1. Call to Order - Dan O'Keefe, Chairman, Governing Board

2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board

3. Recognition of Lake Worth Drainage District on One Hundred Years of Serving the Community

4. Employee Recognitions - Presented by Blake Guillery, Executive Director
   - June Employee of the Month: Stacey Adams, Senior Project Manager, Water Supply Bureau
   - June Team of the Month: Big Cypress Basin Field Station Progressive Design-Build Team
July Team of the Month: Upper East Coast Floridan Aquifer Modeling Team
25-Year Service Award: Phillip White, Fleet Analyst 3, Field Operations North Bureau
25-Year Service Award: Kurt Leckler, Lead Regulatory Professional, Regulation Division
Good Samaritan Award: James Sneckenberg and Kevin Meury, Homestead Field Station, Field Operations South Bureau
Good Samaritan Award: Scott Cowham and Larry Jacobs, Okeechobee Field Station, Levee & Field Construction, Field Operations North Bureau

5. Agenda Revisions - Marcia Kivett, Director, Office of Governing Board & Executive Services
6. Abstentions by Board Members from items on the Agenda
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
13. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
14. Regulatory Consent Items
   • Conservation Easements, Amendments and Releases
     ○ Deerfield Land Corporation, Cinque Terra (Osceola County) - Staff
recommends the approval of a request for the release of a 0.44-acre existing conservation easement including 0.30 acres of wetlands and 0.14 acres of uplands/upland buffer within a project known as Cinque Terra in Osceola County. The applicant is requesting the release to construct a commercial development, which is a modification of permit 49-00477-S. A permit modification (app #150309-6) has been submitted that includes proposed mitigation in the form of the purchase of 0.23 credits from the Reedy Creek Mitigation Bank. Approximately 44.52 acres of the original conservation easement area will remain: 41.4 acres of wetlands; and 3.12 acres of upland buffer.

- **Seminole Tribe Work Plans**
  - Staff recommends concurrence with the **Seventh Amendment to the Twenty Eighth Annual Work Plan** for the Seminole Tribe of Florida. Works in the Hollywood Reservation include the construction of two (2) 16 inch raw water wells; works in the Brighton Reservation include the construction of a culvert crossing at the Jaryaca Baker Home Site.

15. **Right of Way Regulatory Consent**

**Petitions for Right of Way Occupancy Permit Modification and Waiver of District Criteria**
  - Staff recommends approval of a request by Marilyn S. Cahn (Application Number 15-0429-1M) for a modification of Right of Way Occupancy Permit No. 12434 to install a fence within the north right of way of the C-10 Spur Canal at the rear of 3050 North 34th Street, Hollywood, and waiver of the District’s criteria to allow for the proposed fence to be installed within the required 40 foot setback as measured from the top of bank. Location: Broward County, Section 5, Township 51 South, Ranges 42 East.

  - Staff recommends approval of a request by Florida Department of Transportation (“FDOT”) (Application Number 15-0519-1) for issuance of Right of Way Occupancy Permit No. 14456 to allow for the placement of landscaping within the north right of way of the C-6 canal, and waiver of the District’s criteria to allow palm trees and shrubs within 40 feet of top of canal bank. The proposed landscaping project is located within the north right of way of the C-6 canal adjacent to S.R.25 (Okeechobee Road) beginning approximately 0.15 miles west of the Florida’s Turnpike and extending southeasterly approximately 5 miles to the Palmetto Expressway. Location: Miami-Dade County, Sections 19, 30, 29, 32, 33, 4, 3, & 10, Township 52 South, Range 40 East.

16. **Resolution No. 2015 - 0701** Authorizing an amendment to agreement No. 4600002925 with Caulkins Citrus Company, LLC for the Caulkins Water Farming Pilot Project, to increase the funding in the amount of $166,650.00, for which funds are budgeted; providing an effective date. (EPC, Tom Teets, ext. 6993)

**Summary**

On August 16, 2013 the parties entered into agreement number 4600002925 to design and implement a Water Farming Pilot Project to provide water storage and water quality treatment in a 450 acre fallow grove known as the Caulkins Water Farming Pilot Project. Since that time the Parties have executed three amendments...
to the agreement to 1) increase payment amounts to account for unforeseen construction costs; 2) modify the deliverable schedule and 3) increase payment amounts for Operations and Maintenance to account for additional pumping and storage beyond what the contract originally anticipated. The Caulkins Water Farming Pilot Project has been operating since February 2014, with an expected annual storage volume of 6,700 acre-feet per year. In the first four (4) quarters of operations, the project pumped and stored 11,842 acre-feet of water from C-44. Through May 31 of this year, the project has pumped and stored an additional 7,476 acre-feet. Similar operations for the remainder of the contract will exceed the expected storage capabilities of the pilot project, but will also generate higher than expected operations and maintenance costs. The Parties wish to modify the agreement to increase Operations and Maintenance payment amounts by $166,560 in order to account for higher pumping costs.

**Staff Recommendation**

Staff recommends authorization to amend agreement 4600002925 with Caulkins Citrus Company, LLC for the Caulkins Water Farming Pilot Project to increase the funding in the amount of $166,650, for which funds are budgeted.

17. **Resolution No. 2015 - 0702** Approve release of canal, road and mineral reservations, and issuance of non-use commitments. (RE, Kathy Massey, ext. 6835)

**Summary:**
The District has jurisdiction over certain reserved rights to construct canal and road right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

**Staff Recommendation:**
Staff recommends approval of the following:
- Release District canal reservations for IMOB Investments, LLC, a Florida limited liability company (File No. 18614), 2.37 acres in Broward County
- Release District canal reservations for Horacio Abreu (File Nos. 18639 and 18640), 0.93 acres in Miami-Dade County
- Release District canal and road reservations and issuance of non-use commitment for Lester Armour, III, Trustee (File Nos. 18643 and NUC 1673), 7.09 acres in Palm Beach County
- Release District canal reservations and issuance of non-use commitment for AMKBJ2, LLC, a Florida limited liability company (File No. 18644 and NUC 1674), 3.05 acres in Palm Beach County
- Release District mineral reservations for Howard R. Harvey (File No. 18647), 0.13 acres in Palm Beach County

18. **Resolution No. 2015 - 0703** Approve the release of a portion of the C-51 right of way easement containing 0.15 acres, more or less, located in Section 5, Township 44 South, Range 43 East, Palm Beach County, to the Trustees of the Internal Improvement Trust Fund at no cost. (RE, Kathy Massey, ext. 6835)
Summary:
The adjacent landowner, Robert McAfee and Pam McAfee, has requested that the District release that portion of the C-51 Right of Way adjacent to their lot. The underlying fee simple owner is the Trustees of the Internal Improvement Trust Fund (“TIITF”) and the release can only be issued to the fee simple owner. The adjacent landowner intends to purchase that portion of the released right of way from TIITF to expand the size of their adjacent lot. This request has been routed to District staff and the release has been supported with no objections. (See attached Exhibits “A” and “B” for maps of subject parcel to be released.)

Staff Recommendation:
Staff recommends approval of the release of a portion of the C-51 Right of Way Easement containing 0.15 acre, more or less, located in Section 5, Township 44 South, Range 43 East, Palm Beach County, at no cost to the Trustees of the Internal Improvement Trust Fund.

19. Resolution No. 2015 - 0704 Approve a Cooperative Agreement with Miami-Dade County concerning the C-111 South Dade Project and C-111 Spreader Canal Western Project. (RE, Marcy Zehnder, ext. 6694)

Summary:
The C-111 South Dade project and C-111 Spreader Canal Western project (“Projects”) include certain lands owned by Miami-Dade County (“County”), which were acquired through the County’s Environmentally Endangered Lands Program (“EEL Program”). As local sponsor, the District will be certifying all the land within the boundaries of the Projects to the U.S. Army Corps of Engineers at a future date. To facilitate the use of the County owned lands within the Projects for project purposes, the District and the County have entered into a Cooperative Agreement (attached as Exhibit “A”). The County will certify the lands to the District, thereby dedicating the County owned lands to the Projects, and the District will manage the County owned lands in a manner consistent with the existing Memorandum of Understanding between the District and County.

Staff Recommendation:
Staff recommends approval of the Cooperative Agreement.

20. Resolution No. 2015 - 0705 Authorize entering into a contract with the Florida Department of Corrections, for the use of inmate labor in work programs at the Okeechobee Field Station area of responsibility. This is a three year contract in the amount of $344,982.00 for which ad valorem funds are subject to Governing Board approval of the FY2016-FY2018 budgets. (Contract No. 4600003240) (Joel Arrieta, ext. 2867)

Summary
A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year contract that may be renewed for one (1) additional three (3) year period with the Florida Department of Corrections. The Florida Department of Corrections shall provide two (2) Correctional Work Squad Officer positions to supervise inmate work squads. The Contract provides for two (2) Work Squads of up to ten (10) inmates. Contract No. 4600003240 is for $114,994.00 per year, totaling $344,982.00. The present contract expires on August 14, 2015.
Staff Recommendation
Staff recommends authorizing the approval of Contract No. 4600003240 as this item supports continual operations and maintenance of the District canal system.

21. Resolution No. 2015 - 0706  Authorize entering into a 3 year contract with the Florida Department of Corrections to provide inmate labor to support land management functions on District lands, in an amount not to exceed $172,491 of which $7,187 is budgeted in FY15 and the remainder will be subject to Governing Board approval of the FY16, FY17 and FY18 budgets; subject to terms and conditions. (Contract No. 4600003241) (OMC, Steve Coughlin, ext.)

Summary
The agenda item authorizes entering into Contract Number 4600003241 with the Florida Department of Corrections to provide inmate labor to perform land management services on approximately 20,000 acres of District managed lands in Okeechobee County. The contract provides for the staffing of one Correctional Work Squad Officer and up to five inmates. Services provided under this contract include fence construction and repair, vegetation clearing, mowing and trimming of grass and vegetation on public use areas, maintenance of public campgrounds and boat ramps, and repair and maintenance of informational kiosks and day use facilities. The services provided under the current contract with the Florida Department of Corrections, due to expire on August 14, 2015, have proven to be a cost-effective method of maintaining District lands and public use facilities and have minimized the need for additional maintenance staff and more costly land management service contracts with private vendors.

Staff Recommendation
Staff recommends authorizing entering into Contract Number 4600003241 with the Florida Department of Corrections for the provision of inmate labor to perform land management services on approximately 20,000 acres of District managed lands in Okeechobee County.

22. Resolution No. 2015 - 0707  Authorize entering into a three year contract with two (2) one-year renewal options with General Oceanics Environmental Services Incorporated, the lowest responsive and responsible bidder, for Datalogger Maintenance Services at Ground Water and Surface Water Monitoring sites in the southeast region of the District in an amount not to exceed $219,798 for which $12,294 in ad valorem funds are budgeted; and the remainder is subject to Governing Board approval of the FY16-FY18 budgets. (Contract Number 4600003270) (OEC, Garnett Ritchie, ext. 4616)

Summary
In order to support its mission, the District operates and maintains a network of approximately 800 data collection stations through a microwave telemetry system. This item is to approve a contract to provide preventative maintenance for the monitoring network in the southeast region of the District. It will include maintenance services for 56 sites located within the counties of Martin, Palm Beach, Hendry, Broward, Collier, Miami/Dade and Monroe. Per-visit cost is $219. Contract payments are based on the number of site visits that actually took place during the contract period.
Staff Recommendation
Staff recommends that the District obtain contractual services to provide maintenance services for the data collection network. Staff further recommends that the District enter into a three year contract with two (2) one-year renewal options, at the discretion of the District, with General Oceanics Environmental Services Incorporated, the lowest responsive and responsible bidder.

23. Resolution No. 2015 - 0708  Authorize entering into revenue Contract Number 4600003269 with Southwest Florida Wetlands Joint Venture to take over the management and operation of the Corkscrew Regional Mitigation Bank. (Contract number 4600003269) (OMC, Karen Estock, ext. 6282)

Summary
The agenda item authorizes approval of Contract Number 4600003269 with Southwest Florida Wetlands Joint Venture to assume the continued management and operation of the 632 acre Corkscrew Regional Mitigation Bank located in Lee County.

In January 1998, the District entered into a mitigation bank contract for the development and operation of the Corkscrew Regional Mitigation Bank established on District acquired property. The contract was subsequently assigned to Earthmark Southwest Florida Mitigation, LLC (Earthmark) in March 2008. Earthmark paid all costs to permit the project, restore the land, market and sell credits, and established a management fund for the long-term management of the mitigation bank property. Earthmark also provided the District over $1.6 million in revenue payments resulting from the sale of restoration credits. In March 2015, the contract was terminated due to suppressed economic conditions and insufficient credit sales that prevented Earthmark from funding the operation of the mitigation bank and making contractually obligated minimum revenue payments to the District.

The District solicited proposals from mitigation bankers in April 2015 using a competitive Request for Proposal process to execute a new contract for the management and continued operation of the Corkscrew Regional Mitigation Bank. Southwest Florida Wetlands Joint Venture submitted a proposal that provides the District 18% of the gross revenue from the sale of mitigation credits and was the only responsive and responsible bidder.

Staff Recommendation
Staff recommends approval of Contract Number 4600003269 with Southwest Florida Wetlands Joint Venture for the management and operation of the Corkscrew Regional Mitigation Bank.

24. Resolution No. 2015 - 0709  Authorize an amendment to Purchase Order No. 4500086636 with Dawson & Associates for legal and consulting services, to extend the term by one (1) year through September 15, 2016 and to increase the purchase order amount by $150,000.00 of which $76,000.00 in ad valorem funds is budgeted in FY15, and the remainder is subject to Governing Board approval of the FY16 budget; providing an effective date. (Purchase Order 4500086636) (OC, James Nutt, ext. 6253)

Summary
This is a request to authorize an amendment to Purchase Order No. 4500086636 with Dawson & Associates for legal and consulting services, to extend the term by one (1) year through September 15, 2016 and to increase the purchase order
amount by $150,000.00 of which $76,000.00 in ad valorem funds is budgeted in FY15, and the remainder is subject to Governing Board approval of the FY16 budget. The revised total contract value is $300,000.00.

**Staff Recommendation**

Staff recommends amending the purchase order with Dawson & Associates for legal and consulting services, to extend the term by one (1) year through September 15, 2016 and to increase the purchase order amount by $150,000.00 of which $76,000.00 in ad valorem funds is budgeted in FY15, and the remainder is subject to Governing Board approval of the FY16 budget.

25. **Resolution No. 2015 - 0710** A Resolution of the Governing Board of the South Florida Water Management District Authorizing District Staff to appear as amicus curiae, intervene, or pursue any and all appropriate defenses or relief, and take all appropriate action staff deems necessary for the purpose of protecting the District’s interests, subject to approval of the Executive Director, in the matter of Center for Biological Diversity, et al. v. U.S. Fish and Wildlife Service, et al., United States District Court for the District of Columbia, Case No. 1:15-cv-00657. (OC, James Nutt, ext. 6253)

**Summary**

On April 30, 2015, Stuart Pimm, Center for Biological Diversity and Oron Bass (hereinafter “plaintiffs”) filed suit in the District of Columbia against Daniel Ashe, in official capacity as Director of U.S. Fish and Wildlife Service, Sally Jewell, in official capacity as Secretary of U.S. Department of Interior and Lieutenant General Thomas Bostick, in official capacity as Chief of the U.S. Army Corps of Engineers.

Plaintiffs seek a declaration that the Fish and Wildlife Service and U.S. Army Corps of Engineers have violated the Endangered Species Act and federal Administrative Procedures Act. The complaint claims the Service’s approval and U.S. Army Corps of Engineers’ implementation and operation of the Everglades Restoration Transition Plan (“ERTP”) is jeopardizing survival of the endangered Cape Sable Seaside Sparrow. As local sponsor for the Central and Southern Florida Project for Flood Control and Other Purposes (“C&SF”), the District’s interests are likely to be affected by remedies the plaintiffs’ may seek, including changes in operations or restoration plans relating to Everglades National Park.

**Staff Recommendation**

Staff recommends that the Governing Board authorize staff to monitor the case, appear as amicus curiae or to intervene as necessary to protect the District’s interests.

26. **Resolution No. 2015 - 0711** Authorize a contract with Toshiba Business Solutions for a five year cost per page lease, for the time period November 9, 2015 – November 8, 2020, using the University of Central Florida contract #1308CCSA, in an amount not to exceed $338,500 annually for which ad valorem funds are subject to Governing Board approval of the FY16 – FY20 budgets, (Duane Piper, ext. 2638)

**Summary**

The Toshiba Multi-Function Printer/Copier Device Contract will provide a cost per-page leasing program for the time period November 9, 2015 - November 8, 2020. The annual amount is $338,500. The services will be procured using the University of Central Florida Contract #1308CCSA.
Staff Recommendation
Authorize entering into a contract with Toshiba Business Solutions for a five year Multi-Function Printer/Copier Device Lease for the time period November 9, 2015 - November 8, 2020, using University of Central Florida Contract #1308CCSA, in an amount not to exceed $338,500 annually for which ad valorem funds are subject to Governing Board approval of the FY16 - FY20 budgets.

27. Adopt Amendments to Rule 40E-5.101, F.A.C., with changes based on comments received from Joint Administrative Procedures Committee (REG, Maria Clemente, ext. 2308)

Summary
The Governing Board authorized publication of a Notice of Proposed Rule in the Florida Administrative Register during its monthly meeting in April. The Governing Board also adopted the amendments to the proposed rule, provided no request for public hearing was received and no changes were made to the proposed rule. The Joint Administrative Procedures Committee has since provided a comment that requires a correction to a cross-reference. This correction requires publication of a Notice of Change.

Staff Recommendation
Adopt amendments to Rule 40E-5.101, with changes based on a comment received from the Joint Administrative Procedures Committee, to correct a cross-reference to Forms 1379 and 1391.

28. Board Vote on Consent Agenda
29. General Public Comment
30. Board Comment

Discussion Agenda
31. Technical Reports
   A) Water Conditions Report - Jeff Kivett, Division Director, Operations, Engineering & Construction (ext. 2680)
   B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)

44. Resolution No. 2015 - 0713  Section 10 Rivers and Harbors Act Permit Renewal for Temporary/Portable Forward Pumps - ITEM ADDED

Summary
As local sponsor of the Central and Southern Florida Flood Control Project, the South Florida Water Management District has applied to renew its Section 10 Rivers and Harbors Act permit from the United States Army Corps of Engineers (“Corps”) that authorizes the installation and operation of portable forward pumps in accordance with the Lake Okeechobee Regulation Schedule (“LORS”). The District subsequently advised the Corps by letter dated May 5, 2015, that it had mistakenly included “operate” in the original application, and, as a result requested that the project description for the permit application be changed to installation only, and not
operation, of the portable forward pumps since the operation of the pumps was evaluated under and is controlled by LORS.

In 2008, the pumps were reviewed for environmental impacts as part of the federally established LORS. Today, however, the Corps continues to proceed with a purportedly separate review of pump operations independent of the overall LORS schedule that governs their use. Based upon the Corps’ stated project description of “installation and operation,” unchanged despite the District’s request, the United States Fish and Wildlife Service (“Service”) is, in turn, preparing a separate Biological Opinion regarding pump operations, despite their having already been reviewed through the 2008 LORS environmental impact statement.

The District’s interests may be adversely affected if the Corps and Service persist with their attempt to address the forward pumps independent of 2008 LORS. Additional, concerns include the potential attribution of adverse impacts to pump operations without sufficient scientific support and the potential imposition of conditions unrelated to pump operations

**Staff Recommendation**

Staff recommends that the Governing Board authorize staff, subject to approval of the Executive Director, to take all appropriate actions necessary to protect the District’s interests in the proper permitting and use of portable forward pumps to supply water from Lake Okeechobee during droughts, including but not limited to the initiation of administrative or judicial actions.

32. **BOMA Lease & Surplus Discussion** - Richard Bassell, Bureau Chief, Real Estate (ext. 2510) - *ITEM DELETED*

33. **Approval of Inspector General's Audit Report** - Tim Beirnes, Inspector General (ext. 6398)

**Summary**

The following audit report is completed:
- Audit of Procurement Card Transactions

**Staff Recommendation**

Inspector General recommends approval of the audit report.

34. **Capital Program Life Cycle Application Update-Defining the level of funding needed for the Capital Refurbishment Program** - Rich Virgil, Infrastructure Management Section Administrator (ext. 6759)

35. **Legislative Wrap Up** - Dan DeLisi, Chief of Staff (ext. 6232)

36. **Resolution No. 2015 - 0712 FY16 Budget update and approval of proposed millage rates for the purpose of advising county Property Appraisers for publication on Truth-in-Millage (TRIM) notices.** (AS, Doug Bergstrom, ext. 6214)

**Summary**

Each year, the Governing Board discusses proposed millage rates as part of the statutorily mandated Truth-in-Millage (TRIM) process. These rates are then provided
to each county property appraiser within the boundaries of the District for inclusion on TRIM required proposed property tax notices.

The millage rates proposed for FY2015-2016 have been calculated to comply with the TRIM process to calculate the rolled-back rate. To achieve the proposed level of ad valorem revenues, the following millage rates are proposed consistent with Governing Board strategic guidance:

- District-at-Large: 0.1459 mills
- Okeechobee Basin: 0.1586 mills
- Everglades Construction Project: 0.0506 mills
- Big Cypress Basin: 0.1429 mills

**Staff Recommendation**
Approval of the proposed millage rates.

37. General Public Comment

**Staff Reports**

38. Monthly Financial Report - Division Director, Administrative Services Division

39. General Counsel's Report

40. Executive Director's Report - Blake Guillory
   - Report on permits issued by authority delegated to the Executive Director from June 1 - 30, 2015.

41. Board Comment

**Attorney Client Sessions**

42. Attorney Client Session - USA - *ITEM DELETED*

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2014), 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, C. Harlow, M. Hutchcraft, M. Peterson, J. Moran, D. O'Keefe, K. Powers; Executive Director B. Guillory; District attorneys K. Burns, J. Collier, C. Kowalsky. (Kirk L. Burns, ext. 6546)

**Action Items, (if any), Stemming from Attorney/Client Session**

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2014), 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. (Kirk L. Burns, ext. 6546)

43. Adjourn