MINUTES OF THE EMERALD COAST UTILITIES AUTHORITY BOARD MEETING HELD THURSDAY, MARCH 24, 2011 AT 3:00 P.M. IN THE ECUA BOARD ROOM AT 9250 HAMMAN STREET, ELLYSON INDUSTRIAL PARK, PENSACOLA, FL

Members present: Elvin McCorvey, Chairman
Larry Walker, Vice Chairman
Lois Benson
Elizabeth S. Campbell
Dale Perkins

Counsel present: Bradley S. Odom

Staff present: Stephen E. Sorrell, Executive Director
Debra Buckley, Director of Finance
Linda Iversen, Executive Assistant to the Board
Bill Johnson, Director of Engineering
Jim Roberts, Public Information Officer
Randy Rudd, Director of Sanitation

ITEM 1 - CALL TO ORDER

Chairman McCorvey called the regular meeting of the Emerald Coast Utilities Authority Board to order at approximately 3:05 p.m.

ITEM 2 - INVOCATION AND PLEDGE OF ALLEGIANCE

Dr. Walker provided the invocation and led the Pledge of Allegiance.

ITEM 3 - ADOPTION OF AGENDA

Mr. Sorrell added Item 11(a) – Pensacola Beach sewer rehabilitation test-and-seal, Change order #2, to the agenda.

Ms. Benson added the topic "sanitation bills" under new business as Item 11(b).

A motion was made by Ms. Campbell, seconded by Ms. Benson, to adopt the agenda as presented and amended. Motion carried 5-0.

ITEM 4 - COMMUNICATIONS AND PRESENTATIONS

(a) Mr. David Stafford, Supervisor of Elections – Reapportionment of voting districts

Mr. Stafford provided an overview of upcoming action regarding the reapportionment of voting districts, stating that the local governmental bodies of

Escambia County Commission, City of Pensacola Council, and the Escambia County School Board would be making the decisions on the lines for the voting districts. Mr. Stafford stated that the Elections office would assist the governmental bodies in their decisions by providing the data needed to determine the appropriate district boundaries.

ITEM 5 - APPROVAL OF MINUTES

Ms. Campbell stated that with regard to Item 7(g), page 5 of the minutes (page 8 of the agenda), the final vote should be corrected to reflect that she was the one voting against the motion rather than Mr. McCorvey.

A motion was made by Ms. Benson, seconded by Dr. Walker, to approve the minutes of the regular Board meeting of February 24, 2011, with the change as indicated by Ms. Campbell. Motion carried 5-0.

ITEM 6 - OPERATIONAL ITEMS:

(a) Award of bid: Montclair water lines upgrade, Phase II

A motion was made by Dr. Walker, seconded by Ms. Campbell, to award the contract for Montclair Water Line Upgrade, Phase II, to Lee Construction of Pensacola, Inc., the lowest and best bidder, for the Base Bid in the total amount of $230,444.75, with funds allocated from CIP Project RW306M. Motion carried 5-0.

(b) Award of bid: Plainfield sewer expansion

A motion was made by Dr. Walker, seconded by Ms. Benson, to award the contract for the Plainfield Sewer Expansion Project to Brown Construction of NWF, Inc., the lowest bidder, for the Total Base Bid amount of $437,831.58, with funding from CIP Project CS317S. Motion carried 5-0.

(c) Award of bid: Ellyson lift station renovation/upgrade

A motion was made by Ms. Benson, seconded by Mr. Perkins, to reject all bids and direct staff to rebid the project with the modified specifications. Motion carried 5-0.

(d) Award of bid: Replacement vehicles – fiscal year 2011

A motion was made by Dr. Walker, seconded by Ms. Benson, to authorize staff to utilizing state purchasing contracts to purchase replacement

vehicles for fiscal year 2011, at a funding level not to exceed the $1,383,675 available in CIP Project RA111. Motion carried 5-0.

(e) Automated payment solutions

A motion was made by Dr. Walker, seconded by Mr. Perkins, to approve exercising the final option of a one-year extension to the current contract with Western Union Speedpay to provide automated payment solutions. Motion carried 5-0.

(f) Real property purchase – Davis Highway well site upgrade

Mr. Odom advised the Board that the purchase price has changed from the amount stated in the item from $9,800 to $10,000. Also, contrary to what was stated in the item background, the decision to utilize granular activated carbon canisters to provide treatment at the well has not been made.

A motion was made by Dr. Walker, seconded by Ms. Campbell, to approve in concept the purchase of 2,800 square feet of real property from Regions Bank and authorize the Executive Director to execute a Purchase and Sales Agreement on behalf of ECUA, at a price [$10,000] within the range supported by the appraisal, with the assistance of legal counsel. Motion carried 4-0 with Mr. Perkins abstaining from the vote due to his having a mortgage with Regions Bank.

(g) Easement encroachment agreement – City of Pensacola

A motion was made by Mr. Perkins, seconded by Ms. Benson, to approve the encroachment agreement with the City of Pensacola and authorize the Executive Director to execute that document. Motion carried 5-0.

(h) Renewal of contract for legal services – Odom & Barlow

A motion was made by Ms. Benson, seconded by Dr. Walker, to approve the renewal of the contract for legal services with the law firm of Odom & Barlow. Motion carried 5-0.

ITEM 7 - INFORMATIONAL REPORTS

None.

ITEM 8 - EXECUTIVE DIRECTOR'S REPORT:

The following report was presented for information only and did not require any action. Mr. Sorrell also provided an update on the status of the new plant [CWRF], stating that it is operating fine. Mr. Sorrell also provided status reports on the provision of reclaimed water from the new plant to International Paper and Gulf Power. Further, Mr. Sorrell stated that Pensacola Beach now has two redundant plants and reclaimed water is being provided to Santa Rosa Island Authority for irrigation purposes and a dedication ceremony has been planned for April 7 at the Beach.

(a) Expenditures approved by the Executive Director – Main Street WWTP Replacement project

ITEM 9 - ATTORNEY'S REPORT

Mr. Odom reported on the settlement of two cases – one involving an employee and the other involving a contractor. Ms. Benson requested that a report be provided to the Board on how the funds from the contractor settlement are going to be applied to the budget.

ITEM 10 - UNFINISHED BUSINESS

(a) Selection of replacement for at-large vacancy on the ECUA Citizens' Advisory Committee

A motion was made by Dr. Walker to vote on all 15 applicants. Motion died for lack of a second.

The Board recognized candidates in attendance – Ms. Louise Ritz and Mr. Chuck Kimball.

The selection of the replacement for the at-large vacancy on the ECUA Citizens' Advisory Committee proceeded with the utilization of written ballots with the following results:

Round One – the following individuals were selected, with the number of nominations in parentheses:

Baransy, Marvin	(3)
Flounlacker, Paul	(3)
Fountain, Shelly	(1)
Harris, Brian	(1)
Hix, Jim	(3)
Holmes, Robert	(1)
Kimball, Chuck	(2)

Meyer-Arendt, Klaus	(1)
Nixon, John	(3)
Ritz, Louise	(4)

A motion was made by Mr. Perkins, seconded by Dr. Walker, to narrow the list of those nominated that received two or more votes. Motion carried 5-0.

Round Two - the following individuals were selected, with the number of nominations in parentheses:

Baransy, Marvin	(1)
Flounlacker, Paul	(2)
Hix, Jim	(1)
Kimball, Chuck	(2)
Nixon, John	(1)
Ritz, Louise	(2)

A motion was made by Mr. Perkins, seconded by Ms. Campbell, to narrow the list down to those that received two votes. Motion carried 5-0.

Round Three - the following individuals were selected, with the number of nominations in parentheses:

Flounlacker, Paul	(1)
Kimball, Chuck	(1)
Ritz, Louise	(3)

A motion was made by Ms. Benson, seconded by Mr. Perkins, to select Ms. Louise Ritz by acclamation to fill the at-large vacancy on the Citizens' Advisory Committee. Motion carried 5-0.

ITEM 11 - NEW BUSINESS

(a) Pensacola Beach sewer rehabilitation test-and-seal – Change order No . 2

A motion was made by Mr. Perkins, seconded by Ms. Benson, to approve and authorize the Executive Director to execute a change order with SBP in a not-to-exceed amount of $150,000, and approve the transfer of funds in CIP Project RS624, Inflow and Infiltration, to CIP Project RS624N, Pensacola Beach Test-and-Seal, equal to the amount of the change order. Motion carried 5-0.

(b) Sanitation bills (Benson)

Ms. Benson stated the City of Pensacola has changed the format for their sanitation bills in that they are reflecting the actual charges at the Perdido Landfill and that ECUA may want to consider doing the same. Ms. Benson further stated that she feels people need to understand that ECUA's rates are much better than the City's. Ms. Benson requested that this topic be referred to the Citizens' Advisory Committee for consideration.

Mr. Sorrell stated that staff has already evaluated this issue and the Board would have the information in their report for this week. Further, after the Board members have an opportunity to review the information provided, he would be happy to place the topic on the CAC agenda if the Board so desires.

ITEM 12 - BOARD COMMUNICATIONS

Ms. Campbell stated that she appreciates the information that has been publicized regarding the Bayou Marcus WRF boardwalk, as well as the improvements to the newsletter.

ITEM 13 - OPEN FORUM

Mr. Barry Tweedie congratulated the Board on the selection of the new Committee member.

ITEM 14 - ADJOURNMENT

There being no further business to come before the regular meeting of the Emerald Coast Utilities Authority Board, Chairman McCorvey declared the meeting adjourned at approximately 4:28 p.m.

Respectfully submitted,

Stephen E. Sorrell
Executive Director

APPROVED BY THE ECUA BOARD
IN REGULAR SESSION ON 04/28/11.

(X) Without corrections/amendments.
( ) With corrections/amendments being:

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Perkins, Dale	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Emerald Coast Utilities Authority
MAILING ADDRESS 3722 Dunwoody Drive	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY Pensacola COUNTY Escambia	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED March 24, 2011	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Dale Perkins, hereby disclose that on March 24, 2011:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, Regions Bank;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I have a mortgage with Regions Bank and abstained from voting in order to avoid any possible appearance of impropriety.

3/29/11
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.