



South Florida Water Management District

GOVERNING BOARD MEETING AGENDA

This meeting is open to the public

September 9, 2010

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

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** - Eric Buermann, Chairman, Governing Board
2. **Pledge of Allegiance** - Eric Buermann, Chairman, Governing Board
3. **Recognition of John C. 'Johnny' Jones** - Presented by Eric Buermann, Chairman, Governing Board
4. **Employee Recognitions** - Presented by Carol Wehle, Executive Director
 - September Team of the Month: The Numeric Nutrient Criteria Technical Team
 - 25 Years Service Recognition: Gary Fischer
 - 30 Years Service Recognition: George Bryant
5. **Agenda Addendum** - Annette Carter, Director, Office of Governing Board & Executive Services
6. **Abstentions by Board Members from items on the Agenda**

7. **Project & Lands Committee Report** - Jerry Montgomery, Vice Chair
8. **Water Resource Advisory Commission (WRAC) Report** - Shannon Estenoz, 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

Regulatory Matters

12. Denials

Consent Agreements

Conservation Easements

See supporting document: [ca_rm_100_sd.pdf](#)

13. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Requests with Waiver of District Criteria

See supporting document: [ca_om_101_sd.pdf](#)

Everglades Restoration and Capital Projects

14. 2010-900 A Resolution of the Governing Board of the South Florida Water Management District approving release of canal and road reservations, issuance of a non-use commitment as to mineral reservation, and issuance of an approval of release of canal reservation, containing 16.89 acres, more or less, Parcels A, B, and C, Lakeview Square, Plat Book 146, Page 37, Section 31, Township 48 South, Range 41 East, Broward County, Florida; providing an effective date. (Vinola Rada, ext. 6158)

See supporting document: [ca_lr_101_sd.pdf](#)

See resolution document: [ca_lr_101_rd.pdf](#)

15. **2010-901** A Resolution of the Governing Board of the South Florida Water Management District authorizing an amendment to Contract Number 4600001279 with Old River Cattle Company, LLC. to extend the term for five (5) years, from March 15, 2012 to March 14, 2017, and adjust the annual rent from \$23,555.66 to \$38,710.00 based on a recent appraisal of market rent; providing an effective date. (Contract Number 4600001279-A04) (Andrea Stringer, ext. 6742)
See supporting document: [ca_lr_104_sd.pdf](#)
See resolution document: [ca_lr_104_rd.pdf](#)
16. **2010-902** A Resolution of the Governing Board of the South Florida Water Management District authorizing an amendment to Contract Number 4600000345 with Old River Cattle Company, LLC. to extend the term for five (5) years, from May 10, 2012 to May 9, 2017, and adjust the annual rent from \$30,644.51 to \$36,050.00 based on a recent appraisal of market rent; providing an effective date. (Contract Number 4600000345-A04) (Andrea Stringer, ext. 6742)
See supporting document: [ca_lr_105_sd.pdf](#)
See resolution document: [ca_lr_105_rd.pdf](#)
17. **2010-903** A Resolution of the Governing Board of the South Florida Water Management District approving a revision to the Beneficial Interest and Disclosure Affidavit in connection with land acquisitions limiting the disclosure requirements under certain circumstances; approving the use of the Beneficial Interest and Disclosure Affidavit in connection with applications for releases of reservations; providing an effective date. (Bob Schaeffer, ext. 2985)
See supporting document: [ca_lr_106_sd.pdf](#)
See resolution document: [ca_lr_106_rd.pdf](#)
See supporting document: [ca_lr_106_ExhA.pdf](#)
See supporting document: [ca_lr_106_ExhB.pdf](#)
18. **2010-904** A Resolution of the Governing Board of the South Florida Water Management District amending Subsections 1 and 2 of Section 140-10, District Policy Code, regarding administration of agricultural leases to make certain revisions; providing for inclusion in the District Policy Code, providing for severability; providing an effective date. (Ruth Clements, ext. 6271)
See supporting document: [ca_lr_108_sd.pdf](#)
See resolution document: [ca_lr_108_rd.pdf](#)

Executive Office

19. **2010-905** A Resolution of the Governing Board of the South Florida Water Management District to authorize amending purchase order 4500042450 for the current SAP BW Administrator for a time period not to exceed six months (October 1, 2010 - April 30, 2011) with Meridian Partners, LLC and authorize a waiver of competition as an exception to the general standards of competition, not to exceed \$165,000 of ad valorem funds which are subject to Governing Board approval of the FY11 budget; providing an effective date. (Purchase order 4500042450) (Paul Dumars, ext. 6212)
See supporting document: [ca_eo_201_sd_waiver Meridian bw adm.pdf](#)

See resolution document: [ca_eo_201_rd_waiver Meridian BW Adm.pdf](#)

- 20. 2010-906** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an amendment with Intellisoft Technologies, Inc. for purchase order 4500008780 for an SAP HR/Travel Consultant for six months (September 24, 2010 - March 31, 2011), as a special procurement using the state of Florida contract 973-561-10-1, in the amount of \$171,502, of which ad valorem funds in the amount of \$6,502 are budgeted in FY10 and the remainder is subject to Governing Board approval of the FY11 budget, providing an effective date. (Purchase Order 4500008780) (Paul Dumars, ext. 6212)

See supporting document: [Intellisoft Tech combined resolutions.pdf](#)

See supporting document: [Intellisoft Tech combined memo.pdf](#)

- 21. 2010-907** A Resolution of the Governing Board of the South Florida Water Management District to authorize amending purchase order 4500042453 for the current SAP Visual Composer Consultant for a time period not to exceed one year (October 1, 2010 - September 30, 2011) with Meridian Partners, LLC and authorize a waiver of competition as an exception to the general standards of competition, not to exceed \$316,000 of ad valorem funds which are subject to Governing Board approval of the FY11 budget; providing an effective date. (Purchase order 4500042453) (Paul Dumars, ext. 6212)

See supporting document: [ca_eo_201_sd_waiver Meridian visual composer.pdf](#)

See resolution document: [ca_eo_201_rd_waiver Meridian visual composers.ocx.pdf](#)

- 22.** Authorize issuance of a Final Order in the proceeding SPOTS, Inc., v. South Florida Water Management District & Daniel Borislow, LLC, that adopts the Recommended Order issued by Administrative Law Judge J. Lawrence Johnston in DOAH Case No. 10-0635. Ex parte communications to Governing Board members are prohibited by Section 120.66, Florida Statutes, prior to approval of the Final Order. (Sheryl G. Wood, General Counsel, ext. 6976)

Regulatory and Public Affairs

- 23. 2010-908** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into two year agreements with Water Savings Incentive Program applicants in an amount not to exceed \$300,000 for which ad valorem funds are budgeted, subject to Governing Board approval of the FY2011 budget; delegating authority to the Executive Director to execute project funding agreements for the projects; providing an effective date. (Mark Elsner, ext. 6156)

See supporting document: [ca_rp_204_sd.pdf](#)

See resolution document: [ca_rp_204b_rd.pdf](#)

See resolution document: [ca_rp_204a_rd.pdf](#)

- 24. 2010-909** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to agreement OT061107A-01/36000001161 for the Florida Ranchlands Environmental Services Program, West Waterhole Pasture Pilot Project to extend the term of the agreement one year to September 30, 2011 and add additional Lake Okeechobee Trust Funds in the amount of \$393,750 which are subject to Governing Board approval of the FY11 budget; providing an effective date (Benita Whalen, ext 2957)

See supporting document: [ca_rp_103_sd.pdf](#)

See resolution document: [ca_rp_103_rd.pdf](#)

Corporate Resources

- 25. 2010-910** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Success Factors, Incorporated for the annual renewal of Performance Manager software maintenance and subscriptions, for the time period October 1, 2010 through September 30, 2013, in the total amount of \$235,200 for which \$78,400 of ad valorem funds are budgeted in FY11 and the remainder will be budgeted in FY12 - FY13, subject to Governing Board approval of the FY11 - FY13 budgets; providing an effective date. (PR #10117730) (Sharon Trost, ext. 6814)

See supporting document: [ca_cr_001_sd.pdf](#)

See resolution document: [ca_cr_rd_16451_BFLD.pdf](#)

- 26. 2010-911** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Dell Marketing LP for the annual renewal of Dell server and peripheral hardware maintenance, for the time period November 1, 2010 - October 31, 2011, using State of Florida Contract #250-000-09-1, in the amount of \$237,733 for which ad valorem (\$199,233) and dedicated (CERP - \$38,500) funds are budgeted subject to Governing Board approval of the FY11 budget; providing an effective date. (PR #10117742) (Sharon Trost, ext. 6814)

See supporting document: [ca_cr_002_sd.pdf](#)

See resolution document: [ca_cr_rd_16608_BFLD.pdf](#)

- 27. 2010-912** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Environmental Systems Research Institute (ESRI) for the annual renewal of geographic information systems software maintenance and upgrades, for the time period November 1, 2010 - October 31, 2011, in the amount of \$287,201, for which ad valorem (\$254,701) and dedicated (CERP - \$32,500) funds are budgeted subject to Governing Board approval of the FY11 budget; providing an effective date. (PR #10117746) (Sharon Trost, ext. 6814)

See supporting document: [ca_cr_003_sd.pdf](#)

See resolution document: [ca_cr_rd_16607_BFLD.pdf](#)

- 28. 2010-913** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Presidio Corporation for the annual renewal of Cisco Systems network hardware and software maintenance, for the time period October 1, 2010 - September 30, 2011, using the St. Lucie School Board contract #06-05E, in the amount of \$337,672 for which ad valorem (\$330,081) and dedicated (CERP - \$7,591) funds are budgeted subject to Governing Board approval of the FY11 budget; providing an effective date. (PR #10117748) (Sharon Trost, ext. 6814)
See supporting document: [ca_cr_004_sd.pdf](#)
See resolution document: [ca_cr_rd_16609_BFLD.pdf](#)
- 29. 2010-914** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with GCA.net Technology Services for the annual renewal of Sun Microsystems server, storage, and peripheral hardware maintenance, for the time period November 1, 2010 - October 31, 2011, using the State of Florida Contract #250-000-09-1, in the amount of \$310,388 for which ad valorem funds are budgeted subject to Governing Board approval of the FY11 budget; providing an effective date. (PR #10117750) (Sharon Trost, ext. 6814)
See supporting document: [ca_cr_005_sd.pdf](#)
See resolution document: [ca_cr_rd_16610_BFLD.pdf](#)
- 30. 2010-915** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with FusionStorm for the annual renewal of Symantec storage software maintenance and upgrades, for the time period November 1, 2010 - October 31, 2011, using the GSA Schedule #GS-35F-0131R, in the amount of \$224,007 for which ad valorem (\$204,101) and dedicated (CERP - \$19,906) funds are budgeted subject to Governing Board approval of the FY11 budget; providing an effective date. (PR #10117743) (Sharon Trost, ext. 6814)
See supporting document: [ca_cr_006_sd.pdf](#)
See resolution document: [ca_cr_rd_16611_BFLD.pdf](#)
- 31. 2010-916** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Forsythe Solutions Group, Inc. for the annual renewal of EMC storage hardware and software maintenance and upgrades, for the time period November 1, 2010 - October 31, 2011, using the State of Florida Contract #250-000-09-1, in the amount of \$474,618 for which ad valorem funds are budgeted subject to Governing Board approval of the FY11 budget; providing an effective date. (PR #10117745) (Sharon Trost, ext. 6814)
See supporting document: [ca_cr_007_sd.pdf](#)
See resolution document: [ca_cr_rd_16612_BFLD.pdf](#)

- 32. 2010-917** A Resolution of the Governing Board of the South Florida Water Management District to authorize amending a purchase order with Terremark Worldwide, Inc. for a managed backup and restore service (disaster recovery alternate data center) for the time period October 1, 2010 - September 30, 2013, using the Broward College contract number ITN-2010-001-BM, in the amount of \$860,000 for which ad valorem funds in the amount of \$260,000 are budgeted in FY11 and the remainder will be budgeted in FY12 FY13, subject to Governing Board approval of the FY11 FY13 budgets; providing an effective date. (PR #10117751) (Sharon Trost, ext. 6814)

See supporting document: [ca_cr_008_sd.pdf](#)

See resolution document: [ca_cr_rd_16613_BFLD.pdf](#)

Operations and Maintenance

- 33. 2010-918** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering a three (3) year work order contract with Toler Enterprises Incorporated, the lowest responsive and responsible bidder, for Slope Mowing Services within the region of the Homestead Field Station in the amount of \$327,360 for which ad valorem funds of \$107,810.56 are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY13 budgets; providing an effective date. (Contract Number 4600002209) (Ron Zasloff, ext. 7014)

See supporting document: [ca_om_002_sd.pdf](#)

See resolution document: [ca_om_rd_16490_BFLD.pdf](#)

See supporting CJSS: [ca_om_002_cjss.pdf](#)

- 34. 2010-919** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Florida Fish and Wildlife Conservation Commission to establish District lands, consisting of approximately 2,209 acres located in Highlands and Okeechobee counties, as part of the Kissimmee River Public Use Area, subject to terms and conditions; providing an effective date. (Steve Coughlin, ext. 2603)

See supporting document: [ca_om_007_sd.pdf](#)

See resolution document: [ca_om_007_rd.pdf](#)

See supporting document: [ca_om_007_map.pdf](#)

- 35. Board Vote on Consent Agenda**

Discussion Agenda

36. TECHNICAL REPORTS

State of Water Resources

A) Water Conditions & Water Supply Report - Susan Sylvester, Director, Operations Control & Hydro Management Department (ext 6152)

B) Ecological Conditions Report - Linda Lindstrom, Director, Restoration Sciences Department (ext. 6820)

C) US Army Corps of Engineers' Lake Okeechobee Report - Kimberley Taplin, P.E., West Palm Beach Deputy Program Manager for Restoration, US Army Corps of Engineers

37. **Water Supply Management in Lake Okeechobee Service Area** (Time certain - 1:30 PM)

A) Overall Framework of Florida Water Law as implemented in the Lake Okeechobee Service Area (Part 2) - Beth Lewis - Sr. Special Attorney, Office of Counsel (ext. 6343)

B) Status update and consideration of the 2010 Adaptive Protocols Document - Susan Gray, Chief Environmental Scientist, Restoration Sciences Department (ext. 6919)

Everglades Restoration and Capital Projects

38. **2010-920** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director to enter into a letter agreement with the U.S. Army Corps of Engineers, pursuant to the Project Partnership Agreement for the Indian River Lagoon South Phase 1 Project, for the U.S. Army Corps of Engineers to construct infrastructure relocations on behalf of the South Florida Water Management District, at an estimated cost of \$1,983,031, and authorize a budget transfer of \$1,983,031 of Comprehensive Everglades Restoration Plan ad valorem funds from the CERP Managerial Reserves to the Everglades Restoration and Capital Projects Resource Area; providing an effective date. (Sue Ray, ext. 4019)

See supporting document: [da_er_001_C-44 Citrus Blvd. Memo_sd.pdf](#)

See supporting document: [da_er_001_C-44 Citrus Blvd. Map_sd.pdf](#)

See resolution document: [da_er_001_C-44 Citrus Blvd. Resolution_rd.pdf](#)

39. **2010-921** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests comprising 5.07 acres, more or less, in Collier County, for use as a field station site for Big Cypress Basin in the amount of \$2,098,000 together with all associated costs and approve the payment of traffic impact fees at closing for which ad valorem funds, Capital Projects Big Cypress Basin, are subject to Governing Board approval of the FY11 budget; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original acquisition; providing an effective date. (Tom Hanaway, ext. 6668)

See supporting document: [da_lr_100_sd.pdf](#)
See resolution document: [da_lr_100_rd.pdf](#)
See supporting document: [da_lr_100_map_ExhAA.pdf](#)
See supporting document: [da_lr_100_ExhA_Legal.pdf](#)

- 40. 2010-922** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 191.12 acres, more or less, for the Southern Corkscrew Regional Ecosystem Watershed Project ("Critical CREW Project"), in Lee County, in the amount of \$3,828,890.00, together with statutory costs and attorney's fees not to exceed \$920,105.50 and all associated costs, for which dedicated funds, Florida Forever Trust Fund, are available subject to Governing Board approval of the FY11 Budget; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Tom Hanaway, ext. 6668)

See supporting document: [da_lr_102_sd.pdf](#)
See resolution document: [da_lr_102_rd.pdf](#)
See supporting document: [da_lr_102_ExhAA.pdf](#)
See supporting document: [da_lr_102_leg_ExhA09-005-231.pdf](#)
See supporting document: [da_lr_102_leg_ExhA09-005-281.pdf](#)

- 41. 2010-923** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the proposed acquisition of land interests containing 191.12 acres for the Southern Corkscrew Regional Ecosystem Watershed Project ("Critical CREW Project"), in Lee County, and requesting the release of funds in the amount of \$3,828,890.00 from the Florida Forever Trust Fund for acquisition of such land interests, together with statutory costs and associated costs; providing an effective date. (Tom Hanaway, ext. 6668)

See resolution document: [da_lr_103_rd.pdf](#)
See supporting document: [da_lr_103_leg_ExhA09-005-231.pdf](#)
See supporting document: [da_lr_103_leg_ExhA09-005-281.pdf](#)
See supporting document: [da_lr_103_ExhAA.pdf](#)

Corporate Resources

- 42. 2010-924** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a five (5) year lease, with Centrepark West XII Holdings, LP for the CERP office lease, in an amount not to exceed \$1,667,093.68, of which CERP ad valorem (\$59,158) and dedicated funds (Everglades Trust Fund - \$106,244) are subject to Governing Board approval of the FY11 budget, and the remainder is subject to Governing Board approval of the FY12-FY15 budgets; providing an effective date. Contract no: 4600002208. (Jon Gleason, ext.6380)

See supporting document: [ca_cr_201_sd.pdf](#)
See resolution document: [da_cr_rd_16575_BFLD.pdf](#)

43. **2010-925** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Mythics, Inc. for the annual renewal of Oracle software maintenance and upgrades, for the time period October 25, 2010 to October 24, 2011, using the GSA Schedule #GS-35F-0153M, in the amount of \$1,000,836 for which ad valorem (\$882,858) and dedicated (CERP - \$117,978) funds are subject to Governing Board approval of the FY11 budget; providing an effective date. (PR #10117747) (Sharon Trost, ext. 6814)

See supporting document: [ca_cr_009_sd.pdf](#)

See resolution document: [da_cr_rd_16597_BFLD.pdf](#)

Operations and Maintenance

44. **2010-926** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement C-10162 / 3600000000 with the Florida Fish and Wildlife Conservation Commission (FWC) for Law Enforcement Services on District lands to provide funding for the next three (3) years of the agreement in an amount not-to-exceed \$2,882,336, of which \$932,525 in ad valorem funds and non ad valorem funds (Wetlands Mitigation Fund) are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY13 budgets; providing an effective date. (Contract Number C-10162-A10 / 3600000000-A10) (Rick Conover, ext. 3331)

See supporting document: [da_om_003_sd.pdf](#)

See resolution document: [da_om_rd_16432_BFLD.pdf](#)

45. **2010-927** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement 4600000961 with the Florida Fish and Wildlife Conservation Commission (FWC) to continue providing Land Management Services and the continued establishment and operation of District land as Wildlife Management Areas, Wildlife and Environmental Areas, Public Use Areas and Small Game Hunting Areas, to extend the term by three (3) years from October 1, 2010 to September 30, 2013, in the amount of \$1,730,288 of which \$565,380 in ad valorem funds are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY13 budgets; providing an effective date. (Contract Number 4600000961-A01) (David Foote, ext. 2686)

See supporting document: [da_om_004_sd.pdf](#)

See resolution document: [da_om_rd_16510_BFLD.pdf](#)

46. **2010-928** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement 4600001890 with the U.S. Geological Survey Florida Integrated Science Center (Ft. Lauderdale) for ground water and surface water monitoring, to extend the term by two (2) years from October 1, 2010 to September 30, 2012, with an option for two (2) one-year renewals in the amount of \$6,147,540 of which, \$1,536,885 in ad valorem funds are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY14 budgets; providing an effective date. (Contract Number 4600001890-A01) (Cherry James, 4709)

See supporting document: [da_om_005_sd.pdf](#)

See resolution document: [da_om_rd_16568_BFLD.pdf](#)

- 47. 2010-929** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement 4600001889 with the U.S. Geological Survey Florida Integrated Science Center (Orlando) for ground water and surface water monitoring, to extend the term by two (2) years from October 1, 2010 to September 30, 2012, with an option for two (2) one-year renewals in the amount of \$1,742,716 of which, \$435,679 in ad valorem funds are subject to Governing Board approval of the FY11 budget and the remainder is subject to Governing Board approval of the FY12-FY14 budgets; providing an effective date. (Contract Number 4600001889-A01) (Cherry James, 4709)

See supporting document: [da_om_009_sd.pdf](#)

See resolution document: [da_om_rd_16565_BFLD.pdf](#)

- 48. 2010-930** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 365-day contract with Lucas Marine Construction LLC., the lowest responsive and responsible bidder, for the S-142 & S-143 Automation and Gate Replacement in the amount of \$1,449,495 for which ad valorem funds are subject to Governing Board approval of the FY11 budget; providing an effective date. (Contract Number 46000002207) (Alex Garcia, ext. 4048)

See supporting document: [da_om_006_sd.pdf](#)

See resolution document: [da_om_rd_16594_BFLD.pdf](#)

See supporting CJSS: [da_om_006_cjss.pdf](#)

- 49. 2010-931** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 212-day contract with Metro Equipment Service Incorporated, the lowest responsive and responsible bidder, for the C-100 and C-2 Bank Stabilization Project in the amount of \$1,234,150 for which ad valorem funds are subject to Governing Board approval of the FY11 budget; providing an effective date. (Contract Number 4600002221) (Sara Sciotto, ext. 4077)

See supporting document: [da_om_008_sd.pdf](#)

See resolution document: [da_om_rd_16598_BFLD.pdf](#)

See supporting CJSS: [da_om_008_cjss.pdf](#)

- 50. Public Comment**

- Regulatory Policy Issues

- General Public Comment

Public Hearing

Regulatory and Public Affairs

- 51.** Adopt amendments to Rules 40E-63.400, 40E-63.401, 40E-63.402, 40E-63.404, 40E-63.406, 40E-63.415, 40E-63.420, 40E-63.430, and 40E-63.444, F.A.C., repeal Rules 40E-63.432, 40E-63.434, 40E-63.436, 40E-63.440, 40E-63.442, 40E-63.450, 40E-63.452, 40E-63.454, 40E-63.456, 40E-63.458, 40E-63.460, and 40E-63.470, F.A.C., and new Rules 40E-63.435, 40E-63.437, 40E-63.438, 40E-63.439, 40E-63.441, 40E-63.443, 40E-63.446, 40E-63.461, 40E-63.462, and 40E-63.464, F.A.C., and the materials incorporated by reference in Rule 40E-63.404, F.A.C., regarding the Everglades Regulatory Program: C-139 Basin (Pam Wade, ext 6901)
See supporting document: [ph_rp_104_sd.pdf](#)

Staff Reports

- 52. **General Counsel Report - Sheryl Wood**

- 53. **Executive Director's Report - Carol Wehle**
 - Report on Permits Issued by Authority Delegated to the Executive Director from August 1 to August 31, 2010
 - See supporting document: [IP Issued by ED August.pdf](#)

- 54. **Board Comment**

Attorney Client Sessions

Executive Office

- 55.** Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) 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 S. Batchelor, E. Buermann, J. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, G. Waldman; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns, J. Nutt, F. Bartolone, and outside counsel D. Moore. (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 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. (Sheryl G. Wood, ext. 6976)

- 56.** Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States Court of Appeals, Eleventh Circuit, Case No. 07-13829-HH; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein.

ATTENDEES: Governing Board Members S. Batchelor, E. Buermann, J. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, G. Waldman; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, 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 Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States Court of Appeals, Eleventh Circuit, Case No. 07-13829-HH; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, ext. 6976)

- 57.** Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Miccosukee Tribe of Indians of Florida, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1817, and New Hope Sugar Company, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1818.

ATTENDEES: Governing Board Members S. Batchelor, E. Buermann, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, G. Waldman; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, F. Bartolone, K. Burns, 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 Miccosukee Tribe of Indians of Florida, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1817, and New Hope Sugar Company, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1818. (Sheryl G. Wood, ext. 6976)

- 58.** Attorney client session pursuant to Section 286.011(8), Florida Statutes

(2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in B & E Ranch & Grove, LC. v. South Florida Water Management District, Nineteenth Judicial Circuit, Okeechobee County, Case No. 2007-CA-19; Chandler, et al. v. South Florida Water Management District, Nineteenth Judicial Circuit, Okeechobee County, Case No. 2007-CA-110; and Estate of Marvin Thomas, et al. v. South Florida Water Management District, Nineteenth Judicial Circuit, Okeechobee County, Case No. 2007-CA-20.

ATTENDEES: Governing Board Members S. Batchelor, E. Buermann, J. Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, G. Waldman; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt, K. Williams, 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 B & E Ranch & Grove, LC. v. South Florida Water Management District, Nineteenth Judicial Circuit, Okeechobee County, Case No. 2007-CA-19; Chandler, et al. v. South Florida Water Management District, Nineteenth Judicial Circuit, Okeechobee County, Case No. 2007-CA-110; and Estate of Marvin Thomas, et al. v. South Florida Water Management District, Nineteenth Judicial Circuit, Okeechobee County, Case No. 2007-CA-20. (Sheryl G. Wood, ext. 6976)

- 59.** Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009), to discuss strategy related to litigation expenditures and/or settlement negotiations in Black & Veatch Corp. v. South Florida Water Management District, Fifteenth Judicial Circuit, Palm Beach County, Case No. 2009-CA-31734 AH.

ATTENDEES: Governing Board Members S. Batchelor, E. Buermann, Joe Collins, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, G. Waldman; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt, F. Mendez, R. Panse, F. Bartolone and outside counsel B. Kirwin. (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 Black & Veatch Corp. v. South Florida Water Management District, Fifteenth Judicial Circuit, Palm Beach County, Case No. 2009-CA-31734 AH.(Sheryl G. Wood, ext. 6976)

Adjournment

- 60.** Adjourn