



**MINUTES
POLK REGIONAL WATER COOPERATIVE**

August 15, 2016 - 2:00 p.m.
Lake Myrtle Sports Complex
2701 Lake Myrtle Park Road
Auburndale, FL 33823

Member Governments in Attendance:

City of Auburndale Mayor Tim Pospichal (Vice Chair), Primary
City of Bartow Commissioner William Simpson, Primary
City of Davenport Commissioner Tom Fellows (Secretary/Treasurer), Primary
Town of Dundee Vice Mayor Bertram Goddard, Primary
City of Frostproof Mayor Rodney Cannon, Primary
City of Haines City Commissioner Kenneth Kipp, Primary
City of Lake Alfred Mayor Charles Lake, Primary
Town of Lake Hamilton Council Vice Mayor Mike Kehoe, Alternate
City of Lake Wales Mayor Eugene Fultz, Primary
City of Lakeland Mayor R. Howard Wiggs, Primary
City of Polk City Mayor Joe LaCascia, Primary
Polk County Commissioner George Lindsey III (Chair), Primary
City of Winter Haven Commissioner Nathaniel Birdsong, Primary

Member Governments in Absence:

City of Eagle Lake
City of Fort Meade
City of Mulberry

1. Call to Order

Meeting called to order 2:00 PM

2. Recognition of new primary/alternate appointees of members

New primary and alternate directors were recognized by Chairman Lindsey.

3. Agenda Revisions

Chairman Lindsey called for any needed revisions to the posted agenda. No revisions were requested.

4. Public Comments (Will be limited to 3 minutes per person or group)

Chairman Lindsey invited comments from the public. No public comments presented.

5. Consent Items:

- a. Approval of 6/15/2016 Board Meeting Minutes.
- b. Adopt Resolution 16-01 authorizing: the setting up of bank checking account with Wells Fargo Bank, N.A.; the elected officials manual and facsimile signatures on all warrants or checks; the request for an Entity Identification Number; and the application for a State of Florida Tax Exemption Certification (See [Attachment A](#))
- c. Approval of contracting with outside accountant firm CliftonLarsonAllen for FY 2016 and FY 2017 (See [Attachment B](#)).
- d. Letter request to Central Florida Water Initiative (CFWI) Steering Committee for water supply project funding consideration

Consent Items approved unanimously.

DISCUSSION ITEMS:

6. Attorney's report on status of Interlocal Agreement by Department of Environmental Protection (3 minutes) Ed de la Parte

Mr. de la Parte reported that the Polk Regional Water Cooperative (PRWC) was created under Florida Statutes 163.01 and 373.713; the latter required submittal of the interlocal agreement to the Department of Environmental Protection (DEP) for review and approval. The DEP has raised some questions regarding the interlocal agreement and Mr. de la Parte recommended, in light of what is on the PRWC's plate, to withdraw the submittal to the DEP since the PRWC is legally formed under 163.01 and work with the DEP informally over the next few months to address the questions and resubmit for approval.

This item was a status report to the Board and did not require Board action.

7. FY 2016 and FY 2017 Budgets Public Hearings and Respective Member Contribution Schedules (10 minutes) Gene Heath

The proposed FY 2016 and FY 2017 budgets and respective member contribution schedules were presented by Mr. Heath (See [Attachment C](#))

Resolution 2016-02 ([See Attachment D](#))

Motion made and seconded to approve 2016-02 to adopt the proposed budget as presented with member allocations. The floor was opened for public comment. No comments were presented from the public. The public hearing was closed. Motion approved unanimously.

8. Central Florida Water Initiative status reports

a. Stakeholder representative (6 minutes) Brian Wheeler

Presentation made by Mr. Wheeler, Executive Director of Toho Water Authority, whom sits on the CFWI steering committee. The steering committee's job is to provide direction and guidance to various technical committees.

Mr. Wiggs asked if an issue came before the steering committee that ran counter to the best interest of the PRWC, how would you go about alerting the PRWC to and vetting the issue?

Mr. Wheeler stated that he is consistently in contact with utility staff from many municipalities within Polk County. Mr. Lindsey serves as a Board Member and Ed de la Parte represents Polk County as well as others in front of the CFWI. The intent as the utilities representative is to ensure all utilities needs are heard so a solution can be found. The intent is not to leave anyone out, but bring everyone in.

Mr. Lindsey stated the info would be shared with other utility staff to then be taken to their administration.

Mr. Wheeler stated that info is developed within the technical committees that utilities staff are heavily involved with and they will know of issues prior to them coming before the steering committee.

b. Regulatory ramifications (8 minutes) David MacIntyre

Presentation made by Mr. MacIntyre whom serves on the hydrologic assessment team (HAT) regarding assessment of resource impacts and resulting future CFWI activities and regulatory issues (See [Attachment E](#)).

Chairman Lindsey stated that one of the initial motivations for the CFWI was due to the proximity of 3 WMDs and different definitions in key terms of regulation.

Mr. MacIntyre stated that some progress has been made on this issue, but it is quite difficult, particularly terms of harm and significant harm. To harmonize these terms there is a lot of work to come to consensus on how to bring divergent regulations together.

Chairman Lindsey stated that if the regulated see the need to come together, the regulators should be compelled as well.

Mr. MacIntyre stated that progress is being made, but legal and technical work is needed to modify existing rules and ties to existing permits.

Mr. de la Parte stated that the legislature has stepped in and asked DEP to adopt uniform rules that will govern water use permitting in the CFWI area and they will supersede water management district rules.

Mr. Lindsey stated that the goals of those interior to the state are different than those of the coast. Will the expanded model provide an advantage or disadvantage?

Mr. MacIntyre stated that the tool is being expanded to enhance the tool, but does not expand the CFWI. Where ever the boundary exists with different rules on each side will create a point of discontinuity. The reason for expanding the model was to get away from an arbitrary outcome that was being forced by a boundary that is too small. Results within about 15 miles of the boundary are constrained by the boundary with a tendency to under predict the drawdown. Predictions for western Polk County impacts are likely underestimated in the current CFWI modeling analysis. Expanding the borders of the model does not change who is regulated, but does provide a model of greater accuracy.

Mr Heath stated that what was driving the Water Summit held last August was the idea that there is an additional 50 MGD of Upper Floridan aquifer resources available CFWI wide. The Phase 1 water assessment estimated a portion of the 50 MGD available to the five counties of the CFWI by assuming a general 6% of additional withdrawals, which only offers an additional 3 or 4 mgd approximately for PRWC. There is not a great amount of water available beyond what is currently being withdrawn.

c. Legal overview (7 minutes) Ed de la Parte

Presentation made by Mr. de la Parte providing a legal overview of future CFWI activities (See [Attachment F](#)).

Chairman Lindsey stated this will be a constantly moving target that will have ripple effects on what we do and reaffirms the importance of tackling these issues collectively.

Mr. LaCascia stated that what bothers him is the length of time and asked how long would it take in reality to respond to an outcome that one or more would want to put a stop to and how would we engage in the process?

Mr. de la Parte stated the way to respond is to be active now, as the decisions are being made. The discussions so far have been very general, and not focused on items that would impact the PRWC, so items have not been brought to the attention of PRWC. Discussions are starting now on items like harm to water resources that could impact the County. Mr. de la Parte encouraged those interested to attend the next regulation team meeting on August 19th in Maitland, FL. Now is the time to try and impact policy, but will be much more difficult once the momentum is developed on the rule language.

9. PRWC Supply Logistics

a. Project Strategic Plan (20 minutes) Mary Thomas

Presentation made by Ms. Thomas regarding a strategic plan for PRWC water supply projects (See [Attachment G](#)).

Chairman Lindsey asked if this community better off, worse off, or the same geographically then other municipalities.

Ms Thomas stated that Polk County is geographically at a disadvantage due to lack of options beside groundwater

Mr. de la Parte stated that Polk County is at an advantage for obtaining funding through the PRWC process and is ahead of many other local governments in the region.

Mr. Fultz asked if the lower Floridan wells that may become production wells are included in the analysis.

Ms. Thomas asked which lower Floridan wells Mr. Fultz was referring to, the permitted southeast wellfield exploratory well or the Southwest Florida Water Management District (SWFWMD) lower Floridan exploratory program.

Mr. Fultz asked if the exploratory well from the SWFWMD program could be included in they were turned into production wells.

Ms. Thomas stated that the groundwater availability would need to be assessed and this would be a question for the SWFWMD to answer.

Vice Chairman Pospichal stated this was a great presentation that could be brought before each of the municipal governments to educate the elected officials.

Mr. Lindsey stated that any municipality that would like this presentation should notify Mr. Heath if a live presentation or flash drive narrative with graphics for an individual municipality.

Chairman Lindsey stated a motion was needed to move the three nominated projects, West Polk County Lower Floridan Aquifer Deep Wells, Southeast Wellfield, and Peace Creek Integrated Water Supply projects to the candidate project list.

Motion made and seconded to move the West Polk County Lower Floridan Aquifer Deep Wells, Southeast Wellfield, and Peace Creek Integrated Water Supply projects to the Candidate List. Motion carried unanimously.

b. Project Critical Path (20 minutes) Katie Gierok

Presentation made by Ms. Gierok regarding the projected critical paths for the PRWC water supply projects advanced to the Candidate List (See [Attachment H](#)).

Mr. Simpson asked when the start date is for the projected critical path?

Ms. Gierok stated that a start date of May 2017 with a consultant following the signing of an implementation agreement was selected since the final implementation agreement may not be until April 2017.

Chairman Lindsey stated that he wanted to remind all participants that nobody is required to participate, and the level of participation is up to each individual member government.

Mr. de la Parte stated that he has structured the draft implementation agreement to have complete flexibility in support of Chairman Lindsey's comments.

Ms. Gierok stated that the implementation agreements are broken into two phases to allow for those interested to perform preliminary engineering prior to moving forward with a final product.

Mr. de la Parte stated that the agreement becomes hard and fast as of Phase 2. As much information as possible is trying to be provided prior to each member government moving forward with Phase 2.

Mr Heath requested authorization to make request for cooperative funding for FY 18 from SWFWMD since cooperative funding dead line is October 7, 2017 which is before the PRWC meeting of October 19, 2017.

Motion made and seconded to authorize staff to make a funding request to SWFWMD by the October 7, 2017 due date for projects included on the Candidate List. Motion approved unanimously.

Mr. LaCascia stated that the little money is City money and Bond money is funding.

Ms. Gierok stated that there are other forms of bridge funding including bond anticipation notes.

Mr. Heath stated the bridge funding will also include cooperative funding.

Chairman Lindsey stated that the bigger bridge will be to ensure those following in our footsteps are up to speed on these issues as they take over.

Chairman Lindsey stated that everyone has a responsibility to the whole to review the draft implementation agreements that were included in the agenda packets.

Mr. Lake asked if we know if the three projects will meet the need required.

Ms. Gierok stated that we don't know the full quantity available.

Mr. Lake stated that we are moving forward with projects we are not sure if we need.

Ms. Gierok stated that is why we need to move forward with Phase 1 implementation to gather the information needed to determine how much potable water the projects can provide, excluding the Southeast Wellfield that already has a consumptive use permit.

Mr. Heath stated that the 30 MGD requirement can be met by the Southeast Wellfield project since it has a permit. If all of the projects can achieve the 46 MGD is not yet known.

Chairman Lindsey stated that the projects have passed the first test.

Ms. Gierok stated that all of the projects are reasonable.

Mr Heath stated that the funding aspect will be done along with the SWFWMD since they are providing the cooperative funding; and the October meeting will be interesting in regards to finance.

Ms. Gierok asked if the preliminary implementation agreement is still required in December?

Mr. de la Parte stated it is a goal but is not included in SWFWMD's resolution.

Mr. Heath stated that we need to focus and show progress in December.

10. Project Agreements

a. Generic Implementation (15 minutes) Ed de la Parte

Presentation made by Mr. de la Parte presenting the draft generic implementation agreement (See [Attachment I](#)).

Chairman Lindsey encouraged all members to take the draft implementation agreement back to their attorneys for review.

Mr. de la Parte requested for authorization to accept the generic project agreement and authorize staff to work with participating members to bring back to the October meeting.

Motion made to authorize staff to receive the draft implementation agreement and work with respective participants to come back at the October board meeting. Motion seconded and approved unanimously.

b. Conservation (10 minutes) Ed de la Parte

Presentation made by Mr. de la Parte presenting the draft conservation implementation agreement (See [Attachment J](#)).

Mr. Wiggs asked if we would be approving the draft implementation agreement at this meeting?

Chairman Lindsey confirmed that we would not be adopting this implementation agreement today and stated that unlike the capital projects that are required to a part of the PRWC, this is to allow conservation projects to be a cooperative project to assist in obtaining cooperative funding. Each member government is still able to move forward with conservation projects on their own.

Mr. de la Parte agreed with the Chair.

Motion made and seconded to receive the draft for staff to work with members in creating a final document. Motion approved unanimously.

11. Unified Funding Legislative Effort for Cities/County (10 minutes) Frank Bernardino

Presentation made by Mr. Bernardino regarding the unified funding legislative effort (See [Attachment K](#)).

The draft bill will be workshopped by any interested parties on August 25th at 9:30 in the morning at Polk County Utilities.

12. Open Discussion

No open discussion topics were brought forward.

13. Adjournment

Meeting adjourned at 4:13 PM.