South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING
EXECUTIVE SUMMARY AGENDA

This meeting is open to the public

July 10, 2014
9:00 AM
District Headquarters - B-1 Auditorium
3301 Gun Club Road
West Palm Beach, FL 33406

FINAL REVISED 07/09/2014 3:53 PM

Pursuant to Section 373.079(7), Florida Statutes, all or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer. Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.

1. Call to Order - Dan O'Keefe, Chairman, Governing Board

2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board

3. Oath of Office - Administered by Marcia Kivett, Director, Office of Governing Board & Executive Services

4. Recognition of Tim Sargent - Dan O'Keefe, Chairman, Governing Board

5. Employee Recognitions - Presented by Blake Guillory, Executive Director
   - June Employee of the Month - Marjorie Moore, Lead Scientist, Field Operations & Land Management Division
   - July Team of the Month - FPL Site Certification Team

- 40- Year Service Award - Richard Champlin, Superintendent, Clewiston Field Station, Field Operations & Land Management Division

6. Agenda Revisions - Jacki McGorty, District Clerk

7. Abstentions by Board Members from items on the Agenda

8. Water Resources Advisory Commission (WRAC) Report - Jim Moran, Chair

9. Big Cypress Basin Board Report - Rick Barber, Chair

Consent Agenda

Members of the public wishing to address the Governing Board are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board when you are called upon to speak. Governing Board directives limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda.

Unless otherwise determined by the Chair, Board action on pulled Consent Agenda items will occur at or after 9:00 a.m. on Thursday. Regulatory items pulled from the Consent Agenda for discussion will be heard during the Discussion Agenda. ***Unless otherwise noted, all Consent Agenda items are recommended for approval.***

10. Public Comment on Consent Agenda

11. Pull Items for Discussion from Consent Agenda

12. Board Comment on Consent Agenda

13. Approval of the Minutes for the June 12, 2014 Regular Business Governing Board meeting held in Kissimmee, Florida

14. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes

15. Regulatory Consent Items ***- ITEM REVISED***

- Consent Orders
  - **Club Everglades, Inc; Pleasure Island at Club Everglades (Collier County)** - Settlement of an enforcement action regarding non-compliance with permit conditions for mangrove trimming outside the designated trimming area.
  - **Ryland Group, Inc; Friars Cove Phase 4, 5 and 6 (Osceola County) -** Settlement of an enforcement action regarding non-compliance with permit conditions due to turbid water off-site discharge and failure to comply with the District's Best Management Practices.
  - **KB Home Orlando, LLC; Enclave at Tapestry (Osceola County)** - Settlement of an enforcement action regarding non-compliance with permit conditions due to unpermitted off-site discharge and failure to comply with the District's Best Management Practices.

- Conservation Easements, Amendments and Releases
  - **Martin County Board of County Commissioners, Bessey Creek HWTT (Martin County)** - Staff recommends the approval of a request for the release of a 22.654 acre area of conservation easement within an overall 56.1338 acre conservation easement for the Bessey Creek Hybrid Wetland Treatment Technology (HWTT) Project in Martin County. The release is requested in order to authorize construction

and operation of the project for water quality improvement and is being processed concurrently with an Environmental Resource Permit Modification (Application No. 140611-16). The HWTT Project will be a retrofit of the existing water quality treatment marsh previously constructed as part of the Western Palm City Corridor Project (Permit No. 43-01748-P).

- Water Use Variances
  - **Mahlbacher Residence; James C. Mahlbacher (Palm Beach County)** - Enter a Final Order granting a variance to James C. Mahlbacher, authorizing a variance from the day of the week landscape irrigation measures specified in Chapter 40E-24, F.A.C., to provide for water conservation through implementation of an advanced irrigation system.

- Seminole Tribe Work Plans
  - Staff recommends concurrence with the Ninth Amendment to the **Twenty Seventh Annual Work Plan for the Seminole Tribe of Florida.** Works in the Brighton Reservation include the replacement of culvert HP02 and HP03 with upgraded structures to be renamed S-287 and S-286 respectively at the current existing locations, construction of a catwalk on the L-61 Canal for the purpose of installing a tailwater level recorder of the Seminole Tribe of Florida "D" Pump Station; works in the Hollywood Reservation include the phased construction of five (5) townhomes in approximately 2.71 acres.

16. **Resolution No. 2014 - 0701** Approving release of canal reservations and issuance of non-use commitments. (OMC, Kathy Massey, ext. 6835)

Summary
The District has jurisdiction over certain reserved rights to construct canal right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

Staff Recommendation
Staff recommends approval of the following:

- Release of Trustees canal reservations and issuance of non-use commitment to Weston Commercial Properties, Ltd. (File Nos. 5-14-1 and NUC 1650) for 16.62 acres in Broward County
- Release of District canal reservations and issuance of non-use commitment to Direct Property Investments, Inc. (File Nos. 18591 and NUC 1652) for 1.00 acre in Palm Beach County

17. **Resolution No. 2014 - 0702** Approve the acquisition of a revocable temporary license, at no cost, over a portion of Collier County's Freedom Park for the installation and monitoring of a rain gauge and associated telemetry equipment in Collier County, Big Cypress Basin. (OMC, Bruce Hall, ext. 6541)

Summary
This Revocable Temporary License Agreement will allow the District to install and monitor a rain gauge and associated telemetry equipment and provide future routine and emergency repair services on public property at Collier County's Freedom Park. This rain gauge and associated telemetry equipment replaces a rain gauge that had been installed on nearby private lands since the 1940's and is an important area to continue to monitor for the successful decision making and operation of both the primary and secondary flood control systems in the Big Cypress Basin and Collier County. District and County staff have reviewed and agreed upon the location for this rain gauge and associated telemetry equipment. (See attached map) However, the District's rights under this proposed license agreement are subordinate and subject to Collier County's right to terminate this license agreement upon sixty (60) days written notice. Additionally, the City of Naples has superior rights as to location of ASR Wells within Freedom Park. Also, Florida Power & Light Company has easements rights within the park. The potential exists for the District to be required at a future date to remove and/or relocate this proposed rain gauge and associated telemetry equipment. The removal and/or relocation would be at District expense.

Staff Recommendation
Approve the acquisition of a revocable temporary license from Collier County, at no cost, over a portion of Collier County's Freedom Park for the installation and monitoring of a rain gauge and associated telemetry equipment in Collier County, Big Cypress Basin.

18. **Resolution No. 2014 - 0703** Approving a new 10-year lease agreement for approximately 670.31 acres in St. Lucie County, with Diamond 3 Cattle Co. LLC, the highest responsive and responsible bidder, with a bid amount of $22,260.00 annually, as more particularly described herein. (Contract No. 4600003076) (OMC, Ray Palmer, ext. 2246)

Summary
As part of the Indian River Lagoon - South (IRL) Comprehensive Everglades Restoration Project (CERP), the District acquired various properties in St. Lucie County containing approximately 5,744 acres. The properties were acquired to construct Storm Water Treatment Areas (STAs) to reduce sediment, phosphorus and nitrogen entering the IRL and to construct surface water reservoirs for increased water storage.

The properties offered for lease are abandoned fallow citrus groves. The District desires to lease a 670.31 acre property identified as Encumbrance ID KE10E-048 (See Exhibit "A") for cattle grazing. The revenues generated from this lease will assist Land Management with maintenance and management of other District lands.

Request for bid 6000000638 for a new agricultural grazing lease with a ten year term for the subject lands was issued May 13, 2014. Responsive bids were due June 20, 2014. The winning bid was submitted by Diamond 3 Cattle Co. LLC in the annual amount of $22,260.00. Diamond 3 Cattle Co. LLC is the proposed Lessee for the

new ten-year term grazing lease with contract number 4600003076 (the “New Lease”).

There is one Special Provision in the New Lease. The Lessee shall construct perimeter fencing on the property, with respect to which the Lessee will be granted a fencing credit of $26,247.50, which will be deducted proportionally from the annual rent due for the first seven years of the New Lease. The resulting net revenue to the District during the 10 year lease term will be approximately $196,353.00, subject to a market rent adjustment after year five.

Staff Recommendation
Staff recommends approval of ten year cattle grazing lease.

19. **Resolution No. 2014 - 0704** Approving a new 10-year lease agreement for approximately 651.52 acres in St. Lucie County, with Diamond 3 Cattle Co. LLC, the highest responsive and responsible bidder, with a bid amount of $17,490.00 annually, as more particularly described herein. (Contract No. 4600003079) (OMC, Ray Palmer, ext. 2246)

Summary
As part of the Indian River Lagoon - South (IRL) Comprehensive Everglades Restoration Project (CERP), the District acquired various properties in St. Lucie County containing approximately 5,744 acres. The properties were acquired to construct Storm Water Treatment Areas (STAs) to reduce sediment, phosphorus and nitrogen entering the IRL and to construct surface water reservoirs for increased water storage.

The properties offered for lease are abandoned fallow citrus groves. The District desires to lease a 651.52 acre property identified as Encumbrance ID KE10E-049 (See Exhibit “A”) for cattle grazing. The revenues generated from this lease will assist Land Management with maintenance and management of other District lands.

Request for bid 6000000638 for a new agricultural grazing lease with a ten year term for the subject lands was issued May 13, 2014. Responsive bids were due June 20, 2014. The winning bid was submitted by Diamond 3 Cattle Co. LLC in the annual amount of $17,490.00. Diamond 3 Cattle Co. LLC is the proposed Lessee for the new ten-year term grazing lease with contract number 4600003079 (the “New Lease”).

There is one Special Provision in the New Lease. The Lessee shall construct perimeter fencing on the property, with respect to which the Lessee will be granted a fencing credit of $26,351.25, which will be deducted proportionally from the annual rent due for the first seven years of the New Lease. The resulting net revenue to the District during the 10 year lease term will be approximately $148,549.00, subject to a market rent adjustment after year five.

Staff Recommendation
Staff recommends approval of ten year cattle grazing lease.

20. **Resolution No. 2014 - 0705** Approving a new 10-year lease agreement for approximately 1,422.28 acres in Martin County, with Albert J. Gamot, the highest responsive and responsible bidder, with a bid amount of $34,604.00 annually, as more particularly described herein. (Contract No. 4600003065) (OMC, Ray Palmer, ext. 2246)

Summary
As part of the 2007 Northern Everglades & Estuaries Protection Program, the District acquired approximately 2,600 acres in western Martin County to construct a water clean-up project known as the Lakeside Ranch Project. Phase I of the Lakeside Ranch Stormwater Treatment Area (STA) is featured in the Lake Okeechobee Watershed Construction Project Phase II Technical Plan and consists of canals, embankments, water control structures and the S-650 Pump Station. Phase II portion of the STA is not ready to begin construction, and as an interim land management tool, the District desires to lease the 1,422.28 acre Property (See Exhibit "A") for cattle grazing. The revenues generated from this lease will assist Land Management in managing this and other District-owned Interim and Restoration lands.

Request for bid 6000000635 for a new agricultural grazing lease with a ten year term for the subject lands was issued May 6, 2014. Responsive bids were due June 10, 2014. The winning bid was submitted by Albert J. Gamot in the annual amount of $34,604.00. Mr. Gamot is the proposed Lessee for the new ten-year term grazing lease with contract number 4600003065 (the "New Lease").

There is one Special Provision in the New Lease. The Lessee shall construct perimeter fencing on the property, with respect to which the Lessee will be granted a fencing credit of $69,513.75, which will be deducted proportionally from the annual rent due for the first five years of the New Lease. The resulting net revenue to the District during the first 5 years will be approximately $103,506.00 and approximately $173,000.00 net revenue during the second 5 years, subject to a market rent adjustment.

Staff Recommendation
Staff recommends approval of ten year cattle grazing lease.

21. **Resolution No. 2014 - 0706** Approving a new 10-year lease agreement for approximately 1,202.40 acres In St. Lucie County, with Mancil's Tractor Service Inc., the highest responsive and responsible bidder, with a bid amount of $26,425.00 annually, as more particularly described herein. (Contract No. 4600003074) (OMC, Ray Palmer, ext. 2246)

Summary
As part of the Indian River Lagoon - South (IRL) Comprehensive Everglades Restoration Project (CERP), the District acquired various properties in St. Lucie County containing approximately 5,744 acres. The properties were acquired to construct Storm Water Treatment Areas (STAs) to reduce sediment, phosphorus and nitrogen entering the IRL and to construct surface water reservoirs for increased water storage.

The properties offered for lease are abandoned fallow citrus groves. The District desires to lease a 1,202.40 acre property identified as Encumbrance ID KE10E-047 (See Exhibit "A") for cattle grazing. The revenues generated from this lease will assist Land Management with maintenance and management of other District lands.

Request for bid 6000000638 for a new agricultural grazing lease with a ten year term for the subject lands was issued May 13, 2014. Responsive bids were due June 20, 2014. The winning bid was submitted by Mancil's Tractor Service Inc. in the gross annual amount of $26,425.00. Mancil's Tractor Service, Inc. is the proposed Lessee for the new ten-year term grazing lease with contract number 4600003074 (the "New Lease").

There are two Special Provisions in the New Lease. First, the property is subject to an additional property assessment imposed by the North St. Lucie River Water Control District. The assessment rate is approximately $11.25 per acre. Secondly, the Lessee shall construct perimeter fencing on the property, with respect to which the Lessee will be granted a fencing credit of $69,836.25, which will be deducted proportionally from the annual rent due for the first seven years of the New Lease. The resulting net revenue to the District during the 10 year lease term will be approximately $194,414.00, subject to a market rent adjustment after year five.

Staff Recommendation
Staff recommends approval of ten year cattle grazing lease.

22. **Resolution No. 2014 - 0707** Revising Chapter 101, Article II, Division 2, Section 101-41 of the District Policies Code revising delegations to the Executive Director for the taking of final action under Part IV of Chapter 373, Florida Statutes and Chapter 403, Florida Statutes and any Rules promulgated thereunder, providing for inclusion in the District Policies Code; providing for severability; providing an effective date. (REG, Anita Bain, ext. 6866) ***- ITEM REVISED***

Summary
This revision of the District Policies Code regarding delegations to the Executive Director clarifies the existing policy contained in Chapter 101 , Article II, Division 2, Section 101-41 of the District Policies Code to specifically include verification of exemptions to permitting criteria under Part IV of Chapter 373, Florida Statutes, and Chapter 403, Florida Statutes, and any rules promulgated thereunder.

Staff Recommendation
Staff recommends approval of this revision to existing District Policy.

23. Adopt amendments to Rule 40E-1.607, F.A.C., for CUPcon with change based on comment received from the Joint Administrative Procedures Committee. (REG, Maria Clemente, ext. 2308)

Summary:
The Florida Department of Environmental Protection (DEP) is leading a statewide effort (referred to as CUP consistency) to improve consistency in the consumptive use permitting programs implemented by the water management districts (WMDs). The individual water management district consumptive use permitting rules, while all developed under the authority of Chapter 373, Florida Statutes, are inconsistent among the WMDs. Some differences are based on differing physical and natural characteristics; others result from development of separate rules and procedures over time.

Staff Recommendation:
Adopt amendments to Rule 40E-1.607, F.A.C., with change based on comment received from the Joint Administrative Procedures Committee.

24. Authorize publication of Notice of Rule Development in the Florida Administrative Register (FAR), and request review by the Office of Fiscal Accountability and Regulatory Reform, to create and implement the newly passed legislation regarding the lobbyist registration process for Water Management Districts, in an effort to provide a uniform system of lobbyist registrations. (OC, Derek Brown, ext. 6278)

Summary
The Legislature passed and the Governor signed into law with an effective date of July 1, 2014, Senate Bill 846 which requires all Water Management Districts to implement a Lobbyist registration process. District staff is requesting authority to initiate rule development to implement this requirement. This will include a website and online database that is available to the public which allows individuals to register with the District as Lobbyists and view such registrations. The District's rules will be consistent with other Water Management District rules and relate to the Executive Branch's requirements on lobbyist registration in an effort to provide a uniform system of lobbyist registrations. The Florida Commission on Ethics has authority to investigate complaints pertaining to lobbyist registrations. At this time the District is not implementing any costs to individuals to register as a lobbyist.

Staff Recommendation
Authorize publication of Notice of Rule Development in the Florida Administrative Register (FAR), and request for review by the Office of Fiscal Accountability and Regulatory Reform, to implement the newly passed legislation and create a rule regarding the lobbyist registration process. The District will work with the other Water Management Districts in an effort to provide a uniform system of lobbyist registrations.

25. **Resolution No. 2014 - 0708** Authorizing a settlement agreement for $836,125, inclusive of $620,900 for acquisition in fee simple of 62.09 acres, more or less (Tract SG100-132), and $215,225 for attorney's fees, expert's fees, and costs, for which Save Our Everglades Trust Funds are budgeted, for the Picayune Strand Restoration Project, in Circuit Court case styled VIBID Group, Inc. v. South Florida Water Management District, et al., filed in the 20th Judicial Circuit for Collier County, Florida, Case No. 07-3329-CA. (OC, Keith L. Williams, ext. 2791)

Summary
VIBID Group Inc. (VIBID) sued the District in November 2007, alleging a taking of 62.09 acres, more or less (Tract SG100-132), located in the Southern Belle Meade portion of the Picayune Strand Restoration Project. In January 2014, the District Governing Board approved by resolution (Resolution No. 2014-0114), inclusion of property within the Southern Belle Meade portion of the Picayune Strand Restoration Project in its Florida Forever Work Plan for future land acquisition planning purposes. In May 2014, District staff reached a settlement agreement with VIBID to acquire its property within the Picayune Strand Restoration Project area and resolve all issues of compensation for condemnation of the 62.09 acres.

Staff Recommendation
Authorize approval of the settlement agreement to acquire the property interests owned by VIBID Group, Inc. This settlement is inclusive of all attorneys' fees, experts' fees, and costs that have been incurred by VIBID since November 2007.

26. **Resolution No. 2014 - 0709** FY14 Budget Amendment Recognizing FY15 State Appropriations. (AS, Candida Heater, ext. 6486)

Summary
FY2014-2015 State Appropriation 1622A allocated $3 million from the Florida Department of Environmental Protection for Dispersed Water Management. This proposed budget amendment is to recognize $2,759,684 out of the $3,000,000 and to reduce Save Our Everglades Trust Fund (SOETF) funding for the same amount to fund continuation of Dispersed Water Management projects. These projects facilitate multi-purpose water management operations, water storage and water quality improvement within the Northern Everglades and Estuaries Protection Area.

Staff Recommendation
Staff recommends Governing Board approval of this budget amendment.

27. **Resolution No. 2014 - 0710** Authorizing a transfer of funds within the District FY2013-2014 budget to fund District fuel & electric demands as needed to respond to operational requirements. (AS, Candida Heater, ext. 6486).

Summary
The fuel and electric needs of the District fluctuate in response to a number of factors including weather; wet or dry events, water quality, and fuel prices. The purpose of this resolution is to provide maximum flexibility within the existing budget appropriation to respond to District fuel and electric demands to respond to operational requirements within FY2014. The $50M Economic Stabilization Reserve will be accessed only as a last resort because that would trigger repayment requirements within a three year period per District policy.

Staff Recommendation
Staff recommends approval to transfer funds up to $3,000,000 among the Districts Divisions, District Programs and from Managerial Reserves (as a last resort) as needed to respond to District fuel and electric demands in support of operational requirements, primarily for pumping operations.

28. Board Vote on Consent Agenda

29. General Public Comment

30. Board Comment

Discussion Agenda

31. Technical Reports

A) Water Conditions Report - Jeff Kivett, Division Director, Operations, Engineering and Construction Division (ext. 2680)

B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources Division (ext. 6952)

32. Lower Kissimmee Basin Water Supply Plan Status Update - Cynthia Gefvert, Section Leader, Water Supply Planning (ext. 2610)

Summary
The Lower Kissimmee Basin Draft Water Supply Plan is being developed for the Lower Kissimmee Basin (LKB), which includes portions of Okeechobee, Highlands, and Glades counties, which formerly was included in the Kissimmee Basin Water Supply Plan. The Draft Plan was released for public review in mid-June and is currently scheduled for approval in September. The water supply plan purpose is to identify options for an adequate supply of water to meet existing and future reasonable-beneficial uses while protecting the environment and water resources. This presentation is for information only and will provide an overview of the Draft LKB Water Supply Plan.

Staff Recommendation
This item is for information only; no action is required

33. **Resolution No. 2014 - 0711** Authorizing entering into Amendment No. 1 to the Project Partnership Agreement with the U.S. Department of the Army for construction, operation, maintenance, repair, replacement and rehabilitation of the Indian River Lagoon South Phase 1 Project, a component of the Comprehensive Everglades Restoration Plan; to amend the South Florida Water Management District's construction responsibilities and to update the project cost estimates, for which the South Florida Water Management District will be responsible for 50 percent cost-share; affirming South Florida Water Management District's financial capability to satisfy the obligations of the Non-Federal Sponsor described in the Project Partnership Agreement, as amended, for which funding, if any, is subject to approval of future fiscal year state budgets by the State Legislature and Governor, and District budgets for the Indian River Lagoon South Phase 1 Project by the State Legislature, Governor and District Governing Board. (Contract Number 4600002153-A01) (EPC, Tom Teets, ext. 6993) ***- SUPPORTING DOCUMENTS ADDED***

Summary
The South Florida Water Management District (SFWMD) entered into a Project Partnership Agreement (PPA) with the U.S. Department of the Army for the Indian River Lagoon South Phase 1 Project on September 9, 2010. Under this Project Partnership Agreement, the SFWMD is responsible for providing 50 percent of the cost for constructing, operating, maintaining, repairing, replacing and rehabilitating the Indian River Lagoon South Phase 1 Project. The SFWMD's 50% cost-share is to be provided through acquisition of lands needed for the project, constructing portions

of the project, or providing cash contributions, if necessary. The Indian River Lagoon South Phase 1 Project includes the following project components:

- C-44 Reservoir and Stormwater Treatment Areas
- C-23/C-24 Reservoir and Stormwater Treatment Area
- C-25 Reservoir and Stormwater Treatment Area.

At the time of signing the original Project Partnership Agreement, the U.S. Army Corps of Engineers (Corps) had planned to construct the entire C-44 Reservoir and Stormwater Treatment Areas Project. However, in order to expedite completion of the C-44 Reservoir and Stormwater Treatment Areas Project and help balance the 50-50 programmatic cost-share for the Comprehensive Everglades Restoration Plan (CERP), the SFWMD recently agreed to construct the C-44 stormwater treatment areas, the pump station and a portion of the system discharge canal. Under Corps policy requirements, the Project Partnership Agreement must be amended to identify the construction "In-kind Work" to be provided by the SFWMD. In order to qualify for credit, the PPA must be amended prior to SFWMD awarding a contract for construction.

Additionally, the estimated Project construction cost has been updated from $1.133 Billion to $1.387 Billion and the estimated Project design cost has been updated from $48 Million to $111 Million.

Staff Recommendation
Staff recommends approving Amendment No. 1 to the Project Partnership Agreement with the U.S. Department of the Army for the Indian River Lagoon South Phase 1 Project.

34. **Resolution No. 2014 - 0712** Authorize entering into a First Amendment to the Project Cooperation Agreement between the U.S. Department of the Army and the South Florida Water Management District for construction of modifications to the C-111 Project at a total estimated project cost of $300,996,000; for which the South Florida Water Management District will be responsible for providing a 50% cost-share; for which South Florida Water Management District is also responsible for performing operations and maintenance with reimbursement by the U.S. Army Corps of Engineers of sixty percent of annual pumping costs; affirming South Florida Water Management District's financial capability to satisfy its obligations as the Non-Federal Sponsor; for which funding, if any, is subject to approval of future fiscal year state budgets by the State Legislature and Governor, and future fiscal year SFWMD budgets by the State Legislature, Governor and Governing Board. (Contract number C-6021/360000228-A01) (EPC, Tom Teets, ext. 6993) ***- SUPPORTING DOCUMENTS ADDED***

Summary
In January 1995, the U.S. Department of the Army and the South Florida Water Management District (SFWMD) entered into a Project Cooperation Agreement (PCA) for construction of modifications to the C-111 Project as set forth in the May 1994 Final Integrated General Re-Evaluation Report and Environmental Impact Statement, and approved by the Secretary of the Army on July 1, 1994 ("1994 GRR").

Section 316 of the Water Resources Development Act of 1996 changed the cost-sharing obligations for the Project, thereby requiring an amendment to the PCA.

Numerous unresolved issues over the years prevented the parties from amending the PCA. Over the past year, these issues have been resolved enabling the parties to move forward with execution of the First Amendment to the PCA. This makes it possible to construct the northern detention area (Contract 8), which is critical to operation of the C-111 Project and provides operational flexibility for the Modified Water Deliveries to Everglades National Park Project.

Staff Recommendation
Staff recommends approval of the First Amendment to the PCA.

35. **Resolution No. 2014 - 0713** Approving submission of the proposed FY2014-2015 millage rates for the purpose of advising county Property Appraisers for publication on Truth-in-Millage (TRIM) notices. (AS, Doug Bergstrom, ext. 6214)

Summary
Each year, the Governing Board discusses proposed millage rates as part of the statutorily mandated Truth-in-Millage (TRIM) process. These rates are then provided to each county property appraiser within the boundaries of the District for inclusion on TRIM required proposed property tax notices.

The millage rates proposed for FY2014-2015 have been calculated to comply with the TRIM process to calculate the rolled-back rate. To achieve the proposed level of ad valorem revenues, the following millage rates are proposed consistent with Governing Board strategic guidance:

District-at-Large:	0.1577 mils
Okeechobee Basin:	0.1717 mils
Everglades Construction Project:	0.0548 mils
Big Cypress Basin:	0.1520 mils

Staff Recommendation
Approval of the proposed millage rates.

36. **Resolution No. 2014 - 0714** Authorizing the official ranking of firms and entering into a three-year contract, with two (2) one-year extensions, with Mock, Roos & Associates, Inc.; AECOM Technical Services, Inc.; Stanley Consultants, Inc.; R. J. Behar & Co., Inc.; Atkins North America, Inc.; King Engineering Associates, Inc.; Parsons Environment & Infrastructure Group, Inc.; Hazen and Sawyer PC; CSA Central, Inc.; EAC Consulting, Inc.; Burns and McDonnell Engineering Co., Inc.; CES Consultants, Inc.; T.Y. Lin International; A.D.A. Engineering, Inc.; and Black and Veatch Corporation; subject to successful negotiations to provide professional engineering services for the District OMRR&R Project, in an amount not-to-exceed $75,000,000 for all 15 contracts, for which $4,000,000 in ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15-FY20 budgets; providing an effective date. (Contract Number 4600003085, 4600003094, 4600003086, 4600003087, 4600003095, 4600003088, 4600003096, 4600003089, 4600003098, 4600003090, 4600003091, 4600003099, 4600003092, 4600003093, 4600003097) (OMC, John Mitnik, ext. 2679)

Summary

The purpose of this Request For Proposals was to solicit qualifications and technical proposals to provide engineering services for the District's Operations, Maintenance, Repair, Rehabilitation, and Replacement (OMRR&R) project. Multiple contract awards are anticipated. Contracts will be for a three-year period with two (2) one-year options to renew.

Staff Recommendation

Staff recommends approval to enter into contract negotiations with Mock, Roos & Associates, Inc.; AECOM Technical Services, Inc.; Stanley Consultants, Inc.; R. J. Behar & Co., Inc.; Atkins North America, Inc.; King Engineering Associates, Inc.; Parsons Environment & Infrastructure Group, Inc.; Hazen and Sawyer PC; CSA Central, Inc.; EAC Consulting, Inc.; Burns and McDonnell Engineering Co., Inc.; CES Consultants, Inc.; T.Y. Lin International; A.D.A. Engineering, Inc.; and Black and Veatch Corporation.

37. General Public Comment

Staff Reports

38. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division

39. General Counsel's Report - Ed Artau

40. Executive Director's Report - Blake Guillory

    Report on permits issued by authority delegate to the Executive Director from June 1-30, 2014

41. Board Comment

Attorney Client Sessions

42. Attorney Client Session - USA ***- ITEM DELETED***

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), 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 F. Barber, S. Batchelor, M. Hutchcraft, J. Moran, D. O'Keefe, M. Peterson, J. Portuondo, K. Powers, G. Waldman; Executive Director B. Guillory; District attorneys E. Artau, K. Burns, J. Collier, C. Kowalsky. (Edward L. Artau, ext. 6431)

Action Items, (if any), Stemming from Attorney/Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), 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. (Edward L. Artau, ext. 6431)

43. Attorney Client Session - FEMA ***- ITEM DELETED***

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. FEMA, et al., United States District Court, Southern District of Florida, Case No. 13-80533-CIV-Middlebrooks/Brannon.

ATTENDEES: Governing Board Members F. Barber, S. Batchelor, M. Hutchcraft, J. Moran, D. O'Keefe, M. Peterson, J. Portuondo, K. Powers, G. Waldman; Executive Director B. Guillory; District attorneys E. Artau, K. Burns, J. Collier, C. Kowalsky. (Edward L. Artau, ext. 6431)

Action Items, (if any), Stemming from Attorney/Client Session
Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. FEMA, et al., United States District Court, Southern District of Florida, Case No. 13-80533-CIV-Middlebrooks/Brannon. (Edward L. Artau, ext. 6431)

44. Attorney Client Session - Montoya Ranch

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. Montoya Ranch, Inc., et al., Circuit Court of the Nineteenth Judicial Circuit in and for Okeechobee County, Florida, Case No. 2012-CA-251-Judge Gary L. Sweet.

ATTENDEES: Governing Board Members F. Barber, S. Batchelor, M. Hutchcraft, J. Moran, D. O'Keefe, M. Peterson, J. Portuondo, K. Powers, G.

Waldman; Executive Director B. Guillory; District attorneys E. Artau, K. Burns, J. Collier, C. Kowalsky, K. Williams. (Edward L. Artau, ext. 6431)

Action Items, (if any), Stemming from Attorney/Client Session
Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. Montoya Ranch, Inc., et al., Circuit Court of the Nineteenth Judicial Circuit in and for Okeechobee County, Florida, Case No. 2012-CA-251-Judge Gary L. Sweet. (Edward L. Artau, ext. 6431)

45. Attorney Client Session - Caloosahatchee

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in Florida Wildlife Federation et al. v. U. S. Army Corps of Engineers et al., United States District Court, Northern District of Florida, Case No. 4:12-cv-00355-RH-CAS.

ATTENDEES: Governing Board Members F. Barber, S. Batchelor, M. Hutchcraft, J. Moran, D. O'Keefe, M. Peterson, J. Portuondo, K. Powers, G. Waldman; Executive Director B. Guillory; District attorneys E. Artau, K. Burns, J. Collier, C. Kowalsky, J. Nutt. (Edward L. Artau, ext. 6431)

Action Items, (if any), Stemming from Attorney/Client Session
Attorney client session pursuant to Section 286.011(8), Florida Statutes (2013), to discuss strategy related to litigation expenditures and/or settlement negotiations in Florida Wildlife Federation et al. v. U. S. Army Corps of Engineers et al., United States District Court, Northern District of Florida, Case No. 4:12-cv-00355-RH-CAS.

46. Adjourn