

REVISED AND RESTATED INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT, made and entered into this 14th day of January, 2014, by and between the following political subdivisions of the State of Florida: Citrus, Hernando, Marion and Sumter Counties.

W I T N E S S E T H:

WHEREAS, it is the finding of the parties hereto that cooperative efforts are necessary in order to meet the water needs of areas experiencing the results of rapid growth and diminishing available water resources, in a manner which will provide adequate and dependable supplies of water without resulting in adverse effects upon the areas from which the water is withdrawn; and

WHEREAS, pursuant to Section 373.713, Florida Statutes, units of local government are encouraged to create regional water supply authorities; and,

WHEREAS, it is further the legislative finding that units of local government and regional water supply authorities are to have the primary responsibility for water supply;

WHEREAS, previously the parties hereto entered into an Interlocal Agreement, dated February 23, 1977, as amended on September 18, 1984; and,

WHEREAS, the parties hereto, pursuant to the provisions of Section 373.713, Florida Statutes, and to the provisions of Section 163.01, Florida Statutes, desire to enter into a REVISED AND RESTATED INTERLOCAL AGREEMENT among and between themselves regarding the Withlacoochee Regional Water Supply Authority.

NOW THEREFORE, the parties hereto do hereby agree, and join together to continue the formation of a regional water supply authority for the region comprising said counties represented as parties hereto upon the following terms and conditions and do mutually agree as follows:

SECTION I. – Name: The name of the organization formed pursuant to this Interlocal Agreement shall be the WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY, hereinafter referred to as the AUTHORITY.

SECTION II. – Purpose: The Authority is created and shall function for the purpose of developing, recovering, storing, and supplying water for county and municipal purposes and designing, constructing, operating and maintaining facilities in order to ensure that an adequate water supply will be available to all citizens within the Authority while attending to the following:

1. Giving priority to reducing adverse environmental effects of excessive or improper withdrawals of water from concentrated areas;
2. Not depriving, directly or indirectly, any county wherein water is withdrawn by the Authority, of the prior right to the reasonable and beneficial use of water which is required to adequately supply the reasonable and beneficial needs of the county or any of the inhabitants or property owners therein;
3. Ensuring that each party hereto shall have preferential right to purchase water from the regional water supply authority for use by said party for the reasonable and beneficial needs of all citizens therein;

4. Maximizing the economical development of the water resources within the boundaries of the Authority.

SECTION III. – Authority: The Withlacoochee Regional Water Supply Authority as provided for herein was established pursuant to the provisions of Section 163.01 and Section 373.1962 (now Section 373.713), Florida Statutes. The Authority shall have all powers authorized by Section 373.713, Florida Statutes.

SECTION IV. – Organization: The Withlacoochee Regional Water Supply Authority as provided for herein is organized in accordance with the provisions of Chapter 163.01, Florida Statutes.

SECTION V. – Membership and Representation: The Authority shall be governed by a Board comprised of representatives of the parties to the Interlocal Agreement, as well as up to one municipal representative from a municipality within each member county. Each Governing Board member shall have one vote. A County or municipality represented on the Board may appoint an alternate to each Board member representative from that respective County or municipality and such alternate shall have the power to vote in the absence of the primary designated representative. Alternates must be appointed by the respective county commission or city council and, if not a member of that county commission or city council, must be a staff member of the respective local government.

1. County Representation – County representation shall be as follows:

Citrus County shall have two (2) Board representatives;

Hernando County shall have two (2) Board representatives;
Marion County shall have three (3) Board representatives; and
Sumter County shall have two (2) Board representatives.

2. Municipal Representation – Authority membership, and Governing Board representation, is hereby extended to all municipalities as follows:

(a) Any municipality, upon adoption of a resolution indicating a desire to become an Authority member, shall be included as a party hereto upon such terms and conditions as set forth herein.

(b) All cities within each member county will have one (1) joint representative who shall be selected by all member cities within their respective county by selecting the said representative who will thereafter represent all member cities within the respective county.

(c) All municipal representatives heretofore selected to serve shall remain as the representative to the Withlacoochee Regional Water Supply Authority with any new representative to be appointed pursuant to the provisions of SECTION V. 2. (b) set forth above.

SECTION VI. – Term and Compensation of Governing Board Members:

1. The balance of the term of any Governing Board member who resigns or is unable to continue to serve shall be filled in the same manner as prescribed in SECTION V. 1. or SECTION V. 2. (b) as the situation may dictate.

2. Members of the Governing Board shall serve without compensation but shall be reimbursed for travel expenses as provided in Section 112.061, Florida Statutes.

SECTION VII. – Powers: The Governing Board of the Withlacoochee Regional Water Supply Authority may exercise any and all powers and all authority as may now or hereafter be vested in said Authority by law including but not limited to its powers and authority as provided for in Section 163.01, Florida Statutes, and Chapter 373.713, Florida Statutes.

SECTION VIII. – Officers: The officers of the Governing Board shall be as follows:

1. A Chairman, who shall preside at meetings of the Governing Board; sign, as authorized by the Governing Board, any contracts or other instruments which are deemed to be in the best interest of the Authority; and perform such other duties incident to the office as may be prescribed by the Governing Board.
2. A Vice Chairman, who shall act in the Chairman's absence. The Vice Chairman shall perform such other functions as the Governing Board may from time to time assign.
3. A Treasurer, who shall be entrusted with the receipt, care and disbursement of Authority funds in accordance with fiscal policies and regulations adopted by the Governing Board.

4. If none of the above officers are present at a Board meeting where there is otherwise a quorum, the Authority Board may elect a chairman pro-tem for the duration of the meeting.

SECTION IX. – Staff: The Governing Board may appoint an Executive Director and prescribe the Executive Director’s duties and compensation. Among other duties, the Executive Director shall:

1. Be responsible to the Governing Board, for supervising and administering the work program of said Authority;
2. Act as Secretary to the Governing Board and shall prepare minutes of each meeting and be responsible for distributing copies to members of the Governing Board.

SECTION X. – Meetings: Meetings of the Governing Board shall be conducted in accordance with Chapter 120.525, Florida Statutes, and shall be held at intervals to be determined by the Governing Board.

1. The date and time of regular meetings of the Governing Board shall be determined annually and published as required by law.
2. Emergency meetings of the Governing Board may be called by the Chairman or a majority of the members in accordance with Section 120.525(3), Florida Statutes.
3. A quorum at any meeting, except as provided in SECTION X. 4. below, shall be declared when a majority of the counties who are parties hereto have at least one member present. County members and municipal members shall represent their

respective county for purposes of establishing the county membership quorum.

4. In addition to SECTION X. 3. above, a quorum for purposes of approving the annual budget shall require at least one county commission member representative from each of the member counties.

SECTION XI. – Committees: The Chairman, with the advice and consent of the Governing Board, shall appoint such committees as may be designated by the Governing Board to carry on its work. Committee membership is not restricted to members of the Governing Board.

SECTION XII. – Budget and Finance: Each of the counties represented as parties hereto shall appropriate funds on a county-wide per capita basis as may be necessary or desirable for the purpose of carrying out the provisions of Section 373.713, Florida Statutes, and the powers and duties of the Authority or its Governing Board.

1. The per capita appropriation shall be based upon the most current annual population estimates by the Bureau of Economic and Business Research, University of Florida.
2. No appropriation shall become effective until it has been adopted by the Authority Governing Board and approved by the official action of each of the respective Boards of County Commissioners representing the parties hereto.

3. Said per capita appropriation may be reduced or eliminated by the Authority Board for any stated or unstated period should other sources of revenue make it unnecessary to require per capita appropriations.
4. The Authority shall prepare an annual budget for the fiscal year October 1 to September 30, including the proposed per capita appropriation rate and the amount of revenue from each county, and forward copies of same to the governmental bodies of the counties representing the parties hereto by June 1 of each year in order that said counties shall have an opportunity to take considered action in approving or disapproving the proposed per capita appropriation, if any.
5. The budget and such other changes, amendments or supplements as may be necessary to conduct the fiscal affairs of the Authority may be amended from time to time by action of the Governing Board to include any funds accumulated from time to time from sources other than per capita appropriations. The budget may be amended to increase or decrease the annual per capita appropriation by the counties representing the parties hereto by the same method set forth in paragraph 2 above.

SECTION XIII. – Amendments: This INTERLOCAL AGREEMENT may be amended in writing by the signatories in the same manner as this Agreement.

SECTION XIV. – Affirmation:

1. Citrus County hereby affirms that, at a duly constituted meeting of the Board of County Commissioners on the 14th day of January, 2014, it approved the terms of this Agreement and the execution thereof by Citrus County.
2. Hernando County hereby affirms that, at a duly constituted meeting of the Board of County Commissioners on the 10 day of December, 2013, it approved the terms of this Agreement and the execution thereof by Hernando County.
3. Marion County hereby affirms that, at a duly constituted meeting of the Board of County Commissioners on the 7th day of January, 2014, it approved the terms of this Agreement and the execution thereof by Marion County.
4. Sumter County hereby affirms that, at a duly constituted meeting of the Board of County Commissioners on the 10 day of December, 2013, it approved the terms of this Agreement and the execution thereof by Sumter County.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and the year first above written.

ATTEST:

CITRUS COUNTY

By: TIFANI L. WHITE, DC
For Angela Vick, Clerk of Court

J.J. KENNEY, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:

HERNANDO COUNTY

By: DON C. BARBEE, JR.
Clerk of Court

DAVE RUSSELL, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:

MARION COUNTY

By: DAVID R. ELLSPERMANN
Clerk of Court

CARL ZALAK, III, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

Approved to Form and Legal
Sufficiency:

By: ROBERT ZACHARY
Marion County Attorney

ATTEST:

SUMTER COUNTY

By: CONNIE WEBB, D.C.
For GLORIA R. HAYWARD
Clerk of Court

AL BUTLER, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS