# BROWARD COUNTY PUBLIC SCHOOLS <br> BOND OVERSIGHT COMMITTEE 

STRANAHAN HIGH SCHOOL MEDIA CENTER 1800 SW 5TH PLACE
FORT LAUDERDALE, FLORIDA 33312 SEPTEMBER 21, 2023 5:39 P.M. - 6:56 P.M.

ATTENDANCE:
Omar Shim, SBBC Capital Budget Director Robert Nave, Florida TaxWatch, VP of Research Kathleen Langan, Senior Program Director, AECOM Cody Kiess, AECOM
Ashley Carpenter, Atkins, Project Control Manager
Shelley N. Meloni, Director Pre-Construction
Erum Motiwala, Chief Financial Officer
Lavinia R. Freeman, M/WBE Specialist III
Yvonne Garth, Garth Solutions, President/CEO

Bond Oversight Committee Members:
Steve Hillberg, P.E., Civil Engineer
Tommy Demopoulos, Fire Chiefs Association of Broward County
Parth Patel, CGFO
Latha Krishnaiyer, Broward County Parent Teachers Association

Public Speaker: Esthel Brennan

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MR. HILLBERG: Good evening everyone. I'm going to open the meeting on the Bond Oversight Committee. We do not have a quorum. That's the first thing. So we can't really conduct any business. We can't make any determinations, vote on much. We can't approve the minutes. So this will be an abbreviated meeting. And I have a misbehaving mike.

Okay. So let's jump in with a call to order. Approval of meeting minutes, we can't do. Membership, we can't really discuss it. We don't have a quorum, so that's kind of pointing to the problem that we have, currently.

Presentations, we'll go ahead with that as quickly as possible since nothing can be done and there's no action available.

Omar?
MR. SHIM: Yes, I just want to make a suggestion on the membership portion, that if there are any recommendations from the committee, itself, that you can forward to me any -- anyone for any of the positions, open positions, and I will pursue them.

MR. HILLBERG: Okay. So any recommendations we would know?

MR. SHIM: Right, from the committee. If the committee has any recommendations. I've gone through and I've made calls on my own with no, without success, but I'm always looking for input from the committee or anybody for that matter who has somebody that would fit one of those rules.

MR. HILLBERG: Okay. Yes, Latha.
MS. KRISHNAIYER: Just a quick question. They are specific positions; right?

MR. SHIM: Right.
MS. KRISHNAIYER: So could you tell us what they are? Because we can't just -- what needs to be filled, which organizations?

MR. SHIM: Right. So off the top of my head and --

MR. HILLBERG: I've got a list.
MR. SHIM: Okay.
MR. HILLBERG: It was, actually, I don't want to steal his thunder, Chief "Organized" Demopoulos.

CHIEF DEMOPOULOS: I have no thunder.
So a member form the Florida Bar Association, Adam; a member from the Florida Government

Finance Officer's Association, Parth; Broward County Parent Teacher Association.

MS. KRISHNAIYER: I'm here.
CHIEF DEMOPOULOS: Broward County Minority Builders Coalition $I$ think is no; right? Disability Rights Florida; NAACP; Fire Chiefs Association, I'm here; Engineering Contractors Association of Florida; and South Florida Technology Alliance.

MR. SHIM: I believe two of those categories we had changed in an update to be more general. One, I think the -- we changed one to be a minority builder and I forgot what the other one was. But it was more general and it wasn't a part of an association. It was just experience as a minority builder and the other was having to do with construction. And I think it was broader instead of being -- we had issues about getting people involved in construction that wouldn't do business with the district. And so we made it more general, those two categories.

CHIEF DEMOPOULOS: And this was resolution 15-106, so I'm assuming there's something more recent?

MR. SHIM: Right, it was -- it was a revision
to that version of the resolution.
MR. HILLBERG: Okay. So -- and that's also extended to the members of the people present, that if they have someone to suggest or a position to suggest, that they should contact Omar with the suggestion.

MR. SHIM: Yes, so it's -- I think you're the position with experience with engineering, so that one, actually, was made that you didn't have to, actually, be a part of the organization, so -- and then experience with construction contracting. So, again, it's just experience with construction contracting. And then the other one was a minority builder. So they were altered and the ones that were taken out were the Broward County Minority Builders Coalition, the NAACP, because they declined to participate, and then the Engineering Contractors Association was converted just to have the engineering experience.

MS. KRISHNAIYER: Where do we find the -MR. SHIM: It's on the actual website. It's on the actual website under documents. And we can send out the link again so you can have that.

MR. HILLBERG: Okay. Moving on to
presentations by the district staff, TaxWatch, as always, will provide comments following each presentation.

MS. GARTH: Could we advance the slide? Next slide, please.

MS. MELONI: Good evening, Shelley Meloni, acting chief facilities officer.

So for Recommendation Number 1 to the TaxWatch recommendations the response that the district has provided is that the district intends to comply with Resolution 23-109 by first expending all bond dollars before October 2025. So I think that is an important note to make. And by delivering projects for beneficial occupancy. What that means is that we are delivering the projects for the intended use of -- you know, like, for instance, this space for instance, we're using it as it was intended, a media center.

The program manager along with district staff has employed strategies such as providing swing space, which is, swing space meaning that we've brought portables on to a site to allow for the renovation of the space so we can relocate students into the swing space, the portables.

And we're also doing things, the term that we use is carveouts, meaning that we've taken, say, the roof portion, the roof scope of a project, and we're delivering it through a different delivery method, like a construction services minor projects delivery method, as opposed to keeping it within the project and going through, you know, holding it -- say the roof is done, but then keeping that part of the bigger project, so it sort of delays things, we can get that work done a lot faster breaking it out of the bigger project. So that's what we mean by a strategy such as carveouts. And we do that for roofing, for HVAC, we do it for media centers. And, you know, we get a lot of benefit time-wise and cost.

And then so those are some strategies that we're employing to be able to meet the commitment of the resolution.

Further to that, I just want to make it very clear that we do have a group of projects where we're still -- you know, we started, we embarked on the project as the original intent from 2014, however, as we developed the project we realized that is not the best use of -- of the funds. Because we may be -- the scope may have called
for renovating a very old portion of a building that probably is not fully utilized. So projects like that we've had -- we have a group of them, a sort of well-known group, that we have set aside to further evaluate. And so that's -- that's a group that still needs some conversation with leadership, conversation with the board, to determine how best to -- to move forward with those projects. It doesn't make sense to go with the original scope, but what do we do next is the scope that we're trying to define. And so that's one. That's one small group.

Then there's another group where the board has actually given us approval to do something different, as in Parkway Middle School, instead of renovating the old buildings the board gave us approval to demolish those buildings because they were underutilized, and that helped to fix some of the enrollment issues. And then we -- and then they, actually, funded for a much larger project. So that's changed considerably from what we had originally planned to do in 2014.

So those types of projects, Parkway is one, we have Bethune and Markham Elementary are projects that we know are not going to be able to
fit in the mold of the SMART projects that we started off with and to be able to meet the commitment of October 2025.

So that's Recommendation Number 1, the response that the district has formulated.

As far as Recommendation Number 2, so Markham, as we just mentioned is one of those projects that we changed the scope of work. Instead of renovating all the buildings that were in the original scope the board agreed and approved replacement of building number 1. We still have some renovations in some of the other, but minor renovations in some of the other buildings, but building number 1 is significant because it encapsulates a lot of the program of that school. And because of the condition of that building and the structural needs that we would have had to address, the building -- the board agreed that it made sense to replace that building.

So we have been given some funding and we have started that whole process. The first phase of that project was to actually bring in portables so we can vacate building 1, move all the staff and students out of that building, and
then put them into the portables. And we have done that so they are, actually, in the portables now. That was completed over the summer and the staff and student have relocated in the portables. We have some minor work to finish there, but for all intents and purposes that phase is done.

The second phase, which is phase 1B, is where we were going to go to the board a few months ago for approval of the first GMP. And that GMP, that scope is to build an FP\&L vault, we have a lot of other, some side work. We had the chiller yard, generator room, parking. So that was, you know, a scope of work defined for that phase.

However, at the time when we had put it on the initial board agenda, this hasn't even reached the board at this point, this is an internal group that reviews board items, the superintendent, the former superintendent was present, and she had asked for us to pause it at the time because she wanted to review it. There had been some discussions, you know, in the community about what to do with that school, what to do with the project, so she wanted to give -hear to that -- to those comments and she asked
us to put the project, to hold on the GMP for phase 1B. So we have done that. We had the conversations. And more recently while we were speaking with Dr. Licata, Ms. Langan from AECOM, Mrs. Marte, Deputy Superintendent Operation \& Finances and Dr. Licata and I talked about that project and what to do, you know, trying to move it forward. And he agreed that, yes, let's go forward. Because we are going to proceed with the project, so let's go forward with the approval of the GMP for phase 1B, which, as I mentioned, is the utility building, parking, you know, the vault, all of those things. So that's our plan going forward. We hope to take it to the October 17th board meeting, regular school board meeting, and that will give us the, you know, the momentum then to continue and proceed with the project.

So I also want to point out that this particular project was funded through a certificate of participation issued. So it's sort of outside of the SMART dollars. And, certainly, Mr. Shim can add to and clarify it if I'm saying something not quite correct. But just to point that out, that it's outside of the

SMART.
So this project, like some of the others I mentioned before, are not going to meet the October 2025 deadline.

MS. KRISHNAIYER: How long would the children be in portables then? And the entire school is in portables as I understand it.

MS. MELONI: That is correct.
MS. KRISHNAIYER: How many?
MS. MELONI: Well, building 1, yeah. I mean, not the entire school, building 1, the one that we're replacing.

MS. KRISHNAIYER: How many students?
MS. MELONI: 266.
MS. KRISHNAIYER: And what's their enrollment? It can't be very high.

MS. MELONI: I can look it up. I don't have it offhand.

MS. KRISHNAIYER: And are there particular grades that are in these portables?

MS. MELONI: I don't know the exact makeup of who's in the portables. That was all determined with the principal. The principal is the one who gave us which grades needed to go into the portables.

MS. KRISHNAIYER: If it is only building 1, it should have been the grades that were in building 1 originally.

MS. MELONI: Well, principals have the ability to shift population.

MS. KRISHNAIYER: Okay. So I just want to know if it's the little ones, the fourth graders, fifth graders.

MS. MELONI: I don't know offhand. Again, we worked closely with the principal to provide the best options for his student population.

MS. KRISHNAIYER: Yeah, I would like that information, please --

MS. MELONI: Sure.
MS. KRISHNAIYER: -- as to who exactly is in the portables, what age, what grades.

MS. MELONI: Okay. Sure.
MS. KRISHNAIYER: Thank you.
MS. LANGAN: Okay. If you will switch the slide to the next slide we are going to Quarterly Highlights. Good evening, Kathleen Langan, AECOM program director. We've had a busy quarter preparing for the summer. As you can see from the slide, this quarter the number of projects in construction closeout went up by 17 projects
through June. I think the board will see -- the committee will see a large influx from the next series after this summer.

We moved three projects out of design into hire contractor. Bid and award phase 4. Now we have a total number of delayed projects decreased. So if you watch that in the report it decreased this quarter by 6 projects, down to 22 projects that are delayed. And this is delayed by the reset schedule that was approved by the board in February of '21.

We have 47 projects that remain ahead of schedule based on, again, that reset schedule that the board approved in '21.

We've had one ribbon cutting ceremony, excuse me, at Lloyd Estates Elementary, and that's their media center.

And then we wanted to give, while not exactly in the -- in the entire quarter, but we wanted to give an update on the accomplishments and a nod to the teams. We completed work at 117 schools this summer, for a total of $\$ 51,800,000$. These are projects that are obviously parts of other projects but those were completed. Things like switchgears, HVAC equipment, roofs. So it's not
all the projects that we're working on. I think Mr. Shim can confirm that we're running about $\$ 60$ million a month in billing. So a very busy summer. If you'd like to show the video, please. Go to the video, as they say.
(Video played.)
MS. LANGAN: Thank you. So when we talk about the schools, as the video mentioned, or showed, I should say, we opened every single school this year after working in 171 buildings. So it was quite an accomplishment of the team.

Moving to the next slide is, again, just Quarterly Highlights. As you'll note, we have 4 projects back in planning. And as Ms. Meloni had indicated these are some of the newer projects that we have been asked to manage, projects like Coral Glades High School auditorium, Parkway Middle School, Bethune, some of those projects that have been held and now we're into the planning phases.

We only have three projects left in design from the original SMART Program. We have taken some of those, three of those projects, and broken them up, as Ms. Meloni alluded to, into your carveouts.

We have 7 projects that we're hiring contractors, 203 in construction, and we have 97 projects in closeout.

To review Recommendation Number 4, Florida TaxWatch recommended that the district include in this evening's facilities report scheduled completion dates of the remaining SCEP projects that I should say that have not been completed by then. There's only two of those projects and one is at Riverglades Elementary for $\$ 82,405$. That's a card reader system. We anticipate being completed by the end of the calendar year 2023 for that project. And then Stoneman Douglas we have an electric arm gate that is 61 percent complete, and, again, we anticipate completing the first quarter of calendar year 2024.

Next slide is the Status \& Timeframes of Remaining Safety and Security Projects, so we'll start with the safety status. And, as the committee can see from the presentation, we have a total of fire alarm projects and $I$ will just focus on the 81 under construction, you can see the numbers there totalling 100 between planning and complete closeout. And then the fire sprinkler we have 68 in construction, 17 in
closeout, for a total of 89 projects.
The detail of the safety status of each of those projects, so that the committee can understand where those are, is shown on the next two slides. And it's small so you would have to look on your hard copies. But that explains to the committee the percent -- each school, the percent complete, and then the status of the specific details of work. I won't go through all of those unless asked.

Next slide, please. This is pretty standard that we share with the committee and certainly in our report quarterly. It, again, talks about the 2020 reset schedule, the 47 projects ahead of that schedule. And you can see from the graph here that at the end of the reporting period 22 projects were delayed in the master project schedule, 12.75 of the 22 delayed have completed their contract work, so that leaves outstanding change order work in order to get the 110b and the breakdown is on the right-hand side. It's pretty consistent with the reporting that we've provided before, with the exception of we've been able to reduce the number down to 22 . And that's really based on working closely with the building
department and with the district to make sure that as questions are asked or inspections are made, that everybody is aware of what's happening during those inspections and how we can move the projects forward.

Moving to the Big 3 Status, hopefully -- I don't know if you all have had an opportunity to review the report. There's a lot of detail in this recommendation response and the Florida TaxWatch recommended that the district facilities report identify the proposed completion dates, item 1, for ongoing primary renovations at the Big 3 schools; identify and explain any schedule or budget flags; identify and explain the nature of any required change order work; and identify and explain any other issues that are relevant to the completion; and, finally, item 4 of the primary renovation projects.

So we've done that in detail. If the committee -- if it pleases the committee, if you would want me to hit on any particulars, maybe we talk about the proposed completion dates.

Blanche Ely High School, the contract work was completed in October of 2021. And as you look through your document you will see that we have
had an issue that the building department brought up concerns about an additional ADA ramp, and so we are working with them to address that. That is -- that will go in as a change order.

Northeast High School, the GOB, the contract work is -- was August 30 th of 2023. The contractor received an approved extension of 285 days at the September 23 rd board meeting. And, actually, the contractor is preparing an additional impact analysis to extend it through February 1st of 2024. And in the detail we have provided by each building the percent complete and any other comments identified.

Then we have Northeast High School new addition, and we expect for the overall contract work to be complete in January of 2024. We are actually working to schedule a ribbon cutting for the new addition sometime late October and early November. And just to add, congrats to board member Leonardi. She had her baby so we couldn't do the ribbon cutting early October as we thought.

Blanche Ely -- I'm sorry, Northeast High
School did have a budget flag which was the budget was increased by 35,827 and that was
approved by the board in a change order on June 2023. Change order number 2.

Stranahan had no flags and Blanche Ely had no flags.

The other one was identify and explain the nature of any required change order work. We have done that in detail. Probably the one I'll highlight is the one here for Stranahan High School. That probably has the most issues with change orders. As the committee may know that we terminated the contractor from this project at the board meeting. They were not interested in completing the change order work. We had two areas of roof that they could not do because they needed to do change order work. In any event, we are negotiating with them to close out the funding so that we can finish up the change order work here at Stranahan. It's basically roofing work. And there is in building 6, there's some art equipment that has to be installed. So that's, those are the change orders that we're working towards finishing as soon as we can get our funding released. It's -- those pieces of equipment are for the kiln room.

Relevant to the completion, identifying any
other issues, we spoke briefly about the ADA ramp at Blanche Ely. We're addressing that.

We have had delays at Northeast, as I mentioned to you, that the school board approved. Those are attributable to the architect and engineer not prosecuting their work because they felt that the district owed them money. Obviously, that's in violation of their contract, and so we have addressed it accordingly and working with legal on that.

Again, Stranahan, the district terminated the contract and the board approved that termination. We have bid the change order work. We're ready to go. And we just have to come to a conclusion with the contractor on resolving the outstanding funds.

MR. HILLBERG: Okay.
MS. LANGAN: I think that's everything. Change Order Revised Policy, it has the actions taken by the district to reduce, minimize. This one you all have seen many times before. We've left it in for you. What the new information, we talked briefly about it at our last meeting, and that was regarding errors and omissions. And a policy that we are recommending that the school
board develop and execute to have a better understanding of the error and omissions process, so we've highlighted some elements. This policy is in draft and we, as always, appreciate this committee's support when talking about those things that will help facilitate the completion of the program.

So we're saying that consideration should be given in development of a policy addressing architectural and engineering errors and/or omissions.

We actually have identified that Palm Beach County Public Schools does have an error and/or omission policy. Obviously, it has some other elements in there which we have addressed in our draft policy for the board.

The purpose of the policy is to provide guidelines for the review of change orders that cause the district to sustain costs attributed to design errors and/or omissions. And, clearly, when AECOM is gone and the district continues with their, a new bond program, new capital work, this will be an important element to make sure that the direction is given to the staff to be able to manage the projects.

These guidelines should assume a reasonable level of imperfection in the $A / E$ plans and allow that construction can and will reveal items in the design that must be modified, added or deleted. And, again, talking about our very old buildings and the type of work which we address more as stabilizing buildings, that you're always going to have these kinds of challenges.

We're also recommending as the Palm Beach County Public Schools has in their policy that the combined associated costs of errors and omissions for a project exceed 2 percent. So anything over 2 percent of the construction cost the district would be able to pursue a reimbursement for the difference in the cost between bid day and the change order value.

Now, Palm Beach County has 1 percent in their policy. Because of the type of work that we're doing, we are recommending 2 right now. That can certainly be addressed and discussed by the board. Whatever their will is is what they would approve, obviously.

And then just to reiterate so it's very clear, the recommendation for cost recovery shall be the difference between the estimated cost of
errors and/or omissions less 2 percent of the construction cost and less the value of documented additional uncompensated services provided by the design professional.

And just to reiterate, $I$ know we've talked about this quite a bit, and that is, as my team and myself, personally, are working on a series of claims by A\&Es, all of these things are taken into consideration. If they have a lot of change orders with errors and/or omissions, all of these things we go back to the A\&Es right now to make sure that the district is compensated. It's in a lot of different ways. So it's not just cash on hand.

Finally, I'll turn it over to Ashley and she can talk a little bit about the change orders.

Yes?
MS. KRISHNAIYER: I just have a quick question. When do you expect this policy to go before the board?

MS. LANGAN: Policy adds or changes is quite a process. We would work with Mrs. Marte and Mrs. Meloni as soon as we can. So it typically would be at a workshop, obviously, the first couple, because it has to be public meetings
announced. There's a policy on how to change or add policies. So we would follow that policy. MS. KRISHNAIYER: Okay. Thank you.

MS. CARPENTER: Hi. Good evening. Ashley Carpenter with Atkins. Just looking at this next slide here, so this is just change orders that were approved in the quarter. It amounts to just over $\$ 1.5$ million. There's a breakdown here of the different categories that were ascribed to each of those change orders and the total amounts by category.

Then on the next slide it gives the cumulative so far for the program with what we're looking at for change orders right now. So while it is a lot of money, you know, what we've talked about here before is, as a percentage of construction dollars, we're still looking at about under 1.5 percent. Sorry. Under 1.5 percent of the construction dollars.

And just to kind of piggyback on what Kathleen was saying about the errors and omissions policy, the -- what we would pursue is sort of the difference between the cost of the work that we -- if it had been in the plans, right, cost of the work on bid day versus the
cost of the work when they had to price the change order, because that is a lot of times different in a market like ours where construction's always going up, up, up. And then if there was any error that actually required rework, of course, we would pursue the full amount of the rework that had to be done. But when we look at, analyze all the errors and omissions so far on the program, still over 99 percent of what we've paid for is value that the district has received. You know, we needed that thing that they forgot to put in the plan and they provided it. We had to pay a slight increase in cost because of the time delay in getting the price and that accounts for -- I mean, that's less than 1 percent of the change order amount. So I just wanted to point that out.
Moving on to --

MR. HILLBERG: May I add something? I was surprised to see the amount of owner initiated or caused changes to be so low. I mean, it's still a huge amount of money, $\$ 250,000$, but in relation to everything else it's very low and we've been talking about it at length and have really gone
over that subject and it's such a small item, relatively speaking, that $I$ don't know that we need to talk about it much. Although, the next page in the report showed another 180,000, which I don't know whether the 250,000 included the 180,000 or they were different. But still, add them all, it's still pretty low.

MS. CARPENTER: Right. The 250,000 is the total cumulatively on the program for owner requested change orders, at least how they've been categorized. That is for a couple of reasons. Number one, we have had quite a few credit change orders that have been categorized as owner requests.

MR. HILLBERG: Okay.
MS. CARPENTER: So, for whatever reason, either -- I can think of a couple of examples where between the period of design and construction PPO went out and replaced something; right? It was in the plan, it ended up being a credit back to the district because the contractor had priced it and it had already been replaced. That got categorized as an owner request and that's a credit. So because we've had a lot of credits it does make the overall
value look low.
MR. HILLBERG: Uh-huh.
MS. CARPENTER: So, looking at the budget flags for the quarter, $I$ just want to, I guess, reiterate, $I$ mean, you guys can read this and I think I read it out last time, so I probably don't need to again, but just as a reminder, there are a few types of budget flags, when we award construction, when we have change orders but we've already expended the change order allowance that was built into the project budget at the start, then we have to, you know, take money out of SMART Reserve to cover any additional change orders at that time, which causes a budget increase. And then in financial closeout when we're actually sweeping the remaining dollars from the project at the end and the budget goes down. So those are the three main reasons why we have budget increases or decreases in the quarter. In this quarter we had 3 construction award budget adjustments that totalled almost $\$ 11$ million, 10 change order budget adjustments that totalled 360,000, 10 financial closeout credit adjustments that totalled a credit of 1.8 million, and then one
consultant amendment that increased the budget by about $\$ 60,000$.

And then moving on to the financial risk, this is the -- this graphic is the same one that was in the previous report. While we have prepared a draft risk assessment, it's still under review by the district leadership so it hasn't been released yet to the board or the public. I mean, yeah, so it's still the same.

That concludes my portion of the report.
MR. HILLBERG: Okay. Mr. Nave, would you care to jump in?

MR. NAVE: Yeah. I'll be brief. I want to thank Ms. Meloni for her response to

Recommendations Number 1 and 2. It was the kind of thoughtful and a considerate response to recommendations that we've been looking for since we started making recommendations. So I hope this sets a standard going forward for the type of response we get.

Recommendation 3, the reason there's a Big 3 section in the report is because this committee asked the district to put it in there because they were the three schools that you all were getting the most questions about from the
taxpayers. And when $I$ review that section of the report I review it with the assumption that if taxpayers are likely to read one section in that report, what's it going to be, and it's going to be that section. In that section, mostly it's 6, 8 pages of really pretty pictures and very little detail on what's going on at the schools.

So Kathleen and Omar and I, and with Judith's help, I think, have kind of come to an understanding of what an appropriate level of detail is for what's going on in that section and I've gotten a commitment from the district that the next report will be a lot beefier in terms of substance. So a lot of progress there.

Recommendation 4, I apologize to the district for Recommendation Number 4. I'm a little embarrassed. I got the numbers wrong. At the end of Q3 there were 204 completed School Choice Enhancement projects. At the end of quarter 4 there were 225. That's out of 230. And the Q3 report made mention that they thought all the projects would be done by the end of the summer. So I'm thinking, okay, there's 26 projects that are going to be done here in the next little bit. So it seemed like a fair recommendation at the
time. Had I caught my own error and realized that there were only five incomplete projects, I would have never made that recommendation.

So, my bad.
MR. HILLBERG: Didn't see it that way, but, okay. Anything else?

MR. NAVE: On the first four recommendations; no.

MR. HILLBERG: Okay. Let's move to the -MS. LANGAN: Excuse me. Through the Chair? Through the Chair, excuse me.

MR. HILLBERG: Yes. Yes.
MS. LANGAN: We did have one more slide that we wanted to bring to your attention. Some of you may recall that when we got approval of our extension for year 4 we talked about the importance of the participation, the minority participation of our subconsultants on our contract, and so we have -- we are reporting that monthly in our monthly report to the district, but we have also included it here in your final page, the AECOM S/M/WBE Reporting. So that gives you a snapshot showing that as of June we were projecting 42.46 percent participation in our contract.

MR. HILLBERG: Okay. Thank you.
Did you want to ask if we can get a copy of that presentation? Because I don't have one. MR. PATEL: Hi, guys, just a quick question and comment, really. Can we get a copy of the presentation afterwards?

MS. LANGAN: Yes, sir. I apologize for you not having it.

MR. HILLBERG: Okay. I believe it's the budget issue.

MR. SHIM: Hi. Good afternoon. Omar Shim, Director of Capital Budget. This quarter's Budget Activity Report is for the quarter ended June 30th, 2023. The total SMART Program budget increased by 9.1 million over the last quarter from 1 billion 585.7 million to 1 billion 594.8 million, which is shown on page 15 of the quarterly report. A detailed list that shows each project and the budget increases is shown on 427 to 452 of the report. So that gives you each transaction that -- that increased the budget.

From the total of the 1 billion 594.8 million, one billion 428.9 million is either committed or spent. And the balance of those funds that are not encumbered or spent is 165.9
million. Out of that 165.9 million, the balance of 13.9 million is in completed projects that are being financially closed out and 152 million in balances on financially active projects.

Expenditures through the fourth quarter are 1 billion 98.7 million as shown on page 475. This is a $\$ 77.1$ million increase in expenditures over the previous quarter, which is, as Ms. Langan said, pretty significant and the largest actual quarter that we've had in expenditures. Purchase orders in place are 330.2 million.

Next slide. In addition to SMART Program funding that's identified in the project budgets the district also set aside reserves in the amount of 738 million for additional costs identified in the Atkins Risk Assessment. The district's finance team worked with Atkins to adjust the reserve to address risks so that the SMART Program is financially feasible. The balance was 118 million.

So to address Recommendation Number 5 in the TaxWatch report, first I'd like to thank Bob Nave and the TaxWatch team for providing this report and his analysis. So for Recommendation 5

TaxWatch recommends that the district staff brief
the BOC on its plan to move another 22 to 36 million to the reserve to mitigate the risks.

So on September 5th, 2023 the board adopted our district educational facilities plan. Now, this increased the SMART Reserve by 47 million to meet the level of the risk outlined in that risk assessment.

Now, this is also expected, that the projects, as they're completed, project balances would be recovered in the financial closeout phase of the project and we'll put that money back into our reserve. The unallocated reserve as shown in the DFP at the time it was adopted was 120.3 million.

And that concludes the budget portion; if you have questions?

MR. HILLBERG: Any questions?
(No response.)
MR. HILLBERG: No?
Mr. Nave?
MR. NAVE: No comments.
MR. HILLBERG: No? Okay.
MR. NAVE: Exactly what we wanted to hear.
MR. HILLBERG: Thank you, Mr. Shim.
Okay. Moving on to the actions taken by the
district to award more SMART program contracts to women owned and African-American owned companies.

MS. FREEMAN: Good evening. Lavinia Freeman, Economic Development \& Diversity Compliance Department. In Q4 our efforts to engage the African-American, Non-Minority, SBEs and Caucasian Owned Women Firms included many, many outreach events and numerous targeted marketing efforts, which I'll elaborate on. Our efforts in this quarter resulted in six African-American firms and five Caucasian women owned firms participating in six pre-bid meetings which were held during the reporting period. They represented 42 percent of all certified firms in attendance. And certified firms as a whole represented 45 percent of firms attending mandatory pre-bid meetings. In Q4 D. Stephenson construction an MBE certified African-American owned firm was awarded a $\$ 9.1$ million contract for Cooper City High School. In addition subcontractor commitments account for an additional 2 million for African-American owned firms.

Next slide. Some of our methods to engage certified suppliers and appeal to them to
participate in district procurements includes promoting all BCP procurement opportunities on all of our social media platforms. During the quarter. EDDC completed 160 solicitation notification campaigns which included targeted marketing and social media posts, as well as sharing opportunities to do business with Broward Schools. And we also make a routine concerted effort to retain your certified firms by sending renewal notifications on 90, 60 and 30-day intervals and we also highlight business theme months, several of which are shown here, some of our notifications about bid opportunities that are on DemandStar.

Next slide.
We also collaborate with our agency partners on an ongoing basis to invite their certified suppliers to get certified with us and using our tri-county reciprocal application in the B2GNow platform. And our partners, of course, include Miami-Dade Public Schools, the School District of Palm Beach County, and a number of others which I'll talk about related to the South Florida Anchor Alliance.

During this reporting period EDDC
certification and marketing planned for the launch of the reciprocal certification module and we attended many events, including the Broward Health Annual Supplier Diversity Business and Health Expo. We also partner with the City of Coconut Creek who is considering and working towards developing their economic development department and they wanted to glean from what we were doing here in Broward schools.

Next slide.
Now we also partner with Score, where they provide access to education and resources for our firms and increase the number of firms doing business with the district. We also participated with the City of Miramar on a virtual minority business spotlight meeting and numerous other events.

Okay. This slide reflects our contractor pre-qualification data and it drills down to the number of unique certified bidders. During this reporting period the total number of pre-qualified certified contractors was 90; 47, or 39 percent, are general contractors. Also, 6 unique general contractors submitted bid proposals to the district, three of which were

African American.
And just to note, there are numerous factors that affect a firm's participation on a prime level and in effect touches the availability of that supplier base. So similar sized projects, financing, bonding limits, prompt payment and other issues do affect whether a firm chooses to try to do business with us.

Next slide.
This slide is a breakdown of the quarter's pre-bid meeting and S/M/WBE attendance which equated to 7 firms in $Q 4$ or 45 percent of all the firms in attendance. And follow up to target marketing email campaigns of SMART bid opportunities, our team members attend each SMART bid pre-bid meeting and we present the $S / M / W B E$ bid requirements to make sure the primes are very clear on what the requirements are. And we also share the certification requirements for attendees who are interested in getting certified with us. And we help facilitate networking between the primes and the subs that are there.

Between the two awarded contracts in Q4 the S/M/WBE commitment total was 5.7 million out of 16.3 million, and that amounted to 35 percent.

And this slide you've seen before, just is an example of bid language that you can find in solicitations.

And you've also seen this slide which spells out the different steps for marketing, which are numerous for our small but mighty team.

Next slide.
This slide also -- this talks about the South Florida Anchor Alliance, which I mentioned before. It includes 11 major institutions between Dade County and Broward County including both school districts. This is a platform that is really pretty revolutionary for the suppliers and small businesses in the region because it gives them access to all of our solicitations in one place, whereas, they're not having to go to each one and spending the time and energy. This is funded by the Health Foundation of South Florida through a $\$ 2$ million grant. And we are working with the Alliance to -- it's actually a \$10 billion marketplace between all of the anchors, and right now we're really working to, you know, iron out some of the kinks because this is a new initiative and it's something that hasn't been done before here, and so we're just
working with the platform, Avisare, to make sure that Broward Schools procurements are linked to Avisare. So, through DemandStar, which is what we use for our bids, they had to -- they had to enter into a contract with the vendor to do integration work. So it's a work in progress, but we're really excited about the promise that it holds.

And, finally, these are just some of our program metrics, talking about our applications, contract review, and participation, and bid activities, and community meetings, et cetera. And that's the conclusion of our presentation.

If there are any questions I'll be happy to answer them. Thank you.

MR. HILLBERG: Okay. Parth?
MR. PATEL: I'm sorry, I don't know everyone's name. I just had a question on the percentages for commitments on, I think, the first slide that you showed for the Q4 information, is it like a year-to-date percentage or is it just for that quarter.

MS. FREEMAN: This is for Q4.
MR. PATEL: Just for Q4?
MS. FREEMAN: Yes.

MR. PATEL: Is it possible to add like the previous quarter's information moving forward? MS. FREEMAN: Absolutely.

MR. PATEL: Just to have a nice side-by-side comparison.

MS. FREEMAN: So you would like the previous quarter?

MR. PATEL: Correct.
MS. FREEMAN: Okay. Sure thing.
MR. PATEL: Thank you.
MS. FREEMAN: You're welcome.
MR. HILLBERG: Thank you.
Okay. Next is Communications.
MS. GARTH: Good evening everyone. I'm Yvonne Garth with Garth Solutions. We are the communications liaison for the SMART Program.

For the quarter you can see, with so many schools under construction, we have been busy out visiting the schools and capturing the activities, construction activities, as best as we can. Because a lot of the work was behind the scenes, so we're capturing content and making sure that it's posted on the website. Just a reminder that we do have the BCPS SMART Futures website and every school has its own dedicated
web page that we update the individual school pages as we get new content.

For this quarter we're really excited in that we got 6,000--6.8,000 -- 6,800, thank you, new visitors to the website. A lot of our social media posts are pushing and encouraging visitors to the website so that they can get realtime updates. So we're very proud of the increased activity on the site.

Next slide, please.
We're also, for this quarter, had continued to maintain good relationships with the local media, with Our City Media and Tap Into Coconut Creek. We had three stories that were picked up for three schools, Hallandale High School, Monarch High School and Miramar High School. So it's nice, it's local community papers, and we have been working very closely with the Office of Communications, the district's Office of Communication to keep this -- keep this going.

Next slide.
So a little sneak peek, a look ahead. You know, you heard Kathleen talk about all of the work that was happening over the summer, we were out in the field capturing content, as I
mentioned, but also wanted to make sure that we leveraged back to school and open houses to remind parents, to remind students, about the SMART Program, what's happening at their school. So we were there, we had tables at the open houses, and some swag materials that we handed out. But more importantly we were encouraging students and parents to go to the website. We were giving out information, letting them know where they can follow the progress.

Next slide, please.
And one other campaign we also wanted to highlight is the Business to Broward. So we worked closely with EDDC to identify small minority and local businesses that have had an opportunity to work on the SMART Program. We captured their experiences through some short videos. We interviewed them. And posted the videos on social media. But also we sent out a press release to the local media, just, again, highlighting those businesses, highlighting the economic impact the program has had in the local communities.

We are excited to announce that the South Florida Business -- I'm sorry, South Florida

Business Journal, picked up the story as well as the Fort Lauderdale Chamber of Commerce distributed the story to all of their members. So it was good coverage and it's nice to -- one of the challenges $I$ know we've had on this program is just the image of the business and businesses wanting to do business here, and we thought hearing from, you know, local firms that have had good experiences with the district was a positive message and story to get out.

So that is the Communications update. I'm happy to answer any questions you might have.

MS. KRISHNAIYER: Not a question, but I think it was a great idea to go to the open houses, because, generally, parents don't visit the schools after that or not look at anything the children bring home. So I congratulate you on that. That was really a great idea. Thank you.

MR. HILLBERG: With no further questions we'll move to E, Resolution. I don't think we can discuss that.

Next School Board -- F, Item F is Next School Board Workshop. It's November 28th. I'm not sure if I can make that or not, but I'll look at my schedule. I was supposed to attend the last
board workshop but ended up catching a cold the night before and had to cancel. So I'm back on the list for the next one.

Yes, Omar.
MR. SHIM: Yeah, I was just going to say that we sort of are going to look at how we're doing the workshops and we're probably going to present like a briefing, like a staff briefing like we do here as a basis for the workshop, and then, you know, the committee member can go ahead of us or behind us or whatever.

MR. HILLBERG: Okay.
MR. SHIM: Just so we're prepared to provide, you know, information to the board.

MR. HILLBERG: Okay.
MR. SHIM: And just so you know, there is a public speaker.

MR. HILLBERG: Yes.
So that moves us to future meeting dates. Any issues, future meeting dates?
(No response.)
MR. HILLBERG: No?

Okay. Moving ahead to recess the business meeting, we didn't -- couldn't start the business meeting, but, however, we'll convene the public
hearing. We do have a public speaker.
Please -- is there a microphone or --
One question $I$ have -- if the -- if you signed in, I've seen in previous speakers it's hard to reach them, that we didn't ask for something like an email address or something. I had the impression --

MR. SHIM: Yeah, there is.
MR. NAVE: We have an email address, a phone contact, so we can get you a response is what --

MS. BRENNAN: Sure. I only -- I've only provided my email. If you need my phone number, I'm happy to give it.

MR. HILLBERG: Okay.
MS. BRENNAN: My name's Esthel Brennan. I'm the president of Riverside Park Residents' Association. Riverside Park is the neighborhood where you are right now. This is where Stranahan lives. We're big advocates of the high school. We feel like it's, you know, one of the crowning jewels of our neighborhood. It sits right in the middle. It's our, you know, little diamond in our -- in our neighborhood.

I'm coming here tonight because I have some concerns about the Stranahan culinary lab. Our

District 3 representative Sarah Leonardi had brought up the question, what is the status of upgrading electrical equipment facilities in the Stranahan culinary lab so that students can use the culinary equipment? And the response from staff was, Applied Learning is collaborating closely with Physical Plant Operations to conduct a comprehensive assessment of the electrical and plumbing systems in and around room 190, adhering to the county's building requirements while remaining within the confines of the Magnet Schools Assistance Program grants. The original drawings did not address the full scope of the culinary lab's electrical, plumbing and refrigeration needs and it will be necessary to obtain new drawings if the assessment allows for continuation of the project.

As a community we see this as a huge issue and we're concerned -- I'm sorry I have notes in two places, we're concerned with why it was not included in the needs assessment list of deficiencies. And why there is insufficient funding and funds haven't been properly allocated based on the needs assessment. And since this wasn't noted as a deficiency it wasn't in the

SMART Bond.
So we want to know, $I$ don't know how many of you, I'm sure you've toured the school many times, it has like beautiful potential in there for the kids to really, really learn and grow in that culinary lab, but they're unable to do so if their needs aren't being met and they don't have the proper equipment to use, refrigeration, ovens, baking equipment, whatever else is needed to properly run a culinary program.

So we ask that you look into what's going on with that; how we can get those needs addressed and get them properly funded.

And, again, $I$ just want to reiterate that it was not listed in the deficiencies.

MR. HILLBERG: Thank you.
MS. KRISHNAIYER: I have a question.
Is there a culinary program at Stranahan right now or --

MS. BRENNAN: As far as $I$ know there was, at least before COVID. I haven't convened with Ms. Dora. I don't know if there's anybody here that knows. But I do know that they have two rooms. They have one that's more of a home economics room and one that has industrial culinary
capabilities. And I know that they were running a culinary program here. And we are in a hospitality mecca here, so it's kind of one of those things that could provide job security right out of school if college isn't someone's path.

MS. KRISHNAIYER: So could we get that answer? Because if the lack of equipment is stopping the students from having a program, I think it would --

MS. BRENNAN: We do have a culinary program? We do have a culinary program here at Stranahan.

MS. KRISHNAIYER: But you need --
MS. BRENNAN: We need equipment to run it. Right now if you go in there, there's no -- they can't -- they can't properly learn.

MS. KRISHNAIYER: Thank you.
MR. HILLBERG: So we would like to see what the status of the funding and scoping of the electrical and -- Omar, go ahead.

MR. SHIM: No, I just was going to say, although, that's not a part of the SMART Program dollars, $I$ believe it's part of a grant. So we'll -- we'll -- we'll get back to the speaker via email and I'll get a phone number so we can
exchange information.
MR. HILLBERG: Okay.
MS. KRISHNAIYER: Can you update us also? Because that's one of the things parents -- you know, I think our culinary programs are wonderful. I've tasted the food many times and it's impossible to differentiate between a master chef and what the students produce. So it would be good.

MR. HILLBERG: Okay. So let's -- okay. Let's adjourn the public hearing and then reconvene the business meeting.

Any additional discussion?
(No response.)
MR. HILLBERG: No? Go ahead.
CHIEF DEMOPOULOS: I would like to just -Tommy Demopoulos. I'd like to say, thank you, good job. From what I've seen, we're heading in the right direction in many aspects of this. So, good job.

I would like to express some concern really about membership, which we've kind of talked about, and you all are tasked with trying to figure out how to properly get the membership, but, also, I don't want to call it a direct waste
of time not having a quorum, but not having a quorum, people do drive from very far places and do, whether it's not go to kids' events or not go to different events to be here, and to not have a quorum, to me, is not acceptable. We do make phone calls. I know if I don't hit "accept" I get a phone call and an email saying, will you be there? And I would imagine we all do. So, understanding there are emergencies that do happen last minute, $I$ understand that, but if there is something the day before or so, that way we don't waste people's time, that would be much appreciated.

Thank you.
MR. HILLBERG: Mr. Nave, could you provide a cutoff time? I think you're the furthest commuter to this meeting from Jacksonville; right? Jacksonville or Tallahassee?

MR. NAVE: Tallahassee.
MR. HILLBERG: One of those. One of those faraway places.

What is your cutoff time, really, a realistic time, if we don't have a quorum?

MR. NAVE: I pick up my rental car at about 8:00 in the morning. I've gotten as far as I-75
and the turnpike to find out that a meeting is being canceled for lack of a quorum. So, I don't know. It's mostly tied to my hotel reservation. If I get time to cancel the hotel reservation, so that would be probably late morning.

MR. HILLBERG: The day before I would think close of business; right?

MR. NAVE: That's better.
MR. HILLBERG: Yeah, 5 p.m. the day prior to the meeting is your cutoff, should be cutoff time whether we make it or not.

MR. NAVE: That works great for me. Thank you.

MR. HILLBERG: If there's any disadvantages or reasons why we can't do that, please, let me know so we can have some informal policy so that people don't go to incredible inconveniences to get here for no reason.

Mr. Shim?
MR. SHIM: Yeah, so I just wanted to clarify that if you do not have a quorum are you saying that we should not have the meeting; or try to reschedule the meeting; or we should do it like this and do it without a quorum?

MR. HILLBERG: That has been a problem in the
past with not having a meeting and I hate -- I don't want to repeat that.

I would, at the very minimum, release Mr . Nave from coming. You could phone in. We've had people do that before and that was okay.

So we could try something like that as a first step. As abbreviated as the meeting is, there may be some benefit for us being here and discussing the issues. I don't want to call it off completely.

MR. NAVE: It's important. It's a good opportunity for us to discuss our findings and our recommendations. And it is an inconvenience, but it's not -- I mean, I've done it a number of times. It's -- but I will talk to my leadership and see what their thoughts are.

MR. HILLBERG: Is that a good option though, 5 p.m. the prior day and then you phone it in; Zoom call or whatever? Talk to your management.

MR. NAVE: I appreciate that. I would appreciate that option, but let's make that an option.

MR. HILLBERG: Okay. So, to be determined.
MS. KRISHNAIYER: I have a question. I've asked this before. I know we need a quorum to
vote. However, I think it's important, I agree that these presentations be made, because it's not just for us, but it's for the community also. And that is very important that we are here.

Can it be done virtually? Because we're not voting and the law says voting you have to be in person. But if we are not voting it will help everybody if they could do it -- I hate Teams, it screws up my computer all the time. It does. I mean, I have to do it on the iPad. I can't do it on my desktop. But that's an option. And it should be, and Steve mentioned calling in and that's also an option, board members call in all the time and they are able to vote. But I know that's because there's a quorum present, you know, physically. But $I$ think that's an option. I mean, I'm happy to come, but thinking of Mr . Nave --

But we do need a meeting of some kind. I agree with Steve. I think it's important for the presentations to be made and everyone be able to see it.

MR. HILLBERG: Mr. Nave?
MR. NAVE: And, again, I appreciate you all looking out for me. I really do. But it's kind
of a Band-Aid type approach. The problem is that the resolution of the membership that constitutes the Bond Oversight Committee, I think we have to take a good, hard look at that and if we have to go back and amend $15-106$ yet again to reconstitute the Bond Oversight Committee, then maybe that's -- that's, I think, a better way to go. We have nine or so, then, you know, you only need six or so to have a quorum or five. So --

MR. HILLBERG: Okay. So we have guidance to move forward. Hopefully, it won't be an issue because we'll have a robust membership.

Okay. Anything else?
(No response.)
MR. HILLBERG: I had one that I hesitate to mention but the resolution by the board states, it looks clear to me that they expect all the projects in the bond to be wrapped up, financially completed, the final step, by October of 2025. And then in the report it says substantial completion is the goal. And I think that's a -- that has the potential for being a -it could be as much as a year difference. So that needs to be addressed moving forward.

Go ahead, Mr. Shim.

MR. SHIM: Yeah, and I think that, you know, it's important when I look at the resolution that the resolution is clear that we spend all the bond dollars and we deliver the projects. And I think that, that how it is perceived of how we deliver the projects is really the key. You know, we've been -- like, for example, this building, you know, it's being used and one would view it as a completed project, yet, you know, there's still a warranty period and there's still the financial closeout piece of it.

So the real question is, if all the bonds dollars are spent and all of the pieces are being used for its intended purpose, and that's what the resolution says, is that an indication that we have fulfilled the obligation that was promised to the voters?

And that's -- that's -- you know, a lot of people would say, no, you have to spend every dollar in any project. But if you look at, for example, Markham, we've expanded that project and it's in the SMART Program, there's no bond dollars on it, and it's virtually -- it's very difficult based upon how you've expanded it to meet that resolution.

So, you know, you could have other scope of projects that are ongoing and there's a change order to do a restroom that's looking forward on what the needs are for today and not what was promised in 2014.

So I think that it's just those nuances of how you view the project and how you state it that's important that how you meet the resolution. And I think the intent of the resolution is that we deliver these projects and that we spend all the dollars that we raised with the public. And, you know, if we read the letter of the resolution and the intent, $I$ think that that's what we're trying to do.

MR. HILLBERG: Okay. Agreed.
If there's no further comments, and I don't think there are, let's adjourn. Hopefully, the rain will let us get out of here.

Thank you.
MR. SHIM: Can $I$ just also say that this is Vicki's last meeting and so $I$ just wanted to thank her for all of the years of what she has done?

MR. HILLBERG: Yes, thank you, Vicki.
(Meeting was concluded at 6:56 p.m.)

## REPORTER'S CERTIFICATE

STATE OF FLORIDA
COUNTY OF BROWARD
I, Timothy R. Bass, Court Reporter and Notary Public in and for the State of Florida at Large, hereby certify that $I$ was authorized to and did stenographically report the foregoing proceedings, and that the transcript is a true and complete record of my stenographic notes thereof.

Dated this 5th day of October, 2023, Fort Lauderdale, Broward County, Florida.


TIMOTHY R. BASS Court Reporter

| A | AECOM 1:10,10 | applications 40:10 | availability 38:4 | billion 32:16,16,22 |
| :---: | :---: | :---: | :---: | :---: |
| A\&Es 24:8,11 | 11:4 13:21 22:21 | Applied 47:6 | available 2:18 | 32:23 33:6 39:21 |
| A/E 23:2 | 31:22 | appreciate 22:4 | Avenue 1:24 | bit 24:6,16 30:24 |
| abbreviated 2:9 53:7 | affect 38:3,7 | 53:20,21 54:2 | Avisare 40:1,3 | Blanche 18:23 19:23 |
| ability 13:5 | African 38:1 | appreciated 51:13 | award 14:5 28:9,21 | 20:3 21:2 |
| able 7:17 8:25 9:2 | African-American | approach 55:1 | 35:1 | board 8:7,13,16 9:10 |
| 17:24 22:25 23:14 | 35:2,6,10,18,22 | appropriate 30:10 | awarded 35:19 38:23 | 9:19 10:9,16,17,18 |
| 54:14,21 | afternoon 32:11 | approval 2:12 8:14 | aware 18:3 | 11:15,16 14:1,11 |
| Absolutely 41:3 | age 13:16 | 8:17 10:10 11:11 |  | 14:14 19:8,19 20:1 |
| accept 51:6 | agency | 31:15 | B | 20:12 21:4,12 22:1 |
| acceptable 51:5 | agenda 10:16 | approve $2: 8$ 23:2 | B2GNow 36: | 22:16 23:21 24:20 |
| access 37:12 39:15 | ag | approved 9:1114 | baby 19:20 | 29:8 34:3 44:22,23 |
| accomplishment | agree 54:1,20 | 19:7 20:1 | back | 5:1,14 54:13 |
| 15:11 | $\underset{\text { agreed 9:10,19 11:8 }}{\text { a }}$ | 1:4,12 25:7 | 27:21 34:12 43 | 55:16 |
| accomplishments | 57:15 | architect 21:5 | 5:2 49:24 55:5 | Bob 33:2 |
| 14:20 | ahead 2:16 14:12 | architectural 22 | bad 31:4 | BOC 34:1 |
| account 35:21 | $17: 14$ 42:22 45:10 $45: 23$ $49: 20$ $50: 15$ | areas 20:14 <br> arm 16:14 | baking 48:9 <br> balance 32:24 33:1 | bond 1:1,14 2:4 6:12 |
| accounts 26:15 | $\begin{aligned} & \text { 45:23 49:20 50:15 } \\ & 55: 25 \end{aligned}$ | arm 16:14 <br> art 20:20 | $\begin{aligned} & \text { balance } 32: 2433: 1 \\ & 33: 20 \end{aligned}$ | $\begin{aligned} & \text { 22:22 48:1 55:3,6 } \\ & 55: 18 \text { 56:4,22 } \end{aligned}$ |
| action | $\stackrel{\text { alarm 16:21 }}{ }$ | ascribed 25:9 | balances 33:4 34 | - ${ }^{\text {55:18 }}$ bonding 38:6 |
| actions 21:19 34:25 | Alliance 4:9 36:2 | Ashley 1:11 24:15 | Band-Aid 55:1 | bonds 56:12 |
| active 33:4 | 39:9,20 | 25:4 | B | breakdown 17:21 |
| activities 40:12 41:20 | allocated 4 | aside 8: | base 38:5 | 25:8 38:10 |
| 41:20 | allow 6:23 23:2 | asked 10:20,25 15:16 | based 14:13 17 | breaking 7:11 |
| activity 32:13 42:9 | allowance 28:11 | 17:10 18:2 29:23 | 7:24 56:24 | Brennan 1:19 46:11 |
| actual 5:22,23 33:9 | allows 47:16 | 53:25 | basically 20:18 | 46:15,15 48:20 |
| ADA 19:2 21:1 | alluded 15:24 | aspects 50:1 | basis 36:17 45: | 49:11,14 |
| Adam 3:25 | altered 5:15 | assessment 29:6 | Bass 1:23,23 58:4,14 | brief 29:13 33:25 |
| add 11:23 19:19 25:2 | amend 55:5 | 33:16 34:7 47:8,16 | BCP 36:2 | briefing 45:8,8 |
| 26:20 27:6 41:1 | amendment 29: | 47:21,24 | BCP | briefly 21:1,23 |
| added 23:4 | American 38:1 amount 26:7,17,21 |  | $\begin{aligned} & \text { Beach } 22: 1223: 9,1 \\ & 36: 22 \end{aligned}$ | $\begin{array}{\|c} \text { bring 9:23 } 31: 14 \\ 44: 17 \end{array}$ |
| addition 19:15,18 $33: 1235: 20$ | $\begin{array}{\|l} \text { amount } 26: 7,17,21 \\ 26: 2333: 15 \end{array}$ | associated 23:11 association 1:16,18 | beautiful 48:4 | broader 4:17 |
| $33: 1235: 20$ <br> additional 19: | $\begin{array}{\|c} \text { 26:23 33:15 } \\ \text { amounted 38:25 } \end{array}$ | $\begin{array}{\|c} \text { association 1:16,18 } \\ 3: 244: 1,2,7,8,15 \end{array}$ | beautiful $48: 4$ | broader 4:17 broken 15:24 |
| 24:3 28:14 33:15 | amounts 25:7,10 | :18 46:17 | believe 4:10 32:9 | brought 6:23 19:1 |
| 35:22 50:13 | analysis 19:10 33:24 | ass | 9:23 | 47:2 |
| address 9:18 19:3 | analyze 26:8 | assuming 4:23 | beneficial 6:1 | Broward 1:1,16,17 |
| 23:6 33:18,21 46:6 | Anchor 36:24 39:9 | assumption 30:2 | benefit 7:15 53:8 | 4:1,4 5:16 36:7 |
| 46:9 47:13 | anchors 39:22 | Atkins 1:11 25:5 | best 7:24 8:8 13:11 | 37:3,9 39:11 40:2 |
| addressed 21:9 22:15 | and/or 22:10,13,20 | 33:16,17 | 1:20 | 43:13 58:3,11 |
| $23: 2048: 1255: 24$ | 24:1,10 | attend 38:15 44:25 | Bethune 8:24 | budget 1:9 18:14 |
| addressing 21:2 22:9 | Andrews 1:24 | attendance 1:8 35:15 | better 22:1 52:8 55:7 | 19:24,25 28:3,8,11 |
| adds 24:21 | announce 43: | 38:11,13 | bid 14:5 21:13 23:16 | 28:15,18,19,21,2 |
| adhering 47:9 | announced 25:1 | attended 37 | 5 36:13 | 29:1 32:10,12,13 |
| adjourn 50:11 57:17 | Annual 37:4 | attendees 38:2 | 38:14,16,17 39: | 32:14,19,21 34:15 |
| adjust 33:18 | answer 40:15 44 | attending 35:16 | 40:11 bidders | budgets 33:13 |
| adjustments 28:21 | 9:8 | attention 31:14 | bidders 37:20 | build 10:11 |
| 28:23,24 | anticipate 16:11,15 | attributable 21:5 | bids 40: | builder 4:13,16 5:14 |
| adopted 34:3,13 | anybody $3: 7$ 48:2 | attributed 22:19 | big 18:6,13 29:21 | Builders 4:5 5:16 |
| advance 6: | apologize 30:15 | au |  | building 8:1 9:11,14 |
| advocates 46:19 | appeal 35:25 <br> application 36:19 | August 19:6 authorized 58:6 | $\begin{aligned} & \text { bigger 7:9,11 } \\ & \text { billing 15:3 } \end{aligned}$ | $\begin{aligned} & 9: 17,18,20,24,25 \\ & 11: 1212: 10,11 \end{aligned}$ |

United Reporting, Inc.
(954) 525-2221

13:1,3 17:25 19:1 19:12 20:19 47:10 56:8
buildings $8: 16,179: 9$ 9:14 15:10 23:6,7
built 28:11
business 2:74:20 36:7,11 37:4,14,16 38:8 43:13,25 44:1 44:6,7 45:23,24 50:12 52:7
businesses 39:14 43:15,21 44:7
busy 13:22 $15: 3$ 41:18

| $\mathbf{C}$ |
| :---: |

C 2:1
calendar 16:12,16
call 2:11 50:25 51:7 53:9,19 54:13
called 7:25
calling 54:12
calls 3:5 51:6
campaign 43:12
campaigns 36:5 38:14
cancel 45:2 52:4
canceled 52:2
capabilities 49:1
capital 1:9 22:22
32:12
captured 43:17
capturing 41:19,22 42:25
car 51:24
card 16:11
care 29:12
Carpenter 1:11 25:4 25:5 27:8, 16 28:3
carveouts 7:2,13 15:25
cash 24:13
catching 45:1
categories 4:10,21 25:9
categorized 27:11,13 27:23
category $25: 11$
Caucasian 35:7,11
caught 31:1
cause 22:19
caused 26:22
causes 28:15
center 1:4 6:19 14:17
centers 7:14
ceremony $14: 15$
certainly 11:23 17:12 23:20
certificate 11:21 58:1
certification 37:1,2 38:19
certified $35: 14,15,18$ 35:25 36:9,17,18 37:20,22 38:20
certify 58:6
cetera 40:12
CGFO 1:17
Chair 31:10, 11
challenges 23:8 44:5
Chamber 44:2
change 17:20 18:15
19:4 20:1,2,6,10,13
20:15,17,21 21:13
21:19 22:18 23:16
24:9,16 25:1,6,10
25:14 26:2,16
27:10,13 28:9,10 28:14,22 57:2
changed $4: 11,128: 21$ 9:8
changes 24:21 26:22
chef 50:8
chief 1:12 3:21,23 4:4 4:22 6:7 50:16
Chiefs 1:16 4:6
children 12:5 44:17
chiller 10:12
Choice 30:18
chooses $38: 7$
City 35:20 37:5,15 42:13
Civil 1:15
claims 24:8
clarify $11: 23$ 52:20
clear 7:20 23:24
38:18 55:17 56:3
clearly $22: 20$
close 20:16 52:7
closed 33:3
closely 13:10 17:25 42:18 43:14 47:7
closeout 13:25 16:3 16:24 17:1 28:16

28:24 34:10 56:11
Coalition 4:5 5:16
Coconut 37:6 42:13
Cody 1:10
cold 45:1
collaborate $36: 16$ collaborating 47:6
college 49:5
combined 23:11
come 21:14 30:9
54:17
coming 46:24 53:4 comment 32:5
comments 6:2 10:25
19:13 34:21 57:16
Commerce 44:2
commitment 7:17 9:3 30:12 38:24
commitments 35:21 40:19
committed 32:24
committee $1: 1,142: 5$ 2:22 3:3,4,7 14:2 16:20 17:3,7,12 18:20,20 20:10 29:22 45:10 55:3,6
committee's 22:5 Communication 42:20
communications 41:13,16 42:19 44:11
communities 43:23
community $10: 23$ 40:12 42:17 47:18 54:3
commuter 51:17 companies 35:2 comparison 41:5 compensated 24:12
complete 16:15,24 17:8 19:12,16 58:8
completed 10:3 14:21,24 16:8,12 17:18 18:24 30:18 33:2 34:9 36:4 55:19 56:9
completely 53:10 completing 16:15 20:13
completion 16:7 18:11,17,22 20:25

22:6 55:21
Compliance 35:4 comply 6:11 comprehensive 47:8 computer 54:9 concern 50:21 concerned 47:19,20 concerns 19:2 46:25 concerted 36:8 concluded 57:25 concludes 29:10 34:15
conclusion 21:14 40:13
condition 9:16
conduct 2:6 47:7
confines 47:11
confirm 15:2
congrats 19:19
congratulate 44:17
considerably 8:21
considerate 29:16
consideration 22:8 24:9
considering 37:6
consistent 17:22
constitutes 55:2
construction 4:17,19
5:11,13 7:5 13:25
16:2,22,25 23:3,13
24:2 25:17,19
27:19 28:9,21
35:18 41:18,20
construction's 26:4
consultant 29:1
contact 5:5 46:10
content 41:22 42:2 42:25
continuation 47:17
continue 11:17
continued 42:11
continues 22:21
contract 17:19 18:23 19:5,15 21:8,12 31:19,25 35:19 40:5,11
contracting 5:12,13 contractor 14:5 19:7 19:9 20:11 21:15 27:22 37:18
contractors 4:75:18 16:2 37:22,23,24
contracts 35:1 38:23
Control 1:11
convene 45:25
convened 48:21
conversation 8:6,7
conversations 11:3
converted 5:19
Cooper 35:20
copies 17:6
copy $32: 2,5$
Coral 15:17
correct 11:24 12:8
41:8
cost 7:15 23:13,15,24
23:25 24:2 25:23
25:25 26:1,14
costs 22:19 23:11 33:15
County 1:1,16,17 4:2 4:4 5:16 22:13 23:10,17 36:22 39:11,11 58:3,11
county's 47:10
couple 24:25 27:11 27:17
course 26:6 36:20
Court 58:4,14
cover 28:13
coverage 44:4
COVID 48:21
credit 27:13,21,24 28:24,25
credits 27:25
Creek 37:6 42:14
crowning 46:20
culinary 46:25 47:4,5
47:14 48:6,10,18 48:25 49:2,11,12 50:5
cumulative $25: 13$
cumulatively $27: 9$
currently $2: 15$
cutoff 51:16,22 52:10 52:10
cutting 14:15 19:17 19:21

| D |
| :--- |
| D 2:1 35:17 |
| Dade 39:11 |
| data 37:19 |
| Dated 58:10 |

dates 16:7 18:11,22 45:19,20
day 23:16 25:25 51:11 52:6,9 53:18 58:10
days 19:8
deadline 12:4
declined 5:17
decreased 14:7,8
decreases 28:20
dedicated 41:25
deficiencies 47:22 48:15
deficiency 47:25
define 8:11
defined 10:14
delay 26:14
delayed 14:6,9,9 17:17,18
delays 7:10 21:3
deleted 23:5
deliver 56:4,6 57:10
delivering 6:14,16 7:4
delivery 7:5,6
DemandStar 36:14 40:3
demolish 8:17
Demopoulos 1:16 3:22,23 4:4,22 50:16,17
department 18:1 19:1 35:5 37:8
Deputy 11:5
design 14:4 15:21 22:20 23:4 24:4 27:18
desktop 54:11
detail 17:2 18:8,19 19:11 20:7 30:7,11
detailed 32:18
details 17:9
determinations 2:7
determine 8:8
determined 12:22 53:23
develop 22:1
developed 7:23
developing 37:7
development 22:9
35:4 37:7
DFP 34:13
diamond 46:22 difference 23:15,25 25:23 55:23
different 7:4 8:15 24:13 25:9 26:3 27:6 39:5 51:4
differentiate 50:7
difficult 56:24
direct 50:25
direction 22:24 50:19
director 1:9,10,11 13:22 32:12
Disability 4:6
disadvantages 52:14
discuss 2:13 44:21
53:12
discussed 23:20
discussing 53:9
discussion 50:13
discussions 10:22
distributed 44:3
district 4:20 6:1,10 6:10,20 9:5 16:5 18:1,10 21:7,11,20 22:19,21 23:14 24:12 26:11 27:21 29:7,23 30:12,15 31:20 33:14,25 34:4 35:1 36:1,21 37:14,25 44:9 47:1
district's 33:17 42:19
districts 39:12
Diversity 35:4 37:4
document 18:25
documented 24:3
documents 5:23
doing 7:1 23:19 37:9 37:13 45:6
dollar 56:20
dollars 6:12 11:22 25:17,19 28:17 49:23 56:4,13,23 57:11
Dora 48:22
Douglas 16:13
Dr 11:4,6
draft 22:4,16 29:6
drawings 47:13,16
drills 37:19
drive 51:2

E 2:1,1 44:20
early 19:18,21
economic 35:4 37:7
43:22
economics 48:24
EDDC 36:4,25 43:14
education 37:12
educational 34:4
effect $38: 4$
effort 36:9
efforts 35:5,9,9
either 27:17 32:23
elaborate 35:9
electric 16:14
electrical 47:3,8,14
49:20
element 22:23
Elementary 8:24
14:16 16:10
elements 22:3,15
Ely 18:23 19:23 20:3 21:2
email 38:14 46:6,9,12 49:25 51:7
embarked 7:21
embarrassed 30:17
emergencies 51:9
employed 6:21
employing 7:17
encapsulates 9:15
encouraging 42:6 43:7
encumbered 32:25
ended 27:20 32:13 45:1
energy 39:17
engage 35:5,24
engineer 1:15 21:6
engineering 4:7 5:8
5:18,19 22:10
Enhancement 30:19
enrollment 8:19 12:16
enter 40:5
entire 12:6,11 14:19
equated $38: 12$
equipment 14:25
20:20,24 47:3,5
48:8,9 49:8,14
error 22:2,13 26:5 31:1
errors 21:24 22:10

22:20 23:11 24:1
24:10 25:21 26:8
Erum 1:12
Estates 14:16
Esthel 1:19 46:15
estimated 23:25
et 40:12
evaluate 8:5
evening 2:3 6:6 13:21
25:4 35:3 41:14
evening's 16:6
event 20:15
events 35:8 37:3,17
51:3,4
everybody 18:3 54:8
everyone's 40:18
exact 12:21
exactly 13:15 14:18 34:23
example 39:2 56:7,21
examples 27:17
exceed 23:12
exception 17:23
exchange 50:1
excited 40:7 42:3 43:24
excuse 14:15 31:10 31:11
execute $22: 1$
expanded 56:21,24
expect 19:15 24:19
55:17
expected $34: 8$
expended 28:10
expending 6:12
expenditures 33:5,7
33:10
experience 4:15 5:8
5:11,12,20
experiences 43:17 44:9
explain 18:13,14,16 20:5
explains 17:6
Expo 37:5
express 50:21
extend 19:10
extended 5:3
extension 19:7 31:16
$\frac{\mathbf{F}}{\frac{\mathbf{F} 44: 22,22}{}}$
facilitate 22:6 38:21
facilities 6:7 16:6
18:10 34:4 47:3
factors 38:2
fair 30:25
far 9:6 25:13 26:9
48:20 51:2,25
faraway 51:21
faster 7:11
feasible 33:19
February 14:11
19:11
feel 46:20
felt $21: 7$
field 42:25
fifth 13:8
figure 50:24
filled 3:15
final 31:21 55:19
finally $18: 17$ 24:15 40:9
finance 4:1 33:17
Finances 11:6
financial 1:12 28:15
28:24 29:3 34:10
56:11
financially 33:3,4,19 55:19
financing 38:6
find 5:21 39:2 52:1
findings 53:12
finish 10:5 20:17
finishing 20:22
fire 1:16 4:6 16:21,24
firm 35:19 38:7
firm's 38:3
firms 35:7,11,11,14
35:15,16,23 36:9
37:13,13 38:12,13
44:8
first 2:6 6:11 9:22
10:10 16:16 24:24
31:7 33:22 40:20
53:7
fit $3: 89: 1$
five $31: 235: 1155: 9$
fix $8: 18$
FL 1:24
flag 19:24
flags 18:14 20:3,4 28:4,8
Florida 1:5,9 3:24,25

4:6,8,8 16:4 18:9 36:23 39:9,19 43:25,25 58:2,5,11
focus $16: 22$
follow 25:2 38:13 43:10
following 6:2
food 50:6
foregoing 58:7
forgot 4:13 26:12
form 3:24
former 10:19
formulated 9:5
Fort 1:5,24 44:2 58:10
forward 2:23 8:8 $11: 8,9,10,1418: 5$ 29:19 41:2 55:11 55:24 57:3
Foundation 39:18
four 31:7
fourth 13:7 33:5
FP\&L 10:11
Freeman 1:12 35:3,3 40:23,25 41:3,6,9 41:11
fulfilled 56:16
full 26:6 47:13
fully $8: 2$
funded 8:20 11:20 39:18 48:13
funding 9:21 20:17 20:23 33:13 47:23 49:19
funds 7:24 21:16 32:25 47:23
further 7:19 8:5 44:19 57:16
furthest $51: 16$
future 45:19,20
Futures 41:24
G

G 2:1
Garth 1:13,13 6:4 41:14,15,15
gate $16: 14$
general 4:11,14,21 37:23,24
generally $44: 15$
generator 10:13
getting 4:18 26:15

29:25 38:20
give 10:24 11:16
14:18,20 46:13
given 8:14 9:21 22:9
22:24
gives 25:12 31:22
32:20 39:15
giving 43:9
Glades 15:17
glean 37:8
GMP 10:10, 10 11:1 11:11
go 2:16 8:9 10:9 11:8
11:10 12:24 15:5 17:9 19:4 21:14 24:11,19 39:16 43:8 44:14 45:10 49:15,20 50:15 51:3,3 52:17 55:5,8 55:25
goal 55:21
GOB 19:5
goes 28:18
going 2:4 7:7 8:25
10:9 11:9,14 12:3
13:20 23:8 26:4
29:19 30:4,4,7,11
30:24 42:20 45:5,6
45:7 48:11 49:21
$\operatorname{good} 2: 3$ 6:6 13:21 25:4 32:11 35:3 41:14 42:12 44:4,9 50:9,18,20 53:11 53:17 55:4
gotten 30:12 51:25
Government 3:25
graders 13:7,8
grades 12:20,24 13:2 13:16
grant 39:19 49:23
grants 47:12
graph 17:15
graphic 29:4
great 44:14,18 52:12
group 7:20 8:3,4,6,12
8:13 10:18
grow 48:5
guess 28:4
guidance 55:10
guidelines 22:18 23:1
guys 28:5 32:4
$\frac{\mathrm{H}}{\frac{\text { Hende } 42.15}{}}$
hold 11:1
holding 7:8
holds 40:8
home 44:17 48:24
hope 11:14 29:18
hopefully 18:6 55:11 57:17
hospitality 49:3
hotel 52:3,4
houses 43:2,6 44:14
huge 26:23 47:18
HVAC 7:14 14:25

| I |
| :---: |

I-75 51:25
idea 44:14,18
identified 19:13
22:12 33:13,16
identify $18: 11,13,14$
18:15 20:5 43:14
identifying 20:25
III 1:12
image 44:6
imagine 51:8
impact 19:10 43:22
imperfection 23:2
importance 31:17
important 6:13 22:23
53:11 54:1,4,20
56:2 57:8
importantly 43:7
impossible 50:7
impression 46:7
include 16:5 36:20
included 27:5 31:21
35:7 36:5 47:21
includes 36:1 39:10
including 37:3 39:11
incomplete 31:2
inconvenience 53:13
inconveniences 52:17
increase 26:14 28:15
33:7 37:13
increased 19:25 29:1
32:15,21 34:5 42:8
increases 28:19 32:19
incredible 52:17
indicated 15:15
indication 56:15
individual 42:1
industrial 48:25
influx 14:2
informal 52:16
information 13:13
21:22 40:21 41:2
43:9 45:14 50:1
initial 10:16
initiated 26:21
initiative 39:24
input 3:6
inspections 18:2,4
installed 20:20
instance 6:17,18
institutions 39:10
insufficient 47:22
integration 40:6
intended 6:16,18 56:14
intends 6:11
intent 7:22 57:9,13
intents 10:6
interested 20:12 38:20
internal 10:18
intervals 36:11
interviewed 43:18
invite 36:17
involved 4:19
iPad 54:10
iron 39:23
issue 19:1 32:10 47:18 55:11
issued 11:21
issues 4:18 8:19
18:16 20:9 21:1
38:7 45:20 53:9
item 18:12,17 27:1 44:22
items 10:18 23:3
J

Jacksonville 51:17 51:18
January 19:16
jewels 46:21
job 49:4 50:18,20
Journal 44:1
Judith's 30:8
jump 2:11 29:12
June 14:1 20:1 31:23 32:14

## K

Kathleen 1:10 13:21

25:21 30:8 42:23
keep 42:20,20
keeping 7:7,9
key 56:6
kids 48:5
kids' 51:3
Kiess 1:10
kiln 20:24
kind 2:14 25:20
29:15 30:9 49:3
50:22 54:19,25
kinds 23:8
kinks 39:23
know 3:2 6:17 7:8,15 7:21 8:25 10:14,22 11:7,13,17 12:21 13:7,9 18:7 20:10 24:5 25:15 26:11 27:2,5 28:12 39:23 40:17 42:23 43:9 44:5,8 45:10,14,16 46:20,22 48:2,2,20 48:22,23 49:1 50:5 51:6 52:3,16 53:25 54:14,16 55:8 56:1 56:7,8,9,18 57:1,12
knows 48:23
Krishnaiyer 1:17 3:10,13 4:3 5:21 12:5,9,13,15,19 13:1,6,12,15,18 24:18 25:3 44:13 48:17 49:7,13,17 50:3 53:24

L
lab 46:25 47:4 48:6 lab's 47:14
lack 49:8 52:2
Langan 1:10 11:4 13:19,21 15:7 21:18 24:21 31:10 31:13 32:7 33:8
language 39:2
large 14:2 58:5
larger 8:20
largest 33:9
late 19:18 52:5
Latha 1:17 3:9
Lauderdale 1:5,24 44:2 58:11
launch 37:2

Lavinia 1:12 35:3
law 54:6
leadership 8:7 29:7 53:15
learn 48:5 49:16
Learning 47:6
leaves 17:19
left 15:21 21:22
legal 21:10
length 26:25
Leonardi 19:20 47:1
let's 2:11 11:8,10
31:9 50:10,11
53:21 57:17
letter 57:12
letting 43:9
level 23:2 30:10 34:6 38:4
leveraged 43:2
liaison 41:16
Licata 11:4,6
limits 38:6
link 5:24
linked 40:2
list 3:18 32:18 45:3 47:21
listed 48:15
little 13:7 24:16 30:6 30:16,24 42:22 46:22
lives 46:19
Lloyd 14:16
local 42:12,17 43:15 43:20,22 44:8
long 12:5
look 12:17 17:6 18:24 26:8 28:1 42:22 44:16,24 45:6 48:11 55:4 56:2,20
looking 3:6 25:5,14 25:17 28:3 29:17 54:25 57:3
looks 55:17
$\operatorname{lot} 7: 11,159: 15$ 10:12 18:8 24:9,13 25:15 26:2 27:25 30:13,14 41:21 42:5 56:18
low 26:22,24 27:7 28:1

| M |
| :--- |
| M/WBE 1:12 |
| Magnet 47:11 | main 28:19 maintain 42:12

major 39:10
makeup 12:21
making 29:18 41:22
manage 15:16 22:25
management 53:19
manager 1:11 6:20
mandatory 35:17
market 26:3
marketing 35:8 36:6
37:1 38:14 39:5
marketplace 39:21
Markham 8:24 9:7
56:21
Marte 11:5 24:22
master 17:17 50:7
materials 43:6
matter 3:7
MBE 35:18
mean 7:12 12:10
26:16,22 28:5 29:9
53:14 54:10,17
meaning 6:22 7:2
means 6:15
mecca 49:3
media 1:4 6:19 7:14 14:17 36:3,6 42:6
42:13,13 43:19,20
meet 7:17 9:2 12:3 34:6 56:25 57:8
meeting $2: 4,9,12$
11:15,16 19:8
20:12 21:23 37:16
38:11,16 45:19,20 45:24,25 50:12
51:17 52:1,10,22
52:23 53:1,7 54:19 57:21,25
meetings 24:25 35:12 35:17 40:12
Meloni 1:11 6:6,6 12:8,10,14,17,21 13:4,9,14,17 15:14 15:24 24:23 29:14
member 3:24,25 19:20 45:10
members 1:14 5:3

38:15 44:3 54:13
membership $2: 13,21$ 50:22,24 55:2,12
mention 30:21 55:16 mentioned 9:7 11:12 12:3 15:8 21:4 39:9 43:1 54:12
message 44:10
met 48:7
method 7:5,6
methods 35:24
metrics 40:10
Miami-Dade 36:21
microphone 46:2
middle 8:15 15:18 46:22
mighty 39:6
mike 2:10
million 15:3 25:8 28:22,25 32:15,16 32:17,23,23 33:1,1 33:2,3,6,7,11,15,20 34:2,5,14 35:19,22 38:24,25 39:19
minimize 21:20
minimum 53:3 minor 7:6 9:13 10:5 minority $4: 4,13,16$ 5:14,16 31:17 37:15 43:15
minute 51:10
minutes 2:8,12
Miramar 37:15 42:16
misbehaving $2: 10$
mitigate $34: 2$
modified 23:4
module 37:2
mold 9:1
momentum 11:17
Monarch 42:16
money 21:7 25:15 26:23 28:13 34:11
month 15:3
monthly 31:20,20
months 10:9 36:12
morning 51:25 52:5
Motiwala 1:12
move 8:8 9:24 11:7 18:4 31:9 34:1
44:20 55:11
moved 14:4
moves 45:19
moving 5:25 15:12
18:6 26:19 29:3 34:25 41:2 45:23 55:24

| $\mathbf{N}$ |
| :---: |

N 1:11 2:1
NAACP 4:6 5:17
name 40:18
name's 46:15
nature 18:14 20:6
Nave 1:9 29:11,13
31:7 33:22 34:20
34:21,23 46:9
51:15,19,24 52:8
52:12 53:4,11,20
54:18,23,24
necessary $47: 15$
need 27:3 28:7 46:12
49:13,14 53:25
54:19 55:9
needed 12:24 20:15
26:11 48:9
needs 3:14 8:6 9:17
47:15,21,24 48:7
48:12 55:24 57:4
negotiating 20:16
neighborhood 46:17
46:21,23
networking 38:21
never 31:3
new 19:14,18 21:22
22:22,22 39:24
42:2,4 47:16
newer 15:15
nice 41:4 42:17 44:4
night 45:2
nine 55:8
nod 14:20
Non-Minority 35:6
Northeast 19:5,14,23
21:3
Notary 58:4
note 6:13 15:13 38:2
noted 47:25
notes 47:19 58:9
notification 36:5
notifications 36:10 36:13
November 19:19 44:23
nuances 57:6
number 6:8 9:4,6,11
9:14 13:24 14:6
16:4 17:24 20:2
27:12 29:15 30:16
33:21 36:22 37:13
37:20,21 46:12 49:25 53:14
numbers 16:23 30:17
numerous 35:8 37:16 38:2 39:6
$\bar{O}$
obligation 56:16 obtain 47:16
obviously 14:23 21:8
22:14 23:22 24:24
occupancy 6:15
October 6:12 9:3
11:15 12:4 18:24
19:18,21 55:19
58:10
offhand 12:18 13:9
Office 42:18,19
officer 1:12 6:7
Officer's 4:1
okay 2:11 3:1,9,19
5:2,25 13:6,17,19
21:17 25:3 27:15
29:11 30:23 31:6,9
32:1,9 34:22,25
37:18 40:16 41:9
41:13 45:12,15,23
46:14 50:2,10,10
53:5,23 55:10,13
57:15
old $8: 1,16$ 23:5
Omar 1:9 2:19 5:6 30:8 32:11 45:4 49:20
omission 22:14
omissions 21:24 22:2 22:11,20 23:12 24:1,10 25:22 26:9
ones 5:15 13:7
ongoing 18:12 36:17 57:2
open 2:4,24 43:2,5 44:14
opened 15:9
Operation 11:5

Operations 47:7 opportunities 36:2,7 36:13 38:15 opportunity $18: 7$ 43:16 53:12
opposed 7:6
option 53:17,21,22
54:11,13,16
options 13:11
order 2:11 17:20,20
18:15 19:4 20:1,2,6
20:13,15,17 21:13
21:19 23:16 26:2
26:17 28:10,22 57:3
orders 20:10,21
22:18 24:10,16 25:6,10,14 27:10 27:13 28:9,14 33:11
organization 5:10
organizations 3:15
Organized 3:21
original 7:22 8:10 9:10 15:22 47:12
originally $8: 22$ 13:3
outlined 34:6
outreach 35:8
outside 11:22,25
outstanding 17:19 21:15
ovens 48:9
overall 19:15 27:25
Oversight 1:1,14 2:4 55:3,6
owed 21:7
owned 35:2,2,7,11,19 35:22
owner 26:21 27:9,14 27:23
$\overline{\mathbf{P}}$

P 2:1
P.E 1:15
p.m 1:6,6 52:9 53:18 57:25
page 27:4 31:22 32:17 33:6 42:1
pages 30:6 42:2
paid 26:10
Palm 22:12 23:9,17 36:22
papers 42:17
Parent 1:17 4:2
parents 43:3,8 44:15 50:4
Park 46:16,17
parking 10:13 11:12
Parkway 8:15,23 15:17
part 4:15 5:10 7:9 49:22,23
Parth 1:17 4:1 40:16 participate 5:17 36:1 participated 37:14 participating 35:12
participation 11:21 31:17,18,24 38:3 40:11
particular 11:20 12:19
particulars 18:21
partner 37:5,11
partners 36:16,20
parts 14:23
Patel 1:17 32:4 40:17
40:24 41:1,4,8,10
path 49:6
pause 10:20
pay 26:13
payment 38:6
peek 42:22
people 4:19 5:3 51:2 52:17 53:5 56:19
people's 51:12
perceived 56:5
percent 16:14 17:7,8 19:12 23:12,13,17 24:1 25:18,19 26:10,16 31:24 35:14,16 37:23 38:12,25
percentage 25:16 40:21
percentages 40:19
period 17:16 27:18 35:13 36:25 37:21 56:10
person 54:7
personally 24:7
phase 9:22 10:7,8,8 10:14 11:2,11 14:5 34:11
phases 15:20
phone 46:9,12 49:25
51:6,7 53:4,18
Physical 47:7
physically 54:16
pick 51:24
picked 42:14 44:1
pictures 30:6
piece 56:11
pieces 20:23 56:13
piggyback 25:20
place 1:4 33:11 39:16
places 47:20 51:2,21
plan 11:14 26:12
27:20 34:1,4
planned 8:22 37:1
planning 15:14,20 16:23
plans 23:2 25:24
Plant 47:7
platform 36:20 39:12 40:1
platforms 36:3
played 15:6
please 6:5 13:13 15:4
17:11 42:10 43:11
46:2 52:15
pleases 18:20
plumbing 47:9,14
point 10:17 11:19,25 26:17
pointing 2:14
policies 25:2
policy 21:19,25 22:3
22:9,14,16,17 23:10,18 24:19,21 25:1,2,22 52:16
population 13:5,11
portables 6:23,25
9:24 10:1,2,5 12:6 12:7,20,22,25 13:16
portion 2:21 7:3 8:1 29:10 34:15
position 5:5,8
positions 2:24,24 3:11
positive 44:10
possible 2:17 41:1 posted 41:23 43:18 posts 36:6 42:6 potential 48:4 55:22 PPO 27:19
pre-bid 35:12,17 38:11,16
Pre-Construction 1:11
pre-qualification 37:19
pre-qualified 37:22
prepared 29:6 45:13
preparing 13:23 19:9
present 5:3 10:20
38:16 45:7 54:15
presentation 6:3
16:20 32:3,6 40:13
presentations 2:16 6:1 54:2,21
president 46:16
President/CEO 1:13
press 43:20
pretty 17:11,22 27:7 30:6 33:9 39:13
previous 29:5 33:8 41:2,6 46:4
price 26:1,15
priced 27:22
primary 18:12,18
prime 38:3
primes 38:17,22
principal 12:23,23 13:10
principals 13:4
prior 52:9 53:18
probably 8:2 20:7,9
28:6 45:7 52:5
problem 2:15 52:25 55:1
proceed 11:9,17
proceedings 58:7
process 9:22 22:2 24:22
procurement 36:2
procurements 36:1 40:2
produce 50:8
professional 24:4
program 1:10 6:20
9:15 13:22 15:22
22:7,22 25:13 26:9
27:9 32:14 33:12 33:19 35:1 40:10 41:16 43:4,16,22 44:6 47:12 48:10 48:18 49:2,9,11,12

49:22 56:22
programs 50:5
progress 30:14 40:6 43:10
project 1:11 7:3,7,9 7:12,22,23 8:21 9:23 10:24 11:1,7 11:10,18,20 12:2 16:13 17:17 20:11 23:12 28:11,17 32:19 33:13 34:9 34:11 47:17 56:9 56:20,21 57:7
projecting 31:24
projects 6:14,16 7:6 7:20 8:2,9,23,25 9:1,8 13:24,25 14:4 14:6,8,9,12,23,24 15:1,14,15,16,18 15:21,23 16:1,3,7,9 16:18,21 17:1,3,14 17:17 18:5,18 22:25 30:19,22,23 31:2 33:2,4 34:9 38:5 55:18 56:4,6 57:2,10
promise 40:7
promised 56:17 57:5
promoting 36:2
prompt 38:6
proper 48:8
properly 47:23 48:10 48:13 49:16 50:24
proposals 37:25
proposed 18:11,22
prosecuting 21:6
proud 42:8
provide 6:2 13:10 22:17 37:12 45:13 49:4 51:15
provided 6:10 17:23 19:12 24:4 26:13 46:12
providing 6:21 33:23
public 1:1,19 22:13 23:10 24:25 29:9 36:21 45:17,25 46:1 50:11 57:12 58:5
Purchase 33:10 purpose 22:17 56:14 purposes 10:6
pursue $2: 25 \quad 23: 14$
$25: 2226: 6$
pushing $42: 6$
put $10: 1,15 \quad 11: 1$ 26:12 29:23 34:11

| $\mathbf{Q}$ |
| :---: |
| Q3 30:18,20 |
| Q4 35:5,17 38:12,23 |
| 40:20,23,24 |
| quarter 13:22,24 |
| $14: 8,1916: 1625: 7$ |
| $28: 4,20,2030: 19$ | 32:13,15 33:5,8,10 35:10 36:4 40:22 41:7,17 42:3,11

quarter's 32:12 38:10 41:2
quarterly 13:20 15:13 17:13 32:18
question 3:10 24:19 32:4 40:18 44:13 46:3 47:2 48:17 53:24 56:12
questions 18:2 29:25 34:16,17 40:14 44:12,19
quick 3:10 24:18 32:4
quickly 2:17
quite 11:24 15:11 24:6,21 27:12 quorum 2:5,14 51:1 51:2,5,23 52:2,21 52:24 53:25 54:15 55:9
$\frac{\mathbf{R}}{\mathbf{R ~ 1 : 1 2 , 2 3 ~ 2 : 1 ~ 5 8 : 4 , 1 4 ~}}$
rain 57:18
raised 57:11
ramp 19:2 21:1
reach 46:5
reached 10:17
read 28:5,6 30:3 57:12
reader 16:11
ready $21: 13$
real 56:12
realistic 51:22
realized 7:23 31:1
really $2: 6,1317: 25$

26:25 30:6 32:5 39:13,22 40:7 42:3 44:18 48:5,5 50:21 51:22 54:25 56:6
realtime 42:7
reason 27:16 29:21 52:18
reasonable 23:1
reasons 27:12 28:19 52:15
recall 31:15
received 19:7 26:11
recess 45:23
reciprocal 36:19 37:2
recommendation 6:8 9:4,6 16:4 18:9 23:24 29:21 30:15 30:16,25 31:3 33:21,24
recommendations 2:22 3:1, 4 6:9 29:15,17,18 31:7 53:13
recommended 16:5 18:10
recommending 21:25 23:9,19
recommends 33:25
reconstitute 55:6
reconvene 50:12
record 58:8
recovered 34:10
recovery 23:24
reduce 17:24 21:20
reflects $37: 18$
refrigeration 47:15 48:8
regarding 21:24
region 39:14
regular 11:15
reimbursement 23:15
reiterate 23:23 24:5 28:5 48:14
related $36: 23$
relation 26:23
relationships 42:12
relatively $27: 2$
release 43:20 53:3
released 20:23 29:8
relevant 18:16 20:25 relocate 6:24
relocated 10:4 remain 14:12 remaining 16:7,18 28:17 47:11
remind 43:3,3 reminder 28:7 41:24 renewal 36:10
renovating $8: 1,16$ 9:9
renovation 6:24 18:18
renovations 9:12,13 18:12
rental 51:24
repeat 53:2
replace 9:19
replaced $27: 19,23$
replacement 9:11
replacing $12: 12$
report 14:7 16:6
17:13 18:8,11 27:4
29:5,10,22 30:2,4
30:13,21 31:20
32:13,18,20 33:22
33:23 55:20 58:7
Reported 1:22
Reporter 58:4,14
REPORTER'S 58:1
reporting 1:23 17:16
17:22 31:19,22
35:13 36:25 37:21
representative 47:1
represented 35:14,16
request 27:24
requested 27:10
requests 27:14
required 18:15 20:6
26:5
requirements $38: 17$
38:18,19 47:10
reschedule 52:23
Research 1:9
reservation 52:3,4
reserve 28:13 33:18
34:2,5,12,12
reserves 33:14
reset 14:10,13 17:14
Residents' 46:16
resolution 4:22 5:1
6:11 7:18 44:20
55:2,16 56:2,3,15
56:25 57:9,10,13
resolving 21:15
resources 37:12
response 6:9 9:5 18:9
29:14,16,20 34:18
45:21 46:10 47:5
50:14 55:14
restroom 57:3
resulted 35:10
retain 36:9
reveal 23:3
review 10:21 16:4
18:8 22:18 29:7
30:1,2 40:11
reviews 10:18
Revised 21:19
revision 4:25
revolutionary 39:13
rework 26:6,7
ribbon 14:15 19:17
19:21
right $3: 3,11,12,16$
4:5,25 23:19 24:11
25:14,25 27:8,20
39:22 46:18,21
48:19 49:5,15
50:19 51:18 52:7
right-hand 17:21
Rights 4:6
risk 29:3,6 33:16 34:6,6
risks 33:18 34:2
Riverglades 16:10
Riverside 46:16,17
Robert 1:9
robust 55:12
roof $7: 3,3,820: 14$
roofing 7:13 20:18
roofs $14: 25$
room 10:13 20:24
47:9 48:25
rooms 48:23
routine $36: 8$
rules 3:8
run 48:10 49:14
running 15:2 49:1

## S

S 2:1
S/M/WBE 31:22
38:11,16,24
safety 16:18,19 17:2
Sarah 47:1
saying 11:24 22:8

United Reporting, Inc.
(954) 525-2221

| 25:21 51:7 52:21 | services 7:5 24:3 | sneak 42:22 | Stoneman 16:13 | tables 43:5 |
| :---: | :---: | :---: | :---: | :---: |
| says 54:6 55:20 56:15 | set $8: 433: 14$ | social 36:3,6 42:5 | stopping 49:9 | take 11:14 28:12 55:4 |
| SBBC 1:9 | sets 29:19 | 43:19 | stories 42:14 | taken 5:15 7:2 15:22 |
| SBEs 35:6 | share 17:12 38:19 | solicitation 36:4 | story 44:1,3,10 | 21:20 24:8 34:25 |
| scenes 41:22 | sharing 36:7 | solicitations 39:3,15 | Stranahan 1:3 20:3,8 | talk 15:7 18:22 24:16 |
| SCEP 16:7 | Shelley 1:11 6:6 | Solutions 1:13 41:15 | 20:18 21:11 46:18 | 27:3 36:23 42:23 |
| schedule 14:10,13,13 | shift 13:5 | somebody 3:8 | 46:25 47:4 48:18 | 53:15,19 |
| 17:14,15,18 18:13 | Shim 1:9 2:20 3:3,12 | someone's 49:5 | 49:12 | talked 11:6 21:23 |
| 19:17 44:25 | 3:16,19 4:10,25 5:7 | soon 20:22 24:23 | strategies 6:21 7:16 | 24:5 25:15 31:16 |
| scheduled 16:6 | 5:22 11:23 15:2 | sorry 19:23 25:18 | strategy 7:12 | 50:22 |
| school 1:3 8:15 9:16 | 32:11,11 34:24 | 40:17 43:25 47:19 | structural 9:17 | talking 22:5 23:5 |
| 10:23 11:15 12:6 | 45:5,13,16 46:8 | sort 7:10 8:4 11:22 | student 10:4 13:11 | 26:25 40:10 |
| 12:11 15:10,17,18 | 49:21 52:19,20 | 25:23 45:6 | students 6:25 9:25 | talks 17:13 39:8 |
| 17:7 18:23 19:5,14 | 55:25 56:1 57:20 | South 1:24 4:8 36:23 | 12:13 43:3,8 47:4 | Tallahassee 51:18,19 |
| 19:24 20:9 21:4,25 | short 43:17 | 39:8,18 43:24,25 | 49:9 50:8 | Tap 42:13 |
| 30:18 35:20 36:21 | show 15:4 | space 6:17,22,22,24 | subconsultants 31:18 | target 38:13 |
| 39:12 41:25 42:1 | showed 15:9 27:4 | 6:25 | subcontractor 35:21 | targeted 35:8 36:5 |
| 42:15,16,16 43:2,4 | 40:20 | speaker 1:19 45:17 | subject 27:1 | tasked 50:23 |
| 44:22,22 46:19 | showing 31:23 | 46:1 49:24 | submitted 37:24 | tasted 50:6 |
| 48:3 49:5 | shown 17:4 32:17,19 | speakers 46:4 | subs 38:22 | taxpayers 30:1,3 |
| schools 1:1 14:21 | 33:6 34:13 36:12 | speaking 11:4 27:2 | substance 30:14 | TaxWatch 1:9 6:1,9 |
| 15:8 18:13 22:13 | shows 32:18 | Specialist 1:12 | substantial 55:21 | 16:5 18:10 33:22 |
| 23:10 29:24 30:7 | side 10:12 17:21 | specific 3:11 17:9 | success 3:6 | 33:23,25 |
| 36:8,21 37:9 40:2 | side-by-side 41:4 | spells 39:4 | suggest 5:4,5 | Teacher 4:2 |
| 41:18,19 42:15 | signed 46:4 | spend 56:3,19 57 | suggestion 2:21 5:6 | Teachers 1:17 |
| 44:16 47:12 | significant 9:14 33:9 | spending 39:17 | Suite 1:24 | team 15:11 24:6 |
| scope $7: 3,258: 10,11$ | similar 38:5 | spent 32:24,25 56:13 | summer 10:3 13:23 | 33:17,23 38:15 |
| 9:8,10 10:11,14 | single 15:9 | spoke 21:1 | 14:3,22 15:4 30:22 | 39:6 |
| 47:13 57:1 | sir 32:7 | spotlight 37:16 | 42:24 | teams 14:21 54:8 |
| scoping 49:19 | site 6:23 42:9 | sprinkler 16:25 | superintendent | Technology 4:9 |
| Score 37:11 | sits 46:21 | stabilizing 23:7 | 10:19,19 11:5 | tell 3:13 |
| screws 54:9 | $\boldsymbol{\operatorname { s i x }} 35: 10,12$ | staff 6:1,20 9:25 10 | supplier 37:4 38:5 | term 7:1 |
| second 10:8 | sized 38:5 | 22:24 33:25 45:8 | suppliers 35:25 | terminated 20:11 |
| section 29:22 30:1,3 | slide 6:4,5 13:20,20 | 47:6 | 36:18 39:13 | 21:11 |
| 30:5,5,11 | 13:24 15:12 16:17 | standard 17:11 29:19 | support 22:5 | termination 21:12 |
| security 16:18 49:4 | 17:11 25:6,12 | start 16:19 28:12 | supposed 44:25 | terms 30:13 |
| see 13:23 14:1,2 | 31:13 33:12 35:24 | 45:24 | sure 13:14,17 18:1 | thank 13:18 15:7 |
| 16:20,22 17:15 | 36:15 37:10,18 | started 7:21 9:2,22 | 22:23 24:12 38:17 | 25:3 29:14 32:1 |
| 18:25 26:21 31:5 | 38:9,10 39:1,4,7,8 | 29:18 | 40:1 41:9,23 43:1 | 33:22 34:24 40:15 |
| 41:17 47:18 49:18 | 40:20 42:10,21 | state 57:7 58: | 44:24 46:11 48:3 | 41:10,12 42:4 |
| 53:16 54:22 | 43:11 | states 55:16 | surprised 26:21 | 44:18 48:16 49:17 |
| seen 21:21 39:1,4 | slides 17:5 | status 16:17,19 17:2 | sustain 22:19 | 50:17 51:14 52:12 |
| 46:4 50:18 | slight 26:13 | 17:8 18:6 47:2 | SW 1:4 | 57:19,22,24 |
| send 5:24 | small 8:12 17:5 27:1 | 49:19 | swag 43:6 | theme 36:11 |
| sending 36:9 | 39:6,14 43:14 | steal 3:21 | sweeping 28:16 | thereof 58:9 |
| Senior 1:10 | SMART 9:1 11:22 | stenographic 58:9 | swing 6:21,22,25 | thing 2:6 26:12 41:9 |
| sense 8:9 9:19 | 12:1 15:22 28:13 | stenographically | switch 13:19 | things 7:1,10 11:13 |
| sent 43:19 | 32:14 33:12,19 | 58:7 | switchgears 14:25 | 14:24 22:6 24:8,11 |
| September 1:5 19:8 | 34:5 35:1 38:14,15 | step 53:7 55:19 | system 16:11 | 49:4 50:4 |
| 34:3 | 41:16,24 43:4,16 | Stephenson 35:17 | systems 47:9 | think 4:5,12,17 5:7 |
| series 14:3 24:7 | $48: 1 \quad 49: 2256: 22$ | steps 39:5 | $\xrightarrow{\text { T }}$ | $6: 13 \quad 14: 1 \quad 15: 1$ |
| Service 1:23 | snapshot 31:23 | Steve 1:15 54:12,20 | T | 21:18 27:17 28:6 |

United Reporting, Inc.
(954) 525-2221

| 30:9 40:19 44:13 | types 8:23 28:8 | 53:9 | worked 13:10 33:17 | 152 33:3 |
| :---: | :---: | :---: | :---: | :---: |
| 44:20 49:10 50:5 | typically $24: 23$ | wanted 10:21,24 | 43:14 | 16.3 38:25 |
| 51:16 52:6 54:1,16 |  | 14:18,19 26:17 | working 15:1,10 | $16036: 4$ |
| 54:20 55:3,7,21 | U | 31:14 34:23 37:8 | 17:25 19:3,17 | 165.9 32:25 33:1 |
| 56:1,5 57:6,9,13,17 | Uh-huh 28:2 | 43:1,12 52:20 | 20:22 21:10 24:7 | 17 13:25 16:25 |
| thinking 30:23 54:17 | unable 48:6 | 57:21 | 37:6 39:20,22 40:1 | 171 15:10 |
| thought 19:22 30:21 | unallocated 34:12 | wanting 44:7 | 42:18 | 17th 11:15 |
| 44:8 | uncompensated 24:3 | warranty 56:10 | works 52:12 | 180,000 27:4,6 |
| thoughtful 29:16 | understand 12:7 | wasn't 4:14 47:25,25 | workshop 24:24 | 1800 1:4 |
| thoughts 53:16 | 17:4 51:10 | waste 50:25 51:12 | 44:23 45:1,9 | 190 47:9 |
| three 14:4 15:21,23 | understanding 22:2 | watch 14:7 | workshops 45:7 | 1B 10:8 11:2,11 |
| 28:18 29:24 37:25 | 30:10 51:9 | way $31: 551: 1155: 7$ | wouldn't 4:19 | 1st 19:11 |
| 42:14,15 | underutilized 8:18 | ways $24: 13$ | wrapped 55:18 |  |
| thunder 3:21,23 | unique 37:20,24 | we'll $2: 16$ 16:18 | wrong 30:17 | 2 |
| tied 52:3 | update $4: 1114: 20$ | 34:11 44:20 45:25 |  | 2 9:6 20:2 23:12,13 |
| time 10:15,21 26:14 | 42:1 44:11 50:3 | 49:24,24,24 55:12 | X | 23:19 24:1 29:15 |
| 28:6,14 31:1 34:13 | updates $42: 8$ | we're 6:18 7:1,4,17 |  | 35:22 39:19 |
| 39:17 51:1,12,16 | upgrading 47:3 | 7:21 8:11 12:12 | Y | 2014 7:22 8:22 57:5 |
| 51:22,23 52:4,10 | use 6:16 7:2,24 40:4 | 15:1,2,19 16:1 | yard 10:13 | 2020 17:14 |
| 54:9,14 | 47:4 48:8 | 20:21 21:2,13 22:8 | yeah 12:10 13:12 | 2021 18:24 |
| time-wise 7:15 | utility $11: 12$ | 23:9,18 25:13,17 | 29:9,13 45:5 46:8 | 2023 1:5 16:12 19:6 |
| Timeframes 16:17 | utilized 8:2 | 28:16 39:22,25 | 52:9,20 56:1 | 20:2 32:14 34:3 |
| times 21:21 26:2 48:4 50:6 53.15 | V | 40:7 41:22 42:3,8 | $\begin{gathered} \text { year 15:10 16:12,16 } \\ 31 \cdot 1655 \cdot 23 \end{gathered}$ | 58:10 |
| 50:6 53:15 | V | 42:11 45:6,7,13 | 55: | 2024 16:16 19:11,16 |
| Timothy 1:23 58:4 | vacate 9:24 | 46:19 47:19,20 | year-to-date 40:21 | 2025 6:12 9:3 12:4 |
| 58:14 | value 23:16 $24: 2$ | 50:18 54:5 57:14 | years 57:22 | 55:20 |
| today 57:4 | 26:10 28:1 | we've 6:22 7:2 8:3 | Yvonne 1:13 41:15 | 203 16:2 |
| Tommy 1:16 50:17 | vault 10:11 11:13 vendor 40.5 | $13: 22 \text { 14:15 17:22 }$ | Z | $204 \text { 30:18 }$ |
| tonight 46:24 | vendor 40:5 <br> version 5:1 | $17: 23 \quad 18: 19 \quad 21: 21$ | $\frac{\mathbf{Z}}{\text { Zoom 53:19 }}$ | $21 \text { 1:5 14:11,14 }$ |
| $\text { top } 3: 16$ | version 5:1 | 22:3 24:5 25:15 | Zoom 53:19 | $22 \text { 14:8 17:16,18,24 }$ |
| total 14:6,22 16:21 | versus 25:25 Vicki 57:24 | 26:10,24 27:24 | 0 | $34: 1$ 22530.20 |
| 17:1 25:10 27:9 | Vicki 57:24 | 28:10 29:17 33:10 |  | 225 30:20 |
| 32:14,22 37:21 | Vicki's 57:21 video 15:4,5,6,8 | 44:5 50:22 53:4 | 1 | 23-109 6:11 |
| 38:24 | video $15: 4,5,6,8$ videos 43.18,19 | 56:7,21 | 1 6:8 9:4,11,14,24 | 230 30:20 |
| totalled 28:22,23,25 | videos 43:18,19 view 56:9 57:7 | web 42:1 | $12: 10,1113: 1,3$ | 23rd 19:8 |
| totalling 16:23 | view 56:9 57:7 | website 5:22,23 | 18:12 23:17 26:16 | 250,000 26:23 27:5,8 |
| touches 38:4 | violation $21: 8$ | 41:23,25 42:5,7 | $29: 1532: 16,16,22$ | 26 30:23 |
| toured 48:3 | virtual 37:15 | 43:8 | 33:5 | 266 12:14 |
| transaction 32:21 | virtually 54:5 56:23 | welcome 41:11 | $1.525: 8,18,18$ | 285 19:7 |
| transcript 58:8 | visit 44:15 visiting 41:19 | well-known 8:4 | $1.828: 25$ | 28th 44:23 |
| tri-county 36:19 true 58:8 | visiting 41:19 visitors 42:5,6 | went 13:25 27:19 | 10 28:22,23 39:21 | 3 |
| true 58:8 try 38:8 52:22 53:6 | visitors 42:5,6 vote $2: 754: 1,14$ | women $35: 2,7,11$ wonderful 50:6 | $10016: 23$ | 3 18:6,13 28:21 29:21 |
| try $38: 852: 2253: 6$ trying 8:11 $11: 7$ | voters 2.754 .17 voters 56 | wonderful 50:6 work 7:10 9:8 10:5 | 11 28:22 39:10 | $29: 2147: 1$ |
| 50:23 57:14 | voting 54:6,6,7 | 10:12,14 14:21 | 110b 17:20 | 30-day 36:10 |
| turn 24:15 | VP 1:9 | 17:9,19,20 18:15 | 117 14:21 | 30th 19:6 32:14 |
| turnpike 52:1 |  | 18:23 19:6,16 20:6 | $11833: 20$ $12.7517 \cdot 18$ | 330.2 33:11 |
| two 4:10,21 16:9 17:5 | W | 20:13,15,18,19 | $12.7517: 18$ | 33301 1:24 |
| 20:13 38:23 47:20 | want 2:20 3:20 7:19 | 21:6,13 22:22 23:6 |  | 33312 1:5 |
| 48:23 | 11:19 13:6 18:21 | 23:18 24:22 25:24 |  | 35 38:25 |
| type 23:6,18 29:19 | $28: 4 ~ 29: 13 ~ 32: 2 ~$ $48 \cdot 2.1450 .25$ 53.2 | 25:25 26:1 40:6,6 | $1532: 17$ $\mathbf{1 5 - 1 0 6} 4: 23$ 55:5 | 35,827 19:25 |
| 55:1 | 48:2,14 50:25 53:2 | 41:21 42:24 43:16 | 15-106 4:23 55:5 | $3634: 1$ |

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