

MINUTES OF THE BOARD OF SUPERVISORS

ISLE OF PALMS SPECIAL DISTRICT

December 11, 2019

Board President Ken Wright opened the meeting; calling it to order at approximately 1830 hours with a Roll Call of all Board members present [Agenda Item 1]. Other Board members/officers present were Vice President Paul Raudenbush, Secretary Brad Radloff, and Member Dave Touring. Member Josh Reichert was not able to make the meeting. A quorum was established with four Board members present at the meeting. Board Attorney Wayne Flowers of Lewis, Longman & Walker (LLW) was present and Joe Wagner, P.E. of Wood, PLC, as representative for the District's Engineer of Record to administrate upcoming dredging efforts, was also present at the meeting. One homeowner from the District attended the meeting. The meeting was held in a Community Meeting Room of the Pablo Creek Regional Library at 13295 Beach Boulevard, Jacksonville, FL 32246.

Agenda-Specific Public Comments [Agenda Item 2]-

As a result of a Florida Statute, *public comments of Agenda items only* (no general items) are to be taken prior to addressing the Meeting Agenda. There were no public comments on any of the agenda items from attending homeowners (however, any who wished to comment later, during the meeting, did so as discussions proceeded on each agenda item).

OTHER AGENDA ITEMS

3. Approve the Minutes of the December 11, 2019 Board meeting.

MOTION: To approve the minutes of the December 11, 2019 Board meeting, by KWright.

The motion was seconded by PRaudenbush and PASSED unanimously by the Board members present.

4. Treasurer's Report. PRaudenbush provided an update to the Treasurer's Report for this meeting and reported the District's bank balance at \$1,808,485.96, as of December 11, 2019. In addition, there was one bill(s)/invoice(s) needing the Board's approval for payment and included: LLW, \$250.00 for monthly legal fees. As a special note, there is a dual signature requirement that is in place for all checks/bill payments. PRaudenbush

also indicated that the audit has not been completed, as yet, pending receipt of the tax roll from the COJ.

MOTION: To approve payment(s) to LLW, as described above, by PRaudenbush.

The motion(s) was seconded by BRadloff and PASSED unanimously by the Board members present.

For the monthly summary/update regarding the Budget Report, there was no discussion since amendments were made to the budget at the June meeting to reflect more accurate line items for engineering, auditing, and insurance fees. The general intent of said report is to facilitate the reporting/accuracy of the current year's budget and preparation for projecting the upcoming fiscal year's budget and will be very useful closer toward the end of the fiscal year.

5. Update, if any, on efforts to secure the 12% City cost share issue. [*HISTORY:* WFlowers and PRaudenbush had contacted the COJ, several months ago, to determine their position on the Ordinance that appears to allow for a 12% contribution from the COJ for the District's dredging efforts. Both received the same answer -- the COJ's position according to the OGC was that the 12%, in their opinion, does not apply to the IOPSD because the District already has an avenue for collecting funds to conduct maintenance dredging. At the September 2018 meeting, Mr. Pipes was asked if their District was able to benefit from the Ordinance to which he suggested that they could not since their waterways are not officially available to the public, which is also the explanation the OGC used for their opinion to our District. It has been Mr. Wagner's position, however, that he thinks the IOPSD should pursue this issue based upon his knowledge of those that have been able to take advantage of it (i.e., Miller's Creek but which has some public access, an apparent qualifying factor). At the December 2018 meeting, it was thought by some Board members that the issue should still be "pressed" by appealing to the District's City Councilmember - the need to find someone in the neighborhood that has contacts at the COJ to make in-roads with either Councilman Gulliford or the new in-coming councilman (since it appears Gulliford may be term-limited out). Since the December 2018 and more recent previous Board meetings, PRaudenbush indicated that he had reached out to Rory Diamond, an upcoming new City Councilmember for our district, about possibly attending the District's meetings (Mr. Diamond attended and participated in the April Board Meeting) and about the possibility of supporting our push to obtain the 12% cost-share and trying to obtain further support from other councilmembers. At another previous Board meeting in February, PRaudenbush's suggestion was to try and make this happen prior to the City Council approving a new budget and prior to our going out for bids on the dredging, so that the 12% contribution can be included in the City's budget for FY 2019/2020. Then, at the Board's March meeting, PRaudenbush provided similar and additional information for the possible cost sharing as it related to the budget approval for FY 2019/2020 and added that the Board may need help from WFlowers to draft language to present a proposal to the COJ. Also at the March meeting, DTouring

sought some clarification on whether the 12% cost share, if obtained, would need to be solicited from the City for each year after initial approval and, if the dollar amount is based on construction costs, how would the total dollar amount be determined prior to obtaining bids for construction. According to Joe Wagner and WFlowers, once approved by the City, the funds stay in the budget until the funds are exhausted or until something changes that would make the funds inaccessible. Joe Wagner also indicated that for Miller's Creek, Woods' Opinion of Cost (Engineer's Estimate) was used to determine the necessary dollar amount for purposes of designating the necessary funds to the City's budget line item. At the April meeting, with suggestions from Rory Diamond, it was decided that the District prepare (at least in draft form) a letter/proposal that will be submitted to the City indicating why the Board believes our District qualifies for the cost share. PRAudenbush indicated that he might be able to prepare an initial draft letter, with help from Joe Wagner and WFlowers, for review by the rest of the Board during the May meeting. For the May meeting, PRAudenbush presented to the rest of the Board members, an initial draft letter requesting support from the City Council to include in their Budget for FY 2019/2020 the 12% cost share (or about \$768,000.00). The Board discussed the content of the letter, including minor revisions to the grammar specifics, etc. and approved of and lauded PRAudenbush's work on it. There was also a discussion on how to present this proposal to all the other Councilmembers, including trying to meet one-on-one with each of them. At the June meeting, PRAudenbush indicated that he had sent the Board-approved letter to all the City Councilmembers. After which, discussions, amongst Board members, ensued once again about how to get the support of said Councilmembers and the timing involved with getting the 12% cost share for the IOPSD put into the City's budget for FY 2019/2020. Based upon the discussions, it was determined that the 19 Councilmembers should be approached after July 1st, when all newly-elected Councilmembers would be in place, to discuss the possibility of getting their support of the 12% cost share for IOPSD and have it included in the City's budget. Three to four Councilmembers were assigned to each Board member for contacting after July 1st (and once again, if there are homeowners in the District that have contacts/connections with any Councilmembers, the District would be happy to get some help from them for introductions, etc.). At the July meeting, PRAudenbush provided some update on where the COJ is relative to the budget process (we missed the original budget submittal but still pushing for the next step in the process) and his further discussions with certain of the Council Members and their support of our proposal. Then, at the August meeting, PRAudenbush provided an update that was similar to the update at the July meeting except that our push into the COJ's budget process *might* have been too late and that the push may have to be made early next year to make it into the process then. Also, at the October meeting, PRAudenbush suggested that there was bad news (based upon discussions with Councilman Rory Diamond) regarding getting the 12% cost share into the City's budget and that it did not make it this year but that the Board will have to re-initiate the effort early in 2020. Then, at the November meeting, PRAudenbush informed the Board that his continued discussions with Mr. Diamond have resulted in a possibility that the IOPSD may be able to submit a funding request to the COJ for this FY.]

For this December meeting, PRAudenbush indicated that the COJ-OGC has drafted an Ordinance, submitted December 10 to the City Council, to fund the District's 12% cost share (\$768,000), if there are funds available. However, the Ordinance will have to be approved through the usual committees prior to final City Council approval and that may take two to three months. A funding agreement, between the District and the City, will be necessary, so PRAudenbush asked WFlowers to prepare such an agreement for submittal to the COJ-OGC. WFlowers offered some details as to the process for preparing and submitting the agreement.

MOTION: To authorize LLW to prepare a Funding Agreement for submittal to the COJ-OGC in anticipation of receiving approval of the 12% Cost Share funding request, by PRAudenbush.

The motion(s) was seconded by KWright and PASSED unanimously by the Board members present.

6. Discussion of proposed Agreement with HWSD for Spoil Site. [*HISTORY:* One of the impediments to being able to get the dredging going, besides not having accumulated enough funds yet, is having a place to dispose of the spoils, typically known as a "spoil site". There are only a small handful of options available to entities like ours and most of them have limiting factors, not the least of them being too expensive. The Board had been trying to secure such a spoil site for several years until the HWSD was able to obtain their own site that others may use for the permanent disposal of spoils. The HWSD has offered the IOPSD a very attractive rate for using their spoil site, as well as capacity that could last for two to three dredging efforts, over a number of decades. As such, HWSD has provided the IOPSD Board an agreement. As such, HWSD has provided the IOPSD Board an agreement, for review and consideration, that once approved (if done so) will afford the IOPSD usage of their site at pre-negotiated rates.] At this December meeting, the Board made an effort to go over the entire agreement and decide whether any changes would be necessary, and if so, prepare those for submittal back to the HWSD for their review and consideration. KWright began the discussion with his detailed review of the agreement and any and all adjustments he deemed necessary. The other Board members agreed with his adjustments and/or provided any comments they may have had on the agreement. Stanley Pipes of HWSD, notified KWright that he would not be able to make this meeting (he is usually there) and that any adjustments made to the agreement would have to be reviewed by the HWSD Board in their January meeting and then would get back to IOPSD.
7. Discussion of timing regarding obtaining dredging bids. At the November meeting, DTouring indicated that he wanted to discuss putting out bids to obtain hard cost numbers, so the Board will know what they are looking at rather than by using an Engineer's Opinion of Cost. That discussion was deferred until this December meeting. DTouring began the discussion with his reasons for wanting to obtain the bids with comments and discussion from other Board members and Joe Wagner (regarding Wood,

PLC's proposed Bid Procurement services). There were some varying opinions on the necessity and/or timing for obtaining the bids. DTouring suggested that Wood, PLC should be authorized to initiate Task I of Wood's proposal.

MOTION: Authorize Wood, PLC to initiate Task I of their proposed scope of services for Bid Procurement, by DTouring.

The motion(s) was seconded by PRaudenbush but was NOT PASSED, having two dissenting votes from KWright and BRadloff.

8. Update on efforts to secure library meeting dates for next year. JReichert was recently appointed handler of securing meeting dates at the library. At the November meeting he was tasked with reserving a room at the library for 2020, with the 2nd Wednesday of every month being approved by the Board for meeting dates. Unfortunately, JReichert could not make the meeting, so an update was not available.
9. New Business. None

General Public Comment -

There were no other comments from the public at the end of the meeting (comments/questions taken during the meeting).

Adjournment -

KWright adjourned the meeting at 1909 hrs.

Future Meeting Dates -

Meetings are to be held on Wednesdays at 6:30 PM at the "Pablo Creek Regional Library," 13295 Beach Blvd. Jacksonville 32246; for the dates listed below:

January 8, 2020

(Meetings subsequent to January are TBA, pending JReichert's official reservation list)