

BOGGY 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 Boggy Creek Improvement District was called to order on Tuesday, October 19, 2021, at 3:00 p.m. at Courtyard Orlando Lake Nona, 6955 Tavistock Lakes Blvd, Orlando, FL 32827.

Present:

Richard Levey	Chairperson
Jamie Bennett	Assistant Secretary
Thad Czapka	Assistant Secretary
Chad Tinetti	Assistant Secretary

Also attending:

Lynne Mullins	PFM	
Jennifer Walden	PFM	(via phone)
Tucker Mackie	Hopping Green & Sams	
Jeff Newton	Donald W. McIntosh Associates, Inc.	
Larry Kaufmann	Construction Supervisor & Construction Committee Member	
		(via phone)
Scott Thacker	District Landscape Supervisor	(joined at 3:01 p.m. via phone)

SECOND ORDER OF BUSINESS

Public Comment Period

Dr. Levey asked for any public comments. There were no 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 Ms. Bennett, second by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Minutes of the September 21, 2021, Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

Update on Beep Shuttle Insurance

Ms. Mackie spoke to Beep's Counsel on Monday, who was trying to get an Amendment to the Master Services Agreement but was not able to do so in time for the meeting. PFM has been trying to obtain insurance on behalf of the District for the Beep vehicles when they are stationary and not in use for property coverage; however, that is cost prohibitive and difficult to obtain given the nature of the shuttle service itself. Beep has expressed their willingness to extend their insurance coverage under the Master Services Agreement on behalf of the District to cover the District for any risk of loss, whether the Beep Shuttles are operational or not. Ms. Mackie requested a motion to delegate the authority to the Chair to approve the Amendment to the Master Services Agreement and bring it back to the Board for ratification at the next meeting.

Mr. Tinetti asked District staff if they were comfortable with the limits laid out in Article 7. Ms. Mackie said yes, especially in terms of the risk of loss associated with the vehicle when it is stationary. All of the limits included within the Master Services Agreement equal or exceed that required under Florida Law for the operation of autonomous vehicles. The master umbrella was confirmed to be in addition to any policy. Dr. Levey asked if there was a deductible. Ms. Mackie stated there is a deductible but it is Beep's insurance that is providing for the deductible. Dr. Levey asked who is responsible should an incident occur. Ms. Mackie replied that Beep would be responsible for the payment of the deductible.

On Motion by Mr. Czapka, second by Ms. Bennett, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Amendment to the Master Services Agreement subject to the form of the change to the insurance coverage being generally as District Counsel described and delegating authority to the Chair to execute.

FIFTH ORDER OF BUSINESS

Consideration of Traffic Engineering Design and Analysis Services Agreement for Medical City Drive

Mr. Newton stated last month the Board approved Donald W. McIntosh Associates' proposal to do the Medical City Drive widening, and the Traffic Engineering Design and Analysis Services Agreement for Medical City Drive is an agreement with Kittleson Associates to provide transportation engineering support with the intersection designs, left turn lane queues, etc.

Dr. Levey asked what the first agreement is. Ms. Mackie stated the first agreement is the District's form of Services Agreement for design services and their proposal is within the attached document. District staff has put it in the format acceptable to the District. The Traffic Engineering Design and Analysis Services Agreement for Medical City Drive is in the amount of \$22,400.00. Dr. Levey requested a motion to approve the Agreement.

On Motion by Mr. Tinetti, second by Ms. Bennett, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Traffic Engineering Design and Analysis Services Agreement for Medical City Drive.

SIXTH ORDER OF BUSINESS

Consideration of FY 2021 Audit Engagement Letter

Ms. Mullins presented the FY 2021 Audit Engagement Letter from Berger, Toombs, Elam, Gaines & Frank stating that the fee is \$3,775.00, which is under the budgeted amount of \$5,000.00. Ms. Mackie added that, with respect to the Engagement Letter, the only comments that will be provided back to Berger, Toombs is to include language that this Board has requested a draft delivery date such that it can be reviewed by staff on an agenda to come before the Board before it is required to be submitted to the Auditor General by the June 30th deadline.

On Motion by Mr. Tinetti, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the FY 2021 Audit Engagement Letter, subject to edits by District Counsel.

SEVENTH ORDER OF BUSINESS

Discussion regarding Hopping Green & Sams and Kutak Rock Transition Letter

Ms. Mackie explained the letter from Hopping Green & Sams announcing the departure of herself and several of the other Attorney's that practice in the Special District Practice Group with Hopping Green & Sams to Kutak Rock effective November 15, 2021. She previously spoke to the Chair and Ms. Rencoret and Mr. Byrnes at Tavistock, who are supportive of the change to Kutak Rock. There is no change to the fee associated with this transition, and the Fee Agreement is largely the same but instead of Hopping Green & Sams at the top of the letterhead it will be Kutak Rock. Ms. Mackie will continue to provide all of the legal services for the District, and her team is also transitioning to Kutak Rock. She is hoping with the receipt of the transition letters that, as of November 15, 2021, all of the data associated with the Boggy Creek Improvement District will be ported over to Kutak Rock.

On Motion by Ms. Bennett, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Hopping Green & Sams and Kutak Rock Transition Letter Alternative 1.

EIGHTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures Paid in September 2021 in an amount totaling \$199,794.71

The Board reviewed Operations and Maintenance Expenditures paid in September 2021 in an amount totaling \$199,794.71. Dr. Levey noted these have been approved and just need to be ratified by the Board.

On Motion by Mr. Czapka, second by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Operations and Maintenance Expenditures paid in September 2021 in an amount totaling \$199,794.71.

NINTH ORDER OF BUSINESS

Ratification of Requisition Nos. 2018-207 – 2018-208 paid in September 2021 in an amount totaling \$3,182.25

The Board reviewed Requisition Nos. 2018-207 – 2018-208 paid in September 2021 in an amount totaling \$3,182.25. Dr. Levey noted these have been approved and just need to be ratified by the Board.

On Motion by Mr. Czapka, second by Ms. Bennett, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified Requisition Nos. 2018-207 – 2018-208 in September 2021 in an amount totaling \$3,182.25.

TENTH ORDER OF BUSINESS

Recommendation of Work Authorizations/Proposed Services

Mr. Kaufmann stated there were no Work Authorizations for this District.

ELEVENTH ORDER OF BUSINESS

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

The Board reviewed the District Financial Statements updated through September 30, 2021. Ms. Mullins noted this is the through the end of the Fiscal Year but the District has two months to finalize the financials for Fiscal Year 2021. Dr. Levey asked if there were any issues with the budget. Ms. Mullins noted there were no issues.

TWELFTH ORDER OF BUSINESS

Staff Reports

<u>District Counsel</u> –	No Report
<u>District Manager</u> –	Ms. Mullins noted the next meeting is scheduled for Tuesday, November 16, 2021, at 3:00 p.m.
<u>District Engineer</u> –	No Report
<u>Construction Supervisor</u> –	No Report
<u>District Landscape Supervisor</u> –	No Report
<u>Irrigation Supervisor</u> –	No Report

THIRTEENTH ORDER OF BUSINESS

Supervisor Requests and Adjournment

As there were no Supervisor requests, Dr. Levey requested a motion to continue the meeting.

On Motion by Mr. Czapka, second by Ms. Bennett, with all in favor, the October 19, 2021, Meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.


Secretary/Assistant Secretary


Chair/Vice Chair