

[ANNOTATED VERSION\*]

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MINUTES OF A REGULAR MEETING OF THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, HELD MONDAY, JANUARY 24, 2022, AT 3:00 P.M., AT 200 CANAL STREET, NEW SMYRNA BEACH, FLORIDA  
(NOTE – THIS REGULAR U.C. MEETING WAS HELD ON-SITE)

Chairman Davenport opened the Regular U.C. Meeting. Commissioner Conrad provided the invocation and Commissioner Hawes led in the Pledge of Allegiance.

Safety Message by Mike Schings – S&R Human Error Prevention Kit:

Mr. Mike Schings, the Substation/Relay Supervisor explained and presented his “Human Error Prevention Kit” for use by U.C. employees working on electrical panels and in substations, due to the various challenges in this area. The toolkit assists in prevention of human errors and improves safety of employees, as well as prevention of system damages and customer impacts. Utilizes barriers, flagging, tagging and tools within designated work zone. All items in high visibility colors and are placed prior to commencement of electrical work or repair. Training with employees and utilization of this toolkit is ongoing.

Chairman Davenport commended Mr. Bunch and Mr. Schings on a great presentation. Added it was really nice to talk about safety, bring it out, and was good for the Commission to get to see it, done on a monthly basis to update us.

Roll Call:

Chairman Davenport then stated Mrs. Simmons, get the roll call please ma’am.

A roll call was taken, a majority of the U.C. Commissioners were in attendance as follows:

Commissioner James Smith  
Commissioner Lillian Conrad  
Chairman James Davenport  
Commissioner Richard Hawes  
Commissioner Lawrence Kelly, Jr.

Others in attendance were as follows: J. Bunch, General Manager/CEO; E. Chavez, Director, Finance/ CFO; J. Couillard, Director, Engineering; T. Beyrle; Director, System Operations; V. Steele, Director, Electric Operations; S. Heil, Interim Water Resources Director; John McMurray, Director, Strategic Programs; M. Schings, Substation/Relay Supervisor; M. Spellers, Sr. Help Desk Technician; E. Fisher, Community Relations Coordinator; D. Simmons, Exec. Mgr./ Recording Secretary; General Counsel Thomas Cloud Esquire – Gray| Robinson Attorneys at Law; and John Moss, a member of the public in attendance on site.

(1) Agenda Changes, Additions and Deletions:

Chairman Davenport stated okay, number one item on the agenda today is any changes, additions, or deletions?

(1) Agenda Changes, Additions and Deletions (cont.):

Mr. Bunch stated I just have one additional item I'll cover under the General Manager's Report Chairman.

Chairman Davenport stated okay, add that in the General Manager's Report. Anything else?

Mr. Bunch stated no sir.

(2) Public Participation:

Chairman Davenport confirmed there was no public participation at this time.

(3) Approval of Consent Items:

Commissioner Hawes indicated he would like to pull consent item 3-f. for discussion.

Chairman Davenport confirmed there were no other consent items to be pulled for discussion and requested a motion for the remaining items (3-a. through 3-e.).

Commission Action:

Commissioner Smith stated so moved; specifically a motion to approve the remaining consent items – item 3-a. Minutes of Regular U.C. Meeting Held 11-22-21, annotated version, approve as submitted; item 3-b. Minutes of Regular U.C. Meeting Held 12-16-21, annotated version, approve as submitted; item 3-c. Granted and Accepted Third Party Utility Easements – granted to UCNSB for the Chipotle Mexican Grill restaurant on S.R. 44 from Sibia Group, Inc.; for a 7-Eleven convenience store (S.R. 44) from 38735 New Smyrna FL, LLC; and for 2150 Minorca from Margaret Hartwell, 2420 Taylor Road; ratify acceptance as submitted; item 3-d. Developer's Agreement – All Aboard Storage, Glencoe Depot (250 South Glencoe, LLC), approved as submitted and authority GM/CEO or his designee to execute any documents associated with this matter; and item 3-e. Agreement Approval – Surplus Real Property Sale / 1000 Block South Myrtle Avenue, NSB, FL 32168 – Tax Parcel I.D. 7449-08-01-0400, ratify Surplus Property Declaration of publicly offered real property identified and the approval of an "As-Is" sale depicted in attached Purchase and Sale Agreement for the appraised amount of \$9,200 to Casey Jon Stappenbeck, with proceeds to be deposited into the R&R Fund, and authorization for the GM/CEO or his designee to execute the associated documentation to complete this real property sale.

Commissioners Kelly and Conrad seconded the motion.

Chairman Davenport requested Mrs. Simmons to call the roll please.

Commissioner Smith's motion then passed unanimously on a roll call vote.

(3-f) Supplemental Funding – FY2022 Assignment of Work to Pike Electric, LLC for Condition Based Pole Replacements:

Commissioner Hawes stated I know, it's on me, pole replacements and I just thought maybe a little more information about what was going with that, might be kind of interesting.

Mr. Bunch stated I would ask Mr. Steele and/or Ms. Couillard, it's Mr. Steele's agenda item.

Mr. Steele explained he thought it was \$300,000 that had been requested at the beginning of the year for pole replacements and then staff decided in-house to escalate, to try to do as many poles as possible before storm season. Was requesting \$150,000 now to get the last 15 or 20 poles of our backlog. Added there will still be a churn of a certain number throughout the year.

Mr. Bunch added there was a pretty significant amount spent in the last couple of years, between 2019 and 2020, this had never been funded as a program previously. This \$150,000 will wind that down and future inspections are anticipated to have less rejects, reinforceable or non-reinforceable poles identified; anticipate future spend to be less.

Commissioner Conrad asked do we anticipate there will be less poles because they're going underground or doesn't have any bearing on it at all?

Mr. Bunch stated good question, over time we'll probably have less poles, and it's possible to go in some areas and do some selective undergrounding, that wouldn't go down fast. But what we will see more is, and we have already, is the growing value of our underground infrastructure, particularly as you go into the new development areas, Venetian Bay, and areas like Coastal Woods, they have literally no new poles to serve those customers.

Commissioner Smith inquired about what happens to the old poles.

Mr. Steele explained some get cut up and recycled and the U.C. gives them to a third party to get rid of them.

Commission Action:

Chairman Davenport confirmed there were no further questions, and then stated may I have a motion then for 3-f., for approval.

Commissioner Hawes stated so moved; specifically a motion to approve supplemental funding in the amount of \$150,000.00 for deteriorated pole replacements to Pike Electric, LLC, for fiscal year 2022, for an updated total amount of \$450,000.00 supporting the realigned work assignment request stated in the summary of the agenda item, and to authorize the GM/CEO or his designee to execute all documents associated with this matter.

Commissioner Smith stated second.

Chairman Davenport stated thank you, the roll please Mrs. Simmons.

Commissioner Hawes motion then passed unanimously on a roll call vote.

(4) General Manager's Report:

Chairman Davenport stated okay, moving on, number four item on the agenda, General Manager's Report.

Mr. Bunch stated I'd like to ask Mr. Chavez to come up and talk about the financial report and metrics for the quarter.

(4-a) Financial Status – December 2021 (Included FY2022 Quarterly Capital Forecast):

Mr. Chavez then presented and discussed his presentation prepared for the December 2021 Financial Performance, FY2022 Capital Forecast - 1<sup>st</sup> Quarter, and the Quarterly Enterprise Metrics. Indicated December 2021 fiscal year to date was a \$1.3 million change in net assets. The fiscal year to date capital expenditures was \$5.2 million - \$2.2 million in major products and \$3 million in annual projects. Pointed out there was a \$1.3 million loss in December 2020 year to date compared to the current \$618,000 operating income for December 2021. Contributing to this was the change in rates as well as the consumption. The current negative fuel adjustment is bringing down the overall fuel recovery. Staff is continuing to monitor and will adjust the fuel adjustment when needed. Noted that the fiscal year to date change in net assets was \$2.3 million more than December 2020. Approximately \$232,000 in capital contributions included and was primarily cash.

Mr. Chavez also presented the fiscal year 2022 Quarterly Capital Forecast. This was currently equal to budget, \$30 million – major projects \$20.2 million and annual projects \$9.8 million. Proceeded to discuss various fiscal year 2022 major projects.

Ms. Couillard explained various additional wastewater projects and third-party projects with the City, County and State.

Ms. Couillard and Mr. Chavez also discussed the ongoing supply chain challenges and explained how they're being met by staff.

Mr. Bunch also pointed out that some projects included in the Capital Forecast haven't been to the Commission for approval yet. Requested Mr. Chavez to speak to the build of an annual and five-year plan and how - when things show up to the Commission.

Mr. Chavez then proceeded to explain the timing of project approvals by the Commission. Explained planning the forecast is looking months out and based on the size or estimate of the project will then come to the Commission. Stated for example, Western Utilities Complex, there is a forecast number included but then there are finalizing details so that staff can come to the Commission for full approval. Also for the Pellet Softening Project, had included "initial", will not include the full project this fiscal year. Provides forecasted projects and then will be coming accordingly to the Commission for approval.

Mr. Chavez then briefly discussed the fiscal year 2022 annual projects included in the Quarterly Capital forecast.

(4-b) Quarterly Submission of Balanced Scorecard and Enterprise Metrics – December 2021:

Mr. Chavez then proceeded to provide various details for the Quarterly Enterprise Metrics, October to December 2021.

Mr. Bunch mentioned there was one of the new EV vehicles totaled, 100% the fault of the other driver – not the U.C. employee. Due to the safety features on this vehicle, the employee was protected from severe injuries. The other vehicle had come across three lanes of traffic and t-boned the U.C. vehicle, in the fourth lane, at a pretty good rate of speed.

Mr. Chavez mentioned paperwork for insurance funds on the EV vehicle had been processed.

Mr. Chavez then detailed the electric reliability metrics. Still experiencing some equipment outages but Restoration and Frequency metric (SAIDI) was reduced by 19% for a three-year average. Restoration metric (CAIDI) was reduced by 33% and Frequency metric (SAIFI) was reduced by 9% for a three-year average. More electric service improvements are expected from continuing system reliability improvements within the plan (ERIP) and the ongoing initiatives. When reviewing various other metrics, Mr. Chavez indicated some targets will be changed or have been changed to put some additional stretch within these metrics, to an even higher level based on prior performance.

Commissioner Hawes stated I appreciate you going through the SAIDI and SAIFI thing, we always see it as kind of red. I'm starting to understand it a little bit better and we generally do really well if we kind of look through that thing. So it's not that they're red but I think it's good for us to have a little something to go after like that.

Mr. Chavez stated exactly and that's why we're looking at the benchmarks and looking to make sure that as we improve, that we adjust those benchmarks as well to put more stretch on our teams.

Mr. Bunch stated while we look at the monthly and quarterly performance the most important thing to do is to track the trends and keep it going in the right direction. Because November we had a very strange extended event, in fact we had one this weekend that was pretty extended. Those months can throw you off but if you look at your trends, as long as you continue downward, that's where we want to be. And the plans that Ms. Couillard, Mr. Steele and team have put in place really are doing good things and we have just got to stay the path at this point.

When Commissioner Smith asked if there were any concerns, Mr. Bunch indicated one thing, that we were talking about on Friday and I don't know if its supply chain or what it is, the economy. We're just having more struggles with contracts and projects than we normally do. I don't want to go into detail, but it just feels strange that people bidding on the level of contracts that we're managing are struggling to get the ball to the end. Now, have their employees or people that do that kind of work checked out and they're not as available as they were and they're struggling, I don't know. But it just feels unusual the number of projects we have and the number that our folks are struggling with the contractors to do what they're supposed to do in a timely manner. And again, I don't want to go into details, but it just feels strange to see as high a percentage of those jobs that are struggling at this point compared to normal.

(4-b) Quarterly Submission of Balanced Scorecard and Enterprise Metrics – December 2021 (cont.):

Mr. Chavez added, and I think what we do in response to that, we meet regularly and discuss risks or other areas of concern. We move quickly to make sure that we address, through the right channels, legal or otherwise, to make sure we quickly move on those types of events.

After more discussion about contractor performance, as well as equipment/supply chain issues, Mr. Bunch stated, to Mr. Chavez' point, where we've got struggles or we've had struggles, are not letting the sewer fester. Mr. Cloud is getting the contracts attorney involved and working with our folks and the third parties to try to keep it from going south and hopefully bring it back.

(4-c) Presentation – UCNSB's Water Sustainability 2022 Update:

Mr. Bunch then stated I'll ask Julie Couillard to come up and talk about Water Sustainability, along with Scott Heil. So as they're coming up to the podium, six months ago or so we had some questions come up about water sustainability, recharge into the aquifer, and some questions came from one of the City Commissioners in our meeting where the easement for Williamson Boulevard Extension was approved. And as a result of that, we said we would put together a presentation to talk about our plans for sustaining our water resources. (This presentation will also be presented to the City Commission during the upcoming Joint City / UCNSB Workshop on 2-24-22.)

Mr. Heil and Ms. Couillard then presented an informational presentation which included the U.C.'s system ten-year average growth (FY2012-2021), details regarding the U.C.'s raw water source, and Consumptive Use Permit (CUP – 20 Yr. – 2020-2040) well pumping allowances. Also provided information on Aquifer Saltwater Intrusion and Aquifer Recharge. Provided raw water supply projections and information regarding the U.C.'s Wellfield Evaluation and Rehabilitation Program. And included information and details on the U.C.'s Potable Water system, Glencoe Water Treatment Plant Upgrades, and concluded with the U.C.'s Alternative Water Supply Plans and a summary.

Mr. Bunch stated so there's a couple of things, I'm not sure if its Ms. Couillard or Mr. Heil, but speak to the CUP versus plant capacity and when we have to start making that next investment.

Ms. Couillard stated yes, so the CUP is the allowable water that we can pull, and that is, when they do that, they analyze what we have, what's going on, and then what we project for the future. So we take all the known things, all the new developments, and they take all of that into consideration when they renew our CUP. Plant capacity is what was built back when they started the plant, that's different than the CUP. The St. Johns River Water Management District (SJRWMD) does not permit plant capacity, we manage that. So part of that is we're currently looking at 50% plant capacity, when do we think we need to trigger some more, and that's part of the discussion about the pellet softener. Reiterated, it's two different things.

Mr. Heil continued, that says okay, you need to start planning for future. So once we start seeing that 75%, close to that 75%.

(4-c) Presentation – UCNSB’s Water Sustainability 2022 Update (cont.):

Mr. Bunch reiterated 75% and then asked approximately when do we think that will happen?

Mr. Couillard stated probably eight to ten years.

Mr. Heil stated probably yes, because the ten-year average is a 19% increase. But I looked at the five year and its half of that, so the five year is like 10%. So it was a big jump in the beginning, and it’s leveled off.

Within discussions on Aquifer Recharge, Chairman Davenport inquired about the U.C.’s service territory (electric and water). Ms. Couillard indicated she would provide a better picture or map of that for the Commissioners subsequent to this U.C. Meeting.

Mr. Bunch then stated I think one of the concerns about recharge is paved surfaces and you restrict recharge into the ground. Well, technically yes, but the aquifer, the Floridan aquifer is the nation’s largest aquifer and goes from Georgia all the way down through Florida. It flows, it’s not a straight up and down linear thing. And you could enter into, I don’t know an esoteric argument or discussion about well, what happens if you pave a street or one hundred acres. Well, it’s going to limit how much and how quickly the water enters in that area but as you’re drilling wells you’re going down hundreds of feet into an aquifer that spreads hundreds of miles north and south and probably fifty to one hundred east to west. The Water Management District doesn’t manage us, they manage many, many utilities across this area of Florida. So as Ms. Couillard mentioned, high recharge and low recharge actually doesn’t indicate good or bad, it has to do with levels of the aquifer relative to your groundwater level and then in the layer in between, how easily water can travel through that space. And you saying high or low in this area doesn’t mean a utility should encourage or discourage paving of surfaces, they’re unrelated.

Ms. Couillard stated right.

Mr. Bunch added and that’s a lot of factors but that’s the best way we could summarize it. And that’s been the concern in this area, if Williamson Boulevard gets extended it is a paved surface, the concern is it will restrict recharge in the aquifer. My view is we’re not planning and zoning, we don’t pick who can develop where, the aquifer is a very big thing that we don’t manage individually, the Water Management District does, and we’re viewed as having a very high-quality water supply. I don’t know how to better explain that, Ms. Couillard has reached out to some of our consultants for input as well and these are people who consult on a nationwide basis.

Commissioner Smith stated and I think the future of the aquifer is going to depend a lot upon conservation.

Ms. Couillard stated part of it, yes.

Commissioner Smith stated and while it’s nice that new developments are using reclaimed water to keep their grass green maybe we should just encourage them not to put any grass out there in the first place. And that’s something, I always wondered is how much coordination

(4-c) Presentation – UCNSB’s Water Sustainability 2022 Update (cont.):

between what you’re trying to protect and save, and what the City’s doing as far as their approvals. Are there development and review processes where you look at these projects and say well, maybe you should consider this, that or whatever.

Mr. Bunch stated so land development requirements address that issue, they address whether a new house is required to have reclaimed water in areas where its available. Since the WRF was put in place, on conservation, our average consumption per account’s gone down by 25%, since 1999.

Ms. Couillard stated yes, that’s conservation.

Mr. Bunch stated other things have happened as well, the building codes require efficient plumbing fixtures and things. It’s all contributed to that but a 25% reduction in household largely, at least half, is attributable to that reclaimed water factor; at least half.

There was also some discussion regarding the health and safety requirements of flushing system water mains and testing/maintenance of hydrants connected to the system.

Ms. Couillard then proceeded to explain additional information about the U.C.’s potable water system and planned improvements, with one being the planned Pellet Softening Project. The U.C. did a pilot project in fiscal year 2021 and confirmed the process meets our treatment goals. The cost of this project will save approximately \$8.0 million net present value over 20 years compared to a lime softening upgrade project. It eliminates lime sludge byproduct and hauling costs and disposal. Very expensive, there’s not a lot of places you can send that to. The pellet softening byproducts actually are like a calcium sand. Some people feed it to cows, some people put it in construction fill, roads, there’s a lot of place it can be used because it is a safe byproduct, landscape materials. And then we’re adding firm production capacity, it will defer the need for a Reverse Osmosis (RO) plant, greater than 15 years. So it defers the expense of a RO plant out at the Western Complex for more than 15 years, could be longer.

Ms. Couillard then discussed the U.C.’s Alternative Water Supply Plan – approved by SJRWMD in 2015. This plan involves four brackish water wells, a RO plant, a booster pump station, and RO membrane process. By doing an RO membrane process, the byproduct actually can be piped through the WRF and processed and used as supplemental reclaimed water. Very positive but costs are really high and by installing the pellet softening process, reiterated, the U.C. can delay the need for RO treatment for at least 15 years.

Chairman Davenport indicated a question may come up regarding what the water supply will be in 50 years.

Mr. Bunch stated the 15-year number is just deferral until we would need to drill the deep brackish water wells and construct the Reverse Osmosis Plant. Once you get into the Lower Aquifer your future wells would also be from there and additional plant capacity would be Reverse Osmosis. Adding that these tend to be modular, would stack units for capacity. Indicated in the plan filed with SJRWMD, the U.C. would keep the Glencoe Water Treatment Plant online for at least 15 to 20 years, running in parallel.

(4-c) Presentation – UCNSB’s Water Sustainability 2022 Update (cont.):

Mr. Heil stated typically 25% is the byproduct at an RO plant, so if you want a million gallons, you’re going to have to have a million two hundred and fifty thousand available to get the million gallons. And added there’s a structure associated with this too, you’ve got to have ground storage, you’ve got to have aeration, you’ve got to have chlorine, a disinfection area. The modular part is fine, but you also have to build the other structures that go along with it. And they are high energy usage, high-pressure membranes with high pressure pumps.

Chairman Davenport confirmed there was nothing further, stated good job, and thank you.

ADD-ON (4-d) Small-Scale EV Charging Station Pilot Program:

Mr. Bunch explained this item was also informational and proceeded to discuss the planning of a small-scale EV Charging Station Pilot Program. Stated the Director, Strategic Programs, Mr. McMurray, will be overseeing a study on electric vehicles and electrification. A pilot site and EV charging installation was requested and discussed with the CEO at Advent Hospital in New Smyrna Beach. The hospital site will be used in this pilot and the U.C. will be able to obtain feedback, input, and results through this pilot program. The purchase of this EV installation and perhaps one or two spare chargers, are within the GM-CEO’s authority level. A charging rate or tariff recommendation will be brought back before the Commission for approval at a future meeting.

Mr. Bunch indicated that he and Mr. McMurray had met with the hospital the week prior to this meeting. Mr. McMurray will commence working with the hospital on this pilot site. Additionally, Mr. McMurray has met with City staff to get some input on some potential locations around town, for planning purposes, and which will be part of the study. And then when the study is finished, U.C. staff will be coming back to the Commission with a bigger, long-term recommendation. In the meantime, will have input and results from a small-scale pilot – lessons learned and what do we want to change going forward. Concluded by stating this was an informational item, dollars we’re talking about expending don’t require approval, but wanted to let you know we’ve started discussions with the hospital to do a pilot. Added, and they’re very interested and great people to work with by the way.

Chairman Davenport stated I think it’s a great idea to do that. I was recently visiting, I find it very interesting that you bring this up, someone over at Deland hospital. Advent hospital over there and there was just a whole row of electric charging right there on site, right where you enter the hospital; so I found that interesting. That’s great, going down that road after all the information we’ve heard about this. I think it’s great that we’re doing this after that meeting down in Naples (FMEA), it really grabbed me and then after hearing what you had to say there about everything, these electrical cars, glad we’re moving forward with it.

Commissioner Hawes inquired about the proposed rate and Mr. Bunch stated the purchase of the pilot or the purpose of the study is to put the big picture recommendations out. Our recommendation for the pilot would be use a charging tariff rate, similar to FPL, maybe a little different. But they basically pay a rate at FPL somewhere around thirty cents a kilowatt hour and yes, that’s higher than your home rate but we’re putting out the money for the infrastructure. Also explained you can put one in your house today, there’s nothing stopping

ADD-ON (4-d) Small-Scale EV Charging Station Pilot Program (cont.):

you from doing that. In fact you're going to pay less, you're going to pay that ten or eleven cents a kilowatt hour, but you're going to spend some money to do that. Public infrastructure seems to be more of a convenience thing, the third parties that are putting these in around the state are charging thirty-five cents or so a kilowatt hour. If we charge thirty, somewhere to FPL, or thirty-five, we're going to be in the range. But if you want to put one in your house today you can, and they're \$500, \$1,000, \$1,500 depending on you may have to pay an electrician to do extra work, but then you're just going to pay your residential bill rate. Reiterated there's nothing stopping you from doing that, I think a lot of people that have EV's have already done that. And so the Chairman mentioned a presentation we saw in Naples, that presentation said that 80% of the charging is done at home. There are also 110 volt plugs in chargers, those are cheaper and take much longer time to charge. And then there's a very expensive super-fast charger they're putting mainly adjacent to I-95, shopping centers, etc., where people need to charge fast.

Commissioner Kelly indicated the manufacturers are shipping charging units with the car, when you order the car, they'll ship it to you. You have it installed at your house and the charging time depends on the car and the unit.

Mr. Bunch stated I think the study will give us a lot more details about the questions we're addressing here. We just wanted to let you know we're in discussion with the hospital, and the City. The City discussion will play into the study and we can move ahead with the study on the hospital and then come at a future meeting with a recommendation for the rates. That will allow us to do a pilot.

Chairman Davenport added, I think it would behoove us as a Commission for this pilot. If we know of any locations that we as a citizen here, this might be a good idea, let's just keep the Chairman and staff informed of what we think, because all that feedback helps them.

Commissioner Kelly stated I think Advent's a great partner in your message there because they can monitor it, you'll get feedback, you'll have a sample group right there to work with.

Commissioner Hawes indicated he had heard, based on current assumptions, there isn't enough power to power all these vehicles.

Mr. Bunch stated yes, so this is part of electrification and this is a boon for the electric industry. So think in the long haul, the equivalent of central air conditioning hitting our system in the late 60's and 70's. Where then you had maybe a window unit, maybe a couple, and then all of a sudden, you're putting in a big power consumer. So for us, in the long haul, it's more revenue, it's a good thing, and we will have to reinforce our system.

(5) Commission Counsel's Report – General Counsel:

Mr. Cloud confirmed scheduling of a Special U.C. Meeting with the Commission, on February 28, 2022 at 2:00 p.m., just prior to the next Regular U.C. Meeting on that date. Purpose of the Special Meeting is to discuss the review of the General Manager/CEO's performance and salary.

(5) Commission Counsel's Report – General Counsel (cont.):

Chairman Davenport directed the Recording Secretary to schedule and notice the Special Meeting accordingly.

Mr. Cloud then informed the Commission of a planned, no-cost agreement staff will be utilizing for the make-ready work on poles for pole attaching entities. Under the pole attachment agreements the costs for this type of work is to be paid by the attachers. Staff will be utilizing an existing agreement between JEA and Alpine Communications Corporation. Just wanted to make you aware of it, it's a pretty good deal and a fantastic job on the part of your staff in digging this out and finding it at the right time.

Mr. Cloud also alerted the Commission regarding Senate Bill 620 and House Bill 569. These bills as written would allow businesses to sue local governments if revenues were affected 15% by any legislation. Businesses could file a lawsuit without standing. These bills, as written, may also affect the U.C. After some discussion, Mr. Cloud indicated he would be forwarding the proposed bills and the Florida League of Cities Legislative Summary to the U.C. Commissioners and GM-CEO. The Commissioners can follow up with Legislative Representatives if desired. Also indicated the bill mentioned at a previous meeting, requiring business impact statements when adopting ordinances, language has been fixed and is now better than the initial bill proposal.

(6) Old Business:

There were no Old Business items for consideration.

(7) New Business:

There were no New Business items for consideration.

(8) Possible Other Business – Time for Commissioners:

Commissioner Conrad indicated that CPAs are lobbying hard against the bills aforementioned by General Counsel Cloud (SB620 and HB569). These bills would allow lawsuits against local governments. Very, very bad, one of several bills proposed continuing to try to erode local rule. Commented the Commissioners and Commission need to keep on top of it and pay attention to it. Added the Florida Department of Revenue is seeking every resource they can, and this is probably the number one topic the CPAs are looking at on the state side now.

Commissioners Kelly and Smith both commended staff on their presentations today.

Chairman Davenport commended Mr. Bunch's quick response to a local restaurant owner – Mr. Lindberg at Third Wave Café and his concerns with grease management from an adjacent restaurant.

Mr. Bunch indicated this had been discussed previously, about two years ago, Mr. Murray and Mrs. Fisher met with a group of the restaurants. They did a discussion, Q&A on grease traps, as there were a lot of complaints about the clogs. So I'm not sure if Mr. Heil is aware but Mr.

(8) Possible Other Business – Time for Commissioners (cont.):

Murray, our Field Operations Supervisor went out in the field and put the television truck apparatus down through all the mains in that area. You could see where the clogs were occurring. We’ve not had a rigorous enforcement program for grease traps so what I’m going to ask staff to do is revisit that topic. It would require partnership with the City because two things we can’t do is tax and enforce. So if we develop and enhance an enforcement program on this we would have to work with the City and Code Enforcement. Field Operations did the televising frugally and pretty quickly identified where the problems were and where they weren’t. For instance there was a thought that the two hotels built in recent years may be the big producers, but those mains were crystal clear. When they built the hotels, they put in very good grease trap systems and maintain them monthly. Mr. Bunch continued, so grease ends up in our system and clogs the sewers. If it makes it to the treatment plant, it’s additional stuff that’s got to be filtered out and adds to the expense of running the plant. If maintained properly by all restaurants it would be sucked out by a truck that goes to their site monthly or every other week - removes it, takes it off and recycles it. Then thanked Chairman Davenport for forwarding the concern and stated Matt Murray will follow up with Mr. Lindberg.

Chairman Davenport stated okay, we don’t have anything else, I’ll call this meeting adjourned; thank you.

There being no further business to come before the Commission, the Regular U.C. Meeting closed at 4:37 p.m.

APPROVED:

ATTEST:

  
CHAIRMAN

  
SECRETARY-TREASURER

These minutes were formally approved by the Utilities Commission at their February 28, 2022 meeting.