# Indian River County Florida

*Indian River County Administration Complex*
*1801 27th Street, Building A*
*Vero Beach, Florida, 32960-3388*
*www.indianriver.gov*

## Meeting Minutes - Final

**Tuesday, June 18, 2024**

**9:00 AM**

**Commission Chambers**

## Board of County Commissioners

***Susan Adams, District 1, Chairman***
***Joseph Flescher, District 2, Vice Chairman***
***Joseph H. Earman, District 3***
***Deryl Loar, District 4***
***Laura Moss, District 5***

**John A. Titkanich, Jr., County Administrator**
**William K. DeBraal, County Attorney**
**Ryan L. Butler, Clerk of the Circuit Court and Comptroller**

## 1. CALL TO ORDER

**Present:** 5 - Chairman Susan Adams
Vice Chairman Joseph Flescher
Commissioner Joe Earman
Commissioner Laura Moss
Commissioner Deryl Loar

## 2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS AND MEMBERS OF THE ARMED FORCES

## 2.B. INVOCATION

**Pastor Joe Moore, Rivers of Living Water RHEMA Word Ministries**

## 3. PLEDGE OF ALLEGIANCE

**Commissioner Deryl Loar**

## 4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Moss, to approve the Agenda as amended, cancelling Item 10.B.1. The motion carried by the following vote:**

**Aye:** 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

## 5. PROCLAMATIONS and PRESENTATIONS

**5.A.** 24-0473 Proclamation Recognizing Juneteenth

***Recommended Action:*** Read & Present

***Attachments:*** Proclamation

*[Clerk note: This Item was heard following Item 5.B*

Members of the Hart family, including Victor Hart Sr., appeared before the Board to accept the recognition of Juneteenth on behalf of the County's residents. Mr. Hart noted that the State of Florida had a statewide day of recognition for emancipation on May 20th, and Juneteenth was the national day of recognition.

Deputy County Administrator Michael Zito informed there would be a celebration at the Victor Hart Community Enhancement Complex on Saturday, June 22nd.

**Read and Presented by Vice Chairman Flescher**

**5.B.** 24-0486 Recognition of UF/IFAS Extension Indian River County Volunteers

***Recommended Action:*** No action required

***Attachments:*** Staff Report

Representatives from the volunteers at the UF/IFAS Extension program in Indian River County were present to receive recognition for their volunteer work. Director Andrea Lazzari noted that the volunteers provided over 9,000 hours of their time to Extension programs, effectively doubling staff time. Master Gardener and 4H program volunteers shared their stories and interests.

Chairman Adams expressed her appreciation for the variety of programs and contributions made to the County's residents, noting this was one of the most active Extension offices in the state.

**No Action Taken or Required**

## 6. APPROVAL OF MINUTES

## 7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION

**7.A.** 24-0480 Designating the Month of July 2024, as Parks & Recreation Month and July 19, 2024, as Parks and Recreation Professionals' Day

***Recommended Action:*** Informational; no Board action required

***Attachments:*** Proclamation

Chairman Adams made mention of staff's hard work and dedication to their jobs.

**No Action Taken or Required**

**7.B.** 24-0491 SWDD Closures and Collection Service Changes for the 4th of July Holiday

***Recommended Action:*** For informational purposes only - no action required

***Attachments:*** Staff Report
4th of July garbage pick up 2024

**No Action Taken or Required**

## 8. CONSENT AGENDA

**A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to approve the Consent Agenda as amended, pulling Item 8.H. for discussion. The motion carried by the following vote:**

**Aye:** 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

**8.A.** 24-0477 Miscellaneous Budget Amendment 05

***Recommended Action:*** Staff recommends the Board of County Commissioners approve the budget resolution amending the fiscal year 2023-24 budget.

***Attachments:*** Staff Report
2023 2024 Resolution
Exhibit "A"

**Approved Resolution 2024-027, amending the fiscal year 2023-2024 budget.**

**8.B.** 24-0483 Approval of Final Ranking and Award of RFQ 2024035 Derelict Vessel Removal

***Recommended Action:*** Staff recommends the Board approve the final ranking of Contractors, award RFQ 2024035 to Outlaw Maritime, LLC, Summerlins Marine Construction, LLC, Underwater Engineering Services, Inc, and Absolute Boat Towing & Salvage, Inc, approve the sample agreement, and authorize the Chairman to sign the agreements, after review and approval by the County Attorney as to form and legal sufficiency, and after receipt and approval of the required insurance by the Risk Manager

***Attachments:*** Staff Report
Agreement

**Approved staff's recommendation**

**8.C.** 24-0484 Award of Bid 2024045 for Trans Florida Rail Trail Boardwalk Repairs

***Recommended Action:*** Staff recommends the Board award Bid 2024045 to Southeastern Marine Services Group, Inc., approve the agreement, and authorize the Chairman to sign the agreement after receipt and approval of the agreement by the County Attorney as to form and legal sufficiency, after the Contractor has provided proof of registration in the Department of Homeland Security's E-Verify Database, and after receipt and approval of the required insurance by the Risk Manager.

***Attachments:*** Staff Report
Agreement

**Approved staff's recommendation**

**8.D.** 24-0497 Award of Bid 2024042 - Annual Bid for Sod

***Recommended Action:*** Staff recommends the bid 2024042 be awarded to Natures Keeper, Inc. as primary contractor and Fullers Lawn Care & Pressure Washing, Inc, as secondary contractor and authorize the Purchasing Division to issue blanket purchase orders with the selected contractors. Staff also recommends the Board authorize the Purchasing Manager to renew this bid at the same rates for two (2) additional one (1) year periods subject to satisfactory performance, vendor acceptance, and the determination that renewal of this annual bid is in the best interest of Indian River

County.

***Attachments:*** Staff Report

**Approved staff's recommendation**

**8.E.** 24-0500 Waiver of Bid Requirement for 911 Cybersecurity Services

***Recommended Action:*** Staff recommends the Board waive the requirement for bids, and authorize the Chairman to execute the agreement, after review and approval by the County Attorney as to form and legal sufficiency.

***Attachments:*** Staff Report

**Approved staff's recommendation**

**8.F.** 24-0475 Resolution Cancelling Taxes on Property Acquired By County From Diackamann Cavalier; TWR AS CST For Ebury Fund 2FL, LLC

***Recommended Action:*** Authorize the Chairman of the Board of County Commissioners to execute the Resolution to cancel certain taxes upon the property acquired by Indian River County for affordable housing, and the Clerk to send a certified copy of the Resolution to the Tax Collector and the Property Appraiser so that any delinquent or current taxes can be cancelled.

***Attachments:*** Staff Report

Resolution Cancelling Taxes - Cavalier

240424 Certificate of Title - Cavalier

**Approved staff's recommendation and Resolution 2024-028, cancelling certain taxes, pursuant to Section 196.29, Florida Statutes.**

**8.G.** 24-0481 Approval of the First Amendment to the Lease Agreement between Florida Inland Navigation District and Indian River County for the Recreational Use of Lands within the Dredged Material Management Area IR-14

***Recommended Action:*** Staff respectfully requests that the Board of County Commissioners approve the First Amendment to the Lease Agreement between Florida Inland Navigation District and Indian River County for the Recreational Use of Lands within the Dredged Material Management Area IR-14 and authorize the Chairman to execute the First Amendment to the Agreement after review and approval by the County Attorney.

***Attachments:*** Staff Report

Original Agreement - IRC-FIND Lagoon Greenway

IR-14_LeaseAmendment1_IRC_2024

Exhibit A - Map 2024

**Approved staff's recommendation**

**8.H.** 24-0482 Approval of a Resolution of the Board of County Commissioners Approving and Accepting the Final Environmental Lands Program Guide, and Establishing the Environmental Lands Acquisition Panel

***Recommended Action:*** Staff respectfully requests that the Board of County Commissioners Approve the Resolution which Approves and Accepts the Final Environmental Lands Program Guide, and Establishes the Environmental Lands Acquisition Panel, and authorize the Chairman to execute said Resolution.

***Attachments:*** Staff Report

Resolution Adopting ELAP

Director of Parks, Recreation, and Conservation Beth Powell presented the request from the Environmental Lands Acquisition Panel (ELAP) to lower the quorum requirement to six members, down from seven. Members of the Panel made the suggestion after experiencing difficulty reaching quorum, resulting in delays to conducting business. Chairman Adams noted that six people was still a majority of the nine ELAP members.

Deputy County Attorney Susan Prado informed that County Code required a new Resolution setting forth the regulations for the ELAP.

**A motion was made by Vice Chairman Flescher, seconded by Chairman Adams, to approve staff's recommendation and Resolution 2024-029, approving and accepting the final Environmental Lands Program Guide, and establishing the Environmental Lands Acquisition Panel. The motion carried by the following vote:**

**Aye:** 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

**8.I.** 24-0485 Pellegrino and Michelle Barone's Request for Affidavit of Exemption (AOE) Approval with Dedications to the County for the Barone 12th Street AOE [AOE-21-10-03 / 2020110039-90401]

***Recommended Action:*** Staff recommends that the Board of County Commissioners accept the dedication of the limited access easements and authorize the chairman to execute the Barone 12th Street Affidavit of Exemption.

***Attachments:*** Staff Report
Location Map
AOE Layout Plan

**Approved staff's recommendation**

**8.J.** 24-0487 Approval of FWC Grant for Indian River County Derelict Vessel Removal Project

***Recommended Action:*** Staff recommends the Board of County Commissioners authorize the Chair to sign and execute Contract 24030 in the amount of $33,600.00 on behalf of the County

***Attachments:*** Staff Report
FWC 24030 IRC DV Removal Agreement
Summer 2024 IRC DV Removal Map

**Approved staff's recommendation**

**8.K.** 24-0489 Easement for Florida City Gas Regulator Station

***Recommended Action:*** Staff recommends the Board of County Commissioners approve the 0.096 acre permanent easement to Florida City Gas in accordance with the attached legal sketch and description, authorize the County Attorney's office to finalize the attached legal easement documents to record the approve easement, and to authorize the Chair to execute the final legal documents to effectuate the granting of the approved amended easement

***Attachments:*** Staff Report
EXHB A_IndianRiverCounty
EXHB B_IndianRiverCounty-Aerial
EXHB C_IndianRiverCounty-Aerial2
EXHB D_FCG Easement A for GasRegStn

**Approved staff's recommendation**

**8.L.** 24-0457 Award of Bid No. 2024046 Waters Edge Culvert Replacement (IRC-2201)

***Recommended Action:*** Staff recommends the project be awarded to Timothy Rose Contracting, Inc. in the amount of $1,366,739.45. Staff further recommends the Board approve the sample agreement and authorize the Chairman to execute said agreement after review and approval of both the agreement and required Public Construction Bond by the County Attorney as to form and legal sufficiency, and the receipt and approval of required insurance by the Risk Manager.

***Attachments:*** Staff Report

Sample Agreement

**Approved staff's recommendation**

**8.M.** 24-0490 Sporting Clays Facility Improvements (IRC-1847) Final Payment, Release of Retainage and Change Order No. 1

***Recommended Action:*** Staff recommends approval of Change Order No. 1 and payment of Contractor's Application for Payment No. 1847-5 to GRSC, Inc. in the amount of $39,635.59 for final payment and release of retainage.

***Attachments:*** Staff Report

Change Order No. 1

**Approved staff's recommendation**

**8.N.** 24-0461 Ixora Park Infrastructure Improvements, Final Ranking of Design-Build Teams for RFQ 2024030 and Amendment No.1 to Agreement No. LPA0306, IRCDUS Project ID 41.23.548

***Recommended Action:*** Staff recommends that the Indian River County Board of County Commissioners approve the final ranking of teams, and authorize negotiations with the top ranked team, as well as subsequently ranked teams, should negotiations with the top ranked team fail. Staff also recommends approval of Amendment No.1 to Agreement No. LPA0306 between Florida Department of Environmental Protection and Indian River County and authorize the Chair to execute it after approval by the County Attorney as to form and legal sufficiency

***Attachments:*** Staff Report

Amendment to Agreement No LPA0306

**Approved staff's recommendation**

**8.O.** 24-0493 Authorization Request for Staff to Apply for Funding Through FDEP's Water Quality Protection Grant Program

***Recommended Action:*** The recommendation of staff is for the Board of County Commissioners to authorize Staff to apply for Water Quality Protection Grant for Non-Point Source Management prior to the June 30, 2024 deadline.

***Attachments:*** Staff Report

**Approved staff's recommendation**

**8.P.** 24-0494 Amendment No. 3 to Work Order No. 14 to Bowman Consulting Group, Ltd., and Payment to Escape Ranch for North County 24-Inch Force Main Replacement, IRCDUS Project ID: 21.23.503

***Recommended Action:*** Staff recommends the Indian River County Board of County Commissioners approve Amendment 3 to Work Order 14 to Bowman Consulting Group, Ltd., for bid document revisions and off-site gopher tortoise relocation in the amount of $13,815.00, and authorize the Chair to execute Amendment No. 3 to Work Order 14, after review and approval by the County Attorney as to form and legal sufficiency, and authorize staff to make payments for the management and monitoring fees when due. So long as there are no changes in the dollar amounts under the amounts approved, upon adequate completion of the work set forth in the work order, staff is directed to make final payment to Bowman Consulting Group, LTD after review and approval by the Purchasing Manager and the County Attorney’s Office. Staff also recommends the Board waive the requirement for bids for the physical relocation of gopher tortoises from the site, in the not to exceed amount of $126,000, and authorize the Purchasing Division to issue a purchase order, after review and approval of Escape Ranch as a vendor by the Purchasing and Risk Management Divisions, and the Comptroller.

***Attachments:*** Staff Report
Bowman Amendment 3 to WO 14
Email re estimate for gopher tortoise management and monitoring fees

**Approved staff's recommendation**

**8.Q.** 24-0495 First Amendment to the Agreement Pertaining to RFP 2024005, Comprehensive Utility Rate Study, to Stantec Consulting Services, Inc. for Additional Community Engagement Marketing Services

***Recommended Action:*** Staff recommends the Board approve the amendment to the agreement and authorize the Chairman to sign, after review and approval by the County Attorney as to form and legal sufficiency.

***Attachments:*** Staff Report
First Amendment to Agreement

**Approved staff's recommendation**

**8.R.** 24-0499 Final Ranking of Firms and Selection of HDR Engineering, Inc. for RFQ 2024039 Integrated Water Master Plan for the Department of Utility Services, IRCDUS Project ID 00.23.547

***Recommended Action:*** Staff recommends that the Indian River County Board of County Commissioners approve the final ranking of firms and authorize negotiations with the top ranked firm, and the subsequently ranked firms should negotiations with the top ranked firm fail.

***Attachments:*** Staff Report

**Approved staff's recommendation**

## 9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

**9.A.** [24-0478] Supervisor of Elections Leslie R. Swan re: Request to Roll Back Revenue Into 23/24 Budget

***Recommended Action:*** Request to Approve

***Attachments:*** Supervisor of Elections Memorandum

Supervisor of Elections Leslie R. Swan requested approval to roll over revenue received from petition verifications and date list preparation back into the department's fiscal year 2023-2024 budget. Ms. Swan informed the funds would be used to create a wrap for a donated truck used to deliver election equipment across the County.

**A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to approve the Supervisor of Elections' request to roll-over payments from petition verification and data list preparation back into the 2023-24 fiscal year budget to produce truck wrap graphics. The motion carried by the following vote:**

**Aye:** 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

## 10. PUBLIC ITEMS

### A. PUBLIC HEARINGS

### B. PUBLIC DISCUSSION ITEMS

**10.B.1.** 24-0467 Request to Speak from Bill Rigby re: RFP Policies

***Recommended Action:*** No Action Required

***Attachments:*** Request to Speak B. Rigby

**Speaker not present**

### C. PUBLIC NOTICE ITEMS

**10.C.1.** 24-0507 Permission to Advertise for 74th Avenue Property Exchange on July 2, 2024

***Recommended Action:*** Staff recommends the Board of County Commissioners authorize staff to proceed with the required advertisements for the property exchange.

***Attachments:*** Staff Report

Sketch of 74th Avenue

County Attorney Bill DeBraal read the public notice into the record.

**No Action Taken or Required**

## 11. COUNTY ADMINISTRATOR MATTERS

**11.A.** 24-0504 Approval of AM-202.4 At-Will Employment Policy, Amendment to AM-212.1 Termination, Amendment to AM-801.1 Behavior of Employees; Amendment to AM-804.1 Customer Service; Amendment to AM-807.1 Disciplinary Process

***Recommended Action:*** Staff respectfully requests the Board of County Commissioners approve AM-202.4 At Will Employment policy; amendment to AM-212.1 Termination policy; amendment to AM-801.1 Behavior of Employees policy; amendment to AM-804.1 Customer Service policy; and amendment to AM-807.1 Disciplinary Process policy.

***Attachments:*** Staff Report
AM-202.4 - At Will 2024 Draft
AM 212.1 - Termination April 2024 Draft
AM- 801.1. Behavior of Employees 2024 Draft
AM-804.1. Customer Service 2024 Draft
AM-807.1 - Disciplinary Process 2024 Draft

Before starting his presentation, County Administrator John Titkanich took a moment to introduce the newly hired County Administration Ombudsman, Amber Riviere.

Utilizing a PowerPoint presentation, Administrator Titkanich detailed the County's new at-will employment policy (policy). The policy affected approximately 90 managerial and Board support staff members whose reclassification was defined under County policy AM-202.4. The presentation included details of the revised termination process, other policy modifications, and common myths regarding at-will employment. The Administrator noted the motivation for change was consistency with other government agencies and with the County's strategic planning goals which emphasized service and accountability.

The Board weighed in with their questions and comments. Commissioner Loar entered into lengthy discussion with Administrator Titkanich on the topics of process, reassuring staff, benefits such as severance pay to the employees effected, and successful transitioning. The other Board members agreed and added their support for providing a tool to help ensure consistency, cohesion, and quality customer service.

County Attorney Bill DeBraal informed of possible exposure to the County as employees would lose rights covered under progressive discipline. It was noted that the policy was approved by the County's labor attorney and was consistent with similar government agencies.

The Chairman opened the Item for public discussion. Deputy County Attorney Susan Prado stated her concerns and received assurance regarding protections against illegal or unethical supervisor requests, and state law regarding proper limitations for firearm possession at Board meetings.

Vice Chairman Flescher requested adding to the record the County's labor attorney's memorandum stating the policy was legally sufficient and complied with state and federal employment laws.

**A motion was made by Commissioner Moss, seconded by Commissioner Earman, to approve staff's recommendation. The motion carried by the following vote:**

**Aye:** 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

The Chairman called for a recess at 10:15 a.m., and reconvened at 10:25 a.m. with all members present.

## 12. DEPARTMENTAL MATTERS

### A. Community Services

### B. Emergency Services

### C. Human Resources

**12.C.1.** 24-0503 Group Insurance Recommendations for Plan Year 2024/2025

***Recommended Action:*** Staff recommends and respectfully requests the Board of County Commissioners approve staff's recommendation for the plan year beginning October 1, 2024 through September 30, 2025 to include continuing existing benefits without increase in premiums; to include continuation of our pharmacy benefits with Express Scripts through RXBenefits with improved pricing; continuation of our Health Advocacy benefits through Health Advocate at a rate of $1.37 per employe per month (PEPM) an increase of $0.12 or 10%, or $2,412 annually; to authorize staff to take the necessary actions in support of implementing the approved actions and authorizing the Board Chair to execute necessary documents related to the approved benefits after review and approval by the County Attorney for legal sufficiency.

***Attachments:*** Agenda Item - Group Insurance Recommendation for FY2024-25 final

Human Resources Director Suzanne Boyll appeared before the Board with an update to the County's group insurance plan and recommendations for the coming 2024/2025 plan year. Ms. Boyll's presentation began with a recap of the

County's paid benefits available to employees. She continued her presentation with projections for no additional funding requirements for the medical and pharmacy plans, a rate hold on service fees, and no premium increases for the self-funded dental plan. There were additional rate holds on virtually all other health benefits, with the exception of a $.12 per-employee per-month increase for Health Advocate services.

The Board added their commendations for the vigilance and hard work Human Resources put into ensuring the best, lowest cost benefits for employees.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Loar, to approve staff's recommendation The motion carried by the following vote:**

**Aye:** 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

## D. Information Technology

## E. Natural Resources

## F. Office of Management and Budget

## G. Parks, Recreation, and Conservation

## H. Planning and Development Services

## I. Public Works

## J. Utilities Services

**12.J.1.** 24-0488 Sea Oaks Property

***Recommended Action:*** Staff requests the Board of County Commissioners declare the property as surplus property and invite offers for purchase of the Sea Oaks property

***Attachments:*** Staff Report

Sea Oaks - Site Location

Sean Lieske, Utility Services Director, appeared before the Board seeking direction on the County-owned Sea Oaks property which housed a non-operational wastewater treatment facility (WWTF). In April, the Utility Department received notice the Florida Department of Environmental Protection had deactivated the permit for the WWTF. The County had also scrapped plans for a reuse water facility on the site, and staff recommended the property be declared surplus. Mr. Lieske added there was a cellphone tower on site that provided royalties to the County.

The Commissioners received confirmation the deactivated WWTF permit was not transferable, and an in-depth environmental assessment would need to be done on the 2.4 acre parcel. Commissioner Moss expressed concern there was not an appraisal or estimated value for the property at this time.

County Attorney Bill DeBraal informed that the Board had the choice to keep the property or declare it surplus. If declared surplus, there were two (2) paths to move forward: 1) solicit bids for the property and sell to the highest bidder, or 2) negotiate with an adjacent property owner for sale of the property, subject to the process detailed. Attorney DeBraal informed that the County had been approached by attorney Bruce Barkett, counsel for Sea Oaks, requesting the latter approach.

Commissioner Moss was advised a valuation would be done after the property had been declared surplus. County Administrator John Titkanich informed the Board he received a last-minute proposal for the property that needed to be reviewed.

The Board was in favor of declaring the property surplus, and discussion continued on which path to follow.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, approve declaring the Sea Oaks property as surplus. The motion carried by the following vote:**

**Aye:** 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

The question of which path to take continued as Mr. Barkett addressed the Board on behalf of his client who was very interested in purchasing the parcel. Mr. Barkett outlined the reasons to first negotiate with Sea Oaks which included the community's ownership of all the available adjacent property, allowing the cell tower to remain with County via a maintenance easement, their knowledge of the environmental clean-up needed, and the difficulty and intrusiveness for a new owner to develop the property. He also pointed out the property had been given to the County by Sea Oaks for the purpose of a WWTF, which was now decommissioned. Mr. Barkett noted that if negotiations with Sea Oaks fell through, the County could still sell the parcel to the highest bidder.

The Commissioners agreed with Mr. Barkett's request to negotiate with Sea Oaks, positing the community should have the first opportunity to negotiate for the previously donated property. Additionally, the County had no planned use for the parcel and the location made it prohibitive for other development. Commissioner Moss again expressed concern for moving forward down either path before knowing the value of the property. Administrator Titkanich confirmed an appraisal would be part of the negotiations, as well as an in-depth environmental study.

**A motion was made by Vice Chairman Flescher, seconded by Commissioner**

**Earman, to approve directing staff to negotiate with Sea Oaks for purchase of surplus property. The motion carried by the following vote:**

**Aye:** 4 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, and Commissioner Loar

**Nay:** 1 - Commissioner Moss

## 13. COUNTY ATTORNEY MATTERS

## 14. COMMISSIONERS MATTERS

### A. Commissioner Susan Adams, Chairman

### B. Commissioner Joseph E. Flescher, Vice Chairman

### C. Commissioner Joseph H. Earman

### D. Commissioner Deryl Loar

### E. Commissioner Laura Moss

## 15. SPECIAL DISTRICTS AND BOARDS

### A. Emergency Services District

### B. Solid Waste Disposal District

The Board of County Commissioners reconvened as the Board of Commissioners of the Solid Waste Disposal District. The minutes will be approved at an upcoming Solid Waste Disposal District meeting.

**15.B.1.** 24-0444 Approval of SWDD Meeting Minutes of April 09, 2024

***Recommended Action:*** Approve

***Attachments:*** 04092024 SWDD Draft

**A motion was made by Vice Chairman Flescher, seconded by Commissioner Earman, to approve the Solid Waste Disposal District minutes of April 9, 2024 as written. The motion carried by the following vote:**

**Aye:** 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

**15.B.2.** 24-0492 Amended Renewal No. 4 with Tiger Inc for Sale and Purchase of Natural Gas

***Recommended Action:*** Staff is requesting the Solid Waste Disposal District Board to consider either Option 1 or Option 2: Option #1: Ratify Staff decision to lock in the seven-month rate of $0.5245 per therm for the period starting June 1, 2024, through December 31, 2024, prior to the May 31, 2024, deadline; or Option #2:

Approve a seven-month renewal at the actual spot price on the day approved by the SWDD Board. Staff recommends Option #1 and requests the SWDD Board to approve the Amended Transaction Confirmation #4 with Tiger, Inc. for the Sale and Purchase of Natural Gas, and authorize the Chairman to sign the necessary documents to effectuate the approval.

***Attachments:*** Staff Report

Amended Renewal #4

**A motion was made by Commissioner Earman, seconded by Vice Chairman Flescher, to approve Option #1 of staff's recommendation. The motion carried by the following vote:**

**Aye:** 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

**15.B.3** 24-0498 Appeal of Denial of Protests Relating to RFP 2024020

***Recommended Action:*** Staff recommends the Board separately hear the appeals of FCC and Coastal, and either uphold or deny the protest. Should the Board uphold either protest, Staff requests the Board provide direction on next steps in the award and negotiation process.

***Attachments:*** Staff Report

Response to FCC Protest

Response to Coastal Appeal and Protest

Purchasing Manager Jennifer Hyde began her slide presentation to the Board with a recap of the timeline which led to the Solid Waste Disposal District's (SWDD) decision to award the solid waste collection services contract to Waste Management (WM) on May 21, 2024. Following the decision, protests were filed by two of the bidders, FCC Environmental (FCC) and Coastal Waste & Recycling of Florida (Coastal), regarding the procedure followed during the RFP (Request for Proposal) and BAFO (Best and Final Offer) negotiations. Ms. Hyde's presentation continued by enumerating the vendors' assertions and countering with staff's response in denial of the protest. Ms. Hyde requested the Board hear the appeals to the protests and either uphold or deny the decision.

Vice President of Business Development for FCC Charles Merkley appeared before the Board to highlight information he described as unfair and flawed. His protest challenged the basis the review panel used to re-rank the firms, the lack of negotiation during the BAFO period, omission of capabilities consideration, and the methodology WM used to drop their costs by 25 to 50 percent off of their supposedly best offer. He suggested either starting the RFP process over, or re-entering negotiations with the top two vendors as the manner in which the BAFO had been executed unfairly and changed the RFP into a request to bid.

Attorney for Coastal, Joe Goldstein, Shutts and Bowen, requested the Board re-look at the procedure followed, specifically regarding the basis for rankings made at the second meeting, and the exclusion of Coastal from the BAFO even though they were tied for second place. He also questioned how WM was able to drastically lower their price, and cautioned accepting their offer would set a bad precedent as future vendors would not submit their best prices to future RFPs. Attorney Goldstein requested the issuance of a new RFP based on the final options chosen by the Board.

The Board entered into discussion regarding the RFP and BAFO, recapping the Board and public meetings which explained the process and goal of achieving the best possible price. SWDD Managing Director Himanshu Mehta confirmed the proposals were all sufficient in terms of quality, and the only thing left to negotiate was price, hence the BAFO request. The Board agreed they were surprised regarding WM's pricing, however they declined to second guess the vendor's strategy. The Commissioners stood by the process and expressed trust in staff's handling of the selection process. Director Mehta confirmed there were provisions to monitor and address WM's service under the new contract.

**A motion was made by Commissioner Loar, seconded by Vice Chairman Flescher, to deny the appeals to the protests from FCC Environmental and Coastal Waste and Recycling. The motion carried by the following vote:**

**Aye:** 5 - Chairman Adams, Vice Chairman Flescher, Commissioner Earman, Commissioner Moss, and Commissioner Loar

## C. Environmental Control Board

## 16. ADJOURNMENT

There being no further business, the Chairman adjourned the meeting at 11:31 a.m.