

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
UTILITY SPECIAL DISTRICT MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
MONDAY, JUNE 20, 2016 AT 5:00 P.M.**

(The following may contain unintelligible or misunderstood words due to the recording quality.)

[Gavel]

CALL TO ORDER

BOARD CHAIR DAVIS: At this time, we're gonna call this regular Utility District meeting to order.

ROLL CALL

BOARD CHAIR DAVIS: Madam Clerk, roll call, please.

DEPUTY DISTRICT CLERK BURGESS: Board Chair Terence Davis?

BOARD CHAIR DAVIS: Yes. Here.

DEPUTY DISTRICT CLERK BURGESS: Chair Pro Tem KaShamba Miller-Anderson?

BOARD CHAIR PRO TEM MILLER-ANDERSON: Here.

DEPUTY DISTRICT CLERK BURGESS: Board Member Lynne Hubbard?

BOARD MEMBER HUBBARD: Here.

DEPUTY DISTRICT CLERK BURGESS: Board Member Tonya Davis Johnson?

BOARD MEMBER DAVIS JOHNSON: Here.

DEPUTY DISTRICT CLERK BURGESS: Board Member Dawn Pardo?

BOARD MEMBER PARDO: Present.

DEPUTY DISTRICT CLERK BURGESS: Mayor Masters? [Pause]. City Manager Ruth Jones?

CITY MANAGER JONES: Present.

DEPUTY DISTRICT CLERK BURGESS: Assistant Executive Director Giles Rhoads?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Here.

DEPUTY DISTRICT CLERK BURGESS: District Deputy City Clerk Jacqueline Burgess is present. District Attorney Pamala Ryan?

DISTRICT ATTORNEY RYAN: Present.

BOARD CHAIR DAVIS: Thank you.

INVOCATION

PLEDGE OF ALLEGIANCE

BOARD CHAIR DAVIS: Now we're gonna have a moment of silence as we stand. Pledge of Allegiance will be led by Councilperson Pardo.

[Moment of silence]

BOARD MEMBER PARDO: I pledge allegiance...

ALL: ...to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible with liberty and justice for all.

AGENDA Approval: Additions, Deletions, Substitutions

BOARD CHAIR DAVIS: Madam Manager, do we have any additions, deletions or substitutions?

CITY MANAGER JONES: Yes, Mr. Chair. We would like to remove Item No. 4 from consideration tonight. The vendor has asked for some additional questions and clarifications that we have not been able to answer yet.

BOARD CHAIR DAVIS: Anyone else? [Pause]. So, additional questions, you said? That we haven't been able to answer? Any other additions or deletions from any Members of the Board? Okay. So, Item 4 is removed.

Disclosures by Board of Directors Adoption of Agenda

BOARD CHAIR DAVIS: Any disclosures by any Board Members?

BOARD CHAIR PRO TEM MILLER-ANDERSON: Yes. I met with Mr. Michael Brown and spoke with him regarding Item 1.

BOARD CHAIR DAVIS: Okay. Anyone else?

BOARD CHAIR PRO TEM MILLER-ANDERSON: I'm sorry. That was, I think I may have disclosed that the first time. If...

BOARD CHAIR DAVIS: Okay.

BOARD CHAIR PRO TEM MILLER-ANDERSON: ...not... It's been a while though.

BOARD CHAIR DAVIS: Okay. Since the last time this Item was on the...

BOARD CHAIR PRO TEM MILLER-ANDERSON: Yes.

BOARD CHAIR DAVIS: ...regular Agenda?

BOARD CHAIR PRO TEM MILLER-ANDERSON: Yes.

BOARD CHAIR DAVIS: Okay.

BOARD CHAIR PRO TEM MILLER-ANDERSON: I haven't...

BOARD CHAIR DAVIS: For discussion.

BOARD CHAIR PRO TEM MILLER-ANDERSON: ...spoken to him since then.

BOARD CHAIR DAVIS: Anyone else? Any disclosures? Do I have a motion to adopt and approve the Agenda?

BOARD MEMBER DAVIS JOHNSON: So move.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Second.

BOARD CHAIR DAVIS: Madam Clerk.

DEPUTY DISTRICT CLERK BURGESS: Board Member Hubbard?

BOARD MEMBER HUBBARD: Yes.

DEPUTY DISTRICT CLERK BURGESS: Board Member Davis Johnson?

BOARD MEMBER DAVIS JOHNSON: Yes.

DEPUTY DISTRICT CLERK BURGESS: Board Member Pardo?

BOARD MEMBER PARDO: Yes.

DEPUTY DISTRICT CLERK BURGESS: Pro Tem Miller-Anderson?

BOARD CHAIR PRO TEM MILLER-ANDERSON: Yes.

DEPUTY DISTRICT CLERK BURGESS: Chair Davis?

BOARD CHAIR DAVIS: Yes. Now we going down to the Consent Agenda.

CONSENT AGENDA

BOARD CHAIR DAVIS: ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A BOARD MEMBER SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

BOARD CHAIR DAVIS: Anyone would like to pull any Items from Consent?

BOARD MEMBER PARDO: Yes. Mr. Chair.

BOARD CHAIR DAVIS: Yes.

BOARD MEMBER PARDO: I'd like to pull Item 1, please.

BOARD CHAIR DAVIS: Anyone else?

BOARD MEMBER DAVIS JOHNSON: I have a question, Mr. Chair

BOARD CHAIR DAVIS: Yes, ma'am.

BOARD MEMBER DAVIS JOHNSON: Because the minutes are included in Consent...

BOARD CHAIR DAVIS: Mhmm.

BOARD MEMBER DAVIS JOHNSON: ...how do we address scrivener's errors and other errors in the minutes...

BOARD CHAIR DAVIS: [Inaudible].

BOARD MEMBER DAVIS JOHNSON: ...before approving... Okay.

BOARD CHAIR PRO TEM MILLER-ANDERSON: What did you say?

BOARD MEMBER DAVIS JOHNSON: Hmm?

BOARD CHAIR DAVIS: She was asking...

BOARD CHAIR PRO TEM MILLER-ANDERSON: I heard her.

BOARD CHAIR DAVIS: ...how do we address Item'...

BOARD CHAIR PRO TEM MILLER-ANDERSON: What was the answer? I didn't hear it.

BOARD CHAIR DAVIS: Just pull it.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Oh, okay.

BOARD MEMBER DAVIS JOHNSON: Okay. The minutes.

BOARD CHAIR DAVIS: Which Item?

BOARD MEMBER DAVIS JOHNSON: Item 2.

BOARD CHAIR DAVIS: Item 2?

BOARD MEMBER DAVIS JOHNSON: And that would include 3.

BOARD CHAIR DAVIS: And 3?

BOARD MEMBER DAVIS JOHNSON: Mhmm.

BOARD CHAIR DAVIS: Okay. So, 1, 2 and 3 have been pulled. Alright. So we have no Consent. Alright. So, we can go to Item No. 1. Councilperson Pardo?

BOARD MEMBER PARDO: Okay. Can the Clerk read it first?

BOARD CHAIR PRO TEM MILLER-ANDERSON: She's gotta read it.

BOARD MEMBER DAVIS JOHNSON: She needs to read the Resolution.

BOARD CHAIR DAVIS: Oh. I'm sorry.

DEPUTY DISTRICT CLERK BURGESS: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE DISTRICT TO APPROVE THE TRANSFER OF \$24,999 FROM THE UTILITY SPECIAL DISTRICT'S CONTINGENCY ACCOUNT TO THE PROFESSIONAL SERVICES ACCOUNT TO RETAIN THE SERVICES OF BROWN & ASSOCIATES, P.A. TO SERVE AS SPECIAL LEGAL COUNSEL TO THE RIVIERA BEACH UTILITY SPECIAL DISTRICT TO ADDRESS WATER QUALITY ISSUES; AUTHORIZING THE DISTRICT FINANCE

DIRECTOR TO TRANSFER THESE FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

BOARD CHAIR DAVIS: Do we have a motion?

BOARD MEMBER DAVIS JOHNSON: So move.

BOARD MEMBER HUBBARD: Second.

BOARD CHAIR DAVIS: Ms. Pardo.

BOARD MEMBER PARDO: Okay. Thank you. My first question is, how come the contract is not attached to the backup with this Item?

DISTRICT ATTORNEY RYAN: [Inaudible]. Mr. Chair?

BOARD CHAIR DAVIS: Yes.

DISTRICT ATTORNEY RYAN: If you'll recall, Ms. Pardo, at the last Utility District meeting, we discussed the contract and we agreed that I would use my, would do my standard procedure which is to.., I took his Engagement Letter, where he detailed all of the things that he was going to do and I attached a Standards for Legal Services which Mr. Brown signed. So I did not enter into a, um, a regular agreement for this but treated it more like a contract for legal services because it was, it's under \$25,000 and his, his Letter, basically, gave the scope.

BOARD MEMBER PARDO: Okay. So then, if it's under \$25,000 why is coming to us?

DISTRICT ATTORNEY RYAN: It came to you because the Council requested it. It did not have to come to Council but it was a request from Council.

BOARD MEMBER PARDO: Okay. So, do you think since it is coming in front of Council, for an amount that is less than \$25,000, shouldn't the Engagement Letter have been attached to it? You know? For the good of the record?

DISTRICT ATTORNEY RYAN: It could've been. It could've been.

BOARD MEMBER PARDO: My second question is, has he started working on the scope of services that he was retained under?

DISTRICT ATTORNEY RYAN: It's my understanding that.., well, first of all, Mr. Brown did sign the Standards and began work. It's my understanding that he did have a meeting with Utility District Staff and received a lot of paperwork and took the paperwork with him and that he's reviewing it now.

BOARD MEMBER PARDO: Thank you.

CITY MANAGER JONES: Mr. Chair?

BOARD CHAIR DAVIS: Yes, ma'am.

CITY MANAGER JONES: One other reason why this has to be on here is that we're asking to move the money from contingency. And because it's in contingency and we'd like to move it, we have to get Board approval because we didn't have this Item approved in the original budget.

BOARD CHAIR DAVIS: Thank you. Anyone? Other Members of the Board?

BOARD MEMBER PARDO: Mr. Chair?

BOARD CHAIR DAVIS: Yes.

BOARD MEMBER PARDO: Alright. I just have one other question then, for the Manager. So you're saying that the funds... Nowhere in the Utility District's budget did we have funds to pay for this? It had to come out of contingency? We didn't have money put aside for professional services or anything like that?

CITY MANAGER JONES: They do have professional services, however, it was..., they were thinking it would be just the regular services that they do automatically every year under professional services and so this is additional money that they did not anticipate.

BOARD MEMBER PARDO: Alright. And, just to [pause]. I thought, um, did DEP find money? Didn't that come out of [pause], didn't that come out of professional services?

BOARD CHAIR DAVIS: Yes.

BOARD MEMBER PARDO: Right? Didn't...

BOARD CHAIR DAVIS: It did.

BOARD MEMBER PARDO: When we...

CITY MANAGER JONES: The, uh...

BOARD MEMBER PARDO: ...had to pay the \$10,000 fine to DEP?

CITY MANAGER JONES: [Stammer].

BOARD MEMBER PARDO: That money was... Yeah. Go ahead.

CITY MANAGER JONES: I don't know if it was the DEP or whether it was one of the other orders and that money did come out of professional service which was additional money that was not anticipated in this particularly year.

BOARD MEMBER PARDO: Okay. But that money did not.., that money was already in the budget. Correct? So we didn't have to move it from, um...

CITY MANAGER JONES: Yes, ma'am.

BOARD MEMBER PARDO: ...contingency.

CITY MANAGER JONES: It was al'... We took it from the professional services line.

BOARD MEMBER PARDO: Okay. So there's no money left in professional services?

CITY MANAGER JONES: I can't say whether there's any money left.

BOARD MEMBER PARDO: Alright.

CITY MANAGER JONES: We'd have to ask...

BOARD MEMBER PARDO: Ask who?

CITY MANAGER JONES: Financial or someone.

[Chuckle]

CITY MANAGER JONES: I really don't know what's in their line item in the budget.

BOARD CHAIR PRO TEM MILLER-ANDERSON: [Inaudible].

BOARD MEMBER PARDO: Alright. Well, you know, I'm just curious. We can take money, you know, to pay a fine but then we can't take money out of that line item to hire an attorney? I guess it's not, you know...

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: There...

BOARD MEMBER PARDO: ...anyone else's issue.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: There is, um, there are funds still in the professional services line item that would cover the \$24,999 listed here for Michael Brown.

BOARD MEMBER PARDO: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: It could cover the costs. The intent was to move out of contingency because the budget was prepared with the intent to do capital improvement projects for professional services.

BOARD CHAIR DAVIS: Okay.

BOARD MEMBER PARDO: Okay.

BOARD CHAIR DAVIS: Any other questions?

UNK: [Inaudible].

BOARD MEMBER HUBBARD: Just a follow up question. If we have the twenty-f..., if we have it there to spend, would it be more prudent, Ms. Jones, to take it from that or would it be better to take it from the contingency fund? If he says it's there and we have it there.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: I can't give an exact answer on how much is there right now. I did not bring a copy of the budget with me.

BOARD MEMBER HUBBARD: That [inaudible] wasn't the question.

UNK: [Inaudible].

BOARD CHAIR DAVIS: This..., would that be bearing on the decision on how you're gonna vote? Cause, if so, they can just research that information and bring it back..., have it prepared to answer before the end of the meeting.

BOARD MEMBER HUBBARD: The, um..., that wasn't even the question. The question was, if you have the monies there to cover this professional service item, would it be better to take it out of that or would it be better to take it out of the contingency fund, in general? Ms. Jones, just in general. Moving it from the..., taking it out of contingency or taking it out of the professional service where he said it is. What would be best, at this time?

CITY MANAGER JONES: Generally, you would just pay it if there was enough money in the professional services line to get you through the remainder of the fiscal year, you would just pay it out of that line. If you don't know whether you're gonna be able to get through the fiscal year and you need to go and get some money, the other place to go get that money is contingency.

BOARD MEMBER HUBBARD: So he..., so, based on what you said, based on what he said, he, he's saying take it out of the professional..., that based on your explanation, it would be best to just go ahead and take it out of the professional service since it's there?

CITY MANAGER JONES: We could go ahead and take it out of professional services because even the money you're moving from contingency, you're moving it to professional services to pay. So ultimately, it would be out of professional services. What I am not sure of is whether there's enough money left in professional services to get them through the remainder of the fiscal year and so that's whether...

[Inaudible background comments]

CITY MANAGER JONES: ...if there's enough in there, no problem. If there's not, you gotta do a budget adjustment to put more money in there.

BOARD MEMBER HUBBARD: Okay. Cause based on what he was saying, he indicated that there was enough there and he.., but he doesn't have the budget and what you.., you're not really sure if there is enough there to, to take it. So, okay.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Mr. Sherman, wouldn't they have it?

BOARD CHAIR DAVIS: He's researching it now. That's what my suggestion before is to allow him...

[Inaudible background comments]

BOARD CHAIR DAVIS: ...so now we can move forward.

BOARD MEMBER HUBBARD: We don't know...

DISTRICT FINANCE DIRECTOR SHERMAN: Good evening. Randy Sherman, Director of Finance.

UNK: [Inaudible] end of the year.

DISTRICT FINANCE DIRECTOR SHERMAN: They typically budget money into professional services. Some of the items they know, some of the items they don't know. Is there, with three months left in the fiscal year, enough in there to probably cover the \$25,000? Yes. But again, if something unusual should happen to come up, you know, you'd be back doing another contingency transfer. The night that this came up on, on the Board meeting, I believe Ms. Ryan said we would have to come back with the transfer to cover this contract cause this item, specifically was not anticipated when the budget was developed.

Now again, is there that chance that there may be \$25,000 left in there? Yeah. Looking at where we are now, yeah, probably. But, you know, we brought this item back because it was specifically for this contract.

BOARD MEMBER HUBBARD: Thank you.

BOARD CHAIR DAVIS: Madam Clerk.

DEPUTY DISTRICT CLERK BURGESS: Board Member Hubbard?

BOARD MEMBER HUBBARD: Yes.

DEPUTY DISTRICT CLERK BURGESS: Board Member Davis Johnson?

BOARD MEMBER DAVIS JOHNSON: Yes.

DEPUTY DISTRICT CLERK BURGESS: Board Member Pardo?

BOARD MEMBER PARDO: No.

DEPUTY DISTRICT CLERK BURGESS: Pro Tem Miller-Anderson?

BOARD CHAIR PRO TEM MILLER-ANDERSON: Yes.

DEPUTY DISTRICT CLERK BURGESS: Chair Davis?

BOARD CHAIR DAVIS: Yes.

DEPUTY DISTRICT CLERK BURGESS: That motion passed with Board Member Pardo dissenting.

MINUTES

2. MINUTES OF THE SPECIAL UTILITY SPECIAL DISTRICT MEETING HELD APRIL 26, 2016.

BOARD CHAIR DAVIS: Item No. 2 which is the minutes. [Pause]. Do we have a motion to.., for Item No. 2?

BOARD MEMBER DAVIS JOHNSON: So move.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Second.

UNK: Second.

BOARD CHAIR DAVIS: Properly moved and second. Councilperson Johnson.

BOARD MEMBER DAVIS JOHNSON: Okay. So, just, I wanted to know when we are reviewing the minutes and there are scrivener's errors or, um, just other minor errors, how are those typically addressed? Do we just send our, our notes to the Clerk or do we typically address them from the dais?

BOARD CHAIR DAVIS: [Stammer] to my suggestion, I mean, prior to the meeting if you, if you catch these...

BOARD MEMBER DAVIS JOHNSON: Mhmm.

BOARD CHAIR DAVIS: ...errors, I think it would've been proper for you to submit 'em to the Clerk so she can make those corrections and update 'em on the, the website.

BOARD MEMBER DAVIS JOHNSON: Okay.

BOARD CHAIR DAVIS: So that the public can see that, you know, there's some changes being made.

BOARD MEMBER DAVIS JOHNSON: Okay.

BOARD CHAIR DAVIS: There might be change that need to be notified on the, on our system and that change would be just update information.

BOARD MEMBER DAVIS JOHNSON: Okay. Then I'll pass those on to the Clerk.

BOARD CHAIR DAVIS: But if you catch it in this meeting...

BOARD MEMBER DAVIS JOHNSON: Right.

BOARD CHAIR DAVIS: ...then it would...

BOARD MEMBER DAVIS JOHNSON: No. It was in advance.

BOARD CHAIR DAVIS: Okay.

BOARD MEMBER DAVIS JOHNSON: Thank you.

DEPUTY DISTRICT CLERK BURGESS: Do you wanna notes on this?

BOARD MEMBER DAVIS JOHNSON: I'll, I'll send 'em to you in an email [inaudible].

DEPUTY DISTRICT CLERK BURGESS: Okay.

BOARD CHAIR DAVIS: Any other questions about the minutes? [Pause]. Madam Clerk.

DEPUTY DISTRICT CLERK BURGESS: Board Member Hubbard?

BOARD MEMBER HUBBARD: Yes.

DEPUTY DISTRICT CLERK BURGESS: Board Member Davis Johnson?

BOARD MEMBER DAVIS JOHNSON: Yes.

DEPUTY DISTRICT CLERK BURGESS: Board Member Pardo?

BOARD MEMBER PARDO: Yes.

DEPUTY DISTRICT CLERK BURGESS: Pro Tem Miller-Anderson?

BOARD CHAIR PRO TEM MILLER-ANDERSON: Yes.

DEPUTY DISTRICT CLERK BURGESS: Chair Davis?

BOARD CHAIR DAVIS: Yes.

3. MINUTES OF THE UTILITY SPECIAL DISTRICT MEETING HELD MAY 19, 2016.

BOARD CHAIR DAVIS: Item No. 3.

BOARD MEMBER DAVIS JOHNSON: Motion to approve.

BOARD MEMBER PARDO: Second.

BOARD CHAIR DAVIS: It's the same, same concern? Madam Clerk.

DEPUTY DISTRICT CLERK BURGESS: Board Member Hubbard?

BOARD MEMBER HUBBARD: Yes.

DEPUTY DISTRICT CLERK BURGESS: Board Member Davis Johnson?

BOARD MEMBER DAVIS JOHNSON: Yes.

DEPUTY DISTRICT CLERK BURGESS: Board Member Pardo?

BOARD MEMBER PARDO: Yes.

DEPUTY DISTRICT CLERK BURGESS: Pro Tem Miller-Anderson?

BOARD CHAIR PRO TEM MILLER-ANDERSON: Yes.

DEPUTY DISTRICT CLERK BURGESS: Chair Davis?

BOARD CHAIR DAVIS: Yes. That's the end of Consent. Well, what it was. Next, we're gonna go to Item No. 5.

DEPUTY DISTRICT CLERK BURGESS: 5. RESOLUTION NO. _____ A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, PALM BEACH COUNTY, FLORIDA APPROVING THE CONTRACT WITH AQUIFER MAINTENANCE AND PERFORMANCE SYSTEMS INC. OF WEST PALM BEACH, FLORIDA BY PIGGY- BACKING ON THEIR CONTRACT WITH THE CITY OF WEST PALM BEACH, FLORIDA FOR WELL, PUMP AND MOTOR REHABILITATION SERVICES; AUTHORIZING THE CHAIRPERSON AND DISTRICT CLERK TO EXECUTE SAID CONTRACT; AUTHORIZING THE DISTRICT FINANCE DIRECTORY TO PAY AN AMOUNT NOT TO EXCEED \$150,000 FROM ACCOUNT NO. 412-1437-533-0-6405; AND PROVIDING AN EFFECTIVE DATE.

BOARD MEMBER PARDO: So move.

BOARD MEMBER DAVIS JOHNSON: Second.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Alright. What you have before you is a contra'..., a Resolution for a contract with AMPS, which we acronym, Aquifer Maintenance and Performance System. They are a vendor that works with pumps and groundwater wells and the Utility has 27 groundwater wells in their system in the eastern and western well field. They supply all the water to the wastewa'..., to the water treatment plant. AMPS will provide services for rehabilitating wells, to disinfect wells, to repair pumps, motors and screens in the wells. And we're asking for the Board to approve a contract with AMPS...

[Inaudible background comments]

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...to continue to maintain services. Utility's been working with AMPS for some time in the past and they've provided a great service and have a good reputation with the Utility.

BOARD CHAIR DAVIS: Any questions or concerns from any of the Board Members?

BOARD MEMBER HUBBARD: Yes.

BOARD CHAIR DAVIS: Yes. Councilperson Hubbard.

BOARD MEMBER HUBBARD: The, uh, first of all, I wanna talk about the, the fact that we're piggybacking and, in reading one of the letters, it stated that we were piggybacking because of a status of emergency. But..., and that we would eventually go back out for... We would eventually go back out for a, a bid on, on this project. But I remember, not long ago, the, the consultant that we brought in stated that this wasn't a state of emergency and nor did we..., so we did not need to hire the other engineering firm. But, for this particular project... Excuse me, if I can read it, it says here that, "Purchasing has reviewed the request and has determined that the immediate need to secure services warrants the piggyback agreement from the City of West Palm Beach.

It is our plan to purchase and secure multiple vendors capable of performing this work in the future.”

The contract that we're piggybacking from, when does it expire for the City of West Palm?

PURCHASING DIRECTOR MEALY: Good evening, Councilperson Hubbard. This is Dean Mealy, Purchasing. The contract that the City of West Palm Beach has expires, expires on February of 2017. They also have an option to renew at that point. So they could actually extend it to February of 2018. To answer.., to go back to your previous question, it is our intent to go out and solicit a prequalified pool of vendors that can provide this type of service for the Utility here, in Riviera Beach. But, to do that solicitation, it's gonna take me approximately three to four months to get out in the street, due to the complexity of what we're looking to secure.

BOARD MEMBER HUBBARD: So they're, so, so we are in a state of emergency. Tell me, remind me of the consultant's...

PURCHASING DIRECTOR MEALY: Ma'am...

BOARD MEMBER HUBBARD: ...name, the gentleman that we brought on?

PURCHASING DIRECTOR MEALY: Ma'am, this is not related to the Consent Decree. This is related to just providing repair services to the equipment in the plant. This has nothing to do with consultants. This has to do strictly with the repair of equipment. And it's.., they're not requesting emergency, they're asking to have the contract in the event that equipment fails that they have a qualified vendor to make the repairs.

BOARD MEMBER HUBBARD: Okay. [Pause]. I'm not suggesting that it has anything to do with the, the Consent Decree. What I was.., the, the point that I was attempting to make was that the Utility or the District what's going... Outside of the water, that we are taking care of.., there wasn't, you know, a need for any emergency professional service. When you refer to the equipment, you're saying, 'In the event,' that some of the equipment that we use needs to be repaired, we will be under contract with AMPS?

PURCHASING DIRECTOR MEALY: Yes, ma'am. Because currently, the type of equipment you have in the water or wastewater Utility...

BOARD MEMBER HUBBARD: Mhmm.

PURCHASING DIRECTOR MEALY: ...is not something that can be handled, many times, by in-house Staff, you have to outsource that type of work whether it's a flight... There's a lot of sole source, proprietary type of equipment. Those type of pieces of equipment have to be specialized with, with a particular vendor who has the capability

of doing it. This is why I'd like to go ahead and, and award, based on the Utility's past experience, award to AMPS and so we can put a prequalified contract out to solicit additional vendors that can meet the requirements of all the types of equipment we have within the Utility to actually be repaired, at any given time.

BOARD MEMBER HUBBARD: Okay. And this will be only for the one year?

PURCHASING DIRECTOR MEALY: Yes, ma'am. Well, actually this'll be going through the period of what the City of West Palm Beach's contract is right now, which is February of 2017. They have, they do have a period to extend that contract but our goal is to have a contract of our own, in place, prior to three to four months from now.

BOARD MEMBER HUBBARD: The part that ex'.., that they have on theirs to extend beyond 2017, I would like us not to include that in ours.

PURCHASING DIRECTOR MEALY: Ours does not state that. Ours actually just says to.., the paperwork you have in front of you that was prepared states February, 2017. So, our goal, as I mentioned to you, it's onset was to actually prepare a contract and solicit vendors, not just one but multiple vendors that are capable of performing repairs to equipment that the Utility District identifies that needs to be repaired by an outside firm.

BOARD MEMBER HUBBARD: Okay. And I want to, to clarify this point, it's.., these, these are the two that the material and the heavy equipment that's being used by Staff to, to use on a daily basis or to work in the, the, the digging of the wells and what have you?

PURCHASING DIRECTOR MEALY: I would like, I'll refer that to Mr. Rhoads.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: No. This is for.., to have AMPS provide the services to work on the wells. I mean, there's, there's a lot of devices where the wells are approximately 175' deep and, at time times, the contractor needs a hookup to pull pumps from the wells itself and they have specialized equipment to do that in-house and we, we don't have in-house to repair pumps or replace pumps or, um, you know specialty items that are associated that are associated that only a vendor that specializes in this has.

BOARD MEMBER HUBBARD: And that's what I got from what I read but, after, um, after listening, I thought that he was saying this was only the.., that we were talking about repairing the tools that the gentleman used. So, okay. They, they are actually going to perform the services and make the repairs that are actually needed. So, that's exactly what's, what's going on and that's what, and that's what I was referring to and that's what I thought that I, that, that I read here, not that it.., they were repairing tools.

Okay. Again, I still state that I think it does.., we need to.., if we don't have anything in place... Agai'.., let me, let me back up. Now that we're clear that this is for a service to

be provided and nothing in a state of emergency type of situation, we're talking about if in the event that there is an emergency, these gentlemen, or this firm, would come in and, and make the repairs. And after that, after 2017, we will have created a pool of eligible contractors to choose from so we won't have to piggyback after 2017.

PURCHASING DIRECTOR MEALY: That is correct, ma'am.

BOARD MEMBER HUBBARD: Thank you.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Chair?

BOARD CHAIR DAVIS: Yes. Yes, Vice Chair.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Who, who did we have in this position prior to us coming up with this one? Have we not had anyone to be available if something occurred?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: At this time, we are..., we...

UNK: [Inaudible].

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...we've used AMPS in the past for these services. At, at this point, their contract with us has expired and...

BOARD CHAIR PRO TEM MILLER-ANDERSON: When did it expire?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That one expired in late 2015.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Okay. So we haven't had any emergencies that have occurred between the time their contract expired and now?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: AMPS has, uh, at, at a point in time, been called to perform some services when, when needed to maintain water supply for the distribution system.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Is that the same as what we're talking about right now or is that something different?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That is for the same services as what we're trying to get AMPS on contract for right now.

BOARD CHAIR PRO TEM MILLER-ANDERSON: So they've done work for us without having the contract?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yep. We had to utilize them for a situation where there was a few wells that went through a heavy power loss.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: And, some, some of the pumps were effected in that power loss with the power surges, so, to get the pumps back online.

BOARD CHAIR PRO TEM MILLER-ANDERSON: So, when did that occur?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That occurred approximately four weeks ago.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Okay. So, help me understand. So they.., we can, they can do the work for us even though they don't have a contract and we, we paid them already for it? Or we're trying to pay 'em now by getting a contract?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: We.., we're trying to get in, in contract and pay for those services now. We do not have the invoices in for that work that was performed.

BOARD CHAIR PRO TEM MILLER-ANDERSON: So why would we, why would we ask them to do work for us if we haven't approved that we wanted them to do it?

DEPUTY CITY MANAGER JONES: Mr. Chair?

BOARD CHAIR DAVIS: Yes, sir.

DEPUTY CITY MANAGER JONES: Danny Jones, Deputy City Manager. We have approximately 26 wells in our system and, at one point within the last four to five weeks, that number of wells that were available to the City was down to approximately 13. So, we figured that was getting to a critical stage and we had to perform the service to rehab those wells. We were able to get the wells back up to approximately 18 now. So, to ratify and bring the City in compliance, we need to get someone under contract. We had a previous relationship with AMPS so we used them to get us out of that critical period where our wells needed to be rehabbed. It just wasn't ongoing work. We just had a couple situations happen within the last four or five weeks that took the City's well supply to a point where we didn't feel comfortable with them and it coulda put us in a, a, a little critical state so we needed to get someone under contract or get the work done immediately.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Chair?

BOARD CHAIR DAVIS: Yes, ma'am.

BOARD CHAIR PRO TEM MILLER-ANDERSON: So when the contract expired in 2015, isn't this a situation where we wanna make sure we always have someone on contract because you can't predict when an emergency is gonna occur so why, why didn't we do this back then and say, hey, this contract is getting ready to expire. We don't wanna be without a person on hand in case something happened because this is an emergency type situation that you can't predict? Is this not something we could've talked about back in November, October to say that it was coming up?

DEPUTY CITY MANAGER JONES: I agree, ma'am. And, at that time, there's was a previous director there and I don't know what his plans were and we weren't aware from a management standpoint that, uh, the contract had expired. But, over the last four to six weeks, we've been reviewing the information in the contracts at the Utility District along with a consultant...

BOARD CHAIR PRO TEM MILLER-ANDERSON: Okay. So...

DEPUTY CITY MANAGER JONES: Mr. Beaudet.

BOARD CHAIR PRO TEM MILLER-ANDERSON: So this is information that's newly received because of the whole situation with not knowing everything with the other director.

DEPUTY CITY MANAGER JONES: Yes, yes, ma'am. We weren't aware of it but working with Mr. Beaudet, he helped us get back on track and this is one of the areas he suggested that we bring immediate improvement to. So now we're just trying to ratify and get into compliance to move forward.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Well, I appreciate that and I think if you all had just said that upf'.., at the beginning, you know, we wouldn't'a had to get this deep and you wouldn't have to swerve and give eye contact to different people. Just say what it is. I mean, we're already there. That's what i'.., it is what it is.

PURCHASING DIRECTOR MEALY: Councilperson Miller-Anderson?

BOARD CHAIR PRO TEM MILLER-ANDERSON: Yes.

PURCHASING DIRECTOR MEALY: I just wanted to make a point, I think, to the entire Council, is that we have compiled an entire list of all the contracts the City has with expiration dates and we are working three months ahead of time, or even an earlier stage than three months depending on the complexity of the contract to make sure that if the contract's up for renewal or we need to go out and solicit a new contract, we actually have built the timeframes in place and I know the Manager will be releasing that to you over the next couple days.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Okay. Thank you.

BOARD CHAIR DAVIS: So, let me ask you a question.

UNK: [Inaudible].

BOARD CHAIR DAVIS: How many contracts in the Utility District ha'.., do we have expired?

PURCHASING DIRECTOR MEALY: The only one that I'm aware of at th'.., at this point, is the D.S. Eakins, which is the emergency repairs and also the AMPS contract. Those are the only two that I'm aware of as of this date.

BOARD CHAIR DAVIS: Okay.

PURCHASING DIRECTOR MEALY: Everything else, as far as the chemicals, are all in place.

BOARD CHAIR DAVIS: Councilperson Johnson.

BOARD MEMBER DAVIS JOHNSON: I just wanted to make sure that I'm clear in my understanding. This was not for emergencies, this was just rehab and work... The previous Item dealt with the em'.., an emergency contract?

PURCHASING DIRECTOR MEALY: Correct.

BOARD MEMBER DAVIS JOHNSON: Okay.

BOARD CHAIR DAVIS: So let me as, you a question. So they've done some work they haven't been paid for, correct? Recently.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That'll be correct.

BOARD CHAIR DAVIS: So, this contract is for to allow them to continue doing future work and then allow them to get paid? Not...

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That's correct.

BOARD CHAIR DAVIS: ...that we're gonna back them for something they, they, they did and they didn't have a contract for?

UNK: Well, you gotta pay 'em.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That is, that is correct. We, we will still be necessary, necessary to provide payment for the services they provided though.

BOARD CHAIR DAVIS: Madam Attorney?

DISTRICT ATTORNEY RYAN: Yes?

BOARD CHAIR DAVIS: Is that legal?

DISTRICT ATTORNEY RYAN: Well, do you know how much the, how much was the services that...

BOARD CHAIR DAVIS: That's the question. .

DISTRICT ATTORNEY RYAN: ...they provided? How..., do you have any idea?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: No. I do..., I do not have copies of the invoices for that yet.

DISTRICT ATTORNEY RYAN: Alright. Well, we have to pay them because they've done the work but there should be a..., should have been a contract in place. I would suggest that the Resolution, in this case, now that we know what we know, it may wanna say that we are authorizing retroactive payment for the work that they've done previously because we don't know how much it is and, um, and it's..., we didn't have a contract. So, to be clean, I think we should add a section to the Resolution that says that you're authorizing the finance director to make payment for..., I don't know what month of work that was for, to cover it because we got the service and so, we should pay our bills.

BOARD CHAIR DAVIS: Have we ev'..., have any vendors ever done any work before as in-kind service?

[Chuckles]

BOARD CHAIR DAVIS: I'm, I'm just asking. I mean, not, not that's a good, I mean, if someone tells me no, then I'm listening but the..., I mean...

[Inaudible chatter]

BOARD CHAIR DAVIS: Naw. You'd be surprised.

PURCHASING DIRECTOR MEALY: During my nine months since I've been here, it's actually been nine months today, no.

BOARD CHAIR DAVIS: Ms. Jones, have anyone done any work, for any level work for the City, that's done work and then never received any form of a payment before, have they?

CITY MANAGER JONES: Not of, of this nature, I can't recall.

BOARD CHAIR DAVIS: Of this nat'...

CITY MANAGER JONES: They've given us donations but in-kind...

UNK: Cause they have the money

CITY MANAGER JONES: ...but they..., not for work that is a part of service delivery.

BOARD CHAIR DAVIS: Okay. This is my, my concern is, have they assisted the City in the form of work? Any other..., have there ever been any vendors that assist the City with any other projects or any level of services? Have there been any vendor that has done that before?

CITY MANAGER JONES: Talk a little more cause that wasn't... Keep talking so I can understand. Have there...

BOARD CHAIR DAVIS: Let's say I'm...

CITY MANAGER JONES: ...been any...

BOARD CHAIR DAVIS: ...a vendor with the City and we have a level of services [stammer]...

CITY MANAGER JONES: A construction or commodity?

BOARD CHAIR DAVIS: Let's say it's construction, let's say...

CITY MANAGER JONES: Okay.

BOARD CHAIR DAVIS: ...for instance, I'm an architect and you might need a little assistance, a little, um advice or consulting you may need about a pro'..., another project that I may not necessarily have anything to do with but, um, I'm here. Now, you might wanna call and say, um, 'Consultant A, I might need a little advice on the building design. Do you recommend that we do a hard bid or do we do a closed bid,' or whatever it may be, have we done any services like that? With any other vendors?

CITY MANAGER JONES: Have vendors given us free advice?

BOARD CHAIR DAVIS: Correct.

CITY MANAGER JONES: Probably yes. Have they performed a direct service...

BOARD CHAIR DAVIS: Mhmm.

CITY MANAGER JONES: ...for us free? I don't think so.

BOARD CHAIR DAVIS: Okay. I will feel even, just even more comfortable with supporting this Item, which I don't have no problem, we have to pay our bills, but at

least knowing how much we're getting ready to approve a retroactive payment for.
[Pause].

BOARD CHAIR PRO TEM MILLER-ANDERSON: Chair? Are you still...

BOARD CHAIR DAVIS: Yes, ma'am.

BOARD CHAIR PRO TEM MILLER-ANDERSON: You, you're done?

BOARD CHAIR DAVIS: I'm done. I just don't feel comfor'.., that's on'.., that's the only thing I just wanna hear at this point. I mean, it seems that the Board seems to understand we have to pay our bills as a Board and I respect that and I'm gonna support that but I would just feel even better, before this meeting is over, that someone at least research that amount and at least get it back to us by the time the.., at the end of the meeting.

BOARD CHAIR PRO TEM MILLER-ANDERSON: So, we're gonna hold this item off until the end?

BOARD CHAIR DAVIS: Um...

BOARD CHAIR PRO TEM MILLER-ANDERSON: I'm not comfortable with...

BOARD CHAIR DAVIS: How does the...

BOARD CHAIR PRO TEM MILLER-ANDERSON: ...approving it without knowing what I'm approving it...

BOARD CHAIR DAVIS: Yes.

BOARD CHAIR PRO TEM MILLER-ANDERSON: ...for.

BOARD CHAIR DAVIS: Cause this falls back on us.

BOARD CHAIR PRO TEM MILLER-ANDERSON: I mean, this could be \$100,000 worth of work they did and, I guess then they'll just have \$50,000 left.

DISTRICT ATTORNEY RYAN: Correct.

BOARD CHAIR DAVIS: Yeah. So, it's gonna impact the budget...

BOARD CHAIR PRO TEM MILLER-ANDERSON: Right. So...

BOARD CHAIR DAVIS: ...or what they're requesting now.

BOARD MEMBER DAVIS JOHNSON: Mr. Chair?

BOARD CHAIR DAVIS: Councilperson Johnson.

BOARD MEMBER DAVIS JOHNSON: Mr. Rhoads?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes.

BOARD MEMBER DAVIS JOHNSON: Do you have Staff over there that can pull that information for us and, and come back over and report that?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: I just looked back at the water plant superintendent and asked him if we have received the recent invoices from AMPS and, at this time, he said we have not.

BOARD MEMBER HUBBARD: Mr. Ch'...

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: I can ask him to make a phone call to AMPS to see if we can get in touch...

BOARD CHAIR DAVIS: Thank you.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...with AMPS and, um, see if we can come up with an answer to that.

BOARD CHAIR DAVIS: How about this...

BOARD MEMBER HUBBARD: Mr. Chair?

BOARD CHAIR DAVIS: Hold [stammer]. Cause I wanna get... She still has the floor.

BOARD MEMBER HUBBARD: Okay.

BOARD CHAIR DAVIS: Johnson.

BOARD MEMBER DAVIS JOHNSON: So, let, let me just say this, as kindly as I possibly can say it. There should be not another meeting that Staff attends that the information that we need to deliberate on and to be able to make an informed decision about, it should be made available. It should be made available in advance but, more importantly, I would prefer that Staff have information readily available to prevent... to present to us. Because this is, this is an unfortunate situation for us because you put us in a position where we need to either place this in a table setting or, if we need to just deny it altogether and we have a responsibility, based on the, the Prompt Payment Act to pay our invoices and so, therefore, we need to stay on top of our vendors to make sure that they are billing us but this cannot continue. We have to be prepared. There's not going to be another time that I'm going to sit here and have to have this discussion.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes, ma'am.

BOARD MEMBER DAVIS JOHNSON: Alright.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Understood.

BOARD MEMBER DAVIS JOHNSON: Thank you. Madam Attorney, could we approve this Item with them bringing back to codify, um, pending the retroactive part? Did that need to come back before us for a separate vote? Because, right now, we wanna make sure we have somebody in place under contract, which is fine.

DISTRICT ATTORNEY RYAN: Right.

BOARD CHAIR DAVIS: But this Item, I don't wanna say that I wanna approve that we pay them now without even...

DISTRICT ATTORNEY RYAN: Correct.

BOARD CHAIR DAVIS: ...reviewing...

DISTRICT ATTORNEY RYAN: So...

BOARD CHAIR DAVIS: ...the invoice.

DISTRICT ATTORNEY RYAN: Right. So basically what you're saying is, you're approving this going forward.

BOARD CHAIR DAVIS: Correct.

DISTRICT ATTORNEY RYAN: Which means that any payments that are due prior...

BOARD CHAIR DAVIS: Come back.

DISTRICT ATTORNEY RYAN: ...to this date...

BOARD CHAIR DAVIS: Come back.

DISTRICT ATTORNEY RYAN: ...will have to come back to the Board...

BOARD CHAIR DAVIS: For review.

DISTRICT ATTORNEY RYAN: ...for specific approval?

BOARD CHAIR DAVIS: Yes.

DISTRICT ATTORNEY RYAN: Yes.

BOARD CHAIR DAVIS: Councilperson Hubbard.

BOARD MEMBER HUBBARD: And, and that's what's I was gonna say, if we could separate it and just do this and bring that back. And, you know, I agree wholeheartedly with Councilwoman Davis Johnson, we have to have the information because between Purchasing and the Deputy Director, we were getting two different information and stories about what we were actually up here about to vote on. We weren't being given all of, all of the information.

Mr. Rhoads, the..., do you have any idea what was authorized? I mean, you must've given them..., they must've told you something, as in relation to what you were gonna authorize them or how much ink you had in your pen or the gentleman before you, that..., of work they could do. So you, you, you see what I'm saying? Why there's, why, why I would expect that you all had a ballpark idea of what was going on, what'..., I mean, I'm sure the superintendent doesn't get the invoices when they come in. I'm sure they come to administration, they come to your office and your executive secretary. So, somebody must know, you know, somebody should have a clue.

BOARD CHAIR DAVIS: Okay.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes.

BOARD CHAIR DAVIS: I'm sorry. I was talking to the [inaudible]. To..., before, as we get to ask any questions as we move through this Item, and so, Attorney Ryan has stated that we can approve this Item that the, um, the previous contract, the work they've done, services where it has to come back before this Board for discussion, the vote, um, I think we're all in total support of that. And any other recommendations that Staff wanna do, they can give to us at, maybe in the meeting so we can have this stuff prepped for the next meeting. Unless they got something they wanna give now. You got anything, Staff, that you wanna recommend or you wanna wait?

BOARD CHAIR PRO TEM MILLER-ANDERSON: Chair?

CITY MANAGER JONES: [Inaudible].

BOARD CHAIR DAVIS: This Item.

CITY MANAGER JONES: No. I think you're line of questioning, we hear you and, and I know how you're following the, you know, this line of questioning. It happened to be an Item that the Purchasing Director caught...

BOARD CHAIR DAVIS: Mhmm.

CITY MANAGER JONES: ...when they tried to enter into a service and he says, 'Look. Your contract has expired.'

BOARD CHAIR DAVIS: Mhmm.

CITY MANAGER JONES: 'You can't do that.' So, we, we identified the need and thus, let's go ahead and bring this so we will have something in place, although for only a few months cause this only goes..., doesn't go for a full year. This just goes to February. But that will allow us the opportunity to get out on the street and do a full solicitation.

BOARD CHAIR DAVIS: Okay.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Chair?

BOARD CHAIR DAVIS: Vice Chair Anderson.

BOARD CHAIR PRO TEM MILLER-ANDERSON: My, my only concern still is that we will exc'..., could possibly exceed the \$150,000. Before they did the work, we don't get a quote from them to kinda... I mean, we just say go do the work and whatever you say the amount is, is what it is? Because, if they bring back that information and let's say the work's \$200,000, we're gonna have to pay it, right?

BOARD MEMBER HUBBARD: Mhmm.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Okay. But then, we already approved No. 5 that says it's not to exceed \$150,000. So now we're gonna pay 'em 200 plus the 150. Am I...

CITY MANAGER JONES: They would ha'...

BOARD CHAIR PRO TEM MILLER-ANDERSON: ...correct?

CITY MANAGER JONES: They would have to come back and get the money above the 150. This would mean, we could not pay them any more than 150. To pay them any more than...

BOARD CHAIR PRO TEM MILLER-ANDERSON: But, but we said for things going forward. That was what Ms. Ryan said.

BOARD CHAIR DAVIS: No. This was saying to in'...

BOARD CHAIR PRO TEM MILLER-ANDERSON: No, no.

BOARD CHAIR DAVIS: ...this 150...

BOARD CHAIR PRO TEM MILLER-ANDERSON: Ms. Ryan said what this says is, we're talking about...

BOARD CHAIR DAVIS: Yeah.

BOARD CHAIR PRO TEM MILLER-ANDERSON: ...going forward.

BOARD CHAIR DAVIS: That's what I asked her.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Right.

BOARD CHAIR DAVIS: Mhmm.

BOARD CHAIR PRO TEM MILLER-ANDERSON: But, the...

CITY MANAGER JONES: Oh, you're saying the previous work could've been 200?

BOARD CHAIR PRO TEM MILLER-ANDERSON: Right.

BOARD CHAIR DAVIS: [Inaudible].

BOARD CHAIR PRO TEM MILLER-ANDERSON: Right.

UNK.: What's the range? What kinda...

BOARD MEMBER HUBBARD: What kind of work was it?

BOARD CHAIR DAVIS: Hold on. Was, was this, was this done...

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: AMPS has been utilized in a rate structure that was approved through the previous contract and the previous rate structure of the contract that...

BOARD CHAIR DAVIS: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...was used for AMPS payment forms. The typical rehab and replacement of a well, it is, you know, typically less than \$10,000 unless it is a significant work effort to bring that well back into rehabilitation. And, at that point, we have the chance to see what that estimate would be to bring that into, um, rehab or repair and we...

BOARD CHAIR DAVIS: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...have the choice to make on that.

BOARD CHAIR DAVIS: Okay. [Stammer]...

BOARD CHAIR PRO TEM MILLER-ANDERSON: I, you know, I really would hate to vote this down but, because of all of these unknowns, I, I don't see how I could, with good conscious, sit here and vote yes on this. I know we need to pay people but we're, we're being forced to pay people right at this point because the work has already been done.

UNK: [Inaudible].

BOARD CHAIR PRO TEM MILLER-ANDERSON: Um, and I, you know, if I had hard numbers, I would be a little more comfortable but, you know, just guessing. Because we're saying 10,000, might come back tomorrow it's 100,000. I don't know.

BOARD MEMBER DAVIS JOHNSON: Mr. Chair.

BOARD CHAIR PRO TEM MILLER-ANDERSON: I mean, I [stammer], is this, because we've gone this long without something, is this not an Item we can...

BOARD CHAIR DAVIS: Here...

BOARD CHAIR PRO TEM MILLER-ANDERSON: ...table or can we...

BOARD CHAIR DAVIS: Here's...

BOARD CHAIR PRO TEM MILLER-ANDERSON: ...put it to the end...

BOARD CHAIR DAVIS: Here's...

BOARD CHAIR PRO TEM MILLER-ANDERSON: ...of the Agenda?

BOARD CHAIR DAVIS: Here's the issue you're gonna., we're gonna have as a Board before we move...

BOARD CHAIR PRO TEM MILLER-ANDERSON: Mm.

BOARD CHAIR DAVIS: ...to the next Item and to Councilperson Johnson, if tomorrow or tonight something happens...

UNK: You don't have...

BOARD CHAIR DAVIS: ...you don't have nobody that you can contract services and you back into double whammy because...

BOARD CHAIR PRO TEM MILLER-ANDERSON: Well, didn't have it...

BOARD CHAIR DAVIS: Well, I know but...

BOARD CHAIR PRO TEM MILLER-ANDERSON: ...when they needed it before.

BOARD CHAIR DAVIS: But you need to pile., keep pilin' and pilin' and pilin' it up. And that's the issue that we have to move forward with.

BOARD CHAIR PRO TEM MILLER-ANDERSON: I agree.

BOARD CHAIR DAVIS: Because now you have a second...

BOARD CHAIR PRO TEM MILLER-ANDERSON: I agree.

BOARD CHAIR DAVIS: ...contract that's not being paid and, and approved for. But Councilperson Johnson...

[Inaudible comment]

BOARD CHAIR DAVIS: Oh, Mr. Sherman, you have the information?

DISTRICT FINANCE DIRECTOR SHERMAN: Yeah. Again, Randy Sherman, Director of Finance. I'm just looking back at their last twenty payments.

BOARD CHAIR DAVIS: Mhmm.

DISTRICT FINANCE DIRECTOR SHERMAN: The largest payment that we've had was for Well 12A and that was \$22,000. Most of the payments are under \$10,000. So obviously it depends on the magnitude of the repair that they're doing but, again, I only see two over 20 and the highest has been 22.

BOARD CHAIR DAVIS: Okay.

DISTRICT FINANCE DIRECTOR SHERMAN: So again, most of 'em are under 10. I don't know if that helps or not but [chuckle]...

BOARD CHAIR DAVIS: How many times have they been called out over the last, let's say six months.

DISTRICT FINANCE DIRECTOR SHERMAN: Uh, twen'.., the, the 20 payments that come up on my screen, go back to September of '14. So that's over...

BOARD CHAIR DAVIS: Oh...

DISTRICT FINANCE DIRECTOR SHERMAN: ...a two year period.

BOARD CHAIR DAVIS: Johnson, I know you had some more questions.

DISTRICT FINANCE DIRECTOR SHERMAN: Okay.

BOARD MEMBER DAVIS JOHNSON: [Waves her hand].

BOARD CHAIR DAVIS: Anybody else? So, do we have a motion on the floor to approve this Item with the, um, excluding the, the invoice, that it comes back before this Board for approval?

BOARD MEMBER DAVIS JOHNSON: Clarification?

BOARD CHAIR DAVIS: Yes, ma'am.

BOARD MEMBER DAVIS JOHNSON: So, if we move forward with this Item and we have the not to exceed amount of \$150,000, the total dollar value of the work that has been completed that they are in need of payment for, it shouldn't matter to us whether or not it falls under..., well, let me restate it.

BOARD CHAIR DAVIS: Okay. I see what you're saying.

BOARD MEMBER DAVIS JOHNSON: The contract value that we are approving is one', uh, is not to exceed \$150,000. So, once they get to that and certainly by the time Mr. Mealy let's the... Are you doing this by RFP? [Pause]. So, by the time that Mr. Mealy let's an RFP, we should be well under, based on the trends that we just told to us, we should be under that 150,000 by the time that we are ready to let our own contract? Is that safe to say?

PURCHASING DIRECTOR MEALY: Councilperson Johnson, you're correct in your assumption. Yes, by the time we, we get ready to put the RFP out, we'll have the., a good forecast as far as the dollar amounts we'll be needing, as what will also be have been spent.

CITY MANAGER JONES: Mr. Chair, as well as, anything above that would have to come back to Council.

BOARD CHAIR DAVIS: Yes, ma'am.

CITY MANAGER JONES: Once you have the do not exceed amount.

BOARD MEMBER DAVIS JOHNSON: Right.

BOARD CHAIR DAVIS: So, based on the trend, it, it., the contracts have been no higher than 24, \$25,000. Based on the trend. I, I will say that.

CITY MANAGER JONES: Two year trend.

BOARD CHAIR DAVIS: Okay, Councilperson..., I mean, Madam Attorney.

DISTRICT ATTORNEY RYAN: Yeah. Mr. Chair. If I could just offer, in Section 2 of the Resolution, if we could just add, 'Said contract to be retroactive to the date,' if you don't want it to come back. And that way we're covered.

BOARD CHAIR DAVIS: Okay.

DISTRICT ATTORNEY RYAN: Mr. Giles, do you know the date that they performed the work? Was it in April? Just a general date? Do you have any idea?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes. It's been within, since April. And so, April, late April, early May.

DISTRICT ATTORNEY RYAN: So, if we could just say in the Resolution, 'Said contract to be retroactive to...

CITY MANAGER JONES: April.

DISTRICT ATTORNEY RYAN: ...April, 2000., April 15, 2016,' and that will cover the work that they did previously. And it covers us under our contracts. It really does.

BOARD CHAIR DAVIS: Okay.

DISTRICT ATTORNEY RYAN: I mean, I think we should. The Council's...

BOARD CHAIR DAVIS: They're pretty much on standby services just in case something happens, correct?

DISTRICT ATTORNEY RYAN: Correct.

BOARD CHAIR DAVIS: Okay.

CITY MANAGER JONES: [Inaudible].

BOARD CHAIR DAVIS: Alright. Any other questions from the Members of the Board? Madam Clerk?

BOARD MEMBER PARDO: Do we have a motion that clarifies all that?

DEPUTY DISTRICT CLERK BURGESS: What she just said to add that.

DISTRICT ATTORNEY RYAN: Who did the motion? Who...

DEPUTY DISTRICT CLERK BURGESS: Um...

BOARD CHAIR DAVIS: The maker of motion, who was that?

DEPUTY DISTRICT CLERK BURGESS: Board Member Pardo and Davis Johnson.

BOARD CHAIR DAVIS: Okay.

BOARD MEMBER PARDO: Okay. So then the original motion is amended to, I guess, to say, um, the contract is retroactive from April 15th?

DISTRICT ATTORNEY RYAN: Correct.

BOARD MEMBER PARDO: 2016. And that's it.

CITY MANAGER JONES: Yes.

BOARD CHAIR DAVIS: That cleans it up.

BOARD MEMBER PARDO: Okay?

BOARD CHAIR DAVIS: Okay. Does your second still stand?

BOARD MEMBER DAVIS JOHNSON: Yes.

DEPUTY DISTRICT CLERK BURGESS: Board Member Hubbard?

BOARD MEMBER HUBBARD: Yes.

DEPUTY DISTRICT CLERK BURGESS: Board Member Davis Johnson?

BOARD MEMBER DAVIS JOHNSON: Yes.

DEPUTY DISTRICT CLERK BURGESS: Board Member Pardo?

BOARD MEMBER PARDO: Yes.

DEPUTY DISTRICT CLERK BURGESS: Pro Tem Miller-Anderson?

BOARD CHAIR PRO TEM MILLER-ANDERSON: No.

DEPUTY DISTRICT CLERK BURGESS: Chair Davis?

BOARD CHAIR DAVIS: Yes.

DEPUTY DISTRICT CLERK BURGESS: That motion passed with Board Member Miller-Anderson dissenting.

BOARD CHAIR DAVIS: Mhmm. Item No. 6.

**6. A DISCUSSION OF THE STATE OF FLORIDA DEPARTMENT OF HEALTH
PALM BEACH COUNTY CONSENT ORDER NO. WP-020-16**

BOARD CHAIR DAVIS: Discussion, I'm sorry, discussion.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes. Item No. 6 is a discussion of the State of Florida Department of Health Palm Beach County's Consent Order WP-020-16. This Consent Order's been pa'..., discussed on previous Agendas. Uh, at this point, this Consent Order was executed on June 9th of 2016, delivered to the Utility District on June 10th. The Di'..., the Utility District and the Palm Beach County Health Department have been cooperating with this Consent Order since the beginning. There's some positive news that's occurred since the Consent Order took place. We were taking daily samples for residual in 40 locations in the distribution system. Since last..., two Fridays ago, the District sent a reduced sampling plan to the Palm Beach County Health Department and the Cou'..., the Health Department approved that plan. It will reduce 36 locations from our daily sampling, leaving 4 locations we'll sample daily for the next eight weeks. The remaining..., three of those locations are in the southwest region of the outreaches of the distribution system and the fourth is in location in Dyer Park. We're currently developing a flushing pan with all the data we are collecting at this point with the daily sampling of those four locations, uh, that we will submit to the Health Department in approximately eight weeks.

The condition assessment team was out as an RFP and is due to be delivered on June 21st to help select a team for the condition assessment at the water treatment plant. At this time, we have a decision to make with the Consent Order and it's based on having the selection of a penalty payment or an in-kind project to utilize in lieu of the penalty payment dealing with the Consent Order. I'd like to, I wanna hear the wishes of the Board on what they'd like to do as selection for the settlement payment or utilization of an in-kind penalty project. Those options are discussed in the Consent Order under Page 8 and 9. [Pause]. And it... Yeah. I'm gonna bring, bring you to the Page..., Utility District, uh, based on the Effective Date of this Order, which was executed on June 9th, must'a determined if there's gonna be a settlement payment in the cost of \$43,618.75 or, in lieu of this settlement payment, the District can ask for an in-kind penalty to offset the cost of the settlement, the value of the in-kind penalty project shall be based on a minimum of one and a half times, 80% of the civil base penal'..., base penalty which, in the ca'..., in this case, equivalent to at least \$52,342.50. The value of the civil penalty will be reduced by 80% for the in-kind services which leaves a remainder of the civil penalty to be paid still at \$13,085.63. The Utility District has discussed an in-kind penalty project with the Health Department and the Health Department seems to a'..., uh, be in acceptance of this. We just need to submit to certify..., a certified mail to the Health Department that we're gonna utilize an in-kind penalty project.

BOARD MEMBER HUBBARD: Mr. Chair?

BOARD CHAIR DAVIS: Ma'...,

BOARD MEMBER HUBBARD: Question.

BOARD CHAIR DAVIS: Councilperson Hubbard.

BOARD MEMBER HUBBARD: What type of.., are any of the projects that we're doing now, will they be con'.., will.., are they able to be considered in-kind penalty projects? Can we use some of those, those projects?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: The District has been looking at a decision to move from sampling at water taps that are located at residential properties and commercial and school properties to a dedicated sampling point that can be utilized just for collecting water samples in the distribution system. This will help, help the District in many ways, you don't have to enter the property of a resident, you don't have to go into the property of a school or business. It.., also we can provide a dedicated sampling tap that helps minimize bacteria growths and help minimize algae growths on the, on the sampling device itself. And, any possibility of a false read would go down with these dedicated sampling points.

BOARD MEMBER HUBBARD: So you're an'.., so your, so your answer is an acceptable in-kind project is dedicated sampling site expansion? Is that what you're telling me?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: The Palm Beach County Health Department has looked at that project and has said that sounds like a very acceptable project to them.

BOARD MEMBER HUBBARD: Okay. Now, let's back up ju'... I understand your answer. You're saying that expanding our dedicated sampling sites will be an acceptable in-kind project for the Health Department. Because you talked with...

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes.

BOARD MEMBER HUBBARD: ...them and they have said so? Okay. So, any of the.., so, is that the only project that we have underway right now that would meet the in-kind sampling.., I mean the in-kind projects that they would allow us to do to offset some of this cost?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: There was projects that was expressed to the Health Department in the past which is another project at Avenue U and MLK...

BOARD MEMBER HUBBARD: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...uh, they didn't agree to, um, and there is another project that'll be occurring at the water treatment plant. However, that project would not be completed in the timeframe that, that.., that pr'.., that the Consent Order dictates that the project should be completed by.

BOARD MEMBER HUBBARD: Thank you.

BOARD CHAIR DAVIS: Anyone else? Quick question. The air'., air filters, how is that process going?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: The...

BOARD CHAIR DAVIS: Have they been...

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Air strippers?

BOARD CHAIR DAVIS: Air stripper towers, yes. I'm sorry.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: At the water treatment plant?

BOARD CHAIR DAVIS: Yeah. Is that pa'...

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That is...

BOARD CHAIR DAVIS: Is that part of it?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That is part of the discussion.

BOARD CHAIR DAVIS: Okay.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...Items. We, we'll talk about...

BOARD CHAIR DAVIS: Okay.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...in No. 11.

BOARD CHAIR DAVIS: Okay. Alright. If there's no other questions or concerns from the Board, we can move to the next Item?

DEPUTY CITY MANAGER JONES: Madam, uh, Mr. Chair. We do have., we, we need to kinda get a direction and consensus from the Council whether we would., you would like Staff to pursue the sampling point project...

BOARD CHAIR DAVIS: Mhmm.

DEPUTY CITY MANAGER JONES: ...as an in-kind project or the other option will be just to pay the fine.

BOARD CHAIR DAVIS: Madam Attorney?

DISTRICT ATTORNEY RYAN: No. He's correct. You either can pay the..., the City can pay the 43,000...

BOARD CHAIR DAVIS: Mhmm.

DISTRICT ATTORNEY RYAN: ...dollars, which is the penalty or you can accept the ability to do an in-kind project. And just to, to clarify it...

CITY MANAGER JONES: The [inaudible]...

DISTRICT ATTORNEY RYAN: ...they..., the Health Department has not accepted our in-kind project, yet. So, even though that Mr. Gi'...

BOARD CHAIR DAVIS: [Inaudible]...

DISTRICT ATTORNEY RYAN: ...Mr. Rhoads is correct that we've asked for it...

BOARD CHAIR DAVIS: Okay.

DISTRICT ATTORNEY RYAN: ...they have indicated that they want us to send them that letter, the letter, certified letter within 15 days which will be June 24th before they will comment on whether or not it is accepted. And if it's not accepted, we can try another project and, in the end, if we can't come up with a project, we still may have to pay the \$43,000.

BOARD CHAIR DAVIS: Okay.

DISTRICT ATTORNEY RYAN: I think Staff would prefer the in-kind project. It's a little bit more money...

BOARD CHAIR DAVIS: But, we'll get something out of it.

DISTRICT ATTORNEY RYAN: ...but it's something positive for the Utility District and for our residents.

BOARD MEMBER DAVIS JOHNSON: Mr. Chair?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes.

BOARD CHAIR DAVIS: I support that. Councilperson Johnson.

BOARD MEMBER DAVIS JOHNSON: So, do we have alternate in-kind projects that we have in the pipeline that can be presented or do we need to create a'..., another in-kind project that should be submitted in the event that the Health Department does not give this their final approval?

DEPUTY CITY MANAGER JONES: The two projects that are in the pipeline now..., this..., or, they have not approved. So, in working with them over the last 30 days, we've had many discussions about this project so we believe strongly that it would be a p'..., a project that would be approved. We don't have an alternate at this time but if they will give us ample time to develop a in-kind project, if this project isn't approved but there's no reason..., we have no reason to believe that it wouldn't be approved. It wouldn't be something new..., in these discussions, it wouldn't be new with them.

BOARD MEMBER DAVIS JOHNSON: If I may, Mr. Chair, I would like to have this Board direct Staff to prepare. I would not like for us to..., I, we gotta..., we have to have options and we have to strategically prepare and plan. I want us to remove ourselves from the reactionary position that we seem to be taking as it relates to our contracts and how we're doing business and we've gotta get into a strategic planning flow of how things are done. So, my recommendation would be direction to Staff to create, or to look at , one or two other additional items that could be considered for this in-kind service, please.

BOARD CHAIR DAVIS: And that will come back at the very next meeting, I'm sure. Cause what's the timeline that, that...

DEPUTY CITY MANAGER JONES: We, we do have a timeframe, 15 days from the date that the Order was agreed upon which was June 9th. So those 15 days will be the 24th to...

DISTRICT ATTORNEY RYAN: That's just to...

DEPUTY CITY MANAGER JONES: ...present...

DISTRICT ATTORNEY RYAN: ...advise them.

DEPUTY CITY MANAGER JONES: ...to them, uh, to advise of them of a in-kind project.

BOARD CHAIR DAVIS: Okay. Alright. That's clear. How does...

DEPUTY CITY MANAGER JONES: So the consensus is to move forward with the in-kind project?

BOARD CHAIR DAVIS: Does anybody, um, don't agree with that? That's the...

BOARD CHAIR PRO TEM MILLER-ANDERSON: I have...

BOARD CHAIR DAVIS: ...consensus.

BOARD CHAIR PRO TEM MILLER-ANDERSON: ...a question. Where... Chair?

BOARD CHAIR DAVIS: Yes.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Where do..., where does the money come from to..., where's that money pulled from out of the budget to do that?

BOARD CHAIR DAVIS: Contingency.

CITY MANAGER JONES: It would be a reallocation of capital dollars.

BOARD CHAIR DAVIS: Okay. Alright. You have the consensus of the Board.

BOARD MEMBER PARDO: They're just not consistent.

7. DISCUSSION OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CONSENT ORDERS

BOARD CHAIR DAVIS: Let's go to the next Item, sir.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Thank you. The next Item is a discussion of the Consent Order that is in regards with the FDEP. This Consent Order's No., we do not have the number listed in here, recent Consent Order delivered with the Board. This Consent Order was executed on March 25, 2016. The Utility District has been working closely with the FDEP. Last May 24th, we had a meeting to discuss some of the, some of the deliverables from the Consent Order, get some clarification on it. After this meeting, the DEP and the Utility came up with a, a timeline for some of the deliverables which will be on July 30th. At this point, we have an in-kind project accepted through the DEP. This is for sewer lining and manhole rehabilitation. Solicitation for this project is due June 21st, tomorrow. The project will be completed and the solicitation for the deadline to complete this project by September 15th, which is more than 30 days in advance of the deadline of the in-kind project.

BOARD CHAIR PRO TEM MILLER-ANDERSON: I have a... Chair?

BOARD CHAIR DAVIS: Go ahead, Vice Chair.

BOARD CHAIR PRO TEM MILLER-ANDERSON: On the bottom of the first page for the DEP letter dated May 19th, are there any updates on the completion of any of those? Is it still the same, partial completion for No. 1? Cause I think I brought this up at, maybe, our last meeting.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Right. The partial completion of No. 1, that was submitted to the FDEP for comment. The DEP gave us comments regarding that submission on May 24th. Staff is revising some of the comments from the Sanitary Overflow Response Plan based on those comments and adding additional information to the sections that were related to that. The Initial Capacity Analysis Report, as well as the Operations Maintenance Report, Sta'...

BOARD CHAIR PRO TEM MILLER-ANDERSON: Wait. Call off the numbers, you're skipping there. What about...

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Sorry about that.

BOARD CHAIR PRO TEM MILLER-ANDERSON: ...No. 3?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: No. 3, is a Operations Maintenance Performance Report.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: And No. 5...

BOARD CHAIR PRO TEM MILLER-ANDERSON: Is., what's, what's the status of 3?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Status of 3, we met with the FDEP on May 24th...

BOARD CHAIR PRO TEM MILLER-ANDERSON: Okay.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...to go over some of the inconsistencies with the Code Requirement language written in the Consent Order.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: And it was identified there was some inconsistency how the requirements were. Met with them to come up with a different scope to address that Operations Maintenance Report...

BOARD CHAIR PRO TEM MILLER-ANDERSON: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...as well... That's tied to the Capacity Analysis Report, which is No. 5 there.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Okay. So, when would., when will we have that, um, status show complete?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: No...

BOARD CHAIR PRO TEM MILLER-ANDERSON: 3.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: 3...

BOARD CHAIR PRO TEM MILLER-ANDERSON: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...5 and 6 will be delivered before July 30th.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Okay. Okay. No. 4.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: The DEP has accepted a selection of in-kind penalty project, that we plan to utilize with this Consent Order?

BOARD CHAIR PRO TEM MILLER-ANDERSON: So that one's done, right?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Procurement Department has advertised an RFP for that one.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: And which will be delivered June 21st, tomorrow.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Alright. Okay. Thank you.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: You're welcome.

BOARD CHAIR DAVIS: Anyone else?

BOARD MEMBER HUBBARD: What was the cost in lieu of the in-kind project with the, um, DEP?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: The in-kind project is approximately \$36,000.

BOARD MEMBER HUBBARD: And what was the fine?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: The fine was approximately \$24,000.

BOARD MEMBER HUBBARD: Okay.

BOARD MEMBER DAVIS JOHNSON: Mr. Chair?

BOARD CHAIR DAVIS: Councilperson Hubbard, are you done with your question? [Inaudible].

BOARD MEMBER HUBBARD: I..., yes, I am.

BOARD CHAIR DAVIS: Okay. Councilperson Johnson.

BOARD MEMBER DAVIS JOHNSON: Just one follow up. Has the District drafted the scope report?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes.

BOARD MEMBER DAVIS JOHNSON: Okay. Do we have that?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: It is not in this backup now.

BOARD MEMBER DAVIS JOHNSON: Okay.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: But it is in part of the RFP advertised.

BOARD MEMBER DAVIS JOHNSON: Thank you.

BOARD CHAIR DAVIS: Anyone else?

BOARD MEMBER HUBBARD: I just wanna ask this question. On No. 5, for example, when it, when it said just..., when, when all they were a'..., requesting was a performance report, um, that's No. 3 and it's outstanding, what was the reason that we didn't get stuff in, like, performance reports and updates, just administrative documents that it seems that they were looking for?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: The paragraph related to the Operations and Maintenance Report made reference to as to meeting the requirements from a Florida Administrative Code. To tell you the Code number off the top of my head it would a guess, it's 62-600 and I think .735 for the Operations Maintenance Report. That requirement of that Chapter is in reference to wastewater treatment plants or water treatment plants..., wastewater treatment plants with a reuse or, um, reclaimed water or a wastewater disposal facility. So, we went back with the FDEP to get clarification on that because the Chapter was specific to being utilized for wastewater treatment plants, which we do not own and operate a wastewater treatment plant.

BOARD MEMBER HUBBARD: Okay. So when you, when you saw that they requiring this of us [pause], as opposed to being cited for it, we didn't just call and ask them that, you know, this doesn't apply to us. What would you have us do?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: We reached out to the DEP about that, asking for an exception to this which, in turn, led to the meeting on May 24th at the, at the DEP's offices.

BOARD MEMBER HUBBARD: Thank you.

BOARD CHAIR DAVIS: Anyone else? Thank you, sir.

8. LIFT STATIONS 10 AND 50 UPDATE

BOARD CHAIR DAVIS: We'll move to the next item.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Okay. The next item is the Lift Stations 10 and 50 project. The project is ongoing. Substantial or final completion date scheduled for this project is November 7th. There are a couple little, uh, pay apps in from the contractor. We're waiting on additional information on one. The contractor also has submitted several Change Order proposals for review which the Utility is vetting, as well as their construction administrator is vetting for accuracy and relevance in this project. And, at this time, we, we're reviewing it and will come back, back to the contractor related to that.

BOARD MEMBER PARDO: Mr. Chair?

BOARD CHAIR DAVIS: Go ahead, Councilperson Pardo?

BOARD MEMBER PARDO: Okay. So, Lift Station 50, that's the one on Park Avenue?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That is Lift Station 10.

BOARD CHAIR DAVIS: 10.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Lift Station 50 is on Avenue U and MLK on the...

BOARD MEMBER PARDO: Right. Okay. Alright. So, let's go back to Lift Station 10. So, I, I need to know what exactly is going on over there. Because I drive down Park Avenue every day to get out of my development. I can't take A1A because the cars are going 60 miles an hour, um, on a 35 mile an hour road but that's another, you know, discussion. So I go down Park Avenue and more times than not, the contractors are not there. The, um, you know, I'd like to know what their schedule is, I'd like to know why there's still a smell over there. Um, I see all these pipes leading everywhere and, you know, they did put a fence around it and, you know, some of the fence is hanging over onto the road and it's a narrow road to begin with.

So I would like a, a real update on what's going on. And you made mention that they put in for some work order modifications. Is it for Lift State 10 also or is it just Lift Station 50?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: For both projects. Yes.

BOARD MEMBER PARDO: Right. So this contractor's doing both projects?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes. They're performing the work simultaneously.

BOARD MEMBER PARDO: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: So times when they may not be at 10, they may be performing work at Lift State 50.

BOARD MEMBER PARDO: Uhuh. Alright. So, you didn't give us anything in the background. So I really need to know what exactly is going on with the project. And, I'd also like to know, how were they chosen? Were they chosen because they were the lowest bid or were they chosen because they were the most qualified?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: They were chosen in combination. It was the lowest qualified bidder.

BOARD MEMBER PARDO: And sometimes these low qualified bidders are not the best contractors. And, you know, this isn't the first time we're saying that. So, you know, if you don't have an update now, I would like you, or someone, to give me a full update on what's going on with this project because it's been going on too long, it doesn't look like they're really making a lot of progress and I need to know.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes, ma'am.

BOARD MEMBER PARDO: Thank you.

BOARD CHAIR DAVIS: Excuse me, sir. Quick question. What is the, the timeline [stammer] that the contractors to give you time to let us know when this project may be completed?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: The contract date is November 7th to..., for final completion on this project.

BOARD CHAIR DAVIS: Okay.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: In the Change Order proposals, the contractor may have added additional time extensions in that.

BOARD CHAIR DAVIS: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: In..., but those are under review based on the critical path of the project.

BOARD CHAIR DAVIS: So, is it safe to say that they're close to being on time? Give or take a few days or?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: They could meet their schedule at November 7th.

BOARD CHAIR DAVIS: Okay. Okay. So, they're moving on track. Okay.

BOARD MEMBER DAVIS JOHNSON: Mr. Chair?

BOARD CHAIR DAVIS: Councilperson Johnson.

BOARD MEMBER DAVIS JOHNSON: Would you include us all in that, that report?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes, I will.

BOARD MEMBER DAVIS JOHNSON: Thank you.

9. EAST CENTRAL REGIONAL (ECR) WASTEWATER TREATMENT UPDATE

BOARD CHAIR DAVIS: Anyone else? Item No. 9.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Alright. Item No. 9 is an ECR update. All I have to update at this time, is the Biosolids Project at ECR is running on project earned value as well as project schedule. Currently, about 33% of the work's been completed at this time. This project is implemented in a purpose to save on cost to waste sludge produced and converted into a different form of use. And that's the update for ECR.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Chair?

BOARD CHAIR DAVIS: Yes, Madam Vice Chair.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Do you attend these meetings now since Mr. Aurigemma's no longer with us?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Okay. And, they..., I'm assuming, someone else took the position that he had..., another person? Cause, wasn't he the Chairperson...

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That's...

BOARD CHAIR PRO TEM MILLER-ANDERSON: ...or something?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...that's correct, yeah. They voted for a new Chair...

BOARD CHAIR PRO TEM MILLER-ANDERSON: Okay.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...and Co-Chair.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Okay. But you're the one that attend on the City's behalf now?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That's correct.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Okay. Thank you.

BOARD CHAIR DAVIS: Any other Members of the Board have any questions or concerns? [Pause].

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Okay.

BOARD CHAIR DAVIS: Thank you, sir.

10. A DISCUSSION OF THE NORTH CHEMICAL BUILDING IN THE WATER TREATMENT PLANT

BOARD CHAIR DAVIS: Item No. 10.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Alright. Item No. 10 is North Chemical Building. This project is brought to your attention now. We will be bringing a, um, this project back for.., as a Resolution on the next Council meeting. The North Chemical Building's inside of the wastewater.., I'm sorry, the water treatment plant. In the.., currently, the Staff uses that building for operations of chlorine disinfection, as well as a polymer to help support coagulation for the lime treatment process.

BOARD CHAIR DAVIS: Is that the building on the north end?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That is, that is the lo'.., the tall, 5 story building on the north end.

BOARD CHAIR DAVIS: Okay.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes, sir. Staff is only utilizing the first two floors of this building at this time because the lime hopper on the.., lime hopper within the top floor of this building, expanded vertically and, uh, vertically and latterly and caused a force on the southern wall. At this time, Hazen and Sawyer has provided, in, in the backup document, an inspection report or inspection proposal

for utilizing getting a detailed understanding of any structural incon'.., inconsistencies in that building. And Staff plans to bring this back to the next Council meeting.

BOARD CHAIR DAVIS: Is this the contract amount?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: The contract amount for inspection services. Yes.

BOARD CHAIR DAVIS: Okay.

BOARD MEMBER DAVIS JOHNSON: Mr. Chair?

BOARD CHAIR DAVIS: Councilperson Johnson.

BOARD MEMBER DAVIS JOHNSON: Maybe it's me but I don't think it's just me. This has been going on since 2013. Am I understanding that correctly? We knew of this issue?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That is correct.

CITY MANAGER JONES: The Director knew of the issue.

BOARD MEMBER DAVIS JOHNSON: Okay.

CITY MANAGER JONES: The rest of us didn't.

BOARD MEMBER DAVIS JOHNSON: So, you were not made aware?

BOARD CHAIR DAVIS: Uh-uh.

BOARD MEMBER DAVIS JOHNSON: This is problematic for me on so many levels because it's water, it's our facility. It's been undone since 2013. This is what I'm speaking of when I say, strategic planning as a part to being reactionary and we shouldn't be reacting three years later. It has to stop. [Chuckle]. It.., I'm, I am boiling inside right now because this just makes no sense to me. And so, somebody, at some point, someone has got to, to follow up, follow through, stay on top of, understand, handle and if it's not the Staff that we have, then we need to find the Staff to do it because this is just .., this is unexcusable to me and unacceptable to me on so many levels.

BOARD CHAIR DAVIS: Okay. And I will follow back up with you on that. And the issue's been the culture. You know, he had free range to do.., not, not the gentleman that speaking now but our past Director had free range to do what he want, he didn't have no accountability. Um, when it's time to make correction, you know [pause]. You know, that was the culture at the time. I mean,, unfortunately. I'm glad the culture's changing. Thank you for keep'.., keeping us updated. Please stay on top of it. This is

the hand that you were dealt now, so now you're the first man up. So, just let us know what you need from this Board as support in making sure you have everything you need. But I do understand, speaking to a lot of my new colleagues on the Board, these are the things you're walking into when you a Staff member with so much power. Unfortunately, well, graciously he's gone but... But, thank you, sir. Any other colleagues?

BOARD MEMBER PARDO: Yeah. Mr. Chair?

BOARD CHAIR DAVIS: Yes.

BOARD MEMBER PARDO: Alright. So, back in 2010, maybe 2011, Mr. Lowe was on the Council, Ms. Brooks was on the Council. We approved moving forward with a new treatment, a new water treatment, the sodium hypochlorite?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Sodium hypochlorite facility.

BOARD MEMBER PARDO: Right. So, wha'.., what's going on with that? You know, we were supposed to build a new building for that and all of the salt was going to, um, it'd be housed there. And, you know, I kept bringing it up and other Council people kept bringing it up and, you know, we co'.., constantly heard, 'Well, the consultant is working on it,' and here we are now in 2016, what's going on with that plant?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yes, ma'am. The sodium hypochlorite facility...

BOARD MEMBER PARDO: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...has been designed. It's at 100% design. A per'.., it was recently completed. Within, approximately a month now, we received a Palm Beach County Health Department for that that design of that facility, to be implemented at the wa'.., water treatment plant. We are working with the building department in Planning & Zoning to line.., be in line with the permitting requirements through the building department and Planning & Zoning so we have an accurate date to advertise that project on the streets.

BOARD MEMBER PARDO: Okay. So how will that project affect the hopper building?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That project will be.., the facility itself will be a separate stand-alone structure.

BOARD MEMBER PARDO: Right.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: It will have little effect on that aside from the chlorine system that is utilized in the North Chemical Building will be

dismantled following a full-scale testing of the sodium hypochlorite disinfectant in the distribution treatment system.

BOARD MEMBER PARDO: So we'll no longer need the building?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That is not true. The building, um, may still have a useful life in a, a new lime settling system that the District has in their capital improvement projects scheduled in their 2017 fiscal year. The District's u'.., in review of a new Lime Slurry System or Lime Slaker System and that structure will be part of that review to find out if it'll be utilized in this new system. It'll improve the lime softening at the water plant and impro'.., increase treatment.

BOARD MEMBER PARDO: Okay. So, this is for treatment where the disinfectant is for the drinking water?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: They're both in the treatment process. The disin'...

BOARD MEMBER PARDO: So we'll need the lime in addition to the new bleach system?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: That is correct.

BOARD MEMBER PARDO: Okay. So, Ms. Jones, maybe this is something that you can add to the retreat, so everyone can have an update on what's going on with this and, you know, the cost and, you know, everyone needs to know what's going on.

Thank you.

CITY MANAGER JONES: We'll put it under our capital discussion.

BOARD CHAIR DAVIS: Any other Members of the Board? [Pause]. Alright.

BOARD CHAIR PRO TEM MILLER-ANDERSON: I, I, well, I just wanted to say that I totally agree with everything that Ms. Davis Johnson spoke of and I think that kind of goes in line with the issues that I've brought up over the past few months about the whole water issue. So, that's definitely the same sentiments over here.

BOARD CHAIR DAVIS: Thank you, sir.

12. SOUTH FLORIDA WATER MANAGEMENT DISTRICT CONSUMPTIVE USE PERMIT

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: And the last session Item, the South Florida Water Management Consumptive Use Permit. The Utility delivered

their water loss report to the South Florida Water Management District on May 18th of this year. Um, and the District is in full compliance with the consumptive use permit.

BOARD CHAIR DAVIS: Can you explain that portion? The consumptive use permit.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: The South Florida Water Management District issued...

[Inaudible background comment]

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...the Utility District a...

BOARD CHAIR PRO TEM MILLER-ANDERSON: You skipped 11.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...has issued the Utility District a permit to withdrawal...

BOARD CHAIR PRO TEM MILLER-ANDERSON: Is this No. 11 or 12 you're talking about?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Oh, I'm sorry. I did jump one.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Yeah.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: I apologize.

[Chuckles]

BOARD CHAIR PRO TEM MILLER-ANDERSON: I'm like, 'Well, maybe I dozed off for a second there.'

[Chuckles]

BOARD CHAIR DAVIS: I was gonna let you come back but...

BOARD MEMBER DAVIS JOHNSON: [Inaudible].

[Chuckles]

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: If you don't mind, can we finish with the No. 12 here...

BOARD CHAIR DAVIS: And then we'll come back to 11.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...and we'll come back to No. 11?

BOARD CHAIR DAVIS: Yes.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Hmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: So, the Consumptive Use Permit is issued through the South Florida Water Management District and allows the Utility to, basically, have an allocation for water on a daily and monthly basis and the permit is for 20 years and the District has., or the Water Management District has allocated the Utility approximately 10.65 million gallons per month.

BOARD CHAIR DAVIS: Okay. Thank you.

11. DEGASIFIER TOWER PROJECT PROGRESS UPDATE

BOARD CHAIR DAVIS: Guess we can move to Item No., back to Item No. 11 now.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Yeah. This is in regards to the project you were talking about earlier. The Degasifier Tower Project Update. Back in, uh, December 14, 2015, the Board approved a Resolution for a rehabilitation of the Degasifier Towers at the water treatment plant. If you looked at the plant, you'd see four white towers, tall., standing in the middle of the water treatment plant that are roughly about 50' high. If you've looked over there recently, you may see some white bags and some scaffolding. This project's about halfway through. The project is to remove and replace the media in those towers and the towers are used to remove odors and tastes and me'., and dissolve metals in the water before it makes it into the treatment process. This is the first leg of the treatment process. Good thing is, the contractor's been inspecting the internal structural components of that and they say it looks absolutely great. They replaced the media, they will be replacing the fans and motors and, um, as well as, the water jets at the top of the structures.

BOARD CHAIR DAVIS: So, all...

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Um...

BOARD CHAIR DAVIS: So all towers will be up, up to speed at the same time?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: [Inaudible] the towers are utilized with the redundancy...

BOARD CHAIR DAVIS: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...um, we need 50% of the towers at a time so two, two need to be operational to meet demand but all four will be rehabilitated...

BOARD CHAIR DAVIS: That's the question. Right.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...back to..., as new condition.

BOARD CHAIR DAVIS: Cause right now, currently, we only had two that was...

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: We have four that are, are in operation but two have been rehabilitated at this time.

BOARD CHAIR DAVIS: Okay. Any other Members of the Board have any questions or concerns regarding the towers?

BOARD MEMBER HUBBARD: Who's the...

BOARD CHAIR DAVIS: Councilperson...

BOARD MEMBER HUBBARD: ..contractor...

BOARD CHAIR DAVIS: ...Pardo.

BOARD MEMBER HUBBARD: ...on this?

BOARD CHAIR DAVIS: Not Pardo, but Hubbard.

BOARD MEMBER HUBBARD: Who's the contractor on this project?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: The contractor, the prime contractor is Jacobs Air Water Systems and they go by JAWS and they are backed up with the subcontractor, Florida Design Group.

BOARD CHAIR DAVIS: Florida Design Group. That was my next question. Thank you.

BOARD MEMBER HUBBARD: Do they, uh..., are they local?

BOARD CHAIR DAVIS: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Florida Design is local, yes.

BOARD MEMBER HUBBARD: No, JAWS.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Jacobs Air Water System is a Florida, um, Florida contractor. Jacobs Air Water System is actually a sole source manufacturer, product manufacturer rehab'..., or product contractor for Dewalt and the Utility has Dewalt towers in their water treatment plant. So, Jacobs Air Water System is a sole source vendor for working on Dewalt towers.

BOARD MEMBER HUBBARD: Okay. Okay.

BOARD CHAIR DAVIS: Anyone else? [Pause]. Anyone else? [Pause]. Gone. Alright.

[Chuckle].

BOARD CHAIR DAVIS: So, we're on... Thank you sir.

COMMENTS FROM THE PUBLIC - Non Agenda Item Speakers (Three Minute Limitation) Public Comment should be restricted to issues, matters, or topics pertinent to the City of Riviera Beach. Please be reminded that the City Council has adopted Rules of Decorum Governing Public Conduct During Official Meetings, which has been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the District Board Chairperson may have any disruptive speaker or attendee removed from the podium from the meeting and/or the building, if necessary. Please govern yourselves accordingly.

BOARD CHAIR DAVIS: At this time, we don't have any public comment cards from the public so, before I move on, does anyone from the public wanna speak? [Pause]. Alright.

STATEMENTS BY THE DISTRICT BOARD

BOARD CHAIR DAVIS: Next, we have statements by the Board. Anyone? We'll start with Councilperson Pardo.

BOARD MEMBER PARDO: I have nothing. Thank you.

BOARD CHAIR DAVIS: Hubbard.

BOARD MEMBER HUBBARD: Just a, a couple of things. I wanna ask the Deputy Director, Mr. Giles and Ms. Ryan. The..., I know a lot of things that we've discussed this evening have defaulted back to Mr. Aurigemma, the previous director. What, what exactly were you responsible for, Mr. Giles, when Mr. Aurigemma was there?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Primary responsibility was..., I was acting as project manager for a variety of contracts that the Utility was working on, whether that be a contract with the FDOT projects on Martin Luther King

Boulevard, lift station projects, bringing projects such as the Degasifier through procurement and soliciting vendors for, or scope of work for the Degasifier towers, worked to utilized a lot, um, capital improvement projects. The, uh, in addition, operations utilizing some methods to enhance and operat'..., optimize operations in the water distribution and collection system.

BOARD MEMBER HUBBARD: Okay. In your, um, and the, and the reason I, the reason I'm asking is because I'm trying to determine with, you know, being the deputy and working closely with the, with the manager himself, that, you know, at least some of the stuff you, um, did you have any insight as to it. And, um, specifically, with our Consent Orders, when we've..., how..., first start getting them, how long have you been with the company?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: I've been with the Utility District since May 17th of 2013 so it's just past three years.

BOARD MEMBER HUBBARD: Okay. So, were you, were you handling or aware of... When, when did you realize we had started to receive the Consent Orders from the Health Department and we were in trouble?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: The recent Consent Order we were issued violation letters, um, one letter came through, uh, date I believe's March 31st of this year and another violation... Which, the violation letter said please, um, organize a meeting. Call, call Pamela Lape at the Health Department and organize a meeting to discuss...

BOARD MEMBER HUBBARD: So this year was...

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ...any violations.

BOARD MEMBER HUBBARD: ...your first year in knowing anything about our problems with the, with the water?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: The [pause], for this Consent Order, this, the Consent Order we currently, currently have, the WP-020-16, the first time we learned about it, the violation letter submitted to the Utility woulda been the first time of learning of that. There was a notice of violation that the Utility had from, um..., situations that span back, back to sometime, I'm not sure of the exact date it goes back to, um, that there were negotiations with the Health Department in meetings to discuss, um, the violations and the concerns of the Health Department and the concerns of the District. Um, but at that time, that was the first, uh, time I worked with those, those conditions in the distribution system that led to violations, such as a total call of forms in the low chlorine residual.

BOARD MEMBER HUBBARD: Ms. Ryan, the..., Mr. Giles was saying he was only able to, I guess, be abreast in the last three years of the..., I didn't realize he had only

been here three years, so prior to that, what Mr., when Mr. Aurigemma was given these, um, these orders or these, these Consent Orders, when did he first start bringing them to you?

DISTRICT ATTORNEY RYAN: Mhmm. Ms. Hubbard, I gave the City Council a very detailed memo...

BOARD MEMBER HUBBARD: Mm.

DISTRICT ATTORNEY RYAN: ...which talks about the City Attorney's office's involvement. The first time we received any notice and it., I don't believe it was a Consent Order, was in 2014 and that is one that came directly to my office. It did not come through Mr. Aurigemma. That's the first time, in 2014, I think it was September, I don't wanna commit because I don't have the documents in front of me but it was around that time and it was the first time that we were involved. And, um, Mr. Aurigemma handled that violation. It was not a Consent Order. The second time, was when all of this occurred. It was in, um, I wanna say April when he came to my office and met with the Assistant Attorney regarding some violations that he had with DEP and my office attempted to assist him in getting an extension on the violations and that's when there was a lot of back and forth between our office and with DEP on that matter. And, they ultimately advised that they would do a Consent Order, which is what the City Manager's office with the Utility District ultimately did, after we sent a memo to the Manager detailing the issues and how., be'., because Mr. Aurigemma, he waived the time limit. There was no real way for us to fight the violations. Because, when he came to our office, it was originally to try to, um, I shouldn't say fight but possibly to defend against the violations. But, because of the lateness of his response, there was really nothing that we could do at that point.

And so, I detailed that. I'm happy to give you a copy of it with all of the attachments which includes all of my office's involvement.

BOARD CHAIR PRO TEM MILLER-ANDERSON: I just want., it, I think that was November when he came to the Assistant City Attorney, in November.

DISTRICT ATTORNEY RYAN: I don't wanna commit to dates [chuckle], because I don't have it in front of me.

BOARD CHAIR PRO TEM MILLER-ANDERSON: That's fine.

BOARD MEMBER HUBBARD: Okay. Thank you.

BOARD CHAIR DAVIS: Okay. Councilperson Johnson.

BOARD MEMBER DAVIS JOHNSON: Nothing. Thank you.

DISTRICT ATTORNEY RYAN: I'll make a note to get back to you.

BOARD CHAIR DAVIS: Absolutely nothing from me. Vice Chair?

BOARD CHAIR PRO TEM MILLER-ANDERSON: Nothing from here. City Manager?

CITY MANAGER JONES: Nothing, sir.

BOARD CHAIR DAVIS: Madam Attorney?

DISTRICT ATTORNEY RYAN: No. Nothing, sir.

BOARD CHAIR DAVIS: Anything else before we adjourn this meeting?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: I...

DEPUTY CITY MANAGER JONES: Mr. Chair?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: Mr. Chair, I have one more thing to add as an update. A recent development that happened, um, yesterday, Sunday at approximately 6:30, a call came in to the water treatment plant in regards to a, uh, resident call that recognized there was a sewer manhole with liquids pouring out of it. Staff immediately responded. The water treatment plant called into the, uh, the mech'..., sewer mechanics and they immediately responded. There was a blockage in a gravity sewer main...

BOARD CHAIR DAVIS: Mhmm.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: ..that was observed to look like grease has built up in the gravity main causing a manhole to back up and to overflow. Staff responded, cleared that shortly after, anticipated the estimation is, uh, less than 250,000 gallons of sewage spilled but we just wanted to inform you of a small sanitary overflow that occurred. Staff has de'..., contacted the entities involved, that you need to contact following a sewer spill.

BOARD CHAIR DAVIS: Okay.

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: State Watch Office, the FDEP, as well as the, the Palm Beach County Department of Health. Best way I can describe this was a situation Staff could not see coming, um, and a buildup of grease is something really..., not something you always can be prepared for, similar to something like having a flat tire.

BOARD CHAIR DAVIS: Thank you.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Question.

BOARD CHAIR DAVIS: Yes, please.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Where..., what area was this?

EXECUTIVE DIRECTOR UTILITY DISTRICT RHOADS: This was at..., it was on Singer Island near Beach and Lake.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Thanks.

BOARD MEMBER PARDO: Mr. Chair?

BOARD CHAIR DAVIS: Yes, ma'am.

BOARD MEMBER PARDO: Yeah. So, thank you for notifying me.

BOARD CHAIR DAVIS: Beach and Lake?

UNK: [Inaudible].

BOARD CHAIR DAVIS: Anything else? Other questions and concerns from Members of the Board? [Pause].

ADJOURNMENT

BOARD CHAIR DAVIS: Do we have a motion to adjourn the meeting?

BOARD MEMBER DAVIS JOHNSON: So move.

BOARD CHAIR PRO TEM MILLER-ANDERSON: Second.

There being no further business, the meeting was duly adjourned at 7:07 p.m.

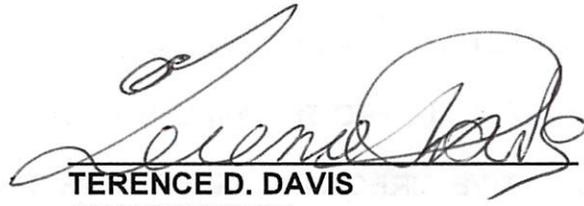
[Gavel]

[End of video/audio]

City Officials, Public Comments and Other Speakers

DEPUTY CITY MANAGER DANNY JONES.....DEPUTY CITY MANAGER JONES
PURCHASING DIRECTOR DEAN MEALY.....PURCHASING DIRECTOR MEALY

APPROVED:



TERENCE D. DAVIS
CHAIRPERSON

ATTEST:



CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
DISTRICT CLERK



KaSHAMBA L. MILLER-ANDERSON
CHAIR PRO TEM



LYNNE L. HUBBARD
BOARD MEMBER



TONYA DAVIS JOHNSON
BOARD MEMBER



DAWN S. PARDO
BOARD MEMBER

MOTIONED BY: K. MILLER-ANDERSON

SECONDED BY: L. HUBBARD

L. HUBBARD AYE

K. MILLER-ANDERSON AYE

T. DAVIS JOHNSON AYE

D. PARDO AYE

T. DAVIS AYE

DATE APPROVED: JULY 11, 2016