



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

This meeting is open to the public

June 12, 2014

9:00 AM

Osceola County Commission Chambers
1 Courthouse Square
Kissimmee, FL 34741

FINAL

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. Local Governmental Officials - Presented by Dan O'Keefe, Chairman
4. Employee Recognitions - Presented by Blake Guillory, Executive Director
- June Team of the Month: Great Leak Team of 2014
5. Agenda Revisions - Jacki McGorty, District Clerk
6. Abstentions by Board Members from items on the Agenda

7. Water Resources Advisory Commission (WRAC) Report - Jim Moran, 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.***

8. Public Comment on Consent Agenda
9. Pull Items for Discussion from Consent Agenda
10. Board Comment on Consent Agenda
11. Approval of the Minutes for the May 15, 2014, Regular Business Meeting held in West Palm Beach, Florida
12. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
13. Regulatory Consent Items
14. Right of Way Regulatory Consent Items
15. **Resolution No. 2014 - 0601** Approve release of canal, road and mineral reservations, and issuance of non-use commitments. (OMC, Kathy Massey, ext. 6835)
16. **Resolution No. 2014 - 0602** Approve the issuance of a Quitclaim Deed regarding a parcel adjacent to the C-103 right of way containing 0.22 acres, more or less, in Section 36, Township 56 South, Range 38 East, Miami-Dade County. (OMC, Marcy Zehnder, ext. 6694)
17. **Resolution No. 2014 - 0603** Approve the release of a portion of a canal easement encumbering 23.192 acres, more or less, located in several Sections in Township 50 South, Range 40 and 41 East, Broward County, North New River Canal Project to the Trustees of the Internal Improvement Trust Fund at no cost. (OMC, Kathy Massey, ext. 6835)

18. **Resolution No. 2014 - 0604** Authorize an amendment to an existing easement from the Board of Trustees of the Internal Improvement Trust Fund of Florida in favor of the District for 496.90 acres, more or less, in connection with the C-4 Emergency Detention Basin Project. (OMC, Ray Palmer, ext. 2246)
19. **Resolution No. 2014 - 0605** Consenting to Amendment No. 2 to an Intergovernmental Agreement between the State of Florida, the U.S. Department of the Army and the U.S. Department of the Interior for establishing and funding an Independent Scientific Review Panel to review progress made through implementation of the Comprehensive Everglades Restoration Plan, which consent shall authorize the District to provide the State's 50% cost-share required by the Intergovernmental Agreement through the CERP Design Agreement dated May 12, 2000; providing an effective date. (EPC, Temperince Morgan, ext. 6987)
20. **Resolution No. 2014 - 0606** Approving the July 1, 2014 Regulatory Plan attached as Appendix A, and authorizing staff to submit to the Office of Fiscal Accountability and Regulatory Reform, in accordance with Executive Order 11-211, and to the Speaker of the House, President of the Senate and Joint Administrative Procedures Committee, in accordance with Section 120.74(3), Florida Statutes, effective immediately. (OC, Doug MacLaughlin, ext. 2153)
21. Authorize Publication of Notice of Rule Development for reservation of water needed to protect fish and wildlife for the Kissimmee River Restoration Project. (WR, Don Medellin, ext. 6340)
22. **Resolution No. 2014 - 0607** Authorizing the official ranking of firms and authorize the District to enter into a three-year contract with Hazen and Sawyer, P.C. and Entrix, Inc. DBA Cardno Entrix, the top two ranked firms selected for Preparation of Statements of Estimated Regulatory Costs (SERC), subject to successful negotiations, in an amount not to exceed \$300,000 available for both contracts for SERC services, subject to Governing Board approval of the FY15-FY17 budgets. (WR, Terrie Bates, ext. 6952)
23. **Resolution No. 2014 - 0608** Authorizing the ranking of short listed firms and entering into a three-year contract with two (2) one-year renewal options with Superior Service Management, Inc., subject to negotiations for Janitorial Services at the Field Operations Center in an amount not to exceed \$231,012 for which \$22,372 in ad valorem funds are budgeted in FY14 and the remainder is subject to Governing Board approval of the FY15 – FY17 budgets; providing an effective date. (Contract Number 4600003061) (AS, Michael Hiscock, ext. 2526)
24. Board Vote on Consent Agenda
25. General Public Comment
26. Board Comment

Discussion Agenda

27. Technical Reports
 - A) Water Conditions Report - Jeff Kivett, Division Director, Operations, Engineering & Construction Division (ext. 2680)
 - B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources Division (ext. 6952)
28. Overview of District Flood Control Operations and Wet Season Readiness - Jeff Kivett, Division Director, Operations, Engineering and Construction Division and Karen Estock, Division Director, Field Operations and Land Management Division (ext. 2680 and 6282)
29. Lake Okeechobee Regulation Schedule; Middle and Upper Subband Flexibility - Jeff Kivett, Division Director, Operations, Engineering and Construction (ext. 2680)
30. **Resolution No. 2014 - 0609** Allowing the Governing Board's ranking of Respondents for the Dispersed Water Management Program Northern Everglades - Payment for Environmental Services solicitation number 6000000518, as approved in Resolution number 2013-0708, to be extended until July 31, 2015 pending the receipt of funds from the State of Florida. (EPC, Beth Lewis, ext. 6343)
31. Lobbyist Registration Update - Dan DeLisi, Chief of Staff (ext. 6232)
32. FY15 Tentative Budget Update - Doug Bergstrom, Division Director, Administrative Services Division (ext. 6214)
33. Approval of Inspector General's Audit Reports - Tim Beirnes, Inspector General (ext. 6398)

Summary
The following audit reports are completed:

 - Audit of Fleet Maintenance Operations
 - Audit of City of Everglades City Grant Agreement

The Audit and Finance Committee Charter provides for the Board's review and approval of audit reports.

Staff Recommendation
Inspector General recommends approval of the two audit reports.
34. General Public Comment

Public Hearing

35. Adopt amendments to Rule 40E-4.091, F.A.C., and the incorporated “Environmental Resource Permit Applicant’s Handbook Volume II: For Use within the Geographic Limits of the South Florida Water Management District,” with changes based on comments received, to incorporate by reference the “Procedure for Environmental Resource Permit (ERP) Water Quality Evaluations for Applications Involving Discharges to Outstanding Florida Waters and Water Bodies that Do Not Meet State Water Quality Standards.” (OC, Susan Martin, ext. 6251)

Staff Reports

36. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division
37. General Counsel's Report - Ed Artau
38. Executive Director's Report - Blake Guillory
Report on permits issued by authority delegated to the Executive Director from May 1-31, 2014
39. Board Comment

Attorney Client Sessions

40. Attorney Client Session - USA

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, J. Portuondo, K. Powers, G. Waldman; Executive Director B. Guillory; District attorneys E. Artau, K. Burns, C. Kowalsky, D. MacLaughlin. (Ed 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. (Ed Artau, ext. 6431)

41. Adjourn