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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*

May 15, 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. Employee Recognitions - Presented by Blake Guillory, Executive Director
  - May Employee of the Month - Meifang Zhou, Senior Chemist, Water Resources Division
  - May Team of the Month - Above Ground Impoundment Permit Compliance Team
  - 25-Year Service Recognition - Laura Corry, Principal Intergovernmental Representative, Office of Chief of Staff

4. Agenda Revisions - Jacki McGorty, District Clerk
5. Abstentions by Board Members from items on the Agenda
6. Water Resources Advisory Commission (WRAC) Report - Jim Moran, Chair
7. 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.***

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 of the Minutes for the April 10, 2014, Governing Board Regular Business meeting held in West Palm Beach, Florida.
12. Waivers for Water Resources Advisory Commission members pursuant to Section 112.313, Florida Statutes.
13. Regulatory Consent Items
14. Right of Way Regulatory Consent Items
15. **Resolution No. 2014 - 0501** Approve release of canal reservations and issuance of non-use commitments. (OMC, Kathy Massey, ext. 6835)
16. Denial of an Environmental Resource Permit and the associated request for a private lease over 10,680 square feet of sovereign submerged lands for Application No. 031113-20 for an 11-slip multi-family docking facility project known as Rail's End in Lee County. (REG, Anita Bain, ext. 6866)

17. Authorize publication of Notice of Proposed Rule, request review from the Office of Fiscal Accountability and Reform, and adopt amendments to Rules 40E-40E-1.021, 40E-1.602, 40E-1.603, 40E-1.6065, 40E-1.607, 40E-1.6107, 40E-1.615, 40E-1.659, 40E-2.011, 40E-2.041, 40E-2.061, 40E-2.071, 40E-2.091, 40E-2.101, 40E-2.301, 40E-2.321, 40E-2.331 40E-2.381, 40E-3.011, 40E-3.021, 40E-3.040, 40E-3.041, 40E-3.051, 40E-3.301, 40E-3.451, 40E-5.011, 40E-5.041, 40E-5.301, 40E-8.011, 40E-8.421, 40E-8.431, 40E-10.011, 40E-10.031, 40E-10.051, 40E-20.010, 40E-20.011, 40E-20.061, 40E-20.091, 40E-20.101, 40E-20.301, 40E-20.302, 40E-20.321, 40E-20.331, 40E-20.351, 40E-20.381, 40E-24.011, 40E-24.101, 40E-24.201, F.A.C., and reorganize and rename the Basis of Review For Water Use Permit Applications Within the South Florida Water Management District to improve consistency among the WMDs' consumptive use permitting and water supply related programs, provided no request for public hearing is received within 21 days of publication of the Notice of Proposed Rule and no changes are made other than corrections to references and numbering that may be required as a result of the public hearing on the C-43 water reservation. (REG, Maria Clemente, ext. 2308)
18. **Resolution No. 2014 - 0502** Approving an amendment to the Fiscal Year 2013-14 budget. (AS, Mike Smykowski, ext. 6295)
19. **Resolution No. 2014 - 0503** Authorizing the official ranking of responsive respondents and entering into a three-year contract, with two (2) one-year extensions, with McGladrey LLP, the first ranked respondent, subject to successful negotiations to provide annual independent financial audit services, in an amount not to exceed \$456,000, of which \$43,483 is budgeted in FY14 and the balance is subject to Governing Board approval of the FY15 - FY17 budgets. (IG, Tim Beirnes, ext. 6398)
20. **Resolution No. 2014 - 0504** Authorizing Contract 4600003056 (Attachment "A") with Collier County for 5-years with three (3) optional one-year renewals in a revenue amount of \$337,088.35; providing an effective date. (Contract No. 4600003056) (AS, Michael Hiscock, ext. 2526)
21. **Resolution No. 2014 - 0505** Authorize entering into a 3-year contract with two (2) one-year renewal options with the DRS Group of Florida, using Orlando-Orange County Expressway Authority Contract #000978 for the purpose of micrographics and imaging services in the amount of \$540,281 of which ad valorem funds in the amount of \$175,281 are budgeted for in FY14 and the remainder is subject to Governing Board approval of the FY15-18 budgets. (Contract No. 4600003044,) (COS, Marcia Kivett, ext. 6262)
22. **Resolution No. 2014 - 0506** Authorizing a settlement 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 arising out of this matter. (OC, Eileen Coates, ext. 6208)

23. **Resolution No. 2014 - 0507** Acknowledging delivery of the April 2014 Draft Central Florida Water Initiative (CFWI) Regional Water Supply Plan and directing staff to continue work supporting implementation of the CFWI Guiding Document. (WR, Len Lindahl, ext. 6283)
24. **Resolution No. 2014 - 0508** Authorizing the Florida Fish and Wildlife Conservation Commission to establish SFWMD tracts consisting of approximately 5143 acres in Miami-Dade County and approximately 1185 acres in St. Lucie County as Public Small Game Hunting Areas for the 2014-15 hunting season and manage waterfowl, small game, non-native reptile and hog hunting on such lands subject to terms and conditions. (OMC, Steve Coughlin, ext. 2603)
25. **Resolution No. 2014 - 0509** Authorizing the Florida Fish and Wildlife Conservation Commission to establish and manage hunting and other recreational activities on SFWMD Tracts 21100-449 and 21100-716 consisting of approximately 342 acres located in Polk County, as part of the Lake Marion Creek Wildlife Management Area, subject to terms and conditions. (OMC, Steve Coughlin, ext. 2603)
26. **Resolution No. 2014 - 0510** Authorizing the Florida Fish and Wildlife Conservation Commission to establish and manage hunting and other recreational activities on SFWMD Tracts GR703-024, GR703-025, GR703-028, GR703-030, GR703-032 and GR703-033 consisting of approximately 357 acres located in Miami-Dade County, as part of the Southern Glades Wildlife Environmental Area, subject to terms and conditions. (OMC, Steve Coughlin, ext. 2603)
27. **Resolution No. 2014 - 0511** Authorizing the Executive Director, or his designee, to take appropriate action in the casting of South Florida Water Management District landowner votes in the June 2014 election for the Board of Supervisors of the Troup Indiantown Water Control District for the purpose of protecting the District's interests. (OMC, Ray Palmer, ext. 2246)
28. **Resolution No. 2014 - 0512** Authorizing the Executive Director, or his designee, to take appropriate action in the casting of South Florida Water Management District landowners votes in the June 2014 election for the Board of Supervisors of the Pine Tree Water Control District for the purpose of protecting the District's interests. (OMC, Ray Palmer, ext. 2246)
29. **Resolution No. 2014 - 0513** Authorize the Executive Director, or his designee to take appropriate action in the casting of District landowner votes in the June 2014 election for the Board of Supervisors of the Pal Mar Water Control District and authorization to quit-claim a quarter acre of land within the Pal Mar Water Control District to Kathryn LaMartina for the purpose of protecting the District's interests. (OMC, Ray Palmer, ext. 2246)
30. Board Vote on Consent Agenda
31. General Public Comment

32. Board Comment

## Discussion Agenda

33. 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)
34. Legislative Update - Dan DeLisi, Chief of Staff (ext. 6232)
35. **Resolution No. 2014 - 0514** Supporting the Designation of May 18-24, 2014 as Water Reuse Week in Florida. (WR, Rick Nevulis, ext. 6242)
36. Everglades Restoration Project Prioritization Part 3 - Temperince Morgan, Division Director, Everglades Policy & Coordination Division (ext. 6987)
37. General Public Comment

## **Public Hearing**

38. Notice of Rule Adoption for Water Reservation for the Caloosahatchee River (C-43) West Basin Storage

## **Staff Reports**

39. Monthly Financial Report - Doug Bergstrom, Division Director, Administrative Services Division
40. General Counsel's Report - Carolyn Ansay
41. Executive Director's Report - Blake Guillory  
Report on permits issued by authority delegated to the Executive Director from April 1-30, 2014.
42. Board Comment

## **Attorney Client Sessions**

### 43. 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)

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

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### 45. Adjourn