

IMMOKALEE WATER & SEWER DISTRICT

1020 Sanitation Road, Immokalee, FL 34142

Telephone: (239) 658-3630

Regular Board of Commissioners Meeting

Wednesday, September 20, 2023

3:30 p.m.

MINUTES

Board Members		
Title	Name	Attendance
Chair	Joseph Brister	Present
Vice-Chair	Patricia Anne Goodnight	Present
Secretary	Bonnie Keen	Present
Treasurer	Robert Halman	Present
Commissioner	Magda Ayala	Present - Online
Commissioner	Jack Johnson, Jr.	Present
Staff Present	Professional Staff Present	Guests Present
Louis Brunetti	Gary Ferrante	Heather Ripley, Kimley-Horn & Associates
Sarah Catala	Laura Donaldson	
Hector Ramos		
Misty Smith		

I. Call to Order

Mr. Joseph Brister, Chair called the meeting to order at 3:35 p.m.

II. Preliminaries

a. Pledge of Allegiance

Mr. Brister led the Pledge of Allegiance.

b. Roll Call

Ms. Misty Smith, Executive Assistant, conducted roll call. A quorum was reached.

For the purposes of voting, Ms. Magda Ayala was not counted due to online attendance.

c. Adoption of Agenda

Motion: Ms. Goodnight moved to adopt the agenda as presented. Mr. Halman seconded the motion. The motion passed unanimously.

d. Public Concerns

There were no public concerns.

e. Staff Good Cause Items

i. Temporary Accountant Services

Ms. Sarah Catala, Executive Director, informed the Board of the resignation of Mr. Brian Stewart, Finance Director. Ms. Catala reported that she has offered Mr. Stewart a part-time temporary accountant position to assist with certain duties such as year-end and audit tasks. Ms. Catala requested to add the accountant position to the organizational chart with a rate of pay of \$94.28/hr., with a not to exceed set amount of hours per month. A discussion ensued.

Motion: Mr. Halman made a motion to approve the addition of a part-time temporary accountant position. Mr. Johnson seconded the motion. The motion passed unanimously.

Motion: Ms. Goodnight made a motion to approve the hourly rate of \$94.28 for the part-time temporary accountant position. Ms. Keen seconded the motion. The motion passed unanimously.

ii. Key Staff Service Contract

Ms. Catala provided details for the use of a staffing service in which she was interested in using, known as KeyStaff, Inc. Ms. Catala requested to utilize the existing staffing contract from Collier County (piggy-back procurement method). Ms. Catala reported that due to several open positions within operations, utilizing the service would be beneficial as the hiring service would do the hiring and would pay the temporary employees. She explained that the District would pay KeyStaff, Inc. a set rate as outlined in the agreed upon contract, and the District is not required to fill any positions during that contract timeframe if not needed. A discussion ensued.

The following was clarified: there are no connections to unions, the District can cut ties with individuals if they are not suitable for the position, and the rates are reasonable due to Collier County using the service frequently.

Motion: Ms. Goodnight made a motion to approve a service contract with KeyStaff, Inc. contingent upon the District Attorney's review. Mr. Halman seconded the motion. The motion passed unanimously.

f. Board Concerns

Ms. Anne Goodnight, Vice Chair, shared a concern regarding the TIGER grant. She has received additional information since the previous Board meeting and she wanted to inform the Board that in the coming weeks they may hear from others in the community that she is not in favor of asking for appropriations again this year, but rather, that Collier County is responsible for reimbursing the District for the costs to relocate the District's utility lines.

Ms. Laura Donaldson, District Attorney, commented that she did speak with the Collier County Attorney and with the Collier County Manager in an effort to come to a resolution, however, she is more interested in trying to change the statute surrounding utility relocations. A discussion ensued.

g. Old Business

i. Administrative Office Building – Update

Ms. Catala reported that the conditional use permit application had been submitted and the District has gotten some comments back from Collier County. Johnson Engineering is working on the responses to those comments. The District is also working on the PER (preliminary engineering report) which will be submitted with the USDA loan/grant application. Lastly, Ms. Catala reported that we are still within the projected timeline.

ii. Development Plan Fee (continued)

Ms. Catala reminded the Board that this agenda item is a placeholder, and the District will develop some draft language when there is time to do so. Beyond that, there were no new updates. She reiterated that the administrative staff continue to ensure that payments are received on time from developers.

iii. IWSD Boundaries (continue to explore)

Ms. Goodnight reported that she and Ms. Catala have been in conversation with different landowners, none of which have said no to the idea, however, they are interested in hearing more about boundary expansion. Ms. Goodnight will keep the Board up to date when she has more information to report.

h. New Business

None.

III. Consent Agenda

- a. Adoption of Meeting Minutes – None
- b. Fixed Assets, Acquisitions, Disposals
- c. AMI Project – Owner’s Representative

Motion: Ms. Goodnight made a motion to approve the consent agenda as presented. Mr. Halman seconded the motion. The motion passed unanimously.

IV. Action Agenda

- a. Wastewater Permit Renewal

Ms. Catala reported that the District had finally come to a resolution with FDEP pertaining to the wastewater permit renewal. She then gave the floor to Ms. Donaldson to walk the Board through the timeline leading up to the resolution and to further explain the terms of the settlement agreement.

First, Ms. Donaldson reported that on September 19, 2023, she provided the Board with a draft settlement agreement, an administrative order and a permit packet related to the wastewater permit renewal. Ms. Donaldson then provided the timeline of events leading up to the settlement agreement, outlining the main causes of the dispute and then described how the District will resolve the issues. The settlement agreement specifically addresses violations and fertilizer issues and has been heavily negotiated with many District individuals contributing to the resolution. Ms. Donaldson reported that by accepting the settlement, the District will have saved approximately \$100,000 in attorney fees due to possible litigations and will have avoided a \$2M fine incurred from FDEP.

Ms. Donaldson noted that the request for a 10-year permit was not agreed upon, however, if the Board approved the settlement, a permit would be issued on Friday, September 22, 2023, expiring five years from that date.

Lastly, Ms. Donaldson reported that FDEP continues to suggest that they do not believe the spray field is percolating properly. Thus, the District will need to have further testing done on the spray field and the impoundment area by a third-party tester to demonstrate that it functions as it was intended and that there is no runoff. The results will be provided to show that we are in fact following sound scientific information.

Motion: Ms. Goodnight made a motion to approve the settlement agreement with FDEP as presented. Mr. Halman seconded the motion. The motion passed unanimously.

- b. Legislative Appropriations Representation Engagement Letter

Ms. Catala reported that due to multiple Collier County projects, the cost estimate for utility relocations has climbed up to \$5.3M. She reported that the District is seeking general legislative services for the 2024 legislature to request appropriations in the amount of \$5.3M.

Motion: Ms. Goodnight made a motion to approve the 2024 legislative representation proposal from Manson Bolves Donaldson Tanner (MBDT). Ms. Keen seconded the motion. The motion passed unanimously.

c. Crown Castle Lease – *Continued*

Ms. Donaldson requested to move the item to the next Board meeting due to Crown Castle submitting the lease prior to the meeting not allowing for time to review the lease.

d. Bleach Secondary Containment – *this item was added to the agenda last-minute*

Ms. Catala summarized the purpose of the request to provide a secondary means of containment for the sodium hypochlorite tanks as part of the settlement agreement with FDEP. Staff evaluated the proposals submitted and recommended the proposal from Manual Padilla Construction, Inc. for \$38,628.61. It was noted that the difference in pricing among proposals is most likely due to how busy and available the companies are.

Motion: Ms. Goodnight made a motion to approve the proposal from Manuel Padilla Construction, Inc. for \$38,628.61. Mr. Halman seconded the motion. The motion passed unanimously.

V. Discussion Agenda

a. Executive Director's Report

i. Project Spreadsheet

Ms. Catala reported that development continues within the boundaries of Immokalee and projects continue to move forward. She indicated that Habitat For Humanity plans to develop near the Highlands Elementary School area.

ii. 2024 Appropriations Requests – Utility Relocations

Ms. Catala reported that the Collier County Attorney is researching state statutes pertaining to the type of improvements that could affect utility relocations to determine what is reimbursable and what is not.

Ms. Catala reminded the Board that the Legislative Session is early this year and as soon as she has the FASD legislative forum information, the details will be sent.

b. Finance Director's Report

There was no report due to the resignation of the Finance Director.

c. Engineer's Report – Weston & Sampson

Mr. Gary Ferrante reported that we are currently caught up with the TIGER grant, stating that Area 1 is complete, Area 2 and 3 are under construction and Area 4 is upcoming. He also reported that FDOT will be widening SR29 and putting in a roundabout at Westclox and SR29 (replacing the traffic light), which will require relocations and an extension of the water main and sewer force main in order to serve the Barron Collier property south of the solar array and potentially the UF IFAS extension. A discussion ensued.

Mr. Louis Brunetti, Project Engineer, provided an update on the oxidation ditch at the Wastewater Treatment Plant.

d. Attorney's Report

Ms. Donaldson provided an update on the PFAS settlement which has been set up similarly to a class action suit and the District has until December 2, 2023, to submit documents and determine if it will opt in or opt out. A response and formal resolution document are required regardless of the option decided on. Ms. Donaldson explained that there is no way of knowing how much of the settlement the District would receive since it

is unknown who else will opt in or opt out.

Ms. Donaldson reported that a letter has been sent to LGI Homes headquarters concerning their locally based office who has hired subcontractors committing theft of water. The District has been aware of this situation and our attorney, Ms. Donaldson has notified the Sheriff's office. The District also has evidence showing tampering and has charged tampering fees to LGI Homes. They are paying the charges, but the theft continues, and the District cannot continue to monitor this consistently without resolve. The District plans to press charges.

e. Executive Assistant's Report

Ms. Smith reported that the website launch was expected to occur mid-November. She indicated that a preview of the website would be presented at some point before the November Annual Board meeting.

Mr. Brister brought up the issue of the board room A/V equipment and requested that Ms. Smith research other service companies. He expressed his disappointment with the current company who services the equipment. He also requested that we ensure that the electricity is grounded since lightning strikes have been an issue in the past.

VI. Other Public Interests

There was no public interest.

VII. Adjournment

The Board meeting adjourned at 5:10 p.m.