



951 Martin Luther King Boulevard, Kissimmee, FL

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**Board of Supervisors
Regular Meeting Minutes
Tuesday March 26 2024**

Present:

Chairman - Henry Thacker
Vice Chairman – Rayelynn Ketchum
Secretary - William Land
Supervisor - Hector Lizasuain
Supervisor – John McAleenan
Supervisor – Tom White
Supervisor – Dave Askew

Executive Director – Todd P. Swingle
General Counsel – Anthony Cotter
Ex Officio Board Member, City of
St Cloud - Kolby Urban

Absent: Ex Officio Board Member, City of Kissimmee - Angela Eady
Ex Officio Board Member, Osceola County - Cheryl Grieb
Ex-officio Board Member, Polk County - Rick Wilson

1. **Meeting called to order by:** Thacker at 5.05pm.
2. **Moment of Silent Reflection and Pledge of Allegiance** led by Secretary Land.
3. **Approval of the Agenda**

Motion to approve the Agenda, made by Supervisor Askew. Motion seconded by Supervisor McAleenan. Motion passed 7-0.
4. **Awards and Presentations:**
 - 4A. **PROCLAMATION RECOGNIZING MARCH 18 THROUGH 22 AS GOVERNMENT FINANCIAL PROFESSIONALS WEEK**
Board approval of the Proclamation recognizing March 18 through 22 as Government Financial Professionals Week. (Cost: None) (Floer)

Government Finance Professionals Week is sponsored by the Florida Government Finance Officers Association, that serves more than 3,300 state-wide professionals. FGFOA is dedicated to providing opportunities through education, networking, leadership and information. Government Financial Professionals Week is based on activities aimed at recognizing government finance professionals and the vital services that they provide to our state and to our communities.

Motion to approve was made by Supervisor Lizasuain. Motion seconded by Vice Chair Ketchum. Motion passed 7-0.
5. **Public Hearing:** None



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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

Executive Director Swingle requested that agenda item 7H (Approval of the Developers Service Agreement with EGL Sunrise Orlando for the Lantower Apartments Project) be considered under separate vote. Staff had not yet received the executed copy back from the Developer, but this issue has been languishing since November, so the Board were requested to approve and authorize the CEO/Executive Director to execute the Developer's Service Agreement, to avoid further delays.

7A. TOHO WATER AUTHORITY BOARD OF SUPERVISORS' REGULAR MEETING MINUTES OF MARCH 13, 2024

Staff recommends the approval of the Board Meeting minutes from March 13, 2024. (Cost: None) (Smith)

7B. SUNBRIDGE FY2024 RATE ADJUSTMENT IMPLEMENTATION

The Board is requested to approve the recommendation not to back-bill Sunbridge customers for approximately \$24,000 in rate revenue caused by an error in applying the FY2024 rate adjustment. (Cost: Approximately \$24,000 in rate revenue) (Henderson)

7C. APPROVAL TO DELEGATE AUTHORITY TO THE EXECUTIVE DIRECTOR/CEO TO NEGOTIATE AND EXECUTE AN ENCROACHMENT AGREEMENT WITH FLORIDA GAS TRANSMISSION FOR THE HICKORY TREE WATER MAIN PROJECT.

The Board is requested to delegate authority to the Executive Director/CEO to negotiate and execute an encroachment agreement with Florida Gas Transmission for the Hickory Tree Water Main project. (Cost: No cost associated with this agreement) (Chavez)

7D. APPROVAL OF A \$460,000 ADDENDUM #2 WITH CPH ENGINEERS FOR MASTER UTILITY PLAN AND HYDRAULIC CALCULATION PRIVATE DEVELOPMENT REVIEWS; WATER AND SEWER LINE EXTENSION REVIEWS IN THE POINCIANA SERVICE AREA; LIFT STATION REHABILITATION AND SMALL DIAMETER WATER AND SEWER MAIN EXTENSION DESIGNS. THE ADDENDUM INCREASES THE BOARD REQUESTED AUTHORIZATION FROM \$297,865 To \$757,865.

The existing approved Board authorization is \$297,865 under the 2023



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continuing contract. Staff requests approval of this addendum to increase the total not-to-exceed authorization to \$757,865 based upon this addendum of \$460,000. (Cost: Previously Approved cost (under 2023 continuing contract only) of \$297,865 and This request of \$460,000 for a Total Request of \$757,865) (Biron)

- 7E. **APPROVAL OF A \$496,060 LOW BID FROM GARNEY COMPANIES INC, FOR THE FORCE MAIN INSPECTION EXCAVATION AND BACKFILL SERVICES PROJECT, (IFB-24-071), TO SUPPORT 2024 SCHEDULED CONDITION ASSESSMENTS OF DUCTILE AND CAST IRON PIPE FORCE MAINS. A CONTINGENCY OF \$50,000 IS REQUESTED FOR A TOTAL AUTHORIZATION OF \$546,060**

Staff requests approval of a total not-to-exceed authorization of \$546,060 which includes a base authorization amount of \$496,060 plus a \$50,000 contingency. Staff further requests authorization for the CEO/Executive Director to execute any such documents as are necessary to expend any contingency 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 of Construction Bid for \$ 496,060 and Contingency of \$ 50,000 for a Total Request of \$ 546,060) (Forson)

- 7F. **APPROVAL OF THE PURCHASE OF WEX FUEL CARDS FROM WEX BANK**

Staff recommends approval of the purchase of WEX Fuel cards from WEX Bank. Staff also requests that the Board delegate the authority to the CEO/Executive Director to negotiate terms and conditions as needed and to sign and approve the WEX Fuel Card application. (Cost: No startup cost) (Mann)

- 7G. **APPROVAL TO AUTHORIZE THE EXECUTIVE DIRECTOR/CEO TO NEGOTIATE AND EXECUTE A UTILITY CONSTRUCTION REIMBURSEMENT AGREEMENT WITH LENNAR CORPORATION FOR THE WESTSIDE BLVD EXTENSION PROJECT INCLUDING \$2,017,438 IN FUNDING FOR 24 AND 30 INCH WATER MAIN EXTENSIONS AND FORCE MAIN RELOCATIONS.**

Staff requests authorization for the Executive Director/CEO to negotiate and execute a Utility Construction Reimbursement Agreement between Toho Water Authority and Lennar Corporation for the Westside Blvd Extension with a total funding not to exceed \$2,017,438. Staff further requests authorization for the Executive Director/CEO to approve the construction bid award and execute any such documents as are necessary to expend any agreement funding provided that the total contract expenditures remain within the total not-to-exceed contract limit approved by the Board.. (Cost: This request for a not to exceed \$2,017,438, an estimated \$1,092,000 is planned to be reimbursed by Orange County.) (Zhou)



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7H. APPROVAL OF THE DEVELOPERS SERVICE AGREEMENT WITH EGL SUNRISE ORLANDO FOR THE LANTOWER APARTMENTS PROJECT.

Staff recommends approval of the Lantower Apartments Developer's Service Agreement. (Cost: There are no costs associated with this request.) (Vargas)

7I. APPROVAL OF THE SECOND AMENDMENT TO THE AGREEMENT WITH ACLARA TECHNOLOGIES LLC, FOR THE SUPPLY AND DELIVERY OF METER TRANSMISSION UNITS (MTUs) (SS-21-023)

Staff recommends approval of the Second Amendment to the Agreement with Aclara Technologies LLC, for the supply and delivery of meter transmittal units. (An additional \$1,800,000 for a total not-to-exceed amount of \$6,600,000 for the term of the Agreement ending April 14, 2025.) (Havey)

7J. APPROVAL TO PURCHASE TWO VEHICLES TO REPLACE TOTALED VEHICLES WS-697 AND WS-822 USING AVAILABLE FUNDS FROM THE 2024 VEHICLE PURCHASES.

Staff is requesting Board authorization to allow the Executive Director/CEO to expend funds approved for new 2024 vehicles to replace totaled vehicles up to the total not-to-exceed amount limit approved by the Board. (Cost: No increase to existing vehicle purchase authorization amount.) (Mzee)

Motion to approve Consent Agenda items, was made by Supervisor White. Motion was seconded by Vice Chair Ketchum. Motion passed 7-0.

Motion to approve Item 7H under separate vote and authorize the Executive Director/CEO to sign the DSA when available, was made by Supervisor Askew. Motion was seconded by Supervisor Lizasuain. Motion passed 7-0.

8. Informational presentations: None

9. Unfinished business: None

10. New business:

10A. APPROVAL OF THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2023

Staff recommends approval of the Annual Comprehensive Financial Report for the Toho for the fiscal year ended September 30, 2023. (Cost: None) (Henderson)

Auditor confirmed that this Audit, to end of September 2023, received a very clean audit report and unmodified opinion. After a wide-sampling of information, both internal controls and compliance also received clean reports, which included payroll, utility billing, customer collections, contracts and bids. Certificate of Excellence in Financial Reporting will receive the Toho Audit submission within the required deadline. In summary, Auditor advised that



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the unrestricted net position is very healthy; a special item representing the net transfer from St Cloud was included as one major change. There would be a few accounting changes upcoming for this year but no major impact on Toho's statements. Auditor opened for questions but none were forthcoming from the Board.

Supervisor McAleenan thanked Toho's Chief Financial Officer, Rodney Henderson, and his team for the great work they have done here, which the CFO appreciated and passed on to his team worked as they were a great support going through this endeavor. Executive Director Swingle echoed those appreciations, especially with the St Cloud addition, so both Auditors and the financial team should be congratulated on this achievement. With potentials of inflation, cost growth and regulatory changes, this may be a challenging time but Toho is well positioned to tackle those challenges.

Motion to approve Consent Agenda items, made by Supervisor White. Motion was seconded by Supervisor Land. Motion passed 7-0.

11. **Staff reports:** None

12. **Comments:**

Board Officials – None

Executive Director – As shared in the news/social media, St Cloud are in response mode on a recent cyber-attack. Toho's St Cloud CIS database is inaccessible affecting our billing ability. Toho does have an active payment service for customers so they can still make payments online and our team are working on contingency/recovery plans to manage this situation. Toho's St Cloud staff will work out of the Toho Admin Building, to support customer calls. Toho's St. Cloud CIS system will not be available to support this process in the interim period but, once the system is back online, accounts will be corrected and stabilized.

General Counsel – No comments

13. **Upcoming events:**



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14. Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 5.20pm by Chairman Thacker.

Approved:



Henry Thacker, Chairman

Attest:



William Land, Secretary

Board Meeting Date: 4/10/2024

Category: Consent Agenda

Agenda Item: 7A

Department: Executive Office

Attachments:
March 26, 2024 Meeting Minutes

Title:
**TOHO WATER AUTHORITY BOARD OF SUPERVISORS' REGULAR MEETING
MINUTES OF MARCH 26, 2024**

Summary:

At every Board meeting, minutes are taken of the proceedings. Attached are the minutes from the **March 26, 2024** Board Meeting.

Total Costs:
None.

Recommendation:
Staff recommends the approval of the Board Meeting minutes from March 26, 2024.

Owner: A. Smith