

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1287 Tohopekaliga Water Authority, Osceola County

**SPONSOR(S):** La Rosa

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 996

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	14 Y, 0 N	Dougherty	Rojas
2) State Affairs Committee	15 Y, 0 N	Moore	Camechis

### SUMMARY ANALYSIS

The Tohopekaliga Water Authority (Authority) provides water, wastewater, and reclaimed water services to Osceola County, Polk County, and a portion of Orange County. The Authority was established in 2003 and is governed by a six member board, appointed by the City of Kissimmee City Commission and the Osceola County Board of County Commissioners.

This bill grants these appointing bodies the option to appoint the Authority's current chair, who has served since 2003, for an additional 3-year term.

This bill takes effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Tohopekaliga Water Authority

##### *Purpose*

The Tohopekaliga Water Authority (Authority) was created by 2003-368, L.O.F., to provide regional stewardship over water resources in Osceola County, Florida. The Poinciana System, serving Polk and Osceola Counties, transferred to the Authority in 2007. The Authority also provides services to a small section of Orange County through an interlocal agreement.

Today, the Authority is the largest provider of water, wastewater, and reclaimed water services in Osceola County, serving 73,000 water, 71,000 wastewater, and 10,000 reclaimed water customers in Kissimmee, Poinciana, and unincorporated areas of Osceola County. The Authority owns and operates 20 water plants and 10 wastewater plants while maintaining 1,174 miles of water mains, 980 miles of wastewater mains, 242 miles of reclaimed water mains, and 357 wastewater pump stations. With a 165-person workforce, the Authority treats and distributes approximately 35 million gallons of potable water and reclaims 21 million gallons of wastewater each day.

##### *Board of Supervisors: Structure*

The Authority is governed by a six-member board of supervisors, including a chairperson. The Osceola Board of County Commissioners appoints supervisors for positions one and three. The City Commission of the City of Kissimmee appoints positions two and four. Both entities collectively appoint by joint resolution position five, who also serves as the chairperson. Chapter 2007-287, L.O.F., allows for the appointment of an additional supervisor by each general purpose local government that has adopted a resolution authorizing the Authority to provide services within its boundary and has entered an interlocal agreement with the Authority. Pursuant to this, the Polk County Board of County Commissioners appointed the sixth board position in 2007.

##### *Board of Supervisors: Payment*

Board members are compensated for their services by receiving \$100 per meeting, not to exceed three meetings per month. Additionally, supervisors are reimbursed for expenses as provided in s. 112.061, F.S., or otherwise approved by the board for travel on Authority business outside of the boundaries and service area of the District. The board generally meets twice a month, but may hold a special meeting if needed.

##### *Board of Supervisors: Term Limits*

The Authority's charter limits each supervisor to no more than three consecutive 3-year terms, not including any initial term of less than 3 years. The charter staggered the terms of the first five positions by providing for varying initial terms. Positions one and three had 2-year initial terms; positions three and four had 3-year initial terms; and position five had a 4-year initial term. Therefore, consecutive term limits for the original five appointees are 11 years for positions one and two,<sup>1</sup> 12 years for positions three and four,<sup>2</sup> and 13 years for position five.<sup>3</sup>

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<sup>1</sup> Initial term of 2 years, plus a maximum of three consecutive 3-year terms:  $2 + 9 = 11$  years.

<sup>2</sup> Initial term of 3 years, plus a maximum of three consecutive 3-year terms:  $3 + 9 = 12$  years.

<sup>3</sup> Initial term of 4 years, plus a maximum of three consecutive 3-year terms:  $4 + 9 = 13$  years.

Similar water and wastewater authorities generally have lower maximum term limits. For example, the South Seminole and North Orange County Wastewater Transmission Authority allowed a maximum of 8 years for one original board position and now limits all positions to 4-year terms.<sup>4</sup> The Alligator Point Water Resources District is limited to 4-year board positions.<sup>5</sup> The Pinellas Park Water Management District limits the position to 3 years.<sup>6</sup> However, the Lake County Water Authority allows a maximum of 10 years for certain initial positions.<sup>7</sup>

The Authority's current six board members have served for the following terms:

- Position 1: March 2012 – Present
- Position 2: October 2011 – Present
- Position 3: December 2010 – Present
- Position 4: June 2009 – Present
- Position 5: October 2003 – Present.
- Position 6: October 2012 – Present.

The current chair has served that position since the Authority's inception in 2003. Based on the charter language, the governing bodies are unable to appoint that supervisor for another term as he has served three consecutive 3-year terms after an initial term of more than 3 years.

### **Effect of Proposed Changes**

This bill allows the City of Kissimmee City Commission and the Osceola County Board of County Commissioners to appoint the current chair for an additional 3-year term. If these appointing bodies had and exercised that ability, the current chair's tenure would extend through September 2016.

Although the language is broad enough to allow positions three, four, and the chair the possibility of an additional term, operationally this bill will only impact the chair position as the others have already been replaced.

Proponents argue that recent board turnover warrants allowing the option to maintain the board's most senior member for another term as this will provide a continuum of institutional knowledge. Additionally, supporters of this bill point out that these proposed changes only give the appointing bodies the option to maintain the chair for another term, not the obligation to do so.

This bill takes effect upon becoming law.

## **B. SECTION DIRECTORY:**

**Section 1:** Amends ch. 2003-368, L.O.F., limiting board members of the Tohopekalgia Water Authority to three consecutive, 3-year terms but not including initial terms.

**Section 2:** Provides an effective date of upon becoming law.

## **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes ☒ No ☐

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<sup>4</sup> Chapter 78-617, L.O.F.

<sup>5</sup> Chapter 2005-351, L.O.F.

<sup>6</sup> Chapter 2001-325, L.O.F.

<sup>7</sup> Chapter 2005-314, L.O.F.

IF YES, WHEN?      January 23, 2013 and February 2, 2013

WHERE?      The *Orlando Sentinel*, a daily newspaper published in Osceola County, Florida; *The Ledger*, a daily newspaper published at Lakeland in Polk County, Florida; the *Osceola News-Gazette*, a twice-weekly newspaper published at Kissimmee, in Osceola County, Florida.

B. REFERENDUM(S) REQUIRED?    Yes ☐    No ☒

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED?    Yes, attached ☒    No ☐

D. ECONOMIC IMPACT STATEMENT FILED?    Yes, attached ☒    No ☐

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A