

Florida Governmental Utility Authority

Board of Directors Meeting Minutes

Thursday, December 15, 2022
WebEx Video Conference

Board Members Present

Pam Keyes, Chair, Lee County
Ken Cheek, Citrus County
David Allen, Pasco County
Tamara Richardson, Vice Chair, Polk County
Shane Parker, Vice Chair, Hendry County
Jody Kirkman, Marion County
Heidi Petito, Flagler County

Staff Present

Rob Dickson, FGUA Capital Program Manager, GSG
William Fontaine, FGUA Operations Manager, GSG
Matt Rihs, FGUA Community Services Manager, GSG
Gene Adams, FGUA General Counsel, Pennington
Dana Collier, FGUA IT Manager, GSG
Kristen Mollenkopf, FGUA West Area Community Services Supervisor, GSG
John Nieves, FGUA Central Area Community Services Representative
Donna Lizotte, FGUA South Area Community Services Representative
Mike Sweet, FGUA West Region Area Manager, GSG
Mike Currier, FGUA South Region Area Manager, GSG
John Worrell, FGUA Central Region Area Manager
Heather Rafferty, GIS Coordinator, GSG
Lauren Duckworth, FGUA Board Clerk
Heather Encinosa, Utility Counsel, NG&N
Mickey Joseph, Chief Financial Officer, FGUA
Paul Arnett, Development Services Coordinator, GSG
Scott Towler, FGUA Assistant System Manager, GSG

Guests Present

Lina Quintero, U.S. Water Services Corporation
Chris Saliba, U.S. Water Services Corporation
Gary Deremer, U.S. Water Services Corporation
Mark Tuma, Raftelis
Rob Ori, Raftelis
Ray Sanchez, Flagler County Resident
Jane Gentile Youd, Flagler County Resident

Call to Order

Ms. Pam Keyes called the meeting to order at 1:02 p.m.

Invocation

Ms. Pam Keyes provided the invocation.

Pledge of Allegiance

Ms. Pam Keyes led the assembly in the Pledge of Allegiance to the flag.

Public Comment

Ms. Pam Keyes asked if there were any general comments not on the agenda and Ms. Jane Gentile Youd stated she had a question about the facilities. Mr. Steve Spratt asked that she continue to speak. She began by stating her concerns were separate from the rate increase. She viewed the bulletins posted regarding FRP10- Plantation Bay Wastewater Treatment Plant Improvements. There was one publication released by FGUA that stated Plantation Bay WWTP is at the end of its useful life and in need of improvement. She stated this was known in 2015 and she organized a tour of the plant. She saw cracks in the plant and Mr. Jerry Cameron stated this would be taken care of. A new plant is being provided by U.S. Water and the revised 90 % design submittal was provided in Feb 2022 and anticipated to released for bid in 2022. She stated the revisions would take 1 year to complete and she continued to list off the status of the plant. She asked what the FGUA was doing to update the plant. Mr. Steve Spratt suggested the Engineers speak on this matter. She asked if the FGUA had any current bids to redo the plant? Mr. Rob Dickson spoke and stated that yes, the FGUA has bids on the plant. Bids were opened around 2-3 months ago and stated FGUA received 2 bids that were significantly higher than the projected budget. One was over 50% of the amount and the other over 80%. The FGUA Board rejected the bids and decided to lower values, re-advertise, and re-bid the project. The project will be re-opened for a solicitation of bids in January 2023. She asked to be kept updated on the project.

She moved on to ask about water treatment plant FRP07-13. She stated this went out for bid and design notice was issued to Wade Trim on January 11 with design currently underway with construction of the facilities to commence in 2022. She asked for an update on the project. Mr. Rob Dickson stated that the project is 100% designed by WT and anticipated to be advertised for bids in Spring 2023 and will start and complete construction next summer. Mr. Steve Spratt suggested Mr. Rob Dickson get in contact with Ms. Gentile Youd.

Minutes

- M 1** Approval of the November 17, 2022, FGUA Board of Directors Meeting Minutes
- M 2** Approval of the December 6, 2022, FGUA Flagler Utility System Water and Wastewater Service Charge Updates Meeting Minutes
- M 3** Approval of the December 6, 2022, FGUA Flagler Utility System Miscellaneous Fees and Charges Updates Meeting Minutes
- M 4** Approval of the December 6, 2022, FGUA Flagler Utility System Water and Wastewater Capacity Connection Fee Updates Meeting Minutes
- M 5** Approval of the December 5, 2022, FGUA Lake Utility System Miscellaneous Fees and Charges Updates Meeting Minutes
- M 6** Approval of the December 7, 2022, FGUA Pasco Utility System Miscellaneous Fees and Charges Updates Meeting Minutes
- M 7** Approval of the December 7, 2022, FGUA Consolidated Utility System Miscellaneous Fees and Charges Updates Meeting Minutes
- M 8** Approval of the December 9, 2022, FGUA Unified Utility System Miscellaneous Fees and Charges Updates Meeting Minutes
- M 9** Approval of the December 9, 2022, FGUA Dunnellon Utility System Miscellaneous Fees and Charges Updates Meeting Minutes

M 10 Approval of the December 12, 2022, FGUA Lehigh Acres Utility System Miscellaneous Fees and Charges Updates Meeting Minutes

M 11 Approval of the December 9, 2022, FGUA North Fort Myers Utility System Miscellaneous Fees and Charges Updates Meeting Minutes

Mr. Ken Cheek motioned to approve M1- M11. Mr. Shane Parker seconded the motion. All were in favor and the motion was unanimously approved.

Public Hearing

Mr. Steve Spratt provided a brief update on each public hearing item for all motions are to approve the resolutions. Mr. Mickey Joseph provided powerpoint presentations regarding all miscellaneous fees and charges updates.

PH 1 Continuation of Public Hearing Concerning Updates to Miscellaneous Charges and Fees for Lehigh Acres Utility System and Approval of Resolution 2023-04

Mr. Shane Parker motioned to approve Resolution 2023-04. Ms. Heidi Petito seconded the motion. All were in favor and the motion was unanimously approved.

PH 2 Continuation of Public Hearing Concerning Updates to Miscellaneous Charges and Fees for Pasco Utility System and Approval of Resolution 2023-05

Mr. David Allen motioned to approve Resolution 2023-05. Mr. Ken Cheek seconded the motion. All were in favor and the motion was unanimously approved.

PH 3 Continuation of Public Hearing Concerning Updates to Miscellaneous Charges and Fees for Consolidated Utility System and Approval of Resolution 2023-06

Mr. David Allen motioned to approve Resolution 2023-06. Mr. Shane Parker seconded the motion. All were in favor and the motion was unanimously approved.

PH 4 Continuation of Public Hearing Concerning Updates to Miscellaneous Charges and Fees for North Fort Myers Utility System and Approval of Resolution 2023-07

Mr. Shane Parker motioned to approve Resolution 2023-07. Mr. Ken Cheek seconded the motion. All were in favor and the motion was unanimously approved.

PH 5 Continuation of Public Hearing Concerning Updates to Miscellaneous Charges and Fees for Lake Aqua Utility System and Approval of Resolution 2023-08

Mr. David Allen motioned to approve Resolution 2023-08. Ms. Heidi Petito seconded the motion. All were in favor and the motion was unanimously approved.

PH 6 Continuation of Public Hearing Concerning Updates to Miscellaneous Charges and Fees for Unified Aqua Utility System and Approval of Resolution 2023-09

Mr. Ken Cheek motioned to approve Resolution 2023-09. Mr. David Allen seconded the motion. All were in favor and the motion was unanimously approved.

PH 7 Continuation of Public Hearing Concerning Updates to Miscellaneous Charges and Fees for Dunnellon Utility System and Approval of Resolution 2023-10

Mr. David Allen motioned to approve Resolution 2023-10. Mr. Shane Parker seconded the motion. All were in favor and the motion was unanimously approved.

PH 8 Continuation of Public Hearing Concerning Updates to Water and Wastewater Service Charges and Fees for Flagler Utility System and Approval of Resolution 2023-11

Mr. Mickey Joseph presented PPT slides regarding all fees for Flagler Utility System. Ms. Gentile Youd began expressing her concerns about how she had not received notice in the mail regarding the 5 p.m. meeting for December 6, 2022. She stated she had received notice for the 6 and 7 p.m. meetings but stated the meeting we held at 5 was invalid due to certain Florida Statute 286.011. She stated she would protest to the Attorney General if matters were not handled.

Ms. Youd asked what the total increase was and asked how much money was going towards the systems being updated. Ms. Pam Keyes re-capped Ms. Youd's questions and stated the FGUA would be addressing. Mr. Gene Adams summarized the public notice process. Mr. Gene Adams forwarded a memo in the supplemental agenda package. Two notices are required when there is a proposal to increase rates. The first is a public meeting notice. This was published in the Daytona Beach News Journal in mid-November. FGUA has received an affidavit and proof of publication. The second notice that must be given is within Section 180.136 of the Florida Statutes that states any local government that proposes to increase rates must give notice through the billing process. USW subcontracted with OPUS and Gator Press Printing for all notices being sent out. The notices were mailed as required. FGUA received confirmation that the Clerk of Beverly Beach received his notice and several county employees have received the notices. USW and OPUS received a return letter, and the notice was included. Mr. Adams stated there may be people who do not remember receiving notices, but FGUA fully complied with notice requirements.

Ms. Keyes asked if there was a typical residential rate increase? Mr. Rob Ori provided a response to this question. Raftelis provided the analysis of rates provided. The analysis provided includes the evaluation of the revenue requirements, expenditure needs: capital improvements, capital improvement plans. The revenue requirements for the Flagler Utility System were over \$24 million and included meters and expansion. A funding analysis was included in the study. The average customer uses between 3 and 4 thousand gallons and Raftelis provided a rate comparison that showed all individually included water, wastewater, and sewage and on a combined basis. At 3k gallons, the rate increase is about \$8 per month. This is roughly 10% for water, 8% of WW for Plantation Bay and 10% WW for Eagle Lake. The charts and analysis were included in the package. Ms. Keyes stated that staff could provide more detailed info.

Mr. Shane Parker asked about the \$8 increase. He asked if it was in the area where Ms. Youd was located, and Mr. Ori stated it was. Mr. Parker also asked if we have always advertised public hearings in the Daytona Beach News Journal. Staff responded yes as all publications are sent to the Daytona Beach News Journal as a paper of general circulation in the area.

Ms. Heidi Petito motioned to approve Resolution 2023-11. Mr. Jody Kirkman seconded the motion. All were in favor and the motion was unanimously approved.

PH 9 Continuation of Public Hearing Concerning Updates to Miscellaneous Charges and Fees for Flagler Utility System and Approval of Resolution 2023-12

Ms. Heidi Petito motioned to approve Resolution 2023-12. Mr. Ken Cheek seconded the motion. All were in favor and the motion was unanimously approved.

PH 10 Continuation of Public Hearing Concerning Updates to Capacity Connection Fees for Flagler Utility System and Approval of Resolution 2023-13

Mr. Steve Spratt suggested this item be pushed to the January 2023 meeting so that FGUA has sufficient time to answer all questions provided by ICI. Mr. Mickey Joseph provided a brief presentation on the capacity connection fees.

Mr. James Stowers from ICI Homes stated that he had submitted a letter and that he would be available to answer any questions. Ms. Keyes stated she appreciated his concerns and stated the FGUA would be providing full explanations at the January meeting.

Ms. Heidi Petito motioned to continue this item to the FGUA's January 19 Board of Directors meeting, which will commence at 1 p.m. and will be held via video conference with the call in information referenced on the ad. Mr. Cheek seconded the motion and the motion was unanimously approved.

Consent Agenda

- CA 1** Ratification of Work Authorization No. GSG 23-19 with Government Services Group, Inc for Hurricane Ian Site Assessments and Inspections of Major Sites in the FGUA Consolidated Utility System in the lump sum amount of \$1,764.
- CA 2** Ratification of Work Authorization No. GSG 23-20 with Government Services Group, Inc for Hurricane Ian Site Assessments and Inspections of Major Sites in the FGUA Dunnellon Utility System in the lump sum amount of \$2,142.
- CA 3** Ratification of Work Authorization No. GSG 23-21 with Government Services Group, Inc for Hurricane Ian Site Assessments and Inspections of Major Sites in the FGUA Flagler Utility System in the lump sum amount of \$5,796.
- CA 4** Ratification of Work Authorization No. GSG 23-22 with Government Services Group, Inc for Hurricane Ian Site Assessments and Inspections of Major Sites in the FGUA Lake Aqua Utility System in the lump sum amount of \$5,040.
- CA 5** Ratification of Work Authorization No. GSG 23-23 with Government Services Group, Inc for Hurricane Ian Site Assessments and Inspections of Major Sites in the FGUA Lehigh Acres Utility System in the lump sum amount of \$80,417.25.
- CA 6** Ratification of Work Authorization No. GSG 23-24 with Government Services Group, Inc for Hurricane Ian Site Assessments and Inspections of Major Sites in the FGUA North Fort Myers Utility System in the lump sum amount of \$66,132.75.
- CA 7** Ratification of Work Authorization No. GSG 23-25 with Government Services Group, Inc for Hurricane Ian Site Assessments and Inspections of Major Sites in the FGUA Pasco Utility System in the lump sum amount of \$6,552.
- CA 8** Ratification of Work Authorization No. GSG 23-26 with Government Services Group, Inc for Hurricane Ian Site Assessments and Inspections of Major Sites in the FGUA Unified Aqua Utility System in the lump sum amount of \$57,265.50.

- CA 9** Approval of Work Authorization No. USW 23-17 with U.S. Water Services Corporation for the FY23 Water System Planned Renewal and Replacement Project titled Lift Station 62 Replacement for the not-to-exceed amount of \$549,087.30.
- CA 9a** Approval of Work Authorization No. GSG 23-27 with Government Services Group, Inc. related to Inspection Services for the FY23 Wastewater System Planned R&R Project titled Lift Station 62 Replacement in the MacDill AFB Utility System being completed by U.S. Water Services Corporation under WA No. USW 23-17 for a not-to-exceed fee of \$30,847.60.
- CA 10** Approval of Work Authorization GSG 23-28 with Government Services Group, Inc. for Capital Project Administration and General Inspection Services related to the FY22 Inflow and Infiltration Reduction Project, located in the Nassau Amelia Utility (NAU) System, Nassau County in the not-to-exceed amount of \$27,304.69 and the lump sum amount of \$30,745.71.
- CA 11** Approval of an Amendment to Work Authorization No. 1 to GSG 22-37 with Government Services Group to Perform Project Administration Services for the Nassau County American Beach Septic and Well Phase Out Project on behalf of the FGUA
- CA 12** Approval of Change Order No. 1 to the Standard Construction Agreement with Stevens and Layton, Inc. for the Reclaimed Water and Wastewater Force Main Replacement, Phase 2, FGUA Project No. NFP 11, located in the North Fort Myers Utility System, Lee County in the deductive amount of \$168,186.12.

Ms. Heidi Petito motioned to approve CA 1 –CA 12. Mr. David Allen seconded the motion. All were in favor and the motion was unanimously approved.

Finance and Administration

- FA 1** Approval of Budget Amendment 2023-05 Related to Hurricane Ian Site Assessment Work Performed by System Manager

Mr. Mickey Joseph provided a brief synopsis and breakdown of the included chart and explained the increase in budget appropriation for FY 2023 related to Hurricane Ian site assessment work performed by Government Services Group.

Mr. David Allen motioned to approve Budget Amendment 2023-05. Mr. Jody Kirkman seconded the motion. All were in favor and the motion was unanimously approved.

Operations

- OP 1** Approval of Wharton-Smith, Inc. as Recommended by the Statement of Qualifications (SOQ) Selection Committee for Further Negotiation of a Contract with the FGUA for Progressive Design Build Services for the Lehigh Acres Water Supply Improvements, FGUA Project No.'s LEP25 and LEP28, located in the Lehigh Acres Utility System, Lee County

Mr. Rob Dickson provided a brief description of this item. He began by stating the project would take place in two parts. Recommissioning of Water Treatment Plant No. 2 and upgrading Water Treatment Plant No. 1 to a nanofiltration plant. The FGUA will initially enter a Progressive Design Build Agreement under which the Design-Build team will complete design of the WTP 2 recommissioning to a 60% level, at which time a Guaranteed

Maximum Price (GMP) will negotiated. The parties may then enter a Contract Price Amendment to authorize the completion of the design and construction of the WTP 2 work.

Mr. David Allen motioned to approve to waive the requirement in the FGUA purchasing policy relating to three responsive firms due to the extraordinary emergency conditions set forth and negotiate with Wharton-Smith, the sole respondent to the RFQ. Ms. Heidi Petito seconded the motion. All were in favor and the motion was unanimously approved.

Informational Items

IN 1 Monthly Status Update on the Capital Improvement Project (CIP) Program

The Capital Improvement Project report was provided to the Board.

IN 2 Monthly Status Update on the Community Outreach Program

The Update on the Community Outreach Program was provided to the Board.

IN 2a Public Comment Follow-up Report

The follow up report was provided to the Board.

IN 3 FGUA Monthly Inactive Account Collection Summary

The Inactive Account Collection Summary was provided to the Board.

IN 4 Monthly Report on Executed Utility Infrastructure Conveyance and Service Agreements

The Monthly Report on Executed Utility Infrastructure Conveyance and Service Agreements was provided to the Board.

System Manager

SM 1 Approval of Preliminary Board Meeting Schedule for Calendar Year 2023

Mr. Steve Spratt provided a brief description of the preliminary board schedule and stated if any updates were made regarding the March planning session that the meeting would be re-advertised in all appropriate newspapers.

Mr. Ken Cheek motioned to approve SM 1. Ms. Heidi Petito seconded the motion. All were in favor and the motion was unanimously approved.

SM 2 Approval of Customer Service Policies and Procedures Update

Mr. Steve Spratt provided a brief update to the policies and procedures. These were last revised in November 2016. Updates have been made to stay consistent with current conditions. Some of the items that were updated include: meter access and tampering concerns, transfer of charges on

owner/non-owner disputes and customer notification practices for outages and notices.

Ms. Heidi Petito motioned to approve SM 2. Mr. David Allen seconded the motion. All were in favor and the motion was unanimously approved.

Utility Counsel

UC 1 Other Items

General Counsel

GC 1 Memorandum to the FGUA Board of Directors regarding the Flagler Notice of Public Hearing

Mr. Gene Adams provided a summary of the memorandum which stated how the FGUA properly advertised and noticed the public for all public hearings involving Flagler County.

Board Items

BD 1 Other Item

Ms. Pam Keyes asked all Board Members if they had anything further to discuss. All Board members wished everyone a Merry Christmas and Ms. Keyes adjourned the FGUA Board of Directors meeting at 2:10 p.m.

Chair/Vice Chair