



Board of Directors: Sandra Murman, Dave Eggers, Pat Gerard, Pat Kemp, Rob Marlowe, Charlie Miranda, Ron Oakley, Darden Rice, Kathryn Starkey

General Manager Matt Jordan

General Counsel Barrie S. Buenaventura, *Conn & Buenaventura, P.A.*

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www.tampabaywater.org

This Meeting is Open to the Public.

All cellular phones and pagers must be turned off while in the Board Room.

Board Agenda

January 22, 2018 – 9:30 a.m.

Special Board Meeting

PUBLIC COMMENT

The Tampa Bay Water Board of Directors welcomes comments from the public about any issue of concern. Opinions provide valuable input to the board members. However, we request that public comments be directed to issues and not directed personally against any board member or staff member. This provides a mutual respect between the board members and the public. Any person wishing to speak at this time must have a completed speaker card submitted to the General Manager's Assistant at the dais prior to the beginning of the meeting. Each speaker shall have a maximum of three (3) minutes to address the Board on any matter on the agenda. When addressing the Board, please state your name, address and agenda item on which you wish to comment. Thank you.

The Tampa Bay Water Board regular meeting is scheduled to be held on Monday, February 19, 2018 at 9:30 a.m. Anyone requiring reasonable accommodations for this meeting as provided for in the Americans With Disabilities Act should contact the Records Department at 727-796-2355 x2401 or 813-996-7009 at least three working days prior to the public meeting. If a person decides to appeal any decision made by the Board, with respect to any matter considered at this meeting, he/she will need a record of the proceedings, and for such purposes, he/she may need to ensure that a verbatim record of the proceedings is made, such record includes the testimony and evidence upon which the appeal is to be based.

TAMPA BAY WATER

SPECIAL BOARD MEETING AGENDA

January 22, 2018 - 9:30 a.m.

I. 9:30 A.M. - CALL TO ORDER

II. PUBLIC COMMENTS - (3 minutes per speaker)

III. AGENDA

A. GENERAL MANAGER

1. Special Meeting of Tampa Bay Water Board to Discuss Senate Bill 1710 and House Bill 1303 – *Board Discussion*

IV. ADJOURNMENT

AGENDA ITEM A1



DATE: January 12, 2018

TO: Tampa Bay Water Board of Directors

FROM: Matt Jordan, General Manager *mf*
Barrie Buenaventura, General Counsel *BBB*

SUBJECT: Special Meeting of Tampa Bay Water Board to Discuss Senate Bill 1710 and House Bill 1303 – *Board Discussion*

SUMMARY: Senate Bill 1710 and House Bill 1303 have been filed in the Florida legislature. The special meeting is to discuss the agency's position on these bills and give direction to the agency's legislative team.

RECOMMENDATION: Receive board direction.

COST/FUNDING SOURCE: N/A

DISCUSSION: As reported to the Board of Directors by legislative counsel on Monday, January 8, 2018, two bills, Senate Bill 1710 and House Bill 1303 (attached), have been introduced in the Florida legislature. We have received written requests from board members to hold a special meeting on Monday, January 22, 2018, to discuss the legislation and provide direction to the agency's legislative team. A copy of the legislative goals and priorities approved by the board at its October 2017 meeting is also attached. Legislative counsel, bond counsel, staff and consultants will be in attendance to answer questions and provide information.

Attachments

By Senator Young

18-00825B-18

20181710__

1 A bill to be entitled
2 An act relating to the West Coast Regional Water
3 Supply Authority; amending s. 373.715, F.S.;
4 specifying that each member of the authority has an
5 absolute right to use its own reclaimed water for
6 certain purposes; providing applicability; providing a
7 directive to the Division of Law Revision and
8 Information; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (b) of subsection (1) of section
13 373.715, Florida Statutes, is amended to read:

14 373.715 Assistance to West Coast Regional Water Supply
15 Authority.—

16 (1) It is the intent of the Legislature to authorize the
17 implementation of changes in governance recommended by the West
18 Coast Regional Water Supply Authority in its reports to the
19 Legislature dated February 1, 1997, and January 5, 1998. The
20 authority and its member governments may reconstitute the
21 authority's governance and rename the authority under a
22 voluntary interlocal agreement with a term of not less than 20
23 years. The interlocal agreement must comply with this subsection
24 as follows:

25 (b) In accordance with s. 4, Art. VIII of the State
26 Constitution and notwithstanding s. 163.01, the interlocal
27 agreement may include the following terms, which are considered
28 approved by the parties without a vote of their electors, upon
29 execution of the interlocal agreement by all member governments

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30 and upon satisfaction of all conditions precedent in the
31 interlocal agreement:

32 1. All member governments shall relinquish to the authority
33 their individual rights to develop potable water supply sources,
34 except as otherwise provided in the interlocal agreement.

35 2. The authority shall be the sole and exclusive wholesale
36 potable water supplier for all member governments except,
37 however, that each member has the absolute right to use the
38 reclaimed water it produces to develop potable water supplies
39 for its own use or for sale to the authority or to another
40 entity that is not a member. This subparagraph:

41 a. Supersedes any provisions of the interlocal agreement to
42 the contrary, and applies to the interlocal agreement in effect
43 on the effective date of this act;

44 b. Does not impair, void, or cause the modification of the
45 interlocal agreement; and

46 c. Supersedes any inconsistent cooperative funding program
47 policy approved by the water management district.

48 3. The authority shall have the absolute and unequivocal
49 obligation to meet the wholesale needs of the member governments
50 for potable water.

51 4. A member government may not restrict or prohibit the use
52 of land within a member's jurisdictional boundaries by the
53 authority for water supply purposes through use of zoning, land
54 use, comprehensive planning, or other form of regulation.

55 5. A member government may not impose any tax, fee, or
56 charge upon the authority in conjunction with the production or
57 supply of water not otherwise provided for in the interlocal
58 agreement.

18-00825B-18

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59 6. The authority may use the powers provided in part II of
60 chapter 159 for financing and refinancing water treatment,
61 production, or transmission facilities, including, but not
62 limited to, desalinization facilities. All such water treatment,
63 production, or transmission facilities are considered a
64 "manufacturing plant" for purposes of s. 159.27(5) and serve a
65 paramount public purpose by providing water to citizens of the
66 state.

67 7. A member government and any governmental or quasi-
68 judicial board or commission established by local ordinance or
69 general or special law where the governing membership of such
70 board or commission is shared, in whole or in part, or appointed
71 by a member government agreeing to be bound by the interlocal
72 agreement shall be limited to the procedures set forth therein
73 regarding actions that directly or indirectly restrict or
74 prohibit the use of lands or other activities related to the
75 production or supply of water.

76
77 Except as otherwise provided in this section or in the voluntary
78 interlocal agreement between the member governments, a majority
79 vote shall bind the authority and its member governments in all
80 matters relating to the funding of wholesale water supply,
81 production, delivery, and related activities.

82 Section 2. The Division of Law Revision and Information is
83 directed to replace the phrase "the effective date of this act"
84 wherever it occurs in this act with the date the act becomes a
85 law.

86 Section 3. This act shall take effect upon becoming a law.

1 A bill to be entitled
 2 An act relating to the West Coast Regional Water
 3 Supply Authority; amending s. 373.715, F.S.;
 4 specifying that each member of the authority has an
 5 absolute right to use its own reclaimed water for
 6 certain purposes; providing applicability; providing a
 7 directive to the Division of Law Revision and
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 17 implementation of changes in governance recommended by the West
 18 Coast Regional Water Supply Authority in its reports to the
 19 Legislature dated February 1, 1997, and January 5, 1998. The
 20 authority and its member governments may reconstitute the
 21 authority's governance and rename the authority under a
 22 voluntary interlocal agreement with a term of not less than 20
 23 years. The interlocal agreement must comply with this subsection
 24 as follows:

25 (b) In accordance with s. 4, Art. VIII of the State

26 Constitution and notwithstanding s. 163.01, the interlocal
 27 agreement may include the following terms, which are considered
 28 approved by the parties without a vote of their electors, upon
 29 execution of the interlocal agreement by all member governments
 30 and upon satisfaction of all conditions precedent in the
 31 interlocal agreement:

32 1. All member governments shall relinquish to the
 33 authority their individual rights to develop potable water
 34 supply sources, except as otherwise provided in the interlocal
 35 agreement.

36 2. The authority shall be the sole and exclusive wholesale
 37 potable water supplier for all member governments except,
 38 however, that each member has the absolute right to use the
 39 reclaimed water it produces to develop potable water supplies
 40 for its own use or for sale to the authority or to another
 41 entity that is not a member. This subparagraph:

42 a. Supersedes any provisions of the interlocal agreement
 43 to the contrary, and applies to the interlocal agreement in
 44 effect on the effective date of this act;

45 b. Does not impair, void, or cause the modification of the
 46 interlocal agreement; and

47 c. Supersedes any inconsistent cooperative funding program
 48 policy approved by the water management district.

49 3. The authority shall have the absolute and unequivocal
 50 obligation to meet the wholesale needs of the member governments

51 | for potable water.

52 | 4. A member government may not restrict or prohibit the
53 | use of land within a member's jurisdictional boundaries by the
54 | authority for water supply purposes through use of zoning, land
55 | use, comprehensive planning, or other form of regulation.

56 | 5. A member government may not impose any tax, fee, or
57 | charge upon the authority in conjunction with the production or
58 | supply of water not otherwise provided for in the interlocal
59 | agreement.

60 | 6. The authority may use the powers provided in part II of
61 | chapter 159 for financing and refinancing water treatment,
62 | production, or transmission facilities, including, but not
63 | limited to, desalinization facilities. All such water treatment,
64 | production, or transmission facilities are considered a
65 | "manufacturing plant" for purposes of s. 159.27(5) and serve a
66 | paramount public purpose by providing water to citizens of the
67 | state.

68 | 7. A member government and any governmental or quasi-
69 | judicial board or commission established by local ordinance or
70 | general or special law where the governing membership of such
71 | board or commission is shared, in whole or in part, or appointed
72 | by a member government agreeing to be bound by the interlocal
73 | agreement shall be limited to the procedures set forth therein
74 | regarding actions that directly or indirectly restrict or
75 | prohibit the use of lands or other activities related to the

76 | production or supply of water.

77 |

78 | Except as otherwise provided in this section or in the voluntary
79 | interlocal agreement between the member governments, a majority
80 | vote shall bind the authority and its member governments in all
81 | matters relating to the funding of wholesale water supply,
82 | production, delivery, and related activities.

83 | Section 2. The Division of Law Revision and Information is
84 | directed to replace the phrase "the effective date of this act"
85 | wherever it occurs in this act with the date the act becomes a
86 | law.

87 | Section 3. This act shall take effect upon becoming a law.

AGENDA ITEM G2



DATE: October 1, 2017
TO: Matt Jordan, General Manager
FROM: Michelle Stom, Chief Communications Officer *MS*
SUBJECT: 2018 Legislative Program Priorities – *Status Update and Approve*

SUMMARY: The agency’s strategic plan goals are met, in part, through legislative and grant planning efforts at the state, regional and federal levels. These include the goal of maintaining the agency’s financial stability and the goal to further collaborative relationships. The annual session of the Florida Legislature will begin on January 9, 2018. The agency’s legislative counsel will present to the board on priorities for the 2018 legislative session.

RECOMMENDATION: Staff recommends the Board approve its 2018 Legislative Program priorities.

DISCUSSION: The Board’s strategic plan goals to maintain the financial stability and sustainability of the agency and to maintain open, collaborative relationships with stakeholders are met, in part, through the agency’s legislative and grant planning efforts at the state, regional and federal levels.

Tampa Bay Water has received significant funding in the past from state, regional and federal sources. This funding has directly offset the capital cost of alternative water supply projects for Tampa Bay Water. Continuing this successful track record requires outreach to provide an understanding of Tampa Bay Water and the agency’s water supply and infrastructure needs.

Federal and state legislation can also have a significant effect on the cost of producing water and meeting regulatory requirements. Providing input on potential legislation and regulations that could pose additional costs has become increasingly important as Tampa Bay Water focuses on operating its system efficiently and cost-effectively. Staff will continue to advocate for state and federal legislation that benefits the agency. For example, at the federal level, Tampa Bay Water staff advocates for such things as preservation of tax-free municipal bonds and innovative water infrastructure financing. Staff also advocates for grant and agency funding for such things as capital projects, improving our agency’s emergency preparedness, and scientific research. Staff will also continue to advocate against legislation that could negatively impact the agency such as duplicative federal regulatory requirements.

A handwritten signature in cursive script, likely belonging to Matt Jordan, the General Manager mentioned in the header.

The Tampa Bay Water Board has created a unique water system that includes three diverse water sources. Tampa Bay Water's story is a model for other regional water systems. The agency continues to reach out to stakeholders such as the Florida legislature and the federal Congressional delegation. Staff will continue to meet with our region's legislative delegations to provide our knowledge and assistance to them on water policies. Staff also provides input and assistance to state and regional officials and regulatory agencies by providing expertise on water supply policies, water management history and needs, and technical topics.

The Tampa Bay Water Board annually approves legislative program priorities prior to the beginning of Florida's Legislative Session. The 2018 Legislative Session will begin on January 9, 2018 with committee weeks scheduled prior to the session. These priorities would also be used throughout the year at the state, regional and federal levels. Below are the recommended 2018 Legislative Priorities for the Board's approval.

TAMPA BAY WATER 2018 LEGISLATIVE PRIORITIES

1. **GOVERNANCE – SUPPORT** legislation that is consistent with, and **OPPOSE** legislation that is inconsistent with, the Amended and Restated Interlocal Agreement and the current provisions of Sections 373.713 and 373.715, Florida Statutes, which relate to the organization, powers and duties of regional water supply authorities generally, and Tampa Bay Water specifically.
2. **TAMPA BAY WATER OPERATIONS AND PROJECTS – SUPPORT** the appropriation and preservation of state, regional and federal funding for Tampa Bay Water projects to assist in addressing regional, environmental, and water supply issues.
 - a. Federal – Support funding initiatives and sources for water infrastructure projects; Support and advocate for Regional Integrated Sciences and Assessments funding to support climate variability research used for water utility planning; Advocate for continued NOAA funding to support accurate forecasting for use in the agency's long-term water supply planning.
 - b. State – Submit funding requests for agency projects that meet the criteria of the legislature for potential grant funding; Secure sponsors and support for funding requests; Invite new members of the Legislature to tour regional water system; Support legislative provisions that clarify state funding priorities for regionally significant projects; Support consistent planning and resource inventory requirements for water management districts.
 - c. Regional – Advocate for regional co-funding through the water management district for water infrastructure and Long-term Master Water Plan projects.

3. **SUPPORT** state and federal legislation that facilitates Tampa Bay Water's ability to operate and develop its facilities and projects reliably and efficiently. **OPPOSE** state and federal legislation or actions that impose additional restrictive standards, criteria or conditions on Tampa Bay Water operations or permitting and development of Tampa Bay Water projects.
 - a. Federal – Monitor potential amendments to the Clean Water Safety Act, including current legislation that could roll-back broad sweeping powers in rule-making at the U.S. Environmental Protection Agency (EPA); Monitor the progress of the Cyber Security Information Sharing Act (CISA) which could have broad implications for various entities in combatting data hacking, data sharing and anti-terrorism efforts impacting utilities and other entities nationwide.

4. **SUPPORT** state, regional, and federal legislative delegation members and agencies by continuing to provide expertise on water supply policies, water management history and needs, and technical topics.
 - a. Support the Florida Department of Environmental Protection's efforts to reclassify water bodies throughout the state of Florida, including the Tampa Bypass Canal and Alafia River, to identify the water bodies as sources of public drinking water.
 - b. Support legislation that helps to clarify the use and classification of reclaimed water that is consistent with Sections 373.713 and 373.715, Florida Statutes, and the Amended and Restated Interlocal Agreement.

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