



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

February 15, 2007

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members Present:

Irela Bagué, Vice-Chair

Miya Burt-Stewart

Alice Carlson

Michael Collins

Nicolás Gutiérrez

Lennart Lindahl

Kevin McCarty, Chair

Malcolm Wade

Members Absent:

Harkley Thornton

1. **Call to Order** - Kevin McCarty, Chair, Governing Board

Chair McCarty called the meeting to order at 9:10 am.

2. **Pledge of Allegiance** - Kevin McCarty, Chair, Governing Board

Irela Bagué led the group in the Pledge of Allegiance.

3. **Approval of Minutes from the last month's Governing Board Meeting -**

January 10, 2007, Workshop and January 11, 2007, Meeting

Motion made by Malcolm Wade, seconded by Michael Collins to Approve the following item(s): 3

Vote called. Voting yes: Malcolm Wade, Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Motion passed.

4. **Presentation of donation check to the Susan G. Komen Breast Cancer Foundation from the District employees, friends and supporters** Alice Carlson, Irela Bague & Miya Burt-Stewart

Presentation of an award to the District in recognition of having the largest governmental team registered for the Race for the Cure - *Anita Holmes, Executive Director, Susan G. Komen Breast Cancer Foundation*

Ms. Carlson presented a check to the Susan G. Komen Breast Cancer Foundation in the amount of \$31,000. Ms. Carlson commended staff for their hard work in this effort. The District was the largest government team participating in this event.

5. Employee Recognition - Carol Wehle, Executive Director

Carol Wehle, Executive Director, presented the 30-year Service Award to Larry Albrecht, West Palm Beach Field Station, the 25-year Service Award to Dave Branson, West Palm Beach Field Station, the January 2007 Employee of the Month, Kim O'Dell, Watershed Management Department, the January 2007 Team of the Month, and February 2007 Team of the Month, and the February 2007 Employee of the Month, Rosanne Smith, Human Resources.

Ms. Wehle introduced the District's divers from the West Palm Beach and the Okeechobee Field Stations. An NBC documentary on the District divers was shown at the Governing Board meeting.

6. "The Best Place to Work in Martin County" Award - Lennart Lindahl

Mr. Lindahl recognized Karen Smith, Martin County Service Center Director and her staff for their dedicated work and for receiving the 2006 "Best Place to Work in Martin County" award.

7. Agenda Addendum

Jacki McGorty, read into the record the agenda addendum. A copy was made available to the public.

8. Audit Committee Recommendations - Alice Carlson, Chair

Ms. Carlson reported on the activities of the Audit Committee held at Fairchild Tropical Botanic Gardens on February 7, 2007. Ms. Carlson recommended approval of the amendment to the External Independent Auditing Services Contract in the amount of \$75,000.

Ms. Carlson also reported on the activities conducted by the Audit Committee. The next Audit Committee will be held on March 7, 2007.

Motion made by Michael Collins, seconded by Malcolm Wade to Approve the following item(s): 8

Vote called. Voting yes: Michael Collins, Malcolm Wade, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Motion passed.

9. Water Resource Advisory Commission Update - Michael Collins, Chair

Mr. Collins provided information on the WRAC Recreation Issues Workshop which was held on January 22, 2007. Mr. Collins also reported on the WRAC Lake Okeechobee Committee held on January 24, 2007. Mr. Collins reported on the actions approved at these meetings as well as the ongoing issues.

Mr. Wade provided information on water releases, water supply and the Regulation schedule.

10. Abstentions by Board Members from items on the Agenda

Ms. Carlson announced her abstentions: Collier Grove, Item 14 Page 3, #1, Miramar Lakes, Item 14 Page 7, #5, and Moody River Estates East, Item 14 Page 7, #6.

11. Public Comment on Consent Agenda

Public Comment: Rosa Durando representing Audubon Society, Lake Worth, provided public comment on the annexation in Palm Beach County. She opposes the endorsement of the annexation rights.

Chair McCarty provided information regarding the annexation.

Public Comment: Alex Larson, citizen, Loxahatchee, provided comment on the annexation and Site 1. She opposes this annexation.

Public Comment: Sharon Waite, citizen, Loxahatchee, provided comment on the annexation. She opposes this annexation.

12. Board Comment on Consent Agenda

No Board Comment was provided.

13. Pull Items for Discussion from Governing Board Consent Agenda

No items were pulled from the Consent agenda to the Discussion agenda.

Consent Agenda

Water Resources

14. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Lake Okeechobee SWIM Works of the District Permit Applications

Everglades Works of the District Permit Applications

Denials

Consent Agreements

Page 4 No 5 Tuscany Reserve (WU): **Postponed** to March Board

Page 9 No 2 Hudson Lake Ranches (ERP): **Postponed**

Page 11 No 1 Solivita Grand (WU): **Postponed**

Page 12 No 1 Gladeview Water Control District (EAA): **Postponed** to April Board

Page 17 No 3 One Miami Water Taxi Dock (ERP Denial): **Postponed** to March Board

Page 18 No 3 South Shore Boulevard Widening (WU Denial): **Postponed** to March Board

Page 19 No 2 Simone Properties, Inc. (Consent Agreement): **Postponed** to March Board

15. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Relaxation of Standards as Allowed Under District Rule 40E-6.011(9) F.A.C.

Right of Way Occupancy Permit Requests with Waiver of District Criteria

91. Concurrence with the Granting of Temporary Variances from Water Shortage Restrictions Imposed within the Indian Prairie Basin (Scott Burns, ext. 6817)

Terrie Bates, Assistant Deputy Executive Director, Water Resources, presented information on this agenda item. Ms. Bates asked for Governing Board concurrence.

16. **2007-200** A Resolution of the Governing Board of the South Florida Water Management District to execute the Memorandum of Agreement between the South Florida Water Management District and the Florida Department of Agriculture and Consumers Services (FDACS) regarding Nonbinding Review of Exemptions under Subsection 373.406(2), Florida Statutes; providing an effective date (Anita Bain, ext 6866)
17. **2007-201** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a two year cost share agreement with the Town of Jupiter Utilities for Surficial Aquifer Recharge System Improvements in the total amount of \$800,000, of which the District's total contribution is \$400,000 in dedicated funds (State Appropriations), which is budgeted; providing an effective date. (Contract Number 4600000664) (Tom Conboy, ext. 6318)
18. Authorize publication of a Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Chapters 40E-4 and 40E-400, F.A.C., and the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District to develop or amend permit criteria, Exemptions, Noticed and/or No Notice General Environmental Resource Permits for specific roadway projects (Damon Meiers, ext 6876)
19. **2007-202** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Memorandum of Agreement not to exceed 5 years with the Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA) to implement the Efficient Transportation Decision Making (ETDM) process in Florida at no cost to the District; providing an effective date (Contract Number 4600000678) (Damon Meiers, ext 6876)
20. **2007-203** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a reimbursement funding agreement not to exceed 5 years with the Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA) to implement the Efficient Transportation Decision Making (ETDM) process in the amount of \$3,000,000, as reimbursement to the District, of which \$600,000 in ad valorem funds are budgeted; and the remainder is subject to Governing Board approval of the FY08-11 budgets; providing an effective date (Contract Number 4600000680) (Damon Meiers, ext 6876)
21. **2007-204** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an operating Agreement not to exceed 5 years with the Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA) to coordinate Efficient Transportation Decision Making (ETDM) project planning in Florida at no cost to the District; providing an effective date (Contract Number 4600000679) (Damon Meiers, ext 6876)

22. Extend the term of a temporary Water Use Permit for Orange County Utilities (South Water Service Area) to meet the interim demands of the existing population while the renewal of Application Number 030319-12 is being finalized. The temporary permit will expire on March 15, 2007 unless renewed by the Governing Board (Robert Moresi, ext 6603)

CERP

23. **2007-205** A Resolution of the Governing Board of the South Florida Water Management District to approve the partial release of a perpetual easement containing 0.14 acres, more or less, encumbering portions of Lots 6, 7, and 8, Block B, Idalia Subdivision, Plat Book 3, Page 30, Public Records of Lee County, Florida, C-43 Caloosahatchee River Project, subject to terms and conditions; providing an effective date. (K. Massey, x6835).
24. **2007-206** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 0.07 acres, more or less, for the C-4 Flood Mitigation Project, Sweetwater Berm, Phase 4 (Belen Area), in unincorporated Miami-Dade County, in the amount of \$8,200 and associated costs, of which dedicated (FEMA) funds 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. (B. Katz, x6837)
25. **2007-207** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 7.83 acres, more or less, for the C-111 Canal Project (L-31 North Acquisition Area), in Miami-Dade County, in the amount of \$516,000 and all associated costs for which ad valorem funds 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. (T. Hanaway, x6668)
26. **2007-208** A Resolution of the Governing Board of the South Florida Water Management District authorizing eminent domain proceedings for the acquisition of certain lands consisting of 376.89 acres, more or less, in Miami-Dade County, Florida, which are part of the Biscayne Bay Coastal Wetlands Phase 1 Acceler8 Project for which dedicated (Save Our Everglades Trust Fund) funds are budgeted and for which dedicated (Florida Forever Trust Fund) funds are available subject to a budget amendment; providing an effective date. (B. Schaeffer, x2985).
27. **2007-209** 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 376.89 acres, more or less, in Miami-Dade County, Florida, which are part of the Biscayne Bay Coastal Wetlands Phase 1 Acceler8, CERP and requesting the release of funds from Florida Forever Trust Fund for acquisition of such land interests; providing an effective date. (B. Schaeffer, x2985)

28. **2007-210** 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 376.89 acres, more or less, in Miami-Dade County, Florida, which are part of the Biscayne Bay Coastal Wetlands Phase 1 Acceler8, CERP, and requesting the release of funds from Save Our Everglades Trust Fund for acquisition of such land interests; providing an effective date. (B. Schaeffer, x2985)

29. **2007-211** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 0.12 acres, more or less, for the C-4 Flood Mitigation Project, Sweetwater Berm, Phase 4 (Belen Area), in unincorporated Miami-Dade County, in the amount of \$20,800 and associated costs, of which dedicated (FEMA) funds 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. (B. Katz, x6837)

30. **2007-212** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a multi-year cost share agreement with the U.S. Department of Agriculture-Natural Resources Conservation Service (NRCS) for the restoration of 600 acres of impacted habitat in Buttermilk Slough, within the Kissimmee River (Lower Basin) Save Our Rivers Project, under the Wetlands Reserve Program in the amount of \$865,519, of which the District's total contribution is \$216,380 of dedicated funds (Water Management Lands Trust Fund) , subject to Governing Board approval of the FY08 budget; and for which dedicated funds (NRCS) in the amount of \$649,139 are available subject to a budget amendment; providing an effective date.(William Helfferich, ext. 6637)

31. **2007-213** A Resolution of the Governing Board of the South Florida Water Management District authorizing entering into amendment of the use and occupancy reservation in the C-44 settlement and acquisition agreement with Florida Tierra Holdings, Running W Citrus Limited Partnership, and Tesoro Groves Limited Partnership, for the acquisition of approximately 12,000 acres, located in Martin County, Florida, to provide for termination of all or a portion of reservation on the property prior to June 30, 2007; providing an effective date. (B. Katz, x6837)

32. **2007-214** A Resolution of the Governing Board of the South Florida Water Management District supporting the annexation of 1,949 acres of land located within the unincorporated Palm Beach County into Broward County; supporting the annexation of 1,450 of these acres into the corporate limits of the city of Parkland; providing an effective date. (R. Clements, x6271)

33. **2007-215** 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 Broward County Water Preserve Areas Draft Project Implementation Report; providing an effective date. (L. Gerry, ext. 6492)

Executive Office

- 34. 2007-216** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an 18 month cost share agreement with St. Lucie County for the Lakewood Park Canal Control Structures, in the total amount of \$500,000, of which the District's total contribution of \$250,000 in ad valorem funds are budgeted; providing an effective date. (Contract Number 4600000621)(Kathy LaMartina x3603)
- 35. 2007-217** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three (3) year Agreement with World Wildlife Fund, Inc., a not-for-profit organization, to oversee and manage several monitoring and program contracts for additional pilot sites of the Florida Ranchlands Environmental Services Project in an amount not to exceed \$1,000,000, for which dedicated funds (Lake Okeechobee Trust Fund) are budgeted, which were specifically appropriated by the State through the Community Budget Issue Request (CBIR) process for World Wildlife Fund, Inc. Florida Ranchlands Environmental Services Projects; providing an effective date. (Contract Number 4600000650) (Benita Whalen, ext. 3014)
- 36. 2007-218** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a five (5) year cooperative agreement with Glades County for operation and maintenance of Indian Prairie Canal Campground in the total amount of \$250,000, for which \$20,000 of dedicated funds (Water Management Land Trust Fund) are budgeted, and authorize a budget transfer in the amount of \$30,000 ad valorem funds from the Lake Okeechobee program to the Land Stewardship program; and the remainder is subject to Governing Board approval of the FY08, FY09, FY10, and FY11 budgets, providing an effective date. (Contract Number 4600000674) Missie Barletto, ext. 3006
- 37. 2007-219** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cooperative agreement with the Okeechobee Utility Authority to develop a Water and Wastewater Master Plan for the Okeechobee Utility Authority Service Area in the amount of \$250,000 for which ad valorem funds are budgeted, providing an effective date. (Contract Number 4600000675)(Gary J. Ritter, ext. 3017)
- 38. 2007-220** A Resolution of the Governing Board of the South Florida Water Management District to authorize a settlement agreement for \$25,000.00, plus any Court awarded attorneys fees, costs and interest to enforce the settlement for an alleged discrimination action styled Marie Pietrucha v. South Florida Water Management District, filed In The 15th Judicial Circuit Court For Palm Beach County, Florida, Case No. 50-2005-Ca-006879 XXX MB-AA; providing an effective date. (Robert Panse, Ext. 6279)
- 39. 2007-221** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a two year lease agreement for the SAP User Licenses and Maintenance, in the amount of \$939,795 of which \$817,992 of ad valorem funds is budgeted in FY07, and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (SAP Contract Number 360000098) (Project Manager: Bernardo Camarena, X6421)

Corporate Resources

40. **2007-222** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District Budget as shown on the attachment hereto; providing an effective date

Project Sponsor: Doug Bergstrom, ext. 6214

41. **2007-223** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 3600000012 by entering into the third of five 1-year options with 205 N. Parrot Holdings, LLC for the Okeechobee Service Center Office Lease, in an amount not to exceed \$181,397.64, of which \$90,698.82 of ad valorem funds is budgeted in FY07 and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number 3600000012) (Project Manager: Jon Gleason x6380)

42. **2007-224** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a cooperative agreement with Palm Beach County, School Board of Palm Beach County, Palm Beach Community College, Florida Atlantic University Board of Trustees, and the Palm Beach County Education Commission to initiate inter-agency cooperation in establishing a countywide communications systems; providing an effective date. (Enrique Gracia, Ext. 2146)

43. **Board Vote on Consent Agenda**

Ms. Carlson announced her abstentions: Collier Grove, Item 14 Page 3, #1, Miramar Lakes, Item 14 Page 7, #5, and Moody River Estates East, Item 14 Page 7, #6.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 91

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Lennart Lindahl, Kevin McCarty, Malcolm Wade. Motion passed.

Workshop Agenda

Water Resources

44. **Alternative Water Supply Funding Program** - Summary of FY2006 Program and Direction and Process for FY2008 - Mark Elsner, Director, Water Supply Implementation Division

Mark Elsner, Division Director, Water Supply Implementation, presented information on the Alternative Water Supply Funding Program. Mr. Elsner provided a summary on the 2006 program summary and also provided the upcoming 2008 schedule.

Mr. Elsner reported on the consideration of possible reserves. Those considerations were:

- Future regional projects looming.
- Number of multi-year projects growing.
- Large construction costs.

Mr. Elsner reported on the potential impact which could be a reduction in available funding for the current program.

Mr. Elsner provided a definition of a regional project.

Mr. Elsner reported on the reserves options which were:

1. Continue the program as is, rollover unspent funds into following year's funding.
2. Set aside unspent funds from year to year as reserves.
3. Set aside funding in anticipation of regional projects.
4. Set aside funding when regional project is in pre-design stage.

Mr. Merriam asked the Board to consider these options, add any other options they may have, and workshop this item in April.

There was discussion on holding the workshop in March or April.

Mr. Lindahl provided comment on reserves and unspent funds. He also provided comment on regional resource development.

Mr. Wade provided comment and requested from staff examples from the different options.

Ms. Bagué provided comment on regional projects and reserves.

CERP

45. Acceler8 Update - Tommy Strowd, Assistant Deputy Executive Director, CERP, Paul E. Dumars, Sr., Chief Financial Officer

Tommy Strowd, Assistant Deputy Executive Director, provided an Acceler8 update. He reported on the STA expansion projects, the Acme Basin B discharge, the C-44 Phase 1 project, and Picayune Strand demolition. Mr. Strowd reported on the EAA Reservoir.

Mr. Strowd provided information on the procurement process for the C-43 and C-44 reservoir.

Mr. Lindahl said he looks forward to hearing about the C-44 pre-qualification meeting on March 7th.

46. Loxahatchee Wildlife Refuge Annual Exotics Control Work Plan Update - Presented by Mark Musaus, Loxahatchee Wildlife Refuge Manager. (R. Clements, x6271)

Mark Musaus, Loxahatchee Wildlife Refuge Manager, presented information on the removal of exotic plants. He reported on the treatments, retreatments and aerial treatments of these exotics plants. He reported on the removal of two specific exotic plants, lygodium and melaleuca.

Mr. Musaus reported on the funding for this treatment.

Public Comment: John Koch representing the Sierra Club, is very supportive of the Refuge staff and their work in the removal of exotics.

Public Comment: Cynthia Plockelman, representing Friends of Loxahatchee Wildlife Refuge, supports Mr. Masuaus and his staff regarding the removal of these exotic plants.

Public Comment: Rosa Durando, representing Audubon Florida, Lake Worth, provided comment on the exotics in the County.

Mr. Collins provided comment on the exotic removal, the funding at the Refuge, resource issues and public trust issues. He stated that he does not think we are gaining control of the eradication of these invasive plants.

Mr. Wade also questioned the removal of these exotics and if we are gaining control of these invasive plants. He requested in future presentations, there be a past and present comparison of the eradication of the exotics. Ms. Wehle said they would also provide revenue costs to the Board.

Mr. Lindahl provided comment on the insufficient resources on this issue. Mr. Lindahl supports Mr. Wade's suggestion to get additional assessments and graphics and also hear from staff on the other options in dealing with this issue.

Mr. Musaus reported on the constraints that he has encountered.

Mr. Collins provided comment on resource issues and the tree islands on the Refuge.

Mr. Musaus provided comment and said lygodium was the biggest challenge over the past five years. He said they have made a difference with melaleuca eradication and stated they are having better success with aerial treatments to eradicate lygodium.

Executive Office

47. Northern Everglades Briefing - Carol Wehle, Executive Director

Ms. Wehle presented information on the Northern Everglades Programs. Ms. Wehle reported on the timeline for the Lake Okeechobee mandates and initiatives.

Ms. Wehle reported on the overview of Lake Okeechobee and the Estuary projects and on the Kissimmee, Lake Okeechobee, St. Lucie and the Caloosahatchee region.

Ms. Wehle also reported on the future challenges for the Northern Everglades. Ms. Wehle provided information on the pending legislation and trust funds.

Public Comment: Rosa Durado, representing Audubon of Florida, Lake Worth, provided comment on Site 1.

Mr. Lindahl reported on the overview of the projects and requested to consolidate these efforts.

Mr. Collins provided comment and asked that staff look at what the legislature has asked the District to do over the past years and consolidate these efforts as part of the 10 year plan.

Discussion Agenda

Water Resources

- 48. 2007-225** A Resolution of the Governing Board of the South Florida Water Management District accepting the Lake Okeechobee Protection Plan 2007 Status Update and directing staff to submit the status update to the Legislature; providing an effective date. (Susan Gray, ext. 6919)

Susan Gray, Deputy Department Director, Watershed Management, presented information on the Lake Okeechobee Protection Plan 2007 Status update. Dr. Gray provided information on the phosphorus loads to Lake Okeechobee. She reported on all the water quality components.

Public Comment: Dr. Paul Gray, Audubon of Florida, provided public comment on Lake Okeechobee phosphorus loads. Dr. Gray provided Audubon's three step recommendations to the Board.

Mr. Collins said the District is committed to working on this issue.

Motion made by Nicolás Gutiérrez, seconded by Lennart Lindahl to Approve the following item(s): 48

Vote called. Voting yes: Nicolás Gutiérrez, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 49.** Final order of the Governing Board of the South Florida Water Management District approving the 2005-2006 update of the Lower East Coast Regional Water Supply Plan for 2025 in compliance with section 373.0361, F.S. (John Mulliken, ext. 6649)

Chip Merriam, presented information on this agenda item. Mr. Merriam reported on the planning region. Mr. Merriam reported on the water needed for 2025, the alternative water supply projects, the plan update components, and the public comments.

Ms. Bagué provided comment on the future water demands in Miami-Dade and alternative water supply funding.

Motion made by Irela Bagué, seconded by Nicolás Gutiérrez to Approve the following item(s): 49

Vote called. Voting yes: Irela Bagué, Nicolás Gutiérrez, Miya Burt-Stewart, Alice Carlson, Michael Collins, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

50.

Authorize publication of the Notice of Rulemaking in the Florida Administrative Weekly (FAW) and adopt proposed rule amendments to Rules 40E-2.091, 40E-2.301, 40E-2.321, 40E-2.331, 40E-2.381, 40E-8.421, 40E-20.011, 40E-20.091, 40E-20.301, 40E-30.302, 40E-20.321, 40E-20.331, and 40E-20.381, F.A.C., pertaining to allocation of water for consumptive use from the Lower East Coast Everglades Waterbodies and the North Palm Beach County/Loxahatchee River Watershed Waterbodies, subject to no request being made for a public hearing within 21 days of publication of the Notice. (Chip Merriam, ext. 6597, Scott Burns, ext. 6817)

Mr. Merriam presented information on this agenda item. Mr. Merriam reported on the overview of the proposed rule, the rule development activities, the summary of the proposed rule, the significant issues, and the emerging issues of the proposed rule.

Public Comment: Steve Joseph, representing the City of Hollywood, provided public comment and commended staff for their work on the rulemaking. Mr. Joseph had concerns on the Floridan well and Biscayne Bay aquifer.

Public Comment: Frank Hileman, representing the City of Hallandale Beach provided public comment and has concerns about the allocation of water.

Public Comment: David Wheeler, representing Seacoast Utility Authority, provided public comment and thanked staff and the Board and said he is supportive of the current language in the proposed rule change.

Public Comment: Edward DelaParte, representing the Southeast Florida Utility Council, provided public comment and supports the language in the proposed rule.

Public Comment: Marcy LaHart, representing World Wildlife Fund, provided public comment and thanked staff working on the language. She supports the proposed rule.

Mr. Collins commended Ms. LaHart on her focus to the resource.

Public Comment: Lisa Interlandi, representing the Natural Resources Defense Council (NRDC) stated support for the proposed rule.

Public Comment: Jamie Furgang, representing Audubon of Florida, supports the Districts regional water availability rule.

Public Comment: Joan Lawrence, representing the U.S Dept. of the Interior stated support of the regional water availability rule.

Public Comment: Kim Taplin, representing the USACE, thanked staff for their efforts on this rulemaking. The Jacksonville office supports the proposed rule.

Public Comment: Susan Kennedy, representing the Loxahatchee River Coalition, stated this rule is important to protecting the Everglades.

Public Comment: Alex Larson, Loxahatchee, stated the rule should have been explained to the public.

Public Comment: Martha Musgrove, representing Decision Makers Forum, stated support for the proposed rule.

Mr. Merriam provided comment on the 298 Districts, water demands and the limited supply of water.

Motion made by Michael Collins, seconded by Irela Bagué to Approve the following item(s): 50

Vote called. Voting yes: Michael Collins, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 51. 2007-226** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3 year contract with Aircoastal Helicopters, Inc., providing that, subject to successful negotiations, for Float Helicopter Services, in a total amount not to exceed \$2,400,000, for which a combined total of \$800,000 in dedicated funds (Comprehensive Everglades Restoration Plan Fund, Florida Bay Fund, and Everglades Restoration Trust Fund) is budgeted, and the remainder is subject to Governing Board Approval of the FY08-FY10 budgets. Aircoastal Helicopters, Inc. was the single respondent; if negotiations are unsuccessful with Aircoastal Helicopters, Inc., the District will resolicit proposals until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600000666) (Seán Sculley, ext. 6109)

Sean Scully, Deputy Department Director, Watershed Management, provided information on this agenda item.

Motion made by Alice Carlson, seconded by Irela Bagué to Approve the following item(s): 51

Vote called. Voting yes: Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Michael Collins, Malcolm Wade. Motion passed.

- 52. 2007-227** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 14 month contract with BCI Engineers & Scientists, Inc., providing that, subject to successful negotiations, for the Eagle Bay Habitat Enhancement Dredging Design Project, in an amount not to exceed \$780,000 in dedicated funds (Lake Okeechobee Trust Fund) which is budgeted. If negotiations are unsuccessful with BCI Engineers & Scientists, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600000667) (David Unsell, ext. 6888)

David Unsell, Division Director, Lake Okeechobee, presented information on this agenda item.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 52

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Lennart Lindahl, Kevin McCarty. Not present: Alice Carlson, Malcolm Wade. Motion passed.

CERP

- 53. 2007-228** A Resolution of the Governing Board of the South Florida Water Management District supporting in concept the development of a Kissimmee Re-evaluation Study for the purpose of identifying additional opportunities to improve and restore the Kissimmee River and its watershed lakes, Lake Okeechobee, and the Caloosahatchee and St. Lucie estuaries; providing an effective date. (C. Wehle, ext. 2893)

Ms. Wehle provided information of this agenda item.

Mr. Collins provided comment on the restudy and suggested getting input from our federal partners.

Ms. Wehle made a recommendation to adopt the resolution and also include direction to staff to reach out to our local partners to support this request to the USACE.

Public Comment: Cynthia Plockelman, representing the Audubon Society of the Everglades, provided comment on the Kissimmee Basin.

Motion made by Michael Collins, seconded by Lennart Lindahl to Approve the following item(s): 53

Vote called. Voting yes: Michael Collins, Lennart Lindahl, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Nicolás Gutiérrez, Malcolm Wade. Not present: Kevin McCarty. Motion passed.

- 54. 2007-229** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 220 day contract with Running W Citrus Limited Partnership for the C-44 Reservoir/STA Project Site Preparation - Phase II Project that includes the removal and burning of 9,996 acres of citrus trees and capping of irrigation lines within the citrus grove properties located on the future C-44 Reservoir/STA site and authorize a waiver of competition as an exception to the general standards of competition pursuant to the settlement and acquisition agreement with Florida Tierra Holdings, LLC, Running W Citrus Limited Partnership, and Tesoro Groves Limited Partnership, which was approved by the Governing Board on November 9, 2005, in the not-to-exceed amount of \$4,283,400, which is budgeted, and authorize a budget transfer from managerial reserves in the amount of \$4,283,400 to the C-44 Reservoir/STA Project; providing an effective date. (Contract Number 4600000660)

Ruth Clements, Department Director, Land Acquisition, presented information on this agenda item.

Motion made by Irela Bagué, seconded by Nicolás Gutiérrez to Approve the following item(s): 54

Vote called. Voting yes: Irela Bagué, Nicolás Gutiérrez, Alice Carlson, Michael Collins, Lennart Lindahl, Kevin McCarty. Not present: Miya Burt-Stewart, Malcolm Wade. Motion passed.

Executive Office

- 92. 2007-254** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Rudy Corujo, Real Estate Investment Group, L.L.C., Global Property Consultants Corp. and Terranova Investment of Miami, Inc., in the 11th Judicial Circuit in and for Miami-Dade County regarding the violations of Chapter 373, Florida Statutes and Chapter 40E, Florida Administrative Code, [S5/T54/R45,46] Miami-Dade County, and against any other appropriate or necessary parties in the appropriate court; providing an effective date. (Robert Panse, Ext. 6279)

Sheryl Wood, General Counsel, presented information on this agenda item.

Motion made by Nicolás Gutiérrez, seconded by Irela Bagué to Approve the following item(s): 92
Vote called. Voting yes: Nicolás Gutiérrez, Irela Bagué, Alice Carlson, Michael Collins, Lennart Lindahl, Kevin McCarty. Not present: Miya Burt-Stewart, Malcolm Wade. Motion passed.

Operations and Maintenance

- 56. 2007-231** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day contract with GlobeTec Construction, LLC, the lowest responsive and responsible bidder, for the C-39A & C-40 Canal Erosion Repairs, in the amount of \$1,970,000, for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600000686) (Jose Guardiario, ext. 2594)

Cled Weldon, Department Director, Construction and Engineering, presented information on this agenda item.

Motion made by Michael Collins, seconded by Miya Burt-Stewart to Approve the following item(s): 56
Vote called. Voting yes: Michael Collins, Miya Burt-Stewart, Irela Bagué, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty. Not present: Lennart Lindahl, Malcolm Wade. Motion passed.

- 57. 2007-232** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day contract with GlobeTec Construction, LLC, the lowest responsive and responsible bidder, for the C-41 Canal Erosion Repairs, Phase 2, in the amount of \$1,920,000, for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600000685) (Jose Guardiario, ext. 2594)

Cled Weldon, Department Director, Construction and Engineering, presented information on this agenda item.

Motion made by Michael Collins, seconded by Alice Carlson to Approve the following item(s): 57
Vote called. Voting yes: Michael Collins, Alice Carlson, Irela Bagué, Miya Burt-Stewart, Nicolás Gutiérrez, Kevin McCarty. Not present: Lennart Lindahl, Malcolm Wade. Motion passed.

- 58. 2007-233** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 150 day contract with GlobeTec Construction LLC, the lowest responsive and responsible bidder, for the C-24 Canal Bank Repairs, in the amount of \$1,249,000, for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600000655) (Jose Guardiario, ext. 2594)

Cled Weldon, Department Director, Construction and Engineering, presented information on this agenda item.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 58
Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Kevin McCarty. Not present: Lennart Lindahl, Malcolm Wade. Motion passed.

- 59. 2007-234** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day contract with American Earth Movers Incorporated, the lowest responsive and responsible bidder, for the L-12 Canal Bank Repairs Phase 2, in the amount of \$1,389,000.00 for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600000669) (Jose Guardiario, ext. 2594)

Cled Weldon, Department Director, Construction and Engineering, presented information on this agenda item.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 59

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Irela Bagué, Miya Burt-Stewart, Alice Carlson, Kevin McCarty. Not present: Lennart Lindahl, Malcolm Wade. Motion passed.

- 60. 2007-235** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 395 day contract with Interlaken Incorporated, the lowest responsive and responsible bidder, for the S-13A Control Structure repairs in the amount of \$1,794,422.21, for which ad valorem funds in the amount of \$1,204,484.00 are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number 4600000677) (Kimberley Koptak, ext. 6163)

Cled Weldon, Department Director, Construction and Engineering, presented information on this agenda item.

Motion made by Michael Collins, seconded by Miya Burt-Stewart to Approve the following item(s): 60

Vote called. Voting yes: Michael Collins, Miya Burt-Stewart, Irela Bagué, Alice Carlson, Nicolás Gutiérrez, Kevin McCarty. Not present: Lennart Lindahl, Malcolm Wade. Motion passed.

- 61. 2007-236** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040893 with Malcolm Pirnie Incorporated one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040893 / 3600000373-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Ms. Bagué provided comment on the GES contracts and the non use of subcontracting and minority vendors and asked for a list of prime vendors who did not use these minority vendors.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 61

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 62. 2007-237** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040898 with Brown Cunningham Gannuch one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040898 / 3600000378-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 62

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 63. 2007-238** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040891 with CSA Southeast Incorporated one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040891 / 3600000371-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 63

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 64. 2007-239** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040890 with Brown Cunningham Gannuch one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040890 / 3600000370-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 64

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 65. 2007-240** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040892 with Hillers Electrical Engineering Incorporated one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040892 / 3600000372-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 65

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 66. 2007-241** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040894 with Stanley Consultants Incorporated one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040894 / 3600000374-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 66

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 67. 2007-242** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040895 with Tricon Consulting Engineers one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040895 / 3600000375-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 67

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 68. 2007-243** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040896 with Civil Services Incorporated one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040896 / 3600000376-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 68

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 69. 2007-244** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040897 with URS Corporation one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040897 / 3600000377-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 69

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 70. 2007-245** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040899 with Post Buckley Schuh & Jernigan one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040899 / 3600000379-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 70

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 71. 2007-246** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040900 with Black & Veatch Corporation one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040900 / 3600000380-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 71

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 72. 2007-247** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040901 with Greenhorne & Omara Incorporated one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040901 / 3600000381-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 72

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 73. 2007-248** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040902 with Tetra Tech FW Incorporated one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040902 / 3600000382-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 73

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 74. 2007-249** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040903 with Keith & Schnars PA one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040903 / 3600000383-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 74

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 75. 2007-250** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040904 with Cherokee Enterprise Incorporated one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040904 / 3600000384-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 75

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 76. 2007-251** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040905 with Malcolm Pirnie Incorporated one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040905 / 3600000385-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 76

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 77. 2007-252** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040906 with Milian Swain & Associates Incorporated one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040906 / 3600000386-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 77

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 78. 2007-253** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to CN040907 with ES Consultants Incorporated one of 18 work order contracts for General Engineering Services which include Electrical, Mechanical, Communication Services, Civil, Structural Services, Environmental Planning and Permitting, to increase the total not-to-exceed amount from \$20M to \$25M for all 18 contracts, of which ad valorem and dedicated funds in the amount of \$4M are budgeted; and the remainder is subject to Governing Board approval of the FY08 budget; providing an effective date. (Contract Number CN040907 / 3600000387-A07)(Karen Counes, ext. 2685)

Cled Weldon, Department Director, Construction & Engineering, provided information on this agenda item.

Motion made by Irela Bagué, seconded by Miya Burt-Stewart to Approve the following item(s): 78

Vote called. Voting yes: Irela Bagué, Miya Burt-Stewart, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Lennart Lindahl, Kevin McCarty. Not present: Malcolm Wade. Motion passed.

- 79.** Public Comment

Public Comment: Rosa Durando, Audubon of Florida, Lake Worth, provided public comment on the interdistrict transfer of water.

Public Comment: Alex Larsen, citizen Loxahatchee, provided public comment on consumptive use permits and FPL.

Staff Reports

- 80. Water Conditions Report** - Susan Sylvester

Susan Sylvester, Department Director, Operations & Control, provided an update on the District's water conditions. Ms. Sylvester reported on the 30-day rainfall and the effects of El Nino.

Ms. Sylvester also provided an update of the rainfall in the Lower East Coast, Lake Okeechobee and the conservation areas. Ms. Sylvester provided information on the prescribed burns for Lake Okeechobee.

81. Water Shortage Update - Terrie Bates

Terrie Bates, Assistant Deputy Executive Director, Water Resources, provided a water shortage update. Phase 1 restrictions are in place with the potential of moving into Phase 2 in mid-March for the Lake Okeechobee Service area.

82. Lake Okeechobee Conditions Report - Susan Gray

Susan Gray, Deputy Department Director, Watershed Management, provided an update on Lake Okeechobee. Dr. Gray reported on the water quality and phosphorus levels, algal blooms and toxins, and submerged aquatic vegetation.

83. Office of Policy and Legislation Update - Ernie Barnett

Ernie Barnett, Director of Office of Policy and Legislation, provided a Legislation update. He said the Legislature is very focused on the Northern Everglades. Mr. Barnett also reported on the President's budget and what will be allocated to South Florida.

84. Calendar Update - Jacki McGorty

Jacki McGorty, District Clerk, provided a copy of the calendar update to Governing Board members.

85. General Counsel Report - Sheryl Wood

Sheryl Wood, General Counsel, provided the General Counsel report. Ms. Wood reported on the State's Ethics policy and said our program meets and exceeds those programs. She said she will be on the Board for Leadership, Palm Beach County.

86. Executive Director's Report - Carol Wehle

Ms. Wehle reported on the General Engineering Services (GES) proposals and the Small Business Enterprise (SBE) primes.

Ms. Wehle reported on the Employee Appreciation Day. There were over 1300 employees that attended the picnic.

87. Board Comment

Ms. Bagué thanked Mr. Hayden and staff regarding the SBE contracts.

Ms. Bagué reported on the District's new high speed wireless internet access.

Ms. Burt-Stewart provided comment on the SBE contracts and thanked Frank Hayden and staff for their efforts on this project.

Mr. Lindahl reported on the regional water availability rule. This is a significant step in addressing future water needs.

Adjournment

90. Adjourn

Chair McCarty adjourned the meeting at 2:47 pm.

Kevin McCarty, Chairman
South Florida Water Management District

Recorded by:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services