

# Governing Board Meeting

## *Agenda and Meeting Information*

*November 13, 2018*

*9:00 AM*

*Tampa Office*

7601 US Hwy. 301 • Tampa, Florida  
(813) 985-7481

Southwest Florida  
Water Management District

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# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
WaterMatters.org

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Bureau Chief at 2379 Broad Street, Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only), ext. 4703; or email [ADACoordinator@WaterMatters.org](mailto:ADACoordinator@WaterMatters.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

## Final Agenda GOVERNING BOARD MEETING

NOVEMBER 13, 2018

9:00 AM

### Tampa Office

7601 US HWY. 301, TAMPA, FL 33637  
(813) 985-7481

☞ *All meetings are open to the public.* ☞

- Viewing of the Board meeting will be available at each of the District offices and through the District's web site ([www.watermatters.org](http://www.watermatters.org)) -- follow directions to use internet streaming.
- Public input will be taken only at the meeting location.
- 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 33830-7700  
(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 Hwy 301 N (Fort King Highway)  
Tampa, Florida 33637-6759  
(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)*****Resource Management Committee***

5. Authorize Submission of Preliminary Flood Insurance Rate Maps for the City of Oldsmar Watershed Management Plan in Pinellas County to the Federal Emergency Management Agency (N546)
6. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Pierce Lake in Pasco County (P256)

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

7. Approval of the District's Investment Policy
8. Budget Transfer Report

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

9. Release of Easement and Quit Claim Deed for Central Florida Water Initiative Project, Eagle Lake, SWF Parcel No. 20-020-134
10. Perpetual Easement Donation – Central Florida Water Initiative Project, Eagle Lake, SWF Parcel No. 20-020-174

***Regulation Committee***

11. Budget Transfer - Environmental Resource Permit Program Support (P432)
12. Individual Water Use Permits Referred to the Governing Board - None

***General Counsel's Report***

13. Decline Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101C
14. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval - None
15. Rulemaking-None

***Executive Director's Report***

16. Approve Governing Board Minutes - October 23, 2018

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

17. Consent Item(s) Moved for Discussion
18. Potable Reuse Commission Update
19. Water Incentives Supporting Efficiency (WISE) Program (B015)

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

20. Minimum Flows and Levels Status Report
21. Significant Water Resource and Development Projects

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

22. Consent Item(s) Moved for Discussion
23. Information Technology Bureau Enterprise Computer and Storage Replacement

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

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

## 28. Development of Regional Impact Activity Report

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

29. Consent Item(s) Moved for Discussion

30. Hydrologic Conditions Report

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

31. Surplus Lands Update

32. Structure Operations

33. Significant Activities

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

34. Consent Item(s) Moved for Discussion

35. Denials Referred to the Governing Board

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

36. Dover/Plant City Water Use Caution Flow Meter AMR Implementation Program Update

37. Overpumpage Report

38. Individual Permits Issued by District Staff

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

39. Consent Item(s) Moved for Discussion

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

40. November 2018 Litigation Report

41. November 2018 Rulemaking Update

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

42. Industrial Advisory Committee

43. Public Supply Advisory Committee

44. Other Committee/Liaison Reports

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

45. Executive Director's Report

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

46. Chair's Report

47. Other

48. Employee Milestones

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

**ANNOUNCEMENTS**<http://www.swfwmd.state.fl.us/calendar>

- Governing Board Meeting Schedule:

Meeting - Brooksville .....	December 11, 2018
Meeting - Tampa .....	January 22, 2019
Meeting - Sarasota .....	February 26, 2019
Meeting - Brooksville .....	March 26, 2019

- Governing Board Public Budget Hearing Schedule:

Tentative Budget - Tampa .....	September 10, 2019
Final Budget - Tampa .....	September 24, 2019

- Advisory Committees Meeting Schedule:

Agricultural - Tampa .....	December 6, 2018
Green Industry - Tampa .....	December 6, 2018
Environmental - Tampa .....	January 8, 2019
Well Drillers - Tampa .....	January 9, 2019

**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 July 2018

OFFICERS	
Chair	Jeffrey M. Adams
Vice Chair	Ed Armstrong
Secretary	Bryan K. Beswick
Treasurer	Michelle Williamson

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
Randall S. Maggard, Chair
James G. Murphy, Vice Chair
Kelly S. Rice
Mark Taylor

RESOURCE MANAGEMENT COMMITTEE
Kelly S. Rice, Chair
John Henslick, Vice Chair
Bryan K. Beswick
Scott Wiggins

REGULATION COMMITTEE
Mark Taylor, Chair
John Henslick, Vice Chair
H. Paul Senft
Rebecca Smith

FINANCE/OUTREACH AND PLANNING COMMITTEE
Michelle Williamson, Chair
Ed Armstrong, Vice Chair
Joel Schleicher
Scott Wiggins

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

STANDING COMMITTEE LIAISONS	
Agricultural Advisory Committee	Bryan K. Beswick
Environmental Advisory Committee	Michelle Williamson
Green Industry Advisory Committee	Mark Taylor
Industrial Advisory Committee	Rebecca Smith
Public Supply Advisory Committee	H. Paul Senft
Well Drillers Advisory Committee	James G. Murphy

OTHER LIAISONS	
Central Florida Water Initiative	H. Paul Senft/Jeffrey M. Adams (alt)
Springs Coast Steering Committee	Kelly S. Rice
Charlotte Harbor National Estuary Program Policy Board	John Henslick
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Jeffrey M. Adams
Tampa Bay Regional Planning Council	Ed Armstrong



# Executive Summary

## GOVERNING BOARD MEETING

NOVEMBER 13, 2018

9:00 a.m.

*If viewing this document electronically, links are available from the Executive Summary to the item's information page. To return to the Executive Summary, click within the item text.*

### CONVENE PUBLIC HEARING & 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.

#### Resource Management Committee

5. Authorize Submission of Preliminary Flood Insurance Rate Maps for the City of Oldsmar Watershed Management Plan in Pinellas County to the Federal Emergency Management Agency

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use Watershed Management Plan (WMP) floodplain information for updating Flood Insurance Rate Maps (FIRMs) for twenty watersheds in Hernando County, eight watersheds in Pasco County, seven watersheds in Citrus County, four watersheds in Manatee County, six watersheds in Sarasota County, four watersheds in Polk County, two watersheds in DeSoto County, five watersheds in Hardee County, three watersheds in Highlands County, one watershed in Pinellas County, two watersheds in Sumter County, twelve watersheds in Marion County and three watersheds in Hillsborough County. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2018-2022. Upon the Governing Board's approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the City of Oldsmar watershed was prepared by a cooperator hired consultant (Engineering Firm of Record), reviewed by District and City of Oldsmar staff, and then



reviewed by the cooperator's independent peer review consultant (see table below). Floodplain information for the watershed was presented for review and comment during a public workshop held on November 30, 2017. Affected property owners were notified of the workshop by print advertisement and media release with a total of 15 people in attendance. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent most accurate floodplain information available for the watershed.

Watershed	Engineering Firm of Record	Peer Review
City of Oldsmar in Pinellas County	CH2M Hill Engineers, Inc.	Jones Edmunds & Associates, Inc.

Staff recommends the Board approve use of the City of Oldsmar Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Pinellas County.

**6. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Pierce Lake in Pasco County (P256)**

Minimum levels are water levels at which further withdrawals would be significantly harmful to the water resources of the area. Guidance levels are used to describe expected water level fluctuations and serve as advisory information for the construction of lakeshore development, water dependent structures, and operation of water management structures. Minimum and Guidance levels for Pierce Lake were adopted into Rule 40D-8.624, F.A.C., in May 2008. Section 373.0421(3), Florida Statutes, requires that minimum flows and levels shall be reevaluated periodically and revised as needed.

Pierce Lake is included in the Northern Tampa Bay group of lakes selected for Minimum and Guidance level reevaluation. These reevaluations are being completed using up-to-date hydrologic, biologic, and survey data; recently-developed hydrologic models, and peer-reviewed methodologies, to determine if any revisions are needed for currently adopted levels. Based on this reevaluation, and as shown in the attached Exhibit (Table 8-2), the Minimum Lake Level is proposed to decrease 0.7 feet and the High Minimum Lake Level is proposed to decrease 0.3 feet. The High Guidance Level is proposed to remain unchanged, and the Low Guidance Level is proposed to decrease 0.4 feet.

The technical report outlining the development of the newly proposed levels for Pierce Lake was posted on the District's website prior to a public workshop held on September 28, 2018. The workshop was held within reasonable proximity to the lake and had four members of the public in attendance. District staff addressed questions and concerns at the workshop relating to the proposed Minimum and Guidance levels. A summary of the public workshop, including comments and discussion, is available upon request.

An updated assessment of status was performed, and Pierce Lake water levels were determined to be above the proposed High Minimum Lake Level and the Minimum Lake Level. Pierce Lake is included in the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area (40D-80.073, F.A.C). Therefore, the analyses outlined in this document for Pierce Lake will be reassessed by the District and Tampa Bay Water as part of this plan, and as part of Tampa Bay Water's Water Use Permit Recovery Assessment Plan (required by Chapter 40D-80, F.A.C. and the Consolidated Permit (No. 20011771.001)). The District plans to continue regular monitoring of water levels in Pierce Lake and will also routinely evaluate the status of the water levels with respect to adopted minimum levels for the lake included in Chapter 40D-8, F.A.C.

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

within one year of implementation.

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

Staff recommends the Board:

- A. Accept the report entitled, "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Pierce Lake in Pasco County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Pierce Lake in Pasco County, as shown in the Exhibit.

**Finance/Outreach & Planning Committee**

**7. Approval of the District's Investment Policy**

At the October 23, 2018, Governing Board meeting a brief presentation was provided noting the recommended changes to the Policy. The Board members were encouraged to review the Policy and the recommended changes and contact District staff or the District's Investment Advisors with any questions or additional recommended changes that they may have, if any.

The following minor modifications have been incorporated along with any additional recommended revisions received from the Governing Board members.

1. The name of the benchmarks is being updated to reflect the name of the new owner of the benchmark, ICE as opposed to B of A.
2. The Intergovernmental Fund (LGIP) rating was updated from AAA to AAAM which would limit the District only to funds that are stable NAV (dollar in - dollar out) just like the rating for the Florida PRIME allocation.

By reviewing and updating the District's Investment Policy within sixty (60) days following the end of the fiscal year, the Governing Board and management will be in compliance with the Investment Policy.

Staff recommends the Board approve and accept the recommended updates to the District's Investment Policy.

**8. Budget Transfer Report**

In accordance with Board Policy No. 130-8, *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.

Staff recommends the Board's approval of the Budget Transfer Report covering all budget transfers for October 2018.

**Operations, Lands and Resource Monitoring Committee****9. Release of Easement and Quit Claim Deed for Central Florida Water Initiative Project, Eagle Lake, SWF Parcel No. 20-020-134**

On May 23, 2017 the Governing Board approved and accepted an easement donated by the City of Eagle Lake (City). The easement was for construction, access and maintenance of two wells for monitoring Eagle Lake. For aesthetic purposes the City requested the well site be adjacent to a restroom facility at the Eagle Lake Park. Subsequently during the construction phase a ground subsidence occurred and stopped the drilling operation. City staff immediately closed the Park to the public while District staff had the restroom building inspected. During the inspection no damage was found, and the park was reopened after the ground subsidence was repaired by the District. The site has been restored back to the original condition, but is no longer a viable site for a monitoring well.

The easement area is an approximate 150-square foot well site located within the City's Eagle Street Park.

A new site was located and is being donated by the School Board of Polk County to replace the site located on the City's property. The District's transactional costs are estimated to be less than \$200.

Staff recommends the Board approve the Release of Easement and Quit Claim Deed and authorize the Chairman to sign on behalf of the District.

**10. Perpetual Easement Donation – Central Florida Water Initiative Project, Eagle Lake, SWF Parcel No. 20-020-174**

The CFWI is a collaborative water supply planning effort designed to identify sustainable water sources and develop strategies to address water demands within a five-county region in east-central Florida. As part of the District's role in this effort, additional groundwater data collection sites are being pursued to support adoption and maintenance of minimum lake levels (MLL) at 19 lakes within the Polk Uplands and Lake Wales Ridge. Aquifer monitoring near MLL lakes is essential to enhancing the District's understanding of these lakes and will be used to correlate changes in lake water levels with changes in aquifer water levels due to groundwater withdrawals. Such data is necessary to ensure compliance with adopted minimum lake levels. For the subject Eagle Lake site, the School Board of Polk County has approved conveyance of a perpetual easement for access, maintenance and monitoring together with a license agreement necessary to allow for temporary construction activities and testing of the two proposed wells.

The donated easement area is an approximate 150-square-foot well site and associated perpetual access easement to be conveyed by the School Board of Polk County located in central Polk County. The perpetual easement area lies within an unimproved portion of the Eagle Lake Elementary parcel and will be accessed from West Crystal Beach Road. The School Board has also offered a temporary license agreement for an approximate 0.13-acre area surrounding the perpetual easement to be utilized for staging during the construction period.

Staff first explores the requested area for property owners that are more apt to donate a parcel. This includes parcels that are not on the tax roll (state and local government, non-profits, etc.) and non-residential tracts of more than one-acre where a wellsite may be inconsequential. Staff also consider city, county, or state right-of-way, when the cost to install a well is less than \$20,000. In this case the School Board of Polk County agreed to donate the perpetual easement area.

An appraisal of the perpetual easement was not obtained because it is being offered as a donation.

### Donation Terms

- The School Board has approved conveyance of a perpetual easement for a 150-square foot area and 10-foot wide access.
- The perpetual easement will be conveyed free and clear of all encumbrances objectionable to the District.
- The School Board has approved a license agreement for an additional 0.13-acre area necessary for temporary construction and testing activities.
- The District will pay transactional closing cost.

Data gathered from the Eagle Lake wells will improve the District's understanding of the geohydrology of central and eastern Polk County, enhance groundwater modeling and provide for assessment of potential withdrawal-related impacts to water resources within the District and the CFWI area. Acceptance of this donation will reduce the time and cost of acquisition by allowing the District to immediately access, construct, maintain and monitor two data collection wells at this location. The District's transactional costs, including the title insurance and recording fees, are expected to be less than \$700. Capital improvements are estimated to be \$48,000 and operation and maintenance of the site is not expected to exceed \$1,000 per year.

### Staff recommends the Board:

- Accept the donation of a perpetual easement from the School Board of Polk County for the CFWI Project.
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

### Regulation Committee

#### 11. **Budget Transfer - Environmental Resource Permit Program Support (P432)**

The District executed a Task Work Assignment (TWA) with DRMP, Inc., to perform professional consulting services in support of the Environmental Resource Permit (ERP) program. The services include providing support to the ERP staff regarding the review of as-built certificates and request for conversion to the operation and maintenance phase, and other as-needed assignments relating to regulatory reviews and evaluations. Due to the high volume of permits over the past year, the ERP compliance staff have been utilized to assist with permit reviews to meet stator deadlines and statewide permitting metrics. The TWA with DRMP, Inc., was executed as a temporary means to manage reviews of as-built submittals and associated deadlines.

This item is requesting the transfer of \$100,000 from N976, which was included in the FY2019 budget but was subsequently cancelled. The addition of these funds will allow the extension of this program support to continue through June 21, 2019, by which time the compliance staff will be able to transition back to full management of compliance assignments.

Staff recommends the Board approve the requested budget transfer of \$100,000 from N976 to P432.

#### 12. **Individual Water Use Permits Referred to the Governing Board – None**

### General Counsel's Report

#### 13. **Decline Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101C**

The District identifies lands eligible for acquisition through the Florida Forever Work Plan which is approved by the Governing Board. In the work plan, lands are identified for fee simple acquisition or acquisition of less than fee interests (conservation easement). Less than fee acquisitions consist of the purchase of certain rights, including development rights, to protect the natural systems and water resources of a property and to ensure they remain in their existing state in perpetuity. In a typical

negotiation of a less than fee acquisition, the District obtains a “right of first refusal” (RoFR). The RoFRs are intended to allow the District a time-limited opportunity to react to an offer to purchase the remaining fee interest. The RoFRs are perpetual rights that run with the land and remain in effect regardless of the change in underlying fee simple ownership.

The District originally acquired a conservation easement over the subject property consisting of approximately 28,274 acres in 1998 at a cost of \$365.65 per gross acre. The RoFR in the conservation easement requires notification of the owner’s intent to sell the property, or any portion thereof, and further requires that an offer be extended to sell the property to the District. On May 22, 2017, the District received notice of a pending sale from the current owner’s representative. At the June 27, 2017 Governing Board meeting, the District declined its right of first refusal to purchase the property. Thereafter, the closing of the pending sale did not occur. On October 30, 2018, the District received notice that there is a new contract on the property, and a sale is once again pending. The District has 120 days from the receipt of this notice to respond, but the current owner’s representative has requested the District to consider the matter at its November 2018 Governing Board meeting.

The contract provided by the owner’s representative relates to the sale of 18,600 acres, with the contract price of \$22,500,000 or \$1,209.68 per gross acre. As noted above, the Governing Board has previously declined to exercise its RoFR to purchase the subject property, most recently in June 2017.

District staff evaluated the opportunity to purchase the remainder fee interest and determined that the existing conservation easement is sufficient for the continued land and water resource protections intended through this acquisition.

The existing conservation easement terms include:

- No additional buildings, roads, signs, billboards or other advertising, utilities, or other structures are allowed.
- May be divided and conveyed into no more than four parcels of no less than 5,000 acres.
- No mining.
- Areas improved for agricultural activities in upland areas can continue or be converted to other agricultural activities.
- Silviculture is allowed with best management practices (BMPs), although no harvesting can be conducted in wetlands.
- Cattle operations in upland areas can continue in accordance with United States Department of Agriculture Natural Resources Conservation Service guidelines.
- No conversion of native range or natural lands as established in the baseline inventory.
- All hunting and fishing rights retained by grantor.
- Upon request of the owner, the right of public access to the easement area, twice a year, for no more than five working days each time and limited to parties of no more than 25 persons.

The restrictions placed on the property by the existing conservation easement currently are adequate to protect the natural and water resources of the property; therefore the benefits of acquiring the remainder fee interest would be minimal at this time.

Staff recommends the Board authorize the Executive Director to decline the Right of First Refusal on SWF Parcel 20-780-101C.

**14. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval – None**

**15. Rulemaking – None**

**Executive Director's Report****16. Approve Governing Board Meeting Minutes – October 23, 2018**

Staff recommends the Board approve the minutes as presented.

<b>RESOURCE MANAGEMENT COMMITTEE (TAB C)</b>
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**Discussion****17. Consent Item(s) Moved for Discussion****18. Potable Reuse Commission Update**

The mission of the Potable Reuse Commission (PRC) is to develop a framework for potable reuse implementation in Florida that will augment future water supply and support water quality initiatives. The PRC was established by WaterReuse Florida, and includes representatives of public utilities, the Florida Department of Health, the agricultural industry, academic researchers, environmental organizations, and industry groups. The District has provided funding support and is an ex-officio member of the PRC. The PRC has contracted with the Water Research Foundation to provide national technical expertise for this effort.

The goal of the framework for potable reuse will be to facilitate the expansion of potable reuse to supplement existing water supplies. The PRC will also develop recommendations for legislation, rule development, and incentives for potable reuse, and identify benefits of potable reuse to environmental restoration and economic development.

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

**19. Water Incentives Supporting Efficiency (WISE) Program (B015)**

To assist in meeting the District's strategic goals associated with water conservation and increased water use efficiency in all water use sectors, the District plans to initiate a new cost share program called WISE in FY2019. WISE will financially incentivize water conservation projects with non-agricultural water users. Complimentary to the District's Cooperative Funding Initiative (CFI) program and as a component of the District's on-going Conservation Initiative, this program will provide a streamlined project implementation process and reach cooperators that might not otherwise implement smaller conservation projects.

The WISE Program is modeled after the ongoing Mini-FARMS program which provides cost share funds to small growers (less than 100 irrigated acres). Applications will be accepted throughout the year and funds will be awarded for approved projects up to the amount budgeted for the year. Initially, the geographic focus areas will be the Central Florida Water Initiative (CFWI) and northern planning region of the District; however, funding will be available District-wide. These small-scale projects will be implemented by a large variety of water users which may include homeowner associations, hotels, schools, hospitals, manufacturing facilities, amusement parks, small utilities, and golf courses. Project approval will be subject to the Resource Management Division Director and project payment will follow the District Signature Authority Procedure (11-8). Below are highlights of the program guidelines:

<b>WISE Program Guidelines</b>
50% District funding
Maximum of \$20,000 of District funds per project
One year to complete project from the time of approval
Maintenance period of 5 years
Cost effectiveness consistent with CFI. Cap at \$6.00 per 1,000 gal
Grant eligible items include hardware, installation, and design

The program is expected to evolve over time and an adaptive management approach will be critical to the program's success. Staff will provide the Governing Board a monthly report of the program's progress through the Resource Management Committee Significant Water Resource and Development Projects Routine Report.

The District's approved Fiscal Year (FY) 2019 budget contains \$50,000 for the first year of the WISE Program. Projects considered for funding will be subject to the cost effectiveness thresholds currently utilized for the CFI program. Projects that fall into the low cost-effectiveness category (greater than \$6.00 per 1,000 gallons saved per year) would not receive funding. If an average cost effectiveness of \$3.00 per 1,000 gallons can be maintained, then expected water savings for the \$50,000 budgeted in FY2019 would be 13,300 gallons per day. Actual water savings will vary based on projects selected for funding. If the program is successful, the WISE budget may be increased in future years with a corresponding increase in expected water savings.

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

## **Submit & File Reports – None**

### **Routine Reports**

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

#### **20. Minimum Flows and Levels Status Report**

#### **21. Significant Water Resource and Development Projects**

## **FINANCE/OUTREACH & PLANNING COMMITTEE (TAB D)**

### **Discussion**

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

#### **23. Information Technology Bureau Enterprise Computer and Storage Replacement**

Since its establishment in 1993, the Network Storage Replacement Fund has provided the District with a predictable funding source for large information technology investments while maintaining a level annual technology budget. The Network Storage Replacement Fund operates as follows:

- Annually the Information Technology Bureau (ITB) identifies items to be included in the fund and establishes a multi-year (minimum of five) contribution and drawdown plan for the fund which is approved by the Information Technology and Data Governance Committee and included in the Information Technology Plan.
- Contributions to the fund are approved by the Governing Board through the budget development process to meet future requirements which have been identified by the ITB staff and are included in the annual ITB budget.
- Governing Board approval is required to transfer money from the fund into the appropriate operating budget lines associated with replacing/upgrading equipment, including, but not limited to hardware, software, maintenance and consulting services for implementation.



- Effective for FY19, the Network storage replacement fund is no longer funded in the annual service budget. This action as well as a future action requesting funds to replace core data center switches and the unstructured data storage equipment replacements will deplete all remaining funds in the Network Storage Replacement Fund. Future budgets FY20 and later will include budget requests to support annual Network Storage replacements.

The current systems were initially purchased between 2012 and 2013 and incrementally upgraded to support new compute, and data storage requirements. These systems are approaching their end of life and either are currently no longer supported or will not be supported for maintenance or repair by the manufacturer by 2020. The replacement of these systems has been anticipated for several years in the Information Technology Plan and represents the third part of a multi-stage rollout which included the deployment of systems in Brooksville, West Palm Beach, and now Tampa. All of which were previously approved by the Governing Board in 2017 and 2018. This final deployment brings all three datacenter locations into a consistent state of hardware implemented. The funding for these systems is available in the Network Storage Replacement Fund.

The primary planned significant investments provided by this fund are in the incremental replacement of the enterprise storage required for the virtual server environment and the eventual replacement of the Storage Area Network (SAN) which houses our virtual application servers and virtual database servers. The current investment in the enterprise computer and SAN environment provides the District with the computer environment required to maintain the District's virtual server infrastructure in support of permitting, scientific data management and back-office business processes.

Status of the Network Storage Replacement Fund (Pending Governing Board approval of the budget transfer in the amount of \$500,000)

	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>
<b>Balance Carried Forward from Prior Year</b>	\$776,451	\$958,451	\$1,035,066	\$775,866
<b>Annual Appropriation</b>	\$182,000	\$240,000	\$240,000	\$0
<b>Total Available Funds</b>	\$958,451	\$1,198,451	\$1,275,066	\$775,866
<b>Expenditures</b>	\$0	\$163,385	\$499,200	\$500,000
<b>Ending Balance</b>	\$958,451	\$1,035,066	\$775,866	\$275,866

Replacement of the existing enterprise computer and SAN systems has been identified in the Information Technology Plan for several years and the funding has been accrued in the Network Storage Replacement Fund for this purpose. Based on staff's fiscal and technical evaluation of available technology solutions to meet the District's enterprise computer and storage needs, staff is recommending a Cisco Unified Compute System and Pure Storage solution. The Pure Storage system includes several key benefits including an 11 to 12-year life-cycle and being a full flash, i.e. solid-state disk, array of drives which facilitates improved performance and the useful life of the equipment. Staff obtained competitive quotes from Cisco resellers and Pure Storage resellers available on competitively solicited State of Florida Information Technology contracts for server and storage hardware, software, warranty, and implementation services. This is the third phase of a multiyear plan to replace the Districts enterprise compute and SAN systems.

Staff recommends the Board approve the transfer of \$500,000 from the Network Storage Replacement fund to procure hardware, software, warranty and services associated with the replacement of the District's enterprise computer and SAN storage systems.

**Submit & File Reports – None**



**Routine Reports**

*The following items are provided for the Committee's information, and no action is 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**
- 28. **Development of Regional Impact Activity Report**

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

- 29. **Consent Item(s) Moved for Discussion**

- 30. **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.

**Submit & File Reports – None****Routine Reports**

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

- 31. **Surplus Lands Update**
- 32. **Structure Operations**
- 33. **Significant Activities**

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

- 34. **Consent Item(s) Moved for Discussion**

- 35. **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.

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.*

- 36. **Dover/Plant City Water Use Caution Area Flow Meter AMR Implementation Program Update**
- 37. **Overpumpage Report**
- 38. **Individual Permits Issued by District Staff**

**GENERAL COUNSEL'S REPORT (TAB G)****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. November 2018 Litigation Report****41. November 2018 Rulemaking Update****COMMITTEE/LIAISON REPORTS (TAB H)****42. Industrial Advisory Committee****43. Public Supply Advisory Committee****44. Other Committee/Liaison Reports****EXECUTIVE DIRECTOR'S REPORT (TAB I)****45. Executive Director's Report****CHAIR'S REPORT (TAB J)****46. Chair's Report****47. Other****48. Employee Milestones**

**★ ★ ★ RECESS PUBLIC HEARING ★ ★ ★**

**ANNOUNCEMENTS**<http://www.swfwmd.state.fl.us/calendar>

- Governing Board Meeting Schedule

Meeting – Brooksville .....	December 11, 2018
Meeting – Tampa .....	January 22, 2019
Meeting – Sarasota .....	February 26, 2019
Meeting – Brooksville .....	March 26, 2019

- Governing Board Public Budget Hearing Schedule:

Tentative Budget – Tampa .....	September 10, 2019
Final Budget – Tampa .....	September 24, 2019

- Advisory Committees Meeting Schedule:

Agricultural – Tampa .....	December 6, 2018
Green Industry – Tampa .....	December 6, 2018
Environmental – Tampa .....	January 8, 2019
Well Drillers – Tampa .....	January 9, 2019

**ADJOURNMENT**



## **Governing Board Meeting**

**November 13, 2018**

**9:00 a.m.**

### **CONVENE MEETING OF THE GOVERNING BOARD AND PUBLIC HEARING**

<b>PUBLIC HEARING AND MEETING</b>
-----------------------------------

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

### Governing Board Meeting November 13, 2018

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 hearing. 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:** Jeffrey M. Adams, Chair



# **Governing Board Meeting November 13, 2018**

## **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.

### **Resource Management Committee**

5. Authorize Submission of Preliminary Flood Insurance Rate Maps for the City of Oldsmar Watershed Management Plan in Pinellas County to the Federal Emergency Management Agency ..... 6
6. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Pierce Lake in Pasco County (P256) ..... 8

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

7. Approval of the District's Investment Policy ..... 12
8. Budget Transfer Report ..... 13

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

9. Release of Easement and Quit Claim Deed for Central Florida Water Initiative Project, Eagle Lake, SWF Parcel No. 20-020-134 ..... 14
10. Perpetual Easement Donation – Central Florida Water Initiative Project, Eagle Lake, SWF Parcel No. 20-020-174..... 19

### **Regulation Committee**

11. Budget Transfer - Environmental Resource Permit Program Support (P432) ..... 26
12. Individual Water Use Permits Referred to the Governing Board - None

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

13. Decline Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101C..... 27
14. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval – None
15. Rulemaking – None

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

16. Approve Governing Board Meeting Minutes – October 23, 2018 ..... 30



## RESOURCE MANAGEMENT COMMITTEE

November 13, 2018

### *Consent Agenda*

#### **Authorize Submission of Preliminary Flood Insurance Rate Maps for the City of Oldsmar Watershed Management Plan in Pinellas County to the Federal Emergency Management Agency (N546)**

##### *Purpose*

Request the Board's approval to use the City of Oldsmar Watershed Management Plan (WMP) floodplain information to update Flood Insurance Rate Maps (FIRMs) in Pinellas County. The WMP evaluates the capacity of the watershed in achieving flood protection primarily through computer modeling. The watershed model and floodplain information have gone through the District's process that includes internal review and external peer review by experienced licensed professional engineers. The WMP floodplain information serves as the basis for updating the FIRMs for the Federal Emergency Management Agency (FEMA). The City of Oldsmar may coordinate with FEMA to produce the preliminary FIRMs at a future date. This coordination may include additional public meetings to present the preliminary floodplain information, provide an opportunity for additional comments, and incorporate this information into FEMA's mapping specifications.

##### *Background/History*

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for twenty watersheds in Hernando County, eight watersheds in Pasco County, seven watersheds in Citrus County, four watersheds in Manatee County, six watersheds in Sarasota County, four watersheds in Polk County, two watersheds in DeSoto County, five watersheds in Hardee County, three watersheds in Highlands County, one watershed in Pinellas County, two watersheds in Sumter County, twelve watersheds in Marion County and three watersheds in Hillsborough County. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2018-2022. Upon the Governing Board's approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the City of Oldsmar watershed was prepared by a cooperator hired consultant (Engineering Firm of Record), reviewed by District and City of Oldsmar staff, and then reviewed by the cooperator's independent peer review consultant (see table below). Floodplain information for the watershed was presented for review and comment during a public workshop held on November 30, 2017. Affected property owners were notified of the workshop by print advertisement and media release with a total of 15 people in attendance. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent most accurate floodplain information available for the watershed.

## Item 5

Watershed	Engineering Firm of Record	Peer Review
City of Oldsmar in Pinellas County	CH2M Hill Engineers, Inc.	Jones Edmunds & Associates, Inc.

Staff Recommendation:

Approve use of the City of Oldsmar Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Pinellas County.

Presenter: J.P. Marchand, P.E., Water Resources Bureau Chief

## RESOURCE MANAGEMENT COMMITTEE

November 13, 2018

### *Consent Agenda*

#### **Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Pierce Lake in Pasco County (P256)**

##### *Purpose*

To request the Board initiate and approve rulemaking to amend Rule 40D-8.624, Florida Administrative Code (F.A.C.), to adopt Minimum and Guidance levels for Pierce Lake in Pasco County, and accept the report entitled: "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Pierce Lake in Pasco County, Florida" dated September 20, 2018.

##### *Background/History*

Minimum levels are water levels at which further withdrawals would be significantly harmful to the water resources of the area. Guidance levels are used to describe expected water level fluctuations and serve as advisory information for the construction of lakeshore development, water dependent structures, and operation of water management structures. Minimum and Guidance levels for Pierce Lake were adopted into Rule 40D-8.624, F.A.C., in May 2008. Section 373.0421(3), Florida Statutes, requires that minimum flows and levels shall be reevaluated periodically and revised as needed.

Pierce Lake is included in the Northern Tampa Bay group of lakes selected for Minimum and Guidance level reevaluation. These reevaluations are being completed using up-to-date hydrologic, biologic, and survey data; recently-developed hydrologic models, and peer-reviewed methodologies, to determine if any revisions are needed for currently adopted levels. Based on this reevaluation, and as shown in the attached Exhibit (Table 8-2), the Minimum Lake Level is proposed to decrease 0.7 feet and the High Minimum Lake Level is proposed to decrease 0.3 feet. The High Guidance Level is proposed to remain unchanged, and the Low Guidance Level is proposed to decrease 0.4 feet.

The technical report outlining the development of the newly proposed levels for Pierce Lake was posted on the District's website prior to a public workshop held on September 28, 2018. The workshop was held within reasonable proximity to the lake and had four members of the public in attendance. District staff addressed questions and concerns at the workshop relating to the proposed Minimum and Guidance levels. A summary of the public workshop, including comments and discussion, is available upon request.

An updated assessment of status was performed, and Pierce Lake water levels were determined to be above the proposed High Minimum Lake Level and the Minimum Lake Level. Pierce Lake is included in the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area (40D-80.073, F.A.C). Therefore, the analyses outlined in this document for Pierce Lake will be reassessed by the District and Tampa Bay Water as part of this plan, and as part of Tampa Bay Water's Water Use Permit Recovery Assessment Plan (required by Chapter 40D-80, F.A.C. and the Consolidated Permit (No. 20011771.001)). The District plans to continue regular monitoring of water levels in Pierce Lake

and will also routinely evaluate the status of the water levels with respect to adopted minimum levels for the lake included in Chapter 40D-8, F.A.C.

### *Benefits/Costs*

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

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

### Staff Recommendation:

- A. Accept the report entitled, "Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Pierce Lake in Pasco County, Florida."
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to replace the previously approved Minimum and Guidance Levels with the proposed Minimum and Guidance Levels for Pierce Lake in Pasco County, as shown in the Exhibit.

Presenter: David W. Carr, Staff Environmental Scientist, Water Resources Bureau

## EXHIBIT

### 40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (11) No change.

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

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.					
Location by County and Basin	Name of Lake and Section, Township and Range Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (p) No change.					
(q) In Pasco County Within the Coastal Rivers Basin					
	Big Fish, Lake S-21, T-24, R-19E through Pasco Lake S-22, T-24S, R-18E No change.				
	Pierce Lake S-9, T-25S, R-18E	72.7'	<u>71.9'</u> <del>72.2'</del> (CAT 3)	<u>69.8'</u> <del>70.5'</del> (CAT 3)	<u>68.5'</u> <del>68.9'</del>
	Unnamed Lake No. 22 S-27, T-24S, R-18E No change.				
(r) through (dd) No change.					

(13) No change.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.086, 373.709 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81,*

11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11, 3-12-12, 11-25-12, 2-21-13 (12)(f), 2-21-13 (12)-(13), 9-3-13, 1-7-15, 7-1-15, 9-21-15, 11-30-16, 12-28-16, 2-12-17 (12)(s), 2-12-17 (12)(z), 2-12-17 (12)(z), 2-19-17 (12)(l), 2-19-17 (12)(q), 3-2-17 (12)(l), 3-2-17 (12)(z), 3-22-17, 4-2-17 (12)(q), 4-2-17 (12)(z), 4-20-17 (12)(i), 4-20-17 (12)(i), 2-5-18, 3-20-18, 5-30-18, \_\_\_\_\_.

## FINANCE/OUTREACH & PLANNING COMMITTEE

November 13, 2018

### *Consent Agenda*

#### Approval of the District's Investment Policy

##### *Purpose*

To approve the recommended updates to the District's Investment Policy. The Policy requires a review within sixty (60) days following the end of each fiscal year and approval by the Governing Board of any modifications made thereto.

##### *Background*

At the October 23, 2018, Governing Board meeting a brief presentation was provided noting the recommended changes to the Policy. The Board members were encouraged to review the Policy and the recommended changes and contact District staff or the District's Investment Advisors with any questions or additional recommended changes that they may have, if any.

The following minor modifications have been incorporated along with any additional recommended revisions received from the Governing Board members.

- 1) The name of the benchmarks is being updated to reflect the name of the new owner of the benchmark, ICE as opposed to B of A.
- 2) The Intergovernmental Fund (LGIP) rating was updated from AAA to AAAm which would limit the District only to funds that are stable NAV (dollar in - dollar out) just like the rating for the Florida PRIME allocation.

##### *Benefits*

By reviewing and updating the District's Investment Policy within sixty (60) days following the end of the fiscal year, the Governing Board and management will be in compliance with the Investment Policy.

##### Staff Recommendation:

Approve and accept the recommended updates to the District's Investment Policy.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

## FINANCE/OUTREACH & PLANNING COMMITTEE

November 13, 2018

### *Consent Agenda*

#### Budget Transfer Report

##### *Purpose*

Request approval of the Budget Transfer Report covering all budget transfers made during the month of October 2018.

##### *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.

Exhibit will be provided under separate cover.

##### Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for October 2018.

Presenter: Melisa J. Lowe, Bureau Chief, Finance



## OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

November 13, 2018

### *Consent Agenda*

#### **Release of Easement and Quit Claim Deed for Central Florida Water Initiative Project, Eagle Lake, SWF Parcel No. 20-020-134**

##### *Purpose*

Release a previously donated perpetual easement interest for an approximate 150-square foot (10 feet by 15 feet) well site owned by the City of Eagle Lake in Polk County. The Release of Easement and Quit Claim Deed, general location and site map of the property are included as Exhibits 1, 2 and 3.

##### *Background and History*

On May 23, 2017 the Governing Board approved and accepted an easement donated by the City of Eagle Lake (City). The easement was for construction, access and maintenance of two wells for monitoring Eagle Lake. For aesthetic purposes the City requested the well site be adjacent to a restroom facility at the Eagle Lake Park. Subsequently during the construction phase a ground subsidence occurred and stopped the drilling operation. City staff immediately closed the Park to the public while District staff had the restroom building inspected. During the inspection no damage was found, and the park was reopened after the ground subsidence was repaired by the District. The site has been restored back to the original condition, but is no longer a viable site for a monitoring well.

##### *Property Description*

The easement area is an approximate 150-square foot well site located within the City's Eagle Street Park.

##### *Benefit/Costs*

A new site was located and is being donated by the School Board of Polk County to replace the site located on the City's property. The District's transactional costs are estimated to be less than \$200.

##### Staff Recommendation:

Approve the Release of Easement and Quit Claim Deed and authorize the Chairman to sign on behalf of the District.

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

Eagle Lake CFWI Data Collection Site  
SWF Parcel No. 20-020-134  
Approved by Attorney: \_\_\_\_\_  
Tax ID No. 26-29-07-683000-016010

**RELEASE OF EASEMENT AND QUIT CLAIM DEED**

This Indenture made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the Southwest Florida Water Management District (District), a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899 and the City of Eagle Lake (City), a municipal corporation of the State of Florida, having an address of 75 7th Street North, P.O. Box 129, Eagle Lake, Florida 33839.

**WITNESSETH:**

That the Grantor, for and in consideration of ten dollars and no cents (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does remise, release and quitclaim to the Grantee and its successors and assigns forever all the right, title, interest, claim and demand which the Grantor has in and to the following real property lying and being in the County of Polk, State of Florida, as set forth in that certain Perpetual Easement recorded in Official Records Book 10149, Pages 87-90, of the Public Records of Polk County, Florida and described in Exhibit "A" attached hereto and incorporated herein by reference.

Together with all the tenements, hereditaments and appurtenances thereto belonging or otherwise appertaining.

(The remainder of this page is left intentionally blank)

In Witness Whereof, the Grantor has caused these presents to be executed the date and year first above written.

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

By: \_\_\_\_\_  
Jeffery M. Adams, Chair

(Corporate Seal)

ATTEST:

By: \_\_\_\_\_  
Bryan K. Beswick, Secretary

#### ACKNOWLEDGMENT

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Jeffery M. Adams and Bryan K. Beswick as 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.

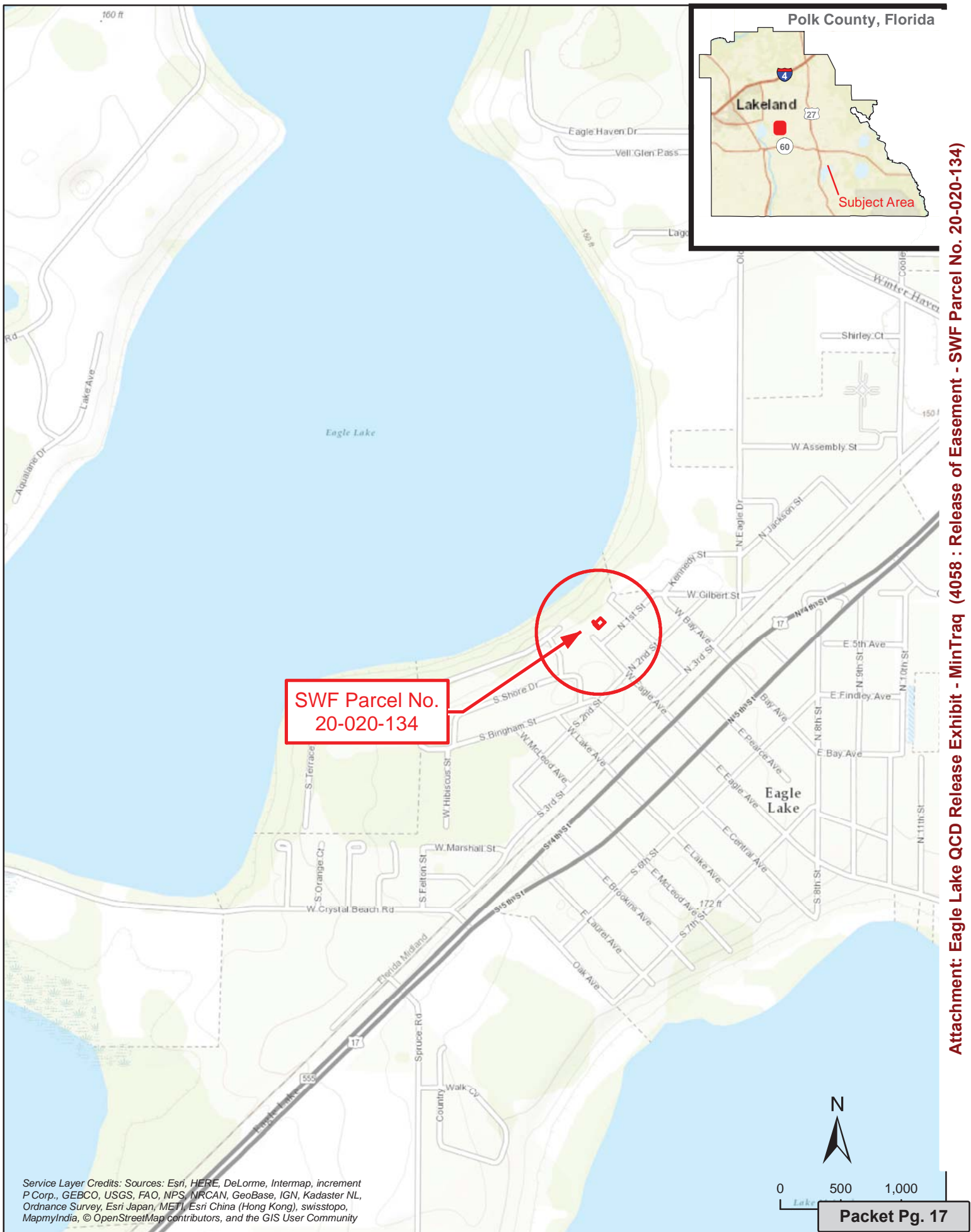
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Name of Notary, typed, printed or stamped)  
Commission No: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

APPROVED BY:	INITIALS	DATE
Attorney	_____	_____
LND Manager	_____	_____
OPS Bureau Chief	_____	_____
Division Director	_____	_____

## Exhibit 2

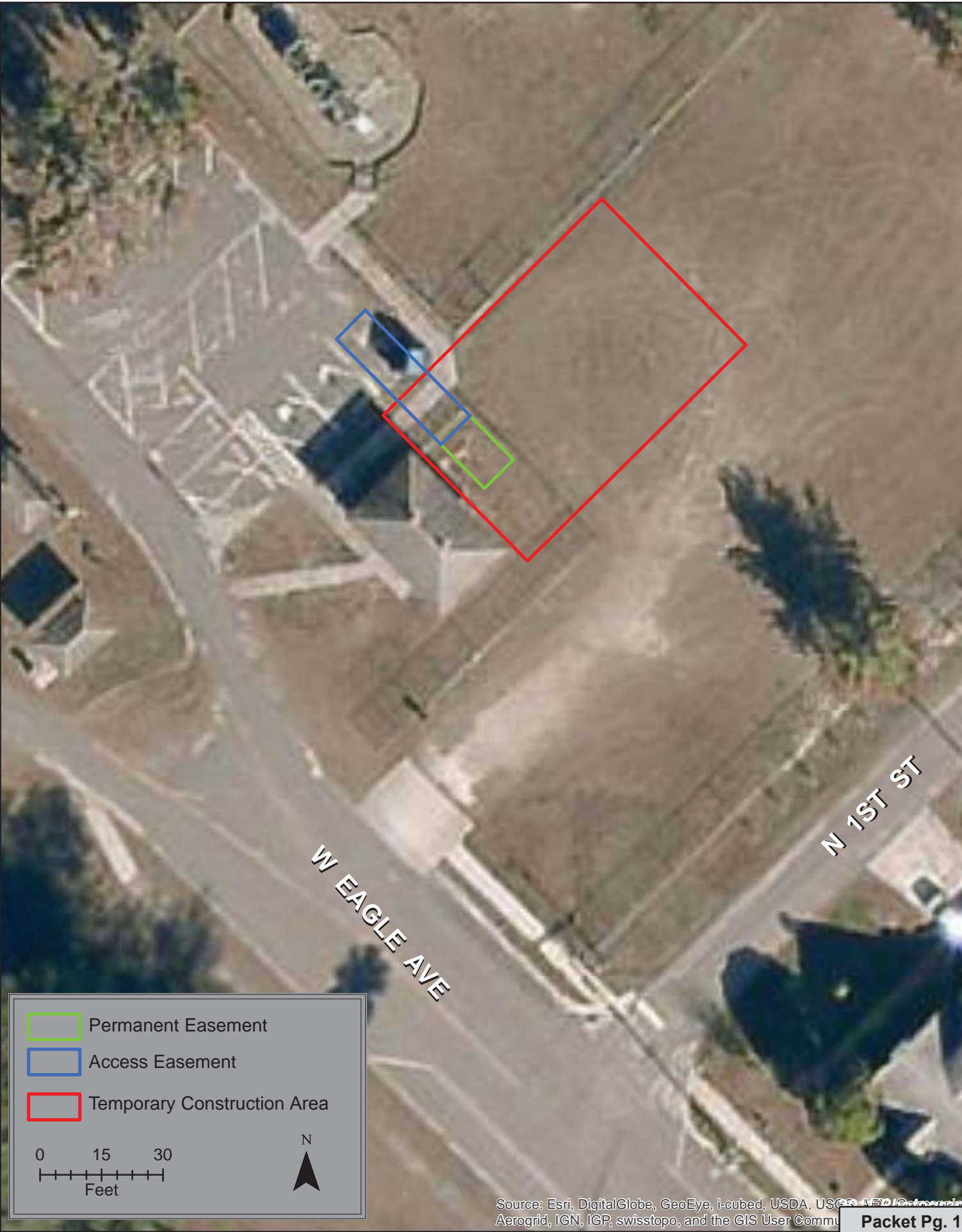
### General Location Map



Attachment: Eagle Lake QCD Release Exhibit - MinTraq (4058 : Release of Easement - SWF Parcel No. 20-020-134)



Exhibit 3  
Eagle Lake CFWI Data Collection Site  
SWF Parcel No. 20-020-134



## OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

November 13, 2018

### *Consent Agenda*

#### **Perpetual Easement Donation – Central Florida Water Initiative Project, Eagle Lake, SWF Parcel No. 20-020-174**

##### *Purpose*

Accept a donation of a perpetual easement for an approximate 150-square foot (10 feet by 15 feet) well site and related 10-foot wide access area owned by the School Board of Polk County. The perpetual easement, general location and site maps of the property are included as Exhibits 1, 2 and 3. This well site will replace a previous site deemed not viable for a monitoring well due to undesirable subsurface conditions.

##### *Background and History*

The CFWI is a collaborative water supply planning effort designed to identify sustainable water sources and develop strategies to address water demands within a five-county region in east-central Florida. As part of the District's role in this effort, additional groundwater data collection sites are being pursued to support adoption and maintenance of minimum lake levels (MLL) at 19 lakes within the Polk Uplands and Lake Wales Ridge. Aquifer monitoring near MLL lakes is essential to enhancing the District's understanding of these lakes and will be used to correlate changes in lake water levels with changes in aquifer water levels due to groundwater withdrawals. Such data is necessary to ensure compliance with adopted minimum lake levels. For the subject Eagle Lake site, the School Board of Polk County has approved conveyance of a perpetual easement for access, maintenance and monitoring together with a license agreement necessary to allow for temporary construction activities and testing of the two proposed wells.

##### *Property Description*

The donated easement area is an approximate 150-square-foot well site and associated perpetual access easement to be conveyed by the School Board of Polk County located in central Polk County. The perpetual easement area lies within an unimproved portion of the Eagle Lake Elementary parcel and will be accessed from West Crystal Beach Road. The School Board has also offered a temporary license agreement for an approximate 0.13-acre area surrounding the perpetual easement to be utilized for staging during the construction period.

##### *Negotiations*

Staff first explores the requested area for property owners that are more apt to donate a parcel. This includes parcels that are not on the tax roll (state and local government, non-profits, etc.) and non-residential tracts of more than one-acre where a wellsite may be inconsequential. Staff also consider city, county, or state right-of-way, when the cost to install a well is less than \$20,000. In this case the School Board of Polk County agreed to donate the perpetual easement area.

##### *Summary of Appraisals and Value Comparisons*

An appraisal of the perpetual easement was not obtained because it is being offered as a donation.

### *Donation Terms*

- The School Board has approved conveyance of a perpetual easement for a 150-square foot area and 10-foot wide access.
- The perpetual easement will be conveyed free and clear of all encumbrances objectionable to the District.
- The School Board has approved a license agreement for an additional 0.13-acre area necessary for temporary construction and testing activities.
- The District will pay transactional closing cost.

### *Benefit/Costs*

Data gathered from the Eagle Lake wells will improve the District's understanding of the geohydrology of central and eastern Polk County, enhance groundwater modeling and provide for assessment of potential withdrawal-related impacts to water resources within the District and the CFWI area. Acceptance of this donation will reduce the time and cost of acquisition by allowing the District to immediately access, construct, maintain and monitor two data collection wells at this location. The District's transactional costs, including the title insurance and recording fees, are expected to be less than \$700. Capital improvements are estimated to be \$48,000 and operation and maintenance of the site is not expected to exceed \$1,000 per year.

### Staff Recommendation:

- Accept the donation of a perpetual easement from the School Board of Polk County for the CFWI Project.
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Exhibit 1

Eagle Lake CFWI Data Collection Site  
SWF Parcel No. 20-020-174  
Tax ID No. 252912359000000092  
Approved by Attorney: \_\_\_\_\_

**EASEMENT**

This Easement (this "Easement") is made this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the **School Board of Polk County**, a statutory corporation established by the laws of the State of Florida, having an address of PO Box 391, Bartow, Florida 33831-0391, hereinafter referred to as "Grantor", and the **Southwest Florida Water Management District**, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as "Grantee".

Grantor, for and in consideration of the sum of Ten Dollars and no cents (\$10.00) and other good and valuable consideration from Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells and conveys to Grantee a non-exclusive, perpetual easement to enter upon, over and across and to use any and all lands more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (the "Easement Area") solely for the following purposes:

- a. To construct, maintain, repair or replace a monitoring well or wells; and
- b. For ingress and egress upon, over and across the Easement Area to access the monitoring well or wells in order to perform hydrologic measurements, conduct ground-water pumping tests and to observe fresh/salt water interface levels; and
- c. The Grantee shall fence (a minimum 6<sup>ft</sup> in height black chain link) the easement area from the remaining portion of the Eagle Lake Elementary campus; and
- d. The Grantee shall only access the easement area from Crystal Beach Road.

Grantee shall exercise all of its rights contained in this Easement in the least intrusive manner so as not to interfere with Grantor's use of its property. Grantor reserves the right to use Grantor's property and the Easement Area in any manner not inconsistent with this Easement; provided, however, that Grantor shall avoid physically disturbing the well casing or cover (water meter box) of the monitoring well or wells in any way without the prior written approval of Grantee, which approval shall not be unreasonably withheld, conditioned or delayed. Grantee hereby agrees to restore the Easement Area to the same condition as it was prior to any construction, maintenance, repair or access by Grantee.

All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the respective assigns, successors, and tenants of the parties hereto. This Easement may be amended or modified only by an instrument signed by Grantor and Grantee.

If at any time the subject easement area is no longer required and the purposes stated herein, Grantee shall, at the Grantee's sole cost and expense remove all monitoring equipment from the easement area, cap the monitoring well to the standards set forth in state or local regulations and restore the easement area to substantially the same condition as existed prior to the Grantee's use.



Exhibit 1

The formation, interpretation and performance of this Easement shall be construed pursuant to and governed by the laws of the State of Florida. In the event of any dispute arising out of this Easement or any instrument given in connection herewith, or in the event it shall become necessary for any party to employ counsel to protect the party under this Easement or any instrument given in connection herewith, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs, whether incurred out of court or in litigation including fees and costs incurred for representation on appeals, expert witness fees and costs for paralegal assistance, to the extent permitted under Section 768.28, F.S. This provision does not constitute a waiver of the Grantee's sovereign immunity or extend the Grantee's liability beyond the limits established in Section 768.28, F.S.

This grant shall not constitute a dedication to the public, and no parties shall have any rights or entitlements pursuant to the terms of this Easement except as specifically set forth herein.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed the day and year first written above.

Signed, sealed and delivered  
in the presence of:

School Board of Polk County

\_\_\_\_\_  
Witness #1 signature

\_\_\_\_\_  
By: Lynn Wilson, Board Chair

\_\_\_\_\_  
Print Witness #1 name

\_\_\_\_\_  
Witness #2 signature

\_\_\_\_\_  
By: Jacqueline M. Byrd, Secretary

\_\_\_\_\_  
Print Witness #2 name

**ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_ as Lynn Wilson as Board Chair and attested by Jacqueline M. Byrd, as Secretary of the School Board of Polk County, a statutory corporation on behalf of said corporation. They are personally known to me or have produced \_\_\_\_\_ as identification.

(Seal)

\_\_\_\_\_  
Name of Notary

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)

Commission No. \_\_\_\_\_

My Commission

Expires: \_\_\_\_\_

## Exhibit A

### Legal Description Parcel 20-020-174 (Proposed Access Area)

That part of Block 9, Feagins Addition to Eagle Lake Florida, as recorded in Plat Book 1, Page 64, public records of Polk County, Florida lying in Section 12, Township 29 South, Range 25 East, Polk County, Florida, being more particularly described as follows:

Commence at the intersection of the south right-of-way line of West Crystal Beach Road with the western right-of-way line of the CSX Transportation Railroad Corridor as shown on the Florida Department of Transportation right-of-way map for State Road 555 (U.S. Section 16030-2532 (said south right-of-way line being described and recorded in Official Record Book 2216, Page 361, public records of Polk County, Florida); thence North 73°06'24" West along said south right-of-way line a distance of 43.84 feet for the POINT OF BEGINNING; thence South 16°53'36" West a distance of 20.00 feet; thence North 73°06'24" West a distance of 10.00 feet; thence North 16°53'36" East a distance of 20.00 feet to the aforesaid south right-of-way line of West Crystal Beach Road; thence South 73°06'24" East along said south right-of-way line a distance of 10.00 feet to the POINT OF BEGINNING.

Containing: 200.000 square feet.

### Legal Description Parcel 20-020-174 (Proposed Well Site Area)

That part of Block 9, Feagins Addition to Eagle Lake Florida, as recorded in Plat Book 1, Page 64, public records of Polk County, Florida lying in Section 12, Township 29 South, Range 25 East, Polk County, Florida, being more particularly described as follows:

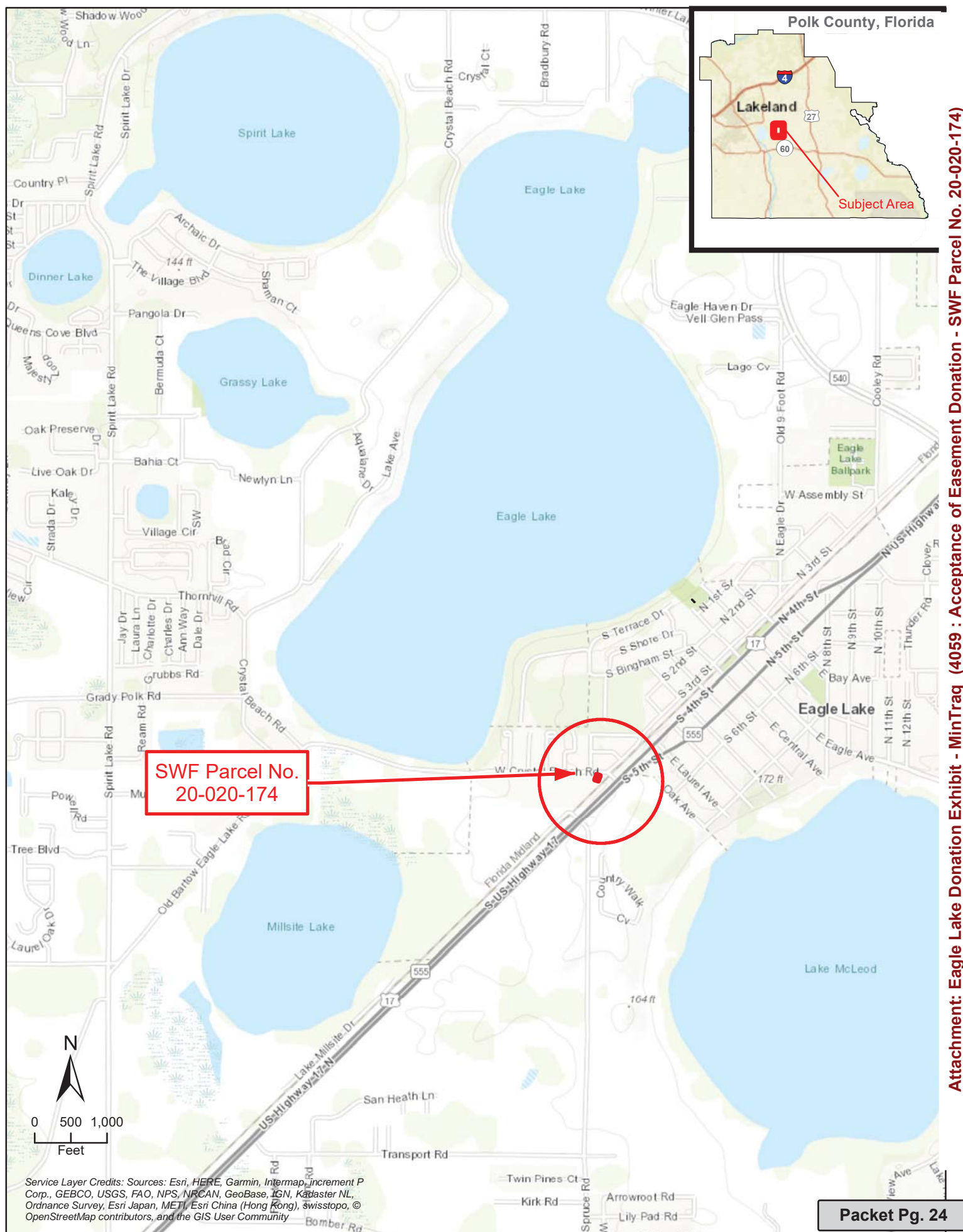
Commence at the intersection of the south right-of-way line of West Crystal Beach Road with the western right-of-way line of the CSX Transportation Railroad Corridor as shown on the Florida Department of Transportation right-of-way map for State Road 555 (U.S. Section 16030-2532 (said south right-of-way line being described and recorded in Official Record Book 2216, Page 361, public records of Polk County, Florida); thence North 73°06'24" West along said south right-of-way line a distance of 43.84 feet; thence South 16°53'36" West a distance of 20.00 feet for the POINT OF BEGINNING; thence continue South 16°53'36" West a distance of 15.00 feet; thence North 73°06'24" West a distance of 10.00 feet; thence North 16°53'36" East a distance of 15.00 feet; thence South 73°06'24" East a distance of 10.00 feet to the POINT OF BEGINNING.

Containing: 150.000 square feet.

Approved for use by the Survey Section 10-16-2018, W.O. 18-123.

Remainder of this page intentionally left blank.

## Exhibit 2, General Location Map Eagle Lake CFWI Data Collection Site



**Attachment: Eagle Lake Donation Exhibit - MinTraQ (4059 : Acceptance of Easement Donation - SWF Parcel No. 20-020-174)**



Exhibit 3, Site Map  
Eagle Lake CFWI Data Collection Site  
SWF Parcel 20-020-174



Permanent Easement

Access Easement

0 15 30  
Feet



2017 Photography

Packet Pg. 25

Attachment: Eagle Lake Donation Exhibit - MinTraq (4059 : Acceptance of Easement Donation - SWF Parcel No. 20-020-174)

**REGULATION COMMITTEE**

**November 13, 2018**

***Consent Agenda***

**Budget Transfer - Environmental Resource Permit Program Support (P432)**

The District executed a Task Work Assignment (TWA) with DRMP, Inc., to perform professional consulting services in support of the Environmental Resource Permit (ERP) program. The services include providing support to the ERP staff regarding the review of as-built certificates and request for conversion to the operation and maintenance phase, and other as-needed assignments relating to regulatory reviews and evaluations. Due to the high volume of permits over the past year, the ERP compliance staff have been utilized to assist with permit reviews to meet stator deadlines and statewide permitting metrics. The TWA with DRMP, Inc., was executed as a temporary means to manage reviews of as-built submittals and associated deadlines.

This item is requesting the transfer of \$100,000 from N976, which was included in the FY2019 budget but was subsequently cancelled. The addition of these funds will allow the extension of this program support to continue through June 21, 2019, by which time the compliance staff will be able to transition back to full management of compliance assignments.

**Staff Recommendation:**

Staff recommends the Board approve the requested budget transfer of \$100,000 from N976 to P432.

**Presenter:** Michelle Hopkins, P.E., Environmental Resource Permit Bureau Chief

## GENERAL COUNSEL'S REPORT

November 13, 2018

### *Consent Agenda*

#### **Decline Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101C**

##### *Purpose*

The purpose of this item is to recommend the Governing Board decline the right of first refusal to purchase the remainder fee interest over SWF Parcel No. 20-780-101C encumbered by a District conservation easement. The subject property is located in DeSoto County within the Bright Hour Watershed project. The conservation easement encumbers approximately 16,040 of the 18,600 acres of the property currently being offered for sale.

##### *Background and History*

The District identifies lands eligible for acquisition through the Florida Forever Work Plan which is approved by the Governing Board. In the work plan, lands are identified for fee simple acquisition or acquisition of less than fee interests (conservation easement). Less than fee acquisitions consist of the purchase of certain rights, including development rights, to protect the natural systems and water resources of a property and to ensure they remain in their existing state in perpetuity. In a typical negotiation of a less than fee acquisition, the District obtains a "right of first refusal" (RoFR). The RoFRs are intended to allow the District a time-limited opportunity to react to an offer to purchase the remaining fee interest. The RoFRs are perpetual rights that run with the land and remain in effect regardless of the change in underlying fee simple ownership.

The District originally acquired a conservation easement over the subject property consisting of approximately 28,274 acres in 1998 at a cost of \$365.65 per gross acre. The RoFR in the conservation easement requires notification of the owner's intent to sell the property, or any portion thereof, and further requires that an offer be extended to sell the property to the District. On May 22, 2017, the District received notice of a pending sale from the current owner's representative. At the June 27, 2017 Governing Board meeting, the District declined its right of first refusal to purchase the property. Thereafter, the closing of the pending sale did not occur. On October 30, 2018, the District received notice that there is a new contract on the property, and a sale is once again pending. The District has 120 days from the receipt of this notice to respond, but the current owner's representative has requested the District to consider the matter at its November 2018 Governing Board meeting.

The contract provided by the owner's representative relates to the sale of 18,600 acres, with the contract price of \$22,500,000 or \$1,209.68 per gross acre. As noted above, the Governing Board has previously declined to exercise its RoFR to purchase the subject property, most recently in June 2017.

District staff evaluated the opportunity to purchase the remainder fee interest and determined that the existing conservation easement is sufficient for the continued land and water resource protections intended through this acquisition.

The existing conservation easement terms include:

- No additional buildings, roads, signs, billboards or other advertising, utilities, or other structures are allowed.
- May be divided and conveyed into no more than four parcels of no less than 5,000 acres.
- No mining.
- Areas improved for agricultural activities in upland areas can continue or be converted to other agricultural activities.
- Silviculture is allowed with best management practices (BMPs), although no harvesting can be conducted in wetlands.
- Cattle operations in upland areas can continue in accordance with United States Department of Agriculture Natural Resources Conservation Service guidelines.
- No conversion of native range or natural lands as established in the baseline inventory.
- All hunting and fishing rights retained by grantor.
- Upon request of the owner, the right of public access to the easement area, twice a year, for no more than five working days each time and limited to parties of no more than 25 persons.

### *Benefit/Costs*

The restrictions placed on the property by the existing conservation easement currently are adequate to protect the natural and water resources of the property; therefore the benefits of acquiring the remainder fee interest would be minimal at this time.

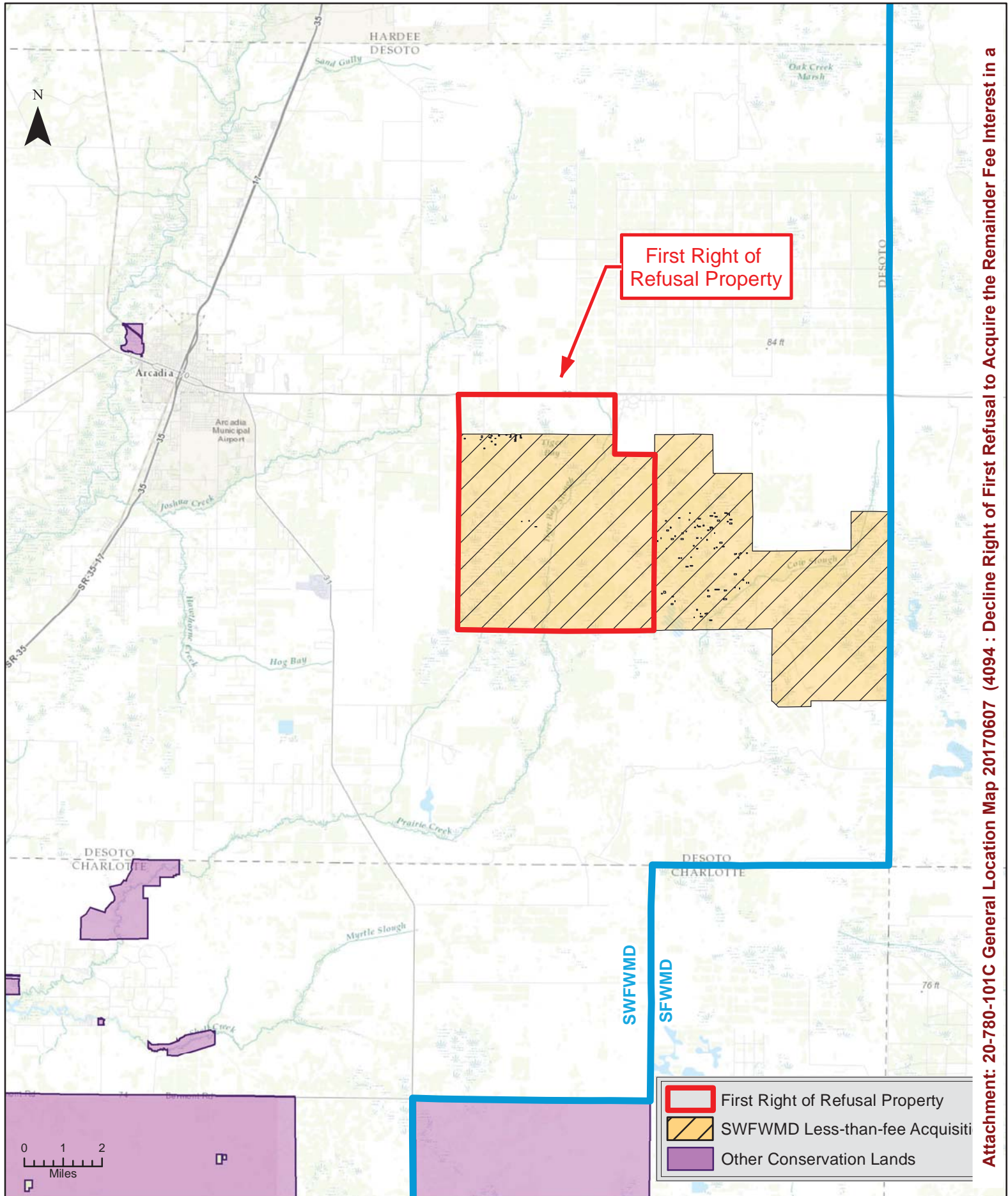
### Staff Recommendation:

Authorize the Executive Director to decline the Right of First Refusal on SWF Parcel 20-780-101C.

Presenter: Karen E. West, General Counsel  
Steven E. Blaschka, Real Estate Program Specialist



# Bright Hour Watershed



Attachment: 20-780-101C General Location Map 20170607 (4094 : Decline Right of First Refusal to Acquire the Remainder Fee Interest in a



**EXECUTIVE DIRECTOR'S REPORT**

**November 13, 2018**

***Consent Agenda***

**Approve Governing Board Minutes - October 23, 2018**

Staff Recommendation:

Approve Minutes as presented

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

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

OCTOBER 23, 2018

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on October 23, 2018, at the Brooksville Office. The following persons were present:

#### Board Members Present

Jeffrey M. Adams, Chair  
Ed Armstrong, Vice Chair  
Bryan Beswick, Secretary  
Michelle Williamson, Treasurer  
H. Paul Senft, Member  
Randall S. Maggard, Member via phone  
John Henslick, Member  
Kelly S. Rice, Member  
Mark Taylor, Member  
Joel Schleicher, Member  
Rebecca Smith, Ph.D., Member  
James G. Murphy, Member  
Scott Wiggins, Member

#### Staff Members

Brian J. Armstrong, Executive Director  
Amanda Rice, Assistant Executive Director  
Karen E. West, General Counsel  
Brian Werthmiller, Inspector General  
John J. Campbell, Division Director  
Ken L. Frink, Division Director  
Alba E. Más, Division Director  
Michael Molligan, Division Director  
Jennette Seachrist, Division Director

#### Board Administrative Support

Lori Manuel, Administrative Assistant

A list of others in attendance, who signed the attendance roster, is filed in the permanent records of the District. This meeting was available for viewing through Internet streaming. Approved minutes from previous meetings can be found on the District's website ([www.WaterMatters.org](http://www.WaterMatters.org)).

#### **PUBLIC HEARING** (Video – 00:00)

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

Chair Adams called the meeting to order and opened the public hearing. Secretary Beswick stated a quorum was present.

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

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

Chair Adams introduced each member of the Governing Board. He noted that the Board meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Adams stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Adams stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

**3. Employee Recognition**

Chair Adams recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff were recognized: Carrie Miller and Trisha Neasman.

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

**4. Additions/Deletions to Agenda**

Mr. Brian Armstrong, executive director, stated the following item was added to Discussion:

**Chair's Report**

**53. 2018 Employee Evaluation for the Executive Director**

Chair Adams said there is good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, which was seconded. The motion carried unanimously. (Audio 00:08:00)

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

Chair Adams noted at this time, the public is given an opportunity to comment on any topic not listed on the agenda.

Mr. David Ballard Geddis, Jr., spoke regarding the United States Constitution.

**CONSENT AGENDA**

Chair Adams asked that before the Board considers action on the Consent Agenda whether there was anyone in the audience who wished to address the Board regarding an item listed on the Consent Agenda.

**Finance/Outreach & Planning Committee**

**6. Approval of Agreement for Use of Property Tax Collections to Fund Exemption Audit Services Among Citrus County Property Appraiser, Citrus County Tax Collector and Southwest Florida Water Management District**

Staff recommended the Board approve the Agreement for Use of Property Tax Collections to Fund Exemption Audit Services Among Citrus County Property Appraiser, Citrus County Tax Collector and Southwest Florida Water Management District.

**7. Budget Transfer Report**

Staff recommended the Board's approval of the Budget Transfer Report covering all budget transfers for September 2018.

**Resource Management Committee**

**8. Minimum Flows and Minimum Water Levels Priority List and Schedule Update**

Staff recommended the Board approve the Southwest Florida Water Management District 2018 Priority List and Schedule for submission to DEP for review and approval as required by Chapter 373, F.S.

**Operations, Lands and Resource Monitoring Committee**

**9. Remove Surplus Declaration of Tampa Bypass Canal Surplus Parcel Number TBC-4 SWF Parcel No. 13-001-739S.**

Staff recommended the Board remove the declaration of surplus for TBC-4 SWF Parcel No. 13-001-739S.

**10. Amendment of Management Agreement with Pasco County – Starkey Wilderness Preserve – Jay B. Starkey Wilderness Park – SWF Parcel No. 16-010-017X**

Staff recommended the Board approve the Amendment to the Management Agreement for the Jay B. Starkey Wilderness Park - SWF Parcel No. 16-010-017X and authorize the Executive Director or Assistant Executive Director to execute the Amendment on behalf of the District.

**11. Amendment to Agreement for Purchase and Sale with Sarasota County for the Sarasota Office SWF Parcel No. 21-477-105**

Staff recommended the Board approve the Amendment to the Purchase and Sale Agreement with Sarasota County for the Sarasota Office - SWF Parcel No. 21-477-105 and authorize the Executive Director or Assistant Executive Director to execute the Amendment on behalf of the District.

**Regulation Committee**

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

**a. WUP No. 20008675.006 - Florida National Cemetery / Department of Veterans Affairs (Sumter County)**

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

**b. WUP No. 20012645.005 - Grand Palm/Blackburn Creek / Resource Conservation of Sarasota, LLC, Copperstone Acquisition, LLC, Blackburn Water Conservation, LLC, and Blackburn Consolidated Holdings, LLC (Sarasota County)**

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

**General Counsel's Report**

**13. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval** - None

**14. Rulemaking** - None

**Executive Director's Report**

**15. Approve Fiscal Year 2019 Final Budget Hearing Minutes – September 25, 2018**

Staff recommended the Board approve the minutes as presented.

**16. Approve Governing Board Meeting Minutes – September 25, 2018**

Staff recommended the Board approve the minutes as presented.

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

**Chair Adams relinquished the gavel to the Finance/Outreach & Planning Committee Chair Armstrong, who called the meeting to order. (Audio: 00:14:02)**

**Finance/Outreach & Planning Committee**

**Discussion**

**17. Consent Item(s) Moved for Discussion** – None

**18. Investment Strategy Quarterly**

Mr. John Grady, Public Trust Advisors, provided a presentation on the quarterly investment strategy from July 1, 2018 to September 30, 2018. This presentation included an economic update and yield curve analysis. He stated interest rates are continuing to rise, incurring the eighth rate-hike during the current cycle. Housing prices continue the upward trend into the second half of 2018. The U.S. median home price was 4.6% higher year over year through August. Unemployment dipped to 3.7% in September, the lowest level in more than 50 years. There are

currently more than 6.7 million job openings. Gross Domestic Product (GDP) growth was 4.2% in the second quarter. This was the largest quarterly growth since September 2014.

Mr. Grady provided a comparison summary of all District short-term and long-term aggregate investment assets.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended September 30, 2018.

**A motion was made and seconded to approve the staff recommendation. The motion carried unanimously.** (Audio: 00:27:08)

**19. Annual Review of Board Policy, District Investment Policy**

Ms. Melisa Lowe, Finance Bureau chief, provided a presentation for the annual investment policy review. She explained the purpose of the investment policy is to set the investment objective parameters of the management of District funds.

She outlined minor modifications that are being recommended, which included updating the name of the benchmarks to reflect the name of the new owner, Intercontinental Exchange (ICE) as opposed to Bank of America. The second revision is to the Intergovernmental Fund (LGIP) rating, which was updated, from AAA to AAAM which would limit the District only to funds that are stable Net Asset Value (NAV) as opposed to a floating asset value.

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

**20. Development of Preliminary Fiscal Year (FY) 2020 Budget**

Mr. John Campbell, Management Services director, provided a presentation on the development of the FY2020 preliminary budget. He outlined the FY2020 budget calendar, budget metrics, operating budget assumptions, project budget assumptions, revenue budget assumptions, new growth projection model and graphic depicting millage rate versus investment in projects.

Board Member Schleicher stated he would like to see a further reduction in the millage rate.

Treasurer Williamson asked if springs restoration funding has been confirmed. Mr. Campbell responded in the negative. Mr. Brian Armstrong, executive director, stated that the springs funding will be approved by the Legislative Budget Commission in January 2019.

Staff recommended the Board approve the general budget assumptions as outlined in the October 23, 2018 budget presentation for the development of the preliminary budget for FY2020.

**A motion was made and seconded to approve the staff recommendation. The motion carried with ten in favor and one opposed.** (Audio: 00:40:35)

**Submit & File Reports**

**21. Self-Funded Health Insurance Plan Year-To-Date Financial Update**

**Routine Reports**

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

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

**23. Monthly Financial Statement**

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

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

**26. Development of Regional Impact Activity Report**

**Committee Chair Armstrong relinquished the gavel to the Resource Management Committee Chair Rice, who called the meeting to order. (Audio: 00:41:35)**

**Resource Management Committee**

**Discussion**

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

**Submit & File Reports – None**

**Routine Reports**

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

**28. Minimum Flows and Levels Status Report**

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

**Committee Chair Rice retained the gavel to chair the Operations, Lands & Resource Monitoring Committee and called the meeting to order. (Audio: 00:42:10)**

**Operations, Lands & Resource Monitoring Committee**

**Discussion**

**30. Consent Item(s) Moved for Discussion – None**

Mr. Ken Frink, Operations, Lands and Resource Monitoring director, stated that a chart has been added to the surplus lands report that tracks small lot sales in the Annutteliga Hammock.

**Submit & File Reports**

**31. Hydrologic Conditions Report**

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

**Routine Reports**

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

**32. Surplus Lands Update**

**33. Structure Operations**

**34. Significant Activities**

**Committee Chair Rice relinquished the gavel to the Regulation Committee Chair Taylor, who called the meeting to order. (Audio: 00:43:36)**

**Regulation Committee**

**Discussion**

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

**36. Denials Referred to the Governing Board**

No denials were requested.

**Submit & File Reports - None**

**Routine Reports**

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

**37. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading Equipment Implementation Program Update**

**38. Overpumpage Report**

**39. Individual Permits Issued by District Staff**



**Committee Chair Taylor relinquished the gavel to the Chair Adams. (Audio: 00:44:10)**

**General Counsel's Report  
Discussion**

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

**41. 2018 Annual Sunshine Law Presentation**

Mr. Chris Tumminia, senior attorney, provided a presentation of the Sunshine Law. He explained the Sunshine Law is a right of access to governmental proceedings of public boards. This is applicable to any board or commission of any state agency, county, municipal corporation, or political subdivision.

Mr. Tumminia outlined the requirements that Board members must adhere to in-order to maintain compliance with the Sunshine Law. He stated that meetings must be open to the public and reasonably noticed. He stated that minutes of meetings must be taken and promptly recorded. Mr. Tumminia provided hypothetical examples of violations and penalties associated.

Mr. Tumminia addressed violations of the Sunshine Law as related to social media. He provided hypothetical examples.

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

**42. Polk Regional Water Cooperative, et al., v. Peace River Manasota Regional Water Supply Authority and SWFWMD**

Ms. Karen West, general counsel, updated the Board regarding the permit challenge litigation. She reminded the Board that once the hearing is concluded, the Administrative Law Judge (ALJ) will issue a recommended order. This order will be presented to the Board for consideration of the final order, with any exceptions that may have been filed by the other parties. The Board will enter the final order. Ms. West reminded the Board to limit any discussion on this matter.

Ms. West informed the Board that all parties met on October 8 to mediate this matter. She stated that an impasse was met. She added that prior to that meeting, Mr. Brian Armstrong, executive director, held an informational meeting with the Polk Regional Water Cooperative (PRWC) to discuss a proposed water supply project in cooperation with Tampa Bay Water and Hillsborough County. The District also held an informational meeting and invited all parties to provide additional information regarding the proposed water supply project. Ms. West stated that the only attendees were from the City of Davenport.

Vice Chair Armstrong asked for an estimate of costs the District is incurring regarding this permit challenge. Ms. West responded the District has encumbered \$125,000 in expert witness contracts and outside council, approximately \$800 in mediation costs and approximately \$5,000 for ALJ services. She added that although it has not been thoroughly calculated, staff time is substantial, and a system is being put in place to track it.

Vice Chair Armstrong asked what flexibility the District has regarding payment of funds associated with the PRWC. Mr. Armstrong responded that the first PRWC resolution committed the District to an initial \$40 million with an additional \$25 million to be budgeted in a second PRWC resolution. Mr. Armstrong stated that \$11.5 million has been encumbered of which \$2 million has been spent.

This item was presented for informational purposes only. 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.

#### **43. October 2018 – Litigation Report**

#### **44. October 2018 – Rulemaking Update**

### **Committee/Liaison Reports**

#### **45. Environmental Advisory Committee**

Treasurer Williamson provided an update of the Oct 2 meeting. She stated there was a presentation from Dr. John Kiefer regarding the process and benefits of reconnecting a stream system. Ms. Williamson stated the Committee passed a motion for the District to identify opportunities for natural stream and channel restoration within the priority Surface Water Improvement and Management (SWIM) plans that are being developed. Ms. Jennette Seachrist, Resource Management director, responded that this will be incorporated into the SWIM plan updates.

A written report was provided for the October 2 meeting.

#### **46. Agricultural Advisory Committee**

A written report was provided for the October 15 meeting.

#### **47. Green Industry Advisory Committee**

A written report was provided for the October 15 meeting.

#### **48. Other Committee/Liaison Reports**

Board Member Henslick provided an update for the Charlotte Harbor National Estuary Program (CHNEP) Policy Committee meeting on September 27. He stated that CHNEP is tracking sea level rise in coastal habitat areas that may be affected. The CHNEP is also considering a name change that may promote better identification of the geographic region the CHNEP protects.

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

#### **49. Executive Director's Report**

Mr. Brian Armstrong, executive director, presented his FY2019 goals to the Board. He outlined three main goals as follows: 1) implement and monitor the strategic plan; 2) continue to pursue District process improvements, gain efficiency and ensure customer service; and 3) develop and implement a longer-term vision that exemplifies our core values for future District leadership, business support and increased organization sustainability.

Mr. Armstrong explained that goal number one is to ensure operational policy alignment with the strategic plan metrics. Tasks associated with this goal include: finalizing the CFI policy for septic-to-sewer conversion projects, promoting indirect and direct potable reuse projects, monitoring budget metrics and reserve spending, and expanding the Florida Water Star program.

Mr. Armstrong explained that goal number two supports the Business and Strategic Plans with a focus on improving customer services internally and externally. Tasks associated with this goal include: improving contract metrics; expanding the District DIVE program; creating an "at-a-glance" Daily Lake Operations Summary; continuing to develop the Capital Improvement Plan for District structures; and completing the implementation of the UltiPro Human Resources system.

Mr. Armstrong explained that goal number three will ensure performance excellence. Tasks associated with this goal will focus on recruitment; continuing improvement of the District's safety program; continuing the effort to capture institutional knowledge; improving performance of managers; expanding social media; expanding the District's current orientation; completing a pay study; and expanding the District wellness program.



Mr. Armstrong also informed the Board of an award that was received for District employee Mike Terry, Senior Vegetation Management specialist. This award was presented by the Florida Aquatics Plant Management Society for a presentation Mr. Terry made on the effectiveness of new herbicides and modifying techniques for current applications.

### **Chair's Report**

#### **50. Chair's Report**

Chair Adams acknowledged the process regarding Surplus Lands to provide better transparency regarding property sales.

Chair Adams informed the Board that the comments received from the Budget Planning workshop have been reviewed and implemented appropriately.

Chair Adams stated the next Board meeting is November 13 at the Tampa Office.

#### **51. Other**

#### **52. Employee Milestones**

#### **53. 2018 Employee Evaluation for the Executive Director**

Chair Adams presented the 2018 performance evaluation for the Executive Director that was completed by the Board Members. He explained the confusion associated with the completion of his input and asked if it was possible to correct his submittal to accurately reflect his review of the Executive Director. Ms. Kelley Rexroad, Human Resources Office chief, responded that additional input was received, and an updated sheet has been provided. She also stated that an amendment can be done, if necessary.

Staff recommended the Board:

- Adopt and approve the 2018 employee evaluation of the executive director
- Adopt and approve the 2019 executive director goals

**A motion was made to adopt and approve the 2018 employee evaluation of the Executive Director. The motion was seconded and carried unanimously. (Audio: 01:21:30)**

**A motion was made to adopt and approve the 2018 Executive Director goals. The motion was seconded and carried unanimously. (Audio: 01:24:48)**

The meeting was adjourned at 10:26 a.m.

Attest:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

Attachment: GB-10232018 - Draft (4044 : Approve Governing Board Minutes - October 23, 2018)



**Governing Board Meeting  
November 13, 2018**

<b>RESOURCE MANAGEMENT COMMITTEE</b>
--------------------------------------

***Discussion Items***

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19. Water Incentive Supporting Efficiency (WISE) Program (B015) .....	41

***Submit & File Reports – None***

***Routine Reports***

20. Minimum Flows and Levels Status Report.....	43
21. Significant Water Resource and Development Projects.....	45

**RESOURCE MANAGEMENT COMMITTEE**

**November 13, 2018**

*Discussion Item*

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

Staff Recommendation:

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

**RESOURCE MANAGEMENT COMMITTEE**

**November 13, 2018**

***Discussion Item***

**Potable Reuse Commission Update**

***Purpose***

To provide the Board with an overview of WateReuse Florida's Potable Reuse Commission, including work with the Water Research Foundation, regional workshops, and the development of a draft framework for potable water reuse in Florida.

***Background/History***

The mission of the Potable Reuse Commission (PRC) is to develop a framework for potable reuse implementation in Florida that will augment future water supply and support water quality initiatives. The PRC was established by WateReuse Florida, and includes representatives of public utilities, the Florida Department of Health, the agricultural industry, academic researchers, environmental organizations, and industry groups. The District has provided funding support and is an ex-officio member of the PRC. The PRC has contracted with the Water Research Foundation to provide national technical expertise for this effort.

The goal of the framework for potable reuse will be to facilitate the expansion of potable reuse to supplement existing water supplies. The PRC will also develop recommendations for legislation, rule development, and incentives for potable reuse, and identify benefits of potable reuse to environmental restoration and economic development.

**Staff Recommendation:**

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

**Presenter:** Mark A. Hammond, P.E., WateReuse Florida

## RESOURCE MANAGEMENT COMMITTEE

November 13, 2018

### *Discussion Item*

#### Water Incentives Supporting Efficiency (WISE) Program (B015)

##### *Purpose*

The purpose of this item is to provide an overview of the Water Incentives Supporting Efficiency (WISE) Program and to review program guidelines.

##### *Background/History*

To assist in meeting the District's strategic goals associated with water conservation and increased water use efficiency in all water use sectors, the District plans to initiate a new cost share program called WISE in FY2019. WISE will financially incentivize water conservation projects with non-agricultural water users. Complimentary to the District's Cooperative Funding Initiative (CFI) program and as a component of the District's on-going Conservation Initiative, this program will provide a streamlined project implementation process and reach cooperators that might not otherwise implement smaller conservation projects.

The WISE Program is modeled after the ongoing Mini-FARMS program which provides cost share funds to small growers (less than 100 irrigated acres). Applications will be accepted throughout the year and funds will be awarded for approved projects up to the amount budgeted for the year. Initially, the geographic focus areas will be the Central Florida Water Initiative (CFWI) and northern planning region of the District; however, funding will be available District-wide. These small-scale projects will be implemented by a large variety of water users which may include homeowner associations, hotels, schools, hospitals, manufacturing facilities, amusement parks, small utilities, and golf courses. Project approval will be subject to the Resource Management Division Director and project payment will follow the District Signature Authority Procedure (11-8). Below are highlights of the program guidelines:

<b>WISE Program Guidelines</b>
50% District funding
Maximum of \$20,000 of District funds per project
One year to complete project from the time of approval
Maintenance period of 5 years
Cost effectiveness consistent with CFI. Cap at \$6.00 per 1,000 gal
Grant eligible items include hardware, installation, and design

The program is expected to evolve over time and an adaptive management approach will be critical to the program's success. Staff will provide the Governing Board a monthly report of the program's progress through the Resource Management Committee Significant Water Resource and Development Projects Routine Report.

### *Benefits/Costs*

The District's approved Fiscal Year (FY) 2019 budget contains \$50,000 for the first year of the WISE Program. Projects considered for funding will be subject to the cost effectiveness thresholds currently utilized for the CFI program. Projects that fall into the low cost-effectiveness category (greater than \$6.00 per 1,000 gallons saved per year) would not receive funding. If an average cost effectiveness of \$3.00 per 1,000 gallons can be maintained, then expected water savings for the \$50,000 budgeted in FY2019 would be 13,300 gallons per day. Actual water savings will vary based on projects selected for funding. If the program is successful, the WISE budget may be increased in future years with a corresponding increase in expected water savings.

### Staff Recommendation:

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

Presenter: JP Marchand, P.E., Water Resources Bureau Chief

## RESOURCE MANAGEMENT COMMITTEE

November 13, 2018

### *Routine Report*

#### Minimum Flows and Levels 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.

District staff continues to work on various phases of the development or reevaluation of MFLs for water bodies included on the Governing Board and DEP approved MFLs Priority List and Schedule. This status report highlights phased tasks that have been completed for prioritized water bodies since the last Governing Board meeting and summarizes cumulative progress for all currently prioritized water bodies.

Phase 1 (Data collection). Data collection was not completed for any currently prioritized water bodies during the past month. To date, data collection has been completed for 27 of the 96 water bodies scheduled for MFLs adoption or reevaluation by 2027.

Phase 2 (Data analyses and development of draft MFLs reports). Data analyses and draft report development were not completed for any water bodies during the past month. Analyses and draft, internal-review reports have been completed for 22 of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027.

Phase 3 (a. Presentation of draft MFLs reports to the Governing Board prior to peer review; b. presentation of peer review reports and staff responses to the Governing Board; c. public workshops; and d. presentation of final MFLs reports to the Governing Board for acceptance).

- a) No draft MFLs reports that are subject to peer review were presented to the Governing Board this month. Draft reports for six currently prioritized water bodies that were subsequently peer reviewed have previously been submitted to the Governing Board.
- b) No peer review reports or staff response to peer review findings were presented to the Governing Board this month. To date, peer review reports and associated staff responses have been presented to the Governing Board for five of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027.
- c) No public workshop on proposed MFLs were held during the past month. To date, public workshops addressing 18 of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been conducted.
- d) A final report on revised MFLs for Pierce Lake was submitted to the Governing Board this month. Pending acceptance of this report, final reports addressing 18 of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been accepted by the Governing Board.

Phase 4 (Recovery Strategy Development). No new recovery strategies were developed for Governing Board consideration this month. The previously approved NTB WUCA and SWUCA



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recovery strategies have, respectively, been identified as necessarily applicable to three and four of the 96 water bodies scheduled for MFLs adoption/reevaluation through 2027. No need for recovery has been determined for 11 of the 96 prioritized water bodies. The need for recovery has not yet been determined for the 78 other water bodies.

Phase 5 (Governing Board Approval of Rule Amendments). Rule amendments associated with revised MFLs for Pierce Lake were presented to the Governing Board this month. Pending approval of a request to initiate rulemaking for the reevaluated MFLs, rule amendments addressing 18 of the 96 water bodies scheduled for MFLs adoption/reevaluation by 2027 have been approved.

Staff Recommendation:

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

Presenter: Doug Leeper, MFLs Program Lead, Springs and Environmental Flows Section

**RESOURCE MANAGEMENT COMMITTEE****November 13, 2018*****Routine Report*****Significant Water Resource and Development Projects**

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 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. ***New Activities Since Last Meeting:*** Rowe began drilling on the first recharge zone monitor well. An amendment to the consultant agreement to add the Phase 2 tasks is routing through the District's approval process. *Project Manager: Lisann Morris*

**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 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. Pursuant to the recovery strategy, since December 31, 2007, 75 percent of up to 11 cubic feet per second (cfs) (i.e., 8.2 cfs) transferred to the reservoir from the TBC is being pumped to the base of the Hillsborough River Dam. The District received notification from the COT on November 7, 2011, that the Sulphur Springs Run Lower Weir project was complete and the pumping facilities and Upper Weir modifications to assist in meeting the MFL were completed in January 2012. The COT completed construction for the Blue Sink pipeline in April 2016 and construction restoration was completed in May 2016. In November 2017 the COT began operation of the Blue Sink pumping facility. 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

on other alternative supplies to meet the MFL, specifically associated with the Tampa Augmentation Project (TAP - Q028). In 2017, the COT began the process of taking over operation of pump stations on the TBC, as required by the recovery strategy. In addition, a CFA between the COT and the District for the LHR Dam Control Gate Facilities (N492, Agreement No. 17CF0000823) was completed to construct a new sluice gate in the dam to allow the city to pass the full quantity of water needed to meet minimum flows. In accordance with the permit issued to the District by the FDEP for planned minimum flow recovery pumping from Morris Bridge Sink, the District submitted a review/assessment of the recovery strategy to FDEP in December 2017. 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. In summary, all activities and projects proposed in the adopted recovery strategy are either underway, completed, or have been determined to not be viable. Acquisition of necessary permits and other unforeseen issues have delayed construction and full implementation of some recovery strategy projects. However, 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 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 District and the COT continue to work cooperatively to determine how the MFL will be impacted through the proposed COT TAP - Q028 project. The COT has met with District staff and is pursuing additional coordination regarding minimum flow requirements to support the updating of their minimum flow operating procedures. Water quality monitoring, soil subsidence monitoring and biological sampling for 2017 for the WUP for Morris Bridge Sink has been completed. The annual reports to FDEP for permit compliance for the S-161 WUP and Morris Bridge Sink WUP were submitted on March 30, 2018. Vegetation monitoring and wildlife monitoring for the WUP for Morris Bridge Sink has been completed. The first pilot algal removal event for Sulphur Springs was conducted on May 31, 2018. The second and final pilot algal removal event for Sulphur Springs was conducted on June 29, 2018. The technical memo summarizing the results of the pilot algal removal project was submitted to the District on August 30, 2018. This project is now complete. A draft biological sampling report for the LHR recovery strategy five-year assessment has been submitted to the District and is being reviewed by District staff. Negotiations for the FY19 Morris Bridge Sink Environmental Monitoring required by the WUP are ongoing. ***New Activities Since Last Meeting:*** District staff have reviewed the draft biological sampling report for the LHR recovery strategy five-year assessment and provided comments. *Project Managers: Barbara Nordheim-Shelt; Mary Spence*

### **Aquifer Recharge Projects**

#### **City of Clearwater - Groundwater Replenishment Project - Phase 3**

This is an ongoing project which previously completed work on an advanced water purification pilot plant test and one groundwater recharge injection site. Results from the water purification plant pilot tests and injection well testing demonstrated that this project would be successful in allowing the City to increase their reclaimed water utilization, reducing surface discharges, improving groundwater levels in the Northern Tampa Bay Water Use Caution Area, and increasing the City's future water supply potential from their existing wellfields. Phase 3 of this project is the design, third-party review, permitting and construction of the full-scale water purification plant and the injection and monitor well systems to recharge 2.4 mgd annual average of purified recycled water at Clearwater's Northeast Water Reclamation Facility. Public outreach is also a critical function throughout the design and construction of this project. The original CFI contract with the City for this project was executed in January 2016. An increase in the total project cost from \$28,680,000 to \$32,716,000, was requested at the District's September 27, 2016 Governing Board Meeting based on results of a 30 percent design and

third-party review. The Board approved the City's request to move forward with final design and construction and authorized a contract amendment for the project (current budget of \$32,716,000 with the District funding a total of \$16,358,000). This contract amendment was executed on March 6, 2017. Of the District's contribution, \$1,554,000 was approved in FY2015, \$2,131,600 was approved in FY2016, and \$8,000,000 was approved in FY2018. The remaining \$4,672,400 is currently requested in the FY2019 CFI application. The 100 percent design is complete and final design is pending permit issuance by the Florida Department of Environmental Protection (FDEP). Three public meetings were conducted by the City between November 2016 and May 2017. Permit Applications for the Advanced Water Purification Plant were logged in at the FDEP on October 20, 2017 and are anticipated to be issued at the end of 2017 or beginning of 2018. Site Development Permit Applications are with FDEP Environmental Resource Permitting, Florida Department of Transportation Right of Way Access, the City and the County. Construction is currently scheduled to be complete at the beginning of 2020 and facility operations should begin in April 2021. The next task, project bidding, is pending final permits and final design. The FDEP Intent to Issue for the Advanced Water Purification Plant permit was initially received on January 10, 2018. Following subsequent edits, the final Intent to Issue with a revised public notification form was provided on February 12, 2018. The City published the required notification in the Tampa Bay Times on February 16, 2018. A FDEP public meeting for the UIC permit was conducted on June 13, 2018, 5:00 p.m. to 8:00 p.m. at the Clearwater Main Library, 100 North Osceola Avenue, Clearwater, Florida 33755. A total of four citizens signed in at this meeting. The final UIC Class I and Class V permits for the injection and recharge well construction and testing were issued by the FDEP on August 17, 2018. All required permits for construction are anticipated to be issued by the end of October 2018. **New Activities Since Last Meeting:** No changes since the last meeting. *Project Manager: Robert Peterson*

### **Pasco County - Reclaimed Water Natural Systems Treatment and Restoration 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 total project cost (N666), split equally between County and the District, was \$14,300,966. 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. Furthermore, it is expected that the infiltration that can be achieved is a function of the water level in each cell which provides driving hydraulic head for infiltration into the groundwater. The need for recharge together with the need to maintain healthy wetland vegetative communities must be balanced and optimized to ensure project success and achieve the most benefit out of this facility.

Except for ongoing work to correct problems in the SCADA system used to automate cell operation, the facility's construction was completed in October 2017. Reclaimed water has been applied to all the cells since April 2017, and the long-term mid-summer 2018 average rate of water application has been approximately 3 MGD, with a maximum rate of approximately 8 MGD. As expected, the facility can typically handle higher rates during dry periods, and much lower rates during high rainfall periods.

A follow-up three-year project (N943), began in 2018 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 District has issued a no-cost time extension for the construction Agreement through March 31, 2019 to give the County additional time to resolve the SCADA issues. The County continues to work on resolving the SCADA issue with the facility. Meanwhile, the first tasks of the optimization project have been ongoing, including the recalibration of the groundwater model. Groundwater models, files and information collected during the spring vegetative monitoring has been received by the District. ***New Activities Since Last Meeting:*** No changes since the last meeting. *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 possible 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 September and October. The total injected volume for August was approximately 69 MG for the month. Estimated injection volume for October was not available at the time (October 12<sup>th</sup>) this update was prepared, Total recharge volume through September is slightly more than 2.2 billion gallons recharged since the beginning of the project. The County requested a contract amendment to extend the recharge testing phase to evaluate an increased injection rate prior to applying for an operation permit. The no cost increase schedule and contract extension amendment were sent to the County on August 2, 2018 and it is anticipated that it will be executed in November 2018. *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. 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



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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. ***New Activities Since Last Meeting:*** Phase II cooperative funding agreement continues to move through the District's approval process. The City submitted a Fiscal Year 2020 Cooperative Funding application for 60 percent design for some of the TAP infrastructure. *Project Manager: Lisann Morris*

### Staff Recommendation:

This item is provided for the Committee's information, and no action is required.

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



**Governing Board Meeting  
November 13, 2018**

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

22. Consent Item(s) Moved for Discussion.....50
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***Submit & File Reports – None***

***Routine Reports***

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**FINANCE/OUTREACH & PLANNING COMMITTEE**

**November 13, 2018**

*Discussion Item*

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

Staff Recommendation:

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

**FINANCE/OUTREACH & PLANNING COMMITTEE****November 13, 2018*****Discussion Item*****Information Technology Bureau Enterprise Computer and Storage Replacement*****Purpose***

Staff requests approval of a \$500,000 budget transfer from the Network Storage Replacement Fund to procure hardware, software, warranty and services associated with the replacement of the District's enterprise computer systems and Storage Area Network (SAN) which supports all critical information systems.

***Background/History***

Since its establishment in 1993, the Network Storage Replacement Fund has provided the District with a predictable funding source for large information technology investments while maintaining a level annual technology budget. The Network Storage Replacement Fund operates as follows:

- Annually the Information Technology Bureau (ITB) identifies items to be included in the fund and establishes a multi-year (minimum of five) contribution and drawdown plan for the fund which is approved by the Information Technology and Data Governance Committee and included in the Information Technology Plan.
- Contributions to the fund were previously approved by the Governing Board through the budget development process to meet future requirements which have been identified by the ITB staff and were included in the annual ITB budget.
- Governing Board approval is required to transfer money from the fund into the appropriate operating budget lines associated with replacing/upgrading equipment, including, but not limited to hardware, software, maintenance and consulting services for implementation.
- Effective for FY19, the Network storage replacement fund is no longer funded in the annual service budget. This action as well as a future action requesting funds to replace core data center switches and the unstructured data storage equipment replacements will deplete all remaining funds in the Network Storage Replacement Fund. Future budgets FY20 and later will include budget requests to support annual Network Storage replacements.

***Current System Status and Investment Required***

The current systems were initially purchased between 2012 and 2013 and incrementally upgraded to support new compute, and data storage requirements. These systems are approaching their end of life and either are currently no longer supported or will not be supported for maintenance or repair by the manufacturer by 2020. The replacement of these systems has been anticipated for several years in the Information Technology Plan and represents the third part of a multi-stage rollout which included the deployment of systems in Brooksville, West Palm Beach, and now Tampa. All of which were previously approved by the Governing Board in 2017 and 2018. This final deployment brings all three datacenter locations into a consistent state of hardware implemented. The funding for these systems is available in the Network Storage Replacement Fund.

## Item 23

The primary planned significant investments provided by this fund are in the incremental replacement of the enterprise storage required for the virtual server environment and the eventual replacement of the SAN which houses our virtual application servers and virtual database servers. The current investment in the enterprise computer and SAN environment provides the District with the computer environment required to maintain the District's virtual server infrastructure in support of permitting, scientific data management and back-office business processes.

*Status of the Network Storage Replacement Fund (Pending Governing Board approval of the budget transfer in the amount of \$500,000)*

	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>
<b><i>Balance Carried Forward from Prior Year</i></b>	\$776,451	\$958,451	\$1,035,066	\$775,866
<b><i>Annual Appropriation</i></b>	\$182,000	\$240,000	\$240,000	\$0
<b><i>Total Available Funds</i></b>	\$958,451	\$1,198,451	\$1,275,066	\$775,866
<b><i>Expenditures</i></b>	\$0	\$163,385	\$499,200	\$500,000
<b><i>Ending Balance</i></b>	\$958,451	\$1,035,066	\$775,866	\$275,866

### *Benefits/Costs*

Replacement of the existing enterprise computer and SAN systems has been identified in the Information Technology Plan for several years and the funding has been accrued in the Network Storage Replacement Fund for this purpose. Based on staff's fiscal and technical evaluation of available technology solutions to meet the District's enterprise computer and storage needs, staff is recommending a Cisco Unified Compute System and Pure Storage solution. The Pure Storage system includes several key benefits including an 11 to 12-year life-cycle and being a full flash, i.e. solid-state disk, array of drives which facilitates improved performance and the useful life of the equipment. Staff obtained competitive quotes from Cisco resellers and Pure Storage resellers available on competitively solicited State of Florida Information Technology contracts for server and storage hardware, software, warranty, and implementation services. This is the third phase of a multiyear plan to replace the Districts enterprise compute and SAN systems.

### Staff Recommendation:

Approve the transfer of \$500,000 from the Network Storage Replacement Fund to procure hardware, software, warranty and services associated with the replacement of the District's enterprise computer and SAN storage systems.

Presenter: Thomas Hughes, Information Technology Bureau Chief

## FINANCE/OUTREACH & PLANNING COMMITTEE

November 13, 2018

### *Routine Report*

#### Treasurer's Report and Payment Register

##### *Purpose*

Presentation of the Treasurer's Report and Payment Register.

##### *Background*

In accordance with the *District's Investment Policy*, a monthly report on investments shall be provided to the Governing Board. The Treasurer's Report as of October 31, 2018, 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).

The Treasurer's Report exhibit will be provided under separate cover.

##### Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**November 13, 2018**

***Routine Report***

**Monthly Financial Statement**

*Purpose*

Presentation of the October 31, 2018, 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 One Month Ended October 31, 2018."

Exhibit will be provided under separate cover.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

## FINANCE/OUTREACH & PLANNING COMMITTEE

November 13, 2018

### *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 October 31, 2018.

##### *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.

Exhibit will be provided under separate cover.

##### Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

## FINANCE/OUTREACH & PLANNING COMMITTEE

November 13, 2018

### *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 October 29, 2018

Project	Amendment Type	Assigned	Completed	Description	YWSFWP
Arcadia 18-2	ESR	8/9/2018	9/4/2018	No substantive comments.	<input type="checkbox"/>
Bradenton 18-3	ESR	9/27/2018	10/16/2018	No substantive comments.	<input type="checkbox"/>
Citrus 18-1	ESR	8/9/2018	9/10/2018	No substantive comments.	<input type="checkbox"/>
Citrus 18-2	ESR	8/23/2018	10/2/2018	Comments addressed wetland and floodplain areas. Encouraged applicant to avoid and/or minimize impacts to these resources whenever possible. Also encouraged implementation of low impact development strategies to help with this.	<input type="checkbox"/>
Coleman 18-2	ESR	10/22/2018		Text amendment.	<input type="checkbox"/>
Dade City 18-1	EAR-based	8/24/2018	9/26/2018	No substantive comments.	<input type="checkbox"/>
Davenport 18-3	ESR	8/27/2018	9/26/2018	Comments addressed statutory requirements for a potable water analysis, reuse, conservation, floodplains, existing WUPs and encouraged early regulatory coordination.	<input type="checkbox"/>
Davenport 18-4	EAR-based	9/27/2018	10/16/2018	No substantive comments.	<input type="checkbox"/>
Desoto 18-1	ESR	10/15/2018		Map and text amendments.	<input type="checkbox"/>
Frostproof 18-1	EAR-based	9/27/2018	10/16/2018	No substantive comments.	<input type="checkbox"/>
Haines City 18-1	ESR	9/26/2018	10/25/2018	Comments addressed requirements for a potable water analysis, conservation, a potential wetland area and an existing WUP/well. Also encouraged use of reclaimed water supply and scheduling of an ERP preapplication meeting.	<input type="checkbox"/>
Hillsborough 18-3	ESR	8/24/2018	9/26/2018	No substantive comments.	<input type="checkbox"/>
Hillsborough 18-4	ESR	10/22/2018		Map amendments.	<input type="checkbox"/>
Holmes Beach 18-1	EAR-based	9/12/2018	10/15/2018	Advised that the Water Supply Facilities Work Plan is past due and offered technical assistance.	<input type="checkbox"/>
Lake 18-10	ESR	10/15/2018		Text amendment.	<input type="checkbox"/>
Lake 18-7	ESR	8/7/2018	8/14/2018	Advised amendment site is in SJRWMD.	<input type="checkbox"/>
Lake 18-8	ESR	9/4/2018	9/17/2018	Advised amendment site is in SJRWMD.	<input type="checkbox"/>

Attachment: CPARR (4037 : Comprehensive Plan Amendment and Related Reviews Report)



Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Lake 18-9ACSC	Regular	10/15/2018	10/26/2018	No substantive comments.	<input type="checkbox"/>
Lake Alfred 18-1	ESR	9/17/2018	10/2/2018	No substantive comments.	<input type="checkbox"/>
Lake Alfred 18-2	ESR	9/17/2018	10/2/2018	No substantive comments.	<input type="checkbox"/>
Lake Alfred 18-3	ESR	9/17/2018	10/2/2018	No substantive comments.	<input type="checkbox"/>
Marion 18-2	ESR	9/28/2018		Map and text amendments.	<input type="checkbox"/>
Marion 18-3	ESR	9/28/2018		Map and text amendments.	<input type="checkbox"/>
Marion 18-4	ESR	9/28/2018		Map amendment.	<input type="checkbox"/>
Oldsmar 18-1	ESR	9/26/2018	10/15/2018	No substantive comments.	<input type="checkbox"/>
Palmetto 18-1	EAR-based	10/15/2018	10/26/2018	Advised that the Water Supply Facilities Work Plan is past due and offered technical assistance.	<input type="checkbox"/>
Pasco 18-7	ESR	8/9/2018	9/7/2018	Comments encouraged water conservation implementation and scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Pasco 18-8	ESR	9/27/2018	10/25/2018	Comments addressed floodplains and wetlands.	<input type="checkbox"/>
Pasco 18-9	ESR	9/27/2018	10/16/2018	No substantive comments.	<input type="checkbox"/>
Pinellas Park 18-1	ESR	9/28/2018	10/29/2018	Map and text amendments.	<input type="checkbox"/>
Polk 18-7	ESR	8/7/2018	9/6/2018	Comments addressed statutory requirements for a potable water analysis, reuse, conservation, floodplains, wetlands and encouraged scheduling a preapplication meeting with ERP staff.	<input type="checkbox"/>
Sebring 18-1	EAR-based	8/24/2018	9/17/2018	No substantive comments.	<input type="checkbox"/>
Sebring 18-2	ESR	8/24/2018	9/17/2018	No substantive comments.	<input type="checkbox"/>
Sebring 18-3	ESR	8/24/2018	9/26/2018	Comments suggested policy language for water supply planning.	<input checked="" type="checkbox"/>
St. Pete 18-1	ESR	9/4/2018	10/8/2018	Comments addressed need for water supply availability documentation and water conservation.	<input type="checkbox"/>
Sumter 18-7	ESR	10/1/2018		Map amendment.	<input type="checkbox"/>
Sumter 18-8	ESR	10/1/2018		Map amendment.	<input type="checkbox"/>
Webster 18-1DRI	ESR	10/3/2018		Map amendment	<input type="checkbox"/>
Wildwood 18-3	ESR	9/17/2018	10/11/2018	No substantive comments.	<input type="checkbox"/>

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Wildwood 18-4	ESR	9/17/2018	10/11/2018	No substantive comments.	<input type="checkbox"/>
Wildwood 18-5	ESR	10/15/2018		Map amendment.	<input type="checkbox"/>
Winter Haven 18-3	ESR	10/15/2018		Map amendments.	<input type="checkbox"/>

Abbreviations:

ACSC	Area of Critical State Concern
DRI	Development of Regional Impact
EAR	Evaluation and Appraisal Report
ESR	Expedited State Review

## FINANCE/OUTREACH & PLANNING COMMITTEE

November 13, 2018

### *Routine Report*

#### Development of Regional Impact Activity Report

##### *Purpose*

This report is provided for the Committee's information and shows District activity in the review of Developments of Regional Impact (DRIs). Staff updates the report monthly.

##### *Background/History*

The water management districts participate with other state agencies in the review of DRIs, pursuant to Section 380.06, Florida Statutes. A DRI is defined as any development which, because of its character, magnitude or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county. A set of statewide guidelines and standards (thresholds) has been adopted by rule that is used in determining whether particular developments must undergo DRI review. A form has been adopted by rule that specifies the information that must be provided by the developer in the DRI Application for Development Approval (ADA).

The DRI review process is administered by the regional planning councils and oversight is provided by the Florida Department of Economic Opportunity (DEO). The District has also entered into memoranda of agreement with the Central Florida, Southwest Florida, Tampa Bay and Withlacoochee regional planning councils to more specifically outline the District's DRI review responsibilities. The District provides water resource management technical and policy information to the regional planning councils and local governments to assist them in making well-informed growth management decisions.

##### *Benefits/Costs*

The goals of the District's DRI review program are twofold: (1) to ensure regional planning councils and local government elected officials have sound water resource technical and policy information as they consider approval of large scale development proposals; and (2) to reduce the number and magnitude of issues that will need to be addressed during the District's regulatory review processes. District participation in this program helps to ensure that these proposed large-scale developments are compatible with the District's plans, programs and statutory directives. 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

# DRI Activity Report

As of October 29, 2018

Project	DRI Location	DRI App Type	Date Assigned	Date Completed	Description
Palmer Ranch, Increment 28, Parcel 6A	Sarasota County	Sufficiency Review	8/6/2018	8/20/2018	Application proposed 500 single-family units on 282 acres. Advised RPC that District has no further comments.

## Abbreviations:

DRI            Development of Regional Impact  
RPC           Regional Planning Council



**Governing Board Meeting  
November 13, 2018**

<b>OPERATIONS, LANDS &amp; RESOURCE MONITORING COMMITTEE</b>
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***Submit & File Reports – None***

***Routine Reports***

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**OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE**

**November 13, 2018**

***Discussion Item***

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

Staff Recommendation:

Presenter: Ken Frink, P.E., Division Director, Operations, Lands, and Resource Monitoring

**OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE****November 13, 2018*****Discussion Item*****Hydrologic Conditions Report**

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the month under review, which is October, with comparable data from the historical record. The data shown are typically considered final, fully verified monthly values, but occasionally, due to timing of publication, some data are identified as "provisional," meaning that the values shown are best estimates based on incomplete data.

The information presented below is a summary of data presented in more detail in the monthly Hydrologic Conditions Report published the week before the Governing Board meeting, which also includes an updated provisional summary of hydrologic conditions as of the date of publication. It is available at <https://www.swfwmd.state.fl.us/resources/weather-hydrology/hydrologic-conditions-reports>.

**Rainfall**

Provisional rainfall totals for October 1-24 indicate amounts have been significantly below-normal in all three regions of the District. The normal range is defined as rainfall totals that fall on or between the 25<sup>th</sup> to 75<sup>th</sup> percentiles derived from the historical data for each month.

- Northern region rainfall has averaged 0.92 inch, equivalent to the 14<sup>th</sup> percentile
- Central region rainfall has averaged 0.78 inch, equivalent to the 12<sup>th</sup> percentile.
- Southern region rainfall has averaged 1.25 inches, equivalent to the 13<sup>th</sup> percentile.
- District-wide, average rainfall has been 0.98 inch, equivalent to the 10<sup>th</sup> percentile.

**Streamflow**

Provisional streamflow data (as of October 22) indicate that flow has decreased in all three regions of the District, compared to the previous month. Based on streamflow conditions for the three regional index rivers indicated below, flow is within the normal range in all three regions. Normal streamflow is defined as flow that falls on or between the 25<sup>th</sup> and 75<sup>th</sup> percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was in the 62<sup>nd</sup> percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was in the 52<sup>nd</sup> percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was in the 59<sup>th</sup> percentile.

**Groundwater Levels**

Groundwater data (as of October 25) indicates that levels in the Floridan/Intermediate aquifer decreased in all three regions of the District, compared to last month. Groundwater levels ended the month within the normal range in all regions. Normal groundwater levels are defined as those falling on or between the 25<sup>th</sup> and 75<sup>th</sup> percentiles.



- The average groundwater level in the northern region was in the 72<sup>nd</sup> percentile.
- The average groundwater level in the central region was in the 67<sup>th</sup> percentile.
- The average groundwater level in the southern region was in the 58<sup>th</sup> percentile.

### Lake Levels

Water level data (as of October 19) indicates that regional lake levels have decreased in all four lake regions, compared to the previous month. Regional lake levels ended the month within the annual normal range in all four regions. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average levels in the northern region decreased 0.45 foot and were 0.37 foot above the base of the annual normal range.
- Average lake levels in the Tampa Bay region decreased 0.29 foot and were 1.46 feet above the base of the annual normal range.
- Average lake levels in the Polk Uplands region decreased 0.35 foot and were 1.95 feet above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region decreased 0.31 foot and were 0.53 foot above the base of the annual normal range.

### Issues of Significance

October marks the first month of the eight-month dry season (October through May) and provisional rainfall totals for the month indicate rainfall has been below-normal, scattered and regionally variable throughout the District. The majority of rainfall for October (to date) fell during the first eleven days of the month and was associated with diminished sea breeze/convective thunderstorm activity and some nominal peripheral effects from Hurricane Michael. The remainder of October has been dominated by drier air and little rain. The District-wide 12- and 24-month cumulative rainfall totals have declined, although they are still showing a surplus of approximately 1.3 inches and 0.6 inch, respectively, above their long-term historic averages.

Most hydrologic indicators throughout the District have seen declines during October, while regional streamflow, groundwater and lake level conditions remain within their normal limits. Major public surface water supply reservoirs remain at healthy levels.

NOAA climate forecasts continue to predict above-normal rainfall from November 2018 through June 2019, based on expectations that the Pacific Ocean will transition into weak El Niño conditions within the next several months, potentially bringing wetter-than-normal rainfall conditions to the region.

Updated weather forecasts will be available in mid-November. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data.

### Staff Recommendation:

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

Presenter: Granville Kinsman, Hydrologic Data Manager

## OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

**November 13, 2018**

### ***Routine Report***

#### **Surplus Lands Update**

##### *Purpose*

This report provides a monthly status on the District's surplus lands program. Information is through October 17, 2018.

##### *Background*

In 2011, at the direction of the Governing Board (Board), the District began a regular surplus lands assessment. The table below shows the status of the parcels identified through the previous surplus lands assessments.

<b>Status</b>	<b>Acres</b>	<b>Parcels</b>	<b>Compensation</b>
Sold, exchanged or transferred	1,516	27	\$7,895,684
Closing pending	10	12	\$28,000
Listed with broker with approved minimum sale price	766	11	
Listed with broker without minimum sale price	319	4	
Annutteliga Hammock	546	994	
Offer to adjoining owners (per Florida Statutes)	23	12	
Agency request	8	5	
Non-marketable	20	4	
On hold	1,741	7	
<b>Grand Total</b>	<b>4,949</b>	<b>1,077</b>	<b>\$7,923,684</b>

##### *Annutteliga Hammock Small Lot (valued less than \$25,000) Sales*

At the September 2018 Board Meeting, the Board approved setting a minimum price for the sales of surplus lots within the Annutteliga Hammock Project that are valued less than \$25,000. Below is the status of the surplus sales process for this Project. Currently there are five offers pending review and approval of the Governing Board Chair and will be reported in the next update.

## Item 31

<b>Activity from 10/5/2018 to 10/17/2018</b>				
SWF Parcel Id. Number	Date Closed	Acres	Contract Price	Appraised Value
15-228-1922S	10/12/2018	0.71	\$8,000	\$4,900
<b>Total</b>		<b>0.71</b>	<b>\$8,000</b>	<b>\$4,900</b>

	<b>Previous Month Activity Summary Report 9/25/18 - 10/4/18</b>	<b>Activity Summary Report (9/25/2018 to 10/17/2018)</b>
Parcels	1	2
Acreage	0.67 acres	1.38 acres
Appraised Values	\$4,300	\$9,200
	\$6,418 per acre	\$6,667 per acre
Contract Values	\$6,000 total sales	\$14,000 total sales
	\$6,418 per acre	\$10,145 per acre
Basis Values (Average of all parcels)	\$3,580 total purchase price	\$7,373 total purchase price
	\$5,343 per acre	\$5,343 per acre

Staff Recommendation:

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

Presenter: Carmen Sanders, Operations and Land Management Assistant Bureau Chief

**OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

**November 13, 2018**

***Routine Report***

**Structure Operations**

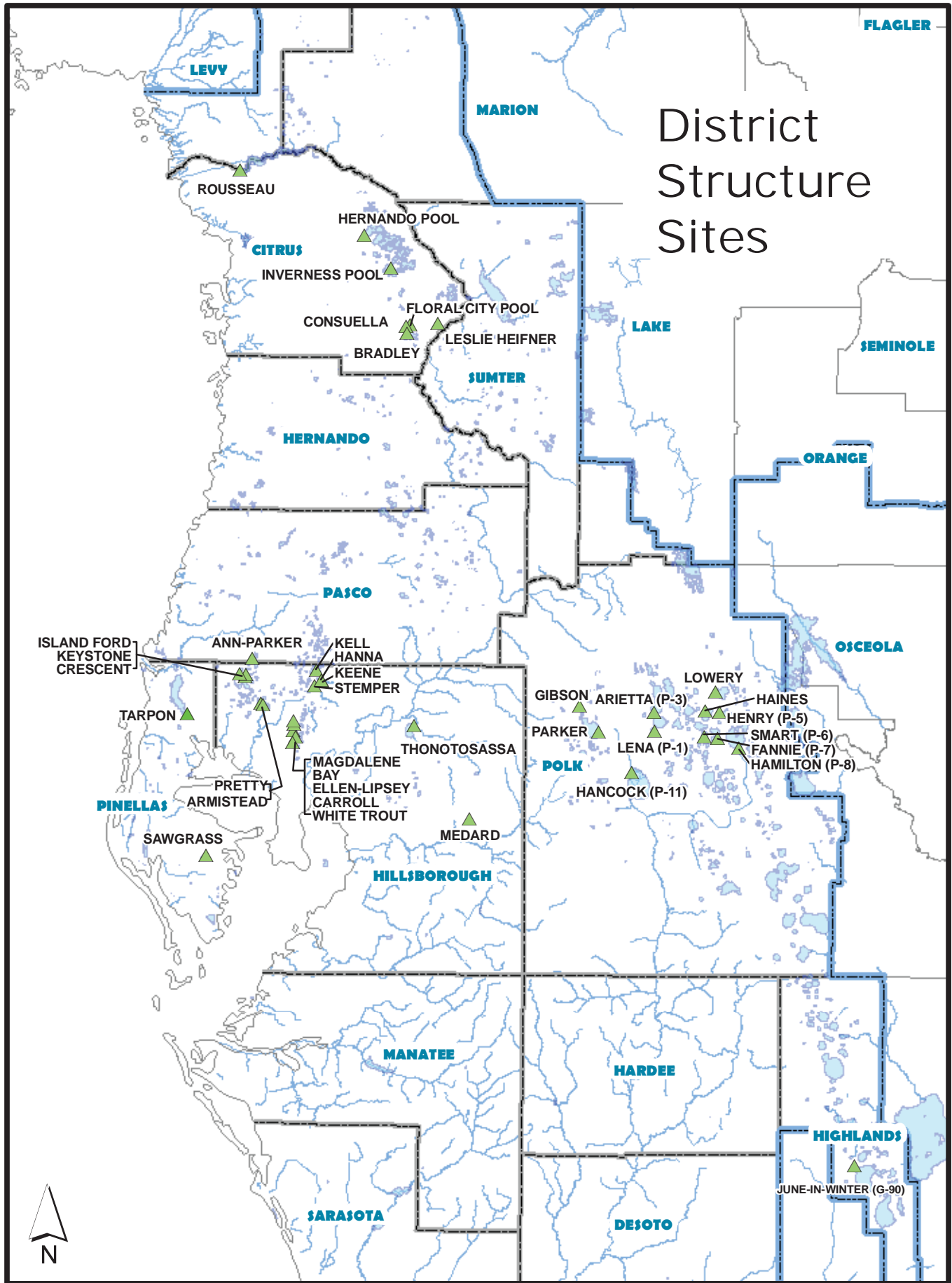
Summary of the operations made from September 28 through October 25, 2018.

- Inglis Water Control Structures: The Inglis Bypass Spillway and Inglis Main were operated to provide flow to the lower Withlacoochee River while maintaining Lake Rousseau's level. Lake Rousseau's monthly average elevation was of 27.52 feet National Geodetic Vertical Datum (NGVD). The recommended maintenance level for the lake is 27.50 feet NGVD.
- Withlacoochee River Watershed: Water control structures in the Tsala Apopka Chain of Lakes were operated to maintain water levels. The Wysong-Coogler Water Conservation main and the low flow gate were operated to aid in the regulation of the Lake Panasoffkee water level while providing flow to the Withlacoochee River downstream of the structure. The monthly average water level for Lake Panasoffkee was 40.28 feet NGVD.
- Alafia River Watershed: The Medard Reservoir structure was operated to maintain water level. The monthly average water level for the Medard Reservoir was 59.30 feet NGVD, compared to the recommended maintenance level of 59.00 feet NGVD.
- Hillsborough River Watershed: The Thirteen Mile Run system and Flint Creek (Thonotosassa discharge) structure were operated to maintain water levels. The average monthly water level for Lake Thonotosassa was 36.51 feet NGVD, compared to the recommended maintenance level of 36.50 feet NGVD.
- Tampa Bay/Anclole Watershed: Structures in the Rocky Creek, Sweetwater Creek were operated to maintain water lake water levels. The Brooker Creek system was operated to maintain lake levels. Lake Tarpon is the outfall of the Brooker Creek system. Lake Tarpon's water control structure was operated to maintain the lake level. Lake Tarpon's monthly average water level for the month was 3.22 feet NGVD, compared to the recommended maintenance level of 3.20 feet NGVD.
- Peace River Watershed: Lake Hancock structure was operated to maintain water level. The average monthly water level for Lake Hancock was 100.10 feet NGVD, compared to the recommended maintenance level of 100.20 feet NGVD.
- Lake Wales Ridge Watershed: Structure G-90 was operated to maintain water level in Lake June-in-Winter. The average monthly water level for Lake June-in-Winter was 74.47 feet NGVD, compared to the recommended level of 74.50 feet NGVD.

**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



**OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

**November 13, 2018**

***Routine Report***

**Significant Activities**

**Staff Recommendation:**

**Presenter:** Carmen Sanders, Operations and Land Management Assistant Bureau Chief

**Operations, Lands and Resource Monitoring Committee**  
**Nov 13, 2018**

**Significant Activities**

This report provides monthly information through October 17, 2018 on significant Operations and Land Management projects and programs in which the Governing Board is participating in funding and otherwise may be of interest to the Board. 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**

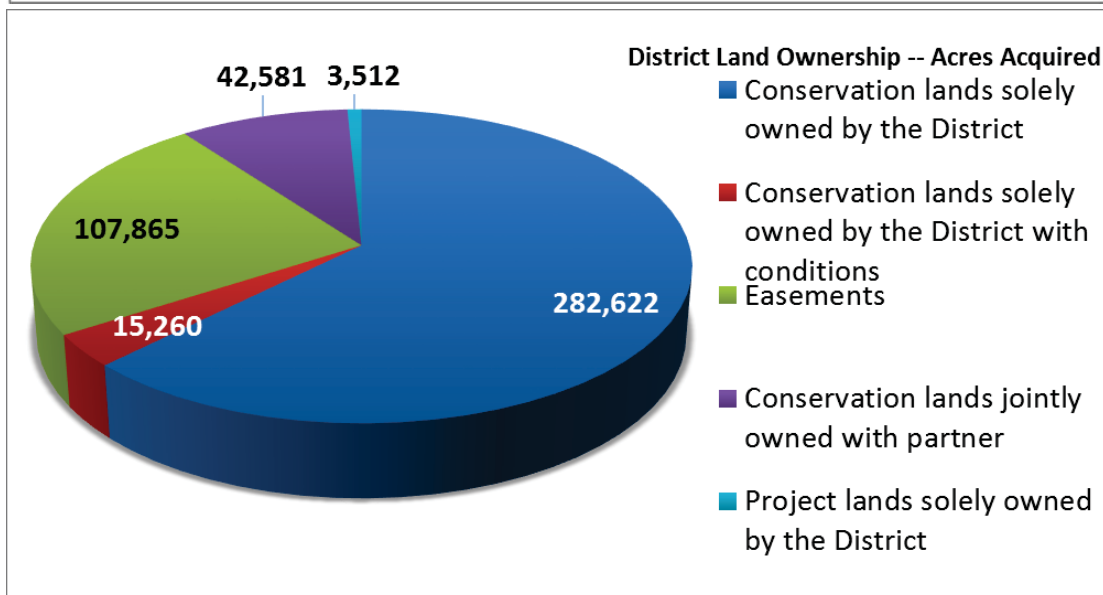
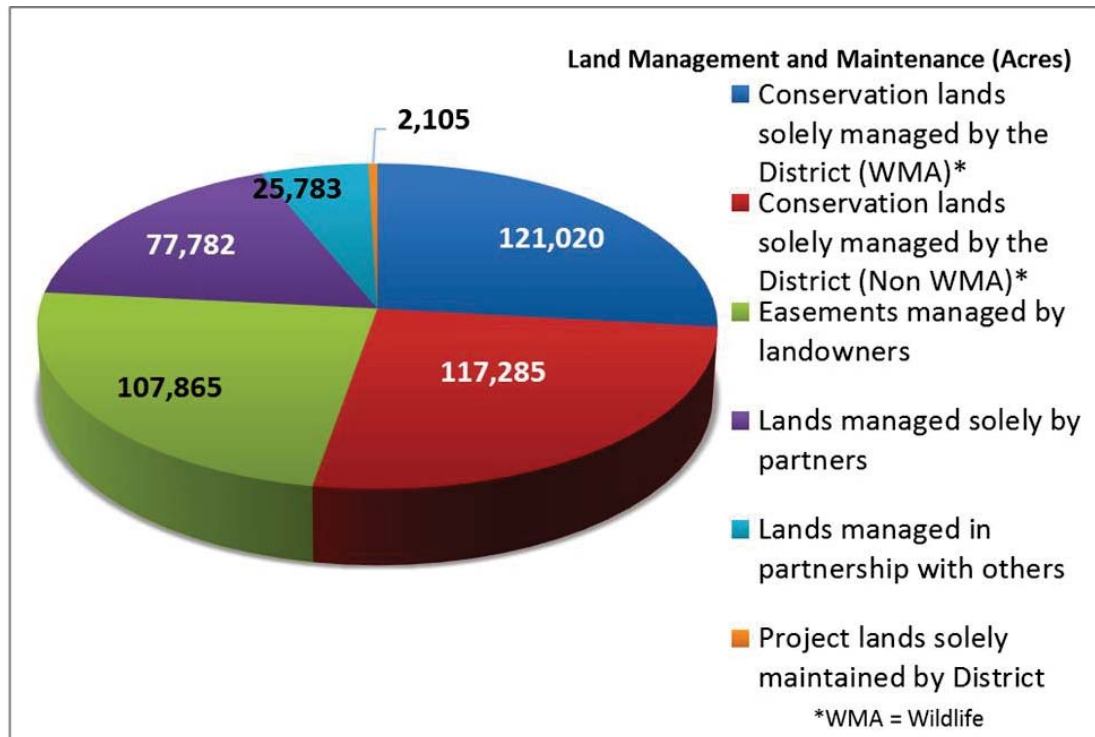
- Staff are conducting FY2019 prescribed burn planning and developing their annual workplans. There have been no prescribed burns executed thus far this fiscal year.
- Staff has treated 20,559 acres of invasive plants on conservation lands during FY2018.
- Permits for the first phase of the feral hog management hunts have been sold. There were 101 permits issued. Hunts will take place the latter part of October and throughout November. Staff continue to trap District conservation lands and have removed 8 feral hogs from District lands during FY2019.
- Land Resource Based Revenue – A total of \$7,500 in revenue has been generated from the land this fiscal year.

**Land Resources/Land Use and Protection**

Issued Special Use Authorization to the following:

- Florida Fish and Wildlife Conservation Commission for vehicle access and use of Flying Eagle Nature Center, Halpata Tastanaki Preserve, Starkey Wilderness Preserve – Serenova Tract, Green Swamp Preserve – Hampton and WRB Tracts to conduct 12 youth hunting and camping events.
- American Disability Adventures for vehicle access to conduct six deer, turkey, hog hunts and camping events within Upper Hillsborough Preserve – Alston Tract, Starkey Wilderness Preserve – Serenova Tract and Green Swamp Wilderness Preserve – Hampton Tract.
- Joseph Thompson for vehicle access to a portion of Flying Eagle Nature Center to access a private property inholding parcel.
- Volunteers provided 57 hours of service at a value of approximately \$1,342.92 to the District's conservation/recreation lands. Volunteer services included campground maintenance, trash removal, fence repair, and tree trimming.
- Processed 77 requests and provided 404 camping opportunities on District lands.
- The following is a breakdown of District land interests:





Staff Recommendation:

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



**Governing Board Meeting  
November 13, 2018**

<b>REGULATION COMMITTEE</b>
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***Discussion Items***

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***Submit & File Reports – None***

***Routine Reports***

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**REGULATION COMMITTEE**

**November 13, 2018**

***Discussion Item***

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

Staff Recommendation:

Presenter: Alba Más, P.E., Division Director, Regulation

**REGULATION COMMITTEE**

**November 13, 2018**

***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:** Alba Más, P.E., Division Director, Regulation

## REGULATION COMMITTEE

November 13, 2018

### *Routine Report*

#### **Dover/Plant City Water Use Caution Flow Meter AMR Implementation Program Update**

At their December 2010 meeting, the Governing Board adopted a minimum aquifer level in the Dover/Plant City Water Use Caution Area (DPCWUCA); Rule 40D-8.626, Florida Administrative Code (F.A.C.), as well as a recovery strategy (Rule 40D-80.075, F.A.C.) that incorporated flow meters and automatic meter reading (AMR) equipment installations to monitor and reduce resource impacts from future frost/freeze pumping events. Meter information in the Dover/Plant City area will be used by the District to: (1) improve the allocation of well mitigation responsibilities among permit holders, (2) allow District staff to better identify permit compliance issues resulting from pumping during frost/freeze events, (3) improve the modeling of impacts resulting from pumping during frost/freeze events, (4) allow the monitoring of performance and track the progress of management actions implemented, and (5) provide for the overall assessment of the recovery strategy goal of reducing frost/freeze protection quantities by 20 percent in ten years. It was originally estimated as of June 16, 2011 that there were 626 flow meters and 961 AMR devices needing installation within the 256-square mile DPCWUCA. As of December 1, 2016 it was estimated that 573 flow meters and 954 AMR devices will need to be installed, currently, a revised assessment completed of November 1, 2018 estimated a program total of 548 flow meters and 869 AMR devices. This revised assessment is due to expired permits, use change, and deletion of withdrawals not required to be metered and have AMR devices. Total costs of the program were estimated to be \$5.5 million for flow meter and AMR equipment installation with approximately \$316,000 required annually to support the program. On August 7, 2013, the AMR equipment installation and operation component of this project under RFP 004-13 was awarded to Locher Environmental Technology, LLC, partnered with AMEC Environmental and Infrastructure, Inc., and Hydrogage, Inc. The contract was executed on November 14, 2013. Letters with flow meter reimbursement information were sent on March 28, 2018 to the remaining permittees who have not yet installed a flow meter and/or AMR unit. ***New Activities Since Last Meeting:*** As of November 1, 2018, a total of 532 flow meters have been installed (97 percent complete) and 838 AMR units have been installed (96 percent complete). *Project Manager: Talia Paolillo*

#### **Staff Recommendation:**

This item is provided for the Committee's information, and no action is required.

**Presenter:** Darrin Herbst, P.G., Water Use Permit Bureau Chief

**REGULATION COMMITTEE**

**November 13, 2018**

***Routine Report***

**Overpumpage Report**

Data for this routine report was not available for inclusion in the Board Packet; the report will be provided in the December Board Packet.

**Staff Recommendation:**

This item is provided for the Committee's information and no action is required.

**Presenter:** Darrin Herbst, P.G., Water Use Permit Bureau Chief



**REGULATION COMMITTEE**

**November 13, 2018**

***Routine Report***

**Individual Permits Issued by District Staff**

Data for this routine report was not available for inclusion in the Board Packet; the report will be provided in the December Board Packet.

**Staff Recommendation:**

This item is provided for the Committee's information and no action is required.

**Presenter:** Alba Más, P.E., Division Director, Regulation



**Governing Board Meeting  
November 13, 2018**

<b>GENERAL COUNSEL'S REPORT</b>
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***Discussion Items***

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***Submit & File Reports – None***

***Routine Reports***

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**GENERAL COUNSEL'S REPORT**

**November 13, 2018**

*Discussion Item*

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**GENERAL COUNSEL'S REPORT**

**November 13, 2018**

***Routine Report***

**November 2018 Litigation Report**

Staff Recommendation:

Presenter: Karen E. West, General Counsel

## **SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT**

**November 2018**

(Most recent activity in each case is in **boldface** type)

### **DELEGATED ADMINISTRATIVE HEARING MATTERS**

**0 Cases as of October 25, 2018**

### **OPEN ENFORCEMENT CASES**

**54 Cases as of October 4, 2018**

**50 Cases as of October 25, 2018**

### **ENFORCEMENT CASES IN ACTIVE LITIGATION**

**0 Cases as of October 25, 2018**

(Including Administrative Complaints)

### **PERMIT/AGENCY ACTION CHALLENGES**

**3 Cases as of October 25, 2018**

**STYLE:**  
**COURT/CASE NO.:**  
**ATTORNEY:**  
**ACTION:**

Polk Regional Water Cooperative et al v. SWFWMD and Peace River Manasota Regional Water Supply Authority  
Division of Administrative Hearings, Case No. 18-3276  
C. Tumminia/ A. Vining/ M. Bray  
Administrative hearing challenging Water Use Permit No. 20010420.010

**DESCRIPTION:**

On April 24, 2018, the District issued a Notice of Proposed Agency Action recommending approval of Water Use Permit ("WUP") No. 20010420.010 ("Permit") to the Peace River Manasota Regional Water Supply Authority ("Authority") authorizing a renewal and modification to the Authority's existing WUP to extend the duration of the Permit and increase the allocated annual average and maximum daily withdrawals. From May 14, 2018, to May 18, 2018, the District received Petitions for Administrative Hearing ("Petitions") from the Polk Regional Water Cooperative, Polk County, the City of Winter Haven, the City of Lakeland, the City of Wauchula, the City of Fort Meade, and the City of Bartow ("Petitioners"). On June 25, 2018, the District referred the Petitions to the Division of Administrative Hearings ("DOAH"). The case was assigned to an Administrative Law Judge ("ALJ"), who issued an Initial Order on June 27, 2018.

On July 5, 2018, the District and the Authority joined in filing a Response to the Initial Order, and the Petitioners joined in filing a separate Response. The ALJ entered an Order of Pre-Hearing Instructions on July 12, 2018 and scheduled the final hearing in this matter to occur at the District's Tampa Service Office from January 28, 2019 through February 15, 2019.

On July 18, 2018, the District filed a Consolidated Motion to Dismiss the Petitions. The Authority also moved to dismiss all seven Petitions. The ALJ granted the Petitioners an additional 10 days to respond to the Motions to Dismiss over the District's objection. On August 3, 2018, the Petitioners filed responses to the Motions to Dismiss.

On August 10, 2018, the ALJ entered an order denying the District and the Authority's Motions to Dismiss. The parties subsequently agreed to have retired Administrative Law Judge Bram Canter serve as the negotiation facilitator for the mediation scheduled to occur on October 8, 2018. Over the course of the time spanning this Litigation Report, the Parties have engaged in extensive written discovery and preliminary discussions regarding potential resolution of this administrative proceeding. In addition to the currently scheduled mediation, the District has invited the Polk Regional Water Cooperative



and its member governments to an open discussion with District, Hillsborough County, and Tampa Bay Water staff regarding the District's proposed alternative water supply project in southern Hillsborough County.

On October 3, 2018, the District held a meeting at the Tampa Service Office, where the Polk Regional Water Cooperative was invited to obtain additional details from Hillsborough County and Tampa Bay Water staff regarding the proposed alternative water supply project to resolve the litigation. Subsequently, the Parties attended Mediation on October 8, but were unable to reach a settlement agreement and, as a result, the Parties are continuing to litigate this case. As part of the litigation efforts, the Cooperative has scheduled the depositions of Brian Armstrong, Jennette Seachrist, Brian Starford, April Breton, and Luke LeMond, which are to occur between October 30, 2018 and November 6, 2018. The District has filed two motions for protective order regarding these five currently scheduled depositions. The first motion was filed on October 21, 2018, and the second was filed on October 24, 2018. The ALJ's orders on the District's motions are expected prior to the depositions for which they apply. Additionally, the depositions of the District's expert witnesses have been scheduled for December 5–8, 2018. The depositions of the Cooperative's experts are anticipated to be scheduled between November 6, 2018 and December 2, 2018, with the Parties continuing to discuss mutually available dates. Should the Parties fail to conduct all the required depositions prior to the December 10, 2018 discovery deadline, the District will utilize the instructions in the ALJ's Order of Pre-Hearing Instructions to determine the appropriate course of action.

**STYLE:**  
**COURT/CASE NO.:**  
**ATTORNEY:**  
**ACTION:**

Sumter, LLC v. FDOT Florida's Turnpike Enterprise and SWFWMD  
Division of Administrative Hearings, Case No. 18-2780  
H. Ryan/J. Fussell  
Administrative hearing challenging Environmental Resource Permit No. 43010725.009

**DESCRIPTION:**

On February 10, 2017, the District issued Environmental Resource Permit ("ERP") No. 43070725.009 to FDOT Florida's Turnpike Authority ("Turnpike") authorizing modifications to interchange improvements previously permitted for the I-75/Turnpike Interchange, which will improve traffic flow at the same time FDOT is widening I-75. The District issued a Corrected ERP on February 15, 2017, after District staff discovered an error in the ERP previously issued, which resulted in updates to the wetland impact acreages, functional losses, and the total excess mitigation available. On March 2, 2017, Sumter, LLC ("Petitioner") submitted a Petition for Administrative Hearing ("Petition"), requesting denial of the Corrected ERP.

On March 20, 2017, Petitioner and Turnpike submitted a letter to the District, jointly requesting the District delay referral of the Petition to DOAH for 30 days so the parties could attempt to resolve the dispute. The District entered an Order Granting Request to Hold Case in Abeyance on March 20, 2017, stating no further action would be taken by the District on the matter until April 19, 2017.

On March 31, 2017, Petitioner and Turnpike filed a Joint Motion for Extension of Time until July 1, 2017, as the parties had agreed to run the 100-year floodplain model with updated parameters. An extension of an additional 90 days was requested for time to generate the results of the updated model and for the parties to review of those results. On April 4, 2017, the District entered an Order Granting Joint Motion for Extension of Time, holding the case in abeyance until July 3, 2017, and stating no further action would be taken by the District on the matter until July 5, 2017.

On June 22, 2017, Petitioner and Turnpike filed a Second Joint Motion for Extension of Time until August 7, 2017, to allow the parties additional time to finish running the 100-year floodplain model with updated parameters. On June 27, 2017, the District entered an Order Granting Second Joint Motion for Extension of Time, holding the case in abeyance until August 7, 2017, and stating no further action would be taken by the District on the matter until August 8, 2017.

On July 27, 2017, Petitioner and Turnpike filed a Third Joint Motion for Extension of Time until September 25, 2017, as efforts were ongoing to update the floodplain model and additional time was needed to finish the work. On July 27, 2017, the District entered an Order Granting Third Joint Motion for Extension of Time, holding the case in abeyance through September 25, 2017.

On September 15, 2017, Petitioner and Turnpike filed a Fourth Joint Motion for Extension of Time until October 11, 2017, as the parties expected the District to receive updated modeling on September 15, 2017, and time was needed to allow for the District's review and comments of those results, as well as for Petitioner's and Turnpike's subsequent review of the District's comments. On September 18, 2017, the District entered an Order Granting Fourth Joint Motion for Extension of Time, holding the case in abeyance through October 11, 2017.

On October 10, 2017, Petitioner and Turnpike filed a Fifth Joint Motion for Extension of Time until October 23, 2017, to conduct a settlement conference. On October 10, 2017, the District entered an Order Granting Fifth Joint Motion for Extension of Time, holding the case in abeyance through October 23, 2017.

On October 18, 2017, Petitioner and Turnpike filed a Sixth Joint Motion for Extension of Time to conduct a settlement conference, which was to occur no later than November 21, 2017. On October 19, 2017, the District entered an Order Granting Sixth Joint Motion for Extension of Time, holding the case in abeyance through November 22, 2017.

A settlement conference was held on November 17, 2017. On November 20, 2017, Petitioner and Turnpike filed a Seventh Joint Motion for Extension of Time until February 1, 2018, to finish re-processing the model and conduct a follow-up settlement conference. On November 28, 2017, the District entered an Order Granting Seventh Joint Motion for Extension of Time, holding the case in abeyance through February 1, 2018.

A second settlement conference was held on January 22, 2018, at which the parties determined additional time was needed for the Turnpike to investigate the feasibility of settlement options. On January 24, 2018, Petitioner and Turnpike filed an Eighth Joint Motion for Extension of Time until May 15, 2018. On January 25, 2018, the District entered an Order Granting Eighth Joint Motion for Extension of Time, holding the case in abeyance through 15, 2018.

After conferring with counsel for Turnpike, the District referred the Petition to Florida's Division of Administrative Hearings (DOAH) on May 31, 2018; that same day, Administrative Law Judge (ALJ) Francine M. Ffolkes was assigned to the matter, now DOAH Case No. 18-2780, and ALJ Ffolkes entered an Initial Order. The District coordinated with Petitioner's and Turnpike's counsel and submitted a timely response to the Initial Order on June 7, 2018.

The final hearing was initially scheduled to occur on September 11 – 14, 2018, at the District's Tampa Service Office, pursuant to the ALJ's Notice of Hearing entered on June 11, 2018.

The Turnpike served the Petitioner with written discovery on June 14, 2018; the Turnpike subsequently granted Petitioner an indefinite extension in responding to Turnpike's discovery requests. The District served Petitioner with written discovery on July 27, 2018, responses to which were due to the District 30 days after service.

The District agreed to extend the deadline for receipt of Petitioner's discovery responses until October 10, 2018, because Petitioner and Turnpike were granted a continuance rescheduling the final hearing to January 22 – 25, 2019. **The District received Petitioner's responses to written discovery on October 10, 2018.**

**STYLE:** Long Bar Pointe, LLLP v. Lake Flores I, LLC, & SWFWMD  
**COURT/CASE NO.:** Division of Administrative Hearings, Case No. 17-005609  
**ATTORNEY:** C. Tumminia/J. Fussell  
**ACTION:** Administrative petition challenging Environmental Resource Permit No. 49042599.001

**DESCRIPTION:** On July 28, 2017, the District issued Environmental Resource Permit (“ERP”) No. 49042599.001 (“Permit”) conceptually approving the future construction of a stormwater management system to serve a 1,274-acre mixed-use project in Manatee County. On August 18, 2017, and September 18, 2017, the District granted two requests by Long Bar Pointe, LLLP (“Petitioner”), for an extension of time to file a petition requesting an administrative hearing on the issuance of the Permit. On September 29, 2017, the District received a timely request for administrative hearing (“Petition”) from the Petitioner. The deadline for granting or denying the Petition is October 14, 2017. On October 13, 2017, the District referred the Petition to the Division of Administrative Hearings (“DOAH”). The case was assigned to an Administrative Law Judge, who entered an Initial Order on October 19, 2017. The final hearing has been scheduled to occur in Tampa from January 24, 2017 to January 26, 2017. As of November 9, 2017, all parties have exchanged preliminary written discovery. On December 21, 2017, the parties agreed to and filed a Joint Motion for Continuance due to ongoing settlement negotiations. The ALJ entered an Order on December 21, 2017, rescheduling the final hearing to occur on February 27, 2017. On January 18, 2018, the parties agreed to and filed a Joint Motion for Continuance due to ongoing settlement negotiations. The ALJ entered an Order on January 18, 2018, rescheduling the final hearing to occur on March 27, 2017. On February 20, 2018, representatives from SWFWMD and the Applicant met to discuss the potential for settlement of this matter. On March 5, 2018, the Parties agreed to and filed a Joint Motion for Continuance as a result of the ongoing settlement negotiations. On March 6, 2018, the ALJ entered an Order rescheduling the final hearing to occur on May 7, 2018. On April 4, 2018, the Applicant and the Petitioner agreed to and filed a Joint Motion for Continuance as a result of the ongoing settlement negotiations. The District did not join, nor object, to the Motion. On April 5, 2018, the ALJ entered an Order rescheduling the final hearing to occur on June 25, 2018. On August 10, 2018, the Parties agreed to and filed a Joint Motion for Continuance because of the ongoing settlement negotiations. On August 10, 2018, the ALJ entered an Order rescheduling the final hearing to occur on October 30, 2018. **On October 1, 2018, the Parties agreed to and filed a Joint Motion for Continuance because of the ongoing settlement negotiations and the recent heart-attack of lead counsel for the Applicant. The final hearing has been continued until the final week in February 2019. As of the date of this Litigation Report, the Applicant and the Petitioner are still engaged in settlement negotiations.**

**MISCELLANEOUS**  
**4 Cases as of October 4, 2018**

**STYLE:** Tony’s Roasted Pepper, LLC v. Hillsborough County and SWFWMD  
**COURT/CASE NO.:** Thirteenth Judicial Circuit/Hillsborough County; Case No. 2016-CA-008690  
**ATTORNEY:** V. Arenas-Battles  
**ACTION:** Notice of Claim pursuant to the Bert J Harris, Jr., Private Property Rights Protection Act and Complaint for Trespass, Injunction, Inverse Condemnation, Breach of Contract and Claim for Compensation under The Bert J. Harris, Jr., Private Property Rights Protection Act

**DESCRIPTION:** On September 19, 2016, Tony’s Roasted Pepper, LLC (“Plaintiff”) served the District with a Notice of Claim pursuant to Section 70.001, F.S., the Bert J. Harris, Jr., Private Property Rights Protection Act (“Bert Harris Act”). The Notice of Claim alleges that Plaintiff’s property was damaged by flooding caused by Hillsborough County’s pumping from Lake Wee pursuant to emergency authorizations issued to the County by the District. In addition, Plaintiff alleges that the flooding caused damage to its property and requests damages in the amount of \$1,100,000 from the District and County. Pursuant to Section 70.001(4), Florida Statutes, the District has notified the Attorney General’s Office of Legal Affairs and all contiguous property owners

regarding its receipt of the Notice of Claim. District staff will respond to the Notice of Claim within the statutorily-required 150 days.

On October 14, 2016, the District was served with a Complaint for Trespass, Injunction, Inverse Condemnation, Breach of Contract, and a violation of the Bert Harris Act ("Complaint") in Circuit Court against it as well as Hillsborough County ("County") and the District. The District is not subject to the breach of contract claim. The Complaint alleges a loss in market value of Plaintiff's property in the amount of \$960,000, as well as requests damages in excess of \$15,000 from both the County and the District. On October 19, 2016, the County filed a Motion to Dismiss Count V for Failure to State a Cause of Action and its Answer and Affirmative Defenses regarding the remaining counts of Plaintiff's Complaint.

On November 2, 2016, the District filed its Motion to Dismiss the Complaint, alleging (a) the statute of limitations has run on the inverse condemnation claim and (b) the Plaintiff failed to state a cause of action on the remaining claims. On November 4, 2016, the District filed its Amended Motion to Dismiss Complaint as to all counts for failure to state a cause of action, except Count IV which only applied to the County. On the same date, the County filed a Motion to Dismiss Count V. On November 7, 2016, the Plaintiff filed a Motion to Strike the County's Affirmative Defenses. A hearing on the District's and County's Motions to Dismiss was scheduled for January 5, 2017.

On January 5, 2017, Plaintiff, the County and the District agreed to cancel the hearing and (1) enter an Order granting the District's and County's Motions to Dismiss; (2) allow Plaintiff 45 days in which to amend its Complaint; and (3) that Plaintiff would satisfy all pre-suit requirements for a Bert Harris claim prior to amending its Complaint. On January 18, 2017, the Court entered a Stipulated Order Granting Southwest Florida Water Management District's Motion to Dismiss Without Prejudice. On January 23, 2017, the Court entered a similar Stipulated Order Granting Hillsborough County's Motion to Dismiss Count V of Plaintiff's Complaint Without Prejudice. Discovery has commenced and is ongoing. On March 3, 2017, Plaintiff filed an Amended Complaint against the District and the County. On March 31, 2017, the District and the County each filed Motions to Dismiss the Amended Complaint. A hearing on the Motions to Dismiss has been scheduled for June 6, 2017. On May 26, 2017, the hearing on the Motions to Dismiss was rescheduled for August 1, 2017.

On August 1, 2017, the Motion to Dismiss was heard by the Court. The Court ruled as follows: (1) granted the District's motion to dismiss as to Count III (Inverse Condemnation); (2) granted the District's motion to dismiss as to Count II (Injunction) without prejudice to amend; (3) granted the District's motion to dismiss as to Count V (Bert Harris) without prejudice to amend; and denied the District's motion to dismiss as to Count I (Trespass) and abated this cause of action until December 14, 2017. On August 18, 2017, the Court entered the Order on Defendant's Motion to Dismiss Plaintiff's Amended Complaint.

On September 15, 2017, the District received Plaintiff's Second Amended Complaint. The District's answer to the Amended Complaint is due on or before December 14, 2017.

On October 5, 2017, all parties filed their Joint Stipulation to Extension of Time for Defendants to Respond to the Second Amended Complaint, requesting an extension of time until December 14, 2017 for the County and the District to file their answers to the Second Amended Complaint. On October 16, 2017, the Court entered an Order granting the extension of time.

On December 14, 2017, the District filed its Answer and Affirmative Defenses to Plaintiff's Second Amended Complaint. On January 8, 2018, the Plaintiff filed its Reply to the District's and the County's Affirmative Defenses.

On March 5, 2018, Plaintiff filed a Joint Stipulation for Substitution of Counsel, substituting MacFarlane, Ferguson & McMullen, P.A. for J. Marshall Fry. On March 6, 2018, the Order on Stipulation for Substitution of Counsel was entered by the Court.

A case management hearing is scheduled in this case for June 27, 2018.

On June 27, a case management hearing was held, and the Court scheduled a one week trial for the weeks of December 10 and 17, 2018.

On June 29, 2018, a Uniform Order Setting Case for Trial and Pre-Trial was entered. On July 19, 2018, Plaintiff's First Request for Production to Defendant, Southwest Florida Water Management District and Notice of Service Plaintiff's First Set Interrogatories to Defendant, Southwest Florida Water Management District were served on the District. On July 25, 2018, the District served its First Set of Interrogatories and Request to Produce on Plaintiff. A Case Management Conference was held on August 2, 2018.

On August 16, 2018, the Court entered an Order on Case Management continuing the Case Management Conference until October 2, 2018.

On September 7, 2018, Plaintiff filed its Response to the District's First Request for Production and Answers to the District's First Set of Interrogatories. On September 13, 2018, the District filed its Response to the Plaintiff's First Request for Production and Answers to the Plaintiff's First Set of Interrogatories. On September 21, 2018, Defendant Hillsborough County filed a Motion to Bifurcate Issues to be Tried. On October 1, 2018, the parties filed a Joint Stipulation Regarding Order of Matters to be Tried agreeing to bifurcate the inverse condemnation claim against Hillsborough County from the remainder of the issues to be tried by jury. On October 2, 2018, a case management conference was held, and the case was bifurcated into two trials-one trial for the inverse condemnation claim against Hillsborough County and one trial for the trespass and injunctive relief claims against the District and Hillsborough County. The trial date will be in May 2019, although the exact dates are yet to be determined.

**On October 3, 2018, the District provided a Privilege Log to Plaintiff. At this time, we are proceeding with discovery and the setting of depositions.**

**STYLE:**  
**COURT/CASE NO.:**  
**ATTORNEY:**  
**ACTION:**

Uranowski, Christina v. SWFWMD  
Fifth Judicial Circuit/Hernando County; Case No. 2016-CA-976  
T. Gonzalez  
Complaint under the Florida Civil Rights Act alleging Retaliation, Handicap Discrimination, Gender Discrimination, and Age Discrimination

**DESCRIPTION:**

On September 17, 2015, the District issued a Notice of Discharge ("Notice") to Christina Uranowski ("Plaintiff"), discharging her from her at-will employment from the District effective at 5:00 p.m. that day. In September 2015, Plaintiff filed a Complaint with the U.S. Equal Employment Opportunity Commission ("EEOC Complaint") alleging that the District discriminated against her on the basis of her gender, age, and disability as well as that the District had retaliated against her based on prior protected activity. The District responded to the EEOC charge on November 4, 2015. The EEOC has not yet rendered a determination relative to the EEOC Complaint.



On September 30, 2016, the District was served with a Complaint filed in Circuit Court for Hernando County alleging violations of the Florida Civil Rights Act including retaliation, handicap discrimination, gender discrimination, and age discrimination related to Plaintiff's discharge from District employment. The matter has been referred to the District's outside employment counsel who entered his appearance in the case on October 2, 2016. On October 20, 2016, the District filed its Answer and defenses to the Complaint. The Plaintiff filed its first Request for Production of Documents to Defendants on August 14, 2017. The District filed its response to the Plaintiff's request on September 18, 2017.

**STYLE:** Lance Thomas v. North Port Gateway East Association, Inc. and SFWMD  
**COURT/CASE NO.:** Twentieth Judicial Circuit/Charlotte County; Case No. 16-1505-CA  
**ATTORNEY:** V. Arenas-Battles  
**ACTION:** Action for Negligence related to a traffic accident where Plaintiff, Lance Thomas, claims that a condition in a District permit prohibited trimming of brush which contributed to obstruction of view resulting in a traffic accident.

**DESCRIPTION:** On February 16, 2018, Plaintiff served the District with an Amended Complaint. On March 8, 2018, the District filed its Answer and Affirmative Defenses, First Request to Produce to Plaintiff, and First Set of Interrogatories to Plaintiff. On March 2, 2018, the Plaintiff filed a Motion for Leave to Amend Complaint.

On March 8, 2018, the District filed an Answer and Affirmative Defenses, a First Request to Produce to Plaintiff, and a First Set of Interrogatories to Plaintiff. On April 25, 2018, the District filed a Motion to Dismiss Plaintiff's Amended Complaint. The District's Motion to Dismiss is scheduled for hearing on August 17, 2018.

On August 17, 2018, the District's Motion to Dismiss Plaintiff's Second Amended Complaint was denied, but the District's Ore Tenus Motion to Strike was granted.

On September 14, 2018, the District served a Proposal for Settlement on the Plaintiff. **The Proposal for Settlement was not accepted by the Plaintiff and is, therefore, rejected as a matter of law.**

**STYLE:** Janet Denlinger and Harry Denlinger v. SWFWMD and Brian Armstrong, in his Capacity as the SWFWMD Executive Director, et al.  
**COURT/CASE NO.:** Sixth Judicial Circuit/Charlotte County; Case No. 2018-CA-001241  
**ATTORNEY:** V. Arenas-Battles/ **J. Fussell**  
**ACTION:** Action for Writ of Mandamus, Inverse Condemnation and Negligence arising out the District issuance of an ERP in 2006.

**DESCRIPTION:** On May 18, 2018, the District and Mr. Armstrong were served with a Complaint seeking a Writ of Mandamus and damages for Inverse Condemnation and Negligence. Other parties sued include the City of Dade City and Michael Sherman, in his Capacity as Dade City Community Development Director and Douglas J. Weiland, Elizabeth C. Sirna and Summit View, LLC (collectively, the owners of the property). On May 29, 2018, the District was served with a Verified Amended Complaint, which added Keene Services, Inc. as a Defendant in the case. A mediation was held on May 24, 2018, which was unilaterally scheduled by the Plaintiffs, and which was not attended by any of the Defendants in the case. A mediation report was filed with the Court on May 30, 2018. A response to the Verified Amended Complaint is due on June 18, 2018. The District intends to file a Motion to Dismiss the Verified Amended Complaint by no later than June 18, 2018.

On June 30, 2018, Roberto Valdez, an adjacent property owner, filed his Motion to Intervene and Consolidate as Additional Plaintiff. On June 1, 2018, Plaintiffs filed Notices of Filing Acceptance of Service for Defendants, Douglas J. Weiland,

Summit View, LLC, JES, Properties, Inc., CWES III, LLC, Brian Armstrong and the District. On June 1, 2018, Plaintiffs also filed an Affidavit of Service for Michael Sherman. On June 5, 2018, Plaintiffs filed an Emergency Motion for Temporary Injunction and Notice of Hearing against Defendant, Summit View, LLC. On June 6, 2018, Defendants, Summit View, LLC, Douglas J. Weiland, JES Properties, Inc., CWES III, LLC filed Motions to Dismiss the Amended Complaint. On June 7, 2018, the District and Brian Armstrong filed their Motion to Dismiss the Amended Complaint. On June 8, 2018, the City of Dade City filed its Motion to Dismiss the Amended Complaint. On June 14, 2018, the District and Brian Armstrong filed a Response in Opposition to Valdez' Amended Motion to Intervene and Consolidate an Additional Plaintiff. On June 20, 2018, Defendants Summit View, LLC, Douglas J. Weiland, JES Properties, Inc., and CWES III, LLC filed their Memorandum in Opposition to Plaintiff's Emergency Motion for Temporary Injunction. A hearing has been scheduled for July 17, 2018 on the Emergency Motion for Temporary Injunction. A hearing will be scheduled soon on the Motions to Dismiss.

On June 29, 2018, a Notice of Unavailability was filed by the City of Dade City. On June 29, 2018, an Order Granting Defendants' Motion to Reschedule July 9, 2018 Hearing was entered by the Court. On July 12, 2018, a Notice of Filing Abatement Agreement was entered, which abated the litigation for 30 days, and Notice of Cancellation of July 17, 2018 Hearing was filed. On July 13, 2018, a Motion to Strike Claim for Attorney's Fees as to Counts I, II, and III, with Supporting Memorandum of Law and Motion to Dismiss Amended Complaint was filed by Defendant Keene Services, Inc.

On September 5, 2018, Defendants Douglas J. Weiland, JES Properties, Inc. and CWES, III, LLC filed a Motion for Sanctions Against Plaintiffs. On September 10, 2018, the City of Dade City filed a Motion to Dismiss the Inverse Condemnation Claim. On September 13, 2018, Defendants City of Dade City and Michael Sherman filed Motions for Sanctions as to Plaintiffs' Claims for Negligence, Inverse Condemnation, Attorneys' Fees and Claim of Writ of Mandamus. The hearing on all the motions to dismiss is for November 6, 2018.

#### **APPEALS**

**0 Cases as of October 4, 2018**

#### **DELEGATED CONSENT ORDERS**

**0 Cases as of October 4, 2018**



**GENERAL COUNSEL'S REPORT**

**November 13, 2018**

***Routine Report***

**November 2018 Rulemaking Update**

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**RULEMAKING UPDATE  
NOVEMBER 2018  
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-2.302(1), F.A.C. to Repeal Reservations from Use of Morris Bridge Sink	May 2015	TBD	May 2015
2. Initiation and Approval of Rulemaking to Amend Rule 40D-3.037, F.A.C., to Revise Application for a Water Well Contractor's License	June 2018	Effective Approx. November 2018	June 2018
3. Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Rainbow River System	June 2017	TBD	June 2017
4. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Revised Minimum and Guidance Levels for Dosson Lake located in Hillsborough County	June 2018	Effective Approx. December 2018	June 2018
5. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Revised Minimum and Guidance Levels for Sunshine Lake located in Hillsborough County	June 2018	Effective Approx. December 2018	June 2018
6. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Correct Scrivener's Errors in Tables 8-2 and 8-3	June 2018	Effective Approx. December 2018	June 2018
7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C. to Adopt Minimum and Guidance Levels for Lakes Allen, Virginia and Harvey in Hillsborough County	September 2018	Effective Approx. December 2018	September 2018
8. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C. to Adopt Minimum and Guidance Levels for Brant Lake in Hillsborough County	September 2018	Effective Approx. December 2018	September 2018

Attachment: 11-2018 General Counsel - Rulemaking Update (4091 : November 2018 Rulemaking Update)



**COMMITTEE/LIAISON REPORTS**

**November 13, 2018**

***Discussion Item***

**Industrial Advisory Committee**

Staff Recommendation:

Presenter: Rebecca Smith, Board Member

**COMMITTEE/LIAISON REPORTS**

**November 13, 2018**

*Discussion Item*

Public Supply Advisory Committee

Staff Recommendation:

Presenter: H. Paul Senft, Board Member

**COMMITTEE/LIAISON REPORTS**

**November 13, 2018**

*Discussion Item*

Other Committee/Liaison Reports

Staff Recommendation:

Presenter: Board Members



**EXECUTIVE DIRECTOR'S REPORT**

**November 13, 2018**

*Discussion Item*

**Executive Director's Report**

Staff Recommendation:

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





**CHAIR'S REPORT**

**November 13, 2018**

*Discussion Item*

Chair's Report

Staff Recommendation:

Presenter: Jeffrey M. Adams, Chair

**CHAIR'S REPORT**

**November 13, 2018**

*Discussion Item*

Other

Staff Recommendation:

Presenter: Jeffrey M. Adams, Chair

**CHAIR'S REPORT**

**November 13, 2018**

*Routine Report*

**Employee Milestones**

Staff Recommendation:

Presenter: Jeffrey M. Adams, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau
10	11/17/2008	Earl Rich	General Services Bureau Chief	Brooksville	General Services