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.
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
DATE: January 12, 2018

TO: Tampa Bay Water Board of Directors

FROM: Matt Jordan, General Manager
Barric Buenaventura, General Counsel

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

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

Section 1. Paragraph (b) of subsection (1) of section
373.715, Florida Statutes, is amended to read:
373.715 Assistance to West Coast Regional Water Supply
Authority.—
(1) It is the intent of the Legislature to authorize the
implementation of changes in governance recommended by the West
Coast Regional Water Supply Authority in its reports to the
Legislature dated February 1, 1997, and January 5, 1998. The
authority and its member governments may reconstitute the
authority’s governance and rename the authority under a
voluntary interlocal agreement with a term of not less than 20
years. The interlocal agreement must comply with this subsection
as follows:
(b) In accordance with s. 4, Art. VIII of the State
Constitution and notwithstanding s. 163.01, the interlocal
agreement may include the following terms, which are considered
approved by the parties without a vote of their electors, upon
execution of the interlocal agreement by all member governments
and upon satisfaction of all conditions precedent in the interlocal agreement:

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

2. The authority shall be the sole and exclusive wholesale potable water supplier for all member governments except, however, that each member has the absolute right to use the reclaimed water it produces to develop potable water supplies for its own use or for sale to the authority or to another entity that is not a member. This subparagraph:
   a. Supersedes any provisions of the interlocal agreement to the contrary, and applies to the interlocal agreement in effect on the effective date of this act;
   b. Does not impair, void, or cause the modification of the interlocal agreement; and
   c. Supersedes any inconsistent cooperative funding program policy approved by the water management district.

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

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

5. A member government may not impose any tax, fee, or charge upon the authority in conjunction with the production or supply of water not otherwise provided for in the interlocal agreement.
6. The authority may use the powers provided in part II of chapter 159 for financing and refinancing water treatment, production, or transmission facilities, including, but not limited to, desalination facilities. All such water treatment, production, or transmission facilities are considered a “manufacturing plant” for purposes of s. 159.27(5) and serve a paramount public purpose by providing water to citizens of the state.

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

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

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

Section 3. This act shall take effect upon becoming a law.
A bill to be entitled
An act relating to the West Coast Regional Water
Supply Authority; amending s. 373.715, F.S.;
specifying that each member of the authority has an
absolute right to use its own reclaimed water for
certain purposes; providing applicability; providing a
directive to the Division of Law Revision and
Information; providing an effective date.

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

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Authority.—

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

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

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

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   a. Supersedes any provisions of the interlocal agreement to the contrary, and applies to the interlocal agreement in effect on the effective date of this act;
   b. Does not impair, void, or cause the modification of the interlocal agreement; and
   c. Supersedes any inconsistent cooperative funding program policy approved by the water management district.

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

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

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

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

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production or supply of water.

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

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

Section 3. This act shall take effect upon becoming a law.
DATE:          October 1, 2017  
TO:            Matt Jordan, General Manager  
FROM:          Michelle Stom, Chief Communications Officer  
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.
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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