

# Central Florida Water Initiative

TOHO Water Authority  
951 Martin Luther King Blvd.  
Kissimmee, Florida 34741

Friday, July 8, 2011

10:00 AM to 12:30 PM

## NOTES:

### 1) Introductions

- i) New Steering Group (SG) member, **Dan O'Keefe**, SFWMD Governing Board
- ii) Self introductions of SG and audience (see attendance sheet on website)

### 2) Previous Meeting Summary

- i) Notes from the previous meeting were distributed with the Agenda for use by SG members and those in attendance
- ii) Intent is to place the Notes on the CFWI website within a week of the SG meeting
- iii) Updated DRAFT CFWI document (dated July 8, 2011) was distributed

### 3) Governance

#### 1) **Sunshine briefing**

- i. Frank Bartolone (SFWMD attorney) reported on meetings held between WMD staff attorneys and outside counsel representing the utilities
- ii. Briefing on the Sunshine Law was presented and attached to the meeting notes.
- iii. After extensive discussion **SG requested additional options be reviewed by legal representatives for discussion at the next SG meeting.**
- iv. The following are the potential options to be reviewed by the legal representatives to properly address the requirements of the Sunshine Law while still allowing for regional collaboration to address the Guiding Principles and Goals of the CFWI.
  - Maintain "current" CFWI governance process, but **develop more specific operating rules to ensure compliance with the intent of the sunshine law.**
  - "DEP option"- having the DEP Secretary (or Assistant Secretary) be the ultimate decision maker for the CFWI. DEP would also do rulemaking for an umbrella rule that covers all Districts allowing the Steering Committee and technical teams remain out of the Sunshine process.

- “Hybrid option” – Create a small Sunshine Committee composed of one governing board member from each District, one utility, one DEP, and one DACS representative; have the Management Oversight group vetting the issues
- b) The SG concluded the need for a Public Workshop is not needed prior to the next SG meeting; the CFWI process is still being formulated so the date for a future public meeting will be discussed at the next SG meeting.

**4) Issues** (*Issues in italics are follow up items from previous meeting*)

a) Regional Water Supply Plans – Population and Water Demand Projections

- i. Roy Mazur (SWFWMD) reported on the efforts of the 3 WMDs and developed a matrix to explain the approaches by these districts ([attached](#)).
- ii. General discussion of the problems created by different approaches to RWSP demand projections
- iii. Importance of consistent long term water demand projections was stressed, particularly since they will be used as input for future water demands.
- iv. WMDs will continue to work collaboratively to ensure consistency; utility stakeholder to be added to the RWSP discussion group

b) CFWI Schedule

- i. Macro schedule established by the SG
  - Technical Work- Findings & Conclusions (Groundwater Availability) Dec 31, 2012
  - Rulemaking- Dec 31, 2013
- ii. The Technical Oversight group will meet before the next SG meeting to overlay the Technical Collaborative Team’s task schedules to ensure compliance with the SG schedule; the need to address Sunshine issues may affect the schedule; the TTs will report back at the next SG meeting

c) *WUP/CUP AWS Compliance Date*

- i. Hal Wilkening (SJRWMD) reported that SJ should complete rulemaking by fall so that they can extend the compliance date by letter modification (ED approval). SF and SWFWMD also report they will changes via letter modification.
- ii. Need for WMD consistency reinforced

d) *Use of [cfwiwater.com](http://cfwiwater.com)*

- i. Dwight Jenkins (SJRWMD) reported the website is up & running
- ii. SG members (and others) should review the website and suggest improvements, changes, etc.

e) *Large file transfers*

- i. Dwight Jenkins (SJRWMD) distributed protocol
- ii. Technical Team leaders to communicate to their respective team members
- f) *Public meeting schedule*
  - i. See 3b. above
- g) *Scheduling Tool*
  - i. Dwight Jenkins (SJRWMD) reported that the Google Calendaring application will be used
  - ii. Guidance will be provided to the Technical Teams

## 5) Technical Collaborative Teams- progress report

- a. Hydrologic Analysis- (see presentation on website)
  - i) David MacIntyre presented report
  - ii) The RWSP activities need to be coordinated with the HAT efforts
  - iii) HAT requested “as needed” assistance from WMD legal staff; they should coordinate with the appropriate WMD CFWI Project Manager
  - iv) Baseline condition must be based on common sense and economic realities; probably need some base year; future SG decision. Kirby Green suggested either 2000 or 2005 for the baseline in recognition of the mitigation that has been achieved for impacts. Melissa Meeker agreed with Kirby that land use changes must be recognized.
  - v) Importance of coordinating with Environmental Measure Team for consistency
  - vi) Emerging issue over definitions of “harm” and “significant harm” and inconsistency in understanding and approaches by the three Districts.
  - vii) Also, will need a process to differentiate between historical “harm” caused by surface drainage and other land changes and more contemporary “harm”.
- b. Environmental Measures- (see presentation on website)
  - i) Marc Minno presented progress report
  - ii) Jim Bays and Jim Monahan were added to Team representing Seminole County
  - iii) EMT requested “as needed” assistance from WMD legal staff; they should coordinate with the appropriate WMD CFWI Project Manager
  - iv) Importance of coordinating with Hydrologic Analysis Team for consistency
  - v) Question (not resolved)- definition of “harm” requires attention or inconsistent applications will continue
  - vi) Marc Minno suggested that a 2006 baseline could be used to evaluate future impacts.

- c. MFL's & Reservations- (see presentation on website)
  - i) Marty Kelly presented progress report
  - ii) Kirby Green said you cannot use the model alone when tying harm to an MFL; there must be some connection to observed trends in order to require a corrective action.
  - iii) Discussion of "hold" on future MFLs requested by SG; SWFWMD reported the Lake Hancock MFL was being established to increase storage; need briefing at next SG meeting. Kirby Green stated that SJRWMD was not moving forward with proposed MFLs at this time.
- d. Data, Monitoring, and Investigations- (see presentation on website)
  - i) Mary Thomas presented progress report
  - ii) Requested to modify their template for clarity

## 6) Open Discussion

## 7) Next meeting

- a. 10:00 AM, August 26, 2010, at TOHO Water
- b. Potential agenda items
  - o Governance update
  - o CFWI Schedule
  - o Lake Hancock MFL
  - o Technical Team progress reports
  - o Kissimmee River reservation (defer indefinitely)

## 8) Adjourned at 12:40 PM

# Sunshine Law Briefing

CFWI Meeting

July 8, 2011

# Objective

- Continue to capitalize on the collaborative efforts of stake holders in addressing important issues set forth in Recommended Action Plan.
- Insure that CFWI activities occur consistent with the Sunshine Law.
- Permit the opinions and positions of various parties on issues to be made known to entire group and to be accurately portrayed and recorded.

## Sec.286.011 (Sunshine Law)

- (1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

# Sunshine Law

- *A meeting is any discussion* (in person, by phone, e-mail, texting, tweeting, social network, use of a liaison, etc.)
- Between or among two or more members of a collegial body (e.g., board, committee, working group, etc.)
- About any matter upon which foreseeable action will be taken by such collegial body.



# Sunshine Law

## ■ What is a board or Commission?

- An entity such as an advisory body that makes recommendations based on consensus is a Sunshine body
- Staff functions are *normally* not subject to Sunshine law.

# Sunshine Law

- Applies to deliberations of a board or committee, regardless of its make up, when it is delegated decision making authority by or undertakes to make recommendations to a public body.
- Applies when a collegial group established by a government agency engages in activities that result in offering up structured recommendations which eliminate opportunities for alternative choices by the final authority (such as a governing board), or which rank options for the final authority.

# Sunshine Law

- No discussion about committee matters may occur between or among members of a “Sunshine” committee subject to the Sunshine Law except at a noticed public meeting.
- Committee members may discuss such matters with staff members but may not use the staff as liaison to communicate with other committee members.
- Committee members may have discussions with their Alternates; but alternates may not have discussions with other alternates or committee members
- Law constrains communications, requires pre- meeting notice, agendas and formal meeting minutes.

## Exceptions

- A limited exception to the applicability of the Sunshine Law to committees has been recognized for groups established for information gathering and fact-finding only.
- Activities concerning administrative matters that are not required to be presented to the final authority for action are not subject to the Sunshine Law.

# Sunshine Law

- Violations of the Sunshine Law can result in:
  - Invalidation of the action found to have been taken in violation of the law, including an award of attorney fees to the party proving the violation
  - A fine in an amount not to exceed \$500 or a criminal penalty (i.e. jail time), if a person is found to have knowingly violated the law.

# Law's Impact on Steering Group

- While the executive directors of the three WMDs will be integrally involved in the ultimate solutions regarding this matter, their participation in any group that must conduct its business pursuant to the Sunshine Law could constrain their ability to perform their regular duties.
- Members of the Steering Group will need to be able to have open access to each other on matters that relate to water resource issues that effect their individual constituencies.

# Suggested Steering Group Rules

1. The Group will provide oversight and guidance to the Technical Collaborative Teams (TCTs) performing work on this project regarding:
  - a. Creation and dissemination of data and output.
  - b. Time schedules and keeping the TCTs on task.
  - c. Administrative support.
  
2. While the Group will not make decisions or recommendations, members of the Group may state positions regarding information brought before them for the purpose of informing other members of those positions. The positions of the individual members may be transmitted to the governing boards as part of the fact finding process.

# Suggested Steering Group Rules

3. The Group may engage in information and fact-finding consultations and comparison of options through identification of positive, neutral and negative impacts of each.
4. The Group will not make collegial decisions or recommendations regarding the ultimate disposition and application of output from a TCT or proposed rules.
5. The Group will not engage in any activity that eliminates opportunities for alternative choices by the ultimate decision maker (governing boards) or that weighs or ranks options.
6. The Group will present all relevant data, input, options, individual opinions, etc. to the ultimate decision maker for consideration.



# Next Steps

- A. Revisit CFWI Statement of Principles to include appropriate information relating to this issue.
- B. Undertake an education process for TCTs regarding conduct of their tasks consistent with these guidelines.
- c. Provide revised CFWI document at next Steering Group meeting.

# Demand and Population Projection Methodologies

<b>SJRWMD</b>	<b>SWFWMD</b>	<b>SFWMD</b> (Pending plan)
GIS Associates, Inc. Parcel Level Projections	GIS Associates, Inc. Parcel Level Projections	TAZ Ratio / Census Share / Utility Input
2009 BEBR Medium	2008 BEBR Medium	2010 BEBR Medium
2005 Base Year	2005 Base Year	2010 Base Year
Permanent Population Projections	Functional Population Projections	Permanent Population Projections
11 Year GPCD (1995- 2005)	5 Year GPCD (2003-2007)	2009 - 2010 GPCD

\* SWFWMD is the only District that can calculate a functional population per utility every year due to rule that requires all public supply permittees greater than 100,000 gpd report a public supply annual report.