

# **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, June 15, 2021, at 3:30 p.m. at Courtyard Orlando Lake Nona, 6955 Tavistock Lakes Blvd, Orlando, FL 32827.

Present:

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

Also attending:

Jennifer Walden	PFM	
Lynne Mullins	PFM	(via phone)
Amanda Lane	PFM	(via phone)
Kevin Plenzler	PFM	(via phone)
Tucker Mackie	Hopping Green & Sams	
Deborah Sier	Hopping Green & Sams	(via phone)
Jeff Newton	Donald W. McIntosh Associates, Inc.	
Larry Kaufmann	Construction Supervisor & Construction	Committee Member (via phone)
Matt McDermott	Construction Committee Member	
Chris Wilson	Construction Committee Member	(joined @ 3:42 p.m.)
Dan Byrnes	Tavistock Development	(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 May 18, 2021, Board of Supervisors' Meeting**

Board Members reviewed the minutes from the May 18, 2021, Board of Supervisors' Meeting.

On Motion by Mr. Ventura, second by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Minutes of the May 18, 2021, Board of Supervisors' Meeting.

## **FOURTH ORDER OF BUSINESS**

## **Review and Acceptance of Fiscal Year 2020 Audit**

Ms. Walden noted District staff reviewed the audit and provided comments. It was a standard and clean audit. There were no deficiencies in internal controls that would be considered material weaknesses. Mr. Ventura added that he had reviewed it in detail and was good with the audit.

On Motion by Mr. Ventura, second by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District accepted the Fiscal Year 2020 Audit.

## **FIFTH ORDER OF BUSINESS**

### **Request to Advertise an RFQ to Prequalify Contractors for District Infrastructure Projects**

Ms. Mackie stated that it has been five years since the District went through the process to pre-qualify contractors to be eligible to bid on District improvement contracts. It was initially a three-year authorization, with the ability for the District to extend for two additional years, which it did. Now at the conclusion of the five years, the Lake Nona sister Districts would like to advertise a request for qualifications to pre-qualify contractors again.

During the prequalification process, the District requests various information that speaks to the contractor's ability to perform the work, including their personnel, their understanding of the scope, their references, and relevant work experience. The one item that is not requested is pricing. Once contractors are prequalified and the District has a construction project, the District can request bids from its prequalified contractors rather than issuing a request for proposals. Since those contractors are already deemed qualified, the District compares the price and sometimes the timing from those contractors, but does not need to consider other criteria. A lot of efficiencies are realized by utilizing the prequalified contractor process. District staff is requesting the Board authorize staff to advertise the RFQ. Since this is being done in conjunction with the other sister Districts, some economies of scale will be realized. Once the RFQ packages are received, they will be reviewed by the Construction Committee, who will provide their recommendations to the Board.

On Motion by Mr. Ventura, second by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District authorized District Staff to advertise an RFQ to Prequalify Contractors for District Infrastructure Projects.

## **SIXTH ORDER OF BUSINESS**

### **Discussion and Consideration of Electric Bus Financing with Truist Bank**

Mr. Byrnes discussed the ongoing shuttle program with Beep, who operates the autonomous electric shuttles within Lake Nona. The Developer prefers that the mobility network be operated at some level by the Districts as it will be for public benefit. Discussions are ongoing regarding the routes, how efficient they can make the shuttles, and where they want to take them. Mr. Byrnes, on behalf of the Developer, requested the Boggy Creek District take on ownership and operation of two shuttles. The Developer is willing to provide financial assurance to pay for the shuttles and to revisit the topic later as they better understand the overall impact and benefit to the community.

Ms. Mackie stated a term sheet proposal is being presented from Truist Bank, which provides a favorable financing structure for acquisition of the two shuttles. Bond Counsel has been involved in the financing discussions and it is anticipated that the District will accept the taxable rate. District staff is looking for approval to prepare the documents that would allow the District to close on this transaction and purchase the vehicles. All of the funding for the operation and purchase of the vehicles would come from the Developer initially. This will be reflected in the District's budget, but it will be a Developer funding obligation. In the future, if this was a viable public transportation system that was expanding, the District could look at an assessment structure that would then support the operation of the Beep improvements. Alternatively, the District could choose to discontinue the shuttle services at that time.

Districts are authorized under Chapter 190 to operate a transit system. The Developer believes that the District is the appropriate party for long-term operation of this system. Dr. Levey asked about other documents that would be provided. Ms. Mackie responded that there would be other documents provided

at the next meeting, including a Funding Agreement with the Developer. Dr. Levey asked if the Developer would provide a backstop guarantee. Ms. Mackie stated it has not been requested but she can see if there would be. Dr. Levey also requested an amortization schedule for the next meeting. Ms. Mackie noted that she will be requesting a continuation of this meeting to July 7, 2021, which is also when the Organizational Meeting for Midtown ID will take place.

Mr. Byrnes discussed that the shuttles are built by a manufacturer which is not Beep. There are several manufacturers that can be used, and as newer technology becomes available, it provides for more efficient shuttles. Beep provided their financial contract, which provided a three-year term lease, required a significant down payment, and a financing rate of 8%-10%. With Truist, the District would own the shuttle instead of leasing it. Truist would allow the District to finance 100% of the cost of the shuttles over a 60-month amortization at an interest rate below 2%. Mr. Ventura asked if Boggy Creek would be the only District that would be involved in this program. Mr. Byrnes stated that is the current plan, but down the road it would seem a multiple District share agreement would be needed. Ms. Mackie added that it would operate similar to the Interchange, where Boggy Creek would be the main contracting District, and there would be an agreement with the other Districts for their share. Mr. Byrnes believes that, as public transportation via autonomous electric shuttles becomes more widely accepted, the District will end up with more routes, more efficient routes, and more efficient shuttles, which will help drive the cost down.

On Motion by Mr. Tinetti, second by Mr. Ventura, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District authorized District staff to move forward with engaging with Truist Bank to develop a complete loan package and other documentation that would provide for the purchase of two electric shuttles for Boggy Creek ID.

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

**Ratification of Operation and  
Maintenance Expenditures  
Paid in May 2021 in an amount  
totaling \$94,624.12**

The Board reviewed the Operation and Maintenance Expenditures Paid in May 2021 in an amount totaling \$94,624.12. These have been approved and just need to be ratified by the Board.

On Motion by Mr. Ventura, second by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified Operation and Maintenance Expenditures Paid in May 2021 in an amount totaling \$94,624.12.

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

**Ratification of Requisition  
Nos. 2018-191 – 2018-196 in  
May 2021 in an amount  
totaling \$4,434.50**

The Board reviewed Requisition Nos. 2018-191 – 2018-196 in May 2021 in an amount totaling \$4,434.50. These have been approved and just need to be ratified by the Board.

On Motion by Mr. Ventura, second by Mr. Tinetti, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified Requisition Nos. 2018-191 – 2018-196 in May 2021 in an amount totaling \$4,434.50.

**NINTH ORDER OF BUSINESS**

**Recommendation of Work Authorizations/Proposed Services**

There were no Work Authorizations for this District at this time.

**TENTH ORDER OF BUSINESS**

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

Ms. Walden noted through May 31, 2021, that the District has total expenses of \$463,000.00 vs. a budget of \$920,500.00. No action is required by the Board.

Dr. Levey asked if there were any areas of concern. Ms. Walden said there were no new items of concern.

Dr. Levey asked about the Interchange Maintenance miscellaneous expenses. Ms. Walden noted that there were a few items that came up such as the need for pressure washing.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

District Counsel – Ms. Mackie explained that the Board will need to continue this meeting in progress to July 7, 2021, at 2:00 p.m.

District Manager – No Report

District Engineer – No Report

Construction Supervisor – Mr. Kaufmann noted at the last meeting he indicated he would bring some pricing for the streetlights on Lake Nona Blvd. He talked to Mr. Newton last week about writing a proposal and he suggested the District go directly to OUC so they can do the design and permitting. Mr. Kaufmann is in the process of doing that and hopes to have something back at the next meeting.

District Landscape Supervisor- No Report

Irrigation Supervisor – No Report

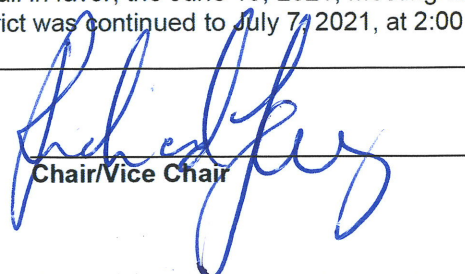
**TWELFTH ORDER OF BUSINESS**

**Supervisor Requests and Adjournment**

There were no Supervisor requests or audience comments. Dr. Levey requested a motion to continue the meeting.

On Motion by Mr. Tinetti, second by Mr. Ventura, with all in favor, the June 15, 2021, Meeting of the Board of Supervisors for the Boggy Creek Improvement District was continued to July 7, 2021, at 2:00 p.m.

  
Secretary/Assistant Secretary

  
Chair/Vice Chair