



South Florida Water Management District

GOVERNING BOARD MEETING AGENDA ADDENDUM

November 13, 2008

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown. Based upon that authority, the Chair of the Governing Board of the South Florida Water Management District determines that good cause exists to make the following changes.

The following item has been deleted:

Item #:8

Project & Lands Committee Report - Patrick Rooney, Chair

The following item has been deleted:

Item #:9

Audit & Finance Committee Report - Charles Dauray, Chair

The following item has been changed:

Item #:13

Original Item Text:

Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Denials

Environmental Resource Permit Extensions

Consent Agreements

Conservation Easements

Enforcement Actions

Original Item With Changes:

Water Use Permit Applications Surface Water Management Permit Applications (includes Conservation Easements) Environmental Resource Permit Applications (includes Conservation Easements) Denials Environmental Resource Permit Extensions Consent Agreements Conservation Easements Enforcement Actions **Page 9 No 3 Corkscrew Excavation (WU): Postponed** **Page 13 No 5 Nityam Inc (ERP): Postponed to February Board** **Page 16 No 2 PGA National Golf Club and Sports Center (WU): Postponed to January Board**

Page 19 No 1 Interamerican Bank (Doral Branch) (ERP): Withdrawn Page 19 No 2 Miranda Nursery (WU Denial): Postponed to January Board Page 19 No 3 Palmeras Martin (WU Denial): Postponed to January Board

Modified Item Text:

Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Denials

Environmental Resource Permit Extensions

Consent Agreements

Conservation Easements

Enforcement Actions

Page 9 No 3 Corkscrew Excavation (WU): **Postponed**

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Page 16 No 2 PGA National Golf Club and Sports Center (WU): **Postponed** to January Board

Page 19 No 1 Interamerican Bank (Doral Branch) (ERP): **Withdrawn**

Page 19 No 2 Miranda Nursery (WU Denial): **Postponed** to January Board

Page 19 No 3 Palmeras Martin (WU Denial): **Postponed** to January Board

The following item has been deleted:

Item #:19

2008-1102 A Resolution of the Governing Board of the South Florida Water Management District to approve entering into four (4) amendment and restatement of electric easements in exchange for obtaining partial releases thereof, all located in Sections 6, 7, 18 and 30, Township 27 South, Range 28 East, Polk County, Upper Lakes Basin Watershed; approving the waiver of the application fee; providing an effective date. (Kathy Massey, ext. 6835)

The following item has been moved:

Item #:22

FROM: Consent Agenda, Executive Office

TO: Discussion Agenda, Executive Office

2008-1105 A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to intervene or appear as amicus curiae, pursue any and all appropriate defenses or relief, and take all appropriate action staff deems necessary to protect the District's interests, subject to approval of the Executive Director, in the matter of *Florida Wildlife Federation, Inc., et al. v. Stephen L. Johnson, administrator of the United States Environmental Protection Agency; and the United States Environmental*

Protection Agency, United States District Court for the Northern District of Florida, Case No. 4:08-CV-00324-RH-WCS; providing an effective date. (Chris Pettit, Ext. 6423)

The following item has been moved:

Item #:26

FROM: Consent Agenda, Executive Office

TO: Discussion Agenda, Executive Office

2008-1109 A Resolution of the Governing Board of the South Florida Water Management District supplementing Resolution 2008-1027 which authorized, among other things, the lease-purchase financing and refinancing of the costs of the acquisition, construction and equipping of the District's capital projects, programs and works, including the acquisition of the assets of United States Sugar Corporation, in the manner described therein; and providing for an effective date. (Paul Dumars, ext. 6212)

The following item has been changed:

Item #:35

Original Item Text:

2008-1115 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and enter into a 4-year contract with Moving Water Industries (MWI) Corporation to procure the major pumping equipment for the Compartment B Pump Stations in an amount not to exceed \$26,830,000 of which dedicated funds (Everglades Trust Fund) in the amount of \$400,000 are budgeted and authorize a budget transfer from the Everglades Trust Fund in the amount of \$2,895,000 from Everglades Future Projects Reserve in Expedited Projects Program Support to Everglades Agricultural Area Stormwater Treatment Area Compartment B and the remainder is subject to Governing Board approval of the FY10-FY12 budgets; providing that, if negotiations are unsuccessful with Moving Water Industries (MWI) Corporation, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001558) (Tommy Strowd, ext. 4210)

Original Item With Changes:

2008-1115 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and enter into a 4-year contract with Moving Water Industries (MWI) Corporation to ~~procure~~ **Corporation, subject to successful negotiations for** the major pumping equipment for the Compartment B Pump Stations in an amount not to exceed \$26,830,000 of which dedicated funds (Everglades Trust Fund) in the amount of \$400,000 are budgeted and authorize a budget transfer from the Everglades Trust Fund in the amount of \$2,895,000 from Everglades Future Projects Reserve in Expedited Projects Program Support to Everglades Agricultural Area Stormwater Treatment Area Compartment B and the remainder is subject to Governing Board approval of the FY10-FY12 budgets; providing that, if negotiations are unsuccessful with Moving Water Industries (MWI) Corporation, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001558) (Tommy Strowd, ext. 4210)

Modified Item Text:

2008-1115 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and enter into a 4-year contract with Moving Water Industries (MWI) Corporation, subject to successful negotiations for the major pumping equipment for the Compartment B Pump Stations in an amount not to exceed \$26,830,000 of which dedicated funds (Everglades Trust Fund) in the amount of \$400,000 are budgeted and authorize a budget transfer from the Everglades Trust Fund in the

amount of \$2,895,000 from Everglades Future Projects Reserve in Expedited Projects Program Support to Everglades Agricultural Area Stormwater Treatment Area Compartment B and the remainder is subject to Governing Board approval of the FY10-FY12 budgets; providing that, if negotiations are unsuccessful with Moving Water Industries (MWI) Corporation, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001558) (Tommy Strowd, ext. 4210)

Supporting documents for the following item have been added:

Item #:35

Resolution #:2008-1115

See supporting document: [da_er_002_revised_sd.pdf](#)

See resolution document: [da_cp_rd_12071_AFLD.pdf](#)

The following item has been deleted:

Item #:44

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Lehtinen v. South Florida Water Management District, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50 2008 CA 022974 XXXX MB. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Lehtinen v. South Florida Water Management District, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50 2008 CA 022974 XXXX MB. (Sheryl G. Wood, Ext. 6976)

The following item has been deleted:

Item #:45

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Lehtinen v. South Florida Water Management District, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50 2008 CA 031569 XXXX MB. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Lehtinen v. South Florida Water Management District, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50 2008 CA 031569 XXXX MB. (Sheryl G. Wood, Ext. 6976)

The following item has been deleted:

Item #:46

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 08-46701 CA 5. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 08-46701 CA 5. (Sheryl G. Wood, Ext. 6976)

The following item has been deleted:

Item #:47

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in South Florida Water Management District v. Cutler Bay Venture, LLC, and Miami-Dade County Tax Collector, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 07-30747 CA 10. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in South Florida Water Management District v. Cutler Bay Venture, LLC, and Miami-Dade County Tax Collector, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 07-30747 CA 10. (Sheryl G. Wood, Ext. 6976)

The following item has been deleted:

Item #:48

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) 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 Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) 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)

The following item has been deleted:

Item #:49

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) 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 District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; 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 Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) 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 District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; 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)

The following item has been deleted:

Item #:50

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)

The following item has been added:

Item #:52

Year End Investment Portfolio Update - Stephen Freilich, Treasurer, Executive Office (ext. 6819)

The following item has been added:

Item #:53

SAP Transition and 3 Year Plan Update - Paul E. Dumars, Sr., Chief Financial Officer, Executive Office, and Sharon Trost, Chief Information Officer (ext. 6212 and 6814)

The following item has been added:

Item #:54

Master Agreement for the Comprehensive Everglades Restoration Plan - Paul Warner, Chief Scientist, Everglades Restoration (ext. 4205)

The following item has been added:

Item #:55

Approval of Naples Reserve Golf Club water use permit application (071128-4) for dewatering located in Collier County (Moved from Regulatory Consent to Discussion) (Jim Harmon, ext. 6777)

The following item has been added:

Item #:56

Approval of Naples Reserve Golf Club water use modification / renewal permit application (050222-29) for golf course landscape located in Collier County (Moved from Regulatory Consent to Discussion) (Jim Harmon, ext. 6777)

The following item has been added:

Item #:57

**'River of Grass' Project Update - Ruth Clements, Director, Land Acquisition
Department**