

**LAKE COUNTY WATER AUTHORITY
REGULAR MEETING ANNOUNCEMENT AND SUMMARY AGENDA**

April 28, 2010 – 3:30 p.m.

Lake County Administration Building

2nd Floor - County Commission Chambers

315 West Main Street, Tavares, FL 32778

- 1. Call to Order / Pledge of Allegiance**
- 2. Approval of Minutes – Regular Board Meeting of March 24, 2010**
- 3. Executive Director Report**
- 4. Discussion Items** **Presenter**
 - a. City of Tavares Request to Replace Dora Canal RR Bridge **Michael Perry**

Staff was approached by the City of Tavares regarding making improvements to the railroad bridge that spans the Dora Canal at Lake Dora. Water Authority staff have heard complaints in the past from recreational boaters and tour boat operators about the difficulty of navigating between the existing supports for the bridge. Their orientation makes it particularly difficult to navigate during periods of high flow.

The City of Tavares staff has secured nearly a million dollars in Federal stimulus funds to replace the existing bridge with a different type of span that could be narrower, allowing for more room between the water and the bridge, and allow for the bridge supports to be moved farther apart and provide less of a navigation hazard. The Federal stimulus funds require a 25% local match. The City is seeking sources of local match.

Trustee Bystrak has reported that she has spoken to boaters who currently use the Dora Canal and she has reported that so far all of them support keeping the existing bridge and they are concerned that larger boats will use the canal than those currently using it essentially substituting one “navigational hazard” (the bridge) for another. She has also expressed concerned about any historical significance of the bridge.

The Water Authority has not budgeted any funds in FY 2009-2010 for this type of activity. Should the Board desire to participate, Water Authority staff would need to reallocate funds within the budget to accommodate the Board’s participation.

City of Tavares staff will make a presentation to the Board and will be prepared to respond to any questions from the Board.

Executive Director Recommendation:

For discussion purposes only. No action required.

b. Gopher Tortoise Mitigation

Patricia Burgos

The Board has directed staff to report back on the status of gopher tortoise mitigation banks or (as referenced by FWC) “Recipient Sites” in Lake County. Staff spoke to Rick McCann, Gopher Tortoise Permit Coordinator at Florida Fish and Wildlife Commission in Tallahassee and Bill McKinstry, FWC Regional Biologist, Ocala regarding the number of gopher tortoise recipient sites in Lake County and how many are in the permit application phase or in the “pipeline.”

There are two types of recipient sites, according to the FWC’s Gopher Tortoise Permitting Guidelines:

1. Long-term protection for those private properties placed under perpetual conservation easement or public conservation lands where either restrictions on acquisition funding source or government commitment (ordinances, other regulations) would prevent or prohibit the eventual sale or development of the property; and
2. Short-term protection for either privately or publicly-owned lands that have some enforceable protection commitment, but do not meet long-term protection.

Staff searched on the FWC permit website for both types within Lake County. According to the information researched online and through personal communication with Mr. McCann and Mr. McKinstry, the only current recipient site in Lake County is the Green Swamp Ranch on Berry Groves Road, located southwest of Lake Louisa State Park. This private site is owned by Richard Adams and was permitted to receive 140 tortoises. According to Mr. McCann and Mr. McKinstry the Green Swamp Ranch is near capacity and will stop accepting tortoises shortly.

Two other sites are currently being considered by FWC in Lake County, but are not yet permitted. One site is the Boy Scout Camp, La-No-Che, adjacent to Lake Norris and the other site is Lake Louisa Green Swamp Mitigation. Both are private sites.

Since FWC allows tortoises to be transported up to 100 miles north and south and unrestricted miles east and west, Mr. McCann also provided an overview of gopher tortoise recipient sites for surrounding counties listed in the table below:

County	Recipient Site Information	Ownership	Status
Marion County	Drake Ranch	Private	Request for Additional Information
Orange County	3 owned by Orange County-Christmas Creek Preserve, Fazio Parcel, and Isle of Pine Preserve.	Public	Request for Additional Information
Polk County	No recipient sites		
Seminole County	No recipient sites		
Sumter County	C. Herman Beville Ranch	Private	Permit is Pending
Volusia County	2 owned by the City of Port Orange-Tiger Creek Conservation Area & Gopher Tortoise Recipient site.	Public	Permit Issued and permit renewed/amended

At this time staff is not recommending that the LCWA public lands be considered for long term gopher tortoise recipient sites. In the future, FWC may develop a category for public lands that would allow “restocking” of gopher tortoises as part of an overall restoration plan. For example, this might be a consideration for Sabal Bluff Preserve, as part of its restoration. The majority of LCWA Preserves have resident gopher tortoises and the staff’s primary focus right now is habitat management.

Executive Director Recommendation:

For information purposes only. No action required.

c. NuRF Water Chemistry Monitoring Equipment

Lance Lumbard

Since 2004, staff has maintained a weekly monitoring program along the Apopka-Beauclair Canal with up to ten sampling sites. This program was scaled back to two sites (NuRF In and NuRF Out) once the NuRF was completed. Samples have usually been delivered to the Lake County Water Resources Laboratory for various analyses including Total Phosphorus (TP) and Total Aluminum. Once staff receives approval from FDEP, the samples will be collected and analyzed by MACTEC for one year as part of our contractual obligation with FDEP.

Analytical laboratories typically produce highly reliable data using sophisticated equipment and rigorous quality controls but they are inherently slow. Results usually take ten days or more which can lead to inefficiencies in NuRF management. There are at least two options that would provide the LCWA with immediate results for a wide variety of water quality parameters.

The first, and most expensive option, has been utilized by the South Florida Water Management District (SFWMD) very successfully in remote locations. The equipment provides the ability to collect real-time TP data automatically and upload directly into a central database. Attachment 1 provides details about this technology. The NuRF would require two of these units at a cost of approximately \$50,000 each.

The second option involves an industry-standard tabletop Hach UV/Vis spectrophotometer; peripheral equipment (glassware and reactor block); some minor upgrades to the centrifuge building control room; and various kits and reagents for each type of analysis. Attachment 2 provides the spectrophotometer and reactor block specifications. Staff has worked with this particular Hach spectrophotometer and is familiar with the methods. Hach is the sole source for this specific equipment and individually-packaged chemical analysis kits.

Option 2 is well-suited for the current NuRF staffing conditions and the spectrophotometer is reasonably priced at \$7,099. The required reactor bloc is an additional \$720. This option would allow a nearly instantaneous assessment of inflow and outflow TP and Al concentration, as well as many other analytes. NuRF performance could be monitored each weekday as long as staff is present.

Upgrades to the centrifuge building control room required for Option 2 would include a chemical resistant laboratory table, a small sink with associated plumbing, and several wall mounted cabinets. Concentrated waste chemicals will be disposed of in a container for periodic delivery to the landfill.

Staff expects Option 2 to cost less than \$15,000 in total. Of this total, \$7,819 will be for equipment and the balance will be for supplies and control room modifications. The amount for equipment is available under 700-640 since staff does not foresee a need to install flapper gates at the NuRF.

Executive Director Recommendation:

Authorize the Executive Director to expend up to \$15,000 to implement Option 2 for water chemistry monitoring at the NuRF.

d. Extended Leave Policy

Michael Perry

At the December 2009 Board meeting staff detailed the issues and concerns regarding an extended leave policy and the references to the Family Medical Leave Act. The Water Authority does not employ enough people to be required to follow the FMLA law. Since the law constantly changes and there can be serious repercussions should the Water Authority not act in strict compliance to the law, the Labor Attorney has recommended that we remove any reference to the FMLA law in the personnel policies.

The Board took action to immediately remove Section 28 - Family/Medical Leave Policy and directed staff to develop a replacement extended leave policy for the January meeting for the Board's review. The Board was concerned that without a policy, Water Authority employees would not have any extended leave policy in place and essentially removing a benefit the employees have had.

At the January 2010 Board meeting, staff presented a Draft Extended Leave Policy. Some Board members voiced some concern about the proposed changes. Because some of the changes resulted from recommendations from the labor attorney the morning of the Board meeting, the Executive Director requested an opportunity to review the document with staff to identify any of their issues and return to the Board should any changes be identified. The item was placed on the February LCWA Agenda, however no discussion occurred due to the length of the meeting and the item was rescheduled for March.

Staff reviewed the policy and generally felt that the policy has been revised to the benefit of the agency and to the detriment of the employee. Staff expressed concerns primarily about sections 4 and 13.

In section 4, staff was concerned that the language under the FMLA policy, "An eligible employee who takes leave, in compliance with the Family and Medical Leave Act, will be able to return to the same job, or a job with equivalent status, pay, benefits and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility and authority" was changed to "The Water Authority may return an eligible employee who takes leave, to the same or similar job, or to a different position which does not have equivalent pay, benefits and other employment terms as the original job, depending upon the needs and programs of the Water Authority."

In section 13, staff was concerned about changing the word fraudulently to erroneously. Staff also expressed concern about the language, “subject to the needs and programs of the Water Authority, as determined by the Executive Director” that appears in several places in the policy.

At the March LCWA meeting, Trustee Clark offered some revised language for Section 4. There was Board discussion regarding the revised language, the inability of the Board just to replace certain phrases from the FMLA law and the Executive Director's role in the process. No action was taken and the Board directed the Executive Director and Attorney Barice to make the necessary corrections to Trustee Clark's alternative language and return to the Board at the April meeting.

The attached draft policy identifies potential changes. Trustee Clark's alternative language for Section 4 and Attorney Barice's proposal to change erroneously to by misrepresentation in Section 13 is highlighted in grey. Any changes that were made to the original policy as presented to the Board at the January meeting are highlighted in yellow. Language to be deleted would be ~~stricken through~~ and any additions would be underlined.

Executive Director Recommendation:

Approve the revised Policy 28 and include it in the Lake County Water Authority Policies and Practices Employee Manual.

e. Hooks Street Stormwater Project Status

Lance Lumbard

Staff was instructed by the Board to identify priority stormwater projects in July, 2007. Projects, including Hooks St., were identified and presented to the LCWA Board during the April, 2008 meeting. At that time, staff proposed utilizing one of the LCWA's continuing services consultants to prepare a design for the project because the City of Clermont had not communicated an interest in the project. However, prior to the meeting, the City did offer to provide some level of participation and no action was taken.

LCWA staff advised the Board in September, 2008 that the City had no intention of making a cash contribution to the project but would provide in-kind services through project management. No action was taken at this time other than to have staff continue working with the City.

By June of 2009, staff had coordinated several meetings with staff from Lake County and the City of Clermont to discuss the Hooks St. retrofit project. The County had developed conceptual designs in concurrence with these meetings including both exfiltration systems and traditional stormwater ponds. The group agreed that the stormwater pond would provide the most treatment and cost might not be prohibitive if the land could be purchased at a reasonable price. The LCWA Board instructed LCWA staff to obtain appraisals for seven parcels of land in the proposed area.

The appraisals were obtained in September, 2009 and staff met with the County and the City in November and December. During the December meeting, the City agreed to solicit proposals from their continuing services consultants. To date, no information has been provided from the City.

Executive Director Recommendation:

For discussion purposes only. No action required.

- 5. Public Comment (5:00 p.m. or as soon thereafter as possible)**
- 6. Legal Staff Report**
- 7. Action Items**

None
- 8. Board Member Comments**
- 9. Board Member Items for Future Agenda**
- 10. Information Items**
 - a. Staff Report
 - b. Monthly Financial Reports – March 2010
- 11. Announcement of Upcoming Meetings and Events**
- Board Meeting – Wednesday, May 26, 2010 (3:30 p.m.) BCC
Chambers/Admin. Building
- 12. Adjournment**