

MINUTES OF THE SPECIAL MEETING OF KISSIMMEE UTILITY AUTHORITY, WEDNESDAY, NOVEMBER 4, 1998, 6:00 P.M., BRINSON BOARDROOM, ADMINISTRATION BUILDING, 1701 WEST CARROLL STREET, KISSIMMEE, FLORIDA.

Present were Chairman Hord, Vice-Chairman Walter, Secretary Guthrie, Director Toro, Attorney Brinson, Mayor Attkisson, General Manager Welsh and Recording Secretary Fizer. Assistant Secretary Ralston was absent.

A. **MEETING CALLED TO ORDER** at 6:00 P.M. by Chairman Hord.

B. **INSTALLATION OF NEW MEMBER**

Attorney Brinson administered the Oath of Office to Larry W. Walter. Director Walter will serve a five-year term beginning October 1998. All board members congratulated Director Walter.

C. **RETENTION OF THE FIRM OF BELL, LEEPER & ROPER**

Attorney Brinson noted that the firm of Bell, Leeper & Roper has been representing KUA in the train accident litigation case for the last couple of years. The firm has defended KUA as the insurer for the Florida League of Cities up to this point. The insurer's responsibility in this case is ceasing and Attorney Brinson said that the recommendation is to engage Bell, Leeper & Roper through the damage determination portion of the litigation.

ACTION: Motion by Director Toro, seconded by Secretary Guthrie, to accept staff's recommendation and retain Bell, Leeper & Roper to represent KUA in the train accident litigation for an amount not to exceed \$125,000 (without prior authorization), and that the President & General Manager be authorized, based on recommendation of counsel, to enter into some minor settlement agreements that are in the best interest of KUA and that KUA be actively represented in the damage determination portion of the litigation.

Motion carried 4 - 0

D. **FILLING BOARD VACANCY**

Chairman Hord reported that a letter of resignation had been received from Director Bill Ralston with much regret. He noted that a proclamation had been presented to Director Ralston that listed the many things that had been accomplished at KUA during his tenure as a board member. Chairman Hord reviewed the procedures necessary to select an applicant to fill this position and General Manager Welsh detailed the schedule for submitting a name to the City for approval.

Mayor Attkisson said the City Commission should be informed of the urgency of the situation and with that information he thought they would be able to take action on it at a scheduled Commission Meeting.

It was the consensus of the Board to change the advertisement to reflect the applications due date to November 24th.

ACTION: Motion by Vice-Chairman Walter, seconded by Director Toro, to approve the advertisement and the schedule for the selection process of the incoming board member as amended by discussion.

Motion carried 4 - 0

E. GUIDELINES

General Manager Welsh noted that the Board had requested that guidelines be set forth for the president and general manager. He provided the KUA mission statement and vision statement, as well as sample guidelines.

Vice-chairman Walter indicated that he would rather the guidelines be more tangible such as operational ratios. Secretary Guthrie noted that the Board mandates rates, and the general manager's success of meeting numerical goals would be dependent upon the Board. Discussion was held on possibly setting goals for the Board in conjunction with the president's goals.

Dr. George Gant, 1875 Boggy Creek Road, Kissimmee, said that it was the Board's responsibility to make sure financial goals are met by carefully reviewing the monthly financial reports.

Mayor Attkisson suggested reviewing annual goals when the president is evaluated, and at that time, change or amend goals for the next year.

Chairman Hord said he felt the discussion was beneficial in developing guidelines for the general manager. He left the meeting at 6:50 P.M.

General Manager Welsh reiterated what he felt the Board wanted. He said the four target areas would be generic goals, operational ratios, financial goals and specialty or construction project goals. He said he would submit a report on these different areas and that these figures, along with the CR3 figures, would be brought back in November or December to formulate guidelines from them. Secretary Guthrie noted that there was an omission from the sample guidelines. He said they should also reflect that the president and general manager takes direction from the Board of Directors. For clarification Mr. Welsh repeated that the goal should read "that the president would follow the Board's direction to achieve all objectives as detailed by the Board."

F. OTHER - None.

G. HEAR THE GENERAL MANAGER, ATTORNEY, AND DIRECTORS

General Manager Welsh reminded board members that the November meeting would be November 18 because of the Thanksgiving Holiday. He informed them that the Quarter Century Club dinner would be at 6:00 P.M. November 5 at the Elks Club on King's Highway.

Attorney Brinson briefed the Board on the possible registration of lobbyists requesting to speak at the KUA Board meetings. From his research it appears that the KUA Board could do this through rules and regulations and that the chairman of the Board could control the meetings through these rules and regulations. Attorney Brinson provided a copy of Orange County's lobbyist ordinance for informational purposes.

Secretary Guthrie asked Attorney Brinson if action should be taken on the proclamation given to Mr. Ralston earlier.

ACTION: Motion by Secretary Guthrie, seconded by Director Toro, to approve the proclamation presented to Bill Ralston.

Motion carried 3 - 0

H. **ADJOURNMENT** - Meeting was adjourned at 7:05 p.m.



CHAIRMAN

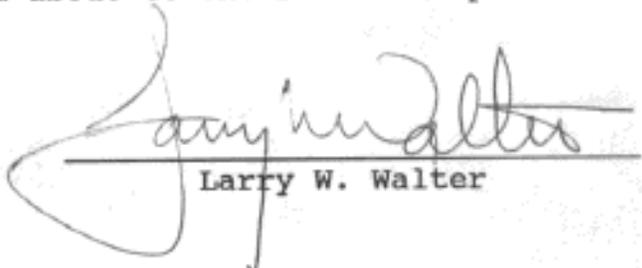
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SECRETARY

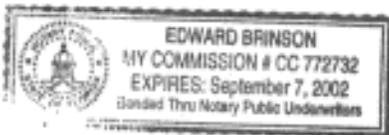
OATH OF OFFICE

I, Larry W. Walter, do solemnly swear that I will support, protect and defend the Charter and Bylaws of the Kissimmee Utility Authority against all enemies, domestic and foreign, and that I will bear true faith, loyalty and allegiance to the same; that I am entitled to hold office under the Charter; that I will faithfully perform all the duties of the office of Director of the Kissimmee Utility Authority, on which I am about to enter. So help me God.


Larry W. Walter

Sworn to and subscribed
before me this
4th day of Nov, 1998.


Edward Brinson
Attorney for the
Kissimmee Utility Authority



Official Notary Seal

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