



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

October 13, 2016

9:00 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

FINAL

1. Call to Order - Dan O'Keefe, Chairman, Governing Board
2. Pledge of Allegiance - Dan O'Keefe, Chairman, Governing Board
3. Employee Recognitions - Presented by Peter Antonacci, Executive Director
 - October Employee of the Month: Michael Tompkins, Water Resources Division
 - October Team of the Month: Lake Kissimmee State Park Wetland Restoration Team
 - 25 Year Service Award: Dave Struve, Water Resources Division
 - Good Samaritan Award: Terry Jones, Morgan Reins, Barbara Conmy
4. Agenda Revisions - Tia Barnett, Director, Board & Executive Services
5. Abstentions by Board Members from items on the Agenda
6. Water Resources Advisory Commission (WRAC) Report - Jim Moran, Chair
7. Project & Lands Committee Report - Melanie Peterson, Chair
8. Approval of the Minutes from the September 8th Governing Board meeting, September 8th Tentative Millage & Tentative Budget Public Hearing and the September 20th Final Millage & Final Budget Public Hearing, held in West Palm Beach.

Consent Agenda

9. Public Comment on Consent Agenda
10. Move Consent Agenda Items to Discussion Agenda
11. Board Comment on Consent Agenda
12. Waivers for Water Resource Advisory Commission (WRAC) members pursuant to Section 112.313, Florida Statutes
13. Regulatory Consent Items

Conservation Easements and Releases

- Orange County
Approve the partial release of a recorded conservation easement for a project known as Kennedy Campus. (Application No. 150508-11, Permit No. 49-02021-P).

Summary:

Kennedy Campus LLC is requesting the release of 7.98 acres of conservation easement within a project known as Kennedy Campus in Orange County, due to a site plan change. Mitigation is provided by the purchase of 4 credits from Reedy Creek Mitigation Bank, 0.32 credits from Florida Mitigation Bank and retaining the remaining onsite preservation area (14.84 acres of wetlands). The mitigation bank credits have been purchased. (Regulation, staff contact, Chuck Walter, ext. 3824)

Seminole Tribe Work Plans

- Concur with the Thirtieth Annual Work Plan for the Seminole Tribe of Florida. This work plan is the procedural mechanism under which the District addresses water use, surface water management, natural resource management, well construction, and right of way activities the Tribe plans to undertake. This mechanism was established under the 1987 Water Rights Compact among the Seminole Tribe of Florida, the State of Florida and the SFWMD (also see Section 373.200, Florida Statutes). (Everglades Policy & Coordination, staff contact, Armando Ramirez, ext. 6684)

Summary:

Under this amended work plan, the following activities are planned:

- Works in the Hollywood Reservation
 - Proposal for the construction of the Hollywood Loop Water Line Phase 1
 - 64th Avenue Water Main Replacement project
- Works at the Big Cypress Reservation
 - Proposal for the construction of a storage building
 - Proposal for the construction of a visitors restroom associated with the Tribal Historic Preservation Office and the Ah-Tah-Thi-Ki Museum
- Works at the Brighton Reservation
 - Proposal for the construction of a 4-inch aquifer well for the Brighton Elder Care Center
 - Proposal for two 4-inch cattle water wells for the Brighton feed lot

- Works at the Immokalee Reservation
 - Proposal for the construction of the Immokalee gas station and all of its associated facilities

14. Right of Way Occupancy Permit Requests with Waiver of District Criteria

- Miami-Dade County
Staff recommends approval of a request by the City of Sweetwater for the Brothers to Rescue Memorial Plaza Project (Application Number 14-0925-1), for modification of Right of Way Occupancy Permit Number 14313 for the installation of a bulkhead wall, pavers and low level lighting and waiver of the District's criteria for planter/benches associated with the Brothers to the Rescue Memorial Plaza within the north right of way of C-4 and within the 40 foot setback requirement as measured from the top of bank. Location: Miami-Dade County, Section 13, Township 54 South, Range 40 East. (Field Operations & Land Management, staff contact, Karen Estock, ext. 6282)
- Miami-Dade County
Staff recommends approval of a request by Florida International University for the C-4 and SW 8th Street project (Application Number 16-0627-1), for issuance of a Right of Way Occupancy Permit Number 14677 for the construction of a skywalk/cable-stayed bridge crossing over C-4 and SW 8th Street with bulkhead wall, sand cement rip-rap, and waiver of the District's criteria for the stair/elevator tower at the north end of the bridge within the north right of way of C-4 and within the 40 foot setback requirement as measured from the top of bank. Location: Miami-Dade County, Section 6/7, Township 54 South, Range 40 East. (Field Operations & Land Management, staff contact, Karen Estock, ext. 6282)

15. Resolution No. 2016 - 1001 Approve release of canal and road reservations, and issuance of non-use commitments. (Real Estate, staff contact, Kathy Massey, ext. 6835)

Summary:

The District has jurisdiction over certain reserved rights to construct canal and road right of ways, and mineral rights, together with the right of ingress, egress and exploration. Applications requesting releases of these reservations are routinely received from landowners, attorneys, title companies and lending institutions, who consider the reservations to be title defects. Applications are reviewed by appropriate District staff and applicable local governmental agencies to determine that there is no present or future need for the reservations.

Staff Recommendation:

Staff recommends approval of the following:

- Broward County
Release canal reservations and issue non-use commitment for McNab Commercial Center No. 1, LLC. (File Nos. 18710 and NUC 1715) for 9.332 acres
- Miami-Dade County
Release canal reservations for Krome Mining Partners (File No. 9-16-4) for 8.19 acres
- Miami-Dade County
Release canal reservations for White Course Lennar, LLC and CC-WCD TIC, LLC (File No. 9-16-1) for 55.398 acres
- Miami-Dade County
Release canal reservations for White Course Lennar, LLC (File No. 9-16-3) for 37.342 acres
- Miami-Dade County
Release canal reservations for CC Homes at Doral, LLC (File No. 9-16-2) for 37.407 acres

- Okeechobee County
Release canal and road reservations and issue non-use commitment for POP Rentals, LLC (File No. 18709) for 0.17 acres
- Palm Beach County
Issue non-use commitment for BS Investments (File No. NUC 1713) for 5.007 acres
- Palm Beach County
Release canal reservations and issue non-use commitment for Spots, Inc. (File Nos. 18707 and NUC 1712) for 3.22 acres

16. Resolution No. 2016 - 1002 Authorize entering into an Agreement with the Town of Jupiter and Palm Beach County for the purpose of the Town of Jupiter providing water facilities and services to Riverbend Park at no cost to the District. (Real Estate, staff contact, Richard Bassell, ext. 2510)

Summary:

Riverbend Park is an existing park located in Palm Beach County (County) adjacent to and south of Indiantown Road, consisting of approximately 662.37 acres. Approximately 492.79 acres of are owned by the District and identified as Tract 43102-014, and approximately 169.58 acres are owned by the County. The County operates and maintains the entire Riverbend Park facility pursuant to its ownership and lease with the District for the District owned lands. The County has planned, designed and will construct certain improvements including two new restroom facilities and one 3,600-square foot single story office which require water and sanitary service (the "Park Improvements"). The Water Service Agreement between the Town of Jupiter, the County, and the District (the "Agreement") will allow connection to the Town of Jupiter water system and is required to obtain a certificate of occupancy for the Park Improvements. The Agreement provides that the County is solely responsible for the performance of all obligations and for the payment of all costs, expenses, fees and other charges under the Agreement. The Agreement further reflects the fact that subsequent to the completion of the Park Improvements, the District shall grant to the Town of Jupiter an access and utility easement.

17. Resolution No. 2016 - 1003 Authorize submission of the proposed 2017 Priority Water Body List and Schedule for Minimum Flows and Levels and Water Reservations to the Florida Department of Environmental Protection for review and approval pursuant to Section 373.042(3), Florida Statutes. (Water Resources, staff contact, Don Medellin, ext. 6340)

Summary:

The Florida Department of Environmental Protection requires all five water management districts annually submit a list of schedule for developing minimum flows and levels (MFLs) and water reservations. The proposed 2017 Priority Water Body List and Schedule includes the Caloosahatchee River MFL and the Kissimmee Basin water reservation.

18. Resolution No. 2016 - 1004 Authorize the transmittal of the draft Fiscal Year 2017 Five-Year Water Resource Development Work Program pursuant to Section 373.536(6)(a)4, Florida Statutes (F.S.) (Water Resources, staff contact, Mark Elsner, ext. 6156)

Summary:

The Five-Year Water Resources Development Work Program is an update report of the implementation status of the District's regional water supply plans. The Fiscal Year 2017 Work Program includes the period from October 1, 2016 through September 30, 2021. Projects involving water conservation, resource evaluation, and regional water resource development are examples of what is contained in the five-year plan. Within 30 days of budget adoption, the water management districts are required to submit the Five-Year Water Resource Development Work Program to several entities including the Governor, the

President of the Senate and the Speaker of the House of Representatives and the Florida Department of Environmental Protection.

19. Resolution No. 2016 - 1005 Authorize an amendment to Contract No. 4600003391 with Trigg, Catlett & Associates to expand the firm's scope of services to include providing expert witness and appraisal services associated with the Kissimmee River land acquisitions and to increase the Contract amount by \$150,000, for which funds are budgeted.(Office of Counsel, staff contact, James Nutt, ext. 6253)

Summary:

Trigg, Catlett & Associates provides real estate appraisal expertise that is used to negotiate and litigate property values in ongoing condemnation matters. The firm is currently providing expert witness and appraisal services associated with the Belle Meade\Picayune Strand land acquisitions. This is a request to authorize an amendment to Contract No. 4600003391 with Trigg, Catlett & Associates to expand the firm's scope of services to include providing expert witness and appraisal services associated with the Kissimmee River Land acquisitions and to increase the Contract amount by \$150,000, for which funds are budgeted. The revised total contract value is \$300,000.

20. Resolution No. 2016 - 1006 Authorize District staff to file a third party complaint in the 15th Circuit of Palm Beach County against Central Florida Equipment Rentals, Inc. for breach of contract and indemnification. Further authorizing District staff to take all appropriate action it deems necessary in this matter for the purpose of successfully enforcing the District's contract and defending the District's interest in Case No. 2016-CA-003495-AN, subject to approval of the Executive Director. (Office of Counsel, staff contact, Maricruz R. Fincher, ext. 6842)

Summary:

The estate of Clarence Otis Grant is suing the District. He, unfortunately died in August 2014 when a bulldozer he was driving rolled into a retention water pond. His estate accuses the District of failing to warn about unsafe conditions. The District denies liability.

Mr. Grant was an employee of a District contractor, Central Florida Equipment Rentals, Inc. (CFER) working near the EAA A-1 Flow Equalization Basin Project. CFER was contractually responsible for surveying and inspecting the area before commencing work and for appropriate safety precautions. The contract also requires CFER to indemnify the District for any liability arising from CFER's work. If anything about the site proves to have contributed to the accident, authority to file the proposed third party complaint against CFER will allow staff to enforce its contractual obligations.

21. Authorize publication of a Notice of Rule Development in the Florida Administrative Register, to revise Chapter 40E-61, Florida Administrative Code (F.A.C.), Works of the District Basins, as required by 2016 legislative amendments to Section 373.4595, Florida Statutes, affecting the Lake Okeechobee, St. Lucie River, and Caloosahatchee River Watersheds. (Regulation, staff contact, Pamela Wade, ext. 6901)

Summary:

By November 1 of each year, the District is required by statute to publish a notice of rule development for items in its Regulatory Plan resulting from new laws. In 2016, the Florida Legislature amended Section 373.4595, Florida Statutes (F.S.), the Northern Everglades and Estuaries Protection Program (NEEPP), directing the District and FDEP to provide a water quality monitoring program for nonpoint source dischargers not implementing Best Management Practices in the Northern Everglades Watersheds, as required by Section 403.067, F.S.

Specifically, NEEPP directs the District to amend Chapter 40E-61, Florida Administrative Code (F.A.C.) and to adopt new rules. The existing rules govern specified basins within the District which are integral to operation, maintenance, and protection of District water resources. The rules name and adopt "Works of the District" canals, water control structures, rights-of-way, lakes and streams, and other water resources for which the District has responsibility or owns. The rules establish criteria to ensure that use of or connection to the named works or lands are compatible with the District's ability to carry out the objectives of legislative declarations of policy in Sections 373.016 and 373.451 - 373.4595, F.S. The rules will be amended to be consistent with FDEP's rulemaking efforts resulting from NEEPP directives. As this will be a multi-agency coordination effort with multiple aligning procedural steps, formal activities associated with this effort are anticipated to begin no earlier than January 2017.

22. Resolution No. 2016 - 1007 Report to the Florida Department of Environmental Protection on the implementation of the Fiscal Year 2016-2017 Comprehensive Everglades Restoration Plan Water Quality Studies using Save Our Everglades Trust Funds and authorize the Executive Director or Designee to request reimbursement monthly and/or quarterly based on actual expenditures through September 30, 2017. (Administrative Services, staff contact, Candida Heater, Ext. 6486)

Summary:

The Florida Department of Environmental Protection administers the Save Our Everglades Trust Fund (the "Trust Fund"). Funds in the Trust Fund must be expended as defined in s.373.470(2)(b) F.S. The Governing Board of the District approved Resolution Number 2012-302 authorizing the execution of a ten year agreement with the Department for Implementation of CERP Water Quality Studies. The agreement contains the Disbursement Procedure for CERP Water Quality Studies and requires a formal resolution adopted by the Governing Board of the District. This resolution authorizes the District to seek reimbursement for expenditures supporting the CERP Water Quality Studies Annual Work Plan for fiscal year 2016-2017.

23. Resolution No. 2016 - 1008 Report to the Florida Department of Environmental Protection on the Fiscal Year 2016-2017 Adopted and Estimated Carry Forward grant balances available utilizing funds from the Save Our Everglades Trust Fund and authorize the Executive Director or Designee to request reimbursement based on actual expenditures through September 30, 2017. (Administrative Services, staff contact, Candida Heater, Ext. 6486)

Summary:

Annual Resolution reporting to the Florida Department of Environmental Protection (FDEP) on the District's grant balances available utilizing Save Our Everglades Trust Fund funding as previously authorized during legislative sessions. The District is also seeking approval to authorize the submittal of reimbursement requests to FDEP for fiscal year 2016-2017 District expenditures incurred as authorized in the annual appropriation language.

24. Resolution No. 2016 - 1009 Authorize the Executive Director or Designee to request that the Florida Department of Environmental Protection release and transfer funds from the Land Acquisition Trust Fund for Dispersed Water Storage in the amount of \$5,000,000. (Administrative Services, staff contact, Candida Heater, Ext. 6486)

Summary:

The 2016 Legislature, through House Bill 5001, State Appropriation Number 1586, provides funding for Dispersed Water Storage from the Land Acquisition Trust Fund, in the amount of \$5,000,000. In accordance with s. 373.501(2), "funds appropriated by the Legislature for the purpose of funding a specific water management district project shall be transferred to the water

management district when the proposed project has been reviewed by the secretary of the pertinent state agency and upon receipt of a governing board resolution requesting such funds".

25. Resolution No. 2016 - 1010 Report to the Department of Environmental Protection of the District's Land Acquisition Trust Fund Budget for Fiscal Year 2016-2017 and Estimated Carry Forward Grant Balances and authorize the Executive Director or Designee to request the release of appropriations and reimbursement monthly and/or quarterly based on actual expenditures through September 30, 2017. (Administrative Services, Candida Heater, Ext. 6486)

Summary:

District staff is seeking approval of a Resolution of the Governing Board of the South Florida Water Management District to report to the Department of Environmental Protection on the District's Land Acquisition Trust Fund Budget for fiscal year 2016-2017 and Estimated Carry Forward Grant Balances and authorize the Executive Director or Designee to request the release of appropriations and reimbursement monthly and/or quarterly, based on actual expenditures through September 30, 2017.

26. Resolution No. 2016 - 1011 Authorize the Executive Director or Designee to request reimbursements monthly and/or quarterly based on actual expenditures through September 30, 2017 for the C-43 Reservoir Grant Agreement from the Florida Department of Environmental Protection. (Administrative Services, staff contact, Candida Heater, Ext. 6486)

Summary:

On March 28, 2016, the District and the Florida Department of Environmental Projection executed the Grant Agreement (SFWMD Contract No. 4600003301) for C-43 Reservoir using Specific General Appropriation Funds. This resolution authorizes the District to submit reimbursement requests for actual expenditures through September 30, 2017 from the Department.

27. Resolution No. 2016 - 1012 Authorize the Executive Director or Designee to request that the Florida Department of Environmental Protection release and transfer funds from the Land Acquisition Trust Fund for Land Acquisition in the amount of \$27,700,000.

Summary:

The 2016 Legislature, through House Bill 5001, State Appropriation Number 1588, provides funding for land acquisition necessary for the construction of the Lake Hicpochee North Hydrologic Enhancement Project, the Picayune Strand Restoration Project and the Biscayne Bay Coastal Wetlands Project from the Land Acquisition Trust Fund, in the amount of \$27,700,000. In accordance with s.373.501(2), "funds appropriated by the Legislature for the purpose of funding a specific water management district project shall be transferred to the water management district when the proposed project has been reviewed by the secretary of the pertinent state agency and upon receipt of a governing board resolution requesting such funds."

28. Board Vote on Consent Agenda

29. Board Comment

Discussion Agenda

30. Technical Reports

- A) Water Conditions Report - John P. Mitnik, Chief Engineer, Operations, Engineering & Construction (ext. 2679)
- B) Ecological Conditions Report - Terrie Bates, Division Director, Water Resources (ext. 6952)
- C) Emergency Actions Report - Brian Accardo, General Counsel, Office of Counsel (ext. 6232)
- D) Project Spotlight - DuPuis Management Area Public Use Improvement Plan Update - Dan Cotter, Section Leader, Field Operations & Land Management Division (ext. 2301)

Summary:

The DuPuis Management Area is 21,858 acres and is located in Palm Beach and Martin Counties. The property was acquired in 1986 through the Save Our Rivers program in recognition of its unique water resource features and high conservation values. Consistent with Florida Statutes 373.1391, the area is open for nature-based public use activities including camping, horseback riding, hiking, hunting, and wildlife viewing. The Dupuis Management Area is one of the most popular District properties for public recreation due to its mosaic of plant communities and high quality wildlife habitat that support a variety of nature-based recreational opportunities. The District is currently constructing public use improvement projects being implemented to facilitate and enhance public recreation on the Dupuis Management Area.

31. C-51 Project Update - Len Lindahl, Assistant Executive Director (ext. 6283)

Summary:

The C-51 Reservoir is a proposed alternative water supply project under construction. A summary of the project, status of construction and funding challenges will be presented.

32. Northern Everglades Public Private Partnership Status Update - Ernie Marks, Division Director, Everglades Policy & Coordination (ext. 6993) and Eva Velez, Office Chief, State & Agricultural Policy (ext. 6672)

Summary:

The Florida Legislature directed the Florida Department of Environmental Protection (FDEP) and the District to implement projects on private agricultural lands to store and treat water in the Northern Everglades consistent with the legislative objectives in Sections 373.4595 and 373.4591, Florida Statutes, (F.S.). FDEP has identified six water quality improvement projects to implement these legislative objectives. These projects will retain rainfall and store excess surface water from the regional system to help address nutrient loads in Lake Okeechobee and the Caloosahatchee and St. Lucie Rivers and estuaries. The District is responsible for executing contracts with these landowners and distributing funds provided by the Florida Legislature.

33. Resolution No. 2016 - 1013 Approve declaring surplus for exchange and conveyance fee title land interests containing 25.84 acres, in exchange for the acquisition of easement land interests containing 38.84 acres, in Okeechobee County, plus associated costs for which funds have been budgeted. (Real Estate, staff contact, Richard Bassell, ext. 2510)

Summary:

The District owns a 675 acre parcel in western Okeechobee County abutting the Kissimmee River. The land provides filtration to surface water draining from private lands north of the property prior to the water entering the Kissimmee River. Water leaving the District's wetland temporarily flows into a 13 acre wetland located on lands owned by the Old Kissimmee Land Company LLC, ("Old Kissimmee"), the water then flows back onto the District's wetlands. Old Kissimmee offered to give the District a conservation and flowage/inundation easement over the 13 acres in exchange for the underlying fee interest of 25.84 acres of District wetlands, hereinafter referred to as the "Surplus Lands", with the District receiving a Perpetual Conservation, Flowage/Inundation Easement over both parcels totaling 38.84 acres. This exchange would result in the District retaining full control of the water flow through the 38.84 acres of wetlands and Old Kissimmee would retain the underlying fee interest in the same acreage. This exchange will benefit the District's control of the water flowage through the 38.84 acre Easement Lands.

Based on an appraisal completed on both properties, the underlying fee interest on the 25.84 acre Surplus Lands to be transferred to Old Kissimmee is \$2,800, and the estimated value of the perpetual conservation and flowage/inundation easement on the 13.0 acres to be transferred to the District is \$17,500. District staff is also seeking approval to waive the \$1,000 application fee and the \$4,200 appraisal cost due to the significant value differential of the land interest exchanged in favor of the District. Additionally, the 25.84 acres will go back on the Okeechobee County tax rolls with Old Kissimmee paying any future taxes or assessments.

34. Resolution No. 2016 - 1014 Approve a 3-year cattle grazing lease extension on the Lease Agreement with Frank J. and Marilyn H. Brady on 1,831.52 acres, more or less, in Martin County. (Contract No. 4600001297) (Real Estate, staff contact, Ray Palmer, ext. 2246)

Summary:

On December 20, 2007, the District acquired the Brady Ranch property in Martin County, for the Taylor Creek/Nubbin Slough Storage and Treatment Area Component of the Lake Okeechobee Watershed Project (Project) to capture, store and treat basin run-off during periods when water levels in Lake Okeechobee are high.

Simultaneous with the closing of the Brady acquisition, the District entered into a Post Closing Use and Occupancy Agreement (Agreement) with Frank J. and Marilyn H. Brady, the previous owners, to continue to reside on the Property, allow cattle grazing and continue operating a hunting preserve while winding down activities associated with removal of the exotic animals. The Agreement initially expired on July 1, 2009, but was amended and extended four times and expired on July 1, 2016. The Agreement has continued on a month-to-month basis since the expiration pending a determination of the Governing Board on whether to extend the Agreement. The proposed 5th Amendment will be an Amended and Restated Cattle Grazing Lease operating as a lease extension through July 1, 2019, with the right to reside on the Property and to allow commercial hunting to facilitate the removal of all exotic animals by July 2, 2018. This extension will coincide with a 3-year CERP Lake Okeechobee Watershed Project Study. This study will identify regional-scale storage features north of Lake Okeechobee.

From July 2009, the rent was based on \$10 per acre with annual CPI adjustments. Based on

the new Leasing Policy approved on April 14, 2016, the new annual rent will be calculated and adjusted each year based on the cattle grazing lease formula stated in the Lease Policy subsection (f)(1)d.

35. Resolution No. 2016 - 1015 Authorize entering into a 610-day contract with Douglas N. Higgins, Inc., the lowest responsive and responsible bidder, for the S-82 Structure Refurbishment Project, in the amount of \$2,527,000, for which \$1,000,000 is budgeted in Fiscal Year 2016-2017, and the remainder is subject to Governing Board approval of the Fiscal Year 2017-2018 budget. (Contract number 4600003567) (Operations, Engineering and Construction, staff contact, John P. Mitnik, ext. 2679)

Summary:

During inspection of the S-82 spillway structure located in Highlands County, District staff noticed severe concrete deterioration and exposed rebar on the spillway walls and weir. Based on these observations, refurbishment of the S-82 spillway structure in the Indian Prairie Basin was recommended to support the continued operation of the Central and Southern Florida Flood Control System.

The objective of this project is to refurbish the identified spillway structure. The project includes repair of spalled concrete, replacement of gates, recoating of wing walls, adding steel plating at the weir crest and along the corners of the gate recesses, installing new handrails and guardrails, and adding staff gauges and stilling wells. This work is confined to repair and maintenance and will not change the level of service, intent or operations plan of the original structure.

36. 298 District Update - Brian Accardo, General Counsel, Office of Counsel
37. General Public Comment

Staff Reports

38. Monthly Financial Report - Dorothy Bradshaw
39. General Counsel's Report - Brian Accardo
40. Executive Director's Report - Peter Antonacci
41. Board Comment
42. Adjourn

Members of the public wishing to address the Governing Board on agenda items which require a vote are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chairman or designee to speak. Governing Board policy limits comments from the public to 3 minutes unless otherwise determined by the Governing Board Chairman. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda. Unless otherwise determined by the Chairman, Board action on Consent Agenda items moved to the discussion agenda will occur at or after 9:00 a.m. on Thursday.