

FINAL

**MINUTES OF THE MEETING
of the
HARRIS CHAIN OF LAKES RESTORATION COUNCIL
April 6, 2018**

The regular meeting of the Harris Chain of Lakes Restoration Council (Council) was held at 9:15 a.m. on April 6, 2018 at the Lake County Board of County Commissioner Chambers, 315 West Main Street, Tavares, Florida.

- **CALL TO ORDER**

Chairman Johnson called the meeting to order at 9:15 a.m.

- **INVOCATION AND PLEDGE OF ALLEGIANCE**

Chairman Johnson called for a moment silence. The Pledge of Allegiance followed.

- **COUNCIL ROLL CALL; REMINDER FOR OTHERS TO SIGN IN**

Chairman Johnson called the roll.

Council Members Present

Robert Johnson, Chairman
Skip Goerner, Vice-Chairman
Don Nicholson, Secretary (arrived at 10:30 am)
Keith Truenow
Sid Grow
John Stump
Stephanie Bishop

Council Members Absent

Vacant, Attorney
Vacant, Physician

- **APPROVAL OF MINUTES**

Minutes from November 3, 2017 were approved.

- **PRESENTATIONS / ACTION ITEMS**

* Action items requested by Council Action are in bold.

Chairman Johnson announced the agenda items will be discussed out of order and that he will forego his discussion, as he would have to leave the meeting at 11:15 a.m. for a previously scheduled appointment. Chairman Johnson did not announce what those changes were but moved on to discuss the 2017 Annual Report and advised he provided paper copies to Council Members. Chairman Johnson discussed the issue of paper versus electronic copies of the Annual Report, noting during his discussions that he had received correspondence from SJRWMD Chief of Staff Lisa Kelley outlining SJRWMD policy regarding electronic versus paper distribution of documents. Chairman Johnson

recited excerpts from the correspondence that also included a discussion of current SJRWMD funding and other assistance provided to the Harris Chain of Lakes Restoration Council (HCOLRC). Chairman Johnson and Vice-chairman Goerner discussed the Council history on the distribution of paper copies of the Annual Report, historic funding of the HCOLRC by SJRWMD, the need to fill existing vacancies on the HCOLRC, and the need to advertise those vacancies in local newspapers.

Councilwoman Bishop raised a point of order regarding the agenda. It was her understanding that since the presentation item shown on the agenda was cancelled, Council would instead discuss agendas and set goals for the day that could be approved by Council, rather than bringing up ad hoc issues throughout the meeting. Councilwoman Bishop queried the Chairman about whether the Council was going to approve a new agenda. Councilwoman Bishop further recommended the agenda be approved at onset of each meeting. Chairman Johnson acknowledged her recommendation but stated the items he was discussing occurred while he was still Chairman. Councilwoman Bishop noted those discussion topics would be old business items. Chairman Johnson concurred, but moved on to report on a phone conversation he had with Dr. Shortelle, SJRWMD Executive Director, without further discussion of the agenda.

Chairman Johnson discussed elements of his conversation with Dr. Shortelle including Council disagreements with SJRWMD regarding gizzard shad harvesting and *Gambusia* testing with the Florida Department of Health. Chairman Johnson reported the Sunshine Law was a topic of discussion, and that Dr. Shortelle had provided information on the Sunshine Law to him. Chairman Johnson suggested using University of Florida personnel to get scientific background to the Council. Dr. Shortelle noted the Council has a technical advisory group (TAG), but Chairman Johnson suggested the TAG members could not disagree with agencies they work for, so Council needs outside experts for information. Chairman Johnson specifically mentioned Dr. Canfield and Dr. Havens and remarked in particular about negative letters written to UF Vice-president Jack Payne regarding Dr. Canfield.

Mr. John Miklos, Chairman of the Governing Board of SJRWMD, came to the dais to express his disagreement with the notion that TAG members are beholden to their agencies. Mr. Miklos further asserted the letters to UF Vice-president Jack Payne regarding Dr. Canfield were appropriate.

Mr. Miklos requested clarification on Vice-chairman Goerner's assertion that SJRWMD has cut funding to the HCOLRC over time and suggested he could call a special meeting to discuss the matter if SJRWMD is in some way deficient. Mr. Miklos and Vice-chairman Goerner discussed funding to the Council from both SJRWMD and the Lake County Water Authority (LCWA). Lisa Kelley, Chief of Staff, SJRWMD, elaborated on funding from LCWA, noting \$5,000 of ad valorem funds are provided by LCWA. The current HCOLRC funds available from LCWA are \$9,850. Vice-chairman Goerner discussed historic funding from LCWA and SJRWMD, noting LCWA has no obligation to provide funding to the HCOLRC. Vice-chairman Goerner indicated that according to legislation, SJRWMD is responsible for funding the HCOLRC. Mr. Miklos disagreed with Vice-chairman Goerner, noting the Florida Statute states: "The St. Johns River Water Management District shall provide staff to assist the council in carrying out the provisions of this act". Mr. Miklos noted the statute makes no reference about funding of the HCOLRC, and the notion that SJRWMD is obligated to fund the HCOLRC is a misnomer. Vice-chairman Goerner disagreed. Mr. Miklos proposed setting up a workshop on the issue with the SJRWMD General Counsel in attendance.

Councilman Grow queried Mr. Miklos as to how the HCOLRC can move forward in trying to fill Council vacancies. Mr. Miklos suggested the responsibility was the Lake County legislative delegation and offered to reach out to them to help secure volunteers.

Chairman Johnson reported conflict of interest was another topic discussed in his conversation with Dr. Shortelle. Chairman Johnson noted Dr. Shortelle provided him with some documentation on conflict of interest and he **requested administrative staff to provide copies of the conflict of interest document to Council. Chairman Johnson also requested administrative staff to provide copies of a Sunshine Law document he received from Dr. Shortelle.**

Chairman Johnson requested moving on to Agenda Item 7, Public Comments, prior to the Election of Officers. There were no objections.

A. Election of Officers

The election of officers took place at 10:49 am, following the Public Comment period and the arrival of Councilman Nicholson at 10:30 am. Chairman Johnson called for nominations for Chairman, Vice-chairman, and Secretary. Councilman Goerner nominated Councilman Grow for Chairman. Councilman Stump nominated Councilman Truenow for Chairman. Councilman Grow was elected Chairman by a vote of 4-3 (Yea-Nicholson, Goerner, Johnson, Grow; Nay-Stump, Bishop, Truenow). Chairman Johnson called for nominations for Vice-chairman. Councilman Grow nominated Councilman Truenow for Vice-chairman. Councilman Goerner nominated Councilman Johnson for Vice-chairman. Councilman Truenow was elected Vice-chairman by a vote of 4-3 (Yea-Stump, Bishop, Grow, Truenow; Nay-Nicholson, Goerner, Johnson). Chairman Johnson called for nominations for Secretary. Councilman Goerner nominated Chairman Johnson for Secretary. Chairman Johnson was elected Secretary by unanimous vote of 7-0.

Prior to passing the gavel, Councilman Nicholson raised the issue of conflict of interest with the Council. Councilman Nicholson suggested if any Councilmember does business with SJRWMD, FWC or other agencies it could be an obstruction or improper influence on Council decisions. Councilman Truenow noted all members have a conflict with SJRWMD, as all pay property taxes. Councilman Truenow further noted farmers deal with SJRWMD on multiple levels so having no contact with these agencies is a stretch. Councilman Nicholson suggested if monies are exchanged in business-type dealings perhaps that would be a conflict. Mr. Miklos noted a discussion of conflicts of interest could be part of the special meeting with SJRWMD and the Council. Mr. Miklos also stated per state statute any member of the Council could have a direct financial relationship with SJRWMD and it would not affect their ability to serve on the Council. Councilmembers would only be required to recuse themselves on specific issues.

Chairman Johnson turned the meeting over to Chairman-elect Grow to complete remaining items 6, 8, and 9 on the Council agenda.

• **COUNCIL & AGENCY QUESTIONS & ANSWERS**

A. Agency Updates

SJRWMD

Susan Davis, SJRWMD Intergovernmental Coordinator, briefed Council on SJRWMD activities since November 2017. Chairman Johnson noted Dr. Shortelle had asked him why there hasn't been a Council meeting since November. Councilman Stump and Councilwoman Bishop also

queried Chairman Johnson as to why there had been no meetings. Chairman Johnson reported he cancelled the January meeting because it conflicted with New Year's Eve, vacations and holidays. The February meeting was cancelled because three Councilmembers had the flu, and the March meeting was cancelled because of personal issues Chairman Johnson needed to resolve.

Ms. Davis reviewed SJRWMD funding activities in relation to the Harris Chain of Lakes Restoration Council. Ms. Davis noted all described activities are supported by written documentation to be included as an attachment to the meeting minutes. Those SJRWMD funded activities include:

- Contract payments to the Council administrative support person, Denis Frazel (Frazel Inc.)
- Noticing of Council meetings in the Florida Administrative Register (FAR) in accordance with Chapter 120, Florida Statutes
- Council website updates, including publication of meeting agendas, minutes, meeting cancellations and the 2017 Annual Report (Ms. Davis noted the Council website received 317 page views in January, 149 page views in February and 157 page views in March, and 13 page views of the Council advertisement of vacancies on the SJRWMD website, SJRWMD.com)
- Electronic distribution of the Council Annual report to Florida Senate and House Chairs

Ms. Davis reported SJRWMD provided budget information in January 2018 via memo, in response to a Council inquiry for budget information in November 2017. In February 2018, a memo with attachments, consisting of the Frazel Inc. contract, and Chapter 373 Florida Statutes was sent to Council.

In January 2018, in response to concerns raised by Ms. Linda Moss regarding the Tami Canal, SJRWMD arranged a tour of the Lake Apopka North Shore including the NuRF facility. Vice-chairman Goerner was present, as well as representatives from LCWA and FWC

In February 2018 SJRWMD participated in the Emerald Marsh Celebration to commemorate the reconnection of Lake Griffin to the Emerald Marsh Conservation Area. Ms. Davis at the Harris Council was inadvertently not directly invited to the celebration but ensured Council SJRWMD would make every attempt to ensure personal invitations for future Harris Chain of Lakes events.

Ms. Davis noted Dr. Shortelle contacted each Council member by phone prior to the April meeting. In March 2018, in response to a request by Chairman Johnson during that phone conversation, SJRWMD provided via email the SJRWMD voting conflicts of interest guidance materials, and Form 8B-memorandum of voting conflict for county, municipal and other local public officials.

Ms. Davis discussed Council vacancy recruitment, noting in March 2018 the vacancies were posted on the SJRWMD announcements web page, and the SJRWMD Linked-in (368 views), Facebook (327 views), and Twitter (200 views) social media sites. Ms. Davis also noted the aide to the Lake County Delegation reported no queries from public about the Harris Council vacancies.

On March 23, 2018, Council were notified via email of April 2018 SJRWMD Governing Board items of interest to the Harris Council. Ms. Davis briefly identified and described the relevant

items, noting the information was included in the Council packet and would be posted as an attachment to the minutes.

Ms. Davis reported April is water conservation month, and SJRWMD has done extensive outreach through social media and other outlets to promote water conservation. Ms. Davis also reported the legislature had removed recurring funding for Lake Apopka restoration. As a result, SJRWMD is re-evaluating Lake Apopka restoration priorities. Chairman Johnson noted funding for the Florida Science Fair has also been cut.

Ms. Davis discussed a 2016 request about budgeting from Chairman-elect Grow. Ms. Davis reported SJRWMD has provided the requested information but has also prepared a spreadsheet showing both expenses and projects that have been funded. In addition, the 2016 SJRWMD Annual Report lists projects budgeted or in the planning stages for the 2016-2017 fiscal year. In October 2016, Dr. Fulton reported to Council on the costs associated with Emeraldal Marsh restoration. In February 2017, Dr. Marzolf presented projects and funding information in response to the Harris Council letter to SJRWMD. In February 2017 a summary of projects and funding was emailed to Council, with paper copies provided at the May 2017 meeting at the request of Chairman Johnson. In April 2017 Dr. Fulton updated Council on Lake Apopka sump dredging. In August 2017 Dr. Fulton updated Council on dredging in Lake Apopka and discussed the contract and budget for the project. Dr. Fulton also discussed the Newton Park boat ramp and Moss Bluff renovations. In November 2017 the Final Annual Report was approved by Council including Section 5, 2017 projects. During the SJRWMD agency update, Chairman Johnson left the meeting at 11:17 a.m.

Since November, SJRWMD has announced via news release, the re-opening of the Apopka Wildlife Drive, the new dredging project on Lake Apopka, and Emeraldal Marsh area improvements.

The supporting documents referenced by Ms. Davis are included as attachments to these minutes.

To further clarify for Chairman-elect Grow, how the \$8 million Lake Apopka Legislative appropriations were used by the SJRWMD, Lisa Kelley discussed in detail from a 2-page spreadsheet, the funding sources (ad valorem or legislative) and where funds are distributed. Ms. Kelly noted Chairman Grow's questions were previously answered but understood the information may not have been clear, and the spreadsheets are in an easier to read format, to be certain the action item previously requested by Chairman-elect Grow is marked complete. The Council did not ask any further questions, there were no objections, no additional requests, and no comments to suggest Chairman-elect Grow's questions was not answered to the satisfaction of the Council. A hardcopy of the spreadsheet was given to Chairman-elect Grow at the conclusion of Ms. Kelley's update. **Ms. Kelley requested Council administrative staff to distribute email copies of the SJRWMD budget spreadsheet to Council.** Ms. Kelley indicated specific project updates can be provided upon request by Council.

Ms. Kelley noted in Dr. Shortelle's conversations with Council some discussion about auditing. Ms. Kelley reported SJRWMD undergoes a financial audit on an annual basis by a third-party. In addition, the state conducts an operational audit on 3-year basis. Ms. Kelley provided paper copies of the most recent 3 years of reports for Council review. Ms. Kelley noted all reports are posted on the SJRWMD website.

Chairman-elect Grow queried Council whether SJRWMD should come and discuss projects on the list. Councilwoman Bishop noted the project list is lengthy, and Council can typically only discuss 1 or 2 projects per meeting. Councilwoman Bishop suggested focusing on priority and proposed projects, particularly those listed in Table 7 (projects not funded) of the Annual Report. Councilwoman Bishop also suggested focusing more on project techniques, design, cost, and whether permitting will be an issue, like the Central Florida Water Initiative recommendation format.

Councilwoman Bishop suggested Council choose a specific project and identify specific questions to facilitate more concise presentations. Vice-chairman Goerner suggested projects on Lake Apopka. Lisa Kelley requested Council identify questions regarding projects for SJRWMD staff to answer. This would enable SJRWMD to provide appropriate staff to address Council. Ms. Kelley noted prior requests were from individual Council members rather than approved by motion by the entire Council. A more formalized request format approved by the entire Council would help eliminate the uncertainty about whether questions are being answered.

Vice-chairman Goerner expressed concern about whether Dr. Fulton would attend future meetings. Councilwoman Bishop suggested Council should provide perhaps five questions in a consistent format to enable SJRWMD to provide the staff to address those questions. Councilwoman Bishop noted Dr. Fulton may not be the appropriate staff person to discuss all projects. Vice-chairman Goerner queried whether Dr. Fulton would attend future meetings if he was not on the agenda. Ms. Kelley suggested that could be a topic of discussion at the special meeting. Vice-chairman Goerner suggested the first item at the special meeting should be to clarify the legislative purpose of the Council. During this discussion, Vice-chairman Goerner left the meeting at 11:37 a.m.

Councilwoman Bishop reiterated her request to decide on a project for the next meeting and the items staff would need to prepare for.

Councilman Stump noted he would like someone to speak on status of the sump dredging projects. Vice-chairman-elect Truenow reiterated Councilwoman Bishop's comments regarding Council process, that going forward, requests for information or presentations will be brought to the Council to be approved or rejected before such requests are made. **Councilman Stump introduced a motion to request an SJRWMD presentation on sump dredging.** Motion was approved by the remaining Council quorum (Stump, Bishop, Nicholson, Grow, Truenow).

UF

Mark Hoyer, UF, Director of the Florida LAKEWATCH Program, reported the program had successfully recruited a new volunteer to collect water quality data on Lake Apopka.

FWC

Dennis Renfro, FWC, reported an open house sponsored by FWC, SJRWMD, and LCWA, held in December 2017, and was attended by 143 citizens, including Chairman-elect Grow. Mr. Renfro also noted Chairman-elect Grow had met with Natalie Visscher during the open-house to discuss hydrilla in deep waters, in fulfillment of a previous Council action item request.

Mr. Renfro noted Area 3 of the Emeralda Marsh project is open, though roller chopping of the floating islands is still underway. Mr. Renfro also discussed the recent Fishing League Worldwide (FLW) Bass tournament which had high fish (bass) weigh-ins. There were numerous trophy fish (8 lbs. or larger), and one fisherman brought in an 8-pound fish that had been fitted with an FWC belly antenna tracking device. Mr. Renfro noted the high publicity value of these tournaments with many prospective northern tourist anglers watching TV, seeing trophy fish being landed in Florida while they are snowed-in.

Mr. Renfro reported 2,825 acres of Lake Harris had been treated for hydrilla using a helicopter. Mr. Renfro also discussed the success of the sunshine bass stocking program.

- **PUBLIC COMMENTS**

Dr. Dan Canfield, introduced himself as a citizen of the US and resident of the State of Florida, a professional applied limnologist, with 38 years as an employee of UF, as a faculty member. His presence at the Council today was on his own time as private citizen. Dr. Canfield reported he had not been dismissed from UF, he was not going to retire, and that as a private citizen he was committed to helping the Council. Dr. noted he would not work for money, and he disagreed with what was being said in the Council meeting.

Vice-chairman Goerner expressed his appreciation to Dr. Canfield, noting he had known him for more than 20 years.

Ms. Linda Moss, private citizen discussed apparent large-scale sediment movement with discharges downstream from the Apopka-Beauclair Canal, and the LCWA nutrient reduction facility (NuRF). Ms. Moss presented photos of two canals located downstream of the NuRF that she contends have been inundated with muck from the discharges. Ms. Moss requested preparation of a maintenance plan for the two canals in question.

8. COUNCIL MEMBER COMMENTS

Vice-chairman-elect Truenow had no comments.

Councilman Stump offered his congratulations to new Council Chairman Grow.

Councilwoman Bishop reviewed the powers and duties of the Council and noted Council is charged with exploring all possible sources of funding. As such, the review of dollars spent does not fall under the purview of the Council. Councilwoman Bishop suggested Council focus more proactively on new funding.

Councilwoman Bishop also proposed project description, status of the project (to include the schedule), monitoring and frequency used throughout the project, and funding status as specific topics for project managers to address during project presentations.

Vice-chairman-elect Truenow queried Ms. Kelley whether staff can discuss projects or are individual contractors needed to provide updates. Ms. Kelley indicated the project manager of the project team should have all available information necessary to address Council.

Councilman Nicholson agreed on the need to focus in on the most important projects.

Chairman-elect Grow discussed his phone conversation with Dr. Shortelle, noting he invited her to attend a Council meeting, perhaps in June or July. **Chairman-elect Grow requested Council members to prepare two or three questions for Dr. Shortelle, to be discussed and approved at the May Council meeting.** Chairman-elect Grow indicated Dr. Shortelle could address the approved questions at the June or July Council meeting.

Chairman-elect Grow also noted the Friday in July is the 6th, and the first in September is the 7th, both coinciding with holidays. **Chairman-elect Grow suggested re-scheduling the meetings for July 13th and September 13th, respectively, and requested Council administrative staff to notify all Council and TAG members of the changes in meeting dates.**

Chairman-elect Grow reiterated his request to publish the Council agenda in local newspapers. Chairman-elect Grow suggested six months of advertising using LCWA funds to elicit more public involvement. A simple advertisement would be placed in the sports section of the Leesburg paper and the Villages paper for four days, Monday-Thursday prior to the Council meeting, stating the Council agenda, meeting time, and location. Ms. Kelley noted the meetings are currently noticed in the Florida Administrative Register, the Council website, possibly the Lake County meeting schedule, and through direct emails to the Council interested parties contact list.

Council agreed to postpone action on the request until estimates of publication cost could be determined. **Council requested additional information on outreach sources to be able to determine the most cost-effective method to advertise vacancies.**

Councilman Stump expressed his interest in, and support for, seeing more rules of order during upcoming meetings under the direction of the new Chairman. Councilman Stump recommended more dialogue addressing current and future objectives, rather than continuously re-addressing decades-old issues. Councilwoman Bishop also voiced her support for more rules of order.

9. REQUESTS FOR ACTION

- **Chairman Johnson requested Administrative staff to provide copies of the SJRWMD conflict of interest document to Council.**
- **Chairman Johnson requested Administrative staff to provide copies of a Sunshine Law document he received from Dr. Shortelle.**
- **Administrative staff were requested to distribute email copies of the SJRWMD budget spreadsheet to Council.**
- **Councilman Stump introduced a motion that was approved to request an SJRWMD presentation on sump dredging.**
- **Chairman-elect Grow requested Council members to prepare two or three questions for Dr. Shortelle, to be discussed and approved at the May Council meeting.**
- **Chairman-elect Grow requested Administrative staff to notify all Council and TAG members of changes in meeting dates for the July and September Council meetings.**
- **Council requested additional information on outreach sources to be able to determine the most cost-effective method to advertise vacancies.**

10. ADJOURNMENT

The meeting adjourned at 12:18 PM.