

UTILITIES, NATURAL RESOURCES & PUBLIC WORKS

**Friday, September 16, 2022
10:00 a.m. – 2:00 p.m. EDT**

**Palms E,F
Embassy Suites Lake Buena Vista South
4955 Kyngs Heath Road
Kissimmee, FL 34746**

FLC Staff Contact: Rebecca O'Hara



Agenda



Utilities, Natural Resources & Public Works Legislative Policy Committee
Friday, September 16, 2022 ~ 10:00 a.m.—2:00 p.m.
Embassy Suites Lake Buena Vista South
4955 Kyngs Heath Rd, Kissimmee, FL 34746

AGENDA

- I. Introduction & Opening Remarks Chair Jen Ahearn-Koch**
Commissioner, City of Sarasota
- II. FLC Policy Committee Process for 2022-2023 Rebecca O’Hara, FLC Staff**
- III. Policy Presentations Rebecca O’Hara, FLC Staff**
 - A. One Water Presentation **Mike Herr, City Manager**
Gary Hubbard, Utility Services Director
City of Winter Haven
 - B. Resiliency Florida Presentation **David Rathke, Executive Director**
Resiliency Florida
 - C. Statewide Water Resources Planning **Rebecca O’Hara, FLC Staff**
 - D. Water & Wastewater Operator Licensure **Rebecca O’Hara, FLC Staff**
 - E. Enterprise Fund Transfers **Rebecca O’Hara, FLC Staff**
- IV. Committee Discussion Chair Jen Ahearn-Koch**
Commissioner, City of Sarasota
- V. Additional Information Rebecca O’Hara, FLC Staff**
 - A. Key Legislative Dates
 - B. Home Rule Hero Criteria
 - C. Key Contacts – Click [HERE](#) to sign-up
- VI. Closing Remarks Chair Jen Ahearn-Koch**
Commissioner, City of Sarasota
- VII. Adjournment**

Breakfast and Lunch provided by the Florida League of Cities

WiFi Available
Network: FLC
Password: Policy2022



Committee Roster



2022-2023 Legislative Policy Committee

Utilities, Natural Resources & Public Works

Staffed by: Rebecca O'Hara, Deputy General Counsel

CHAIR:

The Honorable Jen Ahearn-Koch

Commissioner, City of Sarasota
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Policy Development Process

2022-2023 FLC Legislative Policy Process

The Florida League of Cities' (FLC) Charter and Bylaws specify that the League shall engage only on legislation that pertains directly to "municipal affairs." "Municipal affairs" means issues that directly pertain to the governmental, corporate and proprietary powers to conduct municipal government, perform municipal functions, render municipal services, and raise and expend revenues. Protecting Florida's cities from egregious far-reaching attacks on Home Rule powers will always be the top priority.

Each year, municipal officials from across the state volunteer to serve on the League's legislative policy committees. Appointments are a one-year commitment and involve developing the League's Legislative Action Agenda. The Action Agenda addresses priority issues of statewide interest that are most likely to affect daily municipal governance and local decision-making during the upcoming legislative session.

Policy committee members also help League staff understand the real-world implications of proposed legislation, and they are asked to serve as advocates throughout the year. To get a broad spectrum of ideas and better understand the impact of League policy proposals on rural, suburban and urban cities of all sizes, it is ideal that each of Florida's cities be represented on one or more of the legislative policy committees.

The Florida Legislature convenes the 2023 Legislative Session on March 7. The League's legislative policy committee meetings commence in September 2022 and meet three times.

There are currently five standing *legislative policy committees*:

Finance, Taxation and Personnel Committee: This committee addresses municipal roles in general finance and tax issues, Home Rule revenues, infrastructure funding, insurance, local option revenues, pension issues, personnel and collective bargaining issues, revenue sharing, tax and budget reform, telecommunications and workers' compensation.

Land Use and Economic Development Committee: This committee addresses policies specific to municipal concerns with community redevelopment, economic development, growth management and land use planning issues, annexation, eminent domain, tort liability, property rights and ethics.



Municipal Administration Committee: This committee addresses municipal concerns with code enforcement, elections, emergency management, gaming, homeland security, public meetings, public property management, public records, public safety and procurement, as well as charter counties and special districts.

Transportation and Intergovernmental Relations Committee: This committee addresses municipal concerns relating to transportation and highway safety, as well as aviation, affordable housing (and homelessness), billboards, building codes, charter schools, rights-of-way and veterans affairs.

Utilities, Natural Resources and Public Works Committee: This committee addresses policies specific to municipal concerns with coastal management, energy, environmental and wetlands permitting, hazardous and toxic wastes, recycling, solid waste collection and disposal, stormwater, wastewater treatment and reuse, water management and water quality and quantity.

At the last meeting, each of the five policy committees adopts ONE legislative priority that will be submitted to the Legislative Committee. The Legislative Committee is composed of:

- ▶ Each legislative policy committee chair and the chairs of the other standing committees
- ▶ The President of each local and regional league
- ▶ The Presidents of several other municipal associations
- ▶ Chairs of the municipal trust boards
- ▶ Several at-large members appointed by the FLC President.

The policy priorities, as adopted by the Legislative Committee, are then recommended to the general membership for approval as the League's Legislative Action Agenda.

In addition, a legislative policy committee may, but is not required to, recommend ONE policy position related to other relevant legislative issues. The policy position must satisfy the same criteria above for legislative priorities. The recommended policy position will be considered by the Legislative Committee. If favorably considered by that committee, it will be considered by the general membership. If adopted by the general membership, the policy position may be published and communicated to legislators and others, as appropriate.

Due to Sunshine Law issues, only one elected official per city can be represented on a committee, but a city could have an elected and a non-elected city official on each of the five policy committees. Appointments are made by the League president based upon a city official's support and advocacy of the Legislative Action Agenda and participation at meetings, Legislative Action Days and other legislative-related activities.

2022 Legislative Policy Committee Meeting Dates

- ▶ September 16, 2022, 10:00 a.m. to 2:00 p.m. at the Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL.
- ▶ October 7, 2022, 10:00 a.m. to 2:00 p.m. at the Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL.
- ▶ December 1, 2022, during the FLC Legislative Conference at the Embassy Suites Lake Buena Vista South, 4955 Kyngs Heath Road, Kissimmee, FL.

If you are interested in serving or learning more, please contact Mary Edenfield at 850.701.3624 or medenfield@flcities.com.



One Water Presentation

WINTER HAVEN

The Chain of Lakes City



City Manager Mike Herr

Mike Herr began his career as the Winter Haven City Manager in June 2017. He holds a Bachelor's of Science degree from Indiana State University, and is a member of the International City Management Association and the Florida City & County Management Association.

Mr. Herr's career in public service spans over 40 years in both Indiana and Florida. He has worked in a variety of fields in government including community development, transportation planning, public works, city-county management, and utility services. Mr. Herr also worked in the private sector as President of ECON from September of 2010 to April 2012.

The Polk County region is not new to Mr. Herr as he served as Polk County's Director of Transportation from 1998 to 2002. He was promoted to County Manager where he served from 2003 – 2010. During this time he managed budgets in excess of \$1.2 billion while leading an organization of more than 2,000 employees providing services for nearly 600,000 residents.

Throughout his significant career he has received numerous awards including the Award for Career Excellence from the Florida City County Management Association and the Strategic Leadership and Governance Award from ICMA for Program Excellence with the Polk County Organization and Employee Development. He is a graduate of Leadership Polk Class I.

Mike Herr is honored to be part of the City of Winter Haven team working hard to enrich the lifestyle through exceptional service. He is proud to serve the residents of Winter Haven as the community continues to transform into a vibrant, engaging and attractive City for businesses, entrepreneurs, visitors and residents.

Gary Hubbard

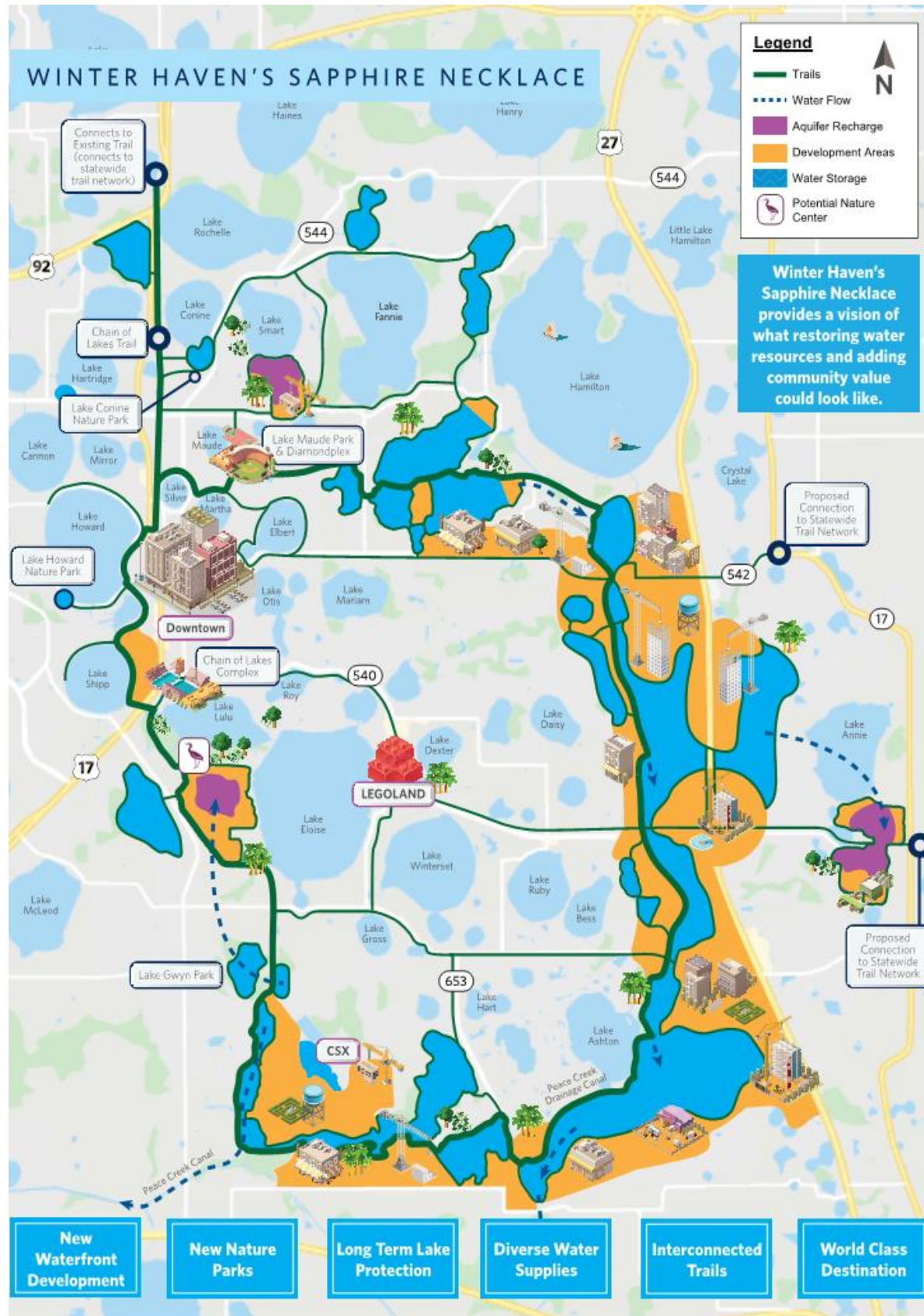
Mr. Hubbard is a relatively new resident to Central Florida, joining the City of Winter Haven Utility Services Department in March 2018. Mr. Hubbard brings 40 years of experience dealing with environmental issues to central Florida. Mr. Hubbard is a licensed Professional Engineer, an "A" Water Treatment Operator, and an "A" Wastewater Treatment Operator. During his career, he has served as the owner of a successful consulting engineering firm specializing in municipal utility systems, a co-owner of a utilities operations firm, and co-owner of a firm specializing in the design, build and operations of industrial wastewater treatment systems in Central and South America. He began serving local governments in 2010.

Proposal Goals

- Make watershed management / One Water projects eligible for funding from the Water Protection and Sustainability Program Trust Fund
- Add Watershed Management as a fourth purpose under the Trust Fund.
- Establish a grant program funded through the Trust Fund by legislative appropriations



The Sapphire Necklace



- Winter Haven's One Water initiative is a watershed based approach to water resource management
- Restore
- Reclaim/Reuse
- Recharge

One Water Approach

- Envisions managing all water in an integrated, inclusive, resilient and sustainable manner
- Provides multiple benefits for the community and improves the quality of life
- Transforms how we view, value and manage water



Integrated Solutions Merit State Funds

- Many cities anticipate water supply shortages
- Utilities throughout the state are beginning to develop new approaches that incorporate water supply, wastewater, storm water and natural systems into integrated management plans
- **Creating community benefits increases cost/benefit outcomes**
- These new approaches can be less expensive than siloed alternative water supply development and provide additional social and environmental benefits to the watershed that improve the quality of life for communities

Watershed Management Rule

FAC 62-40.425 - “A comprehensive watershed approach provides an important tool for managing the cumulative impacts of human activities. Where possible, the Department and Districts shall promote a watershed management approach for addressing water quality, water supply, natural systems, and floodplain management and flood protection issues, and shall encourage the development of comprehensive watershed management plans.”





Water Protection and Sustainability Trust Fund

- Trust fund created in 2005 with dedicated funding
- Included Surface Water Improvement and Management
- Later narrowed and decoupled from revenue sources



Proposed Legislative Change

403.890 Water Protection and Sustainability Program:

(I) Revenues deposited into or appropriated to the Water Protection and Sustainability Program Trust Fund shall be distributed by the Department of Environmental Protection for the following purposes:

- (a) The alternative water supply program as provided in s. [373.707](#).
- (b) The water storage facility revolving loan fund as provided in s. [373.475](#).
- (c) The wastewater grant program as provided in s. [403.0673](#).
- (d) The watershed management program as provided in FAC 62-40.425 incorporating a One Water approach.

Questions?

Gary M. Hubbard, P.E.

Director, Winter Haven Water

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Resiliency Florida Presentation



David Rathke Bio

David Rathke is the Executive Director of Resiliency Florida, a leading voice in the state and Washington, D.C. in efforts to plan and adapt for the current and future impacts of weather and sea level rise.

Prior to joining Resiliency Florida, he had a productive career in the service of Florida's citizens. David's public sector background includes the roles of CFO for the Florida Department of Management Services, COO at the Florida Fish and Wildlife Conservation Commission, and as Chief of Staff at the Southwest Florida Water Management District.

David is a father of two young ladies, a native Floridian, a would be guitar player, and enjoys all the outdoor aspects of what makes Florida a special place.

Florida League of Cities



RESILIENCY
FLORIDA

David Rathke
Executive Director



Florida has a story to tell.



22 Million People Living on a Sandbar

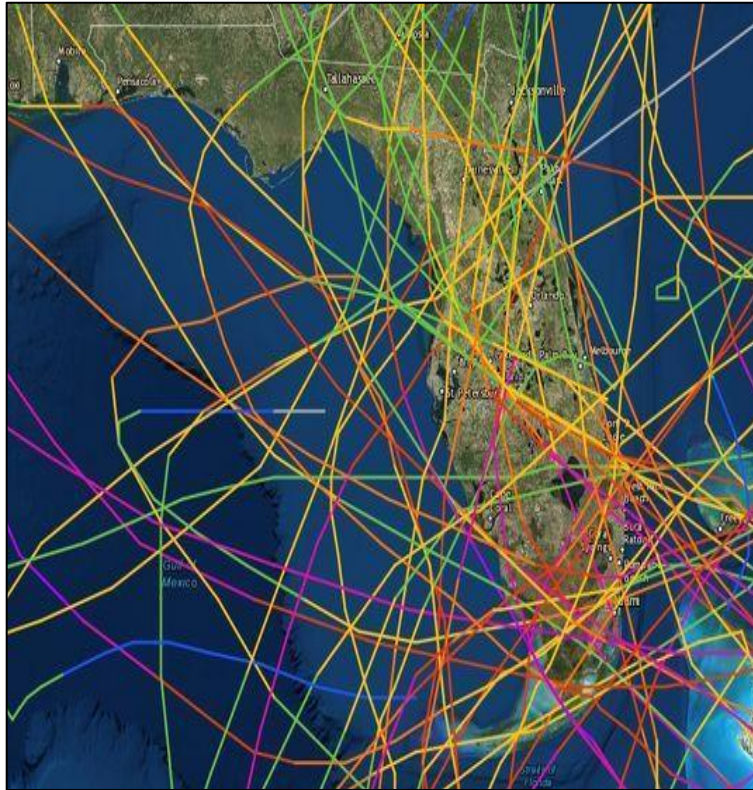


Katrina Landfall Composite Radar
08-25-05 4 PM EDT



Florida is vulnerable

Extreme Weather Events

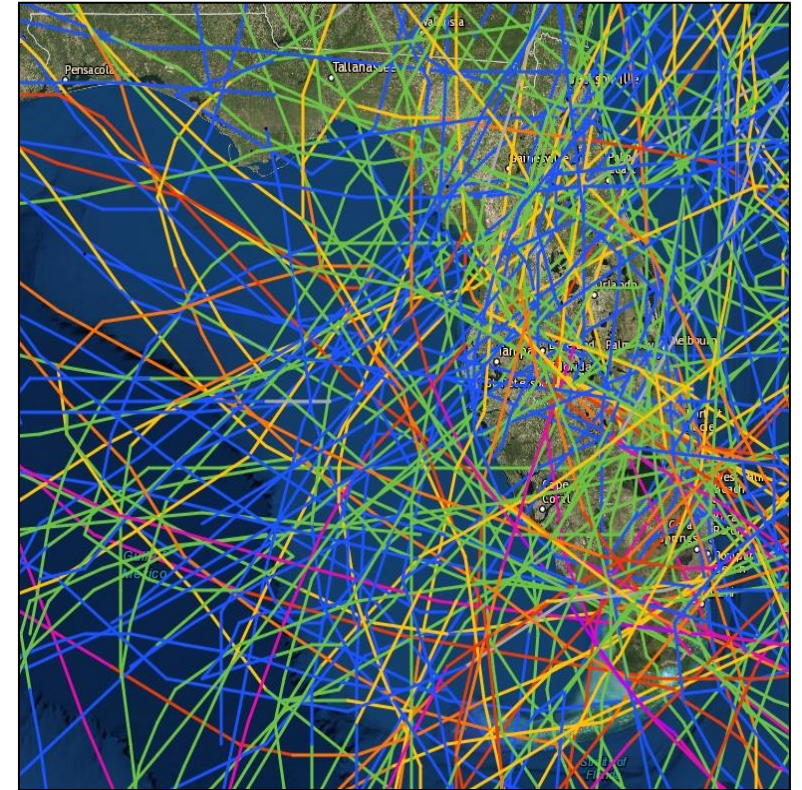


Hurricanes

(Photos: National Oceanic and Atmospheric Administration)



Tropical Storms



Tropical Depressions



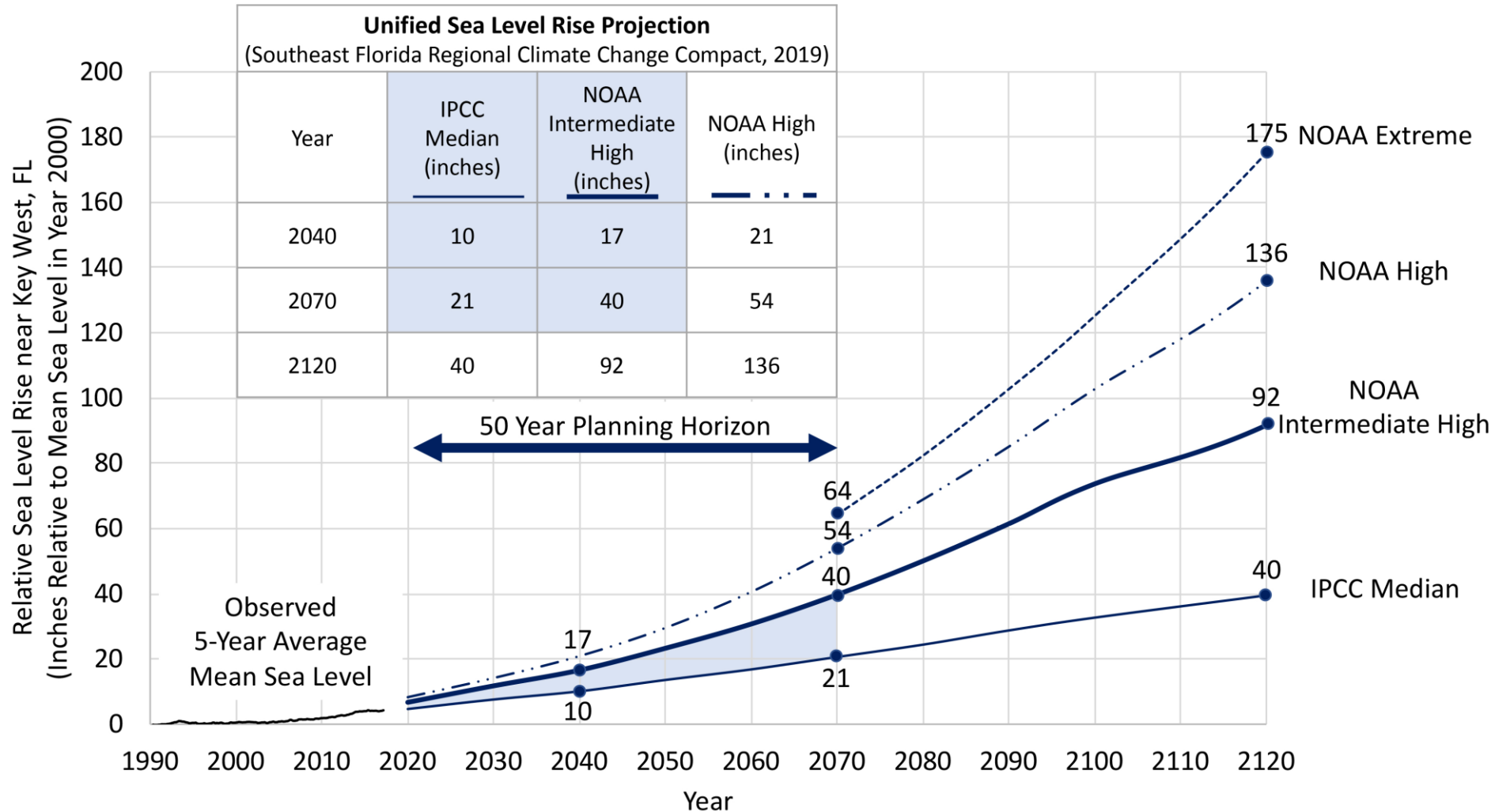


Palm Beach, 35 miles inland



King Tide, Miami Beach

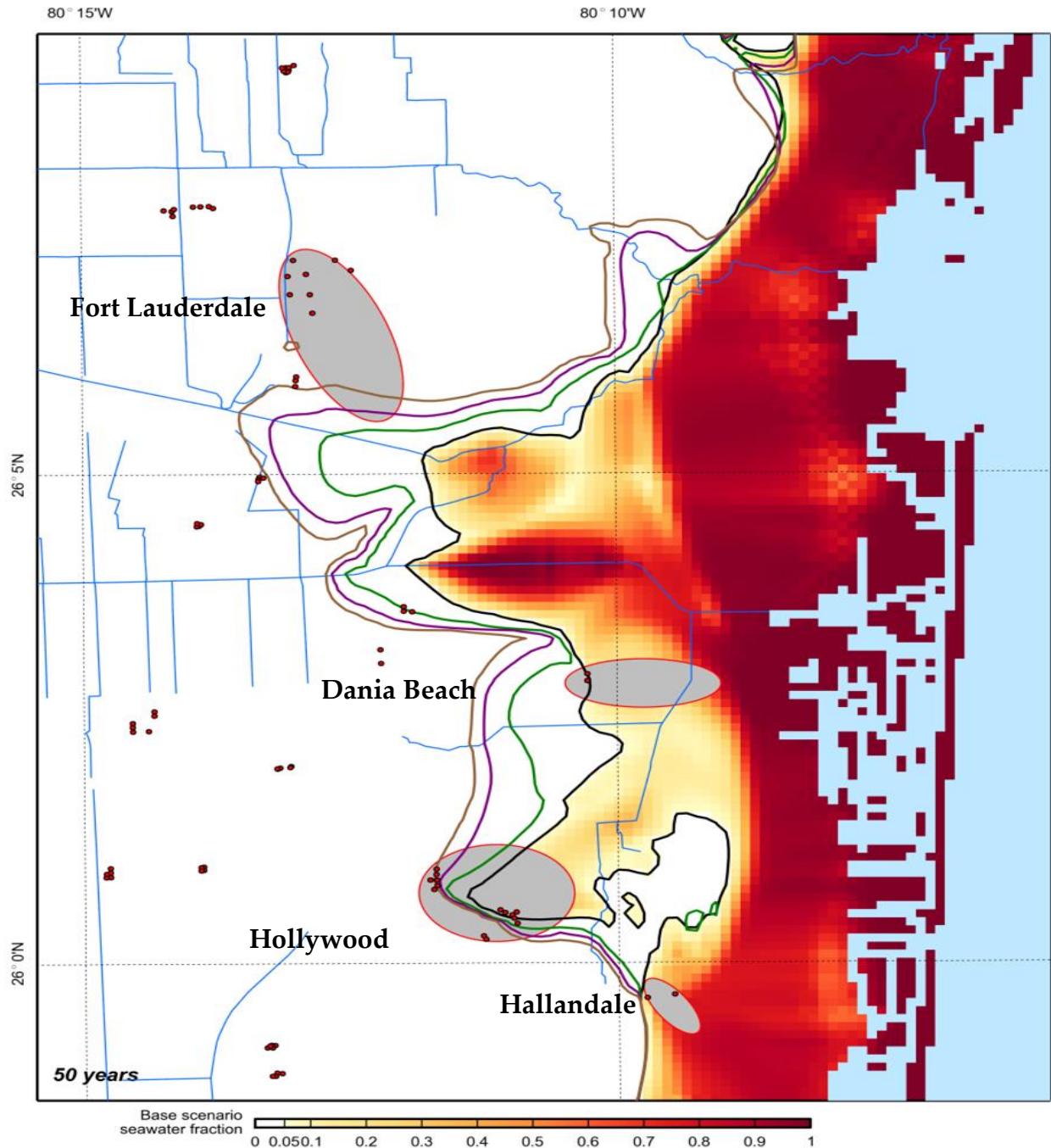
Sea Level Rise



Impacts to Tax Base

- Varies by community
- Affecting 140,000 parcels by 2050
- Over a \$7 Billion impact statewide





Saltwater Intrusion

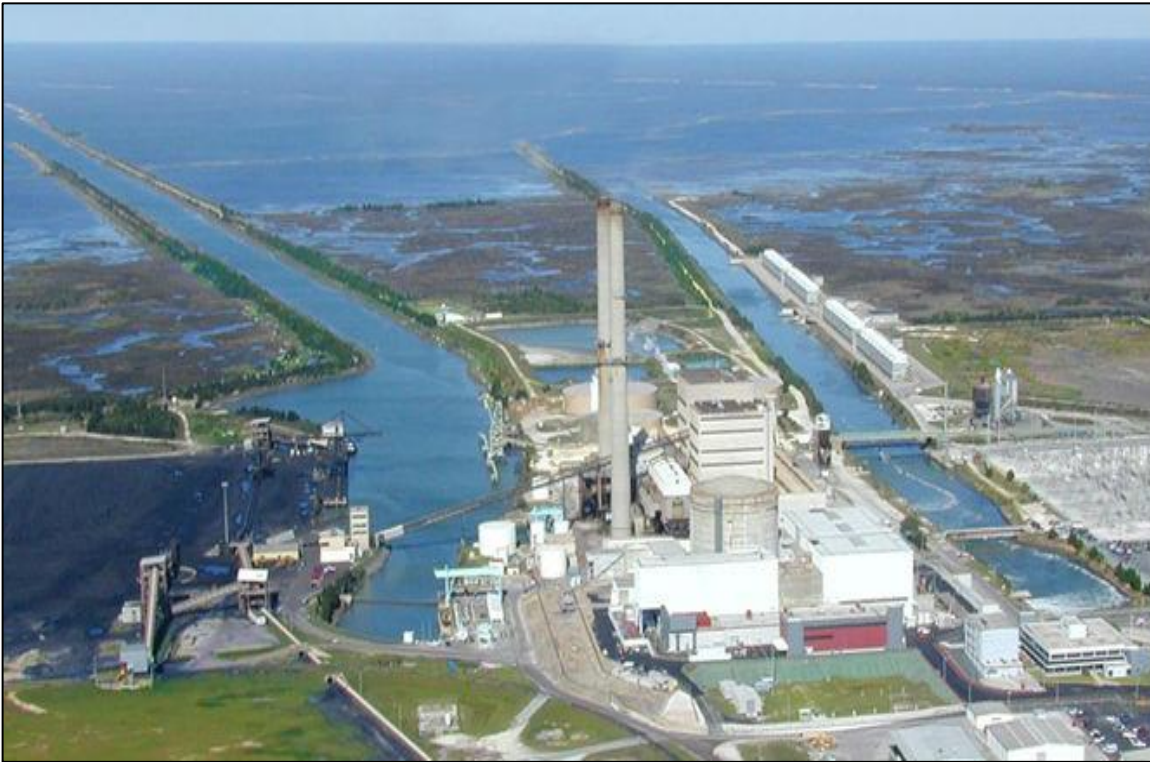


Comprehensive Solutions

- 85% of Florida voters support government investment in resilient infrastructure
- Voters are concerned about
 - Water quality
 - Extreme weather
 - Energy Independence and emissions
 - Food security
 - Coastal erosion, sea-level rise, and flooding

What About Power

Crystal River Nuclear Power Plant
Duke Energy



St. Lucie Power Plant, FPL



What About Transportation



What About Food Security



What About Emerging Technology





What will be the rest of the story?

Join Us



**FLORIDA
RESILIENCE
CONFERENCE**

— ENSURING FLORIDA'S FUTURE —

**October 5-7
Hyatt Regency Coconut Point Resort
Bonita Springs, FL**

Floridaresilienceconference.org



David Rathke
Executive Director
execdir@resiliencyflorida.org



CITY OF
ST. AUGUSTINE
EST. 1565



BROWARD.org
Our Best. Nothing Less.



CITY OF
TALLAHASSEE

MIAMI-DADE
COUNTY





Statewide Water Resources Planning



RESOLUTION TCSF #22-01

A JOINT RESOLUTION OF THE SOUTH FLORIDA AND TREASURE COAST REGIONAL PLANNING COUNCILS REPRESENTING THE LOCAL GOVERNMENTS OF MONROE, MIAMI-DADE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, AND INDIAN RIVER COUNTIES, FLORIDA; SUPPORTING CREATION OF A STATEWIDE COORDINATED PLANNING AND PRIORITIZATION APPROACH FOR WATER RESOURCE INVESTMENTS MODELLED ON THE FLORIDA TRANSPORTATION COMMISSION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the South Florida and Treasure Coast Regional Planning Councils' seven county geographical area consists of Broward, Indian River, Martin, Miami-Dade, Monroe, Palm Beach, and St. Lucie counties and 122 municipalities, which contain over 6.8 million residents or nearly one-third of the State's population, responsible for generating over one-third of the State's gross domestic product; and

WHEREAS, the Councils are multi-purpose regional governmental entities with policy responsibility in the areas of affordable housing, economic development, emergency preparedness, energy, health, natural resources, urban planning, and regional transportation; and

WHEREAS, the inlets, estuaries, rivers, lakes, wetlands, and aquifers of the Region are identified as Natural Resources of Regional Significance in the Strategic Regional Policy Plan; and

WHEREAS, at joint meetings between the South Florida and Treasure Coast Regional Planning Councils held in 2018, 2019, 2020, and 2021 the Councils heard about the significant challenges Florida faces in meeting the need for drinking water while also treating our sewage and protecting the environment; and

WHEREAS, a significant roadblock to effectively addressing the water challenges facing Florida is the fractured nature of responsibility for water and the uncoordinated investment of funds to meet our needs; and

WHEREAS, funding at the state level has been subject to shifting legislative priorities and local perspectives rather than a strategic approach, leading to inefficiencies and a growing backlog of needed infrastructure; and

WHEREAS, recognizing this situation, the Water and Environmental Sustainability Committee of the Florida Association of Counties recently proposed modeling state water resource investment on the Florida Transportation Commission and Florida Transportation Plan approach for planning, prioritization, a predictable multi-year capital construction program, and oversight which reliably delivers transportation improvements; and

WHEREAS, coordinated and efficient investment of sufficient state funding for regional systems in concert with local funding of local systems is needed in order to meet water needs and protect water resources and the environment now and into the future.

NOW, THEREFORE, BE IT RESOLVED BY THE TREASURE COAST REGIONAL PLANNING COUNCIL THAT:

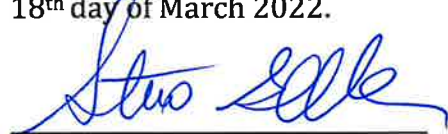
Section 1. The above recitals are declared to be true and correct and are hereby made a part of this Resolution.

Section 2. The Councils express their support for statutory changes that will lead to coordinated and strategic investment of state funds for water resources using a structure modelled on the Florida Transportation Commission and Florida Transportation Plan.

Section 3. A copy of this Resolution shall be transmitted to the Governor, the President of the Florida Senate, the Speaker of the Florida House of Representatives, the Florida Association of Counties, the Florida League of Cities, and all Regional Planning Councils in Florida.

Section 4. This Resolution shall be effective upon adoption.

DULY ADOPTED by the South Florida and Treasure Coast Regional Planning Councils this 18th day of March 2022.



Steve Geller
Chair, SFRPC



Cathy Townsend
Chair, TCRPC





WES-PP-07: STATEWIDE WATER RESOURCES PLANNING

COMMITTEE RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT state policies to improve coordination of water project planning on a recurring five-year work plan and a statewide strategic plan for all things water

BACKGROUND:

Florida needs a more effective comprehensive framework for coordinating and prioritizing funding for local water projects to address challenges such as but not limited to: algal blooms, water conservation, marine resources/habitat/coral reef protection, water quality protection, minimum flows and levels, stormwater management, and climate change adaptation and resiliency. Local governments need a framework for improving coordination and prioritization of funding for local and regional water projects similar to the organizational structure of the Florida Department of Transportation (FDOT), which has proven successful for transportation planning. FDOT includes a Transportation Commission that's mission is to provide leadership in meeting Florida's transportation needs through policy guidance on issues of statewide importance and by maintaining oversight, public accountability to the department, and other statutorily specified transportation authorities. The Florida Transportation Commission was created in 1987, under Section 20.23, Florida Statutes, to serve as a citizen's oversight board for FDOT. The Commission is assigned to the Department for administrative and fiscal purposes; otherwise, it functions independently of the control and direction of the Department. Additionally, the Florida Transportation Plan, under Section 339.155, Florida Statutes, provides the framework for the development of the state's long-range transportation goals and objectives to be updated every five years.

Florida's water infrastructure planning process should be modeled in state statute of similar structure to the Florida Transportation Commission. This would allow independent insight and expertise into the planning and prioritization process for Florida's water quality projects. This structure creates stability amongst stakeholders while streamlining and optimizing efficiency of limited state resources.

ANALYSIS: Improve coordination of local water projects planning and funding. Proposed framework would supplement regional water management district and state water planning efforts.

FISCAL IMPACT: Indeterminate

SUBMITTING COUNTIES: Martin; Alachua

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes

STATEWIDE WATER RESOURCES PLANNING

SUPPORT legislation creating a statewide planning and prioritization approach for water resource investments to improve coordination of water project planning through development of a statewide strategic plan that is implemented through a recurring five-year work plan for state water resource investments.

BACKGROUND:

Florida faces significant challenges in meeting its need for drinking water while also managing wastewater and protecting natural resources. The fractured responsibility for water resources among state, regional, and local government, and the uncoordinated investment of funds to meet various water needs is a significant roadblock in addressing these challenges. At the state level, funding is subject to shifting legislative priorities and local perspectives rather than a strategic approach, leading to inefficiencies and a growing backlog of needed infrastructure. Coordinated and efficient investment of sufficient state funding for regional systems in concert with local funding is needed to meet water needs and protect water resources and the environment

The Florida Transportation Commission and the Florida Transportation Plan approach for funding transportation infrastructure is a model for planning, prioritization, a predictable multi-year capital improvement construction program, and oversight that delivers transportation improvements in a reliable manner. The Transportation Commission's mission is to provide leadership in meeting Florida's transportation needs through policy guidance on issues of statewide importance and by maintaining oversight, public accountability to the department, and other statutorily specified transportation authorities. The Florida Transportation Commission was created in 1987, under Section 20.23, Florida Statutes, to serve as a citizen oversight board for the Florida Department of Transportation (FDOT). The Commission is assigned to FDOT for administrative and fiscal purposes; otherwise, it functions independently of the control and direction of FDOT. Additionally, the Florida Transportation Plan, under Section 339.155, Florida Statutes, provides the framework for the development of the state's long-range transportation goals and objectives to be updated every five years.

Florida's water infrastructure planning process should be modeled in state statute of similar structure to the Florida Transportation Commission. This would allow independent insight and expertise into the planning and prioritization process for water infrastructure projects, while improving coordination of local water project planning and funding, and streamlining and optimizing efficiency of limited state resources.



Water & Wastewater Operator Licensure

Email from Gary Williams, Exec Dir., Florida Rural Water Ass'n:

Rebecca,
Hope things going well for you and our friends over at FLC.

I'm sure you, like us, are hearing all the workforce shortage issues from members. It is likely at all levels of the Water utility staff but the shortage of Water and Wastewater Certified operators to meet DEP staffing requirements are what we are hearing the loudest and it has become by far the biggest issue brought to FRWA by our 2000 members. We are trying to take some proactive measures to add some tools to the tool box to address the shortage. Some are going to take State Legislative action to expand DEP Operator Certification program statute. We have talked to DEP at all levels and have the Secretary agreement and support of requesting clarification in 4 areas of 403._____.

4 things we discussed and requested consideration on.

1. Clearly defined as critical/essential worker
2. Reciprocity
3. Credit for Military Experience/Time Served
4. Flexibility to use retired or out of state operators in emergency situations

Possible statutory language additions

1. Clearly defined as critical/essential worker

403.865 Water and wastewater facility personnel; legislative purpose.—The Legislature finds **water and wastewater services are essential to the health and well-being of all citizens and personnel engaged in providing these services are critical and essential first responders and** that the threat to the public health and the environment from the operation of water and wastewater treatment plants and water distribution systems mandates that qualified personnel operate these facilities. It is the legislative intent that any person who performs the duties of an operator and who falls below minimum competency or who otherwise presents a danger to the public be prohibited from operating a plant or system in this state.

2. Reciprocity
3. Credit for Military Experience/Time Served
4. Flexibility to use retired or out of state operators in emergency situations

403.872 Requirements for licensure.—

(1) Any person desiring to be licensed as a water treatment plant operator, a water distribution system operator, or a domestic wastewater treatment plant operator must apply to the department to take the licensure examination.

(2) The department shall examine the qualifications of any applicant who meets the criteria established by the department for licensure, submits a completed application, and remits the required fee.

(3) The department shall license as an operator any applicant who has passed the examination and meets the other criteria established under this section.

(4) The department shall establish, by rule, the criteria for licensure, including, but not limited to, a requirement of a high school diploma or its equivalent, a training course approved by the department, and onsite operational experience.

(5) The department may also include a requirement that an operator must not be the subject of a disciplinary or enforcement action in another state at the time of application for licensure in this state.

(6) The department shall license as an operator by reciprocity to any applicant who holds a valid and unexpired license from another state, the United States, a territory or tribal government that has been designated as the primacy agency by the United States Environmental Protection Agency, or a unit of any of these, provided the requirements of that state are comparable to or higher than those of the Department, including education and work experience requirements. Reciprocity shall only be granted to operators who passed a comparable written exam in the reciprocal state, subject to the Department's approval. The issuance of a reciprocal license is contingent upon the submission of a completed application, provision of required supporting documentation, and remittance of the required fee.

(7) The department shall license as an operator by reciprocity, or award experience or education credits to, any applicant who performed duties comparable to the duties of an operator at a water treatment facility or water distribution system while serving in the United States military, provided the service requirements were comparable to or higher than those of the Department, including education and work experience requirements. The issuance of a reciprocal license is contingent upon the submission of a completed application, provision of required supporting documentation, and remittance of the required fee.

(8) During a Declared State of Emergency, the department may temporarily license an operator by reciprocity to any operator who holds a valid and unexpired license from another state, the United States, a territory or tribal government that has been designated as the primacy agency by the United States Environmental Protection Agency, or a unit of any of these, provided the requirements of that state are comparable to or higher than those of the Department, including education and work experience requirements. Reciprocity shall only be granted to operators who passed a comparable written exam in the reciprocal state, subject to the Department's approval. The issuance of a reciprocal license is contingent upon the submission of a completed temporary license application and provision of required supporting documentation. The department shall waive all fees.

History.—s. 12, ch. 97-236; s. 11, ch. 2001-270

403.88 Classification of water and wastewater treatment facilities and facility operators.—

(1) The department shall classify water treatment plants, wastewater treatment plants, and water distribution systems by size, complexity, and level of treatment necessary to render the wastewater or source water suitable for its intended purpose in compliance with this chapter and department rules.

(2) The department shall establish the levels of certification and the staffing requirements for water treatment plant, water distribution system, and wastewater treatment plant operators certified under ss. [403.865 \[leg.state.fl.us\]](#)-[403.876 \[leg.state.fl.us\]](#) necessary to carry out subsection (1).

(3) A water treatment plant operator's license is also valid as a water distribution system license of the same classification or lower.

(4) The department shall adopt rules necessary to carry out this section.

History.—s. 1, ch. 98-62; s. 13, ch. 2001-270.

403.865 Water and wastewater facility personnel; legislative purpose.—The Legislature finds that the threat to the public health and the environment from the operation of water and wastewater treatment plants and water distribution systems mandates that qualified personnel operate these facilities. It is the legislative intent that any person who performs the duties of an operator and who falls below minimum competency or who otherwise presents a danger to the public be prohibited from operating a plant or system in this state.

History.—s. 5, ch. 97-236; s. 7, ch. 2001-270.

403.866 Definitions; ss. 403.865-403.876.—As used in ss. 403.865-403.876, the term:

(1) "Domestic wastewater collection system" means pipelines or conduits, pumping stations, and force mains and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.

(2) "Domestic wastewater treatment plant" means any plant or other works used for the purpose of treating, stabilizing, or holding domestic wastes.

(3) "Operator" means any person, including the owner, who is in onsite charge of the actual operation, supervision, and maintenance of a water treatment plant, water distribution system, or domestic wastewater treatment plant and includes the person in onsite charge of a shift or period of operation during any part of the day.

(4) "Public water system" has the same meaning as it has in s. 403.852.

(5) “Water distribution system” means those components of a public water system used in conveying water for human consumption from the water treatment plant to the consumer’s property, including pipes, tanks, pumps, and other constructed conveyances.

(6) “Water treatment plant” means those components of a public water system used in collection, treatment, and storage of water for human consumption, whether or not such components are under the control of the operator of such system.

History.—s. 6, ch. 97-236; s. 8, ch. 2001-270.

403.867 License required.—A person may not perform the duties of an operator of a water treatment plant, water distribution system, or a domestic wastewater treatment plant unless he or she holds a current operator’s license issued by the department. **pursuant to the requirements of s. 403.872.”)**

History.—s. 7, ch. 97-236; s. 9, ch. 2001-270.

403.868 Requirements by a utility.—A utility may have more stringent requirements than set by law, including certification requirements for water distribution systems and domestic wastewater collection systems operations, except that a utility may not require a licensed contractor, as defined in s. 489.105(3) to have any additional license for work in water distribution systems or domestic wastewater collection systems.

History.—s. 8, ch. 97-236.

403.869 Authority to adopt rules.—The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of ss. 403.865-403.876.

History.—s. 9, ch. 97-236; s. 108, ch. 98-200.

403.87 Technical advisory council for water and domestic wastewater operator certification.—Within 90 days of the effective date of this act, the secretary of the department shall appoint a technical advisory council as necessary for the purposes of ss. 403.865-403.876. The technical advisory council shall meet upon the request of the chair, upon request of a majority of its members, or upon request of the secretary. Members shall provide for their own expenses. The council shall consist of not less than five persons who, collectively, are expert in domestic wastewater and drinking water treatment, facilities operation, public health, and environmental protection, including at least one licensed wastewater treatment plant operator and one licensed water treatment plant operator.

History.—s. 10, ch. 97-236.

403.871 Fees.—The department shall establish fees to be paid by persons seeking licensure or license renewal to cover the entire cost to the department of administering ss. 403.865-403.876, including, but not limited to, the costs associated with application review and examination, reexamination, licensing and renewal, renewal of an inactive license, reactivation of an inactive license, recordmaking, and recordkeeping, and the costs of ensuring compliance with ss. 403.865-

403.876. The fees for license application and license renewal shall be nonrefundable. The department shall establish fees adequate to administer and implement ss. 403.865-403.876.

(1) The application fee may not exceed \$100 and is not refundable.

(2) The renewal fee may not exceed \$100 and is not refundable.

(3) All fees collected under this section must be deposited into the Water Quality Assurance Trust Fund. The fees shall be used exclusively to implement the provisions of ss. 403.865-403.876.

History.—s. 11, ch. 97-236; s. 10, ch. 2001-270; s. 23, ch. 2015-4.

403.872 Requirements for licensure.—

(1) Any person desiring to be licensed as a water treatment plant operator, a water distribution system operator, or a domestic wastewater treatment plant operator must apply to the department to take the licensure examination.

(2) The department shall examine the qualifications of any applicant who meets the criteria established by the department for licensure, submits a completed application, and remits the required fee.

(3) The department shall license as an operator any applicant who has passed the examination and meets the other criteria established under this section.

(4) The department shall establish, by rule, the criteria for licensure, including, but not limited to, a requirement of a high school diploma or its equivalent, a training course approved by the department, and onsite operational experience.

(5) The department may also include a requirement that an operator must not be the subject of a disciplinary or enforcement action in another state at the time of application for licensure in this state.

History.—s. 12, ch. 97-236; s. 11, ch. 2001-270.

403.873 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, proof of completion of department-approved continuing education units during the current biennium, and the renewal fee, and in accordance with the other provisions of ss. 403.865-403.876.

(2) The department shall adopt a procedure for the biennial renewal of licenses, including the requirements for continuing education.

History.—s. 13, ch. 97-236; s. 21, ch. 2008-150; s. 24, ch. 2015-4.

403.874 Inactive status.—

(1) The department shall reactivate an inactive license upon receipt of the reactivation application and fee within the 2-year period immediately following the expiration date of the license. Any license not reactivated within this 2-year period shall be null and void, and an operator seeking a license thereafter must meet the training, examination, and experience requirements for the type and class or level of license sought.

(2) The department shall adopt procedures for null and void licenses and how to obtain a new license after a license has become null and void.

History.—s. 14, ch. 97-236; s. 22, ch. 2008-150; s. 25, ch. 2015-4.

403.875 Prohibitions; penalties.—

(1) A person may not:

(a) Perform the duties of an operator of a water treatment plant, water distribution system, or domestic wastewater treatment plant unless he or she is licensed under ss. 403.865-403.876.

(b) Use the name or title “water treatment plant operator,” “water distribution system operator,” “domestic wastewater treatment plant operator” or any other words, letters, abbreviations, or insignia indicating or implying that he or she is an operator, or otherwise holds himself or herself out as an operator, unless the person is the holder of a valid license issued under ss. 403.865-403.876.

(c) Present as his or her own the license of another.

(d) Knowingly give false or forged evidence to the department.

(e) Use or attempt to use a license that has been suspended, revoked, or placed on inactive or delinquent status.

(f) Employ unlicensed persons to perform the duties of an operator of a water treatment or domestic wastewater treatment plant or a water distribution system.

(g) Conceal information relative to any violation of ss. 403.865-403.876.

(2) Any person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 15, ch. 97-236; s. 12, ch. 2001-270.

403.876 Grounds for disciplinary action.—

(1) The department shall establish the grounds for taking disciplinary action, including suspending or revoking a valid license, placing a licensee on probation, refusing to issue a license, refusing to renew a license, or refusing to reactivate a license, and the imposition of an administrative fine, not to exceed \$1,000 per count or offense. The fines collected under this section shall be deposited into the Water Quality Assurance Trust Fund.

(2) The department shall conduct disciplinary proceedings in accordance with chapter 120.

(3) The department shall reissue the license of a disciplined operator when that operator has complied with all terms and conditions of the department’s final order.

History.—s. 16, ch. 97-236; s. 26, ch. 2015-4.

403.88 Classification of water and wastewater treatment facilities and facility operators.—

(1) The department shall classify water treatment plants, wastewater treatment plants, and water distribution systems by size, complexity, and level of treatment necessary to render the wastewater or source water suitable for its intended purpose in compliance with this chapter and department rules.

(2) The department shall establish the levels of certification and the staffing requirements for water treatment plant, water distribution system, and wastewater treatment plant operators certified under ss. 403.865-403.876 necessary to carry out subsection (1).

(3) A water treatment plant operator's license is also valid as a water distribution system license of the same classification or lower.

(4) The department shall adopt rules necessary to carry out this section.

History.—s. 1, ch. 98-62; s. 13, ch. 2001-270.

Jackson, Mississippi Has No Safe Tap Water for the Foreseeable Future. It's a Crisis

Decades in the Making

BY **ANISHA KOHLI**

UPDATED: SEPTEMBER 1, 2022 2:42 PM EDT | ORIGINALLY PUBLISHED: AUGUST 30, 2022 3:25 PM EDT

Some 180,000 residents in and around Jackson, Miss.—the state capital and largest city—have little or no sanitary water for the foreseeable future after the city's primary water treatment plant failed, the governor announced Monday.

“Until it is fixed, we do not have reliable running water at scale,” Mississippi Gov. Tate Reeves said Monday, in an announcement that activated the National Guard and declared a state of emergency. “The city cannot produce enough water to fight fires, to flush toilets and to meet other critical needs.”

The state health department has warned that tap water is not even safe to brush teeth with or give to pets. Jackson residents have previously been advised to boil all water before drinking for the last month.

“It’s crazy how much you underestimate the way that water makes the world go round until you don’t have it or you can’t use it,” says Maisie Brown, a community activist and organizer in Jackson.

Recent flooding, operational failures **and understaffing at the treatment plant**—and decades-long infrastructure decay, have culminated in an indefinite failure in the supply of safe tap water to Jackson water customers. The governor called it a “health threat.”

“This is a very different situation from a boil water notice, which is also a serious situation which residents of Jackson have become tragically numb to,” Reeves said at a press event on Monday. “Until it is fixed, we do not have reliable running water at scale. The city cannot produce enough water to fight fires, to flush toilets and to meet other critical needs.”

Why is Jackson, Miss. without safe drinking water?

O.B. Curtis Water Treatment Plant is the facility that serves Jackson, and it has been relying on backup pumps, which have limited water pressure, since its main pumps failed last month. The Pearl River, which runs through the city, began flooding this past weekend and damaged the already vulnerable treatment plant—causing the Jackson resident to lose most of their water pressure altogether.

The facility has had ongoing issues with understaffing that result in a significant lack of employees who are qualified to operate the plant. Part of the governor’s emergency plan will include recruiting additional qualified operators immediately, and splitting the cost of this with the city.

Reeves previously [declared a state of emergency on Saturday](#) as the Pearl River flooded due to severe storms. [Meteorologists have since reported](#) that the flooding is not as severe as it has been in recent years, but rainwater entering the reservoir contaminates the water supply and that the flood exacerbates the existing structural fragility of the

plant. The flooding is due to recede, however, damage to the plant still needs to be repaired to restore water access.

On Tuesday, President Biden declared [a state of emergency](#) in Mississippi and said that he wanted to look into longer-term federal support for Jackson. Biden also said he spoke with Jackson Mayor Chokwe Lumumba about the best way to get FEMA and the Army Corp of Engineers involved in restoring water to the city.

How long has this been happening?

Jackson has had a boil-water notice in place since July. Two weeks ago, Jackson Mayor Chokwe Lumumba said that at least one of the main O.B. Curtis pumps would be fixed by the end of that week, but that didn't happen.

Lifting a state-imposed boil-water notice entails collecting water samples from 120 sites across the city and getting two days of clear results. The city had failed this process multiple times since July because the samples were cloudy and more likely to contain disease-causing pathogens.

“This is an issue that we work on each and every day—not just when there's a boil-water notice, not just when there's low water pressure. This is something that we have gone to the highest level of government, in order to speak to,” Lumumba said at [a press event](#) earlier this month. “I have literally spoken to the president himself as to the funds that the federal government is attempting to send to the city of Jackson, and what is available.”

Jackson has struggled with safe water access [for decades](#) and has lacked the funding to implement change. Mayors and city council members have called for repairs since the 1940s, the Jackson *Clarion-Ledger* reported. In the 1970s and again in 2020, the EPA warned that the city had to get serious about updating its infrastructure to improve water quality. The [2020 report](#) highlighted lead pipes, faulty monitoring equipment and

insufficient staffing. Years of neglect have built up and in [2021 alone, the city had dozens of boil-water notices](#) due to the old, fragile water system.

“We’re facing an environmental injustice and we have been ignored. Jacksonians and people around the area have been ignored by state leadership and now they want to swoop in—all hands on deck, fixing the problem—but we’ve been asking for help for years, not even just from this administration,” Brown, the Jackson community organizer, says.

Some [researchers](#) and [columnists](#) point to “white flight” for Jackson’s failing infrastructure and a subsequent lack of taxes and state funding that instead poured into developing [neighboring predominantly white cities](#) such as Flowood and Madison. More than [82% of Jackson’s population is Black](#) and almost a quarter of residents live below the poverty line, a stark contrast to 1980 when [over half of the city’s population was white](#).

How is this affecting the community?

The city has maintained a water connection to residents but has strong guidance on boiling water before drinking or sticking to bottled water. The state health department made [a do’s and don’ts list](#) for Jackson residents, which includes not consuming water directly from the tap in any form—not even to give to pets or make ice cubes. Water should be boiled before cooking, washing dishes or brushing teeth. Residents are encouraged to conserve water and to boil it for at least three minutes.

In response to the water crisis, all Jackson public schools have shifted to virtual learning. Although unsafe drinking water has historically plagued the city with some areas experiencing far greater risk than others. The current crisis spans the whole city and all residents are taking a toll at home, at businesses and in schools.

“The water is still not drinkable, it’s not going to be drinkable anytime in the foreseeable future,” Brown says. “We can’t let this just be a trend because even after today there’s still gonna be people who can’t brush their teeth with the water that they pay for every month.”

Last week, Lumumba said that Jackson would need around \$200 million to fix the city’s water system. Mississippi currently has a statewide budget of \$75 million to improve water systems, [the Associated Press reports](#).

EXCLUSIVE: Emails reveal staffing shortage threatened to shut down water treatment plants

By [Anthony Warren](#) and [C.J. LeMaster](#)

Published: Aug. 18, 2022 at 6:43 PM EDT

JACKSON, Miss. (WLBT) - If one email best encapsulates the staffing crisis at Jackson’s water treatment plants, it’s one from Mary Carter back in May.

At the time, the city’s chief water official said she could no longer fulfill her duties as deputy director of water operations while having to fill in as an operator at the O.B. Curtis Water Treatment Plant.

“At this point, I am just worn down,” she wrote to Public Works Director Marlin King. “I hope that somehow you understand.”

Carter’s email is one of dozens of documents the city recently submitted to the Environmental Protection Agency in regard to staffing issues at its plants.

EPA requested the information in late June, amid yet another Jackson water crisis.

The documents paint a stark picture, showing that the Curtis plant, which provides water to some 43,000 connections, has just two Class A-certified water operators on the payroll, one-sixth the number it needs to be fully staffed.

A November 2021 email from then-City Engineer Charles Williams said that the shortages were so bad that if one more water operator left, the city would have to shut down one of its plants.

Meanwhile, timesheets for June 2022 show that water operators at the J.H. Fewell plant logged hundreds of hours of overtime to ensure a Class A operator was on duty at all times, a requirement under federal law.

Jackson must have a Class A-certified worker on duty at each plant 24 hours a day, seven days a week, per the Safe Drinking Water Act. These workers are mandated for all “systems with surface water treatment, lime softening or coagulation and filtration for the removal of constituents other than iron or manganese,” [according to operator regulations provided by the Mississippi Secretary of State’s Office.](#)

Emails reveal that for about six months in 2021, Carter herself also put in massive amounts of overtime to ensure plant coverage.

“I worked 24 to 36 hours at OBC every Saturday and Sunday,” she wrote. “I don’t want us in the news for a notice of violation from USEPA for not having a Class A operator on site at all times.”

Carter said employees are worn out by putting in the extra hours but are “dedicated to their jobs.”

“They want to make sure that they’re putting out good water for our citizens, you know because they live here,” she said. “These are their relatives, so, they want to do all they can to make sure that the city delivers clean drinking water.”

Carter’s correspondence also reveals another, more troubling fact. Carter asked Public Works Director Marlin King multiple times for a “water/sewer loader,” a document that includes information on all positions currently filled, open and frozen.

She said she needed the information so she could “devise a plan” to bring on a part-time water operator to provide relief.

More than a month after asking for that document, though, she had still not received it, and as of August 18, no worker has been hired.

“Never has a PW director forbade a deputy director from receiving an employee loader,” she told King. “It appears you don’t understand the urgency of this situation.”

Ward 7 Councilwoman Virgi Lindsay first read the email when she was provided a copy by 3 On Your Side. “I’m about to cry,” she said. “I mean, that is unbelievable.”

We also shared the email with King, who said he instructed Carter to get in touch with LaSaundra Johnson, one of the department’s training coordinators, who would handle the hiring.

King said he moved personnel responsibilities under the training coordinator to ensure that no employees were given preferential treatment.

“I think traditionally, a lot of managers have worked off the loaders. And, as I’ve worked through the department and met with other divisions, a lot of their concern was that people sometimes got preferential treatment in terms of raises,” he said. “And so, we wanted an independent body, like LaSaundra, to work with every division to make sure that as we get salary adjustments that everybody in those divisions are accounted for.”

Carter says that as a deputy director, she should be privy to employee loaders and that she already could have had the part-time worker in place had she been given the information. “Since he has taken over as director, he doesn’t want the deputies to look at loaders or anything. And so it makes it hard to even figure out what’s available,” she said. “Ms. Johnson is supposed to be the training coordinator, but the only thing she did was get in contact with personnel, and personnel told her [the position] wasn’t available.”

June timesheets show that Fewell has six water operators, five of whom are certified Class A. Curtis has 10 operators, but only two with active Class A certifications. Two others workers at Curtis previously had the certifications, but let them lapse.

Carter said those two operators are working to get their certifications renewed. “Because they had been out so long, they lost their license. Now they’re working to get their license back,” she said. “Whenever they take their test and pass, then we will have at least two [more] at O.B. Curtis.”

Ideally, the city could have at least 12 certified operators on the payroll at both plants. The positions are needed to ensure 24-hour-a-day coverage and to ensure there is enough personnel to fill in when workers take vacation days or call in sick.

Now, though, employees are having to work hundreds of hours of overtime to ensure full coverage. Between June 1 and July 25, three employees put in more than 200 hours of overtime, while four others logged more than 100 extra hours on the clock, according to timesheets.

One worker, James Jackson, worked 295.53 hours overtime, or an additional 36.9 hours a week on top of his normal 40-hour schedule.

On June 15 and 16, an operator at the Curtis plant, Vincent Thomas Jr., worked more than 22 hours straight before taking 12 hours off and returning for another 12-hour shift.

“I think that’s one of the reasons why it’s hard to attract [workers] to the city of Jackson,” Lindsay said. “That’s abusive. And I regret that I did not know that.”

Even with the overtime, a 3 On Your Side analysis of timesheets sent to the EPA -- plotted like events on a calendar -- show that in June, there were approximately 153 hours where no Class A operator was on duty at Curtis.

King said gaps in coverage were likely filled by Carter, who is not required to clock in. “So, yeah, that’s not a situation where you can just look at timesheets, because again, she does not have to clock in.”

We asked if the EPA would get the impression that the plant was not staffed during those hours. King said that is something that could be easily explained if the city was questioned.

Carter, who told King just weeks earlier that she was worn down, said she likely did not work all those hours. “Maybe not all of those times,” she said.

King later backtracked on claims a Class A worker was on duty at those times. “I would like to think so. But going back to that time, I can’t speak to it. I know at that time, our focus was, ‘we were under a boil water notice. We were trying to get it lifted,’” he said. “I just can’t speak to what was happening there other than day-to-day. It was ‘what do we need to do so we can get that boil water notice lifted?’”

PART TWO: Records leaked to 3OYS show pattern of federal noncompliance with Jackson water plants

Staffing has been a problem at the city’s treatment plants for years, and the city has struggled to address it. At one point, Jackson considered setting up a mobile home at the plant to ensure a Class A worker was on the site 24/7.

In November, the city council approved across-the-board pay raises for operators, with the lowest-paid operator receiving at least \$8,000 more annually.

Jackson Mayor Chokwe Antar Lumumba said the city has made no secret of its staffing problems, alluding to the issue at a press conference on August 1.

That press conference came just days after the Mississippi State Department of Health issued a boil water notice for all customers on the surface water system.

“We have said that our plant is in a fragile state, and we have recognized our staffing challenges within this plant,” Lumumba said. “The staffing challenges become more pronounced when you have a plant that is as aged and has the challenges that ours has.”

Curtis, which is located in Ridgeland next to the Barnett Reservoir, was constructed in the late 1980s or early 1990s and was expanded in 1997. Today, it has the capacity to treat about 50 million gallons of water daily.

In recent years, the plant has been plagued with challenges. [In February 2021, plant operations were crippled after two winter storms ripped across the region, bringing in days of below-freezing temperatures.](#) As a result, thousands of customers were without water for weeks.

[After that, in April 2021, the plant was taken offline for a short time after an electrical fire broke out there.](#) This year, on June 21, the city issued a water conservation advisory after additional equipment failures at the plant. That advisory was followed by a boil water notice on June 24.

Amid that crisis, on June 30, EPA sent a demand letter to Jackson seeking all communications on staffing, staffing shortages, and plans to fill open positions at the plants. The feds also sought information on whether any current positions were filled with contractors, whether there were any unpaid invoices related to those contracts, and timesheets for hours worked by all employees.

EPA officials outlined the problems at a city council committee meeting on Wednesday. “A number of these... especially the ongoing problems, the water production problems and the low volume in the elevated storage tanks... We feel that these are symptomatic of low staffing levels,” said Carol Kemker, director of the agency’s Enforcement and Compliance Assurance Division for Region 4.

Jackson was required to respond to EPA’s request in seven days, or face daily fines. The city did not fulfill the request until July 22.

Among emails, in November 2021, Charles Williams sent one to the administration informing them that Jackson could be headed for another crisis if it didn’t boost staffing levels.

“We currently have one senior licensed water operator and one part-time licensed operator at our main water treatment plant facility (Curtis)... We have five licensed water operators at J.H. Fewell... Four who are in operations and one who is the maintenance supervisor... We are about to lose one of the four operators to another job paying more money and [offering] a better working schedule,” he wrote. “If we lose any additional operators at either plant, a shutdown is unavoidable. We are in an emergency crisis.”

The email was sent to officials just two days before the council approved pay raises. Council President Ashby Foote said he was unaware of how “perilous” the staffing situation was.

“I wish we, the city council, had been informed of that because we certainly would have been interested in making sure that the operation of the plant was protected and comfortably operating without any threats of losing personnel,” he said. “It’s a shame we weren’t better informed.”

Foote was unsure why staffing numbers hadn’t improved since the raise was implemented, but said the council would do whatever is necessary to fill vacancies.

“Certainly, it begs for more exploration as to why they didn’t hire additional people,” the councilman said. “And I don’t know whether that’s an HR problem or what, but you know, we’ve got serious issues in a number of departments. And this is certainly the most important one right now because we’re really affecting the quality of life of our citizens across the city.”

Raises aside, the administration's efforts to fill positions have been equally unsuccessful. On the advice of EPA, Lumumba said the city entered into a mutual aid agreement with the Mississippi Rural Water Association to provide an operations consultant to the city.

However, according to Jackson's EPA response, "the operations consultant, while licensed, had no experience with the operation of a plant using membrane filtration. Consequently, he was not able to provide any shift relief for the Class A operators at the O.B. Curtis plant."

[Curtis treats water two ways, through conventional and membrane filtration methods.](#) On the conventional side, water is brought in from the reservoir and is allowed to settle in a large basin before it is chemically treated and sent into the distribution system. On the membrane side, raw water is diverted past the conventional basin and pushed through membrane filters as part of the treatment process.

"We were optimistic about five water professionals that were coming from Florida... to help augment some of these challenges. And on the eve of them arriving in Jackson, they sent us a memo, saying, 'hey, listen. We can't come, because we have the same staffing... challenges as well.'" Lumumba said.

"That is the type of challenge that we find ourselves in, where we follow the suggestion and recommendation of those that are tasked with the responsibility of oversight, but sometimes they don't... yield the results that we would like to see."

The council is now pushing the mayor into bringing on a private firm to manage the plant. [At its meeting Tuesday, members passed a resolution urging the mayor to bring on a firm as expediently as possible.](#)

Public Works is also stepping up efforts. King says his department is working to bring in retired and part-time workers to help alleviate shortages currently. He also wants to work with local colleges and high schools to recruit workers.

"I've spoken with one of our retirees, who is still very active with us, and she talked about programs we used to do in terms of... getting out to the high schools to meet with a lot of those kids - kids that may not want to go to college, kids that don't want to join the military, but they don't necessarily want to take a minimum wage job - to talk about a career in water," he said. "That's where we want to focus, that is to build up a pipeline," King said. "So, right now, we have to do what we need to do in terms of staffing up, but the only way that we can really make this thing sustainable is we have to get more people interested in careers in water."



Enterprise Fund Transfers

- 26 (1) As used in this section, the term:
- 27 (a) "Administering agency" means the governmental agency
 28 or entity charged in any category of the General Appropriations
 29 Act with administering or disbursing an appropriation.
- 30 (b) "General governmental functions" means all the
 31 services, other than provision of utility services, provided by
 32 a grantee. However, for the purposes of this section, the term
 33 does not include administrative and support services provided by
 34 the grantee to a government-owned utility under an approved cost
 35 allocation plan.
- 36 (c) "Government-owned utility" means any electric, water,
 37 stormwater, or wastewater utility system owned by a
 38 municipality, a county, a rural electric cooperative, or a
 39 special district created to own and operate a government-owned
 40 utility.
- 41 (d) "Grantee" means a county, a municipality, a rural
 42 electric cooperative, or a special district created to own and
 43 operate a government-owned utility, which applies for funds
 44 appropriated by the Legislature in the General Appropriations
 45 Act.
- 46 (e) "Infrastructure project" means a project related to
 47 coastal resiliency, flood control, stormwater management,
 48 wastewater management, water supply, or power generation,
 49 including the construction, renovation, maintenance, operations
 50 or repair of building or facility, fixtures and equipment.

51 (2) An administering agency may not disburse funds from
 52 any category of the General Appropriations Act related to
 53 infrastructure projects to a grantee if the grantee uses any
 54 revenues collected in providing utility services to finance the
 55 grantee's general governmental functions or to lend money to
 56 finance the grantee's general governmental functions. To be
 57 eligible for a disbursement of an appropriation or a grant by an
 58 administering agency, the grantee must use the revenues of the
 59 government-owned utility exclusively for construction,
 60 operations, maintenance, and administrative costs directly
 61 associated with providing utility services to its customers.

62 Section 2. Subsection (3) is added to section 373.501,
 63 Florida Statutes, to read:

64 373.501 Appropriation of funds to water management
 65 districts; appropriation of funds from water management
 66 districts.-

67 (3) A water management district may not appropriate or
 68 disburse funds to a grantee from any source for any water-
 69 related project, including, but not limited to, a coastal
 70 resiliency, flood control, stormwater management, wastewater
 71 management, or water supply project, if the recipient uses
 72 revenues it collects in providing utility services to finance
 73 the grantee's general governmental functions or to lend money to
 74 finance the grantee's general governmental functions, as defined
 75 in s. 216.3492(1)(b). A potential grantee may not seek funds if

76 any of the revenues it collects in providing utility services
 77 are transferred to another fund to finance the grantee's general
 78 governmental functions or if the revenues collected are used to
 79 provide loans to finance its general governmental functions. For
 80 purposes of this subsection, the term "grantee" means a county
 81 or municipality that provides water, stormwater, or wastewater
 82 services, or a special district created to own and operate a
 83 utility that provides water, stormwater, or wastewater services.

84 Section 3. Subsection (1) of section 403.885, Florida
 85 Statutes, is amended to read:

86 403.885 Water Projects Grant Program.—

87 (1) The Department of Environmental Protection shall
 88 administer a grant program to use funds appropriated by the
 89 Legislature for water quality improvement, stormwater
 90 management, wastewater management, and water restoration and
 91 other water projects as specifically appropriated by the
 92 Legislature. Eligible recipients of such grants include
 93 counties, municipalities, water management districts, and
 94 special districts that have legal responsibilities for water
 95 quality improvement, water management, stormwater management,
 96 wastewater management, lake and river water restoration
 97 projects, and drinking water projects pursuant to this section.
 98 To be eligible for grant funding, a recipient of grant funds
 99 must verify to the department that it will use the revenues
 100 received exclusively for construction, operations, maintenance

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101 or administrative costs directly associated with providing
102 utility services to its customers. A recipient may not apply for
103 grant funding if any of the revenues it collects from providing
104 utility services are transferred to any other fund to finance
105 the recipient's general governmental functions, as defined in s.
106 216.3492(1)(b), or if the revenues collected are used to lend
107 funds to finance the recipient's general governmental functions.

108 Section 4. This act shall take effect July 1, 2022.



Committee Discussion

DRAFT POLICY PROPOSALS FOR DISCUSSION

The Florida League of Cities Supports:

1. Legislation establishing a dedicated, recurring funding mechanism for assessment and remediation of PFAS contamination in soil, groundwater, and surface water. In addition, legislation should specify that assessment and remediation of PFAS be conducted pursuant to risk-based corrective action strategies that categorize and remediate sites based on the relative risk to human health.
2. Legislation creating a statewide coordinated planning and prioritization approach for water resource investments modeled on the Florida Transportation Commission.
3. Legislation supporting One Water.....
4. Legislation to help address severe workforce shortages in municipal water and wastewater facilities by: 1) defining water plant operators as critical and essential workers; 2) reciprocity with other states for licensure of plant operators; 3) allowing credit towards licensure for military experience and time served performing similar functions; providing flexibility for water plants to use retired or out of state operators in emergencies.
5. Other?????



Key Dates



2022 - 2023 Key Legislative Dates

September

16 FLC Legislative Policy Committee Meetings (Round 1), Embassy Suites Lake Buena Vista South, Kissimmee, FL

October

7 FLC Legislative Policy Committee Meetings (Round 2), Embassy Suites Lake Buena Vista South, Kissimmee, FL

November

8 Florida's General Election

30 – December 2 FLC Legislative Conference, Embassy Suites Lake Buena Vista South, Kissimmee, FL (Legislative Policy Committees meet December 1)

16-19 NLC City Summit, Kansas City, MO

March

7 Regular Legislative Session Convenes

26-28 NLC Congressional City Conference, Washington, D.C.

April

4-5 FLC Legislative Action Days, Tallahassee, FL

May

5 Last Day of Regular Legislative Session



Home Rule Hero Criteria

Do you want to become a **HOME RULE HERO?**

AS THE ADAGE GOES, "ALL POLITICS IS LOCAL." Successful advocacy starts at home, not in Tallahassee. No one – not even a professional lobbyist – can tell your community's story better than you. Your involvement helps the League's legislative team turn the abstract into concrete. It is essential to help legislators understand how their decisions may impact their communities back home.

The League appreciates the individual advocacy efforts undertaken by municipal officials throughout the state. Each year, there are some League members who make an extraordinary effort; people who stand out for their high level of participation and effectiveness. The Home Rule Hero Award was created to acknowledge and thank them for their efforts. Hundreds of municipal officials have been recognized as "Home Rule Heroes" since the award's inception in 2009, and we thank you!

Home Rule Hero Award recipients are selected by the League's legislative team following each legislative session.

For the award, the most important criteria are timely responses and actions to FLC's Legislative Alerts, and notifying FLC staff of communications with your legislators.

Other exceptional efforts are:

- Attending the Florida League of Cities' Legislative Action Days in Tallahassee and Legislative Conference.
- Testifying before a House or Senate committee on an FLC priority issue, when a call to action has been sent out.
- Participating in FLC's Monday Morning "Call-ins" during session and on FLC's pre-and post-legislative session webinars.
- Participating in FLC's Legislator "Key Contact" program.
- Meeting legislators in their districts or in Tallahassee.
- Responding to FLC requests for information and data about how proposed legislation will specifically impact your city (telling your city's "story").
- Speaking at local legislative delegation meetings to discuss FLC municipal issues.
- Setting up opportunities for legislators and their staff to attend a city council meeting or special event; tour a park, project or facility; and attend a local league meeting.
- Serving on a FLC legislative policy committee.
- Participating in a Federal Action Strike Team fly-in to Washington, D.C.
- During an election year, providing opportunities for candidates for legislative offices to learn about your city and its issues, and introducing candidates to key city stakeholders or those in your professional network.

For more information on these activities and ways to step up your advocacy game, please contact Allison Payne at apayne@flcities.com.





Notes

