

SUWANNEE RIVER WATER MANAGEMENT DISTRICT
MINUTES OF
GOVERNING BOARD MEETING AND PUBLIC HEARING

Note: A digital recording system has been used to record these procedures and is on file in the permanent files of the District. A copy of the Governing Board materials and handouts are a part of the record as if set out in full herein, and are filed in the permanent files of the District.

9:00 a.m., Tuesday
March 9, 2010

District Headquarters
Live Oak, Florida

Members of the Governing Board Present:

Don Quincey, Jr., Chairman
David Flagg, Vice Chairman
Georgia Jones, Secretary/Treasurer
Dr. Linden Davidson
Heath Davis
Jay Fraleigh
O. J. Lake
Carl Meece

Members of the Governing Board Absent: None.

Staff:

David Still	Tom Brown, Legal Counsel
Charlie Houder	Kirk Webster
Jon Dinges	Joe Flanagan
Melanie Roberts	Rhonda Scott
Lisa Cheshire	Megan Wetherington
Carlos Herd	Tim Sagul
Vern Roberts	Cindy Johnson
Leah Lamontagne	Vanessa Fultz
John Good	Linda Welch
Terry Demott	Bob Heeke
Darrell Smith	

Participating Guests:

Barney and Renate Cannon, Chiefland, FL
Merrilee Malwitz-Jipson, Ft. White, FL
J. Brent Wainwright, Live Oak, FL
Gary Hardacre, City of Alachua, FL

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Terry Lowery, Jones Edmunds, Gainesville, FL
Tim Alcorn, J. Sherman Frier & Associates, Inc., Live Oak, FL
Mike Wynn, Manson Law Group, Tampa, FL
Bob Powell, James Moore & Co., Tallahassee, FL

The meeting was called to order at 9:00 a.m.

Tom Brown, Legal Counsel, gave the invocation and led the Pledge of Allegiance to the flag.

The roll was called and a quorum noted.

Agenda Item No. 3 - Additions, Deletions, or Changes to the Agenda.

Mission Support:

- Addition: Acceptance of FY 2009 Comprehensive Annual Financial Report and Authorization to Submit the Report to the Government Finance Officers Association

Land Acquisition and Management:

- Deletion: Agenda Item 21, Acquisition of the Jackson Conservation Easement

Water Supply and Resource Management

- Deletion: Agenda Item 16, Denial of Environmental Resource Permit Application 08-0170

Agenda Item 3 - Approval of Minutes. February 9, 2010 Governing Board Meeting Minutes and Workshop Minutes and March 1, 2010 Teleconference Minutes. – Although this item was listed for approval on consent agenda – it was voted on separately.

ON A MOTION BY MR. FLAGG, SECONDED BY MR. LAKE, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED THE FEBRUARY 9, 2010 GOVERNING BOARD MEETING MINUTES AND WORKSHOP MINUTES AND MARCH 1, 2010 TELECONFERENCE MINUTES.

Agenda Item No. 5 - Approval of Agenda.

ON A MOTION BY MR. FLAGG, SECONDED BY MR. LAKE, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED THE MARCH 9, 2010 AGENDA, AS AMENDED.

Agenda Item No. 6 - Items of General Interest for Information/Cooperating Agencies and Organizations.

- A. A 20-year service award was presented to Richard Rocco by Joe Flanagan and Don Quincey.
- B. Megan Wetherington gave a presentation of hydrologic conditions of the District.

Agenda Item No. 7- Consent Agenda

- Approval of February 9, 2010 Meeting Minutes
- Approval of January Financial Report
- Authorization to Publish Notices of Rule Development, Proposed Rule, and File Amendments to 40B-400, F.A.C.
- Approval and Execution of Resolution 2010-02 Requesting Release of Funds from the Florida Forever Trust Fund for the Lake City Reclaimed Water Project – Phase 2
- Denial of Amended Petition for Formal Administrative Hearing, SRWMD v. Faye Carroll, K&M Development of North Florida, LLC, Stephen Austin Sessions and Raymond R. Sessions

ON A MOTION BY MR. FLAGG, SECONDED BY MR. LAKE, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED THE CONSENT AGENDA ITEMS.

DEPARTMENT OF MISSION SUPPORT

Agenda Item No. 8 – Approval of January Financial Report. Approved on Consent.

Supplemental Item - Acceptance of FY 2009 Comprehensive Annual Financial Report and Authorization to Submit the Report to the Government Finance Officers Association. Melanie Roberts, Department Director, presented the staff recommendation for the Governing Board to accept the FY 2009 Comprehensive

Annual Financial Report and authorization to submit the report to the Government Finance Officers Association.

ON A MOTION BY MS. JONES, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD ACCEPTED THE FY 2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT AND AUTHORIZED SUBMISSION OF THE REPORT TO THE GOVERNMENT FINANCE OFFICERS ASSOCIATION.

Agenda Item No. 9 - Activity Report, Mission Support. The Mission Support Activity Report was provided as an informational item in the Board materials.

DEPARTMENT OF WATER SUPPLY AND RESOURCE MANAGEMENT

Agenda Item No. 10 – Authorization to Publish Notices of Rule Development, Proposed Rule, and File Amendments to 40B-400, F.A.C. Approved on Consent.

Agenda Item No. 11 – Approval and Execution of Resolution 2010-02 Requesting Release of Funds from the Florida Forever Trust Fund for the Lake City Reclaimed Water Project – Phase 2. Approved on Consent.

Agenda Item No. 12 – Approval of Ranked List of Consultants to Provide Groundwater Flow Modeling Services and Recommendation to Negotiate Contract with Consultants in Order of Ranking. Jon Dinges, Department Director, presented the staff recommendation that the Governing Board authorize the Executive Director to enter into negotiations for a contract with INTERA, Inc., the first of three top-ranked firms, to provide groundwater flow modeling services, as shown in the Board materials.

ON A MOTION BY MR. MEECE, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO ENTER INTO NEGOTIATIONS FOR A CONTRACT WITH INTERA, INC., THE FIRST OF THREE TOP-RANKED FIRMS, TO PROVIDE GROUNDWATER FLOW MODELING SERVICES.

Agenda Item No. 13 – Authorization to Enter into a Contract with the Florida Department of Agriculture and Consumer Services (FDACS) for a Suwannee River Partnership (SRP) Nutrient Study at Suwannee Farms. Mr. Dinges presented the staff recommendation that the Governing Board authorize the Executive Director to enter into a contract with FDACS for a SRP study at a cost not to exceed \$10,000

for the period March 2010 through February 28, 2011, as shown in the Board materials.

ON A MOTION BY MR. DAVIS, SECONDED BY MR. FLAGG, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH FDACS FOR A SRP NUTRIENT STUDY AT A COST NOT TO EXCEED \$10,000 FOR THE PERIOD MARCH 2010 THROUGH FEBRUARY 28, 2011.

Agenda Item No. 14 – Public Hearing and Approval of Resolution 2010-05 Declaring South Canal Ditch Block Improvements in Lafayette County as an Environmental Restoration and Enhancement Project. Mr. Dinges presented the staff recommendation that the Governing Board authorize South Canal ditch block improvements as an environmental restoration and enhancement project. This improvement will satisfy the conditions of Chapter 62-241.485(2)(b), Florida Administrative Code (F.A.C.), and allow staff to apply for a Noticed General Permit through the Department of Environmental Protection.

Staff also recommended including an Operations and Maintenance plan with the resolution. Mr. Dinges provided a copy of the proposed Operations and Maintenance plan to the Governing Board.

Chairman Quincey announced an order of hearing and opened the public hearing.

Mr. Quincey requested public testimony regarding the proposed South Canal ditch block improvements in Lafayette County.

No public testimony or comments were received.

Mr. Quincey closed the public hearing.

ON A MOTION BY MR. DAVIS, SECONDED BY MR. LAKE, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED APPROVAL OF RESOLUTION 2010-05 DECLARING SOUTH CANAL DITCH BLOCK IMPROVEMENTS AS AN ENVIRONMENTAL RESTORATION AND ENHANCEMENT PROJECT WITH THE INCLUSION OF THE OPERATION AND MAINTENANCE PLAN WITH THE RESOLUTION.

Agenda Item No. 15 – Denial of Amended Petition for Formal Administrative Hearing, SRWMD v. Faye Carroll, K&M Development of North Florida, LLC, Stephen Austin Sessions and Raymond R. Sessions. Approved on Consent.

Agenda Item No. 16 – Denial of Environmental Resource Permit Application 08-0170. Deleted.

Agenda Item No. 17 - Initiation of Legal Action Regarding Ronald Berg, CE09-0059. Mr. Dinges presented the staff recommendation that the Governing Board authorize initiation of legal action against Ronald Berg because staff has been unable to obtain cooperation with the involved parties to resolve this violation.

ON A MOTION BY MR. FLAGG, SECONDED BY MR. LAKE, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED INITIATION OF LEGAL ACTION AGAINST RONALD BERG BECAUSE DISTRICT STAFF HAS BEEN UNABLE TO OBTAIN COOPERATION WITH THE INVOLVED PARTIES TO RESOLVE THIS VIOLATION.

Agenda Item No. 18 - Activity Report, Water Supply and Resource Management. The Water Supply and Resource Management Activity Report was provided as an informational item in the Board materials.

Agenda Item No. 19 – Individual Environmental Resource Permits Issued by Staff. Individual Environmental Resource Permits Issued by Staff was provided as an informational item in the Board materials.

Agenda Item No. 20 - As-Built Compliance Summary. The As-Built Compliance Summary was provided as an informational item in the Board materials.

DEPARTMENT OF LAND ACQUISITION AND MANAGEMENT

Agenda Item No. 21 – Acquisition of the Jackson Conservation Easement – Deleted.

Agenda Item No. 22 – Acquisition of the Suwannee River Development LLC/Ace Ranch Conservation Easement. Joe Flanagan, Department Director, presented the staff recommendation for approval and execution of Resolution 2010-04 authorizing the Executive Director to exercise an Option to Purchase a conservation easement on the Suwannee River Development, LLC/Ace Ranch property and request approval from the Secretary of the Department of Environmental Protection for the

use of funds from the Florida Forever Trust Fund, subject to public comment, as shown in the Board materials.

Chairman Quincey announced an order of hearing and opened the public hearing.

Mr. Quincey requested public testimony regarding the proposed Suwannee River Development LLC/Ace Ranch conservation easement.

Merrilee Malwitz-Jipson spoke regarding environmental protection concerns and the value of conservation easements.

Renate Cannon spoke regarding funding for this acquisition.

J. Brent Wainwright, property owner, discussed why this property would be a good investment for the District by a Conservation Easement.

Mr. Quincey closed the public hearing.

The Governing Board members continued with questions and discussion.

A MOTION WAS MADE BY MR. DAVIS AND SECONDED BY MR. FLAGG.

Mr. Quincey requested the vote be taken by roll call.

WITH MR. FLAGG, MR. DAVIS, AND MR. FRALEIGH VOTING FOR, AND MS. JONES, MR. LAKE, MR. MEECE AND DR. DAVIDSON VOTING AGAINST, THE MOTION WAS DENIED.

Agenda Item No. 23 – Survey of Chinquapin Farm, LLC Conservation Easement.

Mr. Flanagan presented the staff recommendation for Governing Board approval of the ranking of short-listed firms shown and authorization to negotiate and enter into an agreement for an amount not to exceed \$35,000 for a special purpose survey of the Chinquapin Farm, LLC Conservation Easement Parcel, as shown in the Board materials.

ON A MOTION MADE BY MR. LAKE, SECONDED BY MS. DAVIS, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED THE RANKING OF SHORT-LISTED FIRMS SHOWN AND AUTHORIZED NEGOTIATION AND ENTRY INTO AN AGREEMENT FOR AN AMOUNT NOT TO EXCEED \$35,000 FOR A

SPECIAL PURPOSE SURVEY OF THE CHINQUAPIN FARM, LLC
CONSERVATION EASEMENT PARCEL.

Agenda Item No. 24 – Lease of Fire Tower Site to Florida Department of Agriculture and Consumer Services/Division of Forestry. Mr. Flanagan presented the staff recommendation for approving and executing a Lease Agreement to transfer the use of approximately 1.4 acres to the Florida Division of Forestry (DOF) for continued management and maintenance of a fire tower site, as shown in the Board materials.

ON A MOTION BY MR. LAKE, SECONDED BY DR. DAVIDSON, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED AND AUTHORIZED EXECUTION OF A LEASE AGREEMENT TO TRANSFER THE USE OF APPROXIMATELY 1.4 ACRES TO THE FLORIDA DIVISION OF FORESTRY FOR CONTINUED MANAGEMENT AND MAINTENANCE OF A FIRE TOWER SITE.

Agenda Item No. 25 – Continuation of Contract 08/09-022 with John A Cruce, Jr., for Hardwood Chipping Services for Fiscal Year 2010. Mr. Flanagan presented the staff recommendation for continuing the contract for hardwood chipping services with John A. Cruce, Jr., Inc., for Fiscal Year 2010.

ON A MOTION BY MR. FLAGG, SECONDED BY MR. DAVIS, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD AUTHORIZED CONTINUING THE CONTRACT FOR HARDWOOD CHIPPING SERVICES WITH JOHN A. CRUCE, JR., INC., FOR FISCAL YEAR 2010, FOR AN AMOUNT NOT TO EXCEED \$56,000.

Agenda Item No. 26 - Land Acquisition Activity Report. The Land Acquisition Activity Report was provided as an informational item in the Board materials.

Mr. Quincey appointed Carl Meece as Chairman and David Flagg to look at properties the District currently owns and bring back their recommendation of parcels that could be considered surplus property.

Agenda Item No. 27 - Land Management Activity Report. The Land Management Activity Report was provided as an informational item in the Board materials.

Agenda Item No. 28 – R. O. Ranch Activity Report. The R. O. Ranch Activity Report was provided as an informational item in the Board materials.

LEGAL COUNSEL REPORT

Agenda Item No. 29 – Initiation of Legal Action Regarding Creech Engineers, Inc., Contract Number 08/09-116. Tom Brown, Legal Counsel, presented the staff recommendation for approval of initiation of legal action regarding Creech Engineers, Inc., Contract Number 08/09-116, as shown in the Board materials.

ON A MOTION BY MR. FLAGG, SECONDED BY MR. FRALEIGH, AND CARRIED UNANIMOUSLY, THE GOVERNING BOARD APPROVED INITIATION OF LEGAL ACTION REGARDING CREECH ENGINEERS, INC., CONTRACT NUMBER 08/09-116.

Agenda Item No. 30 - Enforcement Status and Litigation Report. The Enforcement Status and Litigation Report was provided as an informational item in the Board materials.

EXECUTIVE OFFICE

Agenda Item No. 31 - Executive Director's Report.
None.

Agenda Item No. 32 - Executive Office Activity Report. The Executive Office Activity Report was provided as an informational item in the Board materials.

Agenda Item No. 33 – Legislative Report Update. The Legislative Report Update was provided as an informational item in the Board materials.

The meeting adjourned at 11:25 a.m.

Chairman

ATTEST:

SUWANNEE RIVER WATER MANAGEMENT DISTRICT
MINUTES OF
GOVERNING BOARD WORKSHOP

Note: Recordings have been used to record these procedures and are on file in the permanent files of the District. A copy of the Governing Board materials and handouts are a part of the record as if set out in full herein, and are filed in the permanent files of the District.

12:02 p.m., Tuesday
March 9, 2010

District Headquarters
Live Oak, Florida

Members of the Governing Board Present:

Don Quincey, Jr., Chairman
David Flagg, Vice Chairman
Georgia Jones, Secretary/Treasurer
Heath Davis
Jay Fraleigh
O. J. Lake
Carl Meece
Dr. Linden Davidson

Members of the Governing Board Absent:

None

Staff:

David Still	Tom Brown, Legal Counsel
Charlie Houder	Kirk Webster
Jon Dinges	Joe Flanagan
Rhonda Scott	Vanessa Fultz
Lisa Cheshire	Melanie Roberts
Carlos Herd	Brian Kauffman
Linda Welch	Glenn Horvath
Cindy Johnson	Hugh Thomas
Darrell Smith	Bob Heeke
Richard Rocco	

Participating Guests:

Barney and Renate Cannon, Chiefland, FL
Mace Bauer, Best Management Practices Team member

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Kirk Webster, Deputy Executive Director, Suwannee River Water Management District (SRWMD), opened the workshop by introducing Darrell Smith, Suwannee River Partnership Coordinator.

Mr. Smith then gave a presentation on protecting groundwater through best management practices through the Suwannee River Partnership.

This presentation included an overview of the program and discussed the partnership's accomplishments, challenges and priorities.

Mr. Quincey requested that the partnership group bring back a proposal that included a budget for additional funding to support the cost-share program.

Mr. Davis gave an RO Ranch update.

Workshop adjourned at 1:01 p.m.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2010-08
APPRECIATION AND COMMENDATION
FOR THE SERVICE OF GEORGIA JONES
TO THE CITIZENS OF THE
SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

WHEREAS, Georgia Jones, an appointee of Governor Bush, served on the Governing Board of the Suwannee River Water Management District from March 2001 to March 2010; and

WHEREAS, Georgia Jones has worked diligently to promote effective planning and improved water management infrastructure in the communities of the District; and

WHEREAS, Georgia Jones has been an outstanding and steadfast advocate for the preservation, restoration and conservation of the water and related natural resources of the Suwannee River Water Management District and the State of Florida;

NOW THEREFORE, be it resolved that the Governing Board of the Suwannee River Water Management District does commend Georgia Jones for her dedicated service and leadership and that this Resolution be presented as a token of the thanks and appreciation of her fellow Board Members and the citizens of the Suwannee River Water Management District.

PASSED AND ADOPTED THIS 13TH DAY OF APRIL, 2010.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD MEMBERS:**

DON QUINCEY, JR.

HEATH DAVIS

DAVID FLAGG

JAMES FRALEIGH

LINDEN DAVIDSON

CARL MEECE

ALPHONAS ALEXANDER

DONALD "RAY" CURTIS, III

GUY N. WILLIAMS

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
RESOLUTION NO. 2010-09
APPRECIATION AND COMMENDATION
FOR THE SERVICE OF OLIVER LAKE
TO THE CITIZENS OF THE
SUWANNEE RIVER WATER MANAGEMENT DISTRICT**

WHEREAS, Oliver Lake, an appointee of Governor Bush, served on the Governing Board of the Suwannee River Water Management District from March 2001 to March 2010; and

WHEREAS, Oliver Lake has worked diligently to promote effective planning and improved water management infrastructure in the communities of the District; and

WHEREAS, Oliver Lake has been an outstanding and steadfast advocate for the preservation, restoration and conservation of the water and related natural resources of the Suwannee River Water Management District and the State of Florida;

NOW THEREFORE, be it resolved that the Governing Board of the Suwannee River Water Management District does commend Oliver Lake for his dedicated service and leadership and that this Resolution be presented as a token of the thanks and appreciation of his fellow Board Members and the citizens of the Suwannee River Water Management District.

PASSED AND ADOPTED THIS 13TH DAY OF APRIL, 2010.

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD MEMBERS:**

DON QUINCEY, JR.

HEATH DAVIS

DAVID FLAGG

JAMES FRALEIGH

LINDEN DAVIDSON

CARL MEECE

ALPHONAS ALEXANDER

DONALD "RAY" CURTIS, III

GUY N. WILLIAMS