

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

MARCH 27, 2018

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on March 27, 2018, at the Brooksville Office. The following persons were present:

#### Board Members Present

Randall S. Maggard, Chair  
Jeffrey M. Adams, Vice Chair  
Ed Armstrong, Treasurer  
H. Paul Senft, Member  
Kelly S. Rice, Member  
John Henslick, Member  
Michelle Williamson, Member  
Mark Taylor, Member  
Joel Schleicher, Member\*via Telephone  
Rebecca Smith, Ph.D., Member  
James G. Murphy, Member

#### Board Members Absent

Michael A. Babb, Member  
Bryan Beswick, Secretary

#### 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  
Alba E. Más, Division Director  
Michael Molligan, Division Director  
Jennette Seachrist, Division Director  
Jerry Mallams, Bureau Chief

#### Board's Administrative Support

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

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

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

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

Chair Maggard called the meeting to order and opened the public hearing. Treasurer Armstrong stated a quorum was present.

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

Board Member Taylor 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: Brian Nelson and Malcolm Hudson, Raymond Garcia, and Sal DeStefano.

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.

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

Chair Maggard stated he received four Request to Speak cards.

Mr. Steve Schwark spoke regarding a flooding concern related to a project in Sarasota County called Waverly Development. Ms. Alba Más, Regulation Division director, responded that although a formal written letter has not been sent, staff has contacted Mr. Schwark. Ms. Más stated that Ms. Michelle Hopkins, Environmental Resource Permit Bureau chief, will coordinate with Mr. Schwark and other appropriate persons.

Mr. David Ballard Geddis, Jr., spoke regarding the authority of water management districts.

Mr. Pat Lehman, Peace River Manasota Regional Water Supply Authority (PRMRWSA), stated the pilot test for pre-treating water in the Aquifer Storage Recovery (ASR) has gained local, regional and state support. The Governor has approved a \$1 million-line item for future statewide modeling partnership.

**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.

**Finance/Outreach & Planning Committee**

**6. Budget Transfer Report**

Staff recommended the Board's approval of the budget transfer report covering all budget transfers for March 2018.

**Resource Management Committee**

**7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, to Adopt Minimum Flows for the Pithlachascotee River and Accept Reports**

Staff recommended the Board:

- (1) Accept the report entitled; "Recommended Minimum Flows for the Pithlachascotee River", dated March 2018;
- (2) Initiate rulemaking and approve adoption of amendments to Rule 40D-8.041, Florida Administrative Code, to establish minimum flows for the Pithlachascotee River; and
- (3) Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.

**8. City of Tampa Dale Mabry/Henderson Trunkline – Upper Peninsula Watershed Drainage Improvements (N748)**

Staff recommended the Board authorize continuation of the project and approve amending the

cooperative funding agreement to include a total of \$36,500,000 for design, permitting, and construction of the project, with the District's share being \$18,250,000.

**9. FARMS – Council Growers, Inc. – H764, Hillsborough County**

Staff recommended the Board:

- 1) Approve the Council Growers, Inc. project for a not-to-exceed project reimbursement of \$576,600, with \$576,600 provided by the Governing Board;
- 2) Authorize the transfer of \$576,600 from fund 010 H017 Governing Board FARMS Fund to the H764 project fund;
- 3) Authorize the assistant executive director to sign the agreement.

**Operations, Lands and Resource Monitoring Committee**

**10. Approval of Resolution Requesting Disbursement of Funds from the Land Acquisition Trust Fund for Land Management**

Staff recommended the Board approve Resolution 18-02, Requesting Disbursement of Funds from the Land Acquisition Trust Fund for Land Management.

**11. Amend Conservation Easement Access – Suggs Settlement Property, Gum Slough Project, SWF Parcel No. 19-193-113C**

Staff recommended the Board approve amendment of the conservation easement to exclude the 2.74 acre and 1.15 acre access properties from the terms of the conservation easement to allow their utilization, maintenance and improvement for roadway and utilities.

**12. Easement Donation – Nettles Structure – Hanna Lake, SWF 13-038-108P**

Staff recommended the Board:

- Accept the donation of the Easement and Right of Entry;
- Authorize staff to sign documents at closing necessary to complete the transaction in accordance with the approved terms.

**13. Green Swamp East Highway 98 Cattle Lease, SWF Parcel No. 10-200-1287X, Award for the Request for Offers (RFO) 18-01**

Staff recommended the Board approve the award of the Green Swamp East Highway 98 cattle lease to Diamond R Cattle, Ryan Raburn and Richard Stanaland and authorize the Chairman to execute the lease on behalf of the District.

**Regulation Committee**

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

**a. WUP No. 20003890.010 – Bayside Sod Farm/Ibis Road Investors LLC and Bispham Family Limited Partnership (Sarasota County)**

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

**General Counsel's Report**

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

**a. Authorized Signature Certification Form – Department of Financial Services (DFS) – ERP Financial Assurance Requirements**

Staff recommended the Board:

- Execute the authorized signature certification form to facilitate the utilization of a DFS escrow account for environmental resource permit financial assurance requirements;
- Authorize the Finance Bureau chief and the chief advisory environmental scientist to execute the authorized signature certification form and any other documents necessary to deposit or withdraw collateral in accordance with the terms and conditions of any approved escrow agreement.

**b. Interagency Agreement Between SJRWMD and SWFWMD – Designation of Regulatory Responsibility – E.R. Jahna Industries, Inc. Independent North Sand Mine Project – Lake County**

Staff recommended the Board approve the interagency agreement between the St. Johns River Water Management District and the Southwest Florida Water Management District for designation of regulatory responsibility for Independent North Sand Mine in Lake county.

**c. Interagency Agreement Between SWFWMD and SFWMD – Designation of Regulatory Responsibility – SR 70 Jefferson Avenue to CR 29 Project FPID No: 414506-1-22-01**

Staff recommended the Board approve the interagency agreement between the Southwest Florida Water Management District and the South Florida Water Management District for designation of regulatory responsibility for the SR 70 Jefferson Avenue to CR 29 project in Highlands county.

**16. Rulemaking – None**

**Executive Director's Report**

**17. Approve Governing Board Minutes – February 27, 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 00:29:19)**

**Chair Maggard relinquished the gavel to the Finance/Outreach & Planning Committee Chair Armstrong who called the meeting to order. (Audio 00:29:30)**

**Finance/Outreach & Planning Committee**

**Discussion**

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

**19. Springs Protection Awareness Month**

Ms. Melissa Gulvin, communications manager, provided a presentation, in recognition of Springs Protection Awareness Month. Ms. Gulvin stated this was the District's fifth year recognizing individuals and organizations in Citrus, Hernando and Marion counties who partner with the District in improving the springs. Ms. Gulvin stated the District would like to recognize Cheryl Paradis, director of the Springs Coast Environmental Education Center, for her efforts to improve the Weeki Wachee Springs.

Ms. Gulvin stated the District has partnered with the Florida Department of Environmental Protection (FDEP), Northwest Florida Water Management District (NFWFMD), St. Johns River Water Management District (SJRWMD) and the Suwannee River Water Management District (SRWMD) to recognize the month of April as Springs Protection Awareness Month. She presented the Board with Resolution Number 18-01.

Staff recommended the Board approve and execute Resolution No. 18-01 declaring April 2018 as "Springs Protection Awareness Month."

**A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio 00:38:33)**

**20. Fiscal Year (FY) 2016-17 Comprehensive Annual Financial Report (CAFR)**

Mr. Trey Long, representing James Moore Certified Public Accountants and Consultants, provided a presentation for FY2016-17 Comprehensive Annual Financial Report. He outlined the reports

included in the CAFR. He stated the overall financial condition assessment for FY2016-17 was favorable. Mr. Long outlined the changes that have occurred. This included an increase in the total funds balance of \$6.7 million to \$407 million; total fund balance increase of \$4.1 million to \$9.8 million in the Florida Forever capital project fund; and the total fund balance increase of \$770,786 to \$5.7 million in the capital projects fund.

Mr. Long outlined the impact from the Governmental Accounting Standards Board (GASB) on pension liability and Other Post-Employment Benefits (OPEB).

Staff recommended the Board accept and place on file the District's Comprehensive Annual Financial Report, including a Single Audit pursuant to Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Report for fiscal year ended September 30, 2017.

**A motion was made and seconded to approve the staff recommendation. The motion carried unanimously.** (Audio 00:48:47)

**21. Budget Transfer from Pavement Repair/Resurfacing (C164) to Fuel Island Repair/Modifications (C204)**

Mr. Earl Rich, General Services Bureau chief, provided a presentation explaining the request for budget transfer for pavement repair/resurfacing to the fuel island in the Brooksville Office.

Mr. Rich provided background information and explained the need for the necessary repairs to the fuel station. He outlined the repairs and the costs associated.

Chair Maggard stated the budget transfer request indicated that excess funds will be used to provide stabilization to the Tampa office fuel station. He asked that future budget transfer requests indicate the fund amounts associated with the appropriate locations.

Staff recommended the approval of a budget transfer of \$300,000 from the Pavement Repair/Resurfacing projects in the Facilities Capital Improvements Plan. The transferred funds will be used to procure the necessary parts and services for major construction repairs to the Brooksville Fuel Island Station.

**A motion was made and seconded to approve the staff recommendation. The motion carried unanimously.** (Audio 00:52:34)

**22. Legislative Update**

Ms. Katie Kelly, Government and Community Affairs manager, provided a presentation on the 2018 legislative update. She stated the session ended on March 11. She stated 3,192 bills were filed of which only 200 bills passed the full legislature. The District was successful in assisting with passing House Bills (HB) 703 and 705 regarding surplus lands.

Ms. Kelly also stated that seven Board members were confirmed: Mark Taylor, Rebecca Smith, Michelle Williamson, John Henslick, James Murphy, Bryan Beswick and Joel Schleicher.

Ms. Kelly stated the legislature approved an \$88.7 billion budget and outlined the environmental highlights. This included: springs restoration, \$50 million; Florida Forever, \$100.8 million; statewide water projects, \$30.9 million; SWFWMD land management; \$2.2 million; beach management, \$50 million; and hurricane beach recovery \$11.2 million.

Ms. Kelly specifically addressed HB 7043 regarding the federal 404 Program. She stated the Governor signed the bill on March 23 and it became effective immediately.

Ms. Kelly reminded the Board that prior to the 2018 legislative session, new house rules required that all project specific appropriation requests must be filed and referred to their respective committees. She stated that at the beginning of session, 1,314 appropriation bills were filed that totaled over \$2.3 billion. She added that of those projects, 13 projects in the southwest district were approved that totaled over \$10.2 million.

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

### **Submit & File Reports**

#### **23. Information Technology (IT) Continuity Tests**

#### **24. Quarterly Risk-Based Transaction Tests**

### **Routine Reports**

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

#### **25. Treasurer's Report and Payment Register**

#### **26. Monthly Financial Statement**

#### **27. Monthly Cash Balances by Fiscal Year**

#### **28. Comprehensive Plan Amendment and Related Reviews Report**

#### **29. Development of Regional Impact Activity Report**

**Committee Chair Armstrong relinquished the gavel to the Resource Management Committee Vice Chair Rice who called the meeting to order. (00:58:52)**

### **Resource Management Committee**

#### **Discussion**

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

#### **31. Out-of-Cycle Funding Request for the DeSoto County Spring Lake Stormwater Best Management Practice Analysis Project (Q015)**

Mr. JP Marchand, Water Resource Bureau chief, provided a presentation regarding the request for out-of-cycle Cooperative Funding Initiative (CFI) request for project Q015. He stated the project is in southwestern DeSoto County (County), a Rural Economic Development Initiative (REDI) area and experiences a significant amount of flooding. Mr. Marchand outlined the action the County has provided.

Ms. Tara Poulton, DeSoto County, spoke in favor of approving the out-of-cycle request by providing a comparison of the value of one mill of property tax levy in Sarasota, Manatee, Charlotte and DeSoto counties. Ms. Poulton explained that because the County is a REDI area, the County's need is greater than surrounding counties and that should be considered.

Mr. Marchand explained the funding request is to assist the County with a modeling study. Mr. Marchand addressed three options for the request for funding associated with this request.

Vice Chair Adams asked why the CFI request was not done within the appropriate time frame. Ms. Poulton responded when the flooding initially occurred it was assumed to be a localized issue. When the flooding reoccurred, the County determined it was a regional issue. Ms. Poulton stated when the CFI funding request was made, it was indicated that an out-of-cycle request may be considered.

Board Member Smith suggested a workshop be provided to Board members regarding the CFI funding policy.

Staff's recommendation is to not approve the out-of-cycle funding request from DeSoto County. The circumstances surrounding the project and the problems facing the community are like those faced by many other communities that have previously requested out-of-cycle funding. If the Board

approves the project for FY2019 funding, staff will work with DeSoto County to have a cooperative funding agreement ready for execution on October 1, 2018.

**A motion was made and seconded to approve the out-of-cycle funding for project Q015 for the study based on the project being in a REDI community. The funds will be available immediately. The motion carried with nine in favor and two opposed. (Audio 01:38:19)**

Mr. JP Marchand stated the Board would need to authorize the transfer of \$99,000 from FY18 funds for the Riverside Village Drainage Improvement project (N857) that was withdrawn by Pasco County and authorize execution of the cooperative funding agreement for project Q015.

**A motion was made and seconded to approve Staff's recommendation and approve the transfer of \$99,000 in FY18 funds for the Riverside Village Drainage Improvement project (N857) withdrawn by Pasco County and authorize execution of the cooperative funding agreement for project Q015. The motion carried with nine in favor and two opposed. (Audio 01:42:43)**

**32. Budget Transfer for Hurricane Irma Storm Debris Management on the Peace Creek Canal**

Mr. Eric DeHaven, Resource Management Division assistant director, provided an update to the debris removal presentation provided in January. The status of debris removal for the Upper Peace River, Withlacoochee River, Flint Creek, and Peace Creek Canal was reviewed. He stated that staff is ready to proceed with the Peace Creek Canal debris removal with the intention that a Natural Resource Conservation Service (NRCS) funding contract will be executed by the May 2018 Board meeting. He stated if that does not occur, staff will return to the May Board meeting with an update on the NRCS funding status and a recommendation on how to proceed.

Mr. DeHaven stated that because the project is in Polk County, which is considered a limited resource area, NRCS would the funding reimbursement will be paid at the District 90 percent of the costs. He also provided a timeline for the debris removal. Mr. DeHaven stated that a damage survey report indicates that approximately 139 homes, as well as schools and local businesses, will be protected.

Mr. DeHaven provided a comparison cost summary of storm debris management with potential lead entities indicated.

Mr. DeHaven stated the total cost is \$802,766, although this which is slightly higher than what was presented in January, t. The funds are available from a project in Hillsborough County that was cancelled.

Staff recommended the Board:

- 1) Approve the request to proceed with the Peace Creek Canal Debris Management project (B077).
- 2) Authorize the transfer of \$802,766 from a canceled CFI project with Hillsborough County - Sun City Golf Course Reclaimed Water project (N804) to the Peace Creek Canal Debris Management project (B077).
- 2) Authorize the assistant executive director, or authorized designee, to sign the revenue contract with the NRCS and the associated consultant task work assignments and construction contract(s).

**A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. Audio (01:49:38)**

**Submit & File Reports - None**

### **Routine Reports**

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

- 33. Minimum Flows and Levels Status Report**
- 34. Significant Water Resource and Development Projects**

**Committee Vice Chair Rice relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Vice Chair Taylor. Audio (01:53:30)**

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

- 35. Consent Item(s) Moved for Discussion - None**
- 36. Hydrologic Conditions Report**

Mr. Granville Kinsman, Hydrologic Data manager, provided a presentation on the hydrologic conditions. Mr. Kinsman stated that despite below-normal rainfall since October 12-month rainfall in most of the District remains in the normal range. Groundwater levels throughout the District remain in the normal range but are showing declines. Lake levels for northern areas and the Lake Wales Ridge have fallen below normal, while Tampa Bay and Polk Upland lakes are in the normal range but showing declines. Flows on the Withlacoochee, Hillsborough, Alafia and Peace rivers remain within the normal range but are showing declines. The Hillsborough, Bill Young and the Peace River reservoirs remain at healthy levels. The climate forecast indicates drier than normal conditions.

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

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

**Submit & File Reports - None**

### **Routine Reports**

- 37. Surplus Lands Update**
- 38. Structure Operations**
- 39. Significant Activities**

**Committee Vice Chair Taylor relinquished the gavel to the Regulation Committee Chair Adams, who called the meeting to order. (01:59:33)**

### **Regulation Committee Discussion**

- 40. Consent Item(s) Moved for Discussion - None**
- 41. Denials Referred to the Governing Board**  
None were presented at this meeting.

- 42. 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.*

- 43. Dover/Plant City Water Use Caution Area Flow Meter Automatic Meter Reading (AMR) Equipment Implementation Program Update**
- 44. Overpumpage Report**



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

**Committee Chair Adams relinquished the gavel to Chair Maggard (02:01:02)**

**General Counsel's Report**

**Discussion**

**46. 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.*

**47. March 2018 – Litigation Report**

**48. March 2018 – Rulemaking Update**

**Committee/Liaison Reports**

**49. Agricultural and Green Industry Advisory Committee**

A written report was provided for the March 1 meeting.

**50. Committee/Liaison Reports**

No reports were provided.

**Executive Director's Report**

**51. Executive Director's Report**

Mr. Brian Armstrong, executive director, explained to the Board the increase of \$6.7 million that was referenced during the presentation of the CAFR (Item 20) was not due to additional revenue. He explained this was savings from the general fund, sale of surplus lands, and projects that have come in under budget.

Mr. Armstrong stated the presentation on septic to sewer controls that was scheduled for this Board meeting will be presented at a later date. The Florida Department of Environmental Protection is still completing their process regarding adopting Basin Management Action Plans (BMAPS).

**Chair's Report**

**52. Chair's Report**

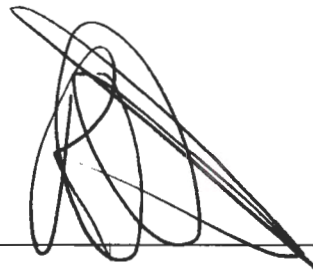
The next Board meetings are scheduled for April 24 in Haines City, May 22 and June 26 in the Brooksville Office.

**53. Other**

**54. Employee Milestones**

The meeting was adjourned at 11:06 a.m.

Chair



Attest:

Secretary

