

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, August 18, 2020, at 4:02 p.m. via telephonic conferencing due to the COVID-19 Executive Order 20-179.

Present via phone:

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

Also attending via phone:

Lynne Mullins	PFM
Jennifer Walden	PFM
Amanda Lane	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
Sean Cusack	Down to Earth

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

Discussion Regarding Executive Orders 20-179

Ms. Walden explained the Executive Order is included in the packet and it states 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 the Executive Order as well as the telephonic conferencing information so the public can join the meeting safely. Additionally, new orders came out last week, Executive Order 20-193, which has extended using telephonic conferencing through the end of September.

FOURTH ORDER OF BUSINESS

Consideration of the Minutes of the July 21, 2020 Board of Supervisors' Meeting

Board Members reviewed the minutes from the July 21, 2020 Board of Supervisors' Meeting

On Motion by Mr. Czapka, second by Ms. Salvo, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Minutes of the July 21, 2020 Board of Supervisors' Meeting.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2020-09, Approving an Annual Meeting for Fiscal Year 2021

Ms. Walden suggested keeping the current schedule for Board of Supervisors as the third Tuesday of each month with the exception of November which will be the week earlier on November 10, 2020 at the Tavistock offices. She noted she is trying to get confirmation that the Tavistock offices will be available for use and if that changes she will inform the Board. The Construction Committee meeting will take place at 3:30 p.m. every other week at the Donald W. McIntosh Associates offices.

On Motion by Mr. Czapka, second by Ms. Salvo, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved Resolution 2020-09, Approving an Annual Meeting Schedule for Fiscal Year 2021.

SIXTH ORDER OF BUSINESS

Discussion Regarding Materials on the District Website

Ms. Walden stated included is a memo from District Counsel listing out the amendments to the District Website requirements. The three amendments are listed as follows: the audit is no longer required to be posted but a link to the audit report on the Auditor General's website can take its place, the public facilities report is no longer required to be posted, and meeting materials accompanying the agenda outline are no longer required. Ms. Walden asked for direction from the Board on how they would like District staff to move forward on each of these items regarding making future updates on the website.

Dr. Levey stated these documents have to go through transformation to ensure they are ADA compliant before being posted to the website. The sister Board felt in the spirit of complete transparency unless there was an extraordinary cost or reason not to keep posting these documents, they agreed to take no action on this and continue business as usual. A Board discussion took place. Mr. Ventura is in favor of keeping business as usual. Mr. Czapka and Ms. Bennett agreed with Mr. Ventura. The District will continue business as usual. No action was required

SEVENTH ORDER OF BUSINESS

Consideration of Appointment to Construction Committee

Ms. Walden explained District staff would like to recommend replacing Mr. Scott Thacker with Mr. Matt McDermott. Mr. Thacker is now an employee of Berman. District staff spoke with the Developer and Mr. McDermott is an employee of Tavistock and who they would like to replace Mr. Thacker. He works in the landscaping field. Mr. Thacker would no longer be on the Construction Committee but would still be available as a resource.

Ms. Mackie explained the role of the Construction Committee to the Board.

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 replacement of Mr. Scott Thacker with Mr. Matt McDermott.

EIGHTH ORDER OF BUSINESS

Consideration of Extending Existing Landscape and Irrigation Maintenance Services Agreement with Down to Earth

Mr. Thacker noted Down to Earth's quality had started to decline in the Interchange area and the Board made a decision at the last meeting to continue to monitor Down to Earth before making a decision on whether to renew the agreement or not. As he continued to monitor Down to Earth's performance, the quality of work and certain scopes of work were not being performed up to the District's standards in the contract. His recommendation was to not renew this contract with Down to Earth. However, the sister District agreed to allow the vendor additional time to fix the issues and their performance would continue to be monitored before a final decision was made. He agreed with that recommendation.

Dr. Levey stated the sister District's Board gave Down to Earth until September 15, 2020 to raise the quality of their work. Mr. Ventura stated that this is a joint interchange agreement and do all the District's need to be in agreement on what to do. Ms. Mackie stated while all the Districts share in the cost associated with maintenance of the Interchange, Boggy Creek is the designated District responsible for making all decisions relative to that maintenance.

Mr. Cusack asked the Board to consider the unique situation that the Country is in during 2020 starting in March and that the landscaping industry is not immune to the labor impact of COVID-19. The Boggy Creek branch responsible for the Boggy Creek Improvement District has experienced labor shortages due to both COVID positive tests and quarantine. Down to Earth takes a proactive approach to protecting the safety and public health of employees and residents of the community they service. Down to Earth put themselves in a position to be labor short since June 1, 2020 on and off throughout the summer. The quality of work has suffered on some properties because the COVID-19 outbreaks have been across the entire footprint. He is committed to having the Boggy Creek Improvement District Interchange are be taken care of to the standard or above it by September 15, 2020 so that the Board will be confident in approving the next one-year extension of their contract. A discussion took place.

Mr. Ventura asked Mr. Thacker what his thought was on moving forward in the same manner as the sister District did. Mr. Thacker agreed with the previous Board's recommendation to continue monitoring Down to Earth through September 15, 2020. Mr. Thacker noted that due to the dollar amount of the contract, if the Board decided to make a change it would require going through the public RFP process. In September, if

the decision was made to make a change the Board would need to find an interim plan until a permanent replacement would be found. The Board agreed to defer this to September 15, 2020.

NINTH ORDER OF BUSINESS

Consideration of Personnel Leasing Agreement with Berman

Ms. Mackie explained the District has two separate Personnel Leasing Agreements with Tavistock Development for two individuals. One is for the Maintenance Contract Administrator which currently is Mr. Thacker who provides services to the Board in connection with the District's landscape maintenance contracts and then the second is for Mr. Paul Stevens who provides services to the District in connection with the ongoing maintenance of the District's irrigation system. The reason for the Personnel Leasing Agreement in the agenda package today is to acknowledge that Mr. Thacker and Mr. Stevens are now employed with Berman Construction, LLC and so the appropriate contracting party with the District for those leasing services is now Berman and also to acknowledge the increase in the contract amount of the Maintenance Contract Administrator which has increased to \$16,000.00 for the upcoming budget year. Mr. Ventura asked the current annual fee for the Maintenance Contract. Ms. Mackie stated the Irrigation Specialist is \$20,000.00 and will remain the same for next year. Ms. Walden stated the increase for the Contract Administrator is \$16,000.00 as there was no charge previous to Fiscal Year 2021.

On Motion by Mr. Ventura, second by Ms. Salvo, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Personnel Leasing Agreement with Berman Construction, LLC.

TENTH ORDER OF BUSINESS

Consideration of Berman Agreement

Ms. Mackie explained District staff recommends the District engage with Berman Construction, LLC under a continuing contract with the understanding that as services are needed the District would receive from Berman Construction a work authorization that would describe the work. Depending upon the amount of the same it would either be approved by the District Manager in the event it falls under their spending authorization that was previously approved by resolution or it would be brought to the Board for review and approval prior to those services being performed. Ms. Mackie added that this agreement does not limit the District from seeking alternate proposals for various services and it would just be the terms of the agreement under which a work authorization with Berman would be approved.

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 Agreement with Berman Construction, LLC.

ELEVENTH ORDER OF BUSINESS

Consideration of Revision to 2nd Amended and Restated Engineer's Report for Capital Improvements for Infrastructure

Mr. Newton presented a revised 2nd Amended and Restated Engineer's Report for Capital Improvements. On page 7 of the Engineer's Report he added some language to allow the District some flexibility as related to a federal BUILD grant obtained by the Developer. This section was related to roadways but the additional language opens it up to allow for some alternative mobility measures such as autonomous vehicle lanes, dedicated bicycle routes, etc. and this addition does not alter the list of improvements in the CIP or the budget of the CIP. He added that it does allow for flexibility in the use of the budget and the ability for the District to own, operate, and maintain such things in the future.

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 revised 2nd Amended and Restated Engineer's Report for Capital Improvements for Infrastructure.

TWELFTH ORDER OF BUSINESS

Consideration of District Counsel Fee Increase Letter

Ms. Walden explained District staff brought this item previously before the Board along with the DM Fee Increase Letter. After discussion with the Developer, they are comfortable moving forward with the District Counsel Fee increase supplied here. As for the DM Fee increase, that has been put on hold and that amount originally in the budget was shifted to the administrative miscellaneous expense line item for future consideration later in the Fiscal Year.

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 District Counsel Fee Increase Letter.

THIRTEENTH ORDER OF BUSINESS

Public Hearing on the Adoption of the District's Annual Budget

- a) **Public Comments and
Testimony**
- b) **Board Comments**
- c) **Consideration of
Resolution 2020-10,
Adopting the Fiscal Year
2021 Budget and
Appropriating Funds**

Dr. Levey requested a motion to open the public hearing for the adoption of the District's annual budget.

On Motion by Mr. Czapka, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District opened the Public Hearing.

Ms. Walden noted the District noticed this hearing pursuant to Florida Statutes and the budget is included as an exhibit to the Resolution. This is the same overall budget that the Board approved in preliminary form back in May. District staff has worked on the budget based on the actuals that have come in and what else will be necessary for next year. Some of the line items may have shifted to accommodate those changes but the overall budget remained the same as last year. There were no questions of District staff so Ms. Levey opened the floor for public comment. Hearing none, he requested a motion to close the public hearing.

On Motion by Mr. Czapka, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District closed the Public Hearing

Dr. Levey requested a motion to approve Resolution 2020-10.

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 2020-10, Adopting the Fiscal Year 2021 Budget and Appropriating Funds.

FOURTEENTH ORDER OF BUSINESS

Consideration of Resolution 2020-11, Adopting an Assessment Roll for Fiscal Year 2021 and Certifying Special Assessments for Collection

Ms. Walden explained this Resolution is adopted each year after the budget to impose the Special Assessments for Fiscal Year 2021 based on the budget that was just approved.

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 2020-11, Adopting an Assessment Roll for Fiscal Year 2021 and Certifying Special Assessments for Collection.

FIFTEENTH ORDER OF BUSINESS**Ratification of Requisition
Nos. 2018-160 – 2018-165 paid
in July 2020 in the amount
totaling \$160,904.49**

Board Members reviewed Requisition Nos. 2018-160 – 2018-165 paid in July 2020 in the amount totaling \$160,904.49.

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. 2018-160 – 2018-165 paid in July 2020 in the amount totaling \$160,904.49.

SIXTEENTH ORDER OF BUSINESS**Ratification of Operation and
Maintenance Expenditures
paid in July 2020 in an amount
totaling \$119,099.79**

Board Members reviewed the Operation & Maintenance expenditures paid in July 2020 in an amount totaling \$119,099.79.

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 July 2020 in an amount totaling \$119,099.79.

SEVENTEENTH ORDER OF BUSINESS**Recommendation of Work
Authorizations/Proposed
Services**

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

EIGHTEENTH 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 July 31, 2020. The District is currently running under budget and District staff is continually looking at the expenses coming in and the District is projected to come in at or under budget. There was no action required by the Board.

NINETEENTH ORDER OF BUSINESS

Staff Reports

District Counsel – No Report

District Manager – Ms. Walden noted the next meeting is scheduled for Tuesday, September 15, 2020, at 3:30 p.m. to be taking place virtually.

District Engineer – No Report

Construction Supervisor – No Report

District Landscape Supervisor – No Report


TWENTIETH 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 Ms. Salvo, second by Mr. Czapka, with all in favor, the August 18, 2020 meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair