



951 Martin Luther King Boulevard, Kissimmee, FL

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**Board of Supervisors  
Regular Meeting Minutes  
Wednesday January 17, 2024**

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**Present:**

Chairman - Henry Thacker  
Vice Chairman – Rayelynn Ketchum  
Supervisor - Hector Lizasuain  
Supervisor – Tom White  
Secretary - William Land  
Supervisor – Dave Askew  
Executive Director – Todd P. Swingle (remote)  
General Counsel – Anthony Cotter

Ex Officio Board Member, City of  
St Cloud - Kolby Urban  
Ex Officio Board Member, City of  
Kissimmee - Angela Eady  
Ex Officio Board Member,  
Osceola County - Cheryl Grieb

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**Absent:** Supervisor – John McAleenan, Ex-Officio Board Member,  
Polk County, Rick Wilson.

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1. **Meeting called to order by:** Secretary Land at 5.01pm.
2. **Moment of Silent Reflection and Pledge of Allegiance** led by Secretary Land.
3. **Approval of the Agenda**

Item 10B Approval to Seek Court Order – Sai Ganesh, llc., 7475 W. Irlo Bronson Memorial Highway, Kissimmee (002676031-000422090) was pulled by General Counsel.

**Motion to approve the Agenda, excluding item 10B, made by Supervisor Lizasuain. Motion seconded by Supervisor Askew. Motion passed 6-0.**

4. **Awards and Presentations:** None.
5. **Public Hearing:** None.
6. **Hear the Audience:**

Meeting floor was opened for Hear the Audience. This item is for comments/questions relating to topics not listed on this meeting's Agenda. No further comments were received and Hear the Audience was closed.

7. **Consent Agenda**

- 7A. **APPROVAL OF TOHO WATER AUTHORITY BOARD OF SUPERVISORS'  
REGULAR MEETING MINUTES OF DECEMBER 13, 2023**





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contingency expenditures remain within the total not-to-exceed contract and contingency limit approved by the Board. (Cost: Utility Work by Highway Contractor for \$4,600,000 and TOHO contingency (5%) of \$230,000 at a total this request of \$4,830,000.) (Pelham)

**7E. APPROVAL OF THE RANKING OF FIRMS AND THE SELECTION OF THE TOP RANKED FIRM OF HAZEN AND SAWYER TO PROVIDE CONSULTING SERVICES FOR THE DESIGN, PERMITTING, BIDDING, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE FRIARS COVE WATER MAIN EXTENSION PROJECT [RFQU-24-001]**

Staff recommends the Board approve the ranking of the firms and the selection of Hazen and Sawyer as the top ranked firm for the Friars Cove Water Main Extension project. (Cost: None at this time. A scope of services and associated fee will be submitted to the Board for approval at a future meeting.) (Eversole)

**7F. APPROVAL OF THE RANKING OF FIRMS AND THE SELECTION OF THE TOP RANKED FIRM DEWBERRY ENGINEERS INC. TO PROVIDE CONSULTING SERVICES FOR THE DESIGN, PERMITTING, BIDDING, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE KINDRED REUSE MAIN EXTENSION PROJECT [RFQU-23-014]**

Staff recommends the Board approve the ranking of the firms and the selection of Dewberry as the top ranked firm. Staff further recommends the Board authorize staff to initiate contract and scope of services negotiations with Dewberry. If a contract and scope of services negotiation with Dewberry cannot be concluded to staff's satisfaction, staff requests authorization to initiate negotiations with the second ranked firm, Boyd Civil Engineering, Inc. (Cost: None at this time. A scope of services and associated fee will be submitted to the Board for approval at a future meeting.) (Eversole)

**7G. APPROVAL TO AUTHORIZE THE CEO/EXECUTIVE DIRECTOR TO APPROVE AND EXECUTE A NOT TO EXCEED \$4,972,832 ADDENDUM (INCLUDING AN OWNER'S CONTINGENCY OF \$236,800) TO THE CMAR CONTRACT WITH WHARTON SMITH FOR SOUTH BERMUDA WATER RECLAMATION FACILITY (WRF) 16 MGD EXPANSION PROJECT (IFB-23-174) INCREASING THE TOTAL BOARD AUTHORIZATION TO \$9,350,030**

The existing approved Board authorization is \$4,377,198. Staff requests approval of this authorization to increase the total not-to-exceed authorization to \$9,350,030, based upon this not to exceed \$4,972,832 addendum. Staff further requests delegation to the Executive Director/CEO to approve and execute the addendum up to the total not to exceed amount limit of \$4,972,832 approved by the Board. (Cost: This Request (Addendum PRO.IFB23-174.WHA.1.0) for equipment pre-purchase of \$4,972,832 with the previously approved CMAR Services funds of \$4,377,198 making a Total Approved Project Funding of \$9,350,030.) (Zhou)





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(Cost: An additional \$500,000 for a total amount of not-to-exceed \$1,535,000 for the term of the Agreement, which expires on February 25, 2025.) (Mann)

**7N. APPROVAL TO AUTHORIZE THE EXECUTIVE DIRECTOR/CEO TO NEGOTIATE AND APPROVE AN INTERLOCAL AGREEMENT BETWEEN TOHO WATER AUTHORITY AND OSCEOLA COUNTY FOR THE WESTSIDE BLVD EXTENSION PROJECT INCLUDING \$1,909,900 FOR 24 AND 30 INCH WATER MAIN EXTENSIONS AND FORCE MAIN RELOCATIONS**

Staff requests the Board to delegate authorization for the Executive Director/CEO to negotiate and execute an Interlocal Agreement between Toho Water Authority and Osceola County for the Westside Blvd Extension for a total not to exceed amount of \$1,909,900. Staff further requests authorization for the Executive Director/CEO to execute any such documents as are necessary to expend any agreement funding provided that the total contract and contingency expenditures remain within the total not-to-exceed contract and contingency limit approved by the Board. (Cost: This Request for Design and Construction costs of \$ 1,746,700 and Contingency of \$163,200 for a Total This Request of \$1,909,900.) (Zhou)

**7O. APPROVAL OF A \$171,011 DESIGN CONTRACT ADDENDUM 3 WITH TETRA TECH FOR THE FLORIDA PLAZA FORCE MAIN DESIGN AND CONSTRUCTION SERVICES AND A \$20,000 CONTINGENCY INCREASING THE TOTAL PROJECT FUNDING FROM \$136,827 to \$327,838**

The existing approved Board authorization is \$136,827. Staff requests approval of this addendum to increase the total not-to-exceed authorization to \$327,838 based on this addendum of \$171,011 plus a \$20,000 contingency. Staff further requests authorization for the Executive Director /CEO to execute any such documents as necessary to expend any contingency provided that the total contract expenditures remain within the total not-to-exceed contract limit approved by the Board. (Cost: Previous Approved Request of \$136,827. Then this request for Addendum No. 3 for \$191,001 and Contingency of \$20,000 making a Total Request of \$327,838.) (Pelham)

**Motion to approve Consent Agenda items, made by Supervisor Lizasuain. Motion was seconded by Secretary Land. Motion passed 6-0.**

**8. Informational presentations:**

**8A. ASSETS & INFRASTRUCTURE MAJOR CAPITAL PROJECT UPDATES**

No action required by the Board. For information only. (Cost: None.) (Doan)

Matt Doan, Director of Engineering Programs, introduced himself and the growing team, who work on CIS projects. The Major Projects





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joined the discussion on major projects via WebEx.

**9. Unfinished business:**

**10. New business:**

10A. PULLED

10B. PULLED

**10C. APPROVAL OF RESOLUTION 2024-001 ADOPTING TOHO'S FIRST AMENDMENT POLICY**

Staff recommends approval of Resolution 2024-001 adopting Toho's Policy Regarding Public Access to Toho Property and Video and Audio Recording While on Toho Property. (Cost: No costs.) (Cotter)

Incident last month where individual tailgated into the front lobby, but when asked the gentlemen said he had a first amendment right to be there and was videotaping. Toho needs clear indication what is for public access and what is for limited access. Constitutional right for public places but that can be regulated to certain areas when courts have deemed to be non or limited public forums. Our policy will apply rules within those areas under Toho control. This identifies these areas (including employee offices, work spaces, parking lot, storage/access points and areas marked for employees only) In addition windows where private third parties conduct areas with Toho employees. Also, public utility facilities aside from designated waiting/reception areas. Toho officials could include law offices, managers o CEO GC VPs safety & risk manager, Chief Cust exp, chief people off and anyone CEO designates in writing. A public area is not designated as a public access area. E.g., front entryway and glass partition which separates CS staff. No-one should... AS PER TONY'S SLIDE. Limited access areas are only accessible to employees. officials and Board access, members of the public only for specific invitation. Recording would be prohibited in limited access areas, except where Toho official requests recording in that areas. Rules of conduct for the Boardroom and bathrooms which are accessible to public 15mins before and 15mins after any advertised public meeting. Recording is permitted during those meetings; however, location is from the persons seat or a designated area. Employee procedures outline and violations of those rules. Toho should attempt to resolve these issues before enforcing any trespass process. Looking for consensus from the Board to implement the Board at this point. This policy would apply to journalists,





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dedicated fire line. The process has been started and they will be Served in usual course. Toho would notify the County concerning any extended stay tenants but that is all verified before any disconnect is underway.

**13. Upcoming events:**

**January**

Treasures of St. Cloud	1/19/2024
A Hero For Kids Gala	1/20/2024
Junior Achievement Inspire	1/23/2023

**February**

Black History Month	2/1-29/2024
Groundhog Day	2/2/2024
Annual Osceola Chamber Meeting	2/4/2024
Osceola County Fair	2/9-18/24
Lunar New Year	2/10/2024
Kissimmee 5K Sweet 16	2/10/2024
The Silver Spurs Riding Club Parade	2/10/2024
Monster Bulls	2/10/2024
International Day Women/ Girls in Science Day	2/11/2024
Valentine's Day	2/14/2024
Rodeo Day	2/16/2024
Silver Spurs Rodeo	2/16-18/2024
Engineers Week	2/18-24/2024

**14. Adjournment:**

There being no further business to come before the Board, the meeting was adjourned at 5.40pm by Chairman Thacker.

**Approved:**

Henry Thacker, Chairman

**Attest:**

William Land, Secretary