THE FLOW

Upcoming Events

January 19th

Installation Of Officers & Annual Meeting St. Johns Golf & Country Club 6:00 pm

February 9th & 10th

NUCA of Florida President's Cup & Cornhole Hammock Beach

February 24th

Jacksonville Icemen Ticket Order Form On Page 12



JANUARY 2023

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2023 OFFICERS & BOARD OF DIRECTORS EXECUTIVE COMMITTEE

President Tim Gaddis, Vallencourt Construction President-Elect Caleb Hurlbert, A.J. Johns, Inc. Vice President I Paul Gilsdorf, Haskell Vice President II Alvaro Rios, T.G. Utility Company, Inc. Secretary/Treasurer Marty Adams, TB Landmark General Counsel Tony Zebouni, Lindell, Farson & Zebouni Past President Mike Kivlin, John Woody, Inc.

BOARD OF DIRECTORS

Kirk Blomgren, Petticoat-Schmitt Civil Chad Cockrell, A. J. Johns, Inc. Joseph Geiger, Cemex Billy Hood, J. B. Coxwell Contracting Tommy Hyatt III, Florida Roads Contracting Valinda Krynicki, United Rentals Drew Lane, Advanced Drainage Systems Chance Leonard, ECS Florida Rick Parker, Rinker Materials Ryan Pugh, Ferguson Waterworks Barry Watson, Fortiline Waterworks Chris Wilson, Martin Marietta Materials Jon Woodall, John Woody, Inc.

PRESIDENT'S MESSAGE

I want to wish everyone a happy and healthy new year. I hope everyone enjoyed their holiday season and spent some much needed time with family and friends. We are very hopeful this next year will be full of success and opportunity, as we embark on what 2023 has to offer. An overwhelming <u>THANK YOU</u> to all our sponsors & volunteers, as this organization would not be possibly without your support.

As I reflect on this past year of 2022, it has been both extremely challenging and full of great opportunities for growth and development. The COVID year of 2020 was definitely one for the record books with its own set of highs and lows. But the question remains, where do we go from here and what can we expect? I believe the future is marginally uncertain, but many of us have the answers inside ourselves to overcome any problems with supply chain, price escalations, labor & material shortages and so on. This past year we were forced into unchartered waters, and collectively we prevailed to find solutions & ways of resolve to keep moving forward. I know for myself, and I am sure many of you, I was forced to re-think how I went about my day-to-day operation and take a different approach on how we manage our industry. However, I am confident with the support of our members and colleagues in our network, there isn't much we cannot overcome to enable our utility construction industry to stay on the cutting edge.

We have a lot to look forward to this upcoming year for our chapter, with a lot of events already underway and continuing to develop our network. The safety director's forum and BOD / Officer Installation will kick us off, followed by some hockey action with the Jacksonville Icemen. We hope everyone can come out and attend these great events. We have several new members joining us this year, as we are really excited about what their involvement could bring to the table.

I would like to extend my sincere appreciation to the past two Presidents, Marty Adams and Mike Kivlin, and the BOD for entrusting me with this leadership task. I will give it my all to fulfill the shoes that have trekked before me and strive to meet this great organization's expectations.

Respectfully,

Tim

Tim Gaddis Jr.

2023 NUCA of North Florida

Monthly Sponsors

Diamond Sponsor Sunbelt Rentals Sunstate Equipment Trench Safety United Rentals Trench Safety

Platinum Sponsors Beard Equipment Company

Gold Sponsor Alta Equipment Company ECS Florida, LLC Fortiline Waterworks Pipeline Constructors, Inc. Ring Power Corp. Rinker Materials

Silver Sponsor

A.J. Johns Inc. Benchmark Gate Fuel Services John Woody, Inc. Petticoat-Schmitt Civil Contractors

CALENDAR OF EVENTS

<u>January 10th</u> Executive Committee Meeting

January 19th BOD & Annual Meeting St. Johns Golf & Country Club

<u>February 9th & 10th</u> NUCA of Florida President's Cup & Cornhole

<u>February 16th</u> Executive Committee Meeting

> <u>February 24th</u> Jacksonville Icemen

<u>March 10th & 11th</u> ASJMSF Bass Tournament Lake Okeechobee

<u>March 13th</u> NUCA Annual Meeting Las Vegas

<u>April 18th</u> Golf Tournament St. Johns Golf & Country Club

The Law and Your Business

The Law and Your Business – Officer Liability Tony Zebouni, Esq. NUCA NF General Counsel

Most of the NUCA members are corporations or limited liability companies ("LLC"). The responsibility and liability of officers and directors is important. In a recent case the issue of whether a corporate officer who actively participates in a fraud can be personally liable even while acting in a corporate capacity. The parties involved in the dispute were an LLC and a Lender and dealt with the execution of an agreement by the manager and president of the LLC.

The essential facts are that the president of an LLC signed an Agreement on behalf of LLC. The agreement provided that the LLC "has good, marketable and insurable fee simple title to the Land, and good title to the rest of the Project, subject to no Lien," when in fact the property had been transferred to another entity. The agreement included a Borrower Certificate signed by president stating that the "representations and warranties" made in the loan agreement were "true and correct in all material respects on and as of the date hereof with the same effect as if made on the date hereof. The agreement provided that none of the individual managers or corporate officers would be liable for the obligations of the LLC. Article 7.3 of the agreement provided:

Liability Limitation. No members, officers, directors, employees, agents, or representatives of Borrower will have any personal liability hereunder (*except for fraud or intentional misconduct*), and Lender agrees to seek recovery of any sums due under the Loan Documents solely from the Collateral securing the Loan from time to time.

The court held that the president could be held individually liable for this fraud evidenced by the agreement and certificate when he signed as the corporate officer. Generally, courts have applied an "active participation theory" in holding officers and directors individually liable when they actively participated in the torts of the corporation. The president actively participated in the wrong, i.e., fraud and misrepresentation, by signing the agreement and Borrower's Certificate purporting to show LLC as the owner of the property when the president had, on behalf of the LLC, previously transferred the title to another entity.

In signing documents on behalf of your company, be aware of the potential personal liability that could arise if you mistakenly certify something that you knew or should have known was not correct.

Costa Investors, LLC. V. Liberty Grande, LLC, et al.

SEAMARK RANCH BENEFIT

Our annual Top Golf event to benefit Seamark Ranch was held on November 17th. There were a total of 53 attendees and we had 8 bay sponsors. Attendees were treated to cocktails, a bbq dinner and 3 hours of golf. A total of \$10,000 was raised for Seamark Ranch. Thank you to everyone who sponsored or participated in this event.









2022 TOP GOLF BAY SPONSORS American Precast Structures, LLC Beard Equipment Company Cemex Materials, LLC Company Wrench, LTD ECS Florida, LLC Godwin Pumps John Woody, Inc. Truemont Materials





NUCA-Supported Water Resources Bill Stays Intact in Lame-Duck Session

The industry's Water Resources Development Act (WRDA) passed the House Dec. 9 on a 350-88 vote, <u>as part</u> of a larger must-pass defense bill, the National Defense Authorization Act (NDAA) financing the Dept. of Defense. The NUCA-supported WRDA contains authorizations for 94 new feasibility studies by the Army Corps of Engineers, and the construction of 25 water infrastructure projects around the country. NUCA strongly supported WRDA throughout the legislative process, which lasted into Congress' hectic lame-duck session. WRDA (as an NDAA amendment) now heads to the Senate, where the bill is expected to pass before Christmas, and then be sent to President Biden for his signature.

Get Prepared For Your Business Success At NUCA's Annual Meeting, March 13

Get up to speed for your CONEXPO-CON/AGG business meeting by first attending NUCA's one-day Annual Meeting. We're holding it a day before the start of CONEXPO to give NUCA members the chance to get up to speed on current industry news and the economic outlook from Dr. Anirban Basu. You'll also be able to participate in great networking with our National Partners and attend our committee meetings discussing the latest industry topics. NUCA members also get 20% off their CONEXPO registration when using code "PARTNER20", too! Our lively Annual Meeting promo video is out, and our Annual Meeting website (<u>nucadigs.com</u>) has all you need for registration, hotels, and the latest schedule. We'll see you in Vegas in March!

2023 Washington Summit: May 15-17

Make plans to come to Washington next spring for our annual fly-in and lobbying day on Capitol Hill. NUCA is still working on the Summit's HQ location and accommodations, but please pencil in on your calendar May 15-17, 2023, to travel to D.C. and attend NUCA's Washington Summit. Our Capitol Hill day is scheduled to be held Wednesday, May 17. More information will be posted in early 2023 on **wedigamerica.org**.

Utility ID & Relocation Webinar in January: Construction Law Delivered To You

In 2023, NUCA's Legal Committee will hold a construction laws webinar every other month to discuss with NUCA members current legal topics affecting the utility construction industry and our member's business operations. These discussions are a very popular part of every NUCA convention, so we are opening these up to the entire membership. The first webinar on January 17th, 2:00pm, will discuss utility identification and relocation issues in our industry. To find out more and to register, go to <u>nuca.com/conlawwebinar</u>.

Are You A Part Of The NUCA-STAR Company Safety Program?

Safety is the utility construction industry's first priority. It is also the top priority of NUCA. To help our members reach that goal, NUCA introduced this summer the NUCA Safety, Training, Awareness and Recognition (NUCA STAR) Program. The NUCA STAR Program was developed by the association's Safety Committee to help evaluate, update, and recognize a member company's safety program and practices. NUCA members who volunteer to participate should see lower incident rates and accidents on their jobsites and in their company facilities. There is no cost to NUCA members. More at nuca.com/nucastar.

What If You Could Spend Less For Your 401k Employee Benefits?

A plan checkup is the most important tool for uncovering cost savings in your employee retirement plan. Because you're a NUCA member, you can now discover whether your existing 401(k) program still works for your benefits package. And a checkup can reveal when it's time to explore a change to a more cost-effective option. If you want to learn more about the NUCA Advantage 401k option today and how easy it is for your company to implement, contact NUCA Advantage program director Christopher Price at 954-625-1531 or by email. NUCA Advantage also offers employee healthcare benefit options, HR tools, standard industry forms, online classes, and much more for your business success. All can be found online at **nucaadvantage.com**.

SAFETY NEWS

By Jeff Blomgren Safety Director at Petticoat-Schmitt Civil Contractors

What Are Our Safety Action Plans for 2023?

2023 is here. If we are going to have a successful and safe 2023, we need to look at 2022 to see where we can improve. Identifying the areas where we may have experienced a dip in performance requires a review of procedures and circumstances that affected the goals we had for the past year. Asking questions like, what were the most frequent compliance issues? Were there particular departments or functions that didn't perform well? Do we need to address personnel issues or establish action plans and set goals for improving performance in those areas? Outlining expectation and goals for the coming year should be a part of every safety performance action plan. Company, department, team, and individual goals should also be part of the 2023 action plans. Questioning each area as to what they can do better to improve over the past year and establishing benchmarks is helpful as well as monthly or quarterly reviews to see if established goals are met.

A suggestion might be to have a general meeting between senior leadership and field team leaders to develop and outline the 2023 action plan. Many companies do not reach their collective goals because senior leadership is not involved. Senior leadership is critical for any successful safety program. Also having each team leader setting goals for the team and presenting those goals to the group builds accountability for achieving those goals. Tying compensation to safety performance establishes the importance of building safety into every phase of production and sets the standard for the company. The company that puts safety quality and productivity into every phase of the operation will ultimately be the most successful.

Planning, goal setting, accountability, measurements, reward and recognition and other areas that may apply to your specific circumstances and operations are critical for a successful 2023. Best of luck in 2023. Let's win together.



2023 INSTALLATION OF OFFICERS

Our 2023 Officers and Board of Directors will be installed on Thursday, January 19th at 6:00 pm at St. Johns Golf & Country Club.



NUCA of North Florida

2023 OFFICERS & BOARD OF DIRECTORS

EXECUTIVE COMMITTEE

President Tim Gaddis, Vallencourt Construction President-Elect Caleb Hulbert, A.J. Johns Vice President I Paul Gilsdorf, Haskell Vice President II Alvaro Rios, T.G. Utility Company, Inc. Secretary/Treasurer Marty Adams, TB Landmark General Counsel Tony Zebouni, Lindell, Farson, & Zebouni P.A. Past President Mike Kivlin, John Woody, Inc.

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NUCA's infrastructure advocacy campaign directed towards Congress over the past 18 months delivered an unprecedented level of new funding for water, highway, electric, port, and broadband infrastructure projects. Over \$200 billion in federal infrastructure funding is now available for industry projects over the next five years.

Accomplishments **2022**

Historic Levels of Infrastructure Funding Arriving In States.

NUCA's advocacy campaign in 2021 secured the passage of H.R. 3684, the \$1.2 trillion Infrastructure Investment and Jobs Act. NUCA is working with the federal agencies on the guidance necessary to distribute these funds to states. Program implementation will begin in earnest in late 2022. For example, FY2023 will see \$2.9 billion from the EPA's two drinking water SDFs programs, up \$113 million from 2022. USDOT has already sent to the states \$75 billion for highway and airports.

NUCA-STAR Company Safety Program Launched. Safety is the utility construction industry's first priority. It is also NUCA's top priority. To help our members create a safer workplace, NUCA introduced in early summer 2022 the NUCA Safety, Training, Awareness and Recognition (NUCA STAR) Program (nuca.com/nucastar). It was developed by the association's Safety Committee to help evaluate, update, and recognize a member company's safety program and practices. NUCA members who volunteer to participate should see lower incident rates and accidents on their jobsites and in their company facilities.



SAFETY TRAINING AWARENESS RECOGNITION

NUCA Working With White House Infrastructure Office On Supply Chain Issues. The Biden Administration has involved NUCA in their discussions to address the nation's supply chain crisis. We have been working with the President's infrastructure office to remove the material delays affecting project completions. NUCA's assistance is helping their leadership and staff understand the problems our members face today in sourcing materials for projects and the implementation of the new infrastructure law with its specific source requirements.

Washington Summit Advocacy Program. Building upon the success of last year's two Summits, the 2022 Summit brought 95 attendees and Chapter leadership to Washington on May 23-25. In the 80 meetings held with legislators and their staff, NUCA members found them very open to the association's legislative goals. Our members also urged lawmakers to increase broadband infrastructure and lead pipe replacement funding, and support NUCA's pending legislation on increasing the use of private activity bonds for water and wastewater projects.



NUCA leadership and NUCA of Kentucky members met with Senate Minority Leader Mitch McConnell (R-KY) during the 2022 Summit to discuss workforce development and supply chain issues.

NUCA Membership Growth. Around the utility construction industry, it is now seen to be a poor business decision not to be a NUCA member. NUCA membership retention remains strong and new member signups are trending 20% ahead of 2021, resulting in 1,900+ companies strengthening the utility construction industry and projected membership growth in 2022.

NUCA Advantage Benefits Program Continues To Grow.

Delivering business benefits whose savings far surpass a member's annual dues, our association member benefits program expanded again with the 401(k)-retirement benefit for employees. NUCA Advantage now offers to members open-access healthcare, dental, and vision coverage, life insurance, retirement plans, human resources apps, payroll solutions, learning management system access, OSHA compliance logs, and much more via www.NUCAAdvantage.com.

New Trenchless Technology Manual Released.

Trenchless technology continues to expand at a very rapid rate, as more contractors recognize the efficiency and cost-savings that can be recognized in its usage. NUCA released in spring 2022 the much anticipated "Trenchless Construction and New Installation Methods" manual. The updated 148-page, full-color illustrated manual carefully addresses and explains for engineers and planners the most common trenchless installation methods, and is available exclusively from NUCA.

Safety & 2022 Trench Safety Stand Down (TSSD) Week.

Safety never takes a rest, so the results of the 2022 TSSD Week, June 20-24, sponsored by NUCA and the Safety Ambassadors Club, remained encouraging as this popular NUCA program continues to emphasize our industry's message of safety. More than 23,000 workers on 2,000 jobsites from 340 organizations participated this year. Our Safety Directors Forum and expanded Train-the-Trainer and Crew Leader programs continue to expand under safety director Mike Flowers.

Podcasts & Webinars On Industry Hot Topics. Our new monthly podcast, "Dig This!" debuted in February at the 2022 Convention. It features news updates, interviews with industry news makers, Washington advocacy updates, Chapter news, and more. NUCA also continued our popular Webinar Wednesday series throughout the year. Past episodes are archived on **nuca.com** and our YouTube channel.

NUCA's Growing Chapter Network. In 2022, NUCA chartered three chapters in Arizona and Texas, the largest Chapter induction at one time in our history. The AZUCA Arizona Chapter of NUCA, NUCA Guif Coast, and NUCA of San Antonio are now delivering their own contributions to their members and to NUCA. We're growing just as fast this year in the Mid-South (the Arkansas, west Tennessee, and upper Mississippi tri-state region) and several other areas, including New York State. Our 35 Chapters continue provide members local networking events, state advocacy, safety training, and much more.

NUCA WINS App. Our incident recording app NUCA WINS added new features in 2022, making it even more useful for industry members to document jobsite situations, employee health, and other site-specific needs. NUCA WINS 2.1 can easily operate on a supervisors' mobile device to document situations at the point-of-occurrence. Subscribing to the NUCA WINS app (nucawins.com) can eliminate the inaccuracy of completing incident reports.

NUCA 2022 Convention & Exhibit. Held in early March at the relaxing Hyatt Regency Hill Country Resort in San Antonio, Texas, this event for NUCA members gave the 350 national members a chance to relax and participate in NUCA's official annual meeting and National Partner-sponsored social events, including our high-octane auction. NUCA's new leadership was sworn into office and our three new chapters were formally inducted.

Thanks to our 2022 National Partners for their generous support throughout the year!

Scholarships. NUCA awarded three scholarships in 2022 to students of industry members through its Foundation for Education and Research.

NUCA Staff. NUCA welcomed Brittany Fuentes to our staff this year as the office manager and program coordinator. In mid-summer, we also welcomed Government Affairs Solutions LLC and its experienced lobbyists Zack Perconti and Jamie Steve to represent the industry on Capitol Hill.

We're glad you're part of America's premier utility contractor industry association!



Xylem's Michael Sturgill was presented NUCA's Associate Member of the Year award by NUCA CEO Doug Carlson (r.) for his generous help establishing two new NUCA Chapters.

As a NUCA member, you have access to a vast amount of industry news and information. Please visit our Website, www.nuca.com. We're also on Twitter (@NUCA_National), Facebook (NUCA1964), LinkedIn (NUCA National), Instagram (NUCA_National), and YouTube (NUCA National).

NUCA's membership department can be reached via 703-358-9300, or by e-mail to Lauren Hensley, lauren@nuca.com. We want to make sure you get the most out of your NUCA National and Chapter membership in 2022 and the years beyond.

Seamark School

BOX TOPS FUNDRAISER

Grab your phones and your receipts, the Seamark Ranch School is now participating in the Box Tops Fundraiser!

Follow these 3 simple steps to get scanning and support the children at Seamark Ranch.



1) Download the app "Box Tops for Education" on your device OR visit https://www.boxtops4education.com/

2) Select "Seamark Ranch School"

3) Scan receipts from various purchases at your favorite stores like Walmart, Target, Doordash, and many more!

2023 MEMBESHIP DUES

Did your company receive your invoice for your 2023 NUCA of North Florida Membership Dues? You should have received an invoice either my email or via USPS in early December. <u>Payment</u> is due January 31st. If you didn't receive an invoice, please email me at nucanf@gmail.com.



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	TRACK GA	UGE(STD SHOES)	11" 1" (33")	11' 1" (31")	10' 11" (33")
	OPERATIN	IG WEIGHT	67,300lb	69,200lb	79,900lb
	MAXSWI	NG TORQUE	77,370 lbf-ft	81,132 lbf-ft	79,455 lbf-ft
	BUCKET	APACITY	2.4 yd²	2.4 γd ¹	2.4 yd ¹
[•] CAT PAYLOAD AND CAT 2D GRADE ASSIS COME STAND					Q
		336	NEW MODEL	NEW MODEL	352
	GROSS POWERaso 14396	302 hp	≠ 347 hp	414 hp	445 hp
	TRACK GAUGE (STD SHOES)	11'3" (33")	11°3" (33″)	11' 10" (35")	11" 11" (35")
	OPERATING WEIGHT	81,200lb	84,600lb	101,500lb	111,30066
	MAX SWING TORQUE	105,250 lbf-ft	105,214 lbf-ft	139,275 lbf-ft	139,000 lbf-ft
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JACKSONVILLE ICEMEN TICKET ORDER FORM

Friday, February 24, 2023

Tickets are \$40 each and include a \$20 food voucher, access to pre-game space to socialize with other guests and an Icemen group gift of the game. Doors open at 6:00 pm and game starts at 7:00 pm. Please provide mailing address for food vouchers. In order to allow time to mail vouchers, please submit your order no later than Friday, Feb.10th.

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Payment:	Check (NUCANF)	Bill m	y account	Charge credit card*
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The 2023 legislative Session kicks off on March 7th. NUCA of Florida will be hosting their Legislative Days on April 3-5, 2023, at Hotel Duval. On April 4, following the Executive Committee and Board of Directors Meeting, NUCA of Florida government affairs team will provide a Legislative Briefing. Members will then be able to meet one-on-one with their state representatives and senators at the Capitol. In the evening, the group will gather with lawmakers for a cocktail reception. On April 5, a breakfast with key leadership and agency heads will be followed by "walking the halls" of the state Capitol. With all 160 legislative seats up for grabs, there will be plenty of new faces gracing the Capital City! Meet with key lawmakers in the House and Senate and hear from top agency officials. Industry- specific bills covering the lien law, construction practices, "Buy American," licensure, notice of commencement, and public works bid systems are all on the table.

Support our Advocacy efforts by sponsoring NUCA of Florida 2023 Legislative Days.

Platinum	\$2500
Gold	
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Bronze	\$500
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ABOUT OUR COMPANY

Local: The Jacksonville office of Engineering Consulting Services (ECS) is a premier provider of geotechnical engineering, construction materials testing, environmental consulting and facilities engineering services. Our laboratory is AASHTO Accredited and CCRL Certified to provide testing of soil, concrete, aggregate, hot mix asphalt, bituminous materials, and sprayed fire-resistive materials. We have one of the largest fleets of drill rigs in the southeast that are certified and proficient at drilling projects both on land and over water, including a GeoProbe® with direct push capabilities.

Florida: ECS Florida, LLC is one of the operating entities of the ECS Group of Companies with office locations in Jacksonville, Orlando, Tampa, West Palm Beach, Ft. Myers, Daytona, Gainesville and Tallahassee. ECS Florida, LLC has more than 225 employees and over 30 years of experience. ECS is equipped to help projects from conception through completion for both the private and public sectors.

Company: Engineering Consulting Services (ECS) is one of the largest and most rapidly growing engineering and consulting companies in the US. Founded in 1988, ECS is a leader in geotechnical, environmental, construction materials and facilities engineering. We are currently ranked 64 in Engineering News-Record's Top 500 Design Firms (April 2022) and 38 in Zweig Group's 2022 Hot Firms (June 2022).

OUR VALUE

ECS embodies its philosophy of "Helping you build while helping you save" by using technology and experience to assist clients in the development of cost-effective and practical solutions. For over three decades, our value engineering consulting has resulted in our clients saving millions of dollars on projects.

CONTACT US

We have been a proud member of NUCA since 1990. For more information about ECS' services or to discuss your next project, please contact:

ECS Florida, LLC 11554 Davis Creek Court Jacksonville, FL 32256 904.880.0960 Mike Gruber Director of Business Development mgruber@ecslimited.com 904.219.7577 Joey Broussard, PE Regional Manager jbroussard@ecslimited.com 904.886.5129

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