Minutes
Key Largo Wastewater District Board
Tuesday, November 19, 2002
Key Largo, Florida

The first meeting of the Key Largo Wastewater District convened at 6:00 P.M. on the above date at the Key Largo Library.

Meeting was called to order by County Administrator James Roberts.

All stood for the Pledge of Allegiance.

Introductions were made by the Board:
- Gary Bauman
- Cris Beaty
- Charles Brooks
- Andrew Tobin
- Jerry Wilkinson

Judge William R. Ptomey administered the Oath of Office to all board members.

Mayor McCoy congratulated and welcomed the newly appointed board members and emphasized the hard work involved in this challenge.

Commissioner Nelson spoke to the board and thanked each member for their efforts and the tenuous task ahead.

Election of Officers

Chairperson
Motion was made by Gary Bauman to nominate Andrew Tobin as Chairperson. Cris Beaty seconded that nomination.

Motion was made by Jerry Wilkinson to nominate himself as Chairperson.
No second.
Motion failed.
First motion carried unanimously.

Vice Chairperson
Motion was made by Andrew Tobin to nominate Jerry Wilkinson as Vice Chairperson.
Motion seconded by Cris Beaty.
Motion carried unanimously.
Secretary/Treasurer
Motion made by Vice Chairperson Wilkinson to nominate Cris Beaty as Secretary/Treasurer.
Motion seconded by Charles Brooks.
Motion carried unanimously.

Board granted approval to ratify the election of officers and to authorize Chairperson to sign official documents on behalf of the Board.
Motion seconded by Vice Chairperson Wilkinson.
Motion carried unanimously.

Board granted approval to adopt the Roberts Rules of Order.
Motion made by Vice Chairperson Wilkinson.
Motion seconded by Charles Brooks.
Motion carried unanimously.

Mr. Jim Reynolds, FKAA Deputy Executive Director, discussed the status of the Key Largo wastewater projects, schedule and transitional issues. Mr. Reynolds stated that FEMA is anticipating a transfer agreement between the Key Largo Wastewater District Board and FKAA. FKAA does not want to jeopardize any of the grant money and to put the Key Largo Wastewater Board in the position where the grant money can be secured.

Chairperson Tobin requested from the FKAA all documentation involving Key Largo wastewater issues to bring the Board up to date.

The transfer agreement is a draft document that will set forth how the FKAA as the sub-grantee with FEMA and that the Key Largo Wastewater District Board will be responsible for meeting FEMA criteria and moving ahead as planned. Mr. Reynolds stated a letter was received from Mr. Todd Davidson of FEMA stating that funds would only be provided for the Key Largo Trailer Village and Key Largo Park otherwise funds would be withdrawn.

Mr. Paul Feldman, Director of Environmental Services of FKAA addressed the Board. Mr. Feldman stated that the Key Largo Park (MM 100.5), across from the proposed plant site, is to be partially funded by a $1.66 million grant from the state, which was approved by Governor Bush in the FY 2003 Budget and being administered by DEP. It is targeted to be an add-on system to the Key Largo Trailer Village project.

FEMA provided a $6.4 million grant for the Key Largo Trailer Village project. DCA informed FKAA that the state match has to be contractually committed to be spent within five years of the event (i.e. Hurricane Georges) for which the grant is made. By September 2003, you have to be contractually committed to get the state match. If you don’t get state match you won’t get the federal match.
Fred Middle of Boyle Engineering addressed the Board. The Key Largo Trailer Village is a Design/Build Project. RFP documents will be available for the Board’s review in late December and with bids scheduled to be received in early February.

The Key Largo Park project is dependent on the success of the Key Largo Trailer Village Project. Key Largo Park is a simpler design and will be a low bid process. This simple bid process, will make it easier to meet the March 1, 2003 FDEP deadline.

Mr. Bob Feldman, FKAA legal counsel, indicated that his agency wants to help with transfer of funding. Mr. Feldman has concerns regarding meeting any deadlines and that he expressed these concerns to Representative Sorensen initially.

County Administrator, Mr. Roberts, spoke to the newly appointed Board. He briefed the Board on the Sunshine, Public Records and Ethics laws.

Mr. Roberts discussed the fact that the citizens of Key Largo voted to have this Board but did not vote to raise funds through taxation to support the Board, therefore, there is no current source of funding. A possible option for funding could be through the four year taxation process to continue project implementation such as Baypoint, Conch Key, Key West, Marathon with Municipal Service Taxing Units (MSTUs).

BOCC previously committed $100,000 to financially this board through an Interlocal Agreement. These funds would have to be reimbursed to the County at a later date.

Mr. Roberts emphasized the commitment of Monroe County and staff to helping getting the Board started.

Mr. Feldman stated that the legal authority of the FKAA regarding Key Largo wastewater has ended and it is now the responsibility of the Board most likely through Interlocal Agreements in which way to proceed. Mr. Feldman mentioned the MSTU funding source previously identified by Mr. Roberts. He advised that the Board has until June 2003 to have an ordinance adopted by the County be included with the county and other municipalities under this funding option.

Mark Lawson, special bond counsel to the FKAA, advised the Chairperson that the Board could work through the FKAA but not independently. FKAA will do an Interlocal Agreement with each municipal service district and Key Largo could do the same; however, Monroe County is the entity to raise the taxes. As with the FKAA, the Board can only set its rate structure and regulations through the cumbersome procedures of Chapter 120, Florida Statutes.

Mr. Roberts does not believe BOCC will approve MSTU for Key Largo unless the Board specifically requests such action.

The Key Largo Wastewater District Board scheduled a meeting for Wednesday, December 4, 2002, at the Key Largo Library at 5:00pm.
A suggestion was made that all contact is made through Mr. McGarry, Director of Growth Management in the future regarding items to be placed on the agenda and preparation of it until the Board hires staff.

Chairperson Tobin stated Terranova.net has agreed to host the Board’s website and provide some services.

Motion made by Chairperson Tobin to approve the above website of the Board to be klww.org with each commissioner’s email address to be: 
Last Name@KLWW.org
Seconded by Vice Chairperson Wilkinson.
Motion approved unanimously.

Vice Chairperson Wilkinson discussed the arrangement of funding and the transferring of fund balances. Vice Chairperson Wilkinson would like to request a joint session with Monroe County to discuss budget issues and transfer of fund balances from Funds 304 and 148 to the Board.

Motion made by Gary Bauman to create a resolution to request Representative Sorensen exempt this Board from Florida Statute 120 (Rule Making). Commissioner Nelson stated he would support this resolution.
Seconded by Charles Brooks
Motion carried unanimously.

Motion made by Charles Brooks and seconded by Chairperson Tobin that Charles Brooks attend the November 20, 2002 BOCC meeting representing the Board regarding the request and/or the acceptance of the $100,000.
Motion carried unanimously.

Motion made by Charles Brooks and seconded by Chairperson Tobin to request Commissioner Nelson place an add-on item requesting the $100,000 be made available to the Key Largo Wastewater District Board at the November 20, 2002 Board of County Commissioner’s meeting.
Motion carried unanimously.

Chairperson Tobin suggested firm of Lewis, Longman and Walker be hired to provide legal counsel to the board with a fee schedule deferring payment of four months.

Motion made by Chairperson Tobin to sign contract with the firm of Lewis, Longman and Walker. Board is inclined to hire firm and would like to see a presentation at the next meeting by the firm.

Chairperson Tobin discussed the various committees and suggested that a liaison be appointed to each committee: 
FKAA: To be assigned
MC: To be assigned
DEP: To be assigned
ACOE: To be assigned
Intergovernmental Task Force: Charles Brooks
Florida Marine Sanctuary Steering Committee: To be assigned
Office and Staffing Committee: Cris Beaty
Budget Committee: Gary Bauman
Revenue Committee: Charles Brooks
Technical Evaluation Committee: Vice Chairperson Wilkinson

UPCOMING AGENDA ITEMS

Chairperson Tobin:
Status report from FKAA
   FKAA update
   Delivery of draft RFP from FKAA

Vice Chairperson Wilkinson:
Letter of introduction to the governor that the Key Largo Wastewater District Board is formalized.

Comm. Brooks:
Adopt a resolution or advertise intent to schedule public hearing to request property appraiser and tax collector to extend deadline from January 1, 2003 to March 1, 2002, in order to include any special assessment adopted by the Board in trimm and tax notices for 2003.

Vice Chairperson Wilkinson:
Contact Representative Sorensen requesting an extension for Line Item #1765 to the year 2005.

Chairperson Tobin:
Terry Lewis from law firm Lewis, Longman and Walker for presentation

Chairperson Tobin:
Appointment of board members to various committees

Vice Chairperson Wilkinson:
Florida Rural Asst. Special (not formal agenda item)

Comm. Bauman:
Time limit for meetings – 3 hours

Comm. Brooks:
Discussion of funding sources with DEP and grant funds. Commissioner Brooks made a motion to approve the submission to state with an application for water project funding under House Bill 851. A letter should be compiled that Monroe County did prepare the application on the Board’s behalf and should now contact the Board directly.

Chairperson Tobin:
Timothy McGarry to obtain information regarding various funding sources.
Comm. Brooks:
A motion was made requesting Commissioner Nelson to continue to allow the Key Largo Wastewater District Board to continue using that office as a central location.
Seconded by Cris Beaty.

Vice Chairperson Wilkinson:
Tom McDonald, CPA, has offered free accounting services on a temporary basis to the Board.
Gary Bauman directed to meet with him for further discussion.

Public Speakers
Van Cadenhead

There being no further business to come before the Board, the meeting was adjourned.