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## South Florida Water Management District

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### GOVERNING BOARD MONTHLY MEETING AGENDA

*This meeting is open to the public*

March 13, 2014

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

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. Recognition of Loxahatchee Mitigation Bank and Tetra Tech - Presented by Dan DeLisi, Chief of Staff, and Jonathan Weiss, President at Tetra Tech CES
4. Employee Recognitions - Presented by Blake Guillory, Executive Director
  - February Employee of the Month - Jennifer Leeds, Lead Project Manager, Office of Everglades Policy and Coordination
  - February Team of the Month - Water Quality Monitoring Field Quality Assurance Team

- March Employee of the Month - Jeff Giddings, Principal Scientist, Water Resources Division
  - March Team of the Month - Modeling Server Virtualization Team
5. Agenda Revisions - Jacki McGorty, District Clerk
  6. Abstentions by Board Members from items on the Agenda
  7. Water Resources Advisory Commission (WRAC) Report - Tim Sargent, Chair
  8. 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.***

9. Public Comment on Consent Agenda
10. Pull Items for Discussion from Consent Agenda
11. Board Comment on Consent Agenda
12. Approval of the Minutes
13. Waivers for Water Resources Advisory Commission members pursuant to Section 112.313, Florida Statutes
14. Regulatory Consent Items
15. Right of Way Regulatory Consent Items
16. **Resolution No. 2014 - 0301** Approving release of canal and road reservations; providing an effective date. (OMC, Kathy Massey, ext. 6835)
17. **Resolution No. 2014 - 0302** Approving conveyance of a Perpetual Surfacewater, Groundwater and Maintenance Easement containing 8.28 acres, more or less, in Section 14, Township 43 South, Range 27 East, to Lee County at no cost. (OMC, Kathy Massey, ext. 6835)
18. **Resolution No. 2014 - 0303** Approving the ten year update of the Kissimmee Chain of Lakes General Management Plan (2014-2024). (OMC, Steve Coughlin, ext. 2603)
19. Authorize entering into an Agreement with Broward County for the S-9 Pump Station Access Bridge replacement project, in an amount not to exceed \$800,000, for which ad valorem funds of \$100,000 are budgeted in FY14 and the remainder, up to a maximum of \$700,000, is subject to Governing Board approval of the FY15-FY16 budgets. (OMC, John Mitnik, ext. 2679)

20. **Resolution No. 2014 - 0304** Approval of Land Exchange Agreement in Settlement of Eminent Domain (Condemnation) Action Pura C. Pol (Tract No. 09-005-049)
21. **Resolution No. 2014 - 0305** Authorizing a settlement with Beverly Miller for the purpose of resolving a charge of discrimination, filed with the U.S. Equal Employment Opportunity Commission; as well as any and all claims of discrimination arising out of Miller's employment. (OC, Eileen Coates, ext. 6208)
22. **Resolution No. 2014 - 0306** Advising the Department of Environmental Protection of the District's Water Management Lands Trust Fund authority for operating activities moving water south and emergency storage on public lands; authorizing the Executive Director or Designee to request reimbursement quarterly. (AS, Mike Smykowski, ext. 6295).
23. **Resolution No. 2014 - 0307** Authorizing the recording of the disposition of fixed assets during Fiscal Year 2013. (AS, Chris Flierl, ext. 6078)
24. **Resolution No. 2014 - 0308** Authorize entering into a purchase order with Software House International, Inc. for a three year Microsoft Enterprise agreement, for the time period June 1, 2014 – May 31, 2017, using State of Florida Contract #252-001-09-1, in the amount of \$685,000 annually for which ad valorem funds in the amount of \$685,000 are budgeted in FY14 and the remainder is subject to Governing Board Approval of the FY15 and FY16 budgets. (AS, Duane Piper, ext. 2638)
25. Board Vote on Consent Agenda
26. General Public Comment
27. Board Comment

## **Discussion Agenda**

28. Technical Reports
  - A) Water Conditions Report - Tommy Strowd, Assistant Executive Director, Operations, Maintenance & Construction (ext. 6998)
  - B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources Division (ext. 6952)
29. South Florida Water Management District's Financial Capability for the Central Everglades Planning Project -Tom Teets, Office Chief, Federal Policy & Coordination (ext. 6993)
30. Consideration of Appointment of Special Counsel to the Governing Board - Carolyn S. Ansay, General Counsel, Office of Counsel (ext. 6976)
31. General Public Comment

## **Staff Reports**

32. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division
33. General Counsel's Report - Carolyn Ansay
34. Executive Director's Report - Blake Guillory  
Report on permits issued by authority delegated to the Executive Director from February 1-28, 2014.
35. Board Comment

## **Attorney Client Sessions**

### 36. 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, T. Sargent, G. Waldman; Executive Director B. Guillory; District attorneys C. Ansay, K. Burns, C. Kowalsky, D. MacLaughlin. (Carolyn S. Ansay, ext. 6976)

#### **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. (Carolyn S. Ansay, ext. 6976)

### 37. Attorney Client Session - FEMA

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 and the Administrative Appeal dated November 15, 2012, by the South Florida Water Management District to Major Phillip May, Regional Administrator, Region IV, Federal Emergency Management Agency (FEMA) of the FEMA decision to deobligate funds for the 2004-2005 Hurricanes. (Carolyn S. Ansay, ext. 6976)

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38. Adjourn