

DRAFT

WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY BOARD OF DIRECTORS

Minutes of the Meeting September 19, 2018

TIME: 3:30 p.m.
PLACE: Lecanto Government Building
ADDRESS: 3600 W. Sovereign Path, Room 280, Lecanto, Florida 34461

The numbers preceding the items listed below correspond with the published agenda.

1. Call to Order

Chair Stone called the Withlacoochee Regional Water Supply Authority (WRWSA) Board of Directors meeting to order at 3:33 p.m. and requested a roll call.

2. Roll Call

Mr. Richard Owen, WRWSA Executive Director, called the roll and a quorum was declared present.

BOARD MEMBERS PRESIDING

Michelle Stone, Chair, Marion County
Commissioner
Stephen Printz, *Vice-Chair*, Sumter County
Commissioner
Kathy Bryant, Marion County Commissioner
Gary Ernst, Belleview City Commissioner
William Kemerer, Brooksville City Councilor
Dale Swain, Bushnell City Councilor

BOARD MEMBERS ABSENT

Jeff Kinnard, *Treasurer*, Citrus County
Commissioner
Ken Brown, Crystal River City Councilor
Al Butler, Sumter County Commissioner
Scott Carnahan, Citrus County Commissioner
Steve Champion, Hernando Co Commissioner
Wayne Dukes, Hernando Co Commissioner
Carl Zalak, Marion County Commissioner

ALTERNATE(S) PRESIDING

Alys Brockway, Hernando County Water Res Mgr

3. Introductions and Announcements

WRWSA STAFF PRESENT

Richard Owen, Executive Director
Larry Haag, Attorney
Diane R. Salz, Governmental Affairs
LuAnne Stout, Administrative Asst.

OTHERS PRESENT

Debra Burden, Citrus Co Water Conservation
Ken Cheek, Citrus County Water Resources Director
Michon Fabio, Marion County Water Res Liaison
Tom Frick, Division Director, FDEP
Ken Hinkle, City of Inverness Council
Gregg Jones, PhD, PG
Jack Overdorff, Eco Land Design, LLC
Joe Quinn, SWFWMD Water Supply Project Mgr
Richard Radacky, City of Brooksville Public Works Dir

4. **Pledge of Allegiance** – Chair Stone led those present in reciting the Pledge of Allegiance.

5. **Public Comment** – Chair Stone opened public comment and noted that one speaker card was submitted. Mr. Ken Hinkle, City of Inverness Council, introduced himself as the City's representative to the Board. Chair Stone closed public comment.

6. Consent Agenda

- a. **Approval of Minutes** – The July 18, 2018 minutes was provided in the Board's meeting materials.
- b. **Bills to be Paid** – Staff recommended ratification of the August 2018 bills in the total amount of \$24,750.52 and approval of the September 2018 bills in the total amount of \$66,701.26.

- c. **Third Quarter Financial Report** – Staff recommended acceptance of the report as presented in the Board’s meeting materials.
- d. **Public Officials Liability Insurance Policy** – Staff recommended renewal of the insurance policy in the amount of \$2,517.15.
- e. **Fiscal Year 2018-19 Meeting Calendar** – Staff recommended the following dates for coming fiscal year: November 14, 2018; January 16, 2019; March 20, 2019; May 15, 2019; July 17, 2019; and September 18, 2019. The meetings begin at 3:30 p.m. at the Lecanto Government Building Room 166. Mr. Owen noted that the November 14 meeting is the second Wednesday of the month since the third Wednesday was the day before the Thanksgiving holiday.

Mr. Swain moved, seconded by Mr. Printz, to approve Consent Agenda Items 6.a., 6.b., 6.c., 6.d. and 6.e. The motion carried unanimously.

7. Basin Management Action Plan (BMAP) Update

Mr. Owen introduced Mr. Tom Frick, Director, Division of Environmental Assessment and Restoration, Florida Department of Environmental Protection (FDEP).

Mr. Frick briefed the Board on the FDEP BMAPs for impaired Outstanding Florida Springs, including Crystal River/Kings Bay, Homosassa River, Chassahowitzka River, Weeki Wachee River, the Rainbow River and Silver Springs. The 2016 Florida Springs and Aquifer Protection Act required that BMAPs be completed for all impaired Outstanding Florida Springs by July 1, 2018.

Mr. Frick noted there is no one single solution for addressing restoration of springs. He said a combination of projects will be needed that include both nitrogen treatment projects along with a focused effort to inform and involve local residents in the process. He said keys to success are creative thinking and innovation, as well as funding.

Mr. Frick replied to questions by the Board regarding agriculture nitrogen reduction, drip irrigation, septic system reductions and incentive program, and springs funding. Chair Stone requested the graph for the Rainbow Springs nitrogen inventory be provided for the Board’s information.

This item was presented for the Board’s information and no action was required.

8. Fiscal Year 2018-19 Budget Approval Ratification

Mr. Richard Owen, Executive Director, said the Fiscal Year (FY) 2018-19 Proposed Budget was scheduled for approval at the Board’s May 16, 2018 meeting. The Board was provided a copy of the approved and signed Resolution 2018-04 adopting the FY 2018-19 proposed budget.

Mr. Owen said the Revised and Restated Interlocal Agreement creating the WRWSA requires at least one county commissioner member from each of the Authority’s four counties be present to constitute a quorum for purposes of approving the budget. This budget approval quorum requirement was not met at the May meeting. However, the Interlocal Agreement also requires the Authority to provide its annual budget to each of the counties by June 1st of each year. In response to this situation and at staff’s recommendation, the Board members present at the May meeting, which otherwise met the quorum requirements for purposes of convening an Authority Board meeting, approved the proposed FY 2018-19 budget contingent upon ratification by the Board at a meeting at which the budget approval quorum requirements have been met.

Mr. Owen said that a quorum has not been present at meetings due to the absence of Citrus County’s representatives which makes the Authority unable to approve its budget. He said the Authority’s staff have heard from several sources this is due to the County’s interest in acquiring the Charles A. Black Wellfield through dissolution of the Authority.

Mr. Haag stated a memorandum has been distributed to the Board containing his recommendations on how to move forward with the budget. Mr. Haag noted that he served as the Citrus County attorney for years, including when the wellfield contracts were entered into, and did not take his position lightly when drafting this memorandum of recommendations for the Board's consideration. He read into the record his recommendations for the Board's consideration. The recommendations are (1) approve as the final budget the budget previously approved by the Board on May 16, 2018; (2) should Citrus County attempt to challenge the adopted budget in court or other tribunal that the Executive Director be authorized to hire special counsel to represent the interests of the Authority; (3) the Board should consider informing the Governor and any other appropriate agencies of the State of the actions of Citrus County and the failure of its representatives to perform their official duties with respect to the Authority which is an independent special district of the State of Florida; and (4) if Citrus County continues to refuse to participate in and performing its duties as a member of the Authority, that the remaining counties consider entering into a new interlocal agreement without Citrus County.

Discussion ensued regarding whether formal communication had occurred with the Citrus County representatives to understand their absences and whether they are aware of the importance of attendance, use of Robert's Rules of Order for facilitating meetings, the potential for Authority staff to attend a Citrus County Commission meeting to relay information, and the Authority's budget availability to continue into the new budget year.

Mr. Owen noted he received a request from the Citrus County Administrator to postpone Item 9, Charles A. Black Wellfield – Citrus County Negotiations, until further notice. He noted that, at his own initiative, he met with the Citrus County administrator to discuss whether a compromise about the wellfield is possible.

Mr. Owen noted that at a recent Hernando County Commission meeting it was requested of Hernando County staff to come back with a report as to what it would take to withdraw from the Authority. This topic was placed on a subsequent County Commission meeting agenda, and the Commission heard a report from its staff. Mr. Owen attended the meeting and provided information about the Authority's purpose and benefits to membership. The Commission decided to take no action, thereby remaining a member of the Authority.

Discussion ensued regarding dialogue about county and authority positions, it being premature to take formal action on all of Mr. Haag's recommendations at this time, the need to have an appraisal of the wellfield, and holding a special budget meeting in October and the importance of member attendance.

Chair Stone called for a motion.

Mr. Kemerer moved, seconded by Mr. Printz, to approve utilization of the FY 2018-19 budget that was tentatively approved at the May 16, 2018 Board meeting with three counties represented (Hernando, Marion and Sumter) until such time as all four counties are in attendance. Mr. Kemerer moved, seconded by Mr. Swain, to amend the motion to include "or until such time as further action is taken by the Board." The motion carried unanimously.

Mr. Owen requested a motion to direct the Executive Director to communicate with Citrus County the necessity of attendance for budget approval. Mr. Haag noted his memorandum provides direction for the Board's consideration should member participation not occur.

Ms. Bryant moved, seconded by Mr. Kemerer, to schedule a special meeting for budget approval; that the Executive Director execute a letter, with approval of the Chair, to the Citrus County Board members to emphasize the necessity and importance of attendance; and, if the County does not attend, the Authority Board will take that as a sign that they do not want to participate and will move forward with formal approval of the FY2018-19 budget without them.

Discussion ensued that the tone of the communication is respectful and not offensive, and any correspondence be sent to all Authority members. Mr. Owen said he will reach out to the Citrus County representatives and any correspondence will be approved by the Authority Chair.

The special budget meeting was tentatively set for October 17, 2018, the third Wednesday of the month which is the Authority's normal meeting date.

Chair Stone called for action on the motion and it carried unanimously.

9. Charles A. Black Wellfield – Citrus County Negotiations

At Citrus County's request, this item is indefinitely postponed.

Mr. Owen stated he recommends the Authority have an appraisal of the wellfield facilities conducted to better prepare for future discussions. He asked for Board concurrence before soliciting a proposal from one of the Authority's as-needed consultants that would then come back to the November meeting for approval. He stated an appraisal would likely cost approximately \$50,000.

Following discussion, the Board was in agreement not to pursue any action at this time.

10. Phase 5 Irrigation System Audit Program

- a. **Contractor(s) Selection** – At its July 2018 meeting, the Board authorized staff to issue a Request for Quotes (RFQ) for Phase 5, Irrigation System Evaluation Program. One quote was received in response to the RFQ. The submitted quote, by Eco Land Designs, LLC, meets the RFQ requirements.

Staff recommended (1) the Authority Board approve the selection of Eco Land Design, LLC, as contractor to perform the irrigation system evaluations for Phase 5, Irrigation System Evaluation program (Q040); (2) the Authority Board approve the contract between WRWSA and Eco Land Design, LLC, in an amount not to exceed \$125,000; and authorize the Chairman to sign the contract; and (3) the Authority Board authorize the Chairman to sign the CFI agreement for Phase 5, Irrigation System Evaluation program, between the SWFWMD and the WRWSA, following review and approval by the Authority Attorney.

- b. **Agreements with Hernando County Utilities, and The Villages VCCDD and NSCUDD** – Five utilities have tentatively agreed to participate in Phase 5 of the Irrigation System Audit program including Citrus, Hernando and Marion counties, the North Sumter County Utility Dependent District (NSCUDD), and the Village Center Community Development District (VCCDD). Three of the five utilities, including Hernando County, the NSCUDD and the VCCDD require an agreement with the Authority to effectuate their participation.

Staff recommended the Authority Board approve the Agreements between the WRWSA and Hernando County, the Village Center Community Development District and the North Sumter County Utility Dependent District; and authorize the Chairman to sign the Agreements.

Following consideration, **Ms. Bryant moved, seconded by Mr. Printz, to approve the staff recommendations for Items 10.a. (contractor selection and contract); and 10.b. (contracts with Hernando County, and The Village Center Community Development District and the North Sumter County Utility Dependent District), as presented. The motion carried unanimously.**

At this time, Mr. Owen requested that action items be considered while a quorum was present.

11. Regional Water Supply Plan Update

Mr. Owen noted that, at the July 18, 2018 Board meeting, staff reported that Mr. Gregg Jones, the consultant's project manager for this project, was leaving Cardno and the Board authorized staff to approve a subcontract between Cardno and Mr. Jones to facilitate his continuation on the project. Mr. Jones has subsequently accepted a position with Brown and Caldwell. The Authority has been informed by Cardno that they cannot subcontract directly with Mr. Jones, but rather must subcontract with Brown and Caldwell to facilitate Mr. Jones' continuation on the project. Therefore, new Board action is necessary to approve Cardno retaining Brown and Caldwell as a subcontractor to facilitate Mr. Jones continuation on the project.

Following consideration, **Ms. Bryant moved, seconded by Mr. Kemerer, to approve Cardno subcontracting with Brown and Caldwell to facilitate the continuation of Mr. Gregg Jones on the project. The motion carried unanimously.**

12. SWFWMD Fiscal Year 2019-20 Cooperative Funding Program

Mr. Richard Owen, Executive Director, said the Southwest Florida Water Management District (SWFWMD) has opened the application period for the Fiscal Year (FY) 2019-20 Cooperative Funding Initiative and applications are due by October 5, 2018. The purpose of this item is to request Board authorization to submit a cooperative funding request to the SWFWMD, for continuation of the Regional Irrigation System Audit Program.

The Phase 6 total project budget is recommended at \$136,000, with the Authority committing to fund 50 percent at \$68,000 and the SWFWMD requested to fund a like amount. Utilities potentially participating in the proposed Phase 6 program and their approximate local match include Citrus County (\$8,000), Hernando County (\$9,000), Marion County (\$11,000) and The Villages Village Center Community Development District (\$2,000) and the North Sumter County Utility Dependent District (\$4,000), for a total local contribution of \$34,000.

As part of the application submittals, the Authority must provide a commitment to include its 50 percent of the project's cost in its FY 2019-20 budget as well as a ranking letter.

Following consideration, **Ms. Bryant moved, seconded by Mr. Ernst, for Board approval of the FY 2019-20 Cooperative Funding Initiative application for Phase 6 of the Regional Irrigation System Audit Program in the total project amount of \$136,000, ranked as the Authority's number one application, including authorization for the Executive Director to sign the funding commitment and ranking letters. The motion carried unanimously.**

(Mr. Printz left the meeting.)

11. Regional Water Supply Plan Update

Mr. Gregg Jones, Brown and Caldwell, provided a status report to the Board. He noted the key elements of the Water Supply Plan include population and water demand projections for all use categories through 2040; assessment of the potential for water conservation and reclaimed water to reduce public supply demand; evaluation of the availability of groundwater and alternative sources to meet projected demands; identification of water supply project options to meet the future public water supply needs; engineering feasibility study (infrastructure, permitting, cost); and proposed terms of governance, funding sources and mechanisms, cost sharing and participant structure for projects that involve multiple entities. Mr. Joe Quinn, SWFWMD Water Supply Project Manager, provided clarifying information about this project as it relates to SWFWMD updating its plan.

This item was presented for the Board's information and no action was required.

13. Executive Director's Report

- a. **Correspondence** – Items received or sent were included in the Board's meeting materials.
- b. **News Articles** – Articles of interest were included in the Board's meeting materials.
- c. **Other** – None

14. **Legislative Report** – Ms. Salz, WRWSA Governmental Affairs, provided a brief update on upcoming activities such as attending the Florida Water Forum. She noted that this is a useful event for meeting with experts and policy makers on current water topics. She said the Board will receive the proposed 2019 legislative matrix at the November meeting.

15. **Attorney's Report** – Mr. Haag, WRWSA Attorney, said he had nothing further to report.

16. **Other Business** – None

17. Next Meeting Time and Location

- Special Budget Meeting - October 17, 2018 at 3:30 p.m. at the Lecanto Government Building, Room 166 (tentative date).
- Next Regular Board Meeting - November 14, 2018 at 3:30 p.m. at the Lecanto Government Building, Room 166.

18. **Adjournment** – Chair Stone adjourned the meeting at 5:27 p.m.

Michelle Stone, Chair

Richard S. Owen, Executive Director