

MINUTES OF THE EMERALD COAST UTILITIES AUTHORITY BOARD MEETING

TUESDAY, NOVEMBER 17, 2020, 3:00 P.M.

ECUA BOARD ROOM

9255 STURDEVANT STREET, ELLYSON INDUSTRIAL PARK

PENSACOLA, FLORIDA

Members present: Lois Benson, Chairman
Kevin Stephens, Vice Chairman
Vicki Campbell
Dale Perkins
Larry D. Williams, Sr.

Members absent:

Counsel present: Robert Beasley

Staff present: J. Bruce Woody, Executive Director

ITEM 1 – CALL TO ORDER

Chairman Benson called the regular meeting of the Emerald Coast Utilities Authority Board to order at approximately 3:36 p.m.

ITEM 2 – INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Perkins provided the invocation and led the Pledge of Allegiance.

ITEM 3 - ADOPTION OF AGENDA

Ms. Campbell added the following item to the agenda under New Business: Item 13(a) The Future of Reclaimed Water Planning and Mr. Perkins added Item 13(b) Post-Storm Yard Debris Pickup and Item 13(c) Downtown Emergency Storage Tank Project.

A motion was made by Ms. Campbell, seconded by Mr. Stephens, to adopt the agenda as presented and amended.

Motion carried 5-0.

ITEM 4 – PUBLIC HEARINGS

There were no public hearings.

ITEM 5 – OPEN FORUM

There were no requests to address the Board.
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ITEM 6 – PRESENTATIONS

- (a) **Recycle Star – Random Selection of Monthly Winner**
Mr. Williams, Sr., selected number six, Charles Howard, for the Recycle Star Award.

ITEM 7 – APPROVAL OF MINUTES

A motion was made by Mr. Perkins, seconded by Mr. Stephens, to approve the minutes of the Regular Board meeting of October 27, 2020, as presented.

Motion carried 5-0.

Mr. Williams, Sr., asked for a brief description of the Recycle Star program. Mr. Jim Roberts, Public Information – Education Programs Specialist, provided the Board with the specifics on the program.

ITEM 8 – CONSENT AGENDA

- (a) **Adoption of General Resolution No. GR20-64**
A GENERAL RESOLUTION AUTHORIZING THE ACCEPTANCE OF BASE BID AND AWARDING CONTRACT; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH MOODY'S ELECTRIC, INC., IN THE AMOUNT OF \$101,561, FOR THE CENTRAL WATER RECLAMATION FACILITY REUSE PUMP UPGRADE PROJECT AND PROVIDING AN EFFECTIVE DATE FOR THE CONTRACT.
- (b) **Adoption of General Resolution No. GR20-65**
A GENERAL RESOLUTION RATIFYING THE EXECUTIVE DIRECTOR'S EMERGENCY PURCHASE FOR COMPLETION OF IMMEDIATE REPAIRS TO THE SYSTEM OPERATION AND MAINTENANCE BUILDING, THE ACCEPTANCE OF PROPOSALS, AND AWARD OF CONTRACT; RATIFYING THE EXECUTIVE DIRECTOR'S ISSUANCE OF AN EMERGENCY PURCHASE ORDER AND EXECUTION OF A CONTRACT WITH CASON ENVIRONMENTAL & DEMOLITION SERVICES, LLC., IN THE AMOUNT OF \$110,500; RATIFYING THE TRANSFER OF PROJECT FUNDS; AND PROVIDING AN EFFECTIVE DATE.
- (c) **Adoption of General Resolution No. GR20-66**
A GENERAL RESOLUTION AUTHORIZING THE ACCEPTANCE OF BID SUBMITTED BY LARRY HALL CONSTRUCTION, INC., FOR MOLD RESTORATION IN THE SYSTEM OPERATION AND MAINTENANCE BUILDING; AUTHORIZING THE TRANSFER OF PROJECT FUNDS; AND PROVIDING AN EFFECTIVE DATE.
- (d) **Adoption of Special Resolution No. GR20-67**
A SPECIAL RESOLUTION AUTHORIZING AMENDMENT TO THE ECUA CODE, CHAPTER 26, REGARDING DENTAL AMALGAM AND PHARMACEUTICAL WASTE.
- (e) **Adoption of General Resolution No. GR20-69**
A GENERAL RESOLUTION AUTHORIZING A FINAL BUDGET AMENDMENT FOR FISCAL YEAR 2020.

(f) Adoption of General Resolution No. GR20-70

A GENERAL RESOLUTION AUTHORIZING A CHANGE ORDER FOR CIP PROJECT RW818 - WATER SERVICE RENEWALS 2019 ANNUAL CONTRACT, PAYMENT FROM THE APPROPRIATE LINE ITEM IN THE OPERATING BUDGET, AND PROVIDING AN EFFECTIVE DATE.

Comments:

Ms. Campbell requested that the Board discuss Item 8(d) Adoption of Special Resolution No. GR20-67 separately from all other items and move Items 8(a), 8(b), 8(c), 8(e), and 8(f) under the consent agenda.

Motion and Vote:

Motion made by Ms. Campbell, seconded by Mr. Williams, Sr., that the Board approve Items 8(a) through 8(c) and Items 8(e) and 8(f) under a consent agenda.

Motion carried 5-0.

Comments:

Chairman Benson opened discussion for Item 8(d) Adoption of Special Resolution No. GR20-67.

Mr. Beasley stated that he was charged by a previous Board vote to revise the ECUA Code. The project started as a code revision to identify procedures and properly document agenda items and resolutions, which have been implemented into the resolution system. The next step to the code revision is to achieve consistency with the enabling statute, in cases where the code may have deviated from the enabling statute. We have decided to take the code revision by sections and present them to the Board one section at a time. There are certain drivers that push timelines on various sections. Over the course of the next few meetings, the Board will be presented with a section of the Code depending on the complexity of the section.

Randy Sears, Director of Water Reclamation, explained to the Board that the Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP) delegated the responsibility to local utilities to be a control authority. This means that the ECUA has to control what enters our sewer system and is defined in the Florida Administrative Code, in the operating permits for the Bayou Marcus Water Reclamation Facility (BMWRF) and the Central Water Reclamation Facility (CWRF). ECUA's sewer use ordinance is also referred to as Chapter 26 of the ECUA Code.

Mr. Sears added that the major driver for this effort started in the summer of 2017, when the EPA put out regulations about dental amalgam and in May 2018, FDEP adopted those rules. In November 2019, FDEP requested that the ECUA review its sewer use ordinance and determine if it contained the necessary language to enforce the new Dental Amalgam Rule and the new Pharmaceutical hazardous waste sewer ban. Now hospitals and other similar organizations are no longer allowed to flush pharmaceuticals into the sewer collection system. Staff provided the FDEP with a revised Chapter 26 sewer use ordinance containing the necessary language to enforce these regulations and amendments. In August 2020, they approved the sewer use ordinance for ECUA to use. The submitted special resolution requests that the Board approve and authorize the

amendment to the ECUA Code, Chapter 26 regarding dental amalgam and pharmaceutical waste, which will allow us to enforce the rules of the EPA and the FDEP.

Ms. Campbell asked if there will be any additional cost to those affected by these changes. Mr. Sears explained that the ECUA is only responsible for the inspection and oversight of ensuring compliance with the rule. The EPA has informed the dental facilities that they will be responsible for putting the separators in place and maintaining them. Included in this process, ECUA sent compliance letters in February 2019 to all 86 dental facilities, stating they have until October 20, 2020, to come into compliance. Out of the 86 dental facilities we have to-date received 71 responses. Mr. Sears added that some dental facilities are exempt if fewer than ten percent of the procedures performed involve amalgam and if it is only removed under emergency conditions. Most of the responses we have received state that they are exempt.

Chairman Benson stated that the Code mentions hospitals not being able to dispose of medications and asked Mr. Sears if ECUA oversees this as well. Mr. Sears explained that the hospitals are overseen by our pre-treatment department and conduct regular sampling and reporting. The purpose of ECUA's Pretreatment Program is to help reinforce the goals of the National Pretreatment Program under the Federal Clean Water Act (CWA).

Chairman Benson added that she would like for staff to consider a public education program that provides information to residents on how to safely dispose of medications.

Mr. Woody explained that the ECUA is a permit holder from the FDEP and EPA. We have a national pollutant discharge elimination system (NPDES) permit to discharge and attached to this permit is the delegated responsibility on behalf of the EPA and the State to enforce certain laws.

Motion and Vote:

Motion was made by Ms. Campbell, seconded by Mr. Stephens, to approve 8(d) Adoption of Special Resolution No. GR20-67.

Motion carried 5-0.

Mr. Perkins informed the Board that Mr. Beasley brought to his attention that in the Organizational meeting the Board did not vote on Item 7(f) Approval of Staff Advisor to the Citizens' Advisory Committee and Item 7(g) Approval of Parliamentarian and requested that the Board vote on these two items under Item 12, Unfinished Business.

ITEM 9 – BUDGET REPORT

(a) Monthly Budget to Actual Report as of September 30, 2020

Comments:

Ms. Patty Sheldon, Director of Finance, referred back to General Resolution No. GR20-69, Exhibit "A" for the budget amendment for the end of the fiscal year. Ms. Sheldon

explained that the Exhibit "A" outlines the amounts for additional revenue that was not budgeted and outlines the expenses according to our actuals.

Mr. Perkins requested that when a staff member approaches the podium that they introduce themselves and their role for the benefit of our new Citizens' Advisory Committee members and new Board members.

ITEM 10 – EXECUTIVE DIRECTOR'S REPORT

(a) Government Finance Officers Association Certificate of Achievement FY 2019

Mr. Woody recognized the Finance Department for their 32nd consecutive year of winning the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting.

**(b) CIP Project R1803 Guillemard Sewer Trunk Main Replacement –
Emergency Work and Contract Award Notification**

Mr. Woody stated that Item (b) is a report on the CIP Project R1803 Guillemard Sewer Trunk Main Replacement –Emergency Work and Contract Award Notification. Mr. Woody and Mr. Stacy Hayden, Director of Engineering, provided a presentation including a slideshow of pictures to the Board explaining the project.

Ms. Campbell requested that at the next Citizens' Advisory Committee meeting, Mr. Hayden provide a presentation on Inflow and Infiltration (I&I) for the new Citizens' Advisory Committee members and new Board members.

Mr. Woody added that Ms. Sharon Harrell, Executive Assistant, is retiring. Mr. Woody acknowledged all of her accomplishments throughout her 33 years of service at the ECUA.

ITEM 11 - ATTORNEY'S REPORT

No report.

ITEM 12 – UNFINISHED BUSINESS

(a) Organizational Meeting

Mr. Perkins informed the Board that Mr. Beasley brought to his attention that in the Organizational meeting the Board did not vote on Item 7(f) Approval of Staff Advisor to the Citizens' Advisory Committee and Item 7(g) Approval of Parliamentarian and requested that the Board vote on these two items under Item 12, Unfinished Business.

7(f) Approval of Staff Advisor to the Citizens' Advisory Committee

Ms. Campbell nominated Mr. J. Bruce Woody, P.E., as Staff Advisor to the Citizens' Advisory Committee.

Motion made by Ms. Campbell, seconded by Mr. Stephens, to close the nominations for Staff Advisor.

Motion carried 5-0.

7(g) Approval of Parliamentarian

Ms. Campbell nominated Mr. Robert Beasley as Parliamentarian.

Motion made by Ms. Campbell, seconded by Mr. Stephens, to close the nominations for Parliamentarian.

Motion carried 5-0.

ITEM 13 – NEW BUSINESS

(a) The Future of Reclaimed Water Planning

Ms. Campbell stated her concerns with the future of disposal options for reclaimed water and expressed to staff that she and the Board are willing and ready to assist in any way possible. Ms. Campbell further discussed the possibility of creating a task force to look at potential disposal options and questioned what other communities are doing in this regard. Mr. Woody expressed that staff are taking initiatives on two fronts: Gulf Power and International Paper to establish backup plans, including provisions under State law referred to as the Apricot Act that allows for alternative means of discharge and other initiatives. Additionally, we are looking at the property located north of the plant and are evaluating with outside consultants for potential wetlands to supplement the spray fields that we also have.

(b) Post-Storm Yard Debris Pickup

Mr. Perkins would like to ensure that ECUA is ready for the transition from the County's hurricane debris collection to normal yard debris pickup. Mr. Woody explained that staff is prepared and the compost facility is operational.

(c) Downtown Emergency Storage Tank Project

Mr. Perkins requested an update on the Downtown Emergency Storage Tank Project. Mr. Woody explained that we are hearing from different stakeholders in the community who have different interests. The Board approved ECUA to establish a potential purchase price and a modest amount of earnest money and allow us a due diligence period where we could evaluate the property to confirm that it will meet ECUA's needs prior to executing an actual purchase. We have extended the due diligence period to an additional 60 days, largely in response to the current line of questioning that is coming our direction. We have entertained various additional property locations that have been submitted to us by the City as recommendations for other alternatives.

Mr. Beasley explained that he was part of the initial call from the City Council from the Mayor's office and one of the things he found in that initial call was a failure to realize exactly the circumstances of this project. First and foremost, this project is not a voluntary project on ECUA's part, it's rather being mandated by a consent order.

Secondly, there was a failure to understand the engineering aspects of the project. This is a reserve tank, to be used in the event of a line failure where the consequences of that failure could mirror the conditions that we experienced downtown during Hurricane Ivan. Mr. Beasley explained that he started a response that he will hand over to Mr. Woody, providing a paragraph or two on the circumstances with the tank for each Board member so that they may have the accurate and factual talking points to provide to the general public when questioned.

ITEM 14 – BOARD COMMUNICATIONS

Ms. Campbell wished the ECUA staff and all Board members a Happy Thanksgiving. Additionally, Ms. Campbell informed the Board that she has been asked to assist with a campaign regarding a voluntary elimination of the use of single-source plastic bags on Pensacola Beach and also, spoke with the Perdido Key Chamber of Commerce and they would love to be involved as well.

ITEM 15 – OPEN FORUM

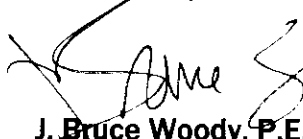
(a) Mr. Mark D. Glover, 4106 Gulf Breeze Parkway, Gulf Breeze, Florida, addressed the Board on behalf of Phoenix Claims Consulting. Mr. Mark Glover provided a presentation to the Board on Insurance Claims – Solution to Resolution due to Hurricane Sally.

Chairman Benson advised Mr. Glover to meet with our Executive Director to analyze all credentials and services Phoenix Claims Consulting has to provide.

ITEM 16 – ADJOURNMENT

There being no further business to come before the Board, Chairman Benson adjourned the meeting at approximately 5:09 p.m.

Respectfully submitted,



J. Bruce Woody, P.E.
Executive Director

APPROVED BY THE ECUA BOARD
IN REGULAR SESSION ON December 15, 2020.

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