

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

APRIL 24, 2018

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 10:00 a.m., on April 24, 2018, at the Haines City Lake Eva Banquet Hall. The following persons were present:

Board Members Present

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

Board Members Absent

John Henslick, Member
Joel Schleicher, Member
Kelly S. Rice, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
Kurt P. Fritsch, Inspector General
Ken Frink, Division Director
John J. Campbell, 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

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

Mr. Deric Feacher, Haines City manager, offered the invocation and Chair Maggard 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: Brandt Henningson.

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 deleted from the agenda:

CONSENT AGENDA

Operations, Lands and Resource Monitoring Committee

14. Offer for Surplus Lands – Cypress Creek Preserve (CC-1), SWF Parcel No.13-500-396S

Mr. Armstrong stated the following item was moved to discussion:

Operations, Lands and Resource Monitoring Committee

15. Offer for Surplus Lands – Weekiwachee Preserve (WW-7), SWF Parcel No.15-773-234S

Chair Maggard said there is good cause to amend the published agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, as amended, which was seconded. The motion carried unanimously. (Audio 00:6:20)

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

Chair Maggard stated he received four Request to Speak cards.

Mr. David Ballard Geddis spoke regarding flooding issues and replenishing wetlands.

Mr. Chester Bradshaw spoke regarding a petition to review past and present hydrologic conditions of the Green Swamp.

Mr. John Scott spoke regarding flooding associated with the Christina Area Watershed in Polk County.

Mr. Wingate Jackson spoke regarding flooding associated with Christina Area Watershed in Polk County.

Ms. Jennette Seachrist, Resource Management director, stated the District will contact Polk County to address projects that may alleviate some of the concerns for this area. Chair Maggard asked to be kept apprised of this situation.

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. Resolution No. 18-03 Declaring April 2018 as "Water Conservation Month"

Staff recommended the Board approve and execute Resolution No. 18-03 declaring April 2018 as "Water Conservation Month."

- 7. Resolution No. 18-04 Declaring May 13 – 19, 2018 as "Water Reuse Week"**
Staff recommended the Board approve and execute Resolution No. 18-04 declaring May 13-19, 2018 as "Water Reuse Week."

- 8. Budget Transfer Report**
Staff recommended the Board's approval of the Budget Transfer Report covering all budget transfers for March 2018.

Resource Management Committee

- 9. Hillsborough River West Bank Shoreline Restoration Project – Scope Change (W343)**

Staff recommended the Board:

- 1) Approve the revision to decrease the linear feet of restored shoreline habitat for the Hillsborough River West Bank Shoreline Restoration Project (W343) from 750 linear feet to 232 linear feet, which will be the revised measurable benefit in the cooperative agreement.
- 2) Approve reducing the project budget in the cooperative funding agreement from \$1,000,000 to \$278,172, with the District and the City each contributing \$139,086 (50 percent).

- 10. Recommended FY2019 Springs Projects for FDEP Funding Consideration**

Staff recommended the Board approve the list of 23 springs projects for submittal to the Florida Department of Environmental Protection.

- 11. FARMS – Reynolds Farms, Inc. – Anne's Block (H766), Highlands County**

Staff recommended the Board:

- 1) Approve the Reynolds Farms, Inc. - Anne's Block project for a not-to-exceed project reimbursement of \$99,749 with \$99,749 provided by the Governing Board;
- 2) Authorize the transfer of \$99,749 from fund 010 H017 Governing Board FARMS Fund to the H766 Reynolds Farms, Inc. - Anne's Block project fund;
- 3) Authorize the Division Director to sign the agreement.

- 12. FARMS – Dixie Groves and Cattle Company – (H767), DeSoto County**

Staff recommended the Board:

- 1) Approve the Dixie Groves and Cattle Company project for a not-to-exceed reimbursement of \$254,000, with \$254,000 provided by the Governing Board;
- 2) Authorize the transfer of \$254,000 from fund 010 H017 Governing Board FARMS Fund to the H767 Dixie Groves and Cattle Company project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

- 13. FARMS – Hi Hat Ranch, LLLP (H769), Sarasota County**

Staff recommended the Board:

- 1) Approve the Hi Hat Ranch, LLLP project for a not-to-exceed project reimbursement of \$111,739 with \$111,739 provided by the Governing Board;
- 2) Authorize the transfer of \$111,739 from fund 010 H017 Governing Board FARMS Fund to the H769 Project Name project fund;
- 3) Authorize the Assistant Executive Director to sign the agreement.

Operations, Lands and Resource Monitoring Committee

- 14. Offer for Surplus Lands – Cypress Creek Preserve (CC-1), SWF Parcel No. 13-500-396S**

Staff recommended the Board:

- Accept the offer of \$1,900,000;
- Authorize the Executive Director to execute the Contract for Sale and Purchase on the behalf of the District;

- ~~Approve the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon request of the buyer; and~~
- ~~Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.~~

15. Offer for Surplus Lands – Weekiwachee Preserve (WW-7), SWF Parcel No. 15-773-234S

Staff recommended the Board:

- ~~Accept the offer of \$115,000;~~
- ~~Authorize the Executive Director to execute the Contract for Sale and Purchase on the behalf of the District;~~
- ~~Approve the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon request of the buyer; and~~
- ~~Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.~~

16. Purchase and Sale Agreement and Resolution Requesting Funds from the Florida Forever Trust Fund

Staff recommended the Board:

- Accept the appraisals;
- Approve the Purchase and Sale Agreement and authorize the Executive Director or designee to sign on the behalf of the District;
- Approve the resolution requesting funds from the Florida Forever Trust Fund for SWF Parcel No. 11-728-132;
- Designate SWF Parcel No. 11-728-132 as having been acquired for conservation purposes;
- Authorize staff to make minor changes or corrections to conform documents or correct errors; any substantive changes will be subject to Governing Board review and approval, and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Regulation Committee

17. Individual Water Use Permits Referred to the Governing Board

- a. **WUP No. 20007331.006 – DeSoto 360 Land Trust / Justin Blomberg & Bethel Farms, LLP (DeSoto County)**

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

General Counsel's Report

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

- a. **Interagency Agreement Between SWFWMD and SFWMD – Designation of Regulatory Responsibility – Blackwater RE Investors, LLC, Blackwater Crossings Project – Polk County and Osceola County**

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 Blackwater Crossings in Polk County and Osceola County, Florida

- b. **Assignment and Assumption of Conservation Easements – Avalon Park West Master Conceptual Plan – ERP No. 49013559.41 – Pasco County**

Staff recommended that Board:

- Approve the Assignment and Assumption of Grantee's Position Under Conservation Easements between the Southwest Florida Water Management District and Wildlands Conservation, Inc.;

- Authorize staff to make any necessary minor clarifying edits that may result from the Army Corps of Engineers required approval of the Assignment.
- c. **Conservation Easement Release - Orange County**
Staff recommended the Board approve the Release of Conservation Easement and Quit Claim Deed.
- d. **Initiation of Litigation – Failure to Obtain a Water Use Permit – Valentin and Eduardo Badillo – CT Nos. 382714 and 388013 – Polk County**
Staff recommended the Board authorize the initiation of litigation against Valentin and Eduardo Badillo, and any other necessary parties, to obtain compliance, recover an administrative fine/civil penalty, and to recover District enforcement costs, litigation costs, and attorney's fees.
- e. **Initiation of Litigation – Notice of Unauthorized Activities – Holloway Park Foundation, Inc., CT No. 376309 – Polk County**
Staff recommended the Board authorize the initiation of litigation against Holloway Park Foundation, Inc., and any other necessary parties, to obtain compliance, to recover an administrative fine/civil penalty, and to recover District enforcement costs, litigation costs, and attorney's fees.
- f. **Initiation of Litigation – Permit Condition Violations – Sanlan RV & Golf Resort, Inc., F/K/A Sanlan Ranch Campground, Inc., ERP Permit No. 44035397.000 – CT No. 371511 – Polk County**
Staff recommended the Board authorize the initiation of litigation against Sanlan RV, and any other necessary parties, to obtain compliance, to recover an administrative fine/civil penalty, and to recover District enforcement costs, litigation costs, and attorney's fees.

19. Rulemaking - None

Executive Director's Report

20. Approve Governing Board Minutes – March 27, 2018

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda as amended. The motion carried unanimously. (Audio 00:20:26)

Chair Maggard relinquished the gavel to the Finance/Outreach & Planning Committee Chair Armstrong who called the meeting to order. (00:20:37)

Finance/Outreach & Planning Committee

Discussion

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

22. Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, provided a presentation on the quarterly investment strategy from January 1, 2018 to March 31, 2018. This presentation included an economic update and yield curve analysis. He stated the unemployment rate remains at 4.1 percent. The housing market remains stable and inflation indicators remain below 2 percent. Mr. Grady stated the fourth-quarter Gross Domestic Product (GDP) was 2.9 percent.

Mr. Grady provided a comparison summary of the District's portfolios for the period of January 1, 2018 through March 31, 2018. These portfolios included: liquid, enhanced cash, and 1-3 and 1-5 year strategies. He also provided a summary of the District's All Assets portfolio

earnings as of March 31, 2018. Mr. Grady stated that income is up 30 percent from the beginning of Fiscal Year (FY) 2018 to date.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended March 31, 2018.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio 00:33:30)

Submit & File Reports

23. Purchase Card Audit – Information Technology Bureau

24. Inspector General Semi-Annual Report

25. Self-Funded Health Insurance Plan – December 31, 2017 Update

Routine Reports

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

26. Treasurer's Report and Payment Register

27. Monthly Financial Statement

28. Monthly Cash Balances by Fiscal Year

29. Comprehensive Plan Amendment and Related Reviews Report

Committee Chair Armstrong relinquished the gavel to the Resource Management Committee Chair Babb who called the meeting to order. (00:33:49)

Resource Management Committee

Discussion

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

31. Resolution for Future Funding of the Polk Regional Water Cooperative (PRWC)

Mr. Jason Mickel, Water Supply Section manager, provided a presentation on the PRWC which included a timeline and background information. He provided an overview of Phase One and the progress that has been accomplished.

Mr. Mickel outlined the Phase Two draft resolution and the timeline associated with it. He explained that for Fiscal Year (FY) 2019, the PRWC shall complete all agreements and be on schedule with all three projects. For FY2020, the PRWC shall develop a long-term conservation plan including a needs assessment of regional water demands, potential water conservation measures and implementation strategies. For FY2021, a Third-Party Review (TPR) must be conducted for each project and presented to the Governing Board for approval by September 30, 2020.

Mr. Mickel explained that in FY2022, projects approved for continued scheduled work following the first TPR will have to meet certain criteria. By FY2023, all funding and water use commitments and agreements will be approved by the Governing Board.

Mr. George Lindsey, PRWC chairman and vice chair of Polk County Commissioners, thanked all the cooperators involved in the PRWC.

Staff recommended the Board approve the Resolution for future funding of the Polk Regional Water Cooperative.

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio 00:43:40)

32. Septic Tank and Package Plant Conversion Projects Update

Ms. Jennette Seachrist, Resource Management Division director, provided an updated presentation regarding the septic/package plant conversion project controls. She outlined background information on the drafting of the controls. Ms. Seachrist provided an update on the Florida Department of Environmental Protection (FDEP) Basin Management Action Plans (BMAPs).

Ms. Seachrist provided an overview of the 2016 Florida Springs and Aquifer Protection Act. She addressed changes in the draft BMAPs. She stated that the BMAPs will restrict the installation of new conventional septic tanks on lots less than one-acre, existing conventional septic tanks will be eliminated or retrofitted, and a fund will be established to assist homeowners with expenses associated with retrofits.

Ms. Seachrist stated that for a project to be considered for funding, it must be in a Priority Focus Area (PFA) and be funded by the Florida Department of Environmental Protection (FDEP). The exception would be for the septic/package plant conversion master plans. Ms. Seachrist outlined local ordinances that will be needed prior to the District providing cooperative funding.

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

33. Southern Water Use Caution Area (SWUCA) Recovery Strategy Five-Year Assessment for FY12-16

Mr. JP Marchand, Water Resources Bureau chief, provided a presentation on the SWUCA five-year assessment. Mr. Marchand provided a background regarding the SWUCA, overview of the hydrologic conditions and goals. He stated the five-year assessment is from FY2012-2016. Mr. Marchand explained the intent of the recovery strategy is to achieve recovery of established minimum flows and levels as soon as practicable.

Mr. Marchand outlined the achievements of the recovery strategy and status of goals. Goals include restore minimum levels to priority lakes by 2025, restore minimum flows in the Upper Peace River by 2025, reduce rate of saltwater intrusion by 2025, and ensure sufficient water supplies. He displayed a graph that outlined the use of alternative water supply in the SWUCA. Mr. Marchand provided an overview of future proposed actions.

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

Submit & File Reports

34. 2018 Florida Department of Transportation Mitigation Program Plan

Routine Reports

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

35. Minimum Flows and Levels Status Report

36. Significant Water Resource and Development Projects

Committee Chair Babb relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Beswick who called the meeting to order. Audio (01:20:52)

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

37. Consent Item(s) Moved for Discussion

15. Offer for Surplus Lands – Weekiwachee Preserve (WW-7), SWF Parcel No. 15-773-234S

Ms. Carmen Sanders, Operations, Lands and Resource Monitoring assistant bureau chief, provided a presentation regarding the sale of a parcel of the Weekiwachee Preserve. Ms. Sanders explained two offers were received for purchase of this surplus land. She provided a location map, aerial view and financial information related to the property.

Staff recommended the Board:

- Accept the offer of \$115,000;
- Authorize the Executive Director to execute the Contract for Sale and Purchase on the behalf of the District;
- Approve the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio 01:24:25)

38. District Forestry Equipment Replacement

Mr. Ken Frink, Operations, Lands and Resource Monitoring director, provided a presentation regarding the purchase of a forester skidder replacement. Mr. Frink explained the need for the replacement of the 2002 existing SK skidder equipment. He outlined the utilization of the skidder which will include use at the Green Swamp Preserve involving maintenance, burns, and wildfires of over 110,000 acres. Mr. Frink outlined the justification for the purchase of the skidder, evaluation of need and alternatives, and the acquisition process.

Staff recommended the Board:

- Authorize purchase of John Deere 948L forestry skidder, or equivalent, utilizing Field Equipment Replacement Fund.
- Approve transfer of \$82,000 from budgeted capital lease funds to the Field Equipment Replacement Fund.
- Approve surplus of existing SK300 Forester skidder (Unit 2025) via public auction.

A motion was made and seconded to approve the staff recommendation. The motion carried unanimously. (Audio 01:36:42)

Submit & File Reports

39. Hydrologic Conditions Report

Routine Reports

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

40. Surplus Lands Update

41. Structure Operations

42. Significant Activities

Committee Chair Beswick relinquished the gavel to the Regulation Committee Chair Adams who called the meeting to order. (Audio 01:37:15)

Regulation Committee

Discussion

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

Ms. Alba Más, Regulation Division director, provided an update regarding flooding concerns presented by Mr. Steve Schwark at the March Board meeting. She reminded the Board the flooding concern was related to a project in Sarasota County called Waverly Development. Ms. Más stated the as-built has been submitted to Sarasota County but the District has not received it. Staff has met with Mr. Schwark, the project engineer, and Sarasota County to address this issue. Ms. Más stated that modifications have been made and the District has sent a compliance letter requesting a new as-built.

44. Denials Referred to the Governing Board

No denials were referred to the Board.

45. Consider Water Shortage Order(s) as Necessary

No water shortage orders were presented.

Submit & File Reports – None

Routine Reports

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

46. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Implementation Program Update

47. Overpumpage Report

48. Individual Permits Issued by District Staff

Committee Chair Adams relinquished the gavel to Chair Maggard. (Audio 01:39:27)

General Counsel's Report

Discussion

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

Submit & File Reports - None

Routine Reports

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

50. April 2018 – Litigation Report

51. April 2018 – Rulemaking Update

Committee/Liaison Reports

52. Environmental Advisory Committee

Board Member Williamson stated the April 10 meeting was cancelled due to weather.

53. Well Drillers Advisory Committee

A written report was provided for the April 11 meeting.

54. Other

Executive Director's Report

55. Executive Director's Report

Mr. Brian Armstrong, executive director, stated the District has attempted to offer leasing of vacant space in the Sarasota Office but has been unsuccessful in this effort. The District has been

approached with the possible purchase of the Sarasota Office. The Board will be kept apprised of this situation. Mr. Armstrong stated that the District will remain in the general area but would like to find more suitable housing for staff. Secretary Beswick expressed support for maintaining a District office in that region.

Chair's Report


56. Chair's Report

The next Board meetings are scheduled for May 22 in the Brooksville Office, June 26 in the Brooksville Office and July 24 in Clearwater at Tampa Bay Water.

57. Other

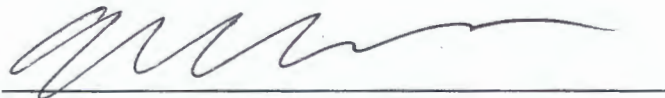
58. Employee Milestones

The meeting was adjourned at 11:41 a.m.



Chair

Attest:



Secretary Treasurer