BOARD POLICY – SECTION NUMBER: 03.03.09.00

SUBJECT: GUIDELINES FOR ENSURING CITIZEN INVOLVEMENT IN TAMPA BAY WATER PROJECTS PROPOSED IN HILLSBOROUGH COUNTY

EFFECTIVE DATE: June 17, 2009

SUPERSEDES: 03.03.09.00 (June 24, 1998)

PURPOSE:

On June 10, 1998, the Member Governments of the West Coast Regional Water Supply Authority (“Authority”) executed the Amended and Restated Interlocal Agreement (“Interlocal Agreement”) and various agreements which reorganize the Authority. Upon reorganization, the Authority’s name was changed to Tampa Bay Water (“TBW”). Under the approved Interlocal Agreement, Hillsborough County foregoes its Florida Statutes Chapter 120 legal rights in matters pertaining to TBW Primary Environmental Permit applications as defined in the Interlocal Agreement (including, but not limited to, applications by TBW for Water Use Permits and Environmental Resource Permits), and agrees to utilize the binding arbitration process outlined in the Interlocal Agreement. The arbitration process requires Hillsborough County to express its concerns and disagreements to a proposed TBW Primary Environmental Permit very early in the process.

The following policy establishes the guidelines and outlines the procedure to be utilized by the County to maximize the opportunities for citizens to be informed and to be heard by the Board of County Commissioners (BOCC) prior to the County’s decision of whether to arbitrate. It is the intent of the BOCC that all final decisions regarding whether or not to arbitrate a TBW Primary Environmental Permit application shall be made by the BOCC. However, it is also recognized that many TBW Primary Environmental Permit applications involve negligible impacts and do not justify the additional costs associated with a public hearing.

POLICY:

1. It is the intent of the BOCC that potentially affected citizens within Hillsborough County be provided all reasonable access to technical information regarding a proposed TBW project within Hillsborough County.
2. It is further the intent that potentially affected citizens within Hillsborough County be provided this information in a time frame sufficient to allow their review and comment prior to the BOCC’s decision of whether to initiate binding arbitration pursuant to Sections 3.13 and 3.16 of the Interlocal Agreement.

3. The BOCC will hold a public hearing on every proposed TBW Water Use Permit application, Individual Environmental Resource Permit application impacting more than one acre of wetlands, or Wellfield Operations Plan or other Water Production Optimization Plan, which is for facilities located in Hillsborough County and which meets the definition of a Primary Environmental Permit. The public hearing shall be held prior to the deadline by which the BOCC must decide whether to initiate binding arbitration. In addition, any TBW Primary Environmental Permit application which includes a recommendation by County staff to initiate arbitration shall be set for public hearing.

4. All other recommendations by County staff regarding TBW Primary Environmental Permit applications shall be presented on the BOCC’s Consent Agenda, except that a public hearing may be set for any other TBW Primary Environmental Permit application which involves significant environmental or other impacts or may otherwise be of wide public interest, in the discretion of the County Administrator.

RESPONSIBILITY:

It is the responsibility of the County Administrator’s Office to implement this policy.

Approved by: Board of County Commissioners

Approval Date: June 17, 2009