



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

June 10, 2021

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

FINAL

1. Call to Order - Chauncey Goss, Chairman, Governing Board
2. Pledge of Allegiance
3. Oath of Office Administered to Ben Butler, Cheryl Meads and Charlette Roman
4. Employee Recognitions
 - June Employee of the Month: Patrick Burton, Assistant Superintendent
 - June Team of the Month: HR Generalists Team
 - 25-Year Service Award: Nirmala Jeyakumar, Section Administrator
 - 40-Year Service Award: Dennis Morrissey, Stat Diesel Engine Operator/Mechanic-Lead
 - Good Samaritan Award: Ethan Baldino, Scientist 3
 - Florida Fish and Wildlife Conservation Commission Landowner's Award Presented by Thomas Reinert, Ph.D., Regional Director-South Region
5. Agenda Revisions
6. Agenda Item Abstentions by Board Members
7. Big Cypress Basin Board Report - Charlette Roman, Chair
8. Consider Approval of the Minutes for the May 13th Meeting

9. General Public Comment
10. Board Comment

Consent Agenda

11. Move Consent Agenda Items to Discussion Agenda
12. Public Comment on Consent Agenda Items
13. Revocable Right of Entry/License for Lee County and Florida Gulf Coast University on Tract KC100-024 (Boma Property), Glades County (Staff contact, Stephen M. Collins)

Agenda Item Background:

This item is a request to approve a Revocable Right of Entry/License (ROE) to allow Lee County and Florida Gulf Coast University to access the District's property located in Glades County to conduct research at a mesocosm research facility located on approximately one acre of the property. Lee County was awarded an innovative technology grant from the Florida Department of Environmental Protection (DEP) to fully fund the project. The ROE will expire upon completion of the study but no later than December 2022. The ROE can be terminated for any reason with 30 days written notice.

Recommended Action:

Resolution No. 2021 - 0601 Approve a Revocable Right of Entry/License to Lee County and Florida Gulf Coast University to access the mesocosm research facility located on one acre, more or less, of Tract KC100-024 (Boma Property) in Glades County.

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

Agenda Item Background:

The District has certain reserved rights to construct canal right of ways and reserved mineral rights. 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. Mineral rights are retained, and a non-use commitment is issued. For canal reservations held by the Board of Trustees of the Internal Improvement Trust Fund (TIITF), the DEP requires a recommendation from the District that there is no District need for TIITF-held canal reservations prior to a release being issued by DEP. Palm Beach County acquired almost 40 acres of conservation lands and has requested that the canal encumbrance be removed by the Board of Trustees and the District to preserve the natural state of the property. It has been determined that there is no present or future need for the canal reservations within the 39.6 +/- acre parcel acquired by Palm Beach County for conservation purposes.

Recommended Action:

Resolution No. 2021 - 0602 Release District canal reservations, issue a non-use commitment and inform Florida Department of Environmental Protection of no District need for canal reservations held by the Board of Trustees of the Internal Improvement Trust Fund.

- 15. Contract Amendment with the Florida Department of Corrections (Staff contact, Stephen M. Collins)

Agenda Item Background:

This agenda item authorizes amending Contract Number 4600003832 with the Florida Department of Corrections to exercise a three-year renewal option, effective July 14, 2021, to provide inmate labor for the purpose of performing land management services on approximately 55,000 acres of District managed lands in Martin County. The contract provides for the staffing of one Correctional Work Squad Officer and up to ten inmates at an annual cost of \$57,497. Services provided under this contract include fence construction and repair, vegetation clearing, mowing and trimming of grass and vegetation on public use areas, maintenance of public campgrounds, and repair and maintenance of informational kiosks and day use facilities. The contracting of land management services through the Florida Department of Corrections has proven to be a cost-effective method of maintaining District lands and public use facilities and has minimized the need for additional maintenance staff and more costly land management service contracts with private vendors.

Recommended Action:

Resolution No. 2021 - 0603 Authorize an amendment to the contract with the Florida Department of Corrections for the purpose of exercising a three-year renewal option effective July 14, 2021; therefore, extending the contract by three years to provide inmate labor and perform land management services on District lands in an amount not to exceed \$172,491 for a total revised contract amount of \$344,982 for which \$12,337 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 4600003832-A01)

- 16. Release of Recorded Conservation Easements (Staff contact, Jill Creech)

A. Creeks Edge, Collier County

Agenda Item Background:

Gordon R. Watson II and Pamela Sue Watson request a full release of a 0.32-acre conservation easement, for a project known as Creeks Edge in Collier County. The area to be released was recorded as part of the mitigation plan under Permit No. 11-02164-P. The release is being requested because no construction or wetland impacts have occurred on the site and the Environmental Resource Permit has expired.

Recommended Action:

Full release of a recorded conservation easement for a project known as Creeks Edge (Permit No. 11-02164-P, Application No. 020227-11).

B. Davie Estates, Broward County

Agenda Item Background:

Davie Estates 2004 LLC requests a full release of a 7.40-acre conservation easement for a project known as Davie Estates in Broward County. The area to be released was placed under conservation easement as part of the mitigation plan under Permit No. 06-05924-P. The release is being requested because no

construction or wetland impacts have occurred on the site and the Environmental Resource Permit has been canceled.

Recommended Action:
Full release of a recorded conservation easement for a project known as Davie Estates (Application No. 060516-8, Permit No. 06-05924-P).

17. Governing Board Representative, Biscayne Bay Commission (Staff contact, Sean Cooley)

Agenda Item Background:

Biscayne Bay is the only large, subtropical, protected bay within the continental U.S. and is the largest estuary in Florida. On June 3, 2021, Governor DeSantis signed into law CS/HB 1177 establishing the Biscayne Bay Commission (Commission) to support continued restoration and protection of this important ecosystem. The Commission is an advisory council within the DEP that will serve as the official coordinating clearinghouse for all public policy and projects related to Biscayne Bay. The Commission will also develop coordinated plans, priorities, programs, and projects to improve the Biscayne Bay area and act as the principal advocate to support bay restoration efforts.

The Commission is comprised of nine voting members from the following agencies who shall meet at least quarterly: one member will be appointed by the Governor, three members from the Miami-Dade Board of County Commissioners; one member from the Florida League of Cities; one Governing Board member from the District who resides in Miami-Dade County and is appointed by the Board; one representative of the DEP; one representative of the Fish and Wildlife Conservation Commission (FWC); and one member of the Florida Inland Navigation District (FIND). The members serve a four-year term, however, to provide for staggered terms, the District, DEP, FWC, and FIND shall initially serve for two years.

The Commission is to complete a semiannual report describing the accomplishments of the commission and each member agency, as well as the status of each pending task. The first report is due by January 15, 2022.

Recommended Action:
Resolution No. 2021 - 0604 Appoint Charlie Martinez to serve on the Biscayne Bay Commission for an initial two-year term.

18. Settlement Agreement for Jill Law and Jay Ring v. SFWMD Case (Staff contact, Carolyn Ansay)

Agenda Item Background:

This is a dispute over ownership of six properties encompassing approximately 3,520 acres in Water Conservation Area 3A (WCA-3A) ("Properties"). Plaintiffs brought a quiet title suit and the District counter-claimed to quiet title to the Properties in the above-styled case. The parties attended court-ordered mediation on May 24, 2021 and reached a settlement, contingent on Governing Board approval. That settlement includes, in pertinent part, District payment to Law and Ring the total sum of \$188,150.00 in full settlement of the Parties' claims against one another raised in the litigation relating to the Properties, plus District payment of \$2,500 in mediator's fees, and Law and Ring's execution of a quit claim deed transferring all right, title, and interest they hold or may hold in the Properties to the District.

**Recommended Action:
Resolution No. 2021 - 0605 Ratify a proposed settlement agreement for the purpose of resolving a quiet title case styled Jill Law and Jay Ring v. South Florida Water Management District, et al., filed in the 17th Judicial Circuit in and for Broward County, Florida, Case No. CACE18000649.**

19. Lakeside Ranch STA S-191A Pump Station Change Order No. 8, Okeechobee County (Staff contact, Alan Shirkey)

Agenda Item Background:

A component of the Northern Everglades Lake Okeechobee Watershed Phase II Technical Plan, the Lakeside Ranch Stormwater Treatment Area (STA) S-191A Pump Station is the last component of the Lakeside Ranch STA Project to be constructed. The S-191A Pump Station is located between the C-59 and L-47 canals, near the S-191 Structure in Okeechobee County. This facility will work in conjunction with the existing Lakeside Ranch STA North and STA South facilities to reduce the total phosphorus load entering Lake Okeechobee. This pump station serves the dual purpose of providing flood control in the S-135 sub-basin and flow recirculation to the Lakeside Ranch STA for water quality treatment.

The Lakeside Ranch STA S-191A Pump Station Project was awarded under Contract Number 4600003852 to Kiewit Infrastructure South Co. for an original contract amount of \$31,498,016. Notice to Proceed for this project was issued on October 1, 2018. Substantial Completion was issued on April 8, 2021 and Final Completion is scheduled for June 16, 2021. Seven change orders have previously been issued to Kiewit Infrastructure South Co. for a total sum of \$780,813.06. Change Order No. 8 will cost \$455,456.77 and will bring the total sum of all change orders to \$1,236,269.83. Change Order No. 8 consists of changes to the fuel control systems which is essential to ensure the proper operation of the pump station. Change Order No. 8 costs include fuel control hardware and associated time impact delays due to redesigning and installing the fuel system, which was originally designed, then shelved, in 2012 until the project received construction funding. The revised contract amount, including the price of Change Order No. 8, will be \$32,734,285.83 subject to Governing Board approval.

**Recommended Action:
Resolution No. 2021 - 0606 Authorize Change Order No. 8 to Contract Number 4600003852 with Kiewit Infrastructure South Co. for construction of the Lakeside Ranch STA S-191A Pump Station Project, for an additional amount of \$455,456.77 for which dedicated funds (Land Acquisition Trust Fund) and Ad Valorem funds are budgeted in Fiscal Year 2020-2021.**

20. Board Vote on Consent Agenda

Technical Reports

21. Water Conditions Report - John P. Mitnik
22. Ecological Conditions Report - Lawrence Glenn

Discussion Agenda

23. Fiscal Year 2019-2020 Comprehensive Annual Financial Report and Audit Management Letter (Brett Friedman, Partner, RSM US LLP; Staff contact, Tim Beirnes)

Agenda Item Background:

The District's external audit firm completed its audit of the District's financial statements for the fiscal year ending September 30, 2020. This annual independent financial audit was performed to fulfill the requirements of Part III, Chapter 218, Florida Statutes. The audit examines the financial records and statements of the District in order to form opinions of the District's financial statements. These audits are performed in accordance with generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants, the rules of the Auditor General of the State of Florida, and the standards for financial audits set forth by the U.S. Office of Management and Budget revised Circular A-133, Audits of State, Local Governments and Non-Profit Organizations.

The Fiscal Year 2019- 2020 Comprehensive Annual Financial Report and Audit Management Letter may be found on the District's website at www.sfwmd.gov/who-we-are/open-government/budget-finance.

Pursuant to Section 373.536(6)(a)2, Florida Statutes, a copy of the financial audit is to be furnished within 10 days after its acceptance by the Governing Board, to the Governor, President of the Senate, Speaker of the House of Representatives and chairs of all legislative committees and subcommittees having fiscal jurisdiction over the districts, as well as to the Secretary of the DEP, Governing Boards of each county in which the District has jurisdiction and the Auditor General.

Recommended Action:

Accept the Fiscal Year 2019-2020 Comprehensive Annual Financial Report and Audit Management Letter.

24. Flood Awareness Month (Staff contacts, Carolina Maran and Tom DeBold)

Agenda Item Background:

June is Flood Awareness Month. The District operates and maintains the regional water management system known as the Central and Southern Florida Project, which was authorized by Congress more than 60 years ago to protect residents and businesses from floods and droughts. This primary system of canals and natural waterways connects to community drainage districts and hundreds of smaller neighborhood systems to effectively manage floodwaters during heavy rain.

As a result of this interconnected drainage system, flood control in South Florida is a shared responsibility between the District, county and city governments, local drainage districts, homeowner associations and residents. This presentation will highlight the efforts of the District's hard-working staff to operate and maintain the district's flood protection system throughout its 16 counties. No Governing Board action is required.

Staff Reports

25. Monthly Financial Report - Candida Heater
26. General Counsel's Report - Carolyn Ansay
27. Executive Director's Report - Drew Bartlett

28. General Public Comment
29. Board Comment
30. Adjourn