



TO: Commissioner Charlie Justice, Chair-Elect

FROM: Jewel White, County Attorney *JW*

SUBJECT: Appointment of County Commissioner to Pinellas Park Water Management District

DATE: November 17, 2021

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The Pinellas Park Water Management District (District) was created by special act of the Florida Legislature in 1975 and has operated as an independent special district since that time. Its special act was amended from time to time over the years and ultimately recodified in 2001. See, Laws of Florida, ch. 2001-325. The District's boundaries are defined by the special act and encompass the City of Pinellas Park, as well as surrounding unincorporated territory located within the boundaries. Though not clearly articulated within the special act, the purpose of the District is to manage stormwater drainage within its boundaries and, to that end, it has been granted broad authority. Its powers and duties include, but are not limited to: owning and maintaining storm drainage facilities, exercising eminent domain, and levying and collecting ad valorem taxes not to exceed 3 mills.

The special act specifically provides that the budget of the District is not subject to approval by the Board of County Commissioners, which is consistent with its status as an independent special district. However, the County Commission does have the authority to appoint one of the three members of the governing body of the District and did so most recently in advance of the term beginning January 1, 2021. The County Commission's appointment is Michael Farrell, who appears to have served uninterrupted since 1986. He will continue to serve until January 1, 2024, or until a qualified successor is appointed.

It appears to have been the County Commission's tradition to "appoint" a County Commissioner to the District in addition to the citizen appointment referenced above, though such appointment is not contemplated by the special act. While a County Commissioner may serve as the County's official appointment to the District's governing body, Mr. Farrell has been the duly appointed member for many years. As such, the County Commissioner "appointment" has largely served in a liaison capacity over the years. To the extent a liaison is needed between the District and the County, that role is being performed by appropriate County staff. Therefore, I recommend the Board of County Commissioners cease appointing any County Commissioner to the District, unless it does so as the County's official appointment. If the County Commission wishes to consider this as an alternative, it should do so at the expiration of Mr. Farrell's term.