

MYRTLE CREEK IMPROVEMENT DISTRICT BOARD OF SUPERVISORS' MEETING MINUTES

FIRST ORDER OF BUSINESS

The Board of Supervisors' Meeting for the Myrtle Creek Improvement District was called to order on Tuesday, June 16, 2020, at 5:06 p.m. via telephonic conferencing due to the COVID-19 Executive Orders 20-52, 20-69, & 20-112

Present via conference call:

Bob Da Silva	Chairman
Kam Shenai	Vice-Chair
Kyle Scholl	Assistant Secretary
John Lynaugh	Assistant Secretary
Marsha Leed	Assistant Secretary

Also, attending via phone:

Jennifer Walden	PFM
Lynne Mullins	PFM
Tucker Mackie	Hopping Green & Sams
Jeff Newton	Donald W. McIntosh Associates, Inc.
Larry Kaufmann	Construction Supervisor & Construction Committee Member
Scott Thacker	District Landscape Supervisor & Construction Committee Member

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Walden noted for the record there were no public comments at this time.

THIRD ORDER OF BUSINESS

Discussion Regarding Executive Orders 20-52, 20-69, & 20-112

Ms. Walden noted that included in the packet are Executive Orders 20-52, 20-69, 20-112 which state that the District can hold their meetings via telephonic conferencing due to the COVID-19 situation. Also included is a proof of the ad that was placed for today's meeting which notes those executive orders as well as the telephonic conferencing information so the public can safely join.

FOURTH ORDER OF BUSINESS

Consideration of the Minutes of the May 19, 2020, Board of Supervisors' Meeting

Board Members reviewed the minutes from the May 19, 2020, Board of Supervisors' Meeting.

On Motion by Mr. Da Silva, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Minutes of the May 19, 2020, Board of Supervisors' Meeting.

FIFTH ORDER OF BUSINESS

Review of Auditor Selection Committee Rankings & Selection of Auditor

Ms. Walden noted the recommended rankings from the Auditor Selection Committee as follows:

1. Berger, Toombs, Elam, Gaines & Frank received 100 points
2. Grau & Associates received 75.2 points
3. Carr, Riggs & Ingram received 58.6 points

She requested a motion from the Board to accept the recommended rankings by the Auditor Selection Committee.

On Motion by Mr. Da Silva, second by Mr. Shenai, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District accepted the recommended rankings from the Auditor Selection Committee with Berger, Toombs, Elam, Gaines & Frank ranked as No. 1, Grau & Associates ranked as No. 2 and Carr, Riggs & Ingram ranked as No. 3.

SIXTH ORDER OF BUSINESS

Review and Acceptance of Fiscal Year 2019 Audit Draft

Ms. Walden noted this just came to the District recently and District Management was unable to include it in the agenda. She requested a motion for the Board to delegate authority to the Chair to accept the Audit.

On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District delegated authority to the Chair to accept the Fiscal Year 2019 Audit.

SEVENTH ORDER OF BUSINESS

Consideration of Maintenance Agreement with Berman

Ms. Mackie requested the Board table the consideration of this item until the Budget meeting at which point in time certain amendments to the Personnel Lease Agreement would be presented as well since the items go in tandem. No action is required to table the Maintenance Agreement.

Mr. Da Silva asked if there are any additional costs the District should anticipate. Ms. Mackie stated no as the items relative to the Personnel Lease Agreement have been incorporated into the budgeted amounts for those personnel. The purpose of the Maintenance Agreement is that Berman from time to time addresses certain repairs outside of what the Landscape Contractor provides within the District. Ms. Mackie hopes to get a form agreement as to how those work authorizations will be handled going forward to make sure the Board is giving necessary approvals ahead of time for that work.

Mr. Da Silva asked if the Irrigation Specialist will move over to Berman from Tavistock. Ms. Mackie stated that is separate from the Maintenance Agreement with Berman. That item would fall under the Personnel Lease Agreement which is still being discussed as to whether or not there is a proposed change to the contracting party with respect to those two agreements.

Mr. Da Silva asked if Tavistock has asked people to do some of the work in the past and they have been employees of one of their entities and instead the District is restructuring it for those people to instead be provided by Berman. Ms. Mackie replied that is what the Personnel Leasing Agreement would potentially do but the Maintenance Agreement is documenting something that has been long standing and wanting to make sure the District is getting the necessary indemnifications and insurance relative to that agreement. Also, it's to understand when the Board would like to seek alternate bids and when they would like to specifically approve things over a certain amount to take into account each Board's thoughts. That will be discussed at the August meeting.

EIGHTH ORDER OF BUSINESS

**Ratification of Operation and
Maintenance Expenditures
paid in May 2020 in an amount
totaling \$75,907.99**

Board Members reviewed the Operation and Maintenance Expenditures paid in May 2020 in an amount totaling \$75,907.99.

On Motion by Mr. Da Silva, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified the Operation and Maintenance Expenditures paid in May 2020 in an amount totaling \$75,907.99.

NINTH ORDER OF BUSINESS

**Recommendation of Work
Authorizations/Proposed
Services**

Mr. Kaufmann stated that there were no work authorizations for this Board.

TENTH ORDER OF BUSINESS

Review of District's Financial Position and Budget to Actual YTD

Board Members reviewed the Statement of Financial Position and Budget to Actual through May 31, 2020. The District has expenses of \$509,000.00 vs. an overall budget of just over \$1,000,000.00. No action is required by the Board.

Mr. Shenai inquired about the District Irrigation Repairs as there was a spike in March related to Lake Nona Construction. He asked about the status of that reimbursement. Mr. Thacker responded that he is continuing to track all the repairs and the District will be seeking reimbursement from the County and/or their Contractor. Additionally, for all of the repairs that are ongoing, they are now working directly with Cepra, the District's Landscape Contractor, so that all future repairs are handled directly between those two parties. Mr. Shenai asked the amount of the reimbursement. Mr. Thacker stated there is approximately \$10,000.00 - \$20,000.00. Mr. Shenai stated the District might still be over budget for that line item. Mr. Thacker stated some of the mainline repairs the District had to complete might be attributable to the construction, but many are difficult to prove that they are relatable to the construction.

Mr. Shenai stated that the Other Landscaping Maintenance Line item has a budget of \$63,815.00 and the District has only spent \$1,024.00. He asked if the District will have a surplus in that line item and if the surplus can be carried forward into the Fiscal Year 2021 expenditures. Mr. Thacker confirmed.

Mr. Shenai stated that the line item for the District Flower and Plant Replacement has a budget of \$110,000.00 and the District has only spent \$6,700.00. He noted on the side of KPMG there are certain things the District can start to work on this year. He suggested the District utilize some Flower and Plant Replacement this year. He took a couple of photos and sent them to Mr. Thacker. Mr. Thacker answered he does not expect any additional damages in that area that would impact irrigation and it is an area he feels the District could improve this Fiscal Year.

Mr. Shenai noted the budget for Tree Trimming is \$40,000.00 and the District has only spent \$4,000.00. He asked if there will be any tree trimming for the balance of the Fiscal Year and if not can it be done after construction. Mr. Thacker stated the District has been unable to do tree trimming because it involves temporary lane closures and he has been in contact with Felix Construction about coordinating efforts to trim the trees on the side of the road which is currently under construction right before the road opens and then coordinate on the other side. It will be done this Fiscal Year.

Mr. Shenai asked about the timeline for the Lake Nona Boulevard Project. Mr. Thacker stated he expects paving equipment start to mobilize within the next few weeks.

Ms. Leed asked if any maintenance has been shut down or not done due to the COVID-19 situation. Mr. Da Silva stated it has kept going. Mr. Thacker added that the construction has not seen any impact due to COVID-19.

ELEVENTH ORDER OF BUSINESS

Staff Reports

District Counsel –

Ms. Mackie explained the current Executive Order that moved the state of Florida into Phase 2 made a change to the date on which the Sunshine

Law waiver would expire, which is now June 30, 2020. If the Executive Order is not further extended, the July meeting might have to resume in person. PFM worked to secure an alternate location at the Marriott close to the Tavistock Offices and has been able to secure that location for purposes of holding the meeting and the public hearing in person if required.

Other Boards directed that only Board Members and District Management attend because that meeting location will restrict access to 10 people or less. The remaining amount of people may attend from the public and if it exceeds capacity they will be provided with the virtual meeting information to allow for further public access.

Ms. Walden will keep everyone informed closer to the meeting time in July as to whether it will need to be held virtually or in person.

District Manager – No Report

District Engineer – No Report

Construction Supervisor – No Report

District Landscape Supervisor – No Report

TWELFTH ORDER OF BUSINESS

Supervisor and Audience Comments & Adjournment

Mr. Da Silva reminded the other Members of the Board that they should have received from the Supervisor of Elections the Form 1 Statement of Financial Interest which is due by the end of the month.

Ms. Mackie congratulated Mr. Shenai and Ms. Leed as she reviewed the qualification information and it appears they are the only ones who qualified for their respective seats on the Board. They will take an additional oath at a time in November after the date of the General Election. They each will serve an additional 4-year term.

There were no audience comments. Ms. Walden requested a motion to adjourn.

On Motion by Mr. Shenai, second by Mr. Da Silva, with all in favor, the June 16, 2020, meeting of the Board of Supervisors for the Myrtle Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair