

To: Governing Board, Executive Director and Staff, Suwannee River Water Management District

From: Guy Williams, Member, Governing Board

RE: SRWMD vs. El Rancho No Tengo, Inc

I am appreciative of the opportunity to serve on the Governing Board of the Suwannee River Water Management District. I look forward to working with fellow Governing Board members, the Executive Director and staff.

The District is currently involved in litigation with El Rancho No Tengo, Inc. This is to advise that I have personally known the family who owns El Rancho No Tengo, Inc. for most of my life. In addition, as a private Certified Public Accountant I have provided paid services for this family on the corporation in the past. If this personal and business relationship constitutes a legal conflict of interest under Florida law, I wish to declare that the conflict exists. If Florida law requires that I file additional paperwork, please advise and I will complete that which is necessary.

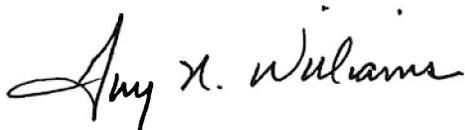
From the date that it was announced that I was recommended for appointment to the District Governing Board until now I have routinely been asked my position on this issue. I wish to make my position clear.

Based upon the records that I was able to obtain and review, the Circuit Court of Columbia County found that the actions (and inactions) of El Rancho No Tengo, Inc. constituted a threat to public safety. Whether one agrees with this ruling or not, this is the court determination and is to be honored.

My concern is whether the public threat was mitigated in the most cost effective manner possible. It would appear to me that early in the process, the District could have petitioned for injunctive relief, pumped the dammed water, breached the dike and removed the threat until the owner chose to comply. I have a difficult time understanding the cost expended in this matter by the District.

As a Governing Board member, I believe it is my duty and obligation to question "cost-benefit" on all expenditures made by the District. This not only includes this issue but others as well.

Respectfully Submitted
April 13, 2010

A handwritten signature in black ink that reads "Guy N. Williams". The signature is written in a cursive, flowing style.

Guy N. Williams

To: Governing Board Members and Staff-Suwannee River Water Management District

From: Guy Williams, Governing Board Member

Re: June 8, 2010 Agenda-SRWMD-VS-El Rancho No Tengo, Inc.-Enforcement of Final Order

I am uncertain if Governing Board Members will be given the opportunity to speak concerning the above referenced item; therefore, I have prepared this document for your review prior to voting on this issue. If the opportunity to speak is given, I will verbalize the material within this document. I am requesting that this document be made a part of the official record of this meeting.

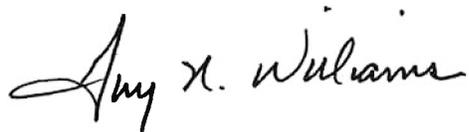
As I have previously written, I have not or will not question the decision of the Circuit Court in this matter. El Rancho No Tengo, Inc. was found to be in violation of district rules; therefore, certain sanctions/penalties would apply as long as El Rancho No Tengo, Inc. is in noncompliance. My issue is with the amount of public money spent to prosecute this matter, the outcome that was achieved and now the need to sell by force a family farm to recoup District costs and fees.

The record of this case speaks for itself. This case is about an agricultural dam/levee that was built 40 plus years ago with the assistance of The United States Department of Agriculture. The purpose of this dam/levee is to water livestock and irrigate crops. In the dam/levee's 40 plus years of existence, the wall of the structure was breeched one time. This breech was the result of excess water runoff that resulted from back-to-back hurricanes and the failure of the structures "pop-off" valve to work properly.

El Rancho No Tengo, Inc. initiated repairs to the structure without the benefit of permit(s). The Circuit Court ruled this was a violation of District rules and ordered El Rancho to comply. El Rancho failed to comply; the Courts ruled the structure to be a public safety issue and allowed District Staff the authority to oversee the drawdown of water levels behind the dam/levee effectively removing the public safety threat. In order to reach this outcome, costs and fees of approximately \$385,000 were incurred.

I submit to the Members of the Governing Board that this “public safety” issue could have been resolved with less time, money and effort. Regardless of whether the defendant was at fault or not, punishment should fit the crime. I submit to you that a problem that could have been resolved (and ultimately was) by drawing down water levels and removing the “threat” should not result in the loss of a family farm through a forced sale to recover costs and fees. The forced sale would not be under consideration today if a more logical, conservative approach was taken in resolving this dispute. While I do not assign fault for the current situation to anyone, I find it impossible to support the forced sale of a farm to pay costs and fees that should never have been incurred at existing levels.

Respectfully Submitted
June 8, 2010

A handwritten signature in black ink that reads "Guy N. Williams". The signature is written in a cursive style with a large, sweeping initial "G".

Guy N. Williams

To: Suwannee River Water Management District-Governing Board Members

From: Guy Williams, Governing Board Member

Re: Proposed Enforcement Action-El Rancho No Tengo, Inc.

Due to previous comments and discussions regarding the above proposed enforcement action; I have decided to prepare this memo regarding the issues with this case as I see them. I would respectfully request that each Governing Board Member review this memo prior to a final vote on this matter.

I do not believe it is in the best interest of the District to pursue this matter for the following reasons:

1. The land proposed for taking by the District is part of a working farm that has operated for 63 years.
2. The attorney, hired by the District, who first filed this case, is a member of the family which had previously sued the Hill family regarding private property rights and Alligator Lake. This case was heard by the Florida Supreme Court and was settled in favor of the Hill family. Many people (particularly in Columbia County) have the perception that the case filed by the District against El Rancho No Tengo is connected to the earlier case.
3. The perception referred to in item (2) above stems from the following:
 - a. The District attempted to have both the DEP and Columbia County enjoin the suit. Both parties declined.
 - b. The District modified its own approach to the suit and filed it as a safety issue. Once having filed the suit as a safety issue, the attorney's representing the District advised the District to modify its policies to provide such a finding.
 - c. Many believe that El Rancho No Tengo did not need a permit to repair a flow structure within a dike designed by the USDA and built in the 50's. They considered the repair maintenance and maintenance only. Nonetheless, if the issue is the lack of a permit, many believe an injunction allowing the District to remove the structure until a permit was applied for was the only necessary legal action required.
 - d. Mr. Hill was given inaccurate information by the District when he discussed obtaining a permit.
4. The actions of the District have affected parties other than the principles of El Rancho No Tengo. The wife of Jeffrey Hill has publicly stated that this suit has consumed her entire adult life. The children of Jeffrey Hill lost on parental financial assistance. Private owners who live on the lake have lost the enjoyment of lake front property and many individuals have lost the use of the lake for recreation (fishing, swimming etc.). This is not to forget the use of the lake for a farm irrigation source, the purpose for which it was originally built.

5. The District's attorneys have stated they were unable to settle the issue during a court ordered mediation. Which members of the Governing Board, if any, had knowledge of any settlements offered during mediation? I suspect that none were made aware of any offers and; therefore, the attorney's decided for us.
6. Much has been said about the number of motions filed by El Rancho No Tengo and the cost of responding to these motions, the extensions of time required due to the motions and the general accusation that costs have reached current levels due to these motions. My only comment is that I feel certain most of us, when faced with the same set of circumstances, would fight to keep our family farm. While I wish things could have been different, they are not. The response to protect and defend that which has been worked for is very basic.
7. Requests for a completely transparent accounting of costs in this matter have not been forthcoming. As of, our last meeting we have been told that Jeffrey Hill owes a fine of \$100,000 to the District and the District has incurred \$280,000 in legal expenses. Our attorneys acknowledge that additional legal expenses will be incurred; however, estimates have not been made available. Attorneys have stated that they "believe" the sale of the EL Rancho No Tengo land will reimburse the District for "most" of the \$280,000 legal expense tabulated to date.
8. According to the records of the Columbia County property appraiser, the land had a just value of \$34,187 (taxable value prior to recording of Sheriffs deed). Assuming the just value is 80% of market value, the best guess of value would be \$ 42,734. After recording the Sheriffs deed the Market Value was changed to \$192,097. Regardless of these numbers, the ultimate net cost will be greatly affected by any required permitting. I have only recently heard that the property would potentially be sold not subject to a permit. It's ironic to me that we take a man's land because he didn't get a permit we said he had to have and sell it without requiring one.
9. Prior to execution of the writ to seize Mr. Hill's property by the Columbia County Sheriff's Office, the Sheriff suggested a possible resolution to the issue. Was any member of the Board advised of this by either staff or counsel?
10. Many opinions regarding this issue have been expressed by members of the Governing Board. These include, but are not limited to, "we are obligated to follow through", "our purpose is to permit and protect" and "concern for the precedent we will set". I believe that the purpose of any governmental law, rules and regulations is to protect citizens from their government, not the government from the people. From many angles, it would appear that we are more concerned about the District than the resource and the problem. As for the precedents, a precedent has already been established by the governing board. This precedent was set when the Governing Board accepted responsibility for maintenance and control of the structure at Sampson Lake. Was this resolution offered to Mr. Hill?

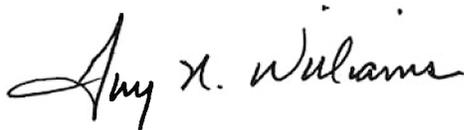
In summary, the District lacks any real means to resolve conflict; therefore, we resort to legal action to resolve all issues. Legal actions can be and usually are expensive. Rarely have I seen a reasonable cost-benefit scenario accomplished by this means.

According to a Columbia County Circuit Judge, Mr. Hill was guilty of not obtaining a permit. As a result, the District has spent \$100's of thousands of taxpayers' dollars and is not finished, a longtime family and their family is in serious jeopardy, parties not related to the case are injured and, in my opinion the District is being viewed in a very negative light.

Regardless as to what individual Governing Board Members think of this case and Mr. Hill, it is our duty and obligation as a governmental body to take the "high road", even when doing so is difficult. Where would we be as a nation if all governments used their powers to the fullest extent to resolve issues and disputes? When this power goes unchecked, as I believe it has in this matter, we end up with punishment not fitting the crime.

We can and should be better than this. I do not believe that it is too late. I cannot speak for Mr. Hill; however, I would like to know his position if a reasonable solution was offered. Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink that reads "Amy N. Williams". The signature is written in a cursive style with a large initial 'A' and a distinct 'N'.

Dated June 12, 2012

cc: Charlie Houser, Executive Director (interim)

Tom Reeves, Governing Board Attorney

Jennifer Springfield, Special Counsel