

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

SARASOTA, FLORIDA

FEBRUARY 27, 2018

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 10:00 a.m., on February 27, 2018, at the Sarasota Office. The following persons were present:

Board Members Present

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

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
Kurt P. Fritsch, 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's Administrative Support

Cara Martin, Board & Executive Services Manager
Lori Manuel, Administrative Assistant

Board Members Absent

Joel Schleicher, Member

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

PUBLIC HEARING (Audio – 00:00)

1. Call to Order

Chair Maggard 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 Murphy offered the invocation and led the Pledge of Allegiance to the Flag of the United States of America.

Chair Maggard 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 Maggard 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 Maggard 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 Maggard recognized employees who have reached at least 20 years of service with the District and thanked them for their service. The following staff was recognized: Dawn Turner.

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 there were no additions or deletions to the agenda.

Board Member Williamson declared a conflict of interest for the following item:

12. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20003251.011 - Dairy/Glenn & Frances Williamson (Hillsborough County)

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

Chair Maggard 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 00:6:00)

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

Chair Maggard stated he received seven Request to Speak cards.

Mr. David Ballard Geddis, Jr., spoke about the use of dry toilets.

Mr. Harrison Fox thanked the District for a grant that was provided for Siesta Waterway and Briarwood Canal restoration.

Ms. Becky Ayech, ECOSWF, welcomed the Governing Board to Sarasota.

Ms. Lee Meyer spoke regarding tree removal to alleviate Bowles Creek flooding concerns associated with Shadybrook.

Mr. John Lindsey, representing the Shadybrook Condominium Association, spoke regarding cooperating with the District to alleviate Bowles Creek flooding concerns associated with Shadybrook Village.

Ms. Jennette Seachrist, Resource Management Director, stated that staff will contact Ms. Meyer and Mr. Lindsey to ensure that information is added, if not already in, an analysis being conducted.

Chair Maggard asked what entity is responsible for maintaining Bowles Creek. Mr. Ken Frink, Operations, Lands and Resource Monitoring director, stated it is most likely the county, but stated it was not the District.

Board Member Henslick expressed concern with removal of trees from river banks. He stated the District may have no jurisdiction regarding tree removal. However, he stated the District is the appropriate agency to address cooperative funding associated with studies for flooding associated with the creek.

Ms. Mandy Hines, DeSoto County administrator, spoke regarding an out-of-cycle cooperative

funding request for the Spring Lake Flooding Project Q015. Ms. Hines provided PowerPoint slides.

Chair Maggard directed District staff to provide a presentation for the March Governing Board meeting regarding this issue.

Ms. Robin DiSabatino, Manatee County commissioner, requested the Board expedite solutions to assist with the flooding issues associated with Pearce Drain, Rattlesnake Slough and Bowles Creek in Sarasota County.

CONSENT AGENDA

Chair Maggard 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.

Ms. Karen West, general counsel, asked Board Member Williamson to declare her reason for conflict of interest. Board Member Williamson stated she is an applicant on the permit.

Resource Management Committee

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

Staff recommended the Board:

- A. Accept the report entitled, "Minimum and Guidance Levels for Lake Damon in Highlands 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 include the proposed Minimum and Guidance Levels for Lake Damon in Highlands County, as shown in the Exhibit.

7. Budget Transfer – Weeki Wachee Natural System Carrying Capacity Study (WW06)

Staff recommended the Board:

- 1) Approve the out-of-cycle request to proceed with Weeki Wachee Carrying Capacity Study (WW06).
- 2) Authorize the transfer of \$250,000 from the Hillsborough County Sun City Golf Course Reclaimed Water Expansion project (N804) to the Weeki Wachee Carrying Capacity Study (WW06).
- 3) Authorize the Assistant Executive Director to sign the revenue agreement with Hernando County and consultant task work assignments.

8. FARMS Ocean Breeze Properties, LLC – Phase 2 – H763, Hillsborough County

Staff recommended the Board:

- 1) Approve the Ocean Breeze Properties, LLC - Phase 2 project for a not-to-exceed project reimbursement of \$79,030 with \$79,030 provided by the Governing Board;
- 2) Authorize the transfer of \$79,030 from fund 010 H017 Governing Board FARMS Fund to the H763 Ocean Breeze Properties, LLC - Phase 2 project fund;
- 3) Authorize the Division Director to sign the agreement.

Finance/Outreach & Planning Committee

9. Approval of the 2018 Consolidated Annual Report

Staff recommended the Board approve the 2018 Consolidated Annual Report and its transmittal.

10. Resource Data Modernization Services Budget Transfer

Staff recommended the Board approve the transfer of \$407,455 from the withdrawn Sun City Golf Course Reclaimed Water Expansion Project (N804) to the Resource Data Modernization Project (P456) for the procurement of consulting services, software and software maintenance associated.

11. Budget Transfer Report

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

Operations, Lands and Resource Monitoring Committee - None

Regulation Committee

12. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20003251.011 - Dairy/Glenn & Frances Williamson (Hillsborough County)

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

b. WUP No. 20007085.011 - Manatee Grove/Turner Groves Citrus Limited Partnership (Manatee County)

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

c. WUP No. 20020687.000 - Southeast Wildwood Water Conservation Authority/Southeast Wildwood Water Conservation Authority (Sumter County)

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

General Counsel's Report

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

a. Initiation of Litigation-Permit Condition Violations - Jazzy's Bar-B-Q Inc., ERP No. 43030371.002 - Hillsborough County

Staff recommended the Board authorize the initiation of litigation against Johnny Ray Smith, owner of Jazzy's Bar-B-Q, to obtain compliance, to recover an administrative fine/civil penalty for any violations, and to recover District enforcement costs, court costs, and attorney's fees.

14. Rulemaking

a. Authorization for Initiation and Approval of Rulemaking to Amend Environmental Resource Permitting Applicant's Handbook Volume II, as Part of Statewide Environmental Resource Permitting Rule Amendments

Staff recommended the Board authorizes the initiation of rulemaking and approve the proposed amendments to Rule 40D-1.660, F.A.C., and Environmental Resource Permitting Applicant's Handbook Volume II.

Executive Director's Report

15. Approve Governing Board Minutes - January 23, 2018

Staff recommended the Board approve the minutes as presented.

A motion was made to approve agenda items 1-11 and agenda items 13-15 in the published agenda, which was seconded. The motion carried unanimously. (Audio 00:34:10)

A motion was made to approve agenda item 12 in the published agenda, which was seconded. The motion carried with 11 unanimous votes and Board Member Williamson abstaining. (Audio 00:34:30)

Chair Maggard relinquished the gavel to the Resource Management Committee Chair Babb who called the meeting to order. (Audio 00:34:45)

Resource Management Committee

Discussion

16. Consent Item(s) Moved for Discussion – None

17. Peace River Manasota Regional Water Supply Authority (PRMRWSA) Update

Mr. JP Marchand, Water Resources bureau chief, introduced Sarasota County Commissioner Chairman Alan Maio. Commissioner Maio and Mr. Pat Lehman, PRMRWSA executive director, presented an update of the PRMRWSA and District partnership. This update provided an overview of the Peace River facility treatment capacity which included reservoir storage and Aquifer Storage and Recovery (ASR). A map was provided of the regional water system. Commissioner Maio provided information regarding RV Griffin Reserve and the partnership with the District associated with this project. He discussed the acquisition of the Orange Hammock Ranch. He detailed the support provided for this acquisition and the benefit this property can provide.

Board Member Henslick asked if mitigation activities would be used for wetland impacts. Commissioner Maio responded that a portion of Orange Hammock would be used for mitigation for the future reservoir and any expansion of ASR wells.

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

18. Draft Polk Regional Water Cooperative (PRWC) Resolution for Future Funding

Mr. Jason Mickel, Water Supply manager, provided a presentation on the PRWC resolution. Mr. Mickel outlined historical information that included the formation of the PRWC, membership, alternative water supply projects, milestones, on-going projects, future funding needs and a timeline.

Mr. Mickel presented an example of a preliminary construction plan, Southeast Wellfield, as part of phase two. He outlined a draft resolution for funding phase two projects.

Polk County Commissioner George Lindsey thanked the Board for its ongoing and future cooperation.

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

Submit & File Reports - None

Routine Reports

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

19. Significant Water Resource and Development Projects

20. Minimum Flows and Levels Status Report

Committee Chair Babb relinquished the gavel to the Finance/Outreach and Planning Committee Vice Chair Adams, who called the meeting to order. (Audio 00:53:38)

Finance/Outreach and Planning Committee

Discussion

21. Consent Item(s) Moved for Discussion – None

22. Legislative Update

Mr. Michael Molligan, Employee and External Relations director, provided an update on the 2018 Legislative Session. He provided information regarding committee status for House Bill (HB) 703 and companion Senate Bill (SB) 806 regarding the sale of surplus lands; HB 705 and companion bill 808 regarding surplus lands/public records. Mr. Molligan provided an update on pending Board member confirmations. He informed the Board of bills that are of interest to the District.

Mr. Molligan outlined the following bills: HB 177/SB 364 state group health insurance; HB 1149/SB 1308 regarding environmental regulation; HB 7043/SB 1402 404 dredge and fill permitting; HB 1303/SB 1710 West Coast Regional Water Supply Authority; SB 1664 onsite sewage treatment and disposal systems; HB 987/SB 1328 affordable housing; HB 1353/SB 370 land acquisition trust fund - Florida Forever; and HB 7063 natural resources.

Mr. Molligan also stated there are two administrative bills that are currently being tracked, one is regarding expenditure allowance for overnight travel and the other is the government integrity bill that investigates fraud and mismanagement abuse.

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

Submit & File Reports

23. Purchase Card Audit – General Services Bureau

Routine Reports

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

24. Treasurer's Report and Payment Register

25. Monthly Financial Statement

26. Monthly Cash Balances by Fiscal Year

27. Comprehensive Plan Amendment and Related Reviews Report

28. Development of Regional Impact Activity Report

Committee Vice Chair Adams relinquished the gavel to the Operations, Lands and Resource Monitoring Chair Beswick, who called the meeting to order. (Audio 01:01:35)

Operations, Lands and Resource Monitoring Committee Discussion

29. Consent Item(s) Moved for Discussion - None

Submit & File Reports

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

30. Hydrologic Conditions Report

Routine Reports

31. Surplus Lands

32. Significant Activities

33. Structure Operations

Committee Chair Beswick relinquished the gavel to the Regulation Chair Adams, who called the meeting to order. (Audio 01:02:35)

Regulation Committee Discussion

34. Consent Item(s) Moved for Discussion – None

35. Denials Referred to the Governing Board

None were presented at this meeting.

36. Consider Water Shortage Order(s) as Necessary

None were presented at this meeting.

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 (AMR) Equipment Implementation Program Update
38. Overpumpage Report
39. Individual Permits Issued by District Staff

Committee Chair Adams relinquished the gavel to Chair Maggard. (Audio 01:03:09)

General Counsel

Discussion

40. Consent Item(s) Moved for Discussion – None

Board Member Henslick asked about the time frame for cases that are in litigation. He specifically addressed Jazzy's Bar-B-Q Incorporated.

Ms. Karen West responded that Jazzy's Bar-B-Que has been in the Office of General Counsel since July 2017. Ms. West explained the permit was issued in 2015, but no statement of completion has been submitted from the permittee. She stated that two notices of violation and a proposed consent order have been sent to the permittee. No responses have been received. She stressed that the District tries to resolve non-compliance issues to avoid legal enforcement.

Submit & File Reports – None

Routine Reports

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

41. February 2018 - Litigation Report
42. February 2018 - Rulemaking Update

Committee/Liaison Reports

43. Public Supply Advisory Committee

A written report was provided for the February 6 meeting.

Board Member Senft specifically addressed the Governing Board Policy 103-4 that was presented at the Public Supply Advisory Committee (PSAC) meeting. He explained that third-party reviews evaluate for cost effectiveness metrics, resource benefits and cooperator performance.

44. Committee/Liaison Reports - None

Executive Director's Report

45. Executive Director's Report

Brian Armstrong, executive director, stated the pilot test program for the Flatford Swamp has been initiated.

Chair's Report

46. Chair's Report

The next Board meetings are scheduled for March 27 at the Brooksville Office, April 24 at the Lake Eva Banquet Hall in Haines City and May 22 in the Brooksville Office.

47. Other

48. Employee Milestones

The meeting was adjourned at 11:15 a.m.

Chair

A large, complex, and somewhat illegible handwritten signature in black ink, consisting of several overlapping loops and lines.

Attest:

A handwritten signature in blue ink, appearing to read "Dwayne K. Bernard".
Secretary