UTILITY SPECIAL DISTRICT
BOARD OF DIRECTORS MEETING
September 15, 2021
5:30 p.m.

PRESENT AT MEETING[1]:

CHAIRPERSON SHIRLEY D. LANIER, DISTRICT 3 CHAIRPERSON LANIER

VICE CHAIRPERSON KASHAMBA MILLER-ANDERSON, DISTRICT 2
VICE CHAIRPERSON MILLER-ANDERSON

BOARD MEMBER TRADRICK MCCOY, DISTRICT 1 BOARD MEMBER MCCOY

BOARD MEMBER DOUGLAS LAWSON, DISTRICT 5 BOARD MEMBER LAWSON

BOARD MEMBER JULIA BOTEL, Ed.D, DISTRICT 4 BOARD MEMBER BOTEL

EX OFFICIO BOARD MEMBER RONNIE FELDER MAYOR FELDER

CITY MANAGER JONATHAN EVANS CITY MANAGER EVANS

ACTING EXECUTIVE DIRECTOR OF UTILITIES DEIRDRE JACOBS
INTERIM EXECUTIVE DIRECTOR JACOBS

DISTRICT CLERK CLAUDENE ANTHONY DISTRICT CLERK ANTHONY

DISTRICT ATTORNEY DAWN WYNN DISTRICT ATTORNEY WYNN

DISTRICT FINANCE DIRECTOR RANDY SHERMAN
DISTRICT FINANCE DIRECTOR SHERMAN

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[1] List of Public Comment Speakers and Others on Page 28

CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
UTILITY SPECIAL DISTRICT MEETING MINUTES
WEDNESDAY, SEPTEMBER 15, 2021 AT 5:30 P.M.

(The following may contain unintelligible or misunderstood words due to the recording quality.)

[Before meeting chatter]

[Gavel]

CALL TO ORDER

Chairperson Lanier: We will call this Utility Special District Board of Directors meeting to order. Wednesday, September 15th, 5:30 p.m.

ROLL CALL

Chairperson Lanier: Madam Clerk.

District Clerk Anthony: Chairperson Shirley Lanier?

Chairperson Lanier: Here.

District Clerk Anthony: Vice Chairperson KaShamba Miller-Anderson? [Pause]. Board Member Tradrick McCoy?

Board Member McCoy: Here.

District Clerk Anthony: Board Member Julia Botel? [Pause]. Board Member Douglas Lawson?

Board Member Lawson: Here.

District Clerk Anthony: *Ex officio* Board Member Mayor Ronnie Felder? [Pause]. City Manager Jonathan Evans?

City Manager Evans: Present.

District Clerk Anthony: City'.., District Clerk Claudene Anthony is present. District Attorney Dawn Wynn?

District Attorney Wynn: Here.

District Clerk Anthony: District Finance Director Randy Sherman?

District Finance Director Sherman: Here.

District Clerk Anthony: Thank you, Madam Chair.

Chairperson Lanier: Thank you.

INVOCATION

PLEDGE OF ALLEGIANCE

Chairperson Lanier: We will have a moment of silence followed by the Pledge of Allegiance by Councilman McCoy.

[Moment of silence]

Board Member McCoy: I pledge allegiance…

All: …to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible with liberty and justice for all.

Chairperson Lanier: Please be noted that the Pro Tem Councilwoman KaShamba Miller-Anderson is present at the dais.

District Clerk Anthony: Thank you, Madam Chair.

AGENDA APPROVAL

ADDITIONS, DELETIONS, SUBSTITUTIONS

Chairperson Lanier: Do we have any additions, deletions, or substitutions for this Agenda this evening?

City Manager Evans: Yes, Madam Chair. We have one from Staff. If I can allow for the Clerk to read that Item into the record.

Chairperson Lanier: Very good. Go ahead.

District Clerk Anthony: Madam Chair, Members of the Board, we have an I'.., added Item. It will be under the regular section of the Agenda. Item No. 3. Resolution Number 26-21UD. A Resolution of the Board of Directors of the City of Riviera Beach Utility Special District, Palm Beach County, Florida, authorizing the Board of Directors to approve of the Executive Director of Utility Special District to serve as the official delegate for the State of Florida, Department of Economic Opportunity, CDBG-DR grant and providing an effective date.

Chairperson Lanier: Very good.

DISCLOSURES

Chairperson Lanier: Are there any disclosures by the Board or Staff in regards to any of the Items located on this Agenda this evening? [Pause]. Hearing none.

ADOPTION OF AGENDA

Chairperson Lanier: Can I get a motion to adopt the Agenda?

Board Member McCoy: Move to approve.

Board Member Lawson: Second.

Chairperson Lanier: Madam Clerk.

District Clerk Anthony: Board Member McCoy?

Board Member McCoy: Yes.

District Clerk Anthony: Board Member Lawson?

Board Member Lawson: Yes.

District Clerk Anthony: Vice Chair Miller-Anderson?

Vice Chairperson Miller-Anderson: Yes.

District Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

District Clerk Anthony: Motion approved.

CONSENT AGENDA

Chairperson Lanier: We are at the Consent Agenda portion of our meeting.

Chairperson Lanier: ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A BOARD MEMBER SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

MINUTES

1. AUGUST 18, 2021 UTILITY SPECIAL DISTRICT MEETING MINUTES.

RESOLUTIONS

Chairperson Lanier: Can I get a motion to approve the…

Board Member McCoy: Pull, pull No. 2, Madam Chair. I mean, I don't.., I, I would like to pull No. 2. In fact, I'm not even sure why No. 2 is on Consent. That is the operating budget for USD.

Chairperson Lanier: Very good.

Board Member McCoy: That shouldn't be a Consent Item.

Chairperson Lanier: Very good.

I'll pull it from the Consent Agenda.

Can we get a motion to approve the…

Board Member McCoy: So moved.

Board Member Lawson: Second.

Chairperson Lanier: [Chuckle]. Very good.

Madam Clerk.

District Clerk Anthony: Madam Chair, Members of the Board, there are no public comment cards on, on the Consent Agenda. The acceptance of public comment cards on the Consent Agenda is now closed.

Board Member Lawson?

Board Member Lawson: Yes.

District Clerk Anthony: Board Member McCoy?

Board Member McCoy: Yes.

District Clerk Anthony: Vice Chair Miller-Anderson?

Vice Chairperson Miller-Anderson: Yes.

District Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

District Clerk Anthony: Motion approved.

Chairperson Lanier: Very good.

END OF CONSENT AGENDA

Chairperson Lanier: Next Item.

2. District Clerk Anthony: RESOLUTION 27-21UD A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, PALM BEACH COUNTY, FLORIDA, ADOPTING THE FISCAL YEAR 2021-2022 BUDGET FOR THE UTILITY SPECIAL DISTRICT; AND PROVIDING AN EFFECTIVE DATE

RANDY L. SHERMAN, DISTRICT FINANCE DIRECTOR, 561-845-4040

Chairperson Lanier: [Audio skipped]. …presentation, Mr. Evans.

Board Member Botel: Sorry. Can you hear me, Walter? I…

Chairperson Lanier: Yes. We can hear you.

Board Member Botel: Thank you. Sorry.

City Manager Evans: Madam Chair?

Board Member Botel: My sound's…

Chairperson Lanier: Please be noted that Councilwoman Botel is attending virtually for this US meeting.

I'm sorry, Mr. Evans. Ms. Jacobs.

Interim Executive Director Jacobs: Sure. Thank you, Madam Chair. Mr. Sherman, the Finance Director, will be presenting this Item.

District Finance Director Sherman: Good evening.

Chairperson Lanier: Thank you. Go ahead.

District Finance Director Sherman: Good evening everyone. Randy Sherman, District Finance Director.

I don't know… Walter, can you make this a whole screen? Who's back that? Make this the whole screen, so it's easier to read.

Thank you. Alright.

Okay. So we've had a number of different budget workshops that… I know we gave you a quick overview [audio skipped] Special District budget. This is the operating budget. As you can see, there are not a lot of changes from line item to line item. When we discussed this back in August, I believe, you know, we did mention that the revenues were not quite keeping pace with where they had been budgeted at. So, we've taken the revenues down slightly.

But, if you look down on.., so, the budget has actually gone from twenty-nine and a half million for this year to $29.3MM for Fiscal 2022. Personnel costs are increasing. So what the District did, with no rate increase, is they actually took out dollars out of their operating cost. So, operating costs have dropped from $10.5MM to $9.9MM. You will see that part of that actually went down into contingency, so we can actually, you know, make sure if we reduced repairs and maintenance line item, you know, we tried to put a little bit of extra dollars into the contingency.

The payment for the ECR comes from the ECR directly. And then you see the last three lines, the Utility District does pay their share of the pension obligation bonds that were issued almost seven years ago at this point. The Utility District debt. And then, we have a required transfer to the Utility District renewal and re'.., replacement and renewal fund that's stipulated in the bond documents.

So again, the budget is fairly fledged. You can see it's less than one percent change, but it is a decrease to keep pace with the revenue.

And then, again, as mentioned on the salary side, there were a number of changes. This was presented to the Board again back in August. The Utility District is adding a

backflow technician position, a chief mechanic position and a compliance technician position, and two laboratory technician position. One position is being reclassified. That is a compliance and safety officer to a compliance manager.

And then to fund the additional positions again, because there were not new revenues coming into the District, they unfunded a maintenance worker position, a senior equipment operator position, a senior office assistant, and two water plant operator positions.

And that's the Utility District operating budget.

And I can take any questions.

Board Member McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead, sir.

Board Member McCoy: So, Mr. Sherman, I, I asked the question during the workshop, as far as the City's budget is concerned, how much we rollover back from, I guess, a fiscal year and you said about a million five?

District Finance Director Sherman: About a million…

Board Member McCoy: What would you say for the District, if any?

District Finance Director Sherman: [Sigh].

Board Member McCoy: Rollover back…

District Finance Director Sherman: Some…

Board Member McCoy: …into the next year?

District Finance Director Sherman: Some years, it's been two or $3MM.

Board Member McCoy: Well, I would imagine so if we haven't…

District Finance Director Sherman: This Fiscal Year, I don't think we're gonna be rolling anything forward.

Board Member McCoy: Okay.

So, what's unusual about this, and I'm gonna bring the Members attention to it, and I also share this with Mr. Evans yesterday is, this budget seems to be, or at least this Item presented, your presentation seems to suggest that we're gonna do transfer into renewal and replacement. I believe that was on the first slide, or second slide?

District Finance Director Sherman: Correct.

Board Member McCoy: And, that's certainly different than last year because we took it as an omnibus Resolution last year. And this year, there's no specific capital plan,

other than I guess the capital expense. But the capital projects plan was rolled into one Item that we voted on in, in September of 2020. That's not the same this time.

District Finance Director Sherman: Yeah.

Let me, let me explain what the difference is. Every year, as part of the bond Resolution, we have to fund this renewal and replacement. It's a percentage of our revenues, and it gets automatically transferred. 'Cause again, the bondholders wanna make sure that you're maintaining the system, so that's a requirement every year.

Last year, as you just referred to, when the operating budget has a surplus every year, three's a flow of funds, those dollars go through a flow of funds. After we have funded the O&M reserve, which is fifty percent of the operating cost, the balance flows into a capital reserve. So, year after year, as there's a surplus, those dollars in essence fall down into a capital reserve that is in the operating fund. So it's part of the fund balance.

What we did last year, in addition to the replacement and renewal transfer that's required, we also transferred $15MM out of that capital reserve fund. That had grown to $20MM. And, because of the capital needs that, you know, that the Utility District weas facing, we took $15MM of that emergency capital dollars, and actually transferred it to the capital plan.

Board Member McCoy: Follow up.

I don't ag'.., disagree with that, Mr. Sherman. I guess my question or point that I was making was, certainly it's different than it was presented last year. And here's why. Specifically, if I wanted to vote against the transfer of the monies going into the renewal or replacement for whatever reason, it should not be consolidated with the operating budget of the Utility District.

They're two independent functions. I mean, the operating budget covers, you know, expenses sand, and employees and a small portion of capital, and even the ECR, but that should not be consolidated with the operating budget. And again, this year, it's, it, its seems to be kind of the same when they're completely, mutually exclusive. That's the first point that I wanna bring up.

The next thing is, as it relates to ECR, you said.., I think you said that gets maybe, I believe you wanted to say it gets billed directly from the ECR? The $4.5MM?

District Finance Director Sherman: That's.., that comes from their adopted budget. They take their budget and they allocate it out to all of the Members. So that number is their number that they provide to us.

Board Member McCoy: And, in the same fashion, we should have been billing the Town of Mangonia Park for wastewater rates because in, in turn, we're getting billed by ECR for the same wastewater that we're processing and sending over to them. But we're not, at least we didn't in that Resolution that passed back in May, we chose not to accept the full amount that they owed us.

But in turn, we're now forced to pay the full amount that gets remitted to ECR while the Town of Mangonia Park had their water bill, or Utility bill for that matter, reduced by this Board. And that's very apparent here, that we get billed, and some kind of way, the Board, which I think is improper, voted to allow them free service while we still have to foot the bill for folks that aren't even within the municipal boundaries.

So that is my, my concerns wit this. And I'm, I'm not gonna support it, again for this reason. And I brought this up, and, and quite frankly, you know, a point or'.., I guess, a point of interest for Legal is like, you know, again, we're processing something that I think we've already established that it's not proper legally, that you can't combine or consolidate, you know, Items that aren't, I guess they aren't even related. The transfer has nothing to do with the operating budget. If we didn't have any debt whatsoever, we would just be passing a operating budget.

And, you know, again, it was on Consent. And even, even more confusing, when I opened up the Agenda Item and I go into the backup and look at the summary, for some reason, we have the millage rate and the capital budget for the City, a part of this Agenda summary. This is completely put together at the last minute. There wasn't a whole lot of focus in trying to prepare this Item. And I think that's probably why it was on Consent.

And for those reasons, because it's so inaccurate, and three's a number of discrepancies, I don't think any Member of this Board should adopt this. Because, if you're not here to question exactly how we're spending taxpayer dollars, well specifically, this wouldn't be considered taxpayer dollars in UD, then I don't understand the purpose. But I'm not gonna signoff on something, or agree to support something that I just know, for at least three or four reasons that I provided that is on its face, incorrect.

That's all I have, Madam Chair.

Chairperson Lanier: Thank you.

Are there any other questions in regards to this Item? [Pause].

Board Member Botel: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Board Member Botel: [Audio fades in an out].

District Finance Director Sherman: Yeah. Yes.

I have taken a look at it. Most of the items that are beneficial are more of the administrative nature. We don't have to do certain things. We don't have to report the District separately, we don't have to have a separate audit. Those types of issues.

The biggest financial impact comes with the impact fees. As I mentioned several meetings ago, when the Utility District assesses an impact fee to.., for new construction, fifty percent of that impact fee goes to the City, fifty percent goes to the Utility District. So, I will say, since I have been with the City for the last, you know, nine years, I'd say

probably about $6MM have gone to the City and $6MM has, you know, stayed with the, with the District.

So, that's, that's a major impact. So, as we move forward, if there's additional, you know, building going on in the community, by making it a City department, you do away with the Purchase and Sale Agreement, you know, the conditions of the Purchase and Sale Agreement. And then, all of the impact fees would be able to stay with the District.

Other than that, again, you know, the employees are City employees. So that's.., that wouldn't change. You know, accounts payable doesn't change, collections don't change. So again, it's a lot of the administrative issues, for example, having a separate meeting. You know, item.., things like that. But again, the.., as far as dollars, it's on the impact fee side.

Board Member Botel: And what do.., what would [inaudible]?

District Finance Director Sherman: What would it take to make it a City department?

Board Member Botel: Yes.

District Finance Director Sherman: Is that the question?

Board Member Botel: Yes.

District Finance Director Sherman: The District was created through Ordinance. It would just take a, an Ordinance to, to dissolve it.

[Pause]

Board Member Botel: [Inaudible].

Chairperson Lanier: Very good.

She wants to put an Ordinance, or this issue on the next Item for the Utility District or the City, in regards to having the Water Department as a part of the City, instead of a separate entity. And given the issues, or the comments made by the Finance Director in terms of the financial impact, and the administrative impact, she would like to bring it forward.

City Manager Evans: Madam Chair, if I may?

Chairperson Lanier: Yes. Go ahead.

City Manager Evans: With regards to that particular Item, the Board did provide Staff with the appropriate direction to bring back additional information related to the topic. At this particular moment, I don't think we are prepared to bring an Ordinance forward to effectively do that. We'd like to provide a more comprehensive presentation to the Board, as we've surveyed other municipalities and collecting information. And since it is a Special District, there is state statutes that do apply to this particular matter.

So, it, it will require a little bit more research. But Staff can bring this as an Item for discussion for the Board at a future meeting. Not necessarily the next meeting, if it's the Board's pleasure.

Vice Chairperson Miller-Anderson: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Vice Chairperson Miller-Anderson: I [stammer].., I'm always open to receiving the information. So, I'm fine with, you know, at the appropriate time to be able to do that. I know that's not something that we were planning to do. So, if it's the next two or three meetings, that's fine.

But, I'm okay with the presentation. I'm not, not settled on moving forward with doing it so I would like to know what that entails.

Chairperson Lanier: Very good.

So, we're looking at the next two meetings, Mr. Evans? Or…

City Manager Evans: If it is the pleasure of the Board, we can accomplish that.

Chairperson Lanier: Very good.

Any…

Board Member McCoy: Well, let me just state, I'm gonna certainly ask that the Mayor doesn't support that Item, even if he has to veto it. Because, you know, even with listening to the presentation, I don't think.., and I went back and looked at the Item that was presented at last month's USD, there hasn't even been enough explanation or justification. And I think I shared with Ms. Wynn that I, some kinda way, found the original documents which set forth the Utility District but nobody even touched on exactly the real reason as to why the USD was created.

But just to do it for convenience, and there's no, I guess rational nexus as to why you're doing it, just to me, doesn't make sense. We're setting a budget right now which is gonna carry us through September 30, 2022. And then obviously, the real purpose is just to sunset it, to consolidate it up under the City.

Quite frankly, my opinion is that the USD Charter specifically sets forth different parameters that would not have normally applied under the City. And I think if you try to go back that direction, you're basically circumventing.., usurping the very purpose and intent as to why it was created as a separate organization or legal entity or, in the Manager's words, a Special District, or dependent Special District under the City.

In fact, the original documents, and I think I've heard you mention this, Mr. Sherman, suggested that the USD should've been operated by a completely different Board of Directors, outside of the City. And I also found those in those documents as well. But just to do it arbitrarily, just for convenience, and I've not really heard any real, I

guess, substantive reason as to do it doesn't, to me, make any sense or, or reason enough to change it.

So certainly, I'm gonna ask the Mayor not to support it if it does get presented and passes by way of Ordinance.

Thank you.

Chairperson Lanier: I'd just like to say, Mr. McCoy, we're not voting on this to happen. All we're asking for is, in the next two [stammer] meetings, that the City Administration bring back a presentation. We're not going to vote either way about this issue. We just want.., we're just requesting more information of this happening or not happening, based on the information that's presented.

Any other questions in regards to this Item? [Pause].

Madam Clerk.

District Clerk Anthony: Board Member Botel?

District Attorney Wynn: Uh-uh.

Chairperson Lanier: I'm sorry. We can't…

District Attorney Wynn: You received my message.

Board Member Botel: [Inaudible].

Chairperson Lanier: Oh.

Board Member Botel: [Inaudible].

City Manager Evans: Madam Chair, if I may?

The, the provision that was discussed or, or the thought process would be that, based on our emergency declaration, that we would be able to allow for virtual participation. However, in the virtual participation, it didn't allow for the same type of rights that we did have as a result of when we did put the declaration in place. And so, in the event that you were absent as it related to an illness, you could participate and could appear virtually but you could not participate into.., in this particular meeting.

And so, that was provided to me today from, from Legal's interpretation. So, my apologies with regards to that.

Board Member Botel: Yeah. I, I certainly would've flown back earlier if, if I knew that I was gonna be prevented from voting [inaudible]. But, that's okay. [Inaudible].

Thanks.

Chairperson Lanier: Yeah. She should've been told that.

Go ahead, Madam Clerk.

District Clerk Anthony: Board Member Lawson?

Board Member Lawson: No.

District Clerk Anthony: Board Member McCoy?

Board Member McCoy: No.

District Clerk Anthony: Vice Chair Miller-Anderson?

Vice Chairperson Miller-Anderson: Yes.

District Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

District Clerk Anthony: That motion fails.

Chairperson Lanier: Next Item.

[Inaudible comment]

AWARDS AND PRESENTATIONS

PUBLIC HEARINGS

REGULAR

3. District Clerk Anthony: RESOLUTION NUMBER 26-21UD. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE BOARD OF DIRECTORS TO APPROVE OF THE EXECUTIVE DIRECTOR OF THE UTILITY SPECIAL DITRICT TO SERVE AS THE OFFICIAL DELEGATE FOR THE STATE OF FLORIDA, DEPARTMENT OF ECONOMIC OPPORTUNITY, CDBG-DR GRANT AND PROVIDING AN EFFECTIVE DATE.

District Clerk Anthony: Madam Chair, Members of the Board, we do not have any public comment cards on this Item. The acceptance of public comment cards on this Item is now closed.

Vice Chairperson Miller-Anderson: So moved.

Chairperson Lanier: Second.

Do we have any comment.., public comment cards for this Item?

District Clerk Anthony: No public [stammer] public comment cards, Madam Chair.

Chairperson Lanier: Ms. Jacobs.

Interim Executive Director Jacobs: Sure. Thank you, Madam Chair. Good evening, Councilpersons in your respective places, Mr. Evans, and Mrs. Wynn. For the record, my name is Deirdre Jacobs and I serve as Interim Director of the Utility Special District.

Resolution 26-21 simply asks that the Board would provide the Executive Director with the authority to sign off on any grant documents. Back in October of 2018, the.., I'm sorry, 2019, the City applied for a competitive grant. It was a CDBG grant that came through the State of Florida, Department of Economic Opportunity, wherein we received $1.9MM to rehab a couple of area crossings.

We were awarded the funds and, as a part of that project, there are certain grant documents that have to be signed off on by City Staff. So, Staff is asking that you would please grant the authority of the Executive Director to sign off on the grant document.

Board Member McCoy: Madam Chair?

Chairperson Lanier: Yes. Go ahead.

Board Member McCoy: Thank you.

Ms. Jacobs, you're asking us to give you the authority? Is that what I heard?

Interim Executive Director Jacobs: Yes, sir. In this capacity.

Board Member McCoy: Okay.

So, the recommendation says that it's required that the delegation authority be given to the U'.., Utilities' Executive Director by the Chairperson. So, which is it? Because clearly, the Resolution doesn't match up with what the memo says.

Interim Executive Director Jacobs: Okay.

From my understanding, the way that it.., when we originally received the grant, it was written where in the Chairperson would be the person that would be signing off on all of the grant documents. But, that's not practical for that to occur in that particular fashion. So we asked the State of Florida how could it be corrected. And then sent us information wherein other agencies had done the same thing, and the change was asked to be allowed for the Executive Director to do it for practical reasons.

Board Member McCoy: Okay. So, the memo is incorrect in saying that the Chairperson gives you the authority.

Interim Executive Director Jacobs: So actually, it would be the Board that would give us authority.

Board Member McCoy: Okay.

So my question is, the memo is incorrect?

Vice Chairperson Miller-Anderson: Well, Madam Chair?

The [stammer].., I, I think because they signed off on.., the Chairperson signs off on all of the documents usually. So, is that what they're eluding to?

Board Member McCoy: Well, I mean, quite frankly, this came last minute but I guess the Resolution says one thing but the memo says something different. If the Chairperson, which I believe the Charter, the USD Charter already gives the Chairperson that authority, then why is it before us?

Either way, I mean, I just wanted to clarify which one is incorrect because three's two different things. If the Chair has the authority, it shouldn't come before us. If you're saying that your direction that you got from the State of Florida is that the Board needs to do it, then I'm okay with it. But, you know, last minute, and then to read something that's in conflict, I just wanna make sure I'm clear on what exactly is being asked.

And if.., [stammer] and also, whatever authority that they.., a clarification should've been provided to us because, I mean, you know, I did read the Charter and I thought specifically the Chair had certain duties or, I guess, authorities already. But, you know, whatever. We can call the vote but I just.., it's not clear.

Vice Chairperson Miller-Anderson: Madam Chair?

District Attorney Wynn: So, I apol'… I'm sorry.

Vice Chairperson Miller-Anderson: No. I was just gonna say, I mean, I understand what he's saying about the Chairperson, but with all the documents, even the contracts for USD, the Chairperson signs off on it, but the Board has to vote on it. The, the Chair can't just go and sign off on stuff we.., that still comes to us and we, we vo'.., we vote on it. So, I would imagine… It sounds as if this is the same thing. Same type of thing. We have to approve it, and then she signs off on it.

'Cause I don't see where the Chairperson is just gonna get that authority on their own. I've never seen that.

Board Member McCoy: Well…

Interim Executive Director Jacobs: So, if, if I could, Madam Chair?

Chairperson Lanier: Go ahead.

Interim Executive Director Jacobs: Thank you, Mrs. Miller-Anderson.

What.., from my understanding, what happened is, when the document went to the state, is was signed off on by the Chairperson. So the state took that as the, the formal way that the documents would always come to them, the documents would be signed off on by the Chairperson. That wasn't the practical thing to occur, where all of the grant documents would be signed off on by the Chairperson. So, in trying to reconcile what had occurred, they presentesd to us is [stammer] a format that we could use to bring to the Board in… From my understanding as well, it happened with other agencies, so they had a format that was setup and they shared it with us, where it could.., where we could

bring it before the Board and simply ask if it could be corrected and allow Staff to sign off on the grant documents.

Board Member McCoy: Okay.

Thank you.

Interim Executive Director Jacobs: You're welcome.

Chairperson Lanier: Any other questions in regards to this Item? [Pause].

Madam Clerk.

District Clerk Anthony: Board Member McCoy?

Board Member McCoy: Yes.

District Clerk Anthony: Board Member Lawson?

Board Member Lawson: Yes.

District Clerk Anthony: Vice Chair Miller-Anderson?

Vice Chairperson Miller-Anderson: Yes.

District Clerk Anthony: Chair Lanier?

Chairperson Lanier: Yes.

District Clerk Anthony: Motion approved.

Chairperson Lanier: That is the last Item on our Agenda for our Utility District meeting.

COMMENTS FROM THE PUBLIC – 5:45 P.M. – NON-AGENDA ITEM SPEAKERS (Three Minute Limitation)

Chairperson Lanier: Are there any public comments in general for this meeting?

District Clerk Anthony: Madam Chari, Members of the Board, we do have a public comment card.

Chairperson Lanier: Alright. Very good.

We'll do that at this time.

District Clerk Anthony: Madam Chair, will you…

Chairperson Lanier: PLEASE BE REMINDED THAT THE BOARD OF DIRECTORS HAVE ADOPTED "RULES OF DECORUM GOVERNING PUBLIC CONDUCT DURING OFFICIAL MEETINGS" WHICH HAS BEEN POSTED AT THE FRONT DESK. IN AN EFFORT TO PRESERVE ORDER, IF ANY OF THE RULES ARE NOT ADHERED TO, THE BOARD OF DIRECTOR'S CHAIR MAY HAVE ANY

DISRUPTIVE SPEAKER OR ATTENDEE REMOVED FROM THE PODIUM, FROM THE MEETING AND/OR THE BUILDING, IF NECESSARY. PLEASE GOVERN YOURSELVES ACCORDINGLY.

PUBLIC COMMENTS SHALL BEGIN AT 6:15 PM UNLESS THERE IS NO FURTHER BUSINESS OF THE BOARD OF DIRECTORS, WHICH IN THAT EVENT, IT SHALL BEGIN SOONER. IN ADDITION, IF ANY ITEM IS BEING CONSIDERED AFTER 6:15 PM, THEN COMMENTS FROM THE PUBLIC SHALL BEGIN IMMEDIATELY AFTER THE ITEM HAS BEEN CONCLUDED.

ANY PERSON WHO WOULD LIKE TO SPEAK, DURING PUBLIC COMMENTS, PLEASE FILL OUT A PUBLIC COMMENT CARD LOCATED AT THE FRONT DESK AND GIVE IT TO STAFF BEFORE THE PUBLIC COMMENTS SECTION IS ANNOUNCED.

Chairperson Lanier: Madam Clerk.

District Clerk Anthony: Bessie Brown.

Ms. B. Brown: Good evening. Bessie Brown.

Chairperson Lanier: Good evening.

Ms. B. Brown: I'd like to ask, has the new rates for the C'.., for the Utility District, have, have they been implemented yet? [Pause]. Could someone give me an answer on that? That's the only thing I'm here for.

Chairperson Lanier: Alright. Very good.

Thank you.

Are there any other comments for…

District Clerk Anthony: Madam Chair, Members of the Board, that concludes public comment.

Chairperson Lanier: Do the District.., Executive Director want to respond to that issue?

Interim Executive Director Jacobs: The answer is no.

Chairperson Lanier: Very good.

Thank you.

That is the end of our public comment.

DISCUSSION AND DELIBERATION

DISCUSSION BY EXECUTIVE DIRECTOR OF THE UTILITY SPECIAL DISTRICT

Chairperson Lanier: Discussions by the Executive Director. Any discussion…

Interim Executive Director Jacobs: Sure.

Chairperson Lanier: …or comments?

Interim Executive Director Jacobs: Thank you, Madam Chair.

I just wanted to bring to the Board's attention, the progress that's been made with regards to the water treatment plant solicitation that went out.

We hit a snag with the departure of our Procurement Director but we're back on track now. We're hopeful that we'll be able to bring the documents to you for your.., the presentations to you by the developers within the next month. Meaning, October. And then, in the month of November it's hopeful that we'll have a contract and we'll be back on track with the development of our new water treatment plant.

Thank you.

Chairperson Lanier: Thank you.

DISCUSSION BY DISTRICT ATTORNEY

Chairperson Lanier: Any comments by District Attorney?

District Attorney Wynn: No, thank you, Madam Chair.

STATEMENTS BY THE BOARD OF DIRECTORS

Chairperson Lanier: Comments by the Board, starting with Dr. Botel?

Board Member Botel: Nothing. Again, I'm, I'm quite disappointed that I can't vote this evening.

I have no comment.

Chairperson Lanier: Thank you.

Councilman Lawson.

Board Member Lawson: Thank you, Madam Chair.

Ms. Jacobs, thank you for everything that you're doing with the UD and all the work that you're providing. .

Currently, I know that we're looking for a permanent Utility District Director. Do you know where we stand currently with the hiring of that.., or that process?

Interim Executive Director Jacobs: We have three applications that are in place, and we are in the process of scheduling them. I did send out a.., an email to a person over at the.., in our HR Department to assist me with setting up the interviews today.

Board Member Lawson: Okay.

And, timeframe and timeline of when we're looking to bring in this individual?

Interim Executive Director Jacobs: It is hopeful that we'll be able to do it within the next probably thirty to sixty days.

Board Member Lawson: And then, also, expectations for transition of this new Director with your role? What is gonna be that process when it comes to bringing in this new hire? Are you gonna be walking through and transitioning them, or are they just gonna be coming in fresh? What's gonna be the steps that are taken?

Interim Executive Director Jacobs: Sir, without a doubt, because I serve as the Assistant City Manager over that particular Department, the transition should be pretty smooth.

Board Member Lawson: Perfect. And I know it will.

Thank you, Ms. Jacobs.

Interim Executive Director Jacobs: You're welcome.

Chairperson Lanier: Mr. McCoy?

Board Member McCoy: Thank you.

Ms. Jacobs, can you provide us with the responses to the solicitation for the Utility District? I'm sure thirty days has elapsed. And I'm going to ask that we be provided… Specifically, I'm gonna ask that I be provided. But, there's no legal reason, that I can see, as to why, at this point, we aren't provided them. Have they been.., have they been evaluated?

Interim Executive Director Jacobs: They're in the process of being.., in terms of whether or not they met all the bare requirements, as far as the submittal goes, that's in.., that's being done now, as we speak.

Board Member McCoy: But it has been thirty days since we've received them?

Interim Executive Director Jacobs: Yes, sir.

Board Member McCoy: Okay.

So, I don't know that, unless [stammer] Ms. Wynn would have some reason, but I don't know why they wouldn't be prov'.., able to be provided to us because I think, at this point, they're no longer considered exempt from public records.

That's a question for Ms. Wynn.

District Attorney Wynn: We can look at that and let you know, Mr. McCoy.

Board Member McCoy: Okay.

Thank you.

Chairperson Lanier: Very good.

Councilwoman KaShamba Miller-Anderson.

Vice Chairperson Miller-Anderson: Not at this time.

Thank you.

Chairperson Lanier: And, thank you so much, Ms. Jacobs, for your hard work and your Department's hard work. We really appreciate it. We appreciate the fact that you're getting our water back on track. We appreciate the fact that you are on the way, or on the track of getting us a new water plant. We really appreciate the fact that we're moving in the right direction. And it appears that we are moving quickly. And thank you so much for that.

ADJOURNMENT

Chairperson Lanier: This meeting is adjourned.

[Gavel]

Board Member McCoy: How long we got, Chairperson?

[End of video/audio]

City Employees, Public Speakers and Others

Bessie Brown .....Ms. B. Brown

APPROVED:

SHIRLEY D. LANIER
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

KASHAMBA MILLER-ANDERSON
VICE CHAIRPERSON

TRADRICK MCCOY
BOARDMEMBER

JULIA BOTEL, Ed.D
BOARDMEMBER

DOUGLAS LAWSON
BOARDMEMBER

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY ____
K. MILLER-ANDERSON ____
S. LANIER ____
J. BOTEL ____
D. LAWSON ____

DATE APPROVED: OCTOBER 20, 2021