

[ANNOTATED VERSION]*

*[*NEAR VERBATIM / DETAILED VERSION POSTED ON UCNSB WEBSITE – UCNSB.ORG]*

MINUTES OF A REGULAR (REORGANIZATIONAL) MEETING OF THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, HELD TUESDAY, SEPTEMBER 28, 2021, AT 3:00 P.M., AT 200 CANAL STREET, NEW SMYRNA BEACH, FLORIDA **(NOTE – THIS REGULAR U.C. MEETING WAS HELD ON-SITE)**

ADMINISTER OATH OF OFFICE TO LAWRENCE J. KELLY, JR. – MAYOR RUSS OWEN

Mayor Owen officiated the Oath of Office on behalf of the City of New Smyrna Beach to U.C. Commissioner-Elect Lawrence Kelly, Jr. (Comms. Kelly appointed by City Commission on 8-24-21 for a three-year term ending 9-2024.)

After applause and execution of the Oath of Office, Mayor Owen left the U.C. Meeting for another appointment.

Vice Chairman Davenport and the other U.C. Commissioners welcomed Commission Kelly on board. Then requested to open the U.C. Meeting with the pledge and a prayer.

Commissioner Hawes led in the Pledge of Allegiance and Commissioner Conrad provided the invocation.

Safety Message by Britney Beck, Director, Central Services – Safety Process Update:
(John DeFries absent)

Ms. Beck provided an update on the UCNSB’s Safety Program. Last year and early 2020 a comprehensive assessment of the U.C.’s safety program, policies and practices and culture was completed by a third-party consultant. Subsequently have been diligently working to implement associated recommendations and improvements. Safety bags, including a new pocket-sized safety handbook and safety items branded with the new safety logo – “Safety Brings You Home” were provided to the Commissioners. These items will be distributed to the U.C. employees within the upcoming Safety Handbook Launch training meetings.

I. Reorganizational Item

(I-a) Election of Officers:

Vice Chairman Davenport opened the floor for nominations to elect the Commission officers for fiscal year 2022.

Chairman

Commissioner Conrad nominated Commissioner Davenport to be Chair and Commissioner Smith seconded.

There were no further nominations and Commissioner Davenport accepted the nomination.

(I-a) Election of Officers (cont.):

Vice Chairman

Commissioner Conrad nominated Commissioner Hawes to be Vice Chair and Chairman Davenport seconded this nomination.

There were no further nominations and Commissioner Hawes accepted the nomination.

Secretary-Treasurer

Commissioner Hawes nominated Commissioner Conrad to be Secretary-Treasurer and Chairman Davenport seconded.

There were no further nominations and Commissioner Conrad accepted the nomination.

Assistant Secretary-Treasurer

Commissioner Hawes nominated Commissioner Smith to be Assistant Secretary-Treasurer and Commissioner Conrad seconded.

There were no further nominations and after a brief discussion and statement by General Counsel regarding the purpose of this position, Commissioner Smith accepted the nomination.

Commission Action:

To confirm the prior nominations, Commissioner Hawes made a motion to approve. As motion language proffered by General Counsel, specifically a motion to approve by acclamation the slate of officers for fiscal year 2022.

Commissioner Smith seconded this motion which then passed unanimously on a roll call vote.

[The FY2022 slate of officers elected by the Utilities Commission: Chairman James Davenport, Vice Chairman Richard Hawes, Secretary-Treasurer Lillian Conrad, Asst. Secretary-Treasurer James Smith, and Commissioner Lawrence Kelly, Jr.]

Chairman Davenport then stated okay, we'll take roll call now.

Roll Call: All of the U.C. Commissioners were in attendance as follows:

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

(Note Only – Comms. Voting Order Resets Alphabetically for Annual Reorg. Mtg.)

Others in attendance were as follows: J. Bunch, General Manager/CEO; E. Chavez, Director, Finance/CFO; J. Couillard, Director, Engineering; T. Beyrle, Director, System Ops. B. Keehn, Director, Information Technology; T. West, Director, Water Resources; B. Beck, Director, Central Services; V. Steele, Director, Electric Operations; John McMurray, Director, Strategic Programs; J. Michel, I.T.

Roll Call (cont.):

Manager, Infrastructure (*in room at beginning*); #Laquavius Green; Help Desk Technician; M. Spellers, Sr. Help Desk Technician; D. Simmons, Exec. Services Mgr./ Recording Secretary; General Counsel Thomas Cloud Esquire – Gray| Robinson Attorneys at Law; Mayor Russ Owen, Jacob Williams – FMPA CEO and Susan Schumann – FMPA Mgr. External Affairs and Solar Projects, and John Moss, members of the public.

I. Reorganizational Items (cont.)

(I-b) U.C. Regular Meeting Schedule for Calendar Year 2022:

Proposed U.C. Regular Meeting schedule for calendar year 2022 was submitted with the agenda item.

Commission Action:

Commissioner Smith made a motion to approve the submitted calendar/schedule for Regular U.C. Meetings as final for calendar year 2022.

Commissioner Conrad seconded.

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

(1) Agenda Changes, Additions and Deletions:

Chairman Davenport confirmed there were no agenda changes, additions, or deletions.

(2) Public Participation:

Chairman Davenport confirmed there was no public participation.

(3) Approval of Consent Items:

Chairman Davenport introduced this item and then asked the Commissioners if they wanted to pull any of the consent items for discussion.

Commissioner Smith stated he would like to pull f. and g., just had a couple of questions.

Chairman Davenport stated he would like to pull c. from the consent agenda for discussion.

Commission Action:

Commissioner Conrad then made a motion to approve the remaining consent agenda items, items a., b., d., e., h., i. and j.; specifically to approve consent items – item a. Minutes of Final Public Hearings (2) and Regular U.C. Meeting Held 8-23-21, annotated version, approve as submitted; item 3-b. Project Approval – FY2022 Purchase and Stocking of Electrical Transformers (ITB No. 2021), approve as an overall project in the budgeted amount of \$500,000.00 and authorize the GM-CEO or his designee to execute all documents associated with this matter; item 3-d. Request for Approval of Continuing Services Agreement with City of New Smyrna Beach for Road Paving Services, for requested U.C. road paving services to

(3) Approval of Consent Items (cont.):

be conducted by City forces (note - U.C. will continue to utilize a current vendor – D2 Paving & Site Work, Inc./P.O. No. 17296, for large patches and/or repairs in County areas or other vendors for awarded/planned projects); item 3-e. Granted and Accepted Third Party Utility Easement, granted to UCNSB for Coastal Woods Commercial Phase 1B from Southeast Volusia Healthcare Corp., d/b/a Advent Health NSB; item 3-h. Ratification – ITB No. 19-21 – Rehabilitation of Wells No. 2 and No. 3 Project and Increase in Project Budget, ratify award to McMahan Construction Co. in the amount of \$1,078,000 and approval of expanded scope and supplemental funding of \$944,500 to the project budget, for a revised total overall project budget of \$1,181,500 (overall project authorization for GM-CEO to execute all associated project documentation is ongoing); item 3-i. Purchase of HydroVac, approve purchase of Vermeer HydroVac as specified within the quote attached to the agenda item, under Florida Sheriff's Association Contract FSA20-VEH18.0 for a total cost of \$113,451; and item 3-j. RFP No. 16-21 Award – Annual Underground Utility Contractor Services, approve issuance of three annual service agreements to Thadcon, LLC, to Driveways, Inc. and to Hazen Construction, for these services and authorize the GM/CEO or his designee to execute all documents associated with this matter.

Commissioner Smith seconded the motion.

Chairman Holcomb requested Mrs. Simmons to call the roll on the motion.

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

(3-c) Ratification of Final Payment of Part-2 Credits for Infrastructure Fee Final Reconciliation, Reimbursement, Credit and Release Agreement Between GEOSAM and UCNSB:

Chairman Davenport stated okay, if I could, I'd like to start out by number c., the reason I pulled it, with the amount of money involved and with Commissioner Kelly being here, I'm going to vote on something, I wanted to have maybe an explanation to again and the amount of money we're talking about here reimbursing. Thank you.

Mr. Chavez stated so this is a wrap up of the whole infrastructure fees and such, GEOSAM and Southeast or Southeastern development (sic Southeast Interchange) were the two that had credits, and these are the resolutions of these. In essence the finality of these two arrangements. But I'll turn it over to Ms. Couillard to talk further about GEOSAM in particular.

Ms. Couillard stated so the GEOSAM Project, with all of their development, they triggered three, actually four but that one is later, three off-site developments that were in our Master Plan that not only feed their area but also our main backbone. And so as part of the Infrastructure Program, they agreed to build that and we agreed that we would give them infrastructure credits for building that for us. So ultimately, we own it but they have the means and they could do it quicker than the U.C. at the time, to build those assets. So that's where these credits were and they just turned in all of the data around those three projects.

(3-c.) Ratification of Final Payment of Part-2 Credits for Infrastructure Fee Final Reconciliation, Reimbursement, Credit and Release Agreement Between GEOSAM and UCNSB (cont.):

And we were going to give them credits originally against the capital connection fees, but it's just easier to pay it and we don't have to track it and credit; all of that, so.

Chairman Davenport stated well, Ms. Couillard I really appreciate that because as we all know transparency and clear understanding and when you look at a check of this magnitude and it's going to a group, then we have a good understanding, all of us do as Commissioners, that we can explain it but the public can see it too. Other than just seeing, hey, how did that check, what happened here. So thank you very much, that's the clarity I wanted.

Commissioner Hawes stated I actually had a question about that as well. If I read that right, it also looks like there's, I don't know if it's a general release, but there's a release that keeps sort of that issue in terms of liability away. Do I have that accurate?

Ms. Couillard stated yes. And there's one more on the Commission (agenda), I think it's Old Business, its Southeast Interchange. It's the same thing, they had some outstanding credits, we thought we would pay them back over time and we just decided let's just pay it and move on.

Chairman Davenport stated any questions here for Ms. Couillard?

Mr. Bunch stated just to clarify, and I think you did a good job Ms. Couillard. We have a general policy that development pays for development and that's the case here and as Ms. Couillard articulated these would have been expenses that we would otherwise had to pay to have our construction contractors build. But because they're already widening roads, putting in water infrastructure, they probably got it done for less than what it would have cost us. It wasn't just quicker. Hopefully at the end of the day the customers are seeing a lower cost benefit as well.

Ms. Couillard stated definitely.

Mr. Bunch stated and so General Counsel Cloud worked to draft these agreements and work with the outside attorneys to get the agreements on as well. So those are the three folks, in front of us, that worked on that over the last couple of months.

Chairman Davenport stated thank you.

(Commission action on this item taken below, in conjunction with the other two consent items pulled for discussion.)

(3-f) Projects Approval – Industrial Park Avenue and Wayne Avenue Water Main Improvements Projects:

Chairman Davenport then stated okay, we want to go to f. now, correct? Commissioner Smith?

(3-f) Projects Approval – Industrial Park Avenue and Wayne Avenue Water Main Improvements Projects (cont.):

Commissioner Smith stated correct, thank you. Do we have any idea how many lineal feet of this asbestos concrete pipe we have in the ground?

Ms. Couillard stated we do, I'm compiling a list of the asbestos and the ductile iron, which is the two types of replacements we're going to kick off this year. And we're going to replace some over the next two years, so I can get you that, I don't have it off the top of my head.

Commissioner Smith stated okay, I was just curious. Can I go on to the other one?

Chairman Davenport stated yes sir.

(3-g) Project Approval – Lift Station No. 15 Reconstruction Project:

Commissioner Smith stated I just have one question on it.

Chairman Davenport interjected on g.

Commissioner Smith stated do we have any idea how many lift stations that have reached their useful life.

Ms. Couillard stated so we're at ten (10).

Commissioner Smith stated we need ten to get fixed.

Ms. Couillard stated yes, they're called canned stations, so they're the underground stations. They're not as safe to work in as well and the pumps are getting old, so we have a plan to replace all of those with a new modernized above ground with a wetwell.

Commissioner Smith stated and landscaping.

Ms. Couillard stated and landscaping and fencing.

Commissioner Smith stated I just had a question, you know we ensure that the cost of new growth pays for the installation of required utilities or expansion thereof, but we don't have anything in place for the long-term maintenance of these facilities because they all have a useful life. And I was wondering you know when they, I think it was the City created the stormwater assessments, the districts. But that set aside money to pay, to improve and retrofit stormwater systems in the City. And I wonder if something like that would work for underground pipes, and lift stations throughout the City so that people pay in and it's usually a fairly small amount that they end up paying in, but our reserves could be established to pay the costs of doing these things because it's quite expensive. I would assume when you start ripping out of the ground, concrete pipe, that's not going to be cheap.

(3-f) Projects Approval – Industrial Park Avenue and Wayne Avenue Water Main Improvements Projects (cont.):

Ms. Couillard stated we usually put in new and then pump and fill it with concrete. However our rates cover our maintenance and renewal and replacement programs such as these, so our rates actually pay for these programs.

Commissioner Smith stated okay, good answer, thank you.

Ms. Couillard added, and the capital connection fees pay for the growth-related programs.

Commissioner Smith stated thanks for that answer.

Ms. Couillard stated sure.

Chairman Davenport stated are you fine with that Commissioner Smith?

Commissioner Smith stated I'm good.

(3-c) Ratification of Final Payment of Part-2 Credits for Infrastructure Fee Final Reconciliation, Reimbursement, Credit and Release Agreement Between GEOSAM and UCNSB:

and

(3-f) Projects Approval – Industrial Park Avenue and Wayne Avenue Water Main Improvements Projects:

and

(3-g) Project Approval – Lift Station No. 15 Reconstruction Project (CONT.):

Commission Action:

Commissioner Hawes stated I would move that, to approve those items; specifically a motion to approve item no. 3-c. Ratification of Final Payment of Part-2 Credits for Infrastructure Fee Final Reconciliation, Reimbursement, Credit and Release Agreement Between GEOSAM and UCNSB, ratify the final payment of actual, certified Part-2 Infrastructure Fee Credits to GEOSAM Capital US (Venetian Bay) LP by GEOSAM Capital US GP LLC (GEOSAM), in the amount of \$1,007,234.00; item 3-f. Projects Approval – Industrial Park Avenue (amt. \$1,142,000) and Wayne Avenue (amt. \$1,142,000) Water Main Improvements Projects, approve the two projects, including professional survey services task authorizations to Southern Surveying (amt. \$132,222) and Dewberry Engineers Inc. (amt. \$62,970), and authorize the GM/CEO or his designee to execute all documents associated with these projects; and item 3-g. Project Approval – Lift Station No. 15 Reconstruction Project, approve this project including professional engineering services task authorization to Tetra Tech, Inc. and authorize the GM/CEO or his designee to execute all documents associated with this project (Tetra Tech TA in the not-to-exceed amount of \$39,937 and overall project budget of \$2,500,000).

Commissioner Conrad seconded.

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

(4) General Manager's Report:

(4-a) FMPA GM-CEO Jacob Williams – Electric Utility Value for New Smyrna Beach:

Mr. Bunch indicated would be starting off the General Manager's section with a guest presenter and speaker today. We have Jacob Williams who's the General Manager of the Florida Municipal Power Agency. And FMPA is a joint action agency that represents Florida within the state and also nationally with the APPA (American Public Power Association). And Mr. Williams has got a really good presentation, talking about the value of the municipal utility but I thought before you jump into that, if you could Mr. Williams, talk a little bit about FMPA and roles they play. We've got, since you were here last, two if not three new Commissioners, so there's some folks who aren't perhaps as familiar with FMPA as others. But we actually have two folks up there that attended the FMEA Annual Conference which you were at in Naples – our Chairman Buddy Davenport and Mr. Jim Smith were down there in July this year attending along with us. Also added that he wanted to thank Jacob Williams and Susan Schumann for being here today and for all the work they and their team do with and for our folks.

Mr. Williams stated all right, well thank you, it's an honor to be here and as Mr. Bunch said, Susan Schumann is here. She heads up our public relations external affairs and also is involved in solar so she's here quite regularly working with Mr. Bunch and the team on several things; so we're delighted to be here.

Mr. Williams then proceeded to provide a presentation entitled "Electric Utility Provides Value for New Smyrna Beach". He summarized FMPA services being provided to the 31 municipal members and added FMPA was also a provider of wholesale power to these members with 1,730 mw of electric generation, ownership in 20 units. There were 26 members receiving some FMPA power and 16 receiving all their power from FMPA. Then proceeded to point out the value of electric municipal utilities and something unique to Florida, due to heat and humidity, Floridians use twice as much electricity per capita than those in California and New York. Low-cost, affordable electricity drives Florida and due to fixed, low incomes, about 30% of Floridians pay 10% of their after-tax income for electric bills.

Mr. Williams commended the U.C. Commissioners on their hiring of GM-CEO Bunch and the U.C. staff in making some major changes which are adding even more value to the community. And then detailed UCNSB's existing outstanding value components – low cost electric rates – highly competitive, lower than State, IOU, and Municipal averages. This is at least \$100,000 in value annually and growing – U.C.'s rates are sustainably low. Pointed out the U.C. has nuclear energy and will be adding solar - 10MW in 2023. The U.C. is getting cleaner in its power supply, reducing CO2 emissions – in 2023 over 15% of power will then come from a non-CO2 source while maintaining low-cost services. General fund transfers to the City of New Smyrna Beach total approximately \$3.7 million annually. U.C. provides local jobs (172 total), which then supports the local economy – about \$1.5 million per year. UCNSB provides reliable electric services with extremely responsive restoration efforts. As a municipal utility, U.C. has local control of local priorities and decisions. In addition, has utility resources and employee volunteers available for community support. Overall, UCNSB's utility value is about \$4.4 million annually, and reiterated this is a growing number.

(4-a) FMPA GM-CEO Jacob Williams – Electric Utility Value for New Smyrna Beach (cont.):

Due to an inquiry from Commissioner Hawes, Mr. Williams also discussed natural gas energy status, Florida's reliance on natural gas and FMPA, joining with APPA, Municipals, and Cooperatives, are providing numbers nationally to ensure caution in Federal policies and to support the continuance of affordable electricity on behalf of our customers.

At the conclusion of the presentation, Mr. Bunch commended FMPA's ongoing assistance to UCNSB in providing the opportunity of a joint solar project, consultant/vendor recommendations, and support for various U.C. projects such as reliability improvement, grid modernization plan, purchased power policy, investment policy, etc. (Note – Also added, before KPI presentation later in this meeting, about FMPA's significant support provided in the U.C.'s cybersecurity area.) It was also mentioned that the U.C. had been one of the founding members of FMPA, since approx. 1978, over 40 years.

(4-b) Financial Status – August 2021:

Mr. Chavez then presented and discussed August 2021 Financial Performance slides. As of August year to date, the U.C. has a change in net assets of approx. \$4.4 million. Primary drivers were increased revenues due to usage and volumes, and higher capital contributions. On the capital side, fiscal year to date, a \$14.5 million total projects spend, \$7.6 million in major and \$6.9 million in annual. Expect year end capital spend between \$15.6 million and \$15.9 million. Year to date, year over year operating loss comparison, in August 2020 \$285,000 to August 2021 \$232,000. Increased revenues of \$1.4 million offset by increased appreciation and amortization, purchased power, and operating and debt expenses. Revenue increase, mainly due to continued year over year customer growth. During August 2021, electric had a 2.1% increase in growth, water 1.2%, and wastewater 2.5%. This growth trend is expected to continue.

Mr. Chavez also provided an update on items in progress – AMI and smart grid, the due diligence for an initial RFP was completed the week of September 13th. This was the first step in over a two year roll out process for acquiring real time key data points of system/customer usage. Also updated and tested all revised utility rates for an October 1st effective date – no issues surfaced. Over 78% of the \$1.6 million infrastructure true-up refunds have been distributed to date. And the second and final City hearing for the U.C.'s Fiscal Year 2022 budget was to be held later tonight*. [*The City approved Ordinance No. 48-21 which formally approved the U.C.'s FY22 Budget.]

(4-c) Balanced Scorecard and Enterprise Metrics – August 2021:

After additional commendation for FMPA's cybersecurity support and assistance, Mr. Bunch provided a brief August 2021 KPI update. He also explained that additional details will be provided next month regarding reliability, grid modernization, long range plans, and associated progress. Regarding August 2021 KPI's, there were no OSHA incidents or injuries year to date. Starting to see improvements in reliability, and more details regarding these improvements to be provided next month. Water resources are green, had quite a few main

(4-c) Balanced Scorecard and Enterprise Metrics – August 2021 (cont.):

breaks but crews have done a fantastic job in repairing quickly. Over 98% accounts receivable are 30 days or less and uncollectibles are at 0.2%. The U.C.'s headcount is down seven, experiencing some difficulty in hiring qualified, technical positions. Ongoing cybersecurity training participation is green, and this training has been producing great results to date.

Mr. Bunch concluded that the upcoming informative presentations would also include electric vehicles but may not be in all one meeting, may need to spread it out over the next couple of months. Then offered to answer any questions.

There being none, Chairman Davenport moved to the next item on the agenda.

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

Mr. Cloud stated yes sir, we have two items today and then just a comment I'd like to make at the end.

(5-a) Modified Developer's Agreement Form – Proposed Resolution No. 2021-11:

Mr. Cloud explained the components of the Developer's Agreement form and its purposes - applies exclusive area covenant to the property, links U.C. service rules and rates to the property, provides protocols for design, permitting, construction, inspection and transfer of all onsite facilities on that property. Added that the Developer's Agreement ensures the U.C. receives properly designed and installed infrastructure, provides for payment of capital connection fees, performance bonds and maintenance, expansion and interconnection. And also includes an optional refundable advance provision and granting of easements through the property. This new version of the Developer's Agreement will now last longer than four years, which is why it was submitted to the City for approval and includes a provision that allows for the City Manager and the U.C.'s GM-CEO to work out any changes if needed, although these agreements are rarely changed.

After a brief discussion regarding the length of the agreement, Commissioner Hawes commented complete is better than short.

Commission Action:

Commissioner Hawes then made a motion to approve; specifically a motion to approve proposed U.C. Resolution No. 2021-11, approving the new version of the U.C.'s Developer's Agreement (v. 2021), with final, formal adoption pending the City Commission's approval of their Ordinance No. 35-21*. (*City NSB Ord. No. 35-21 approved unanimously at 9-28-21 City Commission Regular Mtg.)

Commissioner Smith seconded the motion.

Chairman Davenport confirmed Commissioner Smith seconded the motion and then requested Mrs. Simmons to call the roll.

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

(5-b) Agreement Approval – Subordination of Utility Interest to FDOT for City of New Smyrna Beach Myrtle Avenue Trail Project:

Mr. Cloud explained this trail was part of the St. John’s River-to-Sea Trail and FDOT will be running this trail through a U.C. easement. FDOT has agreed to pay for any U.C. relocation costs as part of this request and therefore recommended a motion to approve this subordination agreement between FDOT, UCNSB, and City of New Smyrna Beach. The City approved this agreement last month via their Resolution No. 37-21.

Commissioner Hawes confirmed with Mr. Cloud what subordinate meant in this agreement.

Commission Action:

Commissioner Smith then stated so moved; specifically a motion to approve the Subordination of Utility Interests Agreement by and between the State of Florida, Department of Transportation, City of New Smyrna Beach, and Utilities Commission, City of New Smyrna Beach, Florida, for UCNSB easement interests along South Myrtle Avenue described above and in attached Exhibit “A” to City of New Smyrna Beach Resolution No. 37-21.

Commissioner Hawes seconded the motion.

Chairman Davenport asked any discussion, there being nothing further requested a roll call vote to be taken.

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

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

Mr. Cloud then provided an update on the list of pending City / UCNSB issues discussed in August. Only one item remains outstanding, the item not sure about is the Washington Street Improvements Agreement. I think that is the only item that is still outstanding with the City, but I think that we’ve nailed down a lot of the issues with them on it. Added that was pretty good for the checklist, gotten a lot accomplished in the last two months. Also mentioned a historical U.C. Resolution listing and Western property acquisition documents were available for review by the Commissioners, if interested, upon request to Mrs. Simmons.

(6) Old Business:

(6-a) Approval of Agreement – Infrastructure Fee Final Reconciliation , Reimbursement, Credit and Release Agreement Between Southeast Interchange Complex LLC and UCNSB:

Per Mr. Bunch’s request, Mr. Chavez summarized this item, explaining this was similar to GEOSAM agreement, the only other agreement that had infrastructure credits. Additionally explained that for the future, as we come up to an individual project, we’ll make that determination at the time on whether U.C. will complete the project or we will pay an independent or third party a certain amount. So these credits and this stuff will be handled differently going forward, but this is the wrap up of the former program.

(6-a) Approval of Agreement – Infrastructure Fee Final Reconciliation , Reimbursement, Credit and Release Agreement Between Southeast Interchange Complex LLC and UCNSB (cont.):

Commission Action:

Commissioner Conrad made a motion to pass, to approve the Southeast Interchange Complex, LLC, UCNSB Infrastructure Fee Final Reconciliation, Reimbursement, Credit and Release Agreement. Provides for a total reimbursement of credits in the amount of \$215,737.75 (refund amount of \$1,690.22 previously processed).

Commissioner Smith seconded.

After confirming no further discussion, Commissioner Conrad's motion passed unanimously on a roll call vote.

(7) New Business:

There were no New Business items on the agenda for consideration.

Mr. Bunch mentioned that U.C. staff, Mr. Tom West and Ms. Julie Couillard, had reached out to the City with a list of prioritized, qualifying U.C. projects for consideration of participation within the American Recovery Plan's (ARP) funds received by the City – over \$13 million. The City expressed interest to partner but after further determinations have been made regarding the City's project priorities. There has been some discussion regarding funds for the water portion of the Washington Street Project and perhaps septic to sewer conversions.

Commissioner Conrad inquired if further could be done to support projects beneficial to the community as a whole and to the U.C. infrastructure.

Mr. Bunch indicated after the current U.C. project list is re-prioritized and a City meeting is scheduled for finalizing the selection of projects, perhaps a U.C. Commissioner could also attend and speak in support as desired.

Various U.C. Commissioners concurred and Chairman Davenport stated just keep us posted like you said; excellent.

Commissioner Smith inquired about consideration of a resolution supporting these projects.

Commissioner Hawes suggested waiting until we know what we're after.

Chairman Davenport continuing, stated his thoughts were until Ms. Couillard and others are more focused on the direction they're going and what they want to do, and then Counsel will give us advice in that.

Commissioner Conrad commented there was a lot of public interest on what's going to happen with the \$13 million and why it can't be used for ordinary operations. Added she truly applauded the efforts that were made by Ms. Couillard, Mr. West, and CEO Bunch, getting ahead of the game and helping the City was certainly the right thing to do.

(8) Possible Other Business – Time for Commissioners:

Commissioner Kelly had no further comments but stated thank you for having me, I'm excited to be a member.

Chairman Davenport requested that all Commissioners be seated back up on the dais for the next Commission meeting. Also mentioned, as a member of the Florida Inland Navigation District, that the Swoope site* had been mentioned as a best opportunity for additional revenue to be generated by equipment/storage leasing for contractors' equipment while working in the Intracoastal waterway. (*City of NSB property)

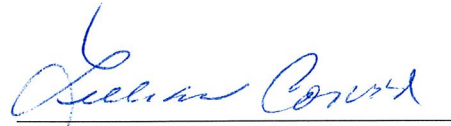
There being no further business to come before the Commission, Chairman Davenport adjourned the meeting, and the Regular U.C. Meeting closed at 4:35 p.m.

APPROVED:

ATTEST:



VICE CHAIRMAN



SECRETARY-TREASURER

These minutes were formally approved by the Utilities Commission at their October 26, 2021 meeting.