

**Northwest Florida Water Management District
Governing Board Meeting Minutes
April 23, 2020**

1. Opening Ceremonies

Called to order at 1:05 p.m.

Brett Cyphers called the roll and a quorum was declared present.

Present: George Roberts, Chair; Jerry Pate, Vice Chair; Jon Costello; Ted Everett; Bo Spring

2. Special Thanks and Recognition

None.

3. Changes to the Agenda

None.

4. Executive Director's Report

Informational purposes only.

5. Consideration of the following Items Collectively by Consent:

MOTIONED BY VICE CHAIR PATE, SECONDED BY TED EVERETT, THAT THE GOVERNING BOARD APPROVE ITEMS A, B, C, AND D IN THE CONSENT AGENDA CONTINGENT UPON LEGAL REVIEW AND OTHER ACTIONS AS REQUIRED BY FLORIDA STATUTES. NO PUBLIC COMMENT WAS GIVEN. MOTION CARRIED.

A. Approval of the Minutes for March 26, 2020

Approve the Minutes for the March 26, 2020, Governing Board meeting.

B. Approval of the Financial Reports for the Month of February 2020

Approve the Financial Reports for the Month of February 2020.

C. Consideration of Committing Fund Balances for the Fiscal Year Ending September 30, 2019

Adopt Resolution No. 867 to commit fund balances for Fiscal Year 2018-2019 as follows:

- Commit \$3,481,378 from the General Fund balance for an Economic Stabilization Fund.
- Commit \$500,000 from the General Fund balance for the Bay County North Bay Reuse Grant.
- Commit \$500,000 from the General Fund balance for the Gulf County Water Supply Project.
- Commit \$371,650 from the General Fund balance for Water Supply Development Assistance Grants.
- Commit \$182,200 from the General Fund balance for the St. Joe Bay Assessment Project.
- Commit \$100,000 from the General Fund balance for the Weems Road Pass Grant.
- Commit \$61,345 from the General Fund balance for the Apalachicola Bay Grant.
- Commit \$38,000 from the General Fund balance for Hydrologic Data Loggers.

D. Consideration of Amendments to the Fiscal Year 2019-2020 Budget

Adopt Resolution No. 868 amending the Fiscal Year 2019-2020 budget and allow staff to realign revenues and reserves to maintain the proper balance in each fund.

6. Consideration of Request to Open a New Checking Account at Bank of America

MOTIONED BY BO SPRING, SECONDED BY JON COSTELLO, THAT THE GOVERNING BOARD APPROVE OPENING A NEW CHECKING ACCOUNT TO ACCEPT PAYMENTS FROM PERSONS AND ENTITIES DOING BUSINESS WITH THE DISTRICT. NO PUBLIC COMMENT WAS GIVEN. MOTION CARRIED.

7. Overview of Payment in Lieu of Taxes for 2019

Informational purposes only.

8. Consideration of FY 2020-2021 Springs Restoration Funding Requests

MOTIONED BY VICE CHAIR PATE, SECONDED BY JON COSTELLO, THAT THE GOVERNING BOARD APPROVE THE PROJECTS INCLUDED IN TABLE 1 TOTALING \$9,618,344, APPROVE SUBMITTAL OF THE PROJECTS TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) FOR FUNDING CONSIDERATION, AND AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO AGREEMENTS WITH DEP AND COOPERATORS TO RECEIVE UP TO THE AMOUNT REQUESTED TO IMPLEMENT SPRINGS RESTORATION PROJECTS AS DESCRIBED, SUBJECT TO BUDGET AUTHORITY AND LEGAL COUNSEL REVIEW. NO PUBLIC COMMENT WAS GIVEN. MOTION CARRIED.

9. Consideration of Acceptance of the Appraisals and Approval of the Purchase and Sale Agreement for the Revell Property; Wakulla County

MOTIONED BY BO SPRING, SECONDED BY TED EVERETT, THAT THE GOVERNING BOARD (1) ACCEPT THE APPRAISALS PREPARED BY TRIGG, CATLETT & ASSOCIATES, AND CURETON JOHNSON & ASSOCIATES, LLC, AND THE REVIEW APPRAISAL PREPARED BY CHANDLER AND ASSOCIATES OF PANAMA CITY, INC., FOR THE REVELL PROPERTY IN WAKULLA COUNTY; (2) AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE FOLLOWING DOCUMENTS: THE PURCHASE AND SALE AGREEMENT, A CONSERVATION EASEMENT, AND ALL CLOSING DOCUMENTS ON BEHALF OF THE DISTRICT WITH E. GUY REVELL, JR., FOR THE ACQUISITION OF THE NORTHERN TRACT IN FEE SIMPLE FOR \$557,938 AND THE SOUTHERN TRACT IN

LESS-THAN-FEE SIMPLE (CONSERVATION EASEMENT) FOR \$386,957, SUBJECT TO THE TERMS AND CONDITIONS OF THE AGREEMENT, AND APPROVAL OF THE AGREEMENT BY LEGAL COUNSEL AND THE SELLER; AND (3) AUTHORIZE THE EXECUTIVE DIRECTOR TO CORRECT TECHNICAL OR SCRIVENER ERRORS RELATED TO THIS ACQUISITION. NO PUBLIC COMMENT WAS GIVEN. MOTION CARRIED.

10. Preacquisition Costs for Sink Creek Preserve Property; Chipola River WMA

Informational purposes only.

11. Escambia County Property Appraiser

MOTIONED BY TED EVERETT, SECONDED BY VICE CHAIR PATE, THAT THE GOVERNING BOARD APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE ESCAMBIA COUNTY PROPERTY APPRAISER, THE ESCAMBIA COUNTY TAX COLLECTOR, AND THE DISTRICT. NO PUBLIC COMMENT WAS GIVEN. MOTION CARRIED.

12. Legal Counsel Report

Breck Brannen provided a status report on the case referenced below.

Carmen Diaz, Petitioner, vs. Northwest Florida Water Management District, and Palafox, LLC, Respondents, State of Florida Division of Administrative Hearings (DOAH), Case No. 19-5831

Meeting was adjourned at 1:30.

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 Financial Report
 Summary Statement of Receipts, Disbursements & Cash Balances
 For Month Ending March 31, 2020

Balance Forward - Operating Funds	\$45,339,343.64	
Operating Funds Received in current month:		
Revenue Receipts, Current	\$250,065.83	
Contracts Receivable	2,741,609.31	
Other Deposits/Refunds/Adjustments	8,973.29	
Transfers from Lands Accounts	0.00	
Total Deposits during month	<u>3,000,648.43</u>	
Total Deposits and Balance Forward		\$ 48,339,992.07
Disbursements:		
Employee Salaries	437,952.58	
Employee Benefits	168,663.35	
Employee Flexible Spending Account	0.00	
Contractual Services (Professional)	307,738.70	
Operating Expenses - Services	121,593.59	
Operating Expenses - Commodities	77,596.43	
Operating Capital Outlay	144,742.02	
Grants and Aids	57,137.82	
Total Operating Expenses during month	<u>1,315,424.49</u>	
Payables, Prior Year	0.00	
Other Disbursements or (Credits)	6,085.20	
Total Funds Disbursed by check during month	<u>1,321,509.69</u>	
Bank Debits (Fees, Deposit Slips, etc.)	0.89	
Transfer to Land Acquisition Account	0.00	
Total Funds Disbursed		<u>1,321,510.58</u>
Cash Balance Operating Funds at month end		\$ 47,018,481.49
Operating Depositories:		
Petty Cash Fund	250.25	
Bank of America:		
General Fund Checking	3,958,939.84	
Payroll Account	6,137.12	
Investment Accounts:		
Fla. Board of Administration @ 1.36%		
General Fund	21,483,536.31	
Lands Fee Fund	5,599,656.77	
SWIM Fund	91,238.32	
Springs Protection	58.02	
Mitigation Fund	15,878,664.86	
Total Operating Depositories at month end		\$ 47,018,481.49

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT
 Financial Report
 Summary Statement of Receipts, Disbursements & Cash Balances
 For Month Ending March 31, 2020

Land Acquisition Funds:

Fla. Board of Administration @ 1.36%	\$	299,018.84	
Total Land Acquisition Funds			299,018.84

Restricted Management Funds:

Fla. Board of Administration Phipps Land Management Account @ 1.36%		56,777.56	
Fla. Board of Administration Cypress Springs R&M Account @ 1.36%		<u>842,038.53</u>	
Total Restricted Land Management Funds			<u>56,777.56</u>

Total Land Acquisition, and Restricted Management Funds			<u>355,796.40</u>
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TOTAL OPERATING, LAND ACQUISITION, & RESTRICTED FUNDS AT MONTH END			<u><u>\$ 47,374,277.89</u></u>
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Approved: _____
 Chairman or Executive Director

Date: May 28, 2020

Northwest Florida Water Management District
Statement of Sources and Uses of Funds
For the Period ending March 31, 2020
(Unaudited)

	Current Budget	Actuals Through 3/31/2020	Variance (under)/Over Budget	Actuals As A % of Budget
Sources				
Ad Valorem Property Taxes	\$ 3,529,580	\$ 3,084,083	\$ (445,497)	87%
Intergovernmental Revenues	63,714,758	9,146,514	(54,568,244)	14%
Interest on Invested Funds	265,000	355,441	90,441	134%
License and Permit Fees	355,642	274,930	(80,712)	77%
Other	5,416,697	249,528	(5,167,169)	5%
Fund Balance	25,504,703		(25,504,703)	0%
Total Sources	\$ 98,786,380	\$ 13,110,496	\$ (85,675,884)	13%

	Current Budget	Expenditures	Encumbrances¹	Available Budget	%Expended	%Obligated²
Uses						
Water Resources Planning and Monitoring	\$ 7,168,011	\$ 1,576,688	\$ 1,962,982	\$ 3,628,341	22%	49%
Acquisition, Restoration and Public Works	61,172,100	1,981,223	13,498,974	45,691,904	3%	25%
Operation and Maintenance of Lands and Works	4,412,766	1,551,523	865,665	1,995,579	35%	55%
Regulation	3,928,337	1,637,940	152,077	2,138,320	42%	46%
Outreach	132,619	62,706	648	69,266	47%	48%
Management and Administration	2,025,816	954,319	87,479	984,019	47%	51%
Total Uses	\$ 78,839,649	\$ 7,764,397	\$ 16,567,824	\$ 54,507,428	10%	31%
Reserves	19,946,731			19,946,731	0%	0%
Total Uses and Reserves	\$ 98,786,380	\$ 7,764,397	\$ 16,567,824	\$ 74,454,159	8%	25%

¹ Encumbrances represent unexpended balances of open purchase orders.

² Represents the sum of expenditures and encumbrances as a percentage of the available budget.

This unaudited financial statement is prepared as of March 31, 2020, and covers the interim period since the most recent audited financial statements.

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

SCHEDULE OF DISBURSEMENTS

GENERAL FUND

MARCH 2020

CHECKS	03/05/2020	\$	124,432.69
AP EFT CHECKS	03/06/2020		27,767.95
CHECKS	03/12/2020		124,092.19
AP EFT CHECKS	3/13/2020		65,665.10
DIRECT DISBURSEMENT	3/13/2020		135.00
CHECKS	03/19/2020		289,788.50
AP EFT CHECKS	03/20/2020		1,828.34
DIRECT DISBURSMENT	03/20/2020		100.00
CHECKS	03/26/2020		165,946.96
VOIDED CHECKS	3/31/2020		-520.00
RETIREMENT EFT	3/31/2020		57,028.52
RETIREMENT EFT			
			<hr/>
		\$	<u><u>856,265.25</u></u>

Chairman or Executive Director

May 28, 2020

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP
COMPUTER PAID/EFT CHECKS**

VENDOR	NAME	CHECK DATE	INVOICE NET	INVOICE DESCRIPTION
5340	APPLIED TECHNOLOGY AND MANAGEMENT, INC.	03/05/2020	14,771.50	ENCUMBER CONTRACT #18-072
95	AT&T	03/05/2020	268.60	PHONE SERVICE - EFO
5702	AUTO ALLEY	03/05/2020	126.37	MINOR REAPIRS FOR REG AND ERP
5499	BCC WASTE SOLUTIONS, LLC	03/05/2020	224.00	DUMPSTER FOR ECONFINA OFFICE A
5058	BELL LANE LIMITED PARTNERSHIP	03/05/2020	100.00	BELL LANE LIMITED P291173 EPER
4085	DARRELL CLARK	03/05/2020	90.00	REFUND WELL PERMIT 285140 DARR
4085	DARRELL CLARK	03/05/2020	50.00	REFUND WELL PERMIT 285584-1 DA
5056	COSTORDE, LLC	03/05/2020	100.00	COSTORDE 284685 EPERMIT DISCOU
5041	FLATWOODS NATIVES, INC.	03/05/2020	2,579.00	HAULING OF TREE TUBELINGS AND
5041	FLATWOODS NATIVES, INC.	03/05/2020	25,997.16	ENCUMBER CONTRACT 19-036
2702	FISH AND WILDLIFE	03/05/2020	3,165.73	LAW ENFORCEMENT-CONTRACT NO. 1
5410	GUARDIAN AUTOMOTIVE	03/05/2020	37.60	OPEN PURCHASE ORDER FOR RMD.
410	GULF COUNTY TAX COLLECTOR	03/05/2020	2.23	PARCEL REFUND
916	GULF POWER COMPANY	03/05/2020	501.31	ELECTRIC-DEFUNIAK OFFICE
4033	JOHNSTON TRUCKING, LLC	03/05/2020	22,800.00	ST. ANDREWS TRACT ROAD REPAIR
5159	L & R TRACTOR INC.	03/05/2020	675.00	40 YARD DUMPSTER
5715	MALCOM JOHNSON	03/05/2020	50.00	REFUND WELL PERMIT 285311-1 MA
3406	NEECE TRUCK TIRE CENTER INC.	03/05/2020	818.71	28/70/R17 MOUNT AND BALANCE FO
3876	TELEDYNE RD INSTRUMENTS	03/05/2020	13,060.00	UPGRADE RIO GRANDE ADCP
5330	RESEARCH PLANNING, INC.	03/05/2020	5,526.78	ENCUMBER CONTRACT 18-075
5404	RIMINI STREET, INC.	03/05/2020	12,489.00	ORACLE TECHNOLOGY SUPPORT
5629	ROAD MART OF FLORIDA, LLC	03/05/2020	800.40	REPAIR AND SERVICE WMD 2434 AS
523	SANTA ROSA PRESS GAZETTE	03/05/2020	109.43	WATER USE PERMIT LEGAL AD
4091	THE SHOE BOX	03/05/2020	222.85	RMD UNIFORMS
5051	THE SHIPS CHANDLER	03/05/2020	100.00	P291057 EPERMIT DISOUNT REFUND
4614	ST. JOE TIMBERLAND CO. OF DELAWARE LLC	03/05/2020	100.00	P291267 EPERMIT DISCOUNT REFUN
5675	TONY KELLY HEATING & A/C	03/05/2020	13,150.00	AC REPLACEMENT IN IT BUILDING
5057	URGENT CARE SOUTH	03/05/2020	100.00	PRIMARY CARE SOUTH 285961 EPER
3696	URS CORPORATION	03/05/2020	4,486.00	ENCUMBER CONTRACT #07-029 TO#1
3696	URS CORPORATION	03/05/2020	1,345.00	ENCUMBER CONTRACT 07-029 TO#81
5218	WAGeworks, INC.	03/05/2020	153.00	FLEXIBLE SPENDING ACCOUNT ADMI
4626	WASTE PRO OF FLORIDA, INC	03/05/2020	161.04	SOLID WASTE - HQ
5716	FLOYD SHATTLES	03/05/2020	271.98	TRAVEL REIMBURSEMENT

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP
COMPUTER PAID/EFT CHECKS**

TOTAL CHECKS			<u>124,432.69</u>	
3293	ANGUS G. ANDREWS, JR.	03/06/2020	8,125.00	ENCUMBER LEASE AGREEMENT - CON
4944	BRETT CYPHERS	03/06/2020	82.77	TRAVEL REIMBURSEMENT
3337	FORESTECH CONSULTING	03/06/2020	18,566.84	WEST REGION LAND MANAGEMENT PL
3942	A & W VENTURES, L.C.	03/06/2020	156.34	PORTABLE TOILET FOR PHIPPS PAR
2268	INNOVATIVE OFFICE SOLUTIONS, INC	03/06/2020	837.00	ENCUMBRANCE PO FOR PHONE SYSTE
TOTAL ACH TRANSFER			<u>27,767.95</u>	
TOTAL AP			<u><u>152,200.64</u></u>	

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP
COMPUTER PAID/EFT CHECKS**

VENDOR	NAME	CHECK DATE	INVOICE NET	INVOICE DESCRIPTION
5059	A MINING GROUP II, LLC	03/12/2020	2,226.35	126 TONS LIMEROCK ROAD BASE DE
5702	AUTO ALLEY	03/12/2020	126.37	MINOR REAPIRS FOR REG AND ERP
5702	AUTO ALLEY	03/12/2020	66.32	AUTO ALLEY RUNNING PO
2967	BANK OF AMERICA	03/12/2020	3,792.66	P-CARD CHARGES
2967	BANK OF AMERICA	03/12/2020	222.05	EMERGENCY TONER PURCHASE FOR 1
2967	BANK OF AMERICA	03/12/2020	157.48	REG OFFICE SUPPLIES-AMAZON
2967	BANK OF AMERICA	03/12/2020	50.00	REG SUNPASS
2967	BANK OF AMERICA	03/12/2020	1,667.02	WMD 2438 REPAIRS
2967	BANK OF AMERICA	03/12/2020	500.00	PAY SRM FOR CONCRETE MIX FOR T
2967	BANK OF AMERICA	03/12/2020	599.88	ADOBE CLOUD SUBSCRIPTION FOR C
2967	BANK OF AMERICA	03/12/2020	81.90	CRESTRON DM-RMC-SCALER-C
2967	BANK OF AMERICA	03/12/2020	601.34	AMAZON ORDER FOR IT
2967	BANK OF AMERICA	03/12/2020	43.20	AMAZON ORDER FOR IT
2967	BANK OF AMERICA	03/12/2020	738.05	SUPPLIES AND SENSOR STANDARDS
5131	CITY OF DEFUNIAK SPRINGS	03/12/2020	197.52	WATER/SEWER DEFUNIAK SPRINGS
4634	JIMMIE CROWDER EXCAVATING & LAND CLEARING, INC.	03/12/2020	2,727.00	80 TONS # 57 LIMEROCK DELIVERE
4748	EAST MILTON WATER SYSTEM	03/12/2020	10.00	WATER MILTON OFFICE
4855	ENVIRON SERVICES INCORPORATED	03/12/2020	2,583.34	JANITORIAL SERVICES, HEADQUART
1292	FISHER SCIENTIFIC	03/12/2020	320.16	LAB AND FIELD SUPPLIES
2713	FL DEPT OF AG. & CONSUMER SERVICES	03/12/2020	18,675.00	ANDREWS NURSERY (TOOTHACHE/SWI
2702	FISH AND WILDLIFE	03/12/2020	722.91	LAW ENFORCEMENT-CONTRACT NO. 1
26	FL. SECRETARY OF STATE DIV OF ADMIN SERV	03/12/2020	29.68	FAR AD
26	FL. SECRETARY OF STATE DIV OF ADMIN SERV	03/12/2020	37.52	FAR ADS FOR GB MEETINGS
391	GADSDEN COUNTY TAX COLLECTOR	03/12/2020	119.55	TAG AND TITLE REGISTRATION FOR
3282	W.W. GRAINGER, INC.	03/12/2020	279.12	LATEX GLOVES USED IN COLLECTIO
5566	JAMIE ALLEN GREEN	03/12/2020	16,609.32	ENCUMBER CONTRACT # 18-043
3193	INSURANCE INFORMATION EXCHANGE	03/12/2020	156.10	BACKGROUND SCREENING
4959	RICE ENTERPRISES, INC.	03/12/2020	104.95	BATTERY FOR WMD-2431
61	JACKSON COUNTY FLORIDAN	03/12/2020	78.25	WATER USE PERMIT LEGAL AD
698	KONICA MINOLTA BUSINESS SOLUTIONS USA	03/12/2020	294.70	KONICA MINOLTA COPIER LEASE RE
698	KONICA MINOLTA BUSINESS SOLUTIONS USA	03/12/2020	359.86	KONICA MINOLTA COPIER LEASE RE
698	KONICA MINOLTA BUSINESS SOLUTIONS USA	03/12/2020	256.77	KONICA MINOLTA COPIER LEASE RE
698	KONICA MINOLTA BUSINESS SOLUTIONS USA	03/12/2020	120.47	KONICA MINOLTA COPIER LEASE RE
698	KONICA MINOLTA BUSINESS SOLUTIONS USA	03/12/2020	278.31	KONICA MINOLTA COPIER LEASE RE

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP
COMPUTER PAID/EFT CHECKS**

698	KONICA MINOLTA BUSINESS SOLUTIONS USA	03/12/2020	244.15	KONICA MINOLTA COPIER LEASE RE
698	KONICA MINOLTA BUSINESS SOLUTIONS USA	03/12/2020	233.93	KONICA MINOLTA COPIER LEASE RE
698	KONICA MINOLTA BUSINESS SOLUTIONS USA	03/12/2020	113.30	KONICA MINOLTA COPIER LEASE RE
2299	LIBERTY COUNTY SOLID WASTE	03/12/2020	32.00	SOLID WASTE DUMPSTER-FL RIVER
3266	LOWE'S COMPANIES INC.	03/12/2020	259.20	LYSOL 4 PACK WET WIPE AND ALL
4876	NORTH AMERICAN FARMS, INC.	03/12/2020	32,217.00	AG BMP COST SHARE/CROP ROTATIO
4368	PROFESSIONAL HEALTH EXAMINERS	03/12/2020	100.00	LABORATORY TESTING
5651	SGS TECHNOLOGIE, LLC	03/12/2020	373.33	HOSTINA AND MAINTAINING DISTRI
5061	SMOOTH RIDE, LLC	03/12/2020	1,800.00	RENTAL AND LEASE OF BOAT FOR T
5590	KENNETH N STOUTAMIRE	03/12/2020	8,311.50	ENCUMBER CONTRACT # 18-062
1620	SUPERIOR FORESTRY SERVICE, INC	03/12/2020	4,394.50	LAFAYETTE CREEK MITIGATION
5666	SYNERGYNDS, INC	03/12/2020	896.00	HURRICANE MICHAEL - INS. DEDUC
110	TALQUIN ELECTRIC COOPERATIVE, INC.	03/12/2020	89.29	SECURITY LIGHTS - HQ
110	TALQUIN ELECTRIC COOPERATIVE, INC.	03/12/2020	252.18	WATER/SEWER - HQ
110	TALQUIN ELECTRIC COOPERATIVE, INC.	03/12/2020	3,627.33	ELECTRIC - HQ
4955	TERRY'S HOME & LAWN MAINTENANCE, INC.	03/12/2020	3,401.90	RECREATION SITE CLEANUP-CONTRA
5336	TETRA TECH, INC	03/12/2020	12,281.25	ENCUMBER CONTRACT # 18-078
3454	USDA, APHIS, WILDLIFE SERVICES	03/12/2020	58.05	18-002 AGREEMENT WITH USDA APH
5218	WAGeworks, INC.	03/12/2020	59.15	COBRA ADMINISTRATION
4774	JOHN T WILLIAMSON	03/12/2020	190.00	JANITORIAL SERVICES FOR MILTON
5065	DUC LE	03/12/2020	324.98	TRAVEL REIMBURSEMENT

TOTAL CHECKS

124,092.19

3455	DAVID CLAYTON	03/13/2020	442.70	TRAVEL REIMBURSEMENT
4944	BRETT CYPHERS	03/13/2020	160.20	TRAVEL REIMBURSEMENT
5166	JAMES A DANIEL	03/13/2020	99.00	TRAVEL REIMBURSEMENT
3337	FORESTECH CONSULTING	03/13/2020	3,918.75	SUPPORT AND HOSTING FOR LAND M
3337	FORESTECH CONSULTING	03/13/2020	18,566.84	WEST REGION LAND MANAGEMENT PL
2268	INNOVATIVE OFFICE SOLUTIONS, INC	03/13/2020	837.00	ENCUMBRANCE PO FOR PHONE SYSTE
5368	KOUNTRY RENTAL NWF, INC.	03/13/2020	207.50	CLEANING OF ECONFINA OFFICE AN
5368	KOUNTRY RENTAL NWF, INC.	03/13/2020	8,065.00	PORTABLE & COMPOST TOILET SERV
2516	HAINES J. LAYFIELD JR.	03/13/2020	111.50	TRAVEL REIMBURSEMENT
2429	ROBERT LIDE	03/13/2020	102.35	TRAVEL REIMBURSEMENT
4305	DANA PALERMO	03/13/2020	116.00	TRAVEL REIMBURSEMENT

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP
COMPUTER PAID/EFT CHECKS**

4305	DANA PALERMO	03/13/2020	133.80	TRAVEL REIMBURSEMENT
3813	PENNINGTON, P.A.	03/13/2020	31,918.96	LEGAL COUNSEL
5614	ZACHARY J. SELLERS	03/13/2020	787.50	DEFUNIAK OFFICE JANITORIAL
5621	MARGARET SEWARD	03/13/2020	99.00	TRAVEL REIMBURSEMENT
5442	LEONARD ZEILER	03/13/2020	99.00	TRAVEL REIMBURSEMENT
TOTAL ACH TRANSFER			<u>65,665.10</u>	
5707	REFUND PAYEEZY	03/13/2020	35.00	REFUND WELL PERMIT 289107-3 VE
5707	REFUND PAYEEZY	03/13/2020	100.00	KIM MILLER WREN P291406 WITHDR
TOTAL DIRECT DISBURSEMENTS			<u>135.00</u>	
TOTAL AP			<u><u>189,892.29</u></u>	

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP
COMPUTER PAID/EFT CHECKS**

VENDOR	NAME	CHECK DATE	INVOICE NET	INVOICE DESCRIPTION
4180	BA MERCHANT SERVICES	03/19/2020	393.64	TRANSACTION FEES FOR E-PERMITT
4778	BENSON'S HEATING AND AIR CONDITIONING, INC.	03/19/2020	200.00	MAINTENANCE ON MINI SPLIT SYST
1617	CAPITAL HEALTH PLAN	03/19/2020	83,149.45	MEDICAL INSURANCE
5053	CENTRAL FLORIDA YAMAHA, INC.	03/19/2020	1,748.70	MERCURY MODEL #-1F10201KK 9.9H
3157	COAST MACHINERY, INC.	03/19/2020	540.24	PARTS NEEDED TO FIX MARSH MAST
2241	DEPT. OF THE INTERIOR - USGS	03/19/2020	4,429.00	ENCUMBER CONTRACT #19-025
1709	DIVISION OF ADMINISTRATIVE HEARINGS	03/19/2020	2,601.00	DOAH-DIAZ
5679	DRH INC.CONTROLLED DISB ACCT.	03/19/2020	70.00	P284757-2 REFUND FOR OVERPAYME
2701	FLORIDA MUNICIPAL INSURANCE TRUST	03/19/2020	23,944.18	3RD INSTALLMENT FY 19-20
3399	FLORIDA STORMWATER ASSOC., INC.	03/19/2020	447.00	ONLINE TRAINING REGISTRATION
839	FORESTRY SUPPLIERS, INC.	03/19/2020	61.99	300 FT TAPE
3492	GEOTECH ENVIRONMENTAL EQUIP, INC.	03/19/2020	408.51	SAMPLING TUBING
5701	GRICE & SON PORT A POTTI, LLC	03/19/2020	380.00	PORTABLE TOILETS
916	GULF POWER COMPANY	03/19/2020	456.76	ELECTRIC - MILTON OFFICE
5577	HAMMOCK BAY BUILDING CO, LLC	03/19/2020	100.00	HAMMOCK BAY EPERMIT DISCOUNT R
1695	JAMES MOORE & COMPANY	03/19/2020	1,154.40	PREPARE TAX FORMS FOR INTERNAT
1695	JAMES MOORE & COMPANY	03/19/2020	21,513.57	ENCUMBER FINANCIAL AUDITORS CO
5294	KRONOS, INCORPORATED	03/19/2020	10.50	TIMESHEET PROGRAM
5159	L & R TRACTOR INC.	03/19/2020	675.00	40 YARD DUMPSTER
5159	L & R TRACTOR INC.	03/19/2020	750.00	40 YARD DUMPSTER
3266	LOWE'S COMPANIES INC.	03/19/2020	801.21	TOILET PLATFORM & DOCK SUPPLIE
5641	MUNROE FOREST & WILDLIFE MANAGEMENT, INC	03/19/2020	22,321.40	ENCUMBER T.O. # 6 FOR CONTRACT
5641	MUNROE FOREST & WILDLIFE MANAGEMENT, INC	03/19/2020	25,281.30	ENCUMBER T.O. # 6 FOR CONTRACT
5054	OBERG HYDROACOUSTICS	03/19/2020	8,560.00	TRAINING-STREAMFLOW MEASUREMENT
5414	OFFICE BUSINESS SYSTEMS, INC.	03/19/2020	1.19	OBS COPIER MAINTENANCE RENEWAL
5414	OFFICE BUSINESS SYSTEMS, INC.	03/19/2020	32.03	OBS COPIER MAINTENANCE RENEWAL
5414	OFFICE BUSINESS SYSTEMS, INC.	03/19/2020	161.54	OBS COPIER MAINTENANCE RENEWAL
5414	OFFICE BUSINESS SYSTEMS, INC.	03/19/2020	5.97	OBS COPIER MAINTENANCE RENEWAL
5414	OFFICE BUSINESS SYSTEMS, INC.	03/19/2020	42.91	OBS COPIER MAINTENANCE RENEWAL
5414	OFFICE BUSINESS SYSTEMS, INC.	03/19/2020	58.50	OBS COPIER MAINTENANCE RENEWAL
5414	OFFICE BUSINESS SYSTEMS, INC.	03/19/2020	8.38	OBS COPIER MAINTENANCE RENEWAL
5414	OFFICE BUSINESS SYSTEMS, INC.	03/19/2020	60.00	OBS COPIER MAINTENANCE RENEWAL
5703	OTT HYDROMET CORPORATION	03/19/2020	26,843.55	REPLACEMENT CELL TELEMETRY LOG

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP

COMPUTER PAID/EFT CHECKS

2663	PATIENTS FIRST LAKE ELLA MEDICAL CENTER, P.A.	03/19/2020	49.00	LABORATORY TESTING
5435	QUANTUM SPATIAL, INC.	03/19/2020	7,502.00	PARCEL DATA ACQUISITION
4799	STAPLES CONTRACT & COMMERCIAL, INC.	03/19/2020	319.93	OFFICE SUPPLIES
1620	SUPERIOR FORESTRY SERVICE, INC	03/19/2020	28,399.00	2020 HAND PLANTING SERVICES FO
5336	TETRA TECH, INC	03/19/2020	24,752.00	ENCUMBER CONTRACT # 18-078
3711	US POSTAL SERVICE-HASLER	03/19/2020	1,500.00	REPLENISH HQTRS POSTAGE METER
4038	WINDSTREAM COMMUNICATIONS	03/19/2020	54.65	800 NUMBERS AND EFO LONG DISTANCE

TOTAL CHECKS

289,788.50

5504	ANDREW JOSLYN	03/20/2020	163.00	TRAVEL REIMBURSEMENT
5504	ANDREW JOSLYN	03/20/2020	289.69	TRAVEL REIMBURSEMENT
5642	RODNEY LANIER	03/20/2020	25.00	REIMBURSEMENT
5642	RODNEY LANIER	03/20/2020	5.00	REIMBURSEMENT
1095	TYLER MACMILLAN	03/20/2020	90.00	TRAVEL REIMBURSEMENT
4607	QUADIENT LEASING USA, INC	03/20/2020	1,087.65	MAILING SYSTEMS FOR HQ AND DEF
1918	PAUL J. THORPE	03/20/2020	168.00	TRAVEL REIMBURSEMENT

TOTAL ACH TRANSFER

1,828.34

5707	REFUND PAYEEZY	03/20/2020	100.00	GLINT GECI P291467 EPERMIT DIS
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TOTAL DIRECT DISBURSEMENTS

100.00

TOTAL AP

291,716.84

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP
COMPUTER PAID/EFT CHECKS**

VENDOR	NAME	CHECK DATE	INVOICE NET	INVOICE DESCRIPTION
5127	ALAN JAY FLEET SALES	03/26/2020	25,953.00	REG REPLACEMENT VEHICLE. ATTAC
5340	APPLIED TECHNOLOGY AND MANAGEMENT, INC.	03/26/2020	15,603.25	ENCUMBER CONTRACT #18-072
5028	AQUATIC INFORMATICS INC	03/26/2020	14,366.00	AQUARIUS CLOUD MIGRATION
95	AT&T	03/26/2020	269.94	PHONE SERVICE - EFO
5067	BIG BAYOU DEVELOPERS LLC	03/26/2020	100.00	P291568 EPERMIT DISCOUNT
5625	TRIGG, CATLETT & ASSOCIATES	03/26/2020	1,400.00	APPRAISAL OF NORTHERN TRACT-RE
5515	CHANDLER AND ASSOCIATES OF PANAMA CITY, INC	03/26/2020	750.00	REVIEW APPRAISAL OF THE NORTHE
4676	CITY OF MILTON FLORIDA	03/26/2020	70.96	DUMPSTER SERVICE
4676	CITY OF MILTON FLORIDA	03/26/2020	20.33	SEWER MILTON FIELD OFFICE
3289	CITY OF TALLAHASSEE	03/26/2020	40.52	ELECTRIC DATA COLLECTION-LAKES
5585	CURETON JOHNSON & ASSOCIATES, LLC	03/26/2020	1,400.00	APPRAISAL OF THE NORTHERN TRAC
45	DMS	03/26/2020	624.11	DEFUNIAK LOCAL
45	DMS	03/26/2020	1,417.32	DEFUNIAK ETHERNET/LONG DISTANCE
45	DMS	03/26/2020	12.53	CONFERENCE CALLS
45	DMS	03/26/2020	1,354.20	HQ LOCAL
45	DMS	03/26/2020	138.08	HQ LONG DISTANCE
45	DMS	03/26/2020	73.92	MILTON LOCAL
45	DMS	03/26/2020	1.53	MILTON LONG DISTANCE
45	DMS	03/26/2020	62.27	AIR CARDS & HOTSPOTS
45	DMS	03/26/2020	6,910.67	HQ ETHERNET
45	DMS	03/26/2020	1.34	LAN PORTS & INTRANET/INTERNET
2291	GULF COAST ELECTRIC COOPERATIVE,INC	03/26/2020	282.73	ELECTRIC SERVICE EFO
5474	HATCHER PUBLISHING INC	03/26/2020	27.45	WATER USE PERMIT LEGAL AD
5653	L & R CONTRACTING, LLC	03/26/2020	77,136.77	ENCUMBER CONTRACT # 19-032
4856	MCNICHOLS COMPANY	03/26/2020	1,235.06	WIRE MESH FOR DECK AT FILLINGI
4081	POT-O-GOLD RENTALS, LLC	03/26/2020	157.50	PORTABLE TOILETS FOR WEST REGI
4081	POT-O-GOLD RENTALS, LLC	03/26/2020	157.50	PORTABLE TOILETS FOR WEST REGI
4081	POT-O-GOLD RENTALS, LLC	03/26/2020	238.50	PORTABLE TOILETS FOR WEST REGI
4081	POT-O-GOLD RENTALS, LLC	03/26/2020	157.50	PORTABLE TOILETS FOR WEST REGI
4081	POT-O-GOLD RENTALS, LLC	03/26/2020	157.50	PORTABLE TOILETS FOR WEST REGI
4081	POT-O-GOLD RENTALS, LLC	03/26/2020	238.50	PORTABLE TOILETS FOR WEST REGI
4081	POT-O-GOLD RENTALS, LLC	03/26/2020	238.50	PORTABLE TOILETS FOR WEST REGI
4081	POT-O-GOLD RENTALS, LLC	03/26/2020	157.50	PORTABLE TOILETS FOR WEST REGI

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT AP
COMPUTER PAID/EFT CHECKS**

4081	POT-O-GOLD RENTALS, LLC	03/26/2020	315.00	PORTABLE TOILETS FOR WEST REGI
4081	POT-O-GOLD RENTALS, LLC	03/26/2020	400.50	PORTABLE TOILETS FOR WEST REGI
4081	POT-O-GOLD RENTALS, LLC	03/26/2020	157.50	PORTABLE TOILETS FOR WEST REGI
5695	PRACTICAL STATS LLC	03/26/2020	1,300.00	ONLINE APPLIED ENVIRONMENTAL S
4799	STAPLES CONTRACT & COMMERCIAL, INC.	03/26/2020	17.04	OFFICE SUPPLIES
5062	THE AMERICAN LEGION	03/26/2020	92.85	NEW FLAGS FOR HQ
4557	VERIZON WIRELESS	03/26/2020	177.53	CELL PHONES
4557	VERIZON WIRELESS	03/26/2020	926.28	JETPACKS
3790	WILDLANDS SERVICE, INC.	03/26/2020	11,550.28	PRESCRIBED BURNING SERVICES CP
5060	XTREME LOGISTICS GULF COAST, LLC	03/26/2020	255.00	RENTAL & SERVICE OF PORTABLE T
TOTAL CHECKS			<u>165,946.96</u>	
TOTAL AP			<u>165,946.96</u>	

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

SCHEDULE OF DISBURSEMENTS

PAYROLL

MARCH 2020

DIRECT DEPOSIT	03/06/2020	\$	20,864.83
DIRECT DEPOSIT	03/13/2020		218,675.01
CHECKS	03/13/2020		4,054.12
FLEX SPENDING EFT	03/13/2020		1,629.99
DIRECT DEPOSIT	03/26/2020		215,995.23
CHECKS	03/26/2020		2,395.27
FLEX SPENDING EFT	03/26/2020		1,629.99
		\$	<u>465,244.44</u>

APPROVED:

Chairman or Executive Director

May 28, 2020

Date

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Administration, Budget, and Finance Committee

THROUGH: Brett J. Cyphers, Executive Director
Lyle Seigler, Chief of Staff

FROM: Wendy Dugan, Division of Administration Director

DATE: May 13, 2020

SUBJECT: Consideration of Acceptance of the Audited Financial Statements for Fiscal Year
2018-2019

Recommendation

Staff recommends the Governing Board accept the District's September 30, 2019, audited financial statements as presented.

Background

Mr. James Halleran, C.P.A., a Partner with the District's independent audit firm, James Moore & Company, P.L., will present the results of their audit of the District's financial statements for the fiscal year ending September 30, 2019.

The Financial Report is provided as a separate document for your review and consideration.

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Administration, Budget, and Finance Committee

THROUGH: Brett J. Cyphers, Executive Director
Lyle Seigler, Chief of Staff

FROM: Wendy Dugan, Division of Administration Director

DATE: May 13, 2020

SUBJECT: Consideration of Amendment No. 13 to the Fiscal Year 2019-2020 Budget
Adjusting Beginning Fund Balances

Recommendation

Staff recommends the Governing Board approve Amendment No. 13 to the Fiscal Year 2019-2020 Budget adjusting fund balances.

Background

Amendment No. 13 updates the beginning budgeted fund balances to the FY 2019-2020 budget, based on the audited financial statements as of September 30, 2019.

Each year, after completion and approval of the prior year's audited financial statements, the audited ending fund balances are brought forward into the current year's budget in the form of an amendment. Funds impacted by the adjusted balances include the General Fund, Capital Improvement and Land Acquisition Fund, Special Projects Fund, Lands Management Fund, Regulation Fund, and Mitigation Fund.

In addition to the fund balances, the audited financial statements provide the unearned revenue available for the current and future year budgets.

FY 2019-2020 Beginning Fund Balance and Available Resources

Fund	Fund Balance	Unearned Revenue	Available Resources
General Fund	14,795,942	0	14,595,029
Projects Fund	3,182,140	102,642	2,596,645
Lands Management Fund	5,318,022	73,687	6,355,136
Regulation Fund	2,922,404	0	2,347,933
Mitigation Fund	2,426,204	13,299,189	15,928,821
Capital Improvement and Lands Acquisition Fund	296,364	830,180	288,987
	28,941,076	14,305,698	42,112,551

These adjustments impact the beginning and ending fund balances and transfers across funds.

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

THROUGH: Brett Cyphers, Executive Director
Lyle Seigler, Chief of Staff
Lennie Zeiler, Director, Division of Asset Management

FROM: Tyler Macmillan, Chief, Bureau of Land Management Operations

DATE: May 11, 2020

SUBJECT: Consideration of Annual Work Plan and Budget for the Sand Hill Lakes Mitigation Bank Cooperative Management Agreement

Recommendation

Staff recommends the Governing Board approve the Florida Fish and Wildlife Conservation Commission Fiscal Year 2020-2021 Annual Work Plan and Budget for the Sand Hill Lakes Mitigation Bank Cooperative Management Agreement, subject to approval of the District's Fiscal Year 2020-2021 budget in September 2020.

Background

Since 2005, the District has contracted with the Florida Fish and Wildlife Conservation Commission (FWC) to assist with the management of the Sand Hill Lakes Mitigation Bank (Fitzhugh Carter) property in Washington County, consistent with conditions of the state and federal mitigation bank permits.

Under this agreement, the FWC provides assessments of the property's fish and wildlife resources as they relate to managing the property's allowable public recreation opportunities and fulfilling the permit requirements. This includes, but is not limited to, operation of the fish and wildlife check station; regulation of public access and use; enhanced law enforcement; and ongoing fish and wildlife studies and assessments. Additionally, FWC staff undertakes the management of nuisance species such as feral hogs.

The property has been open to public hunting since 2005 and was opened to public fishing in 2007. Recreational activities on this property are highly regulated. The mitigation bank permits allow for public access to the property only through a check station system.

The current agreement was renewed in 2019 for an additional five-year term. The agreement requires an annual assessment of FWC's activities and development of a Work Plan and Budget for the upcoming fiscal year. Coordinating with District staff, the FWC developed the attached Work Plan and Budget for FWC Fiscal Year 2020-2021, which begins on July 1, 2020. District staff routinely assesses FWC's work plan progress, and FWC has consistently implemented all activities specified in the Work Plan.

The proposed annual Work Plan budget for the upcoming agreement period is \$128,220, which is \$4,193 more than the current year's budget of \$124,027. The increase is due to an increase in the costs associated with the insurance provided for the two full-time FWC staff who are employed through this program.

The insurance costs for these staff have fluctuated from year to year – the current year (Fiscal Year 2019-2020) program had a cost savings of almost \$3,000 from the previous year, but FWC has determined that the insurance for next year will increase by \$2,013 per employee. The additional \$167 of increase is the result of a small increase in hours for the Check Station Operators – their schedule fluctuates a small amount from year to year based on the calendar.

Attachment: 2020-2021 Work Plan/Budget

<u>Service/Product</u>	<u>Description</u>	<u>District Costs/Expenditures</u>
Fish and Wildlife Biologist (Biological Scientist III equivalent)	Implement a comprehensive fisheries and wildlife management program to address Florida Department of Environmental Protection and U.S. Army Corps of Engineers permit requirements for the Sand Hill Lakes Mitigation Bank (SHLMB). Duties include, but are not limited to wild hog management as a priority activity, along with weekly patrols of the fence lines and updating the Boundary Breach Catalog/Map, the collection of wildlife and fisheries data, preparation of annual reports, supervision of the Fish & Wildlife Technician and Check Station Operators, coordination of volunteer program, and coordinate and conduct fish and wildlife surveys.	Biologist Salary...\$ 42,528 <u>Benefits.....\$ 9,727</u> <u>\$ 52,255</u>
Fish and Wildlife Technician	Assist Fish and Wildlife Biologist with multiple aspects of area management including, but not limited to wild hog management as a priority activity, along with weekly patrols of the fence lines and updating the Boundary Breach Catalog/Map, conducting fish and wildlife population surveys, maintenance of boats and boat ramps, coordination with visiting educational groups, and relieving check station operator(s) as needed.	Technician Salary..\$ 30,874 <u>Benefits.....\$ 9,727</u> <u>\$ 40,601</u>
Check Station Operators	Man Check Station during scouting, hunting, and fishing days. Duties include providing education and assistance to hunters and anglers checking into and out of check station (customer service/area public relations), collection of biological data from harvested game and fish, monitoring hunter and fisherman pressure (creel surveys and quota hunt use), issuance of angler provisions (boats, oars, PFD's, creel kits), and adherence to fisherman quotas & pond allocation limits.	<u>3,151.5 hrs @ \$9.00/hr.</u> <u>\$ 28,364</u>
Estimated Operational Expenses	Boat operation costs during fish surveys, work and safety apparel, continuing education and training, fish & wildlife scientific survey materials, and equipment & supplies.	<u>\$ 7,000</u>
Total		<u>\$ 128,220</u>

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

THROUGH: Brett Cyphers, Executive Director
Lyle Seigler, Chief of Staff
Carlos Herd, Director, Division of Resource Management

FROM: Paul Thorpe, Deputy Director, Division of Resource Management

DATE: May 13, 2020

SUBJECT: Consideration of Grant Funding for Construction of the Santa Rosa County Regional Reuse System

Recommendation

Staff recommends the Governing Board (1) approve submittal of the Santa Rosa County Regional Reuse System project to the Department of Environmental Protection (DEP) for \$2.5 million in funding consideration, and, (2) authorize the Executive Director to enter into agreements with DEP and cooperators to receive the requested funds and provide grant funding up to the amount requested to support project implementation, subject to budget authority and legal counsel review.

Background

The Florida Legislature appropriated \$40 million for alternative water supply projects in FY 2020-2021, subject to the Governor's approval of the state's budget. Eligible projects include reclaimed water and advanced treatment for public access reuse, as well as other alternative water supply projects.

A multijurisdictional regional project was established through a Memorandum of Agreement (MOA) between Santa Rosa County, the Holley-Navarre Water System, and the City of Gulf Breeze on March 26, 2020. The MOA defines the share of responsibilities for the project, which includes construction of rapid infiltration basins, wastewater treatment upgrades, and reclaimed water transmission mains. The system will provide reclaimed water for beneficial reuse within south Santa Rosa County. This multi-phase project with a preliminary cost estimate of approximately \$26 million will remove effluent discharge into Santa Rosa Sound from the County's Navarre Beach Wastewater Treatment Plant. The project will also provide up to 1.4 million gallons per day of reclaimed water for beneficial reuse. Funding sources are anticipated to include the cooperating utilities, the Florida Legislature, and RESTORE.

In February 2020, the Governing Board authorized a grant of \$100,000 of FY 2019-20 funding toward this project. With the additional funding proposed here, the District grant amount for implementation of the project would come to \$2,600,000.

By improving water quality in Santa Rosa Sound and expanding water reclamation and beneficial reuse within southern Santa Rosa County, this project advances implementation of two approved District plans: The Pensacola Bay System Surface Water Improvement and Management Plan and the Region II Regional Water Supply Plan.

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

THROUGH: Brett Cyphers, Executive Director
Lyle Seigler, Chief of Staff
Carlos Herd, Director, Division of Resource Management

FROM: Paul Thorpe, Deputy Director, Division of Resource Management

DATE: May 13, 2020

SUBJECT: Consideration of Grant Funding for the Panama City Beach Parkway Reuse Transmission Extension Project

Recommendation

Staff recommends the Governing Board (1) approve submittal of the Panama City Beach Parkway Reuse Transmission Extension project to the Department of Environmental Protection (DEP) for \$494,900 in funding consideration, and, (2) authorize the Executive Director to enter into agreements with DEP and the City of Panama City Beach to receive the requested funds and provide grant funding up to the amount listed to support project implementation, subject to budget authority and legal counsel review.

Background

The Florida Legislature appropriated \$40 million for alternative water supply projects in FY 2020-2021, subject to the Governor's approval of the state's budget. Eligible projects include reclaimed water and advanced treatment for public access reuse, as well as other alternative water supply projects.

The City of Panama City Beach operates a reclaimed water system using highly treated effluent from the Panama City Beach Wastewater Treatment Plant. This project will expand the City's reclaimed water transmission system eastward to serve both existing irrigation and new irrigation demand. Through this project, the City will extend an existing 20-inch reclaimed water main approximately 7,350 feet along U.S. Highway 98/Panama City Beach Parkway to the vicinity of the new Breakfast Point Sports Complex. Survey and design have been conducted with funding from the City and a current grant from the District. Construction of the project is anticipated to cost approximately \$990,000.

Completion of the project would make reclaimed water available to more than 200 existing connection opportunities and over 1,500 future connections, and it would provide reclaimed water

for the sports complex. It is anticipated the sports complex alone will need in excess of 400,000 gallons per day for irrigation at build-out. Providing reclaimed water for these uses will reduce demand on Bay County's potable water and local groundwater resources. Additionally, expanding the reuse of reclaimed water will advance implementation of the District's Strategic Water Management Plan and the St. Andrew Bay Surface Water Improvement and Management Plan.

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

THROUGH: Brett Cyphers, Executive Director
Lyle Seigler, Chief of Staff
Carlos Herd, Director, Division of Resource Management

FROM: Paul Thorpe, Deputy Director, Division of Resource Management

DATE: May 13, 2020

SUBJECT: Consideration of Grant Funding for the City of Gretna Ground Storage Tank

Recommendation

Staff recommends the Governing Board authorize the Executive Director to enter into agreement with the City of Gretna to provide up to \$50,000 in grant funding toward construction of a new ground storage tank.

Background

Hurricane Michael caused significant damage to one of the City of Gretna's elevated water tanks, and it was determined repairs would be cost prohibitive. A new ground storage tank and associated pumps, controls, and other appurtenances have been designed, permitted, and bid to restore and increase the City's potable water storage capacity.

The project will consist of construction of a new 300,000-gallon ground storage tank. As currently proposed, the project will have a total construction cost of \$1,537,500. The City is working on identifying additional funding sources. Substantial funding is expected from the Florida Division of Emergency Management, with additional funds also anticipated from insurance proceeds and the Federal Emergency Management Agency.

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

MEMORANDUM

TO: Governing Board

THROUGH: Brett J. Cyphers, Executive Director
Lyle Seigler, Chief of Staff
Andrew Joslyn, Director, Division of Regulatory Services

FROM: Megan Seward, Chief, Bureau of Performance and Compliance Improvement

DATE: May 1, 2020

SUBJECT: Consideration of Rule Language – Chapter 40A-7, F.A.C.

Recommendation

Staff recommends the Governing Board approve the proposed rule language for establishing Chapter 40A-7, Florida Administrative Code (F.A.C.), Contractor Suspension.

Background

Florida Statutes require the District to adopt rules to create policies and procedures for suspending a contractor from working with the District, temporarily or permanently, whenever a contractor materially breaches its contract with the District. Thus, the District is creating Chapter 40A-7, F.A.C. to comply with this statutory mandate.

The Governing Board approved initiation of rulemaking on Chapter 40A-7, F.A.C. as described above on August 22, 2019, and approved the proposed rule language on February 27, 2020. Staff published the Notice of Proposed Rule on March 23, 2020. We received comments from the Joint Administrative Procedures Committee (“JAPC”) shortly thereafter, dated March 23, 2020. In response to those JAPC comments, the proposed rule language already approved has been modified, and thus is being submitted again for approval of this modified rule language.

Next Steps

Once the modified rule language for Chapter 40A-7, F.A.C. is approved by the Governing Board, staff will publish a new Notice of Proposed Rule in the Florida Administrative Register, which will be followed by a 21-day challenge/comment period. Assuming there are no significant hurdles in the public rulemaking process, we anticipate this rule becoming effective by the end of July 2020.

CHAPTER 40A-7

CONTRACTOR SUSPENSION

40A-7.001 Policy

40A-7.002 Definitions

40A-7.003 Determination and Notice of a Material Breach of a Contract with the District

40A-7.004 Determination and Notice of a Contractor Suspension

40A-7.005 Administrative Hearings

40A-7.001 Policy.

(1) This chapter establishes the policy and procedure for suspending a contractor from working with the District, either temporarily or permanently, when a contractor materially breaches a contract with the District.

(2) The District’s objective in enacting this chapter is to serve as a good steward of taxpayer funds and encourage business practices that require contractors to materially perform in accordance with the terms and conditions of the District contract.

(3) The District Governing Board shall be authorized to temporarily or permanently suspend a contractor from doing business with the District, based upon a determination that the contractor has materially breached its contract with the District. The Governing Board may elect not to take action.

(4) By temporarily or permanently suspending a contractor from doing business with the District, the District does not waive any other legal or equitable remedies for breach of contract.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History—New XX-XX-XX.

40A-7.002 Definitions.

When used in this chapter:

(1) “Contractor” means an individual, partnership, corporation, joint venture, professional association, an obligor to a third party beneficiary contract, or any other legal entity, including any associated principals, that has entered into a contract with the District for the performance of work. Contractor shall not include recipients of District grant funds.

(2) “District” means the Northwest Florida Water Management District.

(3) “Notice to Defaulting Contractor” means a written notification from the District to a contractor stating that the contractor materially breached a contract with the District for the purposes of this chapter and is being referred to the

Governing Board for a determination as to whether the contractor should be placed on the District's Temporary or Permanent Suspension List.

(4) "Obligor" means an entity that has promised or is otherwise legally obligated to perform an act or deed for the benefit of a third party beneficiary. Obligor to the District include but are not limited to insurance companies and surety companies.

(5) "Principal(s)" means a sole proprietor, partner, owner, officer, or director of the contractor that materially breached a District contract.

(6) "Re-procurement costs" means the total amount of additional expense, which may include administrative costs or attorney's fees, that the District has or will incur in order to obtain substitute goods or services from another contractor to complete the requirements that the defaulting contractor failed to perform in accordance with the District contract.

(7) "Suspension Notice" means a written notification from the District informing a contractor that it has not been suspended from doing business with the District or informing a contractor that it has been placed on the District's Suspension List and is temporarily or permanently suspended from doing business with the District.

(8) "Suspension List" means a list of contractors maintained by the District that are temporarily or permanently suspended from doing business with the District.

(9) "Third-party beneficiary" means whenever the District is the intended beneficiary of a contract but is not a party to the contract.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History-- New XX-XX-XX.

40A-7.003 Determination and Notice of a Material Breach of a Contract with the District.

(1) For the purposes of this chapter, the Project Manager or Contract Manager, or subsequently titled position, shall determine, in consultation with the District's Executive Director and General Counsel, whether a contractor has materially breached a contract with the District.

(2) The determination that a contractor has materially breached a contract with the District shall be based upon a finding that the contractor acted in a manner that was inconsistent with the terms and conditions of the contract under circumstances not excused by the contract, and the action resulted in or involved one or more of the following conditions:

(a) An adverse economic impact to the District of greater than \$10,000;

(b) A delay in the completion of a District project by more than 3 months;

(c) The contractor failing to perform in accordance with professional licensing standards and regulations;

- (d) The contractor intentionally failing to comply with Florida public records laws;
- (e) The contractor discriminating on the basis of race, color, creed, national origin, sex, age, or handicap;
- (f) The contractor violating requirements of a District solicitation to ensure the fair award of District contracts, including price fixing between competitors, allocation of customers between competitors, and bid rigging;
- (g) The contractor demonstrating willful or gross misconduct;
- (h) The commission of a criminal offense, including public entity crimes as defined in Section 287.133(1)(g), F.S.;
- (i) The commission of any act indicating a lack of business integrity or honesty; or,
- (j) The contractor knowingly doing business with a suspended contractor.

(3) Upon determining that a contractor materially breached a District contract in accordance with the requirements of subsection 40A-7.003(2), F.A.C., the District will notify the contractor that the Governing Board will determine whether the contractor should be placed on the District's Temporary or Permanent Suspension List by mailing a Notice to Defaulting Contractor sent Certified U.S. Mail, return receipt requested. The Notice to Defaulting Contractor shall be mailed to the contractor at least 7 days prior to the Governing Board meeting.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History— New XX-XX-XX.

40A-7.004 Determination and Notice of a Contractor Suspension.

(1) Once the District has mailed a Notice to Defaulting Contractor to the contractor, the Governing Board shall determine whether the contractor should be suspended from doing business with the District, and if suspended, the duration of the suspension.

(2) When determining whether a contractor should be temporarily suspended from doing business with the District for a period of time of 1 year, the Governing Board shall consider whether:

- (a) The material breach resulted in an adverse economic impact to the District of less than \$50,000;
- (b) The material breach resulted in a delay in the completion of a District project of less than 1 year;
- (c) The contractor failed to perform in accordance with professional licensing standards and regulations;
- (d) The contractor failed to comply with Florida public records laws;
- (e) The contractor committed a material breach which involved discrimination on the basis of race, color, creed, national origin, sex, age, or handicap;
- (f) The contractor committed a material breach which involved willful or gross misconduct;

(g) The District has terminated any other District contracts with the contractor due to the contractor's material breach within the past 5 years;

(h) The contractor committed a material breach which involved the commission of any act indicating a lack of business integrity or honesty;

(i) The contractor committed a material breach which involved knowingly doing business with a suspended contractor; or

(h) The contractor has materially breached a contract with the District on more than one occasion within the last 3 calendar years by having financial consequences imposed by the District or having forfeited a portion or all of a performance bond.

(3) When making a determination whether a contractor should be permanently suspended from doing business with the District, the Governing Board shall consider, in addition to those criteria in section (2) above, whether:

(a) The material breach resulted in an adverse economic impact to the District of \$50,000 or more;

(b) The material breach resulted in a delay in the completion of a District project of 1 year or more;

(c) The contractor violated a District solicitation to ensure the fair award of District contracts, including price fixing between competitors, allocation of customers between competitors, and bid rigging; or

(d) The contractor committed a material breach which involved the commission of a criminal offense, including public entity crimes as defined in Section 287.133(1)(g), F.S.

(4) The District shall mail to the contractor a Suspension Notice by Certified U.S. Mail, return receipt requested, upon the Governing Board's determination that the contractor will not be suspended or has been temporarily or permanently suspended from doing business with the District. The Suspension Notice shall specify the basis for the Governing Board's determination and the duration of any suspension. The Suspension Notice shall inform the contractor that its principals shall not do business with the District under a different name or form a new legal entity in order to do business with the District while the contractor remains on the Suspension List.

(5) The conditions for reinstatement for a contractor placed on the Temporary Suspension List shall be:

(a) the contractor shall make a written request to the District for reinstatement;

(b) the contractor's temporary suspension period must be completed; and

(c) the contractor shall have reimbursed the District for all re-procurement costs incurred by the District resulting from the contractor's breach.

(6) Contractors that are placed on the Permanent Suspension List will be permanently suspended from doing business with the District.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History– New XX-XX-XX.

40A-7.005 Administrative Hearings.

The Suspension Notice shall constitute final agency action subject to the provisions of Chapter 120, F.S.

Rulemaking Authority 373.610 FS. Law Implemented 373.610 FS. History– New XX-XX-XX.

MEMORANDUM

TO: Northwest Florida Water Management District Governing Board

FROM: J. Breck Brannen, General Counsel

RE: Legal Counsel Report

DATE: May 19, 2020

Carmen Diaz, Petitioner, vs. Northwest Florida Water Management District, and Palafox, LLC, Respondents, State of Florida Division of Administrative Hearings (DOAH), Case No. 19-5831

This is a challenge brought by Petitioner Diaz, a homeowner within the Tallahassee subdivision known as Palafox, to an environmental resource permit issued by the District to Palafox, LLC, whose principal is Gary Zins. The permit authorizes Palafox, LLC, to construct a surface water management system to serve an approximately 2.68-acre development (multi-family housing) at the intersection of Palafox Lane and Martin Hurst Road in Tallahassee.

The Petitioner alleged, primarily, that the development will violate District statutes and rules by causing increased amounts of stormwater/flooding on Petitioner's property. The District's position was that Palafox, LLC, has met the conditions for issuance of the permit and the engineering provided by Palafox, LLC, demonstrates that no such impacts to Petitioner's property will occur.

The final hearing, i.e. trial, was held in this case on February 19 and 20, 2020. The District and Palafox, LLC, presented a vigorous defense of the permit issuance. After a short deadline extension, the proposed recommended orders (PRO) were filed by all parties on April 13, 2020.

The administrative law judge issued her Recommended Order (RO) on May 18, 2020 (see attached). The parties have until June 2, 2020, to submit exceptions to the RO. The Governing Board will most likely hold a hearing at the June Governing Board meeting to consider the RO, exceptions and issue its Final Order (FO). Attorneys Breck Brannen and Matt Bryant, who represented the District in the DOAH proceedings, should not provide counsel to the Governing Board at the hearing to issue the FO. Instead, attorney Bill Horgan, who has had no involvement in the case, will provide advice and counsel to the Governing Board relating to issuance of the FO.