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**Board of Supervisors
Regular Meeting Minutes
Wednesday September 11, 2024**

Present:

Chairman - Henry Thacker
Vice Chairman – Rayelynn Ketchum
Supervisor - Hector Lizasuain
Supervisor – Skip Stelfox
Executive Director – Todd P. Swingle
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
Ex-officio Board Member, Polk County, Rick
Wilson.

Absent: Supervisor – Dave Askew, Supervisor – John McAleenan, Secretary – Tom White

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

Motion to approve the Agenda, including a new item 9A, introduced by CEO Swingle for MULTI-DISTRICT LITIGATION NO. 2873 RELATING TO POTENTIAL PFAS CONTAMINATION IN PUBLIC WATER SYSTEMS' DRINKING WATER, was made by Supervisor Lizasuain. Motion seconded by Vice-Chair Ketchum. Motion passed 4-0.

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**

CEO Swingle pulled item 7C (to be considered at a later Board meeting date) and item 7R (to be considered under separate vote)



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- 7A. **TOHO WATER AUTHORITY BOARD OF SUPERVISORS' REGULAR MEETING MINUTES OF August 21, 2024**
Staff recommends the approval of the Board Meeting minutes from August 21, 2024. (Cost: None) (A. Smith)
- 7B. **APPROVAL OF THE RANKING OF FIRMS AND SELECTION OF THE TOP RANKED FIRM, CHEN MOORE AND ASSOCIATES, INC., TO PROVIDE CONSULTING SERVICES FOR WATER AND RECLAIMED MAIN EXTENSIONS ON OSCEOLA COUNTY'S KINDRED TRIANGLE/CROSS PRAIRIE PARKWAY ROADWAY PROJECT (RFQu24-143). THE BOARD IS ALSO REQUESTED TO DELEGATE TO THE CEO/EXECUTIVE DIRECTOR EXECUTION OF THE CONSULTING SERVICES AGREEMENT AND PRELIMINARY ENGINEERING SCOPE AND FEE NOT-TO-EXCEED \$250,000.00.**
Staff recommends Board approval the ranking of the firms and the selection of CMA as the top ranked firm. If a preliminary engineering scope of services negotiation with CMA cannot be concluded to staff's satisfaction, staff requests authorization to begin negotiations with the second ranked firm, Dewberry Engineers Inc. Staff further requests authorization for the CEO/Executive Director to execute the consulting services agreement and any such documents as are necessary to expend not-to-exceed \$250,000.00 under the first contract assignment for preliminary engineering consulting services (Cost: Preliminary design costs up to \$250,000.00 to be approved by the CEO/Executive Director) (K. Webster)
- 7C. **APPROVAL OF A \$726,723.00 LOW BID WATER MAIN CONSTRUCTION CONTRACT WITH VK JENSEN ENTERPRISES, INC. AND A \$80,000.00 CONTINGENCY FOR THE MYRTLE AVENUE WATERMAIN EXTENSION PROJECT FOR A TOTAL AUTHORIZATION OF \$806,723.00**
Staff requests approval of the construction contract and a total not-to-exceed authorization of \$806,723.00 which includes a base construction contract award of \$726,723.00 plus a \$80,000.00 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: Construction Bid of \$726,723.00 plus the requested Contingency of \$80,000.00 for a total of \$806,723.00) (M. Smart)
- 7D. **APPROVAL OF GARNEY CONSTRUCTION INC AS THE CONSTRUCTION MANAGER AT RISK (CMAR) FOR THE PLEASANT HILL ROAD WATER MAIN AT REEDY CREEK CROSSING REPLACEMENT PROJECT AND AUTHORIZE THE CEO/EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE A CMAR AGREEMENT AND PRECONSTRUCTION PHASE SERVICES NOT-TO-EXCEED \$250,000. (RFQu-24-176)**
Staff requests approval of Garney Contractors Inc as the CMAR for the



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Pleasant Hill Road Water Main project. Staff requests authorization for the CEO/Executive Director to negotiate and execute a Construction Manager at Risk Agreement for the project and preconstruction phase services and an initial authorization not-to-exceed the CEO / Executive Director's signature authority of \$250,000. **(Cost: Preconstruction Services not-to-exceed \$ 250,000)** (M. Chavez)

- 7E. **APPROVAL OF GARNEY CONSTRUCTION INC AS THE CONSTRUCTION MANAGER AT RISK (CMAR) FOR THE WESTSIDE BLVD FORCE MAIN REPLACEMENT PROJECT AND AUTHORIZE THE CEO/EXECUTIVE DIRECTOR TO NEGOTIATE AND TO EXECUTE A CMAR AGREEMENT AND PRECONSTRUCTION PHASE SERVICES NOT-TO-EXCEED \$250,000. (RFQu-24-176)**

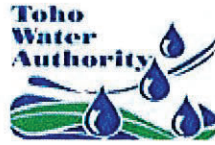
Staff requests approval of Garney Contractors Inc as the CMAR for the Westside Blvd. Force Main (FM) project. Staff further requests authorization for the CEO/Executive Director to negotiate and execute a Construction Manager at Risk Agreement for the project and preconstruction phase services and an initial authorization not-to-exceed the CEO / Executive Director's signature authority of \$250,000. **(Cost: Preconstruction Services not-to-exceed \$ 250,000)** (M. Chavez)

- 7F. **APPROVAL OF THE RANKING OF FIRMS AND SELECTION OF THE TOP RANKED FIRM, TETRA TECH, INC. TO PROVIDE CONSULTING SERVICES FOR PLEASANT HILL ROAD WATER MAIN AT REEDY CREEK CROSSING (RFQu24-166). THE BOARD IS ALSO REQUESTED TO DELEGATE TO THE CEO/EXECUTIVE DIRECTOR EXECUTION OF THE CONSULTING SERVICES AGREEMENT AND PRELIMINARY ENGINEERING SCOPE AND FEE NOT-TO-EXCEED \$250,000.00.**

Staff recommends Board approval of the ranking of the firms and the selection of Tetra Tech as the top ranked firm. Staff requests authorization for the CEO/Executive Director to execute the consulting services agreement and any such documents as are necessary to expend not-to-exceed \$217,400.00 under the first contract assignment for preliminary engineering consulting services. If a preliminary engineering scope of services negotiation with Tetra Tech cannot be concluded to staff's satisfaction, staff requests authorization to begin negotiations with the second ranked firm, CMA. **(Cost: Preliminary design costs up to \$250,000.00 to be approved by the CEO/Executive Director.)** (M. Chavez)

- 7G. **APPROVAL OF A \$381,893 ADDENDUM # ENG.CC.RFQu22-099.BLA.3.0 WITH BLACK & VEATCH'S (B&V) CONTINUING CONSULTANT AGREEMENT FOR THE DYER BLVD. FORCE MAIN REPLACEMENT AND THE ORLANDO UTILITIES COMMISSION (OUC) POTABLE WATER INTERCONNECTION PROJECT. THE BOARD IS ALSO REQUESTED TO APPROVE A \$38,000 CONTINGENCY FOR A TOTAL NOT-TO-EXCEED BOARD AUTHORIZATION OF \$419,893.**

Staff requests approval of this addendum and a total not-to-exceed authorization of \$419,893. This authorization includes the addendum funding



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of \$381,893 plus \$38,000 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 addendum and contingency expenditures remain within the total not-to-exceed addendum and contingency limit approved by the Board. (Cost: Design Scope of Services in the amount of \$381,893 plus a Contingency of \$38,000 for a total amount of \$419,893) (K Burgess)

- 7H. **APPROVAL OF A \$1,441,418.40 LOW BID CONSTRUCTION CONTRACT AWARD TO INSITUFORM TECHNOLOGIES, LLC, FOR THE LIFT STATION 53 GRAVITY SEWER REHABILITATION PROJECT. THE BOARD IS ALSO REQUESTED TO APPROVE A \$145,000 CONSTRUCTION CONTINGENCY FOR A TOTAL AUTHORIZATION OF \$1,586,418.40.**

Staff requests approval of a total not-to-exceed authorization of \$1,586,418.40 which includes a base authorization amount of \$1,441,418.40 plus \$145,000 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 construction contract and contingency expenditures remain within the total not-to-exceed construction contract and contingency limit approved by the Board. (Cost: A Bid of \$1,441,418.40 and a Contingency of \$145,000.00 for a Total Cost of \$1,586,418.40) (L. Shields)

- 7I. **APPROVAL OF AN INTERLOCAL AGREEMENT (ILA) WITH OSCEOLA COUNTY FOR THE BUENAVENTURA BOULEVARD COMPLETE STREETS PROJECT INCLUDING \$2,400,000.00 IN FUNDING.**

Staff requests the Board approve an Interlocal Agreement between the Toho Water Authority and Osceola County for the Buenaventura Boulevard Complete Streets project for a total not to exceed funding of \$2,400,000.00. 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 Interlocal agreement \$2,400,000.00) (S. Denzler)

- 7J. **APPROVAL OF A \$43,478.00 ADDITIONAL SERVICES ADDENDUM #3 WITH TETRA TECH FOR THE LS 97 FORMOSA GARDENS SEWER REHABILITATION PROJECT. THE BOARD IS REQUESTED TO APPROVE THE ADDITIONAL FUNDING OF \$27,469.00 INCREASING THE AUTHORIZED FUNDING FROM \$587,039.00 TO \$614,508.00. (THE \$27,469.00 INCREASE PLUS AVAILABLE \$16,009.00 CONTINGENCY EQUALS \$43,478.00) IFB-24-165.**

The existing approved Board authorization is \$587,039.00. Staff requests approval of \$27,449.00 additional funding and approval of addendum #3. The total not-to-exceed authorization is increased to \$614,508.00 based on this funding request of \$27,469.00. Staff further requests authorization for the 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



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limit approved by the Board. (Cost: Previously Approved amount of \$587,039.00 and this request of \$ 27,469.00 for a Total Request of \$614,508.00) (L. Shields)

7K. APPROVAL OF THE FIRST RENEWAL WITH MORTON SALT, INC. FOR THE PROVISION OF ROCK SALT (IFB-22-087)

Staff recommends approval of the First Renewal to the Agreement with Morton Salt Inc. to extend the current term of the contract through September 30, 2026. (Cost: \$600,000 for a total Not-to-Exceed \$1,171,248 for the term of the Agreement.) (J. Cains)

7L. APPROVAL OF SEPTEMBER – 2024 ASSET DISPOSAL

Staff recommends Board approval to dispose of the listed inventory items through donation, auction, disposal, Trade in or recycling. (Cost: None) (M. Mzee)

7M. APPROVAL TO PIGGYBACK TECHNOLOGY CATALOG SOLUTIONS AGREEMENT BETWEEN SOURCEWELL AND SHI INTERNATIONAL CORP (CONTRACT #081419-SHI) FOR MICROSOFT 365 ENTERPRISE AGREEMENT RENEWAL (PBA-24-025) EA8462954 AND TRUE-UP PURCHASE FOR SQL NODES, AZURE STORAGE AND UPGRADE OF POWER BI PREMIUM

Staff recommends approving the Enterprise Agreement with Microsoft through the Source Well Technology Catalog Solutions contract with SHI International Corp for \$1,070,988.82. Staff further requests a \$100,000.00 allocation for storage on Microsoft Azure to ensure adequate storage for record retention requirements resulting in a total not-to-exceed board authorization of \$1,170,988.82. Staff request authorization for the CEO/Executive Director to execute documents associated with this contract up to the total not-to-exceed amount limit approved by the Board. (Cost: Microsoft 365 cost of \$268,562.32 with SQL Notes (One Time) cost of \$789,609.60 plus Azure Storage of \$10,259.10 and Premium Power BI of \$2,557.80 making a Total Contract Amount of \$1,070,988.82 with the addition of Azure Storage (Teams) for \$100,000 making a Total Board Authorization of \$1,170,988.82.) (R. Potts)

7N. APPROVAL TO EXECUTE FIRST RENEWAL AGREEMENT FOR CONTINUED COLOCATION SERVICES FROM CORESITE REAL ESTATE OR1 LLC (BW-15-117)

Staff recommends the Board delegate authority to the Executive Director to execute the First Renewal Agreement with CoreSite Real Estate OR1 LLC for a total not-to-exceed amount of \$117,480. (Cost: \$58,740 annually, for a total not to exceed amount of \$117,480 for the two (2) year Agreement term) (J. Klaskin Press)

7O. APPROVAL OF PIGGYBACK AGREEMENTS WITH AMSCOT CORPORATION AND WITH MONEYGRAM PAYMENT SYSTEMS,



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**INC. FOR THE PROVISION OF PAYMENT PROCESSING SERVICES
FOR \$540,000 (PBA-24-200)**

Staff recommends the Board delegate authority to the Executive Director to execute the contract with Amscot and MoneyGram using the Orlando Utilities Commission's Payment Processing Services Contract Number 3405-OQ. through September 30, 2027. (Cost: : Total not to exceed amount of \$540,000 combined for the two-year term of both agreements.) (C. McClendon-Adorkor)

**7P. APPROVAL OF THE DEVELOPERS SERVICE AGREEMENT WITH
NARCOOSSEE LAND VENTURES, LLC FOR THE TWIN LAKES
DEVELOPMENT PHASE 3.**

Staff recommends approval of the Twin Lakes Office Developer's Service with Narcoossee Land Ventures, LLC. (Costs: None) (C. Clough)

**7Q. APPROVAL OF A \$300,000 CONTINGENCY FOR THE WATER AND
WASTEWATER SERVICE, ANNEXATION AND DEVELOPMENT
AGREEMENT WITH EDGEWATER FLORIDA HOLDINGS LLC FOR A
TOTAL AUTHORIZATION OF \$2,611,734.54 (PREVIOUSLY APPROVED ST
CLOUD FUNDING OF \$2,311,734.54 PLUS \$300,000).**

The existing approved authorization is \$2,311,734.54 (St. Cloud obligation assumed by Toho with the October 2022 merger). Staff requests approval of a \$300,000 contingency to increase the total not-to-exceed authorization to \$2,611,734.54 based upon the existing approved authorization of \$2,311,734.54 plus \$300,000 contingency. Staff further requests the Board delegate the reimbursement agreement negotiation and execution for all reimbursements to the CEO/Executive Director with a not-to-exceed funding authorization of \$2,611,734.54 and any such documents as are necessary to expend the not-to-exceed authorized funding. (Cost: Total reimbursement costs not-to-exceed \$2,611,734.54, which includes a \$300,000 contingency and is also inclusive of the initial reimbursement of \$367, 590 (force main upsizing of \$130,151, water main upsizing of \$115,931, and reuse main upsizing of \$121,508). (C. Clough)

**7R. TOHO UTILITY SYSTEM REVENUE NOTE, SERIES 2009 INTEREST RATE
RESET**

Approval of the attached Resolution. (Cost: Financing costs of not to exceed \$45,000 associated with this item will be paid from legally available funds of Toho) (R. Henderson)

**7S. APPROVAL TO DELEGATE TO THE CEO/EXECUTIVE DIRECTOR
AUTHORITY TO EXECUTE THE FIRST AMENDMENT TO THE
TOHOPEKALIGA WATER AUTHORITY WATER AND WASTEWATER
SYSTEM DEVELOPER'S SERVICE AGREEMENT FOR PROSE
HORIZONS WEST VENTURE, LP**

Staff requests the Board delegate to the CEO/Executive Director authority to execute the First Amendment to the Toho Water Authority's Water and Wastewater System Developer's Service Agreement for Prose Horizons West



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Venture, LP. (There are no costs to Toho associated with this request.) (r. Pelham)

- 7T. **APPROVAL OF THE SELECTION OF THE TOP RANKED FIRM WHARTON-SMITH, FOR THE HARMONY WATER TREATMENT PLANT (WTP) UPGRADE AND EXPANSION PROJECT CONSTRUCTION MANAGER AT RISK SERVICES (CMAR) AND AUTHORIZE THE CEO/EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE THE CMAR AGREEMENT AND PRECONSTRUCTION PHASE SERVICES FOR THE PROJECT NOT-TO-EXCEED \$400,000 (RFQU-24-171)**

Staff requests approval of the selection of Wharton-Smith for the Harmony WTP Upgrade and Expansion Project. Staff further requests authorization for the Executive Director/CEO to negotiate and execute the Construction Manager at Risk Agreement with Wharton-Smith and preconstruction phase services not-to-exceed \$400,000. Should staff fail to reach agreement with the top ranked CMAR, firm, staff requests approval to begin negotiation with the second ranked CMAR, firm Haskell. (Cost: Preconstruction Services \$400,000) (R. Pelham)

- 7U. **APPROVE THE SELECTION OF THE TOP RANKED FIRM, HASKELL, FOR THE SUNBRIDGE WTP EXPANSION PROJECT CONSTRUCTION MANAGER AT RISK SERVICES (CMAR) AND AUTHORIZE THE CEO/EXECUTIVE DIRECTOR TO NEGOTIATE AND EXECUTE THE CMAR AGREEMENT AND PRECONSTRUCTION PHASE SERVICES FOR THE PROJECT NOT-TO-EXCEED \$400,000 (RFQU-24-171)**

Staff requests approval of the selection of Wharton-Smith for the Sunbridge WTP Expansion Project. Staff further requests authorization for the Executive Director/CEO to negotiate and execute the Construction Manager at Risk Agreement with Wharton-Smith and preconstruction phase services not-to-exceed \$400,000. Should staff fail to reach agreement with the top ranked CMAR, firm, staff requests approval to begin negotiation with the second ranked CMAR, firm Haskell. (Cost: Preconstruction Services \$400,000) (R. Pelham)

Motion to approve the Consent agenda, excluding 7C and 7R as requested by CEO Swingle, made by Vice Chair Ketchum. Motion seconded by Supervisor Stellfox. Motion passed 4-0.

Item 7R was pulled for separate vote in order for CEO Swingle to provide an update on closing arrangements. This Bank Note, which Toho can reset to a current rate that is lower than costs for funds today, was scheduled for closing during the week after next. As Toho's Board Chair and Secretary are unavailable for the signing meeting, Vice Chair Ketchum and Supervisor Askew, are confirmed for signing this bank note reset closing documents on September 23rd 2024.

Motion to approve the Consent item 7R including authorization for Supervisor Ketchum to act as signatory in her role as Vice-Chair and Supervisor Askew



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to attest execution of this item in his role as Assistant Secretary, as addressed by CEO Swingle, made by Vice Chair Ketchum. Motion seconded by Supervisor Stellfox. Motion passed 4-0.

8. Informational presentations:

8A. TOHO STRATEGIC PLAN

Approval of the new Toho Strategic Plan effective October 1, 2024. (Cost: None) (R.Martinez)

Rebeca Martinez, Organizational Development Manager at Toho, presented Toho's three new proposed strategic goals. On time and value driven infrastructure; Focusing on process development and optimization; Organizational and employee alignment. Coordination meetings will continue with regular updates as we move to the maintenance phase for the organization. Board Champions were proposed as part of the presentation and Board approval of those assignments was requested.

Toho's plan would be to proceed with the implementation of this new Strategic Plan from October 1, 2024, should this meet Board approval. Rebeca Martinez acknowledged and appreciated the commitment from the Toho leads and their teams. CEO Swingle took a moment to thank Rebeca Martinez for her hard work and dedication.

Motion to approve the new Strategic Plan effective October 1, 2024, made by Supervisor Lizasuain, seconded by Vice Chair Ketchum. Motion carried 4-0.

8B. CUSTOMER EXPERIENCE PERFORMANCE UPDATE

For information only, no action required by the Board (Cost: None) (H. Havey)

Heather Havey introduced survey March 4-April 5 2024, noting this was less than a year after the St Cloud transition and the cyber issue experienced in St Cloud. Toho is still rated above average but that is certainly something Toho are taking measures to improve and proposals for improving the customer experience are highlighted within one of the new strategic plan goals.

Website and payment portal feedback are of primary focus still, seeking further customer feedback (post call feedback about their experience, additional survey of customer feedback). Cash payment service has ceased at St Cloud City Hall but Toho still provides customer service staff there.

Failure rates of MTUs are occurring at an average meter age of 11 years, instead of the 20 years anticipated, which is very premature for the system. Customer call numbers have been decreasing, as these MTUs are aggressively being replaced by Toho.

8C. TOHO EAST WATER TREATMENT PLANT (WTP) #4, DISTRIBUTION



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SYSTEM, UPDATES

For information only, no action required by the Board (Cost: None) (M.Doan)

Matt Doan, Chief of Engineering Services & Planning with Toho, updated on the Toho East service area projects. Those projects, highlighted during the St Cloud transition, were initially addressed with short-, medium-term plans, which has improved the color and quality of the water. Long-term improvements are ongoing and the \$7m of temporary filters were a good step through Toho's \$49m Capital Improvement Plan, towards those long-term improvements, together with a more robust flushing program.

Growth continued to be a major pressure in the Toho service area, with considerable expansion and supplementation project needs. Advancing the Ranch Well was a priority project, which may prevent Toho needing to continue with some larger ticket projects immediately.

8D. LEGISLATIVE STATUS REPORT

For information only, no action required by the Board (Cost: None) (T. Swingle)

Ryan Matthews, joined from Gray Robinson provided a legislative update, remotely. November will bring new activity in Tallahassee as the new elected members will be sworn into the House & Senate. The new house of representatives will begin in March 2025. The Environmental Protection Agency will be extending three quarters of a billion dollars next session, although it was unclear how they will assign the funds. In 2023 Toho was successful in gaining funds for the Pine Lake Estate Project, yet in 2024 we were not successful. The Florida Governor vetoed as they did not want to fund through a legislative appropriation since we were obtaining grant funding. Toho's goal is to apply for Utility Worker Protection and Potable Reuse Rule to the ARC in December 2024.

CEO Swingle stated that they have a desire to pursue a local bill researching a special district in Polk County and General Counsel Cotter has been in discussion for over a year, reviewing and updating the language of the Potable Reuse Rule, with Toho's Outside Counsel Paul Quinn and Toho team members. They have been meeting every other week for over a year.

9. Unfinished business:

9A. MULTI-DISTRICT LITIGATION NO. 2873 RELATING TO POTENTIAL PFAS CONTAMINATION IN PUBLIC WATER SYSTEMS' DRINKING WATER

Consistent with prior choice, Toho was still a member of the Class Action, which included the 3M Settlement and related additional settlement. CEO Swingle requested Board decision on remaining as a member.

Motion to remain as a member of the Class Action was made by Supervisor Lizasuain, Motion seconded by Vice Chair Ketchum. Motion carries 4-0.



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10. New business:

10A. APPROVAL OF THE FISCAL YEAR 2025 BUDGET RESOLUTION 2024-010

Staff recommends approval of the Fiscal Year 2025 Annual Budget through Resolution 2024-010 as presented, including the aforementioned final adjustments. (Cost: No cost associated with this item) (R.Henderson)

Rodney gave a recap of the previous presentation, with no changes made, to request adoption of the 2025 Budget, following the recent Workshops and presentations to Board. CEO Swingle noted that the fee proposals would come back to the Board at a later date, not included as part of this budget.

Motion to approve was made by Vice Chair Ketchum. Motion was seconded by Supervisor Lizasuain. Motion passed 4-0.

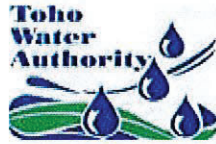
10B. APPROVAL TO PURCHASE THE ANNUAL VEHICLE REQUIREMENTS FROM THE STATE CONTRACT, FL. SHERIFF CONTRACT, SOURCEWELL CONTRACT, CITY OF TALLAHASSEE, TOHO BID OR OTHER PURCHASING METHOD THAT COMPLIES WITH TOHO'S PROCUREMENT MANUAL

Staff recommends approval to procure the 2025 annual budgeted Toho vehicle requirements from the Florida Sheriff's Association bid, the State of Florida Contract, Sourcewell Contract, City of Tallahassee contract or Toho issued bid or any other purchasing method that complies with Toho's procurement manual and to authorize the Executive Director to purchase the vehicles listed above for the not to exceed annual budget. (Cost: Not to Exceed \$6,694,825) (C. Weber)

Motion to approve was made by Supervisor Lizasuain. Motion was seconded by Vice Chair Ketchum. Motion passed 4-0.

10C. FY2025 COMMUNITY SPONSORSHIPS REQUESTS AND RECOMMENDATIONS

Staff request board input for adjustments to the sponsorship plan and approval of a final allocation for FY2025 sponsorships. (Cost: The total proposed authorized cost is \$231,500 with \$61,500 allocated to large event / community sponsored events and \$170,000 allocated to community sponsorships with \$144,000.00 specific sponsorships identified.) (J. Floer)



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Jeremy Lanier, Communications Outreach Education Partner at Toho, presented Toho's recommendations for FY2025 Toho Sponsorships. CEO Swingle requested that the Board review the proposed allocations and provide and comments/guidance.

Sponsorship allocation changes, after Board discussion, were:-

- Give Kids the World to \$2500 from 0
- Boys & Girls Clubs of Central Florida \$5000 from \$3500
- Cast for Kids \$1000 (provided they submit the documents needed)
- Safety First Pediatric Lifeguards to \$5000 from \$2500
- Osceola County YMCA to \$5000 from \$2500
- Team Kureim \$4500 from \$2500

Supervisor Lizasuain commended the process and thanked the Toho team as this selection process is not easy. The Board agreed that CEO Swingle was to be designated for allocating the remaining sponsorship funds, throughout the year.

Motion to approve changes, as stated above, was made by Supervisor Lizasuain. Motion was seconded by Chairman Thacker. Motion passed 4-0.

10D. BOARD INPUT ON THE EXECUTIVE DIRECTOR AND GENERAL COUNSEL ANNUAL REVIEWS

Board discussion regarding performance reviews for the CEO/Executive Director and General Counsel and direction regarding annual compensation and/or contract adjustments. (Cost: None) (A. Smith)

Chairman Thacker had all the reviews from the Board, all Board appreciate what is done and the leadership provided to the staff, keeping the Board advised, was much appreciated. Supervisor Lizasuain wanted to show the appreciation for responses to customer contact to the Board. These customers are very appreciative of the responsiveness of the team. Chairman Thacker advised staff were getting 4% basic, up to 6% for equity adjustments, external recruitment and skill based progression. Majority of staff will get the 4% and the remaining will be allocated to skill-based. CEO and GC appreciated the verykind words.

Motion to approve CEO and GC receiving 7% on merit of an exceptional job was made by Chairman Thacker. Motion was seconded by Supervisor Lizasuain. Motion passed 4-0.

10E. APPROVAL TO NEGOTIATE DEVELOPERS SERVICE AGREEMENTS WITH FISH LAKE TOWNHOMES AND NOVA APARTMENTS TO ESTABLISH DSA SPECIAL CONDITIONS AND COST SHARE RELATED TO INFRASTRUCTURE IN THE VICINITY



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**OF AERONAUTICAL BOULEVARD, PARTIN SETTLEMENT ROAD,
AND US 192**

Staff recommends approval by the Board authorizing the Executive Director/CEO and General Counsel to negotiate the proposed Developer's Service Agreements with the Fish Lake Townhome and Nova Apartment developers to share cost in the force and reuse main extensions. Staff further requests the Board delegate authority to the Executive Director/CEO to execute such an agreement on behalf of Toho Water Authority, subject to prior consultation with a Board representative of the Board's choosing. Finally, staff requests that the Board direct and authorize the Executive Director/CEO to negotiate and execute reimbursement in an amount not to exceed \$604,670) (M. Doan)

Chairman Thacker completed the form 8B for Conflict of Interest for this item. Toho has conducted hydraulic modifying assessments, to support negotiations for developers to share costs in the force and reuse main extensions, supporting the provision of water, sewer and reuse services to these projects.

Board were requested to authorize the CEO and GC to negotiate and execute this Agreement, subject to consultation with a Board Member (Vice Chair Ketchum was proposed) and in addition, for the CEO to negotiate reimbursement as outlined in the summary.

The floor was open for any comments from the public and Jo Thacker, Partner with Nelson Mullins requested discussion on a related topic, sub-metering agreements, which relates to Nova Apartments. Current requirement is that the meter is accessible from the outside of the unit but the developer proposed using electronically read meters, located inside the apartment units.

The Board were concerned with the recurrence of such requests, following the Sub-Metering Agreement being approved, and CEO Swingle recommended that if this request was to be considered, it should return to the November Board meeting as a full Agenda item.

Motion to approve item 10E, with Vice Chair Ketchum being assigned to support CEO/GC, excluding the additional request relating to an exception to the Sub-Metering Agreement, was made by Supervisor Lizasuain. Motion was seconded by Vice Chair Ketchum. Motion passed 3-0 (Chairman Thacker abstained).

- 10F. **CONCEPTUAL APPROVAL OF UTILITY MAIN CONSTRUCTION COST-SHARE AGREEMENT CANOE CREEK ROAD & CORD AVENUE; DELEGATION TO CEO TO NEGOTIATE TERMS AND EXECUTE FINAL AGREEMENT**



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Staff requests conceptual approval of the draft Utility Main Construction Cost-Share Agreement, Canoe Creek Road & Cord Avenue. Staff requests authorization for the CEO/Executive Director to negotiate and execute the final Utility Main Construction Cost-Share Agreement, Canoe Creek Road & Cord Avenue. (Cost: Cost to Toho to administer the escrow is nominal. There is no cost to Toho for the design, engineering, permitting, and construction of the Utility Project.) (A. Cotter)

Chairman Thacker provided Conflict of Interest form 8B for this item.

CEO Swingle summarized this proposal for multiple developers along Canoe Creek Road to support the temporary water and reuse main to serve new development in the area. CEO Swingle requested the opportunity to adjust the residential unit number, depending on the hydraulic survey data. All the mains are going into Canoe Creek Road where expansion plans are in place by the County so this cost share will prevent Toho having new utility mains moved or impacted by these expansion plans. This is a complex approach but CEO Swingle felt it covered all parties' requirements, and protected Toho's interest.

Motion to approve, as presented by CEO Swingle, was made by Supervisor Stellfox. Motion was seconded by Supervisor Lizasuain. Motion passed 3-0 (Chairman Thacker abstained)

11. Staff reports:

11A. FLORIDA RECOVERY OBLIGATION CALCULATION (F-ROC) PROGRAM

For information only, no action required by the Board (Cost: None) (N. Rivera)

11B. INFRASTRUCTURE EMERGENCY REPAIR STATUS REPORT

Information only. No action is required by the Board. (Cost: Report only; emergency construction contracts, executed by CEO/ Executive Director, exceeding his non-emergency cost threshold are submitted as agenda board reports.) (R Pelham)

12. Comments:

Board Officials – Vice Chair Ketchum highlighted how Toho staff always gave such credit for their colleagues in support of appreciated presentations at the Board meetings. Such great leadership, despite challenges with growth and dealing with customer experience.

Executive Director – Employee of Quarter and Team of Quarter awards highlighted our staff. This time, the dedication of a new treatment operator to his team, his role and Toho was applauded when he broke away from his vacation, for a Toho emergency that needed his expert attention. Excellent work and dedication. Also, a team of almost 20 employees who worked on force main connections on Boggy Creek Road, shutting down 14 lift stations, having tankers to stop spills, who



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started at 9.45pm at night and worked through 4.30am next morning to get everything operational – a truly great team.

The proposed Fee Update initial workshop will be scheduled for late October, the second workshop would follow with the November Board meeting and the Public Hearing will take place in December.

Rain has been challenging recently, with street flooding, and the mechanical team did a great job increasing flows and are working through that currently.

Toho Admin had a near building fire this morning – smoke smell in the office at 6.30am, fire fighters did a survey and a power surge/lightning strike had damaged the power block on one of the automatic doors, but all was resolved without issue by 8am.

The Cypress Lake draft permit has just been received.

CEO Swingle would be on vacation from Sept 19th and returns October 5th. John Fogarty, VP of Assets and Infrastructure is the CEO designee.

General Counsel – No comment this evening.

13. Upcoming events:

Patriot Day	9/11/2024
City of Kissimmee Food Truck Fly-In Event	9/14/2024
Hispanic Heritage Month begins	9/15/2024
National IT Professionals Day	9/17/2024
Good Neighbor Day	9/28/2024
Disability Awareness Month	10/1/2024
Cybersecurity Month	10/1/2024
Rosh Hashanah	10/2/2024
Viva Osceola	10/7/2024
Customer Service Week	10/7/2024

14. Adjournment:

There being no further business to come before the Board, the meeting was adjourned at 7.04pm by Chairman Thacker.

Approved:



Henry Thacker, Chairman

Attest:



Tom White, Secretary