$1,218,850</b>	<b>50.74</b>
<b>TOTAL CUSTODIAN HELD INVESTMENTS</b>			<b>\$423,611,837</b>	<b>\$430,812,530</b>	<b>\$1,942,918</b>	<b>83.68</b>

STATE BOARD OF ADMINISTRATION (SBA) INVESTMENT ACCOUNTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	PURCHASE COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
<b>STATE BOARD OF ADMINISTRATION</b>						
<u><b>Florida PRIME (Formerly Local Government Investment Pool)</b></u>						
271413	SBA General Investments	0.57	\$49,813,323	\$49,813,323		
271414	SBA Land Resources	0.57	19,567,379	19,567,379		
271415	SBA Advanced State Funding (Eco System Trust Fund)	0.57	167,905	167,905		
271416	SBA Advanced State Funding (FDOT)	0.57	12,867,446	12,867,446		
271418	SBA Advanced State Funding (WPSTF)	0.57	250,004	250,004		
	<b>TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS</b>		<b>\$82,666,057</b>	<b>\$82,666,057</b>		<b>16.32</b>
	<b>TOTAL INVESTMENTS</b>		<b>\$506,277,894</b>	<b>\$513,478,587</b>		<b>100.00</b>
	<b>CASH, SUNTRUST DEMAND ACCOUNT</b>		<b>(2,328,662)</b>	<b>(2,328,662)</b>		
	<b>TOTAL CASH AND INVESTMENTS</b>		<b>\$503,949,232</b>	<b>\$511,149,925</b>		

Weighted average yield on portfolio at June 30, 2020 is 1.38%.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
TREASURER'S REPORT TO THE GOVERNING BOARD  
June 30, 2020

EQUITY - CASH AND INVESTMENTS

**DISTRICT AND BASINS**

District General Fund	\$457,931,628	90.88%
Restricted for Alafia River Basin	494,531	0.10%
Restricted for Hillsborough River Basin	6,148,122	1.22%
Restricted for Coastal Rivers Basin	321,532	0.06%
Restricted for Pinellas-Anclote River Basin	8,977,662	1.78%
Restricted for Withlacoochee River Basin	920,399	0.18%
Restricted for Peace River Basin	1,525,694	0.30%
Restricted for Manasota Basin	2,691,284	0.53%
Total District General Fund	<u>\$479,010,852</u>	<u>95.05%</u>
 FDOT Mitigation Program	 12,703,621	 2.52%
Florida Forever Program	12,234,759	2.43%
 <b>TOTAL EQUITY IN CASH AND INVESTMENTS</b>	 <u><u>\$503,949,232</u></u>	 <u><u>100.00%</u></u>

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**July 28, 2020**

***Routine Report***

**Monthly Financial Statement**

*Purpose*

Presentation of the June 30, 2020, monthly financial statement.

*Background*

In accordance with Sections 373.536(4)(e) and 215.985(11), Florida Statutes, relating to state financial information with certain financial transparency requirements, the District is submitting a "Statement of Sources and Uses of Funds for the Ninth Month Ended June 30, 2020."

**Staff Recommendation:**

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

**Presenter:** Melisa J. Lowe, Bureau Chief, Finance

## Statement of Sources and Uses of Funds For the Nine Months Ended June 30, 2020

The attached “Statement of Sources and Uses of Funds” statement is provided for your review. This financial statement provides summary-level revenues (i.e., sources) and expenditures by program (i.e., uses). **This unaudited financial statement is provided as of June 30, 2020, with 75.0 percent of the fiscal year completed.**

This financial statement compares revenues recognized and encumbrances/expenditures made against the District’s FY2019-20 available budget of \$365.1 million. Encumbrances represent orders for goods and services which have not yet been received.

### Revenues (Sources) Status:

- Overall, as of June 30, 2020, 90 percent of the District’s budgeted revenues/balances have been recognized.
- As of June 30, 2020, the District has received \$113,103,175 of ad valorem tax revenue representing 100 percent of the budget. This is in-line with the nine months prior year collection rates of 100 percent for FY2018-19 and 100 percent for FY2017-18. The budget represents 96 percent of estimated proceeds based on the taxable property values as certified by the District’s sixteen counties multiplied by the Governing Board approved millage rate. Projections are based on historical collections.
- Intergovernmental Revenues are recognized as soon as they are both measurable and available. Revenues are considered available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For FY2019-20, \$5,577,126 revenues have been recognized, representing 12 percent of the budget. From year to year, the budgeted amount of intergovernmental revenue compared to the recognized amount can fluctuate for various reasons; projects can be in the planning stages and have not incurred a significant amount of expenditures, or anticipated projects may be canceled (e.g., cooperative funding projects).
- The FY2019-20 interest earnings budget was based on a 2.33 percent expected rate of return. The District’s investment portfolio at June 30, 2020 is earning a weighted average yield of 1.38 percent. For the nine months ended June 30, 2020, the District has earned 1.83 percent yield on its investments. Interest earnings on invested funds in the amount of \$6,938,655 have been recognized representing 63 percent of the budgeted amount.
- License and Permit Fees consist of revenue from water use permits, environmental resource permits, water well construction permits, and water well construction licenses. Revenue recognized represents 76 percent of the budgeted amount as of June 30, 2020.
- As of June 30, 2020, other revenue earned is 1090 percent of budget. Each year, items that fall within the “Other” revenue category are budgeted conservatively due to the uncertainty of the amounts to be collected. For example, revenues from timber sales, hog hunts, insurance recoveries and the sale of capital assets can vary significantly from year to year. The majority of the increase is due to sales of capital assets in the amount of \$6,654,462.



- Fund Balance consists of balance from prior years (budgeted for the current year) plus fund balance associated with the ad valorem funded encumbrances that rolled into the current year.

### **Expenditures (Uses) Status:**

Overall, as of June 30, 2020, the District had obligated 75 percent of its total budget.

### **Summary of Expenditures by Program**

This financial statement illustrates the effort to date for each of the District's six statutory program areas (Section 373.536(5)(e)4, Florida Statutes). A discussion of the expenditures by program follows.

- The **Water Resource Planning and Monitoring Program** includes all water management planning, including water supply planning, development of minimum flows and levels, and other water resource planning; research, data collection, analysis, and monitoring; and technical assistance (including local and regional plan and program review). Of the \$47.2 million budgeted for this program, the District has obligated 76 percent of the budget (36 percent expended, and 40 percent encumbered).
- The **Land Acquisition, Restoration and Public Works Program** includes the development and construction of all capital projects (except for those contained in the Operation and Maintenance of Works and Lands Program), including water resource development projects/water supply development assistance, water control projects, and support and administrative facilities construction, land acquisition (i.e., Florida Forever program), and the restoration of lands and water bodies. Of the \$251.5 million budgeted for this program, the District has obligated 77 percent of the budget (11 percent expended, and 66 percent encumbered).
- The **Operation and Maintenance of Works and Lands Program** includes all operation and maintenance of facilities, flood control and water conservation structures, lands, and other works authorized by Chapter 373, Florida Statutes. Of the \$29.3 million budgeted for this program, the District has obligated 58 percent of the budget (42 percent expended, and 16 percent encumbered).
- The **Regulation Program** includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration, compliance and enforcement, and any delegated regulatory program. Of the \$21.5 million budgeted for this program, the District has obligated 73 percent of the budget (64 percent expended, and 9 percent encumbered).
- The **Outreach Program** includes all environmental education activities, such as water conservation campaigns and water resources education; public information activities; all lobbying activities relating to local, regional, state, and federal governmental affairs; and all public relations activities and advertising in any media. Of the \$3.1 million budgeted for this program, the District has obligated 64 percent of the budget (40 percent expended, and 24 percent encumbered).

- The **Management and Administration Program** includes executive management, executive support, governing board support, ombudsman, general counsel, inspector general, administrative support (general), procurement, finance, human resources, and risk management. Of the \$12.5 million budgeted for this program, the District has obligated 80 percent of the budget (74 percent expended, and 6 percent encumbered).

Based on the financial activities for the nine months ended June 30, 2020, the financial condition of the District is positive and budget variances are generally favorable. There are no reported or identified major trends, conditions or variances that warrant additional management attention.

**Southwest Florida Water Management District  
Statement of Sources and Uses of Funds  
For the Nine Months Ended June 30, 2020  
(Unaudited)**

	<b>Current Budget</b>	<b>Actuals Through 6/30/2020</b>	<b>Variance (under)/Over Budget</b>	<b>Actuals As A % of Budget (rounded)</b>
<b>Sources</b>				
Ad Valorem Property Taxes	\$ 113,153,713	\$ 113,103,175	\$ (50,538)	100%
Intergovernmental Revenues	45,815,159	5,577,126	(40,238,033)	12%
Interest on Invested Funds	11,000,000	6,938,655	(4,061,345)	63%
License and Permit Fees	2,029,700	1,533,471	(496,229)	76%
Other	690,250	7,525,190	6,834,940	1090%
Fund Balance	192,396,261	192,396,261	-	100%
<b>Total Sources</b>	<b>\$ 365,085,083</b>	<b>\$ 327,073,878</b>	<b>\$ (38,011,205)</b>	<b>90%</b>

	<b>Current Budget</b>	<b>Expenditures</b>	<b>Encumbrances<sup>1</sup></b>	<b>Available Budget</b>	<b>% Expended (rounded)</b>	<b>% Obligated<sup>2</sup> (rounded)</b>
<b>Uses</b>						
Water Resource Planning and Monitoring	\$ 47,184,464	\$ 17,135,542	\$ 18,574,852	\$ 11,474,070	36%	76%
Land Acquisition, Restoration and Public Works	251,498,699	28,779,041	165,720,769	56,998,889	11%	77%
Operation and Maintenance of Works and Lands	29,272,964	12,208,491	4,911,517	12,152,956	42%	58%
Regulation	21,512,817	13,754,860	1,847,443	5,910,514	64%	73%
Outreach	3,081,465	1,240,807	735,733	1,104,925	40%	64%
Management and Administration	12,534,674	9,284,690	703,041	2,546,943	74%	80%
<b>Total Uses</b>	<b>\$ 365,085,083</b>	<b>\$ 82,403,431</b>	<b>\$ 192,493,355</b>	<b>\$ 90,188,297</b>	<b>23%</b>	<b>75%</b>

<sup>1</sup> Encumbrances represent unexpended balances of open purchase orders and contracts.

<sup>2</sup> Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited preliminary financial statement is prepared as of June 30, 2020, and covers the interim period since the most recent audited financial statements.

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**July 28, 2020**

***Routine Report***

**Monthly Cash Balances by Fiscal Year**

*Purpose*

To provide a schedule of monthly cash balances by fiscal year, updated to reflect the cash balance as of June 30, 2020.

*Background*

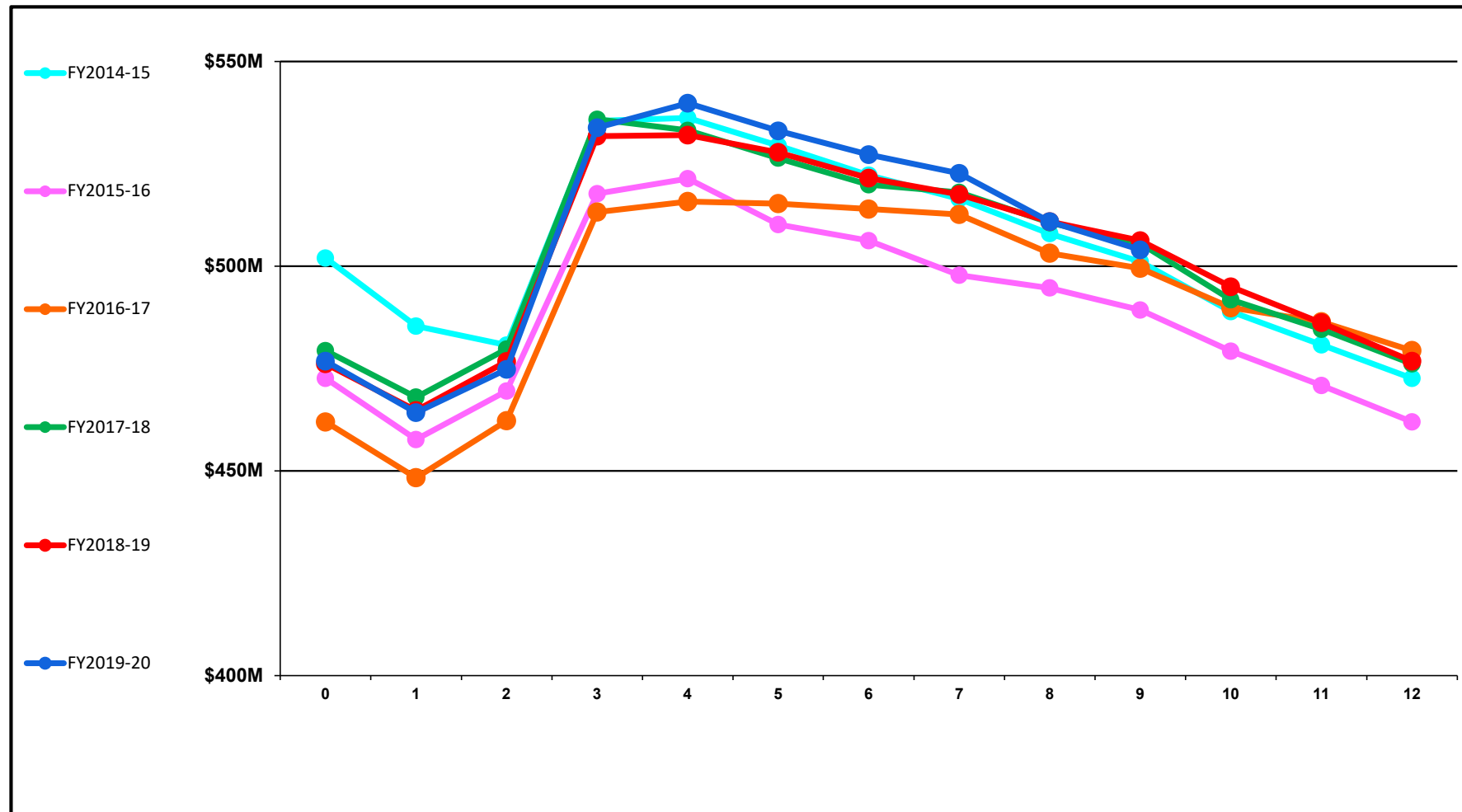
This routine report has been developed to allow the Governing Board to easily monitor the District's cash balances at each month-end and in comparison with monthly cash balances for the last five fiscal years. This trend information will become more important as the District's budget declines and reserves are utilized for projects.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

**Southwest Florida Water Management District  
Monthly Cash Balances by Fiscal Year  
(FY2014-15 - FY2018-19 and FY2019-20 To-Date)**



## FINANCE/OUTREACH & PLANNING COMMITTEE

July 28, 2020

### *Routine Report*

#### **Comprehensive Plan Amendment and Related Reviews Report**

##### *Purpose*

This report is provided for the Committee's information and shows District activity in the review of Local Government Comprehensive Plans and Amendments. Staff updates the report monthly.

##### *Background/History*

The water management districts provide technical and policy information on water resources and water resource management to local governments as they prepare amendments to their local government comprehensive plans. This information encompasses various areas of water resource management, including water supply, flood protection and water quality, and is intended to support sound land use decisions. Statutory directives for this assistance include Section 373.711, Florida Statutes (F.S.), Technical Assistance to Local Governments, and Section 163.3184, F.S., Process for Adoption of Comprehensive Plan or Plan Amendments. Under Section 163, F.S., substantially revised in 2011, if important state resources and facilities are to be adversely impacted, the water management districts and other state reviewing agencies must state with specificity how the plan amendment will adversely impact the resource or facility and must include measures that the local government may take to eliminate, reduce, or mitigate the impacts. Any plan amendment comments provided by a water management district and/or other state agencies that are not resolved may be challenged by the Department of Economic Opportunity (DEO).

##### *Benefits/Costs*

The benefits of the District's local government technical assistance program are to ensure local government elected officials have sound water resource technical and policy information as they amend their local government comprehensive plans. This helps to ensure local plans are compatible with the District's plans, programs and statutory direction. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

##### **Staff Recommendation:**

This item is provided for the Committee's information and no action is required.

**Presenter:** Cara Martin, Government and Community Affairs Office Chief



## Local Government Comprehensive Plan Amendment and Related Reviews Report

As of July 10, 2020

Project	Amendment Type	Assigned	Completed	Description	10YWSFW
Auburndale 20-1ACSC	Regular	5/22/2020	6/12/2020	Comments addressed floodplains, wetlands, existing WUP/well and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Bartow 20-1	ESR	5/21/2020	6/8/2020	Comments addressed statutory requirements for water supply planning, floodplains, wetlands, existing WUP/wells and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Charlotte 20-1	ESR	4/16/2020	5/11/2020	No substantive comments.	<input type="checkbox"/>
Charlotte 20-2	ESR	6/26/2020		Text amendments.	<input type="checkbox"/>
Citrus 20-1	ESR	7/6/2020		Text amendment.	<input type="checkbox"/>
Clearwater 20-1	ESR	5/12/2020	6/12/2020	No substantive comments.	<input type="checkbox"/>
Dade City 20-1	ESR	7/2/2020		Map amendment.	<input type="checkbox"/>
Davenport 20-3	ESR	4/20/2020	5/18/2020	Comments addressed statutory requirements for water supply planning, conservation, reuse, existing WUP/well and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Dunnellon 20-2	ESR	6/19/2020		Map and text amendments.	<input type="checkbox"/>
Eagle Lake 20-2	ESR	6/8/2020	7/6/2020	Comments addressed conservation, reuse, existing WUP/well and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Inverness 20-1	ESR	6/25/2020		Map amendment.	<input type="checkbox"/>
Lake 20-1	ESR	6/8/2020	7/6/2020	Advised amendment lies within SJRWMD.	<input type="checkbox"/>
Lake 20-2	ESR	6/26/2020		Map and text amendment.	<input type="checkbox"/>
Lakeland 20-1	ESR	6/4/2020	6/23/2020	Comments addressed statutory requirements for water supply planning, floodplains, wetlands and encouraged scheduling of an ERP preapplication meeting.	<input type="checkbox"/>
Marion 20-1	ESR	6/8/2020	7/1/2020	No substantive comments.	<input type="checkbox"/>
Marion 20-2DRI	DRI	6/15/2020		Map and text amendments.	<input type="checkbox"/>
Marion 20-3	ESR	6/15/2020		Map amendment.	<input type="checkbox"/>
Marion 20-4	ESR	6/26/2020		Map amendment.	<input type="checkbox"/>

Attachment: CPARR July 2020 (5162 : Comprehensive Plan Amendment and Related Reviews Report)

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Pasco 20-8	ESR	5/21/2020	6/22/2020	No substantive comments.	<input type="checkbox"/>
Polk 20-2	ESR	5/22/2020	6/4/2020	Comments addressed statutory requirements for potable water supply planning, conservation, reuse, floodplains, wetlands and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Polk 20-3	ESR	5/22/2020	6/23/2020	Comments addressed statutory requirements for water supply planning, conservation, reuse, floodplains, wetlands and encouraged scheduling of an ERP preapplication meeting.	<input type="checkbox"/>
Polk 20-4	ESR	6/18/2020	7/6/2020	No substantive comments.	<input type="checkbox"/>
Tampa 20-2	ESR	6/10/2020	7/10/2020	No substantive comments.	<input type="checkbox"/>
Tarpon Springs 20-1	ESR	6/8/2020	7/1/2020	Comments addressed statutory requirements for water supply planning, water conservation and encouraged early coordination with regulatory.	<input type="checkbox"/>
Temple Terrace 20-1	ESR	4/8/2020	5/5/2020	No substantive comments.	<input type="checkbox"/>
Venice 20-2	ESR	6/2/2020	6/23/2020	No substantive comments.	<input type="checkbox"/>

Abbreviations:

ACSC      Area of Critical State Concern  
DRI        Development of Regional Impact  
ESR        Expedited State Review



**Governing Board Meeting  
July 28, 2020**

<b>RESOURCE MANAGEMENT COMMITTEE</b>
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**RESOURCE MANAGEMENT COMMITTEE**

**July 28, 2020**

***Discussion Item***

**Consent Item(s) Moved for Discussion**

Staff Recommendation:

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

**RESOURCE MANAGEMENT COMMITTEE****July 28, 2020*****Discussion Item*****Cooperative Funding Initiative Update*****Purpose***

To provide an update on the status of the fiscal year (FY) 2022 Cooperative Funding process and an overview of third-party review, cost increases and contingency.

***Background/History***

The Cooperative Funding Initiative (CFI) application deadline for FY2022 is Friday, October 2, 2020. District staff will host a workshop on Thursday, August 6, 2020 from 10:00 to 11:30 a.m. At the workshop, District staff will review the application process, discuss program updates, and answer specific project-related questions.

Several updates have been made for the FY2022 funding cycle to include CFI application system changes, electronic signature consent, revised Cooperative Funding Agreements (CFAs), application guidelines and staff evaluation guidelines. The CFI application system will be replaced with a new system to improve web browser compatibility and streamline data transfer from the application system to the existing project management information system. The CFA templates have been updated and streamlined to ease development and review of CFAs. Additionally, electronic signatures on CFAs will be implemented through DocuSign. Lastly, the CFI application guidelines and evaluation guidelines have been updated to reflect necessary changes identified during the prior funding cycle.

In accordance with the Cooperative Funding Initiative Policy 130-4, third-party reviews (TPR) are conducted on construction projects estimated to cost over \$5,000,000. The TPR is to confirm the project cost, schedule, and ability to meet the proposed resource benefit. Staff may also recommend a TPR for complex projects that are estimated to cost between \$1,000,000 and \$5,000,000. Typically, a project that is subject to a TPR is initially approved by the Governing Board for funding through 30 percent design and the TPR. There is no commitment for funding beyond the 30 percent design and TPR. When the 30 percent design and TPR are completed, staff will complete a new CFI project evaluation. The evaluation criteria include project resource benefits, cost estimates, cost effectiveness, cooperator performance, and project readiness. The results and a staff recommendation are presented to the Governing Board for consideration as to whether to continue to fund the project or not. Governing Board approval is required before the project can proceed to final design or construction.

Outside of the TPR process, when a cooperator requests additional funding beyond the board-approved budget, cost increase guidelines for CFI projects are used. Staff will give a brief overview of the guidelines.

For most cooperators, it is standard practice to include a contingency line item in their construction contract with their project contractor. Prior to recommending reimbursement for the use of contingency funds, District staff conduct a detailed review to assess the need for the contingency item and the reasonableness of the cost. District staff plan to update the CFI guidelines for FY2022 to include a maximum allowable contingency for CFI projects. There is



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currently no limit, but generally contingency has been 10 percent or less on CFI projects. Benefits of establishing a threshold on contingency for CFI projects include better cost control and potentially improved designs, specifications and requests for bid. District staff have been discussing a five percent threshold with cooperators, along with improvements to the process for submitting and reviewing contingency items.

Staff Recommendation:

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

Presenter: Scott Letasi, P.E., PMP, Project Management Office Chief

## RESOURCE MANAGEMENT COMMITTEE

July 28, 2020

### *Discussion Item*

#### **Polk Regional Water Cooperative West Polk Wellfield - Conceptual Design Third Party Review (N882)**

##### *Purpose*

The purpose of this item is to provide the results of the project's first third-party review (TPR) on the brackish well feasibility study and conceptual design of a reverse osmosis (RO) facility and regional transmission system, and to request Governing Board approval to continue executing the cooperative funding agreement (CFA) for preliminary design and a second TPR.

##### *Background/History*

Polk County and the municipal utilities within Polk County primarily utilize traditional groundwater supplies to meet their water supply demand. Polk County lies within the Southern Water Use Caution Area (SWUCA) and the Central Florida Water Initiative (CFWI) where traditional water sources are nearing their sustainable limits and alternative water sources need to be developed to meet the projected demands. As a result, Polk County and the municipalities within Polk County, with the District's encouragement, have created a regional water supply entity, the Polk Regional Water Cooperative (PRWC), to develop future alternative water supplies (AWS). The West Polk Wellfield project is one of four PRWC projects that are utilizing funds from District Resolution 15-07 for the feasibility and design of new AWS sources.

The West Polk Wellfield Project is being designed to provide 5.0 million gallons per day (mgd) of AWS in its initial phase, with five incremental expansions up to a total of 15 mgd, and transmission systems to deliver AWS to multiple PRWC member utility systems. The District Governing Board discussed the project and approved initial funding at its April 2017 meeting. The current Cooperative Funding Agreement (CFA) project phase consists of the design, permitting, and construction of a Lower Floridan aquifer test/production well study; the conceptual design, pilot testing, and preliminary design of a water treatment facility; and conceptual and preliminary design of a regional transmission system. The CFA requires two District third-party reviews (TPRs) at the conceptual design (feasibility) and preliminary design (30 percent) stages, and Governing Board authorization is required to proceed with the project following each TPR. The conceptual design (feasibility) TPR was conducted in May/June 2020 and reviewed the PRWC's formal drafts of the Test Well Completion Report, Injection Wells Conceptual Design Memo, Projected Water Quality Modeling Memo, Water Production Facility Conceptual Design Report, and Transmission Conceptual Routing Analysis. The documents and findings of the TPR are discussed below. The PRWC is incorporating TPR suggestions in the final copies of the reports.

The West Polk Wellfield Test Well Completion Report describes the drilling and testing study that was conducted at a 14-acre property adjacent to the City of Lakeland's T.B. Williams Water Production Facility and was completed in January 2020. Objectives of the study were to determine productivity, groundwater quality, hydraulic properties, evaluate confinement between the Upper Floridan and Lower Floridan aquifers; and evaluate the potential injection zone below the production zone for RO concentrate disposal. The TPR found the testing study to be thorough and accomplished the stated goals.

The Injection Wells Conceptual Design Memo reviews the confinement for the deep injection zone below the Lower Floridan Confining Unit (LFCU), Underground Injection Control (UIC) permitting rules and guidelines with the FDEP and identified potential issues. The TPR found the study to be thorough and recommended further testing to evaluate the confidence related to confinement for the injected water.

The Projected Water Quality Modeling Memo describes the groundwater modeling tools and scenarios used to determine the raw water quality expected at startup and in the future from planned withdrawals at the West Polk Wellfield to support the design of the water treatment facility. The TPR reviewed both the report and the parameters of the groundwater simulation model. The TPR found the methods to be a reasonable approach for the current stage of the design process. The Modeling Memo summarized results of 26 modeling runs and predicted a raw water Total Dissolved Solids (TDS) of 3,200 to 4,700 mg/l after 30 years of full-capacity use. The TPR suggested two additional scenarios that the PRWC team tested. The additional scenarios did not impact the report conclusions. The additional scenarios and other suggested edits will be included in the final Modeling Memo.

The Water Production Facility Conceptual Design Report was reviewed for its assumptions of brackish raw water chemistry, RO treatment system methods, finished water quality and post-treatment systems, and pipelines for raw water intake and concentrate disposal. The TPR evaluated the anticipated pH, corrosion control, and chloride and sulfate levels to predict compatibility with customer utility systems and provided recommendations for the future stages of design. The TPR found the methods of design to be appropriate for the conceptual stage. The PRWC concurred with multiple suggestions (including additional water quality blending analysis) which will be incorporated during preliminary design.

The Transmission Conceptual Routing Analysis Report developed options for regional water delivery to PRWC member customers. Several transmission routes were evaluated with a nine-criteria ranking system. The recommended transmission system would provide direct supply from the West Polk Wellfield to the City of Lakeland with water wheeling to Auburndale, Polk City and Polk County's northwestern utility service area. The TPR suggested additional considerations regarding surge analysis, assurance of blending compatibility with local water systems, easement acquisitions, and materials. The PRWC concurred with suggestions and will consider them during preliminary design. The TPR found the techniques used were appropriate for the current level of design.

Detailed construction schedules were not required or included with the conceptual design reports for the water production facility or transmission systems; however, the reports stated a goal of having the AWS available by 2027 achievable. The TPR noted this goal was reasonable and provided additional considerations to help meet this goal.

The TPR evaluated the conceptual cost opinions provided for the Water Production Facility and Transmission System. Most direct cost items were determined to be reasonable assumptions or based on market prices. The conceptual cost estimations utilize multiple percentage markups for non-direct items like contingency, general conditions, site work, etc. The TPR recommended using a consistent contingency of 30 percent of direct costs at this conceptual stage of design. The PRWC has updated the conceptual cost opinions and the revised

estimates are shown in Table 1 based on 2019 dollars. The cost opinions will continue to evolve and will become more focused in the preliminary and later design phases.

TABLE 1. West Polk Wellfield - Conceptual Cost Opinion at initial and full phases.

Project Component	Initial 5.0 mgd capacity	Future 15.0 mgd capacity (Cumulative Total)
Water Production Facility	\$75,997,000	\$147,298,000
Regional Transmission System	\$14,380,000	\$24,417,000
Combined Capital Cost	\$90,377,000	\$171,715,000

*Benefits/Costs*

The TPR engineering team reviewed the project design for consistency with industry standards and feasibility to meet its intended purpose. The TPR report concludes that the conceptual design is feasible and consistent with the parameters of similar systems. The continuation of the project will provide the PRWC with preliminary design reports for the water production facility and regional transmission system including more refined opinions of cost, a second TPR to support future cooperative funding applications for final design and construction phases, as well as a preliminary water rate analysis for PRWC member customers. The current CFA total cost is \$8,940,734, with the District share \$4,470,367. The District share was fully budgeted in FY2018 through a transfer of Resolution 15-07 funds.

Staff Recommendation:

Authorize staff to continue with the project preliminary design phase and a second third-party review in accordance with the cooperative funding agreement.

Presenter: Jay Hoecker, PMP, Water Supply Manager, Water Resources Bureau

## RESOURCE MANAGEMENT COMMITTEE

July 28, 2020

### *Routine Report*

#### Minimum Flows and Levels and Reservations Status Report

Section 373.042 of the Florida Statutes requires the state water management districts or Department of Environmental Protection (DEP) to establish minimum flows and minimum water levels (MFLs) for aquifers, surface watercourses and other surface water bodies. MFLs are the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area and are used in District permitting programs and for water-supply planning.

Section 373.223(4) of the Florida Statutes provide a legal basis for establishing reservations by the water management districts or the DEP. A reservation sets aside a defined quantity of water from consumptive use, i.e., from being included in a permitted withdrawal. Reservations are used for the protection of fish and wildlife or the public health and safety, and like MFLs, are used for permitting and planning activities.

Summary information concerning the status of five major tasks for water bodies scheduled for MFLs or reservation adoption by December 2020, based on the 2019 Priority List and Schedule that was approved by the Governing Board and DEP is summarized below. Data collection and analyses for priority water bodies scheduled for MFLs adoption in 2021 through 2029 is also ongoing but is not summarized in this status report.

#### ***MFLs and Reservation Development Tasks***

- Draft MFLs and reservation reports are completed for stakeholder review, and in some cases are subjected to independent scientific peer review.
- Independent, scientific peer review is voluntarily initiated and completed for draft reports addressing river, spring and aquifer MFLs and reservations. Draft reports for lake and wetland MFLs are not typically subjected to voluntary peer review. The methods used to establish lake and wetland MFLs were, however, peer reviewed prior to those methods being adopted in rule. Voluntary peer review for individual lakes and wetlands may be conducted based on requests from affected stakeholders or by District decision.
- Public workshops are completed to provide opportunities for stakeholders to learn about and provide input on proposed MFLs and reservations.
- Final MFLs and reservation reports that incorporate peer review findings and stakeholder input are prepared for Governing Board approval.
- Rulemaking for proposed MFLs, any necessary MFLs prevention or recovery strategies, and reservations is approved by the Governing Board, initiated through legal noticing of rule development and proposed rules, and completed with adoption and incorporation of effective MFLs, necessary recovery strategies and reservations into District rules.

#### ***Status for Water Bodies Scheduled for MFLs or Reservation Establishment by December 2020 (Recent Status Changes Highlighted)***

Water Body	Draft MFLs/ Reservation Report	Independent, Scientific Peer Review	Public Workshop	Final MFLs/ Reservation Report	Rulemaking

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Calm Lake <sup>a</sup>	Completed	Completed <sup>b</sup>	Completed	Approved	Completed
Charles, Lake <sup>a</sup>	Completed	Completed <sup>b</sup>	Completed	Approved	Completed
Church Lake <sup>a</sup>	Completed	Completed <sup>b</sup>	Completed	Approved	Completed
Echo Lake <sup>a</sup>	Completed	Completed <sup>b</sup>	Completed	Approved	Completed
Linda, Lake <sup>a</sup>	Completed	Completed <sup>b</sup>	Completed		
Sapphire, Lake <sup>a</sup>	Completed	Completed <sup>b</sup>	Completed	Approved	Completed
41 Northern Tampa Bay Wetlands <sup>c</sup>	Completed	Completed <sup>b</sup>	Completed <sup>d</sup>	Approved <sup>d</sup>	Completed <sup>d</sup>
Chassahowitzka River <sup>a</sup>	Completed	Completed	Completed	Approved	Completed
Chassahowitzka Spring Group <sup>a</sup>	Completed	Completed	Completed	Approved	Completed
Blind Spring <sup>a</sup>	Completed	Completed	Completed	Approved	Completed
Homosassa River <sup>a</sup>	Completed	Completed	Completed	Approved	Completed
Homosassa Spring Group <sup>a</sup>	Completed	Completed	Completed	Approved	Completed
Rainbow River <sup>a</sup>	Completed	Completed	Completed	Approved	Completed
Rainbow Spring Group <sup>a</sup>	Completed	Completed	Completed	Approved	Completed
Marion, Lake <sup>e</sup>	Completed	Completed <sup>b</sup>	Not Needed <sup>f</sup>	Approved	Initiated
Hancock, Lake <sup>g</sup>	Completed	Completed	Completed	Approved	Completed
Cypress, Lake <sup>h</sup>					
Garden, Lake <sup>h</sup>					
Halfmoon Lake <sup>h</sup>					
Jackson, Lake <sup>h</sup>					
Strawberry (North Crystal) Lake <sup>h</sup>					
Peace River (lower segment) <sup>h</sup>	Completed	Completed			
Shell Creek (lower Segment) <sup>h</sup>	Completed	Completed			

<sup>a</sup> Scheduled for completion in 2019.

<sup>b</sup> Peer review completed for lake and wetland MFLs methods.

<sup>c</sup> 20 wetlands scheduled for completion in 2019 and 21 scheduled for completion in 2020.



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<sup>d</sup> Public workshop, final MFLs report and rulemaking completed for 40 of 41 wetlands scheduled for completion in 2019 and 2020 and 2 additional wetlands not included on the priority list; rulemaking for removal of 1 of the scheduled wetlands approved the Governing Board in June 2020.

<sup>e</sup> Reevaluation of MFLs adopted for Lake Marion completed outside of the MFL Priority List and Schedule due to the lake's location in a springshed and near a District boundary

<sup>f</sup> The small number of owners of property adjacent to Lake Marion precluded the need for a public workshop. However, an informational letter was sent to lakefront property owners and an offer was made to meet with all stakeholders with questions or concerns associated with the MFLs.

<sup>g</sup> Reservation scheduled for completion in 2020.

<sup>h</sup> Scheduled for completion in 2020.

### Staff Recommendation:

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

Presenter: Doug Leeper, MFLs Program Lead, Environmental Flows and Assessments Section

**RESOURCE MANAGEMENT COMMITTEE****July 28, 2020*****Routine Report*****Significant Water Resource and Development Projects**

This report provides information on significant Resource Management projects and programs in which the Governing Board is participating in funding. The report provides a brief description and status of significant activities associated with the project that have recently occurred or are about to happen.

**SWUCA Recovery Project at Flatford Swamp and Hydrologic Restoration**

The project investigates the feasibility of using excess water from Flatford Swamp recharged into the Upper Floridan Aquifer that would reduce the rate of saltwater intrusion inland and help restore hydroperiods. A water budget model comparing existing and historic conditions within Flatford Swamp was developed to determine the amount of excess water that could be captured for a beneficial use. Several preliminary scenarios for removal of excess water from the swamp have been evaluated such as a feasibility study to determine Mosaic's potential uses for excess water from Flatford Swamp. The Feasibility Study with Mosaic was finalized in March 2013 but determined unfeasible. Staff researched an injection option at Flatford for the excess water to recharge the aquifer and discussed the need for more information on the Avon Park formation at the swamp. A pre-application meeting with Florida Department of Environmental Protection (FDEP) was held on February 25, 2016. Draft Class V, Group 2 Injection Well permit application was issued by FDEP approximately a year later. The feasibility study memorandum is complete. Staff has presented to the Agricultural\Green Industry, Environmental, Well Drillers and Public Supply Advisory Committees. Also, staff had outreach presentations to the Manatee Chamber Environmental Committee, Myakka River Coordinating Council, and the Florida Groundwater Association Board. Governing Board approved at their April meeting to proceed with the test well project. The successful consultant from the Request for Proposal for the test well project was the Jones Edmunds & Associates (JEA) team. The successful bidder for the drilling RFB was Rowe Drilling. Both the consultant and driller agreements were executed, and kick-off meetings were held on February 22, 2018. Rowe Drilling requested and was approved to drill on a 24-hour, five days a week schedule to bring the drilling back on schedule. Rowe had to drill deeper than originally estimated to fully characterized the Upper Floridan Aquifer. The permit submittal for final recharge well casing depths has been approved by FDEP based on information from the completed Phase 1 tasks. The recharge well and monitor wells are complete. Rowe has demobilized from the site. The drilling is complete. The project received its FDEP Environmental Resource Permit and US Army Corps of Engineers (USACE) Nationwide permit for the diversion infrastructure. The Project Team continues to develop the recharge testing project plan. Staff is developing a "simple" pilot study to determine quantities of sodium bisulfite (an oxygen scavenger to reduce formation of arsenic in the aquifer) for the testing portion. Request for Bid (RFB) for the diversion infrastructure was advertised on January 3, 2020. The mandatory pre-bid meeting and site visit took place on January 15, 2020. Bids were due to District Procurement on February 4, 2020. TLC Diversified, Inc., was awarded the construction contract and staff are currently working with procurement to develop an agreement for the construction of the diversion infrastructure. Staff set transects in nearby Flatford Swamp wetlands to meet USACE permit conditions for diversion infrastructure construction. Notice to Proceed sent to TLC Diversified for construction of diversion infrastructure on May 6, 2020. ***New Activities Since Last Meeting:*** A pre-construction meeting was completed on June 2, 2020 with the Jones Edmund team, TLC, and District staff. The diversion infrastructure construction work is expected to initiate in the coming months with substantial completion expected by April 2021. *Project Manager: Lisann Morris/Claire Stapley*

## **Lower Hillsborough River MFLs Recovery Strategy - Implementation**

At its August 2007 meeting, the Governing Board established minimum flows and approved a recovery strategy for the lower Hillsborough River (LHR). The recovery strategy was adopted as required by statute, because flows in the LHR were below the established minimum flows. The recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flows. Projects planned or completed under the recovery strategy, funded through a Joint Funding Agreement with the City of Tampa (COT), include diversions of water from Sulphur Springs, Blue Sink, the Tampa Bypass Canal (TBC), and Morris Bridge Sink. All projects are constructed and are operating except for the Morris Bridge Sink project. In October 2017, the District completed design for the Morris Bridge Pumping facility, but construction has not begun pending the outcome of analysis the COT is performing associated with the Tampa Augmentation Project (TAP). In addition, the COT, with District co-funding, has completed the LHR Dam Control Gate Facilities (N492) project which constructed a new sluice gate in the dam to allow the city to pass the full quantity of water needed to meet minimum flows. In December 2017, the COT began operation of the temporary pump stations at the District's S-161 site and at the Hillsborough River Dam site. The COT has received Water Use Permit (WUP) No. 20020802 from the District for the operation of these pump stations. In summary, all activities and projects proposed in the adopted recovery strategy are either underway, completed, or have been determined to not be viable. Important components of the recovery strategy are currently in operation, including the use of Sulphur Springs, Blue Sink, LHR Dam Control Gate Facilities, and the TBC as recovery flow sources, and data results from recent years suggest that the desired goal of creating low salinity habitat below the dam can be sustained through minimum flows implementation. The annual LHR recovery strategy update was provided to the Governing Board in August 2019. Agreement executed with Jones Edmunds and Associates to complete the permit required environmental monitoring for Morris Bridge Sink and the required annual report was submitted to FDEP for calendar year 2019. Agreement has been executed to conduct the biological sampling needed for the third five-year assessment and the first sampling event was completed in May 2020. The second five-year assessment was submitted to the Governing Board at the May 2020 meeting. ***New Activities Since Last Meeting:*** Data collection to support the third five-year assessment is ongoing. *Project Manager: Danielle Rogers*

## **Pasco County - Restoration - Central Pasco Recharge Wetlands Facility Optimization Project**

Pasco County, in partnership with the Southwest Florida Water Management District (District), has constructed a system of groundwater recharge wetlands on the 4G Ranch in central Pasco County to receive reclaimed water for groundwater recharge. The facility consists of 175 acres of constructed wetlands divided into fifteen (15) cells planted with native wetland vegetation. Each cell is operated independently through a valve manifold that includes flow control valves and flow meters and operated based on water elevation setpoints. These water level setpoints should change monthly based on recommendations defined in the Operation and Maintenance Manual to achieve a wetland hydroperiod that mimics natural Florida wetlands, with high levels in the summer wet season and lower levels in the winter dry season.

The Central Pasco Recharge Wetlands Facility Optimization project is a follow-up three-year project (N943) that began in 2018. The goal of the project is to compile and review available applicable operational data to evaluate impacts to the local groundwater system, optimize system performance, and estimate future operational trends. The total cost of this project is \$280,000, split equally between the County and the District. As part of this project, an operational groundwater model of the site will be developed using the information from the

consultant combined with the data that County staff is currently collecting. This operational groundwater model will be used to estimate potential future system infiltration rates, impacts and benefits to the Upper Floridan aquifer, and future operational conditions. Consultant scientists will perform biannual vegetation surveys of the 15 cells constructed on the 4G Ranch to assess the performance of the wetlands against the setpoints. The surveys will be completed through photo-interpretation of low-altitude, high resolution photography obtained by the County to determine wetland vegetation cover of each cell. A technical memorandum that includes the results of both the hydrogeologic review and the vegetation hydroperiod review will be provided. This technical memorandum will include recommendations for changes to the monthly water elevation setpoints that will both maximize groundwater recharge while maintaining healthy wetland vegetative communities. The County is funding the third and final year of the project at 100 percent. There have been some problems with the well monitoring equipment, which are to be resolved by the County. The County provided a plan to resolve the problems with their well monitoring equipment. Otherwise, the optimization effort (N943) is on schedule and moving forward in its third year. The District has received the first status report for the plan to correct the well monitoring issues, and that effort appears to be progressing in a reasonable manner. The District provided comments to the County on the second annual report for the project. A meeting was held to discuss the report and comments, as well as the ongoing operation of the facility. The County promised to address all of the District's questions in the final version of the second annual report. The District received a project status report on May 12, 2020. **New Activities Since Last Meeting:** The County completed dry season aerial photography in March and is evaluating the results. *Project Manager: Mike Hancock*

### **South Hillsborough County Aquifer Recharge Program (SHARP)**

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the Hillsborough County's Big Bend facility near Apollo Beach in southern Hillsborough County (County). The goal of the project is to improve water levels within the Most Impacted Area of the Southern Water Use Caution Area and possibly slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County's consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses received in August 2012. Construction contract with the contractor (A.C. Schultes of Florida, Inc.) was approved by the County on April 3, 2013. The recharge well was completed in December 2013 with an open-hole diameter of 14.75 inches, 780 feet of casing, and a total depth of 1,100 feet. The County received a letter from FDEP on July 13, 2015 authorizing recharge operations to begin. **New Activities Since Last Meeting:** Recharge testing and monitoring continued during the months of April and May at an average recharge rate of 2.3 mgd. March injection volume was 68 million gallons. Injection volume for May was not available at the time this update was prepared. Total recharge volume through April is approximately 3,745 million gallons since the beginning of the project. The County submitted the Underground Injection Control operation permit application to the FDEP in October and FDEP is still evaluating it. *Project Manager: Don Ellison*

### **City of Tampa, Tampa Augmentation Project (TAP)**

This project is a study that will explore the cost and feasibility of two options to beneficially use reclaimed water from the Howard F. Curren Advanced Wastewater Treatment Plant (HFCAWTP). The first alternative concept involves transmitting reclaimed water to the Lower Hillsborough Wilderness Preserve Area and delivering water through created wetlands and/or rapid infiltration basins (RIBs) to the Tampa Bypass Canal. This alternative was found infeasible

and the project focus went to the second alternative. The second alternative concept evaluates a recharge/recovery system to store and recover reclaimed water (and possibly stormwater) in the aquifer for delivery to the Hillsborough River Reservoir and possibly in the future directly to the David L Tippen Water Treatment Plant. The City has developed their stakeholder outreach plan, completed their route and regulatory/institutional analysis memorandums. The City is currently testing the recharge/recovery concept at an existing aquifer storage and recovery site. A No Cost Time Extension amendment is being routed to allow for finalization of the more complex memoranda covering modeling and water quality treatment. A draft Florida Department of Environmental Protection Underground Injection Well permit application was prepared. Additional feasibility tasks have been identified as a result of this first phase and the City has submitted a revised Cooperative Funding Application to request funding for Fiscal Year 2019. No Cost Time Extension was executed extending the contract completion date to the end of August 2018. The City withdrew their underground injection control permit for the entire TAP project and will continue discussions with FDEP on permitting aspects of the overall project. In the interim, the City plans to move forward and develop a permit application for the Rome Avenue site for testing with potable water. The City decided to fund 30 percent design activities for some of the TAP infrastructure. The Phase I Feasibility Study is complete and closed. Phase 2 Feasibility Study kick-off meeting was held on January 30, 2019. The Memorandum of Understanding with Tampa Bay Water was tabled until June 2020 when the Phase 2 TAP Feasibility Study is anticipated to have additional answers. Meanwhile, the City initiated recovery at the TAP-1 well collecting water quality samples. The City is working through the Rome Avenue Underground Injection Control permit with Florida Department of Environmental Protection that will use potable water in the test. A kick-off meeting was held on the Rome Avenue test well site on July 17, 2019. Testing will be done with potable water with data inputting into the SEAWAT model to predict disposition of the reclaimed water injection. The contract period is extended from August 3, 2020 to April 30, 2021. Draft for the Revised Pipeline Route Analysis and TAP-1 operations report summarizing the water quality data collected for the 2018/2019 Woodland Terrace recharge and recovery cycles has been received. This report includes geochemical modeling which considers the mobilization of iron and arsenic. The information developed in this report will be added to the operations data from the Rome Avenue ASR system and the groundwater modeling of recharge/recovery with reclaimed water to estimate the operational requirements of a future TAP Indirect Potable Reuse system. ***New Activities Since Last Meeting:*** Collection System Water Quality Monitoring is on-going. Kick-off meeting for TAP-E pipeline construction will be held on June 18, 2020 and testing will begin once the pipeline connection is complete. SEAWAT groundwater modeling is waiting for additional data from TAP-E. *Project Manager: Mohamed Hersi*

### **Water Incentives Supporting Efficiency (WISE) Program**

This is a cost-share program that supports and promotes water conservation with non-agricultural water users. It will provide a streamlined project implementation/application process and reach cooperators that might not otherwise implement smaller conservation projects. The program was presented to the Governing Board on November 13, 2018 and officially launched December 1, 2018. The \$50,000 that was budgeted for FY2019 has been committed to a total of six conservation projects. Total estimated water savings for all the FY2019 projects was approximately 10,400 gpd. Funds are still available for FY2020, and outreach is ongoing. Six additional projects have been approved for funding with FY2020 funds. Meetings and calls with potential applicants are ongoing. ***New Activities Since Last Meeting:*** Two new applications have been received from Hernando County Schools, and the applications are being reviewed. *Project Manager: Josh Madden*

### **Polk County Regional Water Cooperative Southeast Wellfield Project**

Polk County lies within the Southern Water Use Caution Area (SWUCA) and the Central Florida Water Initiative (CFWI) where traditional water sources are nearing their sustainable limits and

alternative water sources need to be developed to meet the projected demands. As a result, Polk County and the municipalities within Polk County, with the District's encouragement, have created a regional water supply entity, the Polk Regional Water Cooperative (PRWC), to develop future alternative water supplies (AWS). The Southeast Wellfield project is one of four PRWC projects that are utilizing funds from District Resolution 15-07 for the feasibility and design of new AWS sources. The project consists of the development of a wellfield to supply brackish groundwater from the Lower Floridan aquifer (LFA), a reverse osmosis water treatment facility with capacity expandable to 30 mgd, and a regional transmission system to serve multiple municipalities in Polk County. The current CFI Agreement with the Polk Regional Water Cooperative (PRWC) includes the following tasks: an LFA test well study including exploratory drilling and groundwater modeling for anticipated aquifer yield and water quality, the conceptual designs of the water treatment facility and regional transmission system, a District-led third-party review of the test well study and conceptual designs, pilot water treatment testing, preliminary (30 percent) designs of the treatment facility and regional transmission system, a second District-led third-party review of the preliminary designs, and a preliminary water rate analysis for PRWC member customers. The preliminary designs and water rate analysis will assist the District and PRWC in determining member participation in the final design and construction, as well as developing funding plans and timelines for implementation. The CFI Agreement was executed in April 2017 with a total cost of \$11,800,000. The District's 50 percent share was provided by a transfer from funds reserved by Governing Board Resolution 15-07. In April 2019, the Governing Board approved reducing the project cost to \$11,117,916 to utilize savings from the testing program to transfer fund to the PRWC Peace River/Land Use Transition study. The exploratory drilling was conducted on a county-owned land parcel approximately 10 miles east of Lake Wales and was substantially completed in April 2019. The parcel is proposed as the future site for the water treatment facility. The water treatment facility and wellfield conceptual design was developed with a 7.5 mgd production capacity in its initial phase and six incremental expansions up to a total of 30 mgd, based on projected customer needs and practical components for the facility. The regional transmission conceptual design evaluated multiple routes to ten customer service areas by cost and nine other criteria. The report drafts from the testing program and the conceptual designs of the water treatment facility and regional transmission system were received in July 2019. The District's third-party review of the groundwater testing and conceptual designs was presented to the Governing Board at the September 2019 meeting, and the continuance with the preliminary design phase was approved. The PRWC continues to work on the preliminary design of the wellfield, brackish water treatment facility, and the regional transmission system. In December 2019, the DEP executed a \$1,424,000 State Grant for the project that will reduce District and PRWC shares equally. The CFI Agreement was amended in April 2020 to add terms and conditions of the State Grant. ***New Activities Since Last Meeting:*** The team is communicating with the FDEP for underground injection permitting and is conducting additional groundwater modeling. *Project Manager: John Ferguson*

Staff Recommendation:

This item is provided for the Committee's information, and no action is required.

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





**Governing Board Meeting  
July 28, 2020**

<b>OPERATIONS, LANDS &amp; RESOURCE MONITORING COMMITTEE</b>
--

***Discussion Items***

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**OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE**

**July 28, 2020**

***Discussion Item***

**Consent Item(s) Moved for Discussion**

Staff Recommendation:

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

## OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

July 28, 2020

### *Discussion Item*

#### **Acquisition of Mineral Interests and Closing of Escrow Account – Myakkahatchee Creek, SWF Parcel Nos. 21-694-102 and 21-694-103C**

##### *Purpose*

Request acceptance by the Governing Board of certain outstanding mineral interests from the Mabry Carlton Ranch (Carlton Ranch) and approval of the joint acquisition by the District, Sarasota County (County) and Carlton Ranch of a small portion of remaining outstanding mineral interests. These actions would resolve and close the escrow account established at the time of the original acquisition and provide the District and County clear title for Carlton Ranch.

##### *Background/History*

Certain property (Property) was acquired in December 2007 through a partnership with the County including fee simple interest in 4,746 acres and a conservation easement over an additional 7,630 acres owned by the Carlton Ranch (Exhibit 1). At the time of closing on the Property, there were outstanding mineral interests owned by third parties which encumbered the entire 4,746 acres acquired in fee simple and 4,838 acres of the conservation easement. Due to the outstanding mineral interests and several other contractual conditions, an escrow agreement (Escrow Agreement) was entered into by the parties at the time of closing to ensure, among other things, that the outstanding mineral interests on the Property would be acquired by Carlton Ranch after closing and delivered to the District and County.

The Escrow Agreement was amended and extended six times since the closing on the Property, and that sixth amendment expired on December 12, 2018 (Exhibit 2) with no provision therein for automatic renewal or extension. At present, \$2,500,000 remains in escrow pursuant to the expired Escrow Agreement. Carlton Ranch has obtained the majority of the outstanding mineral interests and is in the process of conveying those interests to the District and the County. However, 2.604 percent of the mineral interests pertaining to the Property remain outstanding.

The outstanding mineral interests are held by two owners, Patricia M. Kranzlein (2.083 percent) and SC Property Tax Ventures (0.521 percent). Subject to Governing Board approval, through negotiations required prior to institution of eminent domain proceedings, Patricia M. Kranzlein has agreed to accept the sum of \$40,000 for her 2.083 percent interest, and SC Property Tax Ventures has agreed to accept the sum of \$12,000 for their 0.521 percent interest, for a total purchase price of \$52,000.

##### *Valuation and Negotiation Summary*

The outstanding mineral interests pertaining to the Property have been severed from the Property meaning they have independent value and they are currently not listed for sale by the owners. They are not tied to specific acreage and do not comprise a controlling interest, and this valuation reflects those conditions. Purchases of mineral interests are infrequent and often involve considerations that are atypical to market value, have terms negotiated on a confidential basis, and often reflect the desire or need on the part of a buyer to purchase the specific interests or the necessity to clear title for a subsequent sale, so prices paid may or may not be reflective of their market value.

The sales and values of mineral interests for properties that can be tracked have been relatively stable for many years in the \$200 to \$400 per acre range. The most comparable of the transactions range from \$139.66 to \$214.13 per acre with the average for these transactions at \$184.78 per acre. The total purchase price for the mineral interests of \$52,000 equates to \$173.33 per acre.

The total purchase price for the mineral interests of \$52,000 includes the entire 4,746 acres acquired in fee simple and 4,838 acres of the conservation easement plus 1,936 acres owned by Carlton Ranch and not acquired by the District and County. Carlton Ranch has made an offer of \$32,000, including \$7,000 towards the value of the mineral interests and \$25,000 to offset any administrative expenses, to resolve the issue. The negotiated purchase price of \$52,000 for the outstanding mineral interests leaves a balance of \$20,000 outstanding. The County has indicated in writing (Exhibit 3), a willingness to contribute the sum of \$10,000 towards the remaining balance of \$20,000, with an expectation that the District would also contribute \$10,000. Approval of the purchase pursuant to these terms requires approval by both the District Governing Board and the Sarasota County Board of County Commissioners.

### *Benefits/Costs*

Acquisition of the outstanding mineral interests eliminates the possibility of future claims on the Property by owners of those interests. The Escrow Agreement provides that the funds specified therein would be held for reimbursement to the District and Sarasota County for acquisition of the remaining mineral interests through eminent domain should Carlton Ranch fail to do so, however, exercising this right will take considerable time and staff effort. The payment of \$10,000 each by the District and Sarasota County would quickly and efficiently provide the District and County clear title and resolve the Escrow Agreement. The District and the County could opt to take no action and accept the mineral interest exceptions in the title to the property; however, the intention of the District and County at the time of acquisition was to obtain clear title on the Carlton Ranch. Additionally, accepting the mineral interest exceptions is not the recommended option due to current opportunity to acquire the remaining interests utilizing, in part, the escrowed funds. It is unlikely that further negotiations or proceeding with eminent domain to acquire the remaining interests could be completed at less cost than the current Staff Recommendation.

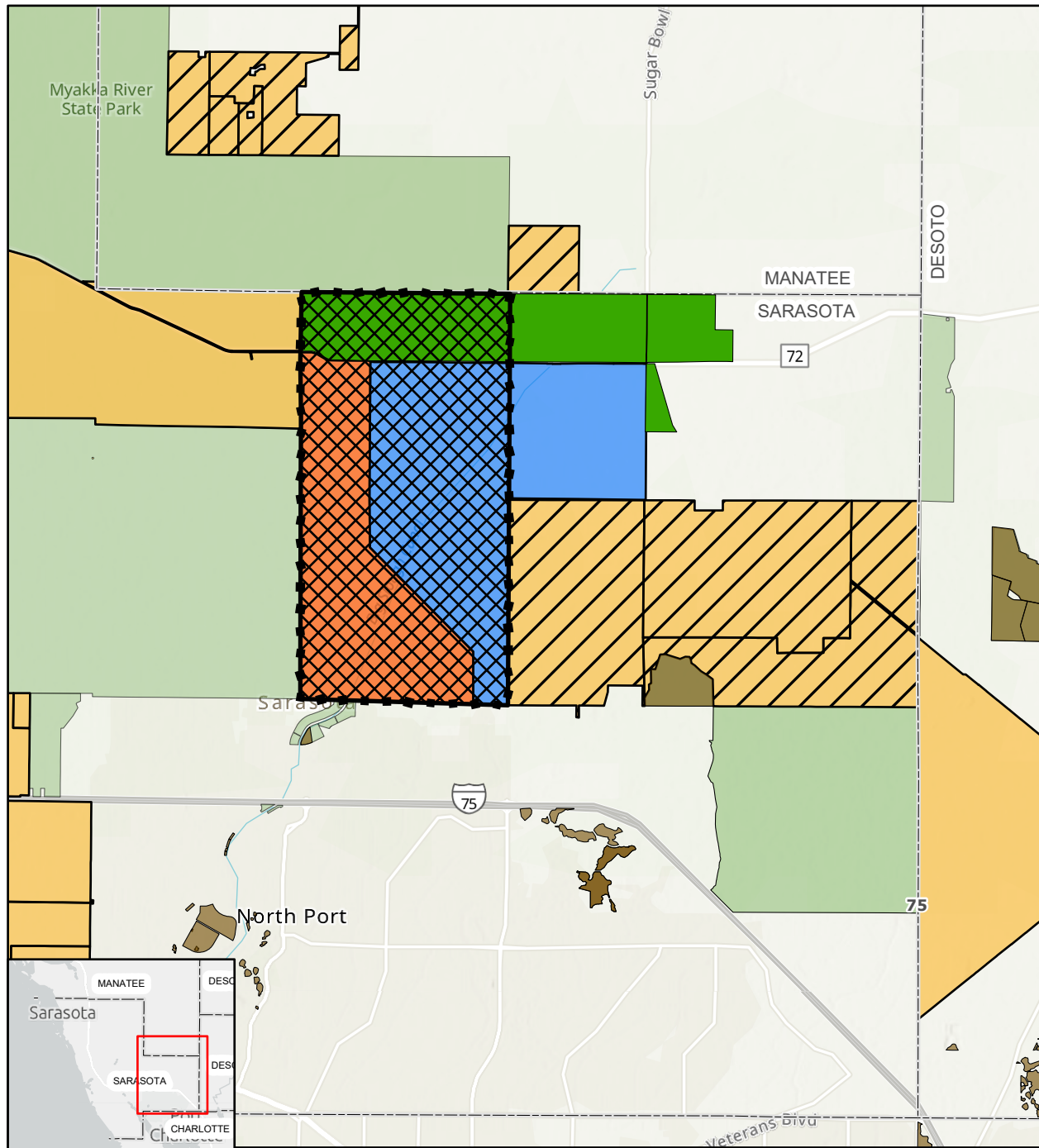
Staff Recommendation:

- Accept the 97.396 percent mineral interests held by Carlton Ranch for SWF Parcels 21-694-102 and 21-694-103C.
- Authorize settlement of the Escrow Account as outlined above, accept Carlton Ranch's total contribution towards settlement of \$32,000, Sarasota County's contribution towards settlement of \$10,000, and a contribution to the same by the District of \$10,000 from Florida Forever funds to purchase the outstanding mineral interests.
- Authorize the Executive Director to enter into a purchase and sale contract between Carlton Ranch, Sarasota County, and the District as buyers, and Patricia M. Kranzlein as seller, for the amount of \$40,000 for her outstanding mineral interests in Carlton Ranch.
- Authorize the Executive Director to enter into a purchase and sale contract between Carlton Ranch, Sarasota County, and the District as buyers, and SC Property Tax Ventures as sellers, for the amount of \$12,000 for their outstanding mineral interests in Carlton Ranch.
- Authorize release of the remaining escrowed funds to Carlton Ranch after closing on the outstanding mineral interests as set forth in the Escrow Agreement.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenters: Jerry Mallams, P.G., Operations and Land Management Bureau Chief and  
Ellen Morrison, Operations and Land Management Assistant Bureau Chief

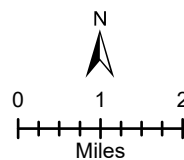


# Exhibit 1 Carlton Acquisition Mineral Interests



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community. Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

- |                               |                                       |
|-------------------------------|---------------------------------------|
| Mineral Interests             | Other District-owned Fee Simple       |
| Carlton Ranch Fee             | Other District Conservation Easements |
| Carlton Conservation Easement | Other Conservation Lands              |
| District Fee Ownership        | Other Conservation Easements          |



Southwest Florida  
Water Management District

CONTRACT NO. 2018-048  
BCC APPROVED 12/2/17

### SIXTH AMENDMENT TO ESCROW AGREEMENT

**THIS SIXTH AMENDMENT** (hereinafter referred to as the "Amendment") is made to an Escrow Agreement, Contract No. 2008-131 entered into on December 19, 2007, and amended on January 14, 2013, Contract No. 2013-216, and amended by a Second Amendment on December 10, 2013, Contract No. 2014-137, and amended by a Third Amendment on December 9, 2014, Contract No. 2015-075, and amended by a Fourth Amendment on January 12, 2016, Contract No. 2016-123, and amended by a Fifth Amendment on December 13, 2016, Contract No. 2017-077, by and among MABRY CARLTON RANCH, INC., a Florida Corporation, (hereafter referred to as "Seller"), the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation, (hereafter referred to as "District") and SARASOTA COUNTY, a political subdivision of the State of Florida, (hereafter referred to as "County"), the District and County hereinafter together referred to as "Buyer", Seller and Buyer hereinafter collectively referred to as the "Parties", and FIDELITY NATIONAL TITLE OF FLORIDA, INC., the Successor to the original Escrow Agent, FUENTES AND KREISCHER TITLE COMPANY, hereinafter referred to as "Escrow Agent".

### WITNESSETH:

**WHEREAS**, the Parties entered into the Escrow Agreement (County Contract No. 2008-131) pursuant to the terms of the Purchase/Sale Agreement (County Contract No. 2008-048) dated November 27, 2007; and

**WHEREAS**, Seller placed \$5,000,000.00 of the net sales proceeds under the Purchase/Sale Agreement into an escrow account with \$2,500,000.00 being held to cure survey and title defects and for remediation of environmental conditions, and \$2,500,000.00 being held for the acquisition of Outstanding Mineral Interests; and

**WHEREAS**, Seller has cured any survey and title issues as contemplated by the Purchase/Sale Agreement and the Escrow Agreement, and \$1,250,000.00 of the escrowed funds has been accordingly disbursed to the Seller; and

**WHEREAS**, On January 14, 2013, the Parties and the Escrow Agent approved the Amendment to Escrow Agreement, Contract No. 2013-216, that acknowledged the Seller's completion of all necessary environmental remediation as contemplated by the Purchase/Sale Agreement and the Escrow Agreement, and \$1,250,000.00 of the escrowed funds were disbursed to the Seller; and

**WHEREAS**, the Amendment to Escrow Agreement, Contract No. 2013-216, also extended the

Escrow Agreement for one additional year to allow the Seller to diligently pursue the acquisition of Outstanding Mineral Interests; and

**WHEREAS**, on December 10, 2013, the Parties and the Escrow Agent approved the Second Amendment to the Escrow Agreement, Contract No. 2014-137 which extended the Escrow Agreement for another additional year to allow the Seller to diligently pursue the acquisition of Outstanding Mineral Interests; and

**WHEREAS**, on December 9, 2014, the Parties and the Escrow Agent approved the Third Amendment to the Escrow Agreement, Contract No. 2015-075 which extended the Escrow Agreement for another additional year to allow the Seller to diligently pursue the acquisition of Outstanding Mineral Interests but Seller has not yet been able to complete the acquisition of all of the mineral interests; and

**WHEREAS**, on January 12, 2016, the Parties and the Escrow Agent approved the Fourth Amendment to the Escrow Agreement, Contract No. 2016-123 which extended the Escrow Agreement for another additional year to allow the Seller to diligently pursue the acquisition of Outstanding Mineral Interests but Seller has not yet been able to complete the acquisition of all of the mineral interests; and

**WHEREAS**, on December 13, 2016 the Parties and the Escrow Agent approved the Fifth Amendment to the Escrow Agreement, Contract No. 2017-077 which extended the Escrow Agreement for another additional year to allow the Seller to diligently pursue the acquisition of Outstanding Mineral Interests but Seller has not yet been able to complete the acquisition of all of the mineral interests; and

**WHEREAS**, the Escrow Agreement as previously amended is due to expire and the Parties agree that it would be to their mutual benefit to extend the Amended Escrow Agreement for another additional year to allow the Seller to continue the acquisition of Outstanding Mineral Interests; and

**WHEREAS**, this Sixth Amendment is a partial amendment of the Escrow Agreement, as previously amended, and unless specifically amended and modified by this Amendment, the Parties intend that the terms of the Escrow Agreement as previously amended should remain in full force and effect.

**WHEREAS**, the Parties acknowledge that, notwithstanding language to the contrary in the Escrow Agreement, as previously amended, Seller has been delivering to Buyer, rather than to Escrow Agent, any deeds of conveyance or other documentation releasing portions of the Outstanding Mineral Interest to the Buyer and, further, the Parties, wish to approve this practice retroactively and on a go forward basis, absolving the Escrow Agent from any duty, obligation or liability for obtaining, reviewing or recording such deeds or other documentation.

**NOW, THEREFORE**, in consideration of the covenants and agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties amend the Escrow Agreement as follows:

1. The above recitals are true and correct and are incorporated herein.
2. The \$2,500,000.00 will continue to be held under the provisions of Article 5 of the Escrow Agreement, as amended to deal with the remaining Outstanding Mineral Interests. As the Seller acquires additional Outstanding Mineral Interests after the initial date of the Escrow Agreement, Seller shall convey all such interests to the Buyer. The current remaining Outstanding Mineral Interest is 2.604% as shown on the Updated Exhibit "C" attached. The \$2,500,000.00 will continue to be held under the provisions of Article 5 with the revisions set forth below. Article 5 is restated as follows:

After the closing, there will remain outstanding approximately 20 percent interest in the minerals on the remainder fee property and a portion of the conservation easement. Those interests are described on Updated Exhibit "C" attached hereto and are herein called the "Outstanding Mineral Interests". Updated Exhibit "C" shows the update on the Outstanding Mineral Interests as of October 2017. Two Million Five Hundred Thousand Dollars (\$2,500,000.00) of the escrowed funds shall be held by the Escrow Agent to deal with the acquisition of the Outstanding Mineral Interests. Seller shall use good faith efforts to acquire such Outstanding Mineral Interests after the closing. From time to time, as they are acquired, the Seller shall deliver to Buyer all deeds of conveyance or other such documentation, in recordable form, releasing or otherwise conveying the Outstanding Mineral Interest to the Buyer. Escrow Agent shall have no duty or obligation to obtain, review or record any deeds of conveyance or other such documentation. At any time that the Seller obtains all the Outstanding Mineral Interests and conveys them to the Buyer, the \$2,500,000.00 escrow for mineral interests herein will terminate and the Escrow Agent shall remit the funds to the Seller. In the event that three years after closing all of the Outstanding Mineral Interests have not been acquired, the parties will meet to negotiate the proper handling of the Outstanding Mineral Interests. In the event that the parties cannot agree in writing on how to handle the Outstanding Mineral Interests, after such three years, then this agreement shall continue for an additional eight years within which the Seller shall continue its efforts to acquire the Outstanding Mineral Interests. Eleven years after closing, in the event the

parties cannot agree in writing on how to handle the Outstanding Mineral Interests, then the Buyer shall have the option to institute legal proceedings in accordance with Florida Statutes to acquire all the mineral interests that remain outstanding through condemnation. The Buyer must exercise such option by notifying Seller and Escrow Agent in writing of Buyer's intent to institute legal proceedings to condemn such interest within 30 days after the end of the Eleven-year period. At such time Buyer will review the case law and statutes to make the determination that it has the legal authority to condemn the Outstanding Mineral Interests. Buyer agrees to handle the condemnation proceedings with its own staff and in-house counsel, in accordance with its standard practices and agrees that such costs shall not be charged to Seller or the escrowed funds. To the extent that Buyer reasonably needs to hire outside counsel and experts, such counsel and experts shall be coordinated with the Seller and such reasonable expenses and costs shall be charged to the escrowed funds in accordance with written instructions signed by Buyer and Seller. The \$2,500,000.00 in escrow shall be used to pay all costs and expenses (except as set forth above) associated with the Buyers actions to condemn the Outstanding Mineral Interests. Any legal proceedings taken by Buyer shall be coordinated with Seller and Seller shall be kept reasonably informed and involved in the process. Furthermore, the actual value of the Outstanding Mineral Interests paid by way of condemnation, either through negotiation or judgment shall be paid from the escrowed funds. Escrow Agent may disburse all or any portion of the Escrowed Funds for such purposes enumerated in this Article 5 in accordance with and in reliance upon written instructions from both Seller and Buyer and signed by same. Buyer agrees that no negotiated purchase of the Outstanding Mineral Interests shall be made without Seller's written approval. Seller shall not unreasonably withhold its approval. Furthermore, the pre-suit negotiations required by the statute and the appraisal required thereunder shall be agreed upon by Buyer and Seller. If the Parties cannot agree after good faith discussions, the Buyer shall have the right to select a qualified appraiser. In the event the Buyer does not exercise in writing its option to condemn the remaining Outstanding Mineral Interests within 30 days following the end of the eleven year period, Buyer shall promptly so notify Seller and Escrow Agent in writing. Upon receipt of such notice the escrowed funds shall be paid to Seller. If the escrowed funds are paid



to Seller upon the expiration of 30 days after the end of the eleven year period, the Seller by this agreement, agrees to defend against any action taken by a holder of any of the Outstanding Mineral Interests (other than the Buyers) if such action has a material adverse effect on the conservation of the Property. If Buyer and Seller disagree as to whether such action has a material adverse effect on the conservation of the Property, the Parties agree to submit the matter to mediation with a mutually agreed upon mediator and the mediation costs shared equally. This Agreement to defend by Seller shall apply for an additional five years after the initial eleven year period. All Parties agree not to initiate proceedings to change the zoning of the Property to Open Use Mining without the other Party's approval. Furthermore, the Parties agree to include this aforesaid agreement in the conservation easement.

3. In all other respects not modified by this Amendment, the Escrow Agreement as previously amended is confirmed.

4. This Amendment may be executed in counterparts.

IN WITNESS WHEREOF, the parties have executed this Amendment on the dates below the signatures.

Witnesses:

Lisa Carlton  
K. Ben

**SELLER**

MABRY CARLTON RANCH, INC.,  
Florida Corporation

Barbara Carlton  
Barbara Carlton, President

Date 12-5-2017

Witnesses:

Loni Maul  
Ami

**DISTRICT**

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT

By: B. J. Lutz

Its: EXECUTIVE DIRECTOR

Date 12-11-2017



COUNTY

BOARD OF COUNTY COMMISSIONERS,  
OF SARASOTA COUNTY, FLORIDA

By: \_\_\_\_\_

CHAIRMAN

ATTEST:

KAREN E. RUSHING, Clerk of the Circuit Court  
And Ex-Officio Clerk of the Board  
of County Commissioners

BY: \_\_\_\_\_

DEPUTY CLERK

Approved as to form and correctness:

County Attorney

TRW

Date: \_\_\_\_\_

**ESCROW AGENT**

Witnesses:

FIDELITY NATIONAL TITLE OF  
FLORIDA, INC.

Sherri L. Krampora  
Sherri L. Krampora

By:

W. Anderson

Its:

President

Date

11-28-2017

ELIZABETH M. FIERRO

**UPDATED EXHIBIT "C"**  
**As of August 2017**

(Outstanding Mineral Interests)

Parcel ID Nos.:

0865-00-1052, S.C. Property Tax Ventures, 1/192 interest (4/768) remains outstanding

0865-00-1150, Patricia Kranzlein, 1/48 interest (16/768) remains outstanding

Total outstanding interests as of August 1, 2017 = 20/768 or 2.604%; thus, have acquired 97.396%.



**SARASOTA COUNTY**  
*"Dedicated to Quality Service"*

June 12, 2020

Mr. Brian Armstrong, Executive Director  
Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, FL 34604

**Re: Carlton Mineral Rights**

Dear Mr. Armstrong:

The history of the Mabry Carlton Ranch Inc. (Carlton Ranch) land acquisitions and protections made by Sarasota County and the Southwest Florida Water Management District (SWFWMD) has a long history including the ongoing issue to resolve the remaining oil and mineral rights on these properties.

The original Escrow Agreement from December 2007 was for five years, placed \$2,500,000 of the purchase price in escrow for the acquisition of the outstanding mineral rights, and committed Carlton Ranch to diligently pursue the acquisition of the outstanding mineral rights. Currently only 2.604% of the mineral rights still remain in ownership by third parties, however, this still leaves us with a title defect on publicly owned properties.

County and SWFWMD staff and attorneys have had several meetings to determine what the best options are for moving forward with a resolution. It is my understanding that SWFWMD staff has negotiated purchase prices of \$40,000 and \$12,000 with the last two remaining mineral rights owners. These purchase prices are based upon recent valuations of oil and mineral rights. However, Carlton Ranch is not in agreement that the full amount of \$52,000 should come from the escrow funds allocated for the acquisition of the outstanding oil and mineral interests. Carlton Ranch has proposed \$32,000 to be funded by the escrow funds and the remaining \$20,000 be paid for by our respective agencies, each contributing \$10,000.

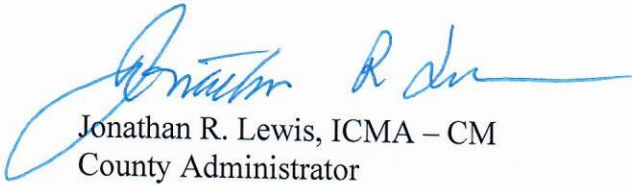
County staff is recommending we resolve this issue by contributing \$10,000 towards the purchase of the remaining mineral rights. I support my staff's recommendation and would like to see this issue resolved to allow both agencies to move on with clear title to Carlton Ranch.

June 12, 2020  
Mr. Brian Armstrong

Page 2 of 2

If you should have any questions or concerns, please feel free to contact me at 941-861-5111.

Sincerely,



Jonathan R. Lewis, ICMA – CM  
County Administrator

- c:
- Frederick Elbrecht, County Attorney, Sarasota County
  - Joshua Moye, Deputy County Attorney, Sarasota County
  - Brad Johnson, Assistant County Administrator, Sarasota County
  - Nicole Rissler, Director, Sarasota County Parks, Recreation and Natural Resources
  - Matthew Osterhoudt, Director, Sarasota County Planning and Development Services
  - Hayley Baldinelli, Manager, Sarasota County Property Management Division
  - Brie Ondercin, Land Acquisition Coordinator, Sarasota County Park Planning and Development Division
  - Karen West, General Counsel, SWFWMD
  - Brian Starford, Division Director, SWFWMD
  - Jerry Mallams, Operations Bureau Chief, SWFWMD

**OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

**July 28, 2020**

***Submit and File Report***

**Hydrologic Conditions Report**

See attached report.

**Staff Recommendation:**

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

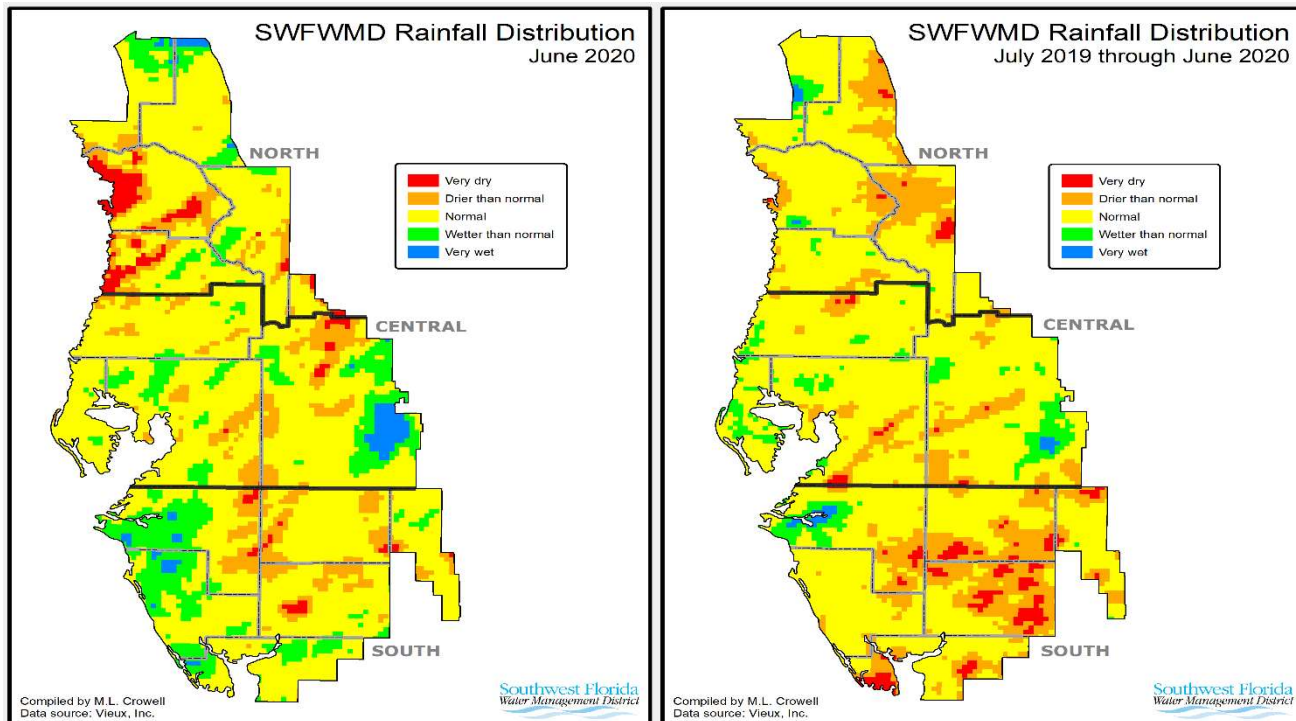
**Presenter:** Granville Kinsman, Hydrologic Data Manager



## SUMMARY OF CONDITIONS

- June historically marks the first month of the four-month wet season (June through September) and monthly rainfall totals were within the normal range in all three regions of the District.
- **Rainfall:** June totals were within the normal range in all three regions of the District. The District-wide 12-month cumulative rainfall totals declined in June, ending the month at a deficit of 1.79 inch below the long-term historical average. The rainfall deficit remains greatest in the southern counties at 3.56 inches below the mean.
- **Streamflow:** Monthly data indicates flow increased at all 12 monitoring stations, compared to last month. Seven stations ended the month within the “above-normal” range of historical values, while five were “normal”. Regional streamflow, based on three index rivers, was considered “normal” in the northern and central regions of the District, while slightly “above-normal” in the southern region.
- **Groundwater:** Monthly aquifer level data indicates that regional levels increased in all three regions of the District, compared to last month. The northern and central regions ended the month in the “normal” range, while the southern region was at “above-normal” levels.
- **Lake Levels:** Water level data indicates that regional lake levels increased in all four lake regions of the District, compared to last month. The Tampa Bay and Polk Uplands regions ended the month with levels within the “normal” range, while the Northern and Lake Wales Ridge regions ended the month with “below-normal” levels.
- **Overall:** Normal rainfall conditions in June resulted in overall improvements in hydrologic conditions throughout the District.

## RAINFALL



Attachment: JulyRecap (5161 : Hydrologic Conditions)

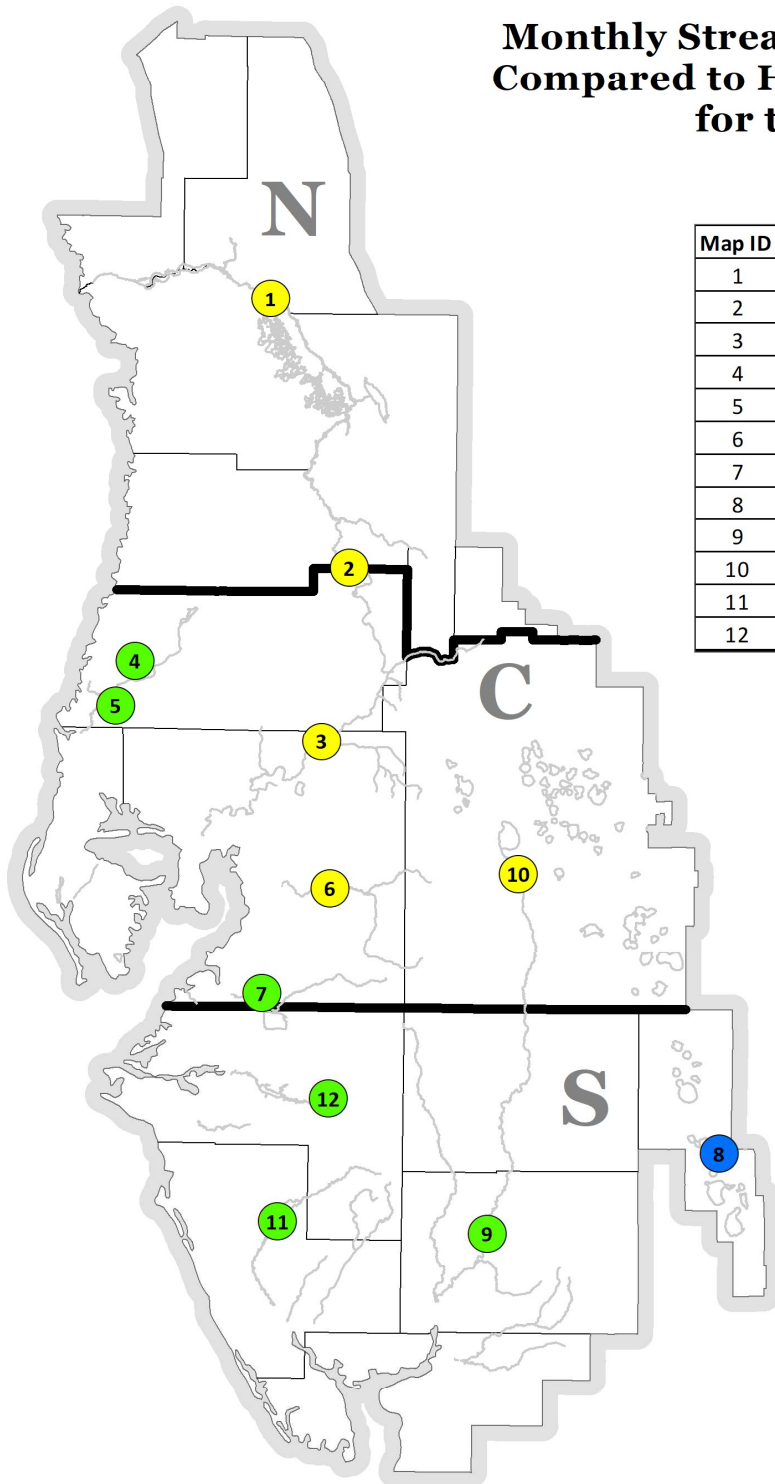
### RELATIONSHIP OF JUNE 2020 RAINFALL TO HISTORICAL RAINFALL AVERAGE Regional Summary (in inches):

Region	JUN 2020 Average Rainfall	Historical Average For JUN	Departure From Historical Average	Cumulative 12-month Rainfall JUL 2019 – JUN 2020	Historical 12-month Cumulative Rainfall	Departure From Historical 12-month Cumulative
Northern Counties	6.78	7.52	-0.74	52.07	53.61	-1.54
Central Counties	7.08	7.15	-0.07	52.13	52.43	-0.30
Southern Counties	7.78	8.00	-0.22	48.85	52.41	-3.56
District All Counties	7.24	7.55	-0.31	50.96	52.75	-1.79



# STREAMFLOW

## Monthly Streamflow for June 2020 Compared to Historical Streamflow for the Month of the Year



Map ID	Station Name
1	Withlacoochee River nr Holder
2	Withlacoochee River at Trilby
3	Hillsborough River nr Zephyrhills
4	Pithlachascotee River nr New Port Richey
5	Anclote River nr Elfers
6	Alafia River at Lithia
7	Little Manatee River nr Wimauma
8	Josephine Creek nr DeSoto City
9	Peace River at Arcadia
10	Peace River at Bartow
11	Myakka River nr Sarasota
12	Manatee River nr Myakka Head

### Streamflow Category

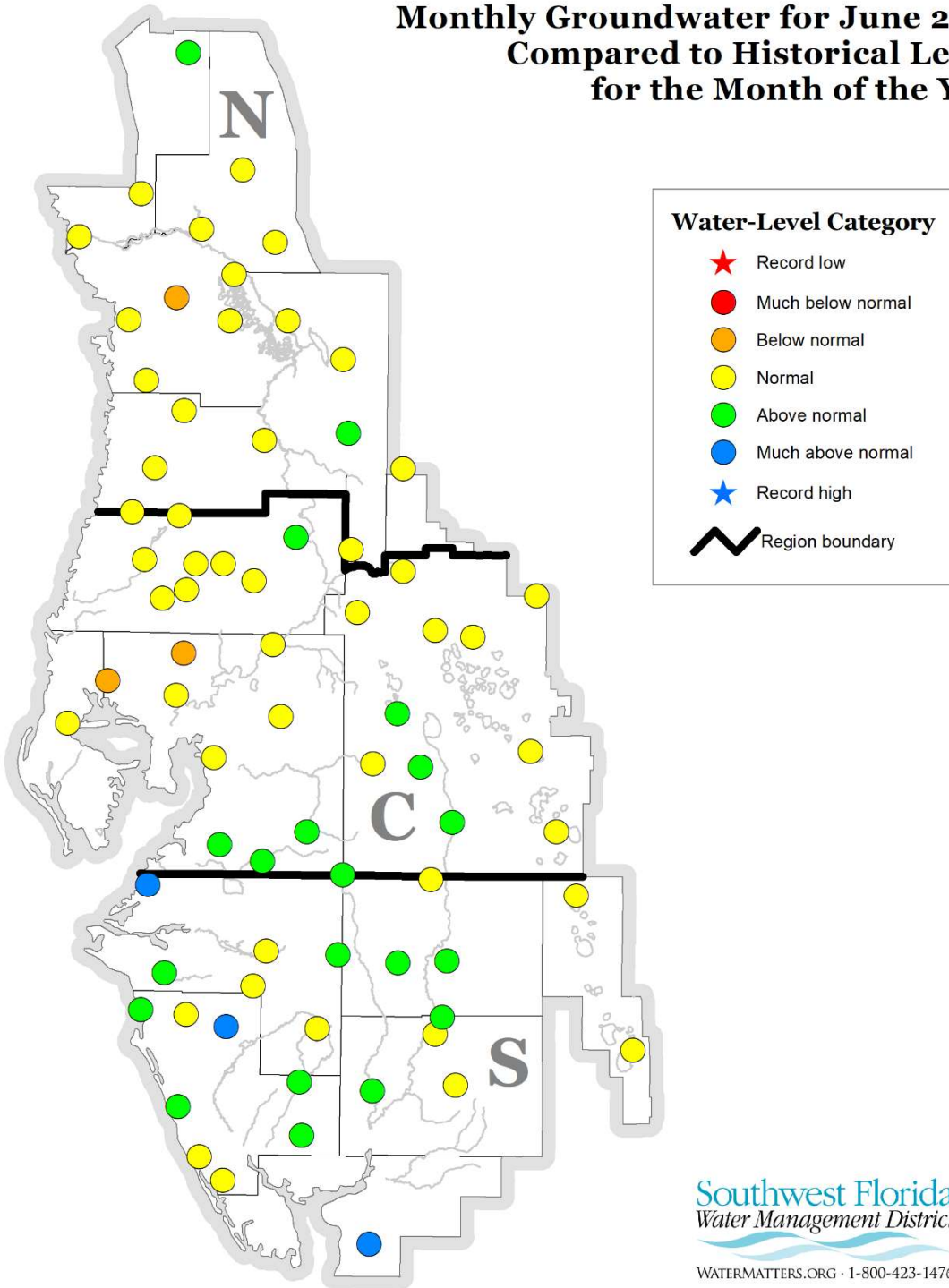
- ★ Record Low
- Much below normal
- Below normal
- Normal
- Above normal
- Much above normal
- ★ Record High
- Region boundary

Southwest Florida  
Water Management District

WATERMATTERS.ORG · 1-800-423-1476

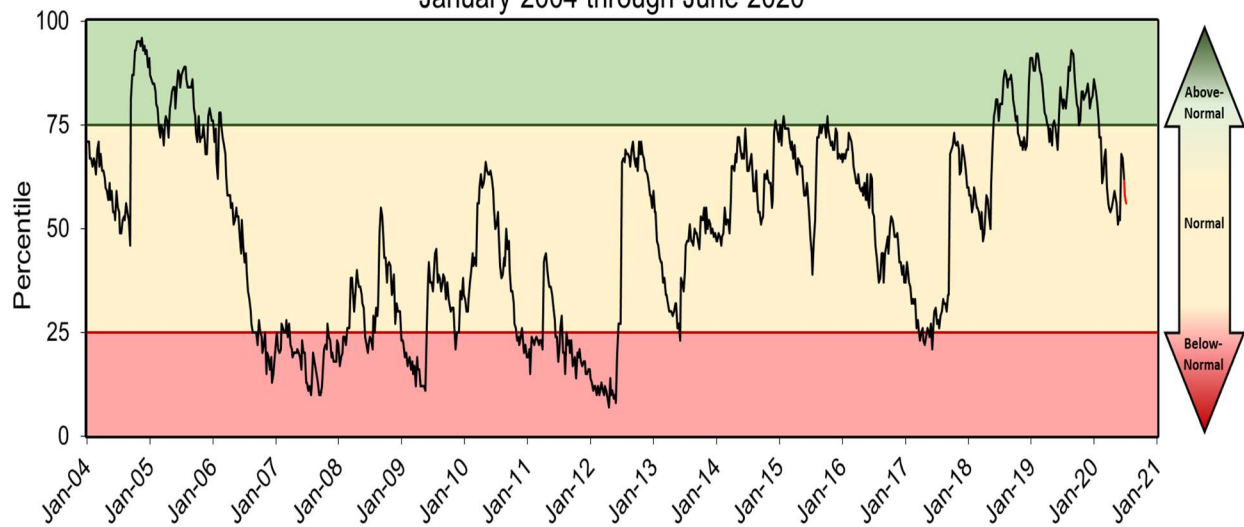
# GROUNDWATER

## Monthly Groundwater for June 2020 Compared to Historical Levels for the Month of the Year

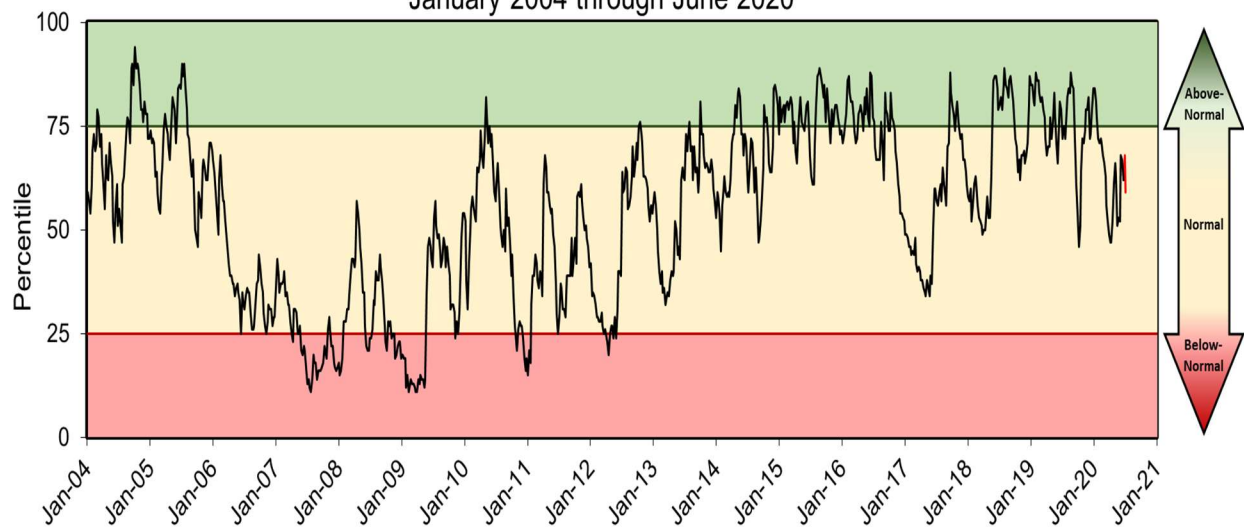


# GROUNDWATER (Continued)

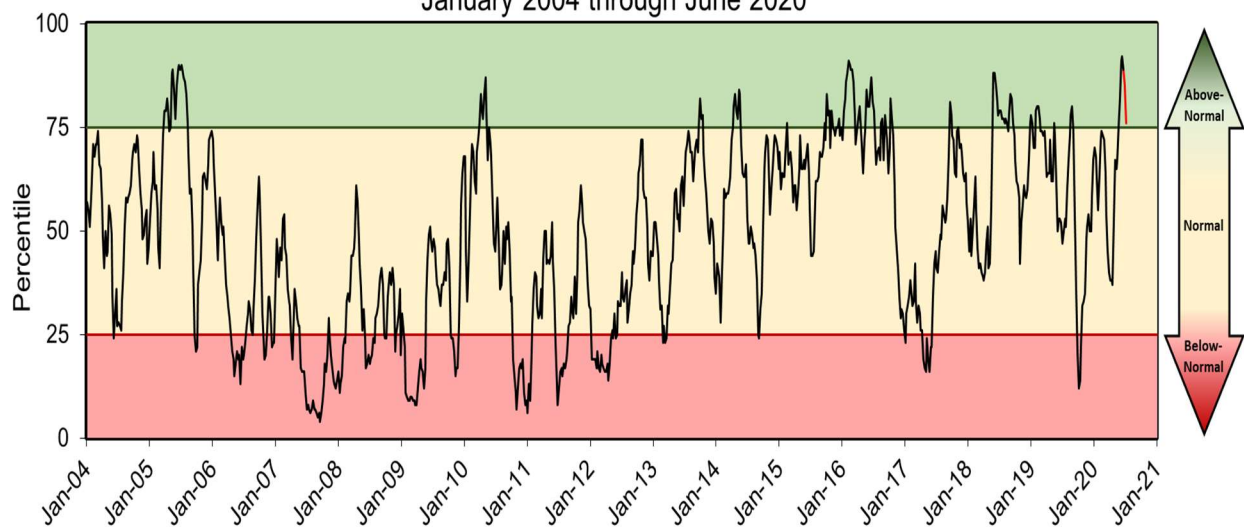
Groundwater Levels: Northern Counties  
January 2004 through June 2020



Groundwater Levels: Central Counties  
January 2004 through June 2020

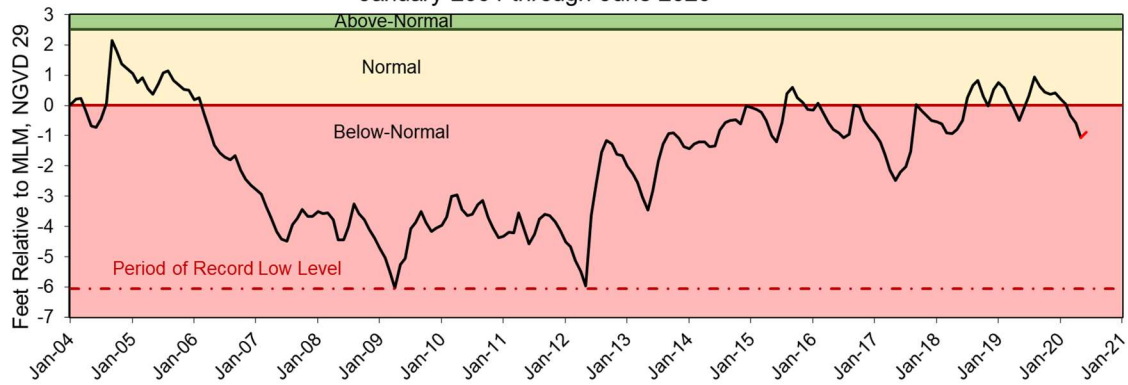


Groundwater Levels: Southern Counties  
January 2004 through June 2020

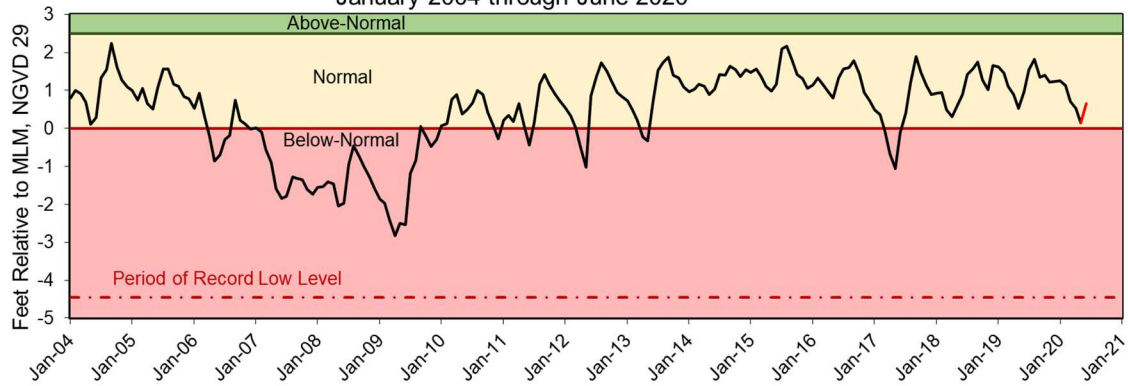


# LAKES

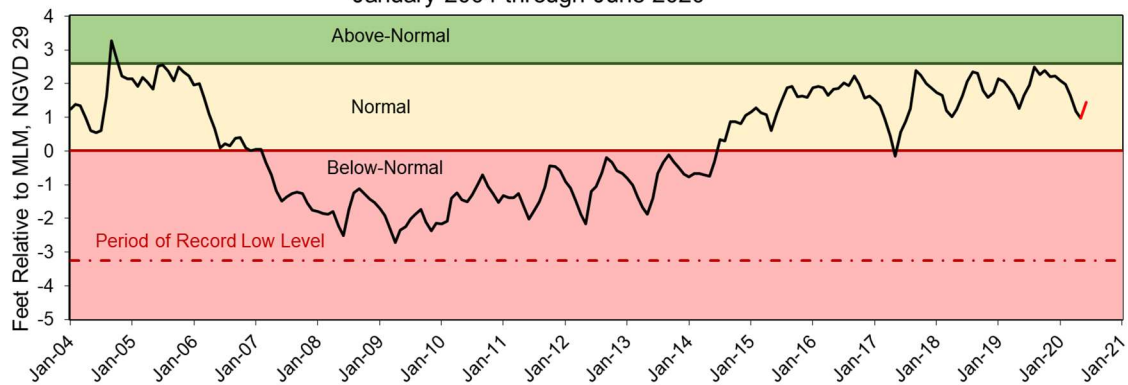
Surface Water Levels: Northern Lakes  
January 2004 through June 2020



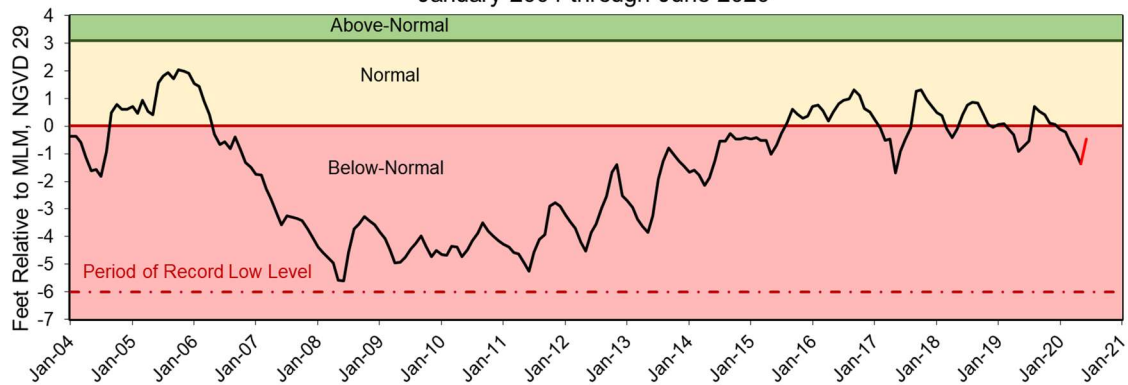
Surface Water Levels: Tampa Bay  
January 2004 through June 2020



Surface Water Levels: Polk Uplands  
January 2004 through June 2020



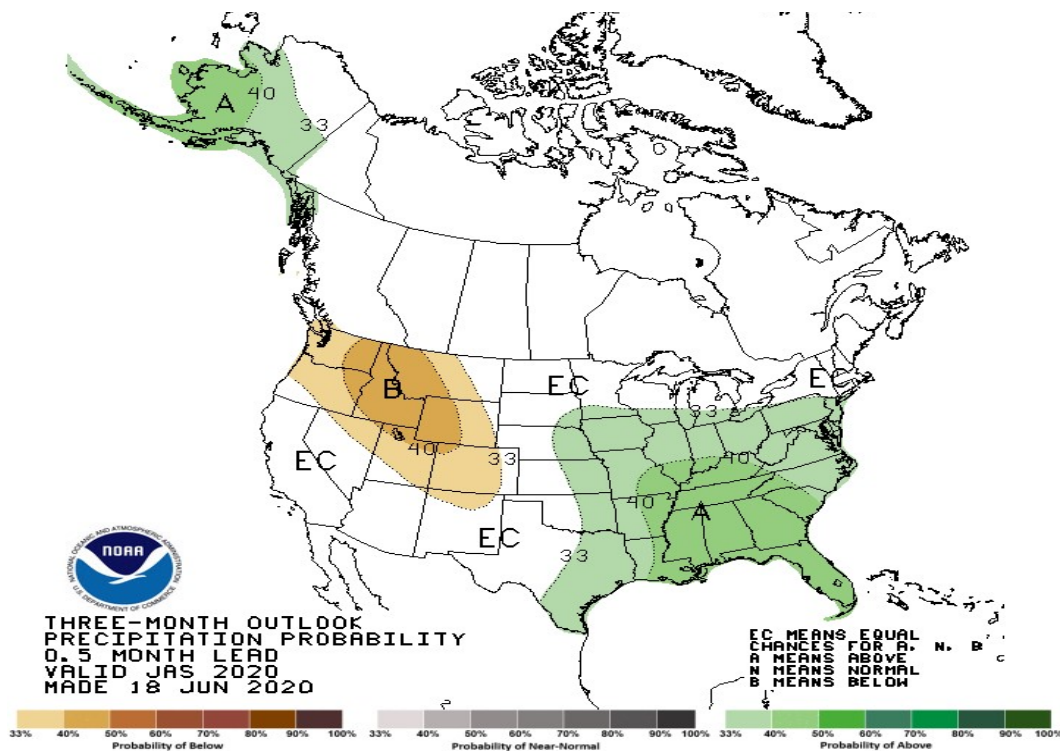
Surface Water Levels: Lake Wales Ridge Lakes  
January 2004 through June 2020



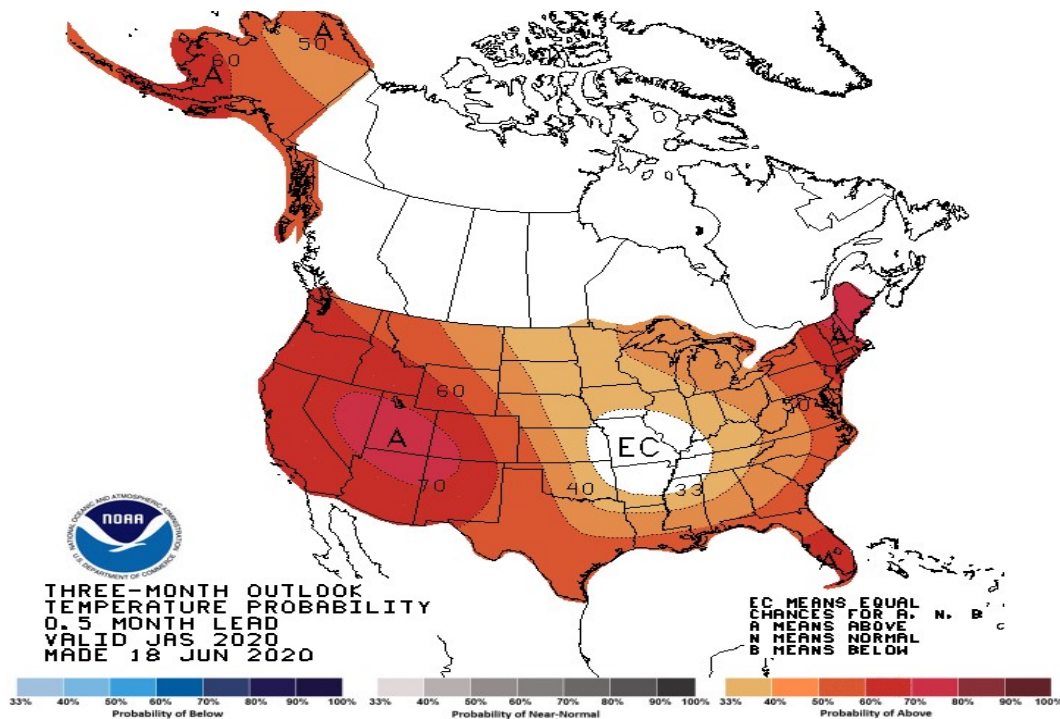


# NOAA THREE-MONTH WEATHER FORECAST

## Precipitation: Jul-Aug-Sep 2020



## Temperatures: Jul-Aug-Sep 2020



### NOAA Climate Prediction Center: Precipitation and Temperature Forecast

**July through September:** The three-month forecast, as of June 18, 2020, predicts above-normal rainfall throughout the District during the composite three-month period of July through September 2020.

The temperature forecast for this same time period indicates above-normal temperatures in all three regions of the District. For more information log on to the CPC's website at

<https://www.cpc.ncep.noaa.gov/products/predictions/90day/>.

# OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

July 28, 2020

## Routine Report

### Surplus Lands

#### *Purpose*

This report provides a status on the District's surplus lands program. Information is through July 2, 2020.

#### *Background*

In 2011, at the direction of the Governing Board, the District began a regular surplus lands assessment and sales of surplus lands program. The table below shows the status of the parcels declared surplus by the Governing Board.

Surplus Lands Status	Acres	Compensation
Sold, Exchanged or Transferred	1,761	\$8,745,719
Closing Pending		
Marketed by District (Annutteliga Hammock lots)	33	
Marketed by Broker	968	
Not Marketed	2,251	
<b>Total</b>	<b>5,013</b>	<b>\$8,745,719</b>

Sold from 5/3/2020 to 7/2/2020				
SWF Parcel No.	Date Closed	Acres	Contract Price	Appraised Value
None	N/A	0	\$0	\$0
<b>Total</b>		<b>0</b>	<b>\$0</b>	<b>\$0</b>

#### Staff Recommendation:

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

Presenters: Jerry Mallams, P.G., Operations and Land Management Bureau Chief and  
Ellen Morrison, Operations and Land Management Assistant Bureau Chief



# OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

July 28, 2020

## Routine Report

### Structure Operations

Summary of gate status and water levels for select water control structures on June 26, 2020. Refer to Exhibit A for District Structure Sites Location Map.

#### Tampa Bypass Canal

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Hillsborough River	S-155	22.84	38.0	21.0	Open
Upper Pool	S-159	22.14	38.0	21.0	Closed
Middle Pool	S-161	13.84	15.0	12.0	Closed
Lower Pool	S-160	9.75	11.0	9.0	Closed

\*Elevations above referenced to NGVD29 datum

#### Hillsborough River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Thonotosassa	Flint Creek	35.26	36.1	33.6	Closed

#### Lake June-in-Winter

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
June-in-Winter	G-90	73.36	74.4	72.1	Closed

#### North Winter Haven Chain of Lakes

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Smart	P-6	127.20	127.75	123.50	Closed
Lake Henry	P-5	124.67	125.50	123.00	Closed
Lake Fannie	P-7	123.65	124.75	122.50	Closed
Lake Hamilton	P-8	119.68	120.50	118.00	Closed

#### Peace River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Hancock	P-11	97.30	102.1	96.6	Closed

**Alafia River Watershed**

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Medard Reservoir	Medard	58.03	58.2	56.6	Closed

**Rocky Creek System**

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Pretty	Pretty	42.42	43.50	41.00	Open
Lake Armistead	Armistead	40.22	43.20	39.70	Open

**Brooker Creek System**

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Tarpon	S-155	2.36	3.10	1.50	Closed

**Sawgrass Lake**

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Sawgrass Lake	Sawgrass	3.55	3.20	3.00	Open

**Withlacoochee River Watershed**

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Rousseau	Inglis Main	26.60	27.10	25.60	Closed
Lake Rousseau	Inglis Bypass	26.60	27.10	25.60	Open

**Tsala-Apopka Chain of Lakes**

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Hernando Pool	S-353	36.27	38.10	36.40	Closed

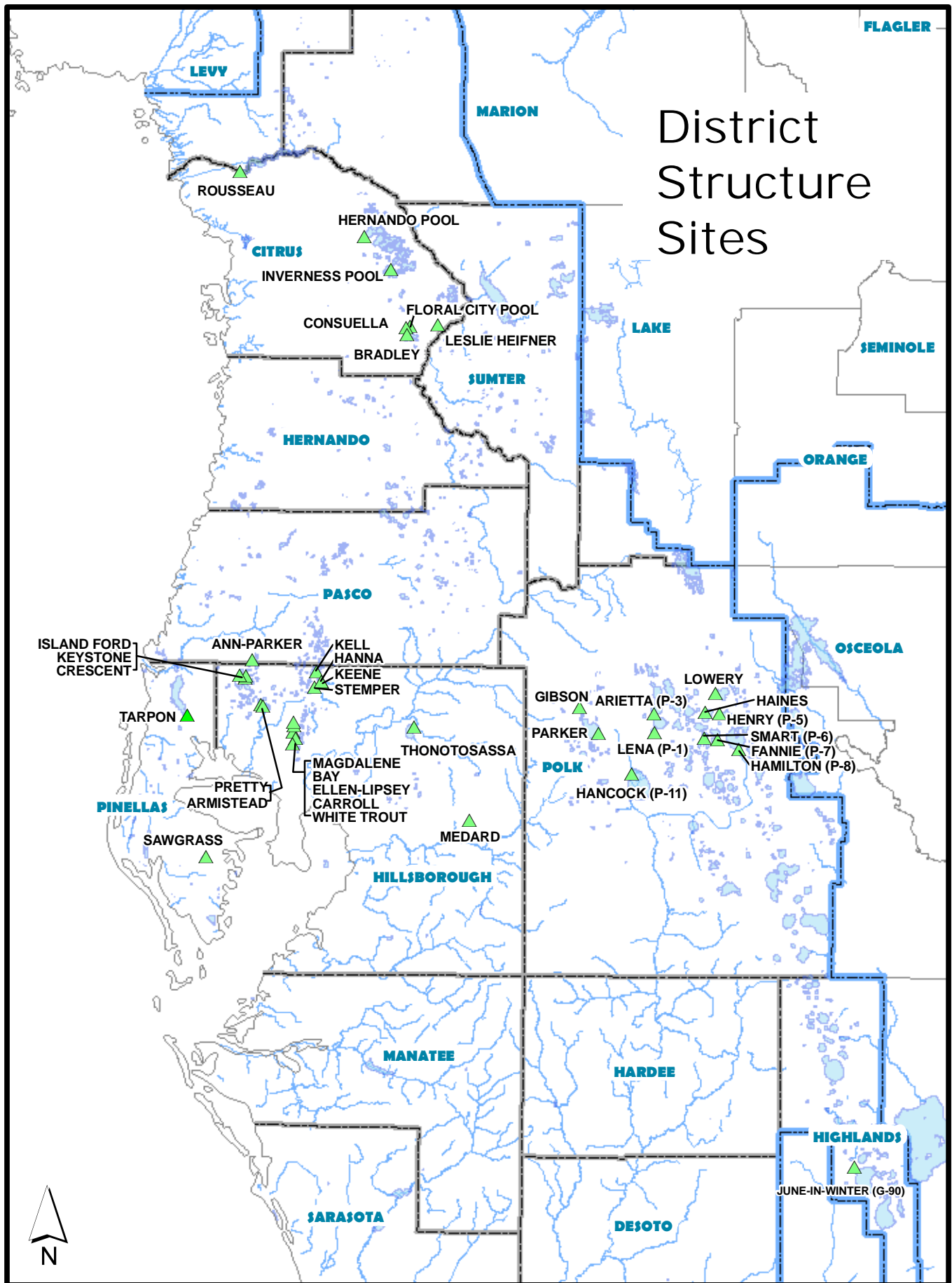
\*Elevations above referenced to NAVD88 datum

Staff Recommendation:

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

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

# Exhibit A



**OPERATIONS, LANDS, AND RESOURCE MONITORING**

**COMMITTEE July 28, 2020**

***Routine Report***

**Significant Activities**

**Staff Recommendation:**

**Presenters:** Jerry Mallams, P.G., Operations and Land Management Bureau Chief and  
Ellen Morrison, Operations and Land Management Assistant Bureau Chief

## **Significant Activities**

This report provides monthly information through June 23, 2020 on significant Operations and Land Management projects and programs. The report provides a brief description and status of significant activities associated with the projects that have recently occurred or are about to happen.

### Land Management

- Applied prescribed fire to 19,009 acres of conservation lands.
- Removed 1,096 feral hogs from District lands.
- Treated invasive exotic vegetation on 32,302 acres.
- Land resource-based revenue totals \$258,050.

### Land Resources-Land Use and Protection/Real Estate Services

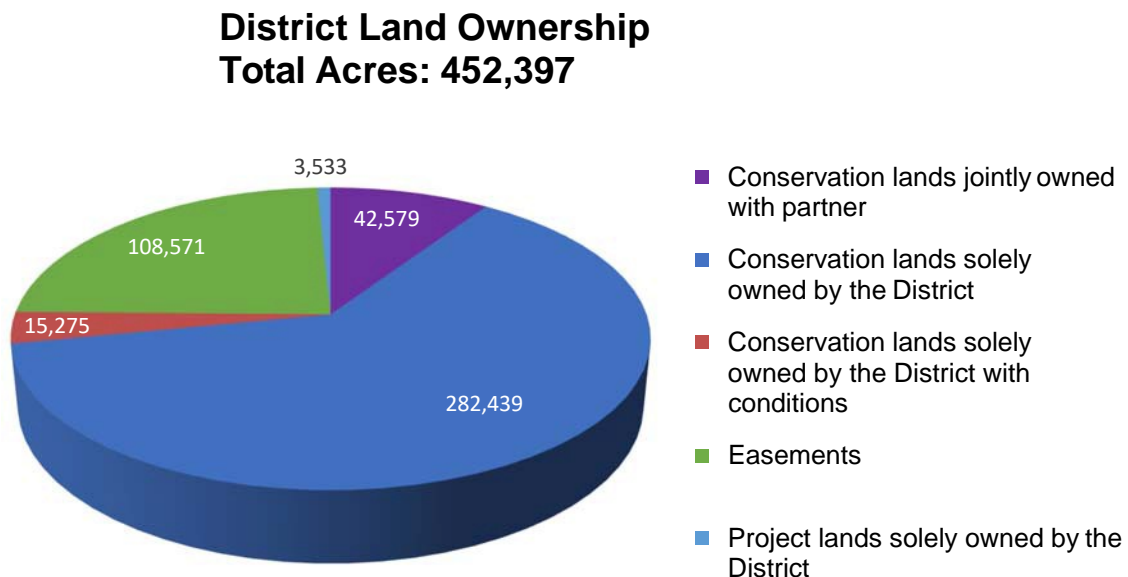
#### Issued Special Use Authorization:

- Florida Fish and Wildlife Conservation Commission (FWC) for vehicle access to select District properties to conduct 11 FWC Youth Program deer, hog, spring turkey, waterfowl hunting and camping events. *Covid-19 condition included.*
- Florida Natural Areas Inventory (FNAI) for vehicle access to the Myakka River – Deer Prairie Creek Preserve for up to two participants to conduct a rare plant survey. *Covid-19 condition included.*
- Linda Iwersen for ingress/egress vehicle access to private property via Green Swamp West – McNeill Project. *Covid-19 condition included.*
- Thomas Crain for ingress/egress vehicle access to private property via Chassahowitzka. *Covid-19 condition included.*
- Friends of the Weekiwachee Preserve for vehicle access to the Weekiwachee Preserve for up to eight participants to conduct a volunteer clean-up. *Covid-19 condition included.*
- SHARP/ROMP TR9-5 Well – Hillsborough County approved the purchase and sale of this monitor well at their County Commission meeting on June 17, 2020. The District's Governing Board previously approved at their May board meeting, and the District will be reimbursed for the purchase by FDEP.
- Received payment in the amount of \$1,510,000, for release of the Benderson conservation easement in Sarasota County. This item was approved at the District's May Governing Board meeting.
- Closed and received payment in the amount of \$225,000, for release and exchange of the Belmont conservation easement in Hillsborough County necessary for construction of an Interstate 75 flyover. This item was approved at the District's March Governing Board meeting.
- Closed and received payment in the amount of \$108,328 for the conveyance of Tampa Bypass Canal right-of-way necessary for the Maydell Drive Bridge replacement. This item was approved at the District's March Governing Board meeting.
- Closed on the right-of-way necessary for the construction of Ridge Road extension in Pasco County. This item was approved at the District's April Governing Board meeting.
- Closed on an easement for electrical service at Three Sisters Springs in Citrus County,

necessary for the restroom improvements. This item was approved at the District's April Governing Board meeting.

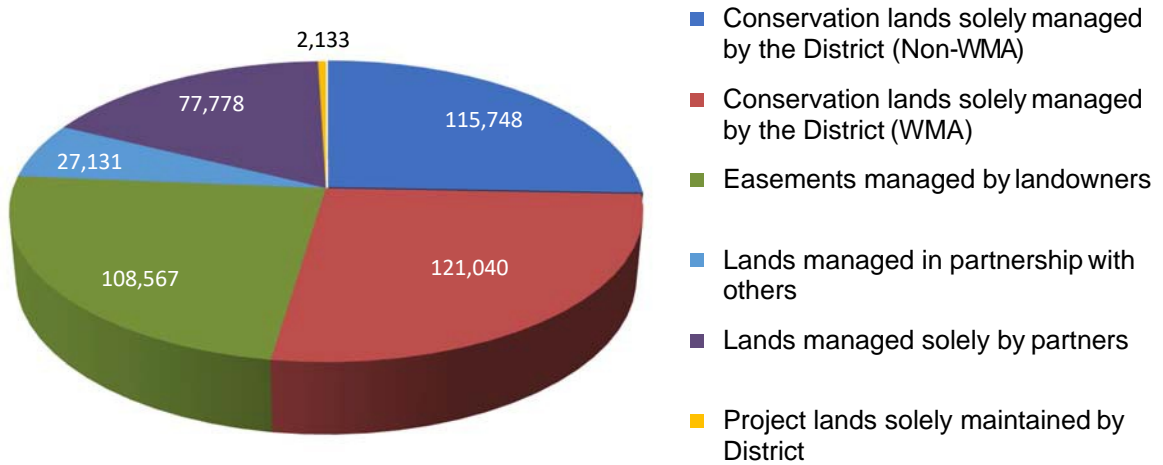
- Closed on an easement for electrical service at Sawgrass Lake Park in Pinellas County, necessary for the water control structure. This item was approved at the District's April Governing Board meeting.
- Closed on amending the terms of a District easement for an electric transmission corridor along the Tampa Bypass Canal. This item was approved at the District's April Governing Board meeting.
- All volunteer hours were conducted in a manner consistent with the direction of Governor Ron DeSantis to uphold the Centers for Disease Control and Prevention guidance on social distancing by avoiding gatherings larger than 10 people and distancing themselves a minimum of six feet from others. Volunteers provided 179 hours of service at a value of approximately \$4,217.24 to the District's conservation/recreation lands. Volunteer services included campground maintenance, trash removal, fence repair, mowing, and other miscellaneous tasks to assist in recreation and land management duties.
- The District reopened campgrounds at 50% capacity on June 3, 2020, with directives to campers to practice social distancing and follow CDC guidelines. Processed 253 requests and provided 691 camping opportunities on District lands.

The following is a breakdown of District land interests:





## Land Management and Maintenance Total Acres: 452,397



Staff Recommendation:

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



## Governing Board Meeting July 28, 2020

<b>REGULATION COMMITTEE</b>
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### ***Discussion Items***

35. Consent Item(s) Moved for Discussion.....186
36. Denials Referred to the Governing Board.....187

### ***Submit & File Reports – None***

### ***Routine Reports***

37. Individual Permits Issued by District Staff.....188
38. Overpumpage Report.....190

**REGULATION COMMITTEE**

**July 28, 2020**

***Discussion Item***

**Consent Item(s) Moved for Discussion**

Staff Recommendation:

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

**REGULATION COMMITTEE**

**July 28, 2020**

***Discussion 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

**REGULATION COMMITTEE**

**July 28, 2020**

***Routine Report***

**Individual Permits Issued by District Staff**

Please see the attached report.

**Staff Recommendation:**

This item is provided for the Committee's information and no action is required.

**Presenter:** Michelle Hopkins, P.E., Division Director, Regulation



## INDIVIDUAL PERMITS ISSUED: ERPS – JUNE 2020

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
43014123.149	MacDill AFB Clear Zone	Hillsborough	Proposed work required to increase the lateral clear zone for the MacDill Air Force Base (AFB) runway from the current 750 feet to 1,000 feet.	653.35	19.34	19.34	0.00
43034558.004	Windward - SWERP Major Modification	Sarasota	Construction of a stormwater management system serving a 450.00-acre residential subdivision.	450.00	50.08	13.7	11.01
43041373.006	Aviary Mass Grading Phases II through IV	Manatee	Construction of a stormwater management system serving a 167.51-acre mass grading project to facilitate a future residential development for phases II through IV.	167.51	29.45	10.55	15.23
43043594.002	Copart Thonotosassa	Hillsborough	Construction of a stormwater management system serving a 127.19-acre commercial project.	127.19	15.06	15.06	0.00
43013559.046	Avalon Park West - North Phase 1A & 1B and Amenity Center	Pasco	Modification of a previously permitted stormwater management system approved under Permit Nos. 49013559.016 and 43013559.029, serving a 133-acre residential development.	133.00	11.76	8.92	0.00

***Wetland Mitigation Acres may be zero or less than Wetland Acres Impacted for a variety of reasons. Some of those reasons are: impacted wetlands require no mitigation by rule (e.g., upland cut manmade ditches, etc.); quality of the impacted wetlands is less than the quality of proposed mitigation; or mitigation is provided through a different permit or a mitigation bank.***

**REGULATION COMMITTEE**

**July 28, 2020**

***Routine Report***

**Overpumpage Report**

Please see the attached report.

Staff Recommendation:

This item is provided for the Committee's information and no action is required.

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

# Overpumpage Report May 2020

## Under Review <sup>(1)</sup> Permit Application In-House <sup>(2)</sup> Forwarded to OGC <sup>(3)</sup>

Permit No.	Permit Holder	Use Type	Permitted Quantity (gpd)	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<b><i>New From Previous Report</i></b>						
7121.006	Citrus County BOCC (Charle A. Black Water Supply System) <sup>1</sup>	Public Supply	4,597,000	3/1/2020 4,850,715 gpd 5.52%	05/01/2020 4,890,523 gpd 6.39%	Brooksville

(1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

# Overpumpage Report May 2020

## Under Review <sup>(1)</sup> Permit Application In-House <sup>(2)</sup> Forwarded to OGC <sup>(3)</sup>

Permit No.	Permit Holder	Use Type	Permitted Quantity (gpd)	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<b>Continuing From Previous Report</b>						
9670.006	Ace Crescent Oaks, Inc. (Ace Crescent Oaks Country Club) <sup>1</sup>	Recreation - Lawn/Landscaping and Golf Course	285,800	2/1/2020 310,852 gpd 8.77%	05/01/2020 306,007 gpd 7.07%	Tampa
1616.009	Lake Region Mobile Home Owners (Lake Region Village) <sup>1</sup>	Public Supply	91,500	2/1/2020 107,699 gpd 17.70%	05/01/2020 116,904 gpd 27.76%	Bartow
7139.004	Buttonwood Bay Utilities <sup>1</sup>	Public Supply – Modular Home Community	203,000	9/1/2019 216,808 gpd 6.80%	05/01/2020 226,792 gpd 11.72%	Bartow
10923.001	Spruce Creek Golf, LLC. <sup>3</sup>	Recreation – Golf Course	163,600	4/1/2019 513,085 gpd 213.62%	05/01/2020 495,162 gpd 202.67%	Brooksville
1854.008	Panther Trails CDD <sup>3</sup>	Recreation - Lawn/Landscaping	4,600	02/01/2019 11,573 gpd 151.59%	05/01/2020 6,799 gpd 47.80%	Tampa
1156.012	Bay Laurel Center Public Water Supply System <sup>2&amp;3</sup>	Public Supply	2,555,000	09/01/2016 2,696,799 gpd 5.55%	05/01/2020 3,526,841 gpd 38.04%	Brooksville
7002.004	MHC FR Utility Systems, LLC. <sup>2&amp;3</sup>	Public Supply	97,100	04/01/2015 104,929 gpd 8.06%	05/01/2020 137,433 gpd 41.54%	Tampa

(1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

Attachment: May 2020 Pumpage for July-2020 Routine GB Reports - Overpumpage Report (5157 :



**Governing Board Meeting  
July 28, 2020**

<b>GENERAL COUNSEL’S REPORT</b>
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***Discussion Items***

39. Consent Item(s) Moved for Discussion .....	193
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***Submit & File Reports – None***

***Routine Reports***

40. July 2020 Litigation Report .....	194
41. July 2020 Rulemaking Update .....	198

**GENERAL COUNSEL'S REPORT**

**July 28, 2020**

***Discussion Item***

**Consent Item(s) Moved for Discussion**

Staff Recommendation:

Presenter: Karen E. West, General Counsel



**GENERAL COUNSEL'S REPORT**

**July 28, 2020**

***Routine Report***

**July 2020 Litigation Report**

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT**  
**July 2020**

**OPEN ENFORCEMENT CASES**

63 Cases as of July 1, 2020

Case Style	Court/Case No.	Attorney	Description	Date Opened	Date Closed
<b>Division of Administrative Hearings (DOAH)</b> <b>Enforcement, Permit, and Agency Action Challenges</b>					
Denlinger v. Summit View, LLC, and SWFWMD	N/A	J. Fussell A. Witherup	Administrative Challenge – ERP	8/20/19	9/6/19 – Dismissed (Pending Appeal)
Walden Pointe HOA v. SWFWMD	DOAH 20-000896	J. Fussell A. Dhand	Administrative Challenge – ERP	2/04/20	
EDRO Holdings, LLC v. SWFWMD	N/A	J. Fussell	Administrative Challenge – ERP	6/3/20	6/29/20- Notice of Voluntary Dismissal
<b>County Court Litigation</b>					
None					
<b>Circuit Court Litigation</b>					
Uranowski v. SWFWMD	Hernando County Case No. 16-CA-976	T. Gonzalez (outside counsel)	Employment Discrimination	9/30/16	
Heritage Lake Park CDD v. SWFWMD, et al.	Charlotte County Case No. 18-CA-1191	C. Tumminia	Foreclosure (delinquent ad valorem taxes)	12/21/18	
Cow Hammock, LLC v. Suggs & SWFWMD	Sumter County Case No. 19-CA-142	C. Tumminia	Quiet Title	4/22/19	
SWFWMD v. Jacobs Engineering Group, Inc.	Hernando County Case No. 2019-CA-001105	M. McNeil	Breach of Contract and Professional Malpractice	9/27/19	
SWFWMD v. The Links at River Ridge	Pasco County Case No. 2019-CA-003331	C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies –	10/8/19	5/19/20 – Settled (Dismissal)

			Unauthorized Water Use		Pending Compliance)
SWFWMD v. Kelly Family Holdings, LLC	Charlotte County Case No. 19001087CA	C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies – WUP Overpumpage	10/15/19	
Duke Energy Florida, LLC v. SWFWMD, et al.	Pasco County Case No. 2019-CA-003821	J. Fussell	Petition in Eminent Domain	12/05/19	
SWFWMD v. Etcetera, Etc., Inc.	DeSoto County Case No. 2020-CA-000017	C. Tumminia M. Albrecht	Petition for Enforcement and Complaint for Civil Remedies – ERP	1/15/2020	6/23/20 – Settled (Dismissal Pending Compliance)
SWFWMD v. Carl Douglas Jr.	Charlotte County Case No. 20CA0112	E. Fernandez C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies – Well Construction Violations	2/06/2020	
SWFWMD v. Holloway Park Foundation, Inc.	Polk County Case No. 20-CA-000632	A. Vining	Petition for Enforcement and Complaint for Civil Remedies – ERP	2/19/2020	
SWFWMD v. Waylon J. Howard	Hillsborough County Case No. 20CA-00230	E. Fernandez M. Albrecht	Petition for Enforcement and Complaint for Civil Remedies – Well Construction Violations	3/12/2020	
SWFWMD v. MGM of West Florida, LLC	Manatee County Case No. 20CA-001336	E. Fernandez A. Dhand	Petition for Enforcement and Complaint for Civil Remedies – ERP	4/01/2020	

<b>SWFWMD v. Straubel, Bruce</b>	<b>Polk County Case No. 20-CA-001700</b>	<b>M. Albrecht C. Tumminia</b>	<b>Petition for Enforcement and Complaint for Civil Remedies – ERP</b>	<b>05/18/2020</b>	
<b>Federal District Court Litigation</b>					
<b>Gilberti v. DeSantis, SWFWMD, et al.</b>	<b>U.S. Middle Dist. FL. 2:19-282-FtM</b>	<b>E. Fernandez C. Tumminia</b>	<b>R.I.C.O.</b>	<b>5/28/19</b>	<b>5/15/20 – Dismissed (Pending Rehearing)</b>
<b>Michael Lapham v. SWFWMD &amp; FWC</b>	<b>US Middle Dist. FL. Case No. 5:19-cv-00579</b>	<b>A. Vining M. Bray</b>	<b>Civil Rights – Americans with Disabilities Act</b>	<b>1/10/2020</b>	
<b>Appeals</b>					
<b>Harry and Janet Denlinger v. SWFWMD</b>	<b>Second District Court of Appeal Case No. 2D19-3835</b>	<b>M. Bray J. Fussell A. Witherup</b>	<b>Appeal of Final Order of Dismissal with Prejudice</b>	<b>10/04/2019</b>	
<b>Delegated Consent Orders</b>					
<b>NONE</b>					

**GENERAL COUNSEL'S REPORT**

**July 28, 2020**

***Routine Report***

**July 2020 Rulemaking Update**

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**RULEMAKING UPDATE**  
**JULY 2020**  
**PROPOSED RULES & AMENDMENTS**

<b>RULE</b>	<b>INITIATION DATE</b>	<b>NEXT SCHEDULED ACTION</b>	<b>BOARD PROJECTED/ APPROVED DATE</b>
1. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, F.A.C., to Delete a Portion of the Minimum Flow Provisions for the Upper and Lower Pithlachascotee River	March 2020	Effective Approx. July 2020	March 2020
2. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, F.A.C., to Delete a Portion of the Minimum Flow Provisions for the Crystal River/Kings Bay System	March 2020	Effective Approx. July 2020	March 2020
3. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Revised Minimum and Guidance Levels for Lake Marion in Levy County	April 2020	Effective Approx. July 2020	April 2020
4. Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, F.A.C., to Update the Water Use Permit Applicant's Handbook, Part B	May 2020	Effective Approx. August 2020	May 2020
5. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Linda in Pasco County	August 2020	Initiation and Approval, August 2020 Governing Board meeting	August 2020

Attachment: 7-2020 General Counsel - Rulemaking Update (for July 2020 GB-Meeting) (5165 : July 2020 Rulemaking Update)





**COMMITTEE/LIAISON REPORTS**

**July 28, 2020**

***Discussion Item***

**Environmental Advisory Committee**

Staff Recommendation:

Presenter: Roger Germann, Board Member



**EXECUTIVE DIRECTOR'S REPORT**

**July 28, 2020**

***Discussion Item***

**Executive Director's Report**

Staff Recommendation:

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



**CHAIR'S REPORT**

**July 28, 2020**

***Discussion Item***

**Chair's Report**

Staff Recommendation:

Presenter: Mark Taylor, Chair

**CHAIR'S REPORT**

**July 28, 2020**

***Routine Report***

**Employee Milestones**

Staff Recommendation:

Presenter: Mark Taylor, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
10	07/06/2010	Cale Broom	Senior Vegetation Management Specialist	Bartow	Operations and Land Management	2020	07/06/2020
10	07/06/2010	Shannon Maynard	Staff Chemist	Brooksville	Data Collection	2020	07/06/2020
10	07/06/2010	Stacy Joyner	Staff Field Technician	Tampa	Data Collection	2020	07/06/2020
10	07/12/2010	Mark Lapham	Professional Surveyor-Mapper	Brooksville	Data Collection	2020	07/12/2020
25	07/10/1995	Karen West	General Counsel	Tampa	Office of General Counsel	2020	07/10/2020
30	07/09/1990	Joe Oros	Senior Professional Geologist/Engineer	Tampa	Water Use Permit	2020	07/09/2020
35	07/02/1985	Lori Manuel	Administrative Coordinator	Brooksville	Communications and Board Services	2020	07/02/2020