

Minutes of TIFA LLC Meeting  
October 21, 2021  
11:00 a.m.  
City of Titusville City Hall, Council Chamber  
Second Floor  
555 S. Washington Avenue Street  
Titusville, Florida

Persons in Attendance

Robbie E. Lee, Jr., Miami Corporation Management, LLC, TIFA Management Committee Member  
Jim Ball, City of Titusville, TIFA Management Committee Member  
Sean Stauffer, City of Titusville, Water Resources Director  
Richard Broome, City of Titusville, City Attorney  
Pat Gagliardi, Farnton Water Resources (by telephone)  
Daniel Laughlin, GMS LLC

Daniel Laughlin conducted the meeting.

**Roll Call**

**Action Items**

**I. Approval of the Minutes of the TIFA LLC Meeting of September 30, 2021 (Presenter: Daniel Laughlin)**

Member Ball moved to approve the April 19, 2021 meeting minutes as presented. Member Lee concurred and the motion passed.

**Financial Items and Reports**

**II Presentation of Second Quarter Financial Statements (Presenter: Pat Gagliardi)**

Ms. Gagliardi presented the second quarter financial statements.

Member Ball asked why is the insurance \$10,000 over the budgeted amount?

Ms. Gagliardi stated, when we approved the insurance policies, the insurance had increased significantly and we were having difficulty finding coverage so we are going to be starting the budget for next year and we will be having a meeting in the next few weeks to start looking at self-insurance for 2022 and how we go about doing that. Insurance has been a difficult issue for a number of years and it has been going up exponentially each year.

Member Ball asked are we allocating that increase over the months is that a flat amount?

Ms. Gagliardi stated, yes and the renewal is in the March/April timeframe. When we prepare the budget in the fall we don't have the numbers for the next year.

Member Ball asked under managing agent fees, is that a flat amount every month? Is that a regular amount?

Ms. Gagliardi stated, yes, it is \$25,000 per year and we pay it in monthly installments. Going back to the insurance, we discontinued the member distributions to increase our cash assuming that in order to self-insure we will have some kind of reserve on hold for cash to be able to fund any issues that arise. My initial guess is for the market for 2022 you won't see insurance expense we will just maintain a higher cash balance and have reserves in order to self-insure. Helen is speaking with some people to get a feel for what level that balance needs to be.

Member Ball moved to accept the second quarter financial statements. Member Lee concurred and the motion passed.

### **III. Ratification of Expenses Paid from Operating Account and Request for Reimbursement (Presenter: Daniel Laughlin)**

Member Ball moved to ratify the expenses paid from the operating account and request for reimbursement in the amount of \$10,704.49. Member Lee concurred and the motion passed.

Member Ball stated, I wanted to follow-up and Sean did send me an email and there has been some follow-up on the whole discussion about credit card accounting and such at the last meeting. I'm pretty satisfied with that, I just wanted to understand if we have come up with anything better than just hoping that the mailed invoice for credit card charges reaches the offices of GMS in time for a timely payment. I'm not interested in going online every month as the authorized representative and downloading a copy and sending it to GMS. Is there a simpler way of getting them a more expeditious soft copy of the charges?

Ms. Gagliardi stated, the only way to get online access is for the authorized officer to enroll then view. However, I think it might be helpful, Daniel, if you can have Katie put a memo on her calendar that if she doesn't receive the credit card statement by a certain date then we could call the bank. There is a fee to get a duplicate statement, but we could get it electronically. I think the key is to make sure a week and a half before the due date and I assume it is due the same time every month, that if Katie doesn't receive the statement then she needs to notify us so that we can contact the bank and get a statement from them proactively before the due date.

Mr. Laughlin stated, I will have that discussion with her.

Member Ball asked do they send that with a regular stamp? It just goes through first class mail and we can all appreciate the challenges of the post office. You don't move offices regularly do you?

Mr. Laughlin stated, no, our North Florida office has been there over 10-years.

Member Ball stated, given the interest rate charge on that account I think it should be our policy that we never do not pay the outstanding balance before the due date to avoid any interest charges or late fees.

## **Staff Reports/Informational Items**

### **IV. Discussion of Public Comment Procedure**

Mr. Laughlin stated in the agenda packet is a blanket policy used in some of the districts.

Mr. Broome stated, I think this follows the statute, 286, which we have in our procedures to follow.

Mr. Laughlin stated, Member Ball faxed some revisions and comments on it.

Member Ball stated, I think Richard may have some as well.

Mr. Broome stated, of course this would be tabled so instead of district board of supervisors it would be TIFA management committee. The other thing is we do not have a presiding officer so instead of presiding officer, we would say the board. One thing to think about is they have a restriction of time limit of one-hour, I don't know that is necessary.

Mr. Laughlin stated, I agree.

Mr. Broome stated, I'm looking at paragraph C in the middle it says, public comment on a particular proposition shall be limited to a total of one-hour. I don't like limiting conversation so I would delete that. Just tailor it to the name of our committee. Section 3 talks about district manager and resolution and that would not be applicable to this. This provides for comments on agenda items, but I believe it is appropriate to have an overall public comment period at the end if someone wanted to discuss something with you that was not on the agenda that would be the opportunity to do that. I think it is appropriate to have a general public comment period.

Member Ball stated I don't disagree with that, but I would put some caveat on that. You will see where I'm coming from in my comments. I did pen some suggested approaches in this and I will go through them so you can hear them. I agree with Richard about we need to tailor the name to whatever is appropriate for us and the management board, management committee, whatever it is. With regard to the presiding officer, that is a good comment, I do think somebody is in charge of this meeting, chairing this meeting and if that is the managing agent, is it inappropriate for the managing agent to be the designated individual that says, times up you are out of order.

Mr. Broome stated, he can say times up, but the question whether someone is out of order or gets additional time, I think would be a call for the board. We can discuss that further. That is why if one of you wants to give more time there would be a motion and a second to do that or if someone is out of order you can say you are not relevant you need to be relevant. Have a motion and a second or do we want to name a presiding officer and alternate? Right now we go with the board now and have that discussion later about that.

Mr. Laughlin stated, typically it is comments and the board doesn't have to answer but if they choose to, sometimes I will ask do you want to allow this resident then the board may decide yes or not.

Member Ball stated, that is okay, as you know we just need somebody to be able to definitively say your time is up.

Mr. Stauffer stated, I did want to add one thing. Very early on when TIFA was started, the first few meetings we had they used to switch the presiding officer position between the two members. I don't think they used the term presiding officer but there was a handoff between the two about who was the leader of that meeting.

Ms. Gagliardi stated, I do think for GMS that the managing agent can track the time because the managers are listening.

Mr. Laughlin stated, I can do that. I do that at my other meetings.

Member Ball stated, that all makes sense. To the extent we should say who is administering this, it is probably a worthwhile thing to do.

Mr. Broome stated, you can say the chair and decide we have a chair.

Member Ball stated, I'm okay with alternating chairs if a decision point is required and let the managing agent be the facilitator of the agenda and the discussion. What I'm recommending under C is that we pick that first sentence, Member of the public shall each be limited to three (3) minutes in which to address the board regarding a particular proposition or matter. Then I would strike everything else out that is in that paragraph right now but would add at the end of that first sentence, something to the effect of, a speaker may be allowed additional time to be specified at the discretion of the board to be specified, which means that we would say we will give you another 3-minutes or another 5-minutes.

Mr. Broome stated, you need to treat every speaker the same.

Member Ball asked, can you craft something out of that discussion?

Mr. Broome stated, you can look at the city policy.

Mr. Laughlin stated, it would be more of a legal thing.

Member Ball stated, you would say that we can't be arbitrary about how much additional time to give unless we are arbitrary to saying every time.

Member Lee stated, it may be easier to say 3-minutes and call it a day.

Member Ball stated, may be allowed an additional 3-minutes and leave it at that.

Mr. Broome stated, then you are tied to that.

Member Lee stated, I would rather leave it at 3-minutes.

Mr. Broome stated, if there is only one speaker and they ask for an additional minute, you can grant that.

Member Ball stated, my comment was to have a baseline of 3-minutes, but we have the discretion to allow additional time.

Mr. Broome stated, some items may be worthy of more discussion.

Member Ball stated, additional time to be specified.

Mr. Broome stated, we can have that but at the meetings I will tell you that you need to give everybody the same time.

Member Ball stated, that sounds great. I think on D you can see that is not bad, as determined appropriate by the board, individuals desiring to address on a particular proposition or matter shall sign a public comment sheet providing his or her name, etc. Obviously, if we have one person here we don't need to have that.

Mr. Laughlin stated, typically in other meetings I have a sign-in sheet and people sign in as they come and it helps the recording secretary when they do that they have the name and interest.

Member Ball stated, then we are onto additional policies governing the reasonable opportunity to be heard at a board meeting. I think I was fine with (1) that just reiterates that an individual is going to be recognized and prior to proceeding shall state his or her name and address for the public record. I would like to see us do a sentence at the end of (2) or give it another number. What is there now is, all remarks or comments shall be addressed to the board as a body and not to any particular member thereof or to any member of district staff. I agree with that. I would like us to have this sentence something like this, all remarks or comments shall be relevant to the proposition or matter under consideration by the board and shall be limited to actions within the authority and jurisdiction of the board. We don't want to spend time on something we have no jurisdiction or authority to address.

Mr. Broome stated, I think you handle it when you say, shall be relevant, because they wouldn't be here if it wasn't under your jurisdiction.

Member Ball stated, we can see a big stretch of what is relevant by certain individuals that are very talented at doing that. I would like to be explicit, that if we don't have the authority or jurisdiction as TIFA to do anything about it why should we be obligated to have public comment on that kind of topic.

Mr. Broome stated, that is with regard to agenda items. We talked about having that additional general, open, public comment period.

Mr. Laughlin stated, I have had it where residents bring up things such as there is a pothole in the road or something and that is a county responsibility call public works and they will fix it or that is an HOA item that is a separate entity, we don't handle that.

Member Ball stated, here is an example, somebody says I think you should dismiss the water resources director of the City of Titusville because he is not doing his job.

Mr. Broome stated, I think you let them say that and then say that is not anything we can do.

Mr. Laughlin stated, or say thank you for your comment.

Member Ball stated, but we have to listen to 3-minuts of that.

Mr. Laughlin stated, you can say thank you for your comment, you don't have to respond, it is a comment section not a Q&A.

Member Ball stated, I would rather say that is out of order. But the path of least resistance is to listen. You are okay with that sentence with respect to items that are on the agenda.

Mr. Broome stated, yes.

Member Ball stated, we will let Daniel work on a redraft. Under F the requirements of this policy above do not apply to an official act that must involving no more than a ministerial act, including but not limited to, the approval of minutes, I suggest we add, staff reporting of informational items requiring no action including responses to board questions or taskings. That is not an action of the board, we are just getting a staff report.

Mr. Broome stated, but those are not prime positions. No action required, that is not a proposition for you.

Member Ball stated, I took a look at 286 again.

Mr. Laughlin stated, these are statutes I mentioned, I don't know if we follow.

Mr. Broome stated, our operating agreement requires we follows these.

Member Ball stated, but a meeting that is exempt from the requirement, that the only exception is if you are in litigation.

Mr. Broome stated probably. There are certain things, but that is why we quote the statute. Under 6.3 meetings of the management committee, meetings of the company are required to be held in accordance with Chapter 286 and subject to Chapter 119.

Mr. Laughlin stated, I will work on this with Richard and get a finalized draft.

Mr. Broome stated, we can bring it back and vote to adopt this as the policy. In the interim we will follow 286, which is any proposition before this board we give the opportunity to speak.

Mr. Laughlin stated, we will have something back at the next meeting.

Member Ball stated, somewhat related is we post, I had never gone to the website to see what is on there and I scrolled down. We do have the potential for public accessing the website and may take a greater interest in TIFA in the future than they have so far. I thought that Sean's overview of TIFA that he presents to the city council as an information brief is excellent and we might want to consider giving that to GMS to post on the website. The casual person going to that

website would have no clue as to why we have TIFA, where it came from or what it is and Sean can look at his slides again and consider whether there are any that shouldn't be in that pitch but I think it is a good pitch.

Mr. Stauffer stated, I will do that.

Mr. Laughlin stated, I just received an email from the IT two days ago and didn't add it to the agenda, but they had a proposal for ADA compliance. In our districts we had to change everything to be ADA compliant. I plan to add it to the next agenda. I assume this is something we would want to look into. The proposal was \$1,750 to convert the whole website and make everything ADA compliant.

Ms. Gagliardi asked, the public comment policy will you be preparing a draft that will go to the Chicago office as well?

Mr. Laughlin stated, yes I will work on it with Richard and send it out to everybody ahead of time.

Member Ball asked should we get from counsel a clear list of what is exempted under the statute?

Mr. Broome stated, there are a lot of exemptions throughout the statute. It is not in one location.

Mr. Laughlin stated, it would probably be easier to list it as the statute.

Mr. Broome stated, the only thing that I can think of is which wouldn't apply here as far as litigation, certain discussions about security measures or procedures and for counsel union negotiations and strategies. Other than that we don't get in default.

Member Ball asked any reports that we get from the Colinas Group, are those considered public documents or not, well sampling, data?

Mr. Stauffer stated, yes, that would be public it is just the locations of the wells.

Mr. Broome stated, we would redact the locations from any request for documentation.

Member Ball stated, the data I requested and you furnished to both of us on well monitoring. There is a map with specific locations to the wells.

Mr. Stauffer stated, we will get that redacted.

Member Ball stated, if it is going to be posted. On the topics discussed in the city call or the TIFA conference call, I didn't know what a VFD is. What is in the inventory?

Mr. Stauffer stated that stands for variable frequency drive. That is a device that slowly ramps the motor up and down based off of need.

Member Ball stated, I think at the last meeting we had a discussion about the total coliform positive testing. There was going to be a retest.

Mr. Stauffer stated, that was retested the following day and everything came back clean. We are back up and running.

Member Ball stated, I will note for the record because I had asked on the status of the monitoring and you had said at the last meeting it looks like everything is stable with the wells we have been most concerned about.

Mr. Stauffer stated, yes.

Member Ball stated, and no further mitigation actions were recommended at this time.

Mr. Stauffer stated that is correct.

## **Other Business**

## **Public Comment**

## **Next Scheduled Meeting**

Mr. Laughlin stated Sean had talked about have a set scheduled meeting.

Mr. Stauffer stated this is a very popular meeting place and the best thing we can do is set a standing meeting so we get on the calendar and then adjust as necessary.

Mr. Laughlin stated it is set for every third Thursday of the month.

Ms. Gagliardi stated that won't work for November, we will be presenting the budget and that preparation is just starting now. For the budget meeting we try to make it later in the month. We are looking at November 30<sup>th</sup> and if that doesn't work then November 23<sup>rd</sup>.

Mr. Laughlin stated, if we have it on the 30<sup>th</sup> can we meet at 11:30 because we are doing the meter read that day.

Ms. Gagliardi asked Sean, will that work for presentation to the city?

Mr. Stauffer stated, yes, I believe so.

The next meeting will be held November 30, 2021 at 11:30 am.

## **Open Items**

## **Adjournment**

Member Ball moved to adjourn the meeting at 11:37 a.m. Member Lee concurred and the meeting adjourned.