

MYRTLE CREEK IMPROVEMENT DISTRICT BOARD OF SUPERVISORS' MEETING MINUTES

FIRST ORDER OF BUSINESS

Roll Call to Confirm a Quorum

The Board of Supervisors' Meeting for the Myrtle Creek Improvement District was called to order on Tuesday, November 16, 2021, at 5:00 p.m. at the Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd, Orlando, FL 32827.

Present:

Bob da Silva	Chairman	
Kam Shenai	Vice Chairman	
John Lynaugh	Assistant Secretary	
Marsha Leed	Assistant Secretary	
Kyle Scholl	Assistant Secretary	(joined at 5:01 p.m.)

Also attending:

Jennifer Walden	PFM	
Lynne Mullins	PFM	(via phone)
Tucker Mackie	Kutak Rock	(via phone)
Jeff Newton	Donald W. McIntosh Associates, Inc.	
Larry Kaufmann	Construction Supervisor & Construction Committee Member	(via phone)
Scott Thacker	District Landscape Supervisor	
Matt McDermott	Construction Committee Member	

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Walden called for public comments. There were no public comments at this time.

THIRD ORDER OF BUSINESS

Consideration of the Minutes of the September 21, 2021, Board of Supervisors' Meeting

Board Members reviewed the minutes from the September 21, 2021, Board of Supervisors' Meeting.

On Motion by Mr. da Silva, second by Mr. Shenai, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Minutes of the September 21, 2021, Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

Discussion regarding Recommendation on District Reserves

Ms. Walden directed the Board's attention to a spreadsheet put together by District staff. Mr. Kaufmann explained the spreadsheet and estimated 25 years for the life of the asphalt trails. The number he quoted in the spreadsheet is for the replacement cost, not maintenance, and needs to be corrected. The maintenance will continue until some point in the future that the Board decides to replace the entire trail. Mr. Kaufmann recommended putting in reserves of \$30,280.00 per year.

Discussion ensued regarding different line items and the process the District has in place for unspent line items.

Mr. Newton explained that the trail is the big expense item, and the 25-year design life is the best estimate. But keep in mind that the trail is already 10-15 years old. Having that additional money in reserves now helps defray the cost of the wear and tear that has already happened.

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 recommendation to increase the annual Reserves from \$20,000.00 to \$30,280.00 to first be funded by savings and other line items each year and secondarily increase the budget if necessary in the future.

FIFTH ORDER OF BUSINESS

Consideration of FY 2021 Audit Engagement Letter

Ms. Walden presented the Fiscal Year 2021 Audit Engagement Letter with Berger, Tooms, Elam, Gaines & Frank. It falls within the budgeted amount for Fiscal Year 2022 and Ms. Mackie has reviewed this item. There was information missing regarding the draft due date. The District will request Berger, Tooms, Elam, Gaines, & Frank to include that information so the District gets the draft back in time before it is due to the State.

On Motion by Mr. Scholl, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the FY 2021 Audit Engagement Letter, as amended to include the addition of the draft due date.

SIXTH ORDER OF BUSINESS

Ratification of Hopping Green & Sams and Kutak Rock Transition Letter

Ms. Mackie discussed the Hopping Green and Sams and Kutak Rock Transition Letter. She had conversations with PFM and the Chair regarding the need to execute the Transition Letter in advance of the Board meeting today because the departure that was announced in that transition letter was effective as of yesterday. Around the beginning of Spring, there were several departures at Hopping Green & Sams of various practice groups that caused her practice group to evaluate whether Hopping Green & Sams would be the platform from which they would continue to offer legal services going forward. As a result, her

Special District practice group looked for an alternative platform to provide legal services and found that in Kutak Rock, which has a national presence. The Transition Letter was provided at the time of the announcement and the Chair's execution allowed for the District to direct that client files be transitioned to Kutak Rock such that when she started up with her fellow partners today, all the files would be accessible in order to provide representation to the Myrtle Creek Improvement District. That is not irreversible should the Board choose to go in a different direction. If so, the Board would choose not to ratify the Transition Letter and go with alternative 2 as opposed to the selected alternative 1. Ms. Mackie will continue to be representing the District with Kutak Rock, the Fee Agreement in terms of pricing will not change for this District and the staff she has worked with for the past 15 years will continue to support her as well.

On Motion by Mr. Scholl, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified the execution of the Hopping Green & Sams and Kutak Rock Transition Letter.

SEVENTH ORDER OF BUSINESS

Consideration of Kutak Rock Fee Agreement

Ms. Mackie requested approval of the Kutak Rock Fee Agreement, which sets forth the terms of the representation and largely mirrors the Fee Agreement with Hopping Green & Sams. The billable rates are not changing for herself or any Associates or Paralegals who support the District. There are some changes to the section regarding the length at which District Counsel must hold onto client files but in connection with the process of moving to Kutak Rock, District Counsel has gone entirely paperless. Ms. Mackie outlined Section 7 in detail which referred to conflicts of interest and includes a general waiver. Any potential conflict will be disclosed to the client. Ms. Mackie noted that there are no current conflicts.

On Motion by Mr. Lynaugh, second by Mr. da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Kutak Rock Fee Agreement.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2022-01, Adopting an Amended Budget for FY 2021

Ms. Walden presented the Amended Budget for Fiscal Year 2021. There were a couple of line items that exceeded the budget by more than the allowable threshold and it is a requirement to balance the budget. She noted the overall budget has not changed.

On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved Resolution 2022-01, Adopting an Amended Budget for FY 2021.

NINTH ORDER OF BUSINESS

Discussion of Memo for Wastewater and Stormwater Needs Analysis

Ms. Mackie explained during the last legislative session the legislature enacted laws requiring governmental entities, including special districts, to perform a wastewater and stormwater need analysis in the form of a report that must be filed with the Department of Environmental Protection and Office of Economic Demographic Research by June 2022. The District does own one stormwater pond associated with Performance Drive, which may result in a need to provide a Stormwater Needs Analysis for Myrtle Creek. Also, the District will be providing funds to Boggy Creek Improvement District, which owns several of the Interchange ponds that will need to comply with the new legislation. The District will be seeing its proportionate share of the cost associated with the preparation of that report. There is no action needed by the Board today. She added that Donald W. McIntosh Associates will review and provide a work authorization to the extent reports are needed for particular Districts going forward. A lot of the information may already be contained in existing District reports, such as the Public Facilities Report required by Chapter 189, and the District may be able to borrow information from other reports in compiling the report.

TENTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in September & October 2021 in an amount totaling \$158,661.44

The Board reviewed Operation and Maintenance Expenditures Paid in September & October 2021 in an amount totaling \$158,661.44.

On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified Operation and Maintenance Expenditures Paid in September & October 2021 in an amount totaling \$158,661.44.

ELEVENTH ORDER OF BUSINESS

Recommendation of Work Authorization/Proposed Services

Ms. Walden stated the District has one proposal from Berman Construction in the amount of \$600.00 for the installation and removal of holiday décor at the Lake Nona Blvd. and Narcoossee Road Entrance. The previous company the District used last year went out of business and they gave all the materials to Berman to provide the service to the District. The \$600.00 is contemplated in the budget.

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 Work Authorization from Berman Construction in the amount of \$600.00 for installation and removal of holiday décor.

TWELFTH ORDER OF BUSINESS

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

The Board reviewed the District's Financial Statements through October 31, 2021, which is the first month of Fiscal Year 2022. The District is well below budget. No action is required by the Board.

Mr. Shenai noted the District has a surplus of \$186,346.00 and asked when the Board decides what to do with the surplus. Ms. Walden replied the Board does not have to decide now. It will stay in the checking account and can be used as the Board sees fit. The District will not get Fiscal Year 2022 O&M Assessments in until December and the District needs funds to pay for the next couple of months.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

<u>District Counsel</u> –	No Report
<u>District Manager</u> –	Ms. Walden noted the December meeting is moved up one week and is scheduled for Tuesday, December 14, 2021.
<u>District Engineer</u> –	No Report
<u>Construction Supervisor</u> –	Mr. Kaufmann noted that the Boggy Creek Improvement District reviewed a proposal for Landscape Maintenance on the Interchange and Cepra Landscaping was awarded the contract.
<u>District Landscape Supervisor</u> -	<p>Mr. McDermott stated last year when the District worked with Cepra, he had them come up with three different concepts for the entrance. Now that the District is in the new fiscal year it is time to get comments from the Board on the various options. Mr. McDermott presented the different options (Minutes Exhibit A) to the Board. A discussion took place. The Board directed District staff to move forward with option 1. No formal action was required by the Board.</p> <p>A discussion took place about the landscape for the median. The expense of that planting is the responsibility of that construction project so the District will not bare the expense of that. The plans from the City have been reviewed and Mr. Thacker's team will meet with them and discuss if there are any changes that need to be made so the look will be consistent with the standards of the District.</p>
<u>Irrigation Supervisor</u> -	No Report

FOURTEENTH ORDER OF BUSINESS

Supervisor Requests & Adjournment

There were no Supervisor requests, so Ms. Walden requested a motion to adjourn.

On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the November 16, 2021, Meeting of the Board of Supervisors for the Myrtle Creek Improvement District was adjourned.



Secretary/Assistant Secretary



Chair/Vice Chair