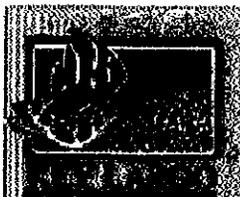


September 3,

2003

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Clerk



# Key Largo Wastewater Treatment District Board of Commissioner's Meeting Agenda

4:00 PM Wednesday, September 3, 2003  
Key Largo Civic Club, 209 Ocean Bay Drive  
Key Largo, Monroe County, Florida

- A. Call to Order
- B. Pledge of Allegiance
- C. Public Comment
- D. Minutes – Draft July 30, 2003
- E. Additions, Deletions or Corrections to the Agenda
- F. Action Items
  - 1. Approval of the revised Monroe County Loan Agreement with KLWTD
- G. General Manager's Report
  - 1. Recommendation of a request for qualifications and a procedure for the interviewing and selection of general legal counsel
  - 2. Recommendation after review of the Lewis Longman & Walker invoices
  - 3. Recommendation of a procedure for contract adoption
- H. ~~Legal Counsel's Report~~
- I. Engineer's Report
- J. Commissioner's Items
  - 1. Discussion of Commissioner Wilkinson's email of Monday, August 18, 2003
  - 2. Discussion of web site services – Commissioner Bauman
  - 3. Discussion for possible action – Workshop meeting procedure, agenda and Advertisement – Chairman Tobin
  - 4. Discussion of the intent of the Interlocal agreement in reference to the sharing of existing and future grants – Chairman Tobin
  - 5. Discussion of the scheduling of a strategic planning session and the request for a scope of service from a planning engineering firm – Commissioner Bauman
  - 6. Discussion on KLWTD physical public records location – Commissioner Brooks

7. Discussion of policy/procedure for moving discussion items forward –  
Chairman Tobin

**K. Meeting Adjournment**

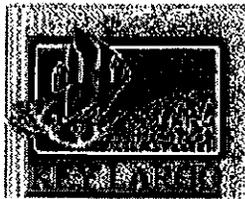
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# **KLWTD Board Meeting September 3, 2003**

## **Item D**

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**DRAFT July 30, 2003 Meeting Minutes**



# **Key Largo Wastewater Treatment District Board of Commissioner's Meeting Minutes**

**3:00 PM Wednesday, July 30, 2003**

**Key Largo Civic Club, 209 Ocean Bay Drive**

**Key Largo, Monroe County, Florida**

## **COMMISSIONERS PRESENT**

Chairman Andrew Tobin  
Commissioner Gary Bauman  
Commissioner Cris Beaty  
Commissioner Charles Brooks  
Commissioner Jerry Wilkinson

## **STAFF PRESENT**

Robert Sheets, General Manager, Government Services Group  
Amy Dukes, Legal Counsel, Lewis Longman & Walker, P.A. (via telephone-for the meeting only)

Faith Doyle, KLWTD Board Clerk

## **GUESTS PRESENT**

Steve Gibbs, Reporter for the Free Press  
David Andrews, Mull & Associates  
Patricia Mull, Mull & Associates  
Ed Castle, Weiler Engineering Corporation  
Jose L. Lopez, SFWMD  
Jeff Weiler, Weiler Engineering Corporation  
Larry Lackey, Weiler Engineering Corporation  
Charles Fishburn, Key Largo resident  
Burke Cannon, Key Largo resident  
Tim Bergan, Key Largo resident

### **A. Call to Order**

Chairman Tobin called the meeting to order at 3:05 p.m.

### **B. Pledge of Allegiance**

All assembled stood for the pledge to be recited.

Chairman Tobin requested that Item E-4 be taken out of order. The Board gave its consensus. Chairman Tobin introduced Ms. Patricia Mull of Mull and Associates. Ms. Mull stated that she had operated a local Certified Public Accounting firm in Key Largo for the past 12 years and had been a C.P.A. for the past 30 years having worked with

Price Waterhouse. Ms. Mull also introduced Mr. David Andrew, her associate that had also worked with Price Waterhouse before relocating to the keys.

Mr. Sheets stated that he was excited to have assisted in the selection of the KLWTD's first auditor and that the firm was from within the Keys community. Mr. Sheets stated that after several invitations were sent, firms replied that KLWTD was not big enough for them to respond. Mr. Sheets believes that although the KLWTD is small, KLWTD will be important to Mull and Associates and will get 100 percent effort FROM THEM.

Mr. David Miles stated that from the contractual side, four firms responded to the invitation. Mr. Miles and Mr. Beaty reviewed and evaluated the submittals with Mull and Associates being the top ranked firm. Mr. Miles stated that fee structure is the lowest of the four submitters and is within the FY2003 budgeted amounts for auditing services. Mr. Miles stated that the KLWTD attorney has approved the contract without any changes and that three copies are available for approval and execution. Mr. Miles stated that the audit could begin within the month.

Chairman Tobin asked for comments. Commissioner Wilkinson thanked and welcomed Mull and Associates to the KLWTD staff. Chairman Tobin stated that Ms. Mull is and active member of the community and the KLWTD is fortunate to have this firm associated with the KLWTD.

**COMMISSIONER WILKINSON MADE AMOTION TO APPROVE ITEM E-4, APPROVAL OF THE EXTERNAL AUDITOR CONTRACT. COMMISSIONER BROOKS SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Chairman Tobin welcomed Mr. Jose Lopez of the South Florida Water Management District who would be presenting information on SBR and USBF during the discussion portion of the meeting.

#### C. Construction Administration/Project Management Workshop

##### 1. Presentation by Weiler Engineering Corporation on Construction Management

Mr. Jeff Weiler of Weiler Engineering Corporation introduced himself, Mr. Ed Castle, Project Manager and Mr. Larry Lackey, Project Engineer for the proposed engineering work on the KLP and KLTV projects. Mr. Castle is a Monroe County resident and if experienced in the vacuum process and is a licensed engineer and plant operator. Mr. Lackey is a licensed engineer in Florida, Georgia and North Carolina and has been involved in the building of USBF plants.

Mr. Weiler made a presentation that summarized the details of the scopes of work that were being considered by the Board. Mr. Weiler stated that it would be imperative to have a single point of contact during the construction projects. Mr. Weiler suggested that the General Manager be the point of contact between team members and the KLWTD Board.

Mr. Weiler stated that the scope of work includes WEC fees for being appointed as the engineer of record for the projects. Mr. Weiler stated that it includes an in depth review of both projects, the inclusion of the Sunset Waterways Subdivision, the ultimate

replacement of Boyle Engineering and the research and resolution of the Roovac/Airvac issue.

Mr. Weiler noted that although Brown and Caldwell, as Haskell team members, would be involved in some of the same functions as WEC, WEC would be the representative of KLWTD and would review all efforts for compliance as KLWTD's engineer.

Mr. Weiler stated that although there has been public outreach since the inception of the projects, once actual construction work begins public relations is imperative.

Mr. Weiler stated that during the design and building of these projects changes would be necessary making the 'as built' plans extremely important for the permanent records of the KLWTD and that WEC as the engineer of record would insure their accuracy.

The presentation continued and Mr. Jeff Weiler described the coordination items that would follow. Mr. Sheets stated that immediately prior to the meeting he was informed that the KLTV permit had been approved per Boyle Engineering's Fred Mittl. It was stated that WEC would gather plans from Boyle Engineering and take over the project from them by letter and take over the permitting process. Mr. Weiler stated that during previous discussions with Chairman Tobin, they had discussed getting all members of the team (GSG, Haskell, Higgins, WEC, Brown and Caldwell) together to discuss what will be done, by whom and when. The contracts require that KLWTD have an engineer of record. Mr. Weiler stated that the fee presented to the Board covers WEC being the engineer of record. Mr. Sheets stated that to answer all of the Board members who had asked, "What must we do next?" there are several things: 1) How to use team efficiently to complete the KLP designed in three phases plus the addition of the additional subdivision. 2) The permitting process. 3) Getting up to speed on the environmental assessment procedure. 4) The overall game plan and the schedule update from Haskell on the KLTV. ~~Mr. Sheets stated that these items should be accomplished during the first 30 days.~~ Mr. Sheets stated these items could not be started until all team members are on board. Mr. Weiler stated that things are proceeding and that Boyle Engineering had applied for the permits.

Mr. Weiler concluded the presentation stated that WEC would benefit the KLWTD because of the work they have done in the Keys over the past several years. Mr. Weiler then entertained questions from the Board.

Commissioner Bauman what the procedure would be for WEC to report to the Board. Mr. Weiler stated that WEC as appointees of the Board would provide reports directly to the Board and inform them directly of any situations of concern. However, for the day-to-day operations of the projects he would require a single point of contact, to give direction on behalf of the Board during the interim between Board meetings.

Chairman Tobin asked if WEC would be agreeable to weekly agenda meetings. Mr. Weiler stated that weekly activity reports would be drafted and forwarded from the daily field reports and that a monthly summary would be presented to the Board and General Manager. Mr. Sheets stated that information would also be provided to the community via the website. The website would include a KLP/KLTV project section that would provide maps and work schedules.

Commissioner Bauman asked if there were any items in the scope of service that require subcontracting. Mr. Lackey stated that an independent testing lab and surveyor

would be recommended. Commissioner Bauman asked if Mr. Castle or Mr. Lackey would be replaced if they could not perform. Mr. Weiler stated that with Mr. Castle and Mr. Lackey's experience he does not see any difficulties and WEC has a staff of twenty-five employees that could be pooled to cover the services in the event of an emergency.

Commissioner Bauman asked if WEC would be agreeable to a fixed fee price for their work on the projects. Mr. Weiler stated that hourly and fixed fee information was provided for consideration and that monthly payments would be accepted to assist the KLTWD with cash flow considerations. Commissioner Bauman asked if the fee would be fixed regardless of the hours necessary to complete the projects. Mr. Weiler answered in the affirmative and that the scopes present the fee that represents what it will cost to do the projects as stated. Discussion ensued on the benefits of hourly or fixed fee and the savings that could be realized if the jobs run concurrently.

Commissioner Beaty asked if the prices include all redesign work and inclusion of the Waterways Subdivision. Mr. Weiler answered in the affirmative. Commissioner Beaty asked if Mr. Weiler would be on site daily. Mr. Weiler stated that he would be on site occasionally and that Mr. Castle as project manager would be on site.

Commissioner Brooks questioned the time matrix and if there would be any roll over of hours not used. Mr. Weiler stated the matrix was used as a worksheet to provide an estimate. Commissioner Brooks questioned the section of the proposal that stated travel and meals would be charged at cost plus 15%. Mr. Weiler stated that this provision would only be in affect if the Board requested travel in addition to the present scope of work and that the 15% carrier charge could be negotiable. Commissioner Brooks questioned the hourly fee schedule. Mr. Weiler stated that if the Board approved the fixed fee cost the hourly amount would not come into play. Commissioner Brooks asked if the fixed fee cost is further negotiable. Mr. Weiler stated that only place ~~to save money, at present, is in the detailed observation and that it hinges on the issue~~ of WEC being appointed the engineer of record. Mr. Weiler stated that GSG had negotiated his original proposal downward by approximately 12% and that the Board should consider that they would have the benefit of a staff of 25 for the length of the projects for the cost specified in the scopes of service.

Chairman Tobin stated that until a meeting of all team members could be held the costs provided could not be insured. Chairman Tobin stated that during a conversation with WEC, an option was discussed where KLWTD would hire their own inspector that would result in additional cost reductions. Mr. Weiler stated that largest cost reduction would result from the appointment of engineer of record for the KLP project and if Brown and Caldwell agrees to be the engineer of record for the KLP project then the WEC costs would be reduced.

Commissioner Brooks proposed that the costs presented be the cost cap and depending on the results of the team meeting the costs could then be reduced. Mr. Weiler agreed with this scenario.

Chairman Tobin stated that liability and responsibility are issues and having one engineer of record would be safest. Mr. Weiler agreed that liability is a cost consideration for engineers and that they are responsible for a greater length of time than the contractors. Chairman Tobin recommended that on big contracts they not be approved the first time they are presented and that he would like to hear the Board's responses prior to a vote.

Commissioner Wilkinson asked if agenda Item E 1 could be discussed in the workshop. Chairman Tobin gave Commissioner Wilkinson the floor. Commissioner Wilkinson stated that he wants all of Section 2 removed from the standard contract for consulting/professional service.

Commissioner Brooks asked if the WEC contract would need to be approved prior to the Work Authorization being approved. Mr. Sheet answered in the affirmative. Commissioner Brooks asked how many of the standard contracts had been returned from the eight firms identified from the CCNA process. Mr. Charles Sweat, Director of Operations, stated that three (including W.E.C.'s) were forwarded without changes and that three other firms would submit a contract with minor modifications. Commissioner Brooks stated that the present contract had been sent with the CCNA packages and he is concerned that vendors had been requested to execute a contract that would not be approved by the Board. Commissioner Wilkinson believes that all of Section 2 of the contract should not be in the standard contract but should be in the work authorization.

Discussion ensued on the approval of the standard contract, deductible amounts and insurance coverage amounts. It was noted that deductibles are generally the vendor's responsibility and, generally, any savings realized by the vendors are passed on to the Board.

Commissioner Wilkinson questioned the briefing memo. Mr. Sheets stated that it was provided for clarification and to compare and contrast the scopes of service for the KLP and KLTV projects. Commissioner Wilkinson believes that Haskell should be consulted to verify if they are amenable to adding sub-consultant to assist with inspection.

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Mr. Sheets noted that the standard contract had been presented to the Board in May and that he is concerned that if major changes were required prior to approval then the projects would be delayed. Chairman Tobin believes the changes would be minor. Mr. Sheets noted many engineering firms approved the contract presented across the State. Chairman Tobin believes that with another negotiating meeting on the scope of service work authorization then a review of the standard contract could be done.

Commissioner Brooks question the legality of changing a standard contract that had been issued during the CCNA process. Ms. Dukes stated that the document could be changed for the nuances. Mr. Sheets is concerned that having different general terms and conditions from various vendors could be problematic. Ms. Dukes stated that with the time being of the essence, the contract may need to be approved and then changes would made by issuing an amendment. Chairman Tobin was not in favor of issuing amendments. Commissioner Brooks stated that the contract sent to the top ranked firms has no enforcement or liability until such time the firms are given work. Ms. Dukes confirmed Commissioner Brook's statement. Chairman Tobin disagreed, stating that once the contract is signed it has legal significance. Ms. Dukes agreed that it would have legal significance, however, the work authorization, which includes the scope of service, could be amended.

Commissioner Beaty asked what changes to the standard contract had been requested by the other engineering firms. Mr. Sheets stated that the standard contract should not be changed for the vendors unless they had noted concerns with it when the submitted

their statement of qualifications and that he believes they are bound to the contract that was provided with the request. Mr. Sheets stated that only the Board had the authority to change the contract.

Discussion ensued concerning modifying the standard contract. Commissioner Wilkinson stated that under any CCNA process that the responders should be provided the same information in the standard contract and that the work authorization should define the specifics of the task.

Chairman Tobin recessed the meeting at 4:55 p.m.  
Chairman Tobin reconvened the meeting at 5:10 p.m.

Chairman Tobin stated that Mr. Jose Lopez of the South Florida Water Management District (SFWMD) would address the Board. Mr. Lopez stated that the KLWTD should consider using the future wastewater for reuse in the Keys State parks. Mr. Lopez had reviewed the plans for the projects and is concerned that reuse water was not considered and that with shallow well injection reuse should be considered for landscaping. Mr. Lopez stated that he was concerned with the treatment methods being considered. It is his opinion that USBF or SBR would not be the correct applications. Mr. Lopez believes membrane treatment would be the recommended. Mr. Lopez stated concern that the reports stated flows that did not match the documentation provided. Chairman Tobin stated that Mr. Lopez should contact Mr. Sweat to discuss his concerns.

Mr. Lopez suggested that the KLWTD conduct outreach programs to foster the use of reuse water in the Keys and offered his assistance. Mr. Lopez stated that water reuse and other ecological concerns are becoming critical issues in the Keys. Commissioner Brooks stated that he is a proponent of the reuse of water, however it is not economically feasible for the Key Largo area because the only place that is publicly irrigated if the FDOT medians and FDOT will not accept reuse do to the increase in maintenance costs. Mr. Lopez suggested the local hotels be contacted for landscaping use.

Mr. Sheets stated that the letter from the SFWMD was engineering specific and needs to be reviewed quickly, once the project team is assembled, because it will have significance when permitting is needed from the SFWMD. Mr. Sheets noted that the FEMA hearing on the plant site is to be held before the end of August and that the issues raised by the SFWMD are critical and would have a direct effect on the environmental site assessment. Mr. Sheets stated that issues raised in the letter would be considered during the permitting process and will tie in with the design process. Mr. Sheets believes there will need to be many more conversations with the SFWMD during the projects.

Mr. Lopez thanked the Board for inviting him to the meeting and offered his assistance in any way possible.

Commissioner Wilkinson assumed the floor at 5:25 p.m. Commissioner Wilkinson asked if GSG, as general manager, would be responsible for the operation of the completed wastewater system. Discussion ensued.

Commissioner Wilkinson stated that he had several concerns including: assigning WEC as engineer of record, the project length statement defining it as 13 months, the

statement that the projects would run concurrently and that if they don't costs would increase, the statement that things are completed as of when they are sent, and that Items E 2a and E 2b should state WEC not just engineer. Mr. Weiler stated that the 13-month statement and the completed as of when they are sent would be changed. Mr. Sheets stated that for consistency references to the engineer should read 'the district's engineer'. Commissioner Wilkinson agreed with the wording.

Chairman Tobin believes it will take another negotiating session with himself, Terry Lewis and WEC to wordsmith the document to include everyone's comments. Chairman Tobin agrees with Commissioner Wilkinson's concerns and voiced concern with the disclaimers of liability stated on page 7 of the KLTV scope of service.

Chairman Tobin stated that his main concern, as the representative of the residents, is the amount of funds that have been spent on engineering the projects and the lack of documentation for the expenditures. Chairman Tobin would like to remove some of the layers of review. Chairman Tobin would like to see the construction on site management done by a local resident and suggested Charles Fishburn. Chairman Tobin believes that as a sub-contractor Mr. Fishburn would not fall under the CCNA process and he would like to explore this option during the first team meeting. Chairman Tobin believes this option would lower WEC's fees.

Mr. Weiler stated that he would consider the option and he want to be affiliated with the KLWTD long term he does not want this to be a one project association. Chairman Tobin stated that he is hoping to avoid duplication of effort in observation, construction administration and construction management.

Mr. Weiler stated that he and Charles Sweat had several conversations concerning not overlapping responsibilities. Mr. Weiler noted that none of his time is being charged for.

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Discussion ensued on what the fees for WEC would be if they were to be assigned as the district's engineer only and not as the engineer of record. Mr. Weiler stated that further review would be necessary before a cost could be quoted.

2. Presentation by Government Services Group, Inc. on Project Management and Administration

Discussion ensued on the particular tasks involved with the GSG work authorization.

Chairman Tobin concluded the workshop at 6:45 p.m.

D. Additions, Deletions or Corrections to the Agenda

The Chair requested that action items 5 and 6 be considered first.

**Commissioner Brooks motioned to approve item E-5 the Proposed FY2004 KLWTD Budget for Advertisement. Commissioner Wilkinson seconded the motion. All were in favor and the item was unanimously approved.**

**Commissioner Brooks motioned to approve item E-6 the Pending Payment List for July 30, 2003. Commissioner Beaty seconded the motion for discussion. Commissioner Brooks questioned the \$5,000 amount for Lewis, Longman & Walker referred to as 'catch-up'. Mr. Miles explained it was for disallowed costs from previous invoices that were requested for reimbursement without proper**

documentation. With no further discussion the vote was called. All were in favor and the motion was unanimously approved.

E. Action Items

- 1. Approval of the Weiler Engineering Corporation Contract for Consulting/Professional Services

Chairman Tobin suggested that that Item be tabled or that it is approved in concept only.

COMMISSIONER BROOKS MADE A MOTION TO APPROVE THE WEILER ENGINEERING CORPORATION CONTRACT TO INCLUDE THE CHANGES SUGGEST BY COMMISSIONER WILKINSON AND THAT WERE AGREED TO BY JEFF WEILER OF WEILER ENGINEERING CORPORATION AND IF ANY FUTURE AMENDMENTS WERE DEAMED NECESSARY THEY ARE TO BE BROUGHT TO THE BOARD FOR CONSIDERATION IN THE FUTURE. COMMISSIONER BAUMAN SECONDED THE MOTION. CHAIRMAN TOBIN ASKED FOR DISCUSSION.

Chairman Tobin stated that he believes the action is premature and that approving the contract without specifying the changes is not prudent it is not the proper method of passing a resolution and that it places the burden on the clerk to document the changes. Chairman Tobin stated that he cannot support the motion and believes it is poor parliamentary procedure and that the contract should only be approved in concept. Commissioner Brooks stated that basically he does not want to incur further legal expenses and that his motion stands as stated. Commissioner Wilkinson stated that he couldn't be sure that all necessary changes have been noted. Mr. Sheets asked legal counsel if the scopes of service could be approved without the approval of the standard contract. Ms. Dukes stated that approval of the scopes of service would be contingent on approval of the contract. Chairman Tobin then requested a roll call vote.

COMMISSIONER BAUMAN	YES
COMMISSIONER BEATY	YES
COMMISSIONER BROOKS	YES
COMMISSIONER WILKINSON	NO
COMMISSIONER TOBIN	NO

THE MOTION CARRIED WITH A VOTE OF THREE IN FAVOR AND TWO NOT IN FAVOR.

- 2. a. Approval of KLWTD Work Authorization WEC 03-01 with Weiler Engineering Corporation for engineering services for the KLTV Project
b. Approval of KLWTD Work Authorization WEC 03-02 with Weiler Engineering Corporation for engineering services for the KLP Project

COMMISSIONER BROOKS MADE A MOTION TO APPROVE WORK AUTHORIZATIONS WEC 03-01 AND WEC 03-02 TO INCLUDE THE CHANGES SUGGEST BY COMMISSIONER WILKINSON AND THAT WERE AGREED TO BY JEFF WEILER OF WEILER ENGINEERING CORPORATION AND IF ANY FUTURE

AMENDMENTS WERE DEEMED NECESSARY THEY ARE TO BE BROUGHT TO THE BOARD FOR CONSIDERATION IN THE FUTURE. COMMISSIONER BEATY SECONDED THE MOTION FOR DISCUSSION. Commissioner Wilkinson stated that the motion should be amended to include the suggested changes to the references to specific dates, the changing of the title engineer to district engineer and the references to WEC as the engineer of record for the projects. Commissioner Wilkinson stated that as the motion is stated at present that he would not be in favor. Commissioner Bauman asked if the motion should include that Mr. Weiler had agreed to look at the costs again after the engineer of record and the potential observation hour reduction issues had been resolved. Mr. Sheets suggested that if the work authorization are approved and the Board directs staff to define the roles and responsibilities of Haskell, Higgins, WEC and GSG then the staff would present a reworked scheduled and any cost adjustments realized from the effort. Chairman Tobin stated that he believes it is a bad way to do business to approve work orders that incorporate flawed memorandums and that the details need to be clarified and discussed. Chairman Tobin stated that although time is an issue he urged the other Board members to vote against the motion. Chairman Tobin suggested that the item be tabled until a meeting of the principle parties can be held at that the cost of three to four hours of attorney's fees would be money better spent than fees that could result from approving an ambiguous contract. Commissioner Wilkinson asked if Chairman Tobin, as an attorney, could do the revision to the contract. Chairman Tobin stated that he would prefer the involvement of Lewis, Longman and Walker because of the resources available to them. Commissioner Bauman stated that the work authorizations need to be legally binding but he does not want to see excessive time and money invested in the process. Chairman Tobin stated that with the agreement by Jeff Weiler to make the changes requested that Mr. Weiler could be tasked with making the first draft of the revision. Chairman Tobin noted that there are liability questions and that a meeting to consider review of the observations hours the possible use of a subcontractor and the correction of inappropriate references should be conducted and that references to specific time frames need to be corrected also. Mr. Sheets stated that the appointment of an engineer for the district is prudent before preliminary design work can start. Discussion ensued. Chairman Tobin stated that a redrafting of the work authorization to address all concerns would be done by Jeff Weiler and that a meeting should be scheduled next week to review and discuss the redraft in an effort to present it for consideration at the August 13, 2003 meeting.

CHAIRMAN TOBIN THEN REQUESTED A ROLL CALL VOTE.

COMMISSIONER BAUMAN	NO
COMMISSIONER BEATY	NO
COMMISSIONER BROOKS	YES
COMMISSIONER WILKINSON	NO
CHAIRMAN TOBIN	NO

THE MOTION FAILED WITH A VOTE OF ONE IN FAVOR AND FOUR NOT IN FAVOR.

COMMISSIONER BAUMAN MADE A MOTION TO INCLUDE THE REVISED WORK AUTHORIZATIONS AS ACTION ITEMS ON THE AUGUST 13, 2003 AGENDA.

**COMMISSIONER WILKINSON SECONDED THE MOTIN. ALL WERE IN FAVOR AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Chairman Tobin stated that a teleconference would be held next week and that the revisions would be forwarded to members of the Board as soon as possible.

Chairman Tobin recessed the meeting at 7:15 p.m.

Chairman Tobin reconvened the meeting at 7:25 p.m.

3. Approval of Scope of Service for Capital Project and Grant Management and Administration with Government Services Group, Inc. for the KLTV and KLP projects

**A MOTION WAS MADE BY COMMISSIONER BEATY TO APPROVE THE SCOPE OF SERVICE WITH GSG. COMMISSIONER BAUMAN SECONDED THE MOTION FOR DISCUSSION. COMMISSIONER WILKINSON QUESTIONED OPTION EXHIBIT A AND EXHIBIT B. MR. SHEETS STATED THAT FOR THE MONTHLY AMOUNT LISTED THAT THE WORK TO BE DONE WOULD BE ALL INCLUSIVE WITH NO BILLING FOR TRAVEL. COMMISSIONER BEATY AMENDED HIS MOTION TO INCLUDE THE PROJECT COST WOULD BE FOR THE FIXED FEE. CHAIRMAN TOBIN AND COMMISSIONER WILKINSON QUESTION IF A DUPLICATION OF EFFORT WOULD BE MADE FOR COMMUNITY RELATIONS AND IF CONFLICT RESOLUTION ARE TWO ITEMS THAT DON'T BELONG IN THE SCOPE OF SERVICE. CHAIRMAN TOBIN ASKED FOR ANY FURTHER DISCUSSION. CHAIRMAN TOBIN REQUESTED A ROLL CALL VOTE.**

COMMISSIONER BAUMAN	YES
COMMISSIONER BEATY	YES
COMMISSIONER BROOKS	YES
COMMISSIONER WILKINSON	NO
CHAIRMAN TOBIN	YES

**THE MOTION CARRIED WITH A VOTE OF FOUR IN FAVOR AND ONE NOT IN FAVOR.**

4. Approval of the External Auditor Contract

SEE ABOVE

5. Approval of the Proposed FY2004 KLWTD Budget for Advertisement

SEE ABOVE

6. Approval of Pending Payment List for July 30, 2003

SEE ABOVE

**F. General Manager's Report**

1. Discussion of the recommended Revised Disbursement Policy

Chairman Tobin stated that a revision was requested to assure proper security for the KLWTD accounts. Chairman Tobin believes that specific signatory names should be used where possible in the Disbursement Policy.

Mr. Miles stated that the revised policy gives the tightest controls that he has worked with during his tenure as a government financial officer. Mr. Miles stated that unfortunately because of the current procedure small recurring bills couldn't be paid on a timely basis, which incurs late fees for the KLWTD.

Mr. Miles presented information on fidelity bonds for the signatories on the KLWTD accounts. Discussion ensued on the present procedures and the amount of insurance that would be sufficient for the KLWTD. Chairman Tobin believes a member of the KLWTD should be added as an additional signatory on all checks. Mr. Miles stated that due to the geographical separation it would not be practical and for internal controls partially executed checks would cause potential discrepancies when documentation is needed for reimbursement from the various funding sources being used by the KLWTD. Discussion ensued. Mr. Miles stated that he had the external auditor review the revised policy that agreed with the policy and stated that the key is the approval process that the KLWTD approve the bills and GSG writes the checks.

It was the consensus of the Board to have dual signatures on the checks and to acquire fidelity insurance. Commissioner Beaty stated that as a financial professional he believes that the policy is more than adequate. However, having four signatories on the account and then requiring two of the four to execute checks would be beneficial and would cover the KLWTD during regular business and in case of an emergency.

Chairman Tobin entertained a motion to authorize District Manger to approve expenditures up to \$2,500 with one signature either that of the general manager, Robert Sheets or the Chief Financial Officer, David Miles, or KLWTD Chairman, Andrew Tobin or KLWTD Secretary, Cris Beaty. Amounts above \$2,500 would require dual signatures after Board approval from any named signatory. Discussion ensued on who should have fidelity bonds and in what amount. The Board directed staff to develop a final formal policy and an accompanying resolution for consideration at the August 13<sup>th</sup> meeting. Mr. Miles was directed to obtain the cost for various fidelity bond coverage and to provide to the Board at the August 13<sup>th</sup> meeting.

## 2. Interim Financial Reports through June 30, 2003

The item was tabled until the next meeting.

## 3. Revisions to the KLWTD Board Meeting Schedule

It was the consensus of the Board to hold the regular KLWTD meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month beginning September 2003.

Commissioner Brooks stated that the Monroe County BOCC would consider changing the KLWTD loan to a grant at their August 21, 2003 meeting.

Mr. Sheets stated that the County forwarded him a letter stating their displeasure with the unilateral changes that had been made to the loan agreement by the KLWTD. The County has requested a meeting concerning the changes to the agreement and Mr.

Sheets suggests a conference call to include himself, Commissioner Brooks and Mr. Collins, Monroe County Attorney. It was noted that County Commissioner Murray Nelson requested to be included on the discussions of this issue.

#### 4. Status Report on the Haskell Company's KLV TV Preliminary Project Schedule

There were no new developments concerning the preliminary project schedule.

##### G. Legal Counsel's Report

There was no legal counsel's report presented.

##### H. Engineer's Report

There was no engineer's report presented.

##### I. Commissioner's Items

1. Discussion of employment of full or part time project engineer not to exceed \$80,000 annual salary – requested by Chairman Tobin

Chairman Tobin stated that this issue is moot at present. However, Chairman Tobin wanted to mention that Mr. Tim Bergan has shown a great amount of interest, support and enthusiasm with the work of the KLWTD. Chairman Tobin would like to keep Mr. Bergan in mind for future opportunities with the KLWTD because of his experience.

2. Discussion of employment of a full or part time construction inspector for ~~Key Largo Park and Key Largo Trailer Village~~ – requested by Chairman Tobin

Chairman Tobin stated that Mr. Chuck Fishburn, a local resident, was knowledgeable and committed and had reviewed many of the engineering documents during his association with Gartek. Chairman Tobin suggested that Mr. Fishburn be considered to do construction inspection on the KLP and KLV TV projects. Chairman Tobin suggested that WEC or GSG consider using his services, as an independent contractor and perhaps it would lower the overall inspection costs for the projects. Chairman Tobin believes this option should be considered versus considering hiring an employee for the KLWTD.

Commissioner Bauman expressed concern with the option of KLWTD hiring an employee. He was not adverse to the option of WEC or GSG using him as an independent contractor.

Commissioner Beaty believes if any action is to be taken it should be by WEC or GSG to use Mr. Fishburn as a consultant.

Commissioner Brooks stated that he has legal concerns with hiring a consultant not selected by the CCNA process and he is uncomfortable with requesting WEC or GSG to hire a particular individual for any position.

Mr. Fishburn stated that with over 1,000 hours dedicated to the project he believes he has a great deal to offer the KLWTD and wishes to assist them in any way possible.

3. Discussion of the preparation and timing of change orders to the Haskell Company and Douglas Higgins, Inc. for the design, installation, testing and acceptance of all of Key Largo Park and the addition of Sunset Waterways subdivision – requested by Commissioner Wilkinson

Commissioner Wilkinson stated that this issue had been addressed during the previous discussions.

#### OTHER ITEMS:

Mr. Burke Cannon of the Federation of Key Largo Homeowners addressed the Board. He stated that Mr. Charles Fishburn would be a valuable resource to the KLWTD and would recommend and support him as an inspector on the projects.

Chairman Tobin requested that the Board consider having informal working group meetings. Discussion ensued concerning the location, the frequency, the inclusion of staff, advertisement of the meetings and the need for agendas. Chairman Tobin requested the item be added to the next agenda for discussion and possible action.

#### J. Minutes – Draft July 9, 2003

The item was tabled until the next meeting.

#### K. Meeting Adjournment

Chairman Tobin adjourned the meeting at 8:55 p.m.

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# **KLWTD Board Meeting September 3, 2003**

## **Item F -1**

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**Approval of the revised Monroe  
County Loan Agreement with KLWTD**

**LOAN AGREEMENT**  
**KEY LARGO WASTEWATER TREATMENT DISTRICT**

THIS LOAN AGREEMENT is entered into by and between Monroe County, a political subdivision of the State of Florida (the County) and the Key Largo Wastewater Treatment District, an independent special district (the District), pursuant to Sec. 2.03(A)(2) of an interlocal agreement between the parties effective February 26, 2003 (the interlocal agreement). A copy of the interlocal agreement, together with all its exhibits, is attached as Exhibit A and made a part hereof

1. On or before October 15, 2003, the County shall transfer to the District the sum of \$731,428 and shall request the Florida Keys Aqueduct Authority (FKAA) to transfer to the District the sum of \$182,857 (which sum the County had previously transferred to the FKAA for the purposes described in paragraph 2 of this loan agreement).

2. a) The District agrees to establish a special fund to be called the Key Largo Trailer Village Project Fund (the Fund) and to deposit therein the money described in Paragraph 1 of this loan agreement. Money in the Fund may only be used to pay the costs of constructing the Key Largo Trailer Village central wastewater treatment and collection system (the Project) that are authorized as appropriate matching expenditures in the DCA/FEMA grant for the Project. A copy of the DCA/FEMA grant is attached to this loan agreement as Exhibit B.

b) The District shall make disbursements or payments from the Fund only for the costs authorized in subparagraph 2(a) of this loan agreement. The District shall prepare and keep the records of such disbursements and payments according to generally accepted governmental accounting principles consistently applied and shall retain those records for a period of five years from the date of the completion of the Project. The records must be made available upon request to an auditor employed by the County or the State of Florida. If the auditor determines any funds may have been spent for unauthorized purposes, the auditor shall meet with District staff to confirm the purpose of the expenditure. If after meeting with District staff, the auditor determines that any of the funds transferred to the District under this loan agreement were expended for purposes not authorized by this loan agreement or the DCA/FEMA grant, then the District shall, within 30 days of the auditor's determination, return the amount determined by the auditor to have been improperly spent together with interest, calculated at the rate set forth in Sec. 55.03(1), FS, commencing on the date the auditor determined the funds were expended for a purpose not authorized by this loan agreement or the DCA/FEMA grant. This subparagraph controls over and amends any inconsistent language in the interlocal agreement Sec. 2.03(A)(2).

c) Moneys transferred to the District under this loan agreement for deposit in the Fund must be deposited and secured in the same manner as public funds are authorized to be deposited and secured by the laws of the State of

Florida. Any interest paid on moneys deposited in the Fund will belong to the District.

3. a) Beginning on July 1, 2008, and on each July 1<sup>st</sup> thereafter through July 1, 2018, the District shall pay to the County \$91,428.50 for repayment of the funds transferred to the District pursuant to paragraph 1 of this loan agreement. If the District has not collected a sufficient amount of funds to cover the loan repayment amounts each July 1<sup>st</sup> until the loan is repaid in full, the District shall have the right to request the County to renegotiate the terms of this Agreement relating to repayment of the funds. The parties agree that the \$91,428.50 is entirely a return of principal and that the County may not demand, or seek to charge, the District any interest on the funds transferred to the District pursuant to this loan agreement. The only exception to this no interest provision is the interest payable on funds determined to have been spent for a purpose not authorized by this loan agreement.

b) The County agrees to establish a special fund for the receipt and deposit of the moneys paid by the District to the County pursuant to subparagraph 3(a) of this loan agreement. The County agrees to return the moneys deposited in that fund for wastewater treatment and collection projects located within, or serving the residents of, the Key Largo Wastewater Treatment District. The moneys so deposited shall be spent for District wastewater projects pursuant to interlocal agreement(s) entered into between the parties.

4. The requirement of each party that moneys be deposited and accounted for in a special fund may be satisfied by deposit in a single non-exclusive bank account or investment pool provided that adequate accounting records are maintained to reflect and control the restricted allocation of the moneys on deposit.

5. This loan agreement is not intended to, and does not give rise to, legal or beneficial rights on behalf of any third parties. The contractors, subcontractors, subsubcontractors, materialmen and tort claimants of the District, or any other third party, claiming or demanding damages, liability, payment, or other demand on account of an act, acts or omission or omissions of the District, its officers, employees, or agents, must seek the relief demanded or claimed from the District only.

6. The parties agree that prior to the time the first repayment amount is due to the County, as stated in paragraph 3 herein, the parties shall revisit and reconsider this Agreement to determine whether the terms and conditions of the repayment schedule should be amended.

7. All writings required by this loan agreement (including the payment of moneys) shall be sent to:

Monroe County  
County Administrator  
Gato Building  
1100 Simonton Street  
Key West, FL 33040

District  
Robert Sheets, General Manager  
PO Box 491  
Key Largo, FL 33037  
with a copy to:  
Terry Lewis, District Attorney  
Lewis, Longman & Walker, P.A.  
1700 Palm Beach Lakes Blvd. #1000  
West Palm Beach, FL 33401

by certified mail, return receipt requested, or by a national courier service such as Federal Express. The above addresses may be changed by written notification.

8. This written loan agreement is the parties' final mutual understanding. It supersedes any prior negotiations or agreements, whether written (in any format) or oral, and may only be amended by a writing signed by both parties.

9. This loan agreement will take effect on the signature date of the last party to execute the agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the dates written below.

(SEAL)  
ATTEST: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk  
Date \_\_\_\_\_

By \_\_\_\_\_  
Mayor/Chairman

(SEAL)  
Attest:  
By \_\_\_\_\_  
Secretary  
Date \_\_\_\_\_

KEY LARGO WASTEWATER TREATMENT  
DISTRICT  
By \_\_\_\_\_  
Chairman

# **KLWTD Board Meeting September 3, 2003**

## **Item G -1**

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**Recommendation of a request for qualifications and a procedure for the interviewing and selection of general legal counsel.**

## **PUBLIC NOTICE OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT**

The Key Largo Waste Water Treatment District ("District") is currently seeking the services of a law firm or individual attorney to provide legal assistance to the five-member Board of Commissioners and District Manager, in carrying out its general daily needs. This individual must be a member in good standing of the Florida Bar and have a minimum of five years experience in the practice of law. Any experience in the areas of city, county or state government will be considered a plus.

Duties will include attending regular commission meetings held on the first and third Wednesday of each month, special commission meetings and workshops and providing advice to the Commission and District Manager on routine legal issues as well as the drafting of appropriate District documents.

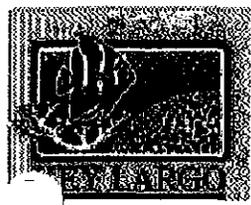
Candidates must submit a complete resume and statement of qualifications if a member of a firm within Monroe County. The Board and the District Manager will review resumes. A selection of individuals will be made and who will be requested to make presentations to the District Board at a regular meeting. Resumes and qualifications of the firm and or candidates are to be submitted to the District Manager at 1500 Mahan Drive, Suite 250, Tallahassee, Florida 32308 and are to be submitted no later than ~~September 26, 2003 at 5:00 p.m.~~ Resumes are subject to public disclosure, pursuant to the Florida public records law. Any inquiries should be directed to Robert Sheets, District Manager at (850) 681-3717.

# KLWTD Board Meeting September 3, 2003

## Item G - 2

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**Recommendation after the review of  
the Lewis Longman & Walker invoices.**



**KEY LARGO WASTEWATER TREATMENT DISTRICT  
POST OFFICE BOX 491; KEY LARGO, FLORIDA 33037  
(305) 451-5105**

**Memorandum to the Board**

To: Key Largo Wastewater District Board of Commissioners

From: Robert E. Sheets, General Manager

Subject: Lewis Longman & Walker, P.A., Invoices

Date: September 2, 2003

During the August 27, 2003 Board Meeting, the Board expressed concern over the invoices received from Lewis, Longman & Walker, P.A. The Board asked the District Manager to review and explain the reason that the attorneys have received certain documents for review. For example, documents from the clerk requesting the attorneys to review board agenda items, review and edit board minutes, auditor services contract, T. Bergin and C. Fishburn potential employment for the Board, WEC scope of work, A. Tobin email concerning the Weiler Engineering Contract and coordinating extensive revisions to that document.

~~The costs described above all fall within the definition of normal cost of board business.~~ These requests for services have come from various sources, such as the Chairman, the Director of Operations, the District Manager and the Clerk to the Board. It would be difficult for the District Manager to do his job effectively if he is not permitted to include a legal review of pertinent issues during the normal course of business. Review of the Minutes is important because as the official record of the meeting the Board, the staff and the attorney must review them for accuracy and that they reflect their understanding and memory of the essence of the meetings. Therefore, it is my recommendation that the review of the Minutes is in order. In addition, review of the minutes provides historical information to the attorney and staff members on issues they may have not been reviewed once they have been excused from the teleconference.

The auditor's contract is a legal document that as such should have been reviewed by legal counsel for sufficiency. This contract was prepared by the District Manager's staff, not by the attorney and legal counsel was involved in the review process only. In addition the review conducted by legal counsel for consideration of hiring T. Bergin and C. Fishburn was necessary for the District Manager to be sure that the potential hiring of these individuals did not come under the rules of CCNA. The WEC Scope is a legal document that as such requires legal review to verify that the scope complies with the contract and that unnecessary potential exposure exists.

Board of Directors: Chairman Andrew Tobin, Gary Bauman, Cris Beaty, Charles Brooks, Jerry Wilkinson

The charges were the result of an email from A. Tobin and the District Manager to the attorney, and therefore, in my opinion is also justified. The District Manager recommends that payment be made for the Lewis, Longman & Walker invoices, and the time charged.

Because of the Board's concerns however, staff will prepare a protocol to address the accountability and cost effectiveness of the District Attorney's costs. This protocol will be presented to the Board no later than at the September 17, 2003 meeting. The legal fees the Board has been experiencing should lessen over the next few months and the Manager does not foresee any potential large legal issues. The next major issue that would require assistance by the attorneys should be when the District begins to develop a mandatory connection policy and guidelines.

I hope this has been responsive to the Board's request and I look forward to discussing the item at our next meeting.

# **KLWTD Board Meeting September 3, 2003**

## **Item G - 3**

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**Recommendation of a procedure for  
contract adoption.**

All;

I would like to propose that we adopt the following procedure when dealing with contracts. The procedure is intended to afford the Board the opportunity to consider a contract at 2 regularly scheduled meetings. It also gives everyone a chance to get familiar with the contract and the vendor/contractor before incurring substantial legal expenses and time in reviewing contracts before the Board has had an opportunity to become familiar with the item/contract informally. The procedure is directory only and may be modified by a majority vote of the Board at any time depending on the circumstances of the situation.

a) The proposed contract will be provided to the Board members prior to the meeting;

b) The contract will be listed as a separate item on the agenda under the Manager or Attorney's Report;

c) The Manager and/or the Attorney will discuss/explain the Contract and report any unusual provisions to the Board.

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d) The Vendor/Contractor will have an opportunity to discuss and explain the contract.

e) The Board will vote to consider the contract as an Action item at its next regular meeting or at such time as the Manager and/or Attorney schedule the item.

f) The Manager and/or the Attorney will then negotiate the final terms and conditions of the contract with the proposed Vendor/Contractor and make appropriate changes and amendments to the contract as may be necessary to protect the District.

g) At such time as the Manager and/or Attorney have completed their assignment, the item will be scheduled as an action item for consideration by the Board.

# KLWTD Board Meeting September 3, 2003

## Item J - 1

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**Faith Doyle**

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**From:** Jerry Wilkinson [jerry142@terranova.net]  
**Sent:** Monday, August 18, 2003 4:39 PM  
**To:** Robert Sheets  
**Cc:** Faith Doyle; Cris Beaty; Charlie Brooks; Andy Tobin; Gary Bauman  
**Subject:** Agenda

Robert:

You were not present, but I cannot find anything in Robert's Rules of Order that only an affirming member can revisit a previous agenda item.

As to the discussion and possible action for a District General Legal Counsel, there is not the intent to "fire" Lewis and Longman, but the intent is to quickly contract with a local legal resource to perform the routine legal actions, including attending every meeting, answering all prior questions via phone or email by the Board and key staff members, preparing routine resolutions, reviewing/approving routine documents, etc. at a fixed price. Lewis and Longman could/would still be tasked for special legal services per his agreement.

I wish to add five additional items as commissioner items.

- 1) Establish a procedure for a staff coordination stamp/sheet so that each agenda item indicates specifically which key personnel has approved the item. (Generally, this is stamp or a cover sheet to indicate exactly who had approved of the item.) I am certain that you have seen many different methods. At the present I of the documents in my file I have no proof of any one seeing these documents unless they are signed of which many are not.
  - 2) Establish and or require local communication access, such as a 451 forwarding number we use for the clerk (451-5105), cell phone or other communications services where the Board, vendors and citizens can access without tolls), for all key staff positions, as yourself. These would be approved by the Board and necessary budgeting performed.
  - 3) A status/update/monitoring/follow-up report (we will come up with a name) as part of each agenda for designated elements. The list may be two parts, future tasks and ongoing tasks. It would be up to the manager to recommend or the Board to designate the start and finish of the routine reports. The report could be "No report." The intent is "monitor" crucial items as well as to prevent them from being lost in the shuffle. An example would be status of CDBG grant research.
  4. (We spoke of this before) Status of arranging for a complete copy of the agenda package, even though it may contain draft elements, to be placed in the Key Largo Library three days before and a few copies of just the Agenda, no backup material, be placed in a designated location at the meeting location for visitors. Possibly this may be advertised in the public notice.
  5. Tasking someone to originate a draft of KLWTD Meeting Administrative Procedures, or what ever we want to call it.
- Jerry

**KLWTD Board Meeting  
September 3, 2003**

**Item J – 1 (5)**

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**KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF GOVERNORS  
ADMINISTRATIVE PROCEDURES**

**SECTION I**

**Section 1.01 - Introductory Items.**

**a) Definitions as used in this document:**

- 1. The KLWTD or The District** is the Key Largo Wastewater Treatment District as established by 2002-337, Laws of Florida.
- 2. The Board** is the governing board of elected five members of the KLWTD prescribed by Section 5, of 2002-337, Laws of Florida.
- 3. A Commissioner** is one of the elected KLWTD governing Board members as prescribed by Section 5, of 2002-337, Laws of Florida.
- 4. The Officers of the Board** will be the Chair, Vice Chair and Secretary - Treasurer as prescribed by Section 6, of 2002-337, Laws of Florida.
- 5. The Manager** is the chief executive officer, administrator or director of the District.
- 6. The Attorney** will be chief legal counsel of the District.
- 6. The Clerk** is the designated administrative officer of the District.

a) The charter of the Key Largo Wastewater Treatment District may be found in 2002-337, Laws of Florida, as amended.

b) Except as may be provided by these Rules and By-Laws, questions of order, the methods of organization and the conduct of business of the Key shall be governed by Robert's Rules of Order, Newly Revised, ~~xxxx~~ Edition, which is hereby adopted by the Board. Failure of strict observance of Robert's Rules of Order will not invalidate decisions, contracts and policies of the Board.

### Section 1.02 - Meetings.

a) **Regular Meetings:** The Board shall hold regular meetings, as prescribed by the Board at the time(s) determined by motion of the Board. Other times and dates may also be established by a motion of the Board. No regular meeting may be scheduled when the day fixed for a regular meeting falls on a designated holiday. The locations for regularly scheduled meetings of the Board shall be established by motion of the Board. All meeting sites must be in compliance with the American Disabilities Act and any other applicable civil rights statutes. In an extenuating situation (e.g., a hurricane or other disaster), and with the notice reasonably provided in light of the situation, the Chair or Vice Chair may designate another location and time for a regularly scheduled meeting of the Board.

The Board shall not schedule any particular time of the year as a vacation period but shall individually stagger their vacation times so that the Board may continue to function throughout the year.

b) **Special (~~Emergency~~) Meetings:** A special meeting of the Board may be called by the Chair, or in his/her absence the Vice Chair, whenever, in his/her opinion, the public's business requires it. A special meeting may also be called by three members of the Board. All requests for a special meeting must state the purpose of the meeting and a proposed time and location.

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When a special meeting is called by the Chair, then a written request for the meeting must be delivered to the Manager and the Clerk. When a Commissioner (other than the Chair or Vice Chair acting in the capacity of the Chair) wishes to call a special meeting, he or she must send the written request to the Manager and the Clerk and, at the same time, send the request to all other members of the Board and the Attorney. If, within ~~two~~ business days, two other Commissioners send to the Manager and Clerk written approval of the requested special meeting, then the special meeting will be considered called. The Commissioners who send the Clerk written approval of the requested special meeting must also, at the same time, send copies to the Manager and Attorney. If the Clerk determines that the special meeting was properly called, then the Clerk must promptly provide verbal or written notice, unless specifically waived, to the Board members, the Manager and the Attorney, stating the date, hour and place of the meeting and the purpose of the meeting. The Clerk must also send written notice of the special meeting to the local media outlets in accordance with Florida laws.

Only the business stated in the notice of the special meeting may be considered at the meeting unless the Chair or the Manager determines that the public's best interest would be served if additional items were considered and an amended written agenda is delivered by the Manager to all Commissioners, the Attorney, and the local media outlets a minimum of one business day in advance of the special meeting date. Alternatively, a majority of the Commissioners present at the special meeting may agree to add additional items to the special meeting agenda.

When the Clerk has received a request for a special meeting that complies with this subsection 1.02(b), he or she must make sure that there are at least ~~four~~ hours between the call for the meeting and the date and hour of the meeting unless an extenuating circumstance (e.g., an impending hurricane)

prevents that. If, after reasonable diligence, it was impractical to give notice to each Commissioner then that failure will not affect the legality of the special meeting if a quorum is present. The minutes of each special meeting must show the manner and method by which notice of the special meeting was given to each member of the Commissioners or the waiver of the notice.

c) The notice requirements set forth in this Section 1.02 are in addition to, and not the replacement for, notice requirements mandated by general law.

d) All Board meetings are open to the public unless a specific exemption is provided by general law.

e) The Clerk must record gavel-to-gavel, and is the custodian of all Board minutes.

### **Section 1.03 - Agenda:**

a) An official agenda will be prepared by the Manager's office for every regular meeting or special meeting of the Board. The Board shall not take action on any matter, proposal, or report of item of business which is not listed in the official agenda, unless there is a majority consent of the members of the Board present on the day of a scheduled meeting for the addition of other items to the agenda for consideration and action.

All regular meeting agenda items must be delivered to the Manager's office by ~~xxx~~ hours no later than ~~xxx~~ days before the meeting date, or as determined by the Manager and approved by the Board. The agenda must be prepared and distributed no later than ~~xxx~~ days before the meeting date. The delivery deadline and distribution deadline do not apply to: (i) items added to the agenda by vote of the Board; and (ii) items that the Manager determines are necessary to be on the agenda, for example (by way of illustration and not limitation), the necessity of meeting a grant application deadline.

Unless mandated otherwise by a general law, all scheduled times on the Board's agenda are approximate even if denominated as "time certain." The Chair should however, conduct the meetings in such a manner that the agenda schedule is followed as closely as circumstances allow.

Invocation, if desired, may be a moment of silent prayer or by a designated person.

**b) Regular Meeting Agenda:** Matters for action may be placed on the regular meeting agenda only by a Commissioner, the Attorney and Manager, with written comments and/or recommendations from staff as is appropriate. The originating source and/or approval/review of comments and/or recommendations are to be annotated. Items designated for action are to be fully researched, coordinated, reviewed, legally and financially sufficient, and in the final form for Board action. Agenda items noticed as discussion are to be exploratory, investigative or examining, etc. and cannot be acted upon.

**c) Public Input Period:** A separate section of the regular meeting agenda will be reserved for Public Input Period. A public input period must be scheduled for a time approximate for public convenience. The purpose of the Public Input Period is to allow individuals to address the Board on a matter pertaining to government, excluding matters in litigation and complaints against specific personnel. The initial speaker on an item - whether representing him or herself, or a non-profit organization - may address the Board for a period up to ten minutes. Subsequent speakers who are speaking for themselves on the same item may speak for three minutes. A subsequent speaker on the same item may address the Board on behalf of another nonprofit organization for five minutes. Individuals who wish to utilize Public Input Period must contact the Manager's Office in writing in order to be scheduled on the agenda, must

specify the subject matter of the presentation, and must comply with the agenda deadlines established in this Section 1.03. No action may be taken by the Board on an item on the Public Input Period agenda.

**d) Presentations:** Generally, presentations on the agenda may not be promotional for products and services and will be limited to a maximum of 15 minutes. Presentations for products and services must be requested or sponsored by the Manager or a Commissioner.

**e) Tabled items:** An agenda item under consideration by the Board may be removed from the table (tabled) by a majority vote of those Commissioners present. A motion to table any item that has received a second shall be voted upon without discussion. The effect of such a vote is to remove the item from consideration by the Board. The item may be placed back on the table and considered by the Board by a majority vote of the Board but only if such vote takes place during the course of the meeting of the Board for which the item was on the agenda. Once that Board meeting is adjourned, either on the second day of a regularly scheduled meeting or at the conclusion of a special meeting, then the item may not be recalled from the table but must be placed on a subsequent Board meeting agenda by a person authorized to do so by these rules of procedure. Items that are required by general law to be heard at a time certain public hearing may not be tabled but may be continued by a majority vote of the Board present to a time and a place certain but only if such a continuance is not contrary to general law.

**f) Continuances:** Unless contrary to general law, any item on the Board's meeting agenda may be continued by a majority vote of those Commissioners present. The continuation must be to a time and place certain which may be later during the course of the same Board meeting or to a subsequent meeting.

**g) Reconsideration:** During the course of a meeting and after a vote has been concluded on an agenda item, any Commissioner who voted with the majority may move for reconsideration of that item. If the motion is approved by a majority of those Commissioners present, then the Board may ratify, rescind, or amend the decision made by their initial vote. Provided, however, in the case of any agenda item where a statute requires published notice and a public hearing, then the approval of a motion for reconsideration will operate to stay the effect of the initial vote until the notice can be republished and a subsequent public hearing, held. Upon conclusion of the subsequent public hearing, the Board may ratify, rescind or amend the decision made by the Board's initial vote.

At the next regular KLWTD meeting, any Commissioner may move to reconsider, rescind or amend the decision on an agenda item that was the subject of a vote at the previous regular or special meeting. If the motion is approved by a majority of those Commissioners present, then the Board may ratify, rescind, or amend the decision made by their initial vote. Provided, however, in the case of any agenda where a statute or other laws requires a published notice and public hearing, then the approval of a motion for reconsideration will operate to stay the effect of the initial vote until the notice can be republished and a subsequent public hearing held. Upon conclusion of the subsequent public hearing, the Board may ratify, rescind, or amend the decision made by the initial vote.

No previously voted upon agenda item may be the subject of a motion for reconsideration after the adjournment of the regular KLWTD meeting that immediately follows the meeting at which the initial vote was taken.

**h)** A Commissioner may not engage in a discussion about a quasi judicial agenda item outside the confines of the Board meeting with any party having an interest in the item. If a Commissioner is in doubt as to whether an agenda item is quasi judicial, then he or she should contact the Attorney (or an assistant) before engaging in a conversation with an interested party.

#### **Section 1.04 - Presiding Officer, Election, Duties:**

a) **Chair:** The Presiding Officer of the Board is the Chair, who shall be elected by a majority vote of the members present at the regular meeting of the Board in November. The November meeting in election years must be on the date newly elected Commissioners assume office as provided by law.

Selection of the Chair shall be by nomination from the floor, with no second required, followed by alphabetical roll call vote of Commissioners on each nomination, in order of the nominations made. Selection of the Vice Chair and Secretary - Treasurer shall be in an identical manner.

b) **Vice Chair:** If, for any reason, the Chair is absent or unable to perform his/her duties, the Vice Chair, who will have been elected under the same circumstances as the Chair, shall succeed him. If the Board determines that the disability or absence is expected to extend for a period of time in excess of the length of the meeting at which this is determined, a new Vice Chair shall be elected by a majority of the members present at the meeting.

#### **Section 1.05 - Parliamentarian:**

The Attorney or his/her designee shall act as parliamentarian and shall advise and assist the Presiding Officer in matters of parliamentary law.

#### **Section 1.06 - The Attorney:**

The Attorney, or designee, in his/her absence, shall be available to the Board at all meetings unless excused by the Chair or Manager. He shall prepare or draw resolutions for any member of the Board when and as directed.

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#### **Section 1.07 - Call to Order:**

The Board's Chair shall take the Chair at the hour appointed for the meeting and shall immediately call the Board to order. In the absence of the Chair and the Vice Chair, the Clerk shall then determine whether a quorum is present and in that event shall call for the election of temporary Chair. Upon the arrival of the Chair or the Vice Chair, the temporary Chair shall relinquish the Chair upon the conclusion of the agenda item immediately before the Board.

#### **Section 1.05 - Roll Call:**

Before proceeding with the business of the Board, the Clerk or his/her designee shall call the roll of the members in alphabetical order unless the Chair stipulates all are present and the names of those present shall be entered in the minutes.

#### **Section 1.09 - Quorum:**

A majority of the whole number of members of the Board shall constitute a quorum. No resolution or motion shall be adopted by the Board without the affirmative vote of the majority of all members present. Should no quorum attend within ~~thirty (30)~~ minutes after the hour appointed for the meeting of the Board, the Chair, or the Vice Chair, or in their absence, the Clerk or his/her designee, may adjourn the meeting until the next day.

#### **Section 1.10 - Order of Business:**

All meetings of the Board shall be open to the public. Promptly at the hour set forth for each meeting, the members of the Board, the Attorney, the Manager and the Clerk shall take their regular stations in the Board's Chamber, and the business of the Board shall be taken up for consideration and disposition in accordance with the agenda for the meeting. The agenda shall constitute the order of business, unless otherwise determined by the Chair.

**Section 1.11 - Rules of Debate:**

a) Each meeting agenda must state: "Any person who wishes to be heard shall, prior to the item being called, provide the Clerk with his/her name and residence, and the agenda item on which he or she wishes to be heard. An individual has three minutes. However, the first person representing an organization has five minutes to address the Board. Subsequent speakers for the same organization have three minutes to address the Board. For land use items, the time statement will be: "The petitioner and, if the owner is different than the petitioner, then the owner of the property that is the subject of the land use item, will be allowed 20 minutes to address the Board. Other persons are allowed five minutes to address the Board."

b) **Questions under Consideration:** When an item of business has been announced by the Clerk, the Clerk shall notify the Chair of any persons who wish to be heard on that item. Upon conclusion of audience participation, the Board shall then consider the item.

After the Board has begun its discussion of the item, no further audience participation is permitted, unless the Chair (or other Presiding Officer) permits a member of the audience to respond to questions from the Commissioners. A motion must be made and properly seconded in order for official action to be taken by the Board. The presenter/mover shall be allowed to address the Board on the motion initially, whereupon each of the other Commissioners shall be allowed to address the Board on the motion before the Board on any matter in alphabetical order as is done on regular roll call except the presenter/mover shall have the right to address the Board initially and to close the debate on the matter under consideration.

c) As to the Chair: The Chair or such other member of the Board as may be presiding may move, second, and debate from the Chair, subject only to such limitations of debate as they are by those rules imposed upon all members and shall not be deprived of any of the rights and privileges of a Commissioner by reason of his/her being the Presiding Officer.

d) **Obtaining the Floor, Improper References to be Avoided:** Every member desiring to speak for any purpose shall address the Presiding Officer, and upon recognition, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

e) **Interruption:** A member, once recognized, shall not be interrupted when speaking unless it be to call him or her to order or as herein otherwise provided. If a member, while speaking, be called to order, he/she shall cease speaking until the questions of order be determined by the Presiding Officer, and if in order, he/she shall be permitted to proceed. Any member may appeal to the Board from the decision of the Chair upon a question of order when without debate the Chair shall submit to the Board the question, "Shall the decision of the Chair be sustained?" and the Board shall decide by a majority vote.

f) **Roll Call Vote:** No member of any state, or municipal governmental board, Board, or agency who is present at any meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling or other official act,

and a vote shall be recorded or counted for each member present, except when, with respect to any such matter, there is, or appears to be, a possible conflict of interest under the provision of Florida Statutes Sections 112.311, 112.313, or 112.3143. In such cases said member shall comply with the disclosure requirements of Florida Statutes Section 112.3143. (check this)

#### **Section 1.12 - Reading Minutes:**

Unless a reading of the minutes of a meeting is requested by a majority of the Board, such minutes shall be considered for approval without reading; provided that the Clerk delivers a copy thereof to each member of the Board, the Attorney and the Manager at least one full working day preceding the meeting at which the minutes will be approved. The minutes of prior meeting may be approved by a majority of the members present, and upon such approval shall become the official minutes.

#### **Section 1.13 - Votes by Roll Call:**

The vote upon every resolution shall be taken by roll call in alphabetical order except the Chair shall be the last member called, and the vote shall be entered upon the minutes. Resolutions shall be signed by the Presiding Officer and Secretary - Treasurer at such meetings and by the Clerk before they are entered upon the minutes.

Each resolution shall contain, at the conclusion of the 'Passed and Adopted' clause, a list of the members of the Board and the vote cast by each ('Yes', 'No', 'Recused' or 'Not Present').

#### **Section 1.14 - Decorum:**

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Board shall be barred from further audience before the Board by the Presiding Officer, unless permission to continue or again address the Board be granted by the majority vote of the Board.

#### **Section 1.15 - Sergeant-at-Arms:**

The Sheriff, or his/her designated deputy, shall be the sergeant-at-arms at the Board meetings and will carry out all legal orders of the Chair for purposes of maintaining order and decorum in accordance with these rules and Florida Statutes.

#### **Section 1.16 - Resolutions, Motions, Contracts and Other Documents:**

a) Preparation of resolutions: The Attorney, when requested, shall prepare resolutions, a copy of which shall be delivered to the Manager, whereupon the Manager shall forthwith furnish a copy to each Commissioner and the Clerk. The original of the resolution shall be filed with the Clerk at the time said resolution is submitted to the Board for action.

The procedures as set forth in the Florida Statutes for adoption of public hearings shall be followed.

b) Approval of Documents by the Attorney: All resolutions and contract documents before presentation to the Board shall have been reduced in writing and shall have been approved as to form and legality by the Attorney. When so referred, the Attorney shall affix his/her signature on the document certifying to the legal sufficiency and shall append his/her recommendations as appropriate.

**c) Introducing for Passage or Approval:** Resolutions, contracts and other matters and subjects requiring action by the Board must be introduced and sponsored by a member of the Board, except that the Attorney and Manager may present resolutions and other matters or subjects to the Board for consideration, and any Commissioner may assure sponsorship thereof by moving such resolution, matter or subject be adopted in accordance with law; otherwise they shall not be considered. The Board relies on the Manager, Attorney and staff for timeliness, content, substance and presentation of contracts and resolutions. Contracts are of particular importance and if not of routine business nature must either receive prior Board approval or the result of Board action. Any contract or resolution prepared at the request of a Commissioner or Manager, shall bear the name of the person on the document. All supporting material must be accompanied by a coordination initial or signature reflecting review and approval by District personnel.

Prior to placement on the Agenda of contracts or other similar matters to be approved by the Board as official actions, such document shall have been completely processed according to administrative procedures issued by the Manager.

**d)** All resolutions, contracts and other documents approved by the Board must be signed by the Chair, or Vice Chair in the absence of the Chair, and the Secretary - Treasurer as promptly as possible.

**Section 1.17 - Adjournment:**

A motion to adjourn shall always be in order and decided without debate.

**Section 1.18 - Clerk, Minutes, Correspondence:**

**a)** The Clerk, or his/her designated deputy, shall act as Clerk ex officio to the Board. The Clerk shall prepare the minutes and attest to all resolutions and other required documents.

**b)** The official minutes as prepared by the Clerk shall be as brief as possible and reflect on the very essential elements or actions. Those items specifically requested by the Board shall appear in the minutes in the manner as directed.

**c)** The Clerk shall be custodian of the Seal, if appropriate, affixing the seal to documents as appropriate and attest to the signature of the Presiding Officer on all resolutions and other documents.

**Section 1.19 - Committees:**

**a)** Committees shall be established by Board by resolution and shall be for a specific time duration and purpose.

**b) Function:**

**1.** The Committee will only function in an advisory or investigative manner, as specified by the establishing resolution, and will have no legislative, directive or enforcement authority.

**2.** Any item requiring formal action shall be referred to the Board for action at a regular meeting for consideration.

**3.** Committee meetings shall be properly noticed according to requirements of statute. All committee meetings must be held in the sunshine as mandated by Sec. 286.0105, Fla. Stat.

4. Committee reports to the Board may contain recommendations of action but must contain all data and views concerning the matter so as to inform the Board of all available information prior to their decision, and not simply consensus views.

5. The Manager shall provide the committee with a employee to take written minutes of all Committee meetings. The Manager's Office shall also be the custodian of those minutes.

**c) Composition.**

1. Committees may be composed of any number considered to be beneficial.

2. Committees shall elect their own respective Chair.

d) Committees shall adhere to the rules adopted by the Board as Governing Rules Section 1.01 of these procedures.

e) Committees shall provide the Board with a written or oral report on a schedule to be determined by motion of the Board.

**KLWTD Board Meeting  
September 3, 2003**

**Item J – 2**

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## **FloridaKeys.com References for the Key Largo Wastewater Board**

FloridaKeys.com can create a dynamically driven Internet solution around most any business objectives. The following clients have various types of database integrations and most importantly, all were created to solve specific site updating, content delivery or communication objectives. These solutions represent only a fraction of the diverse database solutions FloridaKeys.com has created.

**Client:** Monroe County Tourist Development Council

**Contact:** Harold Wheeler

**Title:** Marketing Director

**Phone:** 305.296.1552

**Email:** [director@fla-keys.com](mailto:director@fla-keys.com)

**URL:** <http://www.fl-keys.com>

**Solution Provided:** The Monroe County TDC is FloridaKeys.com's largest account in terms of site functionality and custom database solutions. Some of the specific database creations include:

1. Updateable fishing and events calendar.
2. Ability for the public relations agency to post stories to various sections of the site including adding links, images and downloadable files.
3. Accommodations Amenity Search feature.
4. E-Postcards system whereby TDC Sales staff can create and send customized electronic newsletters and have them sent to large numbers of recipients.

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**Client:** ~~Florida Keys Council of the Arts~~

**Contact:** Monica Haskell

**Title:** Marketing Director

**Phone:** 305.295.4369

**Email:** [monica@keysarts.com](mailto:monica@keysarts.com)

**URL:** <http://www.keysarts.com>

**Solution Provided:** Artist Registry service whereby artists can add their gallery listings and events.

**Client:** Islamorada Chamber of Commerce

**Contact:** Patty Spiedel

**Title:** Executive Director

**Phone:** 305.664.4503

**Email:** [director@islamoradachamber.com](mailto:director@islamoradachamber.com)

**URL:** <http://www.islamoradachamber.com>

**Solution Provided:** This site is focused primarily towards the tourist market and includes a database driven members listings pages, calendars, electronic newsletters.

**Client:** Apalachicola Bay Chamber of Commerce

**Contact:** Anita Grove

**Title:** Executive Director

**Phone:** 850.653.9419

**Email:** [anita@apalachicolabay.org](mailto:anita@apalachicolabay.org)

**URL:** <http://www.apalachicolabay.org>

**Solution Provided:** This is our most recent Chamber of Commerce Web site and it employs a great deal of database elements. Some of which include: rotating images on member listing's pages so that the pages keep a better shelf life, administration section enabling the chamber staff to add Business Categories, Complete Member Listings and Calendars.

Following is a list of other Client sites that FloridaKeys.com has created.  
Client References

### TOP CLIENT LIST

Monroe County Tourist Development Council	<a href="http://www.fla-keys.com">www.fla-keys.com</a>
Sloppy Joe's	<a href="http://www.sloppyjoes.com">www.sloppyjoes.com</a>
Margaritaville	<a href="http://www.margaritaville.com">www.margaritaville.com</a>
Hog's Breath	<a href="http://www.hogsbreath.com">www.hogsbreath.com</a>
Pier House	<a href="http://www.pierhouse.com">www.pierhouse.com</a>
Coldwell Banker	<a href="http://www.realestateFloridaKeys.com">www.realestateFloridaKeys.com</a>
Casa Marina	<a href="http://www.casamarinaKeyWest.com">www.casamarinaKeyWest.com</a>
Greg O'Berry Real Estate	<a href="http://www.oberry.com">www.oberry.com</a>
Spottswood Companies	<a href="http://www.spottswood.com">www.spottswood.com</a>

### ASSOCIATION WEB SITES

Key West Attractions Association	<a href="http://www.KeyWestattractions.org">www.KeyWestattractions.org</a>
Key West Innkeepers Association	<a href="http://www.KeyWestinns.com">www.KeyWestinns.com</a>
Islamorada Chamber of Commerce	<a href="http://www.islamoradachamber.com">www.islamoradachamber.com</a>
Official Fantasy Fest Web Site	<a href="http://www.fantasyfest.net">www.fantasyfest.net</a>
Cuban American Heritage Festival	<a href="http://www.cubanfest.com">www.cubanfest.com</a>
Monroe Council of the Arts	<a href="http://www.keysarts.com">www.keysarts.com</a>
Key West Business Guild	<a href="http://www.gayKeyWestfl.com">www.gayKeyWestfl.com</a>

Key West Arts & Historical Society      [www.kwahs.com](http://www.kwahs.com)  
Apalachicola Bay Chamber of Commerce      [www.apalachicolabay.org](http://www.apalachicolabay.org)

### E-Commerce Store Fronts

Margaritaville      [www.margaritaville.com](http://www.margaritaville.com)  
Conch Traders      [www.conchtraders.com](http://www.conchtraders.com)  
Hog's Breath      [www.hogsbreath.com](http://www.hogsbreath.com)  
Marine Wildlife Gallery      [www.marinewildlifegallery.com](http://www.marinewildlifegallery.com)  
Crabby Dicks      [www.crabbydicksKeyWest.com](http://www.crabbydicksKeyWest.com)

### In-House Productions

Key West Paradise      [www.KeyWest.com](http://www.KeyWest.com)  
Discover Key West      [www.key-west.com](http://www.key-west.com)

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[www.keysnews.com](http://www.keysnews.com)      [www.keysnews.com](http://www.keysnews.com)  
[www.FloridaKeys.com](http://www.FloridaKeys.com)      [www.FloridaKeys.com](http://www.FloridaKeys.com)  
Live Duval Street      [www.liveduvalstreet.com](http://www.liveduvalstreet.com)  
Shop Key West      [www.shopKeyWest.com](http://www.shopKeyWest.com)  
[www.FloridaKeys.net](http://www.FloridaKeys.net)      [www.FloridaKeys.net](http://www.FloridaKeys.net)  
Florida Keys Real Estate Network      [www.fkren.com](http://www.fkren.com)

Gary, we have developed so many solutions in so many industries and I hope you will find these clients' solutions helpful. If you want other solutions, please let me know and I will send you others.

Thank you,



Clinton Barras  
FloridaKeys.com

**KLWTD Board Meeting  
September 3, 2003**

**Item J – 7**

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**Faith Doyle**

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**From:** Andrew M. Tobin [Tobinlaw@terranoa.net]  
**Sent:** Friday, August 29, 2003 10:54 AM  
**To:** Andrew Tobin; Gary Bauman; Jerry Wilkinson; Charlie Brooks; Cris Beaty  
**Cc:** Charles Sweat; SHEETS, ROBERT; Faith Doyle; David Miles  
**Subject:** Discussion Items

All;

At last week's meeting it became apparent that the Board needs a written policy/ procedure for moving discussion items forward. I propose adopting the following procedure.

- a) Any Commissioner can place an item on the agenda for discussion;
- b) After discussion the Commissioner can request the item be referred to Staff for further refinement and consideration with the concurrence of one additional Commissioner;
- c) Staff will consider the pro/cons of implementing the item and bring the item back to the Board for a formal vote together with a recommendation.

*Doesn't prevent Board from taking immediate action.*  
Faith: Please include this on the agenda for Discussion next week.

Andy

Andrew M. Tobin, P.A.  
Attorney at Law  
P.O. Box 620  
Tavernier, FL 33070

Tele: 305-852-3388 email: [Tobinlaw@terranoa.net](mailto:Tobinlaw@terranoa.net)

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Government Services Group, Inc.

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**Fax Transmittal**

**TO:** faith Doyle to B. Hanson

**From:** Emmett Wainwright

**Subject:** WG Agenda

**Date:** 9/3/03 **Fax No.** 305 852 7162

*This transmittal consists of 5 page(s). Please call 407-629-6900 if you have not received all pages indicated.*

# FGUA Working Group Discussion Items

Tuesday, September 02, 2003 10:00 a.m.

002

GOV'T SERVICES GROUP

09/03/2003 12:17 FAX 4076296963

	<i>Sponsor</i>	<i>Lead Attny</i>	<i>Review Attny</i>	<i>Fin Review and Cost</i>	<i>Comments</i>	<i>Agenda/Meeting</i>
<b>Agreements</b>						
1	Approval of a Refundable Fee Agreement by and between the FGUA, Avatar Properties, Inc. and Lowes, Inc	CS	HE	JP	8/26 - same; 8/18- same; 8/4 - cls MET W/Avatar no \$'s yet move to Sept. 7/21 - \$0 no change; 7/14- no news DM requested a copy	OP Agenda item 9/18/03
2	Carrollwood - Hillsborough County Agreement	CS/RS	BA	FB	8/26 - CLS to get comments to FB ASAP & meet w/McWeeney on status \$0	UC Agenda item 10/16/03
3	Carrollwood - Tampa Bay Water Agreement	CLS	BA	FB	8/26 - CLS to get comments to FB ASAP \$0	UC Agenda item 10/16/03
<b>Contracts</b>						
4	Execution of a contract with the BL Smith Electric, Inc. for Project No. PO 0303 Poinciana Telemetry.	CS	HE	JP	8/26 - performance bonds need corrected & sent to JP then to LeaAnn for sigs \$325,295	OP Agenda item
5	Status of Tri-Sure Corporation contract for Project No. PO 0306, Chestnut Street 10-inch Water Main	CS	JP	HE	8/26 - in process; 8/21 - approved by Board \$262,637	OP Agenda item
<b>Conveyances</b>						
6	Acceptance of the Avatar Properties, Inc. reclaimed water main in the Poinciana System.	CLS	HE	JP	7/28 - HE reviewing; 7/7 - copies out to all asap; added 7/2 \$0	CA Agenda item 9/18/03
7	Acceptance of the Avatar Properties, Inc. Water Treatment Plant No. 2 in the Poinciana System.	CLS	HE	JP	7/28 - HE reviewing; 7/7 - copies out to all asap; added 7/2 \$0	CA Agenda item 9/18/03
8	Acceptance of the Cypress Shadows water and wastewater infrastructure in the Poinciana System.	CS	HE	JP	7/28 - added per CLS \$0	OP Agenda item 9/18/03
9	Acceptance of the Doorcraft water main expansion in the Poinciana System.	CLS	HE	JP	7/28 - HE reviewing; 7/7 - copies out to all asap; added 7/2 \$0	CA Agenda item 9/18/03

	<i>Sponsor</i>	<i>Local Attny</i>	<i>Review Attny</i>	<i>Fin Review and Cost</i>	<i>Comments</i>	<i>Agenda/Meeting</i>
10	Acceptance of the Public Store water line and easements in the Carrolwood System.	CLS	HE	JP	7/28 - HE reviewing;7/7 - copies out to all asap;added 7/2 \$0	CA Agenda item 9/18/03
11	Acceptance of the Solivita Phase IB water and wastewater infrastructure in the Poinciana System.	CLS	HE	JP	7/28 - HE reviewing;7/7 - copies out to all asap;added 7/2 \$0	CA Agenda item 9/18/03
12	Acceptance of the Solivita Phase IIA water and wastewater infrastructure in the Poinciana System.	CLS	HE	JP	7/28 - HE reviewing;7/7 - copies out to all asap;added 7/2 \$0	CA Agenda item 9/18/03
13	Acceptance of the Solivita Phase IIB water and wastewater infrastructure in the Poinciana System.	CLS	HE	JP	7/28 - HE reviewing;7/7 - copies out to all asap;added 7/2 \$0	CA Agenda item 9/18/03
14	Acceptance of the Solivita Phase IIC water and wastewater infrastructure in the Poinciana System.	CLS	HE	JP	7/28 - HE reviewing;7/7 - copies out to all asap;added 7/2 \$0	CA Agenda item 9/18/03
15	Acceptance of the Solivita Phase IID water and wastewater infrastructure in the Poinciana System.	CLS	HE	JP	7/28 - HE reviewing;7/7 - copies out to all asap;added 7/2 \$0	CA Agenda item 9/18/03
<b>Work Orders (&lt;\$20,000)</b>						
16	Approval of Work Authorization GSG 03-24 with Government Services Group, Inc. for the Preparation of a Pre-treatment Program for the FGUA Utility Systems.	CLS	HE	JP	8/26 - same; 8/18 per CLS to control effluent from local industries \$4,205	OP Agenda item 10/16/03
17	GG Wellfield Protection Program FY2003 budget Project No. GG0315	CLS	HE	JP	8/26 - W.A. to be drafted by EW for distribution; 8/18 - per CLS not all issues addressed in VA \$0	OP Agenda item 9/18/03
18	GSG inspection work authorization for project no. GG0303 telemetry	CLS	HE	JP	8/26 - same; 8/7 - added per c/s being drafted by RGF \$0	CA Agenda item 10/16/03
19	GSG inspection work authorization for project no. GG0313 combined projects (120 days )	CLS	HE	JP	8/26 - same; 8/7 - added per c/s being drafted by RGF \$0	OP Agenda item 9/18/03
20	GSG inspection work authorization for project no. PO0310 chlorine conversions	CLS	HE	JP	8/27 - on hold until decision on rebid is made; 8/7 - added per c/s being drafted by RGF \$0	CA Agenda item 9/18/03

**Work Orders (>\$20,000)**

	<i>Sponsor</i>	<i>Lead Attny</i>	<i>Review Attny</i>	<i>Fin Review and Cost</i>	<i>Comments</i>	<i>Agenda/Meeting</i>
21	Approval of engineering work authorization for Project No. GG0312 - GG 2004 R/O expansion Phase III (encumbrance)	CLS	HE	JP	8/26 - proposal for engineering to be received \$0	CA Agenda item 9/18/03
22	Approval of lowest proposal for the construction of approximately 25,400 linear feet of both 10" & 12" raw water transmission pipeline for the interconnection of the Carrollwood wells (No. 1, 2 & 3) with Tampa Bay Water's NW Hillsborough Wellfield Well No. 6.	CS	HE	JP	8/26 - same; 8/11 - cls has 3 props ARCADIS is lowest; 8/4 - CLS to present \$424,823 lowest prop to Board after FY2004 budget year; 7/21 - High priority after TBW & County agrees	CA Agenda item 10/16/03
23	Approval of Work Authorization WM 03-03 with Wilson Miller for design, permitting and limited construction administration services for utility relocation in Golden Gate in conjunction with Collier County's Golden Gate Parkway improvement project and FDOT's 1-75 interchange project at Golden Gate Parkway.	CLS	HE	JP	8/26 - CLS to send maps and summary to JP & HE; 8/18 - per DM must be FY2004 \$39,900 move to oct; JP & HE ?'d joint project agreement w/FDOT	CA Agenda item 10/16/03
<b>Other Items</b>						
24	Critical events calendar for FY2004 PO & GG bond issues (or loans)	RES	HE	JP	8/18 - added per RES \$0	Agenda item
25	David Lawrence Center / FDOT Utility Work Agreement for the I-75/Golden Gate Parkway Interchange	CLS	JP		8/26 per JP John Lucas should get an appraisal, FGUA to do work and be paid \$0 back by D. Lawrence	Agenda item
26	Engineering CCNA - RFQ	CS	HE	JP	8/18 CLS suggests November board recommendation \$0	OP Agenda item 11/20/03
27	FGUA occupational licenses for GG & PO	CS	HE		8/26 - JP to contact Heffner's atny; 8/11 - EW applying to Collier; 8/4 - CLS \$0 w/P.Heffner Osceola wants \$30 license fee, CLS doesn't want to imply we are not a gov't agency, JP to contact Heffner's legal counsel on issue	Agenda item
28	Golden Gate connection program	CLS	HE	JP	8/18 - cls to prepare board presentation for December \$0	OP Agenda item
29	Implementation of Florida Water Services acquired facilities and the Amended Operation, Billing and Customer Service Agreement with American Water Services	CLS			8/26 - meeting w/finance committee 8/26; CLS to meet w/AWS 9/2 at 10:00 a.m. \$0	OP Agenda item

	<i>Sponsor</i>	<i>Lead Attny</i>	<i>Review Attny</i>	<i>Fin Review and Cost</i>	<i>Comments</i>	<i>Agenda/Meeting</i>
30 Operations RFP	CS	HE			8/18 - RES to forward RFP to HE this week - to be advertised by E.O.M.; 8/11 CLS/JP \$0 to send revision to HE today; AD TO RUN IN potential system area's & Miami	<i>Agenda item</i>
31 Osceola School Board payment of capacity fees	CLS	JP	HE		8/18 - CLS w/S.Degresta SB stated they are EXEMPT - JP wants issue taken to the Board - CLS would like one more meeting w/SB	<i>Agenda item</i>
32 PBS&J Conflict of Interest letter (Poinciana system)	CS	BA	JP		8/11 - same;7/25 - NOT to be presented to the Board until after the FWS public hearing \$0	<i>OP Agenda item</i> 9/18/03
33 Pursue the acquisition of O&S Water	CLS	HE	JP		8/26 - CLS to meet w/Jack Olson on 8/29; 8/11 - CLS to meet w/Jack Olsen asap (JP \$0 cautions present contract w/them in force)	<i>Agenda item</i>
34 System wide Vulnerability Assessments	CLS	HE	JP		8/26 - CLS to update Board on 9/18; BL/EW to get approx \$'s required to comply \$0	<i>OP Agenda item</i> 9/18/03
<b>Bids</b>						
35 GG 0303 Golden Gate Telemetry WWSRF ARCADIS if ad to runs 8/22; pre-bid prox 9/3; bids in 9/24	CLS	JP	HE		8/22 - ad ran 8/18 - BL will forward AD today \$350,000	<i>CA Agenda item</i> 10/16/03
36 Golden Gate combined improvement project GG0313-14-23-24-25-26-36 ad to FD 7/25; ran 7/3; pre-bid 8/13 at 10 AM in GG; bids in 8/27	CLS	JP	HE		8/26 - bids to open tomorrow; 8/4 - ad ran 7/30 prebid 8/13; bids open 8/27 \$0	<i>OP Agenda item</i> 9/18/03
37 PO 0310 Poinciana Chlorine System Conversions M. Pimie ad to FD 7/5; ran 7/8; prebid 7/22 10 AM in PO; bids in 8/7	CLS	JP	HE		8/26 - most likely will rebid and require a budget amendment to shift funds to \$370,000 FY2004; 8/18 - CLS to received report from engineer this week; 8/11 opened 8/7 bids in over budget	<i>OP Agenda item</i>

September 2, 2003

# Key Largo Wastewater Treatment District Budget FY 2004

	FY 2004	FY 2003-2005 Capital Program		
	Operating Budget	Key Largo Park	Key Largo Trailer Village	Total
<b>Balances Forward:</b>	\$ 7,960	\$ -	\$ -	\$ 7,960
<b>Revenue (Sources of Funds):</b>				
<b>Federal:</b>				
FEMA Phase I	-	-	1,097,143	1,097,143
FEMA Phase II	-	-	4,388,571	4,388,571
<b>Subtotal Federal:</b>	\$ -	\$ -	\$ 5,485,714	\$ 5,485,714
<b>State:</b>				
FDEP	-	1,660,000	-	1,660,000
FDEP II	-	187,312	-	187,312
SPWMD	-	-	100,000	100,000
DCA Cess Pit Grant	-	690,445	525,155	1,225,600
DCA Unmet Needs	-	-	914,286	914,286
<b>Subtotal State:</b>	\$ -	\$ 2,537,757	\$ 1,549,441	\$ 4,087,198
<b>Local (Monroe County):</b>				
MSTU (0.35 mil)	599,562	-	-	599,562
304 Fund FEMA Phase I&2 Match	-	-	914,285	914,285
148 Fund	-	356,000	-	356,000
304 Cess Pit Fund	-	705,200	224,327	929,527
304 Land Purchase	-	-	826,234	826,234
Interest	4,500	-	-	4,500
Miscellaneous	2,000	-	-	2,000
<b>Subtotal Local:</b>	\$ 606,062	\$ 1,061,200	\$ 1,964,846	\$ 3,632,108
<b>Total Funds Available:</b>	\$ 614,022	\$ 3,598,957	\$ 8,450,560	\$ 13,212,999
<b>Expenses (Proposed Uses):</b>				
<b>Operating:</b>				
Board Salaries	45,000	-	-	45,000
District Expenses	53,428	-	-	53,428
Operating & Management Services	129,600	-	-	129,600
Professional Services	272,300	-	-	272,300
<b>Subtotal Operating:</b>	500,328	-	-	500,328
<b>Non-Operating:</b>				
Debt Service County Loan	21,525	-	-	21,525
Capital Expenses	7,000	-	-	7,000
<b>Subtotal Non-Operating:</b>	28,525	-	-	28,525
<b>Construction:</b>				
Vacuum Collection System Construction	-	1,097,000	5,311,489	6,408,489
Tie-in To Trailer Village Vacuum Valves	-	60,000	-	60,000
Proportion Share K1 Village WWTP	-	600,000	2,058,511	2,658,511
Future Construction	-	1,336,957	-	1,336,957
<b>Subtotal Construction:</b>	\$ -	\$ 3,093,957	\$ 7,370,000	\$ 10,463,957
<b>Management/Design:</b>				
Planning, Design, Permitting, & Bidding	-	255,000	386,953	641,953
Construction Mngt. & Administration	-	150,000	400,000	550,000
Land Purchase	-	-	826,234	826,234
<b>Subtotal Management/Design:</b>	\$ -	\$ 505,000	\$ 1,613,187	\$ 2,118,187
<b>Total Estimated Expenses:</b>	\$ 528,853	\$ 3,598,957	\$ 8,983,187	\$ 13,110,997
<b>Balance Available Forward:</b>	65,169	-	16,814	101,983
<b>Total Expense &amp; Balance Forward:</b>	\$ 614,022	\$ 3,598,957	\$ 9,000,001	\$ 13,212,999

# Key Largo Wastewater Treatment District Budget FY 2004

	FY 2004		FY 2003-2005 Capital Program		
	Operating Budget	Key Largo Park	Key Largo Trailer Village	Total	
<b>Balances Forward:</b>	\$ 7,960	\$ --	\$ --	\$ --	\$ 7,960
<b>Revenue (Sources of Funds):</b>					
<b>Federal:</b>					
FEMA Phase I	--	--	1,097,143		1,097,143
FEMA Phase II	--	--	4,388,571		4,388,571
<b>Subtotal Federal:</b>	<b>\$ --</b>	<b>\$ --</b>	<b>\$ 5,485,714</b>		<b>\$ 5,485,714</b>
<b>State:</b>					
FDEP	--	1,660,000	--		1,660,000
FDEP II	--	187,312	--		187,312
SFWMD	--	--	100,000		100,000
DCA- Cess Pit Grant	--	690,445	535,155		1,225,600
DCA- Unmet Needs	--	--	914,286		914,286
<b>Subtotal State:</b>	<b>\$ --</b>	<b>\$ 2,537,757</b>	<b>\$ 1,549,441</b>		<b>\$ 4,087,198</b>
<b>Local (Monroe County):</b>					
MSTU (0.35 mil)	599,562	--	--		599,562
304 Fund FEMA Phase 1&2 Match	--	--	914,285		914,285
148 Fund	--	356,000	--		356,000
304 Cess Pit Fund	--	705,200	224,327		929,527
304 Land Purchase	--	--	826,234		826,234
Interest	4,500	--	--		4,500
Miscellaneous	2,000	--	--		2,000
<b>Subtotal Local:</b>	<b>\$ 606,062</b>	<b>\$ 1,061,200</b>	<b>\$ 1,964,846</b>		<b>\$ 3,632,108</b>
<b>Total Funds Available:</b>	<b>\$ 614,022</b>	<b>\$ 3,598,957</b>	<b>\$ 9,000,001</b>		<b>\$ 13,212,980</b>
<b>Expenses (Proposed Uses):</b>					
<b>Operating:</b>					
Board Salaries	45,000	--	--		45,000
District Expenses	53,428	--	--		53,428
Operating & Management Services	129,600	--	--		129,600
Professional Services	272,300	--	--		272,300
<b>Subtotal Operating</b>	<b>500,328</b>	<b>--</b>	<b>--</b>		<b>500,328</b>
<b>Non-Operating:</b>					
Debt Service County Loan	21,525	--	--		21,525
Capital Expenses	7,000	--	--		7,000
<b>Subtotal Non-Operating</b>	<b>28,525</b>	<b>--</b>	<b>--</b>		<b>28,525</b>
<b>Construction:</b>					
Vacuum Collection System Construction	--	1,097,000	5,311,489		6,408,489
Tie-in To Trailer Village Vacuum Valves	--	60,000	--		60,000
Proportion Share KL Village WWTP	--	600,000	2,058,511		2,658,511
Future Construction	--	1,336,957	--		1,336,957
<b>Subtotal Construction</b>	<b>--</b>	<b>\$ 3,093,957</b>	<b>\$ 7,370,000</b>		<b>\$ 10,463,957</b>
<b>Management/Design:</b>					
Planning, Design, Permitting, & Bidding	--	355,000	386,953		741,953
Construction Mngt. & Administration	--	150,000	400,000		550,000
Land Purchase	--	--	826,234		826,234
<b>Subtotal Management/Design</b>	<b>--</b>	<b>\$ 505,000</b>	<b>\$ 1,613,187</b>		<b>\$ 2,118,187</b>
<b>Total Estimated Expenses</b>	<b>\$ 528,853</b>	<b>\$ 3,598,957</b>	<b>\$ 8,983,187</b>		<b>\$ 13,110,997</b>
<b>Balance Available Forward:</b>	<b>85,169</b>	<b>--</b>	<b>16,814</b>		<b>101,983</b>
<b>Total Expense &amp; Balance Forward:</b>	<b>\$ 614,022</b>	<b>\$ 3,598,957</b>	<b>\$ 9,000,001</b>		<b>\$ 13,212,980</b>

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## NOTICE OF BUDGET HEARING

The Key Largo Wastewater Treatment District will hold a public hearing on September 17, 2003 at 4:00 p.m. at the Key Largo Civic Club, 209 Ocean Bay Drive, Key Largo, Florida for the purpose of accepting public input on the FY 2004 budget. Following completion of the public hearing, a final decision will be made on the budget.

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\$48<sup>00</sup>

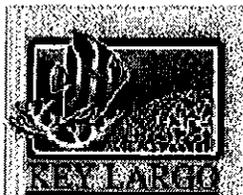
Out 1st time

# **KLWTD Board Meeting September 3, 2003**

## **Item D**

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**DRAFT July 30, 2003 Meeting Minutes**



# **Key Largo Wastewater Treatment District Board of Commissioner's Meeting Minutes**

**3:00 PM Wednesday, July 30, 2003**

**Key Largo Civic Club, 209 Ocean Bay Drive  
Key Largo, Monroe County, Florida**

## **COMMISSIONERS PRESENT**

Chairman Andrew Tobin  
Commissioner Gary Bauman  
Commissioner Cris Beaty  
Commissioner Charles Brooks  
Commissioner Jerry Wilkinson

## **STAFF PRESENT**

Robert Sheets, General Manager, Government Services Group  
Amy Dukes, Legal Counsel, Lewis Longman & Walker, P.A. (via telephone-for the  
meeting only)

Faith Doyle, KLWTD Board Clerk

## **GUESTS PRESENT**

Steve Gibbs, Reporter for the Free Press  
David Andrews, Mull & Associates  
Patricia Mull, Mull & Associates  
Ed Castle, Weiler Engineering Corporation  
Jose L. Lopez, SFWMD  
Jeff Weiler, Weiler Engineering Corporation  
Larry Lackey, Weiler Engineering Corporation  
Charles Fishburn, Key Largo resident  
Burke Cannon, Key Largo resident  
Tim Bergan, Key Largo resident

### A. Call to Order

Chairman Tobin called the meeting to order at 3:05 p.m.

### B. Pledge of Allegiance

All assembled stood for the pledge to be recited.

Chairman Tobin requested that Item E-4 be taken out of order. The Board gave its consensus. Chairman Tobin introduced Ms. Patricia Mull of Mull and Associates. Ms. Mull stated that she had operated a local Certified Public Accounting firm in Key Largo for the past 12 years and had been a C.P.A. for the past 30 years having worked with

Price Waterhouse. Ms. Mull also introduced Mr. David Andrew, her associate that had also worked with Price Waterhouse before relocating to the keys.

Mr. Sheets stated that he was excited to have assisted in the selection of the KLWTD's first auditor and that the firm was from within the Keys community. Mr. Sheets stated that after several invitations were sent, firms replied that KLWTD was not big enough for them to respond. Mr. Sheets believes that although the KLWTD is small, KLWTD will be important to Mull and Associates and will get 100 percent effort FROM THEM.

Mr. David Miles stated that from the contractual side, four firms responded to the invitation. Mr. Miles and Mr. Beaty reviewed and evaluated the submittals with Mull and Associates being the top ranked firm. Mr. Miles stated that fee structure is the lowest of the four submitters and is within the FY2003 budgeted amounts for auditing services. Mr. Miles stated that the KLWTD attorney has approved the contract without any changes and that three copies are available for approval and execution. Mr. Miles stated that the audit could begin within the month.

Chairman Tobin asked for comments. Commissioner Wilkinson thanked and welcomed Mull and Associates to the KLWTD staff. Chairman Tobin stated that Ms. Mull is and active member of the community and the KLWTD is fortunate to have this firm associated with the KLWTD.

**COMMISSIONER WILKINSON MADE AMOTION TO APPROVE ITEM E-4, APPROVAL OF THE EXTERNAL AUDITOR CONTRACT. COMMISSIONER BROOKS SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Chairman Tobin welcomed Mr. Jose Lopez of the South Florida Water Management District who would be presenting information on SBR and USBF during the discussion portion of the meeting.

C. Construction Administration/Project Management Workshop

1. Presentation by Weiler Engineering Corporation on Construction Management

Mr. Jeff Weiler of Weiler Engineering Corporation introduced himself, Mr. Ed Castle, Project Manager and Mr. Larry Lackey, Project Engineer for the proposed engineering work on the KLP and KLTV projects. Mr. Castle is a Monroe County resident and if experienced in the vacuum process and is a licensed engineer and plant operator. Mr. Lackey is a licensed engineer in Florida, Georgia and North Carolina and has been involved in the building of USBF plants.

Mr. Weiler made a presentation that summarized the details of the scopes of work that were being considered by the Board. Mr. Weiler stated that it would be imperative to have a single point of contact during the construction projects. Mr. Weiler suggested that the General Manager be the point of contact between team members and the KLWTD Board.

Mr. Weiler stated that the scope of work includes WEC fees for being appointed as the engineer of record for the projects. Mr. Weiler stated that it includes an in depth review of both projects, the inclusion of the Sunset Waterways Subdivision, the ultimate

replacement of Boyle Engineering and the research and resolution of the Roovac/Airvac issue.

Mr. Weiler noted that although Brown and Caldwell, as Haskell team members, would be involved in some of the same functions as WEC, WEC would be the representative of KLWTD and would review all efforts for compliance as KLWTD's engineer.

Mr. Weiler stated that although there has been public outreach since the inception of the projects, once actual construction work begins public relations is imperative.

Mr. Weiler stated that during the design and building of these projects changes would be necessary making the 'as built' plans extremely important for the permanent records of the KLWTD and that WEC as the engineer of record would insure their accuracy.

The presentation continued and Mr. Jeff Weiler described the coordination items that would follow. Mr. Sheets stated that immediately prior to the meeting he was informed that the KLTV permit had been approved per Boyle Engineering's Fred Mittl. It was stated that WEC would gather plans from Boyle Engineering and take over the project from them by letter and take over the permitting process. Mr. Weiler stated that during previous discussions with Chairman Tobin, they had discussed getting all members of the team (GSG, Haskell, Higgins, WEC, Brown and Caldwell) together to discuss what will be done, by whom and when. The contracts require that KLWTD have an engineer of record. Mr. Weiler stated that the fee presented to the Board covers WEC being the engineer of record. Mr. Sheets stated that to answer all of the Board members who had asked, "What must we do next?" there are several things: 1) How to use team efficiently to complete the KLP designed in three phases plus the addition of the additional subdivision. 2) The permitting process. 3) Getting up to speed on the environmental assessment procedure. 4) The overall game plan and the schedule update from Haskell on the KLTV. Mr. Sheets stated that these items should be accomplished during the first 30 days. Mr. Sheets stated these items could not be started until all team members are on board. Mr. Weiler stated that things are proceeding and that Boyle Engineering had applied for the permits.

Mr. Weiler concluded the presentation stated that WEC would benefit the KLWTD because of the work they have done in the Keys over the past several years. Mr. Weiler then entertained questions from the Board.

Commissioner Bauman asked what the procedure would be for WEC to report to the Board. Mr. Weiler stated that WEC as appointees of the Board would provide reports directly to the Board and inform them directly of any situations of concern. However, for the day-to-day operations of the projects he would require a single point of contact, to give direction on behalf of the Board during the interim between Board meetings.

Chairman Tobin asked if WEC would be agreeable to weekly agenda meetings. Mr. Weiler stated that weekly activity reports would be drafted and forwarded from the daily field reports and that a monthly summary would be presented to the Board and General Manager. Mr. Sheets stated that information would also be provided to the community via the website. The website would include a KLP/KLTV project section that would provide maps and work schedules.

Commissioner Bauman asked if there were any items in the scope of service that require subcontracting. Mr. Lackey stated that an independent testing lab and surveyor

would be recommended. Commissioner Bauman asked if Mr. Castle or Mr. Lackey would be replaced if they could not perform. Mr. Weiler stated that with Mr. Castle and Mr. Lackey's experience he does not see any difficulties and WEC has a staff of twenty-five employees that could be pooled to cover the services in the event of an emergency.

Commissioner Bauman asked if WEC would be agreeable to a fixed fee price for their work on the projects. Mr. Weiler stated that hourly and fixed fee information was provided for consideration and that monthly payments would be accepted to assist the KLTWD with cash flow considerations. Commissioner Bauman asked if the fee would be fixed regardless of the hours necessary to complete the projects. Mr. Weiler answered in the affirmative and that the scopes present the fee that represents what it will cost to do the projects as stated. Discussion ensued on the benefits of hourly or fixed fee and the savings that could be realized if the jobs run concurrently.

Commissioner Beaty asked if the prices include all redesign work and inclusion of the Waterways Subdivision. Mr. Weiler answered in the affirmative. Commissioner Beaty asked if Mr. Weiler would be on site daily. Mr. Weiler stated that he would be on site occasionally and that Mr. Castle as project manager would be on site.

Commissioner Brooks questioned the time matrix and if there would be any roll over of hours not used. Mr. Weiler stated the matrix was used as a worksheet to provide an estimate. Commissioner Brooks questioned the section of the proposal that stated travel and meals would be charged at cost plus 15%. Mr. Weiler stated that this provision would only be in affect if the Board requested travel in addition to the present scope of work and that the 15% carrier charge could be negotiable. Commissioner Brooks questioned the hourly fee schedule. Mr. Weiler stated that if the Board approved the fixed fee cost the hourly amount would not come into play. Commissioner Brooks asked if the fixed fee cost is further negotiable. Mr. Weiler stated that only place to save money, at present, is in the detailed observation and that it hinges on the issue of WEC being appointed the engineer of record. Mr. Weiler stated that GSG had negotiated his original proposal downward by approximately 12% and that the Board should consider that they would have the benefit of a staff of 25 for the length of the projects for the cost specified in the scopes of service.

Chairman Tobin stated that until a meeting of all team members could be held the costs provided could not be insured. Chairman Tobin stated that during a conversation with WEC, an option was discussed where KLWTD would hire their own inspector that would result in additional cost reductions. Mr. Weiler stated that largest cost reduction would result from the appointment of engineer of record for the KLP project and if Brown and Caldwell agrees to be the engineer of record for the KLP project then the WEC costs would be reduced.

Commissioner Brooks proposed that the costs presented be the cost cap and depending on the results of the team meeting the costs could then be reduced. Mr. Weiler agreed with this scenario.

Chairman Tobin stated that liability and responsibility are issues and having one engineer of record would be safest. Mr. Weiler agreed that liability is a cost consideration for engineers and that they are responsible for a greater length of time than the contractors. Chairman Tobin recommended that on big contracts they not be approved the first time they are presented and that he would like to hear the Board's responses prior to a vote.

MS. AMY DUKES JOINED THE WORKSHOP VIA TELEPHONE AT 4:20 P.M.

Commissioner Wilkinson asked if agenda Item E 1 could be discussed in the workshop. Chairman Tobin gave Commissioner Wilkinson the floor. Commissioner Wilkinson stated that he wants all of Section 2 removed from the standard contract for consulting/professional service.

Commissioner Brooks asked if the WEC contract would need to be approved prior to the Work Authorization being approved. Mr. Sheet answered in the affirmative. Commissioner Brooks asked how many of the standard contracts had been returned from the eight firms identified from the CCNA process. Mr. Charles Sweat, Director of Operations, stated that three (including W.E.C.'s) were forwarded without changes and that three other firms would submit a contract with minor modifications. Commissioner Brooks stated that the present contract had been sent with the CCNA packages and he is concerned that vendors had been requested to execute a contract that would not be approved by the Board. Commissioner Wilkinson believes that all of Section 2 of the contract should not be in the standard contract but should be in the work authorization.

Discussion ensued on the approval of the standard contract, deductible amounts and insurance coverage amounts. It was noted that deductibles are generally the vendor's responsibility and, generally, any savings realized by the vendors are passed on to the Board.

Commissioner Wilkinson questioned the briefing memo. Mr. Sheets stated that it was provided for clarification and to compare and contrast the scopes of service for the KLP and KLTV projects. Commissioner Wilkinson believes that Haskell should be consulted to verify if they are amenable to adding sub-consultant to assist with inspection.

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Mr. Sheets noted that the standard contract had been presented to the Board in May and that he is concerned that if major changes were required prior to approval then the projects would be delayed. Chairman Tobin believes the changes would be minor. Mr. Sheets noted many engineering firms approved the contract presented across the State. Chairman Tobin believes that with another negotiating meeting on the scope of service work authorization then a review of the standard contract could be done.

Commissioner Brooks question the legality of changing a standard contract that had been issued during the CCNA process. Ms. Dukes stated that the document could be changed for the nuances. Mr. Sheets is concerned that having different general terms and conditions from various vendors could be problematic. Ms. Dukes stated that with the time being of the essence, the contract may need to be approved and then changes would made by issuing an amendment. Chairman Tobin was not in favor of issuing amendments. Commissioner Brooks stated that the contract sent to the top ranked firms has no enforcement or liability until such time the firms are given work. Ms. Dukes confirmed Commissioner Brook's statement. Chairman Tobin disagreed, stating that once the contract is signed it has legal significance. Ms. Dukes agreed that it would have legal significance, however, the work authorization, which includes the scope of service, could be amended.

Commissioner Beaty asked what changes to the standard contract had been requested by the other engineering firms. Mr. Sheets stated that the standard contract should not be changed for the vendors unless they had noted concerns with it when the submitted

their statement of qualifications and that he believes they are bound to the contract that was provided with the request. Mr. Sheets stated that only the Board had the authority to change the contract.

Discussion ensued concerning modifying the standard contract. Commissioner Wilkinson stated that under any CCNA process that the responders should be provided the same information in the standard contract and that the work authorization should define the specifics of the task.

Chairman Tobin recessed the meeting at 4:55 p.m.  
Chairman Tobin reconvened the meeting at 5:10 p.m.

Chairman Tobin stated that Mr. Jose Lopez of the South Florida Water Management District (SFWMD) would address the Board. Mr. Lopez stated that the KLWTD should consider using the future wastewater for reuse in the Keys State parks. Mr. Lopez had reviewed the plans for the projects and is concerned that reuse water was not considered and that with shallow well injection reuse should be considered for landscaping. Mr. Lopez stated that he was concerned with the treatment methods being considered. It is his opinion that USBF or SBR would not be the correct applications. Mr. Lopez believes membrane treatment would be the recommended. Mr. Lopez stated concern that the reports stated flows that did not match the documentation provided. Chairman Tobin stated that Mr. Lopez should contact Mr. Sweat to discuss his concerns.

Mr. Lopez suggested that the KLWTD conduct outreach programs to foster the use of reuse water in the Keys and offered his assistance. Mr. Lopez stated that water reuse and other ecological concerns are becoming critical issues in the Keys. Commissioner Brooks stated that he is a proponent of the reuse of water, however it is not economically feasible for the Key Largo area because the only place that is publicly irrigated if the FDOT medians and FDOT will not accept reuse do to the increase in maintenance costs. Mr. Lopez suggested the local hotels be contacted for landscaping use.

Mr. Sheets stated that the letter from the SFWMD was engineering specific and needs to be reviewed quickly, once the project team is assembled, because it will have significance when permitting is needed from the SFWMD. Mr. Sheets noted that the FEMA hearing on the plant site is to be held before the end of August and that the issues raised by the SFWMD are critical and would have a direct effect on the environmental site assessment. Mr. Sheets stated that issues raised in the letter would be considered during the permitting process and will tie in with the design process. Mr. Sheets believes there will need to be many more conversations with the SFWMD during the projects.

Mr. Lopez thanked the Board for inviting him to the meeting and offered his assistance in any way possible.

Commissioner Wilkinson assumed the floor at 5:25 p.m. Commissioner Wilkinson asked if GSG, as general manager, would be responsible for the operation of the completed wastewater system. Discussion ensued.

Commissioner Wilkinson stated that he had several concerns including: assigning WEC as engineer of record, the project length statement defining it as 13 months, the

statement that the projects would run concurrently and that if they don't costs would increase, the statement that things are completed as of when they are sent, and that Items E 2a and E 2b should state WEC not just engineer. Mr. Weiler stated that the 13-month statement and the completed as of when they are sent would be changed. Mr. Sheets stated that for consistency references to the engineer should read 'the district's engineer'. Commissioner Wilkinson agreed with the wording.

Chairman Tobin believes it will take another negotiating session with himself, Terry Lewis and WEC to wordsmith the document to include everyone's comments. Chairman Tobin agrees with Commissioner Wilkinson's concerns and voiced concern with the disclaimers of liability stated on page 7 of the KLTV scope of service.

Chairman Tobin stated that his main concern, as the representative of the residents, is the amount of funds that have been spent on engineering the projects and the lack of documentation for the expenditures. Chairman Tobin would like to remove some of the layers of review. Chairman Tobin would like to see the construction on site management done by a local resident and suggested Charles Fishburn. Chairman Tobin believes that as a sub-contractor Mr. Fishburn would not fall under the CCNA process and he would like to explore this option during the first team meeting. Chairman Tobin believes this option would lower WEC's fees.

Mr. Weiler stated that he would consider the option and he want to be affiliated with the KLWTD long term he does not want this to be a one project association. Chairman Tobin stated that he is hoping to avoid duplication of effort in observation, construction administration and construction management.

Mr. Weiler stated that he and Charles Sweat had several conversations concerning not overlapping responsibilities. Mr. Weiler noted that none of his time is being charged for.

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Discussion ensued on what the fees for WEC would be if they were to be assigned as the district's engineer only and not as the engineer of record. Mr. Weiler stated that further review would be necessary before a cost could be quoted.

2. Presentation by Government Services Group, Inc. on Project Management and Administration

Discussion ensued on the particular tasks involved with the GSG work authorization.

Chairman Tobin concluded the workshop at 6:45 p.m.

D. Additions, Deletions or Corrections to the Agenda

The Chair requested that action items 5 and 6 be considered first.

**Commissioner Brooks motioned to approve item E-5 the Proposed FY2004 KLWTD Budget for Advertisement. Commissioner Wilkinson seconded the motion. All were in favor and the item was unanimously approved.**

**Commissioner Brooks motioned to approve item E-6 the Pending Payment List for July 30, 2003. Commissioner Beaty seconded the motion for discussion. Commissioner Brooks questioned the \$5,000 amount for Lewis, Longman & Walker referred to as 'catch-up'. Mr. Miles explained it was for disallowed costs from previous invoices that were requested for reimbursement without proper**

documentation. With no further discussion the vote was called. All were in favor and the motion was unanimously approved.

E. Action Items

- 1. Approval of the Weiler Engineering Corporation Contract for Consulting/Professional Services

Chairman Tobin suggested that that Item be tabled or that it is approved in concept only.

COMMISSIONER BROOKS MADE A MOTION TO APPROVE THE WEILER ENGINEERING CORPORATION CONTRACT TO INCLUDE THE CHANGES SUGGEST BY COMMISSIONER WILKINSON AND THAT WERE AGREED TO BY JEFF WEILER OF WEILER ENGINEERING CORPORATION AND IF ANY FUTURE AMENDMENTS WERE DEAMED NECESSARY THEY ARE TO BE BROUGHT TO THE BOARD FOR CONSIDERATION IN THE FUTURE. COMMISSIONER BAUMAN SECONDED THE MOTION. CHAIRMAN TOBIN ASKED FOR DISCUSSION.

Chairman Tobin stated that he believes the action is premature and that approving the contract without specifying the changes is not prudent it is not the proper method of passing a resolution and that it places the burden on the clerk to document the changes. Chairman Tobin stated that he cannot support the motion and believes it is poor parliamentary procedure and that the contract should only be approved in concept. Commissioner Brooks stated that basically he does not want to incur further legal expenses and that his motion stands as stated. Commissioner Wilkinson stated that he couldn't be sure that all necessary changes have been noted. Mr. Sheets asked legal counsel if the scopes of service could be approved without the approval of the standard contract. Ms. Dukes stated that approval of the scopes of service would be contingent on approval of the contract. Chairman Tobin then requested a roll call vote.

COMMISSIONER BAUMAN	YES
COMMISSIONER BEATY	YES
COMMISSIONER BROOKS	YES
COMMISSIONER WILKINSON	NO
COMMISSIONER TOBIN	NO

THE MOTION CARRIED WITH A VOTE OF THREE IN FAVOR AND TWO NOT IN FAVOR.

- 2. a. Approval of KLWTD Work Authorization WEC 03-01 with Weiler Engineering Corporation for engineering services for the KLTV Project
b. Approval of KLWTD Work Authorization WEC 03-02 with Weiler Engineering Corporation for engineering services for the KLP Project

COMMISSIONER BROOKS MADE A MOTION TO APPROVE WORK AUTHORIZATIONS WEC 03-01 AND WEC 03-02 TO INCLUDE THE CHANGES SUGGEST BY COMMISSIONER WILKINSON AND THAT WERE AGREED TO BY JEFF WEILER OF WEILER ENGINEERING CORPORATION AND IF ANY FUTURE

AMENDMENTS WERE DEAMED NECESSARY THEY ARE TO BE BROUGHT TO THE BOARD FOR CONSIDERATION IN THE FUTURE. COMMISSIONER BEATY SECONDED THE MOTION FOR DISCUSSION. Commissioner Wilkinson stated that the motion should be amended to include the suggested changes to the references to specific dates, the changing of the title engineer to district engineer and the references to WEC as the engineer of record for the projects. Commissioner Wilkinson stated that as the motion is stated at present that he would not be in favor. Commissioner Bauman asked if the motion should include that Mr. Weiler had agreed to look at the costs again after the engineer of record and the potential observation hour reduction issues had been resolved. Mr. Sheets suggested that if the work authorization are approved and the Board directs staff to define the roles and responsibilities of Haskell, Higgins, WEC and GSG then the staff would present a reworked scheduled and any cost adjustments realized from the effort. Chairman Tobin stated that he believes it is a bad way to do business to approve work orders that incorporate flawed memorandums and that the details need to be clarified and discussed. Chairman Tobin stated that although time is an issue he urged the other Board members to vote against the motion. Chairman Tobin suggested that the item be tabled until a meeting of the principle parties can be held at that the cost of three to four hours of attorney's fees would be money better spent than fees that could result from approving an ambiguous contract. Commissioner Wilkinson asked if Chairman Tobin, as an attorney, could do the revision to the contract. Chairman Tobin stated that he would prefer the involvement of Lewis, Longman and Walker because of the resources available to them. Commissioner Bauman stated that the work authorizations need to be legally binding but he does not want to see excessive time and money invested in the process. Chairman Tobin stated that with the agreement by Jeff Weiler to make the changes requested that Mr. Weiler could be tasked with making the first draft of the revision. Chairman Tobin noted that there are liability questions and that a meeting to consider review of the observations hours the possible use of a subcontractor and the correction of inappropriate references should be conducted and that references to specific time frames need to be corrected also. Mr. Sheets stated that the appointment of an engineer for the district is prudent before preliminary design work can start. Discussion ensued. Chairman Tobin stated that a redrafting of the work authorization to address all concerns would be done by Jeff Weiler and that a meeting should be scheduled next week to review and discuss the redraft in an effort to present it for consideration at the August 13, 2003 meeting.

**CHAIRMAN TOBIN THEN REQUESTED A ROLL CALL VOTE.**

COMMISSIONER BAUMAN	NO
COMMISSIONER BEATY	NO
COMMISSIONER BROOKS	YES
COMMISSIONER WILKINSON	NO
CHAIRMAN TOBIN	NO

**THE MOTION FAILED WITH A VOTE OF ONE IN FAVOR AND FOUR NOT IN FAVOR.**

**COMMISSIONER BAUMAN MADE A MOTION TO INCLUDE THE REVISED WORK AUTHORIZATIONS AS ACTION ITEMS ON THE AUGUST 13, 2003 AGENDA.**

**COMMISSIONER WILKINSON SECONDED THE MOTION. ALL WERE IN FAVOR AND THE MOTION WAS UNANIMOUSLY APPROVED.**

Chairman Tobin stated that a teleconference would be held next week and that the revisions would be forwarded to members of the Board as soon as possible.

Chairman Tobin recessed the meeting at 7:15 p.m.

Chairman Tobin reconvened the meeting at 7:25 p.m.

3. Approval of Scope of Service for Capital Project and Grant Management and Administration with Government Services Group, Inc. for the KLTV and KLP projects

**A MOTION WAS MADE BY COMMISSIONER BEATY TO APPROVE THE SCOPE OF SERVICE WITH GSG. COMMISSIONER BAUMAN SECONDED THE MOTION FOR DISCUSSION. COMMISSIONER WILKINSON QUESTIONED OPTION EXHIBIT A AND EXHIBIT B. MR. SHEETS STATED THAT FOR THE MONTHLY AMOUNT LISTED THAT THE WORK TO BE DONE WOULD BE ALL INCLUSIVE WITH NO BILLING FOR TRAVEL. COMMISSIONER BEATY AMENDED HIS MOTION TO INCLUDE THE PROJECT COST WOULD BE FOR THE FIXED FEE. CHAIRMAN TOBIN AND COMMISSIONER WILKINSON QUESTION IF A DUPLICATION OF EFFORT WOULD BE MADE FOR COMMUNITY RELATIONS AND IF CONFLICT RESOLUTION ARE TWO ITEMS THAT DON'T BELONG IN THE SCOPE OF SERVICE. CHAIRMAN TOBIN ASKED FOR ANY FURTHER DISCUSSION. CHAIRMAN TOBIN REQUESTED A ROLL CALL VOTE.**

<b>COMMISSIONER BAUMAN</b>	<b>YES</b>
<b>COMMISSIONER BEATY</b>	<b>YES</b>
<b>COMMISSIONER BROOKS</b>	<b>YES</b>
<b>COMMISSIONER WILKINSON</b>	<b>NO</b>
<b>CHAIRMAN TOBIN</b>	<b>YES</b>

**THE MOTION CARRIED WITH A VOTE OF FOUR IN FAVOR AND ONE NOT IN FAVOR.**

4. Approval of the External Auditor Contract

SEE ABOVE

5. Approval of the Proposed FY2004 KLWTD Budget for Advertisement

SEE ABOVE

6. Approval of Pending Payment List for July 30, 2003

SEE ABOVE

**F. General Manager's Report**

1. Discussion of the recommended Revised Disbursement Policy

Chairman Tobin stated that a revision was requested to assure proper security for the KLWTD accounts. Chairman Tobin believes that specific signatory names should be used where possible in the Disbursement Policy.

Mr. Miles stated that the revised policy gives the tightest controls that he has worked with during his tenure as a government financial officer. Mr. Miles stated that unfortunately because of the current procedure small recurring bills couldn't be paid on a timely basis, which incurs late fees for the KLWTD.

Mr. Miles presented information on fidelity bonds for the signatories on the KLWTD accounts. Discussion ensued on the present procedures and the amount of insurance that would be sufficient for the KLWTD. Chairman Tobin believes a member of the KLWTD should be added as an additional signatory on all checks. Mr. Miles stated that due to the geographical separation it would not be practical and for internal controls partially executed checks would cause potential discrepancies when documentation is needed for reimbursement from the various funding sources being used by the KLWTD. Discussion ensued. Mr. Miles stated that he had the external auditor review the revised policy that agreed with the policy and stated that the key is the approval process that the KLWTD approve the bills and GSG writes the checks.

It was the consensus of the Board to have dual signatures on the checks and to acquire fidelity insurance. Commissioner Beaty stated that as a financial professional he believes that the policy is more than adequate. However, having four signatories on the account and then requiring two of the four to execute checks would be beneficial and would cover the KLWTD during regular business and in case of an emergency.

Chairman Tobin entertained a motion to authorize District Manger to approve expenditures up to \$2,500 with one signature either that of the general manager, Robert Sheets or the Chief Financial Officer, David Miles, or KLWTD Chairman, Andrew Tobin or KLWTD Secretary, Cris Beaty. Amounts above \$2,500 would require dual signatures after Board approval from any named signatory. Discussion ensued on who should have fidelity bonds and in what amount. The Board directed staff to develop a final formal policy and an accompanying resolution for consideration at the August 13<sup>th</sup> meeting. Mr. Miles was directed to obtain the cost for various fidelity bond coverage and to provide to the Board at the August 13<sup>th</sup> meeting.

## 2. Interim Financial Reports through June 30, 2003

The item was tabled until the next meeting.

## 3. Revisions to the KLWTD Board Meeting Schedule

It was the consensus of the Board to hold the regular KLWTD meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month beginning September 2003.

Commissioner Brooks stated that the Monroe County BOCC would consider changing the KLWTD loan to a grant at their August 21, 2003 meeting.

Mr. Sheets stated that the County forwarded him a letter stating their displeasure with the unilateral changes that had been made to the loan agreement by the KLWTD. The County has requested a meeting concerning the changes to the agreement and Mr.

Sheets suggests a conference call to include himself, Commissioner Brooks and Mr. Collins, Monroe County Attorney. It was noted that County Commissioner Murray Nelson requested to be included on the discussions of this issue.

#### 4. Status Report on the Haskell Company's KLTV Preliminary Project Schedule

There were no new developments concerning the preliminary project schedule.

##### G. Legal Counsel's Report

There was no legal counsel's report presented.

##### H. Engineer's Report

There was no engineer's report presented.

##### I. Commissioner's Items

1. Discussion of employment of full or part time project engineer not to exceed \$80,000 annual salary – requested by Chairman Tobin

Chairman Tobin stated that this issue is moot at present. However, Chairman Tobin wanted to mention that Mr. Tim Bergan has shown a great amount of interest, support and enthusiasm with the work of the KLWTD. Chairman Tobin would like to keep Mr. Bergan in mind for future opportunities with the KLWTD because of his experience.

2. Discussion of employment of a full or part time construction inspector for Key Largo Park and Key Largo Trailer Village – requested by Chairman Tobin

Chairman Tobin stated that Mr. Chuck Fishburn, a local resident, was knowledgeable and committed and had reviewed many of the engineering documents during his association with Gartek. Chairman Tobin suggested that Mr. Fishburn be considered to do construction inspection on the KLP and KLTV projects. Chairman Tobin suggested that WEC or GSG consider using his services, as an independent contractor and perhaps it would lower the overall inspection costs for the projects. Chairman Tobin believes this option should be considered versus considering hiring an employee for the KLWTD.

Commissioner Bauman expressed concern with the option of KLWTD hiring an employee. He was not adverse to the option of WEC or GSG using him as an independent contractor.

Commissioner Beaty believes if any action is to be taken it should be by WEC or GSG to use Mr. Fishburn as a consultant.

Commissioner Brooks stated that he has legal concerns with hiring a consultant not selected by the CCNA process and he is uncomfortable with requesting WEC or GSG to hire a particular individual for any position.

Mr. Fishburn stated that with over 1,000 hours dedicated to the project he believes he has a great deal to offer the KLWTD and wishes to assist them in any way possible.

3. Discussion of the preparation and timing of change orders to the Haskell Company and Douglas Higgins, Inc. for the design, installation, testing and acceptance of all of Key Largo Park and the addition of Sunset Waterways subdivision – requested by Commissioner Wilkinson

Commissioner Wilkinson stated that this issue had been addressed during the previous discussions.

#### OTHER ITEMS:

Mr. Burke Cannon of the Federation of Key Largo Homeowners addressed the Board. He stated that Mr. Charles Fishburn would be a valuable resource to the KLWTD and would recommend and support him as an inspector on the projects.

Chairman Tobin requested that the Board consider having informal working group meetings. Discussion ensued concerning the location, the frequency, the inclusion of staff, advertisement of the meetings and the need for agendas. Chairman Tobin requested the item be added to the next agenda for discussion and possible action.

#### J. Minutes – Draft July 9, 2003

The item was tabled until the next meeting.

#### K. Meeting Adjournment

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Chairman Tobin adjourned the meeting at 8:55 p.m.

# **KLWTD Board Meeting September 3, 2003**

## **Item F -1**

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**Approval of the revised Monroe  
County Loan Agreement with KLWTD**

# **KLWTD Board Meeting September 3, 2003**

## **Item G -1**

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**Recommendation of a request for qualifications and a procedure for the interviewing and selection of general legal counsel.**

## **PUBLIC NOTICE OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT**

The Key Largo Waste Water Treatment District ("District") is currently seeking the services of a law firm or individual attorney to provide legal assistance to the five-member Board of Commissioners and District Manager, in carrying out its general daily needs. This individual must be a member in good standing of the Florida Bar and have a minimum of five years experience in the practice of law. Any experience in the areas of city, county or state government will be considered a plus.

Duties will include attending regular commission meetings held on the first and third Wednesday of each month, special commission meetings and workshops and providing advice to the Commission and District Manager on routine legal issues as well as the drafting of appropriate District documents.

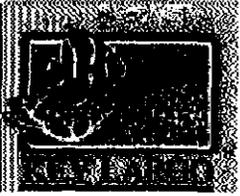
Candidates must submit a complete resume and statement of qualifications if a member of a firm within Monroe County. The Board and the District Manager will review resumes. A selection of individuals will be made and who will be requested to make presentations to the District Board at a regular meeting. Resumes and qualifications of the firm and or candidates are to be submitted to the District Manager at 1500 Mahan Drive, Suite 250, Tallahassee, Florida 32308 and are to be submitted no later than ~~September 26, 2003 at 5:00 p.m.~~ Resumes are subject to public disclosure, pursuant to the Florida public records law. Any inquiries should be directed to Robert Sheets, District Manager at (850) 681-3717.

# KLWTD Board Meeting September 3, 2003

## Item G - 2

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Recommendation after the review of  
the Lewis Longman & Walker invoices.



**KEY LARGO WASTEWATER TREATMENT DISTRICT  
POST OFFICE BOX 491; KEY LARGO, FLORIDA 33037  
(305) 451-5105**

**Memorandum to the Board**

**To: Key Largo Wastewater District Board of Commissioners**

**From: Robert E. Sheets, General Manager**

**Subject: Lewis Longman & Walker, P.A., Invoices**

**Date: September 2, 2003**

During the August 27, 2003 Board Meeting, the Board expressed concern over the invoices received from Lewis, Longman & Walker, P.A. The Board asked the District Manager to review and explain the reason that the attorneys have received certain documents for review. For example, documents from the clerk requesting the attorneys to review board agenda items, review and edit board minutes, auditor services contract, T. Bergin and C. Fishburn potential employment for the Board, WEC scope of work, A. Tobin email concerning the Weiler Engineering Contract and coordinating extensive revisions to that document.

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~~The costs described above all fall within the definition of normal cost of board business.~~ These requests for services have come from various sources, such as the Chairman, the Director of Operations, the District Manager and the Clerk to the Board. It would be difficult for the District Manager to do his job effectively if he is not permitted to include a legal review of pertinent issues during the normal course of business. Review of the Minutes is important because as the official record of the meeting the Board, the staff and the attorney must review them for accuracy and that they reflect their understanding and memory of the essence of the meetings. Therefore, it is my recommendation that the review of the Minutes is in order. In addition, review of the minutes provides historical information to the attorney and staff members on issues they may have not been reviewed once they have been excused from the teleconference.

The auditor's contract is a legal document that as such should have been reviewed by legal counsel for sufficiency. This contract was prepared by the District Manager's staff, not by the attorney and legal counsel was involved in the review process only. In addition the review conducted by legal counsel for consideration of hiring T. Bergin and C. Fishburn was necessary for the District Manager to be sure that the potential hiring of these individuals did not come under the rules of CCNA. The WEC Scope is a legal document that as such requires legal review to verify that the scope complies with the contract and that unnecessary potential exposure exists.

The charges were the result of an email from A. Tobin and the District Manager to the attorney, and therefore, in my opinion is also justified. The District Manager recommends that payment be made for the Lewis, Longman & Walker invoices, and the time charged.

Because of the Board's concerns however, staff will prepare a protocol to address the accountability and cost effectiveness of the District Attorney's costs. This protocol will be presented to the Board no later than at the September 17, 2003 meeting. The legal fees the Board has been experiencing should lessen over the next few months and the Manager does not foresee any potential large legal issues. The next major issue that would require assistance by the attorneys should be when the District begins to develop a mandatory connection policy and guidelines.

I hope this has been responsive to the Board's request and I look forward to discussing the item at our next meeting.

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# **KLWTD Board Meeting September 3, 2003**

## **Item G - 3**

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**Recommendation of a procedure for  
contract adoption.**

All;

I would like to propose that we adopt the following procedure when dealing with contracts. The procedure is intended to afford the Board the opportunity to consider a contract at 2 regularly scheduled meetings. It also gives everyone a chance to get familiar with the contract and the vendor/contractor before incurring substantial legal expenses and time in reviewing contracts before the Board has had an opportunity to become familiar with the item/contract informally. The procedure is directory only and may be modified by a majority vote of the Board at any time depending on the circumstances of the situation.

a) The proposed contract will be provided to the Board members prior to the meeting;

b) The contract will be listed as a separate item on the agenda under the Manager or Attorney's Report;

c) The Manager and/or the Attorney will discuss/explain the Contract and report any unusual provisions to the Board.

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d) The Vendor/Contractor will have an opportunity to discuss and explain the contract.

e) The Board will vote to consider the contract as an Action item at its next regular meeting or at such time as the Manager and/or Attorney schedule the item.

f) The Manager and/or the Attorney will then negotiate the final terms and conditions of the contract with the proposed Vendor/Contractor and make appropriate changes and amendments to the contract as may be necessary to protect the District.

g) At such time as the Manager and/or Attorney have completed their assignment, the item will be scheduled as an action item for consideration by the Board.

# KLWTD Board Meeting September 3, 2003

## Item J - 1

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**Faith Doyle**

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**From:** Jerry Wilkinson [jerry142@terranova.net]  
**Sent:** Monday, August 18, 2003 4:39 PM  
**To:** Robert Sheets  
**Cc:** Faith Doyle; Cris Beaty; Charlie Brooks; Andy Tobin; Gary Bauman  
**Subject:** Agenda

Robert:

You were not present, but I cannot find anything in Robert's Rules of Order that only an affirming member can revisit a previous agenda item.

As to the discussion and possible action for a District General Legal Counsel, there is not the intent to "fire" Lewis and Longman, but the intent is to quickly contract with a local legal resource to perform the routine legal actions, including attending every meeting, answering all prior questions via phone or email by the Board and key staff members, preparing routine resolutions, reviewing/approving routine documents, etc. at a fixed price. Lewis and Longman could/would still be tasked for special legal services per his agreement.

I wish to add five additional items as commissioner items.

- 1) Establish a procedure for a staff coordination stamp/sheet so that each agenda item indicates specifically which key personnel has approved the item. (Generally, this is stamp or a cover sheet to indicate exactly who had approved of the item.) I am certain that you have seen many different methods. At the present I of the documents in my file I have no proof of any one seeing these documents unless they are signed of which many are not.
- 2) Establish and or require local communication access, such as a 451 forwarding number we use for the clerk (451-5105), cell phone or other communications services where the Board, vendors and citizens can access without tolls), for all key staff positions, as yourself. These would be approved by the Board and necessary budgeting performed.
- 3) A status/update/monitoring/follow-up report (we will come up with a name) as part of each agenda for designated elements. The list may be two parts, future tasks and ongoing tasks. It would be up to the manager to recommend or the Board to designate the start and finish of the routine reports. The report could be "No report." The intent is "monitor" crucial items as well as to prevent them from being lost in the shuffle. An ~~example would be status of CDBG grant research.~~
4. (We spoke of this before) Status of arranging for a complete copy of the agenda package, even though it may contain draft elements, to be placed in the Key Largo Library three days before and a few copies of just the Agenda, no backup material, be placed in a designated location at the meeting location for visitors. Possibly this may be advertised in the public notice.
5. Tasking someone to originate a draft of KLWTD Meeting Administrative Procedures, or what ever we want to call it.

Jerry

**KLWTD Board Meeting  
September 3, 2003**

**Item J – 1 (5)**

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**KEY LARGO WASTEWATER TREATMENT DISTRICT BOARD OF GOVERNORS  
ADMINISTRATIVE PROCEDURES**

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**SECTION I**

**Section 1.01 - Introductory Items.**

**a) Definitions as used in this document:**

1. **The KLWTD or The District** is the Key Largo Wastewater Treatment District as established by 2002-337, Laws of Florida.
2. **The Board** is the governing board of elected five members of the KLWTD prescribed by Section 5, of 2002-337, Laws of Florida.
3. **A Commissioner** is one of the elected KLWTD governing Board members as prescribed by Section 5, of 2002-337, Laws of Florida.
4. **The Officers of the Board** will be the Chair, Vice Chair and Secretary - Treasurer as prescribed by Section 6, of 2002-337, Laws of Florida.
5. **The Manager** is the chief executive officer, administrator or director of the District.
6. **The Attorney** will be chief legal counsel of the District.
6. **The Clerk** is the designated administrative officer of the District.

a) The charter of the Key Largo Wastewater Treatment District may be found in 2002-337, Laws of Florida, as amended.

b) Except as may be provided by these Rules and By-Laws, questions of order, the methods of organization and the conduct of business of the Key shall be governed by Robert's Rules of Order, Newly Revised, xxxx Edition, which is hereby adopted by the Board. Failure of strict observance of Robert's Rules of Order will not invalidate decisions, contracts and policies of the Board.

### **Section 1.02 - Meetings.**

a) **Regular Meetings:** The Board shall hold regular meetings, as prescribed by the Board at the time(s) determined by motion of the Board. Other times and dates may also be established by a motion of the Board. No regular meeting may be scheduled when the day fixed for a regular meeting falls on a designated holiday. The locations for regularly scheduled meetings of the Board shall be established by motion of the Board. All meeting sites must be in compliance with the American Disabilities Act and any other applicable civil rights statutes. In an extenuating situation (e.g., a hurricane or other disaster), and with the notice reasonably provided in light of the situation, the Chair or Vice Chair may designate another location and time for a regularly scheduled meeting of the Board.

The Board shall not schedule any particular time of the year as a vacation period but shall individually stagger their vacation times so that the Board may continue to function throughout the year.

b) **Special (Emergency) Meetings:** A special meeting of the Board may be called by the Chair, or in his/her absence the Vice Chair, whenever, in his/her opinion, the public's business requires it. A special meeting may also be called by three members of the Board. All requests for a special meeting must state the purpose of the meeting and a proposed time and location.

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When a special meeting is called by the Chair, then a written request for the meeting must be delivered to the Manager and the Clerk. When a Commissioner (other than the Chair or Vice Chair acting in the capacity of the Chair) wishes to call a special meeting, he or she must send the written request to the Manager and the Clerk and, at the same time, send the request to all other members of the Board and the Attorney. If, within two business days, two other Commissioners send to the Manager and Clerk written approval of the requested special meeting, then the special meeting will be considered called. The Commissioners who send the Clerk written approval of the requested special meeting must also, at the same time, send copies to the Manager and Attorney. If the Clerk determines that the special meeting was properly called, then the Clerk must promptly provide verbal or written notice, unless specifically waived, to the Board members, the Manager and the Attorney, stating the date, hour and place of the meeting and the purpose of the meeting. The Clerk must also send written notice of the special meeting to the local media outlets in accordance with Florida laws.

Only the business stated in the notice of the special meeting may be considered at the meeting unless the Chair or the Manager determines that the public's best interest would be served if additional items were considered and an amended written agenda is delivered by the Manager to all Commissioners, the Attorney, and the local media outlets a minimum of one business day in advance of the special meeting date. Alternatively, a majority of the Commissioners present at the special meeting may agree to add additional items to the special meeting agenda.

When the Clerk has received a request for a special meeting that complies with this subsection 1.02(b), he or she must make sure that there are at least four hours between the call for the meeting and the date and hour of the meeting unless an extenuating circumstance (e.g., an impending hurricane)

prevents that. If, after reasonable diligence, it was impractical to give notice to each Commissioner then that failure will not affect the legality of the special meeting if a quorum is present. The minutes of each special meeting must show the manner and method by which notice of the special meeting was given to each member of the Commissioners or the waiver of the notice.

c) The notice requirements set forth in this Section 1.02 are in addition to, and not the replacement for, notice requirements mandated by general law.

d) All Board meetings are open to the public unless a specific exemption is provided by general law.

e) The Clerk must record gavel-to-gavel, and is the custodian of all Board minutes.

### **Section 1.03 - Agenda:**

a) An official agenda will be prepared by the Manager's office for every regular meeting or special meeting of the Board. The Board shall not take action on any matter, proposal, or report of item of business which is not listed in the official agenda, unless there is a majority consent of the members of the Board present on the day of a scheduled meeting for the addition of other items to the agenda for consideration and action.

All regular meeting agenda items must be delivered to the Manager's office by xxx hours no later than xxx days before the meeting date, or as determined by the Manager and approved by the Board. The agenda must be prepared and distributed no later than xxx days before the meeting date. The delivery deadline and distribution deadline do not apply to: (i) items added to the agenda by vote of the Board; and (ii) items that the Manager determines are necessary to be on the agenda, for example (by way of illustration and not limitation), the necessity of meeting a grant application deadline.

Unless mandated otherwise by a general law, all scheduled times on the Board's agenda are approximate even if denominated as "time certain." The Chair should however, conduct the meetings in such a manner that the agenda schedule is followed as closely as circumstances allow.

Invocation, if desired, may be a moment of silent prayer or by a designated person.

**b) Regular Meeting Agenda:** Matters for action may be placed on the regular meeting agenda only by a Commissioner, the Attorney and Manager, with written comments and/or recommendations from staff as is appropriate. The originating source and/or approval/review of comments and/or recommendations are to be annotated. Items designated for action are to be fully researched, coordinated, reviewed, legally and financially sufficient, and in the final form for Board action. Agenda items noticed as discussion are to be exploratory, investigative or examining, etc. and cannot be acted upon.

**c) Public Input Period:** A separate section of the regular meeting agenda will be reserved for Public Input Period. A public input period must be scheduled for a time approximate for public convenience. The purpose of the Public Input Period is to allow individuals to address the Board on a matter pertaining to government, excluding matters in litigation and complaints against specific personnel. The initial speaker on an item - whether representing him or herself, or a non-profit organization - may address the Board for a period up to ten minutes. Subsequent speakers who are speaking for themselves on the same item may speak for three minutes. A subsequent speaker on the same item may address the Board on behalf of another nonprofit organization for five minutes. Individuals who wish to utilize Public Input Period must contact the Manager's Office in writing in order to be scheduled on the agenda, must

specify the subject matter of the presentation, and must comply with the agenda deadlines established in this Section 1.03. No action may be taken by the Board on an item on the Public Input Period agenda.

**d) Presentations:** Generally, presentations on the agenda may not be promotional for products and services and will be limited to a maximum of 15 minutes. Presentations for products and services must be requested or sponsored by the Manager or a Commissioner.

**e) Tabled items:** An agenda item under consideration by the Board may be removed from the table (tabled) by a majority vote of those Commissioners present. A motion to table any item that has received a second shall be voted upon without discussion. The effect of such a vote is to remove the item from consideration by the Board. The item may be placed back on the table and considered by the Board by a majority vote of the Board but only if such vote takes place during the course of the meeting of the Board for which the item was on the agenda. Once that Board meeting is adjourned, either on the second day of a regularly scheduled meeting or at the conclusion of a special meeting, then the item may not be recalled from the table but must be placed on a subsequent Board meeting agenda by a person authorized to do so by these rules of procedure. Items that are required by general law to be heard at a time certain public hearing may not be tabled but may be continued by a majority vote of the Board present to a time and a place certain but only if such a continuance is not contrary to general law.

**f) Continuances:** Unless contrary to general law, any item on the Board's meeting agenda may be continued by a majority vote of those Commissioners present. The continuation must be to a time and place certain which may be later during the course of the same Board meeting or to a subsequent meeting.

**g) Reconsideration:** During the course of a meeting and after a vote has been concluded on an agenda item, any Commissioner who voted with the majority may move for reconsideration of that item. If the motion is approved by a majority of those Commissioners present, then the Board may ratify, rescind, or amend the decision made by their initial vote. Provided, however, in the case of any agenda item where a statute requires published notice and a public hearing, then the approval of a motion for reconsideration will operate to stay the effect of the initial vote until the notice can be republished and a subsequent public hearing, held. Upon conclusion of the subsequent public hearing, the Board may ratify, rescind or amend the decision made by the Board's initial vote.

At the next regular KLWTD meeting, any Commissioner may move to reconsider, rescind or amend the decision on an agenda item that was the subject of a vote at the previous regular or special meeting. If the motion is approved by a majority of those Commissioners present, then the Board may ratify, rescind, or amend the decision made by their initial vote. Provided, however, in the case of any agenda where a statute or other laws requires a published notice and public hearing, then the approval of a motion for reconsideration will operate to stay the effect of the initial vote until the notice can be republished and a subsequent public hearing held. Upon conclusion of the subsequent public hearing, the Board may ratify, rescind, or amend the decision made by the initial vote.

No previously voted upon agenda item may be the subject of a motion for reconsideration after the adjournment of the regular KLWTD meeting that immediately follows the meeting at which the initial vote was taken.

**h)** A Commissioner may not engage in a discussion about a quasi judicial agenda item outside the confines of the Board meeting with any party having an interest in the item. If a Commissioner is in doubt as to whether an agenda item is quasi judicial, then he or she should contact the Attorney (or an assistant) before engaging in a conversation with an interested party.

#### **Section 1.04 - Presiding Officer, Election, Duties:**

a) **Chair:** The Presiding Officer of the Board is the Chair, who shall be elected by a majority vote of the members present at the regular meeting of the Board in November. The November meeting in election years must be on the date newly elected Commissioners assume office as provided by law.

Selection of the Chair shall be by nomination from the floor, with no second required, followed by alphabetical roll call vote of Commissioners on each nomination, in order of the nominations made. Selection of the Vice Chair and Secretary - Treasurer shall be in an identical manner.

b) **Vice Chair:** If, for any reason, the Chair is absent or unable to perform his/her duties, the Vice Chair, who will have been elected under the same circumstances as the Chair, shall succeed him. If the Board determines that the disability or absence is expected to extend for a period of time in excess of the length of the meeting at which this is determined, a new Vice Chair shall be elected by a majority of the members present at the meeting.

#### **Section 1.05 - Parliamentarian:**

The Attorney or his/her designee shall act as parliamentarian and shall advise and assist the Presiding Officer in matters of parliamentary law.

#### **Section 1.06 - The Attorney:**

The Attorney, or designee, in his/her absence, shall be available to the Board at all meetings unless excused by the Chair or Manager. He shall prepare or draw resolutions for any member of the Board when and as directed.

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#### **Section 1.07 - Call to Order:**

The Board's Chair shall take the Chair at the hour appointed for the meeting and shall immediately call the Board to order. In the absence of the Chair and the Vice Chair, the Clerk shall then determine whether a quorum is present and in that event shall call for the election of temporary Chair. Upon the arrival of the Chair or the Vice Chair, the temporary Chair shall relinquish the Chair upon the conclusion of the agenda item immediately before the Board.

#### **Section 1.05 - Roll Call:**

Before proceeding with the business of the Board, the Clerk or his/her designee shall call the roll of the members in alphabetical order unless the Chair stipulates all are present and the names of those present shall be entered in the minutes.

#### **Section 1.09 - Quorum:**

A majority of the whole number of members of the Board shall constitute a quorum. No resolution or motion shall be adopted by the Board without the affirmative vote of the majority of all members present. Should no quorum attend within thirty (30) minutes after the hour appointed for the meeting of the Board, the Chair, or the Vice Chair, or in their absence, the Clerk or his/her designee, may adjourn the meeting until the next day.

#### **Section 1.10 - Order of Business:**

All meetings of the Board shall be open to the public. Promptly at the hour set forth for each meeting, the members of the Board, the Attorney, the Manager and the Clerk shall take their regular stations in the Board's Chamber, and the business of the Board shall be taken up for consideration and disposition in accordance with the agenda for the meeting. The agenda shall constitute the order of business, unless otherwise determined by the Chair.

**Section 1.11 - Rules of Debate:**

a) Each meeting agenda must state: "Any person who wishes to be heard shall, prior to the item being called, provide the Clerk with his/her name and residence, and the agenda item on which he or she wishes to be heard. An individual has three minutes. However, the first person representing an organization has five minutes to address the Board. Subsequent speakers for the same organization have three minutes to address the Board. For land use items, the time statement will be: "The petitioner and, if the owner is different than the petitioner, then the owner of the property that is the subject of the land use item, will be allowed 20 minutes to address the Board. Other persons are allowed five minutes to address the Board."

b) **Questions under Consideration:** When an item of business has been announced by the Clerk, the Clerk shall notify the Chair of any persons who wish to be heard on that item. Upon conclusion of audience participation, the Board shall then consider the item.

After the Board has begun its discussion of the item, no further audience participation is permitted, unless the Chair (or other Presiding Officer) permits a member of the audience to respond to questions from the Commissioners. A motion must be made and properly seconded in order for official action to be taken by the Board. The presenter/mover shall be allowed to address the Board on the motion initially, whereupon each of the other Commissioners shall be allowed to address the Board on the motion before the Board on any matter in alphabetical order as is done on regular roll call except the presenter/mover shall have the right to address the Board initially and to close the debate on the matter under consideration.

c) As to the Chair: The Chair or such other member of the Board as may be presiding may move, second, and debate from the Chair, subject only to such limitations of debate as they are by those rules imposed upon all members and shall not be deprived of any of the rights and privileges of a Commissioner by reason of his/her being the Presiding Officer.

d) **Obtaining the Floor, Improper References to be Avoided:** Every member desiring to speak for any purpose shall address the Presiding Officer, and upon recognition, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

e) **Interruption:** A member, once recognized, shall not be interrupted when speaking unless it be to call him or her to order or as herein otherwise provided. If a member, while speaking, be called to order, he/she shall cease speaking until the questions of order be determined by the Presiding Officer, and if in order, he/she shall be permitted to proceed. Any member may appeal to the Board from the decision of the Chair upon a question of order when without debate the Chair shall submit to the Board the question, "Shall the decision of the Chair be sustained?" and the Board shall decide by a majority vote.

f) **Roll Call Vote:** No member of any state, or municipal governmental board, Board, or agency who is present at any meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling or other official act,

and a vote shall be recorded or counted for each member present, except when, with respect to any such matter, there is, or appears to be, a possible conflict of interest under the provision of Florida Statutes Sections 112.311, 112.313, or 112.3143. In such cases said member shall comply with the disclosure requirements of Florida Statutes Section 112.3143. (check this)

#### **Section 1.12 - Reading Minutes:**

Unless a reading of the minutes of a meeting is requested by a majority of the Board, such minutes shall be considered for approval without reading; provided that the Clerk delivers a copy thereof to each member of the Board, the Attorney and the Manager at least one full working day preceding the meeting at which the minutes will be approved. The minutes of prior meeting may be approved by a majority of the members present, and upon such approval shall become the official minutes.

#### **Section 1.13 - Votes by Roll Call:**

The vote upon every resolution shall be taken by roll call in alphabetical order except the Chair shall be the last member called, and the vote shall be entered upon the minutes. Resolutions shall be signed by the Presiding Officer and Secretary - Treasurer at such meetings and by the Clerk before they are entered upon the minutes.

Each resolution shall contain, at the conclusion of the 'Passed and Adopted' clause, a list of the members of the Board and the vote cast by each ('Yes', 'No', 'Recused' or 'Not Present').

#### **Section 1.14 - Decorum:**

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Board shall be barred from further audience before the Board by the Presiding Officer, unless permission to continue or again address the Board be granted by the majority vote of the Board.

#### **Section 1.15 - Sergeant-at-Arms:**

The Sheriff, or his/her designated deputy, shall be the sergeant-at-arms at the Board meetings and will carry out all legal orders of the Chair for purposes of maintaining order and decorum in accordance with these rules and Florida Statutes.

#### **Section 1.16 - Resolutions, Motions, Contracts and Other Documents:**

a) Preparation of resolutions: The Attorney, when requested, shall prepare resolutions, a copy of which shall be delivered to the Manager, whereupon the Manager shall forthwith furnish a copy to each Commissioner and the Clerk. The original of the resolution shall be filed with the Clerk at the time said resolution is submitted to the Board for action.

The procedures as set forth in the Florida Statutes for adoption of public hearings shall be followed.

b) **Approval of Documents by the Attorney:** All resolutions and contract documents before presentation to the Board shall have been reduced in writing and shall have been approved as to form and legality by the Attorney. When so referred, the Attorney shall affix his/her signature on the document certifying to the legal sufficiency and shall append his/her recommendations as appropriate.

**c) Introducing for Passage or Approval:** Resolutions, contracts and other matters and subjects requiring action by the Board must be introduced and sponsored by a member of the Board, except that the Attorney and Manager may present resolutions and other matters or subjects to the Board for consideration, and any Commissioner may assure sponsorship thereof by moving such resolution, matter or subject be adopted in accordance with law; otherwise they shall not be considered. The Board relies on the Manager, Attorney and staff for timeliness, content, substance and presentation of contracts and resolutions. Contracts are of particular importance and if not of routine business nature must either receive prior Board approval or the result of Board action. Any contract or resolution prepared at the request of a Commissioner or Manager, shall bear the name of the person on the document. All supporting material must be accompanied by a coordination initial or signature reflecting review and approval by District personnel.

Prior to placement on the Agenda of contracts or other similar matters to be approved by the Board as official actions, such document shall have been completely processed according to administrative procedures issued by the Manager.

**d)** All resolutions, contracts and other documents approved by the Board must be signed by the Chair, or Vice Chair in the absence of the Chair, and the Secretary - Treasurer as promptly as possible.

**Section 1.17 - Adjournment:**

A motion to adjourn shall always be in order and decided without debate.

**Section 1.18 - Clerk, Minutes, Correspondence:**

**a)** The Clerk, or his/her designated deputy, shall act as Clerk ex officio to the Board. The Clerk shall prepare the minutes and attest to all resolutions and other required documents.

**b)** The official minutes as prepared by the Clerk shall be as brief as possible and reflect on the very essential elements or actions. Those items specifically requested by the Board shall appear in the minutes in the manner as directed.

**c)** The Clerk shall be custodian of the Seal, if appropriate, affixing the seal to documents as appropriate and attest to the signature of the Presiding Officer on all resolutions and other documents.

**Section 1.19 - Committees:**

**a)** Committees shall be established by Board by resolution and shall be for a specific time duration and purpose.

**b) Function:**

1. The Committee will only function in an advisory or investigative manner, as specified by the establishing resolution, and will have no legislative, directive or enforcement authority.

2. Any item requiring formal action shall be referred to the Board for action at a regular meeting for consideration.

3. Committee meetings shall be properly noticed according to requirements of statute. All committee meetings must be held in the sunshine as mandated by Sec. 286.0105, Fla. Stat.

**4.** Committee reports to the Board may contain recommendations of action but must contain all data and views concerning the matter so as to inform the Board of all available information prior to their decision, and not simply consensus views.

**5.** The Manager shall provide the committee with a employee to take written minutes of all Committee meetings. The Manager's Office shall also be the custodian of those minutes.

**c) Composition.**

**1.** Committees may be composed of any number considered to be beneficial.

**2.** Committees shall elect their own respective Chair.

**d)** Committees shall adhere to the rules adopted by the Board as Governing Rules Section 1.01 of these procedures.

**e)** Committees shall provide the Board with a written or oral report on a schedule to be determined by motion of the Board.

# KLWTD Board Meeting September 3, 2003

## Item J – 2

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## **FloridaKeys.com References for the Key Largo Wastewater Board**

FloridaKeys.com can create a dynamically driven Internet solution around most any business objectives. The following clients have various types of database integrations and most importantly, all were created to solve specific site updating, content delivery or communication objectives. These solutions represent only a fraction of the diverse database solutions FloridaKeys.com has created.

**Client:** Monroe County Tourist Development Council

**Contact:** Harold Wheeler

**Title:** Marketing Director

**Phone:** 305.296.1552

**Email:** [director@fla-keys.com](mailto:director@fla-keys.com)

**URL:** <http://www.fl-keys.com>

**Solution Provided:** The Monroe County TDC is FloridaKeys.com's largest account in terms of site functionality and custom database solutions. Some of the specific database creations include:

1. Updateable fishing and events calendar.
2. Ability for the public relations agency to post stories to various sections of the site including adding links, images and downloadable files.
3. Accommodations Amenity Search feature.
4. E-Postcards system whereby TDC Sales staff can create and send customized electronic newsletters and have them sent to large numbers of recipients.

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**Client:** Florida Keys Council of the Arts

**Contact:** Monica Haskell

**Title:** Marketing Director

**Phone:** 305.295.4369

**Email:** [monica@keysarts.com](mailto:monica@keysarts.com)

**URL:** <http://www.keysarts.com>

**Solution Provided:** Artist Registry service whereby artists can add their gallery listings and events.

**Client:** Islamorada Chamber of Commerce

**Contact:** Patty Spiedel

**Title:** Executive Director

**Phone:** 305.664.4503

**Email:** [director@islamoradachamber.com](mailto:director@islamoradachamber.com)

**URL:** <http://www.islamoradachamber.com>

**Solution Provided:** This site is focused primarily towards the tourist market and includes a database driven members listings pages, calendars, electronic newsletters.

**Client:** Apalachicola Bay Chamber of Commerce

**Contact:** Anita Grove

**Title:** Executive Director

**Phone:** 850.653.9419

Email: [anita@apalachicolabay.org](mailto:anita@apalachicolabay.org)

URL: <http://www.apalachicolabay.org>

**Solution Provided:** This is our most recent Chamber of Commerce Web site and it employs a great deal of database elements. Some of which include: rotating images on member listing's pages so that the pages keep a better shelf life, administration section enabling the chamber staff to add Business Categories, Complete Member Listings and Calendars.

Following is a list of other Client sites that FloridaKeys.com has created.

#### Client References

#### TOP CLIENT LIST

Monroe County Tourist Development Council	<a href="http://www.fla-keys.com">www.fla-keys.com</a>
Sloppy Joe's	<a href="http://www.sloppyjoes.com">www.sloppyjoes.com</a>
Margaritaville	<a href="http://www.margaritaville.com">www.margaritaville.com</a>
Hog's Breath	<a href="http://www.hogsbreath.com">www.hogsbreath.com</a>
Pier House	<a href="http://www.pierhouse.com">www.pierhouse.com</a>
Coldwell Banker	<a href="http://www.realestateFloridaKeys.com">www.realestateFloridaKeys.com</a>
Casa Marina	<a href="http://www.casamarinaKeyWest.com">www.casamarinaKeyWest.com</a>
Greg O'Berry Real Estate	<a href="http://www.oberry.com">www.oberry.com</a>
Spottswood Companies	<a href="http://www.spottswood.com">www.spottswood.com</a>

#### ASSOCIATION WEB SITES

Key West Attractions Association	<a href="http://www.KeyWestattractions.org">www.KeyWestattractions.org</a>
Key West Innkeepers Association	<a href="http://www.KeyWestinns.com">www.KeyWestinns.com</a>
Islamorada Chamber of Commerce	<a href="http://www.islamoradachamber.com">www.islamoradachamber.com</a>
Official Fantasy Fest Web Site	<a href="http://www.fantasyfest.net">www.fantasyfest.net</a>
Cuban American Heritage Festival	<a href="http://www.cubanfest.com">www.cubanfest.com</a>
Monroe Council of the Arts	<a href="http://www.keysarts.com">www.keysarts.com</a>
Key West Business Guild	<a href="http://www.gayKeyWestfl.com">www.gayKeyWestfl.com</a>

Key West Arts & Historical Society      [www.kwahs.com](http://www.kwahs.com)  
Apalachicola Bay Chamber of Commerce      [www.apalachicolabay.org](http://www.apalachicolabay.org)

**E-Commerce Store Fronts**

Margaritaville      [www.margaritaville.com](http://www.margaritaville.com)  
Conch Traders      [www.conchtraders.com](http://www.conchtraders.com)  
Hog's Breath      [www.hogsbreath.com](http://www.hogsbreath.com)  
Marine Wildlife Gallery      [www.marinewildlifegallery.com](http://www.marinewildlifegallery.com)  
Crabby Dicks      [www.crabbydicksKeyWest.com](http://www.crabbydicksKeyWest.com)

**In-House Productions**

Key West Paradise      [www.KeyWest.com](http://www.KeyWest.com)  
Discover Key West      [www.key-west.com](http://www.key-west.com)

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[www.keysnews.com](http://www.keysnews.com)  
FloridaKeys.com      [www.FloridaKeys.com](http://www.FloridaKeys.com)  
Live Duval Street      [www.liveduvalstreet.com](http://www.liveduvalstreet.com)  
Shop Key West      [www.shopKeyWest.com](http://www.shopKeyWest.com)  
FloridaKeys.net      [www.FloridaKeys.net](http://www.FloridaKeys.net)  
Florida Keys Real Estate Network      [www.fkren.com](http://www.fkren.com)

Gary, we have developed so many solutions in so many industries and I hope you will find these clients' solutions helpful. If you want other solutions, please let me know and I will send you others.

Thank you,



Clinton Barras  
FloridaKeys.com

**KLWTD Board Meeting  
September 3, 2003**

**Item J – 7**

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## Faith Doyle

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**From:** Andrew M. Tobin [Tobinlaw@terranova.net]  
**Sent:** Friday, August 29, 2003 10:54 AM  
**To:** Andrew Tobin; Gary Bauman; Jerry Wilkinson; Charlie Brooks; Cris Beaty  
**Cc:** Charles Sweat; SHEETS, ROBERT; Faith Doyle; David Miles  
**Subject:** Discussion Items

All;

At last week's meeting it became apparent that the Board needs a written policy/ procedure for moving discussion items forward. I propose adopting the following procedure.

- a) Any Commissioner can place an item on the agenda for discussion;
- b) After discussion the Commissioner can request the item be referred to Staff for further refinement and consideration with the concurrence of one additional Commissioner;
- c) Staff will consider the pro/cons of implementing the item and bring the item back to the Board for a formal vote together with a recommendation.

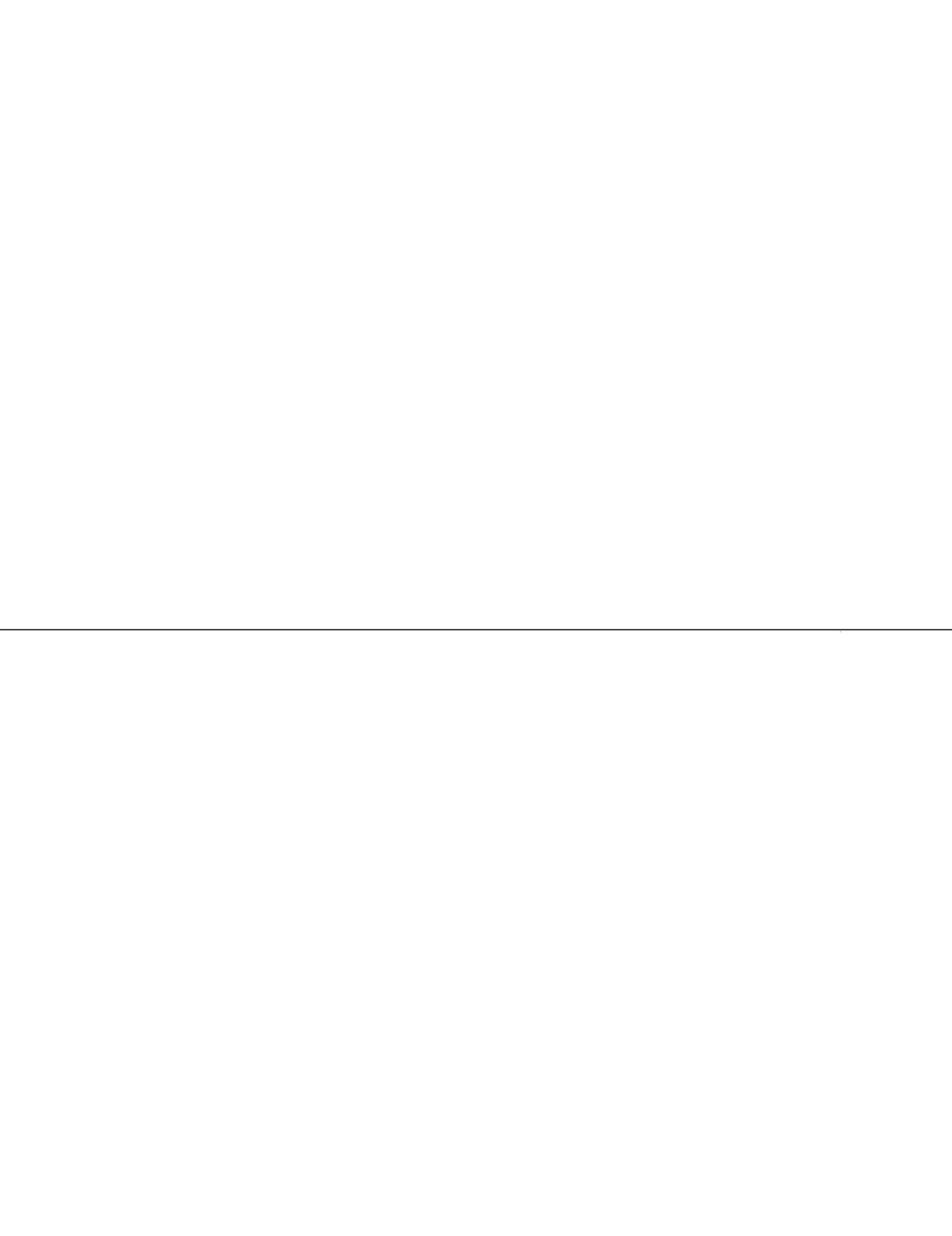
Faith: Please include this on the agenda for Discussion next week.

Andy

Andrew M. Tobin, P.A.  
Attorney at Law  
P.O. Box 620  
Tavernier, FL 33070

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Tele: 305-852-3388 email: [Tobinlaw@terranova.net](mailto:Tobinlaw@terranova.net)



## Faith Doyle

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**From:** Jerry Wilkinson [jerry142@terranova.net]  
**Sent:** Friday, September 26, 2003 6:11 PM  
**To:** Faith Doyle  
**Subject:** RE: KLWTD draft 9-3-03 minutes for review

Faith:

Somewhere in the meeting is a "Commissioner Wilkinson "want" . . . .  
This should be corrected.

Jerry  
\*\*\*\*\*

-----Original Message-----

**From:** Faith Doyle [mailto:FDoyle@govmserv.com]  
**Sent:** Friday, September 26, 2003 2:44 PM  
**To:** Andrew M. Tobin Esq. (E-mail); Charles S. Brooks (E-mail); Charles  
Sweat; Cris BEaty (E-mail); Gary Bauman (E-mail); Jerry Wilkinson  
(E-mail); Robert Sheets  
**Subject:** KLWTD draft 9-3-03 minutes for review

Gentlemen,

Please review the attached, if it is at all possible I would like to  
add  
them to Wednesday's agenda.....if they all get approved I am once  
again  
current with my minutes.....

Thanks,

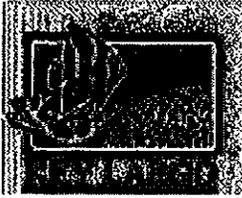
<<Sept 3 2003 1st draft minutes.pdf>>

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(sorry this is not in WORD, I had some computer trauma's !!!!)

Faith Doyle  
Clerk to the Board  
c/o Government Services Group, Inc.  
614 N. Wymore Road  
Winter Park, FL 32789  
Phone (407) 629-6900  
Fax (407) 629-6963  
Cell (321) 246-0059

DRAFT



# Key Largo Wastewater Treatment District Board of Commissioner's Meeting Minutes

4:00 PM Wednesday, September 3, 2003  
Key Largo Civic Club, 209 Ocean Bay Drive

## BOARD MEMBERS PRESENT

Chairman Andrew Tobin  
Commissioner Gary Bauman  
Commissioner Cris Beaty  
Commissioner Charles Brooks  
Commissioner Jerry Wilkinson

## STAFF MEMBERS PRESENT

Robert E. Sheets, General Manager  
Ed Castle, Project Manger, Weiler Engineering Corporation  
Faith Doyle, Board Clerk

### A. Call to Order

Chairman Tobin called the meeting to order at 4:00 p.m.

### B. Pledge of Allegiance

All stood and the pledge was recited.

### C. Public Comment

Chairman Tobin suggested voting at 7:00 p.m. to see if the meeting should continue after that point in time. Commissioner Wilkinson does not want items staying on the agenda for several meetings and suggested that perhaps a double meeting should be held in the near future.

Chairman Tobin asked if any one present wished to address the Board. William "C.W." Michaelson comments that the KLWTD website has been hosted for the past year free of charge. Unfortunately he has not received much input on the content and the only schedule dates had been received from Commissioner Wilkinson. Mr. Michaelson was informed that future KLWTD web development and hosting might be done by another company that is not located in Florida. Mr. Michaelson would like to see the work stay in the keys. He believes local business is not being treated well and he is unhappy with the way local businesses are treated. Chairman Tobin thanked Mr. Michaelson for hosting the website as a community benefit and stated that the Board is appreciative. Chairman Tobin stated that committee work is continuing on the maintenance of the web site and research will continue into using local vendors.

Commissioner Bauman asked about the lack of communications and the lack of development, design, maintenance and upon the site on a regular basis. Commissioner Bauman invited an open discussion of the issues at a private meeting with Mr.

Michaelson. Commissioner Bauman stated that he believes in supporting local businesses. Mr. Michaelson stated that he agreed that the communication has not been the best and requested that Commissioner Bauman contact him again. Commissioner Wilkinson believes the set up was good but the information needs to come from the general manager or the clerk. Commissioner Bauman and Commissioner Wilkinson noted that KLWTD needs a web keeper that is receptive to local issues and neither believes that Cooke communications would provide a viable alternative.

#### D. Minutes – Draft July 30, 2003

The Board requested that for future agendas the minutes be presented after the additions, deletions or corrections to the agenda.

**Commissioner Brooks motioned to approve the meeting minutes from July 30, 2003. Commissioner Wilkinson seconded and all were in favor.**

#### E. Additions, Deletions or Corrections to the Agenda

It was requested that Item J5 be moved to the first item discussed because other discussion items relate to strategic planning.

Commissioner Wilkinson stated that further discussion on the local legal counsel issue would be covered under G-1. The Board concurred.

#### F. Action Items

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##### 1. Approval of the revised Monroe County Loan Agreement with KLWTD

Mr. Sheets stated that at the May meeting the Board finalized their revisions to the agreement, executed it and sent it to the County. However, the County was concerned with the unilateral changes. Mr. Sheets and Commissioner Brooks discussed the agreement with the County over the phone and of most concern to the County was the provision to not re-pay the loan under certain circumstances. The County has offered a change to Section 3.a. adding that if the KLWTD has not collected sufficient funds the KLWTD has the right to request the County to renegotiate the terms of the agreement. This change would satisfy the County and protects the KLWTD while giving them the open door to discuss options with the County if funds are not available. Mr. Sheets cautioned that the KLWTD Board funding from FEMA couldn't be disbursed until this agreement is finalized. Under this agreement once it is signed then the funds would be forward to KLWTD for disbursement on qualified expenditures.

Commissioner Wilkinson disagrees with the matching grant being a loan and stated that the \$2,700 capital recovery fees should not be used for repayment of the loan. Commissioner Wilkinson believes the capital recovery fees are to be used for future growth.

Commissioner Beaty comments that listed under item number one of the agreement the County shall transfer \$731 thousand and FKAA \$182 thousand. He question if an accounting for the \$182 thousand was available. Mr. Sheets stated that he would verify if one was available.

Commissioner Brooks noted that the entire Interlocal Agreement is considered an exhibit to the document. Commissioner Brooks also wants to see an accounting of the funds already expended. Commissioner Brooks is concerned with approving the document because it is not stated specifically that FKAA is part of this agreement. Mr. Sheets stated that they are included in the Interlocal Agreement, which is an attachment of the agreement and defines the FKAA's responsibilities.

Chairman Tobin suggested changes. Discussion ensued. Commissioner Brooks asked Mr. Sheets if the FKAA meeting scheduled by Mr. Sheets had been held. Mr. Sheets stated that a specific date has not been set. Commissioner Bauman asked if the \$182 thousand was to be audited. Mr. Sheets stated that Danny Kohlage would most likely be auditing the fund for the County and that the DEP and KLWTD external auditors would also.

**Commissioner Brooks motioned to approve the agreement and to send it with a cover letter from the general manager addressing the need for an accounting of the \$182,000 from the FKAA. Discussion ensued on if the County should sign the document before the KLWTD does. Mr. Sheets stated that the Board has approved the agreement in form and substance and with the impending liability of invoices that require payment by the KLWTD for preliminary design the document needs to be finalized so that it be placed on the County agenda for action resulting in KLWTD receiving the funds. The Chairman requested a roll call vote.**

<b>Commissioner Bauman</b>	<b>Yes</b>
<b>Commissioner Beaty</b>	<b>Yes</b>
<b>Commissioner Brooks</b>	<b>Yes</b>
<b>Commissioner Wilkinson</b>	<b>NO</b>
<b>Chairman Tobin</b>	<b>Yes</b>

#### G. General Manager's Report

1. Recommendation of a request for qualifications and a procedure for the interviewing and selection of general legal counsel

Mr. Sheets suggested that the process for the recruiting of a local attorney be informal. The proposed notice for advertisement was presented. Mr. Sheets stated that once responses are received the respondents should be invited for an interview during the 2<sup>nd</sup> public meeting in October. Legal counsel selection is not bound by the CCNA process and legal counsel should be appointed as soon as possible.

Chairman Tobin comments that after discussions with Terry Lewis he has been actively recruiting several firms. The Board suggested that John Jabro, Dirk Smitt, Jim Lupino, Harvey Ziegler and Nicholas Mulick be contacted. Chairman Tobin suggested sending a general faxed invitation via the bar association to inform the local members of the bar that the position is available.

The manager was requested to prepare a letter to be sent on the 5<sup>th</sup> for responses by the 12<sup>th</sup>. An update would be provided to the Board at the September 17th meeting.

Discussion ensued on advertising for general counsel or special counsel and the issues it could create with job assignments. Discussion ensued on the process of selection and the timing of the interviews.

The general manager was directed to call the position "Board Counsel" and to rework the letter, forward it to the upper keys bar association and to the five attorneys named by the Board. It was suggested that the interviews be held on September 17, 2003 and that the meeting begin at 3:00 p.m. and one candidate per hour be interviewed with regular business being conducted between interviews. All members agreed that any resumes received by Wednesday be forwarded to the Board. Mr. Sheets is to inform the candidates that they should be prepared to discuss fee structure.

2. Recommendation after review of the LEWIS, LONGMAN & WALKER invoices.

Mr. Sheets stated that any contact in the future with the attorney would be directed by him. Mr. Sheets provided a sample copy of an agenda item control sheet and a working group agenda. Mr. Sheets stated that the working group agenda was the control document used to place things on the agenda and to keep track of directives from the Board to staff.

Discussion ensued on the development of agenda control procedures. Chairman Tobin stated that each member of the Board should be able to contact the Board's attorney for advice, but he believes it is not appropriate to have all documents reviewed by legal if they have been tasked to staff.

Commissioner Bauman stated that because there is not presently a policy in place and that legal had been directed to review the documents they should be paid for it. Commissioner Wilkinson believes hiring an attorney who charges a flat fee retainer ~~would result in not being invoiced for review of minutes and other standard documents.~~ Commissioner Wilkinson asked if the policy including agenda control procedures would be ready for the 17<sup>th</sup> meeting. Mr. Sheets stated the policies would not be ready for the 17<sup>th</sup> and that flat fees can be misleading. Discussion ensued on legal fee structures.

**Commissioner Bauman motion to approve the Lewis, Longman and Walker bill in the amount of \$7,263.34. Commissioner Wilkinson seconded the motion. All were in favor and the motion carried.**

3. Recommendation of a procedure for contract adoption.

Mr. Sheets stated that it would be beneficial to schedule the first strategic planning session in September and drafting of the policy and procedures should be part of the strategic planning session.

Mr. Sheets asked the Board if it wants to consider having a listing in the yellow pages for the KLWTD. It was noted that the local KLWTD phone number was listed in the white pages. It was the consensus of the Board to not advertise in the yellow pages at this time.

H. Legal Counsel's Report

No legal report was presented.

I. Engineer's Report

Mr. Castle stated that Mr. Weiler provided a detailed report at the last meeting. Mr. Castle informed the Board that there will be a project team meeting in Miami on September 8 at 1:00 p.m. at the Brown and Caldwell office and that a proposed work plan for completing the balance of the KLP would be discussed and the first draft of a preliminary design report should be presented to staff. The decision to use either USBF or SBR and Airvac or Roevac should begin at the 17<sup>th</sup> Board meeting. Mr. Sheets stated that the most current Schedule B would be forwarded to the Board.

Discussion ensued on the content of the September 17, 2003 agenda and the possibility of needing an additional meeting in September. Discussion ensued on the placement of the lawyer interviews and the engineering meetings. Mr. Sheets suggested the engineering meetings be held on the 17<sup>th</sup> and the lawyers at the first meeting in October.

Commissioner Brooks asked if the USBF/SBR and Airvac/Roevac evaluation process would involve presentations on the technologies or would the Board be following the recommendations of the staff, engineers and contractors. Discussion ensued. Chairman Tobin requested an analysis from the principals on what they are basing their decisions on.

Mr. Castle stated that Haskel would provide Brown and Caldwell's recommendations and that WEC would offer an opinion on the recommendation of the vacuum system and would review their opinions based on historical data.

Commissioner Wilkinson stated that as the technical committee chair he would like to present information to the project team concerning the position of the Board.

~~Commissioner Bauman stated that if it is to be presented as the Board's view the Board must agree to it. Commissioner Wilkinson's stated that he would preface his presentation and state that it his opinion only.~~

Mr. Castle stated that he and Mr. Sweat are working on getting all documentation from Boyle Engineering for conceptual design work that was done on the KLP and KLTV projects.

Commissioner Brooks stated that during contract negotiations USBF was the preference of the Board and it would remain that way unless it can be demonstrated that an alternative was better suited to the KLWTD's needs. Haskell with Brown and Caldwell will review USBF and SBR along with alternatives and WEC will verify their recommendation. WEC understands the Board's wishes. Mr. Castle will be giving operating budgets for the two systems without prejudice.

Commissioner Brooks asked Mr. Sheets about the status of the FEMA Site Assessment. Mr. Sheets stated that he would be meeting with Miles Anderson of the DCA concerning the issue and he has a tentative meeting of September 15<sup>th</sup>. Mr. Anderson also wants to meet with the general manager and Chairman Tobin to discuss several issues just as the low to moderate income funding plan and the Environment Assessment public hearing and the combining of the two projects into one.

Chairman Tobin requested the general manager draft a letter to FEMA to inform them of the KLWTD need for a final FEMA schedule on the site assessment.

Discussion ensued on the need for Higgins to begin work as soon as possible on the KLP project.

Chairman Tobin recessed the meeting at 6:00 p.m.

Chairman Tobin reconvened the meeting at 6:10 pm

#### J. Commissioner's Items

It was requested that Item J-7 be discussed first. The policy/procedure for moving discussion items to action items was brought to the floor. Chairman Tobin requested that this procedure be adopted as an interim policy. Chairman Tobin requested that the item be reviewed and a recommendation made by staff for action at the next meeting.

Discussion ensued about the procedure conflicting with Roberts Rules of Order. Discussion ensued on the agenda item request with staff doing research prior to an item being added to an agenda. Commissioner Brooks believes this item should be held for legal counsel review and for further discussion in the strategic planning session.

**Commissioner Bauman motioned for staff to draft a formalized process to advance discussion items to action items. Commissioner Wilkinson made a second to the motion. All were in favor and the item was unanimously approved.**

##### 1. Discussion of Commissioner Wilkinson's email of Monday, August 18, 2003

Mr. Sheets stated that a working group agenda that would include pending projects and directives of the Board has been developed. Commissioner Wilkinson suggests the general manager provide a work in progress report during his report.

**Commissioner Wilkinson motioned to have a work in progress report added to the agenda. Chairman Tobin seconded the motion. The motion carried.**

Mr. Sheets stated that an agenda control process should be part of an overall discussion of how to conduct business. The clerk was requested to forward examples of agenda control documents to the Board.

**Chairman Tobin motioned for a formal agenda procedure to be drafted. Commissioner Wilkinson seconded the motion. All were in favor.**

Commissioner Wilkinson want an 800 number established to access the general manager.

Chairman Tobin requested that all of Commissioner Wilkinson concerns be addressed by the general manager for formal action on the 17<sup>th</sup> of September or the 1<sup>st</sup> of October.

##### 2. Discussion of web site services – Commissioner Bauman

The item was removed from the agenda until Commissioner Bauman speaks with Mr. Michaelson.

3. Discussion for possible action – Workshop meeting procedure, agenda and Advertisement – Chairman Tobin

This item was removed and will be discussed at the strategic planning workshop.

4. Discussion of the intent of the Interlocal agreement in reference to the sharing of existing and future grants – Chairman Tobin

The item was tabled until the next meeting.

5. Discussion of the scheduling of a strategic planning session and the request for a scope of service from a planning engineering firm – Commissioner Bauman

Commissioner Bauman stated that it is imperative that this issue be addressed because it's importance in demonstrating the KLWTD's readiness to qualify for future funding.

Mr. Sheets suggested that a facilitator be brought in to help develop a strategic plan along with the many other policy and procedural issues facing the Board. The clerk was directed to forward a sample strategic plan to the Board.

Mr. Sheets stated that a scope of service should be drafted for the update of the master plan and the work would be done by an engineer selected from the CCNA process.

Commissioner Bauman requested that the general manager begin drafting the scope of service for the master plan review and the development of the KLWTD strategic plan. ~~Discussion ensued on the timing of the strategic planning session and master plan~~ scope of work. Mr. Sheets stated that there are funds set in the contingency line item of the budget to be approved on 9/17 and that the Board needs a plan ready to avail them selves of future funding. A strategic planning session to develop a business plan to demonstrate to funding agencies that the KLWTD knows what to do if funded.

**Commissioner Bauman made a motion to have the general manager develop an outline of the steps needed to accomplish the strategic plan and master plan review to be presented at a subsequent meeting. Commissioner Wilkinson seconded the motion. All were in favor.**

6. Discussion on KLWTD physical public records location – Commissioner Brooks

The item was tabled until the next meeting.

7. Discussion of policy/procedure for moving discussion items forward – Chairman Tobin

Please see above.

Chairman Tobin stated that he had been informed that the 29% share of the \$100 million dollars might be in jeopardy. Commissioner Brooks continues to remind all those involved of the history of how the original award came about. Commissioner Brooks stated that the Intergovernmental Task Force was formed with local communities for the purpose of coordinating the distribution of federal money. Commissioner Brooks gave

the history of the how the share of 29% was cut from being for Key Largo to being marked for all of unincorporated Monroe County. Commissioner Brooks was told that the issue has been addressed to get the money back to Key Largo and that Representative Sorenson was involved and aware of all the developments. Commissioner Brooks stated that he has documentation (the minutes from the last Intergovernmental Task Force meeting) verifying that Key Largo would receive the 29% but to be successful it will take continued pressure. Commissioner Brooks stated that the SFWMD is the entity that would distribute the funds and that Cecilia Weaver is the Key's representative from SWFMD and will also monitor the situation.

Commissioner Brooks suggested that follow up on this issue be moved to the managers work in progress report. Commissioner Brooks stated that he would continue to update the Board on this issue and that Cecilia Weaver of SWFMD has been provided documents that prove Key Largo is to receive 29% of the allocation.

Chairman Tobin requested that Ms. Weaver be invited to attend a future KLWTD Board meeting.

#### L. Meeting Adjournment

**Commissioner Brooks made a motion to adjourn. Commissioner Bauman seconded the motion. Chairman Tobin adjourned the meeting at 7:50 P.M.**

# Key Largo Wastewater Treatment District

## Guest Sign In Sheet

Wednesday, September 3, 2003

\*\*\*\*Please Print\*\*\*\*

<u>Name &amp; Title</u>	<u>Representing</u>	<u>Phone</u>
1. C. FISHBURN		942-1376
2. Bell Joe		451-2299
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JUN-12-2003 11:24 The Law Offices of Shadd... 1312537103 7.02/00  
\* LAST DRAFT REVIEWED BY WEC

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: 18 June 2003 Division: Growth Management  
Bulk Item: Yes  No  Department: Marine Resources

**AGENDA ITEM WORDING:**

Public hearing to adopt an Ordinance amending Chapter 15.5, Monroe County Code to provide for a Uniform Wastewater System Connection Standard.

**ITEM BACKGROUND:**

At the January 2003 regular BOCC meeting, the Commission heard from a number of individuals with complaints concerning connection requirements to facilities operated by Key West Resort Utilities (KWRU). The Commission requested that staff talk to property owners and the Utility to determine if any adjustments need to be made to the County's contract with the Utility concerning engineering options and a uniform connection policy.

The attached Ordinance and the Uniform Wastewater System Connection Standard that it contains, represent a direction specific to issues found in staff's consideration of concerns raised with Key West Resort Utility. However, the connection standard that it provides is intended to be applied generally throughout the County, in consideration of all connection issues that may arise elsewhere. The public hearing on this proposed Ordinance was continued from the Commission's May 21<sup>st</sup>. meeting.

**PREVIOUS RELEVANT BOCCA ACTION:**

Approval of a Contract with KWRU

**CONTRACT/AGREEMENT CHANGES:**

NA

**STAFF RECOMMENDATIONS;**

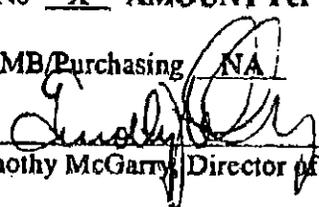
Approval

TOTAL COST: None BUDGETED: Yes  No

COST TO COUNTY: None SOURCE OF FUNDS: \_\_\_\_\_

REVENUE PRODUCING: Yes  No  AMOUNT Per Month \_\_\_\_\_ Year \_\_\_\_\_

APPROVED BY: County Atty  OMB/Purchasing NA Risk Management NA

DIVISION DIRECTOR APPROVAL:   
Timothy McGarry, Director of Growth Management

DOCUMENTATION: Included  To Follow  Not Required

DISPOSITION: \_\_\_\_\_ AGENDA ITEM NO.: 162

**ORDINANCE NO. 2003**

**AN ORDINANCE OF THE MONROE COUNTY BOARD OF COMMISSIONERS CREATING SECS. 15.5-33 THROUGH 15.5-38, MONROE COUNTY CODE, IN ORDER TO PROVIDE FOR A UNIFORM WASTEWATER CONNECTION POLICY FOR UNINCORPORATED AREAS WITHIN MONROE COUNTY, BY SUPPLEMENTING SECS. 15.5-20 THROUGH 15.32, MONROE COUNTY CODE, CONCERNING REQUIRED CONNECTION TO AVAILABLE SEWERAGE SYSTEMS AS DEFINED THEREIN, PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF SECTIONS FOUND INCONSISTENT WITH THIS REVISION, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, it is the desire of the Board of County Commissioners that a fair; equitable, and uniform standard exists for the required connection to any available sewerage system within the unincorporated area of Monroe County; and

WHEREAS, there are multiple wastewater authorities operating within the unincorporated area of the County that are by some means supported through the efforts of the Board of County Commissioners; and

WHEREAS, each wastewater authority within the unincorporated area of the County has slightly differing policies requiring connection to an available sewerage system; and

WHEREAS, the existing Secs. 15.5-20 through 32 provide substance but not detail regarding connection requirements to an available sewerage system, as defined therein; and

WHEREAS this Ordinance would provide criteria and greater detail than the connection requirements of Chapter 15.5 as it would relate to

1. the obligations of the a publicly owned or investor owned sewerage system for providing service at or near a private property boundary and
2. the obligations of a private property owner to provide connection to the sewerage system, and

WHEREAS, it is intended that this Ordinance be as flexible as possible, it may be modified from time to time as conditions warrant, now, therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, MONROE COUNTY, FLORIDA THAT:

**Section 1.** Sections 15.5-33-15.5-38, Monroe County Code, are hereby created to read as follows:

Sec. 15.5-33: **Title.** Unincorporated Monroe County Uniform Wastewater Connection Standard

Sec. 15.5-34: **Purpose.** This Standard serves to supplement Sections 15.5-20 through 32 of the Monroe County Code.

**Marine Resources**

**Sec. 15.5-35: Applicability.** This policy applies to all publicly owned and investor-owned wastewater utilities in unincorporated Monroe County financially supported by the Board of County Commissioners, including the Florida Keys Aqueduct Authority (FKAA), the Key Largo Wastewater Treatment District (KLWTD), and Key West Resort Utility (KWRU).

- A. The goal of this policy is to have every residential and commercial user of a system treated equitably to the greatest extent possible:
1. in the Utilities' provision of wastewater facilities in the public right-of-way; and
  2. in the wastewater components that are required to be provided by the user on his/her private property.

**Sec. 15.5-36: Definitions.**

B. *Compatible system:* A compatible system shall be a vacuum system (or other collection system provided by the utility within the public right-of-way), or a sewage force main, if the utility has a force main with adequate capacity. Note larger concentrated flows may require connection to a utility-provided force main within the public right-of-way.

C. *Connection:* A connection is defined as the point where an individual or multiple EDUs are connected to the Utility's central collection system and may be by gravity, pressure, or vacuum.

D. *Equivalent Dwelling Unit (EDU):* For purposes of this Ordinance, one EDU is assumed to generate a sewage flow of 167 gallons per day, and a Recreational Vehicle (RV) unit is assumed to generate a sewage flow of 75 gallons per day. One EDU is equivalent to one Equivalent Residential Connection (ERC) as defined by some utilities.

E. **Hydrostatic Test.**

F. *Pipelines:* All private gravity sewers shall be tested for leakage prior to connection to the Utility.

G. All testing for acceptance shall be performed at periods of lowest tide. Testing shall be performed only during the 6-hour period of the lowest tide period of each day (once per day). The Utility shall determine this 6-hour period each day.

H. *Testing Equipment Accuracy:* Plus or minus 1/2 gallon of water leakage under specified conditions.

I. *Maximum Allowable Leakage:* 0.16 gallon per hour per inch diameter per 100 feet.

J. *Hydrostatic Head:*

- i. At least six feet above maximum estimated groundwater level in section being tested.
- ii. No less than six feet above inside top of highest section of pipe in test section.

- K. Length of Pipe Tested: Limit length such that pressure on invert of lower end of section does not exceed 30 feet of water column.
- L. To successfully pass and not be defective, the following shall be demonstrated:
- i. Do not exceed the maximum allowable leakage.
  - ii. All pipe joints shall be aligned and none displaced.
  - iii. Grade and alignment shall be continuous without sags or curvature from structure-to-structure.
- M. Defective Piping Sections: Replace and retest as specified. Grouting of leaky joints on new pipe will not be accepted.
- N. Manholes: Hydrostatically test all project manholes.
- O. Procedure: Plug inlets and outlets and fill manhole with water to height determined by Utility. Bypass pump sewage as required.
- P. Where practical, a manhole may be filled 24 hours prior to time of testing, if desired, to permit normal absorption into the pipe walls to take place.
- Q. Leakage in each manhole shall not exceed 0.1 gallon per hour per foot of head above the invert.
- R. Defective manholes: Repair based on plan submitted to and approved by Utility. Retest as specified.
- S. Industry and Utility Standards:

All sewer systems connecting to publicly-owned or investor-owned utilities shall conform to industry standards and all requirements of Chapters 62 and 64E-6 of the Florida Administrative Code. These standards and requirements include but are not limited to the following:

- T. Gravity Sewer Collection Systems
- U. ~~Individual sewer services shall be tested in accordance with Section 312 of the International Plumbing Code~~
- V. No gravity sewer main shall be less than 8 inches in diameter
- W. Rainwater and groundwater must be excluded
- X. Sewer mains and joints shall be water tight. For sewer mains the air test shall, as a minimum, conform to the test procedure described in ASTM C-828 for clay pipe, ASTM C-924 for concrete pipe, ASTM F-1417 for plastic pipe, and for other materials test procedures approved by the regulatory agency
- Y. Sewers 24 inches or less shall be laid with straight alignment between manholes
- Z. Manholes shall be installed: at the end of each line; at all changes in grade, size or alignment; at all intersections; and at distances not greater than 400 feet for sewers 15 inches or less
- AA. Manholes shall be inspected and tested for water tightness or damage. Air testing shall conform to the test procedures described in ASTM C-1244
- BB. Wastewater Pumping Stations
- CC. Wastewater pumping station structures and electrical and mechanical equipment shall be protected from physical damage from the 100 year flood. Wastewater pumping stations should remain fully operational and accessible during the 25 year flood

**Marine Resources**

- DD. Pumping stations shall be designed with a standard receptacle for connecting portable power generating equipment
- EE. Multiple pumps shall be provided with capacity such that, with any unit out of service, the remaining units will have capacity to handle the peak hourly flow.
- FF. Force main leakage tests shall be performed in a manner acceptable to the Utility's engineers
- GG. Infiltration and Inflow (I/I): Infiltration and Inflow (I&I) is the introduction of storm water run-off, groundwater or other sources of uncontaminated water into a sanitary sewer system. The introduction of I&I is prohibited by Chapter 62 of the Florida Administrative code. All sewer collection systems shall be demonstrated to be free of I&I using one of the test methods cited under the definition of Industry and Utility Standard or by an alternative test method approved by the utility's engineer.
- HH. Ownership of system constructed by private property owner: Where reasonable permanent and temporary easements are granted by the private property owner, the utility may take over the facilities within the permanent easement for ownership and for operation and maintenance in accordance with paragraph 10 below. Facilities outside the permanent easement shall remain the responsibility of the private property owner.

**Sec. 15.5-36: General Direction.**

- A. Every user, either residential or commercial, shall have utility facilities made available to him/her for connection of his system in the public right-of-way, abutting his/her property. *Over 1000 sq ft 50 ft.*
- B. New wastewater systems or extensions generally will be vacuum systems, which the Monroe County Sanitary Wastewater Master Plan identifies as the most economical for systems of 200 to 300 users or greater in Monroe County.
- C. Larger concentrated flows may best be accommodated by connection of an upgraded existing or new pump station to a wastewater force main provided by the utility within the public right-of-way rather than connection to the vacuum main. The decisions as to such improvements will be made by the Utility based principally on cost efficiency in consideration of expense to both the Utility and properties that may be connected to it.
- D. Pump Stations
1. For existing wastewater pump stations:
    - a. The user shall upgrade, at his/her cost, the pump station to industry and utility standards so that the station is able to discharge the design flow to the wastewater to the collection system.
  2. For new wastewater pump stations:
    - a. The user shall provide, at his cost, the new pump station that complies with industry and utility standards.
  3. Once installed or upgraded, the user may own and operate the pump station, or may turn it over to the utility, free of charge, for ownership and for

**Marine Resources**

operation and maintenance, if the utility policy permits. The utility is encouraged to adopt such a policy if one does not exist. Generally, the gravity wastewater collection system upstream of the pump station shall remain the responsibility of the owner.

E. For private property or contiguous properties under one ownership with one or more EDUs which in total has/have an cumulative estimated wastewater flow of less than 1,000 gallons per day:

1. The utility shall provide a means of connection within the public right-of-way, whether by vacuum pit or other, that abuts the property and that can be accessed via a gravity system; or
2. At the request of the property owner, the utility shall provide a connection to the utility system at the public right-of-way line that abuts the property for the property owner to extend onto his property a collection system that is compatible with the utility system and meets the minimum utility design standards.

F. There are two options available for a private property or contiguous properties under one ownership with multiple dwelling units, such as mobile home parks, apartments, condominium associations, etc. which cumulatively has an estimated sewage flow exceeding 1,000 gallons per day and which is currently served by onsite wastewater systems (septic or unknown) or which is currently served by existing wastewater infrastructure and a wastewater treatment plant:

1. The utility may provide a connection to the utility system at the public right-of-way line for the property owner to extend a collection system onto his/her property. The collection system shall be compatible with the utility system and shall meet minimum utility design standards.
2. Where reasonable permanent and temporary easements are granted by the private property owner, the utility may, at its discretion, provide facilities within the granted easements, or at the utility's discretion may accept facilities constructed by the private property owner for operation and maintenance.

The utility is encouraged to meet with the property owner and his engineer to review the options that are available.

G. For new developments or existing developments constructing new collection system (including subdivisions) - The developer shall construct the collection system to industry and utility standards and turn over the facilities within public rights-of-way, or within acceptable permanent and temporary easements granted by the developer, free of charge, to the utility for ownership and for operation and maintenance. The wastewater improvements, and all local and state permitting that may be required, shall be coordinated with the County's development review process as defined in Chapter 9.5, Monroe County Code.

**Marine Resources**

**H.** Before a wastewater collection system can be connected to the Utility's system, the user shall demonstrate to the satisfaction of the Utility that the collection system is free of excessive infiltration and inflow (I/I), in accordance with industry and utility standards. If the system is not free of excessive I/I, the system shall be brought up to industry and utility standards before connection to the utility system. All other components of the wastewater system must meet industry and utility standards.

**Sec. 15.5-38: Conflicts with other laws or regulations.** In the case of a conflict between this Unincorporated Monroe County Wastewater Connection Standard and any state or federal law or administrative rule or regulation the provisions of state or federal law or administrative rule or regulation shall control.

**Section 2. Severability.** If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

**Section 3. Repeal of inconsistent ordinance or resolutions.** All Ordinances or Resolutions or parts of Ordinances or Resolutions in conflict with this Ordinance are hereby repealed to the extent of said conflict.

**Section 4. Inclusion in the Monroe County Code.** The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**Section 5. Effective date.** This Ordinance shall be filed with the Office of the Secretary of State of the State of Florida, and will take effect upon notice of receipt by that agency.

PASSED AND ADOPTED by the Board of County Commissioners, Monroe County, Florida at a regular meeting of said Board held on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Mayor Spehar  
Mayor Pro Tem Nelson  
Commissioner McCoy  
Commissioner Neugent  
Commissioner Rice

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(SEAL)  
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor/Chairperson

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY: *[Signature]*  
ROBERT N. WOLFE  
DATE 5-1-03

JordWWconnectGG

WWconnectGG  
05/01/03 11:12 AM

\* Pre-existing ordinance

FILED FOR RECORD

Commissioner Nora Williams

00 JAN 27 PM 3:17 ORDINANCE NO 04 -2000

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, PROVIDING FOR DEFINITIONS; PROVIDING THAT THE OWNER OF AN ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEM MUST CONNECT TO A SEWERAGE SYSTEM WITHIN 30 DAYS OF NOTIFICATION FROM THE OWNER OF THE SEWERAGE SYSTEM THAT THE SYSTEM IS AVAILABLE; AUTHORIZING PAYMENT OF CONNECTION FEES OVER A TWO YEAR PERIOD, OR OVER A FIVE YEAR PERIOD IF CERTAIN HARDSHIP CONDITIONS ARE MET; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Definitions.

(a) Available as applied to a publicly owned or investor-owned sewerage system means that the publicly owned or investor-owned sewerage system is capable of being connected to the plumbing of an establishment or residence, is not under a Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and:

\* 1. For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity flow from the property's drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.

\* 2. For an establishment with an estimated sewage flow exceeding 1,000 gallons per day, a sewer line, force main, or lift station exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing right-of-way or easements.



3. For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or right-of-way.

4. For repairs or modifications within areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within 500 feet of an establishment's or residence's sewer stub-out as measured and accessed via existing right-of-way or easements.

(b) *Blackwater* means that part of domestic sewage carried off by toilets, urinals, and kitchen drains.

(c) *Domestic sewage* means human body waste and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from appurtenances at a residence or establishment.

(d) *Graywater* means that part of domestic sewage that is not blackwater, including waste from the bath, lavatory, laundry, and sink, except kitchen sink waste.

(e) *Onsite sewage treatment and disposal system* means a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a dosing tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; a sanitary pit privy that is installed or proposed to be installed beyond the building on land of the owner or on other land to which the owner has the legal right to install a system; and package sewage treatment facilities, including those facilities that are in full compliance with all regulatory requirements and treat sewage to advanced wastewater treatment standards or utilize effluent reuse as their primary method of effluent disposal.

Section 2. Connection of existing on-site sewage treatment and disposals systems to central sewerage system.

(a) The owner of an onsite sewage treatment and disposal system must connect the system or the building's plumbing to an available publicly owned or investor-owned sewerage system within 30 days after written notification by the owner of the publicly owned or investor-owned sewerage system that the system is available for connection. The publicly owned or investor-owned sewerage system must notify the owner of the onsite sewage treatment and disposal system of the availability of the central sewerage system. No less than 1 year prior to the date the sewerage system will become available, the publicly owned or investor-owned sewerage system shall notify the affected owner of the onsite sewage treatment and disposal system of the anticipated availability of the sewerage system and shall also notify the owner that the owner will be required to connect to the sewerage system within 30 days of the actual availability. The owner shall have the option of prepaying the amortized value of required connection charges in equal monthly installments over a period not to exceed 2 years from the date of the initial notification of anticipated availability.

(b) Subsequent to the effective date of this ordinance, the County Commission may, subject to approval of the FCAA, adopt a resolution providing that the owner of an onsite sewage treatment and disposal system may pay any connection fees charged by an investor-owned sewerage system in monthly installments - without interest - over a period of time not to exceed five years from the date the sewerage system becomes available if the County determines that the owner has demonstrated financial hardship. The resolution must contain, at a minimum, the following:

1. The designation of the County employee(s) or officer(s) empowered to make the hardship determination; and
2. The criteria for making the determination which take into account the owner's net worth, income, and financial needs.

Section 3. Penalties.

Violations of this ordinance may be prosecuted before the Code Enforcement Special Master (or Board) as authorized by Chap. 6.3, Art. I, Monroe County Code, and Chap. 162, Part I, FS, by a notice to appear issued under Chap. 6.3, Art. II, and Chap. 162, Part II, and Sec. 125.69(2), FS, or Chap. 76-435, Laws of Florida, by prosecution as a second degree misdemeanor pursuant to Sec. 125.69(1), FS, or by any other method authorized by law for assuring compliance with the terms of this ordinance including suits for injunctive relief.

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

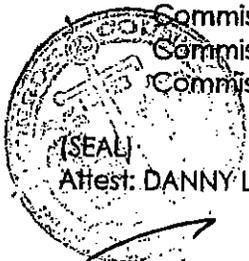
Section 6. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 7. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 19th day of January, 2000.

Mayor Shirley Freeman  
Commissioner Wilhelmina Harvey  
Commissioner George Neugent  
Commissioner Mary Kay Reich  
Commissioner Nora Williams

yes  
yes  
yes  
No  
yes



(SEAL)  
Attest: DANNY L. KOLHAGE, Clerk

By Jordilsewer30  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By Shirley Freeman  
Mayor/Chairman

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY.  
BY Robert N. Wolfe  
ROBERT N. WOLFE  
DATE 12-6-99

HP Fax Series 900  
Plain Paper Fax/Copier

Fax History Report for  
Westin Key Largo  
305-852-8669  
Sep 04 2003 7:59am

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Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Sep 4	7:53am	Sent	14076296963	5:39	12	OK

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Result:

OK - black and white fax



**THE WESTIN  
BEACH RESORT**  
KEY LARGO

F A C S I M I L E

DATE	9-4-03	NUMBER OF PAGES, INCLUDING COVER SHEET	12
TO	Charles Sweat	COMPANY	GSG
FAX NUMBER	407-629-6463	PHONE NUMBER	407-629-6900
FROM	Faith	DEPARTMENT	-
PHONE NUMBER	321-246-0039	FAX NUMBER	-

Charles -

Robert requested you receive these ASAP. He eluded to the possibility that they may be discussed while you are in Tally  
See you soon!