

IMMOKALEE WATER & SEWER DISTRICT

1020 Sanitation Road, Immokalee, FL 34142

Telephone: (239) 658-3630

Annual Board of Commissioners Meeting

Wednesday, November 15, 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
Commissioner	Jack Johnson, Jr.	Absent
Staff Present	Professional Staff Present	Guests Present
Louis Brunetti	Gary Ferrante	Jody Fortunato (attorney - online)
Jeff Carpenter	Laura Donaldson (online)	Heather Ripley (Kimley-Horn & Assoc.)
Sarah Catala		
Misty Smith		

I. Call to Order

Mr. Joseph Brister, Chair, called the meeting to order at 3:33 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.

c. Adoption of Agenda

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

d. Public Concerns

There were no public concerns.

e. Staff Good Cause Items

Ms. Sarah Catala, Executive Director, welcomed the new Financial Director, Jeff Carpenter.

f. Board Concerns

There were no Board concerns.

g. Old Business

i. Administrative Office Building – Update

Ms. Catala reported that the conditional use permit application was in the final stages, with plans to submit the application on November 15th. She shared that the next step is to schedule the administrative hearing with the hearing examiner.

Staff expect to have a hearing in the coming months. Ms. Catala also reported that the preliminary engineering report (PER) and the environmental report are being completed and staff expects to submit the USDA loan/grant application very soon. She added that the USDA applications are now required to be completed online which takes more time because the required questions must be answered and required items must be uploaded before the application can be submitted.

ii. Development Plan Fee (continued)

Ms. Catala reminded the Board that this item is a placeholder and staff are ensuring payments are being received on time from developers.

iii. Cattle Lease

Ms. Catala planned to discuss the topic of the cattle lease procurement, however, due to Mr. Jack Johnson's absence at the Board meeting, she explained that she would prefer to discuss it at the next Board meeting to allow Mr. Johnson the opportunity to partake in the conversation. Discussing it later would also allow the topic to be more formal and in writing. Additionally, this would allow for more time to finish up the study of the stocking rate.

h. New Business

None.

III. Consent Agenda

- a. Adoption of Meeting Minutes – (08/23/2023, 08/23/2023 First Budget Hearing, 09/20/2023, 09/20/2023 Second Budget Hearing, 10/11/2023)
- b. Fixed Assets, Acquisitions, Disposals – None
- c. Required Fire Suppression Systems

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

IV. Action Agenda

a. Crown Castle Lease – *Continued*

Ms. Laura Donaldson, District Attorney, reported that she had not received the sign-off on the changes of the lease, however, she intends to bring forth the final at the next Board meeting.

b. Participation in Legal Settlement

Ms. Donaldson introduced Mr. Jody Fortunato, outside counsel, who then explained that litigation has been initiated on the District's behalf against 29 different chemical manufacturers. He then explained that the estimate for the PFAS settlement was sent in a memorandum and shared with the Board via email prior to the meeting.

No questions were asked by the Board. Ms. Catala asked about a press release and whether it would be in mainstream media. Mr. Fortunato responded that documents and info will remain confidential as it relates to client confidentiality, however, Ms. Donaldson would need to research the document type and see if it is subject to public record. Ms. Catala also asked about legal activity and Mr. Fortunato explained that there is a new Bellwether process in place and a trial is set to be scheduled next summer.

Mr. Brister read Resolution 2023-08, PFAS Lawsuit aloud.

Motion: Ms. Goodnight made a motion to adopt Resolution 2023-08, PFAS Lawsuit. Mr. Halman seconded the motion. The motion passed unanimously.

c. Selection Committee – Reuse/Reclaimed Water Treatment

Ms. Catala reported that Mr. Louis Brunetti, Project Engineer, pulled together the committee details. Mr. Brunetti reported his committee recommendations as: Sarah Catala, Louis Brunetti, Fernando Ramirez, Manual Quintanilla, and Hector Ramos. Mr. Brunetti clarified that the advertisement was not yet ready, but he wanted to have the committee in place beforehand.

Motion: Ms. Goodnight made a motion to approve the selection committee for the Reuse/Reclaimed Water Treatment project. Ms. Keen seconded the motion. The motion passed unanimously.

d. Selection Committee – AMI

Ms. Catala reported that the advertised document will be the request for proposal to lock in the consultant for the AMI project. Mr. Brunetti also worked on pulling together the committee details. Ms. Catala reported her committee recommendations as: Sarah Catala, Louis Brunetti, Charles Kissimer (part of the District's Owner Representative), Armando Reyes, Lance York, and James Jean-Louis.

Motion: Ms. Goodnight made a motion to approve the selection committee for the AMI project. Mr. Halman seconded the motion. The motion passed unanimously.

e. Waiver of Annual Leave Policy

Ms. Catala made a request to the Board to allow for an exception (waiver of the annual leave policy) for the following:

1. Mr. Carpenter requested to receive a one-time allotment of 160 hours (4 weeks) of leave to use in the event he encounters any personal issues as a new Florida resident (recently relocated). His request was negotiated during the hiring process.
2. Mr. Brunetti made a request for 160 hours based on his experience level and the need for critical time off due to personal matters.

Board members were asked to comment on the request. A discussion ensued.

Ms. Catala clarified that the request was not to modify the existing leave policy, but rather, an exception for the two staff. She also clarified that she spoke to Ms. Lara Donlon, District Employment Attorney, prior to presenting this to the Board for approval to ensure there were no issues. Lastly, she recommended that she get with Ms. Donlon to work on changes that could occur during the hiring process.

Motion: Mr. Halman made a motion to approve the waiver of the annual leave policy for Mr. Carpenter. Ms. Goodnight seconded the motion. The motion passed with 4 votes in favor and 1 vote against.

Motion: Ms. Goodnight made a motion to approve the waiver of the annual leave for Mr. Brunetti and to authorize Ms. Catala to consult with Ms. Donlon and come back with language to grant the Executive Director the ability to negotiate during the hiring process. Mr. Halman seconded the motion. The motion passed with 4 votes in favor and 1 vote against.

f. TIGER Grant – Area 3C Award to Quality Enterprises

Ms. Anne Goodnight, Vice Chair, reported that the Immokalee CRA has placed the TIGER grant Lake Trafford portion on hold due to lack of funding.

Mr. Brunetti reported that the District received a proposal from Quality Enterprises (QE) in the amount of \$70,910. He recommended that we offer the work to QE for Area 3C since they have already been working on the project.

Motion: Ms. Goodnight made a motion to approve the staff recommendation of QE as contractor for TIGER Grant Area 3C. Mr. Halman seconded the motion. The motion passed unanimously.

Ms. Catala brought up the relocation costs for the TIGER grant, a burden which has been placed on the District, and a matter of ongoing concern, and then allowed Ms. Donaldson to comment. Ms. Donaldson explained that in most cases there is a process for local governments to settle disputes prior to going into litigation. In December, she would like to present a resolution to the Board to adopt and then send it to Collier County. She further outlined the next steps.

The Board directed Ms. Donaldson to proceed with drafting a resolution to present at the December Board meeting.

g. Sprayfield Analysis Recommendation

Ms. Catala requested to table this item to allow Ms. Donaldson and Ms. Olympio to review the proposals before she presents it to the Board for approval.

h. Resolution 2023-07 Finance Director Authorization

Mr. Brister read the resolution aloud.

Motion: Ms. Goodnight made a motion to adopt Resolution 2023-07, Finance Director Authorization. Ms. Keen seconded the motion. The motion passed unanimously.

i. Election of Officers (FY 2023-2024)

Ms. Donaldson had nothing to report on the election of officers, as it relates to District policy. The current Board positions are as follows:

1. Joseph Brister, Chair
2. Anne Goodnight, Vice Chair
3. Bonnie Keen, Secretary
4. Robert Halman, Treasurer
5. Magda Ayala, Commissioner
6. Jack Johnson Jr., Commissioner

Motion: Ms. Keen made a motion to keep the Board positions as is for FY 2023-24. Mr. Halman seconded the motion. The motion passed unanimously.

V. Discussion Agenda

a. Executive Director's Report

Ms. Catala reported the following information and reminders:

- Forms have been submitted to Representative Lauren Melo's office for the 2024 appropriations request in the amount of \$5.3M.
- The Legislative Session begins in January 2024.
- Appointments in Tallahassee will be set up soon.
- The meeting with the Collier County Manager was postponed due to a scheduling conflict.
- On September 12th, FDEP conducted an inspection of the WWTP. A warning letter was received in October due to a rotor not working. The District will be asking for more clarification about the warning letter. Also, staff are going through the list of items that need to be addressed as a result of the inspection.
- The District is communicating more with community leaders and has had recent meetings with Danny Gonzalez, President, Immokalee Easter Chamber of Commerce and Jaime Weisinger, Lipman Family Farms.

- i. Project Spreadsheet – no verbal updates, however, the report was included in the Board packet.

b. Finance Director's Report

Mr. Carpenter reported that he was able to provide the Board with the financial reports in the same way that they have been presented in the past but will be looking for ways to update them while keeping within Florida law requirements. He also reported that he expects to present the FY 2022-2023 final budget and an amended September financial statement at the December Board meeting.

c. Engineer's Report – Weston & Sampson

Mr. Gary Ferrante, Project Engineer, reported that he is reviewing TIGER grant Area 4A and 4D plans. The plans for 4B and 4C will be reviewed next.

d. Attorney's Report

Ms. Donaldson had no additional items to report.

e. Executive Assistant's Report

Ms. Smith reported that the new website launched successfully and was visible to the public. She reminded the Board that the iw-sd.com domain will redirect traffic to the new site permanently or until we are ready to disable that feature.

VI. Other Public Interests

There was no public interest.

VII. Adjournment

The Board meeting adjourned at 4:53 p.m.