



**GOVERNING BOARD MEETING
TUESDAY, SEPTEMBER 26, 2023 – 3:00 PM
7601 US 301 NORTH, TAMPA, FL 33637
(813) 985-7481**

MINUTES

Board Members Present

Ed Armstrong, Chair
Michelle Williamson, Vice Chair*
Jack Bispham, Treasurer
Joel Schleicher, Member*
Kelly Rice, Member*
Ashley Bell Barnett, Member
John Hall, Member
James Holton, Member*
Dustin Rowland, Member
Robert Stern, Member
Nancy H. Watkins, Member

*Attended via electronic media

Board Members Absent

John Mitten, Secretary

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Chris Tumminia, General Counsel
Brian Werthmiller, Inspector General
Michael Molligan, Division Director
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director
Brian Starford, Division Director
Brandon Baldwin, Division Director

Board Administrative Support

Virginia Singer, Board & Executive Services Manager
Lori Manuel, Lead Administrative Coordinator

1. Convene Public Hearing

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 3:00 p.m., September 26, 2023, at the Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637. This meeting was available for live viewing through Internet streaming. An attendance roster is archived in the District's permanent records. Approved minutes from meetings can be found on the District's website at WaterMatters.org.

1.1 Call to Order

Chair Ed Armstrong called the meeting to order. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Chair Armstrong 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 complete and submit a "Request to Speak" card. Chair Armstrong 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 topic designate a

spokesperson. Chair Armstrong introduced each member of the Governing Board and staff present at the dais (this served as roll call). A quorum was confirmed.

1.2 Invocation and Pledge of Allegiance

Board Member Ashley Bell Barnett offered the invocation and led the Pledge of Allegiance.

1.3 Employee Recognition

None were presented.

1.4 Additions/Deletions to Agenda

Mr. Brian Armstrong, Executive Director, stated there were additions or deletions to the agenda.

Board Member Joel Schleicher asked that the following items be moved to Discussion:

Finance/Outreach & Planning Committee

2.1 Board Encumbrance of the Capital Field Equipment Fund

Resource Management Committee

2.4 Arcadia Stormwater Evaluation and Feasibility Study – Scope Change (Q217)

2.5 FARMS – Spanish Trails Farming & Land Company, LLC - Phase 3 (H819), DeSoto County

There was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

1.5 Public Input for Issues Not Listed on the Published Agenda

Chair Armstrong recognized a Request to Speak card from Mr. Mitch Allen, who declined to speak.

Mr. David Ballard Geddis spoke against water jurisdiction.

Consent Agenda

Finance/Outreach & Planning Committee

2.1 Board Encumbrance of the Capital Field Equipment Fund

~~Staff recommended the Governing Board approve the encumbrance of \$1,010,796 in FY2023 fund balance within the Capital Field Equipment Fund to carry forward into FY2024 for planned expenditures as approved through the budgetary process.~~

Resource Management Committee

2.2 City of Haines City Lake Eva and Lake Henry Restoration (N926) – Third-Party Review of 30 Percent Design

Staff recommended the Board authorize project conclusion after the TPR task and approve a not-to-exceed District funding amount of \$210,000.

2.3 Hillsborough County - Town “N” Country/Hillsborough Avenue Regional Drainage Improvements (N975) – Third-Party Review of 30 Percent Design

Staff recommended the Board authorize project conclusion after the TPR task and approve a not-to-exceed District funding amount of \$300,000.

2.4 Arcadia Stormwater Evaluation and Feasibility Study – Scope Change (Q217)

~~Staff recommended the Board approve of the scope revision to perform a feasibility study within Basin H (Baker Street Ditch) instead of Basin E (Jordan Branch) within the City of Arcadia Watershed Management Plan boundary.~~

2.5 ~~FARMS – Spanish Trails Farming & Land Company, LLC – Phase 3 (H819), DeSoto County~~

~~Staff recommended the Board:~~

- ~~1. Approve the Spanish Trails Farming and Land Company, LLC – Phase 3 project for a not to exceed project reimbursement of \$542,000 with \$542,000 provided by the Governing Board.~~
- ~~2. Authorize the transfer of \$542,000 from fund 010 H017 Governing Board FARMS Fund to the H819 Spanish Trails Farming and Land Company, LLC – Phase 3 project fund.~~
- ~~3. Authorize the Assistant Executive Director to sign the agreement.~~

2.6 Five-Year Water Resource Development Work Program

Staff recommended the Board authorize staff to submit the proposed Five-Year Water Resource Development Work Program to the Florida Department of Environmental Protection for review.

Operations, Lands & Resource Monitoring Committee

2.7 Approval of Land Management Plan Updates for Conner Preserve, Flatford Swamp Preserve, Flying Eagle Preserve and Prairie Shell Creek Preserve

Staff recommended the Board approve the Plan Updates for Conner Preserve, Flatford Swamp Preserve, Flying Eagle Preserve, and Prairie Shell Creek Preserve.

Regulation Committee

2.8 Water Use Permit No. 20 011350.005, Countyline Ranch, LLC/Countyline Ranch LLC (Manatee County)

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

2.9 Water Use Permit No. 20 005750.011, City of Davenport/City of Davenport WUP (Polk County)

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

2.10 Water Use Permit No. 20 012934.003, Len-Angeline, LLC/Len Angeline (Pasco County)

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

General Counsel's Report

2.11 Approval of Consent Order between SWFWMD and Hooley Development, LLC – Permit Condition Violations – Environmental Resource Permit No. 43045054.000 – CT No. 424099 – Hillsborough County

Staff recommended the Board:

1. Approve the Consent Order.
2. Authorize District staff to pursue compliance with the terms and conditions of the approved Consent Order, including filing any appropriate actions in Circuit Court, if necessary.

2.12 Approval of the District's Annual Regulatory Plan for 2023-2024

Staff recommended the Board approve the District's Annual Regulatory Plan for 2023-2024 and execute the certification required by Section 120.74(1)(d), F.S.

2.13 Affirm Emergency Order Nos. SWF 23-033 and SWF 23-034 – Emergency Measures Due to Hurricane Idalia

Mr. Brian Armstrong, Executive Director, provided a recap of staff's response to Hurricane Idalia. He stated that over 100 District staff participated in preparation resulting in approximately 1,400 staff hours. He expressed his appreciation to staff for their efforts.

Staff recommended the Board affirm Emergency Order Nos. 23-033 and 23-034.

Executive Director's Report

2.14 Approve Governing Board Minutes – August 22, 2023

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:12:34)

Finance/Outreach & Planning Committee

Treasurer Jack Bispham called the committee to order.

3.1 Consent Item(s) Moved to Discussion

2.1 Board Encumbrance of the Capital Field Equipment Fund

Board Member Schleicher expressed his opposition to the carrying forward of funds from one fiscal year to another.

Staff recommended the Governing Board approve the encumbrance of \$1,010,796 in FY2023 fund balance within the Capital Field Equipment Fund to carry forward into FY2024 for planned expenditures as approved through the budgetary process.

A motion was made and seconded to approve staff's recommendation. The motion passed with ten in favor and one opposed. (Audio – 00:14:10)

3.2 Office of Inspector General Fiscal Year 2023 Annual Report

Mr. Brian Werthmiller, CPA, CFE, CIG, Inspector General, provided the FY2023 Annual report for the Office of Inspector General (OIG). He explained this report is required pursuant to Florida Statute and Governing Board policy. Mr. Werthmiller provided an overview of his required work functions. He provided a summary of the completed work products and other activities associated with the Inspector General office. He highlighted audits, investigations and reviews that were completed for FY2023. Mr. Werthmiller stated that 64 reviews were initiated and explained how reviews are received and the processes associated. He stated that a Peer review for the period of October 1, 2020 through September 30, 2022 was completed by an outside entity which resulted in the highest rating of pass for a second consecutive time.

Mr. Werthmiller reminded the Board that the District has an in-house risk assessment and audit program that provides a savings of approximately \$29,000.

Mr. Werthmiller stated he has completed the FY2023 performance measures that were set by the Board.

This was for information only. No action was required.

3.3 Fiscal Year 2025 Business Plan Update

Ms. Mary Margaret Hull, PMP, APR, Lead Project Manager, presented an update on the FY2025 Business Plan. She explained the purpose of the Business Plan and how it integrates with the budget process and the District's Strategic Plan. Ms. Hull summarized the plan development that assisted in identifying the resource needs over a five-year period (FY2025-FY2029). Ms. Hull stated that a Strength, Weakness, Opportunity, and Threat (SWOT) Analysis was performed to determine the overall strategic position of the organization within its current environment. She stated that a changing workforce was identified as a top weakness across all five programmatic teams. Ms. Hull outlined the drivers for resource needs. Additional drivers were identified by the Board and have been incorporated. Drivers included population growth, sea-level rise and resiliency, regulation and legislation, technology, and aging infrastructure. Ms. Hull summarized improvements to the business plan, performance metrics and staffing trends. She outlined the next steps associated with the business plan.

This item was for information only. No action was required.

3.4 Knowledge Management: Promotion of District Programs and Objectives Governing Board Policy

Ms. Melisa Lowe, Finance Bureau Chief, provided an overview of the current policy, outlined the proposed modifications, and described the next steps.

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

3.5 Extension of Annual Review of Governing Board Policy, Investments

Mr. Brandon Baldwin, Business and IT Services Division Director, provided an overview of the District's investment policy. He explained that review of the District's investment policy is required within sixty (60) days following the end of each fiscal year, and the Governing Board shall approve any modifications. Mr. Baldwin explained that the 60-day deadline would be on November 29. Since the Governing Board plans to discuss the Investment Policy at the annual workshop on November 14, 2023, staff requested a onetime extension of the review and approval period to 115 days (October 1, 2023, through January 23, 2024). Any proposed changes will be presented at the December Governing Board meeting.

Staff recommended the Board approve a one-time extension of the review and approval period for Governing Board Policy Investments from 60 days to 115 days.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:48:15)

3.6 Budget Transfer Report

This item was presented for information only. No action was required.

3.7 Report of Total Reductions in Taxes From Hurricane Ian or Hurricane Nicole

This item was presented for information only. No action was required.

Resource Management Committee

Board Member Ashley Bell Barnett called the committee to order.

4.1 Consent Item(s) Moved to Discussion

2.4 Arcadia Stormwater Evaluation and Feasibility Study – Scope Change (Q217)

Ms. Terese Power, P.E., CFM., Engineering and Watershed Management Manager, provided an overview of the original feasibility study and outlined the proposed changes. She explained the City of Arcadia (City) was in the process of setting the scope of the feasibility study with a consultant when Hurricane Ian hit in September 2022. As a result, the City experienced major flooding and damage in the Baker Street Ditch area (Basin H). Due to this, the City is requesting a scope change to perform a feasibility study of Basin H instead of Jordan Branch (Basin E).

Mr. Brian Armstrong, Executive Director, asked when Basin E would be addressed.

Mr. Terry Stewart, City of Arcadia Manger, stated the City has received a hazard mitigation grant to address Basin E.

Staff recommended the Board approve of the scope revision to perform a feasibility study within Basin H (Baker Street Ditch) instead of Basin E (Jordan Branch) within the City of Arcadia Watershed Management Plan boundary.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:55:55)

2.5 FARMS – Spanish Trails Farming & Land Company, LLC - Phase 3 (H819), DeSoto County
Board Member Schleicher requested this item be moved to Discussion.

Staff recommended the Board:

1. Approve the Spanish Trails Farming and Land Company, LLC - Phase 3 project for a not-to exceed project reimbursement of \$542,000 with \$542,000 provided by the Governing Board.
2. Authorize the transfer of \$542,000 from fund 010 H017 Governing Board FARMS Fund to the H819 Spanish Trails Farming and Land Company, LLC – Phase 3 project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:57:01)

4.2 Boyd Hill Nature Preserve Project - Increased Funding Request for Construction Bid (W303)

Mr. Randy Smith, PMP, Natural Systems & Restoration Bureau Chief, presented information that included history, location, objectives, budget, and funding. He informed the Board that unlike other Cooperative Funding Initiative (CFI) projects, the District is the design, permitting and construction lead for this project.

Staff recommended the Board:

1. Approve the budget transfer of \$196,800 from the withdrawn Quads Park Habitat Restoration Project (W648) to the Boyd Hill Nature Preserve Project (W303).
2. Authorize staff to amend the Boyd Hill Nature Preserve Project (W303) cooperative funding agreement to increase the total project budget to \$1,096,800, with the District and City each contributing \$448,400 and \$200,000 from TBEP.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:03:58)

Operations, Lands & Resource Monitoring Committee

Board Member John Hall called the committee to order.

5.1 Consent Item(s) Moved to Discussion - None

Regulation Committee

Board Member Dustin Rowland called the committee to order.

6.1 Consent Item(s) Moved to Discussion - None

6.2 Denials Referred to the Governing Board

None were presented.

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion - None

Committee/Liaison Reports

8.1 Industrial Advisory Committee

A written summary of the August 8 meeting was provided.

8.2 Public Supply Advisory Committee

A written summary of the August 8 meeting was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, recognized Mr. Ross Morton, Ombudsman, for his service and dedication to the District. Mr. Morton will be leaving the District to work for the national Red Cross.

Mr. Armstrong provided a summary of his FY2023 District accomplishments. A written summary was provided.

Chair's Report

10.1 Chair's Report

Chair Armstrong stated the next Governing Board Meeting is scheduled for Tuesday, October 24 at 9:00 a.m., in the Tampa office

10.2 Employee Milestones

A written summary was provided.

10.3 Executive Director's and Inspector General's Annual Evaluations

Chair Armstrong stated that in accordance with Board Policy 710-2, the executive director and inspector general will present their annual reports and accomplishments for the current fiscal year to the Governing Board. Packets were distributed to the Board Members to be completed. He explained that the Human Resources Office will compile and distribute a Performance Evaluation Summary for both the executive Director and the inspector general. The Chair will recommend a final scoring for the executive director and the Treasurer will recommend a final score for the inspector general. The Board will vote on both recommendations.

Adjournment

The meeting adjourned at 4:18 p.m.