



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

April 15, 2010

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members Present:

Sandy Batchelor

Charles Dauray

Kevin Powers

Eric Buermann, Chair

Shannon Estenoz

Patrick Rooney

Joe Collins

Jerry Montgomery

Glenn Waldman

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

Vice Chair Montgomery called the meeting to order at 9:03 a.m.

Note: Chair Buermann arrived at the meeting at 9:06 a.m.

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

Kevin Powers led the group in the Pledge of Allegiance.

3. **Employee Recognitions** - Presented by Carol Wehle, Executive Director

- Toni Jackson, March Employee of the Month

- The State Appropriations Team, March Team of the Month

- Kevin Carter, April Employee of the Month

- The G-09 Bank Enhancement Team, April Team of the Month

- Cordella Miessau, Jeff Needle, Terrie Bates, and Ed Maciejko - 25 Years of Service

Carol Wehle, Executive Director, recognized the March Employee and Team of the Month, April Employee and Team of the Month, and four, 25-year Service Awards.

4. Recognition of the American Society of Civil Engineers (ASCE) Palm Beach Branch 2009-10 Outstanding Project of the Year, Acme Basin B, and Government Engineer of the Year, Jeff Kivett Todd McLeod, Vice President, ASCE Palm Beach Branch

Todd McLeod, American Society of Civil Engineers, recognized Jeff Kivett, Everglades Restoration and Capital Projects, as the 2009-10 Government Engineer of the Year. The Acme Basin B project was also recognized by ASCE as the 2009-10 Outstanding Project of the Year.

5. Agenda Addendum - Annette Carter, Director, Office of Governing Board & Executive Services

Annette Carter, Office of Governing Board & Executive Services, read into the record:

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown, as determined by the presiding officer. Based upon that authority, the Chairman has determined that good cause exists to make certain changes to the Agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed. These changes have been listed in the Governing Board Addendum available at the entrance to this meeting room.

6. Abstentions by Board Members from items on the Agenda

Mr. Pat Rooney abstained from voting on a conservation easement under the Regulatory Consent Agenda Item 13; (Conservation Easement Amendment and Releases, Permittee: Ritz Carlton Development Company, Project: POD "A" Additional Golf Villas. Approve a Release of Conservation Easement over 1.07 acres consisting of bald eagle management zone within tract J of the development known as Ritz-Carlton Golf Club and Spa.)

Ms. Estenoz abstained from voting on Consent Agenda Item 18.

Ms. Batchelor abstained from voting on Consent Agenda Item 19.

7. Audit & Finance Committee Report - Charles Dauray, Chair

Mr. Dauray reported on the Audit & Finance Committee meeting which was held on April 14, 2010.

The Committee accepted two audit reports and Mr. Dauray requested Board approval to accept these audit reports.

Motion made by Jerry Montgomery, seconded by Joe Collins to accept the:

- Audit of SCADA Implementation and Operations, and
- Audit of the Districts Mid-Year Annual Work Plan.

Vote called. Voting yes: Eric Buermann, Charles Dauray, Patrick Rooney, Jerry Montgomery, Joe Collins, Kevin Powers, Sandy Batchelor and Glenn Waldman.

Not present: Shannon Estenoz. Motion passed.

8. Project & Lands Committee Report - Patrick Rooney, Chair

Mr. Rooney reported on the Project & Lands Committee meeting which was held on April 14, 2010.

Items discussed at the Committee meeting were the C-43 West Reservoir, the Ten Mile Creek Post-Authorization Change Report and the Cost Crediting and upcoming CERP Project Partnership Agreements.

9. Water Resource Advisory Commission (WRAC) Report - Kevin Powers, Vice Chair

Vice-Chair Kevin Powers chaired the WRAC meeting in Ms. Estenoz's absence.

Melissa Meeker, WRAC member, provided the WRAC report. The meeting was held on April 8, 2010. Items presented and discussed were the District's Strategic Plan and budget update, surplus lands, Fisheating Creek Watershed Project, the Everglades Restoration Transition Plan and the C-139 Basin Feasibility Study and Rule amendment updates.

Ms. Meeker reported on the McKinney Ranch dog shooting incident which happened on 12/20/09.

Mr. Montgomery expressed his concern over this incident and said this is unacceptable. He's hopeful someone will report the individual(s) involved in the shooting. The Florida Airboat Association is now offering a \$1,000 reward.

Mr. Powers thanked Mr. Montgomery for his leadership regarding this incident. Both sporting interests and private property owners appreciated Mr. Montgomery's participation regarding this issue.

Mr. Collins thanked staff for their hard work in providing public access to the District's public lands. He said staff are doing an outstanding job.

Consent Agenda

10. Public Comment on Consent Agenda

Public Comment: Rosa Durando, citizen, expressed her concerns regarding the Ritz Carlton Development Villas which has an eagle's nest on it. She also objected to the loosening of the Eagle Nest Treaty Protection Act.

Public Comment: Newton Cook, United Waterfowlers, Florida, supports Consent Agenda Item 30 (Alligator hunting on STA 3/4) and said this is a successful program. He also commented on the adaptive management process of WCA 3.

Public Comment: Paul Whalen, Loxahatchee River District, commented on Consent Agenda Item 28, the proclamation of the 25th anniversary of the Loxahatchee River being designated a Federal Wild and Scenic River. He thanked the Governing Board for the unwavering protection of the Loxahatchee River.

Public Comment: Charles Lee, Audubon of Florida, commented on Judge Moreno and Judge Gold's rulings and the performance of the STAs. He provided a handout to the Board from Audubon of Florida. He also suggested it is time for the District to revise and update the rule for best management practices (BMPs) within the EAA.

Chair Buermann suggested this should be a Workshop item with the Board.

Ms. Wehle explained that the water quality process that Mr. Ammon is working on includes a study that has been commissioned to look at this issue in the S-5A Basin. The study should be completed and brought back to the Governing Board in a few months. Ms. Wehle will continue to communicate and keep Mr. Lee involved in the process.

Mr. Montgomery suggested this issue be addressed at a WRAC meeting in order to have other stakeholders participating in the discussions.

Ms. Estenoz suggested doing a water quality panel discussion which will include landowners, environmental groups, and District staff to discuss the proposals and issues.

Ms. Wehle suggested a Workshop discussion on water quality issues (TMDLs for Lake Okeechobee, the new requirements for the NPDES permits and the lawsuits) because the issues are not only in the EAA.

Mr. Dauray requested that the District prepare a document of the different components for the Board to review before the Workshop.

Ms. Wood clarified that in the Attorney Client Session, the District was not part of Judge Gold's case and it was not discussed in the Attorney Client Session.

11. Pull Items for Discussion from Consent Agenda

Ms. Estenoz pulled Consent Agenda Item 26 for discussion.

12. Board Comment on Consent Agenda

Mr. Powers reported May 17th is Wild and Scenic Loxahatchee River Day. He stated since 1985, the District has acquired more than 20,000 acres in the River corridor and watershed. Martin and Palm Beach County have also collaborated with the District on acquiring this land.

Regulatory Matters

13. Denials

Consent Agreements

Conservation Easements Amendment and Releases

Page 3 No 1 Shoppes at Gateway (ERP Denial): **Removed** from Agenda

Page 4 No 1 Jose Alvarez (ERP Denial): **Removed** from Agenda

Page 6 No 1 Pod A Additional Golf Villas (Conservation Easement): **Correction** the Application Number referenced therein **should read** 091110-22

Mr. Rooney abstained from voting on Consent Agenda Item 13.

14. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

Everglades Restoration and Capital Projects

15. 2010-400 A Resolution of the Governing Board of the South Florida Water Management District approving Staff recommendations for releases of District canal, mineral and road reservations, releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) canal reservations, and issuance of non-use commitments; providing an effective date. (Vinola Rada, ext. 6158)

16. 2010-401 A Resolution of the Governing Board of the South Florida Water Management District authorizing, in settlement of imminent condemnation action by Florida Gas Transmission Company, LLC, against the South Florida Water Management District, the granting of permanent natural gas transmission pipeline easements and temporary construction and access easements over portions of the Kissimmee River Project, the Lake Okeechobee Water Retention & Phosphorous Removal Critical Restoration Project and the Indian River Lagoon-South Project comprising 37.498 acres, more or less, located in Highlands, Okeechobee and Martin Counties for the appraised value of \$163,640; providing an effective date. (Bruce Hall, ext. 6541)

17. 2010-402 A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the budget needs of the Comprehensive Everglades Restoration Plan and the Northern Everglades Estuaries Protection Program for fiscal year 2009-2010 utilizing funds from the Save Our Everglades Trust Fund; and authorizing the Executive Director or her designee to request reimbursement based on actual expenditures through September 30, 2010; providing an effective date. (John Dunnuck, ext. 6995)

18. 2010-403 A Resolution of the Governing Board of the South Florida Water Management District to award to the sole respondent, and enter into a 5 year contract with Florida Atlantic University, subject to successful negotiations, for the Aquatic Fauna Dry Seasons Concentrations Study, in an amount not-to-exceed \$978,500 of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$29,500 are budgeted; and the remainder is subject to Governing Board approval of the FY11-15 budgets; providing an effective date. (Contract Number 4600002105) (Andy Gottlieb, ext. 2428)

Ms. Estenoz abstained from voting on Consent Agenda Item 18.

19. **2010-404** A Resolution of the Governing Board of the South Florida Water Management District to award to the sole respondent, and enter into a 3 year contract with Florida International University, subject to successful negotiations, for the Ecological Monitoring of Southern Everglades Wetlands, Mangrove Transition Zone and White Zone Interactions with Florida Bay Study, in an amount not-to-exceed \$380,000 of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$100,000 are budgeted; and the remainder is subject to Governing Board approval of the FY11-13 budgets; providing an effective date. (Contract Number 4600002104) (Christopher Madden, ext. 4647)

Ms. Batchelor abstained from voting on Consent Agenda Item 19.

Executive Office

20. **2010-405** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District FY2009-2010 budget as shown on the attachment hereto; providing an effective date (Mike Smykowski, ext. 6295).
21. **2010-406** A Resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2009-2010 Budget; providing an effective date (Mike Smykowski, ext. 6295).
22. **2010-407** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Easco Development Corp. Trust, Arnold B. Cummings, Trustee, and any other appropriate or necessary parties, in Palm Beach County Circuit Court or other appropriate forum, regarding the property located in Section 28, Township 45, Range 43, Boynton Beach, Palm Beach County, Florida. (Jennifer Bokankowitz, ext. 2258)
23. **2010-408** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Stonehaven Homeowners Association, Inc., and any other appropriate or necessary parties, in Palm Beach County Circuit Court or other appropriate forum, regarding the property located in Section 30, Township 45S, Range 43E, Palm Beach County, Florida. (Jennifer Bokankowitz, ext. 2258)
24. **2010-409** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit to enforce District statutes and rules, and to pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Florida West Realty Partners of Charlotte, LLC, and any other appropriate or necessary parties, in Collier County Circuit Court or other appropriate forum, regarding the property located at 17860 Perry Ranch Road, Parcel ID No. 422531300005, Punta Gorda, Collier County, Florida (Property). (Alison Kelly, ext. 2977)

25. **2010-410** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit to enforce District statutes, rules, and order, and to pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Highland Properties of Lee and Collier, Limited, and any other appropriate or necessary parties, in Collier County Circuit Court or other appropriate forum, regarding the property located at 7450 Davis Boulevard, Parcel ID Numbers 00407360000, 00408400008, 00408160005, 00406720007, and 00408440000, Naples, Collier County, Florida (Property). (Alison Kelly, ext. 2977)

Regulatory and Public Affairs

27. **2010-412** A Resolution of the Governing Board of the South Florida Water Management District accepting the Lake Belt Mitigation Committee Annual Report for 2009; providing an effective date. (Terrie Bates, ext. 6952)
28. Request Governing Board approval of Proclamation declaring May 17, 2010, as *Wild and Scenic Loxahatchee River Day* (Terrie Bates, ext. 6952)

Operations and Maintenance

29. **2010-413** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 230 day contract with Close Construction Incorporated, the lowest responsive and responsible bidder, for the G-420, G-422 and S-26 Roof Replacement Project, in the amount of \$684,072 for which ad valorem funds of \$450,000 are budgeted; and the remainder is subject to Governing Board approval of the FY11 budget; providing an effective date. (Contract Number 4600002103) (Jian Cai, ext. 4031)
30. **2010-414** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to establish Stormwater Treatment Area 3/4 as an Alligator Management Unit and administer future alligator hunts during the annual alligator harvest seasons, subject to certain terms and conditions; providing an effective date. (Steve Coughlin, ext. 2603)

47. Board Vote on Consent Agenda

Mr. Pat Rooney abstained from voting on a conservation easement under Consent Agenda Item 13 (Ritz Carlton Development Company).

Ms. Estenoz abstained from voting on Consent Agenda Item 18.

Ms. Batchelor abstained from voting on Consent Agenda Item 19.

Motion made by Jerry Montgomery, seconded by Shannon Estenoz to Approve the following item(s): 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30

Vote called. Voting yes: Jerry Montgomery, Shannon Estenoz, Sandy Batchelor, Eric Buermann, Joe Collins, Charles Dauray, Kevin Powers, Patrick Rooney, Glenn Waldman. Motion passed.

Workshop Agenda

Everglades Restoration and Capital Projects

- 31. Sulfur Action Plan Update** Mark Gabriel, Lead Environmental Scientist, Restoration Sciences Department (ext. 2820)

Mark Gabriel, Lead Environmental Scientist, Restoration Sciences Department, presented information on the background and objectives for the Sulfur Action Plan which was approved by the Board in 2008 and included in the 10-Year Strategic Plan.

Mr. Gabriel explained the environmental effects of elevated sulfur concentrations in water and sediments, enhanced mercury accumulation in fish, changes in plant species distribution, phosphorus mobilization, wetland sulfur biogeochemical cycle and the concentrations of sulfur in surface waters. Mr. Gabriel also reported on the Sulfur Action Plan's project timeline.

- 32. Mercury in the Everglades: Causes, Consequences, Correctives** - Don Axelrad, Environmental Administrator, Florida Department of Environmental Protection

Donald Axelrad, Environmental Administrator, FDEP, presented information on mercury, which occurs generally in very minute quantities in the Earth's crust throughout the world. Because mercury can both evaporate into air and dissolve into water, it cycles between land, the atmosphere, lakes and oceans.

Dr. Axelrad reported how mercury enters the environment and how it gets into aquatic ecosystem. Dr. Axelrad then reported on the discovery of the Everglades mercury problem.

Dr. Axelrad explained the Mercury Total Maximum Daily Loads (TMDLs) necessary to reduce MeHg (Methyl mercury) to achieve safe levels in fish and protect public health.

Public Comment: Alexandria Larsen, citizen, commented on the Clean Water Act and Clean Air Act. She said there needs to be a more proactive role with these issues.

Discussion Agenda

Everglades Restoration and Capital Projects

- 33. 2010-415** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 141-day contract with H&J Contracting, Inc., the lowest responsive and responsible bidder, for the C-44 Reservoir/STA Project's Troup Indiantown Water Control District temporary configuration to provide temporary pumping and permanent canal configurations in the fixed price amount of \$2,457,019.65 with an authorization to expend up to an additional \$240,000 for construction change orders, of which dedicated funds in the amount of \$2,697,019.65 are budgeted in the Save Our Everglades Trust Fund resulting from the November 2009 budget transfer approved by the Governing Board; providing an effective date. (Contract Number 4600002107) (John Mitnik, ext. 3748)

John Mitnik, Division Director, Engineering Projects, presented information on the Troup Indiantown Water Control District (TIWCD) Temporary configuration to provide temporary pumping and permanent canal configuration. Mr. Mitnik reported on the bid overview of the project and stated there were seven bids received.

Mr. Powers said this is a CERP project and he is glad this is moving forward. He announced the May Governing Board meeting will take place in Stuart.

Public Comment: Mark Perry, Florida Oceanographic, supports this project moving forward. He urged the Board to appeal to the USACE to stop the pulse releases into the estuaries.

Motion made by Kevin Powers, seconded by Shannon Estenoz to Approve the following item(s): 33

Vote called. Voting yes: Kevin Powers, Shannon Estenoz, Sandy Batchelor, Eric Buermann, Charles Dauray, Jerry Montgomery, Patrick Rooney, Glenn Waldman. Not present: Joe Collins. Motion passed.

Executive Office

- 26. 2010-411** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to appear as intervenor or amicus curiae, pursue any and all appropriate defenses or relief, and take all appropriate action staff deems necessary to protect the District's interests, subject to approval of the Executive Director, in the matter of *Conservancy of Southwest Florida, et al. v. United States Fish and Wildlife Service and United States Department of the Interior*, United States District Court for the Middle District of Florida, Case No. 10-cv-00106-JES-SPC, and providing an effective date. (Chris Pettit, ext. 6423)

Ms. Estenoz expressed anxiety with inserting the District in federal cases and not knowing the District's position prior to intervening. Her understanding is we would intervene if designations of critical habitat might interfere with our ability to restore the Everglades.

Ms. Wood explained discussions about policy issues do not have to be in attorney client sessions. The purpose of attorney client sessions is to discuss litigation expenditures and strategy. Once a case is filed by or against the District, attorney client sessions may be conducted. Staff requests approval to intervene in these cases early on because when they are filed we don't always know what the issues will be. Intervening allows the District to participate in the case if issues arise affecting the District.

Motion made by Jerry Montgomery, seconded by Patrick Rooney to Approve the following item(s): 26

Vote called. Voting yes: Jerry Montgomery, Patrick Rooney, Sandy Batchelor, Eric Buermann, Charles Dauray, Shannon Estenoz, Kevin Powers, Glenn Waldman. Not present: Joe Collins. Motion passed.

Regulatory and Public Affairs

- 34. 2010-416** A Resolution of the Governing Board of the South Florida Water Management District supporting the Florida Cabinet Resolution declaring April as Water Conservation Month in Florida; providing an effective date. (Natalie Schneider, ext. 2545)

Jesus Rodriguez, Lead, Water Conservation Office, reported April is Water Conservation Month in Florida.

Mr. Rodriguez reported on the local and non-governmental organizations who have issued proclamations for water conservation over the past year. He also reported on the water conservation events being held in April.

Mr. Rodriguez said the District will celebrate Water Reuse week in May.

Ms. Estenoz thanked District staff for the water conservation program and their efforts.

Public Comment: Charles Lee, Audubon, supports water conservation but noted additional efforts which could be accomplished in the future. He supports one day a week water irrigation and requiring Florida-friendly vegetation.

Motion made by Jerry Montgomery, seconded by Shannon Estenoz to Approve the following item(s): 34

Vote called. Voting yes: Jerry Montgomery, Shannon Estenoz, Sandy Batchelor, Eric Buermann, Joe Collins, Charles Dauray, Kevin Powers, Patrick Rooney, Glenn Waldman. Motion passed.

Corporate Resources

- 35. 2010-417** A Resolution of the Governing Board of the South Florida Water Management District to authorize amending the lease with 205 N. Parrot Holdings, LLC for the Okeechobee Service Center office lease, and authorize a Waiver of Competition as an exception to the general standards of competition and to extend the lease by five (5) years with a two (2) year renewal option in an amount not to exceed \$1,105,075.44, of which \$99,995.40 of ad valorem funds is budgeted in FY10 and the remainder is subject to Governing Board approval of the FY10-FY15 Budgets; providing an effective date. (Contract number 3600000012-A08) (Jon Gleason, ext. 6380).

Aaron Basinger, Director, Finance, provided information on this agenda item.

Motion made by Jerry Montgomery, seconded by Shannon Estenoz to Approve the following item(s): 35

Vote called. Voting yes: Jerry Montgomery, Shannon Estenoz, Sandy Batchelor, Eric Buermann, Joe Collins, Charles Dauray, Kevin Powers, Patrick Rooney, Glenn Waldman. Motion passed.

- 36. 2010-418** Consideration of the South Florida Water Management District's staff recommendation that John Seth Louthan should not be suspended or debarred from doing business with the South Florida Water Management District pursuant to Rule 40E-7, Part II, Florida Administrative Code. (Carrie Hill, ext. 2506)

Carrie Hill, Assistant Deputy Executive Director, presented information on this agenda item.

Mr. Waldman questioned whether Mr. Louthan received notification regarding this agenda item in order for him to appear before the Board to explain the circumstances.

Ms. Hill said the only notification is the publication of the Governing Board agenda.

Mr. Waldman requested these notifications be done in the future.

Ms. Wehle committed that staff will notify any vendor who has an item regarding their potential suspension or debarment before the Governing Board.

During discussions on the circumstances of the lease, Mr. Powers noted Mr. Louthan honored his financial obligations.

Motion made by Jerry Montgomery, seconded by Shannon Estenoz to Approve the following item(s): 36

Vote called. Voting yes: Jerry Montgomery, Shannon Estenoz, Sandy Batchelor, Eric Buermann, Joe Collins, Charles Dauray, Kevin Powers, Patrick Rooney, Glenn Waldman. Motion passed.

Operations and Maintenance

- 48. 2010-419** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 274 day contract with C&D Construction Incorporated, the lowest responsive and responsible bidder, for the S-61 Navigational Lock Refurbishment in the amount of \$2,287,000 of which ad valorem funds in the amount of \$1,290,521 are budgeted and the remainder is subject to Governing Board approval of the FY11 budget; providing an effective date. (Contract Number 4600002082) (Ramon Santiago, ext. 4091)

No presentation provided.

Motion made by Joe Collins, seconded by Jerry Montgomery to Approve the following item(s): 48

Vote called. Voting yes: Joe Collins, Jerry Montgomery, Sandy Batchelor, Eric Buermann, Charles Dauray, Shannon Estenoz, Kevin Powers, Patrick Rooney, Glenn Waldman. Motion passed.

- 49. 2010-420** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 274 day contract with Worth Contracting Incorporated, the lowest responsive and responsible bidder, for the S-65 and S-65A Navigational Lock Refurbishment in the amount of \$3,967,800 of which ad valorem funds in the amount of \$2,238,973 are budgeted and the remainder is subject to Governing Board approval of the FY11 budget; providing an effective date. (Contract Number 4600002080) (Ramon Santiago, ext. 4091)

No presentation provided.

Motion made by Joe Collins, seconded by Jerry Montgomery to Approve the following item(s): 49

Vote called. Voting yes: Joe Collins, Jerry Montgomery, Sandy Batchelor, Eric Buermann, Charles Dauray, Shannon Estenoz, Kevin Powers, Patrick Rooney, Glenn Waldman. Motion passed.

- 50. 2010-421** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 274 day contract with Worth Contracting Incorporated, the lowest responsive and responsible bidder, for the S-65D Navigational Lock Refurbishment in the amount of \$2,990,000 of which ad valorem funds in the amount of \$1,687,214 are budgeted and the remainder is subject to Governing Board approval of the FY11 budget; providing an effective date. (Contract Number 4600002076) (Ramon Santiago, ext. 4091)

No presentation provided.

Motion made by Shannon Estenoz, seconded by Joe Collins to Approve the following item(s): 50

Vote called. Voting yes: Shannon Estenoz, Joe Collins, Sandy Batchelor, Eric Buermann, Charles Dauray, Jerry Montgomery, Kevin Powers, Patrick Rooney, Glenn Waldman. Motion passed.

37. Public Comment

- Regulatory Policy Issues
- General Public Comment

Public Comment: Brad Cornell, Collier County and Audubon of Florida, commented on the State's Uniform Mitigation Assessment Method (UMAM) and stated Audubon's appreciation to staff's commitment on this project. He requested a Workshop to update the Board and the public on these efforts.

Public Comment: Rosa Durando, citizen, commented on the latest edition of the National Geographic and the article on water resources in the United States. She commented on control elevations in the western communities, the Lake Worth Lagoon, and accommodating the 298 Districts for permitting.

Deena Reppen, Deputy Executive Director, reported staff will Workshop this item to update the Board and the public on UMAM and control elevations.

Public Hearing

Regulatory and Public Affairs

38. Open Public Hearing

Adopt amendments to Rule 40E-4.091, F.A.C., and the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District (Basis of Review) incorporated therein, to delete Section 4.3.9 Mitigation Reduction Through a Melaleuca Eradication Program. (Anita Bain, ext 6866)

Close Public Hearing

Chair Buermann opened the public hearing.

Anita Bain, Director, Environmental Resource Permitting Division, presented information on this agenda item.

Public Comment: Brad Cornell, Collier County Audubon and Audubon of Florida, strongly supports the action proposed today. He provided a handout to the Board of scientific facts regarding melaleuca.

Chair Buermann closed the public hearing.

Motion made by Shannon Estenoz, seconded by Jerry Montgomery to Approve the following item(s): 38

Vote called. Voting yes: Shannon Estenoz, Jerry Montgomery, Sandy Batchelor, Eric Buermann, Joe Collins, Charles Dauray, Kevin Powers, Patrick Rooney, Glenn Waldman. Motion passed.

39. Open Public Hearing

Adopt amendments to Rules 40E-1.659 and 40E-4.091, F.A.C., and Section 4.3.8 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District (Basis of Review) incorporated therein, to incorporate by reference, Form 1318, a conservation easement form for local government use when the local government is submitting a permit application involving dedication of a conservation easement to the District as a component of the Environmental Resource Permit process. (Anita Bain, ext 6866)

Close Public Hearing

Chair Buermann opened the public hearing.

Anita Bain, Director, Environmental Resource Permitting Division, presented information on this agenda item.

Chair Buermann closed the public hearing.

Motion made by Jerry Montgomery, seconded by Joe Collins to Approve the following item(s): 39

Vote called. Voting yes: Jerry Montgomery, Joe Collins, Sandy Batchelor, Eric Buermann, Charles Dauray, Shannon Estenoz, Kevin Powers, Patrick Rooney, Glenn Waldman. Motion passed.

Staff Reports

40. General Counsel Report - Sheryl Wood

No report provided.

41. Executive Director's Report - Carol Wehle

- Report on Permit Issued by Authority Delegated to Executive Director from March 1 to March 31, 2010

Ms. Wehle reported on the permits issued by authority delegated to Executive Director from March 1 to March 31, 2010.

Ms. Wehle introduced J.J. Flathmann, the new District Procurement Director, to the Board.

Ms. Wehle announced that Tommy Strowd will become Deputy Executive Director of Operations & Maintenance.

Ms. Wehle announced Alex Damian as the new Assistant Deputy Executive Director of Operations and Maintenance.

Ms. Wehle announced Larry Carter will move to the Everglades Restoration and Capital Projects resource area and will serve as Assistant Deputy Executive Director for Capital Projects.

Ms. Wehle also announced Tom Teets will serve as the Assistant Deputy Executive Director for Everglades Restoration for policy and planning.

42. Board Comment

Chair Buermann announced the new Governing Board Committee members:

Joe Collins will be Vice Chair of the Audit & Finance Committee.

Glenn Waldman will be on the Audit & Finance Committee.

Sandy Batchelor will be on the Human Resources & Outreach and Project and Lands Committees.

Attorney Client Sessions

Executive Office

- 45.** Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. Cutler Bay Venture, LLC and Miami-Dade County Tax Collector, 11th Judicial Circuit, Miami-Dade County, Florida, Case No. 07-30747 CA 10.

ATTENDEES: Governing Board Members E. Buermann, J. Collins, S. Batchelor, G. Waldman, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, M. Compagno, J. Nutt, F. Bartolone. (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 South Florida Water Management District v. Cutler Bay Venture, LLC and Miami-Dade County Tax Collector, 11th Judicial Circuit, Miami-Dade County, Florida, Case No. 07-30747 CA 10. (Sheryl. G. Wood, ext. 6976)

Chair Buermann adjourned to Attorney Client Session at 12:10 pm. He announced the meeting would reconvene in approximately 60 minutes.

Chair Buermann reconvened the meeting at 1:24 pm.

Sheryl Wood, General Counsel, reported no action be taken at this time for Agenda Item 45.

Adjournment

- 46. Adjourn**

Chair Buermann adjourned the meeting at 2:00 p.m.

Eric Buermann
Governing Board Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD

Motion made by Jerry Montgomery, seconded by Shannon Estenoz to Approve the following item(s): 46

Vote called. Voting yes: Jerry Montgomery, Shannon Estenoz, Sandy Batchelor, Eric Buermann, Joe Collins, Charles Dauray, Kevin Powers, Patrick Rooney, Glenn Waldman. Motion passed.