

# **Key Largo Wastewater Treatment District Board of Commissioners Meeting Minutes**

**4:00 PM Wednesday, January 29, 2003**

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

## **Commissioners Present**

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

## **Staff Present**

Charles L. Sweat, Director of Operations  
Amy Dukes, Legal Counsel  
Faith Doyle, Clerk to the Board

## **Guests Present**

Charles Fishburn, GARTEK Engineering  
Ed Goscicki, ST-AUS  
Steve Gibbs, Reporter, Free Press  
Douglas H. Eckmann, Boyle Engineering  
Fred Mittl, Boyle Engineering  
Burk Cannon, KLFHA

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

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

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

The pledge of allegiance was recited.

### **C. District Manager Report**

- 1. Approval of Agreement to Provide Utility Consulting Services with Public Resource Management Group.**

The Board requested that agreement be revised to not exceed \$6,000.00. Staff was requested to present comparative quotes for this type of service. The Board requested that it be addressed as an action item on the February 5, 2003 agenda. Mr. Sweat

stated that the information to be provided by a rate consultant is required documentation for the DEP agreement and the PRMG is uniquely qualified for this task due to their extensive work history in the State of Florida. **Commissioner Brooks made a motion to approve the agreement in concept and to have Legal Counsel redraft the agreement in resolution form changing the not to exceed amount from \$15,000 to \$6,000 for the Boards consideration at the February 5, 2003 meeting. Commissioner Bauman seconded the motion. Chairman Tobin asked for public comment on the motion and hearing none called for a vote. All were in favor and the motion was unanimously approved.**

## 2. Presentation of the revised Master Schedule.

Mr. Charles L. Sweat, Government Services Group, Inc. ("GSG") stated that either he or Robert Sheets would be available for every meeting of the KLWTD.

Mr. Sweat reported that 20 people were in attendance at the for the Key Largo Park construction project.

Mr. Sweat stated that during the Monday January 27, 2003 meeting with Boyle Engineering that the final plans will be to the Manager and GARTEK for review by Monday February 3, 2003. GARTEK will be able to review the plans in time to issue any addendums that are deemed necessary.

Commissioner Wilkinson requested that the T.E.P. process as indicated on the Critical Events Master Schedule be more detailed and in completion date order.

Commissioner Brooks reported that he was in attendance at a meeting with Monroe County, staff and FKAA representatives. The County expressed their desire to have the MSTU Resolution include a millage rate. It was requested that the MSTU resolution (2003-4) and the resolution requesting the County to fund the FY2003 operating budget (2003-8) be presented at the BOCC meeting to be held at the Key Largo Public Library on 2/19/03. At this meeting FKAA representative Feldman stated that on KLWTD's behalf the state attorney's office would be contacted on the use of MSTU and 304 funds for administration costs. Commissioner Brooks noted that once the MSTU mileage rate is set it can be reduced if necessary but not increased.

## D. Legal Counsel Report

Amy Dukes stated that per the District Manager, Robert Sheets the MSTU mileage rate should be set at not to exceed .35 mills. Ms. Dukes will draft a letter to Commissioner Nelson of Monroe County with the suggested millage rate and the Resolution 2003-4 requesting an MSTU. The amount of revenue that would be generated by collecting .35 mills is approximately \$600,000.

1. Discussion of Transition Interlocal Agreement between KLWTD, FKAA and Monroe County.

A conference call will be held with the County, FCAA and staff to discuss the Interlocal Agreement on February 1, 2003. It is Legal Counsel's opinion with the unique nature of the relationship between the three entities the agreement should not be drafted from a template because of the succinct duties required of each. The Board requested that Ms. Dukes take the lead on drafting the agreement with input from the County and FCAA.

Other legal counsel issues:

A contract with GARTEK has been forwarded to the Manager for review. A change was requested to have GARTEK report to the District Manager. The contract has been forwarded to GARTEK for signature. The contract was tabled and moved to the February 5, 2003 meeting agenda for consideration.

The Board discussed the need to have the contract reviewed by the Board again after revisions and signatures are received. The Board requested the Manager to draft a policy and procedure for drafting and approving simple contracts to be acted on by the Board. It was suggested that the procedure include a minimum contract amount that if exceeded would require the contract to be approved by the Board.

Legal Counsel stated in reference to the adoption of the FCAA Rules and Regulation as non-rule policy that the applicable sections would be pulled for use by the KLWTD and forwarded to the Board for review.

Resolution 2003-7 approving the FY2003 proposed budget that was adopted by the Board on January 22, 2003 required a minor revision. Legal Counsel requested that Board consider the corrected resolution.

#### E. Engineering Report

Mr. Douglas Eckmann from Boyle Engineering stated the presently they are under contract with FCAA to work on the KLWTD projects. The Key Largo Park plans are to be completed by January 31, 2003 and forwarded to KLWTD staff by Monday February 3, 2003 adding that any changes needed could be addressed by addendum prior to the bid date.

Mr. Eckmann stated that the pre-bid meeting was well attended. Boyle anticipated issuing an addendum that would fine-tune the ranking and selection process. After discussion the Board requested the Manager suggest a procedure for appointing the technical committee to consider the RFP's. The District Manager will coordinate approval of any addendums issued. It was suggested an addendum be issued giving an additional week for technical proposals to be submitted and two additional weeks for price proposals. The Director of Operations stated that a meeting would be arranged with the engineers to resolve these issues as soon as possible. Chairman Tobin requested that the legality of separating the technical and price portions of the proposal and be verified by FDEP. It was noted that the technical committee meeting would be a publicly noticed meeting. The Board requested that the Manager present suggestions

for appointing the technical committee and an outline of its duties for the Board's consideration at the February 5, 2003 meeting.

F. Minutes – January 15, 2003 and January 22, 2003

Approval of the minutes was tabled until the February 5, 2003 meeting.

G. Commissioners Reports

1. Consideration of adopting an expenditure policy.

The item was tabled until the February 5, 2003 meeting.

2. Approval of Gartek contract for specified services (Total \$20,000.00)

The item was addressed under Legal Counsel Report and tabled until the February 5, 2003 meeting.

3. Approval of Lewis, Longman and Walker, PA invoice for services through December 31, 2002 (Total \$9,400.00)

The item was tabled until the February 5, 2003 meeting.

H. Action Items

1. Approval of Resolution 2003-8 Requesting the Monroe County Board of County Commissioners to Fund the District's fiscal year 2003 Budget through Legally Available Funds

**Commissioner Beaty motioned to approve Resolution 2003-8 for discussion. Commissioner Beaty asked if the loan agreement for the BOCC addressed payments. Commissioner Bauman stated that no payment is required in FY2003. Chairman Tobin asked if there were any further comments from the Board or any public comment on the motion. Hearing none, Chairman Tobin called for a vote. All were in favor and the item was unanimously approved.**

**Commissioner Beaty made a motion to approve the corrected resolution 2003-7 removing the public hearing section. Legal Counsel stated that the noticed public hearing had been held on January 22, 2003. Commissioner Brooks seconded the motion. Chairman Tobin asked for further comments from the Board and if there was any public comments. Hearing none, all voted in favor and the item was unanimously approved.**

Commissioner Wilkinson requested a discussion on the status of DEP Agreement No. LP0338. Mr. Sweat stated that the items required in the agreement are detailed on the Critical Events Master Schedule. Ms. Dukes stated that the Manager, Robert Sheets has been in contact with Dick Smith of the DEP to insure all component parts are assembled by the March 1, 2003 deadline and that the agreement is presently between the FCAA and the DEP that is why it is imperative to have the new Interlocal Transition Agreement approved as soon as possible. Commissioner Wilkinson requested that the items be considered for action at the February 5, 2003 meeting.

**Commissioner Brooks made a motion to amend Resolution 2003-4 requesting Monroe County to initiate a MSTU to include a rate not to exceed .35 mills. Commissioner Beaty seconded the motion for discussion. Commissioner Brooks stated that in the recent meeting with the County they suggested that the inclusion of the millage rate would insure its passage and motivate the County to consider funding the KLWTD FY2003 operating budget from 304 funds. Discussion ensued. Commissioner Brooks stated that the MSTU could be abandoned if revenue-producing projects come on line to fund operations within the four years the MSTU will be in affect. Commissioner Wilkinson stated he does not favor the resolution in its present form and believes it should offer alternatives to use infrastructure taxes that have already been collected. Chairman Tobin then asked for public comment. Mr. Steve Gibbs stated that being that the votes defeated a referendum on the issue that the KLWTD would be better off to let the County set a rate. Mr. Burke Cannon stated that County has invested funds in this project and in his opinion would not let it fail. With no further comments the vote was as follows:**

<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 amended resolution was approved.**

Commissioner Brooks requested members of the KLWTD staff be present at the Monroe County BOCC meeting to be held at the Key Largo Public Library on February 19, 2003 to present the amended Resolution 2003-4 and Resolution 2003-8 and to be present for any discussion on the transitional agreement. Commissioner Brooks noted that there is a conflict between this meeting and the publicly noticed KLWTD Board

Meeting. The Board will consider the need to hold the February 19, 2003 meeting and act upon noticing the cancellation it as soon as possible.

Commissioner Wilkinson stated that as chair of the technical committee it is imperative that an addendum be issued clarifying the RFP evaluation criteria. The Commissioner believes that assigning points would be arbitrary. The Commissioner requested information on what the legal limits are on how far the scope of work can be changed without rebidding the project if the bids come in over budget. Mr. Sweat, Director of Operations stated that for the next meeting these issues will be discussed with the engineer and alternatives will be offered to the Board.

#### I. Meeting Adjournment

Chairman Tobin adjourned the meeting at 7:00 P.M.