

**MINUTES OF MEETING
ENTERPRISE COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Enterprise Community Development District was held Wednesday, October 5, 2022, at 4:00 p.m. at the District Office, 313 Campus Street, Celebration, Florida 34747.

Present and constituting a quorum were:

Jason Herrick	Chairman
Gregg Harkness	Assistant Secretary
Paul Johnson	Assistant Secretary

Also present, either in person or communications media technology, were:

Angel Montagna	Manager: Inframark, Management Division
Sarah Sandy (<i>by phone</i>)	Attorney: Kutak Rock LLP
Kathy Leo	Engineer: GAI Consulting
Renea McRoberts	Inframark, Utility Operations Division
Russ Simmons	Inframark, Management Division
Edward Smith	Inframark, Utility Operations Division

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

Mr. Herrick called the meeting to order at 4:00 p.m.

Ms. Montagna called the roll and stated a quorum was present for the meeting.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

Mr. Herrick led the *Pledge of Allegiance*.

THIRD ORDER OF BUSINESS

Public Comment Period

No members of the public being present, the next order of business followed.

FOURTH ORDER OF BUSINESS

Consent Agenda

A. Acceptance of the Minutes of the August 17, 2022, Regular Meeting

The minutes are included in the agenda package and available for public review in the District Office during normal business hours.

B. Check Register and Invoices

The check register and invoices are included in the agenda package and available for public review in the District Office during normal business hours.

On MOTION by Mr. Harkness, seconded by Mr. Johnson, with all in favor, unanimous approval was given to the consent agenda, as presented.
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FIFTH ORDER OF BUSINESS

Public Hearing for Adoption of Amendment to the Utility Operating Policies and Procedures (“OPP”), and Rate Schedule

A. Operating Policies and Procedures

Mr. Herrick stated this public hearing is due to staff’s desire to have a rate for tampering.

Mr. Harkness stated I read the policies, but the only thing I saw was that one item. That looked like the only item that changed.

Ms. Sandy stated yes. Some language was added to the OPP. The version in the agenda package should have track changes so you can see what the change was in Section 39. Some language was added, specifically the word “tamper,” just so it is clear what we are talking about. The utility staff confirmed Section 39 describes the issues and things we are dealing with that will allow us to charge a tampering fee. I also added any other violation of Section 812.14, Florida Statutes, which also deals with meter tampering in general. Utility tampering is a violation of Florida Statutes and can lead to a criminal infraction as well as allow for the utility provider to charge other fees. I wanted to make sure we also called that out in the OPP in case we need to go to that level. Hopefully we will not, but we wanted to make sure we referenced that.

B. Rate Schedule

Ms. Sandy stated the rate schedule is also included in the agenda package. What was added is shown in track changes. At the very end, we added a meter tampering fee. I put the amount of \$300 per violation. I believe we advertised \$400, but staff looked at what other providers in the area were charging. Specifically, Toho Water Authority is charging \$300. Osceola Waterworks has an escalating provision with \$200 for the first time and \$400 the second time. Polk County was in that same range, so it seems \$300 is within a range that is acceptable for this type of infraction.

Mr. Harkness stated brackets are around the \$300. Do those brackets need to be there?

Ms. Sandy stated the brackets will be removed once the rate schedule is adopted and made final. If the Board would like an amount different than \$300, we can change it.

On MOTION by Mr. Johnson, seconded by Mr. Harkness, with all in favor, unanimous approval was given to open the public hearing for adoption of amending the operating policies and procedures, and the rate schedule.

C. Public Comments

Public comments were requested. The record will reflect no members of the public were present.

On MOTION by Mr. Harkness, seconded by Mr. Johnson, with all in favor, unanimous approval was given to close the public hearing.

D. Resolution 2022-09, Amending Operating Policies and Procedures, and the Rate Schedule

Mr. Herrick read Resolution 2022-09 into the record by title.

On MOTION by Mr. Johnson, seconded by Mr. Harkness, with all in favor, unanimous approval was given to Resolution 2022-09, amending operating policies and procedures, and the rate schedule.

SIXTH ORDER OF BUSINESS

Business Matters

A. Consideration of Easement Agreement Related to the Reclaimed Water Pipeline Construction and Maintenance

Ms. Sandy stated I wanted to bring this forward to the Board. We are still working on this, and I wanted to let the Board know we are working on it. This is the suggested form. In working on this with Mr. Todd Rimmer and Mr. Christopher Jones, they are still reviewing it. I have not received comments from them at this time. The easement agreement is noted on the agenda that it is with The Celebration Company, but it is actually with the landowner, which is South Orlando-FCA, LLC. This agreement has followed what we have traditionally done in the past for utility easements. Even though The Celebration Company reserves certain rights under which they can assign this utility easement to the District, we directly enter into a utility easement agreement with the landowner. I reached out to Mr. Ed Cherry on behalf of the landowner and have not heard back from him yet. I will continue to follow up, but if we do not hear back, then we will try another route. That is the intent. If the Board so chooses, you can approve this agreement in substantial form, but it will go through some additional iterations. At this time, unless Ms. Leo believes we need to go ahead and get approval, I would hold off on this, and we will bring it back when we have further input from Mr. Rimmer, Mr. Jones, and Mr. Cherry.

Ms. Leo stated I agree. We are still a little way from needing this agreement. We are working with Reedy Creek Improvement District and are still a little way from what

needs to be done. We can take this up in another month of two. From an engineering side, I think we will get to a point where we will have drawings ready before the easements are completed.

B. Ratification of Requisition #12 for Island Village Phase 1A Forcemain Reroute

Mr. Herrick stated we are sending \$154,323.50 to Mattamy Homes for the forcemain reroute.

Ms. Leo stated this one is a little dated as far as providing it to the Board. The work has been complete for two or three months, maybe six months. This had to do with some of the site plan revisions that were needed in the first phase addressing the school site. This is the completion of that work that we discussed and are ready to accept.

Mr. Herrick asked are they building the school site?

Ms. McRoberts stated they are starting.

Ms. Leo stated Mattamy Homes provides the pad, and the school is doing the development of the site.

Ms. McRoberts stated I think Williams Construction is doing the construction.

Mr. Herrick stated the forcemain had to be rerouted to accommodate the school, not to accommodate some development.

Ms. Leo stated that is correct.

On MOTION by Mr. Harkness, seconded by Mr. Johnson, with all in favor, unanimous approval was given to ratify requisition #12 for Island Village Phase 1A forcemain reroute, in the amount of \$154,323.50.

C. Ratification of Bypass Pump Rental for Hurricane Preparedness

Ms. Montagna stated I discussed this prior with Mr. Herrick. Staff needed to make sure we had backups for all the lift stations in case we lost electricity. It was in the amount of \$18,621.

Mr. Herrick asked that bought how many? Twelve?

Ms. Montagna stated eight.

Mr. Herrick asked you think eight is enough to use during a hurricane to rotate around?

Ms. McRoberts stated yes, we have plenty. I also want to get quotes for bypass pumps that are more permanent, so maybe a couple generators and a couple bypass pumps. We have nine lift stations total that will need some type of backup, whether it is a bypass

pump or a generator. I will put something together for the Board to discuss how you want to proceed.

Mr. Herrick asked these eight will be used on those lift stations?

Ms. McRoberts stated yes. We should have had nine, but we only ended up with eight. We are fine with that; we can come out and move them around if necessary. We made sure all the high-service lift stations were covered with bypass pumps. The ones that do not have as much flow, we can work with eight and move them around.

Ms. Montagna asked those have been returned as of today?

Ms. McRoberts stated yes, they are along the fence waiting for the vendor to pick them up.

Mr. Herrick asked was this to purchase them to have our own?

Ms. Montagna stated no.

Ms. McRoberts stated this was to rent them through the hurricane. It was better to have them and not need them.

Mr. Harkness stated we might want to look at something more permanent, such as generators.

Ms. McRoberts stated I have some quotes, but they are from last year. I worked with our vendor, and they are going to shop around and see about getting us a good price. With the money we spent to rent them, we could have purchased at least one or two. Once everything calms down after Hurricane Ian, I want to get some quotes.

On MOTION by Mr. Johnson, seconded by Mr. Harkness, with all in favor, unanimous approval was given to ratify rental of the bypass pumps for Hurricane Ian, in the amount of \$18,621.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Manager

i. Financial Statements

The financial statements are included in the agenda package and available for public review in the District Office during normal business hours.

On MOTION by Mr. Harkness, seconded by Mr. Johnson, with all in favor, unanimous approval was given to accept the financial statements, as presented.

ii. Audit Engagement Letter with McDirmit Davis to Perform Fiscal Year 2022 Audit

Ms. Montagna reviewed the engagement letter with McDirmit Davis to perform the audit for fiscal year 2022, in the amount of \$9,600.

Mr. Harkness made a MOTION to approve the audit engagement letter with McDirmit Davis to perform the audit for fiscal year 2022, in the amount of \$9,600.
Mr. Johnson seconded the motion.

Ms. Sandy stated I will ask the Board to approve the engagement letter subject to District counsel's review. They tend to update their engagement letters every year, and we want to do a quick review to make sure nothing is contrary to Florida Statute that we cannot agree to.

Mr. Harkness AMENDED the motion to approve the audit engagement letter with McDirmit Davis to perform the audit for fiscal year 2022, in the amount of \$9,600, subject to final review by District counsel.
Mr. Johnson seconded the amendment.

Upon VOICE VOTE, with all in favor, unanimous approval was given to the audit engagement letter with McDirmit Davis to perform the audit for fiscal year 2022, in the amount of \$9,600, subject to final review by District counsel.

B. Field Operations

i. Field Management Reports

The field management reports are included in the agenda package and available for public review in the District Office during normal business hours.

Mr. Simmons stated nothing unusual to report this month.

Mr. Herrick asked nothing unusual after the hurricane?

Mr. Simmons stated no.

C. Utility Operations

i. Utility Report

The utility report is included in the agenda package and available for public review in the District Office during normal business hours.

Ms. McRoberts stated we secured all the lift stations, and everything went well during the hurricane through all the wind and rain.

Mr. Herrick asked did you lose power to the lift stations?

Ms. McRoberts stated we lost power at the office, but we did not lose power anywhere else.

Mr. Herrick asked did you have a ride-out group?

Ms. Montagna stated we had several afterward. Mr. Simmons was here with some of his staff, and some of the utility staff were here.

Ms. McRoberts stated we were out here Wednesday because one of the bypass pumps would not prime, so they had to come out and work on it. They were here Wednesday morning and back on Thursday to make sure everything was fine.

Mr. Herrick asked did anyone ride out the storm in this building?

Ms. McRoberts stated no.

Mr. Simmons stated the winds hit about 12:00 and then started dying down. No one slept here overnight.

Ms. McRoberts stated the wind tore some of the green screening off the chain link fence. It was minimal.

D. District Counsel

i. Teco Peoples Gas

Ms. Sandy stated I received an email from Teco, which is doing some reorganization. They are spinning off Peoples Gas into a new entity, which will be a subsidiary under Teco. They are working to assign all the easements and agreements they have with various entities. They have asked that the District agree to assign their various Peoples Gas easements. I just received this on Tuesday. I will review it. This is a slow process, so I will probably have it on the next agenda for the Board's approval.

ii. Approval of Tri-Party Succession Agreement with U.S. Bank Trust Company

Ms. Montagna stated we provided this agreement to Ms. Sandy, and she wants to delete section C.

Ms. Sandy stated the final section requested that the District state we have no event of default under the trust indenture. In general, that is likely accurate, but without doing a review of the indenture and District's finances, I do not see a reason for the District to affirmatively make that statement in order to approve and appoint a new trustee. I prefer to leave that section out. I made a few additional suggestions, but that was the most substantive.

Mr. Herrick asked do we need to approve this document today?

Ms. Montagna stated yes. it has to do with your bonds.

On MOTION by Mr. Harkness, seconded by Mr. Johnson, with all in favor, unanimous approval was given to the tri-party succession agreement with U.S. Bank Trust Company, as amended by counsel.
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E. Engineer

Ms. Leo stated we are meeting with Inframark every week or two to stay coordinated on what is going on with the system. We reviewed Phase 2A for Mattamy Homes. Permit reviews keep coming through, and we are turning those around as quickly as we can. We have coordinated with Inframark and Mattamy Homes on the booster and SCADA systems that are required in Island Village. We will have additional meetings to make sure we get the right equipment here for the system as a whole, as well as a bigger upgrade we may need. I think it will involve a computer here that we will need. You will be seeing that at a future meeting. Part of it is also related to Mattamy Homes.

Mr. Herrick asked you do not have a central computer?

Ms. McRoberts stated yes, we have a computer here. In fact, it is getting upgraded, and we are bringing in a laptop, as well. So when the utility staff is out in the field, they can troubleshoot anything through the SCADA system on the laptop.

Mr. Herrick asked is it mostly monitoring, or can you control it from here?

Ms. McRoberts stated we can communicate with it. We cannot control the panels, but we can communicate with it.

Mr. Harkness stated you can see what it is saying, but you cannot turn anything on or off.

Ms. McRoberts stated that is correct. They have put a quote together to do upgrades on all the SCADA system. We have not received it yet.

Mr. Smith stated they are still working on it. I think it will be about the same. I was expecting to have it by today.

Ms. McRoberts stated we are working on that now so we can get the SCADA system done at once. Since we are putting it in Island Village, we wanted it all to be done at the same time so all the lift stations are on the same level.

Ms. Leo stated we had a meeting about a month ago with Inframark and Toho Water Authority regarding operation of the master lift station. Their intent is to help solve the rag problem and get that to require less maintenance. One of the interesting things that came out of that meeting, as a sidebar, was a request for projections for the rest of the project. That is something I will look into to make sure we have the District's boundaries correct for utility service area, which include west of I-4. I will get with The Celebration Company to see if they have anything to provide.

F. District Representative

There being no report, the next item followed.

G. Mattamy Homes/Island Village)

There being no report, the next order of business followed.

EIGHTH ORDER OF BUSINESS

Other Business and Supervisor Requests

There being none, the next order of business followed.

NINTH ORDER OF BUSINESS

Adjournment

The next meeting is scheduled for Wednesday, November 2, 2022, at 4:00 p.m.

On MOTION by Mr. Johnson, seconded by Mr. Harkness, with all in favor, the meeting adjourned at 4:25 p.m.
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Angel Montagna, Secretary

Chairman/Vice Chairman