

MINUTES OF A REGULAR MEETING OF KISSIMMEE UTILITY AUTHORITY, WEDNESDAY, NOVEMBER 20, 2002, 5:30 P.M., BRINSON BOARDROOM, ADMINISTRATION BUILDING, 1701 WEST CARROLL STREET, KISSIMMEE, FLORIDA.

Present were Chairman Walter, Vice-Chairman Shearer, Director Hart, Director Gemskie, Director Toro, Mayor Gant, Attorney Lacerte, General Manager Welsh and Recording Secretary Fizer.

A. MEETING CALLED TO ORDER at 5:30 P.M. by Chairman Walter.

B. PLEDGE OF ALLEGIANCE

The Board and staff recited the Pledge of Allegiance.

C. AWARDS AND PRESENTATIONS

1. 20-YEAR SERVICE AWARD – DAVE MCGINTY, MANAGER OF ELECTRIC MAINTENANCE – ENGINEERING & OPERATIONS

General Manager Welsh congratulated Dave on reaching the twenty-year milestone and briefly reviewed his employment history. Mr. Welsh introduced him to the Board and Chairman Walter presented Dave a certificate and an award. The Board congratulated him on this accomplishment.

2. EMPLOYEE OF THE MONTH FOR DECEMBER – MIKE KOSS, APPRENTICE ELECTRICIAN, ENGINEERING & OPERATIONS

Mike Koss was recognized as KUA's Employee of the Month for December. Mr. Welsh read comments made by his co-workers and supervisor. Mr. Welsh said it is truly an honor to be selected by one's peers for this recognition. Chairman Walter congratulated Mike and presented him a plaque that recognized this selection. Vice-Chairman Shearer gave Mike a one year annual family membership to the Osceola Center for the Arts and Mayor Gant presented him a certificate for a dinner for two donated by Sonny's Barbecue. Director Toro presented Mike with a check, Director Gemskie awarded him one day off with pay, and Director Hart issued Mike a special parking space for the month of December.

3. APPA ANNUAL REPORT AWARD

KUA received the top award in a national annual report contest conducted by the American Public Power Association (APPA). Chairman Walter presented the award to Chris Gent, Manager of Corporate Communications.

4. 2002 FLORIDA COMMUNITY SERVICE AWARD

KUA also received the 2002 Florida Community Service Award, an annual award presented by the Florida Municipal Electric Association, Inc. based in Tallahassee. This is the fifth consecutive year that KUA has received the special award. Chairman Walter presented the award to Chris Gent and noted that the award recognized the outstanding programs and services that KUA provides to the community.

5. 2002 INTERNATIONAL LINEMAN'S RODEO

Ken Davis, Vice President of Engineering and Operations reported that KUA's Lineman Rodeo team participated in the International Lineman's Rodeo for the second year. He said they represented KUA well. He noted that there was one Journeyman Lineman team and three Apprentice Lineman teams. Chairman Walter presented awards to the participants. Those employees participating in the Apprentice competition were Logan Murphy, Scott Grieves, and Jamie Boswell. The Journeyman competitors were Bruce Thompson, Joe Watson, Aaron Haderlee and Luis Santiago. Bill Groover and Henry Kurnik were also recognized for their support and attendance at the competition in Kansas City. Photographs were taken with the participants and the Board together.

The Board expressed an interest in possibly attending one of these competitions and General Manager Welsh said the next one would be March 28th and 29th in Jacksonville. **It was the consensus of the Board to plan a trip to Jacksonville to view the statewide competition and represent KUA.**

D. HEAR THE AUDIENCE – None.

E. CONSENT AGENDA

Director Shearer asked that item 4 be removed from the consent agenda for discussion.

ACTION: Motion by Director Toro, seconded by Director Gemskie to approve the consent agenda with the exception of Item 4.

Motion carried 5 – 0

1. APPROVAL OF MINUTES OF OCTOBER 23, 2002 REGULAR MEETING
2. AWARD OF INVITATION FOR BID #001-03 – 2003 VARIOUS VEHICLES
Recommendation: Awards to be made to Bob Taylor Chevrolet in the amount of \$144,712, Class Chevrolet in the amount of \$21,458, and Holler Dodge in the amount of \$31,996 for a total amount of \$198,166.
3. AWARD OF INVITATION FOR BID #002-03 – 51' CENTER MOUNT DIGGER DERRICK
Recommendation: Award to be made to low bidder, Telelect Southeast, in the amount of \$162,076.
5. AWARD OF INVITATION OF BID #006-03 – ALUMINUM POLES & FIXTURES
Recommendation: Award of bid IFB# 006-03 be offered to the lowest evaluated bidder meeting specifications to Electric Supply of Tampa, Inc. in the amount of \$230,327.
6. AWARD OF CONTRACT TO AGNER CONSTRUCTION COMPANY FOR LAYING CONCRETE AROUND THE BASE OF THE GAS TURBINE & THE HRSG AT CANE ISLAND UNIT 3 – INVITATION FOR BID #005-03
Recommendation: Award the contract to Agner Construction Company for laying concrete around the base of the gas turbine and the boiler of Cane Island Unit 3 as per specifications for the lump sum price of \$147,688.
7. AMENDMENTS TO THE STANTON UNIT ACCESS AND USE EASEMENT AGREEMENTS
Recommendation: Approve the amendments to the Stanton CC Unit A Access and Use Easement Agreements and authorize the Chairman and Secretary to execute the same.
8. EASEMENT ENCROACHMENT AGREEMENT WITH CENTEX HOMES
Recommendation: Approval of the Easement Encroachment Agreement with Centex Homes and authorize the Chairman and Secretary to execute the same.
9. FOUNDATION FOR OSCEOLA EDUCATION, INC. SPONSORSHIP
Recommendation: Staff recommends approval of \$5,000 sponsorship to support the Foundation for Osceola Education. This is a worthwhile effort and worthy of the KUA's consideration as part of our sponsorship program.

Director Shearer asked why the hydraulic aerial device was not shown in the current budget. Ken Davis said it was approved in the 2002 budget but never purchased therefore it was rolled over into this fiscal year.

ACTION: Motion by Director Shearer, seconded by Director Toro, to approve item 4 of the consent agenda.

Motion carried 5 – 0

4. AWARD OF INVITATION FOR BID #004-03 – 55' HYDRAULIC AERIAL DEVICE
Recommendation: Award to be made to Altec Industries, Inc. in the amount of \$161,670.

Director Shearer complimented the staff on shopping for vehicles and bringing this item under budget. Joe Hostetler, Vice President of Finance & Risk Management, was asked to pass this compliment on to his staff involved in this process.

F. PUBLIC HEARING – None.

G. INFORMATIONAL PRESENTATIONS (REQUIRING NO ACTION) – None.

H. OLD BUSINESS – None.

I. NEW BUSINESS

1. TOM CHALIFOUX, THOMAS CONTRACTING, INC., - EFFICIENCY AND OPERATION OF ENGINEERING DEPARTMENT

This item was withdrawn from the agenda.

2. ENERGY MANAGEMENT SYSTEM UPGRADE – IFB #019-02

Ken Davis reported that bids were received from five companies for the upgrade of the Energy Management System (EMS). This upgrade would assist in performing some of the FMPA dispatch functions that would have a significant impact on the requirements of the EMS. It would provide for current KUA dispatch functions and would include the required hardware and software should KUA assume the FMPA dispatch functions.

Director Hart asked for discussion on the ongoing maintenance fees as quoted by Siemen's. Mr. Davis said each bidder did not quote how much their fees would increase, other than Siemen's.

ACTION: Motion by Director Shearer, seconded by Director Gemskie, to award bid #019-02, Energy Management System Upgrade, to Open Systems International for the not-to-exceed price of \$501,745, contingent on negotiation of a satisfactory contract; and authorize the Chairman and Secretary to execute the necessary contract documents.

Motion carried 5 – 0

3. TELEPHONE SWITCH UPGRADE

Mr. Davis reported that the proposed upgrade of the telephone switch located at the Carroll Street building would involve upgrading the PBX, the Meridian Voice Mail and the switch software. The primary need for this upgrade is to increase the capability of the automated call distribution system that allows for incoming customer calls to be placed in a queue until the next available phone bank operator is available to take the call.

Director Shearer asked if this upgrade would take KUA through the next five or so years and Mr. Davis said it could possibly be longer than that. Director Toro asked if the employees added to the system during peak times would be as skilled to answer customer questions and concerns as the regular phone bank personnel. Chris Beck, Vice President of Customer Service & Marketing relayed that the phones added would be those of other customer service representatives who are well trained in this area. Mr. Davis also noted that this could be beneficial during a large outage.

ACTION: Motion by Director Hart, seconded by Director Gemskie, to approve the telephone system upgrade with Sprint for the total amount of \$91,743.

Motion carried 5 – 0

ACTION: Motion by Director Shearer, seconded by Director Toro, to add the agenda item Amendment to Easement Deed.

**Motion carried 4 – 0
Director Hart abstained**

Director Hart said he would abstain from voting on this item because his company is doing the surveying for the project. Director Hart filled out the necessary exemption form.

4. AMENDMENT TO EASEMENT DEED

Mr. Davis received a request from the developers of Fountainhead Phase II for an amendment to the easement previously granted to KUA for facilities to serve the development. They are requesting that the blanket easement be voided and replaced with an easement specifically covering KUA electrical facilities.

ACTION: Motion by Director Gemskie, seconded by Director Shearer, to approve the amendment to Easement Deed with Fountainhead Phase II, Inc. and authorize the Chairman and Secretary to execute said agreement.

**Motion carried 4 – 0
Director Hart abstained**

J. STAFF REPORTS

1. MONTHLY PROGRESS REPORT ON ENGINEERING & OPERATIONS PROJECTS

This was a written report and no comments were received. Director Toro asked for a progress report on the power transformers located at the Carl Wall Substation.

2. MCGRUFF TRUCK PROGRAM

Ken Davis gave a presentation on the program. He highlighted the McGruff history, description of the program, benefits of the program, KUA's accomplishments to date and the McGruff truck publicity.

3. MONTHLY REPORT ON POWER SUPPLY DEPARTMENT PROJECTS

This also was a written report and no comments were received.

4. ABBREVIATED CONDENSED FINANCIAL REPORT – OCTOBER 2002

Mr. Hostetler's report was abbreviated because he could only review partial month figures. He reported that he would have the complete report at the December meeting.

5. DEPARTMENTAL HIGHLIGHTS – CUSTOMER SERVICE & MARKETING

Mike Geraghty, the designated Vice President of Customer Service & Marketing, once Chris Beck retires, gave a presentation. He reviewed phone volume in customer service, proactive collections, field service, cash receipts and one-stop shopping.

Director Hart asked if the Field Service Representatives accepted cash in the field. Mr. Geraghty said it was most rare and only in the case of an unusual circumstance.

K. HEAR THE GENERAL MANAGER, ATTORNEY, DIRECTORS


General Manager Welsh reported that there will be a Power Generation Conference on December 10, 11 and 12 in Orlando. He had floor passes for anyone who was interested in attending. He also reminded the Board of the Lineman's Rodeo in Jacksonville on March 28th and 29th.

Attorney Lacerte informed the Board that KUA had paid the ad valorem property tax to the County under protest and KUA would not be appealing this action.

Director Shearer reported on the APPA Policymaker's Workshop he attended recently. He said it was entitled "Governing in a Changing Marketplace" and was very enlightening.

Director Hart congratulated Chris Gent on receiving the awards and noted that Mr. Gent is very well deserving of all the awards he is presented by various agencies and organizations.

L. ADJOURNMENT – Chairman Walter adjourned the meeting at 6:40 PM.



The image shows two handwritten signatures on a light pink background. On the left is the signature of the Secretary, and on the right is the signature of the Chairman. Below each signature is a horizontal line and the corresponding title: "Secretary" and "Chairman".

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME HART William C	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE KVA
MAILING ADDRESS 215 N. Orlando Ave	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Kissimmee Osceola	NAME OF POLITICAL SUBDIVISION
DATE ON WHICH VOTE OCCURRED 11-20-02	MY POSITION IS <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING

- You should disclose orally the nature of your conflict in the measure before participating
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, William Hart, hereby disclose that on November 20, 2002

(a) A measure came or will come before my agency which (check one)

inured to my special private gain, or

inured to the special gain of Fountainhead, by whom I am retained

(b) The measure before my agency and the nature of my interest in the measure is as follows:

11/20/02

Date Filed



Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000