

**Board Approved: February 2, 2018**

**PEACE RIVER MANASOTA REGIONAL WATER SUPPLY AUTHORITY  
STATEMENT OF ORGANIZATION AND OPERATION**

This statement is issued and maintained under the authority of Section 120.54, Florida Statutes (“F.S.”), and Chapter 28-101, Florida Administrative Code (“F.A.C.”).

**I. Agency Description**

The Peace River Manasota Regional Water Supply Authority (“Authority”) is a regional water supply authority whose primary function is to ensure future water supply and the development, recovery, storing and supplying of water resources for county or municipal purposes in such a manner as will give priority to encouraging conservation and adverse environmental effects of excessive or improper withdrawals of water from concentrated areas. It is an independent special district authorized by Section 373.1962, F.S., as subsequently reenacted in Section 373.713, F.S., and created by an interlocal agreement executed pursuant to Section 163.01, F.S., in 1982. The Authority is currently operating pursuant to the Second Amended Interlocal Agreement Creating the Peace River Manasota Regional Water Supply Authority dated October 5, 2005 and executed by Charlotte County, DeSoto County, Manatee County, and Sarasota County (“Second Amended Interlocal Agreement”).

The Authority’s boundaries consist of all of DeSoto County, Manatee County, and Sarasota County, and those parts of Charlotte County which are under the jurisdiction of the Southwest Florida Water Management District, pursuant to Section 373.069(1)(d), F.S.

**II. Statutes and Rules Affecting Agency Operations**

Pursuant to Section 373.713, F.S., and Section 163.01, F.S., the Authority has the responsibility for developing, storing, and supplying water for county and municipal purposes in such a manner as will give priority to reducing adverse environmental effects of excessive or improper withdrawals from concentrated areas. In carrying out its responsibility, the Authority is specially affected by Chapters 373 and 403, F.S., and Chapters 40D and 60, F.A.C.

In addition, and pursuant to Section 163.01, F.S., the Second Amended Interlocal Agreement grants the Authority rulemaking power necessary to perform its intended functions. The Authority also has the authority to adopt and enforce rules pertaining to

the use, acquisition, maintenance, development, operation, or disposal of any of the Authority's services, facilities, or projects.

The Authority does not have any existing rules and currently has no expectation to adopt rules. Because it does not have any existing rules, it does not grant variances or waivers. The Authority currently does not grant or issue licenses, permits, or other certifications.

### **III. Agency Head**

The Board of Directors ("Board") of the Authority is the agency head. In accordance with the Second Amended Interlocal Agreement, Charlotte County, DeSoto County, Manatee County, and Sarasota County each appoint one member to the Board, who must be a member of the appointing county's Board of County Commissioners. Each representative is appointed by and serves at the pleasure of the appointing county's Board of County Commissioners. The Board meets on the first Wednesday of every other month, unless otherwise announced. The Board's officers consist of a chairman and a vice chairman, each of whom shall serve for a term of a one year, or until their respective successor is elected and qualified. The Board is vested with all the powers of the Authority.

### **IV. Agency Organization**

The Board has delegated the day-to-day activities of the Authority to the Executive Director, while retaining and exercising its general supervisory authority. The Authority's staff is composed of employees needed to operate and maintain the Authority's facilities, and administrative staff needed to support operations, planning, design, and construction of water supply facilities. The internal structure of the staff is periodically reviewed and updated by the Executive Director and presented graphically on an organizational chart. The Authority carries out its responsibilities through the Executive Director, who is the chief executive staff officer of the Authority and serves at the pleasure of the Board. The Executive Director oversees all departments of the Authority and exercises those powers and duties delegated by the Board, including to hire or terminate the employment of any employee; to secure services, labor, or material pursuant to the Procurement Policy; to prepare proposed budgets; to advise the Board on budget matters; to keep correct minutes and records of Board meetings; to prepare agendas; and to represent the Authority at public meetings.

The organizational structure of the Authority staff provides a focus on the core competencies to achieve the mission of the Authority: Water Resources, Facilities, and Finance/Administration.

### Water Resources Department

This department is headed by the Deputy Director. The Water Resources Department is responsible for planning, managing, and implementing Capital Improvement Projects including the construction and modification of new water supply facilities and the modification of existing facilities, including surface water treatment capacity expansions, ASR wellfield expansions, water transmission mains, and the offline raw water storage reservoir. The Water Resources Department is responsible for monitoring, analyzing and evaluating hydrologic and environmental conditions in, and around, Authority facilities, obtaining environmental permits and implementing regulatory requirements, monitoring and managing reservoir and ASR conditions, coordinating with facilities operation to minimize environmental impacts, identifying environmental concerns associated with water supply projects and developing mitigation programs to minimize impacts and managing agency computer software and hardware, networking infrastructure and database applications.

### Facilities Department

This office is headed by the System Operations Manager, who provides supervisory oversight for the operation of the Authority's facilities. This department is responsible for the day-to-day operation and maintenance of Authority infrastructure, including utility operations, process control, water quality, regulatory compliance, and project management. The department oversees start-up, testing, operation and maintenance of all facilities and equipment used to produce, treat and deliver water to the Authority's customers.

### Finance/Administration Department

This division is headed by the Finance/Administration Manager, who is responsible for providing staff support in the areas of finance, human resources, information services, and Board records. The division manages the finance of new and existing water supply facilities, budgeting, accounting, financial reporting, accounts payable and receivable, payroll, debt management, records retention, telecommunications, and employee relations/human resources. Outside professional accountants may assist the department in keeping the Authority's financial records, preparing its financial statements and reports, and in preparing its proposed budgets and the annual financial

audit. Additional functions carried out by personnel located in the department include the recordation of board minutes; preparation of all necessary notices and agendas, scheduling of workshops and meetings; oversight of all consultants; certification of the authenticity of documents; and filing of all final agency decisions and notices of appeal.

### General Counsel

The General Counsel is the chief legal officer of the Authority, and serves at the pleasure of the Board. The General Counsel provides legal advice and support to the Board and the Executive Director.

### V. Authority Location and Office Hours

The Authority is open for business Monday through Friday, from 8 a.m. to 5 p.m., except for recognized holidays, and closings as directed by the Executive Director. The Authority's administrative offices are located at 9415 Town Center Parkway, Lakewood Ranch, Florida 34202.

### VI. Public Information and Inspection of Records

The following provisions explain how to view and copy public information and records maintained by the Authority. A public records request may be submitted directly to the Agency Clerk at: 9415 Town Center Parkway, Lakewood Ranch, Florida 34202; (941) 316-1776 Telephone; (941) 316-1772 Facsimile; or [peaceriver@regionalwater.org](mailto:peaceriver@regionalwater.org).

All public records, as defined by Section 119.011(1), F.S., maintained by the Authority and not otherwise exempt by law may be copied or inspected at reasonable times and under reasonable conditions. Any member of the public wishing to inspect and copy Authority public records may contact the Agency Clerk. Upon receipt of a public records request, the Agency Clerk will determine the location and supervise the compilation of the records. **Inspection and copying of Authority public records must be done at its office.** All records will be provided in the form of media in which they are maintained (e.g., paper, computer files, video tapes, audio tapes) and Authority duplication of the records will be in the same media.

Any person requesting to copy public records may bring their own means of duplication (e.g., computer drives and photocopier) to the Authority to duplicate the records. Otherwise, there are charges for duplication of Authority records, as prescribed by the Authority's public records policy. A copy of this policy may also be obtained by contacting the Agency Clerk. Fees may be paid by cash, check, or money order. All

fees must be paid in advance before the requested copies will be released to the requester.

As prescribed by Section 119.07(1)(b), F.S., when the nature or volume of requested records requires extensive clerical or supervisory assistance by Authority personnel, or extensive use of information technology resources, the Authority may charge, in addition to the actual cost of duplication, a reasonable charged based on the cost incurred by the District in providing the service.

## **VII. Agency Clerk and Official Reporter**

### **(1) Agency Clerk**

The Authority's Agency Clerk is Rachel Kersten. Any person may contact the Agency Clerk at: 9415 Town Center Parkway, Lakewood Ranch, Florida 34202; (941) 316-1776 Telephone; (941) 316-1772 Facsimile; or [peaceriver@regionalwater.org](mailto:peaceriver@regionalwater.org). The Agency Clerk is the records management liaison officer for the purposes of Section 257.36(5)(a), F.S. The Agency Clerk also oversees the maintenance of official files of record. The Agency Clerk has the responsibility for filing and recording the date of all final agency decisions and orders pursuant to Section 120.53, F.S. The Agency Clerk's duties include, but are not limited to, the following:

- (a) Dating and filing all orders entered by the Board or Executive Director;
- (b) Forwarding copies of all orders rendered after a proceeding affecting substantial interests to the Authority's official reporter;
- (c) Acting as the "Clerk of the Lower Tribunal" for purposes of the Florida Rules of Appellate Procedure;
- (d) Receiving and filing the original of any pleading (filing of legal documents) received by the Authority;
- (e) Transmitting all necessary files to the Division of Administrative Hearings ("DOAH") upon referral of a matter to DOAH; and
- (f) Performing such other duties as may be authorized by the Board or Executive Director.

### **(2) Filing of Legal Documents and Pleadings**

Legal documents and pleadings to be filed with the Authority may be filed by hand delivery, U.S. Mail or other delivery service and sent or delivered to the Agency Clerk at 9415 Town Center Parkway, Lakewood Ranch, Florida, 34202, or by facsimile transmission to (941) 316-1772. The following documents may be filed by email at [peaceriver@regionalwater.org](mailto:peaceriver@regionalwater.org):

- (a) Requests for extension of time to file a petition for administrative hearing and responses thereto;
- (b) Petitions for administrative hearing;
- (c) Motions to dismiss or strike petitions for administrative hearing and responses thereto;
- (d) Exceptions and other documents filed by parties to an administrative hearing after issuance of a recommended order, but prior to rendering of the final order; and
- (e) Notices of protest (or formal protest) of procurement solicitations or awards.

The documents identified above that may be filed by email are subject to the following conditions:

- (a) A party who filed the document via email is thereby representing that the original physically signed document will be retained by that party for the duration of the proceeding and any subsequent appeal or other proceeding in that cause, and that the party will produce it upon the request of any other party.
- (b) A party who elects to file a document by email is responsible for any delay, disruption, or interruption of the electronic signals and readability of the document, and accepts the full risk that the document may not be properly filed with the Agency Clerk as a result. In addition, a party who files a document by email accepts full risk that the Authority's email filters may prevent their email from being received. A party may contact the Agency Clerk at (941) 316-1776 to verify that the Authority has received a document filed by email. Additionally, a party may send a written request to the Agency Clerk at 9415 Town Center Parkway, Lakewood Ranch, Florida 34202, requesting that his/her email address be added to the Authority's list of "safe senders" before emailing a document.
- (c) The filing date for a document filed by email shall be the date the Agency Clerk receives the complete document. A document filed by email will not be considered complete until it is received by the Authority in a manner capable of being stored and printed by the Authority. Emailed documents received after 5 p.m. shall be filed as of 8 a.m. on the next regular business day.
- (d) Emailed documents must be in PDF format.
- (e) If a document filed by email is required by rule to be accompanied by one or more copies, copies of the original filing must be filed by hand delivery or US mail within five (5) days after the filing date of the email.
- (f) Email filing procedures do not vary bond filing requirements. For example, if a bond must be filed along with a formal procurement protest and the procurement protest document is filed electronically, the protest bond must

still be physically filed with the Agency Clerk within the time period for filing a formal procurement protest as required by Chapters 120 and 287, F.S., Chapter 28, F.A.C., and the Authority's policies.

Any document received by the Agency Clerk after 5 p.m. shall be filed as of 8 a.m. on the next regular business day. If transmission of a facsimile-transmitted document is begun prior to 5 p.m. but is not complete until after 5 p.m., the document shall be considered as received after 5 p.m.

### (3) Final Orders and Official Reporter

The Authority designates the Florida Administrative Law Reports, Inc., publishers of the Florida Administrative Law Reports, as its official reporter for the purpose of publishing and indexing by subject matter all Authority orders rendered after a proceeding has been held which affects substantial interests. The Agency Clerk maintains the official reporter and the subject matter index pursuant to the retention schedule approved by the Department of State, Division of Library and Informational Services. All final orders of the Authority and the subject matter index of these final orders are available for public inspection and copying. The Agency Clerk will assist the general public in using the Authority's subject matter index and locating Authority final orders.

### (4) Variances and Waivers

The Authority currently does not have any rules, and thus does not have any rules that may require variances or waivers.