MINUTES OF MEETING BAYSIDE IMPROVEMENT AND BAY CREEK COMMUNITY DEVELOPMENT DISTRICTS

The Boards of Supervisors of the Bayside Improvement Community Development District and Bay Creek Community Development District held a Joint Regular Meeting on July 26, 2021 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134. Members of the public were able to participate in the Joint Regular Meeting, via Zoom, at https://us02web.zoom.us/j/88969163185 and 1-929-205-6099, Meeting ID: 889 6916 3185 for both.

For Bayside Improvement CDD, present were:

Walter McCarthy Chair
Bill Nicholson Vice Chair

Bernie Cramer Assistant Secretary
Gail Gravenhorst Assistant Secretary

For Bay Creek CDD, present were:

James Janek (via telephone) Chair
Robert Travers Vice Chair

Mary McVay Assistant Secretary
R. Gary Durney Assistant Secretary
Jerry Addison Assistant Secretary

Also present were:

Chuck Adams District Manager

Cleo Adams Assistant District Manager
Shane Willis Operations Manager

Dan Cox (via telephone) District Counsel, Bay Creek CDD

Greg Urbancic (via Zoom) District Counsel, Bayside Improvement CDD

Carl Barraco (via Zoom) District Engineer

Bill Kurth (via Zoom) SOLitude Lake Management (SOLitude)

Christina Kennedy (via Zoom) SOLitude

Racquel McIntosh (via Zoom) Grau & Associates

Mike Radford (via Zoom) M.R.I. Underwater Specialists, Inc. (MRI)

Roy Hyman (via Zoom) PLCA General Manager
Paul Kemp Irrigation Manager

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Ed Shinouskis (via Zoom) Ken Bohlin (via Zoom) Resident/Water Quality Task Force Member Resident

FIRST ORDER OF BUSINESS

Call to Order/Phone Silent Mode/Pledge of Allegiance

Mr. McCarthy called the meeting to order at 2:00 p.m. All present recited the pledge of allegiance.

SECOND ORDER OF BUSINESS

Roll Call

For Bay Creek CDD, Supervisors Travers, Addison, Durney and McVay were present, in person. Supervisor Janek was attending telephonically. For Bayside Improvement CDD, Supervisors Gravenhorst, Nicholson, Cramer and McCarthy were present, in person. Supervisor Montgomery was not present.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, authorizing Mr. Janek's attendance and full participation, telephonically, due to exceptional circumstances, was approved.

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

There were no public comments.

BAYSIDE IMPROVEMENT BUSINESS ITEMS

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-05, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Bayside Improvement Community Development District, and Providing for an Effective Date

Mr. McCarthy presented Resolution 2021-05. Mr. Cramer nominated Mr. McCarthy for Chair and Mr. Nicholson for Vice Chair. No other nominations were made for Chair or Vice Chair. The slate of officers would be as follows:

Chair Walter McCarthy

Vice Chair William J. Nicholson

Secretary Chesley (Chuck) E. Adams, Jr.

Assistant Secretary Karen Montgomery

Assistant Secretary Gail Gravenhorst

Assistant Secretary Bernie Cramer

Assistant Secretary Craig Wrathell

Treasurer Craig Wrathell

Assistant Treasurer Jeff Pinder

No other nominations were made.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, Resolution 2021-05, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Bayside Improvement Community Development District, as nominated and stated, and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2020, Prepared by Grau & Associates

Ms. McIntosh presented the Audited Financial Report for Fiscal Year Ended September 30, 2020. There were no findings, irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2021-06, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020

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Mr. McCarthy presented Resolution 2021-06.

On MOTION for Bay Creek by Mr. Nicholson and seconded by Mr. Cramer, with all in favor, Resolution 2021-06, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020, was adopted.

BAY CREEK BUSINESS ITEMS

SEVENTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2020, Prepared by Grau & Associates

Ms. McIntosh presented the Audited Financial Report for Fiscal Year Ended September 30, 2020. There were no findings, irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2021-06, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020

Mr. McCarthy presented Resolution 2021-06.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, Resolution 2021-06, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020, was adopted.

JOINT BUSINESS ITEMS

NINTH ORDER OF BUSINESS

Staff Report: District Engineer: Barraco & Associates, Inc.

Mr. Barraco stated, with regard to the alleged encroachment into the conservation easement, at 3661 Bay Creek Drive, the conservation easement would be staked out so that any encroachments may be evaluated.

TENTH ORDER OF BUSINESS

Lake Maintenance Report: SOLitude Lake Management

Ms. Kennedy presented the July Monthly Report and reported the following:

- Lakes A-4, B-8, C-4D, D-2, D-14, F-5 and F-13 required routine scheduled maintenance for typical issues, including vines, torpedo grass, shoreline weeds and brush growth common for this time of year.
- A slight amount of surface algae was observed in Lake D-2.
- Algae growth in Lake E-4 was treated successfully.

Discussion ensued regarding whether Lake B-8 is part of Bay Creek. Ms. Kennedy stated that Lake B-8 is located at the top of the T-1 tributary; there is no physical separation between the two but they can be observed on the maps.

Mr. Durney asked what constitutes routine maintenance. Ms. Kennedy stated that routine maintenance is performed weekly, on Thursday, by individual technicians assigned to specific areas. When necessary, more immediate applications may be performed for more severe issues, such as algae blooms. Routine treatments typically include chemical application and removal of dead plant material, as necessary. Treatments are typically done from the shoreline, via a backpack sprayer or spray rig; treatment with Sonar® or by boat may be utilized, if necessary to reach submersed vegetation or algae that is too far to treat from the shore.

Mr. Kurth stated that Ms. Kennedy's reports about routine maintenance frequently mention treatment of treat torpedo grass, which is not unusual as it grows continually. Algae is typically treated regularly, unless algae blooms are observed and intensive treatment is needed.

Total Nitrogen Test Results

Ms. Kennedy presented the total nitrogen (TN) testing results. Initial testing was conducted at Lakes A-8, A-17, B-4, B-8, D-4 and T-1 north of the last weir. Results showed that well water does not seem to be a major contributor to high TN levels; both weir outfall structures had high nitrogen levels in excess of 2,000 parts per billion (ppb), which was not surprising due to nutrient buildup over the dry months. Reclaimed Lake D-4 was high in TN, as it receives effluent water from the sewage treatment plant; that water is used for irrigation and

may contribute to the nutrient impact to Spring Creek or Estero Bay. With regard to reclaimed water in Lake D-4, Mr. Nicholson asked if there was a water quality guarantee for the incoming water from the recycling company. Mr. Adams stated it is not regulated. Mr. Nicholson asked if the incoming water could be sampled. Mr. Adams discussed effluent water, water quality testing, irrigation, runoff and TN levels and stated that three wells were discharging into Lake D-4; the southernmost well was not. Mr. Kurth stated that, based on his experience in the area, nutrients may need to be addressed in the next eight to ten years, as they reach the water table and migrate to the lakes. Ms. Kennedy presented the results of the second round of TN sampling, in which all but one of the tested locations showed lower TN levels. She discussed the possible reasons. Ms. Gravenhorst asked if more TN filtration be expected if a lake empties into a preserve area before emptying into Spring Creek, due to the filtering of the preserve areas. Ms. Kennedy responded affirmatively and discussed the filtration features of the wetlands areas.

ELEVENTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

There was no report.

Ms. Gravenhorst stated she believed a Landscape Committee Meeting was being held today. Ms. McVay stated the flowers around the Pelican traffic circle were removed and asked if the Landscape Committee is responsible for replacing them. Ms. Gravenhorst stated her understanding that the lantanas were removed because they were not thriving and dwarf bougainvillea would be planted, for aesthetic purposes. Ms. Gravenhorst stated she resigned from the Landscape Committee, upon being appointed to the CDD Board. Discussion ensued regarding planting and maintenance of dwarf bougainvillea and grass at the traffic circle.

Mr. Cramer stated he listened to the PLCA Board meeting and the Landscape Committee presented a proposal and received approval to plant royal palms at the north entrance and install uplighting. He felt that a representative should be present to address this with the CDDs. Mr. Hyman stated that \$42,000 was approved for the Pelican Colony upgrade. Mr. Cramer

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expressed concern, due to the ongoing expense, and stated The Colony was developing a

program to address maintenance of royal palms.

B. Colony Landscape Committee

There was no report.

C. Water Quality Task Force

Mr. Durney stated the two sampling events were previously discussed; a third sampling

is needed before recommendations can be made.

Mr. Shinouskis agreed and voiced his opinion that, while relative concentrations were

being measured, discharge in and out of outfall lakes should be considered because, as ponds

fill up and discharge rainwater, greater volumes of water may be discharged. He expressed

appreciation for the work done by SOLitude and noted that the ponds that discharge into

surrounding waterways, such as Spring Creek and Estero Bay, must meet lower thresholds than

typical isolated freshwater ponds.

Mr. McCarthy noted that water retention ponds are designed to retain water and not

discharge into surrounding waterways.

TWELFTH ORDER OF BUSINESS

Discussion: Proposed Budget Updates from July 16, 2021 Joint Budget Workshop

Mr. Adams stated the joint budget workshop was productive and efficient. He reviewed

the proposed Fiscal Year 2022 budget, highlighting impacts on the General Fund and on

assessments. He discussed the use of unassigned fund balance to reduce assessments and the

costs related to the upcoming pump station replacement.

Discussion ensued regarding a discrepancy in "Fund balance- ending (projected), on

Page 10; Mr. Adams stated he would look into it and provide an explanation offline.

Mr. Adams stated, since the assessment levels were increasing, it would be necessary to

set the assessment levels for each of the funds and send Mailed Notices advising property

owners of the increase. He recapped the various increases as follows:

Page 3, "Bayside Improvement and Bay Creek General Fund Combined Budget":

√ "Common & Administration": Increase approximately \$5.

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- ✓ "Full Assessment": Increase approximately \$16.
- ✓ "Limited Benefit Assessment outside gates": Increase approximately \$10.
- Page 15, "General Fund 002 The Colony Budget":
 - √ "002 Assessment": Increase approximately \$11.
- Page 22, "Bayside Improvement CDD Enterprise Fund 401 Budget":
 - ✓ "Full Assessment": Increase approximately \$30.
- Page 24, "Bay Creek CDD Enterprise Fund 451 Budget":
 - ✓ "Full Assessment": Increase approximately \$40.

Mr. Adams suggested listing the following proposed Fiscal Year 2022 budget assessment levels in the Mailed Notice to property owners:

- "Bayside Improvement and Bay Creek General Fund Combined Budget":
 - ✓ "Common & Administration": Not-to-exceed \$279.86.
 - ✓ "Full Assessment": Not-to-exceed \$584.31.
 - ✓ "Limited Benefit Assessment outside gates": Not-to-exceed \$163.69.
- ➤ General Fund 002 The Colony Budget", "002 Assessment": Not-to-exceed \$593.06.
- *Bayside Improvement CDD Enterprise Fund 401 Budget", "Full Assessment" Not-to-exceed \$81.81.
- *Bay Creek CDD Enterprise Fund 451 Budget", "Full Assessment": Not-to-exceed \$106.34.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Nicholson, with all in favor, authorizing Staff to prepare and send Mailed Notices to property owners, as discussed, was approved.

On MOTION for Bay Creek by Mr. Travers and seconded by Ms. McVay, with all in favor, authorizing Staff to prepare and send Mailed Notices to property owners, as discussed, was approved.

THIRTEENTH ORDER OF BUSINESS

Continued Discussion/Consideration:
Proposals for Phase 2 Lake

Outfall/Interconnecting Pipe and Storm Structure Cleaning

A. M.R.I. Underwater Specialists, Inc. – Memo

B. Sewer Viewer, Inc. – Storm Sewer Memo and Video Inspection

Mrs. Adams presented the proposals requested at the last meeting. Discussion ensued regarding the proposals, recommendations, budget, prioritizing which pipes should be cleaned and maintaining functionality of the system.

Mr. Radford stated M.R.I. Underwater Specialists, Inc. (MRI) had worked in the CDDs for 10 years and, over the past three years, cleaning was not done, due to budgetary constraints. He discussed the abundance of blockages indicated in the report and how a scheduled maintenance plan could accommodate budget constraints and reduce the likelihood of blockages.

Mrs. Adams recalled that, prior to 2017, all pipes were not routinely cleaned, and noted that Irma was now recognized to be a 200-year storm event. She discussed the possibility of a phased maintenance program to address the issues.

Mr. Janek suggested cleaning out all catch basins and then reevaluating the conditions. He questioned the need for a six-year contract. A Board Member observed that this work could cost each property owner \$17 per year for the entire project.

Mr. Barraco stated everyone made good points. He thought the issue came down to how much the Boards want to spend to have a high degree of certainty that the system operates as well as it can. If the budget was not an issue, he would do the entire project. One option would be to evaluate which pipes are most critical to the system's functioning and begin with those.

Discussion ensued regarding the need for the project, determining an appropriate budget, CDD versus HOA responsibility for catch basins and allowing Staff to prioritize areas to be addressed, in order of severity.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. McCarthy, with all in favor, authorizing Staff to prioritize the locations to be cleaned, was approved.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, authorizing Staff to prioritize the locations to be cleaned, was approved.

Mr. Nicholson proposed the MRI agreement be accepted for six years, beginning with the Fiscal Year 2022 budget, per the proposal. Discussion ensued regarding the three Phases described. The consensus was that, while the Phases would indicate the primary areas to be investigated and cleaned, cleaning would be prioritized by Staff on an ongoing basis.

On MOTION for Bayside by Mr. Nicholson and seconded by Mr. Cramer, with all in favor, the M.R.I. Underwater Specialists, Inc., proposal for six years, beginning in Fiscal Year 2022 in a not-to-exceed amount of \$60,000 annually, was accepted.

On MOTION for Bay Creek by Mr. Travers and seconded by Ms. McVay, with all in favor, the M.R.I. Underwater Specialists, Inc., proposal for six years beginning in Fiscal Year 2022 in a not-to-exceed amount of \$60,000 annually, was accepted.

Mr. Nicholson and the Board thanked Mr. Radford for working with Staff on the proposal.

FOURTEENTH ORDER OF BUSINESS

Consideration of Resolutions Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2021/2022 and Providing for an Effective Date

- A. Bayside Improvement Community Development District: Resolution 2021-07
- B. Bay Creek Community Development District: Resolution 2021-07

On MOTION for Bayside by Mr. Cramer and seconded by Mr. McCarthy, with all in favor, Resolution 2021-07, Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2021/2022 and Providing for an Effective Date, was adopted.

On MOTION for Bay Creek by Mr. Travers and seconded by Ms. McVay, with all in favor, Resolution 2021-07, Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2021/2022 and Providing for an Effective Date, was adopted.

FIFTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2021

Financial Impact Reports (Bayside Improvement CDD)

Mr. Adams presented the Unaudited Financial Statements as of June 30, 2021. Mr. Nicholson recalled previous discussions regarding the need for a year-end projection. Mr. Adams stated he created a worksheet for that and would email it for review. The financials were accepted.

SIXTEENTH ORDER OF BUSINESS

Approval of June 28, 2021 Joint Regular Meeting Minutes

Mr. McCarthy presented the June 28, 2021 Joint Regular Meeting Minutes.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, the June 28, 2021 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Mr. Travers and seconded by Ms. McVay, with all in favor, the June 28, 2021 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

SEVENTEENTH ORDER OF BUSINESS

Action Items

The Action Items were updated following the meeting.

EIGHTEENTH ORDER OF BUSINESS

Old Business

There being no old business to discuss, the next item followed.

NINETEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

1. Gregory Urbancic, Esq., Coleman Yovanovich Koester, P.A.

Mr. Urbancic stated that Cypress Island Condominium has signage on CDD property and no existing easement has been identified; while an easement exists for the roadway, there is no easement for the signage. An easement request was received and a document must be drafted and a legal description would be needed from the District Engineer. Mr. Adams discussed the location of the monument and stated that parcel neighborhoods typically maintain their own monuments. Mr. Urbancic stated an easement would grant the condominium the ability to construct and maintain its monument, along with associated landscaping and irrigation. Mr. Adams identified the location of the conservation easement and the desired area for the requested easement, to be drafted and recorded by the CDD.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Nicholson, with all in favor, authorizing Staff to prepare the necessary documents for the requested easement and authorizing the Chair to execute, was approved.

II. Daniel Cox, Esq.

Mr. Cox stated that ministerial details related to settlement of the lawsuit remained. The AJC provided a list of properties within the CDD so that those properties can be removed from the assessment roll. Truth in Millage (TRIM) notices should be received this month.

- B. District Manager: Wrathell, Hunt and Associates, LLC
 - I. Monthly Status Report: Field Operations

 Discussion/Presentation: Monthly Report Narrative (to be provided under separate cover)

Mrs. Adams presented the Monthly Status Report and reported the following:

- The EarthBalance wetland contract renewal was approved.
- Curb inlets #53 and #54 were inspected and determined to be the responsibility of Bay Creek HOA.

Ms. McVay thanked Mrs. Adams for researching this matter and stated the HOA would need to resolve the issue. Discussion ensued regarding notifying the HOA when work is being done in the CDD.

- Issues were being addressed at a residence on Bay Creek Drive; a report would be provided to the Board.
 - II. NEXT MEETING DATE: August 23, 2021 2:00 P.M.
 - QUORUM CHECK: BAYSIDE IMPROVEMENT CDD

Supervisors McCarthy, Cramer, Nicholson and Gravenhorst confirmed their attendance, in person, at the August 23, 2021 meeting.

• QUORUM CHECK: BAY CREEK CDD

All Supervisors confirmed their attendance, in person, at the August 23, 2021 meeting.

TWENTIETH ORDER OF BUSINESS

Supervisors' Requests

Ms. McVay thanked Mrs. Adams and Mr. Willis for having the weeds removed from the traffic circle and stated it looked very nice. She asked if the Hurricane Agreement was completed. Mr. Adams replied affirmatively.

Mrs. McVay noted a home that had riprap repair was flooding. Mrs. Adams would make sure the area is inspected.

Mrs. McVay asked for a storm sewer map. Mr. Adams stated the GIS map was posted on the Pelican Landing CDD website.

Mrs. McVay asked for a recommendation for brick paver cleaning. Mrs. Adams recommended Kim, at Florida Painters. Mr. Adams stated they would re-sand and seal pavers.

Mr. Durney asked if Mr. Foster was contacted. Mrs. Adams stated she did.

Mr. Nicholson asked if the MRI work could be done early in the year. Mr. Adams replied

affirmatively.

Ms. Gravenhorst recalled that a bacteria report was pending for Lake E-5. Mr. Adams

stated the report would not be released until all testing is completed.

Ms. Gravenhorst recalled that the PLCA was going to remove a portion of the agreement

related to responsibility. Mr. Adams stated the change was addressed in the final version.

Ms. Gravenhorst stated the grass in The Colony continues to be an issue and Bimini

grass was recommended, as it was used in River Run and it takes foot traffic well. She noted

that the caladiums in the circle at Ascot and Pinewater require attention because part of the

circle is in the sun and some is in the shade.

Mr. Cramer commented on the need for the PLCA Board to communicate with the CDD

Boards when issues and discussions affect the CDDs. Ms. Gravenhorst discussed the need for

communication process, since volunteers are involved.

TWENTY-FIRST ORDER OF BUSINESS

Public Comments: Non-Agenda Items

No members of the public spoke.

TWENTY-SECOND ORDER OF BUSINESS

Adjournment - Bay Creek Community

Development District

There being no further business to discuss, Bay Creek CDD adjourned at 4:39 p.m.

BAYSIDE IMPROVEMENT ITEMS

TWENTY-THIRD ORDER OF BUSINESS

Consideration of Request from 24841 Goldcrest Drive for Additional Irrigation

Bill Relief

Mr. Adams presented the request and stated the property owner does not have the

authority to make more than one request within one year because an adjustment was made in

September 2020. Mr. Bohlin made his case stating that his irrigation bill was generally \$20 per

month, however since the meter was replaced his water readings have been erratic and the

latest reading was excessive. He stated his irrigation technician and landscaper were unable to identify any issues and he felt that meter replacement or a repair was needed.

Mr. Kemp discussed possible issues with meters and irrigation timers and why the previous meter was replaced. Discussion ensued regarding the advantage of mechanical meters that require passage of water to render such a high reading, multiple readings taken and historical readings. Mr. Bohlin expressed his opinion that it is a metering issue and not a usage issue. Mr. Willis asked if access control might be an issue. Mr. Bohlin stated he did not believe so. The consensus was that one final reduction would be granted. Mr. Bohlin asked for an additional consultation with Mr. Kemp and to meet with him to ensure that the meter is functioning properly.

On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, the request from the property owner of 24841 Goldcrest Drive for additional irrigation bill relief and authorizing an additional one-time reduction to the base rate, was approved.

TWENTY-FOURTH ORDER OF BUSINESS

Discussion/Consideration: Irrigation
Pumphouse Revamp Proposals/Scope
Comparison

- A. ProPump & Controls, Inc. (Watertronics)
- B. Rain Bird Corporation
- C. Pro Pump & Controls, Inc. (MCI Flowtronex)

Mr. Kemp presented the proposals. Discussion ensued regarding the costs, service and repair options, wells used for irrigation and steps that could be taken to insulate equipment from power surges. The pros and cons of each proposal, budget considerations, financing options and the possibility of utilizing fund balance, were discussed.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Ms. Gravenhorst, with all in favor, the Rain Bird Corporation proposal, was approved.

TWENTY-FIFTH ORDER OF BUSINESS

Adjournment – Bayside Improvement Community Development District

There being no further business to discuss, the meeting adjourned at 5:17 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

FOR BAYSIDE IMPROVEMENT:

Secretary/Assistant Secretary

Chair/Vice Chair

FOR BAY CREEK:

Chair/Vice Chair