



J. HOLCOMB, CHAIRMAN
J. DAVENPORT, VICE CHAIR
L. CONRAD, SECY.-TREAS.
R. HAWES, ASST. SECY.-TREAS.
J. SMITH, COMMISSIONER
T. CLOUD, GENERAL COUNSEL
J. BUNCH, GENERAL MANAGER/CEO

AGENDA**
REGULAR (REORGANIZATIONAL)
MEETING OF UTILITIES COMMISSION,
CITY OF NEW SMYRNA BEACH, FLORIDA
TO BE HELD TUESDAY, SEPTEMBER 28, 2021,
AT 3:00 P.M. 200 CANAL STREET, DEBERRY
ROOM, 3RD FLOOR, NEW SMYRNA BEACH, FL
(REINSTATED COVID PROTOCOLS – MTG. APPTS., MASKS & TEMP. PRE-SCREENINGS)

RESULTS OF U.C. MEETING

ADMINISTER OATH OF OFFICE TO LAWRENCE J. KELLY, JR. – MAYOR RUSS OWEN
(COMMS. KELLY APPOINTED BY NSB CITY COMMISSION ON 8-24-21 FOR A THREE-YEAR TERM ENDING 9-2024)

Pledge / Invocation / and Safety Message by John DeFries : Safety Process Update (DIRECTOR OF CENTRAL SERVICES – BRITNEY BECK PROVIDED THE UPDATE ON UCNSB'S SAFETY PROGRAM. SAFETY BAGS, INCLUDING A NEW POCKET-SIZED SAFETY HANDBOOK AND SOME SAFETY ITEMS BRANDED WITH THE NEW SAFETY LOGO WERE PROVIDED TO THE COMMS.; TO BE DISTRIBUTED TO UCNSB EMPLOYEES SOON)

ROLL CALL

I. Reorganizational Item

- a. ✓ Election of Officers (After election, if requested, brief recess for seating and title reorganization)
(FY2022 OFFICERS ELECTED: CHAIRMAN DAVENPORT, VICE CHAIRMAN HAWES, SECRETARY-TREASURER CONRAD, ASST. SEC.-TREAS. SMITH, AND COMMISSIONER KELLY)
- b. ✓ U.C. Regular Meeting Schedule for Calendar Year 2022 (APPROVED – POSTED ON UCNSB WEBSITE UNDER THE COMMISSION – COMMISSION MEETINGS)

1. Agenda Changes, Additions and Deletions

2. Public Participation

***3. Approval of Consent Items (APPROVED) (COMMS. SMITH PULLED CONSENT ITEMS f. & g. CHAIRMAN DAVENPORT PULLED ITEM c. AFTER DISCUSSION, ITEMS WERE APPROVED AS SUBMITTED)**

- a. ✓ Minutes of Regular U.C. Meeting Held 8-23-21 (Included Two Final Public Hearings)
(Annotated Version) (U.C. and State Requirements)
- b. ✓ Project Approval – FY2022 Purchase and Stocking of Electrical Transformers (ITB No. 2021) – J. Couillard (U.C. and State Requirements)
- c. ✓ Ratification of Final Payment of Part-2 Credits for Infrastructure Fee Final Reconciliation, Reimbursement, Credit and Release Agreement Between GEOSAM and UCNSB – E. Chavez (U.C. and State Requirements)
- d. ✓ Request for Approval of Continuing Services Agreement with City of New Smyrna Beach for Road Paving Services – T. West (U.C. and State Requirements)
- e. ✓ Granted and Accepted Third Party Utility Easement (1) – J. Couillard (U.C. and State Requirements)
- f. ✓ Projects Approval – Industrial Park Avenue and Wayne Avenue Water Main Improvements Projects - J. Couillard (U.C., State & Federal Requirements)
- g. ✓ Project Approval – Lift Station No. 15 Reconstruction Project – J. Couillard (U.C., State & Federal Requirements)
- h. ✓ Ratification – ITB No. 19-21 – Rehabilitation of Wells No. 2 and No. 3 Project and Increase in Project Budget – J. Couillard (U.C., State & Federal Requirements)



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***3. Approval of Consent Items (CONT.) - (APPROVED)**

- i. ✓ Purchase – Hydrovac (trailer mounted vacuum excavator via FL Sheriff’s Assoc. Contract FSA20-VEH18.0, Item #105) – B. Beck (*U.C. and State Requirements*)
- j. ✓ RFP No. 16-21 Award – Annual Underground Utility Contractor Services (Recommend agreements with THADCON, LLC, Driveways, Inc. and Hazen Construction) – J. Couillard (*U.C. and State Requirements*)

4. General Manager’s Report – J. Bunch

a. FMPA GM-CEO Jacob Williams – Electric Utility Value for New Smyrna Beach (FMPA GM PROVIDED PRESENTATION ENTITLED “ELECTRIC UTILITY PROVIDES VALUE FOR NEW SMYRNA BEACH. SUMMARIZED FMPA SERVICES BEING PROVIDED TO THE 31 MUNICIPAL MEMBERS. ALSO A PROVIDER OF WHOLESALE POWER TO THESE MEMBERS WITH 1,730 MW OF ELECTRIC GENERATION, OWNERSHIP IN 20 UNITS, AND 26 MEMBERS RECEIVING SOME FMPA POWER AND 16 RECEIVING ALL THEIR POWER FROM FMPA. POINTED OUT THE VALUE OF ELECTRIC MUNICIPAL UTILITIES AND 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. COMMENDED UC COMMS. ON HIRING GM-CEO BUNCH AND UC STAFF IN MAKING SOME MAJOR CHANGES WHICH ARE ADDING EVEN MORE VALUE TO THE COMMUNITY. THEN DETAILED UCNSB’S EXISTING OUTSTANDING VALUE COMPONENTS – LOW-COST ELECTRIC RATES – HIGHLY COMPETITIVE, LOWER THAN STATE, IOU, AND MUNICIPAL AVERAGES – AT LEAST \$100,000 IN VALUE ANNUALLY AND GROWING – SUSTAINABLY LOW. UC HAS NUCLEAR AND WILL BE ADDING SOLAR - 10 MW IN 2023; GETTING CLEANER IN POWER SUPPLY, REDUCING CO2 EMISSIONS – OVER 15% OF POWER WILL THEN COME FROM A NON-CO2 SOURCE WHILE MAINTAINING LOW COST SERVICES. GENERAL FUND TRANSFERS TO CITY APPROX. \$3.7M TOTAL ANNUALLY; LOCAL JOBS (172 TOTAL) SUPPORTING LOCAL ECONOMY – ABOUT \$1.5M PER YEAR. RELIABLE ELECTRIC SERVICES WITH EXTREMELY RESPONSIVE RESTORATION; LOCAL CONTROL OF LOCAL PRIORITIES AND DECISIONS; ALSO UTILITY RESOURCES AND EMPLOYEE VOLUNTEERS FOR COMMUNITY SUPPORT. OVERALL, UCNSB UTILITY VALUE AT ABOUT \$4.4 MILLION ANNUALLY AND REITERATED THIS IS A GROWING NUMBER. DUE TO COMMS. HAWES’ INQUIRY, MR. WILLIAMS ALSO DISCUSSED NATURAL GAS ENERGY STATUS, FLORIDA’S RELIANCE ON NATURAL GAS AND JOINING WITH APPA, MUNICIPALS, AND COOPERATIVES TO PROVIDE NUMBERS NATIONALLY TO ENSURE CAUTION IN FEDERAL POLICIES TO SUPPORT THE CONTINUANCE OF AFFORDABLE ELECTRICITY ON BEHALF OF OUR CUSTOMERS. U.C.’S GM-CEO ADDITIONALLY COMMENDED FMPA’S ONGOING ASSISTANCE TO UCNSB IN PROVIDING THE OPPORTUNITY OF A JOINT SOLAR PROJECT AND CONSULTANT/VENDOR RECOMMENDATIONS AND SUPPORT FOR VARIOUS U.C. PROJECTS SUCH AS RELIABILITY IMPROVEMENT, GRID MODERNIZATION PLAN, POWER PURCHASE POLICY, INVESTMENT POLICY, ETC. AND ALSO ADDED, RIGHT BEFORE THE KPI PRESENTATION, ADDITIONAL COMMENTS ABOUT FMPA’S SIGNIFICANT SUPPORT IN U.C.’S CYBERSECURITY)

b. Financial Status – August 2021 – E. Chavez (PRESENTED AND DISCUSSED AUGUST 2021 FINANCIAL PERFORMANCE SLIDES. AS OF AUGUST YEAR TO DATE U.C. HAS A CHANGE IN NET ASSETS OF APPROX. \$4.4M, PRIMARY DRIVERS INCREASED REVENUES – USAGE AND VOLUMES AND HIGHER CAPITAL CONTRIBUTIONS. CAPITAL SIDE, FY TO DATE, \$14.5M TOTAL PROJECTS SPEND - \$7.6M IN MAJOR AND \$6.9M IN ANNUAL. EXPECT YEAR END CAPITAL SPEND BETWEEN \$15.6M AND \$15.9M. YEAR TO DATE, YEAR OVER YEAR OPERATING LOSS COMPARISON – 8-2020 OF \$285,000 AND 8-2021 OF \$232,000. INCREASED REVENUES OF \$1.4M OFFSET BY INCREASED APPRECIATION AND AMORTIZATION, PURCHASED POWER, AND OPERATING AND DEBT EXPENSES. REVENUE INCREASE



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b. Financial Status – August 2021 – E. Chavez (CONT.)

DUE TO CONTINUED YR. OVER YR. CUSTOMER GROWTH, FOR 8-2021 ELECTRIC 2.1%, WATER 1.2%, AND WASTEWATER 2.5%; THIS TREND EXPECTED TO CONTINUE. ALSO PROVIDED AN UPDATE ON ITEMS IN PROGRESS – AMI AND SMART GRID DUE DILIGENCE FOR INITIAL RFP COMPLETED WEEK OF 9-13-21. FIRST STEP IN OVER 2-YR. ROLL OUT PROCESS FOR ACQUIRING REAL TIME KEY DATA POINTS OF SYSTEM/CUSTOMER USAGE. UPDATED AND TESTED ALL REVISED UTILITY RATES FOR A 10-1-21 EFFECTIVE DATE – NO ISSUES. OVER 78% OF \$1.6M INFRASTRUCTURE TRUE-UP REFUNDS DISTRIBUTED TO DATE. 2ND AND FINAL CITY HEARING FOR UCNSB FY2022 BUDGET TO BE HELD 9-28-21* [*CITY APPROVED ORDINANCE NO. 48-21]

c. Balanced Scorecard and Enterprise Metrics – August 2021 – E. Chavez (AFTER

ADDITIONAL COMMENDATION FOR FMPA'S CYBERSECURITY SUPPORT AND ASSISTANCE, GM-CEO PROVIDED A BRIEF 8-2021 KPI UPDATE. EXPLAINED ADDITIONAL DETAILS WILL BE PROVIDED NEXT MONTH REGARDING RELIABILITY, GRID MODERNIZATION, LONG RANGE PLANS, AND ASSOCIATED PROGRESS. FOR 8-2021 KPI'S, THERE WERE NO OSHA INCIDENTS OR INJURIES YEAR TO DATE, STARTING TO SEE IMPROVEMENTS IN RELIABILITY – MORE DETAILS NEXT MONTH, WATER RESOURCES GREEN, HAD QUITE A FEW MAIN BREAKS BUT HAVE DONE A FANTASTIC JOB IN REPAIRING QUICKLY, OVER 98% ACCOUNTS RECEIVABLE 30 DAYS OR LESS AND UNCOLLECTIBLES AT 0.2%. HEADCOUNT DOWN SEVEN, EXPERIENCING DIFFICULTY IN HIRING QUALIFIED, TECHNICAL POSITIONS. ONGOING CYBERSECURITY TRAINING PARTICIPATION GREEN - HAS BEEN PRODUCING GREAT RESULTS TO DATE.

5. Commission Counsel's Report – General Counsel

a. ✓ Modified Developer's Agreement Form – Proposed Resolution No. 2021-11- T. Cloud (APPROVED UCNSB RES. NO. 2021-11, PENDING CITY COMMS. APPROVAL OF ORD. NO. 35-21* [*CITY ORD. APPRVD. 9-28-21]. G.C. CLOUD FURTHER EXPLAINED THE DA FORM - APPLIES EXCLUSIVE AREA COVENANT TO THE PROPERTY, LINKS UC SERVICE RULES AND RATES TO THE PROPERTY, PROVIDES PROTOCOLS FOR DESIGN, PERMITTING, CONSTRUCTION, INSPECTION AND TRANSFER OF ALL ONSITE FACILITIES ON THAT PROPERTY. A DA ENSURES UC RECEIVES PROPERLY DESIGNED AND INSTALLED INFRASTRUCTURE, PROVIDES FOR PAYMENT OF CAPITAL CONNECTION FEES, PERFORMANCE BONDS AND MAINTENANCE, EXPANSION AND INTERCONNECTION. ALSO INCLUDES AN OPTIONAL REFUNDABLE ADVANCE PROVISION AND GRANTING OF EASEMENTS THROUGH THE PROPERTY. THE NEW VERSION OF THE DA WILL NOW LAST LONGER THAN FOUR YEARS, WHICH IS WHY IT WAS SUBMITTED TO THE CITY FOR APPROVAL. ALSO INCLUDES A PROVISION THAT ALLOWS FOR THE CITY CM AND UC GM-CEO TO WORK OUT ANY CHANGES IF NEEDED – ALTHOUGH THESE AGREEMENTS ARE RARELY CHANGED)



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5. Commission Counsel's Report – General Counsel (CONT.)

b. ✓ Agreement Approval – Subordination of Utility Interest to FDOT for City of New Smyrna Beach Myrtle Avenue Trail Project – T. Cloud **(APPROVED – SUBORDINATION OF UCNSB EASEMENT INTERESTS ALONG S. MYRTLE AVE. AS DESCRIBED IN EXHIBIT “A” TO CITY NSB RES. NO. 37-21. G.C. CLOUD EXPLAINED THIS TRAIL WAS PART OF THE ST. JOHN’S RIVER-TO-SEA TRAIL AND FDOT WILL BE RUNNING THIS TRAIL THRU A UC EASEMENT. FDOT HAS AGREED TO PAY FOR ANY UC RELOCATION COSTS AS A PART OF THIS REQUEST)**

(G.C. CLOUD ALSO PROVIDED AN UPDATE ON PENDING CITY/UCNSB ITEMS LIST – ONLY ONE ITEM REMAINS OUTSTANDING. ALSO INDICATED A HISTORICAL U.C. RESOLUTION LISTING AND WESTERN PROPERTY ACQUISITION DOCUMENTS AVAILABLE FOR REVIEW BY COMMS.)

6. Old Business

a. ✓ Approval of Agreement – Infrastructure Fee Final Reconciliation, Reimbursement, Credit and Release Agreement Between Southeast Interchange Complex, LLC and UCNSB – E. Chavez *(U.C. and State Requirements)* **(APPROVED – REMAINING INFRASTRUCTURE CREDITS FOR S.E. INTERCHANGE IN AN AMOUNT OF \$215,737.75. CONFIRMED THIS WAS FINAL INFRASTRUCTURE CREDIT OUTSTANDING AND FUTURE DETERMINATIONS WILL BE MADE AT THAT TIME WHETHER UC WILL COMPLETE PROJECTS OR PAY INDEPENDENT, THIRD PARTIES TO COMPLETE)**

7. New Business

(GM-CEO MENTIONED UC STAFF REACHED OUT TO THE CITY WITH A LIST OF PRIORITIZED, QUALIFYING UC PROJECTS FOR CONSIDERATION OF PARTICIPATION WITHIN AMERICAN RECOVERY PLAN (ARP) FUNDS RECEIVED BY THE CITY – OVER \$13M. CITY EXPRESSED INTEREST TO PARTNER BUT AFTER FURTHER DETERMINATIONS HAVE BEEN MADE RE: THE CITY’S PROJECT PRIORITIES. HAS BEEN SOME DISCUSSION RE: FUNDS FOR WATER PORTION OF THE WASHINGTON STREET PROJECT AND PERHAPS SEPTIC TO SEWER CONVERSIONS. COMMS. CONRAD INQUIRED IF FURTHER COULD BE DONE TO SUPPORT PROJECTS BENEFICIAL TO THE COMMUNITY AS A WHOLE AND TO UC, INFRASTRUCTURE. GM-CEO INDICATED AFTER CURRENT UC PROJECT LIST IS RE-PRIORITIZED AND CITY MEETING SCHEDULED FOR FINALIZING SELECTION OF PROJECTS, PERHAPS A UC COMMS. COULD ALSO ATTEND AND SPEAK AS DESIRED. UC COMMS. CONCURRED AND REQUESTED KEEP THEM POSTED)



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8. Possible Other Business - Time for Commissioners

(COMMISSIONER KELLY INDICATED EXCITEMENT TO BE A MEMBER ON THE COMMISSION AND CHAIRMAN DAVENPORT WELCOMED HIM TO THE BOARD)

(CHAIRMAN DAVENPORT, CURRENTLY SERVING ON FLORIDA INLAND NAVIGATION DISTRICT BOARD, INDICATED THERE WAS A GOOD OPPORTUNITY FOR ADDITIONAL REVENUE TO BE GENERATED BY EQUIPMENT/STORAGE LEASING ON NSB SWOOPE SITE*. [*CITY PROPERTY])

✓ A Check Mark Indicates Items Which Commission Approval Has Been Requested On This Agenda
Please Note -- Most Discussion Items Will Not Have Documentation, Will Be Listed On Agenda Only

- * Consent items to be approved as recommended or accepted as appropriate without further comments unless discussion is requested by Commissioner.
- ** Pursuant to Section 286.0105 of the Florida Statutes, if an individual decides to appeal any decision made by the Utilities Commission, City of New Smyrna Beach, Florida, with respect to any matter considered at a meeting or a hearing, that individual will need a record of the proceedings, and will need to ensure that a verbatim record of the proceedings is made. The transcription of such a verbatim will be provided an individual at a cost to be determined by the Utilities Commission in accordance with the full cost to reproduce such transcriptions and copies.
- ** In accordance with the American with Disabilities Act, persons needing special accommodations to participate in this proceeding should contact the individual or agency sending this notice as soon as possible but no later than two days prior to the proceeding at the address given on the notice.