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## South Florida Water Management District

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### GOVERNING BOARD MEETING AGENDA

*This meeting is open to the public*

November 13, 2009

9:00 AM

Nelson Government & Cultural Center

102050 Overseas Highway

Key Largo, FL 33037

*All or part of this meeting may be conducted as a teleconference 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. **Agenda Addendum** - Annette Carter, Director, Office of Governing Board & Executive Services
4. **Abstentions by Board Members from items on the Agenda**
5. **Local Governmental Officials** - Introductions by Michael Collins, Governing Board Member, and Tom Genovese, Director, Florida Keys Service Center  
  
(Agenda items #41 to 44 will be discussed and voted on following the introduction of local governmental officials)
6. **FY09 State of the District Report** - Carol Ann Wehle, Executive Director and Tom Olliff, Assistant Executive Director
7. **Project & Lands Committee Report** - Pat Rooney, 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 Easement Amendment and Releases

Water Shortage Variances

Seminole Tribe Work Plans

See supporting document: [ca\\_rp\\_rm\\_100\\_sd.pdf](#)

**13. Right of Way Occupancy New Permits**

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

See supporting document: [ca\\_om\\_rm\\_101\\_sd.pdf](#)

**Everglades Restoration and Capital Projects**

**14. 2009-1100** 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)

See supporting document: [ca\\_lr\\_100\\_sd.pdf](#)

See resolution document: [ca\\_lr\\_100\\_rd.pdf](#)

See supporting document: [ca\\_lr\\_100\\_ExhA.pdf](#)

15. **2009-1101** A Resolution of the Governing Board of the South Florida Water Management District authorizing the Executive Director to sign a letter to the U.S. Army Corps of Engineers expressing support for the C-111 Spreader Canal Western Project Final Integrated Project Implementation Report and Environmental Impact Statement; providing an effective date. (John Shaffer, ext. 3722)  
See supporting document: [ca\\_er\\_001\\_Letter of Support for Final C-111 SC\\_sd.pdf](#)  
See supporting document: [ca\\_er\\_001\\_Memo for Letter of Support for C-111 SC\\_sd.pdf](#)  
See resolution document: [ca\\_er\\_001\\_Resolution for Letter of Support for C-111 SC\\_rd.pdf](#)  
See supporting document: [ca\\_er\\_001\\_C-111 SC Map A.pdf](#)  
See supporting document: [ca\\_er\\_001\\_C-111 SC Map B.pdf](#)
16. **2009-1102** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 5.0 acres, more or less, for the Southern Corkscrew Regional Ecosystem Watershed Project ("Critical CREW Project"), in Lee County, in the amount of \$78,000, and all associated costs, for which dedicated funds (CERP ad valorem and Florida Forever Trust Fund) are budgeted; 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: [ca\\_lr\\_101\\_sd.pdf](#)  
See resolution document: [ca\\_lr\\_101\\_rd.pdf](#)  
See supporting document: [ca\\_lr\\_101\\_ExhA\\_legal.pdf](#)  
See supporting document: [ca\\_lr\\_101\\_ExhAA\\_map.pdf](#)
17. **2009-1103** A Resolution of the Governing Board of the South Florida Water Management District to authorize a one year cooperative agreement with the Loxahatchee River District for Water Quality and Biological Monitoring in the Loxahatchee River, in the amount of \$240,000, of which the District's total contribution of \$180,000 (\$120,000 in dedicated funds (state appropriations) and \$60,000 in ad valorem funds) is budgeted; providing an effective date. (Contract Number 4600001907) (Bahram Charkhian, ext. 2284)  
See supporting document: [ca\\_er\\_sd\\_14501.pdf](#)  
See supporting document: [ca\\_er\\_sd1\\_14501.pdf](#)  
See resolution document: [ca\\_er\\_rd\\_14501\\_BFLD.pdf](#)
18. **2009-1104** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 2.90 acres, more or less, for the Herbert Hoover Dike Rehabilitation Project, in Palm Beach County, in the amount of \$78,660, together with statutory costs and attorneys' fees in the total amount of \$6,136 and associated costs; for which ad valorem funds (District general and Okeechobee Basin) are budgeted; 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. (Bruce Hall, ext. 6541)

See supporting document: [ca\\_lr\\_102\\_sd.pdf](#)  
See resolution document: [ca\\_lr\\_102\\_rd.pdf](#)  
See supporting document: [ca\\_lr\\_102\\_ExhA\\_legal\\_.pdf](#)  
See supporting document: [ca\\_lr\\_102\\_ExhAA\\_map\\_HH104-003.pdf](#)  
See supporting document: [ca\\_lr\\_102\\_ExhAA\\_map\\_HH104-005.pdf](#)

19. **2009-1105** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into a Pre-Partnership Credit Agreement with the U.S. Department of the Army, at no cost, for the purpose of establishing eligibility to receive future credit for the costs of constructing features of the North Palm Beach County - Part 1 Project, a component of the Comprehensive Everglades Restoration Plan; providing an effective date. (Contract Number 4600001944) (Paul Warner, ext. 6512)

See supporting document: [ca\\_er\\_002\\_North Palm Beach PPCA Memo\\_.sd.pdf](#)

See resolution document: [ca\\_er\\_002\\_North Palm Beach County PPCA Resolution\\_rd.pdf](#)

20. **2009-1106** A Resolution of the Governing Board of the South Florida Water Management District to approve extending the termination date for the terms, conditions and requirements of said Resolution No. 2009-409, Section 1(G) from December 1, 2009 to December 1, 2010, for exchange of fee parcels located in the Snapper Creek (C-2) Project, in Section 5, Township 54 South, Range 40 East, Miami-Dade County; providing an effective date. (Kathy Massey, ext. 6835)

See supporting document: [ca\\_lr\\_104\\_sd.pdf](#)

See resolution document: [ca\\_lr\\_104\\_rd.pdf](#)

21. **2009-1107** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Contract 4600001251 with Atlas Management, Inc., for West Coast CERP project management support to extend the term by one year and 10 months and authorize a waiver of competition as an exception to the general standards of competition in the amount of \$223,062 of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the total amount of \$113,057 are budgeted and the remainder is subject to Governing Board approval of the FY11 budget; providing an effective date. (Contract Number 4600001251-A01) (Janet Starnes, ext. 7735)

See supporting document: [ca\\_er\\_Atlas Contract Amdmt. Memo\\_sd.pdf](#)

See resolution document: [ca\\_er\\_rd\\_14546\\_BFLD.pdf](#)

#### **Executive Office**

22. **2009-1108** 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 (Victor Lopez, ext. 2051).

See supporting document: [ca\\_eo\\_001\\_sd.pdf](#)

See supporting document: [ca\\_eo\\_001\\_sd1.pdf](#)

See resolution document: [ca\\_eo\\_001\\_rd.pdf](#)

- 23. 2009-1109** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to purchase order 4500006812 with Manpower Temporary Services and authorize a waiver of competition as an exception to the general standards of competition, for a SAP Help Desk Technician, in an amount not to exceed \$187,200 for which \$62,400 of ad valorem funds are in the FY10 budget and the remainder is subject to Governing Board approval of the FY11 - FY12 budgets; providing an effective date. (Purchase Order No. 4500006812 ) (Bernardo Camarena, ext 6421)

See resolution document: [eo\\_ca\\_201\\_rd\\_helpdesk tech.pdf](#)

### **Regulatory and Public Affairs**

- 24. 2009-1110** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Amendment to extend the term for Nine (9) Months of the Fiscal Year 2009 Cooperative Agreement with the City of Marco Island for drainage system improvements in Fiscal Year 2010, in the total amount of \$600,000, of which the District's contribution will be \$300,000 in dedicated Big Cypress Basin funds budgeted for Fiscal Year 2010; reviewed and recommended for approval by the Big Cypress Basin Board on October 30, 2009; providing an effective date. (Contract No. 4600001617-A01) (Max Guerra, ext. 7612)

See supporting document: [ca\\_rp\\_307\\_sd.pdf](#)

See resolution document: [ca\\_rp\\_307\\_rd.pdf](#)

- 25. 2009-1111** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a cooperative agreement with Collier County for monitoring of surface water quality at 50 locations for one year in the amount not to exceed \$60,000, with option to renew for two one-year extensions, for which dedicated funds are budgeted for fiscal year 2010, and subject to Governing Board approval of future fiscal year budgets for the subsequent years; reviewed and recommended for approval by the Big Cypress Basin Board on October 30, 2009; providing an effective date. (Contract No. 4600001937) (Ananta Nath, ext. 7607)

See supporting document: [ca\\_rp\\_308\\_sd.pdf](#)

See resolution document: [ca\\_rp\\_308\\_rd.pdf](#)

- 26. 2009-1112** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Amendment to extend the term of the 2006-2009 Cooperative Agreement with Collier County to continue monitoring of groundwater quality at 67 well locations for one year in the amount not to exceed \$116,000, with option to renew for two one-year extensions, for which dedicated funds are budgeted for fiscal year 2010, and subject to Governing Board approval of future fiscal year budgets for the subsequent years; reviewed and recommended for approval by the Big Cypress Basin Board on October 30, 2009; providing an effective date. (Contract No. 3600001159-A01) (Ananta Nath, ext. 7607)

See supporting document: [ca\\_rp\\_309\\_sd.pdf](#)

See resolution document: [ca\\_rp\\_309\\_rd.pdf](#)

27. **2009-1113** A Resolution of the Governing Board of the South Florida Water Management District to concur releasing a total of \$1,695,900 in unspent and unused Alternative Water Supply match funding in the amount of \$1,425,600 in FY2010 and \$270,300 in FY2009; providing an effective date. (Mark Elsner, ext. 6156)

See supporting document: [ca\\_rp\\_202c\\_sd.pdf](#)

See supporting document: [ca\\_rp\\_202\\_sd.pdf](#)

See supporting document: [ca\\_rp\\_202a\\_sd.pdf](#)

See supporting document: [ca\\_rp\\_202b\\_sd.pdf](#)

See resolution document: [ca\\_rp\\_202\\_rd.pdf](#)

28. **2009-1114** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year agreement with the City of Boca Raton for a Fiscal Year 2010 Alternative Water Supply project in an amount not to exceed \$386,050 as shown in Exhibit A for which \$95,250 originally budgeted in Fiscal Year 2008 as Dedicated Funds (State Appropriation), \$290,800 originally budgeted in Fiscal Year 2009 as Ad Valorem Funds; and authorizing staff to certify forward and reallocate these funds from previous authorized Alternative Water Supply projects as appropriate; providing an effective date. (Mark Elsner, ext. 6156)

See supporting document: [ca\\_rp\\_203\\_sd.pdf](#)

See supporting document: [ca\\_rp\\_203a\\_sd.pdf](#)

See supporting document: [ca\\_rp\\_203b\\_sd.pdf](#)

See supporting document: [ca\\_rp\\_203c\\_sd.pdf](#)

See resolution document: [ca\\_rp\\_203\\_rd.pdf](#)

29. Enter an order concurring with the Executive Director's Partial Rescission of Declaration of Modified Phase III Water Shortage Restrictions and Imposition of Modified Phase II Severe Water Shortage Restrictions as to the Landscape Irrigation Use Class within Osceola County. (Concurrence with Order No. 2009-269-DAO-WS). (Terrie Bates, ext. 6952)

### **Corporate Resources**

30. **2009-1115** A Resolution of the Governing Board of the South Florida Water Management District authorize entering into a five (5) year six (6) month lease, with up to a five (5) year renewal option with Plantation Carlisle, LLC. for the Broward Service Center Office lease, in an amount not to exceed \$335,000, of which \$33,333.34 of ad valorem funds is budgeted in FY10, and the remainder is subject to Governing Board approval of the FY11-FY15 Budgets; providing an effective date. (Contract No: 460000XXXX) (Jon Gleason, ext. 6380).

See supporting document: [ca\\_cr\\_001\\_sd.pdf](#)

See resolution document: [ca\\_cr\\_001\\_rd.pdf](#)

31. **Board Vote on Consent Agenda**

# Discussion Agenda

## **Everglades Restoration and Capital Projects**

- 32. 2009-1116** A Resolution of the Governing Board of the South Florida Water Management District to authorize a one year agreement with the Florida Department of Agriculture and Consumer Services (FDACS) for Implementation of Agricultural/Stormwater Best Management Practices in the Northern Everglades and Estuaries Protection Area in the amount of \$3,000,000, for which dedicated funds - Save Our Everglades Trust Fund (SOETF) - are budgeted, and will be advanced to FDACS prior to SOETF reimbursement; providing an effective date. (Contract Number 4600001935) (Tommy Strowd, ext. 6998)

See supporting document: [da\\_er\\_sd\\_14504.pdf](#)

See supporting document: [da\\_er\\_sd1\\_14504.pdf](#)

See resolution document: [da\\_er\\_rd\\_14504\\_BFLD.pdf](#)

- 33.** Authorize publication of Notice of Rulemaking in the Florida Administrative Weekly (FAW) to amend Rules 40E-2.091 and 40E-20.091, F.A.C., to add new Section 3.11.2, North Fork of the St. Lucie River, to the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, incorporated therein, and to amend Rules 40E-10.021, 40E-10.031, 40E-10.041, F.A.C., and add new Rule 40E-10.051, F.A.C., Water Reservation Areas: Upper East Coast Planning Area, to reserve water from allocation for the protection of fish and wildlife in the North Fork of the St. Lucie River in support of the Comprehensive Everglades Restoration Plan for the Indian River Lagoon-South Project. (Ken Ammon, ext. 6502)

See supporting document: [da\\_er\\_001\\_2009-10-29 Draft St Lucie River Water Reservation Rule\\_sd.pdf](#)

See supporting document: [da\\_er\\_001\\_Rulemaking Memo\\_sd.pdf](#)

- 34. 2009-1117** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three year work order contract, subject to successful negotiations with DB Environmental Laboratories, Inc., one of three firms selected under Request for Proposal 6000000298 for Environmental/Biological Laboratory Overflow Services, in an amount not to exceed the total funding of \$1,500,000 for all three contracts (4600001940, 4600001941, and 4600001942), for which \$329,000 - \$314,000 in ad valorem funds (Everglades Restoration Trust Fund) and \$15,000 in dedicated funds (Florida Bay Fund) - is budgeted and the remainder is subject to Governing Board approval of the FY11-FY12 budgets; if negotiations are unsuccessful with DB Environmental Laboratories, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001940) (Tommy Strowd, ext. 6998)

See supporting document: [da\\_er\\_sd\\_14520.pdf](#)

See resolution document: [da\\_er\\_rd\\_14520\\_BFLD.pdf](#)

- 35. 2009-1118** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three year work order contract, subject to successful negotiations with Columbia Analytical Services, Inc., one of three firms selected under Request for Proposal 6000000298 for Environmental/Biological Laboratory Overflow Services, in an amount not to exceed the total funding of \$1,500,000 for all three contracts (4600001940, 4600001941, and 4600001942), for which \$329,000 - \$314,000 in ad valorem funds (Everglades Restoration Trust Fund) and \$15,000 in dedicated funds (Florida Bay Fund) - is budgeted and the remainder is subject to Governing Board approval of the FY11-FY12 budgets; if negotiations are unsuccessful with Columbia Analytical Services, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001941) (Tommy Strowd, ext. 6998)

See supporting document: [da\\_er\\_sd\\_14522.pdf](#)

See resolution document: [da\\_er\\_rd\\_14522\\_BFLD.pdf](#)

- 36. 2009-1119** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three year work order contract, subject to successful negotiations with Florida Testing Services, LLC d/b/a Genapure, one of three firms selected under Request for Proposal 6000000298 for Environmental/Biological Laboratory Overflow Services, in an amount not to exceed the total funding of \$1,500,000 for all three contracts (4600001940, 4600001941, and 4600001942), for which \$329,000 - \$314,000 in ad valorem funds (Everglades Restoration Trust Fund) and \$15,000 in dedicated funds (Florida Bay Fund) - is budgeted and the remainder is subject to Governing Board approval of the FY11-FY12 budgets; if negotiations are unsuccessful with Florida Testing Services, LLC d/b/a Genapure, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001942) (Tommy Strowd, ext. 6998)

See supporting document: [da\\_er\\_sd\\_14524.pdf](#)

See resolution document: [da\\_er\\_rd\\_14524\\_BFLD.pdf](#)

- 37. 2009-1120** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfers of ad valorem funds (CERP ad valorem) totaling \$2,350,000 from managerial reserves within the C-111 Spreader Canal CERP project to the Everglades Restoration and Capital Projects Resource Area for the River of Grass project, for Phase II Planning, and \$201,600 from managerial reserves within the Biscayne Bay Coastal Wetlands CERP project, also to the Everglades Restoration and Capital Projects Resource Area for the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement CERP project, for hydrologic modeling services; providing an effective date. (Tommy Strowd, ext. 6998)

See supporting document: [da\\_er\\_ROG Budget Transfer Memo\\_sd.pdf](#)

See resolution document: [da\\_er\\_ROG-BTv3\\_rd.pdf](#)

38. **2009-1121** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of dedicated funds (Save Our Everglades Trust Fund) totaling \$4,200,000 from managerial reserves within the Biscayne Bay Coastal Wetlands CERP project and a transfer of ad valorem funds (CERP ad valorem) totaling \$980,000 from managerial reserves within the C-111 Spreader Canal CERP project (\$856,600) and managerial reserves within the Biscayne Bay Coastal Wetlands CERP project (\$123,400) to the Everglades Restoration and Capital Projects Resource Area for the C-44 Reservoir / Stormwater Treatment Area project of the Indian River Lagoon South CERP project; providing an effective date. (Tommy Strowd, ext. 6998)  
See supporting document: [da\\_er\\_C-44 Budget Transfer Memo\\_sd.pdf](#)  
See resolution document: [da\\_er\\_C-44 BTv 3\\_rd.pdf](#)

### **Regulatory and Public Affairs**

39. **2009-1122** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Amendment to extend the term for Nine (9) Months of the Fiscal Year 2009 Cooperative Agreement with the City of Marco Island to continue the Septic Tank Replacement Program for the Kendall and Mackle Park sewer districts for the 2009-2010 period, in the total amount of \$12,000,000, for which the District contribution will be \$1,000,000, in dedicated Big Cypress Basin funds budgeted for Fiscal Year 2010; reviewed and recommended for approval by the Big Cypress Basin Board on October 30, 2009; providing an effective date. (Contract No. 4600001613-A01) (Deena Reppen, ext. 6232)  
See supporting document: [da\\_rp\\_306\\_sd.pdf](#)  
See resolution document: [da\\_rp\\_306\\_rd.pdf](#)
40. **2009-1123** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an Amendment to extend the term for Ten (10) Months of the Fiscal Year 2009 Cooperative Agreement with Collier County to continue the Stormwater Improvement Projects in Fiscal Year 2010, in the total amount of \$4,300,000, for which the District contribution will be \$1,200,000 in dedicated Big Cypress Basin funds budgeted for Fiscal Year 2010; reviewed and recommended for approval by the Big Cypress Basin Board on October 30, 2009; providing an effective date. (Contract No. 4600001684-A01) (Deena Reppen, ext. 6232)  
See supporting document: [da\\_rp\\_305\\_sd.pdf](#)  
See resolution document: [da\\_rp\\_305\\_rd.pdf](#)
41. **2009-1124** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a cost-share agreement with the City of Key Colony Beach for stormwater improvements, in the total amount of \$300,000, of which the District will contribute \$150,000 in budgeted ad-valorem funds, subject to Governing Board approval; providing an effective date. (Contract No. 4600001915) (Tom Genovese, ext. 7091)  
See supporting document: [ca\\_rp\\_301\\_sd.pdf](#)  
See resolution document: [ca\\_rp\\_rd\\_14411\\_BFLD.pdf](#)

- 42. 2009-1125** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a cost-share agreement with the City of Marathon for stormwater improvements for Service Area 3, in the total amount of \$600,000, of which the District will contribute \$300,000 in budgeted ad-valorem funds, subject to Governing Board approval; providing an effective date. (Contract No. 4600001918) (Tom Genovese, ext. 7091)  
See supporting document: [ca\\_rp\\_302\\_sd.pdf](#)  
See resolution document: [ca\\_rp\\_rd\\_14413\\_BFLD.pdf](#)
- 43. 2009-1126** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a cost-share agreement with the City of Key West for stormwater improvements, in the total amount of \$600,000, of which the District will contribute \$300,000 in budgeted ad-valorem funds, subject to Governing Board approval; providing an effective date. (Contract No. 4600001917) (Tom Genovese, ext. 7091)  
See supporting document: [ca\\_rp\\_303\\_sd.pdf](#)  
See resolution document: [ca\\_rp\\_rd\\_14415\\_BFLD.pdf](#)
- 44. 2009-1127** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a cost-share agreement with Monroe County for four (4) stormwater improvement projects, in the total amount of \$600,000, of which the District will contribute \$250,000 in budgeted ad-valorem funds, subject to Governing Board approval; providing an effective date. (Contract No. 4600001916) (Tom Genovese, ext. 7091)  
See supporting document: [ca\\_rp\\_304\\_sd.pdf](#)  
See resolution document: [ca\\_rp\\_rd\\_14417\\_BFLD.pdf](#)
- 45. Public Comment**
- Regulatory Policy Issues
  - General Public Comment

# Public Hearing

## **Regulatory and Public Affairs**

### **46. Continuation of Public Hearing**

Adopt amendments to Rules 40E-2.051, 40E-2.091, 40E-2.331, 40E-24.011, 40E-24.101, 40E-24.201, 40E-24.301, 40E-24.401, 40E-20.091, 40E-20.331, F.A.C., and the Basis of Review for Water Use Applications within the South Florida Water Management District, and new Rules 40E-2.061, and 40E-24.501, F.A.C., to: 1) implement District-wide mandatory year-round landscape irrigation conservation measures; 2) create a general permit by rule for outdoor residential consumptive use of water and to allow modification of such a permit that does not allow more cumulative days and time to conduct landscape irrigation than those provided under Chapter 40E-24, F.A.C.; and 3) amend the water conservation measures in the Basis of Review to be consistent with the landscape irrigation conservation measures set forth in Chapter 40E-24, F.A.C. (Terrie Bates, ext. 6952)

### Close Public Hearing

See supporting document: [Copy of 2009-11-04 YR Rule - Partnership Plan.pdf](#)

See supporting document: [2009-11-04 FINAL 40E-2 full text.pdf](#)

See supporting document: [2009-11-04 FINAL 40E-2 Notice of Change.pdf](#)

See supporting document: [2009-11-04 FINAL 40E-20 full text.pdf](#)

See supporting document: [2009-11-04 FINAL 40E-20 Notice of Change.pdf](#)

See supporting document: [2009-11-04 FINAL 40E-24 full text.pdf](#)

See supporting document: [2009-11-04 final 40e-24 Notice of Change.pdf](#)

See supporting document: [YR Rule GB Memo 111209 FINAL.pdf](#)

See supporting document: [2009-10-05 Joint Statement of Commitment on Partnership Plan.pdf](#)

## Staff Reports

47. **General Counsel Report - Sheryl Wood**
48. **Executive Director's Report - Carol Wehle**
  - Report on Permits Issued by Authority Delegated to Executive Director from October 1 to October 31, 2009
  - See supporting document: [Individual Permits Issued by ED \(October\).pdf](#)
49. **Board Comment**

# Attorney Client Sessions

## **Executive Office**

### **50. Attorney Client Session**

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2008) 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)

#### Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2008) 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)

### **51. Attorney Client Session**

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2008) 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)

#### Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2008) 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)

**52. Attorney Client Session**

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2008) 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. (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 (2008), 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. (Sheryl G. Wood, ext. 6976)

**53. Attorney Client Session**

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2008), to discuss strategy related to litigation expenditures and/or settlement negotiations in 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)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2008), to discuss strategy related to litigation expenditures and/or settlement negotiations in 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)

**54. Attorney Client Session**

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2008), 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)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2008) 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

**55. Adjourn**