

Caveat Language Concerning Regional Water Supply Plan Action

1. All WMDs - Approval language of CFWI RWSP for Board meeting:

District staff recommends the Governing Board approve the CFWI RWSP, recognizing the District's authority for water supply planning extends to water supply planning regions within its boundaries as established in section 373.069, F.S.

2. Caveat language for insertion into DWSP regarding unanticipated inconsistencies:

a. SJRWMD:

In the event there are any inconsistencies between the CFWI Regional Water Supply Plan (RWSP) and the provisions of the District Water Supply Plan (DRWSP) applicable to Region 3, the CFWI RWSP will control with regard to Region 3.

b. SWFWMD:

In the event there are any inconsistencies between the CFWI Regional Water Supply Plan (RWSP) and the provisions of the District Regional Water Supply Plan (DRWSP) applicable to the Heartland Planning Region, the CFWI RWSP will control with regard to the Heartland Planning Region.

3. Approval of District-wide RWSP:

a. SJRWMD in 2014:

District staff recommends the Governing Board approve the DWSP, which for Region 3 includes the incorporation of the CFWI RWSP, recognizing the District's authority for water supply planning is limited to water supply planning regions within its boundaries as established in section 373.069, F.S. The DWSP will then serve to meet the District's water supply planning obligations pursuant to section 373.709, Florida Statutes.

b. SWFWMD in 2015:

District staff recommends the Governing Board approve the DRWSP, which for the Heartland Planning Region includes the incorporation of the CFWI RWSP, recognizing the District's authority for water supply planning is limited to water supply planning regions within its boundaries as established in section 373.069, F.S. The DRWSP will then serve to meet the District's water supply planning obligations pursuant to section 373.709, Florida Statutes.

CFWI Technical Teams

1. The Steering Committee (SC) is a sunshine body where issues are evaluated, policy decisions made, and public comment accepted on policy direction and decisions.
2. Under direction of the SC, several Technical Teams (TT) were established to build the strong technical foundation necessary to achieve the CFWI Guiding Principles
3. Technical Team description from the CFWI Guidance Document:

"The (technical) teams will not operate as "Sunshine" committees, as their functions will be limited to fact finding and technical analysis. They will conduct fact-finding regarding the Guiding Principles and Collaborative Process Goals of the CFWI and provide options for implementation of the Guiding Principles and Collaborative Process Goals of the CFWI. They will not be making policy decisions or recommendations or prioritizing options. The technical teams shall obtain instruction from the Steering Committee regarding any potential policy issues that may arise as a result of their investigations"

4. Participation on Technical Teams
 - a. TT membership is comprised of a limited number of professionals with representation from CFWI utilities, WMDs, DACS and DEP (and their respective staffs as needed).
 - b. Interested individuals may attend and observe TT meetings. This is not a Sunshine Committee and, while not required, public comment of limited duration will be solicited at the end of each TT meeting. Additionally, public input may be directed to the Steering Committee during comment periods.
 - c. All relevant Technical Team information will be posted to the www.CFWIwater.com website as it becomes available and after review and direction by the SC. Interested individuals should refer to the website for documentation, as it becomes available.
5. The SC directed that a guidance document be prepared to describe the overall CFWI process. The current SC vetted version of the document is posted on www.cfwewater.com website with the following explanatory note:

"The CFWI document is a constantly evolving document. It is intended to describe the collaborative process being implemented in Central Florida. As such, this version reflects the process underway as of the date shown. Through adaptive management principles it will be revised as appropriate under the direction of the Steering Committee"

6. Red-lined CFWI Guidance document drafts are for use by the TT to identify potential revisions to be reviewed by the Management Oversight Committee prior to being considered by the SC.
7. All meetings of the SC are subject to the Florida Sunshine Law. The public shall be allowed to comment on matters coming before the SC at appropriate.

Overview of Florida's Sunshine Law for Technical Teams:

Advisory boards and committees created by public agencies may be subject to the Sunshine Law even though their recommendations are not binding upon the entities that create them. The "dispositive question" is whether the committee has been delegated "decision-making authority," as opposed to mere "information-gathering or fact-finding authority." There is an exception from the Sunshine Law if the purpose of the committee is fact finding or information gathering only.

As a result, the teams need to take steps to ensure that they only gather facts and information. If not, the Sunshine Law may be applicable to these meetings. The teams also need to ensure that they do not say that they are merely finding facts and gathering information as the actual function of the team will be reviewed. This applies both to the Solutions Planning Team and its sub-teams, individually and collectively, as well as the Regulatory Team and all other CFWI Technical Teams.

Sunshine Law applies to team meetings if any of the following occur:

- There is any decision making authority.
- Tentative decisions are made.
- Recommendations are made.
- Ranking of projects is made.
- Exclusion of projects/information occurs (all projects and information must be presented to the Steering Committee, even if not permissible or desirable).
- Screening of projects occurs (any rejection is decision-making).
- Proposals that include one recommendation are developed.
- Sorting through options if the purpose is to rank and/ or recommend.

If any of the above is applicable, then any gathering of two or more members to discuss any matter on which foreseeable action may be taken must be open to the public, noticed to the public, and minutes kept.

If there is a violation, a public hearing held by the Steering Committee and subsequent decision may not cure the violation. A true, substantive discussion by the Steering Committee is necessary and may provide a "cure." Ratification of a recommendation/rankings, etc. by the Solutions Team or sub-team is not sufficient.

DRAFT... for internal review only

Central Florida Water Initiative

TOHO Water Authority
Friday, April 25, 2014
9:30 AM to noon

Steering Committee Agenda:

This meeting is open to the public.

*The Steering Committee may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer. **Public Comment will be taken before any Steering Committee action items.** Additionally, general public comment will be taken as referenced on the Steering Committee Agenda.*

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*Members of the public wishing to address the Steering Committee are to complete a **Public Comment Card** and submit the card to the Steering Committee Facilitator. You will be called by the Steering Committee Chair or designee to speak. The Steering Committee directives limit comments from the public to a **reasonable period of time.***

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1. Introductions
2. CFWI schedule update
3. Consent Items
 - a. February 28, 2014 Meeting Summary (action required)
4. Hydrologic Analysis Team
 - a. Task A5 (action required)
5. Regional Water Supply Plan Team
 - a. RWSP Update
 - b. Adoption/revision schedule
6. Data Monitoring and Investigations Team
 - a. Google Earth application
 - b. Regional Monitoring, Task D5 (action required)
7. Solutions Planning Team

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