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## South Florida Water Management District

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### GOVERNING BOARD MONTHLY MEETING AGENDA

February 11, 2021

9:00 AM

via Communications Media Technology

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#### FINAL

1. Call to Order - Chauncey Goss, Chairman, Governing Board
2. Pledge of Allegiance
3. Oath of Office Administered to Charlie Martinez
4. Employee Recognitions
  - 25-Year Service Award: Christopher King, Senior Scientist
  - 30-Year Service Award: Peter Rawlik, Lead Scientist
  - January Employee of the Month: Robert Taylor, Principal Environmental Scientist
  - January Team of the Month: Allapattah Hydrologic Restoration Team
  - February Employee of the Month: Dante Marzetti, Asset Management, Desktop Standards
  - February Team of the Month: EAA Reservoir Water Reservations Team
  - Employee of the Year: Armando Vilaboy, Lead Regional Representative
  - Team of the Year: Information Technology Enablement Action Team
5. Agenda Revisions
6. Agenda Item Abstentions by Board Members
7. Consider Approval of the Minutes for the December 9, 2020 Workshop, December 10, 2020 Meeting and January 21, 2021 Event
8. General Public Comment

9. Board Comment

**Consent Agenda**

10. Move Consent Agenda Items to Discussion Agenda
11. Public Comment on Consent Agenda Items
12. Surplus and Conveyance of Land Interests to Glades County, Tract No. 34100-117 (Staff contact, Stephen M. Collins)

**Agenda Item Background:**

The District, in response to a request from Glades County, will surplus and convey to the County an approximately one-acre parcel of land for no consideration to be used as a public road. The parcel of land is adjacent to a public road (Daniels Road) and runs north approximately 754 feet adjacent to other District owned lands that serve as access to and part of the District's C-43 Right-of-Way and structures. Therefore, the District will reserve a perpetual access easement and will continue to have unlimited access with respect to the parcel. Based on communications that occurred between District staff and Glades County, the County stated its interest in acquiring the parcel for public road purposes to enable development of two adjacent privately-owned parcels of land (the "Proposed Development Lands") into RV parks. The Proposed Development Lands currently have no legal access. The County's ultimate dedication of the parcel as a public road will allow the development of the Proposed Development Lands stimulating economic development for the County. Additionally, the County will utilize a \$2.6M Florida Department of Environmental Protection (DEP) Grant for central sewer expansion for the Proposed Development Lands and other developments in the area providing better environmentally friendly growth in the County. As the County will accept a requirement to maintain the parcel to public road standards, the transfer of ownership of the land will reduce the District's maintenance costs by transferring this responsibility to the County.

**Recommended Action:**

**Resolution No. 2021 - 0201 Approve declaring surplus land interests in Glades County containing one acre, more or less, subject to a reserved perpetual access easement containing one acre, more or less, without reservation of interests under Section 270.11, Florida Statutes, together with any structures and improvements and personal property appurtenant thereto, and approving conveying said property to Glades County for no consideration.**

13. Release of Reservations (Staff contact, Stephen M. Collins)

**Agenda Item Background:**

The District has certain reserved rights to construct canal and road right of ways. Applications requesting release of these reservations are received as they constitute a defect on title which must be resolved prior to a property sale, especially when financing is involved. Applications are reviewed to determine if there is a present or future need. If it has been determined there is no present or future need, the reservations are released for payment of a value equal to one percent of the appraised value of the land on the property appraiser's website in the county where the property is located. It has been determined that there is no present or future need for the reservations listed below.

**Staff Recommendation:**

Staff recommends approval of the following:

**Miami-Dade County**

- Release District canal reservations for Palm Drive Townhomes, LLC (File No. 18863) for 0.29+/- acres; release value of \$178.20 has been paid.
- Release District canal and road reservations for Felix Le and Calvin Do (File No. 18865) for 6.57+/- acres; subject to payment of release value of \$1,642.50.

**Recommended Action:**

**Resolution No. 2021 - 0202 Release District canal and road reservations.**

14. Publication of the Notice of Proposed Rule and Adopt New Rule 40E-1.801, F.A.C., and Amendments to Rule 40E-1.800, Florida Administrative Code, Provided No Material Changes Are Made and No Request for Public Hearing is Timely Received (Staff contact, Sean Cooley)

**Agenda Item Background:**

To encourage public engagement, the District is proposing new Rule 40E-1.801, Florida Administrative Code (F.A.C.), to establish guidelines for the use of communications media technology during the District's public meetings. Section 373.079(7), Florida Statutes (F.S.), authorizes each water management district to conduct meetings by means of communications media technology. The District also proposes to amend Rule 40E-1.800, F.A.C., to update the incorporated Lobbyist Registration Form 1400, to include electronic notarization in accordance with Chapter 117, F.S., and revise the Department of State's hyperlinks to the North American Industry Classification System (NAICS) Code and Form 1402, the Lobbyist Registration Cancellation Form, which are also incorporated by reference. Form 1402 and the NAICS Code are not proposed for revision.

Staff is requesting Governing Board authorization to publish the Notice of Proposed Rule and Adopt new Rule 40E-1.801, F.A.C. (Public Meetings of the South Florida Water Management District), and amendments to Rule 40E-1.800, F.A.C., to update incorporated Form 1400 (lobbyist registration form) and revise the hyperlinks to the NAICS Code and Form 1402.

**Recommended Action:**

**Authorize publication of the Notice of Proposed Rule and Adopt new Rule 40E-1.801, F.A.C., and amendments to Rule 40E-1.800, F.A.C., provided no material changes are made and no request for public hearing is timely received.**

15. 2020 Miami-Dade County Local Mitigation Strategy Plan Update (Staff contact, John P. Mitnik)

**Agenda Item Background:**

The purpose of the Miami-Dade County Local Mitigation Strategy (LMS) is to develop and execute an ongoing methodology for reducing the community's vulnerability to natural, technological, and human caused hazards (i.e. hurricanes, tornados, wildfires, thunderstorms, marine hazards, floods, man-made hazards, lightening, etc.) and identify a comprehensive list of goals, objectives, plans, programs and/or projects in an effort to decrease or eliminate the effects of those vulnerabilities. The LMS provides a rational, managed basis for considering and prioritizing mitigation options, and for developing and executing sound, cost-effective mitigation projects. The LMS provides a basis for

justifying the solicitation and use of local, state and federal funding sources to support hazard mitigation projects and initiatives. Formal adoption of the 2020 LMS Plan Update by the District's Governing Board is required to receive federal hazard mitigation grant program funding, administered by the Federal Emergency Management Agency (FEMA), for the District's projects in Miami-Dade County. There is no cost for the District associated with the formal adoption of this plan.

**Recommended Action:**

**Resolution No. 2021 - 0203 Adopt the 2020 Miami-Dade County Local Mitigation Strategy Plan Update for the purpose of hazard mitigation funding eligibility; effective September 15, 2020.**

16. Five-Year Capital Improvements Plan (Staff contact, John P. Mitnik)

**Agenda Item Background:**

Section 373.536(6), F.S., requires the District to develop a Five-Year Capital Improvements Plan (CIP). Pursuant to Section 373.036(7), F.S., the Fiscal Year 2020-2021 Five-Year Capital Improvements Plan will be published in the 2020 South Florida Environmental Report, Volume II, Chapter 4. The Fiscal Year 2020-2021 Five-Year CIP identifies the capital projects, adopted budget and adjusted projection based on updated cash flow projections. It also captures planned future capital projects for the period of Fiscal Year 2021-2022 through Fiscal Year 2024-2025.

**Recommended Action:**

**Resolution No. 2021 - 0204 Adopt the Fiscal Year 2020-2021 Five-Year Capital Improvements Plan.**

17. Identity Management System Replacement (Staff contact, Duane Piper)

**Agenda Item Background:**

The District's Identity Management System is over 15 years old, costly to maintain, expensive to upgrade, and nearing end-of-life. The Identity Management System supports user account creation, maintenance, and deletion. Management of user accounts is an important information technology security function. User accounts are used by many of the District's business applications including Microsoft and SAP. The current identity management system provides basic functionality but does not support newer applications including user accounts maintained in the cloud. The recommendation is to purchase Omada Identity Management to replace the legacy Oracle Identity Management system. Omada Identity Management provides the current functions of the legacy Oracle system and additional user account automation and user account auditing. The system replacement will be completed this fiscal year. This software will be primarily used by the Information Technology Division to support and maintain user accounts District-wide.

This request is to enter into a contract with SHI International Corporation for Identity Management Software Cloud Services and implementation with an additional two years of cloud services, using the Omnia Partners IT Solutions Contract Number 2018011-02 in the amount of \$527,821. This contract was competed by another government agency.

**Recommended Action:**

**Resolution No. 2021 - 0205 Authorize entering into a contract with SHI International Corporation for Omada Identity Management Software Cloud Services and implementation with an additional two years of cloud services, using the Omnia Partners IT Solutions**

**Contract Number 2018011-02, in the amount of \$527,821 for which \$271,607 in Ad Valorem funds is budgeted in Fiscal Year 2020-2021 and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004372)**

18. Ecological and Environmental Scientific and Technology Support Services (Staff contact, Lawrence Glenn)

A. Technical Support Contracts

**Agenda Item Background:**

On April 11, 2019 the Governing Board approved contract awards for Ecological and Environmental Scientific and Technology Support Services: Technical Support with four private firms: DB Environmental Laboratories Inc., Ecology and Environment, Inc (later assigned to WSP USA, Inc. with an effective date of September 1, 2020), Environmental Science Associates Corp. and South Florida Engineering and Consulting, LLC. These contractors have supported District studies, projects and work activities of the Permit Acquisition and Compliance Section and sections within the Water Resources Division in a timely efficient and effective manner. The contracts have been used successfully for 22 work orders encumbering over \$4,500,000 through Fiscal Year 2020-2021. These work orders have supported Restoration Strategies Science Plan studies, flood protection, water quality sampling and quality assurance support for Executive Order 19-12 among others. This encumbrance to date (Fiscal Year 2020-2021) is 84% of the total-not-to-exceed amount of \$5,400,000 for these four contracts over three years with an option to extend for two 1-year periods. To enable use of these firms' services for additional studies using this mechanism, the total not-to-exceed amount must be increased.

**Recommended Action:**

**Resolution No. 2021 - 0206 Authorize amending existing contracts (approved by the Governing Board in April 2019) with DB Environmental Laboratories, Inc. (Contract Number 4600004012), WSP USA, Inc. (Contract Number 4600004323), Environmental Science Associates Corporation (Contract Number 4600004014), and South Florida Engineering and Consulting, LLC., (Contract Number 4600004015) to provide Ecological and Environmental Scientific and Technology Support: Technical Support. The amendment will increase the not-to-exceed amount from \$5,400,000 to \$15,500,000 for the four contracts, for which the Fiscal Year 2020-2021 budget includes approved Ad Valorem and dedicated funds (State General Revenue) and the remainder is subject to Governing Board approval of future years budgets.**

B. University Support Contracts

**Agenda Item Background:**

On April 11, 2019, the Governing Board approved contract awards for Ecological and Environmental Scientific and Technology Support Services University Support from three Universities: University of Florida Board of Trustees, Florida International University Board of Trustees, and Florida Gulf Coast University Board of Trustees. These Universities have supported District studies, projects and work activities of the

Permit Acquisition and Compliance Section and sections within the Water Resources Division in a timely efficient and effective manner. The contracts have been used successfully for 11 work orders encumbering over \$2,700,000 through Fiscal Year 2020-2021. These work orders have supported Restoration Strategies Science Plan projects, sea level rise studies, Caloosahatchee River biology, and others. This encumbrance to date (Fiscal Year 2020-2021) is 67% of the total-not-to-exceed amount of \$4,100,000 for the three contracts over three years with an option to extend for two 1-year periods. To enable use of these universities' services for additional studies using this mechanism, the total-not-to-exceed amount must be increased.

**Recommended Action:**

**Resolution No. 2021 - 0207 Authorize amending the existing contracts (approved by the Governing Board in April 2019), with the University of Florida Board of Trustees (Contract Number 4600004016), Florida International University Board of Trustees (Contract Number 4600004017), and Florida Gulf Coast University Board of Trustees (Contract Number 4600004018) to provide Ecological and Environmental Scientific and Technology Support Services: University Support. The amendment will increase the not-to-exceed amount from \$4,100,000 to \$7,500,000, for these three contracts, for which the Fiscal Year 2020-2021 budget includes approved Ad Valorem funds and the remainder is subject to Governing Board approval of future years budgets.**

19. Monitoring Support, Endangered Cape Sable Seaside Sparrows Population (Staff contact, Lawrence Glenn)

**Agenda Item Background:**

The C-111 Spreader Canal Western Features project is one element of the Comprehensive Everglades Restoration Plan (CERP) authorized by the U.S. Congress. This project is designed to restore the quantity, timing, and distribution of water delivered to Florida Bay via Taylor Slough and the area south of the C-111 canal known as the Southern Glades and Model Lands. This project uses structures and operational procedures to reduce seepage losses from Taylor Slough, the Southern Glades, and Model Lands. A key component of the project is to ensure that impacts to Cape Sable Seaside Sparrow Designated Critical Habitat Units 2 and 3 (also referred to as Subpopulations C and D, respectively) do not exceed that recognized in the U.S. Fish and Wildlife Service (USFWS's) Incidental Take Statement (ITS). Term and Condition #6 of the ITS requires the District to conduct surveys to document and track sparrow populations in Subpopulation D during the operation of the project facilities. The work proposed for this amendment is intended to maintain ecological expertise, quality assurance, and build upon previously collected baseline monitoring data in order to discriminate between natural variability and water management effects.

**Recommended Action:**

**Resolution No. 2021 - 0208 Authorize an amendment to the contract with Conservation InSight Corporation (Contract Number 4600003801) for the continued monitoring of the endangered Cape Sable Seaside Sparrows population associated with subpopulation D;**

**increasing the amount of the contract by \$25,000 for which dedicated funds (Florida Bay Special Revenue Fund) and Ad Valorem funds are budgeted in Fiscal Year 2020-2021, for a total revised contract amount not to exceed \$175,000.**

20. Contract Amendment for Monitoring Services with Audubon of Florida's Tavernier Science Center (Staff contact, Lawrence Glenn)

**Agenda Item Background:**

Florida Bay restoration has specific performance measures designed to assess ecological trends and changes associated with the implementation of CERP, Combined Operational Plan, Florida Bay Minimum Flows and Levels, Tamiami Trail bridging, C-111 Spreader Canal, and the operations of the South Dade Conveyance system. The Environmental Impact Statement for the C-111 Spreader Canal Project relies on baseline data from this ecological monitoring program and this monitoring was incorporated as a condition of the USACE permit. Audubon of Florida's Tavernier Science Center has been measuring aquatic vegetation and prey-base fauna (invertebrates and fishes) across the mangrove transition zones of southern Biscayne Bay, Florida Bay and the Gulf of Mexico since the mid-1990s. Because of the relatively short generation times of aquatic vegetation and prey-base fauna, these indicators respond quickly to hydrologic and habitat conditions in a timeframe well suited for implementing adaptive water management. Combined with Audubon monitoring stations funded by the USACE, these monitoring stations in the mangrove habitats along the northern fringe of Florida Bay are poised to assess environmental change as a result of a variety of water management projects including the C-111 Spreader Canal, Tamiami Trail bridging, and Biscayne Bay Southeastern Everglades Ecosystem projects. The work proposed for this extension is intended to maintain ecological expertise, quality assurance, and build upon previously collected baseline monitoring data in order to integrate data with USACE monitoring and discriminate between natural variability and water management effects.

**Recommended Action:**

**Resolution No. 2021 - 0209 Authorize an amendment to the contract with Audubon of Florida's Tavernier Science Center for the monitoring of hydrology, aquatic vegetation, and prey-base fauna monitoring in the Southern Everglades Mangrove Communities; increase the amount of the contract by \$100,000 for which dedicated funds (Florida Bay Special Revenue Fund) and Ad Valorem funds are budgeted in Fiscal Year 2020-2021, for a total revised contract amount not to exceed \$699,000. (Contract Number 4600003483)**

21. S-151 Structure Replacement and Automation Completion Project, Miami-Dade County (Staff contact, Alan Shirkey)

**Agenda Item Background:**

In 2017, the lowest bidder for the construction of the S-151 Structure Replacement and Automation Project was awarded the contract at \$5,584,000. The District terminated that contract for convenience in June 2020 and reached a mediated agreement for the termination settlement costs with the prior contractor in December 2020. Under Chapter 255.20, F.S., the District can choose a completion contractor without going through the competitive bid process. Interlaken, Inc. was chosen as the replacement contractor due to their extensive and satisfactory prior history of working on District projects.

As part of the Operations and Maintenance Capital Program, the S-151 Structure Replacement and Automation Project consists of the completion of work remaining from the original terminated construction contract. This includes a remotely operated concrete box culvert with four bays, gates, control building, electrical and controls, rip rap, marine mattress, wing walls, stilling well platforms, and site work. This structure discharges water from Water Conservation Area-3A to Water Conservation Area-3B and helps to relieve high water conditions.

**Recommended Action:**

**Resolution No. 2021 - 0210 Authorize entering into a contract with Interlaken, Inc., for the construction of the S-151 Structure Replacement and Automation Completion project for 440 days in the lump sum amount of \$3,074,891.64 for which \$1,500,000 in Ad Valorem funds is budgeted in Fiscal Year 2020-2021 and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004368)**

22. Board Vote on Consent Agenda

### **Technical Reports**

23. Water Conditions Report - John P. Mitnik
24. Ecological Conditions Report - Lawrence Glenn
25. Public Comment on Technical Reports

### **Discussion Agenda**

26. Central Everglades Planning Project New Waters, Everglades Agricultural Area Project Stormwater Treatment Area A2 STA, Palm Beach County (Staff contact, Alan Shirkey)

**Agenda Item Background:**

As part of the Central Everglades Planning Project (CEPP), the CEPP New Waters EAA Stormwater Treatment Area Project will build approximately 6,500 acres of Stormwater Treatment Area (STA) including embankments, canals, pump stations, and control structures. This project, together with the currently under construction Inflow / Outflow Canal Project, completes the EAA STA, advanced to expedite construction of the overall EAA Reservoir Project. The Project will help to dramatically reduce the volume of damaging discharges from Lake Okeechobee to the coastal estuaries for flood protection purposes. It will also provide storage, treatment and conveyance for an average of 370,000 acre-feet of additional water to the Southern Everglades each year. Governor DeSantis' Executive Order 19-12 (Achieving More Now For Florida's Environment) called for the District to immediately expedite the next phase of this project. A \$5M incentive bonus will be awarded to the contractor if the project is substantially complete by September 21, 2023. Due to the magnitude of the contract, authorization to execute change orders up to a cumulative total of \$5M prior to new Governing Board action is also requested.

The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids (RFB)



procurements, this item was competitively bid through a sealed bid process. The bid opening for this project was on January 29, 2021.

**Recommended Action:**

**Resolution No. 2021 - 0211 Authorize entering into a 1,010-day agreement with Phillips and Jordan, Inc., the lowest responsive and responsible bidder for the CEPP New Waters EAA Stormwater Treatment Area Project, in the amount of \$175,884,000 for which dedicated funds (Everglades Trust Fund and Land Acquisition Trust Fund) is budgeted in Fiscal Year 2020-2021 and the remainder is subject to Governing Board approval of future years budgets; authorize District staff to negotiate change orders with Phillips and Jordan, Inc. up to the amount of \$2,000,000; and, authorize payment of an additional \$5,000,000 incentive bonus to Phillips and Jordan, Inc. if Substantial Completion is achieved on or before September 21, 2023. (Contract Number 4600004380)**

27. 8.5 Square Mile Area Land Acquisition and Modeling (Staff contact, Jennifer Reynolds)

**Agenda Item Background:**

The District is expediting Everglades Restoration activities to move more water south to the Everglades and towards Florida Bay. As additional flows are sent across the Tamiami Trail at North East Shark River Slough (NESRS), water levels in Everglades National Park (ENP) will rise. Portions of the 8.5 Square Mile Area (aka the Las Palmas Community located adjacent to ENP in south Miami-Dade County) may have increased flood risk with restoration of the hydrology of the ENP and a flood mitigation plan was necessary. That plan was designed and built as part of the Modified Water Deliveries (MWD) project implementation. The Combined Operation Plan (COP) describes how the MWD features will be operated with other projects in the area to achieve restoration goals and provide the necessary flood mitigation for 8.5 SMA. The plan, which allows more flows to NESRS than ever before includes an operational component which limits releases from WCA3-A to NESRS under specific high-water conditions in and around the 8.5 SMA. These high water conditions often coincide with high water events in WCA3-A and limit the district's ability to provide flood control in the central Everglades, flooding tree islands, flooding US-41 at the boundary of Big Cypress National Preserve, and placing additional flood risk along the east coast protective levee.

Staff performed an analysis of options that could address the constraint to flow south due to the 8.5 SMA flood conditions and presented for Governing Board discussion at the December 11, 2020 business meeting. Board discussion resulted in two outstanding issues to address. First, a more developed acquisition/real estate option, that considers purchase of property in the southwestern portion of the 8.5 SMA prone to flooding and potentially at risk of seepage from a restored NESRS, and second, additional modeling analyses to confirm that the limited curtain wall option remains effective under future conditions with even higher stages at L-29 and NESRS.

This agenda item presents an update on District efforts to resolve the 8.5 SMA constraints, specifically, additional information on the inquiry as to the interest of property owners to sell their property on a willing seller basis in the southwestern edge of the 8.5 SMA, and modeling to demonstrate that the curtain wall option manages seepage induced flooding under future conditions with higher restoration stages in

NESRS. Staff seeks Governing Board concurrence to prepare a seepage barrier construction contract for Board consideration and approval at its March Monthly business meeting. Staff also seeks Board direction on continued land acquisition outreach.

28. Notice of Proposed Amendments to Chapter 40E-61, Florida Administrative Code, Rules 40E-61.010, 40E-61.030, 40E-61.200, 40E-61.220, 40E-61.250, 40E-61.260, 40E-61.280, and 40E-61.290 and Update on Northern Everglades Protection Planning (Staff contact, Jennifer Reynolds)

**Agenda Item Background:**

In October 2019, the Governing Board approved initiating rule development to revise Chapter 40E-61, F.A.C., also known as the Lake Okeechobee Works of the District Basins rule. Chapter 40E-61, F.A.C., governs “specified basins within the District which are integral to operation, maintenance and protection of the District’s water resources.”. In 2016, the Northern Everglades and Estuaries Protection Program (NEEPP or Section 373.4595, F.S.) was amended to specifically require the District to revise Chapter 40E-61, F.A.C. In 2020, the Legislature also passed HB5003, which clarified that rulemaking regarding water quality monitoring for Everglades Restoration purposes is limited to procedures to implement water quality monitoring required in lieu of implementation of best management practices or other measures. The proposed rules accommodate these changes. The District held nine public workshops and received numerous comments on the draft rule text.

Staff is seeking authorization to publish a Notice of Proposed Rule and adopt new Rules 40E-61.010, 40E-61.030, 40E-61.200, 40E-61.220, 40E-61.250, 40E-61.260, 40E-61.280, and 40E-61.290, F.A.C., with the new Chapter Title of Northern Everglades Basins, and to repeal existing Rules 40E-61.011, 40E-61.020, 40E-61.021, 40E-61.023, 40E-61.024, 40E-61.031, 40E-61.041, 40E-61.042, 40E-61.051, 40E-61.101, 40E-61.201, 40E-61.301, 40E-61.321, 40E-61.331, 40E-61.351, and 40E-61.381, F.A.C., provided no material changes are made and no request for public hearing is timely received. Any affected person may request a public hearing on the rule within 21 days of the date the notice is published. If no request for a public hearing is timely received and no material changes are made to the proposed rules, the District will proceed with filing the proposed rules for adoption with the Department of State.

Regulatory programs are a significant component described under NEEPP, and Chapter 40E-61, F.A.C., is but one such regulatory program utilized in the Northern Everglades Watershed Protection Plans (WPPs) to assist with achieving the restoration goals. The District is reviewing the WPPs to identify further activities through projects and programs needed to ensure progress towards achieving the DEP-adopted Total Maximum Daily Loads. The WPP review includes public workshops to ensure transparency and accountability in the process. Staff will provide an update on the WPP workshops and future WPP review efforts as they occur.

Staff is also requesting Governing Board support for proceeding with amending the Interagency Agreement between the District, DEP, and the Florida Department of Agricultural Consumer Services (FDACS) (collectively, the Coordinating Agencies). The Interagency Agreement, which details roles and processes for the agencies to carry out the directives under NEEPP, is a vital component of the overall restoration effort. The Agreement was last amended in 2017 and expires in March 2022. Currently, the Agreement encompasses the Okeechobee Watershed Basin Management Action Plan (BMAP), but not the Caloosahatchee or St. Lucie River Watersheds BMAPs. Since 2017, the BMAPs for all three Northern Everglades Watersheds have been revised, the District’s monitoring network has been expanded, and DEP and FDACS have updated their rules. With these updates to the overall program and the proposed revisions to Chapter 40E-61, F.A.C., it is appropriate to amend the Agreement to reflect these

changes.

**Recommended Action:**

**Authorize publication of Notice of Proposed Rule; Adopt new Rules 40E-61.010, 40E-61.030, 40E-61.200, 40E-61.220, 40E-61.250, 40E-61.260, 40E-61.280, and 40E-61.290, Florida Administrative Code, with the new Chapter Title of Northern Everglades Basins, and repeal existing Rules 40E-61.011, 40E-61.020, 40E-61.021, 40E-61.023, 40E-61.024, 40E-61.031, 40E-61.041, 40E-61.042, 40E-61.051, 40E-61.101, 40E-61.201, 40E-61.301, 40E-61.321, 40E-61.331, 40E-61.351, and 40E-61.381, Florida Administrative Code, provided no material changes are made and no request for public hearing is timely received; provide an update on the Northern Everglades Protection Planning; and, request Governing Board approval to begin the process to amend the Coordinating Agencies' Interagency Agreement for the Lake Okeechobee Basin Management Action Plan.**

29. C-44 Stormwater Treatment Area Additional Funding (Staff contact, Alan Shirkey)

**Agenda Item Background:**

The C-44 Reservoir/STA Project successfully reached substantial completion on January 21, 2021. Hydration of Cell 6, the last of the STA cells to be completed, commenced on that day. At this point, the District has beneficial use of the STA facility and it can be used to capture and treat a portion of harmful stormwater discharges that would otherwise go directly to tide at the St. Lucie Estuary.

In 2014, the lowest bidder for the construction of the C-44 Reservoir/STA Project, Stormwater Treatment Area, was awarded the contract at \$100,792,387. The District terminated that contract in November 2018 and is currently in litigation.

On January 10, 2019, the Governing Board authorized the Executive Director to negotiate and execute a new contract to complete the C-44 Reservoir/STA Project, Stormwater Treatment Area, (Contract No. 4600003959). This contract was executed with the second lowest responsive and responsible bidder from the 2014 solicitation, Bergeron Land Development, Inc. The remaining estimated available contractual budget authority for Fiscal Year 2018-2019 for this Project was \$25,017,003.70, which was used towards the new contract to keep the pace of construction expedited. Because of the uncertain nature of repairs needed, the new contract is a time and materials contract, which requires payment based on the cost of materials used and the time expended to complete work, rather than a fixed, not-to-exceed amount. Due to the extensive nature of anticipated repairs, District staff expected additional funds would be needed to complete the project once new budget authority became available in Fiscal Year 2019-2020.

In December 2019 additional funding was requested, to address areas in need of repair that were identified, estimated at \$14M, plus up to a 10% contingency.

In June 2020, additional funding was requested due to unforeseen areas of repair. The June 2020 Resolution authorized additional funding to complete the contract as needed. It was anticipated at the time that an additional \$9M would be required.

Persistent, torrential, and historic rainfall events and additional areas of remedial construction continued through December 2020. Hence, the final estimate to complete the contract includes a further anticipated \$7M. Pursuant to the parameters of the June

2020 Resolution, the District disbursed a portion of that \$7M. While the June 2020 Resolution includes authorization for additional funding to complete the contract, the District is documenting the expenditures and total amount of the contract as requested by the Board. Final completion of the project is on schedule and the final payment to close out this contract will be in April 2021. District staff will continue to update the Board on these final expenditures through final payment.

No changes to the terms and conditions of the contract are needed or requested. It should also be noted that the District is seeking recompense from the contractor terminated in 2018. If successful, some or all of the costs associated with project repairs could be defrayed.

## **Staff Reports**

30. Monthly Financial Report - Candida Heater
  - Fiscal Year 2019-2020 Annual Work Plan Performance
  - Fiscal Year 2019-2020 Disposition of Fixed Assets
31. General Counsel's Report - Carolyn Ansay
32. Executive Director's Report - Drew Bartlett
33. General Public Comment
34. Board Comment
35. Adjourn