

# **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, January 19, 2021, at 5:00 p.m. at 6900 Tavistock Lakes Blvd, Suite 200, Orlando, FL 32827

Present:

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

Also attending:

Jennifer Walden	PFM	
Lynne Mullins	PFM	(via phone)
Kevin Plenzler	PFM	(via phone)
Tucker Mackie	Hopping Green & Sams	(via phone)
Deb Sier	Hopping Green & Sams	(via phone)
Jeff Newton	Donald W. McIntosh Associates	(via phone)
Larry Kaufmann	Construction Supervisor & Construction Committee Member	(via phone)
Scott Thacker	District Landscape Supervisor	(via phone)

## **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**

### **Swearing in Newly Elected Board Members**

Ms. Walden noted for the record that Mr. Shenai and Ms. Leed were administered the oath of office prior to the start of the meeting.

## **FOURTH ORDER OF BUSINESS**

### **Consideration of the Minutes of the November 10, 2020, Board of Supervisors' Meeting**

Board Members reviewed the minutes from the November 10, 2020, Board of Supervisors' Meeting.

On Motion by Mr. da Silva, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Minutes of the November 10, 2020, Board of Supervisors' Meeting.

#### **FIFTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2021-02, Election of Officers**

Ms. Walden noted the current slate of officers is as follows, Mr. Bob Da Silva as Chair, Mr. Kam Shenai as Vice-Chair, Ms. Jennifer Walden as Secretary, Ms. Lynne Mullins, Mr. Kyle Scholl, Mr. John Lynaugh, and Ms. Marsha Leed as Assistant Secretaries, Ms. Amanda Lane as Treasurer, and Ms. Jennifer Glasgow as Assistant Treasurer. The Board is free to keep the slate of officers as is or make updates as it sees fit but District staff asked that the individuals with PFM stay in their current positions so they can handle the appropriate items as needed.

On Motion by Mr. Scholl, second by Mr. Shenai, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved Resolution 2021-02, Election of Officers as follows: Mr. Bob Da Silva as Chair, Mr. Kam Shenai as Vice- Chair, Ms. Jennifer Walden as Secretary, Ms. Lynne Mullins, Mr. Kyle Scholl, Mr. John Lynaugh, and Ms. Marsha Leed as Assistant Secretaries, Ms. Amanda Lane as Treasurer, and Ms. Jennifer Glasgow as Assistant Treasurer.

#### **SIXTH ORDER OF BUSINESS**

#### **Ratification of Non-Ad Valorem Assessment Administration Agreement with the Orange County Property Appraiser**

Ms. Walden noted this is an annual agreement with the Property Appraiser to be on roll and just needs to be ratified by the Board as it was previously approved by the Chair.

On Motion by Mr. Scholl, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified Non-Ad Valorem Assessment Administration Agreement with the Orange County Property Appraiser.

#### **SEVENTH ORDER OF BUSINESS**

#### **Ratification of Operation and Maintenance Expenditures paid in November & December 2020 in an amount totaling \$104,574.86**

Board Members reviewed the Operation and Maintenance Expenditures paid in November & December 2020 in an amount totaling \$104,574.86.

On Motion by Mr. Da Silva, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified the Operation and Maintenance Expenditures paid in November & December 2020 in an amount totaling \$104,574.86.

#### **EIGHTH ORDER OF BUSINESS**

#### **Recommendation of Work Authorizations/Proposed Services**

Mr. Kaufmann had no work authorizations for this District.

#### **NINTH 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 December. The District has total expenses of \$153,500.00 vs a budget of \$199,000.00. No action is required by the Board.

Mr. Shenai commented on the surplus from Fiscal Year 2020 and asked what the District does with the money. Ms. Walden stated it is currently in the bank account and it stays there until the Board decides they want to do something. A discussion took place about repairing the trail. The Board will have continuing discussions regarding the budget. The trail might see more damage due to construction traffic, so the consensus was to hold off on the trail repair until the construction of the roadway and paving of the roadway is finished. New Board members were asked to suggest any other ideas for the use of the surplus funds instead of the trail repair. Mr. Shenai asked where the surplus appears in the financial statements. Ms. Walden responded it is just in the bank account. Ms. Walden directed the Board's attention to the Statement of Financial Position. The first line item is the General checking account and it is included in there.

There is a new elementary school going in and a suggestion was made that it might be beneficial to lay a sidewalk on the other side of the street so individuals from Enclave and Village Walk can walk on the same side of the street without having the children needing to cross the street, walk down and recross the street. Mr. Kaufmann thinks their plans would include a sidewalk along the road there and he can find out and report to the Board next month.

Mr. Shenai stated the County still has not paid the District the \$37,000.00 for damages to the District's irrigation. The District has been waiting for those funds for 6 months. Ms. Mackie stated she continued to discuss the issue with Felix and the County. The \$37,000.00 is for irrigation damages that were resulting around the time of late-winter to early-spring of last year. Felix has been responsible for directly contracting with Cepra, the District's irrigation Contractor, to repair damages since late-spring. Felix has asked to reconcile the \$37,000.00 expense at the end of construction, which is currently anticipated in March, but Ms. Mackie has continued to push for immediate payment. She is not sure it behooves the District to take

the next step at this point, which would involve preparation of litigation related documents, and suggested the District continue with its current efforts to obtain repayment.

Mr. Shenai directed the Board's attention to the District's Irrigation Repair line item. Last year the budget was \$30,000.00 and the District spent \$90,000.00. The final revised statement for Fiscal Year 2020 Financials shows that the budget has been changed to \$90,000.00 for that line item instead of \$30,000.00. If the District is not careful, the Board will think the District will need to spend that amount year over year. Ms. Walden stated that is only for Fiscal Year 2020. The District had to amend the budget to balance the budget for Audit purposes. For Fiscal Year 2021, the budget for Irrigation is only \$30,000.00. The current performance shows the District spending more than what he thought the District would spend for that line item. Ms. Walden stated the District has spent \$13,000.00. Mr. Shenai thinks if that is the trend, each quarter the District will be going over budget again. Mr. Scholl stated the District has other damages going due to construction and damage to sprinkler heads and irrigation controllers. Mr. Shenai asked if makes sense once Lake Nona Blvd. is done to assess the damages to the irrigation. Mr. Kaufmann responded that the plan is to do a final walkthrough and assess any damage.

## **TWELFTH ORDER OF BUSINESS**

### **Staff Reports**

#### District Counsel –

Ms. Sier made a presentation regarding recent legislative changes that require Board action. The Florida Legislature passed a new law which went into effect of January 1, 2021 requires public employers participate in the E-Verify System. E-verify, which is operated by the Department of Homeland Security, is used to confirm that employees are eligible to work in the United States. Local government entities that enter into contracts with contractors must register for the E-Verify System. Registration involves completing an online form and executing a Memorandum of Understanding. The District will include language on all new contracts that requires the contractors to comply with the E-Verify System as well.

Mr. Scholl asked if one of the contractors or its employees are not acting in good faith, will it come back to the Board of Supervisors or will it be directly handled with the contractor and their company. Ms. Sier stated the District is required to have the good faith belief that contractors are complying with E-Verify. As long as the District has that belief, the District is fine even if the contractor is not following the law. But, if the District were to learn that a contractor is not in compliance, then the District can terminate the contract without any penalties.

Ms. Walden requested the Board delegate to the Secretary the authority to register the District on E-Verify and execute the MOU.

On Motion by Mr. Da Silva, second by Ms. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved delegating to the Secretary the authority to register the District on E-Verify and execute the Memorandum of Understanding.

District Manager – Ms. Walden noted the next meeting is scheduled for Tuesday, February 16, 2021, and it will take place back at the hotel.

District Engineer – No Report

Construction Supervisor – No Report

District Landscape Supervisor- No Report.

#### **TWELFTH ORDER OF BUSINESS**

#### **Supervisor and Audience Comments & Adjournment**

Mr. Shenai asked if there was any update on the District Website. Ms. Walden will contact everyone once everything is finalized with the web vendor.

Mr. Scholl asked about the \$400,000.00 in project funds and asked if it was allocated towards something. Ms. Mackie responded those funds were set aside when the District's project was declared complete in 2016. The District held back some funds in order to acquire stormwater ponds associated with the interchange. The two ponds have not yet been acquired as it was expected that the Developer might have a need to reconfigure those ponds as development adjacent to them progressed. District staff has confirmed the ponds will not need any reconfiguration. Staff has been talking to the Developer about the process of finalizing that acquisition. Ms. Mackie noted that the amount in question relates to the dollar value associated with the acquisition of the real property only. The Lake Nona Districts have already paid the costs associated with the development of the stormwater ponds.

There were no Supervisor Requests or audience comments, so Ms. Walden requested a motion to adjourn.

On Motion by Mr. Lynaugh, second by Mr. Scholl, with all in favor, the January 19, 2021, meeting of the Board of Supervisors for the Myrtle Creek Improvement District was adjourned.

  
Secretary/Assistant Secretary

  
Chair/Vice Chair