

# **BOGGY CREEK IMPROVEMENT DISTRICT BOARD OF SUPERVISORS' MEETING MINUTES**

## **FIRST ORDER OF BUSINESS**

The Board of Supervisors' Meeting for the Boggy Creek Improvement District was called to order on Tuesday, June 16, 2020, at 3:33 p.m. via telephonic conferencing due to the COVID-19 Executive Orders 20-52, 20-69 & 20-112.

Present via speakerphone:

Richard Levey	Chairperson
Damon Ventura	Vice-Chair
Thad Czapka	Assistant Secretary
Jamie Bennett	Assistant Secretary

Also, attending via phone:

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

## **SECOND ORDER OF BUSINESS**

### **Public Comment Period**

Dr. Levey noted for the record there were no members of the public present.

## **THIRD ORDER OF BUSINESS**

### **Swearing in Newly Appointed Board Member**

Ms. Walden noted that included in the agenda packet is a copy of Ms. Bennett's oath of office. She was sworn in prior to today's meeting.

## **FOURTH ORDER OF BUSINESS**

### **Discussion                      Regarding Executive Orders 20-52, 20-69 and 20-112**

Ms. Walden explained the Executive Orders are included in the packet and they state that the District is able to hold their meetings via telephonic conferencing due to the COVID-19 situation. Also included is a proof of the ad that notes those Executive Orders as well as the telephonic conferencing information so the public can join the meeting safely.

## **FIFTH 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. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Minutes of the May 19, 2020, Board of Supervisors' Meeting.

## **SIXTH ORDER OF BUSINESS**

### **Consideration of Resolution 2020-08, Election of Officers**

Ms. Walden explained the current slate of officers is as follows: Dr. Levey as Chair, Mr. Ventura as Vice-Chair, Ms. Walden as Secretary, Ms. Mullins, Mr. Czapka, Ms. Isaacs, and Mr. Tinetti, as Assistant Secretaries, Ms. Lane as Treasurer, and Ms. Glasgow as Assistant Treasurer.

Ms. Walden recommended the Board switch Ms. Bennett for Ms. Isaacs as Assistant Secretary.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2020-08, Election of Officers as follows: Dr. Richard Levey as Chair, Mr. Damon Ventura as Vice-Chair, Ms. Jennifer Walden as Secretary, Ms. Lynne Mullins, Mr. Thad Czapka, Ms. Jamie Bennett, and Mr. Chad Tinetti as Assistant Secretaries, Ms. Amanda Lane as Treasurer, and Ms. Jennifer Glasgow as Assistant Treasurer.

## **SEVENTH 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 93.1 points
3. Carr, Riggs & Ingram received 77.5 points

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

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy 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.

## **EIGHTH 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 outside of a meeting. Mr. Ventura requested that he be granted the authority to review and accept the Audit as the Vice-Chair. Dr. Levey supported that request.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District delegated authority to the Vice-Chair to accept the Fiscal Year 2019 Audit.

## **NINTH ORDER OF BUSINESS**

### **Consideration of Maintenance Agreement with Berman**

Ms. Mackie requested the Board table the consideration of this item. The request is that it be considered along with the Personnel Leasing Agreement amendments that will be considered in conjunction with approval of the final budget. This will be brought back before the Board in August. No action is required.

## **TENTH ORDER OF BUSINESS**

### **Ratification of Requisition Nos. 2018-148 – 2018-153 paid in May 2020 in the amount totaling \$135,182.37**

Board Members reviewed Requisition Nos. 2018-148 – 2018-153 paid in May 2020 in the amount totaling \$135,182.37.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified Requisition Nos. 2018-148 – 2018-153 paid in May 2020 in an amount totaling \$135,182.37.

## **ELEVENTH ORDER OF BUSINESS**

### **Ratification of Operation and Maintenance Expenditures paid in May 2020 in an amount totaling \$114,095.66**

Board Members reviewed the Operation & Maintenance expenditures paid in May 2020 in an amount totaling \$114,095.66.



On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified the Operation & Maintenance Expenditures paid in May 2020 in an amount totaling \$114,095.66.

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

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

Mr. Kaufmann stated that there were no Work Authorizations for this Board.

#### **THIRTEENTH 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 YTD. Ms. Walden stated that the budget to actual and financials are through May 31, 2020. The District has spent \$503,000.00 vs. an overall budget of \$920,500.00. There was no action required by the Board.

#### **FOURTEENTH ORDER OF BUSINESS**

#### **Staff Reports**

##### District Counsel –

Ms. Mackie explained the current Executive Order that moved the State of Florida into Phase 2 changed the date for the expiration of the Sunshine Law waiver to June 30, 2020. There is a possibility that, without being further extended, the Board will need to meet in a physical location for its July meeting. PFM worked to secure an alternate location at a hotel for purposes of holding that meeting in person if required. In the event more than 10 people attend that meeting, the District may also be required to continue to offer the virtual attendance option.

It was suggested in the Greenway District Meeting that in the event attendance is limited, only the Board and PFM attend in person to allow for public participation in person. The date of that meeting is July 21, 2020, and the name of the hotel is the Courtyard Orlando Lake Nona. The hotel is mandating the District cannot have more than 10 people in physical attendance at this time. If the Executive Order is extended, the Board can continue to hold teleconference meetings. Ms. Walden will keep everyone informed.

##### District Manager –

No Report

District Engineer –

Mr. Newton discussed his Construction Contract Status Memo (Minutes Exhibit A). For Nemours Parkway Phase 7, Mr. Newton received a Certificate of Completion from the City of Orlando on May 27, 2020, and a final landscape walk was conducted. He recommended to the Greenway Board that the District issue a Certificate of Final Completion to establish the date of completion and the commencement of warranties. It was also recommended that the Greenway Board release any remaining retainage to the contractor. The only funds the Greenway District would hold would be the funds for the hardscape monuments and landscape and irrigation maintenance. There is no action required for this District but there will be an invoice coming from the Greenway District for this District's portion of that work sometime within the next month or two.

As for the traffic signalization improvements at the intersection of Helios Boulevard and Lake Nona Boulevard, they may still be in flash mode. There was a problem with a fiber termination in the signal control box. The Contractor is in the process of fixing it. There is a Change Order attached to the memo which is to pay the Sub-Contractor to properly terminate the existing fibers in the box. The recommended motion would be for the approval of Change Order No. 5 in the additive amount of \$770.38. He also requested the Board to authorize District staff to release any remaining retainage to the contractor. The only funds the District would hold would be the funds needed to pay the Contractor for the LED Luminaires that the Developer requested.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Change Order No. 5 in the additive amount of \$770.38 and authorized District staff to release the retainage for the Helios Boulevard signal project.

Mr. Newton explained that District staff has determined it would be a good policy to issue a Certificate of Final Completion on completed projects to establish the commencement of the warranty period and the Chair will be asked to sign that certificate. He added that it will formalize the establishment of the final completion date.

Construction Supervisor –

No Report

District Landscape Supervisor-

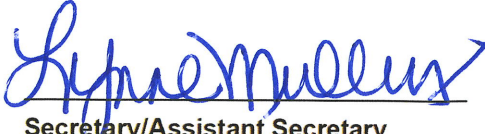
No Report

**FIFTEENTH ORDER OF BUSINESS**

**Supervisor and Audience  
Comments & Adjournment**

There were no Supervisor requests or audience comments. Dr. Levey requested a motion to adjourn.

On Motion by Mr. Czapka, second by Mr. Ventura, with all in favor, the June 16, 2020, meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.

  
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**Secretary/Assistant Secretary**  
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**Chair/Vice Chair**