



951 Martin Luther King Boulevard, Kissimmee, FL

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**Board of Supervisors
Regular Meeting Minutes
Wednesday May 8, 2024**

Present:

Chairman - Henry Thacker
Vice Chairman – Rayelynn Ketchum
Supervisor – Dave Askew
Supervisor – Tom White
Supervisor – Skip Stellfox
Executive Director – Todd P. Swingle
General Counsel representation –
Heather Ramos, Gray Robinson

Ex Officio Board Member, City of
St Cloud - Kolby Urban
Ex Officio Board Member,
Osceola County - Cheryl Grieb
Ex-officio Board Member,
Polk County, Rick Wilson.

Absent: Supervisor - Hector Lizasuain
Supervisor – John McAleenan
General Counsel – Anthony Cotter
Ex Officio Board Member, City of Kissimmee - Angela Eady

Supervisor LaRue Skip Stellfox was sworn in to the Board of Supervisors by Kelly Shrieves.

Supervisor Stellfox would assume the remainder of William Land's term, a one-year term and three proposed for consideration going forwards. Oath of Office was completed by Supervisor Stellfox.

1. **Meeting called to order by:** Chairman Thacker at 5.00pm.
2. **Moment of Silent Reflection and Pledge of Allegiance** led by Chairman Thacker.
3. **Approval of the Agenda**

Executive Director Swingle requested the Board Appoint a Board Secretary, as William Land had held that position.

Chairman Thacker motioned for Supervisor White to take the position of Board Secretary, motion was seconded by Vice Chair Ketchum and the motion carried 4-0.

CEO/Executive Director Swingle proposed item 7Q to be pulled for consideration under separate vote.

Motion to approve the agenda, with item 7Q to be considered under separate vote, was made by Chairman Thacker and seconded by Vice Chair Ketchum. Motion passed 5-0.

4. **Awards and Presentations:**



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4A. **PROCLAMATION RECOGNIZING WATER REUSE WEEK – MAY 19 – 25, 2024**

Board approval of proclamation recognizing May 19 – May 25, 2024, as Water Reuse Week (Cost: None) (Floer)

The Florida WaterReuse Association has proclaimed May 19 – 25, 2024, the 'Florida Water Reuse Week'. Water professionals, and the communities they serve, recognize the vital role water plays in our daily lives. Toho is happy to partner with the WaterReuse Association, to celebrate Water Reuse Week. The Board was joined by members of our Water Reclamation facility to accept the proclamation.

Motion to approve was made by Supervisor White. Motion seconded by Vice Chair Ketchum. Motion passed 5-0.

5. **Public Hearing:** None

6. **Hear the Audience:** None

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. **TOHO WATER AUTHORITY BOARD OF SUPERVISORS' REGULAR MEETING MINUTES OF APRIL 10, 2024**

Staff recommends the approval of the Board Meeting minutes from April 10, 2024. (Cost: None) (Smith)

7B. **REQUEST APPROVAL FOR CFCW OPCO LLC CUSTOMER ADJUSTMENT**

Staff recommend approval of the proposed CFCW OPCO LLC customer adjustment. (Cost: Total Credit Adjustment \$15,429.72) (Havey)

7C. **REQUEST APPROVAL FOR OMNI WASTE OF OSCEOLA CNTY LLC CUSTOMER ADJUSTMENT**

Staff recommends approval of the proposed Omni Waste of Osceola County LLC customer adjustment. (Cost: Total Credit Adjustment \$10,310.16) (Havey)

7D. **APPROVAL OF AN ADDITIONAL \$120,000 CONSTRUCTION CONTINGENCY FOR THE SUNBRIDGE REUSE SYSTEM TEMPORARY PUMP STATION PROJECT {IFB-22-128}. THIS REQUEST INCREASES THE BOARD AUTHORIZED FUNDING FROM \$825,000 TO \$945,000**

The existing approved Board authorization is \$825,000. Staff requests



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approval of this \$120,000 contingency to increase the total not-to-exceed authorization to \$945,000. Staff requests authorization for the CEO/Executive Director 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: Prior Approvals of Construction Contract for \$765,000 and Construction Contingency 60,000 and This Request for Additional Contingency of \$120,000 for a Total Not to Exceed Total of \$945,000.) (Eversole)

- 7E. **APPROVAL OF A \$30,357,223 GUARANTEED MAXIMUM PRICE (GMP) ADDENDUM (INCLUDING AN OWNER'S CONTINGENCY OF \$1,442,681) WITH WHARTON SMITH FOR CONSTRUCTION OF THE SOUTH BERMUDA WATER RECLAMATION FACILITY (WRF) 14 to 16 MILLION GALLONS PER DAY EXPANSION PROJECT (IFB-23-174) INCREASING THE TOTAL BOARD AUTHORIZATION FROM \$9,350,030 TO \$39,707,253.**

The existing approved Board authorization is \$9,350,030. Staff requests approval of this addendum to increase the total not-to-exceed authorization to \$39,707,253, based upon this Addendum of \$30,357,223. (Cost: This Request (Addendum 2) for South Bermuda WRF Expansion GMP of \$30,357,223 and the previously approved Request for CMAR Services Contract for Expansion \$4,377,198 and Addendum 1 CMAR Equipment Pre-purchase of \$4,972,832 for a total Approved Project Funding of \$39,707,253.) (Zhou)

- 7F. **APPROVAL OF A DEVELOPER SERVICE AGREEMENT WITH EG CELEBRATION, LLC FOR THE CELEBRATION W 192 MEDICAL OFFICE PROJECT.**

The Board is requested to approve the Developer Service Agreement with EG Celebration, LLC. for the Celebration W 192 Office project. (Cost: None) (Martinz)

- 7G. **PULLED**

- 7H. **APPROVAL OF THE AGREEMENT WITH ROTOLO CONSULTANTS, INC. FOR LAWN MOWING SERVICES TO WATER AND WASTEWATER PLANTS- IFB-24-065**

Staff requests approval of the Agreement with Rotolo Consultants, Inc., (RCI) for the provision of lawn maintenance throughout Toho Water Authority. (Cost: \$ 1,600,000 for the term of the agreement) (C.Weber)

- 7I. **APPROVAL OF A \$439,120 HAZEN AND SAWYER CONSULTING SERVICES AGREEMENT AND A \$30,000 DESIGN CONTINGENCY TO PROVIDE PRELIMINARY ENGINEERING CONSULTING SERVICES FOR THE FRIARS COVE WATER MAIN PROJECT [RFQU-24-001]. THE TOTAL BOARD AUTHORIZATION REQUEST IS \$469,120.**

Staff requests approval of an engineering services agreement and scope of



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services with Hazen and Sawyer and a total not-to-exceed authorization of \$469,120 which includes a base authorization amount of \$439,120 plus a \$30,000 design contingency. Staff further requests authorization for the CEO/Executive Director to execute any such documents as necessary to expend any contingency provided that the total contract and contingency expenditures remain within the total not-to exceed limit approved by the Board. (Cost: This request for Design Scope of Services of \$439,120 and Requested Contingency of \$30,000 for a Total This Request of \$469,120.) (Eversole)

7J. PULLED

7K. **APPROVAL OF AN ADDITIONAL \$359,064 REIMBURSEMENT PAYMENT IN SYSTEM DEVELOPMENT CREDITS TO LENNAR HOMES FOR A 24 INCH WATER MAIN EXTENSION ON WESTSIDE BLVD. DUE TO CONSTRUCTION COST INFLATION. THE REQUEST INCREASES THE BOARD AUTHORIZATION FROM \$646,396 TO \$1,035,443. THE BOARD IS ALSO REQUESTED TO DELEGATE TO THE EXECUTIVE DIRECTOR/CEO AUTHORIZATION TO NEGOTIATE AND EXECUTE A DEVELOPER SERVICE AGREEMENT AMENDMENT REIMBURSING THE DEVELOPER IN SYSTEM DEVELOPMENT CREDITS V.S. CASH.**

The existing approved Board authorization is \$646,396.00. Staff requests approval of the additional payment increase, \$392,064, for a total not-to-exceed authorization to \$1,038,460 based upon the additional payment as System Development Credits. Staff also requested delegation to the Executive Director/CEO authority to negotiate and execute a DSA amendment to reimburse the developer the additional funding in System Development Credits. (Cost: This request for additional construction cost reimbursement of \$359,064 in addition to the previously approved \$646,396 giving a Total Costs of \$1,038,460. Note: Orange County will reimburse Toho approximately \$813,000 of the construction costs.) (Martinez)

7L. **APPROVAL OF MODIFICATIONS TO TOHO'S "BUILDER UTILITY LINE EXTENSION AGREEMENT" REQUIRED FOR DEVELOPER PARTICIPATION IN THE CONTRIBUTION IN AID OF CONSTRUCTION POLICY. THE POLICY PROMOTES EXTENSION OF UTILITIES TO EXISTING UNSERVED PLATTED LOTS.**

The Board is requested to approve the changes to the Builder Utility Line Extension Agreement. (Cost: There are no cost impacts with the requested changes to the CIAC Agreement.) (Biron)

7M. PULLED

7N. **APPROVE A \$1,595,154.70 CONSULTANT SERVICES AGREEMENT AND SCOPE OF SERVICES WITH CHEN MOORE AND ASSOCIATES (CMA) FOR THE US 17-92 WATER TRANSMISSION PIPELINE PROJECT (RFQu-23-181) AND A \$150,000 CONTINGENCY FOR A TOTAL AUTHORIZATION OF \$1,745,154.70**



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Staff requests approval of the agreement and scope of services with Chen More and Associates and a total- not- to exceed authorization of \$1,745,154.70 which includes a base authorization amount of \$1,595,154.70 plus a \$150,000 contingency. Staff further requests authorization for the Executive Director/CEO to execute any such documents as necessary to expend the 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: Scope of Services of \$1,595,154.70 and Contingency of \$150,000 for a Total Project Cost Request: \$1,745,154.70. Note: Approximately \$1,000,000 will be reimbursed by Orange and Polk Counties.) (Sanchez)

- 7O. **APPROVAL TO DELEGATE TO THE EXECUTIVE DIRECTOR/CEO AUTHORITY TO NEGOTIATE AND EXECUTE A \$907,990 CONSULTING FIRM AGREEMENT WITH DEWBERRY ENGINEERS INC. FOR THE FINAL DESIGN, PERMITTING, BIDDING, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE TOHO RESERVOIR REUSE MAIN EXTENSION PROJECT [RFQU-23-014]. THE BOARD IS ALSO REQUESTED TO APPROVE A \$50,000 DESIGN CONTINGENCY FOR A TOTAL AUTHORIZATION OF \$957,990.**

Staff requests delegation to the Executive Director/CEO authority to negotiate and execute a \$907,990 consulting firm agreement and a \$50,000 contingency for a total not-to-exceed authorization of \$957,990 which includes a base authorization amount of \$907,990 plus \$50,000 contingency. Staff further requests authorization for the Executive Director/CEO 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 for Final Design Scope of Services of \$907,990 and the requested Contingency of \$50,000 for a Total This Request of \$957,990.) (Eversole)

- 7P. **APPROVAL OF THE FIRST AMENDMENT TO THE AGREEMENTS WITH DMD CONSULTANTS, INC AND VULCAN CONSTRUCTION AND METAL WORKS, LLC (IFB-23-049)**

Staff recommends approval of the First Amendment to the Agreement, with DMD Consultants INC and Vulcan Construction and Metal Works, LLC for hydrant painting services through April 30, 2025, for a combined total not-to-exceed value of \$330,000 through the term of the agreement ending April 30, 2025. Staff is also requesting that authorization be delegated to the Executive Director/CEO to execute any such documents as are necessary to expend funds up to the total not-to-exceed amount limit approved by the Board, including removal of the "per-contractor" not-to-exceed limits to grant staff more flexibility. Furthermore, staff requests delegated authority for the Executive Director/CEO to issue up to 3 additional 1-year renewals to this agreement provided that the annual expenditure remains at \$250,000 or below. (Cost: \$333,000 Total Not to Exceed for the term of the Agreement through April 30, 2025.) (C. Weber)



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7Q. WATER CONSERVATION EDUCATIONAL PROGRAM INTERLOCAL PARTNERSHIP

Staff seek Board approval of the Interlocal Agreement along with the funding obligation of \$150,000 (\$50,000/year). (Cost: The shared cost of a 3-year commitment to the education of mutual customers in the Sunbridge area of the Toho service area is \$300,000. The funding source for Toho's 50% portion of the project is: Professional Services 421-6010-536-31-00.) (Tilley)

7R. REQUEST APPROVAL FOR 692 ARROW LANE CUSTOMER ADJUSTMENT

Staff recommend approval of the proposed 692 Arrow Lane customer adjustment. (Cost: Total Credit Adjustment \$13,038.37) (Havey)

Motion to approve Consent Agenda items, excluding item 7Q which was considered under a separate vote, made by Supervisor White. Motion was seconded by Vice Chair Ketchum. Motion passed 5-0.

CEO/Executive Director Swingle briefly detailed the additional item in front of Board, including the scope of services and the ILA as walked on. This encompassed Sunbridge conservation support in the area, using Cherry Lake Consulting, Public Education and a 50/50 Cost-Share Agreement, with Toho spend at \$150k over 3 years (more cost effective than hiring staff) and the partnership for this project adds great value for Toho.

Motion to approve item 7Q which was considered under a separate vote, was made by Vice Chair Ketchum. Motion was seconded by Supervisor White. Motion passed 5-0.

8. Informational presentations: None

9. Unfinished business: None

10. New business:

10A. RESOLUTION RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM AUTHORIZING THE LOAN AGREEMENT AND ESTABLISHING PLEDGED REVENUES

Staff and General Counsel recommends approval of Resolution 2024-005 to enter into a loan agreement for the Drinking Water State Revolving Fund Load and pledge the required revenues to meet the loan debt service requirements. (Cost: No cost associated with this item but there is a pledge to provide revenues to meet the loan debt service requirements.) (Cudahy)

Authorizing loan agreement and establishing pledged revenues of approximately \$1.9M. Toho has not recently used SRF as funding source however, this program offers a zero interest loan with one-half of the cost as a forgivable loan, which essentially becomes a grant. This first step is necessary to move forward in the process in order to assess the terms under



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the loan agreement. Will ensure there is no conflict for senior debt or WIFIA funding – if there is conflict, Toho will not move forward.

Motion to approve made by Vice Chair Ketchum. Motion was seconded by Supervisor Askew. Motion passed 5-0.

11. Staff reports:

11A. WATER CONSERVATION 2ND QTR FISCAL YEAR 2024

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

11B. TOHO ASSISTANCE PROGRAM (TAP) FY24 2nd QUARTER UPDATE

Continue to update the Board regarding TAP Program funding levels and administration. No action required by the Board. For information only. (Cost: Current budgeted assistance funding for FY24 is \$150,000 including Toho's portion of matching funds for customer donations.) (Havey)

11C. INFRASTRUCTURE EMERGENCY REPAIR STATUS

Information only. No action is required by the Board. (Cost: Report only; costs exceeding the Executive Director/CEO's authorization are submitted to the Board for information if the Executive Director approves repairs as an emergency. (Pelham)

12. Comments:

Board Officials – Chairman Thacker welcomed Supervisor Skip Stellfox to the Board.

Executive Director – Welcome to Supervisor Stellfox from Polk. We all wish Mr Land the best and he will return to have commemoration of service. Executive Director Swingle reviewed a number of topics. The budget status update was not included this month due to budget workload as well as several challenges with reconciling reporting from the newly deployed Tyler system. The LIHWAP program will have another tranche of funds available. However, Toho has also identified a small number of customers who received funds and should not have during the prior disbursements. Toho will work with those customers to resolve that issue. Executive Director Swingle discussed joining the Florida Chamber and the Board concurred. Executive Director Swingle informed the Board that EPA announced release of its PFAS maximum contaminant level (MCL) for several PFAS compounds as well as moving forward with classification of PFAS compounds as CERCLA chemicals. One of Toho's primary concerns is the potential applicability of these MCLs to wastewater discharges in Central Florida. Toho is actively working with National Association of Clean Water Agencies regarding a passive receiver exemption that would focus on the manufacturer responsibility for costs rather than utilities. Toho is continuing to work on fully returning to normal billing operations following the cyber incident in St. Cloud. Systems are generally back up and running, however, we are continuing to work through reconciliation of accounts/payments which will still take some time. CS team issuing communication letters/social media/website update with additional in-person staff in place to answer



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customer queries. IT team has done significant work over that time both in transferring the St. Cloud customer CIS systems from St. Cloud's servers to Toho's servers, and also upgrading the legacy Toho CIS system, which is a major milestone toward merging the two CS service systems together as one call center. Toho received notice that DEP approved \$5.1m of grant funds through Alternative Water Supply for Cypress Lake. On the SWFMD Board for another recommendation for \$9m for Cypress Lake, \$3m for Toho Reservoir and other additional smaller water conservation projects. The Board was reminded that we have a Budget Workshop on June 26th (in addition to June Board meeting) with some additional actions potentially included. Toh teams have been addressing odor issues at the Sandhill Rd facility including actively deploying temporary solutions to treat a series of odor causing compounds that were not being addressed by the current odor control system. Admin Building changes continue, and we have a reasonable amount of furniture surplus. We worked with our other locations, community partners (City of Kissimmee, St Cloud, Council on Aging) per our surplus policy. Now need to dispose of the remainder and rather than destroy, make it available to staff. Board concurrence is required and in compliance with Florida Statutes, these items are less than \$5k and could be disposed of through staff. Commissioner Grieb went back briefly to the conservation education and asked that means of identifying non-Florida friendly landscaping were shared as part of the education. Executive Director Swingle confirmed that Toho could convey that information to the Sunbridge Stewardship and Cherry Lake team.

Motion to approve disposing of remaining furniture surplus through staff was made by Supervisor White, motion seconded by Vice Chair Ketchum, motioned passed 5-0.

General Counsel – represented by Heather Ramos and there were no comments to share this month.

13. Upcoming events:



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14. Adjournment:

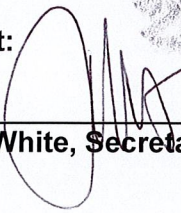
There being no further business to come before the Board, the meeting was adjourned at 5:17pm by Chairman Thacker.

Approved:



Henry Thacker, Chairman

Attest:



Tom White, Secretary
