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## South Florida Water Management District

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### Governing Board Special Meeting Business and Attorney Client Session - 10/8/2010 MEETING MINUTES

October 8, 2010

10:00 AM

District Headquarters - B-1 Auditorium  
3301 Gun Club Road  
West Palm Beach, FL 33406

Members Present:

**Sandy Batchelor**

**Shannon Estenoz**

**Glenn Waldman**

**Eric Buermann**

**Jerry Montgomery**

**Charles Dauray**

**Kevin Powers**

Members Absent:

**Joe Collins**

1. **Call to Order** - Eric Buermann, Chairman, Governing Board

Chair Buermann called the meeting to order at 10:02 a.m.

2. **Pledge of Allegiance** - Eric Buermann, Chairman, Governing Board

The meeting will go directly to Attorney Client Session and other agenda items will start no earlier than 11:30 a.m.

Sandy Batchelor led the group in the Pledge of Allegiance.

Chair Buermann recessed into Attorney Client Session at 10:04 AM for agenda item 5. He announced the meeting would reconvene in approximately 90 minutes.

Chair Buermann reconvened the meeting at 11:40 AM.

3. **Approval of Minutes**

Approval of Minutes for the October 1, 2010, Attorney Client Session meeting held in West Palm Beach, Florida

Motion made by Charles Dauray, seconded Glenn Waldman, to approve the minutes from October 1, 2010 Attorney Client Session which was held in West Palm Beach. Vote called. Voting yes: Charles Dauray, Glenn Waldman, Eric Buermann, Sandy Batchelor, Shannon Estenoz, Jerry Montgomery, and Kevin Powers. Motion passed.

**4. Changes to Agenda - Annette Carter, Director, Office of Governing Board & Executive Services**

There were no changes to the agenda.

**5. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.**

ATTENDEES: Governing Board Members S. Batchelor, E. Buermann, J. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, G. Waldman; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns, J. Nutt, F. Bartolone, D. Moore. (Sheryl. G. Wood, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl. G. Wood, ext. 6976)

Sarah Nall, Deputy General Counsel, announced no recommendations be taken by the Board on Agenda Item 5.

**6. Update with respect to the closing of the Second Amended and Restated Agreement for Sale and Purchase with United States Sugar Corporation and its affiliates regarding 26,791.32 acres, more or less, located in Hendry and Palm Beach Counties (Ruth Clements, ext. 6271)**

Ruth Clements, Director, Land Acquisition Department, presented an update with respect to the closing of the Second Amended and restated agreement for sale and purchase with United States Sugar Corporation and its affiliates regarding approximately 26,791.32 acres. The closing will be on 10/12/10 and the purchase price is \$197,398,372.08. (USSC paying all recording and title costs. No proration of taxes since USSC remains as lessee.)

Mr. Powers requested a briefing of the leases of this contract.

Public Comment: Drew Martin, Sierra Club, thanked the Board for supporting the U.S. Sugar land acquisition.

Public Comment: Pete Quasius, Audubon, congratulated the Board on the purchase of the U.S. Sugar land acquisition.

Public Comment: Jane Graham, Audubon, congratulated the Board on the purchase of the U.S. Sugar land acquisition.

**7. Public Comment**

Ms. Estenoz praised and congratulated staff for all of their hard work on the U.S. Sugar land acquisition.

Public Comment: Rosa Durando, citizen, commented on the purchase of the U.S. Sugar land acquisition, the funding for projects, and requested to continue to review the permits that will influence the Board's ability to carry out their good intentions of this purchase.

Public Comment: Drew Martin, Sierra Club, opposes lead shot on public lands. Mr. Dauray commented on the Izaak Walton League's opinion on lead shot.

Mr. Powers also praised staff on their hard work on the U.S. Sugar land acquisition. He also thanked control room staff for their diligence regarding Tropical Storm Nicole.

**8. Adjourn**

Chair Buermann adjourned the meeting at 12:05 p.m.

Motion made by Jerry Montgomery, seconded by Shannon Estenoz to adjourn the meeting. Vote called. Voting yes: Jerry Montgomery, Eric Buermann, Sandy Batchelor, Charles Dauray, Shannon Estenoz, Kevin Powers, and Glenn Waldman. Motion passed.

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Eric Buermann  
Governing Board Chairman  
South Florida Water Management District

Recorded By:

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Cathy Widness  
Administrative Assistant Senior  
Governing Board and Executive Services  
SFWMD